AGENDA
TAVARES CITY COUNCIL

OCTOBER 1, 2014
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Tom Cavanaugh, First Baptist Church of Mt. Dora

III. APPROVAL OF AGENDA

(The City Council Agenda is subject to change at the time of the Tavares City Council Meeting)

IV. APPROVAL OF MINUTES

Tab 1) Minutes of September 17, 2014 – Deferred to next meeting

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) White Cane Safety Day 2014 **Mayor Wolfe**

Tab 3) Audit Presentation for Fiscal Year 2013 **Lori Houghton**

Tab 4) Taiwan National Day 2014 **Mayor Wolfe**

VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 5) Final Plat for Etowah Phase 2 **Jacques Skutt**

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 6) Ordinance #2014-16 – Rezoning Northwest Corner **Jacques Skutt**

at Ann Rou Road & Huffstetler Rd. - Planned Development to Residential Multi Family For 22.34 Acres

Tab 7) Ordinance #2014-17 – Amendment to Golf Cart Ordinance To Require Drivers License — Jacques Skutt

Tab 8) Ordinance #2014-18 – Amendment to Alcoholic Beverages Regulations to Allow Standalone Bars — Jacques Skutt

Tab 9) Ordinance #2014-19 – Amendment to Mobile Food Vendor Ordinance – Land Development Regulations Chapter 10.5 – Section 8 - Regulations — Jacques Skutt

SECOND READING

RESOLUTIONS

Tab 10) Resolution #2014-26 – FDOT Grant Compliance for Tav-Lee Trail (Non-Discrimination Policy and Plan) — Bill Neron

X. GENERAL GOVERNMENT

Tab 11) Stormwater Improvements Financial Assistance Request For Property Located at 212 E. Main Street — John Drury

Tab 12) Request from YMCA for Waiver of Application Fee for Annual Turkey Trot Event — Jacques Skutt

Tab 13) Landscaping Plans for Wooton Park — Bill Neron

XI. OLD BUSINESS

XII. NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

Tab 14) City Administrator — John Drury

Tab 15) Council Reports — City Councilmembers

F.S. 286.0105 □If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the

proceedings, and that for such purposes he 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.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 253-4546.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 1, 2014

AGENDA TAB NO. 2

SUBJECT TITLE: Proclamation for White Cane Safety Day

OBJECTIVE:

The Mayor will read a proclamation designating October 15, 2014 as **White Cane Safety Day.**

SUMMARY:

New Vision for Independence has requested that the Mayor issue a proclamation for White Cane Safety Day on October 15, 2014. An interactive simulation exercise to simulate vision loss will be held in front of City Hall at 9:00 a.m.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

L:egally sufficient.

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PROCLAMATION

WHEREAS, according to the American Foundation for the Blind, 437,393 of Florida's citizens have vision problems, ranging from serious difficulty seeing to being legally blind; and

WHEREAS, persons with disabilities are a part of the community and have the right to safe and functional use of the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, places of amusement and other places to which the public is invited; and

WHEREAS, the white cane gives persons who are blind and visually impaired the freedom to travel independently and to participate in the life of their communities; and the white cane serves as a tangible reminder that persons who are blind and visually impaired are independent, self-reliant, mobile and capable; and

WHEREAS, the White Cane Law, FS316.1301, gives persons who are blind or visually impaired the same right as all citizens to the full and free use of the streets, highways, sidewalks and other public places; and

WHEREAS, by joint resolution approved on October 6, 1964 (Public Law 88-628, as amended), U.S. Congress designated October 15 of each year as White Cane Safety Day to recognize the contributions of Americans who are blind or have low vision; and

WHEREAS, the City of Tavares and New Vision for Independence will jointly sponsor a "Close Your Eyes" White Cane Safety Day event on October 15th at Tavares City Hall to show residents and visitors what it is like to be legally blind.

THEREFORE , Robert Wolfe, Mayor of the City of Tavares, Florida, do hereby proclaim Wednesday, October 15, 2014, as **White Cane Safety Day**

in the City of Tavares, Florida. I further encourage the citizens of this great City to be aware of the White Cane Law and their responsibility in upholding it; to be aware that persons with disabilities have much to offer and their energy, creativity and hard work can greatly strengthen our City and our economy; and to recognize that the white cane is an instrument of safety and independence for persons who are blind and visually impaired.

PASSED AND DULY ADOPTED in regular session this 1ST day of October 2014.

_____

Mayor Robert Wolfe, City of Tavares

Close Your Eyes *for* White Cane Safety Day

October 15, 2014

www.NewVisionFL.org

New Vision for Independence

Every year since 1964, October 15 has been designated as White Cane Safety Day to recognize the contributions of Americans who are blind or have low vision. New Vision for Independence, the local community organization serving the visually impaired and blind in Lake and Sumter counties and The Villages, cordially invites you to participate in our community awareness event, "Close Your Eyes for White Cane Safety Day."

Close Your Eyes *for* White Cane Safety Day

What: interactive simulation of vision loss to commemorate National White Cane Safety Day

When & Where: October 15, 2014
9 a.m., Tavares City Hall, 201 E. Main St.
1 p.m., Eustis City Hall, 10 N. Grove St.

RSVP: by Sept. 30 to sgerig@newivisionfl.org

This year, "Close Your Eyes" will be held at two locations: **9 a.m. in front of Tavares City Hall at 201 E. Main Street** and **1 p.m. in front of Eustis City Hall at 10 N. Grove Street.**

This event is expected to last just over one hour. In that short time, participants will have an opportunity to **acquire first-hand knowledge of the abilities of persons who are blind or visually impaired**. We all try to be understanding and supportive of individuals living with disabilities. This is your chance to "walk the walk"!

Attendees are strongly encouraged to bring a friend or co-worker along. Attendees will be taught how to be a safe sighted guide and then they will be grouped in pairs. One person on each team will be blindfolded, or will wear eye goggles that simulate different types of vision loss such as macular degeneration or tunnel vision. Assignments will be given to complete an errand or task with reduced or no vision. Teams will be expected to walk to various downtown Tavares/Eustis locations nearby, but no one will be required to walk more than 4 to 5 blocks. **Shoes appropriate for safe, comfortable walking are recommended.**

RSVP by Sept. 30 call 435-5040 | email sgerig@newvisionfl.org

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 1, 2014

AGENDA TAB NO. 3

SUBJECT TITLE: Presentation of Comprehensive Annual Financial Report (CAFR) for FY 2013 Budget

OBJECTIVE:

To hear presentation by auditor regarding FY 2013 budget.

SUMMARY:

Kelley Leary, CPA, City Auditor, of McDirmit Davis, will present the FY 2013 Comprehensive Annual Financial Report (CAFR)

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 1, 2014

AGENDA TAB NO. 4

SUBJECT TITLE: Proclamation for National Day of the Republic of China (Taiwan)

OBJECTIVE:

The Mayor will read a proclamation in recognition of the 103rd National Day of the Republic of China (Taiwan) on October 10, 2014.

SUMMARY:

The Vice Consul of the Taipei Economic & Cultural Office has requested that the Mayor issue a proclamation in observation of the 103rd National Day of the Republic of China (Taiwan). The City has a Sister City relationship with the City of Xindian in Taiwan.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient

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PROCLAMATION

WHEREAS, The Republic of China (Taiwan) will observe the 103rd National Day on October 10th, 2014, an event known as "The Double Tenth"; and

WHEREAS, the United States of America and the Republic of China (Taiwan) have maintained a close friendship over the decades encompassing commercial, cultural, and other interactions based on the "Taiwan Relations Act" of 1979; and

WHEREAS, since the establishment of the Taipei Economic & Cultural Office in Miami in 1998 and the consequent establishment of the sister-state relations between the Republic of China (Taiwan) and the State of Florida in 1992, the Office has spared no efforts in the promotion of bilateral economic and cultural relations; and

WHEREAS, the Republic of China (Taiwan) enjoys close trade relations with the State of Florida in that sister-city relations were established between the City of Tavares and Xindian in 2010 and Taipei Economic & Cultural Office in Miami has been a strong supporter of the annual Dragon Boat Festival which seeks to promote Chinese culture and Taiwan relations; and

WHEREAS, the Republic of China (Taiwan) is a close ally to the United States in the East Asian region, and her commitment to regional peace and security has been demonstrated by President Ma Ying-jeou's East China Sea Peace Initiative; and

WHEREAS, The Republic of China (Taiwan) has distinguished herself as a global leader with its dynamic progress and contribution I the fields of economics, medicine, healthcare, education, environmental issues, humanitarian aid, innovation, and the establishment of a democratic society; and

WHEREAS, The Republic of China (Taiwan) has developed steadily in its meaningful participation in major international organizations, specifically the International Civil Aviation Organization Assembly, World Trade Organization, and the Asia-Pacific Economic Cooperation forum; and increased representation in the United Nations Framework Convention on Climate Change (UNFCCC) would further its scope of global contributions; and

WHEREAS, The Republic of China (Taiwan) is one of the top ten export markets for the State of Florida in Asia, and the eleventh largest two-way trade partner of the United States, and therefore Taiwan's inclusion into international trade agreements, including the Trans-Pacific Partnership (TPP), would increase trade relations between the State of Florida, the United States, and Taiwan.

NOW, THEREFORE, the City Council of the City of Tavares, Florida proclaims its recognition of this auspicious occasion of the 103rd National Day of the Republic of China (Taiwan) and her achievements.

PASSED AND DULY ADOPTED in regular session this 1st day of October, 2014

_____

Mayor Robert Wolfe, City of Tavares

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 5 **CONSENT**

SUBJECT TITLE: Etowah Phase 2 – Final Plat

OBJECTIVE:

To approve the Final Plat for Etowah Phase 2.

SUMMARY:

This proposed residential subdivision is located on the east side of Etowah Park Blvd, north of Appalachee Circle, south of Lake Shore Drive. The subdivision is 12.46 acres in size and consists of 44 single family detached dwellings.

A final Plat has been submitted by the developer that is consistent with the preliminary plat that City Council approved on May 5, 2010. The final Plat document has been reviewed by the city's surveyor, attorney and staff. The Plat meets all the requirements of the City of Tavares' Land Development Regulations and the City of Tavares' Comprehensive Plan.

OPTIONS:

1. That Council moves to approve the final Plat of Etowah Phase 2.
2. That Council denies the proposed final Plat of Etowah Phase 2.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve the final Plat of Etowah Phase 2.

FISCAL IMPACT:

None

LEGAL SUFFICIENCY:

This plat document has been reviewed by the City Attorney and approved for legal sufficiency.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 6 **FIRST READING**
SUBJECT TITLE: Ordinance 2014-16
Cagan Apartment Complex-Rezoning

OBJECTIVE:

To consider the rezoning of approximately 22.34 acres of property located on the northeast intersection of Ann Rou Road and Huffstetler Drive from a Planned Development zoning to an RMF-3 (Residential Multi-Family) zoning.

SUMMARY:

The subject property is located on the northeast intersection of Ann Rou Road and Huffstetler Drive. The property is approximately 22.34 acres in size and is owned by Church Loan Florida Property 1, LLC. Jeffery Cagan is submitting this rezoning application with the owner's authorization. The applicant desires to rezone the property to RMF-3 and to construct an apartment complex that conforms to the city's Land Development Regulations that apply to this zoning. The existing Future Land Use designation of Medium Density Residential will limit the number of apartment units in the complex to an average of 12 dwelling units per acre. The property is presently vacant.

The existing Planned Development zoning was applied in 1994 through Ordinance 94-20. This old Planned Development annexed approximately 32 acres of land into the city and was intended to be part of a large faith-based, mixed use complex. This project did not materialize and a portion of these lands have since been parceled out and sold to other entities. Since unified control of the old Planned Development lands no longer exists and new owners desire to move forward with the development of this property, it is reasonable to allow a rezoning that is consistent with the City's long range Comprehensive Plan. City staff is preparing a proposed amendment to the Land Development Regulations that will provide for a procedure to nullify old Planned Developments that are inactive.

Prior to the issuance of any Building Permits for this project, a site plan demonstrating compliance with all applicable regulations will be required. The Lake County School Board has confirmed that there is sufficient capacity within their schools for this project. A letter from Eric Marks, the agent representing owners of adjacent properties, is attached to this report. Mr. Marks is notifying the city that his clients have an Entitlement and Developers Agreement that was recorded on the subject property. The City Attorney has opined that this agreement is a civil matter between the owners and should not affect the city's decision and ability to rezone the property. This proposed rezoning is consistent with the existing Future Land Use presently applied to this property and staff is recommending approval of this rezoning.

OPTIONS:

No action is required from City Council on First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its September 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2014-16.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to recommend approval of Ordinance 2014-16.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

ORDINANCE 2014-16

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 22.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST INTERSECTION OF ANNE ROU ROAD AND HUFFSTETLER DRIVE FROM A PLANNED DEVELOPMENT ZONING TO AN RMF-3 (RESIDENTIAL MULTI-FAMILY) ZONING; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described in Exhibit "A" attached hereto, is part of a mixed use Commercial Planned Development approved in 1994 under Ordinance 94-20; and

WHEREAS, this Commercial Planned Development was not constructed and no Development Orders were issued by the City of Tavares that would permit construction of any of the components of this Commercial Planned Development; and

WHEREAS, the property governed by the regulations established under Ordinance 94-20 has subsequently been subdivided and is no longer under unified control and ownership; and

WHEREAS, the owner of property described in Exhibit "A" is requesting that the Commercial Planned Development and associated governing regulations that currently applies to this property be extinguished and that this subject property be rezoned to RMF-3 (Residential Multi-Family); and

WHEREAS, an RMF-3 zoning is compatible with the current Future Land Use Map 2020 designation of Medium Density; and

WHEREAS, City of Tavares held duly noticed public hearings before the Planning and Zoning Board and City of Tavares City Council, providing opportunity for individuals to hear and to be heard regarding the proposed amended zoning; and

WHEREAS, the City Council has reviewed and considered all relevant evidence and information and testimony presented by witnesses, the public, and City staff; and

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares Land Development Regulations and Comprehensive Plan; now therefore

BE IT ORDAINED by the City Council of the City of Tavares, Florida, as follows:

Section 1. Rezoning

That said property, as legally defined in Exhibit "A", attached hereto and made a part herewith, is rezoned from Commercial Planned Development to RMF-3 (Residential Multi-Family), under the specific provisions as established by the City of Tavares Land Development Regulations.

Section 2. Severability.

Upon a determination by a court of competent jurisdiction that a portion of this ordinance is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and effect.

Section 3. Effective Date.

This ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

PASSED AND ORDAINED this _____ of _____, 2014, by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

_____
Nancy Barnett, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Robert Q. Williams, City Attorney

Exhibit "A"

Legal Description w/parcels – Jeffrey Cagan Rezoning
(from Stevenot Survey received 8-13-2014)

A portion of Blocks 1, 2, 3, 4, 5, 8 and 10 of Map of Land of George W. Bowen at Mount Homer Subdivision as recorded in Plat Book 2, Page 29 of the Public Records of Lake County. Florida, lying in Sections 21 and 22, Township 19 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

TRACT A

That portion of Sections 21 and 22, Township 19 South, Range 26 East, Lake County, Florida, being described as follows:

Begin at a 6X6 concrete monument for the Northwest corner of Section 22; thence along the North line of said Section 22 the following two courses: S62°46'08"E for 0.73 feet; thence S89°31'17"E for 990.68 feet; thence S00°28'43"W for 1,024.58 feet to the Northerly right of way line for Huffstetler Drive (an 80.00 foot wide right of way) and a point on a curve concave Southerly having a radius of 740.00 feet and a chord bearing of N81°00'00"W; Thence Westerly along said Northerly right of way line and arc of said curve through a central angle of 17°05'45" for 220.80 feet along the Northerly right of way line of Huffstetler Drive, to the point of tangency; thence N89°32'51'W for 478.89 feet to the point of curve concave Southerly and having a radius of 540.00 feet; thence Westerly along the arc of said curve through a central angle of 12°22'21" for a distance of 115.61 feet to the point of reverse curve concave Northeasterly and having a radius of 50.00 feet (said point also being on the Easterly right of way line for Anne Rou Road, a 66.00 foot wide right of way); thence along said Easterly right of way line the following six courses: run Northerly along the arc of said curve through a central angle of 92°11'14" for a distance of 80.45 feet to the point of tangency; thence N09°43'58"W for 32.37 feet; to the point of curve concave Easterly and having a radius of 327.00 feet; thence Northerly along the arc of said curve through a central angle of 12°05'06" for a distance of 68.97 feet to the point of tangency; thence N02°21'08"E for 111.80 feet to the point of curve concave Southwesterly and having a radius of 783.00 feet; thence Northwesterly along the arc of said curve through a central angle of 55°50'03" for a distance of 763.03 feet to the point of tangency, thence N53°28'54"W for 163.58 feet to the North line of the Northeast 1/4 of aforesaid Section 21; thence S89°10'15"E along said North line for 342.03 feet to the point of beginning.

The above described Tract "A" includes that portion of that certain unnamed street or roadway lying Northwesterly of Huffstetler Drive between Blocks 8 and 10 of Map of Land of George W. Bowen at Mount Homer, recorded in Plat Book 2, Page 29, as vacated by resolution 2006-09 recorded September 22, 2006 in Book 3266, Page 296.

And less and except:

A portion of the Northwest 1/4 of Section 22, Township 19 South, Range 26 East, City of Tavares, Lake County, Florida, being further described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 21, Township 19 South, Range 26 East, City of Tavares, Lake County, Florida; thence North 89°10'15"West along the North line of the Northeast 1/4 of said Section 21. a distance of 342.03 feet to the East right -of -way line of Ann Rou Road (66.00 feet wide right-of -way); thence along said East right-of-way line the following (2) two courses: 1) South 53°28'54" East, a distance of 163. 58 feet to a point of curve to the right having a radius of 783.00 feet and a central angle of 51°36'38"; 2) thence Southeasterly along the arc a distance of 705.31 feet to the point of beginning; thence East, leaving said Easterly right-of-way line, a distance of 214.67 feet; thence North 45°00'06" East, a distance of 182.60 feet to the point of curve of a non tangent curve to the left, of which the radius point lies North 49°21'31" East, a radial distance of 124.96 feet thence Easterly along the arc, through a central angle of 98°43'03", a distance of 215.29 feet; thence South 45°00'06" East, a distance of 161.83 feet; thence South, a distance of 317.23 feet to a point on the North right-of -way line of Huffstetler Drive (80.00 feet wide right -of-way); thence along said North right-of-way line and said Easterly right-of-way line of Ann Rou Road the following seven (7) courses: 1) North 89°32'51" West, a distance of 467.39 feet to a point of curve to the left having a radius of 540.00 feet and a central angle of 12°22'22"; 2) thence Westerly along the arc a distance of 116.61 feet to a point of reverse curve to the right having a radius of 50.00 feet and a central angle of 92°11'15"; 3) thence Northwesterly along the arc, a distance of 80.45 feet; 4) thence North 09°43'58" West, a distance of 32.37 feet to a point of curve to the right having a radius of 327.00 feet and a central angle of 12°05'06"; 5) thence Northerly along the arc a distance of 68.97 feet; 6) thence North 02°21'08" East. a distance of 111.80 feet to a point of curve to the left having a radius of 783.00 feet and a central angle of 04°13'24"; 7) thence Northerly along the arc a distance of 57.71 feet to the point of beginning.

Description from Title Commitment Number 12-2014-000854A1

A portion of the Northwest 1/4 of Section 22, Township 19 South, Range 26 East, City of Tavares, Lake County, Florida, being further described as follows:

Commence at the Northeast corner of the Northeast 1/4 of Section 21, Township 19 South. Range 26 East, City of Tavares, Lake County, Florida; thence North 89°10'15" West along the North line of the Northeast 1/4 of said Section 21, a distance of 342.03 feet to

the East right-of-way line of Ann Rou Road (66.00 feet wide right-of-way); thence along said East right-of-way line the following (2) two courses: 1) South 53°28'54" East, a distance of 163.58 feet to a point of curve to the right having a radius of 783.00 feet and a central angle of 51°36'38"; 2) thence Southeasterly along the arc a distance of 705.31 feet to the point of beginning; thence East, leaving said Easterly right-of-way line, a distance of 214.67 feet; thence North 45°00'06" East. a distance of 182.60 feet to the point of curve of a non tangent curve to the left, of which the radius point lies North 49°21'31" East, a radial distance of 124.96 feet; thence Easterly along the arc, through a central angle of 98°43'03", a distance of 215. 29 feet; thence South 45°00'06" East, a distance of 161.83 feet; thence South, a distance of 317.23 feet to a point on the North right-of-way line of Huffstetler Drive (80.00 feet wide right-of-way); thence along said North right-of-way line and said Easterly right-of-way line of Ann Rou Road the following seven (7) courses: 1) North 89°32'51" West, a distance of 467.39 feet to a point of curve to the left having a radius of 540.00 feet and a central angle of 12°22'22"; 2) thence Westerly along the arc a distance of 116.61 feet to a point of reverse curve to the right having a radius of 50.00 feet and a central angle of 92°11'15"; 3) thence Northwesterly along the arc, a distance of 80.45 feet; 4) thence North 09°43'58" West, a distance of 32.37 feet to a point of curve to the right having a radius of 327.00 feet and a central angle of 12°05'06"; 5) thence Northerly along the arc a distance of 68.97 feet; 6) thence North 02°21'08" East, a distance of 111.80 feet to a point of curve to the left having a radius of 783.00 feet and a central angle of 04°13'24"; 7) thence Northerly along the arc a distance of 57.71 feet to the point of beginning.

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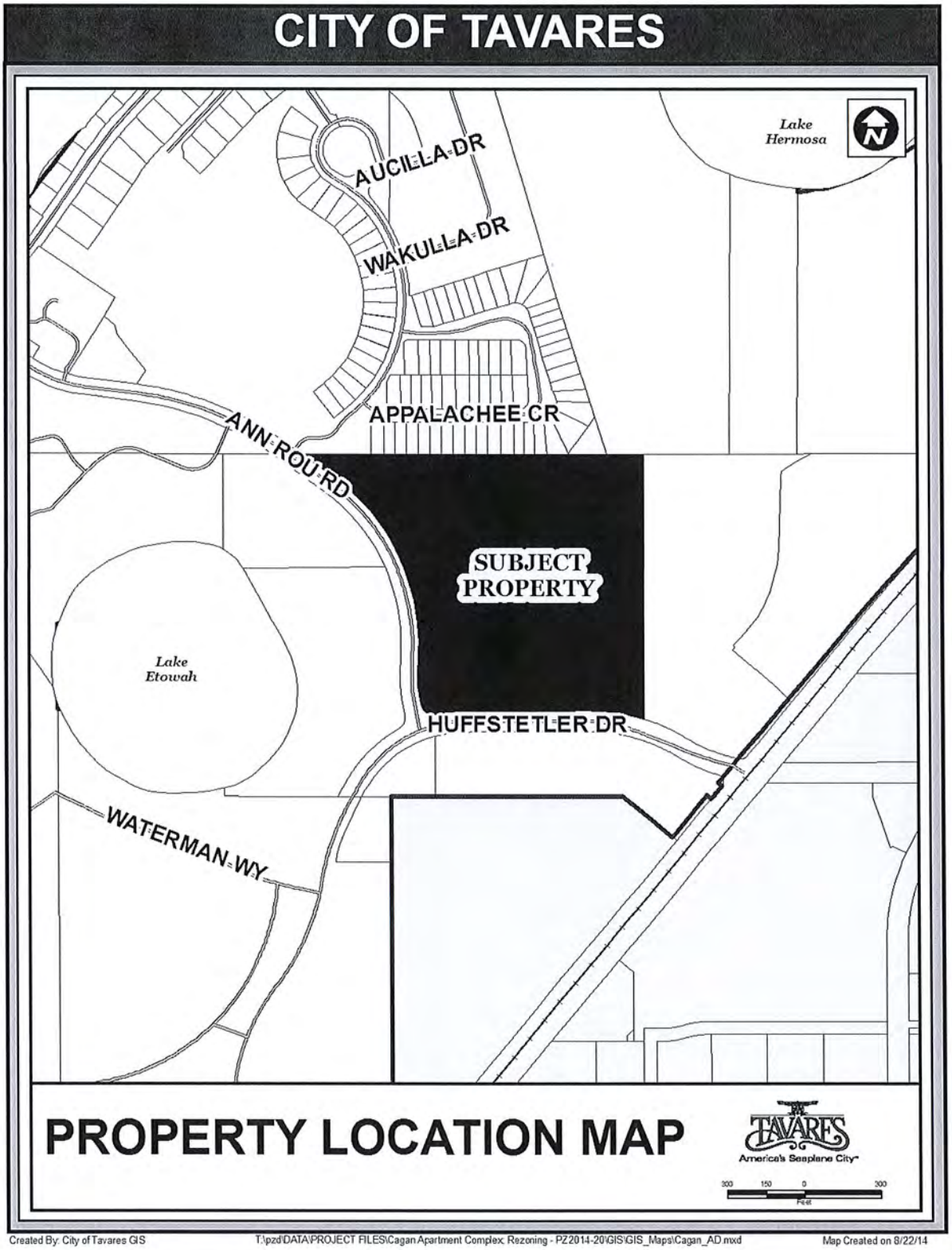
CITY OF TAVARES
Lake Hermosa
AUCILLA DR
WAKULLA DR
APPALACHEE CR
ANN ROU RD
SUBJECT PROPERTY
Lake Etowah
HUFFSTETLER DR
WATERMAN WY
PROPERTY LOCATION MAP
TAVARES
America's Seaplane City
300 150 0 300
Feet
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Map Created on 8/22/14

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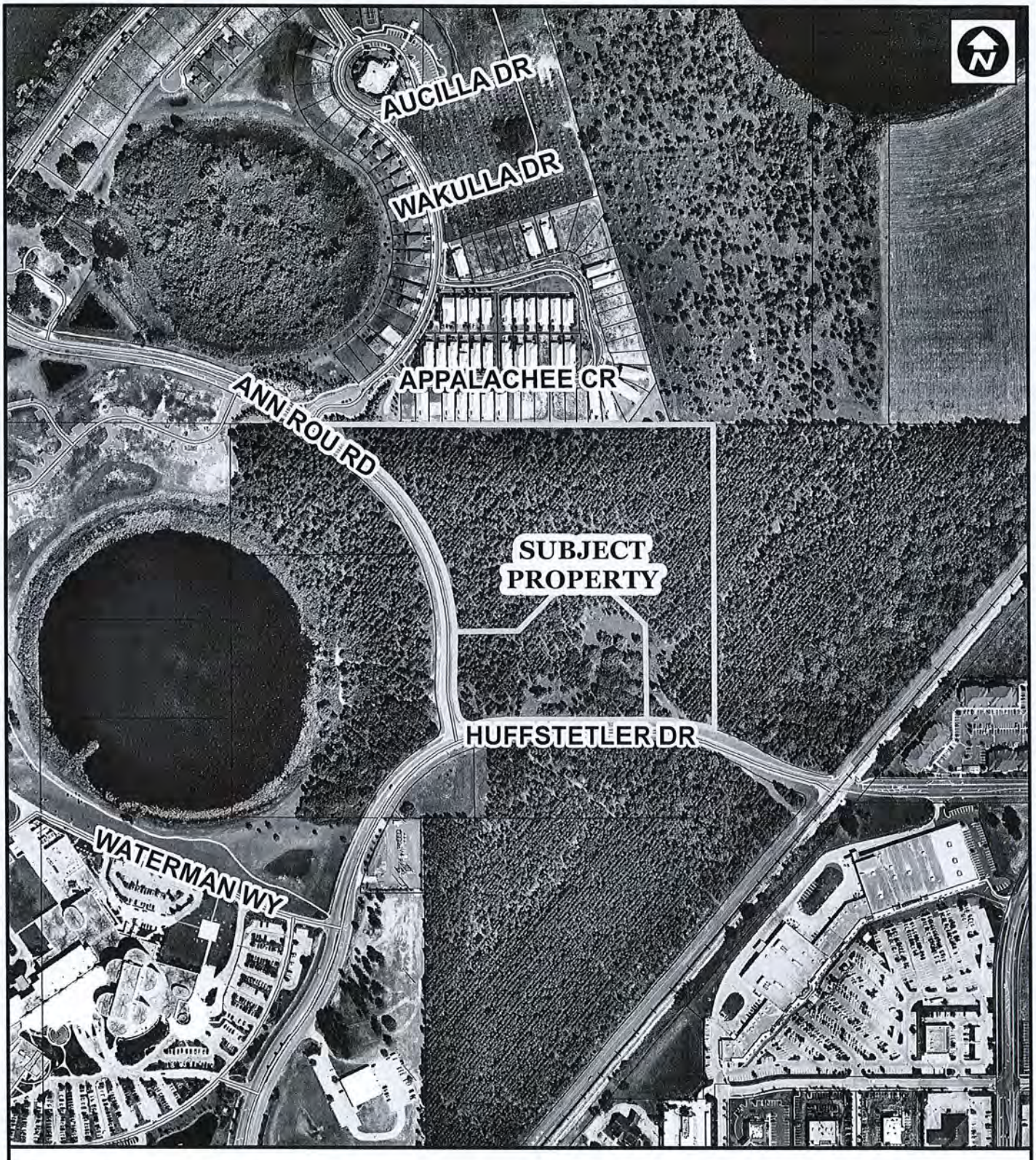
CITY OF TAVARES



PROPERTY LOCATION MAP

TAVARES
America's Seaplane City

300 150 0 300
Feet

Created By: City of Tavares GIS

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Map Created on 8/22/14

CITY OF TAVARES ORDINANCE # 2014-16

RSF-A Residential Single Family
RSF-1 Residential Single Family
RMF-2 Residential Multi-Family
RMF-3 Residential Multi-Family
RMH-S Residential Manufactured Home Sub.
RMH-P Residential Manufactured Home Park
PD Planned Development District
MU Mixed Use District
C-1 General Commercial
C-2 Highway Commercial
CD Commercial Downtown District
I Industrial District
PFD Public Facilities District

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ZONING MAP

ORDINANCE # 2014-16

Cagan Apartments

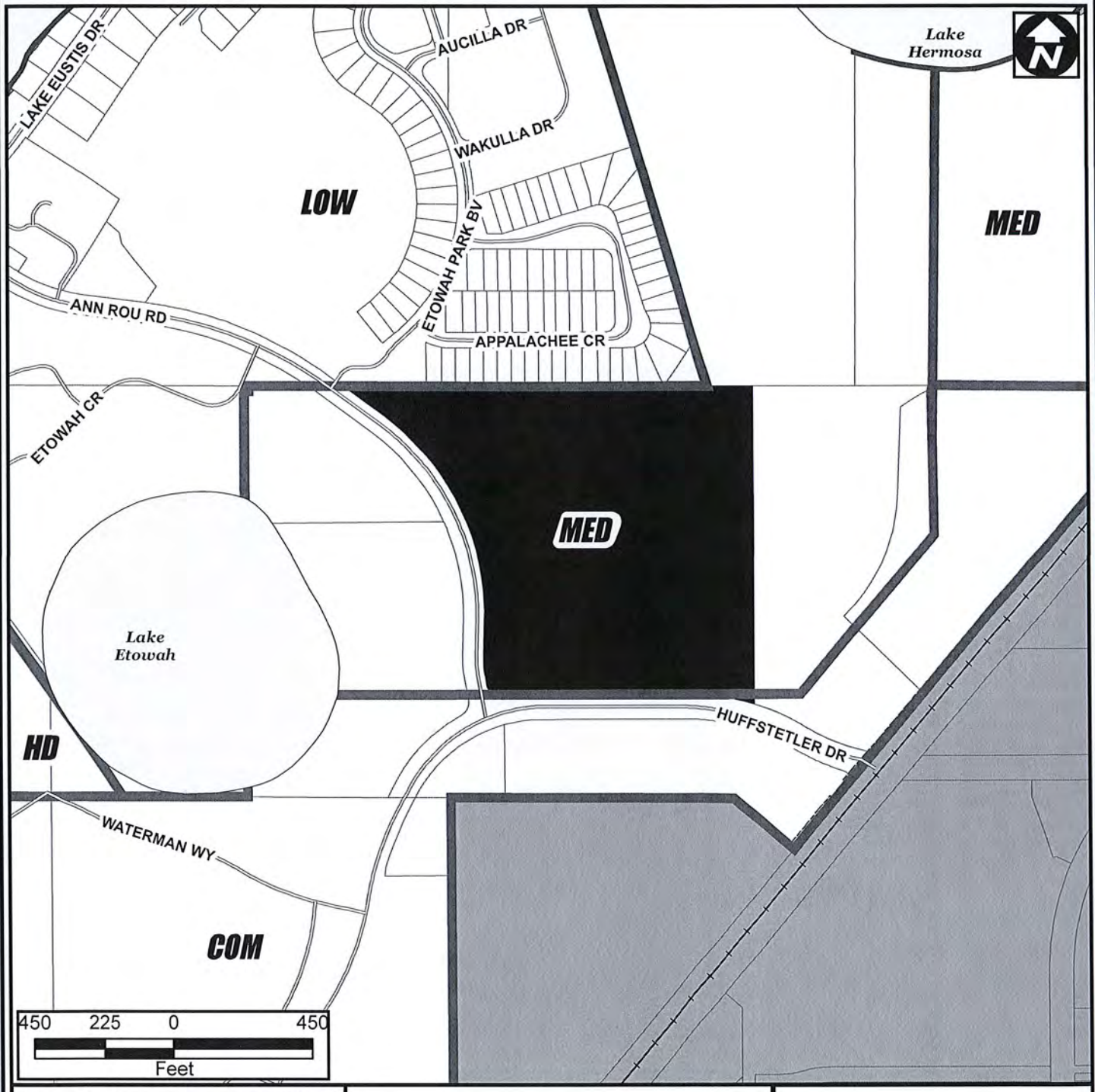
Current Zoning: PD
Proposed Zoning: RMF-3
22.34± Acres

Legend

- CITY BOUNDARY
- ZONING
- SUBJECT PROPERTY
- UNINCORPORATED
- MAJOR ROADS
- STREETS
- PARCELS
- CONS/WETLANDS

DRAFTED BY: CITY OF TAVARES GIS T:\pzd\DATA\PROJECT FILES\Cagan Apartment Complex; Rezoning - PZ2014-20\GIS\GIS_Maps\Cagan_ZONE_PT.mxd MAP CREATED ON 8/22/14

CITY OF TAVARES ORDINANCE # 2014-16



SUB	Suburban	3.0 DU/Acre
SUB EX	Suburban Expansion	4.0 DU/Acre
LOW	Low Density	5.6 DU/Acre
MOD	Moderate Density	10 DU/Acre
MED	Medium Density	12 DU/Acre
HD	High Density	12-25 DU/Acre
MH	Mobile Home	8.7 DU/Acre
MUN	Mixed Use Neighborhood	12 DU/Acre
MUC	Mixed Use Commercial	25 DU/Acre
COM	Comercial	
CD	Commercial Downtown	25 DU/Acre
IND	Industrial	
PUB	Public Facility/Institutional	
CONS	Westlands & Conservation	

FUTURE LAND USE MAP

ORDINANCE # 2014-16

Cagan Apartments

Current FLU: MED

22.34 ± Acres

Legend

- CITY BOUNDARY
- FLU
- SUBJECT PROPERTY
- UNINCORPORATED
- MAJOR ROADS
- STREETS
- CONS/WETLANDS
- PARCELS

DRAFTED BY: CITY OF TAVARES GIS T:\pzd\DATA\PROJECT FILES\Cagan Apartment Complex; Rezoning - PZ2014-20\GIS\GIS_Maps\Cagan_FLU_PT.mxd MAP CREATED ON 8/22/14

SIDE ELEVATION

REAR ELEVATION

FRONT ELEVATION

09/15/2014

FORUM Building Type I

TAVARES APARTMENTS

www.ForumArchitecture.com ■ 745 Orienta Avenue, Suite 1121, Altamonte Springs, FL 32701 ■ P(407) 830-1400, F(407) 830-4143

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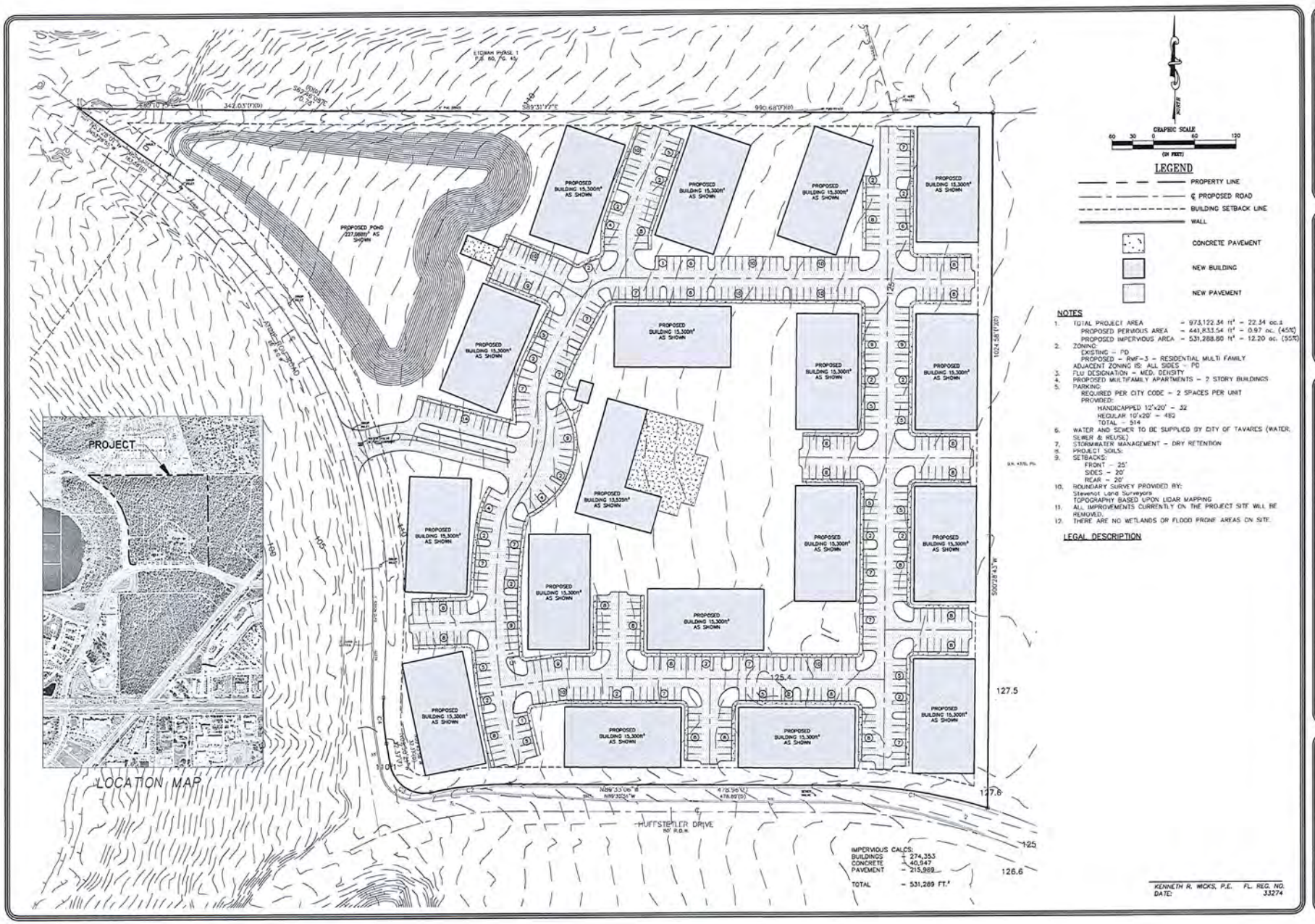

Wicks Engineering Services, Inc.
225 West Main Street, Tavares, Florida 32778
www.wicksengineering.com (352) 343-8567
C.A. #30062

Cagan Management Group, Inc.
Jeffrey Cagan, President
16554 Cagan Crossings Boulevard
Clermont FL 34714
(352) 242-2444

Cagan Apartments Project
Conceptual Site Plan
Tavares, Florida 32778

REVISION:	DATE:

Drawn: WSF
Checked: KRW
Date: 07-08-14
Scale: AS SHOWN
File No.: 14120
Sheet: 1 of 1

WATERMAN CENTER, LLC
3680 Avalon Park East Blvd.
Suite 300
Orlando, Florida 32828
407-658-6565

September 16, 2014

VIA EMAIL
Mr. Jacques Skutts, AICP
Community Development Director
City of Tavares
201 E. Main St.
2nd Floor
Tavares, FL 32778

Re: Ordinance 2014-16; Rezoning of approximately 22.34 acres to RMF-3 (the "Rezoning Property")

Dear Jacques:

Waterman Center, LLC is the owners of approximately 120 acres located adjacent to and West of the Rezoning Property. In 2007, Waterman Center sold the Rezoning Property to Partners in Ministry, Inc. for development as an assisted and independent living facility. In conjunction with the sale, the parties executed the attached Entitlement and Development Agreement which, *inter alia*, (i) limited the use of the Rezoning Property to 308 Independent Living units, a 78 bed Adult Congregate Living Facility, and a 25,000 square foot clubhouse, and (ii) required the property owner to obtain Waterman Center's consent to rezone the property. The Agreement runs with the land and was recorded in Official Records Book 3509, Page 0651 of the Lake County Public Records.

Waterman Center received notice, for the first time, of Cagan Development's request to rezone the property on September 15, 2014. Waterman Center has neither approved of the rezoning application nor consented to the proposed use of the Rezoning Property.

We are engaged in discussions with Cagan Development in hopes of resolving this dispute. However, unless and until such time as an amendment to the Entitlement and Development Agreement is executed and recorded permitting the requested RMF-3 uses, Waterman Center hereby objects to the rezoning and requests that the City of Tavares table this matter.

Sincerely,

Eric Marks
Authorized Agent

cc: Beat M. Kahli (via email)
Eric Peisner (via email)
Ottmar Olson (via email)
John Kingman Keating, Esquire (via email)
Jeff Cagan (via email)

CFN 2007125123
Bk 03509 Pgs 0651 - 676; (26pgs)
DATE: 09/17/2007 10:39:56 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 222.50

Exhibit "C"

PREPARED BY AND RETURN TO:
Brian M. Jones, Esq.
Shutts & Bowen LLP
300 S. Orange Ave., Suite 1000
Orlando, FL 32801

ENTITLEMENT AND DEVELOPMENT AGREEMENT

THIS ENTITLEMENT AND DEVELOPMENT AGREEMENT ("**Agreement**") entered into this 14 day of Sept, 2007, by and between **WATERMAN CENTER, LLC**, a Florida limited liability company ("**Waterman**"), and **PARTNERS IN MINISTRY, INC.**, a Florida not-for-profit corporation ("**Builder**").

RECITALS

1. Waterman is the owner and developer of a residential, commercial and retail project located in Lake County ("**Waterman Development**").

2. Builder has acquired a portion of the Waterman Development ("**Builder Parcel**") more particularly described in **Exhibit "A"** attached hereto and incorporated herein pursuant to a Contract for Sale and Purchase of Real Estate, as amended ("**Contract**") with Waterman.

3. Waterman retains ownership of the land within the Waterman Development, more particularly described in **Exhibit "B"** ("**Waterman Parcel**"). (The Builder Parcel and the Waterman Parcel are together referred to herein as the "**Parcels**.")

4. The Waterman Development is subject to PUD Ordinance No. 94-20 adopted by the City Council of the City of Tavares on May 4, 1994. ("**PUD**").

5. The Waterman Development is being permitted through governmental agencies and authorities asserting jurisdiction over the Waterman Development for residential, commercial and retail purposes.

6. The parties desire to provide for necessary easements, use agreements and for continuing mutual cooperation for the continued permitting and development of the Builder Parcel and the Waterman Parcel to minimize the duplication of infrastructure, and enhance the aesthetics of the Waterman Development, and to comply with governmental regulatory requirements.

7. Waterman intends to convey, and by this Agreement hereby conveys, to Builder and for the benefit of the Builder Parcel the limited rights under the PUD and other applicable governmental approvals (collectively, the "**Approvals**") for development of the improvements

("**Improvements**") described in **Schedule-I** attached hereto and incorporated herein by this reference (the "**Assigned Entitlements**").

NOW, THEREFORE, for the sum of Ten Dollars $10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

8. **Recitals**. The above Recitals are true and correct.

9. (a) **Utility Easements**. Builder hereby grants, conveys, declares and establishes in favor of the Waterman Parcel perpetual non-exclusive easements over, on, through, under and across the portions of the Builder Parcel necessary for the construction, use and operation of a master utility system ("**Master Utility System**") for the purposes of constructing and installing sewer lines, potable water lines, lift stations, reclaim water and other improvements necessary or beneficial for the development of the Waterman Parcel for its intended uses (collectively "**Utility Improvements**") in accordance with the master utility plans to be agreed to by the parties prior to permitting and construction ("**Master Utility Plans**"). Subject to the limitations herein provided, the easement rights granted herein shall include the right to enter upon the Builder Parcel to the extent needed for the purposes of constructing and installing, repairing or maintaining the Utility Improvements. Prior to Waterman performing any construction of any improvements upon the Builder Parcel or entry upon the Builder Parcel, Waterman shall provide evidence of liability insurance in an amount not less than One Million ($1,000,000.00) Dollars coverage for each incident and Three Million ($3,000,000.00) Dollars total policy coverage on a national insurance company acceptable to Builder. The parties agree that once the Master Utility Plan is agreed to, and the parties determine the exact location of the Utility Improvements, this easement shall be modified evidenced by written agreement of the parties, to affect only those portions of Builder's Parcel as necessary for Waterman to construct, use and maintain the Utility Improvements in accordance with the Master Utility Plans. Furthermore, upon construction of the Utility Improvements in accordance with the Master Utility Plans by Builder, Waterman's easement relating to construction shall automatically terminate, however, Waterman's perpetual non-exclusive easement for maintenance and use shall continue.

The Utility Improvements pursuant to the Master Utility Plan to be approved by the parties shall be designed and engineered to provide capacity for residential, commercial and retail development for both the Builder Parcel and Waterman Parcel. Accordingly, even though the designed parameters or capacities of a particular segment or facility of the Utility Improvements may be in excess of the anticipated requirements for the Builders intended development on the Builder Parcel, the Builder agrees and stipulates that the construction of any such segment or facility shall be constructed in a manner consistent with the Master Utility Plans to ensure system capacity for the intended development of both Parcels, and efficient connect of system facilities.

(b) **Master Utility Plans**. Waterman shall provide to Builder the sewer capacity and sewer line capacity requirements for its intended uses of the Waterman Parcel ("**Flow Requirements**") within ___ days from the Effective Date of this Agreement. Builder shall provide to Waterman, within __ days of its receipt of the Flow Requirements, utility plans

("**Initial Plans**") for sewer lines, potable water lines, reclaimed water lines, and all related utility infrastructures sufficient for the water and sewer capacity requirements for the Waterman Parcel and the Builder Parcel designed for the efficient connection of system facilities on each Parcel. Waterman shall have twenty (20) days after receipt of the Initial Plans within which to provide comments and requested revisions ("**Waterman Revisions**") to the Initial Plans. Builder shall have twenty (20) days after receipt of Waterman Revisions to submit revised plans ("**Revised Plans**") to Waterman, which Waterman shall review and approve in writing in its discretion. The utility plans approved in writing by Waterman shall be deemed the **Master Utility Plans**. In no event shall Builder file applications for construction of the Utility Improvements or any segment of the Utility Improvements until and unless Waterman has approved the Master Utility Plans in writing. The parties shall agree upon Waterman's Proportional Share (as defined below) contemporaneously with Waterman's approval of Master Utility Plans.

Waterman's proportionate share of the construction costs to construct the Utility Improvements ("**Waterman's Proportionate Share** ") shall be the additional costs of the designing, engineering, permitting and construction of the Utility Improvements which are solely related to the increased capacity of the Utility Improvements or to other items requested by Waterman to accommodate the Waterman Parcel in accordance with the Master Utility Plans, additional utility lines and stub-outs for connection to the Utility Improvements by Waterman, and engineering costs necessary to determine such increased costs. It is the intent of the parties that Builder shall not be responsible for any costs or expenses which it would not have incurred in connection with utility improvements on the Builder Parcel for its intended uses absent the Master Utility Plans with Waterman. In no event shall Builder be responsible for any Utility Improvements located on the Waterman Parcel, unless utilized by Builder.

(c) **Permitting of Utility Improvements**. Builder shall provide Waterman with copies seven (7) business days prior to the submittal of any applications for permits or approvals to any governmental agency for any Utility Improvements for review and approval by Waterman ("**Applications**"). Builder shall diligently and in good faith seek approval of the Applications. Builder shall thereafter commence construction of the Utility Improvements in coordination and sequencing with other improvements to be constructed upon the Builder's Parcel.

(d) **Construction of Utility Improvements** Builder shall construct the portion of Utility Improvements necessary for the intended uses on the Builder Parcel, as approved and required by the City of Tavares for each phase of Builder's development, with parameters, capacities and engineering designs in accordance with the Master Utility Plans along with the utility line stub-outs and connection points for the Waterman Parcel at Builder's initial cost and expense, contemporaneously with the construction of any site work or infrastructure improvements for each phase of development upon the Builder's Parcels. Upon completion of each phase of the Utility Improvements, Builder shall provide an independent engineer's certification certifying that: (1) the Utility Improvements have been constructed in accordance with applicable permits, approvals and governmental regulations; (2) the Utility Improvements have been completed for such phase in accordance with the Master Utility Plans; and (3) the Utility Improvements are acceptable for connection to the water and sewer provider's utility system. Waterman shall reimburse Builder for Waterman's Proportionate Share of each phase of the Utility Improvements costs within forty-five (45) days after Waterman receives the

engineer's certificate in the form set forth above, and an invoice for Waterman's Proportionate Share. Any unpaid balance following such forty-five (45) day period shall bear interest at 10% per annum until paid. Waterman shall have the right to offset any amounts owing against any obligations of Builder to Waterman. Prior to construction of any improvements upon the Waterman Parcel or entry upon the Waterman Parcel, Builder shall provide evidence of liability insurance in an amount not less than One Million ($1,000,000.00) Dollars coverage for each incident and Three Million ($3,000,000.00) Dollars total policy coverage on a national insurance company acceptable to Waterman.

(e) **Waterman's Right to Design and Construct**. Notwithstanding the foregoing, in the event Builder fails or refuses to have designed, permitted, constructed, and completed the Utility Improvements, within fifteen (15) months from the Effective Date of this Agreement, then Waterman shall have the option (**"Construction Option"**), but not the obligation, to permit, design, construct and complete the Utility Improvements, but only to the extent necessary for the intended uses of the Waterman Parcel. Waterman shall pay Waterman's Proportionate Share of the costs and Builder shall escrow with Builder's legal counsel a sum equal to one hundred percent (100%) of the remaining costs of such Utility Improvements, which shall be disbursed to Waterman upon completion of the Utility Improvements, and Builder's receipt of an independent engineer's certificate in the form set forth above. In the event Waterman exercises its Construction Option, Builder shall cooperate in good faith with Waterman in the design, permitting, and construction of such Utility Improvements, but the cost of any re-engineering or re-design to construct the Utility Improvements as necessary for the intended uses of the Waterman Parcel only, shall be paid by Waterman. In addition, Builder shall:

(i) Grant Waterman an easement for access, construction and maintenance over the portion of the Builder Parcel necessary or desirable to construction and maintenance the Utility Improvements.

(ii) Execute such applications, documentation, and consents as reasonably necessary or desirable to obtaining permits from governmental agencies and authorities having jurisdiction over the Builder Parcel, for the construction, use and maintenance of the Utility Improvements.

10. **Approvals and Restrictions**. Waterman hereby transfers and assigns to Builder the Assigned Entitlements for construction of the Improvements described in Schedule-I, on the Builder Parcel. Waterman reserves and retains all other rights and benefits under the PUD. Builder, its successors and assigns, stipulates and agrees, that: (i) no development, uses or densities in excess of the Assigned Entitlements shall be constructed or permitted upon the Builder Parcel; (ii) Builder shall comply with the thirty (30%) percent open space requirement set forth in the PUD and maintain thirty (30%) percent open space on the Builder Parcel; and (iii) any retail or commercial use of the Builder Parcel shall be restricted to use only by the residents, occupants, or tenants and their respective guests and invitees located on the Builder Parcel. In no event shall any retail or commercial use of the Builder Parcel be permitted which are deemed to generate external "trips" under any traffic concurrency regulation existing from time to time. Builder agrees and acknowledges that: (1) Waterman makes no warranties or representations concerning Builder's ability to utilize all or part of the Assigned Entitlements for Construction of

the Improvements; (2) an Amendment of the PUD may be required prior to Builder's utilization of the Assigned Entitlements; and (3) Waterman retains all other rights under the PUD not expressly contained within the Assigned Entitlements.

During the term of this Agreement, Builder shall provide Waterman with copies of all filings and application and exhibits thereto five (5) business days prior to any filings or application for any new, or modification to any, development entitlement, or permit, for Waterman's review and approval, which shall not be unreasonably withheld or delayed. In the event Waterman has not responded to a request for approval within such five (5) business days, the requested filing or application shall be deemed approved. No filing or application shall be made by Builder without the prior written consent of Waterman. No filing or application shall be made on any portion of the Builder Parcel that materially affects the Waterman Parcel or which would utilize more entitlements than the Assigned Entitlements or which is inconsistent with the provisions of this Agreement without the expressed written consent of Waterman, which consent may be withheld by Waterman in its sole and absolute discretion. For a period of two (2) years after the recording date of this Agreement in the Public Records of Lake County, Florida, Builder agrees to notify Waterman prior to any meetings with any governmental agencies, including the City of Tavares, Lake County, St. Johns River Water Management District or the Army Corps of Engineers regarding any portion of the Builder Parcel and shall invite Waterman, or Waterman's designated representative, to attend any and all such meetings, except that Builder shall have no obligation to notify or make invitations to informal meetings with governmental agencies held in the ordinary course of Builder's business, provided such meetings do not in any way affect the Waterman Parcel. Waterman shall be responsible for its own costs of representation and expenses if it wishes to be represented separately from Builder in connection with any filings, applications or permits.

11. **Platting**. The parties agree to reasonably cooperate with each other with the platting of their respective Parcels in accordance with applicable governmental regulations, including the execution of such permit applications, approvals, and joinders and consents as may be reasonably necessary for a party to comply with the applicable requirements for the platting of its Parcel or portion thereof. However, notwithstanding the foregoing, in no event shall the provisions of this section be deemed to require a party to incur any cost or expense, or execute any joinder application or consent which directly and materially adversely impacts its Parcel.

12. **Indemnification**. The parties hereby agree to indemnify, hold harmless and defend the other from any and all claims for injury or death to persons or damage to or loss of property arising out of or alleged to have arisen out of or occasioned by use of the easements contained herein, or construction, installation or maintenance of any improvements contemplated hereunder, except to the extent such damage or injury shall have been due to the negligence or willful misconduct of the other party or its employees or agents.

13. **Covenants Running with the Land**. The terms, provisions, covenants, conditions and restrictions set forth in this Agreement and the rights, privileges, benefits and duties, obligations and burdens assigned, granted, imposed and created pursuant to this Agreement shall and are hereby declared to be covenants running with the title to the Builder Parcel and Waterman Parcel described herein, which covenants shall inure to the benefit of and

burden the Builder Parcel and Waterman Parcel and, each of Waterman and Builder and their respective successors in interest and permitted assigns.

14. **Captions**. The captions included herein are for reference only and should not be used in construing any of the terms hereof.

15. **Governing Law**. This Agreement shall be construed and enforced in accordance with the laws of the State of Florida.

16. **Attorneys' Fees and Court Costs**. In the event either party or its successors in title institutes court proceedings against the other party or its successors in title to enforce any terms of this Agreement, the party prevailing in said court proceedings shall be entitled to recover reasonable attorney's fees and court costs incurred incidental thereto from the other party, including without limitation, cost through all appeals and collection proceedings.

17. **Notices**. All notices to be given hereunder shall be delivered personally, by overnight courier (such as Federal Express) or sent registered or certified mail, return receipt requested, with postage prepaid, to the parties at the following addresses (or to such other or further addresses the parties may hereinafter designate by like notice of similarly sent):

WATERMAN:

Beat M. Kahli
President
Avalon Park
13001 Founders Square Drive
Orlando, FL 32828
Phone (407) 658-6565 (Company)
and
Ronald Schwartz
3348 Edgewater Drive
Orlando, FL 32804
Phone (407) 342-3648

With a copy to:

Brian M. Jones, Esq.
Shutts & Bowen, LLP
300 S. Orange Ave., Suite 1000
Orlando, FL 32801-5403
Phone: 407/423-3200
Fax: 407/425-8316

To Builder:
Partners in Ministry, Inc.
Attn.: Clyde Porter
7203 Goodman Road
Olive Branch, MS 38654-1906
Phone: 662-890-8904
Fax: 662-890-8906
E-mail: cporter@allenohara.com

With a copy to:
David M. Dunlap, Attorney
7203 Goodman Road
Olive Branch, MS 38654-1906
E-mail: dmdlaw@mac.com

Counsel to either party may send and receive notices under this Agreement.

18. **Time of Essence**. Time is of the essence in this Agreement.

19. **Waivers**. No waiver by either party, at any time of any breach of any provision of the Agreement shall be deemed a waiver of a breach of any other provision herein or consent to any subsequent breach of the same or any other provision.

20. **Preparation of Agreement**. Both parties have participated in the negotiating and drafting of this Agreement and this Agreement shall not be construed more favorably toward either party as a result of the other parties' participation in the drafting or production of this Agreement.

21. **Entire Agreement**. This Agreement constitutes the entire Agreement by and among the parties hereto and there are no covenants, promises, agreements, conditions or undertakings, either oral or written among them, other than as set forth herein.

22. **Enforcement and Remedies**. If either of Waterman or Builder or their respective successors and assigns shall violate or attempt to violate or breach or attempt to breach any of the terms, provisions, covenants, conditions or restrictions set forth in this Agreement, Waterman, Builder and their respective successors in interest or permitted assigns shall be entitled to (i) institute and prosecute proceedings for the recovery of actual damages (but excluding punitive or consequential damages) against the party violating or attempting to violate or breaching or attempting to breach the terms, provisions, covenants, conditions and restrictions set forth in this Agreement or (ii) to institute and prosecute proceedings for the purpose of specifically enforcing covenants or preventing or enjoining any or all such violations or attempted violations or breaches or attempted breaches of the terms, provisions, covenants, conditions and restrictions set forth in this Agreement. Such remedies shall be cumulative of any and all other remedies which may now or hereafter be provided by law. The failure of any party to enforce any of the terms, provisions, covenants, conditions or restrictions set forth in this Agreement, however long continued, shall in no event be deemed to be or constitute a waiver by

such party of the right to enforce the same thereafter as to the same violation or breach or attempted violation or breach or as to any other violation or breach or attempted violation or breach of the same term, provisions, covenant, condition or restriction, whether occurring prior or subsequent thereto. Notwithstanding anything herein to the contrary, in no event shall the other party be entitled to recover punitive damages against the other party with the exception that Builder, and its successors and assigns shall be entitled to recover punitive damages for a violation of Section 6 hereof.

23. **Severability**. In the event that any one or more of the clauses, covenants or provisions contained in this Agreement should be held to be unenforceable, such invalidity or unenforceability shall not affect the remainder of this Agreement, which shall remain in full force and effect, in accordance with its terms.

24. **Force Majeure**. Notwithstanding any other provision of this Agreement, neither party shall be liable for a failure to perform any obligation under this Agreement, if such failure is attributable to an event causing a delay or interruption which is beyond the reasonable control of such party, such as an act of God, natural disaster, labor, dispute, judicial, legislative or governmental action, moratorium, or intervention or vandalism, until such time that the performing party has been entitled to a reasonable period of time after such event causing a delay or interruption has ceased in which to complete performance of any obligation herein.

25. **Certificates of Compliance**. Each of the parties and their respective successors in interest and permitted assigns shall, upon the written request made by the other of them or by the holder of any mortgage upon the Builder Parcel or Waterman Parcel or any parts thereof, certify in writing to the requesting party the status of such party's and the other party's compliance with the terms, provisions, covenants, conditions and restrictions set forth in this Agreement, to the extent then known and that no default is then known to exist or, if any default is then known to exist, the nature and extent of such default. Any such written certification shall be delivered to the requesting party within fifteen (15) business days after the receipt of the written request of a party entitled to make such request.

[SIGNATURE PAGES ON FOLLOWING PAGE]

WITNESSES:

Print Name: Charles L. Schuler

Print Name: Iris Lopez

WATERMAN CENTER, LLC, a Florida limited liability company

By:
Name: Ronald H. Schwartz
Title: Mgr

WITNESSES:

Print Name:

Print Name:

PARTNERS IN MINISTRY, INC., a Florida not-for-profit corporation

By:
Name:
Title:

STATE OF FLORIDA
COUNTY OF ORANGE

This instrument was acknowledged and subscribed before me on 12th Sept, 2007, by RONALD H. SCHWARTZ of **WATERMAN CENTER, LLC**, a Florida limited liability company, on behalf of the company. He ✓ is personally known to me OR ____ has produced identification _____ as identification.

DOROTHY C. PACHICO
Commission DD 697200
Expires August 3, 2011
Bonded Thru Troy Fain Insurance 800-385-7019

Signature of Notary Public-State of Florida

My commission expires: 8-3-11

STATE OF FLORIDA
COUNTY OF _____

This instrument was acknowledged and subscribed before me on _____, 2007, by _____, _____ of **PARTNERS IN MINISTRY, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He _____ is personally known to me OR _____ has produced identification _____ as identification.

Signature of Notary Public-State of Florida

My commission expires: _____

WITNESSES:

WATERMAN CENTER, LLC, a Florida limited liability company

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

WITNESSES:

PARTNERS IN MINISTRY, INC., a Florida not-for-profit corporation

Print Name: DAVID M. DUNLAP

By: Charles E. Williams
Name: Charles E. Williams
Title: President

Print Name: Clyde C. Porter

STATE OF FLORIDA
COUNTY OF _____

This instrument was acknowledged and subscribed before me on _____, 2007, by _____, _____ of **WATERMAN CENTER, LLC**, a Florida limited liability company, on behalf of the company. He _____ is personally known to me OR _____ has produced identification _____ as identification.

_____
Signature of Notary Public-State of Florida

My commission expires: _____

STATE OF ~~FLORIDA~~ MS
COUNTY OF DeSoto

This instrument was acknowledged and subscribed before me on Sept. 11, 2007, by Charles E. Williams, President of **PARTNERS IN MINISTRY, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He X is personally known to me OR _____ has produced identification _____ as identification.

TONI S. PAYNE NOTARY PUBLIC DESOTO COUNTY MS

Toni S. Payne
Signature of Notary Public-State of ~~Florida~~ MS

My commission expires: My Commission Expires: June 29, 2010

ORLDOCS 10993100 9

SCHEDULE I

ENTITLEMENTS

Subject to applicable governmental ordinances, rules and regulations, including but not limited to the PUD, Purchaser shall be entitled pursuant to and subject to the Entitlement and Development Agreement, to construct the following on the Property:

1. 56 Independent Living (as defined in the PUD) units;

2. 252 Independent Living (as defined in the PUD) units to be developed as 252 apartment units;

3. 26 Independent Living (as defined in the PUD) units to be developed as an 78 bed Adult Congregate Living Facility (as defined in the PUD);

4. A 25,000 square feet (more or less) Clubhouse/commons facility (as defined in the PUD).

LAKE COUNTY SCHOOLS

Leading our Children to Success

201 West Burleigh Boulevard · Tavares · FL 32778-2496
(352) 253-6500 · Fax: (352) 343-0198 · www.lake.k12.fl.us

Superintendent:
Susan Moxley, Ed.D.

School Board Members:
District 1
Bill Mathias
District 2
Rosanne Brandeburg
District 3
Tod Howard
District 4
Debbie Stivender
District 5
Kyleen Fischer

September 15, 2014

Mr. Jacques Skutt, A.I.C.P., Director
Community Development Department
City of Tavares
Post Office Box 1068
Tavares, Florida 32778

RE: Cagan Apartment Complex Rezoning, Ordinance #2014-16

Dear Mr. Skutt:

The City is currently reviewing a rezoning request of approximately 22.34 acres from City of Tavares Planned Development to City of Tavares Residential Multi-Family (RMF-3).

As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report. The School Board of Lake County Florida believes the rezoning will not have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2014-2018, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 268 multi-family dwelling units that will contribute 64 new students to the Lake County School system. Based on current school attendance zones, schools that will not be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- **Tavares Elementary School** **5%** Under Capacity
- **Tavares Middle School** **29%** Under Capacity
- **Tavares High School** **15%** Under Capacity

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed rezoning on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352)253-6694.

Sincerely,

Dawn McDonald, Senior Planner
Growth Planning Department

Enclosure

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

REVIEWING AUTHORITY	**City of Tavares**
NAME / CASE NUMBER	**Cagan Apartment Complex / Ordinance #2014-16**
DEVELOPER/OWNER	**Church Loan Florida Property 1, LLC / Jeffery Cagan, Agent**
ITEM DESCRIPTION	The applicant proposes a rezoning change of 22.34 acres from City of Tavares Planned Development to City of Tavares Residential Multi-Family (RMF-3).
LOCATION	Sections 21 & 22 , Township 19S, Range 26E Located north of Huffstetler Drive, south of Appalachee Circle, east of Ann Rou Road, and west of Mt. Homer Road
CURRENT LAND USE	City of Tavares Medium Density (12 Dwelling units/1 acre)
CURRENT ZONING	City of Tavares Planned Development
PROPOSED ZONING	City of Tavares Residential Multi-Family

	SF-DU	MF-DU	Mobile	MF Impacts	
NEW DU IMPACT				**268**	**DUs**
STUDENT GENERATION	0.374	0.235	0.126	64	
Elementary School	0.172	0.133	0.065	36	
Middle School	0.085	0.051	0.029	14	
High School	0.117	0.051	0.032	14	

SCHOOL NAME	Projected Enrollment 2017-2018*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
Tavares Elementary	889	976	91%	925	95%	No
Tavares Middle	997	1,427	70%	1,011	71%	No
Tavares High	1,236	1,467	84%	1,250	85%	No

Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018

CSA 6	Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
Elementary School	889	976	91%
Middle School	0	0	0%
High School	1,236	1,467	84%

Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2014-2018

COMMENTS:

The proposed rezoning will add 268 multi-family dwelling units, which will not adversely impact area schools.

School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.

Prepared By: Dawn McDonald, Senior Planner, Lake County School District **Date:** 9/15/2014

Orlando Sentinel
Publication Date: 09/08/2014
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Client Name: / PO# Mike Fitzgerald
Advertiser: City of Tavares
Section/Page/Zone: Lake Zone/E003/LAK
Description: Ordinance 2014-16

RETIREMENT

Watch out for taxes on income

By Sandra Block
Kiplinger Consumer News Service

One of the biggest mistakes retirees make when calculating their living expenses is forgetting how big a bite state and federal taxes can take out of savings. And how you tap your accounts can make a big difference in what you ultimately pay to Uncle Sam.

Conventional wisdom has long held that you should tap taxable accounts first, followed by tax-deferred retirement accounts and then your Roth. This strategy makes sense for many retirees, but be careful if you have a lot of money in a traditional IRA or 401(k). When you turn 70½, you'll have to take required minimum distributions (RMDs) from the accounts. If the accounts grow too large, mandatory withdrawals could push you into a higher tax bracket. To avoid this problem, you may want to take withdrawals from tax-deferred accounts earlier.

Here's how retirement assets are taxed.

Tax-deferred accounts. Prepare to feel pain. Withdrawals from traditional IRAs and your 401(k) will be taxed as ordinary income, which means at your top tax bracket.

Taxable accounts. Profits from the sale of investments, such as stocks, bonds, mutual funds and real estate, are taxed at capital-gains rates, which vary depending on how long you've owned the investments. Long-term capital-gains rates, which apply to assets you have held longer than a year, can be quite favorable: If you're in the 10% or 15% tax bracket, you'll pay 0% on those gains. Most other taxpayers pay 15% on long-term gains. Short-term capital gains are taxed at your ordinary income tax rate.

Interest on savings accounts and CDs and dividends paid by your money market mutual funds is taxed at your ordinary income rate. Interest from municipal bonds is tax-free at the federal level.

Roth IRAs. Give yourself a high five if your retirement portfolio includes one of these accounts. As long as the Roth has been open for at least five years and you're 59½ or older, all withdrawals are tax-free. In addition, you don't have to take RMDs from your Roth when you turn 70½.

Social Security. Many retirees are surprised--and dismayed -- to discover that a portion of their Social Security benefits could be taxable. Whether or not you're taxed depends on what's known as your provisional income: your adjusted gross income plus any tax-free interest plus 50 percent of your benefits. If provisional income is between $25,000 and $34,000 if you're single, or between $32,000 and $44,000 if you're married, up to 50 percent of your benefits is taxable. If it exceeds $34,000 if you're single or $44,000 if you're married, up to 85 percent of your benefits is taxable.

Pensions. Payments from private and government pensions are usually taxable at your ordinary income rate, assuming you made no after-tax contributions to the plan.

Annuities. If you purchased an annuity that provides income in retirement, the portion of the payment that represents your principal is tax-free; the rest is taxable. The insurance company that sold you the annuity is required to tell you what is taxable. Different rules apply if you bought the annuity with pretax funds (such as from a traditional IRA). In that case, 100 percent of your payment will be taxed as ordinary income.

THE ARTS IN LAKE

Concert will feature classic songs at art center

By Debbie Manis
Staff Writer

Enjoy an intimate concert featuring singer Arthur "Terry" Beebe, who will sing classic songs from the Great American Songbook from 7 to 9 p.m. Saturday at the Leesburg Center for the Arts, 429 W. Magnolia St.

Patrons also can get a sneak peek of the upcoming Wings and Wildflowers art exhibit, which opens to the public Sept. 15.

There will be a cash bar.

Advance tickets are $10 and available online at leesburgcenter4arts.com or $15 at the door.

The art center recently started new gallery hours. The gallery is open Monday through Thursday from 10 a.m. to 5 p.m., 10 a.m. to 2 p.m. Friday and Saturday and evening hours during classes, meetings and special events.

For more information, call 352-365-0232.

Theater happenings

■ The Moonlight Players will present "A Midsummer Night's Dream," which opens Friday at the Warehouse Theatre, 735 W. Montrose St., Clermont.

William Shakespeare's comedy about four young lovers and the fairies they encounter is transported to the rowdy Old West with a cowboys and Indians twist.

Performances are set for 8 p.m. Fridays and Saturdays and 2:30 p.m. Sundays for four consecutive weekends.

Tickets are $18 for adults and $10 for children.

Reservations: 352-319-1116.

■ The Sonnentag Theatre at the IceHouse will present the comedy classic "Arsenic and Old Lace," which opens Friday at the theater, 1100 N. Unser St., Mount Dora.

The popular Joseph Kesselring play tells the story of two slightly eccentric sisters whose boarders keep disappearing. The sisters feel sorry for the old gents in town and concoct a poison-spiked elderberry wine for the men when they come to call. The bodies of the men are then buried by the Brewster sisters' zany brother.

The play will be presented through Oct. 5, at 7:30 p.m. Thursdays; 8 p.m. Fridays, Sept. 27 and Oct. 4; and 2 p.m. Sundays and Saturday, Sept. 20 and Oct. 4.

Tickets, from $15 to $20, are available at the box office between 1 and 5 p.m. Tuesdays through Fridays or online at icehousetheatre.com. Reservations: 352-383-4616.

The IceHouse also is accepting appointments for singing auditions for "Annie Get Your Gun" from 5:30 to 8:30 p.m. Saturday at the theater.

The musical based on the biography of Annie Oakley is filled with brassy show tunes including "There's No Business Like Show Business," "Anything You Can Do" and "You Can't Get a Man With a Gun."

The story takes place in the mid-1880s near Cincinnati. Oakley, a remarkable sharpshooter, joins Col. Buffalo Bill's traveling Wild West Show. Annie falls in love with Frank Butler, the show's featured shooting ace. She finally wins her man by deliberately losing a shooting match to him.

Female and male singers 10 and older are needed, who have strong musical theater vocal and harmonic abilities, to play leading, supporting, featured and cameo characters. Participants should prepare a standard Broadway song and bring along sheet music in the correct key for the music director.

To request an audition time, email a performing résumé and photo to darlin@icehousetheatre.com. Appointment times will be emailed. If needed, callbacks will be Sept. 14.

Music rehearsals begin the week of Sept. 15 and will meet from 7 to 10 p.m. weekdays. An occasional weekend rehearsal may be scheduled as needed. The show runs from Nov. 21 through Dec. 14.

Details: 352-383-3133, Ext. 3.

Pastel society meeting

The Pastel Society of Central Florida will meet from 10 a.m. to noon the second Saturday of every month at the Leesburg Center for the Arts, 429 W. Magnolia St.

Meetings feature an artist demonstration, membership news and fellowship.

Saturday's meeting will include a member paint-a-round. Attendees are invited to bring along their pastels.

Details: pastelsocietyofcentralflorida.com.

Sponsorships needed

Lake County Schools is seeking sponsors for its inaugural Arts & Cultural Festival scheduled for Nov. 14 from 5 to 9 p.m. at Wooton Park, 100 E. Ruby St., Tavares.

The event will showcase the arts and cultural activities by students from local schools. In addition to promoting the arts (performing and visual), the festival will provide schools an opportunity to raise money for needed supplies and equipment for arts and cultural programs.

Sponsorship levels range from $100 to $10,000.

For more information, visit artfairlake.k12.fl.us or call Brian Payne at 352-253-6517 or email payneb@lake.k12.fl.us.

Orlando Sentinel, 1898 E. Burleigh Blvd., Tavares, FL 32778, 352-742-5932 or dmanis@tribune.com.

PAVILION

Continued from Page E1

reunion, all of which were scheduled before officials finished construction.

"We weren't expecting that," Aldrich said. "It's just kind of word of mouth right now. Still, they booked."

Drury said officials and businesses in Tavares, coined "America's Seaplane City," have already benefited from the pavilion.

"We're seeing a lot of the small businesses ... getting business from the pavilion, which quite frankly was one of the main reasons we did it was to help the economy," he said.

During the inaugural wedding, Drury said the couple booked their after party at a local restaurant. At another wedding in November, he said the bride's family booked "all the hotel rooms in the downtown [area]. Every single one of them."

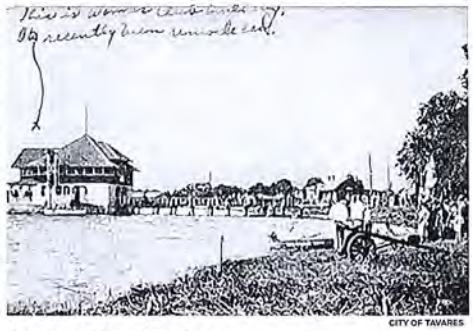
In addition, he said guests inquire about local florists, photographers and wedding planners. Drury said officials also plan to add a dock to the pavilion to accommodate guests to arrive and leave by seaplane or antique boat within the next year.

"I think we hit it out of the park," he said. "In my view, it was worth it."

jcmaye@tribune.com

JERRY FALLSTROM/STAFF

Sign for Tavares Pavilion on the Lake.


CITY OF TAVARES

Vintage postcard showing former Tavares pavilion.

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THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2014-16 titled as follows:

ORDINANCE 2014-16

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 22.34 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST INTERSECTION OF ANNE ROU ROAD AND HUFFSTETLER DRIVE FROM A PLANNED DEVELOPMENT ZONING TO AN RMF-3 (RESIDENTIAL MULTI-FAMILY) ZONING; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2014-16 will be considered at the following public meetings:
1. Tavares Planning & Zoning Board meeting on September 18, 2014, at 3 p.m.; and
2. Tavares City Council meeting on October 1, 2014, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 15, 2014, at 4 p.m. (Second Reading)

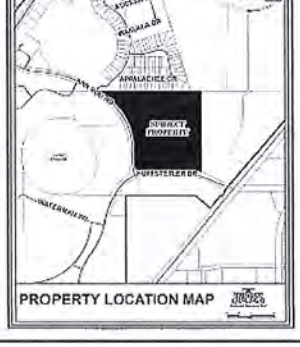
All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2014-16 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinance. It is City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department: City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing; if you are hearing or voice impaired, call (352) 742-6433.

Please direct any questions on this proposed ordinance to Jacques Skutt, Community Development Director, at 742-6404.



CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
September 18, 2014

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Richard Root , Vice Chairman
Morris Osborn
Norb Thomas
Howard Haynes
Bob Stomp
Steven Pueschel

LAKE COUNTY SCHOOL BOARD

Debbie Stivender, Boardmember - Absent
Dawn McDonald, Senior Planner

STAFF MEMBERS PRESENT

Jacques Skutt, Community Development Director
Mike Fitzgerald, Development Coordinator
Alisha Maraviglia, Senior Planner

CALL TO ORDER

Chairman, Gary Santoro, called the meeting to order at 3:00 p.m. and the Pledge of Allegiance was recited.

SWEARING IN OF THOSE GIVING TESTIMONY

Attorney Williams gave the oath to staff and members of the audience.

APPROVAL OF MINUTES OF AUGUST 21, 2014

The minutes were approved as submitted.

CASES HEARD

1) Cagan Property - Rezoning - Ordinance 2014-16

Jacques Skutt, Community Development Director provided the following staff report;

The subject property is located on the northeast intersection of Ann Rou Road and Huffstetler Drive. The property is approximately 22.34 acres in size and is owned by Church Loan Florida Property 1, LLC. Jeffery Cagan is submitting this rezoning application with the owner's authorization. The applicant desires to rezone the property to RMF-3 and to construct an apartment complex that conforms to the city's Land Development Regulations that apply to this zoning. The existing Future Land Use designation of Medium Density Residential will limit the

number of apartment units in the complex to an average of 12 dwelling units per acre. The property is presently vacant.

The existing Planned Development zoning was applied in 1994 through Ordinance 94-20. This old Planned Development annexed approximately 32 acres of land into the city and was intended to be part of a large faith-based, mixed use complex. This project did not materialize and a portion of these lands have since been parceled out and sold to other entities. Since unified control of the old Planned Development lands no longer exists and new owners desire to move forward with the development of this property, it is reasonable to allow a rezoning that is consistent with the City's long range Comprehensive Plan. City staff is preparing a proposed amendment to the Land Development Regulations that will provide for a procedure to nullify old Planned Developments that are inactive.

Prior to the issuance of any Building Permits for this project, a site plan demonstrating compliance with all applicable regulations will be required. This proposed rezoning is consistent with the existing Future Land Use presently applied to this property and staff is recommending approval of this rezoning.

Mr. Skutt communicated to the board that staff received an letter from the school board liaison indicating that there is sufficient capacity within the school system for the development. (Letter Attached)

He also informed the board that a letter had been received from Mr. Eric Marks, an authorized agent of Waterman Center LLC, stating his is opposition to the rezoning of the properties.

Attorney Williams explained that the matter Mr. Marks conveyed was a civil matter that would need to be resolved by the parties. (Letter and Associated Documents Attached)

The public comment portion began and Ms. Cecilia Bonifay introduced herself. She conveyed that she has worked extensively with the former owner and is now working with the current owner. She communicated her opinion that the use is appropriate and needed.

Mr. Wicks approached the board for the purpose of letting them know he was available to answer any site related questions.

In response to a question, it was noted that the subject site had been posted and the advertisement included the date and time of the hearing.

MOTION

Morris Osborn moved to approve Ordinance 2014-16. Richard Root seconded the motion. The motion carried 6-0.

There was no further business and the meeting adjourned at approximately 3:13 p.m.

Respectfully submitted,

_____

Alisha Maraviglia, Senior Planner

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 7 **FIRST READING**

SUBJECT TITLE: **Ordinance 2014-17**
Amendment to City's Code of Ordinances-Golf Carts
Requirement for Driver's License to Operate

OBJECTIVE:

To consider text amendments to Chapter 13 of the City's Code of Ordinances providing for the requirement that drivers of golf carts operating on public roads within the City of Tavares must possess a valid driver's license.

SUMMARY:

On August 20, 2014, City Council directed staff to prepare a draft amendment to the City's regulations that would require drivers of golf carts operating on public roads to possess a valid driver's license. The Code, as presently stated, only requires that operators of golf carts be at least sixteen years of age with no requirement for a driver's license. This proposed amendment to the Code adds that the operator must possess a valid driver's license issued within the United States in addition to being at least sixteen years of age.

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2014-17.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

ORDINANCE 2014-17

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY OF TAVARES CODE OF ORDINANCES BY AMENDING SECTION 13-63; SECTION 13-64 AND SECTION 13-65; REQUIRING THAT DRIVERS OF GOLF CARTS POSSESS A VALID DRIVER'S LICENSE ISSUED WITHIN THE UNITED STATES; PROVIDING FOR SEVERABLILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section 1. That Section 13-63; Section 13-64 and Section 13-65 of the City of Tavares Code of Ordinances is hereby amended as follows:

Sec. 13-63. Operation of Golf Carts in the Community Redevelopment Area

(a) *Definition of "golf cart".* Pursuant to F.S. § 320.01(22), a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

(b) *Authorization to operate golf carts within the Community Redevelopment Area.* Golf carts meeting the definition set forth in subsection (a) may be operated within the boundaries of the community redevelopment area (CRA) on such streets designated therein for golf cart usage. Such signage will reference this ordinance as required by F.S. § 316.212(7).

(c) *Equipment and minimum standards.* All golf carts operated within the community redevelopment area shall meet the minimum equipment standards established by state statutes. Golf carts that are operated between the hours before sunrise and after sunset must be equipped with headlights, brake lights, rear view mirror, turn signals, and a windshield.

(d) *Hours of operation.* Golf carts meeting the equipment standards established in subsection (c) for operation between the hours before sunrise and after sunset may be operated at anytime during the day or night. Golf carts that do not meet these additional standards shall only be operated during the hours between sunrise and sunset.

(e) *Compliance with traffic laws.* Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic and parking violations in the same manner as motor vehicles.

(f) *Operation.* Drivers of a golf cart must possess a valid driver's license issued within the United States. The number of occupants of a golf cart may not exceed the number of seats. No person is to stand while the golf cart is in motion.

(g) *Enforcement.* The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws.

(h) *Conflicts.* All resolutions or parts of resolutions in conflict with any of the provisions of this section are hereby repealed. This section shall not repeal prior resolutions or provisions that established specific golf cart communities, nor prevent the establishment of additional golf cart communities within the city.

Sec. 13-64 Operation of golf carts on public roads.

(a) *Definitions*

"Golf cart". Pursuant to F.S. § 320.01(22), a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

"Public City Road" shall mean any thoroughfare maintained by the City of Tavares that is commonly used for vehicular traffic.

(b) *Authorization to operate golf carts on Public City Roads.* Golf carts meeting the definition set forth in subsection (a) may be operated on all public city roads within the City limits where the posted speed limit is thirty-five (35) miles per hour or less. Golf carts may not operate on or cross State Highways unless authorized by the Department of Transportation pursuant to F.S. § 316.212(2).

(c) *Equipment and minimum standards.* All golf carts operated on public city roads shall meet the minimum equipment standards established by state statutes. Golf carts that are operated between the hours before sunrise and after sunset must be equipped with headlights, brake lights, rear view mirror, turn signals, and a windshield.

(d) *Hours of operation.* Golf carts meeting the equipment standards established in subsection (c) for operation between the hours before sunrise and after sunset may be operated at anytime during the day or night. Golf carts that do not meet these additional standards shall only be operated during the hours between sunrise and sunset.

(e) *Compliance with traffic laws.* Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic and parking violations in the same manner as motor vehicles.

(f) *Operation.* Drivers of a golf cart must possess a valid driver's license issued within the United States and must be at least sixteen (16) years of age. ~~Drivers of golf carts must be at least sixteen (16) years of age.~~ The number of occupants of a golf cart may not exceed the number of seats. No person is to stand while the golf cart is in motion.

(g) *Enforcement.* The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws.

(h) *Conflicts.* All resolutions or parts of resolutions in conflict with any of the provisions of this section are hereby repealed. This section shall not repeal prior resolutions or provisions that established specific golf cart communities, nor prevent the establishment of additional golf cart communities within the city.

Sec. 13-65. Operation of Golf Carts on County Roads

(a) *Definitions*

"Golf cart". Pursuant to F.S. § 320.01(22), a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

"County Road" shall mean any thoroughfare maintained by the Lake County that is commonly used for vehicular traffic.

(b) *Authorization to operate golf carts on County Roads.* Golf carts meeting the definition set forth in subsection (a) may be operated on the following County Roads within the City limits where the posted speed limit is thirty-five (35) miles per hour or less. Golf carts may not operate on or cross State Highways unless authorized by the Department of Transportation pursuant to F.S. § 316.212(2).

(1) Alfred Street within the Community Development Area
(2) Dora Avenue
(3) Dead River Road
(4) Other County Roads that may receive future designation for this use from Lake County pursuant to F.S. § 316.212(1).

(c) *Equipment and minimum standards.* All golf carts operated on County Roads shall meet the minimum equipment standards established by state statutes. Golf carts that are operated between the hours before sunrise and after sunset must be equipped with headlights, brake lights, rear view mirror, turn signals, and a windshield.

(d) *Hours of operation.* Golf carts meeting the equipment standards established in subsection (c) for operation between the hours before sunrise and after sunset may be

operated at anytime during the day or night. Golf carts that do not meet these additional standards shall only be operated during the hours between sunrise and sunset.

(e) *Compliance with traffic laws.* Golf carts shall comply with all applicable local and state traffic laws, and may be ticketed for traffic and parking violations in the same manner as motor vehicles.

(f) *Operation.* Drivers of a golf cart must possess a valid driver's license issued within the United States and must be at least sixteen (16) years of age. ~~Drivers of golf carts must be at least sixteen (16) years of age.~~ The number of occupants of a golf cart may not exceed the number of seats. No person is to stand while the golf cart is in motion.

(g) *Enforcement.* The city shall have the authority to enforce the provisions set forth herein and applicable traffic laws.

(h) *Conflicts.* All resolutions or parts of resolutions in conflict with any of the provisions of this section are hereby repealed. This section shall not repeal prior resolutions or provisions that established specific golf cart communities, nor prevent the establishment of additional golf cart communities within the city.

Section 2. Severability and Conflicts

The provisions of this ordinance are severable and it is the intention of the City Council of Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 3. Effective Date

This Ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

PASSED AND ADOPTED this_____ day of _____, 2014 by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

_____
Nancy A. Barnett, City Clerk

Approved as to form:

_____
Robert Q. Williams, City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 8 **FIRST READING**

SUBJECT TITLE: **Ordinance 2014-18**
Amendment to City's Land Development Regulations
Full Service/Stand Alone Bars

OBJECTIVE:

To consider an amendment to the city's Land Development Regulations that would allow full service bars without the necessity of food sales in the Commercial Downtown and Highway Commercial zoning districts.

SUMMARY:

On August 20, 2014, City Council directed staff to prepare a draft amendment to the City's Land Development Regulations that would permit full service bars in the Commercial Downtown and Highway Commercial zoning districts. At present, a full service bar (a bar that sells liquor for onsite consumption) is allowed only in restaurants. To be classified as a restaurant, at least 50% of the gross revenue must be derived from the sale of food and non-alcoholic beverages.

The draft ordinance amends Table 8-2, Permitted and Special Uses with Associated Notes of the Land Development Regulations by adding "Bar" as a permitted use in the CD and C-2 zoning districts. The term "Bar" is already included and defined in our regulations and does not need to be amended.

Bar: *This term includes tavern, cocktail lounge, nightclub, saloon, and the like. Any establishment wherein alcoholic beverages are sold or dispensed for consumption on premises and where the annual gross revenue from the sale of alcoholic beverages is fifty-one percent (51%) or greater of the total gross revenue of the establishment; or any establishment wherein alcoholic beverages are sold or dispensed for consumption on premises which displays a sign that is visible from outside the establishment that advertises alcoholic beverages; or where alcoholic beverages are sold or dispensed for consumption on premises, where private recreational activities are available to the patron of that establishment. Such recreational uses include, but are not limited to, pool tables, dart games, air hockey, dancing, live entertainment, karaoke, pinball or video machines.*

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2014-18.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

ORDINANCE 2014-18

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES, BY ALLOWING BARS IN THE CD (COMMERCIAL DOWNTOWN) ZONING DISTRICT AND IN THE C-2 (HIGHWAY COMMERCIAL) ZONING DISTRICT; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 7, 2005, the City of Tavares adopted the Land Development Regulations, specifying therein that liquor, beer and wine sales for on premise consumption was not permitted except when done in conjunction with a restaurant deriving at least fifty percent (50%) of its gross revenue from the sale of food and non-alcoholic beverages; and

WHEREAS, on October 17, 2012, City Council passed Ordinance 2012-26 that amended the Land Development Regulations to allow stand alone beer and wine bars in our CD (Commercial Downtown) District; and

WHEREAS, to be consistent with other local municipalities within Lake County, the City now desires to amend the Land Development Regulations to allow full service stand alone bars that also serve liquor as a permitted use in the CD (Commercial Downtown) and in the C-2 (Highway Commercial) zoning districts; and

WHEREAS, the City of Tavares has determined these changes are appropriate and in the best interest of the community; therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

That the City of Tavares Land Development Regulations be hereby amended as follows:

Section 1. Amendment to Table 8-2, Permitted and Special Uses with Associated Notes

Adding Bar as a permitted use within the CD (Commercial Downtown) and C-2 (Highway Commercial) Zoning Districts.

Private Clubs and Lodges, Community Centers, Civic and Social Organization facilities							(1)	P (11)	P	P	P	P	(1)
	RSF-A	**RSF-1**	**RMF-2**	**RMF-3**	**RMH-P**	**RMH-S**	**PD**	**MU**	**CD**	**C-1**	**C-2**	**I**	**PFD**
Parks, play grounds, recreational areas and recreational or community structures owned and maintained by any private non-profit or for-profit association							(1)		S	S	P	P	
Public Parks, Play grounds and Recreation Areas							(1)						P
General Cultural Uses							(1)	P (11)	P	P	P	P	P
Auditoriums, stadiums, arenas, and expositions							(1)				S	S	P
Health or Fitness uses							(1)	P (11)	P	P	P		
Family / General Entertainment uses							(1)		P	P	P	P	
BUSINESS AND COMMERCIAL USES													
Business and Professional office uses							(1)	P (11)	P	P	P	P	
Banks and Financial Institutions							(1)		P	P	P		
Grocery Stores							(1)				P		
Convenience Store (not including gas/fuel sales)							(1)	S (11)	P	P	P	P	
Convenience Store (including gas/fuel sales)							(1)				P	P	
Retail, General Business, or Personal Service							(1)	P (11)	P	P	P		
Retail, General Business, or Personal Service > 50K sq ft. – single use							(1)				P		
Personal Service or Specialty Shop with light retail							(1)	P (11)					
Retail plant nursery							(1)				P	P	
Medical/Dental/Optical Supplies Stores							(1)		P	P	P		
Medical and Dental/Optical Laboratories							(1)			S	P		
Restaurant / Food Service / Food Retail							(1) (20)	P (11) (20)	P (20)	P (20)	P (20)	P (20)	
Bar									P		P		
Bar-Wine and Beer									P		P		
Adult Entertainment Establishments												S (22)	
Child Care Centers	P (8)	P (8)	P (8)	P (8)	P (8)	P (8)	(1)	S (9)	S (9)	S (9)	S (9)		
Business and Technical Trade Schools							(1)		P	P	P	P	
Vocational and Industrial Trade Schools											S	P	
Animal hospital, veterinary clinic or animal boarding with boarding of							(1)			P	P	P	

animals in completely enclosed buildings.													
Pet Stores that may include retail, grooming services, and boarding of domestic animals									P (29)	P (29)	P (29)		
Laundromats/Dry Cleaning (self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners without drive-through pickup (no on-site processing, not self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners with drive-through pick-up (no on-site processing, not self service)							(1)			P	P		
Laundry/Dry Cleaners with on-site processing							(1)				P	P	
Automobile/Truck, boat, motorcycle, recreational vehicles sales & rental											S (12)	P (12)	
Automobile/Truck Parts Sales											P	P	
Automobile/Truck/Motorcycle/Boat repair & service											P (13)	P (13)	

(20) Restaurants that allow the consumption of alcoholic beverages on premises are classified for zoning purposes as "restaurants" provided the establishment holds a valid state alcoholic beverage license for such purpose and provided at least fifty percent (50%) of its gross revenue is derived from the sale of food and non alcoholic beverages.

Section 2. Severability and Conflicts

The provisions of this ordinance are severable and it is the intention of the City Council of Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 3. Effective Date

This Ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

PASSED AND ADOPTED this _____ day of _____, 2014 by the City Council of the City of Tavares, Florida.

_____
Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Second Reading: _____

ATTEST:

_____
Nancy A. Barnett, City Clerk

Approved as to form:

_____
Robert Q. Williams, City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 9 **FIRST READING**

SUBJECT TITLE: **Ordinance 2014-19**
Amendment to City's Code of Ordinances
Mobile Food Vendors

OBJECTIVE:

To consider text amendments to Chapter 10 of the City's Code of Ordinances providing for the revision of the regulations governing mobile food vendors within the City of Tavares.

SUMMARY:

On August 20, 2014, City Council received a request from local restaurant owners to reconsider our code regulations governing mobile food vendors. It was the opinion of these restaurant owners that mobile food vendors directly compete with restaurants without incurring the expenses required to maintain a brick and mortar establishment. Council directed staff to prepare an amending ordinance with options that would address this concern.

In summary, our existing code allows three types of mobile food vendors:

1. **Sidewalk Mobile Food Venders** (limited to commercial downtown only).

2. **Truck Venders** that travel our roads and may park for a maximum of 15 minutes to sell food (e.g. ice cream trucks, lunch wagons).

3. Mobile food venders that operate on **private property**. (Can only be on property that is commercially zoned for a restaurant. Must be self contained (not tied to electricity or water) and must be removed from the property between 9PM and 6AM.)

Through the Code of Ordinances, the City has the authority to allow or not allow all or some of these three types of mobile food vendors. Further, the City may modify the regulations governing these. Staff has drafted a proposed ordinance with five options. All of these options (1-5) would address the comments and concerns of the downtown restaurant owners with the options becoming more restrictive towards mobile food vendors. Regardless of the option chosen, mobile food vendors in possession of a valid annual license may continue to operate until the expiration of their license. At present there are two active licenses for mobile food vending within the city.
Staff views option 1 as the most easily enforceable and least restrictive option. (Options attached)

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2014-19 (Option 1).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

MOBILE FOOD VENDOR OPTIONS
ORDINANCE 2014-19

Option 1- No Sidewalk Vending

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

1. On private property with the written permission of the owner. If operating on private property, it must be on land bearing a zoning designation that allows a restaurant as a permitted use.
2. ~~On Public Sidewalks within the Commercial Downtown District, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".~~
3. Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes.

Option 2- No Sidewalk Vending
No Lunch/Ice Cream Trucks except in Residential Zones

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

1. On private property with the written permission of the owner. If operating on private property, it must be on land bearing a zoning designation that allows a restaurant as a permitted use.
2. ~~On Public Sidewalks within the Commercial Downtown District, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".~~
3. Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes and may only park in Residentially Zoned Districts.

Option 3-No Sidewalk Vendors or Lunch/Ice Cream Trucks within 500' of Existing Restaurants

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

1. On private property with the written permission of the owner. If operating on private property, it must be on land bearing a zoning designation that allows a restaurant as a permitted use.
2. On Public Sidewalks within the Commercial Downtown District with the condition that the vendor is located a minimum of 500' from a licensed restaurant, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".
3. Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes with the condition that the vendor is parked a minimum of 500' from a licensed restaurant.

Option 4 – No sidewalk vendors, Lunch/Ice Cream Trucks only in Residential Zones and only on Commercial Private Property with the exception of the Downtown

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

1. On private property with the written permission of the owner. If operating on private property, it must be on land bearing a zoning designation that allows a restaurant as a permitted use with the exception that Mobile Food vendors may not locate on private property within the Commercial Downtown District.
2. ~~On Public Sidewalks within the Commercial Downtown District, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".~~
3. Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes and may only park in Residentially Zoned Districts

Option 5- No sidewalk vendors, no lunch/ice cream trucks, no vendors on private property

Section 10-5-277. Standards for issuance.

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1. ~~On private property with the written permission of the owner. If operating on private property, it must be on land bearing a zoning designation that allows a restaurant as a permitted use.~~
2. ~~On Public Sidewalks within the Commercial Downtown District, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".~~

3. ~~Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes.~~

ORDINANCE 2014-19

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10.5, LICENSES AND BUSINESS REGULATIONS BY AMENDING ARTICLE VIII, REGULATIONS FOR TEMPORARY FOOD ESTABLISHMENTS AND MOBILE FOOD VENDORS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 7, 2008, the City of Tavares adopted Ordinance 2008-10, an ordinance that added Article VIII, Regulations for Temporary Food Establishments and Mobile Food Vendors, to Chapter 10.5 of the Code of Ordinances; and

WHEREAS, on August 20, 2008, the City of Tavares adopted Ordinance 2008-29, an ordinance that amended these regulations by adding restrictions to the sidewalk area that a mobile food vendor could occupy ; and

WHEREAS, on January 21, 2009, the City of Tavares adopted Ordinance 2008-44 that further amended these regulations by adding time and noise restrictions to mobile food vendors operating on private properties; and

WHEREAS, the City of Tavares now desires to amend the regulations pertaining to Mobile Food Vendors to insure that these vendors do not present unfair competition to the City's licensed and taxpaying restaurant owners; and

WHEREAS, the City of Tavares has proposed these changes and has determined that it is appropriate and in accordance with protecting the health, safety and welfare of the community; therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section 1. Text Amendment.

That the City of Tavares Code of Ordinances, Article VIII of Chapter 10.5 be amended as follows:

Sec. 10.5-260 -10.5-270. Reserved

ARTICLE VIII. TEMPORARY FOOD ESTABLISHMENTS AND MOBILE FOOD VENDORS

Section 10.5-271. Short Title

This article may be known and cited as the City of Tavares Temporary Food Establishment and Mobile Food Vendors Ordinance.

Section 10.5-272. Purpose

The purpose of this article is to establish licensing procedures and governing regulations for temporary food establishments and mobile food vending businesses operating within the City of Tavares.

Section 10.5-273. Definitions

For the purpose of this article, the following terms shall apply:

Food means all articles used for human consumption as food, drink, confectionery or condiments, whether simple, mixed or compound, and all substances or ingredients used in preparation thereof.

Food Service Establishment means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

Mobile Food Unit shall mean a vehicle mounted food service establishment, which is self-propelled, or otherwise designed to be movable from place to place, including but not limited to carts, mobile kitchens, hot dog carts, mobile trailers and lunch trucks. Mobile Food Units must comply with the standards specified by Chapter 5K-4.002 of the Florida Administrative Code and the U.S. Food and Drug Administrative 2001 Food Code as may be amended.

Mobile Food Vendor shall mean the owner or operator of a food service establishment from a mobile food unit. Persons selling fresh fruits, fresh vegetables from trucks, trailers or similar conveyances shall not be considered mobile food vendors.

Temporary Food Service Establishment shall mean a food service establishment that operates at a fixed location for a period of time in conjunction with a single special event for which a special events permit has been applied for and obtained from the City of Tavares including but not limited to fairs, shows, circuses, exhibitions, municipal celebrations, festivals and other similar events within a specifically defined area of the municipality for a specified period of time.

Public Ways shall mean all areas legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks and roadways but excluding any public property of the of the City, County, State or Federal Governments.

Public Sidewalks shall mean that portion of a Public Way that has been improved with concrete, brick pavers or other similar surface treatments and intended for pedestrian traffic. It shall not include the portion of the Public Way intended for vehicular traffic or parking spaces delineated for public vehicular parking.

Public Property shall mean all property, real and personal, belonging to the City, County, State or Federal Governments, excluding that which is used and /or intended for use by vehicular or pedestrian traffic and defined herein as a public way.

Section 10.5-274. Requirement for License

No person shall engage in the sale of food as a mobile food vendor without first obtaining a License as a Mobile Food Vendor from the City of Tavares.

A license tax in the amount of $100.00 for each Mobile Food Unit to be operated by the Mobile Food Vendor shall be payable prior to the issuance of a license.

Exemption: Temporary Food Service Establishments are not required to obtain this license.

Section 10.5-275. License Applications

Applications for mobile food vendor licenses shall be made at the Community Development office on a form furnished by the City. The application shall state the applicant's full name and residential address, the business name under which that applicant will be operating and the business address if applicable, a brief description of the food to be sold, the license or registration number of each vehicle from which sales will be made (if licensed to travel on public roads).

The applicant must also provide a copy of the appropriate health approval licenses from the State of Florida that may be required at the time of issuance of the license.

Section 10.5-276. Public Ways; Indemnification of City; Insurance.

Prior to the issuance of a license for mobile food vending on public ways, the applicant shall furnish the city with a signed statement that the licensee shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

The licensee shall furnish and maintain such public liability, food products liability, and property damage liability from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000.00 for bodily injury, property damage, or any

claims or injuries respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the license period without 45 days' written notice to the Director of Community Development at the address shown in the permit. The applicant shall provide proof of necessary insurance prior to receiving the license.

Option 1- No Sidewalk Vending

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

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2. ~~On Public Sidewalks within the Commercial Downtown District, with the exception that on sidewalks abutting the Lake County downtown campus, mobile vendors may only operate at locations specified in "Exhibit A".~~
3. Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes.

Mobile Food Vendors operating on private property must remove from the property all Mobile Food Units, vendor equipment and appurtenances of the vending operation between the hours of 9:00 P.M. and 6:00 A.M. During this time period, on-site storage of such units, equipment and appurtenances may be permitted within fully enclosed buildings provided the storage complies with the City of Tavares' Code of Ordinances and Land Development Regulations. This requirement does not apply to a Temporary Food Service Establishment as defined in this ordinance.

~~Mobile Food Vendors operating on public sidewalks must remove all Food Units, vendor equipment and appurtenances of the vending operation from public property between the hours of 9:00 P.M. and 6:00 A.M.. This requirement does not apply to a Temporary Food Service Establishment as defined in this ordinance.~~

The temporary storage of Mobile Food Units, equipment and appurtenances must be in accordance with the City of Tavares' Code of Ordinances and Land Development Regulations.

Mobile Food Units shall be self-contained and shall not be connected to the city water or sewer utilities and shall not utilize electrical power derived from a stationary, permanent power source.

Electrical power supplied to mobile food units and vending equipment shall be limited to portable generators with a maximum noise output rating not to exceed 70 decibels as confirmed by the manufacturer's specifications for that model of generator.

No onsite parking, seating areas, patios or other such improvements shall be made to private property associated with mobile food vending operations unless a site plan has been approved by the City of Tavares.

Issuance of a mobile food vendor license shall not entitle the licensee to conduct business exclusively at any specific location. ~~on any street or sidewalk. The City may restrict or prohibit mobile food vending from any specific location on any street or sidewalk at anytime.~~

Mobile Food Units shall be registered as required by State law and vendors shall not operate, move, park, stop or stand any mobile food unit on the city streets unless the vehicle is equipped as required by State law.

~~Mobile Food Vendors operating on City sidewalks shall not impede normal pedestrian traffic. A minimum of three (3) feet clearance for pedestrian use shall be maintained at all times.~~

~~A Mobile Food Unit shall not occupy an area greater than one hundred (100) square feet on a Public Sidewalk. Canopies, coolers, chairs or similar accessories shall be included in this area.~~

~~Vehicles used to tow Mobile Food Units shall only park on Main Street during the time needed to facilitate the transportation of the Mobile Food Unit.~~

Mobile Food Vendors shall not create or contribute to a potential safety or hazardous situation or condition on public or private property.

Mobile Food Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.

Mobile Food Units shall be equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a mobile food unit from a sales location, a mobile food vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one hundred foot (100') radius.

Option 2- No Sidewalk Vending
No Lunch/Ice Cream Trucks except in Residential Zones

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

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3 Mobile Food vendors operating self-propelled Mobile Food Units such as lunch wagons and ice-cream trucks may travel on public streets, but may only park in a public parking space for a period not to exceed 15 minutes and may only park in Residentially Zoned Districts..

Mobile Food Vendors operating on private property must remove from the property all Mobile Food Units, vendor equipment and appurtenances of the vending operation between the hours of 9:00 P.M. and 6:00 A.M. During this time period, on-site storage of such units, equipment and appurtenances may be permitted within fully enclosed buildings provided the storage complies with the City of Tavares' Code of Ordinances and Land Development Regulations. This requirement does not apply to a Temporary Food Service Establishment as defined in this ordinance.

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~~Vehicles used to tow Mobile Food Units shall only park on Main Street during the time needed to facilitate the transportation of the Mobile Food Unit.~~

Mobile Food Vendors shall not create or contribute to a potential safety or hazardous situation or condition on public or private property.

Mobile Food Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.

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Option 3- No Sidewalk Vendors or Lunch/Ice Cream Trucks within 500' of Existing Restaurants (Councilor's Smith's Suggestion)

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

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Mobile Food Vendors operating on private property must remove from the property all Mobile Food Units, vendor equipment and appurtenances of the vending operation between the hours of 9:00 P.M. and 6:00 A.M. During this time period, on-site storage of such units, equipment and appurtenances may be permitted within fully enclosed buildings provided the storage complies with the City of Tavares' Code of Ordinances and Land Development Regulations. This requirement does not apply to a Temporary Food Service Establishment as defined in this ordinance.

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The temporary storage of Mobile Food Units, equipment and appurtenances must be in accordance with the City of Tavares' Code of Ordinances and Land Development Regulations.

Mobile Food Units shall be self-contained and shall not be connected to the city water or sewer utilities and shall not utilize electrical power derived from a stationary, permanent power source.

Electrical power supplied to mobile food units and vending equipment shall be limited to portable generators with a maximum noise output rating not to exceed 70 decibels as confirmed by the manufacturer's specifications for that model of generator.

No onsite parking, seating areas, patios or other such improvements shall be made to private property associated with mobile food vending operations unless a site plan has been approved by the City of Tavares.

Issuance of a mobile food vendor license shall not entitle the licensee to conduct business exclusively at any specific location or on any street or sidewalk. The City may restrict or prohibit mobile food vending from any specific location on any street or sidewalk at anytime.

Mobile Food Units shall be registered as required by State law and vendors shall not operate, move, park, stop or stand any mobile food unit on the city streets unless the vehicle is equipped as required by State law.

Mobile Food Vendors operating on City sidewalks shall not impede normal pedestrian traffic. A minimum of three (3) feet clearance for pedestrian use shall be maintained at all times.

A Mobile Food Unit shall not occupy an area greater than one hundred (100) square feet on a Public Sidewalk. Canopies, coolers, chairs or similar accessories shall be included in this area.

Vehicles used to tow Mobile Food Units shall only park on Main Street during the time needed to facilitate the transportation of the Mobile Food Unit.

Mobile Food Vendors shall not create or contribute to a potential safety or hazardous situation or condition on public or private property.

Mobile Food Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.

Mobile Food Units shall be equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a mobile food unit from a sales location, a mobile food vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one hundred foot (100') radius.

Option 4 – No sidewalk vendors, Lunch/Ice Cream Trucks only in Residential Zones and only on Commercial Private Property with the exception of the Downtown

Section 10-5-277. Standards for issuance.

Mobile Food Vendors shall be allowed to operate at the following locations subject to compliance with regulations contained within this Article:

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Issuance of a mobile food vendor license shall not entitle the licensee to conduct business exclusively at any specific location. ~~on any street or sidewalk. The City may restrict or prohibit mobile food vending from any specific location on any street or sidewalk at anytime.~~

Mobile Food Units shall be registered as required by State law and vendors shall not operate, move, park, stop or stand any mobile food unit on the city streets unless the vehicle is equipped as required by State law.

~~Mobile Food Vendors operating on City sidewalks shall not impede normal pedestrian traffic. A minimum of three (3) feet clearance for pedestrian use shall be maintained at all times.~~

~~A Mobile Food Unit shall not occupy an area greater than one hundred (100) square feet on a Public Sidewalk. Canopies, coolers, chairs or similar accessories shall be included in this area.~~

~~Vehicles used to tow Mobile Food Units shall only park on Main Street during the time needed to facilitate the transportation of the Mobile Food Unit.~~

Mobile Food Vendors shall not create or contribute to a potential safety or hazardous situation or condition on public or private property.

Mobile Food Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.

Mobile Food Units shall be equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a mobile food unit from a sales location, a mobile food vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one hundred foot (100') radius.

Option 5- No sidewalk vendors, no lunch/ice cream trucks, no vendors on private property

Article V111 would be deleted from the Code of Ordinances

Section 10.5-278. Display of License

The Mobile Vendor must attach the License issued pursuant to this Article to the Mobile Food Unit, at a location conspicuous to the public at all times.

Section 10.5-279. Grounds for Revocation of License

The City Council may revoke a Mobile Vendors License for any of the following reasons:

1. The licensee or any of the licensee's agents or employees engages in any fraudulent, deceptive or unlawful business practice in connection with the licensee's business.
2. False statements on the license application.
3. Failure to comply with any State health or food vending regulations.

4. The licensee or any of the licensee's agents or employees violates any provision of this Article.
5. Revocation by any jurisdiction of any other business related license or permit held by licensee;
6. The licensee is convicted in any jurisdiction of any felony or crime of moral turpitude.
7. The licensee operates the mobile food unit in a manner that violates State and City traffic, parking, stopping and standing laws and ordinances or otherwise creates or contributes to a potential safety or hazardous situation or condition on public or private property.

Section 10.5-280. License Expiration

~~The license issued pursuant to this article will be valid for a period of one year from the date of issuance. A renewal may be issued using the procedures provided for in this article for the granting of a new license.~~

Mobile Food Vendors in possession of a valid license issued by the City of Tavares may continue to operate their business for a period of one year from the date of the issuance of their license provided they remain in compliance with the code regulations in effect at the time of the issuance of the license. The license is valid for a period of one year from the date of issuance. Upon expiration of the annual license, the Mobile Food Vendor may renew the license using the procedures provided for in this article for the granting of a new license. Any Mobile Food Vendor operating under a new or renewed license must comply with the regulations provided by the Tavares Code of Ordinances in effect at the time of issuance.

Section 2. Severability and Conflicts

The provisions of this ordinance are severable and it is the intention of the City Council of Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the decision of such court shall not impair any remaining provisions of this ordinance.

Section 3. Effective Date

This Ordinance shall take effect immediately upon its final adoption by the Tavares City Council.

PASSED AND ADOPTED this _____ day of _____, 2014 by the City Council of the City of Tavares, Florida.

_____

Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

_____
Nancy A. Barnett, City Clerk

Approved as to form:

_____
Robert Q. Williams, City Attorney

EXHIBIT A.
POTENTIAL MOBILE FOOD VENDOR SITES ADJACENT TO THE LAKE COUNTY GOVERNMENT DOWNTOWN CAMPUS

1.
The sidewalk on the south side of Main Street, east of the main entrance to the County Administration Building, in the vicinity of the bus stop.

2.
The sidewalk on the south side of Main Street immediately west of the County Administration Building on the decorative brick walking area near the U.S. Mail box and the Stop sign.

3.
The sidewalk on the southeast corner of Sinclair and Main Street in the area surrounding the large oak tree.

4.
The sidewalk on the southwest corner of Sinclair and Main Street.

5.
The sidewalk on the north side of Main Street between 416 W. Main Street and Pulsifer Avenue.

OPTION 3 Only

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 10
SUBJECT TITLE: Approval of Resolution 2014-26 – FDOT Grant Compliance for Tav-Lee Trail (City Nondiscrimination Policy and Plan)

OBJECTIVE:

To approve a resolution endorsing the City of Tavares' Nondiscrimination Policy and Plan.

SUMMARY:

Title VI of the Civil Rights Act of 1964, states that no person in the United States shall be excluded from participation in, denied benefits of, or be subjected to discrimination in any Federally funded program, policy or activity on the basis of race, color or national origin. Similarly, the Highway Act of 1973, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of sex, age, and disability.

As a local government, the City of Tavares has taken every effort to maintain an environment free of discriminatory practices. The formal adoption of a resolution that adopts a City Non-discrimination Policy and Plan is a requirement of the Tav-Lee Grant that is under FDOT consideration.

OPTIONS:

1. That Council makes a motion to approve Resolution 2014-26.
2. That Council makes a motion to deny Resolution 2014-26.

STAFF RECOMMENDATION:

Move to approve Resolution #2014-16.

FISCAL IMPACT:

TheTav-Lee grant is anticipated to be $659,000.00.

LEGAL SUFFICIENCY:

This report has been reviewed by the City Attorney and approved for legal sufficiency.

RESOLUTION 2014-26

A RESOLUTION OF THE CITY OF TAVARES, ADOPTING A NONDISCRIMINATION POLICY AND PLAN FOR THE CITY OF TAVARES.

WHEREAS, the Federal government enacted Title VI of the 1964 Civil Rights Act (Title VI) to prohibit discrimination on the basis of race, color, or national origin and to ensure that federal financial assistance to local governments is not used in connection with such discrimination; and

WHEREAS, the Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990 expanded earlier Civil Rights protection to include the equal treatment, equal access and equal rights and opportunities of all persons without regard to sex age or disability; and

WHEREAS, in compliance with Title VI, the City of Tavares wishes to adopt a Title VI nondiscrimination policy and plan consistent with the intent of the Federal Regulations and the Florida Department of Transportation; and

WHEREAS, in compliance with Title VI, the City of Tavares shall publish notice to the public regarding the adoption of its Title VI commitments;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA AS FOLLOWS:

Section 1. The City of Tavares Title VI Nondiscrimination Policy and Plan is adopted and attached hereto as Exhibit "A".

Section 2. The City of Tavares Title VI Nondiscrimination Policy and Plan shall be posted on the website of the City of Tavares and made available to all persons upon request in a reasonable amount of time by the Title VI Coordinator, the City

Clerk and/or other designated staff person.

Section 3. The City of Tavares shall adhere to the Florida Department of Transportation (FDOT) Nondiscrimination Policy and ensure that the FDOT Nondiscrimination Agreement Appendix A is included in all LAP contracts, subcontracts and other agreements. The FDOT Nondiscrimination Agreement Appendix A is attached hereto as Exhibit "B".

PASSED AND RESOLVED ___ day of _____, 2014, by the Tavares City Council.

_____

Robert Wolfe, Mayor
Tavares City Council

ATTEST

_____

Nancy Barnett, City Clerk

Approved as to form and legality:

_____

Robert Q. Williams, City Attorney

EXHIBIT A

CITY OF TAVARES
NONDISCRIMINATION POLICY AND PLAN

POLICY

The City of Tavares City Council and personnel recognize that as a local government entity, it does not exist separate from its residents. In order to continue to provide programs, activities and services of value to its residents, the local government must maintain a mission of careful consideration of the needs of its residents and a protection of the means by which the general public interacts with the local government free from discrimination. Thus the City of Tavares does not tolerate discrimination. Pursuant to Title VI of the Civil Right Act of 1964 and related laws and regulations, the City will not exclude from participation in or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, income or religion.

Instead, the City of Tavares will actively seek to embrace diversity and welcome input from all interested parties and harmoniously resolve any instances of grievances in pursuit of this effort.

Grievance Procedures

The City of Tavares has established this discrimination grievance procedure and will take reasonable action to investigate and eliminate discrimination when it is found in an effort to maintain the City's commitment to provide a nondiscriminatory environment and to meet the requirements of Title VI of the 1964 Civil Right Acts. The City of Tavares personnel related policy shall govern employment-related concerns. The City of Tavares Nondiscrimination grievance policy may be used by anyone who wished to file such a related discrimination based grievance.

The City of Tavares shall maintain a designated Title VI Coordinator at all times. The Title VI Coordinator shall be the Community Development Department Senior Planner. In the event of an extended absence of the Coordinator due to illness etc, the Title VI responsibilities shall be performed by the Human Resources Director.

The Title VI Coordinator shall have easy access to the City Administrator and is not required to obtain management or other approval to discuss discrimination issues with the City Administrator. However, should the complainant be unable or unwilling to communicate the grievance to the City staff or the City Administrator or if the complainant is dissatisfied with the City's handling of a complaint, the written complaint may be submitted directly to the U.S. Department of Justice (DOJ). DOJ will ensure that the matter is assigned to the correct Federal or State Authority for processing.

If a complainant wishes to convey a grievance to the Title VI Coordinator, to the extent possible, the compliant should be made in writing and contain information about the alleged discrimination such as name and phone number of the person making the complaint; name and phone numbers of any witnesses; and a narrative describing the alleged violation of Title VI, including the date and time of the alleged violation and the City program or facility where the alleged violation occurred; and any other documentation that may provide an additional explanation or identification of the alleged violation. Alternative means of filing complaints, such as personal interviews accompanied by witnesses and/or recordings of the complaint will be considered acceptable.

In order to be investigated, all complaints shall be filed no later than 180 days from the date of the alleged discrimination.

Within thirty (30) calendar days after receipt of the complaint, the Title VI Coordinator (Coordinator) will meet with the complainant to discuss the complaint and possible resolution.

Within thirty (30) calendar days of the meeting, the Coordinator will complete an investigation of the allegations and respond in writing to the person who filed the complaint. The response will explain the position of the City and offer options for substantive resolution of the complaint.

The person who filed the complaint may appeal Coordinator's proposed resolution if it does not satisfactorily resolve the issue. The Coordinator's resolution may be appealed to the City Administrator. This appeal should be made within thirty (30) days of receipt of the Coordinator's proposed resolution and the City Administrator shall have sixty days (60) in which to respond.

Retaliation

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City that persons filing a grievance of discrimination should have the right to do so without interference, intimidation, coercion or fear of reprisal. Anyone who feels they have been subjected to retaliation should report such incident to the Title VI Coordinator.

Exhibit B

TITLE VI/ NONDISCRIMINATION POLICY STATEMENT

The City of Tavares assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The City of Tavares further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.

2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.

3. Insert the clauses of Appendix A of this agreement in every contract subject to the Acts and the Regulations

4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.

5. Participate in training offered on Title VI and other nondiscrimination requirements.

6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.

7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated _____

by _____

Chief Executive Officer

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

(1.)**Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

(2.)**Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3.)**Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.

(4.)**Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation,* the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation*, the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

(5.)**Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
b. cancellation, termination or suspension of the contract, in whole or in part.

(6.)**Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation,* the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 1, 2014

AGENDA TAB NO. 11

SUBJECT TITLE: Stormwater improvement financial assistance request for backside of 212 East Main Street (Ruby Street Side)

OBJECTIVE:

To consider a request for financial assistance in addressing a storm water-runoff problem located at the backside (Ruby Street Side) of the Conner Building 212 East E. Main Street.

SUMMARY:

Attached is a request from Roddy Conner for financial assistance to address a stormwater problem located at his property. By way of background a similar request was made to Council April 21, 2010 and denied by a 4-1 vote (see attached minutes, agenda summary and back up information). This issue was also addressed by Council on August 16, 2006 in a 3-2 vote to "leave the area as is". A summary of the issue is as follows:

1. The Conner Building, which is located at the intersection of Main Street and Rockingham Street, wraps around O'Keefe's Irish Pub with frontage along Ruby Street, Main Street and Rockingham Street.
2. A grass swale area is situated between Ruby Street and the Conner building. This area collects water and during storm events and fills up to a point where it appears that water could leak under the back door of the building. No statements, evidence or photographs have been presented indicating that the water has ever leaked into the building.
3. Mr. Conner asserts that rain from the street and neighboring properties contribute to the ponding of the grassy area that is threatening to leak in his building through that back door, and thus the city has a responsibility to contribute to a fix of this grassy area. He has obtained a cost totaling $43,643 from his tenant's construction contractor (see attached).
4. The Engineer that designed the Ruby Street road improvements back in 2006 (Rob Ern from BESH Engineering) asserts that the city did not create the stormwater problem and that "a vast majority of the water is coming off adjacent properties, not the city road". He points out that the city put in place a "Miami curb and gutter" along Ruby Street to convey street water into the City stormwater system.
5. Informal observations during rain events indicate the following:

- Ruby Street Grill and O'Keeffe's water-runoff goes to Ruby Street and into the Miami curb and gutter system which is then conveyed to the city stormwater system.
- Ruby Street run-off goes to the Miami curb and gutter system and then conveyed to the City stormwater system.
- Buddy Atkins Tattoo/Ice Cream Shop building/property water-runoff goes to the grassy swale.
- Conner building/property water-run off goes to the grassy swale area.

6. Previously the building was rented to the State Of Florida which used it as probation and parole office building. It has been vacant for approximately two years except that for about three years a small ice-cream shop operated on the Ruby Street side through the door that is near the grassy swale area.
7. Recently, Mr. Conner's has rented the building out to Community Health Center (http://www.chcfl.org) a "*Comprehensive and affordable medical, pediatric, dental and pharmacy*" that is staffed by doctors, dentists and office personnel. They have demoed the interior of the building (valued at $23,000) and submitted a permit application to renovate the interior and exterior of the building valued at $1,000,000. This tenant has expressed concern to Mr. Conner regarding this grassy swale area and has met with City staff on the issue. They have hired a professional engineer to design a fix (David Clutts) and obtained a cost from their contractor to construct the fix (see attached). The fix appears to be a water retention wall between the Conner property and the Atkins property as well as a sump pump system in the grassy swale to convey the water from the grassy area to the Miami curb and gutter system.
8. The City will be upgrading the stormwater system for the city which calls for, among many things, the placement of a stormwater conveyance line under Ruby Street. Once this stormwater conveyance line is installed, any property owner along Ruby Street, including the Conner Building, could tap into the conveyance line to rid their stormwater. This project should commence in about one year and be completed in about two years subject to grants and financing.

OPTIONS:

1. Consider Mr. Conner's request to participate in the cost of addressing his stormwater concern.
2. Do not consider the request.

STAFF RECOMMENDATION:

That Council considers the request.

FISCAL IMPACT: No fiscal impact unless Council establishes an amount to contribute, which would come out of utility reserves.

LEGAL SUFFICIENCY: The City attorney offers counsel on the issue of stormwater responsibilities (see attached).

Conner Professional Building, LTD.
6036 Falconbridge Place
Mount Dora, FL 32757

September 23, 2014

John Drury
City of Tavares City Administrator
201 E. Main Street
Tavares, FL 32778

RE: Community Health Centers 212 E. Main Street, Tavares, Florida location

Dear John:

Community Health Centers, Inc. ("CHC") is a not-for-profit organization of Central Florida health centers that provides high quality, comprehensive and affordable medical, pediatric, dental and pharmacy care. CHC has nine Central Florida locations, and earlier this year CHC signed a long-term lease for its newest location in Tavares at 212 E. Main Street, which is property that I own.

CHC has already expended a substantial amount of time and resources related to the preparation of plans to retrofit the building at that location and a substantial amount of preconstruction demolition has been done. The building permit has been issued and is ready to be picked up. Unfortunately, however, the property where CHC intends to locate its clinic is being subjected to substantial runoff from adjacent properties.

The building's southern extension would not likely have been constructed below the level of surrounding grade when originally constructed. Over time the improvements to Ruby Street and adjacent properties have created a condition whereby runoff is trapped and now ponds along the southeastern and southerly walls of the building. There does not appear to be any easily identifiable reason for the condition as it exists but rather maybe over time seemingly harmless improvements and actions by other property owners and the City have contributed to the condition.

The south end of our site where it abuts Ruby Street is the lowest point in the immediately surrounding area. Any drainage runoff flowing south toward Ruby Street from nearby and adjacent sites that does not drain directly onto Ruby Street ends up accumulating between our building and the sidewalk along Ruby Street. I have been told that you've indicated to CHC's engineer that a long term solution to the flooding and ponding on the southern end of the building is viable and will be incorporated into the Ruby Street drainage improvements. I have been advised that this project won't be completed for the next eighteen to twenty-four

months. Our concern is that in the meantime, the flooding could continue and the substantial investment that CHC is making to improve the site will be impaired.

This is why CHC developed a plan utilizing an underdrain, a pump, and a pervious patio pavement system. These measures although interim in nature do come at a cost. The attached spread sheet was generated by CHC's contractor and the total cost for the interim measures proposed by its engineer is estimated at $43,643. Given the City's ownership of one of the adjacent parcels which is the source of flooding and its approval of the insufficient drainage plan for the other, I feel that it is reasonable to request that the City participate in funding these improvements.

CHC is planning to invest over $1,000,000 in this previously unoccupied building location, and it will create an immediate benefit to the City of Tavares and its residents. It will employ approximately 20 staff including several physicians, dentists and pharmacists. CHC is poised to make the move into Tavares, but won't move forward until this drainage issue is resolved. CHC and I are, in a way seeking a partnership with the City on this matter and I look forward to speaking with you regarding a possible solution.

Very truly yours,

Roger (Roddy) W. Conner III
General Partner

The motion to deny the ordinance passed 4 to 1 as follows:

Robert Wolfe	**Yes**
Lori Pfister	**Yes**
Robert Grenier	**Yes**
Sandy Gamble	**No**
Kirby Smith	**Yes**

Mayor Wolfe announced that a recess would be taken for five minutes.

The meeting was reconvened at 6:27 p.m.

Mayor Wolfe said that he had agreed to move Tab 7 before Tab 6 upon request by the property owner.

Tab 7) Roger Conner Property on Ruby Street

Mr. Neron noted that Councilmember Smith had discussed flooding problems on Ruby Street on property owned by Roger Conner currently leased to Dennis Winkle for use as an ice cream shop. Mr. Neron said he had provided the previous minutes and documents on this project to Council. He said the issue was discussed three times by City Council during the summer of 2006. He said the last action was to approve the option of taking no further action on this matter. Staff did not feel it would be appropriate to bring this up again however has responded to the request from Councilmember Smith and gathered the information for discussion. He noted there were some options presented in 2006 for some various activities to relieve the situation. He said Mr. Ern is present to answer questions.

Mr. Conner stated that he is the managing general partner of Conner Professional Building that owns the property directly across the street fronting on Main Street and on Ruby Street. He said the best way to proceed would be to show some recent footage of the property. Mr. Conner then showed a film of the property during a recent rain storm. He said there had never been a flooding or drainage issue at this property before the Ruby Street project. He said the sidewalks and the adjacent property owned by Mr. Atkins have created a constant flow of water which impedes Mr. Winkle's business.

Mr. Winkle noted the water is coming off Mr. Atkin's property but is also comes off the road. Mr. Winkle discussed the problems with having to close his business when it rains.

Mr. Conner said there had been three parking places in front of the property for the preceding 45 years that were lost when the beautification took place. He showed some pictures from 1985 of the front of the property. He said it is an issue because he has to do a parking count for the Department of Corrections (the tenant in the building) and those spaces have been lost so he has had to financially compensate in order to maintain the lease on the property which affects its value. He said Mr. O'Keefe can attest to the problem from the neighboring property). He also said Mr. Gene Smith would testify. He said Mr. Neron had written to him in July of 2009 and suggested that when the city got a grant at some point in the future there would hopefully be enough money to remedy this. He said that was an unacceptable solution.

Mayor Wolfe asked for comment from staff. Mr. Drury noted Council could vote to alleviate the problem at a cost of about $40,000 for a project to carry the water into the storm drainage system. He said this would mean cutting up O'Keefe's parking lot and putting in a pipe into the stormwater system and then repaving it. Stormwater Reserves could be used, however he added he wanted to make it clear that when it rains, as it did on the day that the film was made, the entire city floods because of the limitations of the city's stormwater system downtown.

Attorney Williams noted he had dealt with Mr. Conner for several years on this issue. He said there are three issues. #1)The issue about whether stormwater from the city streets or the city sidewalk is flowing onto Mr. Conner's property; #2) The issue that it seems clear from the film that Mr. Conner's neighbor is flooding him out as well which is a private property issue; Stormwater Reserves cannot be used to fix a private property problem; and #3) Although there were parking spaces up and down Ruby Street; they were somewhat on Mr. Conner's property but mostly on the city right of way. When the city improved Ruby Street and built the sidewalks, the City Council made a policy decision to take up that full right of way which eliminated the spaces in front of his building.

Councilmember Smith asked if the City did something in 2006 that created the problem.

Attorney Williams stated that some of the water was coming off the street and sidewalk.

Mr. Conner reiterated there had never been a problem until the sidewalk was constructed and the Ruby Street beautification was completed.

Discussion followed on the source of the flooding.

Mayor Wolfe asked if the water could be redirected without tearing up the street.

Mr. Drury asked the City engineer to comment.

Gene Smith said he had done a lot of work on the building and it had never had a water problem until the city built the street.

Rob Ern, BESH
Mr. Ern said the road was not reconstructed, raised or moved in 2006. He said a Miami curb and gutter section was added to the edge of the pavement to capture roadway run-off and convey it both to the east and to the west which has reduced the city's runoff. He noted that the letter of 2006 speaks to the issue of standing water. He said it appears in the video and from what he has personally witnessed, that the vast majority of the water is coming off of adjacent properties, not the city road. He said during any major storm event any curb and gutter system is going to overflow onto adjacent property. He said earlier in the week there had been well over a 300 year storm event—4.2 inches of rain in 30 minutes.He said a stormwater drainage system is designed around a 10 year storm event. He said the stormwater system in the downtown is undersized; it is old and was built when there was different development standards and a lot less impervious construction in the downtown.

Councilmember Smith asked if the water would recede quicker if the project was done. Mr. Ern said that it would. Councilmember Smith asked if this would effect the entire Ruby Street beautification or would it be removed and need to be started over again Mr. Ern said nothing would change other than adding an inlet in that low grass area outside Mr. Conner's building.

Vice Mayor Pfister asked for clarification on the city's responsibility. Mr. Ern said that prior to the job done in 2006 any water coming off the roadway flowed onto all the adjacent properties because there was no curb and gutter. He said he did not believe the city created the problem. Councilmember Pfister said it needed to be determined if it was the city's fault because it would be setting a precedent.

Councilmember Gamble said it sounded like what needed to be done first is that the adjacent property owners need to take care of their water dumping into Mr. Conner's area and then go from there to see how much is coming from the city streets and sidewalk.

Vice Mayor Pfister suggested a temporary bridge as a cheap solution.

Discussion followed regarding past businesses and occupants at the property.

Mayor Wolfe asked about the possibility of a wooden deck being built. Mr. Ern said the problem is the water coming across the adjacent mulched parking lot. He said he had stated previously there needed to be some sort of barrier at that place that will direct the water to the curb and gutter section. He said that until that is done even if something is added such as a deck there will still be water flowing across the property.

Councilmember Pfister commented that she did not think it made sense to spend $40,000 to tie into a system that is not working.

Mr. Drury said the city has done a stormwater study for the entire city and is applying for grants to fix the stormwater problem. He said within the next three to five years the city will receive the grants and the system will be fixed. He said if the pipe is installed it will be done to today's standards and it will go into an older system.

Vice Mayor Pfister said Attorney Williams has advised city funds should not be spent on a private issue. Mr. Drury said the Council would have to conclude that the city has contributed to the problem and needs to repair it. He added that the other issue is that Mr. Conner will need to also approach his neighbors regarding the runoff from their property.

Mayor Wolfe asked for comment from the audience.

Denise Laratta, Royal Harbor
Ms. Laratta said if Council is going to vote to spend city funds that first it should be determined where the problem is coming from and it appears that the video demonstrated that water is picking up mulch from the property next door and flowing it onto the property. She suggested the first step would be to alleviate that problem and if there is still a problem then to decide about spending city funds.

MOTION
Kirby Smith moved to approve $40,000 to alleviate and repair the problem [by building a catch basin] that was caused by the City's Ruby Street enhancement project, seconded by Sandy Gamble.

Councilmember Gamble stated that the motion should be amended that the adjacent property should be addressed first.

Mr. Drury noted that from a permitting perspective, the adjacent neighbors had not met the threshold for stormwater plans but from a legal perspective they are not permitted to flood Mr. Conner's property.

Councilmember Smith summarized his position in support of doing the stormwater repair on Mr. Conner's property.

The motion failed 4-1 as follows:

Robert Wolfe	**No**
Lori Pfister	**No**
Robert Grenier	**No**
Sandy Gamble	**No**
Kirby Smith	**Yes**

Tab 6) Ordinance #2010-06 – Ordinance #2010-06 – Amendment to Land Development Regulations – Dumpster Locations and Enclosures

Mr. Skutt stated the proposed ordinance is designed to allow some flexibility to the dumpster regulations but will still address aesthetics and health issues. At the current time several businesses do not comply with regulations. The ordinance provides an option of constructing enclosures with solid vinyl fencing that provides a similar degree of buffering that is more economical than masonry. He reviewed the highlights of the ordinance.

Mayor Wolfe asked if Council had questions or if there was comment from the audience.

MOTION
Lori Pfister moved to approve Option 1 to approve Ordinance #2010-06 as presented, seconded by Bob Grenier. The motion carried unanimously 5-0.

Tab 8) Consideration of Expanding Wooton Park Lighting

Mr. Neron stated that Vice Mayor Pfister had discussed the issue of the LED lighting at Wooton Park at a previous council meeting. Staff was directed to get a cost estimate to extend the LED lighting system. He noted an estimate had been provided of $185,000 to extend the lighting, $20,000 of which is for design and engineering. Currently the project contains $1.5 million set aside for the construction of the pavilion and at the there is an estimated reserve for contingencies of about $24,165 with several small change orders on the current construction contract still pending. The estimate cost for the expansion exceeds the current estimated reserve for contingency. Unless another funding system can be identified the new LED lighting system cannot currently be

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: APRIL 21, 2010

AGENDA ITEM NO: X, Tab 7

SUBJECT TITLE: Information on Property on Ruby Street owned by Roger Conner

OBJECTIVE:

To have City Council consider the attached information on property on Ruby Street owned by Roger Conner.

SUMMARY:

At the Council meeting of March 17, 2010, Councilman Kirby Smith discussed concerns of flooding problems on property on Ruby Street owned by Roger Conner and currently leased to Dennis Winkle for use as an ice cream shop.

Staff was asked to research this issue and bring back information to the Council.

After a review of City files, staff gathered the attached information for Council's review.

OPTIONS:

1. To review and discuss the issue and make a policy decision on this matter.

2. To review and discuss the issue and take no action.

STAFF RECOMMENDATION:

Staff recommends that the Council discusses this matter and makes a policy decision on how to proceed.

FISCAL IMPACT:

The fiscal impact will be contingent on the option selected by the City Council

LEGAL CONSIDERATIONS:

The City Attorney has reviewed the attached information.

CONNER PROPERTY INFORMATION
CITY COUNCIL MEETING – APRIL 21, 2010

1. CONNER LETTER TO NERON – AUGUST 3, 2009
2. NERON LETTER TO CONNER – JULY 30, 2009
3. ROB ERN EMAIL SUMMARY AND ATTACHMENTS – JULY 27, 2009
4. BARNETT EMAIL TO CONNER – AUGUST 18, 2006
5. COUNCIL AGENDA COVER SHEET AND MINUTES – AUGUST 16, 2006
6. COUNCIL VERBATIM MINUTES – AUGUST 16, 2006
7. COUNCIL MINUTES – AUGUST 2, 2006
8. ERN OPTION LETTER AND ATTACHMENTS – JULY 27, 2006
9. COUNCIL MINUTES – JULY 19, 2006

Conner Professional Building LTD
7919 Sloewood Drive
Mt. Dora, Florida 32757

August 3, 2009

Mr. Bill Neron
Director of Economic Development
City of Tavares
Tavares, Fl 32778

Re: 209 Ruby Street Parking and Drainage

Dear Bill:

Thanks for taking the time to respond to my request for assistance and direction regarding the flooding / drainage and parking issues. I have carefully reviewed your letter and the various attachments. To be sure the record is straight I want to add some insight and facts.

The issue at hand occurred when there was no City Administrator. Nancy Barnett became the principal communicator for the City and attempted to "act" in everyone's best interest but by her on admission she was simply the messenger. Mr. Heath Fredrick was a key player that in my estimation did a very poor job and certainly DID NOT correctly convey my thoughts, questions and suggestions. This issue was avoided and put off and was inherited by Mr. Drury. I had the occasion to meet Mr. Drury soon after he was hired. On December 11, 2006 I met Mr. Drury and Mr. Heath Fredrick on sight to discuss the loss of parking places and the drainage/flooding problems. Mr. Drury committed to do some research and assured me he would lead an effort to find a mutually agreeable solution to the parking and drainage problems. Furthermore, Mr. Drury asked me for a survey of the property and in my letter of December 12, 2006 I provided the requested survey. It is now 31 months later and I still have not received any communication as to how the City

intends to solve the ongoing parking and drainage /flooding problems. Various attempts last year and early this year to get a response from Heath Fredrick went unanswered and now the City no longer employs him. This issue keeps getting shuffled from one person or department to the next without any resolution. Case in point, the recent transfer of this matter from Chris Thomas to Brad Hayes. Bill, you are the first representative of the City that has followed through and expressed any willingness to try and find a solution.

I want to set the record straight concerning my communication with Heath Fredrick regarding the August 2006 Council Meetings. Contrary to what has been said, I DID NOT reject any proposal! I did ask Heath Fredrick to clarify the height of the proposed wall and inquired if a curb or step would suffice. I never received a response from Heath Fredrick. The next communication I received was the email from Nancy Barnett advising that the Council voted to leave the situation "as is". Please see the email chain between Nancy Barnett and myself included in your recent letter to me. Furthermore, when there was no further communication from Nancy Barnett or anyone else I wrote again to members of the Council on September 14, 2006 (I can provide copies if needed). I still have not received the courtesy of a response from anyone. This is classic "poor" or no customer service and no one being willing to own the responsibility. In the beginning everything was blamed on the fact that there was no City Administrator but even when a new City Administrator was hired there is still only avoidance and no attempt to resolve the problem.

Based on Farner Barley's letter of July 2006 the City knew the centerline of Ruby Street was higher than the floor level of my building. Furthermore, I can document that there was NEVER a flooding / drainage problem prior to the Ruby Street beautification project. The new sidewalk is one of the primary causes of the flooding and drainage problems. The adjacent property owner will testify to the fact that the

new sidewalk is the primary problem. Accordingly, why is there even a question about the City's responsibility to fix the problem? Looking for a grant to provide the funding to improve the storm water drainage is not an acceptable solution. I can assure you, if the tables were turned the City would not accept such a plan or proposal.

Bill, if you look back prior to the beautification project you will see that my property was the only property fronting on Ruby Street that ever had a sidewalk. For more than 50 years the sidewalk in front of my building and the walk thru to Main Street were vital to pedestrian traffic for access to the Post Office that was located in what is now O'Keefe's restaurant. By the way, does the City continue to place any value on the paved walk thru I own from Main Street to Ruby Street? It was vital in the 50's, 60's and 70's

When Dennis Winkler parked his ice cream trailer on my property NO FILL DIRT was used to level the trailer. Any dirt that was added came as a result of the City's installation of a new water line for the splash park. Dennis Winkler as well as Andrew O'Keeffe can verify this. The City is responsible for any added dirt and the attendant flooding problems. Do you want to see the pictures?

The flooding and drainage have been made much worse due to the fill and mulch added to the vacant property to the east owned by Atkins. I have been an observer of this area for more than 50 years and there was NEVER a drainage problem on my property prior to the Ruby Street beautification project and the addition of fill and mulch to the Atkins property. By the way, the new Ruby Street Grill has only made thing worse. The City keeps compounding the problem due to poor planning and then refuses to find and execute a plan to remedy the problem. Dennis Winkler and I have been observing and filming the water flow from The Ruby Street Grill and the vacant lot to the east and how it all

accumulates on my property. The City's engineer is right in that these two adjacent properties are a significant part of the drainage problem. Why should I be dealing with water from someone else?

Also, why doesn't the City do something about the crude barricade located on the City right of way on Ruby Street limiting access to the lot adjacent to The Ruby Street Grill? Furthermore, no one ever maintains the grass strip that encroaches on my property from the same vacant lot. Mr. Atkins tenants have actually demanded that my maintenance man cut the grass and maintain the mulched lot, and of course I refuse. This area doesn't add much to the "beautification" of Ruby Street.

The major issue I face at the moment is the pending renewal of the lease for the Department of Probation and Parole. The parking places the City extinguished were included in the count required to maintain the lease. I intend to hold the City responsible for the financial loss that my company will incur. The City's actions have definitely impaired the value of my property and negatively affected it's marketability and the pending lease renewal. By the way, my parking lot on St. Clair Abrams is part of the required parking. I realize it is rarely used by Probation and Parole and I don't complain or restrict the use of the parking lot to the adjacent property owners and visitors to downtown. I have been waiting for a long time to get this resolved. I think the City thought I would "just go away" but I won't. With the drainage / flooding now severely affecting my tenants and the loss of parking impeding the lease renewal I am being forced to press for a resolution.

I look forward to hearing from you. I keep hoping there is a way to find a mutually acceptable resolution to the problems at hand. Thanks for your willingness to try and help.

Conner Professional Building

Roger W. Conner III

July 30, 2009

Mr. Roddy Conner
7919 Sloewood Drive
Mount Dora, FL 32757

Dear Roddy:

This is in follow-up to our conversation last week regarding the storm water drainage and parking situation in front of your building (leased to Dennis Winkle for the ice cream shop) on Ruby Street between O'Keefe's restaurant and the Atkin's property which is adjacent to the Ruby Street Grill.

A review of City Council minutes shows that the Ruby Street drainage and parking situation was discussed by City Council at its regular meetings on July 19th, August 2nd, and August 16th, 2006 (copies of City Council minutes attached). The Council discussion at these meetings centered around four options contained in a letter from the City Engineer dated July 27, 2006 (letter attached).

After a review of the Council minutes, the last action taken by the Tavares City Council was on August 16, 2006 wherein the Council approved a motion by Council Member Robert Speaks to approve Option 1 in the City Engineer letter: "[Leave the area as-is currently, with a sidewalk adjacent to Ruby Street and a shallow swale and sod in front of the Conner Building.]"

Based on this action taken by Council, staff is not authorized to do anything further on this unless so directed by Council.

Staff is currently looking for grant funding to improve the storm water drainage system downtown and particularly along Ruby Street. When this project is funded, I am sure it would provide relief to your situation.

I have also been informed that Dennis may have place fill dirt in the retention swale area so that he had a level surface to park his ice cream trailer prior to moving into the building. If this is the case, this may be exacerbating this situation in that storm water cannot percolate through the fill in the retention area.

In the meantime, you might address some of the suggestions contained in Rob Ern's attached email dated July 27, 2009.

Sincerely,

Bill Neron
Director of Economic Development/Grants

Cc: John Drury
Bob Williams
Brad Hayes
Chris Thompson

From: Rob Ern [rern@besandh.com]
Sent: Monday, July 27, 2009 1:48 PM
To: Bill Neron
Subject: [Fwd: Connor Building, Ruby Street]
Attachments: Connor Building Letter.PDF; connor building sketch.PDF

see below and attached.

--------- Original Message --------
Subject: Connor Building, Ruby Street
Date: Mon, 20 Jul 2009 10:59:28 -0400
From: Rob Ern <rern@besandh.com>
To: Chris Thompson <cthompson@tavares.org>
CC: John Drury <jdrury@tavares.org>, Bob Williams <rqw@wssattorneys.com>

Chris:

Attached is a letter we did to the City back in 2006 regarding the improvements in front of Connor's building on Ruby Street. I have also attached a copy of the sketch showing the piping alternate mentioned in this letter.

To summarize the discussions from the past, before we did the Main/Ruby Street projects, there was limited, non-code parking (about 2 spaces) located in front of Connor's building. About 75% of the parking spaces were in the City r/w, they were substandard, and were in disrepair. During the course of that project, it was decided that those spaces would be removed, for a couple of reasons, not the least of which was that with the spaces present, there was absolutely no way to run a sidewalk along Ruby Street, as these spaces took up all of the r/w in this area.

It is also important to note that the finished floor of the Connor building is at a lower elevation than the centerline of Ruby Street in this area, so flooding has always been a concern/problem.

The parking spaces were removed, and a shallow swale was installed to capture any of the small amount of runoff coming to this area from the roof drains. A miami curb mountable curb was designed and installed in front of this building, so that the runoff from Ruby Street would be captured and conveyed westward towards the inlet by O'Keefe's. Theoretically, the only runoff which should enter this swale would be from the roof of Connor's building, or from the dirt parking areas of the buildings to the east (private property).

When the folks wanted to park the mobile ice cream shop in this area (again, in the r/w), they filled in the majority of this swale to that the trailer would be level. We had recommended to Heath that this not be allowed to happen, but it appears that it was.

I have looked at this area again, and the miami curb appears to be properly conveying all runoff from the roadway west as designed. It is apparent that the majority of the small swale that was constructed in front of the Connor building has been filled in, and never re-excavated after removal of the trailer.

There has been one major change in this area since we last revisited this issue, the construction of the Ruby Street Grille patio and related impervious. While it is not clear whether nor not this area contributes to the problem, it is possible.

Another important factor to note is the fact that the Connor building is lower than the property adjacent to the east. While this is a dirt parking area, it still produces runoff. Since the lowest point in this area is the Connor property, it appears on a site visit that runoff from the adjacent property is running onto Connor's property, instead of running to the south to the Ruby Street conveyance system. If improvements were to be made along this joint property line (small berm or curbing), by this property owner, to ensure that runoff from this adjacent property flows to the curbing on Ruby Street instead of to the west onto Connor's property, the situation would be much improved.

Unfortunately, Connor's property is a low point in this area, and even if all other adjacent runoff is kept from hitting his property, runoff from his own property will still tend to accumulate at the low point, which is in front of his building. This fact makes it all the more important that the swale in front of his building in the r/w be reconstructed to about 1' deeper than it presently is.

Ultimately, when Ruby Street is improved, it is suggested that provisions be made to capture runoff from Mr. Connor's property and convey it into whatever central system is provided at that time.

I hope this helps. Please let us know if you need anything further relating to this property.

--

Robert A. Ern, Jr., P.E., Principal
Booth, Ern, Straughan & Hiott, Inc.
(352) 343-8481 Phone
(352) 343-8495 Fax
rern@besandh.com
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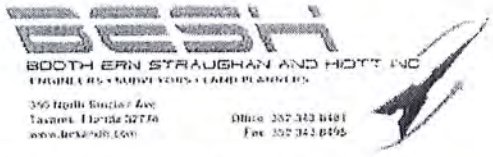

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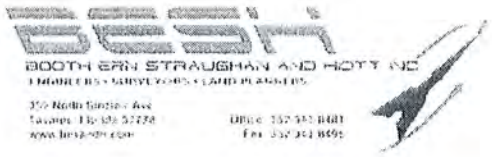

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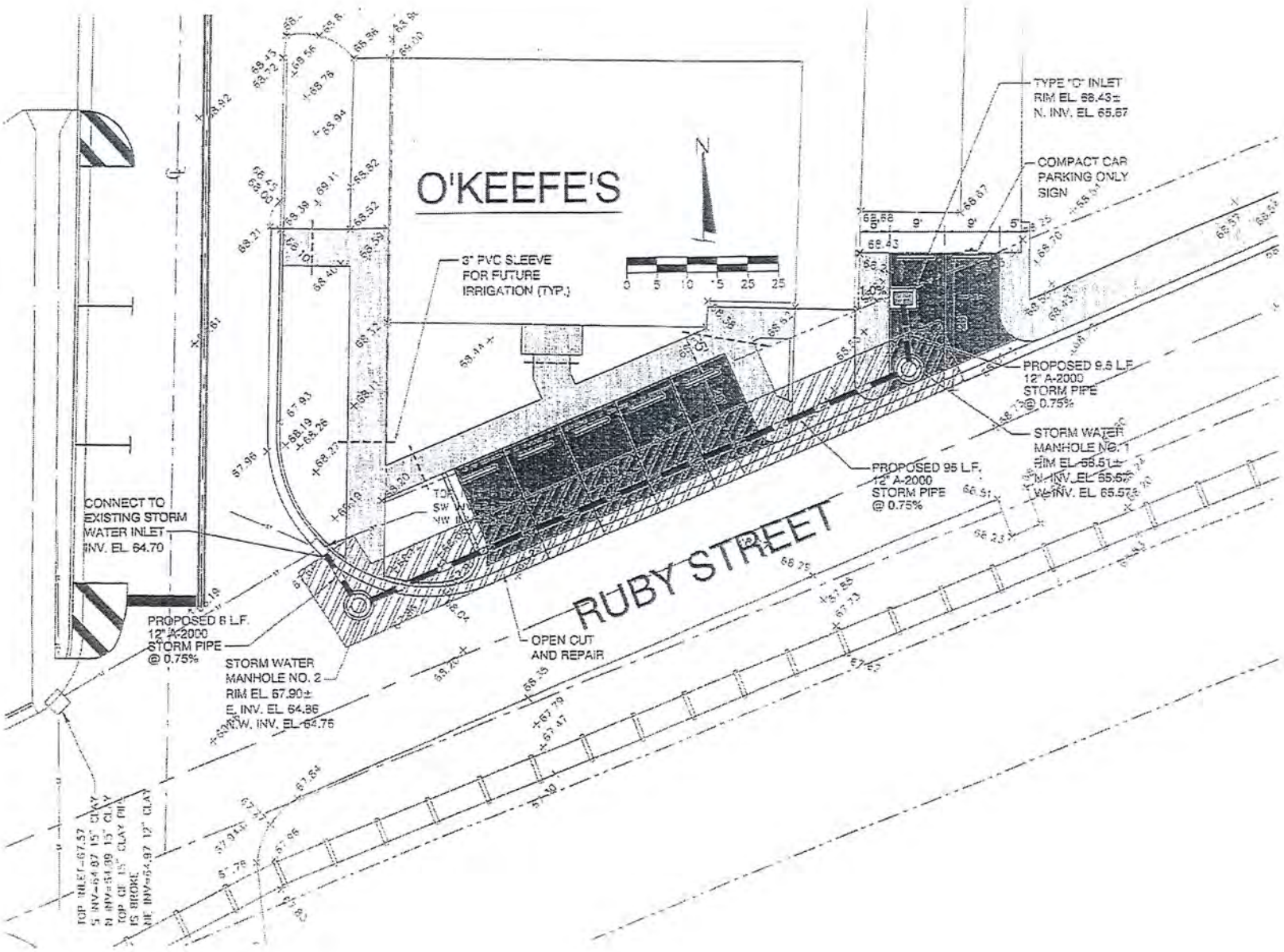

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From: Nancy Barnett
Sent: Friday, August 18, 2006 3:19 PM
To: 'Roger Conner III'
Cc: rqw@wssattorneys.com; (cluttsycreations@earthlink.net); Heath Frederick; Bob Speaks (Rspeaks@aol.com); Dennis Wilson (wilsondandc@earthlink.net); Hazelfinch@earthlink.net; nclutts1@earthlink.net; Rspeaks@access-bank.com; Sandy Gamble (E-mail 2)
Subject: RE: Parking

Mr. Conner,

Staff has done everything we were asked to do as directed by Council. If Council had directed us to continue exploring alternatives we would have done that as well. We were directed to specifically place this matter on the agenda for that meeting which we did, but we did not have time before that meeting to continue to explore more alternatives. They wanted your approval before they would consent to approve a design. Mr. Frederick understood from you that you did not want the wall because it would hinder access to your building. Adding a step to the wall impacts the size of the parking even more.

Adding a step in lieu of the wall is something else. I don't understand that scenario but certainly if we receive additional direction from Council on this we can re-look at it.

Neither of our engineers that have looked at these solutions have indicated that the step/wall configuration (option #6) would have been a solution for the water runoff.

Nancy Barnett, CMC
Interim City Administrator/
City Clerk, City of Tavares
PO Box 1068,
201 East Main Street
Tavares, FL 32778
(352) 253-4546
fax (352) 742-6351

-----Original Message-----
From: Roger Conner III [mailto:rconner@transland.com]
Sent: Friday, August 18, 2006 2:23 PM
To: Nancy Barnett
Subject: RE: Parking

Nancy:

I can hardly believe the City took this action. I merely asked Heath to see if a curb or step could be used in lieu of the proposed wall. I did not reject or disapprove the proposal but simply asked a question and Heath told me he would ask the engineer. I can't believe the City makes such decisions without fulfilling commitments or exploring other options. It is this kind of action that caused the problem in the first place. Does this mean we can't work this out leaving it to the Court and the Attorneys?

Roddy Conner

-----Original Message-----
From: Nancy Barnett [mailto:nbarnett@tavares.org]
Sent: Friday, August 18, 2006 2:07 PM
To: Roger Conner III
Cc: rqw@wssattorneys.com
Subject: RE: Parking

Mr. Conner,

We received direction on this matter Wed. evening.

Staff took back the original four options that had been suggested by our city engineer. In addition Council had been provided two other options:
one that did not receive approval by an engineer and the one that you had reviewed but would not approve.

Council voted 3-2 on a motion to approve the following option:

"Leave the areas as-is currently, with a sidewalk adjacent to Ruby Street and a shallow swale and sod in front of the Conner building."

Nancy Barnett, CMC
Interim City Administrator/
City Clerk, City of Tavares
PO Box 1068,
201 East Main Street
Tavares, FL 32778
(352) 253-4546
fax (352) 742-6351

-----Original Message-----
From: Roger Conner III [mailto:rconner@transland.com]
Sent: Tuesday, August 15, 2006 3:21 PM
To: Nancy Barnett
Subject: RE: Parking

Nancy:
Unfortunately I can't attend the meeting tomorrow. I will review the plans this evening and call or e-mail you tomorrow morning.

Thanks for your help and assistance.

Roddy
Roger ("Roddy") W. Conner III
President/CEO
TransLand Financial Services, Inc.
2701 Maitland Center Parkway, Suite 300
Maitland, FL 32751-7294

Direct Phone: 407-659-2500
Fax: 407-660-6097
rconner@transland.com

rconner@transland.com

-----Original Message-----
From: Nancy Barnett [mailto:nbarnett@tavares.org]
Sent: Tuesday, August 15, 2006 12:49 PM
To: Roger Conner III
Cc: nclutts1@earthlink.net; Heath Frederick
Subject: Parking

Mr. Conner,

Mr. Frederick left you a proposed plan for reconstructing two parking spaces at your property on Ruby Street for you to review, on Friday at the probation building per your instructions. Council's direction to staff was that you review and agree to the proposal. Your property issue is on the agenda tomorrow night. The meeting starts at 4:00. Currently you are under "Old Business" but I think the Mayor would agree to

bump you up if that were a concern, if you plan on attending.

If you're not going to attend, if you could send me an email stating that you agree to the proposed plan, that would be appreciated. If you want time to meet with Mr. Frederick on site please let us know that as well.

Thank you.

Nancy Barnett, CMC
Interim City Administrator/
City Clerk, City of Tavares
PO Box 1068,
201 East Main Street
Tavares, FL 32778
(352) 253-4546
fax (352) 742-6351

CITY OF TAVARES

AGENDA ITEM COVER SHEET

DATE: August 11, 2006 MEETING DATE: August 16, 2006

SUBJECT: Conner Building on Ruby Street

ISSUE: Request to Approve Engineering Contract to Design Parking Reconfiguration

ADVISORY BOARD/STAFF RECOMMENDATIONS:

BACKGROUND SUMMARY:

Council directed staff to restore two parking spaces at the Conner building at the meeting of August 2, 2006. The Gomez proposal which did not include engineering was $5,185.00. Staff was directed to have the proposal approved by the engineer.

Subsequently, staff has received an additional proposal from Griffey Engineering, Inc. to construct a 2' block wall along the front of the building allowing fill to be added in front of the wall so that the proposed parking spaces can slope toward the curb and gutter which would correct the current stormwater condition. This proposal will be signed and sealed by Mr. Don Griffey prior to construction.

It is possible that some of this work could be performed in-house reducing the cost of construction. This will depend on the final design specifications. Staff has contacted Mr. Conner with the goal of obtaining his approval of the proposed design before the next Council meeting.

FISCAL IMPACTS: $1,250

COUNCIL ACTION:

Reviewed by City Attorney _____Yes ___x___No

Reviewed by City Engineer _____ Yes __x____No

their property. Mr. Delamore noted the city saves money utilizing this service. Mr Abernathy inquired if the City of Eustis has looked into burn units. Mr. Delamore stated the start up for a burn unit can be extensive and encouraged anyone who is interested to contact Orange County for additional information. Mr. Abernathy noted the Florida Department of Environmental Regulations will be re-regulating the industry in the near future.

OLD BUSINESS

Conner Building – Parking Issue – Approval of Engineering Contract with Don Griffey

Ms. Barnett stated she had distributed a letter provided by the city engineer which staff had previously summarized in the cover sheet for the August 2, 2006 Council meeting. The letter detailed options to restore parking spaces at the Conner Building. Ms. Barnett stated Mr. Conner did not approve the parking design discussed during the August 2, 2006 City Council Meeting. Mr. Frederick stated Mr. Conner did not want a wall in front of his property and would like steps placed to extend to his door. Mr. Frederick noted that placing steps would necessitate the wall being moved and displacing the parking spaces out further and that he did not think this would be a viable option.

Councilmember Abernathy stated he had requested the Conner parking issue to be on the agenda and that he would be digressing in order to make a point. He noted that when he had been sworn into office that major plans were underway for the Lake Region property and for what is known as the Tavares Station development. He said he had asked each councilmember at that time if they knew about this project and that no one on Council acknowledged being aware of it. He said he had stated that the staff should make sure he was the most knowledgeable person and that he still expected that to happen.

Councilmember Abernathy stated that the other point he had made at that same meeting, was that he expected when he finished office that Tavares would be the friendliest town in this area. He added that he was in a unique situation , being retired, that he had no future political agenda, and was here to serve.

Councilmember Abernathy proceeded to discuss past issues he had observed regarding the Fire Department, past employees, and engineering issues.

Mayor Clutts stated that she wished to remind Councilmember Abernathy, that many of the issues had raised could not solved without a new City Administrator in place, and that any candidates for this position would be observing the City and the assets of the City in order to know what they can offer to the City. She said she did not think it would be a benefit to focus on past issues.

Councilmember Abernathy said he disagreed with Mayor Clutts. He then began to discuss a previous employee who had been terminated and a sewage problem that had occurred before the previous City Administrator had resigned.

Councilmember Speaks asked Councilmember Abernathy if his issues had anything to do with the Conner parking issue that was on the agenda.

Councilmember Abernathy responded that he wished to make a point that there may have been matters that had been covered up by staff who did not wish him to carry out investigations. He said he had heard serious things that had resulted in him going to the City Attorney and also the prosecuting attorney.

Councilmember Abernathy stated that at the August the 2nd Council Meeting a proposal was received for thirty four thousand dollars as well as an alternative solution of a little over five thousand dollars. He questioned the $34,000 proposal and stated that he thought Council had a decision to make.

Mayor Clutts noted that the lowest cost proposal presented at that meeting was not an engineered plan and that neither of the city engineers would certify it. She stated that an alternative plan had been presented [at the last Budget workshop] but it was not agreed to by the property owner.

Councilmember Abernathy asked Mayor Clutts if she was against putting the project out to bid.

Mayor Clutts said she was not opposed to that but that she thought the intention was to try to resolve the problem as soon as possible.

Mayor Clutts stated that she wished to recommend to table this issue until a date certain because she did not think an engineered solution was before Council and she did not know if there was a full majority to actively pursue the issue at this time.

Councilmember Abernathy stated he thought there were four alternatives that had been presented and if Mr. Conner had approved one of them, Council could have made a decision.

Councilmember Speaks stated he recommended going with option number one which was to leave it the way it is.

MOTION

Councilmember Speaks moved to accept option number one [Leave the areas as-is currently, with a sidewalk adjacent to Ruby Street and a shallow swale and sod in front of the Conner building.]

Mayor Clutts passed the gavel to Vice Mayor Gamble and seconded the motion.

Vice Mayor Gamble asked if there was further discussion.

Councilmember Abernathy stated he would be voting against the motion.

The motion passed 3:2 as follows:

Robert Speaks	Yes
Dennis Wilson	Yes
Nancy Clutts	Yes
Robert Abernathy	No
Sandy Gamble	No

Councilmember Abernathy noted that he wished to state for any reporters present that the discussion that had just been held could occur because of the sunshine law or without the sunshine law.

School Concurrency Discussion

Ms. Jackson provided copies of the most recent Interlocal Agreement Between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting and an Interlocal Concerns and Recommendations list. Ms. Jackson noted Council appointed Mayor Clutts as the city's representative to the School Concurrency meetings. Ms. Jackson stated the Interlocal Concerns and Recommendations list was originated from concerns during city planner's group meetings and includes the responses from a city attorneys group. Ms. Jackson stated a meeting is scheduled on August 23, 2006 at 6:30 p.m. (location to be determined) for a final vote on the interlocal agreement before submitting to the Department of Community Affairs.

Attorney Williams stated the interlocal agreement has not been finalized, and the Department of Community Affairs has just recently sent back substantive recommended changes. Mr. Williams noted the following information and highlights:

Conner Building Parking Issue
Abernathy Discussion – Verbatim

08-16-06 City Council Meeting

Mayor Clutts: Mr. Abernathy has something to ad.

Councilmember Abernathy stated he had requested the Conner parking issue to be on the agenda and that he would be digressing in order to make a point. He noted that when he had be sworn into office that major plans were underway for the Lake Region property and for what is now the Tavares Station development. He said he had asked each councilmember if they knew about this project and that no one on Council acknowledged being aware of it. He said he had stated that he the staff should make sure he was the most knowledgeable and that he still expected that to happen.

Councilmember Abernathy stated that the other point he had made at that same meeting, was that he expected when he finished office that Tavares would be the friendliest town in this area. He added that he was in a unique situation , being retired, and that he had no future political agenda, and was here to serve.

Councilmember Abernathy proceeded to discuss past issues he had observed regarding the Fire Department, past employees, and engineering issues.

Mayor Clutts stated that she wished to remind Councilmember Abernathy, that many of the issues had discussed could not solved without a new City Administrator in place, and that any candidates for this position would be observing the City and the assets of the City in order to know how they can provide a service. She said she did not think it would be a benefit to focus on past issues.

Councilmember Abernathy said he disagreed with Mayor Clutts. He then began to discuss a previous employee who had been terminated and a sewage problem that had occurred before the previous City Administrator had resigned..

Councilmember Speaks asked Councilmember Abernathy is his issues had anything to do with the Conner parking issue that was on the agenda.

Councilmember Abernathy responded that he wished to make a point that there may have been matters that had been covered up by previous staff who did not wish him to carry out investigations. He said he had heard serious things that had resulted in him going to the City Attorney and also the prosecuting attorney.

Councilmember Abernathy stated that at the August the 2nd Council Meeting a proposal was received for thirty four thousand dollars as well as an alternative solution of a little over five thousand dollars. He questioned the $34,000 proposal and stated that he thought Council had a decision to make.

Mayor Clutts noted that the lowest cost proposal presented at the August 2nd Council meeting was not an engineered plan which neither of the city engineers would certify. she noted an alternative plan had been presented [at the last Budget workshop] but it ws not agreed to by the property owner.

Councilmember Abernathy asked Mayor Clutts if she was against putting the project out to bid.

Mayor Clutts said she was not opposed to that but that the intention was to try to resolve the problem as soon as possible.

Mayor Clutts stated that she wished to recommend to table this issue until a date certain because she did not think an engineered solution was before Council and she did not know if there was a full majority to activity pursue the issue at this time.

Councilmember Abernathy stated he thought there were four alternatives that had been presented and if Mr. Conner had approved one of them. Council could have made a decision.

Councilmember Speaks stated he recommended going with option number one which was to leave it the way it is.

Mayor Clutts: I will entertain any further discussion from Council.

MOTION

Councilmember Speaks: I move that we accept option number one. [Leave the areas as-is currently, with a sidewalk adjacent to Ruby Street and a shallow swale and sod in front of the Conner building.]

Mayor Clutts passed the gavel to Vice Mayor Gamble and seconded the motion.

Vice Mayor Gamble asked if there was further discussion.

Councilmember Abernathy stated he would be voting against the motion.

The motion passed 3:2 as follows:

Robert Speaks	Yes
Dennis Wilson	Yes
Nancy Clutts	Yes
Robert Abernathy	No
Sandy Gamble	No

Councilmember Abernathy noted that he wished to state for any reporters present that the discussion that had just been held could occur because of the sunshine law or without the sunshine law.

linked; Mr. Fish stated the link will be provided. Mr. Fish noted the website will be officially launched when the logo is presented during the following month. Councilmember Speaks inquired if the Chamber would be providing a more active partnership in events; Mr. Fish confirmed.

Mayor Clutts noted that there has been discussion between Mr. Fish and members of the central Florida region to have Tavares become the focal point in a pilot documentary on the re-development of Tavares into a 'walkable' community.

Mr. Fish stated the Metropolitan Planning Organization will be facilitating a public input event with Council and Tavares citizens on a transit bus stop route. Mr. Fish stated Lake County has made a financial commitment to provide a fixed route spine service for mass transit. The initial spine corridor will run between Lady Lake through Tavares and into Eustis; the buses have already been ordered. Mr. Fish stated there will be a circular dedicated in Leesburg, and Golden Triangle possibly by mid-summer 2007. Tavares City Hall, government offices, and a couple of core downtown Tavares neighborhoods will be served in the initial spine service. Mr. Fish stated the goal is to have a bus route run every hour. Any additional service enhancement or expansion will be provided by the cities.

AUDIENCE TO BE HEARD

Mayor Clutts asked if anyone in the audience would like to address Council.

Ms. Loraine Stout, 1942 Golden Palms Circle, stated she received a notice in the mail regarding a hearing on Ordinance 2006-19 to be held on July 20, 2006 and August 2, 2006. Ms. Stout inquired when the ordinance will be heard by Council. Ms. Jackson stated the ordinance was continued and will be heard at the Planning and Zoning Board meeting on August 17, 2006 at 3:00 p.m. Ms. Jackson noted that there are notice requirements, and the ordinance will be re-noticed in the near future. Attorney Williams advised that the notice Ms. Stout presented was a notice before the hearing was continued during the Planning and Zoning Meeting.

OLD BUSINESS

Conner Building – Parking Issue

Ms. Barnett stated an additional parking option was provided to Council at the beginning of the meeting.

Mr. Frederick provided a power point presentation of an additional parking area proposal for

the Conner property. Mr. Frederick stated the existing sod and concrete could be removed; concrete would then be poured up to the door eliminating a two and one half inch lip. This will allow for a slope to be incorporated toward the curb to help eliminate the drainage issues and provide two paved parking spaces at a cost of $5,185.00. Discussion followed regarding previous parking that was utilized in front of the Connor building on the right-of-way. Attorney Williams stated that Mr. Conner will need to agree to the design because a portion of the improvement will be completed outside of the right-of-way and on his property. Mayor Clutts inquired if the city is responsible for fixing Mr. Connor's drainage issue, or if the city compounded or created any further drainage issues with the installation of the sidewalk and sod. Attorney Williams stated that the sidewalk installation provided by the city was legal, and that Mr. Connor's concern is primarily having parking spaces replaced. Mr. Frederick stated the plan has not been reviewed by an engineer. Mr. Williams stated there were drainage issues before the sod was placed in the right-of-way. Mayor Clutts noted that the downtown parking district is an exempt district which assists businesses because it is difficult to provide for parking when the site does not accommodate the usual parking requirements. Vice Mayor Gamble noted an instance recently when the city was considering removing public parking spaces on Main Street but had decided to keep the parking to help support the businesses in those areas.

MOTION

Robert Abernathy moved to accept the modification presented for the Conner building improvement, pending certification by the city's certified professional engineer.

Ms. Jackson suggested Council may wish to approve the concept, but have certified drawings approved by a certified engineer. Mr. Abernathy inquired if engineering services would be included in the dollars requested for the project presented to Council. Ms. Jackson stated it would be included in the city's continuing contract with the city engineer. Councilmember Speaks inquired about the current cost of concrete. Mr. Frederick stated it is approximately $130.00 per yard.

Sandy Gamble seconded with the stipulation that the proposal be presented and approved by Mr. Conner. The motion carried 4-1 as follows;

Nancy Clutts:	Yes
Sandy Gamble:	Yes
Dennis Wilson:	Yes
Robert Abernathy:	Yes
Robert Speaks:	No

FARNER BARLEY AND ASSOCIATES, INC.
ENGINEERS ▲ SURVEYORS ▲ PLANNERS

VIA HAND DELIVERY & FAX

July 27, 2006

Mr. Heath Frederick
CITY OF TAVARES
Post Office Box 1068
Tavares, Florida 32778

RE: **RUBY STREET, CONNOR BUILDING PARKING OPTIONS**
(FBA #881445.141)

Dear Heath:

As requested, we have received prices from Gomez Construction for the parking situation at the Connor Building on Ruby Street. Below I will outline the options and the costs associated with each option.

Option 1, Recommended Option

Leave the area as-is currently, with a sidewalk adjacent to Ruby Street and a shallow swale and sod in front of the Connor Building. As discussed previously, the parking that existed in front of this building was located within the City right-of-way, and did not meet any City standards for parking. The Main Street project results in a net increase of available parking for businesses located downtown. In addition, the building is located in the Downtown Parking District, which does not require parking specifically for this building.

Estimated Cost $0

Option 2, Construct New Paved Parking

Should the City desire to install parking at this location, this option is the only other option we would support, from an engineering standpoint. This option would call for the installation of two new paved parking spaces, as well as drainage improvements to correct the poor drainage in this area. Currently, the centerline of Ruby Street is located higher than the finished floor of the existing building. Due to this, runoff has the potential of running into the building. Evidence of this existing drainage problem is visible along the wall separating the Connor Building and the dumpster enclosure for O'Keefe's, where the wall is rotting from the standing water in this area. It is important to note that any new parking spaces in this location would be located within the City r/w. Due to space constraints, these spaces would also not meet City Code for size.

Estimated Cost $34,273.30 plus engineering (see attached cost from Gomez)

350 North Sinclair Avenue ♦ Tavares, Florida 32778
Phone: (352) 343-8481 ♦ Engineering Fax: (352) 343-8495 ♦ Survey Fax: (352) 343-5641
E-Mail: fba1@farnerbarner.com ♦ www.farnerbarley.com

Option 3, Remove Sod and Install Pavers

As requested, Gomez has provided a price (attached) for removing the current improvements and installing a street brick parking area on a sand setting bed for parking. It is important to note that this option does not address the current drainage constraints on the site, and as such, we would not recommend this option. If chosen, the City would be responsible for advising the Contractor and for liability arising from this option, as we would be unwilling to recommend approval of this option. As with Option 2 above, the parking spaces installed would not meet City code and would be located within the City r/w.

Estimated Cost $2,995.26 (see attached cost from Gomez)

Option 4, Concrete to Face of Building from Existing Roadway

As requested, Gomez has provided a price (attached) for removing the current improvements and installing new concrete paving from the existing edge of pavement to match the finished floor of the existing building. Currently, there is about 0.20' of fall from the finished floor of the building to the existing edge of pavement. This would allow for a slope of approximately 0.80% from the building floor to the road. However, it is important to note that this would remove the "lip" normally found between the interior finished floor of a building and the outside sidewalk elevation, which serves as a small barrier to water intrusion. Due to the drainage concerns, as with Option 3 above, we would not recommend this option either. If chosen, the City would be responsible for advising the Contractor and for liability arising from this option, as we would be unwilling to recommend approval of this option. As with Option 2 above, the parking spaces installed would not meet City code and would be located within the City r/w.

Estimated Cost $5,185.31 (see attached cost from Gomez)

We have outlined the four options presented to us as requested by the City of Tavares. Based upon our review of the options, we would recommend Option 1. Should the City desire to construct parking at this location, we would recommend Option 2 only, as it properly addresses the drainage concerns at this site.

Should you have any questions with regards to this matter, please do not hesitate to contact me at (352) 343-8481.

Sincerely,

FARNER, BARLEY & ASSOCIATES, INC.

Robert A. Ern, Jr., P.E.
Director of Engineering, Tavares Office
rern@farnerbarley.com

RAE\sd

Enclosure

cc: Nancy Barnett, City of Tavares (via fax, w/encl)
Larry Foor, Gomez Construction (via fax, w/encl)
Bob Borginis, FBA (w/encl)

H:\stacey\WordPerfect\City of Tavares\Main St & Ruby St Imps\Change Order\No 4.wpd

GOMEZ
Construction Company

July24, 2006

Farner Barley and Associates, Inc.
350 North Sinclair Avenue
Tavares, Florida 32778

Attn: Robert P. Borginis

Ref: Tavares Downtown Streetscape Project
Change Order Four

Dear Bob,

Attached is the Change Order Proposal for the additional work requested by the City for the Parking and Drainage System for the Conner Building on Ruby Street. The pricing is based on the 90% sketch provided 7/19/2006.

Please review and forward to the City for approval. Contact me if you have any questions.

Sincerely,
Gomez construction Company

Larry J. Foor
Project Manager

ACCEPTANCE OF CHANGE ORDER
You are authorized to proceed with the additional work.

_____
Signature

_____
Printed Name Title

_____
Date

cc. Robert A. Ern Jr., P.E.
Robert E. Lacey

750 Jackson Ave, Winter Park, FL 32789 Ph: (407) 628-4353 Fax: (407) 645-2499

Tavares Main Street Streetscape
Change Proposal Number 4-1.0

24-Jul-2006

Parking and Drainage Pipe for Conner
Building on Ruby Street

Additional time required 5 calendar days

GOMEZ
Construction Company

Gomez Construction Company
750 Jackson Avenue
Winter Park, Florida 32789
407-628-4353 phone
407-645-2499 fax

Item	Description	QTY	Unit	Unit Cost	Total Cost
	DEMOLITION				
5	Remove Exist Sidewalk	45	SY	$ 8.92	$ 401.40
6	Remove Exist Curb	134	l.f.	$ 3.35	$ 448.90
7	Remove Exist pavement & Base	17	CY	$25.65	$ 436.05
	ROADWAY				
1	2" Type III Asphalt	98	SY	$13.38	$ 1,311.24
5	Type F Curb	38	l.f.	$5.00	$ 190.00
7	Valley Gutter	98	l.f.	$19.96	$ 1,956.08
8	8" Limerock Primed	98	SY	$25.65	$ 2,513.70
9	12" Stabilized Subgrade	98	SY	$11.15	$ 1,092.70
10	4" Concrete sidewalk	28	SY	$35.94	$ 1,006.32
11	6' Concrete Driveway apron	10	SY	$44.24	$ 442.40
12	Concrete Handicap Ramp	1	Ea.	$589.84	$ 589.84
17	Maintenance of Traffic	1	LS	$750.00	$ 750.00
	STORM SYSTEM				
1	Type C Inlet	1	Ea.	$ 4,460.00	$ 4,460.00
4	4' Manhole	2	EA.	$ 4,592.00	$ 9,184.00
5	12" A-2000 Pipe	112.5	l.f.	$ 62.44	$ 7,024.50
	Connect to existing structure	1	Ea.	$ 875.00	$ 875.00
	MISCELLANEOUS				
2	Geotechnical Testing	1	LS	$ 280.00	$ 280.00
3	Construction Layout	1	LS	$ 510.00	$ 510.00
	PAVEMENT MARKING & SIGNAGE				
1	6" White Stripe	24	l.f.	$ 0.67	$ 16.08
1.1	Temporary Stripes	1	LS	$ 50.00	$ 50.00
5	Compact Car Sign	1	Ea.	$ 150.53	$ 150.53
6	Concrete Wheel Stops	2	Ea.	$ 39.03	$ 78.06
	SUBTOTAL				$ 33,766.80
	Bond @ 1.5%				$ 506.50
	CHANGE ORDER FOUR TOTAL				$ 34,273.30

Rob Ern

From: Larry Foor [lfoor@gomezconstruction.com]
Sent: Thursday, July 27, 2006 10:23 AM
To: 'Rob Ern'; 'Robert Borginis'
Cc: 'Robert Lacey'
Subject: Modifications at Conner Building

Robert,
Per your conversation with Sterling, we can complete the additional work as follows:

A. Remove sod and place street brick on a sand setting bed (340 s.f.) Lump Sum = $2,995.26

B. Remove sod and existing concrete to the building face and eliminate the step at the doorway allowing runoff to flow to
the existing curb, (424sf of concrete demo and 952 sf of 6" concrete). Lump Sum = $5,185.31

Let me know how to proceed and I will prepare a formal Change Order Request per your direction.

Thanks, Larry

radio community for health and welfare traffic, and the ability to listen to the National Hurricane Center. Antennae replacement and improvements were completed in-house by the General Services Department in one day. The Sheriff's Office will continue provide dispatching services for the city.

- Weather System - The weather system has been upgraded with new software to track storms.

- Emergency Operations Center – The Emergency Operations Center (EOC') has historically been located in conference room three, City Hall. The EOC will become more of a meeting room for policy decisions, and the operation control of rescue and/or emergency response will occur within the Police Department.

- Emergency Management Plan – The Emergency Management Plan will be reviewed and upgraded by all of the departments to address hurricanes and weather, pandemics, social unrests, and workplace safety.

Vice Mayor Gamble inquired if the city is ready for this years' hurricane season; Chief Lubins confirmed. Ms. Barnett noted the city is also communicating with Lake County Emergency Operations.

Vice Mayor Gamble asked if the new City Hall generator is up and running and trial tests have been completed; Chief Lubins confirmed and noted the generator has the ability to handle the electrical load of City Hall in its entirety; the previous generator could only power a few sections.

Roger Conner Property Discussion

Ms. Barnett stated sidewalks have been added along Ruby Street as part of the Streetscape Project. The new sidewalk covers the right-of-way in front of a building located at 209 Ruby Street, owned by Roger Conner. Ms. Barnett noted all of the business owners were contacted and a public hearing was held prior to the beginning of the project. She said Mr. Conner was included on the list of those who were contacted for the meeting.

Ms. Jackson provided a PowerPoint presentation including a depiction of the Ruby Street Streetscape and parking areas that were included in the project. Ms. Jackson stated the building at 209 Ruby Street, in the past, has utilized the public right-of-way as a grass parking area. The streetscape project was designed to provide paved public parking for all of the buildings and public sidewalks for safe pedestrian traffic. The City offered to provide additional paved parking (with a handicap space) in a large dirt area shared by three separate

owners on Ruby Street; two of the owners agreed, and one did not agree. Due to a lack of consensus, this additional paved parking area was dropped to keep the project moving forward. An overview of all of the available parking areas along Ruby Street was provided. Ms. Jackson stated the road is higher than the building at 209 Ruby Street creating a drainage issue. One wall shows rotting due to standing water that pools after a rain; paving will create additional drainage issues due to the lack of an impervious surface. Water would need to be piped to a manhole which is costly. The project construction has been completed. The owner has planted grass with the intent to add a small swale to help with drainage and runoff. Parking would have to be placed in the right-of-way, with room for two paved spaces instead of the three spaces that were utilized on the previous grassy area. Staff recommends leaving the right-of-way area with the grass and swale system and for staff to pursue continued discussions on the additional parking area with the three property owners and bringing back cost estimates for paving the large dirt area for Council's consideration. Ms. Jackson noted there is also public parking available at Wooton Park. Ms. Jackson stated that to provide the two spaces and adequate drainage at 209 Ruby Street it is estimated to cost between $30,000 to $50,000. Vice Mayor Gamble asked if Mr. Conner is one of the owners of the proposed parking area. Ms. Jackson answered in the negative, noting thatMr. Belton, Mr. Magrone, and Mr. Atkins were the listed owners. Mr. Gamble inquired about parking spaces at O'Keefe's. Ms. Jackson stated the parking spaces at O'Keefe's have always been located there and would be available to Mr. Conner. Attorney Williams noted Mr. Conner's building is a zero lot line building.

Vice Mayor Gamble inquired about the parking for the residents of the Lake Building. Ms. Jackson stated those are all public parking spaces and public sidewalks. She noted staff is researching to ensure a liability waiver has been executed by the property owner since the public parking and sidewalks are located within private property.

Councilmember Abernathy noted his support for restoring the public parking spaces in front of Mr. Conner's building.

Ms. Barnett noted the address has not had a current occupational license since 2003, and the business listed on the door had not submitted for a license. Ms. Jackson stated the property is located within the downtown parking district and is not required to provide parking. Attorney Williams noted there may not be room to restore the parking and keep the installed sidewalk. Ms. Jackson noted the normal parking space size is twenty feet deep. The sidewalk would have to be removed. Attorney Williams noted the property has its own small sidewalk up against the building.

Consensus for staff to bring back a change order from Gomez Construction to restore public parking spaces in front of 209 Ruby Street for Council's consideration.

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TAVARES
America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 12
SUBJECT TITLE: Special Event Permit-YMCA Turkey Trot 5k Event
Request to Waive the $250 Special Event Fee

OBJECTIVE:
To consider a request from the YMCA to waive the special event fee for their Turkey Trot 5k event.

SUMMARY:
Staff has received a Special Event application from the Golden Triangle YMCA for a 5k run to be held on November 27th, 2014. No city services, staff or equipment is being requested. The application has been approved and the permit may be issued. The permit fee for special events outside our Downtown Entertainment District is $250. Ms. Kristi Kay, Wellness Director of the YMCA, has requested that this fee be waived. Proceeds from the event will be dispersed back to the YMCA's Financial Assistance Program.

Last year, the YMCA held a similar event and City Council granted a waiver of this fee. The city's Special Event Ordinance grants a waiver of the special event application fee of $250.00 for activities held on school or church property. (If city services are required, however, the organization is charged for the services.)

If so directed, staff could draft an amendment to the Special Event Ordinance that would expand the exemption of the $250.00 application fee to include all non-profit organizations holding events on their property. The City Administrator has the authority to grant road closures. It such an amendment was adopted, future requests of this nature, **where no city services are needed,** could be handled at the staff level without the necessity to obtain Council approval.

OPTIONS:
1. That City Council moves to waive the permit fee for the YMCA Turkey Trot Event.
2. That City Council moves to waive the permit fee for the YMCA Turkey Trot and directs staff to draft an amendment to the Special Event Ordinance that exempts all non-profit organizations.
2. That City Council moves to deny the requested fee waiver.

STAFF RECOMMENDATION:
Staff recommends Option 2-that City Council moves to approve the requested fee waiver for the YMCA's 5k special event and directs staff to draft an amendment to the Special Events Ordinance that exempts all non-profit organizations.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:
Approved for legal sufficiency.

August 18, 2014

Jacques Skutt
City of Tavares
Community Development Director
201 E. Main Street
Tavares, FL 32778

Dear Mr. Skutt

The intent of this letter is to request the $250 fee be waived for our event scheduled on November 27th. This second year event, Turkey Trot 5K, takes place on Thanksgiving Day at 8:00am and is expected to be complete by 10:00am.

The YMCA's goal is to build upon the success of this unique run and truly create another signature event for the city of Tavares. We anticipate 300 runners and expect it to grow. The Y is committed to provide a quality experience for all participants and has incurred sizeable start-up expenses.

The volunteers involved with this event will be grateful if the City of Tavares sees fit to waive this fee. All proceeds of our Turkey Trot will be dispersed directly back to our citizens through our Financial Assistance Program.

Sincerely,

Kristi Kay
Wellness Director

Golden Triangle YMCA • 1465 David Walker Drive • Tavares, FL 32778
352-343-1144 • 352-742-2101 fax • www.centralfloridaymca.org

Mission Statement

The purpose of this Association is to improve lives of all in Central Florida by connecting individuals, families and communities with opportunities based on Christian values that strengthen Spirit, Mind and Body.

TAVARES
America's Seaplane City

RECEIVED
SEP 09 2014

SPECIAL EVENT
PERMIT APPLICATION

RECEIVED
AUG 19 2014
BY

City of Tavares
201 E. Main Street, Tavares, FL 32778
Phone: (352) 742-6213 Fax: (352) 742-6087

Date Received _____ **Permit Number** 14-982

Use this form for any event where the anticipated attendance exceeds 300 people per day.
Examples of Special Events include, but are not limited to: Parades, Festivals, Carnivals, Runs/Races/Walks, Art Shows, Concerts, Special Musical Presentations, Street Dances, Photography Shoots, Contests/Competition/Sporting Events and Fireworks Displays.

Completed application with all necessary attachments is required thirty (30) days prior to the actual event. For information call (352) 742-6213.

Organization: Golden Triangle YMCA Name/Nature of Event: YMCA Turkey Trot

Event Category (See attached City Event Policy). Circle appropriate event category:

(1) City Organized (2) Full City Supported (3) Limited City Supported (4) Non-City Supported

Webpage: YMCA TurkeyTrot.com

Location of event (Attach Site Plan): 1465 David Walker Rd Tavares FL 32778

Description of Event (Attach a Detailed Event Schedule): This is an event held on Thanksgiving Day @ 8AM. It is an organized fun, walk/run for families to participate together. It is 3.1 miles in distance and all fitness levels are welcome!

	Set-Up Time	Actual Event Times	Take Down Time
Date: Nov. 27th, 2014	5AM to 7AM	8AM to 10AM	10AM to noon
Date: _____	_____ to _____	_____ to _____	_____ to _____
Date: _____	_____ to _____	_____ to _____	_____ to _____

Has this event been held in the past? Yes If so, when was the last event? Thanksgiving Day 2013

Individual Contact for Activity/Event: Kristi Kay Email Address: KKay@CFYMCA.org

Cell Phone: 352-602-0604 Office Phone 352-343-1144 Fax: _____

Address: 1465 David Walker Rd. Tavares, FL 32778

Major Sponsor(s): TBA Promoter(s): Greater Events / Tom Mullen

Cell Phone or Contact #: 352-356-8594 Email Address: *(If different from "Individual Contact")* tom@greaterevents.com

Items 1-3 marked yes require City Council approval.

	Yes	No
1. **Crowd:** Is anticipated crowd size 2,000 or more? Actual anticipated number: 300	☐	☑
2. **Streets/Traffic**: Will any street(s) or sidewalk(s) be closed? (If yes, provide location on site plan.) Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with City of Tavares Police Department, Department of Transportation and Emergency Services review and approval.	☐	☑
3. **Noise:** Will there be amplified music or entertainment? If yes, please attach type(s) of entertainment and time(s) of performance(s). Indicate stage location(s) on site plan.	☑	☐
4. **Fireworks:** Is this a public _____ or private _____ display? Applicant must comply with State Law F.S. 791: and NFPA 1123 and obtain any applicable Lake County permit.	☐	☑
5. **Banners, Signs, etc**.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance.	☐	☑
6. **Alcoholic Beverages:** Will alcoholic beverages be sold _____ or consumed _____ on the premises? (If yes, please check one or both.) A copy of the Florida Beverages Commission permit is required at the time of application and prior to event approval. Permit Holder: _____ Division of Alcoholic Beverages and Tobacco: (407) 245-0785.	☐	☑
7. **Security:** Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: LCSD	☑	☐
8. **Private Property:** Does the applicant own the property where the event is to be held? If not, please attach a letter of permission from the property owner.	☑	☐
9. **Public Safety:** Will Police and Emergency Services Personnel be requested? (Based on responses to questions, certain Public Safety personnel may be required i.e., Police, First aid, Paramedics, emergency services, fire, etc.) Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety personnel staff necessary to assist with the event.	☐	☑
10. **Tents/Canopies:** Will tents or canopies be used? If yes, indicate on site plan the tent size, location and type of surface on which the tent(s) will be installed and intended use of each tent.	☐	☑
11. **Air Conditioning Units/Power Generators:** Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? If yes, indicate location of equipment on site plan.	☐	☑
12. **Food/Cooking:** Will food be cooked _____ catered _____ on-site during this event? Indicate on site plan the location of vendors and cooking equipment to be used. (Appropriately rated fire extinguishers required.) The applicant is responsible for obtaining required food permits from the Florida Department of Business and Professional Regulation-Division of Hotel and Restaurant Management- 850-787-1395.	☐	☑

	Yes	No
13. **Sanitary Facilities:** Will temporary sanitary facilities be provided? If yes, indicate location on site plan.	☐	☑
14. **Trash:** Will additional refuse containers/dumpsters be provided?	☑	☐
15. **Insurance Requirement:** (Events on City property or City co-sponsored). Please provide the City of Tavares with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured.		
16. **Request for Use of City Services, Staff or Equipment:** Will you be requesting the use of any City services, assistance from any City staff, or use of any City owned equipment? Please note that this request must be approved by the City Administrator and the applicant may incur a cost for the use of these.	☐	☑

Indicate your needs by checking the appropriate box.

- ☐ Trash Pickup $85/hr
- ☐ Trash Containers $10/day/each
- ☐ Stage (4'x8') $95/day
- ☐ First Aid Station $30/hr
- ☐ Police/Security $30/hr (6 hour minimum)
- ☐ Generator $50/day
- ☐ Light Tower $100/day
- ☐ Custodial (Restroom Cleaning) $30/hr
- ☐ Bleachers $600/day/each
- ☐ Fencing/Barricades $30.00 per 8 linear feet/day
- ☐ Port-a-Let (Regular) $85.00/day/each
- ☐ Port-a-Let (Handicap) $150.00/day/each
- ☐ Wash Station $75.00/day/each
- ☐ Other

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED, IF CONDITIONS HAVE CHANGED, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY ADMINISTRATOR AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend and hold harmless, the City of Tavares, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

Signature of Applicant _____ Date 8/8/14

Comments: _____

City Administrator _____ Date _____

Comments: _____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/13/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Faila Sershon
Provinsure 9700 International Dr Orlando FL 32819	PHONE (A/C, No, Ext): (407) 370-0776 FAX (A/C, No): (407) 370-0931 E-MAIL ADDRESS: fsershon@provinsure.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Zurich American Insurance Co.	27855
INSURER B: American Guarantee & Liability	26247
INSURER C: RetailFirst Insurance Company	10700
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Central Florida YMCA, Inc.
433 N. Mills Avenue

Orlando FL 32803

COVERAGES **CERTIFICATE NUMBER:** 14/15 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC			PRA-1026201-00	8/1/2014	6/1/2015	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 1,000,000
A	AUTOMOBILE LIABILITY [X] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			PRA-1026201-00	8/1/2014	6/1/2015	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Underinsured motorist	$ 1,000,000 $ $ $ $ 1,000,000
B	[X] UMBRELLA LIAB [ ] OCCUR EXCESS LIAB [ ] CLAIMS-MADE DED [X] RETENTION $ 0			AUC-0176424-00	8/1/2014	6/1/2015	EACH OCCURRENCE AGGREGATE	$ 25,000,000 $ 25,000,000 $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		520-20730	1/1/2014	1/1/2015	[X] WC STATU-TORY LIMITS [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 500,000 $ 500,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Re: YMCA Road Race Thanksgiving Morning 2014

-See Next Page--

CERTIFICATE HOLDER

City of Tavares
201 E. Main Street
Tavares, FL 32778

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Stephen Bacot/FaiSer

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YMCA OF CENTRAL FLORIDA

2nd Annual 2014 Turkey Trot 5K

Thanksgiving Day @ 8:00AM

Pre-register at YMCATurkeyTrot.com

$20- Family/Group Rate of 4 or more

$25- Adults

$18- Ages 14 and under

Ages 9 and under are free!

Awards for age groups and overall male/female

Register before October 1st and save 10%!

Golden Triangle's 2nd Annual Turkey Trot 5K Program Registration Form

the YMCA

FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Participant's Name: _____

D.O.B.: _____ Age: _____

Male / Female (circle) Shirt Size:_____

Address: _____City: _____ Zip: _____

E-Mail Address: _____

Emergency Contact: _____ Phone #: _____

Waiver

I understand that the Central Florida YMCA assumes no responsibility for injuries or illness which the participant may sustain as a result of his/her physical condition or resulting from his/her athletic activities, sports or aquatic programs, the use of any equipment, exercise, or other activities. I expressly acknowledge on behalf of myself and my heirs that I assume the risk for any and all injuires and illness, which may result from my child's participation in these activies I hereby release and discharge the Central Florida YMCA, its agents, servants and employees from any and all claims for injury, illness, death, loss or damage which the particpant may suffer as a result of his/her participation in these activities. I understand that the Central Florida YMCA is not responsible for personal property lost or stolen while a member and/or program participant is on Central Florida YMCA premises. I give my permission to Central Florida YMCA to use, without limitation of obligation, photographs, film footage, or tape recordings, which may include a family member's image or voice for the purpose of promoting or interpreting Central Florida YMCA programs.

Acceptance

I acknowledge the waiver set forth above, and being in sympathy with the Mission Statement of the Central Florida YMCA, agree to sign this waiver.

_____ _____

Signature of Parent/Guardian or Participant (over 18 years of age) Date

Golden Triangle YMCA Family Center 1465 David Walker Dr. Tavares, Fl 32778
Phone: 352-343-1144 Fax: 352-742-2102
Web: www.centralfloridaymca.org

Our Mission

The purpose of this Association is to improve lives of all in Central Florida by connecting individuals, families and communities with opportunities based on Christian values that strengthen Sprint, Mind and Body.

Internal Revenue Service
Director, Exempt Organizations
Rulings and Agreements

Date: JUL 09 2007

Central Florida Young Mens Christian Assoc.
433 N Mills Ave
Orlando, FL 32803-5721

Department of the Treasury
P.O. Box 2508
Cincinnati, Ohio 45201

Person to Contact:
Renee Norton, ID# 31-07347
Contact Telephone Numbers:
877-829-5500 Phone
513-263-3756 FAX
Federal Identification Number:
59-0624430

Dear Sir or Madam:

This modifies our letter dated May 1946. In that letter we determined that your organization is exempt under section 501(a) of the Internal Revenue Code, as an organization described in section 501(c)(3). We determined that you were not a private foundation within the meaning of section 509(a) of the Code because you were an organization described in section 509(a)(2) of the Code.

In your letter dated May 11, 2007, you requested classification as an organization described in section 509(a)(2) of the Code. Based on the information you provided, we have determined that you meet the requirements for the requested foundation classification. Accordingly, we have granted your request and modified your foundation status to reflect an organization described in section 509(a)(2).

Your exempt status under section 501(a) of the Internal Revenue Code, as an organization described in section 501(c)(3) remains in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of such status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

Because this letter could help resolve any questions about your exempt status and/or foundation status, you should keep it with your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely,

Robert Choi

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

0000005 05/09/13

FLORIDA DEPARTMENT OF REVENUE

Consumer's Certificate of Exemption

DR-14
R. 04/11

Issued Pursuant to Chapter 212, Florida Statutes

85-8012620831C-2	07/31/2013	07/31/2018	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

CENTRAL FLORIDA YOUNG MENS CHRISTIAN
ASSOCIATION INC
433 N MILLS AVE
ORLANDO FL 32803-5721

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

FLORIDA DEPARTMENT OF REVENUE

Important Information for Exempt Organizations

DR-14
R. 04/11

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

Traffic, Bicycling, Directions
Directions for 5K Course. From YMCA
• Turn right onto David Walker
• Left on Bexley
• Right on Bexley
• Right on Rotherham
• Left on Bracknell Forest
• Right on Merry
• Left on Farringdon
• Left on Waltham Forest
• Right on Merry
• Left on Kellogg
• Left on Longville Circle
• Left on Winsled
• Across David Walker back into YMCA parking lot
David Walker Dr
Merry Rd
Bracknell Forest Trail
Rotherham Rd
Bexley Dr
Kellogg Dr
Longville Cir
Winsled Blvd
Moley Way
Lake Elsie
Maylair Way
Corbett Ave
Stokes Arrow Dr
Hillingdon Rd
Farringdon Dr
Barons Dr
Bayer Rd
Coral Reef Way
Lakeview St
Tangerine Ave

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: OCTOBER 1, 2014

AGENDA TAB NO. 13

SUBJECT TITLE: Approval of Landscape Design Plans for the Wooton Park Project – Phase 2

OBJECTIVE:

To consider approval of the Landscape Design Plans for the Wooton Park Project Phase 2.

SUMMARY:

The Wooton Park project was broken up into two (2) design phases as follows: Conceptual Design and Final Design services. Phase II Final Design Services was to develop a set of biddable engineered plans and specifications that incorporates City Council's approved concept plans as well as all of the DEP permit conditions.

The currently approved design plans include a new triple wide boat ramp with 20 plus boat paved parking spaces. a new restroom building adjacent to the parking area, the extension of the TAV-LEE Trail from the current Wooton Park through the expansion property and up Sinclair Avenue to Main Street, a gazebo/observation deck and fishing pier, and other related amenities such a benches, landscaping and lighting along the TAV-LEE Trail.

On Sept. 3, 2014 Council approved the Final Design Plans for the Wooton Park Project and asked that the proposed Landscaping Plans be brought back to Council for final review.

At the Council meeting, the proposed Final Design Landscaping Plans will be presented for Council review and approval.

OPTIONS:

1. That Council moves to review and approve the Final Design Landscaping Plans for the Wooton Park Project.
2. The Council moves not to approve the above recommendation.

STAFF RECOMMENDATION:

That Council moves to approve the Final Design Plans for the Wooton Park Project Phase 2.

FISCAL IMPACT: It is estimated that sufficient funds in the Wooton Park Project Phase 2 are available to complete the project as designed.

LEGAL SUFFICIENCY: Legally sufficient.

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 14

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY: Will be presented at meeting

UPCOMING MEETINGS: (check with Susie Novack for any last minute changes)

- Code Enforcement Special Magistrate Hearing – October 28, 2014 – 5:30 p.m.
- Lake County League of Cities Meeting – October 10, 2014; 12:00 p.m. Elks Lodge, Tavares
- Lake Sumter MPO Board – October 22, 2014 – 2:00 p.m. - MPO Board Room, Leesburg
- Library Board – October 15, 2014 - Library Conference Room – 2:00 p.m.
- Planning & Zoning Board – October 16, 2014 – City Council Chambers – 3:00 p.m.

OTHER EVENTS

Pavilion on the Lake Grand Opening – October 11, 2014 – 4:30 to 10:30 pm

Close Your Eyes Event at Tavares City Hall Flagpole – October 15, 2014 - New Visions – 9:30 am to 10:30 am

Monster Splash – October 25

Howl o Fest – October 24-25

International Jet Ski Event – November 1-2, 2014

Z-Fest – November 15, 2014

Christmas Parade & Celebration – December 6

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 1, 2014

AGENDA TAB NO. 15

SUBJECT TITLE: City Councilmembers Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

Council will be offered an opportunity to provide a report at the meeting.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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TAVARES
America's Seaplane City™