



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, August 4, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 July 21, 2022 - Regular City Commission Meeting
[Staff Report #22-0174 - Html](#)
[07-21-2022 CC MIN - For Approval](#)
3. PRESENTATIONS
 - 3.1 Lake Community Action Agency
[Staff Report #22-0170 - Html](#)
4. APPOINTMENTS
 - 4.1 Appointment to Code Enforcement Board - Carol S. Kirsts
[Staff Report #22-0171 - Html](#)
[Application KIRST CEB HPB VOL APP 07-08-2021-2022](#)
[CEB Roster as of March 2022](#)
5. AUDIENCE TO BE HEARD
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.
[Staff Report #22-0176 - Html](#)
[Staff Report - School Resource Agreement Resolution 22-50](#)
[SRO Agreement with Lake County School Board 2022](#)
[SRO Agreement City of Eustis SY22-23](#)
[Resolution 22-50](#)
 - 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
[Staff Report #22-0167 - Html](#)
[Staff Report Ordinance 22-18 22-19 22-20 Annex FLU DD](#)
[Ordinance No. 22-18 Annexation](#)
[Ordinance No. 22-19 FLUMA](#)

[Ordinance No. 22-20 Design Dist](#)

7. OTHER BUSINESS

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

[Staff Report #22-0173 - Html](#)

[Staff Report RFQ Evaluation Committee](#)

- 7.2 Discussion on the former American Legion property

[Staff Report #22-0166 - Html](#)

[Discussion on the American Legion Property ADA](#)

[American Legion Property](#)

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

[Staff Report #22-0175 - Html](#)

[01-05-2017 CC MIN - For Approval](#)

[02-02-2017 CC MIN - For Approval](#)

[02-16-2017 CC MIN - For Approval](#)

[03-02-2017 CC MIN - For Approval](#)

[03-16-2017 CC MIN - For Approval](#)

[04-06-2017 CC MIN - For Approval](#)

[07-20-2017 CC MIN - For Approval](#)

[Backyard Chickens Welcome Lake County FL](#)

[Blog - What to do with chickens gone wild](#)

[Chicken Codes - Other Cities-Counties](#)

[Cover Page - Backyard Chickens](#)

[Dark Side of Backyard Chickens](#)

[HOAs squawking over issue of res backyard chickens](#)

[How to Get Rid of Feral Chickens](#)

[In Miami the Chicken Busters are back](#)

[Orange hatches plan for backyard chickens](#)

[Punta Gorda](#)

[Staff Report - Backyard Chickens](#)

[Why You Should Keep Backyard Chickens](#)

8. FUTURE AGENDA ITEMS

9. COMMENTS

- 9.1 City Commission

- 9.2 City Manager

- 9.3 City Attorney

- 9.4 Mayor

10. ADJOURNMENT

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

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

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



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Christine Halloran, City Clerk
DATE: August 4, 2022
RE: JULY 21, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the July 21, 2022, regular City Commission meeting. Staff is currently working on finalizing these minutes; therefore, they will be attached on Monday.

Attachments:

[07-21-2022 CC MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, July 21, 2022 - City Hall

INVOCATION: MOMENT OF SILENCE OBSERVED

PLEDGE OF ALLEGIANCE: COMMISSIONER LE-HEUP SMITH

CALL TO ORDER: 6:05 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 July 7, 2022 - Regular City Commission Meeting

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

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

3. AUDIENCE TO BE HEARD

3.1 Lee Conger commented on collaboration of the public with the Commission and requested the Audience to be Heard segment remain early in the agenda.

Yolanda Stevenson Taylor addressed the Commission regarding bears causing problems on Liberty Circle and suggested the City provide locked cans or a centralized garbage area.

Mayor Holland asked the City Manager to contact Waste Management regarding the possibility of obtaining bear-proof garbage cans.

Ms. Stevenson Taylor asked for an update on the roads in their area.

Greg Dobbins, Deputy Utilities Director for Utilities, responded the paving would begin the following week.

Gail Isaac Thomas spoke about volunteers on the CRA board being given the right to vote and to bring it before the Commission.

Mayor Holland stated he would bring it up at the end of the meeting and see if any of the Commissioners are willing to have that discussion placed on a future agenda.

Charlie and Lori Kalapp addressed the Commission regarding his property off Bates Avenue being damaged by the construction on the Umatilla force main. He also stated they had been cited three times in one week regarding their chickens. He explained that his wife suffers from anxiety disorder and finds comfort from the chickens. He indicated that their realtor did not inform them that chickens were not allowed within the City.

4. CONSENT AGENDA

4.1 Resolution Number 22-52: Approving a Request from Duke Energy for a Perpetual Easement in the Alley Located at 30 North Eustis Street

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Resolution Number 22-40: Modification to Approved Site Plan with Waivers for Prime Plumbing (37136 State Road 19 (Alternate Key Number 1407249))

Derek Schroth, City Attorney, announced Resolution 22-40: A Resolution of the City Commission of the City of Eustis, Florida; approving a modification to a previously approved site plan with waivers for Prime Plumbing showroom relocation, two storage buildings and additional other buildings for the business use, all totaling approximately 12,638 square feet on 5.82-acres at 37136 State Road 19.

Mike Lane, Development Services Director, reviewed the request for a modification to the previously approved development site plan with waivers for Prime Plumbing. He provided an overview of the site and the previously approved site plan and waivers. He explained the additional waivers being requested as follows: 1) No landscaping along the north, south and east boundary lines except for shrubbery along the 8' walls on the north driveway; 2) No landscaping next to the 8' wall; 3) No plantings interior to the site; and 4) Reduction in the minimum landscape buffer along SR 19 to a 10' buffer in lieu of the 15' buffer. He presented artist's renderings of the proposed landscaping from the east and southeast. He stated, if approved by the Commission, the site would still be subject to submitting the final engineering and construction plans within one year and the applicant would satisfy the Development Review Committee concerns related to the fire hydrant distancing. He stated staff is recommending denial of the waivers due to the lack of evidence in hardship and the intent appears to be to circumvent the land development code.

The Commission commented on the applicant's major concern regarding security during the previous approval and cited the apparent four-foot fence. They

questioned who owns the adjoining property.

Steve Vaughn, representing the owner, indicated Prime Plumbing owns from 12 to 16 inches from the face of the wall and back. He added that the existing wall is 8 feet tall and the gate would also be 8 feet. He further explained that Prime Plumbing also owns the adjoining parcel with the house on it and future plans are to develop a fencing scenario with the adjacent property.

Mr. Vaughn explained the purpose of the request is to enhance the property with the decorative 8-foot wall system in lieu of a chain link fence and landscaping as originally proposed. He indicated that the wall system is substantially more expensive but would provide something to the community that would have a greater aesthetic value as well as security. He added they are also asking for consideration from the Commission to investigate alternatives to the landscaping and fencing criteria for industrial properties so if someone wants to install a similar wall system that would be an acceptable alternative. He explained they have attempted to address staff's concerns regarding everything facing Hwy. 19 and have committed to putting a hedge system facing Locust Lane/Fifth Street.

The Commission noted the picture rendering doesn't include Rapture Air with Mr. Vaughn indicating the two buildings to the left of the blue line were left off for clarity.

The Commission then looked at the picture of the front of the building with the landscaping with Mr. Vaughn stating that shows the current condition of Phase 1 and the next picture shows the Phase 2 with the two-story structure. The Commission expressed support for the wall; however, they can't circumvent code. It was acknowledged there is not a lot of room at the front with Mr. Vaughn noting that there is a power transmission line on the east property line and on the Rapture Air section there is an overhead line as well. He noted that the Public Service Commission states only understory trees may be planted under the overhead lines.

Mr. Vaughn explained they had the renderings created without trees to try and show alternatives to landscaping that would enhance the area. He commented on the need for the Commission to address industrial issues.

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

Following the motion, the Commission discussed whether or not they would be setting a precedent. Mr. Schroth explained that each property is considered unique so they wouldn't actually be setting a precedent; however, if a similar request was made they would have to have justification for denial. He added that most properties are different so a clear precedent is not set. The Commission acknowledged the improvements to the property made by the owners.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 22-40. Motion carried by the following votes:

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

5.2 Resolution Number 22-46: Chelsea Square Station Preliminary Subdivision Plat with Waivers

Mr. Schroth announced Resolution 22-46: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat, with a waiver request to permit a minimum 10-ft landscape buffer along the southern property line in lieu of a minimum 15-ft landscape buffer as is required along all public streets (LDR section 115-9.3.2 (a)(2)), a waiver request to allow lot depth dimensions less than required for house lot (LDR section 110-4.2), and a waiver request to allow cottage lot type not as part of PUD (LDR section 109-5.6), for the Chelsea Square Station subdivision, a 113-lot single-family residential subdivision, on approximately 28.62 acres of property located on the North side of State Road 44, between Rust Road and Estes Road (alternate key numbers 1069301 and 3881312).

Jeff Richardson, Deputy Director for Development Services, discussed the preliminary subdivision plat for Chelsea Square Station for a proposed 113-lot single family residential subdivision with a 0.71-acre commercial outparcel with waivers. He noted general location and land use designation within a Suburban Neighborhood and Suburban Corridor Design District. He provided background information, previous construction approval by Lake County, and annexation into the City in 2019. Mr. Richardson reviewed the requested waivers as follows: 1) Waiver to house lot dimensional standards due to previous approval by Lake County; 2) Waiver to allow Cottage Lot outside of a PUD; and 3) Waiver to right-of-way buffer requirements to allow a reduction in the minimum buffer width to 10 feet with an average of 25 feet. It was noted that the average will still provide a minimum 25 feet of width along SR 44. He stated staff's recommendation for approval of the preliminary subdivision plat and requested waivers with the condition that the existing utilities be remediated or replaced prior to City Commission consideration of the Final Plat.

The Commission confirmed that use of the Cottage Lot would still require a garage and the square footage of the commercial area.

Mr. Schroth opened the public hearing at 6:43 p.m.

Ms. Congers expressed support for the use of dark skies lighting and requested that it be utilized for the Chelsea Square development to reduce the impact on the rural area and environment. She indicated she would send to the Commission a link to the International Dark Sky Association which shows the difference in cost between traditional lighting and dark sky lighting. She commented on the excess light effect on health. She encouraged the City to incorporate dark sky requirements for all future developments.

Tom Carrino, City Manager, indicated that the City does not have dark sky requirements; however, it does have regulations regarding the amount of light extending beyond a property.

Cindy Newton expressed concern regarding environmental impact on the wetlands and habitat and how the pollutant load would be monitored. She asked if housing would be adjusted to provide dry land for animals and children.

The public hearing was closed at 6:49 p.m.

Following the motion and second, the Commission discussed the increase in dwelling units from 76 to 110 units and the close proximity of the homes.

The public hearing was re-opened to allow the applicant to speak at 6:52 p.m.

Kim Booker, Booker and Associates, noted the project was approved previously as a conceptual plan and stated the preliminary subdivision plan has been created primarily consistent with that concept plan except for elimination of the previously proposed commercial with the cottages replacing the commercial. She indicated the developer is also providing interconnectivity to SR 44 which was strongly desired by staff. She noted that the developer was not originally in favor of that due to increasing the traffic through the development. She emphasized the elimination of the commercial which would have been a higher, more intense, use. She stated that people are looking for the smaller homesites.

Kimberly Beck, engineer for the project, stated the wetland area is being preserved and that both initial treatment and secondary treatment will be provided for the stormwater especially for those lots that back up to the wetlands. She explained that the stormwater meets or exceeds the requirements of both the Water Management District and the City of Eustis. She emphasized they have worked diligently with staff to mirror the original concept plan. She noted the previous plan that was approved by Lake County included the commercial and was later annexed into the City. She stated construction was begun and the roads were constructed. She explained that rather than putting the smaller lots in that were previously approved, they put in the 60-foot lots. She stated they are now just asking for approval of the preliminary site plan.

The Commission asked about the buffer on SR 44 with Ms. Beck noting there is a wall required along SR 44; however, due to an issue with the survey and a skew in the property line, the buffer outside the wall now varies between 7.8 feet to 15 feet.

The Commission asked about the aesthetics of cottage homes with Ms. Booker explaining those have not been designed yet. She commented on how those homes might look. She explained that the back portion was reduced from 76 to 74 and the cottage homes will be installed where the commercial was. It was noted that the use of the cottage homes was included on the concept plan.

Mayor Holland re-opened the floor to public comment at 6:59 p.m.

David Matt, D.R. Horton, stated that there would be a product mix between the back and the front. He indicated there would be a 30-foot wide product which is very hard to find in the current market due to affordability rates. He explained they will be able to offer a variety of price points.

The Commission commented on the "product" for the Lake County and Eustis way of life and asked if they considered the local way of life when developing their plan.

Mr. Horton responded the best concept for the area has been considered since 2020 and their intent to offer a home size to attract those people that may not be able to use the larger home size.

The Commission expressed support for retaining the original commercial concept.

Mr. Matt stated he assumes they do not want to see just a row of houses along the street and suggested they may be able to do a more enhanced landscape to make it more aesthetically pleasing. It was noted that the project is only 7 to 22 feet off of SR 44.

Mr. Matt further stated that the traffic flow would be significantly increased with the commercial so only having the residential would reduce the flow.

The Commission questioned what the original commercial concept was.

Jake Barrett, representing the owner and Asset Restructuring, stated there was no concrete plan for the commercial. He stated the existing infrastructure is crumbling and emphasized the need for it to be improved. He explained how they determined what needs to be done with the project and how they decided to utilize the cottage lots. He further stated they had considered a small adult living facility for the commercial. He indicated the owner's passion is adult living facilities.

There being no further public comment, the hearing was closed at 7:05 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 22-46. Defeated by the following votes:

Ayes: Commissioner LeHeup-Smith

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

5.3 Resolution Number 22-53: Release of Code Enforcement Lien recorded against 2250 Dixie Avenue - Case #20-00235

Mr. Schroth announced Resolution 22-53: A Resolution of the City Commission of the City of Eustis, Florida; providing for a release of lien recorded against a single-family residential dwelling located at 2250 Dixie Avenue.

Mr. Carrino discussed the code enforcement process and explained what is presented is not the normal process. He stated that a contractor has built a new home on the property and the financing has been held up due to the lien on the property. The contractor has asked to have the process expedited; however, the Code Enforcement Board does not meet until next month. He further stated that, at the time the request was received, there were still some significant issues on the site. He indicated that since then the contractor has had crews work to get the property cleaned up. He then presented photos of the property. He noted that there were various code issues on property including illegal operations and car repair on the property. He stated that significant improvement has been made on the property. He then presented photos taken July 21st of the site showing the

improvement. He added that it is not 100% up to code. He explained that the owner has committed to installing opaque fencing; however, that cannot be completed until the financing is finalized. He then explained that staff typically asks for hard costs to be covered when a release of lien is requested. The hard costs have been calculated at \$1,420 and the existing lien is for over \$100,000.

Mr. Carrino stated the resolution would approve the release of lien and allow for the loan closing. He explained that City contact has been primarily with the contractor who has done the cleanup and not the owner.

The Commission questioned who owns the property with Mr. Carrino explaining the owners were previous renters who then purchased the property two years ago.

The Commission expressed concern regarding the situation with Mr. Carrino indicating that the building permits were pulled for the Dixie side with the contractor then cleaning up the Suannee side. Concern was expressed as to why the contractor pulled the permits without checking to see if there were liens on the site.

Mr. Carrino explained that the Code Enforcement Board approved the lien in February with the lien actually being recorded in June.

The Commission asked whether or not the City would alert someone to existing liens if they try to pull a building permit with Mr. Carrino stating he did not believe existing liens would prevent someone from pulling a building permit.

The Commission asked when construction began with Mr. Carrino responding he thought it began in February. He also indicated a demolition permit would have been pulled to tear down the old house.

Mr. Schroth opened the public hearing at 7:15 p.m.

Commissioner Cobb reviewed her research on the property owners, code violations, and taxes that have been paid. She expressed concern regarding someone pulling a permit when the property had existing code violations. She expressed opposition to fast tracking the request and questioned why the contractor has asked for the lien to be released and not the property owner. She also questioned why it was stretched out for two years.

Commissioner Hawkins suggested the owner go before the Code Enforcement Board to follow the proper process.

There being no further public comment, the hearing was closed at 7:19 p.m.

There being no motion, the resolution was denied.

5.4 Second Reading: Ordinance Number 22-16 Annual update of the five-year Capital Improvement of the Comprehensive Plan Fiscal Year 2023-2027

Mr. Schroth read Ordinance Number 22-16 by title on second and final reading: An ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving the annual update of the five-year capital improvement schedule of the

comprehensive plan pursuant to Florida statutes 163.3177(3)5(b); providing for conflicting ordinances, severability, and effective date.

Mr. Schroth opened the public hearing at 7:20 p.m. There being no public comment, the hearing was closed at 7:21 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 22-16 on second and final reading. Motion carried by the following votes:

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

6. FUTURE AGENDA ITEMS

- 6.1** Mayor Holland asked whether the Commission wanted to discuss allowing the CRA representatives to vote. There was no consensus to place that on a future agenda.

Mayor Holland asked if the Commission wanted to place on a future agenda a discussing about allowing chickens. It was a consensus to have a discussion on chickens placed on the next agenda with Mayor Holland asking the minutes of previous discussions be provided to the Commissioners. He asked Greg Dobbins to speak with the same gentleman regarding his other issue.

7. COMMENTS

7.1 City Commission

Commissioner Hawkins reported there would be a First Responders blood drive on July 30th along with the back to school drive. He then announced that Lake Cares would be going before Lake County on August 2nd and explained there has been some resistance to their new location. He asked the Commissioners to attend and provide support. He commented on a meeting he had with them regarding their capital campaign. He stated they were asking each of the cities to partner with them on their various programs. He indicated a request would come before the Commission from them in the future. He then reported on the number of City residents and students served by Lake Cares. He stated a lot of their clientele is coming from Eustis so he would support additional funding from the City.

Vice Mayor Lee expressed appreciation for all of the love, caring and support following the death of her mother.

7.2 City Manager

Mr. Carrino reported on improvements completed at Bennet Park and efforts to get a fence contractor to repair the fencing. He stated that Horace Jones has asked to present to the Commission about a potential partnership with the Housing Authority regarding use of their community space. He indicated that the Lake Community Action Agency has also asked to provide a presentation and questioned if they wanted them both on August 4th.

It was a consensus of the Commission to have them both on August 4th with the understanding if LCAA goes long, the Housing Authority may be asked to come back to the August 18th meeting.

Mr. Carrino then reported Public Works would be surveying Coolidge relating to utilities. He added that a lot of work had to be done to determine if they move on to road improvements. He then reported that a group purchased the old Rinkers/Cemex site. He explained it is a fuel blending operation and they are interested in obtaining rail service. He further explained they have expressed interest in the adjoining City property in order to bring in a rail spur and questioned if the Commission would approve for staff to begin negotiating with them for sale of the property.

The Commission questioned whether or not the City would need to offer it for sale via bid with Mr. Carrino indicating that there is no other access to the property except through the other organization's property so any other buyer would not have access. He confirmed the City has no use for the property.

Commissioner Cobb questioned whether or not the property would be along the route for the planned trail from Tavares to Eustis. She also expressed concern about the company cleaning up the property they already have.

The Commission discussed holding off until further decisions are made about the trail development. It was agreed to hold off until additional decisions have been made regarding the trail.

Commissioner Cobb asked about the application process for CDBG grants.

Mr. Carrino noted he had a discussion with the County regarding the City's CDBG status and they would continue to work on that process.

Commissioner Hawkins asked about the status of the grantwriter position with Mr. Carrino reporting that the City had looked at one applicant but it didn't work out. He indicated that the position is still being advertised. He noted a company that offers lobbying for State grants but they don't write the grants.

7.3 City Attorney

Mr. Schroth reported on ongoing issues with Sharp's Mobile Home Park noting that, if there is a life or health/safety issue, the City has the ability to seek an immediate injunction from the duty judge. He stated for the ongoing violations, the best mechanism for enforcement is still code enforcement.

Mr. Schroth then commented on the Gunster letter regarding the controversial Map #19 in the Comprehensive Plan. He asked to have an attorney from Gunster provide a presentation regarding their conclusions either in person or via zoom. It was a consensus of the Commission to proceed with that.

Mr. Schroth then asked for direction from the Commission regarding a request to change the Commission Rules of Order to move the "Audience to be Heard" section of the agenda to after "Future Agenda Items".

The Commission discussed the pros and cons of where to place the "Audience to be Heard" on the agenda. It was a consensus to leave it where it is on the agenda.

Mr. Schroth then reported that his associate Sasha Garcia would attend the next meeting in his stead.

7.4 Mayor

Mayor Holland expressed appreciation to the public and noted that, while the Commission may not always make the decisions they want, they do try to read everything and listen to the public to make the best decisions possible for the City.

8. ADJOURNMENT: 7:43 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 4, 2022
RE: LAKE COMMUNITY ACTION AGENCY

Introduction:

Timothy Bridges, Director of Program Operations for Lake County Community Action Agency, will present an update to the City Commission on the housing rehab program.

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 28 Jul 2022
Approved - 29 Jul 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 4, 2022
RE: APPOINTMENT TO CODE ENFORCEMENT BOARD - CAROL S. KIRSTS

Introduction:

This appointment is for consideration of the appointment of Carol S. Kirsts to the Code Enforcement Board for a three-year term as an Alternate.

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."

Carol S. Kirsts has submitted her application to be considered for appointment as an Alternate to the Code Enforcement Board. Attached is a copy of her application for your review. Staff is recommending that Ms. Kirsts be approved for a three-year term.

Recommended Action:

Staff recommends the approval of Carol S. Kirsts to the Code Enforcement Board for a three-year term.

Attachments:

[Application KIRST CEB HPB VOL APP 07-08-2021-2022](#)
[CEB Roster as of March 2022](#)

Reviewed by:

Tom Carrino, City Manager

Approved - 28 Jul 2022

Christine Halloran, City Clerk

Approved - 29 Jul 2022

CITY OF EUSTIS

109-A East Orange Avenue

P.O. Drawer 68

Eustis, FL 32727-0068

Website - www.eustis.org

E-Mail - personnel@ci.eustis.fl.us

Phone - 352-483-5472

FAX - 352-483-0492

VOLUNTEER/COMMUNITY SERVICES APPLICATION

Date: 7/7/2021

JUL 08 2021

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

1. Code Enforcement
2. Historical Preservation
3. Any other work
4. _____

NAME: CAROL S. KIRST Telephone #: (407) 754-5430

PRESENT ADDRESS: 2681 E. Washington Ave #22 Eustis 32726
Street/P.O. Box City State Zip

How long have you lived at this address? Since 10/30 E-Mail Address: Carol.Kirst@yahoo.com

Have you filed an application here before? ☐ Yes ☒ No If yes, when? _____

Have you ever worked for the City of Eustis? ☐ Yes ☒ No If yes, when? _____

Are you currently employed? ☒ Yes ☒ No retired May we contact you at work? ☐ Yes ☐ No

What number can we reach or leave a message for you during the day? Phone #: 407 754-5430

Are you available: ☐ Full Time ☒ Part Time ☐ Temporary

When are you able to volunteer? ☐ Nights ☒ Weekends Week days Other _____

Do you possess a valid Fla. Driver's License or I.D.? ☒ Yes ☐ No

Are you legally eligible for employment in the United States of America? ☒ Yes ☐ No

Have you ever been convicted, pled guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first degree misdemeanor in any jurisdiction? ☐ Yes ☒ No If yes, when: _____

Explain: _____
(Nature, severity and date of offense in relation to the position for which you are volunteering are considered.)

Do you have any criminal charges pending? ☐ Yes ☒ No If yes, explain: _____

Are you able, physically or otherwise, to perform the job functions of the position for which you are volunteering?
☒ Yes ☐ No If no, please explain: _____

Please list maiden or other names under which you may have worked or gone to school: Segers (maiden)

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

_____ none

PER 051-09

EQUAL OPPORTUNITY EMPLOYER

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

Name & Address of Organization: _____

From _____ to _____
Month/Year Month/Year

See Attached Resume - currently retired

Supervisor's E-mail: _____

Job Title: _____

Describe the work you did: _____

Reason for leaving: _____

Name & Address of Organization: _____

From _____ to _____
Month/Year Month/Year

Supervisor's E-mail: _____

Job Title: _____

Describe the work you did: _____

Reason for leaving: _____

Name & Address of Organization: _____

From _____ to _____
Month/Year Month/Year

Supervisor's E-mail: _____

Job Title: _____

Describe the work you did: _____

Reason for leaving: _____

Name & Address of Organization: _____

From _____ to _____
Month/Year Month/Year

Supervisor's E-mail: _____

Job Title: _____

Describe the work you did: _____

Reason for leaving: _____

EDUCATION AND SPECIALIZED TRAINING:

Circle Highest Grade Completed

GRAMMAR AND HIGH SCHOOL:

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

COLLEGE:

13 14 15 16

GRADUATE:

17 18 19 20

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

Name of High School(s): <i>BANKS HIGH</i>	City and State: <i>B'NAM AL</i>		
Name of College: <i>UNIV OF AL</i>	City and State: <i>TUSCALOOSA</i>	Major: <i>adm science</i>	Degree Received: <i>B.S.</i>
Name of Graduate School:	City and State:	Major:	Degree Received:
Other Trade, Technical, Etc: <i>CANNON FIN</i>	City and State: <i>ATHENS GA</i>	Major: <i>TRUST ADM</i>	Degree Received:
Foreign Language Skills:		☐ Read ☐ Write ☐ Speak	

OTHER PROFESSIONAL MEMBERSHIPS OR SKILLS:

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

- 1. Sales agent - RE - licensed through FL*
- 2. N.A.E.P.C - accredited estate planner*
-
-
-
-

REFERENCES:

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

Name <i>Holly Farley</i> Address (Street, City, State, Zip) <i>18092 US Hwy 44 Mt Dora</i> E-mail Address <i>holly@mtdera-real-estate.com</i> Employer <i>REMAX REALTY</i> Occupation <i>Realtor</i>	Name <i>Vicki Lyman</i> Address (Street, City, State, Zip) <i>620 29th Ave No. 33704</i> E-mail Address <i>no email</i> Employer <i>Retired from Raymond James</i> Occupation <i>Administrator</i>
Name <i>Katrina Nelson</i> Address (Street, City, State, Zip) <i>RLW Realty</i> E-mail Address <i>Katrina@rlwrealty.com</i> Employer <i>RLW Realty</i> Occupation <i>Prop mgr.</i>	Name <i>Katrina Nelson</i> Address (Street, City, State, Zip) <i>RLW Realty</i> E-mail Address <i>Katrina@rlwrealty.com</i> Employer <i>RLW Realty</i> Occupation <i>Prop mgr.</i>

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work?

anytime but not nights**CERTIFICATE OF APPLICANT:**

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

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

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

SIGNATURE OF APPLICANT:

Carol A. Kitch

Date:

7/7/2021**CONSENT OF PARENT OR LEGAL GUARDIAN***(All Volunteers Under 18 Years of Age Must Have Parent or Legal Guardian Complete This Section)*

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

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

Signature of Parent or Legal Guardian: _____

Date: _____

CAROL S.KIRST

407 754 5420 carol.kirst@yahoo.com

EMPLOYMENT HISTORY

President-Trust Real Estate Outsource, L.L.C. Consulting with trust companies and estate planning attorneys on trust real estate from acquisition to distribution/sell

Trust Real Estate Manager-Raymond James Trust Company (April 2012-October 2014) Direct portfolio management for commercial and residential real estate assets (total 400 properties) in many cases managing properties directly. Coordinate marketing, leasing, selling, and purchasing of asset, negotiating contracts and leases, and overseeing all aspects of transactions. Perform due diligence in accepting new properties. Hire and supervise third party fee managers, realtors, vendors, environmental engineers, and contractors. Ensure strict compliance with all relevant policies, procedures and regulations. Prepare risk management assessments.

Trust Real Estate Manager-Capital City Trust Company and SunTrust Bank (2003 to 2011) As the Trust Real Estate Manager for both these trust companies I was responsible for managing roughly 200 properties throughout Florida, South Carolina, and North Carolina Worked directly with trust clients and met with trust administrators regarding problems on the commercial and residential properties. Surveyed properties for hurricane damage and negotiated insurance settlements with the insurance adjusters. Also supervised contractors/workers for remodeling, maintenance and complete rebuilding on commercial and personal property. Maintain knowledge of legal issues.

Real Estate Agent-Coldwell Banker (2001-2003) responsible for prospecting and generating sales in Mount Dora real estate office.

Business Development Officer and Vice President for SunTrust Bank, Carolina Community Bank, and Citrus Bank (1994-1998) developing new trust business in Tennessee, North Carolina and Florida. Awarded highest sales for January 1996 for all SunTrust medium sized banks.

Trust Tax Manager SouthTrust Bank (later Wachovia) (1987-1994) responsible for preparation of over 800 fiduciary and estate tax returns, supervising staff of three

Owner/Manager-H & R Block-(1975-1987)-developed this business from -0- clients to over 1000 at the time I sold it.

LICENSES

**Licensed Real Estate Agent for State of Florida
Accredited Estate Planner-Emeritus
Member-National Trust Real Estate Association
Certified Legal Guardian for the State of Florida**

EDUCATION

University of Alabama, Tuscaloosa, Alabama-Bachelor of Science (also one year of graduate school)

Sloan Kettering Public Leadership course

Southern Trust School and CannonTrust Schools (7 years and completion)

Florida Real Estate School-current with Continuing Education-status inactive

Legal Guardianship Certification-40 hour courses, completed 5/2015 and passed State exam

Transnational Referral Certification through Pinellas Realtors Organization



Trust Real Estate Outsource, L.L.C. offers a number of services including but not limited to:

- Providing real estate investment and property management services through a trust professional.
- Recommending strategies for the real estate component of an account which incorporates a client's objective, account size, asset mix, and circumstances.
- Coordinating real property investment and management issues and activities with clients, attorneys, brokers, appraisers and other industry and relationship managers.
- Negotiating leases and sales/acquisitions with terms favorable to the trust and relative to market conditions, communicate with brokers and prospective tenants, monitoring income flow, closing and/or distribution.
- Authorizing repairs and maintenance as necessary, negotiating with contractors and/or other service providers including meeting them on site.
- Consult and guide in the buy and sell decision. Also, we analyze and determine the highest and best use, maximize investment performance and minimize risk for each asset.
- Manage risk associated with investment activities including active participation in Regulation 9 review.
- Identify and resolve environmental issues.
- Annually review assessed values of each parcel and informally negotiate with local property tax appraisers to achieve a fair market value.
- Review insurance coverage carefully and negotiate with claim adjusters in event of a disaster.



Carol S. Kirst, President

Carol Kirst is an Accredited Estate Planner, Emeritus and licensed realtor in the State of Florida with over 30 years of experience in trust and real estate management. Prior to establishing *T.R.E.O.-L.L.C.* she served as the Trust Real Estate Manager with Raymond James Trust Company handling over 400 properties throughout the United States. She has worked closely with trust companies to establish policies and procedures for trust real estate following the O.C.C. guidelines. She is a graduate of the University of Alabama, Tuscaloosa and has completed seven years of Cannon Trust School and Southern Trust School.

References and rates upon request.

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 bradleyppshelley@gmail.com Term Expires: 03/31/2022
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: 04/30/2022	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: 12/31/2021	Board Attorney: Francheska Sabatini, Esq. Stone & Gerken, P.A. 4850 North Hwy 19A Mount Dora, FL 32757 357-0330 francheska@stoneandgerken.com
Richard K. Bartzner 33 E. Wilt Ave. Eustis, FL 32726 H: 610-781-6195 rbartzner@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



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 4, 2022
RE: RESOLUTION NUMBER 22-50: APPROVAL OF AN AGREEMENT WITH THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, PERTAINING TO THE PROVISION OF SCHOOL RESOURCE OFFICERS.

Introduction:

Resolution Number 22-50 authorizes the Mayor and the Chief of Police to accept and utilize funds from the Lake County School Board, Florida, for services of three (3) School Resource Officers (SROs) pursuant to the terms of this Agreement.

Background:

See attached Staff Report.

Recommended Action:

Approve Resolution Number 22-50

Attachments:

[Staff Report - School Resource Agreement Resolution 22-50](#)

[SRO Agreement with Lake County School Board 2022](#)

[SRO Agreement City of Eustis SY22-23](#)

[Resolution 22-50](#)

Reviewed by:

Tom Carrino, City Manager

Approved - 29 Jul 2022

Christine Halloran, City Clerk

Approved - 29 Jul 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager
Craig Capri, Chief of Police

DATE: August 4, 2022

SUBJECT: RESOLUTION NUMBER 22-50: A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING AN AGREEMENT WITH THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, PERTAINING TO THE PROVISION OF SCHOOL RESOURCE OFFICERS.

Introduction:

Resolution Number 22-50 authorizes the Mayor and the Chief of Police to accept and utilize funds in the amount of Two Hundred Twenty-Six Thousand Four Hundred Fifty-Four (\$226,454.00) Dollars for services of the three (3) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the SCHOOL BOARD by the LAW ENFORCEMENT AGENCY in equal quarterly installments (September, November, February, and May) commencing on the 1st day of September 2022. Invoices shall be paid by the SCHOOL BOARD within fifteen (15) days of receipt. In the event that The Board of County Commissioners of Lake County, Florida, agrees to pay for any or all of the police officers assigned to the schools pursuant to this Agreement, then the LAW ENFORCEMENT AGENCY agrees that the SCHOOL BOARD may assign its obligation to pay under this section to The Board of County Commissioners of Lake County, Florida. The agreement will strengthen community relations in and around the City of Eustis by allowing Eustis Police Officers to interact with students, parents, school administration, and a host of other people while simply safeguarding our schools within the City.

Recommended Action:

The administration recommends approval of Resolution Number 22-50.

Background:

The School Board of Lake County, Florida has agreements with many municipal police agencies within Lake County, Florida where the Lake County Sheriff's Office does not employ their School Resource Deputies. All the agreements are standard with only the amount being paid by the school board is different due to salary ranges from other municipal agencies.

In previous years, the Eustis Police Department had School Resource Officers in our local schools; however, they were replaced by Lake County Deputies due to funding abilities of the City of Eustis.

A sense of community interaction and trust was lost when City of Eustis Police Officers were removed from the schools. Having Eustis Police Officers in our schools gives us the ability to earn trust and build positive relationships, while working on strengthening our community.

Community Input:

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

Budget/ Staff Impact:

The SCHOOL BOARD will pay the **City of Eustis** the sum of Two Hundred Twenty-Six Thousand Four Hundred Fifty-Four (\$226,454.00) Dollars for services of the three (3) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the SCHOOL BOARD by the LAW ENFORCEMENT AGENCY in equal quarterly installments (September, November, February, and May) commencing on the 1st day of September 2022. Invoices shall be paid by the SCHOOL BOARD within fifteen (15) days of receipt. The police department's general fund will be needed to cover any differences for two months' salary.

Reviewed By:

Craig A. Capri, Chief of Police

Prepared By:

Richard J. Cerniglia, Accreditation and Grants Compliance Manager

**AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA,
AND THE CITY OF EUSTIS, FOR
SCHOOL RESOURCE OFFICER PROGRAM [2022-2023]**

This **AGREEMENT** is entered into by and between the **City of Eustis**, a Florida municipal corporation, hereinafter referred to as “**LAW ENFORCEMENT AGENCY**” and the **School Board of Lake County, Florida**, a political subdivision of the State of Florida, hereinafter referred to as “**SCHOOL BOARD**”.

WITNESSETH:

WHEREAS, the **SCHOOL BOARD** is seeking three (3) School Resource Officers (SROs) to interact with students during the regular class schedule and at extra-curricular school activities so as to provide additional security to students, school personnel, the school community and school property; and

WHEREAS, the **LAW ENFORCEMENT AGENCY** is willing to place three (3) **City of Eustis** Police Officers at **Eustis Middle (1), Eustis High – Curtwright (1), Eustis High – Main (1)** for the purpose of carrying out this school program.

NOW, THEREFORE, in and for consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree that the **LAW ENFORCEMENT AGENCY** will provide three (3) sworn **City of Eustis** Police Officers who are certified pursuant to Section 943.10(1) *Florida Statutes* to the **SCHOOL BOARD** to act as SROs at the three (3) designated schools under the terms and conditions of this Agreement.

1. **Term of Agreement.** The term of this Agreement shall be for the next school year, beginning the 10th day of August 2022 through the last day of school for students in May 2023.

2. **Compensation.** The **SCHOOL BOARD** will pay the **City of Eustis** the sum of Two Hundred Twenty-Six Thousand Four Hundred Fifty-Four (\$226,454.00) Dollars for services of the three (3) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the **SCHOOL BOARD** by the **LAW ENFORCEMENT AGENCY** in equal quarterly installments (September, November, February, and May) commencing on the 1st day of September 2022. Invoices shall be paid by the **SCHOOL BOARD** within fifteen (15) days of receipt. In the

event that The Board of County Commissioners of Lake County, Florida, agrees to pay for any or all of the police officers assigned to the schools pursuant to this Agreement, then the LAW ENFORCEMENT AGENCY agrees that the SCHOOL BOARD may assign its obligation to pay under this section to The Board of County Commissioners of Lake County, Florida.

3. Scope. The LAW ENFORCEMENT AGENCY shall assign an SRO for three (3) designated schools. The SROs shall interact with students and provide security at the three (3) designated schools. In addition, the SROs shall have the duties and responsibilities listed in Exhibit "A" attached hereto.

4. Background Investigations. The LAW ENFORCEMENT AGENCY represents and warrants to the SCHOOL BOARD that the LAW ENFORCEMENT AGENCY has read and is familiar with Sections 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes* regarding background investigations. The LAW ENFORCEMENT AGENCY covenants to comply with all requirements of the above-cited statutes and shall provide SCHOOL BOARD with proof of compliance upon request. The LAW ENFORCEMENT AGENCY agrees, to the extent permitted by law and only to the extent permitted by 768.28, *Florida Statutes*, to indemnify and hold harmless the SCHOOL BOARD, it's officers, agents and employees from any liability in the form of physical injury, death, or property damage resulting from the LAW ENFORCEMENT AGENCY's failure to comply with the requirements of this paragraph or Florida Statute Sections, 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes*. Any claim against the LAW ENFORCEMENT AGENCY by the SCHOOL BOARD under the preceding sentence shall not include punitive damages or any interest for the period before judgment. Additionally, the LAW ENFORCEMENT AGENCY shall not be liable pursuant to this indemnity to pay a claim or judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the LAW ENFORCEMENT AGENCY arising out of the incident or occurrence, exceeds the sum of \$300,000. Further, nothing in this paragraph shall be construed as an admission of liability on behalf of the LAW ENFORCEMENT AGENCY.

5. Assignment of Officers. The LAW ENFORCEMENT AGENCY shall determine which SROs will be assigned under this Agreement and will also determine the particular school to which the SRO will be assigned to. The LAW ENFORCEMENT AGENCY shall provide a

notice of the assigned SROs to the school principals of the three (3) designated school. In the event that the principal of the school where the SRO is assigned believes that the particular SRO is not effectively performing his/her duties and responsibilities, the principal shall notify the SRO in writing. If the situation is not corrected within three (3) working days, the principal shall contact the SRO's immediate supervisor and the Superintendent's designee in writing and provide a copy of said notice to each of them. If the situation is not resolved to the mutual satisfaction of both the SRO's immediate supervisor and the Superintendent's designee within ten (10) days, or if, during the same contract period, the principal determines for a second time that the SRO is not effectively performing his/her duties and responsibilities, then the Principal shall recommend to the Superintendent that the SRO be removed from the program at his/her school, and shall state the reasons as well as the efforts to resolve the problems in writing. The Superintendent, or his/her designee, shall review the request and, if approved, shall provide written notification to the LAW ENFORCEMENT AGENCY who shall transfer the SRO or take other appropriate action within ten (10) business days. In the event the principal considers the SRO's conduct to present a threat to the safety or well-being of the students or staff, the principal will immediately notify the Superintendent and the LAW ENFORCEMENT AGENCY. Upon receipt of such notification, the LAW ENFORCEMENT AGENCY shall take appropriate action.

6. Dismissal/Replacement/Absence.

The LAW ENFORCEMENT AGENCY may dismiss or reassign SROs with or without cause. In the event of the resignation, dismissal, or reassignment of an SRO, or in the case of long-term absences by an SRO, the LAW ENFORCEMENT AGENCY shall provide a temporary replacement for the SRO as soon as practical.

7. Leaves/Coverage.

The Chief of Police or another designated scheduling officer will approve vacations, sick leaves, and other leaves of absence for the SRO. The SRO will communicate approved vacation, sick leaves, trainings or any other leave that impacts SRO presence in schools with the SCHOOL BOARD'S Safety and Security Specialist.

LAW ENFORCEMENT AGENCY shall provide coverage of an SRO during any time in which the SRO will be off campus of the school to include, but not be limited to vacations, sick leaves, other leaves of absence or due to other related assignments.

8. Hours of Assignment. The SROs will be stationed at the three (3) designated schools for eighty (80) hours per two-week period, Monday through Friday, as assigned and scheduled by the respective school principal and as approved by the LAW ENFORCEMENT AGENCY.

9. Additional Hours of Assignment. Additional hours of assignment during a two-week period may be made with prior approval of the LAW ENFORCEMENT AGENCY, if requested by the respective school principal. If the additional hours worked require that overtime be paid to the SROs, the SCHOOL BOARD will reimburse the LAW ENFORCEMENT AGENCY for overtime paid at the SRO's existing pay rate.

10. Off Campus Assignments. Upon the request of the respective school principal and with the prior approval of the LAW ENFORCEMENT AGENCY, an SRO's duties may occasionally include his/her assignment at school functions and activities that are held off campus.

11. Reassignment in Emergency Situations. Nothing in this Agreement shall prevent or interfere with the ability of the LAW ENFORCEMENT AGENCY to temporarily withdraw an assigned SRO from his/her post at the three (3) designated schools to respond to emergency situations as determined in the sole judgment and discretion of the LAW ENFORCEMENT AGENCY.

12. Supervising Authority. During the term of this Agreement, the SROs assigned shall remain employees of the LAW ENFORCEMENT, under the authority of the chain of command of the LAW ENFORCEMENT AGENCY and subject to all other rules and regulations of the LAW ENFORCEMENT AGENCY. The SROs will report to their respective school principal for assignment of duties and work schedules, including the extracurricular activities during the regular school day for up to eighty (80) hours for each officer per two-week period. Each SRO shall remain, at all times, an employee of the LAW ENFORCEMENT AGENCY. Workers Compensation coverage, as required by law, will be provided for the officer by the LAW ENFORCEMENT AGENCY.

13. Salary and Benefits. The LAW ENFORCEMENT AGENCY will provide the salary and benefits to each SRO assigned, including uniforms and equipment and any applicable overtime pay as agreed to above.

14. Vehicle. The LAW ENFORCEMENT AGENCY will provide vehicles for SROs if or when determined necessary by the LAW ENFORCEMENT AGENCY.

15. Threats to School Safety.

A. Pursuant to Section 1006.13(4), *Florida Statutes*, any acts that pose a threat to school safety, whether committed by a student or adult, shall be reported to the School Principal, or his or her designee, who shall report the acts to the SRO and the School Board's School Safety Specialist.

B. If requested by the School Principal, or his or her designee, the SRO, or other appropriate law enforcement officers, shall assist in the investigation of the acts that pose a threat to school safety; upon conclusion of the investigation, the SRO shall report the findings of the investigation to the School Board's School Safety Specialist to properly document the disposition of the incident. Additionally, the School Principal, or his or her designee, shall consult with SRO concerning appropriate delinquent acts and crimes.

16. Termination of Agreement. This Agreement may be terminated by either party upon thirty (30) days written notice. Notice shall be deemed given as of the date of deposit of such written NOTICE in the course of transmission in the United States Postal Service and addressed as follows:

SCHOOL BOARD:

Superintendent of Schools
School Board of Lake County
201 West Burleigh Boulevard
Tavares, FL 32778

LAW ENFORCEMENT
AGENCY:

Chief of Police
City of Eustis Police Department
51 East Norton Avenue
Eustis, FL 32726

Upon termination pursuant to this subsection, payment will be made by the SCHOOL BOARD or reimbursement made by the LAW ENFORCEMENT AGENCY based on a pro rata charge for services for that portion of the school year covered by this Agreement prior to termination.

17. Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties with respect to the subject matter hereto and supersedes all prior Agreements, representations and understandings either oral, written or otherwise relating thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates under each signature.

"SCHOOL BOARD"

**THE SCHOOL BOARD OF LAKE COUNTY,
FLORIDA**

By: _____
Stephanie Luke, Chairperson

Date: _____

Approved as to form:

Attest: _____
Diane S. Kornegay, Superintendent

School Board Attorney

**"LAW ENFORCEMENT AGENCY"
CITY OF EUSTIS**

By: _____
Michael Holland, Mayor

Date: _____

Approved as to form:

Attest: _____

Derek A. Schroth,
City Attorney

EXHIBIT "A"

In addition to the routine duties and responsibilities of the SROs, the SROs shall have the following specific duties and responsibilities:

1. Each SRO shall at all times perform his/her duties in accordance with City of Eustis Police Department's standard operating procedures.
2. The SROs shall serve as resource instructors providing programs in crime prevention that encourage students to become responsible citizens.
3. The SROs shall also assist the orderly flow of traffic on school grounds.
4. Each SRO shall maintain all law enforcement powers, duties, and responsibilities inclusive of his/her position as City of Eustis Police Officers while assigned to the SRO program.
5. Each SRO shall be responsible to his/her agency in all matters relating to employment, however, activities conducted by the SROs which are part of the regular school instruction program shall be under the direction of the principal or his/her designee.
6. Each SRO shall be at his/her school during normal school hours of operation and shall utilize the school's computer-based management system to sign in and out to verify attendance. During times that the SROs are unable to be on campus or need to leave campus, those times will be coordinated with the principal or his/her designee and each SRO's supervisor. The SRO supervisor will assure that the School has a replacement SRO on campus.
7. The SROs shall perform such duties as directed by his/her agency when school is not in session. The principal or his/her designee shall advise the Officers' supervisor of the school's calendar.
8. The SROs may contact students during school hours in conjunction with a criminal investigation so long as such contact does not interfere with or impede the orderly operation of the school or the rights of the individual students.
9. All student record information will be maintained in accordance with the provisions of Florida Statutes.
10. The SROs shall interface with students between class breaks, during lunch periods, before and after school and at school activities at which the SROs are in attendance. The SROs will not be assigned to a permanent school related duty post so as not to establish predictable patterns.
11. In the interest of maintaining a safe and orderly school environment, student and campus supervision is of critical importance. The SROs shall take a prominent role in supervision responsibilities, which shall be coordinated with and agreed to by the SROs and the designated school principal. While school is in session, the SROs shall be present on and around the school campus except as permitted in paragraph 6 of this Exhibit A.

12. The SROs will serve as a referral resource for students, faculty and parents to community agencies.

13. The SROs will serve as a Law Enforcement resource to school administration and the district manager of security services.

14. The SROs shall be familiar and offer support with the plans and strategies for the prevention and control of dangerous situations at the school.

15. The SROs will coordinate activities with the school administration and the school guidance department in an effort to identify those students who exhibit indications of early delinquent behavior.

16. The SROs shall attend meetings of school faculty and requested administrative meetings during school hours on a regular basis.

17. The SROs shall not act as a school disciplinarian, as disciplining students is a school responsibility. However, the principal shall contact the SROs for any violations of the law, and the SROs shall determine whether law enforcement action is appropriate.

18. The SROs shall take law enforcement action as necessary and as permitted under Florida law and shall inform the school principal of such action unless it would impede a criminal investigation, under such circumstances as practical. The SROs shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SROs may do so under the authority of law. Whenever practical, the SROs shall advise the principal before requesting additional law enforcement assistance on campus.

19. The SROs shall be informed by school personnel of any situation occurring on school grounds that would appear to be a violation of the law of criminal nature.

20. The SROs shall maintain detailed accurate records of his/her activities, and provide a written monthly report to the LAW ENFORCEMENT AGENCY who shall provide such information to the Safe Schools Department of the SCHOOL BOARD.

21. The SROs and school administration shall work together to keep each other informed during the course of all criminal investigations as permitted by law and as practical. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations and/or powers.

22. The SROs shall work with school administration when determining whether an arrest should be made, or if there is an alternative solution to the incident which would still be in compliance with Florida law. The final decision on whether arrest is appropriate will lie with the attending SRO or other law enforcement officer on scene at the incident. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations or powers.

23. The SROs shall affect a physical arrest for felonies committed on school grounds, particularly those that are "Zero Tolerance", as permitted by law.

24. The SROs shall give assistance to other law enforcement officers and government agencies in matters regarding his/her school assignment, whenever necessary.

25. The parties shall comply with the provisions of the Family Educational Rights and Privacy Act ("FERPA").

**AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA,
AND THE CITY OF EUSTIS, FOR
SCHOOL RESOURCE OFFICER PROGRAM [2022-2023]**

This **AGREEMENT** is entered into by and between the **City of Eustis**, a Florida municipal corporation, hereinafter referred to as “LAW ENFORCEMENT AGENCY” and the **School Board of Lake County, Florida**, a political subdivision of the State of Florida, hereinafter referred to as “SCHOOL BOARD”.

WITNESSETH:

WHEREAS, the SCHOOL BOARD is seeking three (3) School Resource Officers (SROs) to interact with students during the regular class schedule and at extra-curricular school activities so as to provide additional security to students, school personnel, the school community and school property; and

WHEREAS, the LAW ENFORCEMENT AGENCY is willing to place three (3) **City of Eustis** Police Officers at **Eustis Middle (1), Eustis High – Curtwright (1), Eustis High – Main (1)** for the purpose of carrying out this school program.

NOW, THEREFORE, in and for consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree that the LAW ENFORCEMENT AGENCY will provide three (3) sworn **City of Eustis** Police Officers who are certified pursuant to Section 943.10(1) *Florida Statutes* to the SCHOOL BOARD to act as SROs at the three (3) designated schools under the terms and conditions of this Agreement.

1. Term of Agreement. The term of this Agreement shall be for the next school year, beginning the 10th day of August 2022 through the last day of school for students in May 2023.

2. Compensation. The SCHOOL BOARD will pay the **City of Eustis** the sum of Two Hundred Twenty-Six Thousand Four Hundred Fifty-Four (\$226,454.00) Dollars for services of the three (3) SROs provided pursuant to the terms of this Agreement. Such compensation shall be invoiced to the SCHOOL BOARD by the LAW ENFORCEMENT AGENCY in equal quarterly installments (September, November, February, and May) commencing on the 1st day of September 2022. Invoices shall be paid by the SCHOOL BOARD within fifteen (15) days of receipt. In the

event that The Board of County Commissioners of Lake County, Florida, agrees to pay for any or all of the police officers assigned to the schools pursuant to this Agreement, then the LAW ENFORCEMENT AGENCY agrees that the SCHOOL BOARD may assign its obligation to pay under this section to The Board of County Commissioners of Lake County, Florida.

3. Scope. The LAW ENFORCEMENT AGENCY shall assign an SRO for three (3) designated schools. The SROs shall interact with students and provide security at the three (3) designated schools. In addition, the SROs shall have the duties and responsibilities listed in Exhibit “A” attached hereto.

4. Background Investigations. The LAW ENFORCEMENT AGENCY represents and warrants to the SCHOOL BOARD that the LAW ENFORCEMENT AGENCY has read and is familiar with Sections 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes* regarding background investigations. The LAW ENFORCEMENT AGENCY covenants to comply with all requirements of the above-cited statutes and shall provide SCHOOL BOARD with proof of compliance upon request. The LAW ENFORCEMENT AGENCY agrees, to the extent permitted by law and only to the extent permitted by 768.28, *Florida Statutes*, to indemnify and hold harmless the SCHOOL BOARD, its officers, agents and employees from any liability in the form of physical injury, death, or property damage resulting from the LAW ENFORCEMENT AGENCY’s failure to comply with the requirements of this paragraph or Florida Statute Sections, 1012.32, 1012.465, 1012.467 and 1012.468, *Florida Statutes*. Any claim against the LAW ENFORCEMENT AGENCY by the SCHOOL BOARD under the preceding sentence shall not include punitive damages or any interest for the period before judgment. Additionally, the LAW ENFORCEMENT AGENCY shall not be liable pursuant to this indemnity to pay a claim or judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the LAW ENFORCEMENT AGENCY arising out of the incident or occurrence, exceeds the sum of \$300,000. Further, nothing in this paragraph shall be construed as an admission of liability on behalf of the LAW ENFORCEMENT AGENCY.

5. Assignment of Officers. The LAW ENFORCEMENT AGENCY shall determine which SROs will be assigned under this Agreement and will also determine the particular school to which the SRO will be assigned to. The LAW ENFORCEMENT AGENCY shall provide a

notice of the assigned SROs to the school principals of the three (3) designated school. In the event that the principal of the school where the SRO is assigned believes that the particular SRO is not effectively performing his/her duties and responsibilities, the principal shall notify the SRO in writing. If the situation is not corrected within three (3) working days, the principal shall contact the SRO's immediate supervisor and the Superintendent's designee in writing and provide a copy of said notice to each of them. If the situation is not resolved to the mutual satisfaction of both the SRO's immediate supervisor and the Superintendent's designee within ten (10) days, or if, during the same contract period, the principal determines for a second time that the SRO is not effectively performing his/her duties and responsibilities, then the Principal shall recommend to the Superintendent that the SRO be removed from the program at his/her school, and shall state the reasons as well as the efforts to resolve the problems in writing. The Superintendent, or his/her designee, shall review the request and, if approved, shall provide written notification to the LAW ENFORCEMENT AGENCY who shall transfer the SRO or take other appropriate action within ten (10) business days. In the event the principal considers the SRO's conduct to present a threat to the safety or well-being of the students or staff, the principal will immediately notify the Superintendent and the LAW ENFORCEMENT AGENCY. Upon receipt of such notification, the LAW ENFORCEMENT AGENCY shall take appropriate action.

6. Dismissal/Replacement/Absence.

The LAW ENFORCEMENT AGENCY may dismiss or reassign SROs with or without cause. In the event of the resignation, dismissal, or reassignment of an SRO, or in the case of long-term absences by an SRO, the LAW ENFORCEMENT AGENCY shall provide a temporary replacement for the SRO as soon as practical.

7. Leaves/Coverage.

The Chief of Police or another designated scheduling officer will approve vacations, sick leaves, and other leaves of absence for the SRO. The SRO will communicate approved vacation, sick leaves, trainings or any other leave that impacts SRO presence in schools with the SCHOOL BOARD'S Safety and Security Specialist.

LAW ENFORCEMENT AGENCY shall provide coverage of an SRO during any time in which the SRO will be off campus of the school to include, but not be limited to vacations, sick leaves, other leaves of absence or due to other related assignments.

8. Hours of Assignment. The SROs will be stationed at the three (3) designated schools for eighty (80) hours per two-week period, Monday through Friday, as assigned and scheduled by the respective school principal and as approved by the LAW ENFORCEMENT AGENCY.

9. Additional Hours of Assignment. Additional hours of assignment during a two-week period may be made with prior approval of the LAW ENFORCEMENT AGENCY, if requested by the respective school principal. If the additional hours worked require that overtime be paid to the SROs, the SCHOOL BOARD will reimburse the LAW ENFORCEMENT AGENCY for overtime paid at the SRO's existing pay rate.

10. Off Campus Assignments. Upon the request of the respective school principal and with the prior approval of the LAW ENFORCEMENT AGENCY, an SRO's duties may occasionally include his/her assignment at school functions and activities that are held off campus.

11. Reassignment in Emergency Situations. Nothing in this Agreement shall prevent or interfere with the ability of the LAW ENFORCEMENT AGENCY to temporarily withdraw an assigned SRO from his/her post at the three (3) designated schools to respond to emergency situations as determined in the sole judgment and discretion of the LAW ENFORCEMENT AGENCY.

12. Supervising Authority. During the term of this Agreement, the SROs assigned shall remain employees of the LAW ENFORCEMENT, under the authority of the chain of command of the LAW ENFORCEMENT AGENCY and subject to all other rules and regulations of the LAW ENFORCEMENT AGENCY. The SROs will report to their respective school principal for assignment of duties and work schedules, including the extracurricular activities during the regular school day for up to eighty (80) hours for each officer per two-week period. Each SRO shall remain, at all times, an employee of the LAW ENFORCEMENT AGENCY. Workers Compensation coverage, as required by law, will be provided for the officer by the LAW ENFORCEMENT AGENCY.

13. Salary and Benefits. The LAW ENFORCEMENT AGENCY will provide the salary and benefits to each SRO assigned, including uniforms and equipment and any applicable overtime pay as agreed to above.

14. Vehicle. The LAW ENFORCEMENT AGENCY will provide vehicles for SROs if or when determined necessary by the LAW ENFORCEMENT AGENCY.

15. Threats to School Safety.

A. Pursuant to Section 1006.13(4), *Florida Statutes*, any acts that pose a threat to school safety, whether committed by a student or adult, shall be reported to the School Principal, or his or her designee, who shall report the acts to the SRO and the School Board's School Safety Specialist.

B. If requested by the School Principal, or his or her designee, the SRO, or other appropriate law enforcement officers, shall assist in the investigation of the acts that pose a threat to school safety; upon conclusion of the investigation, the SRO shall report the findings of the investigation to the School Board's School Safety Specialist to properly document the disposition of the incident. Additionally, the School Principal, or his or her designee, shall consult with SRO concerning appropriate delinquent acts and crimes.

16. Termination of Agreement. This Agreement may be terminated by either party upon thirty (30) days written notice. Notice shall be deemed given as of the date of deposit of such written NOTICE in the course of transmission in the United States Postal Service and addressed as follows:

SCHOOL BOARD:

Superintendent of Schools
School Board of Lake County
201 West Burleigh Boulevard
Tavares, FL 32778

LAW ENFORCEMENT
AGENCY:

Chief of Police
City of Eustis Police Department
51 East Norton Avenue
Eustis, FL 32726

Upon termination pursuant to this subsection, payment will be made by the SCHOOL BOARD or reimbursement made by the LAW ENFORCEMENT AGENCY based on a pro rata charge for services for that portion of the school year covered by this Agreement prior to termination.

17. Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties with respect to the subject matter hereto and supersedes all prior Agreements, representations and understandings either oral, written or otherwise relating thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the respective dates under each signature.

“SCHOOL BOARD”

**THE SCHOOL BOARD OF LAKE COUNTY,
FLORIDA**

By: _____
Stephanie Luke, Chairperson

Date: _____

Approved as to form:

Attest: _____
Diane S. Kornegay, Superintendent

School Board Attorney

**“LAW ENFORCEMENT AGENCY”
CITY OF EUSTIS**

By: _____
Michael Holland, Mayor

Date: _____

Approved as to form:

Attest: _____

Derek A. Schroth,
City Attorney

EXHIBIT “A”

In addition to the routine duties and responsibilities of the SROs, the SROs shall have the following specific duties and responsibilities:

1. Each SRO shall at all times perform his/her duties in accordance with City of Eustis Police Department’s standard operating procedures.
2. The SROs shall serve as resource instructors providing programs in crime prevention that encourage students to become responsible citizens.
3. The SROs shall also assist the orderly flow of traffic on school grounds.
4. Each SRO shall maintain all law enforcement powers, duties, and responsibilities inclusive of his/her position as City of Eustis Police Officers while assigned to the SRO program.
5. Each SRO shall be responsible to his/her agency in all matters relating to employment, however, activities conducted by the SROs which are part of the regular school instruction program shall be under the direction of the principal or his/her designee.
6. Each SRO shall be at his/her school during normal school hours of operation and shall utilize the school’s computer-based management system to sign in and out to verify attendance. During times that the SROs are unable to be on campus or need to leave campus, those times will be coordinated with the principal or his/her designee and each SRO’s supervisor. The SRO supervisor will assure that the School has a replacement SRO on campus.
7. The SROs shall perform such duties as directed by his/her agency when school is not in session. The principal or his/her designee shall advise the Officers’ supervisor of the school’s calendar.
8. The SROs may contact students during school hours in conjunction with a criminal investigation so long as such contact does not interfere with or impede the orderly operation of the school or the rights of the individual students.
9. All student record information will be maintained in accordance with the provisions of Florida Statutes.
10. The SROs shall interface with students between class breaks, during lunch periods, before and after school and at school activities at which the SROs are in attendance. The SROs will not be assigned to a permanent school related duty post so as not to establish predictable patterns.
11. In the interest of maintaining a safe and orderly school environment, student and campus supervision is of critical importance. The SROs shall take a prominent role in supervision responsibilities, which shall be coordinated with and agreed to by the SROs and the designated school principal. While school is in session, the SROs shall be present on and around the school campus except as permitted in paragraph 6 of this Exhibit A.

12. The SROs will serve as a referral resource for students, faculty and parents to community agencies.
13. The SROs will serve as a Law Enforcement resource to school administration and the district manager of security services.
14. The SROs shall be familiar and offer support with the plans and strategies for the prevention and control of dangerous situations at the school.
15. The SROs will coordinate activities with the school administration and the school guidance department in an effort to identify those students who exhibit indications of early delinquent behavior.
16. The SROs shall attend meetings of school faculty and requested administrative meetings during school hours on a regular basis.
17. The SROs shall not act as a school disciplinarian, as disciplining students is a school responsibility. However, the principal shall contact the SROs for any violations of the law, and the SROs shall determine whether law enforcement action is appropriate.
18. The SROs shall take law enforcement action as necessary and as permitted under Florida law and shall inform the school principal of such action unless it would impede a criminal investigation, under such circumstances as practical. The SROs shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SROs may do so under the authority of law. Whenever practical, the SROs shall advise the principal before requesting additional law enforcement assistance on campus.
19. The SROs shall be informed by school personnel of any situation occurring on school grounds that would appear to be a violation of the law of criminal nature.
20. The SROs shall maintain detailed accurate records of his/her activities, and provide a written monthly report to the LAW ENFORCEMENT AGENCY who shall provide such information to the Safe Schools Department of the SCHOOL BOARD.
21. The SROs and school administration shall work together to keep each other informed during the course of all criminal investigations as permitted by law and as practical. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations and/or powers.
22. The SROs shall work with school administration when determining whether an arrest should be made, or if there is an alternative solution to the incident which would still be in compliance with Florida law. The final decision on whether arrest is appropriate will lie with the attending SRO or other law enforcement officer on scene at the incident. This provision shall not be interpreted so as to interfere with or impede the SROs' law enforcement duties, obligations or powers.

23. The SROs shall affect a physical arrest for felonies committed on school grounds, particularly those that are “Zero Tolerance”, as permitted by law.

24. The SROs shall give assistance to other law enforcement officers and government agencies in matters regarding his/her school assignment, whenever necessary.

25. The parties shall comply with the provisions of the Family Educational Rights and Privacy Act (“FERPA”).

RESOLUTION NUMBER 22-50

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS,
LAKE COUNTY, FLORIDA, APPROVING AN AGREEMENT WITH THE
SCHOOL BOARD OF LAKE COUNTY, FLORIDA, PERTAINING TO THE
PROVISION OF SCHOOL RESOURCE OFFICERS.**

WHEREAS, it has been shown that the presence of law enforcement personnel, known as School Resource Officers, enhances the safety and security of students on school campuses as well promotes positive relationships between youth and law enforcement; and

WHEREAS, the School Board of Lake County (School Board) is seeking three School Resource Officers (SROs) to interact with students during the regular class schedule and at extra-curricular school activities so as to provide additional security to students, school personnel, the school community and school property; and

WHEREAS, the City of Eustis is willing to place three City of Eustis Police Officers – one each at Eustis Middle School, Eustis High School Curtright Campus and Eustis High School Main Campus;

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Eustis that the attached Interlocal Agreement with the School Board of Lake County is hereby approved for a one-year term to begin August 10, 2022 and run through the last day of school for students in May 2023.

DONE AND RESOLVED this 4th 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, by physical presence, this 4th 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-50 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, City Manager
DATE: August 4, 2022
RE: 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

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, then 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, then 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
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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](#)

[Ordinance No. 22-18 Annexation](#)

[Ordinance No. 22-19 FLUMA](#)

[Ordinance No. 22-20 Design Dist](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 29 Jul 2022
Approved - 29 Jul 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 4, 2022
RE: **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
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.

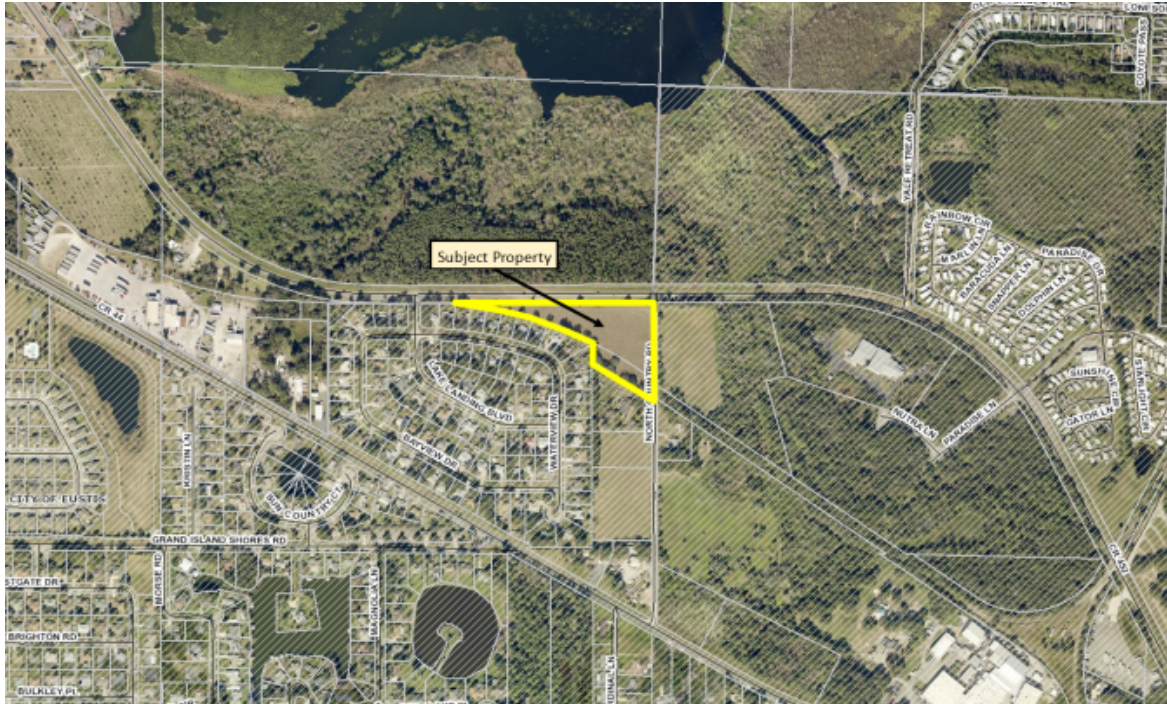
Recommended Action

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

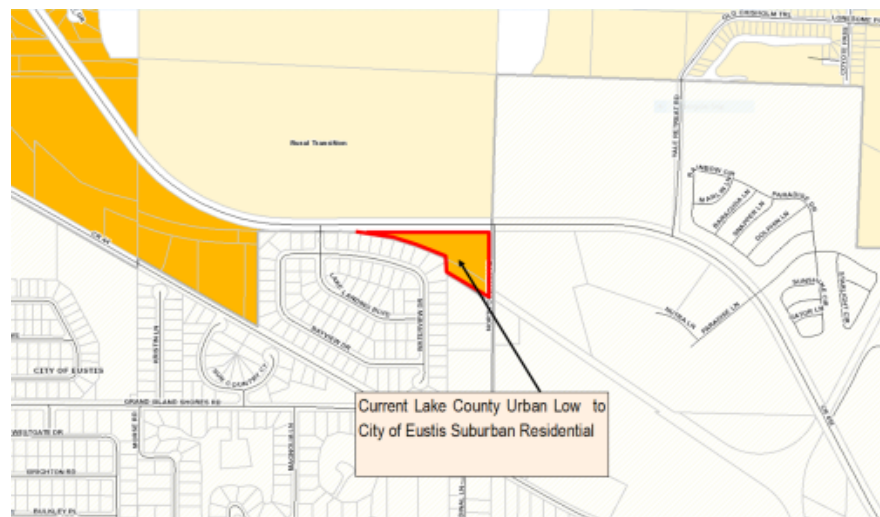
Applicant's Request

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.

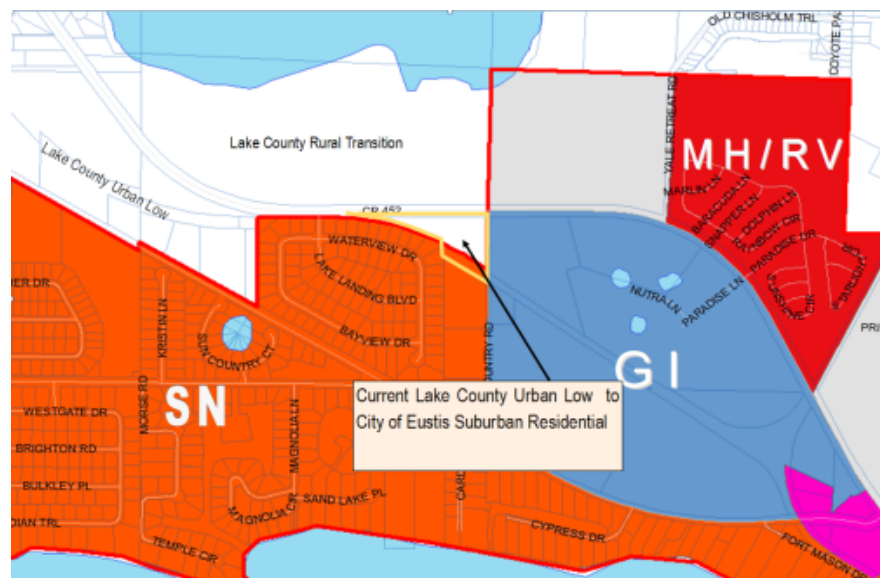
The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses up to four dwelling units per acre.

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.

Ordinance Number 22-18
Annexation 2022-A-04
Alternate Key Numbers 1743346 and 3840638
Page 1 of 4

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.

THE
FLORIDA

CITY COMMISSION OF
CITY OF EUSTIS,

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.

Ordinance Number 22-18
Annexation 2022-A-04
Alternate Key Numbers 1743346 and 3840638
Page 1 of 4

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



Ordinance Number 22-18
 Annexation 2022-A-04
 Alternate Key Numbers 1743346 and 3840638
 Page 1 of 4

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.

**THE
FLORIDA**

**CITY COMMISSION OF
CITY OF EUSTIS,**

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.

Florida

Notary Public - State of

My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

Ordinance Number 22-19
FLUMA 2022-CPLUS-04
Alternate Key Numbers 1743346 and 3840638
Page 1 of 4

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

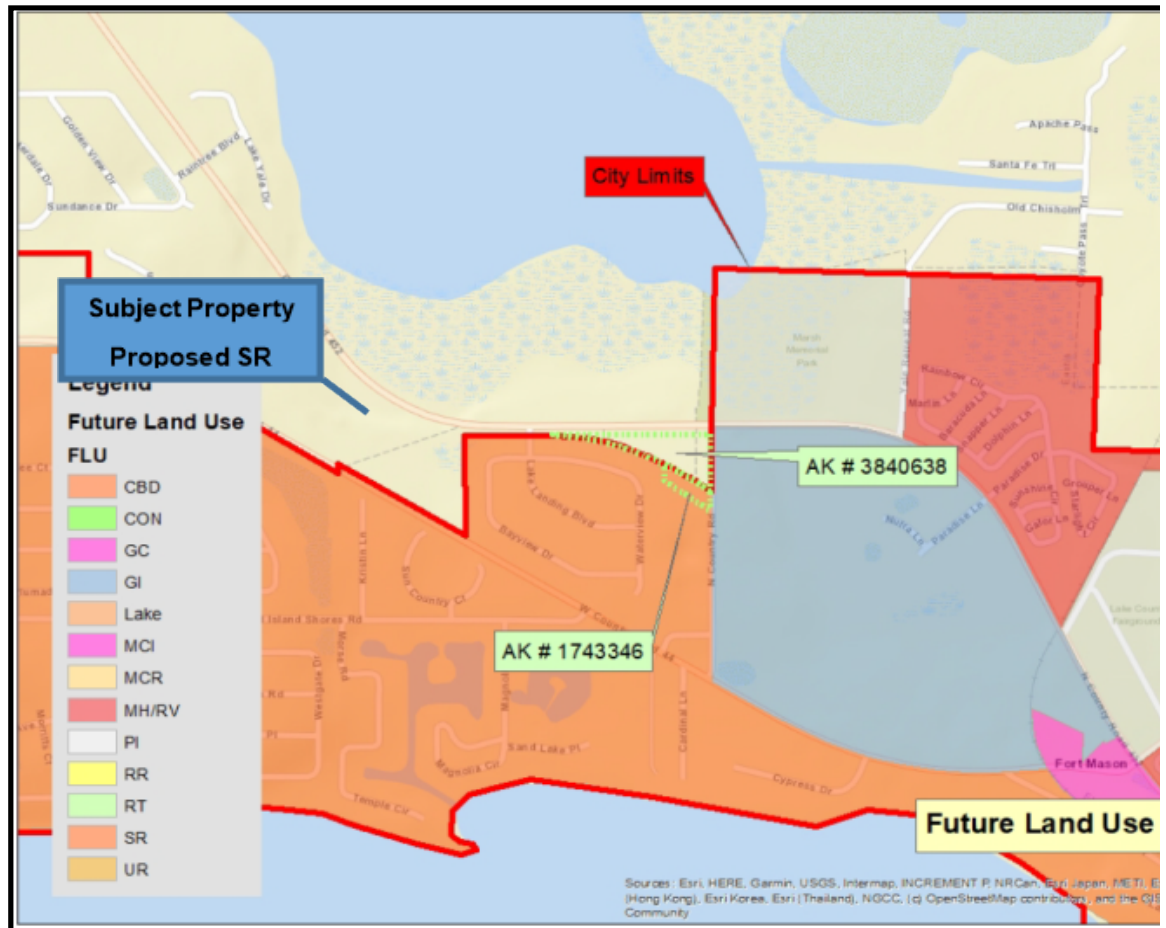
City Attorney's Office Date

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



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

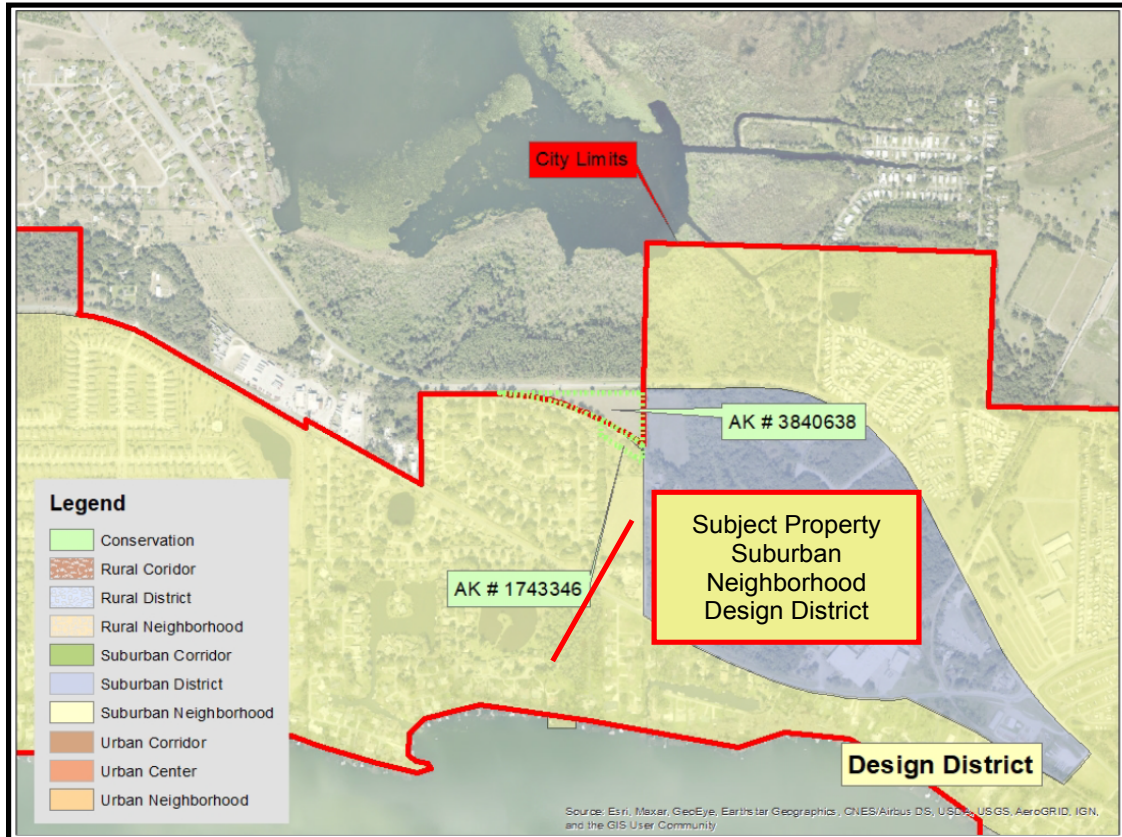
Date

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 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 4, 2022
RE: DIRECTION ON EVALUATION COMMITTEE COMPOSITION FOR THE
REQUEST FOR QUALIFICATIONS REGARDING THE FORMER
WATERMAN SITE

Introduction:

Staff is seeking direction from the Eustis City Commission on having a CRA/Commission representative on the evaluation committee for Request for Qualifications (RFQ) 011-21 regarding the purchase and redevelopment of the former Waterman site.

Budget Impact:

There will considerable budget and staff impact on the overall project, but the decision on whether or not to include a Commissioner on the evaluation committee has no budget or staff impact.

Attachments:

[Staff Report RFQ Evaluation Committee](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 29 Jul 2022
Approved - 29 Jul 2022



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

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, CITY MANAGER
DATE: AUGUST 4, 2022
RE: DIRECTION ON EVALUATION COMMITTEE
COMPOSITION FOR THE REQUEST FOR
QUALIFICATIONS REGARDING THE FORMER
WATERMAN SITE

Introduction:

Staff is seeking direction from the Eustis City Commission on having a CRA/Commission representative on the evaluation committee for Request for Qualifications (RFQ) 011-21 regarding the purchase and redevelopment of the former Waterman site.

Recommended Action:

Staff is seeking direction from the City Commission.

Background:

In September 2020, the Community Redevelopment Agency purchased the three blocks that were formerly occupied by Florida Hospital Waterman. On September 21, 2020, the City/CRA issued Request for Proposals (RFP) 009-20 – 4.8 Acre Redevelopment Opportunity in Downtown Eustis. There was one respondent to the RFP, but the CRA and City did not move forward with that proposal.

On May 27, 2022, the City/CRA issued RFQ 011-21. Responses were due on July 14, 2022, and two responses were received. The City/CRA will form an evaluation committee to review those responses and make a recommendation to the CRA Board and the City Commission. Tentatively, the evaluation committee will be comprised of the City Manager (Tom Carrino), the Economic Development Director/CRA Administrator (Al Latimer), the Development Services Director (Mike Lane), the Public Works Director (Rick Gierok), the Finance Director (Mike Sheppard), and all meetings will be facilitated by the Purchasing Director (Tracy Jeanes). Staff is seeking direction on whether the City Commission would like to have a single CRA Board Member/City Commissioner on the evaluation committee.

Budget / Staff Impact:

There will considerable budget and staff impact on the overall project, but the decision on whether or not to include a Commissioner on the evaluation committee has no budget or staff impact.

Prepared By:

Tom Carrino, City Manager



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 4, 2022
RE: DISCUSSION ON THE FORMER AMERICAN LEGION PROPERTY

Introduction:

Staff would like direction on the former American Legion property.

Background:

See attached Staff Report.

Budget Impact:

The sale of the property would result in a revenue to the City. The exact amount would be determined as part of negotiations to sell the property. There would be staff impacts to processing a sale, but those impacts are difficult to estimate at this time.

Attachments:

[Discussion on the American Legion Property ADA](#)
[American Legion Property](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 28 Jul 2022
Approved - 29 Jul 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 4, 2022
RE: DISCUSSION ON THE FORMER AMERICAN
LEGION PROPERTY

Introduction

Staff would like direction on the former American Legion property.

Background

Due to structural issues, the City of Eustis recently demolished the rental facility located at 101 South Bay Street formerly known as the American Legion building. The property is approximately 0.55 acres, and runs along East Citrus Avenue from South Bay Street to South Eustis Street.

The City has been approached by a potential purchaser of the former Bank of America drive thru property to the south about acquiring the former American Legion property. At 0.55 acres, the former American Legion property could be developed independently of the surrounding property, but the highest and best use would probably be to incorporate the land into a larger redevelopment project.

There are several possible alternatives moving forward. The property could be made available through a public, open process. The City could also secure professional real estate representation to sell the property. Alternatively, the City could hold onto the property as other area properties develop, including the former Waterman site.

Community Input

There will be an opportunity for public input if the City moves forward with the sale of the property.

Budget / Staff Impact

The sale of the property would result in a revenue to the City. The exact amount would be determined as part of negotiations to sell the property. There would be staff

impacts to processing a sale, but those impacts are difficult to estimate at this time.

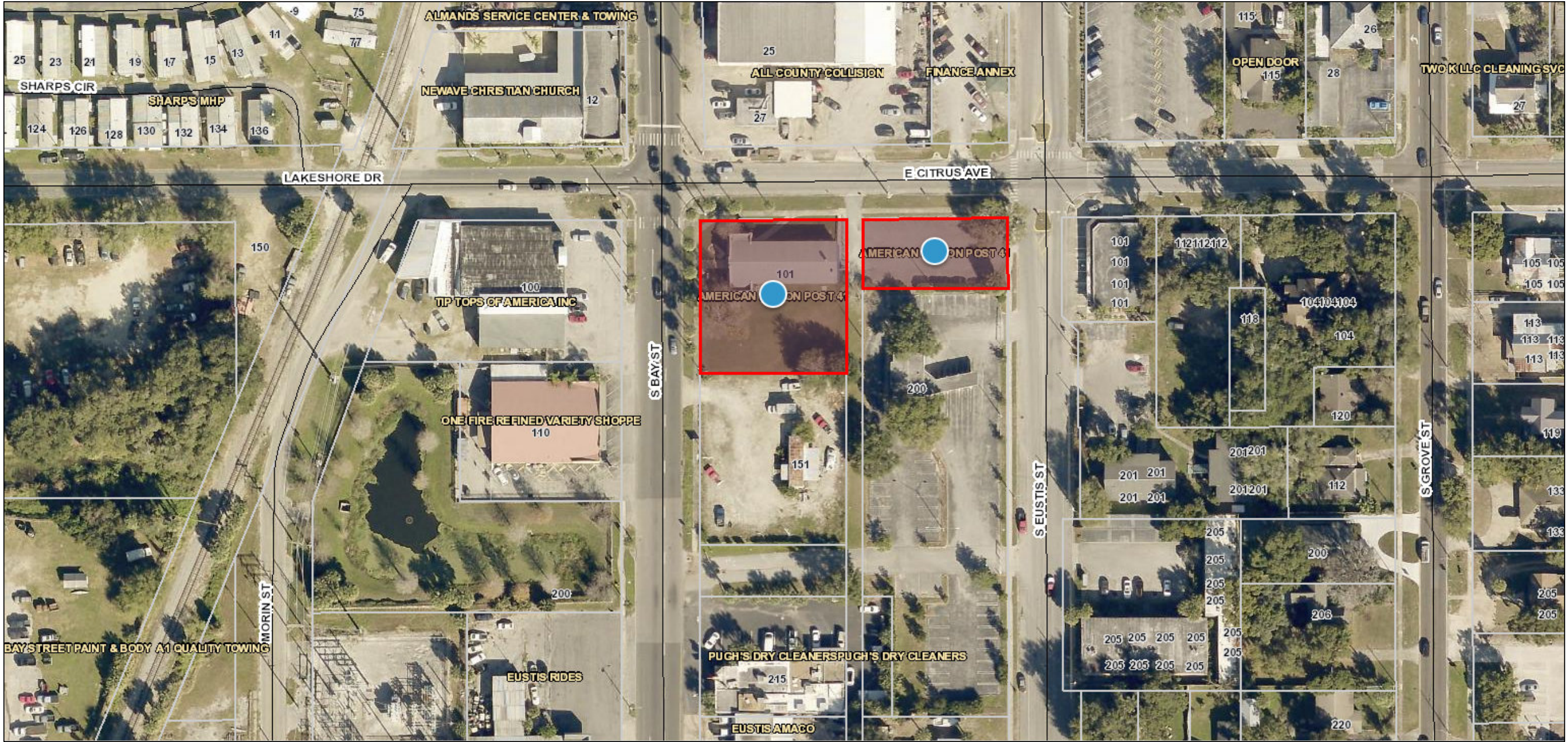
Prepared By:

Tom Carrino, City Manager

Attachments

Map of the Subject Property

American Legion Property



July 27, 2022

pointLayer

+ Address Locations



Override 1

Property Name



Tax Parcels

polygonLayer



Override 1



County Boundary



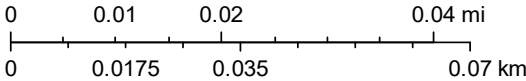
Surrounding Counties

Street Names



Local Streets

1:1,000



Lake County Property Appraiser
Lake BCC

Lake County Board of County Commissioners



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 4, 2022
RE: DISCUSSION REGARDING THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS OF THE CITY

Introduction:

The issue of keeping chickens within the City has been raised as a concern during previous citizen comment at a regularly scheduled City Commission Meeting. The purpose of this agenda item is to provide an opportunity for the City Commission to revisit the keeping of chickens within the City, provide Commission a background of current process, and provide desired direction for City staff in this regard.

Background:

During the City Commission meeting on July 21, 2022, during the citizen comment portion of the meeting, a citizen expressed their concern regarding the current regulation prohibiting the keeping of chickens within the City limits. The Commission directed the City Manager and City staff to schedule the issue for discussion at the next regular City Commission meeting, that meeting being August 4, 2022. To facilitate that discussion, provided are the current definitions and regulations pertaining to the keeping of certain domestic livestock within the City of Eustis.

Section 34-103 of the City of Eustis Code of Ordinances provides regulation for certain livestock and fowl. The referenced code section states *"... keeping of a cow, pig, goat, sheep or domestic fowl within the city is prohibited except as permitted in the land development regulations. When such animals are permitted in the land development regulations they shall be confined in clean conditions to minimize offensive odors from animal waste and animal disease."* This code section has been in place since July 16, 2009 (Ordinance Number 09-32) .

Section 94-194 of the City of Eustis Land Development Regulations provides definitions for agricultural use. The definition states *"...the use of land in bona fide horticulture, floriculture, viticulture, forestry, dairy products, livestock, poultry products, beekeeping, pisciculture and all forms of commercial farm products and farm production."* This definition has been in place since May 19, 2005.

Section 109-4 of the City of Eustis Land Development Regulations is the use regulations table. The table of regulations provides for the allowance of general agricultural uses (including the keeping of domestic chickens) within any Land Use District provided that the City Commission approves a Conditional Use for the agricultural use on the property. The use table in this section was amended December 15, 2016 (Ordinance Number 16-31) and August 1, 2019 (Ordinance Number 19-22).

Minutes and materials have been provided to the Commission by the City Clerk for previous discussions (January to April of 2017), City Commission meetings and again for the July 20, 2017 City Commission meeting. The materials may also be made available to the public on request.

Discussion of this topic is for the general direction of the City Commission to City staff and any future action will be brought back before the Commission at their direction.

Recommended Action:

No action is required. Direction to City Staff is at the Commission's discretion.

Attachments:

[01-05-2017 CC MIN - For Approval](#)
[02-02-2017 CC MIN - For Approval](#)
[02-16-2017 CC MIN - For Approval](#)
[03-02-2017 CC MIN - For Approval](#)
[03-16-2017 CC MIN - For Approval](#)
[04-06-2017 CC MIN - For Approval](#)
[07-20-2017 CC MIN - For Approval](#)
[Backyard Chickens Welcome Lake County FL](#)
[Blog - What to do with chiens gone wild](#)
[Chicken Codes - Other Cities-Counties](#)
[Cover Page - Backyard Chickens](#)
[Dark Side of Backyard Chickens](#)
[HOAs squawking over issue of res backyard chickens](#)
[How to Get Rid of Feral Chickens](#)
[In Miami the Chicken Busters are back](#)
[Orange hatches plan for backyard chickens](#)
[Punta Gorda](#)
[Staff Report - Backyard Chickens](#)
[Why You Should Keep Backyard Chickens](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 29 Jul 2022
Approved - 29 Jul 2022



City of Eustis, Florida

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

Meeting Minutes - Final City Commission

Thursday, January 5, 2017

6:00 PM

City Hall

INVOCATION: Pastor Buddy Walker, Commissioned Beyond Borders

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Holland - 6:02 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 7 - Commissioner Marie Aliberti; Commissioner Linda Bob; Commissioner Carla Gnann-Thompson; Vice-Mayor Karen LeHeup-Smith; Commissioner Robert Morin; Commissioner Anthony Sabatini; and Mayor Michael Holland

I. AGENDA UPDATE - None

II. RETIRING MAYOR'S MESSAGE FOR 2016

16268 Retiring Mayor's Message

Retiring Mayor Holland invited Retiring Vice Mayor LeHeup-Smith to provide some parting comments.

Vice Mayor LeHeup-Smith thanked the department heads and staff for their support and encouraged the new Commission to take advantage of their expertise.

Mayor Holland presented his State of the City address and farewell comments:

"Eight years ago I took the oath as a first-time city commissioner with big ideas for Eustis. But a rough national recession had drastic local consequences. It would have been easy to be discouraged by the challenges ahead. But my focus changed to helping my beloved hometown ride out the financial storm.

Dwindling tax revenues forced us to re-think the way we do business. As a team, the commission tackled the difficult cuts and found compromises. Purchasing programs were scrutinized and reduced. Reserves were used to supplement essential services. Open positions went unfilled and many were eventually eliminated.

The remaining staff were asked to do more. While their living expenses went up each year, their salaries didn't because we suspended merit increases during the crisis. To maintain subsidized health insurance for our employees, we asked them to shoulder more of the cost for their dependents.

It's a testament to city staff that they maintained our high standards despite increased demand for services. There is no way that I can truly tell our employees how far their sacrifices went to saving this city. Despite those difficult choices, we were also able to accomplish some very impressive things.

To spur development and business, we implemented a partial sewer impact fee waiver program. We streamlined our development plan approval process. We revised our business tax receipt ordinance to simplify that process.

For our students, we tackled the Safe Route to Schools project that provided new and improved sidewalks so they can get to our schools safely. We improved the Eustis Memorial Library facilities, renovated the building, upgraded the computer systems and added e-book inventories.

We built Palmetto Point Park and installed fantastic workout stations to the peaceful half mile track around the pond. We completed beautification efforts in Ferran Park to include a revitalized pool with a fantastic new splash pad. We secured grants for the Sunset Island Skate Park, Carver Park and for the Palmetto Plaza project. We added street lights, resurfaced streets, beautified our corridors and upgraded vital water and sewer lines.

Essential services have also been improved. Staff secured a 2.5 million dollar grant that will fund expansion of the Eastern Wastewater Treatment Plant. The Eustis Police Department, already the finest agency in Lake County, added a neighborhood watch program, implemented a citizens academy and completed an arduous and prestigious accreditation process.

The county's best fire department improved to the second best ISO rating available, completed a long process for Advanced Life Support certification, replaced two fire trucks, outfitted a new state of the art rescue vehicle and completed construction and staffing of a second fire station to provide better service to our citizens in North Eustis.

We accomplished all of this while facing a wave of retirements in key positions. Because we worked as a team, the Commission was able to hire a fantastic new city manager and find dynamic leaders for so many departments, including fire, police, finance, public works, human resources and development services.

I could spend all night listing the things we've accomplished as a city, but what is most important is NOT what we've done, but how we've done it. We accomplished these things by working together. When citizens from all parts of Eustis are engaged in the process, everyone wins. When we engage citizens encompassed by the CRA to proactively tackle the issues, we all win. When we improve downtown streets and bring outsiders into our city with programs like Explore Eustis, the Busker Festival and the Bike Fest Music Festival, we all win.

When partnerships between city leaders, school leaders and business leaders help our halls of learning like Eustis Heights Elementary improve the school's grade from an 'F' to a 'B' we all win. When we put aside our differences to work toward a better Eustis, we ALL win.

Growing up in this great city, I remember meeting the mayor. I was impressed by Verdual Hamlin's leadership and steadfast devotion to Eustis. Verdual was a partner in a local funeral home and a funeral director. As you may know, I am, today, a funeral director. As your mayor I have tried to honor the legacy of those who went before me. Steadfast men like Verdual Hamlin and S.T.E. Pinkney. Honorable and caring women like Alta Trask, Gwendolynn Manning and Evelyn Smith.

Why? Because every kid in Eustis deserves the same chances I've had in life. The opportunity for a good education. The support of an engaged and caring community. And community leaders who they can look up to and, one day, aspire to be. I challenge our incoming Commissioners to realize your place in our community isn't just on this dais. You are a living embodiment of what Eustis already is and what she can be.

It has been one of the proudest achievements of my life to serve Eustis in such an important role. It is a responsibility I have not taken lightly. To the citizens of Eustis I say thank you for this profound opportunity. I hope in my short eight years as a public servant that I have done my hometown proud.

III. PRESENTATION OF PLAQUES TO OUTGOING COMMISSIONERS AND

MAYOR
16263

Presentation of plaques to outgoing Mayor Holland and Vice Mayor LeHeup-Smith

Ron Neibert, City Manager, presented Commission Service recognition plaques to Michael Holland and Karen LeHeup-Smith and a gavel plaque in recognition of his term as Mayor to Michael Holland and thanked them for their service to the community.

IV. APPOINTMENT OF CITY CLERK AS TEMPORARY CHAIRMAN

Mayor Holland turned the meeting over to City Clerk Mary Montez and he and Vice Mayor LeHeup-Smith retired from the dais.

V. SWEARING-IN AND SEATING OF NEW COMMISSIONERS

16266 Swearing-in of Commissioners-Elect

Ms. Montez administered the Oath of Office to newly-elected Commissioners Marie Aliberti and Anthony Sabatini and returning Commissioners Carla Gnann-Thompson and Robert Morin.

VI. ELECTION OF MAYOR

16261 Election of 2017 Mayor and Vice Mayor

Ms. Montez explained for the audience the procedure to be used for the election of Mayor to be followed by the election of Vice Mayor. Ms. Montez opened the floor to nominations for Mayor.

Commissioner Sabatini nominated Commissioner Morin for Mayor.

There being no further nominations forthcoming, Ms. Montez asked for a motion to close the nominations. Commissioner Sabatini moved to close the nominations. Commissioner Gnann-Thompson seconded the motion.

On a voice vote, the motion to close the nominations passed 4 to 1 with Commissioner Bob dissenting.

On a roll call vote, the motion to elect Robert Morin as Mayor passed on a 4 to 1 vote with Commissioner Bob dissenting.

Ms. Montez turned the meeting over to Mayor Morin.

VII. ELECTION OF VICE MAYOR

Mayor Morin opened the floor to nominations for Vice Mayor.

Commissioner Gnann-Thompson nominated Commissioner Bob for Vice Mayor.

Mayor Morin nominated Commissioner Aliberti for Vice Mayor.

There being no further nominations forthcoming, Mayor Morin asked for a motion to close the nominations.

Commissioner Gnann-Thompson moved to close the nominations. Commissioner Aliberti seconded the motion.

The motion to close the nominations passed unanimously.

On a roll call vote, the motion to elect Commissioner Bob as Vice Mayor failed 3 to 2 as follows:

Aye: Commissioner Bob and Commissioner Gnann-Thompson

Nay: Commissioner Aliberti, Mayor Morin and Commissioner Sabatini

On a roll call vote, the motion to elect Commissioner Aliberti as Vice Mayor passed 3 to 2 as follows:

Aye: Commissioner Aliberti; Mayor Morin and Commissioner Sabatini

Nay: Commissioner Bob and Commissioner Gnann-Thompson

VIII. SEATING OF MAYOR AND VICE MAYOR

Mayor Morin and Vice Mayor Aliberti assumed their respective seats.

Mayor Morin thanked Michael Holland and Karen LeHeup-Smith for their dedication to the community and the benefits of their work to the community. He commented on the need for the new Commission to build on their legacy, growth within the county and city, the City's potential for the future and the need for the City to address community development, housing and veterans' issues, public safety, recreation, annexation and other quality of life issues. He cited the need for the City to work with state and county government and chambers of commerce to develop local business and more jobs. He commented on the need to work with the County Commission and School Board to improve academic outcomes and job climate for graduates. He ended with a quote from John Bryson's "Strategic Planning for Public and Nonprofit Organizations".

IX. APPROVAL OF MINUTES

16267 December 15, 2016 - Regular City Commission Meeting

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

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

X. AUDIENCE TO BE HEARD

Tim Totten welcomed the new Commissioners and thanked them and the returning Commissioners for their service. He commented on the upcoming Amazing Race for Charity and invited the new Commissioners to participate.

Vance Yochim, Fiscal Rangers, congratulated the new Commissioners and addressed the Commission on the new school board superintendent. He cited the previous joint meeting with the previous school board superintendent and suggested they hold a similar meeting.

Gail Isaac Thomas also congratulated the new Commissioners and encouraged them to get out in the east CRA. She reminded everyone about the next Christian Comedy Show on February 18th.

Leonard Wheeler, noted he is a defendant in a lawsuit by the City, he complimented the City Attorney and the City's new City Manager on issues they have assisted him with. He addressed the Commission regarding the lack of streetlights on Kurt Street and on the relocation of the bus stop from Kurt Street due to the lack of lighting and not meeting ADA requirements. He stated that the County informed him that the City can request additional bus stops and recommended they get a stop on Kurt and at City Hall and install additional lighting on Kurt Street.

Sonja Haught explained there is a City tree at the corner of her property, which she has been caring for. She stated she is no longer able to care for the tree and it has become a nuisance to her property. She stated she asked the City to remove the tree and her request was denied. She cited spiders and the Spanish moss in the tree and asked that the City have the tree removed.

Robin Douglas thanked Michael Holland for his support and the proclamation regarding anti-bullying. She noted that they obtained one of the "mow to own" properties and they will be creating a community garden.

XI. CONSENT AGENDA

- 16260 2017 Commission Meeting Schedule
- 16264 Reappointment of Danielle (Schmidt) Wiles to Police Pension Board
- 16265 Reappointment of Monte Stamper to the Historic Preservation Board

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, that the Consent Agenda be Approved . The motion passed by an unanimous vote.

XII. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 16259 Resolution No. 17-01: Appointing Commissioners and Staff Members to various Boards and Committees

Derek Schroth, City Attorney, announced Resolution No. 17-01: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, to Appoint Liaisons, Directors/Members and Alternate Directors/ Members to Various Committees and Boards of Directors to Ensure that the City's Interests, as Expressed through the City Commission, are Represented on these Various Committees and Boards of Directors.

The Commission noted the need for each Commissioner to consider the meeting times to make sure they can attend regularly and questioned why the Finance Director has been the liaison to the pension boards.

Colleen Scott, Finance Director, explained the boards discuss various investments with the consultants providing quarterly reports so it was felt that the Finance Director's financial expertise would be beneficial to the boards.

Following discussion, the Commission agreed on the following appointments: 1) Fire and Police Pension Board liaison - Finance Director Colleen Scott; 2) Ocklawaha Basin Workshop Group liaison - Commissioner Sabatini with Public Works Director Rick Gierok as alternate; 3) Lake County League of Cities Director - Mayor Morin with Vice Mayor Aliberti as alternate; 4) Lake-Sumter MPO Board - Mayor Morin with Economic Director Tom Carrino as alternate; 5) PRMG Group Health Trust Board - Human Resources Director Bill Howe with Karen Crouch as alternate; 6) Lake Community Action Agency Board - Commissioner Gnann-Thompson with Commissioner Sabatini as alternate; 7) Lake Eustis Area Chamber of Commerce Board - Commissioner Sabatini with City Manager Ron Neibert as alternate; 8) Lake County Education Concurrency Review Committee - Commissioner Bob; and Lake Eustis Museum of Art Board - Commissioner Sabatini.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, to Approve Resolution No. 17-01 with the appointments as discussed. The motion carried by the following vote:

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

XIII. FUTURE AGENDA ITEMS

Commissioner Gnann-Thompson noted a phone call she received regarding chickens within the City and stated she had referred them to the City Manager.

Commissioner Sabatini commented on the number of other cities that allow chickens in residential areas.

Mr. Neibert stated he would send information to the Commissioners regarding the City's current regulations and those from surrounding cities.

Vice Mayor Aliberti announced the Police Department was hosting a community meeting on January 12th in Carver Park.

XIV. COMMENTS

City Commission

Mayor Morin announced the upcoming First Friday event and the Bay St. Players performances of the "Great American Trailer Park Musical".

City Manager

Mr. Neibert reported that the City had again received certification as a Tree City USA.

Mayor

Mayor Morin commented on the neighborhood forum being sponsored by the Police Department on January 12th in Carver Park. He encouraged everyone attending to discuss whatever issues they are interested in. He cited the other organizations that will be attending.

Mr. Neibert announced Lake Legislative Days would be held in Tallahassee on February 14th and 15th with January 15th being the deadline for Commissioners to indicate if they will be attending.

Vice Mayor Aliberti thanked Michael Holland for his support and his service to the community.

City Attorney

Mr. Schroth announced that he would be providing a Sunshine Law and ethics law presentation at the next Commission meeting. He reviewed some basic information including the handling of public records. He cautioned the Commissioners to discuss public business with other Commissioners only during the official meetings. He stated he would provide details regarding prohibitions against their use of influence as a Commissioner.

XV. ADJOURNMENT - 6:59 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, February 2, 2017

6:00 PM

City Hall

INVOCATION: Pastor Buddy Walker, Commissioned Beyond Borders

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Morin

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16291 January 19, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to approve the Minutes. The motion passed by an unanimous vote.

III. PRESENTATIONS

16285 Presentation of Black History Month and African-American Heritage Celebration Proclamation

Mayor Morin presented the Black History Month and African American Heritage Festival proclamation to Vivian Carla Miller Mitchell and other members of the African American Heritage Committee. Ms. Mitchell thanked the City for its support of the festival and cited their various activities.

16287 Incoming Mayor's Message

*Mayor Morin presented his incoming Mayor's message for 2017 as follows:
"I am proud to be here representing our City and Commissioners as Mayor of the City of Eustis for 2017. At the January 5th meeting I read a message to the Eustis residents and folks in our audience and I would like to make a few comments on what those suggestions or that vision was. First, was that we wanted to create a stronger foundation promoting business development and including potential development in other areas that we don't normally, or not as much as I think we should - which is all of Route 441, 19, (he cited the confusion between 44A, 44B and 44) and all of the northeast and northwest portions of the City. We also want to have a continuous dialogue with the Metropolitan Planning Commission. As you know, as the Mayor, I will be the representative for the Metropolitan Planning Organization and will look for Eustis to be on that agenda almost every month. We want to make sure they hear about Eustis' needs. We also want to increase our recreational activities and special events just like the Family Fun Day last Saturday. We also had the MLK activities at Eustis Middle School." He commented on the involvement of the schools, City Recreation Department and other City departments. He cited Trout Lake Nature Center as a great asset to the City.*

He continued stating: "We also want to have a strong relationship with Bay Street Players so we can bring more activities to the City such as old movies night or comedy clubs using that facility when they don't have regular performances. We also want to increase the economic

opportunities for the residents of the City. I pledged my commitment since we've been here to be a part of the Lake Eustis Area Chamber of Commerce, increasing their membership, and using the Chamber as one of our tools to provide business development and they can help with legislative issues that come up as cities where the City can make an effort with the state legislature or even Congress. I think a strong Chamber can help us do that. We also want to have those businesses who are trying to get online to get some of the internet business but maybe other businesses that have been successful with that can assist them. We also know the Chamber of Commerce would be willing to assist and make that a reality. All of the cultural activities I mentioned before - my wife and son and I are busy every other day it seems and, obviously, all weekend, so you will see me a lot. Some other things we need to mention - if you can support the Eustis Middle School. The MLK activities were fantastic with great performers. They also had the Eustis Middle School and High School jazz bands. Great organizations that provide a cultural benefit to us as residents and visitors. Our public safety including police and fire service are priority one. And, finally, we should work more closely with the Lake County Commission and County School Board to try and enhance the kind of service we provide in our school system. I'm interested in all of Lake County but as a City Commissioner I'm very interested in the City of Eustis having its schools properly equipped and being able to provide a quality education and graduation rates at a higher rate and hopefully increase those levels of performance for all of our schools in Eustis. As you know, Eustis Heights Elementary, where many of us at the City are mentoring, they have become very successful. I think it's due to a lot of infusion of dollars into the school but also in the staff that has been hired. I also thank the executive staff and the City Manager. Someone said something to me this morning and I realized what brought me to Eustis was the residents. People are so welcoming. We've met folks who've been here their whole lives and folks who are new and everyone has the same energy. I want to thank you for allowing my family to be here and allowing us to serve you as City Commissioner and as Mayor for this year. I'm looking forward to many years here. I still think this is one of the best places to raise a family and I'm looking to stay here for quite some time."

IV. AUDIENCE TO BE HEARD

Leonard Wheeler thanked City staff members for their assistance. He addressed the Commission regarding flooding on Seminole Avenue noting a previous engineer's report that cited the need for storm drains and curbing. He distributed pictures to the Commission of the street. He expressed opposition to the City accepting the recently completed Phase I Kurt Street improvements and concern about a section of sidewalk not built and improvements not completed following his previous ADA complaint. He then expressed concern regarding County enclaves located within the City and the difficulty in providing emergency services due to the enclaves.

Nan Cobb, Eustis Area Chamber of Commerce President, announced the Georgefest Orange Blossom Ball and other upcoming Georgefest activities.

Gail Isaac Thomas asked where streetlights are being placed on Kensington Street with City Manager Ron Neibert suggesting she come to his office and he would show her the plans.

Ms. Isaac Thomas expressed concern about the street sweeper working in the area of Kensington and side streets.

Darius Kerrison announced the Christian Comedy Show two year anniversary show would be held February 18th.

Daniel James Jr. asked about who owns the streets in the Spring Ridge Reserve community and cited issues with drainage and street lights.

Mr. Neibert asked him to leave his phone number and the Public Works Director would contact him regarding the issue.

Louise Rottinghaus addressed the Commission regarding the water bill at her property for 83,000 gallons of water. She indicated she spoke to other homeowners in her neighborhood to see if they had similar problems and noted adjustments those residents received on their bills.

Mr. Neibert asked Ms. Rottinghaus to give him those addresses and staff would determine why they were adjusted. He explained that if there is a verifiable leak that showed water did not go down the sewer, then they can adjust off the sewer charges. However, if water went down a leaking toilet or sink, then they cannot adjust the bill.

Dennis Lima commented on his past utility bills at that location, the change out of the meter and replacement of nearby water lines.

Mr. Neibert invited to meet with him and water staff to determine if City utility work could have affected the bill.

Commissioner Bob noted previous issues with utility billing and indicated there would appear to be something wrong with a \$600 bill.

Quan Nguyen commented on his expertise with social media and stated his willingness to assist local organizations to create videos to help publicize local events.

V. CONSENT AGENDA

- 16283** Resolution No. 17-04: Acceptance of Edward Byrne Memorial Justice Assistance Grant in the amount of \$5,765
- 16284** Resolution No. 17-05: Approval of purchase in excess of \$50,000 for Fire Department turnout gear
- 16280** Resolution No. 17-07: Release of Code Enforcement Lien, 818 East McDonald Avenue, Case 12-072 and 12-073
- 16286** Resolution No. 17-09: Interlocal agreement with Mount Dora Fire Department
- 16288** Appointment to Police Officers' Pension Board of Trustees - Susan Hooper

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve the Consent Agenda. The motion passed by an unanimous vote.

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 16271** Resolution No. 17-02: Champlain Preliminary Subdivision Plat on E. Herrick Avenue

Derek Schroth, City Attorney, announced Resolution No. 17-02: A Resolution of the City Commission of the City of Eustis, Florida, approving a preliminary subdivision plat with waivers for the Champlain Subdivision, a 3-lot attached single family subdivision, on approximately 0.34+/- acres, located at 115, 117, and 119 E. Herrick Avenue.

Roland Magyar, Senior Planner, reviewed the proposed preliminary subdivision plat with waivers. He noted the area includes a number of lot sizes and types and mixed uses. He explained the requested waivers and the applicant's justification for the waivers. He reviewed staff's analysis of the request and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:45 p.m.

Tim Hoban, attorney for the developer, expressed agreement with staff's analysis and recommendation.

There being no further public comment, the hearing was closed at 6:46 p.m.

The Commission confirmed if comments had been received from surrounding property owners with Mr. Magyar indicating there was one phone call with questions but no statement of support or opposition.

A motion was made by Commissioner Sabatini, seconded by Commissioner Aliberti, to approve Resolution No. 17-02. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Aliberti; Commissioner Gnann-Thompson; Commissioner Sabatini; and Commissioner Morin

16290 Resolution No. 17-06: Approval of Purchase in Excess of \$50,000 for a Gradall Ditch Excavator

Mr. Schroth announced Resolution No. 17-06: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a purchase in excess of \$50,000 to procure a 2010 Gradall XL 4100 III and waive the bid requirements for this special acquisition.

Rick Gierok, Public Works Director, explained the need for the equipment and the reason for the request to waive the bid requirements. He stated staff did obtain three quotes for the used equipment and reviewed the quotes.

Mr. Schroth opened the public hearing at 6:51 p.m.

Leonard Wheeler commented on the cost of the equipment and expressed support for its purchase to assist with the City's stormwater issues.

There being no further public comment, the hearing was closed at 6:52 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Aliberti, to approve Resolution No. 17-06. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Aliberti; Commissioner Gnann-Thompson; Commissioner Sabatini; and Commissioner Morin

16281 Resolution No. 17-08: Honorary Street Designation "Buddy Buie Boulevard."

Mr. Schroth announced Resolution No. 17-08: A Resolution of the City Commission of the City of Eustis, Florida; honoring former Mayor, Commissioner and Eustis community advocate Douglas M. "Buddy" Buie, III by providing for an honorary street designation of Jackson Street as "Buddy Buie Boulevard" and authorizing placement of a commemorative street blade sign.

Lori Barnes, Development Services Director, explained the previous request to designate Jackson Street with an honorary street designation in honor of former Mayor Buie. She reviewed staff's analysis of the request based on the City's naming policy and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:55 p.m.

Gail Isaac Thomas asked about the naming of a street after Dr. Martin Luther King Jr. and why this has been done so quickly.

Mayor Morin noted this is strictly an honorary designation not an actual renaming.

Commissioner Bob explained that previously there was not agreement on the street to be named for Dr. King and Mr. Neibert indicated that the previous request was for a permanent renaming not honorary. He indicated if the Commission directed, staff could bring forward a request for an honorary designation.

Ms. Isaac Thomas asked that the Commission consider designating Orange Avenue for Dr. King.

Nicie Allen Parks asked how an honorary name change would affect the permanent name change they requested.

Ms. Barnes explained the difference between the honorary designation and a permanent name change. She reviewed what would be required to do a permanent name change including public hearings and what would then be required of all the residents on the street.

Ms. Parks asked if an honorary name change would eliminate the possibility of a permanent change with Mr. Neibert indicating it would not.

There being no further public comment, the hearing was closed at 7:01 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to approve Resolution No. 17-08. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Aliberti; Commissioner Gnann-Thompson; Commissioner Sabatini; and Commissioner Morin

VII. OTHER BUSINESS

16279 Consideration of Fee Waiver Requests: Wheeler, Leonard E. Jr. & Eleanor M. - 521 W. Seminole Avenue

Ms. Barnes reviewed the requested fee waivers for Leonard and Eleanor Wheeler for a fence permit and variance application. She explained the history of the application and reviewed staff's analysis of the request and exemption information located on the Lake County Property Appraiser's website. She noted that the Property Appraiser's office would not share the backup documentation for those exemptions. She cited Mr. Wheeler's Application for Determination of Indigent Status and noted that the Clerk of Court's office does not require backup documentation. She stated staff's recommendation for denial based on lack of documentation. She added that the Commission has the authority to approve the waivers and cited the available options.

Leonard Wheeler explained his financial status noting that the form is completed based on penalty of perjury. He emphasized that the food stamp document and documentation from the Property Appraiser establishes that he qualifies for a full waiver. He explained his need for the additional fencing due to higher crime, sound from the road, and traffic from Kurt Street. He emphasized he does not have the funds for the fees. He cited professional recommendations for baffling along Kurt St. He commented on his need for a 6 foot fence and problem with the easement to the County. He thanked the Commission for their consideration.

The Commission questioned the issue regarding the fence with Ms. Barnes explaining the placement of Mr. Wheeler's property and City regulations regarding fencing. She noted the Commission is considering only the fee waiver request, not the actual variance.

Mr. Wheeler stated that his wife refused to allow him to provide any additional documentation due to how she feels the City has treated them.

The Commission questioned Mr. Wheeler how the fence would assist him.

Mr. Wheeler explained how street work effectively lowered his fence and stated his need for another outside dog due to issues in the neighborhood. He stated he needs the fence for security purposes and for the dog.

A motion was made by Commissioner Sabatini, seconded by Commissioner Morin, to deny the fee waiver request. The motion to deny carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Aliberti; Commissioner Gnann-Thompson; Commissioner Sabatini; and Commissioner Morin

16282 Provisions for Backyard Chickens in the City Limits

Ms. Barnes noted the previous request by Commissioner Sabatini for discussion on the possibility of allowing backyard chickens in residential areas without a conditional use permit. She presented information regarding the pros and cons of having backyard chickens, surrounding cities and counties ordinances pertaining to chickens, maintenance and care of chickens and various articles regarding the issue. She cited various potential administrative issues.

The Commission discussed eliminating the application fee, limiting the number of chickens allowed, providing regulations for placement of coops, providing significant penalties for those who do not follow the regulations, possible impact on code enforcement, limiting the number of permits available, possible effect on property sales and allowing residents to determine how they utilize their property.

Daniel James addressed the Commission regarding the possibility of the chickens attracting predators to the community and the extra burden on code enforcement.

Leonard Wheeler expressed support for allowing the chickens due to the freedom of property owners under the Constitution.

Gail Isaac Thomas noted she would like to have barbed wire on top of her fence but that is not allowed.

A motion was made by Commissioner Sabatini to have staff bring back regulation revisions to allow chickens.

The motion died for lack of a second.

A motion was made by Commissioner Sabatini to revise the fee schedule to allow a lower fee for backyard chicken applications. The motion died for lack of a second.

CONSENSUS: It was a consensus of the remainder of the Commission to not move forward with changes to the regulations regarding backyard chickens.

16289 Interlocal Service Boundary Agreement (ISBA) project update and request for permission to begin impasse proceedings

Mr. Neibert explained the purpose of the proposed Interlocal Service Boundary Agreement (ISBA) and negotiations with the cities of Mount Dora and Tavares. He provided an update to the Commission regarding the negotiations and asked for Commission permission to declare the negotiations at an impasse so they can proceed with the rest of the process.

Mr. Wheeler expressed support for the ISBA.

Tim Bailey, Chairman of Mt. Plymouth-Sorrento CRA, and Shirley Grantham, East Lake County Chamber of Commerce, stated that all stakeholders need to be brought to the table. Ms. Grantham asked for copies of the maps.

Mr. Neibert stated he would provide copies of the map but the area of negotiation does not include the Mt. Plymouth-Sorrento area.

A motion was made by Mayor Morin, seconded by Commissioner Sabatini, to declare an impasse to the ISBA negotiations and for staff to proceed with the statutory provisions. The motion carried by the following vote:

Aye: 5 - Commissioner Bob; Commissioner Aliberti; Commissioner Gnann-Thompson; Commissioner Sabatini; and Commissioner Morin

VIII. FUTURE AGENDA ITEMS

Commissioner Sabatini noted an issue he had observed in Leesburg at SR 44 and 27 with panhandlers. He stated the City does not have a panhandler or loitering ordinance and expressed support for a regulation to address the situation prior to an issue developing in the City.

CONSENSUS: It was a consensus of the Commission to have staff bring back a recommendation with information from the Open Door advisory committee.

Mayor Morin noted the County has announced plans for a conservation area at the former Pine Meadows Country Club property. He requested that a report on the project be included on the next agenda.

IX. COMMENTS**City Commission**

Commissioner Gnann-Thompson announced the Movie in the Park featuring "Zootopia" to be held in Ferran Park on Friday, February 17th with refreshments available.

Vice Mayor Aliberti stated the Downtown Cruise-in had been changed to the third Saturday and cited the 115th annual Georgefest celebration events.

Commissioner Sabatini noted the Celebration of Heroes being held in Clermont in recognition of police, fire and military personnel.

Commissioner Bob announced the next "Coffee with a Cop" would be held February 23rd at Haystack Restaurant. She also noted the upcoming Citizen's Academy in March and encouraged the public to participate.

Commissioner Sabatini highlighted the upcoming First Friday event.

Mayor Morin noted the upcoming African American Heritage Festival and encouraged participation in the events.

City Manager

Mr. Neibert report that the City of Umatilla has an issue with their wastewater treatment plant being out of compliance. He stated he would bring back information on the possibility of Eustis taking on their wastewater treatment.

City Attorney - None**Mayor**

Mayor Morin commented on the upcoming Super Bowl.

X. ADJOURNMENT - 8:06 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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APPROVED: 3/2/2017



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, February 16, 2017

6:00 PM

City Hall

INVOCATION: Rev. Marc Kappell, Faith Lutheran Church

PLEDGE OF ALLEGIANCE: Commissioner Gnann-Thompson

CALL TO ORDER: Mayor Morin - 6:01 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

II. APPROVAL OF MINUTES

16298 February 2, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Anthony Sabatini, seconded by Commissioner Carla Gnann-Thompson, to approve the Minutes. The motion passed by an unanimous vote.

III. AUDIENCE TO BE HEARD

Nan Cobb, President of Lake Eustis Area Chamber of Commerce, provided an update on the Georgefest event and their participation in the upcoming African-American Heritage Festival parade.

Christine Cruz, Eustis Chicken Club, addressed the Commission regarding the previous discussion regarding chickens. She stated she was not speaking in favor of chickens but had concerns regarding whether or not code enforcement officers could enter someone's backyard to enforce chicken regulations.

Darius Kerrison announced that there would be the Laugh Out Loud Christian Comedy Show on Saturday after the festival.

Karen LeHeup-Smith expressed opposition to allowing chickens inside City limits.

Cynthia Conklin expressed support for backyard chickens noting the size of her property, her desire to eat healthily and various pros regarding having chickens.

Judsen Giddens, Florida Urban Agriculture, addressed the Commission in support of backyard chickens and presented one of his chickens citing programs in other cities and the need for students to raise poultry.

IV. CONSENT AGENDA

16293 Resolution No. 17-12: Reclassifying the Sales Tax Revenue Fund from a Special Revenue Fund to a Capital Projects Fund.

16305 Resolution No. 17-17: Initiation of Conflict Resolution Procedures per Chapter 164, F.S.-Interlocal Service Boundary Agreement Negotiations

- 16299 Appointment to Historic Preservation Board - Jennifer Dempsey
- 16300 Appointment to Firefighters' Pension Board - Ken Carpenter
- 16302 Appointment to Lake Sumter MPO Technical Advisory Committee - Rick Gierok (or designee)

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

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

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 16296 Resolution No. 17-10: Site Plan with Waivers for Watercraft Rental Facility at Ferran Park

Derek Schroth, City Attorney, announced Resolution No. 17-10: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for retail sales and service (watercraft rental facility) on approximately 0.05 acres located between the intersection of Northshore Drive and W. Bates Avenue and Lake Eustis.

Roland Magyar, Senior Planner, explained the need to postpone consideration of the site plan to a date certain March 2, 2016.

CONSENSUS: It was a consensus of the Commission to continue consideration of Resolution No. 17-10 to the March 2, 2017, regular Commission meeting.

- 16295 Resolution No. 17-11: Selection of Funding Source for Municipal Loan Financing of Water and Sewer Capital Items

Mr. Schroth announced Resolution No. 17-11: A Resolution of the City Commission of the City of Eustis, Lake County, Florida, awarding Bid No. 006-17 to United Southern Bank for municipal loan financing in the amount of \$1,805,500 to acquire various water and sewer capital items.

Colleen Scott, Finance Director, reviewed the bid award to United Southern Bank for a municipal loan to finance various water and sewer capital projects and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:19 p.m.

Steve Knowles, representing United Southern Bank, expressed thanks for the City's consideration.

There being no further public input, the hearing was closed at 6:20 p.m.

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 17-11. The motion carried by the following vote:

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

- 16303 Resolution No. 17-13: Series 2017 Loan Agreement with United Southern Bank

Mr. Schroth announced Resolution No. 17-13: A Resolution of the City of Eustis, Florida; accepting the term sheet of United Southern Bank to purchase the City's \$1,805,500 Water and Sewer Revenue Note, Series 2017, to finance certain improvements to or associated with the City's water and sewer system; authorizing the execution and delivery of a loan agreement with said

bank to secure the repayment of the 2017 note; providing for the payment of the 2017 note from the net revenues of the City's water and sewer system, all as provided in the loan agreement; authorizing the City Manager or his designee to do any other additional things deemed necessary or advisable in connection with the execution of the loan agreement, the 2017 note, and the security therefor; authorizing the execution and delivery of other documents in connection with the 2017 note; designating the 2017 note as "bank qualified"; providing for severability and an effective date.

Ms. Scott reviewed the loan agreement with United Southern Bank for the Water and Sewer Revenue Note, Series 2017, in the amount of \$1,805,500 to finance improvements to or associated with the City's water and sewer system and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:21 p.m. There being no public input, the hearing was closed at 6:21 p.m.

Ms. Scott and Mr. Schroth commented on review of the agreement by legal counsel with Mr. Schroth noting there would be one minor revision.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-13. The motion carried by the following vote:

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

16297 Resolution No. 17-14: Approval of Purchase in Excess of \$50,000 for Boom Mower

Mr. Schroth announced Resolution No. 17-14: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, authorizing a purchase in excess of \$50,000 to procure a Challenger MT465 boom mower utilizing the Florida Sheriff's Association – Florida Association of Counties Contract Number FSA16-VEH14.0.

Mike Brisson, Public Works Superintendent, explained the required purchase for the Challenger MT465 boom mower.

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

A motion was made by Commissioner Bob, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 17-14. The motion carried by the following vote:

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

16308 Resolution No. 17-15: Honorary Street Designation "Dr. Martin Luther King, Jr. Boulevard"

Mr. Schroth announced Resolution No. 17-15: A Resolution of the City Commission of the City of Eustis, Florida; honoring Dr. Martin Luther King, Jr. by providing for an honorary street designation of East Orange Avenue as "Dr. Martin Luther King, Jr. Boulevard" and authorizing placement of a commemorative street blade sign.

Lori Barnes, Development Services Director, reviewed the proposed honorary street designation as discussed at the February 2, 2017 Commission meeting. She commented on Dr. King's contributions to the United States and the recognition provided to him by other communities. She cited the high visibility of Orange Avenue as an honorary designation and reviewed staff's analysis of Dr. King's historical contributions in reference to the City's facility naming policy. She explained that the Orange Avenue official name will remain the same and the renaming will only be honorary.

The Commission discussed the following: 1) the possibility of considering alternative locations for honorary designation due to the existing historical significance of certain streets; 2) whether or not to name facilities after living individuals; 3) postponing a final decision and scheduling a

workshop to discuss the policy; 4) the street name only being honorary to avoid causing people to have to change their addresses; 5) approving a temporary designation while seeking a more permanent recognition; and 6) the fact that the contributions made by Dr. King benefitted all people, not just African-Americans.

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

Timothy Totten commented on previous discussion by the Commission and who various streets have been named after with only one street named after a national figure. He noted local streets that have been named after living figures such as David Walker Road and Ann Rou Road. He expressed support for the honorary designations.

Gail Isaac Thomas expressed support for the Dr. King honorary designation and noted the number of times a designation has been discussed.

There being no further public comment, the hearing was closed at 6:39 p.m.

Mayor Morin expressed support for the designation and agreed with the need to rewrite the City's facility naming policy.

Commissioner Sabatini suggested Kurt St. as an alternative location and suggested holding a workshop.

Vice Mayor Aliberti confirmed the process used for a designation and asked if the person making the request gets to suggest the street to be named.

Ron Niebert, City Manager, reminded the Commission that it was the Commission that directed staff to bring back a report and recommendation regarding the request to designate Orange Avenue in honor of Dr. King. He stated it was an individual that brought forth the second recommendation regarding Bates Avenue.

Mayor Morin commented on the possibility of holding a workshop prior to making a decision.

Commissioner Bob stated that the time to suggest a workshop was when the suggestion was first brought up at the last Commission meeting. She noted that the suggestion has been workshopped before. She explained that the reason the City has not proceeded with a designation previously was due to there not being agreement within the community on the location for a designation. She indicated the Commission could discuss at a workshop how to handle future requests.

The Commission further discussed the possibility of postponing a decision on the resolution and holding a workshop to discuss the policy.

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to table consideration of Resolution No. 17-15 and schedule a workshop for the discussion of the City's policy. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bob

16307 Resolution No. 17-16: Honorary Street Designation "Carla Mitchell's Way"

Mr. Schroth announced Resolution No. 17-16: A Resolution of the City Commission of the City of Eustis, Florida; honoring Vivian Carla Miller-Mitchell by providing for an honorary street designation of East Bates Avenue as "Carla Mitchell's Way" and authorizing placement of a commemorative street blade sign.

Ms. Barnes explained the request by Commissioner Bob to place consideration of an honorary street designation on the agenda prior to the 2017 African-American Heritage Festival. She reviewed the

historical contributions by Vivian Carla Miller Mitchell, the development of the African-American Heritage Festival and the Mt. Olive Cemetery and other contributions. She explained the proposed designation would be honorary and the official name would remain Bates Avenue.

Mr. Schroth opened the public hearing at 6:52 p.m.

The following individuals spoke in support of reconsidering Resolution No. 17-15: 1) Tim Totten and 2) Nicie Allen Parks.

The following individuals spoke in opposition to Bates Avenue being designated in honor of Carla Mitchell: 1) Marjorie Buckner, 2) Gessner Harris, 3) Gail Isaac Thomas, and 4) Betty Ann McClellan; and Kimberly Gerry spoke in support of Bates Avenue being designated for Ms. Mitchell.

The Commission discussed the following: 1) concern about the division within the community; 2) the need to honor Ms. Mitchell and why; 3) the need for black history to be recognized; 4) the possible need to consider other locations, not whether or not to honor Dr. King and Ms. Mitchell; 5) how a location is selected and the procedure used; 6) the restrictions of the Sunshine Law so that the Commission may only discuss City business during their meetings; 7) the need for a workshop; and 8) the need to remember that other people that may disagree still have the best interest of the City at heart.

Carla Miller Mitchell expressed thanks for the proposed naming and emphasized that she had no part in the suggestion. She noted the presence of her family members and stated it would be Ok to postpone consideration regardless of which street is selected.

The following additional individuals spoke regarding the Bates Avenue proposed designation and the need to follow procedures and inform the public: 1) Emily Lee; 2) Gail Isaac Thomas; 3) Dr. Hugh Brockington, and 4) Maxine Monroe. It was suggested that a proclamation be given honoring all three founding members of the African-American Heritage Festival.

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to schedule a special meeting for Tuesday, February 21, 2017, at 7:00 p.m. for review of the City's facility naming policy and consideration of Resolution No. 17-16. The motion carried by the following vote:

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

Reconsideration of Resolution No. 17-15: Honorary Street Designation "Dr. Martin Luther King, Jr. Boulevard"

A motion was made by Vice Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to place Resolution No. 17-15 back on the table for consideration. The motion carried by the following vote:

Aye: 5 – Commissioner Gnann-Thompson, Commissioner Sabatini; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

Mr. Schroth re-read Resolution No. 17-15 by title and re-opened the public hearing at 7:43 p.m.

Tim Totten clarified that if the Commission votes to honorarily designate Orange Avenue for Dr. King, it can change that designation in the future with Mr. Schroth confirming they can redo the designation at any time.

Gail Isaac Thomas expressed appreciation for the reconsideration.

There being no further public input, the hearing was closed at 7:44 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to approve Resolution No. 17-15. The motion carried by the following vote:

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

Nay: 1 - Commissioner Sabatini

Recess: 7:44 p.m. **Reconvene:** 7:56 p.m.

VI. OTHER BUSINESS

- 16294** Permission for Outside Consumption of Alcohol in the Entertainment District for February 26, 2017, March 26, 2017 and April 20, 2017

Tom Carrino, Economic Development Director, explained the request to allow the Sunday outdoor consumption of alcohol within the Downtown Entertainment District during three upcoming City-sponsored events - Georgefest on February 26th, the Benefit Poker Run for the Vietnam Veterans' Moving Wall on March 26th, and the Eustis Music Festival on April 30th.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, that the request for outdoor consumption of alcohol within the Entertainment District on Sunday be approved for the three upcoming City-sponsored events. The motion passed by an unanimous vote.

- 16301** Proposed Annexation of City-Owned Properties at 205 Cardinal Street, and 701, 708 & 802 Getford Court

Ms. Barnes explained staff's recommendation to bring forward the annexation of City-owned lots that are currently located outside of City limits. She explained two of the properties were recently acquired from the County and two are under mow to own contracts. She indicated staff's recommendation that the properties be annexed into the City. She stated that the mow to own applicants will be notified when the annexation ordinance is brought forward.

VII. FUTURE AGENDA ITEMS

Mayor Morin expressed support for scheduling more workshops but not necessarily immediately prior to a regular meeting. He noted the need to further discuss the ISBA and recommended scheduling a workshop for the same day as the March 2nd Commission meeting at 5 p.m.

Commissioner Sabatini asked to talk about a "key to the City" program. He suggested an "Avenue of Flags" as a fund-raiser for a local organization with the City drilling any necessary holes in the sidewalk. He stated that the City needs more American flags visible.

Stephanie Carder informed the Commission that the Boy Scout troop already has a similar program.

Commissioner Gnann-Thompson commented on a Eustis High School coach allowing a Downs syndrome student to play with them. She recommended honoring the coach and/or the team. It was suggested that the Umatilla team be invited as well.

VIII. COMMENTS

City Commission

Commissioner Sabatini reported on his attendance at Lake County Days in Tallahassee and lobbying for Lake Tech and Lake Sumter State College.

Commissioner Bob cited the Citizen's Police Academy to be held March thru April, explained

the program's content and expressed support for community members participating. She noted the various African-American Heritage Festival activities being held on Friday and Saturday.

Commissioner Gnann-Thompson announced the upcoming Coffee with a Cop event.

Vice Mayor Aliberti commented on the Eustis Recreation Department's Senior Sweetheart Dance, the Aldi's ribbon cutting, Movie in the Park on Friday in Ferran Park, and announced that the Downtown Cruise-in had been changed to February 18th. She also cited all the activities planned for the weekend.

Mayor Morin noted the Garth Brooks Tribute Band to perform on February 24th as part of Georgefest, and noted the upcoming hazardous waste collection. He reported on assisting with the Special Olympics basketball competition at The Big House. He commented on the Commission's commitment to the City of Eustis regardless of differing opinions. He emphasized their desire to be responsive to the needs and desires of the community.

City Manager

Mr. Neibert commented on the expanding Recreation activities and programs to encompass all members of the community.

City Attorney - None

IX. ADJOURNMENT - 8:15 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, March 2, 2017

6:00 PM

City Hall

INVOCATION: Pastor Maureen Berry, Eustis First Assembly of God

PLEDGE OF ALLEGIANCE: Commissioner Sabatini

CALL TO ORDER: Mayor Morin - 6:02 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE

Ron Neibert, City Manager, announced the postponement of the recognition of the Miss Eustis winners to the April 6th Commission meeting and the award of the Legacy firefighter badge to the March 6th Commission meeting.

II. APPROVAL OF MINUTES

- 16324** February 16, 2017 - Regular City Commission Meeting
February 21, 2017 - Special City Commission Meeting

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, that the February 16, 2017, Minutes be Approved . The motion passed by an unanimous vote.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Sabatini, that the February 21, 2017 Special Commission meeting Minutes be Approved. The motion passed by an unanimous vote.

III. PRESENTATIONS

- 16316** Recognition of 2017 Miss Eustis Pageant winners

This item was postponed to the April 6, 2017, Commission meeting.

- 16317** Recognition of Eustis High School (EHS) and Umatilla High School (UHS) Junior Varsity Basketball Teams and Coaches for exemplary display of sportsmanship and teamwork

Mayor Morin recognized the Eustis High School and Umatilla High School Junior Varsity Basketball teams and their coaches Marlin Vilius and Arthur Clark for their exemplary display of sportsmanship and teamwork during a recent game. He presented each team member with a certificate and Eustis lapel pin. A video of the year-end game was presented. Also present were Eustis High School Principal Nancy Velez, Umatilla High School Principal Randy Campbell and UHS Athletic Director Greg Langston. EHS student coach and honorary team member Sidge Taylor was recognized and he thanked the coach and team members for allowing him to participate in the game.

16318 Presentation of Legacy Badge to Eustis Firefighter

This item was postponed to the March 16, 2017, Commission meeting.

16323 Commissioned Beyond Borders update by Pastor Buddy Walker

Mr. Neibert explained the agreement with Commissioned Beyond Borders for use of the City's building.

Pastor Buddy Walker reported to the Commission on the various activities and programs being offered by Commissioned Beyond Borders at the City's Clifford Street building. He introduced Irene O'Malley from Lake Cares Food Pantry, Carly Sales from Fresh Start Ministries and Fran Shanover who is establishing a 4-H Club.

Ms. O'Malley reported on their food distribution program including meat and fresh produce. She commented on the number of volunteer hours involved with the program. She noted they serve other communities as well and fed over 30,000 individuals in the past year.

Ms. Sales explained they offer an affordable summer camp for families that can't afford other programs. She noted their other community partners. She reported on their activities including Spanish to English classes and financial classes. She cited they would begin evening classes after daylight savings time begins. She stated they are not grant funded but exist through volunteers and donations. She explained the camp is for kindergarten through middle school and utilize high school volunteers to assist with the program.

Ms. Shanover distributed to the Commission some photos of the 4-H Club garden. She provided an overview of the club's beginning and activities and use of the City's community garden. She noted they do not plant in the ground but do container gardening. She added one of the other gardeners has challenged them to grow rice.

IV. AUDIENCE TO BE HEARD

Christine Cruz, Eustis Chicken Club, addressed the Commission regarding urban backyard chicken coops and urged the Commission to reconsider allowing chickens.

Christina Sauls, chicken farm owner, also addressed the Commission regarding backyard chickens and commented on specific concerns previously raised regarding predators and smell of feces.

Hildegard Simmons addressed the Commission regarding the use of Carver Park and the scoreboard noting discussions she had with individual Commissioners. She asked to receive in writing why they cannot use the scoreboard.

Clifford Graham expressed concern regarding the abandoned buildings behind the Curtwright 9th grade center.

Gail Isaac Thomas asked when trees will be trimmed. She explained overgrown trees and shrubs are causing people to have to walk in the street. She also asked when the new lights would be installed.

Mr. Neibert and Public Works Director Rick Gierok responded that Duke Energy is about two weeks behind so the lighting installation should be done around the end of April or first of May.

Roland Magyar, Senior Planner, explained about the proposed annexation to Mr. Graham.

Mayor Morin asked Mr. Magyar to contact Mr. Graham with additional information.

Darius Kerrison announced the next Christian Comedy Night (Laughapalooza) would be held Saturday, April 1st.

Geraldine Rivers noted her grandson from Umatilla was recognized with the basketball teams. She expressed concern regarding the City's boundaries toward both Mount Dora and Tavares.

Mayor Morin encouraged her to contact the City Manager for more information regarding the interlocal service boundary agreement negotiations.

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

16296 Resolution No. 17-10: Site Plan with Waivers for Watercraft Rental Facility at Ferran Park

Derek Schroth, City Attorney, announced Resolution No. 17-10: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for retail sales and service (watercraft rental facility) on approximately 0.05 acres located between the intersection of Northshore Drive and W. Bates Avenue and Lake Eustis.

Roland Magyar, Senior Planner, noted the previous continuance to March 2nd and explained that additional time is needed to finalize the site plan. He requested a postponement to the April 6, 2017, regular Commission meeting.

Mr. Schroth opened the public hearing at 6:56 p.m. There being no public comment, the hearing was closed at 6:56 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Sabatini, that Resolution No. 17-10 be continued to the April 6, 2017, Commission meeting. The motion passed by an unanimous vote.

16320 Resolution No. 17-18: Bid Award - Construction Services for the Eastern Wastewater Treatment Plant Expansion Project

Mr. Schroth announced Resolution No. 17-18: A Resolution of the City Commission of the City of Eustis, Florida, awarding Bid No. 003-17 to Sawcross, Inc. for construction services for the expansion of the eastern wastewater treatment facility.

Rick Gierok, Public Works Director, explained the proposed project and bid award for expansion of the eastern wastewater treatment facility. He reviewed the funding for the project and stated staff's recommendation for approval of the bid to Sawcross Inc.

The Commission confirmed that having City staff undertake some of the work would not affect the warranty on the rest of the project. The Commission complimented Public Works for their efforts to complete work inhouse.

Mr. Schroth opened the public hearing at 7:02 p.m. There being no public comment, the hearing was closed at 7:02 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, to Approve Resolution No. 17-18. The motion carried by the following vote:

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

16321 Resolution No. 17-19: Acceptance of Ownership and Maintenance Responsibility of Kurt Street/W. Lakeview Avenue per the Interlocal Agreement signed August 11, 2015 between the City of Eustis and Lake County, Florida for a Multi-phase Infrastructure Agreement

Mr. Schroth announced Resolution No. 17-19: A Resolution of the City Commission of the City of Eustis, Florida; accepting ownership and maintenance responsibility of Kurt Street/W. Lakeview Avenue per the interlocal multi-phase infrastructure agreement dated August 11, 2015, between the City of Eustis and Lake County, Florida.

Mr. Gierok explained the City had entered into an agreement with Lake County which stipulates that the City must assume ownership and maintenance of Kurt Street once the jointly funded renovation project was completed. He stated that the County has provided the City with notice that both Phase I and Phase II of the project have now been completed. He noted that the City and County have historically owned various parts of the street causing confusion about responsibility.

The Commission confirmed that all of the work was completed from Hwy. 441 to the westside of Bay Street with Mr. Gierok explaining it is complete up to the DOT right-of-way which is currently being put out to bid.

The Commission asked about the area causing the flooding complaints by Leonard Wheeler.

Mr. Gierok explained that Seminole Avenue is maintained by Lake County. He stated that the drainage path has not changed due to the Kurt St. work. He further explained that Kurt Street was never designed to catch the runoff and that the work that was done was strictly to resurface and eliminate the potholes. He stated that the engineering report referenced by Mr. Wheeler was strictly a conceptual report with an estimated cost of \$11 to 12 million. It was decided at that time not to proceed.

Mr. Schroth added that the City did put in some remedies to fix some of the ADA complaints but did not address the drainage.

Mr. Schroth opened the public hearing at 7:06 p.m. There being no public comment, the hearing was closed at 7:06 p.m.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 17-19. The motion carried by the following vote:

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

16322 Resolution No. 17-20: Approval of an Expenditure in Excess of \$50,000 for Engineering Services for Construction Administration Relating to the Eastern Wastewater Treatment Plant Expansion

Mr. Schroth announced Resolution No. 17-20: A Resolution of the City Commission of the City of Eustis, Florida, approving expenditure in excess of \$50,000 for engineering services for construction administration for the expansion of the eastern wastewater treatment facility.

Mr. Gierok reviewed the proposed contract for engineering services for the construction administration of the eastern wastewater treatment facility expansion project and stated staff's recommendation for approval of the contract with Reiss Engineering. He explained that he and City Engineer Daniel Millan would be conducting daily inspections as well.

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

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Sabatini, to Approve Resolution No. 17-20. The motion carried by the following vote:

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

16319 Resolution No. 17-21: Amending City of Eustis Facility / Street Naming Policy

Mr. Schroth announced Resolution No. 17-21: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; repealing the provisions of naming/renaming policy adopted October 16, 2014, and adopting a new policy on public facility names and name changes.

Mr. Neibert reviewed the proposed changes to the City's facility naming/renaming policy as proposed at the special meeting as follows: 1) restriction of names for individuals to those already deceased; and 2) requirement for two public hearings prior to approval of a name.

Mr. Schroth opened the public hearing at 7:12 p.m.

Gail Isaac Thomas asked about the 75% approval for a permanent name change and stated her request that property owners be notified for honorary designations.

Mr. Neibert noted that there was no direction from the Commission to add that and it was never part of the previous policy.

Ms. Isaac Thomas asked how property owners would be informed about a proposed change with Mr. Neibert and the Commission noting that the Commission agendas are posted for public review and the policy would now require two opportunities for public input.

There being no further public comment, the hearing was closed at 7:15 p.m.

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to Approve Resolution No. 17-21. The motion carried by the following vote:

Aye: 3 - Commissioner Sabatini; Vice-Mayor Aliberti; and Mayor Morin

Nay: 2 - Commissioner Bob; and Commissioner Gnann-Thompson

FIRST READING**16311 Ordinance No. 17-01: Voluntary Annexation of City-Owned Properties**

Mr. Schroth read Ordinance No. 17-01 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing four lots totaling approximately 0.40 acres of real property located at 701, 708 and 820 Getford Ct., and 205 Cardinal Street.

Roland Magyar, Senior Planner, reviewed the proposed annexation of four City-owned lots and the recommended future land use and design district designations for the lots located at 701, 708 and 820 Getford Court and 205 Cardinal Street. He stated the Getford lots are proposed to be given an Urban Residential future land use designation and the 205 Cardinal a Public Institutional land use designation with all four being given a design district designation of Suburban Neighborhood. He noted that the Cardinal Street lot would be part of Carver Park. He reviewed staff's analysis of the proposed designations and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 7:22 p.m.

Clifford Graham asked the timeframe for the annexation and the disposition of the property at 703 Getford Court.

Lori Barnes, Development Services Director, explained the ordinances would be approved at the next meeting and that funds are budgeted for demolition of the buildings. She further explained they are currently undertaking asbestos surveys. She stated that the other property is currently up for tax deed sale by the County. If it is not sold by June 2018, the County would follow up with the City at that time.

There being no further public comment, the hearing was closed at 7:25 p.m.

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 17-01 on First Reading. The motion carried by the following vote:

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

16313 Ordinance No. 17-02: Small Scale Future Land Use Map Amendment City-Owned Properties

Mr. Schroth read Ordinance No. 17-02 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of 4 lots totaling approximately 0.40 acres of recently annexed real property located at 701, 708 and 820 Getford Ct., from Urban Medium in Lake County to Urban Residential and 205 Cardinal Street to Public Institutional, in the City of Eustis.

Mr. Schroth opened the public hearing at 7:26 p.m. There being no public comment, the hearing was closed at 7:26 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to Approve Ordinance No. 17-02 on First Reading. The motion carried by the following vote:

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

16314 Ordinance No. 17-03: Design District Assignment City-Owned Properties

Mr. Schroth read Ordinance No. 17-03 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning Suburban Neighborhood Design District Designation to 4 lots totaling approximately 0.40 acres of recently annexed real property located at 701, 708 and 820 Getford Ct., and 205 Cardinal Street.

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

A motion was made by Commissioner Sabatini, seconded by Vice-Mayor Aliberti, to Approve Ordinance No. 17-03 on First Reading. The motion carried by the following vote:

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

VI. FUTURE AGENDA ITEMS - None

VII. COMMENTS

City Commission

Commissioner Gnann-Thompson thanked Darius Kerrison and his group for their assistance during Georgefest.

Vice Mayor Aliberti thanked City staff and the Chamber for their work during Georgefest.

Commissioner Sabatini noted that Eustis High School will be hosting a Panther Showcase for incoming high school students. He noted that families now have the opportunity to select the school they attend.

Commissioner Bob noted the program on March 14th re: Eggs: From Hen to Table.

Mayor Morin announced the upcoming fire station ceremony for the new fire truck on March 25th.

Chief Swanson explained the ceremony involves wetting down the new truck with the old truck and then pushing the new apparatus into the bay. He explained the history of the ceremony from when fire apparatus were pulled by horses.

Mayor Morin commented on the Lake Eustis Sailing Club regatta.

Vice Mayor Aliberti reported on the groundbreaking for the Lake Technical College's new Center for Advanced Manufacturing, with new classes expected to begin in October.

Mayor Morin reported on his attendance at recent Lake Sumter MPO and EMS meetings and issues the MPO is having with being reimbursed by the Dept. of Transportation. He expressed concern regarding the MPO's slow response with a corrective action plan. He then reported on Lake EMS and a study currently underway with the addition of a third phase to consider whether or not to combine Lake EMS and Lake Fire Services.

Commissioner Sabatini announced the Lake Eustis Museum of Art would hold their annual Art-A-Fare at the Community Center on Thursday, March 9th.

Commissioner Bob reminded everyone about the upcoming spring break and encouraged everyone to drive slow.

City Manager

Mr. Neibert thanked City staff for their work in coordination with the Chamber on Georgefest.

City Attorney - None

VIII. ADJOURNMENT - 7:40 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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



City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, March 16, 2017

6:00 PM

City Hall

INVOCATION: Moment of silence

PLEDGE OF ALLEGIANCE: Vice Mayor Aliberti

CALL TO ORDER: Mayor Morin - 6:01 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Vice-Mayor Marie Aliberti; Commissioner Linda Bob; Commissioner Anthony Sabatini; and Mayor Robert Morin

Absent: 1 - Commissioner Carla Gnann-Thompson

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16331 March 2, 2017 - City Commission Workshop
March 2, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Bob, seconded by Commissioner Sabatini, to Approve the Minutes. The motion carried by the following vote:

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

III. PRESENTATIONS

16328 Presentation of Certificate of Completion to Mayor Robert Morin

Ron Neibert, City Manager, presented Mayor Morin with a Certificate of Completion in recognition of his completion of the Institute for Elected Municipal Officials.

IV. AUDIENCE TO BE HEARD

Nan Cobb, President of Lake Eustis Area Chamber of Commerce, announced that the Chamber no longer has an executive director and cited upcoming events including an event at Bay Pharmacy.

Christine Cruz, Eustis Chicken Club, reported that avian flu has been reported in Tennessee and asserted that backyard flocks are the safest avenue for chickens. She commented on recent events she has attended and information she has recently learned regarding terminology and care of backyard chickens. She commented on the popularity of local feed stores and their nationwide ranking in the top ten.

Darius Kerrison announced the next comedy show would be April 1st.

Gail Isaac Thomas addressed the Commission regarding a dip in the road on Bates Avenue at the corner of Bates and Cardinal with Mr. Neibert asking Public Works Director Rick Gierok to speak with her on the issue.

V. CONSENT AGENDA

- 16325 Community Redevelopment Agency (CRA) Financials for Fiscal Year 2015-16
- 16326 Reappointment to Eustis Housing Authority - Hugh Brockington
- 16329 Resolution No. 17-22: Approval of an Expenditure in Excess of \$50,000 for RIB Piping for the Eastern Wastewater Treatment Plant (EWWTP) Expansion Project
- 16330 Resolution No. 17-23: Bid Award for the Continuing Services Agreement for Sewer Rehabilitation Services
- 16327 Resolution No. 17-25: Extension of Time - Marsh Park

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Sabatini, to Approve the Consent Agenda. The motion carried by the following vote:

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

VI. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**SECOND READING****16311 Ordinance No. 17-01: Voluntary Annexation of City-Owned Properties**

Derek Schroth, City Attorney, read Ordinance No. 17-01 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing four lots totaling approximately 0.40 acres of real property located at 701, 708 and 820 Getford Ct., and 205 Cardinal Street.

Mr. Schroth opened the public hearing at 6:11 p.m. There being no public comment, the hearing was closed at 6:11 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Sabatini, to Adopt Ordinance No. 17-01 on second reading. The motion carried by the following vote:

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

16313 Ordinance No. 17-02: Small Scale Future Land Use Map Amendment City-Owned Properties

Mr. Schroth read Ordinance No. 17-02 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of 4 lots totaling approximately 0.40 acres of recently annexed real property located at 701, 708 and 820 Getford Ct., from Urban Medium in Lake County to Urban Residential and 205 Cardinal Street to Public Institutional, in the City of Eustis.

Mr. Schroth opened the public hearing at 6:12 p.m. There being no public comment, the hearing was closed at 6:12 p.m.

A motion was made by Commissioner Bob, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 17-02 on second reading. The motion carried by the following vote:

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

16314 Ordinance No. 17-03: Design District Assignment City-Owned Properties

Mr. Schroth read Ordinance No. 17-03 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning Suburban Neighborhood Design District Designation to 4 lots totaling approximately 0.40 acres of recently annexed real property located at 701, 708 and 820 Getford Ct., and 205 Cardinal Street.

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

A motion was made by Commissioner Bob, seconded by Vice-Mayor Aliberti, to Adopt Ordinance No. 17-03 on second reading. The motion carried by the following vote:

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

VII. FUTURE AGENDA ITEMS

Commissioner Bob asked to have a report on the pricing of rental facilities with Mr. Neibert indicating it would be placed on the agenda under "other business".

Commissioner Sabatini commented on issues of excessive noise and other cities that have noise ordinances using decibel meters. He asked to have copies of Mount Dora's ordinance provided to the commissioners and asked to have a report by staff in April.

Commissioner Bob asked if there was a current ordinance regarding noise after a certain time.

Chief Calhoun explained that currently there isn't much the department can do and expressed support for enactment of an ordinance.

Vice Mayor Aliberti questioned how many complaints the City currently experiences with Chief Calhoun stated it is not a daily occurrence but the department doesn't have a way to force people to comply.

Commissioner Sabatini explained that some of his suggestions are not because there is a current problem but to enact quality of life ordinances before there is a problem.

Vice Mayor Aliberti reported on her attendance at the Florida League of Cities training.

Mayor Morin asked about the state statute regarding convicted sexual offenders and where they can live. He cited the number living in Eustis and asked to have a report and a recommendation on what can be done as well as a comparison with surrounding cities. He also noted a number of calls the City has received regarding traffic on Grove Street and asked to have a report on the issues and what is being done.

VIII. COMMENTS**City Commission**

Commissioner Sabatini announced that the Amazing Race for Charity would be held April 1st.

Vice Mayor Aliberti noted the upcoming exhibit at the Lake Eustis Museum of Art and the Vietnam Veteran's Moving Wall to begin April 27th. She also announced the Buskers Festival on April 8th. She explained the voting system and increased prizes for the buskers.

Mayor Morin announced the opening of "Ghost" at the Bay Street Theater. He commented on the number of upcoming events. He noted his recent attendance at the Lake Eustis Sailing Club.

Vice Mayor Aliberti announced the upcoming Poker Run on March 26th to benefit the Vietnam Veterans' Memorial.

Mayor Morin indicated there would be a change in the monthly car show with a special recognition of the couple who have been putting on the event.

City Manager

Mr. Neibert announced that a conflict negotiation meeting for the ISBA had been scheduled for March 27th. He stated they are working on scheduling a date for a joint public hearing with the other two entities agreeing to Friday, May 12th. It was agreed that the Commissioners would provide Mr. Neibert their schedules for the week of May 15th.

Mayor Morin announced that all of the area elected officials have been invited to attend the East Lake County Northwest Orange County Elected Officials meeting on March 24th at 10:00 a.m. in Mount Dora.

City Attorney - None

IX. ADJOURNMENT - 6:35 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, April 6, 2017

6:00 PM

City Hall

INVOCATION: Pastor Chris Haden, First United Methodist Church of Eustis

PLEDGE OF ALLEGIANCE: Commissioner Bob

CALL TO ORDER: Mayor Morin - 6:03 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 4 - Commissioner Linda Bob; Commissioner Carla Gnann-Thompson; Vice-Mayor Marie Aliberti; and Mayor Robert Morin

Absent: 1 - Commissioner Anthony Sabatini

I. AGENDA UPDATE

Ron Neibert, City Manager, announced that the discussion of a proposed noise ordinance would be postponed to the April 20, 2017 meeting.

II. APPROVAL OF MINUTES

16335 March 16, 2017 Regular City Commission Meeting

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to approve the Minutes. The motion passed by an unanimous vote.

III. PRESENTATIONS

16316 Recognition of 2017 Miss Eustis Pageant winners

Mayor Morin presented each of the 2017 pageant winners with a certificate and Eustis lapel pin. Present were Pageant Director Stephanie Henderson, Miss Eustis Alleah Thornhill, Teen Miss Eustis Annagrace Hall, Jr. Miss Eustis Briona Hall, Little Miss Eustis Chloe Seebree and Tiny Miss Eustis Alexis Nguyen.

16338 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the year ended September 30, 2016

Colleen Scott, Finance Director, provided an overview of the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2016.

Mark White, Purvis, Gray and Associates, stated the CAFR meets all of the City's external financial reporting and bond disclosure requirements. He commented on the City's stable financial condition, amount of reserves and low bond indebtedness. He explained the new requirement for the City to book the net pension liability which totals \$9,700,000 for all three pension funds. He reviewed the various reports included in the CAFR including the financial statements, internal control and compliance report, investment compliance report, auditor general management letter and the governance letter. He stated their audit report shows no significant deficiencies or material weaknesses and the report on the financial statements is an unmodified report. He explained the new requirements that the State Auditor General has to audit the financial statements of the FRS (Florida Retirement System) and provide information to the members regarding each member's pro

rata share of the pension liability so that the liability can be booked appropriately. He explained an "emphasis of matter" statement included in the FRS audit due to the plan actuary expressing concern about the discount rate that was used to determine the pension liabilities. He reviewed their two management letter recommendations regarding 1) inventory for the Water & Sewer system with a recommendation to go to a perpetual inventory system to increase internal controls; and 2) general controls over information technology with a recommendation that the City formalize and test its disaster recovery plans and increase security awareness training. He stated those are not considered to be significant deficiencies or material weaknesses; just recommendations for improving financial and operations of the City.

The Commission and Mr. White discussed the impact if the City decided to address the FRS unfunded liability locally with Mr. White commenting on the stability of the FRS with it being approximately 90% funded.

The Commission questioned how many employees are part of FRS with Ms. Scott responding that there are only 14 City employees still part of FRS.

16345 Overview of Sexual Predator/Offender Restrictions on Residency

Lt. Gary Winheim provided an overview of the state and local laws pertaining to sexual offenders and predators and where they may reside. He explained that the Lake County Sheriff's Office has a unit that handles the registration and monitoring of offenders and predators. He stated there are no residence restrictions under state law; however, there is a Lake County ordinance which is effective within City limits. He reviewed the number of sexual offenders/predators registered within the County and within the City and three surrounding cities - Mount Dora, Tavares and Umatilla. He referred to the state website for additional questions.

The Commission commented on whether or not the City could enact its own restrictions with Lt. Winheim noting that often the offenders already have restrictions that were placed on them by the court.

The Commission questioned who determines that they are meeting their restrictions with Lt. Winheim explaining that is done by the County's Sexual Offender Unit. He further explained that offenders can be looked up on the Lake County Sheriff's Office website and you can see any additional restrictions on an individual offender.

The Commission then asked about homeless offenders with Lt. Winheim stating they are required to check in with the Sexual Offender Unit once a month and the County reports that they usually do.

16332 Facility Rental Rates

Joe LaPolla, Parks and Recreation Director, presented a review of the City's facility rental fees and rules and regulations regarding the rental and use of City facilities and athletic fields. He noted that the current rates have been in effect since 2013. He then presented a comparison of rates with surrounding cities. He commented on the City's special event permit application and process. He explained that when individuals seek to rent a City facility, if it appears it will meet the criteria for a special event permit, then they are referred to the Police Department.

IV. AUDIENCE TO BE HEARD

Nan Cobb, President of the Lake Eustis Area Chamber of Commerce, reviewed the upcoming Chamber events noting she had provided a folder to each of the Commissioners. She added that everyone is invited to all of their events, not just Chamber members.

Bob Tackett, E. Key Avenue, requested stop signs be placed on E. Key Avenue at Lake Gracie Drive and Salem Street. He commented on the high rate of speed of traffic and expressed concern about the danger to pedestrians. He also requested that the speed limit be reduced to 15 mph.

Christine Cruz, Eustis Chicken Club, expressed concern regarding the chickens currently located within the town and lack of oversight of their conditions. She stated that licensing a limited number of chickens would allow the City to educate owners and encourage responsible ownership. She encouraged everyone to attend the Lake County Fair and interact with the 4-H Club members.

V. CONSENT AGENDA

- 16340 Resolution No. 17-24: Approval of Purchases in Excess of \$50,000 for Nine (9) Water and Wastewater Department Replacement Service Vehicles
- 16341 Resolution No. 17-26: Security System Upgrades for the Wastewater Treatment Plant & Water/Wastewater Office Complex
- 16333 Resolution No. 17-28: Budget Amendment for Off-Duty Police Compensation
- 16334 Resolution No. 17-29: Refuse Collection Rate Decrease
- 16336 Appointment to Lake County Arts & Cultural Alliance - Richard Colvin
- 16339 Memorandum of Agreement for Polling Place - Precinct #6

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

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

VI. OTHER BUSINESS

- 16342 Proposed change to the General Employee 401(a) and 457 Retirement Plans

Bill Howe, Human Resources Director, explained the proposal to change the City's retirement plan record keepers from ICMA-RC to MassMutual Financial Group. He further explained the need for a financial investment manager to ensure the City meets its fiduciary responsibilities for administering the plan. He explained the City put out an RFP for an investment manager. He stated staff's recommendation for the City to contract with FiduciaryFirst to act as the City's Financial Investment Manager with the intent for FiduciaryFirst to then develop an agreement with MassMutual to serve as the record keeper for the 401 and 457 retirement plans. He introduced Joseph Mendell from FiduciaryFirst.

The Commission asked how much would be saved by making the change with Mr. Howe stating there would be a 40% savings which would include the financial investment manager to assist employees with their investments. He noted an Investment Committee would be formed to meet quarterly. He emphasized that currently the City's employees receive no advice or guidance regarding their investments.

The Commission expressed concern regarding employees borrowing from their funds with Mr. Howe explaining staff would discuss the plan with MassMutual. He reported that 30% of the employees have taken loans against their funds. He stated his recommendation that the City still allow the employees to obtain loans but be better educated about it.

The Commission asked if they would provide training and seminars with Mr. Howe responding that MassMutual would provide some basic investment training and that FiduciaryFirst would meet individually with the employees to discuss their investment needs. He stated that when the plan is converted, employees would be mandated to attend a meeting regarding the conversion.

The Commission confirmed that employees also pay into Social Security.

16343 Consideration of Noise Ordinance Provisions

Postponed to April 20, 2016, Commission meeting.

16344 Report on Speeding and Other Traffic Enforcement on State Road 19 (Grove Street)

Rick Gierok, Public Works Director, reviewed the current situation on northbound Grove Street between Herrick and Orange and explained there is a natural traffic calming effect due to the narrowing of the roadway. He commented on the widening of the roadway beginning at Orange Avenue and the resulting increase in speed. He stated that some of the issue with the public comments may be perception due to the closeness to the traffic. He reported the Police Department had studied the speeding on Grove Street/SR 19 and the number of incidents involving vehicles passing stopped school busses along that route. He explained they also made a request to the State Dept. of Transportation (FDOT) and FDOT is currently undertaking a study. He added that the City cannot make any changes without approval of the State.

Mr. Gierok then reviewed the number of incidents of school busses being illegally passed from a report provided by the School Board. He added that only 14% of the incidents in Lake County were due to a vehicle passing a school bus from behind with 86% by oncoming vehicles facing the busses. He reported that the Police Department had placed an unmarked car in the area and found no incidences of cars passing a stopped school bus. He noted that, it is believed, the bus stop was placed where it is at the parent's request. He stated a possible resolution could be moving the bus stop around the corner and getting it off of SR 19. He added that they could also install some "School Bus Stop Ahead" signs with a permit from FDOT. He recommended waiting to make any changes until the State's traffic study is completed and seeing what recommendations they make.

The Commission commented on the issue of airbraking by the large trucks. It was suggested that contact information for the Department of Transportation be added to the City's website and provided to the Commission.

Mr. Gierok reported FDOT is in the design phase of a "complete streets" project for Hwy. 19 from US 441 to Herrick. He added that from Orange Ave. to Gottsche on Grove Street, Bay Street and Eustis has been submitted to the MPO for a complete streets project which would incorporate some traffic calming.

The Commission expressed support for additional streetscaping with Mr. Neibert stating suggestions would go to the MPO once the City's project is accepted for a complete streets project.

The Commission requested an update be provided to the Commission on the MPO complete streets project.

The Commission discussed relocating the bus stop to the side road particularly with Mr. Neibert indicating that the parent had been approached and she was not very receptive to the idea. Commissioner Bob indicated she would approach the parent to discuss the idea as well.

Mr. Neibert indicated that, until a resolution is reached, the Police Department would continue to have additional patrols in the area to try and keep it under control.

The Commission commented on the increasing traffic in the community and surrounding areas and the need for it to be addressed for the future.

VII. FUTURE AGENDA ITEMS - None**VIII. COMMENTS**

City Commission

Commissioner Gnann-Thompson recognized a group of Eustis High School students and invited them to introduce themselves.

Audrey Wikan explained they are from the National Teenage Republicans noting that she is the founder and chair for the organization. She commented on their efforts to get students involved in local government. Also in attendance were Jenna Rogers, Vice Chair; Chad Higgins, member; Daniel Rusin, Secretary; Natasha Klienbach, Political Director; and Callie Balut, member.

Mayor Morin noted that the City elections are nonpartisan and encouraged them to attend the County Commission meetings which are partisan.

Commissioner Gnann-Thompson announced the upcoming Busker Festival.

Commissioner Bob announced the First Friday event and added it would include previews for the Busker Festival. She noted that her daughter recently turned 21.

Vice Mayor Aliberti cited the upcoming Eustis Music/Bike Festival and the Vietnam Memorial Moving Wall and related events.

Mayor Morin requested to have on the next agenda discussion on whether or not the City should continue its membership with the Lake Sumter MPO due to recent issues with the MPO.

Mr. Neibert noted the City had received the renewal agreement which contains a change in funding so that could be discussed at the same time.

Mayor Morin announced the Eustis High School Jazz Revue at the Mount Dora Community Building, the Moving Wall Vietnam War Memorial and related events; the Before I Die Wall, his participation in the Poker Run fundraiser for the Vietnam War Wall, and the success of the Amazing Race for Charity event.

City Manager - None

City Attorney - None

IX. ADJOURNMENT - 7:35 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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City of Eustis, Florida

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

Meeting Minutes – Final* City Commission

Thursday, July 20, 2017

6:00 PM

City Hall

INVOCATION: In lieu of an invocation, a moment of silence was held.

PLEDGE OF ALLEGIANCE: Vice Mayor Aliberti

CALL TO ORDER: Mayor Morin - 6:01 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

I. AGENDA UPDATE - None

II. APPROVAL OF MINUTES

16408 July 6, 2017 - City Commission Workshop
July 6, 2017 - Regular City Commission Meeting

A motion was made by Commissioner Sabatini, seconded by Commissioner Gnann-Thompson, that the Minutes be Approved . The motion passed by an unanimous vote.

III. AUDIENCE TO BE HEARD

Daniel DiVenanzo addressed the Commission regarding Commissioner Sabatini's residency. He explained he spoke with several people in Tallahassee regarding the situation and none could come to a definitive answer. He provided comments on the community and Mr. Sabatini's life in Eustis.

Rachel Holtzclaw expressed concern regarding the negative publicity surrounding Mr. Sabatini's residence particularly in the newspapers. She noted her daughters always used their Eustis address as their permanent address when going to college. She stated her concern is that Mr. Sabatini had to declare his address was in Gainesville in order to register to vote there. She further expressed concern regarding the misrepresentation of facts and the loss of trust. She stated that all of the Commissioners need to remember that they represent the City of Eustis.

Brenda Aro addressed the Commission on behalf of the residents on Lakeshore Drive - "Concerned Citizens of Lakeshore Drive". She expressed concern regarding traffic on Lakeshore Drive and acknowledged there are three governmental bodies that govern the road. She stated their request for increased enforcement, better signage and more standard speed limit and noted growth in the area impacting traffic patterns. She stated their desire for the road not to become a major thoroughfare.

James Aro commented on the number of tractor trailers using Lakeshore Drive. He noted the number of people that have to cross the road to access their docks and the danger to them.

Gene Day, resident next to bridge on Lakeshore Drive, expressed opposition to the large trucks using the road and the bridge and the hazard to the bridge because of the oversize vehicles. He stated there needs to be signage on both ends of the road prohibiting the oversize vehicles.

William V. Zeller, American Legion Post #41, addressed the Commission regarding the cannon that used to be located in front of the American Legion building. He explained how the cannon was removed following the City purchasing the building and stated their desire to have the cannon back. He explained that he has arranged for the cannon to be restored and asked for permission for the cannon to be placed back in front of the Legion building. He also asked for a new concrete pad to be poured for placement of the cannon and for assistance with the cost for restoring the wheels. He expressed support for a recognition plaque to be placed recognizing the history of the cannon and those entities offering pro bono assistance.

Ron Neibert, City Manager, stated he would get a cost estimate from Dr. Zeller and bring back information to the Commission for consideration. He indicated he would research information as to why the cannon was removed.

Fred Gardner also spoke regarding the traffic issues on Lakeshore Drive. He noted his discussion with the Police Department regarding the problems. He agreed that there needs to be one speed limit the length of the road.

Mr. Neibert reported he had spoken with Chief Calhoun regarding the concerns and asked Chief Calhoun about the weight limit enforcement.

Gene Day noted that the Police Department does run enforcement near the bridge; however, he has been told they do not go after someone unless they are going at least 15 mph over the speed limit.

Chief Calhoun noted they had a traffic safety meeting with Lake County and reported they will be discussing making the road all one speed limit.

Otis Thompson reported that he was recently the victim of a home invasion and expressed concern regarding similar actions in his community and lack of response from the City.

Mr. Neibert asked Chief Calhoun to schedule a meeting with Mr. Thompson.

Doug Trask, Trask Construction, addressed the Commission regarding an issue with a building permit and unpaid invoice from a customer.

Monica Kimball, Trask Construction office manager, read a prepared statement to the Commission.

Mr. Neibert stated he would meet with Mr. Trask and his staff regarding their questions. He stated he would provide a summary of the outcome to the Commission.

Rachel Prisler addressed the Commission regarding increased crime in the City and how to get more law enforcement presence particularly during the day.

Mr. Neibert explained that there was recently a joint meeting of various law enforcement agencies on how to address those concerns. He encouraged Ms. Prisler to discuss the issue with Capt. Gary Winheim.

Richard Colvin, Lake Eustis Museum of Art, expressed support for the downtown wayfinding program to assist the downtown businesses.

Alan Johnson addressed the Commission regarding the need to compromise regarding the millage rate and budget noting the City's current rate and expressed support for reducing the millage rate at least slightly. He expressed opposition to spending City funds on investigating the residency issue and support for allowing chickens in the City.

Tom Carrino, Economic Development Director, pursuant to previous Commission request, presented an overview of the upcoming City events. He noted the recent CRA community meeting to receive public input. He stated, in order to allow more public input, staff created a survey which is

accessible through the City's website. He explained they are asking people to select the eight most important things they would like to see the City undertake. He confirmed that it is an anonymous survey but each person can only take it once.

Gail Isaac Thomas noted she also attended the CRA community meeting. She stated it was suggested that the survey be included in the water bills since not everyone has internet access with Mr. Neibert indicating he would have that done.

IV. CONSENT AGENDA

Commission Sabatini asked that the Capital Improvement Plan be removed from the Consent Agenda.

16402 Resolution No. 17-48: Opposing the reorganization of the Lake Sumter Metropolitan Planning Organization

16404 Resolution No. 17-49: Rescinding and replacing Resolution No. 17-35

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

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

16398 Acceptance of the Capital Improvement Plan (CIP) for FY 2018-2022

Commissioner Sabatini expressed support for the CIP; however, he stated he had concerns regarding the skate park. He noted there are already skate parks in Tavares and Umatilla. He explained that he met with Public Works and some local skateboarders regarding design. He stated that the City does not have sufficient funds available to do a great design that would make it a destination. He acknowledged the grant funds received for the project and recommended postponing the project.

Mr. Neibert explained that keeping it in the CIP would not be a mandate to complete the project. He stated that a contract would be brought to the Commission for selection of a design firm.

Rick Gierok, Public Works Director, stated that the City currently has an RFQ out for a design/build for a skateboard construction specialist. He explained staff has shortlisted to two and they will be making a presentation on their proposals and based on those presentations, staff would bring forward a recommendation. He acknowledged that what the City has the budget for would not be like the parks utilized for skateboard competitions. He explained the City will also be redoing the tennis courts and other projects that were used as matching to get the grant funds.

The Commission discussed the following: 1) Removing the project from the CIP and then having a discussion based on the presentations about adding it back in; 2) The number of skateboarders observed within the City and the lack of youth programming; 3) The attendance by young people at Commission meetings where they requested consideration for building a skatepark; 4) The need for youth activities to be met within the City rather than them going elsewhere; and 5) The poor condition of the facilities at Sunset Island.

Mr. Neibert recommended leaving the project in the CIP for now and explained it would be easier to deny the contract when presented rather than redoing the CIP.

A motion was made by Commissioner Bob, seconded by Vice-Mayor Aliberti, to Accept the Capital Improvement Plan as submitted. The motion carried by the following vote:

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

Nay: 1 - Commissioner Sabatini

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**FIRST READING**

- 16399** Ordinance No. 17-09: Annual update of the Five Year Capital Improvements Schedule for the Comprehensive Plan for FY 2017-18.

Zack Broome, Acting City Attorney, read Ordinance No. 17-09 by title on first reading: An Ordinance of the City Commission of Eustis, Florida; approving the annual update of the five year Capital Improvements Schedule of the Comprehensive Plan pursuant to F.S. 163.3177(3)5(b); providing for conflicting ordinances, severability, and effective date.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to Approve Ordinance No. 17-09 on First Reading. The motion carried by the following vote:

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

Nay: 1 - Commissioner Sabatini

VI. OTHER BUSINESS

- 16409** Commission discussion on Downtown Business Wayfinding Signage

Tom Carrino, Economic Development Director, explained the need for the business wayfinding signage. He reviewed the Mount Dora wayfinding program and its basic criteria. He then reviewed the various issues that would need to be addressed and explained the difficulty with placing poles in state right-of-way.

The Commission discussed the following: 1) The need to provide information to residents regarding what businesses are located downtown; 2) The intent of the proposal being for directional purposes not advertising; 3) Support for the more interesting signage format rather than standardized signs; 4) The possibility of having lower signs for pedestrian traffic and taller signs for view of vehicular traffic; 5) The need for all businesses to participate and for keeping the price as low as possible to facilitate that participation; 6) Allowing all businesses to participate in the program not just some; and 7) The number of businesses that have expressed the need for directional signage due to their locations.

CONSENSUS: It was a consensus of the Commission for staff to proceed with development of a program to be brought back for Commission consideration.

- 16400** Proposed Millage Rate for 2017 (Fiscal Year 2018) and Date of First Budget Public Hearing

Colleen Scott, Finance Director, informed the Commission that the previously discussed skatepark is in the current year's Capital Improvement Plan and not in the one the Commission just approved. She then provided a history of the City's property values and millage rates from 2007 to 2017. She noted the reduction in staff by 32 fulltime positions between 2007 and 2012. She provided a graph showing the tax roll values and reported on the effect from the recession. She reviewed a ranking of all the cities in the County by millage rates and noted the number of cities that also have a fire assessment fee, solid waste assessment and/or streetlight assessment. She provided a comparison of taxable property values and the effect of population and streets on the City's share of the gas tax revenues. She stated changes in ad valorem are effected by property values, new construction and annexation. She explained that the growth of the other cities would negatively affect the City. She commented on the impending additional homestead exemption and the effect on the City's revenues. She provided a review of what would be collected at the recommended rate versus the roll back rate.

The Commission discussed the amount of revenue that would be collected under the rollback rate

with Mr. Neibert explaining the "new revenue" generated by the increase in assessed value and maintaining the same millage rate would generate approximately \$550,000 this year with a little over half from property assessment increases by the Property Appraiser with the remainder from annexation and new construction.

Ms. Scott stated staff is recommending the millage rate be set at 7.5810, the same as for the past several years, and that the first public hearing be set for September 7, 2017 and the second hearing be set for September 21, 2017, with Mr. Neibert confirming that at the final approval of the millage rate the Commission could vote to reduce the millage rate.

The Commission commented on the following: 1) The City's financial state and the need for the City to grow in order to be able to offer improved services and better maintenance of infrastructure; and 2) The 2018 ballot referendum to approve an additional \$25,000 homestead exemption.

Mr. Neibert commented on how tight the budget is and stated that to go to the rollback rate would further impact fund balance and reducing the budget by an additional \$250,000 would affect City services. He noted that the City is only providing 2% salary increases where other local cities are offering 4 and 5%.

The Commission discussed implementing the rollback rate; possible projects that could be deferred; and the possibility that implementing the rollback rate, coupled with an increased homestead exemption, would negatively affect the City.

Mr. Neibert explained that all of the projects cited are not being paid for out of the General Fund so deferring them would not help the General Fund.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Gnann-Thompson, to set the tentative millage rate at 7.581 and the first public hearing to be held on September 7, 2017. The motion carried by the following vote:

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

Nay: 1 - Commissioner Sabatini

The Commission recessed at 7:34 p.m. and reconvened at 7:44 p.m.

16406 Discussion: New State Law Regarding Medical Marijuana Dispensaries

Lori Barnes, Development Services Director, explained recently a law was enacted by the State legislature regarding medical marijuana dispensaries and noted the City's previous approval to treat medical marijuana dispensaries the same as pharmacies. She stated the new legislation allows local governments to either treat the dispensaries the same as pharmacies or to ban them outright. She further explained the new state regulations do not allow facilities within 500 feet of schools and prohibits signage from including wording or images that target children or encourage recreational marijuana use. She cited recent challenges to the state regulations. She added that the County is considering what the local cities are planning to do before making a decision and they will be bringing forward a recommendation to extend their current moratorium until November. She reported that Lady Lake and Umatilla will be banning the dispensaries and Leesburg banned them in 2014. She stated that the Commission's options are to 1) Take no action - current LDR's treat dispensaries like pharmacies; 2) Direct staff to prepare an ordinance banning the dispensaries; or 3) Delay taking action but it could allow dispensaries to open in the meantime.

The Commission confirmed they are currently treated under City ordinance as pharmacies with Ms. Barnes stating they have had no applications but have received two inquiries.

Mr. Neibert explained the City has received no applications as the City's business tax receipt (BTR) ordinance requires them to first have a Lake County BTR. Since the County has the moratorium in place, applicants cannot receive a County BTR at this time.

The Commission discussed the following: 1) Waiting to see what the County does and what happens with the lawsuits; and 2) How any dispensaries would be regulated with Ms. Barnes explaining that the State Office of Compassionate Use will make sure they meet all state statutory requirements and they have all required security. The City would any issue any building permits and insure they meet construction and life/safety codes.

Mr. Neibert explained that the City would not experience any additional costs for monitoring as the City would not be responsible for monitoring.

The Commission questioned if existing pharmacies would be the first applicants with Ms. Barnes explaining that the federal law still considers marijuana as a controlled substance. Because of that, regular pharmacies are not showing an interest in acting as a dispensary with Mr. Neibert noting that the dispensaries must be operated on a cash basis because to conduct the business through bank transactions would be a violation of federal banking laws.

The Commission further discussed the following: 1) The number of allowed dispensaries; and 2) The separation of marijuana growth and dispensing.

Daniel DiVenzano commented on the possibility of the County not extending its moratorium and then the City would have to approve the applications. He cited the number of available buildings that could be utilized and just adapted for the required security.

Alan Johnson commented on the amount of tax revenue that might be obtained through the marijuana sales. He noted the number of states that have already approved the medical marijuana and the likelihood that recreational use will be approved in the future.

The Commission discussed implementation of a temporary ban; waiting to see what the County does and how the lawsuits proceed; and the possibility of the County not renewing the moratorium and the City then having to approve any applications.

Mr. Neibert asked if a temporary ban could be implemented with Mr. Broome stating it probably could not be done that way. He reminded the Commission that, under state statute, they can't treat the dispensaries any differently than any other pharmacy.

A motion was made by Commissioner Sabatini, seconded by Commissioner Bob, for staff to draft an ordinance imposing a ban on medical marijuana dispensaries. The motion passed by an unanimous vote.

16407 Discussion: Possible Revisions to the City of Eustis Building Permit and Inspection Fee Schedule

Mary Montez, City Clerk, noted that the time was past two hours and confirmed the Commission's desire to continue the meeting.

Ms. Barnes distributed spread sheets to the Commission comparing the City's building permit fees to other jurisdictions. She noted that the fee schedule was last updated in 2010. She stated staff has two options for consideration. Option 1 included the following: 1) Increasing single family plan review from \$100 to 25% of permit fee; 2) Adding an early start permit; 3) Providing differential permit fees for signs, fences and utility buildings such as sheds; 4) Adding master plan filing; 5) Adding contractor registration to clarify no fee is collected; 6) Adding a general permit (\$25) for jobs not covered with cost below \$1,000; and 7) Increasing by \$50 the fee imposed for starting work without permits.

The Commission questioned why the changes are being considered with Ms. Barnes noting that the plan review fee doesn't even cover staff costs. She stated that right now the department is not running in the red; however, with only one or two lean years it will.

Ms. Barnes reviewed Option 2 explaining that it would include all of the previous recommendations as well as increase the base fee for most permit types. She stated the proposal would increase permit revenues by approximately \$18,000 per year. She further stated it would still result in a fee schedule with overall charges less than surrounding local governments. She summarized the additional considerations as follows: 1) Fees were last updated in June 2010; 2) Adding lower cost permit options for minor projects, smaller signs and an early start permit would help both homeowners and businesses; 3) The City's fees are generally lower than that of other area local governments; and 4) In the event of a downturn in construction, building department expenditures would be covered.

Ms. Barnes stated that Commission options are to direct staff to proceed with either Option 1, Option 2, a combination of the two or no action.

Following discussion, it was a consensus of the Commission to allow time for them to review the material and have it brought back for discussion.

Ms. Barnes noted that the information distributed to the Commission is available as part of the online agenda for public review.

16405 ISBA Negotiating Process

Mr. Neibert reported on the discussion at the County Commission meeting where the County unanimously voted to not approve the City's compromise proposal which provided a delay in annexing the three subdivisions. He added he thought there was some support for approving the ISBA without the three developments. He stated the County Commission wanted to move forward with the joint public meeting with all three governing bodies. He asked direction from the Commission regarding moving to the joint public meeting.

The Commission questioned what the benefit would be to the City in moving forward with Mr. Neibert explaining that Mount Dora has to first approve moving to the joint meeting. If they do not, then he stated he would request another manager's negotiation meeting. He further explained his belief that if the two cities reach an agreement, then the County would approve the agreement. He stated the joint public meeting would allow the three governing bodies to openly discuss any proposals for compromise. He further explained there are other properties in that area that have developers that are waiting to annex that already have projects they want to develop within the City. He stated his belief that a proposal to the County that excludes those three subdivisions but includes the balance of the properties would appease the majority concern about the City annexing those subdivisions.

The Commission commented on the negative impact on the City if it is unable to grow. They questioned if the joint meeting would be open to the public with Mr. Neibert explaining that it would be a public meeting but they would not be required to take public comment.

Mr. Neibert then explained that the City's proposal would not include those three subdivisions so those residents would not be as interested in the proceedings. He stated everyone else would then have the ability to voluntarily annex. He indicated at Mount Dora's workshop they voted to maintain their position and not give Eustis any property. He noted they don't have to have acquiescence from Mount Dora to get the ISBA approved by the County. He stated that, at this time, there are no agreements with Mount Dora. He further explained that at a joint meeting, those issues could be discussed.

The Commission thanked the City Manager, staff and the marketing firm for their efforts at the County Commission meeting. They commented on the need for the community's support

and thanked those residents who participated. The Commission cited the benefits to the City to be able to work with the other developers in annexing into the City and the overall benefits to the community as a well being able to lower the millage rate and other advantages.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to have the ISBA negotiations proceed to the joint public meeting. The motion passed by an unanimous vote.

16403 Discussion regarding residency of Commissioner Sabatini

Mayor Morin explained the purpose of the discussion and stated there would not be any public comment. He cited the City's Charter and the Commission's responsibility to determine that anyone running for the Commission is properly qualified. He indicated that, if appropriate, a public hearing may be scheduled in the future. He asked for Commission comments.

Vice Mayor Aliberti noted the public comments earlier in the meeting regarding the residency issue. She explained the information had been provided to her and that when she reviewed it there appeared to be inconsistencies and misrepresentations.

Commissioner Sabatini asserted that the interpretation of the documents was incorrect.

Mayor Morin explained that the concern is regarding any legal impact on future votes and whether or not the City needs to seek a legal opinion regarding the documentation in order to protect the City against any future lawsuits.

Vice Mayor Aliberti noted there are differing opinions regarding interpretation of the documents. She indicated that the documents have been represented to the public as political mistakes. She stated that everyone makes mistakes and maybe it could be discussed and then the Commission could move on. She commented that Commissioner Sabatini is very intelligent and having youth on the Commission is good. She noted he is a political neophyte as is herself. She commented on the possibility of Commissioner Sabatini's mistakes affecting his future career.

Mayor Morin commented on the need for the City to obtain a legal opinion on the documentation.

Commissioner Sabatini stated his belief that the other Commissioners are purposely interpreting the documents to determine he was not a resident in the year prior to running for the Commission in order to get him off the Commission. He asserted his belief that they are attacking him politically and stated he did not misrepresent and did nothing wrong. He stated the Commission should not spend taxpayer money to proceed.

Commissioner Bob noted that Commissioner Sabatini is a college student adding that it is probably the first time a fulltime college student ran and won a seat on the Commission. She stated she did not think it is a fight the Commission needs to take. She noted Commissioner Sabatini was raised in Eustis and cited the number of times her college student daughter has moved. She emphasized she did not agree with proceeding.

Commissioner Gnann-Thompson commented on former Commissioner Bill Brett moving out of City limits. She reported she spoke with Emogene Stegall regarding a student voting in another county and Ms. Stegall told her that establishes a legal residency. Ms. Stegall indicated that a student can vote absentee. She stated that you have to follow policy whether you like it or not. If you don't like a law, then change it.

Commissioner Sabatini emphasized that no one broke the law.

Mayor Morin quoted a section of the Charter regarding the Commission as the judge of qualifications for those seeking candidacy for the Commission. He stated the Commission has an administrative commitment to follow the Charter.

Commissioner Sabatini asserted that he was duly qualified and won the election adding that they were misreading the Charter. He further asserted that he lived within the City for the entire time period required. He added that the Commission has not asked him for any documentation and cited the differences between his case and Commissioner Brett. He stated his belief that it is a political attack only.

Commissioner Gnann-Thompson emphasized that they do not know all the facts and what is the truth but it was brought up to the Commission and there are statements that appear a certain way.

Commissioner Sabatini stated the records only show he voted in another county six months prior to running, not where he resided. He recommended letting the resident who is questioning his residency bring forward a lawsuit rather than spending City money.

Commissioner Bob noted that Commissioner Sabatini's Facebook posts have offended people. She emphasized that the Commission needs to represent the City. She stated her disagreement with removing him or challenging his seat. She emphasized he was duly elected.

Commissioner Sabatini explained for the audience that he stated on Facebook that the City should cut taxes and people were offended by that.

Mayor Morin stated that the consideration is whether or not to hire an attorney in legislative law to review and provide a legal opinion.

Mr. Neibert clarified that it should be an attorney with expertise in election law. He confirmed if they wanted to direct staff to find an attorney or have the Commission select the attorney. He explained that the City Manager's budget includes a line item for legal fees.

Commissioner Sabatini asked the Commission to discuss what might occur after receiving the legal opinion and suggested holding a public hearing prior to making the decision with Mayor Morin declining.

At the Commission's request, Mr. Neibert helped to word the motion.

A motion was made by Commissioner Gnann-Thompson, seconded by Vice-Mayor Aliberti, to direct staff to engage the services of an attorney who is an expert in election law to review the documents and give an opinion to the Commission on whether or not Commissioner Sabatini met the eligibility requirements. The motion carried by the following vote:

Aye: 3 - Vice-Mayor Aliberti; Commissioner Gnann-Thompson; and Mayor Morin

Nay: 2 - Commissioner Sabatini; and Commissioner Bob

VII. FUTURE AGENDA ITEMS

Vice Mayor Aliberti stated she received a suggestion that the Commission consider adopting Roberts Rules of Order.

Commissioner Bob requested a report on the status of various developments and the maintenance of City buildings.

Commissioner Gnann-Thompson asked staff to get the weeding along Bay Street completed.

Mayor Morin requested an update on the state improvements to the Magnolia and Bay Street intersection with Mr. Neibert indicating staff is waiting on response from the Department of Transportation (DOT).

Mayor Morin asked to receive a report on what exactly has been requested from DOT.

Commissioner Sabatini noted the need to encourage young people to be more involved with the City. He suggested getting an iPad with a tripod in order to place the Commission meetings on Facebook Live.

Mr. Neibert indicated he would contact the City's IT Department to see what would be needed.

VIII. COMMENTS

City Commission - None

City Manager - None

City Attorney - None

Mayor

Mayor Morin noted the length of the meeting and thanked everyone for staying.

IX. ADJOURNMENT - 9:00 p.m.

MARY C. MONTEZ
City Clerk

ROBERT R. MORIN, JR.
Mayor/Commissioner

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

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The image shows the top section of the H&R Block website. At the top right is a small blue square icon with a white play button symbol. Below this is the H&R Block logo in blue, followed by the text "More Zero" in a larger, bold blue font. Underneath the logo is the text "H&R Block" in a smaller blue font. A horizontal line separates this header from the main content area. The main content area has a light gray background and contains the text "More Ways to File Taxes Online. File Free with H&R Block More Zero!" in a dark gray font. At the bottom of this section are two navigation buttons: "WEBSITE" with a blue circular icon containing a white globe, and "DIRECTIONS" with a blue diamond icon containing a white right-pointing arrow.

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Backyard chickens welcome at unincorporated Lake homes

A new rule set to take effect in the coming weeks lets residents keep up to five egg-laying hens in coops or fenced enclosures

December 24, 2013 | By Erica Rodriguez, Orlando Sentinel

Residents in unincorporated Lake County who want to raise backyard chickens for their eggs will soon be able to do so legally.

A new rule set to take effect in the coming weeks lets residents in more-populated neighborhoods keep up to five hens in coops or fenced enclosures. The feathered animals are already allowed in rural or agriculture lands. Under the new rule roosters are prohibited and slaughtering is outlawed. Coops must be kept at least 20 feet from property lines and cannot be in residents' front or side yards.



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New Rule

Tim Sullivan

Lake Commissioners

County commissioners were divided on the ordinance, which passed last week on a 3-2 vote. Commissioners Jimmy Conner and Tim Sullivan opposed the ordinance. Conner previously said chickens stink while Sullivan told commissioners the animals **will** be a "code-enforcement nightmare."

Brian Sheahan, community safety and compliance director, said it's possible the rule will create complaints, but that in areas with similar chicken rules there have not been many problems.

Commissioner Sean Parks, meanwhile, said the new rule is a way for folks to "grow local," be self-sufficient and that chicken-raising can be good for kids.

"I know a lot of parents that would like to raise chickens with their kids," he said. "It teaches the responsibility. It takes them back to...their agriculture roots."

Commissioners have been weighing the ordinance since June, when residents urged Parks to Lake commissioners join a growing number of cities and counties across the state giving the O residents to keep the fowl.

Under the new rule, residents must keep chicken coops tidy. Manure cannot accumulate on the ground and feed — which could attract rodents or pests — must be kept in a pest-proof container.

ericarodriguez@tribune.com or 352-742-5928

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SOUTHEAST MISSOURIAN



The Irony Of It All | Brad Hollerbach

Brad Hollerbach is the Director of Information Technology for the Southeast Missourian. His opinions are his own and do not reflect those of the newspaper or its editorial board. He writes this blog primarily for his own amusement and to parody the absurdities of the world we live in. He lives with his wife and two cats that don't really care for one another in Cape.

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What To Do With Chickens Gone Wild

Posted Friday, November 12, 2010, at 12:00 AM

I was channel surfing the other evening and settled on "Dirty Jobs" with Mike Rowe on the Discovery Channel. One of the dirty jobs Mr. Rowe was doing in this episode was catching wild chickens in Miami.

Apparently, wild chickens are a huge problem in that city forcing the locals to form a volunteer task force that attempts to catch as many as they can. Their success rate is a pretty poultry 30%.

I missed the beginning of the episode, so I'm not sure where all these chickens originally came from. Maybe they escaped from the flocks belonging to existing Urban Chicken Ranchers. Or perhaps these rogue chickens fled Cuba on inner tubes seeking political asylum in The Sunshine State. I just don't know.

But based on this TV program, Miami has a heckuva wild chicken problem.

Which, of course, got me thinking about the proposed chicken ordinance that is before the Cape Girardeau City Council. A what-if scenario immediately came to mind.

Let's assume a majority of the City Council passes the ordinance and residents are therefore free to go to Bucheit's in Jackson and buy 10 of those cute little chickies they sell in the middle of the store.

Sadly, those cute little chickies don't stay cute and little for very long. The Cape residents who succumb to their cuteness and their littleness might start feeling that being an Urban Chicken Rancher is just not their thing after their flock has gotten a lot less cute and whole lot bigger.

But what do you do with the flock of chicken you adopted on the pretense of having fresh eggs on a daily basis, but now no longer want?

Well, you could eat them, but that would be hard for a lot of people who got them when they were little and cute and probably gave them names. It's tough to chop the head off a chicken when you know her name is Phyllis.

Besides, slaughtering chickens is specifically prohibited in the proposed city ordinance that the City Council is still contemplating.

Or the folks who no longer want their chickens could just "accidentally" -- wink, wink, nudge, nudge -- leave the door to their chicken corral open and let the birdies wander out into the wilds of the city to fend for themselves.

After all, how would anyone know it was his or hers chickens?

It's not like the city is requiring the birds to have collars or be embedded with those electronic tracking chips so a nuisance officer can positively identify that the Rhode Island Red squawking on your front stoop actually belongs to a

neighbor three blocks away.

No, since there will be no way to identify who actually owns these grown up chickens, abandonment will be the easy way out for people not cut out for the chicken rancher way of life.

Which could result in Cape looking like the streets of Miami where gangs of chickens patrol the alleyways feasting on trash and terrorizing the neighborhoods with a buck-buck here and a cock-a-doodle-do there.

I suppose the City of Cape Girardeau could assemble its own chicken task force to track down these chickens gone wild but that seems like a lot of work.

Maybe these rogue chickens would take the hint if we left a pile of inner tubes down by the Mississippi with directions to Southern Illinois.



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COMMENTS

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City of Orlando

Chapter 6 – Control and Regulation of Animals

Article III – Backyard Chickens

Sec. 6.19. General Conditions for Keeping Backyard Chickens

Any person keeping *chickens* as an accessory to an occupied dwelling shall be subject to the following restrictions:

- (1) Permit Required. A Backyard Chicken permit (hereinafter "permit"), is required for the keeping of *chickens*. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the fee simple owner of the subject property, the fee simple owner must provide owner authorization and consent to the application. The fee for the permit will be set by Resolution of the Orlando City Council.
- (2) Up to four *chickens* may be kept at an occupied single family residence upon receiving a permit from the City.
- (3) Ducks, geese, turkeys, peafowl, male *chickens*/roosters, pigeons, or any other poultry or fowl are not allowed.
- (4) Chickens are not allowed on duplex, triplex, townhomes, multifamily properties, community gardens, or any other uses.
- (5) Chickens must be secured within a covered *chicken* coop, *chicken* tractor, or fenced pen/run area at all times and are not allowed to run at large upon any public properties or off the premises of the owner. The coop and pen/run area must be completely secured from predators with hardware cloth or similar material. Chicken wire shall not be used.
- (6) The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from *chickens*, *chicken* manure, or other items associated with the keeping of *chickens* must not be perceptible at the property boundaries. Chickens must not be permitted to create a nuisance consisting of noise or pests, or contribute to any other nuisance condition.
- (7) No manure may be allowed to accumulate on the floor of the coop or ground. All feed and other items associated with the keeping of *chickens* that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- (8) Composting of *chicken* manure is allowed in an enclosed bin. The composting bin shall be kept at least 20 feet away from all property lines.
- (9) Chickens must be kept for personal use only. Selling *chickens*, eggs, feathers, or *chicken* manure, or the breeding of *chickens* is prohibited.
- (10) Chickens may not be slaughtered on premises.
- (11) Any person who violates any provision of the article will, upon conviction, be punished as provided in [Section 1.08](#) of this Code. Additionally, the planning official has the sole discretion to revoke the permit and require that the *chickens* be removed within 10 days if he or she determines that the permittee is in violation of the requirements of the Code.

(Ord. No. 2016-79, § 2, 10-10-2016, #1610101202)

Chapter 58 – Zoning Districts and Uses

Part 5 – Accessory Uses and Structures

5A. General Requirements

Section 58.901 Accessory Structure Location and Zoning Standards

(j) Backyard Chicken Coop Accessory Structures

1. Chicken coops must be located in the rear yard (behind the home). No coop will be allowed in any front or side yard.
2. The coop, pen, or *chicken* tractor must be a minimum of 20 feet from any neighboring residential homes, at least 5 feet from the principal structure on the subject property, and at least 5 feet from any property line. The coop, pen, or *chicken* tractor may be placed 0 feet from the property line if placed adjacent to a masonry wall on property in a non-residential zoning district. A 0 foot setback is allowed between a coop and another accessory structure on the subject property.
3. Chicken coops must be less than 50 square feet and may have an attached run. The coop must also be tied down for wind resistance.
4. An applicant for a permit must demonstrate compliance with the criteria in the Code in order to obtain a permit. The application for a permit must be submitted to the planning official. Applicants must submit photos of the proposed site of the coop/run areas, a survey/site plan of the subject property showing the location, and proof of successful completion of a University of Florida Agricultural Extension Service class or an equivalent class approved by the planning official.
5. A planning official determination is required for a permit. The planning official is authorized to implement reasonable rules and regulations regarding backyard *chickens*. The planning official must not approve locations with outstanding code violations.
6. No more than 100 permits will be issued citywide. Permits will be issued on a first-come, first-served basis. If a participant chooses to leave the program, he/she must provide notice to the City. The City is then authorized to re-issue the permit to another qualified applicant. If a participant is removed from the program due to violations of the terms of this ordinance, his/her permit may also be re-issued to another qualified applicant.

(Ord. of 9-16-1991, Doc. #25094; Ord. of 5-20-1996, Doc. #29361; Ord. of 6-4-2001, § 13, Doc. #33841; Ord. of 3-28-2005, § 1, Doc. #050328903; Ord. of 8-6-2007, § 7, Doc. #0708061002; Ord. of 3-9-2009, § 1, Doc. #0903091103; Ord. No. 2015-68, § 1, 1-25-2016, Doc. #1601251203; Ord. No. 2016-79, § 3, 10-10-2016, #1610101202)

Chapter 5 Code Enforcement

Article II Code Enforcement Citations

Sec. 5.19 Classes of Violations and reduced Civil Penalties

Chicken violations considered a Class II civil infraction. Class II violation penalties: 1st-4100; 2nd - \$200; 3rd – mandatory court hearing

Clermont

Sec. 10-26. - Livestock prohibited.

It shall be unlawful to keep any livestock upon any property within the city limits, except where a conditional use permit, authorizing livestock, is granted by the city council.

Leesburg –

Sec. 6-41. - Reserved.

Editor's note— Ord. No. 14-11, § I, adopted March 24, 2014, repealed [§ 6-41](#) which pertained to keeping *chickens* or fowl and derived from Ord. No. 89-6, § I(1), adopted March 27, 1989.

Sec. 6-42. - Domestic fowl running at large.

It shall be unlawful for the owner of any *chickens*, geese, turkeys, guineas or similar domestic fowl to allow the same to run at large in the city. Violation of this section will be a Group I infraction as described in Article I.

Sec. 25-292 Supplemental district requirements

(4) Keeping of domestic animals and fowl. The keeping of domestic animals and fowl shall be limited as following:

a. In all zoning districts, except for provisions provided in the RE-1 Residential Estate zoning district below, domestic animals or fowl being kept, harbored, raised, or maintained as accessory to a residential single-family structure, shall be subject to the following restrictions:

1. No more than fifteen (15) *chickens* are permitted;
2. The keeping of roosters are prohibited;
3. Slaughtering of *chickens* is prohibited;
4. The *chickens* shall be provided with a movable covered enclosure (See Exhibit Hen house/coop) and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;
5. The space per bird in the henhouse/coop shall not be less than three (3) square feet per bird and not larger than fifty (50) square feet;
6. No covered enclosure or fenced enclosure shall be located in the front or side yard, nor shall the henhouse/coop be closer than twenty (20) feet to any occupied residential structure. Odors from *chickens*, *chicken* manure, or other *chicken* related substances shall not be detectable at the property boundaries;
7. Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a four-foot-tall solid fence (chain link with slats permitted), wall, or equivalent landscape vegetative material as approved by the city community development department;
8. All enclosures for the keeping of *chickens* shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All

manure for composting must be kept in an enclosed bin. All other manure shall be removed promptly;

9. All feed and other items associated with the keeping of *chickens* that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;

10. The sale of eggs or any other *chicken* products generated with the keeping of *chickens* under this section in a residential district may not be advertised;

11. No dog or cat that kills a *chicken* will, for that reason alone, be considered a dangerous or aggressive animal;

12. Rabbits as pets shall be within a completely enclosed dwelling or detached garage or in an outside enclosure, coop or pen, up to a maximum of two (2) rabbits;

13. Adult dogs, cats, birds etc. shall be limited in all districts to a maximum of five (5) adults per dwelling with adequate fencing and/or outside covered protection from the elements;

14. For the keeping of *chickens* completion of the following two-hour course "Chicken University" is highly recommended. The course is offered by the UF/IFAS Lake County Extension Office, 1951 Woodlea Rd., Tavares, FL 32778, phone (352) 343-4101 ext. 6.

b. In the RE-1 Residential Estate zoning district:

1. Domestic fowl or other birds shall be limited to not more than ten (10) adult birds per acre up to twenty-five (25) total per two and one-half (2½) acres confined. A maximum total of fifty (50) adult birds on five (5) acres with a conditional use permit.

2. Domestic hoofed mammals shall be limited to a maximum of one (1) confined animal per acre which shall be in addition to the minimum of one (1) acre required for the dwelling. Confined, as used in this section, refers to an approved fence that provides limitation on the movements of the animal on the required land area and which shall secure the animal from entering adjacent properties.

c. Prohibited animals and fowl: Except for a retail establishment engaging in the lawful sale of animals, and approved zoos/animal sanctuaries, it shall be unlawful for any person to keep, harbor, raise or maintain the following except as permitted by this section:

1. Any livestock.

2. Farm animals or fowl such as cattle, hogs, sheep, goats, horses, rabbits, *chickens*, turkeys, ducks, and geese or any other animal or fowl not customarily considered a domestic household pet shall not be kept or maintained on any lot in a residential district.

d. Variations to the site requirements may be granted by a conditional use permit where it is determined that no adverse impacts to adjacent properties will occur.

e. Lake County Animal Control Services is responsible for enforcement of codes regarding leash and tethering of animals.

f. A use, existing developed site, building or structure, lawfully in existence at the effective date of this section, may be continued but not expanded. Should the use discontinue for a period of ninety (90) days, any future use must comply with this code.



Umatilla – See Lake County

Tavares

Sec. 4-1. - Keeping of certain animals and fowl prohibited; exception.

It is unlawful to keep, harbor, or maintain within the city limits any horses, mules, sheep, cattle, swine, goats, geese, turkeys, *chickens* or other livestock or fowl, except where permitted by the zoning classification of the property.

Mt Dora – No code

Ocala

Sec. 122-1221. - Keeping of livestock.

(a) Keeping of livestock as an accessory use in the single-family residential (R-1, R-1A, R-1AA) zoning districts may be permitted subject to the criteria and restrictions of this section if approved by the planning and zoning commission following a public hearing. Any appeal of the planning and zoning commission decision shall be made to the city council pursuant to subsection [122-221\(b\)](#).

(b) Minimum plot size for keeping of livestock shall be five acres.

(c) Maximum number of livestock on a plot shall be calculated based on the following:

(1) Equine (e.g., horse, mule, donkey, etc.) and bovine (e.g., cattle, bison, etc.) shall not exceed one for every two and one-half acres and caprine (e.g., goats), ovine (e.g., sheep) and lama (e.g., llama, alpaca, etc.) shall not exceed three for every one acre. Acreage used to determine the maximum number of animals may not be double-counted when a variety of animals will be kept on the plot. Offspring under the normal weaning age for the species shall not be counted towards the maximum number of animals allowed.

(2) Porcine (e.g., pigs, hogs, etc.) prohibited.

(3) Poultry (e.g., *chicken*, duck, turkey, geese, quail, pheasant, etc.) shall not exceed a maximum of 25 birds. Roosters, cocks, cockerels and capons of any species shall be prohibited.

(d) On-premises sale of livestock or poultry byproducts (e.g., eggs, milk, meat) shall be prohibited. Livestock or poultry permitted in this section shall be kept or raised for personal use only with the exception of youth projects such as 4-H or FFA activities.

(e) It shall be prohibited for any person to allow poultry to stray or roam upon the public streets or private property. Poultry shall be kept in a securely enclosed yard or pen at all times. Such enclosed yard or pen shall be located in a rear yard and a minimum of 100 feet from any property line.

(f) It shall be prohibited for any person to allow livestock to stray or roam upon the public streets or property other than the owners. Livestock shall be kept in a securely enclosed pasture at all times. Barns or other structures used to shelter livestock shall be located in a rear yard and a minimum of 100 feet from any property line.

(g) Requirements for the storage of manure:

(1) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare or safety of humans or animals.

(2) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 200 feet of any plot line or residence.

(h) Commercial activities involving the raising, breeding, training, boarding or rehabilitation of livestock on lands annexed by the city shall be allowed to continue and shall not be considered nonconforming uses subject to [section 122-173](#) of this chapter.

(Ord. No. 2012-20, § 2, 3-7-12)

Apopka – no code; use Orange County

Maitland

Sec. 4-5. - Keeping live poultry.

It shall be unlawful for any person, either as owner or keeper, to permit or otherwise allow any *chickens*, ducks, geese, turkeys, guineas, pigeons or doves to remain in the city, except as might be specifically authorized in other sections of this Code.

(Code 1971, § 4-6; Ord. No. 891, §§ 2, 3, 2-26-96; Ord. No. 995, § 35, 3-27-00; [Ord. No. 1250, § 2, 11-11-13](#))

Cross reference— Zoning generally, [Ch. 21](#).

☐ Sec. 4-5.1. - *Chicken*-keeping program.

City of Maitland residents shall not be permitted to keep or raise *chickens* without first obtaining a permit for such activity pursuant to the criteria established in [section 4-5.2](#) of the Maitland City Code. No more than a total of fifty (50) permits for the keeping of *chickens* shall be issued throughout the city. Only (1) one permit per single-family residence shall be issued. Permits shall be awarded by the city on a first-come, first-served basis. If a participant chooses to leave the pilot program, they must provide notice to the city. The city is then authorized to re-issue the permit to another qualified applicant.

I. City of Maitland staff shall be permitted to perform follow-up inspections on the premises where permits have been issued for the keeping of *chickens*. Inspections shall be to ensure that all of the program criteria are being met. The city shall provide forty-eight-hour notice to permit holders prior to performing inspections.

([Ord. No. 1250, § 2, 11-11-03](#) ; [Ord. No. 1276, § 2, 6-8-15](#))

Sec. 4-5.2. - *Chicken*-keeping as an accessory use.

Chicken-keeping shall be permitted as an accessory use within single-family residential zoning designations, including RS-1, RS-1A, RS-2, RS-3, RS-4, and RS-5, where the lot or parcel is occupied by a single-family detached residence. Chickens shall not be kept at residential property with a townhome, duplex, condominium, apartment, or other multi-family residential unit.

Permission for *chicken*-keeping within the Maitland city limits shall be subject to the following standards and conditions:

(1) In order to obtain a permit for *chicken*-keeping, an applicant shall submit an application for a building permit site plan to the community development department, including a scaled drawing showing the location, of the proposed *chicken* coop and fenced pen area. The *chicken* coop and fenced pen area shall meet the following requirements:

- a. The maximum size of the coop and pen area shall be one hundred (100) square feet. A building permit from the building division will be required. The application submittal shall show construction materials and methods as well as anchoring methods, such as tie-downs. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the building department.
- b. The maximum height of a coop and the pen fence around the coop shall be seven (7) feet, as measured from the existing grade to the highest part of the coop or fence. However, the maximum height of a coop and pen may be eight (8) feet if the structure meets the 7½-foot and 25-foot setbacks as described in subsection c., below, as well as the 20-foot setback, if applicable.
- c. The coop and pen area shall be located in the rear yard of the single-family detached residence and be set back a minimum of seven and one-half (7½) feet from the side and rear lot lines and a minimum of twenty (20) feet from any side street, so long as the coop and pen area shall be at least twenty-five (25) feet from any residential structure on an adjoining lot.
- d. If a coop and pen are built to abut an opaque wall or fence which is at least six (6) feet high and which is erected on the property line or between the property line and the 7½-foot setback, then the 7½-foot and 25-foot setback requirements described in subsection c. shall not apply. A chain-link fence, chain-link fence with slats, or similar fence shall not constitute an opaque wall or fence. Nothing in this section shall prevent construction of a coop and pen to abut the side of an applicant's house, so long as it otherwise meets the requirements of this Code.

e. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. All enclosures for the keeping of *chickens* shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

f. The space per bird in the coop shall not be less than three (3) square feet.

g. All *chicken* feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

h. Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative material.

i. A signed affidavit is required to be submitted with all *chicken*-keeping permit petitions. The affidavit shall state that the *chicken* coop and pen will be designed, constructed and operated to the standards outlined in the City of Maitland's Code of Ordinances. The affidavit shall also state that the drawings submitted as part of the petition are a reasonably accurate representation of the subject site features and adjacent properties.

(2) The application for a *chicken*-keeping permit shall include proof to the community development department that the applicant has attended and successfully completed a class at the Orange County Agricultural Extension Service on the care and raising of *chickens*.

(3) A maximum of four (4) *chickens* may be kept on a lot or parcel with a detached single-family residence.

(4) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area. Chickens must be secured within the *chicken* coop during non-daylight hours.

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes in order to produce eggs for consumption. Eggs or manure produced by the *chickens* shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased *chickens* shall be properly disposed of, off-site, within 24 hours of expiring.

(9) Roosters and poultry or fowl other than *chickens* shall be prohibited City- wide.

(10) Nothing herein shall be construed or interpreted to mean that *chickens* are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions prohibit such use.

(11) The city council hereby establishes a fee of fifty dollars (\$50.00) to process petitions for residential *chicken*-keeping.

([Ord. No. 1250, § 2, 11-11-13](#) ; [Ord. No. 1251, § 2, 1-27-14](#))

Sec. 4-5.3. - Penalties.

Failure to comply with the provisions Ord. No. 1250 may result in fines or revocation of a *chicken*-keeping permit. Imposition of a fine or revocation of a permit shall take place upon a finding by the special magistrate for code enforcement that a permit holder has violated the conditions of the permit as stated in [section 4-5.2](#).

([Ord. No. 1250, § 2, 11-11-13](#))

Winter Park

Sec. 18-16. - Keeping farm animals prohibited

It shall be unlawful to keep, harbor or maintain within the city limits any horse, mule, sheep, cattle, hog, pig, goat, geese, turkey, *chicken*, livestock.

Lake County

10.01.00 - Residential Accessory and Temporary Structures and Uses.

10.01.06 Backyard Chickens. General Requirements. Chickens, other than roosters, shall be allowed for personal use as an accessory use within the Estate Residential (R-2), Medium Residential (R-3), Medium Suburban Residential (R-4), Urban Residential (R-6), Mixed Residential (R-7), and Mixed Home Residential (RM) Districts.

A. Any person keeping, harboring, raising or maintaining *chickens* as an accessory to an occupied dwelling unit shall be subject to the following restrictions:

1. No more than five (5) *chickens* may be kept;
2. Slaughtering of *chickens* is prohibited;
3. Chickens must be secured within the *chicken* coop or fenced enclosure at all times;
4. All feed and other items associated with the keeping of *chickens* that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property; and
6. Composting of *chicken* manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.

B. Chicken coop or fenced enclosure used to house *chickens*. Any *chicken* coop or fenced enclosure used to house *chickens* shall:

1. Not be located in the front or side yards; and
2. Be set back a minimum of twenty (20) feet from all property lines.

(Ord. No. 1997-22, § 2, 3-18-97; Ord. No. 1997-44, § 9, 6-17-97; Ord. No. 1997-65, § 10, 9-23-97; Ord. No. 2001-89, § 2, 6-5-01; Ord. No. 2002-1, §§ 2, 3, 1-22-02; Ord. No. 2004-14, § 2, 3-16-04; Ord. No. 2007-27, § 17, 6-5-07; Ord. No. 2008-45, § 3, 7-1-08; Ord. No. 2013-27, § 2, 5-21-13; Ord. No. 2013-67, § 3, 12-17-13; Ord. No. 2015-55, § 4, 12-15-15)

Orange County

Chapter 38 - ZONING

ARTICLE IV. - ZONING DISTRICTS ESTABLISHED; ZONING MAP

Sec. 38-79. - Conditions for permitted uses and special exceptions.

The following numbered conditions shall correlate with the numbers listed in the use table set forth in [section 38-77](#):

(36) Poultry raising or keeping shall be a permitted use, provided that it is limited to one hundred (100) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl such as *chickens*, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.) [zoning A-1 and A-2]

(Ord. No. 97-05, § 5f, 4-29-97)

(37) The raising or keeping of poultry for domestic purposes shall be a permitted use, provided that it is limited to thirty (30) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential zoned districts. All pens, enclosures, or waste disposal activities shall not be located any closer than fifty (50) feet from the property line or one hundred (100) feet from a residential dwelling unit and shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body. ("Poultry" shall mean domestic fowl such as *chickens*, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.) [AR zoning]

(40) The raising or keeping of *poultry* shall be a permitted use, provided that: It is limited to twelve (12) birds or less, and the lot is located a minimum of one hundred (100) feet from all residential zoned districts, except R-CE-5, R-CE-2, and R-CE zoned districts. All pens, enclosures and waste disposal activities shall be located not closer than fifty (50) feet from the rear or side property line, shall not be located in front of the front setback line, shall not be located any closer than fifty (50) feet from the normal high water elevation of any natural water body, and it shall be located a minimum of one hundred (100) feet from a residential zoned district. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.) [RCE-5, RCE-2, RCE]

(Ord. No. 97-05, § 5f, 4-29-97; Ord. No. [2008-06](#), § 11, 5-13-08)

(50) Poultry raising or keeping in excess of one hundred (100) birds, and/or keeping or raising in excess of six (6) swine may be permitted as a special exception, subject to complying with the following additional requirements:

- a. All pens, birds, swine, manure and waste disposal activities shall be located at least one thousand (1,000) feet from any residential zoned lands.
 - b. The minimum lot size for *poultry* and swine operations shall be nine (9) acres.
 - c. All pens, birds, swine, manure and waste disposal activities shall be located at least one hundred fifty (150) feet from abutting property and shall be located at least two hundred (200) feet from a public street.
 - d. Dead birds and swine shall be disposed of in accordance with applicable health regulations.
 - e. Manure and other wastes shall be disposed of in accordance with applicable health regulations.
 - f. Flies and insects shall be controlled in accordance with applicable health department regulations.
 - g. Poultry shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs. {A-1, A-2 zoning}
- (Ord. No. 97-05, § 5f, 4-29-97; Ord. No. 98-37, § 7, 12-15-98)

Division 13. R-CE Cluster District

Sec. 38-559. - Performance standards.

(c) The keeping of *poultry* (SIC Group 025) and cows and horses (SIC Group 0272) for domestic purposes on individual residential lots one (1) acre in size or greater is permitted, subject to the conditions listed in subsections [38-79\(38\)](#) and (44)*. Further, within the R-CE-Cluster tracts, common animal areas may be established, provided that the total number shall not exceed one (1) animal per acre of designated common animal area.

(Ord. No. 97-03, § 10, 2-25-97)

*38-79(38) and (44) refer to freestanding carwash and Plant nurseries



City of Eustis, Florida

City Hall
10 North Grove Street
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Eustis, FL 32727-0068

Text File

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Title

Provisions for Backyard Chickens in the City Limits

Summary

The purpose of this item is to provide an opportunity for the City Commission to discuss and consider possible provisions in the Land Development Regulations that would permit backyard chickens within the City without a Conditional Use Permit for an agricultural use.

The Dark Side of Backyard Chickens

By [Joyce Slaton](#), published on Wednesday, February 1, 2012

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Every wannabe urban homesteader dreams of having a small flock of chickens in the backyard, hens that leave a daily gift of superfresh organic eggs. Backyard birds bestow something else, too: the satisfaction that comes from knowing they weren't doomed to suffer in the battery cages of an industrial egg farm. But there's also a dark side to urban coops, as Mary Britton Clouse, founder and president of Minneapolis-based [Chicken Run Rescue](#), knows all too well.

In 2001, Britton Clouse founded Chicken Run as a shelter for roosters rounded up in cockfighting busts. A decade ago, Britton Clouse was finding homes for about 40 chickens annually. In 2008, that number shot up to 150. And last year, Chicken Run rescued almost 250 hens and roosters.

Why the massive jump? Britton Clouse blames the urban husbandry fad—a lot of backyard farmers find they just aren't set up to care for poultry. Among the things many beginners don't realize:

Many roosters probably died for your hens.

Few backyard farmers want roosters, which are aggressive and noisy (some cities have ordinances forbidding them in backyard coops). Yet mama chickens still insist on laying boy birds.

"For a demographic so enamored with the 'natural,' people are hopelessly ignorant about basic biology and chicken behavior," says Britton Clouse. "They all apparently missed biology class when the 50-50 principle that determines sex was taught. Otherwise intelligent people assume there is a magic process by which only hens are produced. Most never stop to wonder what happened to the boys."

What *did* happen to them was death. Hatcheries and commercial egg-breeding facilities attempt to sex chicks—that is, find out if they're male or female—at one or two days of age. "Male chicks are ground up alive or suffocated," says Susie Coston, national shelter director for [Farm Sanctuary](#) in Watkins Glen,

New York, which has also seen the number of rescue calls for chickens skyrocket since urban homesteading took hold.

By the way, sexing chicks isn't easy. An expensive DNA test is the only way to tell for sure, at least until the chicks are at least four months old. Many baby "hens" grow up to be roosters, a surprise to backyard farmers, who often end up dumping them on a rescue like Chicken Run. Callous hatcheries also use male chicks as "packing material." "We receive many surrender requests from people who received twice as many chicks as they ordered because males were added to the shipment to add body heat and cushioning during transport," notes Britton Clouse, a fan of roosters (she calls them "dogs with wings").

Chickens are expensive to care for.

Pastured eggs are so expensive at the store, you think you'll save money by raising them yourself. Indeed, hatchery chicks cost only a few bucks apiece, and they'll eat just about any food you give them. But there are other costs. "Chickens attract flies, bird mites and lice, mice, yard birds, squirrels, raccoons, dogs, coyotes, fox, mink, opossum, rats, owls, bobcats, hawks, snakes, weasels, ferrets, fishers, martens, and vandals," says Britton Clouse. Also, a vet visit for a sick bird starts at \$50, assuming the vet even knows how to handle chickens.

Setting up a coop with maintenance, tools, cleaning equipment, heating and cooling appliances, dishes, nets, food storage, a scale, fencing, security locks, lighting, motion detectors, monitors, cameras, and a city permit to make sure the whole thing is legal costs about \$5,000. Food, bedding, supplements, utilities, and vet care cost about \$300 more per bird, Britton Clouse says.

[In a previous post](#), urban homesteader Jennifer Reese, author of *Make the Bread, Buy the Butter*, estimated that after all of her chicken-keeping costs, she's spending \$2.12 per pastured egg. You could save on some of these costs, of course, by treating your chickens cruelly. Sadly, Britton Clouse has seen chickens kept in freezing conditions, with missing toes from frostbite, or kept in tiny coops no better than the battery cages.

Hens don't lay forever.

Humans have bred chickens to be egg machines. Wild hens produce a few clutches of eggs yearly to replenish the flock, but starting at about six months, domesticated hens lay an egg daily. After about 18 months, egg production slows down, and eventually stops.

That's when Chicken Run Rescue or Farm Sanctuary typically gets a call, or when the homesteader kills the hen. Chickens can live for up to 15 years, same as a dog or a cat. Any homesteader serious about being humane needs to ask herself this: Am I OK with being a retirement home for nonlaying chickens? The chickens would surely prefer a yes.

Image source: Flickr member [Bob n Renee](#) under [Creative Commons](#)

Former Chowhound contributor Joyce Slaton is an editor and writer in San Francisco. She takes her tea with sugar and milk and will sew you an apron if you ask nicely. Follow her on [Twitter](#). Follow [Chowhound](#), too, and become a fan on [Facebook](#).



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Posted September 16, 2015 03:10 pm - Updated September 16, 2015 09:34 pm

By Teresa Stepzinski (/authors/teresa-stepzinski-0)

Clay homeowner associations squawking over issue of residential backyard chickens

Comments **17 Share**



The Eagle Harbor Home Owners Association and two others on Fleming Island want the Clay County Commission to exempt them from a proposed ordinance that would allow residential backyard chickens in unincorporated areas of the county.

GREEN COVE SPRINGS | Some Clay County homeowner associations say they don't object to residential backyard chickens per se, but just don't want the fowl in their planned neighborhoods.

The associations voiced their objections through a spokesman to the Clay County Commission during a public hearing Sept. 8 about a proposed county ordinance that would allow residents to keep up to four hens, but no



roosters, at a single-family home under certain conditions in residential unincorporated areas.

Residents would have to get a county permit to keep backyard chickens. Chickens would be allowed only for personal use. People couldn't breed or sell chickens. Nor could they sell the eggs or chicken feces for fertilizer.

The chickens would have to be within a fenced area during the day, and an enclosure at night, according to the measure.

The County Commission will hold a final public hearing, then could vote on the ordinance at its Sept. 22 meeting at the county Administration Building, 477 Houston St., Green Cove Springs.

About 25 residents have asked about the possibility of keeping backyard chickens in residential areas over the past few years, county staff previously told the Times-Union.

Urban chicken keeping is a nationwide trend also popular in Jacksonville, as well as other Northeast Florida cities and counties. Proponents say backyard hens provide fresh home-grown eggs, eat annoying insects and produce natural fertilizer. It is in keeping with a preference for eating organic and natural foods free of chemicals such as preservatives, antibiotics and growth hormones, they say.

Homeowner associations on Fleming Island, however, don't want chickens in their backyard.

John O'Connor, a developer as well as secretary-treasurer of the Eagle Harbor Home Owners Association, told the commission Sept. 8 that his organization, along with the Fleming Island Plantation and Eagle Landing homeowner associations, "object vigorously" to allowing chicken coops in planned residential developments such as their communities.

"We are not against the ordinance. We're all in favor of it. It's just that we don't think it's appropriate in the DRIs [development of regional impact] where we have already restricted these type of animals from being there," said O'Connor, adding his family has about 40 chickens and 250 other animals at their Keystone Heights farm.

"People who bought into those neighborhoods know those animals cannot be allowed in the neighborhoods," he said.

The associations want to be exempt.

O'Connor said they are asking the commission to delete the ordinance provision that would allow backyard chickens in all planned residential

developments in Clay County. If the county allows chickens there, it will create conflict with the home owners associations entangled in disputes likely escalating into a civil court battle.

"The bigger thing we see is chickens getting loose and some dog attacking them, or some kid being out in the backyard and a dog jumps over the fence to attack a chicken," O'Connor said.

Replying to a commission question, O'Connor said association covenants only allow for household pets, which doesn't include chickens. Enforcing those covenants to restrict chickens will be an unnecessary hardship, he said.

"We have enough trouble with cats and dogs and geese and ducks and everything else. We just don't need to create another animosity-type situation with one homeowner objecting to a neighbor having chickens ... These communities were designed not for this type of living environment and all we're asking you to do is respect that," O'Connor said.

If properly cared for and their coops maintained, backyard hens are relatively quiet and don't constitute a nuisance, said Ed Lehman, county planning and zoning director, who cited a recent memo from the Clay County office of the University of Florida Institute of Food and Agricultural Science.

Commissioner Wendell Davis, citing past unrelated cases as examples, told the commission that a county ordinance would supercede homeowner association covenants, just as federal and state laws trump county regulations.

"If we pass this ordinance, it would affect every unincorporated area in the county. You can be tougher, but you cannot be exempt from or looser than the county ordinance," said Davis. "If we say you are allowed four hens, but they say, 'no hens,' then they still are allowed four hens."

However, Davis conceded an ordinance might be overturned if challenged in court.

Commission Chairwoman Diane Hutchings said she's "a little sympathetic" to the people who bought property in the planned developments. They probably read the covenants and restrictions before buying in there. But it's doubtful they looked up county ordinances to check whether chickens would be allowed there, she said.

"I don't see why we would want to set up people for a lawsuit when they were never told that they were going to get that [chickens] when they moved there," said Hutchings, adding she must give the issue further thought before making any decision.

Clay County currently only allows people to raise poultry in Agriculture and Country Estates zoning districts subject to certain conditions. An Independent Overlay zoning district would allow non-commercial keeping of chickens, but only in those communities where the birds historically were kept. However,

there's no property in Clay County classified with that overlay zoning designation.

The county Planning Commission voting unanimously previously recommended approval of the backyard chicken ordinance.

Teresa Stepzinski: (904) 359-4075

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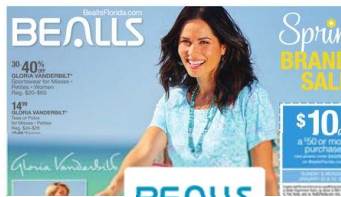
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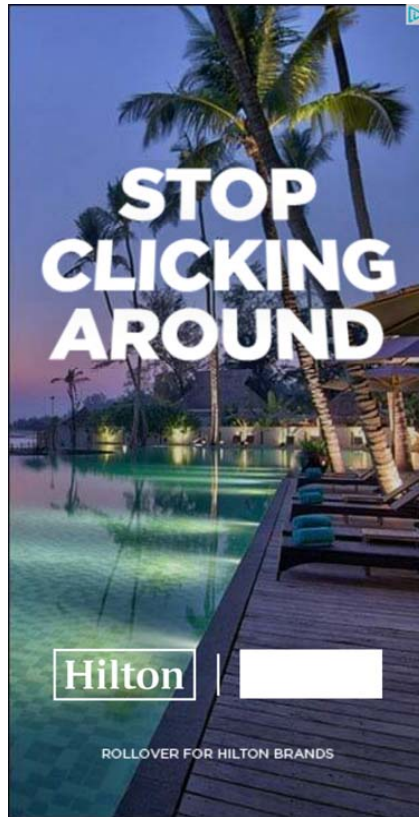
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How To Get Rid Of Feral Chickens

Wild and free-range chickens are not the same—learn the difference and how to combat a feral chicken problem where you live.



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by **Sheri McGregor** (<http://www.hobbyfarms.com/author/sheri-mcgregor/>)
February 4, 2016

In the California towns of Yuba City and Fair Oaks, wild chickens rule the roost. They crow from street corners, scratch and peck near coffee houses and grocery stores, and they sometimes even cross the road. Townspeople are used to the feral chickens that draw in tourists. The Yuba City chickens have their own [Facebook page](https://www.facebook.com/Yuba-City-Chickens-1420433228266347/?fref=ts) (<https://www.facebook.com/Yuba-City-Chickens-1420433228266347/?fref=ts>), and the wild chickens of Fair Oaks inspired the Sacramento County town's annual [Chicken Festival](https://www.facebook.com/FOCHICKENFEST/) (<https://www.facebook.com/FOCHICKENFEST/>).

Feral chickens aren't welcome everywhere, but in some places they're protected. Below, we'll discuss what they really are, where they come from and how you can get rid of them.

What Are Feral Chickens?

The word "feral" refers to a creature that is not domesticated, has reverted to wild or exists in a natural state. In most cities, wild-chicken populations hatched from farm escapees. In New Orleans, for example, Hurricane Katrina let loose and set domestic chickens free. Those chickens survived and reproduced. Now, stray chickens are a common sight there.

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In the Hawaiian Islands, feral chickens are likely descendants of wild red jungle fowl originating in Southeast Asia thousands of years ago and brought into Hawaii by colonists. The red jungle fowl have interbred with domestic chickens, which may have escaped from breeders' illegal cock fighting rings. As happened in New Orleans, hurricanes that destroyed pens may also have played a part in the burgeoning feral chicken populations on the islands.

Wild chickens such as flocks that reside near Hollywood, California freeways, may be the result of irresponsible [rehoming](http://www.hobbyfarms.com/how-to-re-home-chickens-with-care-3/) (<http://www.hobbyfarms.com/how-to-re-home-chickens-with-care-3/>). There, or elsewhere, people grow tired of their chickens, and let them go. The domestic chickens then reproduce, and soon there's a growing flock of feral chickens. Animal protection and activist groups may come in to relocate flocks but

any that are left behind continue breeding. So numbers of wild chickens increase, and their range widens.

In Fair Oaks and Yuba City, the wild chickens likely hatched from descendants of long-ago farm escapees from the area's rich agricultural history. People in these cities have taken the wild chickens under wing, but in other places, feral chickens aren't so welcome.



David Lohnes

When Are Feral Chickens A Problem?

Feral chickens are a problem wherever they become a nuisance—in short, many places. Communities of New York, Florida, Oklahoma, Arizona, California, Georgia and Texas have found themselves plagued with feral chickens. Some of the problems and concerns include:

- fear that wild chickens will spread disease to domestic fowl
- droppings in disagreeable areas
- foraging damage to landscaped yards and gardens
- roosters crowing at almost any hour
- drawing predators in to threaten you or your animals

Where there is little natural predation, such as in Bermuda, [wild chickens](http://www.conservation.bm/feral-chickens/) (<http://www.conservation.bm/feral-chickens/>) encroach on farmland, damage food crops and cause concern for the spread of disease among other wild birds.

The Difference Between Feral and Free-Range

Especially in rural areas, keepers let domestic chickens free-range for insects and seeds like feral chickens do. This wild chicken behavior satisfies natural instincts and keeps domestic birds content.

The difference your neighbor's free-range chickens and feral chickens is that your

neighbor's chickens are controlled. Keepers are required to follow local laws governing how to keep chickens. Free-ranging may consist of just a few hours of foraging each day, even in urban yards. Then keepers lure them with treats back to the safety of a coop. Just as dog owners cannot let their pets roam and disturb neighbors, chicken owners must act responsibly.

To an extent, domestic chickens' DNA also differs from that of feral chickens and their wild ancestors. Scientists have found that Kauai, Hawaii's flourishing wild chicken flocks have retained domestic traits that serve them, such as faster growth rates. But gene variants linked to broodiness (<http://www.hobbyfarms.com/broodiness-in-chickens-2/>) trace back to red jungle fowl. Domestic poultry have been bred to leave their eggs in the nest for easy collecting, while red jungle fowl would sit on eggs to protect their young. The wild chickens weigh less, too, which makes them agile—a protection in the wild.



Think Yuba Sutter First/Facebook (<https://www.facebook.com/ThinkYubaSutterFirst/>)

Where To Find Help For Dealing With Wild Chickens

If you're concerned about feral chickens and want to get rid of them, researching the laws in your area should be your first step. On Kauai, for instance, feral chickens with their red jungle fowl ancestry enjoy protection in natural preserves, so they can't legally be captured or killed in those places. However, protection doesn't extend to private property and developed areas where, according to a State of Hawaii website, they're considered "free-flying domestic chickens."

Wildlife Department

Residents often capture and kill feral chickens for the dinner table—the Division of Forestry and Wildlife will even loan out traps (http://hawaiideptland.custhelp.com/app/answers/detail/a_id/427/~are-feral-chickens-are-protected%3F-if-so%2C-why%3F). If feral chickens are a problem in your area, check with your state, city and county offices for available assistance.

Animal Control Services

Check with your local animal control services for help, too. In New Orleans, animal control routinely captures wild chickens when residents complain. They can also offer advice or provide other information.

Online Forums

Online forums for chicken keepers can also be a good resource. People discuss trapping the wild chickens using oatmeal or other treats. Some forum talkers laud feral chickens' ability to survive harsh conditions without human help, and speculate their resilient genes might be helpful if bred with domestic fowl. Keepers in online discussions hatch plans to gather the eggs of feral chickens and place them under a broody domestic hen—thereby domesticating the wild hatchlings they've snatched.



[omgponies2/Flickr \(https://www.flickr.com/photos/axelsrose/\)](https://www.flickr.com/photos/axelsrose/)

Catching A Feral Chicken

To catch a feral chicken yourself, an online search for “how-to trap wild chickens” nets abundant discussions, trap building guides and lots of chicken-chasing videos. Some people use large nets, corner them or lure them into domestic coops.

Because feral chickens are agile, they can be difficult to catch. Here are a few tips to trap them:

- Get acquainted with the feral chickens' habits; know where they forage.
- Lure them with meal worms, corn, oatmeal, bread or commercial scratch.
- Use food, but don't set traps at first.
- Set traps once wild chickens become accustomed to them.
- Feeding feral chickens and staying nearby may make them less flighty, which is helpful when you're ready to make a capturing attempt.

Once trapped, you can take the feral chicken to animal control. Relocating wild chickens, even far away, just makes them a problem for someone else.

You might also look for activist groups in your area that will work to re-home wild chickens. Some groups believe feral chickens are on the increase due to the rise of backyard chicken keeping and irresponsible keepers.

Again, be sure to check with your city, county, and state offices for information about the laws governing your particular area. Don't inadvertently break laws or you'll find yourself with egg on your face—and a fine that impacts your wallet.

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Sheri McGregor, M.A., writes about psychology, self-help, hiking, and nature from semi-rural Southern California.

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LATEST NEWS JULY 27, 2012 5:00 AM

In Miami, the Chicken Busters are back

HIGHLIGHTS

Chickens, beware.

BY KATHLEEN MCGRORY

Chickens, beware.

Miami city officials are reviving the Chicken Busters, the team tasked with removing errant fowl from city streets.

The team was eliminated three years ago in a round of budget cuts. But Commissioner Michelle Spence-Jones requested the Chicken Busters be put back on the street after fielding a flurry of complaints from Little Haiti and Overtown residents.

“I’m definitely having problems with the chickens in my district, and the roosters,” she told city administrators and her fellow commissioners at a meeting this month. “They are really out of control right now.”

To make the point, Spence-Jones described a gathering she attended in Little Haiti that was continually interrupted by a crowing rooster.

Her story was interrupted by clucking — from the other commissioners on the dais.

“This is a serious thing,” Chairman Francis Suarez said between laughs. “If you have a chicken loose in your block, it is death to your quality of life.”

The Chicken Busters captured thousands of roosters and hens from 2003 to 2009. The squad had its 15 minutes of fame, too. It was featured on ABC World News with Diane Sawyer and the Discovery Channel’s series

Dirty Jobs.

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In its latest incarnation, the Chicken Busters will be made up of two neighborhood service workers focusing on the Little Haiti area, Neighborhood Enhancement Team Director Haydee Wheeler said. The city isn't budgeting any extra money for chicken-busting efforts. The newest busters will use Miami's old nets and cages.

They hit the streets next week.

Animal rights activists needn't worry, Wheeler said.

"We will be taking the chickens to a pet shop," she said.

Wheeler also had to assuage concerns from Miami Commission Vice Chairman Marc Sarnoff.

"I just want to make sure that you're not picking up peacocks from the Grove," he said.

"As per our city charter, the city of Miami is a sanctuary," Wheeler replied. "We will not be removing any peacocks."



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Orange hatches plan for backyard chickens



Orange County is scratching out new rules that would allow backyard chickens in residential neighborhoods.



By **Stephen Hudak**
Orlando Sentinel

DECEMBER 28, 2016, 5:18 PM

Some neighbors may cry fowl, but **Orange County** is scratching out new rules that would let residents raise chickens in the backyard.

County commissioners weighed a similar proposal in 2013, but the board turned it down because of squawking that backyard coops would cause noise and odor problems and attract rodents.

But programs launched in other communities, including Orlando, have proven successful with hardly a peep from neighbors.

"It's a true feeling of independence," said Judson Giddens of the not-for-profit group, Florida Urban Agriculture. "There's nothing quite like making a fresh omelet in the morning using home-grown eggs and ingredients picked from your own garden."

Backyard chicken farming is allowed now in Lake, Seminole and Osceola counties and Longwood, Maitland and Winter Garden, most of which first established pilot programs to test the practice.

"There's been no failure of a pilot program in Central Florida except for Orange County failing to have one," said Giddens, 44, who was cited for keeping chickens in his backyard in Pine Hills.

He said he would raise a small flock if commissioners approve the ordinance, set to be presented to the board in late January or February.

Orlando started its backyard-chicken program in 2012 as part of a nationwide "sustainability" movement, which encourages people to eat locally farmed food and to produce their own if possible.

About 75 people signed up to keep chickens in Orlando.

All but one of the participants in the Orlando program are homeowners. The lone exception is a tenant who received notarized permission from the property owner to keep the birds.

The few complaints included one household that failed to keep the chickens penned up, leading to fines for birds running loose.

The city's experiences helped hatch the county's new plan.

The county's proposed ordinance would cap the number of prospective chicken-farmers to 100 and limit each to no more than four hens.

Residents wanting to raise chickens would have to complete a two-hour class to learn best practices, disease prevention and proper care for the birds and eggs, said Art Interiano, assistant manager of the county zoning division.

Because they crow, roosters are not allowed.

If approved, the county measure also would not override any HOA rule or deed restriction that prohibits keeping chickens, he said.

Sheila Nash, who once lived on a farm, wrote to commissioners in September, urging them to lift rules banning chickens, saying they are good neighbors.

"Hens make noise when startled or after laying an egg, but otherwise just keep it to a murmur," she said in an email. "I would rather live by three chickens than three poorly behaved dogs."

Earlier this month, the planning and zoning board unanimously backed the proposed ordinance, though they suggested a few changes.

Paul Wean, who serves on the zoning board and on an advisory committee for Animal Services, urged planners to add specific standards for coops and feed storage to protect chickens from predators.

He worried backyard coops might attract coyotes — and possibly bears — into neighborhoods, imperiling people and other pets.

Others noted that chickens as neighbors will ruffle feathers.

"Personally I wouldn't want them in my neighborhood," said Pat DiVecchio, a zoning board member who doesn't have to worry about birds next door.

His homeowners' association prohibits them.

shudak@orlandosentinel.com or 407-650-6361

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This article is related to: [Orange County](#)

CHAPTER 5, ANIMALS AND FOWL

Keeping certain non-domesticated animals within City, restricted.

The following definitions shall apply in the interpretation of this article.

ANIMAL. Every nonhuman species of animal, including aquatic, domestic, wild, and exotic animals.

DOMESTIC ANIMAL. An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. This shall include dogs, cats, parrots, parakeets, canaries, rabbits, guinea pigs, hamsters, turtles, or any other animals which are tamed by nature and not defined as livestock, wild, or exotic animals in this section so long as they are kept and maintained in compliance with other provisions of this article. However, a pot-bellied pig shall not be considered a domestic animal pursuant to this chapter unless it has been spayed or neutered, and, if male, has had its tusks removed.

EXOTIC ANIMAL - An animal that was introduced into Florida by human activity and is free ranging in an area to which they are not native.

LIVESTOCK. All animals of the bovine, equine, or swine class, including pot- bellied pigs, and also includes goats, sheep, mules, horses, hogs, and poultry, or any other animal used in and for utility or preparation of meat or meat products.

WILD ANIMALS. Those members of the animal kingdom wild by nature which, because of habitat, mode of life, or natural instinct, are not customarily made tame, and require the exercise of art, force, or skill to keep them in subjection, without regard to whether a specific animal is considered a pet or domesticated by his keeper or possessor. By way of example, and not by limitation, wild animals shall include monkeys, raccoons, skunks, foxes, coyotes, poisonous snakes, constricting snakes such as pythons and boas, leopards, panthers, and tigers, lions, lynxes, or any other warm blooded animal which can normally be found in the wild.

Generally:

- (a) It shall be unlawful for any person to keep, raise, maintain, or pasture any animal that does not fit under the definition of a domestic animal including, but not limited to, cattle, mules, goats, sheep, swine, poultry, other livestock, exotic, or wild animals in all zoning districts, whether improved or unimproved.
- (b) The provisions of this section shall not apply to animal care businesses including, but not limited to, veterinary offices, animal kennels, animal grooming businesses, and pet shops that are listed as a permitted or special exception use in a particular zoning district nor to educational, cultural or scientific uses where the keeping of animals are incidental and secondary to the main purpose of the use.
- (c) Wild or exotic animals that are regulated by the Florida Fish and Wildlife Conservation Commission are allowed to be kept in the city pursuant to said regulations.

WITHIN CITY LIMITS

- (a) Except as permitted in subsection (b) below, the keeping of any live hog, pig, chicken, goose, turkey, guinea fowl, duck, peafowl or domestic or domesticated fowl is hereby prohibited and declared a nuisance injurious to the health and welfare.

- (b) A zoning permit shall be required for the owner of any single-family residential dwelling located within the **Neighborhood Residential Zoning District**, to have one backyard hen per 800 square feet of total lot area, with a maximum of four backyard hens on any lot, provided that:
- (1) No person shall keep any rooster;
 - (2) All backyard hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
 - a. The hen house must be covered, predator resistant, and well-ventilated;
 - b. The hen house must provide a minimum of two square feet per backyard hen, not to exceed 25 square feet in size;
 - c. The hen house must be kept clean, dry, and sanitary at all times;
 - d. The hen house shall be located at least 20 feet from any dwelling located on an adjacent property, maintain a 10 foot building separation and shall meet all setback requirements for the zoning district in which it is located;
 - e. The fenced outdoor enclosure must adequately contain the backyard hens;
 - f. The fenced outdoor enclosure must be kept clean and sanitary at all times;
 - g. The hen house must provide the backyard hens with adequate protection from the elements and inclement weather and provide for the backyard hens good health and prevent any unnecessary or unjustified suffering;
 - h. The hen house must be located in the rear half of the property; and
 - i. Backyard hens are only permitted on a single-family property which is occupied by an owner who possesses a current Florida Homestead Exemption from the Charlotte County Property Appraiser. Backyard hens shall not be kept on a duplex or multi-family residential property.
 - (3) No hen house (coop) shall be built onto any shared fence;
 - (4) No backyard hens shall be kept or raised within the residential dwelling;
 - (5) All chicken feed must be stored securely;
 - (6) No backyard hen shall be slaughtered on-site;
 - (7) All backyard hens are subject to the nuisance provisions set forth in this chapter; and
 - (8) All backyard hens shall be confined to the hen house (coop) or fenced enclosure at all times.

As used herein, lot shall mean one or more parcels of land which are contiguous and are under the same ownership according to the property appraiser's records and which are zoned residential or are residential as a legal nonconforming use pursuant to the Land Development Regulations.

- (c) Nothing herein shall prohibit homeowners associations from further regulating or prohibiting the keeping of backyard hens through restrictive covenants, deed restrictions, rules, or other governing documents.
- (d) As a condition of the issuance of a permit, a permit holder must consent to inspection of his or her property upon complaint to the city as related to activity regulated by this section. Upon notice to the permit holder, the permit holder shall allow a code inspector to enter his or her property during a scheduled visit for the sole and limited purpose of conducting an inspection of activities regulated by this section. There shall be no consent for inspection of any activity not directly related to the activities regulated by this section.



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: FEBRUARY 2, 2017

SUBJECT: PROVISIONS FOR BACKYARD CHICKENS IN THE CITY LIMITS

Introduction:

The purpose of this item is to provide an opportunity for the City Commission to discuss and consider possible provisions in the Land Development Regulations that would permit backyard chickens within the City without a Conditional Use Permit for an agricultural use.

Recommended Action:

No action is required, but staff requests direction regarding any desired changes to the Land Development Regulations.

Current Eustis Code of Ordinances and Land Development Regulations (LDRs):

Sec. 34-103. - Certain livestock and fowl prohibited. Keeping of a cow, pig, goat, sheep or *domestic* fowl within the city is prohibited except as permitted in the land development regulations. When such animals are permitted in the land development regulations, they shall be confined in clean conditions to minimize offensive odors from animal waste and animal disease.

Sec. 94-194 – Definitions Agricultural use means the use of land in bona fide horticulture, floriculture, viticulture, forestry, dairy products, livestock, poultry products, beekeeping, pisciculture and all forms of commercial farm products and farm production.

Sec. 109-4. Use Regulations Table – Allows by Conditional Use Permit Only

	Residential				Commercial and Industrial		Mixed Use				Other			Standards
SPECIFIC USE	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
KEY: P = Permitted Use; L = Permitted Subject to Limitations In Standards Column; C = Conditional Use; Blank = Not Permitted														
Agricultural														
Agricultural, general	C	C	C	C	C	C	C	C	C	C		P	L,C	4
Commercial poultry farm												C		
Commercial swine farm												C		

Background:

History of Request: At the January 5, 2017 City Commission Meeting, Commissioner Anthony Sabatini introduced the topic and requested staff provide information to the Commission regarding other cities chicken ordinances.

History of Similar Requests: In June 2007, Mr. Dave Bacon approached the City to allow the keeping of pigeons in residential areas. The Development Services staff prepared a memorandum to summarize information provided to Mr. Bacon in that regard. The pigeon question was mentioned during the July 5, 2007 Commission Meeting and briefly discussed on July 19, 2007. Ultimately, the City Commission took no action to allow pigeon lofts within the City.

At the regular City Commission meeting of June 4, 2015, Mr. Bacon, a resident of Mount Dora, addressed the Commission under "Audience to Be Heard" and asked that they consider amending the Land Development Regulations (LDRs) to permit residents to keep pigeons on their residential properties. He explained the benefits of this hobby and the widespread interest in raising and training pet pigeons. At the July 2, 2015 regular meeting, Vice-Mayor Karen LeHeup-Smith asked that staff research the options and schedule a workshop on possible pigeon regulations.

At the regular City Commission meeting of August 20, 2015, Vice-Mayer Karen LeHeup-Smith introduced the topic of discussion regarding the pigeon hobby, and turned the discussion over to Dave Bacon. Mr. Bacon distributed to the Commission pictures of pigeons. He commented on the history of pigeon keeping in the City including shows at the fairgrounds and releases of pigeons for special events. He expressed support for allowing backyard hobbies utilizing benign animals.

On September 10, 2015, staff met with Mr. Bacon to review regulations (developed from Lake County rules). On October 1, 2015, staff presented a pigeon discussion item, including staff recommended regulations should the Commission agree to proceed with the keeping of pigeons in the City without a Conditional Use Permit. Commission directed staff to present an ordinance amending the Land Development Regulations to allow the keeping of pigeons as a "limited" use.

On October 15, 2015, staff presented the proposed amendment to Land Development Regulations to the Eustis Local Planning Agency (LPA). Staff recommended the LPA transmit the amendment to the City Commission for consideration, as the proposed regulations were consistent with the Comprehensive Plan. The LPA motion to approve failed and the LDRs for pigeon keeping did not progress to the City Commission. (Staff did recommend denial of the ordinance due to code compliance concerns).

Other Local Government Ordinances Related to Backyard Chickens

Development Services conducted research to identify how other central Florida communities treat backyard chickens. The matrix below provides a comparison of active regulations in nearby cities and counties. Of the ten cities reviewed, four do not permit chickens; four allow chickens and two default to the county code.

	ORLANDO	CLERMONT	LEESBURG	UMATILLA	TAVARES	MT. DORA	OCALA	APOPKA	MAITLAND	WINTER PARK	LAKE CO	ORANGE CO
PLANNING												
CHICKENS ALLOWED	YES	NO	YES	SEE LAKE COUNTY	NO	NO	YES	SEE ORANGE COUNTY	YES	NO	YES	YES
ADOPTED CODE	YES	YES	YES	NO	YES	NO	YES	YES	YES	YES	YES	YES
CONDITIONAL USE /PUBLIC HEARING REQ.		YES					YES					YES
AUTHORITY	ADMIN						P & Z		ADMIN			
TRAINING REQUIRED	YES		RECOMMENDED						YES			
ANNEX EXIST USE							YES					
AFFIDAVIT									YES			
HOME OWNER ASSOC. RESTRICTIONS OVERRULE									YES			
PERMITS												
REQUIRED/ # OF PERMITS	YES/100 CITYWIDE								YES/50 CITYWIDE			
PERMIT FEE									\$50			
LAND REQUIREMENTS												
MIN. ACREAGE	NO						YES					1
SINGLE FAMILY ONLY	YES		NO				YES	RURAL COUNTRY ESTATES ONLY	YES		YES	RURAL COUNTRY ESTATES ONLY
LOCATION STANDARDS	YES		YES				YES		YES		YES	YES
CHICKENS												
CHICKEN LIMIT	4		15				25		4		5	12
ROOSTERS	NO		NO						NO		NO	
OTHER FOWL	NO		NO						NO			
PERSONAL USE ONLY	YES		NO; SALE OF EGGS CANNOT BE ADVERTISED				YES		YES			
BREEDING	NO											
ON-SITE SLAUGHTER	NO		NO						NO		NO	

	ORLANDO	CLERMONT	LEESBURG	UMATILLA	TAVARES	MT. DORA	OCALA	APOPKA	MAITLAND	WINTER PARK	LAKE CO	ORANGE CO
COOP												
BLDG PERMIT									YES			
COVERED COOP	YES		YES						YES		YES	
COOP HEIGHT									7' UP TO 8'			
COOP AS ACCESSORY USE	YES		YES						YES		YES	
MOBILE COOPS	YES		YES						NO			
MAX COOP/RUN SIZE	50SF + RUN		50 SF ?						100 SF			
SCREENED FROM VIEW			YES						YES			
SPACE/BIRD			3 SF						3 SF			
MANURE												
HYGEINE RULE	YES		YES				YES		YES		YES	YES
MANURE COMPOST	OK						YES				YES	
SECURED FEED			YES						YES		YES	
ENFORCEMENT												
CODE ENF	YES		LAKE CO						YES			
FINES	YES								YES			
DOG/CAT KILLS NOT VICIOUS			YES									
RUN AT-LARGE	NO		NO				NO		NO			

SETBACK REQUIREMENTS	ORLANDO	LEESBURG	MAITLAND	LAKE CO.
COMPOST BIN	20' FROM PROPERTY LINES			20' FROM PROPERTY LINES
COOP LOCATION				
YARD	REAR YARD BEHIND HOME	REAR YARD ONLY	REAR YARD ONLY	REAR YARD ONLY
NEIGHBOR'S HOME	20'	20'	25'	
PRINCIPAL STRUCTURE	5'	20'		
PROPERTY LINE	5'		7.5'	20'
SIDE STREET			20'	
FROM ACCESSORY STRUCTURE	0'			
NON-RES W/ WALL	0'			
RES W/ WALL OR SOLID FENCE			0'	

Media Coverage Regarding Chickens in other Communities:

The following highlights and attached articles may be of interest to the Commission:

1. *Backyard or Barnyard? Punta Gorda officials seek clarity.* [This news story](#) discusses Punta Gorda's review of farm animals in residential districts. On 1/23/17, the Punta Gorda Planning & Zoning Commission directed their staff to bring back more information; Punta Gorda staff indicated they are not yet moving forward with Council consideration.
2. *What To Do With Chickens Gone Wild?* An opinion columnist weighs in on a proposal before the Cape Girardeau, MO City Council to allow urban chickens. The Cape Girardeau Council ultimately scratched the proposal due to nuisance concerns and negative comments from the public.
3. *Backyard Chickens Welcome Lake County.* Article discusses the adoption of Lake County's Ordinance to permit residential chicken keeping. The ordinance passed on a 3-2 vote, with the dissenters concerned about odors and code enforcement issues and the approvers touting self-sufficiency and benefit to kids (responsibility).
4. *Why Raise Chickens in Your Backyard? The Many Reasons and Benefits.* [This online backyard chicken community forum](#) discusses the idea of pets with benefits, 4H projects, nutritious eggs, and pest control.
5. *How to Get Rid of Feral Chickens.* This article discusses communities that have found themselves plagued with feral chickens.
6. *Orange Hatches Plan for Backyard Chickens.* Some neighbors may cry fowl, but Orange County is scratching out new rules that would let residents raise chickens in the backyard; includes discussion of proposed ordinance (later adopted) and also surrounding communities rules.
7. *In Miami, the Chicken Busters are Back.* See video link [Chicken Busters](#) and attached article discussing the problems with errant chickens and roosters in the City, and the task force that catches them.
8. *Why You Should Keep Backyard Chickens.* For one, urban chickens are far less annoying and far more useful than your neighbor's pack of dogs; keeping chickens is good for you; chickens build character.
9. *HOAs Squawking Over Issue of Residential Backyard Chickens.* Proponents say backyard hens provide fresh home-grown eggs, eat annoying insects and produce natural fertilizer, but homeowners associations don't want chickens.
10. *The University of Florida IFAS Extension* has multiple publications regarding backyard flocks, including basic guides, parasites, egg quality, fowl pox and more, that can be found here: [Backyard Flocks](#)
11. *The Dark Side of Backyard Chickens.* Many roosters probably died for your hens; chickens are expensive to care for, and hens don't lay forever.

Considerations:

Budget Impact Potential: Development Services currently employs one full time Code Enforcement Supervisor and one part-time Code Enforcement Officer. If the Commission adopts regulations permitting backyard chickens the administrative burden to process permits, conduct compliance inspections and respond to complaints will be on Code

Enforcement staff. Thus, Code Enforcement responsiveness in this and other enforcement areas could suffer, unless additional staff is authorized for the department.

Potential Code Enforcement Issues: When the department receives complaints, access to private property for compliance investigation is a concern. Outside the Conditional Use Permit process, a legally enforceable mechanism for the City to require access to private property may not be available. Enforcement could be limited to only what is observable from the public right-of-way. This could result in disgruntled complainants/neighbors where Code Enforcement is unable to effect resolution of issues and enforce the City Codes. A possible solution, which would require review by the city attorney, would be to codify consent to inspect in any regulation adopted for backyard chickens.

Recommended Permitting, Restrictions & Standards:

If the Commission agrees backyard chickens should be permitted without a Conditional Use Permit, it would be beneficial for the City to require permits and training, and consider minimum standards as follows:

Permit Required. A zoning permit shall be required for the keeping of chickens an accessory to an occupied single-family dwelling unit subject to the following restrictions:

1. Applicants must provide proof of backyard chicken keeping training from IFAS, the Lake County Ag Extension, or approved equal.
2. Backyard hens are only permitted on a single-family property which is occupied by an owner who possesses a current Florida Homestead Exemption from the Lake County Property Appraiser. Backyard hens shall not be kept on a duplex or multi-family residential property.
3. One backyard hen per 800 square feet of total lot area, with a maximum of four backyard hens on any lot
4. No person shall keep any rooster;
5. All backyard hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
 - a. The hen house must be covered, predator resistant, and well-ventilated;
 - b. The hen house must provide a minimum of two square feet per backyard hen, not to exceed 25 square feet in size;
 - c. The hen house must be kept clean, dry, and sanitary at all times;
 - d. The hen house shall be located at least 20 feet from all property lines, maintain a 10 foot building separation and shall not be located in the front or side yards;
 - e. The fenced outdoor enclosure must adequately contain the backyard hens, hens must be kept in the coop or fenced outdoor enclosure at all times;
 - f. The fenced outdoor enclosure must be kept clean and sanitary at all times;
 - g. The hen house must provide the backyard hens with adequate protection from the elements and inclement weather and provide for the backyard hens good health and prevent any unnecessary or unjustified suffering;
6. No hen house (coop) shall be built onto any shared fence;
7. No backyard hens shall be kept or raised within the residential dwelling
8. All chicken feed must be stored securely; All feed and other items associated with the keeping of *chickens* that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
9. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain

all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property lines

- 10 Composting of *chicken* manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.
12. All backyard hens are subject to the nuisance provisions set forth in this chapter;
11. All backyard hens shall be confined to the hen house (coop) or fenced enclosure at all times.

Inspection Consent: As a condition of the issuance of a permit, a permit holder must consent to inspection of his or her property prior to permit issuance and upon complaint to the city as related to activity regulated by this section. Upon notice to the permit holder, the permit holder shall allow a code inspector to enter his or her property during a scheduled visit for the sole and limited purpose of conducting an inspection of activities regulated by this section. There shall be no consent for inspection of any activity not directly related to the activities regulated by this section.

Permit Revocation: The City may revoke permits for failure to comply with any condition herein, for violation of nuisance provisions set forth elsewhere in this code, or for refusal to consent to inspection as provided for above. Revoked permits shall not be reinstated for a period of 12-months following initial revocation, and shall not be reinstated without verification of full compliance with the conditions herein.

Homeowners Associations: Nothing herein shall prohibit homeowners associations from further regulating or prohibiting the keeping of backyard hens through restrictive covenants, deed restrictions, rules, or other governing documents.

Potential Amendments to Land Development Regulations:

If the Commission agrees backyard chickens should be permitted without a Conditional Use Permit, amendments to the Land Development Regulations are required:

Revise the Use Table in Chapter 109 to include backyard as a “limited” use in SR, RR, UR, RT, MCR, land use districts. The referenced limitation would be the restrictions and standards listed in the “Considerations” section. Those standards would be footnote number (15).

Community Input:

The Commission could allow public input at the February 2, 2017 meeting and at future meetings if the Commission decides to amend to the Land Development Regulations to permit backyard chickens without a Conditional Use Permit. Since the topic and request for information was introduced (January 5, 2017 Commission Meeting) staff has received no inquires, or expressions of support or opposition to permitting backyard chickens, from the general public, or members of any chicken association or club.

Prepared By:

Lori Barnes, AICP, CPM, Development Services Director

Attachments:

Chicken Codes-Other Cities and Counties
Draft Code Punta Gorda

What To Do With Chickens Gone Wild?
Backyard Chickens Welcome Lake County.
How to Get Rid of Feral Chickens
Orange Hatches Plan for Backyard Chickens.
In Miami, the Chicken Busters are Back
Why You Should Keep Backyard Chickens
HOAs Squawking Over Issue of Residential Backyard Chickens
The Dark Side of Backyard Chickens.

FOOD

Why You Should Keep Backyard Chickens

For one, urban chickens are far less annoying and far more useful than your neighbor's pack of dogs.

Many urban homeowners increasingly desire to keep small flocks of chickens in their backyards, and with good cause. There is no reason every family in this country that can run a flock of chickens in their backyard should not. This perfectly logical and reasonable habit—backyard chicken farming—has been buried under a great deal of hipster elitism (from many of the backyard chicken farmers themselves) and sneering derision (from their critics). Please try to ignore these detractors. If you can play host to backyard chickens, you should.

It is, in many urban localities, easier said than done. This normal and praiseworthy practice, which has been gaining ground in many cities across the country, has come under fire from both pearl-clutching busybodies and incompetent health inspectors and animal welfare agents, all of whom are under the impression that backyard chicken farming is both frightening and dangerous.

These are lies—it is neither—although it is tough to get many of the busybodies and public officials to see this, particularly when the latter stands to make money off the lies.

Cue the Chicken Nazis

In my hometown of Richmond, Virginia, for instance, to set up a chicken flock, one must (1) apply for a \$60 permit (which expires annually), (2) submit to a background check, (3) submit to an on-site inspection of one's premises, (4) agree to randomized inspections in the future, (5) build your coop at least 15 feet from any dwelling, at the rear of your property, with a fence around it (with slats no greater than two inches apart), and (6) limit yourself to four chickens total.

This is absurd political theater. It is regulatory folderol written by people who have not even the faintest idea what they are regulating.

Backyard chickens require none of these complex bylaws. There are ways to screw up backyard chicken farming, but not in any way that a randomized inspection by a clueless animal welfare officer could preempt. Animal husbandry is overwhelmingly an actualized vocation. It demands both careful attention and a kind of sylvan intimacy, neither of which can be found on the clipboard of some stiff from the city government or in the perfectly ridiculous zoning regulations that mandate the explicit placement of your backyard coop.

These kinds of laws should be repealed, or never passed in the first place. Backyard chicken farming should be liberated from this kind of dreary legalistic minutiae. And once your local government has legalized this practice, you should do it.

Keeping Chickens Is Good for You

Why? For starters, there are the health benefits: if you eat a lot of eggs, then there is every reason to

switch to fresh eggs from hens roaming in your backyard. A wide body of evidence suggests eggs raised under these optimal conditions are higher in critical vitamins, minerals, and fatty acids, and anyone who has eaten these eggs can attest that these healthy qualities greatly inform a superior taste.

Crack an egg from a well-tended backyard chicken and you'll immediately notice the thick, well-formed eggshell surrounding a rich orange yolk. Contrast that with the "store-bought" egg's thin, brittle shell and a pale lackluster yolk. This is evidence enough for even a small child to understand: healthy animals produce healthy food that is good for people to eat.

Eggs from backyard chickens taste better, and they *are* better. But the health from a small chicken flock does not turn merely on the eggs it produces. Chickens also produce manure, which—if properly managed—can be turned into compost to run a stupendous garden nearby. There is a fair amount of hand-wringing done over how unsafe chicken manure is, but this is really mostly a matter of logistics, not substance: if you don't go swimming in the stuff or plastering it to your hangnails, you'll be fine.

Chicken manure requires a fair amount of carbon—dead leaves and straw, for instance—to reach the optimal composting balance (and also to neutralize the smell, which—if left untreated—is rather pugnacious). Over a few seasons or a year, many people build up a thick bed of leaves, straw, and chicken manure in the chicken coop or the chicken yard. Then it's ready to be formed into a compost pile or else just turned directly in the earth for decomposition.

Waste Not, Want Not

You can, in other words, put your chickens to work double time: laying eggs and building compost, which leads to healthy soil, which ultimately leads to healthy tomatoes, cucumbers, peppers, and carrots. Chickens do not simply lay eggs; they build side salads, too.

Chickens do not simply lay eggs; they build side salads, too.

Yet chickens are useful not merely as producers of food but as practical disposers of it, too. A flock of chickens will require a certain amount of "layer feed" to thrive, but they can also be fed from the scraps of your kitchen—and you'd be amazed at how many scraps, and how much edible food, you throw away on a regular basis.

There is, of course, the standard food waste: vegetable cores and peels and stems, bread crusts, apple cores, melon rinds. All of that can go to the chickens. But there is also the astonishing amount of food that Americans habitually waste on a regular basis: **more than 10 percent of your pantry** that you probably toss out simply due to spoilage or expiration or simple carelessness. That can also go to the birds.

You could, of course, stop wasting so much food, and that would be good. But a certain amount of food wastage is probably inevitable. That is the beauty of it: with chickens nearby, the term "food wastage"

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things chickens can't safely digest, there is simply no reason all of that chicken-friendly food should go to a landfill, where it rots, instead of your backyard, where it gets turned into eggs and gardens.

Chickens Build Character

All of these benefits are more or less quantifiable, but one is slightly less easy to measure but no less important: animal husbandry is good for the soul. Do not mistake this for something it is not. At least among the urban set, the pragmatic realities of animal farming tend to get lost under a lot of trendy pretensions and sentimental baloney. But there is really no need for this, and it is easily avoided.

Raising animals—even a little flock of dimwitted backyard chickens—teaches us practical and visceral lessons about ecology, economics, attentiveness, time management, health, weather and locale, soil health, and patience. Spend a month with a backyard chicken flock and you'll understand. All of these things are critical to the proper formation of the human heart and the human mind. Because of this, a flock of backyard chickens will particularly benefit your young children, who should learn these lessons early and often.

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Backyard chicken farming is of course often dismissed by a hardheaded sort of person who thinks of it as a retrograde throwback to preindustrial days. But this is wrong. Urban animal husbandry is in fact as postindustrial a consumer choice as any you might make; perhaps even more so, because it requires and is a result of more knowledge and more careful attention to one's health and abilities than simply buying your eggs from a grocer. Problems will arise, of course—but the same could be said about owning a car, and nobody wants to give up owning a car because it might have problems.

One also often hears the complaint that it is too expensive to run your own chicken flock. This is easily avoided by eschewing some of the modish traps many backyard "flocksters" fall into. Do not, for example, buy a fancy pre-made chicken coop: they are ridiculously expensive and needless. Instead, build a simple coop with as many wood scraps as you can. Many people feed their chicken rather pricey organic feed, but you can get excellent eggs with "conventional" layer feed as well. There are plenty of ways to save money without compromising the best values of backyard farming.

Obviously, Get the Basics Right

Sadly, many wannabe flock runners have given this practice a bad name because they were unprepared for the realities of chicken farming: there have been reports of urban farmers dropping their chickens off at animal shelters after the birds have stopped laying.

The modern 'industrial' egg farm is, for the most part, a profoundly ghastly

It would behoove anyone getting into the backyard chicken business to know this: chickens *do* stop laying after a few years, at which point you will have to make the choice: you will either have to keep your unproductive chicken until it dies a natural death (likely years later), or else butcher it (or give it to a farmer who will butcher it for you). To kick a chicken to the curb at an animal shelter is to take the coward's way out.

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Last but certainly not least, there is the ethical aspect to consider. The modern “industrial” egg farm is, for the most part, a profoundly ghastly hellscape in which chickens are crammed into tiny cages for most of their lives in direct contravention of their evolutionary tendencies. This is undoubtedly a victory for industry (at the expense of most laying hens, of course), but it is neither scientific nor humane. It is instead representative of a kind of crude, antediluvian brutality, no good to anyone: the long-suffering chickens, the indebted farmers, or the consumers who buy the crummy eggs at the end of the long chain of consumerism. This is a wasteful and awful system.

Vegans are weird, and they get a lot of things wrong, but on the merits of factory farming they are 100 hundred percent correct. If you have the space and the resources (both of which you need not very much for this), there is no real case against keeping backyard chickens. It is an historically normal practice, and in an age of cheap raw materials, the knowledge base of the Internet, and the obvious health benefits of better food, it is more justifiable than ever.

Backyard chickens are good for everyone and everything involved: your family, your land, the chickens, and the health of your spirit and your body. It has never been easier for urban and suburban residents to be farmers—and the arguments against it have never looked sillier and less convincing. Go do it, and enjoy the eggs.

Daniel Payne is a senior contributor at The Federalist. He currently runs the blog [Trial of the Century](#), and lives in Virginia.

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