AGENDA
Regular City Commission Meeting
6:00 PM - Thursday, August 18, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

   2.1 June 23, 2022 - City Commission Budget Workshop
   August 4, 2022 - Regular City Commission Meeting
   Staff Report #22-0182 - Html
   06-23-2022 CC Workshop MIN - For Approval
   08-04-2022 CC MIN - For Approval

3. PRESENTATIONS

   3.1 Eustis Police Department Retirement of Gary Winheim
   Staff Report #22-0188 - Html

   3.2 Eustis Housing Authority presentation - Horace Jones, Executive Director
   Staff Report #22-0189 - Html

4. APPOINTMENTS

   4.1 Re-appointment to Code Enforcement Board - Richard Bartzer
   Staff Report #22-0180 - Html
   CEB BARTZER REAPPT REQ 8-2-22
   CEB Roster as of April 2022
   Article III - Code Enforcement

5. AUDIENCE TO BE HEARD

6. CONSENT AGENDA

   6.1 Resolution Number 22-54: Annexation Agreement and Developer's Agreement to provide water service outside the City Limits (37133 County Road 452)
   Staff Report #22-0178 - Html
   Resolution Number 22-54 37133 CR 452 Outside Water
   Annexation Agreement signed by applicant
   Developers Agreement signed by applicant

   6.2 Consideration of Resolution Number 22-55: Eleven Oaks - 2nd extension of time for completion of improvements
   Staff Report #22-0179 - Html
   Resolution Number 22-55 Eleven Oaks 2nd Extension of Time

Application for Eleven Oaks Second Extension of Time

6.3 Resolution Number 22-56: Award of Bid #012-21 and Approval of a Purchase in Excess of $50,000 for a Replacement Generator and Transfer Switch for Lift Station Number 8

Staff Report #22-0187 - Html
Resolution No. 22-56

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 22-51: Country Side Diner Conditional Sign at 1602 North State Road 19 (Alternate Key Number 3809654)

Staff Report #22-0185 - Html
Staff Report Res. No. 22-51
Resolution No. 22-51
22-00220 Violation Notice
22-00220 code violation CEB finding of fact

7.2 Resolution Number 22-57: Reduction of Fine/Release of Lien, 2250 Dixie Avenue - Case 20-00235

Staff Report #22-0186 - Html
Staff Report Res. No. 22-57
Resolution No. 22-57
FINE REDUCTION APPLICATION

7.3 2nd Reading: Ordinance Number 22-18 – Voluntary Annexation, Ordinance Number 22-19 – Comprehensive Plan Amendment, and Ordinance Number 22-20 – Design District Assignment: Property located on the South side of County Road 452, West of North Country Road (alternate key numbers 1743346 and 3840638)

Staff Report #22-0177 - Html
Staff Report Ordinance 22-18_22-19_22-20 Annex FLU DD - 2nd Reading
Ordinance No. 22-18 Annexation
Ordinance No. 22-19 FLUMA
Ordinance No. 22-20 Design Dist

8. OTHER BUSINESS

8.1 Discussion regarding allowance of Chelsea Square Station Preliminary Subdivision Plat to be reheard before the 9 month waiting period

Staff Report #22-0181 - Html
Chelsea Square Narrative (002)

8.2 Report on Business Incubator

Staff Report #22-0183 - Html
Incubator UCF Presentation
Workshop PP (Eustis)
Business Incubator - Staff Report TCrev

9. FUTURE AGENDA ITEMS

10. COMMENTS

10.1 City Commission

10.2 City Manager

10.3 City Attorney

10.4 Mayor

11. 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

Staff Report

TO: Eustis City Commission

FROM: Christine Halloran, City Clerk

DATE: August 18, 2022

RE: JUNE 23, 2022 - CITY COMMISSION BUDGET WORKSHOP
AUGUST 4, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:
This item is for consideration of the minutes of the June 23, 2022, City Commission budget workshop and the August 4, 2022, Regular City Commission meeting. Staff is currently working on finalizing the August 4th minutes; therefore, they will be attached on Monday.

Attachments:
06-23-2022 CC Workshop MIN - For Approval
08-04-2022 CC MIN - For Approval

Reviewed by:

MINUTES
City Commission Workshop
5:30 PM - Thursday, June 23, 2022 - City Hall

CALL TO ORDER: 5:33 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. WORKSHOP ITEM WITH COMMISSION DISCUSSION AND DIRECTION

1. Tom Carrino, City Manager, gave a brief overview of city-wide budgets then the individual departments including the City Commission, City Manager, City Attorney, Development Services, Human Resources and Library. He stated the General Fund is approximately $21 million dollars. He indicated the draft budget includes maintaining the millage rate at 7.5810 and providing 3% salary increases. He noted that staff is discussing entering into an agreement with the School District for School Resource Officers and adding part-time employees in both Human Resources and the City Clerk's office. He further explained they are proposing a reorganization in Public Works related to environmental compliance which will include some existing positions as well as some new responsibilities based on state legislation and reporting requirements. He added that Code Enforcement has already been reorganized into the Police Department; however, the draft budget will be the first time that has been addressed budgetarily.

Mr. Carrino then stated he had budgeted some funding for a strategic planning process. He announced that they received some good news about health insurance and were told that the City will actually see a decrease in the health insurance premiums. He stated they have budgeted a 15% increase for the property and casualty insurance; however, staff has not received the actual rates as of yet. He then provided a brief millage rate analysis noting that the proposed rate has been 7.5810 for several years. The estimated roll back rate is 7.1810. He indicated that if the City were to go to the roll back rate it would reduce revenues for the General Fund by just over $500,000. He explained that 1 mil equates to approximately $1.3 million and one-tenth of a mil equates to approximately $130,000. He indicated the millage would be discussed further at a later time.

Mr. Carrino then reviewed some changes made since the draft budget was printed and distributed a summary of the changes. He explained the transfers from the City to the CRA have been increased due to higher expected property values. He stated that staff is proposing to reduce the transfer from the Water and Sewer Fund from $2.3 million to $2 million due to that Fund being lean in the upcoming year. He cited the reduction in the health insurance costs by $138,000. He then stated staff is proposing a longevity pay system for the upcoming fiscal year. He explained that, after the equity study was completed, the City committed to hiring

new employees at the lower end of the pay range for equity reasons. However, to get to the new minimum wage in 2026 the City keeps adjusting the ranges. Therefore, employees are getting raises but they are still at the bottom of the range resulting in employees that have been with the City for several years still making the same as a new hire due to the ranges being increased. He then explained that staff is proposing to implement a system where employees would receive a 1/2 % pay increase per every full year they are with the City to be capped at 2%. He indicated that proposal is not in the budget book and stated the anticipated cost is approximately $180,000. He added the program is being proposed to address compression issues and to get those employees who have been with the City for some time above the range minimum.

Mr. Carrino then reported that staff is proposing to split the cost of the Bates Avenue wastewater treatment facility over two fiscal years to reduce the impact on those funds. He noted some additional staffing changes for Human Resources. He then announced that with all of the proposed changes, the City's revenue over expenses is only $37,588. He indicated that for a $21 million budget the City has a very small revenue over expense. He noted that there is budgeted annually $100,000 for Contingency which is already built in to the budget.

Commission asked when the proposed longevity pay would start with Mr. Carrino explaining it would start for a new employee after the first full year of employment. He noted that the program is only planned, at that time, for the upcoming fiscal year. He further explained that an employee that had been with the City three years would get 4.5% on October first and then an additional .5% on their anniversary date.

Mr. Carrino noted that the Commission has expressed interest in doing more for the employees; however, with only a $37,000 revenue over expense the money would have to come from somewhere else.

2. Individual Department Reviews

City Commission

Mr. Carrino asked the Commission's preference for him to either go through the department budget line by line or only to review those lines where there is a significant change. It was a consensus of the Commission for him to only review those line items with significant change.

Mr. Carrino reported on the City Commission's travel and dues. He noted it was increased approximately $1600 to address new items. Commissioner Cobb noted the Commission used to purchase a table for the Sheriff's Gala; however, it had not been held recently but it would be held in the coming year.

CONSENSUS: It was a consensus to increase the line item to $2500.

Further discussion was held regarding various planned events with a consensus to increase the line item accordingly.

Mr. Carrino then reviewed the Promotional Activities Line item with a consensus to remove the Lake Symphony Orchestra.

Mr. Carrino then reviewed the Commission Dues line item noting that the Florida League of Cities dues was increased. He stated the Lake County dues increased significantly from $850 to $1900. He noted that the Black Caucus membership also increased. He then stated the Community and Organizational grants process would be changed to provide more accountability and require recipients to provide reports on their activities. He indicated a separate line item was created to provide the requested $15,000 for each commissioner to assign throughout the year. The Commission stated the $15,000 should be included instead as part of the Community and Organizational grants line item which would provide $15,000 for the grants process and then $15,000 to be awarded by Commissioners.

Mr. Carrino commented on the difficulty already in dividing up the funds among the applicants. He indicated that review of the grants process would be discussed at the retreat.

City Manager

Mr. Carrino requested that $50,000 be budgeted for Strategic Planning under City Manager Professional Services. He indicated that some colleges and universities may be more affordable than a private company. He then reviewed the increase to the Travel and Per Diem noting that he is interested in attending more FCCMA and ICMA events for professional development and training. He then noted funds were added to Repairs and Maintenance for some repairs in the City Manager's office. He asked the Commission about the City continuing to pay for the insurance for the African American Festival noting that is funded in the City Manager's budget.

The Commission discussed having them apply through the grants process so they could possibly get more funding with Mr. Carrino confirming the City purchases the insurance directly rather than providing the funding to the organization. It was a consensus to leave the funding in the City Manager's budget.

Mr. Carrino then reviewed some small changes including $250 for computer equipment and the ICMA membership for $1,250.

Mayor Holland noted the budgeted amount of $819.25 dues for Lake County League of Cities with Mr. Carrino indicating the meals are budgeted under a different line item.

City Clerk

Mr. Carrino reviewed the anticipated changes in insurance, salaries and contractual services. He noted the annual increase for iCompass as well as a decrease in the cost of the social media archiver Page Freezer and some decreases with other software. He noted a slight increase in the Travel and Per Diem budget to allow the City Clerk to attend training.

The Commission discussed issues the City has had with the iCompass software. City Clerk Christine Halloran reported she is actively pursuing other options to resolve the issues. She indicated that some of the issues have been resolved but she is looking for other solutions while remaining within budget.

The Commission questioned the $5,000 budgeted for records management contract labor with Ms. Halloran explaining that the person was scanning old records but can no longer do it. Discussion was held regarding this being incorporated into the part-time Deputy Clerk job description. It was a consensus of the Commission to remove the $5,000 from the budget.

Economic Development

Mr. Carrino reported that previously a portion of the Economic Development Director's salary was budgeted from the CRA. He explained that previously it showed fully under Economic Development with the CRA paying the portion back to the General Fund. He indicated that has now been separated out to show under the CRA budget. He then noted the addition of the See-Click-Fix software to the budget. He indicated that Communication Services may need to be adjusted for communication and equipment needs for the new Economic Development Director. He added that line item also includes electronic signs and kiosk connectivity charges.

The Commission confirmed that the City owns the kiosk with Mr. Carrino explaining the cost is for the connectivity usage charges and metrics. He indicated he would ask the Community Relations Coordinator to provide a report to the Commission regarding usage.

Mr. Carrino then reported on changes to the Promotional Activities. He noted the elimination of the Sanford-Orlando Airport advertising and noted printing costs have gone up for the quarterly newsletter.

The Commission then commented on the budget for Commission headshots with Mr. Carrino explaining the line item includes funding for professional promotional photos as well as staff and Commission headshots primarily following an election. It was a consensus to leave the budget item as is.

The Commission then asked about the monthly maintenance for the downtown lighted trees with Mr. Carrino indicating that downtown businesses asked that the lights be left up year-round; however, that means the City is now incurring monthly maintenance costs. He indicated it is almost a break-even between maintenance cost versus the cost to put them up and then take them down. He stated it would be difficult to break out the electric costs for the downtown lights.

The Commission then commented on the rented holiday trees in Ferran Park and downtown. The Commission questioned whether or not the City could purchase the trees and, if so, would there be space to store them. Mr. Carrino noted the company has been sold and staff will need to review the budgeted items for cost. He then reviewed the changes to Books, Publication and Subscriptions noting the elimination of some subscriptions due to increased costs.

Events

Mr. Carrino explained the Events staff had been re-organized and two part-time positions combined into one full-time position so they now have three full time staff members. He stated there are significant changes under Contractual Services. He said the most significant change was to George Fest with increases for the

headliner and fireworks as well as other miscellaneous increases mostly for performers for multiple events. He reviewed the proposed increases for the other events. He commented on the value to the City from the events and cited the sponsorships also paid to the City.

The Commission discussed whether or not the Gospel Fest is included in the budget with Mr. Carrino indicating it has remained in the budget at $31,360. It was a consensus to leave it in the budget with the understanding it could be re-allocated if the event wasn't held.

Mr. Carrino noted some equipment changes and Other Contractual Services and Rentals and Leases. He explained how the different line items are used. He acknowledged that the City typically pays for the port-a-potties for the car shows as well as some printing for flyers.

The Commission commented on the need for a more well-defined relationship and dialogue with the Car Show coordinators as well as discussion with downtown merchants regarding the increase in activity from the events which are held monthly. It was a consensus to keep the line item but increase the conversation about the events.

Mr. Carrino continued reviewing the individual line items. He cited increases to Rentals and Leases and Promotional Activities. He explained the use of Contractual Services and what it is used for.

Miranda Muir, Events and Tourism Manager, commented on the City's application to the County for grant funds and explained how those funds are utilized. It was noted that the County money can only be used for out-of-county advertising. Discussion was held regarding event advertising and promotions.

Mr. Carrino noted the City does not use media buyers or consulting for its marketing. All the work is done in-house and not by a third party.

The Commission asked about the Bike Fest and if it would be held on a different weekend than the Leesburg event. Discussion was held regarding the timing with the Leesburg Fest and its effect on the City's event.

Mr. Carrino continued the line item review noting the purchase of a new copier/printer. It was suggested that the cost be shared with the Fire Department since the fire inspectors are also located in that area of the building.

The Commission commented on the need to update the sound in Ferran Park and what it would cost with Mr. Carrino citing the need for a quality portable system for events such as Memorial Day. He noted that the City purchased a sound board for the band shell which subsequently went out due to the heat. Staff has since been renting a sound board.

Ms. Muir reported on the sound issues and rentals of sound equipment, i.e. sound board. She commented on staff's efforts to improve the system and the need for better equipment for the higher quality entertainment.

Further discussion was held regarding the electrical and sound issues and how best to address them and the cost with Ms. Muir indicating part of the issue is making sure whatever is purchased or rented is the most appropriate equipment. Discussion was held regarding fixing the electrical issues and renting sound equipment on an as needed basis to include a sound technician.

Rick Gierok, Public Works Director, acknowledged there are issues with the Ferran Park electric. He noted to fix the issues may require tearing up the ground. He indicated that waterproof boxes may help resolve many issues.

The Commission asked if adjustments could be made to the set-up and create some auxiliary electrical outlets.

Discussion was held regarding having staff on hand during events with Mr. Carrino indicating that for larger events there is staff on hand; however, for smaller events there is not enough staff to have on hand due to cost.

RECESS: 7:04 p.m. RECONVENE: 7:16 P.M.

3. Library

Ann Ivey, Library Director, reviewed various line items. She indicated that shelving increased 80% after joining the County system. She cited a change in the budget regarding Travel and Per Diem. She explained she tries to have each staff member attend one event each year and do professional development. She cited the need to keep the librarians professionally active and pursuing continuing education. She indicated she has no other increases or changes.

The Commission asked about the passport services with Ms. Ivey noting the increased revenue from those services.

Mr. Gierok reported on the air conditioning system and repair/maintenance.

Ms. Ivey commented on their Promotional Activities and cited the various Library theme weeks. She stated the Operating Supplies budget is in good shape. She indicated the book budget went from the trust account to the library general fund. She stated they experienced a 50% increase in e-book usage during Covid and that usage has maintained.

Ms. Ivey then reviewed the Special Revenue Funds and the Garrett and Gullet Trusts. She reported they will be revamping the young adult section to be more appealing to teens. She reported that the microfilm materials are being digitized and made searchable. She stated the Impact Fee money is used for books and digital materials and noted that circulation is increasing each year. She reported that last year the Library received $89,000 from Lake County and based upon the circulation they will receive $101,000 in the next year. She commented on the County's efforts to change the formula and expressed hope that Lake County will use a tiered approach for fund distribution and include population and budget size in the formula. She stated the City should receive more funding regardless of the formula selected.

The Commission asked about the number of visitors with Ms. Ivey responding they

receive 5,000 visitors through the door and 8,000 materials circulated per month. She added they send another 1,700 to other libraries. She commented on the increased circulation since joining the County Library System and stated that the partnerships with Parks and Recreation are working well.

The Commission praised the City departments for their interdepartmental cooperation and how well they "think outside the box".

4. City Attorney

Mr. Carrino stated the Professional Services would stay the same; however, Other Contractual Services are increasing to $200,000 for 2023.

The Commission requested information about the attorney fees with Mr. Carrino stating the outside attorneys are budgeted under Other Contractual Services and they charge an hourly rate.

5. Development Services

Mike Lane, Development Services Director, presented the budget for Development Services and Building Services. He stated most of the line items for Building Services are relatively unchanged.

Mr. Carrino noted the reorganization with Code Enforcement. He stated the intent is to keep the staffing level in Planning and the Building Department but to monitor it and if it becomes overwhelming then they can discuss it in the future.

Mr. Lane reviewed the Building Services line items noting a significant increase in the Repairs and Maintenance. He indicated that line item includes the repairs to the copy machine and the Edmunds permitting software. He then reviewed the Development Services budget. He stated that under Professional Services they are requesting a surveyor for plat reviews, funding for traffic impact reports, and planning consultants to assist when significant plans are submitted for review.

The Commission asked about budgeting for additional staff with Mr. Carrino explaining they will be monitoring the workload. He commented on outsourcing options for temporary help and consultants from private firms as an extension of staff versus hiring more permanent staff. Discussion was held regarding the various staffing options and current and future needs. It was suggested to use the $25,000 for digitization to be used for an additional fulltime staff or hiring a planning intern that could possibly do some of the scanning. It was a consensus for the City Manager to work with the Development Services Director to determine needs and bring back a plan for staffing.

Mr. Lane noted there is a redundant item under Operating Expenses for Communications Services.

6. Human Resources

Bill Howe, Director of Human Resources, reviewed the Human Resources budget items and a staffing request for a half-time position to assist with processing of applications. He cited the need for HR to do a better job coordinating staff training. He discussed increasing Professional Services from $20,800 to $26,557 and

explained that includes background checks, medical exams, and random drug testing. He cited the need to conduct full fingerprinting for those staff members working with children. He reviewed expenses for employee appreciation, retirement, and longevity recognition. He complimented HR Assistant Jamie Tusing for developing an inhouse recognition award book in order to provide higher quality items for the employees. He explained the increase in advertising costs due to the increase in job postings and how they have expanded where jobs are posted. He commented on the significant increase for Books and Subscriptions from $800 to $16,000 for a new applicant tracking system - NeoGov which will provide improved functionality compared to the City's current system. He stated 160 public agencies in Florida use the vendor which will likely increase the applicant pool. He noted that an applicant will be able to apply to multiple agencies at one time. He explained the initial $14,700 includes set up and would go down in the subsequent year.

The Commission questioned the services to be provided with NeoGov with Mr. Howe further explaining that NeoGov also operates the governmentjobs.com website.

Mr. Howe announced that the City will receive a 2% decrease in health insurance costs with expanded services and enhanced benefits as well as providing reduced costs to the employees. He cited some new procedures that will be available to the employees including gastric bypass and fertility treatments. He cited large increases that surrounding cities will be experiencing in the next year. He explained that being a part of PRM helps to insulate the City from large increases.

The Commission expressed appreciation for the HR staff and all they do for the City.

The Commission questioned when NeoGov would be operational with Mr. Howe noting the funding won't be available until October so he expects it to be operational by January.

Mr. Carrino noted the next budget workshop would be held Tuesday, June 28th. Discussion was held regarding the need to reschedule the Commission retreat. It was a consensus to schedule the retreat for Tuesday, July 5, 2022 at 4:00pm.

Mayor Holland announced that the next day would be the Eustis High School presentation for Mrs. Broomfield. He also announced the funeral arrangements for former Commissioner Dr. Albert Eckian.

2. ADJOURNMENT: 8:19 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	MICHAEL L. HOLLAND
City Clerk	Mayor/Commissioner

MINUTES
Regular City Commission Meeting
6:00 PM - Thursday, August 4, 2022 - City Hall

INVOCATION: PASTOR KING

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:20 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Nan Cobb, Commissioner Willie Hawkins, Vice Mayor Emily Lee and Mayor Michael Holland

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 July 21, 2022 - Regular City Commission Meeting

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

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

3. PRESENTATIONS

3.1 Lake Community Action Agency

Timothy Bridges, Director of Program Operations for Lake Community Action Agency, introduced program beneficiary, Carl Bailey, from 419 Cardinal Drive in Eustis.

Mr. Bailey thanked the Commission, cited the repairs made to his home and expressed support for the program and its benefits to the community.

Mr. Bridges provided a report on the progress of the program being done in partnership with the City of Eustis for weatherization and other rehabilitation including roofing. He explained how the City's funding has assisted them with expanding their program to include services they could not do with the federal funding. He commented on issues with one applicant noting that the home has drywall that was proved to be highly toxic and recommended that the City not undertake that project. He then explained how the contractors are paid and when. He noted they currently have 35 applicants on the waiting list. He confirmed that they have developed an education packet for the applicants to help the homeowners and insure repairs last longer.

Commissioner Cobb reported on her relationship with Scott's roofing company noting she had contacted them on behalf of LCAA, and the company agreed to work out the details with them.

Commissioner Hawkins asked that the post-inspections be conducted before the contractors are paid with Mr. Bridges indicating he would work to get that scheduled with him. He noted that state inspectors also inspect the homes. Commissioner Hawkins then asked how much money is left of the City's fund.

Tom Carrino, City Manager, reported that they started the fiscal year with $214,000. There was one project that brought the total to just under $200,000. He noted there are invoices for three that the City just received with five remaining.

Mr. Bridges reconfirmed he is recommending they not complete the McCleod house and stated he had been provided information regarding County programs that may be available to him.

Commissioner Hawkins asked if the pre-inspections for the remaining homes could be done at the same time the other post inspections are done with Mr. Bridges explaining how the formal inspections are scheduled and stating that is what determines what work can be done on each home.

Mr. Carrino reported that the total for the three invoices presented, including administrative fees, is $49,000. He asked what the estimate is for the fourth home with Mr. Bridges estimating it at $12,000. Mr. Carrino stated that would leave approximately $130,000; however, there are still homes on the waiting list.

The Commission confirmed they are still encouraging the applicants to remain on the County's waiting list. It was also confirmed that they also provide information in Spanish.

The Commission questioned how the applicants got on the list with Mr. Bridges explaining they use the same criteria based on the federal program. He stated it is a point system based on which criteria the applicant matches. He also confirmed that the applicants approved will receive services from both the City's program and the LCAA programs. He reviewed the basic criteria and added that there is a 15-year wait before they can apply for services again.

Mr. Carrino noted that, with city manager approval, the total for an individual house can go above $12,000 if necessary and they have done so.

Vice Mayor Lee announced she has been working on a program to hold workshops and classes for homeowners regarding ownership and upkeep and asked to get the LCAA recipients involved in the program.

4. APPOINTMENTS

4.1 Appointment to Code Enforcement Board - Carol S. Kirsts

Carol Kirsts introduced herself, reviewed her background in property management and expressed her desire to give back to the community.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the appointment of Carol S. Kirsts to the Code Enforcement Board as an alternate for a three-year term. Motion carried by the following votes:

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

5. AUDIENCE TO BE HEARD

5.1 Cindy Newton thanked staff for the meeting held on Monday. She commented on the "Back to School bash" and thanked Commissioner Hawkins for supporting Lake Cares. She also thanked Mayor Holland for his participation in the NAACP citizen town hall regarding Lake County population growth.

Tom Carrino, City Manager, asked Chief Capri to provide an update on the Police Department's accreditation.

Police Chief Craig Capri reported on the re-accreditation process and reviewed what is included in that process. He announced that the report indicated the inspectors found no deficiencies or violations. He noted that the accreditation opens up the possibility of obtaining additional grant funds. He stated that the group was very complimentary regarding the department's relationship with the Commission.

Chief Capri then reported on the retirement of Sgt. Elena Pasek. He indicated that she would be coming back part-time as the civilian Police Support Coordinator.

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Resolution Number 22-50: Approval of an Agreement with the School Board of Lake County, Florida, pertaining to the provision of School Resource Officers

Sasha Garcia, Acting City Attorney, announced Resolution Number 22-50: Approval of an Agreement with the School Board of Lake County, Florida, pertaining to the provision of School Resource Officers.

Mayor Holland opened the public hearing at 6:54 p.m. There being no public input, the hearing was closed at 6:54 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 22-50. Motion carried by the following votes:

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

6.2 Explanation of Ordinances for 2022-A-04, 2022-CPLUS-04 And 2022-DD-04: Property located on the south side of county road 452, west of North Country Road (alternate key numbers 1743346 and 3840638) Ordinance Number 22-18 – Voluntary Annexation, Ordinance Number 22-19 – Comprehensive Plan Amendment, and Ordinance Number 22-20 – Design District Assignment

Ms. Garcia read Ordinance 22-18 by title on first reading: An Ordinance of the City

Commission of the City of Eustis, Florida, voluntarily annexing approximately 4.8 Acres of real property at alternate key numbers 1743346 and 3840638, on the south side of County Road 452, West of North Country Road.

Jeff Richardson, Deputy Director of Development, reviewed the proposed annexation, assignment of the future land use designation and designation of the design district. He stated the request is for annexation of 4.8 acres located on the south side of CR 452, west of North Country Road with a future land use of Suburban Residential and a design district of Suburban Neighborhood. He indicated the site is contiguous to City limits and would begin to close the gap in the City's natural growth boundary. He reviewed the requested land use designation and compared it to the existing County designation. He stated the Suburban Neighborhood design district is consistent with the properties to the west and the south. He confirmed all three ordinances were properly advertised and noticed and stated staff's recommendation for approval.

Ms. Garcia opened the public hearing at 6:59 p.m.

Tim Green, Green Consulting Group, indicated he was there representing the applicant and to answer any questions.

Commissioner Cobb reported she did speak with Homes in Partnership regarding the project.

Lisa Lotty expressed concern with the future land use which would allow five dwellings per acre which could result in 20 units and the resulting impact on the traffic. She also expressed concern regarding the possible effect on the water pressure and on their property values due to the possibility of low income housing being placed on the property.

Mayor Holland explained the land use regulations allow "up to 5". They are not guaranteed five. He indicated, when the property is brought forward for actual development, homeowners can come back to the Commission. He confirmed there would be a traffic study required.

Mr. Green stated the County's current designation would allow four units in the county and five units in the City so there could only be 4.8 more units than what could be created in the County. He stated the traffic impact analysis would show only a minor effect. He indicated the level of service for water will be monitored. He commented that Homes In Partnership is not a limited agency and they represent a segment of the community that needs to be served.

Kenneth Goodwin, Executive Director for Homes In Partnership, responded to the concerns and stated they want to try and replicate what is in the Lake Yale community. He explained they build homes with funding from the U.S. Dept. of Agriculture. He estimated the homes would most likely sell from $225,000 to $250,000; however, they will appraise for $300,000 to $350,000. He acknowledged they are for the low and very low income persons; however, because they are funded by the USDA the interest rate is considerably lower than the market rate which enables the lower income person to afford the home with a mortgage payment of approximately $1,000 to $1,300 per month including taxes and insurance. He commented on the local housing economy, how much an

individual should spend for their housing and explained how the program assists them in obtaining an affordable, decent home. He explained the types of homes they construct and stated most of their buyers remain in the home for some time. He further explained the required credit score and how the HUD counselors prequalify and counsel the applicants. He explained that, unlike Habitat for Humanity, they do not typically build one house at a time. He emphasized that the homeowners help complete the homes. He stated their communities are workforce housing and cited the types of career people who utilize their program.

The Commission confirmed that the community would have a HOA with Mr. Goodwin responding that any time they build a community with more than four units it is mandated there is a HOA. He stated it is not turned over to the home buyers until it is 90% occupied. He also confirmed there would be no rentals and no Section 8 housing.

The Commission confirmed that the homeowner does purchase the land and then receive a mortgage for construction of the home.

Mr. Goodwin stated he would be happy to invite the Commission to the first home for a ribbon cutting.

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

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 22-18 on first reading. Motion carried by the following votes:

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

6.3 Ordinance Number 22-19: Assigning future land use designation to approximately 4.8 acres located on south side of County Road 452, west of North Country Road

Ms. Garcia read Ordinance Number 22-19 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 4.8 acres of recently annexed real property at alternate key numbers 1743346 and 3840638, on the south side of County Road 452, west of North Country Road, from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Ms. Garcia opened the public hearing at 7:17 p.m.

Cindy Newton stated she is representing Sharon Roberts who is handicapped and could not attend and asked if the road will be paved.

Mr. Green responded that the road would be paved up to the entrance which is anticipated to be off Country Road, not off CR 452.

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

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve

Ordinance Number 22-19 on first reading. Motion carried by the following votes:

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

6.4 Ordinance Number 22-20: Assigning the Suburban Neighborhood design district designation to approximately 4.8 acres located on the south side of County Road 452, west of North Country Road

Ms. Garcia read Ordinance Number 22-20 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District Designation to approximately 4.8 acres of real property at alternate key numbers 1743346 and 3840638, located on the south side of County Road 452, west of North Country Road.

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

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 22-20 on first reading. Motion carried by the following votes:

Ayes: Commissioner Cobb, Commissioner Hawkins, Vice Mayor Lee and Mayor Holland

7. OTHER BUSINESS

7.1 Direction on Evaluation Committee composition for the Request for Qualifications regarding the former Waterman site

Mr. Carrino noted the Request for Qualifications for development of the former Waterman site was issued and two responses were received. He stated an evaluation committee would be formed to evaluate those responses. He indicated the committee would consist of staff members, primarily department directors; i.e. City Manager, Economic Development Director, Public Works Director, Finance Director, and Development Services Director. He indicated that there was some discussion about having a Commissioner serve on the committee. He stated that only one Commissioner could serve. He indicated the committee would bring its review back to the CRA and the Commission.

The Commission discussed whether or not to have one of the Commissioners sit on the committee.

Mr. Carrino noted that Commissioner LeHeup-Smith, who could not attend the meeting but was watching the livestreaming, had indicated to him that she would prefer not to have a Commissioner on the Committee.

CONSENSUS: It was a consensus of the Commission to not have a Commissioner sit on the evaluation committee.

7.2 Discussion on the former American Legion property

Mr. Carrino reported on the City's demolition of the former American Legion

building. He stated that someone is interested in the former Bank of America property and had approached the City about whether or not it would be interested in selling the Legion property. He explained he informed that individual that the City typically uses an open sales process. He indicated that the best use of the property would be for it to be packaged with adjoining properties for a larger re-development; however, it is large enough for its own redevelopment. He provided different options for selling the property or retaining the property until a downtown master plan is developed.

The Commission discussed what to do with the property including marketing the property or waiting to complete a downtown master plan.

CONSENSUS: It was a consensus of the Commission for the City to retain ownership of the property for the time being.

RECESS: 7:28 P.M. RECONVENE: 7:36 P.M.

7.3 Discussion regarding the keeping of chickens in residential areas of the City

Mayor Holland explained that no decisions would be at the meeting; instead, they would begin the discussion and, if agreed to by the Commission, it would be brought back to another meeting for a full public discussion.

Mike Lane, Development Services Director, commented on the City's code references to agriculture and livestock. He stated that the Conditional Use Permit is applicable for anyone desiring to have chickens either as pets or a food source. He reported he had met with Mr. Kalapp regarding that process and he has submitted the application. He stated that would be staff's recommendation to utilize that process which would result in all requests coming before the Commission.

Commissioner Hawkins asked Chief Capri to report on his inspection of the property.

Chief Capri reported on his meeting with the Kalapps stating the property was neat and clean and the pen and backyard clean. He noted that the chickens were very friendly and they are giving the eggs away free to the community.

Commissioner Hawkins stated he understands where the City has stood on the issue in the past. He indicated he was unsure how to work through the issue without it getting out of control. He confirmed the cost of the permit is $800 and asked Mr. Kalapp to address the Commission. He questioned the purpose of the chickens.

Charles Kalapp explained his wife suffers from anxiety attacks and they obtained the chickens right after Christmas. He stated she has had no attacks since obtaining the chickens. He explained how they have cared for the chickens and stated they have eight chickens. He acknowledged that Lake County restricts them to five. He indicated that, if they are allowed to have the chickens, they will reduce their flock to five and give three to their daughter who lives in Coleman. He added they provide from six to eight eggs per day and they have been giving those away. He reported they have had no complaints from their neighborhoods, in fact,

one was very upset that they might have to get rid of the chickens.

Commissioner Hawkins expressed support for allowing up to five chickens and having a reduced fee. He cited issues with determining how to control it.

Mayor Holland asked to see copies of Lake County and other cities' ordinances.

Vice Mayor Lee stated there are others that were made to get rid of their chickens and the City needs to stick to its regulations.

Mayor Holland asked if the other people were given the option of obtaining a conditional use permit. It was unknown if that was offered.

Commissioner Hawkins responded that just because it was done one way in the past, doesn't mean it always has to be done that way. He noted that it was only accidental that the City even learned the Kalapps had chickens.

Commissioner Cobb asked why the Kalapps did not do their due diligence to confirm that chickens were allowed with Mr. Kalapp responding that his contractor, realtor and home inspector all indicated that chickens were allowed.

Commissioner Cobb further expressed the need for individuals to check the City's ordinances, not the County's. She expressed further concern regarding who would monitor citing existing code enforcement issues. She noted other issues with handling chickens and indicated existing agricultural property is out at the edges of the City.

Mayor Holland asked if the Kalapps have paid the permit fee. He noted the City will have to address the issue as it annexes rural areas into the community.

Discussion was held regarding retaining the agricultural designation so that newly annexed property owners will be able to retain their livestock.

Mayor Holland asked to have the other city and county ordinances be provided to the Commission and that an additional discussion be held on a future agenda.

The Commission discussed whether or not to recommend that the Kalapps submit their application for a conditional use permit.

Mr. Carrino noted that the conditional use process gives the Commission the authority to decide on a case by case basis. He commented on the possibility of creating overlay districts that would allow livestock.

The Commission discussed returning an applicant's fee if they are denied a permit.

Mr. Lane stated the City has design districts for urban, suburban and rural. He indicated that the City does not have many rural design districts and suggested the City could consider redistricting some areas that are more rural to allow more agricultural type uses.

Mayor Holland said that is a larger discussion for the future and cited the need to

reduce the "up to five units per acre". He indicated that needs to be discussed in a workshop.

Mr. Carrino stated that Commissioner LeHeup-Smith emailed him stating they need to equate the number of chickens to the size of the property, there needs to be no roosters and she expressed support for overlay districts and discussing rural design districts.

CONSENSUS: It was a consensus to have staff provide the referenced ordinances and to bring it back in September. It was also agreed to hold off on the code enforcement case and the conditional use permit application.

8. FUTURE AGENDA ITEMS: NONE

9. COMMENTS

9.1 City Commission

Vice Mayor Lee thanked the City Manager for his assistance in obtaining two computers for the resource center.

Commissioner Hawkins thanked the Police, Fire, Events staff, City Manager, and Parks and Rec staff for the Battle of the Badges blood drive and commented on how great the event was. He thanked everyone for the donations to the organization that supported his nephew while he was alive. He invited everyone to come to the Lake Cares food drive on September 14th. He explained they want to hold it somewhere in Eustis and noted that Publix will be donating food and will probably have about 100 of their employees helping.

Commissioner Cobb announced the Breakfast for Educators was held at the Umatilla Chamber of Commerce. She noted the gift basket provided by Events and cited donations made by Cobb Tractor as well stating that Eustis was well represented.

Commissioner Hawkins provided an update on the County Commission meeting and noted that there was some concern about Lake Cares moving to their new site on Hwy. 19 in Mount Dora. He stated that the County did pass their application.

Mayor Holland noted that the new location is not within City Limits but they do serve a significant number of Eustis' population.

9.2 City Manager

Mr. Carrino asked to hold the Cemetery workshop on August 18th at 5:00 p.m.

The Commission discussed some of the issues with the cemetery and how well only two people are able to keep it up with Mayor Holland indicating that after the workshop they will need to schedule a future agenda item concerning the cemetery.

Mr. Carrino announced that Horace Jones with the Eustis Housing Authority would provide a presentation at a future meeting. He then acknowledged there have

been some technical issues with the agenda preparation software and livestreaming. He stated the City Clerk is considering other software and the costs in the proposals are within budget; however, there may be an additional cost for overlap for the transition to a new program.

Mr. Carrino then announced that the City Manager's Secretary Serita Hill is working towards retirement at the end of September or beginning of October. He indicated her position has been advertised and noted all of the departments she provides support to.

Commissioner Cobb and Mayor Holland both expressed support for dividing up that position's responsibilities and to hire someone just to handle the day to day phone calls and direct people to the appropriate departments. They also expressed opposition to utilizing the phone tree.

Mr. Carrino indicated he would work with the HR Director but noted all departments are growing citing particularly the Development Services department. He then reminded the Commission that due to state law regarding the approval of millage rates the September meetings are being shifted to September 8th and 22nd.

9.3 City Attorney

Sasha Garcia, Acting City Attorney, introduced herself noting she has been part of Lake County for over eight years.

9.4 Mayor

Chief Mike Swanson announced that one of the Fire Department's staff members has been with the department for eleven years and is ill with a brain tumor and will be undergoing surgery. He asked everyone to keep him in their prayers.

Mayor Holland thanked the public for staying with the meeting. He announced First Friday would be the next night and would include a pep rally for Eustis High School and would feature the EHS Band.

10. ADJOURNMENT: 8:24 P.M.

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

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: EUSTIS POLICE DEPARTMENT RETIREMENT OF GARY WINHEIM

Introduction:
Police Chief Craig Capri will recognize the retirement of Gary Winheim.

Background:
Police Chief Craig Capri will recognize the retirement of Captain Gary Winheim from the Eustice Police Department, Criminal Investigations. Captain Winheim has been with the Eustis Police Department over 10 years.

Reviewed by:

Tom Carrino, City Manager	Approved - 12 Aug 2022
Christine Halloran, City Clerk	Approved - 12 Aug 2022

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: EUSTIS HOUSING AUTHORITY PRESENTATION - HORACE JONES, EXECUTIVE DIRECTOR

Introduction:
Horace Jones, Executive Director, Eustis Housing Authority will present to the City Commission.

Background:
The Eustis Housing Authority (EHA) was established as a public housing authority in 1958 under Florida statutes to administer federal housing assistance for low, very low, and extremely low-income families. Programs have income limits set by the Department of Housing and Urban Development (HUD) each year, and these limits are based on family income and family size. EHA provides safe, sanitary, and decent affordable housing options while promoting self-sufficiency to qualifying families while serving the community with professionalism, courtesy, respect, and caring.

Reviewed by:

Tom Carrino, City Manager	Approved - 12 Aug 2022
Christine Halloran, City Clerk	Pending

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: RE-APPOINTMENT TO CODE ENFORCEMENT BOARD - RICHARD BARTZER

Introduction:
This appointment is for consideration of the re-appointment of Richard Bartzer to the Code Enforcement Board for a three-year term as an full committee member. If approved, the new term will end 7/31/2025.

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

Richard Bartzer has submitted his request to be considered for re-appointment as a full member to the Code Enforcement Board. Attached is a copy of his paperwork for your review. Staff is recommending that Mr. Bartzer be approved for an additional three-year term.

Recommended Action:
Staff recommends the approval of Richard Bartzer to the Code Enforcement Board for a three-year term to expire July 31, 2025.

Attachments:
CEB BARTZER REAPPT REQ 8-2-22
CEB Roster as of April 2022
Article III - Code Enforcement

Reviewed by:

Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022

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

AUG 02 2022

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

Dear Sir or Madam:

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

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

Board: Code Enforcement Board

Name: Richard K. Baritzer

Address: 33 E Holt Avenue, Eustis FL 32726

Telephone Number: 610 781 6195 (c)

Email Address: rbaritzer@aol.com

Upcoming Commission Meeting Dates I Can Attend: 18 August 2022

Sincerely,

Signature: _____ Date: 8/2/2022

EUSTIS, FL CODE ENFORCEMENT BOARD	
Stephanie L. Carder 1101 Club Hills Dr. Eustis, FL 32726 H: 352-589-1474 C: 352-455-8743 stefflee@aol.com Term Expires: 2/28/2023	**Bradley P. Shelley** 321 Sunny Field Court Eustis, FL 32726 PH: 407-600-8664 bradleypshelley@gmail.com Term Expires: 03/31/2025
Alan Paczkowski 418 W. Blue Water Edge Drive Eustis, FL 32736-2258 (352) 357-5859 lakepacz@3rddoor.com Term Expires: 7/2/2023	
Karen Sartele 204 W. Blue Water Edge Drive Eustis, FL 32736 (352) 223-3799 karensartele@gmail.com Term Expires: 04/30/2025	**Alternate: Vacant** Term Expires: 12/31/2019
Ryan Benaglio 1230 LakeShore Drive Eustis, FL 32726 (321) 689-4618 ryanbenaglio@gmail.com Term Expires: 05/31/2024	
George M. Asbate 751 Old Mount Dora Road Eustis, FL 32726 PH: 407-947-2148 Email: george@megafl.com Term Expires: 12/31/2024	**Board Attorney:** Francheska Sabatini, Esq. Stone & Gerken, P.A. 4850 North Hwy 19A Mount Dora, FL 32757 357-0330 francheska@stoneandgerken.com
Richard K. Bartzer 33 E. Wilt Ave. Eustis, FL 32726 H: 610-781-6195 rbartzer@aol.com Term Expires: 7/31/2022	**City Staff Attorney:** Kevin Rossi Bowen & Schroth, PA 600 Jennings Avenue Eustis, FL 32726 589-1414 off 589-1726 fax m-f 9-5 zbroome@bowenschroth.com

ARTICLE III. CODE ENFORCEMENT*

(*State law references: Code enforcement, F.S. ch. 162.)

DIVISION 2. BOARD*

(*State law references: Code enforcement board, F.S. § 162.005.)

Sec. 2-86. Creation.

There is created a local government code enforcement board pursuant to F.S. ch. 162 for the city.
(Code 1959, § 2-4)

Sec. 2-87. Appointments.

(a) The city commission shall appoint a code enforcement board consisting of seven regular members and two alternate members. At any meeting where the code enforcement manager determines that one or more regular board members will not be present for the meeting, the alternate members shall be called. The city commission shall also appoint legal counsel for the code enforcement board. Members of the code enforcement board shall be residents of the city. Appointments shall be made in accordance with applicable ordinances on the basis of experience or interest in the subject matter jurisdiction of the board in the sole discretion of the city commission. The membership of the code enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.
(b) All appointments shall be made for a term of three years. A member may be reappointed for successive terms upon approval of the city commission. Appointments to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term in office.
(c) Members cannot hold public office or another position with the city.
(d) Members shall serve in accordance with all city ordinances and may be removed for cause.
(e) The city commission shall provide legal, clerical and administrative personnel as required.
(Code 1959, §§ 2-5, 2-8; Ord. No. 03-60, § 1, 8-7-2003)
State law references: Similar provisions, F.S. § 162.05(2).

Sec. 2-88. Officers.

(a) The officers of the code enforcement board shall be a chair and a vice-chair. Nomination of the chair and vice-chair shall be made from the members at the annual organizational meeting in January of each year, and the election shall be held immediately thereafter.
(b) A candidate receiving a majority of the votes cast shall be declared elected and shall serve a term of one year or until a successor shall take office.
(c) The chair shall preside at all meetings and hearings of the board. The chair shall be one of the members of the board. The chair shall have the privilege of discussing all matters before the board and shall have the same voting rights as all board members.
(Code 1959, § 2-9(G), (H))
State law references: Similar provisions, F.S. § 162.05(4).

Sec. 2-89. Compensation.

(a) Members of the code enforcement board shall serve without compensation.
(b) With city manager authorization, reimbursement could be made for travel, mileage and per diem expenses incurred.
(Code 1959, § 2-8(A))
State law references: Compensation, F.S. § 162.05(4).

Sec. 2-90. Removal from office.

(a) The city commission may remove any member of the code enforcement board for cause upon written notice and after public hearing. Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment of the city commission for the remainder of the term. Such vacancy shall be filled within 30 days after the vacancy occurs.

(b) If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy.

(Code 1959, §§ 2-8(B), 2-9(F))

State law references: Similar provisions, F.S. § 162.05(3)(e).

Sec. 2-91. Rules and procedures.

(a) Rules and procedures not inconsistent with this Code may be adopted by the code enforcement board during a regular meeting by the affirmative vote of at least four members of the board, provided notice of the proposed change is given to the board at a preceding regular meeting.

(b) The provisions of these rules and procedures shall be discussed and/or adopted or readopted by the board annually at its regular organizational meeting.

(Code 1959, § 2-9(I)(1), (2))

State law references: Authority to adopt rules of procedure, F.S. § 162.05(1).

Sec. 2-92. Meetings.

(a) All meetings, regular or special, and all hearings, shall be open to the public in accordance with the provisions of F.S. § 286.011.

(b) The January meeting of each year shall be an organizational meeting/workshop, to be held at 2:00 p.m., in the city commission room, city hall, for the purpose of election of officers and adopting rules and procedures, including establishing a schedule of regular meetings.

(Code 1959, § 2-9(B), (I)(3))

Sec. 2-93. Quorum.

A quorum of the code enforcement board shall consist of four or more members, and an affirmative vote of a majority of those present and voting shall be necessary to pass any motion or adopt any order. Voting shall be done by voice vote and shall be recorded by individual "aye" or "nay."

(Code 1959, § 2-9(C), (D))

State law references: Similar provisions, F.S. §§ 162.05(4), 162.07(4).

Sec. 2-94. Abstention.

Each member of the code enforcement board present shall cast an "aye" or "nay" vote on each question before the board, except as provided for voting conflicts pursuant to F.S. § 112.3143. In such event, he must file a memorandum of voting conflict with the secretary of the board as prescribed by F.S. § 112.3143(3)(a).

(Code 1959, §§ 2-9(E), 2-10(B)(1))

State law references: Conflict of interest, F.S. § 112.311 et seq.

Sec. 2-95. Jurisdiction.

The code enforcement board shall hear and decide violations of the city Code and ordinances where a pending or repeated violation continues to exist.

(Code 1959, § 2-6)

State law references: Similar provisions, F.S. § 162.02.

Sec. 2-96. Powers.

The code enforcement board shall have the power to:

(1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the city.

(2) Subpoena evidence.

(3) Take testimony under oath.

(4) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

(5) Establish a time frame for compliance.

(Code 1959, § 2-7)

State law references: Similar provisions, F.S. § 162.08.

Sec. 2-97. Conflict of interest.

(a) No member of the code enforcement board shall have any interest, be it financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation which is in conflict with the proper discharge of his duties in the public interest in accordance with F.S. ch. 112.

(b) No member shall appear before the city commission, or any commission, committee or board of the city, as agent, attorney or representative of any person, except when representing property he owns.

(Code 1959, §§ 2-8(C), 2-10(B)(2))

Secs. 2-98--2-125. Reserved.

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: RESOLUTION NUMBER 22-54: ANNEXATION AGREEMENT AND DEVELOPER'S AGREEMENT TO PROVIDE WATER SERVICE OUTSIDE THE CITY LIMITS (37133 COUNTY ROAD 452)

Introduction:
Resolution Number 22-54 approves an Annexation Agreement and Developer's Agreement for provision of potable water to property outside the City limits, located at 37133 County Road 452, Grand Island, FL.

Background:
See attached resolution and agreement documents.

Recommended Action:
The administration recommends approval of Resolution Number 22-54.

Alternatives:
1. Approve Resolution Number 22-54.
2. Deny Resolution Number 22-54.

Budget Impact:
- Increased revenue from water service fees
- Potential future annexation when eligible, resulting in increased tax revenues

Attachments:
Resolution Number 22-54 37133 CR 452 Outside Water
Annexation Agreement signed by applicant
Developers Agreement signed by applicant

Reviewed by:

Jeff Richardson, Deputy Approved - 10 Aug 2022

Development Services Director	
Mike Lane, Director	Approved - 10 Aug 2022
Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022

RESOLUTION NUMBER 22-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; APPROVING AN ANNEXATION AGREEMENT AND DEVELOPER'S AGREEMENT TO PROVIDE CITY WATER SERVICE TO REAL PROPERTY LOCATED AT 37133 COUNTY ROAD 452, GRAND ISLAND, FLORIDA, OUTSIDE THE CITY LIMITS.

WHEREAS, James D Gambrell, legal owner of record, requested water service for real property located 37133 County Road 452, Grand Island, Florida, outside the City limits, more particularly described as:

Tax Parcel Identification Number: 29-18-26-0200-000-00900
Alternate Key Number: 1682495

SOUTH LAKE YALE SHORES LOTS 9, 10 PB 22 PG 32 ORB 4196 PG 617

WHEREAS, the City of Eustis has water service available to serve the subject property; and

WHEREAS, the City currently provides water service to other properties in the immediate area of the subject property; and

WHEREAS, the Property does not currently meet the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes; and

WHEREAS, the Owner of the Property has requested, and the City has agreed, subject to the terms, conditions and limitations hereinafter set forth, that the City shall provide water service to the Property; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to provide water service to the subject property; and

WHEREAS, Ordinance Number 08-09 requires a written developer's agreement approved by the City Commission on terms and conditions agreeable to the City Commission; the terms of which may include, but not be limited to…an obligation to annex into the City if not already annexed; and

WHEREAS, the attached Annexation Agreement and Developer's Agreement for Potable Water constitutes a legal contractual agreement between the City of Eustis and James D Gambrell, owner of record of the subject property and all successor owners, in accordance with Ordinance Number 08-09.

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

SECTION 1. That both the Annexation Agreement between the City of Eustis and James D Gambrell, attached herein and signed by said the owner on August 5, 2022, is hereby approved, and the Mayor is authorized to execute the agreements on behalf of the City.

SECTION 2. That this Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED this 18th day of August 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 18th day of August 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 22-54 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

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
City of Eustis Development Services
4 North Grove Street
Eustis, Florida 32726

Tax Parcel Identification Number: 29-18-26-0200-000-00900
Alternate Key Number: 1682495

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is made and entered into this 18th day of August, 2022, by and between the CITY OF EUSTIS, a Florida municipal corporation, whose mailing address is 10 North Grove Street, Eustis, Florida 32726 (the "City") and JAMES D GAMBRELL, owner of the subject property whose mailing address is also the subject property, 37133 County Road 452, Grand Island, Florida 32735 (the "Owner").

W I T N E S S E T H:

WHEREAS, the Owner owns certain real property located at 37133 County Road 452, Grand Island, Florida, Tax Parcel Identification Number 29-18-26-0200-000-00900, as more particularly described in Exhibit "A," and shown on the location map in Exhibit "B," attached hereto and by this reference made a part hereof (the "Property"); and

WHEREAS, the city water service is available to the property; and

WHEREAS, the Owner of the Property have requested, and the City has agreed, subject to the terms, conditions and limitations hereinafter set forth, that the City shall provide water service to the Property; and

WHEREAS, in consideration of the City providing water service to the Property, the Owner desires to voluntarily petition the City to annex the Property pursuant to Section 171.044, Florida Statutes; provided, however, at this time the City cannot annex the Property because the Property does not currently meet the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes; and

WHEREAS, the parties acknowledge and agree that this Agreement constitutes a petition for the voluntary annexation of the Property pursuant to Section 171.044, Florida Statutes; and

NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration the receipt - of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

SECTION 1. Recitals.

The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

SECTION 2. Annexation.

A. The Owner and the City acknowledge and agree that this Agreement constitutes a petition for the voluntary annexation of the Property pursuant to Section 171.044, Florida Statutes. The Owners and the City further acknowledge and agree that the petition cannot be processed at this time because the Property does not meet the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes. The Owners and the City agree that at such time any portion of the Property described in Exhibit "A" becomes contiguous to the City of Eustis, or the City becomes lawfully able to annex said Property, the Property may be annexed.

B. The City shall have the right, but not the obligation, to process this petition for voluntary annexation without further action and/or request of the Owners. Provided, however, that the petition shall not be processed by the City unless and until a determination is made by the City, in its sole and absolute discretion, that the Property meets the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes, or such other provisions of the Florida Statutes as may then be applicable to voluntary annexations, or the City through other means becomes lawfully able to annex said Property.

C. The Owners acknowledge and agree that this Agreement does not in any way obligate or require the City to annex the Property or grant to the Owners any particular land use designation that may be requested in connection with such annexation.

D. The Owners acknowledge and agree that any land use granted to the Owner in connection with the Property shall be consistent with the terms and conditions of the Eustis Comprehensive Plan as it may be amended from time to time.

SECTION 3. Water Service.

A. Subject to the terms, conditions and limitations set forth in this Agreement, the City agrees to provide water service to the Property upon compliance by the Owner with all applicable regulations of the City and the payment all fees, costs and expenses associated therewith. The Owners shall execute all agreements for water as required by the City in connection with the provision of water service to the Property, including but not limited to a Developer's Agreement.

B. This Agreement does not in any way reserve any water capacity or guarantee the availability thereof.

SECTION 4. Agreement Runs with the Land.

In consideration of the City providing water service to the Property, the Owners and the City acknowledge and agree that this Agreement is irrevocable and, further, this Agreement and all other rights and obligations of the parties hereunder are intended to and shall run with the Property, and shall bind, and inure to the benefit of, the parties hereunder and their respective successors in title.

SECTION 5. Representations.

A. The Owners hereby warrant and represent to the City that the Owners currently own fee title to the Property and have full power and authority to enter into this Agreement and that the Property is free and clear of all liens and encumbrances, with the exception of a traditional home mortgage.

B. The City makes no representations or warranties with regard to this Agreement and reserves the right to process the Owners' petition for voluntary annexation in its sole and absolute discretion.

SECTION 6. Notices.

Any notice required to be given hereunder shall be in writing and shall be delivered in person or by certified mail, postage paid, return receipt requested as follows. If such notice is to be given to the City, such shall be given at the address set forth above. If such notice is to be given to the Owners, such shall be given at the address shown in the tax collector's records for the Tax Parcel Identification Number set forth above. Any notice, direction or other communication delivered or mailed, as directed above shall be deemed to be delivered as of three (3) days after the date of mailing or, if delivered personally, when received.

SECTION 7. Defaults and Remedies.

IN THE EVENT THE OWNERS FAIL TO COMPLY WITH ANY OF THE TERMS AND CONDITIONS OF THIS AGREEMENT AND SUCH FAILURE CONTINUES FOR THIRTY (30) DAYS AFTER WRITTEN NOTICE FROM THE CITY, THE CITY MAY DISCONNECT AND TERMINATE ANY WATER SERVICE PROVIDED TO THE PROPERTY. THE OWNER HEREBY CONSENTS TO SUCH DISCONNECTION AND TERMINATION OF WATER SERVICE AND EXPRESSLY WAIVES ANY CLAIMS BASED UPON THE DISCONNECTION AND TERMINATION OF SUCH WATER SERVICE BY THE CITY.

OWNER'S INITIALS: _____
James D Gambrell

SECTION 8. Indemnification.

A. The Owners hereby agree to indemnify and save the City harmless from and against all losses, costs, expenses, claims, damages, judgments, liabilities and causes of action whatsoever (collectively, "Claims") including reasonable attorneys' fees and paralegal fees both at trial and at appellate levels, arising out of or alleged to have arisen out of this Agreement or been occasioned, in whole or in part, by the exercise of the City of its rights granted hereunder. The Owners shall use their best efforts to promptly notify the City in writing of any Claim and shall provide the City with information regarding the Claim as the City may reasonably request, but the failure to give such notice or provide such information shall not diminish the Owners' obligations under this Section.

B. No Claim whatsoever shall be made or asserted against the City by the Owners for or on account of anything done or as a result of anything done or omitted to be done in connection with this Agreement.

SECTION 9. Effective Date

This Agreement shall be effective upon adoption of Resolution Number 22-54.

SECTION 10. Recording.

The Owners acknowledge and agree that the City shall record this Agreement in the Public Records of Lake County, Florida.

SECTION 11. Miscellaneous.

A. **ANY FUTURE OWNER OF THE PROPERTY SHALL TAKE TITLE TO THE PROPERTY SUBJECT TO THIS AGREEMENT AND BY ACCEPTING A DEED OF CONVEYANCE TO THE PROPERTY, AGREE TO BE BOUND BY THE TERMS AND CONDITIONS OF THIS AGREEMENT.**

B. The Property shall be deemed a single parcel and any sub parcels of the Property which are created by subdivision or by any other means shall be subject to the terms and conditions of this Agreement, subsequent sale and individual Ownership notwithstanding.

C. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors and assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Lake County, Florida.

D. This Agreement shall be construed and enforced in accordance with, and governed by, the laws of the State of Florida.

E. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

F. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.

G. In the event a third party institutes a legal proceeding against the City and/or the Owners, regarding the enforceability of this Agreement or any other matters arising out of or related to this Agreement, the annexation of the Property or the provision of water service, then in such event the Owners shall pay all costs, fees, charges, and expenses of the City relative thereto, including but not limited to attorney's fees and paralegal fees at both the trial and appellate levels.

H. In addition to each and every remedy now or hereafter existing at law or in equity, the parties hereto expressly agree that City shall have the right to enforce this Agreement by an action for specific performance.

I. As from time to time requested by the City, the Owners agree to execute such additional documents as may be necessary in order to effectuate the provisions of this Agreement.

J. This Agreement embodies and constitutes the entire understandings of the parties with respect to the subject matter hereof and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement.

K. The attached Exhibits A, and B are part of this Agreement as though fully set forth in this Agreement.

IN WITNESS WHEREOF, the City has caused this Agreement to be executed as of the day and year first written above.

CITY OF EUSTIS, FLORIDA

_____
Michael Holland, Mayor/Commissioner

This 18th day of August, 2022.

ATTEST:

_____
Christine Halloran, City Clerk

Approved as to form and legality:

_____
Derek A. Schroth, City Attorney

"OWNER"

James D Gambrell

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 5 day of August, 2022 by James D Gambrell (Owner), who is personally known to me ____ or produced DL _____ as identification and by means of ☑ physical presence or ☐ online notarization.

Edonna Bengston
Comm.:HH 196396
Expires: Nov. 8, 2025
Notary Public - State of Florida

Print Name Edonna Bengston

Notary Public, State of Florida Commission Number: HH 196396

My Commission Expires: 11/8/25

Exhibit A
Legal Description

SOUTH LAKE YALE SHORES LOTS 9, 10 PB 22 PG 32 ORB 4196 PG 617

Exhibit B
Location Map



THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
City of Eustis Development Services
4 North Grove Street
Eustis, Florida 32726

Tax Parcel Identification Number: 29-18-26-0200-000-00900
Alternate Key Number: 1682495

DEVELOPER'S AGREEMENT
POTABLE WATER, RECLAIM WATER AND WASTEWATER

This Agreement is made and entered into effective this 18th day of August 2022 by and between THE CITY OF EUSTIS, FLORIDA, a Florida Municipal Corporation (hereinafter referred to as "City" or "Utility") and JAMES D GAMBRELL, PROPERTY OWNER, and their successors and assigns (hereinafter referred to as "Developer").

WITNESSETH

WHEREAS, Developer is the fee simple owner of approximately two acres of real property situated in Lake County, Florida, described with particularity in Exhibit "A" attached hereto and made a part hereof, which property is hereinafter referred to as the "Property"; and

WHEREAS, the Property is currently improved with a single-family residence, constructed in 1979. The Developer intends to connect the existing structure to City water. This property requires one (1) equivalent residential dwelling unit "ERUs" requiring central potable water (hereinafter referred to as the Development); and

WHEREAS, Utility is the owner and operator of potable water production and distribution facilities ("Water Facilities"); and

WHEREAS, Developer has requested connection to said Water Facilities and that the Utility allocate and reserve sufficient capacity in these facilities to serve and sustain the operation of the Development; and

WHEREAS, the Utility has potable water available in close proximity to the property; and

WHEREAS, Utility has determined that it will have sufficient capacity in the Water Facilities to serve and sustain the operation of the Development for forty years after the date of this Utility Agreement; and,

WHEREAS, Utility has agreed to make its potable water service available to the Development by means of connection to and use of the Water Facilities on the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the foregoing which is incorporated herein and other good and valuable consideration, the receipt of which is acknowledged by the parties, Developer and Utility agree as follows:

1. **EXCLUSIVE SERVICE TO THE PROPERTY.** Developer hereby agrees and covenants that the Development shall be served exclusively by Utility's Water Facilities. Developer further agrees that this Agreement shall be a covenant binding upon and running with title to the Property. Utility hereby agrees to make potable water services available to the Development hereafter constructed on the Property for the rates and under the conditions set forth in this Agreement. Utility agrees that such services shall be made available through Utility's existing Water Facilities so long as Utility is not prevented by law or governmental regulation from providing such water service for any reason. Utility represents and warrants that it has sufficient capacity in its Water Facilities to serve the Development. Utility further agrees that the potable water service to be provided hereunder shall meet the current standards or requirements, as the case may be, of all state, local, and federal governmental agencies having jurisdiction over Utility; provided, however, that Utility shall not be responsible for any failure to meet or comply with said

standards or requirements to the extent that such failure shall be occasioned by defect in the construction of any facilities constructed by Developer; and further, the acceptance of any such facilities by Utility shall not be an admission of, or acceptance of such responsibility. Utility hereby agrees to provide water services to the written request for such service to Utility. Both parties acknowledge that the Developer shall be responsible for all off-site or on-site improvements necessary to connect the Development to the City's water lines adjacent to the Property.

2. **PAYMENT BY DEVELOPER OF CITY OF EUSTIS WATER IMPACT FEES.**

A. Developer shall be responsible for payment of the Utility's water impact fees for water volumes reserved under this agreement. Utility's water impact fee is $854.00 per equivalent residential dwelling unit (ERU). Payment of said fee shall be made at time of building permit submittal for a water meter as follows:

1 Single-family dwelling unit X $854.00= $854
0 Amenity units X $854.00 = $0
TOTAL POTABLE WATER $854

3. **IMPROVEMENTS.** In order to provide potable water services, certain improvements will need to be constructed.

A. **OFF-SITE IMPROVEMENTS.** Developer agrees to construct and to transfer ownership and control to the Utility as a contribution-in-aid-of-construction any necessary off-site installations of improvements from Developer's Property to the Utility's existing Water Facilities. Developer shall install all of the offsite installations at its sole expense and in accordance with the plans, specifications and other pertinent documents approved by the Utility and the County, except that in no event shall Developer be required to oversize lines to the benefit of others' properties without prior agreement for reimbursement on behalf of such other properties.

B. **ON-SITE IMPROVEMENTS.** The Developer, at its expense and without cost or expense to the City, will design, permit, and construct all on-site improvements associated with water service in accordance with the City's regulations. Nothing herein, however, shall relieve the Developer of the responsibility of obtaining and complying with any permit or approval necessary from any regional, state, or national governmental authority, as required by law. When the Property is developed, Developer shall construct and install therein, at its own cost and expense, any applicable meters and service connections necessary to serve the Development.

4. **RATES AND CHARGES.** The rates to be charged by Utility for water service to the Development hereafter built on the Property shall be those rates and charges made by Utility to its customers which are from time to time approved by the Eustis City Commission or by any other governmental regulatory body from time to time having jurisdiction over such matters. Utility reserves the right to withhold or disconnect service to any active customer, or to refuse to give or provide new or additional services to any active customer, at any time the charges are not paid on a current basis within twenty-five (25) days after the same are billed , provided that written notification of such delinquency has been made by Utility to such customer; and provided that the failure of an active customer to pay sums due Utility shall not affect Developer's rights under this Agreement. Moreover, the service to the Development shall be subject to such other regulations from time to time lawfully imposed on Utility with respect to the operations of its water systems, and except as limited by such regulations, the amounts of utility deposits, billing practices and times, liability for damage to Utility's property and rate changes shall be exclusively within the discretion and control of Utility.

5. **WATER METERS.** It is hereby agreed by the parties hereto that water meters shall be installed as Utility shall deem to be necessary to serve the Development. Utility shall have the right to designate the number, type, quality and size of said meters. The cost for said water meters and the labor charges associated with their

installation shall be paid to Utility by Developer prior to installation of each such meter. Said sum shall be due and payable prior to the time of installations of said meters. All water meters so installed shall remain the property of Utility.

6. **MANDATORY ANNEXATION.** Pursuant to the Annexation Agreement adopted by Resolution Number 22-54, Developer has petitioned for voluntary annexation of the Property; said agreement binds future property owners to the terms and conditions contained therein.

7. **AGREEMENT BINDING ON SUCCESSORS IN TITLE.** Developer agrees that this Agreement shall be a covenant binding upon and running with title to the Property, and any successor owner of the Property shall be obligated to adhere to the terms and conditions of this Property. Utility agrees that any successor in title to the Property shall enjoy all the rights, obligations, and privileges provided in this Agreement.

8. **WATER CONSERVATION.** Developer agrees to employ water conservation measures in development of the property. To encourage potable water conservation and adherence to all current requirements upon the property, such measures shall include, but not be limited to:

   a. Installation of low flush toilets which utilize 1.6 gallons or less per flushing cycle.
   b. Installation of shower heads which have flow restrictors, pulsating features, flow control devices or other features which result in water conservation; and do not allow a flow exceeding 2.5 gallons per minute at 60 psi.
   c. No swimming pool filter backwash water, or any other swimming pool wastewater shall be discharged to the sanitary sewer system.
   d. Installation of spring-loaded/automatic shutoff fixtures in all public restrooms, including lavatory fixtures.

9. **SALE TO GOVERNMENTAL ENTITY.** In the event Utility shall hereafter sell the utility facilities, or any part thereof serving the Property, to the State of Florida, Lake County or a duly constituted municipality, or any agency or entity under such

State's, County or municipality's control, supervision or direction, Developer agrees that with respect to potable water service to the Property, the rules and regulations of such purchaser, and not the provisions of this contract, shall control, and that, upon assignment of this Agreement to the Purchaser, Utility shall be relieved of all further obligations hereunder pertaining to the provision of potable water service, provided that potable water services to the Development are not diminished or reduced in any way. Notwithstanding the foregoing, Utility shall be required to uphold the terms and conditions related to all land use matters set forth herein.

10. **NOTICES.** Payments required to be made under the terms hereof and notices permitted, or required to be made under the terms hereof, shall be delivered to the parties at the respective addresses:

Utility:
City Manager
City of Eustis
Post Office Box 68
Eustis, FL 32727-0068

With a copy to:
Derek A. Schroth, Esq.
Bowen|Schroth
600 Jennings Ave.
Eustis, FL 32726

Developer, Owner, Applicant:
James D Gambrell
37133 County Road 452
Grand Island, Florida 32735

Any notices required or permitted hereunder shall be considered properly made if in writing and mailed by United States Mail, postage prepaid, to the addresses set

forth herein. Developer agrees to notify the Utility upon conveyance of the Property and provide all contact information regarding the new owner and developer.

11. **EFFECTIVE DATE.** This Agreement shall be effective upon adoption of Resolution Number 22-54.

12. **TERM.** The term of this Agreement shall be for a period of ten (10) years from the date hereof, and shall from year to year renew automatically thereafter.

13. **OTHER ESSENTIAL TERMS.**

A. Time is hereby made of essence of this Agreement in all shall inure to the benefit of and be binding upon the heirs, successors, personal representatives and assigns of the parties hereto and shall run with the land. This Agreement shall be governed by the laws of the State of Florida and venue shall be in Lake County, Florida. This Agreement shall be effective upon proper execution by both parties hereto. This Agreement shall be executed in several counterparts each of which if properly executed by both parties shall be considered an original. In the event of a default of this agreement, the remedy of rescission is available to either party in addition to all other remedies provided by law. In the event of a default of this Agreement, the City may terminate water service to the Property or assert any other remedy available to the City under Federal or Florida law. In the event the City Commission determines, in its sole discretion, that the Property is not developed in conformity with the attached site plan and drawing, the City may, in addition to terminating water service, file an action for specific performance to judicially compel compliance with the attached site plan and drawing. The Developer shall execute this Agreement within 30 days after the date the City executes this Agreement. Should developer fail to execute this Agreement within 30 days after the City executes this Agreement, this Agreement, at the City's sole discretion and option, may be rescinded and voided in its entirety by the City of Eustis, provided notice of same is given to the Developer. The payment described in this paragraph must be made by the

Developer to the City within 30 days after the date Developer receives both final subdivision and final engineering approvals from Lake County, but prior to recording of a final plat, and not to be later than thirty-six months from the date of this Agreement. Should payment not be made as described above, the City, in its sole discretion and option, may rescind and void the Agreement. Developer, its agents, successors, assigns, employees, investors, and heirs hereby completely release the City of Eustis from any and all claims, both known and unknown, which may have accrued prior to the date this Agreement was signed.

B. The attached Exhibits A and B are part of this Agreement as though fully set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names and their seals to be hereunto affixed, by their proper officers thereunto duly authorized, on the day and year first above written.

"UTILITY" CITY OF EUSTIS, FLORIDA

_____

Michael Holland, Mayor/Commissioner

This ____ day of _____, 2022.

ATTEST:

_____

Christine Halloran, City Clerk

Approved as to form and legality:

_____

Derek A. Schroth, City Attorney

"DEVELOPER"

James D Gambrell

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 5 day of August, 2022 by James D Gambrell ("Developer") who is personally known to me _____ or produced DL _____ as identification and by means of ☑ physical presence or ☐ online notarization.

Notary Signature

Print Name: Edonna Bengston

Notary Public, State of Florida Commission Number: HH 196396

My Commission Expires: 11/8/25

Edonna Bengston
Comm.:HH 196396
Expires: Nov. 8, 2025
Notary Public - State of Florida

Exhibit A
Legal Description

SOUTH LAKE YALE SHORES LOTS 9, 10 PB 22 PG 32 ORB 4196 PG 617

Exhibit B
Location Map



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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: CONSIDERATION OF RESOLUTION NUMBER 22-55: ELEVEN OAKS - 2ND EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENTS

Introduction:
The Applicant, BE Homes, LLC and the Owner Q Eleven Oaks Holdings, LLC, are requesting a 2nd Extension of Time for completion of certain non-publicly dedicated improvements for the Eleven Oaks Subdivision

Background:
On September 21, 2021, the City Commission approved Resolution Number 21-70 to accept publicly dedicated infrastructure (roads and water) and a subdivision maintenance bond. The resolution also provided completion timeframes for other subdivision improvements per the approved subdivision plans, as follows

a. The following improvements shall be completed no later than November 30, 2021: irrigation, landscaping, and entrance walls.
b. The following improvements shall be completed no later than January 30, 2022: park and playground.
c. The following improvements shall be completed no later than March 31, 2022: Demolition of existing home (sales center) at 3000 E. Orange Avenue, cap well, vinyl fencing, and retention wall near the northwest retention area behind Lots 1 and 2. (Permits for construction on Lots 1 and 2 will not be issued prior to completion of the retention wall).

As these improvements are not proposed for dedication to the city, in the event the developer did not complete the improvements above, enforcement was provided for per Section 102-5 of the Land Development Regulations.

The improvements were not all completed within the timeframes under Resolution Number 21-70 and the applicant requested an Extension of Time for certain uncompleted subdivision improvements. Resolution Number 22-10 was approved by City Commission February 3, 2022. The Timeframes granted under Resolution Number 22-10 are as follows:

a. Irrigation, landscaping and entrance walls by March 31, 2022.
b. Retention wall near the northwest retention area behind Lots 1 and 2 by May 31, 2022.
c. Demolition of existing home and capping well by June 30, 2022.

The above itemized improvements have not all been completed due to certain circumstances, therefore the applicant is requesting a 2nd Extension of Time.

The applicant is requesting an extension of time due to shortages and lead time problems on materials, shipping delays, and worker shortages, which have led to numerous delays in materials and installation. The applicant's modified completion dates for the remaining subdivision improvements per the approved subdivision plans, are as follows

a. Irrigation, landscaping, and entrance walls by September 30, 2022.
b. Demolition of existing home used as office and sales for the subdivision and capping of the well by September 30, 2022.

Recommended Action:
Staff is recommending approval of the 2nd Extension of Time with Resolution Number 22-55. Staff further recommends that there be no further request for extension of time for the items covered under Resolution Number 22-55.

Policy Implications:
None

Alternatives:
1. Approve Resolution Number 22-55.
2. Deny Resolution Number 22-55.

Budget Impact:
None

Attachments:
Resolution Number 22-55 Eleven Oaks 2nd Extension of Time
Application for Eleven Oaks Second Extension of Time

Reviewed by:

Jeff Richardson, Deputy Development Services Director	Approved - 10 Aug 2022
Mike Lane, Director	Approved - 10 Aug 2022
Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022

RESOLUTION NUMBER 22-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR AN EXTENSION OF THE TIMELINES FOR COMPLETION OF SUBDIVISION IMPROVEMENTS PURSUANT TO RESOLUTION NUMBER 21-70 AND RESOLUTION 22-10.

WHEREAS, BE Homes of Florida, LLC., developer of the subdivision known as Eleven Oaks on approximately 14.72 acres located on the south side of E. Orange Avenue at E. CR 44, has, on behalf of the property owner Q Eleven Oaks Holdings, LLC, applied for an extension of time to complete subdivision improvements on the property, more particularly described as:

ELEVEN OAKS AS RECORDED IN THE RECORDS OF LAKE COUNTY, FLORIDA, PLAT BOOK 71 PAGES 63-68

METES AND BOUNDS DESCRIPTION:

That part of the South 1 /2 of the Southeast 1 / 4 of the Northwest 1 / 4 and the South 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 7, Township 19 South, Range 27 East, Lake County, Florida, more particularly described as follows:
Begin at the Southeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 7, said point also being the Northeast corner of Lake Joanna Heights, according to the plat thereof as recorded in Plat Book 20, Page 28, Public Records of Lake County, Florida; thence run N89°57'49"W along the South line of said Southeast 1 / 4 of the Northwest 1 / 4 of Section 7 and the North line of said plat of Lake Joanna Heights, a distance of 1021.13 feet; thence run N00°10'12"W along the East line of Mockingbird Hill, according to the plat thereof as recorded in Plat Book 24, Page 32, Public Records of Lake County, Florida, a distance of 605.24 feet; thence run N89°56'35"E along the South right of way line of State Road No. 44, a distance of 1056.24 feet; thence run S00°25'11 "E, a distance of 606.98 feet; thence run N89°57'49"W along the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 7 and the North line of Joanna Shores, Partial Replat, according to the plat thereof as recorded in Plat Book 12, Page 73, Public Records of Lake County, Florida, a distance of 37.76 feet to the Point of Beginning.
Contains 640,993 square feet or 14.715 acres, more or less.

WHEREAS, on September 21, 2021, the City Commission approved Resolution Number 21-70, which resolution included completion timeframes conditions for required subdivision improvements per the approved subdivision plans, and

WHEREAS, on February 2, 2022, the City Commission approved Resolution

Number 22-10, which resolution extended timeframes for completion of required subdivision improvements per the approved subdivision plans, and

WHEREAS, the applicant is now requesting an additional extension of time due to shortages and lead time problems on materials, shipping delays, and worker shortages, which have led to numerous delays in materials and installation; 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 remaining subdivision improvements shall be completed within the following timeframes.

a. Irrigation, landscaping, and entrance walls by September 30, 2022.

b. Demolition of existing home and capping well by September 30, 2022.

Section 2. Should BE Homes of Florida, LLC or Q Eleven Oaks Holdings, LLC. fail to complete the remaining improvements outlined in Section 3 by the established deadlines, 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 all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 4. 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 5. 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 May, 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 Eustis City Commission.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-33 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

BE HOMES
OF FLORIDA LLC

July 18, 2022

Explanation of Scheduling Problems at Eleven Oaks

Eleven Oaks is a small development located at 3000 East Orange Avenue in Eustis. In this time of shortage problems we have been running into lead time problems on materials as well as worker shortages. We are attempting to work through the problems that we have encountered but these problems have led to numerous delays in materials and installation. This is a detail list of the infrastructure jobs and that existed at the time when the resolution was passed on the subdivision.

- **Demolition of Existing Home**
  This item is currently being used as an office for us to work out of. We had planned to demo this home at the end of the second quarter. We would ask to postpone this one quarter until September 30, 2022. We should have storage space available by that time to remove everything from the house and demo it.
- **Irrigation and Landscaping**
  Irrigation has been installed and is complete on the front of the property. The front landscaping is complete on 80% of the front. The landscaping for the entry island and wall areas are waiting for the wall to be built. This should start this month. This should be complete by September 30, 2022
- **Capping of Well**
  This should happen at the same time the house is demolished.
- **Entrance Walls**
  Now that the old traffic signal pole has been removed we can start on the entry walls. The walls should be complete by September 30, 2022.

We regret that we have been unable to meet the original scheduled dates. The delays have been caused mainly by shipping and labor problems. These new dates take into account the longer than expected lead times that we are encountering.

City of Eustis
Development Application

Office Use Only
File #:
Date:

Date: 7/1/2022 Property Alternate Key #(s) 1595746

Parcel ID No: 07-19-27-0001-000-03700

Legal Description: Eleven Oaks

Application Type:

_____ Administrative Site Plan	_____ Final Plat	_____ Preliminary Subdivision (Prelim. Plat)
_____ Administrative Variance	_____ Lot Line Deviation	_____ Site Plan
_____ Appeal	_____ Lot Split	_____ Vacation
_____ Concept Plan	_____ Minor Replat	_____ Easement
_____ Conditional Use	_____ Modification (Minor)	_____ Row
_____ Community Meeting	_____ Modification (Substantial)	_____ Plat
_____ Development Plan	_____ Planned Unit Dev. (PUD)	_____ Variance-Major
X Extension of Time	_____ Outside Utility/Annexation Agreement	***Use Annexation, Comprehensive Plan, Design District Application Form for those types of requests**
_____ Final Engineering/ Construction Plan		

Project Name: Eleven Oaks Project

General Location/Address of Property: 3000 East Orange Avenue, Eustis, FL 32726

Property Owner: Quinn Residences

Address: 3348 Peachtree Road, NE, Suite 1460, Atlanta, GA 30326

Phone: 404-863-4150 Email: pharm@live-quinn.com

Applicant: BE Homes of Florida LLC

Address: 3000 East Orange Avenue, Eustis, FL 32726

Phone: 407-908-9694 Email: jay@behomes.biz

*Primary Contact Person: Jay Barfield

Relationship to Property Owner/Project: General Contractor

Address: 3000 East Orange Avenue, Eustis, FL 32726

Phone: 407-908-9694 Email: jay@behomes.biz

***All correspondence will be directed to the Primary Contact Person**

Have previous applications been filed in connection with this property?

__X__ Yes _____ No (If Yes, please explain) **Preliminary Subdivision (Preliminary Plat), Final Plat**

Date of Pre-Application Meeting (if applicable) _____ Date of Community Meeting (if applicable) _____

Community Meeting Waived By Dev. Svcs. Director _____ Date _____

Project Information:

Description of Request: **Request time extension on final infrastructure installation.**

Justification Statement: **See attached explanation for delays**

Area of subject property in acres: Upland **14.72** Wetland **0** Water **0** Total **14.72**

Current Use of the Property **Subdivision**

Proposed Use of the Property **Subdivision**

Future Land Use Designation **SR, MCR** Design District **Suburban Neighborhood & Corridor**

Is property within the Wekiva Study Area? __X__ Yes _____ No (If Yes, and application is for a Subdivision or Site Plan, see WSA requirements on Page 3)

Is City water service available to the site? __X__ Yes _____ No

Is City wastewater service available to the site? __X__ Yes _____ No

For Non-Residential Projects only:

Existing Building Square Footage _____ Proposed Building Square Footage _____

For Residential Subdivisions only:

Number of Lots **69**

Number and Type of Proposed Dwelling Units:

Single Family Detached **35** Single Family Attached **34** Multi-Family _____

Additional Requirements for Wekiva Study Area Subdivisions & Site Plans

The Land Development Regulations shall require the following surveys and studies are required to be submitted with a subdivision plan or site plan or its functional equivalent to provide an analysis and evaluate the location and presence of most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub:

a. An analysis of soils, by a professional qualified to determine the location of most effective recharge areas. Unless otherwise provided for by rule of the St. Johns River Water Management District (SJRWMD), most effective recharge areas shall be defined as Type "A" Hydrologic soils described by the National Resources Conservation Service (NRCS) Soil Survey.

b. An analysis of the site, by a professional qualified to determine the location and nature of sinkholes and other karst features of the property, such as stream-to-sink and other direct connections to the aquifer including an analysis to determine the depth of the water table, location of the Floridan Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer. This analysis may include the use of geophysical surveys, such as microgravity and ground penetrating radar surveys, and may be supplemented with documented locations of sinkholes, light detection and ranging surveys, and aerial photographs. If karst features are determined to exist on site, further analysis may be required to evaluate surface and sub-surface characteristics that provide potential connection to the aquifer, assess the potential for contamination of the aquifer from development, and identify protective solutions to be incorporated into the site design. Such design solutions shall utilize Best Management Practices described in Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002).

c. An analysis of the site by a professional qualified to identify flora and fauna, state and federally listed species, and vegetative habitat types including but not limited to wetlands and sensitive natural habitat defined as Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. This analysis shall include field surveys and use of best available information from federal, state, regional, and local agencies. The site analysis shall also consider ecosystem connectivity in relationship to adjacent properties and surrounding area in coordination with the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.

d. The analysis required above shall be used to characterize on-site soils and determine locations of geologic features including sinkholes, solution pipes, depressions, and depth of soil to lime rock, including karst features like sinkholes with a direct connection to the aquifer and stream-to-sink features that require protection.

OWNER'S AFFIDAVIT

STATE OF Georgia
COUNTY OF Cobb
CITY OF Atlanta

BEFORE ME, the undersigned authority personally appeared James Howley, who being by me first duly sworn on oath, deposes and says:

1. That he/she is the fee-simple owner of the property legally described and attached to this application.

2. That he/she desires **Extension of Time** approval to accomplish the above desired request, as stated on Page 1 of this Application.

3. That he/she has appointed **BE Homes of Florida LLC** to act as Agent and/or Applicant in their behalf to accomplish the above.

(Owner's Signature)

STATE OF Georgia
COUNTY OF Cobb
CITY OF Atlanta

The foregoing instrument was acknowledged before me this 14th day of July, 20 22 by James Howley, who is personally known to me or who has produced _____ as identification.

Sherry D. Sims
Notary Public (Signature)

SHERRY D SIMS NOTARY PUBLIC COBB COUNTY, GEORGIA (SEAL) EXP. FEB 14, 2026

Sherry D. Sims
Print or type Notary Name

Commission (serial) Number _____

My Commission Expires: _____

NOTE:
All applications shall be signed by the Owner(s) of the Property, or some person duly authorized by the Owner to sign. The authority authorizing such person other than the Owner to sign MUST be attached.

AGENT/APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE
CITY OF EUSTIS

BEFORE ME, the undersigned authority personally appeared **Jay Barfield**, who being by me first duly sworn on oath, deposes and says:

1. That he/she Affirms and Certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of Eustis, and that all statements and diagrams submitted herewith and attached hereto, are true and accurate to the best of their knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Eustis, Florida, and are **Not Returnable**.

2. That he/she desires **Extension of Time** approval for the use of property as proposed, for the property legally described on this Application.

3. That the submittal requirements for this Application, which are attached hereto, have been completed and attached hereto as part of this Application.

(Agent/Applicant's Signature)

STATE OF FLORIDA
COUNTY OF LAKE
CITY OF EUSTIS

The foregoing instrument was acknowledged before me this 6th day of JULY, 2022, by JAY BARFIELD, who is personally known to me or who has produced _____ as identification.

(SEAL)

CAROL E. MORGAN
Notary Public - State of Florida
Commission # GG 236981
My Comm. Expires Jul 10, 2022
Bonded through National Notary Assn.

Carol E. Morgan
Notary Public (Signature)

CAROL E. MORGAN
Print or type Notary Name

Commission (serial) Number GG 236981

My Commission Expires: 7/10/22

City of Eustis Development Services
4 N. Grove Street Eustis, FL 32726 • Phone: 352) 483-5460

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: RESOLUTION NUMBER 22-56: AWARD OF BID #012-21 AND APPROVAL OF A PURCHASE IN EXCESS OF $50,000 FOR A REPLACEMENT GENERATOR AND TRANSFER SWITCH FOR LIFT STATION NUMBER 8

Introduction:
Resolution Number 22-56 authorizes the award of Bid #012-21 to Zabatt Engine Services of Jacksonville, FL in the amount of $62,443.00 for a new generator and transfer switch at Lift Station #8 and authorizes the City Manager to execute an agreement for the Generac Model SG060 Natural Gas generator.

Background:
Lift Station #8 is one of the largest lift stations in the City, located at 1505 Fahnstock Street. All lift stations must have an emergency power generator available to keep the pumps running during electrical outages. The current generator at Lift Station #8 is completely out of service, no longer repairable, and needs to be replaced.

Bid Number 012-21 solicited for bids from qualified contractors to provide a turnkey full replacement of a 60 KW backup power generator & transfer switch for Lift Station #8. Seven bids were received during the July 15, 2022 bid opening. The base bids ranged from a low of $62,443 to a high of $142,000. Staff chose Zabatt Engine Services based on cost and product quality for the price of $62,443.

The 2020/2021 Capital Improvement Plan has sufficient funds available for this purchase in account #042-8600-535-66-76. The City Purchasing Ordinance requires that the Commission approve any purchase that exceeds $50,000.

Recommended Action:
Staff recommends approval of Resolution Number 22-56.

Policy Implications:
N/A

Alternatives:
Alternatives:

1. Approve Resolution Number 22-56
2. Deny Resolution Number 22-56

Discussion of Alternatives:

Alternative 1 approves the Resolution.

Advantages:
Sewage pumping will be continuous during a power outage.
Disadvantages:
The action will approve an expenditure of $62,443.00

Alternative 2 denies the Resolution.

Advantages:
The City would not expend $62,443.00.
Disadvantages:
Lift Station #8 will fail during a power outage, triggering sewage overflows and causing harm to the environment, the City,
and the welfare of its citizens.

Reviewed By:
Greg Dobbins, Deputy Director of Public Utilities
Sally Mayer, Administrative Assistant – Public Utilities

Prepared by:
Vicky McGhee, Senior Staff Assistant

Attachments:
Resolution Number 22-56
Bid #012-21 Tab Sheet (Available upon Request)

Budget Impact:
The funds for the proposed purchase are available in the current Capital Improvement Budget, Account # 042-8600-535-66-76.

Attachments:
Resolution No. 22-56

Reviewed by:

Tom Carrino, City Manager	Approved - 12 Aug 2022
Christine Halloran, City Clerk	Approved - 12 Aug 2022

RESOLUTION NUMBER 22-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING AN EXPENDITURE IN EXCESS OF $50,000 AND AUTHORIZING AWARD OF BID NUMBER 012-21 TO ZABATT ENGINE SERVICES IN THE AMOUNT OF $62,443.00 FOR THE PURCHASE OF A GENERATOR AND TRANSFER SWITCH FOR LIFT STATION #8 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS ASSOCIATED WITH THE AWARD.

WHEREAS, The City of Eustis, Florida advertised invitations to bid for the purchase of a 60 KW generator and transfer switch for Lift Station #8 with Bid Number 012-21; and

WHEREAS, the City received seven bids on July 15, 2022, in response to said invitation; and

WHEREAS, Zabatt Engine Services of Jacksonville, Florida was selected based on their bidding price and quality of product: and

WHEREAS, the City has budgeted sufficient funds to cover the costs associated with the purchase of a Zabatt Power Systems Generac SG060 generator for $62,443; and

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

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

1. That the City Manager is hereby authorized to accept the bid from Zabatt Engine Services of Jacksonville, Florida, based on product quality and the purchase price quoted in their bid.

2. That the City Manager is hereby authorized to execute all agreements and contracts associated with this purchase from Zabatt Engine Services, of Jacksonville, Florida.

DONE AND RESOLVED, this 18th day of August, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA

_____

Michael L. Holland
Mayor/Commissioner

ATTEST:

_____
Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 18th day of August, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, of the City of Eustis, Florida, 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.

_____ _____
Derek A. Schroth, Esq. Date
City Attorney's Office

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-56 is hereby approved, and I hereby 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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: RESOLUTION NUMBER 22-51: COUNTRY SIDE DINER CONDITIONAL SIGN AT 1602 NORTH STATE ROAD 19 (ALTERNATE KEY NUMBER 3809654)

Introduction:
Resolution Number 22-51 approves a Conditional Sign for County Side Diner at 1602 North State Road 19 (Alternate Key Number 3809654) to permit a 265-square foot existing painted wall mural as a sign in the Suburban Corridor Design District, as greater signage amount than permitted by Land Development Regulations Section 115-11.2(D).

Background:

1. Pertinent Site Information:

a. The site subject to this request is 1602 North State Road 19 (Alternate Key Number 3809654) and comprises approximately 1.3 acres. The site is located on the west side of North State Road 19, about 0.25 miles south of the intersection of North State Road 19 and East County Road 44.

b. In 2022, a Code Violation Case (Violation ID 22-00220) was opened for this subject property and existing, non-conforming painted wall mural sign. A permit was not applied for nor obtained before this subject wall mural was painted onto the building. There was no discussion between the property owner or applicant and staff of the City of Eustis regarding the allowance of this painted wall mural sign before it was painted on the building. The sign does not meet the City's Land Development Regulations, as discussed further in the attached full staff report.

Recommended Action:
If the City Commission finds that the requested conditional sign meets the required findings, they have discretion to approve, or if not, to deny.

Policy Implications:
If this conditional sign request were approved, a precedent could be set for approving other conditional signs in the future.

Alternatives:

1. Approve Resolution Number 22-51.
2. Deny Resolution Number 22-51.

Budget Impact:

There is no budget or staff impact associated with this resolution, beyond regular review time.

Attachments:

Staff Report Res. No. 22-51
Resolution No. 22-51
22-00220 Violation Notice
22-00220 code violation CEB finding of fact

Reviewed by:

Jeff Richardson, Deputy Development Services Director	Approved - 11 Aug 2022
Mike Lane, Director	Approved - 11 Aug 2022
Tom Carrino, City Manager	Approved - 11 Aug 2022
Christine Halloran, City Clerk	Approved - 11 Aug 2022

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: AUGUST 18, 2022

RE: RESOLUTION NUMBER 22-51: COUNTRY SIDE DINER CONDITIONAL SIGN

Introduction:
Resolution Number 22-51 approves a Conditional Sign for County Side Diner at 1602 North State Road 19 (Alternate Key Number 3809654) to permit a 265-square foot existing painted wall mural as a sign in the Suburban Corridor Design District, as greater signage amount than permitted by Land Development Regulations Section 115-11.2(D).

Recommended Action:
If the City Commission finds that the requested conditional sign meets the required findings, they have discretion to approve, or if not, to deny.

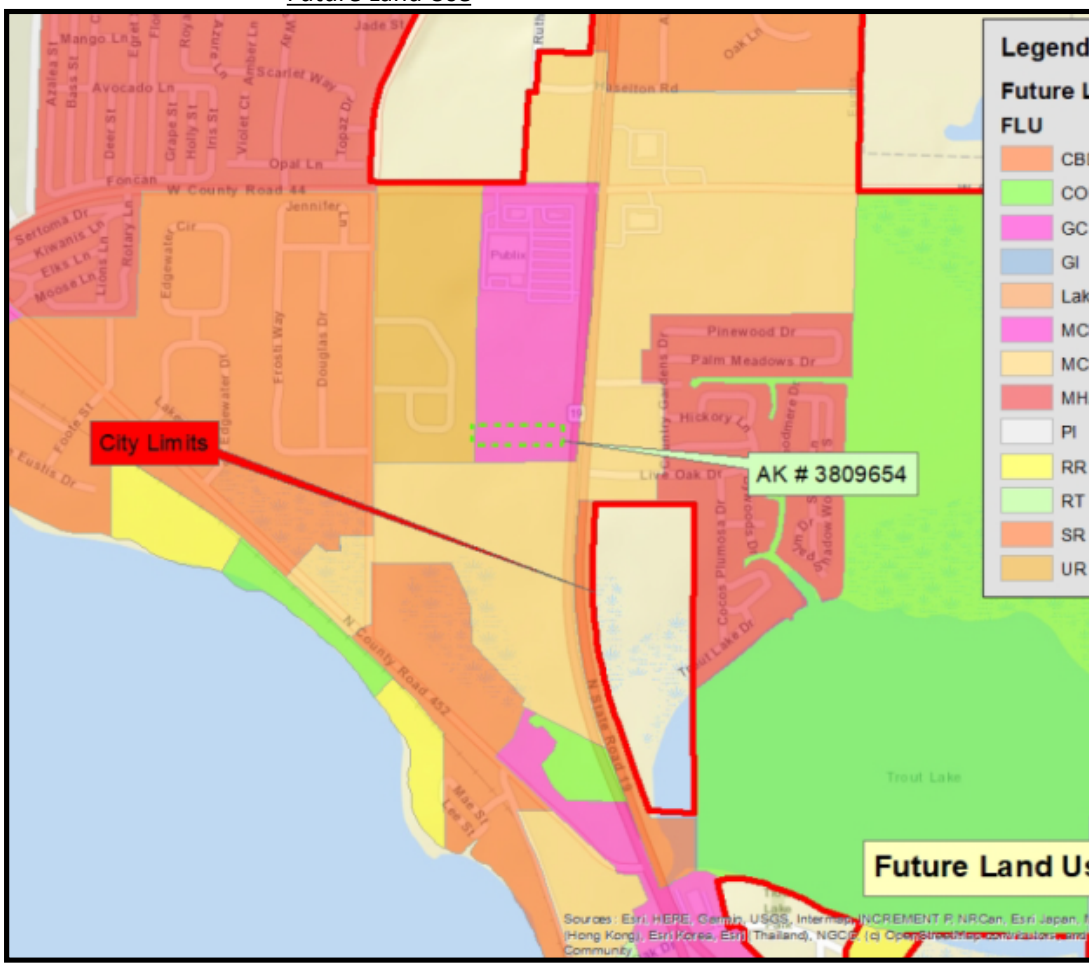
Background:
1. Pertinent Site Information:
   a. The site subject to this request is 1602 North State Road 19 (Alternate Key Number 3809654) and comprises approximately 1.3 acres. The site is located on the west side of North State Road 19, about 0.25 miles south of the intersection of North State Road 19 and East County Road 44.
   b. In 2022, a Code Violation Case (Violation ID 22-00220) was opened for this subject property and existing, non-conforming painted wall mural sign. A permit was not applied for nor obtained before this subject wall mural was painted onto the building. There was no discussion between the property owner or applicant and staff of the City of Eustis regarding the allowance of this painted wall mural sign before it was painted on the building. The sign does not meet the City's Land Development Regulations, as discussed further below.

c. The site and surrounding properties' land uses, design district designations, and existing uses are shown in the following chart.

Future Land and Design Districts

	Future Land Use	Existing Use	Design District
Site	General Commercial	Commercial	Suburban Corridor
North	General Commercial	Commercial	Suburban Corridor
South	General Commercial	Vacant	Suburban Corridor
East	Mixed Commercial/Residential	Single Family Residential Subdivision	Suburban Corridor
West	Urban Residential	Multi Family Residential	Suburban Corridor

Future Land Use



Design District



Applicant's Request:

The applicant is, per the submitted Development Application for a Conditional Sign, requesting to "leave painted mural on side of building. Mural is 25' across and 10.5' tall." The applicant's justification statement, per the Development Application, is as follows: "Coming from downtown the building is blocked by trees on church property next door. The billboards block my business sign."

The following image shows the subject existing painted wall mural sign, which has been erected without a permit.



Applicable Land Development Regulations & Analysis of Request

Sec. 115-11.1. - Permits required.
(a) *Sign permits.* Prior to erecting, displaying, or replacing any sign visible from the public right-of-way, the property owner shall obtain a permit from the city building department, by providing a legal description of the property, a scaled and dimensioned drawing of the proposed sign, furnishing any information or specifications as deemed necessary, and a site plan showing all existing signs, the proposed sign location, setbacks to the closest property lines, and by making payment of all applicable fees.

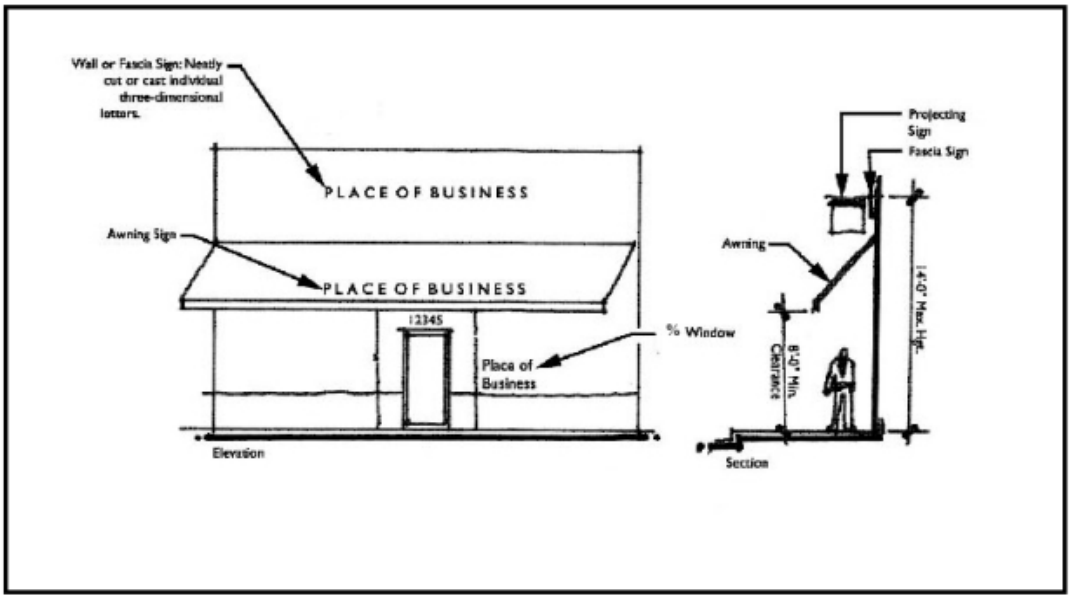
Pursuant to the Land Development Regulations, signs require separate permits. The property owner did not obtain a sign permit prior to erecting the subject signage, so was cited by Code Enforcement on May 26, 2022 via Violation Case Identification Number 22-00220.

Sec. 115-11.2(d) - Sign standards.

(d) *Building signs nonresidential uses. Building signs are permitted in commercial, industrial, mixed use, public institutional and agricultural land use districts, or on any property with an approved a conditional use permit for a nonresidential use, or on any property in a Residential land use district where an existing legally conforming or non-conforming nonresidential use exists, with the following provisions:*

(1) Types of signs. Building signs shall be limited to wall, canopy, awning, marquee, and projecting signs.
(2) **Maximum number of signs. In corridor districts, up to two building signs are permitted per building elevation**. In all other design districts, up to two building signs are permitted per building frontage.

Building Signs - Elevation, Plan & Section



(3) Placement . The permitted building signs may be placed on the wall, awnings, or be a projecting sign in compliance with the following standards:

a. Building signs (wall, awning, marquee, canopy) .

1.Wall signs shall display only one surface, shall not be mounted more than 6 inches from any wall, and shall not project more than 12 inches from the building.

2.**The maximum combined copy area for building signs, including any sign backgrounds, shall be as follows**:

Corridor design districts: One hundred square feet per building frontage, maximum letter size 36 inches, maximum logo size 48 inches. Maximum copy area may be distributed per sign and along building elevations as desired by the business consistent with the maximum number of signs permitted above; however, copy area per building elevation shall not exceed 100 square feet.

All other design districts: Seventy-two square feet per building frontage, maximum letter size 24 inches, maximum logo size 24 inches. Maximum copy area may be distributed per sign as desired by the business consistent with the maximum number of signs permitted above; however, copy area per building elevation shall not exceed 72 square feet.

b. Projecting signs shall be limited to occupants that have a minimum of 20 feet of occupied building frontage provided that:

1. All projecting signs shall not exceed four square feet and shall have a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath said sign;
2. The projecting sign shall be placed on the building so that said signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way;
3. The projecting sign shall not extend more than four feet from the wall of the building on which it is erected and shall not extend above the roofline or the parapet of the wall of the building on which it is erected;
4. The maximum copy area shall be four square feet. Additional square footage may be permitted in the urban center if the sign is creative and expressly identifies a historic character in nature. In no event shall a sign exceed 20 square feet.

The property is located in a corridor design district (Suburban Corridor District) so the sign standards for corridor design districts applies. The subject property being in a Corridor design district, the Land Development Regulations permit "One hundred square feet per building frontage, maximum letter size 36 inches, maximum logo size 48 inches. Maximum copy area may be distributed per sign and along building

elevations as desired by the business consistent with the maximum number of signs permitted above; however, copy area per building elevation shall not exceed 100 square feet." The subject painted wall mural sign on the south side of the building exceeds the sign allowance for the building overall alone, but there is also a temporary banner sign on the front of the building, which exceeds the allowed 24-square feet for a temporary sign. The code violation cited both of these signs, and suggested a corrective action for the painted wall mural sign of obtaining a permit or removing (painting over) the sign. The applicant chose to request a conditional use approval for the painted wall mural sign since the City's code does not permit it. If the City Commission approves this conditional use request for the painted wall mural sign, the applicant will then need to submit a building permit application, which will be able to be approved based on this conditional sign approval. The code violation suggested a corrective action for the oversized temporary banner sign of the temporary banner sign being removed. The Code Enforcement Board heard this case, and their finding of fact allows until August 25, 2022 for the violations to be corrected, or a fine of $25 per day of occurrence will be imposed.

Section 115-11.2 *G*eneral requirements:
All signage shall advertise only those products or services offered or carried on at the premises where the sign is located, except as specifically provided for herein. The use of signs visible from public rights-of-way shall be permitted, provided required permits are obtained and provided the signs are:

1. Compatible with their surroundings, of proper design and consistent with future land use and design district requirements;

   The proposed sign is not consistent with the design district requirements.

2. Meet the sign user's needs while at the same time promoting the quality environment desired by the general public;

   The sign appears to meet the user's needs but does not meet the intent of the code regulations.

3. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;

   A sign permit will be required to permit the sign based on the Land Development Regulations and to ensure compliance with the Florida Building Code, but as this is a painted wall mural sign, the Florida Building Code will not have any regulations that apply or affect this.

4. Legible, readable and visible in the circumstances in which they are used;

   The proposed sign is legible and readable.

5. Respectful of the reasonable rights of other advertisers whose messages are displayed.

   Not applicable.

6. Not constructed so as to exhibit any of the following characteristics and/or functions:
   a. Pose a danger or interfere with the peace, health, safety, or welfare of the public.
   b. Cause an obstruction to free use of public streets or sidewalks.
   c. Obstruct windows used for fire egress or fire escapes.
   d. Be obscene, immoral or indecent in design, display, word, statement, character, or illustration.

   The subject sign meets all of these characteristics and/or functions.

e. No private sign shall be so designed or located in any manner or any color combination so as to be confused with any authorized traffic signal, sign or device.

   Not applicable.

Section 115-14 (e) Structural requirements and construction standards.
All construction inspections and determinations shall be in accordance with chapter 118, Construction Standards, of this Land Development Regulation.

A separate sign permit will be required for the sign.

Section 115-11.5 Conditional Signs:
Permitted. Signs that are not addressed or permitted in this section may be permitted as conditional signs when there are unique situations or circumstances which require individual review of the location, size, and impact in order to determine the appropriateness of the sign on a particular site and its compatibility with adjacent uses.

Public hearing. The city commission may approve a conditional sign by resolution in a public hearing in accordance with section 102-12.

Conditions. The city commission may attach conditions and limitations to the approval as necessary to carry out the spirit and purpose of the land development regulations and the comprehensive plan and to prevent or minimize adverse impacts. These conditions may include, but are not limited to size, duration, landscaping and lighting.

In approving conditional signs, the city commission shall make the following findings:

There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.

There are no special circumstances or conditions peculiar to the site, business or sign that are not applicable to other sites or businesses. The property subject to the request is located on the west side of North State Road 19, about 0.25 miles south of the intersection of North State Road 19 and East County Road 44. This is a heavily traveled, major roadway and area. Furthermore, while the applicant states a desire for the Country Side Diner sign to be seen from the roadway, the alternative options for signage should give sufficient visibility and awareness of the business. The applicant stated in their justification statement that trees and billboards block their business and its signage from being visible to the passing public, but there should be availability for the business to utilize signage that fits the code requirements and be visible. This site has had other restaurants operate out of it in the past, and they utilized signage opportunities that fit the code requirements.

The approval does not grant any special privilege denied to other sites or businesses.

The purpose and intent of Section 115-11 of the Land Development Regulations is to, “create the legal framework for signage regulation that is intended to facilitate an easy and agreeable communication between people. This Code recognizes the need for adequate business identification and advertising and communication in addition to the need to protect the safety and welfare of the public and provide a well-maintained, attractive appearance in the community.”

Other businesses within the City limits are subject to the same limitations as this property. Approval would grant a special privilege denied to other sites and businesses and would set a precedent for other conditional sign approvals in the future.

The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

The sign subject to this request does not create any unsafe conditions or detriments to the public welfare.

If this conditional sign request is approved, the applicant will still be required to submit a building permit application.

Community Input

The Department has notified adjacent property owners, advertised the resolution, and the applicant posted the site. Mailings to surrounding property owners were sent out on July 29, 2022. The newspaper ad in the Daily Commercial was sent to the newspaper on July 29, 2022, and ran on August 4th, 2022. Development Services – Planning staff notified the applicant to pick up and post signs on July 29, 2022, and asked the applicant to do so by August 4, 2022. The applicant picked up and posted the signs on August 8, 2022. There has been no community contact regarding the notice as of the writing of this report. The community will have an opportunity for additional input at the City Commission meeting on August 18, 2022.

Budget / Staff Impact:

There is no budget or staff impact associated with this resolution, beyond regular review time.

Alternatives:

1. Approve Resolution Number 22-51.
2. Deny Resolution Number 22-51.

Discussion of Alternatives:

1. Alternative 1 approves the resolution.
   Advantages:
   - The applicant could move forward with obtaining a sign permit for installation of the sign.

   Disadvantages:
   - A precedent could be set for approving other conditional signs in the future.

2. Alternative 2 denies the resolution.
   Advantages:
   - A precedent would not be set for other conditional sign approvals in the future.

   Disadvantages:
   - The applicant would need to redesign the building signage to meet the size and height limitations.

Prepared By: Heather Croney, Senior Planner

Attachments:
- Resolution Number 22-51 with Exhibit A (Sign Subject to this Request)

RESOLUTION NUMBER 22-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL SIGN FOR COUNTRYSIDE DINER AT 1602 NORTH STATE ROAD 19 TO PERMIT A 265-SQUARE FOOT EXISTING PAINTED WALL MURAL AS A SIGN IN THE SUBURBAN CORRIDOR DESIGN DISTRICT, AS GREATER SIGNAGE AMOUNT THAN PERMITTED BY LAND DEVELOPMENT REGULATIONS SECTION 115-11.2(D).

WHEREAS, Thomas Barberi, owner of the Country Side Diner, which occupies the subject property owned by Village Pizzeri, Inc., care of John Voss, has made application requesting approval of a conditional sign on approximately 1.3 acres located at 1602 North State Road 19, Eustis, Florida, property more particularly described as:

Alternate Key Number: 3809654

Parcel Identification Number.: 02-19-26-0002-000-05600

FROM SW COR OF GOV LOT 4 RUN E 608.3 FT, N 1DEG 02MIN W 381.36 FT, N 87DEG 01MIN E 425.81 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E ALONG SAID W'LY R/W LINE 389.17 FT FOR POB, RUN S 89DEG 11MIN 47SEC W 504.71 FT, S 00DEG 35MIN 41SEC E 110 FT, N 89DEG 10MIN 19SEC E 498.24 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E 110 FT TO POB ORB 5024 PG 157

WHEREAS, the property has a Land Use Designation of General Commercial (GC) and a Design District Designation of Suburban Corridor; and

WHEREAS, Section 115-11.5 of the Land Development Regulations permits conditional signs when there are unique situations or circumstances; and

WHEREAS, the applicant has provided information to demonstrate special circumstances and conditions to the site, the business, or the sign that are not applicable to other businesses pursuant to Land Development Regulations Section 115-11.2; and

WHEREAS, the request for a Conditional Sign has been properly noticed for a Quasi-Judicial Hearing before the Eustis City Commission, and the City Commission has found that the presented evidence demonstrates the following:

1. There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.
2. The approval does not grant any special privilege denied to other sites or businesses.
3. The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

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

Section 1: That the sign depicted on the attached “Exhibit A” is hereby approved as a conditional sign consistent with Section 115-11.5 of the Land Development

Regulations.

Section 2: That this Conditional Sign approval shall be not be effective until the sign's compliance with the Florida Building Code is verified by the Building Official via issuance of a sign permit and completion of an approved inspection.

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

DONE AND RESOLVED this 18th day of August 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 18th day of August, 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 Eustis City Commission.

_____

City Attorney's Office Date

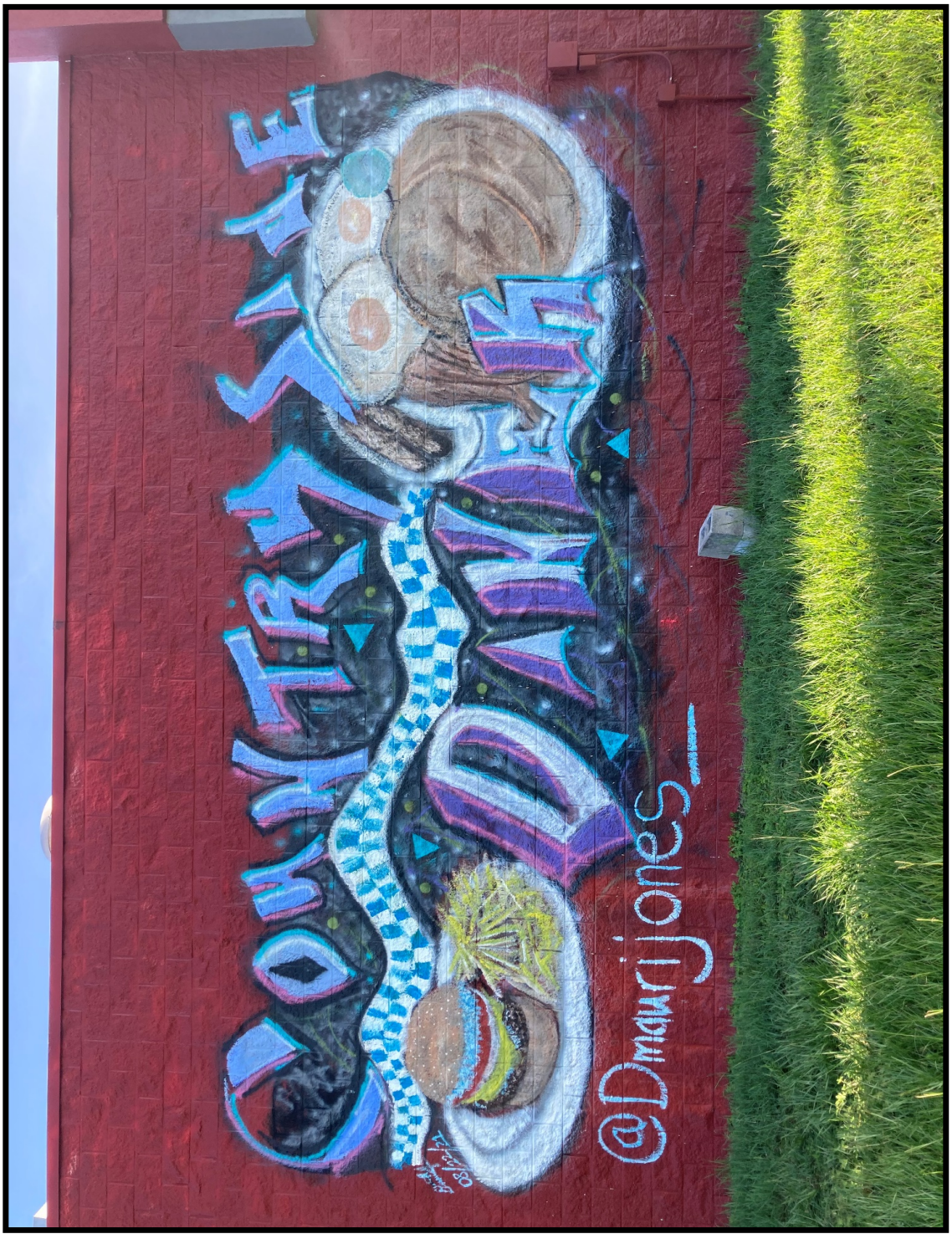
CERTIFICATE OF POSTING

The foregoing Resolution Number 22-33 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

EXHIBIT A



City of Eustis
Development Services Department
P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5460

June 16, 2022

Case #22-00220

Village Pizzeria Inc
27405 US Highway 27 Ste 121
Leesburg, FL 34748

Certified Mail #7020 0090 0001 2827 3887
POSTED OR HAND DELIVERED ON JUNE 16, 2022

Barberi Inc
Country Side Diner
1545 Balmy Beach Drive
Apopka, FL 32703

Certified Mail #7020 0090 0001 2827 3894
POSTED OR HAND DELIVERED ON JUNE 16, 2022

RE: Notice of Violation/Hearing for property located at:
1602 NORTH STATE ROAD 19, EUSTIS, FL
Alternate Key #3809654
Parcel No. 02-19-26-0002-000-05600
Legal Description: FROM SW COR OF GOV LOT 4 RUN E 608.3 FT, N 1DEG 02MIN W 381.36 FT, N 87DEG 01MIN E 425.81 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E ALONG SAID W'LY R/W LINE 389.17 FT FOR POB, RUN S 89DEG 11MIN 47SEC W 504.71 FT, S 00DEG 35MIN 41SEC E 110 FT, N 89DEG 10MIN 19SEC E 498.24 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E 110 FT TO POB ORB 5024 PG 157

Dear Property Owner:

YOU ARE HEREBY NOTIFIED that the property identified above has been found in violation of the following City code(s): You are hereby directed to take immediate action(s) to remedy the violation(s) by the Compliance Date listed in this Notice.

Section 115-11.1(a) Permits required: (a) Sign permits. Prior to erecting, displaying, or replacing any commercial sign on private property, the property owner shall obtain a permit from the City Building Department, by providing a legal description of the property, a drawing of the proposed sign, furnishing any information or specifications as deemed necessary, and a site plan showing all existing signs, the proposed sign location, setbacks to the closest property lines, and by making payment of all applicable fees.
(1) Exceptions. Permits are not required for the types of signs exempted in Section 115-10.3
(2) Fees. The City Commission shall adopt the Permit Fee Schedule for signs. The permit fee will be doubled for any sign erected, displayed, or replaced prior to obtaining the required permits. Payment of said double fee shall not relieve any person from complying with any City Code.
(3) Violations. The following shall be deemed violations to this Code:
a. Failure to obtain a permit.
b. Performing work other than that which is described in the permit.
c. Failure to maintain proper setbacks.
d. Failure to conform to the provisions of this or other Chapters without an approved variance.

e. Failure to keep sign in proper repair.
(4) Penalty and enforcement. In addition to double fees as described, any action deemed a violation of this Chapter is enforceable by the Code Enforcement process according to this Code.

Violation: *No permit for painted wall sign on south side of building.*

Corrective Action Required: 1) Obtain a permit for the painted wall sign from the Eustis Building Department; or
2) Remove (paint over) the sign.

Section 115-11.3(c) Permit Exemption: No permit required. The following signs shall be exempt from the permitting requirements of this chapter and may be displayed provided that they meet all applicable standards contained herein:

(b) All land use districts (developed and vacant property):

(1) Public signs. Public signs shall be permitted as approved by the city manager or designee. Public signs shall be those signs that are deemed in the public interest and/or for advertised activities of governmental organizations or government sponsored events and could include types of signs that would not otherwise be permitted.

(2) Any sign required by a valid and applicable federal, state or local law.

(3) A single non-illuminated non-commercial message sign not exceeding eight (8) square feet.

(4) Additional signage may be displayed under the following conditions:

a. On properties with an active home occupation business tax receipt: A single non-illuminated sign not exceeding one (1) square foot in area mounted flat against a wall of a structure.

b. On properties with an approved garage sale permit: A single non-illuminated sign not exceeding four (4) square feet.

d. On properties with an active listing for sale:
Residential districts: A single non-illuminated sign not exceeding 12 square feet.
Commercial, Mixed Use and Other districts: A single non-illuminated sign not exceeding 32 square feet. Corner lots and thru lots may have one sign per street frontage.

e. On properties with an approved subdivision plat with active listings for sale:
A single non-illuminated sign not exceeding 64 square feet.
Subdivisions with more than one ingress/egress may have one sign per street entrance.

f. On properties with an active building permit:
Residential districts: A single non-illuminated sign not exceeding 32 square feet,
Commercial, Mixed Use and Other districts: Either a single non-illuminated sign not exceeding 64 square feet, or three (3) non-illuminated signs of 20 square feet each.

g. During the period between election qualifying and its subsequent election:
Residential districts: A single non-illuminated sign not exceeding 16 square feet.

Commercial, Mixed Use and Other districts: A single non-illuminated sign not exceeding 32 square feet.

Violation: *Temporary sign on front of building exceeds 24 sq. ft.*

Corrective Action Required: Remove the oversized temporary sign.

Notice: Failure to comply by **July 4, 2022** will result in the case going before the Eustis Code Enforcement Board or Special Magistrate on **Monday, July 11, 2022 at 3:00 P.M. in the City Commission Chambers located in City Hall at 10 N. Grove Street.** At the Hearing, the Board or Special Magistrate will order compliance by a specified date and may impose a fine not to exceed $250 per day for every day the property is in violation past the date specified for compliance.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Code Enforcement Board or Special Magistrate even if the violation has been corrected prior to the Board Hearing.

It is the responsibility of the property owner or violator to notify the code inspector when the property is ready to be re-inspected. To request a re-inspection or if you have any questions about what is required to bring the property into compliance, please call (352) 483-5464 or email codeenforcement@ci.eustis.fl.us.

Sincerely,

Joseph Rittenhouse
Code Enforcement Officer

cc: File

CODE ENFORCEMENT BOARD
CITY OF EUSTIS
STATE OF FLORIDA

CASE #22-00220

IN THE MATTER OF: VILLAGE PIZZERIA INC
27405 US HIGHWAY 27 STE 121
LEESBURG, FL 34748

ORDER OF ENFORCEMENT

This cause having come before the Code Enforcement Board (Board) of the City of Eustis, Florida for a Violation Hearing on this 11th day of July 2022, and the Board having heard the testimony of the respective parties, and/or evidence presented, does hereby make the following Finding of Fact, Conclusion of Law, and Order/Imposition of Fine as follows:

FINDING OF FACT AND CONCLUSION OF LAW

1) Notice was given as required by law.

2) The real property involved is legally described as: FROM SW COR OF GOV LOT 4 RUN E 608.3 FT, N 1DEG 02MIN W 381.36 FT, N 87DEG 01MIN E 425.81 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E ALONG SAID W'LY R/W LINE 389.17 FT FOR POB, RUN S 89DEG 11MIN 47SEC W 504.71 FT, S 00DEG 35MIN 41SEC E 110 FT, N 89DEG 10MIN 19SEC E 498.24 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E 110 FT TO POB ORB 5024 PG 157 (1602 NORTH STATE ROAD 19, Eustis, FL) Parcel ID 02-19-26-0002-000-05600.

3) The violation continued beyond the time specified for correction.

4) Having heard the testimony and evidence presented, this Board finds that notice was given as required by law and that VILLAGE PIZZERIA INC AND BARBERI INC did violate the following Section(s) of City Code, and by virtue of the facts set forth above this Order of Enforcement is hereby warranted:

See Page 2

Section 115-11.1 (a) Permits required: (a) Sign permits. Prior to erecting, displaying, or replacing any commercial sign on private property, the property owner shall obtain a permit from the City Building Department, by providing a legal description of the property, a drawing of the proposed sign, furnishing any information or specifications as deemed necessary, and a site plan showing all existing signs, the proposed sign location, setbacks to the closest property lines, and by making payment of all applicable fees.

(1) Exceptions. Permits are not required for the types of signs exempted in Section 115-10.3
(2) Fees. The City Commission shall adopt the Permit Fee Schedule for signs. The permit fee will be doubled for any sign erected, displayed, or replaced prior to obtaining the required permits. Payment of said double fee shall not relieve any person from complying with any City Code.
(3) Violations. The following shall be deemed violations to this Code:
a. Failure to obtain a permit.
b. Performing work other than that which is described in the permit.
c. Failure to maintain proper setbacks.
d. Failure to conform to the provisions of this or other Chapters without an approved variance.
e. Failure to keep sign in proper repair.
(4) Penalty and enforcement. In addition to double fees as described, any action deemed a violation of this Chapter is enforceable by the Code Enforcement process according to this Code.

Violation #1: No permit for painted wall sign on south side of building.

NOTE: THERE IS A PENDING CONDITIONAL SIGN APPLICATION SCHEDULED TO BE CONSIDERED BY THE CITY COMMISSION ON AUGUST 4, 2022.

Section 115-11.3(c) Permit Exemption:

No permit required. The following signs shall be exempt from the permitting requirements of this chapter and may be displayed provided that they meet all applicable standards contained herein:

(c) Non-Residential Uses in all Commercial, Industrial and Mixed Use land use districts, or Public/Institutional and Agricultural land use districts, or on property with an approved Conditional Use Permit for a non-residential use, or on any property in a Residential land use district where an existing legally conforming or non-conforming non-residential use exists, or in Conservation land use districts where a nature/ecology/park facility exists, may display the following additional signs.

1. Temporary signs. An informational display, banner, or other advertising device constructed of cloth, vinyl, canvas, fabric, or other temporary material with or without a structural frame, having a period of display not to exceed 12 months.
One non-illuminated sign per building frontage not exceeding 24 square feet.

Violation #2: Temporary sign on front of building exceeds 24 sq. ft

ORDER / IMPOSITION OF FINE

It is hereby ordered that **VILLAGE PIZZERIA INC AND BARBERI INC** bring the property into compliance with City Code by taking the following corrective actions by **August 25, 2022**, or a fine of **$25** per day of occurrence will be imposed.

Corrective Action(s) Required:

Violation #1
1) Obtain a permit for the painted wall sign from the Eustis Building Department; or
2) Remove (paint over) the sign.

Violation #2 - Remove the oversized temporary sign.

CERTIFICATION OF VOTE

The vote of the Code Enforcement Board regarding the Finding of Fact, Conclusion of Law, and Imposition of Fine:

Member	Yes	No	Absent
Alan Paczkowski	x		
Stephanie Carder	x		
George Asbate	x		
Karen Sartele	x		
Richard Bartzer	x		
Ryan Benaglio	x		
Bradley Shelley	x		

DONE AND ORDERED THIS 11TH DAY OF JULY, 2022.

Code Enforcement Board of the City of Eustis, Florida

By: _____
Alan Paczkowski, Chairperson

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing order was mailed via First Class Mail to the violator at the address stated above on this 13th day of July, 2022.

_____
Lauren Wytrwal, Board Clerk

City of Eustis
Development Services Department
P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5460

July 13, 2022

Village Pizzeria Inc
27405 Us Highway 27 Ste 121
Leesburg, FL 34748

Barberi Inc
1545 Blamy Beach Drive
Apopka, FL 32703

Re: Code Enforcement Case #22-00220
1602 NORTH STATE ROAD 19, EUSTIS, FL

Dear Property Owner:

Enclosed is a copy of the Finding of Fact, Conclusion of Law, and Order/Imposition of Fine issued by the Code Enforcement Board on July 11, 2022.

When the property is in compliance with the Board's Order, immediately contact the Code Enforcement Office by phone at **(352) 483-5464** or by email at codeenforcement@ci.eustis.fl.us so that an inspection of the property may be conducted to close the case and to stop any possible accrual of daily fines.

If you wish to appeal the ruling of the Code Enforcement Board, you must file your appeal with the Lake County Circuit Court within 30 days of the date of this Order (Section 162.11, Florida Statutes).

Your attention to this matter is required.

Sincerely,

Eric Martin
Code Enforcement Supervisor
(352) 483-5464

Enclosure: As stated

C: File

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: RESOLUTION NUMBER 22-57: REDUCTION OF FINE/RELEASE OF LIEN, 2250 DIXIE AVENUE - CASE 20-00235

Introduction:
Resolution Number 22-57 approves a Code Enforcement Order reducing outstanding code enforcement fines from their current amount of $108,250 to $88,000 and releases the lien against 2250 Dixie Avenue, upon completion of conditions and payment.

Background:
See attached Staff Report.

Recommended Action:
Approve Resolution Number 22-57

Attachments:
Staff Report Res. No. 22-57
Resolution No. 22-57
FINE REDUCTION APPLICATION

Reviewed by:

Tom Carrino, City Manager	Approved - 12 Aug 2022
Christine Halloran, City Clerk	Approved - 12 Aug 2022

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: AUGUST 18, 2022

RE: **RESOLUTION NUMBER 22-57: REDUCTION OF FINE/RELEASE OF LIEN 2250 DIXIE AVENUE, CODE ENFORCEMENT CASE 20-00235**

Introduction:
Resolution Number 22-57 approves a Code Enforcement Order reducing outstanding code enforcement fines from their current amount of $108,250 to $88,000 and releases the lien against 2250 Dixie Avenue, upon completion of conditions and payment.

Recommended Action:
The administration recommends approval of Resolution Number 22-57.

Code Board Action:
On August 8, 2022 the Code Enforcement Board reviewed an application for a reduction of fine submitted by Lorenzo Toney on behalf of Timothy Rogers, owner of 2250 Dixie Avenue. The Board denied the applicants request to reduce the fine to $2,165, but approved a reduction to $88,000 upon completetion of four specific items [listed below], and once the current overgrown conditions are abated.

Recent Events:
On July 21, 2022, the City Commission denied Resolution Number 22-53 rescinding daily fines imposed by the Code Enforcement Board and providing for a release of a code enforcement lien that has been recorded against 2250 Dixie Avenue. Directly after the meeting, the Code Enforcement Supersvisor notified Lorenzo Toney with Marlo Construction of the denial, and advised that the matter would have to first go before the Code Enforcement Board before being considered again by the City Commission.

On July 27, 2022, an application for reduction of fine was emailed to Mr. Toney, that needed to be submitted by the

property owner. He was cautioned that Staff could not recommend approval to the Code Enforcement Board unless the property was in full compliance with City Code, and a list of the following needed corrective actions was provided:

- Repair and license the inoperative black truck currently stored on the property, or
  1) Remove it from the property, or
  2) Store it within a garage or behind an opaque fence, wall or similar enclosure so it is completely screened from view from public property or another person's private property.
- Screen [from view] the rear cargo compartment of a box truck that is being maintained on the property from view in the same manner as the truck, or remove it from the property.
- Repair or remove the damaged section of four-foot chain link fence located along the western property line.
- Restore the damaged right-of-way to the east of the property to good condition (properly graded) and install sod in the affected area.

On August 1, 2022, Mr. Toney submitted the completed fine reduction application requesting that the total accrued fine of $108,250 be reduced to $2,165.

On August 3, 2022, the Code Supervisor informed Mr. Toney that he had received the application and reminded him that Staff would not recommend approval until the property is in full compliance of City Code, and that as of today no actions had been taken to address the issues he had previously identified.

On August 8, 2022, the Code Supervisor presented the request to the Board for consideration, and advised them that he could not recommend approval because additional violations exist on the property that had not been corrected prior to the Hearing. However, he did present the Board with the following options:

Option 1. Deny the request and keep the total fine as is until the property is in full compliance of City Code.
Option 2. Approve the request and reduce the the accrued fines with conditions.

The Board chose option 2, in order to have the Case transmitted back to the City Commission for further consideration. While deliberating a suitable fine reduction, the Chairperson proposed that the Board impose a fine of

$100 per day from February 18, 2020 [date of first inspection] thru to July 21, 2022 for a total fine of $88,300. After further discussion, the Board asked if the City Commission could change the amount of the reduction. The City Mananger advised them that the Commission could go with the Boards recommendation, or they could modify it. When a motion was finally proposed and approved, the reduction was set at $88,000.

Mr. Toney was present at the Hearing, but Timothy Rogers, the property owner, was not. While the Board was reviewing the application, the Board pointed out a discrepancy with the application, where it stated " I Timothy Rogers do hereby submit this application…" but it was signed by Lorenzo Toney. Mr. Toney responded that he had it notarized here at the City and that he has Power of Attorney, which he provided a copy to the Board Clerk. The Board asked Mr. Toney why the property owner was not present, but they were not provided with a clear answer.

In the end, the Board took issue with the length of time it took for the cited violations to be brought into compliance and the fact that the property owner was not present.

Resolution Number 22-53 Staff Report Case History:
In September 2018, Sylvia Thomas, the previous owner of 2250 Dixie Avenue, voluntarily annexed the property it into the City of Eustis.

In February 2020, the Code Enforcement Department was notified by the Water Department that the utility services had been disconnected and that the dwelling located on the property may be occupied without water service, as required by the City's Housing Code.

When the property was inspected, the single-family residential structure was found to be vacant, unsafe and unfit for human occupancy. In addition to the dwelling being unsafe, the Inspector documented a multitude of violations involving junk vehicles, accumulations of solid waste and what appeared to commercial activity being conducted on the property by William Goodman, who was leasing the property from Sylvia Thomas. Although, he was no longer living in the house, he continued to operate his repair business from the property.

In May 2020, when the Code Department failed to obtain voluntary compliance, Notices of Violation were issued for the unsafe structure, storage of solid waste on the property and adjacent public places, and for conducting commercial activity involving the repair and/or storage of inoperative

vehicles, trailers, machinery, equipment or other personalty in a Residential Land Use District.

On October 12, 2020, the Eustis Code Enforcement Board issued an Order of Enforcement requiring the following corrective actions by November 11, 2020:

- Obtain a permit to repair and rehabilitate, or demolish the unsafe structure; and
- Remove all solid waste from the property and adjacent places; and
- Cease all commercial activity and remove all inoperable vehicles, trailers, machinery, equipment or other personalty from the property.

In January 2021, the Department Supervisor found that a Statutory Warranty Deed had been executed on November 25, 2020 and recorded in public record on December 9, 2020 transferring ownership of the property to the tenant William Goodman and Timothy Rogers, who were brothers.

On February 16, 2021, the new property owners were served official notice of the outstanding violations and were given until April 5, 2021 to bring the property into compliance. A demolition permit was obtained by the deadline and the demolition was completed on April 27, 2021, but the other violations were not corrected.

On April 12, 2021, the Code Enforcement Board issued another Order of Enforcement requiring compliance by May 12, 2021.

On May 6, 2021, Lorenzo Toney of Marlo Construction came into report that he will be submitting an application to the Building Department to construct a new single-family dwelling on the property and he submitted a request for an extension of compliance date on behalf of the brothers.

On May 10, 2021, the Board granted a 30-day extension to June 8, 2021, but the property still failed inspection on June 15, 2021. Another inspection was conducted on July 14, 2021 and although some progress was noted, the property still failed.

On July 26, 2021, Mr. Toney and Timothy Rogers came into City Hall to discuss the violations with the Department Supervisor. Mr. Toney was concerned that any liens recorded against the property will affect his business and the new house he is constructing on the property. Mr. Rogers stated that he had done a lot of work and that he believes the property will pass inspection, but he wanted to know

exactly what he needed to do, so the Supervisor went over violations and corrective actions as written in the Order of Enforcement and agreed to meet with him at the property the following day.

On July 27, 2021, the Supervisor met with Mr. Rogers and noted that the property did not look any different from the last time he inspected the property. Mr. Rogers expressed a willingness to comply but was unsure of what all needed to be done. The Supervisor told him to start with removal of what is obviously trash, junk or debris.

On August 9, 2021, the Supervisor informed that Board that the property had not been cleaned up enough to pass inspection and recommended they grant another 120 extension to December 7, 2021.

On December 14, 2021, the property failed inspection again. The Supervisor made contact with a male individual named James, who informed him that William Goodman had passed away about three months prior and that he was helping Mr. Rogers clean up the property. The Supervisor mentioned that it appeared that they were continuing the unauthorized commercial active, which at first, he denied, but them admitted to scrapping and performing small repair jobs.

On January 10, 2022, the Supervisor informed the Board that the property was not in compliance and they imposed a $250 per day fine beginning May 12, 2021. A copy of the Order Imposing Fine was mailed to Mr. Rogers with a cover letter stating if compliance as not achieved by February 9, 2022, the Order would be recorded in public record constituting a lien against the property.

On February 9, 2022, the Supervisor met with the Contractor, Lorenzo Toney to review progress of the cleanup Mr. Rogers was supposed to be present for the meeting, but told the Contractor he was on his way to the dump. He went over the remaining compliance measures with the Contractor and gave him copies of City Code relating to storage of heavy equipment, unlicensed/inoperative vehicles, trailers and outdoor storage of personal property, etc. and advised that the property will need to be in full compliance with City Code before the Code Enforcement Board would consider a reduction of the accrued fines.

On March 9, 2022, the property failed inspection and the Supervisor was unable to determine if any progress had occurred since meeting with the Contractor a month prior. He noted the file that no more inspections would be

conducted until the property owner or Contractor calls to request one.

On June 3, 2022, the Order of Enforcement was recorded in public record after nearly 4 months had passed without hearing from the property owner or Contractor.

Alternatives:

1. Approve Resolution Number 22-57.
2. Modify the Board's recommendation and provide for more of a reduction, if desired.
3. Deny Resolution Number 22-57.

Community Input

No adjacent property owners attended the Code Enforcement Hearings and there have been no citizen complaints.

Budget / Staff Impact:

If the Resolution is approved, the City could possibly receive $88,000.

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 22-57
- Fine Reduction Application

RESOLUTION NUMBER 22-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A REDUCTION OF OUTSTANDING CODE ENFORCEMENT FINES AND RELEASE OF LIEN AGAINST 2250 DIXIE AVENUE, UPON FULL PAYMENT OF THE REDUCED FINE AND UPON SATISFACTION OF CONDITIONS.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 20-00235 against William Goodman and Timothy Rogers, property owners, for failing to comply with City Ordinances:

ROSENWALD GARDENS PB 5 PG 61 THE EAST 1/2 OF LOT 15, LOTS 16, 17, 33, 34 BLK 8 ORB 5598 PG 212, and

WHEREAS, the City of Eustis, Florida, a Florida municipal Corporation, recorded a Code Enforcement Lien against the subject property on June 3, 2022, in Official Record Book 5969, Pages 568-570, in the office of the Clerk of the Circuit Court, Lake County, State of Florida; and

WHEREAS, the cited violations existed on the property for 883 days after enforcement action commenced; and

WHEREAS, the $250 per day fine imposed by the Code Enforcement Board accrued for 433 days totaling $108,250; and

WHEREAS, on August 1, 2022, Lorenzo Toney with Marlow Construction submitted a fine reduction application, on behalf of the property owner, requesting that the fines be reduced to $2,165; and

WHEREAS, on August 8, 2022, the Board reviewed the request and recommended that the City Commission reduce the fines to $88,000, upon the completion of four specific corrective actions needed to resolve additional code violations currently existing on the subject property.

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

SECTION 1

That the code enforcement fines associated with Code Violation Case #20-00235 totaling $108,250 shall be reduced to $88,000 upon completion of the following corrective actions:

- Clear the property of all overgrown conditions.

- Repair and license the inoperative black truck currently stored on the property, or
  1) Remove it from the property, or
  2) Store it within a garage or behind an opaque fence, wall or similar enclosure so it is completely screened from view from public property or another person's private property, in accordance with Sec. 34-3.

- Screen [from view] the rear cargo compartment of a box truck that is being maintained on the property from view in the same manner as the truck, or remove it from the property, in accordance with Sec. 34-3.

- Repair or remove the damaged section of four-foot chain link fence located along the western property line, in accordance with Sec. 302.7 of the City's Housing Code.

- Restore the damaged right-of-way to the east of the property to good condition (properly graded) and install sod in the affected area, in accordance with Sec. 82-130.

SECTION 2

That the City Clerk is hereby authorized to execute a Release of Lien for the code enforcement lien recorded against the following described property when all conditions are completed and payment is received.

ROSENWALD GARDENS PB 5 PG 61 THE EAST 1/2 OF LOT 15, LOTS 16, 17, 33, 34 BLK 8 ORB 5598 PG 212

SECTION 3

That this action shall become null and void if the conditions are not achieved and payment received by September 17, 2022.

DONE AND RESOLVED this 18th day of August, 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 18th day of August, 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 22-57 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

Case No. 20-00235

RECEIVED
AUG 01 2022
BY

APPLICATION FOR REDUCTION OF CODE ENFORCEMENT FINE

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please complete both pages of this form. Be specific when writing your statement. **Return the original completed form** in person to the Code Enforcement office located at 4 North Grove Street, Eustis, FL, or by U.S. Mail at P.O. Drawer 68, Eustis, FL 32727 **no later than 5:00 p.m., Monday, August 1, 2022.** Attn: City of Eustis, Code Enforcement Department. In lieu of hand delivery or mailing, you may fax a copy of the completed form to (352) 357-4177, or email to codeenforcement@ci.eustis.fl.us.

APPLICATION BECOMES VOID IF NOT SUBMITTED BY DEADLINE

If original completed form is received by the deadline, the request will be presented to the Code Enforcement Board (CEB) at the next regularly scheduled hearing on **August 8, 2022**. If the CEB approves the reduction request, the CEB's recommendation will be submitted to the City Commission for approval at their next scheduled meeting on **August 18, 2020** before taking effect.

If you have any questions, please call the Code Enforcement Office at (352) 483-5464 or email codeenforcement@ci.eustis.fl.us.

Property Owner Name: TIMOTHY ROGERS Phone: _____

Address: 2250 DIXIE AVE FAX: _____

City: EUSTIS State: FL Zip: 32726

E-mail: _____

If the property owner is unable to complete this form, list name of person who is authorized to act for the Property Owner and their relationship. LORENZO JONEY (CONTRACTOR)
(PLEASE SEE ATTACHED) PAGE 3

Address or location of property where violation existed: 2250 Dixie Avenue

Date violation brought into compliance: 7-20-22

Total Accrued Fine: $108,250 What amount are you requesting: $ 2165.00 (2%)

On Page 2, explain reason (in detail) the reason for requesting a reduction of fine and reason original compliance date was not met.

PLEASE NOTE: ENSURE YOUR POSITION IS CLEARLY STATED HEREIN, AS THE BOARD IS NOT OBLIGATED TO HEAR YOUR TESTIMONY AT THE HEARING.

Update file address: L:\Affidavits\Application for reduction of fine 7-10-12.docx

I Timothy Rogers is a 100% disabled Military Veteran whom has had a home built and completed since 7/1/2022 and can't close to move into my home, and the Company whom performed the work is an small minority family owned business is suffering financial distress because of this. requesting a reduction of liens/fines attached to 2250 Dixie Ave Eustis Fla 32726. Due to the facts as listed below

1. The property violations began prior to me and my brother(deceased) Will Goodman Rogers purchasing it together with the two lots on Dixie Ave mine which is where the Newly built home is and his lots is/was his in which the 90% of the violations occurred. After the property was annexed into the City of Eustis.

2. My brother continued renting and using the property to fix vehicles, due to pass experiences my brother was very aggravated and not knowing and fully understanding of the laws was reluctant to come into compliance he felt he was being singled out and harassed he eventually contracted COVID 19 and Passed away.

3. The Contractor has met with Code Enforcement on several occasions and trying to get the violations corrected, after the passing of my brother.

4. The lien was placed on the property the day after the final inspections was performed without any knowledge of myself and or the Contractor this information was discovered by the title company whom is closing the loan, this is causing me to spend money on additional rent which was to be used to buy furniture etc...It's a burden on the Contractor whom did it because I was a Disabled Military Veteran.

5. The Code Enforcement stated they asked previously for All liens be removed, by the City Commissioners it was denied, we are are they be removed and or reduced to 2% ($2165.00) of the total due which should cover the City Administrative cost.

6. I CAN NOT AFFORD TO PUT THE FENCING UP UNTIL AFTER CLOSING IN ORDER TO Fully Comply, DUE TO PAYING EXTRA MONTHS OF RENT, BUT SOON AS Closing I'll RETAIN THE MONIES TO FIX MY BROTHERS TRUCK AND Properly REGISTER IT.

I, TIMOTHY ROGERS do hereby submit this Application for Reduction of Code Enforcement Fine, and in support offer the following statement:

PLEASE SEE ATTACHED

(Additional pages may be added if needed)

Date: 8/1/22 Signed: Lorenzo Toney

State of Florida Print Name: Lorenzo Toney

County of Lake

Personally appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, Lorenzo Toney *who first being sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and have each produced a* Drivers License *driver's license as identification and did take an oath.*

Date: 8/1/22

Notary Public
My Commission Expires:

Drivers License No. T500-524-69-243-0

Lauren Wytrwal
Comm.#GG966179
Expires: March 5, 2024
Bonded Thru Aaron Notary

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: 2ND READING: ORDINANCE NUMBER 22-18 – VOLUNTARY ANNEXATION, ORDINANCE NUMBER 22-19 – COMPREHENSIVE PLAN AMENDMENT, AND ORDINANCE NUMBER 22-20 – DESIGN DISTRICT ASSIGNMENT: PROPERTY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 452, WEST OF NORTH COUNTRY ROAD (ALTERNATE KEY NUMBERS 1743346 AND 3840638)

Introduction:
Consideration of Annexation, Assignment of Land Use and Assignment of Design District. Ordinance Numbers 22-18, 22-19 and 22-20, respectively. If Ordinance Number 22-18 is denied, there can be no consideration of Ordinance Numbers 22-19 and 22-20.

Background:
Ordinance Number 22-18 provides for the voluntary annexation of approximately 4.8 acres located on the South side of County Road 452, West of North Country Road (Alternate Key Numbers 1743346 AND 3840638). Ordinance Number 22-19 would change the future land use designation from Lake County Urban Low to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 22-20 would assign the subject property a Design District designation of Suburban Neighborhood (SN). If Ordinance Number 22-18 is denied, there can be no consideration of Ordinance Numbers 22-19 and 22-20.

The subject property is approximately 4.8 acres in area and is located within the Eustis Joint Planning Area. The site is currently vacant with vegetation in existence. *Source: Lake County Property Appraisers' Office Property Record Card Data*. The property is contiguous to the City municipal boundary on the East, West and South. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 22-19 will change the land use designation to Suburban Residential (SR) in the City of Eustis.
Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A

North	Residential	Rural Transition (Lake County)	N/A
South	Vacant / Residential	Suburban Residential	Suburban Neighborhood
East	Residential	Suburban Residential	Suburban Neighborhood
West	Commercial	General Industrial	Suburban District

Applicant's Request is as follows, the property owners, Homes in Partnership, Inc, represented by Timothy W. Green, Green Consulting Group, wish to annex the property into the City of Eustis and have the City assign the future land use as Suburban Residential (SR), and assign a design district of Suburban Neighborhood (SN).

The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses up to four dwelling units per one net buildable acre.

The property owner has requested the Suburban Residential land use designation within the City of Eustis. The Suburban Residential land use provides for residential uses up to 5 dwelling units per acre. The requested SR designation permits residential use and is consistent with the land use designation of adjacent properties in the City of Eustis.

Recommended Action:

Staff recommends approval of Ordinance Numbers 22-18, 22-19, and 22-20 for transmittal to the City Commission for consideration.

Policy Implications:

None

Alternatives:

1. Approve Ordinance Numbers 22-18 (Annexation), 22-19 (Comprehensive Plan Amendment), and 22-20 (Design District Designation).
2. Deny Ordinance Numbers 22-18, which will bar action on 22-19 and 22-20.

Budget Impact:

None

Attachments:

Staff Report Ordinance 22-18_22-19_22-20 Annex FLU DD - 2nd Reading
Ordinance No. 22-18 Annexation
Ordinance No. 22-19 FLUMA
Ordinance No. 22-20 Design Dist

Reviewed by:

Jeff Richardson, Deputy Development Services Director — Approved - 10 Aug 2022
Mike Lane, Director — Approved - 10 Aug 2022

Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: August 18, 2022

RE: **2nd READING OF ORDINANCES FOR 2022-A-04, 2022-CPLUS-04 And 2022-DD-04: property located on the south side of County Road 452, west of North Country Road (alternate key numbers 1743346 and 3840638**)

Ordinance Number 22-18 – Voluntary Annexation
Ordinance Number 22-19 – Comprehensive Plan Amendment
Ordinance Number 22-20 – Design District Assignment

Introduction

Ordinance Number 22-18 provides for the voluntary annexation of approximately 4.8 acres located on the south side of County Road 452, west of North Country Road (Alternate Key Numbers 1743346 AND 3840638).

Provided the annexation of the subject property is approved, Ordinance Number 22-19 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 22-20 would assign the subject property a Design District designation of Suburban Neighborhood (SN). If Ordinance Number 22-18 is denied, then there can be no consideration of Ordinance Numbers 22-19 and 22-20.

Recommended Action

The administration recommends approval of Ordinance Numbers 22-18, 22-19, and 22-20.

Background/Pertinent Site Information

1. The subject property is approximately 4.8 acres in area and is located within the Eustis Joint Planning Area. The site is currently vacant with vegetation in existence. *Source: Lake County Property Appraisers' Office Property Record Card Data*.

2. The property is contiguous to the City municipal boundary on the east, west and south.

3. The subject property has a Lake County land use designation of Urban Low, but approval of Ordinance Number 22-19 will change the land use designation to Suburban Residential (SR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Residential	Rural Transition (Lake County)	N/A
South	Vacant / Residential	Suburban Residential	Suburban Neighborhood
East	Residential	Suburban Residential	Suburban Neighborhood
West	Commercial	General Industrial	Suburban District

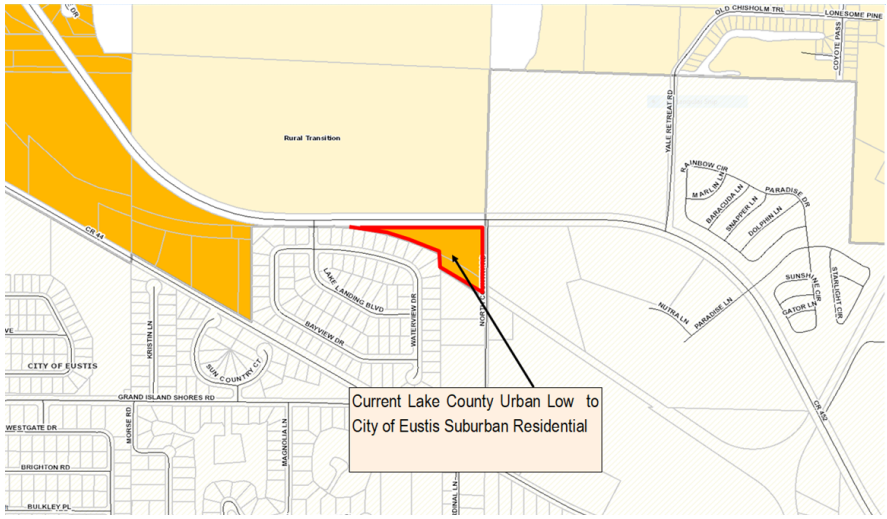
Applicant's Request

The property owners, Homes in Partnership, Inc, represented by Timothy W. Green, Green Consulting Group, wishes to annex the property, have the City assign the future land use as Suburban Residential (SR), and assign a design district of Suburban Neighborhood.

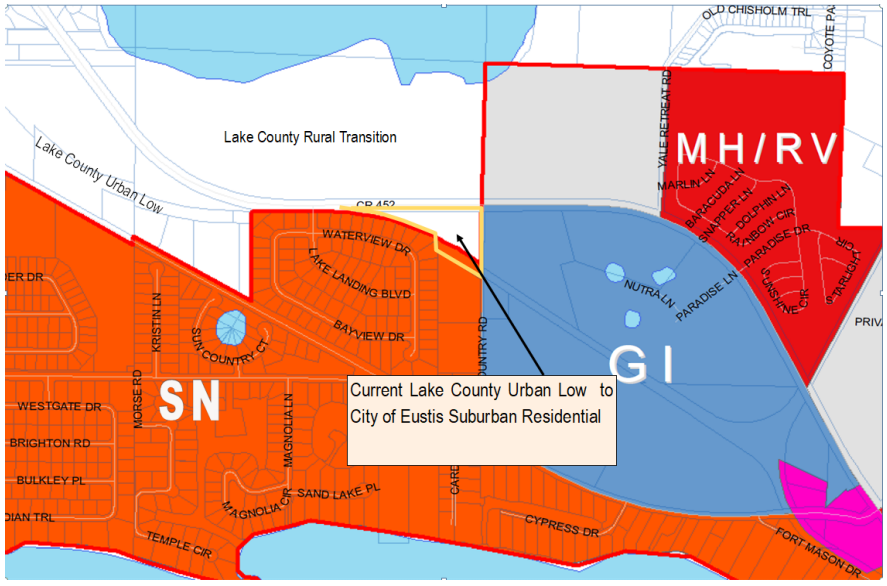
The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses up to four dwelling units per acre.

The property owner has requested the Suburban Residential land use designation within the City of Eustis. The Suburban Residential land use provides for residential uses up to 5 dwelling units per acre. The requested SR designation permits residential use and is consistent with the land use designation of adjacent properties within the City of Eustis.

Current Lake County Land Use



City of Eustis Land Use



Analysis of Annexation Request (Ordinance Number 22-10)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:

   "The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law. The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area."

   The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested Suburban Residential future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):

   "The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."

   The Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area; the subject property is contiguous to the City limits on the western boundary; and the owner petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

   "…Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town…"

   The department published notice of this annexation in the Daily Commercial in accordance with the requirements on July 21, 2022 and August 4, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):

   "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."

   Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

   "Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located..."

   The department provided notice to the Lake County Board of County Commissioners on July 15, 2022.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-19)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The requested Suburban Residential future land use will provide for an equivalent density (5 dwelling units per acre) under the City compared to the FLU (4 dwelling units per acre) that the county allows.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

The site is adjacent to existing suburban style residential development to the west and south. The subject property is located less than 3 miles from "downtown" Eustis and less than 1.5 miles the E County Road 44 and State Road 19 intersection and the commercial development occurring there (Winn Dixie / Walgreens / CVS / Publix).

3. Strip or Isolated Development*:*

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

The site is adjacent to existing suburban style residential development to the west and south. The subject property is located less than 3 miles from "downtown" Eustis and less than 1.5 miles the E County Road 44 and State Road 19 intersection and the commercial development occurring there (Winn Dixie / Walgreens / CVS / Publix).

4. Natural Resources Protection*:*

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is not in a floodplain nor does it have wetland areas. Building permit and / or site development approval is required before development of the property may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

5. Agricultural Area Protection*:*

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This site, when developed will not fail to adequately protect adjacent* agricultural areas and activities*. The site is not prime farmland, per the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS).

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water is available to the property. Development of this parcel will maximize the use and efficiency of City water service. The developer will be required to extend sewer lines to serve the site.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested Suburban Residential future land use designation. The City provides these services to other properties in the area, so efficiency will improve. The property will utilize existing water service already provided to other properties in the area increasing efficiency and cost effectiveness.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. No adjacent properties contain active agricultural production activities. The minimal area of agricultural uses is separated by CR 452 and adjacent properties. The surrounding area is mostly developed. These developments have densities and intensities that are clearly suburban uses.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply. This property is a logical extension of development for the city. Infill development is occurring in the city, mostly on existing platted lots. The Suburban Residential future land use and Suburban Neighborhood design district are compatible and consistent with the existing development pattern and will not in any way inhibit infill development or redevelopment.

10. Functional Mix of Uses:

    Fails to encourage a functional mix of uses.

    This indicator does not apply. The site is surrounded by single-family development to the north, northwest, south, southeast and southwest and commercial to the west. The Suburban Residential land use category provides for continuation of existing uses.

11. Accessibility among Uses:

    Results in poor accessibility among linked or related land uses.

    This indicator does not apply. The Land Development Regulations include provisions to provide adequate accessibility among linkages or related uses. Additionally, this site fronts CR 452 and North Country Road allowing for connectivity to the surrounding uses.

12. Open Space:

    Results in the loss of significant amounts of functional open space.

    This indicator does not apply. The site does not contain existing functional open space and is not connected to regionally important open space.

13. Urban Sprawl:

    The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. **Direction of Growth:**

   Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

   The site is adjacent to existing suburban development patterns and is a logical extension of the urban development boundary. The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at time of site plan approval.

b. **Efficient and Cost-Effective Services:**

   Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

   Water service is already available. This property using existing water service will increase the efficiency and cost effectiveness of these services.

c. **Walkable and Connected Communities:**

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

At time of development, the site must meet the City's Land Development Regulations. the Suburban Residential land use category provides for a development, at a medium intensity and density and which allows for options in the type of housing for the community.

d. **Water and Energy Conservation:**

Promotes conservation of water and energy.

The development of the site must meet City development and Florida Building Code standards that will require energy and water efficient appliances.

e. **Agricultural Preservation:**

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The site is not prime farmland nor will the development hinder or impact any viable existing agricultural operations.

f. **Open Space:**

Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

g. **Balance of Land Uses:**

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

The Suburban Residential land use category provides for residential opportunities while remaining consistent with existing residential and commercial development existing proximate to the site.

h. **Urban Form Densities and Intensities:**

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

The development of the annexed property will be generally consistent with existing development patterns for the immediate area and does not "leap" over large undeveloped areas.

In Accordance with Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. **General Public Facilities/Services:**

   Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

   a. *Emergency Services Analysis:*

      The subject property is located in an existing developed area. Eustis emergency services already provide emergency response to other properties in the area. Additionally, fire service (Eustis Fire Station 22 and 23) are located within approximately 5 miles of the subject property. Any development consistent with the Suburban Residential future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

   b. *Parks & Recreation:*

      The current City population based on the 2020 census is 23,189. The City's Level of Service for Parks & Recreation is 3.00 acres of Neighborhood and Community Parks per thousand population. Based on 2.6 persons per household countywide at maximum density for the Suburban land use category for this annexation area the total additional population will be approximately 62 persons (approximately 24 units maximum). The City

Land Development regulation will require a minimum of 1/4 acre of park for the development at the maximum density.

Park and recreation facilities within the City total 453.76 acres. Given the City's current population and that of the proposed annexation area (when developed) the total parks requirement is approximately 75 acres. The existing surplus is therefore approximately 375 acres.

c. Potable Water & Sanitary Sewer:

Water is available to the subject property. Water capacity is available to serve up to and including the maximum development potential.

The developer will be required to connect to sewer. Capacity exists within the system to support the maximum development potential.

d. Schools:

The proposed change will not negatively impact schools. The School Impact Analysis for the proposed future development will be performed at a later date.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in delivery of services.

f. Stormwater:

The Comprehensive Plan and Land Development Regulations include level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.

g. Transportation Network Analysis:

This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network (CR 452) has the capacity to serve the proposed Suburban Residential property, even at a maximum development standard, without negatively affecting the adopted level of service.

Prior to development of the property, City development approval will be required. As part of the development review, a traffic study will be required to evaluate traffic impacts.

2. **Natural Resources/Natural Features:**

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. Ground water recharge areas:

The site is not within a high recharge area, nor a wellhead protection area. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.

b. Historical or archaeological sites:

The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.

c. Flood zones:

The subject property is not located within a flood zone. Source - Lake County GIS - 2012 Flood Zones.

d. Soil and topography:

The site soils are Tavares Sand 0 to 5 percent slopes. Soils are excessively permeable soils.

The depth to a restriction feature or the water table is at 80 inches or more below the surface. Permeability moderately well drained. This 4.8 acre site is surrounded by existing/approved residential and commercial development and not suited to agriculture.

As development permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

3. **Comprehensive Plan Review:**

Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Urban Low-Density Future Land Use Category provides for a range of residential development at a maximum density of 4 dwelling units per net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

This category shall be located on or in proximity to collector or arterial roadways to minimize traffic on local streets and provide convenient access to transit facilities. Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 25% of the net buildable area of the entire site as common open space.

The maximum intensity in this category shall be 0.25, except for civic institutional uses which shall be 0.35. The maximum Impervious Surface Ratio shall be 0.60."

Proposed Land Use According to the Eustis Comprehensive Plan:

The Suburban Residential designation is provided to accommodate the majority of residential development within the City.

General Range of Uses: This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

Special Provisions:

(1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Suburban Residential (SR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.

(2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
   a. all such housing is attached to foundations as in the case of conventional site-built construction; and
   b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

(2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the property is Urban Low, which provides for a range of residential development in addition to civic, commercial and office uses at an appropriate scale and intensity to serve this category. Allowable density and intensity in Urban Low is a maximum of 4 dwelling units per acre and intensity of 0.25 to 0.35 floor area ratio, with the sum of residential density and non-residential intensity not exceeding 100%.

Residential: Lake County limits residential development to 4 du/acre while the Suburban Residential would allow 5 du/acre.

Proposed Residential Land Uses.
The City shall limit these uses adjacent to incompatible commercial or industrial lands unless sufficient mitigation, such as buffering and setbacks is provided and available, which lessens the impact to the proposed residences.

Not applicable. The area already includes a mix of uses including single-family residential and commercial / industrial. This proposed development can be adequately buffered from the commercial to the east.

Proposed Non-Residential Land Uses.
The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

Not applicable.

4. Transportation:

   Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

   This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent

transportation network (CR 452) has the capacity to serve the proposed Suburban Residential property, even at a maximum development standard, without negatively affecting the adopted level of service.

5. Water Supply:

   Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

   City water service and other services are available. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

In Accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

In Conflict with Land Development Regulations:

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations. At the time of development application there will be further review for compliance.

b. Inconsistent with Surrounding Uses:

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

c. Changed Conditions:

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

d. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

City water and sewer services is available and in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested Suburban Residential future land use designation.

Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

e. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

f. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area (CR 452). This would further the eventual goal of a Eustis area under one local government jurisdiction.

The requested Suburban Residential future land use designation, coupled with a Suburban Neighborhood design district designation, provides for continuation of consistent development patterns.

g. Public Interest and Intent of Regulations:

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

"The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's

comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style."

The requested designation of Suburban Residential land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional housing options, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle of the city.

i. *Other Matters:*

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 21-20):

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban and rural transect.

1. *Standards for Review:*

   The Land Development Regulations includes the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

   a. Section 102-17(a) "...Section 109-3 Design Districts:

   identifies the definition, structure and form of each design district. The assignment of design district must follow the district pattern and intent."

   The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Suburban Neighborhood). The Suburban development pattern and intent, and the Suburban neighborhood definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area.

   b. Sec. 109-2.3. - Residential districts intent statements:

   (b). *Suburban residential district (SR).* Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR

designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere

The development pattern statement above indicates that residential uses may be provided at higher densities. The proposed development will follow the district pattern and intent outlined in the Land Development Regulations, and will be consistent with the proposed transect in the area.

c. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

d. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

e. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Suburban Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential future land use designation.

Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis with municipal services.

f. Public Facilities.

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not

limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting to Suburban Residential FLU and Suburban Neighborhood Design District is proposed. This amendment would not negatively affect the demand on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also see analysis of public facilities in above sections of this report.

g. Impact to Environment:

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment, in and of itself, would not result in additional impacts on the natural environment. As development permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

h. Property Values:

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting Suburban Neighborhood is being proposed; a Eustis design district designation must be assigned to annexed property. This request should not affect negatively property values, but the proposed Design District designation is consistent with the current surrounding design district.

i. Orderly Development Pattern:

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area (CR 452). This would further the eventual goal of a Eustis area under one local government jurisdiction.

The requested Suburban Residential future land use designation, coupled with a Suburban Neighborhood design district designation, provides for a consistent development transect.

j. Public Interest and Intent of Regulations:

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The requested designation of Suburban Neighborhood design district will provide for orderly growth and development. This designation would advance the public interest by providing additional housing options, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle of the city.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land uses, densities, intensities or required open space. The districts, therefore, must be consistent and follow the urban, suburban and rural transect. This request assigns a Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Fiscal Impact:

The City will ultimately realize an increase of Ad Valorem taxes at the time of development of the property.

Alternatives:

1. Approve Ordinance Numbers 22-18 (Annexation), 22-19 (Comprehensive Plan Amendment), and 22-20 (Design District Designation).
2. Deny Ordinance Numbers 22-18, which will bar action 22-19 and 22-20.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

- The action would be consistent with the expansion plans for the City in accordance with the adopted Eustis Planning Area.
- Annexation would, if developed as proposed, allow an additional housing option.
- The City would have a more compact service area for utilities, police, and fire to increase efficiency and level of service. A more compact service area can reduce the overall per capita cost of providing urban services.
- Annexation would increase the tax base of the City and increase the annual operating revenues.

- The land use change and design district assignment are consistent with the proposed use of the property as a transition between the single-family residential to the west and commercial to the south.
- The action could encourage additional development and/or annexations in that area.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies the Ordinances.

(If Ordinance Number 22-18 is denied, the Commission cannot approve Ordinance Numbers 22-19 and 22-20.)

Advantages:

- The City would not have to provide services to the subject property.
- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would create a gap in the City's natural growth boundary as defined by the Eustis Planning Area.
- The action would eliminate the potential for increased operating revenue and the subject property would continue to receive the indirect benefits of City services that are provided to adjacent properties without paying City taxes.
- The City would continue to experience gaps in its service area causing service inefficiency and confusion regarding City boundaries.
- The City could lose an economic development opportunity.

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site.

Budget / Staff Impact:

There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:
Heather Croney, Senior Planner, Development Services
Mike Lane, AICP, Director, Development Services

Attachments:

Ordinance Number 22-18, Exhibit A: Location
Ordinance Number 22-19, Exhibit A: Land Use Map

Ordinance Number 22-20, Exhibit A: Design District Map

ORDINANCE NUMBER 22-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 4.8 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1743346 AND 3840638, ON THE SOUTH SIDE OF COUNTY ROAD 452, WEST OF NORTH COUNTRY ROAD.

WHEREAS, Tim Green of Green Consulting Group, on behalf of the property owner, Homes in Partnership, Inc., made an application for voluntary annexation of approximately 4.8 acres of real property located on the South side of County Road 452, west of North Country Road, more particularly described as:

Parcel Alternate Key: 1743346 Parcel Identification Number: 33-18-26-0004-000-03100

NE 1/4 OF SE 1/4 LYING N OF RR & LYING S OF CR 452 ORB 5746 PG 1651.

Parcel Alternate Key: 3840638 Parcel Identification Number: 33-18-26-0004-000-04900

BEG AT INTERSECTION OF E LINE OF SEC & N R/W OF SCL RR, RUN NW'LY ALONG SAID N'LY R/W 386.8 FT, S 113.37 FT TO S'LY R/W OF RR, SE'LY ALONG S'LY R/W TO E LINE OF SEC, N TO POB ORB 5746 PG 1651.

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on August 4, 2022, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on August 18, 2022, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 4.8 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit “A”.

SECTION 2.
That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.
That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.
That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

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 upon passing.

SECTION 7.
That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 18th day of August, 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 this 18th day of August 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 Ordinance Number 22-18 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

EXHIBIT A


City Limits
AK # 3840638
AK # 1743346
General Location
Fort Mason
Grand Island Shores Rd
Brighton Rd
Bulkley Pl
Sand Lake Pl
Cypress Dr
Temple Cir
Magnolia Cir
Bayview Dr
Lake Landing Blvd
Waterview Dr
Sun Country Ct
Kristin Ln
Zander Dr
Spicer Ave
Sundance Dr
Raintree Blvd
Lake Yale Dr
County Road 452
Sparrow Ln
Limerick Cir
Yardley St
Valley Rd
Westgate Dr
Cardinal Ln
N Country Rd
Yale Retreat Rd
Apache Pass
Santa Fe Trl
Old Chisholm
Coyote Pass Trl
Rainbow Cir
Martin Ln
Barracuda Ln
Snapper Ln
Dolphin Ln
Paradise Dr
Sunshine Ct
Grouper Ln
Galor Ln
Nutra Ln
Paradise Ln
Marsh Memorial Park
Lake County Fairgrounds
Azalea St
Bass St
N County Road 452
Sertoma Dr
Kiwanis Ln
Elks Ln
Moose Ln
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

ORDINANCE NUMBER 22-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 4.8 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBERS 1743346 AND 3840638, ON THE SOUTH SIDE OF COUNTY ROAD 452, WEST OF NORTH COUNTRY ROAD FROM URBAN LOW IN LAKE COUNTY TO SUBURBAN RESIDENTIAL IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 4.8 acres of real property located on the South side of County Road 452, west of North Country Road, and more particularly described herein; and

WHEREAS, on August 4, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on August 4, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on August 18, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Urban Low in Lake County to Suburban Residential within the City of Eustis:

Parcel Alternate Key: 1743346 Parcel Identification Number: 33-18-26-0004-000-03100

NE 1/4 OF SE 1/4 LYING N OF RR & LYING S OF CR 452 ORB 5746 PG 1651.

Parcel Alternate Key: 3840638 Parcel Identification Number: 33-18-26-0004-000-04900

BEG AT INTERSECTION OF E LINE OF SEC & N R/W OF SCL RR, RUN NW'LY ALONG SAID N'LY R/W 386.8 FT, S 113.37 FT TO S'LY R/W OF RR, SE'LY ALONG S'LY R/W TO E LINE OF SEC, N TO POB ORB 5746 PG 1651.

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

Conflict: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

Severability: 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 5.

Effective Date: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 18th day of August, 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 this 18th day of August 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.

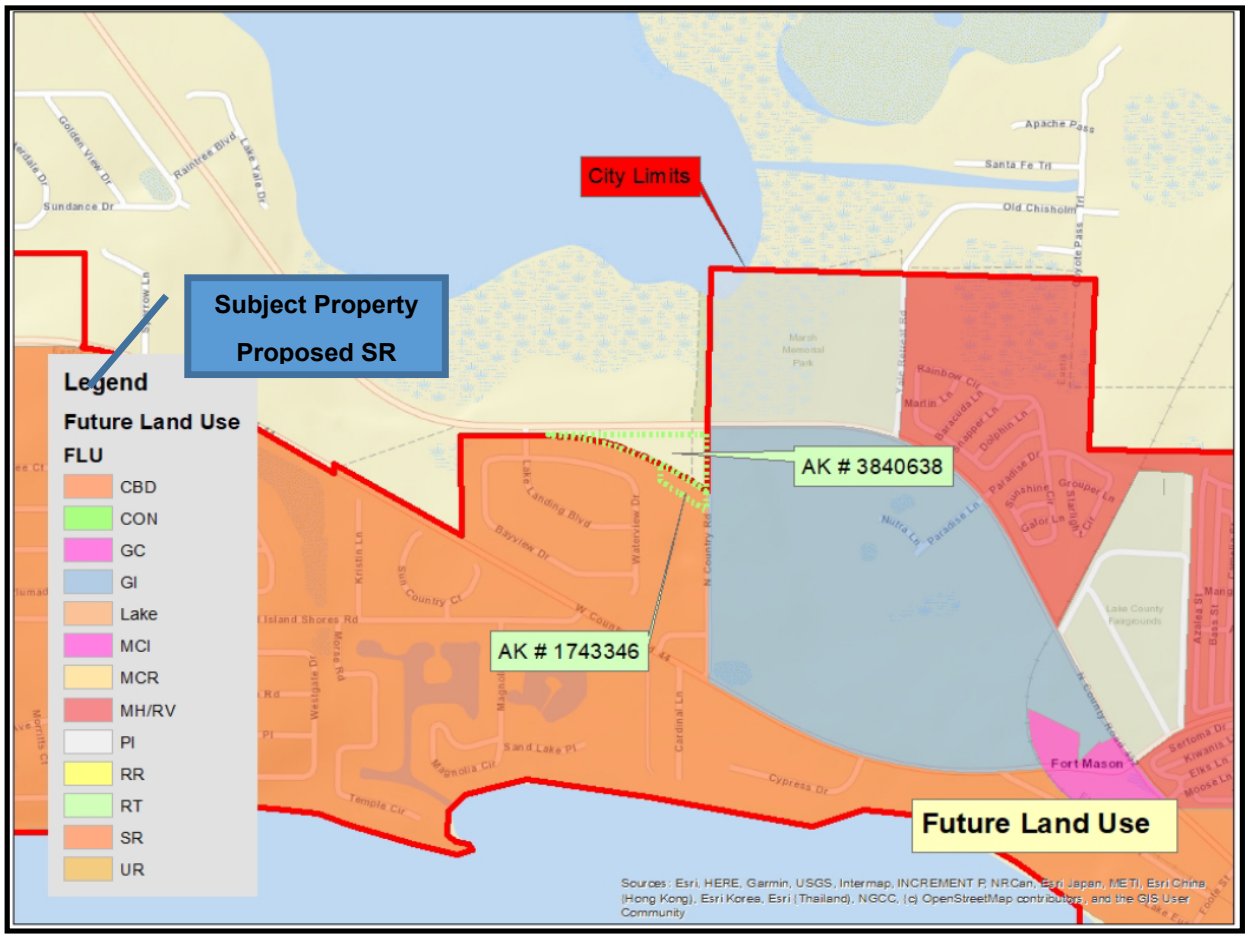
_____
City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-19 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

Exhibit A


City Limits
Subject Property
Proposed SR
Legend
Future Land Use
FLU
CBD
CON
GC
GI
Lake
MCI
MCR
MH/RV
PI
RR
RT
SR
UR
AK # 3840638
AK # 1743346
Future Land Use
Fort Mason
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

ORDINANCE NUMBER 22-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 4.8 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1743346 AND 3840638, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 452, WEST OF NORTH COUNTRY ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 4.8 acres of recently annexed real property further described below, and

WHEREAS, on August 4, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on August 18, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Neighborhood:

Parcel Alternate Key: 1743346 Parcel Identification Number: 33-18-26-0004-000-03100

NE 1/4 OF SE 1/4 LYING N OF RR & LYING S OF CR 452 ORB 5746 PG 1651.

Parcel Alternate Key: 3840638 Parcel Identification Number: 33-18-26-0004-000-04900

BEG AT INTERSECTION OF E LINE OF SEC & N R/W OF SCL RR, RUN NW'LY ALONG SAID N'LY R/W 386.8 FT, S 113.37 FT TO S'LY R/W OF RR, SE'LY ALONG S'LY R/W TO E LINE OF SEC, N TO POB ORB 5746 PG 1651.

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. **Severability**

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 5. **Effective Date**

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 22-13.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 18th day of August, 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 this 18th day of August 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.

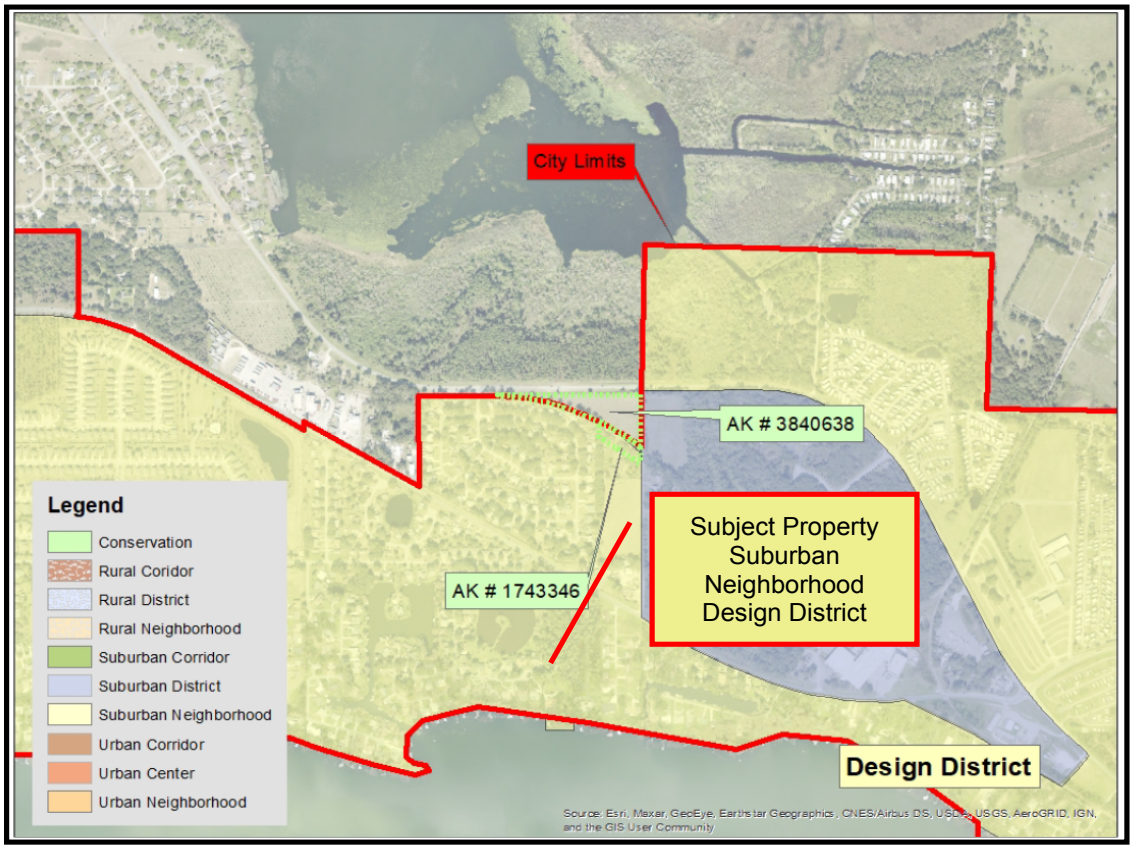
_____
City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-20 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

Exhibit A


City Limits
AK # 3840638
AK # 1743346
Subject Property
Suburban
Neighborhood
Design District
Design District
Legend
Conservation
Rural Coridor
Rural District
Rural Neighborhood
Suburban Corridor
Suburban District
Suburban Neighborhood
Urban Corridor
Urban Center
Urban Neighborhood
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: DISCUSSION REGARDING ALLOWANCE OF CHELSEA SQUARE STATION PRELIMINARY SUBDIVISION PLAT TO BE REHEARD BEFORE THE 9 MONTH WAITING PERIOD

Introduction:
This is a request by the Applicant for Chelsea Square Station for the City Commission to consider the allowance for reconsideration of the Chelsea Square Station Preliminary Subdivision Plat with changes within 9 month of Denial by City Commission.

Background:
On July 21, 2022, the request for approval of the Chelsea Square Station Preliminary Subdivision Plat with waivers was Denied by City Commission. The request that was denied included the approval of the Preliminary Subdivision Plat with waivers for lot dimensions inconsistent with the City Land Development Regulations, allowance for lot type inconsistent with the Design District without being part of a PUD, and an allowance for a reduction in the street side landscape buffer due to land constraints.

Pursuant to City Commission Rules of Order Section 10(e) "*No item shall be placed on an agenda which is substantially similar to an item voted upon by the Commission within the last nine months unless three or more Commissioners agree. During other business at a regular Commission meeting, the Commission shall discuss and vote on whether such an agenda item should be formally reconsidered by the Commission on a future agenda*.". For the City Commission to elect to reconsider , within 9 months, the case of the Chelsea Square Station Preliminary Subdivision Plan, the City Commission with need to call for a vote. The election to reconsider the case will require a minimum of three consenting votes.

The applicant is proposing changes that will potentially make the request more consistent with the City Land Development Code. The narrative provided by the applicant is as follows:

"Request for Reconsideration to allow submittal of modified Preliminary Plat north side -75 lots with one waiver and (south side- no less than four commercial lots utilizing MCR district uses)

More specific items for discussion:

1. *Land use designation on north side is Suburban Residential (5 units per acre).*
2. *Land Use designation on south side is Mixed/Commercial Residential;*
3. *Applicant seeks a reconsideration of the preliminary plat to allow the submittal of a substantial modification to the Preliminary Plat application to eliminate the Cottage lots (approved by conceptual plan in 2019) and return to the original preliminary plat reflecting Commercial lots on the south portion of the subject Property; This development will be consistent with the MCR district. (MCR lots will consist of up to four lots/but may provide for three in plat with option to move lot lines by administrative action (lot split or combination of lots) based upon potential end user)*
4. *Reflect the 74 SF lots on the north side of the Property consisting of 60 x 110 and 60 x 90 lot depths based upon the prior approvals, buffers and the location of the existing infrastructure improvements. A waiver to 110-4.2 is required to allow said lots as they were originally approved and to allow the utilization of the existing infrastructure constructed within the development. This plan is consistent with the original preliminary plat (reducing number of lots from conceptual plan adopted in 2019 and reverting to original preliminary plat); ..."*

The applicant's narrative also included two additional items which are not germane to the City Commissions discussion of reconsideration the case. The applicant's narrative document, as provided to City Staff, is attached to this staff report.

Recommended Action:
Staff does not propose recommended action for the Commission.

Policy Implications:
None

Alternatives:

- Vote to reconsider before the expiration of 9 months, minimum of three consenting votes to pass.
- Vote to reconsider before the expiration of 9 months, less than three consenting votes to fail.
- Allow for reconsideration through consensus that the proposed project is substantially different than what was presented on July 21, 2022.
- Elect not to call for vote.

Budget Impact:
None

Attachments:
Chelsea Square Narrative (002)

Reviewed by:

Jeff Richardson, Deputy Development Services Director	Approved - 10 Aug 2022
Mike Lane, Director	Approved - 10 Aug 2022
Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022

Resolution Number 22-46
Chelsea Square Project

Discussion with Commission:

Issue: Request for Reconsideration to allow submittal of modified Preliminary Plat north side -75 lots with one waiver and (south side- no less than four commercial lots utilizing MCR district uses)'

More specific items for discussion:

1. Land use designation on north side is Suburban Residential (5 units per acre).
2. Land Use designation on south side is Mixed/Commercial Residential;
3. Applicant seeks a reconsideration of the preliminary plat to allow the submittal of a substantial modification to the Preliminary Plat application to eliminate the Cottage lots (approved by conceptual plan in 2019) and return to the original preliminary plat reflecting Commercial lots on the south portion of the subject Property; This development will be consistent with the MCR district. (MCR lots will consist of up to four lots/but may provide for three in plat with option to move lot lines by administrative action (lot split or combination of lots) based upon potential end user)
4. Reflect the 74 SF lots on the north side of the Property consisting of 60 x 110 and 60 x 90 lot depths based upon the prior approvals, buffers and the location of the existing infrastructure improvements. A waiver to 110-4.2 is required to allow said lots as they were originally approved and to allow the utilization of the existing infrastructure constructed within the development. This plan is consistent with the original preliminary plat (reducing number of lots from conceptual plan adopted in 2019 and reverting to original preliminary plat);
5. Discuss reasons for denial of Resolution 22-46 and specific concepts that the Commission wants to see as part of a future preliminary plat.
6. Discuss adoption of concept plan (which reflected 124 lots), proposed road way reflected in concept plan and benefits of proposed preliminary plan for 113 lots which was denied on July 21, 2022.

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

Staff Report

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: August 18, 2022

RE: REPORT ON BUSINESS INCUBATOR

Introduction:
On August 4, 2022, Commission held a workshop to hear about a partnership proposal from the University of Central Florida (UCF) to establish a business incubator in the downtown district of the City. Prior to hearing from the UCF programs directors, Al Latimer, Economic Development Director, gave a brief overview of the opportunity along with some important facts the Commission should keep in mind while assessing the proposal. Both presentations are attached. UCF presenters were 1.) Rob Panepinto, Director, Innovation Districts Strategy and Partnerships and Senior Strategic Advisor, and 2.) Carol Ann Logue, Director, Programs and Operations Innovation Districts and Incubation Program.

Background:
See attached Staff Report.

Attachments:
Business Incubator - Staff Report TCrev
Workshop PP (Eustis)
Incubator UCF Presentation

Reviewed by:

Tom Carrino, City Manager	Approved - 10 Aug 2022
Christine Halloran, City Clerk	Approved - 10 Aug 2022



City of Eustis

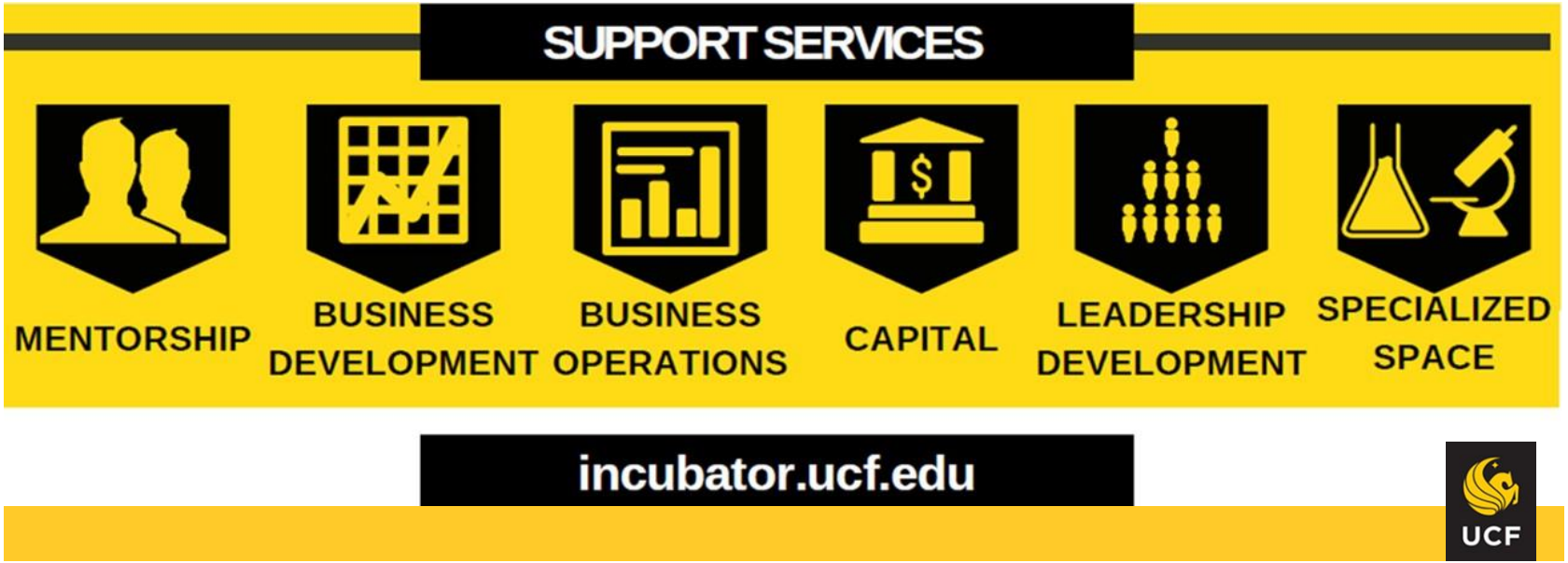
UCF Business Incubation Program

Unleashing Potential Together

August 4, 2022

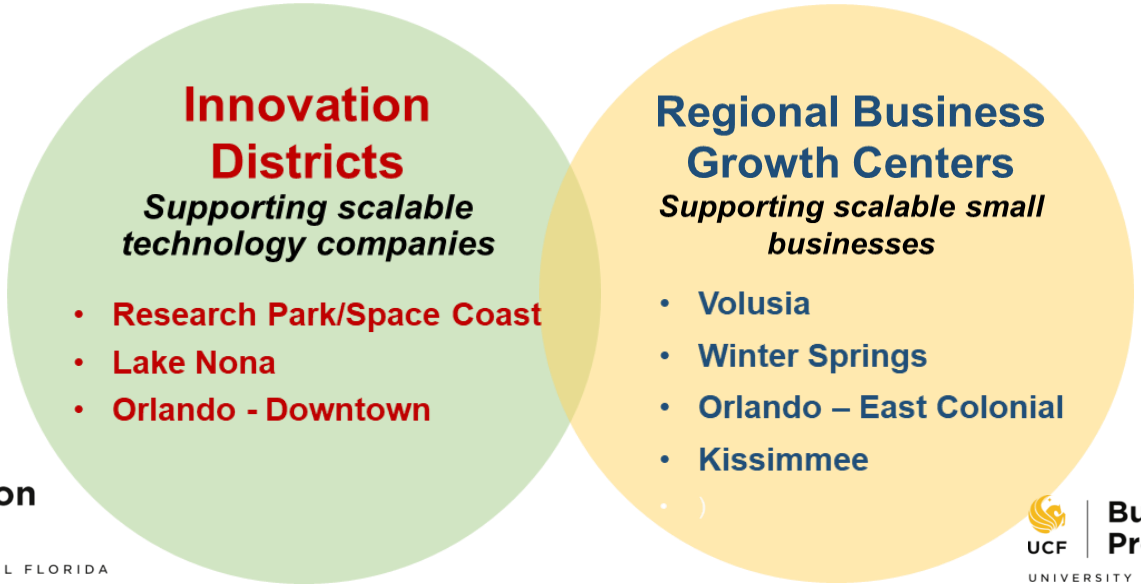
For 22 years we have been helping early stage, scalable companies unleash their potential!

Smarter + Faster = GROWTH



Innovation Districts and Business Incubation

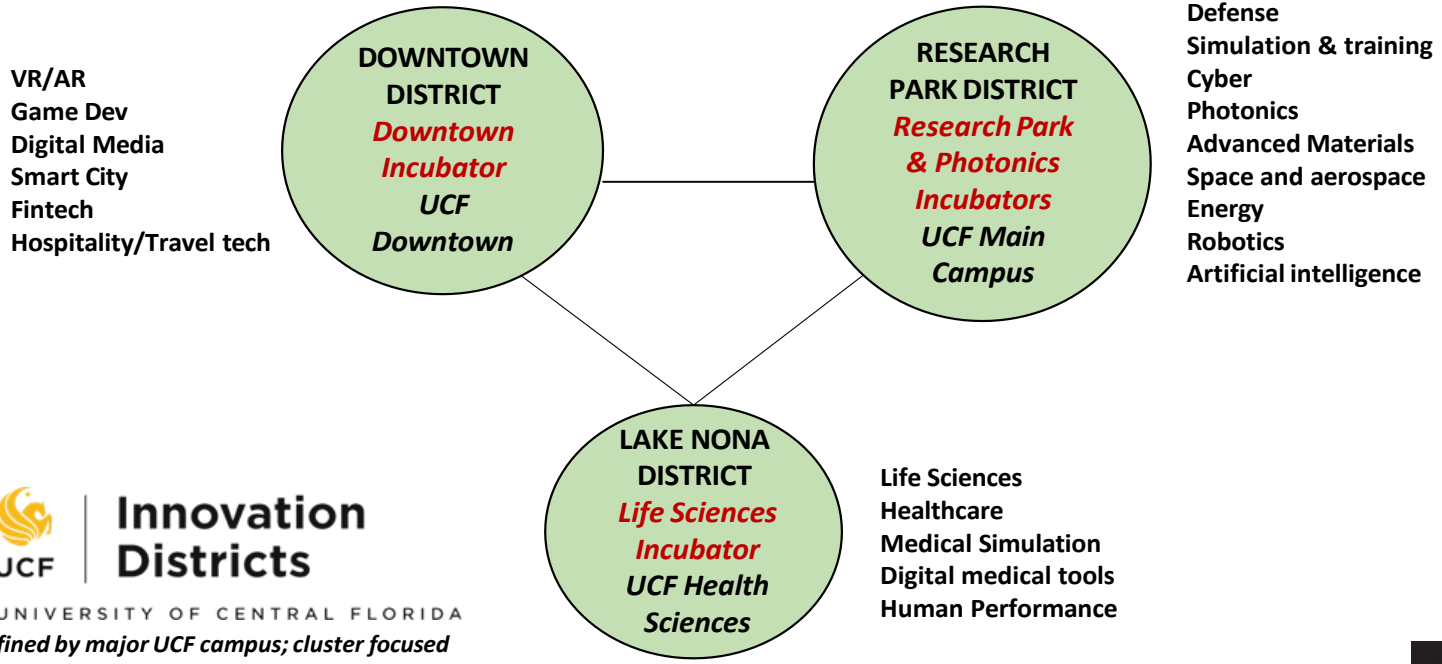
Providing the tools, training, and infrastructure to help facilitate smarter, faster growth for early stage innovation companies



UCF | Innovation Districts
UNIVERSITY OF CENTRAL FLORIDA

UCF | Business Incubation Program
UNIVERSITY OF CENTRAL FLORIDA

Building communities of industry, academia and government in high growth clusters and bridges between them.



UCF | Innovation Districts

UNIVERSITY OF CENTRAL FLORIDA

Defined by major UCF campus; cluster focused incubator(s), and existing or emerging clusters of innovation and applications.

Program Tracks

- **Traction -** Moving a business entity with an existing prototype of a scalable innovative solution to initial customers with a go-to-market strategy and further product development.

- **Growth** - Moving an innovative solution with existing market traction into growth stage with sustainability.

- **Soft Landing** - Supporting Central Florida expansion for successful technology companies headquartered outside of the region.

Current Client Metrics 2021

January 1 – December 31

Incubator	Clients	Jobs	Revenue	Traction	Growth	Soft Landing
Kissimmee	9	396	$3,524,752	2	4	3
Lake Nona	5	42	$5,552,877	2	2	1
Orlando – E Colonial	12	83	$6,345,720	3	8	1
Orlando - Downtown	8	41	$2,050,104	2	5	1
Research Park /Photonics	55	356	$50,162,273	5	28	22
Volusia County	9	27	$2,646,111	1	8	0
Winter Springs	14	125	$15,800,300	0	12	2
Total	112	1070	$86,082,137	15	67	30

Our Stakeholders



















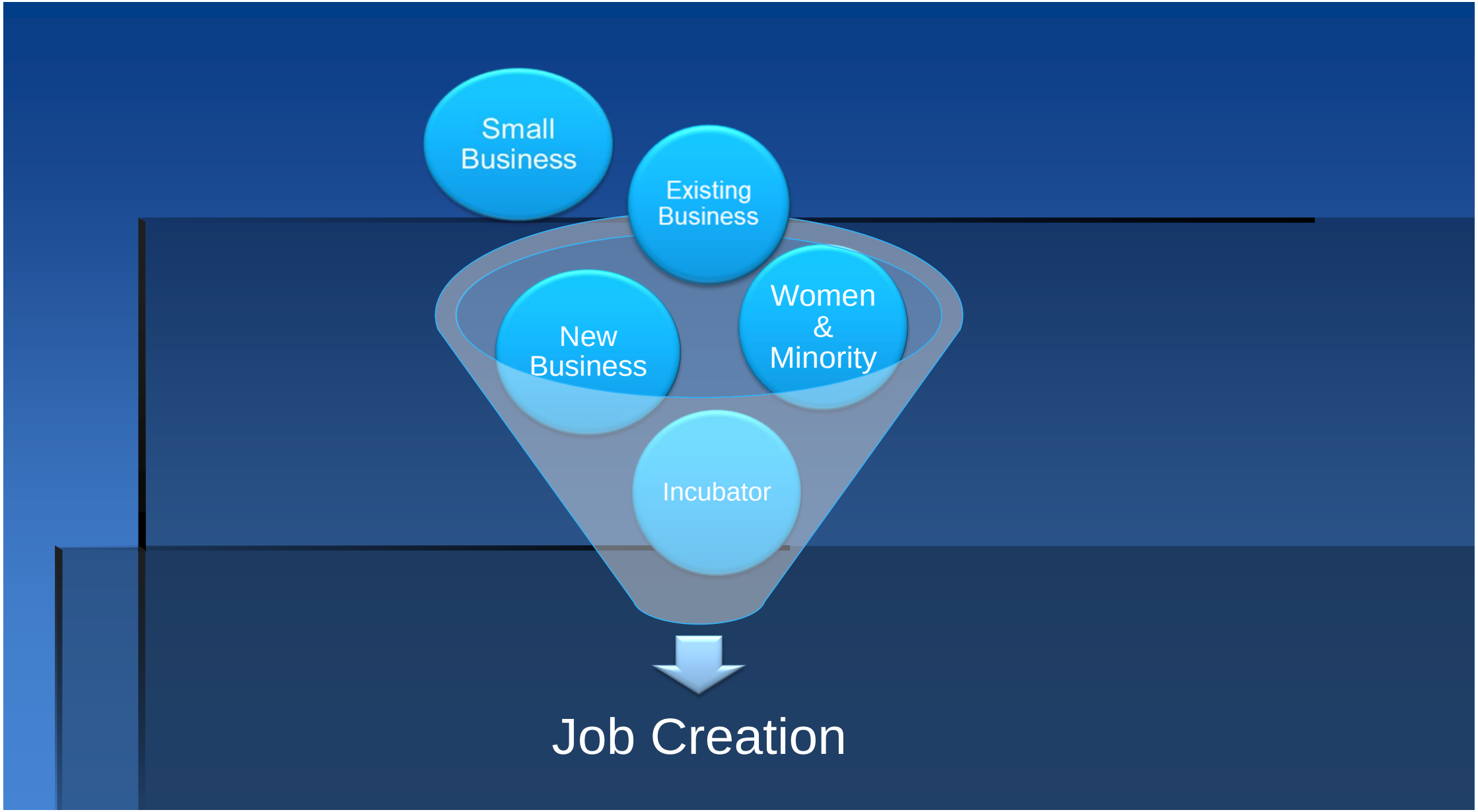
For every public $1 invested, over $12 in economic impact

Proposed Program for Eustis

- Creation of a UCF Business Incubation office within new office building opened by Mega Properties:
  - Office and meeting space for 20-44 participants to be provided by the City/Mega
  - UCF full-time staff resource to engage community leaders to build program awareness, identify prospect companies, build mentor and service provider networks, and work with individual companies/entrepreneurs.
  - Leverage existing SBDC Lake County resources to hold office hours/small business programming
  - Launch virtual Incubator leveraging Business Incubation staff. Companies will go through the standard Incubator application process and access all Incubation programming.
  - Launch 2 Business Bootcamp programs per year to support existing Eustis small businesses. Each cohort runs a 2.5-hour sessions/ for 10 weeks, supporting 20-40 companies. The Bootcamp focuses on a wide range of business support modules including Business Modeling, Organizational Structure, Customer Relations and Operations/Finance.

UCF would require a 3-year funding commitment of $200,000/year. This number could change as the program evolves, especially with the launch of a full scale Business Incubator with onsite clients.


Culture • Opportunity • Vitality
EUStiS
Florida Est.1883
BUSINESS INCUBATORS ARE PART OF A COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY


Small Business
Existing Business
New Business
Women & Minority
Incubator
Job Creation

PARTNERSHIPS ARE CRITICAL TO INCUBATOR SUCCESS



THE OPPORTUNITY

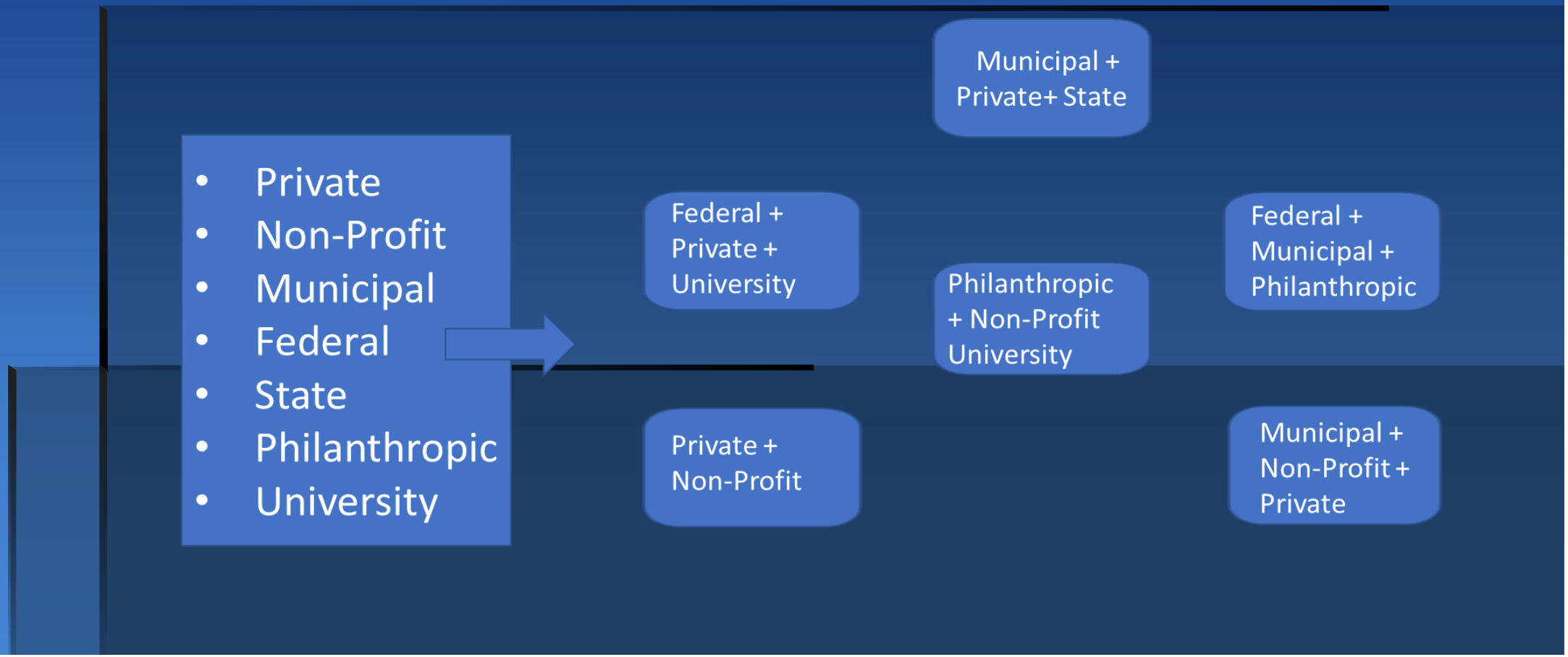
Partner with UCF to establish an incubator in Eustis

Partner	Investment	Client Payments
UCF	Staff, expertise and guidance, services, Bootcamps	Fee for services
Mega Properties	Incubator space	Rent
City of Eustis	$200,000 ➢ UCF Staff ➢ Office Equipment ➢ Client Services	

REASONS FOR STARTING A BUSINESS INCUBATOR?

- Resource to entrepreneurs who want to start a business
- Nurture young businesses through the early growth stage
- Start more businesses in targeted sectors
- Diversity local economy
- Create jobs

FUNDING MODELS (ANY COMBINATION)



SHORT TERM VS LONG TERM

SHORT TERM LENS (1-3 YEARS)



STANDARD PERFORMANCE METRICS

- Number of Start-ups graduated
- Number of Scale-ups achieved
- Amount of funding /investments secured by companies
- Number of Jobs created
- Retention of graduating companies in Eustis

SHORT TERM VS LONG TERM

LONG TERM LENS (5-10 YEARS)



PERFORMANCE METRICS

If certain of a steady pipeline of entrepreneurs, there is less emphasis on short-term results, and more on sustaining the funding to continue the birth and scale of new companies on an ongoing basis.

A FEASIBLITY STUDY CAN ANSWER KEY QUESTIONS

- Is there an active entrepreneur community in the City?
- Are local residents moving elsewhere to start a business?
- What is the right funding model for Eustis?
- Is there an existing post graduate assistance network to serve the needs new start-ups?

A FEASIBLITY STUDY CAN ANSWER KEY QUESTIONS

Continued…

- Assess whether existing entrepreneur development programs are already at capacity or are providing the types of services entrepreneurs want/need?
- What are the customized needs of the Eustis entrepreneur community?
- What realistic outcomes should the community expect?

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: AUGUST 18, 2022

RE: ESTABLISHMENT OF A BUSINESS INCUBATOR IN PARTNERSHIP WITH UNIVERSITY OF CENTRAL FLORIDA (UCF)

Introduction:
On August 4, Commission held a workshop to hear a partnership proposal from the University of Central Florida (UCF) to establish a business incubator in the downtown district of the City. Prior to hearing from the UCF programs directors, Al Latimer, Economic Development Director gave a brief overview of the opportunity along with some important facts the Commission should keep in mind while assessing the proposal. Both presentations are attached. UCF presenters were 1.) Rob Panepinto Director, Innovation Districts Strategy and Partnerships and Senior Strategic Advisor, and 2.) Carol Ann Logue Director, Programs and Operations Innovation Districts and Incubation Program.

Background:
Approximately six months ago Eustis staff was approached by Mega Properties about the idea of creating a business incubator in the downtown district. A meeting with UCF Incubator Program Directors was arranged to get better educated on what types and models there are, how they operate, what services they provide, and what the annual operating cost would be.

In addition to answering a litany of questions, the UCF Incubator Program Directors expressed interest in being a partner in any effort to establish a business incubator in the City of Eustis.

Instructions to Staff
Subsequent to a discussion about the opportunity, Commission asked staff to do some research and offer an opinion on how best to coordinate with UCF on a business incubator model that would be the most helpful to Eustis in supporting new business startups, scaling young companies, and keeping post-graduate firms in the City.

Additionally, staff was asked to prepare a plan for securing additional funding partners, and collaborating with existing area entrepreneur development service providers, specifically those at Lake Technical College and Lake Sumter State College.

Proposed Business Incubator Funding and Collaborative Services Plan
Establishing a strong foundation for a City of Eustis business incubator is a precondition for success. The goal of this plan is twofold: 1.) Suggest a “right business incubator model” for the City of Eustis; 2.) Develop essential partnerships that will deliver the funding, client services, and resources needed to support startup and early stage businesses; and facilitate long-term sustainability for the incubator as a job generator.

Best Business Incubator Model for Eustis
There are many models and types of business incubators. They involve many stakeholders, strategic building blocks, a variety of resources, and customized client services. Which type is best for Eustis is still an open-ended question. Under this plan staff, in partnership with UCF, will analyze, evaluate and better define Eustis’s entrepreneur community, assess the number of early stage businesses, learn which industry business formations are occurring most often, and what assistance and client services would be most beneficial to nurture, grow and retain post-graduate companies.

Detailed Budget
At the August 4 Incubator Workshop only general and estimated budget information was provided. As a part of its work under this plan staff will give Commission a detailed budget that captures and assigns all cost involved in setting up and operating a business incubator in Eustis.

Identifying Funding Partners
In order to share the cost of establishing and maintaining the long-term viability of a Eustis Business Incubator, staff will

solicit funding from organizations that have been identified as high probability prospects across a board range of entities including: federal government, state government, county government, municipal government, private companies, colleges and universities, and non-profits. The goal is to secure a minimum of $100,000 from funding partners.

Entrepreneur Development Programs and Client Services

Staff will identify and catalogue entrepreneur development programs and client services being offered in the area already, and coordinate with UCF on proposed programs and services to ensure a mutually beneficial and coordinated service offering. Staff will include, in fact will begin its search with Lake Technical College, Lake Sumter State College, the Small Business Administration, and East Central Florida Regional Planning Council.

Business Incubator Network Resources

Entrepreneurs face many challenges as they seek to transform their ideas into high-growth companies. To help bring as many resources to bear as possible for needed support and assistance, staff will coordinate with UCF and other potential partners to identify linkages to a board range of resources such as mentors, industry partners, community influencers, industry experts, professionals with specialized capabilities, education, workforce, and investors.

Timeline

In order to conduct the appropriate level of research, accommodate schedules, arrange meetings, receive replies to inquiries, allow time for decision making, etc, staff estimates that it will take three (3) months to adequately complete this task.

Prepared by:

Al Latimer, Economic Development Director

Attachments:

1. Workshop PP (Eustis)
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2. Incubator UCF Presentation
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