



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, June 16, 2022 - City Hall

INVOCATION: SKOTT JENSEN, FIRST ASSEMBLY OF GOD

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 June 2, 2022 – Budget Workshop
June 2, 2022 - Regular City Commission Meeting
[Staff Report #22-0145 - Html](#)
3. AUDIENCE TO BE HEARD
4. CONSENT AGENDA
 - 4.1 Resolution Number 22-41: Purchase in Excess of \$50,000 for the Wastewater System Master Plan
[Staff Report #22-0136 - Html](#)
[Resolution No. 22-41](#)
 - 4.2 Resolution Number 22-42: Purchase in Excess of \$50,000 for Eastern WTP Well & HSP Upgrades Design
[Staff Report #22-0137 - Html](#)
[Resolution No. 22-42](#)
 - 4.3 Resolution Number 22-44: Grand Island WTP Fuel Tank Upgrade
[Staff Report #22-0138 - Html](#)
[Resolution No. 22-44](#)
5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS
 - 5.1 Resolution Number 22-40: Modification to Approved Site Plan with Waivers - Prime Plumbing
[Staff Report #22-0143 - Html](#)
[Staff Report Res. No. 22-40 rev](#)
[Resolution No. 21-36](#)
[Resolution No. 22-40](#)
 - 5.2 Resolution Number 22-43 Water, Wastewater, and Reclaimed Water Rate Adjustment
[Staff Report #22-0140 - Html](#)
[Staff Report Water-Sewer Rate Adjustment 2022 Res. 22-43](#)
[Exhibit A Water Rates 6-1-22 Comparison](#)
[CPI for All Urban Consumers \(CPI-U\) April 2022](#)
[Resolution No. 22-43 Utility Rate Increase](#)

- 5.3 Ordinance Number 22-17: Amending Chapter 115 prohibiting placement of signs without property owner's authorization

[Staff Report #22-0141 - Html](#)

[Ordinance 22-17 Unauthorized Signs Prohibited](#)

6. OTHER BUSINESS

- 6.1 PRESENTATION: State Road 19 Islands Landscape Update

[Staff Report #22-0139 - Html](#)

7. FUTURE AGENDA ITEMS

8. COMMENTS

- 8.1 City Commission

- 8.2 City Manager

- 8.3 City Attorney

- 8.4 Mayor

9. ADJOURNMENT

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

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

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



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Christine Halloran, City Clerk
DATE: June 16, 2022
RE: JUNE 2, 2022 - BUDGET WORKSHOP
JUNE 2, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the June 2, 2022, Budget Workshop and the June 2, 2022, regular City Commission meeting.

Attachments:

[06-02-2022 CC Budget Workshop MIN](#)

[06-02-2022 CC MIN - For Approval](#)

Reviewed by:



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: June 16, 2022
RE: RESOLUTION NUMBER 22-41: PURCHASE IN EXCESS OF \$50,000 FOR THE WASTEWATER SYSTEM MASTER PLAN

Introduction:

Resolution Number 22-41 approves an expenditure of \$150,000 for the Wastewater System Master Plan to Wright-Pierce Engineering and authorizes the City Manager to execute all agreements and contracts relating to this project.

Background:

The City of Eustis currently operates two public wastewater systems (PWWS) permitted through the Florida Department of Environmental Protection (FDEP). There are two wastewater service areas: the Eastern Water Reclamation Facility (WRF), and the Eustis Bates Avenue Wastewater Treatment Facility (WWTF). The wastewater collection and transmission system (WWCTS) conveys wastewater from customers to the City's WWTF for treatment and reuse/disposal consisting of over 122 miles of combined gravity collection system and force main piping; 43 City-owned lift stations; and 2 wastewater treatment facilities.

The latest Wastewater Master Plan edition was prepared in 2005. Since that time, there has been significant developments have been constructed. In addition, more developments are proposed in the next few years. The intent of this Master Plan project is to develop a hydraulic model and set forth a phased program of system improvements which will provide an adequate WWCTS to serve the City's planned needs over the next 20 years.

Wright-Pierce Engineering is currently under contract with the City through our Continuing Professional Services Contract, procured under RFQ #002-18. Their proposal for this work is in a Lump Sum amount of \$150,000. The scope of services for this project includes the following tasks:

- Task 1: Project Administration and Meetings
- Task 2: Data Collection and Site Visits
- Task 3: Drawdown Testing of Lift Stations
- Task 4: Hydraulic Model Development and Verification

- Task 5: Existing WWCTS Evaluations and Recommended Improvements
Task 6: Future Flow Allocations, WWCTS Evaluations and Recommended Improvements
Task 7: WWTF Planning Level Evaluation
Task 8: Capital Improvement Plan Development
Task 9: Master Plan Update Report

Recommended Action:

Staff recommends approval of Resolution Number 22-41.

Policy Implications:

N/A

Alternatives:

1. Approve Resolution Number 22-41
2. Deny Resolution Number 22-41

Discussion of Alternatives:

Alternative 1 approves the Resolution

Advantages:

The City Staff will have an engineering consultant with the expertise and the experience that is needed to deliver a 20-year plan to set forth system improvements to provide adequate WWCTS to serve planned needs.

Disadvantages:

None.

Alternative 2 denies the Resolution.

Advantages:

The City would not expend \$150,000 for an engineering consultant on a highly technical project.

Disadvantages:

This project requires Engineering services to ensure a successful end product.

Reviewed By:

Rick Gierok, P.E. - Director of Public Works / City Engineer

Prepared By:

Sally Mayer, Administrative Assistant – Public Utilities

Attachments:

- Resolution Number 21-41
- Upon Request: Wright Pierce Engineering Proposal for Wastewater System Master Plan Update

Budget Impact:

The approved FY21-22 CIP has a budget of \$535,000 for engineering services for our utility expansion under 042-8600-533-66-50. The services covered under this account include this Wastewater Master Plan (\$150,000); Water Master Plan (\$120,000); the Coolidge Bypass Engineering Project (\$134,500); and the GIS Modeling Assistance (\$40,000). There is no budget transfer needed for this project.

Budget Amount: 042-8600-533-66-50 \$535,000

Design Projects:

Res 22-41 - Wastewater Master Plan	\$150,000
Res 22-37 - Water Master Plan	\$120,000
Res 22-39 - Coolidge St Utility Improvements	\$134,500
Res 22-38 - GIS Modeling Assistance	\$ 40,000

Total Fees: \$444,500

Remaining Fees: \$ 90,500

Attachments:

Resolution No. 22-41

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 10 Jun 2022
Approved - 10 Jun 2022

RESOLUTION NUMBER 22-41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR ENGINEERING SERVICES FOR THE WASTEWATER SYSTEM MASTER PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS WITH WRIGHT-PIERCE ENGINEERING.

WHEREAS, the City desires to update Eustis' Wastewater System Master Plan to serve the City's needs over the next twenty years; and

WHEREAS, the City's approved 2021-2022 Budget includes funds for the purchase of professional engineering services for the Wastewater System Master Plan Update; and

WHEREAS, Wright-Pierce Engineering, Inc. has submitted a proposal to assist in updating this plan; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between Wright-Pierce Engineering, Inc. and the City, they are offering these engineering services for the Lump-sum amount of \$150,000; and

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

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

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with Wright-Pierce Engineering for the approved purchase; and
- (2) The City Manager is hereby authorized to approve a purchase in excess of \$50,000 for assisting with updating the Eustis Wastewater System Master Plan, utilizing budgeted funds from account number 042-8600-533-66-50; and
- (3) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and
- (4) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 16th day of June, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of June, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-41 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

Resolution No. 22-41
Approval of Purchase in Excess of \$50,000 for Updating Wastewater System Master Plan



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: June 16, 2022
RE: RESOLUTION NUMBER 22-42: PURCHASE IN EXCESS OF \$50,000 FOR EASTERN WTP WELL & HSP UPGRADES DESIGN

Introduction:

Resolution Number 22-42 approves an expenditure of \$54,400 for the Eastern Water Treatment Plant's Well and High Service Pump Upgrades Design to Kimley-Horn and Associates, Inc. and authorizes the City Manager to execute all agreements and contracts.

Background:

The City desires to upgrade aspects of the Eastern Water Treatment Plant to meet current and future demands. Staff has requested Kimley-Horn and Associates, Inc. to submit a proposal to design a scope to replace one well pump and install one additional high service pump (HSP). The upgrades would include the following:

- Replace the well pump, motor, electrical and appurtenances as needed to increase the well pump capacity within a range of 1,000 to 1,200 GPM.
- Install one additional high service pump inside the existing building to tie into the existing piping manifold, including suction and discharge piping, electrical, instrumentation and appurtenances.
- Confirm capacity of the existing finished water flow meter and replace, if necessary, to accommodate the increased flow.

Kimley-Horn and Associates, Inc. is currently under contract with the City through our Continuing Professional Services Contract procured under RFQ #002-18. Their proposal for this work is in a Lump Sum amount of \$54,400. The scope of services for this project includes the following tasks:

Task 1:	Design Services	\$33,200
Task 2:	Survey	\$ 5,000
Task 3:	Permitting Services	\$ 5,000
Task 4:	<u>Bidding and Award Services</u>	<u>\$11,200</u>
	TOTAL LUMP SUM	\$54,400

Recommended Action:

Staff recommends approval of Resolution Number 22-42

Policy Implications:

N/A

Alternatives:**Discussion of Alternatives:**

1. Approve Resolution Number 22-42
2. Deny Resolution Number 22-42

Discussion of Alternatives:

- . Alternative 1 approves the Resolution.

Advantages:

- The City Staff will have an engineering consultant with the expertise and the experience that is needed [to plan and design the improvements needed for upgrading the Eastern WTP Well and High Service Pump.](#)

Disadvantages:

- None.

- . Alternative 2 denies the Resolution.

Advantages:

- The City would not expend fees for an engineering consultant on a highly technical project.

Disadvantages:

- This project requires Engineering services to ensure a successful end product.

Reviewed By:

Rick Gierok, P.E. - Director of Public Works / City Engineer

Greg Dobbins – Deputy Director of Public Works - Utilities

Prepared By:

Sally Mayer, Administrative Assistant – Public Utilities

Attachments:

- Resolution Number 22-42
- Upon Request: Kimley-Horn Proposal for Eastern WTP Well and HSP Upgrades

Budget Impact:

The funds for engineering services related to these Eastern Water Treatment Plant upgrades were included in the approved Fiscal Year 2021-2022 Annual Capital Improvement Budget.

Attachments:

[Resolution No. 22-42](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 10 Jun 2022
Approved - 10 Jun 2022

RESOLUTION NUMBER 22-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR ENGINEERING SERVICES FOR THE EASTERN WATER TREATMENT PLANT'S WELL AND HIGH SERVICE PUMP UPGRADES DESIGN; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS WITH KIMLEY-HORN AND ASSOCIATES, INC.

WHEREAS, the City desires to construct improvements at the Eastern Water Treatment Plant; and

WHEREAS, the City needs to replace one well pump and install one additional high service pump to ensure forecasted future capacity requirements; and

WHEREAS, the City's approved 2021-2022 Budget includes funds for the purchase of engineering design services for the Eastern Water Treatment Improvements Project; and

WHEREAS, Kimley-Horn and Associates, Inc. submitted a proposal to assist in this project's engineering design; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between Kimley-Horn and Associates, Inc. and the City, they are offering these engineering design services for the lump sum amount of \$54,400; and

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

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

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with Kimley-Horn and Associates, Inc. for the approved purchase; and
- (2) The City Manager is hereby authorized to approve a purchase in excess of \$50,000 for the procurement of engineering design services for the Eastern WTP Improvements utilizing budgeted funds; and
- (3) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and
- (4) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 16th day of June, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of June, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-42 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

Resolution No. 22-42
Approval of Purchase in Excess of \$50,000 for Engineering Services for the EWTP Improvements Design



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: June 16, 2022
RE: RESOLUTION NUMBER 22-44: GRAND ISLAND WTP FUEL TANK UPGRADE

Introduction:

Resolution Number 22-44 approves an expenditure of \$28,600 for the Grand Island Water Treatment Plant's Fuel Tank Upgrade Design to Kimley-Horn and Associates, Inc. and authorizes the City Manager to execute all agreements and contracts.

Background:

The City desires to increase the generator fuel tank capacity at Grand Island Water Treatment Plant to provide longer operation on back-up power during emergency events. The improvements will include an additional diesel fuel tank, which will either replace or be adjacent to the existing generator fuel tank based on findings from this project. The proposed fuel tank will have a minimum capacity of 1,500 gallons.

Staff has requested Kimley-Horn and Associates, Inc. to submit a proposal to design a scope to increase the fuel tank capacity at the Grand Island Water Treatment Plant. Their proposal for this work is in a Lump Sum amount of \$28,600. The scope of services for this project includes the following tasks:

Task 1: Design Services: prepare two preliminary design options for either replacement of the existing fuel tank or new adjacent fuel tank in parallel with the existing fuel tank. \$16,400

Task 2: Permitting Services: prepare and submit permit applications and supporting documentation necessary to obtain the permit required for the improvements, including notification letter to FDEP; prepare and submit 100% drawings and specifications to the Building Department including a meeting with Building Department staff to review comments. \$ 4,100

Task 3: Bidding and Award Services: provide one hard copy of the Contract Documents (engineering, design drawings and specifications) and any addenda, which may be issued to bidders. \$ 8,100

TOTAL LUMP SUM \$28,600

Kimley-Horn and Associates, Inc. is currently under contract with the City through our Continuing Professional Services Contract procured under RFQ #002-18.

Recommended Action:

Staff recommends approval of Resolution Number 22-44

Policy Implications:

N/A

Alternatives:

1. Approve Resolution Number 22-44
2. Deny Resolution Number 22-44

Discussion of Alternatives:

. Alternative 1 approves the Resolution.

Advantages:

- The City Staff will have an engineering consultant with the expertise and the experience that is needed [to plan and design the improvements needed for increasing the generator's fuel tank capacity at the Grand Island WTP.](#)

Disadvantages:

- None.

. Alternative 2 denies the Resolution.

Advantages:

- The City would not expend fees for an engineering consultant on a highly technical project.

Disadvantages:

- This project requires Engineering services to ensure a successful end product.

Reviewed By:

Rick Gierok, P.E. - Director of Public Works / City Engineer

Greg Dobbins – Deputy Director of Public Works - Utilities

Prepared By:

Sally Mayer, Administrative Assistant – Public Utilities

Attachments:

- Resolution Number 22-44
- Upon Request: Kimley-Horn Proposal for Grand Island WTP Fuel Tank Upgrade

Budget Impact:

The funds for Engineering Services related to the Grand Island Water Treatment Plant Fuel Tank Upgrade were included in the approved Fiscal Year 2021-2022 Annual Capital Improvement Budget in Account #042-8600-533-66-49.

Attachments:

[Resolution No. 22-44](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 10 Jun 2022
Approved - 10 Jun 2022

RESOLUTION NUMBER 22-44

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE FOR ENGINEERING SERVICES FOR THE GRAND ISLAND WATER TREATMENT PLANT GENERATOR FUEL TANK UPGRADE; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS WITH KIMLEY-HORN AND ASSOCIATES, INC.

WHEREAS, the City desires to increase the generator's fuel tank capacity at the Grand Island Water Treatment Plant; and

WHEREAS, a fuel tank capacity increase will provide longer operation on back-up power during emergency events; and

WHEREAS, the City's approved 2021-2022 Budget includes funds for the purchase of engineering design services for the Grand Island Water Treatment Plant Fuel Tank Upgrade; and

WHEREAS, Kimley-Horn and Associates, Inc. submitted a proposal to assist in this project's engineering design; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between Kimley-Horn and Associates, Inc. and the City, they are offering these engineering design services for the lump sum amount of \$28,600.

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

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with Kimley-Horn and Associates, Inc. for the procurement of engineering design services for the Grand Island WTP Fuel Tank Upgrade utilizing budgeted funds; and
- (2) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and
- (3) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 16th day of June, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of June, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-44 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

Resolution No. 22-44
Approval of Purchase for Engineering Services for the Gr. Island WTP Fuel Tank Upgrade



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: June 16, 2022
RE: RESOLUTION NUMBER 22-40: MODIFICATION TO APPROVED SITE PLAN WITH WAIVERS - PRIME PLUMBING

Introduction:

Resolution Number 22-40 approves a modification to a previously approved development plan via a Site Plan approval with Waivers for Prime Plumbing office, showroom and warehousing on approximately 5.82 acres at 37136 State Road 19. Modifications include new, additional parking, two new buildings, relocation of the show room, and two new storage buildings.

Background:

1. Pertinent Site Information:
 - a. The project site comprises approximately 5.9 acres at 37136 State Road 19, and includes road and includes road frontage on 5th Street (county road).
 - b. An existing 2,550 square foot building was developed onsite in 1978, which is currently occupied by Prime Plumbing.
 - c. Approximately 2.3 acres of the site is freshwater forested shrub wetland which may not be impacted by development.
 - d. As the proposed site plan required no waivers, on March 19, 2019, the Development Review Committee approved a Development Plan to include office, showroom, storage and nine 1,500 square foot office/warehouse units.
 - e. In November 2019, the applicant submitted a modification request to eliminate the nine 1,500 square foot office/warehouse units and to relocate the proposed monument sign. As the plan required no waivers, the Development Plan Modification was approved by the Development Review Committee on December 17, 2019.
 - f. In March 2021, the applicant submitted a modification request for repositioned buildings to address Florida Building Code requirements, installation of an 8-foot wall to be placed 16-inches inside the common property line, and placement of 7.5-foot landscape buffer to the inside of the wall (on the west and north portion of the site adjacent to the Rapture Air property). Due to waiver requests, this site plan modification with waivers was approved by City Commission on June 17, 2021 via Resolution Number 21-36. As a condition to approval, the owner/developer/applicant

was required to submit a revision to the Building Department to update the permit drawings for the ongoing construction project. Waivers granted by Resolution Number 21-36 were:

- A waiver to Section 110-4.16 Industrial Building Lot to allow a 16-inch common lot setback in lieu of the required 10-feet (for placement of the 8-foot wall).
- A waiver to Section 115-9.3.2 (a) (3) a.1. to allow a 7.5-foot landscape buffer in lieu of the required 10-foot buffer, and to allow that buffer to be placed on the applicant's side of the proposed 8-foot wall instead of between the property and the adjacent parcel.

See the attached staff report for more information.

Recommended Action:

The administration recommends denial of Resolution Number 22-40 due to a lack of a hardship and evidence that the intent of the code will be met via another means. In addition, the current waiver requests include requesting that the code be further waived from prior waiver requests.

Policy Implications:

The resolution approves waivers to the Land Development Regulations. The resolution may set a precedent and show a lack of importance for the City's codes and the purpose behind them.

Denial could mean that the City Commission could request revisions to the proposed plan and request a higher quality of site design that is more compliant with the City's codes.

Alternatives:

1. Approve Resolution Number 22-40.
2. Deny Resolution Number 22-40.

Budget Impact:

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

Approval means that the property owner can continue with the development under construction and complete with the modifications proposed.

Continued development of this site could mean an increased economic development opportunity.

Attachments:

[Staff Report Res. No. 22-40 rev](#)

[Resolution No. 21-36](#)

[Resolution No. 22-40](#)

Reviewed by:

Jeff Richardson, Deputy
Development Services Director

Approved - 10 Jun 2022

Mike Lane, Director
Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 13 Jun 2022
Pending
None



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, CITY MANAGER
DATE: JUNE 16, 2022
RE: RESOLUTION NUMBER 22-40: MODIFICATION TO APPROVED SITE PLAN
WITH WAIVERS – PRIME PLUMBING

Introduction:

Resolution Number 22-40 approves a modification to a previously approved development plan via a Site Plan approval with Waivers for Prime Plumbing office, showroom and warehousing on approximately 5.82 acres at 37136 State Road 19. Modifications include new, additional parking, two new buildings, relocation of the show room, and two new storage buildings.

Recommended Action:

The administration recommends denial of Resolution Number 22-40 due to a lack of a hardship and evidence that the intent of the code will be met via another means. In addition, the current waiver requests include requesting that the code be further waived from prior waiver requests.

Background:

1. Pertinent Site Information:

- a. The project site, owned by J&K Prime Properties, comprises approximately 5.9 acres at 37136 State Road 19, and includes road frontage on 5th Street (county road).
- b. An existing 2,550 square foot building was developed onsite in 1978, which is currently occupied by Prime Plumbing.
- c. Approximately 2.3 acres of the site is freshwater forested shrub wetland which may not be impacted by development.
- d. As the proposed site plan required no waivers, on March 19, 2019, the Development Review Committee approved a Development Plan to include

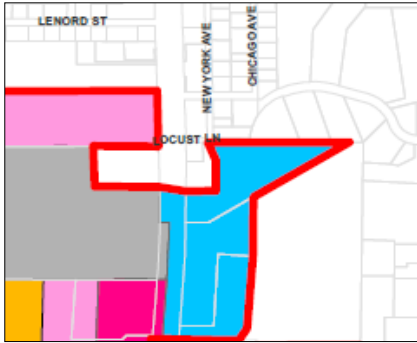


office, showroom, storage and nine 1,500 square foot office/warehouse units.

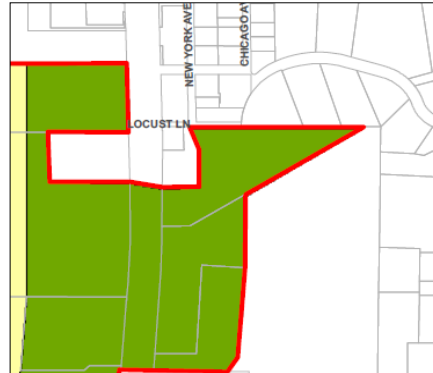
- e. In November 2019, the applicant submitted a modification request to eliminate the nine 1,500 square foot office/warehouse units and to relocate the proposed monument sign. As the plan required no waivers, the Development Plan Modification was approved by the Development Review Committee on December 17, 2019.
- f. In March 2021, the applicant submitted a modification request for repositioned buildings to address Florida Building Code requirements, installation of an 8-foot wall to be placed 16-inches inside the common property line, and placement of 7.5-foot landscape buffer to the inside of the wall (on the west and north portion of the site adjacent to the Rapture Air property). Due to waiver requests, this site plan modification with waivers was approved by City Commission on June 17, 2021 via Resolution Number 21-36. As a condition to approval, the owner/developer/applicant was required to submit a revision to the Building Department to update the permit drawings for the ongoing construction project. Waivers granted by Resolution Number 21-36 were:
 - A waiver to Section 110-4.16 Industrial Building Lot to allow a 16-inch common lot setback in lieu of the required 10-feet (for placement of the 8-foot wall).
 - A waiver to Section 115-9.3.2 (a) (3) a.1. to allow a 7.5-foot landscape buffer in lieu of the required 10-foot buffer, and to allow that buffer to be placed on the applicant's side of the proposed 8-foot wall instead of between the property and the adjacent parcel.
- g. The site and surrounding properties' land uses, design district designations, and existing uses are shown below.

	Future Land Use	Existing Use	Design District
Site	General Industrial	Contractor Office/Yard	Suburban Corridor
North	Lake County Urban Low	Contractor Office/Yard; Office/Warehouse and Single-Family	n/a Unincorporated
South	General Industrial	Mini-Storage	Suburban Corridor
East	Lake County Urban Low	Wetland and Single-Family	n/a Unincorporated
West	Public Institutional	Church	Suburban Corridor

Future Land Use



Design District



Applicant's Request:

The applicant is requesting Site Plan Modification approval with Waivers for Prime Plumbing showroom relocation, two storage buildings, and two other buildings, all totaling approximately 12,638 square feet on approximately 5.82 acres at 37136 State Road 19. Additional parking is also proposed.

Considerations:

But for waivers to the prior waiver approval via Resolution Number 21-36 and to the Land Development Regulations (LDRs) to allow significantly less landscaping than otherwise required, this project could be approved administratively via the Development Plan approval process. Waivers to the LDR's for the project are to Section 115-9.3.2(a) and Resolution Number 21-36 as follows:

1. no landscaping adjacent to the 8' tall masonry wall around the site perimeter
2. no plantings interior to the site
3. no landscaping along the south and east boundary lines
4. reduction in minimum landscape buffer along State Road 19 to a 10-foot buffer in lieu of a 15-foot buffer
5. no landscape buffer along the north property line

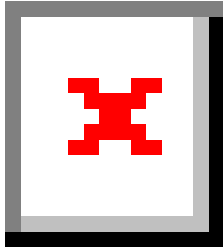
The applicant has provided the following justification for the request:

Landscape Waivers Requested and Justification:

1. Landscape area adjacent to 8' wall
 - a. Landscaping not visible to the public. - No public access to inside of wall.
 - b. Exterior of 8' precast wall provide excellent viewing by public
2. Interior building & planted areas
 - a. Landscaping not visible to the public - No public access -restricted area
3. South & east boundary lines
 - a. Landscaping not visible to the public - No public access - restricted area
 - b. No landscaping on north line of Mini-Storage south of Prime Plumbing.
4. Buffer width reduction from 15' to 10' along SR-19
 - a. No canopy trees permitted under power lines per FPSC.
 - b. Understory and hedge materials to be planted per code.
5. Buffer along north property line (east of 5th Street)
 - a. J&K Prime Properties is the owner of R-6 zoned abutting residence.

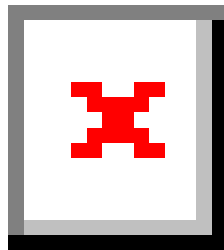
Applicable Policies and Codes as to Waiver Requests:

Sec. 115-9.3.2. - Suburban design district standards.



(a) *Suburban landscape.*

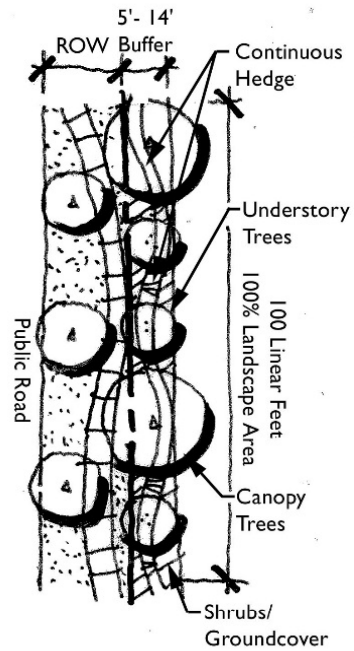
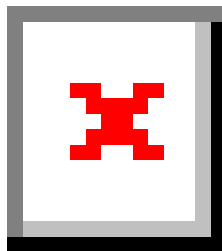
- (1) *Building open areas.* **The green spaces around buildings shall be landscaped completely with trees, shrubs, groundcovers, annuals or sod.**
- a. **A minimum ten-foot-wide landscape area shall be located around all buildings.** A five-foot sidewalk may be included in this buffer area. Suburban buildings that utilize the minimum front setback requirements shall be exempt from this requirement.
 - b. **An average of one understory or canopy tree shall be located for every 50 linear feet of building perimeter.**
 - c. **All edges of buildings shall have a foundation planting of shrubs and groundcovers as a minimum. Shrubs and groundcovers shall comprise at least 30 percent of the**



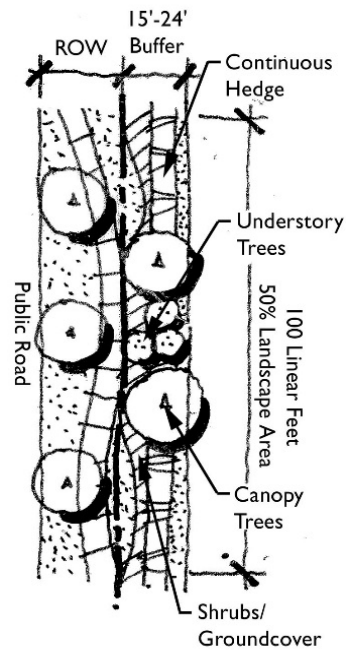
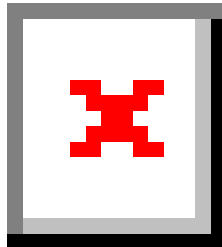
required green space.

- (2) *Landscape buffer along public streets.*
- a. **A 15 to 24-foot landscape buffer shall be required along public streets with vegetation planted per the table below.** Buffers smaller than 15 feet may be permitted

when the building is sited with a street setback between 5 to 15 feet, or when the buffer must be reduced to meet individual site constraints. When a building is sited with a zero-street setback, they shall be exempt from any street yard buffer requirement.



Front Buffer Yard - 5'-14' Width Buffer along Public Streets requires 100% coverage with shrubs and groundcover.



Front Buffer Yard - 15'-24'
buffers along public streets
require 75% coverage with
shrubs and groundcover.

- b. All planted shrub and groundcover areas shall achieve 100 percent coverage of their planting area within one year.

Street Buffer Planting Requirements			
Canopy trees	2 per 100 ft.	2" DBH, 12' hgt	30 gal
Understory trees	3 per 100 ft.	1.5—2" cal.; 7' hgt	15 gal
Continuous hedge		24" min.	3 gal

(3) *Suburban adjacencies for nonresidential parcels .*

- a. Landscape buffers between parcels.
1. **A minimum ten-foot landscape buffer is required between adjacent tracts (side and rear property boundaries) with vegetation planted per table 2. shrubs and groundcover shall comprise at least 30 percent of the landscaped area.**
 2. **On adjoining parcels of similar use, when designed as one buffer (such as adjacent commercial outparcels with automobile and pedestrian cross access), the combined buffers may be reduced to a total of ten feet if the shrub and groundcover landscape areas are increased to at least 75 percent of the total required buffer area. The combined ten-foot buffer shall require a total of two canopy trees and three understory trees per 100 linear feet. No less than five feet is required on each of the two adjoining parcels.**

3. Unless the adjacent parcel has a residential land use, the side requirement can be waived if the building is sited with a zero common lot setback.

Table 2.0 Side and Rear Buffer Requirements	
Canopy Trees (per 100 l.f.)	2 per 100 linear ft.
Tree DBH/Height	2" DBH, 12' overall height
Container Size	30 gal.
Understory Trees	3 per 100 linear ft.
Tree DBH/Height	1 1/2"—2" DBH, 7' overall height
Container Size	15 gal.
Shrub screen (per 100 l.f.)	
Square Ft. of Shrubs	(33) 3 gal plants, 24" minimum at installation to create 36"—42" high by 36" wide hedge or continuous landscape screen with a 90 percent opacity within 1 year of planting;
Container size	3 gal.

Due to the site constraints, surrounding conditions, and future maintenance of the landscaping, the waiver requests for landscaping may be considered reasonable, but with irrigation that is required by the code, it is expected that some landscaping more than is being proposed could be maintained without too much effort or hardship. The wall approved by Resolution Number 21-36 will screen outside storage on the Prime Plumbing site from view along SR 19. The regulation does not specifically exclude placement of a wall between landscape buffers on common lot adjacencies. Resolution Number 21-36 did, however, include that there shall be landscaping installed internal to the wall and property to still meet the intent of the code with landscaping, but the applicant is now requesting that this be waived. There is a lack of a hardship and evidence that the intent of the code will be met via another means. In addition, the current waiver requests include requesting that the code be further waived from prior waiver requests and conditions in Resolution Number 21-36.

Sec. 102-24. - Modifications to approved PUD overlay site plans/preliminary plats and final plats. The development services director is authorized to approve any modifications to approved development plans provided no waivers are requested or required. The development services director may approve minor modifications to an approved PUD overlay, site plan/preliminary plat or final plat, but shall not have the power to approve changes that are inconsistent with the minimum open space requirements or the maximum density, intensity or height of the applicable land use district or that constitute a substantial modification as defined herein. A substantial modification shall be processed in accordance with [section 102-12](#) of these land development regulations as applicable.

As this modification includes waiver requests, City Commission approval is required.

Community Input

The Department has notified adjacent property owners via mailings that went out on May 31, 2022, advertised the resolution in the *Daily Commercial* newspaper on June 2, 2022, and the applicant posted the site with two signs on June 6, 2022. There has been no community contact regarding the notice as of the writing of this report. The community will have an opportunity for input at the public City Commission meeting for consideration of this resolution.

Budget / Staff Impact:

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

Alternatives:

1. Approve Resolution Number 22-40.
2. Deny Resolution Number 22-40.

Discussion of Alternatives:

1. Alternative 1 approves the resolution.

Advantages:

- The property owner can continue with the development under construction and complete with the modifications proposed.
- The action would be consistent with the goals, objectives and policies of the Comprehensive Plan.

Disadvantages:

- The resolution approves waivers to the Land Development Regulations.
- The resolution may set a precedent and show a lack of importance for the City's codes and the purpose behind them.

2. Alternative 2 denies the resolution.

Advantages:

- The Commission could request revisions to the proposed plan.

Disadvantages:

- The property owner would not be able to develop according to the submitted Site Plan.
- The city could lose an economic development opportunity.

Prepared By: Heather Croney, Senior Planner

Reviewed By: Jeff Richardson, AICP, Development Services Deputy Director

Attachments:

- Resolution Number 22-40 with Exhibits A (Site Plan) and B (Landscape Plan)
- Resolution Number 21-36, for reference of prior approval

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

INSTRUMENT #2021097633
OR BK 5752 PG 591 - 594 (4 PGS)
DATE: 7/16/2021 10:20:51 AM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$35.50

RESOLUTION NUMBER 21-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A MODIFICATION TO A PREVIOUSLY APPROVED DEVELOPMENT PLAN VIA SITE PLAN WITH WAIVERS FOR PRIME PLUMBING OFFICE, SHOWROOM, MAINTENANCE BUILDING AND WAREHOUSING BUILDINGS TOTALING APPROXIMATELY 15,441 SQUARE FEET ON 5.82-ACRES AT 37136 STATE ROAD 19.

WHEREAS, J & K Prime Properties, LLC has made application for approval of a modification to a previously approved Development Plan via Site Plan with waivers for Prime Plumbing office, showroom, maintenance and warehousing buildings on approximately 5.82-acres at 37136 State Road 19, as shown in Exhibit A, property more particularly described as:

Alt. Key: 1407249

Parcel Id Number: 26-18-26-0003-000-02901

FROM INTERSECTION OF E'LY LINE OF R/W OF ST RD 19 WITH N LINE OF SE 1/4 OF SW 1/4, RUN S'LY ALONG E'LY LINE OF R/W 312.66 FT TO POB, RUN S'LY ALONG R/W 207.34 FT, N 89-43-0 E 144.1 FT, N 59-48-0 E TO N LINE OF SE 1/4 OF SW 1/4, BEG AGAIN AT POB, RUN N 88-50-09 E 189.26 FT, N 0-0-44 W 189.65 FT, N 21-22-03 W 128.56 FT, E ALONG N LINE OF SE 1/4 OF SW 1/4 TO INTERSECT FIRST LINE ORB 4768 PG 762

WHEREAS, the property described above has a Land Use Designation of General Industrial (GI) and a Design District Designation of Suburban Corridor; and

WHEREAS, a contractor's office, showroom, maintenance and warehousing uses are permitted in the General Industrial (GI) land use designation; and

WHEREAS, the proposed site plan as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the proposed waivers to the Land Development Regulations meet the general intent of the regulations; do not jeopardize the health, safety, or welfare of the public; and include appropriate mitigation;

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

SECTION 1.

That the Site Plan for the warehouse/manufacturing facility, and attached hereto as Exhibit A is hereby approved with the following waivers:

- a. A waiver to Section 110-4.16 Industrial Building Lot to allow a 16-inch common lot setback in lieu of the required 10-feet (for placement of the 8-foot wall).
- b. A waiver to Section 115-9.3.2 (a) (3) a.1. to allow a 7.5-foot landscape buffer in lieu of the required 10-foot buffer, and to allow that buffer to be placed on the applicant's side of the proposed 8-foot wall instead of between the property and the adjacent parcel.

SECTION 2.

That the Site Plan Approval shall be subject to the owner/developer complying with the following conditions:

- a. Submit a revision to the Building Department to update the permit drawings for the ongoing construction project.

SECTION 3.

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

SECTION 4.

That this Resolution shall become effective upon filing.

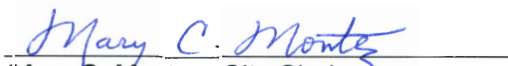
DONE AND RESOLVED this 17th day of June 2021, in regular session of the City Commission of the City of Eustis, Florida.

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



Michael L. Holland
Mayor/Commissioner

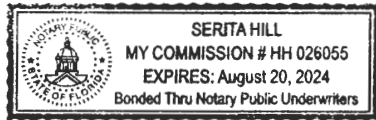
ATTEST:


Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 17th day of June, 2021, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.



Serita Hill
Notary Public - State of Florida
My Commission Expires: Aug 20, 2024
Notary Serial No: HH 026055

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.

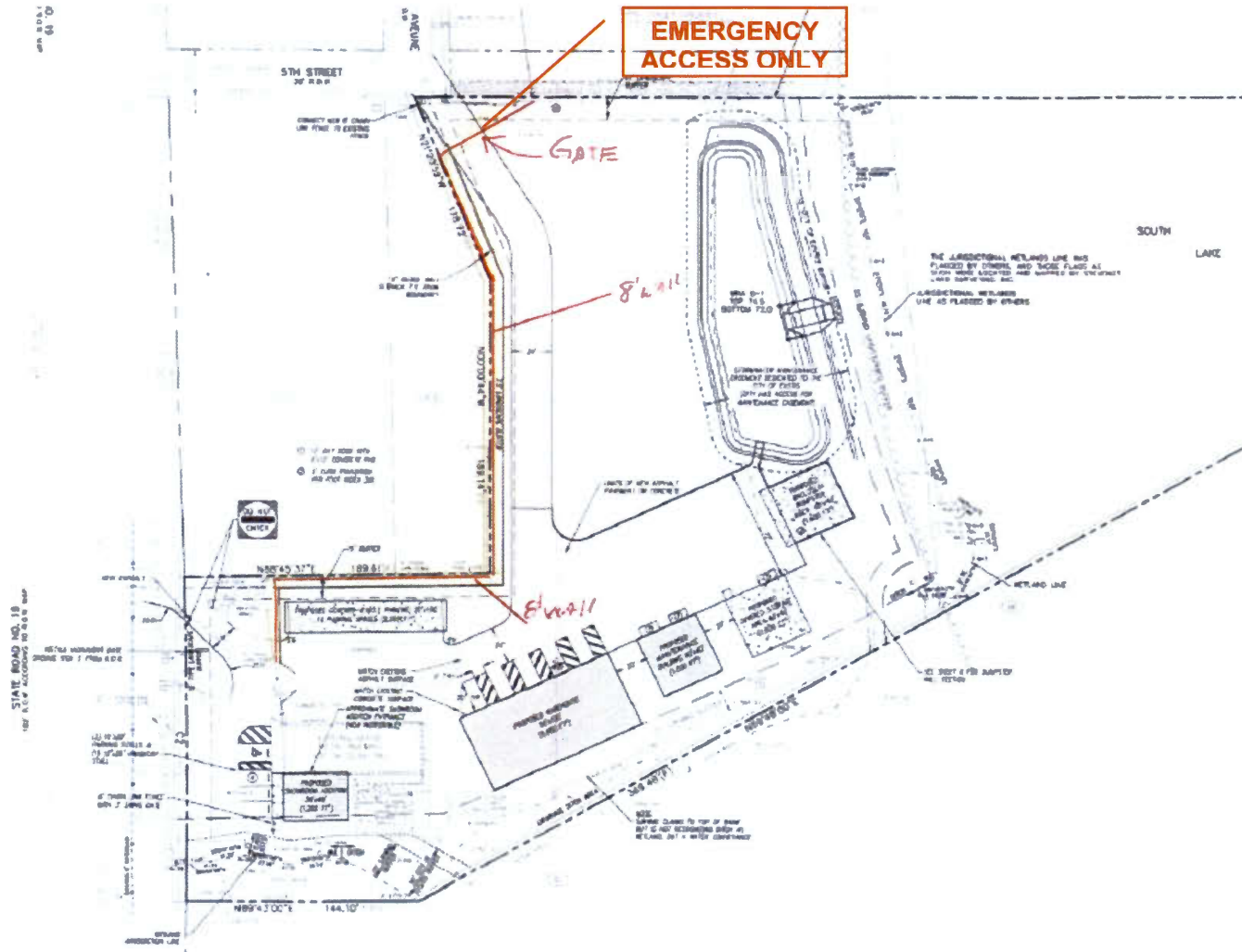
[Signature] 6/17/2021
City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-36 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez
Mary C. Montez, City Clerk

EXHIBIT A: SITE PLAN



RESOLUTION NUMBER 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 TWO OTHER BUILDINGS, ALL TOTALING APPROXIMATELY 12,638 SQUARE FEET ON 5.82-ACRES AT 37136 STATE ROAD 19.

WHEREAS, J & K Prime Properties, LLC has made an application for approval of a modification to a previously approved Site Plan with waivers for Prime Plumbing showroom relocation, two storage buildings, and two other buildings, all totaling approximately 12,638 square feet, on approximately 5.82-acres at 37136 State Road 19, as shown in Exhibits A (site plan) and B (landscape plan), property more particularly described as:

Alternate Key Number: 1407249

Parcel Identification Number: 26-18-26-0003-000-02901

FROM INTERSECTION OF E'LY LINE OF R/W OF ST RD 19 WITH N LINE OF SE 1/4 OF SW 1/4, RUN S'LY ALONG E'LY LINE OF R/W 312.66 FT TO POB, RUN S'LY ALONG R/W 207.34 FT, N 89-43-0 E 144.1 FT, N 59-48-0 E TO N LINE OF SE 1/4 OF SW 1/4, BEG AGAIN AT POB, RUN N 88-50-09 E 189.26 FT, N 0-0-44 W 189.65 FT, N 21-22-03 W 128.56 FT, E ALONG N LINE OF SE 1/4 OF SW 1/4 TO INTERSECT FIRST LINE ORB 4768 PG 762

WHEREAS, the property described above has a Land Use Designation of General Industrial (GI) and a Design District Designation of Suburban Corridor; and

WHEREAS, a contractor's office, showroom, maintenance and warehousing uses are permitted in the General Industrial (GI) land use designation; and

WHEREAS, the proposed site plan as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the proposed waivers to the Land Development Regulations meet the general intent of the regulations; do not jeopardize the health, safety, or welfare of the public; and include appropriate mitigation; and

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

SECTION 1.

That the Site Plan for the warehouse/manufacturing facility, and attached hereto as Exhibit A, and the landscape plan for the subject property, attached hereto as Exhibit B, is hereby approved with the following waivers:

- a. A waiver to Section 115-9.3.2 (a) and a prior waiver to allow:
- i. no landscaping adjacent to the 8' tall masonry wall around the site perimeter
 - ii. no plantings interior to the site
 - iii. no landscaping along the south and east boundary lines
 - iv. reduction in minimum landscape buffer along State Road 19 to a 10' buffer in lieu of a 15' buffer
 - v. no landscape buffer along north property line
 - vi. the landscaping shall conform to the Landscape Plan Exhibit "B"

SECTION 2.

That the Site Plan Approval shall be subject to the owner/developer complying with the following conditions:

- a. Submit a revision to the Building Department to update the permit drawings for the ongoing construction project. The below items from site plan review must be addressed.
- 1. Fire hydrant must be located within 400 feet of all buildings.
 - 2. Septic and drain field information and location must be shown on plans and approved.

SECTION 3.

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

SECTION 4.

That this Resolution shall become effective upon filing.

DONE AND RESOLVED this 16th day of June 2022, in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

Resolution Number 22-40
Prime Plumbing Site Plan Modification with Waiver Requests
Page 2 of 5

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 16th day of June 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 22-40 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

[illegible]

[illegible]



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: June 16, 2022
RE: RESOLUTION NUMBER 22-43 WATER, WASTEWATER, AND RECLAIMED WATER RATE ADJUSTMENT

Introduction:

Resolution 22-43 establishes new water, wastewater, and reclaimed water rates to ensure that the facilities used and required are maintained in proper working order and comply with regulatory mandates.

Background:

See attached Staff Report.

Attachments:

[Staff Report Water-Sewer Rate Adjustment 2022 Res. 22-43](#)

[Exhibit A Water Rates 6-1-22 Comparison](#)

[CPI for All Urban Consumers \(CPI-U\) April 2022](#)

[Resolution No. 22-43 Utility Rate Increase](#)

[Resolution No. 22-43 Utility Rate Increase \(1\)](#)

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 10 Jun 2022
Approved - 10 Jun 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: JUNE 16, 2022

RE: RESOLUTION 22-43 WATER, WASTEWATER, AND
RECLAIMED WATER
RATE ADJUSTMENT

Introduction:

The purpose of Resolution 22-43 is to establish new water, wastewater, and reclaimed water rates to ensure that the facilities are maintained in proper working order and comply with regulatory mandates. Resolution 21-20 established rate adjustments for water, wastewater, and reclaimed water for the period beginning June 1, 2021 and each June 1st through 2025. The effective date of the new rates will always be the July 1st billing each year. A notice of a 2.5% increase has been included on every utility bill issued in June.

Recommended Action:

Staff recommends approval of Resolution 22-43 as submitted.

Background:

The City contracted with Public Resource Management Group, Inc. (PRMG) to perform a Utility rate study. PRMG presented the results and recommendations of the 2016 Water, Wastewater, and Reclaimed Water Study to the Commission on February 18, 2016.

Last year the Finance Department was requested to conduct the study covering the current status and projections of the water, wastewater, and reclaimed water systems through the year ending

June 30, 2025. Consideration was given to the current financial condition, projected operation costs, proposed system upgrades, required system upgrades, customer growth, economic assumptions and the revenue stream necessary to deliver reliable and quality service to the customers.

Based on the analysis of the water, wastewater, and reclaimed water systems, it was determined that an annual increase of 2.5% each year through June 1, 2025, would be sufficient. Other rates were explored in the study; however, it was determined that the 2.5% is the most effective rate, is fair to the citizens the system serves, and allows the City to move in a positive direction for the future.

The Commission has always provided for and ensured proper rates are in affect for the City. This due diligence has been able to satisfy outside agencies such as lending institutions and bond rating companies, allowing us to obtain financing for major expansion when necessary. The rates will go into effect June 1st of each year with the first increase effective June 1, 2022. The previous study had an initial increase of 7.7% followed by 4 years at 1.7%, which averaged out to 2.9% a year over the five years ending June 1, 2020. As it turned out the CPI for the same period was also 2.9%. The study currently in use maintained a consistent 2.5% each year, totaling 12.5% for the period reviewed.

Based on the growth of customers as well as future Consumer Price Index, we feel the rates were adequate and just. It is imperative that the City continue to ensure that rates are available to support the operation, maintenance and necessary replacement of the infrastructure; as well as provide assurances to outside agencies, lending institutions and bond rating companies that the City is compliant in providing for operational needs. The current increase in rates should still fulfill that commitment for the coming year.

The previous study provided for the expectation that the City would borrow to fund the expansion project which will begin next year. We also have some reserves set aside to cover inflationary costs which have occurred. However, since the study was completed, a number of unexpected issues have arisen.

- The cost of the expansion has increased substantially by approximately \$2,000,000.
- Inflation last year was 7.036% and continues to increase at a rate of 8.259% for April. These rates have not been this high since 1990 6.106%, 1980 13.294%, 1974 12.338% and 1946 18.132% (see all years highlighted in Exhibit B).
- Construction cost continues to rise along with most commodities.

Fortunately, the City was awarded enough money from the American Rescue Plan Act (ARPA) in the amount of \$10,669,685. With the purchase of a Fire Truck for \$1,358,316, the City will have \$9,311,369 to apply to the construction of the sewer plant expansion. This, combined with a solid fund reserve, will allow the City to keep the rate at 2.5% this year which will assist in helping our customers deal with other inflationary concerns.

While it was anticipated that 2.5% rate increases would suffice through 2025, it is becoming apparent that a new study should be performed. Inflation has ramped up approximately 3.3 times beyond the 2.5% rate recommended this year (8.259%). Exhibit B has a history of the CPI and the highlighted area represents years which the rate exceeds 6.0%.

Based on the above, staff is recommending that a new rate study be performed by an outside consultant. They will have a system to deal with inflationary factors previously not projected. The previous 14 years average inflation was only 1.844%. It is hopeful that the current situation will only last a few years as has happened in the past.

The exhibit below illustrates the proposed monthly cost of the rate increases based on a typical average inside city customer as follows:

- residential bill using 5,000-gallon monthly bill for water and wastewater usage would see an increased monthly bill of \$1.80. █
- The inside citywater and sewer bills utilizing 5,000 gallons would increase by \$1.80 monthly and a separate irrigation meter for potable water utilizing 5,000 gallons would increase by \$0.40 monthly.
- The customer having access to a separate reclaimed meter cost increase would only be \$0.20 monthly.

**Residential Bill Comparison - 5,000 Gallon Monthly Usage
Inside City Rates**

	<i>New Rate</i>		<i>New Rate</i>	
	<u>6/1/2021</u>		<u>6/1/2022</u>	
Water Availability	\$	11.76	\$	12.05
Consumption Cost		12.30		12.60
Utility Tax		2.41		2.47
Total Water Charges	\$	<u>26.46</u>	\$	<u>27.12</u>
Sewer Availability	\$	27.67	\$	28.36
Consumption Cost		17.30		17.75
Total Sewer Cost		<u>44.97</u>		<u>46.11</u>
Total		<u><u>71.43</u></u>		<u><u>73.23</u></u>

Cost of Irrigation based on 5,000 Usage

Irrigation Potable Water	\$	15.25	\$	15.65
Reclaimed Water	\$	7.70	\$	7.90

Customer located outside the City pay an additional 25% premium
as provided by Florida Statute 180.191

Alternatives:

- Approve Resolution 22-43
- Deny Resolution 22-43 and provide direction to staff on how they would prefer to fund ongoing operations and debt service needs in the Water and Sewer System as well as the \$29.8 million in capital needs over the next five years.

Discussion of Alternatives:

Approval of Resolution 22-43:

Advantages: Approval of the resolution will adequately fund the operations and debt service requirements of the System and allow the System to go forward with its five-year capital program at a modest increase of \$1.80 per month. This is less than a cup of premium coffee each month.

Disadvantages: The customer rates will be increased by 2.5% next year.

Denial of Resolution 22-43:

Advantages: System customer rates will not increase, which is not truly an advantage when the system cannot adequately supply the needs of the citizens of the system.

Disadvantages: The System will no longer be able to afford its basic operating needs and will not be able to support its debt service payments. Capital repairs and improvements will have to cease or the system will become financially unattainable. Failure to fund the operations and the repairs and maintenance items

could lead to major fines from State and Federal Government, environmental impairment, and real potential for public health concerns. The system may also become limited in its ability to serve water and conduct sewer collection for the residents and businesses of the City of Eustis.

Community Input:

The meeting has been advertised according to requirements. In June, notices will be included on customer bills which will provide the rates for the upcoming year starting June 1st 2022. Each year thereafter the rates will be included in the utility bills to advise users of the system of the increase to expect.

Budget/Staff Impact:

These rate increases have been determined by the recent rate study to meet the projected immediate operational needs as well as provide revenue projections to meet debt service requirements.

Prepared By:

Nelly Harnish, Deputy Finance Director

Reviewed By:

Mike Sheppard, Finance Director

Attachments:

Resolution 22-43

Exhibit A Utility Rate Comparison Current Rate and
Proposed new Rate

Exhibit B Bureau of Labor Statistics – Consumer Price Index
through April of 2022



**Exhibit A
Utility Rate Comparison**

**CITY OF EUSTIS
Water Rate Increase 2.5%**

	Current	New Rate 6/1/2022		Current	New Rate 6/1/2022
<u>Residential:</u>			<u>Commercial:</u>		
<u>In-City</u>			<u>In-City</u>		
Availability Charge (Incl. 0 usage)	\$ 11.76	\$ 12.05	Availability Charge (Incl. 0 usage)	\$ 23.53	\$ 24.12
Per 1,000 gallons			Per 1,000 gallons		
0 to 8,000 gallons	\$ 2.46	\$ 2.52	0 to 30,000 gallons	\$ 2.46	\$ 2.52
8,001 to 20,000 gallons	\$ 3.06	\$ 3.14	Over 30,000 gallons	\$ 3.05	\$ 3.13
20,001 to 30,000 gallons	\$ 4.32	\$ 4.42			
Over 30,000 gallons	\$ 9.81	\$ 10.05	<u>Outside City</u>		
			Availability Charge (Incl. 0 usage)	\$ 29.42	\$ 30.16
<u>Outside City</u>			Per 1,000 gallons		
Availability Charge (Incl. 0 usage)	\$ 14.71	\$ 15.07	0 to 30,000 gallons	\$ 3.08	\$ 3.16
Per 1,000 gallons			Over 30,000 gallons	\$ 3.83	\$ 3.93
0 to 8,000 gallons	\$ 3.07	\$ 3.15			
8,001 to 20,000 gallons	\$ 3.83	\$ 3.92	<u>Irrigation: Commercial</u>		
20,001 to 30,000	\$ 5.39	\$ 5.52	<u>In-City</u>		
Over 30,000 gallons	\$ 12.26	\$ 12.56	<u>Availability Charge (Incl. 0 usage)</u>		
			Per 1,000 gallons		
<u>Irrigation: Residential</u>			0- 50,000 gallons		
<u>In-City</u>			0-100,000 gallons	\$ 3.06	\$ 3.14
<u>Availability Charge (Incl. 0 usage)</u>			Over 100,000 gallons	\$ 5.52	\$ 5.66
Per 1,000 gallons					
First 12,000 gallons	\$ 3.05	\$ 3.13	<u>Outside City</u>		
12,001 to 20,000 gallons	\$ 4.32	\$ 4.42	<u>Availability Charge (Incl. 0 usage)</u>		
Over 20,000 gallons	\$ 9.80	\$ 10.04	Per 1,000 gallons		
			0- 50,000 gallons		
<u>Outside City</u>			0-100,000 gallons	\$ 3.83	\$ 3.92
<u>Availability Charge (Incl. 0 usage)</u>			Over 100,000 gallons	\$ 6.91	\$ 7.08
Per 1,000 gallons					
First 12,000 gallons	\$ 3.83	\$ 3.92	<u>Industrial:</u>		
12,001 to 20,000 gallons	\$ 5.39	\$ 5.52	<u>In-City</u>		
Over 20,000 gallons	\$ 12.26	\$ 12.56	Availability Charge (Incl. 0 usage)	\$ 51.77	\$ 53.07
<u>R.V. Parks:</u>			Per 1,000 gallons		
<u>In-City</u>			0 to 350,000 gallons	\$ 2.46	\$ 2.52
Availability Charge (Incl. 0 usage)	\$ 3.92	\$ 4.02	Over 350,000 gallons	\$ 3.05	\$ 3.13
Rate per 1,000 gallons (All Usage)	\$ 2.46	\$ 2.52			
			<u>Outside City</u>		
<u>Outside City</u>			Availability Charge (Incl. 0 usage)	\$ 64.72	\$ 66.34
Availability Charge (Incl. 0 usage)	\$ 4.90	\$ 5.02	Per 1,000 gallons		
Rate per 1,000 gallons (All Usage)	\$ 3.07	\$ 3.15	0 to 350,000 gallons	\$ 3.08	\$ 3.16
			Over 350,000 gallons	\$ 3.83	\$ 3.92



**Exhibit A
Utility Rate Comparison**

**CITY OF EUSTIS
Water Rate Increase 2.5%**

Wastewater Rates - 2.5%

	<u>Current</u>	<u>New Rate</u> <u>6/1/2022</u>
<u>Residential:</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)	\$ 27.67	\$ 28.36
Rate per 1,000 gallons, Max- 10,000 gallons	\$ 3.46	\$ 3.55
<u>Outside City</u>		
Availability Charge (Incl. 0 usage)	\$ 34.59	\$ 35.46
Rate per 1,000 gallons, Max- 10,000 gallons	\$ 4.33	\$ 4.43
<u>R.V. Parks:</u>		
<u>In-City</u>		
Availability Charge Per Occupied Space (Incl. 0 usage)	\$ 9.22	\$ 9.45
Rate per 1,000 gallons, Max- 10,000 gallons (per Occupied Space)	\$ 3.46	\$ 3.55
<u>Outside City</u>		
Availability Charge Per Occupied Space (Incl. 0 usage)	\$ 11.52	\$ 11.81
Rate per 1,000 gallons, Max- 10,000 gallons	\$ 4.33	\$ 4.43
<u>Commercial:</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)	\$ 38.74	\$ 39.71
Per 1,000 gallons based on water consumption		
All Usage	\$ 4.16	\$ 4.27
<u>Outside City</u>		
Availability Charge (Incl. 0 usage)	\$ 48.42	\$ 49.63
Per 1,000 gallons based on water consumption		
All Usage	\$ 5.19	\$ 5.32
<u>Industrial:</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)	\$ 66.40	\$ 68.06
Per 1,000 gallons based on water consumption		
All Usage	\$ 4.16	\$ 4.27
<u>Outside City</u>		
Availability Charge (Incl. 0 usage)	\$ 83.01	\$ 85.08
Per 1,000 gallons based on water consumption		
All Usage	\$ 5.19	\$ 5.32

Reclaimed Water Rate Increase 2.5%

	<u>Current</u>	<u>New Rate</u> <u>6/1/2022</u>
<u>Residential:</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)		
Rate per 1,000 gallons, Max- 10,000 gallons		
0 - 12,000 Gallons	\$ 1.54	\$ 1.58
12,001 to 20,000 Gallons	\$ 2.16	\$ 2.21
Over 20,000 gallons	\$ 3.03	\$ 3.11
<u>Outside City</u>		
Availability Charge (Incl. 0 usage)		
Rate per 1,000 gallons, Max- 10,000 gallons		
0 - 12,000 gallons	\$ 1.93	\$ 1.98
12,001 to 20,000 gallons	\$ 2.71	\$ 2.77
Over 20,000 gallons	\$ 3.79	\$ 3.89

RECLAIMED WATER RATES NON-RESIDENTIAL

<u>Non-Residential Inside City (Commercial)</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)		
Per 1,000 gallons		
All Usage	\$ 0.77	\$ 0.79
<u>Non-Residential Outside City (Commercial)</u>		
<u>In-City</u>		
Availability Charge (Incl. 0 usage)		
Per 1,000 gallons		
All Usage	\$ 0.95	\$ 0.98
<u>Larger User - Reclaimed Water</u>		
<u>(More Than 100,000 Gallons per day per Agreement)</u>		
Availability Charge (Incl. 0 usage)		
All Usage	\$ 0.38	\$ 0.39

Exhibit B
Bureau of Labor Statistics

CPI for All Urban Consumers (CPI-U)

Original Data Value

Years: 1913 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2	% Increase
1916	10.4	10.4	10.5	10.6	10.7	10.8	10.8	10.9	11.1	11.3	11.5	11.6			12.621%
1917	11.7	12.0	12.0	12.6	12.8	13.0	12.8	13.0	13.3	13.5	13.5	13.7			18.103%
1918	14.0	14.1	14.0	14.2	14.5	14.7	15.1	15.4	15.7	16.0	16.3	16.5			20.438%
1919	16.5	16.2	16.4	16.7	16.9	16.9	17.4	17.7	17.8	18.1	18.5	18.9			14.545%
1941	14.1	14.1	14.2	14.3	14.4	14.7	14.7	14.9	15.1	15.3	15.4	15.5			9.929%
1942	15.7	15.8	16.0	16.1	16.3	16.3	16.4	16.5	16.5	16.7	16.8	16.9			9.032%
1946	18.2	18.1	18.3	18.4	18.5	18.7	19.8	20.2	20.4	20.8	21.3	21.5			18.132%
1947	21.5	21.5	21.9	21.9	21.9	22.0	22.2	22.5	23.0	23.0	23.1	23.4			8.837%
1951	25.4	25.7	25.8	25.8	25.9	25.9	25.9	25.9	26.1	26.2	26.4	26.5			6.000%
1969	35.6	35.8	36.1	36.3	36.4	36.6	36.8	37.0	37.1	37.3	37.5	37.7			6.197%
1973	42.6	42.9	43.3	43.6	43.9	44.2	44.3	45.1	45.2	45.6	45.9	46.2			8.706%
1974	46.6	47.2	47.8	48.0	48.6	49.0	49.4	50.0	50.6	51.1	51.5	51.9			12.338%
1975	52.1	52.5	52.7	52.9	53.2	53.6	54.2	54.3	54.6	54.9	55.3	55.5			6.936%
1977	58.5	59.1	59.5	60.0	60.3	60.7	61.0	61.2	61.4	61.6	61.9	62.1			6.701%
1978	62.5	62.9	63.4	63.9	64.5	65.2	65.7	66.0	66.5	67.1	67.4	67.7			9.018%
1979	68.3	69.1	69.8	70.6	71.5	72.3	73.1	73.8	74.6	75.2	75.9	76.7			13.294%
1980	77.8	78.9	80.1	81.0	81.8	82.7	82.7	83.3	84.0	84.8	85.5	86.3			12.516%
1981	87.0	87.9	88.5	89.1	89.8	90.6	91.6	92.3	93.2	93.4	93.7	94.0			8.922%
1990	127.4	128.0	128.7	128.9	129.2	129.9	130.4	131.6	132.7	133.5	133.8	133.8	128.7	132.6	6.106%
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	205.709	208.976	4.081%
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	214.429	216.177	0.091%
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	213.139	215.935	2.721%
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	217.535	218.576	1.496%
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	223.598	226.280	2.962%
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601	228.850	230.338	1.741%
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049	232.366	233.548	1.502%
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812	236.384	237.088	0.756%
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525	236.265	237.769	0.730%
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432	238.778	241.237	2.075%
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524	244.076	246.163	2.109%
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233	250.089	252.125	1.910%
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974	254.412	256.903	2.285%
2020	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.280	260.388	260.229	260.474	257.557	260.065	1.362%
2021	261.582	263.014	264.877	267.054	269.195	271.696	273.003	273.567	274.310	276.589	277.948	278.802	266.236	275.703	7.036%
2022	<u>281.148</u>	<u>283.716</u>	<u>287.504</u>	<u>289.109</u>											
% Inc.	<u>7.480%</u>	<u>7.871%</u>	<u>8.542%</u>	<u>8.259%</u>											

Source: Bureau of Labor Statistics

Generated on: June 1, 2022 (09:12:42 AM)

RESOLUTION NO. 22-43

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING ADJUSTMENT TO CITY OF EUSTIS RATES FOR WATER, WASTEWATER AND RECLAIMED WATER, TO PROVIDE FOR THE ANNUAL ADJUSTMENT PER ORDINANCE NO. 16-10, TO BE EFFECTIVE JUNE 1, 2022.

WHEREAS, Florida Statutes Chapter 180 provides municipalities with the authority to establish and operate water utility systems; and

WHEREAS, increasing operating costs, regulatory mandates from state agencies, and aging infrastructure have placed a financial burden on the City to upgrade its facilities requiring planning for future rate increases to ensure fiscal solvency of the system, compliance with State mandates, and continued service to residents; and

WHEREAS, the City Commission has the discretion to increase, decrease, or leave rates and charges the same in accordance with law; and

WHEREAS, an annual 2.5% rate increase for water, wastewater, and reclaimed water was established each year through June 1, 2022; and

WHEREAS, the 2.5% increase will be included on the first bills sent out on July 1, 2022 and

WHEREAS, the City Commission finds it in the best interest of the City to establish rate increases and rate setting procedures to ensure its utility systems are adequately funded.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, that a 2.5% rate increase for water, wastewater and reclaimed water is hereby approved to be effective June 1, 2022.

DONE AND RESOLVED, this 16th day of May, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Resolution No. 22-43
Approval of Utility Rate Increase 2022

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of June, 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-42 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

Resolution No. 22-43
Approval of Utility Rate Increase 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: June 16, 2022
RE: ORDINANCE NUMBER 22-17: AMENDING CHAPTER 115 PROHIBITING PLACEMENT OF SIGNS WITHOUT PROPERTY OWNER'S AUTHORIZATION

Introduction:

Ordinance Number 22-17 amends Chapter 115 to prohibit the placement of signs without a property owner's authorization. It also adds Section 115-11.4(b) providing for enforcement and fines.

Background:

Due to issues the City has had primarily with temporary stick-in signs, the City Commission directed staff to review the City's sign ordinance and provide for prohibition and enforcement of illegal signs. City Attorney Derek Schroth and Police Chief Craig Capri worked together to develop the attached ordinance.

Recommended Action:

Staff recommends adoption of Ordinance Number 22-17 and the revisions to the Land Development Regulations (LDR's).

Policy Implications:

Allows for removal of unauthorized signs by property owners (including the City, County and/or State for public rights-of-way) and providing for the issuance of fines not to exceed \$500 per offense.

Alternatives:

- 1) Approve Ordinance Number 22-17 and revise the LDR's.
- 2) Deny Ordinance Number 22-17 and provide further direction to staff on the handling of signs.

Budget Impact:

None

Attachments:

[Ordinance 22-17 Unauthorized Signs Prohibited](#)

Reviewed by:

ORDINANCE NUMBER 22-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 115, SECTION 115-11.4 OF THE LAND DEVELOPMENT REGULATIONS, PROHIBITING THE PLACEMENT OF SIGNS WITHOUT A PROPERTY OWNER'S AUTHORIZATION; PROVIDING FOR ENFORCEMENT, REPEAL OF CONFLICTING ORDINANCES; CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Eustis City Commission has determined it is necessary to establish rules for unauthorized signs and to establish appropriate penalties for placing signs on property without authorization, and

WHEREAS, prohibiting unauthorized signs promotes the health, safety and general welfare of the City and its citizens by reducing blight, honoring private property rights, and increasing traffic safety.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1. Adding section 115-11.4 (a) (9) Unauthorized Signs Prohibited and Adding section 115-11.4 (b) Enforcement to Section 115-11.4 – Prohibited Signs.

The City of Eustis Land Development Regulations are hereby amended as underlined below:

Section 115-11.4 (a) (9) Unauthorized Signs Prohibited. Unauthorized signs are prohibited on public property, private property and rights-of-way of the City, County, State, or federal government ("right-of-way"). An unauthorized sign is any sign or other material placed on public property, private property, or a right-of-way by a person without the permission of the property owner.

Section 115-11.4 (b). – Enforcement.

Any person who erects, places, or constructs a sign or other material on any property (public, private or a right-of-way) without the permission of the property owner shall immediately cease the activity and may be issued a citation by the City of Eustis punishable by a fine not to exceed \$500, as authorized under §162.21(5), Florida Statutes, and Sections 2-57 and 2-58 of the City of Eustis Code of Ordinances. Each action in violation of this section shall constitute a separate offense. Issuance of a citation does not preclude an action for injunction, issuance of a trespass warning where authorized, or any other legal remedy available to the City of Eustis, including charging an offender with criminal trespass after a proper trespass warning. Any unauthorized sign or other material may be immediately removed and discarded by the property owner without notice.

SECTION 2. Repeal of Conflicting Ordinances.

Ordinances or parts of Ordinances in direct conflict herewith are hereby repealed. The enforcement actions provided for herein are supplemental to any other enforcement action permitted under Florida law or the City of Eustis Code or the City of Eustis Land Development Regulations.

SECTION 3. Renumbering and Renaming for Codification.

The provisions of this Ordinance shall become and be made a part of the City of Eustis Land Development Regulations and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

SECTION 4. Severability and Time Limitation for Court Action to Challenge.

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. Any lawsuit challenging the validity of this Ordinance must be filed within 90 days after the City Commission's adoption of this Ordinance and if not, it is time barred.

SECTION 5. Effective Date of Ordinance.

This Ordinance shall become effective on June 16, 2022.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 16th day of June, 2022.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 16th day of June, 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 Ordinance Number 22-16 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: June 16, 2022
RE: PRESENTATION: STATE ROAD 19 ISLANDS LANDSCAPE UPDATE

Introduction:

Staff will present preliminary design options for the State Road 19 Islands Landscape Improvements.

Reviewed by:

Tom Carrino, City Manager
Christine Halloran, City Clerk

Approved - 10 Jun 2022
Approved - 10 Jun 2022