



AGENDA

City Commission Meeting

6:00 PM – Thursday, November 03, 2022 – City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 Approval of Minutes:

July 6, 2021, City Commission Budget

July 14, 2021, City Commission Budget

September 22, 2022, Regular City Commission Meeting

3. APPOINTMENTS

3.1 Appointment for Code Enforcement Board – William J. Gay

3.2 Reappointments to Firefighter's Pension Board - Rachel Holtzclaw and Jeffrey Stephan

Reference: Florida Statutes Chapter 175

4. AUDIENCE TO BE HEARD

5. CONSENT AGENDA

5.1 Resolution Number 22-78: Approval of Annual Purchases in Excess of \$50,000

5.2 Resolution Number 22-82: Approving a purchase in excess of \$50,000 for Professional Architectural services for the Utilities Administration Headquarters Building at 901 Bates Ave

5.3 Resolution Number 22-83 Edward Byrne Memorial Justice Assistance Grant Program Residual Funds

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 22-75: Preliminary Subdivision Plat for Grand Island Subdivision

6.2 Ordinance Number 22-21: 2nd Reading Establishing Hicks Ditch Community Development District (CDD)

6.3 Ordinance Number 22-22: 2nd Reading Amending Chapter 22, Code of Ordinances, Cemeteries

7. OTHER BUSINESS

8. FUTURE AGENDA ITEMS

9. COMMENTS

9.1 City Commission

9.2 City Manager

9.3 City Attorney

9.4 Mayor

10. ADJOURNMENT

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

“Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission and the public. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: November 3, 2022

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes of the following meetings: July 6, 2021 City Commission Budget Workshop, July 14, 2021 City Commission Budget Workshop and September 22, 2022 Regular City Commission Meeting

Background:

N/A

Recommended Action:

Approval of the minutes as submitted.

Policy Implications:

None

Prepared By:

Mary Montez, Deputy City Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Workshop

4:00 PM - Tuesday, July 6, 2021 - Community Building

CALL TO ORDER: 4:00 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 Holland

1. WORKSHOP ITEM WITH COMMISSION DISCUSSION, PUBLIC INPUT AND COMMISSION DIRECTION

1.1 Continuation of review of draft FY2021-2022 budget

Mayor Holland announced that Commissioner LeHeup-Smith would be late and that Vice Mayor Lee would not be attending due to her granddaughter being in a bad traffic accident.

Library

Ann Ivey, Director, provided an overview of the library, its collections and services provided to the community. She commented on the benefits to the library from joining the Lake County Library System. She noted that the five-year capital plan includes repainting the outside of the building. She added that a future plan is to enlarge the community room.

The Commission asked about issues with the air conditioning with Ms. Ivey reporting on repairs that have already occurred. She noted that the system was originally very expensive with Rick Gierok, Public Works Director, stating it is in the FY23-24 fiscal year for repair. She commented on the savings to the library since joining the county system.

Ms. Ivey reported that Personal Services are 80% of the library's budget. She then reviewed the operating expenses noting that they are increasing the number of pressure washings to the outside of the building. She explained Communication Services has increased due to their being part of the County's e-rate. She indicated that the City pays \$18,000 of the free WIFI per year but they are reimbursed \$14,000 by the federal government through the County. Discussion was held regarding the increase in the Utilities line item.

Ms. Ivey noted the reduction in the Repairs and Maintenance due to joining the county system. She indicated the Promotional Activities is primarily for

giveaways during National Library Week. She then reviewed the increase Office Supplies and elimination of Operating Supplies due to items being recategorized. She explained the Library had been using the Garrett Trust to purchase the large print materials; however, it is down to only \$2,000 and the large print materials represents 12% of their circulation. She further explained the Library has three or four trusts that have to be used for specific purposes.

Mike Sheppard, Finance Director, explained two trusts are only allowed to expend the interest; however, the other two have been drawn down.

Ms. Ivey then explained that the County is looking at changing the formula for how their distributions are awarded and how the County currently provides funding based on circulation. She stated they are thinking about changing the formula to being either population-based or budget-based. She indicated that if she is able to keep her budget close to where it is then they may get higher funding.

Ron Neibert, City Manager, complimented Ms. Ivey on her efforts to get the County to meet all of their obligations to the City with Ms. Ivey commenting on her feeling that it was good for the City to join with the County.

The Commission asked about the Utilities with Ms. Ivey explaining it was bumped up due to how high the utility bills were in the past year.

The Commission asked if the library building would be a good candidate for solar panels with Mr. Neibert indicating that is something staff can evaluate for the future.

Ms. Ivey noted that the water bill also went up due to improved landscaping.

Mr. Neibert explained that the City's bond agreement requires the City to charge all City departments for water.

The Commission complimented Ms. Ivey on the library's programming.

Mr. Neibert announced that the City has no immediate plans to activate emergency operations in response to Tropical Storm Elsa.

Fire Department

Fire Chief Mike Swanson explained the Fire Department is divided into three divisions - Administration, Prevention and Suppression. He stated that the overall total is \$3.2 million with 26 employees. He noted Administration has \$3,000 included for the replacement of security cameras. He added that Small Equipment includes costs for maintenance and repair of equipment such as fire hose and nozzles. He indicated he tries to spread out costs over a five-year period. He noted that \$2.5 million is for Personal Services for staff. He explained Professional Services includes \$15,000 for Lifescan which is the

department's required annual fitness program. He explained they come to department and check all of the personnel for cancer and run baselines.

The Commission asked why it almost doubled from 2020 to 2021 with Chief Swanson explaining that includes some services the department has to fund for the Fire Pension Fund. He explained the benefit of utilizing Lifescan over having to send staff to four different places to complete all of their annual physicals and vaccinations. He then reviewed what is included under Other Contractual Services including computer firewall, annual maintenance for radios, Visio control, and warranties for heart monitors. He stated the increase is primarily due to improving their computer firewalls and CAD program. He then explained the increase in Travel & Per Diem noting that in the past no one in fire service attended extra training and he has tried to change that. He announced plans for staff to attend the Indianapolis Fire Department Instructors Conference and the National Fire Academy. He stated that Transportation & Postage includes shipping for monitoring devices to be maintained.

Chief Swanson noted that the Utility Services has stayed constant except when fuel costs fluctuate. He explained the funding under Repair & Maintenance noting that he encourages personnel to wash their uniforms at the station so as not to expose their families to contaminants.

The Commission asked about the Employee Study Expense with Chief Swanson explaining the Books and Subscriptions is for manuals they are required to have for classes they teach. He stated Employee Study Expense covers personnel that are currently in school and the CEU's that are required to maintain their certifications. He added the department also has four people in college programs and three in paramedic school. He noted they have some classes that can be completed online but others have to be face-to-face. He explained that, while the City pays for the classes, they are not paid for the time in class.

Chief Swanson then reviewed the Prevention division noting that neither of those staff members are part of the Fire Pension Fund but participate in the City's 401k program. He reviewed specific line items and what is included in each. He noted the expense for purchasing giveaways for children during Fire Prevention Week and smoke detectors.

Commissioner LeHeup-Smith joined the meeting at 4:36 p.m.

Chief Swanson stated there is no recommended capital outlay for Prevention. He explained that funds for fire inspections go into the General Fund. He indicated they do not raise a lot of money from false fire alarms as those are strictly assessed to get property owners to get their systems repaired. Chief Swanson then reviewed the Suppression budget by line item. He explained these employees are part of the Fire Pension Fund. He noted the Overtime line item totaling \$210,200. He explained that if someone is out sick, he has to bring someone in on overtime.

The Commission questioned whether or not it would reduce the Overtime they hired more manpower. Discussion was held regarding the benefit of adding more staff, how it might benefit health and morale and the cost to only add one more person per shift.

Discussion was held regarding how they could hire more people with Chief Swanson indicating it would cost \$85,000 per year for a paramedic including uniforms, PPE, insurance and pension. It was noted that it would require another six employees in order to put the rescue truck back on the road.

Chief Swanson indicated that if they hired three more individuals so they had eight man shifts it would mean that, sometimes, they would be able to have the rescue truck on the road when all employees are on-shift.

Commissioner LeHeup-Smith noted that, even if the City was able to "find" \$300,000 it has to be sustainable year to year, not just one time only.

The Commission questioned the detail under Salaries & Wages with Chief Swanson explaining that some of the titles are incorrect; however, the individual salaries are correct.

Chief Swanson then reviewed Other Contractual Services and explained it was being increased primarily due to an overdue increase to the ESO, patient care reporting system, as well as equipment testing and Emergency Report, the fire reporting system. He then explained Operating Supplies and Vehicle Repair & Maintenance noting that was previously lumped together but it was separated to provide better information regarding the cost of operating the trucks.

Chief Swanson reviewed the planned capital expenditure to replace the department's boat and the Fire Chief's vehicle. He explained one of the department trucks is being retired.

Discussion was held regarding the Fire Department's problems with its fire rescue boat and what type of boat they plan on obtaining. Discussion was also held regarding going ahead with preparing specifications so they can move quickly after October 1st.

Mr. Sheppard announced that 40% of the Prevention division is paid for out of the Building Services Fund.

RECESS: 5:03 p.m. RECONVENE: 5:10 p.m.

Public Works

Rick Gierok, Public Works Director, reviewed the Public Works division budget noting that it includes \$35,000 for demolition of the American Legion building. He reviewed the Maintenance Garage budget citing the increase in Operating Supplies due to the increase in diesel costs.

The Commission questioned the reduction in Personal Services with Mr. Sheppard explaining that the previous year there were some accruals that were included and should not have been included in that line item.

Mr. Gierok explained the Employee Study Expense is for CPR and other job specific training that is required. He cited the increase in Vehicle Repair & Maintenance due to needed repairs on one of the department vehicles.

The Commission asked about the \$12,000 in Overtime with Mr. Gierok explaining they are seven months into the current budget and the department is only at \$4,800 so they have reduced next year's request to \$10,000. He explained that staff is called out for events and hurricanes.

Mr. Gierok then reviewed the Building Maintenance budget including the American Legion demolition.

The Commission asked where the maintenance is located for all the City's buildings with Mr. Gierok noting line item 30-46 - Repairs & Maintenance for most of the smaller costs. He stated larger repairs may be budgeted under Capital Outlay. He explained how he projects out major costs over a ten-year period for costs such as air conditioning units and roofs. He commented on how the various roofs were patched in the past and the need for replacement.

The Commission asked about the \$1,440 under Communication Services with Mr. Gierok indicating that is for cell phones and replacement insurance.

Mr. Gierok then reviewed the Cemetery budget noting that Dean Strickland has retired with Wyatt Lewis filling in temporarily as Sexton but he will also be retiring at the end of the year. He indicated they have moved a Public Works employee temporarily into the cemetery. He expressed concern regarding the City's ability to find someone with sexton experience or the need to provide the City's employee with appropriate training. He cited the reduction in Utilities down to \$2,500. He explained the increase in Operating Supplies is due to increased cost in fuel. He reviewed what is included in the Employee Study Expense due to trying to get the new personnel fully trained.

Mr. Gierok cited the \$10,000 budgeted under Road Materials to resurface the cemetery road. He then reviewed the Park Maintenance budget noting there are no personnel changes only the increases for insurance and salary increase. He then reviewed what is included in Other Contractual Services noting the outsourcing of tree maintenance due to the inherent danger to the employees. He added that \$60,000 is for the landscape maintenance outsourcing. He cited the various port-o-lets included. He then explained the increases to Utility Services and Repair and Maintenance. He noted the high cost for playground mulch and explained they have a contract for regular maintenance of the boardwalk.

The Commission asked about the seawall repair with Mr. Gierok indicating staff is monitoring it to make sure it is not getting significantly worse. He stated a ballpark estimate was \$600,000 to \$700,000. He then explained the \$125,000

included for the Lakewalk floating dock repair which has been moved to the CRA budget. He then reviewed the detail under Operating Supplies noting the 12x16 shed can be removed due to it already being purchased. He cited the increased amount for pressure washing of buildings.

Custodial Services

Mr. Gierok reviewed the Custodial Services budget. He explained they were able to purchase sanitizing equipment through the CARES Act monies and were able to reduce the disinfecting costs for Covid by being able to use a different disinfectant.

Mayor Holland thanked Mr. Gierok and his crew for all they do.

Parks & Recreation

Mr. Neibert explained the increase in the overall Parks & Recreation budget to \$1.4 million due to requests by the Commission for additional services.

Craig Dolan, Parks & Recreation Director, explained they are requesting additional personnel bringing total staff to 19. He cited requests for landscaping for the community center, new recreation software that will allow residents to make online payments and reservations; two new part-time and one new full-time position for the pool; and \$1500 to replace the lobby window to make it more secure.

The Commission asked about the increase in Promotional Activities with Mr. Dolan explaining his desire to purchase items such as banners and giveaway items to improve their branding and marketing.

Mr. Dolan then reviewed the Facility Rental budget noting their request for additional personnel due to the number of facility rentals. He cited the \$20,000 under Professional Services for new landscaping for the Community Building. He explained the increase in Communication Services due to increased costs in WIFI which is available in all of their buildings.

Discussion was held regarding the future of the Community Building and how to promote rental of the buildings during the week. Mr. Dolan commented on the existing rental fees and noted the City's fees are the lowest for what they offer. He indicated they are working on a new fee schedule to include charging for overtime.

Mr. Dolan reviewed the Repair & Maintenance line item noting the cost reduction. He stated some of the bathrooms now have automatic locks so staff doesn't have to go around locking them and they are planning to add more. He cited the increase in Operating Supplies and provided a breakdown. He reviewed Vehicle Repair & Maintenance noting the age of most of their vehicles. He stated the Capital Outlay line item includes new equipment for the

fitness center, restroom automation and 400 new chairs for the community building.

Discussion was held regarding possibly renting various fields and parks, those that are available first come first serve and fees that could be charged.

Mr. Dolan reviewed the Program budget citing the increase in Other Salary & Wages due to the need for additional staff. He reviewed the anticipated additional staff positions both part-time and temporary. He indicated that the sports officials would be recouped from the league fees. He then reviewed Other Contractual Services noting that for any special instructors there is a 70/30 split with the City receiving 30% of the fees to reimburse the City for the cost of hosting the class. He commented on plans to add more races and other programming.

Mr. Dolan then reviewed the increase to Repair & Maintenance and Operating Supplies. He commented on the plan to host an Adult and Seniors Prom. He stated they are also adding funding for movie licensing so they can show movies in the park and for bounce house rentals. He stated funding is under Machinery & Equipment for air conditioning units for Carver Park and in the Capital Improvement Plan for playground equipment for Selleen Park.

Mr. Dolan then reviewed the Aquatics budget citing the increase in staff for an Aquatics Program Coordinator. He stated that would only be needed if they go year-round.

Mr. Neibert reported it would cost approximately \$160,000 to go year-round with the heater and the cover to be purchased out of the capital fund. He said the increase to the Parks & Recreation budget is for operating supplies for year-round.

Discussion was held regarding which other area pools are also open year-round with Mr. Dolan stating there would be an additional increase of \$50,000 for part-time staff.

Discussion was held regarding rental of the pool with Mr. Dolan explaining it is only available for birthday parties. He commented on the difficulty in having staff available for those. Mr. Neibert noted it becomes less viable if the City goes to year-round operation.

Mr. Dolan then commented on, if they bring in outside swim instructors, they would receive a cut of the proceeds. He stated Utility Services was also increased in anticipation of year-round operation. He then reviewed anticipated increases to Repair & Maintenance. He commented on required maintenance for the splash pad. He then reviewed the requests under Machinery & Equipment noting the need for new starting blocks at \$12,000. However, those are currently only used by the high school. He indicated the possibility of getting the high school to pay half of the cost.

Mr. Neibert noted that the \$10,000 for the Pool Blanket has been moved in capital and will be paired with the pool heater for bidding.

Discussion was held regarding the purchase of the starting blocks with Mr. Dolan commenting on the possibility of getting a swim club started and possibly a master's club. He stated he would just cover the new blocks and leave them up year-round.

The Commission asked about getting a sign installed directing people to the aquatic center with Mr. Gierok indicating he could ask DOT for permission.

Mr. Dolan noted they have a banner that was up but had to be taken down due to the impending storm.

Non-Departmental

Mr. Neibert reported on the Non-Departmental budget noting the various interdepartmental transfers including \$795,000 from General Fund to the Street Improvement Fund in order to maintain the street improvement program as well as \$481,000 to the CRA and \$5,000 to the Greenwood Cemetery Fund. He confirmed that the Neuter/Spay Program could be eliminated with Commissioner LeHeup-Smith noting that the County is now charging only \$10 to spay or neuter a cat along with shots and ear-tipping which is much less than what her organization had to charge.

Mr. Neibert noted the budgeting of \$75,000 under Termination Pay due to payouts to employees separating from City service. He also noted the \$96,100 for Lump Sum Retiree payouts. He cited the \$30,000 budgeted for the organizational grants. He then summarized that based on the workshops they have reduced the budget by \$24,000 from the General Fund budget for omission of the advertising at the airports, computer for Development Services, \$4500 for the shed, \$10,000 for the blanket and \$5,000 for the spay program. They then added in \$15,000 for the See-Click-Fix for a net reduction of \$9,000. He stated they are now anticipating a General Fund surplus \$453,000.

Mr. Neibert explained that, at the next regular Commission meeting, staff will be presenting the CIP Plan and initiating the millage rate process. He stated staff is proposing a rate of \$7.581 which is the maximum the Commission could levy. He stated a half point reduction equals approximately \$300,000. He explained if the Commission wanted to reduce the millage by a half point it would reduce the surplus to \$180,000 and maintain the budget as presented.

Mr. Sheppard announced that the estimated roll-back rate would be 7.4146 with Mr. Neibert indicating that rate would result in a deficit of approximately \$400,000. He added that the problem with lowering the millage rate is the difficulty in increasing it later on when needs increase.

Mr. Sheppard indicated staff would calculate the effective millage rate once they see what other cities have done with their interfund transfers and fees.

Discussion was held regarding whether and how much to reduce the millage rate.

Commissioner LeHeup-Smith commented on how much the City is able to accomplish with what it has but everyone has talked about needing more staff. She commented on the possibility of increasing the millage rate and how that might help accomplish more.

Commissioner Hawkins confirmed the current rate would result in a surplus of \$450,000 and keep the budget as presented except for the three additional firefighters.

Mr. Neibert commented that the City has the third lowest per capita taxable value and the City was surpassed this year by Groveland in total taxable value. He stated that is a reflection of the City's ability to promote growth and increase that taxable value.

The Commission asked staff to bring back what would be the maximum millage rate, what would a half point increase result in and the current rate.

Mr. Neibert explained that after the next Commission meeting the formal legal process begins for the millage rate so a final decision on the millage rate would need to be made at the next meeting.

Mr. Neibert confirmed the City could keep the current millage rate, implement all of the programs presented and add three firefighters without changing the millage rate.

The Commission asked to have what all will be implemented with the millage during a regular Commission meeting.

Mr. Neibert stated staff will provide the numbers based on 7.581 including the three additional firefighters as well as the additional half point (8.051 rate) and show what the additional revenues would be.

The Commission asked about whether there needs to additional police personnel with Mr. Neibert indicating the Police Chief is comfortable with current staffing levels.

Mr. Neibert then reported on the fire union negotiations held that day noting that the City's proposal was not well received. He stated the fire union countered with wages of 6%, 5% and 5% versus the City's proposal of 3%, 3% and 3%.

Mr. Neibert indicated that, if they decide to go with the half point increase, they will need to identify what they want to do with the additional funds. He commented on the possibility of using the funds to hire three additional firefighters. He stated if they raise the millage rate to 8.051 that would result in a surplus of \$740,000. If they use \$500,000 for the staffing needed to put the rescue truck back on the road, that would leave a surplus of \$240,000.

Mr. Neibert then asked if they wanted to have another workshop to review Water & Sewer Fund noting that it would have no impact on the General Fund unless they want to increase the transfer.

Discussion was held regarding when to hold the next workshop.

It was a consensus to meet Wednesday, July 14th, at 4 p.m. and for it to include discussion regarding the millage rate.

2. ADJOURNMENT: 6:42 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 of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



MINUTES

City Commission Workshop

4:00 PM - Wednesday, July 14, 2021 - Community Building

CALL TO ORDER: 4:02 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 Holland

1. WORKSHOP ITEM WITH COMMISSION DISCUSSION, PUBLIC COMMENT AND DIRECTION

1.1 Continuation of review of proposed budget for fiscal year 2021-2022

Ron Neibert, City Manager, provided an overview of the Water & Sewer Revenue Fund with a beginning Fund Balance of \$9.4 million, Total Estimated Revenue of \$12.4 million and Total Revenues and Fund Balance of approximately \$21.8 million. He cited Total Proposed Expenditures including Capital of \$13.8 million with a net loss of \$1.4 million. He stated that is an acceptable situation when you have sufficient Operating Reserves. He indicated they have \$3.3 million restricted reserves with an available Fund Balance of Unreserved Balance of \$2.6 million and a total ending Fund Balance of \$8 million.

The Commission asked if the budget includes CARES Act funds with Mr. Neibert stating those funds will be used for the sewer plant expansion and that will not be built until the following fiscal year so it will appear in the next year's budget.

Mr. Neibert then reviewed the various Water and Sewer Revenues. He noted that the Umatilla sewer charges should come online towards the end of the year. He stated they are estimating annual revenues from that of \$90,000 partial year and eventually approximately \$350,000 per year.

The Commission asked what constitutes the Fines & Forfeitures with Mike Sheppard, Finance Director, responding those are late fees.

The Commission asked about Bad Debt Recovery with Mr. Neibert explaining those are lost revenues that wind up being paid when a property is sold that has a utility lien on it.

Rick Gierok, Public Works Director, explained the department is broken down into three sections - Public Utilities which includes administration, engineering and customer service, Water and Wastewater. He then explained they have done some restructuring which has changed some of the numbers. He noted the retirement of Bill Johnston and the promotion of Max Brundage as Wastewater Superintendent, Brad Pennington to Water Superintendent and Greg Dobbins as Utilities Director. He then reviewed the Public Utilities - Administration detail noting \$19,000 for a new computer for the engineer, new Autocad software and replacement of a copier. He explained the \$24,000 under Professional Services is for continuing service contracts for specialty engineers.

The Commission asked about the increase under Operating Supplies to \$22,550 with Mr. Gierok indicating that Operating Supplies vary from year to year. He noted the increase in cost for engineering software. He added that in the current year they have already spent more than 50% of what is budgeted with six months in.

Mr. Gierok then noted the reduction in Employee Study Expense and explained that covers annual recertification training.

The Commission asked what happens with older vehicles with Mr. Gierok and Mr. Neibert explaining they are transferred to other departments and eventually auctioned off. He then explained Machinery & Equipment is for capital items.

Mike Sheppard, Finance Director, explained Customer Service has been transferred to Public Utilities and explained some of the personnel changeovers which reduced some of the personnel cost. He cited Repairs and Maintenance and explained how that is now being divided between the General Fund and Water & Sewer Fund. He explained the Machinery & Equipment is for replacement of the air conditioning unit in the IT room where the servers are located and the cost is being split between the General Fund and Water & Sewer.

The Commission questioned the number of Customer Service personnel with Mr. Sheppard responding there are four Customer Service Representatives, one Supervisor, one Utility Billing Clerk and four meter readers.

The Commission then asked about the Other Contractual Services with Mr. Sheppard explaining that is for credit card service fees to allow customers to pay by credit card. It was noted that other organizations charge a convenience fee with Mr. Neibert noting it is offered as a convenience to the customers and eliminates the problem with getting bad checks.

The Commission discussed offering an incentive to encourage people to do their payments by bank drafting.

Mr. Sheppard commented on staff's efforts to get customers to use bank d and e-bills.

Meter Reading

Mr. Sheppard reviewed the Meter Reading budget with the Commission asking how they estimate the fuel costs with Mr. Sheppard and Mr. Neibert commenting on the difficulty in estimating that cost due to the fluctuations in gas prices.

The Commission asked where the City purchases gas with Mr. Sheppard stating they use a Wex card and can get it anywhere and get a discount from the pump price.

The Commission questioned the increase in Operating Supplies with Mr. Sheppard indicating that was transferred from the General Fund to the Water/Sewer Fund and consists of fuel for the meter readers.

Water

Mr. Gierok indicated that there are actually 24 positions in Water and 17 in Wastewater due to the restructuring. He commented on the inhouse promotions and hiring of young individuals that earn less per hour.

The Commission asked about reaching the \$15 per hour minimum wage with Mr. Neibert explaining the plan is to have a 3% increase over the next three years with a slight additional increase at the end which will result in the lowest paid employees reaching the \$15 per hour prior to the federal mandate.

Mr. Gierok reviewed the different divisions - Administration, Water Treatment, Distribution, Ground Maintenance, Backflow/Conservation, Eastern Water System and Reclaimed Distribution. He then explained the increase in Professional Services due to the required water supply plan and water master plan updates and a wetlands study required for the City's Consumptive Use Permit. He then reviewed the detail for Other Contractual Services. He stated the increase in Repair & Maintenance is for repairs to three warehouses and maintenance of the standby generator and annual diesel tank cleaning.

Mr. Gierok then explained the increase in Promotional Activities primarily for the promotion of water conservation and advertising on the City of Leesburg local TV and radio regarding conservation which is part of the City's Conditional Use Permit. He explained some of the increase in Operating Supplies is due to moving all of the employee uniforms into one account. He noted the increase in AWWA memberships under Books, Pub, Subscriptions and explained everything they do is in accordance with AWWA standards. He cited the decrease in Repairs & Maintenance. He reviewed the detail for Machinery & Equipment to add security cameras with storage at the various facilities.

The Commission questioned whether or not all repairs are handled by the mechanics with Mr. Gierok indicating a lot is done inhouse; however, whenever it is cheaper it may be done outside. He noted that it requires certain certifications to do the fire vehicles so some of those have to go to Sanford for repairs.

Water Treatment

Mr. Gierok reviewed the detail for Water Treatment noting the reduction in salaries due to hiring young people to replace individuals promoted. He commented on the City's efforts to make sure staff are ready for promotion when upper individuals retire. He then explained why Professional Services doesn't show any expenditure yet; however, funds have been encumbered to update an analysis of the water system and plants. He reviewed Other Contractual Services and Repairs and Maintenance. He cited components at the water plants that are due for replacement due to starting to need more repairs. He explained the reduction in Operating Supplies is partially due to moving uniforms to another account. He commented on the funding for Employee Study Expense and the City's efforts to get their operators dual licensed. He indicated that will reduce some of the overtime costs.

Distribution

Mr. Gierok explained that distribution includes both the water and the gravity sewer lines. He cited the reduction in Travel & Per Diem. He commented on Repair & Maintenance and explained they keep an inventory of spare parts such as hydrants, valves, piping, etc. He indicated that is in addition to project work. He noted extra parts for the large equipment such as frontend loaders and backhoes. He again noted the reduction in Operating Supplies primarily due to moving the uniforms to the other account. He commented on the reduction in Vehicle Repairs & Maintenance due to previous replacement of some of the older equipment.

The Commission questioned the reduction in Machinery & Equipment from \$36,000 down to \$8,000 with Mr. Gierok indicating that last year they had to purchase a new trencher.

Ground Maintenance

Mr. Gierok explained this division is for mowing of the two plants and includes two employees one of which was currently vacant.

Backflow/Conservation

Mr. Gierok explained this is for testing of backflow protection devices and notification to utility customers regarding the need to test those devices and keep them operational. He noted a new truck is budgeted under Capital Outlay.

The Commission confirmed that the Christmas Bonus represents \$100 per employee. They asked about utilizing flex time rather than overtime with Mr. Gierok explaining that if someone gets called out on the weekend they get a minimum of two hours. He commented that sometimes they use comp. time rather than taking overtime. He indicated the difficulty in allowing additional time off.

Eastern Water Plant

Mr. Gierok explained the City has two water plants. He cited issues they are having with Well #2 which has a higher volume. He indicated that Well #1 is much smaller than Well #2 and cannot serve the City if Well #2 goes down. He explained the increase in Professional Services is for engineering to try and upsize Well #1.

Discussion was held regarding what caused one of the well failures.

Reclaimed Distribution

Mr. Gierok commented on the possibility of this item being incorporated into Water Distribution. He stated if there is a reclaimed break it will be charged under this.

Recess: 5:15 p.m. Reconvene: 5:34 p.m.

Wastewater

Mr. Gierok explained the Wastewater Division consists of Administration, Collection & Lift Station, Treatment, Laboratory, Reclaimed, Sludge Disposal, Eastern Wastewater Plant, Environmental Compliance and Eastern Lift Stations. He noted that the actual number of employees is down to 17. He commented on the reduction in Salaries due to the restructuring. He explained the increase in Professional Services was due to combining the Professional Services and Contractual Services. He stated the increase in Operating Supplies is again because of moving all of the uniforms into one division.

Collection & Lift Station

Mr. Gierok noted the reduction in Professional Services stating it was higher the previous year due to engineering for the Umatilla project and cited the needed influent and infiltration studies. He explained the benefit to the I&I studies to prevent the City wastewater plants having to treat runoff type water. He explained the fluctuations from year to year in Repairs and Maintenance.

Treatment

Mr. Gierok commented on the overtime for Treatment due to requirements for operating the wastewater plants. He indicated that is where dual certification

will help. He reviewed various line items including Utilities Services, Repair & Maintenance, Operating Supplies and Employee Study Expense.

Laboratory

Mr. Gierok explained there are two employees - one with a biology degree and the other with a chemistry degree. He explained that when there is a water line break they have to have an independent third-party company do the testing. He then reviewed detail for the following line items - Professional Services, Operating Supplies and Machinery & Equipment.

Reclaimed

Mr. Gierok indicated there is only one employee under Reclaimed. He reviewed the following specific line items - Professional Services, Utility Services and Repair & Maintenance.

Sludge Disposal

Mr. Gierok explained that sludge disposal consists of biosolids. He explained the process noting that the City currently uses Shelley's. He commented on staff's intent to purchase a press to reduce the water content which will reduce the hauling costs.

Eastern Wastewater Plant

Mr. Gierok further explained how the restructuring is affecting the plant. He cited the reduction in Salaries.

The Commission asked about the turnover rate with Mr. Gierok explaining that the City lost a couple of employees two years ago but they have already left the other city.

Discussion was held regarding the addition of the Dual Operator position with Mr. Gierok indicating that will be an entirely new position and will have a bump in salary.

Mr. Gierok then reviewed various line item details including Professional Services and Operating Supplies.

Environmental Compliance

Mr. Gierok explained this consists of inspections particularly of restaurants to ensure that they are not putting grease in the sewer system. He commented on companies that collect the grease have been known to dump it down a manhole and it immediately clogs the system. He stated that every spill has to be reported to FDEP and a TV station. He further explained the ramifications and how it affects the plant.

Eastern Lift Stations

Mr. Gierok noted those are for Heathrow to get the flow to Sorrento Springs.

The Commission commented on residents in the eastern area that use more than their share of reclaimed water and asked if it is possible to have a control valve with Mr. Gierok noting there is a higher rate for individuals that use more than a certain amount. He noted they are in the process of renegotiating the reclaimed water contract with Heathrow.

Mr. Neibert stating that the City could initiate use regulations and could put in a series of valves to control who gets it when.

Discussion was held regarding a previous incident where they complained about lack of reclaimed water which was exacerbated by a shut down due to grease being dumped into the system. Further discussion was held regarding how to control the use.

Mr. Gierok noted the excess use is enforced through code enforcement; however, that area is in Lake County and not under the City's jurisdiction.

Non-Departmental Expenses

Mr. Neibert announced that the proposed budget includes a transfer from Water/Sewer to the General Fund of \$2,000,000. He also noted that funds are transferred to the Water & Sewer R&R Fund to pay for that year's capital projects. He also cited \$293,000 transferred into the Sewer Impact Fund for the incentive program.

Discussion was held regarding Bad Debt Write-offs with Mr. Sheppard also explaining that if someone has a bad debt and comes in and wants new service, they are forced to pay off the bad debt first.

Millage Rate Discussion

Mr. Neibert then discussed the previous millage rate suggestion to slightly increase the millage rate to fund the desired six additional firefighters. He noted he had sent out information regarding the millage rate options. The current proposed millage rate is the same as for the past seven years of 7.581. He stated that a .25 increase would provide \$300,000 in additional revenue. He indicated the discussion at the last meeting was to increase the millage. If the rate is increased .25 point to 7.831, it would generate an additional \$300,000. Taking \$200,000 from the General Fund surplus of \$451,000, would provide the \$500,000 required for the additional six firefighters and leave a General Fund surplus of \$251,000. This would provide sufficient staffing to put the rescue truck back into operation.

The Commission asked if an additional \$300,000 could be transferred from Water/Sewer with Mr. Neibert responding he has reviewed that with the

Finance Director and City Attorney and determined they could probably do increasing the transfer to \$2.3 million. However, the downside to keep doing that reduces the funds for capital projects in the Water/Sewer Fund.

Discussion was held regarding whether or not to increase the transfer with Mr. Neibert noting that he has been monitoring the County Commission's discussion regarding their millage rate. He indicated they had proposed to roll the .5 MSTU into their regular millage rate and do away with the MSTU tax. The net result would keep taxes to the County residents the same but add an additional \$45 to the municipal residents.

Mr. Neibert indicated that if the City approves the .25 increase combined with the County increase would result in a .75 increase on the City's residents and \$110 per year on a \$200,000 home with a \$150,000 taxable value.

Mr. Neibert reported that the City has the highest millage rate in the County; however, under functional millage rate the City has one of the lowest in the County. He indicated that he has not been able to determine yet what all the other cities are doing.

Discussion was held regarding whether or not residents understand the functional millage rate with Mr. Neibert noting that previously staff compared total cost of living within the Golden Triangle and Eustis had the lowest cost of living. He commented on the possibility of someone in Eustis actually paying less in taxes than the other communities even with Eustis having a higher millage rate.

Discussion was held regarding when the City should see an increase in its taxable property value with Mr. Neibert indicating the City may have to carry some of the expense for a few years. He stated the City did see a 7% increase in its taxable value over last year.

Discussion was held regarding the need for the additional six firefighters and getting the rescue truck back on the road.

Discussion was held regarding the deadline for submitting the tentative millage rate to the Property Appraiser and that whatever the rate they set is the highest they can go but they can reduce it later.

Further discussion was held with the following comments: 1) Keep the millage rate at 7.5810; 2) How long would the City have to keep transferring the additional \$300,000 with the City Manager indicating probably the next two years and then may be able to reduce; 3) Making the hard choices instead of pushing the problem down the road; 4) Increase the millage rate by .25; 5) Finding ways to grow the City; 6) Purpose of the .25 increase would be to add six more firefighters; 7) Limitations on use of Water/Sewer funds with Mr. Neibert explaining that once transferred to the General Fund they can be used for whatever the City wants; and 8) Use of the \$300,000 if not transferred including debt service or a capital project.

CONSENSUS: It was a consensus of the Commission to keep the tentative millage rate at 7.5810.

Discussion was held regarding a possible allocation to the City for a trails PD&E study.

Discussion was also held regarding doing a study to see if solar energy would be feasible for use at the library.

Vice Mayor Lee commented on how records are kept at the cemetery. She asked why it has not yet been computerized.

Mr. Neibert indicated there are funds in the budget to purchase the appropriate software. He noted that when the City took over the cemetery they inherited the records from the hardware store.

The Commission thanked everyone for their work on the budget.

2. ADJOURNMENT: 6:36 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 of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, September 22, 2022 - City Hall

INVOCATION: MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:00 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

- 1.1** Tom Carrino, City Manager, noted that the two Consent Agenda items (5.1 and 5.2) would be pulled from the Consent Agenda and heard under "Ordinances, Public Hearings and Quasi-Judicial Hearings".

2. APPROVAL OF MINUTES

- 2.1** July 5, 2022 - City Commission Retreat

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

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

3. PRESENTATIONS

- 3.1** Future Business Leaders of America (FBLA) Update from Eustis High School

Sonya White, Faculty Advisor for Eustis High School's FBLA program, gave a heartfelt thank you to the Commission and the City of Eustis for their support of the FBLA trip to Chicago for the 2022 FBLA National Leadership Conference in July. She provided an update on the FBLA's activities for the coming year and cited the FBLA students that have recently been hired by local companies. She added they are also looking for information on where their students may want to go to college. She asked local businesses to consider providing donations noting that the group will be again competing on local, state and national levels. She emphasized their efforts to make sure their students are productive citizens. Mayor Holland thanked the students and families for attending.

3.2 Presentation of Miss Eustis Pageant 2022-2023 Queens

Mayor Holland introduced Rachel Henderson, Director of the Miss Eustis Pageant since 2017. He congratulated the girls on their selection to represent the City of Eustis and introduced the 2022-2023 Pageant Queens while presenting them City of Eustis pins: Mini Miss Eustis - Blake Beall, Tiny Miss Eustis - Delaney Poe-Vandurme, Little Miss Eustis - Carolyn Flint, Junior Miss Eustis - Sydnie Sebree, Teen Miss Eustis - Lauren Simple, and Miss Eustis - Taylor Davidson.

3.3 Comprehensive Plan and Joint Planning Area Review

Mr. Carrino introduced Derek Bruce and Jack Rice from Gunster Law Firm to provide a report on their review of the City's Comprehensive Plan and the Joint Planning Area agreement with Lake County.

Derek Bruce introduced Jack Rice, legal counsel with their firm who has significant experience in Land Use and Zoning.

Jack Rice stated that the first question they were asked to research was whether or not removing Map #19 would invalidate the City's JPA with Lake County and stated that it would not. Resolution 87-34 that established the JPA would remain in affect even if Map #19 is removed from the Comprehensive Plan. He stated that is because the resolution is an independent legal instrument with a map attached to it which identifies the areas where the provisions for intergovernmental coordination, annexation and general joint planning occur. Therefore, even if it is removed, the JPA's obligations and boundaries will remain unchanged because of the map attached to the resolution.

Mr. Rice stated the second question they were asked to address was whether removal of Map #19 would create some inconsistencies or otherwise be incompatible with the comprehensive plans of either the County or Eustis. He stated the answer is again "no". The removal of Map #19 would create no inconsistencies with either comprehensive plan. He added that there is some text within the City's comprehensive plan that would need to be changed to avoid some internal inconsistencies; however, it will remain in effect and will be fine. He stated there would be no issue with the County's comprehensive plan and noted that the County's plan makes no reference to the JPA with Eustis. He added that removing Map #19 would actually offer a lot of clarity and eliminate some confusion.

Mr. Rice stated the third question to be addressed was the effect on Map #19 has on the interlocal agreement with Mount Dora. He stated the answer is again "no". There would not be an issue as the interlocal agreement with Mount Dora would continue to remain as a freestanding legal agreement. It has its own map attached and that agreement and map have their own obligations which would continue even if Map #19 is removed.

Mr. Rice provided in depth information regarding the adoption of Resolution 34 in July 1987 which was executed by both the City and the County. It allows the City to annex properties into a JPA area that were identified on a map. It also said that eventually a JPA plan would be mutually adopted by both the County and Eustis and that plan, once adopted, would guide the growth of the area. He quoted the resolution as follows, "Until then, the City and County in the interim period will regulate development in the JPA in accordance with their currently adopted comprehensive plans and any amendment."

Mr. Rice then reported that when they researched the history of the City's plan they found in the records that no mutual adoption occurred; therefore, the City's resolution is what governs until the two bodies come together and adopt a plan. He explained how they researched the JPA and commented on the City's first plan noting that the map attached included areas that were not within the City of Eustis. He explained when they contacted the Florida Dept. of Economic Opportunity (the successor to the Dept. of Community Affairs) they were told there was a memorandum that stated the County never adopted the plan and also stated it created confusion due to including two different jurisdictions within it and they stated that only Eustis can implement planning designations for properties within Eustis and by putting designations for both Eustis and County properties in one it creates confusion.

Mr. Rice stated that the original comprehensive plan's memos include a recommendation from DCA that the City pull the two maps apart so there was one map that identifies properties in Eustis and one that identifies properties in the County as the County properties cannot be planned by Eustis. He added that in 2010, when the City was reviewing its comprehensive plan, a consultant advised that the two maps be taken apart and instead one map was adopted that shows the planning designations for both entities. He further indicated that there is language and some policies referenced that shows it was probably never intended to become a binding plan to regulate the City. He cited information on the map stating "non-transmitted map", "draft map", and "working copy". He suggested that what may have happened is that the wrong document was included when it was sent to the State. He indicated there are other policies within the comprehensive plan that do acknowledge the existence of the JPA and would continue to bind the City and show the City's commitment to work with the County within the JPA for purposes of annexation and intergovernmental cooperation.

Mr. Rice then reported that the County's comprehensive plan does not mention the JPA with Eustis. He indicated they are aware of the resolution and they consider it to still be in effect; however, the comprehensive plan itself does not mention it. He referred to Exhibit #5 - the County's Future Land Use Map which identifies the various joint planning areas within the County's jurisdiction. He stated it shows JPA's with Lady Lake, Clermont and Mount Dora but not Eustis. He indicated that is probably because they are aware that the resolution stands on its own and binds the entities.

Mr. Rice concluded stating that removal of Map #19 would not create any inconsistencies with either the Eustis or County plan and would create clarity for individuals looking at the Eustis plan. He emphasized that the original resolution would continue to bind and the City could direct people to it. He then stated that the City has an interlocal agreement with the City of Mount Dora which was entered into in 2003 and which will expire December 2023 unless it is terminated. He explained that agreement sets out purposes and terms for planning, providing utilities and intergovernmental coordination and, most notably, it states that Eustis and Mount Dora will not annex any property in each other's planning areas. He referred to the map showing the intended area and stated the agreement says the map will take effect once both Eustis and Mount Dora acknowledge it within their comprehensive plans. He indicated the City has a text provision in the City's plan under Intergovernmental Coordination which recognizes the existence of the interlocal agreement and says the City will continue to work with it and be bound by it and they will continue to work with Mount Dora to honor it. He stated that Eustis has fulfilled its part of the bargain. He indicated that Mount Dora's plan also acknowledges the existence of the interlocal agreement with Eustis.

Mr. Rice further stated that, if the City removes Map #19 from the comprehensive plan, they would not be touching the language in either comprehensive plan. They will still continue to be in existence and they would still be bound by the interlocal agreement nor would it have any effect on the interlocal agreement status with the City of Mount Dora.

The Commission thanked Mr. Rice for his legal view and providing some clarity.

Mayor Holland asked that the issue be placed on a future agenda for consideration.

4. AUDIENCE TO BE HEARD

4.1 Nayana Patel asked what the next steps are pertaining to the Colonial Inn motel to finalize their case.

Mr. Carrino explained that the Commission previously asked that the Code Enforcement Board review the case. Therefore, staff is pulling together information and will take the case back to the Code Enforcement Board on October 10th. He added that, once completed, it will come back to the Commission.

Aaron Phillips, representing families in Eustis and surrounding communities, addressed the Commission regarding keeping backyard chickens. He clarified they are referring to "keeping" chickens, not "raising" them. He explained their group's work researching the regulations in surrounding communities, comparing regulations and cultural aspects. He provided a list of ten recommended guidelines.

The Commission directed him to provide his information to the City Clerk who will provide it to the Commissioners.

5. CONSENT AGENDA: ALL ITEMS REMOVED FROM CONSENT AGENDA

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 22-68: Authorizing foreclosure of code enforcement lien against 44 Sharps Circle, LLC

Sasha Garcia, Assistant City Attorney, announced Resolution Number 22-68: A Resolution of the City Commission of the City of Eustis, Florida; approving a Code Enforcement Board action to authorize the City Attorney to foreclose on an outstanding code enforcement lien recorded against 44 Sharps Circle LLC.

Mr. Carrino explained the case has been proceeding for approximately one year and cited background information provided to the Commission. He noted discussion had with the property owner regarding whether or not the property would be renovated and rehabilitated or whether it would be demolished. He indicated the case has gone to the Code Enforcement Board a number of times and on August 8, 2022, the Board approved moving forward with a foreclosure on the lien. He commented on correspondence with the property owner who is questioning whether or not the City has followed due process and whether or not the Board was authorized to move forward and the Board Attorney assured the Board they were. He cited his conversation with Assistant City Attorney Sasha Garcia and stated they feel it is appropriate for the Commission to move forward if they so choose. He then added that the property owner has asked that it be postponed to October 6th. He noted the presence of Code Enforcement Board members. He stated that there are other code issues at Sharps Park; however, what is being considered is a specific case, not all of the issues.

Eric Martin, Code Enforcement Supervisor, provided a background of the Sharps Park case and the numerous code violations. He stated there have been 18 code violations since 2019 when the current owner acquired the property. He stated the location at question is 3 Sharps Circle. He discussed the conditions within the mobile home including multiple electrical hazards, stairs, and plumbing and provided photos. He indicated that following the discovery of the violations, he notified the City building official who contacted Duke Energy so that the electric service was terminated that day. He reviewed the lien recorded against 44 Sharps Circle, LLC, including Code Board actions, case history, and other open, unresolved code violations. He indicated that the case is a direct result of a tenant complaint, and there have been multiple complaints received by City Staff and Commissioners from park residents regarding the current management and maintenance of the Sharps Mobile Home Park. He noted that if the Commission approves the resolution, legal expenses could exceed \$10,000, and there could be potential for revenue collected as part of the foreclosure on the lien. He stated staff's recommendation for approval of Resolution 22-68.

The Commission asked about ownership of the specific mobile home. Mr. Martin responded that the home is owned by the Sharps Park property owner. He added that the property owner decided to demolish instead of bring the home up to code; however, that has been ongoing for eight months. He stated there is a demolition permit that is pending.

The Commission asked about the property owner's knowledge of the issues. Mr. Martin responded that he has spoken to the property manager but he has not spoken with the property owner since 2020. The Commission noted emails that show the property owner was aware of the situation.

Mr. Martin reviewed the notices that were previously sent and noted that notices sent to the address in Lake County were returned unopened and the notice of violation was posted on the Manager's door the same date. He stated that on December 13, 2021, the Code Enforcement Board issued an Order of Enforcement requiring compliance by January 12, 2022, or a fine of \$250 per day would be imposed. He stated that on January 28, 2022, the City issued a Notice of Noncompliance and a Notice of Hearing for assessment of fine which was held on February 14, 2022, where the Code Enforcement Board officially issued the Order Imposing Fine. That order was recorded in public record on April 13, 2022.

The Commission confirmed that the correspondence informs them they have the opportunity to come before the Code Enforcement Board and questioned whether or not the property owner has ever appeared before the Board.

Mr. Martin stated there was no representative from 44 Sharps Circle LLC at the December 13th meeting. He wasn't sure if the property manager attended any other meeting.

The Commission confirmed that the owner has known from the beginning about the deficiencies and attempted to make some repairs including exposed wires, etc. with Mr. Martin responding they did have an electrician resolve the exposed wiring within two days of the notice. The Commission further confirmed that despite the continued correspondence and communication there were still unresolved deficiencies.

The Commission questioned what their complaint is regarding due process with Mr. Martin explaining that they are stating they did not receive the Notice of Foreclosure Hearing. He stated that is not required and proceeded to review the statutory requirements for notices under Chapter 162 and Chapter 219.

The Commission confirmed that the information sent to the property owner is clear that foreclosure is a possibility with Mr. Martin reading from a cover letter from January 28, 2022, which states that failure to comply may result in foreclosure.

Attorney Garcia noted statutorily due process has been done. She stated the Commission could postpone to October 6th as requested; however, it would not provide them with the opportunity to challenge the findings.

Mr. Martin then confirmed that the owner's attorney did attend the August 8th meeting at which other items were on the agenda for Sharp's Circle that day. The attorney asked the Board for continuance before they voted on the foreclosure; however, the Board denied the continuance. He then reviewed other open and unresolved violations in the park including a minimum housing code violation against Unit #26, a violation for an unsafe power pole and an active violation for the condition of the roads. He confirmed that the power pole is still leaning.

Mr. Martin explained that on July 1st a storm came through and the power pole next to the unit at the main entrance was blown over. He stated they repaired that one immediately. On July 8th, he saw a 2x4 propping up a power pole and when he touched it he was knocked over. He had the building official inspect the pole and confirm it was a life safety issue. He indicated that has been an active violation since July 8th and a lien has been recorded against it.

Mayor Holland emphasized that there are ongoing public safety and health issues. He indicated that the City Attorney has confirmed that the City can issue an order to shut the entire place down. He expressed concern regarding citizens being allowed to live like that. He indicated that, if it has to be shut down, then they will have to help people find places to live.

The Commission commented on the state of the park and indicated that since the City now knows how bad it is, it assumes some liability. It was stated the problem was that the owner does not live locally and does not care about the condition of the property. Comments were made about how quickly the property owner has residents evicted.

Craig Capri, Police Chief, stated the park is the number one problem in the City of Eustis. He reported that he has asked DEP to take action. He commented on the increase in rents and stated that the park manager is abrasive and will not work with them. He confirmed they do not live on the property.

Alan Paczkowski, chair of the Code Enforcement Board, commented on the numerous hearings at which they have heard from residents regarding the issues. He stated that the Board has done everything they can within the law and provided the owner with ample opportunity to correct the issues. He cited some of the specific issues and how they were handled. He stated that at the last meeting an attorney was present with a court reporter and they challenged the due process. He cited the numerous complaints by the residents and how they have been treated by the management. He indicated that the latest property manager has appeared at the last two meetings.

The Commission asked how many people would be displaced if the park is closed with Mr. Martin indicating he was unsure regarding the number of residents.

Mr. Carrino stated there are 119 pads on the property with Mr. Martin indicating that only three pads are vacant.

Mr. Paczkowski explained that once a trailer in there is condemned and it is ordered to be demolished, it cannot be replaced, as the park is overcapacity and it is nonconforming. He stated that is why they are fighting the City.

Mr. Martin reported that he spoke with Ms. Morales and asked why the property management is not insuring the residents are keeping the area around their mobile homes clean and sanitary and she responded that is the City's job.

The Commission suggested conducting a town hall meeting with the mobile home owners to request access to all of the units with Mr. Martin responding that he emailed Ms. Morales on July 5th asking for a list of all of the park owners so he could determine which are privately owned and which are park owned. When he hand-delivered the notice of life safety violation, he asked her about it and she informed him she was not authorized to release that information and he would have to request it from the property owners.

Discussion was held regarding the difficulty in obtaining that information with Mr. Carrino asking who gets cited in cases of a violation against an owner-occupied unit with Mr. Martin responding the home owner would be cited not the park.

Discussion was held regarding issues with the infrastructure and specifically sewage issues.

Chief Capri confirmed that DEP will be addressing the flooding and sewage overflow issues.

Mayor Holland opened the floor to public comment at 7:07 p.m. He asked that speakers not repeat others comments.

The following individuals addressed the Commission regarding various issues in the park: 1) Donna Manning, tenant from Unit #3 which was condemned after which she moved to #26.

Issues brought up included the following: 1) Bathroom issues; 2) Live electrical wires being left exposed and the tenant being told the wires were not live; 3) Number of children living in or visiting the park; 4) The varying amounts for lot rent; 5) What is included in the lot rent - lawn care plus \$67 for water; 6) The number of units in the park; 7) Some of the units not having VIN numbers or titles; and 8) The number of rental units versus owner occupied.

Ms. Manning reported she had filed a prohibitive practice case against the due to them turning off her electric just before Christmas 2021 with no notice. She settled out of court with them and then three days later she was told they would no longer rent her unit and she had until September 30th to be out.

The Commission questioned whether or not the park is allowed to make money off of the water service with Attorney Garcia responding she was unsure. She thought they could charge a small administrative fee but not to make money. The Commission asked to find out how much that administrative fee is.

Mayor Holland explained that what is before the Commission that night was the foreclosure authority. He recommended holding a community meeting at the Chamber of Commerce. He confirmed that there was no representative for the owner at the City Commission meeting.

Attorney Garcia reported that Shawn Arbeiter, attorney for 44 Sharps Circle LLC, had informed staff that he had a conflict and he was located four hours away with Mayor Holland noting they have a manager that could have been present.

Ms. Manning expressed concern regarding a public meeting due to the other residents seeing how she has been treated and they are afraid. She added that there is mold in her unit which her cat died from and from which she has breathing issues.

Carl Lojer stated he has been a resident for a few months. He indicated he purchased his trailer but does not have a lease and they have changed his rent every month since he has been there. He also complained about speeding on Lake Shore Drive.

Attorney Garcia stated there are month to month leases and they are not required to have a lease.

The Commission asked if there is anything the City could do to prevent retaliation and directed the City Attorney to research the issues.

The Commission questioned what would happen to the home owners if the underlying property is foreclosed on. They also questioned whether or not the homes could be relocated. It was noted that most cannot be moved. A resident indicated that the park owner went through about six months previous and cut all the tongues off so they could not be moved.

Dawn (unknown last name) reported she bought her mobile two years previous and explained her circumstances. She indicated that no one has seen Mr. Rodriguez since he purchased the property. She added that people have tried to contact him and received no response. She commented on the circumstances regarding the downed electric pole. She also stated that the lot rent has gone up continually and indicated she is going to be evicted due to not

being able to afford the lot rent. She also complained about the park not keeping up the lawns and the park declined to give her a discount for keeping up the lawn. She expressed concern regarding the homeless people in the area and the homeowners being code enforced.

Attorney Garcia closed the hearing at 7:24 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 22-68. Motion carried by the following votes:

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

6.2 Resolution Number 22-69: Foreclosure Authorization - 15 Haselton Street, Cases 20-00772 and 21-00652

Attorney Garcia announced Resolution Number 22-69: A Resolution of the City Commission of the City of Eustis, Florida; approving a Code Enforcement Board action to authorize the City Attorney to foreclose on two outstanding code enforcement liens recorded against 15 Haselton Street.

Mr. Carrino provided a brief history of the property noting that it is currently occupied by squatters. He recommended moving forward on foreclosure of the lien.

Attorney Garcia opened the public hearing at 7:26 p.m. There being no public comment, the hearing was closed at 7.26 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 22-69. Motion carried by the following votes:

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

6.3 Resolution Number 22-64: Final millage rate for Fiscal Year 2022-2023

Attorney Garcia announced Resolution Number 22-64: 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 the Fiscal Year 2022-2023; providing for an effective date.

Mike Sheppard, Finance Director, announced the final hearing on the millage rate. He stated the proposed rate is 7.581 which exceeds the roll back rate of 7.0064 by 8.2%.

Attorney Garcia opened the public hearing at 7:27 p.m. There being no public comment, the hearing was closed at 7:27 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 22-64. Motion carried by the following votes:

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

6.4 Resolution Number 22-65: Adopting a final budget for the fiscal year 2022-2023

Attorney Garcia announced Resolution Number 22-65: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the final budget for the Fiscal Year 2022-2023, providing an effective date.

Mr. Sheppard announced the final hearing on the Fiscal Year 2022-2023 budget. He complimented staff and the Commission for their work on the budget.

Attorney Garcia opened the public hearing at 7:29 p.m. There being no public comment, the hearing was closed at 7:29 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 22-65. Motion carried by the following votes:

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

7. OTHER BUSINESS

7.1 City Commission Compensation

Bill Howe, Director of Human Resources, provided a report to the City Commission regarding other area cities' compensation for their legislative bodies and requested direction regarding the City Commissioner and Mayor's compensation to be included in the FY 2022/23 budget. He provided the following recommendation that Eustis City Commissioners be compensated \$8,000 annually and the Mayor receive \$9,750 annually which is consistent with the average compensation paid in other large municipalities in Lake County. He also recommended that the Commission consider making future increases annually as provided to other general employees. He noted information that was provided at the last meeting regarding health insurance.

Mr. Carrino explained staff is asking for a consensus and, if approved, they will bring back a budget amendment to the next meeting for approval.

CONSENSUS: It was a consensus of the Commission to proceed with the recommended increase for the Mayor and Commission and bring back a budget amendment.

The Commission then discussed whether or not to provide health insurance to the commissioners with a note that regular part-time employees are not provided health insurance.

CONSENSUS: It was a consensus of the Commission to have the health insurance available as an option.

7.2 Continued discussion on the Downtown and East Town Redevelopment Agency Board (CRA Board) Community Representative positions

Mr. Carrino noted it was a continued discussion from the previous meeting. He reviewed the history of the CRA Board and addition of the two community representatives in 2018 and cited the related state statute. He stated the statute requires that the terms be for four years, except for one of the initial appointments. He then cited two bills presented in 2018 which did not pass; however, the City decided they liked the wording so that was included. He then suggested that the community representatives be required to provide periodic reports to the CRA Board and City Commission to include interactions with community groups/members of the public, information gathered from attending events, updates on upcoming events, etc. He recommended that, if retained, the community representatives be required to attend educational opportunities. Mr. Carrino requested direction on the future of the two community positions on the CRA Board and whether or not they want the periodic reports. He indicated he would be more aggressive in encouraging the education noting the upcoming FRA conference and their certification program.

The Commission discussed whether or not to retain the two positions with the following comments: 1) The need for a better connection and more input from the representatives; 2) Requiring reports from the representatives regarding their community interactions; 3) Requiring additional education; 4) Limiting the participation due to the required experience; 5) If they do not provide more input, then doing away with the positions; 6) Doing away with the positions would be a step back; 7) Concern regarding the experience requirements; 8) Possibility of the Commissioners also attending the FRA classes; 9) Removing the phrase regarding "expertise"; 10) Encouraging the representatives to be involved in both sides of the district, not just east or west; and 11) Leaving the positions as nonvoting.

CONSENSUS: It was a consensus of the Commission to retain the two positions and to require the periodic reports and extra education. It was also agreed that staff would look at the experience requirements.

Mr. Carrino explained the two positions were approved by resolution so staff would have to bring back a modifying resolution. He indicated he would look at the "expertise" phrasing and requirements. He then announced that the Florida Redevelopment Association annual conference would be held October 12 - 14, 2022, in Daytona Beach. He indicated the first day has a session

called CRA Board Training. He noted that he and Economic Development Director Al Latimer would be attending the entire conference. He indicated that if they wanted to attend the registration was still open and stated staff would handle the registration.

7.3 Regulations related to backyard chickens

RECESS: 7:50 p.m. RECONVENE: 7:56 p.m.

Mr. Carrino noted that several commissioners have requested a workshop on density and future land use and other comprehensive plan issues which will take more time than before a meeting. He suggested that part of the discussion could include in what land use categories chickens might be appropriate.

Discussion was held regarding a date and time for the workshop with a consensus to hold the workshop on Monday, October 3, 2022, at 3:00 p.m.

Discussion was held regarding including the backyard chickens in the workshop with a consensus to do so.

8. FUTURE AGENDA ITEMS: NONE

9. COMMENTS

9.1 City Commission

Commissioner LeHeup-Smith complimented Development Services on the backyard chicken information provided.

The Commission asked that the report be provided to the members of the public present for the discussion.

Commissioner Cobb reported on the Atwood family farm ribbon cutting and the FDOT meeting. She noted Lake County mowed the coverleaf at 441 and 19 and thanked Representative Truenow's office for their assistance in getting the meeting organized. She requested an update on the island beautification.

Rick Gierok, Public Works Director, stated they need to get the revised plans and pick out the material.

Mayor Holland reported that an update on the cemetery will be brought to the Commission.

Commissioner Hawkins announced that Lake Cares would be holding their annual Christmas gala and Tavares and Mount Dora have challenged the Eustis Commission to do a Christmas tree. He indicated they have said they would provide a smaller tree for the City and he had discussed with them

judging the cities separately. He then commented on the grant writer position and asked about the status of the City's position. He questioned whether or not the compensation needs to be increased.

Mr. Carrino responded that the position has been advertised. He noted that since then Al Latimer was hired and he has some experience in grantwriting. He reported that Mr. Latimer had submitted two appropriation grants to Rep. Truenow's office. He indicated his belief that one of those may be approved for funding. He then reported that they also submitted a grant to DCEO relating to utility relocations and the Waterman site. He stated he has discussed the grantwriting position with Mr. Latimer and indicated the possibility that it would report to Mr. Latimer. He concluded that the City does have more grantwriting expertise than previously. He stated staff would look at the job description and whether or not the compensation was appropriate.

Mr. Howe indicated the City has not really received any qualified applications.

The Commission discussed hiring an outside company to do specific grants with Mr. Carrino noting that the City used a consultant to obtain the CDBG grant for Palmetto Plaza and they administered the grant as well.

Commissioner Hawkins announced that he has scheduled a group to paint the concession stand at the high school.

Vice Mayor Lee commented on the unveiling of the Mary McLeod Bethune statue at the museum in Tavares and encouraged people to visit the museum.

9.2 City Manager

Mr. Carrino reported on the award of the organizational grants and cited changes to the process including funds being provided as a reimbursement and requiring reports. He asked if the Commission wants the applicants to provide presentations to the Commission as part of the award process.

A suggestion was made that the Commissioners receive copies of all of the applications and then they decide who they want to receive presentations from.

Mr. Carrino indicated that the application requires them to include how many community members they have served and what they intend to do with the funding as well as requiring financials to be submitted. He confirmed that, in the past, a staff committee reviewed the applications first and then provided recommendations to the Commission.

The Commission discussed having the staff committee narrow it down first and have presentations only by the finalists.

Mr. Carrino confirmed they would receive copies of all of the applications.

Mr. Carrino then cited the need to hold another CRA Review Committee meeting and indicated the need for them to discuss the now to own program. It was a consensus of the Commission to hold the CRA Review Committee meeting on Tuesday, October 25th at 5:30 p.m.

Mr. Carrino then reported staff is continuing to work with Fish and Wildlife and Waste Management regarding bear-proof garbage cans. He noted that residents would have to undo the buckle or strap when they wheel their garbage cans out and it is recommended they do it in the morning.

Commissioner LeHeup-Smith reported that L.E.A.S.H. is doing a free microchip clinic October 1st from 10 a.m. to noon at the Humane Society Umatilla address and they are giving away free spay and neuter certificates for dogs to Lake County residents.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland commented on the 9/11 ceremony put on by Tavares and Lake County. He also expressed appreciation for the Mary McLeod Bethune statue and event. He encouraged the audience to watch the City's website for upcoming events and thanked everyone for staying.

10. ADJOURNMENT: 8:24 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 of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Appointment to Code Enforcement Board – William J. Gay

Introduction:

This appointment is for consideration of the appointment of William J. Gay to the Code Enforcement Board for a three-year term as an alternate member. If approved, the new term will expire on 11-03-2025.

Background:

The City follows State Statute Chapter 162 which provides for a seven-member Code Enforcement Board with two alternates. Per Florida Statute 162.02, the purpose of the board is to "promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist."

William J. Gay submitted his request to be considered for appointment as an alternate member to the Code Enforcement Board. Attached is a copy of his paperwork for your review.

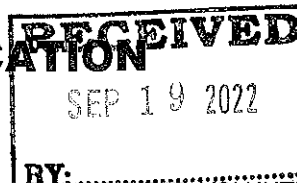
Recommended Action:

Staff recommends the approval of Mr. Gay to the Code Enforcement Board for a three-year term to expire November 3, 2025.

Prepared By:

Christine Halloran, City Clerk

VOLUNTEER/COMMUNITY SERVICES APPLICATION

Date: 9-15-22

PLEASE LIST THE TYPE OF WORK THAT INTERESTS YOU AND THE DEPARTMENT(S) WHERE YOU WISH TO VOLUNTEER

1. Code Enforcement 3. _____
2. _____ 4. _____

NAME: William J Gay Telephone #: 954-871-9177PRESENT ADDRESS: 3041 Brighton Rd Eustis FL 32726
Street/P.O. Box City State ZipHow long have you lived at this address? 14 + years E-Mail Address: Wjg822@hotmail.comHave you filed an application here before? _____ Yes ☒ No If yes, when? _____Have you ever worked for the City of Eustis? _____ Yes ☒ No If yes, when? _____Are you currently employed? ☒ Yes ☒ No May we contact you at work? ☒ Yes _____ NoWhat number can we reach or leave a message for you during the day? Phone #: 954-871-9177

Are you available: _____ Full Time _____ Part Time _____ Temporary

When are you able to volunteer? _____ Nights _____ Weekends _____ Other

Do you possess a valid Fla. Driver's License or I.D.? ☒ Yes _____ NoAre you legally eligible for employment in the United States of America? ☒ Yes _____ NoHave you ever been convicted, pled guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first degree misdemeanor in any jurisdiction? _____ Yes ☒ No If yes, when: _____Explain: _____
(Nature, severity and date of offense in relation to the position for which you are volunteering are considered.)Do you have any criminal charges pending? _____ Yes ☒ No If yes, explain: _____Are you able, physically or otherwise, to perform the job functions of the position for which you are volunteering?
☒ Yes _____ No If no, please explain: _____Please list maiden or other names under which you may have worked or gone to school: [Signature]

Please list the names of friends or relatives working for the City and their relationship to you: _____

EQUAL OPPORTUNITY EMPLOYER

EMPLOYMENT RECORD: Please list your four most recent employers including full, part time, temporary and volunteer positions, beginning with the most recent.

Name & Address of Organization:

JB Enterprises FL
3041 Brighton Rd
Eustis FL 32726

From 6-2019 to Present
 Month/Year Month/Year

Supervisor's E-mail: Bill@jbenterprisesfl.net

Job Title: Owner

Describe the work you did: Security consultant

Reason for leaving: —

Name & Address of Organization:

Straightline Security
Deltona FL

From 2010 to 6-2019
 Month/Year Month/Year

Supervisor's E-mail: —

Job Title: Security Mgr

Describe the work you did: Install and service security/CCTV systems

Reason for leaving: started JB Enterprises

Name & Address of Organization:

—
—
—

From — to —
 Month/Year Month/Year

Supervisor's E-mail: —

Job Title: —

Describe the work you did: —

Reason for leaving: —

Name & Address of Organization:

—
—
—

From — to —
 Month/Year Month/Year

Supervisor's E-mail: —

Job Title: —

Describe the work you did: —

Reason for leaving: —

EDUCATION AND SPECIALIZED TRAINING:

Item 3.1

Circle Highest Grade Completed

GRAMMAR AND HIGH SCHOOL:

1 2 3 4 5 6 7 8 9 10 11 12 GED

COLLEGE:

13 14 15 16

GRADUATE:

17 18 19 20

Please provide your educational background including the diploma, degree or certification received, as well as any technical or specialized training:

Name of High School(s): <i>Osceola H.S.</i>	City and State: <i>Kissimmee FL</i>		
Name of College: <i>VCC</i>	City and State: <i>Orlando, FL</i>	Major: <i>Business</i>	Degree Received:
Name of Graduate School:	City and State:	Major:	Degree Received:
Other Trade, Technical, Etc:	City and State:	Major:	Degree Received:
Foreign Language Skills:		☐ Read	☐ Write ☐ Speak

OTHER PROFESSIONAL MEMBERSHIPS OR SKILLS:

Please list any special qualifications not covered elsewhere in this application including computer skills, such as Word & Excel; typing, including words per minute typed; and any professional or civic memberships.

- ~~1. *[scribble]*~~
- Eustis Chamber*
- Past Wall Board*
-
- Past GeorgeFest Board*
-

REFERENCES:

Please list at least three (3) references who are not related to you. (Please provide complete addresses including Street, City, State and Zip.)

Name <i>Chuck McMaster</i>	Phone # <i>352-396-6684</i>	Name <i>Todd English</i>	Phone # <i>352-516-0488</i>
Address (Street, City, State, Zip)		Address (Street, City, State, Zip)	
E-mail Address		E-mail Address	
Employer <i>[scribble]</i>	Phone # <i>352-396-6684</i>	Employer	Phone #
Occupation		Occupation	
Name <i>Jerry Cobb</i>	Phone # <i>352-516-0289</i>	Name	Phone #
Address (Street, City, State, Zip)		Address (Street, City, State, Zip)	
E-mail Address		E-mail Address	
Employer	Phone #	Employer	Phone #
Occupation		Occupation	

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work? _____

Item 3.1

CERTIFICATE OF APPLICANT:

I certify that the answers given on this application are true and complete to the best of my knowledge. I agree to inform the City of any additional information relating to questions raised on the application, which occur subsequent to my completion of the application. I realize that misrepresentation of facts or the failure to update any information relating to questions on the application may be cause for rejection of this application or dismissal from volunteer/community services.

I authorize the City of Eustis to make any inquiries it desires concerning me. I authorize schools, references and my prior employers to provide my records, reason for leaving and all other information they may have concerning me to the City of Eustis. I release the City of Eustis and all other parties from any and all liabilities or claims for any damage that may result therefrom.

I understand that this application is not and is not intended to be a contract for employment.

SIGNATURE OF APPLICANT: _____

Date: 9-15-22

CONSENT OF PARENT OR LEGAL GUARDIAN

(All Volunteers Under 18 Years of Age Must Have Parent or Legal Guardian Complete This Section)

I the undersigned, the parent or legal guardian of _____, choose to permit _____ to participate as a volunteer for the City of Eustis. I understand that my child's or ward's services are being offered on a voluntary basis without anticipation of any financial remuneration and I agree to the terms and conditions as stated above.

I further authorize the City to perform a fingerprint criminal history background check through state and federal law enforcement agencies and/or criminal history checks through consumer reporting agencies, who may also provide information to the City on out-of-state or nation-wide criminal histories. I understand that final approval to volunteer is contingent upon the results of the criminal history check.

Signature of Parent or Legal Guardian: _____

Date: _____

The 2022 Florida Statutes

Title XI
 COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS
Chapter 162
 COUNTY OR MUNICIPAL CODE ENFORCEMENT
[View Entire Chapter](#)

162.05 Local government code enforcement boards; organization.—

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.

(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

History.—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

Note.—Former s. 166.055.

Sec. 2-57. Code enforcement board.**(1) Organization.**

- a. The city hereby establishes a local government code enforcement board pursuant to and consistent with F.S. ch. 162.
- b. The city commission also hereby authorizes the use of a special magistrate with the same powers and duties of the code enforcement board if there are not enough board members present to have a quorum. references in this article to the code enforcement board shall include the special magistrate if the context permits.
- c. The city shall appoint an attorney to represent the code enforcement board.
- d. The code enforcement board attorney shall act as the special magistrate in the event that there are not enough code enforcement board members present at a meeting to meet statutory quorum requirements.
- e. No member of the code enforcement board shall have any interest, be it financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation which is in conflict with the proper discharge of his duties in the public interest in accordance with F.S. ch. 112.
- f. No member shall appear before the city commission, or any commission, committee or board of the city, as agent, attorney or representative of any person, except when representing property he owns.

(2) Powers and jurisdiction.

- a. The code enforcement board shall hear and decide violations of this Code and ordinances where a pending or recurring violation continues to exist.
- b. The code enforcement board shall have all powers as provided in F.S. § 162.08.

(3) Meetings.

- a. All meetings, regular or special, and all hearings, shall be open to the public in accordance with the provisions of F.S. § 286.011.
- b. The code enforcement board shall hold an annual organizational meeting for the purpose of electing officers, adopting rules and procedures, and establishing regular meeting dates and times.

(Ord. No. 12-10, § 1(exh. A), 6-21-2012)

City of Eustis
P.O Drawer 68
10 North Grove Street
Eustis, Florida 32727

RE: Reappointment Status (Please check the appropriate box, fill in the remaining information, and sign below)

Dear Sir or Madam:

☐ I no longer wish to serve on the following Board.
Effective Date: _____

☒ Please accept this form as a request for reappointment to the following Board.
Your consideration is appreciated.

Board: Firemen's Pension Board
Name: Rachel Holtzclaw
Address: 11 Cove Lane, Eustis, FL 32726
Telephone Number: 352-989-2042
Email Address: rrh@embarqmail.com
Upcoming Commission Meeting Dates I Can Attend: 10/20/22 11/3/22

Sincerely,

Signature: Rachel Holtzclaw Date: 10/17/2022

City of Eustis
P.O Drawer 68
10 North Grove Street
Eustis, Florida 32727

Received
OCT 25 2022 CH

RE: Reappointment Status (Please check the appropriate box, fill in the remaining information, and sign below)

Dear Sir or Madam:

☐ I no longer wish to serve on the following Board.

Effective Date: _____

☒ Please accept this form as a request for reappointment to the following Board.
Your consideration is appreciated.

Board: Fire Pension Board

Name: Jeff Stephan

Address: 332 S Center St. Eustis, FL 32726

Telephone Number: 352 483 7060

Email Address: jeffrey.stephan@lp1.com

Upcoming Commission Meeting Dates I Can Attend: Let me know the dates

Sincerely,

Signature: Jeff Stephan Date: 10/25/2022



*Security and Advisory Services
Offered through LPL Financial,
a Registered Investment Adviser,
member FINRA/SIPC.*

JEFF STEPHAN, PPC
PRESIDENT

"Uncommon Financial Wisdom"

332 S. Center St.
Eustis, FL 32726-1257
Phone: (352) 483-7060
Cell: (352) 250-4223
Fax (352) 483-7040
Email: jeffrey.stephan@lpl.com
www.stephanfinancialservices.com

ARTICLE III. - CITY OF EUSTIS MUNICIPAL FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM^[2]

Footnotes:

--- (2) ---

Editor's note— Ord. No. [18-16](#), § 1, adopted July 19, 2018, repealed Art. III §§ 70-61—70-100 in its entirety and reenacted a new article §§ 70-61—70-100, as set out herein. The former Art. III pertained to similar subject matter and derived from Code 1959, § 15-11—15-18, 15-20—15-23; Ord. No. 94-34, § 1, adopted Dec. 1, 1994; Ord. No. 96-32, § 1, adopted Sept. 9, 1996; Ord. No. 96-33, § 1, adopted Sept. 9, 1996; Ord. No. 98-31, §§ 1, 2, adopted Sept. 17, 1998; Ord. No. 99-30, §§ 1, 2, adopted Nov. 18, 1999; Ord. No. 00-24, §§ 1, 2, adopted Sept. 21, 2000; Ord. No. 01-11, § 1, adopted May 17, 2001; Ord. No. 03-66, §§ 1—3, adopted Jan. 6, 2004; Ord. No. 04-42, § 1, adopted Aug. 5, 2004; Ord. No. 05-24, §§ 1, 2, adopted Aug. 4, 2005; Ord. No. 10-06, § 1, adopted June 3, 2010.

Sec. 70-61. - Established.

- (a) There is established in the city a pension and retirement system for paid firefighters of the fire department of the city a firefighters' pension trust fund pursuant to the Charter and F.S. ch. 175. Except as specifically provided in this article to the contrary, the local law plan requirements of F.S. ch. 175 shall be applicable.
- (b) The trust fund is a local pension plan as allowed by F.S. § 175.351. Pursuant to such law, the plan shall meet the requirements of F.S. § 175.351. The trust fund shall be administered by a board of trustees as provided in F.S. ch. 175. The board shall have those powers enumerated in F.S. ch. 175 and this article.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-61.5. - Board of trustees.

- (a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees defined elsewhere herein as the board. The board is hereby designated as the plan administrator, provided that it may delegate plan administration duties to a third-party plan administrator in its discretion.
- (b) The membership of the board shall consist of five members, two of whom, unless otherwise prohibited by law, must be legal residents of the city and must be appointed by the Eustis City Commission, and two of whom must be full-time firefighters as defined in F.S. § 175.032 who are elected by a majority of the active firefighters who are members of such plan. The fifth member shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to Eustis City Commission. Upon receipt of the fifth person's name, the Eustis City Commission shall, as a ministerial duty, appoint such person to the board. The fifth member shall have the same rights as each of the other four members, shall serve as trustee for a period of two years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of two years, unless sooner replaced by the governing body at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each firefighter member shall serve as trustee for a period of two years, unless he or she sooner leaves the employment of the municipality as a firefighter, whereupon a successor shall be chosen in the same manner as an original appointment. Each firefighter may succeed himself or herself in office. DROP participants can be elected as, but not vote for, elected trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

- (c) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.
- (d) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.
- (e) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.
- (f) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:
 - (1) To construe the provisions of the system and determine all questions arising thereunder.
 - (2) To determine all questions relating to eligibility and membership.
 - (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
 - (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
 - (5) To distribute to members, at regular intervals, information concerning the system.
 - (6) To receive and process all applications for benefits.
 - (7) To authorize all payments whatsoever from the fund, and to notify the custodian, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
 - (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
 - (9) To perform such other duties as are required to prudently administer the system.
- (g) *Claims procedures.*
 - (1) The board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("claimant"), including members, retirees, beneficiaries, or any person affected by a decision of the board.
 - (2) The board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the board's claims procedures. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-62. - Contributions.

- (a) *Contributions by the city to the firefighters' pension trust fund.* The city shall contribute to the firefighters' pension trust fund annually an amount which, together with the contributions from the firefighters and the amount derived from the premium tax and other sources allowed by law, will be sufficient to meet the normal cost of the firefighters' pension trust fund and to fund the actuarial deficiency over a period of not more than 40 years.

- (b) *Contributions by firefighters to the firefighters' pension trust fund.* Each member of the system shall be required to make regular contributions to the fund. The city shall pay into the firefighters' pension trust fund said four percent of the salary of each firefighter who is a member of the fire department and eligible for inclusion in the firefighters' pension trust fund, which four percent shall be deducted by the city from the compensation due to the firefighter. No firefighter shall have any right to the money so paid into the firefighters' pension trust fund except as provided by law and the firefighters' pension trust fund. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.
- (c) *State contributions.* Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for firefighters of the city shall be deposited in the fund comprising part of this system immediately and under no circumstances more than five days after receipt by the city.
- (d) *Other.* Private donations, gifts and contributions may be deposited to the fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds arising from these sources may be used only for additional benefits for members, as determined by the board, and may not be used to reduce what would have otherwise been required city contributions.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-62.5. - Vesting.

If a member terminates his employment as a firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this system, the member shall be entitled to the following:

- (1) If the member has less than ten years credited service upon termination, the member shall be entitled to a refund of his accumulated contributions or the member may leave it deposited with the fund. If a member who is not vested is not reemployed as a firefighter with the fire department within five years, his accumulated contributions, if \$1,000.00 or less shall be returned without interest. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than \$1,000.00, will be returned without interest upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated.
- (2) If the member has ten or more years of credited service upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the member's otherwise normal or early retirement date based upon completed service at termination of employment, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date. If the member does not withdraw his accumulated contributions and does not survive to his otherwise normal or early retirement date, his designated beneficiary shall be entitled to a benefit as provided herein for a deceased member, vested or eligible for retirement under pre-retirement death. If a vested member leaves the employ of the fire department, his accumulated contributions will be returned only upon his written request and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-63. - Participation in plan mandatory.

- (a) Any firefighter of the city who is eligible for inclusion into the plan must join this fund as a prerequisite to employment in the fire department. Any firefighter that meets that definition found in F.S. § 175.032(11)(a) is eligible for inclusion in the plan. Provided, however the fire chief shall have the option to participate or not participate in the plan pursuant to F.S. § 175.032(11)(a).

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-64. - Reserved.

Sec. 70-65. - Custodial agreements authorized.

The board of trustees in administering the retirement system may enter into custodial agreements with any bank or trust company licensed to do business in the state.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-66. - Effect of article; insurance to implement systems.

Nothing in this article shall be construed to repeal, rescind or replace any existing system of pension or retirement to which any firefighter is a member, but may be coordinated with such system in its continuation.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-67. - Monthly retirement income for firefighters.

- (a) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coinciding with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The amount of monthly retirement income payable to a firefighter of the city who is currently employed as of or is first hired after January 6, 2004, who retires on or after his or her normal retirement date shall be in an amount equal to the number of years of credited service multiplied by four percent of his or her average final compensation. The amount of monthly retirement income payable to a firefighter of the city who is eligible to participate in the firefighters' pension trust fund but who is not employed as of January 6, 2004, shall be 2.5 percent of his or her average final compensation for years of service prior to October 1, 1998, and by three percent of his or her average final compensation for years of service after October 1, 1998. Provided however, that should a firefighter of the city who has previously been employed by the city as a firefighter and who has left the city's employment prior to January 6, 2004, subsequently be rehired by the city after January 6, 2004, as a firefighter, then such firefighter shall receive on his or her normal retirement date a monthly retirement income equal to 2.5 percent of his or her average final compensation for years of service prior to October 1, 1998, 3.0 percent of his or her average final compensation for years of service between October 1, 1998, and January 6, 2004, and 4.0 percent of his or her average final compensation for years of service after January 6, 2004. Provided however, in no event may a firefighter receiving benefits from the firefighters' pension trust fund receive a monthly retirement income in excess of 100 percent of such firefighter's average final compensation.

- (b) *Early retirement benefit.* In the event of early retirement at the age provided in section 70-69 (b), payment of retirement income shall be governed as follows: The monthly amount of retirement income payable to a firefighter who retires prior to his or her normal retirement date shall be in the amount computed as described in subsection (a), taking into account the firefighter's credited service to his or her date of actual retirement and final monthly compensation as of such date, such amount of retirement income to be actuarially reduced to take into account the firefighter's younger age and the earlier commencement of retirement income benefits. The amount of monthly income payable in the event of early retirement will be paid in the same manner as in subsection (a). In no event shall the early retirement reduction exceed three percent for each year by which the member's age at retirement preceded the member's normal retirement age based upon completed service at termination of employment, as provided in subsection 70-69 (a).
- (c) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-67.5. - Optional forms of benefits.

- (a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the options set forth in F.S. § 175.171, subject to the conditions and limitations set forth therein.
- (b) Except where the retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the retiree shall not exceed the applicable percentage provided for in the applicable table in the treasury regulations. (See Q&A-2 of 1.401(a)(9)-6)
- (c) Upon change of a retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the retiree shall be actuarially predetermined to take into account the age of the former joint pensioner, the new joint pensioner and the retiree and to ensure that the benefit paid is the actuarial equivalent of the present value of the retiree's then-current benefit at the time of the change. Any such retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the board and on completion will be filed with the board. In the event that no designated beneficiary survives the retiree, such benefits as are payable in the event of the death of the retiree subsequent to his retirement shall be paid as provided in section 70-74.5.
- (d) The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.
- (e) A retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
- (f) Notwithstanding anything herein to the contrary, the board in its discretion, may elect to make a lump sum payment to a member or a member's beneficiary in the event that the total commuted value of the monthly income payments to be paid do not exceed \$1,000.00. Any such payment made to any person pursuant to the power and discretion conferred upon the board by the preceding sentence shall operate as a complete discharge of all obligations under the system with regard to such member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-68. - Finances and fund management. Establishment and operation of fund. Investment of retirement funds.

- (a) As part of the system, there is hereby established the fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the system.
- (b) The actual custody and supervision of the fund (and assets thereof) shall be vested in the board. Payment of benefits and disbursements from the fund shall be made by the custodian but only upon written authorization from the board.
- (c) The board shall deposit the funds of the firefighters' retirement trust fund in a qualified public depository as defined in F.S. § 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of F.S. ch. 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the board, in the investment of all fund assets.
- (d) All funds and securities of the system may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:
 - (1) Current amounts of accumulated contributions of members on both an individual and aggregate account basis, and
 - (2) Receipts and disbursements, and
 - (3) Benefit payments, and
 - (4) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the city, and
 - (5) All interest, dividends and gains (or losses) whatsoever, and
 - (6) Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.
- (e) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the system showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.
- (f) The board shall have the following investment powers and authority:
 - (1) The board shall be vested with full legal title to said fund, subject, however, and in any event, to the authority and power of the Eustis City Commission to amend or terminate this fund, provided that no amendment or fund termination shall ever result in the use of any assets of this fund except for the payment of regular expenses and benefits under this system, except as otherwise provided herein. All contributions from time to time paid into the fund, and the income thereof, without distinction between principal and income shall be held and administered by the board or its agent in the fund and the board shall not be required to segregate or invest separately any portion of the fund.
 - (2) All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be subject to the following:
 - a. Notwithstanding any limitation provided for in F.S. ch. 175, to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior city ordinances to the contrary, all monies paid into or held in the fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as

shall be approved by the board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than 25 percent of the assets of the fund at market value be invested in foreign securities.

- b. The board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the board at least annually.
- c. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1 IRS Notice 2012-6 and Revenue Ruling 2014-24, or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Code, individual retirement accounts that are exempt under section 408(e) of the Code, eligible governmental plans that meet the requirements of section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the Code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
 1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
 2. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
 3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.
- (3) At least once every three years, and more often as determined by the board, the board shall retain a professionally qualified independent consultant, as defined in F.S. § 175.071, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the board at its next regularly scheduled meeting.
- (4) The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the system.
- (5) Neither the board nor any trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the fund, except that due to his or its own negligence, willful misconduct or lack of good faith.
- (6) The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the fund.
- (7) The board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with

the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.

- (8) The board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.
- (9) Where any action which the board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a member, the city, or any other entity, of specific information, certification, direction or instructions, the board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.
- (10) Any overpayments or underpayments from the fund to a member, retiree or beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the member, retiree or beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.
- (11) The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits provided for herein.
- (12) In any application to or proceeding or action in the courts, only the board shall be a necessary party, and no member or other person having an interest in the fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.
- (13) Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-69. - Retirement age.

- (a) A member's normal retirement age is the earlier of the attainment of age 55 and the completion of ten years of credited service, or upon the attainment of age 52 and the completion of 25 years of credited service. Each member shall become 100 percent vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the city after attaining normal retirement age.
- (b) *Early retirement date.* A member may retire, with the consent of the city, on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 50 and the completion of ten years of credited service. Early retirement under the system is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-70. - Definitions.

- (a) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a member's own contributions without interest. For those members who purchase credited service with interest or at no cost to the system, any payment representing the amount attributable to member contributions based on the applicable member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such credited service, shall be included in accumulated contributions.

Actuarial equivalent means a benefit or amount of equal value, based upon the RP-2000 Combined Healthy Unisex Mortality Table and an interest rate equal to the investment return assumption set forth in the last actuarial valuation report approved by the board. This definition may only be amended by the city pursuant to the recommendation of the board using assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

Average final compensation:

- (1) Average final compensation for a full-time firefighter means one-twelfth of the average salary of the five best years of the last ten years of credited service prior to retirement, termination or death, or the career average as a full-time firefighter since July 1, 1953, whichever is greater. A year shall be 12 consecutive months.
- (2) The average final compensation for a volunteer firefighter means the average salary of the ten best contributing years prior to change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a volunteer firefighter since July 1, 1953, whichever is greater. A year shall be 12 consecutive months.

Beneficiary means the person or persons entitled to receive benefits hereunder at the death of a member who has or have been designated in writing by the member and filed with the board. If no such designation is in effect, or if no person so designated is living, at the time of death of the member, the beneficiary shall be the estate of the member.

Board means the board of trustees, which shall administer and manage the system herein provided and serve as trustees of the fund.

City means City of Eustis, Florida.

Code means the Internal Revenue Code of 1986, as amended from time to time.

Credited service means the aggregate number of years of service and fractional parts of years of service of any firefighter, omitting intervening years and fractional parts of years when such firefighter may not have been employed by the municipality, subject to the following conditions:

- (1) A firefighter may not receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the firefighter repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member has at least 90 days after his or her reemployment to make repayment.
- (2) A firefighter may voluntarily leave his or her contributions in the fund for five years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a firefighter.
- (3) If the firefighter is not reemployed as a firefighter with the same department within five years, his or her contributions shall be returned without interest.
- (4) Credited service under this chapter shall be provided only for service as a firefighter employed by the city or for military service and does not include credit for any other type of service.
- (5) The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L. 103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:
 - a. The member is entitled to reemployment under the provisions of USERRA.

- b. The member returns to his employment as a firefighter within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- c. The maximum credit for military service pursuant to this paragraph shall be five years.
- d. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner. Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the city or in the plan year in which the member terminates employment. Effective date means the date on which this ordinance becomes effective.

Firefighter means a person employed solely by the Eustis Fire Department who is certified as a firefighter as a condition of employment in accordance with F.S. § 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

Fund means the trust fund established herein as part of the system.

Member means an actively employed firefighter who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the system adopted by city ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

Plan year means the twelve month period beginning October 1 and ending September 30 of the following year.

Retiree means a member who has entered retirement status.

Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the deferred retirement option plan.

Salary means the total compensation for services rendered to the city as a firefighter reportable on the member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

For service earned under collective bargaining agreements entered into on or after July 1, 2011 (the effective date of the first such agreement being the "effective date" for the purposes of this paragraph), Salary shall not include more than 300 hours of overtime per calendar year and shall also not include payments for accrued unused sick or annual leave. Provided however, in any event, payments for

overtime in excess of 300 hours per year or accrued unused sick or annual leave accrued as of the effective date and attributable to service earned prior to the effective date, may still be included in salary for pension purposes even if the payment is not actually made until on or after the effective date. In any event, with respect to unused sick leave and unused annual leave accrued prior to the effective date, salary will include the lesser of the amount of sick or annual leave time accrued on the effective date or the actual amount of sick or annual leave time for which the retiree receives payment at the time of retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on the effective date.

Compensation in excess of the limitations set forth in section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000.00, as adjusted for cost-of-living increases in accordance with Code section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

Spouse means the member's or retiree's spouse under applicable law at the time benefits become payable.

System means the City of Eustis Municipal Firefighters' Pension and Retirement System as contained herein and all amendments thereto.

(b) *Masculine gender*. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-71. - Firefighter disability benefits.

(a) Firefighters shall be entitled to disability benefits as follows:

- (1) A firefighter may retire from the service of the city under the plan if, prior to his normal retirement date, the firefighter becomes totally and permanently disabled as defined in subsection (2) of this section by reason or any cause other than a cause set out in subsection (3) of this section on or after the effective date of the plan. Such retirement shall be referred to as "disability retirement." Terminated persons, either vested or non-vested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within 30 days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.
- (2) A firefighter will be considered totally disabled if, in the opinion of the board of trustees, he is wholly prevented from rendering useful and efficient service as a firefighter; and a firefighter will be considered permanently disabled if, in the opinion of the board of trustees, such firefighter is likely to remain so disabled continuously and permanently from a cause other than as specified in subsection (3) of this section.

- (3) A firefighter will not be entitled to receive any disability retirement income if the disability is a result of:
 - a. Excessive and habitual use by the firefighter of drugs, intoxicants or narcotics.
 - b. Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots or civil insurrections, or while committing a crime.
 - c. Injury or disease sustained by the firefighter while serving in any armed forces.
 - d. Injury or disease sustained by the firefighter after his employment has terminated.
 - (4) No firefighter shall be permitted to retire under the provisions of this section until examined by a duly qualified physician or surgeon, to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. The board shall not select the member's treating physician or surgeon for this purpose except in an unusual case where the board determines that it would be reasonable and prudent to do so. Any firefighter retiring under this section may be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons, to be selected by the board of trustees for that purpose, to determine if such disability has ceased to exist.
 - (5) The board shall have the power and authority to make the final decisions regarding all disability claims.
- (b) *Calculation and payment of benefit.*
- (1) The benefit payable to a firefighter who retires from the city due to total and permanent disability as a direct result of a disability commencing prior to his normal retirement date is the monthly income payable for ten years certain and life for which, if the firefighter's disability occurred in the line of duty, his monthly benefit shall be the accrued retirement benefit, but shall not be less than 65 percent of his average monthly salary at the time of disability. If the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his average monthly salary at the time of disability.
 - (2) *Payment of benefit.*
 - a. The monthly retirement income to which a firefighter is entitled in the event of his or her disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement, and any portion due for a partial month shall be paid together with the first payment.
 - b. The last payment will be:
 1. If the firefighter recovers from the disability, the payment due next preceding the date of such recovery; or
 2. If the firefighter dies without recovering from the disability, the payment due next preceding his or her death or the 120th monthly payment, whichever is later.
 - c. In lieu of the benefit payment as provided in this subsection, a firefighter may select an optional form as provided in F.S. § 175.171.
 - d. Any monthly retirement income payments due after the death of a disabled firefighter shall be paid to the firefighter's designated beneficiary (or beneficiaries) as provided in F.S. §§ 175.181 and 175.201.
- (c) *Recovery from disability.*
- (1) If the board of trustees finds that a firefighter who is receiving a disability retirement income is, at any time prior to his normal retirement date, no longer disabled, the board of trustees shall direct that the disability retirement income be discontinued. "Recovery from disability" means the ability of the firefighter to render useful and efficient service as a firefighter.

- (2) If the firefighter recovers from disability and reenters as a firefighter, his service shall be deemed to have been continuous; but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered service will not be considered as credited service for the purpose of the plan.
- (3) Any retiree receiving disability benefits under provisions of this ordinance may be required by the board to submit sworn statements of his condition accompanied by a physician's statement (provided at the retiree's expense) to the board annually and may, at any time, be required by the board to undergo additional periodic re-examinations by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the board, to determine if such disability has ceased to exist. The cost of the physical examination and/or re-examination of the member claiming or the retiree receiving disability benefits shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund.

(d) *Presumptions.*

- (1) The presumption in general law set forth at F.S. § 175.231, which provides that certain medical conditions or impairments are presumed to have been accidental and suffered in the line of duty, subject to all limitations and conditions set forth therein, shall be applied to line-of-duty determinations in claims for disability retirement. To the extent that F.S. § 175.231, is amended from time to time, repealed, or replaced, such amendments, repeals, or replacements shall apply to line of duty determinations in disability claims hereunder unless they are inapplicable to pension benefits. This subsection is not intended to expand the scope of the statutory presumption.
- (2) The presumption in general law set forth at F.S. § 112.181, which provides that a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line-of-duty, subject to all limitations and conditions set forth therein, shall be applied to line of duty determinations in claims for disability retirement. To the extent that F.S. § 112.181, is amended from time to time, repealed, or replaced, such amendments, repeals, or replacements shall apply to disability claims hereunder unless they are inapplicable to pension benefits. This subsection is not intended to expand the scope of the statutory presumption.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-72. - Reentry of eligible participants into the firefighters' pension fund.

If a participant who has withdrawn from the firefighters' pension plan is rehired and is eligible to be a participant in the plan within 24 months of withdrawal and termination, the firefighter may reenter the plan at withdrawal level provided the participant repays to the plan the sum equal to the amount the participant withdrew at termination together with interest at the rate of actuarial assumption at the date of the last actuarial study. If the firefighter had not withdrawn his money from the plan, the interest would not be assessed. The payment shall be made within 60 days of rehire or the privilege shall lapse and the firefighter will enter the plan as any other newly employed firefighter. The provision of this section shall not be retroactive.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-73. - Direct transfers of eligible rollover distributions.

(a) *Rollover distributions.*

- (1) *Generally.* This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the system to the contrary that would otherwise limit a

distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- a. *Direct rollover* means a payment by the plan to the eligible retirement plan specified by the distributee.
 - b. *Distributee* means an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse. Effective January 1, 2007, it further includes a nonspouse beneficiary who is a designated beneficiary as defined by Code section 401(a)(9)(E). However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.
 - c. *Eligible retirement plan* means an individual retirement account described in section 408(a) of the Code; an individual retirement annuity described in section 408(b) of the Code; an annuity plan described in section 403(a) of the Code; effective January 1, 2002, an eligible deferred compensation plan described in section 457(b) of the Code which is maintained by an eligible employer described in section 457(e)(1)(A) of the Code and which agrees to separately account for amounts transferred into such plan from this plan; effective January 1, 2002, an annuity contract described in section 403(b) of the Code; a qualified trust described in section 401(a) of the Code; or effective January 1, 2008, a Roth IRA described in section 408A of the Code, that accepts the distributee's eligible rollover distribution. This definition shall also apply in the case of an eligible rollover distribution to the surviving spouse.
 - d. *Eligible rollover distribution* means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code and the portion of any distribution that is not includible in gross income. Effective January 1, 2002, any portion of any distribution which would be includible in gross income as after-tax employee contributions will be an eligible rollover distribution if the distribution is made to an individual retirement account described in section 408(a); to an individual retirement annuity described in section 408(b); to a qualified defined contribution plan described in section 401(a) or 403(a) that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible; or on or after January 1, 2007, to a qualified defined benefit plan described in Code section 401(a) or to an annuity contract described in Code section 403(b), that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.
- (b) *Rollovers or transfers into the fund.* On or after January 1, 2002, the system will accept, solely for the purpose of purchasing credited service to the extent permitted herein, permissible member requested transfers of funds from other retirement or pension plans, member rollover cash contributions and/or direct cash rollovers of distributions made on or after January 1, 2002, as follows:

- (1) *Transfers and direct rollovers or member rollover contributions from other plans.* The system will accept either a direct rollover of an eligible rollover distribution or a member contribution of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Code, from an annuity contract described in section 403(b) of the Code or from an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The system will also accept legally permissible member requested transfers of funds from other retirement or pension plans.
- (2) *Member rollover contributions from IRAs.* The system will accept a member rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over.
- (c) *Elimination of mandatory distributions.* Notwithstanding any other provision herein to the contrary, in the event this plan provides for a mandatory (involuntary) cash distribution from the plan not otherwise required by law, for an amount in excess of \$1,000.00, such distribution shall be made from the plan only upon written request of the member and completion by the member of a written election on forms designated by the board, to either receive a cash lump sum or to rollover the lump sum amount.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-74. - Pre-retirement death.

- (a) *Prior to vesting or eligibility for retirement.* The beneficiary of a deceased member who was not receiving monthly benefits or who was not yet vested or eligible for early or normal retirement shall receive a refund of 100 percent of the member's accumulated contributions without interest.
- (b) *Deceased members vested or eligible for retirement with spouse as beneficiary.* This subsection (b) applies only when the member's spouse is the sole designated beneficiary. The spouse beneficiary of any member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:
 - (1) If the member was vested, but not eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten years, beginning on the date that the deceased member would have been eligible for early or normal retirement, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable. The spouse beneficiary may also elect to receive an immediate benefit, payable for ten years, which is actuarially reduced to reflect the commencement of benefits prior to the early retirement date.
 - (2) If the deceased member was eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten years, beginning on the first day of the month following the member's death or at the deceased member's otherwise early or normal retirement date, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable.
 - (3) A spouse beneficiary may not elect an optional form of benefit, however, the board may elect to make a lump sum payment pursuant to section 70-67.5, subsection (f).
 - (4) A spouse beneficiary may, in lieu of any benefit provided for in (1) or (2) above, elect to receive a refund of the deceased member's accumulated contributions.
 - (5) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above

provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained 70 ½.

- (6) If the surviving spouse beneficiary commences receiving a benefit under subsection (1) or (2) above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the spouse beneficiary's estate in a lump sum.
- (c) *Deceased members vested or eligible for retirement with non-spouse beneficiary.* This subsection applies only when the member's spouse is not the beneficiary or is not the sole designated beneficiary, but there is a surviving beneficiary. The beneficiary of any member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:
 - (1) If the member was vested, but not eligible for normal or early retirement, the beneficiary will receive a benefit payable for ten years. The benefit will begin by December 31 of the calendar year immediately following the calendar year in which the member died. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation and actuarially reduced to reflect the commencement of benefits prior to the normal retirement date.
 - (2) If the deceased member was eligible for normal or early retirement, the beneficiary will receive a benefit payable for ten years, beginning on the first day of the month following the member's death. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced for early retirement, if applicable.
 - (3) A beneficiary may not elect an optional form of benefit, however the board may elect to make a lump sum payment pursuant to section 70-67.5, subsection (f).
 - (4) A beneficiary, may, in lieu of any benefit provided for in (1) or (2) above, elect to receive a refund of the deceased member's accumulated contributions.
 - (5) If a surviving beneficiary commences receiving a benefit under subsection (1) or (2) above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the surviving beneficiary's estate by December 31 of the calendar year of the beneficiary's death in a lump sum.
 - (6) If there is no surviving beneficiary as of the member's death, and the estate is to receive the benefits, the actuarial equivalent of the member's entire interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
 - (7) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.
- (d) In the event that a death benefit paid by a life insurance company exceeds the limits set forth in F.S. § 175.081, the excess of the death benefit over the limit shall be paid to the firefighters' pension trust fund. However, death benefits as provided pursuant to F.S. § 112.191 or any other state or federal law shall not be included in the calculation of death or retirement benefits provided by this article.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-74.5. - Beneficiaries.

- (a) Each member or retiree shall, on a form provided for that purpose, signed and filed with the board, designate a beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such member or retiree by signing and filing with the board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated beneficiaries to receive any benefits under the system shall cease.

- (b) If a deceased member or retiree failed to name a beneficiary in the manner prescribed in subsection (a), or if the beneficiary (or beneficiaries) named by a deceased member or retiree predeceases the member or retiree, the death benefit, if any, which may be payable under the system with respect to such deceased member or retiree, shall be paid to the estate of the member or retiree and the board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.
- (c) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the system with regard to the deceased member and any other persons with rights under the system and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-75. - Deferred retirement option plan.

- (a) A deferred retirement option plan (DROP) is hereby created.
- (b) A member who is eligible for normal retirement shall be eligible to enter the deferred retirement option plan beginning on the first day of the month following their eligibility for normal retirement or on the first day of any month thereafter. A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least 15 business days after it is received by the board. Participation in the deferred retirement option plan shall be limited to 60 consecutive months. As of the first day of each month of a member's period of participation in the deferred retirement option plan, the monthly retirement benefit he or she would have received under the system had the firefighter terminated employment as a firefighter and elected to receive monthly benefit payments thereunder, shall be transferred to a deferred retirement option plan account created for the member under the system.
- (c) Upon entry into the deferred retirement option plan, a member shall be considered a retired member of the system. The member's benefits shall be calculated as if the member had actually separated from service and no further credited service salary increases, or system changes (except for any additional benefits provided under any cost-of-living adjustment for retirees in the system) shall apply to a member in the deferred retirement option plan for purposes of determining the member's benefit under the system. In all other respects however, the member shall remain an active member of the fire department and otherwise be eligible for all other contractual and job benefits.
- (d) Upon entry into the deferred retirement option plan, a member shall not be permitted to contribute to the system and shall no longer be eligible for disability or retirement death benefits. In the event that a member suffers a disabling injury, the member shall commence a regular service retirement. In the event that a member in the deferred retirement option plan shall die, the member shall be treated the same as any other retired member who dies and any survivorship option which the member may have elected shall be paid in accordance with the provisions of the system. In the event of the death of a member, the deferred retirement option plan benefit shall be distributed to the named beneficiary or beneficiaries. In the event that no beneficiary has been named by the member, the deferred retirement option plan account balance shall be paid to the member's estate. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a firefighter, no amounts shall be paid to him from the system until he terminates his employment as a firefighter. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a firefighter.
- (e) By entering into the deferred retirement option plan, a member agrees to terminate active service with the fire department not later than 60 months following the date of entry into the deferred

retirement option plan. Nothing shall prohibit a member who has entered the deferred retirement option plan or the city from terminating service prior to the expiration of 60 months.

- (f) Upon separation from service and the commencement of the receipt of retirement benefits, a member shall be eligible for distribution of the deferred retirement option plan account. The deferred retirement option plan account may be distributed in a lump sum, may be rolled over to another qualified retirement system, may be made in periodic payments, or any other form approved by the board of trustees. In no instance shall the method of distribution result in the payment of any amount which exceeds the balance in the deferred retirement option plan account. Except as otherwise provided in this subsection, distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a member's DROP account will not be made unless the member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum or a rollover of the lump sum amount.
- (g) A member's participation in the deferred retirement option plan shall cease when either of the first occurs:
 - (1) Continuation of his employment as a firefighter at the end of his period of participation in the deferred retirement option plan as determined under subsection (e) of this section
 - (2) Termination of his employment as a firefighter.

Upon the member's termination of participation in the deferred retirement option plan, all amounts provided for in subsection (b) of this section, including monthly benefits and investments earnings and losses and interest, shall cease to be transferred from the system to his deferred retirement option plan account. A member who terminates his participation in the deferred retirement option plan under this section shall not be permitted to again become a participant in the deferred retirement option plan.

- (h) A member's deferred retirement option plan account shall be debited or credited after each fiscal year quarter with either: (i) interest at the rate applicable to the Florida Retirement System deferred retirement option plan for the calendar quarter immediately preceding the system's deferred retirement option plan calculation, or (ii) earnings, determined as follows: the average daily balance in a member's deferred retirement option plan account shall be credited or debited at a rate equal to the actual net rate of investment return realized by the system for that quarter. "Net rate of investment return" for the purpose of this subsection is the total return of the assets in which the member's deferred retirement option plan account is invested by the board net of brokerage commissions, transaction costs and management fees. For purposes of calculating earnings on a member's DROP account pursuant to this subsection, brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets. Upon electing participation in the deferred retirement option plan, the member shall elect to receive either interest or earnings on his account to be determined as provided above. The member may, in writing, elect to change his election only once during his deferred retirement option plan participation. An election to change must be made prior to the end of a quarter and shall be effective beginning the following quarter. A member's deferred retirement option plan account shall only be credited or debited with earnings or interest and monthly benefits while the member is a participant in the deferred retirement option plan and after the member dies, retires, or terminates his employment as a firefighter.

If a member is employed by the city fire department after electing to cease participation in the deferred retirement option plan account pursuant to subsection (g) of this section or after participating in the deferred retirement option plan for five years, then beginning with the next payment following cessation of participation or beginning with the member's 61st month of deferred retirement option plan participation, whichever occurs first, the member's deferred retirement option plan account will no longer be credited or debited with earnings or interest, nor will monthly benefits be transferred to the deferred retirement option plan account. All such nontransferred amounts shall be forfeited and continue to be forfeited while the

member is employed by the city fire department. A member employed by the city fire department after five years of deferred retirement option plan participation will still not be eligible for preretirement death or disability benefits, nor will he or she accrue additional credited service.

- (i) *Effect of deferred retirement option plan participation on employment.* Participation in the deferred retirement option plan is not a guarantee of employment and deferred retirement option plan participants shall be subject to the same employment standards and policies that are applicable to employees who are not deferred retirement option plan participants.
- (j) *Distribution limitation.* Notwithstanding any other provision of subsection (d), all distributions from the DROP shall conform to the "minimum distribution of benefits" provisions as provided for herein.
- (k) *Direct rollover of certain distributions.* This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 70-73.
- (l) *Administration of DROP.*
 - (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
 - (2) *Individual accounts, records and reports.* The board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP account, and the board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare and distribute to members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the code and any other applicable laws.
 - (3) *Establishment of rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.
 - (4) *Limitation of liability.*
 - a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
 - b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all

opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.

(m) *General provisions.*

- (1) The DROP is not a separate retirement plan. Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this section 70-75 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.
- (2) *Notional account.* The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.
- (3) *No employer discretion.* The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) *IRC limit.* The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
- (5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.
- (6) *Facility of payment.* If a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (7) *Information.* Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.
- (8) *Prevention of escheat.* If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the system, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the system. Upon such cancellation, the system shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.
- (9) *Written elections, notification.*
 - a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making

notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

- b. Each member or retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or retiree notifies the board of his address.
- (10) *Benefits not guaranteed.* All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.
- (11) *Construction.*
 - a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.
 - b. The titles and headings of the subsections in this section 70-75 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.
- (12) *Forfeiture of retirement benefits.* Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.
- (13) *Effect of DROP participation on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-75.5. - Reemployment after retirement

- (a) Any retiree who is retired under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Reemployment by the city shall be subject to the limitations set forth in this section.
- (b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a firefighter after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of

accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit.

- (c) Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue receipt of benefits during any subsequent employment period.
- (d) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree is eligible to participate in this system, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, credited service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.
- (e) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.
- (f) *DROP participants.* Members or retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-76. - Maximum pension.

- (a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code section 415 and the regulations promulgated thereunder for a qualified retirement plan.
- (b) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary:
 - (1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed 100 percent of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

- (2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-77. - Minimum distribution of benefits.

(a) *General rules.*

- (1) *Effective date.* Effective as of January 1, 1989, the plan will pay all benefits in accordance with a good faith interpretation of the requirements of Code section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Code section 414(d). Effective on and after January 1, 2003, the plan is also subject to the specific provisions contained in this section. The provisions of this section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.
- (2) *Precedence.* The requirements of this section will take precedence over any inconsistent provisions of the plan.
- (3) *TEFRA Section 242(b)(2) Elections.* Notwithstanding the other provisions of this section other than this subsection (a)(3), distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that related to section 242(b)(2) of TEFRA.

(b) *Time and manner of distribution.*

- (1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.
- (2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:
 - a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age 70 ½, if later, as the surviving spouse elects.
 - b. If the member's surviving spouse is not the member's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died.
 - c. If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
 - d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2), distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

- (3) *Death after distributions begin.* If the member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.
 - (4) *Form of distribution.* Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with this section. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of section 401 (a)(9) of the Code and Treasury regulations. Any part of the member's interest which is in the form of an individual account described in section 414(k) of the Code will be distributed in a manner satisfying the requirements of section 401(a)(9) of the Code and Treasury regulations that apply to individual accounts.
- (c) *Determination of amount to be distributed each year.*
- (1) *General requirements.* If the member's interest is paid in the form of annuity distributions under the plan, payments under the annuity will satisfy the following requirements:
 - a. The annuity distributions will be paid in periodic payments made at intervals not longer than one year.
 - b. The member's entire interest must be distributed pursuant to section 70-67, section 70-74, section 70-62.5, or section 70-67.5 (as applicable) and in any event over a period equal to or less than the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. The life expectancy of the member, the member's spouse, or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.
 - (2) *Amount required to be distributed by required beginning date.* The amount that must be distributed on or before the member's required beginning date (or, if the member dies before distributions begin, the date distributions are required to begin under section 70-74) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., monthly. All of the member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.
 - (3) *Additional accruals after first distribution calendar year.* Any additional benefits accruing to the member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.
- (d) *General distribution rules.*
- (1) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Code section 401(a)(9)(G), and effective for any annuity commencing on or after January 1, 2008, the minimum distribution incidental benefit rule under Treasury Regulation section 1.401(a)(9)-6, Q&A-2.
 - (2) The death and disability benefits provided by the plan are limited by the incidental benefit rule set forth in Code section 401(a)(9)(G) and Treasury Regulation section 1.401-1(b)(1)(i) or any

successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25 percent of the cost for all of the members' benefits received from the retirement system.

(e) *Definitions.*

- (1) *Designated beneficiary* means the individual who is designated as the beneficiary under the plan and is the designated beneficiary under section 401(a)(9) of the Code and section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.
- (2) *Distribution calendar year* means a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to section 70-74.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-78. - Miscellaneous provisions.

- (a) *Interest of members in system.* All assets of the fund are held in trust, and at no time prior to the satisfaction of all liabilities under the system with respect to retirees and members and their spouses or beneficiaries, shall any part of the corpus or income of the fund be used for or diverted to any purpose other than for their exclusive benefit.
- (b) *No reduction of accrued benefits.* No amendment or ordinance shall be adopted by the city commission of the city of Eustis which shall have the effect of reducing the then vested accrued benefits of members or a member's beneficiaries.
- (c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the code for a qualified plan under Code section 401(a) and a governmental plan under Code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.
- (d) *Use of forfeitures.* Forfeitures arising from terminations of service of members shall serve only to reduce future city contributions.
- (e) *Prohibited transactions.* Effective as of January 1, 1989, a board may not engage in a transaction prohibited by Code section 503(b).
- (f) *USERRA.* Effective December 12, 1994, notwithstanding any other provision of this system, contributions, benefits and service credit with respect to qualified military service are governed by Code section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. To the extent that the definition of "credited service" sets forth contribution requirements that are more favorable to the member than the minimum compliance requirements, the more favorable provisions shall apply.
- (g) *Vesting.*
 - (1) Member will be 100 percent vested in all benefits upon attainment of the plan's age and service requirements for the plan's normal retirement benefit; and
 - (2) A member will be 100 percent vested in all accrued benefits, to the extent funded, if the plan is terminated or experiences a complete discontinuance of employer contributions.
- (h) *Electronic forms.* In those circumstances where a written election or consent is not required by the plan or the code, an oral, electronic, or telephonic form in lieu of or in addition to a written form may

be prescribed by the board. However, where applicable, the board shall comply with Treas. Reg. § 1.401(a)-21.

- (i) *Compliance with chapter 175, Florida Statutes.* It is intended that the system will continue to qualify for funding under F.S. ch. 175-101, et seq. Accordingly, unless otherwise required by law, any provision of the system which violates the requirements of F.S. ch. 175, as amended from time to time, shall be superseded by and administered in accordance with the requirements of such chapter.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-79. - Repeal or termination of system.

- (a) This ordinance establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.
- (b) If this ordinance shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in F.S. ch. 121, the board shall continue to administer the system in accordance with the provisions of this ordinance, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting 100 percent of benefits accrued to date of repeal and such benefits shall be nonforfeitable.
- (c) The fund shall be distributed in accordance with the following procedures:
 - (1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.
 - (2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each firefighter entitled to benefits under the plan as specified in subsection (3).
 - (3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the firefighter's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the firefighter.
 - (4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the state of the state's contributions, provided that, if the excess is less than the total contributions made by the city and the state to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the state.
 - (5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3). If, after 24 months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued,

the city or the board of the fund affected has not complied with all the provisions in this section, the Florida Department of Management Services will effect the termination of the fund in accordance with this section.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-80. - Domestic relations orders; retiree directed payments; exemption from execution, non-assignability.

(a) *Domestic relations orders.*

- (1) Prior to the entry of any domestic relations order which affects or purports to affect the system's responsibility in connection with the payment of benefits of a retiree, the member or retiree shall submit the proposed order to the board for review to determine whether the system may legally honor the order.
- (2) If a domestic relations order is not submitted to the board for review prior to entry of the order, and the system is ordered to take action that it may not legally take, and the system expends administrative or legal fees in resolving the matter, the member or retiree who submits such an order will be required to reimburse the system for its expenses in connection with the order.

(b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums as permitted by F.S. ch. 175 and to make any payments for child support or alimony.

(c) *Exemption from execution, non-assignability.* Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the accumulated contributions and the cash securities in the fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-81. - Pension validity.

The board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the board.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-82. - Certain offenses; forfeiture of pension.

(a) *Definitions.*

- (1) *Conviction* means an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the senate of an impeachable offense.
- (2) *Court* means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.
- (b) Any member who is convicted of the following offenses committed prior to retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this system, except for the return of his accumulated contributions as of the date of termination. Specified offenses are as follows:
 - (1) The committing, aiding or abetting of an embezzlement of public funds;
 - (2) The committing, aiding or abetting of any theft by a public officer or employee from employer;
 - (3) Bribery in connection with the employment of a public officer or employee;
 - (4) Any felony specified in F.S. ch. 838;
 - (5) The committing of an impeachable offense;
 - (6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position; or
 - (7) The committing on or after October 1, 2008, of any felony defined in F.S. Section 800.04, against a victim younger than 16 years of age, or any felony defined in F.S. ch. 794, against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.
- (c) Prior to forfeiture, the board shall hold a hearing on which notice shall be given to the member whose benefits are being considered for forfeiture. Said member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the member shall be afforded a full opportunity to present his case against forfeiture.
- (d) Any member who has received benefits from the system in excess of his accumulated contributions after member's rights were forfeited shall be required to pay back to the fund the amount of the benefits received in excess of his accumulated contributions. The board may implement all legal action necessary to recover such funds.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-83. - Conviction and forfeiture; false, misleading or fraudulent statements.

- (a) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the system.
- (b) A person who violates subsection (a) commits a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or § 775.083.
- (c) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (a), a member or beneficiary of the system may, in the discretion of the board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the

system. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-84. - Indemnification.

- (a) To the extent not covered by insurance contracts in force from time to time, the city shall indemnify, defend and hold harmless members of the board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the board. The city reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the board from the judgment, execution, or levy thereon.
- (b) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the city immunity from any suit in whole or part, or waive any other substantive or procedural rights the city may have.
- (c) This section shall not apply nor shall the city be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the board which constitute felonies or gross malfeasance or gross misfeasance in office.

(Ord. No. [18-16](#), § 1, 7-19-2018)

Sec. 70-85. - Supplemental benefit component for special benefits; chapter 175 share accounts.

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous sections of this plan, such benefit to be funded solely and entirely by F.S. ch. 175, premium tax monies for each plan year which are allocated to this supplemental defined contribution component for special benefits as provided for in F.S. § 175.351. Amounts allocated to this supplemental component ("Share Plan"), if any, shall be further allocated to the members and DROP participants as follows:

- (1) *Individual member share accounts.* The board shall create individual "member share accounts" for all actively employed plan members and DROP participants and maintain appropriate books and records showing the respective interest of each member or DROP participant hereunder. Each member or DROP participant shall have a member share account for his share of the F.S. ch. 175 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate member share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.
- (2) *Share account funding.*
 - a. Individual member share accounts shall be established as of September 30, 2017 for all members and DROP participants who were actively employed as of October 1, 2016 and for each member who becomes employed thereafter. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (3) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2017.

- b. Any forfeitures as provided in subsection (4), shall be used as part of future allocations to the individual member share accounts in accordance with the formula set forth in subsection (3)a.

(3) *Allocation of monies to share accounts.*

a. *Allocation of chapter 175 contributions.*

1. Effective as of September 30, 2016, the amount of any premium tax monies allocated to the share plan shall be allocated to individual member share accounts as provided for in this subsection. Members retiring on or after October 1, 2016 and prior to September 30, 2017 shall receive an allocation. In addition, all premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual member share accounts at the end of each plan year on September 30 (a "valuation date").
2. On each valuation date, each current actively employed member of the plan not participating in the DROP, each DROP participant and each retiree who retires or DROP participant who has terminated DROP participation in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a deceased member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:
3. The total funds subject to allocation on each valuation date shall be allocated to each member share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of credited service of the deceased member or DROP participant.
4. For the purposes of establishing and maintaining share accounts, Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

- b. *Allocation of investment gains and losses.* On each valuation date, each individual member share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees. Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date. For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- c. *Allocation of costs, fees and expenses.* On each valuation date, each individual member share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual member share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual member share account (after

adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.

- d. *No right to allocation.* The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the chapter 175 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this section.
 - e. Members and DROP participants shall be provided annual statements setting forth their share account balance as of the end of the plan year.
- (4) *Forfeitures.* Any member who has less than ten years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (5) shall forfeit his individual member share account. Forfeited amounts shall be included and used as part of the chapter 175 tax revenues for future allocations to individual member share accounts on each valuation date in accordance with the formula set forth in subsection (3)a.
- (5) *Eligibility for benefits.* Any member (or his beneficiary) who terminates employment as a firefighter with the city or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:
- a. *Retirement benefit.*
 - 1. A member shall be entitled to 100 percent of the value of his share account upon normal or early retirement pursuant to section 70-67, or if the member enters the DROP, upon termination of employment.
 - 2. Such payment shall be made as provided in subsection (6).
 - b. *Termination benefit.*
 - 1. In the event that a member's employment as a firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with 70-62.5.
 - 2. Such payment shall be made as provided in subsection (6).
 - c. *Disability benefit.*
 - 1. In the event that a member is determined to be eligible for a disability benefit pursuant to Section 70-71, he shall be entitled to 100 percent of the value of his share account.
 - 2. Such payment shall be made as provided in subsection (6).
 - d. *Death benefit.*
 - 1. In the event that a member or DROP participant dies while actively employed as a firefighter, 100 percent of the value of his member share account shall be paid to his designated beneficiary as provided in section 70-74.
 - 2. Such payment shall be made as provided in subsection (6).
- (6) *Payment of benefits.* If a member or DROP participant terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (3) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than 150 days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.
- (7) *Benefits not guaranteed.* All benefits payable under this section 70-85 shall be paid only from the assets accounted for in individual member share accounts. Neither the city nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund

share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the member share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

- (8) *Notional account.* The member share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member or DROP participant until the member's or DROP participant's termination from employment. The member or DROP participant has no control over the investment of the share account.
- (9) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (10) *Maximum additions.* Notwithstanding any other provision of this section, annual additions under this section shall not exceed the limitations of section 415(c) of the Code.
- (11) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

(Ord. No. [18-16](#), § 1, 7-19-2018)

Secs. 70-86—70-100. - Reserved.



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Resolution Number 22-78: Approval of Annual Purchases in Excess of \$50,000

Introduction:

The City Purchasing Ordinance requires that City Commission approve any purchase exceeding \$50,000. Resolution No. 22-78 authorizes seven (7) annual purchases in excess of \$50,000 each for products that are essential to the Public Works Street, Sidewalk, and Parks Maintenance Programs.

Background:

1. The Public Works Department requires asphalt purchases in excess of \$50,000 to complete the fiscal year 2022-2023 resurfacing projects and other asphalt projects that arise during the fiscal year. Orlando Paving Company is the lowest quote with a proposed cost of \$90.00 per ton of S-3 recycled asphalt and \$125 per ton of S-3 virgin asphalt. Middlesex Asphalt is charging \$95 per ton for S-3 recycled asphalt and \$150 per ton of S-3 virgin asphalt. Requests for quotes were also sent to APAC and DAB but neither responded. The purchase of asphalt was included in the approved budget for this fiscal year. Last fiscal year (21-22), the cost of asphalt was over \$200,000. With only two companies available to supply asphalt, Staff is asking to waive the bidding process and request awarding the contract to Orlando Paving Company.
2. The Public Works Department requires the application of an asphalt-rejuvenating agent (resealing) on various streets as part of the 2022-2023 street maintenance plans. Pavement Technology, Inc. is the contracted service provider, piggybacked with Volusia County. The estimated cost of their services is over \$50,000 per year, which was included in the approved budget for the current fiscal year.
3. The Public Works Department requires concrete purchases potentially in excess of \$50,000. This is for concrete work related to the fiscal year 2022-2023 Sidewalk/Mobility Plan and other concrete projects, which may arise throughout the year. Argos Ready Mix is the lowest quote with a proposed cost of \$155.00 per cubic yard. A-1 Block proposed a cost of \$178 per cubic yard. A request for quote was sent to CEMEX but they did not reply. The purchase of concrete was included in the approved budget for this fiscal year. Staff is requesting to award the contract to Argos Ready Mix.
4. The Public Works Department has always utilized temporary labor services to some extent to allow for the adjustment of workforce capabilities for various projects. The

Department utilizes the laborers for a range of tasks when deemed safe and cost effective. The proposed vendor is Labor Finders based on the low quote of \$21.19/hour for semi-skilled labor. People Ready proposed \$24.77/hour for semi-skilled labor. A quote request was also sent to PRT, but there was no response. The cost of these services will potentially exceed \$50,000 and was included in the approved budget for the 2022-2023 fiscal year. Staff is requesting to award the contract to Labor Finders.

5. The Public Works Department expects to spend in excess of \$50,000 for lime rock to complete the fiscal year 2022-2023 resurfacing projects and other projects, which may arise throughout the fiscal year. The proposed vendor is Dixie Lime & Stone Company, the only company to respond. There were two other requests issued, Bucky's and CEMEX, but neither responded. Staff is requesting to award the contract to Dixie Lime & Stone Company.
6. The Public Works Department requires the rental of a milling machine, with crew, to mill various City streets, as part of the 2022-2023 street resurfacing plan. The lowest of two quotes received was from Turtle Southeast for \$3,800 for the rental of the machine with crew per 8-hour shift. Mill-It Corporation quoted \$4,000 for the same services. Requests were also sent to DAB and Trans-Premier but neither responded. The estimated cost for this service is potentially over \$50,000 to meet this year's resurfacing schedule, which was included in the approved budget for this fiscal year. Staff is requesting to award the contract to Turtle Southeast.
7. The Public Works Department uses two different quality of mulch during the year. Cypress Landscaping Mulch is used for general purposes throughout the City's landscaping. Boyett Mulch & Timber is the lowest quote out of two vendors with a proposed cost of \$20.00 per cubic yard for Cypress Mulch. Florida Mulch, Inc. quoted \$37.70 for the same product. Elixson Wood Products stated they do not carry clean cypress mulch. Staff is requesting to award the contract to Boyett Mulch & Timber.

For children's playground mulch, a quality better than cypress mulch is used, ADA Approved Certified Engineered Wood Fiber Playground Mulch. Request for quotes for playground mulch were issued to seven (7) different companies: Boyett Mulch & Timber, Dominica, Miller Recreation, Miracle, Yardstop, Zeager, and Playmore. Boyett Mulch & Timber was the only one to respond at \$24.00 per cubic yard, the same as last year. The purchase of mulch was included in the approved budget for this fiscal year. Staff is requesting to award the contract to Boyett Mulch & Timber. The total cost for Cypress Landscaping Mulch and Children's Playground Mulch combined has the potential of exceeding \$50,000.

The City purchasing policies require that the Commission approve any purchase that exceeds \$50,000.

Recommended Action:

Staff recommends approval of Resolution 22-78.

Policy Implications:

n/a

Alternatives:

1. Approve the Resolution.
2. Defeat or defer the Resolution.

Discussion of Alternatives:

1. Alternative 1 approves Resolution Number 22-78 and authorizes blanket purchase orders for the seven (7) expenditures listed above.

Advantages:

- The City can proceed with uninterrupted maintenance processes.
- The City will carry on with its schedules to keep our roads, sidewalks, and parks safe and maintained.

Disadvantages:

- There are no disadvantages to approving the resolution.

2. Alternative 2 defeats Resolution Number 22-78

Advantages:

- There is no advantage to denying the resolution because these products are required to maintain the City's roads, sidewalks, and parks.

Disadvantages:

- Without these products, our roads, sidewalks, and parks will deteriorate and become dangerous.

Budget/Staff Impact:

The funds for the proposed purchases have been included in the approved Fiscal Year 2022/2023 budget.

Prepared By:

Sally Mayer, Administrative Assistant – Public Utilities

Reviewed By:

Rick Gierok, P.E., Director of Public Works

Attachments:

Resolution Number 22-78

- Quote Comparisons Available Upon Request

RESOLUTION NUMBER 22-78

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING SEVEN (7) EXPENDITURES IN EXCESS OF \$50,000 EACH FOR PRODUCTS THAT ARE ESSENTIAL FOR THE PUBLIC WORKS STREET, SIDEWALK, AND PARKS MAINTENANCE PROGRAMS FOR FISCAL YEAR 2022-2023.

WHEREAS, the Public Works Department has need of essential products for operations which require expenditure greater than \$50,000 each annually; and

WHEREAS, City Purchasing Ordinance requires the City Commission to approve any purchase exceeding \$50,000; and

WHEREAS, the City's Fiscal Year 2022/2023 approved budget includes adequate funding for these products; and

WHEREAS, the Public Works Departments solicited quotes for asphalt, street resealing, concrete, temporary labor, lime rock, milling machine, cypress mulch, and playground mulch in accordance with the City's purchasing policies; and

WHEREAS, Orlando Paving Company has provided the lowest quote for asphalt; Pavement Technology is the lowest provider of street resealing through piggybacking Volusia County's contract; Argos Ready Mix is the lowest bid for concrete; Labor Finders is the lowest bid for temporary labor; Dixie Lime and Stone is the sole responder for lime rock; Turtle Southeast is the lowest price for milling services; Boyett Mulch & Timber submitted the lowest cost for cypress mulch; and Boyett Mulch & Timber was the sole responder for playground mulch.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

- (1) That the Public Works Department is hereby authorized to spend in excess of \$50,000 each for asphalt, street resealing, concrete, temporary labor, lime rock, milling services, cypress mulch, and playground mulch for multiple projects funded within the existing budget; and
- (2) That the City Manager is authorized to execute all agreements necessary to provide said products with the above listed vendors.

DONE AND RESOLVED, this 3rd day of November 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 4th day of November, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-78 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: NOVEMBER 3, 2022

RE: RESOLUTION NUMBER 22-82: APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE UTILITIES ADMINISTRATION HEADQUARTERS BUILDING AT 901 BATES AVE

Introduction:

Resolution Number 22-82 approves an expenditure in excess of \$50,000 for professional architectural services for the Utilities Administration Headquarters Building at 901 Bates Ave and authorizes the City Manager to execute all agreements with KMF Architects to assist in the project design.

Background:

This project includes design of a 2,000 to 2,500 square foot office building, parking for staff and visitors, general local area sitework, and landscaping and irrigation systems. The building will include the following: total occupancy of 6 people; four administrative offices; lobby; supply closet for office essentials; plotter room for wide format plotter, printers, and digital file storage cabinets; small kitchenette without seating; conference room for 8-10 people; small server room with air conditioning; and male and female restrooms without showers. This building will also serve as a secure location for responders during emergency storm situations. The conference room should be enough space for responders to reside during an emergency while they are "locked in" to deploy after the storm has passed. The scope of work for professional architectural services includes:

- **General**
 - KMF will provide architectural services and project management.
 - TLC Engineering Solutions will be a consultant for structural, mechanical, plumbing, electrical, and limited technology.
 - Murray Design Group, Inc will be a consultant for landscape architecture and irrigation.
 - Project to be concluded within 9 months of notice to proceed.
 - Extended schedule due to any reason on behalf of the owner may result in additional compensation to KMF.
 - KMF shall invoice the City monthly or upon each deliverable per agreement.
- **Deliverables**
 - Ten percent concept design package including site and building plans and elevations only
 - Thirty percent, sixty percent, ninety percent, and permit submittals
 - Standard bidding assistance and standard construction administrations not to exceed four site visits during construction

Recommended Action:

Staff recommends approval of Resolution Number 22-82.

Policy Implications:

Not applicable.

Alternatives:

1. Approve Resolution Number 22-82
2. Deny Resolution Number 22-82

Discussion of Alternatives:

1. Alternative 1 approves the Resolution.

Advantages:

- Building will provide a combined office area for Utilities Administration.
- Building will provide a secure location for responders during emergency storm situations.

Disadvantages:

- Fiscal impact of the project.

2. Alternative 2 denies the Resolution.

Advantages:

- The City would not expend \$79,300.

Disadvantages:

- There will not be a combined office area for Utilities Administration.
- There will not be a new, more secure location for responders during emergency storm situations.

Budget/Staff Impact:

The funds for this project were included in the approved Capital Improvement Budget in account number 042-8600-533-66-44.

Prepared By:

Melissa Fuller, Sr. Staff Assistant – Water Department

Reviewed By:

Greg Dobbins, Deputy Director Water/Wastewater
Rick Gierok, P.E., Director of Public Works/City Engineer

Attachment(s):

Resolution Number 22-82

Available Upon Request

KMF Architects Professional Architectural Services – Utilities Administration
Headquarters Building Proposal

RESOLUTION NUMBER 22-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE UTILITIES ADMINISTRATION HEADQUARTERS BUILDING AT 901 BATES AVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS WITH KMF ARCHITECTS ASSOCIATED WITH THE ARCHITECTURAL DESIGN.

WHEREAS, the City's approved Capital Improvement Budget includes funds for the purchase of professional architectural services for a Utilities Administration Headquarters Building; and

WHEREAS, the new building will provide a combined office area for Utilities Administration as well as a secure location for responders during emergency storm situations; and

WHEREAS, KMF Architects submitted a proposal to assist in professional architectural design of the new building; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between KMF Architects and the City, they are offering these professional architectural services for the estimated amount of \$79,300; and

WHEREAS, the City of Eustis Purchasing Ordinance requires that the City Commission approve any purchase in excess of \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Lake County, Florida, that:

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with KMF Architects for the approved purchase; and
- (2) The City Manager is hereby authorized to approve a purchase in excess of \$50,000 for the procurement of professional architectural services for the Utilities Administration Headquarters Building utilizing budgeted funds from account number 042-8600-533-66-44; and
- (3) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and
- (4) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 3rd day of November, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of November, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-82 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Tom Carrino, City Manger

DATE: October 27, 2022

SUBJECT: RESOLUTION NO.22-83: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS (FY2020-JAGC-Residual – 2020-MU-BX-0006)

Introduction:

Resolution No.22-83 authorizes the Mayor and the Chief of Police to accept and utilize funds in the amount of \$15,379.00 from the Federal Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant FY2020-JAGC-Residual – 2020-MU-BX-0006. The grant will be utilized for the purchase of two StarChase Pursuit Management Systems. The acquisition of the StarChase System will greatly increase both officer and public safety, by giving the Eustis Police Department the ability to apprehend fleeing suspects without prolong and dangerous vehicle pursuits. One of the most perilous activities that law enforcement engages in is a vehicle pursuit. Such pursuits are dangerous and place both law enforcement and the public at risk. When suspects attempt to flee, law enforcement is faced with the decision to pursue or allow the suspect to escape (and attempt to apprehend at a later time). Either decision has the potential to place officers and the public at risk. The addition of the StarChase system to the techniques already available would alleviate the need for the officers of the Eustis Police Department to choose between engaging or not engaging in a vehicle pursuit; when encountering unknown or dangerous individuals intent on fleeing during routine encounters, traffic stops, or arrest situations.

The StarChase system is a patented product exclusively manufactured by StarChase, LLC. It can be utilized as a vehicle mounted or handheld device (vehicle mounted appears to be the most preferred, and is the method that the Eustis Police Department will utilize), that allow officers to remotely tag a vehicle from a distance with a global positioning system (GPS) tag, which is embedded in a projectile. When the projectile is triggered and launches it makes contact with a suspect's vehicle (usually the rear of the vehicle), which then enables the vehicle to be tracked in real-time giving officers an alternative to a high-speed pursuit.

In addition, the StarChase system provides the following abilities:

- Provides dispatch with real-time field visibility to assist coordinating apprehension, along with the ability to share data with neighboring jurisdictions

- A secure historical data tracking record for analysis and court utilization.
- Integration into existing agency systems, such as Computer Aided Dispatch.
- CoreView secure real-time mapping, which can be downloaded for indefinite historical record keeping, and allows tracking via computer, smartphone or tablet.

Recommended Action:

The administration recommends approval of Resolution No. 22-83.

Background:

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation, data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs.
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

The Eustis Police Department has determined the following:

The best use of the current FY2020-JAGC-Residual – 2020-MU-BX-0006 award of \$15,379.00 would be the purchase of two StarChase Pursuit Management Systems.

The FY2020-JAGC-Residual – 2020-MU-BX-0006 grant award will allow the Eustis Police Department to acquire two StarChase Pursuit Management Systems. The acquisition of the StarChase Systems will significantly increase the ability of the Eustis Police Department to protect the citizens of the City of Eustis, while at the same time increasing officer safety, and its ability to assist other law enforcement agencies within the area.

Community Input:

There has been no specific community input associated with this resolution.

Budget/ Staff Impact:

The approximate \$15,379.00 purchase of the StarChase Pursuit Management System has a budget impact of approximately \$0.00 beyond the grant award of \$15,379.00. No monies from the police department's general fund will need to be utilized to cover the approximate \$0.00 difference.

Reviewed By:

Craig A. Capri, Chief of Police

Prepared By:

Richard J. Cerniglia, Accreditation and Grants Compliance Manager

RESOLUTION NUMBER 22-83

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO ACCEPT AVAILABLE FEDERAL FISCAL YEAR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM RESIDUAL FUNDS; AND AUTHORIZING THE CITY'S FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGET ADJUSTMENTS TO REFLECT THE AWARD AND EXPENDITURE OF THESE FUNDS.

WHEREAS, the Florida Department of Law Enforcement (FDLE) has notified the City of Eustis Police Department of the award of \$15,379.00 from Federal Fiscal Year (FFY) 2020, Edward Byrne Memorial Justice Assistance Grant Program Residual Funding (FY2020-JAGC-Residual – 2020-MU-BX-0006) for use by the City of Eustis Police Department; and

WHEREAS, the City of Eustis Police Department has submitted a Grant Application and is required to execute a Certificate of Acceptance of Subgrant Award; and

WHEREAS, the City of Eustis Police Department has determined the need to purchase two StarChase Pursuit Management Systems; and

WHEREAS, the aforementioned Edward Byrne Memorial Justice Assistance Grant Program (FY2020-JAGC-Residual – 2020-MU-BX-0006) funds can be used to pay for the cost of purchasing two StarChase Pursuit Management Systems; and

WHEREAS, Generally Accepted Accounting Principles necessitate the funds be budgeted and expended out of the FY2023 accounting period.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

1. That the Mayor and Chief of Police are hereby authorized to accept available Edward Byrne Memorial Justice Assistance Grant Program (FY2020-JAGC-Residual – 2020-MU-BX-0006) funds.
2. That upon receipt of the funds, the City's Finance Director is hereby authorized to make the necessary budget adjustments to reflect the award and expenditure of the aforementioned Edward Byrne Memorial Justice Assistance Grant Program (FY2020-JAGC-Residual – 2020-MU-BX-0006) funds.

DONE AND RESOLVED, this 3rd day of November, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran
City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 4th day of November, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-83 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Resolution Number 22-75: Preliminary Subdivision Plat for Grand Island Subdivision

Introduction:

Resolution Number 22-75 approves a Preliminary Subdivision Plat for a 40-lot single-family detached residential subdivision on 10.7 acres on the northeast corner of the intersection of Grand Island Shores Road and South Fish Camp Road.

Background:

Site Information

The proposed development is to be located on an upland, wooded and vacant, 10.7- acre parcel. There is no flood plain or wetland impacting the development of the property. There is significant grade change (+/-30 feet) from the northeast corner to the southwest corner, which requires significant grading and tree removal from the site for the proposed development to occur.

The site and surrounding properties' land uses, design district designations, and existing uses are shown below.

	Future Land Use	Existing Use	Design District
Site	Suburban Residential	Vacant	Suburban Neighborhood
North	Suburban Residential	Single-Family	Suburban Neighborhood
South	Suburban Residential	Single-Family	Suburban Neighborhood
East	Lake County Urban Low	Single-Family	Lake County Zoning R-1
West	Public Institutional	Water Plant	Suburban Neighborhood

- a. The site is NOT located in the Wekiva Study Area and is NOT in a high recharge area.

- b. On September 27, 2022, the Development Review Committee recommended approval of the project to proceed to City Commission for approval consideration.

Proposed Development

Per Exhibit A attached to the resolution, the applicant is requesting approval of a Preliminary Subdivision Plat of a residential subdivision to include 40-lots for single-family detached residences.

Subdivision Component	Code	Provided
Gross Area	n/a	10.721 acres
Net Area (gross area less wetlands, water bodies, flood zones)	n/a	10.721 acres
Lot Typology	House Lot (55 feet by 120 feet)	40
Density	5 dwelling units/acre maximum	3.73 dwelling units/acre
Open Space	25% minimum (2.68 acres)	2.732 acres
Park Space	.5 acres	.5 acres within open space
Impervious Surface	40% maximum	33.3%

The preliminary subdivision plat provides for one ingress / egress point on Grand Island Shores Road and provides for one emergency access point as a gated stabilized drive from South Fish Camp Road.

Analysis of Request According to Applicable Policies and Codes:

Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.3, 109-3, 109-4: Suburban Residential (SR) This designation is provided to accommodate the majority of residential development within the City. **General Range of Uses:** This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools... **Maximum Density/Intensity:** Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions. **Maximum Impervious Surface Area:** 40%; **Minimum open space:** required 25% ...

The preliminary subdivision plat provides for single-family detached homes at a maximum density of 3.73 units per acre (allowed up to 5 du/ac). The plan provides for roadway, sidewalks and maximum lot coverage of less than the maximum 40% impervious surface area. The proposed subdivision is not within the Wekiva Study

Area and has provided the required 25% open space for the Suburban Residential land use. The proposed preliminary subdivision plat is consistent with the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

- b. Land Development Regulations – Design Districts Section 109-5.5 Suburban development patterns: Intent. The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Nonresidential uses are primarily located on corridors, districts and a mix of uses is prominent in centers. Each land use provides for pedestrian and bicycle connections.

The subdivision layout meets the intent of the suburban neighborhood development district. One subdivision entrance is provided on Grand Island Shores Road with an emergency only additional access for fire and emergency vehicles located off from South Fish Camp Road to be used in the event the main entrance is blocked. Sidewalks are provided throughout the subdivision and along the public road frontages of Grand Island Shores Road and South Fish Camp Road.

Land Development Regulations – Building Lot Types – Section 110-4.2 House Lot

Minimum house lot requirements in Suburban design districts include the following:

Width of 55-feet; Depth of 120-feet; Square Footage of 6,600 feet

Minimum setback requirements for House Lots in Suburban design districts include the following:

Street setback of 25-feet; Common lot setback of 5-feet; Rear setback of 10-feet

The subdivision plat proposed House Lot typologies, which lots meet the minimum dimensional criteria of the Land Development Regulations. The typical lot section provided demonstrates the plan for these house lots meet or exceed the minimum setback requirements.

- d. Land Development Regulations – Chapter 115 General Building and Site Design Standards

Section 115-3.2. (a), (b) and address suburban districts and residential compatibility as follows:

- (a) Suburban residential compatibility. The maximum residential density permitted within any suburban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

The maximum residential density of the Suburban Residential future land use district is 5 dwelling units per acre, the subdivision proposes a density of 3.73 dwelling units per acre.

- (b) When any suburban design district abuts an existing development in a suburban district, and proposed new residential lots will share a common boundary with existing or platted lots:
- (1) The width of the new lots may be no more than 150 percent of the width of the existing or platted lots, unless:
- a. The existing or platted lots are non-conforming to the suburban design district standards;
 - b. Central sewer service is not available.

The property subject to this request has a Suburban Neighborhood Design district designation. The property abuts a City water treatment plant property on the east, which does not include residential lots. To the north is existing residential, unincorporated property. The properties to the north are part of the Midland Heights plat recorded in Plat Book 6, page 68. These lots were platted as 25-foot by 140-foot individual lots and have been developed with residential home on unified lots of 3 to 4 of the platted Midland Heights lots. The proposed 50 foot by 120 foot lots are not inconsistent with Section 115-3.2. (b).

Sections 115-7, 8 and 9 outline standards for transportation, parks, and landscaping. A traffic impact analysis (TIA) was prepared for the subdivision and submitted for review by Lake County Public Works and the city's transportation consultant, Kimley-Horn. The transportation impacts were found to be de-minimus.

Regarding parks, the subdivision plan provides for walking paths with benches and amenities connected to the subdivision sidewalk system, and the stormwater tracts are accessible to the public for passive recreational use. The provided park space on the subdivision plan meets the minimum park space required by the Land Development Regulations (minimum 0.50).

Landscape buffers are proposed in compliance with city regulations along Grand Island Shores Road and South Fish Camp Road. The applicant has provided an alternative replanting plan to partially offset the necessary removal of the trees on most of the site. In addition to the required trees in the landscape buffers, the applicant has provided a plan detaining providing additional trees on stormwater pond edges and additional trees in open space area that are above the required number of trees.

Recommended Action:

Staff recommends approval of the Grand Island Subdivision Preliminary Subdivision Plat, as the proposed density of 3.73 units per acre falls below the maximum for the Suburban Residential land use district and the subdivision plan meets or exceeds required design standards per the Land Development Regulations.

Policy Implications:

None

Alternatives:

1. Approve Resolution Number 22-75
2. Deny Resolution Number 22-75

Discussion of Alternatives:

Alternative 1 approves Resolution Number 22-75

Advantages:

- The property owner can move forward with the proposed development.
- The action will provide for new residential development, potential job creation in the city, and increased tax revenue.
- The action is consistent the Commission's Strategic Plan policies to encourage economic development.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

Disadvantages:

- None

Alternative 2 denies Resolution Number 22-75.

Advantages:

- The Commission could request modifications to the preliminary plat layout.

Disadvantages:

- The property owner could not develop according to the submitted preliminary plat.

The City could lose an economic development opportunity.

Budget/Staff Impact:

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspection. Upon end user development, the City would realize increased tax revenue.

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Item 6.1

Reviewed By:

Heather Croney, Senior Planner, Development Services

Mike Lane, AICP, Director, Development Services

RESOLUTION NUMBER 22-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SUBDIVISION PLAT FOR THE GRAND ISLAND SUBDIVISION, A 40-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, ON APPROXIMATELY 10.72 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF GRAND ISLAND ROAD AND SOUTH FISH CAMP ROAD (ALTERNATE KEY NUMBERS 1407745, 2728892, 1462029, 1462037, 1796717, 2510277, 3922792, AND 3922793).

WHEREAS, SPH Grand Isle, LLC has made an application for Preliminary Subdivision Plat approval for a 40-lot, single-family residential subdivision on approximately 10.721 acres located at the north east corner of the intersection of Grand Island Road and South Fish Camp Road, more particularly described as follows:

Alternate Key Numbers: 1407745, 2728892, 1462029, 1462037, 1796717, 2510277, 3922792, and 3922793

Parcel Identification Number: 32-18-26-0004-000-04500, 32-18-26-0004-000-04502, 32-18-26-0300-002-03300, 32-18-26-0300-002-03500, 32-18-26-0300-002-04400, 32-18-26-0300-002-03100, 32-18-26-0300-002-03900, and 32-18-26-0300-002-04600

Legal Description from Survey

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTH 187 FEET OF THE SOUTH 635 FEET OF THE WEST 167 FEET OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST IN LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 31, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 2:

LOTS 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 AND 49, BLOCK 2, MIDLAND HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 93 FEET OF THE SOUTH 541 FEET OF THE WEST 167 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF.

(WRITTEN BY SURVEYOR)

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, "ISLAND PARK", ACCORDING TO THE VACATED PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 31 AND VACATED BY DOCUMENT RECORDED IN DEED BOOK 305, PAGES 69 AND 70, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 00°16'25" WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°16'25" WEST ALONG THE WEST LINE OF LOT 1, ALSO BEING THE EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY), A DISTANCE OF 486.08 FEET TO THE SOUTHWEST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5138, PAGES 321, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 89°41'24" EAST ALONG THE SOUTH LINE OF SAID LAND, A DISTANCE OF 142.01 FEET TO THE SOUTHEAST CORNER OF SAID LAND; THENCE RUN NORTH 00°16'25" WEST ALONG THE EAST LINE OF SAID LAND, A DISTANCE OF 94.00 FEET TO THE NE CORNER OF SAID LAND, ALSO BEING THE SOUTH VACATED RIGHT OF WAY LINE OF PEARCE STREET, ACCORDING TO THE AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN NORTH 89°41'24" WEST ALONG THE NORTH LINE OF SAID LAND AND SAID SOUTH VACATED RIGHT OF WAY LINE, A DISTANCE OF 142.01 FEET TO THE NORTHWEST CORNER OF SAID LAND, ALSO BEING THE AFORESAID EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD; THENCE RUN NORTH 00°16'25" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN SOUTH 89°41'24" EAST ALONG SAID NORTH LINE, A DISTANCE OF 135.21 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 49, BLOCK 2, "MIDLAND HEIGHTS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 68, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 00°18'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 164.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 49; THENCE RUN SOUTH 89°44'34" EAST ALONG THE NORTH LINE OF LOTS 31 THROUGH 49, SAID PLAT OF "MIDLAND HEIGHTS", A DISTANCE OF 500.09 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALSO BEING THE BOUNDARY LINE ACCORDING THE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1182, PAGES 758 THROUGH 760, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 00°13'21" EAST ALONG SAID EAST LINE, A DISTANCE OF 792.45 FEET TO THE NORTH RIGHT OF WAY LINE OF GRAND ISLAND SHORES ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY) AS RECORDED IN OFFICIAL RECORDS BOOK 3961, PAGES 1669 THROUGH 1673, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 89°41'24" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 612.53 FEET; THENCE RUN NORTH 45°00'55" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 31.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 467,003 SQUARE FEET (10.72 ACRES), MORE OR LESS.

WHEREAS, the property described above has a Land Use Designation of Suburban Residential (SR) and a Design District Designation of Suburban Neighborhood; and

WHEREAS, detached single family uses are permitted in the Suburban Residential (SR) land use designation; and

WHEREAS, the proposed preliminary subdivision plat as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

SECTION 1. That the Grand Island Preliminary Subdivision Plat for a 40-lot single-family residential subdivision located at the northeast corner of the intersection of Grand Island Road and South Fish Camp Road, attached hereto as Exhibit "A", is hereby approved.

SECTION 2. That the Preliminary Subdivision Plat shall be subject to the owner/developer complying with the following conditions:

- a) Submit the Final Engineering and Construction Plans and Final Plat complying with all requirements of the City's Comprehensive Plan and Land Development Regulations, the Florida Statutes, and the provisions of this resolution within one year of the approval of this resolution.
- b) Develop the property in accordance with the approved Preliminary Subdivision Plat as referenced in Section 1 and attached hereto as Exhibit "A".
- c) Obtain and provide copies of all applicable permits from other jurisdictional agencies.

DONE AND RESOLVED this 3rd day of November 2022 in regular session of the City Commission of the City of Eustis, Florida.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, CMC, City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 3rd day of November 2022, by Michael L. Holland, Mayor, and Christine Halloran, CMC, City Clerk, who are personally known to me.

 Notary Public - State of Florida
 My Commission Expires:
 Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

 City Attorney's Office

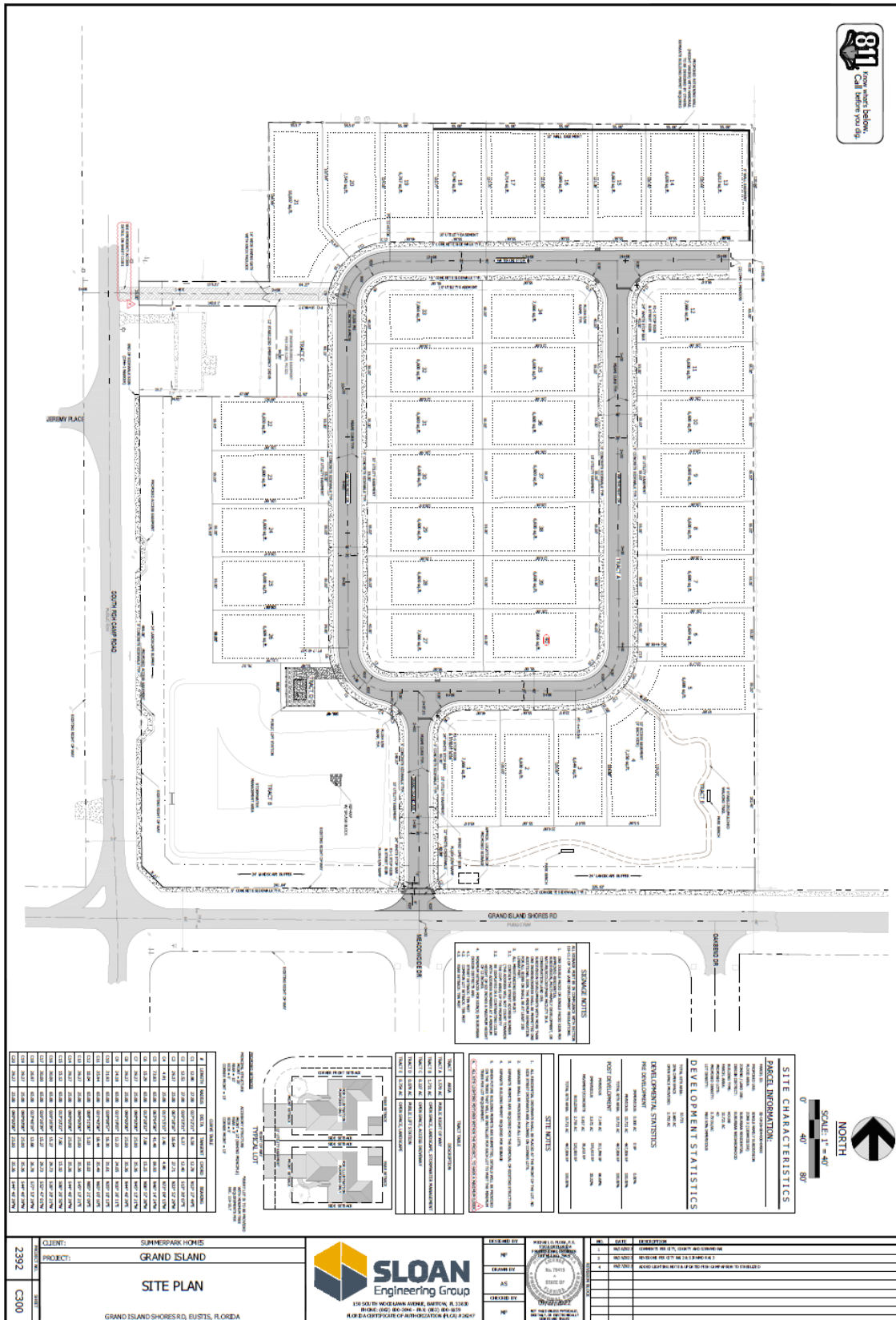
 Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-75 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

 Christine Halloran, CMC, City Clerk

EXHIBIT A



THESE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING REFERENCES

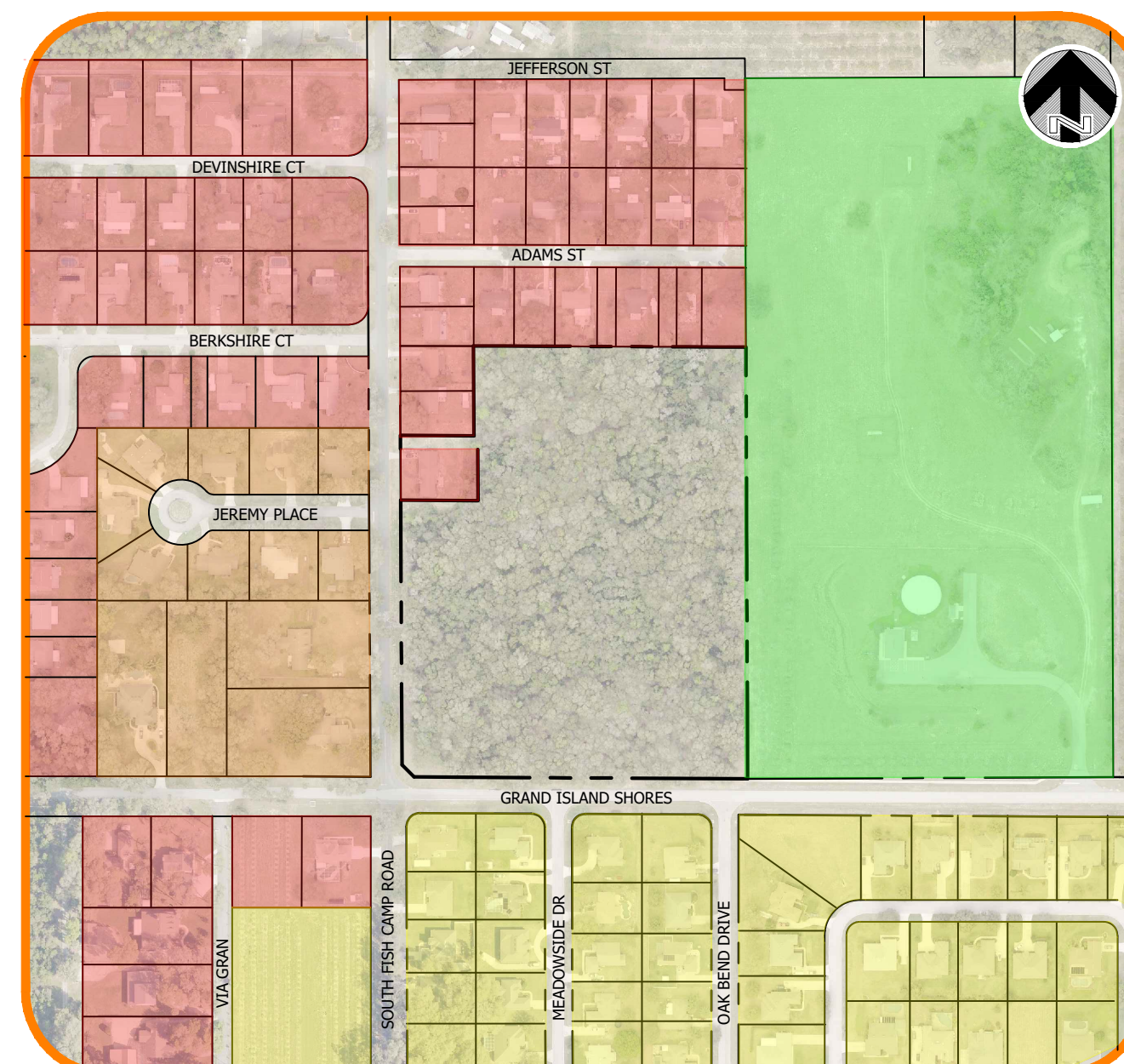
1. CITY OF EUSTIS ENGINEERING & DESIGN STANDARDS MANUAL, DATED DEC. 2016
2. SJRWMD ERP APPLICATION HANDBOOK, VOLUME II, DATED JUNE 1, 2018
3. FDOT STANDARDS PLANS, DATED 2022-23
4. FDOT DESIGN MANUAL, DATED 2022

LOCATION

The map consists of three parts. The left part shows the state of Florida with Lake County highlighted in blue. The middle part is a detailed map of Lake County with Grand Island highlighted in blue. The right part is a detailed map of the project location near Eustis, Florida, showing Lake Yale and Lake Eustis. The project location is marked with a blue star and labeled 'PROJECT LOCATION'.

VICINITY MAP

PI-PUBLIC/INSTITUTIONAL DENSITY - N/A INTENSITY - up to 2.5	
R-6 - RESIDENTIAL DENSITY - 1 du/acre INTENSITY - N/A	
R-6 - RESIDENTIAL DENSITY - 1 du/acre INTENSITY - N/A	
SR - SUBURBAN RESID. DENSITY - 5 du/acre INTENSITY - N/A	



PREPARED FOR

SUMMERPARK HOMES
2981 WEST SR 434, SUITE 100
LONGWOOD, FL 32779

PREPARED BY



150 SOUTH WOODLAWN AVENUE, BARTOW, FL 33830 PHONE: (863) 800-3046 FAX: (863) 800-1159
FLORIDA CERTIFICATE OF AUTHORIZATION (FLCA) #26247

SHEET INDEX			
#	SHEET NAME	REV #	REV DATE
C100	COVER SHEET	3	08/19/2022
C101	NOTES & SPECIFICATIONS	1	06/10/2022
C200	DEMOLITION & SWPP PLAN	3	08/19/2022
C201	TREE PROTECTION PLAN	3	08/19/2022
C202	TREE PROTECTION PLAN TABLES	3	08/19/2022
C300	SITE PLAN	5	10/05/2022
C400	GRADING PLAN	2	07/07/2022
C401	INTERSECTIONS	3	08/19/2022
C500	DRAINAGE PLAN	2	07/07/2022
C600	UTILITY PLAN	3	08/19/2022
C700	LIFE SAFETY PLAN	--	--
C801	PLAN & PROFILE	--	06/10/2022
C802	PLAN & PROFILE	1	06/10/2022
C803	PLAN & PROFILE	1	06/10/2022
C804	PLAN & PROFILE	--	--
C805	PLAN & PROFILE	--	--
C806	FORCE MAIN EXTENSION PLAN & PROFILE	3	08/19/2022
C807	EMERGENCY ACCESS PLAN & PROFILE	--	--
C901	SITE CROSS SECTIONS	2	07/07/2022
C1001	SITE & DRAINAGE DETAILS	4	09/27/2022
C1002	UTILITY DETAILS	--	--
C1003	UTILITY DETAILS	--	--
C1004	LIFT STATION DETAILS	1	06/10/2022
INS	LANDSCAPE PLAN	--	--
INS	IRRIGATION PLAN	--	--
INS	TOPOGRAPHIC SURVEY	--	--

REVISION HISTORY

No.	1	DATE	06/10/2022	COMMENTS PER CITY, COUNTY AND SJRWMD RAI 1
	2		07/07/2022	COMMENTS PER SJRWMD RAI 2
	3		08/18/2022	COMMENTS PER CITY RAI 2 & SJRWMD RAI 3
	4		09/27/2022	MID-REVIEW COMMENTS PER COUNTY
	5		10/05/2022	MID-REVIEW COMMENTS PER COUNTY

SUBMITTAL HISTORY

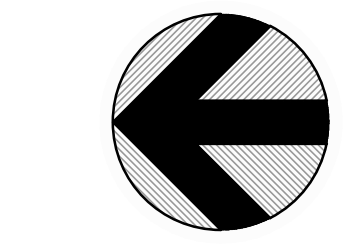
No.	1	03/25/2022	DESCRIPTION	INITIAL SUBMITTAL TO THE CITY OF EUSTIS & SJRWMD
	2	06/10/2022		RESUBMITTAL TO SJRWMD
	3	07/07/2022		RESUBMITTAL TO SJRWMD & CITY OF EUSTIS
	4	08/19/2022		RESUBMITTAL TO SJRWMD
	5	09/02/2022		RESUBMITTAL TO CITY OF EUSTIS
	6	10/05/2022		RESUBMITTAL TO COUNTY

UTILITY SERVICE PROVIDERS:

STANLEY WATERWORKS	CITY OF EUSTIS WATER DEPT.	TECO
WATER	SEWER, WATER	GAS
ROBERT BLOCKER	MELISSA FULLER	HEATH MCARDLE
(352) 391-2689	(352) 357-5618 x1801	(407) 487-9004
CENTURYLINK	COMCAST COMM	DUKE ENERGY
FIBER, TELEPHONE	CATV	ELECTRIC
THOMAS STURMER	USDC DISCOUNT	USDC DISCOUNT
(855) 274-7066	(800) 738-5140	(800) 738-5140

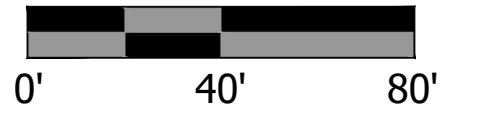


CLIENT: SUMMERPARK HOMES		 SLOAN Engineering Group 150 SOUTH WOODLAWN AVENUE, BARTOW, FL 33830 PHONE: (863) 800-3046 • FAX: (863) 800-1159 FLORIDA CERTIFICATE OF AUTHORIZATION (FLCA) #26247
PROJECT: GRAND ISLAND		
COVER SHEET		
PROJECT NO.	SHEET	
2392	C100	



NORTH

SCALE: 1" = 40'



SITE CHARACTERISTICS

PARCEL INFORMATION:

PARCEL ID:	32-18-26-004-000-04500
PROPOSED USE:	SINGLE FAMILY SUBDIVISION
FLOOD AREA:	ZONE X (1206C0215E)
ZONING / LAND USE:	SUBURBAN RESIDENTIAL
DESIGN DISTRICT:	SUBURBAN NEIGHBORHOOD
BUILDING TYPE:	HOUSE
PARCEL AREA:	10.721 AC
PROPOSED LOTS:	40
PROPOSED DENSITY:	3.73 DU/AC
LOT DENSITY:	MAX 50% IMPERVIOUS

DEVELOPMENT STATISTICS

TOTAL SITE AREA:	10.721
25% OPEN SPACE:	2,680 AC
OPEN SPACE PROVIDED:	2,732 AC

DEVELOPMENTAL STATISTICS

PRE DEVELOPMENT

IMPERVIOUS:	0.000 AC	0 SF	0.00%
PERVIOUS:	10.721 AC	467,006 SF	100.00%
TOTAL SITE AREA:	10.721 AC	467,006 SF	100.00%

POST DEVELOPMENT

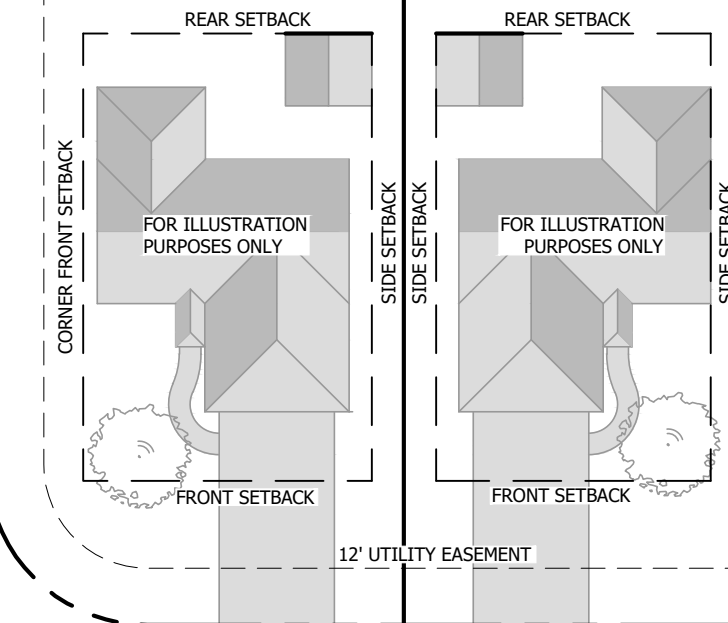
PERVIOUS:	7.149 AC	311,396 SF	66.68%
IMPERVIOUS:	3.572 AC	155,610 SF	33.32%
PAVEMENT/CONCRETE:	0.817 AC	35,610 SF	
BUILDING:	2.755 AC	120,000 SF	
TOTAL SITE AREA:	10.721 AC	467,006 SF	100.00%

SITE NOTES

- ALL RESIDENTIAL DRIVEWAYS SHALL BE PLACED AT THE FRONT OF THE LOT. NO SIDE STREET DRIVEWAYS ARE ALLOWED ON CORNER LOTS.
- GARAGES SHALL BE PROVIDED FOR ALL LOTS.
- SEPARATE PERMITS ARE REQUIRED FOR THE REMOVAL OF EXISTING STRUCTURES.
- SEPARATE BUILDING PERMIT REQUIRED FOR SIGNAGE.
- WHEN FUTURE BUILDING PERMITS ARE SUBMITTED, DETAILS WILL BE PROVIDED ON THE TREES THAT WILL BE INSTALLED FOR EACH LOT TO MEET THE MINIMUM TREES PER LOT REQUIREMENT.
- ALL SITE LIGHTING FIXTURES WITHIN THE PROJECT, TO HAVE A MAXIMUM 3,000K.

TRACT TABLE

TRACT	AREA	DESCRIPTION
TRACT A	1.570 AC	PUBLIC RIGHT OF WAY
TRACT B	1.751 AC	OPEN SPACE, LANDSCAPE, STORMWATER MANAGEMENT
TRACT C	0.227 AC	OPEN SPACE, ACCESS DRIVEWAY
TRACT D	0.078 AC	PUBLIC LIFT STATION
TRACT E	0.754 AC	OPEN SPACE, LANDSCAPE



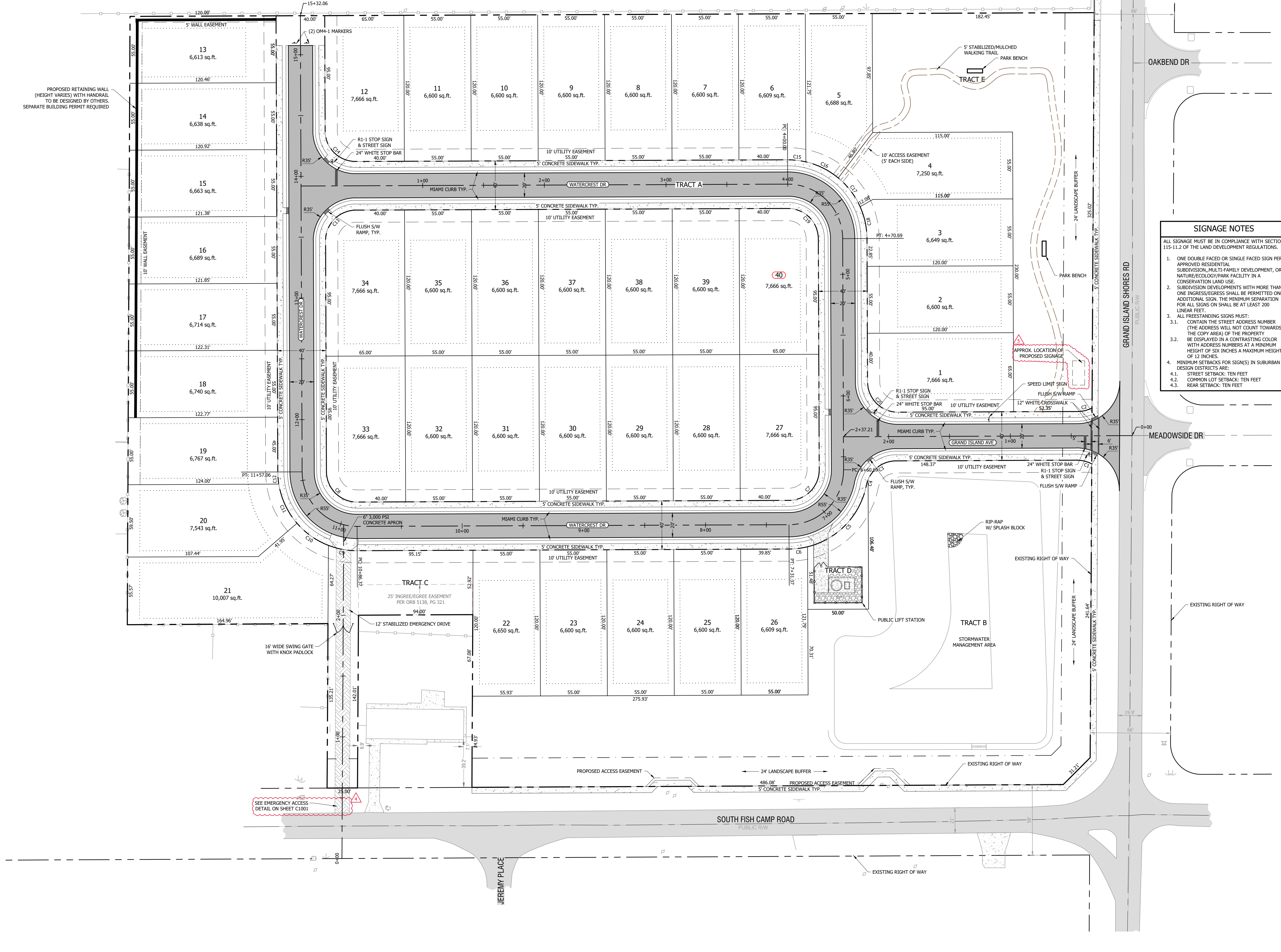
PROPOSED SETBACKS	ACCESSORY STRUCTURE	*EVERY LOT IS TO BE PROVIDED WITH MINIMUM TREE REQUIREMENTS PER SEC. 115-10.7
PRINCIPAL STRUCTURE FRONT = 25' REAR = 10' SIDE = 5' CORNER FRONT = 15'	FRONT = 10' (BEHIND PRINCIPLE) REAR = 5' CORNER FRONT = 15'	

CURVE TABLE

#	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	12.90	27.00	027°22'21"	6.58	12.78	N13° 27' 49"E
C2	12.52	27.00	026°33'31"	6.37	12.40	S13° 30' 07"E
C3	29.37	25.00	067°18'16"	16.64	27.71	N33° 52' 29"W
C4	4.91	25.00	011°15'15"	2.46	4.90	N73° 09' 15"W
C5	73.83	65.00	065°04'58"	41.48	69.93	N46° 14' 24"W
C6	15.29	65.00	013°28'33"	7.68	15.25	N06° 57' 38"W
C7	39.27	25.00	090°00'00"	25.00	35.36	N45° 13' 21"W
C8	39.27	25.00	090°00'00"	25.00	35.36	N44° 46' 39"E
C9	24.18	65.00	021°19'05"	12.23	24.05	N10° 26' 11"E
C10	31.93	65.00	028°08'57"	16.30	31.61	N35° 10' 13"E
C11	35.94	65.00	031°40'58"	18.44	35.49	N65° 05' 10"E
C12	10.04	65.00	008°51'00"	5.03	10.03	N85° 21' 09"E
C13	39.27	25.00	090°00'00"	25.00	35.36	S45° 13' 21"E
C14	39.27	25.00	090°00'00"	25.00	35.36	S44° 46' 39"W
C15	15.13	65.00	013°20'23"	7.60	15.10	S06° 26' 50"W
C16	30.00	65.00	026°26'39"	15.27	29.73	S26° 20' 21"W
C17	30.00	65.00	026°26'39"	15.27	29.73	S52° 47' 01"W
C18	26.97	65.00	023°46'19"	13.68	26.78	S77° 53' 29"W
C19	39.27	25.00	090°00'00"	25.00	35.36	S44° 46' 39"W
C20	39.27	25.00	090°00'00"	25.00	35.36	S44° 46' 39"W

SIGNAGE NOTES

- ALL SIGNAGE MUST BE IN COMPLIANCE WITH SECTION 115-11.2 OF THE LAND DEVELOPMENT REGULATIONS.
- ONE DOUBLE FACED OR SINGLE FACED SIGN PER APPROVED RESIDENTIAL SUBDIVISION, MULTI-FAMILY DEVELOPMENT, OR NATURE/ECOLOGY/PARK FACILITY IN A CONSERVATION LAND USE.
- SUBDIVISION DEVELOPMENTS WITH MORE THAN ONE INGRESS/EGRESS SHALL BE PERMITTED ONE ADDITIONAL SIGN. THE MINIMUM SEPARATION FOR ALL SIGNS ON SHALL BE AT LEAST 200 LINEAR FEET.
- ALL FREESTANDING SIGNS MUST:
 - CONTAIN THE STREET ADDRESS NUMBER (THE ADDRESS WILL NOT COUNT TOWARDS THE COPY AREA) OF THE PROPERTY
 - BE DISPLAYED IN A CONTRASTING COLOR WITH ADDRESS NUMBERS AT A MINIMUM HEIGHT OF SIX INCHES A MAXIMUM HEIGHT OF 12 INCHES.
 - MINIMUM SETBACKS FOR SIGN(S) IN SUBURBAN DESIGN DISTRICTS ARE:
 - STREET SETBACK: TEN FEET
 - COMMON LOT SETBACK: TEN FEET
 - REAR SETBACK: TEN FEET



Item 6.1

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION
FLORIDA HIGHWAY
DESIGN DIVISION
10/05/2022

DESIGNED BY: MF
DRAWN BY: AS
CHECKED BY: MF

CLIENT: SUMMER PARK HOMES

PROJECT: GRAND ISLAND

PROJECT NO. 2392

SITE PLAN

GRAND ISLAND SHORES RD, EUSTIS, FLORIDA

SHEET C300



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Ordinance Number 22-21: 2nd Reading Establishment of the Hicks Ditch Community Development District (CDD) **[1st Reading on 10/20/2022]**

Introduction:

Ordinance Number 22-21 approves the establishment of a Community Development District (CDD) called the Hicks Ditch CDD for Pine Meadows Reserve, a 548-lot mixed-product single-family residential subdivision located 240.43-acres on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road (CR) 44.

The proposed Community Development District has been reviewed for consistency with:

- Ordinance Number 22-05, which approved the Planned Unit Development (PUD) Overlay and PUD Master Plan for Pine Meadows Reserve
- Resolution Number 22-36, which approved the Preliminary Subdivision Plat (PSP) for Pine Meadows Reserve
- Florida Statutes, particularly Chapter 190 regarding Community Development Districts

Recommended Action:

The administration recommends approval of Ordinance Number 22-21.

Background:

1. Pertinent Site Information:

- a. The proposed development is to be located on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road. The net developable area totals 148.24 acres. The land is partially wooded and portions of the project area are wetlands and/or located in the flood plain. The property is NOT located within the Wekiva Study area.
- b. Unique in its history, the property was a golf course and sod farm, which uses have impacted the onsite habitat/wetlands. Other unique characteristics include its size (an assemblage of 240.4 acres is atypical in Eustis), its configuration (irregular shape, bisected by Pine Meadows Golf Course Road), its proximity to a conservation park (Pine Meadows Conservation Area), its wetland areas (92.2-acres) and flood plain areas (134.1-acres). This project also has the distinction of being the first Rural Residential subdivision to be reviewed under City's form-based code and the Rural Site Design Standards.

- c. Proposed is a mixed-product residential subdivision to include 406 single-family detached units and 142 single-family attached units (townhomes) with road right-of-way, dedicated conservation areas, bike trail, parks and open space. The anticipated net density of 3.69 dwelling units per acre falls below the maximum of 5.0 dwelling units per acre established for the Suburban Residential land use designation.
- d. On May 18, 2021, Development Services facilitated a Community Meeting to review the proposed development. At that time, the concept plan proposed 578 units. Property owners within 500-feet were invited by mail, the meeting was advertised in the Daily Commercial and signs were posted on the project site. Eighteen members of the public attended the meeting. (See attached meeting summary).
- e. On August 19, 2021, the City Commission approved a concept plan for the project via Resolution Number 21-61, which the concept plan proposed 578 units. (See attached meeting minutes).
- f. On December 21, 2021, the Development Review Committee reviewed and recommended approval of the Pine Meadows Reserve PUD, a 548-unit mixed-product subdivision for submittal to the City Commission subject to minor revisions to address remaining comments, which revisions have been submitted.
- g. On February 17, 2022, the City Commission held a first reading hearing for the consideration of the Pine Meadows Reserve Planned Unit Development. The City Commission approved the Pine Meadows Reserve Planned Unit Development via Ordinance Number 22-05.
- h. On March 3, 2022, the City Commission held a second reading hearing for the consideration of the Pine Meadows Reserve Planned Unit Development. The City Commission approved the Pine Meadows Reserve Planned Unit Development via Ordinance Number 22-05.
- i. The application for Preliminary Subdivision Plat approval was made December 3, 2021. The Development Review Committee began Preliminary Subdivision Plat review after the City Commission approved the Planned Unit Development.
- j. On April 11, 2022 the Development Review Committee reviewed and recommended approval of the Preliminary Subdivision Plat for the Pine Meadows Reserve Preliminary Subdivision Plat with additional permitting items to be review with the Final Engineering & Construction Plans:
 - 1) Define Construction Phasing
 - 2) Inclusion of the Trout Lake Trail in construction design
 - 3) Inclusion of trail or wide walk on the south side of Pine Meadows Golf Course Road from the eastern boundary to the western boundary.
 - 4) The entrance off County Road 44 will need to accommodate the County Road 44 trail from the Trail Master plan, including crosswalk at the entrance.
 - 5) Internal traffic calming to reduce speeding and allow for better pedestrian/bicycle friendly development on internal roads.

- 6) The offsite improvements at County Road 44 will need to meet the county turn lane standards. These will be reviewed further with the subdivision construction plans.
 - 7) The offsite road improvements will create an hourglass with the taper to the east. The taper for this site's left turn lane must extend full lane width to the avoid the hourglass affect. The improvement would start at the Hick Ditch intersection.
 - 8) The minimum radii for the entrance road off County Road 44 are 50-ft.
 - 9) Provide additional Geotech borings along the County Road 44 for the widening areas outside of the existing pavement. Verification of soil types is needed as unsuitable clays may be within the area. This info will need to be provided with the subdivision construction plan and driveway connection permit application.
 - 10) Provide a sight distance analysis now for the access off County Road 44 utilizing the Florida Greenbook standards.
 - 11) A right-of-way survey for County Road 44 will be required with the subdivision construction plan and driveway connection permit.
 - 12) Additional right-of-way along County Road 44 will need to be provided. This would be 50 ft from the centerline of County Road 44 and may need to be more to provide for the County Road 44 trail.
 - 13) The flood study and elevation determinations will need to be provide to Lake County Public Works for review as the zones appear to cross into unincorporated lands of the county.
 - 14) A Lake County Driveway Connection permit will be required to permit the proposed access from County Road 44.
 - 15) A Right-of-Way Utilization permit will be required for the utility work along County Road 44.
- k. On June 2, 2022, the City Commission approved the Preliminary Subdivision Plat (PSP) as it was presented via Resolution Number 22-36.
- l. On August 8, 2022, the applicant and their team submitted the Final Engineering and Construction Plans (FECF) for staff review. On August 30, 2022, the staff comments were discussed with the applicant during a Development Review Committee (DRC) meeting. Once a resubmittal is received to address the DRC comments. This phase of the project will move forward again with further staff review and comments.
- m. On August 12, 2022, on behalf of Hanover Land Company, Kutak Rock LLP submitted a formal request to establish the Hicks Ditch Community Development District.

Applicant's Request:

The applicant is requesting approval to establish a Community Development District (CDD) for the Pine Meadows Reserve subdivision, which is a 548-unit mixed-product single-family residential subdivision.

Analysis of Request According to Applicable Policies and Codes:

The City of Eustis Land Development Regulations and Comprehensive Plan do not address the establishment or review of a request to establish a Community Development District. The request has been reviewed for consistency with the prior development approvals on the subject property, as discussed above. This request was found to be consistent with the prior development approvals. The request was also reviewed for consistency with the Florida Statutes (F.S.) Chapter 190, which discusses Community Development Districts.

F.S. 190.005 lists items that the petition for the establishment of a CDD must achieve to be valid, all of which have been completed. The required items are shown below.

A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.
2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.
3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.
4. The proposed name of the district.
5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.
6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.
7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.
8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the

boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.
3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

City Staff and the City Commission shall evaluate the request per the following:

The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

Summary of Recommendation:

Staff recommends approval of the establishment of the Hicks Ditch Community Development District (CDD) as the proposal is consistent with prior approvals for this property and it is meeting the evaluation criteria from the Florida Statutes.

Alternatives:

1. Approve Ordinance Number 22-21
2. Deny Ordinance Number 22-21

Discussion of Alternatives:

Alternative 1 approves Ordinance Number 22-21

Advantages:

- The property owner can move forward with the proposed development and the CDD to aid in it.
- The action will provide for new residential development, potential job creation in the city, and increased tax revenue.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies Ordinance Number 22-21.

Advantages:

- The Commission could request modifications to the CDD.

Disadvantages:

- The developer could abandon the project and the City could lose an economic development opportunity.

Budget / Staff Impact:

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspections.

Community Input:

The applicant has placed the proper legal advertisements in the newspaper; notified surrounding property owners within 500 feet; and the property was posted with signage provided by Development Services staff. As of October 12, 2022, staff has received one inquiry from a member of the public who received a mailing notice. An opportunity for public input will be provided at the October 20, 2022 public hearing.

Prepared By:

Heather Croney, Senior Planner

Reviewed By:

Jeff Richardson, AICP, Deputy Development Services Director

Mike Lane, AICP, Development Services Director

Attachments

- Ordinance Number 22-05

- Resolution Number 22-36
- Florida Statute 190.005

ORDINANCE NUMBER 22-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, ESTABLISHING THE HICKS DITCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; ESTABLISHING THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, TLC Pine Meadows, LLC ("**Petitioner**"), as the owner of one hundred percent (100%) of the real property and consenting to be included in the proposed District (hereinafter defined), has filed a Petition to Establish Hicks Ditch Community Development District ("**Petition**") with the City Commission ("**City Commission**") of the City of Eustis, Florida ("**City**") pursuant to Section 190.005(2)(e), *Florida Statutes*, as amended, to adopt an ordinance establishing the Hicks Ditch Community Development District ("**District**") pursuant to Chapter 190, *Florida Statutes*, as amended; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City Commission, pursuant to Sections 190.005(2)(e) and 190.005(1)(d), *Florida Statutes*, as amended; and

WHEREAS, upon consideration of the record established at that hearing, the City Commission has considered the record of the public hearing and the statutory factors set forth in Section 190.005(1)(e), *Florida Statutes*, as amended, in making its determination to grant or deny the Petition; and

WHEREAS, the owner(s) of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; and

WHEREAS, the City, in determining whether to establish the District, has considered and finds that all statements contained in the Petition are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City Comprehensive Plan; and

WHEREAS, the City has considered and finds that the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional interrelated community; and

WHEREAS, the City has considered and finds that the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds that the community development services and facilities of the District will not be incompatible with the capacity and uses of exiting local and regional community development services and facilities; and

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, pursuant to the information as stated above, the City Commission has decided to grant the Petition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, *Florida Statutes*, as amended.

SECTION 3. DISTRICT NAME. There is hereby established a community development district situated entirely within the incorporated limits of the City, which District shall be known as the “Hicks Ditch Community Development District.”

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated herein by reference, the overall boundaries encompassing 244.043 acres, more or less. There are no parcels within the external boundaries of the District which are to be excluded from the District. **Exhibit B** depicts the general location of the District.

SECTION 5. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, *Florida Statutes*, as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, *Florida Statutes*, as amended, as created by general law. The City further consents to the District’s exercise

of special powers described in 190.012(2)(a) and 190.012(2)(d), *Florida Statutes*, as may be amended from time to time.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Anthony Iorio; Jason Lonas; Doug Beasley; Duane "Rocky" Owen; and Thomas Franklin, Sr. All of the persons in the preceding sentence are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 8. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS. The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect upon its passage and adoption pursuant to general law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Eustis, Florida, held on the 3rd day of November, 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTICATION

STATE OF FLORIDA)
COUNTY OF LAKE)

The foregoing instrument was acknowledged before me this 3rd day of November 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida
My Commission Expires: _____
Notary Serial Number: _____

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney’s Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance No. 22-21 is hereby approved, and I hereby certify that I have published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

That part of the East 169.5 feet of the Southwest 1/4 of the Northeast 1/4 of Section 35, Township 18 South, Range 26 East, Lake County, Florida, lying South of the Southerly line of the right of way known as Pine Meadows Golf Course Road.

AND

The Southeast 1/4 of the Northeast 1/4 of Section 35, Township 18 South, Range 26 East, Lake County, Florida, LESS right of way for Pine Meadows Golf Course Road. Also LESS and EXCEPT Lots 1 and 2, Pine Meadows Fairway Estates, according to the Plat thereof, as recorded in Plat Book 17, Page 56, Public Records of Lake County, Florida.

AND

Tracts 21 to 26, inclusive, and Tracts 37 to 40, inclusive, Eustis Meadows, according to the Map or Plat thereof, recorded in Plat Book 1, Page 2, Public Records of Lake County, Florida, LESS and EXCEPT therefrom the right of way for Pine Meadows Golf Course Road, as shown on Plat Book 17, Page 56 and the right of way for Fairway Drive, as shown on Plat Book 17, Page 56, and the right of way for Pine-Meadows Road, as shown on Plat Book 17, Page 12. Also, LESS and EXCEPT Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, Pine Meadows Fairway Estates, according to the Map or Plat thereof, as recorded in Plat Book 17, Page 56, Public Records of Lake County, Florida.

AND

Parcel A:

That part of Lot 12, in Section 36, Township 18 South, Range 26 East, Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; and that part of Blocks 3 and 15, in Section 36, Township 18 South, Range 26 East, Town Plat of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows: Begin at a 5/8" Iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of said Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to the Northwest corner of said Lot 12; thence South 00°32'04" East, along the West line of said Lot 12, a distance of 1,280.21 feet to a 4" octagonal monument at the Southwest corner of said Lot 12; thence North 87°33'44" East, along the South line of said Lot 12, a distance of 15.01 feet; thence South 00°32'04" East, a distance of 15.01 feet to the Northwest corner of Block 3 of said Town Plat of Eustis Meadows; thence North 87°33'44" East, along the South right of way line of North Street, a distance of 10.01 feet; thence South 00°32'04" East, along a line

10 feet East of when measured at right angles to and parallel with the East right of way line of Cedar Street, a distance of 433.22 feet to an intersection with a line that is 50.00 feet North of and parallel with, when measured at right angles thereto, the North right of way line of County Road No. 44-A; thence North 88°02'40" East, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 111.02 feet, to an intersection with the Westerly top of the bank of a canal known as Hicks Ditch; thence North 24°12'31" East, along said top of bank, 108.49 feet; thence North 21°03'29" East, along said top of bank, 200.06 feet; thence North 19°20'32" East, along said top of bank, 200.30 feet; thence North 20°32'44" East, along said top of bank, 394.93 feet; thence North 19°41'20" East, along said top of bank, 541.12 feet to an intersection with the East line of said Lot 12; thence North 00°44'07" West, along the East line of said Lot 12, 402.85 feet to the Point of Beginning.

Together with a 50 feet wide ingress and egress easement along the Easterly line bounded and described as follows: Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 00°44'07" East, along the East line of said Lot 12, a distance of 402.85 feet to the Point of Beginning; run thence North 00°44'07" West, along the East line of said Lot 12, a distance of 125.70 feet; thence South 22°42'12" West, 116.65 feet; thence South 19°41'20" West, 542.07 feet; thence South 20°32'44" West, 395.08 feet; thence South 19°20'32" West, 200.08 feet; thence South 21°03'29" West, 197.94 feet; thence South 24°12'31" West, 131.68 feet to an intersection with a line that is 50.00 feet North of and parallel with when measured at right angles thereto the North right of way line of County Road No. 44-A; thence North 88°02'40" East, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 55.71 feet, to an intersection with the Westerly top of the bank of a canal known as Hicks Ditch; thence North 24°12'31" East, along said top of bank, 108.49 feet; thence North 21°03'29" East, along said top of bank, 200.06 feet; thence North 19°20'32" East, along said top of bank, 200.30 feet; thence North 20°32'44" East, along said top of bank, 394.93 feet; thence North 19°41'20" East, along said top of bank, 541.12 feet to the Point of Beginning.

AND

Parcel B:

That part of Blocks 2 and 14, and that part of a vacated portion of Orange Street, in Section 36, Township 18 South, Range 26 East, Town Plat of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows:

Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to

the Northwest corner of said Lot 12; thence continue South 87°04'27" West, along the North line of Lot 11, said Map of Eustis Meadows, also being the North line of the said Southwest 1/4 of Section 36, a distance of 175.55 feet to an intersection with the East line of the West 150.00 feet of the East 1/2 of said Lot 11; thence South 00°26'01" East, along the East line of the West 150.00 feet of the East 1/2 of said Lot 11 and its prolongation thereof, a distance of 1,293.80 feet to an intersection with the South right of way line of North Street and the Point of Beginning; thence North 87°33'44" East, along the South right of way line of North Street, a distance of 152.76 feet to a line 10 feet West of when measured at right angles to and parallel with the West right of way line of Cedar Street; thence South 00°32'04" East, along said line 10 feet West of when measured at right angles to and parallel with the West right of way line of Cedar Street, a distance of 432.80 feet to an intersection with a line that is 50.00 feet North of and parallel with when measured at right angles to the North right of way line of County Road No. 44-A; thence South 88°02'40" West, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 153.49 feet, to an intersection with a line which bears South 00°26'01" East from the Point of Beginning; thence North 00°26'01" West, along the Southerly prolongation of the East line of the West 150.00 feet of the East 1/2 of said Lot 11, a distance of 431.53 feet to the Point of Beginning.

AND

Parcel C:

That part of Lot 11, in Section 36, Township 18 South, Range 26 East, Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows:

Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to the Northwest corner of said Lot 12, and the Point of Beginning; thence continue South 87°04'27" West, along the North line of Lot 11, said Map of Eustis Meadows, also being the North line of the said Southwest 1/4 of Section 36, a distance of 175.55 feet to an intersection with the East line of the West 150.00 feet of the East 1/2 of said Lot 11; thence South 00°26'01" East, along the East line of the West 150.00 feet of the East 1/2 of said Lot 11, a distance of 1,243.77 feet to an intersection with a line 35.00 feet North of when measured at right angles to and parallel with the North right of way line of North Street; thence North 87°33'44" East, along said line 35.00 feet North of when measured at right angles to and parallel with the North right of way line of North Street, a distance of 177.69 feet to an intersection with the West line of said Lot 12; thence North 00°32'04" West, along said West line of Lot 12, a distance of 1,245.19 feet to the Point of Beginning.

TOGETHER WITH:

LEGAL DESCRIPTION

A STRIP OF LAND, BEING A PORTION OF PINE MEADOWS GOLF COURSE ROAD AS DESCRIBED IN THAT CERTAIN INDENTURE, AS RECORDED IN OFFICIAL RECORDS BOOK 666, PAGE 1637 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN LOTS 21 THROUGH 24, EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF SAID PUBLIC RECORDS. BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF FAIRWAY DRIVE, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56 AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID LOT 24.

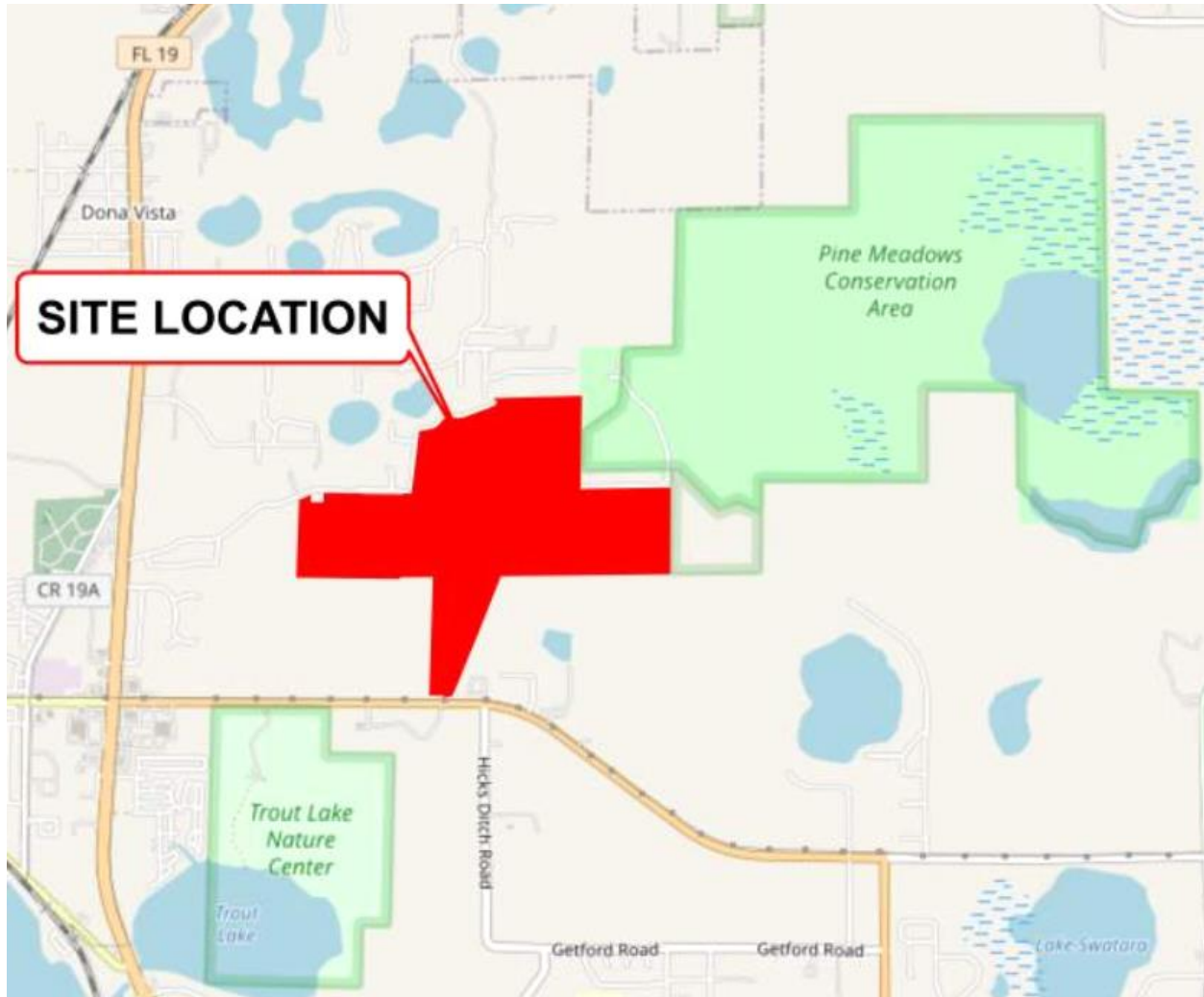
TOGETHER WITH:

LEGAL DESCRIPTION

A STRIP OF LAND, BEING NORTH STREET AND CEDAR STREET, LYING EAST OF THE EAST LINE OF THE WEST 150 FEET OF THE EAST HALF OF LOT 11, EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 PAGE 2, LAKE COUNTY, FLORIDA AND LYING NORTH OF THE NORTH RIGHT-OF-WAY OF EAST COUNTY ROAD 44.

All of the above containing approximately 244.043 acres, +/-

EXHIBIT B



190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. [190.003](#)(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. [190.006](#).

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. [120.541](#).

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.

3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

(c) Such county and each such municipality required by law to receive a petition may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e). Such county or municipality may present its resolution of support or objection at the Florida Land and Water Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published fewer than 5 days a week. In addition to being published in the newspaper, the map referenced above must be part of the online advertisement required pursuant to s. [50.0211](#). All

affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

(f) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. [190.006-190.041](#), except as provided in s. [190.012](#). A rule establishing a community development district shall only contain the following:

1. A metes and bounds description of the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.
2. The names of five persons designated to be the initial members of the board of supervisors.
3. The name of the district.

(g) The Florida Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for considering petitions to establish, expand, modify, or delete uniform community development districts or portions thereof consistent with the provisions of this section.

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. [163.3246](#)(13) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. [190.006-190.041](#). An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. [190.012](#)(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. [163.3246](#)(13), the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

(3) The governing body of any existing special district, created to provide one or more of the public improvements and community facilities authorized by this act, may petition for reestablishment of the existing district as a community development district pursuant to this act. The petition shall contain the information specified in subparagraphs (1)(a)1., 3., 4., 5., 6., and 7. and shall not require payment of a fee pursuant to paragraph (1)(b). In such case, the new district so formed shall assume the existing obligations, indebtedness, and guarantees of indebtedness of the district so subsumed, and the existing district shall be terminated.

History.—s. 2, ch. 80-407; ss. 4, 5, ch. 84-360; s. 28, ch. 85-55; s. 35, ch. 87-224; s. 34, ch. 96-410; s. 6, ch. 98-146; s. 35, ch. 99-378; s. 34, ch. 2000-364; s. 2, ch. 2007-160; s. 33, ch. 2008-4; s. 4, ch. 2009-142; s. 40, ch. 2011-139; s. 6, ch. 2012-212; s. 13, ch. 2015-30; s. 1, ch. 2016-94; s. 10, ch. 2018-158.

RETURN TO:
City Clerk
City of Eustis
P. O. Drawer 68
Eustis, FL 32727



INSTRUMENT #2022084773
OR BK 5977 PG 1736 - 1743 (8 PGS)
DATE: 6/20/2022 12:33:51 PM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$69.50

Item 6.2

RESOLUTION NUMBER 22-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SUBDIVISION PLAT FOR THE PINE MEADOWS RESERVE SUBDIVISION, A 548-LOT MIXED-PRODUCT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, ON APPROXIMATELY 239.8 ACRES OF PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF PINE MEADOWS GOLF COURSE RD, WITH FRONTAGE ON COUNTY ROAD 44.

WHEREAS, TLC Pine Meadows, LLC has made an application for Preliminary Subdivision Plat approval for a 548-lot, mixed-product single-family residential subdivision on approximately 239.8 acres located on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road 44, more particularly described as follows:

Parcel Alternate Key Numbers: 1061725, 1718881, 3839388, 3839391, 3839392, 1213916, 1213908, 3901694, and 1408041

Parcel Identification Numbers: 24-18-26-0400-000-01101, 24-18-26-0400-000-02500, 24-18-26-0405-000-01201, 24-18-26-0455-002-00000, 24-18-26-0455-003-00000, 35-18-26-0001-000-01900, 35-18-26-0001-000-02001, 35-18-26-0500-000-00300, and 36-18-26-0002-000-00100

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

WHEREAS, the property described above has a Land Use Designation of Suburban Residential (SR) and a Design District Designation of Rural Neighborhood; and

WHEREAS, detached single family and attached single-family uses are permitted in the Suburban Residential (SR) land use designation; and

WHEREAS, On August 19, 2021, the City Commission approved a concept plan for the project via Resolution Number 21-61, which the concept plan proposed 578 units; and

WHEREAS, On March 3, 2022, The City Commission approved the Pine Meadows Reserve Planned Unit Development (PUD) via Ordinance Number 22-05

WHEREAS, the proposed preliminary subdivision plat as submitted is found to be consistent with the Pine Meadows Reserve Planned Unit Development concept plan approved via Resolution Number 21-61, the Pine Meadows Reserve Planned Unit Development via Ordinance Number 22-05, and the City of Eustis' Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

SECTION 1. That the Pine Meadows Reserve Preliminary Subdivision Plat for a 548-lot mixed-type single-family residential subdivision located on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road 44, attached hereto as Exhibit "B", is hereby approved.

SECTION 2. That the Preliminary Subdivision Plat shall be subject to the owner/developer complying with the following conditions:

- a) Submit the Final Engineering and Construction Plans and Final Plat and complying with all requirements of Ordinance Number 22-05, the City of Eustis Land Development Regulations and Florida Statutes and the provisions of this resolution.
- b) Adhere to the Phasing Schedule approved with Ordinance Number 22-05
- c) Develop the property in accordance with the approved Preliminary Subdivision Plat as referenced in Section 1 and attached hereto as Exhibit "B".
- d) Obtain and provide copies of all applicable permits from other jurisdictional agencies.

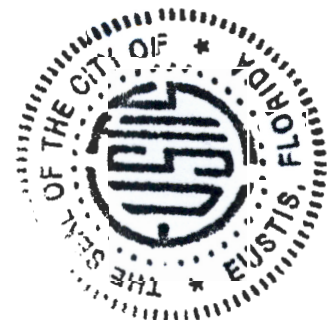
DONE AND RESOLVED this 2nd day of June 2022 in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

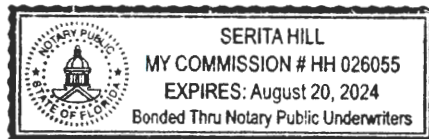
ATTEST:

Christine Halloran, City Clerk



CITY OF EUSTIS CERTIFICATION**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 3rd day of June, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.



Serita Hill
 Notary Public - State of Florida
 My Commission Expires:
 Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission but I have not performed an independent title examination as to the accuracy of the legal description.

[Signature]
 City Attorney's Office

June 2, 2022
 Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-36 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran

Christine Halloran, City Clerk

EXHIBIT "A"

AS PROVIDED BY PEC SURVEYING AND MAPPING, LLC

THAT PART OF THE EAST 169.5 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY LINE OF THE RIGHT OF WAY KNOWN AS PINE MEADOWS GOLF COURSE ROAD.

AND

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD. ALSO, LESS AND EXCEPT LOTS 1 AND 2, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

TRACTS 21 TO 26, INCLUSIVE, AND TRACTS 37 TO 40, INCLUSIVE, EUSTIS MEADOWS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 56 AND THE RIGHT OF WAY FOR FAIRWAY DRIVE, AS SHOWN ON PLAT BOOK 17, PAGE 56, AND THE RIGHT OF WAY FOR PINE-MEADOWS ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 12. ALSO, LESS AND EXCEPT LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

PARCEL A:

THAT PART OF LOT 12, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; AND THAT PART OF BLOCKS 3 AND 15, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF SAID MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE

SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 00°32'04" EAST, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 1,280.21 FEET TO A 4" OCTAGONAL MONUMENT AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE

NORTH 87°33'44" EAST, ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 15.01 FEET; THENCE SOUTH 00°32'04" EAST, A DISTANCE OF 15.01 FEET TO THE NORTHWEST CORNER OF BLOCK 3 OF SAID TOWN PLAT OF EUSTIS MEADOWS; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 10.01 FEET; THENCE SOUTH 00°32'04" EAST, ALONG A LINE 10 FEET EAST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF CEDAR STREET, A DISTANCE OF 433.22 FEET TO AN INTERSECTION

WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH, WHEN MEASURED OF RIGHT ANGLES THERETO, THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 111.02 FEET, TO AN INTERSECTION WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 12; THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, 402.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 50 FEET WIDE INGRESS AND EGRESS EASEMENT ALONG THE EASTERLY LINE BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 00°44'07" EAST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 402.85 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 125.70 FEET; THENCE SOUTH 22°42'12" WEST, 116.65 FEET; THENCE SOUTH 19°41'20" WEST, 542.07 FEET; THENCE SOUTH 20°32'44" WEST, 395.08 FEET; THENCE SOUTH 19°20'32" WEST, 200.08 FEET; THENCE SOUTH 21°03'29" WEST, 197.94 FEET; THENCE SOUTH 24°12'31" WEST, 131.68 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES THERETO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 55.71 FEET, TO AN INTERSECTION

WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B:

THAT PART OF BLOCKS 2 AND 14, AND THAT PART OF A VACATED PORTION OF ORANGE STREET, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11 AND ITS PROLONGATION THEREOF, A DISTANCE OF 1,293.80 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF NORTH STREET AND THE POINT OF BEGINNING; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 152.76 FEET TO A LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF CEDAR STREET; THENCE SOUTH 00°32'04" EAST, ALONG SAID LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF CEDAR STREET, A DISTANCE OF 432.80 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE SOUTH 88°02'40" WEST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 153.49 FEET, TO AN INTERSECTION WITH A LINE WHICH BEARS SOUTH 00°26'01" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 00°26'01" WEST, ALONG THE SOUTHERLY PROLONGATION OF

THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 431.53 FEET TO THE POINT OF BEGINNING.

AND

PARCEL C:

THAT PART OF LOT 11, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 1,243.77 FEET TO AN INTERSECTION WITH A LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET; THENCE NORTH 87°33'44" EAST, ALONG SAID LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 177.69 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 12; THENCE NORTH 00°32'04" WEST, ALONG SAID WEST LINE OF LOT 12, A DISTANCE OF 1,245.19 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND, BEING A PORTION OF TRACT "B", COBB COMMERCE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 10, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE RUN NORTH 89°19'27" EAST, ALONG THE NORTH LINE OF SAID TRACT "B", A DISTANCE OF 152.27 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 21°55'17" WEST, 436.04 FEET TO A POINT LYING ON THE WEST LINE OF AFORESAID TRACT "B"; THENCE RUN NORTH 01°29'50" EAST, ALONG SAID WEST LINE, 402.85 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA AND CONTAINS 0.704 ACRES MORE OR LESS.

RETURN TO:
City Clerk
City of Eustis
PO Drawer 68
Eustis, FL 32727



INSTRUMENT #2022040188
OR BK 5921 PG 2458 - 2468 (11 PGS)
DATE: 3/22/2022 4:17:28 PM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$95.00

Item 6.2

ORDINANCE NUMBER 22-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR PINE MEADOWS RESERVE PURSUANT TO SECTION 102-29 AND 109-2.8 OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR A 548-LOT MIXED-PRODUCT SINGLE FAMILY RESIDENTIAL SUBDIVISION ON 240.43 GROSS ACRES ON THE NORTH AND SOUTH SIDES OF PINE MEADOWS GOLF COURSE ROAD; ESTABLISHING PERMITTED USES AND DEVELOPMENT STANDARDS; PROVIDING FOR A PHASING PLAN; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, TLC Pine Meadows, LLC has made an application for a Planned Unit Development Overlay for a 548-lot mixed product single-family residential subdivision on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road, more particularly described as follows:

LCPA PARCEL ID# 24-18-26-0400-000-01101, 24-18-26-0400-000-02500, 24-18-26-0405-000-01201, 24-18-26-0455-002-00000, 24-18-26-0455-003-00000, 35-18-26-0001-000-01900, 35-18-26-0001-000-02001, 35-18-26-0500-000-00300, 36-18-26-0002-000-00100

THAT PART OF THE EAST 169.5 FEET OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY LINE OF THE RIGHT OF WAY KNOWN AS PINE MEADOWS GOLF COURSE ROAD.

AND

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LESS RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD. ALSO LESS AND EXCEPT LOTS 1 AND 2, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

TRACTS 21 TO 26, INCLUSIVE, AND TRACTS 37 TO 40, INCLUSIVE, EUSTIS MEADOWS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE RIGHT OF WAY FOR PINE MEADOWS GOLF COURSE ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 56 AND THE RIGHT OF WAY FOR FAIRWAY DRIVE, AS SHOWN ON PLAT BOOK 17, PAGE 56, AND THE RIGHT OF WAY FOR PINE-MEADOWS ROAD, AS SHOWN ON PLAT BOOK 17, PAGE 12. ALSO, LESS AND EXCEPT LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 AND 28, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56, PUBLIC RECORDS OF LAKE

COUNTY, FLORIDA.
AND

PARCEL A:

THAT PART OF LOT 12, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; AND THAT PART OF BLOCKS 3 AND 15, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF SAID MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH 00°32'04" EAST, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 1,280.21 FEET TO A 4" OCTAGONAL MONUMENT AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 15.01 FEET; THENCE SOUTH 00°32'04" EAST, A DISTANCE OF 15.01 FEET TO THE NORTHWEST CORNER OF BLOCK 3 OF SAID TOWN PLAT OF EUSTIS MEADOWS; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 10.01 FEET; THENCE SOUTH 00°32'04" EAST, ALONG A LINE 10 FEET EAST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF CEDAR STREET, A DISTANCE OF 433.22 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH, WHEN MEASURED OF RIGHT ANGLES THERETO, THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 111.02 FEET, TO AN INTERSECTION WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 12; THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, 402.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 50 FEET WIDE INGRESS AND EGRESS EASEMENT ALONG THE EASTERLY LINE BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN

THENCE SOUTH 00°44'07" EAST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 402.85 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH 00°44'07" WEST, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 125.70 FEET; THENCE SOUTH 22°42'12" WEST, 116.65 FEET; THENCE SOUTH 19°41'20" WEST, 542.07 FEET; THENCE SOUTH 20°32'44" WEST, 395.08 FEET; THENCE SOUTH 19°20'32" WEST, 200.08 FEET; THENCE SOUTH 21°03'29" WEST, 197.94 FEET; THENCE SOUTH 24°12'31" WEST, 131.68 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES THERETO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE NORTH 88°02'40" EAST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 55.71 FEET, TO AN INTERSECTION WITH THE WESTERLY TOP OF THE BANK OF A CANAL KNOWN AS HICKS DITCH; THENCE NORTH 24°12'31" EAST, ALONG SAID TOP OF BANK, 108.49 FEET; THENCE NORTH 21°03'29" EAST, ALONG SAID TOP OF BANK, 200.06 FEET; THENCE NORTH 19°20'32" EAST, ALONG SAID TOP OF BANK, 200.30 FEET; THENCE NORTH 20°32'44" EAST, ALONG SAID TOP OF BANK, 394.93 FEET; THENCE NORTH 19°41'20" EAST, ALONG SAID TOP OF BANK, 541.12 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B: THAT PART OF BLOCKS 2 AND 14, AND THAT PART OF A VACATED PORTION OF ORANGE STREET, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, TOWN PLAT OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11 AND ITS PROLONGATION THEREOF, A DISTANCE OF 1,293.80 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF NORTH STREET AND THE POINT OF BEGINNING; THENCE NORTH 87°33'44" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 152.76 FEET TO A LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF CEDAR STREET; THENCE SOUTH 00°32'04" EAST, ALONG SAID LINE 10 FEET WEST OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST RIGHT OF WAY LINE OF CEDAR STREET, A

DISTANCE OF 432.80 FEET TO AN INTERSECTION WITH A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED AT RIGHT ANGLES TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A; THENCE SOUTH 88°02'40" WEST, ALONG SAID LINE WHICH IS 50.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 44-A, A DISTANCE OF 153.49 FEET, TO AN INTERSECTION WITH A LINE WHICH BEARS SOUTH 00°26'01" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 00°26'01" WEST, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 431.53 FEET TO THE POINT OF BEGINNING.

AND

PARCEL C: THAT PART OF LOT 11, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TOT EH PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP (PLS 3351) AT THE NORTHEAST CORNER OF LOT 12 OF MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF SAID LOT 12, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 651.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87°04'27" WEST, ALONG THE NORTH LINE OF LOT 11, SAID MAP OF EUSTIS MEADOWS, ALSO BEING THE NORTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 36, A DISTANCE OF 175.55 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11; THENCE SOUTH 00°26'01" EAST, ALONG THE EAST LINE OF THE WEST 150.00 FEET OF THE EAST 1/2 OF SAID LOT 11, A DISTANCE OF 1,243.77 FEET TO AN INTERSECTION WITH A LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET; THENCE NORTH 87°33'44" EAST, ALONG SAID LINE 35.00 FEET NORTH OF WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF NORTH STREET, A DISTANCE OF 177.69 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 12; THENCE NORTH 00°32'04" WEST, ALONG SAID WEST LINE OF LOT 12, A DISTANCE OF 1,245.19 FEET TO THE POINT OF BEGINNING.

WHEREAS, Section 102-29 of the Eustis Land Development Regulations provides for a Planned Unit Development Overlay (PUD) to create planned sustainable communities, provide an opportunity for flexibility and innovation and to encourage a higher level of design and amenity than is possible to achieve under the current regulations; and

WHEREAS, the unique site characteristics of the Pine Meadows Reserve property and the development objectives warrant a departure from the standard land use and design district regulations; and

WHEREAS, the proposed PUD complies with the density limitations under the assigned Suburban Residential land use; and

WHEREAS, minor departures from the assigned Rural Neighborhood design district regulations are necessary to address the desired PUD development standards to accomplish a clustered conservation design subdivision with a higher level of amenity and design; and

WHEREAS, the resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city; and

WHEREAS, the existing and planned infrastructure is adequate to support the development; and

WHEREAS, the development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency; and

WHEREAS, the development protects, preserves, and manages areas of significant natural resources; and

WHEREAS, the arrangement of proposed uses better integrates future development into the surrounding neighborhood; and

WHEREAS, each development phase can, together with any phases that preceded it, exist as an independent unit that meets all approval criteria and other applicable regulations even if no subsequent phase should ever be completed;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1. PLANNED UNIT DEVELOPMENT OVERLAY

That the Pine Meadows Reserve Planned Unit Development Overlay for 548-lot mixed product single-family residential subdivision located on north and south sides of Pine Meadows Golf Course Road, with conditions provided for in Section 4.

SECTION 2. PLANNED UNIT DEVELOPMENT MASTER PLAN

That the Pine Meadows Reserve Planned Unit Development Master Plan, attached hereto as Exhibit "A", is hereby approved with the following development standards:

Permitted Uses:

ACCESSORY BUILDINGS
CLUBHOUSE/ CABANA
CONSTRUCTION TRAILERS

DOG PARK
 GAZEBO
 HOME OCCUPATIONS
 MAINTENANCE BUILDINGS
 MODEL HOMES
 PARKS
 POOL
 PUBLIC SERVICE/ FACILITIES
 REAL ESTATE OFFICE
 RETENTION PONDS
 SALE CENTER
 SINGLE FAMILY DETACHED
 SINGLE FAMILY ATTACHED
 TENNIS COURTS
 TOWNHOMES
 TRAILS

Site Characteristics

Total Acreage	240.43 AC
Floodplain Acreage	134.10 AC
Wetland Acreage	92.20 AC
Net Acreage	148.23 AC
Developable Acreage	148.23 AC
Open Space Percentage	25%
Open Space Acreage	<u>46.03 AC</u>
Recreation/Amenities Acreage	25.35 AC
Total Unit Count	548
Net Density	3.7 units/acre
Gross Density within the Floodplain	1 unit/acre
Impervious Area	39%
Impervious Surface Ratio	57.87 AC
Impervious Area within the Floodplain	8.40 AC
Impervious Surface Ratio within the Floodplain	16%*

*Impervious Surface Ratio may not exceed 25% pursuant to Policy CON 1.1.4

Lot Typology & Standards

Lot Type	Lot Minimum	Lot Width	Lot Depth	Front	Side	Rear	Height
R1	4,600	40'	115'	25'	5/5'	10'	35'
R1-Corner Lot	6,900	60'	115'	25'	25'/5'	10'	35'
R2	5,750	50'	115'	25'	5'/5'	10'	35'
R2-Corner Lot	8,050	70'	115'	25'	25'/5'	10'	35'
TH-Internal Lot	2,200	20'	110'	20'	0'	15'	35'
TH-End Lot	3,850	35'	110'	20'	15'/0'	15'	35'

Roadway Standards

Road Type	Road Width	Travel Lane Width	Curb Width	Grass Strip Width	Sidewalk Width
Internal	50'	12'	2'	6'	5'*

*Sidewalk on both side of internal streets

Landscape Buffers:

- A. Enhanced landscape shall be provided adjacent to the existing tennis courts and parking area immediately south of Pine Meadows Golf Course Road.
- B. Preservation and conservation areas adjacent to pasture land with greater width of separation than landscape buffer to pasture lands.

Recreational Amenities

- A. Existing Tennis Courts will remain with enhanced landscaping planned to improve the appearance of the courts and provide additional open space.
- B. Dog Park -.46-acre Special Use Facility
- C. Amenity Area-1.03-acres Special Use Facility
- D. Upland Passive Park-23.86 acres Natural Resources Area (includes trail system)

SECTION 3. TERM & PHASING

The term of this Planned Unit Development shall be ten (10) years from the effective date. The project is anticipated in three phases as follows, and as shown on Exhibit B:

Phase 1A: 2023

Phase 1B: 2026

Phase 2: 2029

Provided the project is continuing in good faith, the City Manager shall be authorized to adjust phase completion dates provided such extension does not exceed the 10-year PUD term.

SECTION 4. CONDITIONS

- A. That a Preliminary Subdivision Plat approval, Final Engineering and Construction Plan

approval and Final Plat for each phase shall be consistent with the Land Development Regulations, except as provided for herein.

- B. That pursuant to Policy FLU 5.2.13 of the Comprehensive Plan, a management plan for wetland areas shall be submittal as part of the Phase 1A Preliminary Subdivision Plat.
- C. At time of Preliminary Subdivision Plat for each phase, subdivision plans shall be shown to fully comply with all policies under CON 2.3 of the Comprehensive Plan.

SECTION 5.

That this Ordinance shall become effective upon passing.

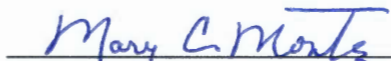
PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 3rd day of March 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**



Michael L. Holland
Mayor/Commissioner

ATTEST:



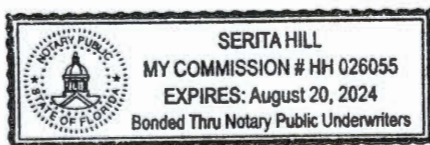
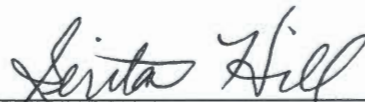
Mary C. Montez, City Clerk



CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

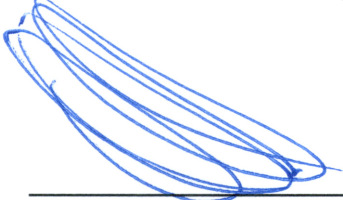
The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.



City Attorney's Office

3/3/2022

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-05 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.



Mary C. Montez, City Clerk

Exhibit A – PUD Master Plan

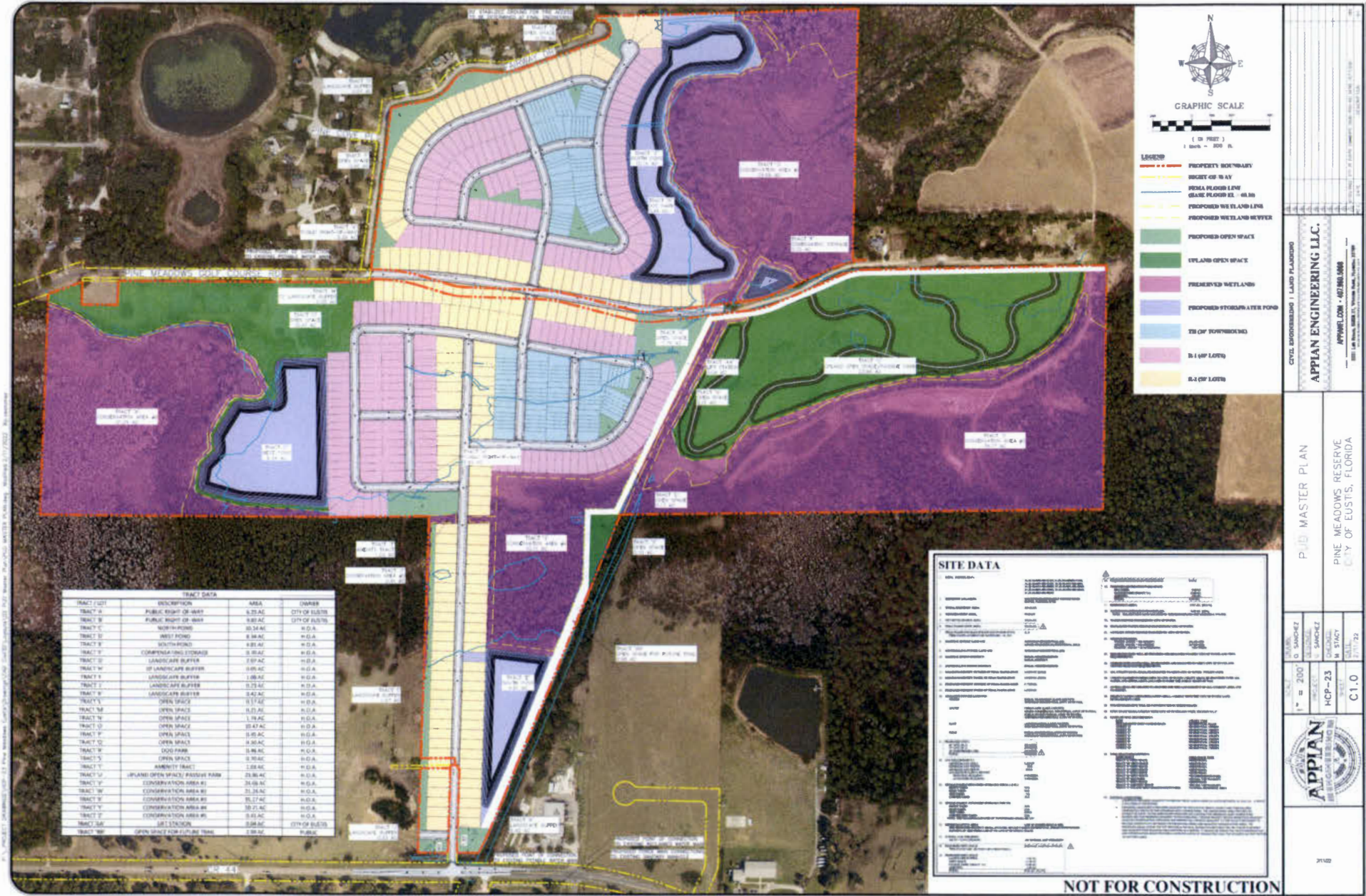
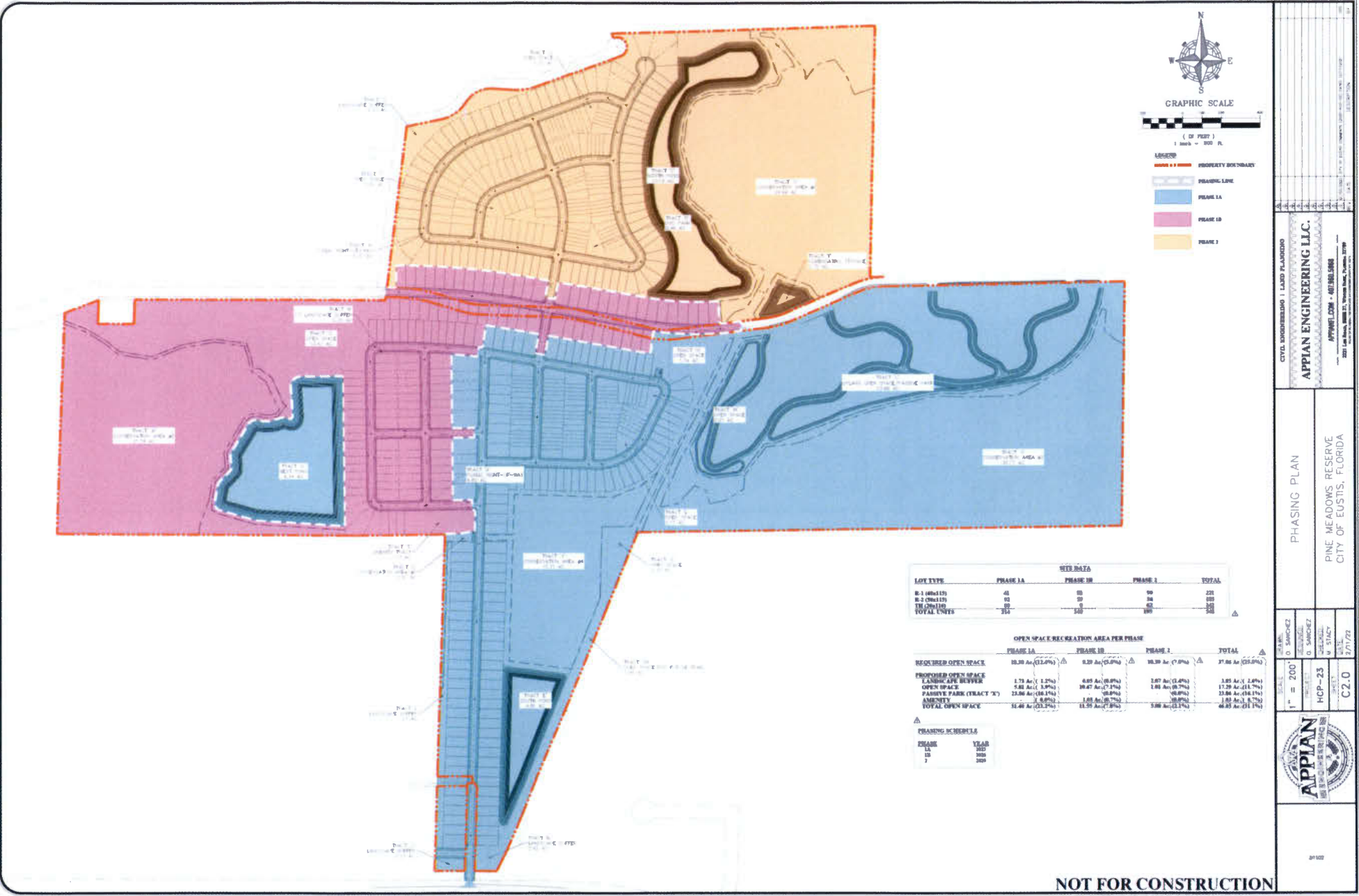


Exhibit B – PUD Phasing Plan



BEFORE THE CITY COMMISSION
CITY OF EUSTIS, FLORIDA

IN RE: PETITION TO ESTABLISH THE
HICKS DITCH COMMUNITY
DEVELOPMENT DISTRICT

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Orange

I, Anthony Iorio, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Anthony Iorio and I am the Vice President of Development of Hanover Land Company, LLC.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the City of Eustis, Florida, relating to the establishment of the Hicks Ditch Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning my work with land development are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the accuracy of the information set forth in the petition and compliance with establishment requirements.
7. No corrections to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 3rd day of October 2022.

Anthony Iorio
Anthony Iorio

SWORN TO and SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 3 day of October 2022 by the Affiant.



PAUL DANIEL
Notary Public
State of Florida
Comm# HH243140
Expires 4/4/2026

[notary seal]

Paul Daniel
(Official Notary Signature)

Name: Paul Daniel
Personally Known _____
OR Produced Identification _____
Type of Identification _____

**TESTIMONY OF ANTHONY IORIO FOR ESTABLISHMENT OF
HICKS DITCH COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Anthony Iorio. My business address is 605 Commonwealth Avenue, Orlando, Florida 32803.

2. By whom are you employed and in what capacity?

I am the Vice President of Development for Hanover Land Company, LLC.

3. Briefly summarize your duties and responsibilities.

I am responsible for overseeing the planning, permitting, engineering, and construction of residential and commercial communities for Hanover Land Company.

4. Who is the Petitioner in this proceeding?

The Petitioner is TLC Pine Meadows, LLC ("Petitioner").

5. Are you familiar with the Petition filed by the Petitioner seeking the establishment of a community development district?

Yes. I assisted in the preparation of the Petition to Establish the Hicks Ditch Community Development District and accompanying exhibits ("Petition"), filed on August 12, 2022, with the City of Eustis ("City"), and worked with members of the consultant team to prepare the filing. I reviewed the Petition and exhibits prior to its filing.

6. What is the proposed name of the District?

The proposed name is the Hicks Ditch Community Development District ("District").

7. Have you reviewed the contents of the Petition and approved its findings?

Yes, I have.

8. Are there any changes or corrections to the Petition at this time?

No.

9. Are there any changes or corrections to any of the exhibits submitted to the City at this time?

No.

10. Please generally describe each of the exhibits attached to the Petition.

Exhibit 1 is a map showing the general location of the proposed District.

Exhibit 2 is the metes and bounds description of the external boundary of the proposed District.

Exhibit 3 is the Consent of Landowner to CDD Establishment, executed by TLC Pine Meadows, LLC, which represents the consent of one hundred percent (100%) of the owners of the lands to be included within the District.

Exhibit 4 contains a map depicting the future general distribution, location, and extent of the public and private land uses within the proposed District by the land use plan element.

Exhibit 5 contains a map identifying existing and proposed major trunk water mains and sewer interceptors and outfalls within and around the proposed District.

Exhibit 6 contains a list of the facilities and services the proposed District is expected to finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible for the ownership and maintenance thereof.

Exhibit 7 contains the estimated costs and timetable of construction the infrastructure serving the land within the proposed District.

Exhibit 8 is the Statement of Estimated Regulatory Costs ("SERC"), required by statute.

Exhibit 9 is the authorization of agents form, which authorizes Sarah R. Sandy and Michelle K. Rigoni to act as agents for the Petitioner.

Exhibit 10 contains deeds conveying title to the lands within the proposed District to the Petitioner.

11. Were these exhibits prepared by you or under your supervision?

Yes, I engaged a consultant team and directed the preparation of the exhibits to the Petition.

12. To the best of your knowledge, is the general location map identified as Exhibit 1 a true and accurate depiction of the general location of the proposed District?

Yes, it is.

13. To the best of your knowledge, is the metes and bounds description of the external boundary of the District included in Exhibit 2, a true and accurate recitation of the land area to be included within the proposed District?

Yes, it is.

1
2 **14. To the best of your knowledge, is Exhibit 3 a true and accurate copy of the consent**
3 **obtained from the owner of one hundred percent (100%) of the lands to be included**
4 **within the proposed District?**

5
6 Yes, it is.
7

8 **15. To the best of your knowledge, is the map included in Exhibit 4 a true and accurate**
9 **depiction of the future general distribution, location and extent of public and private**
10 **land uses within the proposed District?**

11
12 Yes, they are.
13

14 **16. To the best of your knowledge, is Exhibit 5 a true and accurate depiction of the**
15 **existing and proposed major trunk water mains and sewer interceptors and outfalls**
16 **within and around the proposed District?**

17
18 Yes, they are.
19

20 **17. To the best of your knowledge, does Exhibit 6 truly and accurately list the facilities**
21 **and services that the proposed District is expected to finance, fund, construct, acquire**
22 **and/or install, as well as the anticipated owner and entity responsible for operation**
23 **and maintenance thereof?**

24
25 Yes, it does.
26

27 **18. To the best of your knowledge, does Exhibit 7 truly and accurately list the estimated**
28 **costs and timetable of constructing the infrastructure serving land within the**
29 **proposed District?**

30
31 Yes, it does.
32

33 **19. To the best of your knowledge, is Exhibit 8 a true and accurate copy of the**
34 **Statement of Estimated Regulatory Costs?**

35
36 Yes, it is.
37

38 **20. To the best of your knowledge, is Exhibit 9 a true and accurate copy of the**
39 **Authorization of Agents form?**

40
41 Yes, it is.
42

43 **21. To the best of your knowledge, is Exhibit 10 a true and accurate copy of the deeds**
44 **conveying title to the lands within the proposed District to the Petitioner?**

45
46 Yes, it is.

1
2 **22. Are the contents of the Petition and the exhibits attached to it, as described herein,**
3 **true and correct to the best of your knowledge?**

4
5 Yes, they are.
6

7 **23. Are you familiar with the area that is proposed to be included within the District?**

8
9 Yes, I am familiar with the general area and the site specifically.
10

11 **24. Approximately how large is the proposed District in acres?**

12
13 The proposed District is located entirely within the City of Eustis and covers approximately
14 244.043 acres of land.
15

16 **25. What steps were taken with respect to filing the Petition with the City?**

17
18 On August 12, 2022, the Petitioner filed the original Petition with the City. In addition, an
19 \$15,000 filing fee was provided upon the request of the City.
20

21 **26. Has notice of the hearing been provided in accordance with Section 190.005, Florida**
22 **Statutes?**

23
24 Yes. A notice of hearing is being published in the Daily Commercial, a newspaper of
25 general circulation in the City and of general interest and readership in the community, as
26 a display ad for four (4) consecutive weeks immediately preceding the hearing. Proof of
27 publication has been requested and will be available by the time of the establishment
28 hearing.
29

30 **27. Who are the five persons designated in the Petition to serve as the initial Board of**
31 **Supervisors?**

32
33 The five persons include Jason Lonas, Doug Beasley, Duane "Rocky" Owen, Thomas
34 Franklin, Sr., and myself.
35

36 **28. Do you know each of these persons personally?**

37
38 Yes, I do.
39

40 **29. Are each of the persons designated to serve as the initial Board of Supervisors**
41 **residents of the State of Florida and citizens of the United States?**

42
43 Yes, they are.
44

45 **30. Are there residential units planned for development within the proposed District?**
46

1 Yes. There are approximately 549 residential units planned for development within the
2 proposed District.
3

4 **31. Are there residents currently living within the areas to be included within the District,**
5 **and, if so, have they been notified about the creation of the District?**
6

7 No, there are no residents currently living within the areas to be included within the
8 District.
9

10 **32. What steps will be taken to ensure that prospective purchasers of the District receive**
11 **notice of the existence of the District and its assessments?**
12

13 There are certain state law disclosure requirements that all community development
14 districts ("CDDs") must meet. Among the numerous requirements that a CDD must meet,
15 below are a few examples:
16

17 First, within thirty (30) days of the establishment of the District, a Notice of Establishment
18 is required to be recorded in the property records. The notice contains a legal description
19 of the boundaries of the District and discloses, as required by Section 190.0485, *Florida*
20 *Statutes*, through inclusion of the bold-faced language set forth in the paragraph
21 immediately below, that the District may levy assessments. The document also provides
22 contact information for members of the public to obtain more information about the
23 District. This document should appear on a title search typically prepared when someone
24 intends to purchase a home after a District has been established.
25

26 Second, Section 190.048, *Florida Statutes*, requires certain contractual language to appear
27 in bold-faced and conspicuous type immediately prior to the signature line on every initial
28 purchase contract. The following language will be required: **The Hicks Ditch**
29 **Community Development District may impose and levy taxes or assessments, or both**
30 **taxes and assessments, on this property. These taxes and assessments pay the**
31 **construction, operation, and maintenance costs of certain public facilities and services**
32 **of the District and are set annually by the governing board of the District. These taxes**
33 **and assessments are in addition to county and other local governmental taxes and**
34 **assessments and all other taxes and assessments provided for by law.**
35

36 Third, when assessments are levied for the first time or when previously levied assessments
37 are raised, notice of a public hearing is required to be given by publication in a local
38 newspaper and by mail to all property owners within the District. The assessments are then
39 considered at a public hearing.
40

41 Fourth, the District will be required to adopt and record in the Lake County Public Records
42 a Disclosure of Public Financing and Maintenance of Public Improvements. This
43 Disclosure summarizes the financing plan the District has undertaken, the existence, if any,
44 of capital and operation and maintenance assessments, and the facilities and services that
45 the District provides and maintains. This Disclosure is then provided by the District to the

1 developer to satisfy the requirements of Section 190.009, *Florida Statutes*, and is also
2 available for inspection by residents and prospective residents.

3
4 **33. Would you please describe the proposed timetable for development of land within the**
5 **proposed District?**

6
7 It is anticipated that the District improvements will be made, acquired, constructed and/or
8 installed from 2022 to 2027.

9
10 **34. Has all of the developable land within the proposed District been planned as a single**
11 **community?**

12
13 Yes, the developable land, along with certain master infrastructure is to be maintained by
14 the proposed District that will service the developable land, although anticipated to be
15 constructed in multiple phases, is planned as a single community.

16
17 **35. Would you generally describe the services and facilities you currently expect the**
18 **proposed District to provide?**

19
20 The Petitioner presently intends for the District to be involved in providing the following
21 services and facilities: on-site and off-site public roadway improvements, water
22 distribution system, sanitary sewer and reuse water systems, stormwater management
23 improvements, electrical service improvements, conservation and mitigation
24 improvements, and related improvements. The facilities are outlined in Exhibit 6 of the
25 Petition.

26
27 Petitioner's good faith expectation of the costs associated with such facilities and services
28 is itemized in Exhibit 7 to the Petition.

29
30 **36. Did you cause the cost estimates identified in Exhibit 7 to be prepared?**

31
32 Yes, the cost estimates were prepared under my supervision and direction.

33
34 **37. What methods were used to estimate these costs?**

35
36 The estimates are based on research regarding historical costs of constructing similar
37 infrastructure and current market conditions.

38
39 **38. In your opinion, are the cost estimates for the facilities for the proposed District**
40 **reasonable?**

41
42 Yes, to the best of my knowledge and based on the information available.

43
44 **39. In general, what financing methods does the Petitioner propose the District may use**
45 **to pay for the anticipated facilities and services?**
46

Petitioner presently expects that the District will finance facilities and services through the issuance of tax-exempt bonds, special assessments and through other available financing mechanisms. The debt issued by the proposed District is expected to be retired by non-ad valorem assessments (also known as "special assessments") on benefitted property within the proposed District. Ongoing maintenance and operation of the District and its facilities and services are expected to be funded by non-ad valorem special assessments. Any facilities not financed with a bond issue may be funded by the developer using conventional financing options.

40. Who will be responsible for paying the proposed District's assessments?

Only current property owners and those who choose to acquire property within the proposed District will be responsible for paying District assessments.

41. Will these proposed District debts be an obligation of the City, Lake County, or the State of Florida?

No. The debts will be solely the District's obligation and secured by non-ad valorem assessments levied against property owners. Florida law provides that CDD debt cannot become the obligation of a county, a city, or the state without the consent of that government.

42. Why is the Petitioner seeking to have a CDD established for this area?

There are hundreds of CDDs throughout the State of Florida. CDDs are an efficient, effective way to provide infrastructure and have become accepted in the marketplace to homebuyers. CDDs have the ability to assist in the streamlined and efficient maintenance and operation of infrastructure and services to developing communities.

From our perspective, the establishment of a CDD is logical for this project. It provides a long-term, stable, financially secure entity. The proposed District is a structured, formal entity with the legal ability to respond to future changes in the circumstances and desires of its residents. Under Florida law, the proposed District has access to Lake County's tax collection mechanisms, which helps ensure that the facilities will be maintained. In that sense, it is preferable over control by a property owners association.

Additionally, a CDD has the ability to enter into interlocal agreements with other government entities. These allow a CDD to work with other government entities to complete projects that benefit residents within the CDD boundaries while also assisting local governments in completing infrastructure necessary to serve growth.

A CDD has the financial capability to assist in the provision of necessary capital improvements sooner than may otherwise be the case. The City, developers, builders and residents will all benefit from these improvements in terms of access, traffic flow, safety and general property enhancement. Additionally, a CDD is the entity preferred by many regulatory agencies, including many water management districts, to operate and maintain

1 the stormwater management and other similar systems. This is because the CDD is a
2 perpetual entity, operating in open meetings, with the financial ability to ensure that the
3 maintenance of these important environmental facilities and amenities is accomplished.
4 Given the nature of this project, in my opinion, a CDD is a logical, prudent, and desirable
5 way to ensure this needed infrastructure is maintained.
6

7 **43. Does this conclude your testimony?**
8

9 Yes.

BEFORE THE CITY COMMISSION
CITY OF EUSTIS, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HICKS DITCH COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Major Stacy, P.E., of Appian Engineering, LLC, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Major Stacy, and I am a Principal of Appian Engineering, LLC.
3. The prepared written, pre-filed testimony consisting of nine (9) pages, submitted under my name to the City of Eustis, Florida, relating to the establishment of the Hicks Ditch Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning my work with land development projects as a professional engineer are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the nature of the services and facilities anticipated by the proposed Hicks Ditch Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 3 day of October 2022.

Major Stacy, P.E.

SWORN TO and SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of October 2022 by the Affiant.



[notary seal]

(Official Notary Signature)

Name: Laura Zuluaga
 Personally Known ✓
 OR Produced Identification N/A
 Type of Identification N/A

**TESTIMONY OF MAJOR STACY, P.E., FOR ESTABLISHMENT OF
LAKE HARRIS COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Major Stacy and my business address is 2221 Lee Road, Suite 27, Winter Park, Florida 32789.

2. By whom are you employed and in what capacity?

I am a Principal with Appian Engineering.

3. How long have you held that position?

I have held this position for 12 years.

4. Please give your educational background, with degrees earned, major areas of study and institutions attended.

I graduated from the University of Central Florida in 2004 with a Bachelor of Science in Civil Engineering.

5. Do you have any professional licenses, registrations, or certifications?

Yes, my Florida Board of Professional Engineers License Number is 70249

6. Are you a member of any professional associations?

In addition to being a member of the FBOPE, I am also a member of GOBA.

7. Please summarize your previous experience as it relates to public facility design and construction and land development and planning.

As an engineer I have been the engineer of record for various municipal projects including transportation, stormwater, utilities and any ancillary items that would fall within a proposed scope. I have familiarity with the rules and regulations of all agencies having jurisdiction to ensure regulatory compliance.

8. Have you been involved in any developments of the type and nature contemplated within the proposed Hicks Ditch Community Development District ("District")?

Yes, I have. For example, I serve as the engineer of record for the Dovera CDD as well as extensive coordination with the Enterprise CDD.

9. Are you familiar with the Petition ("Petition") filed by TLC Pine Meadows, LLC

1 **(“Petitioner”) on August 12, 2022, seeking the establishment of the proposed**
2 **District?**

3
4 Yes. I assisted the Petitioner with the preparation of some of the exhibits filed with the
5 Petition and reviewed others.
6

7 **10. Are you generally familiar with the geographical area, type, and scope of**
8 **development and the available services and facilities in the vicinity of the proposed**
9 **District?**

10
11 Yes, I am.
12

13 **11. Which documents did you prepare or have others prepare under your supervision?**
14

15 Exhibits 1, 2, 4, 5, 6, and 7.
16

17 **12. Do any of those exhibits require any change or correction?**
18

19 No.
20

21 **13. To the best of your knowledge, are Exhibits 1, 2, 4, 5, 6, and 7 to the Petition**
22 **accurate?**
23

24 Yes, to the best of my knowledge.
25

26 **14. In general, what do Exhibits 1, 2, 4, 5, 6, and 7 to the Petition demonstrate?**
27

28 Exhibit 1 is a map showing the general location of the proposed District.
29

30 Exhibit 2 is the metes and bounds description of the external boundary of the proposed
31 District.
32

33 Exhibit 4 contains a map depicting the future general distribution, location, and extent of
34 the public and private land uses within the proposed District by the land use plan element.
35

36 Exhibit 5 contains a map identifying existing and proposed major trunk water mains and
37 sewer interceptors and outfalls within and around the proposed District.
38

39 Exhibit 6 contains a list of the facilities and services the proposed District is expected to
40 finance, fund, construct, acquire and/or install, as well as the anticipated entity
41 responsible for the ownership and maintenance thereof.
42

43 Exhibit 7 contains the estimated costs and timetable of construction the infrastructure
44 serving the land within the proposed District.
45

1 **15. What capital facilities are presently expected to be provided by the District?**

2
3 Based on information provided by Petitioner and as more fully described in Petition
4 Exhibit 6, it is presently expected that the District will construct and/or acquire onsite and
5 offsite sanitary sewer, reuse water, water distribution improvements, stormwater
6 management improvements, electrical service system, conservation and mitigation areas,
7 onsite and offsite roadway improvements and landscape, hardscape and irrigation
8 improvements.
9

10 **16. Based upon your training and experience as an engineer, do you have an opinion as**
11 **to whether the proposed District is of sufficient size, sufficient compactness, and**
12 **sufficient contiguity to be developed as a functional interrelated community?**
13

14 Yes. Based on my experience, the proposed District is of sufficient size, compactness and
15 contiguity to be developed as a one functional interrelated community.
16

17 **17. What is the basis for your opinion?**
18

19 For many reasons, the proposed District facilities can be provided in an efficient,
20 functional and integrated manner.
21

22 First, there are sufficient, significant infrastructure needs for the area within the proposed
23 District to allow development as a functionally interrelated community.
24

25 Second, the specific design of the community allows infrastructure to be provided in a
26 cost-effective manner. The land included within the proposed District area is contiguous,
27 which facilitates an efficient and effective planned development.
28

29 Third, the provision of services and facilities through the use of one development plan
30 provides a contiguous and homogenous method of providing services to lands throughout
31 the District.
32

33 **18. In your opinion, you said the proposed District is sufficiently compact and**
34 **contiguous to be developable as a functionally interrelated community. Would you**
35 **please explain what you mean when stating that the proposed District is of sufficient**
36 **compactness?**
37

38 The District will encompass approximately 244.043 acres and will provide a range of
39 residential and residential-support land uses that require the necessary elements of
40 infrastructure including onsite and offsite sanitary sewer, reuse water, water distribution,
41 stormwater management system, electrical service, conservation and mitigation areas,
42 onsite and offsite roadway improvements, among other improvements. The proposed
43 District will have sufficient overall residential density to require all the above-mentioned
44 necessary elements of infrastructure of a comprehensive community. These facilities and
45 services require adequate planning, design, financing, construction, and maintenance to

provide the community with appropriate infrastructure. The preferred method of developing land, especially for higher density residential uses, is for the development to be spatially compact. This augments the District's ability to construct and maintain improvements and provide services, in a cost-efficient manner.

19. Can you provide an example of a service or facility and explain why a CDD is a preferred alternative for long-term operation and maintenance?

Yes. A good example would be a storm water management system. Both a CDD and a homeowner's association are permitted to operate and maintain such systems under applicable St. Johns River Water Management District ("SJRWMD") and City of Eustis rules. However, SJRWMD rules generally require homeowner's associations to provide significantly more information and documentation before the SJRWMD will accept them as an operation and maintenance entity. This additional information is required to ensure the association has the financial, legal and administrative capability to provide for long-term maintenance of the storm water management system. Such documentation generally must: (1) indicate that the association has the power to levy assessments; (2) mandate the association will operate and maintain such systems; and (3) provide that the association cannot be dissolved until another entity is found to maintain the storm water management system.

In comparison, a CDD is a perpetual local government unit, which by law has the requisite assessment authority, including the ability to collect such assessments on the county tax roll. Thus, a CDD generally must simply provide a letter to the SJRWMD stating that the CDD will accept operation and maintenance responsibility. All things being equal, a CDD is preferred over a homeowner's or property owner's association for operation and maintenance of a storm water management system.

20. Does the establishment of the District obviate the need for local land development regulations, ordinances or plans?

No. Section 190.004, *Florida Statutes*, explicitly provides the establishment of a CDD does not in any way impact or change the applicability of any governmental planning, environmental and land development laws, regulations, and ordinances. A CDD cannot take any action that is inconsistent with the comprehensive plan, code of ordinances or regulations of the city or county within which it is located.

21. Based on your experience, do you have an opinion as to whether the services and facilities to be provided by the proposed District will be incompatible with the capacities and uses of existing local and regional community facilities and services?

Yes. Based on the information provided to me, it is my opinion that the proposed services and facilities of the proposed District will not be incompatible with the capacity and uses of existing local or regional community development services and facilities.

1 **22. What is the basis for your opinion?**

2
3 Currently, none of the planned infrastructure improvements the proposed District plans to
4 provide exist on the subject property in a manner which is useful to the proposed
5 development. Each of the elements of infrastructure for the necessary services and
6 facilities will connect into the existing, surrounding systems according to criteria, review
7 and approval of the existing operational entity. The proposed master infrastructure
8 roadway improvements will interconnect with and extend the City's roadway system.
9 The proposed water and sewer systems will extend the existing utility systems currently
10 operated by the City of Eustis. There will be no incompatibility issues.

11
12 **23. Based on your experience, do you have an opinion as to whether the area to be**
13 **included within the proposed District is amenable to being served by a separate**
14 **special district government?**

15
16 Yes. Based on the information provided to me, in my opinion, and to the best of my
17 knowledge, the area identified in the Petition is amenable to being served by a separate
18 special district government.

19
20 **24. What is the basis for your opinion?**

21
22 Based on the information provided to me, the proposed District is limited in purpose and
23 the infrastructure improvements to be provided by the proposed District are limited in
24 scope. This infrastructure is expected to directly benefit the development and may be
25 adequately served by a special district government. In addition, special district
26 governance provides a mechanism whereby long-term maintenance obligations can be
27 satisfied by the persons primarily using the facilities and services.

28
29 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**
30 **proposed District is the best alternative for delivering community services and**
31 **facilities to the areas that will be served by the proposed District?**

32
33 Yes. Based on the information provided to me, it is my opinion that the proposed District
34 is the best alternative for providing the proposed services and facilities to the land to be
35 included within the proposed District.

36
37 **26. What are the alternatives contemplated in rendering this opinion?**

38
39 There would be two alternatives to the establishment of the proposed District. First, to
40 facilitate economic development, accommodate new growth, and provide new services,
41 the City could perhaps provide the selected facilities. The second alternative would be
42 for the developer or homeowner's association (HOA) to provide the infrastructure using
43 private financing.

44
45 **27. How does the proposed District compare to these alternatives?**

By comparison of the alternatives referenced above, from a planning perspective, the proposed District is the best alternative available to provide the necessary infrastructure improvements. As a special-purpose "local government," the proposed District is a stable, long-term public entity capable of constructing, maintaining and managing the proposed elements of infrastructure of the necessary facilities and services. The limited purpose and scope of the District, combined with the statutory safeguards in place, such as notice of public hearings and access to district records, would ensure that the proposed District is responsive to the infrastructure needs of the proposed District. The proposed District would be able to obtain low-cost financing to provide the necessary improvements and then impose special or non-ad valorem assessments upon the property owners within the District to fund the infrastructure.

Only a CDD allows for the independent financing, administration, operations and maintenance of the land within the District. Only a CDD allows property owners, and eventually residents, to completely control the CDD board and, therefore, the timing and extent of infrastructure improvement and maintenance. Knowing when, where and how infrastructure will be needed to service the projected population of an area allows for the smooth delivery of those facilities. The proposed District exceeds other available alternatives at focusing attention to when and where and how the next system of infrastructure will be required for this specific area. This results in a full utilization of existing facilities before new facilities are constructed. It reduces the delivered cost to the citizens being served. All other alternatives do not have these characteristics.

28. In the course of your work in Florida, have you had an opportunity to work with the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes. In the course of producing planning documents for private development proposals, I have often referred to the State Comprehensive Plan.

29. In the course of your work in Florida, have you had an opportunity to review local government comprehensive plans?

Yes. In fact, I have reviewed the City of Eustis Comprehensive Plan in the course of my work.

30. At this point, I will ask you to address certain matters that are related to land use and comprehensive planning. Are you familiar with the development approvals that have been obtained or are being sought by the Petitioner to govern the lands within the proposed District?

Yes, I am.

31. Based upon your experience with planning, do you have an opinion as to whether the proposed District is inconsistent with any portion or element of the State

Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes, I do have an opinion.

32. What is that opinion?

In my opinion, the proposed District is not inconsistent with the applicable provisions of Chapter 187, *Florida Statutes*.

33. What is the basis for your opinion?

I have reviewed, from a planning perspective, applicable portions of the State Comprehensive Plan which relate to community development districts. The State Comprehensive Plan “provides long-range policy guidance for the orderly, social, economic, and physical growth of the state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous goals and policies. Three subjects are particularly relevant, from a planning perspective, to the establishment of the CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 - Plan Implementation. Several of the policies and goals are particularly supportive of the establishment of the proposed District.

34. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment of the proposed District?

This goal recognizes the importance of enhancing the quality of life in the State of Florida and attempts to do so by ensuring that development is located in areas that have fiscal abilities and service capacity to accommodate growth. CDDs are designed to provide services and facilities in a fiscally responsible manner to areas which can accommodate development. The proposed District is consistent with this goal because it will continue to have the fiscal capability to provide a range of services and facilities to a population in a designated growth area.

35. Are any of the policies under subject No. 15 relevant?

Yes. Policy 1 promotes efficient development activities in areas which will have the capacity to service new populations and commerce. The proposed District will be a vehicle to provide high quality services in an efficient and focused manner over the long term.

36. What is Subject 17 and why is it relevant?

Subject 17 addresses public facilities. The goal is to finance new facilities in a timely, orderly and efficient manner. In particular, Policy 3 states that the cost of new public facilities should be allocated to existing and future residents on the basis of the benefits received. Policy 6 also encourages the identification and implementation of innovative

but fiscally sound and cost-effective techniques for financing public facilities. Establishment of the proposed District will further this goal and related policies.

37. Why is subject No. 25, the other subject you mentioned, relevant to the establishment of the proposed district?

Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning capabilities be integrated into all levels of government throughout the state, with particular emphasis on improving inter-governmental coordination and maximizing citizen involvement. The proposed District will operate through a separate and distinct Board of Supervisors who will systematically plan the construction, operation and maintenance of public improvements and community facilities authorized under Chapter 190, *Florida Statutes*, subject to and not inconsistent with the local government comprehensive plan and land development regulations. Further, meetings held by the Board of Supervisors are publicly advertised and open to the public.

38. Are there any relevant policies in this portion of the State Comprehensive Plan?

Yes. Policy 6 encourages public citizen participation at all levels of policy development, planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD, the election of the Board of Supervisors begins to transition from a landowner-elected Board to a resident-elected Board. Regardless of whether the board is elected by the landowners or the residents, the proposed District must convene its meetings in accordance with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This encourages citizen participation in the planning and operational activities of the district.

39. Based upon your experience with planning, do you have an opinion as to whether establishment of the proposed District is inconsistent with any portion or element of the City of Eustis Comprehensive Plan?

Yes, I do.

40. What is that opinion?

In my opinion, the establishment of the proposed District is not inconsistent with any applicable provisions of the City of Eustis Comprehensive Plan.

41. What is the basis for that opinion?

The proposed District is consistent with the current Future Land Use / Comprehensive Plan designation, as this information was utilized during the annexation of the lands comprising the District, City Comprehensive Plan and planned development approvals recently acquired and approved by the City.

1
2 My opinion is also based upon years of experience reviewing comprehensive plans
3 (including for purposes of this project the current City of Eustis Comprehensive Plan)
4 and there not being any provisions that would render a CDD inconsistent. Furthermore,
5 Chapter 190, *Florida Statutes*, prohibits any CDD from acting in a way that is
6 inconsistent with the local government's comprehensive plan, the exercising of any
7 power must be done with the comprehensive plan in mind.
8

9 It is my opinion, therefore, that with respect to the establishment of the proposed District,
10 the proposed District will not be inconsistent with any applicable element or portion of
11 the City of Eustis Comprehensive Plan.
12

13 **42. Does this conclude your testimony?**
14

15 Yes, it does.

**BEFORE THE CITY COMMISSION
CITY OF EUSTIS, FLORIDA**

IN RE: Petition to Establish Hicks Ditch)
 Community Development District)
_____))

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA

COUNTY OF Orange

I, George Flint ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is George Flint and I am a Vice-President with Governmental Management Services – Central Florida, LLC.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages submitted under my name to the City Commission of City of Eustis, Florida, relating to the Petition to Establish ("Petition") the Hicks Ditch Community Development District ("District") and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning my work are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various managerial, operational and financial aspects related to the Petition.
7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

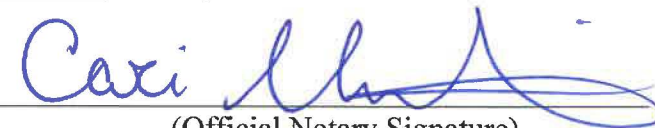
Executed this 11 day of October 2022.


George Flint

SWORN TO and SUBSCRIBED before me by means of ☐ physical presence or ☐ online notarization, this 11th day of October 2022 by the Affiant.



[notary seal]


(Official Notary Signature)
Name: George S. Flint
Personally Known ☒
OR Produced Identification _____
Type of Identification _____

**TESTIMONY OF GEORGE FLINT FOR ESTABLISHMENT OF
HICKS DITCH COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is George S. Flint. My business address is 219 East Livingston Street, Orlando, Florida 32801.

2. By whom are you employed and in what capacity?

I am a Vice-President with Governmental Management Services – Central Florida, LLC (GMS) and serve as District Manager and assessment administrator for community development districts.

3. Please briefly summarize your duties and responsibilities.

GMS provides management consulting services to community development districts and the real estate industry, including general management, accounting, recording, secretarial services, field services and assessment administration. GMS currently serves as the district manager for over two hundred twenty eighty (220) community development districts (“CDDs”) in the State of Florida.

4. Do you work with both public and private sector clients?

GMS primarily works for public entities providing district management services. However, we are retained, from time to time, by private entities to consult on the creation of special districts as well as the viability of certain proposed developments.

5. Prior to your current employment, by whom were you employed and what were your responsibilities in those positions?

I have twenty-eight (28) years of experience in the public and private sectors providing general management, budgeting, and consulting services. I served as the Budget Officer and Assistant County Administrator for St. Johns County, Florida, and as the Assistant County Manager/Performance Manager for Alachua County, Florida. In addition, I served as a Senior Management Consultant and Regional Manager for TetraTech, Inc., an environmental engineering firm, and as the Executive Director of the St. Johns County Utility Authority. I have extensive knowledge of special districts, governmental budgeting and finance issues, the development process, and water and wastewater utilities.

6. Are you familiar with the Petition (“Petition”) filed by TLC Pine Meadows, LLC (“Petitioner”) on August 12, 2022, seeking the establishment of the proposed District?

Yes, I serve as an assessment, economic, and management consultant relating to the establishment of the proposed District. Specifically, I assisted the Petitioner with the

preparation of Petition Exhibit 8, the Statement of Estimated Regulatory Costs (“SERC”).

7. Please describe your educational background.

I have a Bachelor of Arts degree from Princeton University in Politics with a focus in economics and a Master of Public Administration from Florida State University with a specialization in public budgeting and finance.

8. Please describe your work with community development districts (“CDDs”) in Florida.

Through GMS, the clients I serve are both resident-elected and landowner-elected CDDs, depending on the stage in the life of the development. I assist the various Boards of Supervisors and residents by managing the accounting, official recordkeeping, and operations and management of the assets acquired or constructed by the CDD. I have provided management and assessment administration services to over fifty (50) active CDDs across Florida.

9. Are any of these community development districts that you have worked with about the same size as the proposed Hicks Ditch Community Development District in the City of Eustis, Florida (the “City”)?

Yes.

DISTRICT MANAGEMENT

10. At this point, I will ask you to address certain matters that are related to community development district management. Please describe the general manner in which a community development district actually operates.

Community development districts are governed by a five-member board of supervisors. These board members are initially appointed by the establishment entity in its ordinance. Within 90 days of the establishment of the district, a new board is elected by the landowners in the district. The Board is the governing body of the district. The Board employs a district manager, who supervises the district’s services, facilities, and administrative functions. The Board annually considers and, after public notice and hearing, adopts a budget. The district submits a copy of the proposed budget to the applicable local general-purpose government for review and for optional comment prior to its adoption each year.

11. Are there requirements, such as the open meetings and public records laws, imposed upon community development districts in order to safeguard the public that are similar to those imposed upon other general-purpose local governments?

Yes, there are.

1 **12. Please describe these requirements and safeguards.**

2
3 First, it is important to note that the establishment of a CDD does not change any
4 requirements for local general-purpose governmental approval of construction within the
5 district. Any land development requirements and all state and local development
6 regulations still apply.
7

8 Second, members of the CDD Board of Supervisors must be residents of Florida and citizens
9 of the United States. After the Board shifts to being elected by the resident electors of the
10 district the supervisors must also be residents and electors of the district. Board members
11 must annually file the same financial disclosure forms required by other local officials. All
12 meetings of the CDD Board of Supervisors are open to the public and are subject to the
13 government in the sunshine requirements of Chapter 286, *Florida Statutes*. Furthermore,
14 the District's records must be open for public inspection in accordance with the Florida law
15 governing public records.
16

17 Next, the district must provide financial reports to the state in the same form and manner as
18 is required of all other political subdivisions. The CDD is annually audited by an
19 independent certified public accountant. As I said before, the CDD budget is adopted
20 annually by the board after a public hearing. All rates, fees, and charges imposed by the
21 district must be adopted pursuant to Chapter 120, *Florida Statutes*.
22

23 Finally, to impose special or non-ad valorem assessments under Chapter 170, 190 and 197,
24 a CDD must provide published and mailed notice to those who are assessed providing them
25 opportunity to appear before the Board of Supervisors and have an opportunity to comment
26 on the advisability of the assessments. That assessment process entails preparation of an
27 assessment methodology that fairly and equitably allocates the cost of the district's projects.
28

29 **13. Please describe in general terms how a CDD operates financially, both on a day-to-day**
30 **and a long-term basis.**

31
32 In the early stages, particularly when a CDD is first formed, the CDD's operating funds may
33 be funded by a "Funding Agreement" between the CDD and the landowner/developer in
34 lieu of assessments that the CDD might have imposed on property within the CDD.
35

36 In order to provide long term financing of capital projects, CDDs often issue bonds. All
37 bonds issued by CDDs must be secured by a trust agreement, and any bond maturing over
38 a period of more than five years must be validated and confirmed by court decree pursuant
39 to Chapter 75, *Florida Statutes*. The CDD also may borrow funds on a long or short-term
40 basis.
41

42 Debt may be retired by the District through non ad valorem or special assessments imposed
43 on benefited properties, or rates, fees, and charges imposed on users of district facilities and
44 services. By law, debt of the District cannot become debt of any other government (city,
45 county or state), without that government's consent.

1
2 **14. What alternatives, other than community development districts, are you familiar with**
3 **that might be available to provide community infrastructure for the lands within the**
4 **proposed District?**
5

6 In my opinion there are two alternatives that might provide community infrastructure such
7 as the roads, utilities, drainage, recreation and other improvements contemplated for the
8 proposed district. First, the general-purpose local government could finance the
9 improvements utilizing special assessments and/or general funds. Alternatively, the
10 developer could provide infrastructure through private means, including private financing
11 if available. As discussed later in my testimony, neither of these alternatives is preferable
12 to use of the CDD concept.
13

14 **15. What has been your role with respect to the Petition to Establish the Hicks Ditch**
15 **Community Development District (the “Petition”)?**
16

17 I have worked closely with TLC Pine Meadows, LLC (the “Petitioner”) and its consultants
18 in determining if a CDD is appropriate for this project. I also supervised the preparation of
19 Exhibit 8 of the Petition, the SERC.
20

21 **16. Do you have an opinion, as someone experienced in district management and**
22 **operations, as to whether the proposed District is the best available alternative for**
23 **delivering community services and facilities to the areas that will be served by the**
24 **District?**
25

26 Yes. For this project, the proposed District is the best alternative available for delivering
27 the proposed services and facilities to the area that will be served. These improvements
28 include, but are not limited to, sanitary sewer collection, water distribution, reuse water,
29 stormwater management system, conservation and mitigation, roadway improvements, and
30 landscaping and hardscaping.
31

32 **17. What is the basis for your opinion?**
33

34 Looking at the alternatives, the City could finance and manage the improvements utilizing
35 special assessments or general funds. The developer and/or a property owner’s association
36 (“POA”) could provide these facilities as well through private financing.
37

38 In evaluating the alternatives, it is important to consider whether the alternative can provide
39 the best focus, can effectively and efficiently manage and maintain the facilities, and
40 whether the alternative can secure low cost, long term public financing. The City clearly
41 provides the long-term perspective and is a stable and relatively low-cost source of
42 financing and provider of services at sustained levels. However, the City has substantial
43 demands over a broad geographical area that places a heavy management delivery load on
44 its staff. In addition, if dependent district financing were used, the City would be
45 responsible for all administrative aspects of the dependent district. The City would have to

make time and meetings available for the monthly matters pertaining to the dependent district. By using a dependent district mechanism, the City would be increasing its responsibility and hence liability for the variety of actions that will take place in the Lake Harris development. The City, through the dependent district, would also be the contracting party for all construction contracts, would have to deal with bid issues, enforce performance bonds, and participate in construction arbitration or litigation if necessary. They would deal with delay claims and budget management and all the other challenges that come with being the owner in a public construction project. A district can be created to provide focused attention to a specific area in a cost-effective manner. It also allows the City to focus staff time, finances, and other resources elsewhere and does not burden the general body of taxpayers in the City with the debt associated with this growth.

The other alternative is the use of private means either through a POA or through the developer, or both in combination. This combination can clearly satisfy the high demand for focused service and facilities and managed delivery. However, only a public entity can assure a long-term perspective, act as a stable provider of services and facilities, qualify as a lower cost source of financing, and pay for services at sustained levels. POAs lack the ability to effectively finance the improvements. Their ability to assure adequate funds for sustained high levels of maintenance is less than with a CDD.

Furthermore, neither the developer nor a POA would be required to conduct all actions relating to the provision of these improvements in the “sunshine” as a CDD must or abide by other public access requirements that are incumbent upon a CDD and its Board of Supervisors. Also, provision and long-term operation and maintenance of these improvements, particularly the drainage activities, by a CDD ensures that residents have guaranteed access to the body or entity making decisions about these facilities, and in fact will one day sit as the five-member board making the decisions that impact their community directly.

A CDD is an independent special purpose unit of local government designed to focus its attention on providing the best long-term service to its specifically benefited properties and residents. It has limited power and a limited area of jurisdiction. The CDD will be governed by its own board and managed by those whose sole purpose is to provide the district long term planning, management, and financing of these services and facilities. This long-term management capability extends to the operation and maintenance of the facilities owned by the CDD. Further, the sources for funding and manner of collection of funds will assure that the CDD facilities will be managed at the sustained levels of quality desired by residents well into the future.

- 18. Do you have an opinion, as someone experienced in district management and operations, as to whether the area of land to be included within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community?**

Yes.

1
2 **19. What is your opinion?**
3

4 The proposed CDD has sufficient land area, and is sufficiently compact and contiguous to
5 be developed, with the roadway, drainage, water and sewer, and other infrastructure
6 systems, facilities and services contemplated. The District will operate as one functionally
7 interrelated community.
8

9 **20. What is the basis for your opinion?**
10

11 The size of the proposed District is approximately 244.043 acres. Based on my previous
12 experience, the proposed District is of sufficient size, compactness, and contiguity to be
13 developed as a functional interrelated community.
14

15 The qualities of compactness, contiguity, and size relate directly to whether an area can
16 become one functional interrelated community. From the standpoint of the provision,
17 management and operation of the community infrastructure expected to be provided by the
18 District, the acres contemplated for inclusion within the District is sufficiently compact,
19 contiguous and of sufficient size to maximize the successful delivery of these infrastructure
20 improvements to these lands. The delivery of services and facilities to the lands within the
21 District will not be hampered by insurmountable barriers or spatial problems. The area
22 within the District is suitably configured to maximize the benefits available from the District
23 services and facilities to be provided.
24

25 **21. Do you have an opinion, as someone experienced in district management and**
26 **operations, as to whether the area that will be served by the proposed District is**
27 **amenable to separate special district government?**
28

29 Yes.
30

31 **22. What is your opinion?**
32

33 The District is of sufficient size, compactness, and contiguity. Therefore, the area to be
34 served by the proposed District is clearly amenable to separate special district governance.
35 The configuration of the District is not unlike other CDDs with which I have worked over
36 time.
37

38 **23. What is the basis for your opinion?**
39

40 Two criteria are needed to evaluate if a land area is amenable to separate special district
41 government. One, does the land area have need for the facilities and services and will its
42 owners and residents benefit from facilities that the special district could provide? Two, is
43 the land area of sufficient size, sufficient compactness, and sufficiently contiguous to be the
44 basis for a functional interrelated community?
45

Under both criteria, the proposed District is a planned community of sufficient size with a need for the facilities and improvements that are presently expected to be provided by the proposed District. As described in the petition, the proposed District will construct and maintain certain identified needed facilities and services. Other facilities and improvements will be constructed by the proposed District and ultimately owned and maintained by the City. Based on my experience, CDDs of this size are large enough to effectively provide and manage services. From a management and operations perspective, the land area is well suited to the provision of the proposed services and facilities. Ultimately, of course, if later circumstances would cause the City to re-evaluate whether these lands should continue as separate special district government, the City has the option under Section 190.046(4), *Florida Statutes*, to effectively take over the functions of any CDD.

24. **Do you have an opinion, as someone experienced in district management and operations, as to whether the community development services and facilities of the proposed District will be incompatible with the capacity and use of existing local and regional community development services and facilities?**

Yes.

25. **What is your opinion?**

The proposed services and facilities of the proposed District are not incompatible with the capacity and uses of existing local or regional community development services and facilities.

26. **What is the basis for your opinion?**

Petitioner presently expects the proposed District to finance and construct certain sanitary sewer collection systems, water distribution systems, reuse water systems, stormwater management systems, conservation and mitigation improvements, roadway improvements, and landscape and hardscape improvements. None of the facilities expected to be provided by the District presently exist. Ultimately, a district may own and maintain certain of those improvements and the City, or other governmental entities, may own and maintain others. There will be no overlap or incompatibility because the facilities and improvements expected to be provided by the proposed District do not exist today.

ECONOMICS AND FINANCING

27. **You stated earlier that you are familiar with the Petition, and its Exhibits, filed by the Petitioner, to establish the proposed Hicks Ditch Community Development District. Are you particularly familiar with Exhibit 8 to the Petition?**

Yes, Exhibit 8 is the SERC, a requirement of Chapter 190, *Florida Statutes*.

28. What exactly is a "SERC"?

The Statement of Estimated Regulatory Costs is actually a requirement under Sections 190.05 and/ 120.541(2), *Florida Statutes*, which has been incorporated into the law on establishment of community development districts.

29. In general terms, please summarize the economic analyses presented in the SERC.

An understanding of the SERC requires the recognition of the scope of review and evaluation for the establishment of a community development district as set out in Chapter 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such a district pursuant to uniform general law [must] be fair and based only on factors material to managing and financing the service-delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.” Thus, the scope of the economic analysis included in the SERC addresses only the establishment of the proposed District, and not the planning or development of the property itself.

The economic analysis sets out the assumptions about the development within the proposed district and the anticipated infrastructure to be provided by it. The analysis addresses each of the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates the impact of the proposed district on each such group.

The proposed Hicks Ditch Community Development District is a specialized unit of local government. It is a special purpose unit of local government with a single objective: the provision of infrastructure and services for a planned new community. Its economic benefits exceed its economic cost to the Petitioner, the City, and to all subsequent purchasers and landowners of the community - in short, to all affected parties.

Once the proposed District is established, there are no direct costs to the City. While the proposed District will provide certain reports and budgets to the City for its discretionary review, there are no requirements that either incur any obligations or expense associated with its review. In addition, to the extent the proposed District utilizes the services of the Property Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*, to collect its assessments, the proposed District must pay the costs associated with those services.

It is important to note that under Chapter 190, the debt of the proposed District cannot become the debt of the City or the State of Florida. Since the proposed District will be an independent unit of government and issue its own bonds, the proposed District will not have any effect on the bonding capacity of the City or the State of Florida.

30. Please describe briefly the data and methodology used in preparing the SERC and related analyses.

The data for the analysis came from the landowner, other experts working on the Petition,

and from the Petition itself. The methodology utilized is the standard economic impact assessment.

31. From an economic and financial perspective, do you have an opinion regarding the financial viability and feasibility of the proposed District?

Yes, I do.

32. What is that opinion?

In my opinion, based on my experience with other districts, the proposed Hicks Ditch Community Development District is expected to be financially viable and feasible.

33. Are you familiar with the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes.

34. From an economic and financial perspective, do you have an opinion as to whether the proposed District is inconsistent with the State Comprehensive Plan from an economic perspective?

Yes.

35. What is that opinion?

It is my opinion the proposed Hicks Ditch Community Development District is not inconsistent with any applicable element or portion of the state comprehensive plan.

36. What is the basis for your opinion?

I have reviewed, from an economic and financial perspective, the State Comprehensive Plan, particularly those portions that relate to community development districts. The State of Florida Comprehensive Plan (Chapter 187, *Florida Statutes*) “provides long-range policy guidance for the orderly social, economic, and physical growth of the state.” From an economic and financial perspective, four subjects, subjects 15, 17, 20, and 25 of the State Comprehensive Plan are relevant to the establishment of a CDD.

Subject 15, titled Land Use, recognizes the importance of locating development in areas that have the fiscal abilities and service capacity to accommodate growth. It is relevant because CDDs are designed to provide infrastructure services and facilities in a fiscally responsible manner to the areas that can accommodate development. The establishment of the District will not be inconsistent with this goal because the District will have the fiscal capability to provide the specified services and facilities within its boundaries.

Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public facilities on the basis of the benefits received by future residents; (iv) implementing innovative but fiscally sound techniques for financing public facilities; and (v) identifying and using stable revenue sources for financing public facilities. The establishment of the District will further these State Comprehensive Plan Goals and Policies.

Subject 20, titled Governmental Efficiency, provides that governments shall economically and efficiently provide the amount and quality of services required by the public. The proposed District will be consistent with this element because the proposed District will continue to:

- (i) cooperate with other levels of Florida government;
- (ii) be established under uniform general law standards as specified in Chapter 190, *Florida Statutes*;
- (iii) be professionally managed, financed, and governed by those whose property directly receives the benefits;
- (iv) not burden the general taxpayer with costs for services or facilities inside the Hicks Ditch Community Development District; and
- (v) plan and implement cost efficient solutions for the required public infrastructure and assure delivery of selected services to residents.

Subject 25, titled Plan Implementation, calls for systematic planning capabilities to be integrated into all levels of government throughout the state, with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement. The proposed District is consistent with this element of the State Comprehensive Plan.

37. Based on your work with districts and from an economic and financial perspective, do you have an opinion as to whether the area of land that is proposed to be included within the proposed District is of sufficient size, sufficient compactness, and sufficient contiguity to be developable as one functional interrelated community?

Yes.

38. What is your opinion?

Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

39. What is the basis for your opinion?

The project is compact with land use typical of a planned community. The development of

the land has been planned to be a functional interrelated community making the most efficient use of public funds available

40. From a financial perspective, do you have an opinion as to whether the proposed Hicks Ditch Community Development District is the best alternative available for providing the proposed community development services and facilities to the area to be served?

Yes.

41. What is your opinion?

The proposed District is the best alternative to provide community development facilities to the area to be served. This is true for the landowners and the governmental entities for the following reasons.

From the perspective of current and future property owners within the District, the District is the best alternative for providing community facilities, infrastructure, and services. The land development envisioned for the area within the District boundaries will require substantial provision of infrastructure, facilities and services. The CDD is an alternative method to provide these necessary services. The CDD can access the tax-exempt public capital markets and thereby fund these facilities and services at a lower cost than the alternative of developer funding. Furthermore, unlike a property owners association ("POA"), the CDD has the power to assess property and collect those assessments along with other property taxes. Therefore, a CDD can fund large capital improvement programs that a POA cannot.

With regard to the operations and maintenance of community facilities and services the CDD is also the best alternative. The CDD is preferable to a POA to future landowners for the following reasons. First, unlike a POA, the CDD collects funds for operations and maintenance directly from assessments collected along with all other property taxes, which is a more assured income stream. Unlike a POA, a CDD is a unit of local government, and it must hold its meetings in the sunshine and bid out its contracts where required by law. A CDD provides control to the landowners much sooner in time than a POA. A CDD is focused on providing the community with services, facilities, and their maintenance in a way the general-purpose government, with its competing interests and broad responsibilities, is not. This level of local control serves the best interests of property owners in the CDD.

From the perspective of the State of Florida, the City, and the Water Management District, a CDD is the best alternative for providing community facilities and their operations and maintenance for a variety of reasons. First, as noted above, compared to a POA the CDD is a more powerful and more responsive organization for providing and maintaining infrastructure and services. Second, without a CDD the City may have to assume greater responsibility for construction, operations, and maintenance of community facilities and services. Even if the City formed a dependent district to provide community facilities and

1 services to the area to be served by the CDD, and charged appropriately for these services,
2 the City would be enmeshed in the responsibilities and in the management of those facilities.
3 Furthermore, without a CDD the City cannot be assured that only residents of the area to be
4 served by the CDD would bear the full costs of the needed facilities and services.
5

6 **42. From an economic and financial perspective, do you have an opinion as to whether the**
7 **services and facilities to be provided by the proposed Hicks Ditch Community**
8 **Development District will be incompatible with the uses and existing local and regional**
9 **facilities and services?**

10
11 Yes.

12
13 **43. What is your opinion?**
14

15 The proposed Hicks Ditch Community Development District covers approximately 244.043
16 acres of land. The configuration of the land is sufficiently compact and contiguous. As
17 such, it will not create any economic disincentives to the provision of the infrastructure
18 facilities contemplated in this case.
19

20 Given the scope and expected cost of facilities to be provided, 244.043 acres for a residential
21 development provides a sufficient economic base to absorb the debt costs and annual
22 operating costs for district administration and to efficiently apportion the cost of
23 improvements.
24

25 **44. From an economic and financial perspective, do you have an opinion as to whether the**
26 **area that will be served by the proposed Hicks Ditch Community Development District**
27 **is amenable to separate special district government?**
28

29 Yes.

30
31 **45. What is your opinion and its basis?**
32

33 It is my opinion that the area within the boundaries of the proposed District is amendable to
34 a separate special district government. The lands within the proposed District's boundaries
35 have the need for basic infrastructure.
36

37 The land is of sufficient size, compactness, and contiguity and meets those tests. Therefore,
38 from an economic and financial perspective, the area to be served by the proposed District
39 is clearly amendable to separate special district governance.
40

41 **46. Does this conclude your testimony?**
42

43 Yes, it does.
44
45



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Ordinance Number 22-22: **2nd Reading** Amending Chapter 22, Code of Ordinances, Cemeteries

Introduction:

The purpose of Ordinance Number 22-22 is to establish new rates for lot prices for all portions of Greenwood Cemetery including but not limited to: lots, crypts, cremation niches, mausoleum, columbarium and related fees. Effective with the passage of this ordinance, rates shall be set by resolution.

Background:

Eustis City Commission has determined that, in order to maintain the quality of service and beauty of Greenwood Cemetery, it is necessary for the City to increase the revenues affiliated with the Cemetery. The last fee adjustment associated with Greenwood Cemetery was in 2006, to allow for a pricing structure to include the addition of a mausoleum. There have been no fee changes since 2006 and the City continually operates the cemetery at a loss each year.

Several workshops have been held recently to discuss the current situation at the Greenwood Cemetery. Additionally, a cost comparison analysis of pricing with nearby municipal cemeteries was also performed. It is apparent that the City needs a price adjustment to minimize future losses operating the cemetery. The operating expenses, averaged over the last 5 years is \$140,489. In comparison, the average revenue over the same 5-year period is \$25,751 for an average yearly net loss of -\$114,738.

The cost comparison with nearby municipal cemeteries shows the City of Eustis is consistently lower than our neighboring cities in pricing for burial spots, columbarium niches and mausoleum crypts as well as the associated opening and closing fees.

Cemetery Pricing - July 2022

	Burial Space		Opening/Closing		Columbarium		Opening/Closing	
	Resident	Non-Resident	Weekday	Weekend	Resident	Non-Resident	Weekday	Weekend
EUSTIS	\$ 450	\$ 675	\$ 350	\$ 500	\$ 500	\$ 700	\$ 150 1 internment free	\$ 200
MOUNT DORA	\$ 1,200 \$200 administration fee	\$ 1,800	\$ 200	\$ 400	\$ 800	\$ 1,200	\$150 engraving fee \$200 administration fee	
HOWEY-IN-HILLS	\$555-\$4880		\$25 opening permit fee					
TAVARES	\$ 450	\$ 700	\$ 580	\$680-\$980				
cremains	\$ 75	\$ 100						
LIVE OAK	\$ 750 \$200 permit fee veteran citizens are free				\$ 600			
WINTER PARK - 1	\$ 2,800		\$ 1,300	\$ 1,600				
WINTER PARK - 2	\$ 5,500							
cremains	\$650/\$850		\$ 350	\$ 450				
ORLANDO	\$ 1,500	\$ 3,000						
LAKE MARY	\$ 1,000 \$25 permit fee	\$ 1,500						
LONGWOOD	\$ 625	\$ 1,800						
APOPKA	\$ 1,000	\$ 1,400						

The City of Eustis does operate and maintain the Greenwood Cemetery for the benefit of the community and does not intend to operate with a profit. However, to continue to maintain the quality of service and beauty of Greenwood Cemetery, it is necessary for the City to increase the revenues affiliated with the Cemetery. The following pricing structure is proposed:

	Burial Space		Opening/Closing		Exs Cremation Garden Space		Opening/Closing	
	Resident	Non-Resident	Weekday	Weekend	Resident	Non-Resident	Weekday	Weekend
Current	\$ 450	\$ 675	\$ 350	\$ 500	\$ 175	\$ 250	\$ 75	\$ 100
Adjusted	\$ 1,000	\$ 1,500	\$ 1,000 *	\$ 1,400 *	\$ 250	\$ 450	\$ 200	\$ 300

*** represents 3rd party Contractor for opening, closing, chairs and tent

	Columbarium		Opening/Closing		Masuleum Niche		Opening/Closing	
	Resident	Non-Resident	Weekday	Weekend	Resident	Non-Resident	Weekday	Weekend
Current	\$ 500	\$ 700	\$ 150	\$ 200	\$ 500	\$ 700	\$ 150	\$ 200
Adjusted	\$ 800	\$ 1,200	\$ 200	\$ 300	\$ 800	\$ 1,200	\$ 200	\$ 300

	Masuleum Crypt		Opening/Closing	
	Resident	Non-Resident	Weekday	Weekend
Current	\$1950-\$7100	\$2925-\$10,650	\$400-\$600	\$500-\$700
Adjusted	\$1950-\$7100	\$2925-\$10,650	\$ 750	\$ 950

Recommended Action:

Staff recommends approval of Ordinance Number 22-22 as submitted.

Policy Implications:

n/a

Alternatives:

- Approve Ordinance Number 22-22.
- Deny Ordinance Number 22-22 and provide direction to staff on how they would prefer to fund/modify the ongoing operations of the Greenwood Cemetery.

Discussion of Alternatives:**1) Approval of Ordinance Number 22-22:**

Advantages: Approval of the ordinance will help close the gap in expenses and revenues. These changes will not bring the cemetery operations into profitability, however the additional generated expenses can be used to maintain the property to a higher level of maintenance. Additionally, the increased opening and closing prices will allow the City to seek a third party contractor to assist in the required opening and closing operations.

Disadvantages: The customer rates will be increased.

2) Denial of Ordinance Number 22-22:

Advantages: System customer rates will not increase.

Disadvantages: The Cemetery will continue to increase in operating costs, possibly resulting in a decreased level of care.

Community Input:

The Greenwood Cemetery has been discussed at several City Commission meetings throughout the year including a detailed presentation at the December 16, 2021 meeting as well as a Workshop on August 18, 2022.

Prepared By:

Rick Gierok, Public Works Director

Reviewed By:

Mike Sheppard, Finance Director

Attachments:

Ordinance Number 22-22

Ordinance 22-22 Exhibit A: Fee Schedule Change

ORDINANCE NUMBER 22-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING CHAPTER 22 CEMETERIES, DIVISION 4 RULES AND REGULATIONS, SECTION 22-118 LOT PRICES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Eustis does hereby maintain for the benefit of the community a municipal cemetery, otherwise known as Greenwood Cemetery; and

WHEREAS, the Eustis City Commission has determined that, in order to maintain the quality of service and beauty of Greenwood Cemetery it is necessary for the City to increase the revenues affiliated with the Cemetery; and

WHEREAS, in order to provide sufficient funding for the continued maintenance of Greenwood Cemetery, the Eustis City Commission has determined that it is necessary to revise the schedule of fees;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That the schedule of fees on file in the City Clerk's office for Section 22-118 (e) are revised pursuant to the attached Exhibit A.

SECTION 2.

That Section 22-118 (f) is hereby added to Chapter 22 Cemeteries:

Lot prices for all portions of Greenwood Cemetery including but not limited to, lots, crypts, cremation niches, mausoleum, columbarium and related fees, effective with the passage of this ordinance, shall be set by resolution.

SECTION 3.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

That it is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

SECTION 5.

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so

declared to be unconstitutional or invalid.

SECTION 6.

That this Ordinance shall become effective immediately upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 3rd day of November, 2022.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA COUNTY OF LAKE

The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of November, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-22 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

ORDINANCE 22-22 EXHIBIT A

CODE	TYPE OF FEE	FEE SCHEDULE
Section 22-116(j)	Actual costs of recording the cemetery deed and any associated taxes and/or fees	\$10 for first page and \$8.50 for each additional page. \$.70 per \$100 for doc stamps
Section 22-118(c)	Sections 54 and 55 are small lots set aside for the interment of infants	\$10 for those parents unable to pay normal fees
Section 22-118(e)	Burial Space Open/Closing: to be done by 3 rd party contractor for opening, closing, chairs and tent	Resident \$1,000.00 Non-resident \$1,500.00 Weekday Opening/Closing \$1,000.00 Weekend Opening/Closing \$1,400.00
Section 22-118(e)	Exs Cremation Garden Space	Resident \$ 250.00 Non-resident \$ 450.00 Weekday Opening/Closing \$ 200.00 Weekend Opening/Closing \$ 300.00
Section 22-118(e)	Columbarium	Resident \$ 800.00 Non-resident \$1,200.00 Weekday Opening/Closing \$ 200.00 Weekend Opening/Closing \$ 300.00
	Mausoleum Niche	Resident \$ 800.00 Non-resident \$1,200.00 Weekday Opening/Closing \$ 200.00 Weekend Opening/Closing \$ 300.00
	Mausoleum Crypt	Resident \$1,950 to \$7,100 Non-resident \$2,925 to \$10,650 Weekday Opening/Closing \$ 750.00 Weekend Opening/Closing \$ 950.00