



AGENDA

Regular City Commission Meeting

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

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER HAWKINS

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 March 17, 2022 - Regular City Commission Meeting

April 7, 2022 - Regular City Commission Meeting

[Staff Report #22-0097 - Html](#)

[03-17-2022 CC MIN - For Approval](#)

[04-07-2022 CC MIN - For Approval](#)

3. PRESENTATIONS

3.1 Proclamation declaring May 2022 as Historic Preservation Month

[Staff Report #22-0094 - Html](#)

[2022 Historic Preservation Month](#)

3.2 Presentation by Eustis Community Alliance organization

[Staff Report #22-0093 - Html](#)

4. APPOINTMENTS

4.1 Appointment to Historic Preservation Board - Dina John

[Staff Report #22-0096 - Html](#)

[Dina John application rcvd 3-1-2022](#)

[HPB Roster as of January 2022](#)

[Chapter 46 - Historic Preservation](#)

5. AUDIENCE TO BE HEARD

6. CONSENT AGENDA

6.1 Resolution Number 17-80 Correction: Amending Resolution Number 17-80 to correct a scrivener's error

[Staff Report #22-0098 - Html](#)

[Resolution17-80 - Amended Corrected](#)

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 22-27 Confirming the appointment of Christine Halloran as City Clerk

[Staff Report #22-0095 - Html](#)

[Resolution 22-27](#)

[C Halloran resume](#)

- 7.2 Resolution Number 22-26: Preliminary Subdivision Plat Modification for Royal Brothers (Grafton Ridge) Subdivision

[Staff Report #22-0090 - Html](#)

[Staff Report Resolution No. 22-26 Royal Brothers 2022 Modification](#)

[Resolution 22-26](#)

[Pages from 527120069 L1.0 LAN V4](#)

[Pages from PSP Civil Plans Signed&Sealed](#)

- 7.3 Resolution Number 22-29: Amending the Gateway Corridor Improvement Matching Grant Program

[Staff Report #22-0091 - Html](#)

[2022 Gateway Grant Amendments Staff Report ADA](#)

[Resolution 22-29 2022 Amendments to Gateway Grant ADA](#)

[Gateway Grant Application Info - Updated for FY 21-22 3-31-22](#)

8. OTHER BUSINESS

- 8.1 Consideration of extension of the Annexation Incentive Program

[Staff Report #22-0088 - Html](#)

[Staff Report Annexation Incentive Extension](#)

[Resolution No. 18-27](#)

- 8.2 Consideration of extension of the Development Incentive (Water and Sewer Impact Fee Waiver) Program

[Staff Report #22-0089 - Html](#)

- 8.3 Discussion on the Housing Rehabilitation Program and the Lake Community Action Agency

[Staff Report #22-0092 - Html](#)

[LCAA Housing Rehab Staff Report](#)

9. FUTURE AGENDA ITEMS

10. COMMENTS

- 10.1 City Commission

- 10.2 City Manager

- 10.3 City Attorney

- 10.4 Mayor

11. ADJOURNMENT

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

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to

participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

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



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Mary Montez, City Clerk
DATE: April 21, 2022
RE: MARCH 17, 2022 - REGULAR CITY COMMISSION MEETING
APRIL 7, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the March 17, 2022, regular City Commission meeting and the April 7, 2022, regular City Commission meeting.

Attachments:

[03-17-2022 CC MIN - For Approval](#)

[04-07-2022 CC MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, March 17, 2022 - City Hall

INVOCATION: Moment of Silence was observed

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:01 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 March 3, 2022 - Regular City Commission Meeting

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

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

3. PRESENTATIONS

3.1 Presentation regarding FDOT crosswalks and traffic calming

Rick Gierok, Public Works Director, provided an overview of the current and completed FDOT projects. He then reviewed the FDOT SR19 improvements from the Police Department to CR 452 which includes the MMSA (multi-modal mobility and safety assessment) study and subsequent construction study. He reviewed the history of the project from 2018 and 2019. He indicated the draft report was issued in August 2019 which resulted in three separate work packages: 1) SR19 intersection improvements; 2) SR19 resurfacing; and 3) traffic ops pushbutton project. He stated the SR19 resurfacing project would also include some traffic calming with bulbouts and other pedestrian safety features including corridor lighting, raised intersections/crosswalks, reduction of speed, inroad lighting, sidewalk improvements, striping and resurfacing. He indicated that the design is underway and is scheduled for completion by end of 2022 and for construction in late 2023. He stated that the final estimated cost is \$6.5 million. He added that there were items the City had wanted including beacons and lights for the intersections that were omitted. After discussion with FDOT, they agreed to do the additional work as a "pushbutton project" which will include the crossings at Magnolia with that work to begin summer 2022. He reviewed what would be

included in the project at Bay and Magnolia and Grove St. and Magnolia. He noted that the flashing lights will not actually stop traffic but will make it more visible.

Mr. Gierok then reviewed the improvements at Orange, Macdonald and Clifford including pedestrian crosswalks on the road.

The Commission asked if the painted on fake brick pavers will be replaced with Mr. Gierok responding that the road will be restriped but as part of another project to be done in 2024 those intersections will be raised.

Mr. Gierok then reported on what would be included in the safety project for Grove & Herrick, Grove & Norton, Grove & Magnolia, Grove & Clifford, Bay & Clifford, Bay & Magnolia and Bay & Lakeshore. He indicated FDOT will be providing a presentation to the Commission either at a workshop or other public meeting. He cited various traffic calming and pedestrian safety items.

The Commission questioned what is going to be done near the coffee shop with Mr. Gierok indicating that it will not be a turn lane and FDOT will be doing hard improvements where the striped lane currently is located. He indicated that when FDOT presents the project, the City could request a turn lane if desired. He stated the project would not reduce the number of trips but would slow traffic down. He then continued reviewing the planned traffic calming features. He commented on how FDOT previously wanted to keep the traffic moving and now they are more interested in slowing traffic down.

The Commission asked if Grove and MacDonald should have a light once the downtown is developed with Mr. Gierok citing where the beacons and flashing lights are planned for installation. He commented on the possibility of providing additional input when FDOT gives their presentation. He indicated that the numbers do not support relocating the traffic signal at McDonald; however, they will be timing the lights.

Vice Mayor Lee noted a resident has expressed concern regarding the left turn off Citrus onto Bay Street due to the oncoming traffic from Lakeshore with Mr. Gierok indicating he would ask FDOT to look at that intersection.

Mr. Gierok then reviewed the traffic calming project noting that in May 2019 the City adopted the Lake County Traffic Calming Procedures Manual. He provided an explanation of non-physical and physical traffic calming measures and what can be used under the guidelines. He then reviewed what are the requirements for consideration of retrofitting. He noted that roads with 30 mph speed limit or greater cannot be considered for vertical treatment (speed tables). He added that 70% of the residents must sign a petition authorizing traffic control treatments. He then reviewed the results of recent traffic counts and speed studies. He commented on the benefit to enforcement.

Commissioner Hawkins commented on speeding he had observed on Bates Avenue in excess of 80 mph and expressed concern regarding the speeding in proximity of the school. He acknowledged that the numbers may not be over the threshold but it only takes one to cause a problem.

Mr. Gierok indicated that the Commission has discretion to do calming in excess of what is required under the guidelines. He stated that with the direction of the Commission they can look at what could be done and put it in the budget. He provided an example of the information provided by the reports.

Craig Capri, Police Chief, reported that starting the next week there would be an officer that will only do traffic enforcement during the week, particularly near the schools. He indicated they will be looking at the reports and doing targeted enforcement. He added that the next fall they would be adding another traffic officer.

Mr. Gierok reviewed the traffic count and speed study graphs more in-depth. He recommended that if they have an issue at a particular location to let him know and he will set up the equipment so they can check the traffic counts and speed.

4. AUDIENCE TO BE HEARD

- 4.1** Mayor Holland opened "Audience to be Heard" and announced that if they wish to speak on something on the Consent Agenda that would be the time to discuss those items as well.

Gail Isaac Thomas addressed the Commission regarding the lack of a sidewalk on the SR44 bypass. She then asked how far out the Eustis Police go on Bates Avenue with the Commission indicating that from Corey Rolle Field on out is in the County. She expressed concern regarding the traffic and speeding on Bates Avenue.

Brian Broomfield asked that Resolutions 22-21 and 22-22 be removed from the Consent Agenda for discussion. He commented on previous discussions regarding the expansion of the Carver Park building use of the ARPA funds. He expressed support for the funds being used to assist the residents of the City.

Gessner Harris noted she sent text messages to all of the Commissioners regarding the use of the ARPA funds. She commented on input provided at the recent community meeting and the need for funds to be used for those projects. She then commented on the intersection of Kurt and 441 and cited the lack of a turn signal. She also cited the intersection of 19 and 441 and the speeding there.

Mayor Holland indicated those intersections are the responsibility of the State of Florida and indicated Mr. Gierok could contact FDOT about those issues.

Keith Ware addressed the Commission regarding Resolution 22-21 and the Memorandum of Understanding with the Flock Group. He reported on information he obtained from the Flock Group regarding how they obtain the information in their system. He asked if the City is going to install cameras to collect the information.

Chief Capri explained that the Grand Island Homeowners Association purchased the cameras and installed them on private property. He stated the memorandum will give the EPD access to the information in case of a crime occurring in that area.

Martha Taylor, representing the Tri-City NAACP, addressed the Commission regarding the American Rescue Plan Act funds and how they are going to be used. She stated that the community feels like the City has moved too fast and not listened to the community regarding what they want.

Yolanda Taylor requested that Resolution 22-22 be removed from the Consent Agenda for additional discussion. She noted she previously asked for a presentation regarding the ARPA funds but there was no opportunity for discussion.

Monica Buggs, representing the East Town Community Redevelopment Association, addressed the Commission regarding the community meeting on January 25th. She cited comments made at the CRA Review Committee meeting regarding the low number of people that attended the meeting. She noted previous discussion by the community regarding the need for a community center. She commented on the report presented to the CRA Review Committee regarding the input provided at the meeting. She stated that people do not attend as they feel the City doesn't listen. She indicated that the East Town Community Redevelopment Association will be a voice for those who don't attend.

James Golden addressed the Commission regarding the need for a gym. He stated that funding is always for other things and not for what they want.

Alice Hoskin expressed agreement with the earlier comments and then expressed concern regarding the crossing at Woodward and Bates noting the number of accidents at that intersection. She asked that it be considered for a traffic signal. She noted you cannot see oncoming traffic from next to the church.

George Asbate expressed concern regarding the traffic on Bay Street and Grove Street near the planned coffee shop and the lack of access to the property. He commented on the possibility of them obtaining the adjoining property.

5. CONSENT AGENDA

- 5.1** Resolution Number 22-20: Authorizing a Memorandum of Understanding for participation in the Central Florida Internet Crimes Against Children Task Force
- 5.2** Resolution Number 22-21: Approving a Memorandum of Understanding between the Eustis Police Department and Flock Group, Inc.
- 5.3** Resolution Number 22-22: Purchase of aerial fire truck and begin Wastewater Treatment Plant project with America Rescue Plan Act funds
- 5.4** Resolution Number 22-23: Amending Fiscal Year 2021-22 Library Contribution Fund Budget for additional expenditures accessing previously accumulated fund balance

The Commission discussed the presentation previously provided regarding use of the ARPA funds and noted that, at that time, it was stated that since the ARPA funds were to be used for the Wastewater Treatment Plant and fire truck there would be General Fund money available to be used for CRA projects. The Commission also noted that they had just received the report from the dot exercise used at the community input meeting which provided information regarding which projects were most important to the community members who attended.

The Commission expressed opposition to individuals accusing them of making it a racial issue and emphasized that the Commission works for the betterment of the entire community. It was noted that the results of the dot exercise do not necessarily reflect the preferences of those in the audience. It was further noted that the City was saving over \$95,000 by paying for the fire truck instead of financing it which is money that can then be used for other projects.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve the Consent Agenda as submitted. Motion carried by the following votes:

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

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

6.1 Ordinance Number 22-06: Conditional Use Permit for the operation of a bakery retail/restaurant use in the Residential/Office Transitional (RT) land use district at 320 South Grove Street - Second Reading

Derek Schroth, City Attorney, read Ordinance Number 22-06 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida; approving a Conditional Use Permit to allow the operation of a bakery retail/restaurant use in a residential office/transitional land use district at 320 South Grove Street.

Mr. Schroth opened the public hearing at 7:28 p.m.

Keith Ware expressed concern regarding the traffic that may be generated and cited current issues with traffic.

There being no further public comment, the hearing was closed at 7:31 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 22-06 on final reading. Motion carried by the following votes:

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

6.2 Explanation of Ordinances for Property located west of County Road 44B (2022-CPLUS-01): Ordinance Number 22-07 - Voluntary Annexation Ordinance Number 22-08 - Comprehensive Plan Amendment changing future land use designation Ordinance Number 22-09 - Design District Assignment

Mr. Schroth read Ordinance Number 22-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 24.94 acres of real property located on the west side of CR 44B (Alternate Key Numbers 1445370 and 1445094).

Heather Croney, Senior Planner, reviewed the requested annexation, future land

use and design district designation for the property located west of CR 44B. She stated the annexation would not create an enclave as they are leaving out a portion to the west so the adjoining property owner will have ingress and egress without having to go through the City. She noted an error in the presentation which indicated the maximum dwelling units per acre would be 5 du/acre but the maximum allowed would actually be 12 du/acre. She stated staff's recommendation for approval and indicated the proposal is consistent with the comprehensive plan and land development regulations and that utility and public service capacity is available. She stated a traffic impact analysis would be required which would be reviewed by the City, County and State.

The Commission asked if City and County staff had met regarding the proposal with Ms. Croney responding affirmatively and indicating they would continue to work together as the project moves forward if approved by the Commission.

The Commission confirmed that the State has purchased some property off of Waycross in order to straighten out the curve and stated the hope that it will hit the right numbers to require a left hand turn lane.

Ms. Croney stated that also came up during the discussion with the City and County staff.

Mr. Schroth opened the public hearing at 7:47 p.m.

The following individuals addressed the Commission to express concern regarding the proposed annexation including concerns regarding traffic, density, whether or not the site meets the requirements for annexation and the effect on surrounding residents by the development: 1) Eric Reinhold; 2) Carol Schriefer; 3) Dee Gretzler; 4) Cindy Newton; and 5) April Seer.

Carolyn Haslam, attorney representing the applicant, confirmed they do have water and sewer available. She stated her client is planning to build 213 multi-family units consisting of one and two bedrooms and one story and there is no commercial development planned at this time. She stated their belief that it will provide a good transition and indicated they have met with the County and State and will continue to meet with City, County and State staff on the development. She emphasized that none of the detailed work has been undertaken yet.

There being no further public comment, the hearing was closed at 8:04 p.m.

Mayor Holland commented on the development next to Tony's and explained there were some problems which have delayed the construction; however, there is already a waiting list for that development.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 22-07 on first reading. Motion carried by the following votes:

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

6.3 Ordinance Number 22-08: Comprehensive Plan Amendment changing future land

use designation

Mr. Schroth read Ordinance Number 22-08 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 24.94 acres of recently annexed real property located on the west side of 44B (Alternate Key Numbers 1445370 and 1445094) from Urban Low in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 8:06 p.m. There being no public comment, the hearing was closed at 8:06 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 22-08 on first reading. Motion carried by the following votes:

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

6.4 Ordinance Number 22-09: Assigning design district designation

Mr. Schroth read Ordinance Number 22-09 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 24.94 acres of recently annexed real property located on the west side of CR 44B (Alternate Key Numbers 1445370 and 1445094).

Mr. Schroth opened the public hearing at 8:07 p.m. There being no public comment, the hearing was closed at 8:07 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 22-09 on first reading. Motion carried by the following votes:

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

7. OTHER BUSINESS

7.1 Eustis Codes Pertaining to Signage and Littering

Commissioner Cobb noted that she was the one that requested the agenda item. She reported she had met with Chief Capri regarding her concerns about the illegal signs and littering. She asked that it be postponed to give Chief Capri time to work on it. She expressed concern regarding the lack of consequences in the City's ordinance. She indicated that she and Chief Capri would be taking a ride to look at the issues.

8. FUTURE AGENDA ITEMS

8.1 Commissioner Hawkins asked for a discussion on traffic calming.

Mayor Holland concurred citing various locations that need to be addressed. He

recommended holding a workshop after Public Works and the Police Department work on it.

9. COMMENTS

9.1 City Commission

Commissioner Cobb stated that Love Extension will be holding a Walk and Roll on March 30th in Ferran Park to help get seniors out of the house. She indicated they are in need of 250 hot dogs, buns and chips and invited other Commissioners to assist.

Chief Capri commented on the department's work with Love Extension and the intent of the event to get the seniors outside.

Commissioner Cobb noted she spoke with the City Attorney regarding how individuals have addressed the Commission. She cited accusations of the Commission being corrupt, lying, not doing their homework, and having their minds made up when they get there. She noted that recently the Commission was ready to close down a local motel; however, after being addressed by the property owner's daughter they changed their minds. So they don't have their minds made up when they get there but they do their homework before they get to the meeting. She expressed concern regarding an accusation of taking bribes. She asked if a letter could be written to the person who made the accusation.

Mr. Schroth stated that they can demand that the individual do a retraction. He indicated that it is called slander.

Discussion was held regarding the negative comments made by members of the public.

CONSENSUS: It was a consensus of the Commission for Mr. Schroth to write a letter to the individual demanding a retraction.

Commissioner Hawkins commented on the Eustis High School Jazz Revue and the Clean Up with a Cop event. He announced there would be a Sunsets and Sips at Trout Lake Nature Center on March 26th with proceeds to benefit the Nature Center. He then cited the Junior Senior Adult Prom coming up.

Commissioner LeHeup-Smith announced that the annual Busker Festival would also be on the 26th. She encouraged people to save their Eustis business receipts so they can vote for their favorite busker.

Vice Mayor Lee also commented on how great the Jazz Revue was. She then reported on her efforts to try and get the County enclaves cleaned up. She provided some photographs and cited the response she received from Glen Guzman with the Lake County Code Enforcement Department. She stated that the County is only being reactive and is only responding to complaints from residents. She noted that now the complainants must provide their name and contact information. She commented on the difficulty in attracting businesses when the area needs cleaning up. She encouraged residents to attend the County Commission meeting and demand that the enclaves get cleaned up or write letters

to Kirby Smith and Leslie Campione, the Commissioners representing Eustis or the Commission Chair Sean Parks. She also commented on the possibility of holding more neighborhood cleanups. She expressed concern regarding the lack of participation in the neighborhood cleanups by the residents.

Vice Mayor Lee then presented photographs of areas in the City that also need clean up.

Mayor Holland recommended that residents use the See-Click-Fix app to document the cleanup issues. He noted the County also has the application.

Vice Mayor Lee then cited the area on Bates in the County that needs clean up.

Commissioner Cobb reported that she drove Chairman Parks through Eustis showing him the County enclaves that need to be cleaned up. She commented on the change in the State law that now requires complainants to provide their names.

9.2 City Manager

Bill Howe, Acting City Manager, announced that Interim City Manager Tom Carrino would be back in the office on Monday.

9.3 City Attorney

Mr. Schroth stated that he and Mr. Howe have been working with Vice Mayor Lee on the City Manager contract. He stated that Mr. Carrino is content with his current salary and they are using the old City Manager contract as a template. He indicated they discussed allowing a six month period for him to move into the City.

Mr. Schroth then noted that the Commission has not had a raise since 1999.

9.4 Mayor

Mayor Holland asked Craig Dolan to provide a report on coming events.

Craig Dolan reported on the Junior Senior Adult Prom with a roaring 20's theme. He noted the Busker Festival would be the next weekend and then there would be an Easter Egg hunt on Tuesday, April 7th. He then announced they would be having Bubbles with Blippy on April 16th. He indicated Blippy has a large following.

Commissioner Hawkins asked about holding more events at Palmetto Plaza or other locations with Mr. Dolan noting there is an issue with parking.

Mr. Dolan noted that the Family Fun Day is being moved to the fall and stated last year it was held at Carver Park.

Ann Ivey, Library Director, reported that over 800 tax returns have been completed at the library by AARP. She cited a number of upcoming events and noted the amount of programming being planned for the summer. She announced that, as of April 1st, they would have been processing passports for one year.

Mayor Holland announced the Mother's Day Music Celebration featuring Tonya

Wilder would be held on May 7th at the Woman's Club. He also complimented the band on the Jazz Revue. He reported that he and Commissioner Hawkins had attended the Bay Street Players fundraiser at Ferran Park and noted he also attended the grand opening for Valencia Groves II. He cited programs they are offering for their residents including daily activities and adult literacy classes. He added they also assist the residents with grocery shopping, housekeeping and laundry. He commented on how they are also working with Advent Health to get their residents and others their Covid vaccines. He cited NBA player Alonzo Mourning for his involvement with the organization and presented an award they gave to the City.

Mayor Holland then commented on how the Commission works and noted they don't always agree but they are civil to one another. He further commented on the need for the residents to work with the Commission to make the community better. He thanked the audience for their attendance.

10. ADJOURNMENT: 8:46 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 or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.

Mary C. Montez
City Clerk

Michael L. Holland
Mayor/Commission



MINUTES

Regular City Commission Meeting

6:20 PM - Thursday, April 7, 2022 - City Hall

INVOCATION: A MOMENT OF SILENCE WAS HELD

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER: 6:11 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: NONE

2. APPROVAL OF MINUTES

2.1 August 26, 2021 - City Commission Workshop

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

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

3. PRESENTATIONS

3.1 Acceptance of the Annual Comprehensive Financial Report (ACFR) for the year ended September 30, 2021

Mike Sheppard, Finance Director, presented the FY20-21 Annual Comprehensive Financial Report. He explained the change in the acronym from CAFR to ACFR. He noted the City was awarded the Certificate for Excellence in Financial Reporting for the 33rd consecutive year. He provided an overview of the summary of the Statement of Income and Expenditures. He noted that the CRA is included in the audit but a separate full blown audit was done by the CRA pursuant to the change in state statute.

4. APPOINTMENTS

4.1 Reappointment to Eustis Housing Authority - Ronnie Buggs

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve the reappointment of Ronnie Buggs to the Eustis Housing Authority for a four-year term to expire 9/30/2025. Motion carried by the following votes:

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

Commissioner LeHeup-Smith and Mayor Holland

4.2 Reappointment to Code Enforcement Board - Bradley Shelley

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve the reappointment of Bradley Shelley to the Code Enforcement Board for a three-year term to expire March 31, 2025. Motion carried by the following votes:

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

4.3 Appointment to Lake County Arts and Cultural Alliance - Pam Rivas

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve the appointment of Pam Rivas as alternate to the Lake County Arts and Cultural Alliance for a two-year term. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

- 5.1** Miranda Muir, Events and Tourism Manager, provided a report on Georgefest. She thanked City staff and the public for their assistance and attendance at the event. She reported on the amount of cash and in-kind donations, the number and variety of entertainment, the number of vendors and the parade. She noted the presence of Dee's Dolls Twirlers who had four generations in the parade and had participated for 60 years in the event. She commented on the concert provided by Eustis native Tom McClary. She announced the upcoming Music Fest to be held April 22 and 23.

Christopher McCollum addressed the Commission regarding an issue in the road on Magnolia just before Grove and asked that be repaired. He then cited issues with people running stop signs in the downtown area.

The Commission encouraged residents to use the City's See-Click-Fix available on the City's website to report issues.

Daniel DiVenzano stated the issue is a connector for the sewer and the contractor has been notified and will be repairing it when the parking is paved. He then reported on the upcoming opening of his five-story apartment building and stated they are estimating an opening of the marina by the end of June. He commented on the planned RFQ for the Waterman site, expressed concern regarding the process and cited issues with the engineering for the lot across from the post office. He recommended asking Universal Engineering to provide the City with a summary of the engineering report. He further recommended that the City hold a community meeting regarding the site.

6. CONSENT AGENDA

6.1 Resolution Number 22-25: Memorandum of Understanding with Lake County Sheriff's Office allowing Eustis Police Department Officer to participate in City-County Investigations Unit

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

7.1 Resolution Number 22-12: Site Plan with Waivers for an Elliano's Coffee Drive-Through Coffee Shop Restaurant

Derek Schroth, City Attorney, announced Resolution Number 22-12: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a 800 +/- square foot Ellianos Coffee drive-through only restaurant on approximately +/- 0.46 acres located at 2520 South Bay Street.

Heather Croney, Senior Planner, reviewed the proposed site plan stating the proposal is for construction of an 800 sq.ft. drive-through only coffee shop. She noted that the parking spaces are for employees only. She explained the requested waivers as follows: 1) Waiver to both minimum 50% frontage buildout to allow a 15% buildout on S. Bay St. and 26% on Pinecrest; 2) Waiver to landscape buffer requirement of five feet between the drive-through lane and the perimeter of the property; 3) Waiver to the landscape area and a 10-foot minimum planting around the buildings. She presented a view of the overall landscape plan. 4) Waiver to building design standard glazing requirements. She presented an artist's rendering of the various elevations of the building. She indicated staff only received one inquiry regarding the proposal and that was from the adjacent property owner who came in and looked at the plans. She stated the proposal is substantially consistent with the LDR's, the waivers do not jeopardize the health, safety or welfare of the public and stated staff's recommendation for approval.

Mr. Schroth opened the public hearing at 6:42 p.m.

Glenn Tyre expressed concern regarding the cut-through traffic that already occurs and requested that a fence be erected between his property and the coffee shop property. He asked if there would be any outdoor signs away from the building.

Ms. Croney responded that no signage has been submitted or approved yet but they would be allowed a ground sign. She indicated that a fence is already planned.

Mr. Tyre expressed concern regarding whatever separate signage may be installed that might obscure the view of his property.

Christine Chicarelli asked if outdoor seating is planned and expressed concern

regarding what would happen if the restaurant is not successful.

Ms. Croney explained it is a franchise that operates at other locations and stated they have not proposed any outdoor seating. She stated there are only five parking spaces proposed along with one handicapped space.

Commissioner Cobb asked if it is the applicant's first coffee shop.

Karen Weber responded they have owned two Checkers franchises previously and noted they are operated similarly to Eliano's. She commented on the improved safety to their employees due to no one coming inside. She indicated they have signed on for ten years and Eliano's itself has been in business since 2000 and they are currently expanding throughout Florida.

The Commission asked about the "restaurant" portion with Ms. Weber indicating it is mostly beverages with some limited pre-prepared foodstuffs. She explained that one reason to limit the number of windows is to better control the internal temperature.

There being no further public comment, the hearing was closed at 6:51 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 22-12. Motion carried by the following votes:

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

7.2 Resolution Number 22-15: Lease agreement with the Eustis Community Alliance for 1128 Clifford Avenue

Mr. Schroth announced Resolution Number 22-15: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the Interim City Manager to execute a lease agreement with the Eustis Community Alliance Inc. for City-owned property at 1128 Clifford Avenue.

Tom Carrino, Interim City Manager, explained the lease would be through December 31, 2022, with no rent. He stated the City has also agreed to providing two computers and the Alliance will provide quarterly reports regarding their activities. He indicated they will be providing a report at the April 21st meeting. He indicated that the Alliance has reviewed the lease and supports the lease as presented.

Mr. Schroth opened the public hearing at 6:54 p.m. There being no public comment, the hearing was closed at 6:54 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 22-15. Motion carried by the following votes:

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

7.3 Resolution Number 22-24: Site Plan with Waivers for Doerfler Manufacturing, Inc.

Lot 5, Cobb Commerce Park

Mr. Schroth announced Resolution Number 22-24: A Resolution of the City Commission of the City of Eustis, Florida; approving a site plan with waivers for a Doerfler Manufacturing site on approximately 4.473 acres located on Cobb Drive, north of East County Road 44.

Jeff Richardson, Deputy Director for Development Services, reviewed the proposed site plan for Doerfler Manufacturing Operations Center which is a bath and cosmetics manufacturing facility. He stated the total size of the proposed building is 55,000 sq. ft. for the warehouse and office building - 31,740 in Phase 1 and 22,600 in Phase 2. He then reviewed the requested waivers as follows: 1) Waiver to forego a western landscape buffer adjacent to Cobb's Tractor and Block 5 as required under Resolution 17-73; 2) Waiver to allow the wet stormwater ponds as open space; and 3) Waiver from Section 102-25 for duration of validity of approval of site plans. He explained the applicant is requesting a blanket five-year duration for completion of Phase 2. He added that there is a built-in ability to request an extension; however, that requires them to come back before the Commission for approval of the extension. He explained the applicant's various options and stated staff is suggesting that they allow an administrative extension rather than requiring them to come back to the Commission for an extension.

The Commission discussed the requested five-year term for completion.

Steven Vaughn, representing Doerfler Manufacturing, explained discussions they had previously with the Development Review Committee and the City planning staff. He noted that the stormwater permit from St. John's is good for five years. He explained their concern regarding having to go through additional reviews.

The Commission noted that Storage Depot was provided a timeframe of just short of five years.

Commissioner Cobb disclosed that her company did sell the lot for the project so she would recuse herself from voting.

Mr. Carrino explained that the code would require them to come back every twelve months for an extension. Therefore, staff is proposing two options - administrative approval for the extensions or provide a blanket five-year term.

Mr. Richardson confirmed that there is no cost for them to request an extension.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:14 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Resolution Number 22-24 and allow up to five years for completion of Phase 2. Motion carried by the following votes:

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

7.4 Second Reading: Ordinance Number 22-07 - Voluntary Annexation of

approximately 24.94 acres of real property located west of CR 44B (Alternate Key Numbers 1445370 and 1445094)

Mr. Schroth read Ordinance Number 22-07 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 24.94 acres of real property located on the west side of CR 44B (Alternate Key Numbers 1445370 and 1445094).

Mr. Schroth requested the audience silence their cell phones and noted the presence of a court reporter and the following experts: Edward Williams, Kelly Roberts and attorneys Andrew Mai and Carolyn Haslam. He then asked anyone planning to testify in the issue that they raise their hand and swore them in as a group.

Ms. Croney stated there would not be a formal presentation since it is second reading. She explained that the issue at question is strictly the annexation with future land use and design district assignments. She indicated the applicant and staff are present and available to answer questions.

Mr. Schroth opened the public hearing at 7:21 p.m.

Carolyn Haslam, Akerman, addressed the Commission on behalf of the applicant - TMBTR. She asked that all testimony and information provided from the first hearing, along with the information provided to the City Clerk, Commission and City Attorney at the beginning of the second reading, be incorporated into the record. She stated they have reviewed the staff report and agree with staff's recommendations. She indicated that she had received a number of questions which are not what they are proposing. She stated that there are three parcels that will remain in the county and they have access via Orange Branch Road which has been accessed by the 1920's by those parcels; therefore, the annexation does not create an enclave. She then explained that the proposed development will consist of 213 single family style, single story, multi-family units. She explained they will look like one bedroom paired villas and two-bedroom individual units. She stated that it will be owned by one operator and is a multi-family rental project. She further explained that they will not be requesting the maximum density, nor are they proposing commercial nor a three-story apartment building. She explained their choice of the future land use and design district designations. She asked to reserve the rest of her time for answering any questions from the audience or counsel.

Mr. Schroth stated the records as requested would be made part of the record as well as the submittals by Attorney Mai and Attorney Haslam.

The following individuals addressed the Commission regarding Ordinance Number 22-07: 1) Debbie Luongo; 2) Debra Coffman; 3) Gary Marshall; 4) Michael Chicarelli; 5) Maria Torres; 6) Pat Porak; 7) James Watson; 8) David Kniess; 9) Russell Patten; 10) Connie Hurlburt; 11) Gregory Hines; 12) Martin Schriefer; 12) Carole Schriefer; 13) Dee Gretzler; and 14) Annie Parron.

Concerns expressed by the speakers included the following: 1) amount of signage and noticing; 2) need for a wall between the developments; 3) water quality of Lake Joanna; 4) traffic on 44B; 5) density; 6) speed on Waycross, lack of speed

limit signs, condition of road, lack of sidewalks and need for a community meeting with the developer; 7) creation of an email list for notifications regarding presentation of the site plan; 8) whether or not the property is "substantially" contiguous; and 9) speeding in 44 Gables.

Edward Williams, Williams Development Services, addressed the Commission representing residents Russell Patten, Diane Gretzler and Carole Schriefer. He expressed concerns regarding the validity of the survey, the possibility of an illegal lot split and the lack of signature and seal on the traffic study.

Andrew Mai, Fishback Dominick, addressed the Commission also representing residents Russell Patten, Diane Gretzler and Carole Schriefer. He stated the annexation creates an enclave and the property is not substantially contiguous. He stated that the Commission cannot approve the annexation due to it not being legal.

Mr. Schroth asked if the applicant had any rebuttal.

Carolyn Haslam stated she would limit her comments to the annexation. She stated that the JPA creates a boundary which reflects where the City can grow to. She noted that the property cannot be contiguous on 44B as that side is Mount Dora. She cited the Lowe's to the south which was developed in the City of Mount Dora. She stated the property to the north is located in the county and is already developed. She explained that the property owner has requested that the 15-foot access road be omitted from the project and that is not being annexed so it does not create an enclave.

There being no further public comment, the hearing was closed at 8:15 p.m.

The Commission asked Mr. Schroth if the property is legally annexable with Mr. Schroth stating there is no definition in statute regarding substantial. He stated his opinion that the City could successfully defend its action if contested.

Following a motion and second, the Commission discussed whether or not to proceed.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance Number 22-07 on final reading. Motion carried by the following votes:

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

7.5 Second Reading: Ordinance Number 22-08: Changing the future land use designation for property located west of County Road 44B (2022-CPLUS-01)

Mr. Schroth read Ordinance Number 22-08 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 F.S.; changing the future land use designation of approximately 24.94 acres of recently annexed real property located on the west side of 44B (Alternate Key Numbers 1445370 and 1445094) from Urban Low in Lake County to Mixed

Commercial/Residential (MCR) in the City of Eustis.

Mr. Schroth opened the public hearing at 8:17 p.m.

The following individuals addressed the Commission in opposition to Ordinance 22-08: 1) Martin Schriefer; 2) Carole Schriefer; 3) Dee Gretzler; 4) Debra Coffman; 5) Michael Chicarelli; and 6) Ross Bennett.

The following issues were presented: 1) traffic and safety; 2) impact on schools; 3) issues with the project being rentals; 4) increased crime and impact on police and fire; and 5) amount of contiguity.

Edward Williams, Williams Development, commented on the City's joint planning area agreement with the areas outside the City being designated 2.5 units per acre. He recommended the City re-negotiate its joint planning area.

Andrew Mai, Fishback and Dominick, noted previous issues with County pockets and code enforcement. He expressed concern with allowing 300 units adjacent agriculture. He stated the City has missing required information with no signed and sealed traffic study. He recommended the City delay a decision to have adequate information.

Mr. Schroth asked if the applicant wanted to provide rebuttal.

Ms. Haslam stated that the code does require them to put in a wall and that is the intent of the applicant. She stated that the development will be luxury rentals. She emphasized that the property owner will be paying taxes to the City. She stated her client has met with FDOT and Lake County regarding the traffic impact. She agreed that there are a number of traffic concerns and that the City and County are working together on that. She stated the development does not rise to the level of requiring more than turn lanes. She stated the form-based code provides for increased density along corridors and adjoining commercial development. She added that when they met with the residents they offered to put in additional buffers and were told all the residents were interested in was lower density. She stated that her clients have to have a certain level of density to make the development viable. She indicated they are more than happy to meet with the community at the site plan level.

There being no further public comment, the hearing was closed at 8:44 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance Number 22-08 on final reading. Motion carried by the following votes:

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

7.6 Second Reading: Ordinance Number 22-09: Assigning the Suburban Neighborhood design district designation to 24.94 acres located west of CR 44B (Alternate Key Numbers 1445370 and 1445094)

Mr. Schroth read Ordinance Number 22-09 on second and final reading: An

Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood design district designation to approximately 24.94 acres of recently annexed real property located on the west side of CR 44B (Alternate Key Numbers 1445370 and 1445094).

Mr. Schroth opened the public hearing at 8:45 p.m.

The following individuals addressed the Commission regarding Ordinance Number 22-09: 1) Martin Schriefer; 2) Carole Schriefer; 3) Dee Gretzler; 4) Michael Chicarelli; 5) Debbie Luongo; 5) George Asbate; 6) Pam Rivas; and 7) Stephanie Carder.

The following issues were presented: 1) traffic issues at 44 and 441 and from the shopping center and Lowe's; 2) the need to widen 44; 3) the amount of crime caused by apartment complexes; 4) the traffic increase caused by service providers; 5) the amount of people looking for rentals in Eustis; 6) the need for smart growth; 7) how the property might be developed in the County; 8) the need for additional workforce housing; and 9) the need for increased financial status of the City in order to meet the needs of the residents.

Andrew Mai, Fishback and Dominick, stated the proposed development is not compatible with the neighboring agriculture and the information provided is incomplete. He stated the Commission is basing its decision on a traffic study that has not been signed and sealed. He asked the Commission to consider approving lower density which would be more compatible.

There being no further public comments, the hearing was closed at 9:06 p.m.

The Commission expressed support for the developer holding a community meeting prior to submittal of the site plan. They noted that any resident can contact any Commissioner to discuss an issue as the Sunshine Law only applies if more than one Commissioner is present.

The Commission asked if they can speak to residents about the development if a lawsuit is filed with Mr. Schroth responding they should avoid speaking with the attorneys or any of the litigants from either side of the issue.

A resident asked how the public would know about the community meeting with Mayor Holland recommending they watch the City's website for when they apply for their site plan and the community meeting should be held in conjunction with that.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 22-09 on final reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 City of Eustis support for Lake Economic Area Development (LEAD) Partnership

Mr. Carrino explained the proposal from the Lake Economic Area Development (LEAD) Partnership. He noted that the program would be managed by a board comprised of Lake County businesses and organizations and the physical office would be located in Lake County. He stated that the primary purpose of the organization would be to attract and retain primary employers. He indicated they would not be involved in redevelopment, CRA efforts or downtown development. He stated that it would be complementary to the City's development efforts. He commented on his experience in Illinois with a similar program. He added that they would need to monitor the growth of the organization to make sure the City obtains good service for its money. He stated that economic development is best done on a regional basis. He recommended that the City provide an initial investment of \$1 per capita for a total of \$23,400 as part of the FY22-23 budget year.

Mayor Holland commented on his company's work with the parent organization in Ocala. He expressed support for it not being ran by Lake County but by Lake 100.

Commissioner LeHeup-Smith stated her preference to give the funds to the Eustis Chamber of Commerce instead.

Vice Mayor Lee expressed concern regarding whether or not the City will get good service rather than the other cities and how that would be monitored.

Mr. Carrino responded that the best practice is to bring a business to the best site for that business. They should be focusing on what the prospect is looking for. He added that the City would need to stay engaged and participate in the process in order to make sure they utilize best practices and not just go to the highest contributor or bow to political pressure.

Vice Mayor Lee asked if they work with the local Chamber and, if they are not serving the purpose, would the City get its money back.

Mr. Carrino indicated they would be working with the local chambers; but they would not probably get their money back. He stated he would advise only do on an annual basis and if don't get money's worth, don't continue participation.

Commissioner Hawkins questioned how long it would take to assess the viability of the program and how much money the City might invest during that time with Mr. Carrino stating that the City should be able to determine if it is getting its money's worth sooner than three or four years.

Discussion was held regarding how the process should work with Mr. Carrino stating that LEAD should be funneling the leads to the local economic development people in order to identify the best site for each prospect. Further discussion was held regarding asking for a seat on the board.

George Asbate confirmed he does sit on the economic development committee for Lake 100. He explained how the process will work. He noted that both Mayor Holland and Commissioner Cobb are also members of Lake 100. He stated that the City can cancel at any time. He indicated that the Chamber does a good job with local business but this organization will work with the national businesses.

Discussion was held regarding how the process will work and possibly using the funds to increase the funding for the economic development department.

Mr. Carrino indicated it would not replace the local economic development efforts; however, the point is they are better together.

CONSENSUS: It was a consensus of the Commission to move forward but to re-assess in a year.

Mr. Asbate noted that bringing in one 60,000 sq. ft. project would repay the City's investment. He commented on the Jerry Brown 26 acres on the north side of town which has only one building constructed.

Commissioner Cobb commented on Cobb Commerce Park noting that they only have one lot left. She reported that she spoke with Mandy Wettstein who encouraged her to develop another commerce park and stated that would be exactly what LEAD does.

Mr. Asbate added that Eustis' biggest advantage is because it is the closest to the north end of the beltway. He stated that the first question someone asks who is looking at renting warehousing is how close they are to the 414 or the 429.

Pam Rivas stated that going out to develop the leads is very time consuming. She added that paying \$23,000 for contacts from the Ocala organization is a very low cost. She indicated the City would be just buying in to get their already developed leads.

Mr. Asbate further explained that Lake 100 is hiring LEAD to run the program. It was confirmed that the City would be paying Lake 100 who would in turn pay LEAD.

8.2 Approval of City Manager Employment Agreement

Bill Howe, Human Resources Manager, reviewed the proposed employment agreement with Thomas R. Carrino as City Manager. He indicated that the agreement includes 180 days to move into the City, \$160,000 annual salary, \$500 per month car allowance and up to \$5,000 reimbursement for moving expenses. He stated that once he moves into the City, he would sign the agreement.

Commissioner LeHeup-Smith expressed concern regarding the \$160,000 salary as that was set when he was doing two jobs. She expressed support for \$135,000.

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

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

Nays: Commissioner Karen LeHeup-Smith

9. FUTURE AGENDA ITEMS

9.1 Commissioner Lee asked to have an update on the cemetery.

Commissioner Hawkins cited a request from the High School FBLA sponsor. He expressed support for the City providing some funding noting they have two students going to national competition in Chicago. He indicated the cost for that is \$2,800.

Commissioner Hawkins then noted a meeting he and Mr. Carrino had with Tim Bridges from LCAA where they inspected two homes they completed. He commented on improvements with the change in staff and asked to have a discussion regarding the rehab program.

Mayor Holland asked when the students will be going to nationals with Mr. Hawkins stating in June.

Mayor Holland asked to have that placed on a future agenda for discussion.

Commissioner Hawkins announced that the EHS prom would be at the park on Saturday with a tent. He also reported on an upcoming SAC meeting at the high school regarding naming the culinary arts department after Elsie Broomfield. He expressed support for the community attending.

Mayor Holland noted the CRA Review Committee meeting was cancelled to allow the Committee members to attend that meeting.

10. COMMENTS

10.1 City Commission

Commissioner Cobb thanked everyone for their support of the Walk and Roll event and commented on how good the event was. She reported on a meeting she had with Nancy Dodd from Duke Energy. She indicated they would be meeting again after the Chamber breakfast in May along with Rick Gierok. She cited the two transfer stations in the City are at capacity and they are looking at more high power lines through town. She indicated they would be holding another community meeting about the project which was delayed due to Covid.

Commissioner Cobb asked the Police Department to look at the speeding issue in 44 Gables.

Captain Fahning stated that the best thing to do is install speed tables. He stated the department only received three complaints in the past year but the patrols did approximately 42 to 45 additional patrols through there.

Commissioner Cobb indicated she would discuss speed tables with Public Works. Vice Mayor Lee asked staff to look at 44 and Abrams due to cars and trucks being parked there for sale and tractor trailers parking there. She announced that the Eustis Community Alliance would be at the next meeting to provide a presentation.

10.2 City Manager

Mr. Carrino reported that he was contacted by the new owners of the post office property. They asked him if the City would be interested in the grassy area; however, they did not have an asking price. He indicated it could be used for overflow event parking or could be paved for surface parking. He stated it would have limited development ability due to the size.

Mr. Carrino then reported that the City recently acquired 221 E. Mary St. through a code lien foreclosure. He stated that the City has been approached by the adjacent property owner, Brian Broomfield. He explained that the City in the past has transferred property at low or no cost with an agreement for the recipient to demolish the building. He emphasized the need for the building to be demolished due to its condition.

CONSENSUS: It was a consensus of the Commission to transfer the property in lieu of demolishing the building with staff to bring it back to the Commission for approval.

Mr. Carrino stated that the CRA Review Committee needs to be rescheduled and the charette for discussion about Palmetto Plaza needs to be scheduled.

CONSENSUS: It was a consensus to hold the CRA Review Committee Meeting on Monday, May 2nd at 5:30 p.m.

The Commission directed staff to work on scheduling a date for the charette once they spoke with the Palmetto Plaza designer Ramone Murray regarding his availability.

10.3 City Attorney

Mr. Schroth noted that the Colonial Inn owners have requested an extension to allow additional time to complete their renovations. He stated they have made good progress and recommended that the Commission grant the extension.

CONSENSUS: It was a consensus of the Commission to grant the extension.

Mr. Schroth noted the person who made the false statement about the Commission has retracted their statement.

10.4 Mayor

Mayor Holland thanked everyone for attending and staying throughout the meeting.

11. ADJOURNMENT: 10:07 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 can be obtained from the office of the City Clerk for a fee.

MARY C. MONTEZ, 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, Interim City Manager
DATE: April 21, 2022
RE: PROCLAMATION DECLARING MAY 2022 AS HISTORIC PRESERVATION MONTH

Introduction:

Mayor Holland will read a proclamation declaring May 2022 as Historic Preservation Month within the City. A representative of the Historic Preservation Board will be invited to attend to accept the proclamation.

Attachments:

[2022 Historic Preservation Month](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 15 Apr 2022

Approved - 15 Apr 2022



Proclamation

Know Ye: **WHEREAS,** Historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, maintaining community character and enhancing livability; and

WHEREAS, on September 7, 1995, the City of Eustis adopted Ordinance No. 95-27 establishing the historic preservation program within the City; and

WHEREAS, Following the establishment of the historic preservation program, the City established the residential historic district and the downtown commercial historic district in order to preserve the City's history and culture; and

WHEREAS, The City's Historic Preservation Board has declared eleven buildings historic landmarks including the City Hall, located at 10 N. Grove Street, and constructed almost 100 years ago beginning in 1923; and

WHEREAS, The Historic Preservation Board has considered numerous Certificates of Appropriateness as a means to maintaining the integrity of the City's many historical buildings; and

WHEREAS, It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of our City's heritage and culture.

Now, therefore, I, Michael Holland, Mayor of the City of Eustis, Florida, proclaim the month of **May 2022** as:

Historic Preservation Month

in the City of Eustis. I call upon all citizens of our City to remember the history of our fair city and to visit those historical landmarks that we have remaining in order to have a better understanding of where our community has come from.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Eustis to be affixed, this 21st day of April 2022.

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, Interim City Manager
DATE: April 21, 2022
RE: PRESENTATION BY EUSTIS COMMUNITY ALLIANCE ORGANIZATION

Introduction:

A representative from the Eustis Community Alliance (ECA) will be present to provide information to the Commission regarding their programs and activities.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 15 Apr 2022
Approved - 15 Apr 2022



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: APPOINTMENT TO HISTORIC PRESERVATION BOARD - DINA JOHN

Introduction:

This appointment is for consideration of the appointment of Dina John to the Historic Preservation Board for a three-year term to expire April 21, 2025.

Background:

The City Code of Ordinances provides for a five member Historic Preservation Board with one alternate. The purpose of the board is to consider Certificates of Appropriateness regarding alterations to buildings within the two historic districts as well as consider historic landmark designations. Currently, the Board only has three full board members and one alternate which is making it difficult to insure there is a quorum. It is important that the two vacant full member seats be filled as soon as possible.

Dina John has submitted her application to be considered for appointment to the Historic Preservation Board. Attached is a copy of her application for your review. Due to the fact that the one vacancy expires June 30th of this year, staff is recommending that Ms. John be approved for a three-year term that would expire April 21, 2025.

Recommended Action:

Staff recommends the approval of Dina John to the Historic Preservation Board for a three-year term.

Attachments:

[Dina John application rcvd 3-1-2022](#)

[HPB Roster as of January 2022](#)

[Chapter 46 - Historic Preservation](#)

Reviewed by:

Tom Carrino, Interim City

Approved - 15 Apr 2022

Manager
Mary Montez, City Clerk

Approved - 15 Apr 2022

CITY OF EUSTIS

109-A East Orange Avenue

P.O. Drawer 68

Eustis, FL 32727-0068

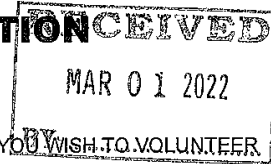
Website - www.eustis.org

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

Phone - 352-483-5472

FAX - 352-483-0492

VOLUNTEER/COMMUNITY SERVICES APPLICATION



Date: 2/28/2022

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

1. Historic Preservation Board
2. _____
3. _____
4. _____

NAME: Dina John Telephone #: 407-973-3287

PRESENT ADDRESS: 1006 Washington Ave. Eustis FL 32726
Street/P.O. Box City State Zip

How long have you lived at this address? 2 yrs. E-Mail Address: dina.john@att.net

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 May we contact you at work? ☒ Yes No

What number can we reach or leave a message for you during the day? Phone #: 407-973-3287

Are you available: Full Time ☒ Part Time Temporary

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

Do you possess a valid Fla. Driver's License or I.D.? ☒ Yes 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: Dina Bazeleis

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

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:

Orange County Public Schools

From 8/2021 to Present
Month/Year Month/Year

Supervisor's E-mail: Carroll. grimando @ocps.net

Job Title: 5th Grade Teacher

Describe the work you did: teach English Language Arts to 46 students.
(ESL, EL, and Gifted Students)

Reason for leaving: Currently Employed

Name & Address of Organization:

Lake County Public Schools

From 8/2018 to 5/2019
Month/Year Month/Year

Supervisor's E-mail: dorenda. mckinney @lake.fl.net

Job Title: Teacher's Assistant

Describe the work you did: Assisted 5th grade Exceptional Student population.

Reason for leaving: End of contract.

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): <u>Marylawn</u>	City and State: <u>South Orange, NJ</u>		
Name of College: <u>Rutgers University</u>	City and State: <u>New Brunswick, NJ</u>	Major: <u>Political Sci</u>	Degree Received: <u>B.A.</u>
Name of Graduate School:	City and State:	Major:	Degree Received:
Other Trade, Technical, Etc:	City and State:	Major:	Degree Received:
Foreign Language Skills: <u>Italian - Cerele</u>		☐ 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.

- MS. Suite (Word, Excel, PPT)
- CTA (Classroom Teachers Association)
-
-
- Eushs African-American Heritage
-

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 <u>KATRINA BARNES</u>	Phone # <u>(407)-929-7531</u>	Name <u>BOOLEY T. RHODES</u>	Phone # <u>(305)-796-5114</u>
Address (Street, City, State, Zip) <u>18130 SALLY LANE ORLANDO, FL 32820</u>		Address (Street, City, State, Zip) <u>MIRIMAC, FLORIDA</u>	
E-mail Address <u>TOOSIE POP 22 @ HOTMAIL.COM</u>		E-mail Address <u>BOOLEY T RHODES @ YAHOO.COM</u>	
Employer <u>EXCEL ACADEMY</u>	Phone #	Employer <u>SELF-EMPLOYED</u>	Phone #
Occupation <u>PRE-K TEACHER</u>		Occupation <u>MEDICAL SALES REPRESENTATIVE</u>	
Name <u>SHERRY ANN TULLOCH</u>	Phone # <u>(407)-495-9521</u>	Name <u>NICOLE BRAXTON</u>	Phone # <u>(905)-376-8003</u>
Address (Street, City, State, Zip) <u>331 LYNN STREET ORLANDO, FL 32765</u>		Address (Street, City, State, Zip) <u>3551 CURVING LAKES WAY, ORLANDO 32820</u>	
E-mail Address <u>SAT 331 @ EMAIL.COM</u>		E-mail Address <u>NIKKI BRAXTON @ YAHOO.COM</u>	
Employer <u>SELF-EMPLOYED</u>	Phone #	Employer <u>BROADWIN PARK</u>	Phone #
Occupation <u>MARKETING EXECUTIVE</u>		Occupation <u>PRODUCT MANAGER</u>	

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work?

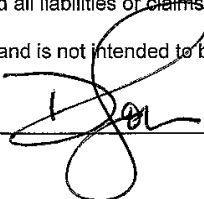
EVENINGS + WEEKENDS. (SUMMERS—
ANYTIME)**CERTIFICATE OF APPLICANT:**

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

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

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

SIGNATURE OF APPLICANT: _____



Date: _____

7/28/22**CONSENT OF PARENT OR LEGAL GUARDIAN***(All Volunteers Under 18 Years of Age Must Have Parent or Legal Guardian Complete This Section)*

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

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

Signature of Parent or Legal Guardian: _____

Date: _____

Eustis Historic Preservation Board Members

(As of January 13, 2022)

(Three year terms)

Chairperson

Matthew E. Kalus
605 E. Washington Avenue
Eustis, FL 32726
W: 407-836-7856 C: 455-8081
matthew.kalus@ocfl.net
Term Expires: 2/28/2023

Vice-Chairperson

Ronald K. Musselman
226 S. Grove St
Eustis, FL 32726
C: 352-978-1921
kirk@davelowerealty.com
Term Expires: 12/31/2024

Monte Stamper
611 Fernshaw Avenue
Eustis, FL 32726
H: 352-483-3560 W: 407-948-4045
Allmighty.ms@gmail.com
Term Expires: 12/31/2022

Full Member
(Larry Broden resigned 1/13/2022)
W: C:
Term Expires: 6/30/2022

Vacant
H: C:

Term Expires: ???

Alternate

Raechel LaFountain
1920 Cornelia Drive
Eustis, FL 32726
W: 352-343-4545 Ext 1754
C: 352-255-8450
lafountainr@knights.ucf.edu
Term Expires: 02/28/2023

City Attorney

Derek Schroth, Attorney
Bowen and Schroth, P.A.
600 Jennings Avenue
Eustis, FL 32726
W: 352-729-3248 ext. 307
dschroth@bowenschroth.com

HPB Attorney

Sasha Garcia, Associate Attorney
Bowen and Schroth, P.A.
600 Jennings Avenue
Eustis, Florida 32726
W: 352-589-1414
sgarcia@bowenschroth.com

Staff Liaison

Heather Croney
City of Eustis – Development Services
Senior Planner
4 N. Grove Street
P.O. Drawer 68
Eustis, FL 32726
W: 352-483-5460
croneyh@ci.eustis.fl.us

Chapter 46 - HISTORIC PRESERVATION^[1]

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 34; ad valorem tax exemption for historic properties, § 86-91 et seq.

ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act that changes the exterior features of a building or structure.

Board means the Eustis Historic Preservation Board.

Certificate of appropriateness means a written document approved by the historic preservation board allowing an applicant to proceed with approved alteration, demolition, relocation or new construction of a designated landmark, landmark site or property in an historic district, following a determination of the proposal's suitability to applicable criteria.

Certified local government means government meeting the requirements of the National Historic Preservation Act Amendments of 1980, P.L. 96-515, and implementing regulations of the United States Department of the Interior and the state. A government that becomes certified will review all nominations to the National Register within its jurisdiction before review at the state and federal levels.

Contributing structure means a building or structure which is at least 50 years old and which is within the boundaries of a designated historic district and which contributes to the historic or architectural character of the district and which is identified by the city commission in its designation of the historic district.

Decision or recommendation means, when referring to the board, the executive action taken by the board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.

Demolition means any act that destroys in whole or in part a landmark, a building or structure on a landmark site or a contributing structure in an historic district.

Development services division means the development services division of the city.

Historic district means an area which meets at least two of the criteria contained in section 46-168, and has at least 50 percent of its structures identified as contributing structures, and has been so designated by the city commission.

Historic preservation office means the historic preservation office of the city.

Historic preservation officer means the historic preservation officer of the city.

Landmark means a building or structure which is at least 50 years old and meets at least two of the criteria contained in section 46-128 and has been so designated by the city commission and has significant archaeological or architectural features or the location of a historical event.

Landmark site means:

- (1) A parcel of real property containing either an improvement, landscape feature or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that are at least 50 years old and meet at least two of the criteria contained in section 46-128; or

- (2) The site of a historic event without any architectural or landscape features.

Majority means a simple majority consisting of over half of the members present and voting if a quorum is established.

Potential landmark means a building or structure which is identified by the board as being a building or structure which may be a landmark or a building or structure which is nominated to be designated as a landmark pursuant to section 46-128.

Potential landmark site means a parcel of real property which may be a landmark site and which is nominated for designation as a landmark site pursuant to section 46-128.

Quorum means a majority of the membership of the board.

Significant architectural feature means an architectural feature of a landmark, landmark site or historic district which contributes significantly to identifying a landmark, landmark site or historic district.

Undue economic hardship means an onerous and excessive financial burden that would be placed upon a property owner by the denial of a certificate of appropriateness or a similar burden which would be placed on a property owner by conditions which the board seeks to place on the granting of a certificate.

(Ord. No. 95-27, § 8, 9-7-1995; Ord. No. 01-17, § 1, 6-21-2001)

Cross reference— Definitions generally, § 1-2.

Sec. 46-2. - Declaration of public policy and purpose.

- (a) The city commission declares as a matter of public policy that the preservation, protection, enhancement, perpetuation and use of landmarks, landmark sites and historic districts is a public necessity because they have a special historic, architectural, archaeological, aesthetic or cultural interest and value and thus serve as visible reminders of the history and heritage of the city, state and nation. The city commission finds that this chapter benefits the residents and property owners of the city and declares as a matter of public policy that this chapter is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.
- (b) The purpose of this chapter is to:
- (1) Effect and accomplish the preservation, enhancement, protection, perpetuation and use of landmarks, landmark sites and historic districts having a special historic, architectural, archaeological, aesthetic or cultural interest and value to the city, state and nation;
 - (2) Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such landmarks, landmark sites and districts;
 - (3) Promote the use of historic districts, landmarks and landmark sites for the education, pleasure and welfare of the people of the city;
 - (4) Foster civic pride in the value of notable accomplishments of the past;
 - (5) Strengthen the economy of the city;
 - (6) Protect and enhance the city's resources to residents, tourists and visitors and serve as a support and stimulus to business and industry; and
 - (7) Enhance the visual and aesthetic character, diversity and interest of the city.

(Ord. No. 95-27, § 7, 9-7-1995)

Sec. 46-3. - Civil remedies.

In addition to the penalties established pursuant to section 1-14, any person who violates any provision of this chapter shall forfeit and pay to the city civil penalties equal to the fair market value of any property demolished, destroyed or relocated in violation of this chapter or the cost to repair or rehabilitate any property that is altered in violation of this chapter. Fair market value shall be construed to mean the value of the property prior to its demolition, destruction or relocation. In lieu of monetary penalty, any person altering or relocating property in violation of the provisions of this chapter may be required to repair or restore any such property or to return it to its former location and condition.

(Ord. No. 95-27, § 17, 9-7-1995)

Sec. 46-4. - Injunctive relief.

In addition to any other remedies provided in this chapter, the city may seek injunctive relief in the appropriate court to enforce the provisions of this chapter.

(Ord. No. 95-27, § 18, 9-7-1995)

Sec. 46-5. - Construction with other laws.

Whenever a provision of this chapter conflicts with a different provision of this Code, the provision that is more conducive to protection of public safety, health and welfare shall prevail. However, if a structure that has been designated as a landmark or contributing to an historic district under the provisions of this chapter is declared to be an unsafe structure or condemned, except by emergency action, the code enforcement officer shall notify the board at the same time the owner or other responsible party is notified; and no demolition of the structure shall commence until the board has responded to the notification. Such response shall be made within 60 days of such notification by the code enforcement officer. If the board requests that the structure not be demolished, the board shall advise the code enforcement officer as to what actions will be taken to correct the unsafe conditions and when such actions will be taken in order to avoid the necessity of the city's proceeding with abatement action. Notwithstanding, if the indicated actions are not taken within the time indicated in the board's response, and in the opinion of the code enforcement officer no such action will be taken with a reasonable time, no further notice shall be required to the board prior to the code enforcement officer's proceeding with abatement action. However, such abatement action shall include demolition of the structure only when the board, at the request of the code enforcement officer, determines that demolition is an appropriate action and that other abatement action is not economically feasible or practical. The board shall give a recommendation within 30 days of being requested by the code enforcement officer. If the board fails to give a recommendation within 30 days, the code enforcement officer shall be allowed to take whatever action he deems appropriate.

(Ord. No. 95-27, § 20, 9-7-1995)

Secs. 46-6—46-30. - Reserved.

ARTICLE II. - ADMINISTRATION^[2]

Footnotes:

--- (2) ---

Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Secs. 46-31—46-55. - Reserved.

DIVISION 2. - HISTORIC PRESERVATION BOARD^[3]

Footnotes:

--- (3) ---

Cross reference— Administration, ch. 2.

Sec. 46-56. - Established.

There is established a Eustis Historic Preservation Board in order to carry forward the purposes of the National Historic Preservation Act, as amended in 1980, PL 96-515, and such other purposes as may be created by ordinance or law.

(Ord. No. 95-27, § 1, 9-7-1995)

Sec. 46-57. - Membership.

- (a) The board shall consist of five members and one alternate. In any meeting, where the development services division determines that a board member will not be present for a meeting, the alternate will be called. Of the first members appointed, three shall be appointed for two years and two shall be appointed for three years, but thereafter all appointments shall be for three years or until their successors are qualified and appointed. Each member of the board shall be a resident of the city during his or her entire term. A member of the board may be removed during his or her term by the city commission.
- (b) To meet the requirements of the certified local government program, as provided in the National Historic Preservation Act, as amended in 1980, PL 96-515, and to carry out its responsibilities under this chapter, the membership of the board shall include, to the extent available, three persons who are educated or who practice in one of the disciplines of architecture, history, architectural history, planning, archaeology or related disciplines. Whenever an individual is nominated to the board, the city commission shall consider the professional qualifications of the individual to ensure that the requirements of the certified local government program are met. Members of the board shall be appointed by the city commission. When a vacancy occurs on the board, it shall be filled as quickly as possible with due consideration to the qualifications of any candidate. Whenever possible, no position shall remain unfilled on the board for a period exceeding 60 days.

(Ord. No. 95-27, § 2, 9-7-1995; Ord. No. 01-17, § 2, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-58. - Organization.

- (a) The board shall annually elect a chairperson, vice-chairperson, and a secretary from among its members. The officers shall have such duties of chairing the meetings and other responsibilities as are assigned to them by the rules of the board.
- (b) The board may, from time to time, authorize the establishment of task forces to carry out specialized and detailed projects, such as advocating for a historic district designation or local landmark designation; any task force may include Eustis citizens who are not members of the board.

- (c) The development services division shall furnish the board with administrative support, including fiscal support, subject to budgetary approval by the city commission.

(Ord. No. 95-27, § 6, 9-7-1995; Ord. No. 01-17, § 3, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-59. - Reporting.

The board shall annually make a report to the city commission of its activities.

(Ord. No. 95-27, § 19, 9-7-1995)

Sec. 46-60. - Powers and duties.

The board shall have the following powers and duties, which shall be complementary to and carried out in accordance with the responsibility of the state historic preservation officer as described in 36 CFR 61.4(b), as may be amended:

- (1) To meet at regular intervals, but not less than four times per year;
- (2) To conduct an ongoing survey and inventory of historic buildings, areas and archaeological sites in the city, which shall be compatible with the state master site file, and to plan for their preservation; copies of the final works products of such survey and inventory shall be forwarded to the state preservation office;
- (3) To identify potential landmarks and potential landmark sites and to make recommendations to the city commission as to whether those potential landmarks and landmark sites should be officially designated as landmarks and landmark sites;
- (4) To recommend that the city commission designate specified areas as historic districts and to identify which structures should be considered to be contributing structures;
- (5) To maintain and update a detailed inventory of the designated historic districts, landmarks and landmark sites within the city and a detailed inventory of potential landmarks and landmark sites, which inventories shall be open to the public for review;
- (6) To develop specific guidelines for the alteration, construction, relocation or removal of designated property;
- (7) To promulgate standards for architectural review which are consistent with standards for rehabilitation which have been or may be established by the United States Secretary of the Interior;
- (8) To approve or deny applications for certificate of appropriateness for alteration, construction, demolition, relocation or removal of landmarks, landmark sites and property in historic districts;
- (9) To work with and advise the federal and state governments and other departments or boards of city government;
- (10) To advise and assist property owners and other persons and groups, including neighborhood organizations, on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and to advise and assist property owners in becoming eligible for federal and state tax incentives;
- (11) To cooperate with and enlist the assistance of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
- (12) To initiate plans for the preservation and rehabilitation of individual historic buildings;

- (13) To undertake public information programs, including the preparation of publications and the placing of historic markers;
- (14) To make recommendations to the city commission concerning the acquisition of or acceptance of development rights, facade easements, the imposition of other restrictions, and the negotiation of historical property contracts for the purposes of historic preservation;
- (15) To review buildings which are owned by the city and which are at least 50 years old and considered for surplus by the city to determine their historical or architectural significance prior to sale by the city and to make recommendations concerning the disposition of properties considered to have historical or architectural significance;
- (16) To review proposed capital improvement projects of the city and its independent agencies, or their agents or contractors, costing in excess of \$50,000.00 in an historic district or affecting a designated landmark or landmark site, such review to be made annually during the city commission's normal budgetary process; and the board shall advise the commission of any concerns or objections that it may have about such projects; however, capital improvement projects for the maintenance of existing facilities are exempted from this requirement;
- (17) To conduct public hearings to consider historic preservation issues, the designation of landmarks, landmark sites, and historic districts, applications for certificate of appropriateness, and nominations to the National Register of Historic Places;
- (18) To make such rules and regulations as it deems necessary for the administration of ordinances for which it is responsible;
- (19) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this chapter; and
- (20) Subject to city commission approval, to seek professional services and expertise when deemed necessary.

(Ord. No. 95-27, § 3, 9-7-1995)

Sec. 46-61. - Review authority.

Upon application by the property owner or his designated agent for the nomination of local property to the National Register of Historic Places, or in extraordinary circumstances, upon application by the city commission for the nomination of local property to the National Register of Historic Places and with respect to the National Register of Historic Places, the board shall have the following authority:

- (1) The board shall review all nominations of local property to the National Register of Historic Places pursuant to the regulations established by the state historic preservation officer. The board shall request the mayor or his designee to render written opinions as to whether each property should be nominated to the National Register. Following the notice and hearing requirements contained in this article, and after notifying the applicant and property owner 30 days prior to the public hearing, the board shall review the nomination. The board may seek expert advice while reviewing the nomination, subject to budgetary restrictions of the development services division. The board shall forward to the state historic preservation officer its recommendation on the nomination and the recommendations of the local official.
- (2) In the development of the certified local government program, as provided in the National Historic Preservation Act, as amended in 1980, PL 96-515, the city commission may ask the board to perform such other responsibilities as may be delegated to the city from time to time pursuant to the National Historic Preservation Act.

(Ord. No. 95-27, § 4, 9-7-1995)

Sec. 46-62. - Public hearings and records.

The board shall promulgate appropriate rules providing for the establishment and maintenance of a record of all board meetings and public hearings. A verbatim transcript of the record is not required, but the board shall establish the record in sufficient degree to disclose the factual basis for its determinations and recommendations. The board shall prepare and maintain for public inspection a written annual report of its historic preservation activities, cases, decisions and qualifications of its members.

(Ord. No. 95-27, § 5, 9-7-1995)

Secs. 46-63—46-90. - Reserved.

ARTICLE III. - DESIGNATION PROCEDURE

DIVISION 1. - GENERALLY

Sec. 46-91. - Commission action.

Upon application by the owner or designated agent, extraordinary circumstances, or the formation of a task force for a district, the city commission may by ordinance designate landmarks, landmark sites and historic districts located within the city. Each designation of a landmark shall include a designation of a landmark site, and each designation of an historic district shall include an identification of the contributing structures within the historic district. Each designation of an historic district shall set forth the design guidelines that apply to the historic district and the actions that would require a certificate of appropriateness. Any actions affecting a landmark or landmark site that would require a certificate of appropriateness shall be reviewed for consistency with the secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. Except where noted in this chapter to the contrary, the vote of a majority shall be required for decisions involving designation of landmarks, landmark sites and historic districts. When an owner objects to an application involving designation of the owner's property as a landmark or landmark site or inclusion within an historic district, recommendation of approval by the board and approval of the city commission shall require a majority vote plus one vote.

(Ord. No. 95-27, § 9, 9-7-1995)

Secs. 46-92—46-120. - Reserved.

DIVISION 2. - LANDMARKS

Sec. 46-121. - Generally.

The procedures outlined in this division shall be followed with respect to the designation of landmarks and landmark sites.

(Ord. No. 95-27, § 10, 9-7-1995)

Sec. 46-122. - Initiation of consideration.

Consideration by the board of the designation of a landmark or landmark site shall be initiated by the filing of an application for designation by the property owner or his authorized agent or by the city commission in extraordinary circumstances.

(Ord. No. 95-27, § 10(a), 9-7-1995)

Sec. 46-123. - Application.

The applicant shall complete an application form provided by the city historic preservation board which shall, to the extent possible, include:

- (1) A written description of the architectural, historical, or archaeological significance of the proposed landmark or landmark site specifically addressing and documenting the criteria set forth in section 46-128;
- (2) Date of construction of the structures on the property;
- (3) Photographs of the property;
- (4) Legal description and 8½-inch by 11-inch area location map of the property to be designated as a landmark, or landmark site; and

(Ord. No. 95-27, § 10(b), 9-7-1995; Ord. No. 01-17, § 4, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-124. - Prior listing on National Register.

Consideration of the designation of a landmark or landmark site already listed on the National Register as of January 1, 1990, may be initiated by the filing of a copy of the nomination forms, including all maps and photographs, already approved by the state historic preservation office and the National Park Service.

(Ord. No. 95-27, § 10(c), 9-7-1995)

Sec. 46-125. - Review and forwarding of application.

The development services division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The development services division shall review the application for designation and forward its findings and recommendations to the board prior to the public hearing. At the time an application for designation of a landmark or landmark site is forwarded to the board, the property, buildings and structures referred to in the application shall be considered potential landmarks or landmark sites.

(Ord. No. 95-27, § 10(d), 9-7-1995)

Sec. 46-126. - Posting of signs.

The applicant for a proposed designation shall post one sign on the land upon which an application for proposed designation is made ten working days prior to the scheduled board meeting. The sign shall be in the standard public hearing form per section 102-12 of the land development regulations, and shall be posted such that it is visible from the abutting street right-of-way of the land. Where the land does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land upon which the designation is sought, or at another location as determined by the development services division as will ensure that the sign will be seen by as many persons as possible. The sign shall be maintained by the applicant until such time as the advisory recommendation has been made by the board. The sign shall be removed by the applicant immediately after final action by the city commission.

(Ord. No. 95-27, § 10(h), 9-7-1995; Ord. No. 01-17, § 5, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-127. - Public hearing; notices.

- (a) The board shall hold a public hearing on the proposed designation of a landmark or landmark site within 60 days of the filing of a completed application.
- (b) Notice of the time and place of the public hearing, which is required to be held with respect to the proposed designation of a landmark, or landmark site, shall be posted by the development services division at least ten days in advance of the hearing, by United States mail, to the owner of the property proposed to be designated, to the applicant, and to all owners of real property in the city within 500 feet of the boundaries of the land upon which the designation is requested. For the purpose of notice requirements to the owner and adjoining owners, the names and addresses of owners shall be deemed to be those on the latest available tax rolls from the county property appraiser's office. The failure of any adjoining owner required by this section to be notified by mail to receive the notice shall not invalidate or otherwise have any effect upon a public hearing or action taken by the board or city commission on application for designation. All notices required by this section shall state clearly the boundaries of a proposed landmark or landmark sites.
- (c) Notice of a public hearing shall be published once in a newspaper of general circulation in the city not less than ten days in advance of the date of the hearing.

(Ord. No. 95-27, § 10(e)—(g), 9-7-1995; Ord. No. 01-17, § 6, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-128. - Criteria for determination.

After evidence has been given at the meeting, the board shall determine whether, based upon the evidence, the nominated landmark or landmark site does or does not meet the criteria for designation. Such a determination shall be an advisory recommendation of the board to the city commission, and shall be accompanied by a report stating the findings of the board concerning the relationship between the nominated landmark or landmark site and the National Register of Historic Places criteria for designation set forth in this section. At least two of the following criteria must be met:

- (1) Its value as a significant reminder of the cultural, historical, architectural or archaeological heritage of the city, state or nation.
- (2) Its location is the site of a significant local, state or national event.
- (3) It is identified with a person who significantly contributed to the development of the city, state or nation.
- (4) It is identified as the work of a master builder, designer or architect whose individual work has influenced the development of the city, state or nation.
- (5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
- (6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- (7) Its suitability for preservation or restoration.

(Ord. No. 95-27, § 10(i), 9-7-1995; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-129. - Advisory recommendation to city commission.

The board shall be responsible for considering and making an advisory recommendation to the city commission with respect to each proposed designation of landmarks or landmark sites and shall notify the applicant and the property owner within ten days of its recommendation. The board is authorized to

prescribe procedural and administrative rules it deems necessary or appropriate to administer this function. The board shall promulgate appropriate rules providing for the establishment and maintenance of a record of applications for designation of landmarks or landmark sites considered by the board. A verbatim transcript of the record is not required by the board, but the board shall establish the record in sufficient degree to disclose the factual basis for its recommendation with respect to each application.

(Ord. No. 95-27, § 10(j), 9-7-1995)

Sec. 46-130. - Ordinance adoption procedures.

Upon approval of the application for designation of the landmark or landmark site by the board, the city attorney shall prepare an ordinance on behalf of the board and shall present the ordinance to the city commission for approval or disapproval. The city commission shall make its determination in the same manner as provided in state law for the adoption of such an ordinance. The city commission shall consider the same criteria set forth in section 46-128.

(Ord. No. 95-27, § 10(k), 9-7-1995; Ord. No. 01-17, § 7, 6-21-2001)

Sec. 46-131. - Action on final approval.

The director of development services or designee shall notify the applicant and subject property owner of the final decision relating to the property within ten days of the city commission's action and shall cause the designation of a property as a landmark or landmark site to be recorded in the official records of the county at the expense of the applicant for such designation. The city clerk shall also notify the property appraiser's office of the designation.

(Ord. No. 95-27, § 10(l), (m), 9-7-1995; Ord. No. 01-17, § 8, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-132. - Effect of denial.

Whenever the city commission has denied an application for designation, no further application shall be filed for the same designation for a period of one year from the date of such city commission denial. The time limit stated in this section may be waived by the commission when this action is deemed necessary in the best interests of the city.

(Ord. No. 95-27, § 10(n), 9-7-1995)

Sec. 46-133. - Amendment or rescission.

The designation of any landmark or landmark site may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure set forth in this division. Any board recommendation to amend or rescind a prior designation shall be based upon new evidence and negative evaluation according to the same criteria used for designation in existence at the time of such application for revision or amendment.

(Ord. No. 95-27, § 10(o), 9-7-1995)

Sec. 46-134. - Recommendation of potential landmark or site.

In extraordinary circumstances, the city commission may, by majority vote plus one, without notice to the owner, recommend the designation of a building, structure or site as a potential landmark and/or a potential landmark site. In any such recommendation for designation, the city commission shall at its next scheduled meeting, and in no event later than 45 days, complete the application described in this division and schedule the public hearing required. If the owner of the potential landmark or potential landmark site objects to the recommended designation and provides written notice of such objection to the board, the board must complete its review of the application within 90 days of receipt of the city commission's original recommendation for designation as a potential landmark or potential landmark site.

(Ord. No. 95-27, § 10(p), 9-7-1995)

Secs. 46-135—46-160. - Reserved.

DIVISION 3. - HISTORIC DISTRICTS

Sec. 46-161. - Generally.

- (a) The procedures outlined in this division shall be followed with respect to the designation of historic districts.
- (b) For purposes of sections 46-162, 46-163 and 46-170 of this division, the term "property owner" shall mean the record owner or owners of one or more parcels of property within the boundaries of the proposed historic district. Should an individual, individuals or entity own more than one parcel of property within the boundaries of the proposed historic district according to the latest available tax rolls from the county property appraiser's office, then such individual or entity shall be considered one property owner for purposes of calculating the number of property owners in the proposed historic district regardless of the number of parcels that may be owned by the individual, individuals or entity within the boundaries of the proposed historic district. Should a parcel of property be owned by more than one individual for purposes of calculating the number of property owners within the boundaries of the proposed historic district, such co-owners shall be considered cumulatively as one property owner regardless of their number.

(Ord. No. 95-27, § 11, 9-7-1995; Ord. No. 01-05, § 1, 2-15-2001)

Sec. 46-162. - Initiation.

Consideration by the board of the designation of an historic district may be initiated by the filing of an application for designation with the board by a property owner within the proposed district or his authorized agent, providing such application is accompanied by a petition containing the name, address, phone number, and signature of at least 30 percent of the property owners within the proposed district according to the latest available tax rolls from the county property appraiser's office. Consideration may also be initiated by request of the city commission, in extraordinary circumstances.

(Ord. No. 95-27, § 11(a), 9-7-1995)

Sec. 46-163. - Task force.

After obtaining an application for nomination of an historic district but prior to its submittal to the historic preservation board for review, the applicant shall organize a task force within the proposed historic district. This task force shall be comprised of a minimum of ten percent of the owners of real property within the proposed district. It shall be the role of this task force to develop design guidelines which shall be included as part of the application package for designation of an historic district. These design guidelines shall be used to review any proposed work within the proposed historic district which

requires a certificate of appropriateness. If the district is approved, all recommendations made by the historic preservation board shall include consideration as to whether the proposed work is consistent with the design guidelines.

(Ord. No. 95-27, § 11(b), 9-7-1995)

Sec. 46-164. - Application.

The applicant for nomination as an historic district shall complete an application form provided by the historic preservation board which shall, to the extent possible, include:

- (1) A written description of the architectural, historical or archaeological significance of the structures, sites and buildings in the proposed historic district specifically addressing and documenting the criteria set forth in section 46-168;
- (2) An identification of all buildings, structures and sites within the proposed historic district and the proposed classification of each as contributing or noncontributing with an explanation of the criteria utilized for the proposed classification;
- (3) A physical description of the proposed historic district, accompanied by photographs of buildings, structures and sites within the district indicating examples of contributing and noncontributing structures within the district;
- (4) A statement of recommended boundaries for the proposed historic district and a justification for those boundaries, along with a map showing the recommended boundaries;
- (5) The names and addresses of all owners of real property in the city within the boundaries of the land upon which the designation of the historic district is requested and the alternate key numbers for the property within the boundaries of the land upon which the designation is requested.

(Ord. No. 95-27, § 11(c), 9-7-1995; Ord. No. 01-17, § 9, 6-21-2001)

Sec. 46-165. - Reserved.

Sec. 46-166. - Review of application.

The development services division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The development services division shall review the application for designation and forward its findings and recommendations to the board prior to the public hearing.

(Ord. No. 95-27, § 11(d), 9-7-1995)

Sec. 46-167. - Public hearing; notices.

- (a) The board shall hold a public hearing on the proposed designation as an historic district within 90 days of the filing of a completed application. The board shall hold at least one workshop at which the proposed district will be explained and discussed. A quorum is not necessary to conduct the workshop.
- (b) Notice of the time and place of the public hearing which is required to be held with respect to the proposed designation of an historic district shall be posted by the development services division at least 45 days in advance of the hearing, by United States mail, to all owners of real property in the city within the boundaries of the proposed historic district. For the purpose of notice requirements to owners, the names and addresses of owners shall be deemed to be those on the current tax records

in the office of the property appraiser. All notices required by this section shall state clearly the boundaries of a proposed historic district.

- (c) The notice referred to in subsection (b) of this section shall include the following information and documents. The notice shall state:
- (1) That the creation of an historic district will impose design review on certain permitted activities.
 - (2) That the ordinance creating the historic district will contain requirements that must be met in order to alter, renovate or demolish a structure or building within the district. These requirements may relate to density, siting, building materials and architectural features as well as other matters.
 - (3) That a list of contributing and noncontributing structures has been compiled and that contributing structures will be identified in the ordinance creating the historic district.
 - (4) That the design guidelines for reviewing certain permitted activities will be discussed and voted on by the board at the public hearing.
 - (5) That if the district is created, the owners shall be required to obtain a certificate of appropriateness before certain work is done on the property.
 - (6) That the application for creating the historic district is on file with the board and that the board shall have on file all information submitted by the development services division, including recommendations.
 - (7) The time, date and place of any workshops scheduled by the board. However, nothing in this subsection shall prohibit the board from holding other workshops with published notice.
- (d) Notice of a public hearing shall also be published once in a newspaper of general circulation in the city not less than ten days in advance of the date of the hearing. The published notice shall be placed by the development services division at the development services division's expense.

(Ord. No. 95-27, § 11(e)—(h), 9-7-1995; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-168. - Criteria for designation.

At the close of the public hearing required by section 46-167, the board shall determine whether, based upon the evidence, the proposed historic district does or does not meet the criteria for designation. Such a determination shall be made by a report stating the findings of the board concerning the relationship between the proposed historic district and the National Register of Historic Places criteria for designation set forth in this section. At least two of the following criteria must be met:

- (1) Its value as a significant reminder of the cultural, historical, architectural or archaeological heritage of the city, state or nation.
- (2) Its location is the site of a significant local, state or national event.
- (3) It is identified with a person who significantly contributed to the development of the city, state or nation.
- (4) It is identified as the work of a master builder, designer or architect whose individual work has influenced the development of the city, state or nation.
- (5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
- (6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
- (7) Its character is a geographically definable area or neighborhood possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events, or united in culture, architectural style, or aesthetically by plan or physical development.

- (8) Its suitability for preservation or restoration.

(Ord. No. 95-27, § 11(j), 9-7-1995)

Sec. 46-169. - Adoption of design guidelines.

At the close of the public hearing required by section 46-167, the board shall also adopt the design guidelines it will recommend to apply to the proposed historic district and shall identify what actions to be taken on property within the proposed historic district would require a certificate of appropriateness.

(Ord. No. 95-27, § 11(k), 9-7-1995)

Sec. 46-170. - Ordinance adoption procedures; ballot certification.

- (a) Upon approval of the application for designation of an historic district by the board, the development services staff shall prepare an ordinance on behalf of the board and shall present the ordinance to the city commission for approval or disapproval. The city commission shall follow regular procedures for ordinance adoption and shall consider the same criteria set forth in section 46-168. Any ordinance designating an historic district shall set forth the design guidelines that apply to the historic district and the actions that would require a certificate of appropriateness.
- (b) Approval by the city commission upon second and final reading of the ordinance designating the district shall not become effective until an affirmative vote of a majority of the property owners voting by certified ballots has been received. A vote of disapproval by a majority of the property owners voting by certified ballot shall cause the ordinance to become null and void.
- (c) Following the second reading and approval by the city commission of the ordinance designating the proposed district and its rules, the city clerk shall send a copy of the ordinance and a certified ballot to the property owners as listed in the last property tax roll available from the county property assessor's office. The certified ballot shall be of the following form:

Do you as a property owner of property located within the proposed historic district as designated in Ordinance No. _____:

_____ approve of the designation of the district and its rules?; or

_____ disapprove of the designation of the district and its rules?

The certified ballots shall be mailed to property owners by certified mail within ten days following the second affirmative vote of the city commission on the designating ordinance and must be returned by the property owner to the city clerk within ten days of receipt by certified mail. Delivery to the last known address according to the last property tax roll of the county property assessor's office shall constitute receipt by the property owner of the certified ballot. Ballots lost in the mail, lost by the property owner or others, or misdirected by the postal service are not the responsibility of the city and shall not constitute grounds for finding the balloting procedure invalid.

- (d) The city clerk or designee and the mayor (or in mayor's absence, the vice mayor) or designee shall count the ballots 30 days following the sending of the certified ballots or following the receipt of the returned certified ballots of the property owners and prepare a ballot certificate that will be presented at the next scheduled city commission meeting to be considered for final certification of the ballot by vote of the city commission. Upon the vote of the city commission, the ballot shall be certified as approved or disapproved. "Certified approved" shall mean that a majority of the property owners voting voted in the affirmative for the designation of the historic district and its rules and that the ordinance creating the district shall become effective upon the certifying vote of the city commission. "Certified disapproved" shall mean that a majority of the property owners voting voted in the negative

for the designation of the historic district and its rules and that the ordinance creating the district shall become null and void upon the certifying vote of the city commission.

- (e) The city clerk shall notify by certified mail all property owners of the proposed historic district, the board, and the property appraiser's office of the results of the certified ballot.
- (f) Upon the certification of the ballot affirming the creation of the district, the city clerk shall cause the designating ordinance and the ballot certification to be recorded in the official records of the county.

(Ord. No. 95-27, § 11(l), (m), 9-7-1995; Ord. No. 01-17, § 11, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-171. - Overlay designation.

When an historic district designation is certified by ballot, the director of development services shall enter the approved designation as an overlay on the land use map in accordance with law.

(Ord. No. 95-27, § 11(n), 9-7-1995)

Sec. 46-172. - Effect of denial.

Whenever the city commission has denied an application for the designation of an historic district, no further application shall be filed for the same historic district designation for a period of one year from the date of city commission denial.

(Ord. No. 95-27, § 11(o), 9-7-1995)

Sec. 46-173. - Amendment or rescission.

The designation of any historic district may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure set forth in this division. Any board recommendation to amend or rescind a prior designation shall be based upon new evidence and evaluation according to the criteria used for historic district designation in existence at the time of such application for rescission or amendment.

(Ord. No. 95-27, § 11(p), 9-7-1995)

Secs. 46-174—46-200. - Reserved.

ARTICLE IV. - ALTERATION, REPAIR, DEMOLITION

DIVISION 1. - GENERALLY

Secs. 46-201—46-225. - Reserved.

DIVISION 2. - CONSTRUCTION, ALTERATION OR DEMOLITION

Sec. 46-226. - Procedures generally.

Procedures with respect to changes to historic landmarks, landmark sites and property in historic districts shall be as specified in this division.

(Ord. No. 95-27, § 12, 9-7-1995)

Sec. 46-227. - Procedures for granting certificate of appropriateness.

- (a) The ordinance designating a landmark or landmark site or historic district shall designate those activities that require the issuance of a certificate of appropriateness. Nothing in this section shall be construed to require a certificate of appropriateness for the demolition of a noncontributing structure in an historic district or for routine maintenance activity within established rights-of-way or easements by governmental and/or utility entities.
- (b) Whenever any alteration, new construction or demolition, except demolition of a noncontributing structure in an historic district, or relocation as specified in subsection (a) of this section is undertaken on a landmark, landmark site or property in an historic district without a certificate of appropriateness whether or not a building permit is required, the city building official or director or development services or their designees are authorized to issue a notice of violation to stop all work.
- (c) The city and each independent agency of the city or their agents or contractors shall notify the board of the construction of all noncapital improvement projects within an historic district, or affecting a landmark or a landmark site. The board shall advise the city, its independent agencies, agents or contractors of its concerns or objections to such projects. Emergency actions that must be undertaken to protect the health, safety and welfare of the public and capital improvement projects are exempt from this notification requirement.

During the budgetary process for the upcoming fiscal year, the city shall provide the board with a list of proposed capital improvement projects of the city, its agencies, agents or contractors for the construction or improvement or maintenance of existing facilities in an historic district or affecting a landmark or a landmark site. Upon review of such list provided by the city, the board shall advise the city commission of any concerns or objections that it may have about such projects.

- (d) A certificate of appropriateness shall be in addition to any other building permits required by law, provided that a certificate of appropriateness shall not be required for issuance of a permit to a contractor who is in possession of an order from the city to proceed with demolition, emergency action or boarding up of an unsafe structure. Any conditions contained in the certificate of appropriateness shall be included as a requirement to any building permit for which the certificate of appropriateness was issued. There shall be no application fee required for a certificate of appropriateness; except if work commenced prior to obtaining an approved COA.
- (e) Any work, including ordinary repairs and maintenance, which is not referred to in subsection (a) of this section may be undertaken without a certificate of appropriateness.
- (f) The city development services director or designee shall forward to the board each application for a certificate of appropriateness that would authorize an alteration, new construction, demolition or relocation affecting a landmark, landmark site or a property in an historic district. The applicant shall complete an application form provided by the development services division, accompanied by the plans, elevations and specifications so far as they relate to the proposed appearance, color, texture of materials and architectural design of the exterior, including the front, sides, and roof of the building, alterations or addition or of any outbuilding, party wall, courtyard, or other accessory structure. The development services division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The development services division shall review the application and forward its recommendations and findings to the board prior to the public hearing.
- (g) The board shall be responsible for considering applications for a certificate of appropriateness, and all COA's approved by the Board shall be signed by its chairman. The board is authorized to prescribe procedural and administrative rules it deems necessary or appropriate to administer this function. The board shall promulgate appropriate rules providing for the establishment and maintenance of a record of applications for a certificate of appropriateness considered by the board. A verbatim transcript of the record is not required, but the board shall establish the record in sufficient degree to disclose the factual basis for its determination with respect to each application.

- (h) The board shall hold a public hearing on each application for a certificate of appropriateness, after a completed application has been filed with the development services division. The board shall make a decision on each application by a simple majority vote. Upon mutual consent between the board and the applicant, any decision on a certificate may be deferred until the next regularly scheduled meeting.
- (i) Notice of the time and place of the public hearing which is required to be held with respect to an application for a certificate of appropriateness, shall be posted, by the development services division, by United States mail to the applicant and the owner of the designated property, at least ten days in advance of the hearing. For the purpose of notice requirements to the owner, the name and address of the owner shall be deemed to be those on the latest available tax rolls from the county property appraiser's office.
- (j) Notice of the application for a certificate of appropriateness and the notice of the public hearing shall be published once in a newspaper of general circulation in the city not less than ten days in advance of the date of the hearing. The published notice shall include the property's location in the text of the published notice and shall be placed by the division of development services. Additionally, the applicant for a certificate of appropriateness shall post one sign on the land upon which an application for a certificate of appropriateness is made not less than ten days in advance of the hearing. The sign shall be per section 102-12, Land development regulations, and shall be posted such that it is visible from the abutting street right-of-way of the land. If the land shall have more than one abutting street, a sign shall be placed on each street frontage. Where the land does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land upon which the designation is sought, or at another location as determined by the development services division as will ensure that the sign will be seen by as many persons as possible. The sign shall be maintained by the applicant until a final determination has been made by the board on the application for a certificate of appropriateness. If the sign is not posted within the time requirements or if the notice is not published as provided in this section, the public hearing notice will be deemed inadequate and no action shall be taken until proper posting and publishing is accomplished. The sign shall be removed by the applicant within ten days after final action by the board.
- (k) The board shall approve, approve with conditions, approve the withdrawal of, or deny each application, based on the criteria contained in this section. Notice of the decision of the board shall be sent by regular mail to the applicant and the owner of the property within 14 days of the meeting when the decision was made by the board. In the case of a denial of an application, the board shall state the reasons for such a denial in writing and transmit the written statement to the applicant and the owner of the designated property. The written statement shall also contain recommendations to the applicant concerning changes, if any, in the proposed action that would cause the board to reconsider its denial. If the board fails to act on an application within the specified time period, the application shall be deemed approved.
- (l) In considering an application for a certificate of appropriateness for alteration, new construction, demolition or relocation, the board shall be guided by the following general standards:
 - (1) The effect of the proposed work on the landmark, landmark site or property within an historic district upon which such work is to be done;
 - (2) The relationship between such work and other structures on the landmark site or other property in the historic district;
 - (3) The extent to which the historic, architectural or archaeological significance, architectural style, design, arrangement, texture and materials of the landmark or the property will be affected;
 - (4) Whether the plans may be carried out by the applicant within a reasonable period of time.
- (m) Applications for certificates of appropriateness for alterations shall be considered by the board in accordance with the following additional guidelines, which are based on the United States Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings:

- (1) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building, structure or site.
 - (2) The distinguishing original qualities or character of a building, structure or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when reasonably possible.
 - (3) Each building, structure and site shall be recognized as a product of its own time. An alteration which has no historical basis and which seeks to create an earlier appearance shall be discouraged.
 - (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever reasonably possible. If replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. However, technologically advanced materials shall be considered and used as replacement alternatives. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be not undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.
- (n) In considering an application for certificate of appropriateness for new construction, the board shall consider the following additional guidelines:
- (1) *Height.* The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures in an historic district.
 - (2) *Proportions of windows and doors.* The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark and with surrounding structures in an historic district.
 - (3) *Relationship of building masses, setbacks and spaces.* The relationship of a structure within an historic district to the open space between it and adjoining structures shall be compatible.
 - (4) *Roof shape.* The design of the roof shall be compatible with the architectural style and character of the landmark and surrounding structures in an historic district.
 - (5) *Landscaping.* Landscaping shall be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in an historic district.
 - (6) *Scale.* The scale of the structure after alteration, construction or partial demolition shall be compatible with its architectural style and character and with surrounding structures in an historic district.
 - (7) *Directional expression.* Facades in historic districts shall blend with other structures with regard to directional expression. Structures in an historic district shall be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction or partial demolition shall be compatible with its original architectural style and character.

- (8) *Architectural details.* Architectural details, including materials and textures, shall be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. The board will give recommendations as to appropriate colors for any landmark or historic district.
- (9) *Impact on archaeological sites.* New construction shall be undertaken in such a manner as to preserve the integrity of archaeological sites and landmark sites.
- (o) In considering an application for a certificate of appropriateness for demolition, the board may delay such demolition for up to 90 days and shall consider the following additional standards:
 - (1) The historic or architectural significance of the building or structure;
 - (2) The importance of the building or structure to the ambiance of the historic district;
 - (3) The difficulty or the impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location;
 - (4) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 - (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect those plans on the character of the surrounding area would be;
 - (6) The difficulty or the impossibility of saving the building or structure from collapse;
 - (7) Whether the building or structure is capable of earning reasonable economic return on its value;
 - (8) Whether there are other feasible alternatives to demolition;
 - (9) Whether the property no longer contributes to an historic district or no longer has significance as an historic, architectural or archaeological landmark; and
 - (10) Whether it would be undue economic hardship to deny the property owner the right to demolish the building or structure.

The board may request assistance from interested individuals and organizations in seeking an alternative to demolition. The board may require applicants to submit such additional information as the board deems necessary to be used in making its determination. The board shall not deny a request for a certificate of appropriateness for demolition without also considering the request as a request for a certificate for relocation.

- (p) When an applicant seeks to obtain a certificate of appropriateness of the relocation of a landmark, a building or structure on a landmark site, or a building or structure in an historic district, or wishes to relocate a building or structure to a landmark site or to a property in an historic district, the board shall also consider the following:
 - (1) The contribution the building or structure makes to its present setting;
 - (2) Whether there are definite plans for the site to be vacated;
 - (3) Whether the building or structure can be moved without significant damage to its physical integrity; and
 - (4) The compatibility of the building or structure with the proposed site and adjacent properties.
- (q) In any instance where an undue economic hardship is claimed by a property owner, the property owner may submit to the board any or all of the following information before the board makes a decision on the application for certificate of appropriateness:
 - (1) An estimate of the cost of the proposed construction, alteration, demolition or removal;
 - (2) A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

- (3) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (4) In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- (5) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- (6) The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- (7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
- (8) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- (9) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
- (10) The assessed value of the property according to the two most recent assessments;
- (11) The real estate taxes for the previous two years;
- (12) The form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other; and
- (13) Any other information considered necessary by the board to a determination as to whether the property does yield or may yield a reasonable return to the property owner.

The board may require that the property owner furnish such additional information as the board believes is relevant to the board's determination of any alleged undue economic hardship. No decision of the board shall result in undue economic hardship for the property owner. In any case where undue economic hardship is claimed, the board shall make two specific findings. First, the board shall determine if the owner would be entitled to a certificate of appropriateness without consideration of undue economic hardship. Second, the board shall determine whether the owner demonstrated an undue economic hardship. The board shall hold a hearing on both matters at the same time; except that any property owner may request a separate hearing on each.

- (r) When a certificate of appropriateness has been applied for in connection with the replacement of roof covering, windows or doors, the board shall allow the property owner's original design plans when the board's design guidelines will result in a cost in excess of 20 percent of the property owner's original plans. The owner shall be required to show to the board's satisfaction that the work to be performed will be in accordance with the original roof lines and conform to the original door and window openings of the structure and the replacement of windows, doors or roof materials with the less expensive alternative will achieve a savings in excess of 20 percent over historically compatible materials otherwise required under this article.
- (s) All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the city building official to inspect from time to time any work being performed pursuant to such certificate to assure compliance. If work is not performed in accordance with such certificate, the city building official shall issue a notice of violation to stop all work; and all work shall cease. No additional work shall be undertaken as long as such notice shall continue in effect.

- (t) Any certificate of appropriateness which has been approved pursuant to the provisions of this section shall expire 12 months from the date of issuance if the work authorized is not commenced within this period. Further, such certificate shall expire if the work authorized is not completed within three years of the date of issuance, unless otherwise extended by the board.
- (u) In any case where the city building official or the code enforcement officer determines there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in an historic district, either official may order the remedying of these conditions in accordance with other applicable laws or regulations without the approval of the board or issuance of a required certificate of appropriateness. This subsection specifically includes those structures that have been defined to be unsafe pursuant to applicable city housing and building codes. The city building official or the code enforcement officer shall promptly notify the chairman of the board of the action being taken.
- (v) When a landmark, building or structure on a landmark site or building or structure within an historic district, or any portion of such building or structure, has been destroyed or damaged by an act of God, the building or structure may be reconstructed to its preexisting condition. This provision shall not be construed so as to waive any portion of the land development regulations or the building, fire, health or safety codes of the city.

(Ord. No. 95-27, § 12, 9-7-1995; Ord. No. 01-17, §§ 12—14, 6-21-2001; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-228. - Exceptions to certificate of appropriateness.

- (a) The board shall prepare a list of routine alterations that may receive immediate approval from the development services division without a public hearing when an applicant complies with the design guidelines of the board. These routine alterations include but are not limited to the following:
 - (1) Repair of cornices using existing materials and duplicating the original design.
 - (2) Decks at the ground level and not visible from any street and which do not require alterations to any structure.
 - (3) Installation of new doors which are compatible in size and style with the original.
 - (4) Installation of fencing that is compatible with the historic character of the house.
 - (5) The painting of any material or surfaces other than unpainted masonry, stone, brick, terracotta and concrete in a color appropriate to the architectural style or period of original construction.
 - (6) The replacement of front porch columns with ones matching the original in style, size and material.
 - (7) The replacement of a roof with one of the same material and color.
 - (8) The repair of wooden siding with wood which duplicates the original appearance.
 - (9) Installation of skylights not visible from any street front.
 - (10) The replacement of windows with ones compatible in size and style with the original.
 - (11) Addition or replacement of window shutters if comparable with the historic character of the period and architecture.
- (b) Board approval is not required for the repair and maintenance of any exterior building features when such work exactly reproduces the existing design and is executed in the existing material. Any staff decision may be appealed by the applicant to the board.
- (c) A certificate of appropriateness will not be required for general, occasional maintenance of any historic building, structures or sites or any structure within an historic district. General occasional maintenance will include but not be limited to lawn and landscaping care and minor repair that

restores or maintains the historic site or current character of the building or structure. A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation or demolition, except when involving an architecturally significant feature that was a significant element in the designation as an historic building, contributing structure or landmark.

- (d) Any city staff decision regarding routine alterations can be appealed by the applicant to the board.
- (e) Any exterior alteration or new construction which is not visible from any street or roadway may receive immediate approval from the development services division without a public hearing when an applicant complies with the design guidelines of the board. Any staff decision may be appealed by the applicant to the board.
- (f) The ordinance designating a landmark, landmark site or historic district may designate additional exceptions to a certificate of appropriateness.
- (g) In any instance where a certificate of appropriateness for demolition has been denied, the applicant may reapply upon the expiration of 12 months from the date of the initial decision of the board denying the certificate of appropriateness, whether or not the applicant appeals the initial decision.
- (h) City capital projects approved by the city commission and noticed to the board do not require a certificate of appropriateness.

(Ord. No. 95-27, § 13, 9-7-1995; Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-229. - Appeal of the decision on an application for certificate of appropriateness.

The determination by the board approving or denying an application for a certificate of appropriateness shall, on the date it is issued, be appealable to the city commission. Notice of appeal shall be filed within 30 days of the date of the decision. Any decision by the city commission regarding a certificate of appropriateness may be reviewed by writ of certiorari to the circuit court of the county.

(Ord. No. 95-27, § 14, 9-7-1995)

Sec. 46-230. - Approval of changes to potential landmarks and potential landmark sites; application procedures.

- (a) A certificate of appropriateness shall be required for any renovation or alteration to an exterior feature or demolition of a potential landmark or potential landmark site. For the purposes of granting of a certificate, a potential landmark shall be treated as a landmark, and a potential landmark site shall be treated as a landmark site. All procedures and requirements set forth in section 46-227 shall be followed with respect to the granting of a certificate for potential landmarks and potential landmark sites.
- (b) A certificate shall not be required if the city commission does not designate a potential landmark or potential landmark site as a landmark or landmark site.

(Ord. No. 95-27, § 15, 9-7-1995)

Secs. 46-231—46-255. - Reserved.

DIVISION 3. - MAINTENANCE AND REPAIR

Sec. 46-256. - Scope.

This division shall apply to maintenance and repair to landmarks, landmark sites, and contributing structures in historic districts.

(Ord. No. 95-27, § 16, 9-7-1995)

Sec. 46-257. - Enforcement.

It shall be the joint responsibility of the city building official and the code enforcement officer to enforce the provisions of this division; and the divisions may refer violations to the code enforcement board for enforcement proceedings, pursuant to this Code of Ordinances, concerning any building or structure designated under this article, so that the building or structure shall be preserved in accordance with the purposes of this article.

(Ord. No. 95-27, § 16(c), 9-7-1995)

Sec. 46-258. - Codes compliance required.

The owner, lessee or other person in physical control of a landmark, landmark site or contributing structure in an historic district shall comply with all applicable codes, laws and regulations governing the maintenance and safety of property, including but not limited to the health and safety, housing and building codes of the city. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a building designated as a landmark or contributing structure to an historic district and its interior portions when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt correction of any of the following defects:

- (1) Facades which may fall and injure members of the public or property.
- (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
- (6) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
- (7) Any fault or defect in the building rendering such structure an unsafe structure.

(Ord. No. 95-27, § 16(a), 9-7-1995)

Sec. 46-259. - Maintaining architectural integrity required.

Where the landmark is an archaeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archaeological integrity of the site.

(Ord. No. 95-27, § 16(b), 9-7-1995)

Secs. 46-260—46-264. - Reserved.

ARTICLE V. - EUSTIS CENTRAL BUSINESS DISTRICT BUILDING DESIGN STANDARDS^{[41](#)}

Footnotes:

--- (4) ---

Editor's note— Ord. No. [17-12](#), § 1(Exh. A), adopted Oct. 5, 2017, amended Art. V, in effect repealing and reenacting said article as set out herein. Former Art. V pertained to the Eustis Main Street Development Area and derived from Ord. No. 03-73, § 1, adopted Jan. 15, 2004

Sec. 46-265. - Building design standards and areas of applicability.

- (a) *Building design standards* . Building design standards as codified in section 115-6.2. of the Eustis Land Development Regulations shall be applicable to the area defined below:
- (b) The Central Business District (CBD) future land use district as depicted on the city's official future land use map, including the Eustis Commercial Historic District as depicted on the National Register of Historic Buildings map.

(Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)

Sec. 46-266. - Historic preservation board review.

The historic preservation board shall review and provide advisory comment and recommendations for development requests including new construction and building facade renovations on properties within the designated area in accordance with the following:

- (1) Commercial historic district: All requests.
- (2) Central Business District (outside commercial historic district): Only requests requiring waivers to section 115-6.2 (c) of the land development regulations.

(Ord. No. [17-12](#), § 1(Exh. A), 10-5-2017)



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: RESOLUTION NUMBER 17-80 CORRECTION: AMENDING RESOLUTION
NUMBER 17-80 TO CORRECT A SCRIVENER'S ERROR

Introduction:

Resolution Number 17-80 Correction approves a change to Resolution Number 17-80 to correct a scrivener's error in the legal description.

Background:

On December 7, 2017, Resolution Number 17-80 was approved for a site plan with waivers for construction of a 20-unit multi-family apartment building at the corner of Magnolia Avenue and Dewey Street. It has recently been determined that the legal description and acreage in the resolution contains errors. Therefore staff is requesting approval of a corrected Resolution Number 17-80 to correct those errors.

Recommended Action:

Staff recommends approval of the corrected Resolution Number 17-80.

Attachments:

[Resolution17-80 - Amended_Corrected](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 20 Apr 2022
Approved - 20 Apr 2022

RESOLUTION NUMBER 17-80 (CORRECTED)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A SITE PLAN WITH WAIVERS FOR THE CONSTRUCTION OF A 20 UNIT MULTI-FAMILY APARTMENT BUILDING ON APPROXIMATELY 0.80 0.5 +/- ACRES LOCATED ON THE NORTHWEST CORNER OF MAGNOLIA AVENUE AND DEWEY STREET.

WHEREAS, on December 7, 2017, the City of Eustis, City Commission, approved Resolution Number 17-80; and

WHEREAS, the original Resolution Number 17-80 contained an error in the legal description and acres; and

WHEREAS, this amended Resolution offers correction for the legal description and acres to accurately reflect the property associated with the Site Plan, subject to approval by this Resolution; and

WHEREAS, North Central Place, LLC, has made application for a Site Plan to construct a 20-unit multi-family apartment building, on approximately 0.80 0.5 +/- acres located on the northwest corner of Magnolia Avenue and Dewey Street, more particularly described as:

~~EUSTIS LOTS 1, 2, 3, 4 BLK 36, N 1/2 OF VACATED ALLEY LYING S OF ABOVE LOTS PB 1 PG 79 ORB 4718 PG 1100~~

~~EUSTIS LOTS 13, 14, N 35 FT 2 INCHES OF LOTS 15, 16 BLK 36, S 1/2 OF VACATED ALLEY LYING N OF ABOVE LOTS PB 1 PG 79 ORB 4718 PG 1102~~

~~EUSTIS S 90.4 FT OF LOTS 15, 16 BLK 36 PB 1 PG 79 ORB 4718 PG 1102~~

LOTS 13, 14, 15, & 16, BLOCK 36, OFFICIAL MAP OF EUSTIS, TOGETHER WITH VACATED ALLEY LYING BETWEEN LOTS 1 THROUGH 16, BLOCK 36, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 79, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

WHEREAS, the property described above has a Land Use Designation of Central Business District (CBD) and a Design District Designation of Urban Center; and

WHEREAS, a multi-family use is a permitted use in the Central Business District (CBD) 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 construction of the multi-family apartment building located on the northwest corner of Magnolia Avenue and Dewey Street, and attached hereto as Exhibit A is hereby approved with the following waivers:

- a. To Section 110-4.14 (Pedestal Building Lot) of the Land Development Regulations to allow a buildout percentage of approximately 33% on Magnolia Avenue and approximately 76% on Dewey Street instead of the minimum 90%.

SECTION 2. That the Site Plan Approval shall be subject to the owner/developer complying with the following conditions:

- a. Developing the property in accordance with the approved Site Plan as referenced in Section 1 and attached hereto as Exhibit A.
- b. Obtaining and providing copies of all applicable permits from other jurisdictional agencies.

DONE AND RESOLVED this 7th day of December, 2017, in regular session of the City Commission of the City of Eustis, Florida.

CORRECTED this 21st day of April, 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:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of April, 2022, Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

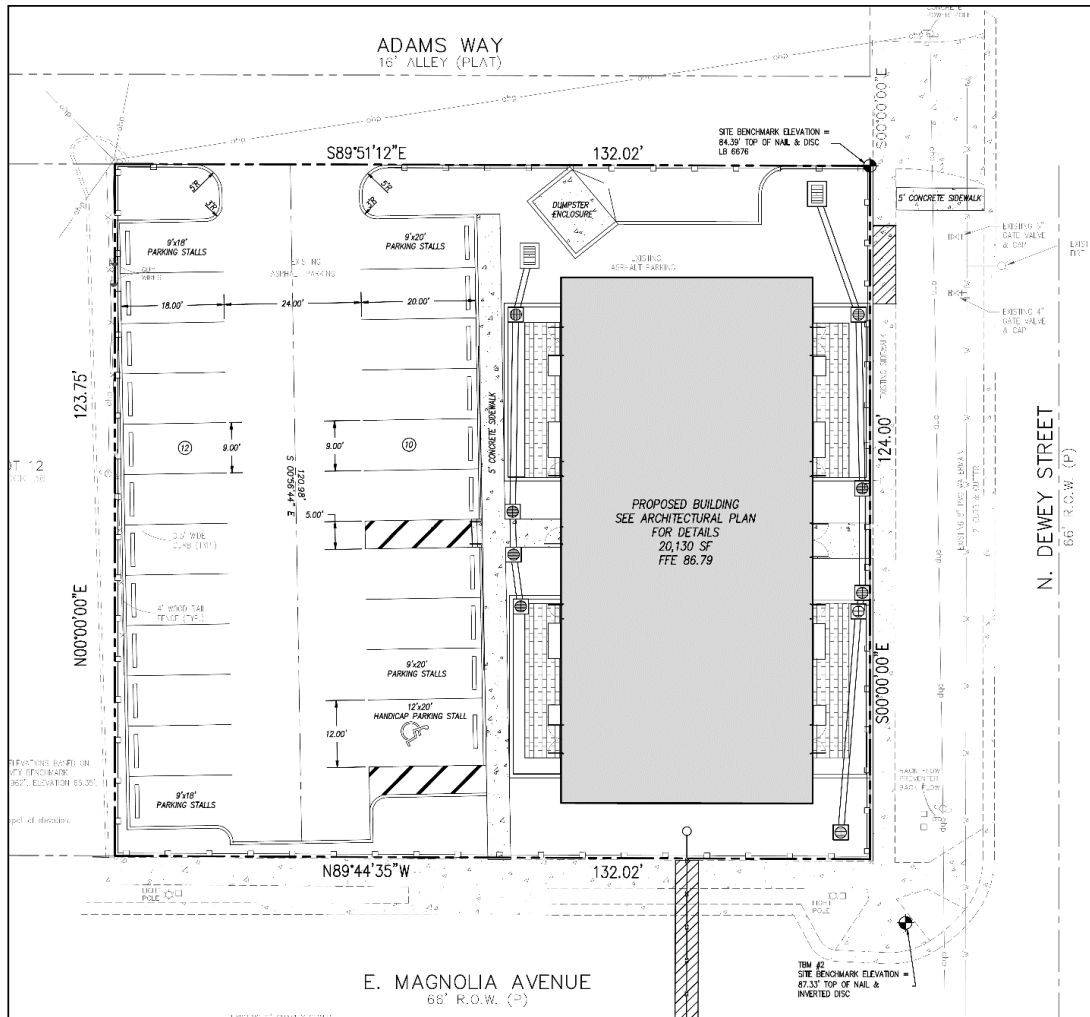
Date

CERTIFICATE OF POSTING

The foregoing Corrected Resolution Number 17-80 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Exhibit A Site Plan Only





City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: RESOLUTION NUMBER 22-27 CONFIRMING THE APPOINTMENT OF CHRISTINE HALLORAN AS CITY CLERK

Introduction:

Resolution Number 22-27 approves the appointment of Christine Halloran as the City Clerk, effective May 5, 2022.

Background:

Current City Clerk Mary Montez has tendered her retirement effective June 3, 2022. In response to that resignation, the City undertook a search for a qualified candidate to be appointed as her replacement. The open position was posted on the City's website and advertised on a number of professional websites including the Florida Association of City Clerks and the Florida League of Cities. A number of qualified candidates were interviewed and it was the unanimous decision of the interview panel that Christine Halloran was the best candidate for the position.

The City Charter requires that the City Commission approve the candidate for the City Clerk prior to the individual being appointed by the City Manager; therefore, staff has submitted the attached resolution for consideration by the Commission.

Recommended Action:

Staff recommends approval of Resolution Number 22-27 and the appointment of Christine Halloran as City Clerk. Such appointment to be effective May 5, 2022.

Attachments:

[Resolution 22-27](#)

[C Halloran resume](#)

Reviewed by:

Tom Carrino, Interim City

Approved - 15 Apr 2022

Manager
Mary Montez, City Clerk

Approved - 15 Apr 2022

RESOLUTION NUMBER 22-27

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING THE APPOINTMENT OF CHRISTINE HALLORAN AS CITY CLERK, EFFECTIVE MAY 5, 2022.

WHEREAS, pursuant to Article VI. of the City Charter, the City Manager shall appoint the City Clerk upon the prior approval of a majority of all the City Commission; and

WHEREAS, an offer of employment, contingent upon approval by the City Commission, has been made to Christine Halloran to serve as City Clerk of the City of Eustis; and

WHEREAS, Christine Halloran has accepted the position and will assume the duties as City Clerk on May 5, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Eustis City Commission that Christine Halloran is hereby appointed to the position of City Clerk of the City of Eustis, effective May 5, 2022.

DONE AND RESOLVED, this 21st day of April, 2022, in special 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:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21st day of April 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-27 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Christine Halloran

(203) 400-2741 ▪ Easton, CT ▪ [linkedin.com/in/christinehalloran](https://www.linkedin.com/in/christinehalloran) ▪ christinehalloran@gmail.com

Professional Credentials

MMC (Master Municipal Clerk), IIMC - International Institute of Municipal Clerks, **In Progress 2022**
CMC (Certified Municipal Clerk), IIMC - International Institute of Municipal Clerks, February 2019
CCTC (Certified Connecticut Town Clerk), CTCA - Connecticut Town Clerks Association, October 2017
Connecticut Licensed Professional Real Estate Broker, 2008 - Present

Affiliations

CTCA (Connecticut Town Clerks Association), Member, By-Laws Committee
Fairfield County Clerks Association, Member, Conference Committee
NEACTC (New England Association of City & Town Clerks), Member, Executive and Conference Committees
IIMC (International Association of Municipal Clerks) Region 1, Member
Georgetown University - Alumni Mentor, Interviewer and Career Educator

Experience

Town Clerk, Registrar of Vital Statistics and Town Sexton

Easton, CT

Town of Easton

January 2014 – Present

Administration, Fiscal Management, Elections, Land Records, Vitals, Licensing, Website Development and Management, Records Management and Retention

- Elected Official for 5th Term and Notary Public
- Maintain and provide transparent access to public records per state law and regulations
- Record, digitize, index, retain, manage, and preserve municipal records, including vital records
- Certify elections and collaborate with the Registrars of Voters for primaries, elections, and referenda
- Maintain Town website www.eastonct.gov for Town News, Boards, Commissions and Departments
- Post board and commission public meeting notices, agendas, public hearings, schedules, and minutes
- Administer oath of office and prepare and distribute communications for board, commission and committee members and alternates, including updates and revisions of state policies and procedures
- Manage and maintain database for board members and elected officials
- Process and manage maintenance and publication of town ordinances, resolutions, and agreements
- Record and retain trade names and military discharges
- Issue certificates of authority to justices of the peace and notary publics
- Act as filing repository for municipal office candidates' campaign finance statements per Connecticut's SEEC (State Elections Enforcement Commission)
- Issue new/renewal dog licenses, including maintenance of database for Animal Control Department
- Issue and reconcile fishing and hiking permits for Aquarion Water Company/Bridgeport Hydraulic Co.
- Maintain and provide guidance for the Town's municipal records management and records retention duties according to the Connecticut State Library's Office of Public Records Administrator
- Convene the Annual Town Meeting and all special town meetings
- Collaborate and coordinate with town departments, including Planning and Zoning, Assessor, Tax Collector, Building and Health, regarding website postings, forms and time-sensitive issues
- Maintain personnel files for Town Clerk Department, including the town's union and labor contracts
- Coordinate with the Town of Redding, CT for the Region 9 (Easton and Redding) school district
- Participate and advise in town, regional, and county committees and associations for the Town's interests

Christine Halloran

Page 1 of 2

Stay at Home Parent

The Halloran Household

Mokena, IL and Easton, CT

April 2004 – January 2014

Fiscal Management, Administration, Leadership, Problem Solving, and Communication

- Responsible for efficient multi-tasking, teamwork, decision-making and management of household, finances, schedules, schoolwork, medical appointments, and meals
- Served as hands-on property manager for several investment properties
- Tutored local school children in math, science and French
- Collaborated with the school, parents and the community for town-wide community service projects

Executive Director

Special Children's Charities (SCC)

Chicago, IL

May 1999 – April 2004

Non-profit fundraising organization for Special Olympics Chicago

Fiscal Management, Administration, Development, and Marketing

- Responsible for management and funding of Special Olympics Chicago programs in cooperation with Board of Directors, Associate Board, Chicago Public Schools, Chicago Park District, Special Olympics Chicago and Special Olympics Illinois
- Prepared annual operating budget and projections, monthly financial statements, and budget reports
- Coordinated web hosting and website development
- Facilitated goals implementation for Board of Directors and Associate Board with over fifty active members
- Prepared for monthly board meetings
- Screened, interviewed, and negotiated employment terms for prospective candidates
- Organized comprehensive plan to increase awareness for the charity, including Polar Plunge

Director, Child Life Department

University of Illinois at Chicago Medical Center (UIC)

Chicago, IL

August 1995 – May 1999

Program Design and Administration, Operations, Training and Supervision, Development

- Established the Child Life Department, including policies and procedures, implementation and management of treatment plans and therapeutic programs, including funding and management of program development

Community Involvement

Community Assets Network (CAN), Joel Barlow High School, Marketing/Editorial Coordinator, 2018 - Present

Ski Club at Helen Keller Middle School, Coordinator, Presenter and Community Liaison, 2015 - Present

National Charity League Redding Area Chapter, Parliamentarian and Grade Level Advisors, 2015 - Present

Girl Scouts of Connecticut, Leader and Committee Member, 2008 – Present

Parent Teacher Association (PTA) and Parent Teacher Organization (PTO), Member, 2008 - 2014

Skills

Office Systems:

NewVision Systems, CivicPlus, IQS, QuickBooks, and General Code

Operating Systems & Office Suites:

Microsoft Office, Google Suite, Windows, and MacOS

Social Media:

Archive Social, Facebook, Instagram, Twitter, and LinkedIn

Web Tools and Communication:

Drupal, WordPress, Google Analytics, Zoom, Skype, and Dropbox

Education

Pepperdine University. Graduate School of Education and Psychology. Malibu, California

M.A. Clinical Psychology. May 1995

Honors: Psi Chi National Honor Society, Executive Board

G.P.A. 4.0 Summa Cum Laude

Georgetown University. College of Arts and Sciences. Washington, D.C.

B.A. Psychology, Minor: Government, May 1993

Christine Halloran

Page 2 of 2



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: RESOLUTION NUMBER 22-26: PRELIMINARY SUBDIVISION PLAT
MODIFICATION FOR ROYAL BROTHERS (GRAFTON RIDGE)
SUBDIVISION

Introduction:

Resolution Number 22-26 approves a Preliminary Subdivision Plat Modification to make additions and deletions to the original Preliminary Subdivision Plan approved with Resolution 21-64 and subsequent modification to add land under Resolution Number 21-89. Project is on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road.

Background:

Pertinent Site Information:

- a. The proposed development is to be located on an upland, wooded and vacant, 15.13-acre parcel on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road.
- b. On September 9, 2021, the City Commission approved the subdivision via Resolution Number 21-64, with the condition that a modification to include a Phase II emergency access road on the property identified by Alternate Key 1216834 by November 1, 2021. The required Phase II modification was approved by the City Commission with Resolution Number 21-89, adding a 66-foot wide property on W. Seminole Avenue, to provide required emergency access point on West Seminole Avenue.
- c. The requested modification includes the following:
 1. An amenity center with pool and associated infrastructure was added in the southwest corner of the property by lots 59 and 60. (Sheets C2.0, C2.2, C3.2 and C4.2)
 2. Area calculations were updated to reflect the amenity center and updated impervious area based on the homes planned for the lots. (Sheet C2.0)
 3. The retaining wall by lot 60 was revised to accommodate the amenity center. (Sheets C2.3 and C3.3)
 4. Water and sanitary sewer connections are now provided for the proposed amenity center. (Sheet C4.3)

5. An additional park was added in the northern section of the site by lots 15 through 17. (Sheet C2.2)
 6. The pond slopes were revised based on water management district comments. (Sheets C2.2 and C3.2)
 7. The tree removal plan was updated to accommodate the amenity center and an area which was previously missed by lots 66 through 77. This was conditionally approved by Lori Barnes on February 14, 2022. (Sheets TR1.0, TR1.1, TR1.3, TR1.4, TR1.5, TR1.6)
 8. A wall was added along the front of the property facing David Walker. (Sheets C2.0, C2., L1.0 and L1.1)
 9. The side and rear buffers along the property were removed as not required by the City LDC. (Sheets L1.0, L1.1, L1.2 and L1.3)
 10. The landscape around lots 59 and 60 was updated to accommodate the amenity center. (Sheet L1.3)
- d. The site and surrounding properties land uses, design district designations, and existing uses are shown below.

	Future Land Use	Existing Use		Design District
Site	Mixed Commercial/Residential	Vacant		Suburban Neighborhood
North	Public/Institutional	Public Yard	Works	Suburban Neighborhood
South	Mixed Commercial/Residential & Urban Residential	Church & Family	Multi-Family	Suburban Neighborhood
East	Mixed Commercial/Residential & Lake County Urban Low	Multi-Family, Medical and Family	Office Single-Family	Suburban Neighborhood & N/A
West	Tavares Medium Density (12 du/ac)	Multi-Family under construction		N/A

- e. The site is not located in the Wekiva Study Area and is not in a high recharge area.
- f. On March 29, 2022, the Development Review Committee recommended approval of the modification to proceed to City Commission consideration.

Proposed Preliminary Subdivision Plat Modification:

The previous and current modifications result in the following development characteristics for the subdivision:

Subdivision Component	Code	Provided
Gross Area	n/a	15.13 acres
Net Area (gross area less wetlands, water bodies, flood zones)	n/a	15.13 acres
Lot Typology	House Lot (modified/waivers requires)	77
Density	12 dwelling units/acre maximum	5.09 dwelling units/acre
Open Space and Pervious Area	25% minimum	+ 50%
Park Space	1.0 acres	1.14 acres
Impervious Surface	40% maximum	40% or less

Analysis of Request According to Applicable Policies and Codes:

- a. Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.6, 109-3, 109-4: Mixed Commercial / Residential (MCR). This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.

General Range of Uses: This category accommodates a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted.

Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre.

Intensity Range (non-residential development): up to 2.5 Floor Area Ratio (FAR) subject to restrictions in Section 109-3 of the Land Development Regulations.

The preliminary subdivision plat provides for single-family detached homes at a density of 5.09 units per acre (allowed up to 12 du/ac). The plan provides for roadway, sidewalks and maximum lot coverage specified for each lot. The proposed plan is consistent with the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

- b. Land Development Regulations – Design Districts Section 109-5.5 Suburban development patterns: Intent. The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular

connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Nonresidential uses are primarily located on corridors, districts and a mix of uses is prominent in centers. Each land use provides for pedestrian and bicycle connections.

The subdivision layout meets the intent of the suburban neighborhood development district. The primary subdivision entrance is provided on David Walker Drive with an emergency access connection to West Seminole Avenue. Sidewalks are provided along David Walker Drive and throughout the subdivision as well as pedestrian connections to internal park spaces.

Previous Approved Waivers Include:

- a. Land Development Regulations – Building Lot Types – Section 110-4.2 House Lot Minimum house lot requirements in Suburban design districts include the following:
Width of 55-feet; Depth of 120-feet; Square Footage of 6,600 feet
Minimum setback requirements for House Lots in Suburban design districts include the following:
Street setback of 25-feet; Common lot setback of 5-feet; Rear setback of 10-feet

The subdivision plat proposes modified House Lot typologies, for which the following waiver were approved by the City Commission via Resolution No. 21-64:

- a) ***Waiver to Sec. 110-4.2 to reduce the minimum lot width at the street to allow 40-foot wide lots.***
 - b) ***Waiver to Section 110-4.2 to reduce the minimum lot depth to allow Lots 6, 7, 10, 11, 51 and 59 to be 95-feet deep; and to allow Lots 5, 12-29, 31, and 62-65 to be 101.5-feet deep.***
- b. Land Development Regulations - Section 102-22 Final Engineering and Construction Plans (Required Submittals) (8) Photometric plan demonstrating compliance with chapter 115-4.5.

The applicant has requested submittal of site lighting plans to final completion certification. This waiver was approved by City Commission with the modification under Resolution Number 21-89.

Consistency of Requested Modifications for Resolution Number 22-26

The requested modifications made in the proposed plan considered in Resolution 22-26, were reviewed by the Development Review Committee on March 29, 2022 and have no inconsistency with the City of Eustis Land Development Regulations or previous approvals with modifications.

Recommended Action:

Staff recommends approval of the Royal Brothers (Grafton Ridge) Subdivision modifications. The proposed density of 5.09 units per acre falls below the maximum and the subdivision plan meets or exceeds required design standards per the Land Development Regulations (except

where resolution conditions are included). The requested modifications to the Preliminary Subdivision Plans approved by Resolution Numbers 21-64 and 21-89, are generally consistent with the City Land Development Regulation, however the modification of the landscape plan to remove the side and rear landscape buffers is a point of disagreement. Development Services can agree with this modification, in part. Staff would agree that the landscape buffer would not be required pursuant to §115-9.3.2(a)(3), which reads.

(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.*

The Land Development Regulation cited implies that it would be a nonresidential use required to provide a buffer against impact to an existing residential use. The applicant contends that their proposed fence will mitigate visual impact to their future residents.

The applicant has shown a six (6) foot opaque vinyl fence to be installed as a security and visual buffer. This will mitigate any perceived negative visual impacts of existing adjacent uses.

The contention of staff is that the removal of the perimeter trees, shown in the previous iterations of landscape plans, negates the mitigative effect, offsetting a portion of the 1,000 plus trees removed for development of the property. It would be an asset to the development, to at minimum maintain the perimeter canopy tree plantings as depicted in the previously approve landscape plans. This is not a requirement of the Land Development Regulations, but rather a recommendation to the applicant.

Overall, the approval of the requested modifications to the Preliminary Subdivision Plan for Royal Brothers / Grafton Ridge approved under Resolution Numbers 21-64 and 21-89 will not negatively affect the health, safety and welfare of the public.

Policy Implications:

There would be no direct policy implications to the City associated with the action.

Alternatives:

1. Approve Resolution Number 22-26
2. Deny Resolution Number 22-26

Budget Impact:

There would be no direct cost to the City associated with the action other than providing standard City services to the development.

Attachments:

[Staff Report Resolution No. 22-26 Royal Brothers 2022 Modification](#)

[Resolution 22-26](#)

[Pages from 527120069 L1.0 LAN V4](#)

[Pages from PSP Civil Plans Signed&Sealed](#)

Reviewed by:

Jeff Richardson, Deputy
Development Services Director
Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 14 Apr 2022

Approved - 15 Apr 2022

Approved - 15 Apr 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: April 21, 2021
RE: RESOLUTION NUMBER 22-26: PRELIMINARY SUBDIVISION PLAT
MODIFICATION FOR ROYAL BROTHERS (GRAFTON RIDGE) SUBDIVISION

Introduction:

Resolution Number 22-26 approves a Preliminary Subdivision Plat Modification to make additions and deletions to the original Preliminary Subdivision Plan approved with Resolution 21-64 and subsequent modification to add land under Resolution Number 21-89. Project is on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road.

Recommended Action:

The administration recommends approval of Resolution Number 22-26.

Background:

Pertinent Site Information:

- a. The proposed development is to be located on an upland, wooded and vacant, 15.13-acre parcel on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road.
- b. On September 9, 2021, the City Commission approved the subdivision via Resolution Number 21-64, with the condition that a modification to include a Phase II emergency access road on the property identified by Alternate Key 1216834 by November 1, 2021. The required Phase II modification was approved by the City Commission with Resolution Number 21-89, adding a 66-foot wide property on W. Seminole Avenue, to provide required emergency access point on West Seminole Avenue.
- c. The requested modification includes the following:
 - 1) An amenity center with pool and associated infrastructure was added in the southwest corner of the property by lots 59 and 60. (Sheets C2.0, C2.2, C3.2 and C4.2)
 - 2) Area calculations were updated to reflect the amenity center and updated impervious area based on the homes planned for the lots. (Sheet C2.0)
 - 3) The retaining wall by lot 60 was revised to accommodate the amenity center. (Sheets C2.3 and C3.3)
 - 4) A water and sanitary sewer connections are now provided for the proposed amenity center. (Sheet C4.3)
 - 5) An additional park was added in the northern section of the site by lots 15 through 17. (Sheet C2.2)

- 6) The pond slopes were revised based on water management district comments. (Sheets C2.2 and C3.2)
- 7) The tree removal plan was updated to accommodate the amenity center and an area which was previously missed by lots 66 through 77. This was conditionally approved by Lori Barnes on February 14, 2022. (Sheets TR1.0, TR1.1, TR1.3, TR1.4, TR1.5, TR1.6)
- 8) A wall was added along the front of the property facing David Walker. (Sheets C2.0, C2., L1.0 and L1.1)
- 9) The side and rear buffers along the property were removed as not required by the City LDC. (Sheets L1.0, L1.1, L1.2 and L1.3)
- 10) The landscape around lots 59 and 60 was updated to accommodate the amenity center. (Sheet L1.3)

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

	Future Land Use	Existing Use	Design District
Site	Mixed Commercial/Residential	Vacant	Suburban Neighborhood
North	Public/Institutional	Public Works Yard	Suburban Neighborhood
South	Mixed Commercial/Residential & Urban Residential	Church & Multi-Family	Suburban Neighborhood
East	Mixed Commercial/Residential & Lake County Urban Low	Multi-Family, Medical Office and Single-Family	Suburban Neighborhood & N/A
West	Tavares Medium Density (12 du/ac)	Multi-Family under construction	N/A

- e. The site is NOT located in the Wekiva Study Area and is NOT in a high recharge area.
- f. On March 29, 2022, the Development Review Committee recommended approval of the modification to proceed to City Commission consideration.

Proposed Preliminary Subdivision Plat Modification:

The previous and current modifications result in the following development characteristics for the subdivision:

Subdivision Component	Code	Provided
Gross Area	n/a	15.13 acres
Net Area (gross area less wetlands, water bodies, flood zones)	n/a	15.13 acres
Lot Typology	House Lot (modified/waivers requires)	77
Density	12 dwelling units/acre maximum	5.09 dwelling units/acre
Open Space and Pervious Area	25% minimum	+ 50%
Park Space	1.0 acres	1.14 acres
Impervious Surface	40% maximum	40% or less

Analysis of Request According to Applicable Policies and Codes:

- a. Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.6, 109-3, 109-4: Mixed Commercial / Residential (MCR). This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.

General Range of Uses: This category accommodates a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted.

Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre.

Intensity Range (non-residential development): up to 2.5 Floor Area Ratio (FAR) subject to restrictions in Section 109-3 of the Land Development Regulations.

The preliminary subdivision plat provides for single-family detached homes at a density of 5.09 units per acre (allowed up to 12 du/ac). The plan provides for roadway, sidewalks and maximum lot coverage specified for each lot. The proposed

plan is consistent with the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

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

The subdivision layout meets the intent of the suburban neighborhood development district. The primary subdivision entrance is provided on David Walker Drive with an emergency access connection to W. Seminole Avenue. Sidewalks are provided along David Walker Drive and throughout the subdivision as well as pedestrian connections to internal park spaces.

Previous Approved Waivers Include:

- a. Land Development Regulations – Building Lot Types – Section 110-4.2 House Lot Minimum house lot requirements in Suburban design districts include the following:

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

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

The subdivision plat proposes modified House Lot typologies, for which the following waiver were approved by the City Commission via Resolution No. 21-64:

- a) ***Waiver to Sec. 110-4.2 to reduce the minimum lot width at the street to allow 40-foot wide lots.***
- b) ***Waiver to Section 110-4.2 to reduce the minimum lot depth to allow Lots 6, 7, 10, 11, 51 and 59 to be 95-feet deep; and to allow Lots 5, 12-29, 31, and 62-65 to be 101.5-feet deep.***

- b. Land Development Regulations - Section 102-22 Final Engineering and Construction Plans (Required Submittals) (8) Photometric plan demonstrating compliance with chapter 115-4.5.

The applicant has requested submittal of site lighting plans to final completion certification. This waiver was approved by City Commission with the modification under Resolution Number 21-89.

Consistency of Requested Modifications for Resolution Number 22-26

The requested modifications made in the proposed plan reviewed by the Development Review Committee on March 29, 2022 have no inconsistency with the City of Eustis Land Development Regulations or previous approvals with modifications.

Summary of Recommendation:

Staff recommends approval of the Royal Brothers (Grafton Ridge) Subdivision modifications with conditions as proposed in the attached resolution and explained herein. The proposed density of 5.09 units per acre falls below the maximum and the subdivision plan meets or exceeds required design standards per the Land Development Regulations (except where resolution conditions are included). The requested modifications to the Preliminary Subdivision Plans approved by Resolution Numbers 21-64 and 21-89, are generally consistent with the City Land Development Regulation, however the modification of the landscape plan to remove the side and rear landscape buffers is a point of disagreement between staff and the applicant. Development Services can agree with this modification, in part. Staff would agree that the landscape buffer would not be required pursuant to §115-9.3.2(a)(3), which reads.

(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.*

The Land Development Regulation cited implies that it would be a nonresidential use to provide a buffer against impact to an existing residential use. The applicant contends that their proposed fence will mitigate visual impact to their future residents.

The applicant has shown a six (6) foot opaque vinyl fence to be installed as a security and visual buffer. This will mitigate any perceived negative visual impacts of existing adjacent uses.

The contention of staff is that the removal of the perimeter trees, shown in the previous iterations of landscape plans, negates the mitigative effect, offsetting a portion of the 1,000 plus trees removed for development of the property. It would be beneficial to the environment and an asset to the development, to at minimum maintain the perimeter canopy tree plantings as depicted in the previously approved landscape plans. This is not a requirement of the Land Development Regulations, but rather a recommendation to the applicant.

Overall, the approval of the requested modifications to the Preliminary Subdivision Plan for Royal Brothers / Grafton Ridge approved under Resolution Numbers 21-64 and 21-89 will not negatively affect the health, safety and welfare of the public.

Alternatives:

1. Approve Resolution Number 22-26
2. Deny Resolution Number 22-26

Discussion of Alternatives:

Alternative 1 approves Resolution Number 22-26

Advantages:

- The property owner can move forward with the proposed development modifications.
- The action will provide for new residential development, potential job creation in the city, and increased tax revenue.
- The action is consistent with the Commission's Strategic Plan policies to encourage economic development.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan, including the Housing Element, which outlines the goal to promote safe, sanitary and affordable housing to meet the needs of various household types and income groups characteristic of the city and planning area.

Disadvantages:

- The action does not provide for the partial mitigation of the loss of trees as afforded by the landscape buffer plantings previously approved.

Alternative 2 denies Resolution Number 22-26.

Advantages:

- The Commission could request modifications to the preliminary plat and landscape plan layout.
- Previous approvals are still valid and the property owner could still develop according to previous approvals.

Disadvantages:

- The property owner could not develop according to the submitted preliminary plat modifications made with this request.
- The City could lose an economic development opportunity.

Budget / Staff Impact:

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

Community Input:

No community Meeting was held for this modification. To date, one inquiry from a member of the public has been received. This individual emailed to confirm if there will be any access to the subdivision from West Seminole Avenue, which staff explained there will only be emergency access via West Seminole Avenue. As a result, the individual stated no objection.

Prepared By:

Jeff Richardson, AICP, Deputy Development Services Director

Reviewed By:

Heather Croney, Senior Planner

Attachments

- Resolution Number 22-26 with Exhibit A – Preliminary Subdivision Plat

RESOLUTION NUMBER 22-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SUBDIVISION PLAT MODIFICATION FOR THE ROYAL BROTHERS SUBDIVISION, A 77-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, ON APPROXIMATELY 15.13 ACRES ON THE EAST SIDE OF DAVID WALKER DRIVE, APPROXIMATELY 1,000 FEET NORTH OF MOUNT HOMER ROAD.

WHEREAS, S&ME, Inc., on behalf of AMH Development, LLC, has made an application for a Preliminary Subdivision Plat approval of the Royal Brothers Subdivision (Grafton Ridge) a 77-lot single-family residential subdivision on approximately 15.13 acres on the east side of David Walker Drive, approximately 1,000 feet north of Mount Homer Road, as shown in Exhibit A, property more particularly described as:

Alternate Key: 1216826 / Parcel Number: 15-19-26-0004-000-01500

NW 1/4 OF SE 1/4 OF SE 1/4 ORB 692 PG 2153

Alternate Key: 3906374 / Parcel Number: 15-19-26-0004-000-03900

N 311.12 FT OF SW 1/4 OF SE 1/4 LYING SE'LY OF RR R/W—LESS DAVID WALKER DR--IN SEC 15-19-26 ORB 4917 PG 2480

A Portion of Alternate Key: 1094909 / Parcel Number: 15-19-26-0004-000-01800

THE SOUTH 130.00 FEET OF THE NORTH 441.12 FEET OF THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING SOUTHEAST OF THE RAILROAD, LESS AND EXCEPT THAT PARCEL DESCRIBED IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 993, PAGE 1234, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

Alternate Key: 1216834 / Parcel Number: 15-19-26-0004-000-02500

E 66 FT OF N 173 FT OF SW 1/4 OF SE 1/4 OF SE 1/4 ORB 693 PG 1828

WHEREAS, the property described above has a Land Use Designation of Mixed Commercial/Residential and a Design District Designation of Suburban Neighborhood; and

WHEREAS, detached single family uses are permitted in the Mixed Commercial/Residential (MCR) land use designation; and

WHEREAS, the City Commission finds that approval of the requested waiver does not violate the general intent and purpose of the Land Development Regulations and does not jeopardize the public health, safety, and welfare; and

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

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

SECTION 1. That the Royal Brothers (Grafton Ridge) Preliminary Subdivision Plat Modification (Phase II) for a 77-lot single-family residential subdivision, located on David Walker Drive approximately 1,000 feet north of Mount Homer Road, attached hereto as Exhibit "A", is hereby approved with modifications to the Preliminary Subdivision Plan approved with Resolution 21-89, as shown on modified Preliminary Site Plans digitally sign and sealed by Jason M. Rostek, SM&E, February 23, 2022, as follows:

- 1) An amenity center with pool and associated infrastructure was added in the southwest corner of the property by lots 59 and 60. (Sheets C2.0, C2.2, C3.2 and C4.2)
- 2) Area calculations were updated to reflect the amenity center and updated impervious area based on the homes planned for the lots. (Sheet C2.0)
- 3) The retaining wall by lot 60 was revised to accommodate the amenity center. (Sheets C2.3 and C3.3)
- 4) A water and sanitary connection is provided for the proposed amenity center. (Sheet C4.3)
- 5) An additional park was added in the northern section of the site by lots 15 through 17. (Sheet C2.2)
- 6) The pond slopes were revised based on water management district comments. (Sheets C2.2 and C3.2)
- 7) The tree removal plan was updated to accommodate the amenity center and an area which was previously missed by lots 66 through 77. This was conditionally approved by Lori Barnes on February 14, 2022. (Sheets TR1.0, TR1.1, TR1.3, TR1.4, TR1.5, TR1.6)
- 8) A wall was added along the front of the property facing David Walker. (Sheets C2.0, C2., L1.0 and L1.1)
- 9) The side and rear buffers along the property were removed as not required by the City LDC. (Sheets L1.0, L1.1, L1.2 and L1.3)
- 10) The landscape around lots 59 and 60 was updated to accommodate the amenity center. (Sheet L1.3)

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

- a) Submit the Final Plat and Final Engineering and Construction Plans complying with all requirements of the Land Development Regulations and Florida Statutes and the provisions of this resolution within one year of the approval of this resolution.
- b) Develop the property in accordance with the approved Preliminary Subdivision Plat as referenced in Section 1 and attached hereto as Exhibit "A."

SECTION 3. That the Royal Brothers (Grafton Ridge) Subdivision modification (Phase II) approval shall be subject to additional conditions as follows:

- a) All waivers and conditions granted pursuant to Resolution Number 21-64 and Resolution Number 21-89 remain.
- b) Infrastructure construction certification and acceptance by the City of Eustis shall not occur unless and until:
 - i. A photometric plan demonstrating compliance with chapter 115-4 is submitted.

SECTION 4. That this Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED this 21st day of April 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:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21st day of April, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

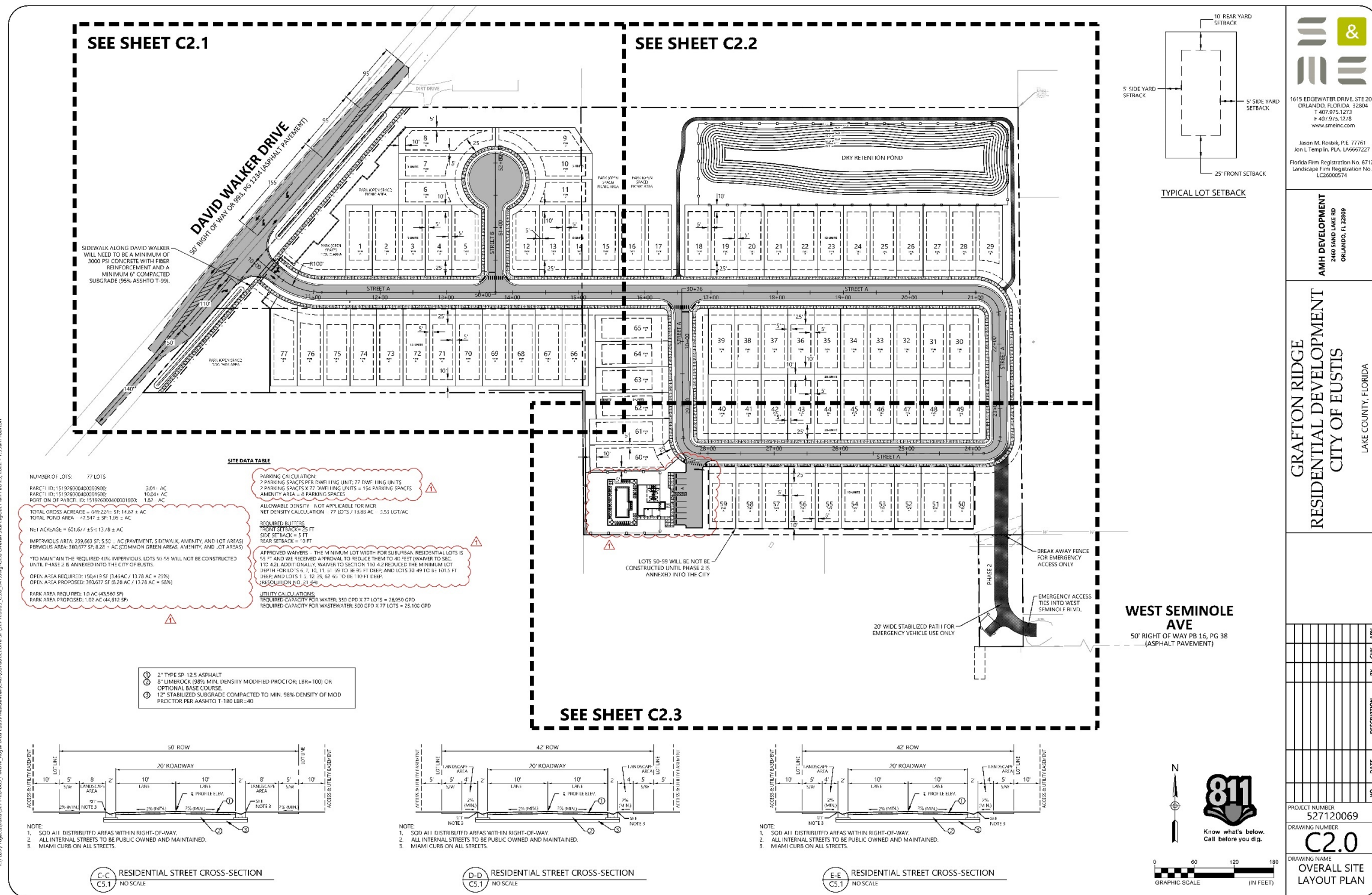
City Attorney's Office

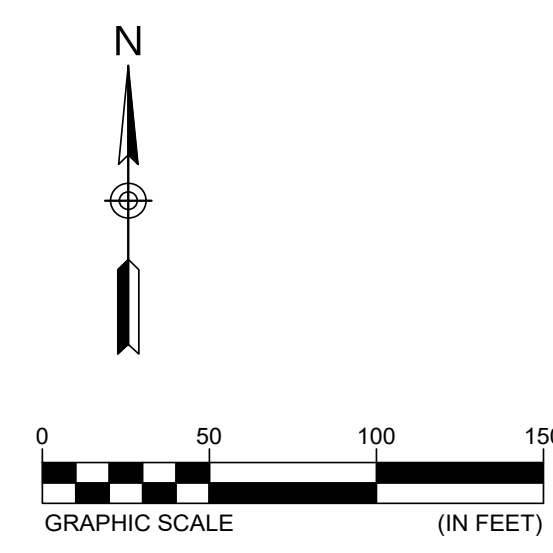
Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-26 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

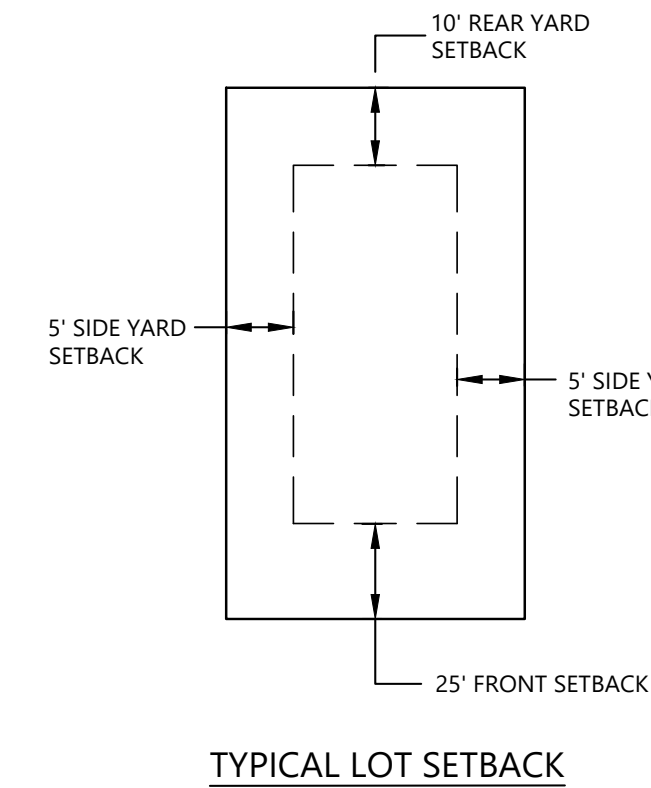
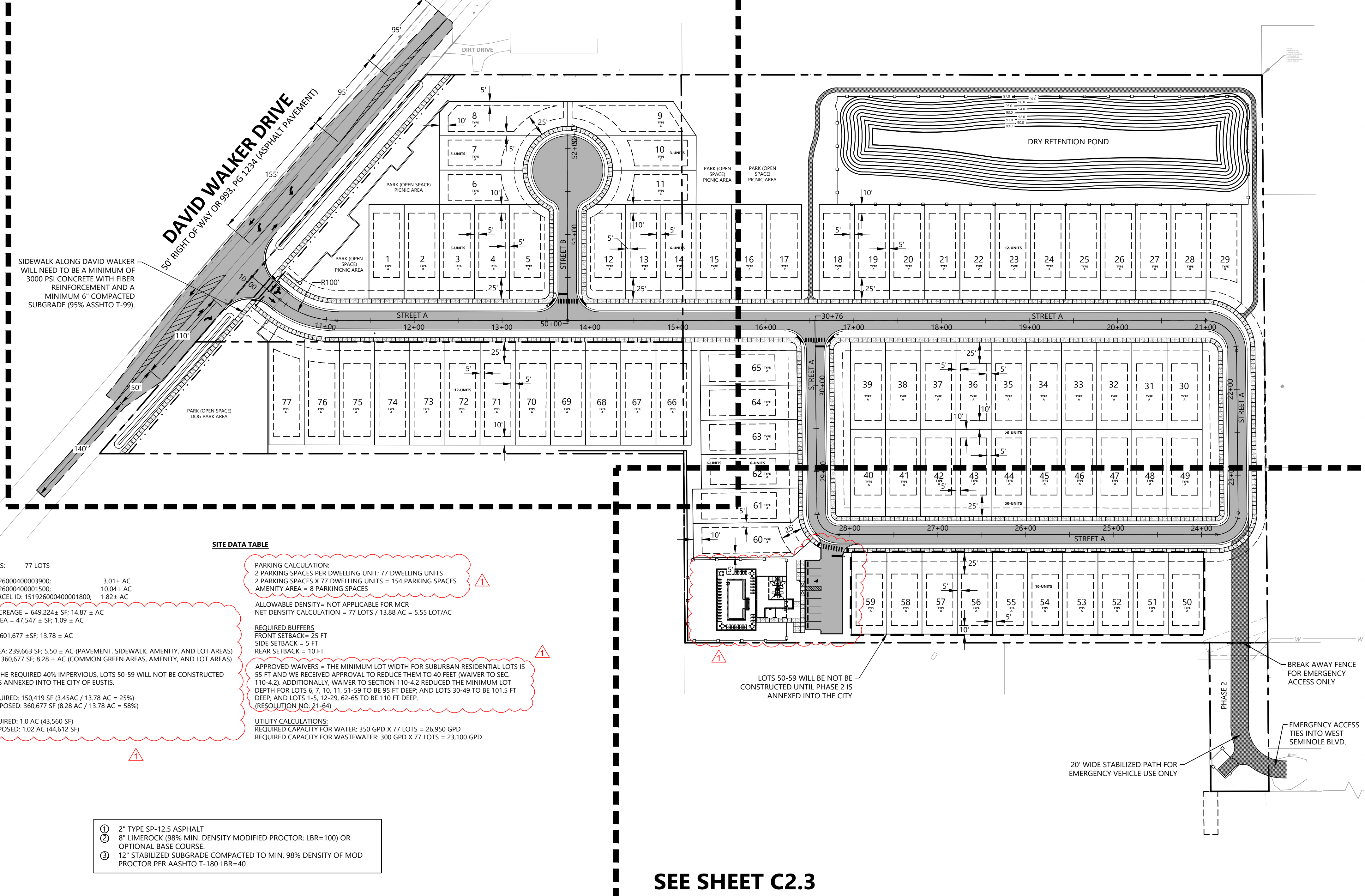
Mary C. Montez, City Clerk





SEE SHEET C2.1

SEE SHEET C2.2



1615 EDGEWATER DRIVE, STE 200
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www.smeinc.com

Jason M. Rostek, P.E. 77761
Jon L. Templin, PLA, LA6667227
Florida Firm Registration No. 6712
Landscape Firm Registration No.
LC26000574

AMH DEVELOPMENT
2460 SAND LAKE RD
ORLANDO, FL 32809

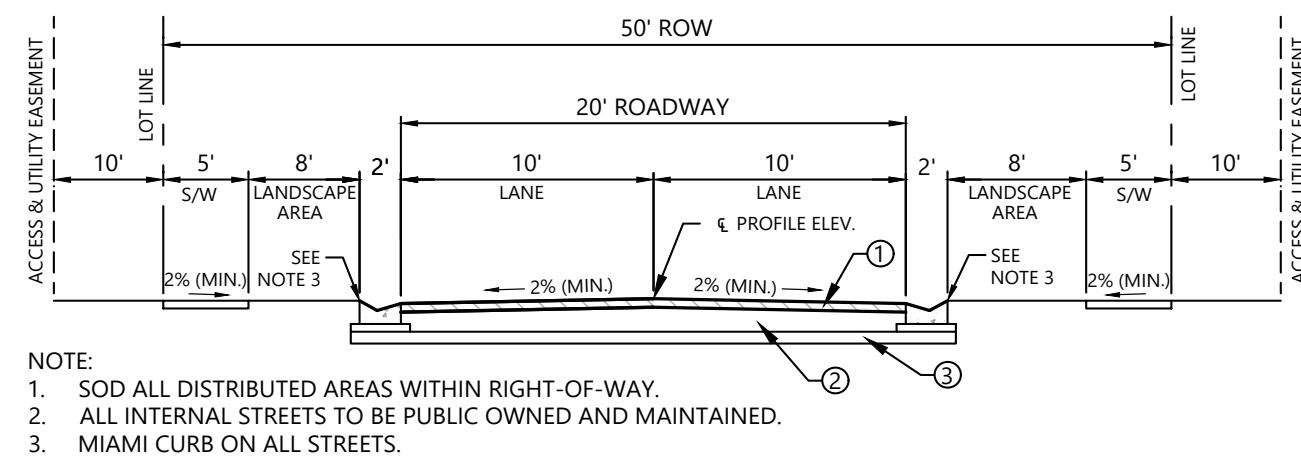
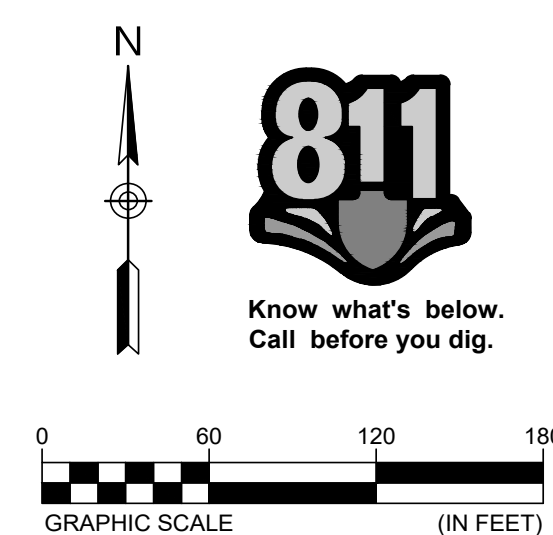
GRAFTON RIDGE
RESIDENTIAL DEVELOPMENT
CITY OF EUSTIS
LAKE COUNTY, FLORIDA

[illegible]

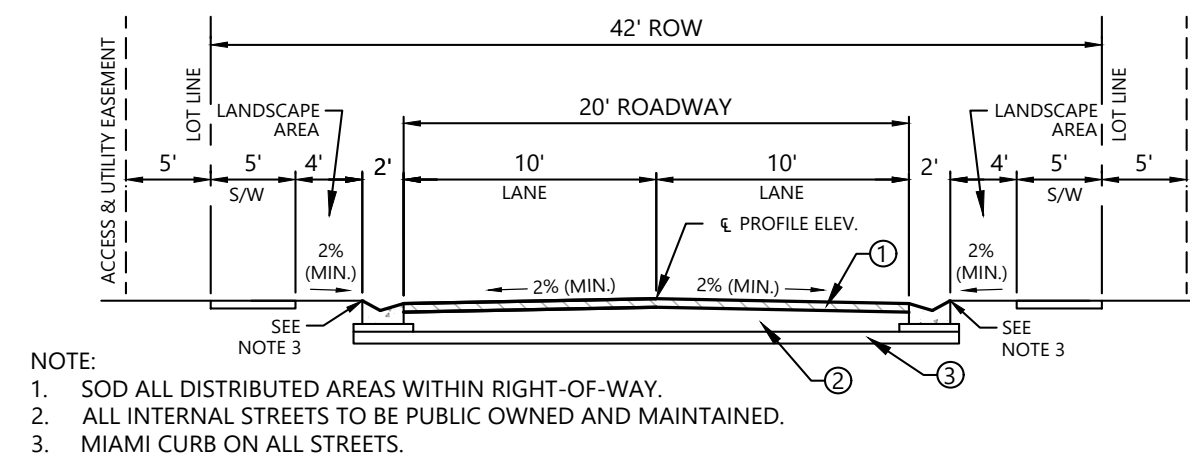
PROJECT NUMBER
527120069

DRAWING NUMBER
C2.0

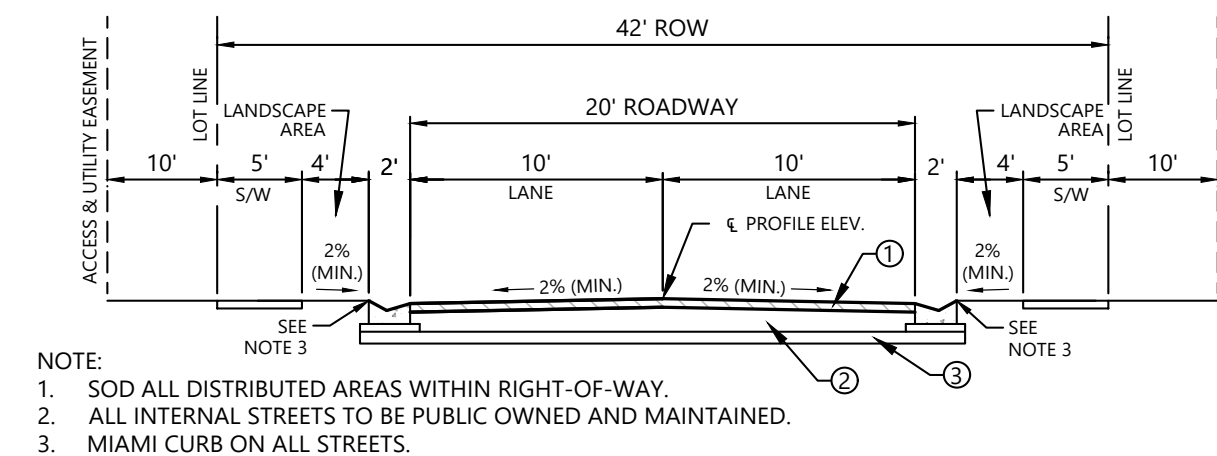
DRAWING NAME
OVERALL SITE
LAYOUT PLAN



C-C RESIDENTIAL STREET CROSS-SECTION
C5.1 NO SCALE



D-D RESIDENTIAL STREET CROSS-SECTION
C5.1 NO SCALE



E-E RESIDENTIAL STREET CROSS-SECTION
C5.1 NO SCALE



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: RESOLUTION NUMBER 22-29: AMENDING THE GATEWAY CORRIDOR
IMPROVEMENT MATCHING GRANT PROGRAM

Introduction:

Resolution Number 22-29 expands the boundaries of the Gateway Corridor Improvement Matching Grant Program.

Background:

See attached Staff Report.

Attachments:

[2022 Gateway Grant Amendments Staff Report ADA](#)

[Resolution 22-29 2022 Amendments to Gateway Grant ADA](#)

[Gateway Grant Application Info - Updated for FY 21-22 3-31-22](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 15 Apr 2022

Mary Montez, City Clerk

Approved - 15 Apr 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: APRIL 21, 2022

RE: RESOLUTION NUMBER 22-29
AMENDING THE GATEWAY CORRIDOR IMPROVEMENT MATCHING
GRANT PROGRAM

Introduction:

Resolution Number 22-29 expands the boundaries of the Gateway Corridor Improvement Matching Grant Program.

Recommended Action:

Staff recommends approval of Resolution Number 22-29.

Background:

On March 20, 2014, the City Commission approved Resolution No. 14-22 creating the Gateway Corridor Improvement Matching Grant Program to improve the appearance of properties fronting on SR 19 and Orange Avenue.

To facilitate the expansion of the northern boundaries of the program, the Eustis City Commission later approved Resolution Number 15-38 on June 18, 2015. During another review of the program in 2018, the City Commission authorized increased grant amounts and funding from the Community Redevelopment Area, though those changes were not approved by resolution at that time. Resolution Number 21-09 expanded the boundaries of the program and codified the increased grant maximums from 2018. The 2021 boundary expansion included the Entertainment District (Downtown Eustis) and US 441.

As part of the CRA Review process, there have been discussions about again expanding the boundaries of the program to include additional corridors. Those corridors include McDonald Avenue, Bates Avenue, Kensington Street, and Palmetto Street. On April 7, 2022, the CRA Board reviewed the changes and recommended that the City Commission consider the proposed changes.

Community Input

There have been several opportunities for community input on the program in the past. There will be another opportunity for public input at the City Commission meeting on April 21, 2022.

Budget / Staff Impact:

In FY 21-22 the City has budgeted \$84,000 for Gateway Grants in the Economic Development Fund and \$128,000 in the CRA for a total of \$212,000. That amount funds both new projects and hold-over projects from previous fiscal years. By expanding the boundaries of the program, there would be more eligible properties, and there may be more demand for funding. If use of the program this fiscal year approaches the current budgeted amounts, staff will seek direction from City Commission on additional funding.

Prepared by: Tom Carrino, Interim City Manager

Attachments: Resolution Number 22-29 with Exhibit

RESOLUTION NUMBER 22-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING A CORRIDOR IMPROVEMENT MATCHING GRANT PROGRAM NOW KNOWN AS THE GATEWAY CORRIDOR IMPROVEMENT MATCHING GRANT PROGRAM

WHEREAS, Resolution Number 14-22 established a corridor improvement matching grant program now known as the Gateway Corridor Improvement Matching Grant Program; and

WHEREAS, Resolution Number 15-38 amended the boundaries of the program; and

WHEREAS, Resolution Number 21-09 again amended the boundaries of the program and modified the level of grant funding; and

WHEREAS, the City desires to again amend the program, including a further expansion of the program boundaries; and

WHEREAS, properties within those expanded boundaries meet the intent of the program; and

WHEREAS, economic development is a major component of the City's Strategic Plan; and

WHEREAS, McDonald Avenue, Bates Avenue, Kensington Street, and Palmetto Street have been identified as important pedestrian and vehicular corridors in the City of Eustis; and

WHEREAS, it is important to economic development that the City's gateway corridors be aesthetically pleasing and well maintained; and

WHEREAS, the City desires to provide an incentive to property owners with frontage on the major corridors to improve the appearance of the entryways into the City; and

WHEREAS, the City has budgeted funds for economic development programs and incentives; and

WHEREAS, improving the appearance of corridors within the City and encouraging private investment serves a public purpose and is in the interest of the public health, safety, morals and welfare of the City of Eustis.

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

Section 1: That the City does hereby amend the Gateway Corridor Improvement Matching Grant Program as attached in Exhibit A.

Section 2: That this amendment shall become effective immediately.

DONE AND RESOLVED, this 21st day of April, 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:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21st day of April, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-29 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

Gateway Corridor Improvement Matching Grant Application

Date: _____

Property Owner Name: _____

Mailing address: _____

E-mail address: _____

Phone Number: _____

Gateway Corridor property address: _____

Alternate Key #: _____ Parcel ID: _____

Proposed Improvement: _____

***Application must include quotes/estimates/proposals for proposed work.**

Estimated cost of improvement: _____

Eligible expenditures:

1. Exterior painting (Cost of contractor and/or paint, but not materials such as buckets and brushes)
2. Façade improvements such as awnings, canopies, windows, window treatments, siding, etc.
3. Exterior lighting
4. Removal of non-conforming signage
5. Signage improvement or installation, consistent with City codes
6. Parking lot resurfacing
7. Irrigation
8. Landscaping not to exceed \$900 match

Applicant must submit receipts and a W-9 upon completion of improvements in order to receive reimbursement.

.....
For City use only:

Project No. _____

Approved paint colors: _____

Non-conforming sign removal: _____

Approved by: _____ Date: _____

Date of Completion: _____

Verified and payment authorized by: _____ Date: _____

Reimbursement Amount: _____ Check No.: _____

**CITY OF EUSTIS
GATEWAY CORRIDOR IMPROVEMENT
MATCHING GRANT PROGRAM**

Purpose: The purpose of the Gateway Corridor Improvement Matching Grant Program is to improve the appearance of the major gateways into the City and encourage economic development and business investment within the City of Eustis.

Eligibility: Properties fronting on SR 19 (Bay St. and portions of Grove St.) from US 441 to CR 452, CR 44 (Orange Ave.), US 441, McDonald Avenue, Palmetto Street, Bates Avenue, Kensington Street, and properties within the Entertainment District are eligible to apply for matching funds under this program. Only properties within the City of Eustis are eligible for the program.

Program Guidelines:

1. Funds shall be allocated on a first-come/first-served basis until the fiscal year allocation is fully expended.
2. All color schemes shall accent the structure and be in harmony with adjacent structures. City staff must approve paint colors.
3. The City will reimburse the applicant for 50% of qualifying expenditures, not to exceed a total grant amount of \$6,000.
4. The City will not provide reimbursement for any expenditures completed prior to grant application and approval.
5. City staff must verify improvement costs as consistent with industry standards.
6. Grantee must complete improvements and submit payment receipts in order to collect reimbursement.

Eligible Expenditures: The following improvements are eligible for this matching grant program:

1. Exterior painting (Cost of contractor and/or paint, but not materials such as buckets and brushes)
2. Façade improvements such as awnings, canopies, windows, window treatments, siding, etc.
3. Exterior lighting
4. Removal of non-conforming signage
5. Signage improvement or installation, consistent with City codes
6. Parking lot resurfacing
7. Irrigation
8. Landscaping not to exceed \$900 match

Ineligible Expenditures: The following expenses do not qualify as matching funds and cannot be reimbursed:

1. Painting materials such as buckets and brushes
2. In-kind services or owner labor
3. Improvements to non-conforming signs that are not being brought into compliance

Funding: The City Commission shall determine the total amount of funding available for the program each fiscal year.

For more information and application forms, contact the Economic Development Department at 352.483.5435 or carrinot@eustis.org.



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: CONSIDERATION OF EXTENSION OF THE ANNEXATION INCENTIVE PROGRAM

Introduction:

This item is for consideration of the extension of the Annexation Incentive Program for another year with an end date of April 30, 2023.

Background:

Resolution Number 18-27 established an annexation incentive program through which the City could waive application fees associated with voluntary annexation through April 30, 2019. The resolution provides the City Commission the opportunity to extend the resolution for one-year periods if the Commission approves prior to expiration. The City Commission extended this program on March 21, 2019 to allow the program to continue until April 30, 2020, and again on April 2, 2020 to allow the program to continue until April 4, 2021. The program was extended once again on April 1, 2021 until April 30, 2022. As the program once again draws toward the expiration date set by the City Commission, this item is presented for official action. If approved this extension will continue until April 30, 2023.

Performance of the program to date has resulted in the annexation of 58 properties with a total addition to the municipal boundaries of more than 863 acres. It cannot be determined, with accuracy, that the incentive program has increased the number of annexations over annexation requests that may have been submitted without the program.

The general intent of the program continues to encourage enclave and infill parcels to annex into the City with the additional benefit of encouraging the City to grow responsibly by reducing confusion and duplication of services and inconsistency of regulation.

Results by applicable year:

Y1 :2018-2019 Results:

- 11 Properties Annexed
- 13.25 acres

Y3: 2020-2021 Results:

- 20 Properties Annexed
- 509.28 acres

Y1 :2018-2019 Results:

- 11 Properties Annexed
- 13.25 acres

Y2: 2019 -2020 Results:

- 23 Properties Annexed
- 228.6 acres

Y3: 2020-2021 Results:

- 20 Properties Annexed
- 509.28 acres

Y4: 2021-2022 Results:

- 18 Properties Annexed
- 52.71 acres

Combined Results to Date

- 58 properties
- 863 +/- acres

Recommended Action:

Staff is seeking a consensus of the Commission to continue the Annexation Incentive Program for another year until April 30, 2023.

Policy Implications:

None

Alternatives:

Alternative 1: Continue the Annexation Incentive Program for an additional year, until April 30, 2023.

Alternative 2: Discontinue the Annexation Incentive Program on the current sunset date of April 30, 2022.

Budget Impact:

The future budget impact would be determined by the number of properties annexed and future development plans for said properties. To date, annual increase in ad valorem taxes to the City have exceeded the amount of hard costs (one time) expended / absorbed including time and expense for staff administration of the annexation process.

Attachments:

[Staff Report Annexation Incentive Extension](#)
[Resolution No. 18-27](#)

Reviewed by:

Jeff Richardson, Deputy
Development Services Director
Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 08 Apr 2022

Approved - 15 Apr 2022

Approved - 15 Apr 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, INTERIM CITY MANAGER
DATE: APRIL 21, 2022
RE: CONSIDERATION OF EXTENSION OF ANNEXATION INCENTIVE PROGRAM

Introduction

Resolution Number 18-27 established an annexation incentive program, through which the City could waive application fees associated with voluntary annexation through April 30, 2019. The resolution provides the City Commission the opportunity to extend the resolution for one-year periods if the Commission approves prior to expiration.

The City Commission extended this program on March 21, 2019 to allow the program to continue until April 30, 2020, and again on April 2, 2020 to allow the program to continue until April 4, 2021. The program was extended one again on April 1, 2021 until April 30, 2022. As the program once again draws toward the expiration date set by the City Commission, this item is presented for official action. If approved this extension will continue until April 30, 2023.

Background

Performance of the program to date has resulted in the annexation of 58 properties with a total addition to the municipal boundaries of more than 863 acres. It cannot be determined, with accuracy, that the incentive program has increased the number of annexations over annexation requests that may have been submitted without the program.

The general intent of the program continues to encourage enclave and infill parcels to annex into the City with the additional benefit of encouraging the City to grow responsibly by reducing confusion and duplication of services and inconsistency of regulation.

Results by applicable year:

Y1 :2018-2019 Results:

- 11 Properties Annexed
- 13.25 acres

Y3: 2020-2021 Results:

- 20 Properties Annexed
- 509.28 acres

Y2: 2019 -2020 Results:

- 23 Properties Annexed
- 228.6 acres

Y4: 2021-2022 Results:

- 18 Properties Annexed
- 52.71 acres

Combined Results to Date

- 58 properties
- 863 +/- acres

Budget / Staff Impact:

The future budget impact would be determined by the number of properties annexed and future development plans for said properties. To date, annual increase in ad valorem taxes to the City have exceeded the amount of hard costs (one time) expended / absorbed including time and expense for staff administration of the annexation process.

Recommended Action

Consensus by the City Commission to continue the annexation incentive program for another year until April 30, 2023.

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Attachments:

Resolution Number 18-27

RESOLUTION NO. 18-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, ESTABLISHING AN ANNEXATION INCENTIVE PROGRAM TO WAIVE, TEMPORARILY, ALL APPLICATION FEES ASSOCIATED WITH VOLUNTARY ANNEXATION OF PROPERTY; PROVIDING FOR AN EFFECTIVE DATE AND EXPIRATION DATE.

WHEREAS, per Chapter 163 of the Florida Statutes, the City of Eustis and Lake County have a Joint Planning Area (JPA) establishing areas appropriate for annexation into the City of Eustis; and

WHEREAS, there are multiple enclave parcels and parcels contiguous to the City limits within the Joint Planning Area, that qualify for annexation; and

WHEREAS, the Florida Statutes, Section 171.046, recognize that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declares that it is the policy of the State to eliminate enclaves; and

WHEREAS, without enclaves of property governed by unincorporated Lake County, the City can provide more efficient and cost effective services to those residing in the Eustis geographic area; and

WHEREAS, the City Commission desires to reduce duplication of services, confusion regarding service providers, and inconsistency of regulation; and

WHEREAS, the potential resulting increase in the City's land valuation would help improve the overall public health, safety, and welfare of its citizens; and

WHEREAS, processing multiple annexation requests in a consolidated manner will reduce the direct costs to the City.

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

- (1) That the City Commission hereby authorizes the Development Services Department to waive all application fees associated with annexation, including the required change in land use designation, for all annexation applications received between the effective date and expiration date of this resolution.
- (2) This Annexation Incentive Program shall become effective on May 1, 2018 at 8:00 a.m. and shall expire on April 30, 2019 at 5:00 p.m.

- (3) That the expiration of this Resolution may be extended for periods not to exceed (1) year by the City Commission, provided the City Commission approves the extension prior to its expiration.
- (4) That the Development Services Department shall notify the property owners of all enclave parcels and encourage them to apply for voluntary annexation.
- (5) That the Development Services Department shall prepare and present annexation ordinances and land use changes for all applications received during the aforementioned period provided the properties meet all statutory requirements for voluntary annexation.

DONE AND RESOLVED, this 5th day of April, 2018, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

ATTEST:

Mary C. Montez
Mary C. Montez
City Clerk

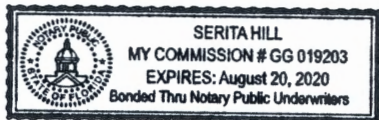
Robert R. Morin, Jr.
Robert R. Morin, Jr.
Mayor/Commissioner



CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 5th day of APRIL, 2018, by Robert R. Morin, Jr., Mayor, and Mary C. Montez, City Clerk, who are personally known to me.



Serita Hill
Notary Public- State of Florida

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.

4/5/18
Date

Derek A. Schroth
Derek A. Schroth
City Attorney

CERTIFICATE OF POSTING

The foregoing Resolution 18-27 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 & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

4/5/2018
Date

Mary C. Montez
Mary C. Montez
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, Interim City Manager
DATE: April 21, 2022
RE: CONSIDERATION OF EXTENSION OF THE DEVELOPMENT INCENTIVE
(WATER AND SEWER IMPACT FEE WAIVER) PROGRAM

Introduction:

Resolution Number 18-29 established a development incentive program through which the City waived contractor/developer/property owner responsibility to pay water and sewer impact fees for new construction by utilizing water and sewer fund revenues to fund water and sewer impact fee payments for new construction within the city limits. The program application period expired on April 30, 2020, but the resolution provided that the expiration of the resolution may be extended for periods not to exceed one year by the City Commission, provided the extension is approved prior to its expiration. The City Commission extended this program on April 1, 2021 to allow the program application period to continue until April 30, 2022. City Staff is asking the City Commission to extend this Development Incentive Program for another year, to continue until April 30, 2023.

Background:

Applications to Date

- 57 single-family
- 14 duplexes
- 5 multi-family
- 11 proposed subdivisions in the city limits
- 5 proposed new subdivisions that required annexation
- 1 office building 1 office/warehouse building
- 1 contractor's office/warehouse
- 1 light manufacturing facility
- 2 mixed-use commercial projects
- 1 assisted living facility

Results to Date

- 144.43 million in new construction
- Leveraged by 4.94 million in city investment

- 30 completed projects
- 59 under construction
- 22 not yet started and/or awaiting permit issuance

Recommended Action:

City Commission consensus to continue the development incentive program for another year.

Alternatives:

Prepared By:

Daniel Millan, Civil Engineer

Budget Impact:

The estimated construction cost of the completed projects totals approximately \$23.95 million. Annual ad valorem tax revenue to the City is yet to be determined and will be based on the Lake County Property Appraiser's assigned value.

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 15 Apr 2022

Mary Montez, City Clerk

Approved - 15 Apr 2022



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: April 21, 2022
RE: DISCUSSION ON THE HOUSING REHABILITATION PROGRAM AND THE LAKE COMMUNITY ACTION AGENCY

Introduction:

This item is for discussion regarding the City's housing rehabilitation program in conjunction with Lake Community Action Agency.

Background:

See attached Staff Report.

Attachments:

[LCAA Housing Rehab Staff Report](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 15 Apr 2022
Approved - 15 Apr 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: APRIL 21, 2022

RE: DISCUSSION ON THE HOUSING REHABILITATION PROGRAM AND
THE LAKE COMMUNITY ACTION AGENCY

Introduction:

The City of Eustis has contracted with the Lake Community Action Agency (LCAA) to manage the Community Redevelopment Agency's (CRA) Residential Rehabilitation program. As part of that program, Commissioner Willie Hawkins and the Interim City Manager conducted site visits of the homes participating in the program.

Recommended Action:

Staff recommends moving forward with rehabilitation projects that have already applied for assistance.

Background:

The CRA Board originally budgeted \$250,000 for housing rehabilitation projects in FY 19-20. Total expenses for FY 19-20 were \$17,806 for the rehabilitation of one home (1306 Wall Street) and pre-inspection services for a second home. The remainder of the \$250,000, or \$232,194, carried forward to FY 20-21. FY 20-21 expenses totaled \$18,024, which included improvements to 1312 Louis Court. The remaining balance of \$214,170 carried forward to FY 21-22. Following a site visit to 1223 East Hazzard Avenue, the CRA paid \$19,063 to the LCAA, which included \$16,063 for improvements and the \$3,000 grant administration fee. That leaves \$195,107 available for the program.

The CRA Board and the City Commission put a hold on the program until site visits could be conducted on the homes that received improvement assistance. Commissioner Willie Hawkins and the Interim City Manager scheduled site visits for the three participating homes. All homeowners seemed satisfied with the improvements, contractors, and the LCAA. While staff is not ready to recommend the re-opening of the application process, staff is recommending re-opening the process to homeowners that have already applied for assistance. After projects on the waiting list are complete, if there are sufficient funds available and the City/CRA are satisfied with progress, staff will bring back the possibility of re-opening the application process.

Community Input

There have been several opportunities for community input on the program in the past. There will be another opportunity for public input at the City Commission meeting on April 21, 2022.

Budget / Staff Impact:

Starting with \$250,000 in FY 19-20, a total of \$54,893 has been spent, leaving \$195,107 left available for the program.

Prepared by: Tom Carrino, Interim City Manager