



# AGENDA

## City Commission Meeting

6:00 PM – Thursday, September 07, 2023 – City Hall

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**INVOCATION: PASTOR DARREN GOODRICH, LIFEPOINTE CHURCH**

**PLEDGE OF ALLEGIANCE: COMMISSIONER GARY ASHCRAFT**

**CALL TO ORDER**

**ACKNOWLEDGE OF QUORUM AND PROPER NOTICE**

**1. AGENDA UPDATE**

**2. APPROVAL OF MINUTES**

**2.1** Approval of Minutes

July 11, 2023 City Commission Budget Workshop  
August 17, 2023 City Commission Meeting

**3. PRESENTATIONS**

**3.1** Dolly Parton Imagination Library of Lake County, Florida

**3.2** Dark Skies

**3.3** Carver Park Basketball Shade Structure

**4. AUDIENCE TO BE HEARD**

**5. CONSENT AGENDA**

**5.1** Resolution Number 23-80: GIS On-Call Services Contract Amendment #2

**5.2** Resolution Number 23-81: Release of Lien for 432 N Eustis Street

**6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

**6.1** Resolution Number 23-75: FY 2024 Tentative Millage Hearing

**6.2** Resolution Number 23-76: FY 2024 Tentative Budget Adoption

**6.3** Resolution Number 23-79: City and LSSC Education Development Agreement First Amendment

**6.4** **SECOND READING**

Ordinance Number 23-22: Conditional Use Permit for an Accessory Dwelling Unit at 34534 Estes Road

**6.5** **FIRST READING**

Ordinance Numbers 23-15, 23-16, and 23-17: EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCELS with ALTERNATE KEY 1213177

Ordinance Number 23-15 – Voluntary Annexation  
Ordinance Number 23-16 – Comprehensive Plan Amendment  
Ordinance Number 23-17 – Design District Assignment

**6.6 FIRST READING**

Ordinance Number 23-16: Comprehensive Plan Amendment - Future Land Use

Explanation of Ordinances for Annexation, Assignment of Future Land Use and Design District for a Parcel with Alternate Key Number 1213177

**6.7 FIRST READING**

Ordinance Number 23-17: Design District

Explanation of Ordinances for Annexation, Assignment of Future Land Use and Design District for a Parcel with Alternate Key Number 1213177

**7. OTHER BUSINESS**

**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

TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: September 7, 2023

RE: Approval of Minutes

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**Introduction:**

This item is for consideration of the minutes of the July 11, 2023 City Commission Budget Workshop and the August 17, 2023 City Commission Meeting.

**Recommended Action:**

Approval of the minutes as submitted.

**Prepared By:**

Mary Montez, Deputy City Clerk

**Reviewed By:**

Christine Halloran, City Clerk



# MINUTES

## City Commission Budget Workshop

5:30 PM – Tuesday, July 11, 2023 – City Hall

**CALL TO ORDER: 5:32 P.M.**

### ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

### 1. WORKSHOP ITEM WITH DISCUSSION, PUBLIC INPUT AND DIRECTION

#### 1.1 Eustis Memorial Library

Tom Carrino, City Manager, commented on the updates to the draft budget from the previous working document. He stated that staff is still finalizing with Economic Development the job description and pay range for the Communications position. He indicated the new positions are included in the summary. He commented on discussion regarding the proposed additional staff for Development Services and explained they are trying to determine where the most need is in the department.

Mr. Carrino then stated that with the proposed changes the draft budget is now approximately \$657,000 revenue over expenses so the overall budget has increased. He requested that, once they are done with all of the workshops, they can consider what is being done for staff for salary increases and discuss whether or not a reduction in millage rate could be done.

Commissioner Cobb commented on the Development Services position and requested that the public notice requirements be returned to inhouse due to some of the issues that have occurred.

Ann Ivey, Eustis Memorial Library Director, commented on the salary for the available librarian position which requires a master's degree in relation to the Communications position and salary. She expressed concern regarding the salary ranges for her master's degree positions.

Ms. Ivey presented information from the Lake County survey which highlighted the library's cleanliness, welcoming, and friendliness. She noted public comments about interest in more books, e-books and audio books.

Ms. Ivey reviewed the proposed Library budget highlighting those line items with significant changes.

The Commission asked about the Library's air conditioning system with Rick Gierok, Public Works Director, indicating it is included in the CIP (Capital Improvement Plan).

Ms. Ivey explained the County offers the Overdrive program which the City would pay for based on usage; however, the City has its own digital online book app which has increased by almost 50% every year since Covid. She commented on the Chilton online database and stated they are better than Youtube how to videos. She explained people can download the app to either listen to or read the e-books. She commented on the price of e-books.

Ms. Ivey continued the budget review highlighting the increased request for book purchases. She reported that the first two years with the Lake County system the library received \$35,000, then the next year they received \$75,000 and last year they received \$101,000. This year they will receive \$121,000. She explained that is based on the amount of books being checked out. She commented on the revenues received from processing the passport applications.

Ms. Ivey then reported on the use of E-rate. She explained they pay \$1500 for internet service and they get 90% of that back from the County through E-rate. She then reported on the Library impact fees, trusts and memorials. She cited a trust that has \$3,000 left and her intention to use that to revamp the Young Adult area to attract more teens.

The Commission asked about teen attendance at the library with Ms. Ivey responding they have increased the teen attendance through offering anime, video games and teen hang out nights. She expressed interest in establishing a teen advisory board.

The Commission asked about the passports with Ms. Ivey explaining how they are processed and the revenues the library receives for processing them. Discussion was held regarding whether or not they could offer the photography services. She commented on the need to have more people trained to do the passports.

The Commission asked Ms. Ivey what the library needs. She responded they need to expand to have a larger meeting room space. She explained she is working with the County to use some of their impact fee money to get the architectural plans drawn or a rendering. She added they also need another literacy station; however, she has a donor possibly interested in that.

Mr. Gierok reported they have \$85,000 programmed in the next fiscal year for the library air conditioner.

Mike Sheppard, Finance Director, confirmed the Commission agrees with the increase in e-books in the impact fee fund.

The Commission expressed interest in expanding the library space.

Ms. Ivey explained the County is changing how the impact fees are distributed as well as the annual allocations. She commented on how some other libraries have manipulated their figures to get additional funds.

Discussion was held regarding how the library could be expanded with the Commission suggesting that, over the next year, staff look at what could be done and how it could be funded.

## 1.2 Parks and Recreation Department

Craig Dolan, Parks and Recreation Director, reported the department is exceeding its revenue goals for the current year with \$123,000 collected from programs and \$84,000 from rentals. He reviewed the increase in expenses highlighting custodial supplies. He noted they purchase those supplies for the entire city. He indicated they were fully staffed at that time. He added they are considering adding another part-time custodian.

The Commission asked about salaries for their staff with Mr. Dolan indicating that all five of his staff members are working events and stated their salaries are in line with the other senior staff assistants in the City.

Mr. Dolan discussed rentals and the Community Center and requested feedback for upgrades to the Community Center such as curtains for the stage. He indicated they also need to purchase new kitchen carts due to theft. He indicated that the Community Building rental has brought in \$48,000 as of July. He reviewed other expense line items and noted the increase in costs.

The Commission asked about the merchant fees for credit card payments with Mr. Dolan explaining the City pays 2.7% for online payments.

Discussion was held regarding passing on that cost to the customers.

Mr. Sheppard noted the merchant fees surcharge is built into the rate structure for the utilities and explained how it saves the City money by making it easier for customers to pay their bills.

Discussion was held regarding whether or not the credit card fee should be passed on to the customers and the increased efficiency with credit cards versus checks. It was also noted that some of the City's fees have been adjusted to cover the cost of credit card fees including the utility rates.

Mr. Dolan explained that the program instructors are the ones that set their rates with the City receiving 30%. He indicated they are covering the fees due to the increase in revenue.

Discussion was held regarding the overall loss to the City in the operation of Parks and Recreation, the inconvenience of carrying a cash till from building to building and the possible loss in participation if they charge a convenience fee.

**CONSENSUS:** It was a consensus of the Commission to increase fees to cover the credit card fees.

Mayor Holland commented on the future of the Community Center building with repairs and maintenance issues. He expressed opposition to expending large funds on the building without making a decision about its future. He asked for staff to begin making plans regarding the location and improvements to the Community Building. He requested that any big ticket items be brought to the Commission.

The Commission suggested just carpeting the building rather than re-tiling it with Mr. Dolan indicating that ten years previous it cost \$20,000 for carpet squares so it would probably be about the same.

Discussion was held regarding installation of a monument sign at the Community Building and placing a combined sign at the corner of the Clifford Taylor house. It was agreed to go ahead with the Community Building sign for the estimated \$12,500 with the sign to be placed on the Bay Street side.

Mr. Dolan reviewed the Programming budget with Mr. Dolan explaining the theater program is in partnership with Something New Studio. He commented on how much they have done for the City's programs. He confirmed the City also receives 30% of the fees for those programs.

Mr. Dolan reviewed other costs including movies in the park and family nights. He indicated they want to offer more special needs programs. He stated that the Movies in the Park cost \$300 to \$500 per license.

The Commission asked about attendance at the Movies in the Park and the Daddy/Daughter event with Mr. Dolan stating they have not had a Movie in the Park except for the one at Georgefest the previous year. He estimated attendance at that was approximately 50 children at that event. He added the Daddy/Daughter event also had approximately 50 attendees and cost to attend that is \$30 per couple. He reported that the Mother/Son Messy Mania was capped at 30 families due to space availability. Further discussion was held regarding family and children events.

Mr. Dolan commented on the tremendous success of the previous year's Touch a Truck and Blippy events. He thanked Public Works for their involvement. He noted an interest in increasing programming for therapeutic recreation programs. Discussion was held regarding the special needs events and number of attendees.

The Commission asked to partner with Lifepointe Church for the special needs events.

Mr. Dolan explained the purchase of a "gaga pit" and how the game is played.

The Commission asked about converting some of the tennis courts to pickleball at Bennett Park and Elizabeth Circle. Mr. Dolan explained they tried doing a conversion using tape and tennis players removed the tape. He suggested taking the court at Bennett Park that does not have lights and converting it to two permanent pickleball courts.

The Commission asked about how much the courts at Elizabeth Circle are used with Mr. Dolan indicating it has minimal usage. He expressed concern regarding the amount of available parking.

Further discussion was held regarding the location for a pickleball court. The Commission asked about adding some benches to Bennett Park with Mr. Dolan indicating there is funding in this year's budget which may be able to be used for that. Mr. Carrino indicated that Public Works has funding in the CIP for the next several years to address benches.

Mr. Dolan asked about adding an automatic gate to Palmetto Point Park. He explained on how it would allow people to leave but not enter after it is closed. The Commission opted to not add an automatic gate and for the expense to be removed from the draft budget.

Mr. Dolan reported that they have installed a shade structure at Corey Rolle Field; however, it can only cover one of the sets of bleachers. He noted that the one just installed at the pool cost \$21,000. Discussion was held regarding the cost to add another shade structure. The Commission agreed to leave in the cost for one shade structure.

The Commission asked about adding a shower to the City fitness center with Mr. Dolan indicating the only place it could be added is possibly in the bathrooms.

Discussion was held regarding what could be done with Mr. Gierok indicating he would look into the options and whether they could make a unisex shower. He then reported on an issue with someone breaking the locking mechanism. Discussion was held regarding the issue with the broken locks and whether or not adding a shower would cause additional problems. Discussion was held regarding installing security cameras so the culprits can be prosecuted.

Mr. Dolan reviewed making the aquatics programming year-round with the addition of the new pool heater. He commented on the splash pad maintenance needed every five to seven years. He indicated they are budgeting \$4500 per year to reseal it but they have been informed that every ten to twelve years they need to do a full replacement at an estimated cost of \$45,000. He stated that is in the CIP for the following fiscal year. He added they are researching other products to try and reduce the cost.

The Commission asked about the cost for heating the pool year round with Mr. Dolan indicating he did not have those figures. He noted they have a new high efficiency heater and indicated that it costs more to chill a pool rather than heat it. He added they do have a thermal blanket to cover the pool and they will not open the pool if the air temperature is below 40 degrees.

The Commission asked when the pool is closed with Mr. Dolan reporting they used to close the end of November due to the high school swim team's schedule. Now, they will keep it open as long as it is over 50 degrees and it is light out. He explained that the Health Department states the City does not have sufficient light on the pool for it to be open later.

Mr. Gierok commented on the lighting issues and explained they do not have underwater lighting. He stated they have had a photomatic engineer prepare a design for the City and it is not very expensive; however, staff can't get to the equipment. He indicated that they have in the CIP a piece of equipment that could be used on the decks and other places to change out the lights.

The Commission asked about the high school usage and if the pool is adequate to host swim meets with Mr. Dolan explaining it is sufficient for one-on-one meets but not for larger meets. He noted the pool is 73 years old. He stated he has \$3 million in the CIP in three to five years to redo the pool.

The Commission discussed the Splash Pad Attendant position and use of the pool for Special Olympics.

The Commission asked about the shade structure for the basketball courts with Mr. Dolan indicating it is budgeted for the current year. He stated \$397,000 was quoted for the two courts. He indicated he will be applying for a FRDAP grant August 1st; however, the max for that would be \$250,000. He commented on the delay in getting that funding.

The Commission asked about the City's use of the ninth grade center with Mr. Dolan reporting the City has used it for six weeks over the summer two nights per week for volleyball and basketball.

The Commission asked about the solar powered kayak vending machine with Mr. Dolan explaining a company would come in and maintain the kayaks and paddleboards and the City would set the price and receive a percentage of the proceeds.

RECESS: 7:06 P.M. RECONVENE: 7:15 P.M.

### 1.3 Fire Department

Fire Chief Mike Swanson reviewed the Fire Department budget challenges in the current year citing the engine warranties ending, Tower Truck trade-in issues, and boat motor issues. He commented on issues with bunker gear replacement when there is a



change in staff. He discussed the addition of the training captain and the overlap incoming and retiring deputy chief.

The Commission asked about the number of personnel in the department with Chief Swanson responding there are 32 staff members and explained the administrative assistant's responsibilities. He noted there is currently a vacant inspector position.

Mr. Carrino explained the addition of the training captain will help with administrative responsibilities for the Fire Department.

The Commission expressed concern regarding the level of overtime despite hiring new firefighters.

Chief Swanson discussed hiring and overtime issues with lieutenants and captains and the difficulty in getting staff to take the required education courses to move up the ladder and lead as officers. He commented on the issues he has faced with hiring the Deputy Chief replacement.

Chief Swanson reported on the need for an additional fire station to make a positive impact on the City's ISO. He discussed the possibility of building a public safety building for both police and fire utilizing grant monies. Discussion was held regarding the best location for a new station and estimated cost.

Mr. Carrino commented on the overtime issues and the engagement of fire and police with the community.

Chief Swanson explained that when the fire department gets deployed to another area to assist, the City pays for it out of the General Fund and then gets reimbursed. He commented on promotions within the department and educational requirements and noted senior engineers may serve as acting lieutenants.

Discussion was held regarding succession planning with Chief Swanson noting the promotion of the Fire Inspector Niki Everson to Chief Fire Inspector. He commented on the difficulty in obtaining good applicants for the Fire Inspector position.

Chief Swanson discussed line items for the suppression budget, operating supplies and equipment for the new truck once it is received. He requested an additional \$10,000 to add some equipment to the fire boat. He commented on the possibility of obtaining a new CAD station utilizing impact fees due to expansion of service as well as a new software package called Wave. He explained it would allow staff to use their cell phones to go on the radio channels rather than carry a radio. He indicated they are still working on getting a good price for the software.

It was a consensus of the Commission to add the additional equipment for the fire boat under Machinery and Equipment.

#### 1.4 Public Works - Water/Wastewater

Following discussion, it was agreed to review the Water/Wastewater budget and continue the Public Works budget to Thursday.

Rick Gierok, Public Works Director, reviewed the Water /Wastewater budget and personnel requests. He reported that as of October 1st he would have 92 positions in all of his departments. He commented on how the departments have not added new positions over the years. He cited the need for transition planning due to upcoming

retirements. He indicated that the departments currently have fifteen vacancies with the primary issue being the pay levels.

Mr. Gierok began with the Water Engineering budget. He reviewed the proposed new positions, including a buyer for procurement for water, wastewater and public works to prepare items for the Purchasing Department. He noted promotions for the GIS person to include project management and for a new Deputy Director for Engineering for Capital. He explained it is not his plan to fund that position at that time, only to create the position, and then to fund it in a few years. He commented on funding new positions for transition planning. He cited a decrease in Other Contractual and Repairs and Maintenance. He then noted the increase in office supplies for furnishings for the creation of a new building at Bates Avenue.

Discussion was held regarding furniture for the building with Mr. Carrino noting the availability of office furniture from a federal prosecutor that is moving his offices.

Mr. Gierok reviewed the following changes: 1) an increase in Operating Supplies and Fuel; 2) reduction in Machinery & Equipment by \$50,000; and 3) an increase in Environmental Protection which was created the previous fiscal year.

Mr. Gierok then reviewed Water Administrative and cited an overall decrease of \$80,000. He explained the elimination of some projects that were completed and so they were eliminated. He stated Repairs and Maintenance was reduced by \$6,000 and Operating Supplies was increased due to uniforms for new positions.

Mr. Carrino asked about the Machinery & Equipment - security cameras with Greg Dobbins, Deputy Utilities Director, explaining they have been installing security cameras at a different plant each year.

Mr. Gierok began reviewing the Water Treatment budget and explained they are getting the plant operators to obtain dual licenses. He explained how that has been beneficial for operations and reducing overtime. He reviewed the increases in communications, internet expense and energy charges. He noted a decrease in repair and maintenance charges. He then commented on the increase in cost for CDL licenses.

Mr. Gierok discussed Water Distribution increases for underground pipes, two new positions, promotions and CDL licensure and reductions in Machinery & Equipment.

Mr. Gierok discussed Grounds Maintenance new positions. He explained that when the new personnel are not busy they will be pulled into other functions as needed. He then reviewed the Eastern Treatment budget citing Other Contractual, Communications and Utilities increases. He commented on the utility increases for each of the plants. He cited the planned purchase of chlorine analyzers at a cost of \$50,000.

The Commission asked about utilizing solar power with Mr. Gierok responding it would be discussed during review of the Capital Improvement Plan. He explained it will cost the City an initial capital outlay of \$1.5 million with a payback in eleven years. He further explained it would involve floating solar arrays and that staff has discussed it with SECO along with another company. He commented on the possibility of obtaining grant monies but only if the City were actually an electric utility provider. He stated there are tax incentives of 40% which would offset the capital cost.

The Commission asked about the status of security measures and protections under Homeland Security with Mr. Gierok responding affirmatively and commenting on how restrictive they are in allowing other agencies access to their information.

Mr. Gierok reviewed the Wastewater budget. He explained \$25,000 of the \$45,000 increase is for the permit renewal. He explained the Collections and Lift Stations increase of \$135,000. He cited the addition of a new utility worker position and the promotion of a lift station attendant to a supervisory position.

The Commission questioned the large Overtime budget noting that it is not used a lot. Mr. Gierok explained the need to budget for it and that, if it is not used, it goes back into fund balance. Mr. Dobbins and Mr. Gierok cited various incidents that can result in overtime.

Mr. Gierok cited various increases and decreases within the department including an increase for odor control and again for utilities. He then reviewed the revenue from Umatilla for treating wastewater which helps offset the increased costs. He indicated they are processing approximately 160,000 gallons per day from Umatilla.

Mr. Sheppard reported that the Umatilla revenue is estimated at \$500,000.

Mr. Carrino explained that the updated rate study will analyze the increased costs to determine the true cost to the City of Eustis so the rates are set appropriately. He commented that the contract with Umatilla to process their wastewater requires that the City break out collection costs versus treatment costs. He discussed the terms of the agreement and explained it does not include a built-in rate increase.

Discussion was held regarding the wastewater treatment contract with Umatilla with Mr. Gierok indicating they can increase that rate once the rate study is done. He further discussed what will occur with that agreement in the future.

Mr. Gierok reviewed the Lab, Sludge and Lift Station budgets citing various increases and decreases. He reported on the Eastern Lift Stations noting it is up overall by \$29,000. He indicated that is primarily due to Communications upgrades.

Mr. Carrino stated there would be another budget workshop on Thursday, July 13th and they would review the Police Department and other Public Works accounts. He indicated that the next workshop after that would be in two weeks on Tuesday to review the CIP, CRA and some miscellaneous funds. He stated the July 27th workshop was going to be cancelled due to the Vice Mayor traveling and they could reschedule if it is needed.

Mayor Holland announced that the annual League of Cities conference would be August 18, 19 and 20th in Orlando. He confirmed that all of the Commissioners would be attending and indicated he would work with Elis Forman to get the reservations set.

**2. ADJOURNMENT: 8:55 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 of the meeting can be obtained from the office of the City Clerk for a fee.*

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CHRISTINE HALLORAN  
City Clerk

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MICHAEL L. HOLLAND  
Mayor/Commissioner



# MINUTES

## City Commission Meeting

6:30 PM – Thursday, August 17, 2023 – City Hall

### INVOCATION: MOMENT OF SILENCE

### PLEDGE OF ALLEGIANCE: COMMISSIONER EMILY LEE

At Mayor Holland's request, students from Eustis High School, who represented Eustis in Washington D.C. laying a wreath at the Tomb of the Unknown Soldier, led the Pledge of Allegiance.

### 1. PRESENTATIONS

#### 1.1 Recognition of Students Honoring the Tomb of the Unknown Soldier

Mayor Holland presented Certificates of Recognition for four students in honor of their participation in the ceremony at the Tomb of the Unknown Soldier in Washington DC:

### CALL TO ORDER: 6:31 p.m.

### ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

### 2. APPROVAL OF MINUTES

#### 2.1 Approval of Minutes

June 29, 2023 City Commission Workshop  
 August 3, 2023 City Commission Meeting  
 August 8, 2023 City Commission Workshop

Motion made by Vice Mayor Lee, seconded by Commissioner Ashcraft, to approve the Minutes as submitted. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

### 3. AGENDA UPDATE: None

### 4. AUDIENCE TO BE HEARD

David Lejewski asked to have the marked pickup truck and GPS tracking information and why they were there. He complained that they attempted to intimidate then. He asked who deleted comments from the City's Facebook page and directed his comments specifically at Commissioner Cobb

The Commission asked him to direct his comments to the Commission as a whole and to not be rude.

Mr. Lejewski stated he could address whomever he wants and threatened the Commission with a lawsuit.

Craig Capri, Police Chief, escorted Mr. Lejewski from the Commission Room.

Debbie Weinert apologized for not following City protocol to get on the agenda and indicated she would provide a presentation at the next Commission meeting regarding the Dolly Parton Imagination Library.

**5. CONSENT AGENDA**

5.1 Resolution Number 23-69: Railroad Reimbursement Agreement for Crossing Control Devices at W. Stevens Avenue

5.2 Resolution Number 23-70: Railroad Reimbursement Agreement for Crossing Control Devices at W. Atwater Avenue

5.3 Resolution Number 23-71: Approving a Purchase in Excess of \$50,000 for Two Water Department Replacement Vehicles

5.4 Resolution Number 23-72: Approval of Purchase in Excess of \$50,000 for Change Order #4 of Construction of the Eastern WWTP Pond Liner Replacement.

5.5 Resolution Number 23-73: Award of Construction Administration Services for the Coolidge Street Utility Improvements Project

5.6 Resolution Number 23-74: Utility Liens

Motion made by Commissioner Cobb, seconded by Commissioner Hawkins, to approve the Consent Agenda. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

6.1 Resolution Number 23-54: Preliminary Subdivision Plat for Hidden Cove 43-Lot Subdivision on Lakeview Avenue (Alternate Key Number 1216044)

Sasha Garcia, City Attorney, announced Resolution Number 23-54: A Resolution of the City Commission of the City of Eustis, Florida; approving a preliminary subdivision plat for Hidden Cob Subdivision, a 43-lot single-family residential subdivision on approximately 13.18 acres of property located on the south side of East Lakeview Avenue, west of Fahnstock Street (Alternate Key Number 1216044).

Mike Lane, Development Services Director, reviewed the proposed preliminary subdivision plat for Hidden Cove. He explained it is a 43-lot single family detached residential subdivision and provided a map showing the location. He reviewed the specifics of the site noting the presence of a freshwater marsh and stated that it is in the Wekiva Study Area. He indicated there are no scrub or shrub xeric plant communities including longleaf pine, sand hill, sand pine or xeric oak scrub.

Mr. Lane reviewed the proposed plan explaining they will be using the House lot type with lots 55-feet wide by 120 feet deep. He indicated that they do meet the minimum open space requirement. He provided a graphic showing the layout of the proposed subdivision with two cul-de-sacs and an emergency access road. He reviewed the various buffer widths and stated the 15' buffer is at the end of the one cul-de-sac. He indicated the playground and mini park are in the area with the 164' buffer. He stated the density is 3.32 units per acre and reviewed the surrounding densities.

Mr. Lane reviewed the proposed landscape plan and the traffic impact analysis. He stated that the analysis indicates that the local roadway network has adequate capacity to accommodate

the new trips. He reviewed the timetable for application and review of the development and explained the delay and the request from the applicant due to his engineer having health issues. It was later determined that they had not sent out the required property owner notices. He confirmed that subsequently staff did mail out the required notices, that the signs were posted and the required newspaper ad was published.

Mr. Lane reviewed the upcoming steps that would be required prior to construction followed by the final plat approval by the Commission. He stated staff's recommendation for approval and indicated the project meets or exceeds the Land Development Regulations and Comprehensive Plan.

The Commission confirmed that no discussion was had during the DRC meetings about the possibility of a dock or boat ramp being constructed.

The Commission questioned the traffic impact analysis with Mr. Carrino explaining that it means that at peak hour there would be fourteen new trips going in each direction during the peak hour.

The Commission asked about the size trees to be kept with Mr. Lane responding there were some 36" trees. He added that most of the trees on the east side will be retained. He explained that the tree surveyor did acknowledge that he did not include some trees on the eastern boundary as they appeared to be in backyards. He stated that another tree survey will be required as part of the final engineering and construction phase.

The Commission asked to speak with the applicant's representative. The Commission asked when the decision regarding which trees will be kept would be made.

Bill Ray, Ray and Associates environmental consultant standing in for Tim Green, explained it would be decided at the construction plan approval which would be when they bring back a thorough tree survey that identifies species and diameters of the trees on site. He further explained that if there are native trees in the eastern buffer those will remain as part of the buffer.

The Commission asked if a fence would be constructed with Mr. Ray responding negatively. He stated their feeling that the vegetative buffer would be more in keeping with the area. He commented on the varying buffer depths.

The Commission asked if there is a plan for a boat launch with Mr. Ray responding negatively. He indicated that if that was desired in the future it would have to come back to the City for approval. He indicated it would also have to be permitted through the state and emphasized there is not currently a proposal for anything on the lakefront.

Discussion was held regarding the possibility of a boat launch or ramp being constructed with Mr. Ray explaining what would be required for someone to bring forward a request for a boat ramp. He reiterated that nothing is proposed for the lakefront and it would require re-engineering of the project to do so.

The Commission confirmed a wildlife study was done with Mr. Ray responding positively and explaining the primary concern at the site is gopher tortoises. He explained how the FWC addresses gopher tortoises and what constitutes a potentially occupied burrow. If identified, the tortoise must be relocated to an approved recipient site by an authorized agent. He noted that the survey is only good for 90 days and then another survey must be done. He stated that US Fish and Game determines the critical habitat criteria. He stated no critical habitat was identified on the site.

The Commission asked about the gate for the emergency access with Mr. Ray indicating would follow Eustis code and coordinate with the police and fire departments.

The Commission asked what happens if they are clearing and they see a tortoise do they have to stop work with Mr. Ray explaining they have to have a permit to begin work.

The Commission confirmed that the developer could do 66 units but they are only doing 43 units per acre.

Attorney Garcia opened the public hearing at 7:08 p.m.

Tim Hoban, land use attorney representing some of the neighbors, noted that the City recently amended their tree ordinance and increased the fines for removal of protected trees. He stated the property owners request that none of the protected trees be removed even though they are not on the tree survey. He stated they are asking the Commission to enforce the existing tree ordinance. He also asked that, if the developer removes a tree that is actually located on a neighbor's property, that the developer be fined not the property owner.

Mr. Hoban cited Tract C and Tract E and stated they are asking that the City Commission confirm that nothing may be stored in the open space or emergency access. He then commented on the emergency fire access and stated they are asking the police and fire chiefs ensure that the constructed fire gate is aesthetically pleasing similar to Misty Oaks.

Tammy Pena expressed opposition to the Hidden Cove development and stated her belief that it does not meet the City's requirement under Chapter 115 regarding stormwater management. She indicated that the basin does not meet the criteria to not have a fence and should not be included in the open space requirements.

Christina Mowers expressed concern regarding the impact on the residents of Lakeview and removal of trees. She asked for their to be no storage allowed on the east side. She expressed concern regarding the traffic study and the anticipated amount of increased traffic. She asked that a turn lane into the development be included.

Linda Johnson expressed concern regarding the density and compared it to certain developments around the lake and the size of those lots.

Bob Johnson thanked the Commission for the opportunity to speak and understand the process.

Cindy Davis expressed concern about the lake and whether the homes will be owned or leased. She asked if it will be low income housing. She expressed support for it looking like the other developments on the lake.

Attorney Garcia asked any other comments be restricted to only about new issues.

Aja Lake stated the cited developments have been "cherry picked" and indicated there are other developments that are much less dense. She asked that the intersection at Fahnstock and Lakeview be made a four-way stop. She expressed appreciation for the landscape buffer and asked that any of the mature trees on Lakeview be retained. She expressed concern about discrepancies and misrepresentation going to the Commission.

Ace Hohman read a prepared statement and expressed concern about the destruction of wildlife habitat. He stated his desire for the City to grow responsibly.

Lisa Dupree stated that losing the wooded wetlands will damage the community and cited the benefits of the land and trees to the area.

Wendy Paradise commented on the density and lot sizes and the need for fewer homes and more open space. She cited tortoises and an eagle on the site.

Katie Contorakes noted the name is Hidden Cove and why they would name it that if they didn't intend to build a cove.

Roger Gruno expressed concern regarding the space between the homes.

There being no further public comment, the hearing was closed at 7:36 p.m.

Mr. Ray stated there is no intent to allow storage in the buffer areas. He stated it is not allowed under the City code nor will it be allowed in the HOA rules. He indicated the project complies with the City's code. He explained that the depth of the stormwater pond will be addressed when they do the indepth engineering. He further commented on the design of the stormwater pond.

Mr. Ray explained the modeling used for the traffic study which is determined by the City's code and the local MPO. He further explained how the rates are determined. He stated the project meets the level of service determined by the City and County. He indicated the engineer does not get to determine whether to put in a turn lane or 4-way stop. He stated it has to be warranted. He explained that is determined by the Regional Transportation Element of the Comprehensive Plan.

Mr. Ray then explained the tree survey and acknowledged there are trees on site that were not surveyed or located. He explained that will come in the final engineering plans when they will show what number of trees are there, where they are and the specific species. He indicated if they are in the buffer and in good health, they will remain. He cited a problem with the number of laurel oaks on the cite and explained that the site was an active citrus grove as late as 1985. He provided aerial photographs of the site from 1941 to 1985. He further commented on the trees on site. He emphasized that anything removed will have to meet the City's tree removal permit process.

Mr. Ray explained the compatibility of the project with surrounding neighborhoods. He emphasized that the project has less density than is required and more open space than is required. He cited the biggest problem with the lake is the number of existing homes around the lake with septic tanks. He commented on the handling of gopher tortoises and indicated they are not a protected species within Florida but will be relocated to an approved site. He provided further comments regarding wildlife habitat and the onsite trees not being a natural system.

The Commission asked if they have done any soil samples with Mr. Ray indicating that has not been done but they are not proposing any onsite wells.

The Commission asked whether or not they would be willing to lower the density with Mr. Ray indicating they are already lower than what is allowed.

The Commission asked if they would consider eliminating the possibility of a boat launch being constructed with Mr. Ray responding that is up to the City. He explained that the City could place a specific allowance of uses on the plans. He suggested that, since it is an open space tract, that there be in the HOA documents a specific allowance and acknowledgement of uses. He indicated he would not recommend an improved boat launch on the lake.

The Commission asked Rick Gierok, Public Services Director, asked if the traffic counters could be put out now that school is in session since the traffic study might have been done when school was not in session.



Mr. Gierok responded affirmatively and stated they should wait a few weeks to allow the patterns to be established.

The Commission noted people had asked if it will be a leased development and explained that the City is not allowed to regulate that and, at this time, they do not know.

Mayor Holland acknowledged there is a visibility problem at Fahnstock and Lakeview and the City would be looking at that.

Motion made by Commissioner Cobb, seconded by Commissioner Ashcraft, to approve Resolution Number 23-54. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6.2 SECOND READING**

Ordinance Numbers 23-18, 23-19, and 23-20: Explanation of Ordinances for Annexation of Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

- Ordinance Number 23-18 – Voluntary Annexation
- Ordinance Number 23-19 – Comprehensive Plan Amendment
- Ordinance Number 23-20 – Design District Assignment

Attorney Garcia read Ordinance Number 23-18 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Florida, voluntarily annexing approximately 5.8 acres of real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Attorney Garcia opened the public hearing at 7:58 p.m. There being no public comment, the hearing was closed at 7:58 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-18 on final reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6.3 SECOND READING**

Ordinance Number 23-19: Comprehensive Plan Amendment for Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

Attorney Garcia read Ordinance Number 23-19 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 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884298, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue from Urban Low in Lake County to Suburban Residential in the City of Eustis.

Attorney Garcia opened the public hearing at 7:59 p.m. There being no public comment, the hearing was closed at 7:59 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-19 on final reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6.4 SECOND READING**

Ordinance Number 23-20: Design District Designation for Parcels with Alternate Keys 2666820, 3384297, 3884298, 3884439, and 3884441

Attorney Garcia read Ordinance Number 23-20 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 5.8 acres of recently annexed real property at Alternate Key Numbers 2666820, 3884297, 3884398, 3884439 and 3884441 generally located east of Coolidge Street south of the unimproved portion of Pine Avenue and north of the unimproved portion of Hollywood Avenue.

Attorney Garcia opened the public hearing at 8:00 p.m. There being no public comment, the hearing was closed at 8:00 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-20 on final reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6.5 SECOND READING**

Ordinance Number 23-21: Conditional Use Permit For a School in the Central Business District (CBD) Future Land Use District Located at 50 W. Orange Avenue

Attorney Garcia read Ordinance Number 23-21 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for a school in the Central Business District (CBD) future land use district located at 50 W. Orange Avenue.

The Commission asked if they would be installing a playground with Mayor Holland noting the previous school used the Ferran Park playground.

Attorney Garcia opened the public hearing at 8:01 p.m. There being no public comment, the hearing was closed at 8:01 p.m.

Motion made by Commissioner Ashcraft, seconded by Vice Mayor Lee, to adopt Ordinance Number 23-21 on final reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**6.6 FIRST READING**

Ordinance Number 23-22: Conditional Use Permit for an Accessory Dwelling Unit at 34534 Estes Road

Attorney Garcia read Ordinance Number 23-22 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for an accessory dwelling unit to an existing single-family residence in the Rural Residential

(RR) future land use district on approximately 1.0 acres located at 34534 Estes Rd (Alter Key Number 1461600).

Jeff Richardson, Deputy Development Services Director, reviewed the request for a conditional use permit for an accessory dwelling unit. He provided a graphic showing the layout of the home and proposed addition. He indicated the impervious surface will be well below the maximum allowed. He explained staff's review of the request and stated staff's recommendation for approval. He cited the stipulations included within the ordinance.

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

Motion made by Commissioner Ashcraft, seconded by Commissioner Hawkins, to approve Ordinance Number 23-22 on first reading. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**7. FUTURE AGENDA ITEMS**

See Commission Comments.

**8. COMMENTS**

**8.1 City Commission**

Commissioner Hawkins cited the upcoming Panther Pride event to be held on October 21st.

Mayor Holland explained they are trying to raise \$60,000 to support the high school athletic programs.

Commissioner Hawkins stated he is working with Craig Dolan to try and hold a Halloween party for the special needs community.

Commissioner Ashcraft asked when was the last time the City reviewed all of its impact fees with Mr. Carrino explaining that the City is required to conduct a study if we want to adjust those fees. He stated Mike Sheppard would research when the City last adjusted them but he thought it was in the mid-2000's. He explained what has to be considered in amending the impact fees to justify those fees. He cited the other impact fees besides the water and wastewater including police, fire, recreation, and library. He indicated they would need to budget to engage a consultant in order to do the study.

Nellie Harnisch, Accounting Manager, confirmed the last impact fee study was conducted in 2000. She indicated she could not estimate a cost for that type of study.

Mr. Carrino indicated staff can get a preliminary cost for an impact fee study. He noted one of the Commission's priorities is a public safety complex. He explained it would need to be determined what constitutes an expansion of service.

Commissioner Ashcraft thanked the City Manager and rest of Commission for being allowed to attend the League of Cities conference. He commented on how educational it was.

Commissioner Cobb cited the Cassia Backpack Giveaway. She also commented on the special needs event. She stated she also attended the League of Cities but became very ill and couldn't attend a number of events.

Commissioner Hawkins noted he was a presenter at the recent Dolly Awards at the Bay Theater. He commented on how great the event was and encouraged everyone to attend the theater.

Vice Mayor Lee commented on the recent events and the League of Cities conference. She particularly complimented staff on the meeting with the consultant regarding the downtown master plan and the individual meetings. She encouraged everyone to provide their feedback.

## **8.2 City Manager**

Mr. Carrino thanked the Commission for their involvement in the master plan meetings. He thanked everyone for attending the individual meetings and thanked Al Latimer and Elis Forman for getting things set up. He thanked everyone who attended the listening session. He noted he would be taking some time off the next week. He stated Bill Howe would be Acting City Manager the first part of the week and Christine Halloran would be Acting City Manager the latter part of the week.

Mr. Carrino commented on the difficulty with bears and the garbage cans and the growing area with bear problems. He stated they are working with Fish and Wildlife and will be co-sponsoring a bear prevention event on Saturday, August 26th, 9 a.m. until Noon at Liberty Park and at Bates and Palmetto across from King's. At the sites, they will be installing straps to make the garbage cans more bear resistant. He explained the customers will have to bring their cans to one of the two sites.

Mr. Carrino then announced that his performance evaluation is coming up and he would be meeting individually with the Commissioners. He suggested they provide to him at that time any input they have on the department directors' evaluations.

Vice Mayor Lee thanked Mr. Carrino for recognizing the behind-the-scenes employees for their hard work.

Commissioner Cobb commented on the Eustis Junior Panther playoffs at Corey Rolle Field. She thanked Rick Gierok, Jobey Jones, and their staff for their work and the Board of County Commissioners for loaning the bleachers.

## **8.3 City Attorney: None**

## **8.4 Mayor**

Mike Swanson, Fire Chief, reported on the City's efforts to hire a new Deputy Fire Chief. He indicated an offer has been made to James Blott from Hernando County and they are going through that process.

Mayor Holland thanked everyone for their attendance at all of the City's recent events. He noted the Commission's attendance at the groundbreaking for Forward Paths Cottage Groves which will be for young people coming out of foster care. He explained that sometimes the City Commission's hands are tied by the state legislature. He cited the need to look at the City's regulations that impact growth. He noted that Friday would be the first football game for the Eustis Panthers.

Mayor Holland commented on the instance of asking someone to leave the Commission Room and provided some background information that precipitated that request.

## **9. ADJOURNMENT: 8:28 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 of the meeting can be obtained from the office of the City Clerk for a fee.

Item 2.1

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CHRISTINE HALLORAN  
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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: September 7, 2023

RE: Dolly Parton Imagination Library of Lake County, Florida

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**Introduction:**

See attached PDF for information presented by Debi Weinert with Triangle Community Alliance, Inc.

**Prepared By:**

Christine Halloran, City Clerk

**Reviewed By:**

Tom Carrino, City Manager

# Dolly Parton Imagination Library of Lake County, Florida



PRESENTED BY DEBI WEINERT  
TRIANGLE COMMUNITY ALLIANCE, INC.  
A COMMUNITY PARTNER OF DOLLYWOOD FOUNDATION

# How and Why in Lake County, Florida?



- Triangle Community Alliance, Inc.





2000



Million

REASONS TO CELEBRATE



INSPIRING A LIFELONG LOVE OF READING  
AROUND THE WORLD!





## Research and Data

- 2020 Census Lake County
- DPIL Formula
- **Stipulation: Minimum one year funding with promise or knowledge of future funding sourced.**

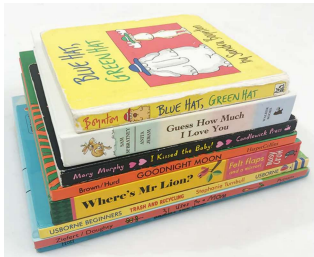
# How does DPIL help our Eustis children?

## Children enrolled Receive

- An age-appropriate book every month
- Addressed to the child and mailed to their home
- 350 Eustis children will receive 4,200 books in year one!

Imagination grows with bedtime stories and laughter.

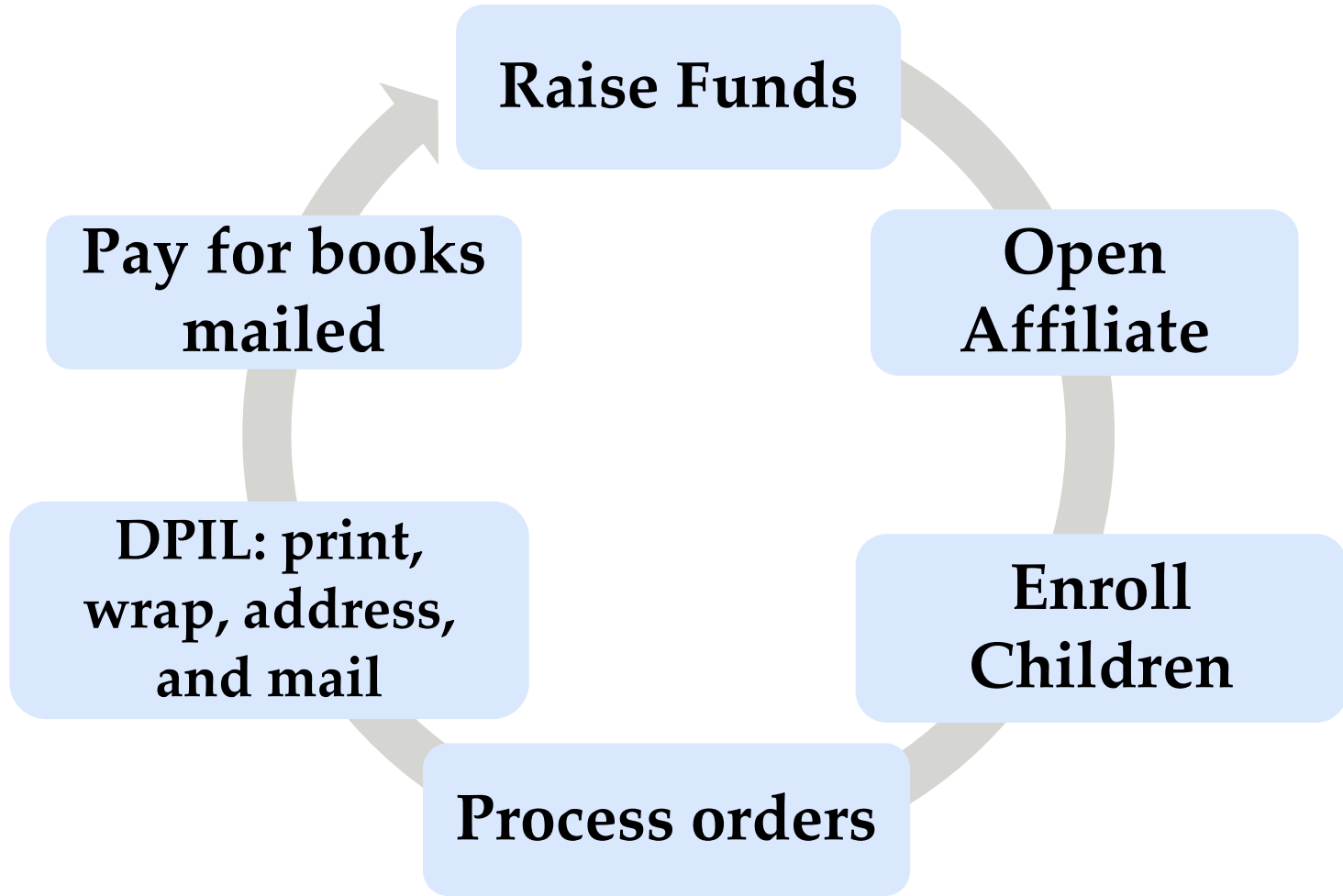
*“Look Out Kindergarten, Here I come!”*



## Eustis Projected Enrollment Expenses

City	Zip	Total Population	Under 5 years old	Year 1	Year 2	Year 2	Year 4	Year 5
				30%	60%	70%	80%	100%
Eustis (a)	32726	20,029	1,284	250	501	584	668	835
Eustis (b)	32736	9,736	510	99	199	232	265	332
<b>Total</b>		<b>29,765</b>	<b>1,794</b>	<b>350</b>	<b>700</b>	<b>816</b>	<b>933</b>	<b>1,166</b>
<b>Cost of Books per Child per Year *</b>			<b>\$32.00</b>	<b>\$11,195</b>	<b>\$22,389</b>	<b>\$26,121</b>	<b>\$29,852</b>	<b>\$37,315</b>
<b>Total Books Received, Eustis Children yearly</b>				<b>4,198</b>	<b>8,396</b>	<b>9,795</b>	<b>11,195</b>	<b>13,993</b>

\* Includes 10% for fundraising expenses and 10% for administrative expenses.



# Triangle Community Alliance Next Steps:

- Recruit Board/Advisory members dedicated to:
  - ✓ Advocate
  - ✓ Source Sustainable funding
  - ✓ Recruit dedicated volunteers re: child literacy
  - ✓ Recruit Community Sponsors and Champions
  - ✓ Web site development/hosting
    - develop/implement social media marketing



Connect With Me !

Triangle Community Alliance, Inc.

PO Box 1024

Tavares, Fl 32778

352-609-5134



TriangleCommAlliance@gmail.com



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: September 7, 2023

RE: Dark Skies

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**Introduction:**

See attached for additional information.

**Prepared By:**

Christine Halloran, City Clerk

**Reviewed By:**

Tom Carrino, City Manager



# DarkSky Advocate Presentation



# DarkSky

## Saving Dark Skies in Lake County FL

*Eustis City Council, September 2023*

**Marty Proctor**

**[Dr.DarkSky.IDA@gmail.com](mailto:Dr.DarkSky.IDA@gmail.com)**

**352-429-3899**



The Story I didn't know: Light pollution is increasing at 2 % per year

Item 3.2

# LIGHT POLLUTION

is the source  
of the problems.

---

There are solutions:  
Better fixture design  
Modern lighting control  
Proper color selection



Image: Mike Knell

# SKYGLOW

## Dome of Brightness

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# GLARE

## Blinding Light

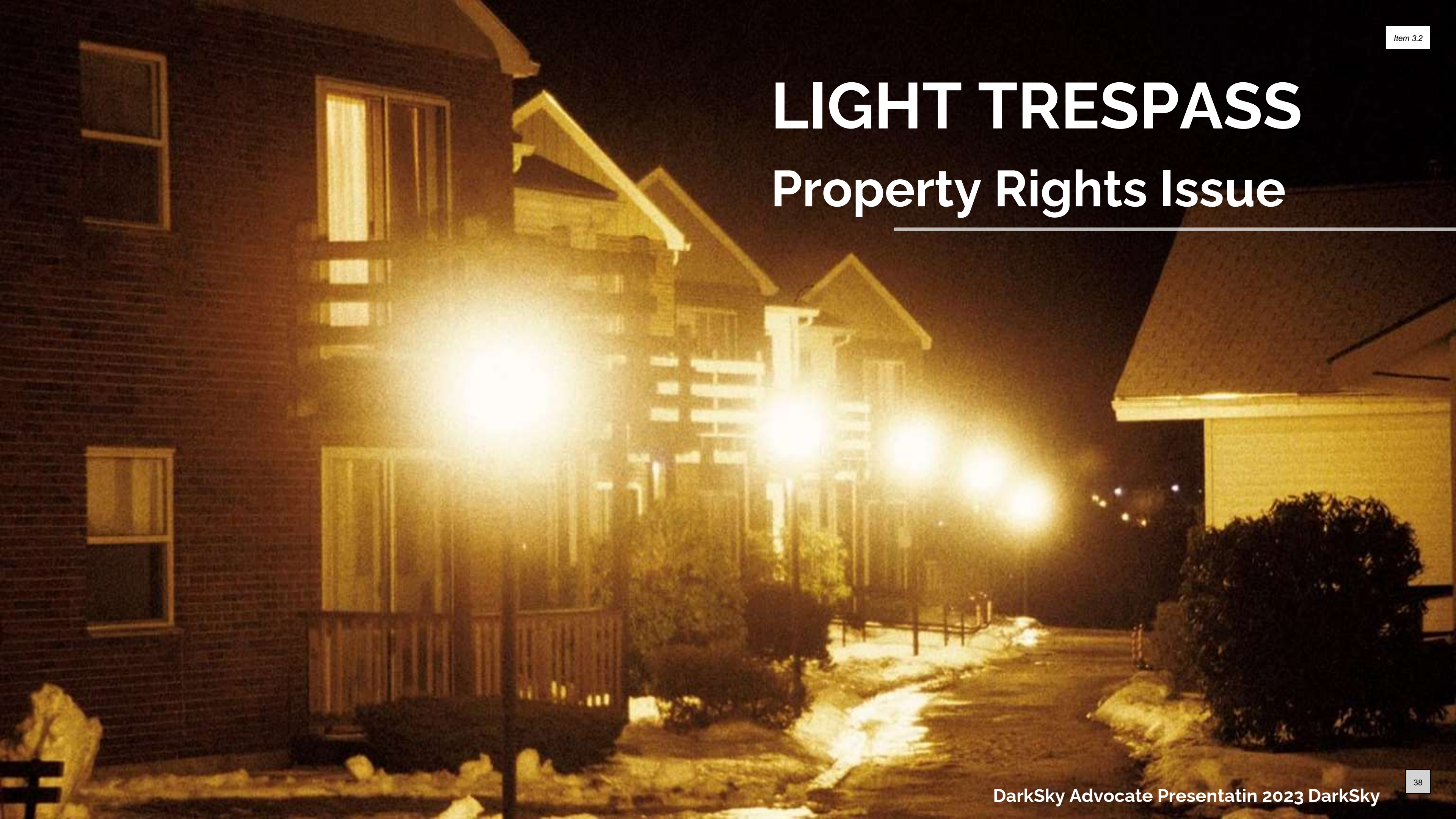
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# LIGHT TRESPASS

## Property Rights Issue

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**TREES** bud earlier and lose their leaves later...

**BIRDS** migrate at night by starlight (who knew?)

and are interrupted...

**INSECTS** are attracted So are their predators Concentrating both...

**ALL BY ARTIFICIAL**



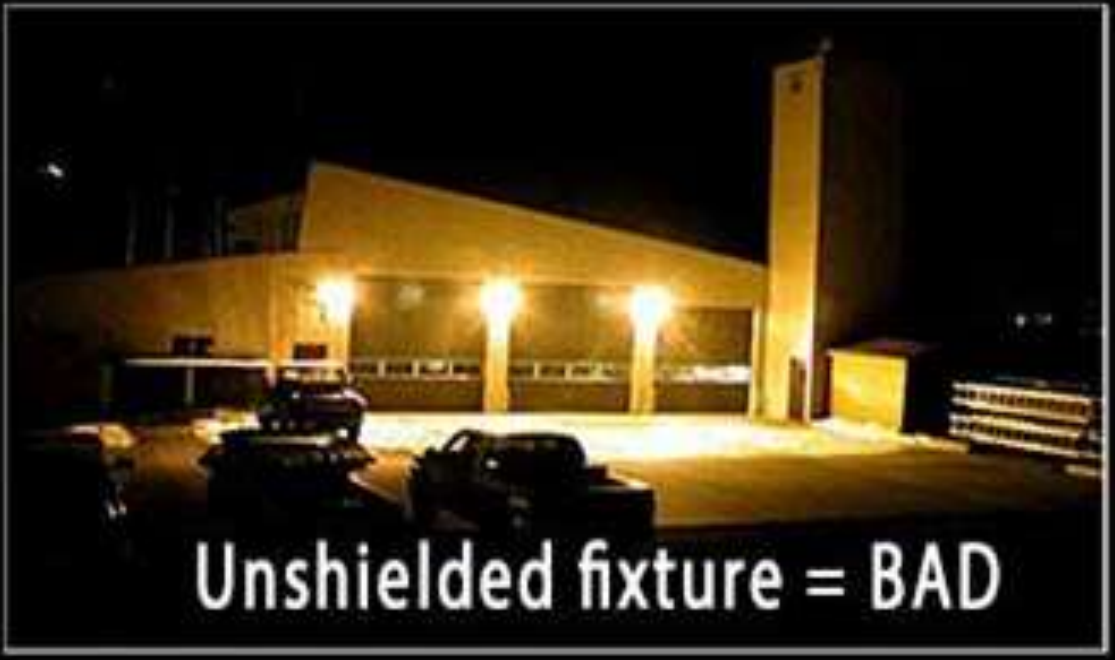
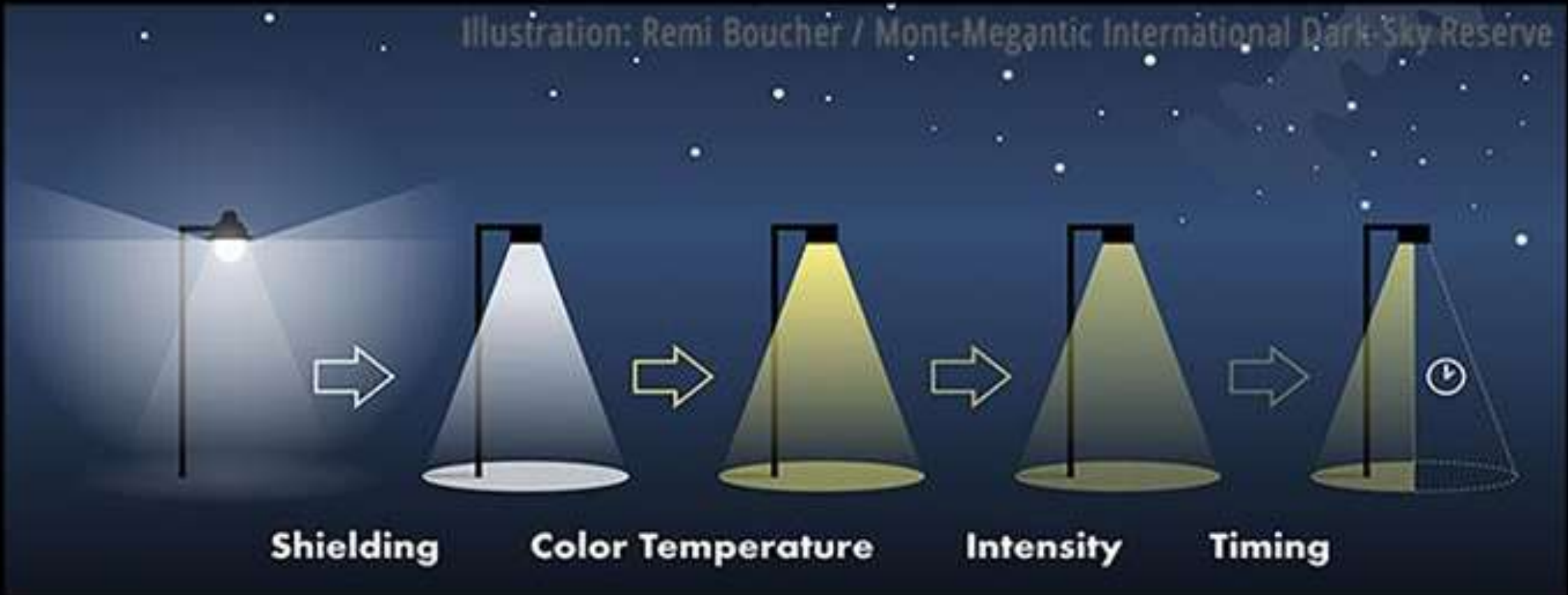
**MYTH: MORE LIGHTING IS SAFER**

**REALITY:  
WELL DESIGNED LIGHTING IS SAFER**

Study discussion..



# Light Pollution Solutions



# WHERE TO FIND & BUY DARK SKY LIGHTING?

Home Improvement stores  
Your local Ace Hardware  
Amazon

Choose lighting with "DARKSKY APPROVED"

fixture seal on the packages. More details at [darksky.org](https://darksky.org), fixture approval program page.

Both new and old seal shown.





# LIGHTING ORDINANCE and Dark Sky Place Designation

**Groveland Florida has written and approved  
a legal and enforceable Dark Sky Lighting Ordinance.  
A copy is available to provide your team with a template.**

**Groveland has become an award winning Dark Sky**

ARTICLE 7

# Dark Sky Lighting



## Article 7 Dark Sky Lighting

### Section 7.1: General

In Groveland, the darkness of the night sky should be preserved for stargazing, wildlife habitat, and human health.

**A. Purpose & Intent** The purpose of this Article is to protect the public health, safety, and welfare in Groveland by applying lighting standards intended to:

1. Preserve community character.
2. Permit reasonable uses of outdoor lighting for nighttime safety, utility, productivity, security, and enjoyment.
3. Promote efficient and cost-effective lighting and conserve energy.
4. Minimize light pollution, light trespass, glare, and offensive light sources.
5. Provide a nighttime environment that includes the ability to view stars and planets against a dark sky.
6. Reduce adverse impacts of outdoor lighting on wildlife habitat and human health.
7. Prevent inappropriate, poorly designed or installed outdoor lighting.
8. Encourage high quality lighting design.
9. Establish outdoor lighting standards and maximum light levels within and on property lines.

### B. Application

1. **New Lighting.** All new lighting shall meet the requirements of this Article. This includes all new development and redevelopment including but not limited to: thoroughfares, commercial and industrial properties, recreational facilities, residential neighborhoods, multifamily parcels, single-family home sites, and illuminated signs.
2. **Additions or Modifications to Existing Structures.** If the total cumulative increase in floor area is greater than 50 percent for single-family residential or greater than 25 percent for all other uses, or if the total cumulative cost of any exterior modification, alteration, or repair is greater than 25 percent of the valuation of the building as determined by the City, then all exterior lighting fixtures shall comply and or be upgraded for compliance with this Code.
3. **Existing Lighting.** Cumulative modification, replacement, or repair of outdoor lighting constituting 25 percent or more of the permitted lighting output level for the parcel, no matter the actual amount of lighting already on the site, shall require all exterior lighting to comply with this Code. For purposes of this section, replacement of burned-out lamps with new lamps or fixtures of the same type and lighting output level is not considered a modification, replacement, or repair.



4. **Amortization Period.** The City adopts Ordinance 2022-40 requiring all existing outdoor lighting in Groveland to meet these Code standards within a period of ten years. Beginning August 8, 2032, this section shall apply to all exterior lighting city-wide, including existing residential lighting and illumination from existing outdoor signs. After that date no person shall install or maintain any light fixture or illuminated sign unless such fixture meets the requirements of this section. The City plans to update all City owned exterior lighting to meet the standards outlined in this code within a five-year period.

### C. Lighting Measurements and Metrics

1. Light levels shall be measured for light trespass in the following locations:
  - a. At the property line; or
  - b. At the boundary of public right-of-way that adjoins the property; and
  - c. At finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up; and measured in footcandles (FC).
2. **Metrics**
  - a. Lumens per acre (included on Lighting/Photometric Plans)
  - b. Footcandles at property boundary (measured at Site Inspections)
  - c. Candelas (included on Permit Applications for Illuminated Signs)
  - d. Total Outdoor Light Output (for illuminated area of property, measured in lumens)

## Article 7 Dark Sky Lighting

### Section 7.2: Administration

#### A. City Permitting Process

Approved City permits are required for all new residential, commercial, and industrial use exterior or outdoor lighting. During the site planning process, a photometric plan shall be submitted for staff review. A completeness check will be conducted to ensure all Submittal Requirements of Section 7.3C are included with the application. All proposed lighting fixtures should either carry an IDA (International Dark-Sky Association) *Fixture Seal of Approval* or meet the Dark Sky Lighting Standards outlined in this Article.

#### B. Photometric Plan Submittal Requirements

A site lighting photometric plan for all outdoor lighting shall be submitted for review and shall provide the following information:

1. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas on the lot or parcel.
2. The location and description including mature height of existing and proposed trees
3. The location and height above grade of all proposed and existing light fixtures on the subject property.
4. The fixture type, initial lumen rating, correlated color temperature, and color rendering index of each lamp source.
5. The general style of the light fixture such as cutoff, lantern, coach light, globe, and a copy of the manufacturer's catalog information sheet and IESNA photometric distribution type, including any shielding information such as house side shields, internal, and/or external shields.
6. Control descriptions including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule when required.
7. A light calculation which shows the maximum light levels on a grid not to exceed ten feet by ten feet across the entire site and a minimum of ten feet beyond the lot or parcel property line. The grid shall also indicate maximum to minimum uniformities for each specific use area such as parking and circulation areas, pedestrian areas, and other common public areas.
8. Photometric design layout for the site of all illuminated vertical and horizontal surfaces showing the design footcandle levels.
9. Lighting shall be significantly reduced using adaptive controls during non-operational hours, allowing only lighting necessary for security purposes and meeting the lighting control provisions of Policies 7.4.F.2 and 7.4.F.3. The photometric plan submitted for review shall note where this distinction occurs.

10. A calculation of the Total Outdoor Light Output for the illuminated area of the property, calculated in lumens. If any partially shielded lighting is included on the plan, this light output amount shall be distinguished and included in the calculations.
11. Aiming angles and diagrams for sports lighting fixtures.

#### C. Warranting

1. Warranting. New installations of outdoor lighting will only be installed on public properties and rights-of-way upon determination by the Town Manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

#### D. Installation and Maintenance

1. City approval. All exterior light fixtures shall be approved by the City prior to installation.
2. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 70,000 fixture lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.
3. Underground Electrical Service Required. New electrical utilities required for exterior lighting shall be located underground.

#### E. Final Inspection

Prior to a building permit final inspection or the issuance of a certificate of occupancy, the applicant shall provide a letter of certification that the outdoor lighting as installed complies with the approved photometric plan and the requirements of this Article. The letter of certification shall be completed and signed by the architect, electrical engineer, electrical contractor, or lighting consultant responsible for the plans or the final installation.

#### F. Variance

Any applicant seeking a variance from any requirement or standard of Article 7 regulations shall follow the Variance process outlined in Sec. 1.2 of the Community Development Code.

#### G. Exemptions

The following lighting shall be exempt from the lighting standards contained in this Article:

1. Emergency Lighting. Emergency lighting that is only turned on in the event of a power failure or when an alarm is

## Article 7 Dark Sky Lighting

is activated is excluded from the total lumen calculations for the site. Use of such lighting outside of an emergency is strictly prohibited.

2. Emergency Services Lighting. Searchlights, floodlights, laser source lights, strobe or flashing lights, or any similar high intensity lights are permitted for use by police, fire, medical, or utility personnel or at their direction.
3. Infrared Security Lighting. Lights emitting infrared radiation for remote security systems is permitted with the following restrictions:
  - a. Fixed lights must be fully shielded; and
  - b. Movable lights, such as spotlights, must be mounted so that the lights cannot be directed higher than twenty (20) degrees below the horizontal. Light must be measured from the center of the beam to determine the threshold.
  - c. Fixtures must meet the lighting control provisions of Policies 7.4.F.2 and 7.4.F.3
4. Temporary decorative holiday lighting. Temporary seasonal lighting between Thanksgiving and January 15 annually shall not be subject to this Article, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.
5. Strings of Light. Strings of light, not exceeding a maximum of fifty lumens per lamp, (equivalent of a seven-watt C7 incandescent light bulb) on properties located in all residential zoning districts or on properties that are used exclusively for residential uses shall be exempt from the requirements of this chapter. Strings of light are permitted as a white light clear bulb as accent lighting and shall not consist of blinking or chasing lights and shall be tightly fastened to the building for safety.
6. Residential Landscape Lighting. Low voltage (twelve volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred lumens shall be exempt from the requirements of this Article. Homeowners should extinguish landscape lighting by 11:00 p.m.

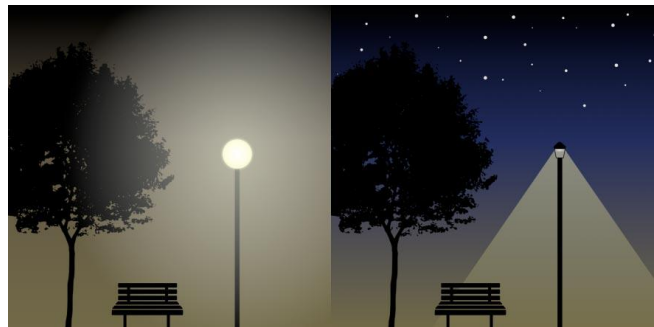
### H. Prohibited Lighting

No person or business shall install any of the following types of outdoor lighting fixtures:

1. City approval. All exterior light fixtures shall be approved by the City prior to installation.
2. Unshielded lights.
3. Mercury vapor lamps.
4. Low pressure sodium lamps.
5. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety, or

required for air traffic safety

6. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety, or required for air traffic safety.
7. Any light fixture that may be confused with or construed as a traffic control device.
8. Any upward oriented lighting except as otherwise provided for in this section.
9. Searchlights, beacons, and laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light.
10. Lamps emitting a Correlated Color Temperature (CCT) in excess of 3,000 Kelvin.



Shielded lights help to reduce light pollution by directing light only to the area intended.

### I. Enforcement

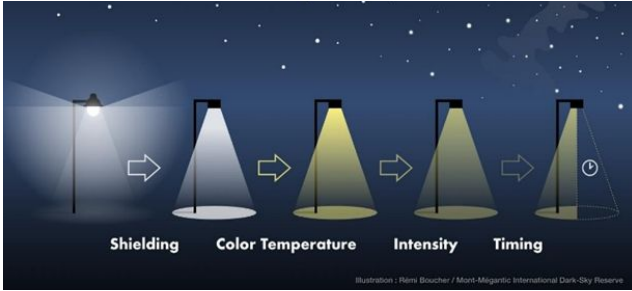
Code enforcement officials having jurisdiction in the area governed by this article are hereby authorized to enforce the provisions of this article. In addition, the city may also delegate enforcement responsibility to other agencies and departments of the city government.

## Section 7.3 Lighting Standards

### A. Lighting Classifications

1. Class 1 Lighting (*High Activity Areas*) Lighting used for highways, outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where accurate color rendition is important to preserve the effectiveness of the activity.
2. Class 2 Lighting (*Security and Public Safety*) Lighting used for illumination of local roadways, walkways, bike paths, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.
3. Class 3 Lighting (*Decorative and Accent*) Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.

## Article 7 Dark Sky Lighting



- Multi-Class Lighting. Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.

### B. Dark Sky Lighting Standards

The primary elements of Dark Sky Lighting generally include:

- Outdoor lighting shall be installed only in locations where necessary.
- All outdoor light fixtures (with the exception of partially shielded allowance specified in Table 7.1) shall be fully shielded to prevent skyglow.
- LED panels should be recessed within the fixture housing to prevent unnecessary backlighting and glare.
- All outdoor lighting shall be warm in color temperature with a maximum correlated color temperature (CCT) not to exceed 3,000 Kelvin for Class 1 lighting and 2,700 Kelvin for Class 2 lighting.
- For Class 1 lighting, a development may be eligible for an additional 10 percent increase in the total lighting output level allowed pursuant to Table 7.1 if 50 percent or more of the Class 1 lighting is 2,700 Kelvin CCT or below.
- Light lumen levels shall be the minimum required for security and utility, not to exceed total outdoor light output maximums for the site pursuant to Table 7.1.
- Residential lighting is limited to 450 lumens per fixture.
- Commercial and residential light fixtures shall carry the International Dark-Sky Association Seal of Approval or meet equivalent standards.



Warmer light color temperatures and intensity can help improve night time vision and create a safer environment.

### C. Maximum Lighting Output Levels

- Outdoor lighting shall be installed only in locations where necessary.
- Lighting levels shall not exceed the maximum outputs in Table 7.1 below, specified as initial lumens per net acre of any development project (net acreage is the total developed area of the parcel).
- The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.
- Lumen per net acre values exclude government owned street lights used for illumination of public rights-of-way and outdoor recreation facilities (active recreation areas and athletic fields only per Policy 7.5G).

Table 7.1

Use Type	Total Site Output (includes landscape lighting)	Partially Shielded
Single-family residential	5,000 initial lumens per lot	1,250 initial lumens per lot (counts toward total site output)
All other uses, including multifamily (excludes outdoor display lots and parking lots)	70,000 initial lumens per net acre	3,850 initial lumens per net acre (counts toward total site output)

### D. Shielding and Light Trespass

Light trespass is defined as light projected onto a property from a light source located on a different property.

- All light fixtures greater than 450 lumens are required to be fully shielded.
- All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.
- The light level at any property used for governmental, recreational, and public purposes in all zoning districts shall not exceed 0.1 footcandle at the property lines.



## Article 7 Dark Sky Lighting

- The light level at any property used for residential purposes shall not exceed 0.1 footcandle at the property lines.
- The light level at any property used for commercial or industrial purposes should not exceed 0.5 footcandles at the property lines.

### E. Approved Light Fixtures

Many manufacturers offer lighting fixture options that carry the International Dark-Sky Association's *Fixture Seal of Approval*.

- All new fixtures must either carry the International Dark-Sky Association's *Fixture Seal of Approval* or meet equivalent dark sky standards consistent with this Article



Dark-Sky compliant lighting fixtures marked with the IDA *Fixture Seal of Approval*. These fixtures are featured at the City Annex building in downtown Groveland. Fixtures can be found at Home Depot and other local retailers.

### F. Lighting Controls

- Light dimmers that reduce lumen levels during non-peak hours to between 35% and 50% of the light's maximum output are recommended for all new streetlights and for outdoor lighting in appropriate locations.
- Motion sensors may be used to limit lighting; however, the sensor must be triggered by activity within the property lines and not triggered by activity outside the property lines.
- Motion sensing fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off in a reasonable timeframe no longer than five minutes after the detected motion ceases.

### G. Lighting Time Limitations

- Except for flagpole lighting and security lighting on adaptive controls and meeting the lighting control provisions of Policies 7.4.F.2 and 7.4.F.3, commercial and industrial lighting shall be extinguished during non-business hours. Lodging and other 24-hour businesses are encouraged to reduce lighting by 50% between 10:00 p.m. and sunrise.

- Homeowners and businesses should extinguish landscape lighting by 11:00 p.m.

### H. Uplighting

Uplighting or ground-mounted lighting is considered Class 3 lighting.

- Uplighting may be used to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses. Uplighting or ground-mounted lighting shall be low wattage and designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.
- Uplighting shall be shielded to contain and direct the light onto the feature or object to be illuminated.
- All uplighting shall be considered partially shielded lighting for purposes of calculating total lighting output levels in Table 7.1.
- All Class 3 lighting shall be selected, designed, installed, and aimed so that there is a minimum amount of light spillover beyond the area intended to be lighted
- Flagpoles should be illuminated from above where feasible. Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s). Flagpoles greater than 20 feet in height shall be illuminated from above.
- Lighting of any portion of a building or structure with a polished or glass exterior surface is prohibited.



Dark-Sky compliant street light. The fixture is fully-shielded and downward facing with a warm color temperature.

## Article 7 Dark Sky Lighting

### Section 7.4: Lighting Standards for Specific Uses

#### A. Exterior Building Lighting

Exterior building lighting may be considered Class 1, Class 2, or Class 3 lighting, depending on the size, function, illumination, design, and lighting intent.

1. Soffit-mounted light fixtures shall be recessed into the soffit or otherwise fully shielded.
2. Architectural lighting shall only be used to highlight special features.
3. Lighting of expansive wall planes or lighting resulting in hot spots on wall or roof planes shall be prohibited.
4. Lighting above or beside entryways or along building perimeters shall use fully shielded fixtures.

#### B. Streetlights

Highway streetlights are considered Class 1 lighting, and local roadway streetlights are considered Class 2 lighting for purposes of this Code.

1. New streetlights shall be fully shielded fixtures of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.
2. Governmental owned streetlights may only create light trespass below within one hundred (100) feet of its installed location.
3. Utility Exemption: Utility companies entering into a duly approved contract with the City of Groveland in which they agree to comply with the provisions of all Article 7 regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures.

#### C. Pedestrian Walkway Lighting

All pedestrian walkway lighting shall be considered Class 2 lighting.

1. Entries from streets or footpaths shall have at least one downward projecting “mushroom” light placed at the intersection of street and path, and footpath and entry. These lights shall be controlled by a photocell (dusk to dawn).
2. Pedestrian walkway lighting shall use shatterproof lamp coverings and shall not be located to present hazards for pedestrians or vehicles.
3. Post or bollard-type lights shall be painted dark colors such as black, dark gray, dark brown, or dark earth tone.

#### D. Parking Lot Lighting

All parking lot lighting shall be considered Class 2 lighting.

1. All parking lot lighting shall use fully shielded fixtures.
2. Parking lot poles shall not exceed 12 feet in height.
3. Structured Parking. Interior lighting within parking structures shall not count toward the lighting output level established in Table 7.1 but must conform to all other applicable standards of this Article.
4. Structured parking lighting, including interior and rooftop lighting, shall not trespass beyond the footprint of the parking structure.

#### E. Outdoor Display Lots

New and Used Auto, Boat, and RV Dealerships (or similar businesses) are considered Outdoor Display Lots for purposes of this Article.

Lighting for outdoor display lots shall be considered Class 1, and shall conform to the lumens per acre limits established by Table 7.1 and the following provisions:

1. All such lighting shall be fully shielded; partially shielded fixtures shall be prohibited.
2. Outdoor display lot illumination design shall be certified by a Florida registered engineer as conforming to all applicable restrictions of this Code.
3. Outdoor display lot lighting shall conform to the hours of operation as established under Class 1 lighting standards pursuant to Section 7.4G.
4. Lighting poles shall not exceed 12 feet in height.



The photo depicts prohibited unshielded pedestrian walkway lighting versus fully-shielded lighting installed with 2700K CCT LED light.

## Article 7 Dark Sky Lighting

### Section 7.4: Lighting Standards for Specific Uses

#### F. Service Stations

Lighting for service station canopies shall be considered Class 1 lighting.

1. Automobile service station pumping areas shall be required to meet a minimum standard of 10 footcandles and not exceed a maximum of 30 footcandles.
2. All luminaires shall be recessed within the canopies and use flat glass or plastic covers.
3. All lighting mounted under the canopy shall be included in the total lighting output levels for the site pursuant to Table 7.1.

#### G. Recreational Facilities and Athletic Fields

Lighting not specific to active outdoor recreational facilities or athletic areas must comply with outdoor lighting standards in Section 7.4 and Table 7.1.

1. Lighting for outdoor athletic fields, courts, or tracks shall be considered Class 1.
2. Lighting at public and private outdoor recreational facilities, including but not limited to playing fields, arenas, and tracks, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution.
3. Lighting will provide levels of illuminance that are adjustable according to task.
4. Recreational lighting shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot.
5. Recreational lighting must be extinguished by 11:00 p.m. or within one (1) hour of the end of active play.
6. Outdoor recreational facility lighting shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight and shall make appropriate use of adaptive controls when possible.
7. Recreation facility illumination design shall be certified by a professional engineer (PE) licensed in the state of Florida as conforming to all applicable restrictions of this Code.
8. Outdoor recreational facility lighting will be exempted from the other regulations of this article if its design and installation, as certified by a professional engineer (PE) licensed in the state of Florida, adheres to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the City for review. Activities shall follow the illuminance and uniformity guidelines of the IESNA according to the appropriate class of play.



This Dark Sky restroom is featured at the campground at Kissimmee Prairie State Preserve Dark Sky Park. Red light preserves night time vision and has least environmental impact on nocturnal wildlife.

#### H. Greenhouses

Greenhouses are permitted on industrial and agriculture zoned properties.

1. 100% of the greenhouse facility is required to be screened if indoor lighting is used during nighttime hours, which is between sunset and sunrise.
2. No artificial lighting for cultivation or agricultural purposes shall be visible from outside. Black out curtains or another type of light obstruction must be used.

#### I. Illuminated Signs

All illuminated signs must follow the provisions of both Article 7 and Section 6.8 Signage.

3. Lighting for outdoor athletic fields, courts, or tracks shall be considered Class 1.
4. Bottom mounted sign lighting attached to the sign structure shall not be used.
5. Illumination of off-site signs is prohibited.
6. Digital Outdoor Display Signs (LED, LCD, Plasma or equivalent) are prohibited.
7. Sign illumination curfew. Illuminated signs shall be turned off at the curfew times listed in Section 7.4G or when the business activities cease, whichever is later.

## Article 7 Dark Sky Lighting

### J. Special Events

Special events that have been issued a Special Events Permit by the City shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or pedestrians or result in light trespass onto adjacent properties.

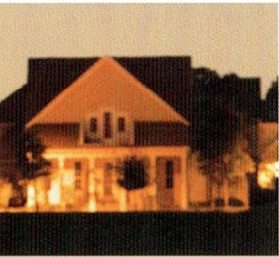


The Central Florida IDA chapter tables at local events to raise awareness about the effects of light pollution.

# BRIGHTER DOES NOT MEAN SAFER

Lighting up the nighttime environment does not necessarily improve safety or security. This may seem contradictory, but there is no clear scientific evidence that increased outdoor lighting deters crime and increases safety.

## AT HOME: POOR LIGHTING CREATES A FALSE SENSE OF SECURITY



Keeping yourself and your property safe from theft and vandalism is a major priority. However, badly designed outdoor lighting can actually make you less safe because bright and poorly aimed lights can hide danger. Bad lighting creates deep shadows where criminals can hide.

Some crimes like vandalism and graffiti actually thrive on night lighting. For example, bright dusk-to-dawn lights allow criminals to see the contents of parked cars.

## AROUND TOWN: LIGHT FOR LIGHT'S SAKE DOES NOT EQUAL SAFETY

Towns, cities, and businesses often install lighting in parks, shopping areas, parking lots, and other public places to improve safety.

Improperly aimed and poorly shielded lights can actually attract criminals and allow them to see what they're doing. Property damage may be exacerbated by too many lights, particularly dawn-to-dusk lighting. A study by the city of Chicago actually found a correlation between increased crime and brightly lit alleyways.

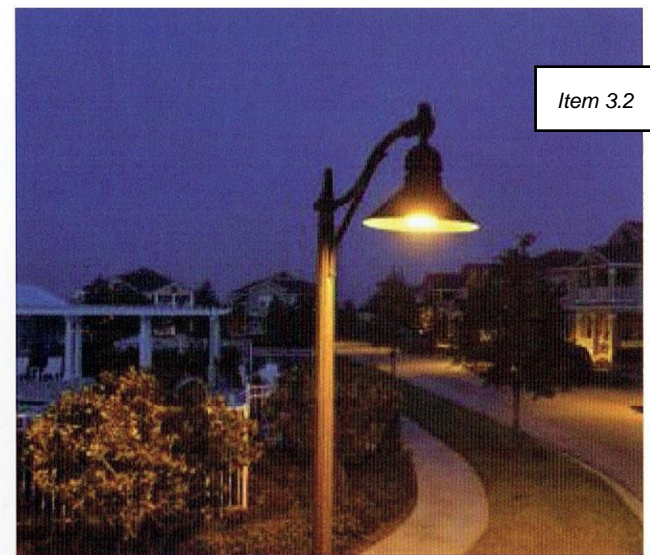


## ON THE ROAD: BAD LIGHTING CREATES UNSAFE DRIVING CONDITIONS

Poorly designed lighting on roadways and highways contributes to tragic accidents. Motorists and pedestrians can be temporarily blinded by glare from unshielded streetlights and electronic signs. The problem is more acute for older individuals.



A 2015 study published in the *Journal of Epidemiology and Community Health* found that streetlights don't prevent accidents or crime, but do cost a lot of money.



Item 3.2

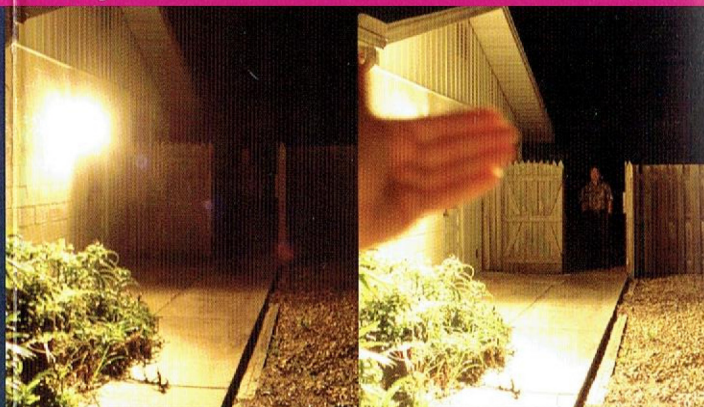
## SAFE LIGHTING SOLUTIONS

Effective lighting that helps people be safe – not just feel safe – is a win-win situation for everyone. You can create a safer environment while preserving the natural night. Here are some simple rules to follow:

- Use fully shielded, dark-sky friendly fixtures. That means lights shine down, not up, and don't create glare and contrasts.
- Only use lights when and where needed. Install timers and dimmer switches, and turn off lights when not in use. If you must have security lighting, use motion sensors.
- Use the right amount of light. Too much light is wasteful and impairs vision.
- Use long-wavelength lights with a red or yellow tint to minimize negative health effects.
- Good lighting design can mitigate glare. Cities and towns can restrict the use of bright signs and flashing lights near roadways.

## Poor Lighting Reduces Safety and Security

Glare from bright, unshielded lights actually decreases safety. See how glare in the closest photo makes it hard to see the man at the gate? Glare creates deep shadows, making it more difficult to see. The bright light shines into your eyes, constricting your pupils. This diminishes your eyes' ability to adapt to low-light conditions. So, is that bright light really making this area safer?



Visit [darksky.org](http://darksky.org) for more information.

# Orlando Sentinel

FINAL EDITION

Sunday, July 9, 2023

\$5.50

## Democrats look to the future

By **Anthony Man**  
South Florida Sun Sentinel

MIAMI BEACH — Florida Democrats are putting on a brave face and professing confidence that they've started to slow — and reverse — the downward slide that has seen them come close to irrelevance as Republicans have surged.

"I am feeling optimistic — very optimistic," said Alfredo Olvera, Broward's state Democratic committeeman, on Saturday during a break at the Florida Democratic Party's annual summer Leadership Blue conference and fundraiser.

"The excitement is genuine. We haven't disguised the challenges with optimism. We are aware of the problems, and we are creat-

ing a path to win in 2024. We were absent in 2020."

The challenges are many: finding candidates willing to run for open offices; registering voters in an attempt to counter a rapidly growing Republican advantage; and getting voters who want to use mail ballots in 2024 to send in requests because previous mail-ballot requests have now expired.

And, essential to it all, raising money to fund everything a political organization needs to do.

"I know that we have problems," said Junaid Akther, the Palm Beach County state Democratic committeeman. "It's a big ship that's turning around."

*Turn to Democrats, Page 2*

## Developer carries great weight with DeSantis

By **Jeffrey Schweers**  
Orlando Sentinel

TALLAHASSEE — Millionaire developer Morteza "Mori" Hosseini has been called the most powerful unelected person in Florida and a close adviser and donor to Gov. Ron DeSantis, who is running for president in 2024.

The 68-year-old Iranian-American developer from Volusia County has raised millions for his "beloved" University of Florida and his alma mater, Embry Riddle Aeronautical University. He and his family raised millions more for numerous charities, but also the Florida Republican Party and state and local political candidates.

He's also garnered headlines for getting tickets for DeSantis to play golf at Augusta National Golf Club, flying the First Lady Casey DeSantis to a defense contractor's fundraiser in Jacksonville and frequently lending his private jet to the governor's campaign.

More recently, Hosseini has been in the news for lending a fancy golf simulator to the Governor's Mansion and playing a role in state transportation officials steering \$92 million in leftover COVID funds toward an interchange project that would benefit one of his developments.

But outside of the circles of real estate development, state politics and higher education, Hosseini is not a household name.

"The average Floridian is probably not aware of his name, but he is more public than most donors not only because of his ability to raise millions but because of his appointment



Hosseini



Marty Proctor, an advocate for dark skies, holds a red light aloft as he takes a reading of the evening sky with an electronic device on his dock on Lake Emma in Groveland. **STEPHEN M. DOWELL/ORLANDO SENTINEL**

## Stargazers rejoice

Groveland's effort to dim light pollution wins honors

By **Stephen Hudak**  
Orlando Sentinel

With darkness falling, Marty Proctor stood at the end of his dock on Lake Emma and pointed a small gizmo upwards at the heavens over Groveland, once a remote outpost about 30 miles west of Orlando.

The device, a "Sky Quality Meter," measures artificial brightness in a night sky.

"I call this the edge of the wild," Proctor said, speaking over a chorus of crickets and frogs.

But even here, at wild's edge, the average reading on the retired engineer's

meter registered at a level far better than the night sky in Orlando, where a constant flood of urban lights hides a galaxy of stars, but far worse than at Kissimmee Prairie Preserve where astro-photographers go to take breath-taking pictures of the Milky Way.

As Groveland has grown from 3,000

*Turn to Light, Page 10*

*Turn to Developer, Page 16*



# CARVER PARK BASKETBALL COURTS SHADE STRUCTURE

Craig Dolan

September 7, 2023





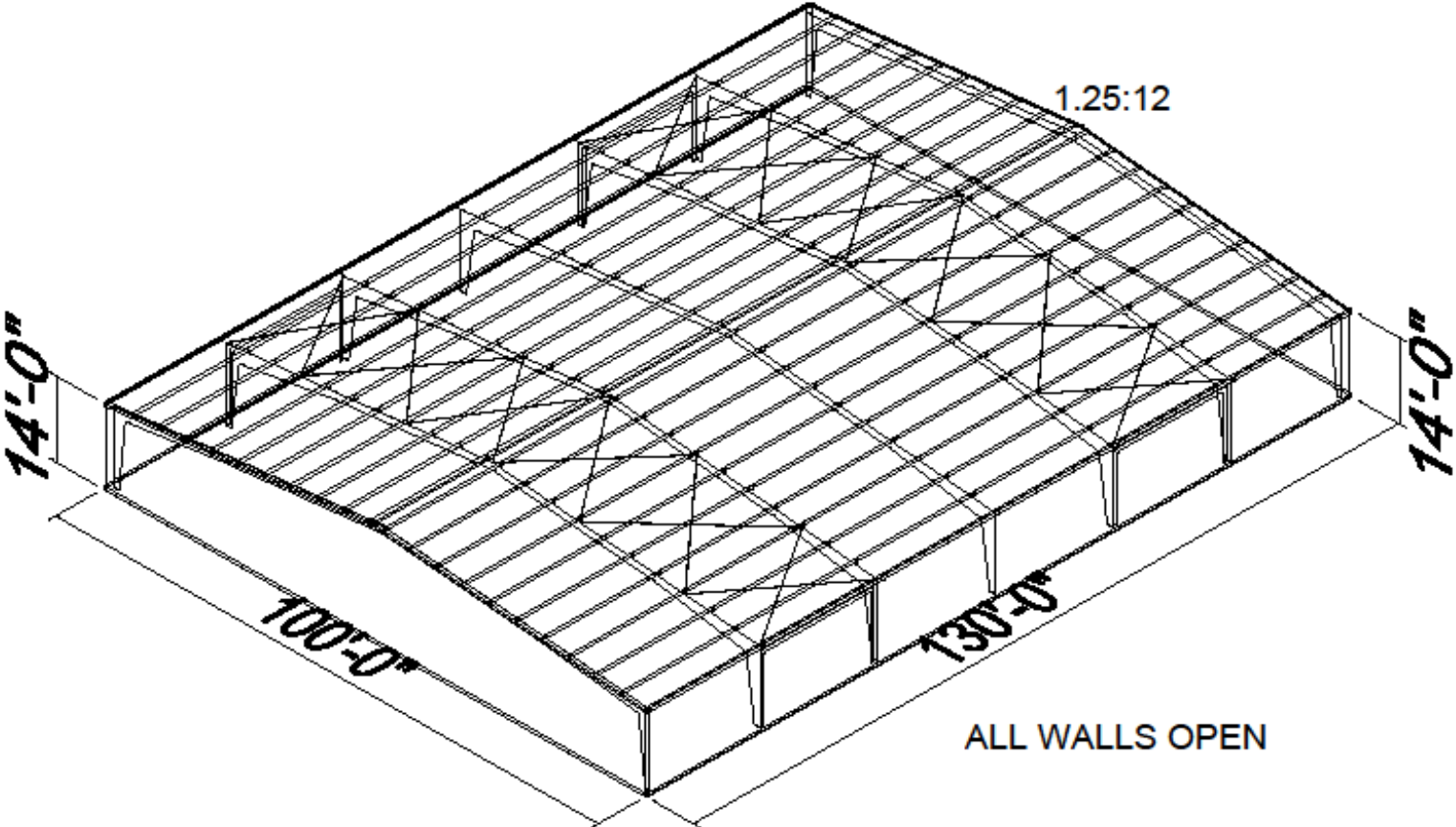
# AERIAL VIEW OF LOCATION



# VIEW FROM THE NORTH



# CONCEPTUAL DESIGN





# EXAMPLE



# EXAMPLES



- Lighting can be added
  - We currently have both courts lighted, so moving current fixtures will save both time and money.
- Fans can be added
  - Two different brands
    - Big Ass Fans: [Big Ass Fans](#)
    - Humongous Fans: [Humongous Fans](#)



# POTENTIAL COSTS

- **Metal Building alone: \$120,000 - \$135,000**
  - This does not include building of the structure, site work, equipment, engineering, permitting, design
  - Labor and installation: \$56,000
  - Additional Cost Estimate: \$251,790
    - Does not include the risk factor cost
- **Complete project: \$390,000 (Turn Key)**
  - Includes installation of fans
  - Includes installation of lights
  - Permitting, any rental equipment, materials, labor





# QUESTIONS?





# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: September 7, 2023

RE: Resolution Number 23-80: GIS On-Call Services

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## **Introduction:**

Resolution Number 23-80 approves an expenditure of \$35,000 for additional GIS On-call Services Amendment #2 to Wright-Pierce Engineering and authorizes the City Manager to execute all agreements and contracts relating to this project.

## **Background:**

The City of Eustis currently utilizes Wright-Pierce Engineering to serve as a “GIS Mentor” for City Staff. Purchase Order #22-01070 authorized On-call services on an hourly basis to evaluate and make recommendations to our current GIS program for a not-to-exceed price of \$25,000. This has been very successful for city staff and newly hired staff to receive training and problem-solving help from a very experienced consultant.

On June 2, 2022, Resolution Number 22-38 approved an expenditure of \$40,000 for Amendment #1 of the GIS On-call Services Contract to Wright-Pierce Engineering. Wright-Pierce has been collaborating with the City’s new GIS Analyst to develop GIS standards and databases, incorporate data collected from past projects, and develop GIS data for use in asset management.

The services under Amendment #2 will be a continuation of the GIS On-Call Services under PO No. 22-01070 and will include:

- Harmonize the water hydrant inspection layer with the layer created by Wright-Pierce from the City’s DWG files.
- Complete the conversion of Wastewater layers from DWG files to GIS layers and files.
- Re-create the map of road ownership and location that currently does not reside in GIS. The goal is to create a layer that is reproducible and editable.
- Commence processing Reclaimed and Stormwater layers from DWG to GIS files.
- Write a script to illustrate when each City sign was last visited.
- Create a tool to track water/sewer record requests at a property ID level.
- Cartograph/CUES Interaction with GIS layers and data.

Resolution Number 23-80 will amend PO #22-01070 to add an additional \$35,000 of manhours to assist Staff in updating the GIS utility system. For the scope of items outlined above, billing will be on a time and materials, not to exceed basis: and will commence when the original fee and Amendment #1 fee under PO 22-01070 has been expended.

**Recommended Action:**

Staff recommends approval of Resolution Number 23-80.

**Policy Implications:****Alternatives:**

1. Approve Resolution Number 23-80
2. Deny Resolution Number 23-80

**Discussion of Alternatives:**

1. Alternative 1 approves the Resolution.

**Advantages:**

- City Staff will have continued support for the GIS Department in the building of the City's utility models.

**Disadvantages:**

- None.

2. Alternative 2 denies the Resolution.

**Advantages:**

- The City would not expend \$35,000 for an engineering consultant on a highly technical project.

**Disadvantages:**

- This project requires expertise to ensure a successful end product and staffing that exceeds current City staff's capabilities.

**Budget/Staff Impact:**

The Professional Services account # 040-3300-533-3031 has budgeted fees included for this work.

**Prepared By:**

Sally Mayer, Administrative Assistant – Public Utilities

**Reviewed By:**

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

**Attachments:**

- Resolution Number 23-80
- Upon Request: Wright Pierce Engineering Amendment #2 to GIS On-call Services Contract

**RESOLUTION NUMBER 23-80**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 TO MODIFY P.O. #22-01070 WITH AMENDMENT #2, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS WITH WRIGHT-PIERCE ENGINEERING.**

**WHEREAS**, the City desires to upgrade Eustis' GIS utility program in accordance with new FDEP regulations; and

**WHEREAS**, the City's approved 2022-2023 Budget includes funds for the purchase of professional engineering services for the GIS System's Utility Mapping and Information System Improvements; and

**WHEREAS**, Wright-Pierce Engineering, Inc. has submitted a proposal to assist in developing the City's utility assets in the GIS system; and

**WHEREAS**, in accordance with rates agreed to in the Continuing Services Agreement between Wright-Pierce Engineering, Inc. and the City, they are offering these engineering services for the additional sum amount of \$35,000; and

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

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

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with Wright-Pierce Engineering for the approved purchase; and
- (2) The City Manager is hereby authorized to approve a purchase in excess of \$50,000 for Amendment #2 of P.O. No. 22-01070 for the procurement of additional manhours to assist with updating the City's GIS system, utilizing budgeted funds from account number 040-3300-533-3031; and
- (3) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and
- (4) That this resolution shall become effective immediately upon passing.

**DONE AND RESOLVED**, this 7<sup>th</sup> day of September, 2023, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7<sup>th</sup> day of September, 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 23-80 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

July 27, 2023

Mr. Rick Gierok, PE  
Public Works Director  
City of Eustis, FL  
10 North Grove Street  
Eustis, Florida 32726

**SUBJECT: Amendment #2 to GIS On-Call Services  
City of Eustis, FL**

Dear Mr. Gierok,

Wright-Pierce would like to thank the City of Eustis for the opportunity to submit this proposal to provide additional, as-needed GIS On-Call Services to the City's Public Works Department, the Engineering, Water and Wastewater Departments, and the Greenwood Cemetery. This Amendment #2 is based on our July 25, 2023 discussion that will add an additional \$35,000 in fee to the existing Wright-Pierce Project No. 20919 GIS On-Call Services (Purchase Order No. 22-01070).

#### PROJECT BACKGROUND/UNDERSTANDING

The City has invested in developing a GIS program for all City Departments that fall under the Public Works Department, and currently has ArcGIS Pro 3.1, ArcGIS Online, ArcGIS 10.8.1 and Civil 3D 2021 software. While data from individual projects and data collection efforts reside on the City's network, there has not been a cohesive, City-wide system of developing and incorporating data into the City's overall GIS system.

In April 2022, the City hired a new GIS Manager. Wright-Pierce has been collaborating with the new GIS Manager to develop GIS standards and databases, incorporate data collected from past projects, and develop GIS data for use in asset management.

#### PROPOSED SCOPE OF SERVICES

The services under this Amendment will be a continuation of the GIS On-Call Services project under PO No. 22-01070 and will include:

##### Activities in Progress:

- Harmonize the water hydrant inspection layer with the layer created by Wright-Pierce from the City's DWG files.
  - Wright-Pierce currently has data derived from the DWG files provided by the City that has been converted into a comprehensive GIS. One future goal is to harmonize the layer of inspected fire hydrants with locations and IDs but provide connectivity of the DWG derived GIS layer.
- Complete the conversion of Wastewater layers from DWG file to GIS layers and files.

7/27/2023

Mr. Rick Glerok, PE

Page 2 of 4

- Re-create the map of road ownership and location that currently does not reside in GIS. The goal is to create a layer that is reproducible and editable.

#### Activities on the Horizon:

- Commence processing Reclaimed and Stormwater layers from DWG to GIS files.
  - Currently, the rough shapes have been translated into GIS. However, Wright-Pierce proposes to extract as much information from the DWG annotations as possible. This is pending the finalization of the initial Water and Sewer layers.
- Write a script to illustrate when each City sign was last visited.
  - A key functionality that would help the sign inspection crews is to relate the inspection and repair log to the inventory in such a way that 'overwrites' a column corresponding to the last visit. This will assist in future sign maintenance planning.

#### Areas of Opportunity:

- Create a tool to track water/sewer record requests at a property ID level.
  - Once the layers are finalized, the team can start using the drawn in sewer services to identify connected parcels.
- Cartegraph/CUES Interaction with GIS layers and data.
  - Once a GIS is established, the team would import that GIS into Cartegraph and use that software for asset management purposes. The CUES CCTV data would also be incorporated.
  - Explore opportunities to incorporate the SeeClickFix platform for reporting issues employed by the City.
  - Assist the City with House Bill 53 Needs Analyses.

#### FEE ESTIMATE

For the scope items outlined above, billings will be on a time and materials, not to exceed basis, based on our Standard Billing Rates, plus reimbursable expenses times a factor of 1.1. The budget for this Amendment #2 has been established at **\$35,000.00**. The maximum total compensation for the project shall not exceed the total compensation for the scope items above without written authorization from the City.

#### CONDITIONS AND EXCLUSIONS

The following are conditions and exclusions to this Scope of Services:

- The City will continue to pay for software licensing fees to maintain its existing ArcGIS Pro software and ArcGIS Online Portal.

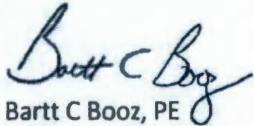
7/27/2023  
Mr. Rick Glerok, PE  
Page 3 of 4

PROPOSED SCHEDULE

We will commence our services within 10 days after City's acceptance of this proposal and issuance of a Purchase Order and when the original fee and Amendment #1 fee under PO 22-01070 has been expended.

We appreciate the opportunity to provide these services to the City of Eustis. If you have any questions or need any additional information, please contact us.

Sincerely,  
**WRIGHT-PIERCE**



Bartt C Booz, PE  
Senior Project Manager  
[bartt.booz@wright-pierce.com](mailto:bartt.booz@wright-pierce.com)

Cc: Michelle Saxman, City of Eustis  
Greg Dobbins, City of Eustis  
Steve Hallowell, Wright-Pierce  
Dennis Davis, Wright-Pierce  
Jeff Normandin, Wright-Pierce  
Kean McDermott, Wright-Pierce

7/27/2023  
Mr. Rick Gierok, PE  
Page 4 of 4

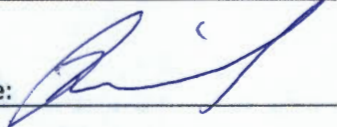
CITY OF EUSTIS, FLORIDA

Signature: \_\_\_\_\_

Printed Name: Tom Carrino

Title: City Manager

Date: \_\_\_\_\_

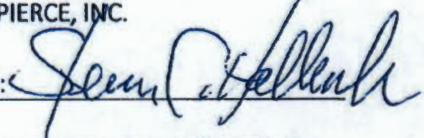
Signature: 

Printed Name: Rick Gierok, PE

Title: Director, Public Works

Date: 8/31/23

WRIGHT-PIERCE, INC.

Signature: 

Printed Name: Steven C. Hallowell, PE

Title: Vice President

Date: 7-27-2023





# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: SEPTEMBER 7, 2023

RE: RESOLUTION NUMBER 23-81: RELEASE OF LIEN FOR PROPERTY LOCATED AT 432 NORTH EUSTIS STREET, EUSTIS, FLORIDA

**Introduction:**

Resolution Number 23-81 approves a Release of Lien for property located at 432 N. Eustis Street, Eustis, FL 32726.

**Background:**

In June 2003, the City of Eustis had available funds from a Community Development Block Grant (“CDBG Grant”) for Commercial Building Rehabilitation to assist Eustis merchants with façade restorations and renovations; removal of architectural barriers to handicap access in private buildings; and code violations corrections to comply with the 2001 Florida Building Code related to the health, safety and/or welfare of residents.

Gary Henson and Jo Henson (the “Hensons”) owned and operated Raintree Books, Inc., located at 432 North Eustis Street, Eustis, FL 32726. The Hensons applied for the CDBG Grant since their business renovations met the qualification requirements.

On or about June 11, 2003, the Hensons entered into a CDBG Participating Parties Agreement with the City of Eustis to receive grant funds not to exceed \$44,000.00 for eligible building renovations and repairs on their property. The CDBG Participating Parties Agreement was recorded on July 8, 2003 in O.R. Book 2354, Pages 534-538, in the Public Records of Lake County, Florida. A copy of the recorded CDBG Participating Parties Agreement is enclosed.

In consideration of the receipt of \$43,776.00 in CBDG Grant funds, and to ensure the Hensons complied with the terms and conditions of the CDBG Participating Parties Agreement, on June 10, 2004, a lien to the City was granted by Raintree Books, Inc. and the Hensons on the following described property located at 432 North Eustis Street, Eustis, Lake County, Florida:

**EUSTIS, CLIFFORD PARK LOTS 2,3,4, BLK 9 ORB 1978 PG 1320**

On June 30, 2004, the parties Agreement for Lien was recorded in O.R. Book 2603, Pages 2385-2386, in the Public Records of Lake County, Florida. The Agreement for Lien stated that if the Hensons complied with the terms and conditions of the CDBG Participating

Parties Agreement and the Policies and Procedures Relating to Building Rehabilitation Assistance to Commercial Buildings for a period of two years after the date the building rehabilitation was completed the lien on the property would cease and be null and void. A copy of the recorded Agreement for Lien is enclosed.

On or about August 2023, the property was sold, and the City Attorney's office was contacted by the title company requesting a release of lien for title insurance issuance. Review of available City records by the City Manager did not yield a basis for denial of the requested lien release.

**Recommendation:**

Staff recommends approval of Resolution Number 23-81.

**Prepared By:**

Sasha O. Garcia, City Attorney

**Reviewed By:**

Tom Carrino, City Manager

**Attachments:**

Resolution Number 23-81 with Release of Lien attached as Exhibit A.

Recorded CDBG Participating Parties Agreement.

Recorded Agreement for Lien.

**RESOLUTION NUMBER 23-81**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY FLORIDA, APPROVING A RELEASE OF LIEN FOR PROPERTY LOCATED AT 432 NORTH EUSTIS STREET; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RELEASE AND ANY OTHER DOCUMENTS ASSOCIATED THEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 2003, the City of Eustis had available funds from a Community Development Block Grant ("CDBG Grant") for Commercial Building Rehabilitation to assist Eustis merchants with façade restorations and renovations; removal of architectural barriers to handicap access in private buildings; and corrections of code violations to comply with the 2001 Florida Building Code related to the health, safety and/or welfare of residents; and

**WHEREAS**, on or about June 2003, Gary Henson and Jo Henson (the "Hensons") owned and operated Raintree Books, Inc., located at 432 North Eustis Street, Eustis, FL 32726; and

**WHEREAS**, on or about June 11, 2003, the Hensons entered into a CDBG Participating Parties Agreement with the City of Eustis to receive grant funds not to exceed \$44,000.00 for eligible building renovations and repairs on their property; and

**WHEREAS**, on July 8, 2003, the executed CDBG Participating Parties Agreement was recorded in O.R. Book 2354, Pages 534-538, in the Public Records of Lake County, Florida; and

**WHEREAS**, on June 10, 2004, in consideration of the receipt of \$43,776.00 in CBDG Grant funds, and to ensure the Hensons complied with the terms and conditions of the CDBG Participating Parties Agreement, a lien to the City was granted by Raintree Books, Inc. and the Hensons on the following described property located at 432 North Eustis Street, Eustis, Lake County, Florida:

**EUSTIS, CLIFFORD PARK LOTS 2,3,4, BLK 9 ORB 1978 PG 1320**

**WHEREAS**, on June 30, 2004, the parties Agreement for Lien was recorded in O.R. Book 2603, Pages 2385-2386, in the Public Records of Lake County, Florida. The Agreement for Lien stated that if the Hensons complied with the terms and conditions of the CDBG Participating Parties Agreement and the Policies and Procedures Relating to Building Rehabilitation Assistance to Commercial Buildings for a period of two years

after the date the building rehabilitation was completed the lien on the property would cease and be null and void; and

**WHEREAS**, on or about August 2023, the property was sold, and the City Attorney's office was contacted by the title company requesting a release of lien for title insurance issuance; and

**WHEREAS**, review of available City records by the City Manager did not yield a basis for denial of the requested lien release.

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

Section 1. The release of lien on this property is hereby approved.

Section 2. The City Manager is hereby authorized to execute the Release of Lien attached hereto as Exhibit "A" and any other documents associated therewith.

Section 3. This Resolution shall become effective immediately upon passage.

**DONE AND RESOLVED** this 7th day of September 2023, in regular session of the City Commission of the City of Eustis, Florida.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7<sup>th</sup> day of September, 2023, by Christine Halloran, City Clerk, who is 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 23-81 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

**AGREEMENT FOR LIEN**

This Agreement made this 10<sup>th</sup> day of June, 2004, by

**THE CITY OF EUSTIS, FLORIDA**, a Florida municipal corporation ("CITY") whose address is Post Office Drawer 68, Eustis, FL 32727 and **Raintree Books, Inc. (Jo and Gary Henson)** ("OWNER"), whose address is **432 North Eustis Street, Eustis, FL 32726**.

WITNESSETH, that OWNER in consideration of a Grant from CITY as part of the Community Development Block Grant Façade Project and received on the terms and conditions contained in the "CDBG Participating Parties Agreement" and the "Policies and Procedures Relating to Building Rehabilitation Assistance to Commercial Buildings," both of which are incorporated by reference as though written out at length herein, does grant to CITY a lien in the amount of \$ **43,776.00** on the following described property located in Lake County, Florida:

**EUSTIS, CLIFFORD PARK LOTS 2,3,4, BLK 9 ORB 1978 PG 1320.**


Provided that, if OWNER performs and complies with each and every term, provision and condition of the "CDBG Participating Parties Agreement" and the "Policies and Procedures Relating to Building Rehabilitation Assistance to Commercial Buildings" for a period of two years after the date of completion of rehabilitation of the above described property, this lien will cease and be null and void. Should OWNER materially fail to perform or comply with a term, provision, or condition of the CDBG Participating Parties Agreement, CITY may foreclose this lien in addition to pursuing its other remedies available at law.

WITNESS our hands and seals on the date first written above.

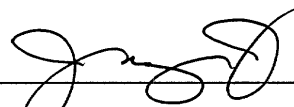
Signed, sealed, and delivered:



THE CITY OF EUSTIS, FLORIDA

By:   
Michael G. Stearman

As its: City Manager

Attest:   
Jim R. Myers, Jr., Finance Director/City Clerk

Signed, sealed, and delivered:

*Daniel F. Quienanzo*  
 Witness Signature

DANIEL F. QUIENANZO  
 Witness Printed Signature

*Jo Henson*  
 Owner's Signature

Jo Henson  
 Owner's Printed Name

*Miriam Rodriguez*  
 Witness Signature

MIRIAM RODRIGUEZ  
 Witness Printed Signature

STATE OF FLORIDA  
 COUNTY OF LAKE

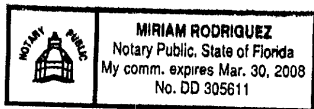
The forgoing instrument was acknowledged before me this 17th  
 day of June, 2004, by Michael G. Stearman  
 as City Manager of THE CITY OF EUSTIS, a Florida municipal corporation,  
 on behalf of the corporation. He or she is personally known to me or produced  
 \_\_\_\_\_, as identification.



*Judy Roberts*  
 NOTARY PUBLIC  
 Print Name: Judy Roberts  
 My commission expires: 5/15/07  
 Commission No.: DD 213310

STATE OF FLORIDA  
 COUNTY OF LAKE

The forgoing instrument was acknowledged before me this 10  
 day of June, 2004, by Jo Elizabeth Henson.  
 He or she is personally known to me, or has produced Driver License  
 as identification.



*Miriam Rodriguez*  
 NOTARY PUBLIC  
 Print Name: Miriam Rodriguez  
 My commission expires: 3-30-2008  
 Commission No.: DD 305611



Gail Holston  
 City of Eustis  
 PO Drawer 68  
 Eustis, FL 32727

CFN 2003083712  
 Bk 02354 Pgs 0534 - 538; (Item 5.2)  
 DATE: 07/08/2003 08:27:01  
 JAMES C. WATKINS, CLERK OF COURT  
 LAKE COUNTY  
 RECORDING FEES 21.00  
 TRUST FUND 3.00

**CDBG PARTICIPATING PARTIES AGREEMENT BETWEEN  
 THE CITY OF EUSTIS, FLORIDA AND**

**GARY AND JO HENSON**

THIS CONTRACT AND AGREEMENT, by and between THE CITY OF EUSTIS, a political subdivision of the State of Florida, (hereinafter called the "City"), and Gary and Jo Henson on this 11 day of June, A.D. 2003

**WITNESSETH:**

WHEREAS, the City has received approval from the state of Florida Department of Community Affairs, (hereinafter called "DCA") for Small Cities Community Development Block Grant (hereinafter the "CDBG Grant"); and

WHEREAS, the City will expend funds from the CDBG Grant # 02DB-89-06-45-02-C04, as amended for Commercial Building Rehabilitation to assist Eustis merchants with facade restorations and renovations; removal of architectural barriers to handicap access in private buildings; or correction of code violations to comply with the 2001 FL Building Code related to the health, safety and/or welfare of residents; and

WHEREAS, in order for the City to receive the grant funds, the CDBG Grant Contract requires that CDBG funds be only expended on eligible activities and meet a National Objective pursuant to 24C.F.R. Part 570.202(a)(3) and for the removal of architectural barriers to handicapped persons; and

WHEREAS, the "owner(s)" of the building located at 432 North Eustis Street (the "business facility(ies)", intend(s) to complete the renovation of the building facility within six (6) months from the date of this signed agreement and make additional improvements that are necessary for the re-initiation or continuation of commerce at the business facility; and

WHEREAS, Gary and Jo Henson the "owner(s)" of the business facility intend(s) to re-initiate or continue commerce at the business facility after the rehabilitation; and

WHEREAS, because of the foregoing conditions and circumstances respecting the City's receipt of said CDBG grant funds, it is necessary that there be made certain agreements and understandings between the City and the owner(s) respecting the owner's renovations and improvements and the owner's or tenant's re-institution of commerce at the business facility;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, undertakings and representations, the City and the owner(s) and the tenant(s) do hereby agree as follows:



## I.

Conditioned upon the City receiving the CDBG Commercial Revitalization Funds budgeted from 02DB-89-06-45-02-C04 Grant, for this portion of the CDBG Grant, the City agrees to the following:

A) City shall provide funding from the CDBG Grant to the owner(s) to make eligible renovations and repairs located at the qualifying structure. This amount may not exceed \$44,000.00;

B) City shall not be obligated by reason of this agreement to expend any funds in excess of the CDBG funds actually received by City from CDBG Grant # 02DB-89-06-45-02-C04, for Commercial Rehabilitation for this purpose.

C) City shall provide the funding under the condition that the business location which qualifies for the grant is occupied by an owner business or there is a bona fide business lease tenancy to commence on or before completion of the work for which the grant is being awarded.

D) The CDBG funds will not be disbursed by the City to reimburse the owner(s) or tenant(s) for renovations completed, begun, in progress, or contracted for prior to the effective date of this agreement.

## II.

A) The owner(s) and tenant(s), if any, agree to be bound by the reasonable policies and procedures of the program. See copy attached.

B) The owner(s) may expend on eligible activities during the term of this agreement an amount not to exceed \$44,000.00 for which they will seek grant funding from the City. The documentation of the expenditures shall be provided in a form and content satisfactory to the City that allows accurate ready comparison between expenditures and related activities as defined in the CDBG Agreement. The documentation requirements shall survive the term of this agreement;

All remittances shall be by check made payable to both the contractor and the owner(s). The owner(s) and tenant(s) agree that CDBG funds will not be disbursed by the City to reimburse the owner(s) or tenant(s) for renovations completed, begun, in progress, or contracted for prior to the effective date of this agreement, nor shall said owner(s) or tenant(s) submit such invoices to the City.

C) Notwithstanding any other provision herein to the contrary, the owner(s) shall comply with all applicable laws, rules, regulations or other requirements of the City, its agencies and instrumentalities and the State of Florida, its agencies and instrumentalities, and the United States of America, and its agencies and instrumentalities, including the Florida Department of State and the U.S. Secretary of the Interior if the building is historic or historically contributing;

D) The owner(s) and tenant(s) comply with the provisions of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) as it relates to employment discrimination, and facility accessibility;

E) The owner(s) agrees and understands that the owner(s) and any contractor or contractors to be ultimately paid with CDBG funds must attend a pre-construction conference prior to the initiation of any construction. The contract for rehabilitation construction must contain, and the contractor(s) must comply with, all special clauses required by the City's grant agreement with the state, such as equal employment labor and wage provisions. Further, the City shall have the right to restrict the participation of any contractor in the Commercial Rehabilitation Program;

F) The owner(s) and tenant(s) understand that funding under this program is a privilege and not a right. Should there be any misrepresentation on the eligibility of an expenditure for funding, the City reserves the right to declare this agreement void, ab initio, and reject any claims made for funding by the owner or tenant. The Commercial Rehabilitation Application completed by the owner as well as the policies and procedures which were attached thereto are made a part of this agreement by reference;

G) That all Federal, State and local governmental approvals and reviews required by law to be obtained by the owner(s) or the tenant(s) for the renovations have been or will be obtained as required;

H) That any duly authorized representative of the City or the DCA shall, at all reasonable times, have access to any portion of the renovation, and that the period of such right of access shall continue until all close-out procedures respecting the aforesaid CDBG Grant Agreement have been completed;

I) That the owner(s) and tenant(s) have available to them sufficient funds or present borrowing capacity to complete the renovation and re-initiate or continue business operations at the business facility upon completion of said renovations;

J) That neither the owner(s), tenant(s), nor any other employees, or immediate relatives shall serve as a contractor or sub-contractor to be paid with CDBG funds, nor shall such owner, tenant, employee, or immediate relative of the same be paid for their own labor by a contractor or sub-contractor who will ultimately be paid with CDBG funds; and

K) That the owner(s) will acquire and/or maintain flood insurance on the building facility pursuant to the Flood Disaster Protection Act, Section 102(a)., if applicable.

L) That the owner(s) understands that the City's current CDBG award from DCA expires 01/2004 unless extended by the DCA and that the City will not be liable for payment to the owner(s) or tenant(s) after CDBG funds are no longer available under the present grant(s). In the event the grant is extended, this agreement may be extended at the City's discretion.

M) City funds may be utilized only to finance eligible building facade improvements, changes to bring the facility into compliance with applicable handicap access requirements, and corrections of applicable code violations.

III.

The parties hereto expressly acknowledge that nothing contained in this Agreement, or in the Grant award between the City and DCA, or any act of DCA or of the City, or of the owner(s) or tenant(s), shall be deemed or construed by the parties or by third persons to create any relationship of third-party beneficiary, or of principal and agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving said DCA and the owner(s) or tenant(s).

IV.

This agreement shall be construed under the laws of the State of Florida, and performance is agreed to be in the City of Eustis, Florida. The term of this agreement shall be from the effective date hereof and shall continue until all performances and obligations have been completed and fully complied with as required hereunder.

V.

The provisions of this Agreement are severable. If any part of this Agreement is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

The parties hereto acknowledge that the City is a conduit for funds being supplied for the purposes and pursuant to the rules and policies hereof. It is further acknowledged that the Grant provider could require City to reimburse the funds or be penalized in future grant applications or awards if the funds awarded in this Grant are not used in accordance with the rules and procedures attached hereto. Therefore in the event the undersigned, by failure to follow the terms of this agreement and attachments hereto causes City to be liable for same or to be penalized in a future grant application or award, then in such instance and upon demand, the undersigned recipient shall reimburse City the full amount awarded to the owner(s) herein.

VI.

All notices to be given hereunder shall be given by certified mail, return receipt requested, addressed to the respective parties at the following address, or to such other address or addresses as may from time to time be designated and notice given for that purpose:

Owner(s): Gary and Jo Henson  
FL 32726

Address: 432 North Eustis Street, Eustis

VII.

Subject to the limitations hereinafter set forth, the owner and tenant hereby agree to indemnify and hold harmless the State and City, it's officers, members, employees and agents harmless from the grant against all loss, cost and expense in connection with proceedings, judicial or otherwise, and claims, demands and judgments, together with costs and expenses including attorney's fees relating to thereto, arising out of damage or injury to person or property occurring in or about the business facility resulting directly from any actions of the owner, tenant, contractor, employee or agent of the business facility.

VIII.

Except as otherwise herein expressly provided, if either party shall be delayed or hindered in, prevented from, the performance of a covenant or obligation hereunder as a result of acts of God, fire or other casualty, earthquake, flood, epidemic, landslide, enemy act, war, riot, intervention by civil or military authorities of government, insurrection or other civil commotion, general unavailability of certain materials, strikes, boycotts, lockouts or labor disputes beyond the complete control of either party hereto, then the performance of such covenant or obligation, shall be excused for the period of such delay, hindrance or prevention and the period of the performance of such covenant or obligation shall be extended by the number of days equivalent to the number of days of such delay, hindrance of prevention, subject to the City's grant award deadline imposed by the DCA.

IX.

This Agreement is executed in multiple counterparts, each of which shall have the effect and dignity of an original, but all of which shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement, each duly authorized so to do, effective the day and year first above stated.

Owner(s): Gary and Jo Henson

Building: Raintree Books - 432 North Eustis Street

Signature of Owner(s) [Signature] Date: 6/10/03

Witness: [Signature]

City of Eustis

[Signature] Date 6-11-03  
Michael G. Stearman  
City Manager

Witness: [Signature]

Attest: [Signature]



**EXHIBIT A**

Item 5.2

This instrument was prepared by:  
Sasha O. Garcia, Esq.  
City Attorney  
City of Eustis  
P.O. Drawer 68  
Eustis, FL 32727-0068

RETURN TO:  
CITY CLERK  
CITY OF EUSTIS  
P.O. DRAWER 68  
EUSTIS, FL 32726-0068

**RELEASE OF LIEN**

**WHEREAS**, the undersigned, the authorized agent of the CITY OF EUSTIS, FLORIDA, a Florida Municipal Corporation, having recorded an Agreement for Lien against the property of Gary Henson and Jo Henson, on June 30, 2004, in Book 2603, Pages 2385-2386, in the office of the Clerk of the Circuit Court, Lake County, State of Florida, against real property in said County described as follows:

**EUSTIS, CLIFFORD PARK LOTS 2,3,4, BLK 9 ORB 1978 PG 1320**

(Also known as 432 North Eustis Street, Eustis, FL 32726).

**NOW, THEREFORE**, the undersigned, in consideration of value received, does hereby fully release and discharge its lien or any right to claim a lien created by the Agreement for Lien executed on June 10, 2004 and recorded on June 30, 2004, in said records of Lake County, Florida.

**SIGNED, SEALED, and DELIVERED** this \_\_\_\_ day of September, 2023.

**CITY OF EUSTIS, FLORIDA**  
**a Municipal Florida Corporation**

\_\_\_\_\_  
Tom Carrino, City Manager

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**STATE OF FLORIDA**  
**COUNTY OF LAKE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Tom Carrino, City Manager and Christine Halloran, City Clerk, who are personally known to me and who are well known to me to be the City Manager and City Clerk respectively of the corporation, and that they severally acknowledged executing the Release of Lien freely and voluntarily under the authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of September, 2023.

\_\_\_\_\_  
Notary Public - State of Florida



# City of Eustis

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

TO: EUSTIS CITY COMMISSION  
 FROM: TOM CARRINO, CITY MANAGER  
 DATE: SEPTEMBER 7, 2023  
 RE: RESOLUTION NUMBER 23-75: TENTATIVE MILLAGE RATE FOR THE FISCAL YEAR 2023-2024

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## Introduction

Resolution Number 23-75 establishes the TENTATIVE millage rate for FY 2023-2024 as **7.5810** mills.

## Recommended Action

Staff recommends approval of Resolution Number 23-75.

## Background

Florida State Statutes require each taxing authority to set a millage rate annually for property taxation following required public hearings. The City Commission set the proposed rate of 7.5810 mills at the meeting of the Budget Workshop held on July 20<sup>th</sup>, 2023. The Property Appraiser used that information to prepare TRIM notices distributed on August 18<sup>th</sup>, 2023.

The current millage rate of 7.5810 has been consistent over the past ten years.

Since last year, the adjusted tax roll (before new construction and annexation) increased by \$25,004,090, from \$1,347,838,047 to \$1,449,445,620. This year's total tax value of \$11,367,297 represents an increase of 9.3%.

Based on that valuation, the Commission may consider any of the following options in setting a millage rate for the 2023-2024 Fiscal Year:

1. The Current Millage Rate of 7.5810 mills. This rate would generate revenues sufficient to counter annual increases in normal city operating costs and allow for continuing current service levels. This rate can be approved with a two-thirds vote of the Commission (at least four commissioners) and would be advertised as a tax increase. This proposed millage rate is greater than the Roll-Back Rate representing an increase of 9.3%.
2. The Roll-Back Rate of 7.0158 mills. This rate approximates prior year tax revenues less allowances for new construction, additions, deletions, annexations, and improvements. This rate can be approved with a majority vote of the Commission (at least three commissioners) and would not be advertised as a tax increase.
3. Some other millage rate between 7.0158 and 7.5810. Any rate over the Roll-Back rate would be advertised as a tax 9.3% increase and requires a two-thirds vote of the Commission.
4. A millage rate over 7.5810 to the maximum allowed 8.0600 would require a two-thirds vote. However, there are other viable options due to the re-issuance of TRIM notices.

Staff recommends setting the Fiscal Year 2023-2024 rate at the current rate of 7.5810 mills to support the revenue assumptions of the proposed budget. State Law allows for the rate reduction during either or both public hearings in September. An increase to the proposed rate at the first hearing, per Florida Statutes 200.065, requires first-class notice to all taxpayers of the City since TRIM notices have already been mailed. This would endanger the City’s ability to adopt the final millage and budget in time to meet the State-mandated deadlines in September. This could result in the forfeiture of all Ad-Valorem revenue.

The City’s share of a home assessed with a taxable value of \$200,000 with homestead exemptions of \$50,000 would be an annual Eustis tax of \$1,137, or about \$3.15 per day, for services provided by Police, Fire, Library, Parks & Recreation, Finance, Administration, Development Services, Human Resources, and Public Works departments. The Roll-Back Rate of 7.0158 mills would produce an annual Eustis tax of \$1,052 or about \$2.74 per day. The annual difference between the proposed millage and the Roll-Back Rate is \$85, which equates to savings of \$7.08 monthly or \$0.23 daily.

While the City of Eustis has the highest stand-alone millage rate in the County, we utilize what is defined as the **Functional Millage Rate**. The Functional rate adds in the transfers from enterprise funds to the general fund as well as Fire assessment fees. As of the writing of this report, we have information for Leesburg, Mount Dora and Tavares as follows:

**Functional Millage Rate**  
**Fiscal Year September 30, 2023-24**  
**Millage Rate Comparison Northern Area Cities with One Billion in Property Values**  
**Include Millage Rate for Transfer and Fire Assessment**

Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest	Rank Lowest to Highest
2022 Taxable Value as Reported October 1	Taxable Value Per 1,000	Millage Rate	Millage Rate	Transfer to the General Fund	Millage Rate Needed to accommodate Transfer to the General Fund	Fire Assessment Fees	Millage Value of Fire Assessment	Total Functional Millage	Functional Millage Rate		
Leesburg	2,503,590,902	2,503,591	1	3.4752	2	11,511,497	4.5980	2,929,680	1.1702	9.2434	2
Eustis	1,495,547,405	1,495,547	4	7.5810	6	2,300,000	1.5379	-	-	9.1189	1
Mount Dora	1,801,717,863	1,801,718	2	6.1000	4	4,194,250	2.3279	2,054,593	1.1404	9.5683	3
Tavares	1,489,265,550	1,489,266	3	6.7778	5	3,276,404	2.2000	1,940,407	1.3029	10.2807	4

The City of Eustis has traditionally tried to be transparent with property taxes. As such, Eustis has limited transfers from enterprise funds and has not instituted a fire assessment fee. When you add in transfers to the General Fund and fire assessment fees, our functional millage rate is the lowest in the area. The City has maintained lower transfers which help keep rates low for our residents, and we include the cost of fire service within our millage rate.

The Proposed TENTATIVE Budget that is presented for the September 7<sup>th</sup>, 2023 regular was prepared with revenue estimates based on the current millage rate of 7.5810.

State Law requires two public hearings on the millage rate and budget. The first public hearing is on September 7<sup>th</sup>, 2023, and the second is scheduled for September 21<sup>st</sup>, 2023. The new fiscal year begins on October 1<sup>st</sup>, 2023.

**Alternatives**

1. Set the TENTATIVE millage rate at the current rate of **7.5810** mills.
2. Set the TENTATIVE millage rate at the Roll-Back rate of **7.0158** mills.
3. Set the TENTATIVE millage rate at another rate between **7.0158** and **7.5810**.

**Discussion of Alternatives**

1. Sets the TENTATIVE millage rate at 7.5810 mills.

- a. Advantages
    - i. Provides more recurring revenues and replaces lost revenues resulting from previous declines in property values.
    - ii. Provides a better opportunity to balance revenues and expenditures for the upcoming fiscal year.
    - iii. Requires only a minimal increase in the average property owner's taxes.
    - iv. Allows for the continuation of the current service levels.
    - v. Allows the City to provide fire services included in the millage rate with no further cost to the citizens.
    - vi. This rate is the basis of the proposed Fiscal Year 2023-2024 budget.
  - b. Disadvantages
    - i. Provides higher property taxes than the Roll-Back rate of 7.0158 and would be advertised by law as a 9.3% tax increase.
2. Sets the tentative millage rate at the Roll-Back rate of 7.0158 mils.
    - a. Advantages:
      - i. Could hold property taxes at approximately the same amount as the prior year.
      - ii. It would not need to be advertised as a tax increase.
    - b. Disadvantages:
      - iii. The rate would generate significantly less tax revenue for the city (approximately \$805,112 less than the current millage rate).
      - iv. The rate would require the use of fund balance to balance the General Fund budget. The current net increase in fund balance using the proposed millage rate is \$431,948. Going to the Roll-Back Rate would reduce the positive increase to a decrease in current year net expenditures over revenue resulting in a deficit of \$373,164 (\$431,948 - \$805,112).
      - v. The rate would require expenditure reductions to balance the budget.
      - vi. The rate could result in a reduction in the City's current levels of service.
  3. Sets the TENTATIVE millage rate at some other rate between the Roll-Back rate of 7.0158 and the current millage of 7.5810.
    - a. Advantages:
      - i. If the rate selected is less than the current rate of 7.5810 mils, it could reduce the property tax for the taxpayer depending on the rate selected.
    - b. Disadvantages:
      - i. If the rate selected is less than the current rate of 7.5810 mils, it would reduce the City's tax revenue, potentially requiring fund balance and significant expenditure reductions. It could result in a reduction in the City's current levels of service. Each .1000 millage reduction equates to \$142,447.

### **Budget and Staff Impact**

Staff prepared the Fiscal Year 2023-2024 budget using the current millage rate of 7.5810, resulting in an estimated increase in property taxes of \$1,153,958 compared to the Fiscal Year 2022-23 proposed tax estimates. If the millage rate is set lower than the 7.5810 proposed, it may require a reduction in reserves or a reduction in proposed General Fund expenditures to balance the budget.

**Prepared By:** Nailya Harnisch, Deputy Finance Director

**Reviewed By:** Mike Sheppard, Finance Director



**RESOLUTION NUMBER 23-75**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE LEVY OF AD VALOREM TAXES FOR THE CITY OF EUSTIS, LAKE COUNTY, FOR THE FISCAL YEAR 2023-2024, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 7<sup>th</sup>, 2023, the City of Eustis, Lake County, Florida, held a public hearing on the Fiscal Year 2023-2024 TENTATIVE Millage Rate, as required by Florida Statute 200.065; and

**WHEREAS**, the City of Eustis of Lake County, Florida, adopted the Fiscal Year 2023-2024 TENTATIVE Millage Rate following the public hearing; and

**WHEREAS**, the gross taxable value for operating purposes not exempt from taxation within the City of Eustis, Lake County, Florida, has been certified by the Lake County Property Appraiser to the City of Eustis as \$1,499,445,620.

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

**SECTION 1**

That the FY 2023-2024 tentative operating millage rate is 7.5810 mills, which is greater than the rolled-back rate of 7.0158 mills and increases taxes by 9.3%.

**SECTION 2**

That this Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED** this 7<sup>th</sup> day of September 2023, in the regular session of the City Commission of the City of Eustis, Lake County, Florida.

Time Adopted \_\_\_\_\_

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September 2023 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 23-75 is hereby approved. I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk



# City of Eustis

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

TO: EUSTIS CITY COMMISSION  
 FROM: TOM CARRINO, CITY MANAGER  
 DATE: SEPTEMBER 7, 2023  
 RE: RESOLUTION NUMBER 23-76: ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR 2023-2024

## Introduction

Resolution Number 23-76 adopts the TENTATIVE Budget for FY 2023-2024 after the required public hearing.

## Recommended Action

Staff recommends approval of Resolution Number 23-76.

## Background

Florida State Statutes require each taxing authority to adopt tentative and final budgets annually. The law also requires that the local government hold a public hearing before adopting each of those budgets. The public hearings and adoption of the budget take place after the public hearing and adoption of the millage rates. The TRIM notice that was sent to all property owners in August notified all Eustis property owners of the proposed millage rate and the date of the first public hearing on the millage. The City will advertise the adoption of the final budget and the notice of tax increase before the second public hearing per state law. The second and final hearing will be held on September 21<sup>st</sup>, 2023.

The proposed tentative budget has been prepared based on Commission directives authorized at the Budget Workshops. Those directives included the adoption of the current millage rate of 7.5810. The budget has been prepared in compliance with the requirements of the City Charter and appropriate State Statutes. It is consistent with the provisions of the City's Financial Policies adopted in 2015.

The General Fund Budget, as proposed, contains more revenues than expenditures for Fiscal Year 2023-2024. The proposed tentative budget also includes funding for employee compensation increases, insurance increases, and the Capital Improvement Plan funding. The City will advertise the budget on the City website as State Law requires, and a copy will be provided to the Commission with this agenda item.

## Alternatives

1. Adopt Resolution Number 23-76 and approve the budget presented as TENTATIVE.
2. Direct staff to make specific changes to the budget and immediately adopt the revised version as TENTATIVE during the hearing.

## Discussion of Alternatives

1. **Alternative 1** provides for adopting Resolution Number 23-76 and approving the budget presented as TENTATIVE.
  - a. Advantages:
    - i. The proposed tentative budget maintains all service levels and enhances Recreation by adding staffing, programs, and expansion of pool services and Police and Fire Services.
    - ii. There is funding to implement the City's Strategic Plan.
    - iii. There is funding to address employee pay increases based on performance and set forth a plan to bring the City to the required minimum wage within the next three years.
    - iv. General Fund revenues exceed expenses with a surplus of \$431,948, however, overall expenses do surpass overall revenues by \$4,853,589. This is attributable to numerous one-time projects within the Water and Sewer Funds (WWTP Expansion as well as other projects), Street Improvement Fund (crosswalks/intersections), CRA, Stormwater (culvert replacement), Law Enforcement Impact Fund (evidence storage), Water & Sewer Impact Funds (expansion reclaim, tanks and force man extensions) and Economic Development (matching grants/incubator). All funds associated with the above have positive fund balances as of 9-30-2024. Many of them are designed to collect sufficient funds, which in turn are expended to cover large projects.
    - v. The Budgets are balanced and utilize reserve funds only as authorized by the City Commission.
  - b. Disadvantages:
    - i. Although the millage rate of 7.5810 mills is the same as the prior year, it exceeds the rollback rate and must be advertised as a tax increase.
2. **Alternative 2** directs staff to make specific changes to the budget and immediately adopt the revised version as TENTATIVE during the hearing. The budget must be revised accordingly if the Commission approves a millage rate other than 7.5810.
  - a. Advantages:
    - i. Provides an opportunity for the Commission to revise the budget.
    - ii. Could provide an opportunity for further cost reductions, priority shifts, and reductions/changes in services.
  - b. Disadvantages:
    - i. If the millage rate is reduced, expenditures may have to be reduced to maintain the balance of revenues and expenditures.
    - ii. If the millage rate or expenditures are reduced, service levels will likely have to be reduced accordingly.
    - iii. If expenditures are increased, the Commission must provide additional revenue from the fund balance or other funding sources.
    - iv. A change in the millage rate could affect previously established City Commission priorities.
    - v. A change in the millage rate could delay the adoption of the TENTATIVE Budget and hinder compliance with State Law.

**Community Input**

There will be sufficient time for input at the public hearings held before the tentative and final budgets are adopted. There was also sufficient time for input at all the preceding budget and millage-related Commission workshops and meetings.

**Budget and Staff Impact**

As presented, there are budgeted revenues and expenditures citywide of \$67,048,640 and \$71,902,229, respectively, estimated reserves of \$63,292,074, and fund balances totaling \$98,851,750 at the end of September 30<sup>th</sup>, 2023.

**Prepared By:**

Nailya Harnisch, Deputy Finance Director

**Reviewed By:**

Mike Sheppard, Finance Director

**RESOLUTION NUMBER 23-76**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE FISCAL YEAR 2023-2024, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 7<sup>th</sup>, 2023, the City of Eustis, Lake County, Florida, held a public hearing as required by Florida Statute 200.065; and

**WHEREAS**, the City of Eustis of Lake County, Florida, set forth the appropriations and revenue estimates for the Final Budget for the Fiscal Year 2023-2024 for \$98,851,750.

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

**SECTION 1**

That the Fiscal Year 2023-2024 TENTATIVE Budget is hereby adopted in the total revenue and expenditures in the amount of \$67,048,640 and \$71,902,229, respectively, with an estimated ending reserve balance of \$63,292,074 and a fund balance totaling \$98,851,750 as more particularly outlined in "EXHIBIT A," attached hereto and made a part hereof.

**SECTION 2**

That this Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED** this 7<sup>th</sup> day of September 2023, in the regular session of the City Commission of the City of Eustis, Lake County, Florida.

Time Adopted \_\_\_\_\_

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7<sup>th</sup> day of September 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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

**CERTIFICATE OF POSTING**

The foregoing Resolution Number 23-76 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

## EXHIBIT A

**All Funds Budget Summary**  
**Fiscal Year 2023-24**

<b>Fund No.</b>	<b>Fund Name</b>	<b>Estimated Beginning Fund Balance</b>	<b>Plus: Revenues</b>	<b>Less: Expenditures</b>	<b>Less: Reserves</b>	<b>Estimated Available Fund Balance</b>	<b>Estimated Ending Fund Balance</b>
001	General	15,582,735	24,318,859	23,886,911	5,971,728	10,042,955	16,014,683
	Library						
006	Contribution	27,429	1,965	8,200	29,726	(8,532)	21,194
010	Sales Tax Revenue	1,546,417	5,480,741	6,043,046	-	984,112	984,112
	Law Enforcement						
011	Education	51,966	53,700	73,000	32,666	-	32,666
012	Police Forfeiture	(1,754)	20,900	13,900	-	5,246	5,246
013	Street Improvement	764,308	2,110,794	2,783,020	-	92,082	92,082
	Community						
014	Redevelopment	1,480,790	1,477,897	1,610,967	397,224	950,496	1,347,720
020	Building Services	1,330,090	1,155,900	787,596	194,201	1,504,193	1,698,394
	Stormwater Utility						
049	Revenue	707,546	890,200	994,493	248,623	354,630	603,253
	Water & Sewer						
040	Revenue	17,616,542	13,697,300	14,249,351	3,513,534	13,550,957	17,064,491
	Reclaimed Water						
041	Projects	170,109	2,600	-	-	172,709	172,709
042	Water & Sewer R&R	13,543,195	9,972,942	15,734,463	-	7,781,674	7,781,674
	Fire Prevent.						
059	Capacity Exp. Trust	87,542	42,500	1,400	-	128,642	128,642
	Greenwood						
060	Cemetery Trust	299,835	17,200	43,000	274,035	-	274,035
061	Police Pension	22,784,388	3,453,000	1,900,000	24,337,388	-	24,337,388
062	Fire Pension	12,875,633	2,915,000	1,250,000	14,540,633	-	14,540,633
	Parks & Rec						
063	Capacity Exp. Trust	306,107	95,000	3,100	398,007	-	398,007
	Law Enforce.						
064	Capacity Exp. Trust	408,027	44,200	201,065	251,162	-	251,162
065	Water Impact Trust	7,431,168	166,000	1,128,000	6,469,168	-	6,469,168
066	Sewer Impact Trust	6,494,014	712,800	691,337	6,515,477	-	6,515,477
	Economic						
068	Development Trust	104,650	377,642	481,780	-	512	512
	Library Capacity						
069	Exp. Trust	94,602	41,500	17,600	118,502	-	118,502
	<b>TOTAL</b>	<b>103,705,339</b>	<b>67,048,640</b>	<b>71,902,229</b>	<b>63,292,074</b>	<b>35,559,676</b>	<b>98,851,750</b>





# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: SEPTEMBER 7, 2023

RE: RESOLUTION NUMBER 23-79: APPROVING THE FIRST AMENDMENT TO THE EDUCATIONAL DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EUSTIS AND LAKE-SUMTER STATE COLLEGE FOUNDATION, INC., AND THE DISTRICT BOARD OF TRUSTEES OF LAKE-SUMTER STATE COLLEGE

## Introduction:

In order to support the economic impact Lake-Sumter State College has on the City of Eustis, and its ability to meet the growing workforce demand for licensed commercial truck drivers and utility lineworkers, the City Commission, at its November 17, 2022 meeting approved the donation of a 4-acre parcel of land to the College. Staff was directed to work with the college to identify a suitable parcel for ownership transfer for construction of a Lake-Sumter State College Commercial Driver's License and Utility Lineworker Training Facility. At the January 5, 2023 meeting, staff shared with City Commission the 4-acre parcel that it was recommending for Commission approval. The subject 4-acres is part of a larger 13.71-acre parcel located at the southwestern corner of Hicks Ditch Road and SR 44, identified by the Lake County Property Appraiser by Alternate Key #1428441.

In accepting ownership of the subject property Lake-Sumter State College agreed that it would grant the City a 30 ft utility easement along the full length of the northern (SR44) and eastern boundaries (Hicks Ditch Road) of the property, which would be designated on the recorded special warranty deed.

City Commission authorized the City Manager to execute an Educational Development Agreement with Lake-Sumter State College for the construction of the Lake-Sumter State College Commercial Driver's License and Utility Lineworker Training Facility.

Subsequent to the execution of the original agreement LSSC is proposing amendment language that expands on the educational use of the land, extends the previous closing date, revises the prior reversionary language, and several other technical or clarifying changes. Below is a summary of the substantive amendatory provisions.

1. The College shall notify the City in writing and request City approval for an alternate educational use at the Property. The City shall not object to the

- College's intended use if the use is considered educational in nature as determined by the City at its reasonable discretion.
2. All notices required by this Agreement shall be sent in writing via certified mail, return receipt requested or via mail delivery requiring signature to the City Manager and College President.
  3. The College is granted an extension of time to close on the Property, but no later than September 21, 2023.
  4. The Property will be conveyed to Lake-Sumter State College, not the College's Foundation.
  5. The College will not convey, sell or otherwise transfer its interest in the Property for any purpose without written approval from the City. The reversionary language revision now includes this express restriction to be included in the deed.
  6. The Property reverts to the City if LSSC fails to comply with terms and provisions of the Agreement.

**Staff Recommendation**

Approve Resolution Number 23-79 authorizing the City Manager to execute the Educational Development Agreement First Amendment.

**Prepared by:**

Al Latimer, Economic Development Director

**Attachments:**

Resolution Number 23-79 with Attached Educational Development Agreement First Amendment

**RESOLUTION NUMBER 23-79**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; APPROVING THE FIRST AMENDMENT TO THE EDUCATIONAL DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EUSTIS AND LAKE-SUMTER STATE COLLEGE FOUNDATION, INC., AND THE DISTRICT BOARD OF TRUSTEES OF LAKE-SUMTER STATE COLLEGE CONCERNING THE CONVEYANCE OF A FOUR-ACRE PARCEL OF CITY-OWNED PROPERTY TO BUILD A COMMERCIAL DRIVER'S LICENSE AND UTILITY LINeworker TRAINING FACILITY; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lake-Sumter State College wishes to build a Commercial Driver's License and Utility Lineworker Training Facility in the City of Eustis; and

**WHEREAS**, Lake-Sumter State College sent a letter to the City Commission requesting the City donate four acres of land for this purpose; and

**WHEREAS**, at the November 17, 2022, regular City Commission meeting, the Commission approved Lake-Sumter State College's request and asked City staff to work with the College staff to identify a mutually agreed upon parcel of land; and

**WHEREAS**, the City of Eustis owns the 13.71-acre parcel of land located at the western corner of Hicks Ditch Road and SR 44, identified by the Lake County Property Appraiser by Alternate Key #1428441; and

**WHEREAS**, four acres from within the larger 13.71-acre parcel has been identified as suitable for the construction of the Lake-Sumter State College Commercial Driver's License and Utility Lineworker Training Facility; and

**WHEREAS**, in accepting ownership of the aforementioned property Lake-Sumter State College agrees to grant the City a 30 ft utility easement along the full length of the northern (SR44) and eastern boundaries (Hicks Ditch Road) of the property; and

**WHEREAS**, Lake-Sumter State College further agrees that the easement shall be designated on the recorded deed; and

**WHEREAS**, the Commercial Driver's License and Utility Lineworker programs are in need of expansion due to increased workforce demand; and

**WHEREAS**, the proposed project serves a public purpose by having a positive impact on the local economy and workforce development efforts, thereby providing a benefit to the City of Eustis and its citizens; and

**WHEREAS**, at the January 5, 2023, regular City Commission meeting, the Commission approved Resolution Number 23-01 which authorized the City Manager to execute an

Educational Development Agreement with Lake-Sumter State College facilitating the land transfer; and

**WHEREAS**, both parties mutually agree to further clarify the Educational Development Agreement with a First Amendment; and

**WHEREAS**, the First Amendment expands on the educational use of the property, extends the closing date, revises the prior reversionary language, among other miscellaneous provisions; and would facilitate the land transfer to the College.

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

Section 1. The City Commission hereby approves the Educational Development Agreement First Amendment as presented to facilitate the transfer of ownership of the four-acre parcel.

Section 2. The City Commission hereby authorizes the City Manager to execute the Educational Development Agreement First Amendment and all documents and instruments as may be necessary to transfer the previously identified four-acre parcel to Lake-Sumter State College.

Section 3. This Resolution shall become effective upon passage.

**DONE AND RESOLVED** this 7<sup>th</sup> day of September, 2023, in Regular Session of the City Commission of the City of Eustis, Florida.

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of September, 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:  
Notary Serial Number:

**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 23-79 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

**EDUCATIONAL DEVELOPMENT AGREEMENT FIRST AMENDMENT**

THIS FIRST AMENDMENT modifies that certain "EDUCATIONAL DEVELOPMENT AGREEMENT" dated \_\_\_\_\_ (hereafter the "**Agreement**"), between the CITY OF EUSTIS ("**Grantor**") and LAKE-SUMTER STATE COLLEGE FOUNDATION, INC., and THE DISTRICT BOARD OF TRUSTEES OF LAKE-SUMTER STATE COLLEGE (collectively "**Grantee**") concerning the conveyance of the real property referenced in the Agreement.

Grantor and Grantee hereby make the following terms and conditions part of the Agreement:

**1. Consideration.** The initial authorized use for this Property shall be for the Commercial Driver's License and Utility Lineworker Training Facility and related educational/training courses. If, after the Commercial Driver's License and Utility Lineworker Training Facility is built and the program is running, the College wishes to discontinue the program and offer an alternate educational use at the Property, the College shall notify the City in writing of their intent to do so no later than ninety (90) days prior to implementing the alternate educational use. The City shall not object to the College's intended use if the use is considered educational in nature as determined by the City at its reasonable discretion. The City shall provide the College with written confirmation of its approval or its objection to the intended use as soon as possible, but no later than sixty (60) days after being notified by the College. If the City fails to provide notice to the College as specified herein, approval will be considered to have been given to the College for intended use. If the College fails to provide notice to the City as specified herein, the City at its sole discretion may deem it a breach of the terms of the Agreement resulting in the Property reverting to back to the City.

Per the Agreement, once the Commercial Driver's License and Utility Lineworker Training Facility is built and the program is running, the College shall provide the City free of charge five (5) training slots per year in perpetuity. If the College discontinues the Commercial Driver's License and Utility Lineworker Training Program and the City approves an alternate educational use at the Property, within sixty (60) days of receipt of the City's approval the College shall enter into an agreement with the City providing comparable scholarships in perpetuity to the City for individuals meeting the educational program qualifications.

The College must notify the City and obtain the necessary written approval as stated herein each time the College seeks to change the current authorized educational use of Property.

**2. Notices.** All notices required by this Agreement shall be sent in writing via certified mail, return receipt requested or via mail delivery requiring signature. Courtesy copies may be sent via email, however electronic mail shall not satisfy the notice requirement. Notice shall be sent to the parties as stated below:

**City of Eustis**

City Manager

10 N. Grove Street

Eustis, FL 32726

(with a copy to the City Attorney listed on the City's website)

**Lake-Sumter State College Foundation, Inc./Lake-Sumter State College**

College President

9501 US Highway 441  
Leesburg, FL 34788

**3. Extension of Closing Date.** The Closing Date of this transaction is hereby extended and shall occur on or before September 21, 2023.

**4. Title.** Grantor and Grantee agree that title to the Property will be conveyed to Lake-Sumter State College (the "College") and not Lake-Sumter State College Foundation, Inc. The College shall not convey, sell or otherwise transfer its interest in the Property for any purpose without the prior written consent of the City.

**5. The City's Reversionary Interest and Conveyance Restriction.** The College acknowledges that the special warranty deed, which transfers title of the Property, will contain the following reversionary language:

"Absent a written agreement by the Grantor to subordinate its reversionary interest, if the Grantee fails to initially construct and operate a Commercial Driver's License and Utility Lineworker Training Facility as specified in the Educational Development Agreement between the Grantor and Grantee, and thereafter use the Property for an educational purpose for which the Grantor has provided the Grantee written approval for, then all right, title, and interest in the Property, as well as all buildings, structures, fixtures, and other improvements on the Property shall revert to the Grantor and shall be deemed the Grantor's sole and exclusive property, as allowed by law. If title of the Property and all buildings, structures, fixtures, and improvements revert to the Grantor, the Grantee shall not receive any compensation for the Property, or any buildings, structures, fixtures, and improvements located on the Property."

"Furthermore, without the Grantor's prior written consent, the Grantee shall not convey, sell or otherwise transfer this Property."

Title to the Property shall revert to the City in the event the College fails, in any respect, to comply with the terms and provisions of this Agreement including, but not limited to, the duties imposed upon the College which arise subsequent to the date of transfer of the Property.

The City, at its sole discretion, may waive the requirement for the College to grant the City Manager the power of attorney referenced in Article VIII (Damages) of the parties' Agreement.

**6. Agreement Terms and Conditions.** All terms and conditions of the Agreement not otherwise modified hereby shall remain in full force and effect. Any conflicts between the Agreement and this Amendment shall be controlled by this Amendment.

**7. City Commission Approval.** This First Amendment must be approved by the Eustis City Commission via Resolution.

IN WITNESS WHEREOF, the parties have executed this addendum on the \_\_\_\_ day of \_\_\_\_\_, 2023.

City of Eustis

By: \_\_\_\_\_  
Tom Carrino, City Manager

Attest : \_\_\_\_\_  
Christine Halloran, City Clerk

College: Heather Bigard  
Dr. Heather Bigard, President  
Lake-Sumter State College Foundation, Inc.  
9501 US Highway 441  
Leesburg, FL 34788

STATE OF FLORIDA )  
COUNTY OF LAKE )

On this 22 day of August, 2023 before me, a notary public in and for the county and state, personally appeared Tom Carrino, City Manager of the City of Eustis and Christine Halloran, City Clerk of the City of Eustis, who are personally known to me to be the same persons who executed the foregoing instrument and who duly acknowledge the execution of the same.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

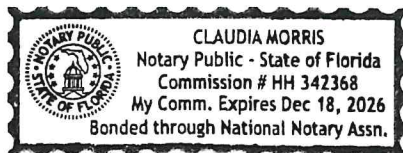
\_\_\_\_\_  
Notary Public

STATE OF FLORIDA )  
COUNTY OF LAKE )

On this 22 day of August, 2023 before me, a notary public in and for the county and state, personally appeared Heather Bigard, President of Lake-Sumter State College Foundation, Inc. and Lake-Sumter State College, who is personally known to me to be the same person who executed the foregoing instrument and who duly acknowledges the execution of the same.

Witness my hand and seal this 22 day of August, 2023.

Claudia Morris  
Notary Public







# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: September 7, 2023

RE: **SECOND READING:** Ordinance Number 23-22: Conditional Use Permit for an Accessory Dwelling Unit at 34534 Estes Road

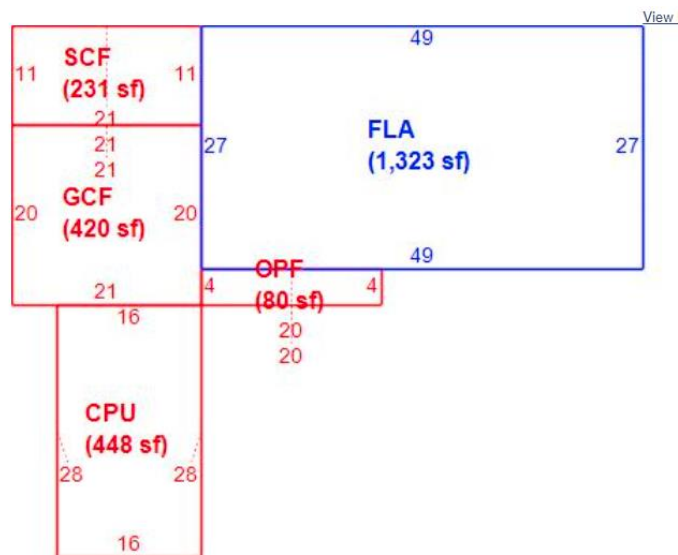
## Introduction:

This is the second reading for Ordinance Number 23-22, which approves a Conditional Use Permit for an accessory dwelling unit to an existing single-family residence in the Rural Residential (RR) land use district for property located at 34534 Estes Road. This will be new construction to create the accessory dwelling unit. The intent in the short term will be for the use of a family member.

## Background:

### 1. Pertinent Site Information:

- a. The subject property located at 34534 Estes Road comprises approximately 1.0 acres in size.
- b. A 1-story single-family, primary residential structure exists onsite.



- c. There are no previous uses onsite beyond that of a residential one, and the current use is also that of a residence.

- d. The surrounding properties' land use and design district designations are Suburban Residential and Suburban Neighborhood to the east, and Lake County Urban Low to the South, West, and North.

## 2. **Applicant's Request**

The applicant requests approval to permit a free-standing accessory dwelling unit in the Rural Residential land use district. The dwelling unit will be used in the immediate timeframe as an accessory apartment for a family member and potentially a rental unit in the future, the apartment unit will occupy a 960-square-foot structure.

## 3. **Analysis and Summary:**

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations, and City Code. Accordingly, staff has reviewed this conditional use request with consideration of the following.

The Comprehensive Plan: The Rural Residential (RR) land use applies to residential areas which are typically adjacent to other larger lot residential development. This designation provides for large lot development near or on the periphery of the Eustis urbanized area. Low density designation is a proven effective means for delaying development until growth can be accommodated in an orderly economical fashion. Mainly, this category is seen as providing a low density estate-type housing environment preferred by a segment of the local population. Principal locations are near East Crooked Lake, Lake Joanna, Lake Yale, and around certain lakes in the eastern portion of the City.

Section 109-4 (Use Regulation Table) allows an accessory apartment as a conditional use within the Rural Residential (RR) land use district.

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

"Location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses."

The Conditional Use review allows the City Commission to attach conditions, limitations, and requirements to a conditional use permit to prevent or minimize adverse effects upon other properties in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

## 4. **Compatibility**

The existing structure was originally constructed as a single-family home in 1978. County and City records indicate the use of the structure continues to be as a single-family residence, and the exterior of the structure has not been modified to alter its appearance as a single-family home. There is an existing driveway garage and carport that will serve the new accessory dwelling unit and the single-family residence.

Surrounding land uses have not changed considerably over the years and remain primarily residential.

The single accessory dwelling unit use will not generate sufficient traffic to require a traffic study or pose any detriment to the surrounding area.

The lot is 1.0 acres in size with the existing footprint of the existing home, accessory structures, and driveway at roughly 4,000 square feet of total coverage. The addition of the proposed accessory dwelling unit (960 square feet) will not exceed the maximum impervious surface for the Rural Residential (RR) land use district. The maximum ISR for the RR district is 20 percent.

#### 5. **Conclusion**

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses and with no major exterior change to the existing buildings, which will not affect the intensity of the property or the capacity of any public facilities. Application for a Building Permit will be required and said application will need to show that the maximum impervious surface will not exceed 20 percent.

#### **Recommended Action:**

Recommend approval of the Conditional Use Permit with conditions:

1. The applicant proposes to design and build a new accessory dwelling unit to the rear of the existing single-family residence and connect it with a breezeway. The addition will be approximately 960 square feet.
2. Building permits must be obtained before construction.
3. Payment of applicable impact fees is required.
4. Maximum Impervious Surface Ratio of the property shall remain consistent with the Rural Residential district requirements.

#### **Policy Implications:**

None

#### **Alternatives:**

Approval of Ordinance Number 23-22

Denial of Ordinance Number 23-22

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

None

#### **Prepared By:**

Jeff Richardson, AICP, Deputy Director, Development Services

#### **Reviewed By:**

Mike Lane, AICP, Director, Development Services

**ORDINANCE NUMBER 23-22**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT TO AN EXISTING SINGLE-FAMILY RESIDENCE IN THE RURAL RESIDENTIAL (RR) FUTURE LAND USE DISTRICT ON APPROXIMATELY 1.0 ACRES LOCATED AT 34534 ESTES RD (ALTERNATE KEY NUMBER 1461600).**

**WHEREAS**, Betty Gaard, property owner, has applied for a Conditional Use Permit for a free-standing accessory dwelling unit to be located at 34534 Estes Road; and

**WHEREAS**, the subject property has a Land Use Designation of Rural Residential (RR) and a Design District Designation of Urban Neighborhood; and

**WHEREAS**, an accessory dwelling unit is permitted as a Conditional Use in the Rural Residential Land Use District; and

**WHEREAS**, the request for a Conditional Use Permit was properly Noticed for a Quasi-Judicial Public Hearing before the City Commission; and

**WHEREAS**, on August 17, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, on September 7, 2023, the City Commission held the 2<sup>nd</sup> Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, the proposed conditional use is consistent with the City's Land Development Regulations, Comprehensive Plan, and Code of Ordinances; and

**WHEREAS**, the applicant has presented evidence to establish the following:

1. That the proposed use is desirable at the particular location.
2. That the proposed conditional use will not have an undue adverse effect on nearby property.
3. That such use will not be detrimental to the health, safety, or general welfare of the citizens residing in the area.
4. That the proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

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

**Section 1.** That a Conditional Use Permit is granted for an accessory dwelling unit on approximately 1.0 acres located at 34534 Estes Road, more particularly described as:

EUSTIS, MELODY HILLS SUB LOT 7 PB 23 PG 17 ORB 5827 PG 2036 ORB  
6165 PG 2

ALTERNATE KEY NUMBER: 1461600  
PARCEL NUMBER: 08-19-27-0101-000-00700

**Section 2.** That the conditions of approval require that the accessory use meets all applicable provisions of the Land Development Regulations and the City Code of Ordinances and complies with the following specific conditions and limitations:

1. The applicant proposes to design and build a new accessory dwelling unit to the rear of the existing single-family residence and be allowed to connect it with a breezeway. The addition will be approximately 960 square feet.
2. Building permits must be obtained before construction.
3. Payment of applicable impact fees is required.
4. Maximum Impervious Surface Ratio of the property shall remain consistent with the Rural Residential district requirements.

**Section 3.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** 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.** 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, Florida, this 7th day of September 2023.

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of September 2023 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:  
Notary Serial Number:

**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 Ordinance Number 23-22 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: September 7, 2023

RE: **FIRST READING**

ORDINANCE NUMBERS 23-15, 23-16, AND 23-17: EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCELS WITH ALTERNATE KEY 1213177

*Ordinance Number 23-15 – Voluntary Annexation*

*Ordinance Number 23-16 – Comprehensive Plan Amendment*

*Ordinance Number 23-17 – Design District Assignment*

## **Introduction:**

Ordinance Number 23-15 provides for the voluntary annexation of approximately 4.63 acres of land located northeast corner of CR 44 at the intersection with South Fishcamp Road (Alternate Key Number 1213177). Provided the annexation of the subject property is approved, via Ordinance Number 23-15, Ordinance Number 23-16 would change the future land use designation from Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City of Eustis, and Ordinance Number 23-17 would assign the subject property a design district designation of Suburban Corridor. If Ordinance Number 23-15 is denied, then there can be no consideration of Ordinance Numbers 23-16 and 23-17.

## **Background:**

1. The site contains approximately 4.63 acres and is located at the northeast corner of the intersection of CR 44 and South Fishcamp Road within the Eustis Joint Planning Area.
2. The proposed annexation properties are contiguous to the City boundaries, directly on the eastern boundary of the property and across CR 44.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 23-16 would change the land use designation to Mixed Commercial Residential (MCR) in the City of Eustis.

Subject Properties

Eichelberger (Novack and Sons, Inc)  
Aerial Location

Subject Property

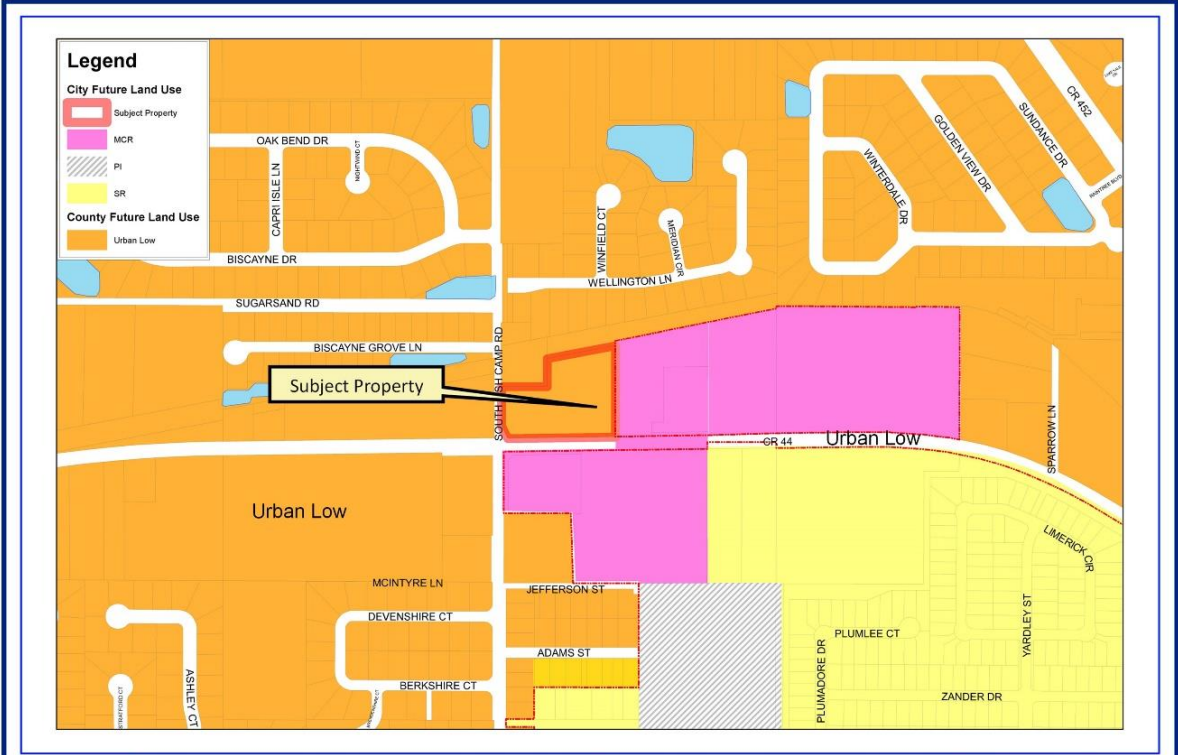
Current City Boundary

Eichelberger (Novack and Sons, Inc)  
Location

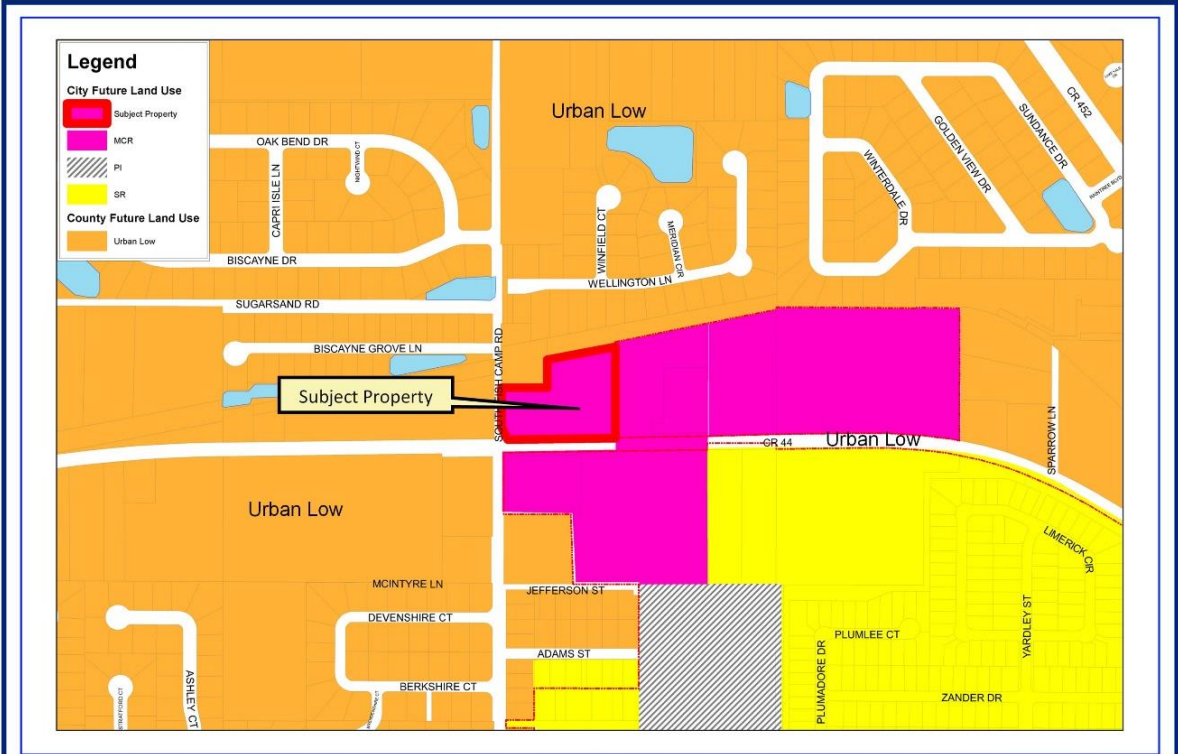


Surrounding properties have the following land use designations:

<b>Location</b>	<b>Existing Use</b>	<b>Future Land Use</b>	<b>Design District</b>
<b>Site</b>	Vacant	Urban Low (Lake County)	N/A
<b>North</b>	Single-Family	Urban Low (Lake County)	N/A
<b>South</b>	Commercial / Vacant	Mixed Commercial Residential (MCR)	Suburban Corridor
<b>East</b>	Commercial / Vacant	Mixed Commercial Residential (MCR)	Suburban Corridor
<b>West</b>	Single-Family	Urban Low (Lake County)	N/A



Eichelberger (Novack and Sons, Inc)  
Future Land Use (Current)



Eichelberger (Novack and Sons, Inc)  
Future Land Use (Proposed)



## Applicant's Request

The applicant LPG Urban and Regional Planners, on behalf of Novack and Sons, Inc. and property owners Richard and Cindy Eichelberger., wishes to annex the referenced property, change the future land use to Mixed Commercial Residential (MCR), and assign a design district of Suburban Corridor.

The current Lake County future land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to 4 dwelling units per net buildable acre.

The property owner has requested the City of Eustis Mixed Commercial Residential future land use designation with the annexation. The MCR future land use provides for a mix of commercial and residential uses up to twelve (12) dwelling units per acre.

### Analysis of Annexation Request (Ordinance Number 23-15)

#### 4. 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 Eustis-Lake County Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested Mixed Commercial Residential future land use designation.***

#### 5. 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 Eustis-Lake County 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 eastern and southern boundaries, and the owner has petitioned for voluntary annexation.***

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

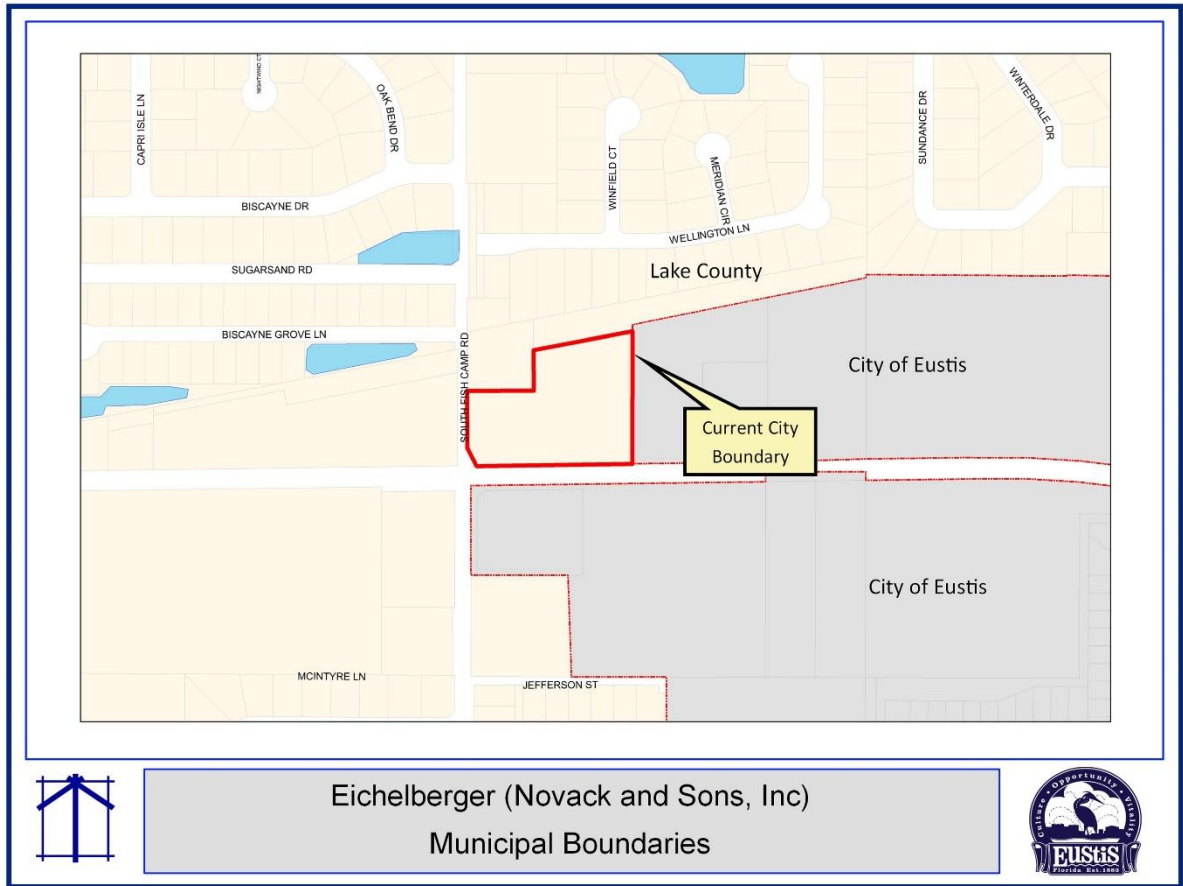
“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

***The department published notice of this annexation in the Daily Commercial following the established requirements on August 24, 2023, and again on August 31, 2023.***

#### 7. 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 as defined by the Florida Statutes. The subject properties are a continuous and logical extension of the city boundary.***



8. 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 by Certified Mail on August 10, 2023.***

Analysis of Comprehensive Plan/Future Land Use Request (**Ordinance Number 23-16**)

In accordance with the 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:

**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) and the MCR designation allows for commercial or mixed-use opportunities.***

**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 area has established commercial development and is situated as a suburban commercial and urbanizing area.***

**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 area is an already established suburban commercial area/intersection with similar land uses directly adjacent.***

**Natural Resources Protection:**

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

***This indicator does not apply. The subject property is not subject to floodplain impact and does not contain wetland areas. The Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.***

**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 within an existing developed and further developing area.***

**Public Facilities:**

Fails to maximize the use of existing public facilities and services.

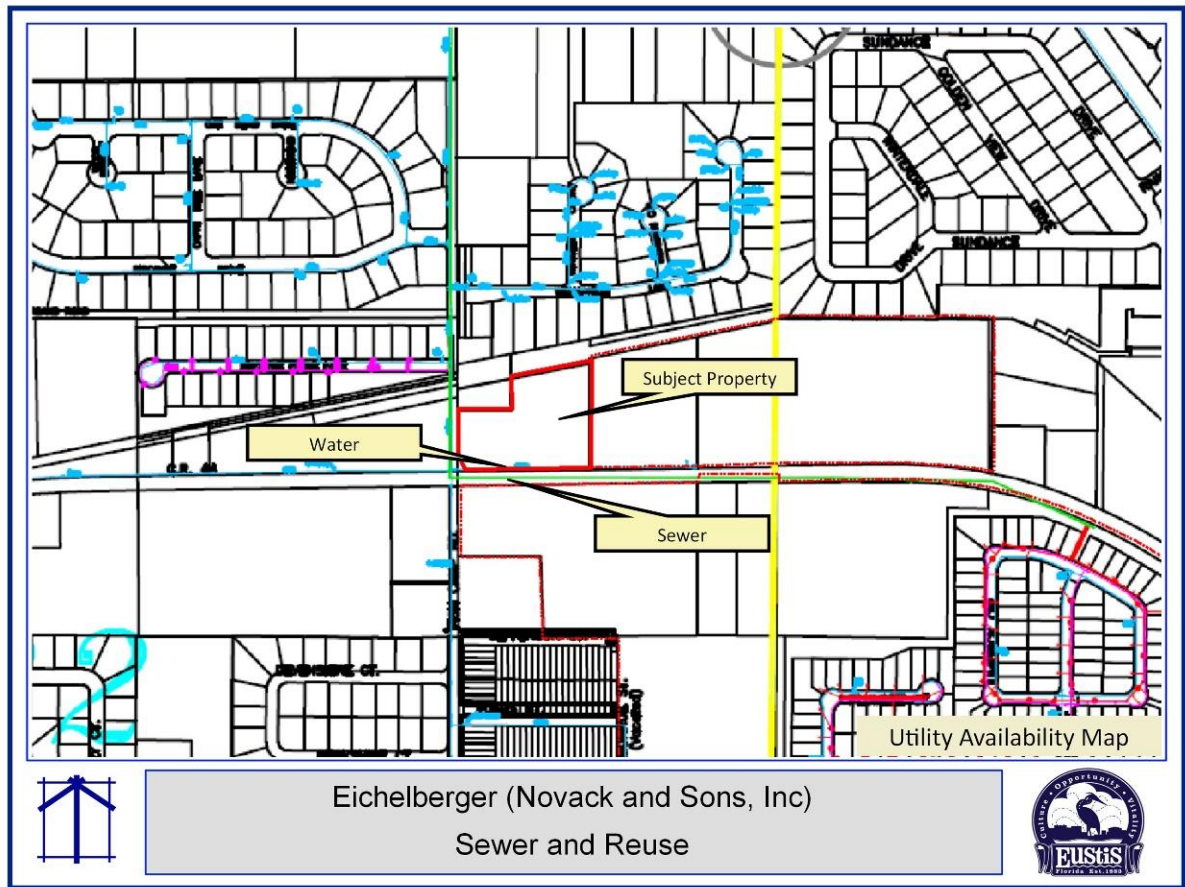
***This indicator does not apply. City water is available to serve the property. Development of this parcel will maximize the use and efficiency of the City water services. City Sewer is available with adequate capacity to serve the property and will be addressed via the site development process.***

**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, emergency response, and general government.

***This indicator does not apply. Adequate capacity is available to serve the existing and future development.***



**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 use. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses.***

**Infill and Redevelopment:**

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

***This indicator does not apply. This property will promote infill development by allowing access to public facilities.***

**Functional Mix of Uses:**

Fails to encourage a functional mix of uses.

***This indicator does not apply. The site is surrounded by single-family and existing commercial development on the adjacent properties, which is consistent with permitted uses in the area.***

**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 access and linkage between related uses. City Departments will ensure compliance with these standards at the time of development review.***

**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 significant open space. The subject properties are existing residential lots.***

**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:

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

**Efficient and Cost-Effective Services:**

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

***Water and Sewer service is available. The development of the property will further encourage the efficient provision of services.***

**Walkable and Connected Communities:**

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

***At the time of development, the site must meet the City's Land Development Regulations including the creation of streets and street connections where they do not currently exist.***

**Water and Energy Conservation:**

Promotes the conservation of water and energy.

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

**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 within an existing developed residential area.***

**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 on a regional basis.***

**Balance of Land Uses:**

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

***The proposed land use is consistent with the surrounding area. The land use proposed would allow for opportunities for development types to support the surrounding area.***

**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.***

**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:

**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 site.



property. The facilities and services required for analysis include emergency services and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

1. Emergency Services Analysis:

***Eustis Emergency Services already provide emergency response to other properties in the area. Any development consistent with the proposed future land use designation would not have a significant negative impact on the operations of Eustis emergency services.***

2. 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 of 20,015. The current population is approximately 24,500. Pursuant to Comprehensive Plan policies and Land Development Regulations, residential development will be required to provide on-site park amenities.***

3. Potable Water & Sanitary Sewer:

***Water and sewer are available to the subject property. Both the water and sewer systems have adequate capacity to serve the development of the property.***

4. Schools:

***The proposed change should not negatively impact schools. At the time of development application verification of capacity will be required from Lake County Schools.***

5. Solid Waste:

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

6. Stormwater:

***The Comprehensive Plan and Land Development Regulations include the 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.***

7. Transportation Network Analysis:

***This potential annexation and the subsequent development of the property will not add additional impacts as the parcels being annexed include existing platted lots.***

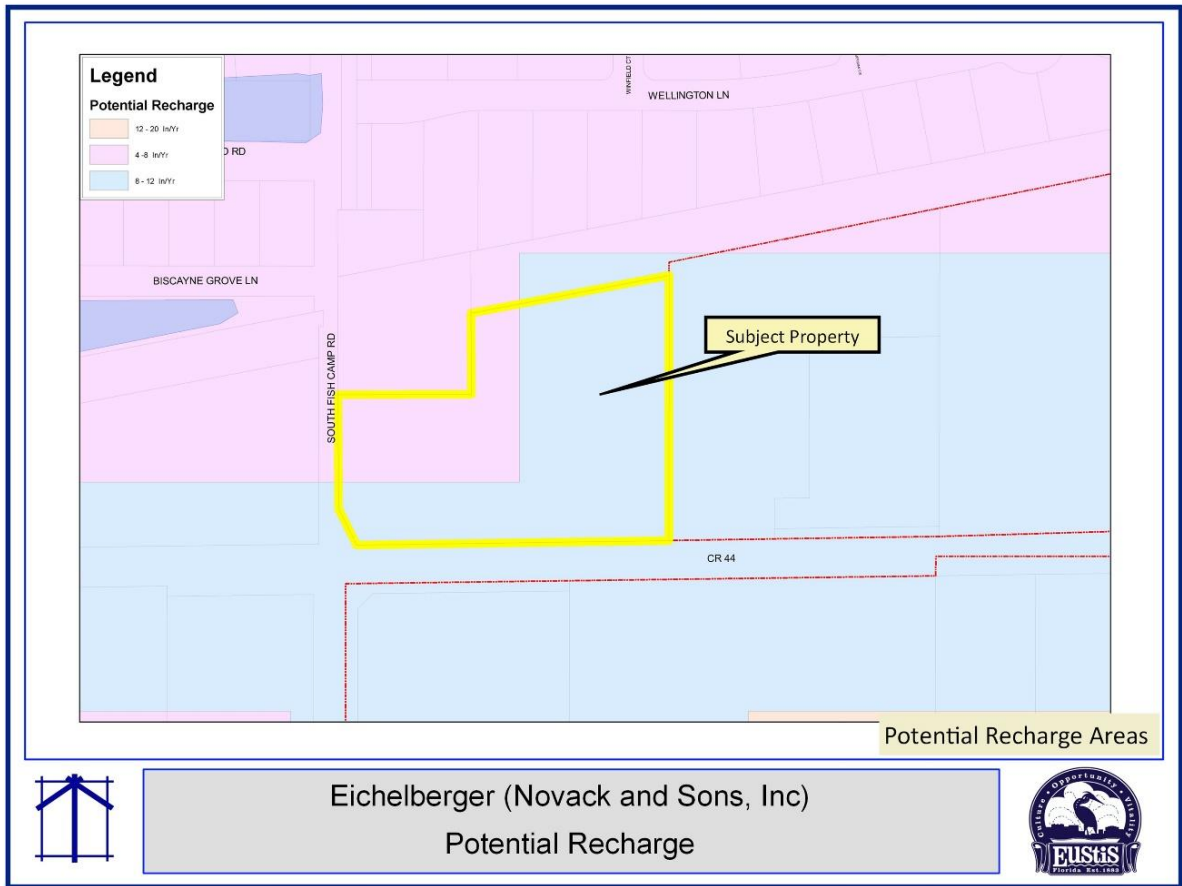
8. Natural Resources/Natural Features:

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 for development proposed.

9. Groundwater recharge areas:

**The site may be within a recharge area, and a site-specific geotechnical and hydrologic study will be needed to determine the site-specific impact at the time of development. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.**



10. Historical or archaeological sites:

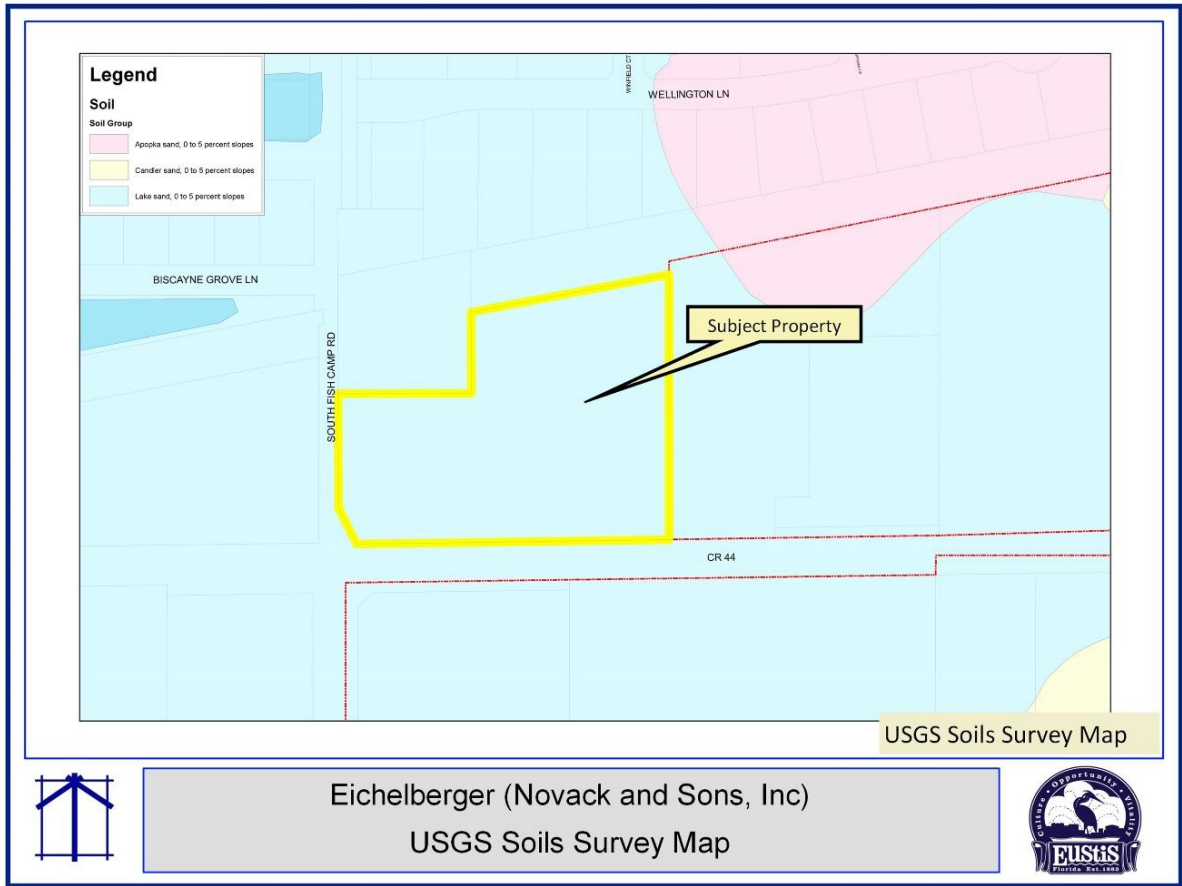
**The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.**

11. Flood zones:

**The subject property is not impacted by a 100-year flood zone area. Source - Lake County GIS - 2012 Flood Zones.**

12. Soil and topography:

**The soil on the site is mainly made up of Lake sands. The Lake series is composed of highly drained, quickly to very quickly permeable soils that were created in large deposits of sand..**



13. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes 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 existing Lake County future land use designation of the property is Urban Low, which provides for residential uses at up to 4 dwelling units per acre as well as supporting commercial and institutional uses.

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

**The Mixed Use Commercial Residential (MCR) land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.**

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

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

**Intensity Range:** *up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.*

**Mix Requirements:** *There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCR. For the mixed land use category MCR, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:*

*Residential: 15% - 25% of total MCR Acreage*

*Commercial/Office: 75% - 85% of total MCR acreage*

### **Comparison of Lake County Development Conditions**

*The land use designations of residential properties within the City of Eustis in the surrounding area are generally Mixed Commercial Residential (MCR) with a maximum density of 12 dwelling units per acre (du/ac) and allow for commercial development consistent with the General Commercial uses of the Comprehensive Plan and the Land Development Regulations.*

*The surrounding properties, immediately adjacent to the north and west, are unincorporated areas that are designated Urban Low with a maximum density of 4 dwelling units per net buildable acre.*

### **Proposed Residential Land Uses.**

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

***This area is predominantly residential in nature with commercial uses at the major intersection of Fish Camp Road and County Road 44, the proposed Future Land Use will allow commercial and residential uses.***

### **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.***

#### 14. Transportation:

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

***The use of the land will be evaluated at the time of development. The proposed land use is consistent with the existing designation to the east and south .***

## 15. Water Supply:

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

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

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

*Standards for Review:*

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

1. *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.**

2. *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.**

3. *Inconsistent with Surrounding Uses:*

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

**The existing land uses in the immediate area are residential and the proposed use of the land is continued residential.**

4. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

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

5. *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 Adequate capacity is available to serve future development consistent with the requested Mixed Commercial Resident future land use designation.**

**Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.**

6. *Impact on Environment:*

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

**The site contains no apparent natural resources and is not connected to significant open space.**

7. *Orderly Development Pattern:*

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

**The site is contiguous to the City limits. The development patterns already exist in the area and the future building on the previously platted lots will not cause incompatibilities with those development patterns.**

8. *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 lifestyle.”

**The requested designation of MCR land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional housing and commercial opportunities, and the application of the LDRs to future development will ensure consistency with the community character and lifestyle of the city.**

9. *Other Matters:*

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

**No other matters.**

## Analysis of Design District Request (**Ordinance Number 23-17**):

### Form-Based Code:

The City's Land Development Regulations is 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 include 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.

#### 2. *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 Corridor). The Suburban development pattern and intent, and the Suburban Corridor definition, structure, and form description are stated below. The assignment of a Suburban Corridor design district designation is appropriate due to the established and proposed development patterns in the area.***

#### 3. *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 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.*

***The Suburban development patterns statement above indicates that residential uses are primarily located on streets with fewer vehicle connections. A Suburban***

**Corridor designation follows the district pattern and intent outlined in the Development Regulations and is consistent with the existing transect in the area.**

4. **Section 102-17(a)**

The following guidelines must be followed when proposing the reassignment of the 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 adjacent and facing design districts.**

5. **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.**

6. **Consistent with Surrounding Uses:**

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

**The Suburban Corridor definition, structure, and form are compatible with the existing uses and any proposed uses permitted under the Mixed Commercial Resient future land use designation.**

7. **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.**

8. **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. Assigning a design district to an annexation property will not change the demand impact 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 the analysis of public facilities in the above sections of this report.**



9. *Impact on the 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 the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.***

10. *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 the 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.***

11. *Orderly Development Pattern:*

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

***The request is the 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.***

12. *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 the 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.***

13. *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 the 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 use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Suburban Corridor 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.”

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.”

### 2. Comprehensive Plan – Mixed Commercial Residential (MCR)

This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.

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

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

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCR. For the mixed land use category MCR, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:

Residential: 15% - 25% of total MCR acreage  
 Commercial/Office: 75% - 85% of total MCR  
 acreage

The composition and mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met.

#### Special Provisions:

Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods that meet the following conditions:

- a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;
- b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;
- c. the arterial road frontage contains an existing mix of viable commercial and residential uses;
- d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;
- e. Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Land Development Regulations Section 109-5.5(b)(1): The Suburban Corridor 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.

Land Development Regulations Section 109-3 (Table 1) and Section 109-2.6: Mixed Commercial Resient land use has a maximum density of 12 units to one-acre *and* 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.

**Recommended Action:**

Development Services recommends approval of Ordinance Numbers 23-15, 23-16, and 23-17.

**Policy Implications:**

None

**Alternatives:**

1. Approve Ordinance Numbers 23-15 (Annexation), 23-16 (Comp. Plan Amendment), and 23-17 (Design District Designation).
2. Deny Ordinance Numbers 23-15, 23-16, and 23-17.

**Budget/Staff Impact:**

There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

**Prepared By:**

Jeff Richardson, AICP, Deputy Development Services Director

**Reviewed By:**

Mike Lane, AICP, Development Services Director

**ORDINANCE NUMBER 23-15**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 4.63 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1213177, GENERALLY LOCATED AT THE NORTHEAST CORNER OF CR 44 AT THE INTERSECTION WITH SOUTH FISHCAMP ROAD.**

**WHEREAS**, Richard and Cindy Eichelberger, as the legal owners of record, have authorized Adam Novack, President of Novack and Sons, Inc, to make an application for voluntary annexation of approximately 4.63 acres of real property located at the northeast corner of CR 44 at the intersection with South Fishcamp Road, more particularly described as:

Parcel Alternate Key: 1213177

Parcel Identification Number: 32-18-26-0001-000-01200

Legal Description:

BEG ON CENTERLINE OF HWY ON W LINE OF SE 1/4 OF NE 1/4, RUN N 292.12 FT, E 219.78 FT, N TO RR, NE ALONG RR TO PT 549.5 FT E OF W LINE OF SE 1/4 OF NE 1/4, S TO HWY, W TO POB--LESS RD R/W & LESS BEG AT INTERSECTION OF N R/W LINE OF CR 44 & E'LY R/W LINE OF SOUTH FISHCAMP RD, RUN N 89-14-43 E 30 FT ALONG SAID N R/W LINE OF CR 44, N 26-40-57 W 66.72 FT TO E'LY R/W LINE OF SAID S FISHCAMP RD, S 0-02-25 W 60 FT FOR POB FOR ADDITIONAL RD R/W-- ORB 490 PG 374 ORB 1014 PG 258 ORB 1662 PG 813 ORB 4399 PG 404

(The foregoing legal description were copied directly from Lake County Property Appraiser records submitted by the applicant and have not been verified for accuracy); and

**WHEREAS**, the subject property is reasonably compact and contiguous and continues the incorporation of enclave properties; and

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

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

**WHEREAS**, on September 7, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the voluntary annexation of the property contained herein; and

**WHEREAS**, on September 21, 2023, 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 4.63 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 21st day of September 2023.

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21st day of September 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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

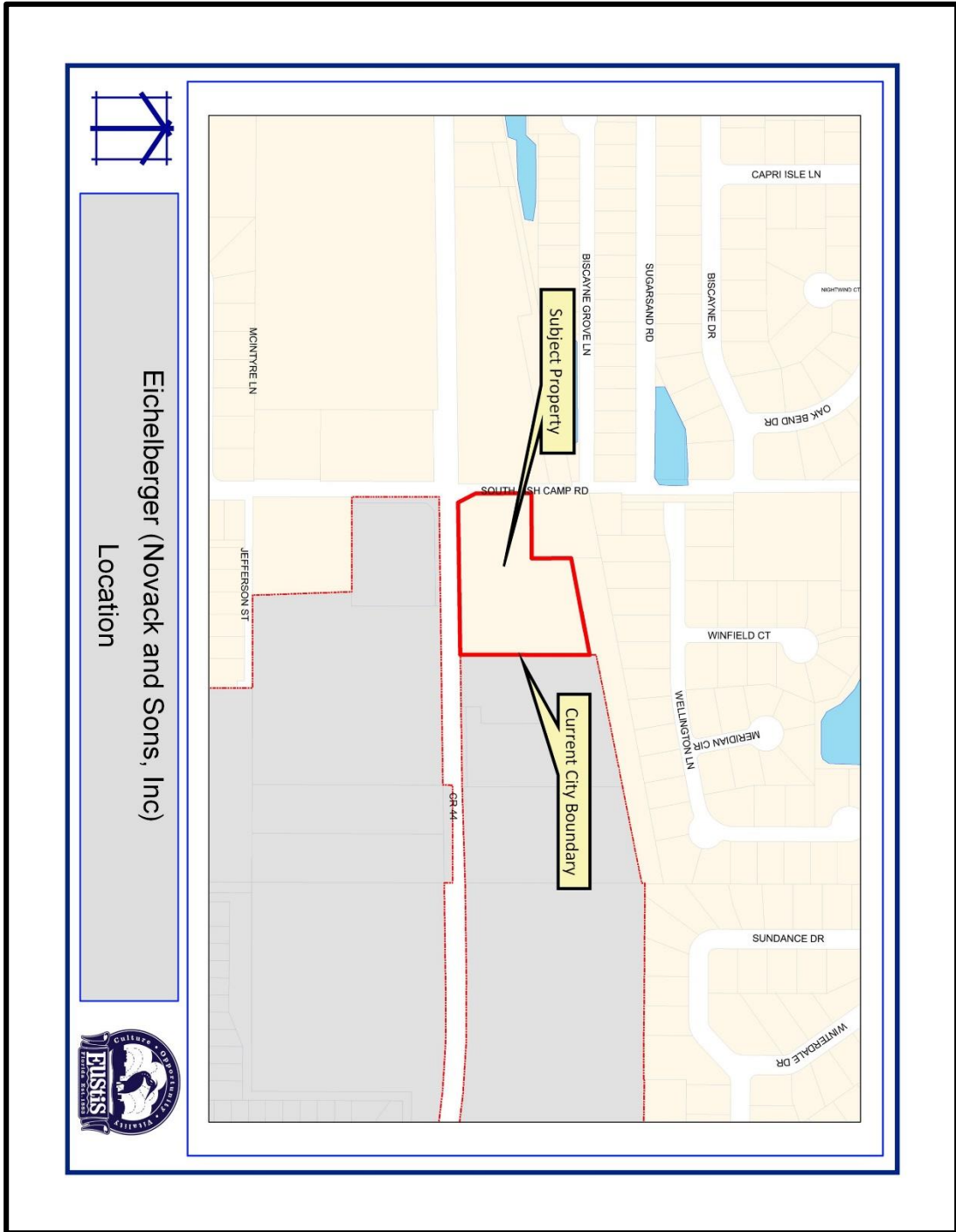
**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-15 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

# EXHIBIT "A"

## GENERAL LOCATION MAP



**ORDINANCE NUMBER 23-16**

**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 4.63 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1213177, GENERALLY LOCATED AT THE NORTHEAST CORNER OF CR 44 AT THE INTERSECTION WITH SOUTH FISHCAMP ROAD, FROM URBAN LOW IN LAKE COUNTY TO MIXED COMMERCIAL 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**, the 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 Chapters 163.3187 and 163.3191, Florida Statutes; and

**WHEREAS**, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 4.63 acres of real property located at the northeast corner of CR 44 at the intersection with South Fishcamp Road. (Alternate Key Number 1213177), and more particularly described herein as Exhibit "A"; and

**WHEREAS**, on September 7, 2023, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in the designation; and

**WHEREAS**, on September 7, 2023, 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 September 21, 2023, 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 as Exhibit "B";

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

**SECTION 1.**

**Land Use Designation:** That the Future Land Use Designation of the real property as described below shall be changed from Urban Low in Lake County to Mixed Commercial Residential (MCR) within the City of Eustis:

Parcel Alternate Keys: 1213177

Parcel Identification Number: 32-18-26-0001-000-01200



Legal Description:

BEG ON CENTERLINE OF HWY ON W LINE OF SE 1/4 OF NE 1/4, RUN N 292.12 FT, E 219.78 FT, N TO RR, NE ALONG RR TO PT 549.5 FT E OF W LINE OF SE 1/4 OF NE 1/4, S TO HWY, W TO POB--LESS RD R/W & LESS BEG AT INTERSECTION OF N R/W LINE OF CR 44 & E'LY R/W LINE OF SOUTH FISHCAMP RD, RUN N 89-14-43 E 30 FT ALONG SAID N R/W LINE OF CR 44, N 26-40-57 W 66.72 FT TO E'LY R/W LINE OF SAID S FISHCAMP RD, S 0-02-25 W 60 FT FOR POB FOR ADDITIONAL RD R/W-- ORB 490 PG 374 ORB 1014 PG 258 ORB 1662 PG 813 ORB 4399 PG 404.

(The foregoing legal description was copied directly from Lake County Property Appraiser records submitted by the applicant and has not been verified for accuracy); and

**SECTION 2.**

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

**SECTION 3.**

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

**SECTION 4.**

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

**SECTION 5.**

**Effective Date:** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be compliant. 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 21<sup>st</sup> day of September 2023.

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

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Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

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Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of September 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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City Attorney's Office	Date
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**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-16 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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Christine Halloran, City Clerk

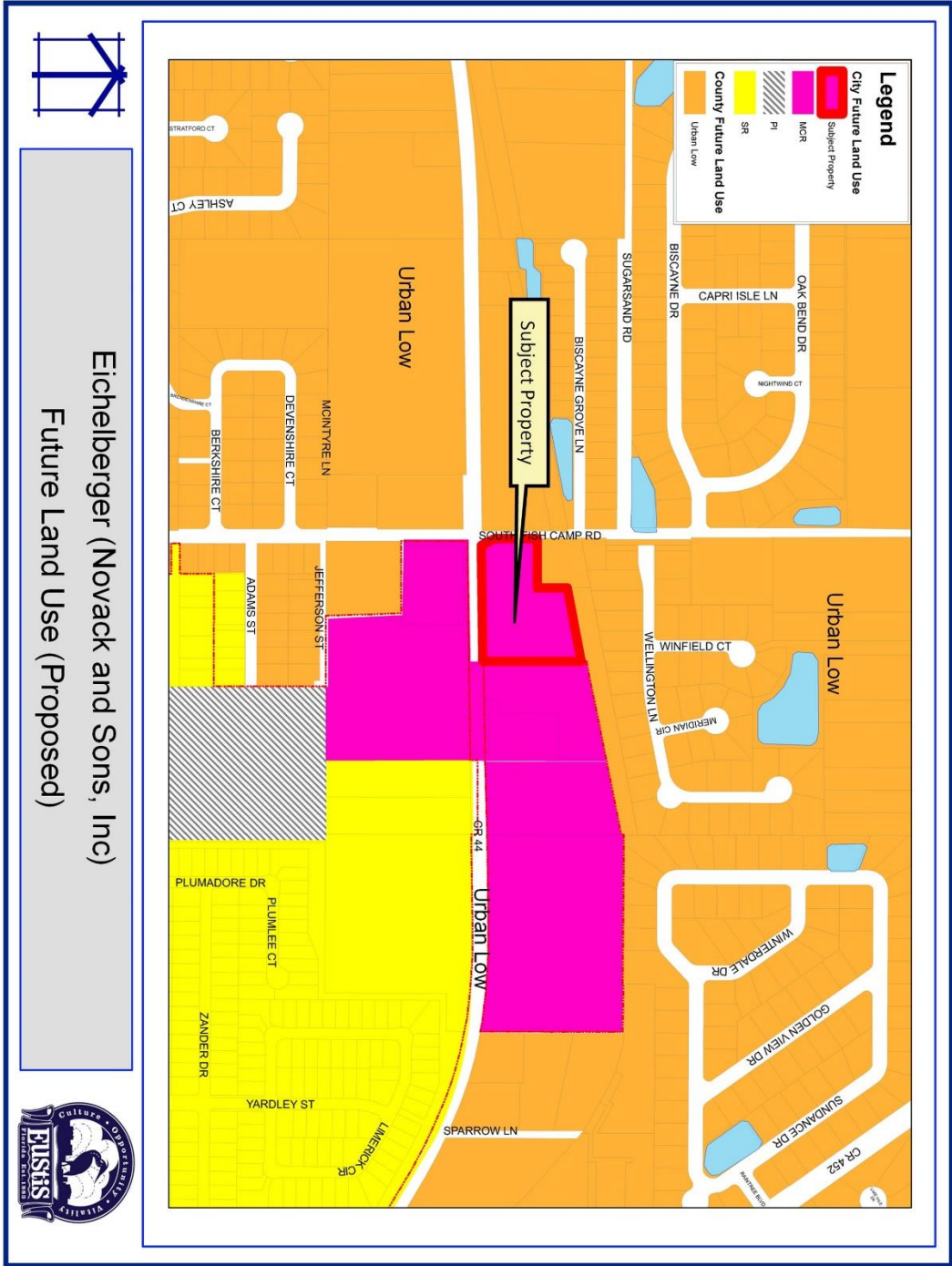
**EXHIBIT "A"**

## Legal Description:

BEG ON CENTERLINE OF HWY ON W LINE OF SE 1/4 OF NE 1/4, RUN N 292.12 FT, E 219.78 FT, N TO RR, NE ALONG RR TO PT 549.5 FT E OF W LINE OF SE 1/4 OF NE 1/4, S TO HWY, W TO POB--LESS RD R/W & LESS BEG AT INTERSECTION OF N R/W LINE OF CR 44 & E'LY R/W LINE OF SOUTH FISHCAMP RD, RUN N 89-14-43 E 30 FT ALONG SAID N R/W LINE OF CR 44, N 26-40-57 W 66.72 FT TO E'LY R/W LINE OF SAID S FISHCAMP RD, S 0-02-25 W 60 FT FOR POB FOR ADDITIONAL RD R/W-- ORB 490 PG 374 ORB 1014 PG 258 ORB 1662 PG 813 ORB 4399 PG 404.

(The foregoing legal description was copied directly from Lake County Property Appraiser records submitted by the applicant and has not been verified for accuracy)

### EXHIBIT "B"



## ORDINANCE NUMBER 23-17

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN CORRIDOR DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 4.63 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1213177, GENERALLY LOCATED AT THE NORTHEAST CORNER OF CR 44 AT THE INTERSECTION WITH SOUTH FISHCAMP ROAD**

**WHEREAS**, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Corridor to approximately 4.63 acres of recently annexed real property further described below, and

**WHEREAS**, on September 7, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Design District Amendment contained herein; and

**WHEREAS**, on September 21, 2023, 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, FLORIDA, HEREBY ORDAINS:**

**Section 1. Design District Designation**

That the Design District Designation of the real property described below, and more specifically in Exhibit "A", and shown on the map in Exhibit "B", shall be Suburban Corridor:

Parcel Alternate Keys: 1213177

Parcel Identification Number: 32-18-26-0001-000-01200

**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 the annexation of the

subject property through approval of Ordinance Number 23-15.

**PASSED, ORDAINED, AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 21<sup>st</sup> day of September 2023.

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

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

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of September 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

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

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

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-17 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk

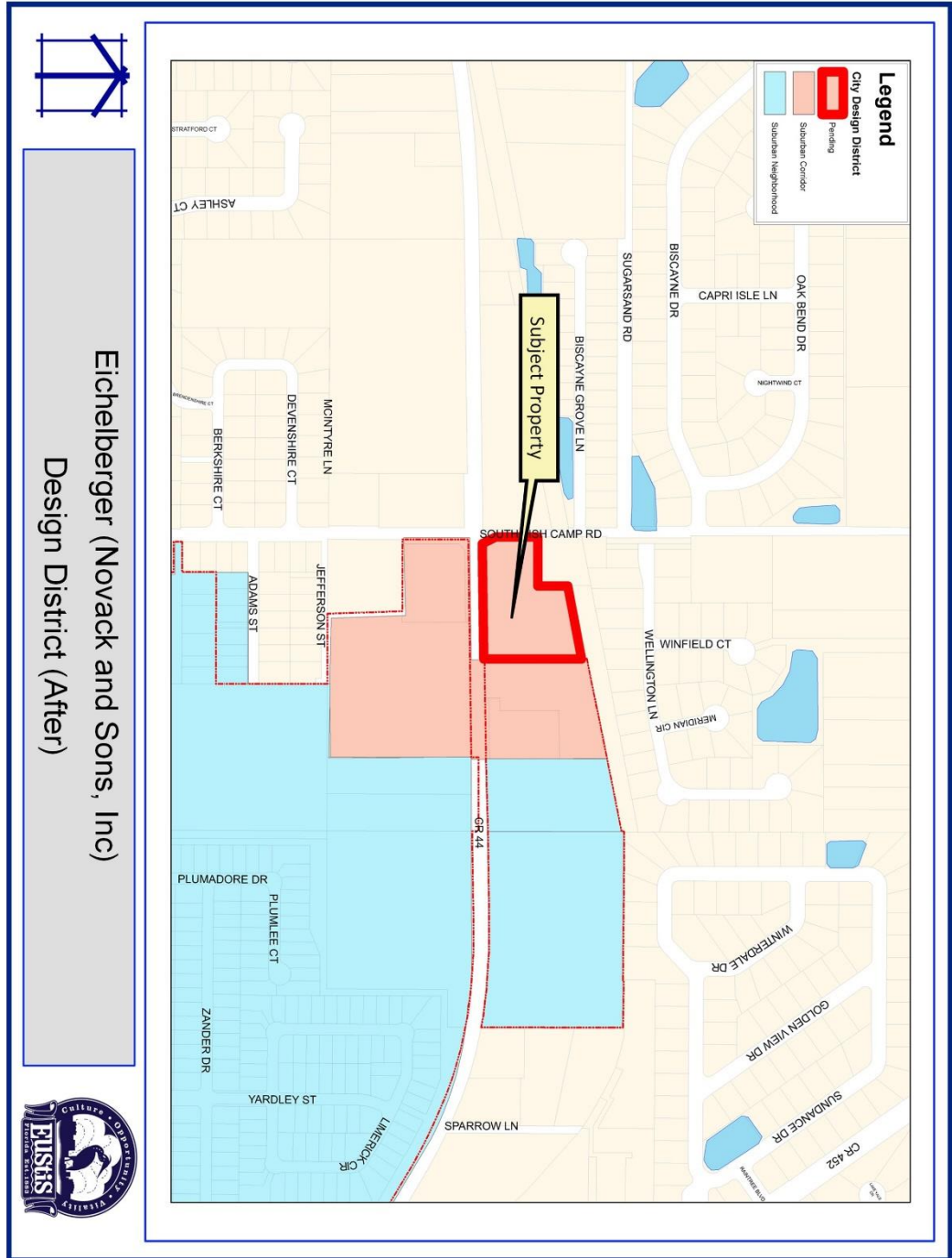
**EXHIBIT "A"****LEGAL DESCRIPTION:**

## Legal Description:

BEG ON CENTERLINE OF HWY ON W LINE OF SE 1/4 OF NE 1/4, RUN N 292.12 FT, E 219.78 FT, N TO RR, NE ALONG RR TO PT 549.5 FT E OF W LINE OF SE 1/4 OF NE 1/4, S TO HWY, W TO POB--LESS RD R/W & LESS BEG AT INTERSECTION OF N R/W LINE OF CR 44 & E'LY R/W LINE OF SOUTH FISHCAMP RD, RUN N 89-14-43 E 30 FT ALONG SAID N R/W LINE OF CR 44, N 26-40-57 W 66.72 FT TO E'LY R/W LINE OF SAID S FISHCAMP RD, S 0-02-25 W 60 FT FOR POB FOR ADDITIONAL RD R/W-- ORB 490 PG 374 ORB 1014 PG 258 ORB 1662 PG 813 ORB 4399 PG 404.

(The foregoing legal description was copied directly from Lake County Property Appraiser records submitted by the applicant and has not been verified for accuracy)

# EXHIBIT "B"



Eichelberger (Novack and Sons, Inc)  
Design District (After)

