AGENDA
TAVARES CITY COUNCIL

JANUARY 21, 2015
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS

(Members of the public wishing to speak on an item that is on the agenda must fill out a Request to Speak from available from the City Clerk or at the Council Meeting prior to the meeting being called to order. In addition, the Mayor will ask for comment under the agendized item titled "Audience to be Heard" for matters not on the Agenda. For further information contact the City Clerk at (352) 742-6209 or nbarnett@tavares.org)

I. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor John Swiney – New Life Church

II. CALL TO ORDER

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 December 17, 2014 — **Mayor Smith**

V. PUBLIC HEARING FOR ACCEPTANCE OF ASSESSMENT ROLL FOR SUNSET VIEW/THREE LAKES WATER & SEWER PROJECT

Tab 2) Public Hearing for Sunset View/Three Lakes Water & Sewer Project — **Lori Houghton**

VI. PROCLAMATIONS/PRESENTATIONS

Tab 3) Recognition of Retirement of Bill Neron — **Mayor Smith**

Tab 4) Presentation by the Metropolitan Planning Organization re: Paving Management Program — **Chris Thompson**

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

VIII. READING OF ALL ORDINANCES/RESOLUTIONS

IX. CONSENT AGENDA

X. ORDINANCES/RESOLUTIONS

FIRST READING

SECOND READING

Tab 5) Ordinance #2014-20 – Extension of Franchise Agreement with Sumter Electric Cooperative	**Attorney Williams**
Tab 6) Ordinance #2014-21 – Amendment to Stormwater Ordinance to Reflect Approved FY 2015 Budget	**Lori Houghton**

RESOLUTIONS

Tab 7) Resolution #2014-31 – Residential Setback Variance – 1420 Lake Dora Drive	**Jacques Skutt**
Tab 8) Resolution #2014-32 – Residential Setback Variance – 116 E. Delaware Street	**Jacques Skutt**
Tab 9) Resolution #2015-01 – Appreciation to Lake County Public Works Department and Board of County Commissioners for Completion of Alfred Street One Way Pair Project	**Jacques Skutt**

XI. GENERAL GOVERNMENT

Tab 10) Update on Golf Cart Crossing at US 441 & St. Clair Abrams - FDOT Application	**Jacques Skutt**
Tab 11) Board Appointments – Police & Fire Pension Boards	**Mayor Smith**
Tab 12) Charter School Research Information	**John Drury**
Tab 13) Renaming of Civic Center	**Tammy Rogers**
Tab 14) Update on Purchase of Lake County Records Center Building	**John Drury**

XII. OLD BUSINESS

XIII. NEW BUSINESS

XIV. AUDIENCE TO BE HEARD

XV. REPORTS

Tab 15) City Administrator **John Drury**

Tab 16) 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.

The Language of Local Government
Definition of Terms

agenda – A list of items to be brought up at a meeting.

annexation – The process by which a municipality, upon meeting certain requirements, expands its corporated limits.

bid – Formal quotation, based on common specifications, for the provision of goods or services. Opened at public for meeting consideration and award.

budget – A comprehensive financial plan to sustain municipal operations during a given year with related explanation

buffer – A strip of land, vegetation and/or opaque wall that sufficiently minimizes the physical or visual intrusion generated by an existing or future use.

call for the question – Term used to end the discussion and vote on the motion.

capital outlay – Expenditures made to acquire fixed assets or additions to them usually made from the general fund or utility fund where the assets are to be used.

conflict of interest – A term used in connection with a public official's relationship to matters of private interest or personal gain and which prohibits participation in the discussion under decision.

consent agenda – A policy of the governing body to approve, in one motion, routine and/or non-controversial items, which can be determined prior to the meeting

contiguous – Sharing a common boundary.

contingency – An appropriation of funds to handle unexpected events and emergencies which occur during the course of the fiscal year.

DCA – Department of Community Affairs

density – The number of families, individuals, dwellings units, or housing structures per unit of land.

development – A physical change, exclusive of new construction and substantial improvement, to improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavating or drilling operations.

easement – An interest in land owned by another that entitles its holder to a specific limited use or enjoyment

emergency measure – An ordinance recognized by the legislative body as requiring immediate passage.

FDOT – Florida Department of Transportation

general fund – The general operating fund of the municipality used to account for all financial resources except those required to be accounted for in a special fund.

impact fees – Set aside fees collected from developers to pay for infrastructure improvements. Monies used as new development further impacts the municipalities.

infrastructure – The facilities and systems shared or used by all citizens such as transportation, water supply, wastewater and solid waste disposal systems.

intergovernmental agreements – Contract between two or more public agencies for the joint exercise of powers common to the agencies.

intergovernmental revenues – Revenues from other governments in the form of grants, entitlements, shared revenues, or payments in lieu of taxes.

line item – A specific item or group of similar items defined by detail in a unique account in the financial records. Revenue, expenditure and justifications are reviewed, anticipated and appropriated at this level.

non-conforming – A use which does not comply with present zoning conditions but which existed lawfully and was created in good faith prior to the enactment of the zoning provisions.

ordinance – An enforceable municipal law, statute or regulation which applies to all citizens within that municipality; penalty provisions may apply.

public hearing – Provides citizens the opportunity to express their position on a specific issue, both pro and con, as mandated by either statute or by order of proper authority after due notice.

PUD – Planned Unit Development

quasi-judicial – A governmental body that hears sworn testimony, obtains evidence and provides for cross examination of witnesses, with the decision based solely on the evidence presented.

quorum – The prescribed number of members of any body that must be present to legally transact business.

request for proposals – RFP – Notice and related information from a municipality requesting proposals for professional services.

resolution – A decision, opinion, policy or directive of a municipality expressed in a formally drafted document and voted upon.

right-of-way – Strip of land owned by a government agency over which the public has right of passage such as streets, parkways, medians, side walks, easements and driveways constructed thereon.

Sunshine Law – Legislation providing that all meetings of public bodies shall be open to the public (a/k/a open public meeting law).

vacate – To annul; to set aside; to cancel or rescind.

variance – Modification from the provisions of a zoning ordinance granted by a legislative body upon submission of an application and a hearing.

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
DECEMBER 17, 2014
CITY COUNCIL CHAMBERS
4:00 p.m.

COUNCILMEMBERS PRESENT **ABSENT**

Kirby Smith, Mayor
Bob Grenier, Vice Mayor
Lori Pfister, Councilmember
Lisa Johnson, Councilmember
Robert Speaks, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Bill Neron, Economic Development Director
Brad Hayes, Utility Director
Lori Houghton, Finance Director
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Lori Tucker, Human Resources Director
Tammey Rogers, Community Services Director
Richard Keith, Fire Department
Jacques Skutt, Director of Community Development
Stoney Lubins, Police Chief

INVOCATION AND PLEDGE OF ALLEGIANCE

Chaplain Carlos Colon, Fire Department gave the invocation and led those present in the Pledge of Allegiance.

I. CALL TO ORDER

Mayor Smith called the meeting to order at 4:00 p.m.

Mayor Smith noted there were hearing devices at the entrance table. He said there is a Request to Speak form for anyone who wished to speak to be given to Chief Lubins or Chief Keith. He also requested that cell phones be silenced.

II. APPROVAL OF AGENDA

Mayor Smith asked if there were changes to the agenda. Mr. Drury requested to add Tab 4A – Request for Community Grant from New Life Church. In addition he requested to pull Tab 4 and Tab 4A for Council discussion.

MOTION

Bob Grenier moved to approve the agenda with the changes and additions, seconded by Robert Speaks. The motion carried unanimously 5-0.

III. APPROVAL OF MINUTES

Mayor Smith stated he had one correction for the minutes of November 19, 2014, on the second page, line 38 – change "Kirby Smith nominated Bob Grenier for Vice Mayor" to "Lori Pfister nominated Bob Grenier for Vice Mayor."

MOTION

Robert Speaks moved for the approval of the minutes of November 19, 2014 and December 3, 2014, with the recommended changes, seconded by Bob Grenier. The motion carried unanimously 5-0.

IV. PROCLAMATIONS/PRESENTATIONS

Mayor Smith welcomed Gwen Keough Johns, City Clerk for the City of Mt. Dora and Central East Director of the Florida Association of City Clerks, who presented the Master Municipal Clerk Certification to Deputy Clerk Susie Novack and City Clerk Nancy Barnett. Ms. Novack thanked the City Council, Mr. Drury, and Ms. Barnett for their support. Ms. Barnett thanked Council for the opportunity to serve the City and acknowledged her husband Mike Barnett who was in attendance.

V. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE CONTACTS

None.

VI. READING OF ALL ORDINANCES/RESOLUTIONS

Ms. Barnett read the following ordinances/resolutions by title only:

ORDINANCE NO. 2014-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, WHICH GRANTS A FRANCHISE TO SUMTER ELECTRIC COOPERATIVE FOR CONSTRUCTING, MAINTAINING AND OPERATING AN ELECTRIC DISTRIBUTION SYSTEM IN THE CITY OF TAVARES, FLORIDA; EXTENDING THE TERM OF THE FRANCHISE UNTIL DECEMBER 31, 2044; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2014-21

AN ORDINANCE AMENDING SECTIONS 17-75 AND 17-77 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS PERTAINING TO STORM WATER DRAINAGE UTILITY FEES; INCREASING SAID FEE TO $7.00/ESFU AS APPROVED IN THE FISCAL YEAR 2015 ADOPTED BUDGET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION 2014 - 30

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; UPDATING THE FIRE ASSESSMENT ROLL for ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF TAVARES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT: APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2015.

VII. CONSENT AGENDA

Mayor Smith asked if anyone in the audience objected to Tab 3 – State Revolving Loan Agreement Amendment #2.

MOTION

Bob Grenier moved to approve the Consent Agenda Tab 3 (SRF Loan Agreement Amendment 2 for the CRA Sewer Rehabilitation), seconded by Robert Speaks. The motion carried unanimously 5-0.

Tab 4) Request for Assistance for Tavares Middle School Band Trip

Mr. Drury stated Council funded $2500 for a Community Grant Program and recently a policy was approved to award grants to 501C3 community programs through an application process. He noted staff is in the process of advertising the program and will collect applications for the next 30 days. He stated that during this time an application has been received from the Booster Club for the Tavares Middle School which had been put on Consent. Staff has reviewed the application and determined that it does not comply with the 501C3 criteria. He noted another application has also been received from New Life Church.

Councilmember Pfister referred to the previous meeting when the Babe Ruth Travel Policy was approved and noted not all children play sports. She said she had been approached by Mrs. Garcia regarding the Middle School Band trip. She said only three schools had been invited in the State of Florida to perform at an upcoming conference and she was proud they are in Tavares. She said she did not think not having the 501C3 should make a difference.

Mary Garcia – Tavares resident

Ms. Garcia said she is President of the Middle School Band Boosters. She said the Music Educators Convention is the largest in the United States and it is also a learning opportunity for the children.

Councilmember Johnson congratulated Ms. Garcia. She made some suggestions for funding raising and but noted the City needed to follow its due process in the grant application process. Mayor Smith suggested that Ms. Garcia contact the Lake County Commissioners and the School Board. Vice Mayor Grenier asked Ms. Garcia to leave her contact information.

MOTION

Lori Pfister moved to give the Band Boosters $250.00 towards their trip, seconded by Bob Grenier.

Councilmember Pfister asked Council to support this request as the Tavares Middle School is the City's school.

The motion failed 4-1 as follows:

Kirby Smith	**No**
Bob Grenier	**No**
Robert Speaks	**No**
Lisa Johnson	**No**
Lori Pfister	**Yes**

Tab 4A – Request from New Life Church to Buy Food for Low Income Children

Councilmember Pfister said she did not support the request as the local food banks have other methods for acquiring food donations. Mayor Smith said the grant procedure has not been followed and he would prefer to go through that process.

MOTION

Robert Speaks moved to deny the request, seconded by Lisa Johnson. The motion carried 5-0 as follows:

Kirby Smith	**Yes**
Bob Grenier	**Yes**
Robert Speaks	**Yes**
Lisa Johnson	**Yes**
Lori Pfister	**Yes**

VIII. ORDINANCES/RESOLUTIONS

RESOLUTIONS

Tab 7) Resolution #2014-30 – Update of Fire Assessment Roll for Fiscal Year 2015

Ms. Houghton presented the resolution updating the Fire Assessment Roll to agree with the current 2015 Budget. Ordinance #2012-14 authorized the collection of fire assessments for properties located within the City of Tavares with a current utility bill. The ordinance also authorized Council to approve an assessment roll for each budget year. The initial assessment roll was prepared under Resolution #2012-13 and approved by Council on October 3, 2012. Fire Assessments were included and adopted in the fiscal year 2015 budget. This resolution provides for an updated assessment roll required by the ordinance. The assessment roll is on file in the office of the City Clerk. She noted it also divides the customer class by commercial, residential, industrial, and institutional.

MOTION

Robert Speaks move to approve Resolution #2014-30, seconded by Bob Grenier. The motion carried unanimously 5-0.

Tab 8) Request to Add Additional Catering Companies from Lake County to Provide Catering Services for the Pavilion on the Lake

Ms. Rogers reviewed the process that had been followed to advertise for companies a year ago to provide catering. Ten companies replied to the mandatory pre-bid meeting, however, only four submitted response packets. The City is under contract with those four companies. The City also offers "off the list" catering wherein the client pays the city $500 for the option of hiring off this list of approved caterers. Staff is recommending now to re-open the catering bid and advertise for Lake County catering companies only, with elimination of the option to pay the $500 to hire a different caterer. The vetting process under this option has proved to be inefficient. The same criteria would need to be followed in the new bid for Lake companies.

Discussion followed with consensus to support the new bid for Lake County caterers. There was discussion regarding advertising. Mr. Drury discussed the issue of insurance requirements which some of the smaller companies do not always carry. Councilmember Pfister noted the deposit may be a challenge for smaller companies. Mr. Drury stated this will be an effort to focus on Lake County caterers only. Mayor Smith asked Ms. Rogers to contact the Tavares Chamber of Commerce who should be able to reach out to all of the local chambers to help to promote this opportunity.

MOTION

Robert Speaks moved to approve agenda Tab 8 for the request for going out and getting additional catering bids, seconded by Lisa Johnson. The motion carried unanimously 5-0.

IX. OLD BUSINESS

Charter Schools

Councilmember Pfister asked the status of the research on charter schools. Attorney Williams said the City can legally be a sponsor of a chartered school. He said there is a significant process to develop a charter school which requires the retention of experts and significant investment but it can be done. He noted that the City of Leesburg had looked into this some years back and the Villages support a charter school.

Councilmember Pfister asked if further research could be done such as what credentials are required; what needs to be done to start the process; etc. Mr. Drury said it will be put on an upcoming agenda. He said he will prepare a summary with the City Attorney and provide the process and the cost of a municipality setting up a charter school. This will probably be for the February meeting.

X. NEW BUSINESS

Mural on Side of County Clerk Building

Vice Mayor Grenier said the mural on the County Clerk building is fading and needs repainting. He said he wanted to know the cost of repainting it. Mr. Drury noted the City is also in process of moving forward to acquire the building however he will obtain that information.

Attorney Williams said he remembered there being an Interlocal agreement with the County and that some of the costs had been shared between the City and the County.

XI. AUDIENCE TO BE HEARD

Mayor Smith invited comment from the audience.

Betty Burleigh, Tavares resident

Ms. Burleigh stated on this date in 1968 from 3:00 a.m. to daylight the temperature dropped to 22 degrees and 19 degrees in some of the low pocket areas and there was concern by the citrus growers. She wished everyone a Merry Christmas and a Happy New Year.

XII. REPORTS

Tab 14) City Administrator

Mr. Drury noted Ms. Novack has been his "left hand"; she has pitched in to help him and it has been great to work with her. He thanked Ms. Farrell and Mr. Graham for welcoming the 10,000th seaplane in true Tavares fashion. He noted there were three generations on the flight: a father, grandfather and grandson. He noted the next Council meeting will be January 21, 2015 and he wished everyone a Merry Christmas and Happy New Year.

City Clerk

Ms. Barnett said she had been remiss in not acknowledging Ms. Novack in her remarks earlier. She said Ms. Novack is her right hand, is wonderful at her job, and she could not do her job without her. She said Ms. Novack has been a great support.

Human Resources
Ms. Tucker wished everyone a Happy New Year.

Public Works
Mr. Thompson wished everyone Happy Holidays.

Utilities
Mr. Hayes wished everyone a Merry Christmas and a Happy New Year.

Public Communications
Ms. Ross advised that the City celebrated its 10,000th Seaplane landing yesterday.

Police Chief

Fire Chief

Community Services Director

Finance Director
Ms. Houghton wished everyone a Merry Christmas and a Happy New Year.

Community Services

Economic Development
Mr. Neron noted there had been many skeptics when the City started development on the seaplane base and the City is now averaging close to 200 seaplane landings a month.

City Attorney
Attorney Williams said the worst part about being the City Attorney is having to deal with all the paperwork and files and Tavares has the benefit of not only Ms. Barnett but also Ms. Novack and they make his job very easy. He said a lot of cities refer their public records requests to their city attorneys which Ms. Barnett is able to handle for the City.

Tab 15) City Council

Councilmember Pfister
Councilmember Pfister wished Ms. Barnett congratulations on her achievement noting she is an asset to the City.

Vice Mayor Grenier
Vice Mayor Grenier noted he has known Ms. Barnett for a long time and she is a staple at the City now.

Vice Mayor Grenier noted he had a good time at the parade and it was nice to see the donations made by the participants. He noted the significance of the 10,000th seaplane landing in 2014 when the first one landed in 1914. He commented that in 1862 the current image of Santa Claus

was illustrated by a German illustrator, Thomas Nast, for Harpers Weekly. It was done for Christmas Eve in 1862 but did not appear on the cover until January 3, 1863.

Councilmember Speaks

Councilmember Speaks commended the Tavares staff. He said the staff has done a fabulous job and it is great to see the staff working together as a team. He said he had a good time judging the Christmas parade. He said he enjoyed the Holly Jolly event and he commended Ms. Rogers and her department. He wished everyone a Merry Christmas and Happy New Year.

Councilmember Johnson

Councilmember Johnson commended Ms. Barnett and Ms. Novack noting that Ms. Barnett had helped her with paperwork requirements. She thanked Mayor Smith for nominating her to the MPO Board and said she had attended her first meeting and found it very interesting. She commended the staff on the Holly Jolly party and congratulated the Public Works staff for winning the door contest. She said she had the honor of meeting with Ms. Houghton and her finance staff this week and learned the many functions of that department. She said she also got to meet with Mr. Skutt and his department and she was impressed to learn about what each department does. She wished everyone a Merry Christmas and a Happy New Year.

Mayor Smith

Mayor Smith said he was privileged to experience the joyful reunion of a veteran (home from Afghanistan) with his family during the parade. He thanked Chief Keith for facilitating that event. He said the Holly Jolly luncheon was wonderful. He said on this day in 1903 at 10:36 a.m. the Wright Brothers flew their first sustained flight path and in honor of that momentous occasion today is National Wright Brothers Day. He wished everyone a Merry Christmas and a Happy New Year and asked everyone to be careful and to love each other.

Adjournment

There was no further business and the meeting was adjourned at 4:57 p.m.

Respectfully submitted,

Nancy A. Barnett

Nancy A. Barnett, M.M.C.
City Clerk

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO: 2

SUBJECT TITLE: Public Hearing for Sunset View/Three Lakes Water & Sewer to determine Assessment Roll benefited Properties

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OBJECTIVE:

Public Hearing to approve the Special Assessment Roll and Special Assessment Map to establish and determine the benefited properties from Water and Wastewater improvements and the proportion of benefits to be derived by each property to be assessed for the Sunset View/Three Lakes Special Assessment area. (The final assessment will be determined when the project is complete at a Public Hearing when Council meets as the Equalization Board. Residents will be notified of this hearing.)

In addition the City Council will determine whether benefited properties currently shown as excluded (no assessment agreement on file, but buildable lot/alternate key) on the Assessment Roll ***shall be included*** in determining the number of assessable properties for calculating the pro-rata share of each property's assessment with the City picking up the excludable properties assessment until such time as they request connection to City services or become a forced connection by action of law.

SUMMARY:

The City has worked with homeowners at Sunset View subdivision for approximately five (5) years in order to provide water and sewer services to the Sunset View homes to address their failing septic tanks and poor drinking water situation. (Attached please see recent Actions Summary.)

At the December 3, 2014 Council Meeting, Council requested the calculation for including all buildable properties within the Sunset View/Three Lakes Assessment area as this would reduce the assessment for each property. This would result in spreading the assessable costs over 63 properties instead of 51, and would reduce the assessment amount from $21,672.55 to $17,544.44 for each property. The City would then assess and collect on the current 51 lots that have signed agreements this year when they are connected, and postpone (and track) collection of the 12 remaining properties (shown as excluded) until the property owners request water/wastewater service connections. In the future at such time as those 12 property owners connect, they would pay:

- $17,544.44 plus interest for their share of the project costs – lump sum (no payment plan would be available)
- Impact fees as of date of connection – lump sum (impact fees are currently valued at $5,858.14)
- Meter and Connection Fees
- Any other fees in effect at the time of connection

The Assessment Roll currently shows the assessment for 51 properties with signed agreements, and the assessment if all 63 properties are included.

Staff has received inquiries from some residents as to whether a hardship program would be available. Preliminary research indicates that Cities that do offer a hardship program do so by reducing or waiving impact fees. In this case all impact fees have been waived for the 51 who plan to connect this year.

Below is a summary of the things the City has done to reduce any hardships on the 51 who are connecting this year:

1. The City has waived impact fees for this project which reduces the cost for each of the 51 connections by $5,858.14.
2. The City will provide financing (for those who need it) of the assessment cost over 10 years instead of requiring a lump sum payment. This reduces the cost from a lump sum fee of $21,672 down to monthly payments estimated at $217.52.
3. Should the Council include all 63 properties within the assessment area the cost is further reduced from $21,672.55 down to $17,544.44 or additional $4,128.11 in savings per property. This also reduces the estimated monthly payments from $217.52 down to $176.09.

If the City puts forth additional Hardship programs beyond the above, then the City would need to identify a source of funding, establish criteria for what would constitute financial hardship and then obtain the following information from property owners that apply in order to sustain that a financial hardship is present:

- Personal income including: social security, disability, earned income, investment and capital gain income
- Personal expenditures
- Personal tax returns for a period of years

OPTIONS:

1. Move to approve the Sunset View/Three Lakes Assessment Roll and include only the signed 51 properties in determining the cost for each

assessed property. (The total cost of $1,105,300 is divided by 51 with each of the 51 properties paying $21,672.55 plus interest amortized over 10 years, and Alternate Key 1308046 [Buzzard Beach Bar] will pay an additional $16,000.)

2. Move to approve the Sunset View/Three Lakes Assessment Roll and include all buildable properties as indicated on the assessment roll, 63 properties. (The total cost of $1,105,300 is divided by 63 with each of the 51 signed properties paying $17,544.44 plus interest amortized over 10 years, and Alternate Key 1308046 [Buzzard Beach Bar] will pay an additional $16,000. The 12 properties indicated as excluded will be required to pay the assessment amount of $17,544.44 plus interest at the time of connection plus impact fees, meter fees, and connection fees.

STAFF RECOMMENDATION:

Option No. 2
Move to approve the Sunset View/Three Lakes Assessment Roll and include all 63 buildable properties as indicated on the assessment roll, with each of the 51 signed properties paying $17,544.44 plus interest amortized over 10 years.

FISCAL IMPACT: Debt Service for this loan will be paid from Special Assessments received from the benefited properties.

LEGAL SUFFICIENCY: Legally Sufficient.

RECENT ACTIONS ON SUNSET VIEW/THREE LAKES PARK WATER/SEWER PROJECT

- On May 1, 2013, the City Council approved an engineering agreement with Wick's engineering firm to design, engineer and permit the extension of water lines and sewer lines from the City's Utility's system to the Sunset View area, as well as engineering services to design a water and sewer system for the single family homes within the Sunset View Subdivision.
- Subsequently, Three Lake Mobile Home Park, which is located next to Sunset View subdivision, also expressed an interest in being annexed and assessed in order to receive water and sewer services.
- Subsequently, Buzzards Beach Bar, which owns two houses and the little Tiki bar located next to the Three Lakes Mobile Home Park, also expressed an interest in being annexed and assessed to receive water and sewer service.
- On February 5, 2014, the City Council approved a financing plan for the project which included securing debt financing for the project supported by Special Assessments of the benefited properties. The Plan provided for a 10 year debt service term, and residents would be assessed their share of the cost for a 10 year period.
- On May 7, 2014, the City Council approved Resolution 2014-13 initiating the Sunset View and Three lakes Mobile Home Park Water and Wastewater Program
- On July 16, 2014, Council approved Resolution Number 2014-18 which expressed the City's intent to issue Tax-Exempt debt for design, permitting, and construction for the Sunset View Subdivision and Three Lakes Park Project and for the issuance by the City of Tavares Notes, Bonds or other obligations in amount not exceeding $1,100,000 and noted the intention of the City to reimburse itself for such expenditures with proceeds from the Tax Exempt Financing.
- On July 16, 2014, Council approved a Construction Contract with Morris and Associates, Inc., in the amount of $759,986.50 for the Sunset View/Three Lakes Park Sewer, Water Project and the direct purchase of the grinder sewer pumps (E-One Sewer Pump) from the supplier, Water Resource Technologies, in the amount of $274,237.71 for a total cost of $1,034,224.21. Staff was directed to proceed with the Final Financing Plan for the Project.

- November 19, 2014, Council approved the loan proposal from BB&T Bank for the Sunset View and Three Lake Parks Project in an amount not to exceed $1,100,000 to cover the estimated construction and debt issuance costs.

- On December 3, 2014, Resolution #2014-34 was approved as required under Florida Statute Chapter 170 assessment procedures. This resolution accepted the plans and specifications, preliminary assessment plat and estimate of costs submitted by the consulting engineers.

- Estimated cost of construction, engineering, resulted in the issuance of debt of $1,100,000 and additional City expenditures of $21,300, Total Assessable Cost = $1,121,300 (excluding interest)

- As Presented on the Assessment Roll, estimated revenue by assessment is $1,121,300 (excluding interest) as follows:

    - 15 Sunset View connections paying $21,672.55 each = $325,088.25
    - 32 Three Lakes Mobile Home Park connections paying $21,672.55 each = $693,521.60
    - 2 connections adjacent to the Sunset View and Three Lakes Mobile Home Park paying $21,672.55 each = $43,345.10
    - 2 Buzzard Beach connections (brick house and block building) paying $21,672.55 each = $43,345.10
    - 1 Buzzard Beach Bar fee for up sizing the line in the event they connect in the future = $16,000

NOTICE OF PUBLIC HEARING FOR SUNSET VIEW
AND THREE LAKES PARK WATER & SEWER PROJECT

Notice is hereby given that the City Council of the City of Tavares, Florida, will meet on January 21, 2015 at 4:00 o'clock, p.m., at the Tavares City Hall, 201 East Main Street, Tavares, for the purpose of hearing all interested persons as to (a) the propriety and advisability of making certain local improvements in the area generally known as Sunset View and Three Lakes Park, consisting of water and wastewater improvements as described in plans and specifications prepared by the Consulting Engineers and on file in the office of the City Administrator, open to the inspection of the public, to be financed by special assessments against the properties to be specially benefitted by such improvements, more particularly described on the assessment plat on file in the office of the City Administrator specifying the lots and parcels of land to be specially assessed, (b) the cost thereof, (c) the manner of payment therefor and (d) the amount thereof to be assessed against each property to be so improved.

Such street and drainage improvements shall be constructed and provided along all lots and parcels of the area generally known as Sunset View and Three Lakes Park who have agreed to annex into the City and be assessed. The said assessments shall be levied upon all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefitted thereby and further designated by such assessment plat.

An assessment roll containing a description of the lots and lands so assessed, the amount of the benefits to and the assessment against each lot and parcel of land and the number of annual installments in which the assessment is divided has been completed by the Consulting Engineers and is on file with the City Administrator. All interested parties are advised that an estimate of the cost of the Project, the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the City Administrator in the City Hall.

John Drury, City Administrator
City of Tavares Florida

Ad No: 10025390
January 04, &
January 11, 2015

Daily Commercial
Jan 4 & 11, 2015

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 3

SUBJECT TITLE: Proclamation Honoring Retirement of Bill Neron

OBJECTIVE:

The Mayor will read a proclamation in honor of the retirement of Bill Neron, Economic Development Director.

SUMMARY:

Mr. Neron will receive recognition of his retirement from the City of Tavares on January 23, 2015, after eight years with the City and 46 years of service in government.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

PROCLAMATION

WHEREAS in 2007, Bill Neron joined the City of Tavares as its first Economic Development Director to 1) Develop a Seaplane Base For America's Seaplane City, 2) Develop Tavares Economic base and 3) Grow Tavares special events;

WHERAS, Bill Neron will be retiring from the City on January 23, 2015 after eight (8) years of service with the City of Tavares and after a successful career in Florida Governance spanning over 46 years when in his very early 20's he took his first position as a "Planner" with the City of Gainesville in March 1969;

WHEREAS, Bill Neron, who possesses a Masters Degree in Public Administration, Bachelor's degree in Public Administration and Associate degree in Journalism, and who served as a Professor at the University of West Florida teaching graduate level Public Administration did reach the highest level of recognition from the International Association of City Managers when he obtained his full "credentialed manager" status in 2002;

WHEREAS, Bill Neron has demonstrated passion and creativity in his position as Economic Development Director coining the city's motto "Tavares - Open for Business";

WHEREAS, Bill Neron has developed and facilitated many new and unique events such as "Planes, Trains & BBQ", seaplane "fly-ins", airshows and nationally recognized fishing tournaments just to name a few, to bring visitors to and revitalize the downtown;

WHEREAS, Bill Neron has led a Team to make those events successful through his constant "it's crunch time" reminders at the kick-off of "Event Season" as well as his unwavering presence during and assisting at those events;

WHEREAS, Bill Neron has been instrumental in bringing new businesses, employment centers, and restaurants to the City of Tavares including the United States first FAA licensed Light Sport Aircraft manufacturing facility, Progressive Aerodyne;

WHEREAS, Bill Neron, "building upon a historic foundation" rebuilt the oldest home in Lake County, the Captain Haynes Woodlea House, and rebuilt the Tavares Train Station and then filled them both with vibrant economic activity including the Jones Brothers Seaplane Scenic Tours Business, the Tavares Chamber of Commerce and The Tavares, Eustis & Gulf Rail Road who then brought in the 1907 Orange Blossom Steam Locomotive Train, one of America's oldest trains still in operation;

WHEREAS, Bill Neron has been a dedicated team member and problem solver working with the City Council, Business Owners, City Staff, and Tavares residents;

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Kirby Smith, on behalf of the entire City Council, City Staff, and Citizens of Tavares do hereby proclaim special thanks, recognition and appreciation to Bill Neron, Economic Development Director, for all of his hard work during these past eight (8) years to help Tavares "take flight" in its economic successes as well as his 46 years of contributions to the great State of Florida!

_____

Mayor Kirby Smith

January 21, 2015

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 4

SUBJECT TITLE: PowerPoint Presentation for a Multi-year Pavement Management Program

OBJECTIVE:

To present a summary of the Multi-year Pavement Management Program for the City of Tavares.

SUMMARY:

In 2011 the City of Tavares entered into a contract with Southeastern Surveying to conduct a pavement condition inventory of all of the City's streets. This inventory utilized the PACER (surface evaluation and rating system) for visually rating the pavement surface condition. The project was successfully completed resulting in the collection of the raw data needed to develop a multi-year budget to resurface city roads.

In March of 2014, City Council approved an Interlocal Agreement with the Lake-Sumter Metropolitan Planning Organization (MPO) to develop a multi-year pavement management and budget program. Vanasse Hangen Brustlin, Inc. (VHB) was the firm approved by the MPO to develop the program and prepare the report (included in the agenda packet). The report includes a brief background on pavement management concepts, an updated Pavement Condition Index (CPI), recommended maintenance methods and costs along with multiple budget scenarios.

OPTIONS:

1. Receive the report as presented by the MPO Director, T.J. Fish
2. Do not receive the presentation

STAFF RECOMMENDATION:

1. Receive the report as presented by the MPO Director, T.J. Fish

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY: Legally sufficient.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 5

SUBJECT TITLE: Ordinance #2014-20 - Approval of Renewal of Franchise Agreement with Sumter Electric Cooperative (SECO) – Second Reading

OBJECTIVE:

To approve Ordinance #2014-20 to approve the renewal of the City of Tavares Franchise Agreement with Sumter Electric Cooperative (SECO) for thirty years through 2044.

SUMMARY:

The City entered into a franchise agreement with Sumter Electric Cooperative originally in January 1977 which was approved through City Ordinance No. 76-76-A. The agreement was approved for a 30 year period.

On October 21, 1992, The City Council adopted Emergency Ordinance 92-27 which extended the agreement period from 30 years to 38 years which provided for a termination date of December 31, 2014.

As the current franchise agreement (Ord. 76-76-A & Ord. 92-27) with SECO expires December 31, 2014. Staff has negotiated a renewal of the franchise agreement for an additional 30 years which provides for the continuation of the collection of franchise fees through 2044. By renewing the agreement for 30 years, this provides the City with a revenue source that is available for pledge.

Franchise Fee revenues are included in the Fiscal Year 2015 Budget and account for approximately 3.27% of total General Fund revenues ($970,549 from SECO and Duke Energy at 6% of grantee's base revenues).

Previous terms of the agreement that was renewed in1992 remain the same except that the City has agreed to a "non-compete" clause by foregoing the option to purchase the transmission lines during the term of the franchise or in any extension thereof in competition with the Grantee. The monthly franchise fee paid to the City remains at six percent (6%) of the Grantee's base revenues for the preceding month.

OPTIONS:

1) Move to approve the renewal of the Franchise Agreement with Sumter Electric Cooperative for a period of thirty years (2044)
2) Do not approve the renewal of the Franchise Agreement with Sumter Electric Cooperative

STAFF RECOMMENDATION:

Move to approve the renewal of the Franchise Agreement with Sumter Electric Cooperative for a period of thirty years until 2044.

FISCAL IMPACT:

Monthly franchise fee of 6% remains the same as previous agreement. Renewing the agreement requires no change to the FY2015 Adopted Budget.

LEGAL SUFFICIENCY:

Legally sufficient

ORDINANCE NO. 2014-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, WHICH GRANTS A FRANCHISE TO SUMTER ELECTRIC COOPERATIVE FOR CONSTRUCTING, MAINTAINING AND OPERATING AN ELECTRIC DISTRIBUTION SYSTEM IN THE CITY OF TAVARES, FLORIDA; EXTENDING THE TERM OF THE FRANCHISE UNTIL DECEMBER 31, 2044; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tavares entered into a franchise agreement with Sumter Electric Cooperative by Ordinance #76-16-A to maintain and operate an electric distribution system in a portion of the City of Tavares; and

WHEREAS, Ordinance #76-16-A was amended by Emergency Ordinance 92-27 to extend the term of that franchise agreement until December 31, 2014;

WHEREAS, the City of Tavares now desires to extend the term of the franchise agreement attached as Exhibit A until December 31, 2044, therefore;

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

Ordinance #92-27 is hereby amended as follows:

1. The period of the grant is hereby extended for thirty years through the attached Exhibit 'A' Franchise Agreement which extends the expiration date of the agreement from December 31, 2014 to December 31, 2044.

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

PASSED AND RESOLVED this day of 2015, by the Tavares City Council.

First Reading: December 17, 2014

Second Reading and Adoption:

Kirby Smith, Mayor
Tavares City Council

ATTEST:

Nancy Barnett, City Clerk

Approved as to form and legality:
City Attorney

ELECTRIC FRANCHISE AGREEMENT

THIS ELECTRIC FRANCHISE AGREEMENT ("Agreement") is made and entered into as of the _____ day of January, 2015, between **THE CITY OF TAVARES, FLORIDA**, hereinafter called "Grantor" and **SUMTER ELECTRIC COOPERATIVE, INC.**, hereinafter called "Grantee."

WITNESSETH:

WHEREAS, the Grantor deems it necessary, desirable and in the interest of its citizens to establish a non-exclusive franchise granting to Grantee the permission to occupy Rights-of-Way in the City of Tavares, Florida, for the purpose of providing electric services; and

WHEREAS, the Grantee is willing to undertake the installation and operation of its electric utility facilities under a franchise from Grantor; and

WHEREAS, the previous Agreement has expired, and neither party is in breach of any covenant or provision of the franchise agreement; and

WHEREAS, the parties now wish to enter into this Agreement for the purposes stated herein; and

WHEREAS, the Grantor has obtained the authorization of its local governing body as may be required by applicable law and Grantor's charter and ordinances to enter into this Agreement,

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions herein contained, the parties hereto do hereby mutually covenant and agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and by reference are incorporated herein and made a part hereof.

2. **Entire Agreement**. The parties affirm and understand that this Agreement constitutes the entire, full, and complete understanding between the parties and they further affirm and understand that they have not relied, in any way, upon any representations, promises, agreements, arrangements, or understandings which are not fully and expressly contained herein.

3. **Definitions**. For the purposes of this Agreement, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense

include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. **"Grantor"** – The City of Tavares, Florida.

B. **"Grantee"** – Sumter Electric Cooperative, Inc., its successors and assigns.

C. **"Electric Utility System"** – An electric power system installed and operated in the Franchise Area in accordance with the provisions governing Rural Electric Cooperatives or such other regulations as may be appropriate to Grantee's successors or assigns establishing technical standards, service areas, tariffs and operating standards, which shall include but not be limited to electric light, heat, power, and energy facilities, and a generation, transmission, and distribution system, with such extensions thereof and additions thereto as shall hereafter be made.

D. **"Franchise Area"** – That area for which Grantee provides Electric Utility Service which is within the corporate city limits of the Grantor.

E. **"Base Revenues"** – Revenues from the sale of electricity, net of customer credits, to residential, commercial, and industrial customers and Grantor sponsored street lighting all within the corporate limits of the Grantor.

F. **"Person"** – Any person, firm, partnership, association, corporation, company, or organization of any kind.

G. **"Rights-of-Way"** – All of the public streets, alleys, highways, waterways, bridges, and easements of the Grantor, as they now exist or may be hereafter constructed, opened, laid out or extended within the present limits of the Grantor, or in such territory as may hereafter be added to, consolidated or annexed to the Grantor.

4. **Grant of Authority**.

A. There is hereby granted by Grantor, to Grantee, the right and privilege to construct, erect, operate, own and maintain, in, upon, along, across, above, over and under Rights-of-Way now laid out or dedicated, and all extensions thereof, and additions thereto in the

corporate city limits, poles, wires, cables, underground conduits, manholes, fiber optic cable for its own use and other fixtures necessary or proper for the maintenance and operation of its Electric Utility System, provided that all portions of the same shall conform to the National Electrical Safety Code. This Franchise is awarded subject to the provisions of general or special laws of Florida now existing or hereinafter enacted. This grant of authority is limited to the provision by Grantee of electric utility services, but is not intended to restrict any rights or authority for use of Rights-of-Way outside the scope of this grant of authority which Grantee may have under other applicable laws or other agreements.

B. **Annexation or Contraction.** Grantee agrees that the Franchise Area is subject to expansion or reduction by annexation and contraction of municipal boundaries. If Grantor approves a Franchise Area expansion or reduction by annexation or contraction, Grantor will provide written notice to Grantee. Grantee must revise its payments due to any expansion or reduction by annexation within a reasonable time after notice to Grantee, but no later than sixty (60) days after receipt of notice.

C. **Non-Exclusive Use**. The right to use and occupy Rights-of-Way for the purposes herein set forth shall be non-exclusive, and the Grantor reserves the right to grant similar use of said Rights-of-Way, to any person at any time during the period of this Franchise so long as such grant does not materially and adversely impact Grantee's right to use and occupy Rights-of-Way as aforesaid.

D. **Non-Compete**. As a further consideration of this Franchise, the Grantor agrees not to engage in the business of distributing and selling electricity within the service territory boundaries of the Grantee (if any), approved by the Florida Public Service Commission, during the term of this Franchise or any extension thereof in competition with the Grantee.

5. **Term of Agreement and Franchise.**

A. This Agreement and the corresponding Franchise shall take effect and be in force from the date of execution through December 31, 2044.

6. **Payment to Grantor.**

A. Effective the first day of the second month beginning after the effective date of this Agreement, Grantor shall be entitled to receive from Grantee a monthly franchise amount which will equal six percent (6%) of Grantee's Base Revenues for the preceding month which amount shall be the total compensation due Grantor for the rights, authority and privileges granted by this Franchise.

B. Payment shall be made to the Grantor for each month no later than the twentieth (20th) day of the following month. The monthly payment may be made by wire transfer. Any monthly payment or any portion thereof received twenty (20) days after the due date shall be subject to interest at the rate of ten percent (10%) per annum until all payments are paid in full.

7. **Favored Nations.**

A. In the event Grantee shall hereafter accept an electric utility franchise ordinance from any municipality providing for the payment of a franchise fee in excess of the amount provided for per Section 6 above, the Grantee shall immediately notify the Grantor and the Grantor reserves the right to amend this Franchise to require the Grantee to pay the Grantor such additional franchise fees. The Grantee's failure to notify Grantor of such additional payments does not limit Grantor's rights to such additional franchise fees nor limit Grantee's liability with respect thereto including late payments outlined in Section 6(B).

B. In the event Grantor exercises its right to amend this Agreement to adjust payment of the franchise fee in accordance with Paragraph 7(A), Grantee agrees to execute any such amendment and to continue to abide by all terms of this Agreement as well as any amendments.

C. In no event shall Grantor receive a franchise fee that is less, in terms of percentage and/or Base Revenues, than any other governmental entity within Grantee's service area, except that, in the event Grantor shall hereafter grant a utility franchise to any other energy supplier providing for the payment of a franchise fee less than the amount provided for in Section 6 above, then Grantor shall be obligated to accept an amendment of this Agreement providing for a decrease in the franchise fee to such lesser amount.

8. **Rates and Services Provided**. The rates to be charged and services provided by the Grantee for electric service within the corporate limits of Grantor during the term of this Agreement shall be as provided in the Grantee's tariffs now or hereafter approved by Grantee's Board of Trustees. In the event that Grantee's proposed successor or assign is an entity other than a Rural Electric Cooperative, it shall satisfy the Grantor that its rates will be reviewed and approved by the proper regulatory agency.

9. **Character of Service**. Grantee agrees that the materials to be used in the construction, operation and maintenance of the electric distribution system and the service rendered thereby shall be consistent with its overall system and shall be included in its long range plans for system maintenance and improvement.

10. **Indemnifications**.

A. Grantor shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its facilities thereunder, and the acceptance of this Agreement by Grantee shall be deemed an agreement on the part of the Grantee to indemnify Grantor and hold it harmless against any and all liability, loss, cost, damage or expense which Grantor may incur by reason of the neglect, default, or misconduct of Grantee in the construction, operation or maintenance of its electric utility facilities thereunder. Notwithstanding the above, the Grantee's indemnification of the Grantor shall be limited to the extent that the Grantor's liability is found to be limited by §768.28, Florida Statutes, nor is any part of this Agreement intended to be a waiver of sovereign immunity with respect to claims described in this subparagraph.

B. Grantee shall maintain throughout the term of this Agreement insurance with regard to all damages set forth in Section 10(A) in the minimum amounts of:

(i) $1,000,000 for bodily injury or death to a person;

$2,000,000 for bodily injury or death resulting from any one accident;

(ii) $50,000 for property damage resulting from any one accident.

11. **Approval of Transfer**.

A. The rights and privileges granted by this Agreement shall not be sold, or assigned in whole or in part without the Grantor's prior written approval; however, such consent shall not be unreasonably withheld. No such sale or assignment shall be effective until the vendee or assignee has filed with the Grantor an instrument, duly executed, reciting the fact of such sale, or assignment and agreeing to perform all the conditions thereof, including such amendments to the franchise as may be necessary when such proposed assignee is a legal entity other than a Rural Electric Cooperative.

12. **Grantor Rights in Franchise**. The right is hereby reserved to the Grantor to adopt, in addition to the provisions herein contained and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police power, provided that such regulations, by ordinance or otherwise, shall be reasonable, within the powers of the Grantor, and shall not be in conflict with the laws of the State of Florida or the lawful regulations of any state agency possessing the power to regulate the activities of the Grantee or materially interfere with the benefits conferred on Grantees hereunder.

13. **Work in the Rights-of-Way**. The Grantee is hereby granted the right, authority and privilege to make all necessary excavations in said streets, avenues, alleys, thoroughfares, public rights-of-way and easements of Grantor. The Grantee shall have the right to fasten and to stretch and lay along the lines of said poles, conduits, pipes and cables necessary for transmitting and conveying the electric current to be used in Grantee's business, together with all the right and privileges necessary or convenient for the full use including the right to trim, cut and keep clear all trees and limbs along said lines that may in any way endanger the proper operation of same. Moreover, the Grantee shall have the right to construct, erect, operate and maintain in said City an electric system

together with necessary substations, lines and related facilities, for carrying Grantee's business; provided that, in accomplishing these purposes, the streets of said City shall not be unreasonably obstructed and work in connection therewith shall be done and carried on in conformity with such reasonable rules, regulations and local ordinances with reference thereto as may be adopted by Grantor for the protection of the public.

14. **Records and Reports**. The following records and reports shall be filed with or available to Grantor:

A. **Grantee Rules and Regulations**. Copies of rules, regulations, terms and conditions adopted by Grantee that relate to Grantee's use of Grantor's Right-of-Way shall be available upon request by Grantor.

B. **Accounting**. Grantee shall use the system of accounts and the form of books, accounts, records, and memoranda prescribed by its lenders, or as mutually agreed to by Grantor and Grantee.

C. **Reports**. The Grantee will attach to each payment a statement of its estimated Base Revenues by revenue account for the period on which such payment is based, signed by an authorized representative of the Grantee, in such reasonable form and detail as Grantor may from time to time prescribe, sufficient to show the source and method of computation of Base Revenues. The acceptance of any statement or payment shall not estop the Grantor from asserting that the amount paid is not the amount due or from recovering any deficit by any lawful proceeding, including interest to be applied at the rate set forth in Section 6(B).

D. **Availability of Records and Reports**. Grantee shall supply all accounts and records of the Grantee and/or all such information that the Grantor or its representatives may from time to time reasonably request or require relative to the calculation of franchise fees. Such financial records shall be kept and maintained in accordance with generally accepted accounting principles. All of these records shall, on written request of Grantor, be open

for examination and audit by Grantor and Grantor's representatives during ordinary business hours, and such records shall be retained by Grantee for a period of five (5) years.

E. **Audit**. Grantor may require an audit of Grantee's books relating to this Agreement and the franchise hereunder at once every five (5) years. Such audit shall be at Grantor's expense. However, Grantee will reimburse Grantor's audit costs if the audit identifies errors in the Grantee's franchise Base Revenues of five percent (5%) or more for the period audited. Errors identified during the audit process shall be projected for any additional time periods not covered during the audit if there is a reasonable probability these errors occurred during the unaudited period, but not for more than five (5) years. If an underpayment of franchise fee has occurred, interest will be computed at a rate of ten percent (10%) per annum. Both the underpayment and interest shall be paid within thirty (30) days after receipt of demand therefore from Grantor.

15. **Grantor's Authority**.

A. Nothing in this Agreement shall prevent Grantor from levying and collecting such taxes as Grantor may from time to time be empowered, by law, to levy and collect provided such taxes shall be applied uniformly to all persons within Grantor's corporate limits and shall not constitute an additional tax or fee for Grantee's use of the Rights-of-Way. Such taxes are not considered part of the franchise fees.

16. **Severability**. Should any section or provision of this Agreement or any portion thereof, the deletion of which would not adversely affect (in the general sense) the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid. In the event of any such partial invalidity, the Grantor and Grantee shall meet and negotiate in good faith to obtain a replacement provision that is in compliance with the judicial authority's decision.

17. **Attorney's Fees and Expenses**. Except as otherwise provided for herein, Grantor and Grantee hereto agree that if litigation becomes necessary to enforce any of the obligations, terms and conditions of this

Agreement, the prevailing party shall be entitled to recover a reasonable amount for attorney's fees and court costs, including fees and costs on appeal, from the non-prevailing party.

18. **Governing Law and Venue**.

A. The rights and privileges granted to Grantee by this Agreement shall at all times be subordinate and inferior to the rights of the public in and to the ordinary use of Grantor's Rights-of Way and nothing in this Agreement shall be considered as a surrender by Grantor of its right and power to use and relocate the use of its Rights-of-Way.

B. The Franchise and rights herein granted are subject to the provisions of existing Federal laws and the laws of the State of Florida and those hereafter enacted.

C. Venue. In the event that any legal proceeding is brought to enforce the terms of this Franchise, the same shall be brought in Sumter County, Florida, or if a federal claim, in the U.S. District Court in and for the Middle District of Florida, Ocala Division.

19. **Notices**. Except in exigent circumstances, all notices by either Grantor or Grantee to the other shall be made by either depositing such notice in the United States Mail, Certified Mail return receipt requested or by facsimile. Any notice served by certified mail return receipt requested shall be deemed delivered five (5) days after the date of such deposit in the United States mail unless otherwise provided. Any notice given by facsimile is deemed received by next Business Day. "Business Day" for purposes of this section shall mean Monday through Friday, with Saturday, Sunday and Grantor and Grantee observed holidays excepted. All notices shall be addressed as follows:

GRANTOR:	**GRANTEE:**
City Manager City of Tavares 201 E. Main Street Tavares, FL 32778	C.E.O. & General Manager Sumter Electric Cooperative, Inc. P.O. Box 301 Sumterville, FL 33585-0301

Notice shall be given as required by this Agreement and for all other emergencies. Notice shall be provided to the above named addresses unless directed otherwise in writing by Grantor or Grantee.

20. **Non-waiver Provision**. The failure of either party to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Agreement shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by either party unless said waiver or relinquishment is in writing and signed by the parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

"GRANTOR"

CITY OF TAVARES FLORIDA

By: _____
Kirby Smith
Mayor

Attest: _____
Susie Novack
Deputy City Clerk

Approved as to form and content:

_____
Robert Q. Williams
City Attorney

"GRANTEE"

SUMTER ELECTRIC COOPERATIVE, INC.

By: _____
James P. Duncan
C.E.O. & General Manager

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 6

SUBJECT TITLE: Approve Ordinance Number 2014-21 amending Section 17.75 (A) of the Land Development Regulations to reflect Stormwater Fees Adopted with the Fiscal Year 2015 Operating Budget – Second Reading

OBJECTIVE: To obtain Council approval to amend Section 17.75 (A) of the Land Development Regulations for Stormwater rates as provided in the 2015 Adopted Budget.

SUMMARY: During the FY 2015 budget preparation storm water fees were adjusted to $7.00 per ERU to create a balanced budget. The City's rate consultant, Mike Rocca of Raftelis and Associates, prepared a rate study for the Water, Sewer, Reclaim and Stormwater utilities which identified this rate for FY 15 and other appropriate rates into the future to meet operational cost and debt service obligations for the Downtown CRA Stormwater Improvement program.

The City Land Development Regulations need to be updated to reflect this rate.

OPTIONS:

1. Approve Ordinance 2014-21, which amends Section 17.75 (A) of the Land Development Regulations to reflect the monthly Stormwater drainage utility fee of $7.00 per month for each single family dwelling unit.

2. Do not approve Ordinance 2014-21.

STAFF RECOMMENDATION:

Option 1. **Move to Approve** Ordinance 2014-21, which amends Section 17.75 (A) of the Land Development Regulations to reflect the monthly Stormwater drainage utility fee of $7.00 per month for each single family dwelling unit.

FISCAL IMPACT: None (Makes Ordinance consistent with budget)

LEGALLY SUFFICIENT: YES

ORDINANCE 2014-21

AN ORDINANCE AMENDING SECTIONS 17-75 AND 17-77 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS PERTAINING TO STORM WATER DRAINAGE UTILITY FEES; INCREASING SAID FEE TO $7.00/ESFU AS APPROVED IN THE FISCAL YEAR 2015 ADOPTED BUDGET; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 17, 2014, the City Council Adopted the Fiscal Year 2015 Operating Budget for the City of Tavares which set forth Stormwater Rates for the Fiscal Year 2015 Operating Budget for the Stormwater Utility;

WHEREAS, the City Council requests an update to the Land Development Regulations to reflect the fee established in the Fiscal Year 2015 Stormwater Budget;

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

Sec. 17-75. Schedule of Utility Fees.

(A) The City Council shall by ordinance establish reasonable rates for the stormwater drainage utility system for each single-family dwelling unit (SFU). The monthly stormwater drainage utility fee for each single-family dwelling unit shall be $7.00. Each SFU shall be billed a flat fee established by the city council for residential units. For residential accounts not individually metered, the account holder of the master meter shall be billed the fee established for a SFU multiplied by the number of residential units.

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

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

_____

Kirby Smith , Mayor
Tavares City Council

ATTEST:

_____
Nancy A. Barnett, City Clerk

First Reading: December 17, 2014

Passed Second Reading _____

_____
Approved as to form:
Robert Q. Williams
City Attorney

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 7
SUBJECT TITLE: Resolution 2014-31
Variance-Reduced Front, Rear, and Side Yard Setbacks
1420 Lake Dora Dr., Tavares, FL

OBJECTIVE:

To consider a variance for reduced front, rear and side yard setbacks for 1420 Lake Dora Dr.

SUMMARY:

This is a variance application from Daniel Belanger Jr. for a reduction of the required minimum front yard setback of 25 feet, rear yard setback of 50 feet to a natural body of water (Lake Dora), and side yard setback of 12.5 feet for property located at 1420 Lake Dora Drive. The owner of the property wishes to construct a porte-cochere on the front of the existing home with a front yard setback of 5 feet 9 inches (19 feet from edge of pavement), an addition to the rear of the existing home with a rear yard setback of 26 feet 3 inches, and a shed in the rear yard with a western side yard setback of 5 feet. The property at 1420 Lake Dora Dr. is a legal non-conforming, undersized lot for the RSF-A zoning district.

Many homes and accessory structures on this section of Lake Dora Dr. appear to project into the required front, rear, and side yard setbacks. Several lots are legal non-conforming sized lots and all lots back onto Lake Dora. Since the proposed encroachments are consistent with pre-existing reduced setbacks for the area, staff is recommending approval of this variance. There are no recorded utility easements in the rear yard or side yard of the property.

A building permit issued by the City's Building Department will be required for all proposed improvements related to this variance request.

OPTIONS:

1. That City Council moves to approve Resolution 2014-31.
2. That City Council denies the proposed variance.

PLANNING & ZONING BOARD RECOMMENDATION:

On December 18, the Planning & Zoning Board voted unanimously to recommend approval of Resolution 2014-31.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Resolution 2014-31.

FISCAL IMPACT: N/A.

LEGAL SUFFICIENCY:

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

RESOLUTION 2014-31

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM FRONT YARD, REAR YARD, AND SIDE YARD SETBACKS FOR A RESIDENTIAL SINGLE FAMILY (RSF-A) ZONING FOR PROPERTY LOCATED AT 1420 LAKE DORA DRIVE, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Daniel G. Belanger, Jr. is the owner of property addressed 1420 Lake Dora Drive and legally defined as:

See "Exhibit A"

WHEREAS, the subject property is zoned Residential Single Family (RSF-A); and,

WHEREAS, the minimum front yard setback is 25 feet, rear yard setback for a principle structure is 50 feet from a natural body of water, and side yard setback is 12.5 feet; and,

WHEREAS, the property owner desires to build a 420 square foot porte-cochere attached to the front of the existing home on said property with a proposed front yard setback of 5 feet 9 inches from the front property line; and,

WHEREAS, the property owner desires to build a 930 square foot addition to the rear of the existing home on said property with a proposed rear yard setback of 26 feet 3 inches from the rear property line abutting Lake Dora; and,

WHEREAS, the property owner desires to build a 240 square foot shed on said property with a proposed western side yard setback of 5 feet from the side property line; and,

WHEREAS, the City Council finds the requested variance to be in harmony with existing site conditions and will not be detrimental to the surrounding neighborhood; therefore,

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

The applicant is hereby granted a variance to allow for the following specified development standards:

1. The required front yard setback from the front lot line of this property for a 420 square foot porte-cochere attached to the front of the home is reduced to 5 feet 9 inches provided the applicant obtains a building permit and complies with applicable Building Code regulations.
2. The required rear yard setback from the rear lot line of this property for a 930 square foot addition to the rear of the home is reduced to 26 feet 3 inches

provided the applicant obtains a building permit and complies with applicable Building Code regulations.

3. The required side yard setback from the western side lot line of this property for a 240 square foot shed is reduced to 5 feet provided the applicant obtains a building permit and complies with applicable Building Code regulations.

THIS RESOLUTION will become effective upon approval by the Tavares City Council.

PASSED AND RESOLVED this 21st day of January 2015 by the Tavares City Council.

_____

Kirby Smith, Mayor
Tavares City Council

ATTEST

_____

Susie Novack, Deputy City Clerk

Approved as to form and legality:

_____

Robert Q. Williams, City Attorney

Exhibit "A"

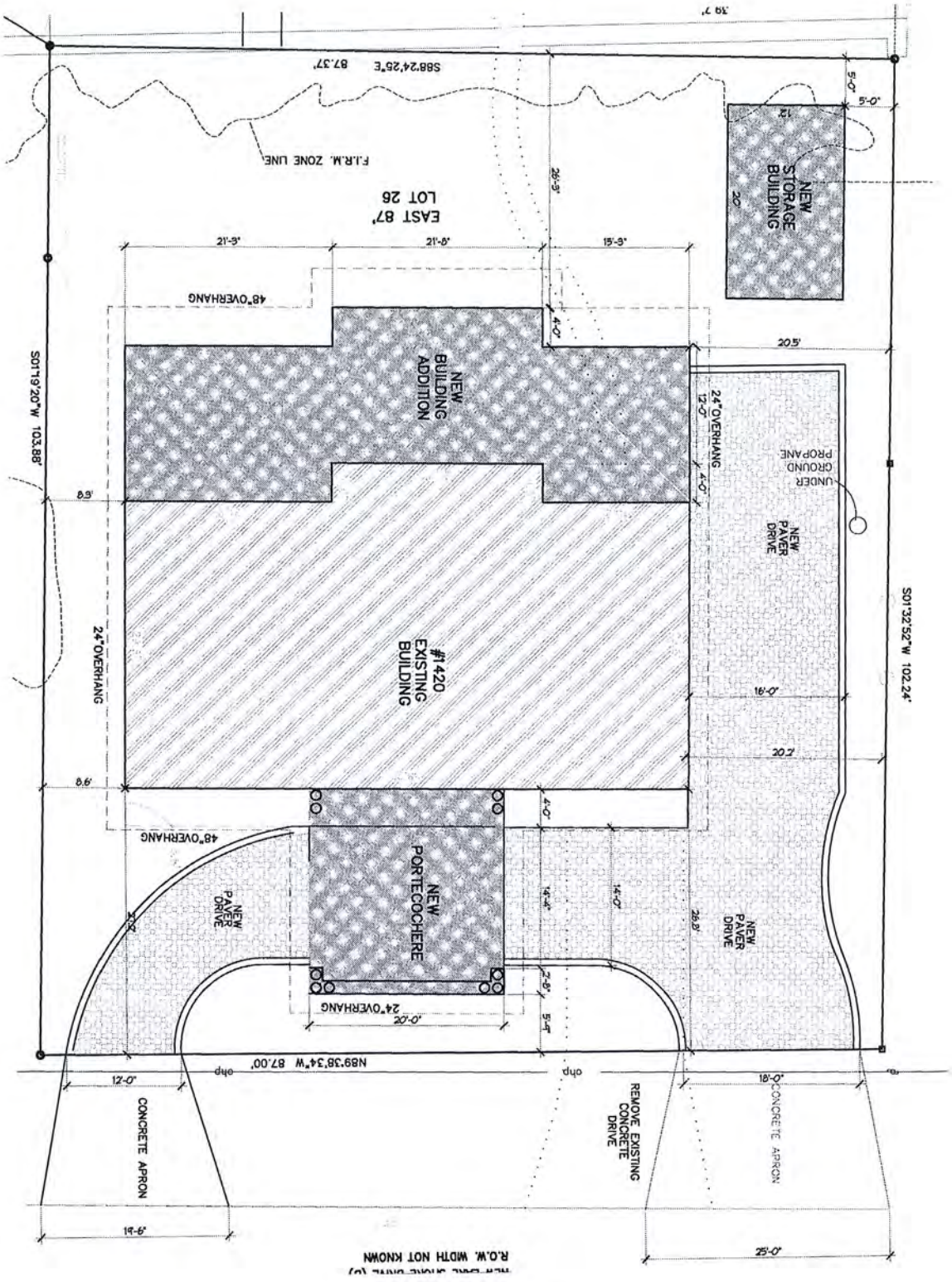
That part of Lot 2, in ALEX ST. CLAIR-ABRAM'S EXTENSION OF TAVARES, in the City of Tavares, Florida, according to the Plat thereof recorded in Plat Book 1, Page 53, Public Records of Lake County, Florida. Bounded and described as follows:

From the East line of the said Lot 1, a distance of 637.41 feet to a point on the Southerly line of the Right-of-Way of the New Lake Shore Drive; thence run Westerly along the Southerly line of the said Right-of-Way 324.25 feet from a Point of Beginning. From said Point of Beginning continue Westerly along the Southerly line of the said Right-of-Way 87 feet; thence turn to the left an angle of 88 degrees 94' and run Southerly to the shore of Lake Dora. Return again to the Point of Beginning and run Southerly and parallel with Westerly line above described to the shore of Lake Dora: run thence Westerly along and with the above of Lake Dora to intersect the Westerly line above described: Being otherwise described as the West 87 feet of Lot 26, according to an unrecorded plat of LAKE DORA ESTATES, Lake County, Florida.

a/k/a

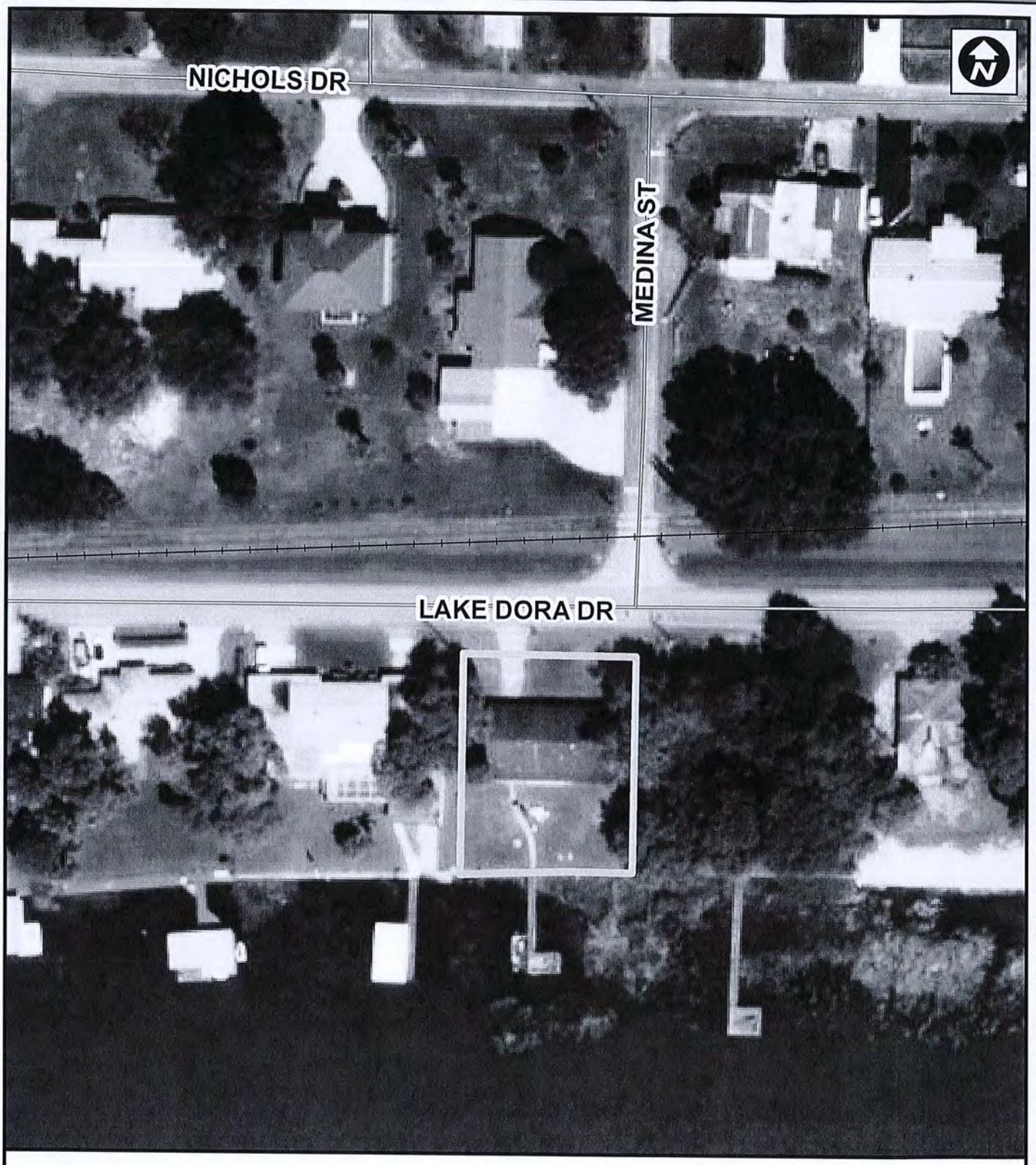
That part of Lot 2, in ALEX ST. CLAIR-ABRAM'S EXTENSION OF TAVARES, in the City of Tavares, Florida, according to the Plat thereof recorded in Plat Book 1, Page 53, Public Records of Lake County, Florida. Bounded and described as follows:

From the Northeast corner of Lot 1 of said Alex St. Clair Abrams Extension of Tavares, run South along the East line of said Lot 1 a distance of 637.41 feet to a point on the Southerly line of the Right of Way of the New Lake Shore Drive; thence run Westerly along the Southerly line of the said Right of Way 324.25 feet for a Point of Beginning. From said Point of Beginning continue Westerly along the Southerly line of the said Right of Way 87 feet; thence turn to the left an angle of 88 degrees 34' and run Southerly to the shore of Lake Dora. Return again to the Point of Beginning and run Southerly and parallel with the Westerly line above described to the shore of Lake Dora; run thence Westerly along and with the above of Lake Dora to intersect the Westerly line above described: Being otherwise described as the West 87 feet of Lot 26, according to an unrecorded plat of LAKE DORA ESTATES, Lake County, Florida.


S01°32'52"W 102.24'
S01°19'20"W 103.88'
N89°38'34"W 87.00'
S88°24'25"E 87.37'
EAST 87'
LOT 26
F.I.R.M. ZONE LINE
NEW STORAGE BUILDING
NEW BUILDING ADDITION
#1420 EXISTING BUILDING
NEW PORTECOCHERE
NEW PAVER DRIVE
UNDER GROUND PROPANE
24" OVERHANG
48" OVERHANG
CONCRETE APRON
REMOVE EXISTING CONCRETE DRIVE
R.O.W. WIDTH NOT KNOWN

1

CITY OF TAVARES



PROPERTY LOCATION MAP
1420 Lake Dora Dr.

TAVARES
America's Seaplane City

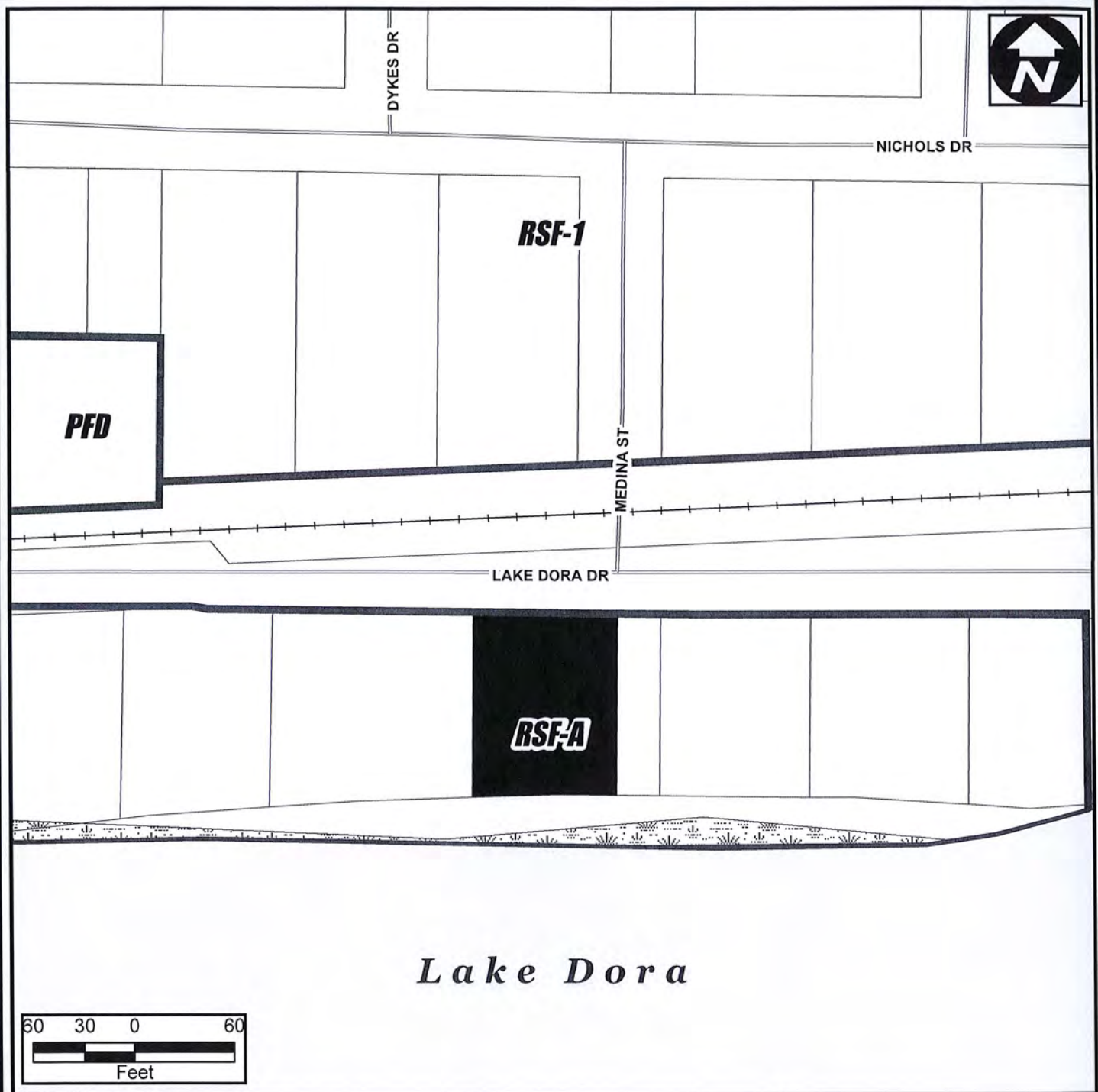
40 20 0 40
Feet

Created By: City of Tavares GIS

T:\pzd\DATA\PROJECT FILES\Belanger Property; Variance - PZ2014-23\GIS\GIS_Maps\Belanger_AD.mxd

Map Created on 11/6/14

CITY OF TAVARES RESOLUTION # 2014-31



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

TAVARES
America's Seaplane City

ZONING MAP

RESOLUTION # 2014-31

1420 Lake Dora Dr.

Current Zoning: RSF-A

0.22 ± 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\Belanger Property; Variance - PZ2014-23\GIS\GIS_Maps\Belanger_ZONE_PT.mxd MAP CREATED ON 11/6/14

Orlando Sentinel

Publication Date: 12/08/2014

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Ad Number:	2880046-1	Client Name:	/ PO# Mike Fitzgerald
Insertion Number:		Advertiser:	City of Tavares
Size:	3 x 10.5	Section/Page/Zone:	Lake Zone/E003/LAK
Color Type:	B&W	Description:	ff/Resolution 2014-31 Varience

Introducing

SIEMENS binax

Introductory Offer
Up to 50% Off. M.S.R.P.

- The world's first technology that is clinically proven to outperform normal hearing.

Yes, you read that right…
Clinically proven to outperform normal hearing.

- 21 million transistors
- 300 million instructions per second
- Expanded resolution to 12Hz
- e2e wireless 3.0

SIEMEN'S ACE

PUBLIC ANNOUNCEMENT CLINICAL STUDY TO BEGIN

Try this hearing aid for ONE WEEK - FREE
CLINICAL TRIAL TO BEGIN
Participants needed to try this revolutionary new hearing aid FREE as a part of a clinical study. Your feedback on this advanced technology is needed.

- Tiny in size and packed with 100% digital technology
- Learns and remembers your hearing preferences automatically
- Delivers sound that is crystal clear and natural – without that tunnel effect
- Filters out unwanted noise to deliver optimum sound quality
- Rechargeable – no more fussing with tiny batteries
- Enjoy wireless accessories that let you hear your audio devices, cell phone, even your TV, right to your hearing aids

Exclusively at Lake Medical Hearing Centers
OTHER DIGITAL HEARING SPECIAL

elia

Introductory Special
Was $995
NOW $396
while supplies last

FREE
HEARING SCREENING DURING THIS EVENT

Lake Medical Hearing Centers
Family Owned & Operated

"LAKE COUNTY'S MOST TRUSTED NAME IN HEARING AIDS"
www.lakemedicalhearing.com

Alan Boone, HAS, BC-HIS
President & Wife Linda

MOST INSURANCES COVERED.
12 MONTHS AT 0% FINANCING AVAILABLE W.A.C.
Mon. - Fri. 9am to 4pm, Sat. by appointment

EUSTIS
483-HEAR (4327)
2755 S. Bay St. Suite F
(Across from Tractor Supply Company)

CLERMONT
243-HEAR (4327)
221 N. US Hwy 27, Suite H
(Across from the Citrus Tower)

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 Resolution 2014-32 titled as follows:

RESOLUTION 2014-32

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM REAR YARD SETBACK FOR A RESIDENTIAL SINGLE FAMILY (RSF-1) ZONING FOR PROPERTY LOCATED AT 116 E DELAWARE ST, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Resolution 2014-32 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on December 18, 2014, at 3 p.m.; and
2. Tavares City Council meeting on January 21, 2015, at 4 p.m.

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

Proposed Resolution 2014-32 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 be heard with respect to the proposed resolution. 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.

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 Resolution 2014-31 titled as follows:

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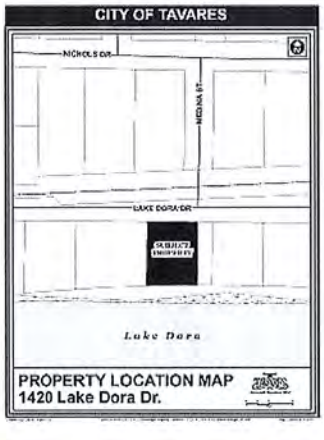


CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
December 18, 2014

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Richard Root , Vice Chairman
Morris Osborn
Norb Thomas
Howard Haynes
Bill Stomp
Vacant

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 OCTOBER 16, 2014

The minutes were approved as submitted.

CASES HEARD

1) Resolution 2014-31 – Belanger Property - Variance

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

This is a variance application from Daniel Belanger Jr. for a reduction of the required minimum front yard setback of 25 feet, rear yard setback of 50 feet to a natural body of water (Lake Dora), and side yard setback of 12.5 feet for property located at 1420 Lake Dora Drive. The owner of the property wishes to construct a porte-cochere on the front of the existing home with a front yard setback of 5 feet 9 inches (19 feet from edge of pavement), an addition to the rear of the existing home with a rear yard setback of 26 feet 3 inches, and a shed in the rear yard with a western side yard setback of 5 feet. The property at 1420 Lake Dora Dr. is a legal non-conforming lot size for the RSF-A zoning district.

Many homes and accessory structures on this section of Lake Dora Dr. appear to project into the required front, rear, and side yard setbacks. Several lots are legal non-conforming lots, and all lots back onto Lake Dora. Since the proposed encroachments are consistent with pre-existing limited setbacks, staff is recommending approval of this variance. There are no recorded utility easements in the rear yard or side yard of the property.

A building permit issued by the City's Building Department will be required for all proposed improvements related to this variance request.

Mr. Belanger informed the board that he was available to answer any questions.

MOTION

Mr. Stomp moved to approve Resolution 2014-31. Mr. Root seconded the motion. The motion carried 5-0.

CASES HEARD

1) Resolution 2014-32 – Cutler Property - Variance

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

This is a variance application from William Cutler for a reduction of the required rear yard setback of 20 feet to 17 feet 4 inches for his home located at 116 E. Delaware Street. The owner of the property wishes to construct screened enclosure with a hard roof. The property is zoned RSF-1.

The property is immediately adjacent to Banning Beach Road on the east, a wetland area of approximately 6.9 acres in the rear/north, and a single family home to the west. Since the proposed enclosure would expand into the rear yard only and maintain the standard side yard setback, the single family residential neighbor will not be adversely impacted.

A building permit issued by the City's Building Department will be required for the proposed improvement.

Mr. Cutler informed the board that he was available to answer questions regarding the project.

MOTION

Mr. Thomas moved to approve Resolution 2014-32. Mr. Stomp seconded the motion. The motion carried 5-0.

There was no further business and the meeting adjourned at approximately 3:05 p.m.

Respectfully submitted,

_____

Alisha Maraviglia, Senior Planner

AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 8

SUBJECT TITLE: **Resolution 2014-32**
Variance-Reduced Rear Yard Setback
116 E. Delaware St.

OBJECTIVE:

To consider a variance for reduced front, rear and side yard setbacks for 116 E. Delaware Street.

SUMMARY:

This is a variance application from William Cutler for a reduction of the required rear yard setback of 20 feet to 17 feet 4 inches for his home located at 116 E. Delaware Street. The owner of the property wishes to construct a screened enclosure with a hard roof. The property is zoned RSF-1.

The property is situated on the northwest corner of E. Delaware Street and Banning Beach Road. The property backs onto a wetland area of approximately 6.9 acres and a single family home is adjacent to the west. Since the proposed enclosure would project into the rear yard only and maintain the standard side yard setback, the single family residential neighbor will not be adversely impacted.

A building permit issued by the City's Building Department will be required for the proposed improvement.

OPTIONS:

1. That City Council moves to approve Resolution 2014-32.
2. That City Council denies the proposed variance.

PLANNING & ZONING BOARD RECOMMENDATION:

On December 18, 2014, the Planning & Zoning Board moved to recommend to City Council approval of Resolution 2014-32.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Resolution 2014-32.

FISCAL IMPACT: N/A.

LEGAL SUFFICIENCY:

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

RESOLUTION 2014-32

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM REAR YARD SETBACK FOR A RESIDENTIAL SINGLE FAMILY (RSF-1) ZONING FOR PROPERTY LOCATED AT 116 E DELAWARE ST, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, William Cutler is the owner of property addressed 116 E. Delaware St. and legally defined as:

See "Exhibit A"

WHEREAS, the subject property is zoned Residential Single Family (RSF-1); and,

WHEREAS, the minimum rear yard setback for a principle structure is 20 feet; and,

WHEREAS, the property owner desires to build a 288 square foot screen room addition to the rear of the existing home on said property with a proposed rear yard setback of 17 feet 4 inches from the rear property line; and,

WHEREAS, the City Council finds the requested variance to be in harmony with existing site conditions and will not be detrimental to the surrounding neighborhood; therefore,

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

The applicant is hereby granted a variance to allow for the following specified development standard:

1. The required rear yard setback from the rear lot line of this property for a 288 square foot screen room addition to the rear of the home is reduced to 17 feet 4 inches provided the applicant obtains a building permit and complies with applicable Building Code regulations.

THIS RESOLUTION will become effective upon approval by the Tavares City Council.

PASSED AND RESOLVED this 21st day of January 2015 by the Tavares City Council.

Kirby Smith, Mayor
Tavares City Council

ATTEST

Susie Novack, Deputy City Clerk

Approved as to form and legality:

Robert Q. Williams, City Attorney

Exhibit "A"

Lot 64, of Vista del Largo, according to the plat thereof as recorded in Plat Book 20, Pages 55-57, inclusive, of the Public Records of Lake County, Florida.

LESS from the most Westerly corner of said Lot 64, run thence North 28°54'48" East along the most Northwesterly line of said Lot 64, a distance of 140 feet to the most Northerly corner of said Lot 64, thence South 61°05'12" East along the most Northeasterly line of said Lot 64, a distance of 10 feet, thence South 28°54'48" West parallel with the said most Northwesterly line of Lot 64, a distance of 140 feet to a point on the most Southwesterly line of said Lot 64, thence North 61°05'12" West 10.00 feet to the point of beginning.

BOUNDARY SURVEY

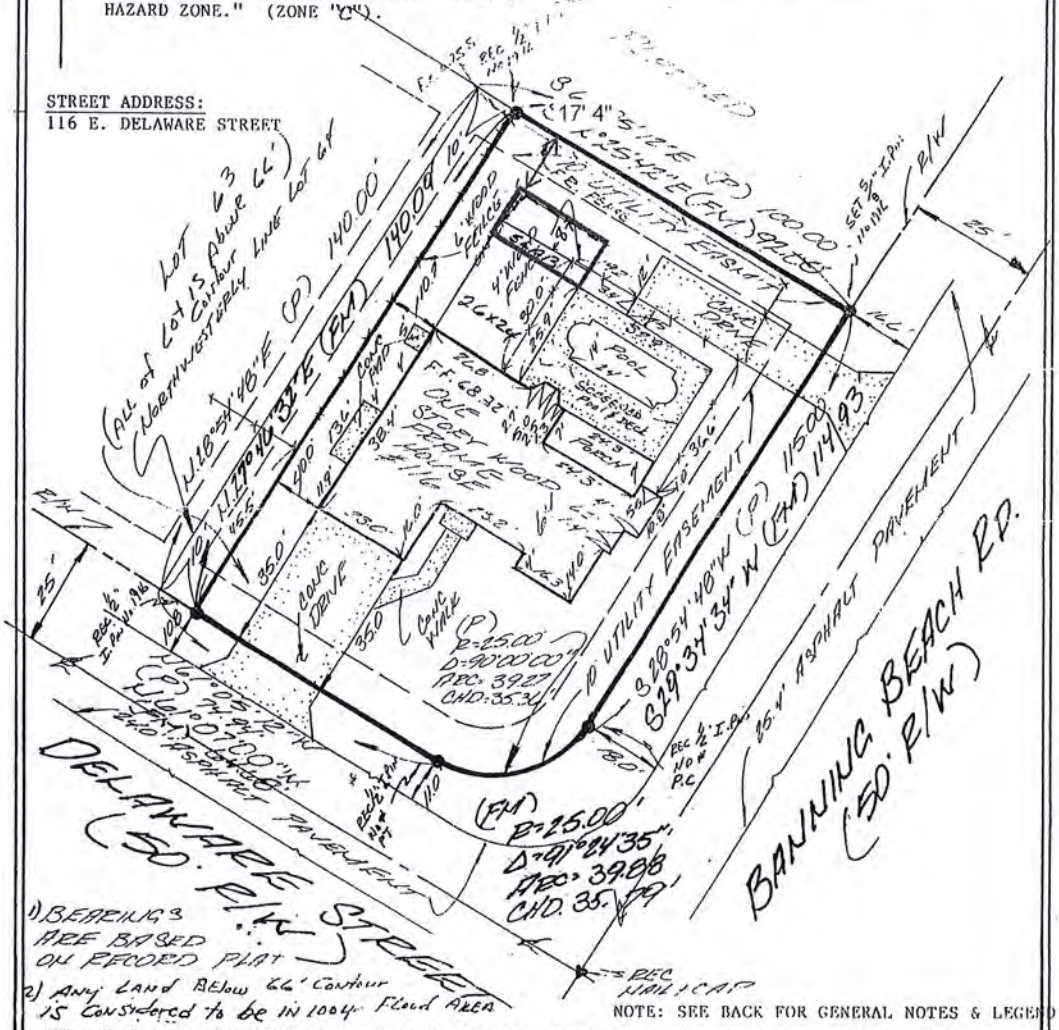
DESCRIPTION

LOT 64, VISTA DEL LARGO, A SUBDIVISION IN THE CITY OF TAVARES, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGES 55 THRU 57, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS: FROM THE MOST WESTERLY CORNER OF SAID LOT 64; RUN THENCE NORTH 28° 54' 48" EAST ALONG THE MOST NORTHWESTERLY LINE OF SAID LOT 64 A DISTANCE OF 140.00 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 64; THENCE SOUTH 61° 05' 12" EAST ALONG THE MOST NORTHEASTERLY LINE OF SAID LOT 64 A DISTANCE OF 10.00 FEET; THENCE SOUTH 28° 54' 48" WEST PARALLEL WITH THE MOST NORTHWESTERLY LINE OF SAID LOT 64, 140.00 FEET TO A POINT ON THE MOST SOUTHWESTERLY LINE OF SAID LOT 64, NORTH 61° 05' 12' WEST, 10.00 FEET TO THE POINT OF BEGINNING.

"BASED UPON INFORMATION PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP PANEL 120138-0001B, THE PROPERTY REPRESENTED ON THIS PLAT OF SURVEY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE." (ZONE "C").

SCALE: 1" = 30'

STREET ADDRESS:
116 E. DELAWARE STREET



NOTE: SEE BACK FOR GENERAL NOTES & LEGEND

"THIS IS TO CERTIFY THAT ON THE DATE SHOWN I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON WHICH MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THEREFORE, THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON."

CERTIFIED CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF

HOWARD DURDEN
PROFESSIONAL LAND SURVEYOR - 1916

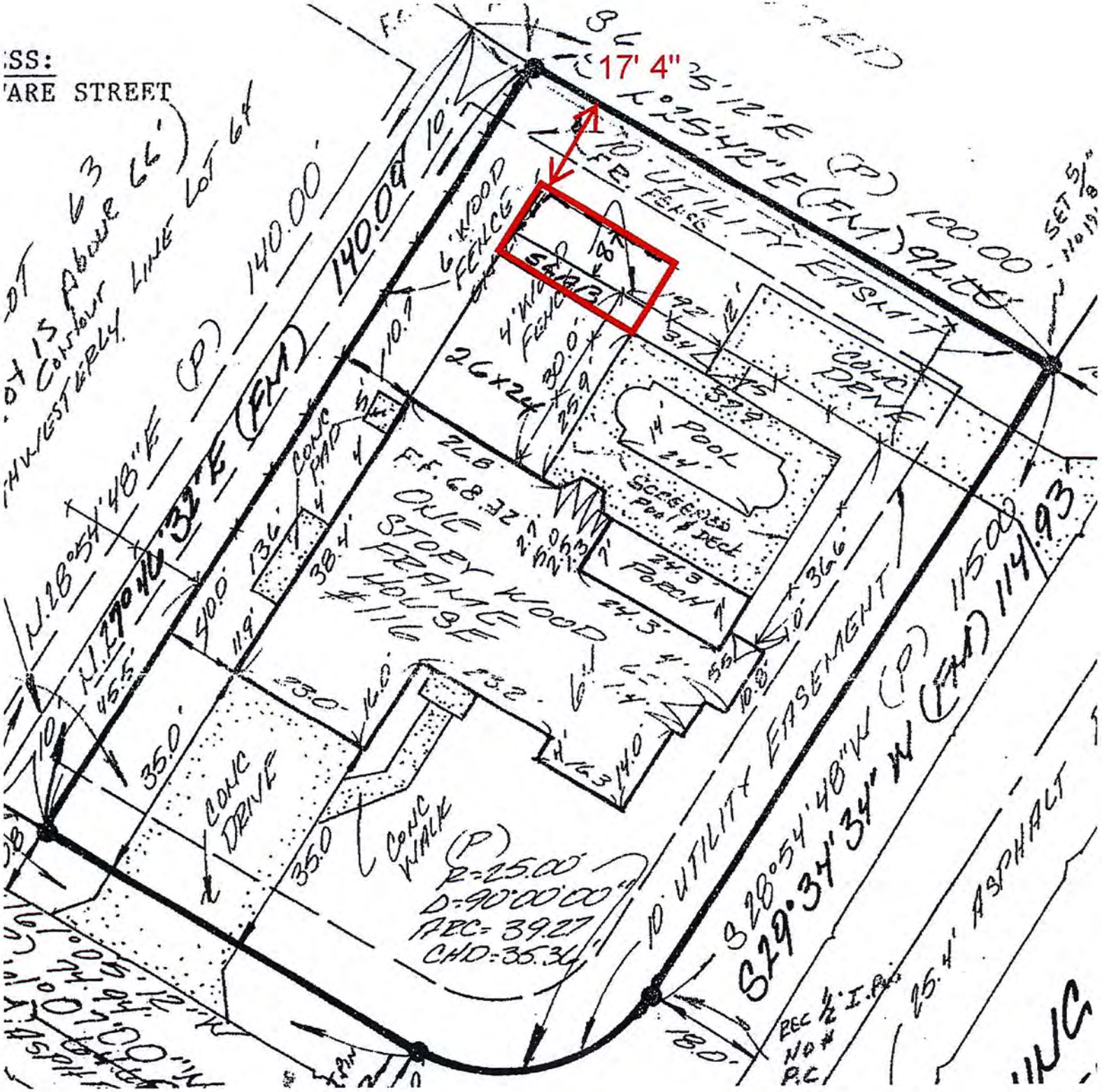
REPRODUCTION OF THIS PLAT NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL AND CERTIFICATION LIMITED TO PERSON OR PERSONS NAMED HEREON.

Howard Durden, Surveyor
planners • surveyors

CERTIFIED TO:
WILLIAM H. CUTLER, JR. & JOANN S. CUTLER/CUMMINS, MUELLER & JUDSON, PA/SUN BANK, NA/ATTORNEYS TITLE ~~INSURANCE FUND, INC~~

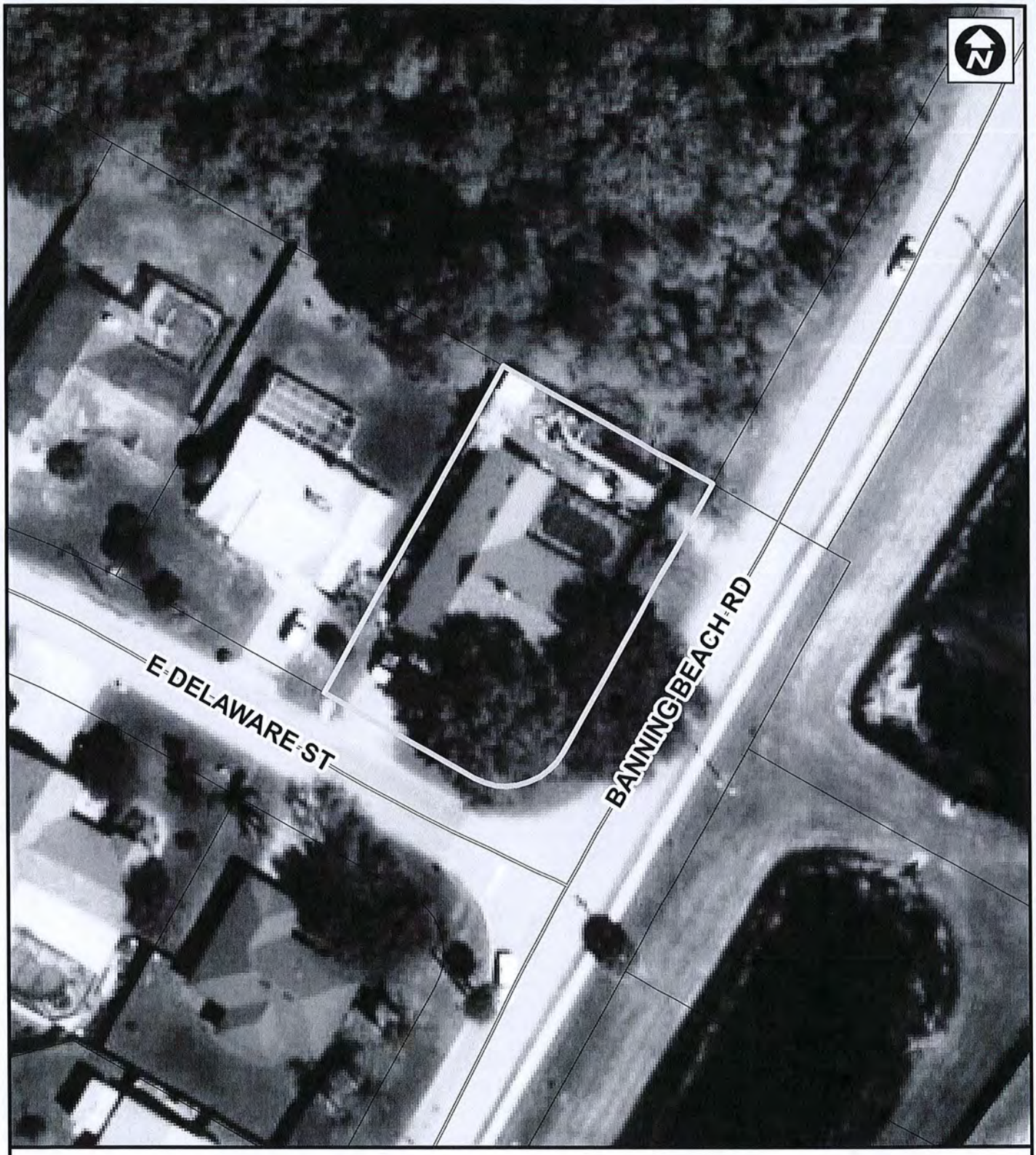
DATE: 09-03-93
SCALE: 1" = 30'
FOUNDATION ADDED:
FINAL ADDED:
DRAWN BY: F.J.P.
FILE NUMBER: 3-1397B

93-376



SS:
ARE STREET
17' 4"
140.00'
140.09'
N.28°54'48"E (P)
N.27°46'32"E (FM)
6' WOOD FENCE
4' WOOD FENCE
26x24
POOL
SCREENED POOL & DECK
PORCH
CONC DRIVE
CONC WALK
CONC PAD
ONE STORY WOOD FRAME HOUSE #116
F.F. 68.32
R=25.00
D=90°00'00"
ARC=39.27
CHD=35.36
10' UTILITY EASEMENT
S28°54'48"W (P)
S29°34'34"W (FM)
115.00
114.93
25.4' ASPHALT

CITY OF TAVARES



PROPERTY LOCATION MAP
116 E. Delaware St.

TAVARES
America's Seaplane City

30 15 0 30
Feet

Created By: City of Tavares GIS

T:\pzd\DATA\PROJECT FILES\Cutler Property; Variance - PZ2014-24\GIS\GIS_Maps\Cutler_AD.mxd

Map Created on 11/13/14

Orlando Sentinel

Publication Date: 12/08/2014

Ad Number: 2880056-1
Insertion Number: /
Size: 3 x 10.5
Color Type: B&W
Client Name: PO# Mike Fitzgerald
Advertiser: City of Tavares
Section/Page/Zone: Lake Zone/E003/LAK
Description: ff/Resolution 2014-32 Varience

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Introducing
SIEMENS binax

Introductory Offer
Up to 50% Off. M.S.R.P.
- The world's first technology that is clinically proven to outperform normal hearing.

Yes, you read that right…
Clinically proven to outperform normal hearing.
- 21 million transistors
- 300 million instructions per second
- Expanded resolution to 12Hz
- e2e wireless 3.0

SIEMEN'S ACE

PUBLIC ANNOUNCEMENT CLINICAL STUDY TO BEGIN

Try this hearing aid for ONE WEEK - FREE
CLINICAL TRIAL TO BEGIN
Participants needed to try this revolutionary new hearing aid FREE as a part of a clinical study. Your feedback on this advanced technology is needed.

- Tiny in size and packed with 100% digital technology
- Learns and remembers your hearing preferences automatically
- Delivers sound that is crystal clear and natural – without that tunnel effect
- Filters out unwanted noise to deliver optimum sound quality
- Rechargeable – no more fussing with tiny batteries
- Enjoy wireless accessories that let you hear your audio devices, cell phone, even your TV, right to your hearing aids

Exclusively at Lake Medical Hearing Centers
OTHER DIGITAL HEARING SPECIAL

elia

Introductory Special
Was $995
NOW $396
while supplies last

FREE
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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 Resolution 2014-32 titled as follows:

RESOLUTION 2014-32

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM REAR YARD SETBACK FOR A RESIDENTIAL SINGLE FAMILY (RSF-1) ZONING FOR PROPERTY LOCATED AT 116 E DELAWARE ST, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Resolution 2014-32 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on December 18, 2014, at 3 p.m.; and
2. Tavares City Council meeting on January 21, 2015, at 4 p.m.

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

Proposed Resolution 2014-32 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 be heard with respect to the proposed resolution. 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.

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 Resolution 2014-31 titled as follows:

RESOLUTION 2014-31

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM FRONT YARD, REAR YARD, AND SIDE YARD SETBACKS FOR A RESIDENTIAL SINGLE FAMILY (RSF-A) ZONING FOR PROPERTY LOCATED AT 1420 LAKE DORA DRIVE, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Resolution 2014-31 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on December 18, 2014, at 3 p.m.; and
2. Tavares City Council meeting on January 21, 2015, at 4 p.m.

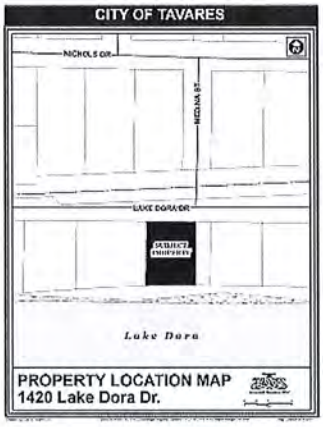
All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Resolution 2014-31 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 be heard with respect to the proposed resolution. 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.



Many homes and accessory structures on this section of Lake Dora Dr. appear to project into the required front, rear, and side yard setbacks. Several lots are legal non-conforming lots, and all lots back onto Lake Dora. Since the proposed encroachments are consistent with pre-existing limited setbacks, staff is recommending approval of this variance. There are no recorded utility easements in the rear yard or side yard of the property.

A building permit issued by the City's Building Department will be required for all proposed improvements related to this variance request.

Mr. Belanger informed the board that he was available to answer any questions.

MOTION

Mr. Stomp moved to approve Resolution 2014-31. Mr. Root seconded the motion. The motion carried 5-0.

CASES HEARD

1) Resolution 2014-32 – Cutler Property - Variance

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

This is a variance application from William Cutler for a reduction of the required rear yard setback of 20 feet to 17 feet 4 inches for his home located at 116 E. Delaware Street. The owner of the property wishes to construct screened enclosure with a hard roof. The property is zoned RSF-1.

The property is immediately adjacent to Banning Beach Road on the east, a wetland area of approximately 6.9 acres in the rear/north, and a single family home to the west. Since the proposed enclosure would expand into the rear yard only and maintain the standard side yard setback, the single family residential neighbor will not be adversely impacted.

A building permit issued by the City's Building Department will be required for the proposed improvement.

Mr. Cutler informed the board that he was available to answer questions regarding the project.

MOTION

Mr. Thomas moved to approve Resolution 2014-32. Mr. Stomp seconded the motion. The motion carried 5-0.

There was no further business and the meeting adjourned at approximately 3:05 p.m.

Respectfully submitted,

_____

Alisha Maraviglia, Senior Planner

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 9

SUBJECT TITLE: **Resolution 2015-01**
Expressing Appreciation to Lake County for the Alfred Street Project

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OBJECTIVE:

To consider a Resolution that expresses appreciation to the Lake County Board of County Commissioners and to the Lake County Public Works Department for their support in the completion of the Alfred Street Project.

SUMMARY:

The Alfred/Caroline Street one-way pair construct project is now completed. Beginning in 2005 with preliminary studies and public outreach meetings, Lake County and staff has assisted Tavares with funding, technical advice, and inspection oversight. Throughout the entire project, Lake County staff has consistently shown professionalism and outstanding customer service towards the City of Tavares and its residents.

This Resolution publicly memorializes our appreciation to Lake County for all their assistance and for the positive, cooperative experience this ten year project has provided to both of our governments.

OPTIONS:

1. That City Council moves to approve Resolution 2015-01.
2. That City Council denies the proposed resolution.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Resolution 2015-01.

FISCAL IMPACT: N/A.

LEGAL SUFFICIENCY:

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

RESOLUTION 2015-01

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, THANKING THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE EMPLOYEES OF THE LAKE COUNTY PUBLIC WORKS DEPARTMENT FOR THEIR SUPPORT, PROFESSIONAL MANAGEMENT AND OUTSTANDING PUBLIC RELATIONS DEMONSTRATED THROUGHOUT THE ALFRED AND CAROLINE STREET ONE-WAY PAIR CONSTRUCTION PROJECT IN THE CITY OF TAVARES.

WHEREAS, the Alfred/Caroline Street one-way reconstruction project, first envisioned in 2005, would become the key infrastructure component supporting the city's adopted Downtown Master Plan; and

WHEREAS, this project will promote the economic development of the city and encourage and support business growth along Alfred and Caroline Streets, and

WHEREAS, in 2008, the Lake County Board of County Commissioners agreed to prioritize the funding for the Alfred and Caroline Street reconstruction project, and

WHEREAS, in 2009, the Lake County Board of County Commissioners executed an Interlocal Agreement with the City of Tavares that memorialized the County's commitment to fund the engineering design and construction of this project; and

WHEREAS, Lake County's Road Engineers guided the City of Tavares through the design process and attended countless meetings with the contracted design engineers to insure that specifications met both County and City standards; and

WHEREAS, the Lake County Public Works Department agreed to conduct the construction bid process and construction inspections on behalf of the City of Tavares; and

WHEREAS, the Lake County Public Works Department performed these tasks professionally, efficiently; and with the utmost cooperation and consideration towards the City of Tavares, and

WHEREAS, throughout the entire project, Lake County staff responded and attended to questions posed by affected citizens of Tavares in a courteous, helpful, thoughtful and respectful manner; always demonstrating outstanding customer service and thus minimizing the impacts of this complicated construction project on our residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, THAT:

The Mayor and City Council of the City of Tavares, Florida desires to publically and sincerely thank the Lake County Board of County Commissioners along with the staff of the Lake County Public Works Department for providing to our City the new Alfred and Caroline Street Corridor and for the positive, cooperative experience that this ten year project provided to both our governments.

THIS RESOLUTION will become effective upon approval by the Tavares City Council.

PASSED AND RESOLVED this 21st day of January, 2015 by the Tavares City Council.

_____
Kirby Smith, Mayor
Tavares City Council

ATTEST

_____
Susie Novack, Deputy City Clerk

Approved as to form and legality:

_____
Robert Q. Williams, City Attorney

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 10

SUBJECT TITLE: Golf Cart Crossing over US 441

OBJECTIVE:

To relay to City Council FDOT's decision to deny a golf cart crossing at US 441 and St. Clair Abrams/Banning Beach Avenues.

SUMMARY:

During the summer of 2014, Don Griffey Engineering performed an engineering study for the city to determine if a golf cart crossing at the intersection of US 441 and St. Clair Abrams/Banning Beach Road met the criteria established by FDOT for such crossings. Although the proposed crossing did not meet all of the requirements established within the amended FDOT Traffic Engineering Manual, he did recommend approval based on his professional engineering evaluation of the intersection.

On August 28, 2014, city staff submitted Don Griffey's report and a letter requesting that FDOT grant a golf cart crossing at this location.

On December 12, 2014, FDOT responded in writing, essentially stating that they had identified too many safety concerns to permit the requested golf cart crossing. Staff contacted FDOT's Traffic Operation Engineers to discuss options. FDOT's Assistant District Traffic Operations Engineer was very familiar with our request and had in fact done a site inspection to evaluate site conditions. His frank opinion was that the safety concerns were insurmountable and that additional engineering data or efforts on the city's part would not override FDOT's safety concerns.

OPTIONS:

1. That City Council accepts FDOT's decision to deny a golf cart crossing over US 441.
2. That City Council directs staff to seek more compelling engineering data in support of this crossing.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to accept FDOT's decision to deny a golf cart crossing over US 441.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

email — Dated Jan. 7, 2015

Jacques:

Thank you for the follow up email and for taking the time to discuss. As I mentioned, I don't believe that additional engineering data or efforts would override the safety concerns that were detailed in our letter. Your engineering study covered most issues, which we reviewed very closely. While we were already familiar with conditions, we visited the intersection specifically to evaluate conditions in light of the City's engineering study and desire for golf cart crossings.

In short, we have reviewed all aspects of this location very closely. More data is unlikely to shed new light on the engineering and safety aspects.

Christopher Cairns, PE, PTOE
Assistant District Traffic Operations Engineer
District Five
Florida Department of Transportation
386-943-5328

Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Blvd.
DeLand, Florida 32720-6834

ANANTH PRASAD, P.E.
SECRETARY

December 12, 2014

Mr. Jacques Skutt, AICP
Director of Community Development
City of Tavares
Post Office Box 1068
Tavares, Florida 32778

Re: Section 11010 – M.P. 14.880
US 441 at St. Clair Abrams Avenue/Banning Beach Drive
Tavares - Lake County

Dear Mr. Skutt:

We closely reviewed the City's study that recommends a golf cart crossing over US 441 at the subject intersection. We understand and appreciate the City's vision, as restated in the study. However, the study does not provide an engineering basis to override the safety-based criteria developed by the Department for permitting golf cart crossings.

We cannot justify approving this golf cart crossing due to safety concerns. Those concerns center around: high volumes of vehicular traffic on St. Clair Abrams Avenue; 85th-percentile speeds of 39 mph on the side streets; the long crossing distance of seven lanes, excluding right turn lanes; the long red clearance interval that would be required for this distance; and potential sight distance issues along St. Clair Abrams Avenue due to the roadway curvature.

We conferred with our Central Traffic Engineering and Operations Office, who also considered the study recommendations versus conditions. Their office concurs with District 5's recommendation to not allow the golf cart crossing at this intersection where US 441 has six lanes.

Sincerely,

Richard B. Morrow, P.E.
District Traffic Operations Engineer
District Five

RBM:ccc:d

cc: Mr. Fred Heery

COMMUNITY DEVELOPMENT

Planning & Zoning Division
Phone: (352) 742-6408

TAVARES
America's Seaplane City

Building Division
Phone: (352) 742-6213

Florida Department of Transportation
719 S. Woodland Blvd.
MS 3-562
Deland, Florida
32720-6800
Attention: Mr. Richard B. Morrow, P.E
District Traffic Operations Engineer

August 28, 2014

Dear Sir:

Re: Request for Golf Cart Crossing over US 441

The City of Tavares is formally requesting permission for a golf cart crossing over US 441 at the St. Clair Abrams Avenue/Banning Beach Drive intersection. Tavares has amended its Code of Ordinances to allow golf cart use on all city streets and on designated county roads where the speed limit is 35 miles per hour or less. Multi-modal forms of transportation have become a predominant theme in our branding endeavors as we became "America's Seaplane City". We have conceptually and financially supported rail transportation studies that the FDOT is presently undertaking. Golf Cart use is becoming increasingly popular to the citizens of our city for short local trips to our Downtown Entertainment District and to our shopping centers. Undoubtedly, the influences of the nearby "Villages" lifestyle and the rising cost of fuel are contributing to the desire for golf cart use. Unfortunately, US 441 bisects our city, insolating the northern section of our city from our downtown.

On March 25, 2013 FDOT approved a golf cart crossing over State Road 19 at the Dead River Road intersection in Tavares. This crossing has been functioning now for over a year without any problems or incidents involving golf carts.

The City of Tavares had Griffey Engineering perform an engineering study of the proposed US 441 crossing to determine if it meets the criteria specified within the amended FDOT Traffic Engineering Manual. I am attaching a copy of this study.

In summary, the US 441 crossing meets all criteria except the maximum vehicular volume from both St. Clair Abrams and Banning Beach, the AM/PM Peak Hour trips on St. Clair Abrams and the number of lanes being crossed (7). However, Mr. Griffey is recommending approval based on his professional engineering evaluation of the intersection.

The City of Tavares respectfully requests that FDOT reviews the attached engineering study and grants a golf cart crossing at this requested location.

Please contact me if any further information or assistance is needed for your evaluation.

Sincerely,

Jacques Skutt
Director of Community Development

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 11

SUBJECT TITLE: Mutual Appointments to Police and Fire Pension Boards

OBJECTIVE:

The Mayor will recommend the mutual (5th positions) to the Police and Fire Pension Boards.

SUMMARY:

The Police and Fire Pension Boards have five members. The 5th member is a mutually appointed position by each Board which is confirmed by City Council.

Richard Keith has been appointed by the Fire Pension Board to their mutual board position for a four year term until 2018.

Sarah Coursey has been appointed by the Police Pension Board to fill a midterm vacancy from the retirement of David Myers. This appointment will be for one year until 2015.

OPTIONS:

1) Move to approve the Mayor's recommendation of the Mutual Fire Pension Board appointment of Richard Keith to 2018 and the Mutual Police Pension Board appointment of Sarah Coursey until 2015.

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: Legally sufficient

Legally sufficient.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 12
SUBJECT TITLE: Information on Starting a Charter School

OBJECTIVE: To present information to Council on starting a Charter School.

SUMMARY: Previously Council member Lori Pfister asked Council for approval for staff to conduct research on what is involved in starting a Charter School which Council approved.

Staff has conducted research on Charter School Development and has attached:

1. A "tool kit" offered by the Florida Department of Education Office of Independent Education and Parental Choice that fully describes the process.
2. The Florida Statute 1002.33 Charter Schools
3. The Villages Charter School Budget

To summarize the process of establishing a Charter School, usually a group is formed (comprised of teachers, parents, and community members) and they submit an application to the school district; the school district reviews and approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines expectations of both parties regarding the school's academic and financial performance.

Applicant groups should present strong school governance models with necessary board member skill sets, a comprehensive business plan demonstrating a high level of fiduciary and operational acumen, and an academic program either filling an educational void or introducing an innovative model not currently offered to public school students.

The process takes about two years to go through during which the following is accomplished:

1. Vision/Team Building
2. Research and Development
3. Application and Approval
4. Preparing to Open
5. Moving forward

The team building should include a team of experts and specialists versed in: Educational Law; Curriculum and Instruction; Assessments of Student achievements; Special Education; Systems Technology; Human Resources; Public School Finance; Accounting; Management; Governance; Grant Writing; Real-estate; Civil Engineering; Public Relations; Marketing and fundraising.

Organizations that can assist include:

National Alliance For Public Schools - www.publiccharters.org
Florida Department Of Education - http://www.floridaschoolchoice.org
Florida Charter Alliance – www.flcharteralliance.org

Having conducted this research and contacted some of these organizations, it became clear that it takes a concerted effort by many interested parties to move this initiative forward and that hiring a professional charter school consulting group should be considered to save significant time and money. Fund raising also appears to be a big part of this type of initiative too.

OPTIONS:

1. Receive and review the information.
2. Budget to hire a Charter School Consultant in next year's fiscal year budget to further evaluate this initiative

STAFF RECOMMENDATION

That Council review and discuss the information and advise staff if they desire to place money in next year's budget to hire the services of a Charter School consultant to guide the city in the development of a charter school.

FISCAL IMPACT: None

LEGAL SUFFICIENCY: This has met legal sufficiency.

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 13
SUBJECT TITLE: Renaming the Tavares Civic Center

OBJECTIVE: To discuss renaming the Tavares Civic Center to the Tavares Senior Center

SUMMARY: At the December 3, 2014 city council meeting, Councilmember Lori Pfister requested that consideration be made into renaming the Tavares Civic Center to the Tavares Senior Center.

By way of history, city council minutes dating back to 1959 refer to the need to build a "community building" for the community. During construction of the building and after, the building was referred to as the civic center.

CURRENT CITY-SPONSORED SENIOR ACTIVITIES

- Senior shuffleboard members utilize the TRA room located adjacent to the civic center for gathering and for their activities
- The city's recreation department hosts annually, eight senior dances at the civic center
- The library serves as host to approximately eight to 10 senior-related programs per year
- Until recently, AARP provided their 55-Alive driving program at the Ingraham Center

ADDITIONAL INFORMATION

- It is the future plan to expand the library into Ridge Park. This expansion could include a room dedicated for senior programming (this might be conducive to acquiring grant money to construct)
- Also, it is the future plan to build a recreation center at the Woodlea Sports complex which could include space for senior programming
- Additionally, the Ingraham Center could be utilized at various times for senior programming

OPTIONS: for council to discuss

STAFF RECOMMENDATION: That Council discusses the idea of Councilmember Pfister to rename the Tavares Civic Center the Tavares Senior Center and instruct staff accordingly.

FISCAL IMPACT: n/a
LEGAL SUFFICIENCY: n/a

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: January 21, 2015

AGENDA TAB NO. 14

SUBJECT TITLE: Update on Purchase of Clerk's Building – 122 E. Main Street

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OBJECTIVE:

To receive an update on the proposed purchase of the Lake County Clerk's Records Center Building.

SUMMARY:

On September 17, 2014, Council authorized the City to obtain an appraisal of the Lake County Clerk's Building (see attached 9/17/14 agenda summary for additional background information). The Interlocal agreement signed with the County in 2010 authorized the City and County to obtain its own appraisals or share in one appraisal. The County elected to obtain its own appraisal.

The City's appraisal (see attached) done by Walter Price came in at $825,000 for the building and $125,000 for the generator for a total of $950,000 (see page 25). It is anticipated that the County's appraisal will be available soon and possibly in time for when this update is made to the City Council on January 21.

Should this occur the process to move this to purchase to the next phase is as follows:

1. Take the average of the two appraisals and use that as the purchase price (Example: If the County's appraisal comes in at $1,200,000 and the City's appraisal is $950,000 then the purchase price would be set at $1,075,000.
2. Provide County a deposit of 5% ($53,750 for the above example).
3. Close in 60 days

Note: County staff has indicated that it may recommend that the closing occur in four months instead of two months. City staff has no objection to this request.

OPTIONS:

1) Receive update and do authorize purchase.
2) Receive update and authorize purchase under previously agreed upon terms and conditions.

3) Receive update and authorize purchase upon previously agreed terms and conditions with closing to be conducted in four (4) months instead of two (2) months.

STAFF RECOMMENDATION:

Option three (3) - receive update and authorize purchase under agreed upon terms and conditions with closing to be conducted in four (4) months instead of two (2) months.

FISCAL IMPACT: As indicated in the 9/17/14 attached agenda, the City would fund this purchase with an internal borrowing where the General Fund would borrow sufficient funds to close from the Utility Enterprise reserve account (it currently has a balance of $4,850,345.00) at the going interest rate under a 20 year note with no prepayment penalties.

LEGAL SUFFICIENCY: Legally sufficient.

Attachment to Tab 14

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: SEPTEMBER 17, 2014

AGENDA TAB NO. 8

SUBJECT TITLE: Consideration of the City exercising its option to purchase the Clerk's Records Center building property for redevelopment as the Tavares Square

OBJECTIVE:

To consider approval of the City exercising its option to purchase the Clerk's Records Center building property for redevelopment as the Tavares Square

SUMMARY:

In June 2010, the City of Tavares and Lake County entered into an interlocal government agreement that gave the City an exclusive option to purchase the Clerk's Record Center building and property bounded by Main and Ruby Streets and Rockingham and New Hampshire (See attached "Interlocal Agreement"). Per the Interlocal agreement the City can exercise its option to purchase the property between October 1, 2014 and May 1, 2015. If it does not exercise its option the building remains a County building in perpetuity or until such time as the County elects to sell it. It currently is tax exempt property, utilized by the Clerk, owned by the County and takes up the better part of an entire city block.

By way of background, in August 2008 the City adopted a Downtown Tavares Redevelopment Master Plan based upon Tavares citizen's visioning process that had occurred the prior year in addition to a series of public master planning meetings as well as a joint meeting with the Community Redevelopment Area Advisory Committee (CRAAC) and the Planning Board. One of the recommendations contained in the report (pages 109-3F and 111-3F of the Master Plan) calls for the development of Tavares Square (Town Plaza) on the block currently occupied by the Clerk's Record Center (See rendering of plaza attached). The Master Plan envisions razing the Clerk's Record Center building and the creation of an open space public square plaza for approximately 2/3 of the property with 1/3 being sold to the private sector for redevelopment into high density commercial and residential components. The open space public plaza would create a vista gateway to Wooton Park creating a one of a kind destination for Lake County.

In addition to the goals of 1) creating a public plaza with vista gateway to Wooton Park 2) creating economic investment opportunities by redeveloping 1/3 of the property by the private sector, and 3) putting some of the property back on the tax rolls to contribute to the tax base, the Council at the time desired to move all

County Government functions to the County Campus that surrounds the new Freedom Flag traffic circle. The County, at that time agreed and thus, the judicial building that the County was developing at this time was sized to consolidate and accommodate the Clerks functions that are currently handled out of this "Records Center Building". The County has since indicated that relocating the Clerks functions are problematic because the County did reduce the size of the judicial complex. Recently County Officials (County Chairman, County Manager and County Attorney) met with City Officials (Mayor, City Manager, City Attorney) to explore the option of the city delaying the purchase of the Clerks Records Building for eight (8) years to accommodate the County's space problems that were created when they down sized the judicial building.

The acquisition of the Clerk's Record Center property is the first step to be taken in the development of Tavares Square and related commercial and residential development. In order to begin the development of the Tavares Square concept, the City will need to exercise its option to purchase the property from the County by May 1, 2015. The agreement does call for the City to hire an MAI Appraiser to conduct an appraisal of the property to be used in determining the purchase price. The County has the right to also obtain an appraisal and the average of the two appraisals shall set the purchase price. Upon acquisition of the property by the City, the County has the right to lease back the building for not more than one year at fair market rental value.

If the City were to exercise its option to purchase the property one scenario that could result if the property were to appraise at $800,000 **(Note: No appraisal has been conducted)** is as follows:

- The City could do internal borrowing where the General Fund would borrow $800,000 from the Utility Enterprise reserve account (it currently has a balance of $4,850,345.00) at the going interest rate under a 20 year note with no prepayment penalties.

- The City would then purchase the Clerks Record Building for cash and lease it back to the County for one year per the agreement. The annual debt service payment for this internal borrowing program would be less than $80,000 per year. The first year lease payment from the County to the City would be approximately $80,000 and would go towards reducing the loan.

- The salvage value of the building and generator would be approximately $120,000 and would go towards reducing the loan.

- If the city sold the development rights for 1/3 of the property to a private developer for $400,000 that too would go towards reducing the loan (Developer would be responsible for raising the Clerks Building).

- The remaining balance on the internal loan would then be approximately $200,000. This could be paid off by the General Fund in approximately five (5) years with $45,000 annual payments to the Utility Enterprise Fund.

- If the property is appraised at a higher number then all of the above numbers go up proportionately, if appraised at a lower number then all the above numbers go down proportionately.

OPTIONS:

1. That Council moves to approve exercising its option as of October 1, 2014 to acquire the Clerk's Record Center property, have an MAI appraisal done on the property and direct staff to bring back for Council consideration the appraisal and a detailed financing plan to cover the cost of purchasing the property

2. That Council direct staff to work with the County to delay the purchase of the property for some length of time under new terms and conditions.

3. That Council moves not to approve the acquisition of the property.

STAFF RECOMMENDATION:

That Council moves to approve exercising its option as of October 1, 2014 to acquire the Clerk's Record Center property, have an MAI appraisal done on the property and direct staff to bring back for Council consideration the appraisal and a detailed financing plan to cover the cost of purchasing the property.

FISCAL IMPACT: Appraisal will cost approximately $2,000.

LEGAL SUFFICIENCY: Legally sufficient.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 21, 2015

AGENDA TAB NO. 15

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)

- Regular City Council Meeting – February 4, 2015 – 4:00 p.m.
- Code Enforcement Special Magistrate Hearing – January 27, 2015 – 5:30 p.m.
- Library Board – February 18, 2015 - Library Conference Room – 2:00 p.m.
- Planning & Zoning Board – February 19, 2015 – City Council Chambers – 3:00 p.m.
- Lake Sumter MPO – January 28, 2015 – 4 p.m. Clermont City Hall
- Lake Sumter MPO Eighth Annual Horizon Awards – January 28, 2015 – Clermont Community Center – 5:30 p.m.
- Lake County League of Cities Luncheon Meeting – January 9, 2015 – 12:00

OTHER EVENTS
African American Heritage Festival – February 7, 2015 – 8 am to 5 pm

Crappie Masters – February 13-14, 2015

Waterman 5K Run – February 22, 2015 – 8 am to 11 am

HydroDrag Nationals – February 28-March 1, 2015

Orange Blossom Marathon – October 1, 2015

March 7, 2015 – Rubber Ducky Races

March 13-14, 2015 – Dragonboat Races

March 20-22, 2015 – Classic Raceboat Regatta

March 26-29, 2015 – Sunnyland Boat Show

April 11, 2015 – Planes, Trains & BBQ

April 28, 2015 – Seaplane Fly In

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 17, 2014

AGENDA TAB NO. 16

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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