



# AGENDA

## Regular City Commission Meeting

6:00 PM - Thursday, September 12, 2019 - City Hall

Page

INVOCATION: REV. TRACIE BARRETT, UNITARIAN UNIVERSALIST  
CONGREGATION OF LAKE COUNTY

PLEDGE OF ALLEGIANCE: COMMISSIONER ALIBERTI

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
  - 2.1 June 27, 2019 - City Commission Budget Workshop 5 - 18  
August 1, 2019 - Regular City Commission Meeting  
[Staff Report #19-0205 - Html](#)  
[06-27-2019 CC Workshp MIN - For Approval](#)  
[08-01-2019 CC MIN - For Approval](#)
3. AUDIENCE TO BE HEARD
4. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS
  - 4.1 Resolution Number 19-79: Proposed contracting of Police dispatching 19 - 38  
services with the Lake County Sheriff's Office  
[Staff Report #19-0204 - Html](#)  
[Staff Report - Resolution 19-79](#)  
[Resolution No 19-79 LC Sheriff](#)  
[Staff Report - Resolution 19-79](#)  
[Agreement for Rendition of Police Dispatching Services 9-12-2019](#)
  - 4.2 Resolution Number 19-69: Tentative Millage Rate for 2019 39 - 52  
[Staff Report #19-0190 - Pdf](#)  
[Staff Report #19-0190 - Html](#)  
[Staff Report - TENTATIVE Millage Hearing](#)  
[Resolution No. 19-69 TENTATIVE Millage](#)
  - 4.3 Resolution Number 19-70: Adopting a Tentative Budget for Fiscal Year 53 - 77  
2019-2020  
[Staff Report #19-0189 - Pdf](#)  
[Staff Report #19-0189 - Html](#)  
[Staff Report - TENTATIVE Budget](#)  
[Resolution No. 19-70 TENTATIVE Budget](#)  
[EXHIBIT A FY 2019-2020 Eustis Budget Summary](#)
  - 4.4 Resolution Number 19-75: Site Plan Modification for Wells Fargo Bank 79 - 87  
located at 16949 US Highway 441

[Staff Report #19-0197 - Html](#)  
[Staff Report - Wells Fargo Res 19-75](#)  
[Resolution No. 19-75 without Site Plan Exhibit](#)

- 4.5 Resolution Number 19-76: Amending the current FY2018-2019 General Fund budget to recognize revenue from a private donation and to appropriate the amount as expenditure for the Haselton Dog Park Project 89 - 98  
[Staff Report #19-0191 - Pdf](#)  
[Staff Report #19-0191 - Html](#)  
[Staff Report - Res 19-76 Haselton Dog Park Donation Budget Amendment](#)  
[Resolution No. 19-76 Haselton Dog Park Donation Budget Amendment](#)
- 4.6 Resolution Number 19-77: Establishing accounting of direct and indirect costs resulting from enforcement of the Florida Building Code, establishing amounts for past fiscal years, and amending the current budget 99 - 105  
[Staff Report - Res 19-77 FL Building Code HB 447 FINAL](#)  
[Resolution No. 19-77 FL Building Code Accounting](#)

#### **FIRST READING**

- 4.7 Ordinance 19-23 - Voluntary Annexation of 18725 East Bates Avenue  
Ordinance 19-24 - Comprehensive Plan Amendment for 18725 East Bates Avenue  
Ordinance 19-25 - Design District Assignment for 18725 East Bates Avenue 107 - 137  
[Staff Report #19-0198 - Html](#)  
[ADA Staff Report Ord. 19-23 19-24 and 19-25 Eustis MS](#)  
[ADA Ord 19-23 Eustis MS Annex](#)  
[ADA Ord. 19-24 Eustis MS - FLUM](#)  
[ADA Ord. No. 19-25 EMS Design District](#)
- 4.8 Ordinance Number 19-26: Small Scale Future Land Use Map Amendment to the Comprehensive Plan (2019-CPLUS-08); 50 W. Orange Avenue 139 - 154  
[Staff Report #2019-CPLUS-08 - Html](#)  
[Staff Report Ord 19-26 50 W Orange](#)  
[ORDINANCE 19-26 50 w orange](#)
- 4.9 Ordinance Number 19-27: Small Scale Future Land Use Map Amendment to the Comprehensive Plan (2019-CPLUS-09) Southwest Corner of Bates Avenue and Palmetto Street 155 - 170  
[Staff Report #19-0194 - Html](#)  
[Staff Report Ord 19-27 Shaw](#)  
[ORDINANCE 19-27 Shaw](#)

5. OTHER BUSINESS

6. FUTURE AGENDA ITEMS

## 7. COMMENTS

7.1 City Commission

7.2 City Manager

7.3 City Attorney

7.4 Mayor

## 8. 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:** Ronald Neibert, City Manager  
**DATE:** September 12, 2019  
**RE:** JUNE 27, 2019 - CITY COMMISSION BUDGET WORKSHOP  
AUGUST 1, 2019 - REGULAR CITY COMMISSION MEETING

---

**Introduction:**

This item is for consideration of the minutes of the June 27, 2019, City Commission budget workshop and the August 1, 2019, regular City Commission meeting.

**Attachments:**

[06-27-2019 CC Workshp MIN - For Approval](#)

[08-01-2019 CC MIN - For Approval](#)

**Reviewed by:**





## **MINUTES**

### **City Commission Workshop Meeting**

**5:30 PM - Thursday, June 27, 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 Holland

#### **1. WORKSHOP ITEM**

##### **FY 2019-2020 Proposed Budget Workshop**

Rob Visser, Deputy Finance Director, presented an overview of the proposed budget and stated July 18th the Commission would set the proposed millage rate and the public hearing dates, which will occur September 5th and 19th. He explained the budget methodology and best practices. He further explained that the ad valorem revenue estimate is based on a millage rate of 7.581 with a 98% collection rate. He stated that the Property Appraiser's June 1st estimate is 7.42% over last year's taxable value.

Mr. Visser then reviewed the significant factors including: 1) Personal services costs; 2) Health and Life Insurance increase of 7% for an additional cost of \$107,257 in the General Fund and \$165,761 citywide for a total cost of \$2,533,539; 3) COLA adjustment of 5% for an additional \$473,526 in General Fund salaries and benefits and \$650,000 citywide. He added that the COLA costs in the General Fund are covered 117% by the gains in the taxable value. 4) 18% increase in the General Liability/Workers Comp. and Property insurance with a total cost of \$1,210,161; 5) Increase in Fire Pensions from 39.7% to 40.6% for an increase of \$12,369 and total of \$557,999; and 6) Increase in Police Pensions from 46.66% to 47.09% for an increase of \$8,948 and a total of \$979,927.

Mr. Visser then provided a general overview of the budget totals and then a review of the operating fund summary for the following funds: General Fund, Water & Sewer Fund, Street Improvement Fund and Stormwater Fund. He reviewed the various City revenues totaling \$40,159,950 and the City expenditures totaling \$42,296,950. He explained where the various revenues are derived from and provided a breakdown of the expenditures. He then provided an expenditure summary by department including number of personnel.

Mr. Visser then reviewed the CRA Fund and planned projects and the Capital Improvement Plan with 51 projects planned for FY19-20 at a total cost of \$6,407,948. He stated the current millage rate is 7.5810 and it has not been increased in six years. He presented a table of the current millage rate with taxable value and revenue with an estimate of the roll back rate value and revenue versus the taxable value and revenue if the millage rate stays the same.

Mr. Visser explained that annual taxes on a property valued at \$150,000, less \$50,000 homestead exemption, would increase \$44.60 using the 7.5810 millage rate over the roll back rate of 7.1350. He provided a comparison with surrounding cities stating that Eustis has the leanest budget in northwest Lake County. He compared the General Fund dollars per resident and the number of residents per General Fund employee. He then compared the cost to operate a home between Eustis, Mount Dora and Tavares.

Mr. Visser presented a detailed list of special events including revenues versus expenditures with total revenues of \$306,674 and total expenditures of \$476,055. He explained that the majority of the event costs are covered by sponsorships, donations and vendor payments with only 36% funded by the City. He also provided a program breakdown for Parks and Recreation with costs per program.

## **2. COMMISSION DISCUSSION**

The Commission discussed whether or not the City is getting a good return on investment for the events with Ron Neibert, City Manager, commenting on the amount funded by external sources with the City only covering a portion of the costs. He cited crowd estimates for a number of the 2018-2019 events.

The Commission then discussed the following items: 1) The possibility of building a recreation center; 2) The current lack of funding for recreation and the need for it to be sustainable; 3) Possible funding options; and 4) The need for the Community Building to be included in the discussion.

Mr. Neibert informed the Commission that a meeting with Lake County had already been scheduled to discuss the proposed sailing center. He then reported on the number of new events the City has added over the past couple of years citing several new events including the skating rink, Busker Festival and new events during Georgefest. He stated that street performers also have been added to the First Friday event and that has helped to rejuvenate the First Fridays. He explained that the vendors and local businesses are a good barometer about the success of the events.

The Commission discussed the skating rink, the upcoming Gospel Fest and the new VetFest noting those have been brought forward by the community.

Erin Bailey, Special Events Coordinator, explained that VetFest will cross City boundaries and is being co-sponsored by Gator Harley Davidson, One Team One Fight for PTSD and a new not-for-profit known as The Last Ride. She explained that organization provides for cremation and burial services in Bushnell as well as an escort for veterans whose families don't have the means. She stated the festival will include a gala on Friday night along with First Friday, a 5K and bike ride on Saturday, a downtown event and parade from the armory down Eustis Street to the wall and closing ceremonies. She added it will be held prior to Veterans Day on the first weekend of November.

Commissioner Morin asked for the Commission to be kept more informed about upcoming events.

Mayor Holland inquired about a possible Hispanic Festival with Ms. Bailey explaining that event was championed by the late Commissioner Carla Gnann-Thompson. She indicated that due to Commissioner Gnann-Thompson's passing and the resignation of the Special Event Assistant Nate Edmunds the event may not occur until next year. She cited their efforts to try and include local churches and other organizations and noted the plan was

to hold it in September as the first of September is Mexican Independence Day.

Commissioner Lee asked about the OOT Partners Marketing Piece with Ms. Bailey explaining that is an out-of-county marketing piece. She stated that Lake County provides funding for matching out-of-county marketing. She further explained that last year the City partnered with LEMA, the Historical Museum, Bay Street Players, Trout Lake Nature Center and others, to produce a direct mail advertising piece that went out-of-county with 50% of the cost matched by Lake County.

Commissioner Morin suggested utilizing Palmetto Plaza for some of the events with Ms. Bailey indicating they are working on possibly hosting monthly events in that area. She noted that she was contacted by a local church about using it for an event later this month.

The Commission confirmed that costs for the bands are included in the event costs under contractual services.

Commissioner Lee asked what is included under contractual services with Mr. Neibert explaining it varies by department. As an example, he stated that under Development Services it includes the building official and in other departments it may include software contracts, audit services, and contract instructors.

### **3. PUBLIC INPUT**

Mayor Holland opened the floor to public comment at 6:09 p.m.

Gail Isaac Thomas asked about the \$5,600 shown for the Golden Seniors with Joe LaPolla, Parks & Recreation Director, explaining the amount is incorrectly listed as "part-time" but it is actually for supplies for that program and others. He explained the City provides the coffee, tea and sterno for the meetings with approximately 32 attendees each week.

Antwan Douglas asked about what could be done to try and bring a football program back to the City. He noted that he previously was a coach with the local program. He expressed the need for there to be a football and basketball program in the City.

Mayor Holland asked if he is willing to help develop a program with him replying affirmatively. He explained that he is working to set up a committee.

Mr. Neibert suggested they contact him once they are ready and they can work together to get it started.

Garland Wilkins stated he graduated from Eustis High School but has worked with football programs in all of the other cities except Eustis. He noted his children have attended college on football scholarships.

Commissioner Morin expressed support to also look at a basketball program.

Mr. Wilkins commented on his efforts to provide food for players before games and those that aren't participating because they can't afford it.

Mr. Douglas commented on the possibility of just starting with a local league before getting into Pop Warner to eliminate the travel expense.

Commissioner Lee commented on the need for the City to also have educational programs and after school programs.

Mr. Douglas responded that his son was part of a league in Apopka where every team had a tutor. The players went to a tutor first and then to practice.

Vice Mayor LeHeup-Smith commented on the need for them to have a business plan with Mr. Douglas indicating he could speak to the coach in Apopka who is on their board.

Mr. Neibert indicated his intention to assist them with developing a business plan once they are ready.

Ms. Isaac-Thomas cited the need to get the black men in the community to participate and thanked Mr. Douglas and Fred Miller for coming forward.

Mr. Douglas stated they are also asking how to get some funding to help restore their building - Twilight Lodge #57 on Hazzard Avenue. He commented on their activities in the community including helping elderly mow their lawns.

Mr. Neibert indicated the building is located within the CRA and suggested they schedule a meeting with him and Tom Carrino to discuss the possibility of obtaining some CRA funding.

Fred Miller, representing Twilight Lodge, commented on the possibility of them partnering with the City. He explained he and his wife previously ran a summer camp in Orange County and now are trying to bring it to Lake County. He expressed concern regarding parental involvement and education of the students.

Discussion was held regarding the possibility of polling the community through the water bills regarding the types of programs they would like to have offered. Due to insufficient time, it was suggested that staff poll the students through the summer camp.

The Commission discussed the summer program and the number of students participating with Commissioner Aliberti recommending asking the School Board for additional space for programs noting that the middle school will be annexed into the city.

At the Mayor's request, Nan Cobb reported on the Lake County Education Foundation's "Stepping Out for Education" gala and noted she would be one of the dancers with all proceeds going to the Foundation.

Commissioner Lee cited the possibility of using the City's "resource center" for programming and suggested also using the 9th grade center gymnasium with Mr. Neibert responding that the basketball leagues are already held at the 9th grade center.

Commissioner Aliberti asked how the Eustis Little League worked out using the City fields with Mr. LaPolla indicating it worked out well and everything went smoothly. They are considering some fall ball and will contact him to work out the specifics.

Mayor Holland opened the floor to the department heads for comment.

Ann Ivey, Library Director, reported on the Library's activities noting they exceeded by

20% the reading logs for the state. She stated they have been pre-approved to be a passport acceptance facility and they are trying to develop a literacy program. She emphasized the need to get volunteers to help with literacy and tutoring.

Commissioner Lee expressed support for joining the Lake County Library System stating the City should have more resources through them. She also commented on a previous computer program they had for seniors who wanted to learn how to use a computer.

Commissioner Aliberti confirmed that the City has a process in place to do screening and fingerprinting for volunteers.

Commissioner Morin left the meeting at 6:41 p.m.

Rick Gierok, Public Works Director, reported the Lakeview project is substantially done and then it will be restriped. He noted staff will look at the traffic speeds on Lakeview for consideration of installing speed tables. He then reported on the Ardice/Ruleme project which also address stormwater issues in that area. He added that stormwater improvements are planned for Liberty Circle where there are drainage issues. He then reported they are in the study phase for expansion of the main wastewater treatment plant. He provided an update on the dog park stating staff is working on procuring the benches and water fountains.

Mr. Neibert announced that Duke Energy had donated \$1500 for one of the water features.

Ms. Cobb announced Cobb Commerce Park had signed a contract for one of the lots for a candle manufacturing company relocating from Miami. She indicated she had spoken with the owner about working with the schools when they go operational. She stated they will have 35 employees with a \$4 million investment.

Tom Carrino, Economic Development Director, commented on what's necessary for economic development to be successful. He cited the new Cobb Commerce Park and other new businesses coming - Dollar Tree and Popeyes. He commented on staff's efforts to do some commercial infill.

Mayor Holland asked about the twenty buildable single family lots that they recently discussed with Mr. Carrino explaining that there currently are only 20 existing lots in town available for construction of new single family homes. He cited the planned Eleven Oaks project that will have affordably priced homes.

Police Chief Gary Calhoun reported on information he received at the Florida Police Chief's Association conference stating that 30% of former military have some type of PTSD and among law enforcement officers the percentage is 35%. He commented on the lower life expectancy for officers and added that 25% of law enforcement officers have issues with substance abuse. He stated that law enforcement needs the public's support.

Mr. Neibert reported a meeting would be held the next day with Lake County staff regarding funding opportunities for the proposed sailing center. He noted that Commissioner Aliberti will be attending the meeting. He stated staff would report on the meeting at the upcoming Parks and Recreation workshop.

#### **4. COMMISSION DIRECTION**

Moved by Commissioner Lee, seconded by Vice Mayor LeHeup-Smith, for staff to move the draft budget forward as proposed. Motion carried by the following votes:

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

**5. ADJOURNMENT: 6:54 P.M.**

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



# **MINUTES**

## **Regular City Commission Meeting**

**6:00 PM - Thursday, August 1, 2019 - City Hall**

---

**INVOCATION: PASTOR DANN RAGAN, LIFEPOINTE CHURCH**

**PLEDGE OF ALLEGIANCE: COMMISSIONER MORIN**

**CALL TO ORDER: 6:02 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 Holland

**1. AGENDA UPDATE**

**2. APPROVAL OF MINUTES**

July 18, 2019 - Regular City Commission Meeting

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

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

**3. PRESENTATIONS**

Proclamation recognizing Maurice Hayes on his selection as the 2019 Florida Mortician of the Year

Mayor Holland read the proclamation and presented it to Maurice Hayes recognizing his selection as the 2019 Florida Mortician of the Year.

Maurice Hayes thanked Mayor Holland and the other Commissioners and expressed his gratitude to the community and recognized his grandfather, mother and father, his uncle Donald Hayes Sr. noting that he and his father Tommy are the founding members of the Hayes Brothers Funeral Home. He also recognized his cousins - Thelma Hayes Wooden and Linda Monroe. He expressed his pleasure in being recognized by his hometown.

**4. AUDIENCE TO BE HEARD**

Richard Morgan, representing the Eustis 9-1-1 dispatchers, addressed the Commission expressing opposition to the proposal to consolidate the dispatch functions with the Lake County Sheriff's Office. He gave examples of situations where the local dispatchers were helpful to people in need of assistance and how local dispatchers can keep the officers safer.

Ann Vickers Nelsen stated she has been with the City for 33 years, expressed concern regarding the proposed consolidation and the benefits to the community.

Ron Neibert, City Manager, stated a meeting would be held the next week with all of the dispatch staff. He added there will be severance packages for the staff members as well as available positions with the Lake County Sheriff's Office and the City of Leesburg and representatives from those agencies would be at the meeting. He confirmed the Commission would have to approve the agreement.

Nan Cobb reported to the Commission on her participation in the Lake County Education Foundation's fundraiser - Dancing with the Stars and noted they raised over \$150,000 for the school system.

Stephanie Carder, representing the Lake County Area Chamber of Commerce, thanked the City's Public Works Department on their work on the building they will be leasing from the City.

Vice Mayor LeHeup-Smith noted the sign needs to be changed with Mr. Neibert stating staff was working on it.

Nancy Jenkins, representing Sunset Village, addressed the Commission regarding issues with groups renting the Eustis Service Center due to noise levels and people coming into their backyards. She noted she presented a letter with some of her neighbors' signatures to the City Manager.

Mr. Neibert responded that officers will be patrolling during events and the City will be installing a stockade fence between the parking area and the residences.

Gail Isaac Thomas addressed the Commission to ask if a date had been set for a dedication of the new plaque for the Carver Park boardwalk.

Mayor Holland responded that the plaque had been ordered but it will take about 12 weeks to receive it. The dedication will be scheduled after it is received.

Ms. Isaac Thomas complimented the City's dispatchers and noted she had tickets for the next Comedy Show.

Jimmy Crawford addressed the Commission regarding Sorrento Pines LLC. He distributed to the Commission copies of an aerial photograph of their property. He explained they are in the process of requesting a rezoning from Lake County and cited concessions they have made to the County and surrounding residents. He indicated they have the support of the Sorrento Springs CDD. He noted they had a hearing before the Lake County Commission and stated they would be coming back to Eustis for consideration of a utility agreement. He stated several County Commissioners asked him to formally request that the City of Eustis waive the requirement for future annexation. He stated that all of the other cities he has worked with have the same requirement. He noted that their property is not located within the City's JPA and it is doubtful that the property will be contiguous in the near future. He asked that the City consider waiving the annexation requirement when the agreement comes before them. He indicated his willingness to assist the City in working out the issue and asked for permission to contact the City Attorney.

The Commission stated their willingness for him to contact the City Attorney. It was agreed that the City policy would remain the status quo at this time until something is brought back.

Ms. Isaac Thomas asked about the upcoming Housing Committee meeting with Mr. Neibert responding that the meeting was scheduled for August 20th.

**5. CONSENT AGENDA**

- 5.1** Resolution Number 19-60: Final Plat approval for the Eleven Oaks Subdivision (3000 E. Orange Avenue)
- 5.2** Resolution Number 19-71: Acceptance of Edward Byrne Memorial Justice Assistance Grant (2017-JAGD-2187)
- 5.3** Resolution Number 19-72: Release of Lien, 226 West Doane Avenue, Code Enforcement Case 16-01125

Moved by Commissioner Morin, seconded by Commissioner Lee, to approve the Consent Agenda. Motion carried by the following votes:

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

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

- 6.1** Resolution Number 19-63: Interlocal agreement between Lake County and the City of Eustis relating to the provision of library services

Derek Schroth, City Attorney, announced Resolution Number 19-63: A Resolution of the City Commission of the City of Eustis, Florida; authorizing the City Manager to execute an interlocal agreement between the City of Eustis Memorial Library and the Lake County Library System.

Ann Ivey, Library Director, reviewed the proposed agreement citing the following benefits to the City: 1) Enhance the accessibility of library materials for residents; 2) Maintain autonomy of the City's collection; 3) Increase eligibility to receive state aid; 4) Annual Funding Allocation - The first allocation will be approximately \$15,000 and will increase based upon circulation; 5) Save on catalog costs; 6) Save on technology costs; 7) Double access to online databases for less money; 8) Eliminate confusion and promote goodwill as the City is currently the only library in the County not affiliated with the County system; 9) Assist with marketing the City's library programs; and 10) Allow broader access to County resources.

Ms. Ivey then reviewed the various cost savings and the estimated allocations over the next three years. She introduced George Taylor, Lake County Library System Director.

The Commission expressed concern that money saved should go back into the library with Mr. Neibert assuring the Commission that the intent is to re-invest the savings in the library. They also confirmed that all staff will still belong to the City and the library facility will still belong to the City and that any decisions about it will be made by the City and not the County.

Ms. Ivey indicated the only things shared will be the patron library cards, software and technology. She expressed support for the agreement as the means for expanding the library.

Mr. Schroth opened the public hearing at 6:44 p.m. There being no public comment, the hearing was closed at 6:44 p.m.

Moved by Commissioner Aliberti, seconded by Vice Mayor LeHeup-Smith, to approve Resolution Number 19-63. Motion carried by the following votes:

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

## **SECOND READING**

### **6.2 Ordinance Number 19-21: Annual update of the Five-Year Capital Improvements schedule of the Comprehensive Plan Fiscal Year 2019-20**

Mr. Schroth read Ordinance No. 19-21 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving the annual update of the five year Capital Improvements Schedule of the Comprehensive Plan pursuant to Florida Statutes 163.3177(3)5(b); providing for conflicting ordinances; severability and effective date.

Mr. Schroth opened the public hearing at 6:45 p.m. There being no public comment, the hearing was closed at 6:45 p.m.

Moved by Vice Mayor LeHeup-Smith, seconded by Commissioner Lee, to approve Ordinance Number 19-21 on second reading. Motion carried by the following votes:

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

### **6.3 Ordinance Number 19-22: Amendment to Land Development Regulations, Chapter 109, Section 109.3 Land Use District Development Intensity**

Mr. Schroth read Ordinance No. 19-22 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the Land Development Regulations, Chapter 109, Section 109.3, Land Use District Development Intensity to assign incrementally decreasing intensities (floor area ratios) for non-residential and mixed-use land use districts based on design district designation and other locational criteria; providing for codification, severability and an effective date.

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 Morin, seconded by Vice Mayor LeHeup-Smith, to approve Ordinance Number 19-22 on second reading. Motion carried by the following votes:

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

## **7. FUTURE AGENDA ITEMS: NONE**

## **8. COMMENTS**

### **8.1 City Commission**

Commissioner Morin reported on his attendance at a recent Lake County Board of Commissioners meeting. He noted the Board voted 3 to 2 to allow the Kirby Smith statue to be brought to Lake County. He commented on the number of audience members who appeared in opposition to the statue and cited the number of Eustis residents present. He also commented on alternatives for the statue and nine other cities' opposition to it. He stated there would be a march on Saturday, August 10th at 11 a.m. to oppose the statue.

Commissioner Lee commented on the Commission's responsibility to represent all of the residents and the need for the City to work together to be more united. She stated Eustis can be an example to Lake County and the rest of Florida on how to be united to help the City.

Commissioner Aliberti cited the Bay Street Players Dolly Awards stating all the Commissioners were invited.

Commissioner Morin asked to have played a short clip from the County Commission meeting where Commissioner Josh Blake made comments about Georgefest. The clip was played with Commissioner Blake's comments.

Vice Mayor LeHeup-Smith reported on upcoming training to be offered by Lake Community Action Agency for construction industry training for young people between the ages of 15 and 24. She then announced the upcoming fundraiser - Soup for Good - to benefit the Open Door facility.

Commissioner Aliberti asked about the teacher's breakfast with Mayor Holland stating there would not be a breakfast but the Chamber is collecting items for the teachers.

Nan Cobb noted that Publix was unable to do a supply drive this year so the LC Sheriff's Charities donated some funds. They will also be out at Seminole Springs with backpacks to give away.

### **8.2 City Manager**

Mr. Neibert reported on the progress on the dog park in memory of Commissioner Carla Gnann-Thompson. He announced that her cousin had called and offered to foot the bill for the entire park. He added that Duke Energy also was donating funds. He indicated that there would be an expansion of the plans. A gentleman also called to donate funds for a shade structure for the park. He indicated they would still be doing the memorial bricks for \$100 and the information on that would be on the Facebook page and website.

Mr. Neibert then reported on staff's meeting with Lake County regarding the ISBA. He indicated there are a number of issues that staff believes are untenable. He indicated a discussion would be held once the City receives the County's responding resolution.

### **8.3 City Attorney - None**

#### **8.4 Mayor**

Mayor Holland noted that the City of Clermont lost one of their City Commissioners Ray Goodgame. He announced the date for the funeral services and asked everyone to keep them in their prayers. He also announced that former Lake County Commissioner Richard Schwartz had passed away. He then expressed agreement with Commissioner Lee that the City of Eustis needs to lead by example. He noted that the Commission had passed a resolution in opposition to the Kirby Smith statue; therefore, he signed the letter that was sent to the Governor. He stated that anything that causes hurt within the Community is not needed. He emphasized that everyone has to work together both locally and within the State of Florida. He added that everyone needs to put the bad past behind them and move on.

It was reported that there would be a road dedication on Friday recognizing a local soldier who was killed in action at 9 a.m. at the fairgrounds.

Mayor Holland reminded everyone about the First Friday event featuring a high school pep rally and announced that a decision would be made about 1 p.m. regarding whether or not it has to be cancelled due to rain.

#### **9. ADJOURNMENT: 7:03 P.M.**

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



**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:** September 12, 2019  
**RE:** RESOLUTION NUMBER 19-79: PROPOSED CONTRACTING OF POLICE  
DISPATCHING SERVICES WITH THE LAKE COUNTY SHERIFF'S OFFICE

---

**Introduction:**

Resolution Number 19-79 approves a contract with the Lake County Sheriff's Office (LCSO) to provide police dispatching services to the City of Eustis.

**Background:**

See attached staff report.

**Attachments:**

[Staff Report - Resolution 19-79](#)

[Resolution No 19-79 LC Sheriff](#)

[Agreement for Rendition of Police Dispatching Services 9-12-2019](#)

**Reviewed by:**

Ronald Neibert, City Manager  
Mary Montez, City Clerk

Approved - 06 Sep 2019  
Approved - 06 Sep 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: SEPTEMBER 12, 2019

RE: RESOLUTION NUMBER 19-79  
PROPOSED CONTRACTING OF POLICE DISPATCHING SERVICES  
WITH THE LAKE COUNTY SHERIFF'S OFFICE

### **Introduction:**

Resolution Number 19-79 approves a contract with the Lake County Sheriff's Office (LCSO) to provide police dispatching services to the City of Eustis.

### **Recommended Action:**

Staff recommends approval of Resolution Number 19-79.

### **Background:**

The City of Eustis Police Department currently operates our communications division with eight full-time and two part-time police dispatchers to provide 24-hour service. These individuals answer emergency 911 calls for service, answer routine administrative and non-emergency calls, while also dispatching police officers to calls for service and monitor all radio traffic (among many other tasks). Although these individuals have done an excellent job at juggling all of these tasks, the opportunity to consolidate with the Lake County Sheriff's Office provides an economy of scale that we currently are unable to provide. In addition, it offers a significant cost savings now and into the future.

By having all citizen calls for police service centralized in a large, modern communications center, miscommunication is reduced between what is today, two separate dispatching centers located several miles from each other. When the dispatching is provided by the LCSO, misdirected citizen calls for service are more quickly resolved and a better coordinated police response will result. All calls for Fire and Emergency Medical Service in the City of Eustis have been dispatched through Lake County for over 15 years. The same quality service provided to citizens for fire service, shall be experienced for police services. The LCSO currently provides police dispatching for Clermont, Tavares, Umatilla, Lady Lake, Howey-in the Hills, Astatula, Fruitland Park and Mascotte.

The following are examples of increased services provided by the Lake County Sheriff's Office:

- Centralized communications is vital during critical incidents, such as, an active shooter or mass casualty event.

- As the primary Public Safety Answering Point (PSAP) for City of Eustis, our Communications Center has two stations for answering 911 calls. With multiple emergencies or a major incident, this overloads the two stations and by default, these emergency calls are currently routed to Lake County Sheriff's Office to be answered.
- A shared radio frequency with a neighboring agency will provide additional backup officers and decreased response times along the 441 corridor.
- An Enterprise level of support is in place for the majority of Lake County's Communications Center. This provides a rapid response from vendors in maintaining the system with little, to no, disruption of service.
- The Lake County Communications Center is currently our default location to operate from during a catastrophic system failure.
- Multiple levels of redundancy for power (electricity) and maintaining communications services are in place.
- Clean power during an outage, using an Uninterrupted Power Source (UPS) for back up. This provides an uninterrupted source of power, where the communications and IT equipment is protected from a surge of power.
- Communications officers with LSCO have one task, either phone or radio. This provides a single focus for gathering and disseminating information.
- There are several tiers of supervision beginning with a Major, Captain, Lieutenant and other civilian managers. Each shift has at least one communications supervisor who has direct oversight over the communications staff.
- A designated IT staff over Communications.
- Specifically assigned staff for GIS mapping updates.
- The ability to receive and identify the radio that activated the "man down" button

#### **Alternatives:**

1. Approve Resolution Number 19-79 authorizing a contract with the Lake County Sheriff's Office for police dispatching services.
2. Deny Resolution Number 19-79 and continue police dispatching by the Eustis Police Department.

#### **Discussion of Alternatives:**

Alternative 1 approves the resolution.

##### **Advantages:**

- The consolidated dispatch service is expected to enhance citizen and officer safety.
- There will be a significant cost savings to the City.

##### **Disadvantages:**

- The consolidation of dispatching services will result in the layoff of all current Eustis Communication Officers.

Alternative 2 denies the resolution.

##### **Advantages:**

- The City would continue to provide police dispatching and there would be no need to layoff Eustis Communication Officers.

**Disadvantages:**

- The expected enhancements to citizen and officer safety would not be achieved.
- There will not be a significant operational cost savings to the City.
- There will be significant capital expenditure required to maintain the City dispatch center.

**Budget /Staff Impact:**

The cost to contract dispatch services with the Lake County Sheriff's Office is \$331,269. The City of Eustis anticipates a cost savings of approximately \$248,000 in annual operating expenses above the cost for the services provided by the Sheriff's Office. In addition, the City Police Department is also facing additional costs of approximately \$128,000 to upgrade the existing equipment and technology if the City were to retain dispatching services and not contract with the LCSO.

**Community Input:**

The public will have an opportunity to comment on this issue during the City Commission meeting.

**Prepared by:**

Gary T. Calhoun, Chief of Police

**Attachments:**

Resolution Number 19-79

Available upon request: Agreement with Lake County Sheriff



## **RESOLUTION NUMBER 19-79**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING AN AGREEMENT WITH THE LAKE COUNTY SHERIFF FOR RENDITION OF LAW ENFORCEMENT DISPATCH SERVICES; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City has sought to maintain a high level of professional police telecommunication services for the benefit of the citizens of the City; and

**WHEREAS**, the City recognizes the continued escalation of costs to the City for the provision of such services and wishes to continue to minimize the cost of government for the benefit of the citizens of the City; and

**WHEREAS**, the City desires to continue to maintain competent professional law enforcement dispatch services in conjunction and in harmony with its program of fiscal responsibility; and

**WHEREAS**, the City desires to contract with the Sheriff of Lake County for the performance of law enforcement dispatch services within the corporate limits of the City; and

**WHEREAS**, the Sheriff is willing to augment his telecommunications staff to provide such services to the Eustis Police Department and the citizens of Eustis; and

**WHEREAS**, having a desire to contract for such services upon the terms and conditions set forth within this agreement, the City Commission of the City hereby authorizes the Sheriff to render law enforcement dispatch services within the corporate limits of the City by the Sheriff; and

**WHEREAS**, actual implementation of said dispatch services cannot immediately begin on the dates this agreement is signed by the parties, therefore, the Sheriff has agreed to render continuing professional law enforcement dispatch services to the City beginning on or about October 19, 2019; and the City desires to contract for such services upon the terms and conditions set forth within this agreement.

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

### **SECTION 1**

That the attached agreement for the rendition of law enforcement dispatch services is hereby approved.

### **SECTION 2**

That the Mayor of the City of Eustis is hereby authorized to execute said agreement.

**SECTION 3**

That this agreement shall become effective October 1, 2019, with actual implementation date to be on or about October 19, 2019.

**DONE AND RESOLVED** this 12<sup>th</sup> day of September, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

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

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 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 19-79 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

---

Mary C. Montez, City Clerk





## 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: SEPTEMBER 12, 2019

RE: RESOLUTION NUMBER 19-79  
PROPOSED CONTRACTING OF POLICE DISPATCHING SERVICES  
WITH THE LAKE COUNTY SHERIFF'S OFFICE

**Introduction:**

Resolution Number 19-79 approves a contract with the Lake County Sheriff's Office (LCSO) to provide police dispatching services to the City of Eustis.

**Recommended Action:**

Staff recommends approval of Resolution Number 19-79.

**Background:**

The City of Eustis Police Department currently operates our communications division with eight full-time and two part-time police dispatchers to provide 24-hour service. These individuals answer emergency 911 calls for service, answer routine administrative and non-emergency calls, while also dispatching police officers to calls for service and monitor all radio traffic (among many other tasks). Although these individuals have done an excellent job at juggling all of these tasks, the opportunity to consolidate with the Lake County Sheriff's Office provides an economy of scale that we currently are unable to provide. In addition, it offers a significant cost savings now and into the future.

By having all citizen calls for police service centralized in a large, modern communications center, miscommunication is reduced between what is today, two separate dispatching centers located several miles from each other. When the dispatching is provided by the LCSO, misdirected citizen calls for service are more quickly resolved and a better coordinated police response will result. All calls for Fire and Emergency Medical Service in the City of Eustis have been dispatched through Lake County for over 15 years. The same quality service provided to citizens for fire service, shall be experienced for police services. The LCSO currently provides police dispatching for Clermont, Tavares, Umatilla, Lady Lake, Howey-in the Hills, Astatula, Fruitland Park and Mascotte.

The following are examples of increased services provided by the Lake County Sheriff's Office:

- Centralized communications is vital during critical incidents, such as, an active shooter or mass casualty event.

- As the primary Public Safety Answering Point (PSAP) for City of Eustis, our Communications Center has two stations for answering 911 calls. With multiple emergencies or a major incident, this overloads the two stations and by default, these emergency calls are currently routed to Lake County Sheriff's Office to be answered.
- A shared radio frequency with a neighboring agency will provide additional backup officers and decreased response times along the 441 corridor.
- An Enterprise level of support is in place for the majority of Lake County's Communications Center. This provides a rapid response from vendors in maintaining the system with little, to no, disruption of service.
- The Lake County Communications Center is currently our default location to operate from during a catastrophic system failure.
- Multiple levels of redundancy for power (electricity) and maintaining communications services are in place.
- Clean power during an outage, using an Uninterrupted Power Source (UPS) for back up. This provides an uninterrupted source of power, where the communications and IT equipment is protected from a surge of power.
- Communications officers with LSCO have one task, either phone or radio. This provides a single focus for gathering and disseminating information.
- There are several tiers of supervision beginning with a Major, Captain, Lieutenant and other civilian managers. Each shift has at least one communications supervisor who has direct oversight over the communications staff.
- A designated IT staff over Communications.
- Specifically assigned staff for GIS mapping updates.
- The ability to receive and identify the radio that activated the "man down" button

#### **Alternatives:**

1. Approve Resolution Number 19-79 authorizing a contract with the Lake County Sheriff's Office for police dispatching services.
2. Deny Resolution Number 19-79 and continue police dispatching by the Eustis Police Department.

#### **Discussion of Alternatives:**

Alternative 1 approves the resolution.

##### **Advantages:**

- The consolidated dispatch service is expected to enhance citizen and officer safety.
- There will be a significant cost savings to the City.

##### **Disadvantages:**

- The consolidation of dispatching services will result in the layoff of all current Eustis Communication Officers.

Alternative 2 denies the resolution.

##### **Advantages:**

- The City would continue to provide police dispatching and there would be no need to layoff Eustis Communication Officers.

**Disadvantages:**

- The expected enhancements to citizen and officer safety would not be achieved.
- There will not be a significant operational cost savings to the City.
- There will be significant capital expenditure required to maintain the City dispatch center.

**Budget /Staff Impact:**

The cost to contract dispatch services with the Lake County Sheriff's Office is \$331,269. The City of Eustis anticipates a cost savings of approximately \$248,000 in annual operating expenses above the cost for the services provided by the Sheriff's Office. In addition, the City Police Department is also facing additional costs of approximately \$128,000 to upgrade the existing equipment and technology if the City were to retain dispatching services and not contract with the LCSO.

**Community Input:**

The public will have an opportunity to comment on this issue during the City Commission meeting.

**Prepared by:**

Gary T. Calhoun, Chief of Police

**Attachments:**

Resolution Number 19-79

Agreement with Lake County Sheriff



AGREEMENT FOR RENDITION OF LAW  
ENFORCEMENT DISPATCH SERVICES

This Agreement for Rendition of Law Enforcement Dispatch Services (hereinafter AGREEMENT) is made and entered into by and between Peyton C. Grinnell, as Sheriff of Lake County, Florida, (hereinafter SHERIFF) and The City of Eustis, a municipal corporation existing pursuant to the laws of the State of Florida, its successors and assigns through its City Council (hereinafter CITY) (collectively SHERIFF and the CITY being the PARTIES).

W I T N E S S E T H:

WHEREAS, the CITY has sought to maintain a high level of professional police telecommunication services for the benefit of the citizens of the CITY; and

WHEREAS, the CITY recognizes the continued escalation of costs to the CITY for the provision of such services and wishes to continue to minimize the cost of government for the benefit of the citizens of the CITY; and

WHEREAS, the CITY desires to continue to maintain competent professional law enforcement dispatch services in conjunction and in harmony with its program of fiscal responsibility; and

WHEREAS, the CITY desires to contract with the SHERIFF for performance of law enforcement dispatch services within the corporate limits of the CITY; and

WHEREAS, the SHERIFF is willing to augment his telecommunications staff to provide such services to the Eustis Police Department and the citizens of Eustis; and

WHEREAS, having a desire to contract for such services upon the terms and conditions set forth within this AGREEMENT, the City Council of the CITY authorize the SHERIFF to render law enforcement dispatch services within the corporate limits of the CITY by the SHERIFF; and

WHEREAS, actual implementation of said dispatch services can not immediately begin on the dates this AGREEMENT is signed by the PARTIES, therefore the SHERIFF has agreed to render continuing professional law enforcement dispatch services to the CITY beginning October 1, 2019; and the CITY desires to contract for such services upon the terms and conditions set forth within this AGREEMENT.

NOW THEREFORE, in consideration of the mutual promises, covenants, conditions and payments hereinafter contained, the PARTIES agree as follows:

Section 1.     Recitals. The above recitals are true and correct and incorporated herein.

Section 2.     Law Enforcement Dispatch Service. The SHERIFF shall provide to the CITY, for the term indicated or as it may be extended in accordance with the provisions of this AGREEMENT, competent professional law enforcement dispatch services within and throughout the corporate limits of the CITY under the authority given the SHERIFF by the laws of the State of Florida, by providing police dispatch service each day of the year on a twenty-four (24) hour per day basis. The CITY agrees and understands that the SHERIFF will not provide a dedicated channel solely for the CITY'S law enforcement dispatch services.

Section 3.     Compensation. CITY will pay SHERIFF the total sum of Three Hundred Thirty One Thousand Two Hundred and Sixty Nine Dollars and No Cents (\$331,269.00) for the services of five (5) dispatchers provided pursuant to this AGREEMENT. Such compensation shall be invoiced by SHERIFF in equal quarterly installments (October, January, April, and July) commencing on the 1st day of October, 2019. Invoices shall be paid within fifteen (15) days of receipt.

Section 4.     Appointment of Personnel. The SHERIFF shall retain and/or hire said dispatchers as employees of the SHERIFF to provide adequate and professional service as he sees fit and proper. All benefits, training and promotional opportunities for such persons shall be provided by the SHERIFF. The CITY shall not be required to assume any liability for direct payment for any salaries, wages or other compensation, contributions to pension funds, insurance premiums, workers compensation funds, vacation or compensatory time, sick leave benefits, or any other amenities or employment to any personnel of the SHERIFF performing the services, duties and responsibilities pursuant to this AGREEMENT for the benefit of the CITY and its residents or any other liabilities whatsoever unless otherwise specifically provided herein. However, the CITY shall remain responsible for any and all damages, actions, suits, claims and demands of whatsoever kind made by or on behalf of any person or entity which are alleged to have arisen out of, in connection with, or by reason of all law enforcement services and administrative actions taken by the CITY Police Department and the CITY prior to the inception of this AGREEMENT. Nothing contained in this AGREEMENT shall be construed to limit or

modify the provisions of law for the sovereign immunity of the SHERIFF or the CITY, including but not limited to Chapter 768 as it applies to the CITY and to the SHERIFF.

Section 5. Performance of Services by SHERIFF. The SHERIFF shall have and maintain the responsibility for the control and rendition of all law enforcement services, duties and responsibilities described and contemplated in this AGREEMENT. Nothing in this AGREEMENT shall be construed to mean that the CITY is contracting away its constitutional authority. However, unless otherwise stated herein the SHERIFF shall remain responsible, and to the extent provided by law, hold CITY harmless and defend CITY, for any and all damages, actions, suits, claims and demands of whatsoever kind made by or on behalf of any person or entity which are alleged to have arisen out of, in connection with, or by reason of all law enforcement dispatch services and administrative actions concerning law enforcement dispatch services taken by the SHERIFF during the term of this AGREEMENT. Nothing contained in this AGREEMENT shall be construed to limit or modify the provisions of law for the sovereign immunity of the SHERIFF or the CITY, including but not limited to Chapter 768 as it applies to the CITY and the SHERIFF.

Section 6. Sovereign Immunity. The PARTIES agree that nothing contained herein shall in any way waive the sovereign immunity that they enjoy presently under the Constitution and statutes of the State of Florida, particularly with respect to Chapter 768, Florida Statutes. The PARTIES agree that the determination of the CITY to provide police dispatch services by this AGREEMENT is an exercise of the legislative planning function of the CITY and that at no time shall the CITY exercise any specific operational control over the activities of any of the telecommunicators, their supervisors, deputy sheriffs or other personnel of the SHERIFF nor shall the CITY perform or undertake any acts that are over and above a planning level function with regard to the administration of law enforcement dispatch services within the CITY during the term of this AGREEMENT.

Section 7. Liability Insurance For Official Acts. The personnel appointed and employed by the SHERIFF shall be covered in all respects, as are other members of the SHERIFF'S office either through the SHERIFF'S self-insurance fund or through a private company with comparable coverage.

Section 8. Term. This AGREEMENT shall take effect on the October 1, 2019 and shall terminate at midnight on September 30, 2020. This AGREEMENT may be unilaterally

terminated by the SHERIFF or by the CITY with or without cause or reason so long as the effective date of termination is preceded by a ninety (90) day written notice to the other party.

Section 9. Renegotiation. The PARTIES agree that if substantial change(s) occur during the term of this AGREEMENT the PARTIES may attempt in good faith to renegotiate the terms of this AGREEMENT, however, unless otherwise agreed to in writing, all terms stated in this AGREEMENT shall remain as stated herein.

Section 10. AGREEMENT. For and in consideration of the mutual benefits herein contained, the sufficiency of which is hereby acknowledged it is agreed between the PARTIES that the SHERIFF and the CITY may extend the term of this AGREEMENT subject to negotiations relative to the terms, conditions and consideration between the PARTIES. If the PARTIES elect to extend this AGREEMENT, it shall be reduced to writing with same formality and equal dignity as this AGREEMENT.

Section 11. Governing Law. This AGREEMENT and all of the rights and obligations of the PARTIES hereto shall be governed both procedurally and substantively by and construed according to the laws of the State of Florida. The PARTIES further agree that jurisdiction regarding the rights and obligations of either party under this AGREEMENT and any litigation resulting therefrom shall be exclusively in the Fifth Judicial Circuit in and for Lake County, Florida.

Section 12. Notices.

- A. All notices, demands or other writings required to be given or made or sent in this AGREEMENT, or which may be given or made or sent by either party to the other, shall be deemed to have fully been given or made or sent when in writing and addressed as follows:

**SHERIFF**

Peyton C. Grinnell, Sheriff  
Lake County Sheriff's Office  
Attn: General Counsel  
360 West Ruby Street  
Tavares, FL 32778

**CITY OF EUSTIS**

Michael L. Holland, Mayor

City of Eustis

P.O. Drawer 68

Eustis, FL 32727

- B. All notices required, or which may be given hereunder shall be considered properly given if: (1) personally delivered, (2) sent by certified United States Mail, return receipt requested, or (3) sent by private overnight letter delivery company.
- C. The effective date of such notices shall be the date personally delivered, or if sent by mail, the date of the postmark, or if sent by overnight letter delivery company, the date the notice was picked up by the overnight letter delivery company.
- D. The PARTIES may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in the manner designated for the filling of notice hereunder.

Section 13. Amendments. No modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document by the PARTIES with the same formality and of equal dignity of this AGREEMENT.

Section 14. Entire Agreement. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the PARTIES agree that there are no commitments, agreements or understandings concerning the subject matter of this AGREEMENT that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.

IN WITNESS WHEREOF, the PARTIES have made and executed this AGREEMENT on the respective dates under each signature. The CITY, through its City Council, signing by and through its Mayor, authorized to execute same by council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and Peyton C. Grinnell, as SHERIFF of Lake County, Florida.

**CITY**

On this \_\_\_\_ day of \_\_\_\_\_, 2019

BY: \_\_\_\_\_  
Michael L. Holland, as Mayor  
of City of Eustis

Attest:

\_\_\_\_\_  
\_\_\_\_\_, City \_\_\_\_\_

**SHERIFF**

On this \_\_\_\_ day of \_\_\_\_\_, 2019

BY: \_\_\_\_\_  
Peyton C. Grinnell, as Sheriff  
of Lake County, Florida



**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:** September 12, 2019  
**RE:** RESOLUTION NUMBER 19-69: TENTATIVE MILLAGE RATE FOR 2019

---

**Introduction:**

Resolution Number 19-69 establishes the tentative millage rate for FY 2019-2020 as 7.5810 mills.

**Attachments:**

[Staff Report - TENTATIVE Millage Hearing](#)  
[Resolution No. 19-69 TENTATIVE Millage](#)

**Reviewed by:**

|                              |      |
|------------------------------|------|
| Ronald Neibert, City Manager | None |
| Mary Montez, City Clerk      | None |



## 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: SEPTEMBER 5, 2019  
RE: **RESOLUTION NUMBER 19-69: TENTATIVE MILLAGE RATE FOR 2019**

### Introduction

Resolution Number 19-69 establishes the tentative millage rate for FY 2019-2020 as 7.5810 mills.

### Recommended Action

Staff recommends approval of Resolution Number 19-69.

### Background

Florida State Statutes require each taxing authority to annually set a millage rate for property taxation following required public hearings. The City Commission set the proposed rate of 7.5810 mills at the July 18, 2019 meeting. The Property Appraiser used that information to prepare TRIM notices, which were distributed the week of August 16, 2019.

Last year, the City Commission held the millage rate at 7.5810 mills. After five years of significant declines followed by six years of gradual growth, the City's tax roll in 2019 is now approximately what it was in 2007. To compensate for over a decade of stagnation, the millage rate was increased over the years from a low of 4.7083 mills to 7.5810 mills. The current millage rate of 7.5810 has been consistent over the past six years.

Since last year, the adjusted tax roll (before new construction and annexation) increased to \$1,072,989,043 from \$957,069,563. This year's total tax value of \$1,081,086,069 represents an increase of 9.04%.

Based on that valuation, the Commission may consider any of the following options in setting a millage rate for the 2019-2020 Fiscal Year:

1. The Current Millage Rate of **7.5810** mills. This is the rate that would generate the revenues most sufficient to counter annual increases in normal city operating costs and allow for the continuation of current service levels. This rate can be approved with a two-thirds vote of the Commission (at least four commissioners) and would be advertised as a tax increase.

2. The Roll-Back Rate of **7.0382** mills. This is the rate that approximates prior year tax revenues less allowances for new construction, additions, deletions, annexations, and improvements increasing value by at least 100%. This rate can be approved with a majority vote of the Commission (at least three commissioners) and would not be advertised as a tax increase.
3. Some other millage rate between **7.0382** and **7.5810**. Any rate over the Roll-Back rate would be advertised as a tax increase and requires a two-thirds vote of the Commission.
4. A millage rate over **7.5810** to the maximum allowed **8.0045** would require a two-thirds vote. However, due to the issuance of TRIM notices, this is not a viable option.

Staff recommends setting the Fiscal Year 2019-2020 rate at the current rate of **7.5810** mills to support the revenue assumptions of the proposed budget. State Law allows for the reduction of the rate during either or both of the public hearings in September. An increase to the proposed rate at the first hearing, per Florida Statutes 200.065, requires a first class notice to all taxpayers of the City at an estimated cost of \$30,000 since TRIM notices have already been mailed. This would endanger the City's ability to adopt the final millage and budget in time to meet the State-mandated deadlines in September. This could result in the forfeiture of all Ad-Valorem revenue.

The City's share of a home assessed at \$150,000 with homestead exemptions of \$50,000 in Eustis would be annual taxes of \$758.10, or about \$2.08 per day, for services provided by Police, Fire, Library, Parks & Recreation, Finance, Administration, Development Services, Human Resources, and Public Works departments. The Roll-Back Rate of 7.0382 mills (\$1.93 per day) would only reduce the taxes paid to the City by \$54.28 for the year.

As illustrated in the included Chart C of proposed rates, the City of Eustis would have the 3rd highest millage rate in the County (Eustis has maintained similar positioning for the past several years). The City does not have fire assessment or solid waste assessment fees, which are levied by other municipalities. The proposed budget that was presented at the June 27 workshop was prepared with revenue estimates based on the current millage rate of **7.5810**.

State Law requires two public hearings on the millage rate and budget. The first public hearing is September 5, 2019 and the second is scheduled for September 19, 2019. The new fiscal year begins October 1, 2019.

#### **Alternatives**

1. Set the tentative millage rate at the current rate of **7.5810** mills.
2. Set the tentative millage rate at the Roll-Back rate of 7.0382 mills.
3. Set the tentative millage rate at some other rate between 7.0382 and 7.5810.

#### **Discussion of Alternatives**

1. Sets the tentative millage rate at **7.5810** mills.
  - a. Advantages
    - i. Provides more recurring revenues and replaces lost revenues resulting from previous declines in property values.

- ii. Provides a better opportunity to balance revenues and expenditures for the upcoming fiscal year.
    - iii. Requires only a minimal increase in the average property owner's taxes.
    - iv. Allows for continuation of the current service levels.
    - v. This rate is the basis of the proposed Fiscal Year 2019-2020 budget.
  - b. Disadvantages
    - i. Provides higher property taxes than the Roll-Back rate of 7.0382 and would be advertised by law as a tax increase.
- 2. Sets the tentative millage rate at the Roll-Back rate of **7.0382** mils.
  - a. Advantages
    - i. Could hold property taxes at approximately the same amount as the prior year.
    - ii. Would not need to be advertised as a tax increase.
  - b. Disadvantages
    - i. The rate would generate significantly less tax revenue for the City (approximately \$575,077 less than the current millage rate).
    - ii. The rate would require use of fund balance to balance the General Fund budget.
    - iii. The rate would require expenditure reductions.
    - iv. The rate could result in reduction to the City's current levels of service.
- 3. Sets the tentative millage rate at some other rate between the Roll-Back rate of **7.0382** and the current millage of **7.5810**.
  - a. Advantages
    - i. If the rate selected is less than the current rate of 7.5810 mils, it could be a reduction to the property tax payer depending on the rate selected.
  - b. Disadvantages
    - i. If the rate selected is less than the current rate of 7.5810 mils, it would reduce tax revenue for the City, potentially require the use of fund balance and/or significant expenditure reductions, and could result in reduction to the City's current levels of service.

### **Budget and Staff Impact**

Staff prepared the Fiscal Year 2019-2020 budget using the current millage rate of 7.5810, which results in an estimated increase in property taxes of \$669,100 as compared to Fiscal Year 2018-2019 budget estimates. If the millage rate is set lower than the 7.5810 proposed, it may require a reduction in reserves or a reduction in proposed General Fund expenditures to balance the budget.

### **Reviewed By:**

Colleen J. Scott, Finance Director

### **Prepared By:**

Rob Visser, Deputy Finance Director

**RESOLUTION NO. 19-69**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE MILLAGE LEVY OF AD VALOREM TAXES FOR THE CITY OF EUSTIS, LAKE COUNTY FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 12, 2019, the City of Eustis, Lake County, Florida, held a public hearing on the Fiscal Year 2019-2020 Tentative Millage Rate, as required by Florida Statute 200.065; and

**WHEREAS**, the City of Eustis of Lake County, Florida, adopted the Fiscal Year 2019-2020 Tentative Millage Rate following the public hearing; and

**WHEREAS**, the gross taxable value for operating purposes not exempt from taxation within the City of Eustis, Lake County, Florida has been certified by the Lake County Property Appraiser to the City of Eustis as \$1,081,086,069.

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

**SECTION 1**

That the FY 2019-2020 tentative operating millage rate is 7.5810 mills, which is greater than the rolled-back rate of 7.0382 mills and increases taxes by 7.71%.

**SECTION 2**

That this Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED** this 12<sup>th</sup> day of September, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida. Time Adopted \_\_\_\_\_

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

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

**ATTEST:**

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

## **CITY OF EUSTIS CERTIFICATION**

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 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 19-69 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:** September 12, 2019  
**RE:** RESOLUTION NUMBER 19-70: ADOPTING A TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020

---

**Introduction:**

Resolution Number 19-70 adopts the Tentative Budget for FY 2019-2020, after the required public hearing.

**Attachments:**

[Staff Report - TENTATIVE Budget](#)  
[Resolution No. 19-70 TENTATIVE Budget](#)  
[EXHIBIT A FY 2019-2020 Eustis Budget Summary](#)

**Reviewed by:**

Ronald Neibert, City Manager  
Mary Montez, City Clerk

Approved - 06 Sep 2019  
Approved - 06 Sep 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: SEPTEMBER 5, 2019  
RE: **RESOLUTION NUMBER 19-70: ADOPTING A TENTATIVE BUDGET  
FOR FISCAL YEAR 2019-2020**

### **Introduction**

Resolution Number 19-70 adopts the Tentative Budget for FY 2019-2020, after the required public hearing.

### **Recommended Action**

Staff recommends approval of Resolution Number 19-70.

### **Background**

Florida State Statutes require each taxing authority to annually adopt tentative and final budgets. The law also requires that the local government hold a public hearing prior to the adoption of each of those budgets. The public hearings and adoption of the budget take place after the public hearing and adoption of the millage rates. The TRIM notice that is sent to all property owners in August notified all Eustis property owners of the proposed millage rate and date of the first public hearing on the millage. The City will advertise the adoption of the final budget and the notice of tax increase prior to the second public hearing, in accordance with state law. That second and final hearing will be held on September 19, 2019.

The proposed tentative budget has been prepared based on Commission directives authorized at the Budget Workshop held on June 27, 2019. Those directives included the adoption of the current millage rate of 7.5810. The budget has been prepared in compliance with the requirements of the City Charter, appropriate State Statutes, and is consistent with the provisions of the City's Financial Policies adopted in 2008 and amended in 2015.

The General Fund Budget, as proposed, contains slightly more revenues than expenditures for Fiscal Year 2019-2020. The proposed tentative budget also includes funding for employee compensation increases, insurance increases, and funding for the Capital Improvement Plan. The City will advertise the budget on the City website as required by State Law and a copy is provided to the Commission with this agenda item.

### **Alternatives**

1. Adopt Resolution Number 19-70 and approve the budget presented as Tentative.

2. Direct staff to make specific changes to the budget and immediately adopt the revised version as Tentative during the hearing.

### **Discussion of Alternatives**

1. Alternative 1 provides for the adoption of Resolution No. 19-70 and the approval of the budget presented as Tentative.
  - a. Advantages
    - i. The proposed tentative budget maintains service levels.
    - ii. There is funding to implement the City's Strategic Plan.
    - iii. There is funding to address pay increases for employees, based on performance.
    - iv. Operating expenditures do not exceed operating revenues.
    - v. The Budget is balanced and utilizes reserve funds only as authorized by the City Commission.
  - b. Disadvantages
    - i. Although the millage rate of 7.5810 mills is the same as the prior year, it exceeds the rollback rate and must be advertised as a tax increase.
2. Alternative 2 provides direction to staff to make specific changes to the budget and immediately adopt the revised version as Tentative during the hearing. If the Commission approves a millage rate other than 7.5810, the budget must be revised accordingly.
  - a. Advantages
    - i. Provides an opportunity for the Commission to revise the budget.
    - ii. Could provide an opportunity for further cost reductions, shifts in priorities, and/or reductions/changes in services.
  - b. Disadvantages
    - i. If the millage rate is reduced, expenditures may have to be reduced to maintain the balance of revenues and expenditures.
    - ii. If the millage rate or expenditures are reduced, service levels will likely have to be reduced accordingly.
    - iii. If expenditures are increased, the Commission would have to provide additional revenue from the fund balance or through other sources of funding.
    - iv. A change in the millage rate could affect previously established City Commission priorities.
    - v. A change in the millage rate could delay the adoption of the Final Budget and hinder compliance with State Law.

### **Community Input**

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

### **Budget and Staff Impact**

As presented, there are budgeted revenues and expenditures citywide of \$82,548,750 and reserves and fund balances totaling \$57,110,260 at September 30, 2020. The

estimated cost of preparing this document is \$42,000 based on estimated time expense of \$1,000 cumulative hours (all departments).

**Reviewed By:**

Colleen J. Scott, Finance Director

**Prepared By:**

Rob Visser, Deputy Finance Director

**RESOLUTION NO. 19-70**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 12, 2019, the City of Eustis, Lake County, Florida, held a public hearing as required by Florida Statute 200.065; and

**WHEREAS**, the City of Eustis of Lake County, Florida, set forth the appropriations and revenue estimates for the Budget for Fiscal Year 2019-2020 in the amount of \$82,548,750.

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

**SECTION 1**

That the Fiscal Year 2019-2020 Tentative Budget is hereby adopted in the total amount of \$82,548,750, as more particularly set forth in "EXHIBIT A", attached hereto and made a part hereof.

**SECTION 2**

That this Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED** this 12<sup>th</sup> day of September, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida. Time Adopted \_\_\_\_\_

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

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

**ATTEST:**

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

## **CITY OF EUSTIS CERTIFICATION**

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 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 19-70 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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

**EXHIBIT A: CITY OF EUSTIS BUDGET SUMMARY FISCAL YEAR 2019/2020**

**GENERAL FUND**

Estimated Beginning Fund Balance of \$8,158,657

Plus Revenue Budget of \$17,460,050

Less Expenditure Budget of \$17,094,400

Less Required Reserves of \$4,144,875

Yields Estimated Year End Available Fund Balance of \$4,379,432

**LIBRARY CONTRIBUTION FUND**

Estimated Beginning Fund Balance of \$89,100

Plus Revenue Budget of \$19,150

Less Expenditure Budget of \$32,600

Less Required Reserves of \$37,224

Yields Estimated Year End Available Fund Balance of \$38,426

**SALES TAX REVENUE FUND**

Estimated Beginning Fund Balance of \$67,727

Plus Revenue Budget of \$2,167,800

Less Expenditure Budget of \$1,850,500

Less Required Reserves of \$0

Yields Estimated Year End Available Fund Balance of \$385,027

**LAW ENFORCEMENT EDUCATION FUND**

Estimated Beginning Fund Balance of \$81,233

Plus Revenue Budget of \$24,500

Less Expenditure Budget of \$9,300

Less Required Reserves of \$96,433

Yields Estimated Year End Available Fund Balance of \$0

**POLICE FORFEITURE FUND**

Estimated Beginning Fund Balance of \$10,156

Plus Revenue Budget of \$5,150

Less Expenditure Budget of \$3,200

Less Required Reserves of \$12,106

Yields Estimated Year End Available Fund Balance of \$0

**STREET IMPROVEMENT FUND**

Estimated Beginning Fund Balance of \$180,314

Plus Revenue Budget of \$1,467,400

Less Expenditure Budget of \$1,638,250

Less Required Reserves of \$9,464

Yields Estimated Year End Available Fund Balance of \$0

**COMMUNITY REDEVELOPMENT FUND**

Estimated Beginning Fund Balance of \$924,812

Plus Revenue Budget of \$686,250

Less Expenditure Budget of \$752,400

Less Required Reserves of \$858,662

Yields Estimated Year End Available Fund Balance of \$0

**BUILDING SERVICES FUND**

Estimated Beginning Fund Balance of \$811,598

Plus Revenue Budget of \$433,900

Less Expenditure Budget of \$1,052,600

Less Required Reserves of \$192,898

Yields Estimated Year End Available Fund Balance of \$0

**STORMWATER UTILITY REVENUE FUND**

Estimated Beginning Fund Balance of \$241,128

Plus Revenue Budget of \$833,000

Less Expenditure Budget of \$943,850

Less Required Reserves of \$113,463

Yields Estimated Year End Available Fund Balance of \$16,815

**WATER AND SEWER REVENUE FUND**

Estimated Beginning Fund Balance of \$10,868,482

Plus Revenue Budget of \$10,962,400  
Less Expenditure Budget of \$11,588,650  
Less Required Reserves of \$1,813,988  
Yields Estimated Year End Available Fund Balance of \$8,428,244

**RECLAIMED WATER PROJECTS FUND**

Estimated Beginning Fund Balance of \$126,251

Plus Revenue Budget of \$900  
Less Expenditure Budget of \$0  
Less Required Reserves of \$0  
Yields Estimated Year End Available Fund Balance of \$127,151

**WATER AND SEWER RENEWAL AND REPLACEMENT FUND**

Estimated Beginning Fund Balance of \$1,461,469

Plus Revenue Budget of \$1,957,700  
Less Expenditure Budget of \$3,355,550  
Less Required Reserves of \$0  
Yields Estimated Year End Available Fund Balance of \$63,619

**FIRE PREVENTION CAPACITY EXPANSION TRUST FUND**

Estimated Beginning Fund Balance of \$96,018

Plus Revenue Budget of \$15,650  
Less Expenditure Budget of \$1,000  
Less Required Reserves of \$110,668  
Yields Estimated Year End Available Fund Balance of \$0

**GREENWOOD CEMETERY TRUST FUND**

Estimated Beginning Fund Balance of \$266,636

Plus Revenue Budget of \$8,250  
Less Expenditure Budget of \$2,550  
Less Required Reserves of \$272,336  
Yields Estimated Year End Available Fund Balance of \$0

**POLICE PENSION FUND**

Estimated Beginning Fund Balance of \$21,358,375

Plus Revenue Budget of \$1,825,000

Less Expenditure Budget of \$1,070,000

Less Required Reserves of \$22,113,375

Yields Estimated Year End Available Fund Balance of \$0

**FIRE PENSION FUND**

Estimated Beginning Fund Balance of \$10,771,783

Plus Revenue Budget of \$1,425,000

Less Expenditure Budget of \$650,000

Less Required Reserves of \$11,546,783

Yields Estimated Year End Available Fund Balance of \$0

**PARKS AND RECREATION CAPACITY EXPANSION TRUST FUND**

Estimated Beginning Fund Balance of \$22,592

Plus Revenue Budget of \$15,400

Less Expenditure Budget of \$1,000

Less Required Reserves of \$36,992

Yields Estimated Year End Available Fund Balance of \$0

**LAW ENFORCEMENT CAPACITY EXPANSION TRUST FUND**

Estimated Beginning Fund Balance of \$279,412

Plus Revenue Budget of \$16,700

Less Expenditure Budget of \$1,000

Less Required Reserves of \$295,112

Yields Estimated Year End Available Fund Balance of \$0

**WATER IMPACT TRUST FUND**

Estimated Beginning Fund Balance of \$3,013,801

Plus Revenue Budget of \$173,100

Less Expenditure Budget of \$1,350,750

Less Required Reserves of \$1,836,151

Yields Estimated Year End Available Fund Balance of \$0

**SEWER IMPACT TRUST FUND**

Estimated Beginning Fund Balance of \$55,497

Plus Revenue Budget of \$740,300

Less Expenditure Budget of \$725,100

Less Required Reserves of \$70,697

Yields Estimated Year End Available Fund Balance of \$0

**ECONOMIC DEVELOPMENT TRUST FUND**

Estimated Beginning Fund Balance of \$168,057

Plus Revenue Budget of \$52,600

Less Expenditure Budget of \$110,750

Less Required Reserves of \$0

Yields Estimated Year End Available Fund Balance of \$109,907

**LIBRARY CAPACITY EXPANSION TRUST FUND**

Estimated Beginning Fund Balance of \$8,912

Plus Revenue Budget of \$8,300

Less Expenditure Budget of \$16,800

Less Required Reserves of \$412

Yields Estimated Year End Available Fund Balance of \$0

**TOTAL**

Estimated Beginning Fund Balance of \$59,062,010

Plus Revenue Budget of \$40,298,500

Less Expenditure Budget of \$42,250,250

Less Required Reserves of \$43,561,639

Yields Estimated Year End Available Fund Balance of \$13,548,621





**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:** September 12, 2019  
**RE:** RESOLUTION NUMBER 19-75: SITE PLAN MODIFICATION FOR WELLS FARGO BANK LOCATED AT 16949 US HIGHWAY 441

---

### **Introduction:**

Resolution Number 19-75 approves a site plan modification to amend an approved site plan by adding parking spaces and eliminating the solid waste dumpster on approximately 1.082 acres located at 16949 US Highway 441.

### **Background:**

On September 8, 1994, a site plan was approved for the SouthTrust Bank. Wells Fargo Bank is now requesting additional parking spaces and requires review and approval by City Commission because the modification is within 100 ft. of a residential area.

### **Recommended Action:**

Staff recommends approval of Resolution 19-75.

### **Policy Implications:**

No policy implications.

### **Alternatives:**

1. Approve Resolution Number 19-75.
2. Deny Resolution Number 19-75.

### **Budget Impact:**

No budget impacts.

### **Attachments:**

[Staff Report - Wells Fargo Res 19-75](#)  
[Resolution No. 19-75 without Site Plan Exhibit](#)

### **Reviewed by:**

Lori Barnes, Director  
Ronald Neibert, City Manager

Approved - 28 Aug 2019  
Pending



## City of Eustis

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

TO: EUSTIS CITY COMMISSION  
FROM: RONALD NEIBERT, CITY MANAGER  
DATE: SEPTEMBER 5, 2019  
RE: **RESOLUTION NUMBER 19-75**  
SITE PLAN MODIFICATION FOR WELLS FARGO BANK LOCATED AT  
16949 US HIGHWAY 441

### **Introduction:**

Resolution Number 19-75 approves a Site Plan Modification to amend an approved site plan by adding parking spaces and eliminating the solid waste dumpster on approximately 1.082 acres located at 16949 US Highway 441.

### **Recommended Action:**

The administration recommends approval of Resolution Number 19-75.

### **Background:**

#### Pertinent Site Information:

- a) The Southtrust Bank site plan was approved on September 8, 1994 as Resolution 94-27, and site plan SP-47.
- b) On August 20, 2019, the City's Development Review Committee approved the modifications to the original site plan.

#### Proposed Development:

The applicant is requesting a modification to the following:

- To allow the addition of 10 parking spaces;
- Eliminate the dumpster and change the solid waste collection from a dumpster to individual containers; and
- Allow an 18 ft. wide driveway for approximately 10 ft. on the western driveway.

#### Future and Existing Land Uses:

Descriptions of the site and surrounding properties will be describe by existing land use, and then future land use and design district designations. The site is currently a bank and designated Mixed Commercial Residential (MCR) future land use with a Design District of Suburban Corridor. Properties to the north are single-family residences designated Suburban Residential and Suburban Corridor. Properties to the east are retail stores designated MCR and suburban corridor. Properties to the west are vacant land and single family residences with MCR and suburban residential future land uses and suburban corridor and suburban neighborhood design districts. To the south is US Highway 441 with MCR and suburban corridor designations.

**Consideration:**

**Land Development Regulations.** Sections of the LDR's regulate or guide the specifics of development within the City including minimum parking spaces (Section 115-4.4), solid waste (Section 115-4.10) and driveway widths (Section 115-4.4).

- ***All of the proposed modifications meet the standards of the Land Development Regulations. No waivers are required for any of the modifications.***
- ***Exhibit A and B show the location of existing and proposed parking spaces, respectively. The original site plan had 30 spaces and the proposed modification would increase the number of spaces by 10 to 40 total spaces. There would be 2 parallel spaces along the northern site boundary and the remainder would be located along the western boundary. Additional parking spaces along the western boundary are gained by reducing the angle of existing spaces and removing the dumpster and access area.***
- ***The applicant justified removal of the dumpster by showing their solid waste demand could be handled by 2, 50 gallon containers. Approximately ½ of their generation is removed by a specialty handler that shreds sensitive documents. The bank also utilizes paper reducing methods in the building such as air hand dryers in the bathrooms.***
- ***Parking aisle widths vary based upon the angle of parking to the driveway and driveway directions. Driveway widths vary from 12 ft. for parallel parking to 22 ft. for 90 degree spaces if the driveway is one-way. These widths would increase to 20 ft. and 24 ft., respectively, if two-way. The western spaces are along a one-way drive aisle and can be 18 ft. wide. The Fire Department requires 20 ft. driveways for their larger trucks. This standard is met for most of the one-way aisle except for an approximately 35 ft. stretch. The part of the landscape area on the east side of the driveway has been removed to meet the 18 ft. requirement. More area could not be removed because of underground utilities. The Fire Department has approved this deviation from their standards because of the limited area involved, restraints from utilities and the ability to respond to the entire structure from the remainder of the site.***

**Applicable Policies and Codes:**Section 102-15 Modifications to Approved Site Plans

The director of development services is authorized to approve minor modifications in the approved PUD master plan, site plan or final plat, but shall not have the power to approve changes that are inconsistent with the minimum open space requirements or the maximum density, intensity or height of the applicable land use district or that constitute a substantial modification as defined herein.

Substantial Modification is defined as:

- Any alteration to uses approved in the site plan/master plan that lie within 100 feet of the boundary of the property
- Modification to off-street parking if all other requirements met and not within 100 ft. of residentially zoned property.

**Alternatives:**

1. Approve Resolution Number 19-75.
2. Deny Resolution Number 19-75.

**Discussion of Alternatives:**

Alternative 1 approves Resolution Number 19-75.

Advantages:

- The property owner can move forward with the submittal of a building permit for the proposed development.
- The action would allow the business to better serve its customers.
- The action would be consistent with the goals, objectives and policies of the Comprehensive Plan.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies Resolution No. 19-75.

Advantages:

- There are no advantages

Disadvantages:

- The property owner would not be able to serve its customers by providing convenient parking.
- The business could not grow and better serve Eustis.

**Community Input:**

The department has properly advertised the Resolution in the newspaper; notified surrounding properties within 500 feet; and posted the property. To date, there has been no expressed support or opposition to the proposed development.

**Budget / Staff Impact:**

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

**Reviewed By:**

Lori Barnes, AICP, Development Services Director

**Prepared By:**

Roland Magyar, AICP, Senior Planner

**Attachments:**

Resolution Number 19-75

Available on Request:

Site Plan, Notice to Surrounding Property Owners, Advertisement



## **RESOLUTION NO. 19-75**

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A MODIFICATION TO AN APPROVED SITE PLAN FOR ADDITIONAL PARKING AT A BANK ON APPROXIMATELY 1.12 ACRES LOCATED AT 16949 US HWY 441.**

WHEREAS, Wells Fargo Bank has made an application for a Modification to an approved Site Plan for the addition of 11 parking spaces on approximately 1.12 acres located at 16949 US Highway 441, more particularly described as:

TAX ID #: 23-19-26-0800-000-00000

*(PER LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1333, PAGES 693 THROUGH 696 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA)*

*"THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23 AND THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 26 EAST, IN THE CITY OF EUSTIS, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF LOT 1 OF LAKE WOODWARD ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 25, PAGE 84, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND RUN THENCE NORTH 89 DEGREES 20 MINUTES WEST ALONG THE SOUTH LINES OF LOTS 1 AND 3 OF SAID LAKE WOODWARD ESTATES 174.2 FEET TO THE MOST EASTERLY CORNER OF LOT 4 OF SAID LAKE WOODWARD ESTATES; THENCE SOUTH 42 DEGREES 01 MINUTES 04 SECONDS WEST ALONG THE SOUTHEASTERLY LINES OF LOTS 4 AND 5 OF SAID LAKE WOODWARD ESTATES 186.21 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 5; THENCE SOUTH 47 DEGREES EAST 62 FEET TO THE NORTHERLY LINE OF THE THE RIGHT OF WAY OF U.S. HIGHWAY NO. 441; THENCE SOUTH 75 DEGREES 43 MINUTES EAST ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY 212 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE RIGHT OF WAY OF EUDORA ROAD; THENCE NORTH 13 DEGREES 50 MINUTES EAST ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY 142.17 FEET TO THE BEGINNING OF A CURVE IN SAID WESTERLY LINE CONCAVE WESTERLY AND HAVING A RADIUS OF 515 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 27 MINUTES 46 SECONDS AN ARC DISTANCE OF 94.04 FEET TO THE POINT OF BEGINNING."*

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

**WHEREAS**, a banking facility is a permitted use in the Mixed Commercial Residential land use designation; and

**WHEREAS**, a site plan was approved by City Commission on September 8, 1995 as Resolution 94-27; and

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

**WHEREAS**, the proposed modifications to the approved site plan meet the general intent of the regulations, do not jeopardize the health, safety, or welfare of the public, and include appropriate mitigation.

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

**SECTION 1.**

That the Site Plan for the Wells Fargo Bank located at 16949 US Highway 441 and attached hereto as Exhibit A is hereby approved with the following modifications:

- a. To allow the addition of 10 parking spaces;
- b. To eliminate the dumpster and change the solid waste collection from a dumpster to individual containers; and
- c. To allow an 18 ft. wide driveway for approximately 35 ft. on the western driveway.

**SECTION 2.**

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

- a. Developing the property in accordance with the approved Site Plan as referenced in Section 1 and attached hereto as Exhibit A.
- b. All previous approvals and conditions must be met.

**SECTION 3.**

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

**SECTION 4.**

That this Resolution shall become effective upon filing.

**DONE AND RESOLVED** this 12th day of September, 2019, in regular session of the City Commission of the City of Eustis, Florida.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 Resolution Number 19-75 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:** September 12, 2019  
**RE:** RESOLUTION NUMBER 19-76: AMENDING THE CURRENT FY2018-2019 GENERAL FUND BUDGET TO RECOGNIZE REVENUE FROM A PRIVATE DONATION AND TO APPROPRIATE THE AMOUNT AS EXPENDITURE FOR THE HASELTON DOG PARK PROJECT

---

**Attachments:**

[Staff Report - Res 19-76 Haselton Dog Park Donation Budget Amendment](#)  
[Resolution No. 19-76 Haselton Dog Park Donation Budget Amendment](#)

**Reviewed by:**

Ronald Neibert, City Manager  
Mary Montez, City Clerk

Approved - 06 Sep 2019  
Approved - 06 Sep 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: SEPTEMBER 5, 2019  
RE: **RESOLUTION NUMBER 19-76 AMENDING THE CURRENT FY2018-2019 GENERAL FUND BUDGET TO RECOGNIZE REVENUE FROM A PRIVATE DONATION AND TO APPROPRIATE THE AMOUNT AS EXPENDITURE FOR THE HASELTON DOG PARK PROJECT**

### Introduction

Resolution Number 19-76 amends the General Fund Budget to recognize revenue from a private donation and to appropriate the amount as an expenditure for the Haselton Dog Park Project. A General Fund balance amount of \$70,000 that was previously appropriated to construct the park will be replaced by the donation and absorbed back into fund balance.

### Recommended Action

Staff recommends approval of Resolution Number 19-76.

### Background

On April 18, 2019, Commission consented to move forward with the construction of a Dog Park, in honor of the late Commissioner Carla Gnann-Thompson, alongside the Haselton Water Treatment Facility. On May 2, 2019, Commission authorized expenditures relating to the Dog Park and amended the budget to set up funding for the new facility.

Recently, the City received a private donation in the amount of \$70,000 in memory of Commissioner Gnann-Thompson. The donor's intent is to apply the funding to costs relating to the establishment of the Haselton Dog Park.

### Alternatives

1. Approve Resolution Number 19-76
2. Deny Resolution Number 19-76

### Discussion of Alternatives

1. Approve the Resolution
  - a. Advantages
    - i. The action amends the budget per best practices to recognize revenue that has been received and appropriate expenditures.
  - b. Disadvantages

- i. There is no disadvantage to approving the Resolution
- 2. Deny the Resolution
  - a. Advantages
    - i. There are no advantages in denying the Resolution
  - b. Disadvantages
    - i. A significant amount of revenue will be received in the absence of proper budgeting and auditors may question variances and procedures.

**Budget and Staff Impact**

The Resolution will amend the current Fiscal Year 2019 Budget as prescribed above. There will be no budget or significant staff impact resulting from the resolution.

**Reviewed By:**

Colleen J. Scott, Finance Director

**Prepared By:**

Rob Visser, Deputy Finance Director

**RESOLUTION NO. 19-76**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CURRENT FY2018-2019 GENERAL FUND BUDGET TO RECOGNIZE REVENUE FROM A PRIVATE DONATION AND TO APPROPRIATE THE AMOUNT AS EXPENDITURE FOR THE HASELTON DOG PARK PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, creation of a dog park alongside the Haselton Water Treatment Facility in honor of Commissioner Carla Gnann-Thompson is currently underway; and

**WHEREAS**, a private donation in the amount of \$70,000 was recently conveyed to the City to be applied to expenditures relating to the dog park; and

**WHEREAS**, generally accepted accounting principles necessitate that the donation be recognized as revenue and appropriated as an expenditure and that the budget be amended accordingly.

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

**SECTION 1**

That the General Fund Revenue Budget for FY2018-2019 is amended in the appropriate revenue account to recognize the \$70,000 private donation.

**SECTION 2**

That the \$70,000 is appropriated as expenditure into the Haselton Dog Park project.

**SECTION 3**

That the City's previous appropriation of General Fund fund balance in an amount of \$70,000 is de-programmed, unappropriated as an expenditure, and conveyed back into fund balance.

**DONE AND RESOLVED** this 12<sup>th</sup> day of September, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 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 19-76 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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





## 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: SEPTEMBER 5, 2019  
RE: **RESOLUTION NUMBER 19-77 ESTABLISHING ACCOUNTING OF  
DIRECT AND INDIRECT COSTS RESULTING FROM  
ENFORCEMENT OF THE FLORIDA BUILDING CODE,  
ESTABLISHING AMOUNTS FOR PAST FISCAL YEARS, AND  
AMENDING THE CURRENT BUDGET**

### Introduction

Resolution Number 19-77 provides for the consolidation of direct and indirect costs resulting from enforcement of the Florida Building Code and also establishes those costs, also referred to as budgets, for the past three fiscal years from Fiscal Year 2016 to FY2018. The resolution also amends the current fiscal year General Fund and Building Services Fund Budgets to reflect the consolidation of costs.

### Recommended Action

Staff recommends approval of Resolution Number 19-77.

### Background

Florida House Bill 447 was approved by the Governor in June of 2019. One of the law's provisions is that a local government may not carry forward into the next fiscal year an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous four fiscal years. Direct and reasonable indirect costs are allowed in calculation of these budgets. The law states that any excess funds prohibited from being carried forward must be used to rebate and reduce permit fees.

In December of 2018, Commission established the new Building Services Fund via Resolution 18-104 for the proper accounting of direct and indirect costs resulting from enforcement of the Florida Building Code. Prior to the establishment of the new Building Services Fund, revenues along with both direct and indirect expenditures related to the Florida Building Code were tracked manually and reflected as a Restricted Fund Balance on the Balance Sheet of the Comprehensive Annual Finance Report.

The City seeks to account for, establish, and present past fiscal year cost budgets that resulted from enforcement of the Florida Building Code. These budgets include the following costs from Fiscal Year 2016 through Fiscal Year 2018: 33% of the Development Services Director salary and benefits, 25% of the Fire Prevention

Program's costs (those costs which relate to new construction), and all costs relating to the Building Inspection Program. The following are those cost budget calculations:

- Fiscal Year 2016: \$32,759 for Development Services Director salary and benefits allocation, \$19,386 for the Fire Prevention Program allocation, and \$233,303 for the Building Inspection Program, for a total of \$285,448.
- Fiscal Year 2017: \$34,415 for Development Services Director salary and benefits allocation, \$34,313 for the Fire Prevention Program allocation, and \$371,364 for the Building Inspection Program, for a total of \$440,092.
- Fiscal Year 2018: \$35,136 for Development Services Director salary and benefits allocation, \$34,494 for the Fire Prevention Program allocation, and \$383,189 for the Building Inspection Program, for a total of \$452,819.

In addition to establishing the cost for the past fiscal years, the current Fiscal Year 2019 expenditure budgets for the Building Services Fund and the General Fund will be amended as necessary to reflect the same accounting structure: \$36,877 for Development Services Director salary and benefits, \$36,035 for the Fire Prevention Program allocation, and \$364,487 for the Building Inspection Program. The Building Services Fund Budget will also be amended to add \$40,000 in expenditures for the cost of a needed replacement inspections vehicle and \$10,212 as an administrative support allocation to the General Fund for provision of technology, financial audit, insurance, and other support. The allocations for the Development Services Director salary and benefits and the Fire Prevention Program will be reflected in the administrative support allocation to the General Fund.

Establishing these budgets for the current and three previous fiscal years yields an average annual operating budget for enforcing the Florida Building Code of \$416,492. As compared with an estimated year-end fund balance in the Building Services Fund of \$811,598, House Bill 447 would require rebates or permit fee reductions in the estimated amount of \$395,106. These estimates have a high degree of variability based on actual year-end revenues and expenditures in the Fund and resulting fund balances.

#### **Alternatives**

1. Approve Resolution Number 19-77
2. Deny Resolution Number 19-77

#### **Discussion of Alternatives**

1. Approve the Resolution
  - a. Advantages
    - i. The action establishes current and historical true direct and indirect costs resulting from the enforcement of the Florida Building Code
    - ii. Capturing, reflecting, and codifying all direct and indirect costs will protect the City from relinquishing more fund balance than necessary per the HB 447 mandate
  - b. Disadvantages
    - i. There is no disadvantage to approving the Resolution
2. Deny the Resolution
  - a. Advantages

- i. There are no advantages in denying the Resolution
- b. Disadvantages
  - i. Failure to establish all costs relating to the Florida Building Code could result in the City relinquishing more fund balance than necessary due to the HB 447 rebate or fee reduction requirement
  - ii. The City's Building Services Fund may be depleted more quickly than necessary, exposing the Fund to financial duress and potential reliance on the General Fund in the event of economic downturn

**Budget and Staff Impact**

The resolution will amend the current Fiscal Year 2019 Budget as prescribed above. There will be no budget or significant staff impact resulting from the resolution.

**Reviewed By:**

Colleen J. Scott, Finance Director

**Prepared By:**

Rob Visser, Deputy Finance Director

Attachments: Resolution 19-77



## **RESOLUTION NUMBER 19-77**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ESTABLISHING ACCOUNTING OF DIRECT AND INDIRECT COSTS RESULTING FROM ENFORCEMENT OF THE FLORIDA BUILDING CODE, ESTABLISHING AMOUNTS FOR PAST FISCAL YEARS, AND AMENDING THE CURRENT BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in December of 2018, Commission established the Building Services Fund via Resolution 18-104 for proper accounting of direct and indirect costs resulting from enforcement of the Florida Building Code; and

**WHEREAS**, Florida House Bill 447 was signed into law in June of 2019; and

**WHEREAS**, House Bill 447 restricts the carryforward of funds from one fiscal year to the next to an amount not greater than the average of the previous four years of operating budgets; and

**WHEREAS**, the City seeks to account for, establish, and present past fiscal year budgets of direct and indirect costs that resulted from enforcement of the Florida Building Code, and to amend current fiscal year budgets accordingly.

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

### **SECTION 1**

That the following allocations from Fiscal Year 2016 through Fiscal Year 2018 are codified as the City's direct and indirect costs for enforcement of the Florida Building Code: 33% of the Development Services Director's salary and benefits, 25% of the Fire Prevention Program's total cost (those costs that pertain to new construction), and 100% of costs relating to the Building Inspection Program.

### **SECTION 2**

That these direct and indirect costs to enforce the Florida Building Code are codified as follows:

Fiscal Year 2016: \$32,759 for Development Services Director salary and benefits allocation, \$19,386 for the Fire Prevention Program allocation, and \$233,303 for the Building Inspection Program, for a total of \$285,448.

Fiscal Year 2017: \$34,415 for Development Services Director salary and benefits allocation, \$34,313 for the Fire Prevention Program allocation, and \$371,364 for the Building Inspection Program, for a total of \$440,092.

Fiscal Year 2018: \$35,136 for Development Services Director salary and benefits allocation, \$34,494 for the Fire Prevention Program allocation, and \$383,189 for the Building Inspection Program, for a total of \$452,819.

### **SECTION 3**

That the accounting methodology described in Section 1 will be applied to the current Fiscal Year 2019, and future fiscal years, along with annual amounts, to-be-determined, to be reimbursed to the General Fund by the Building Services Fund for provision of technology, financial audit services, insurance, and other reasonable indirect cost items as determined.

### **SECTION 4**

That the current year General Fund and Building Services Fund budgets will be amended to reflect this accounting methodology as follows: \$36,877 for Development Services Director salary and benefits, \$36,035 for the Fire Prevention Program allocation, and \$10,212 for administrative support indirect cost items will be reimbursed to the General Fund by the Building Services Fund. The Building Inspection Program budget in the Building Services Fund currently stands at \$364,487 in conformance to the accounting methodology described.

### **SECTION 5**

That the current year Building Services Fund budget will also be amended to appropriate available fund balance in the amount of \$40,000 for the needed replacement of an inspections vehicle.

### **SECTION 6**

That the budget amendment to reflect the accounting methodology supersedes and replaces any previous budget amendments, or parts of amendments that may be in conflict and that any other accounting and budget entries are authorized as necessary to conform to the cost accounting methodology as codified herein.

**DONE AND RESOLVED** this 12<sup>th</sup> day of September, 2019, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

## **CITY OF EUSTIS CERTIFICATION**

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 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 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 19-77 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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





**City of Eustis**

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

## Staff Report

**TO:** Eustis City Commission  
**FROM:** Ronald Neibert, City Manager  
**DATE:** September 12, 2019  
**RE:** ORDINANCE 19-23 - VOLUNTARY ANNEXATION OF 18725 EAST BATES AVENUE  
ORDINANCE 19-24 - COMPREHENSIVE PLAN AMENDMENT FOR 18725 EAST BATES AVENUE  
ORDINANCE 19-25 - DESIGN DISTRICT ASSIGNMENT FOR 18725 EAST BATES AVENUE

---

### **Introduction:**

Ordinance 19-23 provides for the voluntary annexation of approximately 44.81 acres located at 18725 E. Bates Avenue. Provided the annexation of the property is approved, Ordinance 19-24 would change the future land use designation from Public Service Facility and Infrastructure in Lake County to Public Institutional (PI) in the City of Eustis, and Ordinance 19-25 would assign the property a design district designation of Suburban Neighborhood.

### **Background:**

The Lake County School Board has requested the Eustis Middle School be annexed into the City. The annexation requires the annexing local government to assign a City future land use and design district designation.

### **Recommended Action:**

Staff recommends approval of Ordinances 19-23, 19-24, and 19-25.

### **Policy Implications:**

There will be no policy implications.

### **Alternatives:**

Deny the annexation and the future land use and design district ordinances cannot be approved.

### **Budget Impact:**

There will be no budget impact to the City.

**Attachments:**

[ADA Staff Report Ord. 19-23 19-24 and 19-25 Eustis MS](#)

[ADA Ord 19-23 Eustis MS Annex](#)

[ADA Ord. 19-24 Eustis MS - FLUM](#)

[ADA Ord. No. 19-25 EMS Design District](#)

**Reviewed by:**

Lori Barnes, Director

Ronald Neibert, City Manager

Approved - 28 Aug 2019

Pending



## 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: SEPTEMBER 5, 2019  
RE: **REVIEW OF ORDINANCES FOR PROPERTY LOCATED ON 18725 EAST BATES AVENUE**

*Ordinance Number 19-23 – Voluntary Annexation*

*Ordinance Number 19-24 – Comprehensive Plan Amendment*

*Ordinance Number 19-25 – Design District Assignment*

### Introduction

Ordinance Number 19-23 provides for the voluntary annexation of approximately 44.81 acres located on 18725 East Bates Avenue. Provided the annexation of the subject property is approved, Ordinance No. 19-24 would change the future land use designation from Public Service Facility and Infrastructure in Lake County to Public Institutional in the City of Eustis, and Ordinance No. 19-25 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance No. 19-23 is denied, then there can be no consideration of Ordinance Numbers 19-24 and 19-25.

### Recommended Action

The administration recommends approval of Ordinance Numbers 19-23, 19-24, and 19-25.

### Background/Pertinent Site Information

1. The site contains approximately 44.81 acres and is located within the Eustis Joint Planning Area. The site is a public middle school and the Lake County Property Appraiser has classified the property as a public school. There are multiple structures on the site.
2. The site is contiguous to the City on its southwest boundary.
3. The site has a Lake County land use designation of Public Service Facility and Infrastructure, but approval of Ordinance Number 19-24 would change the land use designation to Public Institutional in the City of Eustis.

### Applicant's Request

The applicant, Lake County School Board, wishes to annex the property into the City and amend the Comprehensive Plan Future Land Use Map from Public Service Facility and Infrastructure to Public Institutional.

The site contains a Lake County Middle School with a Lake County future land use of Public Service Facility and Infrastructure future land use designation. The property adjacent to the north contains single-family homes and vacant land and is designated with County Urban low and Rural Transitional future land use. To the south are single-family residences with County Urban Low and City Suburban Residential future land use designations. There is also a City design district designation of Suburban Neighborhood in this area. To the east, there is vacant

land and single-family homes. The County future land use is Rural Transitional. The land to the west is vacant with a County Urban Low designation.

The current Lake County zoning designation is Community Facilities District (CFD) and the land use designation is Public Service Facility and Infrastructure (PSFI). The Lake County zoning and land use designations allow for public schools. The purpose of "CFD" community facility districts is to allow facilities where special or substantial community interest uses and activities are necessary and desirable, and to promote the general welfare and to secure economic and coordinated Land Use.

The requested Public Institutional land use designation permits the proposed use and is consistent with the land use designation of adjacent properties. Its purpose is to apply to public and quasi-public properties and facilities that provide a community service.

### **Analysis of Annexation Request (Ordinance Number 19-23)**

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 the existing and any future development, consistent with the requested Public Institutional 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 August 22 and August 29, 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.***

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 August 8, 2019.***

**Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 19-24)**

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 property is already developed as a public school.***

***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 2.3-miles of the City's urban core. Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban core.***

***3. Strip or Isolated Development:***

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

***This indicator does not apply. The property fronts on a collector roadway (E. Bates Avenue). The existing school supports the surrounding existing and future development in the area.***

4. *Natural Resources Protection:*

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

***This indicator does not apply. The site contains an area of forested land for future expansion of the school. The LCSP has no plans of expanding the capacity of the school at this time. 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 and wastewater already service the site. Adequate capacity is available to serve future development consistent with the requested Public Institutional future land use designation. E. Bates Avenue has sufficient capacity to serve a Public Institutional 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. Existing public facilities/services in the area include: Eustis' Fire Station No. 23 within 2.5 miles of the school, as well as Lake County Fire Station No. 27 within 1.43 miles. LakeExpress bus stop 10 is within 1.56 miles of 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. The site is already developed and receiving public facilities. Adequate capacity is available to serve the existing and future development consistent with the requested PI 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 Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The public facility character of the PI land use designation and the Suburban Neighborhood Design District form an appropriate transition from the Urban Core to the Rural areas on the eastern edges of the Planning Area.***

9. Infill and Redevelopment:

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

***This indicator does not apply. Schools with available capacity are a benefit and aid in infill and redevelopment projects.***

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

***This indicator does not apply. By virtue of the requested PI future land use designation, uses are limited to public institutional uses.***

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

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

12. Open Space:

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

***This indicator does not apply. The property is already developed. Future development under the PI land use will include dedicated open space, consistent with the LDR and Comprehensive Plan requirements.***

13. Urban Sprawl:

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

**a. Direction of Growth:**

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

***The site is located approximately 2 ½ miles from the City's downtown core; fronts on a collector roadway and is located in a geographic area where surrounding properties already have been approved for single family development. Indications of natural resources and ecosystems on the site contain mixed hardwood forest. However, 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.***

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

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

***City water and wastewater services are available to the site along E. Bates Avenue. Adequate capacity is available to serve future development consistent with the requested PI future land use designation. The transportation network has sufficient capacity to serve a public school 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.

***The PI future land use designation does not permit residential uses and limits non-residential uses to community services. These facilities are necessary***

***components of any community and add to the well-being of its citizens.***

**d. Water and Energy Conservation:**

Promotes conservation of water and energy.

***The site is already developed. It is not clear if the facility has been retrofitted with water and energy saving devices. 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.

***The existing school provides recreational facilities in the form of tennis courts, track and fields for football, soccer and baseball. Any new development will include dedicated open space consistent with the LDR and Comprehensive Plan requirements.***

**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.

***The existing school is a result of the demand for public education created by the surrounding residential development.***

**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. The existing school is a result of a need from existing and future residential growth.***

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:*

***Eustis already provides emergency response to the school and other properties in the area. Additionally, fire service is approximately 1.43 miles of the subject property. Any development consistent with the PI future land use designation would not have a significant negative impact on the operations of Eustis emergency services.***

b. *Parks & Recreation:*

***The existing school does not impact Eustis' parks and recreation facilities. It provides additional facilities for the use of its school attendees.***

c. *Potable Water & Sanitary Sewer:*

***Water and sewer are connected to the subject property. 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 subject site is a school.***

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:**

***At this time, the adjacent transportation network has the capacity to serve the proposed PI property, even at a maximum development standard, without negatively affecting the adopted level of service.***

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

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

a. **Ground water recharge areas:**

***The subject property is located in a high recharge area; >12 inches per year.***

*Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map*

b. **Historical or archaeological sites:**

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

*Source - Lake County GIS - 2012 Flood Zones*

d. **Soil and topography:**

***The site is almost entirely Candler Sand, 0 to 5% slopes. The soil has minimal slope and is excessively drained. The depth to the water table is greater than 80 inches. There are no major impediments to development.***

**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 Community Facility District and the land use designation is Public Service Facility and Infrastructure. The property owner has requested the Public Institutional land use***

**designation within the City of Eustis. The evaluation below supports the requested designation.**

**a. Review of Surrounding Properties**

***The property is bordered by Lake County future land use designations of Urban Low to the west, Urban Low and Rural Transitional to the north, Rural Transitional to the east and Urban Low to the South. The City also borders the property to the south with a land use designation of Suburban Residential.***

***The Eustis land use designation to the south is Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.***

***The requested Eustis land use designation is the Public Institutional district which "applies to public and quasi-public properties and other facilities that provide a community service." The existing school is a community service.***

***Unincorporated Lake County to the north, south and west is designated as Urban Low on the Lake County Future Land Use Map. This district permits a density of up to 4 du/ac. The Lake County zoning designation for the same area is Community Facility District (CFD). The purpose of "CFD" community facility districts is to allow facilities where special or substantial community interest uses and activities are necessary and desirable, and to promote the general welfare and to secure economic and coordinated Land Use***

**b. Comparison of Lake County Development Conditions**

***The site is currently developed as a public school. There are no plans to expand the school in the School Board's capital improvement plan. There are no regulations in either the Lake County or City land use categories to compare.***

**c. Proposed Non-Residential Land Uses.**

***The site is currently developed as a public school. There are no plans to expand the school in the School Board's capital improvement plan. There are no regulations in either the Lake County or City land use categories to compare.***

**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. As described above, the LOS on Bates Avenue can accommodate even the maximum development scenario on this parcel.***

**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. 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 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 PI future land use designation is consistent with other land use designations along Bates Avenue because the existing school and current and future demand for public education is required by existing and future residential development.***

d. ***Changed Conditions:***

Whether there have been changed conditions that justify an amendment.

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

e. ***Demand on Public Facilities:***

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

***City water and wastewater services are available to the site along Bates Avenue. Adequate capacity is available to serve any future expansion consistent with the requested PI future land use designation. Bates Avenue has sufficient capacity to serve the existing and future expansion***

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

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

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

***The site does not appear to contain natural resources in need of protection. There is approximately 18 acres of the 44.81 acres are wooded. An environmental report completed by Universal Engineering Sciences has determined no Wekiva Study area related vegetative species exist onsite. 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.

***The school is already existing and was sited due to existing development in the area. Thus, the fact the school exists is evidence that orderly development is occurring in this area.***

***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 proposed PI future land use designation for the subject parcel will provide for orderly growth and development. The existing school is the result of residential development in the area requiring the placement of a school. As the area develops further, the school has sufficient land to expand to accommodate demand.***

***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.

***Lake County does not provide central water and wastewater, so its land use designations would reflect the lack of urban services. Properties within the Eustis Planning Area, however, have been identified for inclusion in the City's service plans; have been deemed appropriate for annexation; and as,***

***such, would warrant a more appropriate, municipal land use designation than that of the County.***

**Analysis of Design District Request (Ord. No. 19-25):**

**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). The Suburban development pattern and intent, and the Suburban Neighborhood definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area. The City of Eustis Design District Map shows the land surrounding the school to be Suburban Neighborhood. The character of this development is suburban in nature because it serves the residential neighborhoods surrounding the site. If this property were in the City limits of Eustis, it would have a Suburban Neighborhood design district designation.*

**b. Sec. 109-5.5. 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.

**Design districts**

**(b.1) Suburban Neighborhood:**

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

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

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

***The Suburban development patterns statement above indicates that the area is primarily for residential purposes. A Suburban Neighborhood designation follows the district pattern and intent outlined in the Land Development Regulations, and is consistent with the existing transect along E. Bates Avenue.***

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.

***The part of property south of the site, across Bates, lies in unincorporated Lake County and Lake County does not have design districts. Creating a condition where like designations face across streets is not applicable in this case because some of the adjacent land is not in the City limits. The land within the City is residential. The Design District Map, however, designates this portion of Bates Avenue as Suburban Neighborhood.***

***The requested Suburban Neighborhood designation would establish similar and compatible transect conditions. The majority of properties within the City limits fronting on Bates Avenue east of E. CR 44 are Suburban Neighborhood and “suburban” is the appropriate transect condition between urban and rural.***

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 PI 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 109-5.1, Figure 1.0- Development Patterns. 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.***

**I. 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 109-5.5(b)(1):

The Suburban Neighborhood Design District has predominately-residential uses with some neighborhood scale commercial services. Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods. Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.

Land Development Regulations Section 109-2.7(a):

Public/institutional (PI). This land use designation applies to public and quasi-public properties and other facilities that provide a community service.

Land Development Regulations Section 115-3.2:

- a. Suburban residential compatibility. 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.
- b. The maximum residential density permitted within the suburban neighborhood design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by providing compatible building lot types as provided for in [chapter 110](#).
- c. 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:

- 1) 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).
- 2) 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 \$8,457,720, but the Institutional exemption lowers the taxable value to \$0.

Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$0.

**Alternatives:**

1. Approve Ordinance Numbers 19-23 (Annexation), 19-24 (Comp. Plan Amendment), and/or 19-25 (Design District Designation)
2. Deny Ordinance Numbers 19-23, 19-24 and 19-25.

**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.
- 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 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:*

- There are no disadvantages

Alternative 2 denies the Ordinances.

(If Ordinance Number 19-23 is denied, the Commission cannot approve Ordinance Number 19-24 and 19-25.)

*Advantages:*

- There are no advantages.

*Disadvantages:*

- Denying annexation would create a gap in the City's natural growth boundary as defined by the Eustis Planning Area.

- 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. The department has not received any additional response from residents or adjacent property owners.

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

Based on the current assessment and millage rate, the City can anticipate approximately \$0 annually in additional operating revenue. There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

### **Reviewed By:**

Lori Barnes, AICP, Development Services Director

### **Prepared by:**

Roland Magyar, AICP, Senior Planner

### **Attachments:**

Ordinance Number 19-23 (including Exhibit A)

Ordinance Number 19-24, Land Use Map, Advertisement

Ordinance Number 19-25, Design District Map, Advertisement

Provided on request:

Surrounding Property Owner Notice of Hearing, and Advertisement

**ORDINANCE NUMBER 19-23**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; VOLUNTARILY ANNEXING APPROXIMATELY 44.81 ACRES OF REAL PROPERTY LOCATED AT 18725 E. BATES AVENUE, EUSTIS, FL.**

**WHEREAS**, the School Board of Lake County, the legal owners of record, have made application for voluntary annexation of approximately 44.81 acres of real property located at 18725 E. Bates Avenue more particularly described as:

Tax ID: 05-19-27-0200-000-00700

Begin 1072.80 feet East of the Southwest corner of the Southeast  $\frac{1}{4}$  Run North 960.2 feet; N  $86^{\circ}24'00''$ E 1409.4 feet to East line of Section; South 402 feet; West 619.6 feet; South 660 feet; West Point of Beginning

Also

The West 309.8 feet of the East 619.6 feet of the South 660 feet of the Southeast  $\frac{1}{4}$  of Section 6, Township 19 South, Range 27 East, Lake County, Florida.

**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 September 12, 2019 the City Commission held the 1<sup>st</sup> Public Hearing to consider the voluntary annexation of the property contained herein; and

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

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

**SECTION 1.**

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 44.81 acres of real property located at 18725 E. Bates Avenue, 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 \_\_\_\_\_ day of December, 2019.

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

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

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of 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

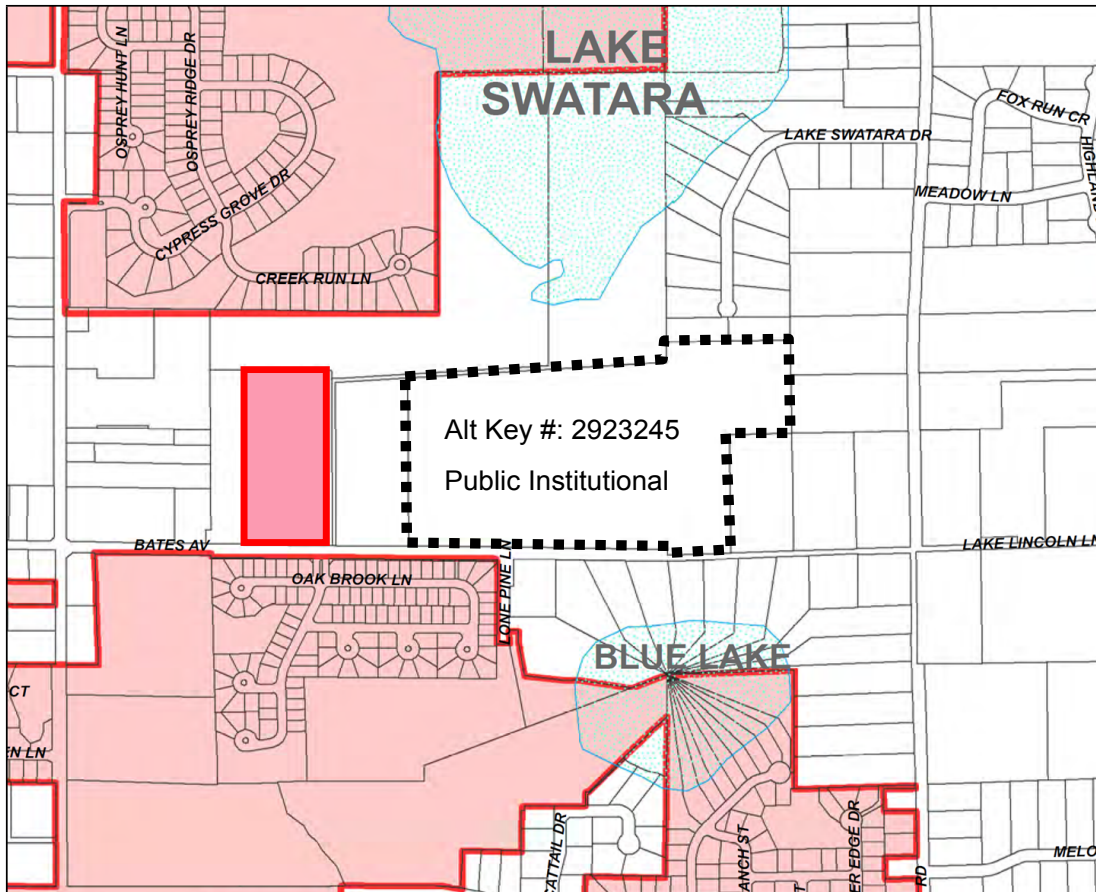
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 19-23 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 NO. 19-24**

**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 44.81 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON 18725 E. BATES AVENUE FROM PUBLIC SERVICE FACILITY AND INFRASTRUCTURE IN LAKE COUNTY TO PUBLIC INSTITUTIONAL (PI) IN THE CITY OF EUSTIS.**

**WHEREAS**, Ordinance Number 19-23 annexed certain real property into the corporate limits of the City of Eustis; and

**WHEREAS**, the Lake County School Board, the owner of said property as more particularly described herein, has submitted an application (2019-CPLU-07) requesting a future land use designation of Public Institutional (PI); and

**WHEREAS**, on September 12, 2019, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

**WHEREAS**, on September 12, 2019, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

**WHEREAS**, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

**WHEREAS**, on December 5, 2019 the City Commission held the second Public Hearing to consider the adoption of the Large 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 Lake County Public Service Facility and Infrastructure to Public Institutional(PI) within the City of Eustis:

Tax ID: 05-19-27-0200-000-00700

Begin 1072.80 feet East of the Southwest corner of the Southeast ¼ Run North 960.2 feet; N 86°24'00"E 1409.4 feet to East line of Section; South 402 feet; West 619.6 feet; South 660 feet; West Point of Beginning

Also

The West 309.8 feet of the East 619.6 feet of the South 660 feet of the Southeast ¼ of Section 6, Township 19 South, Range 27 East, Lake County, Florida; and

## **SECTION 2.**

### **Map Amendment and Notification**

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

## **SECTION 3.**

### **Conflict**

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

## **SECTION 4.**

### **Severability**

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

## **SECTION 5.**

### **Effective Date**

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 19-23. Further, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 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

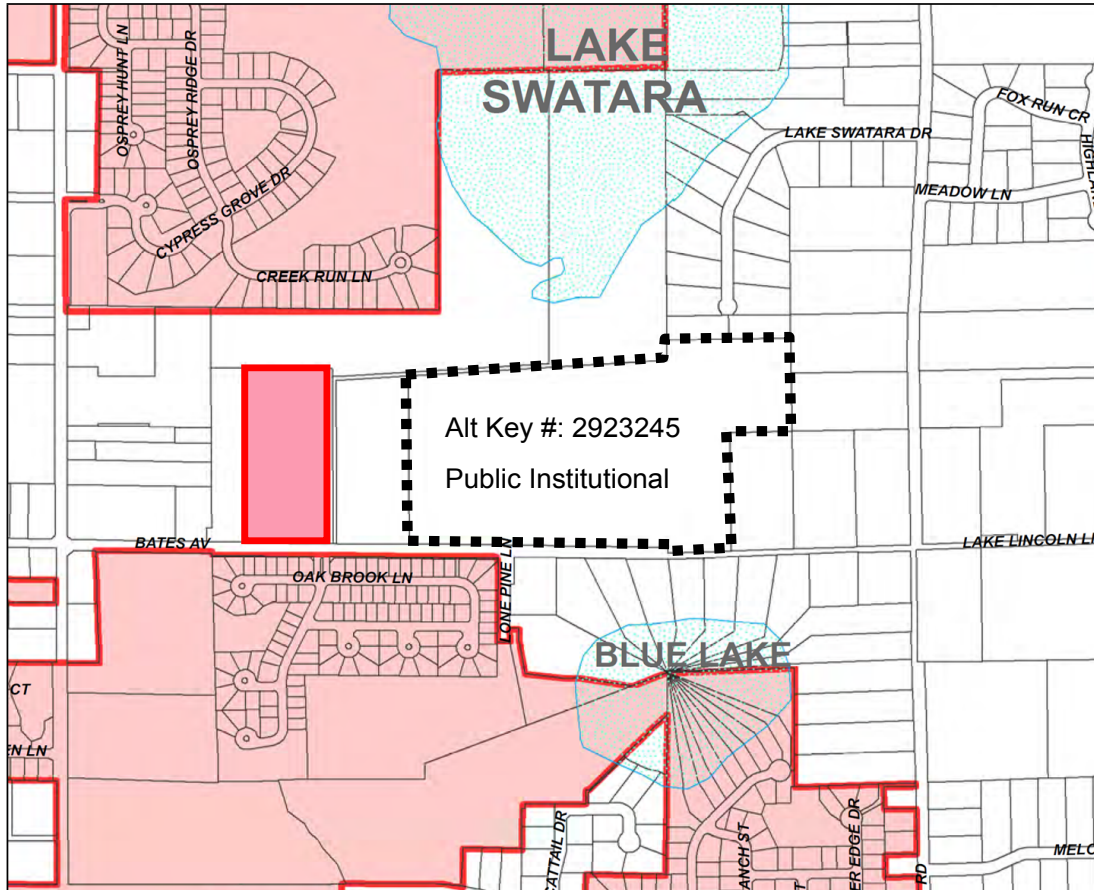
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 19-24 is hereby approved, and I certify that I published the same by  
posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1)  
copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis,  
Lake County, Florida.

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

## Exhibit A



## **ORDINANCE NUMBER 19-25**

### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 44.81 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED AT 18725 E. BATES AVENUE.**

**WHEREAS**, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 44.81 acres of real property located at 18725 E. Bates Avenue; and

**WHEREAS**, on September 12, 2019, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Design District Amendment contained herein; and

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

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

#### **SECTION 1.**

##### **Design District Designation:**

That the Design District Designation of the real property described below shall be Suburban Neighborhood.

Tax ID: 05-19-27-0200-000-00700

Begin 1072.80 feet East of the Southwest corner of the Southeast  $\frac{1}{4}$  Run North 960.2 feet; N86°24'00"E 1409.4 feet to East line of Section; South 402 feet; West 619.6 feet; South 660 feet; West Point of Beginning

Also

The West 309.8 feet of the East 619.6 feet of the South 660 feet of the Southeast  $\frac{1}{4}$  of Section 6, Township 19 South, Range 27 East, Lake County, Florida.

#### **SECTION 2.**

##### **Map Amendment**

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

**SECTION 3.**

**Conflict**

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

**SECTION 4.**

**Severability**

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

**SECTION 5.**

**Effective Date**

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 19-23.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

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

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

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

Ord. No 19-25  
Eustis Middle School  
Page 2 of 3

\_\_\_\_\_  
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 19-25 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:** September 12, 2019  
**RE:** ORDINANCE NUMBER 19-26: SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE COMPREHENSIVE PLAN (2019-CPLUS-08); 50 W. ORANGE AVENUE

---

### **Introduction:**

Ordinance Number 19-26 would approve a small-scale amendment to the Future Land Use Map to change the future land use designation of one parcel totaling 0.24 acres from Mobile Home Park/Recreational Vehicle (MHP/RV) to Central Business District (CBD)

### **Background:**

The site is developed with a commercial building of 2,747 sq. ft. within the City Limits and is being used with commercial land uses. The MHP/RV land use designation does not allow commercial uses. This amendment will bring the site and uses into conformity.

### **Recommended Action:**

Staff recommends approval of Ordinance Number 19-26.

### **Policy Implications:**

Future and existing commercial uses of the property will be conforming uses to the LDR.

### **Alternatives:**

Denying the ordinance will mean the building and its commercial uses will be nonconforming and may require conditional use approval to allow a use.

### **Budget Impact:**

No budget impact

### **Attachments:**

[Staff Report Ord 19-26 50 W Orange](#)  
[ORDINANCE 19-26 50 w orange](#)

**Reviewed by:**

Lori Barnes, Director  
Ronald Neibert, City Manager

Approved - 28 Aug 2019  
Pending



## 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: SEPTEMBER 5, 2019

RE: **ORDINANCE NUMBER 19-26**  
**SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE**  
**COMPREHENSIVE PLAN (2019-CPLUS-08) 50 WEST ORANGE**  
**AVENUE**

### **Introduction:**

Ordinance Number 19-26 would approve a small-scale amendment to the Future Land Use Map to change the future land use designation of one parcel totaling 0.24 acres from Mobile Home Park/Recreation Vehicle (MHP/RV) to Central Business District (CBD).

### **Recommended Action:**

Staff recommends approval of Ordinance Number 19-26.

### **Applicant's Request:**

The applicant requested a change in the future land use of the property to eliminate an inconsistency between the commercial nature of the property and the assigned land use designation of MHP/RV.

### **Background:**

The site is developed with a commercial building of 2,747 square feet, within the City limits. The site is surrounded by three different future land uses: Public Institutional to the north, which is Ferran Park, Central Business District the East, and Mobile Home Park/Recreational Vehicle to the south and west, which contains the Sharps Mobile Home Park. There are also three adjacent Design Districts: Urban Neighborhood to the north, Urban Center to the east and Urban Corridor to the south and west.

### **City Future Land Use - Existing and Requested:**

The current future land use is Mobile Home Park/Recreational Vehicle (MHP/RV) (See Figure 1). The MHP/RV areas have a maximum density of eight units to one acre. The MHP/RV designation is intended to apply to existing mobile home and recreational vehicle developments. The purpose is to provide for a mobile home environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided however, that the real property for the entire mobile home community is under single ownership.

The requested future land use is Central Business district (CBD) The designation is designed to support a mixed-use area encompassing downtown Eustis within which a combination of commercial, institutional, office and residential uses may occur at comparatively high densities. The range of uses accommodates the mix of residential, commercial, light industrial/manufacturing, office, and institutional. Density is up to 40 du/acre in the “core area”, and the maximum intensity is 3.0 FAR.

**Analysis of Request in Accordance with F.S. 163.3177.9:**

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:

- (I) 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 property is part of an existing developed area with surrounding properties already developed at the appropriate density.***

- (II) 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 property is part of an existing developed area.***

- (III) 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 property is part of a developed commercial use area permitted by the City. The proposed designation is consistent with the character of the surrounding area.***

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

***This indicator does not apply. The property and surrounding area is fully developed.***

- (V) 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.***

(VI) Fails to maximize use of existing public facilities and services.

***This indicator does not apply. The Site is already connected to City water and sewer.***

(VII) Fails to maximize use of future public facilities and services.

***This indicator does not apply. There are no future public facilities and services planned for this area.***

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

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

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

***This indicator does not apply. The property is contiguous to the CBD and has always had commercial uses.***

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

***This indicator does not apply. The property is already developed with commercial uses.***

(XI) Fails to encourage a functional mix of uses.

***This indicator does not apply. This is an existing developed property with commercial uses.***

(XII) Results in poor accessibility among linked or related land uses.

***This indicator does not apply. This parcel is within an existing, mixed-use developed area. Access to the site is already developed.***

(XIII) Results in the loss of significant amounts of functional open space.

***This indicator does not apply. The property is already developed.***

a. 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:

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

***The site is part of an existing urban developed area in an established commercial use area.***

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

***City water and sewer service is connected to the site.***

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

***The parcel is part of an existing, residential/commercial area in an established urban neighborhood.***

- (IV) Promotes conservation of water and energy.

***The parcel is currently developed.***

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

***The site is located in a highly urbanized downtown area.***

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

***The parcel is part of an existing developed area, and the property is already developed.***

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

***The parcel is part of an existing, residential/commercial developed area in an established downtown area.***

- (VIII) 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.

***The parcel is currently developed at a relatively high intensity that is consistent with the downtown urban core.***

#### **Analysis of Request in Accordance with Comprehensive Plan:**

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.

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the four (4) major categories of Plan policies as follows:

##### **A 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.

**Emergency Services Analysis:** *The property is located approximately 0.625 miles from a City fire station with paramedical. This parcel is in an existing developed area and already receive City services.*

**Parks & Recreation:** *The parcel is already developed and included in existing recreational levels of service.*

**Potable Water & Sanitary Sewer:** *The applicant's property is already connected to City water and sewer. According to the City of Eustis Public Works Department, water and sewer is available to the parcel with sufficient capacity.*

**Schools:** *The proposed change will not negatively impact schools. The parcel developed as commercial.*

**Solid Waste:** *The property is already serviced by a solid waste company.*

**Stormwater:** *The site is developed and included in any stormwater calculations.*

**Transportation Network Analysis:** *The property is already developed and there will be no additional impact to the existing transportation network.*

#### **B 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.

**Ground water recharge areas:** *The property is part of an existing developed area, which has been evaluated for groundwater recharge.*

**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.*

**Flood zones:** *The subject property is not within a flood zone or wetland.*

**Soil and topography:** *The subject property has no soil or topographical constraints. They consists of disturbed urban land.*

C 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 site is developed at intensities consistent with the downtown urban core.***

D Transportation:

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

***This site is already developed and incorporated into all transportation plans.***

E 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.

***The site is already developed and connected to City water and sewer.***

**Analysis of Request in Accordance 102-16(f), LDRs:**

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

- (1) Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

***The proposed amendment is consistent with the Comprehensive Plan. See analysis above under item 4, A through D.***

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

***The property is already developed with commercial uses. The existing MHP/RV designation does not allow commercial uses and is therefore in conflict with the established uses. Changing the future land use designation will bring the commercial uses into conformance with the land development regulations.***

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

***The existing MHP/RV designation is inconsistent with the existing and proposed uses. Changing the FLU to CBD will make the site and its commercial uses consistent with the existing and proposed uses.***

- (4) Whether there have been changed conditions that justify an amendment.

***A proposed use was considered for the site but was not consistent with the existing future land use. This prompted the review of the existing future***

***land use and the existing uses within the commercial building. All were inconsistent with the existing future land use. As the property has always been commercial, the review necessitated the change.***

- (5) 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.

***The parcel is already developed and receives City services.***

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

***The parcel is developed and will have no impact to the environment.***

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

***The parcel is in the City center and is already developed.***

- (8) 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 parcel is already developed and changing the future land use will ensure consistency with the community character and lifestyle.***

- (9) 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.

***The property has historically been a commercial property and uses within the property have been non-conforming. Changing the future land use will bring the site and its uses into conformity.***

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

- a) Comprehensive Policy Plan: Mobile Home/Recreational Vehicle (MH/RV)  
This designation provides guidelines for mobile home and recreational vehicle parks. The purpose of this district is to provide for a mobile home urban environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided however, that the real property for the entire mobile home

community is under single ownership. The maximum allowable density is 8 du/acre. The designation does allow single family detached uses.

- b) Land Development Regulations Section 109-2.3. - Manufacture home community (MH). This designation provides guidelines for mobile home and recreational vehicle parks. The purpose of this district is to provide for a mobile home urban environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided however, that the real property for the entire mobile home community is under single ownership.
- c) Land Development Regulations Section 109-2.6. - Central business district (CBD). This land use designation has a mix of commercial, public/institutional and residential uses that is desired in the downtown areas.
- d) Land Development Regulations Section 109-5.3: Urban corridor. Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size is primarily shallow in nature, compatible with the adjacent neighborhoods.

**Alternatives:**

- 1. Approve Ordinance 19-26.
- 2. Deny Ordinance 19-26.

**Discussion of Alternatives:**

- 1. Alternative 1 approves the ordinance.

Advantages:

- The land use designation is consistent with the existing and proposed uses of the property and the character of the surrounding area.
- The action could encourage additional business activity in this area.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

Disadvantages:

- No disadvantages.

- 2. Alternative 2 denies the ordinance.

Advantages:

- There are no advantages.

Disadvantages:

- Any future uses would have to be continued uses (the same as previous restaurant occupants) nonconforming with the future land use.
- Conditional Use approval may allow additional use types in this building.

**Community Input**

The department has notified surrounding property owners within 500 feet of the site; the proper legal advertisements have been placed in the newspaper; and the site has been posted. To date the department has received no responses from residents or adjacent property owners for comment or additional information.

**Budget / Staff Impact:**

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

**Reviewed By:** Lori Barnes, AICP Development Services Director

**Prepared By:** Roland Magyar, AICP, Senior Planner

**Attachments:**

Ordinance No. 19-26 (including Exhibit A)

**Available on Request:**

Surrounding Property Owner Notice of Hearing, and Advertisements



## **ORDINANCE NUMBER 19-26**

**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 0.24 ACRES LOCATED AT 50 WEST ORANGE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MOBILE HOME PARK/RECREATIONAL VEHICLE (MHP/RV) TO CENTRAL BUSINESS DISTRICT (CBD) 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 0.24 acres of real property located at 50 W. Orange Avenue, and more particularly described herein; and

**WHEREAS**, on September 12, 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 September 12, 2019, the City Commission held the 1<sup>st</sup> Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small Scale Future Land Use Amendment contained herein; and

**WHEREAS**, on September 19, 2019, the City Commission held the 2<sup>nd</sup> Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

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

### **SECTION 1.**

**Land Use Designation:** That the Future Land Use Designation of the real property as described below shall be changed from Mobile Home Park/Recreational Vehicle (MHP/RV) to Central Business District within the City of Eustis:

Tax ID: 11-19-26-0100-059-01500

EUSTIS, LOTS 15, 16 BLK 59 W OF RR, E 33 FT OF N 66 FT OF STREET ON WEST PB 1  
PG 79 ORB 1690 PG 1512

**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 \_\_\_\_ day of September, 2019.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

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

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 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

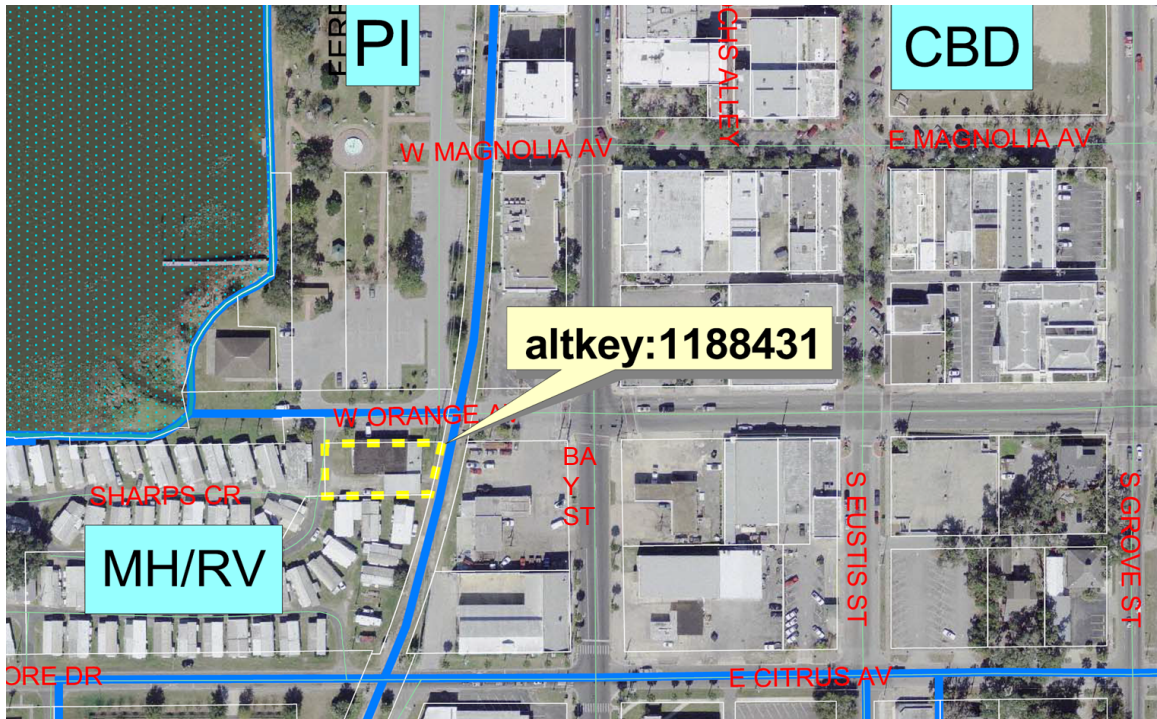
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 19-26 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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

Exhibit A





**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:** September 12, 2019  
**RE:** ORDINANCE NUMBER 19-27: SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE COMPREHENSIVE PLAN (2019-CPLUS-09) SOUTHWEST CORNER OF BATES AVENUE AND PALMETTO STREET

---

### **Introduction:**

Ordinance Number 19-27 approves a small-scale amendment to the Future Land Use Map to change the future land use designation of one parcel totaling 0.25 acres from Suburban Residential (SR) to Mixed Commercial Residential (MCR) in the City of Eustis.

### **Background:**

The site was designated as MCR in June of 2005. It was later changed to SR after that during a citywide map amendment. The property on both sides of Palmetto St. south of the applicant's property is still designated MCR.

### **Recommended Action:**

Staff recommends approval of Ordinance Number 19-27.

### **Policy Implications:**

No policy implications.

### **Alternatives:**

1. Approve Ordinance Number 19-27.
2. Deny Ordinance Number 19-27.

### **Budget Impact:**

No budget impacts.

### **Attachments:**

[Staff Report Ord 19-27 Shaw](#)  
[ORDINANCE 19-27 Shaw](#)

**Reviewed by:**

Lori Barnes, Director  
Ronald Neibert, City Manager

Approved - 28 Aug 2019  
Pending



## 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: SEPTEMBER 5, 2018  
RE: **ORDINANCE NO. 19-27**

**SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE  
COMPREHENSIVE PLAN (2019-CPLUS-09)  
SOUTHWEST CORNER OF BATES AVENUE AND PALMETTO STREET**

**Introduction:**

Ordinance No. 19-27 approves a small-scale amendment to the Future land use Map to change the future land use designation of one parcel totaling 0.25 acres from Suburban Residential (SR) to Mixed Commercial Residential (MIXED COMMERCIAL RESIDENTIAL) in the City of Eustis.

**Recommended Action:**

Staff recommends approval of Ordinance No. 19-27.

**Applicant's Request:**

The applicant requested a change in the future land use of one lot totaling +/-0.25 acres of land at the SW corner of Bates Avenue and Palmetto Street with assignment of the City's Mixed Commercial Residential future land use with no change to the design district.

**Background:**

- a) The site is a vacant lot located within the City limits.
- b) The property had a future land use of Mixed Commercial/Residential in June 2005.
- c) The future land use was changed to Suburban Residential on a future land use map dated March 2010.
- d) The site is currently vacant and designated with a Suburban Residential future land use. Property to the north and west are also designated Suburban Residential and contain single-family residences. Property to the south contains vacant land and commercial uses and is designated Mixed Commercial Residential (MCR). Land to the east are primarily vacant with Mixed Commercial Residential and Urban Residential future land uses.
- e) All properties have within Suburban Neighborhood design districts.

### **Analysis of Request in Accordance with F.S. 163.3177.9.:**

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:

Sprawl indicators:

- (I) 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 property within an existing developed area with surrounding properties already developed at the appropriate density.***

- (II) 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 property is within an existing developed area.***

- (III) 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 property is part of a developed mixed-use area permitted by the City. The proposed designation is consistent with the character of the surrounding area***

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

***This indicator does not apply. The property was previously developed and is now vacant (residence demolished in 2012), and the surrounding area is fully developed.***

- (V) 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.***

- (VI) Fails to maximize use of existing public facilities and services.

***This indicator does not apply. The site was connected to City water and sewer, and the connections are still available.***

(VII) Fails to maximize use of future public facilities and services.

***This indicator does not apply. There are no future public facilities and services planned for this area.***

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

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

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

***This indicator does not apply. The property is part of an existing developed suburban area.***

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

***This indicator does not apply. The parcel is surrounded by developed property and this change in future land use will facilitate redevelopment.***

(XI) Fails to encourage a functional mix of uses.

***This indicator does not apply. The requested future land use is designed to provide a mix of uses.***

(XII) Results in poor accessibility among linked or related land uses.

***This indicator does not apply. This parcel is within an existing, mixed-use developed area. Access to the site is already developed.***

(XIII) Results in the loss of significant amounts of functional open space.

***This indicator does not apply. The property was previously developed.***

f) 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:

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

***The site is part of an existing urban developed area in an established mixed commercial use area.***

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

***City water and sewer service is connected to the site.***

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

***The parcel is part of an existing, residential/commercial area in an established urban neighborhood.***

(IV) Promotes conservation of water and energy.

***When the parcel is redeveloped, it will follow the City's land development regulations and Florida Building Code, which promote conservation.***

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

***The site is located in an urbanized area.***

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

***The parcel is part of an existing developed area.***

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

***The parcel is part of an existing, residential/commercial developed area in an established suburban area.***

(VIII) 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.

***The parcel is part of and surrounded by an existing developed, suburban area.***

#### **Analysis of Request in Accordance with Comprehensive Plan**

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.

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the four (4) major categories of Plan policies as follows:

A 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.

**Emergency Services Analysis:** *The property is located approximately 1.25 miles from a City fire station with paramedical. This parcel is in an existing developed area, which already receives City services.*

**Parks & Recreation:** *The parcel was developed and included in existing recreational levels of service.*

**Potable Water & Sanitary Sewer:** *The applicant's property was connected to City water and sewer and the connections are still available. According to the City of Eustis Public Works Department, water and sewer is available to the parcel with sufficient capacity.*

**Schools:** *The proposed change will not negatively impact schools. The parcel developed as commercial.*

**Solid Waste:** *The property is within an area already serviced by a solid waste company.*

**Stormwater:** *The site will meet the City's stormwater regulations when a development site plan submitted for review.*

**Transportation Network Analysis:** *The property was previously developed and additional impact to the existing transportation network is not anticipated.*

- B 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.

**Ground water recharge areas:** *The property is part of an existing developed area, which has been evaluated for groundwater recharge.*

**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.*

**Flood zones:** *The subject property is not within a flood zone or wetland.*

**Soil and topography:** *The subject property has no soil or topographical constraints. They consists of disturbed urban land.*

- C 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.

***Future Land Use Policy 1 states the development framework should promote diversified economic development, ensure services and facilities are available and discourage urban sprawl. Future Land Use Policy 1.3.2 states to maintain residential compatibility the City shall provide standards and predictable measures by creating compatibility through landscapes, buffer, natural areas or transitional development practices. Future Land Use Policy 2 state an urban development pattern should be used to enhance livability through design and capital improvements that promote revitalization in developed neighborhoods that are aging.***

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

***This site is already within a developed area and incorporated into all transportation plans.***

- E 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.

***The site was previously developed with connections to City water and sewer facilities so it is contained in the water demand projections of the City.***

### **Analysis of Request in Accordance with 102-16(f), Land Development Regulations**

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

- (1) Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

***The proposed amendment is consistent with the Comprehensive Plan. See analysis above under item 4, A through E.***

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

***The site is vacant and any future development will be in accordance with the Land Development Regulations.***

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

***The site is vacant and any future use will meet the City's Land Development Regulation for allowable land uses.***

- (4) Whether there have been changed conditions that justify an amendment.

***Palmetto Street has been updated with a new park as part of a larger Community Redevelopment Area directive to develop the area into a commercial corridor/business district in the neighborhood. This corner***

***property would act as a legitimate terminus for the Mixed Commercial Residential land use.***

- (5) 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.

***The parcel already receives City services.***

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

***The parcel was developed and will have no impact to the environment.***

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

***The change would present a logical termination of the existing Mixed Commercial Residential land use area along Palmetto Street.***

- (8) 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 parcel was previously developed and changing the future land use will provide for redevelopment to ensure consistency with the community character and lifestyle.***

- (9) 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.

***The site had the Mixed Commercial Residential designation in 2005. Two future land use maps were found dated 2005 and March 2010. The first map shows the property with a Mixed Commercial Residential designation. The March 2010 map does not show the property with a Mixed Commercial Residential designation. There is no documentation indicating why the land use was changed to Suburban Residential. It appears to be a scrivener's error.***

**Applicable Policies and Codes**

- a) Future Land Use Appendix: Mixed Commercial Residential (Mixed Commercial Residential): Purpose is to regulate the character and scale of commercial uses to minimize impacts on adjacent roadways and promote compatibility with residential uses. Uses include residential, office, and commercial. Max. density of 12 du/acre and max. intensity up to 2.5 FAR based upon location with a minimum of 0.35 next to residential.
- b) Land Development Regulations Section 109-2.3: Suburban Residential (SR) future land use district (See Figure 3). The SR designation is intended to provide a mix of single family detached, and townhouse dwellings in a suburban atmosphere. The SR areas have a maximum density of five units to one acre with an affordable housing density bonus available.
- c) Land Development Regulations Section 109-2.6: Mixed Commercial Residential. This designation is intended to regulate the character and scale of commercial uses to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses by accommodating a mix of residential, commercial, office and institutional uses. Residential densities are limited to 12 du/acre and intensity of commercial uses may be built to 2.5 FAR depending upon location.
- d) Land Development Regulations Section 109-5.5: Suburban Neighborhood. Predominately residential uses with some neighborhood scale commercial services. Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods. Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.

**Alternatives:**

1. Approve Ordinance 19-27.
2. Deny Ordinance 19-27.

**Discussion of Alternatives:**

1. Alternative 1 approves the ordinance.

Advantages:

- The land use designation is consistent with the proposed use of the property and the character of the surrounding area.
- The action could encourage additional business activity in this area.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

Disadvantages:

- No disadvantages.

2. Alternative 2 denies the ordinance.

Advantages:

- There are no advantages.

Disadvantages:

- Redevelopment and infill would be discouraged.

**Community Input**

The department has notified surrounding property owners within 500 feet of the site; the proper legal advertisements have been placed in the newspaper; and the site has been posted. To date the department has received no responses from residents or adjacent property owners for comment or additional information.

**Budget / Staff Impact:**

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

**Reviewed By:** Lori Barnes, AICP Development Services Director

**Prepared By:** Roland Magyar, AICP, Senior Planner

**Attachments:**

Ordinance No. 19-27 (including Exhibit A)

**Available on Request:**

Surrounding Property Owner Notice of Hearing, and Advertisements



## **ORDINANCE NUMBER 19-27**

**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 0.25 ACRES LOCATED AT THE SOUTHWEST CORNER OF BATES AVENUE AND PALMETTO STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM SUBURBAN RESIDENTIAL (SR) TO MIXED COMMERCIAL RESIDENTIAL (MCR).**

**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 0.25 acres of real property located at the southwest corner of Bates Avenue and Palmetto Street, and more particularly described herein; and

**WHEREAS**, on September 12, 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 September 12, 2019, the City Commission held the 1<sup>st</sup> Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small Scale Future Land Use Amendment contained herein; and

**WHEREAS**, on September 19, 2019, the City Commission held the 2<sup>nd</sup> Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

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

### **SECTION 1.**

**Land Use Designation:** That the Future Land Use Designation of the real property as described below shall be changed from Suburban Residential (SR) to Mixed Commercial Residential (MCR) within the City of Eustis:

Tax ID: 12-19-26-1300-00D-04302

EUSTIS, HOGAN'S SUB LOT 43 BLK D--LESS FROM NW COR OF SEC 12-19-26 RUN N 90-0-0 E ALONG N LINE 982.67 FT, S 14-27-56 W 34.08 FT TO S R/W LINE OF BATES AVE FOR POB, RUN S 89-33-12 E 179.20 FT, S 0-0-29 W 91.21 FT TO S LINE OF SAID LOT 43, N 89-59-31 W ALONG S LINE 202.72 FT TO SW COR OF LOT 43 BLK D,N 14-27-56 E 94.20 FT TO POB & LESS BATES AVE--PB 2 PG 33 ORB 4113 PG 886

**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 \_\_\_\_\_ day of September, 2019.

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

---

Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

---

Mary C. Montez, City Clerk

**CITY OF EUSTIS CERTIFICATION**

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 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 19-27 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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

## Exhibit A

