



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, December 19, 2019 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 November 21, 2019 - Regular City Commission Meeting
November 26, 2019 - City Commission Workshop
[Staff Report #19-0301 - Html](#)
[11-21-2019 CC MIN - For Approval](#)
[11-26-2019 CC Workshop MIN - For Approval](#)
3. AUDIENCE TO BE HEARD
4. CONSENT AGENDA
 - 4.1 Resolution Number 19-111: Purchase in excess of \$25,000 for materials for reclaimed water main extension project
[Staff Report #19-0290 - Html](#)
[Resolution No. 19-111](#)
 - 4.2 Resolution Number 19-112: Property donation (Vaughn) and designation of property as public right-of-way
[Staff Report #19-0292 - Html](#)
[Staff Report Res. No. 19-112](#)
[Res. No. 19-112](#)
[Staff Report Res. No. 19-112](#)
[Res. No. 19-112](#)
 - 4.3 Resolution Number 19-113: Release of Lien - 527 Hill Street
[Staff Report #19-0293 - Html](#)
[Staff Report Res. No. 19-113](#)
[Res. No. 19-113](#)
[Res. No. 19-113](#)
 - 4.4 Resolution Number 19-114: Release of Lien - 3010 Brighton Road
[Staff Report #19-0294 - Html](#)
[Staff Report Res. No. 19-114](#)
[Res. No. 19-114](#)
[Res. No. 19-114](#)

- 4.5 Resolution Number 19-115: Release of Lien - 1202 South Dewey Street
[Staff Report #19-0295 - Html](#)
[Staff Report Res. No. 19-115](#)
[Resolution No. 19-115](#)
- 4.6 Resolution Number 19-116: Approval of purchase in excess of \$25,000 for rental of a concrete crushing machine
[Staff Report #19-0291 - Html](#)
[Resolution No. 19-116](#)
[Concrete Crusher 2017 Quote Summary](#)

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

- 5.1 Ordinance Number 19-35: Voluntary Annexation of property located on northwest corner of Washington Avenue and Ohio Street
Ordinance Number 19-36: Comprehensive Plan amendment assigning Future Land Use designation
Ordinance Number 19-37: Assigning Design District designation
[Staff Report #19-0273 - Html](#)
[Staff Report Ord. Nos. 19-35 19-36 and 19-37](#)
[EXHIBIT A](#)
[ADA Ord 19-35 Washington Annex](#)
[Ordinance 19-36](#)
[Ordinance 19-37](#)

6. OTHER BUSINESS

- 6.1 Appointment of Acting City Manager: Bill Howe
[Staff Report #19-0302 - Html](#)

7. FUTURE AGENDA ITEMS

8. COMMENTS

- 8.1 City Commission
- 8.2 City Manager
- 8.3 City Attorney
- 8.4 Mayor

9. ADJOURNMENT

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

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

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



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Mary Montez, City Clerk
DATE: December 19, 2019
RE: NOVEMBER 21, 2019 - REGULAR CITY COMMISSION MEETING
NOVEMBER 26, 2019 - CITY COMMISSION WORKSHOP

Introduction:

This item is consideration of the minutes of the following meetings: November 21, 2019, regular City Commission meeting and November 26, 2019, City Commission workshop on homelessness.

Attachments:

[11-21-2019 CC MIN - For Approval](#)

[11-26-2019 CC Workshop MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, November 21, 2019 - City Hall

INVOCATION: STEVE VICTORY, EPIPHANY CELEBRATION ANGLICAN CHURCH

PLEDGE OF ALLEGIANCE: COMMISSIONER LEE

CALL TO ORDER: 6:10 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Emily Lee, Vice Mayor Karen LeHeup-Smith, Commissioner Robert Morin, Commissioner Marie Aliberti and Mayor Michael Holland

1. AGENDA UPDATE

Ron Neibert, City Manager, announced that Ordinances 19-35, 19-36 and 19-37 would be tabled to the December 5, 2019, Commission meeting pending future action by the Local Planning Agency.

2. APPOINTMENTS

2.1 Appointment to the Downtown and East Town Redevelopment Agency Board (CRA Board) - Representative from the portion of the CRA west of Center Street - Evan Contorakes

Evan Contorakes expressed his desire to be appointed to the Community Redevelopment Agency.

Commissioner Lee questioned the purpose of the two nonvoting positions on the CRA with Mr. Neibert explaining the discussion by the Commission previously to add two nonvoting members to provide input to the Board on CRA matters.

The Commission discussed whether or not Mr. Contorakes would have a conflict of interest with Mr. Neibert acknowledging that the City does currently have a contract with him for marketing; however, the project has no involvement with the CRA and no CRA funds are part of the project. He stated that if Mr. Contorakes or a family member does have a conflict in the future, then he could recuse himself from the discussion.

Further discussion was held regarding the purpose of the two nonvoting positions on the Board with Mr. Neibert explaining that the previous CRA member, Dan Kelsey, had to resign after closing his business.

The Commission noted that, if the CRA is ever brought into the project, then Mr. Contorakes would have to step back.

Moved by Commissioner Morin, seconded by Vice Mayor LeHeup-Smith, to approve the appointment of Evan Contorakes to the CRA Board as a nonvoting member.

Motion carried by the following votes:

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

3. AUDIENCE TO BE HEARD

- 3.1** Carla Rodriguez reported on the JeepFest event noting they collected over five boxes of toys for Toys for Tots. She presented an award to the City for their participation in the event.

Mayor Holland congratulated Ms. Rodriguez on purchasing their building.

Dr. William Zeller thanked the City for hauling off the aquatic vegetation that the residents paid to have removed from Lake Gracie. He addressed the Commission regarding the proposed demolition of the existing community building and construction of the new community building/conference center/sailing facility. He expressed concern that the City does not already have signed contracts for sailing events. He recommended refurbishing the existing building and putting in movable walls rather than building a new facility.

David Serdar expressed concern regarding the environment, issues with substance abuse in the community, and his work with other individuals and entities regarding climate change. He asked the City to consider banning plastic straws noting that the City of Tavares will be discussing the issue at their first meeting in December.

Richard Bishop addressed the Commission regarding November 14th, the anniversary of the Marshall University football team plane crash. He explained that Stuart Cottrell, one of the victims, was a Eustis High School student and he recently looked at his memorial and indicated it is in poor shape. He stated his willingness to continue to pull weeds around it but someone needs to fix the stone and the border.

Mr. Neibert indicated City staff would look at it and see what can be done.

4. CONSENT AGENDA

- 4.1** Resolution Number 19-104: Release of Lien with Conditions - 1300 South Dewey Street
- 4.2** Resolution Number 19-105: Appointing City representative to Lake Sumter MPO Governing Board
- 4.3** Resolution Number 19-107: Approval of purchase in excess of \$25,000 for a new 2019 Ford F-550 Altec Bucket Truck
- 4.4** Resolution Number 19-108: Approval of purchase in excess of \$25,000 for a Wheel Loader

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

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

5. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

5.1 Ordinance Number 19-30: Amending Chapter 34 to prohibit littering and dumping of waste, authorizing placement of signs and surveillance cameras and authorizing imposition of fines

Derek Schroth, City Attorney, read Ordinance Number 19-30 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 34, Sections 34-31 through 34-55 of the Code of Ordinances; prohibiting the littering, dumping, leaving, placing, or disposing of waste and related offenses; adding and changing current definitions; repealing all prior Eustis ordinances inconsistent herewith; providing penalties; authorizing the placement of signs and cameras; providing for renumbering subsequent sections accordingly; providing for conflict with existing ordinances, and providing for codification, severability, and an effective date.

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

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Ordinance Number 19-30 on second and final reading. Motion carried by the following votes:

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

5.2 Ordinance Number 19-31: Authorizing the assessment of late fees on delinquent Fire Inspection accounts

Mr. Schroth read Ordinance Number 19-31 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 38 – “Fire Prevention and Protection”, adding Section 38-94 “Late fees for delinquent fire inspection accounts” to the Code of Ordinances for the City of Eustis; providing for severability, providing for an effective date.

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

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Ordinance Number 19-31 on second and final reading. Motion carried by the following votes:

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

5.3 Ordinance Number 19-32: Voluntary Annexation of property located at 2303 E. Orange Avenue
Ordinance Number 19-33: Comprehensive Plan amendment assigning Future Land Use designation to property located at 2303 E. Orange Avenue
Ordinance Number 19-34: Assigning Design District designation to property located at 2303 E. Orange Avenue

Mr. Schroth read Ordinance Number 19-32 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing

approximately 13.82 acres of real property located at 2303 E. Orange Avenue.

Roland Magyar, Senior Planner reviewed the requested annexation and explained the future land use map amendment and design district designation for the property located at 2303 E. Orange Avenue. He compared the allowable densities and uses between the County FLU of Urban Medium and the City's land use of Residential Office Transitional. He stated the site has minimal wetlands; however, there are existing gopher tortoise burrows and sand skink habitat although no skinks were actually found. He stated a plan would have to be submitted to address the gopher tortoises and skink habitat. He explained the definition of the Suburban Corridor design district. He stated that the request is compatible with the comprehensive plan and land development regulations and indicated staff's recommendation for approval.

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

Moved by Commissioner Aliberti, seconded by Commissioner Lee, to approve Ordinance Number 19-32 on first reading. Motion carried by the following votes:

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

Mr. Schroth read Ordinance Number 19-33 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the Future Land Use Designation of approximately 13.82 acres of recently annexed real property located on 2303 East Orange Avenue from Urban Medium in Lake County to Residential Office Transitional (RT) in the City of Eustis.

Mr. Schroth opened the public hearing at 6:47 p.m. There being no public comment, the hearing was closed at 6:47 p.m.

Moved by Commissioner Morin, seconded by Commissioner Lee, to approve Ordinance Number 19-33 on first reading. Motion carried by the following votes:

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

Mr. Schroth read Ordinance Number 19-34 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Corridor design district designation to approximately 13.82 acres of recently annexed real property located at 2303 East Orange Avenue.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

Moved by Commissioner Lee, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-34 on first reading. Motion carried by the following votes:

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

5.4 Ordinance Number 19-38: Amendments to Chapter 82, Code of Ordinances

Mr. Schroth read Ordinance Number 19-38 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 82, Eustis Code of Ordinances; providing for conflict with existing ordinances and providing for codification, severability and an effective date.

Lori Barnes, Development Services Director, reviewed the proposed changes to Chapter 82 of the Code of Ordinances. She stated that the changes will allow the City to enforce penalties against anyone who deliberately alters drainage facilities. She noted there are also a number of minor corrections. She cited the proposed change to allow displays on sidewalks downtown as a permitted use.

The Commission asked if the City can require someone to go back and correct a swale with Ms. Barnes indicating that if the City can show that a resident has intentionally changed the flow of runoff it can require the property owner to correct the situation to the satisfaction of the Public Works Director.

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

Moved by Commissioner Morin, seconded by Commissioner Aliberti, to approve Ordinance Number 19-38 on first reading. Motion carried by the following votes:

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

6. OTHER BUSINESS

6.1 Discussion regarding vacant Commercial buildings

Mr. Neibert explained that the Commission had previously requested a report on what could be done regarding vacant commercial properties. He stated the City cannot require registration of vacant properties. He cited an existing portion of Chapter 34 of the Code of Ordinances which requires any commercial property vacant for more than 15 days to meet certain criteria. He noted staff had provided a sample ordinance from the City of Miami and how they assess penalties. He added that all commercial properties, vacant or occupied, are required to have annual fire inspections.

The Commission questioned how many businesses are on the fines list for not paying for those inspections with Mr. Neibert indicating staff can find that out.

The Commission asked if they could receive a report on who owns the vacant buildings and questioned how they would know if there are hazardous materials being stored in them.

Mr. Neibert stated that any violations found in the vacant buildings during the annual fire inspection can be enforced.

Discussion was held regarding the following: 1) bringing back an ordinance to require property owners to make the storefronts more attractive; 2) the Chamber's efforts to attract more business to the downtown area; and 3) determining the

property owners' intent for the properties and encouraging them to utilize the properties.

CONSENSUS: It was a consensus of the Commission for staff to bring back a Miami type ordinance.

7. FUTURE AGENDA ITEMS

- 7.1** Mayor Holland asked for staff to provide a quick review of the fence ordinance noting recent comments on Facebook.

Ms. Barnes commented on the Facebook postings and reported that the property owner now has obtained a building permit and is working to bring the fence into compliance.

8. COMMENTS

8.1 City Commission

Commissioner Lee commented on the Employee Appreciation Luncheon and the Veteran's Memorial Service in Ferran Park. She also reported on her attendance at the YMCA Prayer Breakfast. She noted the death of Ms. Lulabelle Douglas and her upcoming funeral which might interfere with the community cleanup.

Commissioner Aliberti noted her attendance at the employee luncheon and commented that most of the employees seemed to be very happy to work for the City. She reminded everyone about the cleanup scheduled for Saturday, November 23rd with volunteers to gather in Carver Park at 9 a.m.

8.2 City Manager

Mr. Neibert reported on the Commission's request to get a cost estimate for a financial feasibility study for the proposed community/conference/sailing center. He stated staff received one proposal from Fishkind in the amount of \$30,000. He then stated the Lake County Tourism Office has a contract with a private contractor for an economic impact program which they utilize in awarding their tourism grants. He indicated they would do the work for the City for free.

It was a consensus of the Commission for staff to proceed as recommended.

Mr. Neibert reminded everyone about the Community Cleanup on November 23rd stating that the City will provide gloves and water. He then announced that he was successful at the auction in purchasing the parking lot property in the amount of \$235,000. He stated staff will be bringing forward legislation to dedicate the property as a parking lot for an extended period of time.

Mr. Neibert reminded the Commission about the homeless workshop to be held Tuesday, November 26, 2019. He announced the resignation of Colleen Scott as the City's Finance Director. He stated she needs to move closer to Tampa due to family issues with her final date being December 6th.

8.3 City Attorney - None

8.4 Mayor

Mayor Holland expressed support for Gail Isaac Thomas due to illness and problems with deaths in her family. He noted that Rex Wynn, retired Fire Chief, is battling a very fast moving cancer and asked everyone to keep him and his family in their prayers. He wished everyone a Happy Thanksgiving.

9. ADJOURNMENT: 7:11 P.M.

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



MINUTES

City Commission Workshop Meeting

5:30 PM - Tuesday, November 26, 2019 - City Hall

CALL TO ORDER: 5:30 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Marie Aliberti, Commissioner Emily Lee, Vice Mayor Karen LeHeup-Smith, Commissioner Robert Morin, and Mayor Michael L. Holland

1. WORKSHOP ITEM

1.1 Introductory discussion regarding homeless issues

Mayor Holland explained the purpose of the meeting was to obtain input from the public, Lifestream, Lake County and the Salvation Army regarding homeless issues within the City. He indicated there would be no decisions made at the meeting but the topic would again be discussed at the second meeting in December.

1.2 Report on homeless issues by Lifestream Behavioral Center

B.E. Thompson, Lifestream Executive Director, provided opening comments regarding their Open Door program and introduced Barbara Wheeler, Executive Director of Mid Florida Homeless Coalition, and the Open Door staff - Ash Wallace, Homeless Supervisor, and Homeless Specialists Debbie Flaherty and Brady Bass.

Barbara Wheeler explained their efforts to collect various data regarding the homeless population in Lake County. She stated their data shows 250 homeless families in Lake County and 60% of them desire to find housing. She added that even those who initially state they want to be homeless eventually admit they really do want housing. She stated the only way to eliminate homelessness is to put them in housing.

Mr. Thompson asked his staff members, Ash Wallace and Debbie Flaherty, to provide actual numbers from the Open Door.

Mr. Wallace reported the Open Door currently has 209 clients and stated that daily they see 50 different individuals. He commented that some people are coming back after not coming to the center for a while. He reported they provided over 2,000 services in November and over 18,000 since January. He then explained how they track their services.

Ron Neibert, City Manager, asked if when they interview their clients if they ask where the clients are staying or sheltering.

Mr. Wallace responded that some are not as forthcoming as others but if they tell them, then they log it in.

The Commission questioned how many people were serviced with the 18,000 services and where did the people who are coming back go in the meantime.

Mr. Wallace stated that 209 clients were served with the 18,000 services with Mr. Thompson clarifying that in the past twelve months the Center has served 430 unduplicated clients with 208 currently registered.

The Commission questioned how many require mental health services with Mr. Thompson stating the Open Door does not have access to medical health records so any information is strictly self-reported.

Mr. Wallace indicated that approximately 39% have reported they have a mental health issue.

Mr. Neibert asked how they handle clients actively using drugs with Mr. Wallace stating that the center has a zero tolerance policy on their property. He added they will connect them with appropriate services, if they ask.

Mr. Thompson explained that he has begun checking information on the Lake County Sheriff's Office website concerning those arrestees who report as homeless and he will check the history of center clients that are arrested. He noted an individual who has been a long term/lifetime resident of Eustis that is one of their clients.

The Commission asked if they service just individuals or also families with Mr. Thompson indicating that, if they come in as a family unit, they will assist them; however, it doesn't happen often due to fear of being reported to the Department of Children and Families (DCF).

Ms. Wheeler explained they spend one day a month doing housing assessments and the waiting list for housing is long. She indicated there are a lot of people who are able to self-house eventually and commented on how the Open Door assists people so they are able to get a job.

Mr. Neibert asked if the trend is increasing or decreasing with Mr. Thompson responding there had been a 100% increase at the Open Door since January.

The Commission explained that what started the conversation is due to the City seeing the results of homelessness so much more than in the past with people sleeping in doorways and on Lake Walk. It was noted that they have to find a way to help people become self-sufficient and the possibility that Open Door may need to stop feeding at the center. It was emphasized that the City wants to help the homeless but they also need to help the community.

Mr. Thompson stated that the Open Door serves a snack in the morning and a lunch at mid-day; however, there are also local churches who serve food different days of the week. If they're not eating at the Open Door, they're going to eat somewhere locally.

The Commission then commented on individuals who are actively panhandling and approaching residents and asked how the City can combine regulation plus service.

Mr. Thompson questioned how many of the panhandlers are actual Open Door clients. He stated he would like to engage with the Eustis Police Department to determine how many of their clients are panhandling. He acknowledged it is a concern to the City and the downtown businesses.

The Commission asked how many people have become employed through the Open Door or have found housing with Mr. Thompson stating there are success stories. He noted there are also families that were put into housing but after six months were no longer successful. He stated a car repair bill could be the cause of a family becoming homeless and commented on choices families have to make.

1.3 Report on homeless issues and programs by Lake County and the Salvation Army

Leslie Campione, Chair of Lake County Board of Commissioners, introduced Jeff Cole, County Manager, and Ron Russo, Deputy Manager. She commented on other cities having similar issues with homelessness and individuals living in the woods. She noted often the issue is being able to find affordable housing. If 60% want to find housing, then there is 40% that are still going to be there. She questioned whether or not agencies are doing something that's making it worse or is there something else to be done to make it better. If can't get them into some type of housing, can't help them resolve the issues that made them homeless. She cited the lack of transitional housing in Lake County. She commented on how the discussion began regarding the need for overnight housing and how it would be paid for.

Ms. Campione commented on the desire to help but don't want to enable. She explained their efforts to work with the Salvation Army who said they can help raise the money to build a facility and help manage but can't undertake the operational costs. She then explained how they decided to hold a countywide meeting to discuss what components should be included in the shelter. She stated the County Commission would be discussing on December 3rd what that facility would look like and then they will reach out to the cities with the intent of holding a countywide meeting probably in January. She commented how it could be funded with a suggestion that each City pay a pro-rated amount emphasizing they are still not sure about how to fund. She asked the Salvation Army to discuss their participation.

Lt. Chris Doborwicz, Salvation Army Leesburg, explained his efforts to research and get a better picture of the problem and stated that, historically, the Salvation Army has worked more for prevention. He stated that when Sheriff Grinnell asked them if they would be willing to run an overnight shelter, they hired a consultant to determine the biggest need in Lake County. He expressed their willingness to operate a shelter but they cannot fund operations. He stated they prepared an annual report for a 50 bed shelter with an annual operating cost of \$1.2 million. He explained that, if they have a residential facility, it needs to have the smallest footprint possible. He indicated they would be willing to operate a 50-bed emergency housing shelter capable of expansion and would provide quarterly performance reports. He stated their jurisdiction is Lake and Sumter County and added that, if they build a shelter, would want it to be flexible in order to meet

needs as they grow. Ideally, the plan would result in homelessness reducing over time. He emphasized two main things: 1) figure out funding from both the counties and cities with a ten year commitment; and 2) Need to define a system of care to determine how the shelter fits into the system. He emphasized the need to have a clearly defined path for after being in the shelter. He stated the goal isn't to build a shelter, the goal is to reduce homelessness and they have to decide if a shelter is the way to do that.

Lt. Doborwicz then stated the Salvation Army is currently working on best practices. They want to provide service, not enable. He added he has been encouraged by the cooperation and number of interested entities. He cited the number of people already offering donations but they are not there yet.

Chairman Campione reported the County is working on a draft operating agreement so they can talk specifics when they meet with the cities and determine how to define success and build in benchmarks. She cited other concerns that would need to be addressed.

Discussion was held regarding tax dollars funding a faith-based organization with Lt. Doborwicz assuring they would not be proselytizing at the facility and they spread the gospel by helping people not mandating participation in religious activities.

Discussion was then held regarding how long an individual would be able to stay at the shelter with Lt. Doborwicz suggesting a 90-day limit but indicating those details still have to be determined.

Discussion was held regarding the number of beds that will be available versus the number of homeless people in the area.

The Commission discussed the lack of sufficient funds to provide all the needed wraparound services and the need for funding to help with underlying problems such as mental health and substance abuse.

Ms. Wheeler announced that the Mid Florida Homeless Coalition would be hosting a talk by Andy Young regarding ending homelessness at the Florida Department of Health in Bushnell.

2. OPEN DISCUSSION

2.1

Mayor Holland opened floor to public comment at 6:40 p.m.

The following individuals addressed the Commission regarding issues with area homeless people, services currently available for the homeless, lack of Section 8 vouchers, provision of tents by the Open Door, other cities dropping their homeless people off in the City, and whether or not what they are doing is illegal: 1) Evan Contorakes; 2) Gary Ashcraft; 3) Daniel DiVenanzo; 4) Nan Cobb; 5) Elaine Pasak; 6) Christine Cruz; 7) Tilquist; 8) George Asbate

The Commission suggested that Chief Calhoun speak with Mr. Thompson and Chief Broadway from Clermont.

Mr. Neibert explained the City ordinance is only against aggressive panhandling. If they only holding a sign, it is not aggressive.

Chief Calhoun explained that if the individual is sleeping on private property, the property owner can have them trespassed but the City can't stop them sleeping on public property.

Mr. Neibert confirmed the City has a curfew on the parks.

Discussion was held regarding relocating the Open Door facility and where it could be relocated to. It was noted that, in most communities, homeless services are not offered in the core downtown area.

Mr. Thompson stated his desire to determine how many of those sleeping in doorways and panhandling are actually clients of the Open Door.

Discussion was held regarding the fact that affordable housing is required to be within a certain distance from certain facilities and they can't get federal dollars to support construction if it's not.

The Commission commented that the Open Door was instituted because there was nothing else available. People are still homeless due to not having sufficient housing inventory. It was noted that there are people who make good money but can't afford to rent a home. Further comments were made regarding the possibility of businesses assisting workers with housing.

The Commission recommended that businesses use trespassing to keep individuals off their property. They also recommended increasing the law enforcement presence in parks and other areas while noting the City doesn't have a sufficient number of law enforcement officers. It was asked to have some discussion on the December 19th agenda.

Mayor Holland asked Mr. Thompson to work with the City Manager to possibly find another location for the Open Door. He commented on the great job that has been done by the Open Door. He stated that if the City is asking voters to invest in the community for a new community building, then the City needs to work on the homeless issue. He thanked everyone for attending.

3. ADJOURNMENT: 7:40 p.m.

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City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-111: PURCHASE IN EXCESS OF \$25,000 FOR MATERIALS FOR RECLAIMED WATER MAIN EXTENSION PROJECT

Introduction:

Resolution Number 19-111 approves an expenditure in excess of \$25,000 and authorizes the City Manager to execute an agreement with Ferguson Waterworks, for materials for the Reclaimed Main Extension Project.

Background:

As part of the Reclaimed Main Extension Project, materials are needed to extend reclaimed water mains on County Road 44. Quotes were obtained from four preferred vendors, which supply these materials for the City: Ferguson Waterworks, Hayes Pipe Supply Inc., Core & Main, and Empire Pipe & Supply. Ferguson Waterworks is currently offering the best price. The required materials, including freight, are priced at a total of \$29,757.10.

The approved 2019-2020 Capital Improvement Plan has \$344,000 programmed for this project in Account #042-8600-533-65-80. The City Purchasing Ordinance requires that the Commission approve any purchase that exceeds \$25,000.

Recommended Action:

Staff recommends approval of Resolution Number 19-111.

Policy Implications:

N/A

Alternatives:

1. Approve Resolution Number 19-111
2. Deny Resolution Number 19-111

Discussion of Alternatives:

1. Alternative 1 approves the Resolution.

Advantages:

- Expansion of infrastructure to provide reclaimed water to portions of the Northeast section of the City.

Disadvantages:

- The action will approve an expenditure of \$29,757.10.
2. Alternative 2 denies the Resolution.

Advantages:

- The City would not expend \$29,757.10.

Disadvantages:

- The City will need to continue using potable water to provide water for irrigation purposes in these portions of the Northeast section of the City

Reviewed By:

Greg Dobbins, Water Superintendent

Rick Gierok, Director of Public Works

Prepared By:

Melissa Fuller, Sr. Staff Assistant – Water Department

Quotes: available on request

Budget Impact:

The funds for the proposed purchase have been included in the approved Fiscal Year 2019/2020 CIP budget, Account #042-8600-533-65-80.

Attachments:

[Resolution No. 19-111](#)

Reviewed by:

Ronald Neibert, City Manager

Mary Montez, City Clerk

Approved - 11 Dec 2019

Approved - 13 Dec 2019

RESOLUTION NUMBER 19-111

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF EUSTIS, FLORIDA, APPROVING AN EXPENDITURE IN
EXCESS OF \$25,000 FOR MATERIALS FOR THE
RECLAIMED MAIN EXTENSION PROJECT.**

WHEREAS, materials are needed to extend reclaimed water mains on County Road 44 as part of the Reclaimed Main Extension Project; and

WHEREAS, City of Eustis Purchasing Department obtained quotes from four preferred vendors, and Ferguson Waterworks is currently offering the best price; and

WHEREAS, there is sufficient funding for these materials within the FY 2019/20 Capital Improvement Budget; and

WHEREAS, the City of Eustis Purchasing Ordinance requires that the City Commission approve any purchase in excess of \$25,000.

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

- (1) That the City Commission hereby authorizes a purchase in excess of \$25,000 to purchase materials to extend reclaimed water mains on County Road 44; and
- (2) That the City Commission hereby authorizes the City Manager to execute all agreements and contracts associated with the approved purchase.

DONE AND RESOLVED this 19th day of December 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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 19-111 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-112: PROPERTY DONATION (VAUGHN) AND DESIGNATION OF PROPERTY AS PUBLIC RIGHT-OF-WAY

Introduction:

Resolution Number 19-112 authorizes the City Manager to accept the donation of two undeveloped substandard sized commercial parcels located between the Citrus Terrace public right-of-way and the developed commercial properties containing the Chili's Restaurant located at 17419 U.S. Highway 442 and The Shoppes of Citrus Terrace located at 17435 U.S. Highway 441, and designates said property as public right-of-way.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Resolution Number 19-112.

Alternatives:

1. Approve Resolution Number 19-112
2. Deny Resolution Number 19-112

Attachments:

[Staff Report Res. No. 19-112](#)
[Res. No. 19-112](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 13 Dec 2019
Approved - 13 Dec 2019



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: DECEMBER 19, 2019

RE: RESOLUTION NO. 19-112: PROPERTY DONATION (VAUGHN) AND
DESIGNATION OF PROPERTY AS PUBLIC RIGHT-OF-WAY

Introduction

Resolution No. 19-112 authorizes the City Manager to accept the donation of two undeveloped substandard sized commercial parcels located between the Citrus Terrace public right-of-way and the developed commercial properties containing the Chili's Restaurant located at 17419 U.S. Highway 442 and The Shoppes of Citrus Terrace located at 17435 U.S. Highway 441, and designates said property as public right-of-way.

Recommended Action

The administration recommends approval of Resolution No. 19-112.

Background

The two subject commercial properties measuring approximately 17 feet by 845 feet with a total of 0.38 acres have been subject to numerous code enforcement violations for overgrown grass since the development of the Chili's Restaurant and The Shoppes of Citrus Terrace Shopping Center abutting U.S. Hwy 441. On August 2, 2019, the Development Services Director contacted Charlie Vaughn and he agreed to deed the subject properties to the City of Eustis, so they can be designated as part of the abutting Citrus Terrace public right-of-way, relinquishing him of the lawn maintenance responsibilities.

If Resolution No. 19-112 is approved, lawn maintenance responsibilities will be assigned to the commercial developments abutting 441 in accordance with Section 34-97 of City Code, which requires the owner of each lot, tract or parcel of land within the city to reasonably regulate and effectively control excessive growths and accumulations on their property and on the portion of the adjoining public right-of-way between their property and the street. In preparation of this eventuality, the City Manager directed Staff to notify the commercial property owners and/or businesses that would be affected by this action giving them a reasonable time to submit written objections.

On October 4, 2019, a Representative of the Chili's Restaurant's legal Department contact Staff for more information, which was provided, and they were given an additional two weeks to respond with any objections.

On October 21, 2019, Staff contacted the Chili's Representative asking if they were going to submit a written objection. She replied stating that they "are of course not thrilled about the possibility of taking on the responsibility or costs of mowing such a large area" and were requesting estimates from their landscaper for the costs. She requested clarification on the size of the area they would be responsible for, which was provided. There has been no further communications.

There was no response from the property owners of The Shoppes of Citrus Terrace Shopping Center, who are already mowing a significant portion of the area between the the Citrus Terrace public right-of-way and the Shopping Center property.

Community Input

There has been no public input on this item, but the code violations were the direct result of citizen complaints.

Budget / Staff Impact

If the Resolution is approved, the City would obtain real property with a combined Land Value of \$2,000 (\$1,000 per lot). There are no annual taxes due on these properties because they have no market value per the Lake County Property Appraiser. The City would incur the cost of occasional maintenance of a row of oak trees located on the properties, but there would be no routine maintenance costs.

Reviewed By:

Lori Barnes, AICP, Development Services Director

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution No. 19-112

Documents available upon request:

- Letters to adjacent properties/businesses
- Property appraiser's records
- Location map for properties

RESOLUTION NUMBER 19-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF 0.38 ACRES OF REAL PROPERTY LOCATED BETWEEN THE CITRUS TERRACE PUBLIC RIGHT-OF-WAY AND THE DEVELOPED COMMERCIAL PROPERTIES ON US HIGHWAY 441 AND DESIGNATES SAID PROPERTY AS PART OF THE ABUTTING CITRUS TERRACE PUBLIC RIGHT-OF-WAY.

WHEREAS, Charlie A. Vaughn III Trustee is the current owner of the following described Parcel A, which has been cited by the City of Eustis Code Enforcement Department for continued municipal code violations:

PARCEL A

FROM SE COR OF NW 1/4 RUN N 89-46-11 W ALONG S LINE OF SAID NW 1/4 A DIST OF 80.93 FT FOR POB, SAID POINT BEING ON A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 200 FT & A TANGENT BEARING OF N 63-47-17 W, NW'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 26-41-35 A DIST OF 93.18 FT, N 89-31-08 W 749.07 FT, S 0-03-51 E 17.44 FT TO S LINE OF NW 1/4, S 89-46-11 E ALONG SAID S LINE 839.07 FT TO POB--LESS W 220 FT ORB 1336 PG 2104; and

WHEREAS, Charlie A. Vaughn III and Sheri L. Vaughn are the current owners of the following described Parcel B that runs from the west side of Parcel A to Lake Louis:

PARCEL B

W 220 FT OF THE FOLLOWING DESCRIBED PROPERTY: FROM SE COR OF NW 1/4 RUN N 89-46-11 W ALONG S LINE OF SAID NW 1/4 A DIST OF 80.93 FT FOR POB, SAID POINT BEING ON A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 200 FT & A TANGENT BEARING OF N 63-47-17 W, NW'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 26-41-35 A DIST OF 93.18 FT, N 89-31-08 W 749.07 FT, S 0-03-51 E 17.44 FT TO A POINT ON S LINE OF NW 1/4, S 89-46-11 E ALONG S LINE 839.07 FT TO POB ORB 3936 PG 468

WHEREAS, the property owners have agreed to donate the subject properties to the City of Eustis; and

WHEREAS, accepting donation could ensure the proper maintenance of the properties and eliminate the City's costs ensuring they remain in compliance with City Code; and

WHEREAS, it is the intent of the City to incorporate these two properties into the abutting Citrus Terrace public right-of-way.

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

Section 1: That the City Manager is hereby authorized to accept the donation of the following real properties:

FROM SE COR OF NW 1/4 RUN N 89-46-11 W ALONG S LINE OF SAID NW 1/4 A DIST OF 80.93 FT FOR POB, SAID POINT BEING ON A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 200 FT & A TANGENT BEARING OF N 63-47-17 W, NW'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 26-41-35 A DIST OF 93.18 FT, N 89-31-08 W 749.07 FT, S 0-03-51 E 17.44 FT TO S LINE OF NW 1/4, S 89-46-11 E ALONG SAID S LINE 839.07 FT TO POB--LESS W 220 FT; and

W 220 FT OF THE FOLLOWING DESCRIBED PROPERTY: FROM SE COR OF NW 1/4 RUN N 89-46-11 W ALONG S LINE OF SAID NW 1/4 A DIST OF 80.93 FT FOR POB, SAID POINT BEING ON A CURVE CONCAVE TO THE SW, HAVING A RADIUS OF 200 FT & A TANGENT BEARING OF N 63-47-17 W, NW'LY ALONG THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 26-41-35 A DIST OF 93.18 FT, N 89-31-08 W 749.07 FT, S 0-03-51 E 17.44 FT TO A POINT ON S LINE OF NW 1/4, S 89-46-11 E ALONG S LINE 839.07 FT TO POB ORB 3936 PG 468

Section 2: That the above described properties shall be incorporated into the abutting Citrus Terrace public right-of-way.

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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 19-112 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-113: RELEASE OF LIEN - 527 HILL STREET

Introduction:

Resolution Number 19-113 provides for the release of code enforcement liens recorded against 527 Hill Street under case numbers 18-01157, 18-01158 and 19-00041.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Resolution Number 19-113.

Attachments:

[Staff Report Res. No. 19-113](#)

[Res. No. 19-113](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 13 Dec 2019
Approved - 13 Dec 2019



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: DECEMBER 19, 2019

RE: RESOLUTION NUMBER 19-113
RELEASE OF LIEN, 527 HILL STREET, CASE #18-01157, 18-01158
AND 19-00041

Introduction

Resolution Number 19-113 provides for the release of code enforcement liens recorded against 527 Hill Street.

Recommended Action

The administration recommends approval of Resolution Number 19-113.

Background

The City of Eustis has three code enforcement liens recorded against 527 Hill Street as a result of a previous owner failing to comply with City Code.

On June 11, 2019, a Certificate of Title was issued to Federal Home Loan Mortgage Corporation as the result of a mortgage foreclosure, which was filed in the Clerk of Court on May 24, 2018.

Upon the bank taking ownership of the property, they started the legal process of evicting the occupant from the property and once they obtained a Writ of Possession, they began taking necessary actions to bring the property into compliance with City Codes.

Considerations:

The City's liens were recorded after the bank's Notice of Lis Pendens and are not enforceable against the property in accordance with Florida Statutes 48.23.

Community Input

No adjacent property owners attended the Code Enforcement Hearings, but the violations were a direct result of citizen complaints.

Budget / Staff Impact:

If the Resolution is approved, the City would not receive any portion of the accrued fines.

Reviewed By:

Lori Barnes, AICP, Development Services Director

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 19-113

Documents available upon request:

- Copy of Code Enforcement liens
- Notice of Lis Pendens
- Certificate of Title
- Florida Statute 48.23
- Attorney General's Opinion 93-77

RESOLUTION NUMBER 19-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A RELEASE OF LIEN RECORDED AGAINST A SINGLE FAMILY RESIDENTIAL DWELLING LOCATED AT 527 HILL STREET.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 18-01187, 18-01158 and 19-00041 against Christopher Pelletier and Ingred I. Lobinski Estate, previous property owners, for failing to comply with City Ordinances:

EUSTIS COLLEGE HEIGHTS S 1/2 OF LOTS 5, 6, 7, 8 BLK 2 PB 4 PG 52 ORB 1317 PG 1493; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, has recorded three Code Enforcement liens against the subject property; and

WHEREAS, on May 29, 2019, the property was sold at a foreclosure sale to Pen Financial, LLC dba Shellpoint Mortgage Services and a Certificate of Title was issued to Federal Home Loan Mortgage Corporation; and

WHEREAS, the City's code enforcement liens were recorded after the Lis Pendens against the previous owner; and

WHEREAS, the City Attorney has confirmed that code enforcement liens recorded after the recording of a Lis Pendens are not valid in accordance with Florida Statutes 48.23.

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

That the City Clerk is hereby authorized to execute a Release of Lien for the code enforcement liens recorded against the following described property:

EUSTIS COLLEGE HEIGHTS S 1/2 OF LOTS 5, 6, 7, 8 BLK 2 PB 4 PG 52 ORB 1317 PG 1493

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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 19-113 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

RESOLUTION NUMBER 19-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A RELEASE OF LIEN RECORDED AGAINST A SINGLE FAMILY RESIDENTIAL DWELLING LOCATED AT 527 HILL STREET.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 18-01187, 18-01158 and 19-00041 against Christopher Pelletier and Ingrid I. Lobinski Estate, previous property owners, for failing to comply with City Ordinances:

EUSTIS COLLEGE HEIGHTS S 1/2 OF LOTS 5, 6, 7, 8 BLK 2 PB 4 PG 52 ORB 1317 PG 1493; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, has recorded three Code Enforcement liens against the subject property; and

WHEREAS, on May 29, 2019, the property was sold at a foreclosure sale to Pen Financial, LLC dba Shellpoint Mortgage Services and a Certificate of Title was issued to Federal Home Loan Mortgage Corporation; and

WHEREAS, the City's code enforcement liens were recorded after the Lis Pendens against the previous owner; and

WHEREAS, the City Attorney has confirmed that code enforcement liens recorded after the recording of a Lis Pendens are not valid in accordance with Florida Statutes 48.23.

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

That the City Clerk is hereby authorized to execute a Release of Lien for the code enforcement liens recorded against the following described property:

EUSTIS COLLEGE HEIGHTS S 1/2 OF LOTS 5, 6, 7, 8 BLK 2 PB 4 PG 52 ORB 1317 PG 1493

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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; however, 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 19-113 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-114: RELEASE OF LIEN - 3010 BRIGHTON ROAD

Introduction:

Resolution Number 19-114 provides for the release of code enforcement liens recorded against 3010 Brighton Road under case numbers 10-086, 14-00271 and 17-01331 upon payment of the City's administrative costs totaling \$1,500.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Resolution Number 19-114.

Attachments:

[Staff Report Res. No. 19-114](#)

[Res. No. 19-114](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 13 Dec 2019
Approved - 13 Dec 2019



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: DECEMBER 19, 2019

RE: RESOLUTION NUMBER 19-114
RELEASE OF LIEN, 3010 BRIGHTON ROAD, CASE #10-086, 14-00271 AND 17-01331

Introduction

Resolution Number 19-114 provides for the release of code enforcement liens recorded against 3010 Brighton Road, upon payment of the City's administrative costs totaling \$1,500.

Recommended Action

The administration recommends approval of Resolution Number 19-114.

Background

The City of Eustis has three code enforcement liens recorded against 3010 Brighton Road. The previous property owners vacated the property when JP Morgan Chase Bank, N.A. began foreclosure action in 2009. While the property was vacant and in foreclosure, the Department cited the property for overgrown grass and unkempt landscaping multiple times. Copies of the violations were mailed certified to the bank for the 2010 and 2014 cases, but they did not respond.

On November 6, 2013, the Clerk of Court approved a motion from the Plaintiff to cancel the scheduled foreclosure sale, vacate the final judgment and dismiss the case.

On August 21, 2018, the bank filed another lawsuit to foreclose on the property. The City of Eustis was included as a Defendant in the suit because its liens were inferior to their mortgage.

On March 26, 2019, a Certificate of Title was issued to JPMorgan Chase Bank, N.A. pursuant to the assignment of bid filed March 13, 2019, and a Certificate of No Disbursement was filed by the Court. The City's liens were inferior to the mortgage lien and were nullified during the foreclosure process.

On October 30, 2019, a Representative of the bank's asset management company contacted the Department about negotiating a reduction of the accrued fines since the property has been foreclosed and JPMorgan Chase Bank is now the owner.

The Code Enforcement Supervisor contacted the representative and proposed the possibility of obtaining a Release of Lien for payment of the City's \$1,500 in administrative costs associated with code violations during the 10-year period it remained vacant and in foreclosure by the bank, which they agreed.

Considerations:

The City's liens were recorded after the bank's mortgage lien, which had priority over the City's lien in accordance with Florida Statutes 695.11. When the bank foreclosed on their mortgage lien, they also foreclosed the City's liens causing them to be no longer valid. Even though the lien is no longer valid, it still comes up as an encumbrance on the property's title during a title search, which releasing the liens will resolve.

Community Input

No adjacent property owners attended the Code Enforcement Hearings, but the violations were a direct result of citizen complaints.

Budget / Staff Impact:

If the resolution is approved, the City would receive \$1,500.

Reviewed By:

Lori Barnes, AICP, Development Services Director

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 19-114

Documents available upon request:

- Copy of Code Enforcement liens
- Certificate of Title
- Certificate of No Disbursements
- Email correspondence with bank representative
- Florida Statute 695.11

RESOLUTION NUMBER 19-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A RELEASE OF LIEN RECORDED AGAINST A SINGLE FAMILY RESIDENTIAL DWELLING LOCATED AT 3010 BRIGHTON ROAD UPON PAYMENT OF CITY'S ADMINISTRATIVE COSTS.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 10-086, 14-00271 and 17-01331 against Jaime Arcilla and Luz Arcilla, previous property owners, for failing to comply with City Ordinances:

EUSTIS, WESTGATE SUB LOT 27 PB 29 PGS 63-64 ORB 3095 PG 1240; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, has recorded three Code Enforcement liens against the subject property; and

WHEREAS, on March 13, 2019, the property was sold at a foreclosure sale to JP Morgan Chase Bank, N.A.; and

WHEREAS, the City's liens were inferior to the mortgage lien and were nullified during the foreclosure process; and

WHEREAS, the bank's asset management company has requested the City of Eustis release its code enforcement liens against the property; and

WHEREAS, the bank has agreed to pay the City's administrative costs, in return.

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

That the City Clerk is hereby authorized to execute a Release of Lien for the three code enforcement liens recorded against the following described property, upon payment of the City's \$1,500 administrative costs:

EUSTIS, WESTGATE SUB LOT 27 PB 29 PGS 63-64 ORB 3095 PG 1240

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland

Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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 19-114 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

RESOLUTION NUMBER 19-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A RELEASE OF LIEN RECORDED AGAINST A SINGLE FAMILY RESIDENTIAL DWELLING LOCATED AT 3010 BRIGHTON ROAD UPON PAYMENT OF CITY'S ADMINISTRATIVE COSTS.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 10-086, 14-00271 and 17-01331 against Jaime Arcilla and Luz Arcilla, previous property owners, for failing to comply with City Ordinances:

EUSTIS, WESTGATE SUB LOT 27 PB 29 PGS 63-64 ORB 3095 PG 1240; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, has recorded three Code Enforcement liens against the subject property; and

WHEREAS, on March 13, 2019, the property was sold at a foreclosure sale to JP Morgan Chase Bank, N.A.; and

WHEREAS, the City's liens were inferior to the mortgage lien and were nullified during the foreclosure process; and

WHEREAS, the bank's asset management company has requested the City of Eustis release its code enforcement liens against the property; and

WHEREAS, the bank has agreed to pay the City's administrative costs, in return.

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

That the City Clerk is hereby authorized to execute a Release of Lien for the three code enforcement liens recorded against the following described property, upon payment of the City's \$1,500 administrative costs:

EUSTIS, WESTGATE SUB LOT 27 PB 29 PGS 63-64 ORB 3095 PG 1240

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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; however, 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 19-114 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-115: RELEASE OF LIEN - 1202 SOUTH DEWEY STREET

Introduction:

Resolution Number 19-115 approves the release of a code enforcement lien recorded against 1202 South Dewey Street under case number 18-00992.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Resolution Number 19-115.

Alternatives:

1. Approve Resolution Number 19-115
2. Deny Resolution Number 19-115

Attachments:

[Staff Report Res. No. 19-115](#)
[Resolution No. 19-115](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 13 Dec 2019
Approved - 13 Dec 2019



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: DECEMBER 19, 2019

RE: RESOLUTION NUMBER 19-115
RELEASE OF LIEN – 1202 SOUTH DEWEY STREET, CASE 18-00992

Introduction

Resolution Number 19-115 approves the release of a code enforcement lien recorded against 1202 South Dewey Street.

Recommended Action

The administration recommends approval of Resolution Number 19-115.

Background

The City of Eustis has a code enforcement lien recorded against 1202 South Dewey Street for code violation case #18-00992 because of the previous owner's failure to comply with City Code. The City did not foreclose on the lien because a Tax Deed Sale was pending.

On April 10, 2019, the property was sold to AGW Global LLC at a tax deed sale.

On April 12, 2019, the City received notice from the Clerk of the Circuit Court of a \$15,187.93 surplus (less Clerk's fees and costs) because of the sale. A claim was submitted to the Court and \$7,500 was allocated to the City. It was used to fully satisfy the code enforcement lien for Case 18-00724. The City did not qualify for the remaining funds for Case 18-00992 because the lien was recorded 3 days after the tax deed sale.

On August 16, 2019, the new property owner obtained a demolition permit and the demolition of the unsafe structure was completed on November 12, 2019.

On November 13, 2019, the new property owner submitted a written request for the lien to be released against the property.

Alternatives:

1. Approve Resolution Number 19-115
2. Deny Resolution Number 19-115

Discussion of Alternatives:

Alternative 1 approves Resolution Number 19-115 and releases the code enforcement liens against the subject property.

Advantages:

- The action is responsive to the request of the new property owner.
- The action would not hold the new owner responsible for paying fines associated with the previous owner's neglect of the property.
- The action would be consistent with previous City Commission actions.

Disadvantages:

- The City would lose the possibility of collecting the remaining \$24,000 in fines.

Alternative 2 denies Resolution Number 19-115 and maintains the unpaid liens against the subject property.

Advantages:

- The City could collect the remaining \$24,000 in fines

Disadvantages:

- The new owner would bear the financial burden of paying the fines.
- The new owner could not sell or develop the property without paying the remaining fines and taking a financial loss.
- The action would discourage this Investor/Developer from developing future properties in the City of Eustis.

Community Input

No adjacent property owners attended the Code Enforcement Hearings.

Reviewed By:

Lori Barnes, Development Services Director

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 19-115

Documents available upon request:

- Request submitted by new property owner
- Notice of surplus funds
- Affidavit claiming surplus funds
- Tax deed

RESOLUTION NUMBER 19-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A RELEASE OF LIEN RECORDED AGAINST A VACANT SINGLE FAMILY RESIDENTIAL LOT FORMALLY ADDRESSED AS 1202 SOUTH DEWEY STREET.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 18-00724 and 18-00992 against George W. Moeller, Jr., previous property owner, for failing to comply with City Ordinances:

EUSTIS, BISHOP'S SUB LOTS 3, 4 BLK 9 PB 2 PG 4 ORB 1351 PG 19; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, recorded a Code Enforcement lien against the subject property for Case 18-00724 on January 17, 2019, in Official Record Book 5225, Pages 1148-1149, in the office of the Clerk of the Circuit Court, Lake County, State of Florida; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, recorded a Code Enforcement lien against the subject property for Case 18-00992 on April 12, 2019, in Official Record Book 5263, Pages 1966-1967, in the office of the Clerk of the Circuit Court, Lake County, State of Florida; and

WHEREAS, on April 10, 2019, the property was sold to AGW Global LLC at a tax deed sale; and

WHEREAS, the City received \$7,500 in surplus funds as a result of the sale, which was applied to fully satisfy the Code Enforcement Lien for Case 18-00724; and

WHEREAS, the new property owner has demolished the unsafe structure and submitted a request for the city to release its one remaining code enforcement lien against the property.

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

That the City Clerk is hereby authorized to execute a Release of Lien for the code enforcement lien recorded against the following described property:

EUSTIS, BISHOP'S SUB LOTS 3, 4 BLK 9 PB 2 PG 4 ORB 1351 PG 19

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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; however, 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 19-115 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: RESOLUTION NUMBER 19-116: APPROVAL OF PURCHASE IN EXCESS OF \$25,000 FOR RENTAL OF A CONCRETE CRUSHING MACHINE

Introduction:

Resolution Number 19-116 authorizes the rental in excess of \$25,000 for a concrete crushing machine.

Background:

The Public Works Department saves demolished sidewalks and other concrete items to recycle for future re-use. Every couple of years a concrete crushing machine is rented to create material for various purposes: #5 stone is used for erosion control; #57 stone is used for earthwork and utility construction; and concrete fines are used for roadway construction.

The cost to rent this machinery replaces tipping fees that would have to be paid if the used concrete was taken to the County Landfill. Crushing the used concrete also saves the cost of having to buy the necessary stone and fines for construction and maintenance purposes.

The last time we performed this operation (2017), we received bids and PowerScreen of Florida, Inc. came in as the low bidder. They honored their 2013 pricing, which was also the low bid at that time. They have agreed to honor the same pricing for us this time, which is \$30,000/month and a \$3,000 transportation charge. The 2017 Quote Summary Report is attached.

Staff would like to start the Concrete Crushing operations over the holidays. PowerScreen has a machine available and will hold their 2013 & 2017 pricing. They have been the lowest bidder for over six years. Therefore, we would like to forego the bid process and award this service to PowerScreen of Florida, Inc. Staff anticipates the work will be completed within 6 weeks but will have the purchase order issued for a two-month span. We will only be charged for the prorated time used.

The City's Purchasing Ordinance requires that the Commission approve any purchase that exceeds \$25,000.

Recommended Action:

Staff recommends approval of this resolution.

Policy Implications:

N/A

Alternatives:**Discussion of Alternatives:**

1. Alternative 1 approves Resolution No. 19-116 and authorizes a purchase order in the amount of \$63,000 for the expenditure described above.
 - Advantages:
 - The City will carry on with its daily maintenance and construction schedules.
 - Disadvantages:
 - The City will expend budgeted funds.
2. Alternative 2 defeats Resolution Number 19-116.
 - Advantages:
 - There is no advantage to denying the resolution. Crushed concrete is required as part of the process of multiple tasks throughout the City.
 - Disadvantages:
 - Without the services of a concrete crushing machine, Public Works have to purchase the rock needed for various maintenance and construction purposes; as well as, paying tipping fees to dispose of the used concrete in the landfill.

Prepared by Sally Mayer, Administrative Assistant - Public Utilities

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

Budget Impact:

The funds for the proposed purchase have been included in the approved Fiscal Year 2019/2020 budget.

Attachments:

[Resolution No. 19-116](#)

[Concrete Crusher 2017 Quote Summary](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 13 Dec 2019
Approved - 13 Dec 2019

RESOLUTION NUMBER 19-116

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF EUSTIS, FLORIDA, APPROVING AN EXPENDITURE IN
EXCESS OF \$25,000 FOR RENTAL OF A CONCRETE
CRUSHING MACHINE**

WHEREAS, the City of Eustis City Commission approved Public Works' repair and maintenance plans for the fiscal year 2019/2020; and

WHEREAS, crushed concrete is essential for multiple purposes within the plans; and

WHEREAS, PowerScreen of Florida, Inc. consistently submitted the lowest quote for renting a concrete crusher for over six years; and

WHEREAS, there is sufficient funding for rental of this machinery within the F/Y 2019-20 Capital Improvement Budget; and

WHEREAS, City of Eustis Purchasing Ordinance requires that the City Commission approve any purchase in excess of \$25,000.

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

- (1) That the City Commission hereby authorizes a purchase of \$63,000 for the rental of a concrete crushing machine; and
- (2) That the City Commission hereby authorizes the City Manager to execute all agreements and contracts with PowerScreen of Florida, Inc. associated with the approved rental purchase.

DONE AND RESOLVED this 19th day of December, 2019, in regular session of the City Commission of the City of Eustis, Florida.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 20th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

This document 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 19-116 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Req R7-02033 Rental of Impact Crusher & Screening Plant

PowerScreen in Lakeland will rent updated equipment for the same price as we rented in 2013,

- \$30,000 for one month
- \$3,000 transportation charge
- There is one available and can be delivered after we provide proof of insurance.

Linder Industrial Rental will rent a comparable piece of equipment but cannot provide usage for at least 2 months and he could not guarantee availability after that.

- \$30,000 for one month
- \$3500 mobile stockpile
- \$1500 return freight
- T.B.D. Inbound freight based on which yard location coming from

Called the following Industrial Equipment Rental Companies found in Blue Book and on-line and they do not carry this equipment:

- Nortrax
- Sunbelt
- Ringpower
- United Rentals

Cross Environmental Services and Coastal Machinery will provide "crushing" services but since it takes 2 days to transport the equipment it has to be a large enough job to make it worth their while. Last time pricing was researched, it was going to cost \$30,000/week to crush the stone.

Cross Environmental used to provide services for Brevard County under contract, but there was not enough work for it to be lucrative. Per James Smith, they did not renew.

I could not locate other "contract pricing" that we can piggyback for this equipment. Checked FL State, NJPA, and U.S. Communities.



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: ORDINANCE NUMBER 19-35: VOLUNTARY ANNEXATION OF PROPERTY
LOCATED ON NORTHWEST CORNER OF WASHINGTON AVENUE AND
OHIO STREET
ORDINANCE NUMBER 19-36: COMPREHENSIVE PLAN AMENDMENT
ASSIGNING FUTURE LAND USE DESIGNATION
ORDINANCE NUMBER 19-37: ASSIGNING DESIGN DISTRICT
DESIGNATION

Introduction:

Ordinance 19-35 provides for the voluntary annexation of approximately 0.3 acres located at the northwest corner of Washington Avenue and Ohio Street. If Ordinance 19-35 is approved, Ordinance 19-36 will change the future land use designation from Urban Medium in Lake County to Suburban Residential (SR) in the City, and Ordinance 19-37 will assign a design district designation of Suburban Neighborhood.

Background:

See attached Staff Report.

Recommended Action:

Staff recommends approval of Ordinances 19-35, 19-36, and 19-37.

Alternatives:

1. Approve Ordinances 19-35, 19-36, and 19-37.
2. Deny Ordinances 19-35, 19-36, and 19-37.

Attachments:

[Staff Report Ord. Nos. 19-35 19-36 and 19-37](#)

[EXHIBIT A](#)

[ADA Ord 19-35 Washington Annex](#)

[Ordinance 19-36](#)

[Ordinance 19-37](#)

Reviewed by:

Lori Barnes, Director
Ronald Neibert, City Manager

Approved - 15 Nov 2019
Approved - 15 Nov 2019



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: NOVEMBER 21, 2019

RE: EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED ON
THE NORTHWEST CORNER OF WASHINGTON AVENUE AND OHIO
STREET
Ordinance Number 19-35 – Voluntary Annexation
Ordinance Number 19-36 – Comprehensive Plan Amendment
Ordinance Number 19-37 – Design District Assignment

Introduction

Ordinance Number 19-35 provides for the voluntary annexation of approximately 0.3 acres located on the northwest corner of Washington Avenue and Ohio Street. Provided the City Commission approves annexation of the subject property, Ordinance Number 19-36 would change the future land use designation from Urban Medium in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 19-37 would assign the subject property a design district designation of Suburban Neighborhood. If the City Commission denies Ordinance Number 19-35, then there can be no consideration of Ordinance Numbers 19-36 and 19-37.

Recommended Action

The administration recommends approval of Ordinance Numbers 19-35, 19-36, and 19-37.

Background/Pertinent Site Information

1. The site contains approximately 0.3 acres and is located within the Eustis Joint Planning Area. The site is vacant and the Lake County Property Appraiser has classified the property as vacant residential. There are no structures on the site.
2. The site is contiguous to the City on its southern boundary.
3. The site has a Lake County land use designation of Urban Medium, but approval of Ordinance Number 19-36 would change the land use designation to Suburban Residential (SR) in the City of Eustis.
4. Surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use		Design District
Site	Vacant	Urban (County)	Medium	NA
North	Single Family	Urban (County)	Medium	NA
South	Single Family	Urban (County)	Medium	NA
		Street in the City		Suburban Neighborhood

Location	Existing (Current) Use	Future Land Use		Design District
		(SR)		
East	Single Family	Urban (County)	Medium	NA
West	Single Family	Urban (County)	Medium	NA

Applicant's Request

The applicant, Andrew Matella has submitted an application for annexation and assignment of a Eustis future land use and design district designation.

The current Lake County zoning designation is Urban Residential (R-6) and the land use designation is Urban Medium. The Lake County zoning and land use designations allow for single and multi-family residential up to 6 du/acre. The property owner has requested the SR land use designation within the City of Eustis. The SR land use provides for single family, duplexes, and townhome uses up to 5 du/acre. The requested SR designation permits a single family or duplex use and is consistent with the land use designation of adjacent properties.

Analysis of Annexation Request (Ord. Number 19-35)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
 “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

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

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
 “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

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

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on November 14 and November 21, 2019.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
“Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave. It reduces and existing enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):
“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

The department provided notice to the Lake County Board of County Commissioners on November 4, 2019.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 19-36)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

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

Review of Indicators

1. Low Intensity Development:

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

This indicator does not apply. The requested SR future land use designation will provide for a residential project at a suburban density.

2. *Urban Development in Rural Areas:*

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

This indicator does not apply. The requested designation in this geographic area will provide for development of a suburban nature within 1.3-miles of the City's urban core. It is completely surrounded by suburban residential development.

3. *Strip or Isolated Development:*

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

This indicator does not apply. The site is located approximately 1.3 miles from the City's downtown core. It is surrounded by existing development.

4. *Natural Resources Protection:*

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

This indicator does not apply. The site does not contain natural resources in need of protection. It is an infill lot within an existing developed area. However, Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

5. *Agricultural Area Protection:*

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

This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is not prime farmland and has no unique soils.

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water services are available to the site along Washington Avenue. Adequate capacity is available to serve future development consistent with the requested SR future land use designation. Washington Avenue has sufficient capacity to serve residential development on this site. 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. In addition to public services that are already available and serving other properties in the area, future public facilities/services include: Eustis' Fire Station Number 22 within 1.7 miles of future development on this parcel. LakeExpress bus stop 10 within 0.45 miles of future development on this parcel

7. Cost Effectiveness and Efficiency of Public Facilities:

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

This indicator does not apply. Adequate capacity is available to serve future development consistent with the requested SR future land use designation. The City provides these services to other properties in the area, so efficiency will improve.

8. Separation of Urban and Rural:

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

This indicator does not apply. The area is developed in all directions at suburban residential densities.

9. Infill and Redevelopment:

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

This indicator does not apply. The area surrounding the site is already developed. This is an infill development area.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The area is completely developed as residential and does not meet planning standards for uses other than residential

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The area is already developed with a transportation network that will provide access to the site.

12. Open Space:

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

This indicator does not apply. The vacant property, as it exists, does not provide functional open space, so any future development will not result in a loss.

13. Urban Sprawl:

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

a. Direction of Growth:

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

This is an infill development site. Growth has already occurred around the site.

b. Efficient and Cost-Effective Services:

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

City water service is available to the site along Washington Avenue. Adequate capacity is available to serve future development consistent with the requested SRJ future land use designation. The transportation network has sufficient capacity to serve residential development, up to and including the maximum development potential, on this site. 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.

c. Walkable and Connected Communities:

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

This is a single lot within a developed residential area. Transportation options already exist in the area.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

Not applicable; this site does not support active agricultural or silvicultural activities.

f. Open Space:

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

This is a single residential infill lot and cannot provide any open space to the area. The area contains open space that the new development will use.

g. Balance of Land Uses:

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

This is a residential infill lot and will only provide a residential use.

h. Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with Comprehensive Plan Future Land Use Element Appendix:

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

Major Categories of Plan Policies:

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

1. General Public Facilities/Services:

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

a. *Emergency Services Analysis:*

The subject property is located approximately 1.3 miles from the downtown core. Eustis emergency services already provide emergency response to other properties in the area. Additionally, fire service is approximately 1.7 miles of the subject property. Any development consistent with the SR future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

b. *Parks & Recreation:*

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015.

Parks Level of Service Demand and Capacity

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

- c. *Potable Water & Sanitary Sewer:*
Water is available to the subject property. The following outlines the water demand based on a maximum development potential scenario.

**Potential Residential Demand
1 Dwelling Units**

Water – 1 x 300 GPD =300 GPD

According to the City of Eustis Public Works Department, water and wastewater capacity is available to serve up to and including the maximum development potential.

- d. *Schools:*
The proposed change will not negatively impact schools. Single residential development meets the de minimus requirements for the School Board.
- e. *Solid Waste:*
The City contracts with Waste Management for hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in delivery of services.
- f. *Stormwater:*
The Comprehensive Plan and Land Development Regulations include level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.
- g. *Transportation Network Analysis:*
The single-family lot meets the de minimus standards. At this time, the adjacent transportation network has the capacity to serve the proposed SR property, even at a maximum development standard, without negatively affecting the adopted level of service.

2. Natural Resources/Natural Features:

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

a. Ground water recharge areas:

This is an infill lot in a developed residential area and will not affect recharge.

b. Historical or archaeological sites:

The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. Flood zones:

The subject property is not located in a flood zone, nor is it adjacent to other properties that lie substantially within a flood zone.

d. Soil and topography:

The area is already developed indicating the soils can handle residential development. At the time of development, the City stormwater rules will determine if appropriate design considerations may apply.

3. Comprehensive Plan Review:

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

The current Lake County zoning designation of the subject property is R-6 and the land use designation is Urban Medium. The property owner has requested the SR land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. Review of Surrounding Properties

The site is surrounded by single-family residences of equal or lower density. These zoning categories are Lake County R-1 to the east, north and south. The adjoining western lot is R-6.

b. Comparison of Lake County Development Conditions

(The proposed Maximum Development Potential under a RT Future Land Use Designation):

The existing Lake County future land use designation of the parcel is Urban Medium, which provides for a range of residential development

up to 7 du/acre. The Lake County zoning (R-6) allows density up to 6 du/acre. The City's SR future land use allows densities up to 5 du/acre. Under either development scenario, only 1 du is allowed.

c. Proposed Residential Land Uses.

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

Not applicable.

d. Proposed Non-Residential Land Uses.

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

Not applicable.

4. Transportation:

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

The proposed land use designation is consistent with the Transportation Element. A single-family infill lot meets the de minimus requirements for transportation.

5. Water Supply:

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

Public utilities and services are available. Refer to 5.A. above for more information. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

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

Standards for Review:

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

a. Consistent with Comprehensive Plan:

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

The proposed amendment is consistent with the Comprehensive Plan. See analysis above under item 5, A through D.

b. *In Conflict with Land Development Regulations:*

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

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

c. *Inconsistent with Surrounding Uses:*

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

The surrounding area is developed with single-family residences. The SR future land use only allows single family and duplex residences. The acreage limits development to a single-family residence.

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

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

e. *Demand on Public Facilities:*

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

City water service is available to the site along Washington Avenue. Adequate capacity is available to serve future development consistent with the requested RT 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. See attached Lake County Public Schools Growth Impact Report, which indicates the change will not negatively impact schools.

f. *Impact on Environment:*

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

The site does not contain natural resources in need of protection. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

g. Orderly Development Pattern:

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

County and City Future Land Use and Zoning designations are compatible with existing development in the area. Infill residential development in an area of residential development is orderly and logical.

h. Public Interest and Intent of Regulations:

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

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

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

The development of the property will be in the public interest as it increases efficiency of existing infrastructure, limits sprawls and maintains Eustis' character and lifestyle.

i. Other Matters:

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

There are no other matters

Analysis of Design District Request (Ord. Number 19-37):

Form-Based Code:

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

1. Standard for Review:

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

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

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

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Suburban Neighborhood).

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

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

Design districts

(1) Suburban neighborhood.

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

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

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

The site meets the design district purpose and intent by eliminating vacant areas within the design district.

c. Section 102-17(a)

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

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

A Suburban Neighborhood designation would maintain the existing transect conditions.

d. Consistent with Comprehensive Plan:

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

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

e. Consistent with Surrounding Uses:

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

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

f. Changed Conditions:

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

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

g. Public Facilities.

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

This amendment will not change the demand on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also see analysis of public facilities in above sections of this report.

h. Impact to Environment:

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

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. Site plan review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

i. Property Values:

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

This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

j. Orderly Development Pattern:

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

The proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

k. Public Interest and Intent of Regulations:

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

The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

l. Other Matters:

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

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

Applicable Policies and Codes

1. Resolution Number 87-34

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

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

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

3. Land Development Regulations Section 109-3.4(b)(4)a:

The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services. There are interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

4. Land Development Regulations Section 109-2.3:

The SR land use is intended to have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family

detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

5. Land Development Regulations Section 110-3.2. (c) (1) and (3):

Suburban residential compatibility.

- (1) The maximum residential density permitted within any suburban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.
- (3) Transitions within a design district and adjacent to another design district. Edge condition standards. When any suburban design district abuts an existing development, whether residential or commercial, the following shall occur:
 - a. The new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).
 - b. Nonresidential building lot typologies that are adjacent to existing residential may be permitted if utilizing the minimum lot requirements. If lot requirements exceed the minimum, a masonry wall and landscape shall be required or a street or alley may be sufficient in buffering. This determination shall be given during site plan review by the development services director.

Fiscal Impact:

The current just value of the subject property is \$10,873. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$82.43, predevelopment.

Alternatives:

1. Approve Ordinance Numbers 19-35 (Annexation), 19-36 (Comp. Plan Amendment), and/or 19-37 (Design District Designation)
2. Deny Ordinance Numbers 19-35, 19-36 and 19-37.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

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

Disadvantages:

- The site would no longer be vacant.

Alternative 2 denies the Ordinances.

(If Ordinance Number 19-35 is denied, the Commission cannot approve Ordinance Numbers 19-36 and 19-37.)

Advantages:

- The City would not have to provide services to the subject property.
- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would create a gap in the City's natural growth boundary as defined by the Eustis Planning Area.
- The action would eliminate the potential for increased operating revenue and the subject property would continue to receive the indirect benefits of City services that are provided to adjacent properties without paying City taxes.
- The City would continue to experience gaps in its service area causing service inefficiency and confusion regarding City boundaries.
- The property could remain underutilized.
- The City could lose an economic development opportunity.

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and posted the site. Since November 14, 2019 the department has received 5 additional response from residents or adjacent property owners.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$82.43 annually in additional operating revenue, predevelopment. There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Reviewed By:

Lori Barnes, AICP, Development Services Director

Prepared By:

Roland D. Magyar, AICP, Senior Planner

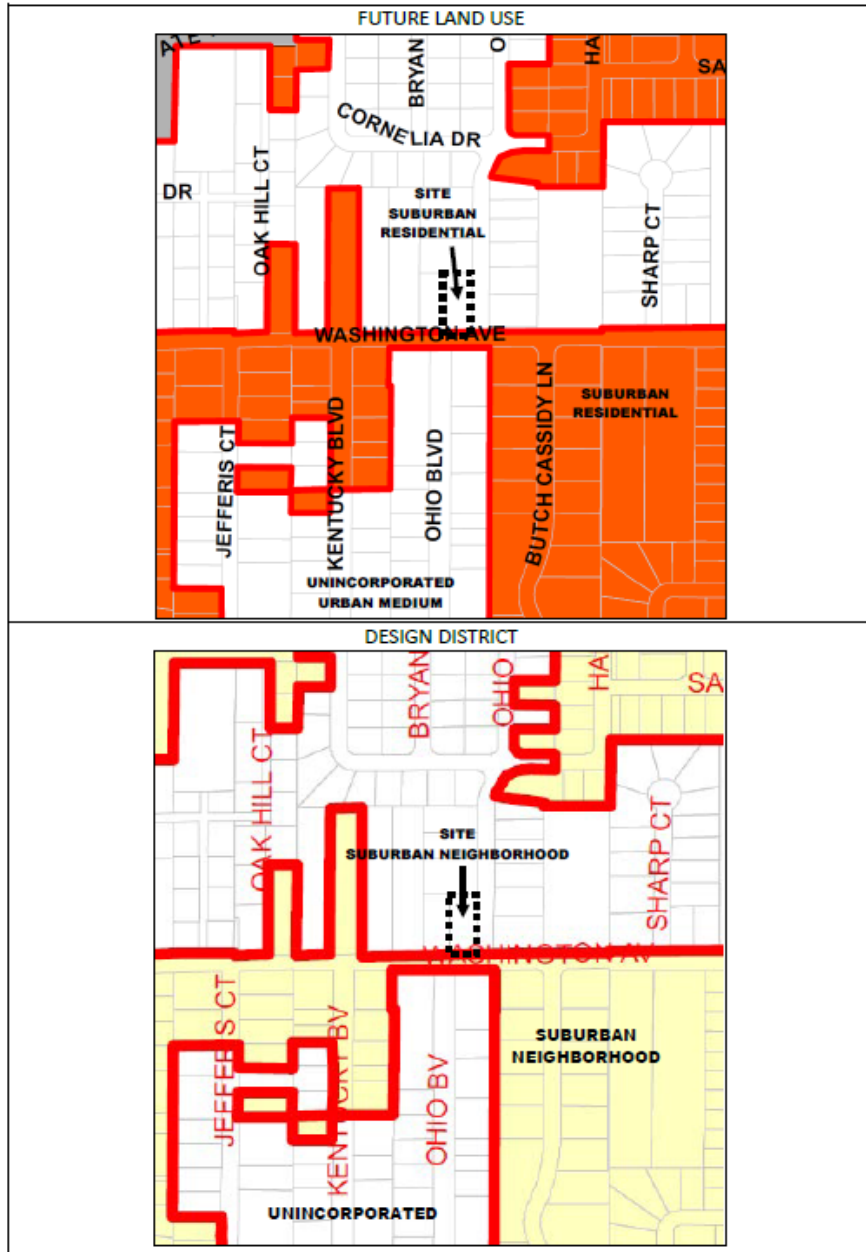
Attachments:

Ordinance Number 19-32, Ordinance Number 19-34, Ordinance Number 19-35
Exhibit A

To be provided on request:

Surrounding Property Owner Notice of Hearing
Legal Advertisement of Ordinances
School Growth Impact Report

EXHIBIT A
FUTURE LAND USE AND DESIGN DISTRICT MAPS



ORDINANCE NUMBER 19-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; VOLUNTARILY ANNEXING APPROXIMATELY 0.30 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF WASHINGTON AVENUE AND OHIO STREET.

WHEREAS, the Vista Grande Properties LLC, the legal owner of record, has made application for voluntary annexation of approximately 0.3 acres of real property located at the northwest corner of Washington Avenue and Ohio Street more particularly described as:

Tax ID: 12-19-26-0004-000-13200

E 82.28 FT OF W 164.55 FT OF E 564.47 FT OF S 186.49 FT OF NW 1/4 OF SE 1/4--
LESS ST R/W-- ORB 4436 PG 1842.

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary; 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 City services are available; and

WHEREAS, on November 21, 2019 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 5, 2019, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 0.3 acres of real property located at the northwest corner of Washington Avenue and Ohio Street, 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 5th day of December, 2019.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 6th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

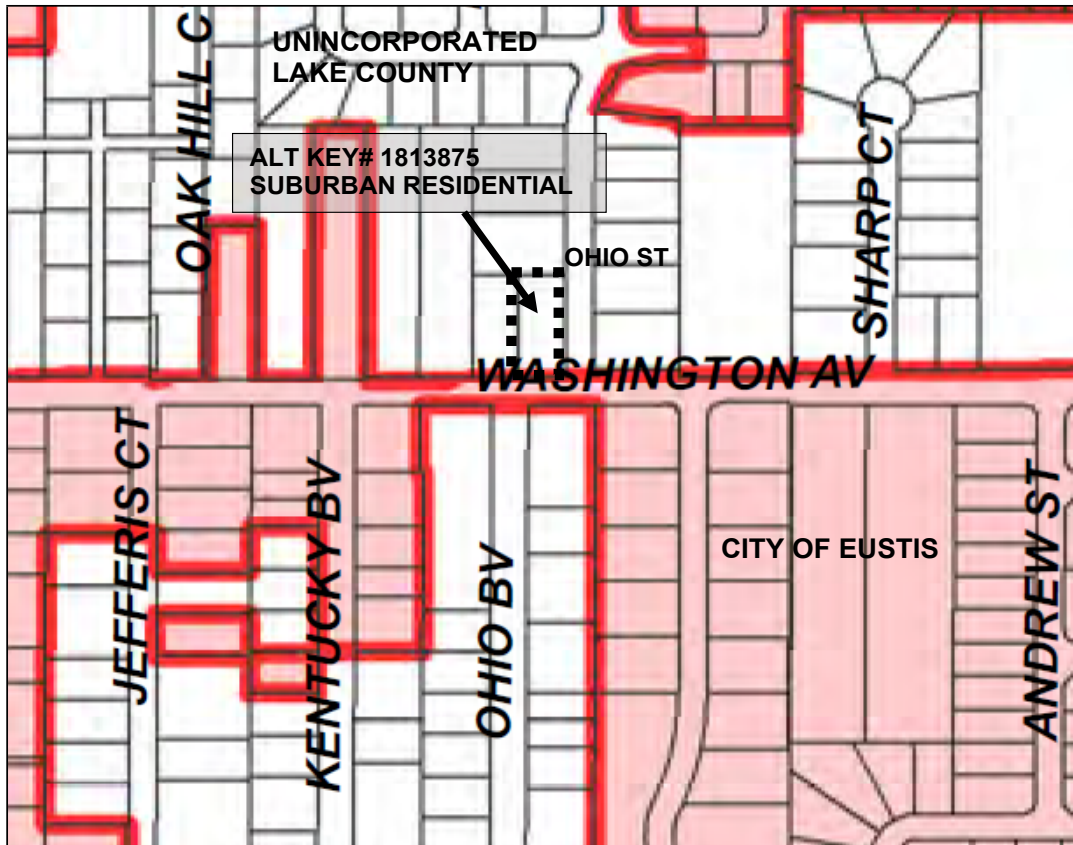
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 19-35 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

EXHIBIT A



ORDINANCE NUMBER 19-36

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187(1) F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF 0.3 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF WASHINGTON AVENUE AND OHIO STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM URBAN MEDIUM IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR), IN THE CITY OF EUSTIS.

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

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

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

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 0.3 acres of real property located on the northwest corner of Washington Avenue and Ohio Street, and more particularly described herein; and

WHEREAS, on November 21, 2019, the Local Planning Agency held a Public Hearing to consider the adoption of a Small Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on November 21, 2019, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small Scale Future Land Use Amendment contained herein; and

WHEREAS, on December 5, 2019, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

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

SECTION 1.

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

Tax ID: 12-19-26-0004-000-13200

E 82.28 FT OF W 164.55 FT OF E 564.47 FT OF S 186.49 FT OF NW 1/4 OF SE 1/4--LESS ST R/W-- ORB 4436 PG 1842.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 5th day of December, 2019.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 6th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 19-36 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

ORDINANCE NUMBER 19-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 0.3 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF WASHINGTON AVENUE AND OHIO STREET.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 0.3 acres of real property located at the northwest corner of Washington Avenue and Ohio Street., and

WHEREAS, on November 21, 2019, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 5, 2019, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real properties described below shall be Suburban Neighborhood:

Tax ID: 12-19-26-0004-000-13200

E 82.28 FT OF W 164.55 FT OF E 564.47 FT OF S 186.49 FT OF NW 1/4 OF SE 1/4--LESS ST R/W-- ORB 4436 PG 1842.

Section 2. Map Amendment

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

Section 3. Conflict

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

Section 4. Severability

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

Section 5. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance No. 19-35.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 5th day of December, 2019.

CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 6th day of December, 2019, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 19-37 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: December 19, 2019
RE: APPOINTMENT OF ACTING CITY MANAGER: BILL HOWE

Introduction:

This item approves the appointment of an Acting City Manager during the City Manager's vacation.

Background:

Ron Neibert, City Manager, will be on vacation beginning Friday, December 20, 2019, and not returning to work until Monday, December 30, 2019. Therefore, it is important that the City Commission approve an Acting City Manager to oversee day to day operations during the City Manager's vacation. The City Manager has designated Bill Howe, Human Resources Director, to fill this position. In the event of a major issue, the City Manager will be available via cell phone.

Recommended Action:

Staff recommends approval of the appointment of Bill Howe as Acting City Manager from Friday, December 20, 2019, through Sunday, December 29, 2019.

Reviewed by: