



# AGENDA

## Regular City Commission Meeting

6:00 PM - Thursday, November 4, 2021 - City Hall

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INVOCATION: PASTOR RENEE HILL, W.I.N. 1 MINISTRIES

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
  - 2.1 September 23, 2021 - Regular City Commission Meeting  
October 7, 2021 - Regular City Commission Meeting  
[Staff Report #21-0307 - Html](#)  
[09-23-2021 CC MIN - For Approval](#)  
[10-07-2021 CC MIN - For Approval](#)
3. PRESENTATIONS
  - 3.1 Quarterly update on housing rehabilitation program by Lake Community Action Agency  
[Staff Report #21-0303 - Html](#)
4. AUDIENCE TO BE HEARD
5. CONSENT AGENDA
  - 5.1 Resolution Number 21-86: Approval of purchase in excess of \$50,000 for information technology consulting services with Verteks Consulting, Inc.  
[Staff Report #21-0298 - Html](#), [Staff Report #21-0298 - Html](#)  
[Staff Report - Resolution Number 21-86](#)  
[Resolution Number 21-86](#)
  - 5.2 Resolution Number 21-88: Approval of annual purchases in excess of \$50,000  
[Staff Report #21-0301 - Html](#)  
[Resolution Number 21-88](#)
6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS
  - 6.1 Resolution Number 21-77: Amending Personnel Rules and Regulations to add Emergency Paid Sick Leave and Personal Holiday  
[Staff Report #21-0306 - Html](#)  
[Staff Report - Resolution 21-77](#)  
[Resolution 21-77](#)
  - 6.2 Resolution Number 21-85: Site Plan with Waivers for a Convenience Store with Gas at 36536 South Fish Camp Road  
[Staff Report #21-0304 - Html](#)

[Staff Report - Resolution Number 21-85](#)  
[Resolution Number 21-85](#)

- 6.3 Resolution Number 21-87: Increasing rental rates for City facilities

[Staff Report #21-0300 - Html](#)  
[Staff Report - Resolution 21-87](#)  
[Resolution Number 21-87](#)  
[Surrounding Cities Facility Rental Comparison](#)  
[Exhibit A - Rental Facility Rates](#)

- 6.4 Second Reading of Ordinances for Property Located at 1704 Virginia Avenue:  
Ordinance Number 21-30 - Voluntary Annexation  
Ordinance Number 21-31 - Comprehensive Plan Amendment  
Ordinance Number 21-32 - Design District Assignment

[Staff Report #21-0302 - Html](#)  
[Staff Report Ordinances 21-30, 21-31, 21-32 Annex FLU DD](#)  
[Ordinance Number 21-30 Annexation](#)  
[Ordinance Number 21-31 FLUMA](#)  
[Ordinance No. 21-32 Design Dist](#)

- 6.5 Ordinance Number 21-33: Amending Chapter 70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System

[Staff Report #21-0299 - Html](#)  
[Ordinance Number 21-33](#)  
[Staff Report - Ordinance 21-33](#)

## 7. OTHER BUSINESS

- 7.1 Consideration of Organization and Support Grants for FY2021-2022

[Staff Report #21-0297 - Html](#)  
[Staff Report - Award of Grants for FY2022](#)

- 7.2 Discussion regarding amendments to Section 110 of the Land Development Regulations - Portable Storage Units/Long-Term Storage Containers

[Staff Report #21-0305 - Html](#)  
[Staff Report - Consideration of LDR Amendments](#)

## 8. FUTURE AGENDA ITEMS

## 9. COMMENTS

- 9.1 City Commission

- 9.2 City Manager

- 9.3 City Attorney

- 9.4 Mayor

## 10. ADJOURNMENT

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

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

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





**City of Eustis**

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

## Staff Report

**TO:** Eustis City Commission  
**FROM:** Tom Carrino, Interim City Manager  
**DATE:** November 4, 2021  
**RE:** SEPTEMBER 23, 2021 - REGULAR CITY COMMISSION MEETING  
OCTOBER 7, 2021 - REGULAR CITY COMMISSION MEETING

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**Introduction:**

This item is for consideration of the minutes of the September 23, 2021, and October 7, 2021, regular City Commission meetings.

**Attachments:**

[09-23-2021 CC MIN - For Approval](#)

[10-07-2021 CC MIN - For Approval](#)

**Reviewed by:**





## MINUTES

# Regular City Commission Meeting

6:00 PM - Thursday, September 23, 2021 - City Hall

**INVOCATION: A MOMENT OF SILENCE WAS HELD**

**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

- 1.1 Bill Howe, Acting City Manager, announced that Resolution Number 21-74 was pulled from the agenda.

### 2. APPROVAL OF MINUTES

- 2.1 August 19, 2021 - Regular City Commission Meeting

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

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

### 3. AUDIENCE TO BE HEARD

- 3.1 Patricia Duncan addressed the Commission regarding the proposed development in the Thrill Hill area and recently proposed changes to the Comprehensive Plan. She thanked the Commission for continuing to negotiate with Lake County regarding joint planning.

Cindy Newton distributed a written statement to the Commission regarding the effect of trees on water quality and the effect of development on the environment.

Lee Conger commented on an upcoming joint planning meeting between the City and Lake County. She indicated she would be emailing to the City some planning information for consideration during those negotiations. She suggested the possibility of providing development incentives to encourage developers to use smart growth methods.

Gail Isaac Thomas thanked the Commission for the beautiful renovation of the Commission Room. She indicated she emailed the City and Commission

regarding the right-of-way on Kensington and thanked Public Works for mowing the area where the dumpster was located.

Joseph Drovin thanked the City and Parks and Recreation for the Tuesday morning senior citizen breakfasts.

Yolanda Taylor asked the Commission to place on a future agenda use of CRA monies in the East Town area.

#### **4. CONSENT AGENDA**

- 4.1** Resignation of City Manager upon approval of City Commission
- 4.2** Resolution Number 21-70: Acceptance of Eleven Oaks Subdivision Road Right-of-Way and Water System Infrastructure and associated actions
- 4.3** Resolution Number 21-73: Purchase in excess of \$50,000 for Reclaimed Water Pipe
- 4.4** Resolution Number 21-74: Bay State South Utilities Agreement  
This item was removed from the agenda at the request of the Bay State South Homeowners Association.

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the Consent Agenda as submitted with the removal of the Bay State South utility agreement. Motion carried by the following votes:

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

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

- 5.1** Resolution Number 21-71: Adopting Final Millage Rate for 2021

Derek Schroth, City Attorney, announced Resolution Number 21-71: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; adopting the final millage levy of ad valorem taxes for the City of Eustis, Lake County, Florida, for Fiscal Year 2021-2022; providing for an effective date.

Mike Sheppard, Finance Director, announced that the proposed final millage rate is 7.5810 mills, which is greater than the rolled-back rate of 7.1548 mills and increases taxes by 5.96%.

Mr. Schroth opened the public hearing at 6:14 p.m. There being no public comment, the hearing was closed at 6:14 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Resolution Number 21-71. Motion carried by the following votes:

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

**5.2**     Resolution Number 21-72: Adopting a Final Budget for Fiscal Year 2021-2022

Mr. Schroth announced Resolution Number 21-72: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; adopting the final budget for Fiscal Year 2021-2022; providing for an effective date.

Mr. Sheppard confirmed the budget hearing was properly advertised pursuant to state statute. He provided a brief overview of the budget summary and noted that both the police and fire pensions were able to reduce the amount of the City's contribution. He added that the City only experienced a 1.6% increase in the cost of the health insurance. He indicated that the budget includes a 3% across the board salary increase for City employees.

The Commission thanked Mr. Sheppard and the City staff for the budget workshops which helped Commission have a better understanding of the budget.

Mr. Schroth opened the public hearing at 6:18 p.m. There being no public comment, the hearing was closed at 6:18 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to approve Resolution Number 21-72. Motion carried by the following votes:

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

**5.3**     Explanation of Ordinances for Property Located at 2959 South Grove Street (First Reading):

Ordinance Number 21-24 – Voluntary Annexation

Ordinance Number 21-25 – Comprehensive Plan Amendment

Ordinance Number 21-26 – Design District Assignment

Mr. Schroth read Ordinance Number 21-24 by title on first reading: An Ordinance of the City Commission of the City Of Eustis, Florida, voluntarily annexing approximately 0.83 acres of real property located at 2959 South Grove Street.

Heather Croney, Senior Planner, reviewed the proposed annexation and explained the proposed future land use and design district designations for property located at 2959 S. Grove St. which is owned by Villagers for Veterans Inc. She explained the proposal is to change the future land use designation from Urban Low in Lake County to Suburban Residential and assign a design district designation of Suburban Neighborhood. She reviewed the criteria under the Suburban Residential and Suburban Neighborhood designations. She stated the request is consistent with the surrounding land use designations and reviewed staff's analysis of the request. She indicated they are proposing to construct a single family dwelling unit which will not have significant additional impact to the area. She stated staff's recommendation for approval stating the annexation is consistent with the joint planning area and Florida statute requirements and the designations are compatible with the Comprehensive Plan and Land Development Regulations.

Mr. Schroth opened the public hearing at 6:24 p.m.

Catherine Wilgus, a member of the Villagers for Veterans, stated she was present to answer any questions.

There being no further public comment, the hearing was closed at 6:25 p.m.

Moved by Commissioner Hawkins, seconded by Vice Mayor Lee, to approve Ordinance Number 21-24 on first reading. Motion carried by the following votes:

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

**5.4** Ordinance Number 21-25 - Comprehensive Plan Amendment for property located at 2959 South Grove Street

Mr. Schroth read Ordinance Number 21-25 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 0.83 acres of recently annexed property, located at 2959 South Grove Street, from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Mr. Schroth opened the public hearing at 6:26 p.m. There being no public comment, the hearing was closed at 6:26 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Ordinance Number 21-25 on first reading. Motion carried by the following votes:

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

**5.5** Ordinance Number 21-26 - Design district designation for property located at 2959 South Grove Street

Mr. Schroth read Ordinance Number 21-26 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 0.83 acres of real property, located at 2959 South Grove Street.

Mr. Schroth opened the public hearing at 6:26 p.m. There being no public comment, the hearing was closed at 6:26 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Ordinance 21-26 on first reading. Motion carried by the following votes:

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

**5.6** Explanation of Ordinances for Property Located on the West End of West Seminole Avenue (First Reading):  
Ordinance Number 21-27 – Voluntary Annexation  
Ordinance Number 21-28 – Comprehensive Plan Amendment

#### Ordinance Number 21-29 – Design District Assignment

Mr. Schroth read Ordinance Number 21-27 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 0.26 acres of real property on the west end of W. Seminole Avenue.

Lori Barnes, Development Services Director, reviewed the proposed annexation of 0.26 acres of real property located on the west end of W. Seminole Avenue and the proposed future land use and design district designations. She noted that the property is part of an unincorporated enclave and the annexation would reduce the size of the enclave. She explained the request is for a future land use designation of Suburban Residential and a design district designation of Suburban Neighborhood. She noted the surrounding area has a mix of uses and reviewed the criteria of the future land use and design district designations. She stated staff's finding that the request is consistent with the surrounding future land use designations and established patterns. She explained the property is proposed to be used for emergency access only to a previously approved annexed property. She indicated it will be brought back as a subdivision plat modification. She reviewed staff's analysis of the request and stated the request is consistent with the Comprehensive Plan and Land Development Regulations. She stated staff's recommendation for approval.

The Commission confirmed that the property is planned for emergency access only.

Mr. Schroth opened the public hearing at 6:33 p.m.

Nick Hill, SNME, thanked staff for their assistance with their application and indicated they were present to answer any questions.

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

Moved by Vice Mayor Lee, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-27 on second reading. Motion carried by the following votes:

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

#### **5.7** Ordinance Number 21-28 - Future land use designation for property located on west end of W. Seminole Avenue

Mr. Schroth read Ordinance Number 21-28 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187 F.S.; changing the future land use designation of approximately 0.26 acres of recently annexed real property on the west end of W. Seminole Avenue from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:35 p.m.

Jeremy Brown asked how much the taxes would increase and how that would be offset by future development.

Ms. Barnes explained that anytime property is annexed into the City they will then be levied at the City's ad valorem rate. She stated that pre-development estimate is \$55 per year. She explained they do not currently have a post-development estimate. Once the property is combined, then they will be able to provide an estimate of the tax revenue.

There being no further public comment, the hearing was closed at 6:36 p.m.

Moved by Commissioner Hawkins, seconded by Commissioner Cobb, to approve Ordinance Number 21-28 on first reading. Motion carried by the following votes:

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

**5.8** Ordinance Number 21-29 - Design district designation for property located on west end of W. Seminole Avenue

Mr. Schroth read Ordinance Number 21-29 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 0.26 acres of recently annexed real property on the west end of W. Seminole Avenue.

Mr. Schroth opened by public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Ordinance Number 21-29 on first reading. Motion carried by the following votes:

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

**6. OTHER BUSINESS**

**6.1** Review of RFQ for downtown parking garage

Rick Gierok, Public Works/Utilities Director, reviewed the RFQ for the proposed parking garage. He explained it would be located on the half block between Gottsche and Clifford to the west of Eustis Street. He stated the original concept plan was for a ground floor and two additional decks for 255 parking spaces and an estimated cost of \$4.5 million. He stated that at the beginning of 2021 an RFQ was let and seven submittals were received; however, the time for evaluation of that RFQ has expired. He indicated the project could be re-advertised October 4th with a pre-submittal conference on October 19th and a submittal deadline of November 19th. He reviewed the anticipated timeline stating it could be brought before the Commission for approval in January 2022. He explained that it is a design-build so there would not be a separate engineering bid. He explained the use of an RFQ versus a bid and estimated the cost of the project at \$4.5 million. He then reviewed the criteria to be used for evaluation of the submittals and the funding options. He noted the City will be receiving \$10,600,000 from the Rescue

Act. He commented on questions regarding stipulations on the use of those funds and when the funds would be available. He indicated the possibility of a deadline for use of the funds by the end of 2024 and stated the project would be eligible. He estimated that the project would be complete within 16 months. He commented on possible use of the Rescue Act funds also for expansion of the wastewater treatment plant. He estimated the cost of that expansion at \$7 million which should give the City 20 years of capacity. He indicated they are working to keep that project eligible for SRF funds. He stated they are looking at getting into the funding cycle in March. He commented on current issues with costs for materials for construction projects.

The Commission asked whether or not any consideration had been given to adding some commercial space and how many spaces would be lost.

Mr. Gierok indicated they would lose a third of the spaces. He commented on whether or not they could go up another level to avoid losing those spaces. He indicated to go up another level might require using pilings.

The Commission asked whether or not local contractors would be included in the RFQ with Mr. Gierok indicating that they will make sure that local contractors are included. He explained that with SRF funding you cannot include points for being a local vendor.

The Commission asked if they also have to submit financial information with Mr. Gierok indicating they have to submit bonding information. He explained how they look at that information.

CONSENSUS: It was a consensus of the Commission for staff to move forward with the project.

## **6.2     Direction on the former Florida Hospital Waterman site**

Tom Carrino, Economic Development Director, explained that, based on the Commission's actions at the last meeting, staff was requesting direction regarding how to move forward with the former Florida Hospital Waterman site. He stated that options include the following: 1) renegotiating the contract with the Atrium team; and 2) Reissuing the request for proposal either similar to the original or issuing a whole new request for proposal following meetings with local stakeholders. He added that there are consultants that review RFP's if the Commission thinks that expertise is needed.

Commissioner Hawkins reported that he had met with Adam Wonus regarding the project following the last meeting. He indicated his opinion that Atrium is willing to look at making changes to their proposal such as changing some of the apartments to townhouses to reduce the amount of required parking. He stated he did not believe the City and Atrium were as far apart as it previously seemed.

Commissioner LeHeup-Smith expressed agreement for further negotiations with Atrium.

Vice Mayor Lee stated she would have to see what is brought forward.

Commissioner Cobb noted she had met with Mr. Carrino and commented on her desire to look at the CRA as a whole and stated her desire to see more local people involved with the project. She stated her desire to see the project more Commission driven.

Commissioner Hawkins expressed support for further negotiations with Atrium.

Discussion was held regarding how it would be negotiated.

Mayor Holland commented on the possibility of placing that on the next agenda. He asked Commissioner Hawkins to be the Commission liaison and for each of the other Commissioners to appoint someone to sit on a committee.

Further discussion was held regarding negotiations with Atrium.

CONSENSUS: It was a consensus of the Commission to place on the next agenda discussion regarding appointing a committee to work on the project with the intent to develop a master plan for the downtown.

Discussion was held regarding the need to appoint a new person to represent the west side of the CRA on the CRA Board with Bill Howe stating he would have a notice published.

### **6.3 Discussion concerning SpenceTF contract and anticipatory breach**

Mr. Schroth explained his concerns regarding the SpenceTF contract and the anticipatory breach. He cited the agreement stating that the primary intent of the contract is for it to be developed as a drive-in movie theater with at least two screens and that must be developed prior to construction of anything else. He commented on the Commission's concerns expressed at the last meeting.

Spencer Follmar introduced Ted Boland, CEO of Flagship.

Mr. Boland provided a brief review of his personal background and other development projects Flagship had been involved with. He reviewed the history of his company's relationship with Spencer Follmar noting his use of Greg Beliveaux with the Land Planning Group for review of the contract and proposed development. He commented on their review of the contract and what other types of development are allowed within the land use classification. He commented on the demand in the area for a high-end self-storage facility with RV parking and their experience in building those types of facilities. He cited their work in completing the various required studies at an estimated cost of \$250,000.

Mr. Boland stated that the reports showed the groundwater level is high on the property which is complicated by the presence of clay on the site. He noted the environmental audit showed contamination on the site that may need to be remediated and also showed gopher tortoises on the site. He stated the traffic survey indicated improvements that would be required on Hwy. 44. He noted they had the property bush hogged so that the surveyors could complete the survey and the civil engineers have begun the design work. He expressed concern regarding the email from the City Attorney regarding the anticipatory breach. He

stated his opinion that the contract buyer is in compliance with the agreement stating that a feasible plan has been presented to build a two-screen drive-in theater and use the remaining property for an allowed use. He indicated there are ongoing property issues that need to be resolved in cooperation with the City. He stated their plan going forward is to meet with staff once they have more data within a week or two which can be presented to the Commission at a later hearing. He stated they fully intend to proceed with their consultant team, address the issues, design the project, close on the land and move forward. He indicated their desire to work collaboratively with the City to complete the project.

Commissioner Hawkins asked how long ago he began working with Mr. Follmar with Mr. Boland indicating seven to eight months previous.

Commissioner Hawkins questioned what was originally proposed to him with Mr. Boland indicating Mr. Follmar's original desire to do five screens but the contract requires a minimum of two. He indicated the intent to put in the two and then, if the project is successful, to add the additional screens. He explained his view was for them to start with the required two screens and maybe a retail pavilion.

Commissioner Hawkins expressed concern regarding reducing the plan from five screens with commercial and retail down to two screens and storage units.

Mr. Boland explained that just getting the two screens off the ground is a big deal noting that most financial institutions don't want to finance that. He further explained that the storage facility could drive the funding for the drive-in theater.

Commissioner Hawkins asked how many financial institutions he spoke with before Flagship with Mr. Follmar indicating that initially he told them he had private financing from the movie industry but that all went away following Covid due to the significant impact on the movie industry. He explained that his brother-in-law introduced him to Mr. Boland which enabled him to move forward with the project.

Commissioner Hawkins asked when the determination to only do the two screens was done and if it was done prior to receiving the studies with Mr. Boland indicating he looked at what was required under the contract and that was what they would plan around. He added that he would love to see what is in the rendering but they have to match it to demand.

Commissioner Hawkins asked when they decided to go with storage units with Mr. Boland responding they spoke with Greg Beliveaux about what was already in the area. He then indicated the decision was made about four or five months previous.

Commissioner Hawkins expressed concern that the Commission only heard about the possibility of storage units three weeks prior.

Mr. Boland then stated he only concluded his deal with SpenceTF about 90 days ago.

Commissioner Hawkins expressed concern regarding the amount of time between their deal and when the information was provided to the Commission. He then

asked how many storage facilities they have.

Mr. Boland responded they had fifteen and they recently sold five but have additional facilities under construction or in process and cited various locations. He added they also operate studio salons.

Commissioner Cobb emphasized she does not have to recuse herself and she does not have a conflict of interest as she has no financial interest involved. She expressed concern about erroneous information being provided regarding her business. She stated the Commission was sold the project with five screens and commercial development.

Vice Mayor Lee expressed concern regarding what is proposed noting she has not been in favor of the project from the beginning. She further expressed disappointment regarding changing uses between storage units and RV storage. She stated her opposition to the project.

Mayor Holland asked Mr. Schroth what the City's options are.

Mr. Schroth recapped that there was a statement that night about a purchase of an interest in the company and there is a prohibition in the contract for assignment. He indicated the contract extension was extended to December 20th so the City may have to wait until then. He stated the contract requires construction of a two-screen drive-in theater first and the primary purpose is for the drive-in theater. He added that, if they are expressing willingness to do that, then the City may need to wait and see what will occur. He requested direction to contact their attorney to clarify the purchase of an interest in the company.

Mayor Holland expressed concern regarding changes since the original contract.

CONSENSUS: It was a consensus of the Commission for Mr. Schroth to contact their attorney.

Vice Mayor Lee asked about whether or not they have a breach to the contract with Mr. Schroth asking Mr. Boland for clarification of what he said regarding a first and second "traunch".

Mr. Boland explained that the first "traunch" is the two-screen drive-in theater and "traunch" two is the RV park and self-storage facility which would be very high end. He cited the high demand for that type of facility. He then commented on the problems with the property.

Mayor Holland emphasized that he had informed Spencer Follmar in an open meeting that the property had a number of problems and advised him to look for another property.

Mr. Boland responded that, based on the Commission comments, they would withdraw from the project.

## **7. FUTURE AGENDA ITEMS**

### **7.1 Commissioner Cobb stated she spoke with Mr. Schroth regarding Sharp's Mobile**

Home Park noting that it is up for sale again for \$4 million. She commented on encroachments they have on both City and County right-of-way as well as on Daniel DiVenanzo's property. She stated that whenever the property is sold, those encroachments need to be addressed.

Mayor Holland agreed to place it on a future agenda and asked Mr. Schroth to research the encroachments and bring that back.

## **8. COMMENTS**

### **8.1 City Commission**

Commissioner LeHeup-Smith commented on a very nice letter she received from Vaughn Lewis regarding Wyatt Lewis who gave his family excellent service in selecting a gravesite. She indicated she would give a copy of the letter to the City.

Vice Mayor Lee asked to have discussion regarding the cemetery brought back.

### **8.2 City Manager - None**

### **8.3 City Attorney**

Mr. Schroth noted that under the Charter, Mr. Neibert requested that Bill Howe be appointed as Acting Manager until October 15th. He indicated they can change that or approve that recommendation and that they would have to appoint an Interim Manager for after October 15th to serve during the selection process.

CONSENSUS: Following discussion, it was a consensus of the Commission for Bill Howe to serve as Acting City Manager until October 15th.

Mr. Schroth confirmed they wanted discussion regarding appointment of an Interim Manager on the next agenda.

### **8.4 Mayor**

Commissioner Hawkins expressed concern regarding the resignation of Ron Neibert and his support for him as manager. He stated that the way it occurred took his vote away from him and that what happened was wrong. He indicated that it is not just about Mr. Neibert but opposition to the way it was handled.

Vice Mayor Lee stated they have been praised for being a good Commission. She stated the Commission needs to get back on track for what they were doing well. She expressed the need for the Commission to work together.

Commissioner LeHeup-Smith read a prepared statement expressing concern regarding the resignation of the City Manager, lack of teamwork by the Commission, indecisiveness and lack of clear direction by the Commission. She indicated she had considered resigning from the Commission but has decided to complete her term.

Mayor Holland thanked Mr. Neibert for his service to the City and stated the Commission and staff will work together to get the City where it needs to go.

**9. ADJOURNMENT: 7:51 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](http://www.eustis.org) and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

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MARY C. MONTEZ  
City Clerk

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MICHAEL L. HOLLAND  
Mayor/Commissioner



# MINUTES

## Regular City Commission Meeting

6:00 PM - Thursday, October 7, 2021 - City Hall

**INVOCATION: MOMENT OF SILENCE WAS HELD**

**PLEDGE OF ALLEGIANCE: COMMISSIONER COBB**

**CALL TO ORDER: 6:07 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 September 2, 2021 - Special City Commission Meeting**

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. AUDIENCE TO BE HEARD**

##### **3.1** Cindy Newton distributed handouts to the Commission regarding the Bates Subdivision. She expressed concern regarding the compaction of the soil and the effect on the aquifer. She asked the type of soil being used, how much is being installed and where it is coming from.

Mayor Holland asked her to contact Lori Barnes, Development Services Director.

Daniel DiVenzano addressed the Commission regarding the lack of a City Manager. He cited the possibility of appointing one of the department heads as the Acting City Manager. He expressed support for them selecting a good new City Manager.

Gail Isaac Thomas announced the House of Laughter event would be held on October 16th at Mieluz Grand Hall. She noted this is the sixth year they have been holding the clean comedy show.

Yolanda Taylor read a prepared statement to the Commission regarding the East Town CRA area. She asked for suspension of the "mow to own" program, ceasing

the foreclosure of properties under code liens and stopping placement of any retention areas in the East Town area. She distributed copies of her statement to the Commission.

Lee Conger presented to the Commission a book by Randall Arendt, "Rural by Design, Maintaining Small Town Character". She commented on the contents of the book. She noted that the County will be inviting Mr. Arendt to a Countywide workshop.

Jeremy Brown addressed the Commission regarding supply chain issues in the country and world. He cited various economic issues. He asked if those issues are being discussed within the City and commented on the possibility of inflation.

Darius Kerrison commented on the comedy show to be held on October 16th.

#### **4. CONSENT AGENDA**

- 4.1** Resolution Number 21-74: Approval of Edward Byrne Memorial Justice Assistance Grant
- 4.2** Resolution Number 21-75: Purchase in excess of \$50,000 for books and other reading materials
- 4.3** Resolution Number 21-76: Approval of purchase in excess of \$50,000 for Customer Service postage costs

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, 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

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

- 5.1** Ordinance Number 21-10: Adopting Comprehensive Plan text amendment to incorporate a Property Rights Element

Derek Schroth, City Attorney, read Ordinance Number 21-10 by title on second reading: An Ordinance of the City Commission of the City of Eustis, Florida, amending the City of Eustis Comprehensive Plan 2010-2035 pursuant to Section 163.3184 of the Florida Statutes; providing for addition of a Property Rights Element; providing for the repeal of ordinances inconsistent with this ordinance; providing for conflicting provisions; and providing for severability and effective date.

Mr. Schroth opened the public hearing at 6:26 p.m. There being no public comment, the hearing was closed at 6:26 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-10 on second reading. Motion carried by the following votes:

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

Commissioner LeHeup-Smith and Mayor Holland

**5.2** Ordinance Number 21-15: Voluntary Annexation of property located at the northeast corner of Estes Road and Lake Lincoln Lane

Mr. Schroth read Ordinance Number 21-15 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 5.2 acres of real property at the northeast corner of Estes Road and Lake Lincoln Lane.

Mr. Schroth opened the public hearing at 6:27 p.m. There being no public comment, the hearing was closed at 6:27 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-15 on second and final reading. Motion carried by the following votes:

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

**5.3** Ordinance Number 21-16: Comprehensive Plan Amendment for property located at the northeast corner of Estes Road and Lake Lincoln Lane

Mr. Schroth read Ordinance Number 21-16 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 5.2 acres of recently annexed real property at the northeast corner of Estes Road and Lake Lincoln Lane from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:27 p.m.

The following individuals expressed opposition to the ordinance: 1) Cindy Newton; and 2) Cathy Gonzalez.

There being no further public comment, the hearing was closed at 6:31 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-16 on final reading. Motion carried by the following votes:

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

**5.4** Ordinance Number 21-17: Design District Assignment property located at the northeast corner of Estes Road and Lake Lincoln Lane

Mr. Schroth read Ordinance Number 21-17 by title 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 5.2 acres of recently annexed real property at the northeast corner of Estes Road

and Lake Lincoln Lane.

Mr. Schroth opened the public hearing at 6:31 p.m.

Cindy Newton expressed opposition to the ordinance stating the area is a high recharge area with unique farmland and expressing concern regarding the effect on the aquifer.

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

Moved by Commission LeHeup-Smith, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-17 on final reading. Motion carried by the following votes:

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

**5.5** Consideration of Ordinances for property located on west side of Estes Road (approximately 650 feet north of Bates Avenue)  
Ordinance Number 21-18: Voluntary Annexation

Mr. Schroth read Ordinance Number 21-18 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 4.69 acres of real property on the west side of Estes Road (approximately 650 feet north of Bates Avenue).

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

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-18 on second and final reading. Motion carried by the following votes:

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

**5.6** Ordinance Number 21-19: Comprehensive Plan Amendment - Property located on west side of Estes Road (approximately 650 feet north of Bates Avenue)

Mr. Schroth read Ordinance Number 21-19 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 4.69 acres of real property on the west side of Estes Road (approximately 650 feet north of Bates Avenue) from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:35 p.m. There being no public comment, the hearing was closed at 6:35 p.m.

Moved by Commissioner Hawkins, seconded by Commissioner Cobb, to adopt Ordinance Number 21-19 on final reading. Motion carried by the following votes:

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

**5.7** Ordinance Number 21-20: Design District Assignment - Property located on west side of Estes Road (approximately 650 feet north of Bates Avenue)

Mr. Schroth read Ordinance Number 21-20 by title 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 4.69 acres of recently annexed real property on the west side of Estes Road (approximately 650 feet north of Bates Avenue).

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:36 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to adopt Ordinance 21-20 on final reading. Motion carried by the following votes:

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

**5.8** Consideration of Ordinances for Property Located at 2959 South Grove Street: Ordinance Number 21-24 – Voluntary Annexation

Mr. Schroth read Ordinance Number 21-24 by title on second and final reading: An Ordinance of the City Commission of the City Of Eustis, Florida, voluntarily annexing approximately 0.83 acres of real property located at 2959 South Grove Street.

Mr. Schroth opened the public hearing at 6:36 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve Ordinance Number 21-24 on first reading. Motion carried by the following votes:

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

**5.9** Ordinance Number 21-25 – Comprehensive Plan Amendment - Property located at 2959 South Grove Street

Mr. Schroth read Ordinance Number 21-25 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 0.83 acres of recently annexed property, located at 2959 South Grove Street, from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Mr. Schroth opened the public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

Moved by Vice Mayor Lee, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 21-25 on final reading. Motion carried by the following votes:

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

**5.10** Ordinance Number 21-26 – Design District Assignment - Property located at 2959 South Grove Street

Mr. Schroth read Ordinance Number 21-26 by title 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 0.83 acres of real property, located at 2959 South Grove Street.

Mr. Schroth opened the public hearing at 6:38 p.m. There being no public comment, the hearing was closed at 6:38 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance Number 21-26 on final reading. Motion carried by the following votes:

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

**5.11** Consideration of Ordinances for Property Located on the West End of West Seminole Avenue:  
Ordinance Number 21-27 – Voluntary Annexation

Mr. Schroth read Ordinance Number 21-27 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 0.26 acres of real property on the west end of W. Seminole Avenue.

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

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to adopt Ordinance Number 21-27 on second reading. Motion carried by the following votes:

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

**5.12** Ordinance Number 21-28 – Comprehensive Plan Amendment - Property located on west end of West Seminole Avenue

Mr. Schroth read Ordinance Number 21-28 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 0.26 acres of recently annexed real property on the west end of W. Seminole Avenue from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to adopt Ordinance Number 21-28 on final reading. Motion carried by the following votes:

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

**5.13** Ordinance Number 21-29 – Design District Assignment - Property located on west end of West Seminole Avenue

Mr. Schroth read Ordinance Number 21-29 by title 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 0.26 acres of recently annexed real property on the west end of W. Seminole Avenue.

Mr. Schroth opened the public hearing at 6:40 p.m. There being no public comment, the hearing was closed at 6:40 p.m.

Moved by Commissioner Hawkins, seconded by Commissioner LeHeup-Smith, to adopt Ordinance Number 21-29 on final reading. Motion carried by the following votes:

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

**6. OTHER BUSINESS**

**6.1** Appointment of a CRA Review Committee and discussion of process

Tom Carrino, Economic Development Director, cited discussion at the last Commission meeting regarding the need to establish a process to review the CRA and the vision for the CRA. The Mayor had requested that Commissioners bring names for appointment as representatives to a review committee. He also asked the Commission to discuss the process to be used for the review noting that it probably would involve multiple meetings and possibly professional assistance. He noted CRA documents that were provided to the Commission and reviewed the history of the development and subsequent extension of the CRA for another 30 years. He commented on a public input meeting held in 2017 and subsequent survey that was held to help establish goals and prioritize those goals. He suggested that might be a type of process to use again. He explained the first CRA plan was done in 1990, a 2002 plan update was done but never actually adopted. He then noted that in 2008-2009 the CRA was technically split in two and the City prepared a downtown master plan and a separate marketing piece and slide presentation for the east side of the CRA. He explained that in 2016 the City adopted a whole new plan to completely replace the 1990 plan rather than just updating and amending. He commented on the expansion of the CRA with a finding of necessity to include Sharps Mobile Home Park and a couple of other parcels into the CRA. He added they have also been provided the following

documents: 1) 2017 public meeting summary; 2) summary of the hardcopy and online survey; 3) an analysis of five years of expenses from the east and west sides of the CRA; 4) an analysis of the revenue generated by the east and west sides of the CRA; and 5) a list of all the affiliated ordinances and resolutions. He summarized the intent of the process. He then indicated the same information would be provided to the community representatives to the committee. He stated they need to determine the process for the review, determining a vision for the CRA, determining what the public wants in the CRA and how to budget for what is desired in the CRA.

Commissioner LeHeup-Smith asked for clarification of the Committee and whether or not the Commissioners would be part of the Committee and would staff members be involved.

Discussion was held regarding the Commission being part of the Committee with Mr. Schroth confirming that if more than one Commissioner sits on the committee then it would be a Sunshine committee. He stated if it is just a fact-finding committee it would not be under the Sunshine; however, if they want them to make recommendations, then it would.

Mayor Holland expressed his thought process noting that many people do not know the boundaries of the CRA and what the purpose of a CRA is. He commented on the need to regrow the business district in the east CRA and the need for buy-in from the east CRA community. He stated the Commission needs to know what those residents will support in that area. He added he would be fine with just community members or having Commissioners sit in as well.

Commissioner Hawkins expressed agreement with Mayor Holland and support for Commissioners being a part of the committee.

Commissioner Cobb expressed support for the Commission being a part of the Committee noting how complex the issue is and citing the need to regrow the business district.

Vice Mayor Lee stated she wanted the Commission to be part of the committee but wanted to wait to appoint individuals until they have more direction.

Commissioner LeHeup-Smith stated she would prefer to see the committee be made up of community members but would bow to the will of the Commission.

Mr. Carrino suggested doing something like the 2017 community meeting to get public input and also having a more formal process with the committee and Commission.

Mayor Holland asked all of the Commissioners to present their names for the committee to Mr. Carrino by close of business Friday.

Mr. Carrino indicated there may be a few more documents to come citing the waterfront plan from 1995 which he could not initially find. He noted it would have been negated by adoption of the 2016 plan.

## **6.2     Direction on negotiating an agreement with the Atrium Management Team for the**

### sale and redevelopment of the former Florida Hospital Waterman site

Mr. Carrino cited the lack of approval of the previous draft agreement and noted the discussion at the last Commission meeting regarding continuing to negotiate with Atrium. He asked for further direction regarding how to continue the negotiations. He asked that the Commissioners provide to him their concerns regarding the draft agreement. He noted previous concerns expressed about parking being reserved in the Lake Mechanical parking lot, the timeline, ownership style such as townhomes and condominiums versus apartments, and corporate financials for the development team. He asked what they would like staff to begin working on. He stated that he met with one Commissioner and heard their concerns. He indicated he would also be willing to meet with the other Commissioners individually to hear their concerns or they can discuss the concerns that night. He indicated the Atrium representatives are also willing to meet individually or address questions that night.

Vice Mayor Lee expressed concern about giving away the first lot. She stated she would prefer a lease for that lot. She also expressed support for townhomes, receiving financials and settling the parking issue.

Commissioner LeHeup-Smith expressed support for the agreement as submitted.

Commissioner Cobb indicated she would like a private meeting.

Commissioner Hawkins stated he had already had a meeting.

Mayor Holland requested that Commissioner Hawkins sit in on any negotiations with staff.

### **6.3** Appointment of an Acting City Manager

Bill Howe, Acting City Manager, noted that his appointment is only through October 15th; therefore, the Commission needs to appoint an Acting City Manager to serve until the new City Manager is selected. He indicated they would also need to establish an appropriate salary for the interim manager. He stated that City policy is to provide a 10% increase to an employee acting in a higher capacity. He noted an error in the staff report regarding Diane Kramer's compensation when serving as interim manager.

Mayor Holland asked if Mr. Howe would be willing to serve past October 15th with Mr. Howe responding that he has concerns regarding fulfilling his normal duties while serving as acting.

CONSENSUS: Following discussion, it was a consensus to appoint Tom Carrino as Acting City Manager.

The Commission asked about Ms. Kramer's interim salary noting it was increased twice with Mr. Howe explaining that she was initially increased by the standard 10% and then when it was determined the search process would be extended they further increased her salary to \$125,000.

The Commission asked what a 10% increase would bring Mr. Carrino's salary to with Mr. Howe responding \$125,784 and the previous City Manager was \$156,000. It was noted that Mr. Carrino could continue to do both jobs.

CONSENSUS: It was a consensus of the Commission to increase his salary to \$135,000 and for the appointment to commence October 15th.

#### **6.4** City Manager selection process

Mr. Howe reviewed the Commission's options in proceeding with the City Manager selection process. He stated they could use one of the following processes: 1) Turn the process over to an executive search firm, which has been done in the past and which other area cities are currently doing. He commented on the cost for the last search of \$25,000 and the benefits of using a search firm. 2) Conduct the search inhouse using City staff; however, while he has hired thousands of employees he has never hired a City Manager. He indicated that staff could expedite the process in getting proposals in and getting the proposals to the Commission. He indicated he could meet with the Commissioners individually to discuss the desired qualifications. He distributed to the Commissioners information regarding the last selection process and the criteria for the applicants. He stated that would need to be done whether using a search firm or conducting the process internally.

Mayor Holland noted he had discussed using staff with Mr. Howe but, after looking at the information, he expressed support using an outside firm. He commented negatively on the last process with the Waters Group.

CONSENSUS: It was a consensus to utilize an executive search firm.

Mr. Howe stated he would be meeting with the Commissioners individually and indicating he would bring information forward regarding available search firms.

Discussion was held regarding looking at the applicants from Mount Dora and Clermont as well.

### **7. FUTURE AGENDA ITEMS**

- 7.1** Commissioner Cobb noted she previously asked about encroachment issues with Sharp's Mobile Home Park with Mr. Schroth indicating there are lots of nonconforming issues. He stated most are public record and noted there are other issues as well. He stated they can require that the seller disclose those.

Commissioner Cobb asked if Mr. Schroth could contact the County since a number of the issues also involve them. Mr. Schroth indicated that the City could make a potential buyer aware of any encroachments. He explained that in a commercial environment they are not legally bound to make those disclosures but the City could disclose to any potential buyer.

Commissioner Cobb noted the park was previously planned to be purchased by the City and incorporated into Ferran Park.

Mr. Schroth indicated they could also alert the owner of the City's intent to disclose and any broker for the property, if they are using a broker.

CONSENSUS: It was a consensus of the Commission to have the City Attorney disclose to any potential buyer that there are issues and present to them the facts of the property as known by the City.

Commissioner Hawkins asked to have discussion about hiring a grantwriter.

Vice Mayor Lee asked to have information regarding the cemetery with Mayor Holland noting that there are funds in the new budget to purchase the equipment so it will take time for them to get that started.

Vice Mayor Lee asked to obtain additional information regarding the history of the mow to own program and to receive the information prior to the Commission meeting.

City Clerk Mary Montez indicated that the information would be included as part of the agenda packet and would be distributed the Friday before the meeting.

## **8. COMMENTS**

**8.1** City Commission - None

**8.2** City Manager - None

**8.3** City Attorney

Mr. Schroth noted that SpenceTF has requested that the City meet with them. He recommended that the City meet and see what they have to say. He indicated they have expressed their intent to go back to their contractual terms. He stated his opinion that the representative terminated the contract when he walked out and said "you can have your own property". He explained the City responded that the City indicated they thought they terminated the contract. He stated that their attorney later retracted that termination. He noted that their attorney was not present at the meeting.

CONSENSUS: It was a consensus of the Commission to allow the City Attorney to handle the situation.

**8.4** Mayor

Mayor Holland reported on the recent JPA working group meeting. He noted they spoke about the proposed lawsuit. He stated he presented the draft agreement to Commissioner Parks that was worked out by City and County staff. He announced that another meeting has been scheduled for October 18th at 1 p.m.

Commissioner Cobb commented positively on the exchange at the meeting. She noted Commissioner Parks told her he thought they could reach an agreement in six months or less. She noted they also commented on the use of overlays. Ms. Montez noted an email from the County regarding Randall Arendt attending the October 18th meeting telephonically.

Discussion was held regarding rescheduling the second reading of the Thrill Hill ordinances with Mr. Schroth noting that the Vice Mayor had previously requested

that it be brought back sooner than February. Vice Mayor Lee indicated she wanted to continue to think about it and it was agreed she would inform the Acting City Manager and City Clerk if she wanted it to be scheduled sooner.

Mayor Holland announced that the high school has asked if the Commission can ride in the homecoming parade. It was determined that three commissioners would ride in the parade.

Commissioner Cobb thanked the public and staff for their assistance with the cleanup on Northshore Drive. She cited various issues that were identified during the cleanup and that staff would be working on but that may take a while.

Commissioner LeHeup-Smith presented a copy of the County's proposed re-districting with Mayor Holland announcing that he would be attending those meetings.

Ms. Montez noted dates for the hearings had been released that afternoon and stated she would ask Kristina Rosenberg to place the information on the City's website and she would post them as public meetings for the Commission.

Mayor Holland commented on the Commission's efforts to work together for the good of the community and thanked everyone for attending.

**9. ADJOURNMENT: 7:30 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](http://www.eustis.org) and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.*

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MARY C. MONTEZ  
City Clerk

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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:** November 4, 2021  
**RE:** QUARTERLY UPDATE ON HOUSING REHABILITATION PROGRAM BY  
LAKE COMMUNITY ACTION AGENCY

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### **Introduction:**

As previously requested by the City Commission, Michael Roberson will be present to provide an update on the housing rehabilitation program.

### **Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 29 Oct 2021





**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:** November 4, 2021  
**RE:** RESOLUTION NUMBER 21-86: APPROVAL OF PURCHASE IN EXCESS OF \$50,000 FOR INFORMATION TECHNOLOGY CONSULTING SERVICES WITH VERTEKS CONSULTING, INC.

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**Introduction:**

Resolution Number 21-86 approves a purchase in excess of \$50,000 for the contractual annual payment to Verteks Consulting, Inc., for information technology consulting services.

**Background:**

See attached Staff Report.

**Attachments:**

[Staff Report - Resolution Number 21-86](#)  
[Resolution Number 21-86](#)

**Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 28 Oct 2021





## 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: NOVEMBER 4, 2021

RE: RESOLUTION NUMBER 21-86  
APPROVAL OF PURCHASE IN EXCESS OF \$50,000 FOR INFORMATION  
TECHNOLOGY CONSULTING SERVICES WITH VERTEKS CONSULTING,  
INC.

**Introduction:**

Resolution Number 21-86 approves a purchase in excess of \$50,000 for the contractual annual payment to Verteks Consulting, Inc., for information technology consulting services.

**Recommended Action:**

Staff recommends approval of the resolution.

**Background:**

The approved FY 2021-22 Budget includes information technology consulting services in excess of \$50,000. The City currently has a contract in place with Verteks to provide consulting services for computer and network support to include Help Desk Support, scheduling, dispatch, phone and remote-control tech support, server support and maintenance, virus definition management and monitoring, daily backup monitoring, drive space monitoring, etc. These services are critical to ensure continuation of daily City operations and services. The current contract was extended to the end of September 2022.

The prior bid we received, a quote from Verteks and Morse Communications. Verteks staffing was 12 while Morse had only 2 people on staff. Verteks staffing provides for better coverage in various IT solutions which may arise in an ever-changing IT world. The cost is split 50-50 between the General Fund and Water and Sewer Fund.

Three contracts are in effect for Verteks as well as purchase of software and hardware as needed:

- Help Desk Support which includes unlimited services monitoring the services for \$30,000 per year flat fee.
- Managed Network services was based on 30 hours a month. The cost of this service is \$23,400. Any hours not used are rolled to the next month.
- The Mitel Phones have a service agreement of \$8,160.
- Other miscellaneous service agreements through Verteks include Spam monitoring (\$3,699), anti-virus and malware (\$9,566) and hardware cost estimated at (\$14,500).

- Total estimated cost \$89,325.

**Alternatives:**

- 1) Approve Resolution 21-86 and authorize the annual payment to Verteks.
- 2) Reject Resolution 21-86 and reject the annual payment to Verteks.

**Discussion of Alternatives:**

- 1) Alternative 1 approves the payment.

**Advantages:**

- The City can continue mission critical daily operations without interruption.
- The City will continue to benefit from essential IT support.
- The City will abide by the contract currently in place.

**Disadvantages:**

- None

- 2) Alternative 2 rejects the annual payment.

**Advantages:**

- None

**Disadvantages:**

- The City may lose computer, network, and server capacity and efficiency.
- Information may be lost or corrupted due to virus intrusion.
- Help Desk would be extremely limited for employee computer trouble-shooting.
- The City could lose vast amounts of data and information in the event of back-up failure.
- The City may become more vulnerable to hostile intrusion into its information systems.

**Budget Impact:**

The approved FY21-22 General Fund and Water and Sewer Fund budgets include the contractual support fees necessary for the annual Verteks payment.

**Prepared by:**

Mike Sheppard, Finance Director

**Reviewed by:**

Nelly Harnisch, Deputy Finance Director

**RESOLUTION NUMBER 21-86**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS,  
LAKE COUNTY, FLORIDA; AUTHORIZING A PURCHASE IN EXCESS OF  
\$50,000 FOR INFORMATION TECHNOLOGY CONSULTING SERVICES.**

**WHEREAS**, the City's approved FY 2021-22 Budget includes funding for information technology consulting; and

**WHEREAS**, Verteks Consulting was ranked as the #1 respondent by an Evaluation Committee pursuant to City of Eustis RFP #010-16 and a contract is in place with Verteks Consulting to provide these services through FY 2019, with a three-year renewal option thereafter through FY 2021-22; and

**WHEREAS**, when City of RFP #010-16 was awarded, the City's Purchasing Ordinance required the City Commission to approve any purchase exceeding \$50,000; and

**WHEREAS**, the City's current Purchasing Ordinance requires the City Commission to approve any purchase exceeding \$50,000; and

**WHEREAS**, the services are essential to City operations for computer and network support, help desk, scheduling, server maintenance, daily back-up, virus protection, etc.; and

**WHEREAS**, it is in the best interest of the City to continue these critical information technology services and abide by the contract in place.

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

- (1) The City Manager is hereby authorized to approve a purchase in excess in \$50,000; and
- (2) The City Manager is hereby authorized to execute all agreements and contract renewals through 9/30/2022 with Verteks Consulting according to the advertised scope of work; and
- (3) That the Purchasing Director is hereby authorized to complete the transaction in accordance with this resolution.

**DONE AND RESOLVED** this 4<sup>th</sup> day of November, 2021 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, by physical presence, this 4<sup>th</sup> day of November, 2021, 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 City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 21-86 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**

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

## Staff Report

**TO:** Eustis City Commission  
**FROM:** Tom Carrino, Interim City Manager  
**DATE:** November 4, 2021  
**RE:** RESOLUTION NUMBER 21-88: APPROVAL OF ANNUAL PURCHASES IN EXCESS OF \$50,000

---

### **Introduction:**

Resolution Number 21-88 authorizes two annual purchases in excess of \$50,000 each for products that are essential to the Public Works Street and Sidewalk Maintenance Programs.

### **Background:**

1. The Public Works Department requires asphalt purchases in excess of \$50,000 to complete the fiscal year 2021-2022 resurfacing projects and other asphalt projects that arise during the fiscal year. Orlando Paving Company is the lowest quote with a proposed cost of \$62.00 per ton of S-3 recycled asphalt. This is lower than Lake County's bid pricing. D.A.B. is not operating now, but C.W. Roberts is their provider of asphalt. They are charging \$67.50 per ton. The purchase of asphalt was included in the approved budget for this fiscal year.
2. The Public Works Department requires concrete purchases in excess of \$50,000 for the concrete work related to the fiscal year 2021-2022 Sidewalk/Mobility Plan and other concrete projects, which may arise throughout the year. Argos Ready Mix is the lowest quote with a proposed cost of \$121.00 per cubic yard, \$7.70 with 1.5 pounds commercial grade fibers per yard, \$3.25 fuel charge per cubic yard, and \$1.50 environmental charge per cubic yard. The purchase of concrete was included in the approved budget for this fiscal year.

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

### **Recommended Action:**

Staff recommends approval of this resolution.

### **Alternatives:**

1. Alternative 1 approves Resolution Number 21-88 and authorizes blanket purchase orders for the two expenditures listed above.

**Advantages:**

- The City can proceed with uninterrupted maintenance processes.
- The City will carry on with its schedules to keep our roads and sidewalks safe and maintained.

**Disadvantages:**

- There are no disadvantages to approving the resolution.

1. Alternative 2 denies Resolution Number 21-88

**Advantages:**

- There is no advantage to denying the resolution because these products are required to maintain the City's roads and sidewalks.

**Disadvantages:**

- Without these products, our roads and sidewalks will deteriorate and become dangerous.

**Reviewed By:**

Rick Gierok, P.E., Director of Public Works

**Prepared By:**

Sally Mayer, Administrative Assistant – Public Utilities

**Attachments:**

Resolution Number 21-88

**Budget Impact:**

The funds for the proposed purchases have been included in the approved Fiscal Year 2021/2022 budget.

**Attachments:**

[Resolution Number 21-88](#)

**Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 28 Oct 2021

**RESOLUTION NUMBER 21-88**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING TWO EXPENDITURES IN EXCESS OF \$50,000 EACH FOR PRODUCTS THAT ARE ESSENTIAL FOR THE PUBLIC WORKS STREET AND SIDEWALK MAINTENANCE PROGRAMS FOR FISCAL YEAR 2021-2022.**

**WHEREAS**, the Public Works Department has need of essential products for operations which require expenditures greater than \$50,000 each annually; and

**WHEREAS**, City Purchasing Ordinance requires the City Commission to approve any purchase exceeding \$50,000; and

**WHEREAS**, the City's Fiscal Year 2021/2022 approved budget includes adequate funding these products; and

**WHEREAS**, the Public Works Departments solicited quotes for asphalt and concrete in accordance with the City's purchasing policies; and

**WHEREAS**, Orlando Paving Company has provided the lowest quote for asphalt; and Argos Ready Mix is the lowest bid for concrete.

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

- (1) That the Public Works Department is hereby authorized to spend in excess of \$50,000 each for asphalt and concrete for multiple sidewalk and roadway projects funded within the existing budget; and
- (2) That the City Manager is authorized to execute all agreements necessary to provide said products with the above listed vendors.

**DONE AND RESOLVED**, this 4<sup>th</sup> day of November 2021, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY OF EUSTIS, FLORIDA**

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of November, 2021, 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, 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 21-88 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**

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

## Staff Report

**TO:** Eustis City Commission  
**FROM:** Tom Carrino, Interim City Manager  
**DATE:** November 4, 2021  
**RE:** RESOLUTION NUMBER 21-77: AMENDING PERSONNEL RULES AND REGULATIONS TO ADD EMERGENCY PAID SICK LEAVE AND PERSONAL HOLIDAY

---

**Introduction:**

Resolution Number 21-77 amends the City's Personnel Rules and Regulations to include two new sections regarding emergency paid sick leave and a personal holiday.

**Background:**

See attached Staff Report.

**Attachments:**

[Staff Report - Resolution 21-77](#)

[Resolution 21-77](#)

**Reviewed by:**





## 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:

NOVEMBER 4, 2021

RE:

RESOLUTION NUMBER 21-77  
AMENDMENT TO PERSONNEL RULES AND REGULATIONS;  
EMERGENCY PAID SICK LEAVE AND PERSONAL HOLIDAY

### **Introduction:**

Resolution Number 21-77 amends the City's Personnel Rules and Regulations to include two new sections regarding emergency paid sick leave and a personal holiday.

### **Recommended Action:**

Staff recommends approval of Resolution Number 21-77.

### **Background:**

Emergency Paid Sick Leave-

The Families First Coronavirus Response Act (FFCRA) required certain employers, including public employers, to provide employees with up to 80 hours of emergency paid sick leave for specified reasons related to COVID-19. This federally mandated program was in effect from April 1, 2020 through December 31, 2020. After that date, it became a voluntary program and the City of Eustis chose not to extend the paid sick leave program.

Because of the continued impact of COVID -19 and the rise in cases due to the Delta variant, many surrounding jurisdictions have reinstituted variations of the emergency paid sick leave provisions. Mount Dora, Tavares, Leesburg and Lake County have all implemented programs that continue to provide employees with paid sick leave should they contract COVID-19 or must self-quarantine because they were exposed to COVID-19.

It is recommended the City of Eustis Personnel Rules and Regulations be amended to authorize the City Manager to implement an emergency paid sick leave program to grant an employee a maximum total allotment of 80 hours of paid sick leave if they contract COVID-19 or must self-quarantine due to COVID-19. Employees who have had to use their accrued leave or take unpaid leave during 2021 due to COVID-19 would be reimbursed with the equivalent amount of sick leave time. An employee would only be eligible to receive a maximum of 80 hours of emergency paid sick leave for any qualifying COVID-19 related absence in 2020 or 2021.

Personal Holiday-

The City of Eustis currently authorizes the following ten observed holidays:

New Year's Day  
Martin Luther King's Birthday (Observed)  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Thanksgiving Friday  
Christmas Eve  
Christmas Day

When reviewing holidays provided by other local jurisdictions, it was determined the City of Eustis generally provides fewer holidays. In comparison, the following information identifies the holidays provided by other jurisdictions:

Mount Dora: 13 days- 11 holidays and two additional personal days  
Tavares: 13 days- 12 holidays and one personal day  
Umatilla: 13 days- 11 holidays and two personal days  
Lake County: 12 days- 10 holidays and two personal days  
Leesburg: 11 days- 10 holidays and one personal day  
Clermont: 10 days- 10 holidays and no personal day  
Eustis: 10 days- 10 holidays and no personal day

It is recommended the City Personnel Rules and Regulations be amended to provide full-time employees with a personal holiday to be scheduled with supervisory approval. Newly hired employees would be eligible for the personal holiday after satisfactorily completing six months of continued service with the City.

**Alternatives:**

1. Approve Resolution Number 21-77 authorizing the City Manager to establish an emergency paid sick leave program related to COVID-19 and authorizes a personal holiday.
2. Deny Resolution Number 21-77 either in whole or in part.

**Discussion of Alternatives:**

Alternative 1 approves the resolution.

**Advantages:**

- Provides employees with a maximum of 80 hours of emergency paid sick leave for a qualifying COVID-19 reason as was the practice in 2020.
- Provides a similar benefit to those employees who have not previously used the 80 hours of emergency paid sick leave as done in other local jurisdictions.
- Authorizes a personal holiday for full-time employees as is done in many local jurisdictions.
- Increases the amount of holiday leave to more closely reflect local government practices.
- Enhances employee morale and sense of fairness.

**Disadvantages:**

- Increases the amount of employee paid leave time taken away from work.
- Increases costs associated with sworn employees who select to be paid for the personal holiday.

Alternative 2 denies the resolution in whole or in part.

**Advantages:**

- Limits the amount of employee paid time off due to a COVID-19 qualified reason.
- Reduces the costs associated with sworn employees who select to be paid for the personal holiday.

**Disadvantages:**

- Increases the amount of employee paid time off due to a COVID-19 qualified reason.
- Increases the costs associated with sworn employees who select to be paid for the personal holiday.

**Budget /Staff Impact:**

Emergency paid sick leave will only be credited to employees by providing sick leave time so there isn't an identifiable budget impact. To date in 2021, approximately 45 employees have had to use their leave time due to testing positive for COVID-19 or needing to self-quarantine.

By granting an employee a personal holiday, there would not be a need to close City offices for another authorized holiday. Employees would only need to obtain supervisory approval to use the personal day when adequate staffing permitted the leave. There would be a budget impact if sworn police and fire employees choose to be paid for the personal holiday as provided for in their respective collective bargaining agreement. It has been estimated that if all sworn employees choose to be paid for the additional personal holiday the total cost of their wages would be \$11,127. If required, this amount would be covered in the existing budgeted salary accounts based on salary surpluses due to vacancies.

**Community Input:**

There has been no community input on this resolution, but the public will have an opportunity to comment at the meeting.

**Prepared by:**

Bill Howe, Human Resources Director



**RESOLUTION NUMBER 21-77**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF EUSTIS SECTION 6.06 HOLIDAYS AND 6.09 EMERGENCY PAID SICK LEAVE**

**WHEREAS**, the City of Eustis has adopted the Personnel Rules and Regulations to provide guidelines regarding holidays and attendance; and

**WHEREAS**, Section 6.06 of the City's personnel rules and regulations provides guidelines for the provision of holidays; and

**WHEREAS**, Section 6.09 must be amended to provide for an Emergency Paid Sick Leave Program related to COVID-19;

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

Section 6.06 F. Employees who have satisfactorily completed six months of continued full-time service shall be authorized an annual personal holiday. The personal holiday must be scheduled to be taken with supervisory approval. All sworn police and fire employees covered by a collective bargaining agreement may select the personal holiday to be paid, in conjunction with other holidays included in the respective collective bargaining agreement.

**Section 6.09 Emergency Paid Sick Leave Program**

The City Manager is authorized to implement an emergency paid sick leave program to grant an employee a maximum total allotment of 80 hours of paid sick leave if they contract COVID-19 or must self-quarantine due to COVID-19. Employees who have had to use their accrued leave or take unpaid leave during 2021 due to COVID-19, would be reimbursed with the equivalent amount of sick leave time. An employee would only be eligible to receive a maximum of 80 hours of emergency paid sick leave for any qualifying COVID-19 related absence in 2020 or 2021.

**DONE AND RESOLVED**, this 4<sup>th</sup> day of November, 2021, 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, by physical presence, this 4<sup>th</sup> day of November, 2021, 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 City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office                      Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 21-77 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**

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

## Staff Report

**TO:** Eustis City Commission  
**FROM:** Tom Carrino, Interim City Manager  
**DATE:** November 4, 2021  
**RE:** RESOLUTION NUMBER 21-85: SITE PLAN WITH WAIVERS FOR A CONVENIENCE STORE WITH GAS AT 36536 SOUTH FISH CAMP ROAD

---

**Introduction:**

Resolution Number 21-85 approves a Site Plan with waivers to allow the construction of a 4,992-square foot convenience store with 8 gas pumps on 2.47 acres at 36536 South Fish Camp Road.

**Background:**

See attached Staff Report.

**Recommended Action:**

The administration recommends approval of Resolution Number 21-85.

**Alternatives:**

1. Approve Resolution Number 21-85.
2. Deny Resolution Number 21-85.

**Attachments:**

[Staff Report - Resolution Number 21-85](#)  
[Resolution Number 21-85](#)

**Reviewed by:**

|                                     |                        |
|-------------------------------------|------------------------|
| Bill Howe, Human Resources Director | Approved - 29 Oct 2021 |
| Mary Montez, City Clerk             | Approved - 29 Oct 2021 |





## 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: NOVEMBER 4, 2021  
RE: RESOLUTION NUMBER 21-85: SITE PLAN WITH WAIVERS FOR A CONVENIENCE STORE WITH GAS AT 36536 SOUTH FISH CAMP ROAD (ALTERNATE KEY NUMBER 1782473)

### **Introduction:**

Resolution Number 21-85 approves a Site Plan with waivers to allow the construction of a 4,992-square foot convenience store with 8 gas pumps on 2.47 acres at 36536 South Fish Camp Road.

### **Recommended Action:**

The administration recommends approval of Resolution Number 21-85.

### **Background:**

#### **1. Pertinent Site Information:**

- a. The subject property comprises about 2.47 acres, which currently contains a retail building, a French bakery building, a residential building, and some pavement/concrete.
- b. The site is within the Mixed Commercial/Residential (MCR) land use district, which allows a convenience store with gas as a permitted use.
- c. The property is within the Suburban Corridor Design District. The project utilizes the Commercial building lot type.
- d. The site and surrounding properties' land use, design district designations, and existing uses are shown below:

| Location | Existing Use                                    | Future Land Use                             | Design District       |
|----------|-------------------------------------------------|---------------------------------------------|-----------------------|
| Site     | Retail and Bakery                               | MCR                                         | Suburban Corridor     |
| North    | Vacant                                          | Lake County – Planned Commercial (CP)       | N/A                   |
| South    | Single Family Residential Neighborhood          | Lake County – Neighborhood Commercial (C-1) | N/A                   |
| East     | Single Family Residence                         | MCR                                         | Suburban Neighborhood |
| West     | Sunoco Gas Station and Grand Island Post Office | Lake County – Planned Commercial (CP)       | N/A                   |

2. Proposed Development:

The proposed development plan includes a 4,992-square foot convenience store retail building with 8 gas pumps. The property fronts on two streets: County Road 44 and South Fish Camp Road. The applicant is requesting waivers to the lot width, lot size, setbacks, building frontage, landscape buffer, and sewer connection. See Section 3, Waivers for details. (See Exhibit A for site development plan).

3. Waivers:

a) Staff Supported:

1. Waiver to the maximum lot width of 300 feet to allow a 350 feet deep lot (Section 110-4.13);
2. Waiver to the maximum lot size of 90,000 square feet to allow a 95,522 square foot lot after a proposed lot split, and a 435,600-square foot lot before the proposed lot split (Section 110-4.13);
3. Waiver to both street setbacks to allow setbacks of 131 feet from property line adjacent to County Road 44 and 103 feet from the property line adjacent to South Fish Camp Road in lieu of the maximum setback of 75 feet (Section 110-4.13);
4. Waiver to both minimum 50% frontage buildout percentage to allow frontage buildout of 26% at County Road 44 and 21% at South Fish Camp Road (Section 110-4.13);
5. Waiver to landscape buffer requirement of 15 feet along County Road 44 to allow a 10-foot landscape buffer along County Road 44 (Section 115-9.3.2)

4. Considerations/Waiver Review:

- a) Lot Width and Size: The Commercial lot typology (Section 110-4.13) limits lot size to 300 ft. deep and wide. The commercial lot type is a building lot located and designed to accommodate single use office and retail that are predominately located on corridors as part of a retail complex. The city's code does not have a lot typology to specifically address gas stations. The proposed lot width is approximately 370 feet before the right of way dedication, and is approximately 350 feet after the right of way dedication to the County. The total lot area is about 93,000 square feet after the right of way dedication to the County. The applicant has a challenge to meet the maximum lot width and size allowances when developing the proposed convenience store with gas due to the space needed for the canopy over the fueling stations, and drive aisle and turn-around maneuvering space needed.
- b) Street yard setback: The commercial lot type (Section 110-4.13) allows a variable street yard setback from 0 to 75 ft. This requirement allows flexibility in the site design. However, the project site has two street frontages: South Fish Camp Road and County Road 44, which presents a difficulty for the potential development. As a result, a waiver is requested to both street setbacks to allow setbacks of 131 feet from property line adjacent to County Road 44 and 103 feet from the property line

adjacent to South Fish Camp Road in lieu of the maximum setback of 75 feet. A waiver to allow a setback greater than 75 feet from the street allows the applicant to more easily construct the canopy and traffic circulation consistent with the County Road 44 posted speed of 55 miles per hour. They seek the ability to place the canopy over the fuel pumps in a location to allow transition from the driveways onto the canopy area, particularly white fuel trucks are present for deliveries. The need for two-way driveway aisles around the gas canopy, access to parking for the store, and turning radiuses for food and gas truck deliveries requires more area than if the development were just a storefront.

- c) Frontage buildout percentage: The commercial lot type requires buildings to extend at least 50% of the lot width and depth. This is a design requirement to keep the street frontages looking full. This would require the store building to have much smaller, less feasible dimensions. The nature of convenience stores with gas pumps devotes a large proportion of the development site to accommodating vehicles movement and parking. The applicant is requesting a waiver to allow less than a 50 percent building frontage; 21 percent building frontage along South Fish Camp Road and 26 percent building frontage along County Road 44.
- d) Landscape Buffer Width: Landscaping interacts with existing conditions and building designs and sometimes need to be adjusted. The code (Section 115-9.3.2) states that buffers can be reduced to meet individual site constraints. The code requires a minimum 15-foot landscape buffer along County Road 44, but the applicant is requesting allowance to provide a 10-foot landscape buffer along County Road 44. Lake County is requesting 17 feet of right of way dedication along County Road 44, which the applicant has agreed to provide. This right of way dedication reduces the depth of the parcel, which results in site development constraints. As a result, the applicant is requesting a 10-foot landscape buffer along County Road 44 in lieu of the required 15-foot landscape buffer.

#### 5. Applicable Policies and Codes:

- a) Sewer Connection Requirement: All property owners/developers, requesting development approval, shall be required to connect to the city's public sewer system, consistent with the standards listed in state statutes and this land development regulation (Section 115-4.7). An exemption may be granted to the public sewer connection requirement if conditions or situations warrant such action. An exemption may be considerable under criteria outlined in the code, including if the parcel location creates an undue financial burden to either the property owner/developer or the city by requiring the extension of sewer lines or facilities to a proposed development as well as if public sewer is unavailable to the parcel at the time of development application, and not scheduled for construction within the city's current five-year capital improvement program. The nearest available sewer connection is over 2,600 feet east of the subject property, located at the intersection of Sparrow Lane and County Road 44. Florida Statute 381.0065 deems sewer to be available to a property if it is within one-fourth of a mile, or 1320 feet. The applicant is requesting a waiver to the sewer connection requirement because of the undue financial

hardship that it would cause to install a sewer connection, and the fact of sewer connection not being available. The proposed septic and drain field system will be installed per the State of Florida Health Department's standards and may be retrofitted to connect to the public sewer connection in the future if connection to the public sewer system becomes available along the parcel frontage.

b) Section 102-25 Time limitations and expiration of approval

- a) Within 12 months of obtaining approval of a site plan or preliminary plat, an applicant must submit final engineering/construction plans or a final plat or request an extension.
- b) Within six months of obtaining approval of development plans or final engineering/construction plans, a developer must begin construction, which shall be demonstrated by applying for and obtaining a building permit or site development permit.
- c) The applicant may apply for extensions of time, not to exceed 12 months per extension, provided the underlying development order complies with the most recent land development regulations in effect at the time the city commission considers the extension request, and provided the development is deemed to be continuing in good faith by the city commission

c) Section 109-2.6: Mixed commercial/residential district (MCR). This land use designation is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby land uses, and provide for mixed use development.

d) Section 109-5.5. - Suburban development pattern intent statements. Suburban corridor.

- a) Definition: Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size ranges from large areas of depth to shallow in nature, compatible with the adjacent neighborhoods.
- b) Structure: The street system is designed to accommodate the density, intensity, and form of suburban development and provides functional connections that link neighborhoods to shopping areas.
- c) Form: Predominately single-use areas that may include a mix of uses, retail, and residential.

e) Section 115-6.1:

- a) Public entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to the entrances.

- b) Mass and scale. Buildings that are more than 150 feet in length/width shall comply with the following. No more than 60 feet of horizontal distance of wall shall be provided without architectural relief a minimum of 30 feet wide and three feet deep for building walls and frontage walls facing the street.
- c) Building façade. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above base flood elevation or grade, whichever applies to the proposed development.
- d) Building features. Buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
  - i. Divisions or breaks in materials (materials should be drawn from a common palette).
  - ii. Window bays.
  - iii. Separate entrances and entry treatments, porticoes extending at least five feet.
  - iv. Variation in roof lines.
  - v. Awnings installed in increments of 15 feet or less.
  - vi. Dormers.
  - vii. Canopies, extending at least five feet.
  - viii. Overhang extending at least five feet.
  - ix. Recessed entries (at least three feet from the primary façade).
  - x. Protruding entries (at least three from the primary façade).
  - xi. Covered porch entries.
- e) Orientation. The primary building entrances shall be visible and directly accessible from a street. Building massing such as tower elements shall be used to call-out the location of building entries.
- f) Habitable street frontage. The first 20 feet of depth of the first floor of any mixed-use structure's primary building frontage facing a street shall be constructed as habitable space.
- f) Section 115-9.3.2: adjacencies for nonresidential parcels 115-9.3.2 (a)(1)
  - a) Landscape buffers between parcels.
    - i. A minimum ten-foot landscape buffer is required between adjacent tracts (side and rear property boundaries) with vegetation planted per table 2. Trees, shrubs and groundcover shall comprise at least 50 percent of the landscaped area.

- b) **Section 110-4.13: Commercial Building Lot.** A building lot located and designed to accommodate a single use office and retail that are predominately located as part of a retail complex.

| LOT REQUIREMENTS        | MIN   | MAX    |
|-------------------------|-------|--------|
| Lot Width (ft)          | 50    | 300    |
| Lot Depth (ft)          | 100   | 300    |
| Lot Size (sf)           | 5,000 | 90,000 |
| BUILDING ENVELOPE       | MIN   | MAX    |
| Street Setback (ft)     | 0     | 75     |
| Common Lot Setback (ft) | 0     | —      |
| Rear Setback (ft)       | 15    | —      |
| Frontage Buildout (%)   | 50    | 100    |

- c) **Section 115-9.3.2: Suburban Design District Standards.**
- (a) Suburban landscape
- (1) Building open areas. The green spaces around buildings shall be landscaped completely with trees, shrubs, groundcovers, annuals or sod.
- A minimum ten-foot wide landscape area shall be located around all buildings. A five-foot sidewalk may be included in this buffer area.
  - An average of one understory or canopy tree shall be located for every 50 linear feet of building perimeter.
  - All edges of buildings shall have a foundation planting of shrubs and groundcovers as a minimum. Shrubs and groundcovers shall comprise at least 30 percent of the required green space
- (2) Landscape buffer along public streets.
- A 15 to 24-foot landscape buffer shall be required along public streets with vegetation planted per the table below. Buffers smaller than 15 feet may be permitted when the building is sited with a street setback between 5 to 15 feet, or when the buffer must be reduced to meet individual site constraints

**Alternatives:**

1. Approve Resolution Number 21-85.
2. Deny Resolution Number 21-85

**Discussion of Alternatives:**

Alternative 1 approves Resolution Number 21-85

**Advantages:**

- The property owner can move forward to obtain approval of Final Engineering and Construction Plans, as well as a building permit for the proposed development.

- b) The action would be consistent with the existing development patterns in the area.
- c) The City would realize additional ad-valorem tax revenue once the building is constructed.
- d) The action would be consistent with the goals, objectives and policies of the Comprehensive Plan.

**Disadvantages:**

- a) The action would approve waivers to the Land Development Regulations.

Alternative 2 denies Resolution Number 21-85.

**Advantages:**

- a) The applicant may be able to redesign the site where waivers to the LDRs may not be necessary or the number of waivers reduced.

**Disadvantages:**

- a) The applicant may abandon the project due to additional costs to redesign.
- b) The City would not realize additional tax revenue from the new construction.

**Community Input**

The department has properly advertised the Resolution in the newspaper; notified surrounding properties within 500 feet; and posted the property. To date, there has been one letter (via e-mail) received of opposition to the proposed development.

**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.

**Prepared By:**

Heather Croney, Senior Planner

**Reviewed By:**

Lori Barnes, AICP, Development Services Director

**Attachments**

- Exhibit A (Site Plan) and Exhibit B (Building Elevations)
- Resolution Number 21-85

To be provided on request:

- Surrounding Property Owner Notice
- Legal Advertisement

[illegible]

## EXHIBIT B: BUILDING ELEVATIONS



EXTERIOR ELEVATION NORTH FACING CR 44



EXTERIOR ELEVATION WEST FACING FISH CAMP ROAD



## **RESOLUTION NUMBER 21-85**

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A SITE PLAN WITH WAIVERS FOR A 4,992 SQUARE FOOT CONVENIENCE STORE WITH GAS ON APPROXIMATELY +/- 2.47 ACRES LOCATED AT 36536 SOUTH FISH CAMP ROAD.**

**WHEREAS**, Herb Green, P.E., Cadjazz Engineering Consultants, LLC has made an application, on behalf of Asbury College, for a Site Plan to permit a convenience store with gas, on approximately 2.47 acres located at 36536 South Fish Camp Road, more particularly described as:

Alternate Key Number: 1782473

Parcel Identification Number: 32-18-26-0001-000-01700

A portion of Section 132, Township 18 South, Range 26 East, Lake County, Florida being more particularly described as follows:

Begin at the intersection of the East right of way of South Fish Camp Road per Map Book 6, Pages 187 and 188 and the South right of way of County Road 44 per Florida Department of Transportation Map Section 1105; thence run N 89° 16' 36" E, along said South right of way line, 368.84 feet; thence S 00° 04' 56" W, 296.11 feet; thence N 89° 19' 16" W, 368.83 feet to a point on said east right of way line of South Fish Camp Road; thence N 00° 04' 56" E, along said east right of way line, 287.08 feet to said South right of way line of County Road 44 and the Point of Beginning.

**WHEREAS**, the property described above has a Land Use Designation of Mixed Commercial Residential (MCR) and a Design District Designation of Suburban Corridor; and

**WHEREAS**, a convenience store with gas is a permitted use in the Mixed Commercial Residential (MCR) land use designation; and

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

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

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

#### **SECTION 1.**

That the Site Plan for the convenience store with gas, and attached hereto as Exhibit A is hereby approved with the following waivers:

1. Waiver to the maximum lot width of 300 feet to allow a 350 feet deep lot (Section 110-4.13);

2. Waiver to the maximum lot size of 90,000 square feet to allow a 95,522 square foot lot after a proposed lot split, and a 435,600-square foot lot before the proposed lot split (Section 110-4.13);
3. Waiver to both street setbacks to allow setbacks of 131 feet from property line adjacent to County Road 44 and 103 feet from the property line adjacent to South Fish Camp Road in lieu of the maximum setback of 75 feet (Section 110-4.13);
4. Waiver to both minimum 50% frontage buildout percentage to allow frontage buildout of 26% at County Road 44 and 21% at South Fish Camp Road (Section 110-4.13);
5. Waiver to landscape buffer requirement of 15 feet along County Road 44 to allow a 10-foot landscape buffer along County Road 44 (Section 115-9.3.2); and

## **SECTION 2.**

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

- a. Obtaining Final Construction and Engineering Plan approval within one year, and 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.
- c. Meeting applicable concurrency requirements prior to approval of a final development order.

## **Section 3.**

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

## **Section 4.**

That this Resolution shall become effective upon filing.

**DONE AND RESOLVED** this 4th day of November, 2021, in regular session of the City Commission of the City of Eustis, Florida.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 4<sup>th</sup> day of November, 2021, 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 City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

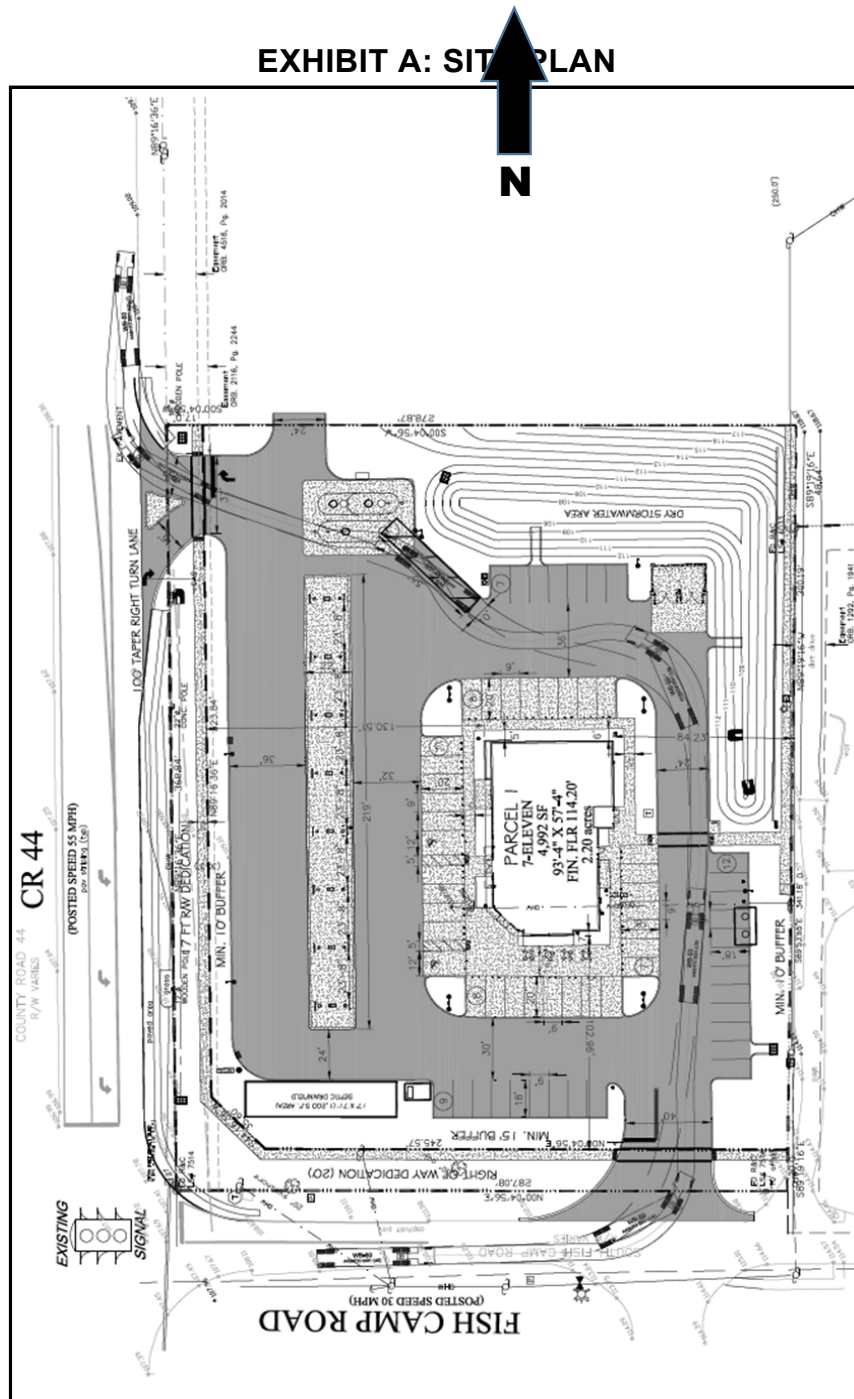
\_\_\_\_\_  
City Attorney's Office                      Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 21-85 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk

# EXHIBIT A: SITE PLAN



## EXHIBIT B: BUILDING ELEVATIONS



EXTERIOR ELEVATION NORTH FACING CR 44



EXTERIOR ELEVATION WEST FACING FISH CAMP ROAD





**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:** November 4, 2021  
**RE:** RESOLUTION NUMBER 21-87: INCREASING RENTAL RATES FOR CITY FACILITIES

---

### **Introduction:**

Resolution Number 21-87 adopts new rental fees for the various City facilities. The Parks and Recreation Department oversees various facilities that are available to rent for events and functions. The goal is to increase rental rates to become more inline with the neighboring cities and to offset the overall expense of maintaining the buildings.

### **Background:**

See attached Staff Report.

### **Attachments:**

[Staff Report - Resolution 21-87](#)

[Resolution Number 21-87](#)

[Exhibit A - Rental Facility Rates](#)

[Surrounding Cities Facility Rental Comparison](#)

### **Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 29 Oct 2021





## 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:** NOVEMBER 4, 2021  
**RE:** RESOLUTION NUMBER 21-87  
INCREASING RENTAL RATES FOR CITY FACILITIES

#### **Introduction:**

Resolution Number 21-87 adopts new rental fees for the various City facilities. The Parks and Recreation Department oversees various facilities that are available to rent for events and functions. The goal is to increase rental rates to become more inline with the neighboring cities and to offset the overall expense of maintaining the buildings.

#### **Background:**

The City of Eustis offers four facilities to be rented for various functions ranging from monthly homeowners' association meetings all the way to weddings. The buildings' capacity ranges from less than 10 people to over 200. The rates have not been updated since 2013 and the City is currently underpriced compared to the other municipalities in Lake County. Since October of 2019, the City has hosted over 600 rentals. Currently, the City charges a \$100 security deposit to secure a venue and a \$375 deposit for alcohol related events.

#### **Recommendation:**

Staff recommends a number of changes to help offset the increasing maintenance costs for our facilities. Recommendations are as follows:

1. The security deposit for the Community Center and Women's Club be increased from \$100 to \$250 and the Service Center deposit be increased to \$150. The deposit for all other facilities would remain \$100.
2. A new weekend rate will be created for Friday through Sunday as these are the premium rental days. This increase will range from \$5 per hour to \$50 per hour depending on the facility (see Exhibit A).
3. A new non-resident rate will be implemented. The difference in price will range from \$5 to \$50 per hour depending on the facility.

#### **Prepared by:**

Craig Dolan, Parks and Recreation Director



**RESOLUTION NUMBER 21-87**

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ADOPTING  
NEW FACILITY RENTAL FEES; SETTING AN EFFECTIVE  
DATE.**

**WHEREAS**, the City of Eustis works to provide a high quality of life and excellent service to the residents of the City; and

**WHEREAS**, the City of Eustis has built and maintained a variety of facilities for the use and pleasure of the residents of Eustis; and

**WHEREAS**, the City of Eustis recognizes that costs for the maintenance and repair of those facilities have increased and continue to increase; and

**WHEREAS**, the facility rental rates for the City's various community buildings and other facilities intended for the use of the public have not been increased since 2013;

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

1. That the rental rates for the various City facilities are hereby adopted as shown in Exhibit "A"; and
2. That the City Clerk is hereby directed to include these rates in the official fee schedule as maintained in the City Clerk's office.

**DONE AND RESOLVED** this 4<sup>th</sup> day of November, 2021, 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, by physical presence, this 4<sup>th</sup> day of November, 2021, 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 City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office                      Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 21-87 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

## Surrounding Cities Facility Rental Comparison

| Leesburg                         | Capacity    | Deposit        | Price per hour/Block                     | Notes:                                  | Amenities                      |
|----------------------------------|-------------|----------------|------------------------------------------|-----------------------------------------|--------------------------------|
| Venetian Center:<br>Harris Room  | 450         | \$300.00       | M-T \$150/hr; Fri-Sun<br>\$375/Hr        |                                         |                                |
| Venetian Center:<br>Griffin Room | 70          | \$150.00       | M-T \$60/hr; Fri-Sun<br>\$75/hr          |                                         |                                |
| Venetian Center: Canal<br>Room   | 60          | \$150.00       | M-T \$50/hr; Fri-Sun<br>\$60/hr          |                                         |                                |
| Mission Inn                      | 120         |                | \$2500-\$4200 +21%<br>service Charge/tax | Full packages availble                  |                                |
| Tavares                          | Capacity    | Deposit        | Price per hour/Block                     | Notes:                                  | Amenities                      |
| Pavilion on the Lake-<br>Upper   | 190 banquet | 50% rental/tax | M-T \$200hr; Fri-Sun<br>\$250/hr;        | Full facility<br>rental \$1k<br>deposit | Equip. Rentals<br>upon request |
|                                  | 249 theater |                | Block AM Mon-Th 8A-<br>4:30P- \$700      | Add<br>extension:<br>\$300/hr           |                                |
|                                  |             |                | Block PM Mon-Th 6P-<br>11P- \$850        | Add<br>extension:<br>\$300/hr           |                                |
| Pavilion on the Lake-<br>Lower   | 190 theater |                | Mo-Th \$150/hr; FR<br>\$200/hr           | Add<br>extension:<br>\$300/hr           |                                |
|                                  | 110 banquet |                | Block AM Mon-Th 8A-<br>4:30P- \$550      | Add<br>extension:<br>\$300/hr           |                                |

|                               |                 |                |                                |                         |                  |
|-------------------------------|-----------------|----------------|--------------------------------|-------------------------|------------------|
|                               |                 |                | Block PM Mon-Th 6P-11P- \$700  | Add extension: \$300/hr |                  |
| <b>Tavares</b>                | <b>Capacity</b> | <b>Deposit</b> | <b>Price per hour/Block</b>    | <b>Notes:</b>           | <b>Amenities</b> |
| <b>Pavilion - Conference</b>  |                 |                | M-T \$100hr; Fri \$150/hr;     | Add extension: \$300/hr |                  |
|                               |                 |                | Block AM Mon-Th 8A-4:30p \$300 | Add extension: \$300/hr |                  |
|                               |                 |                | Block PM Mon-Th 6P-11P \$300   | Add extension: \$300/hr |                  |
| <b>Pavilion- Grooms Room</b>  |                 |                | M-Th \$75/hr; Fri \$100/hr     | Add extension: \$300/hr |                  |
|                               |                 |                | Block M-F \$250                | Add extension: \$300/hr |                  |
| <b>Pavilion-Full Building</b> |                 |                | M-F AM \$1,400                 | Add extension: \$300/hr |                  |
|                               |                 |                | Thur PM 6P-11P \$1,800         | Add extension: \$350/hr |                  |
|                               |                 |                | Fri 5P-11P \$3,000             | Add extension: \$500    |                  |
|                               |                 |                | Sat/Holiday 8hr Block \$5,000  | Add extension:          |                  |

|                                    |                          |                                |                                                     |                                                                          |                                |
|------------------------------------|--------------------------|--------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------|--------------------------------|
|                                    |                          |                                |                                                     | \$625                                                                    |                                |
|                                    |                          |                                | Sun 6hr Block \$3,000                               | Add extension: \$500                                                     |                                |
| <b>Mount Dora</b>                  | <b>Capacity</b>          | <b>Deposit</b>                 | <b>Price per hour/Block</b>                         | <b>Notes:</b>                                                            | <b>Amenities</b>               |
| Donnelly Park Building             | 158 Theater; 74 Banquet  | \$100/ \$5 processing          | \$50/hr, Daily:\$500; \$70/hr, Commercial:\$700     | (100) White plastic folding chairs, (10) 8' tables                       |                                |
| Community Building: Auditorium     | 618                      | Daily:\$600; Commercial: \$650 | \$50/hr                                             |                                                                          | Stage                          |
| Community Building: Upper Lobby    | 403                      | \$450 Flat fee                 | \$35/hr                                             | (70) Chairs, (10) 60' rounds                                             |                                |
| Community Building: Green Room     | 207                      | \$250 / \$300                  | \$15/hr                                             | (2) Dressing Rooms, Catering Kitchen, (60) folding chairs, (6) 8' Tables |                                |
| Community Building: Whole Building |                          | \$115/hr; Daily:\$1,150        | 100/hr                                              |                                                                          |                                |
| Martin Luther King Center          | 258 Theater; 121 Banquet |                                | \$40/hr; Daily:\$400; Commercial:80/hr, Daily:\$800 |                                                                          | Kitchen, Stage, Tables, Chairs |
| <b>Lakeside Inn</b>                | <b>Capacity</b>          | <b>Deposit</b>                 | <b>Price per hour/Block</b>                         | <b>Notes:</b>                                                            | <b>Amenities</b>               |
| Gazebo                             |                          | 50% of total                   | \$800                                               |                                                                          | 20% service Fee                |
| The Verandah                       |                          | 50% of total                   | \$300                                               | 4-hour block                                                             | 20% service Fee                |

|                             |                                                  |                |                             |               |                  |
|-----------------------------|--------------------------------------------------|----------------|-----------------------------|---------------|------------------|
| Grandview Room              | 50 Standing; 40 Theater; 32 Banquet              | 50% of total   | \$350                       | 4-hour block  | 20% service Fee  |
| Garden Terrace              | Varies                                           | 50% of total   | \$500                       | 4-hour block  | 20% service Fee  |
| <b>Lakeside Inn</b>         | <b>Capacity</b>                                  | <b>Deposit</b> | <b>Price per hour/Block</b> | <b>Notes:</b> | <b>Amenities</b> |
| Alexander                   | 125 Standing Reception; 60 Theater, 80 Banquet   | 50% of total   | \$800                       | 4-hour block  | 20% service Fee  |
| Dora                        | 80 Standing Reception; 60 Theater; 50 Banquet    | 50% of total   | \$400                       | 4-hour block  | 20% service Fee  |
| Lobby                       | 15 Standing Reception; 140 Theater; 90 Banquet   | 50% of total   | \$900                       | 4-hour block  | 20% service Fee  |
| Beauclaire                  | 175 Standing Reception; 175 Theater; 130 Banquet | 50% of total   | \$1200/ Sat\$1500           | 4-hour block  | 20% service Fee  |
| Courtyard                   |                                                  | 50% of total   | \$2,500                     | 4-hour block  | 20% service Fee  |
| Donnelly Room (bridal room) | 75 Standing; 60 Theater; 48 Banquet              | 50% of total   | \$350                       | 4-hour block  | 20% service Fee  |
| The Great Lawn              | 300                                              |                |                             |               |                  |





**EXHIBIT "A"**

**Eustis Parks and Recreation Rental Facilities\***

**1 RENTAL FACILITIES FEE SCHEDULE**

| <b>Location</b>                   | <b>Current<br/>Security<br/>Deposit:<br/>Non-<br/>Alcohol</b> | <b>Proposed<br/>Security<br/>Deposit:<br/>Non-<br/>Alcohol</b> | <b>Current<br/>Security<br/>Deposit:<br/>Alcohol</b> | <b>Proposed<br/>Security<br/>Deposit:<br/>Alcohol</b> | <b>Current<br/>Rates:<br/>Resident</b> | <b>Proposed<br/>Mon-Thu<br/>Rates:<br/>Resident</b> | <b>Current<br/>Rates:<br/>Non-<br/>Resident</b> | <b>Proposed<br/>Mon-Thu<br/>Rates:<br/>Non-<br/>Resident</b> | <b>Proposed<br/>Weekend<br/>Rates:<br/>Resident</b> | <b>Proposed<br/>Weekend<br/>Rates:<br/>Non-<br/>Resident</b> | <b>Capacity</b>            |
|-----------------------------------|---------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|----------------------------------------|-----------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|----------------------------|
| <b>Community Ctr.</b>             | \$ 100.00                                                     | <b>\$ 250.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 50.00                               | <b>\$ 50.00</b>                                     | \$ 60.00                                        | <b>\$ 75.00</b>                                              | <b>\$ 100.00</b>                                    | <b>\$ 150.00</b>                                             | 400 Theater<br>250 Banquet |
| <b>Lakeview Room</b>              | \$ 100.00                                                     | <b>\$ 100.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 10.00                               | <b>\$ 15.00</b>                                     | \$ 15.00                                        | <b>\$ 25.00</b>                                              | <b>\$ 25.00</b>                                     | <b>\$ 35.00</b>                                              | 40 Theater<br>30 Banquet   |
| <b>Woman's Club</b>               | \$ 100.00                                                     | <b>\$ 250.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 70.00                               | <b>\$ 70.00</b>                                     | \$ 70.00                                        | <b>\$ 75.00</b>                                              | <b>\$ 100.00</b>                                    | <b>\$ 150.00</b>                                             | 156 Theater<br>100 Banquet |
| <b>Service Ctr.</b>               | \$ 100.00                                                     | <b>\$ 150.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 35.00                               | <b>\$ 35.00</b>                                     | \$ 40.00                                        | <b>\$ 45.00</b>                                              | <b>\$ 50.00</b>                                     | <b>\$ 75.00</b>                                              | 250 Theater<br>200 Banquet |
| <b>Art Room</b>                   | \$ 100.00                                                     | <b>\$ 100.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 10.00                               | <b>\$ 10.00</b>                                     | \$ 15.00                                        | <b>\$ 20.00</b>                                              | <b>\$ 15.00</b>                                     | <b>\$ 25.00</b>                                              | 40 Theater<br>30 Banquet   |
| <b>Bates Ave.<br/>Garden Room</b> | \$ 100.00                                                     | <b>\$ 100.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 30.00                               | <b>\$ 30.00</b>                                     | \$ 35.00                                        | <b>\$ 40.00</b>                                              | <b>\$ 40.00</b>                                     | <b>\$ 50.00</b>                                              | 75 Theater<br>75 Banquet   |
| <b>Bandshell</b>                  | \$ 100.00                                                     | <b>\$ 100.00</b>                                               | \$ 375.00                                            | <b>\$ 375.00</b>                                      | \$ 15.00                               | <b>\$ 15.00</b>                                     | \$ 25.00                                        | <b>\$ 30.00</b>                                              | <b>\$ 25.00</b>                                     | <b>\$ 50.00</b>                                              |                            |

\*All rates are hourly, except for the deposits.





**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:** November 4, 2021  
**RE:** SECOND READING OF ORDINANCES FOR PROPERTY LOCATED AT  
1704 VIRGINIA AVENUE:  
ORDINANCE NUMBER 21-30 - VOLUNTARY ANNEXATION  
ORDINANCE NUMBER 21-31 - COMPREHENSIVE PLAN AMENDMENT  
ORDINANCE NUMBER 21-32 - DESIGN DISTRICT ASSIGNMENT

---

### **Introduction:**

Ordinance Number 21-30 provides for voluntary annexation of approximately 0.06 acres located at 1704 Virginia Avenue. Provided the annexation is approved, Ordinance Number 21-31 changes the future land use designation from Urban Medium in Lake County to Urban Residential (UR) in the City of Eustis, and Ordinance Number 21-32 assigns the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-30 is denied, then there can be no consideration of Ordinances 21-31 and 21-32. All three ordinances were approved at the October 21, 2021, meeting.

### **Background:**

See attached Staff Report.

### **Recommended Action:**

The administration recommends approval of Ordinance Numbers 21-30, 21-31, and 21-32.

### **Attachments:**

[Staff Report Ordinances 21-30, 21-31, 21-32 Annex FLU DD](#)

[Ordinance Number 21-30 Annexation](#)

[Ordinance Number 21-31 FLUMA](#)

[Ordinance No. 21-32 Design Dist](#)

### **Reviewed by:**





## 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: OCTOBER 21, 2021  
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY AT 1704 VIRGINIA AVENUE**

***Ordinance Number 21-30 – Voluntary Annexation***

***Ordinance Number 21-31 – Comprehensive Plan Amendment***

***Ordinance Number 21-32 – Design District Assignment***

### Introduction

Ordinance Number 21-30 provides for the voluntary annexation of approximately 0.06 acres located at 1704 Virginia Avenue. Provided the annexation of the subject property is approved, Ordinance Number 21-31 would change the future land use designation from Urban Medium in Lake County to Urban Residential (UR) in the City of Eustis, and Ordinance Number 21-32 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-30 is denied, then there can be no consideration of Ordinance Numbers 21-31 and 21-32.

### Recommended Action

The administration recommends approval of Ordinance Numbers 21-30, 21-31, and 21-32.

### Background/Pertinent Site Information

1. The site contains approximately 0.06 acres, and is located within the Eustis Joint Planning Area. The site has vegetation in existence, and the structure on the site is currently undergoing demolition. The property owner pulled a permit on September 16, 2021, through Lake County for demolition of the residential building on the site, which was deemed unsafe and unfit for human occupancy. The property contains debris and obnoxious growth, which the property owner is clearing and cleaning up.



2. The site is contiguous to the City on its western, southern, and eastern boundaries.
3. The site has a Lake County land use designation of Urban Medium, but approval of Ordinance Number 21-31 would change the land use designation to Urban Residential (UR) in the City of Eustis. Surrounding properties have the following land use designations:

| Location     | Existing Use | Future Land Use            | Design District       |
|--------------|--------------|----------------------------|-----------------------|
| <b>Site</b>  | Vacant       | Urban Medium (Lake County) | NA                    |
| <b>North</b> | Vacant       | Urban Medium (Lake County) | NA                    |
| <b>South</b> | Vacant       | Urban Residential          | Suburban Neighborhood |
| <b>East</b>  | Vacant       | Urban Residential          | Suburban Neighborhood |
| <b>West</b>  | Vacant       | Urban Residential          | Suburban Neighborhood |

### **Applicant's Request**

The applicant, Shelby D. Sanders, wishes to annex the property, change the future land use to Urban Residential and assign a design district of Suburban Neighborhood.

The current Lake County land use designation is Urban Medium. The Lake County land use designation allows for residential uses up to seven (7) dwelling units per one (1) net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use. The property owner has requested the UR land use designation within the City of Eustis. The UR land use provides for residential uses up to 12 dwelling units per acre. The requested UR designation permits the proposed residential use and is consistent with the land use designation of properties to the south, east, and west in the City of Eustis. The UR designation allows for similar uses as those that are permitted immediately adjacent to the subject property.

### **Analysis of Annexation Request (Ord. Number 21-30)**

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

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

***The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested UR future land use designation. (See public facilities and services analysis under item 5 below).***

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

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

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

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

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

***The department published notice of this annexation in the Daily Commercial in accordance with the requirements on October 7, 2021 and October 14, 2021.***

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

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

***Annexation of the subject property does not create an enclave; it reduces the size of an existing enclave.***

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

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

***The department provided notice to the Lake County Board of County Commissioners on September 23, 2021.***

#### **Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 21-31)**

In Accordance with Florida Statutes Chapter 163.3177.9.:

*Discourage Urban Sprawl:*

##### **Primary Indicators of Sprawl:**

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

##### **Review of Indicators**

###### **1. Low Intensity Development:**

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

***This indicator does not apply. The requested future land use will provide for a higher density (12 du/acre) than the county FLU (7 du/acre) allows.***

###### **2. Urban Development in Rural Areas:**

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

***This indicator does not apply. The site is within nearby proximity to existing urban and suburban style residential development. A church is located to the southwest of***

***the subject property, and Eustis High School is nearby to the East. The subject property is located less than one (1) mile from the downtown Eustis core.***

3. *Strip or Isolated Development:*

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

***This indicator does not apply. The site is adjacent to existing/approved community services development, and nearby to existing/approved residential development. The proposed designation is consistent with the character of the surrounding area.***

4. *Natural Resources Protection:*

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

***This indicator does not apply. The property is not within a floodplain nor do any wetlands exist on the property. The property is within the Wekiva Study Area. The site must obtain building permit approval before development may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.***

5. *Agricultural Area Protection:*

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

***This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is not prime farmland nor does the site include soils identified by the USDA as farmlands of unique importance. The site primarily contains Pomello sand, 0 to 5 percent slopes (Source: United States Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey Online). This site is in close proximity to existing commercial and residential development. This is an urban area that would not be appropriate for agriculture.***

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

***This indicator does not apply. City water and sewer services are available to the property. Development of this parcel will maximize the use and efficiency of City water and sewer services.***

7. *Cost Effectiveness and Efficiency of Public Facilities:*

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

***This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested UR future land use designation.***

***The property will utilize existing water and sewer services already provided to other properties in the area increasing efficiency and cost effectiveness.***

8. Separation of Urban and Rural:

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

***This indicator does not apply. No nearby properties contain active agricultural activities or uses. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly urban uses. The character of the UR land use designation and the Suburban Neighborhood Design District are compatible with the existing development pattern.***

9. Infill and Redevelopment:

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

***This indicator does not apply. Annexation of this property reduces the size of an existing enclave; future development of the site would be considered infill development. The UR future land use and Suburban Neighborhood design district are compatible and consistent with the existing development pattern.***

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

***This indicator does not apply. Commercial development to serve the residential population is located in close proximity to the site, and the site is less than a mile from the City's Central Business District (CBD). The site is surrounded by vacant residential. In nearby proximity to the site, there is single-family development, a church, and Eustis High School.***

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

***This indicator does not apply. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of development review.***

12. Open Space:

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

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

13. Urban Sprawl:

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

a. Direction of Growth:

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

***The site is adjacent to existing urban/suburban development patterns; annexation reduces the size of an existing enclave in a developed neighborhood.***

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

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

***Water and sewer services are already available. Using existing water and sewer services will increase the efficiency and cost effectiveness of these services.***

**c. Walkable and Connected Communities:**

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

***The property subject to this request is an infill lot. The site is within a mile of parks, shopping, commercial businesses, and other community services and needs, allowing for easy ability to get to nearby destinations.***

**d. Water and Energy Conservation:**

Promotes conservation of water and energy.

***When the site is developed, it must meet City development and Florida Building Code standards that will require energy and water efficient appliances.***

**e. Agricultural Preservation:**

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

***Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is not prime farmland nor does the site includes soils identified by the USDA as farmlands of unique importance. The site primarily contains Pomello sand, 0 to 5 percent slopes (Source: United States Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey Online). This site is in close proximity to existing commercial and residential development. This is an urban area that would not be appropriate for agriculture.***

**f. Open Space:**

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

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

**g. Balance of Land Uses:**

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

***This does not apply. The proposed use for a residential home is similar with surrounding uses. Existing commercial development exists in close proximity to serve the residential population.***

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

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

***Not applicable. This is infill development consistent and compatible with existing surrounding development.***

**In Accordance with Comprehensive Plan Future Land Use Element Appendix:**

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

***Major Categories of Plan Policies:***

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

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

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

***a. Emergency Services Analysis:***

***The subject property is located approximately one (1) mile from the downtown core. Eustis emergency services already provide emergency response to other properties in the area. Additionally, fire service is approximately 1.53 miles of the subject property. Any development consistent with the UR future land use designation would not have a significant negative impact on the operations of Eustis emergency services.***

***b. Parks & Recreation:***

***In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and***

**Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015.**

Parks Level of Service Demand and Capacity

c.

| Year    | Population | LOS Required<br>acreage | Existing<br>Acreage | Surplus/ (Deficiency) |
|---------|------------|-------------------------|---------------------|-----------------------|
| 2009/10 | 18,538     | 55.61                   | 453.76              | 398.15                |
| 2010/11 | 18,760     | 56.28                   | 453.76              | 397.48                |
| 2011/12 | 18,985     | 56.96                   | 453.76              | 396.81                |
| 2012/13 | 19,213     | 57.64                   | 453.76              | 396.12                |
| 2013/14 | 19,443     | 58.33                   | 453.76              | 395.43                |
| 2014/15 | 20,015     | 60.05                   | 453.76              | 393.72                |

*ter & Sanitary Sewer:*

**Water and wastewater are available to the subject property, and connection is along Virginia Avenue.**

**The following outlines the water and wastewater demand based on a maximum development potential scenario.**

**Potential Residential Demand  
1 Dwelling Units**

**Water: Level of Service (LOS) for water is 140 gcd. A household is defined as 2.51 persons/hh or 351 g/hh. 1 du x 351 g/du = 351 gal/day**

**Sewer/wastewater: LOS for sewer is 120 gcd. 2.51 p/hh x 120 gcd = 301.2 301.2 g/du x 1 du = 301.2 g/d**

**There is sufficient capacity in both treatment and transmission facilities to meet demand even under a maximum development scenario.**

d. *Schools:*

**The proposed change will not negatively impact schools. The addition of one single-family home is considered a de-minimis development and does not require a school impact report.**

e. *Solid Waste:*

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

f. *Stormwater:*

**The Comprehensive Plan and Land Development Regulations include level of service standards to which new development must adhere. Projects**

**designed to meet these standards will not negatively affect the existing facilities and services.**

g. **Transportation Network Analysis:**

**A single-family home is considered de-minimis development for transportation and is considered to have no negative impacts on the existing**

**transportation system. The existence of commercial development in a walkable distance to the property offers opportunities for a reduction in vehicle trips on the roadway network. At this time, the adjacent transportation network has the capacity to serve the proposed UR property, even at a maximum development standard, without negatively affecting the adopted level of service.**

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

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

a. **Ground water recharge areas:**

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

b. **Historical or archaeological sites:**

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

c. **Flood zones:**

**The subject property is in Flood Zone X, an area of minimal flood hazard. Source - Lake County GIS - 2012 Flood Zones and FEMA Flood Map Service Center online.**

d. **Soil and topography:**

**The site soils are Pomello sand, 0 to 5 percent slopes (Source: United States Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey Online).**

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

### 3. Comprehensive Plan Review:

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

#### ***Existing Land Use According to the Lake County Comprehensive Plan:***

***“The Urban Medium Density Future Land Use Category provides for a range of residential development at a maximum density of seven (7) dwelling units per one (1) net buildable acre, in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use, unless permitted as an Economic Development Overlay District use.***

***This category shall be located on or in close proximity to major collectors and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities.***

***This category may serve as an effective transition between more intense and less intense urban land uses.***

***Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 20% of the net buildable area of the entire site as common open space. The maximum intensity in this category shall be 0.35, except for civic uses and Economic Development Overlay District uses, which shall be 0.50. The maximum Impervious Surface Ratio shall be 0.70.”***

#### ***Proposed Land Use According to the Eustis Comprehensive Plan:***

***The Urban Residential (UR) land use designation is intended to provide higher density residential options for the areas near the downtown core of the city.***

***The general range of uses in the UR land use includes: Includes single family detached, patio home, townhouse dwellings, and apartments. Additional uses include adult congregate living facilities (ACLF), other group housing facilities, manufactured residential dwelling units, limited neighborhood commercial uses, parks and recreation facilities, and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.***

***Urban residential densities may be developed at a minimum density of six dwelling units per net buildable acre up to a maximum of 12 dwelling units per net buildable acre, except where existing conditions require a density less than six dwelling units per net buildable acre.***

***The land use designations of residential properties within the City of Eustis in the surrounding area are generally Urban Residential (UR) with a maximum density of 12 dwelling units per acre (du/ac). To the west, east, and south, the Eustis land use designations in the surrounding area is Urban Residential.***

***The surrounding, immediately adjacent to the north, unincorporated areas are designated Urban Medium with a maximum density of seven (7) dwelling units per net buildable acre.***

**Comparison of Lake County Development Conditions**

***Residential: Lake County limits residential development to 7 du/acre or a total of 1 dwelling unit. The UR allows 12 du/acre or 1 theoretical maximum unit.***

***Proposed is one single-family home; if a second dwelling unit were requested, this would be permitted as an accessory apartment, or accessory dwelling unit, as per the UR land use district regulations.***

**Proposed Residential Land Uses.**

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

***Not applicable. The area already includes a mix of uses including single-family residential in close proximity to commercial.***

**Proposed Non-Residential Land Uses.**

The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

***Not applicable.***

4. Transportation:

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

***A single-family home is considered de-minimis development for transportation and is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network has the capacity to serve the proposed UR property, even at a maximum development standard, without negatively affecting the adopted level of service.***

5. Water Supply:

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

***City water and sewer services as well as other services are available. Refer to 1.c above for more information. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.***

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

*Standards for Review:*

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

***The proposed amendment is consistent with the Comprehensive Plan. See analysis above under item 1.A through D.***

b. *In Conflict with Land Development Regulations:*

***Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.***

***The proposed amendment is not in conflict with the Land Development Regulations. At the time of development there will be further review for compliance.***

c. *Inconsistent with Surrounding Uses:*

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

***The UR future land use designation is designed for higher density residential options for the areas near the downtown core of the city. The surrounding existing uses generally consist of single-family residential development or vacant property with residential land use designation. A church is to the southwest of the subject property. Eustis High School is nearby to the east of the subject property.***

***The surrounding development and permitted uses of surrounding properties are similar in nature to the proposed land use for this property. The nearby residential and commercial uses support each other in serving each other's needs.***

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

***The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water and sewer. These changed conditions warrant a change in the land use designation.***

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply,

drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

***City water and sewer services are available and in close proximity to the site along Virginia Avenue. Adequate capacity is available to serve future development consistent with the requested Urban Residential future land use designation. A single-family residence is considered de-minimis for all infrastructure and services. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.***

***f. Impact on Environment:***

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

***The site does not contain functional open space and is not connected to regionally important open space.***

***The subject property is in Flood Zone X, an area of minimal flood hazard. Source - Lake County GIS - 2012 Flood Zones and FEMA Flood Map Service Center online.***

***The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at time of building permit review and approval.***

***g. Orderly Development Pattern:***

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

***The site is within an existing enclave contiguous to the City limits and is adjacent to urban development including other residential developments and civic uses. The requested UR future land use designation, coupled with a Suburban Neighborhood design district designation, provides for a consistent development transect.***

***h. Public Interest and Intent of Regulations:***

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

***The purpose and intent of the Land Development Regulations is as follows:***

***“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”***

***The requested designation of UR land use will provide for orderly growth and development. This designation would advance the public interest by***

***providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.***

***i. Other Matters:***

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

***No other matters.***

**Analysis of Design District Request (Ord. Number 21-32):**

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban and rural transect

***1. Standards for Review:***

The Land Development Regulations includes the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

***a. Section 102-17(a) "...Section 109-3 Design Districts:***

identifies the definition, structure and form of each design district. The assignment of design district must follow the district pattern and intent."

***The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Suburban Neighborhood). The Suburban development pattern and intent, and the Suburban neighborhood definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area.***

***b. Sec. 109-3.4. Suburban development pattern intent statements:***

Intent. 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. Each land use provides for pedestrian and bicycle connections.

Design districts – Suburban Neighborhood

a. Definition. Predominately residential uses with some neighborhood scale commercial services.

b. Structure. Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

c. Form. Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.

***The Suburban development patterns statement above indicates that residential uses are primarily located on streets with fewer vehicle connections. A Suburban Neighborhood designation follows the district pattern and intent outlined in the Land Development Regulations, and is consistent with the existing transect in the area.***

c. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

***Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts. Some of the properties in the area surrounding the site lie in unincorporated Lake County and Lake County does not have design districts. Creating a condition where like designations face across streets is not applicable in this case because the surrounding land is not in the City limits. The requested Suburban Neighborhood designation would establish similar and compatible transect conditions.***

d. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

***The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.***

e. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

***The Suburban Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Urban Residential future land use designation.***

f. Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

***The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis with municipal services.***

g. *Public Facilities.*

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

***A redistricting is not proposed. This amendment will not change the demand on public facilities. Assigning a design district to an annexation property will not change the demand on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also see analysis of public facilities in above sections of this report.***

h. *Impact to Environment:*

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

***The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.***

i. *Property Values:*

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

***Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.***

j. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

***The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.***

k. *Public Interest and Intent of Regulations:*

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

***The request is assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.***

l. *Other Matters:*

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

***The request is assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land uses, densities, intensities or required open space. The districts, therefore, must be consistent and follow the urban, suburban and rural transect. This request assigns a Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.***

#### **Applicable Policies and Codes**

1. Resolution Number 87-34

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

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. "The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."
- b. "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."

3. Comprehensive **Plan - Urban Residential (UR)**: The Urban Residential (UR) land use designation is intended to provide higher density residential options for the areas near the downtown core of the city. The general range of uses in the UR land use includes: Includes single family detached, patio home, townhouse dwellings, and apartments. Additional uses include adult congregate living facilities (ACLF), other group housing facilities, manufactured residential dwelling units, limited neighborhood commercial uses, parks and recreation facilities, and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted. Urban residential densities may be developed at a minimum density of six dwelling units per net buildable acre up to a maximum of 12 dwelling units per net buildable acre, except where existing conditions require a density less than six dwelling units per net buildable acre.

4. Land Development Regulations Section 109-5.5(b)(1): The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale

commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

5. Land Development Regulations Section 109-2.3: The UR land use has a maximum density of twelve (12) units to one acre. This designation applies to areas near the downtown core of the city.

**Fiscal Impact:**

The current just value of the subject property is \$3,750. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$284 before development.

**Alternatives:**

1. Approve Ordinance Numbers 21-30 (Annexation), 21-31 (Comp. Plan Amendment), and/or 21-32 (Design District Designation)
2. Deny Ordinance Numbers 21-30, 21-31 and 21-32.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

*Advantages:*

- The action would be consistent with the Florida Statutes, wherein the Legislature recognizes 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.
- The City would have a more compact service area for utilities, police, and fire to increase efficiency and level of service. A more compact service area can reduce the overall per capita cost of providing urban services.
- The applicant can move forward with planning a future development.
- The land use change and design district assignment are consistent with the proposed use of the property and the nature of the surrounding area.
- The action could encourage additional development and/or annexations in that area. Annexation would increase the tax base of the City and increase the annual operating revenues.

*Disadvantages:*

- There are no disadvantages.

Alternative 2 denies the Ordinances.

(If Ordinance Number 21-30 is denied, the Commission cannot approve Ordinance Numbers 21-31 and 21-32.)

*Advantages:*

- The Commission could consider a different Land Use or Design District designation for the property.

*Disadvantages:*

- Denying annexation would create a gap in the City's boundary as defined by the Eustis Planning Area.
- The City would continue to experience gaps in its service area causing service inefficiency and confusion regarding City boundaries.

- The action would eliminate the potential for increased operating revenue and the subject property would continue to receive the indirect benefits of City services that are provided to adjacent properties without paying City taxes.
- The property could remain unutilized.
- The City could lose an economic development opportunity.

### **Community Input**

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site. To date, no inquiries from members of the public have been received by the Development Services department regarding this request. Additional opportunity for public input will be provided at the October 21 and November 4, 2021 City Commission meetings.

### **Budget / Staff Impact:**

Based on the current assessment and millage rate, the City can anticipate approximately \$284 annually in ad-valorem revenue. There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

### **Reviewed By:**

Lori Barnes, AICP, CPM, Development Services Director

### **Prepared By:**

Heather Croney, Senior Planner

### **Attachments:**

Ordinance Number 21-30, Exhibit A: Location  
 Ordinance Number 21-31, Exhibit A: Land Use Map  
 Ordinance Number 21-32, Exhibit A: Design District Map



**ORDINANCE NUMBER 21-30**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA,  
VOLUNTARILY ANNEXING APPROXIMATELY 0.06 ACRES OF REAL PROPERTY  
AT 1704 VIRGINIA AVENUE.**

**WHEREAS**, Shelby D. Sanders, the legal owner of record, has made application for voluntary annexation of approximately 0.06 acres of real property located at 1704 Virginia Avenue, more particularly described as:

Parcel Alternate Key: 1717701      Parcel Identification Number: 01-19-26-0900-000-00417

From the Northeast corner of Lot 5, Hazzard's Homestead, Eustis, Florida, as recorded in the Public Records of Lake County, Florida, run thence West along the North line of said Lot 5 a distance of 149.33 feet, thence South 20.00 feet for a Point of Beginning; thence run West 31.20 feet, thence run North 88.00 feet, thence run East 31.20 feet, thence run 88.00 feet to the Point of Beginning, subject to road right-of-way over and upon the North 25 feet thereof.

**WHEREAS**, the subject property is reasonably compact and contiguous; and

**WHEREAS**, the annexation of this property will not result in the creation of enclaves; and

**WHEREAS**, the subject property is located within the City of Eustis Planning Area, and water and wastewater service is available to the property; and

**WHEREAS**, on October 21, 2021 the City Commission held the 1<sup>st</sup> Public Hearing to consider the voluntary annexation of the property contained herein; and

**WHEREAS**, on November 4, 2021, the City Commission held the 2<sup>nd</sup> Public Hearing to consider the voluntary annexation of the property contained herein

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

**SECTION 1.**

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 0.06 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

**SECTION 2.**

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

**SECTION 3.**

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 4.**

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

**SECTION 5.**

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

**SECTION 6.**

That this Ordinance shall become effective upon passing.

**SECTION 7.**

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 4<sup>th</sup> day of November, 2021.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 21<sup>st</sup> day of October, 2021, 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 City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

\_\_\_\_\_  
City Attorney's Office

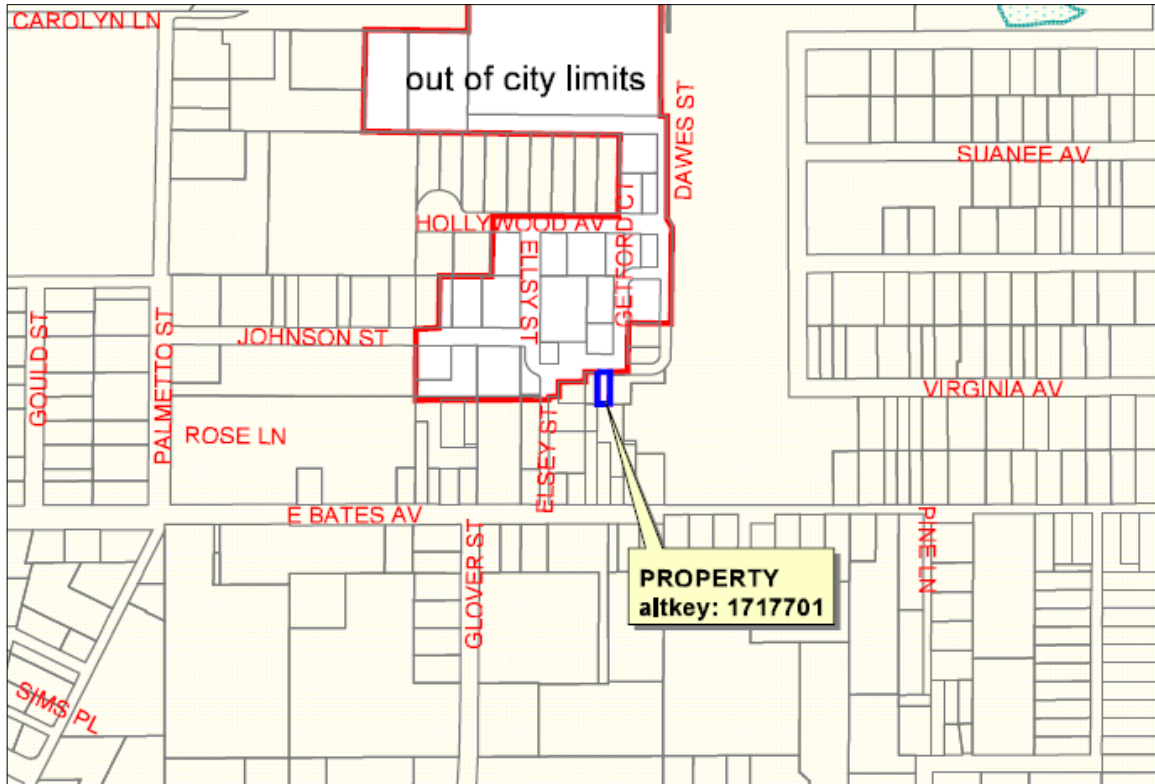
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 21-30 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk

## EXHIBIT A



## **ORDINANCE NUMBER 21-31**

**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 0.06 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT 1704 VIRGINIA AVENUE FROM URBAN MEDIUM IN LAKE COUNTY TO URBAN RESIDENTIAL IN THE CITY OF EUSTIS.**

**WHEREAS**, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

**WHEREAS**, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

**WHEREAS**, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

**WHEREAS**, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 0.06 acres of real property located at 1704 Virginia Avenue, and more particularly described herein; and

**WHEREAS**, on October 21, 2021, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

**WHEREAS**, on October 21, 2021, the City Commission held the 1<sup>st</sup> Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

**WHEREAS**, on November 4, 2021, the City Commission held the 2<sup>nd</sup> Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

### **SECTION 1.**

**Land Use Designation:** That the Future Land Use Designation of the real property as described below shall be changed from Urban Medium in Lake County to Urban Residential within the City of Eustis:

Alt Key Number 1717701

Parcel Number 01-19-26-0900-000-00417

From the Northeast corner of Lot 5, Hazzard's Homestead, Eustis, Florida, as recorded in the Public Records of Lake County, Florida, run thence West along the North line of said Lot 5 a distance of 149.33 feet, thence South 20.00 feet for a Point of Beginning; thence run West 31.20 feet, thence run North 88.00 feet, thence run East 31.20 feet, thence run 88.00 feet to the Point of Beginning, subject to road right-of-way over and upon the North 25 feet thereof.

## **SECTION 2.**

**Map Amendment and Notification:** That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

## **SECTION 3.**

**Conflict:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

## **SECTION 4.**

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

## **SECTION 5.**

**Effective Date:** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to comply. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 4<sup>th</sup> day of November, 2021.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 21<sup>st</sup> day of October, 2021, 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 City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

\_\_\_\_\_  
City Attorney's Office

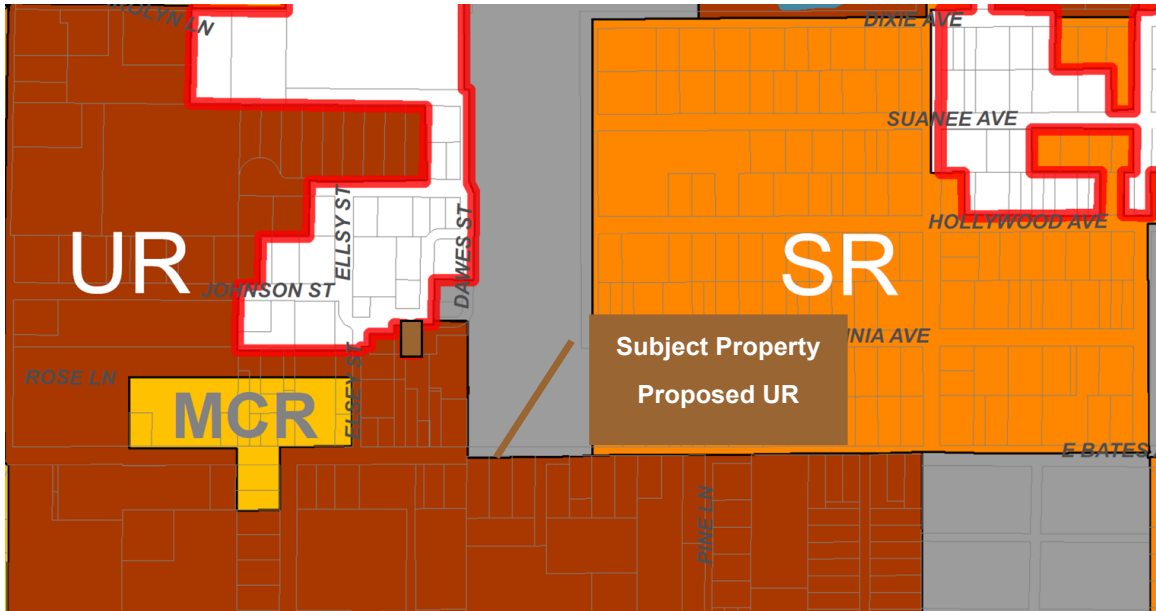
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 21-31 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk

## Exhibit A



## **ORDINANCE NUMBER 21-32**

### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 0.06 ACRES OF REAL PROPERTY AT 1704 VIRGINIA AVENUE.**

**WHEREAS**, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 0.06 acres of recently annexed real property further described below, and

**WHEREAS**, on October 21, 2021, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Design District Amendment contained herein; and

**WHEREAS**, on November 4, 2021 the City Commission held the 2<sup>nd</sup> Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

#### **Section 1. Design District Designation**

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Neighborhood:

Parcel Alternate Key: 1717701

Parcel Identification Number: 01-19-26-0900-000-00417

FROM THE NORTHEAST CORNER OF LOT 5, HAZZARD'S HOMESTEAD, EUSTIS, FLORIDA, AS RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE WEST ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 149.33 FEET, THENCE SOUTH 20.00 FEET FOR A POINT OF BEGINNING; THENCE RUN WEST 31.20 FEET, THENCE RUN NORTH 88.00 FEET, THENCE RUN EAST 31.20 FEET, THENCE RUN 88.00 FEET TO THE POINT OF BEGINNING, SUBJECT TO ROAD RIGHT-OF-WAY OVER AND UPON THE NORTH 25 FEET THEREOF.

#### **Section 2. Map Amendment**

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

#### **Section 3. Conflict**

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

#### **Section 4. Severability**

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be

unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5. Effective Date**

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 21-30.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 4<sup>th</sup> day of November, 2021.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 21<sup>st</sup> day of October, 2021, 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 City Commission of the City of Eustis, Florida, but I have not performed an independent title examination as to the accuracy of the legal description.

\_\_\_\_\_  
City Attorney's Office

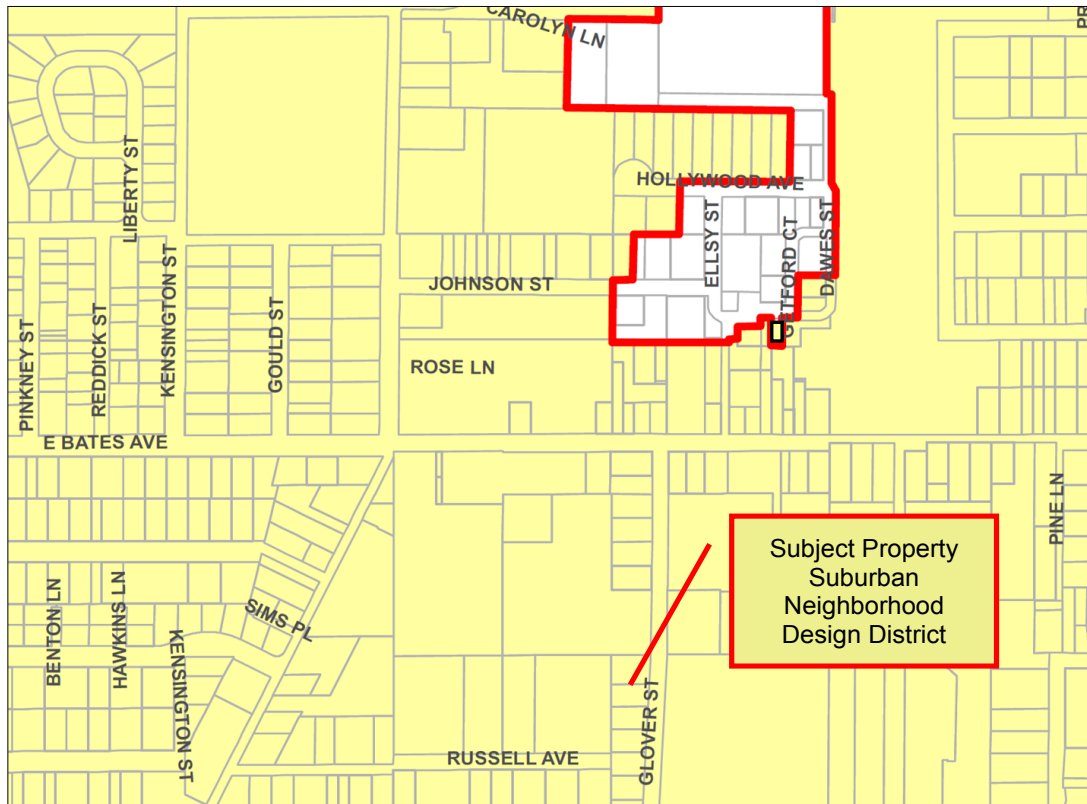
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 21-32 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk

## Exhibit A





**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:** November 4, 2021  
**RE:** ORDINANCE NUMBER 21-33: AMENDING CHAPTER 70, PENSIONS AND RETIREMENT, ARTICLE IV, MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM

---

### **Introduction:**

Ordinance Number 21-33 amends the Eustis Code of Ordinances, Chapter 70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System, Sections 70-102(b), 70-108(c) and 70-112(f)(1). Section 70-102(b) defines the police officers' change in contributions required by police officers. Section 70-108(c) defines the provisions for cost of living for current and future employee retirement benefits and 70-112(f)(1) defines the change in police officer disability benefits. Exhibit A to Ordinance 21-33 has all the changes underlined for the new wording and strikethrough for deletions.

### **Background:**

See attached Staff Report.

### **Attachments:**

[Staff Report - Ordinance 21-33](#)

[Ordinance Number 21-33](#)

### **Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 29 Oct 2021



**ORDINANCE NUMBER 21-33**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA AMENDING AND RESTATING CHAPTER 70, PENSIONS AND RETIREMENT, ARTICLE IV, MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, SECTIONS 70-102, 70-108 AND 70-112, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF EUSTIS; RESTATING A "LOCAL LAW" PENSION PLAN FOR POLICE OFFICERS TO BE KNOWN AS THE CITY OF EUSTIS MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Eustis police officers are presently provided pension benefits pursuant to Article IV Chapter 70, Eustis Code of Ordinances, which establishes a plan intended to meet or exceed the minimum benefits and minimum standards set out Chapter 185, Florida Statutes;

**WHEREAS**, the City Commission desires to amend and restate its "local-law" pension plan to maintain benefits for police officers, to clarify the provisions of the plan, and to incorporate changes in Federal and State law since the last adoption of the Municipal Police Officers' Pension and Retirement System;

**WHEREAS**, the proposed changes have been approved and recommended by the Board of Trustees of the plan as described in Exhibit A.

**NOW, THEREFORE, BE IT ORDAINED THAT:**

**Section 1.** Chapter 70, PENSIONS AND RETIREMENT, Article IV, MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, Sections 70-102(b), 70-108(c) and 70-112(f)(1), inclusive, of the Code of Ordinances of the City of Eustis, are hereby amended and restated to be known as the CITY OF EUSTIS MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, as set forth in Exhibit A attached hereto and made a part hereof.

**Section 2.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

**Section 4.** That this ordinance shall become effective immediately upon passing.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, 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 City Commission of the City of Eustis, Florida.

\_\_\_\_\_  
City Attorney's Office                      Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 21-33 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Mary C. Montez, City Clerk

## Exhibit A

### Changes to City of Eustis Code of Ordinance Article IV City of Eustis Municipal Police Officers' Pension and Retirement System

#### Sec. 70-102. - Contributions.

- (b) Contributions by the police officers to the police officers' pension trust fund. The city shall pay into the police officers' pension trust fund an amount ~~not less than one percent nor more than five percent~~ between 4.0% and 7.5% of their annual compensation to the Police Officers' Pension and Retirement System. The members contribution percentage shall be calculated based on the members paying 16% of the City's contribution percentage as determined by the Pension and Retirement System's actuary as of October 1 of each year, subject to the following to the following limitations: (a) for the remainder of Fiscal Year 2019-20 the bargaining unit members contributions shall be 5.5% of their annual compensation, and (b) the bargaining unit members contribution shall increase or decrease no more than 1% of their annual compensation for any fiscal year. ~~of the salary of each police officer who is a member of the police department and eligible for inclusion in the police officers' pension trust fund, which one to five percent shall be deducted by the city from the compensation due the police officer. Currently, the police officer contribution is four percent of annual compensation. Should periodic actuary studies reveal that city's contribution to the police officers' pension trust fund could be reduced to a level below that of the police officers' level of contribution to the police officers' pension trust fund at the time of the study and still maintain actuarial soundness, and the city does lower its annual contribution to an amount less than the officer's contribution, then city shall by ordinance reduce the amount of the police officers' contribution to the police officers' pension trust fund to a level that is equal to the city's contribution, but which does not exceed four percent of annual compensation. It being the intent of this subsection that in no event shall the police officer contribution exceed the city's contribution to the police officers' pension trust fund. No police officer shall have any right to the money so paid into the police officers' pension trust fund except as provided by law and the police officers' pension trust fund. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.~~

#### Sec. 70-108. - Cost of living adjustment.

- (c) Commencing October 1, 2003, the benefit of each plan participant employed on or after October 1, 2003, through the ratification of the April, 2020 collective bargaining agreement, shall be adjusted on each October 1 thereafter, as follows, for those plan participants who receive a cost-of-living adjustment under this section, the adjusted monthly benefit shall be the amount of the monthly benefit being received on September 30 immediately preceding the adjustment date plus an amount equal to three percent of this benefit. All new employees hired after the ratification of the April

2020 collective bargaining agreement, will not be eligible to participate in the three percent benefit for cost-of-living adjustment under this section.

**Sec. 70-112. - Police officer disability benefits.**

(f) *Benefits payable.*

- (1) The benefit payable base disability pension rate will be 45% to a police officer, employed after October 1, 2003, and increased by 2% each full year of the members' service, up to the maximum rate of 65%. Regardless of vesting, police officers who is totally and permanently disabled in the line of duty prior to his or her normal retirement date resulting from malicious or intentional acts against the bargaining unit members as defined in Section 440.15(11), FLA. Stat., from physically engaging in an arrest, or from a non-preventable traffic crash shall remain unchanged and is the monthly income payable for ten years certain and life. The amount of his or her monthly benefit shall be the normal retirement benefit, but shall not be less than 65 percent of his or her average monthly salary as of his or her disability retirement date.



## 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: November 4, 2021

RE: ORDINANCE NUMBER 21-33  
AMENDING CHAPTER 70, PENSIONS AND RETIREMENT,  
ARTICLE IV, MUNICIPAL POLICE OFFICERS' PENSION AND  
RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR AN EFFECTIVE DATE

**Introduction:**

Ordinance Number 21-33 amends the Eustis Code of Ordinances, Chapter 70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System, Sections 70-102(b), 70-108(c) and 70-112(f)(1). Section 70-102(b) defines the police officers' change in contributions required by police officers. Section 70-108(c) defines the provisions for cost of living for current and future employee retirement benefits and 70-112(f)(1) defines the change in police officer disability benefits. Exhibit A to Ordinance 21-33 has all the changes underlined for the new wording and strikethrough for deletions.

**Recommended Action:**

Staff recommends approval of Ordinance Number 21-33.

**Background:**

The City negotiated with the Police Benevolent Association (PBA). The negotiations resulted in amendments to the current Collective Bargaining Agreement. Negotiation began in June of 2019, and came to a conclusion with Resolution 20-35 presented to the City Commission on April 16, 2020. Certain provisions of the agreement call for the following changes requiring a change to Chapter 70 Article IV of the Eustis Code of Ordinance described in Exhibit A of Ordinance 21-33.

Once the first reading is approved the City will send the ordinance to the Municipal Police Officers' and Firefighters' Retirement Trust Funds Office, Division of Retirement, P.O. Box 3010, Tallahassee, FL 32315-3010, ([www.myflorida.com/frsmpf](http://www.myflorida.com/frsmpf)) for their comments and approval. The Ordinance will be accompanied by the Actuaries Impact Statement. Once approved the Ordinance will be brought back for the second reading.

The delay in providing this ordinance occurred due to the Pension Attorney and Actuary not liking the language. The City and PBA did not approve of the new language and the Pension Attorney as well as the Actuary agreed with the original wording and subsequently revised the Impact statement to mirror the original language.

**Alternatives:**

- Approve Ordinance Number 21-33
- Deny Ordinance Number 21-33

**Discussion of Alternatives:**

Alternative 1 approves the resolution.

Advantages:

- The agreement was mutually negotiated
- The ordinance will comply with the provision described in Resolution 20-35

Disadvantages:

- The approval of Resolution 20-35 would be negated and new negotiations with the bargaining unit would be necessary.

Alternative 2 denies the Ordinance

Advantages:

- None noted.

Disadvantages:

- Negotiations would be resumed which may lead to an impasse and arbitration, which can be time consuming and costly.

**Community Input:**

Staff has properly advertised the ordinance, and there will be an opportunity for public input at the public hearing.

**Budget/Staff Impact:**

There may be an immaterial administrative cost associated with establishment of the defined contribution plan per Chapter 185, F.S.; however, adjustments to the budget were defined in Resolution 20-35.

**Prepared By:**

Mike Sheppard, Finance Director

**Attachments:**

Ordinance 21-33

Exhibit A Changes to City of Eustis Code of Ordinance Article IV



**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:** November 4, 2021  
**RE:** CONSIDERATION OF ORGANIZATION AND SUPPORT GRANTS FOR FY2021-2022

---

**Introduction:**

The purpose of this presentation is to provide information to the City Commission regarding organizational and event grant requests for funding in FY 2021/2022 (commencing October 1, 2021).

**Background:**

See attached Staff Report.

**Attachments:**

[Staff Report - Award of Grants for FY2022](#)

**Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 28 Oct 2021

Mary Montez, City Clerk

Approved - 28 Oct 2021





## 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: November 4, 2021  
RE: ORGANIZATIONAL AND EVENT SUPPORT GRANTS

### Introduction

The purpose of this presentation is to provide information to the City Commission regarding organizational and event grant requests for funding in FY 2021/2022 (commencing October 1, 2021).

### Recommended Action

Staff requests Commission direction regarding grant awards and funding allocations for the upcoming budget year.

### Background

The Commission included an allocation of \$30,000 for grant funding in the fiscal year 2021 budget for the support of not-for-profit organizations and events within the City of Eustis. Last year we had 9 requests totaling \$56,890. This year we had 16 requests totaling \$99,500 representing an increase of 74.9% over last years request, and the number of applicants increase 77.8%. One of this year's applicants was awarded a donation of \$750 by the City outside this program for in-kind services.

A committee was organized to (a) review the applications, (b) confirm the basic requirements were met, and (c) provide a recommendation to the Commission based on certain criteria. The committee was comprised of the Finance Director, Development Services Director and Economic Development Director.

The eligibility criteria is as follows:

### Event Eligibility Criteria

1. The event sponsor must be a 501(c)(3).
2. The event must be open to and provide a benefit to all citizens of Eustis in addition to attracting a substantial number of visitors.
3. The event must contribute to the economic vitality of the community.
4. The event sponsor must provide a full accounting of the total event funds and expenditures.

**Organization Eligibility Criteria**

1. The organization must be a 501(c)(3) corporation.
2. The organization must provide a service that improves the quality of life for a majority of the citizens of Eustis.
3. The organization must provide a financial statement and a full accounting of the use of the grant funds.

**Ineligible Organizations and Grant Expenditures include**

1. Loans, debt retirement, or debt financing
2. Capital improvements, acquisitions, and restorations (facilities and equipment)
3. Events or projects closed to the general public
4. Religious ceremonies or events
5. Parties, receptions, and other social activities
6. Fundraising events and sponsorships
7. Political organizations or campaigns
8. Fraternal organizations, societies, or orders (501(c)(4) designations)
9. Support staff positions
10. Endowments

**Recommendations for Future disbursements:**

- Possible move to a reimbursement grant.
- Smaller organizations may request money upfront.
- Organizations will be required to provide specific information on the expenditures made with the money provide through the grant.

**Applications**

The following organizations submitted grant requests:

| <b><u>Applicant Name</u></b> | <b><u>Grant Request</u></b> | <b><u>In Kind Request</u></b> |
|------------------------------|-----------------------------|-------------------------------|
| Amazing Rate for Charity     | \$ 10,000                   | Yes                           |
| Bay Street Players           | \$ 14,000                   | No                            |
| Boys & Girls Club            | \$ 2,000                    | No                            |
| Eustis Historical Museum     | \$ 1,000                    | No                            |
| Hope with a Purpose          | \$ 15,000                   | No                            |
| Lake County Fair             | \$ 10,000                   | No                            |
| Lake Cares                   | \$ 8,000                    | No                            |
| LifeStream Behavioral Center | \$ 7,500                    | No                            |
| LovExtension                 | \$ 5,000                    | No                            |
| Paws Therapy Dog, Inc.       | \$ 1,000                    | No                            |
| TedX Eustis                  | \$ 2,500                    | No                            |
| Trout Lake Nature Center .   | \$ 10,000                   | Yes                           |
| United Way of Lake & Sumter  | \$ 5,000                    | No                            |
| We Care of Lake County       | \$ 5,000                    | No                            |
| *W.I.N. Ministries, Inc.     | \$ ?                        | No                            |
| Worth It Suicide Outreach    | \$ 3,500                    | No                            |
| <b>Total</b>                 | <b><u>\$ 99,500</u></b>     |                               |

- W.I.N. did not indicate a requested dollar amount, but had received \$500 from the City in 2019.  
Each application is summarized and evaluated as follows:

**1. Amazing Race for Charity, Inc.**

- a. Request \$10,000; recommended FY 21-22 award of \$6,500.
- b. Purpose of funding – race preparation, promotion, and sponsorship.
- c. In-kind service requests include use of City parks, garbage cans, waiver of fees, public works personnel and law enforcement.

**Considerations**

- The event includes a free public festival at Ferran Park, including music, food, and more than 35 vendors.
- The event brings over 1,000 visitors to the City.
- The event continues to be very successful.
- Money left over after expenses is distributed to charities

**2. Bay Street Players**

- a. Request \$10,000; recommended FY 21-22 award of \$3,500.
- b. Purpose of funding – provide quality entertainment, expose young people to cultural theater through the Young People's Theater, cover operating and production expenses.

**Considerations**

- The organization contributes to the economic vitality of the City.
- The organization brings visitors to the City.
- The organization intends to upgrade the website to keep community informed of its diversity.

**3. Boys & Girls Clubs of Central FL**

- a. Request \$2,000; recommended FY 21-22 award of \$0.
- b. The purpose of the funding was to cover salaries, which is specifically not allowed under the ineligible uses.

**Considerations**

- Its an organization which to inspire and enable young people
- They work a lot with disadvantage families.

**4. Eustis Historical Museum**

- a. Request \$1,000; recommended FY 21-22 award of \$1,000.
- b. Purpose of funding – enable the Museum to support the history of Eustis and enable the Citrus Museum to more effectively catalog, display, and preserve the extensive inventory of information and artifacts in its possession.

**Considerations**

- The Museum contributes to the economic vitality of the City.
- The Museum works with local schools to provide educational events such as the annual 4<sup>th</sup> grade essay contest.
- Events are open to the public.

**5. Hope with a purpose**

- a. Requested \$15,000; recommend FY 21-22 award of \$1,000.
- b. Purpose of Funding – Provide help feeding the working poor, families living in poverty as well as moderate income households.

**Considerations**

- Help implementing an elderly and youth center which will offer computer skills, health awareness and tutoring after school.

**6. Lake County Fair, Inc.**

- a. Request of \$10,500; recommended FY 21-22 award of \$4,000.
- b. Purpose of funding – will assist in the creation of the Big Sing, which is a family friendly participatory, interactive experience, fostering the feeling of belonging to the community, inspiring connection socially and culturally.

**Considerations**

- The organization provides a valuable service to youth and families and provides direction for their potential growth.
- Builds collaborative community spirit.

**7. Lake Cares**

- a. Requested \$8,000; recommended FY 21-22 award of \$3,000.
- b. Purpose of Funding will assist in providing food to those in need. Mission is to “Feed the Body and Educate the Mind and Lift the Spirit of all”.

**Considerations**

- Funding will be used for the purchase of food for Eustis Residents
- Based on 2020 distributions over 27% of Lake Cares clients where residents of Eustis.
- It should be noted that Lake Cares received \$8,000 from the City Last year outside of this grant process.

**8. LifeStream Behavioral Center (Open Door)**

- a. Request of \$7,500; recommended FY 21-22 award of \$2,500.
- b. Purpose of funding – support the Open Door, a one-stop spot, linking homeless individuals and families to needed amenities and services, and ultimately assisting them in securing safe affordable housing and support.

**Considerations**

- In recent years, there has been an increase in homeless families.
- Proposes to serve 305 Eustis residents.
- Provides access to showers, laundry facilities, computers, and assistance with job training and employment placement.
- There are no costs for services provided.

**9. LovExtension**

- a. Request of \$5,000; recommended FY21-22 award of \$500.
- b. Purpose of funding – to support and promote the seniors and disabled adults living on a fixed income and having to make a decision between food and medication.
- c. In-kind service requests packing of food for 164 residents per individual food survey and delivery in Eustis

**Considerations**

- Provide food to seniors and disabled.
- Improve the quality of life for seniors and disabled

- Offer nutritional, emotional and social support to those deficient in family support

**10. Paws Therapy Dogs, Inc.**

- a. Request of \$1,000; recommended FY 21-22 award of \$500.
- b. Purpose is to train a handler and a dog to learn about therapy dog work.
- c. They assist other charities and nursing homes, retirement centers.

**Considerations**

- Improve the spirit of people confined with an experience of unconditional love from an animal.

**11. TedX Eustis, Inc.**

- a. Request of \$2,500; recommended FY 21-22 award of \$1,000.
- b. Purpose of funding - to produce the event including recording, distribution, and technical support.

**Considerations**

- Anticipate over 215 visitors to the City from all over Central Florida.
- The organization provides a benefit to the Eustis community.
- Majority of funding comes from other sources.
- This year's event included 10 speakers and three performers...

**12. Trout Lake Nature Center, Inc. (TLNC)**

- a. Request of \$10,000; recommended FY 21-22 award of \$4,000.
- b. Purpose of funding – to support TLNC programs and facilities including exhibits, trails, and education programs for children, adults and the community.
- c. In-kind services requests include ice for special events, review of specifications for construction projects, waiver of some permit fees.

**Considerations**

- Anticipate 12,000 visitors.
- The organization contributes to the economic vitality of the City.
- Last year, over 26,000 people participated in TLNC programs.

**13. United Way of Lake and Sumter County**

- a. Request of \$5,000; recommended FY 21-22 award of \$0.
- b. To provide for Case management and once-annual financial assistance for rent, mortgage and utility bills.

**Considerations**

- Operational including salaries are high compared to the money provided for the needy.
- Felt the local organization provided a better opportunity to help our citizens.

**14. We Care of Lake County**

- a. Request of \$5,000; recommended FY 21-22 award of \$1,000.
- b. Purpose of funding – to provide health care at home for elderly and disabled.

**Considerations**

- Provide transportation to Doctors to those who have no means to travel
- Helps insure the health, safety and welfare of people in need.

**15. W.I.N. Ministries Inc.**

- a. Request \$???; recommended FY 21-22 award of \$500.
- b. The purpose of the funding is to purchase food, clothing and in some cases utilities and living arrangements.

**Considerations**

- They served over 6,000 people last year distributing food every month.
- They also sponsor a program B.A.G.G.S. Building and Grooming Girls for success to foster less theft with the intent to relieve a burden on the Community.

**16. Worth It Suicide Outreach & Support, Inc.**

- a. Request \$3,500; recommended FY 21-22 award of \$1,000.
- b. Purpose to improve the health of the community by way of lessening stigma that surrounds the topic of Suicide.

**Considerations**

- The organization is doing work and awareness on helping individuals to not be embarrassed to reach out should they have suicide thoughts.

**Consideration for Discussion**

The grant committee used the following criteria to evaluate the grant applications.

**Project Purpose (up to 30 points):** Encourages celebrations of community and cultural opportunities (events), or provides a community service that benefits the community as a whole.

- a. Objectives clearly presented
- b. Commitment to improvement

**Longevity (up to 15 points):**

- a. Years in existence
- b. Improvement of organization
- c. Number of years the project or event has been in existence

**Leveraging of funds (up to 10 points):** Use of non-City funds and percentage.

**Community-wide benefit (up to 15 points):**

- a. Marketing to the entire community
- b. Promotion of diversity/ethnicity

**Collaboration (up to 5 points):** Involvement with various community entities

**In-kind Services (up to 10 points for none):** Number and estimated cost of requested in-kind services (not seeking any = 10 points)

The committee ranked the applications according to the criteria then points were tallied for each applicant. The committee ranked the applicants and used a

weighted average methodology to determine the grant award. Those receiving \$0 did not comply with the Minimum Application Submittal requirements. The following option for grant awards based on grant criteria:

| <b><u>Applicant Name</u></b>      | <b><u>Grant Request</u></b> | <b><u>Recommended Grant Award</u></b> |
|-----------------------------------|-----------------------------|---------------------------------------|
| Amazing Race for Charity          | \$10,000                    | \$ 6,500                              |
| Bay Street Players                | \$14,000                    | \$ 3,500                              |
| Boys and Girls Club               | \$ 2,000                    | \$ 0                                  |
| Eustis Historical Museum          | \$ 1,000                    | \$ 1,000                              |
| Hope with a Purpose               | \$15,000                    | \$ 1,000                              |
| Lake County Fair Association, Inc | \$10,000                    | \$ 4,000                              |
| Lake Cares Inc.                   | \$ 8,000                    | \$ 3,000                              |
| LifeStream (Open Door)            | \$ 7,500                    | \$ 2,500                              |
| LovExtension                      | \$ 5,000                    | \$ 500                                |
| Paws Therapy Dogs, Inc.           | \$ 1,000                    | \$ 500                                |
| TedX Eustis                       | \$ 2,500                    | \$ 1,000                              |
| Trout Lake Nature Center          | \$10,000                    | \$ 4,000                              |
| United Way of Lake & Sumter       | \$ 5,000                    | \$ 0                                  |
| We Care of Lake County            | \$ 5,000                    | \$ 1,000                              |
| W.I.N.1 Ministries                | \$ ?                        | \$ 500                                |
| Worth It Outreach & Support       | \$ 3,500                    | \$ 1,000                              |
| <b>Total</b>                      | <b><u>\$99,500</u></b>      | <b><u>\$30,000</u></b>                |

The Boys and Girls Club listed their donation to cover salaries, which is an ineligible expenditure. United Way is a large national organization with a lot of overhead and the money may get lost in the mix. The rest of the organizations are local and do not have a national presence which would allow more concentration to care for our community.

Prepared By: Mike Sheppard, Finance Director

Committee Members: Tom Carrino, Interim City Manager, Lori Barnes Director Development Services, Mike Sheppard Finance Director

The Commission will be provided with a PDF under separate cover. Should a hard copy be requested one will be provided.





**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:** November 4, 2021  
**RE:** DISCUSSION REGARDING AMENDMENTS TO SECTION 110 OF THE  
LAND DEVELOPMENT REGULATIONS - PORTABLE STORAGE  
UNITS/LONG-TERM STORAGE CONTAINERS

---

**Introduction:**

Discussion and direction regarding staff recommended amendments to the Land Development Regulations regarding portable storage units and long-term storage containers.

**Background:**

See attached Staff Report.

**Recommended Action:**

City Commission direction to staff to prepare an ordinance to amend the Land Development Regulations.

**Attachments:**

[Staff Report - Consideration of LDR Amendments](#)

**Reviewed by:**

Bill Howe, Human Resources  
Director

Approved - 29 Oct 2021

Mary Montez, City Clerk

Approved - 29 Oct 2021





## 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: NOVEMBER 4, 2021  
RE: DISCUSSION REGARDING PROPOSED AMENDMENTS TO SECTION 110 OF  
THE LAND DEVELOPMENT REGULATIONS – PORTABLE STORAGE  
UNITS/LONG TERM STORAGE CONTAINERS

### **Introduction/Background**

Discussion and direction regarding staff recommended amendments to the Land Development Regulations regarding portable storage units and long-term storage containers.

### **Recommended Action**

City Commission direction to staff to prepare an ordinance to amend the Land Development Regulations.

### **Background**

- At the July 15, 2021 City Commission meeting, a property owner raised concerns regarding code enforcement as to long term storage containers placed on his property without review and approval by the City. He stated he felt an administrative waiver should have been granted by the Development Services Director based on the current regulations. The property owner complained the process to obtain a waiver was too complicated and costly.
  - Containers first observed April 5, 2021.
  - Communication to the property owner in May regarding option to request a Florida Building Code temporary use permit for 180-days or submit administrative site plan review and provide the required screening (brick or masonry wall).
  - June 17, 2021 City Commission approved amendment to the regulation to allow the Development Services Director to approve alternate screening materials when supported by site conditions (i.e. containers not visible from road or adjacent property). The site conditions at the particular location do not support DSD approval of alternate screening materials.
  - July 8, 2021 property owner emailed indicating his desire to request City Commission approval of a waiver to the regulations. He stated, “the boxes are my tenants responsibilities and...they fund displaced families and children we would also like to request all and any fees if there are any be waived as they present a hardship and would take away from children’s survival.”

- July 8, 2021 the Development Services Director communicated the options for approval to property owner including major site plan modification with waiver or a variance. The process for requesting a fee waiver was also explained.
- At the July 15, 2021 meeting, the City Commission directed staff to hold on code enforcement actions related to all long-term storage containers until a review of the regulations could be completed.
- On September 2, 2021, staff presented information to Commission regarding the pre-existing non-conforming long-term storage containers, existing non-compliant (installed without approval) long-term storage containers, current regulations, and metal building restrictions and permitted non-residential accessory uses (sheds) that should be considered when determining if long-term storage containers are an appropriate use in the City limits.

City Commission reviewed the regulations and discussed various options to address the issues and directed staff to submit recommended regulations based on land use districts; and to include an amortization period for removal of the containers in the district where they would no longer be permitted.

## Staff Recommended Regulations

### Section 110-5.13 Short-Term, Mid-Term, and Long-Term Storage Containers

It is the purpose of this section to regulate the placement of storage containers on properties to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties.

- (1) Only authorized temporary and long-term storage containers permitted. No person shall place or maintain a temporary or long-term storage container except in conformity with this section. Existing non-conforming long-term storage containers shall be removed or brought into compliance with this section no later than May 18, 2022.
- (2) The table below outlines storage container usage by land use district and addresses standards for number, size, duration and frequency. The additional standards provided below the table also apply to container storage uses as specified.

|                                                                                                                        |                                      |                                        |           |                  |           |            |            |              |           |            |                                                                               |                             |                                               |                                                              |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------|-----------|------------------|-----------|------------|------------|--------------|-----------|------------|-------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------|--------------------------------------------------------------|
| <b>TABLE KEY:</b><br>L = Permitted Subject to Limitations in Standards<br>C = Conditional Use<br>Blank = Not Permitted | <b>Residential<br/>All Districts</b> | <b>Commercial<br/>&amp; Industrial</b> |           | <b>Mixed Use</b> |           |            |            | <b>Other</b> |           |            | <b>Standards</b>                                                              |                             |                                               |                                                              |
|                                                                                                                        |                                      |                                        |           |                  |           |            |            |              |           |            |                                                                               |                             |                                               |                                                              |
| <b>SPECIFIC USE</b>                                                                                                    |                                      | <b>GC</b>                              | <b>GI</b> | <b>CBD</b>       | <b>RT</b> | <b>MCR</b> | <b>MCI</b> | <b>PI</b>    | <b>AG</b> | <b>CON</b> | <b># per Site</b>                                                             | <b>Size</b>                 | <b>Duration</b>                               | <b>Frequency</b>                                             |
| Short-Term Storage Containers (Portable Storage Units or PODs)                                                         | L                                    | L                                      | L         | L                | L         | L          | L          | L            | L         | L          | 1                                                                             | 8-FT W<br>16-FT L<br>8-FT H | 30-days                                       | Once per year                                                |
| Mid-Term Storage Containers on Active Construction Sites                                                               | L                                    | L                                      | L         | L                | L         | L          | L          | L            | L         | L          | 1 per homesite or small commercial project; maximum of 3 subdivision projects | 8-FT W<br>16-FT L<br>8-FT H | Active Permit and Active Ongoing Construction | As needed with Active Permit and Active Ongoing Construction |

|                                                                                                                                            |                                  |                            |           |     |    |     |       |    |    |           |                                   |                             |                                                                          |                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------|-----------|-----|----|-----|-------|----|----|-----------|-----------------------------------|-----------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------|
| TABLE KEY:<br><br>L = Permitted<br>Subject to<br>Limitations in<br>Standards<br><br>C = Conditional<br>Use<br><br>Blank = Not<br>Permitted | Residential<br><br>All Districts | Commercial<br>& Industrial | Mixed Use |     |    |     | Other |    |    | Standards |                                   |                             |                                                                          |                                                                        |
|                                                                                                                                            |                                  |                            |           |     |    |     |       |    |    |           |                                   |                             |                                                                          |                                                                        |
| SPECIFIC USE                                                                                                                               |                                  | GC                         | GI        | CBD | RT | MCR | MCI   | PI | AG | CON       | # per Site                        | Size                        | Duration                                                                 | Frequency                                                              |
| Long-Term<br>Storage<br>Containers with<br>Required<br>Screening as<br>Provided Below                                                      |                                  |                            | L         |     |    |     | L     |    | L  |           | Site Plan<br>Required<br>NTE ISR% | 8-FT W<br>16-FT L<br>8-FT H | Not Limited<br>Except as<br>Provided<br>Below                            | Continual<br>Except as<br>Provided<br>Below                            |
| Long-Term<br>Storage<br>Containers<br>without<br>Required<br>Screening                                                                     |                                  |                            | C         |     |    |     | C     |    |    |           | Site Plan<br>Required<br>NTE ISR% | Per CUP<br>Conditions       | Not Limited<br>Except as<br>Provided<br>Below or by<br>CUP<br>Conditions | Continual<br>Except as<br>Provided<br>Below or by<br>CUP<br>Conditions |

- a. All temporary storage containers (portable storage units) shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.
- b. Long-term storage containers shall be fully screened from the view of the public right-of-way and adjacent properties by a masonry or brick enclosure of sufficient height and opacity. The Development Review Committee may, via the Administrative Site Plan or Development Plan approval process, administratively waive screening requirements when supported by site conditions (containers cannot be seen from public right-of-way or adjacent property). If the site conditions change and the containers are visible from the public-right-of-way or adjacent property, such administrative waiver shall be revoked. The number of containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.
- c. Maintenance and prohibition of hazardous materials.
  - i. The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

- ii. When not in use, the portable storage unit shall be kept locked.
- iii. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage unit.

**Current Regulations:****Sec. 110-5.13. - Portable storage units.**

(a) *Portable storage units for on-site storage.* There shall be no more than 1 portable storage unit per site no larger than 8 feet wide, 16 feet long and 8 feet high. No portable storage unit shall remain on-site in a residential district in excess of 30 consecutive days, and portable storage units shall not be placed at any one site in a residential district in excess of 30 days in any calendar year. No portable storage unit shall remain at a site in a nonresidential district in excess of 30 consecutive days, and portable storage units shall not be placed at any one site in a nonresidential district in excess of 30 days in any calendar year.

(b) *Removal of portable storage units in the event of a hurricane warning.* Notwithstanding the time limitations set forth herein, all portable storage units shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency. If the director of development services determines that an emergency, other than a hurricane warning by a recognized government agency, provides sufficient cause to exceed the time limitations which would otherwise apply, the director may allow a portable storage unit to remain at a site for a period in excess of such time limitations. If the director determines that placement of a portable storage unit at a site where new construction is taking place will not adversely impact the surrounding community and is otherwise appropriate, the director may allow a portable storage unit to remain at the site for a period in excess of the time limitations which would otherwise apply.

(c) *Maintenance and prohibition of hazardous materials.* The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage unit.

(d) Long-term storage containers are prohibited unless located on a commercial or industrial parcel with a fully screened masonry or brick enclosure designed and constructed for the purpose of screening such containers from view. The Development Services Director may approve alternate screening material when supported by site conditions. Storage containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.

**Other Regulations to Consider:**

To improve the city's appearance, the City of Eustis has adopted regulations requiring architectural design standards for non-residential buildings, prohibiting metal buildings (except in General Industrial) and regulating the placement of drive-thru services and automotive lifts. Accessory structures (sheds/storage buildings) are permitted in association with non-residential development. Placement of long-term container storage in all land use districts, especially if not screened, would seem contrary to the design standards set in place to ensure attractive development. (See LDR references on the following pages).



### **Sec. 115-1. - Purpose and intent.**

- (a) *Intent.* The purpose of this chapter is to provide development design standards that are applicable to development activity within the city corporate boundaries. The intent of the development design standards, described herein, is to ensure safe, functional and attractive development.

### **Sec. 115-6. Non-Residential Building Design Standards**

The following standards are for building design of non-residential building types for all building types excluding the industrial building lot types and the industrial complex.

#### **Sec. 115-6.1 All Districts**

- a. **Public Entrance.** Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to the entrances.
- b. **Mass and Scale.** Buildings that are more than 150 feet in length/width shall comply with the following. No more than 60 feet of horizontal distance of wall shall be provided without architectural relief a minimum of 30 feet wide and three feet deep for building walls and frontage walls facing the street.



**Figure 1 Variation of Mass and Scale**

- c. **Building Façade.** Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from 12 feet to 16 feet above Base Flood Elevation or grade, whichever applies to the proposed development.
- d. **Building Features.** Buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
  - (1) Divisions or breaks in materials (materials should be drawn from a common palette)
  - (2) Window bays
  - (3) Separate entrances and entry treatments, porticoes extending at least five feet.

- (4) Variation in roof lines
  - (5) Awnings installed in increments of 15 feet or less
  - (6) Dormers
  - (7) Canopies, extending at least five feet
  - (8) Overhang extending at least five feet
  - (9) Recessed entries (at least three feet from the primary façade)
  - (10) Protruding entries (at least three feet from the primary façade)
  - (11) Covered porch entries
- e. Storefront character. Commercial and mixed-use buildings shall express a “storefront character”. This guideline is met by providing all of the following architectural features along the building frontage as applicable. Commercial and mixed use buildings located on arterial roads in a Suburban corridor design district (i.e. US Hwy 441, SR 19 south of Ardice Ave./north of Laurel Oaks) shall be exempt from meeting these requirements.
1. Corner building entrances on corner lots.
  2. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories)
  3. Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40 percent and a maximum 80 percent of the ground floor of each storefront’s linear frontage. Blank walls shall not occupy over 50 percent of a street-facing frontage and shall not



exceed 30 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement.

Figure 2, Storefront character

- f. Orientation. The primary building entrances shall be visible and directly accessible from a street. Building massing such as tower elements shall be used to call-out the location of building entries.
- g. Habitable Street Frontage. The first 20 feet of depth of the first floor of any mixed-use structure’s primary building frontage facing a street shall be constructed as habitable space.

#### Sec. 115-6.1.2 Metal Buildings

- a. Definition: For the purposes of this section, a metal building is any structure (other than the exemptions included in paragraph 3) that has steel or metal walls, sheeting, or siding on more than 25% of its exterior surface. Painting or other surface coating shall not be considered a sufficient covering to eliminate the visibility of the metal exterior surface. In calculating the percentage of a building’s exterior surface area, all exterior

wall surfaces together with fascia surfaces and gable end areas of a building shall be included, less the total area of all exterior doors and windows. Metal garage or overhanging doors, soffits, or metal roofs are permitted and shall not be considered in the calculation.

- b. Permitted: Metal buildings may be constructed in General Industrial (GI) land use districts. Metal buildings as defined in this section may be permitted in Public Institutional (PI) or Mixed Commercial Industrial (MCI) land use districts if:
  - 1. The property has an existing metal building, and the construction proposes the expansion of the existing building or additional metal buildings associated with an existing City of Eustis Public Works complex;
  - 2. On property in the MCI district, in the established industrial use area along Dillard Road/Huffstetler Drive/Mount Homer Road.
- c. Conditional Uses: Metal buildings on properties in PI and MCI land use districts that do not meet the above criteria may be permitted as a Conditional Use in accordance with the provisions of [section 102-30](#) of these regulations.
- d. Exemptions: This section shall not apply to manufactured homes, mobile homes, and/or residential accessory structures 800 square feet or smaller.
- e. Non-conforming use: Metal buildings which would otherwise be prohibited hereunder, but which were constructed prior to the effective date of this section shall be considered existing, non-conforming uses. As an existing, non-conforming use, if such metal building is damaged or destroyed by 51% or more of its value (as determined by the Building Official), that structure shall not be rebuilt as a metal building.

#### **Sec. 115-6.1. 3 Drive-Through Services & Automotive Lifts**

- a. Drive-through services. Drive through customer services shall be located at the rear or the side of the building. In Urban areas, the drive-through may be located at the rear or side of a building or on a side facing a “B” street. Drive-throughs shall not be permitted along “A” streets in Urban areas. Landscaping of drive-through windows and lanes shall have a five-foot wide buffer located between the lane and the perimeter of the property that is visible from the street. The length shall be determined by the length of the window and lane. The buffer shall be planted with shrubs a minimum of 20” in height at time of planting and be capable of attaining a height of two feet within one year and three feet within two years. ATM machines shall be visible from the street.
- b. Automotive Lifts. Except in General Industrial (GI) land use districts, automotive lifts must be contained within an enclosed building. Legally existing automotive lifts installed outdoors prior to the adoption of this regulation may be covered with a canopy or shade structure that is architecturally consistent with the existing building.

#### **Budget / Staff Impact:**

If the City Commission desires an amendment to the Land Development Regulations, staff time would be invested in preparing the notices, ordinance and staff report.

**Prepared By:**

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