



AGENDA

City Commission Meeting

6:00 PM – Thursday, October 20, 2022 – City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

[2.1](#) Approval of Minutes for the Eustis City Commission for July 14, 2022 Budget Workshop and September 8, 2022 City Commission meeting.

3. AUDIENCE TO BE HEARD

4. CONSENT AGENDA

[4.1](#) Resolution Number 22-73: City Commission Benefits

[4.2](#) Resolution Number 22-74: A Wish or Two Ago Bakery extension of time for completion of site plan approval as a condition of the approved CUP under Ordinance Number 22-06

[4.3](#) Resolution Number 22-76: Rescinding and replacing Resolution 18-47 and modifying criteria for community representative positions on the Community Redevelopment Agency Board (CRA Board)

[4.4](#) Resolution Number 22-79: Approval of purchases in excess of \$50,000 for two pieces of Public Works heavy machinery

[4.5](#) Resolution Number 22-80: Approving a purchase in excess of \$50,000 for the lease of various holiday decorations

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

[5.1](#) Ordinance Number 22-21: Establishing Hicks Ditch Community Development District (CDD)

[5.2](#) Ordinance Number 22-22: Amending Chapter 22, Code of Ordinances, Cemeteries

6. OTHER BUSINESS

7. FUTURE AGENDA ITEMS

8. COMMENTS

8.1 City Commission

8.2 City Manager

8.3 City Attorney

8.4 Mayor

9. 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

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: October 20, 2022

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes of the July 14, 2022, budget workshop and the September 8, 2022, regular City Commission meeting.

Background:

See attached minutes.

Recommended Action:

Approval of the minutes as submitted.

Policy Implications:

None

Budget/Staff Impact:

None

Prepared By:

Mary Montez, Deputy Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Workshop

5:30 PM - Thursday, July 14, 2022 - City Hall

CALL TO ORDER: 5:31 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

EXCUSED: Commissioner Willie Hawkins

1. WORKSHOP ITEM: CAPITAL IMPROVEMENT PLAN AND ASSOCIATED FUNDS

- 1.1** Tom Carrino, City Manager, stated they would review the Capital Improvement Plan including the 10 and 42 funds. It was explained that the 10 Fund is the Sales Tax Fund. He indicated he would concentrate on those items in the proposed budget for the upcoming year and some significant items of note for future years rather than review all items in the Capital Improvement Plan.

Mr. Carrino began with Capital Outlay Machinery and Equipment. He noted the aerial fire truck which is actually in the current budget year. He explained that there are a number of items included that are actually ongoing expenditures. He stated he would discuss any items that are very high or very low and noted the ongoing Finance computer upgrade program which is budgeted at \$100,000. He cited the Public Works Building Improvements and explained that is the building repairs and improvements for all City buildings and is budgeted at \$140,000 which increases in future years. He stated that, based on the City Commission request, staff estimated the cost to paint, pressure wash and install new awnings and landscaping for City Hall. He estimated the cost at \$150,000. He then noted additional suggestions have been made regarding improvements to the City Hall lobby including new flooring, walls and ceiling, with a preliminary estimate of \$100,000. He summarized they have estimates for \$150,000 for the outside of City Hall and another \$150,000 for improvements to the lobby. If desired by the Commission, that would be worked into the Capital Improvement Plan.

Mr. Carrino continued reviewing the CIP as follows: 1) Community Building parking lot milling and resurfacing \$40,000; 2) City parking lots to be sealed and striped \$40,000; and 3) Police vehicles \$315,000.

The Commission emphasized the need to sell the old vehicles as soon as possible.

Mr. Carrino continued the review with pertinent explanations as follows: 1) Police Axon contract for body cams \$90,000; 2) Fire Dept. bunker gear \$90,000 and Station 22 \$125,000 in FY23-24; 3) Carport/boat port for \$70,000 which was moved to the Fire Impact Fee Fund; 4) Asphalt paver vehicle replacement \$225,000; 5) Stormwater vac truck \$320,000 in FY26-27; 6) Sidewalk ongoing project \$100,000 with additional funding in the CRA fund; 7) Street sealing

ongoing project \$70,000; 8) Traffic jet print system \$55,000; 9) Various replacements for departmental trucks; 10) Mobility plan improvements for new sidewalks in high priority areas \$50,000; 11) Replacement of dump trucks \$80,000; 12) Signalization cameras \$420,000 in FY23-24 to replace old loop system technology with Rick Gierok, Public Works Director, explaining that FDOT will also be covering the cost of some intersections; 13) Replacement of Pine Meadows Golf Course Rd. bridge in FY25-26 \$600,000; 14) Library air conditioning replacement in FY23-24 \$185,000; and 15) Community center flooring \$30,000.

Mr. Carrino then cited a number of Parks & Recreation improvements planned for future budgets including improvements to the Service Center, Bennett Park, Carver Park, Elizabeth Circle and Pendleton Park. He then reviewed the vehicles requested and explained they are moving to using passenger vans as they do not require a CDL license. He commented on planned improvements to the Carver Park pavilion in the FY22-23 fiscal year. He then cited \$450,000 scheduled for FY25-26 for the softball field lights. He then explained the need to proceed with replacements of the Sunset Island playground equipment. He explained the final item in the Sales Tax Revenue Fund is the debt service for the Fire Department pumper truck.

Mr. Carrino then reviewed the Street Improvement Fund and explained they have budgeted \$100,000 for traffic calming due to the number of requests being received. He cited \$100,000 in FY25-26 for road improvements to pave dirt roads.

Mr. Carrino reviewed the CRA Fund street rehabilitation and explained they budget \$50,000 annually for that; however, if it is underspent then it rolls forward to the next year specifically for street rehabilitation. He stated \$400,000 has been moved forward to the FY22-23 budget for the Carver Park basketball court pavilion. He explained Commissioner Hawkins met with Principal Park regarding utilizing the Curtright Center gym for both league and open play. He indicated the City would have to provide them with insurance. He asked for direction from the Commission regarding whether or not to leave in the basketball cover in light of the negotiations for using the Curtright gym. He described what the cover would consist of including lighting for the court. He added there was not included fans or other cooling system.

Craig Dolan, Parks & Recreation Director, explained that fans could be added as well as solar panels to decrease the electricity cost.

The Commission discussed pushing back the cover another year to allow time to see how the use of the Curtright gym works out.

Mr. Carrino confirmed the project could be shifted back one year to allow time to assess the Curtright gym and still reserve the funding for the cover.

Mike Sheppard, Finance Director, explained that if they decided to move forward with it, they could do a budget amendment to allow them to move forward.

Further discussion was held regarding additional costs that might be involved with the basketball cover with a consensus to leave it in the FY22-23 budget until a determination is made regarding the gym.

Mr. Carrino continued the review of the CRA Fund and discussed the funding sidewalk rehabilitation and \$50,000 for a shade structure for Palmetto Plaza and the debt service for the Waterman property. He explained that the CRA will need to either sell that property by FY24-25 or refinance that debt.

Mr. Carrino reviewed the Water & Sewer Revenue Fund and explained the planned purchase of replacement trucks for Engineering and for the meter readers. He then reviewed the Water & Sewer R&R Fund as follows: 1) Water meter rebuild and replacement program; 2) Replacement of a car for the Water Department; and 3) Replacement of various trucks. He explained that vehicles that still have a useful life are handed down to Public Works or other departments. If they are not still useful, then they are sold.

Mr. Carrino explained the Coolidge water main expansion scheduled for FY23-24. He stated staff is working with Lake County with the intent to build out the infrastructure and improve the roads in the area as well.

The Commission noted that there is a State grant coming up in November that could possibly be used to assist with that project.

Mr. Carrino noted that the CIP book includes a data sheet for all of the capital improvement projects if they wish more information. He explained the following projects: the replacement of the Jefferis Court galvanized main, the Bay State South water service replacement project, the Heathrow water treatment plant ground storage tank, the Water Department office and compound on CR 44, replacement of the backhoe loader and heavy equipment trailer, Lakeshore Avenue galvanized main, Grand Island water treatment plant fuel tank renovation, Crom tank renovation, Sorrento Pines waterline loop, lift station submersible pump replacements, effluent pump and motor repair/replacement, Coolidge sewer main expansion, lift station crane truck replacement, life station control panels ongoing expense, replacement of various vehicles, lift station emergency generator replacement, Bates Avenue plant generator overhaul, sewer infiltration intrusion ongoing project, and Bates Avenue wastewater treatment plant expansion.

Mr. Carrino announced that the City has applied through Rep. Truenow's office for an \$850,000 local assistance grant for the plant expansion. He noted that previously the City submitted two projects to Rep. Truenow's office that were not included in the state budget; however, they have confirmed that the plant expansion would be eligible for the local assistance grant so staff has applied for that.

Mr. Carrino continued the review of the Water & Sewer R&R Fund projects including the following: holding pond improvements, sewer biological process equipment, comprehensive water legislation and ongoing debt service.

Mr. Carrino then reviewed the Stormwater Utility Revenue Fund project of Diedrich Street outfall improvements. He explained there is limited funding available in the Stormwater Fund.

Mr. Carrino further explained that impact fee funds can only be used for new service and expansion items and cited the new water meter service sets. He noted the list of less than \$25,000 projects. He cited various Parks & Recreation

requests including keyless entry, security cameras, community center breeze fence and other requested items.

The Commission commented on the need to replace a number of picnic tables and benches that are disrepair. It was emphasized that those need to be replaced before someone gets injured. They also discussed what type of material to utilize. It was noted that the fence at the Bennett Park tennis court also needs repair.

Mr. Carrino stated staff would look for funds in the current budget to get the repairs/replacement underway. He then commented on the need to upgrade some equipment to better address emergency repair issues.

1.2 Recreation Master Plan

Mr. Carrino reported on the proposed Recreation Master Plan and explained some projects were pushed to future years in order to allow funding for the master plan. He asked that the Commission allow staff to put together a CCNA for the professional services and explained how that process would work. He asked that the \$80,000 be retained in the CIP and staff be allowed to go through the selection process and try to identify an appropriate consultant who can deliver the scope of services the City desires. Staff would then bring back to the Commission a recommendation for a consultant with a spelled-out scope of services and a negotiated price hopefully below the \$80,000. He stated that if they cannot identify a consultant or can't get the appropriate scope of services, then they would not move forward.

Mr. Carrino stated that a master plan could help determine where the City is and where they want to go with the community center. He expressed support for doing a full recreation master plan and including the community center in that plan. He asked that staff be authorized to move forward with the selection process noting no money would be spent unless the Commission approved a contract with a consultant.

The Commission asked if plans for the community center were included in the plans for the downtown redevelopment with Mr. Carrino reporting that only two responses were received for the RFQ for the three former Waterman site lots. He stated the next step in the process is to form a committee who will select the most qualified development team and take the recommendation to the CRA Board and City Commission. He added that the selected team could choose to do a master planning process for the larger downtown or focus on the three blocks. He further stated that the RFP did not say "focus on these blocks" nor did it say "focus on the larger downtown". He recommended selecting the best team and then discuss those options with the team selected.

The Commission discussed having a visioning process to determine what the Commission would want to do. It was stated that the City has not determined "who we are" and what they want to look like so they may be putting the "cart before the horse".

Commissioner Cobb reported she spoke with Adam Summer with the City of Mount Dora about their master plan. She stated that it resulted in two people losing their jobs and cost \$250,000 and didn't provide significant information. She further commented on the City's own inhouse services available. She

recommended pushing back the master plan for a year until they can have meetings to discuss the vision for the City.

Mr. Carrino responded he had moved up the master plan from FY23-24 to the FY22-23 fiscal year to help provide guidance for recreation investments. He concurred it could be moved back another year. He emphasized that the strategic plan will help identify "who we are" but it would not be a downtown master plan.

The Commission further discussed the need to look at the City globally to determine who the City is and how to move forward. Discussion was held regarding what happened in the past utilizing a consultant including development of the downtown plan and CRA plan.

Mr. Carrino reviewed what was included in those plans. He stated that the strategic plan would not be a housing plan, a downtown plan or a CRA plan. He said that to take a global look at various facets of the City it would be a very expensive, consultant driven, and multi-year project.

The Commission commented on the need to hold a large discussion about Eustis with all involved including the City and business leaders with Mr. Carrino indicating the strategic plan could assist with that.

Mr. Carrino confirmed it is the will of the Commission to shift the recreation master plan back a year. He then indicated the CIP ordinance is scheduled for second reading at the July 21st meeting and confirmed that was good with the Commission.

CONSENSUS: It was a consensus of the Commission to hear the CIP ordinance on second reading at the July 21st meeting.

RECESS: 6:56 P.M. RECONVENE: 7:05 P.M.

2. WORKSHOP ITEM: LAW ENFORCEMENT EDUCATION – 11 FUND

- 2.1** Mr. Carrino indicated there were not many updates to the 11 Fund with little to no changes.

3. WORKSHOP ITEM: POLICE FORFEITURE – 12 FUND

- 3.1** Mr. Carrino indicated police training was removed from the fund as it was not a recurring expense.

The Commission asked about vests for the dogs with Craig Capri, Police Chief, indicating they are used as needed, but due to the heat, the vests are not practical all of the time.

4. WORKSHOP ITEM: GREENWOOD CEMETERY TRUST – 60 FUND

- 4.1** Mr. Carrino discussed the Cemetery Trust Fund. He explained that staff items are in the General Fund. He indicated the Cemetery Fund is about the plot sales and some minimal expense.

Mr. Sheppard explained there is an 80/20 split with the General Fund with 20% the revenue staying in the Trust Fund.

Item 2.1

Mr. Carrino reported there was a meeting planned with the Mayor and Mark Taylor regarding the cemetery. He added there is a workshop planned for August 4th to discuss the cemetery and the proposed business incubator. He cited the minimal expenses contained in the fund.

Vice Mayor Lee commented on the need for improved maintenance of the cemetery.

5. WORKSHOP ITEM: ECONOMIC DEVELOPMENT – 68 FUND

- 5.1** Mr. Carrino then reviewed the Economic Development Trust Fund (68 Fund). He indicated the fund was started prior to him being hired and explained the City sold some property and the proceeds from the sale was used to create the Economic Development Trust Fund. He stated that the rent money from El Marie, the Chamber and LCAA is deposited into this fund. He stated that if the expenses continue to outpace revenues, then the fund could end. He reviewed the expenses budgeted in the fund including real estate appraisals and due diligence, demolitions, travel & per diem, City marketing efforts, publications and subscriptions, economic development incentives such as the gateway grants for areas outside the CRA, and an annual grant to Lake Community Action Agency so they can match federal grants.

The Commission questioned how the LCAA grant helps the City with Mr. Carrino explaining on how their programs assist City residents. Comments were made regarding the need to be provided information regarding the number of City residents assisted by LCAA.

Mr. Carrino cited recent communications with the LCAA and their report on the housing rehab program. He suggested scheduling a formal presentation to the Commission regarding their programming. It was a consensus to have them provide a report to the Commission on their programs and assistance to local residents.

6. COMMISSION DISCUSSION AND DIRECTION

- 6.1** There were no additional questions or direction from the Commission.

Mr. Carrino discussed passing along all changes requested to the Commission. He thanked everyone involved in the process. He stated the second reading on the CIP ordinance would be held at the July 21st meeting. He noted that the Commission approved the preliminary millage rate at the previous meeting. He reminded the Commission that the September meetings were shifted to the second and fourth Thursday at which they would consider the draft and final millage rate and budget. He stated the CRA budget would be reviewed at the next CRA meeting on July 21st.

Mayor Holland expressed thanks to Tom Carrino, Mike Sheppard and the rest of the leadership team. He confirmed that the budget is in balance and they are ready to move forward with Mr. Sheppard providing a brief statement about each fund.

7. ADJOURNMENT: 7:27 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 8, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 6:00 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Mr. Carrino indicated that the presentation on the millage rate and budget would be provided under the resolution public hearings and not as a separate presentation. He then introduced the artists on exhibit in the City Hall entranceway.

Wanda Pedrosa and Vidal Torres introduced themselves stating their desire to share their talents with Eustis and in celebration of Hispanic Celebration month.

2. APPROVAL OF MINUTES

- 2.1** June 28, 2022 - City Commission Budget Workshop
June 30, 2022 - City Commission Budget Workshop
August 18, 2022 - City Commission Cemetery Workshop

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

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

3. AUDIENCE TO BE HEARD

- 3.1** Cindy Newton thanked Mayor Holland for sitting on the panel for the NAACP Part 3 Citizen's Town Hall meeting on Lake County's population explosion and commented on the excellence of the meeting.

Gail Isaac-Thomas thanked the Commission for her service as the East CRA representative for 3.5 years. She expressed appreciation for everything that was done during that time and stated her hope that things continue to improve. She also congratulated Mayor Holland on him being unopposed for the upcoming election. Mayor Holland thanked her for her service.

Yolanda Taylor addressed the Commission regarding problems with bears in her neighborhood on Liberty Street. She noted one resident that was recently chased by a bear and who lives near family members that have young children. She asked if they should contact Fish and Wildlife to obtain additional locks for the trash cans and to report the safety issue with the bears.

Mr. Carrino reported staff contacted Waste Management about the issue who stated they have a program where they will purchase bear proof garbage cans which are then paid for by the City. He stated that, currently, only Mount Dora participates in that program and they pass the cost on to the customers. Current cost for a bear proof can is \$250. He added that Fish and Wildlife has a strap or buckle solution and he contacted Waste Management to see if those would make it difficult to pick up garbage. Waste Management indicated they have no experience with those. It was suggested that the City contact Waste Management to work with Fish and Wildlife to see if the use of the straps can be allowed. He indicated they would have to work out the cost and whether or not to pass on the cost to the residents.

Commissioner Hawkins stated that every resident would need to unbuckle their trash can the day of pickup or their garbage would not be picked up.

Yolanda Taylor addressed the Commission on behalf of the East Town Community Redevelopment Inc. She commented on some code enforcement issues noting that she spoke with Code Enforcement Supervisor Eric Martin. She asked how the fines are levied which are between \$25 and \$250. She suggested using a sliding scale based on the infraction. She then questioned how code enforcement information is disseminated and cited the need to educate residents on how residents are notified of infractions and how fines are applied per infraction.

Mayor Holland asked Ms. Taylor to meet with Tom Carrino and Mike Lane and stated there is supposed to be a sliding scale pertaining to the fines.

Gessner Harris reported that she recently rented the Garden Room at Carver Park; however, there was a youth football game at the same time which took up the parking spaces. She suggested that parking should be roped off for those people who have rented the facility.

Mayor Holland expressed condolences to Ms. Harris on the loss in her family and apologized for the inconvenience.

Dorothy Stevenson thanked Mayor Holland for his support following her surgery. She also expressed appreciation to Gail Isaac Thomas for her service to the residents while on the CRA Board. She thanked the Commission for their efforts as well.

4. **CONSENT AGENDA**

- 4.1 Resolution Number 22-59: Purchase in Excess of \$50,000 for the Cardinal Street Warehouse Re-roofing Project
- 4.2 Resolution Number 22-60: Award of Bid Number 013-21 and Approving a Purchase in Excess of \$50,000 for the Eastern Wastewater Treatment Facility Pond Liner Replacement
- 4.3 Resolution Number 22-63 Approves an Interlocal Agreement between the City of Eustis and Lake County for Lake County Addressing

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the Consent Agenda as submitted. Motion carried by the following votes:

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

5. **ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

5.1 FY22-23 Millage Rate and Proposed Budget Presentation

Mike Shephard, Finance Director, thanked the staff and Commission for their assistance in preparation of the budget. He presented the Tentative Budget for FY 2022-2023. He reviewed the process and deadlines for the budget process, including advertisement in the Daily Commercial on 9/19/2022 and certification by 9/27/2022 with the new budget to be effective October 1, 2022. He provided an overview of the major funds and budget methodology and explained how the budget is laid out. He stated the major considerations included the following: 1) 2% decrease in the life and health insurance; 2) inclusion of a 4% COLA increase and a longevity increase of .5% per year up to 2%; 3) 10% increase budgeted for general liability insurance; 4) slight decrease in Fire Pension; 5) slight increase in Police Pension; and 6) addition of three school resource officers which will be offset by funding from the School Board. He then reviewed the Fund Balance and provided a summary of the budgeted revenues and expenses.

Mr. Sheppard stated they have proposed a millage rate of 7.5810 with a roll back rate of 7.0064. He indicated the maximum millage that could be levied is 8.8875. He compared the millage rates and functional millage rate between the area cities and Eustis. He also compared the per capita rate between the cities. He explained the impact on the residents of the proposed millage rate stating the City's rate equals \$758.10 for every \$100,000. He commented on all of the departments that are funded by the General Fund and the property tax revenue. He then compared the taxable value over the past ten years.

5.2 Resolution Number 22-61: Tentative Millage rate for 2022

Sasha Garcia, Acting City Attorney, announced Resolution Number 22-61: A Resolution by the City Commission of the City of Eustis, Lake County, Florida,

adopting the tentative millage levy of ad valorem taxes for the City of Eustis, Lake County, for the Fiscal Year 2022-2023; providing for an effective date.

Mr. Sheppard announced that the millage rate proposed is 8.2% higher than the rollback rate.

Ms. Garcia opened the public hearing at 6:33 p.m. There being no public comment, the hearing was closed at 6:33 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 22-61. Motion carried by the following votes:

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

5.3 Resolution Number 22-62 Adopting a Tentative budget for the fiscal year 2022-2023

Ms. Garcia announced Resolution Number 22-62: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for the Fiscal Year 2021-2022; providing for an effective date.

Mr. Carrino announced that the date in the resolution heading was incorrect and should read "Fiscal Year 2022-2023". Ms. Garcia confirmed the resolution would be corrected.

Ms. Garcia opened the public hearing at 6:34 p.m. There being no public comment, the hearing was closed at 6:34 p.m.

Mr. Carrino noted that the Commission had in hand a copy of the tentative budget; however, following final adoption at the next meeting, they would receive a copy of the final budget.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 22-62. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Discussion on Downtown and East Town Redevelopment Agency Board (CRA Board) Community Representative Positions

Mr. Carrino stated he did not have a formal presentation on the CRA composition. He indicated the two representatives were added a few years previously and discussion had been held on that periodically. He noted that

with the resignation of Gail Isaac Thomas as the East CRA representative appeared to be time to again discuss the positions.

The Commission discussed whether or not to retain the nonvoting representative positions including the following issues and comments: 1) Eliminating the positions; 2) Retaining the positions but keeping them as nonvoting; 3) The positions encourage involvement with the Commission and provide another source for residents to seek out regarding issues; 4) The positions may provide a stepping stone for someone to have more involvement with the City; 5) Keeping the positions as nonvoting due to them not being elected officials; 6) All residents have a voice and can address the Commission at any time; 7) The amount of time it requires to be a CRA representative; 8) Whether or not some residents would approach a community member before they would speak with a Commissioner on a problem; 9) Why there is an east and west representative since it is one CRA district; 10) The desire for Commissioners to have more direct interaction with community members; 11) Whether or not residents feel the Commissioners are not approachable; 12) Having input from additional avenues helps the Commission; 13) Reducing the terms from four years to one; 14) Retaining the four year terms to allow sufficient time for new appointees to learn the position; 15) The need for the representatives to provide more input than has been done in the past; and 16) The low number of applications received for the positions in the past.

Mr. Carrino stated there are some requirements for appointment to the CRA Board. He cited various requirements for the applicants including knowledge in development, architecture, planning, and affordable priced housing.

Further discussion was held regarding the CRA Review Committee, what should be expected from the CRA representatives, what is statutorily required for new members to the CRA Board and possibly requiring training for those representatives.

Mr. Carrino noted the FRA Conference would be held in October in Daytona Beach.

Discussion was held regarding the possibility of also holding some training with Lynn Tipton from the League of Cities.

CONSENSUS: It was a consensus of the Commission to defer a decision on the CRA Board representatives to the next meeting and include discussion regarding the CRA Review Committee as well.

6.2 City Commission Compensation

Bill Howe, Director of Human Resources, reported on the City Commission compensation noting that the last increase in compensation was in 1989 which was 33 years previous. He compared the Commission's salary with other surrounding cities. He recommended that the Commission for the future tie

any increases to something such as either the annual employee increases City population.

The Commission confirmed that they have to determine their own salary with Mayor Holland explaining that the School Board and County Commission salaries are determined by the legislature based on population.

The Commission discussed how much more the other City governing bodies are receiving plus additional benefits. It was noted that the amount of salary does not offset the amount that it costs to serve.

Mr. Howe noted that Clermont ties their Commission salaries to the CPI and Tavares ties theirs to population changes. He noted Eustis has not always been able to give the rest of its employees CPI increases.

The Commission discussed allowing the HR Director and City Attorney to determine a reasonable increase.

Mr. Carrino recommended tying the Commission increases in the future to the annual staff increases. He indicated he would work with the HR Director to determine a reasonable increase. He asked the Finance Director about how that could be accomplished since the draft budget had been tentatively approved.

Mr. Sheppard recommended they proceed with approval of the final budget at the next meeting and then do a budget amendment after October 1st.

CONSENSUS: It was a consensus of the Commission for staff to determine a reasonable increase and bring back a budget amendment after October 1st.

6.3 Life Pack 15 Order

Mr. Carrino explained staff needs to place the order because of lead time and a significant increase in cost after October 1st. He indicated it is included in the tentative budget that was just approved; however, the funding is not available until after October 1st. He asked for permission to go ahead with placing the order and then the actual purchase approval will come back after October 1st.

CONSENSUS: It was a consensus of the Commission for staff to proceed with placing the order.

7. FUTURE AGENDA ITEMS: NONE

8. COMMENTS

8.1 City Commission

Commissioner Cobb reported she would be attending the Lake County Historical Museum unveiling of the Mary McLeod Bethune statue. She read a

statement about Dr. Bethune's accomplishments. She indicated she is looking at the America in Bloom program as a way of beautifying the City.

Commissioner Hawkins reported on his efforts to help with painting the bathrooms at the high school and concession stand. He noted they would also be painting the interior of the concession stand and invited people to volunteer to help.

Mayor Holland commented on the lack of funding for high school sports. He commented on the possibility of doing something similar to Umatilla's Bulldog Night to help raise funds for the high school sports. He suggested they work with the Athletic Director to hold an annual event.

Commissioner Cobb commented on the success of the Umatilla event.

Vice Mayor Lee reported on her attendance at the Miss Eustis Pageant. She also reported on the Advent hospital robotics event.

8.2 City Manager

Mr. Carrino stated there would be a presentation at the September 22nd Commission meeting by Gunster regarding some growth items and a presentation would be provided on October 6th regarding the proposed community development district. He then reported on the housing rehab program being conducted with Lake Community Action Agency. He stated he and Commissioner Hawkins toured three homes and were satisfied. He asked if there was a consensus to allow LCAA to move forward with those homes that have already been approved for the program and confirmed there is still funding available.

CONSENSUS: It was a consensus for LCAA to move forward with the next four units.

Mr. Carrino reminded the Commission there had been a suggestion that the Commission look at establishing a new future land use category. He asked if the Commission wanted to schedule a workshop to discuss that and residential densities.

CONSENSUS: It was a consensus of the Commission for staff to schedule the requested workshop.

Mr. Carrino announced there would be a meeting with the Secretary of the FDOT District 5 at 9 a.m. on Friday. He explained that the meeting had been advertised as a Commission meeting so that all Commissioners could attend. He indicated that, if they needed to go to the field, then the meeting would have to be adjourned and only one Commissioner would be able to join them in the field as it would be logistically difficult to continue the Commission meeting in the field.

Mr. Carrino then stated that another CRA Review Committee meeting need be held to discuss the move to own program. He added he would look at either a Tuesday date or an off Thursday.

8.3 City Attorney - None

8.4 Mayor

Mayor Holland announced that Mr. Carrino's contract requires a six-month review. He asked that Mr. Howe schedule individual meetings with each Commissioner and Mr. Carrino. Mr. Howe would then compile the results and bring it to the full Commission.

Mayor Holland stated that Sunday would be the 21st anniversary of 9/11 and there would be a service at 8:00 a.m. at the historic courthouse in downtown Tavares. He noted there would be other events as well. He then reported that he, Commissioner Cobb and Mr. Carrino had attended the First Baptist Lifepointe Church's 103rd anniversary service and celebrated being debt free in five years.

Mayor Holland thanked the Events and Tourism staff. He congratulated them on the five awards they won recently at conference. He asked everyone to come out and support the City's events and the Parks and Recreation programs. He thanked staff for their hard work.

Commissioner Cobb thanked the Finance staff for all of the budget workshops and commented on how much the line item by line item review helps them in their communications with the public.

Mayor Holland reminded everyone that the League of Cities luncheon would be the next day.

9. ADJOURNMENT: 7:19 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: October 20, 2022

RE: Resolution Number 22-73: City Commission Benefits

Introduction:

Resolution Number 22-73 revises Section 4.19 and Section 4.13.C of the City of Eustis Personnel Rules and Regulations regarding City Commission benefits. The revisions authorize City Commissioners to receive paid medical insurance benefits as provided to full-time City employees.

Background:

At the City Commission meeting held on September 22, 2022, the Commission tentatively approved paid medical benefits be provided to Commissioners as provided to full-time City employees. At the City Commission meeting held on October 6, 2022, the Commission tentatively approved decreasing the length of continuous service required for Commissioners to be eligible for two cemetery spaces, from seven years to four years.

Attached as Appendix A is Section 4.19 and Section 4.13.C of the Personnel Rules & Regulations. Section 4.19 is being revised to update the name of our retirement plan provider from ICMA to Empower; include paid medical insurance as provided to full-time employees; and include vision insurance to be paid by Commissioners. Section 4.13.C is being revised to clarify Commissioners who have at least four years of continuous service are entitled to apply for two cemetery spaces, without being vested in a retirement plan.

Recommended Action:

Staff recommends approval of Resolution 22-73 implementing the revisions in Appendix A.

Budget/Staff Impact:

If medical insurance were provided to all Commissioners, the annual cost would increase by approximately \$42,000 for individual coverage and \$75,000 for family coverage. The amount would be significantly lower if not all Commissioners select medical coverage.

Prepared By:

Bill Howe, Human Resources Director

RESOLUTION NUMBER 22-73

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF EUSTIS SECTION 4.19, CITY COMMISSION BENEFITS AND SECTION 4.13.C, CEMETERY PLOTS AND URN INTERMENT SPACES

WHEREAS, the City of Eustis has adopted Personnel Rules and Regulations and;

WHEREAS, Section 4.19 of the City's Personnel Rules and Regulations provides City Commission Benefits and Section 4.13.C of the City's Personnel Rules and Regulations provides City Commission cemetery plots and urn interment spaces:

WHEREAS, Section 4.19 and Section 4.13.C must be amended to revise City Commissioner benefits;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Eustis Commission hereby approves the proposed revisions to the Personnel Rules and Regulations set forth below.

Section 4.19 CITY COMMISSION BENEFITS

Per Resolution 22-73, effective October 20, 2022, the following benefits, which are afforded to regular City employees, may also be offered to elected City Commissioners, under the following terms and conditions:

- A. Group Health, Dental, and Life Insurance Benefits – Funded by City at the same rate as fulltime employees are funded;
- B. Empower 401 Retirement Benefits – Funded under the terms of the and conditions of the Empower 401 Plan;
- C. Empower 457 Deferred Compensation - Funded 100% by elected City Commissioner;
- D. Supplemental life, accident, hospitalization, disability, vision insurance, etc. from City approved insurance companies – Funded 100% by elected City Commissioner;
- E. Section 125 Flexible Benefits Plan – Funded 100% by elected City Commissioner;
- F. Medical and/or Childcare Reimbursement Plan – Funded 100% by elected City Commissioner;
- G. Direct Deposit;
- H. Cemetery Plots and Urn Interment Spaces (See Sec. 4.13(C) for City Commission guidelines).

Section 4.13 CEMETERY PLOTS AND URN INTERNMENT SPACES

- C. At the end of City service, Commissioners who have at least four (4) years of continuous service are also entitled to apply for up to two (2) cemetery or urn spaces for the Commissioner and their spouse.

DONE AND RESOLVED, this 20th day of October, 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 physical presence, this 20th day of October, 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 is 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 Resolution Number 22-73 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

APPENDIX A

CITY COMMISSION BENEFITS

SECTION 4.19 CITY COMMISSION BENEFITS

Per ~~Resolution 22-73 Ordinance 08-39~~, effective ~~January 6, 2009~~ **October 20, 2022**, the following benefits, which are afforded to regular City employees, may also be offered to elected City Commissioners, under the following terms and conditions:

- A. Group Health, Dental, and Life Insurance Benefits – Funded **by City at the same rate as full-time employees are funded**: ~~100% by elected City Commissioner~~;
- B. **Empower** ~~ICMA~~-401 Retirement Benefits – Funded under the terms and conditions of the **Empower** ~~ICMA~~ 401 Plan;
- C. **Empower** ~~ICMA~~ 457 Deferred Compensation - Funded 100% by elected City Commissioner
- D. Supplemental life, accident, hospitalization, disability, **vision insurance**, etc. insurance, from city approved insurance companies – Funded 100% by elected City Commissioner;
- E. Section 125 Flexible Benefits Plan – Funded 100% by elected City Commissioner;
- F. Medical and/or Childcare Reimbursement Plan – Funded 100% by elected City Commissioner;
- G. Direct Deposit;
- H. Cemetery Plots and Urn Interment Spaces (See Sec. 4.13(C) for City Commission guidelines).

SECTION 4.13 CEMETERY PLOTS AND URN INTERMENTS

- C. At the end of City service, Commissioners ~~who are vested in an authorized City retirement plan and who have at least~~ **four (4)** ~~seven (7)~~ years of continuous service ~~up to and immediately preceding retirement~~ are also entitled to apply for up to two (2) cemetery or urn spaces **for the** ~~retired~~ Commissioner and their spouse.



City of Eustis

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

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: October 20, 2022

RE: Resolution Number 22-74: A Wish or Two Ago Bakery extension of time for completion of site plan approval as a condition of the approved CUP under Ordinance Number 22-06

Introduction:

The CUP approval under Ordinance Number 22-06 set certain conditions for completion prior to the A Wish or Two Ago Bakery initiating business. The specific condition of site plan approval was to be completed within 6 months of the City Commission approval of the Conditional Use Permit, which was approved March 17, 2022. The owners have had a difficult time obtaining professional assistance to prepare the required site plan, and are requesting an additional six months to complete the site plan approval.

Background:

On March 17, 2022 the City Commission approved a Conditional Use Permit for the A Wish or Two Ago Bakery at 320 S Grove St. The ordinance approving the CUP (22-06) placed conditions to be met for final approval to begin business on the property. The specific timeframe condition was for the owners to obtain site plan approval to be completed within 6 months of the City Commission approval of the Conditional Use Permit, which was approved March 17, 2022. The deadline was end of September 2022. The owners did not obtain approval for an Administrative Site Plan within the specified time. The owners did submit a site plan generated by GETASITEPLAN.com on September 21, 2022, however the site plan did not meet the minimum requirements for Administrative Site Plan submittal.

The applicant is requesting an extension of time due to the difficulty is finding professional assistance to prepare a site plan meeting the City's established minimum requirements. The applicant's modified completion dates for obtaining site plan approval will extend the timeframe by approximately 6 months from the approval of this request by Resolution Number 22-74.

Timeframes and conditions for this resolution are as follows:

1. Site plan approval must be obtained from Development Services no later than April 25, 2023.
2. All other conditions enumerated within Ordinance Number 22-06 shall remain and apply to all other required permitting.

Staff supports the extension of time for the following reasons:

1. Pursuing injunctive relieve would be time consuming, potentially costly, and would unlikely result in completion of improvements before the applicant's revised timeline for completion.
2. Pursuing code enforcement action may result in fines to the property owner, and would unlikely result in completion of improvements before the applicant's revised timeline for completion.
3. Revoking development rights granted under the CUP would potentially result in dissolution of the proposed business plan for the property.
4. The owners are not currently conducting business on the property and have been pursuing only maintenance type work and update of plumbing and electrical on the building, thus the extension of 6 months will not create a conflict with the intent of the approval granted under Ordinance Number 22-06 for the CUP.

Recommended Action:

Recommendation of approval of Resolution Number 22-74.

Policy Implications:

None

Alternatives:

1. Approve Resolution Number 22-74.
2. Deny Resolution Number 22-74.

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Development Services Director

Reviewed By:

Mike Lane, AICP, Development Services Director
Heather Croney, Senior Planner

RESOLUTION NUMBER 22-74

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR AN EXTENSION OF THE TIMELINES FOR COMPLETION OF SITE PLAN APPROVAL FOR A WISH OR TWO AGO BAKERY UNDER ORDINANCE NUMBER 22-06.

WHEREAS, The Lilliputt Company dba A Wish or Two Ago Bakery, developer of the proposed bakery at 320 S Grove Street, applied for an extension of time to complete CUP conditions as included in Ordinance 22-06, for the property, more particularly described as:

TAX ID: 11-19-27-0100-085-00700

ALT KEY NUMBER: 1189535

EUSTIS, LOTS 7, 8 BLK 85, E 1/2 OF VACATED ALLEY LYING W'LY OF LOTS PB 1 PG 79 ORB 5945 PG 2150

WHEREAS, on March 17, 2022, the City Commission approved Ordinance Number 22-06, granting a Conditional Use Permit for a Bakery in Residential Transitional (RT) Land Use District, which included completion timeframes conditions to be met including approval of a site plan for the change of use of the property, and

WHEREAS, the applicant is requesting an extension of time due to issues with obtaining professional assistance in preparing a site plan meeting the minimum requirements of City of Eustis Land Development Regulations; and

WHEREAS, the modified timelines for completion are reasonable.

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

Section 1: That the timeframe for completing the conditions of Ordinance 22-06 shall be completed within the following timeframes.

1. Site plan approval must be obtained from Development Services no later than April 25, 2023.
2. All other conditions enumerated within Ordinance Number 22-06 shall remain and apply to all other required permitting.

Section 2. Should the owner, The Lilliput Company, fail to complete the approval steps on or before the established deadlines in this resolution, the City Commission may pursue remedies per Sec. 102-5 of the Land Development Regulations as follows:
Violations, remedies, and penalties. Should an owner or applicant violate

any provisions of these land development regulations the city commission may, in its sole discretion, pursue any or all of the below remedies:

- (1) Seek damages or injunctive relief against the violator in the Circuit Court of Lake County, Florida, with all reasonable attorney's fees incurred being awarded to the prevailing party and to be paid by the losing party,
- (2) Refer the violations to code enforcement for enforcement,
- (3) Revoke, either permanently or temporarily, any permits, site plan approval, plat approval, development orders, or any other development rights granted by the city.

Section 3. That should any section, phrase, sentence, provision, or portion of this Resolution be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. That this Resolution shall become effective upon filing.

**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 20th day of October, 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 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 22-10 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, 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: OCTOBER 20, 2022

RE: RESOLUTION 22-76
 RESCINDING AND REPLACING RESOLUTION 18-47 AND MODIFYING
 CRITERIA FOR COMMUNITY REPRESENTATIVE POSITIONS ON THE
 COMMUNITY REDEVELOPMENT AGENCY BOARD (CRA BOARD)

Summary:

On September 22, 2022, the Eustis City Commission asked that the criteria be modified for the two community representative positions on the CRA Board. Resolution 22-76 rescinds and replaces Resolution Number 18-47, which originally established the two positions.

Background:

On September 22, 2022, the Eustis City Commission engaged in a discussion about the two community representative positions on the CRA Board. There were two main topics of discussion. One was to add community engagement as a qualification for the CRA representative positions. The other was to request that the two representatives provide periodic reports to the agency on their CRA related activities and engagement. In addition to these two changes, Resolution Number 22-76 also provides clarification on the terms of the appointments, which will all be for four-year terms moving forward. Below is a summary of the original language as compared to the proposed language (text in red to be removed):

Resolution Number 18-47 - Original language being replaced:

B. Per Florida Statute 163.357, the terms of office for the additional members shall be for four years, except that the first person appointed shall initially serve a term of two years.

F. In order to qualify to serve, the new members will have educational or professional experience in architecture, finance, construction, land-use, sustainability, and/or community redevelopment. Alternatively, the new members will also qualify to serve with professional and/or residential experience in affordable housing.

Resolution Number 22-76 - New proposed language:

B. Per Florida Statute 163.357, the initial community representative was appointed to serve for a two-year term. All subsequent appointments will be for four-year terms.

F. In order to qualify to serve, the new members will have educational, professional, and/or practical experience in architecture, finance, construction, land-use, sustainability, community redevelopment, affordable housing, and/or community engagement.

H. The two community representatives will periodically report to the Agency on CRA related activities and engagement.

Below is a full listing of the parameters as included in Resolution Number 22-76:

- A. Per Florida Statute 163.356, the new members must reside or be engaged in business in the Community Redevelopment Area.
- B. Per Florida Statute 163.357, the initial community representative was appointed to serve for a two-year term. All subsequent appointments will be for four-year terms.
- C. The two additional persons will engage in CRA matters, but will serve as non-voting members.
- D. The advertising and appointment process will be consistent with the advertising and appointment process for other City of Eustis boards and committees.
- E. The new members will represent geographic areas of the CRA. One member will represent the portion of the CRA east of Center Street and Center Street extended. The other member will represent the portion of the CRA west of Center Street and Center Street extended.
- F. In order to qualify to serve, the new members will have educational, professional, and/or practical experience in architecture, finance, construction, land-use, sustainability, community redevelopment, affordable housing, and/or community engagement.
- G. All members, including new members, are encouraged to engage in continuing education related to community redevelopment.
- H. The two community representatives will periodically report to the Agency on CRA related activities and engagement.

Recommended Action:

Staff recommends the City Commission approve Resolution Number 22-76

Budget / Staff Impact:

There is no direct staff or budget impact related to Resolution Number 22-76

Attachments:

Resolution Number 22-76

RESOLUTION NUMBER 22-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY FLORIDA, RESCINDING AND REPLACING IN ITS ENTIRETY RESOLUTION NUMBER 18-47; PROVIDING FOR THE APPOINTMENT OF TWO ADDITIONAL PERSONS TO ACT AS MEMBERS OF THE DOWNTOWN & EAST TOWN COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE COMMUNITY REDEVELOPMENT PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-39, finding of necessity, to create a community redevelopment district in accordance with Florida Statutes 163, Part III; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-40, finding a need to create a community redevelopment agency in accordance with Florida Statutes 163, Part III; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 90-41 to create the Downtown & East Town Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Eustis also in Resolution Number 90-41 declared itself as the Downtown & East Town Community Redevelopment Agency; and

WHEREAS, the City Commission of the City of Eustis adopted Resolution Number 18-47 deeming it appropriate to exercise its authority under Florida Statute Chapter 163.357 and allowing for the appointment of two additional persons to act as members of the Community Redevelopment Agency; and

WHEREAS, also consistent with Florida Statute Chapter 163.357, Resolution Number 18-47 allowed for the first community representative position to be appointed to a two-year term and allowed for all subsequent appointments to be for four-year terms; and

WHEREAS, the City Commission of the City of Eustis has decided to modify the parameters for the two community representative positions on the Community Redevelopment Agency.

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

SECTION 1: The City Commission of the City of Eustis will exercise its authority under Florida Statute Chapter 163.357 and appoint two additional persons to act as members of the Downtown & East Town Community Redevelopment Agency under the following parameters:

- A. Per Florida Statute 163.356, the new members must reside or be engaged in business in the Community Redevelopment Area.
- B. Per Florida Statute 163.357, the initial community representative was appointed to serve for a two-year term. All subsequent appointments will be for four-year terms.
- C. The two additional persons will engage in CRA matters, but will serve as non-voting members.
- D. The advertising and appointment process will be consistent with the advertising and appointment process for other City of Eustis boards and committees.
- E. The new members will represent geographic areas of the CRA. One member will represent the portion of the CRA east of Center Street and Center Street extended. The other member will represent the portion of the CRA west of Center Street and Center Street extended.
- F. In order to qualify to serve, the new members will have educational, professional, and/or practical experience in architecture, finance, construction, land-use, sustainability, community redevelopment, affordable housing, and/or community engagement.
- G. All members, including new members, are encouraged to engage in continuing education related to community redevelopment.
- H. The two community representatives will periodically report to the Agency on CRA related activities and engagement.

SECTION 3: Conflicts: All Resolutions that are in conflict with this Resolution are hereby repealed, vacated and nullified.

SECTION 4: Severability: If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5: Effective Date: This Resolution shall become effective immediately upon adoption.

DONE AND RESOLVED this 20th day of October, 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, by means of physical presence, this 20th day of October 2022, by Michael L. Holland, Mayor/Commissioner, 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 22-76 is hereby approved, and I hereby 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 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: October 20, 2022

RE: Resolution Number 22-79: Approval of purchases in excess of \$50,000 for two pieces of Public Works heavy machinery

Introduction:

Resolution Number 22-79 authorizes purchases in excess of \$50,000 for two (2) heavy machinery vehicles scheduled for replacements that are essential to the operations of the Public Works Department.

Background:

The City of Eustis' 5-Year Capital Improvement Plan and approved FY 2022/23 Capital Budget includes the funds to purchase heavy equipment for the Public Works Department to replace timeworn, unreliable machinery. After extensive research, staff has located the equipment to meet the department's needs and can be purchased within the approved budget.

1) A commercial paver was approved within the 5-year CIP and \$225,000 was budgeted for this purchase in FY 2022-23. Staff has found a new diesel Weiler P265 Commercial Paver for \$218,247 which is within the approved 2022/23 Capital Budget. Ring Power Corporation is honoring this price per the Sourcewell Contract # 060122-WLR. This equipment is replacing a worn-out paver scheduled for replacement.

2) The approved FY 2021/22 Budget includes sufficient funding for a used dump truck to replace a timeworn, unreliable truck that has been scheduled for replacement. This vehicle is essential for the day to day duties of Public Works and Stormwater Maintenance. The City's Fleet Management staff received sales offers from three different used truck dealers. After conducting detailed evaluations of these vehicles, they have determined the truck offered by Impex International Truck Sales in Ocala, Florida is in the best condition for the best price. They are offering this vehicle for \$89,500, a 2007 Peterbilt 357 Tri-Axle Dump Truck.

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

Recommended Action:

Staff recommends approval of this resolution.

Policy Implications:

Not applicable.

Alternatives:

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

Discussion of Alternatives:

1. Alternative 1 approves Resolution Number 22-79 and authorizes the purchase of the two (2) heavy equipment machinery listed above.

Advantages:

- The City will avoid expensive maintenance and repair on worn out vehicles.
- The City staff will have safe, dependable vehicles to use while performing their responsibilities effectively.

Disadvantages:

- There are no disadvantages to approving the resolution.

2. Alternative 2 defeats Resolution Number 22-79.

Advantages:

- There is no advantage to denying the resolution because the replacement vehicles are necessary to provide reliable equipment for staff to perform their duties.

Disadvantages:

- Vehicle breakdowns cause a disruption in work schedules, which create delays in completing important repairs, maintenance and construction throughout the city.

Budget/Staff Impact:

These two (2) heavy equipment replacements were budgeted in the approved Fiscal Year 2022/2023 Capital Budget.

Prepared By:

Sally Mayer, Administrative Assistant, Public Utilities

Reviewed By:

Rick Gierok, P.E., Director of Public Works
Jobey Jones, Superintendent of Public Works

Attachments:

Resolution Number 22-79
Quote from Ring Power Corporation
Quote from Impex International Truck Sales

RESOLUTION NUMBER 22-79**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING AN EXPENDITURE IN EXCESS OF \$50,000 EACH FOR TWO PUBLIC WORKS HEAVY MACHINERY.**

WHEREAS, the Five-Year Capital Improvement Plan has scheduled the Public Works Department's purchase of a new, heavy-duty commercial paver replacement which requires an expenditure greater than \$50,000 for FY 2022-2023; and

WHEREAS, Staff has found a new diesel Weiler P265 Commercial Paver for \$218,247, offered by Ring Power Corporation honoring the price through Sourcewell Government Contract #060122-WLR; and

WHEREAS, the approved FY 2022-23 Budget includes sufficient funding for a used dump truck; and

WHEREAS, City's Fleet Maintenance staff solicited quotes for a used dump truck in accordance with the City's purchasing policies; and Staff has determined the offer from Impex International Truck Sales in Ocala, Florida is offering the best price and vehicle condition for a used 2007 Peterbilt 357 Tri-Axle Dump Truck for a total amount of \$89,500; and

WHEREAS, the City's FY 2022/23 approved Capital Budget includes adequate funding for these two vehicles; and

WHEREAS, the City Commission must approve any purchase exceeding \$50,000.

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

- (1) That the City Commission hereby authorizes the purchases in excess of \$50,000 each for a new Weiler P265 Commercial Paver, and a used 2007 Peterbilt dump truck; and
- (2) That the City Commission hereby authorizes the Finance Director to execute all agreements and contracts associated with the approved purchases.

DONE AND RESOLVED, this 20th day of October, 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 20th day of October, 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 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 22-79 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

Ring Power
Brooksville
 352-796-4978

Daytona Beach
 386-947-3363

Gainesville
 352-371-9983

St. Augustine
 904-737-7730

Lake City
 386-755-3997

Lakeland
 863-606-0512

Ocala
 352-732-2800

Orlando
 407-855-6195

Palm Bay
 321-952-3001

Perry
 850-584-2800

Pompano Beach
 854-977-5010

Sarasota
 941-753-7535

Tallahassee
 850-562-2121

Tampa
 813-671-3700

Tarpon Springs
 727-938-1515

QUOTE PER THE SOUCEWELL CONTRACT

 Quote Prepared For:
 City of Eustis

10/6/2022

(1) NEW WEILER P265 COMMERCIAL PAVER

CONTRACT DETAILS

 Sourcewell Contract
 Contract # 060122-WLR
 Maturity Date: August 1, 2026

BASE MACHINE SPECIFICATIONS

WEILER P265 COMMERCIAL PAVER, BASE UNIT	\$162,254
CAT 3.4 TIER IV DIESEL ENGINE, RATED AT 74 HP	INCL
2-SPEED HYDROSTATIC DRIVE W/ 250 FPM SPEED	INCL
AUTO TRACK TENSIONING SYSTEM	INCL
5 TRACK ROLLERS PER SIDE	INCL
HYDRAULIC DRIVEN 12kW GENERATOR	INCL
DUAL SIDE OPERATION	INCL
CABLE OPERATED GROUND DRIVE SYSTEM	INCL
PUSH-BUTTON KEYPAD FOR FEEDER SYSTEM	INCL
LCD MONITOR	INCL
7-TON HOPPER	INCL
REPLACEABLE FLOOR PLATES	INCL
HEAVY DUTY CONVEYOR CHAINS AND FLIGHT BARS	INCL
REVERSIBLE AUGERS AND CONVEYORS	INCL
FLOW GATE STYLE CUTOFF DOORS	INCL
ADJUSTABLE PUSH ROLLER	INCL
ELECTRIC SCREED HEAT	INCL
3/8" THICK SCREED PLATES	INCL
MANUAL CROWN ADJUSTMENT, +- 3%	INCL
8 GALLON SPRAYDOWN SYSTEM W/ 4 COILED HOSES	INCL
BRAIDED ELECTRICAL HARNESSSES	INCL
SEALED CONNECTIONS	INCL
12V ELECTRIC SYSTEM W/ AUTO STYLE FUSES	INCL
REMOTE GREASE FITTINGS	INCL
5 ENGINE ACCESS DOORS	INCL
LOCKABLE VANDALISM DOORS	INCL
LOCKABLE ENGINE ACCESS DOORS	INCL

010-8600-538-60-04
 Contract Pricing

Ring Power
Brooksville
 352-796-4978

Daytona Beach
 386-947-3363

Gainesville
 352-371-9983

St. Augustine
 904-737-7730

Lake City
 386-755-3997

Lakeland
 863-606-0512

Ocala
 352-732-2800

Orlando
 407-855-6195

Palm Bay
 321-952-3001

Perry
 850-584-2800

Pompano Beach
 854-977-5010

Sarasota
 941-753-7535

Tallahassee
 850-562-2121

Tampa
 813-671-3700

Tarpon Springs
 727-938-1515

7' 8" TO 14' 4" PAVING WIDTH SCREED	\$52,737
US, CANADA ENGLISH LANGUAGE & DECAL GROUP	\$469
PREMIUM LIGHTING GROUP, 8 LED LIGHTS	\$1,264
SONIC CONTROLLED AUGERS	\$3,785
LED STROBE LIGHT KIT	\$579
HYDRAULIC TOW POINTS	\$6,482
TOPCON PREP GROUP	\$1,760
14" POLY TRACK PADS	<u>\$3,722</u>
SUBTOTAL	\$233,052
LESS 10% SOURCEWELL DISCOUNT	<u>(\$23,305)</u>
TOTAL MACHINE SPECIFICATIONS	\$209,747

ADDITIONAL ITEMS

	FREIGHT PER SOURCEWELL CONTRACT	\$3,300
	PREP AND DELIVER PER SOURCEWELL CONTRACT	\$3,500
464-9903	PRODUCT LINK PL243	\$1,100
452-2740	VISION LINK MONITORING	<u>\$600</u>
	TOTAL OF ADDITIONAL ITEMS	\$8,500

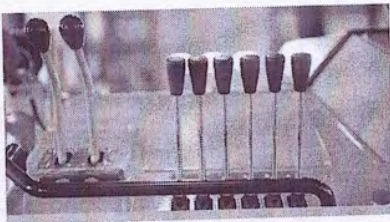
TOTAL TRANSACTION PRICE**\$218,247**

Best regards,

Scott Starkweather
 Sales Representative
 Ring Power Corporation

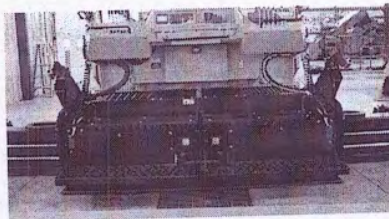
P265

COMMERCIAL PAVER



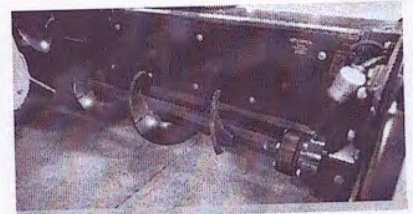
SIMPLE OPERATION.

Mechanical controls provide simple and reliable operation. Push button keypads for feeder system and cable operated ground drive controls allow operation from either side of the machine.



HEAVY DUTY SCREED.

The Weiler designed 3,000 lb (1,360 kg) screed delivers outstanding mat quality and a paving range of 7' 8" (2.3 m) to 14' 4" (4.4 m). Weiler's patented end gate design allows quick adjustments for extension height and joint matching.



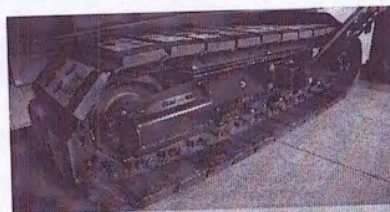
PRECISE CONTROL.

Screed mounted upper and lower 9" (228 mm) augers and independent control of each side of the delivery system provide precise material control for variable width paving. Flow gate style cut-off doors and reversible augers and conveyors limit spillage between passes.



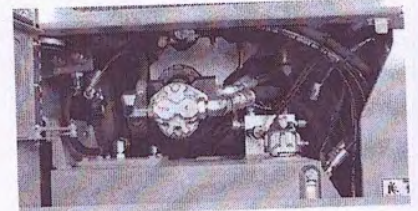
DURABLE COMPONENTS.

Highway class chains, conveyor and auger bearings and direct-drive conveyor head shaft provide long-term reliability. Replaceable components maximize the life of the paver.



POWER TO PUSH.

Cat® C3.4B Tier 4 engine with 74 hp (55 kW) powers the best-in-class 70" (1778 mm) track length undercarriage through a 2-speed hydrostatic drive. Optional 14" (356 mm) performance, poly pads and standard 125 mm track chain pitch optimize the ride with a 250 fpm (76 mpm) max transport speed.



FAST SERVICE.

Remote grease lines, spray down system with four (4) coiled hoses located on each corner of the paver, five (5) engine access doors and Caterpillar dealer service and support keep your machine up and running with limited machine down time.

P265 SPECIFICATIONS

WEIGHT	16,200 lb	7348 kg	SCREED WEIGHT	3,000 lb	1360 kg	ENGINE	Cat® C3.4B Tier 4F
LENGTH	12' 7"	3835 mm	MAIN PLATE WIDTH	16.5"	419 mm	PAVING SPEED	150 fpm 45 mpm
WIDTH	98"	2489 mm	EXTENSION PLATE WIDTH	9"	228 mm	TRANSPORT SPEED	250 fpm 76 mpm
HEIGHT	70"	1778 mm	SCREED HEAT	Electric - 4 elements		FUEL CAPACITY	26 gal 98 L
TRUCK CLEARANCE	18"	457 mm	VIBRATION	1 x 2500 vpm		HYDRAULIC CAPACITY	30 gal 113 L
AUGER DIAMETER	9"	228 mm	AUGER SPEED	110 rpm			

POWERTRAIN

Cat® C3.4B Tier 4F engine with 74 hp (55 kW) and no DEF
 2-Speed hydrostatic drive, 250 fpm (76 mpm) transport speed
 Automatic track tensioning
 70" (1778 mm) track length with 53" (1346 mm) of ground contact
 14" (356 mm) performance, poly track pad option
 5 track rollers per side
 125 mm track chain pitch
 Hydraulically driven 12 kW generator

OPERATING ENVIRONMENT

Dual side operation
 Cable operated ground drive controls
 Push button keypads for feeder system
 LCD display provides conditions and diagnostics
 Pause mode enables return to same settings

MATERIAL DELIVERY

7-ton (6.35 mt) hopper
 Replaceable floor plates
 Heavy-duty chains and flight bars
 Direct-drive conveyor head shaft
 Reversible augers and conveyors
 Flow gate style cut-off door
 Independent auger and conveyor control
 Adjustable push roller
 Independent hopper control

SALES AND SERVICE

Sold and serviced exclusively through Caterpillar dealers worldwide.

WWW.WEILERPRODUCTS.COM

SCREED

7' 8" (2.3 m) to 14' 4" (4.4 m) standard paving width
 4 element electric heated screed
 3/8" (9.5 mm) thick screed plates
 Screed mounted upper and lower 9" (228 mm) augers
 Sonic feed sensors optional
 Manual crown adjustment (+/-3%)
 Folding rear walkway
 Patented end gate design

SERVICE/MAINTENANCE

8-gal (30 L) spray down system with 4 coiled hoses
 Braided electrical harnesses and sealed connections
 Color-coded electrical wires
 12-volt electric system with automotive-type fuses
 Remote grease fittings
 5 engine access doors
 Lockable vandal cover and engine access doors

OPTIONAL EQUIPMENT

14" (356 mm) poly track pads
 LED strobe light
 Work lights (4)
 Premium LED lights (8)
 Sonic controlled augers
 Heated end gates

WARRANTY

12 months standard. Extended warranty available.

0EX02394



INVOICE

Construction Equipment Specialist Since 1993

3498 West Hwy 326

Ocala, FL 34475

Phone: 800-746-2456 * (352) 351-3323 * Fax (352) 351-2366

Email : info@impextrucks.com

DATE: Thursday, October 6, 2022

INVOICE #

BILL TO / SOLD TO:

FOR: SALE

CITY OF EUSTIS MUNICIPALE

400 Morin ST, Eustis, FL 32726

850 390.6628 - 850.390.2229

DESCRIPTION	QUANTITY	PRICE	AMOUNT
Stk# 5604 2007 Peterbilt 357 tri axle dump truck VIN # 1NPAL00X47D670784	1.00	\$89500.00	89,500.00
Sales Tax: State of Florida. EXEMPT :\$ 0.00			
Sales Tax : County of Marion 1% :\$. 0.00			
Doc Fee, Tag, Title, Registration. : :\$ 0.00			
Sold FOB Ocala, FL			

Terms; Net Cash. Make all checks payable to Impex International Truck Sales Inc.

SUBTOTAL \$ 89,500.00

TAX RATE 0.000%

SALES TAX -

OTHERS

TOTAL \$ 89,500.00

BALANCE DUE

All Sales are C.O.D

CUSTOMER NAME ABOVE RESPONSIBLE FOR ALL INSURANCE, FIRE, THEFT, DAMAGE, LIABILITY & CARGO CONTENT

ALL EQUIPMENT SOLD AS IS, NO WARRANTY

THANK YOU FOR YOUR BUSINESS!

Buyer Signature

Seller Signature

Gonzalo A. Pozo







City of Eustis

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

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: October 20, 2022

RE: Resolution Number 22-80: Approving a purchase in excess of \$50,000 for the lease of various holiday decorations

Introduction:

Resolution Number 22-80 approves the lease of various holiday decorations and lighting from Holiday Outdoor Décor in the amount of \$65,068.00, pursuant to their quote dated October 11, 2022.

Background:

It has been a long-time tradition for the City of Eustis to install holiday lighting and other decorations in the downtown area and also in Ferran Park. Recently, the City has found it more efficient as well as cost effective to lease these decorations and have them installed by the vendor.

The City purchasing ordinance requires that all purchases in excess of \$50,000 must be approved by the City Commission; therefore, this lease is being submitted for consideration by the Commission. This item is being piggybacked off an agreement the vendor has with the City of St. Petersburg; therefore, additional quotes were not required.

Recommended Action:

Staff recommends approval of Resolution Number 22-80

Budget/Staff Impact:

The Fiscal Year 2022-2023 approved budget provides adequate funding for the requested lease.

Prepared By:

Mary Montez, Deputy Clerk

Reviewed By:

Tom Carrino, City Manager

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING AN EXPENDITURE IN EXCESS OF \$50,000 FOR THE LEASE OF VARIOUS HOLIDAY LIGHTING AND OTHER DECORATIONS FOR THE DOWNTOWN AREA AND FERRAN PARK.

WHEREAS, the it has been a long-time tradition for the City of Eustis to have put up holiday lights and other decorations in the downtown area and within Ferran Park; 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 the lease of these holiday decorations; and

WHEREAS, the City has for several years piggybacked off the City of St. Petersburg's holiday decoration agreement with Holiday Outdoor Decor; and

WHEREAS, in order to have the holiday decorations put up in a timely manner, the City of Eustis must proceed with implementation of the lease agreement as soon as possible;

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

- (1) That the City Commission hereby approves the lease with Holiday Outdoor Décor in the amount of \$65,068.00 pursuant to their quote dated October 11, 2022; and
- (2) That the City Manager is authorized to execute all agreements necessary to provide said products with the above vendor.

DONE AND RESOLVED, this 20th day of October 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

Item 4.5

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of October, 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 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 22-80 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



LEASE-6308	32" Ice Lights Green	FERRAN PARK SNOWFALL TUBES- DECORATE 13 TREES OUTER BRANCHES, CANOPIES	\$42.00	228.00	\$9,576.00
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Comments	2022 LEASE- CO-OP AGREEMENT/ CITY ST PETERSBURG	Subtotal	\$65,068.00
		Total Price	\$65,068.00
		Grand Total	\$65,068.00

Lease Terms and Conditions

Holiday Outdoor Decor shall comply with the specifications above. All work shall be completed in a professional manner according to standard industry practices. Modifications to the above specifications may incur additional costs and will require an executed change order. Holiday Outdoor Decor shall not be responsible for any failure or delay caused by any reason beyond its control. Owner shall have sole responsibility to insure itself and its property against damages or injury. HOLIDAY OUTDOOR DECOR SHALL NOT BE LIABLE FOR ANY INDIRECT OR CONSEQUENTIAL DAMAGES RELATING TO THIS AGREEMENT, NOR SHALL IT BE LIABLE IN ANY WAY WHATSOEVER FOR DAMAGES UNLESS DIRECTLY CAUSED BY HOLIDAY OUTDOOR DECOR NEGLIGENCE OR MISCONDUCT. IN NO EVENT WILL HOLIDAY OUTDOOR DECOR BE LIABLE UNDER THIS AGREEMENT FOR ANY AMOUNT WHICH EXCEEDS THE VALUE OF THIS PROPOSAL.

For our complete Terms and Conditions, please click [here](https://holidayoutdoordecor.com/terms-conditions/) or visit <https://holidayoutdoordecor.com/terms-conditions/>

Account Terms DUE UPON RECEIPT

- Contract Price is per year
- Annual Lease, Installation, Removal, and Storage
- We do not do any electrical work, other than plugging into existing outlets. This also includes resetting GFCI breakers that pop due to moisture, rain or sprinklers
- Custom Items are NOT returnable
- After Account Terms due date, a monthly interest charge of 1.5% will be added on past due accounts (18% APR)
- Applicable Sales Tax will be added to Final Invoice

QUOTE ACCEPTANCE INFORMATION

Signature: Tom Carnahan
 Name: Tom Carnahan
 Title: City Manager

QUOTE



Company Address PO Box 4365
Bethlehem, Pennsylvania 18018
United States

Created Date 10/11/2022
Expiration Date 12/30/2022
Quote Number 00009541

Prepared By Jasmin Zuhr
Email jzuhr@holidayoutdoordecor.com

Bill To Name EUSTIS
Bill To CITY OF EUSTIS
Payable PO DRAWER 68
Eustis, Florida 32727-0068
United States

Ship To DOWNTOWN- 12 E MAGNOLIA AVE
FERRAN PARK- 250 FERRAN PARK DRIVE
EUSTIS, Florida 32726
United States

Quote To United States

HTH Referral ☐

Product Code	Product	Line Item Description	Price	Quantity	Total Price
ANNUAL LEASE	Annual Lease		\$0.00	1.00	\$0.00
Lease-SSPT22C7MULTILED	Panel Tree 22' C7 MULTI LED	DOWNTOWN- LIVE OAK 27' TOTAL HEIGHT PANEL TREE INCLUDES 5' 3D STAR, OVER 3000 C7 LED MULTI LIGHTS / BASE 12' DIAMETER. PRICE REFLECTS 25% DISCOUNT	\$7,478.00	1.00	\$7,478.00
Lease-PTGR25'	POLE TRIM GREEN 25'	FERRAN PARK- SMALL LAMP POST DECORATED WITH GREEN POLE TRIM AND 2 VINYL BRACKET BOWS	\$130.00	32.00	\$4,160.00
Lease-BOWRV24 WB	BOW RED VINYL 24" W/BACKET	FERRAN PARK- ADD TO SMALL LAMP POST	\$0.00	64.00	\$0.00
Lease-SSPT42C7RGBLEDANIM MUSIC	PANEL TREE 42' C7 RED, GREEN, BLUE LED ANIMATED W/MUSIC	FERRAN PARK- 50' TOTAL HEIGHT INCLUDES 8' 3S STAR/ 12726 RETRO FIT C7 MULTI COLORED LED ANIMATED LIGHTS TRADITIONAL ORNAMENTS 10 SONGS- INCLUDES 15% DISCOUNT	\$34,320.00	1.00	\$34,320.00
LEASE-6306	20" Ice Lights Green	FERRAN PARK SNOWFALL TUBES- DECORATE 13 TREES OUTER BRANCHES, CANOPIES	\$42.00	227.00	\$9,534.00

Account Terms DUE UPON RECEIPT

- Contract Price is per year
- Annual Lease, Installation, Removal, and Storage
- We do not do any electrical work, other than plugging into existing outlets. This also includes resetting GFCI breakers that pop due to moisture, rain or sprinklers
- Custom Items are NOT returnable
- After Account Terms due date, a monthly interest charge of 1.5% will be added on past due accounts (18% APR)
- Applicable Sales Tax will be added to Final Invoice

QUOTE ACCEPTANCE INFORMATION

Signature: Tom Carrino
Name: Tom Carrino
Title: City Manager



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: OCTOBER 20, 2022

RE: ORDINANCE NUMBER 22-21: ESTABLISHMENT OF THE HICKS DITCH
COMMUNITY DEVELOPMENT DISTRICT (CDD)

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 (FECP) 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.

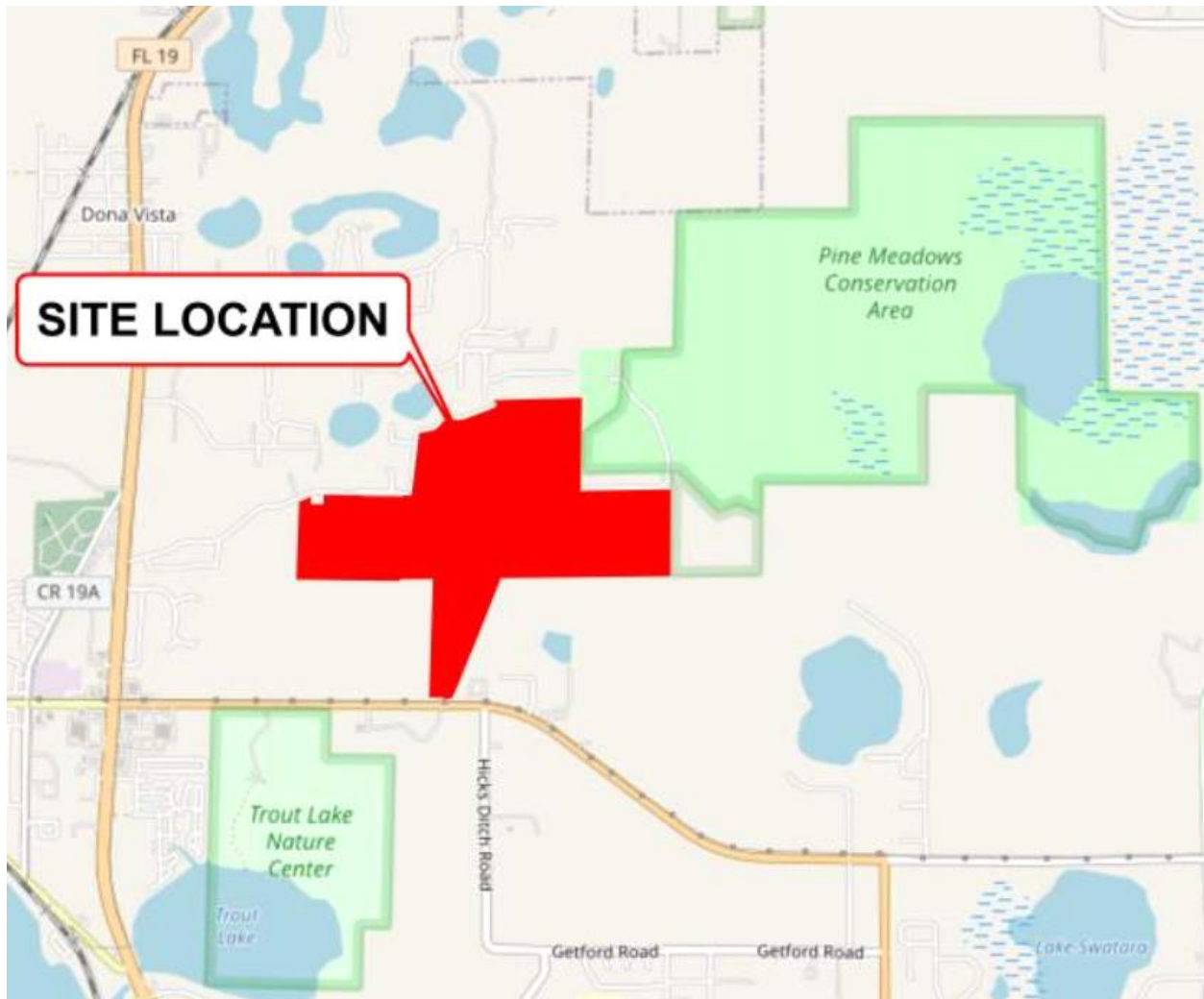
TOGETHER WITH:

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 5.1

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.

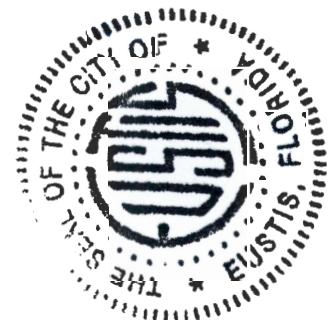
DONE AND RESOLVED this 2nd day of June 2022 in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

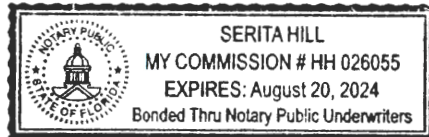
ATTEST:

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:

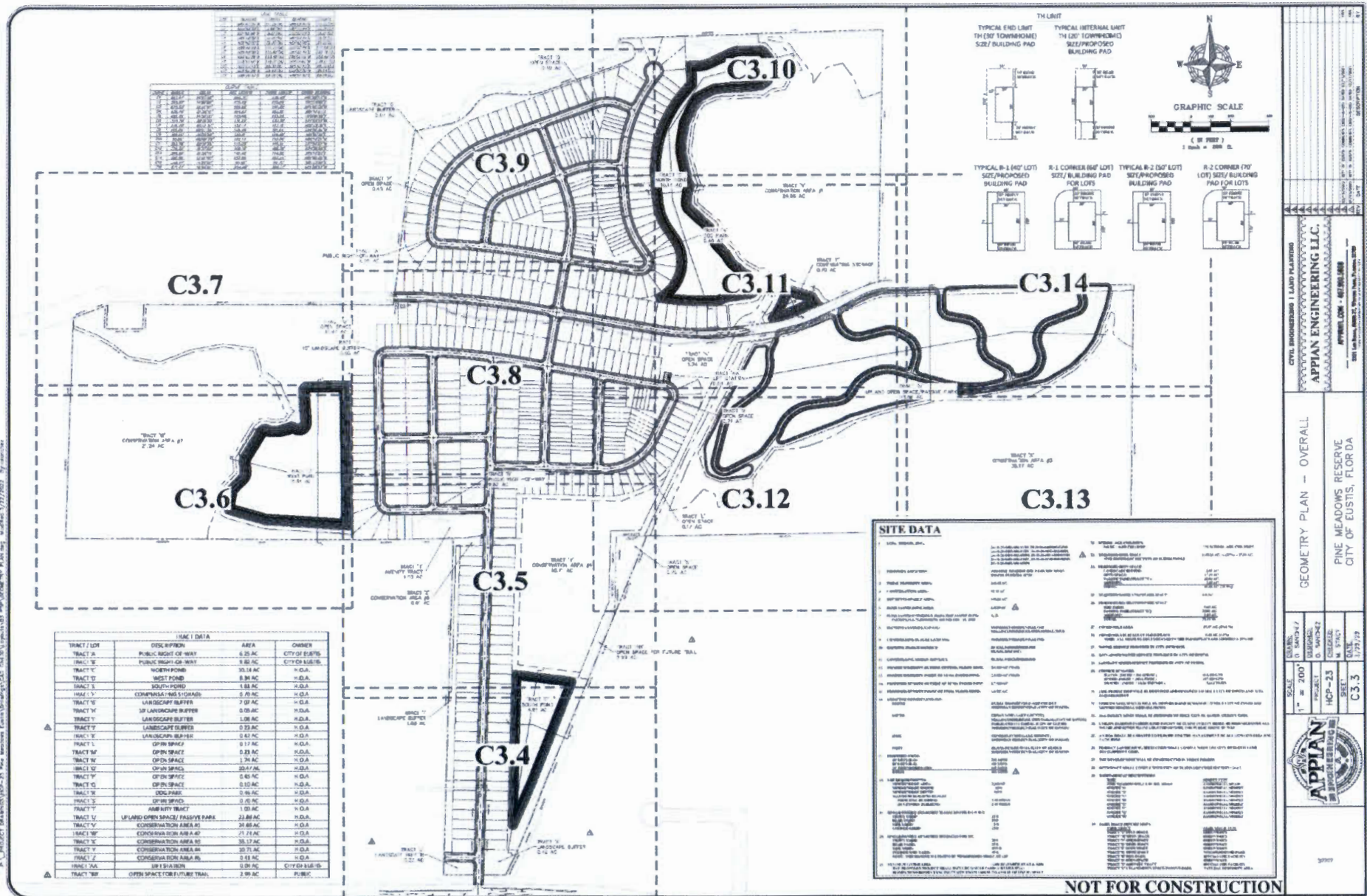
THAT PART OF LOT 11, IN SECTION 36, TOWNSHIP 18 SOUTH, RANGE 26 EAST, MAP OF EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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.

Resolution Number 22-36
Pine Meadows Reserve Preliminary Subdivision Plat
Page 1 of 8



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 5.1

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.

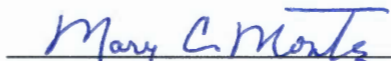
PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 3rd day of March 2022.

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



Michael L. Holland
Mayor/Commissioner

ATTEST:



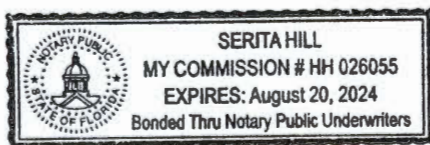
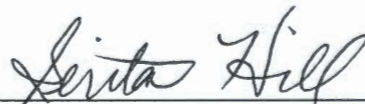
Mary C. Montez, City Clerk



CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

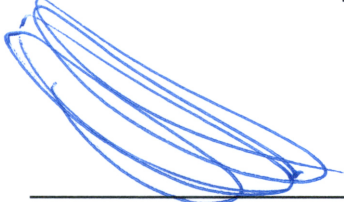
The foregoing instrument was acknowledged before me, by means of physical presence, this 3rd day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

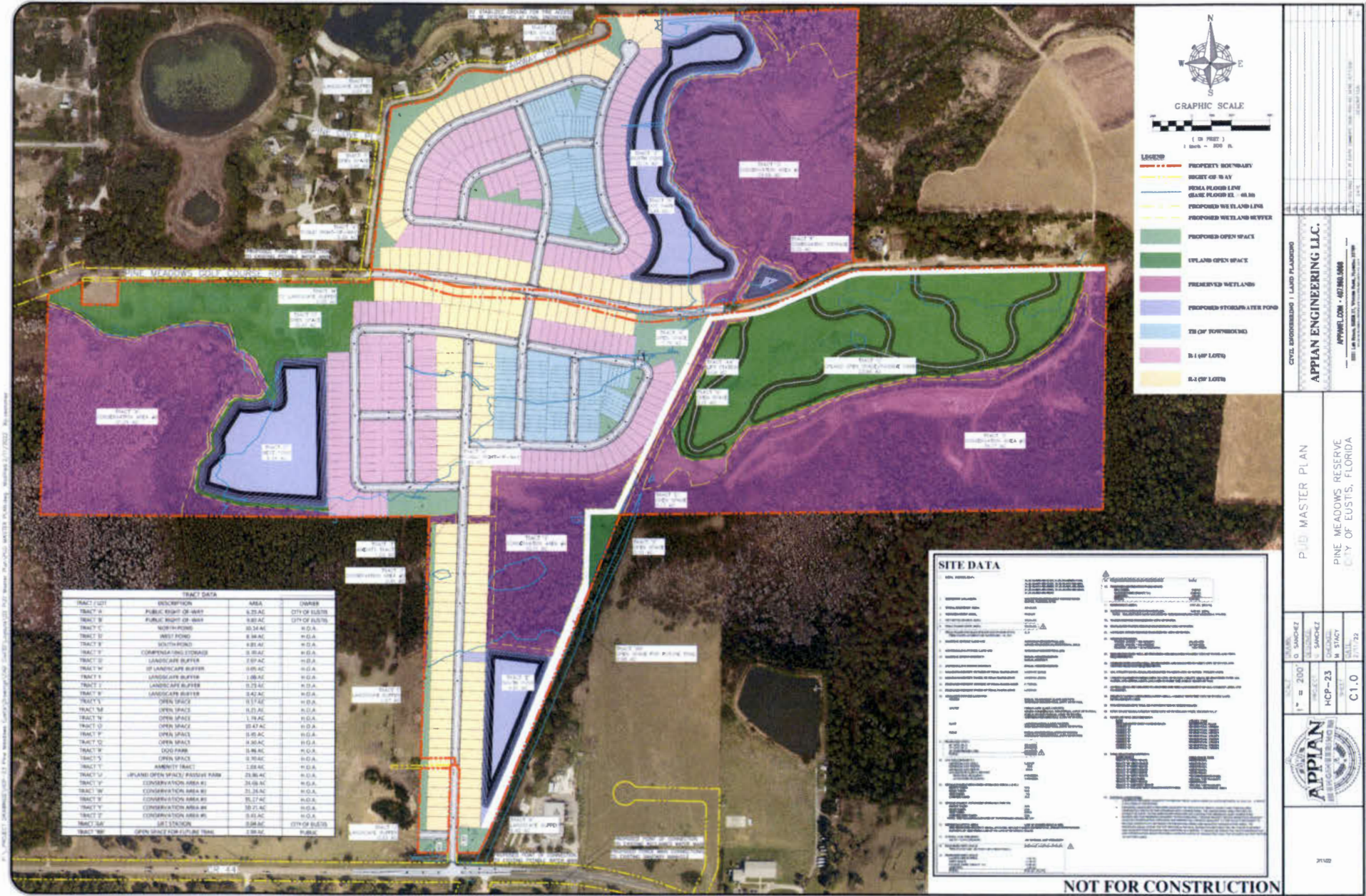
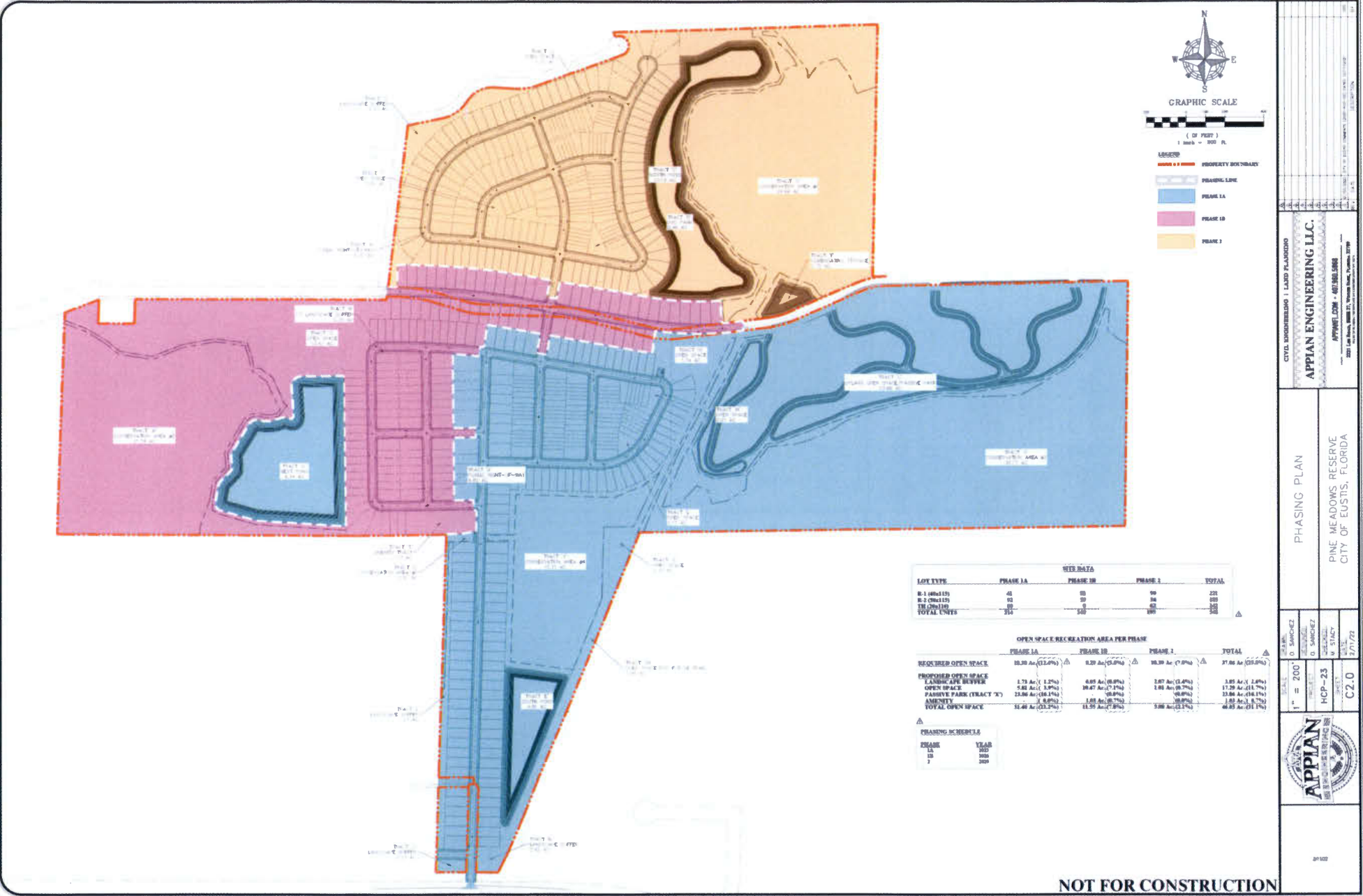


Exhibit B – PUD Phasing Plan



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

1 but fiscally sound and cost-effective techniques for financing public facilities.
2 Establishment of the proposed District will further this goal and related policies.
3

4 **37. Why is subject No. 25, the other subject you mentioned, relevant to the**
5 **establishment of the proposed district?**
6

7 Subject No. 25 addresses Plan Implementation. This goal requires that systematic
8 planning capabilities be integrated into all levels of government throughout the state, with
9 particular emphasis on improving inter-governmental coordination and maximizing
10 citizen involvement. The proposed District will operate through a separate and distinct
11 Board of Supervisors who will systematically plan the construction, operation and
12 maintenance of public improvements and community facilities authorized under Chapter
13 190, *Florida Statutes*, subject to and not inconsistent with the local government
14 comprehensive plan and land development regulations. Further, meetings held by the
15 Board of Supervisors are publicly advertised and open to the public.
16

17 **38. Are there any relevant policies in this portion of the State Comprehensive Plan?**
18

19 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
20 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
21 establishment of a CDD, and after two hundred and fifty (250) electors reside in the
22 CDD, the election of the Board of Supervisors begins to transition from a landowner-
23 elected Board to a resident-elected Board. Regardless of whether the board is elected by
24 the landowners or the residents, the proposed District must convene its meetings in
25 accordance with government in the sunshine provisions set forth in Chapter 286, *Florida*
26 *Statutes*. This encourages citizen participation in the planning and operational activities
27 of the district.
28

29 **39. Based upon your experience with planning, do you have an opinion as to whether**
30 **establishment of the proposed District is inconsistent with any portion or element of**
31 **the City of Eustis Comprehensive Plan?**
32

33 Yes, I do.
34

35 **40. What is that opinion?**
36

37 In my opinion, the establishment of the proposed District is not inconsistent with any
38 applicable provisions of the City of Eustis Comprehensive Plan.
39

40 **41. What is the basis for that opinion?**
41

42 The proposed District is consistent with the current Future Land Use / Comprehensive
43 Plan designation, as this information was utilized during the annexation of the lands
44 comprising the District, City Comprehensive Plan and planned development approvals
45 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:

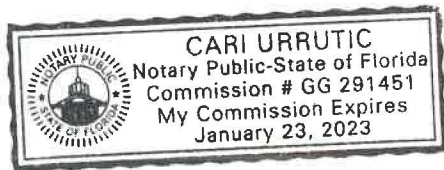
1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is George Flint and I am a Vice-President with Governmental Management Services – Central Florida, LLC.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages submitted under my name to the City 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.

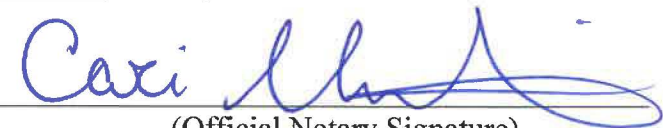
Executed this 11 day of October 2022.


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

1 make time and meetings available for the monthly matters pertaining to the dependent
2 district. By using a dependent district mechanism, the City would be increasing its
3 responsibility and hence liability for the variety of actions that will take place in the Lake
4 Harris development. The City, through the dependent district, would also be the contracting
5 party for all construction contracts, would have to deal with bid issues, enforce performance
6 bonds, and participate in construction arbitration or litigation if necessary. They would deal
7 with delay claims and budget management and all the other challenges that come with being
8 the owner in a public construction project. A district can be created to provide focused
9 attention to a specific area in a cost-effective manner. It also allows the City to focus staff
10 time, finances, and other resources elsewhere and does not burden the general body of
11 taxpayers in the City with the debt associated with this growth.

12
13 The other alternative is the use of private means either through a POA or through the
14 developer, or both in combination. This combination can clearly satisfy the high demand
15 for focused service and facilities and managed delivery. However, only a public entity can
16 assure a long-term perspective, act as a stable provider of services and facilities, qualify as
17 a lower cost source of financing, and pay for services at sustained levels. POAs lack the
18 ability to effectively finance the improvements. Their ability to assure adequate funds for
19 sustained high levels of maintenance is less than with a CDD.

20
21 Furthermore, neither the developer nor a POA would be required to conduct all actions
22 relating to the provision of these improvements in the “sunshine” as a CDD must or abide
23 by other public access requirements that are incumbent upon a CDD and its Board of
24 Supervisors. Also, provision and long-term operation and maintenance of these
25 improvements, particularly the drainage activities, by a CDD ensures that residents have
26 guaranteed access to the body or entity making decisions about these facilities, and in fact
27 will one day sit as the five-member board making the decisions that impact their community
28 directly.

29
30 A CDD is an independent special purpose unit of local government designed to focus its
31 attention on providing the best long-term service to its specifically benefited properties and
32 residents. It has limited power and a limited area of jurisdiction. The CDD will be governed
33 by its own board and managed by those whose sole purpose is to provide the district long
34 term planning, management, and financing of these services and facilities. This long-term
35 management capability extends to the operation and maintenance of the facilities owned by
36 the CDD. Further, the sources for funding and manner of collection of funds will assure
37 that the CDD facilities will be managed at the sustained levels of quality desired by residents
38 well into the future.

- 39
40 **18. Do you have an opinion, as someone experienced in district management and**
41 **operations, as to whether the area of land to be included within the proposed District**
42 **is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be**
43 **developable as one functional interrelated community?**

44
45 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*.

1 **28. What exactly is a "SERC"?**

2
3 The Statement of Estimated Regulatory Costs is actually a requirement under Sections
4 190.05 and/ 120.541(2), *Florida Statutes*, which has been incorporated into the law on
5 establishment of community development districts.
6

7 **29. In general terms, please summarize the economic analyses presented in the SERC.**

8
9 An understanding of the SERC requires the recognition of the scope of review and
10 evaluation for the establishment of a community development district as set out in Chapter
11 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such
12 a district pursuant to uniform general law [must] be fair and based only on factors material
13 to managing and financing the service-delivery function of the district, so that any matter
14 concerning permitting or planning of the development is not material or relevant.” Thus,
15 the scope of the economic analysis included in the SERC addresses only the establishment
16 of the proposed District, and not the planning or development of the property itself.
17

18 The economic analysis sets out the assumptions about the development within the proposed
19 district and the anticipated infrastructure to be provided by it. The analysis addresses each
20 of the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates
21 the impact of the proposed district on each such group.
22

23 The proposed Hicks Ditch Community Development District is a specialized unit of local
24 government. It is a special purpose unit of local government with a single objective: the
25 provision of infrastructure and services for a planned new community. Its economic
26 benefits exceed its economic cost to the Petitioner, the City, and to all subsequent purchasers
27 and landowners of the community - in short, to all affected parties.
28

29 Once the proposed District is established, there are no direct costs to the City. While the
30 proposed District will provide certain reports and budgets to the City for its discretionary
31 review, there are no requirements that either incur any obligations or expense associated
32 with its review. In addition, to the extent the proposed District utilizes the services of the
33 Property Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*,
34 to collect its assessments, the proposed District must pay the costs associated with those
35 services.
36

37 It is important to note that under Chapter 190, the debt of the proposed District cannot
38 become the debt of the City or the State of Florida. Since the proposed District will be an
39 independent unit of government and issue its own bonds, the proposed District will not have
40 any effect on the bonding capacity of the City or the State of Florida.
41

42 **30. Please describe briefly the data and methodology used in preparing the SERC and**
43 **related analyses.**

44
45 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: October 20, 2022
RE: Ordinance Number 22-21: 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