AGENDA
TAVARES CITY COUNCIL

MAY 6, 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 form 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

John Barham, First United Methodist Church of Tavares

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 April 15, 2015 Regular Council Meeting

V. PROCLAMATIONS/PRESENTATIONS

Tab 2)	**National Public Works Week – May 17-23, 2015**	**Mayor Smith**
Tab 3)	**Streetscaping Plan for West Main Street**	**Jacques Skutt**
Tab 4)	**Streetscaping Plan for Ruby Street**	**Jacques Skutt**

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 5)	**911 Agreement with Lake County**	**Stoney Lubins**

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 6) Ordinance #2015-09–Amendment to Land Development Regulations for the Keeping of Chickens in Certain Residental Districts	**Jacques Skutt**
Tab 7) Ordinance #2015-06–Rezoning of 4 Acres located on the North Side of Caroline Street West of St. Clair Abrams from RMF-2 to Mixed Use–City Initiated	**Jacques Skutt** **Jacques Skutt**
Tab 8) Ordinance #2015-07–Small Scale Future Land Use Amendment 2 Acres–located on the North Side of Caroline Street, West of St. Clair Abrams–City Initiated	**Jacques Skutt**

SECOND READING

RESOLUTIONS

Tab 9) Resolution #2015-06–Special Use for Funeral Home 1350 E. Burleigh Blvd.	**Jacques Skutt**

X. GENERAL GOVERNMENT

Tab 10) Observations & Recommendations from Public Workshop RE Main Street Parking	**Jacques Skutt**
Tab 11) Agreement with Richard Powell for Commercial Boat Tours	**Bob Tweedie**
Tab 12) Temporary Reduction in Agricultural Reclaim Water Rates	**Brad Hayes**
Tab 13) Update on Pavilion Statistics	**Tammy Rogers**
Tab 14) Interlocal Agreement with Lake County re: Distribution of Infrastructure Sales Tax	**John Drury**
Tab 15) Proposed Lake County Ordinance to create a "Trap-Neuter-Return" Program for Feral Cats–Opportunity for Council Comment	**John Drury**
Tab 16) Authorization to Develop an "Outdoor Adventure Themed' Special Event at Wooton Park	**Bob Tweedie**

XI. OLD BUSINESS

XII. NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

Tab 17) City Administrator **John Drury**

Tab 18) Council Reports **City Councilmembers**

F.S. 286.0105 □If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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TAVARES

America's Seaplane City™

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 15, 2015
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
Nancy Barnett, City Clerk
Lori Houghton, Finance Director
Robert Q. Williams, City Attorney
Chris Thompson, Public Works Director
Lori Tucker, Human Resources Director
Bob Tweedie, Economic Development Director
Joyce Ross, Communications Director
Tammey Rogers, Community Services Director
Richard Keith, Fire Department
Jacques Skutt, Director of Community Development
Stoney Lubins, Police Chief

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Greg Watts, Liberty Baptist Church, gave the invocation and led the Pledge of Allegiance.

Mayor Smith noted the hearing devices available at the entrance table and requested that cell phones be silenced. He asked those who wished to speak to Council to fill out the form provided at the door.

III. APPROVAL OF AGENDA

MOTION

Robert Speaks moved for approval of the agenda, seconded by Bob Grenier. The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES

Tab 1) Minutes of April 1, 2015 Regular Council Meeting

MOTION

Robert Speaks moved for approval of the minutes of April 1, 2015 as submitted, seconded by Bob Grenier. The motion was approved unanimously 5-0.

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Stamp Out Hunger Food Drive

Mayor Smith read a proclamation in recognition of the Stamp Out Hunger Food Drive held by the letter carriers on the second Saturday in May (May 9, 2015).

Tab 2) Motorcycle Safety Awareness Month

Mayor Smith read a proclamation designating May as Motorcycle Safety Awareness Month.

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

Attorney Williams did the swearing in for the following quasi-judicial matters: Tab 6 – Rezoning of 38 Acres at SW Dead River Road and Captain Haynes Road; Tab 7 – Ordinance #2015-08 – ISBA Agreement and Tab 8) Large Scale Future Land Use Amendment – Shanti Niketan. He then asked Council if they had had any ex parte communications on those matters. There were none.

VII. READING OF ALL ORDINANCES/RESOLUTIONS

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

ORDINANCE 2015-05

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 38.6 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST INTERSECTION OF DEAD RIVER ROAD AND CAPTAIN HAYNES ROAD FROM AN RMF-3 (RESIDENTIAL MULTI-FAMILY) AND RMH-S (MANUFACTURED HOME SUBDIVISION) ZONING TO AN RMF-2 (RESIDENTIAL MULTI-FAMILY) ZONING; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-08

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, ADOPTING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) BETWEEN THE CITY OF TAVARES, LEESBURG, MOUNT DORA, ASTATULA AND LAKE COUNTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-02

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 101 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF SLIM HAYWOOD AVENUE, NORTH OF CAMP ROAD AND WEST OF SR-19, FROM SUBURBAN AND SUBURBAN EXPANSION TO MODERATE DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

VIII. CONSENT AGENDA

Mayor Smith asked if anyone in the audience objected to the Consent Agenda items.

MOTION

Bob Grenier moved to approve the Consent Agenda [Appointment of Art Swanton to the Lake Community Action Agency and Appointment of Lou Buigas to the Lake County Arts & Cultural Alliance], seconded by Robert Speaks. The motion carried unanimously 5-0.

IX. ORDINANCES/RESOLUTIONS

ORDINANCES

Tab 6) Ordinance #2015-05 – Rezoning of 38 Acres from RMF-3 to RMF-2 at the Southwest Intersection of Dead River Road – City Initiated

Mr. Skutt advised this rezoning is for 38.6 acres of property on the southwest corner of Dead River Road and Captain Haynes Road from RMF-3 zoning and an RMHS zoning to an RMF-2 zoning. The property is owned by Fox Run Inc. (Harold Holland) and has been used for the last 10 years by the Fox Run Mobile Home subdivision for the storage of boats and trailers. They were issued a special use permit in 2014 which effective for five years.

The land is comprised of three parcels of property. It has been owned by Mr. Holland since the early 1990's and over that period of time the city has made some mapping errors and has reworked the Land Development Regulations which had some unintended effects on this property. At this point the zoning on the properties is inconsistent and incompatible with the

underlying low density residential future land use that is applicable to this property and as it stands no development could legally take place on this property. To correct these errors city staff, with permission from Mr. Holland, has initiated this rezoning to an RMF-2 zone which will allow single family dwellings, duplexes, and townhomes uses with a maximum density of 5.6 dwellings per acre. The use is compatible with surrounding property uses and the established future land use.

The Planning & Zoning Board recommended approval on March 19th and staff recommends approval.

MOTION

Lori Pfister moved to approve Ordinance #2015-05, seconded by Bob Grenier. The motion carried unanimously 5-0.

Tab 7) Ordinance #2015-08 – Interlocal Service Boundary Agreement with Lake County

Mr. Skutt reported that this ordinance will adopt the ISBA between the City of Tavares and Lake County and the participating cities of Leesburg, Mt. Dora, and the Town of Astatula. The City of Tavares staff with the assistance of Mayor Smith has successfully negotiated the ISBA with Lake County and those municipalities requesting to participate. Lake County Commission will hold their public meeting for this adoption next Tuesday.

Key points:

- Establishes future city boundaries to enable the city to plan for the necessary utility extension to serve this expansion and growth
- It allows the City to process voluntary annexations of properties that are not contiguous to present city boundaries
- Identifies which roads the city will ultimately be responsible for maintaining. The county has agreed to perpetually maintain CR 561, CR 448, and David Walker Drive.
- The city and the county will agree to automatic aid for fire and rescue services defined as the "immediate response emergency personnel closest to the scene regardless of jurisdiction or location." It will also include county-owned properties and buildings within the City of Tavares. On a quarterly basis responding calls will be calculated and if inequitable, compensation will be made.
- The county and the city will agree to work together to eliminate the inconsistencies within the ISBA area of the LDR's.

Mr. Skutt stated the agreement is pivotal in defining the city's growth and staff recommends approval.

MOTION

Bob Grenier moved to approve Ordinance #2015-08, seconded by Robert Speaks. The motion carried unanimously 5-0.

X. ADOPTION HEARING – LARGE SCALE FUTURE LAND USE AMENDMENT

Tab 8) Ordinance #2015-02 – Large Scale Future Land Use Amendment – Phase 4 – Shanti Niketan

Mr. Skutt stated this land use amendment is for 101 acres of property located south of Slim Haywood Avenue, north of Camp Road and west of SR 19. It was previously known as Lane Park Ridge Phase 2. It is being redesignated from suburban and suburban expansion to moderate density residential which equates to 10 dwelling units per acre. Council approved the transmittal of the amendment to the state in February for review. The Department of Economic Opportunity has completed its review and found no impact on state resources and facilities. Staff recommends approval.

Councilmember Pfister asked about the comment from the Florida Department of State in terms of the historic preservation review. She clarified that the reviewer has stated there is no historical impact detriment to historic preservation. Discussion followed.

Attorney Williams said the city can require a historical survey if a need is determined at the time of development.

MOTION

Lori Pfister moved to approve Ordinance #2015-02, seconded by Bob Grenier. The motion carried unanimously 5-0.

XI. GENERAL GOVERNMENT

Tab 9) Parking Garage Incentive Program

Mr. Drury stated at the beginning of every year the Mayors send a letter to all five of the constitutional offices asking that they encourage all of their employees and visitors to use the parking garage in order to keep the street parking open to people who patronize the vendors. Mr. Drury noted most employees comply with the request. He said in the city's continued effort to obtain 100% compliance by all government employees who work at the government campus, this year the mayor's letter had a challenge for all of the employees which was to come up with an incentive program to park in the garage. One suggestion was received which provides a framework for discussion. Mr. Drury discussed a possible incentive program that would be developed in coordination with a restaurant for a free dinner and asked if Council wished to budget funds ($600) for the program.

Councilmember Pfister spoke against putting funds into an incentive program. She said the County needs to enforce the rules to require its employees to park in the parking garage.

Councilmember Johnson said she agreed on the funds not being spent but that she thought the businesses might contribute. She said she would donate an incentive from her business.

Mayor Smith noted a public workshop was being held tomorrow. He said he did not wish to spend taxpayer monies on the program but it was a good idea as an advertising opportunity for the businesses. He noted it is legally permissible however for employees to park on the streets

although he agreed with the practice of the county telling its employees to use the parking garage. He suggested that Council hold off for another three weeks until the business owners can come up with idea and recommended tabling this item until the workshop can be completed.

Vice Mayor Grenier noted the County is also a business and he works for a company that tells its employees where they are to park and the county should make it mandatory.

Attorney Williams noted that when speaking about the County the city is usually including the five constitutional officers who also have a number of employees. He said those employees are state employees but the County Commission cannot regulate those employees. He said he felt all the county constitutional officers and county commissioners are in agreement however the issue is enforcement and regulation. Mr. Drury said he is proposing to the Council to consider a balance between a "carrot and stick" approach.

Councilmember Speaks said he agrees to table this issue until the public workshop is held.

MOTION

Robert Speaks moved to table further discussion on the parking incentive program until the next Council Meeting, seconded by Lori Pfister. The motion carried unanimously 5-0.

Tab 10) Update to Event Policy to add Pavilion on the Lake

Ms. Ross discussed the proposed update to the current Event Policy which was adopted by Council in January 2014. The policy provided guidelines for defining events and determining levels of city support for those events. Since the Tavares pavilion did not open until October after the policy was adopted, the request is now to update that policy to include this new facility. The language has been added that provides guidelines for city support of events held at the facility that will be open to the public and clarifying when a special use permit will be required.

MOTION

Lori Pfister move to approve the updated event policy, seconded by Robert Speaks. The motion carried unanimously 5-0,

Tab 11) Consideration of Permitting Chickens in the City Limits

Mr. Skutt said the city has received requests to amend the land Development Regulations to permit a limited amount of properly contained chickens (no roosters) for personal use in residential zonings. The present regulations do not allow any live chickens within the city. Lake County adopted an ordinance in 2013 that does allow a limited amount of personal chickens. He said he is not aware that the county has had any problems with this ordinance.

MOTION

Lori Pfister moved to approve and mirror the county's ordinance, seconded by Robert Speaks.

Councilmember Speaks and Vice Mayor Grenier spoke in opposition.

Mayor Smith said he was strongly in favor of an ordinance, noting there are several areas in the city that are enclaves currently in the county that can legally keep chickens next to a city resident. He said he had called the county and was told of just one complaint. He said there are residents in the city who would benefit from the production of eggs.

Mayor Smith said he had received a request to speak from an unrecognizable signature.

Daniel Berry, 405 E. Alfred Street

Mr. Berry said there 10 other people who have the Request to speak form who would like to speak.

Mr. Berry recommended that the city not adopt any ordinance against chickens. Mr. Drury clarified there is an existing ordinance that prohibits having chickens in the City of Tavares and the issue under discussion is whether to amend the ordinance. Mr. Berry questioned the issue of requiring chickens to be properly contained and said he knows several people who have chickens. He reiterated that he was opposed to have any law against chickens and said the legislation would be too complicated.

Shannon Hane – 715 N. Disston Avenue

Ms. Hane said she has chickens and she called and was misinformed that she was allowed to have chickens. She said she did not know there was an issue until Code Enforcement observed them in her yard. She said her neighbors love her chickens and she has had no complaints.

Mayor Smith asked those in the audience to come forward if they were opposed to having a new ordinance to permit chickens. He then summarized that everyone else in the audience appeared to be supporting a new chicken ordinance.

Mayor Smith said the motion is to direct staff to develop a chicken ordinance and it has been seconded.

The motion carried 4-1 as follows:

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

Ms. Hayne asked about her code enforcement issue. Mayor Smith directed her to meet with Chief Lubins.

Councilmember Speaks said this action has given staff the authority to develop and advertise an ordinance.

Tab 12) Expanded Use of Pavilion by City of Tavares Non-Profit Agencies and City Facilitated Events

Ms. Rogers said this request is for Council consideration to allow the city to offer to City of Tavares non-profit organizations (who can show proof of their viability as a not-profit) a discounted rate of 50% for use of the large conference room in the Pavilion on Tuesdays from 10:00 a.m. to 2:00 p.m. In addition the request is to allow a discounted rate to city facilitated events such as the Father-Daughter Dance, certain library events, etc.

MOTION

Lori Pfister moved to approve a policy that makes the use of the Tavares Pavilion on the Lake conference room available to non-profit organizations located in the City of Tavares at a discounted rate (50% on Tuesdays between the hours of 10:00 a.m. and 2:00 p.m.) and permit the use of the Pavilion on the Lake for city facilitated events. The motion was seconded by Lisa Johnson. The motion carried unanimously 5-0.

XII. OLD BUSINESS

Councilmember Pfister requested to have information brought back on income and expenses related to the pavilion for the first six months.

XIII. NEW BUSINESS

Councilmember Johnson said she is concerned that recycling is not offered to businesses downtown.

Mr. Thompson said the city does not regulate commercial recycling and the option is there for a business owner to set up a recycling service. He said staff can provide information for services that are available to commercial businesses.

XIV. AUDIENCE TO BE HEARD

Historical Report:

Betty Burleigh reported that in 1989 the book Best Small Towns Under the Sun by Robert Howard was published. The author chose Tavares as one of the towns. She read the description of Tavares contained in the book…."Regardless of where you live in the town it is a short walk to either of two lakes, Eustis and Dora, and a spectacular view…"

XV. REPORTS

Tab 14) City Administrator

Mr. Drury referred to his event list and the events coming up.

City Clerk

Ms. Barnett pointed out the Public Workshop being held tomorrow night at 6:00 p.m. She said she has provided public notice in case more than one councilmember wishes to attend.

Economic Development

Mr. Tweedie stated Lauren Farrell will provide an update on the Junior Bassmaster's Event held recently. Ms. Farrell said this is a small group—the Youth National Lakeland Junior Bassmasters who are enthusiastic about the event and do not require a lot of input from the City. She presented the plaque that was provided to the City by the group.

Human Resources Director

Public Works Director

Community Services Director

Tab 15) City Council

Councilmember Pfister

Councilmember Pfister asked if the City could think about the Civic Center and the library's appearance, size, and parking area. Mr. Drury said there will be some monies proposed this year for expansion and appearance of the library, as in previous years, however this has usually been cut due to budgetary issues.

Vice Mayor Grenier

Vice Mayor Grenier advised that the original pavilion was torn down when the civic center was built. He noted 150 years ago on this day President Lincoln died. In addition it was the date that the Titanic collided with the ice berg.

Vice Mayor Grenier discussed Disston Avenue named after Hamilton Disston. He said in 1881 Florida was in debt and there were only two men who could assist the state at the time—Major St. Clair Abrams and Henry Sanford. Hamilton Disston then came from Philadelphia and bought four million acres of Florida land which made him the largest individual land owner in the United States at the time.

Councilmember Speaks

Councilmember Speaks discussed his vote on the motion regarding chickens. He said he is not in favor of permitting chickens but he seconded the motion to bring it on the floor and that he felt the citizens had a right to have something brought forward for consideration.

Councilmember Johnson

Councilmember Johnson said she looked forward to the Planes, Trains and BBQ event and that she also looked forward to attending the parking workshop. She said she had recently attended a meeting in St. Augustine and had heard a lot of positive comments from the officials there about Tavares.

Mayor Smith

Mayor Smith commented on the Hydro X Jet Ski Event noting he had attended their awards seminar and been given a plaque. He said on this day insulin was discovered. He said in addition, today [in reference to income tax filing deadline] is National Tax Day, National Wild Guess Day and National Rubber Eraser Day.

Adjournment

There was no further business and Mayor Smith adjourned the meeting at 5:05 p.m.

Respectfully submitted,

Nancy A. Barnett

Nancy A. Barnett, City Clerk, MMC

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 2

SUBJECT TITLE: National Public Works Week May 17-23, 2015

OBJECTIVE:

The Mayor will read a proclamation designating May 17-23, 2015 as National Public Works Week.

SUMMARY:

National Public Works Week recognizes the public work professionals and projects that serve the citizens.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

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PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, parks and canal maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel, who staff public works departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform.

WHEREAS, this year's theme, "Community Begins Here" speaks to the all-pervasive effort of public works professionals and their projects, while bringing quality of life contributions and the necessities of our communities to the citizens of the world.

NOW, ***THEREFORE***, the City Council of the City of Tavares, Florida does hereby proclaim the week of May 17th through May 23rd, 2015 as

NATIONAL PUBLIC WORKS WEEK

and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

PASSED AND DULY ADOPTED in regular session this 6th day of May, 2015

_____

Mayor Kirby Smith
City of Tavares

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

AGENDA TAB NO. 3

SUBJECT TITLE: West Main Street Streetscape Project
Presentation by BESH Engineering

OBJECTIVE:

BESH Engineering will make a brief presentation on the Streetscape Design planned for West Main Street.

SUMMARY:

In December, the City entered into an agreement with BESH Engineering to perform the design of the West Main Street Streetscape Project. The design is now complete. In an effort to incorporate comments and concerns of adjacent property owners, staff of the City and BESH met with property owners and merchants to review the proposed plan on April 20th. To the extent possible, comments and recommendations from that meeting have been incorporated into the conceptual plan.

OPTIONS:

1. That City Council moves to approve the conceptual plan.
2. That City Council denies the concept plan.

STAFF RECOMMENDATION:

That City Council approves the concept plan.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY;

This contract has been reviewed by our City Attorney and approved for legal sufficiency.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

AGENDA TAB NO. 4

SUBJECT TITLE: Ruby Street Streetscape Project
Presentation by BESH Engineering

OBJECTIVE:

BESH Engineering will make a brief presentation on the Streetscape Design planned for Ruby Street.

SUMMARY:

In December, the City entered into an agreement with BESH Engineering to perform the design of the Ruby Street Streetscape Project. The design is now complete. In an effort to incorporated comments and concerns of adjacent property owners, staff of the City and BESH met with property owners and merchants to review the proposed plan on April 20th. To the extent possible, comments and recommendations from that meeting have been incorporated into the conceptual plan.

OPTIONS:

1. That City Council moves to approve the conceptual plan.
2. That City Council denies the concept plan.

STAFF RECOMMENDATION:

That City Council approves the concept plan.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY;

This contract has been reviewed by our City Attorney and approved for legal sufficiency.

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TAVARES

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 5

SUBJECT TITLE: E911 INTERLOCAL AGREEMENT

OBJECTIVE: To obtain council authorization to approve the authorization of a interlocal agreement between the City of Tavares and Lake County in regards to the 911 system.

SUMMARY: The agreement is to serve as a framework for cooperation between the City and Lake County in regards to the 911 system. All municipalities have executed a similar agreement, with the difference being whether or not those municipalities still maintain a dispatch center.

OPTIONS:

1) Authorize the execution of the inter local agreement
2) Do not authorize the inter local agreement

STAFF RECOMMENDATION: Staff recommends the approval of option 1.

Move to approve the execution of the Interlocal Agreement for the 911 System with Lake County.

FISCAL IMPACT:

There is no fiscal impact.

LEGAL SUFFICIENCY:

Legally sufficient.

INTERLOCAL AGREEMENT

BETWEEN

LAKE COUNTY, FLORIDA

AND THE CITY OF TAVARES

REGARDING E9-1-1 SYSTEM

THIS INTERLOCAL AGREEMENT is by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the "County," and the City of Tavares, a municipal corporation organized under the laws of the State of Florida, hereinafter the "City," regarding the NG9-1-1 System.

WHEREAS, in 1989, the County submitted to the State of Florida its E9-1-1 Communications Plan; and

WHEREAS, the County is desirous of updating its E9-1-1 Communications Plan; and

WHEREAS, in order to update its E9-1-1 Communications Plan, the County must update its interlocal agreements with the municipalities within the geographic boundaries of Lake County; and

WHEREAS, the County and the City desire to enter into this Interlocal agreement to update their respective responsibilities relating to the E9-1-1 System.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, premises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

Section 1. PURPOSE. The purpose of this document is to serve as a framework within which both parties may jointly coordinate and utilize the resources of the County's E9-1-1 System in a responsible manner, for the benefit of the citizens of the City of Tavares.

Section 2. COUNTY RESPONSIBILITIES.

A. The County shall update its E9-1-1 Communications Plan and file such updated plan with the State of Florida. The updated plan shall show that all emergency calls within the geographic limits of the City shall automatically be routed to the answering position in the Lake County Sheriff PSAP.

B. The County shall update and maintain a database and other computer software as necessary to operate the E9-1-1 system.

Section 3. CITY RESPONSIBILITIES.

A. The City shall abide by and follow all operating procedures adopted by the County and all rules and regulations adopted by the State of Florida for operation of the E-9-1-1 system.

B. The City shall update and maintain its addressing policies so that the policies are compatible with the E9-1-1 software and continue to give the County all information pertinent to database institution and maintenance including but not limited to street closings, comprehensive address grid, new streets and annexations.

C. The City shall notify the County at least 120 days in advance of any proposed change of routing of City's emergency calls unless such change is caused by an emergency. In the event of an emergency, the City shall notify the County of such changes as soon as reasonable practicable.

Section 4. COSTS.

A. All costs of installation and maintenance of County-owned PSAP equipment and telephone lines shall be paid by the County, excluding personnel necessary to operate the PSAP, to the extent that the recurring fee on telephone services is sufficient to pay for such installation, maintenance and operation. Should such fee prove to be insufficient, or should the State of Florida remove such fee as an allowed revenue source, this Interlocal Agreement may be terminated by either party upon 120 days' notice to the other.

B. The City shall be responsible for any costs of the change of routing of City's emergency calls to the extent that such costs are not allowed to be reimbursed to the County from the recurring fee on telephone services.

Section 5. GENERAL PROVISIONS.

A. All equipment and materials provided to the City by the County shall remain the property the County. While the County's equipment and materials remains in the possession of the City, the City shall ensure that all County property identification tags remain secure and in-place. The City shall not relocate or modify any equipment without the County's prior written approval. Should this Interlocal Agreement be terminated, the City shall return to the County all equipment and materials provided hereunder within thirty (30) days of the effective date of the termination.

B. Neither the County nor the City shall assign or transfer their interest in this Interlocal Agreement without the prior written consent of the other.

C. Any amendments, alterations, deletions, or waivers of any provision of this Interlocal Agreement shall only be valid when reduced to writing and executed with the same formalities.

D. This Interlocal Agreement embodies the whole understanding between the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Interlocal Agreement shall supersede all previous communications, representations or agreements, whether verbal or written, between the parties.

E. Upon final execution, this Agreement shall replace the previous agreement entitled "Agreement – Non-PSAP" executed by the parties on or about 1988.

F. Either party may terminate this Interlocal Agreement without cause upon giving thirty (30) days written notice to the non-terminating party.

G. Wherever provision is made in this Agreement for the giving, service or delivery of any notice, statement or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail, and addressed as follows:

COUNTY	CITY
Public Safety 9-1-1 Coordinator	City Administrator
315 West Main Street	201 E. Main Street
P.O. Box 7800	Tavares, FL 32778
Tavares, FL 32778-7800	

{Remainder of page left intentionally blank.}

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: County, through its Board of County Commissioners, signing by and through its Chairman on the _____ day of _____, 2015 and by the City of Tavares, through its duly authorized representative.

CITY OF TAVARES

ATTEST:

_____
Nancy Barnett, City Clerk

_____
Print Name: Kirby Smith
Title: Mayor

This _____day of _____, 2015.

Approved as to form and legality:

_____
Robert Q. Williams, City Attorney

COUNTY

ATTEST:

LAKE COUNTY, through its
BOARD OF COUNTY
COMMISSIONERS

_____
Neil Kelly, Clerk of the Board
of County Commissioners
of Lake County, Florida

_____
Jimmy Conner
Chairman

This _____day of _____, 2015.

Approved as to form and legality:

_____
Sanford Minkoff, County Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

AGENDA TAB NO. 6 **FIRST READING**
SUBJECT TITLE: Ordinance 2015-09
Amendment to LDR Regulations to allow the keeping of chickens within the RSF-A, RSF-1 and RMF-2 Zoning Districts

OBJECTIVE:

To amend Chapter 8, Table 8-2 of the City's Land Development Regulations to allow the keeping of backyard chickens (no roosters) as a permitted accessory use to a single family use in the RSF-A, RSF-1 and RMF-2 zoning districts.

SUMMARY:

On April 15, City Council requested staff to draft a proposed amendment to the city's code to allow the keeping of chickens.

Staff created the attached draft ordinance that mirrors Lake County's regulations for backyard chickens. The County allows the keeping of chickens in residential zonings that allow single family dwellings. They are not allowed in mobile home districts or residential/professional districts (equivalent to our mixed use zoning). The proposed ordinance would allow the keeping of chickens in the RSF-A, RSF-1 and RMF-2 zonings which matches the County's permitted zonings.

The general conditions or regulations of the proposed ordinance are identical to the County's. These address quantity, health, nuisance and setback issues. Many municipalities in Florida have passed similar ordinances.

OPTIONS:

No Council action required at First Reading

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2015-09

FISCAL IMPACT:

None

LEGAL SUFFICIENCY:

This ordinance has been approved for legal sufficiency.

ORDINANCE 2015-09

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 3, ENTITLED "DEFINITIONS" TO CREATE A DEFINITION FOR A CHICKEN COOP; AMENDING THE AGRICULTURAL LAND USES ALLOWED UNDER CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES, BY ALLOWING THE KEEPING OF CHICKENS AS A PERMITTED ACCESSORY USE TO A SINGLE FAMILY DWELLING UNDER CERTAIN CONDITIONS WITHIN THE RFS-A, RSF-1 and RMF-2 ZONING DISTRICTS; ADDING NOTE 31 TO TABLE 8-2 THAT PROVIDES THE CONDITIONS AND REGULATIONS TO BE APPLIED TO THE KEEPING OF BACKYARD CHICKENS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 7, 2005, the City of Tavares adopted the Land Development Regulations, specifying therein permitted and special uses allowed within established zoning districts; and

WHEREAS, the City of Tavares desires to adopt regulations pertaining to the keeping of chickens in Residential Districts as an allowed accessory use to a Single Family Dwelling use; and

WHEREAS, the City of Tavares desires to "mirror" the regulations adopted and enforced by Lake County to provide consistency between properties within the city and abutting properties located in Lake County; and

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

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

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

Section 1. Chicken Coop Defined

Chapter 3-2, Definitions, is amended by adding the following definition:

Chicken Coop: is a structure where hens are kept.

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

Adding "Keeping of Backyard Chickens" as a permitted use in the RSF-A, RSF-1 and RMF-2 subject to Note (31) and adding Note (31).

TABLE 8-2 PERMITTED AND SPECIAL USES (30)

LAND USE	ZONING												
	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
AGRICULTURE													
Citrus Groves	P	P	P	P	P	P		P	P	P	P	P	
Wholesale plant production, wholesale nurseries, and greenhouses.												P	
Boarding and keeping of horses and cattle	P (7)												
Keeping of Backyard Chickens	P (31)	P(31)	P(31)										

NOTES: Table 8-2 Permitted and Special Uses

Note 31: The Keeping of Backyard Chickens, other than roosters, are allowed for personal use as an accessory use to a Single Family Dwelling use within the RSF-A, RSF-1 and RMF-2 zoning districts subject to the following regulations:

A. Any person keeping, harboring, raising or maintaining chickens as an accessory to an occupied dwelling unit shall be subject to the following restrictions:

1. No more than five (5) chickens may be kept;
2. Slaughtering of chickens is prohibited;
3. Chickens must be secured within the chicken coop or fenced enclosure at all times;
4. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property; and
6. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.

B. Chicken coop or fenced enclosure used to house chickens. Any chicken coop or fenced enclosure used to house chickens shall:

1. Not be located in the front or side yards; and
2. Be set back a minimum of twenty (20) feet from all property lines.

Section 3. Severability and Conflicts

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

Section 4. Effective Date

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

PASSED AND ADOPTED this _____ day of _____, 2015 by the City Council of the City of Tavares, Florida.

_____
Kirby Smith, Mayor
Tavares City Council

First Reading: _____

Second Reading: _____

ATTEST:

_____
Nancy A. Barnett, City Clerk

Approved as to form:

_____
Robert Q. Williams, City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

TAB NO. 7 **FIRST READING**

SUBJECT TITLE: Ordinance 2015-06
Rezoning of approximately 4 acres of property located along the north side of Caroline Street from Residential Multi-family (RMF-2) to Mixed Use (MU) (City Initiated)

OBJECTIVE:

To consider a rezoning of a combined total of approximately 4 acres of land generally located along the north side of Caroline Street east of Alfred Street to St. Clair Abrams Ave from Residential Multi-family to Mixed Use.

SUMMARY:

Ordinance 2015-06 proposes a rezoning from Residential Multi-family to Mixed Use for a group of properties at the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1685893	403 NORTH JOANNA AVE
1685907	404 NORTH JOANNA AVE
1685851	405 NORTH TEXAS AVE
1768951	405 NORTH NEW HAMPSHIRE AVE
1768926	406 NORTH TEXAS AVE
1376190	103 EAST CAROLINE ST
1686580	203 EAST CAROLINE ST
1686598	403 ST CLAIR ABRAMS AVE
1686547	109 EAST CAROLINE ST
1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
3250621	422 WEST CAROLINE ST
1769094	111 CAROLINE ST

The subject properties consist of a total of less than 4 acres in size. The properties are mostly developed with single family homes with the exception of two properties which are vacant. There are multiple independent owners. The City's adopted Downtown Master Plan identifies the Alfred/Caroline Street corridor as the Downtown Transition Mixed Use Neighborhood. With the completion of the one-way pairing of Alfred Street and Caroline Street the time is now appropriate to rezone these remaining properties to Mixed Use. Council has directed staff to bring forth an administrative rezoning of these properties.

The Mixed Use zoning district allows single family uses, multi-family uses as well as certain low intensity commercial uses. Any commercial use would require an approved site plan demonstrating compliance with all applicable Land Development Regulations. The Tavares Historic District, the Downtown Parking Exemption District and the Community Redevelopment Area overlays much of this zoning district. Five of these properties, located between New Hampshire and Texas, already bear a Mixed Use Commercial Land Use designation, making the existing residential zoning inconsistent with the Future Land Use.

The Community Development Department mailed over 80 letters to area residents notifying them of this rezoning and future land use amendment action. Subject property owners received two letters to ensure that they were notified of the rezoning. Included with this report is an example of the notification letters that were mailed.

PLANNING AND ZONING BOARD RECOMMENDATION:

On April 16th, the Planning and Zoning Board voted 3-2 to recommend approval of Ordinance 2015-06.

OPTIONS

No Council action required at First Reading.

STAFF RECOMMENDATION:

At second reading, staff will recommend that City Council moves to approve Ordinance 2015-06.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

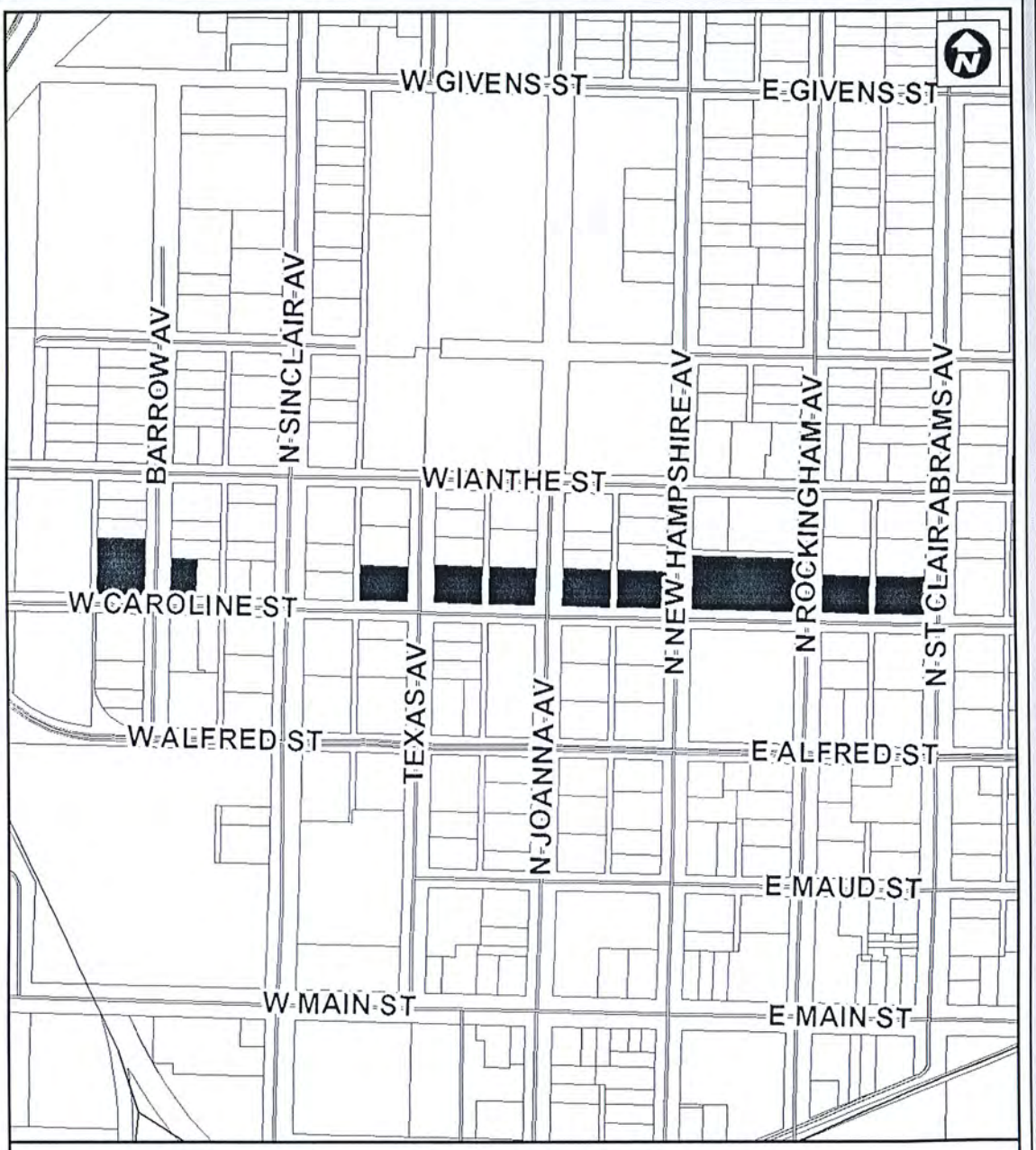
Attachment A

	RMF-2	MU
AGRICULTURE		
Citrus Groves	P	P
Wholesale plant production, wholesale nurseries, and greenhouses.		
Boarding and keeping of horses and cattle		
RESIDENTIAL		
Single-family Dwelling	P	P
Two-family Dwellings, Duplexes	P(23)	P(23)
Townhomes	P (24)	P (24)
Multiple-family Dwelling (3 or more attached dwelling units)		P(25)
Manufactured/Mobile Home Dwellings		
Travel Trailer and Motor Home Dwellings		
Ancillary Apartments		P(2)
Guest Apartments	P (3)	P
Boarding and Rooming Houses	P (21)	P (21)
Group Home / Community Residential Home (max. 6 residents)	P (5)	S (5)
Group Home / Community Residential Home (7 or more residents)	S (6)	S (6)
Nursing Home		P
Adult Congregate Living Facilities		P (26)
Adult Activity Center	P(27)	P
PUBLIC/SEMIPUBLIC, INSTITUTIONAL		
Public and Private Schools (Elementary through High School)	S	S
Community Colleges, Colleges or Universities or College annexes		
Libraries		S
Community Centers	S	S
Community Shelters	S	S
Government Facility		
Churches and other places of Worship, with attendant educational and recreational facilities	S	S
Hospitals		
Medical Clinics and Emergency Treatments Centers		
Medical Care Facility, outpatient only		
RECREATIONAL, CULTURAL AND CIVIC USES		
Community recreation buildings, utility buildings, recreation facilities or areas for use of subdivision or park residents.	S	
Community Boat Docks and Boat Houses	S	
Private docks and Boathouses	P (10)	
Private Clubs and Lodges, Community Centers, Civic and Social		P (11)

Organization facilities		
Parks, play grounds, recreational areas and recreational or community structures owned and maintained by any private non-profit or for-profit association		
Public Parks, Play grounds and Recreation Areas		
General Cultural Uses		P (11)
Auditoriums, stadiums, arenas, and expositions		
Health or Fitness uses		P (11)
Family / General Entertainment uses		
BUSINESS AND COMMERCIAL USES		
Business and Professional office uses		P (11)
Banks and Financial Institutions		
Grocery Stores		
Convenience Store (not including gas/fuel sales)		S (11)
Convenience Store (including gas/fuel sales)		
Retail, General Business, or Personal Service		P (11)
Retail, General Business, or Personal Service > 50K sq ft. – single use		
Personal Service or Specialty Shop with light retail		P (11)
Retail plant nursery		
Medical/Dental/Optical Supplies Stores		
Medical and Dental/Optical Laboratories		
Restaurant / Food Service / Food Retail		P (11) (20)
Bar-Beer and Wine		
Bar		
Adult Entertainment Establishments		
Child Care Centers	P (8)	S (9)
Business and Technical Trade Schools		
Vocational and Industrial Trade Schools		
Animal hospital, veterinary clinic or animal boarding with boarding of animals in completely enclosed buildings.		S
Pet Stores that may include retail, grooming services, and boarding of domestic animals		
Laundromats/Dry Cleaning (self service)		S (11)
Laundry/Dry Cleaners without drive-through pickup (no on-site processing, not self service)		S (11)
Laundry/Dry Cleaners with drive-through pick-up (no on-site processing, not self service)		
Laundry/Dry Cleaners with on-site processing		
Automobile/Truck, boat, motorcycle, recreational vehicles sales & rental		
Automobile/Truck Parts Sales		
Automobile/Truck/Motorcycle/Boat repair & service		
Car Wash		
INDUSTRIAL USES		
Manufacturing, fabricating, processing, packaging, storage, and sales / distribution uses		
Mini-warehouse, personal storage facilities (climate controlled, internal entrance only)		

Retail accessory establishments (only for the sale of goods manufactured on site)		
Wholesale Stores		
Research Laboratory		
Radio and Television stations and transmitters, but no radio or television tower		
Wrecking Yards (including automotive vehicle wrecking yards) and junk yards		
Truck Stop		
Mobile home sales yards		
Fuel storage yards, coal, coke or wood yards.		
PUBLIC UTILITY USES		
Refuse Transfer Stations		
Sewage Treatment Facilities, local		
Water withdrawal operations, local		
Gas and water metering stations		
Wireless Communications Towers, Antennas and Equipment Facilities		
LODGING		
Hotel, Motel and Motor Court accommodations		
Bed and Breakfast Accommodations	S (19)	P (19)
Tourist Resort		
MISCELLANEOUS		
Home Owners Association/Park Business Office	P	
Community Storage Areas for use of subdivision and park residents for storage of boats, boat trailers and recreation vehicles.	S	
Public parking lots and parking garages, either rental or free parking.		
Transportation terminals including bus stations, railroad stations or other mass transit systems		
Airports and heliports		
Funeral Homes		
Cemeteries and mausoleums		

CITY OF TAVARES



PROPERTY LOCATION MAP

Subject Properties

TAVARES
America's Seaplane City

Created By: City of Tavares GIS T:\pzd\DATA\PROJECT FILES\Downtown Mixed Use Caroline Street Rezoning; Rezone - PZ2014-26\Caroline_AD.mxd Map Created on 3/26/15

Example Notification Letter to Area Residents

THE CITY OF TAVARES

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2015-06 and Ordinance 2015-07 titled as follows:

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET; FROM RESIDENTIAL MULTI-FAMILY (RMF-2) TO MIXED USE (MU); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED TOTAL OF APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET FROM ALFRED STREET TO ST. CLAIR ABRAMS AVENUE; FROM MEDIUM DENSITY TO MIXED USE COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FORTRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2015-06 and Ordinance 2015-07 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 16, 2015, at 3 p.m.; and
2. Tavares City Council meeting on May 6, 2015, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on May 20, 2015, at 4 p.m. (Second Reading, Adoption Hearing)

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

Proposed Ordinance 2015-06 and Ordinance 2015-07 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

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

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

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

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET; FROM RESIDENTIAL MULTI-FAMILY (RMF-2) TO MIXED USE (MU); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares is initiating a rezoning of the properties identified in Exhibit A from Residential Multi-family to Mixed Use; and

WHEREAS, the city's Downtown Master Plan encourages live/work buildings and low density residential uses consistent with the Mixed Use zoning designation in the Downtown Transition Mixed-Use Neighborhood area; and

WHEREAS, the City of Tavares has advertised in accordance with Florida State 166.041 for two public hearings, as is its option, prior to adoption of this ordinance; and

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

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

WHEREAS, the City is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Medium Density to Mixed Use Commercial on the Future Land Use Map 2020; and

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares' Land Development Regulations, the City's adopted Downtown Master Plan and the proposed amended Comprehensive Plan; now therefore

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

Section 1. Rezoning

The said properties, as legally defined in Exhibit "A", attached hereto and made a part herewith, are hereby rezoned from Residential Multi-Family (RMF-2) to Mixed Use (MU), under the specific provisions as established by the City of Tavares Land Development Regulations.

Section 2. Severability.

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

Section 3. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 2015, by the City Council of the City of Tavares, Florida.

_____
Kirby Smith, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

_____
Nancy Barnett, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Robert Q. Williams, City Attorney

EXHIBIT A

TAVARES LOTS M, N, BLK 27 PB 1 PG 64 ORB 2266 PG 1730 (Alternate Key 1685893

TAVARES LOTS E, F BLK 28 PB 1 PG 64 ORB 2676 PG 535(Alternate Key 1685907)

TAVARES S 45 FT OF LOT M, LOT N, BLK 26 PB 1 PG 64 ORB 1410 PG 11, ORB 1533 PG 1555 (Alternate Key 1685851)

TAVARES, LOTS M, N BLK 28 PB 1 PG 64 ORB 3276 PG 937 (Alternate Key 1768951)

TAVARES LOTS E, F, BLK 27 PB 1 PG 64 ORB 2205 PG 2196(Alternate Key 1768926)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS E, F BLK 111 PB 4 PG 22 ORB 3852 PG 14 (Alternate Key 1376190)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS E, F BLK 112 PB 4 PG 22 ORB 4293 PG 2063 (Alternate Key 1686580)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS M, N BLK 112 PB 4 PG 22 ORB 3031 PG 823 (Alternate Key 1686598)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOT D BLK 111 PB 4 PG 22 ORB 1478 PG 675 (Alternate Key 1686547)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS A, B BLK 111 PB 4 PG 22ORB 2222 PG 363 (Alternate Key 1686539)

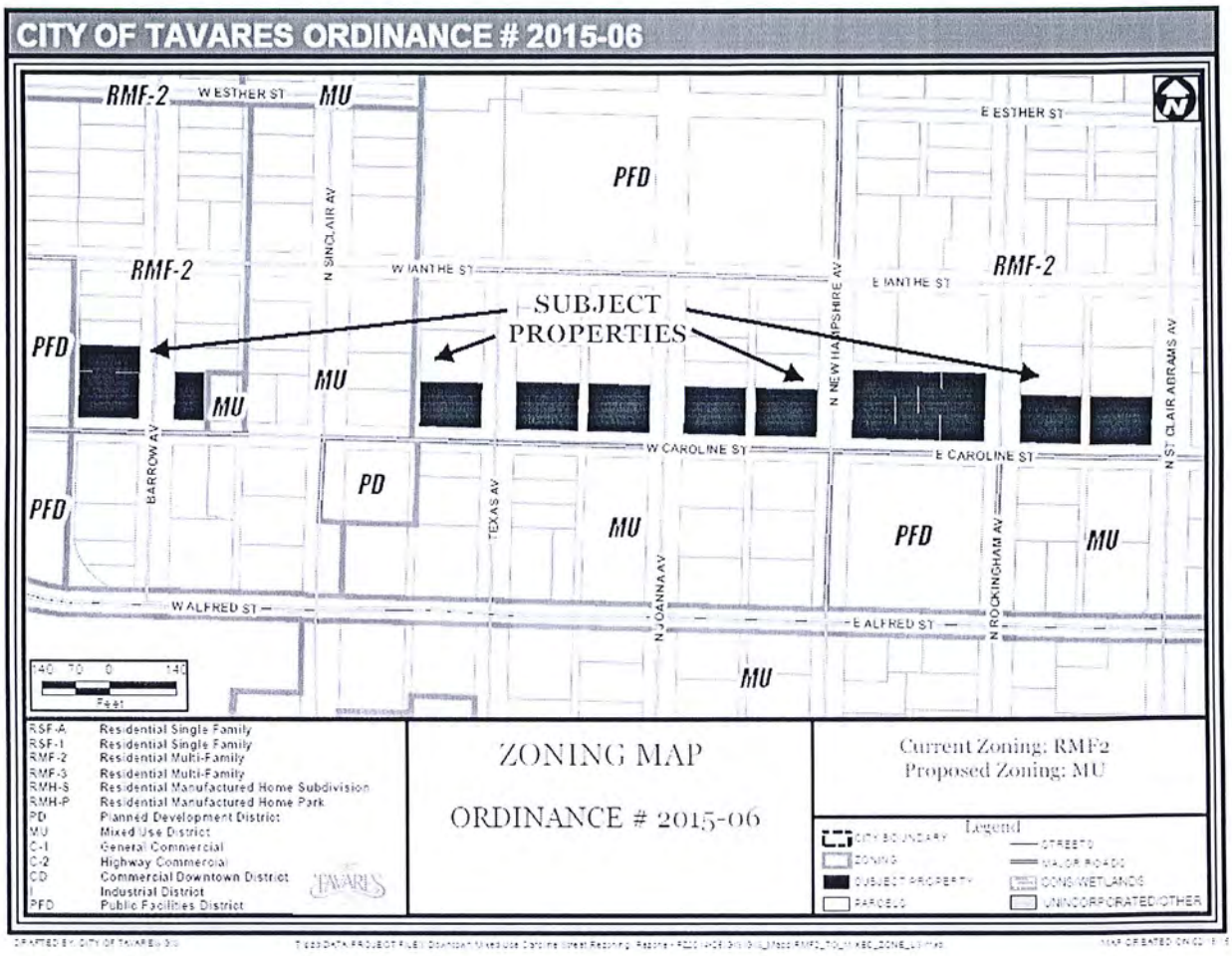
TAVARES S 95 FT OF E 130 FT OF BLK 48 PB 1 PG 64 ORB 4532 PG 2317 (Alternate Key 1497523)

TAVARES, N 55 FT OF S 150 FT OF E 130 FT OF BLK 48 PB 1 PG 64 ORB 4564 PG 2495 (Alternate Key 2508141)

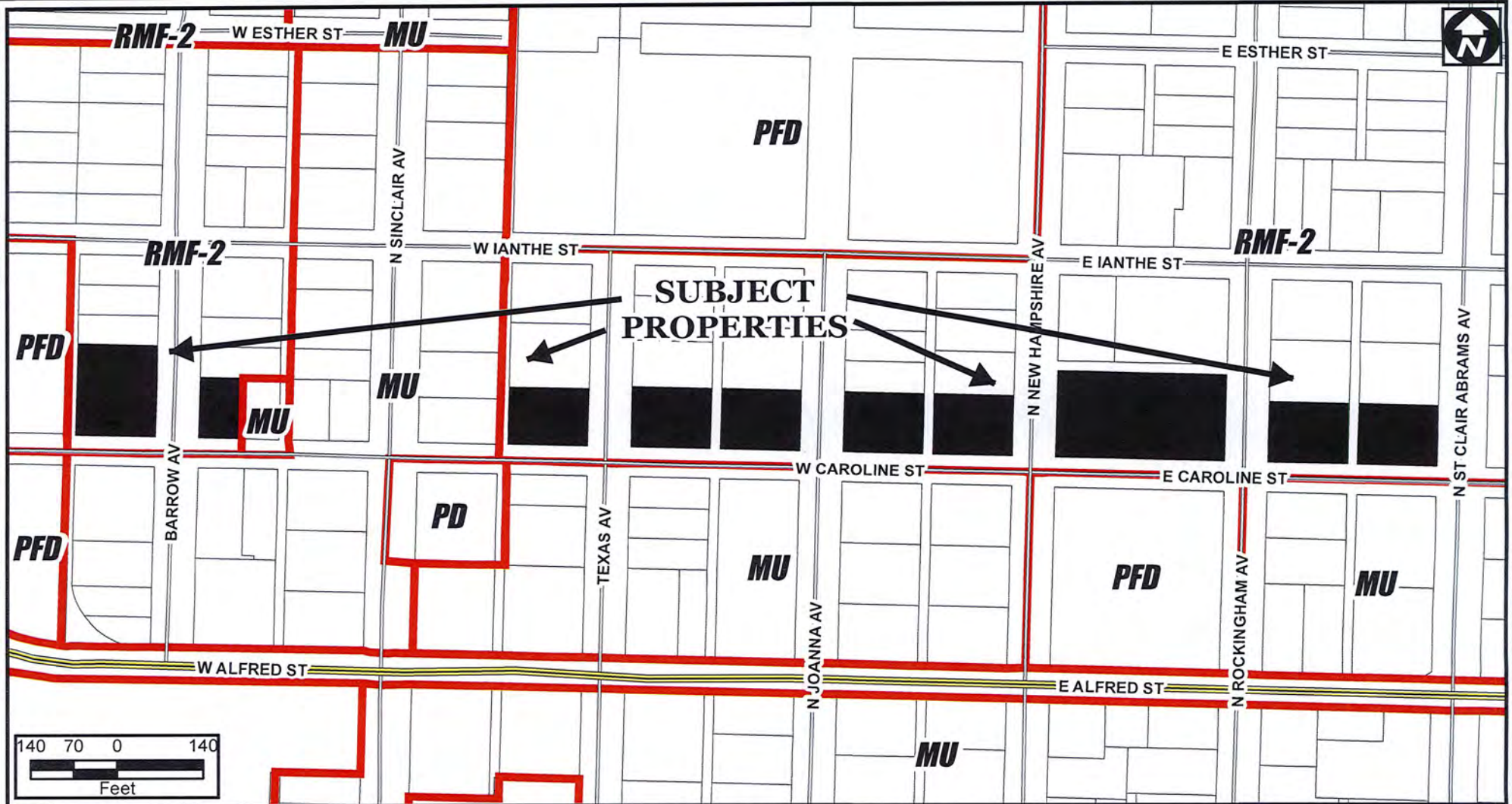
TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOT C BLK 111 PB 4 PG 22 ORB 4069 PG 2120 (Alternate Key 1769094)

TAVARES, W 70 FT OF LOTS E & F BLK 37 PB 1 PG 64 ORB 3141 PG 308 (Alternate Key 3250621)

Map of Area


CITY OF TAVARES ORDINANCE # 2015-06
RMF-2
W ESTHER ST
MU
PFD
E ESTHER ST
N SINCLAIR AV
W IANTHE ST
E IANTHE ST
RMF-2
SUBJECT PROPERTIES
N NEW HAMPSHIRE AV
N ST CLAIR ABRAMS AV
MU
W CAROLINE ST
E CAROLINE ST
BARROW AV
PD
TEXAS AV
N JOANNA AV
N ROCKINGHAM AV
W ALFRED ST
E ALFRED ST
140 70 0 140
Feet
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 Subdivision
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
ZONING MAP
ORDINANCE # 2015-06
Current Zoning: RMF2
Proposed Zoning: MU
Legend
CITY BOUNDARY
ZONING
SUBJECT PROPERTY
PARCELS
STREETS
MAJOR ROADS
CONS/WETLANDS
UNINCORPORATED/OTHER

CITY OF TAVARES ORDINANCE # 2015-06



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 Subdivision
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

ORDINANCE # 2015-06

Current Zoning: RMF2
Proposed Zoning: MU

Legend

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

DRAFTED BY: CITY OF TAVARES GIS

T:\gzd\DATA\PROJECT FILES\Downtown Mixed Use Caroline Street Rezoning: Rezone - RZ2014-26\GIS\GIS_Maps\RMF2_TO_MIXED_ZONE_LS.mxd

MAP CREATED ON 02/18/15

Orlando Sentinel

Publication Date: 04/06/2015

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Ad Number: 3167451-1
Insertion Number:
Size: 3 x 10.5
Color Type: B&W

Client Name:
Advertiser: City of Tavares
Section/Page/Zone: Lake Zone/E004/LAK
Description: ff/ORD-15-06-and 07

THE ARTS IN LAKE

Clermont offers smorgasbord of youth art, culture events

By Debbie Manis
Staff Writer

The Clermont Downtown Partnership will sponsor the "Clermont Youth Art & Culture Fest" from 9 a.m. to 2 p.m. May 9 in downtown.

The event will feature vendors, exhibits, demonstrations and workshops for youth from preschool to high school.

Some of the arts will include painting, photography, sculpture, crafts and performing arts.

There also will be entertainment and ethnic food concessions.

The annual sidewalk chalk-art contest also will be held. The contest is divided into age groups: 6 to 10, 11 to 14, 15 to 18 and 19 and older. There may be only one lead artist and one supporting artist. Judging will be based on first impression, creativity, originality and use of color.

Cash prizes of $100 per category will be awarded in each age group among three winners. The winning artwork will be displayed at City Hall for the month following the contest.

Participants will receive a box of pastel chalk and a 38-by-50-inch sidewalk space covered with paper on which they can draw their works. Chalk distribution will be 8:30 to 10 a.m. while supplies last.

Registration is free and begins at 8 a.m. at Seventh and West Montrose streets. Space is limited. Pre-registration is suggested.

The competition begins at 8:30 a.m. and judging will be at noon. Winners will be announced at 2 p.m. Space is limited. Pre-registration is suggested.

Vendors and sponsorships also are needed. The deadline is April 27.

Chalk-art contest, sponsorship or vendor applications may be downloaded at clermontdowntownpartnership.com.

For more information, send email to Ron Smart at info@clermontdowntownpartnership.com or call 352-394-3392.

'Mama Won't Fly'

Outside the Box Productions will present the Jessie Jones, Nicholas Hope and Jamie Wooten comedy "Mama Won't Fly," which opens Friday at the Franklin Pearce Jr. Auditorium, 17404 Sixth St., Montverde.

Mama needs to go to her son's wedding across the country but she won't fly, so she and her daughter are forced to take a road trip accompanied by a surprise guest — the bride-to-be.

The play centers on the misadventures of the three women, who have only four days to get to California for the wedding, including the theft of their car.

The show runs through April 26.

Performances are at 8 p.m. Fridays and Saturdays, and 2 p.m. Sundays.

Tickets are $10 for adults and $5 for children and students.

For more information, call 321-663-2608.

'Vegas in the '60s'

The Kiwanis Club of Lady Lake will present "Vegas in the '60s" from 5 to 9:30 p.m. Saturday at the Savannah Center, 1545 Buena Vista Blvd. in The Villages.

The event will include dinner, casino games and a silent auction.

Proceeds will benefit the Lady Lake Unit of the Boys & Girls Clubs of Lake and Sumter Counties.

Tickets are $75 and available by visiting thevillagesentertainment.com and click on "buy tickets" or call 352-787-5258.

Musical shows

■ Magna Campana, a community based hand-bell ensemble, will perform a concert at 4 p.m. Sunday at St. Paul's Catholic Church, 1330 Sunshine Ave., Leesburg.

The concert will include music from the movie "Titanic," "America the Beautiful," a Scott Joplin rag and Irish favorite "Londonderry Air." The hand-bell group from St. Timothy Catholic Church also will perform several tunes with Magna Campana.

The concert is free and open to the public. A free-will offering will be taken.

■ Tenor Mark Schmidt will present the "Best of Broadway and Songs You Love" at 3 p.m. Sunday at Leesburg High School auditorium, 1401 Yellow Jacket Way.

He will perform songs from "Phantom of the Opera," "Les Miserables," "South Pacific," "Carousel," "Camelot," "Man of La Mancha" and "Jekyll and Hyde."

Schmidt has been performing in musical theater since he 12. He has a master's degree in vocal performance and literature from Binghamton University. Schmidt has taught music in high schools and colleges for 27 years and has performed in operas and musical theater nationwide and Switzerland and Italy.

Tickets are $20 for adults and $10 for students in kindergarten through college (with identification) and available online at bestvocalentertainment.com.

Tickets are also available by calling the box office at 352-530-7941 between 8:30 a.m. and 5 p.m. today through Saturday.

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

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 2015-06 titled as follows:

RESOLUTION 2015-06

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT TO ALLOW A FUNERAL HOME IN THE GENERAL COMMERCIAL ZONING DISTRICT FOR PROPERTY ADDRESSED AS 1350 E. BURLEIGH BOULEVARD; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE

Proposed Resolution 2015-06 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 16, 2015, at 3 p.m.; and
2. Tavares City Council meeting on May 6, 2015, at 4 p.m.

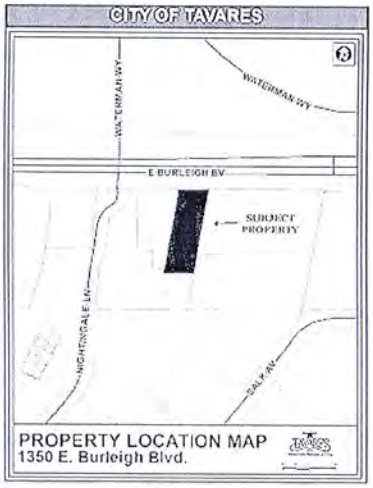
All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Resolution 2015-06 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 Skult, 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 Ordinance 2015-06 and Ordinance 2015-07 titled as follows:

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET; FROM RESIDENTIAL MULTI-FAMILY (RMF-2) TO MIXED USE (MU); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED TOTAL OF APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET FROM ALFRED STREET TO ST. CLAIR ABRAMS AVENUE; FROM MEDIUM DENSITY TO MIXED USE COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2015-06 and Ordinance 2015-07 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 16, 2015, at 3 p.m.; and
2. Tavares City Council meeting on May 6, 2015, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on May 20, 2015, at 4 p.m. (Second Reading, Adoption Hearing)

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

Proposed Ordinance 2015-06 and Ordinance 2015-07 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

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

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

The applicant desires to renovate the existing, vacant, commercial building located on the site for this purpose. Embalming or cremation will not be performed at this location. Also, the applicant's business plan does not provide for large formal services or funeral processions.

This proposed use is compatible with the commercial/medical uses presently existing in this general area of the city. The building has recently been connected to city utilities. Staff will review the present site configuration to insure compliance with applicable land development regulations prior to the issuance of any development permits.

Mr. Skip Knopke, the project applicant, introduced himself and offered to answer any questions from the board.

In response to a question regarding parking, Mike Fitzgerald conveyed that there will be thirty spaces provided.

There was discussion about the nature and frequency of funeral services.

MOTION

Mr. Haynes made a moved to recommend approval of Ordinance 2015-05. Mr. Norb seconded the motion. The motion passed 5-0.

1) **Ordinance 2015-06 – Caroline Street Rezoning**

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

Ordinance 2015-06 proposes a rezoning from Residential Multi-family to Mixed Use for a group of properties at the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1685893	403 NORTH JOANNA AVE
1685907	404 NORTH JOANNA AVE
1685851	405 NORTH TEXAS AVE
1768951	405 NORTH NEW HAMPSHIRE AVE
1768926	406 NORTH TEXAS AVE
1376190	103 EAST CAROLINE ST
1686580	203 EAST CAROLINE ST
1686598	403 ST CLAIR ABRAMS AVE
1686547	109 EAST CAROLINE ST
1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
3250621	422 WEST CAROLINE ST
1769094	111 CAROLINE ST

The subject properties consist of a total of less than 4 acres in size. The properties are mostly developed with single family homes with the exception of two properties which are vacant. There are multiple independent owners. The City's adopted Downtown Master Plan identifies this area of the community as the Downtown Transition Mixed Use Neighborhood. It anticipated that the reconfiguration of Alfred Street and Caroline Street would create increased

interest in low intensity commercial uses of property as it has. Council has also identified this interest on the part of property owners and directed staff to pursue the administrative rezoning of these properties to address this interest.

The existing single family uses of the properties along Caroline Street will continue to be permitted. This change will only serve to provide property owners with additional commercial use options should they choose to pursue them.

During the public portion of the meeting, resident of an adjacent property, Ms. June Sheppard communicated that she had spoked to Jacques Skutt about the rezoning yet however she still had some concerns. She asked if a convenience store would be permitted and she expressed concern for parking.

In reponse to this question, Mr. Skutt explained that all new development would be required to adhere to the City's Architectural Standards and provide 50% of the standard parking. He also explained the a convenience store use would require a Special Use Permit application.

A resident of a subject property, Mr. Kevin Moore, asked about the significance of the Historic District overlay.

Mr. Skutt explained that this overlay district would not be disrupted by the rezoning.

There was discussion about the process undertaken proceeding the meeting, the City Council's direction to staff to pursue the administrative rezoning, and the parking required within the mixed use zoning district.

MOTION

Mr. Osborn made a moved to recommend approval of Ordinance 2015-06. Mr. Santoro seconded the motion. The motion passed 3-2.

1) Ordinance 2015-07 – Caroline Street Future Land Use Amendment

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

Ordinance 2015-07 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan as recommended in the Downtown Master Plan.

The combined area of the subject property is approximately 2 acres in size and includes the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1376190	103 EAST CAROLINE ST
1686580	203 EAST CAROLINE ST
1686598	403 ST CLAIR ABRAMS AVE
1686547	109 EAST CAROLINE ST
1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
1769094	111 CAROLINE ST

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

TAB NO. 8 **FIRST READING**

SUBJECT TITLE: **Ordinance 2015-07**
Small Scale FLUM Amendment along the north side of Caroline Street from Medium Density (MED) to Mixed Use Commercial (MUC)

OBJECTIVE:

To consider a Future Land Use Map amendment of a combined total of approximately 2 acres of land generally located along the north side of Caroline Street from Alfred Street to St. Clair Abrams Avenue Medium Density Residential (MED) to Mixed Use Commercial (MUC).

SUMMARY:

Ordinance 2015-07 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan as recommended in the Downtown Master Plan.

The combined area of the subject property is approximately 2 acres in size and includes the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1376190	103 EAST CAROLINE ST
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1686598	403 ST CLAIR ABRAMS AVE
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1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
1769094	111 CAROLINE ST
3250621	422 WEST CAROLINE ST

There are multiple independent owners of these properties. The property owners have been contacted prior to this City initiated action in an effort to promote communication and understanding of the City's vision for this important corridor and the benefits of this action for both the individual owner and the City at large.

This ordinance would amend the current Future Land Use Designation from Medium Density to Mixed Use Commercial. An ordinance to rezone these properties to Mixed Use is concurrently under review.

Future Land Use Amendment/Compatibility

These properties are located just north of the city's downtown core and within the City's Community Redevelopment Area. The City's adopted Downtown Master Plan recommends that these properties be re-designated as mixed use in order to accommodate the areas trend toward live/work buildings and residential structures.

Site Conditions

All of the parcels are developed with single family homes with the exception of two properties which are vacant. The adjacent street, Caroline Street, is part of a newly reconfigured one-way pair of streets which serves a single directional traffic movement. The redesign also included the widening of sidewalks and provision of on-street parking and traffic calming devices such as increased landscaping intended to encourage pedestrian activity.

Impact on City Services

All of the parcels are currently served with municipal water and sewer. The City has recently completed a major infrastructure improvement to the potable water distribution and wastewater collection system in order to reliably serve the growing demands of the downtown. The improvements included the replacement of approximately 77,450 linear feet of water main and 54,950 linear feet of sanitary sewer (gravity and force mains) within the CRA that encompassed approximately 60,000 linear feet of roadway.

The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. It is anticipated that this amendment will not implicate any significant increase on Levels of Service.

FINDINGS

This amendment request is considered to be in compliance with the Comprehensive Plan Goals, Objectives and Policies with the following findings:

1. A Mixed Use Commercial Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.

2. Impacts of future development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

OPTIONS

No Council action required at First Reading.

PLANNING AND ZONING BOARD RECOMMENDATION:

On April 16th, the Planning and Zoning Board voted 3-2 to recommend approval of Ordinance 2015-07.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2015-06.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2015-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED TOTAL OF APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET FROM ALFRED STREET TO ST. CLAIR ABRAMS AVENUE; FROM MEDIUM DENSITY TO MIXED USE COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FORTRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares is initiating an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of the properties identified in exhibit A from Medium Density Residential to Mixed Use Commercial; and

WHEREAS, the properties affected consist of less than 2 acres which constitutes a small scale future land use amendment according to Florida Statute 163.3187; and

WHEREAS, the City of Tavares has advertised in accordance with Florida State 166.041for two public hearings, as is its option, prior to adoption of this ordinance; and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and

WHEREAS, the City desires to encourage live/work buildings, low intensity commercial and residential uses around the downtown core of the City; and

WHEREAS, the Mixed Use Commercial designation facilitates these preferred uses; and

WHEREAS, a Mixed Use Commercial designation is compatible with surrounding future land use designations; and

WHEREAS, the City of Tavares Planning and Zoning Board, Local Planning Agency, and City Council held duly noticed public hearings providing opportunity for individuals to hear and be heard regarding the adoption of the proposed map amendment; and

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

WHEREAS, the City Council finds this amendment in compliance with Chapter 163, Florida Statutes, and the City of Tavares Comprehensive Plan; and

WHEREAS, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares;

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

Section 1. Future Land Use Amendment

The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares, Florida, is hereby amended to reflect a re-designation from Medium Density Residential to Mixed Use Commercial on certain real properties as legally described in Exhibit "A". All provisions of the Comprehensive Plan shall hereby apply to said property.

Section 2. Severability and Conflicts

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

Section 3. Transmittal

The City Administrator is hereby authorized and directed to transmit the adopted Comprehensive Plan amendments to the Florida Department of Economic Opportunity, and Lake County Growth Management Office and any other governmental agency in the state of Florida that has filed a written request with the City Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this Ordinance as specified in the State Land Planning Agency's procedural rules.

Section 4. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after adoption. If timely challenged, this amendment shall become effective on

the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED this _____day of _____, 2015 by the City Council of the City of Tavares, Florida.

_____
Kirby Smith, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

_____
Nancy A. Barnett, City Clerk

Approved as to form:

_____
Robert Q. Williams, City Attorney

EXHIBIT A

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS E, F BLK 111 PB 4 PG 22 ORB 3852 PG 14 (Alternate Key 1376190)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS E, F BLK 112 PB 4 PG 22 ORB 4293 PG 2063 (Alternate Key 1686580)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS M, N BLK 112 PB 4 PG 22 ORB 3031 PG 823 (Alternate Key 1686598)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOT D BLK 111 PB 4 PG 22 ORB 1478 PG 675 (Alternate Key 1686547)

TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOTS A, B BLK 111 PB 4 PG 22ORB 2222 PG 363 (Alternate Key 1686539)

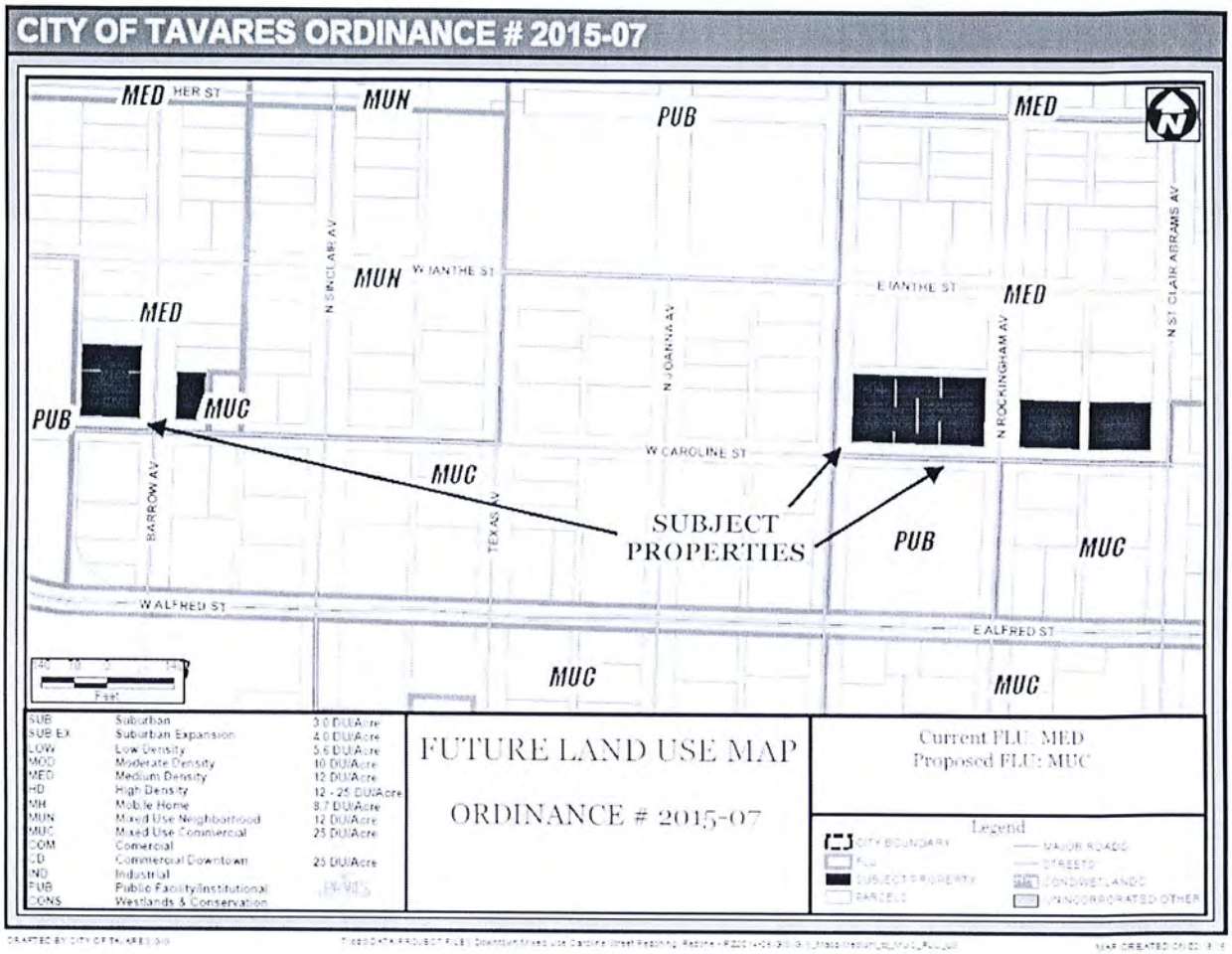
TAVARES S 95 FT OF E 130 FT OF BLK 48 PB 1 PG 64 ORB 4532 PG 2317 (Alternate Key 1497523)

TAVARES, N 55 FT OF S 150 FT OF E 130 FT OF BLK 48 PB 1 PG 64 ORB 4564 PG 2495 (Alternate Key 2508141)

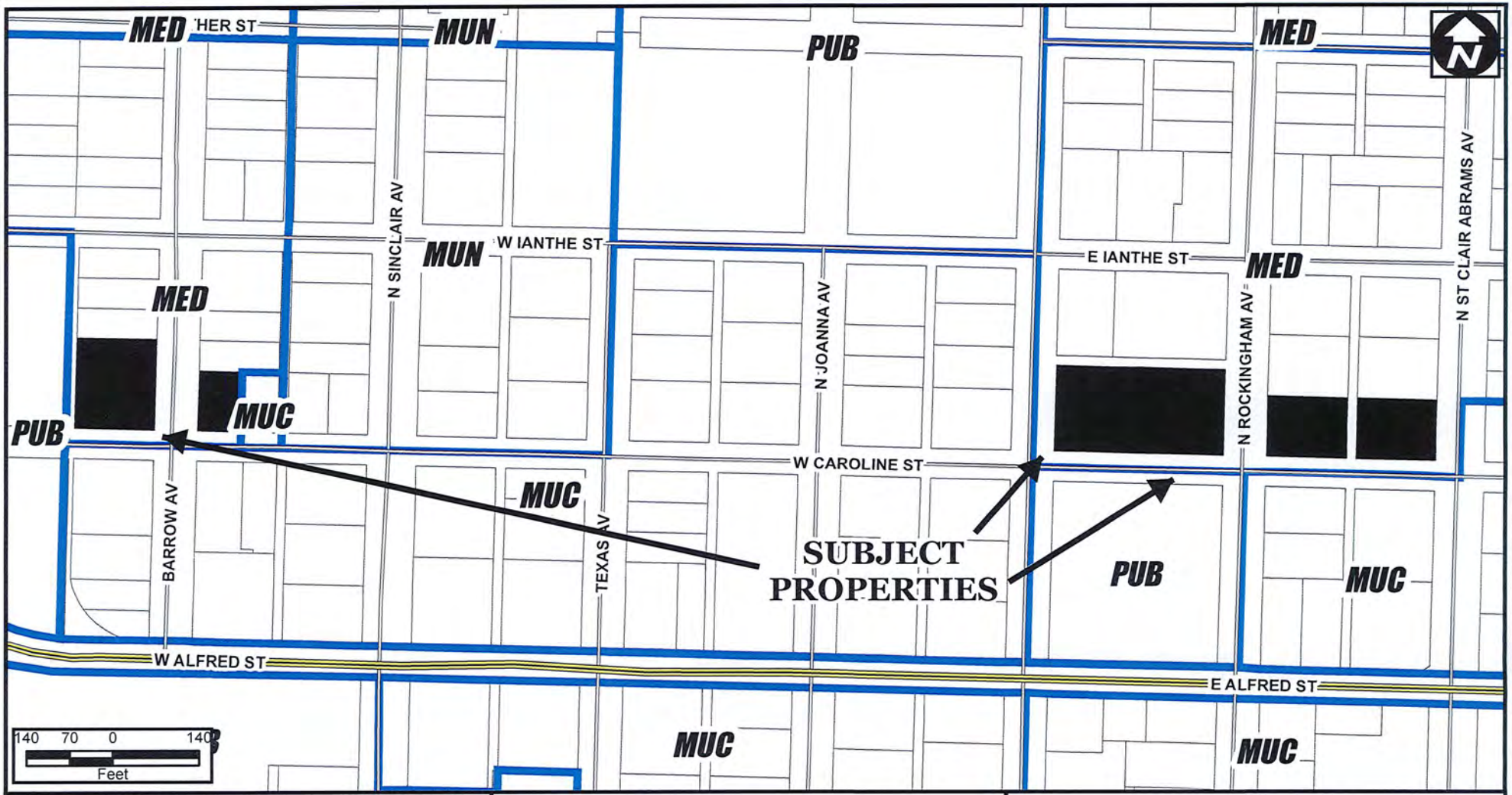
TAVARES, ST CLAIR-ABRAMS SUBDIVISION LOT C BLK 111 PB 4 PG 22 ORB 4069 PG 2120 (Alternate Key 1769094)

TAVARES, W 70 FT OF LOTS E & F BLK 37 PB 1 PG 64 ORB 3141 PG 308 (Alternate Key 3250621)

MAP of AREA


CITY OF TAVARES ORDINANCE # 2015-07
MED
MUN
PUB
MED
MUN
MED
PUB
MUC
MUC
PUB
MUC
MUC
W IANTHE ST
E IANTHE ST
W CAROLINE ST
W ALFRED ST
E ALFRED ST
N SINCLAIR AV
N JOANNA AV
N ROCKINGHAM AV
N ST CLAIR ABRAMS AV
BARROW AV
TEXAS AV
SUBJECT PROPERTIES
SUB Suburban 3.0 DU/Acre
SUB EX Suburban Expansion 4.0 DU/Acre
LOW Low Density 5.6 DU/Acre
MOD Moderate Density 10 DU/Acre
MED Medium Density 12 DU/Acre
HD High Density 12 - 25 DU/Acre
MH Mobile Home 8.7 DU/Acre
MUN Mixed Use Neighborhood 12 DU/Acre
MUC Mixed Use Commercial 25 DU/Acre
COM Comercial
CD Commercial Downtown 25 DU/Acre
IND Industrial
PUB Public Facility/Institutional
CONS Westlands & Conservation
FUTURE LAND USE MAP
ORDINANCE # 2015-07
Current FLU: MED
Proposed FLU: MUC
Legend
CITY BOUNDARY
FLU
SUBJECT PROPERTY
PARCELS
MAJOR ROADS
STREETS
CONS/WETLANDS
UNINCORPORATED OTHER

CITY OF TAVARES ORDINANCE # 2015-07



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

FUTURE LAND USE MAP

ORDINANCE # 2015-07

Current FLU: MED
Proposed FLU: MUC

Legend

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

DRAFTED BY CITY OF TAVARES GIS

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MAP CREATED ON 02/18/15

Orlando Sentinel

Publication Date: 04/06/2015

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Ad Number: 3167451-1
Insertion Number:
Size: 3 x 10.5
Color Type: B&W

Client Name: City of Tavares
Advertiser:
Section/Page/Zone: Lake Zone/E004/LAK
Description: ff/ORD-15-06-and 07

THE ARTS IN LAKE

Clermont offers smorgasbord of youth art, culture events

By Debbie Manis
Staff Writer

The Clermont Downtown Partnership will sponsor the "Clermont Youth Art & Culture Fest" from 9 a.m. to 2 p.m. May 9 in downtown.

The event will feature vendors, exhibits, demonstrations and workshops for youth from preschool to high school.

Some of the arts will include painting, photography, sculpture, crafts and performing arts.

There also will be entertainment and ethnic food concessions.

The annual sidewalk chalk-art contest also will be held. The contest is divided into age groups: 6 to 10, 11 to 14, 15 to 18 and 19 and older. There may be only one lead artist and one supporting artist. Judging will be based on first impression, creativity, originality and use of color.

Cash prizes of $100 per category will be awarded in each age group among three winners. The winning artwork will be displayed at City Hall for the month following the contest.

Participants will receive a box of pastel chalk and a 38-by-50-inch sidewalk space covered with paper on which they can draw their works. Chalk distribution will be 8:30 to 10 a.m., while supplies last.

Registration is free and begins at 8 a.m. at Seventh and West Montrose streets. Space is limited. Pre-registration is suggested.

The competition begins at 8:30 a.m. and judging will be at noon. Winners will be announced at 2 p.m. Space is limited. Pre-registration is suggested.

Vendors and sponsorships also are needed. The deadline is April 27.

Chalk-art contest, sponsorship or vendor applications may be downloaded at clermontdowntownpartnership.com.

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RESOLUTION 2015-06

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT TO ALLOW A FUNERAL HOME IN THE GENERAL COMMERCIAL ZONING DISTRICT FOR PROPERTY ADDRESSED AS 1350 E. BURLEIGH BOULEVARD; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE

Proposed Resolution 2015-06 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 16, 2015, at 3 p.m.; and
2. Tavares City Council meeting on May 6, 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 2015-06 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 Ordinance 2015-06 and Ordinance 2015-07 titled as follows:

ORDINANCE 2015-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 4 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET; FROM RESIDENTIAL MULTI-FAMILY (RMF-2) TO MIXED USE (MU); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2015-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED TOTAL OF APPROXIMATELY 2 ACRES OF PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF CAROLINE STREET FROM ALFRED STREET TO ST. CLAIR ABRAMS AVENUE; FROM MEDIUM DENSITY TO MIXED USE COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2015-06 and Ordinance 2015-07 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 16, 2015, at 3 p.m.; and
2. Tavares City Council meeting on May 6, 2015, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on May 20, 2015, at 4 p.m. (Second Reading, Adoption Hearing)

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

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

interest in low intensity commercial uses of property as it has. Council has also identified this interest on the part of property owners and directed staff to pursue the administrative rezoning of these properties to address this interest.

The existing single family uses of the properties along Caroline Street will continue to be permitted. This change will only serve to provide property owners with additional commercial use options should they choose to pursue them.

During the public portion of the meeting, resident of an adjacent property, Ms. June Sheppard communicated that she had spoked to Jacques Skutt about the rezoning yet however she still had some concerns. She asked if a convenience store would be permitted and she expressed concern for parking.

In reponse to this question, Mr. Skutt explained that all new development would be required to adhere to the City's Architectural Standards and provide 50% of the standard parking. He also explained the a convenience store use would require a Special Use Permit application.

A resident of a subject property, Mr. Kevin Moore, asked about the significance of the Historic District overlay.

Mr. Skutt explained that this overlay district would not be disrupted by the rezoning.

There was discussion about the process undertaken proceeding the meeting, the City Council's direction to staff to pursue the administrative rezoning and the parking required within the mixed use zoning district.

MOTION

Mr. Osborn made a moved to recommend approval of Ordinance 2015-06. Mr. Santoro seconded the motion. The motion passed 3-2.

1) **Ordinance 2015-07 – Caroline Street Future Land Use Amendment**

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

Ordinance 2015-07 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan as recommended in the Downtown Master Plan.

The combined area of the subject property is approximately 2 acres in size and includes the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1376190	103 EAST CAROLINE ST
1686580	203 EAST CAROLINE ST
1686598	403 ST CLAIR ABRAMS AVE
1686547	109 EAST CAROLINE ST
1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
1769094	111 CAROLINE ST

There are multiple independent owners of these properties. The property owners have been contacted prior to this City initiated action in an effort to promote communication and understanding of the City's vision for this important corridor and the benefits of this action for both the individual owner and the City at large.

This ordinance would amend the current Future Land Use Designation from Medium Density to Mixed Use Commercial. An ordinance to rezone these properties to Mixed Use is concurrently under review.

Future Land Use Amendment/Compatibility

These properties are located just north of the city's downtown core and within the City's Community Redevelopment Area. The City's adopted Downtown Master Plan recommends that these properties be re-designated as mixed use in order to accommodate the areas trend toward live/work buildings and low density residential structures.

Site Conditions

All of the parcels are developed with single family homes with the exception of two properties which are vacant. The adjacent street, Caroline Street, is part of a newly reconfigured one-way pair of streets which serves a single directional traffic movement. The redesign also included the widening of sidewalks and provision of on-street parking and traffic calming devices such as increased landscaping intended to encourage pedestrian activity.

Impact on City Services

All of the parcels are currently served with municipal water and sewer. The City has recently completed a major infrastructure improvement to the potable water distribution and wastewater collection system in order to reliably serve the growing demands of the downtown. The improvements included the replacement of approximately 77,450 linear feet of water main and 54,950 linear feet of sanitary sewer (gravity and force mains) within the CRA that encompassed approximately 60,000 linear feet of roadway.

The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. It is anticipated that this amendment will not implicate any significant increase on Levels of Service.

FINDINGS

This amendment request is considered to be in compliance with the Comprehensive Plan Goals, Objectives and Policies with the following findings:

1. A Mixed Use Commercial Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.

2. Impacts of future development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

MOTION

Mr. Osborne made a moved to recommend approval of Ordinance 2015-06. Mr. Steveron seconded the motion. The motion passed 3-2.

There was no further business and the meeting adjourned at approximately 3:18 p.m.

Respectfully submitted,

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

TAB NO. 9

SUBJECT TITLE: **Resolution 2015-06**
Special Use Permit for Funeral Home-1350 E. Burleigh Boulevard

OBJECTIVE

To consider a petition for a Special Use Permit for a Funeral Home at 1350 E. Burleigh Boulevard.

SUMMARY:

An application for a Special Use Permit has been received from Baldwin Brothers Memorial Care Services to operate a Funeral Home at 1350 E. Burleigh Boulevard. This property is located on the south side of U.S. 441 between Nightingale Lane and Mayo Drive. The property is within the C-1 (General Commercial) Zoning District and a Funeral Home is allowed only with the issuance of a Special Use Permit from City Council.

The applicant desires to renovate the existing, vacant, commercial building located on the site for this purpose. Embalming or cremation will not be performed at this location. Also, the applicant's business plan does not provide for large formal services or funeral processions.

This proposed use is compatible with the commercial/medical uses presently existing in this general area of the city. The building has recently been connected to city utilities. Staff will review the present site configuration to insure compliance with applicable land development regulations prior to the issuance of any development permits. A proposed site plan is attached to this report.

OPTIONS:

1. That City Council moves to approve Resolution 2015-06
2. That City Council denies the proposed special use permit.

PLANNING & ZONING BOARD RECOMMENDATION:

On April 16, the Planning & Zoning Board voted unanimously to recommend approval of Resolution 2015-06.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Resolution 2015-06.

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY: This Resolution has been reviewed by the City Attorney and approved for legal sufficiency.

RESOLUTION 2015-06

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT TO ALLOW A FUNERAL HOME IN THE GENERAL COMMERCIAL ZONING DISTRICT FOR PROPERTY ADDRESSED AS 1350 E. BURLEIGH BOULEVARD; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of property addressed as 1350 E. Burleigh Boulevard (alternate key parcel 1588642) desires this property to be utilized as a Funeral Home; and

WHEREAS, this property is zoned C-1 (General Commercial) under the City of Tavares Land Development Regulations; and

WHEREAS, a Funeral Home in the C-1 (General Commercial) District requires City Council to approve a Special Use Permit for this use under the city's Land Development Regulations; and

WHEREAS, City Council may add conditions, limitations or requirements to the approval of a Special Use Permit; and

WHEREAS, the City Council has determined a Funeral Home is an appropriate use at this location subject to the conditions contained within this Resolution of Approval, therefore,

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

That property addressed as 1350 E. Burleigh Boulevard, (alternate key parcel 1588642) is granted a Special Use Permit for a Funeral Home subject to compliance with all regulations applicable to this use.

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

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

_____
Kirby Smith, Mayor
Tavares City Council

ATTEST:

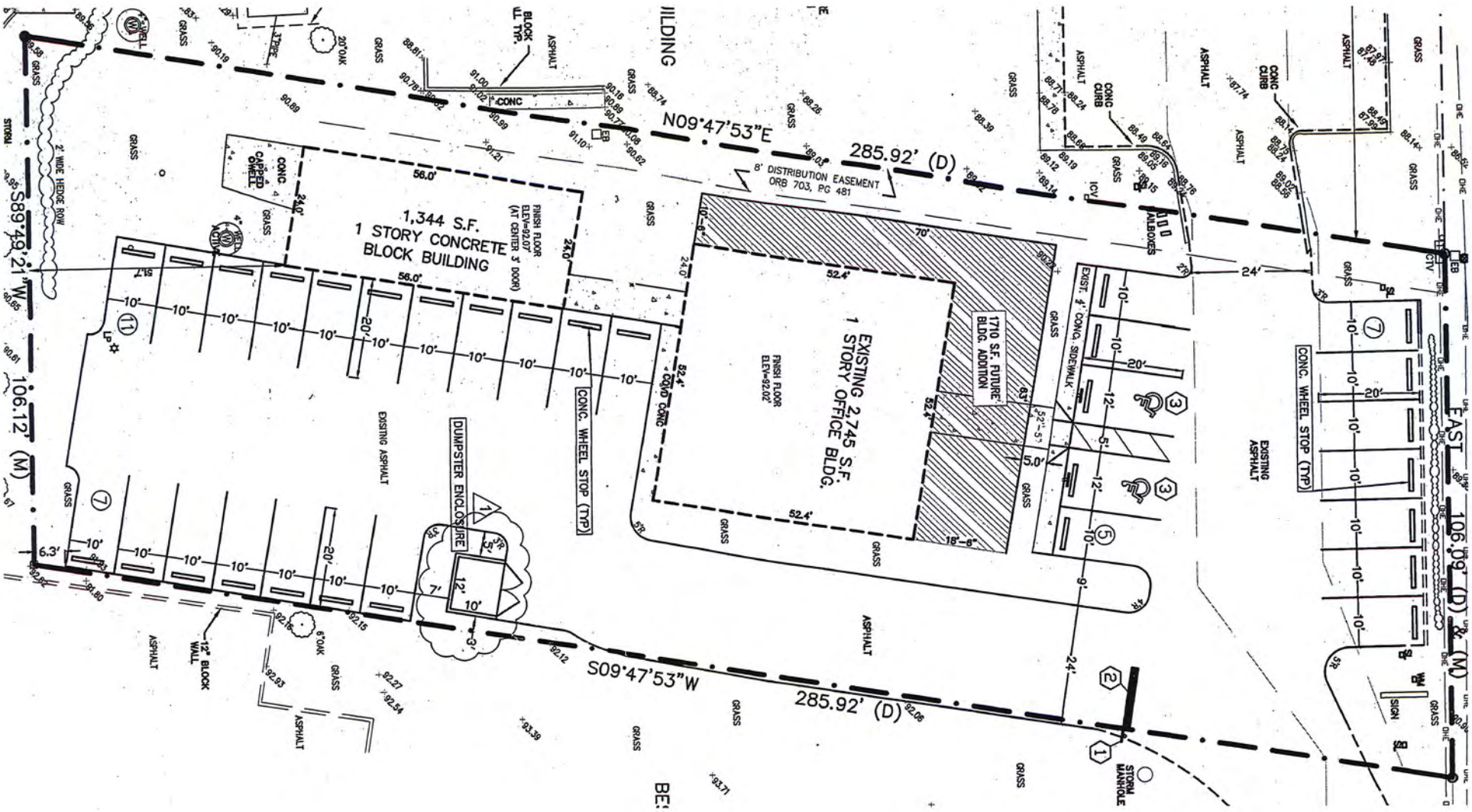
_____
Nancy A. Barnett, City Clerk

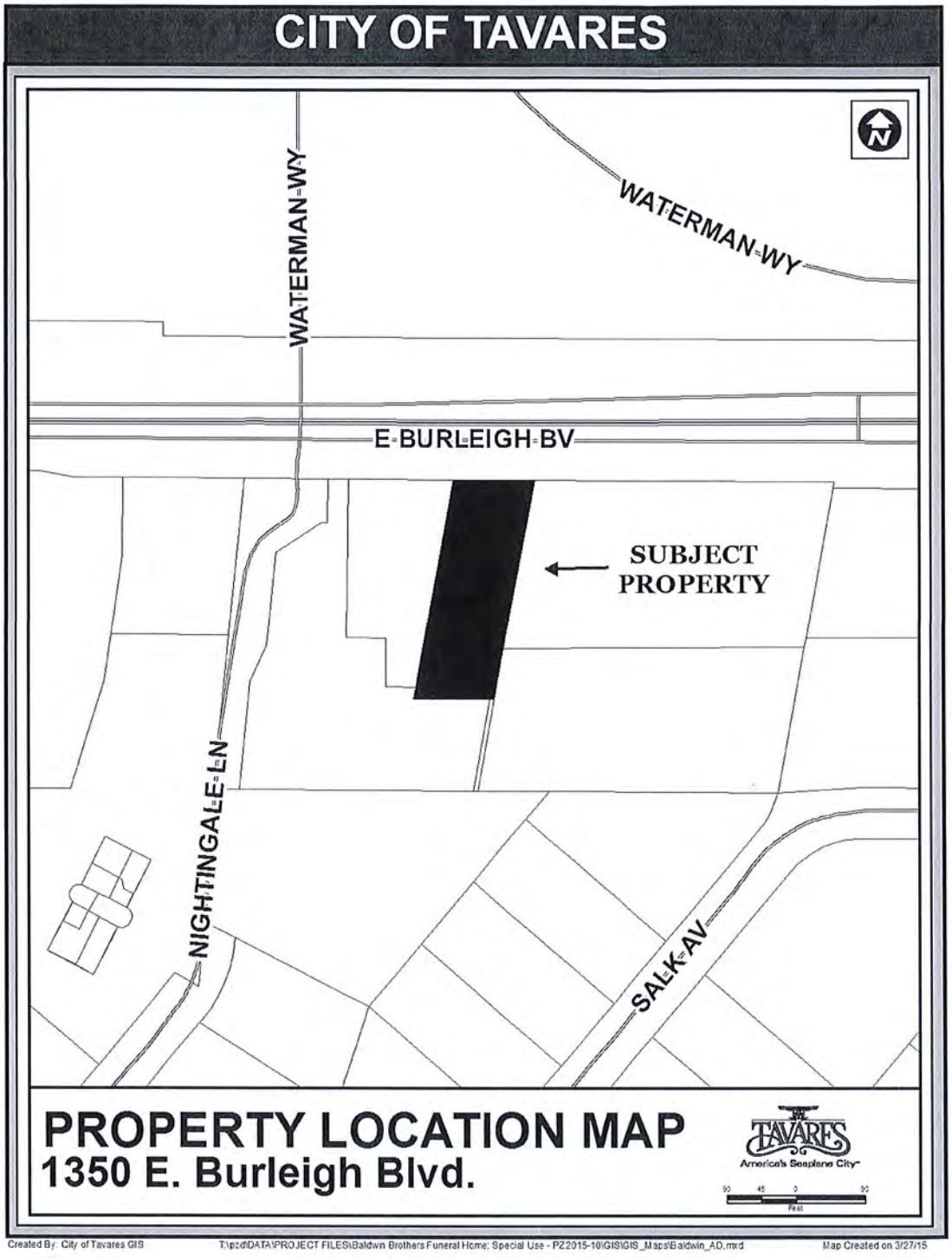
Approved as to form:

_____
Robert Q. Williams, City Attorney

Site Plan – Baldwin Brothers Funeral Services

TAVARES
America's Seaplane City™





Created By: City of Tavares GIS T:\pzd\DATA\PROJECT FILES\Baldwin Brothers Funeral Home; Special Use - PZ2015-10\GIS\GIS_Maps\Baldwin_AD.mxd Map Created on 3/27/15

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Orlando Sentinel

Publication Date: 04/06/2015

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Ad Number: 3168722-1
Insertion Number:
Size: 3 x 10.5
Color Type: B&W
Client Name:
Advertiser: City of Tavares
Section/Page/Zone: Lake Zone/E004/LAK
Description: ff/Resolution-15-06

THE ARTS IN LAKE

Clermont offers smorgasbord of youth art, culture events

By Debbie Manis
Staff Writer

The Clermont Downtown Partnership will sponsor the "Clermont Youth Art & Culture Fest" from 9 a.m. to 2 p.m. May 9 in downtown.

The event will feature vendors, exhibits, demonstrations and workshops for youth from preschool to high school.

Some of the arts will include painting, photography, sculpture, crafts and performing arts.

There also will be entertainment and ethnic food concessions.

The annual sidewalk chalk-art contest also will be held. The contest is divided into age groups: 6 to 10, 11 to 14, 15 to 18 and 19 and older. There may be only one lead artist and one supporting artist. Judging will be based on first impression, creativity, originality and use of color.

Cash prizes of $100 per category will be awarded in each age group among three winners. The winning artwork will be displayed at City Hall for the month following the contest.

Participants will receive a box of pastel chalk and a 38-by-50-inch sidewalk space covered with paper on which they can draw their works. Chalk distribution will be 8:30 to 10 a.m., while supplies last.

Registration is free and begins at 8 a.m. at Seventh and West Montrose streets. Space is limited. Pre-registration is suggested.

The competition begins at 8:30 a.m. and judging will be at noon. Winners will be announced at 2 p.m. Space is limited. Pre-registration is suggested.

Vendors and sponsorships also are needed. The deadline is April 27.

Chalk-art contest, sponsorship or vendor applications may be downloaded at clermontdowntownpartnership.com.

For more information, send email to Ron Smart at info@clermontdowntownpartnership.com or call 352-394-3392.

'Mama Won't Fly'

Outside the Box Productions will present the Jessie Jones, Nicholas Hope and Jamie Wooten comedy "Mama Won't Fly," which opens Friday at the Franklin Pearce Jr. Auditorium, 17404 Sixth St., Montverde.

Mama needs to go to her son's wedding across the country but she won't fly, so she and her daughter are forced to take a road trip accompanied by a surprise guest – the bride-to-be.

The play centers on the misadventures of the three women, who have only four days to get to California for the wedding, including the theft of their car.

The show runs through April 26.

Performances are at 8 p.m. Fridays and Saturdays, and 2 p.m. Sundays.

Tickets are $10 for adults and $5 for children and students.

For more information, call 321-663-2608.

'Vegas in the '60s'

The Kiwanis Club of Lady Lake will present "Vegas in the '60s" from 5 to 9:30 p.m. Saturday at the Savannah Center, 1545 Buena Vista Blvd. in The Villages.

The event will include dinner, casino games and a silent auction.

Proceeds will benefit the Lady Lake Unit of the Boys & Girls Clubs of Lake and Sumter Counties.

Tickets are $75 and available by visiting thevillagesentertainment.com and click on "buy tickets" or call 352-787-5258.

Musical shows

■ Magna Campana, a community based hand-bell ensemble, will perform a concert at 4 p.m. Sunday at St. Paul's Catholic Church, 1330 Sunshine Ave., Leesburg.

The concert will include music from the movie "Titanic," "America the Beautiful," a Scott Joplin rag and Irish favorite "Londonderry Air." The hand-bell group from St. Timothy Catholic Church also will perform several tunes with Magna Campana.

The concert is free and open to the public. A free-will offering will be taken.

■ Tenor Mark Schmidt will present the "Best of Broadway and Songs You Love" at 3 p.m. Sunday at Leesburg High School auditorium, 1401 Yellow Jacket Way.

He will perform songs from "Phantom of the Opera," "Les Miserables," "South Pacific," "Carousel," "Camelot," "Man of La Mancha" and "Jekyll and Hyde."

Schmidt has been performing in musical theater since he 12. He has a master's degree in vocal performance and literature from Binghamton University. Schmidt has taught music in high schools and colleges for 27 years and has performed in operas and musical theater nationwide and Switzerland and Italy.

Tickets are $20 for adults and $10 for students in kindergarten through college (with identification) and available online at bestvocalentertainment.com.

Tickets are also available by calling the box office at 352-530-7941 between 8:30 a.m. and 5 p.m. today through Saturday.

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

THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

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ORDINANCE 2015-07

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CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
APRIL 16, 2015

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Richard Root , Vice Chairman - Absence
Morris Osborn
Norb Thomas
Howard Haynes
Bill Stomp - Absence
Roy Stevenson

LAKE COUNTY SCHOOL BOARD
Debbie Stivender, Boardmember - Absent
Dawn McDonald, Senior Planner – Present

STAFF MEMBERS PRESENT

Jacques Skutt, Community Development Director
Mike Fitgerald, 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

The oath was given to staff and members of the audience.

APPROVAL OF MINUTES OF MARCH 19, 2015

The minutes were approved.

CASES HEARD

1) **Resolution 2015-06 – Baldwin Funeral Home - Special Use Request**

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

An application for a Special Use Permit has been received from Baldwin Brothers Memorial Care Services to operate a Funeral Home at 1350 E. Burleigh Boulevard. This property is located on the south side of U.S. 441 between Nightingale Lane and Mayo Drive. The property is within the C-1 (General Commercial) Zoning District and a Funeral Home is allowed only with the issuance of a Special Use Permit from City Council.

The applicant desires to renovate the existing, vacant, commercial building located on the site for this purpose. Embalming or cremation will not be performed at this location. Also, the applicant's business plan does not provide for large formal services or funeral processions.

This proposed use is compatible with the commercial/medical uses presently existing in this general area of the city. The building has recently been connected to city utilities. Staff will review the present site configuration to insure compliance with applicable land development regulations prior to the issuance of any development permits.

Mr. Skip Knopke, the project applicant, introduced himself and offered to answer any questions from the board.

In response to a question regarding parking, Mike Fitzgerald conveyed that there will be thirty spaces provided.

There was discussion about the nature and frequency of funeral services.

MOTION

Mr. Haynes made a moved to recommend approval of Ordinance 2015-05. Mr. Norb seconded the motion. The motion passed 5-0.

1) **Ordinance 2015-06 – Caroline Street Rezoning**

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

Ordinance 2015-06 proposes a rezoning from Residential Multi-family to Mixed Use for a group of properties at the following addresses and parcel alternate key numbers:

Alt Key	Property Addresses
1685893	403 NORTH JOANNA AVE
1685907	404 NORTH JOANNA AVE
1685851	405 NORTH TEXAS AVE
1768951	405 NORTH NEW HAMPSHIRE AVE
1768926	406 NORTH TEXAS AVE
1376190	103 EAST CAROLINE ST
1686580	203 EAST CAROLINE ST
1686598	403 ST CLAIR ABRAMS AVE
1686547	109 EAST CAROLINE ST
1686539	413 NORTH ROCKINGHAM AVE
1497523	409 NORTH BARROW AVE
2508141	411 NORTH BARROW AVE
3250621	422 WEST CAROLINE ST
1769094	111 CAROLINE ST

The subject properties consist of a total of less than 4 acres in size. The properties are mostly developed with single family homes with the exception of two properties which are vacant. There are multiple independent owners. The City's adopted Downtown Master Plan identifies this area of the community as the Downtown Transition Mixed Use Neighborhood. It anticipated that the reconfiguration of Alfred Street and Caroline Street would create increased

AGENDA SUMMARY
TAVARES CITY COUNCIL
MAY 6, 2015

AGENDA TAB NO. 10
SUBJECT TITLE: Report on Downtown Parking Workshop

OBJECTIVE:

To report to City Council the citizen comments from the Downtown Parking Workshop held on April 16 and to seek Council's direction on this matter.

SUMMARY:

On April 16, City of Tavares staff held a Downtown Parking Workshop. The workshop was publicly advertised and invitations were sent to downtown merchants, county staff and constitutional officers and elected officials. The meeting was held at 6:00 PM and was well attended. Gary Santoro, the chairman of the city's Planning & Zoning Board volunteered to moderate the meeting.

The Moderator divided the workshop into two parts. Part One was to gather from the audience their thoughts and perceptions about the present status of downtown parking in Tavares. Part Two sought recommendations on actions that the city should pursue on issues concerning downtown parking. The comments received are summarized as follows:

Part One-Present Status Observations

1. Business customers park on the street in front of the business they are visiting.
2. Contractors that are making a quick trip to the County Building Department park on the street rather than the parking garage.
3. The first level of the parking garage that is reserved for police and disabled is mostly empty.
4. During elections, campaign vehicles take up large blocks of on-street parking.
5. There is no dedicated handicapped parking on Main Street.
6. During special events, all available on-street parking is utilized.
7. There is no dedicated parking for the new pavilion.
8. Directional signage for the new pavilion is inadequate.
9. On-street parking availability is sporadic.
10. That many of the citizens of Tavares are retired and active during the day.
11. The County Parking Garage does not benefit businesses located on East Main.
12. Businesses that have signed, private, on-site parking lots reserved for their own customers, have non-customers using their reserved parking.
13. There are certain cars that are parked all day in on-street parking spaces.
14. There are always parking spots available in the downtown if people are willing to walk.
15. Employees of the jail have exclusive use of the large surface parking lot in front of the jail.
16. There is no discharge lane or area in front of the courthouse. Cars stopping in front of courthouse, in the road, are creating a hazardous situation.
17. There is no convenient handicapped parking for the courthouse.

18. The parking spaces in the parking garage are not large enough to accommodate large pickup trucks.
19. During special events, there is no reserved on-street parking for opened businesses.
20. During special events, when Main Street is closed, there is no contingency for disabled persons to park close to medical facilities (dentist).
21. Employees from the daycare facility on Disston use on- street parking at the east end of downtown.

Part Two-Recommendations

1. That parking on Main Street be time limited.
2. That County employees be instructed to park on upper levels of the garage thus leaving the lower three levels available for visitors and business customers.
3. That County parking policy for the garage be applied also to Constitutional and police officers.
4. That minimum parking requirements for off-street parking, as recognized by the American Planning Association, be required for new businesses.
5. That a solution to parking and downtown growth be sought now.
6. That on-street parking on Main Street be limited to 2 hours, Mon-Fri, with exceptions made for handicapped or downtown residents.
7. That time limits not be imposed on Main Street.
8. That parking meters or similar pay-for-time technologies be investigated for Main Street.
9. That the County construct a discharge area on Main Street for the courthouse.
10. That parking of large pickup trucks be limited to the first floor of the parking garage.
11. That the only present problem with downtown parking was during special events and that timed parking was not needed otherwise.
12. For some businesses, especially those serving older customers, two hour timed parking was insufficient.
13. That dedicated golf cart parking be provided on Main Street.
14. That any parking solution be applied to all of Main Street with consideration given for future growth.
15. That timed parking would discourage a pedestrian environment and would hurt those businesses that depend on walking customers.
16. That those types of businesses that require quick drive-up parking as part of their business model would be better served in a Highway Commercial type of location.
17. That a 4 hour timed limit be considered for Main Street.
18. That the city could buy land for a downtown parking lot.
19. That if timed parking were adopted, that the business owners could be involved in the enforcement.
20. That any parking solution should consider the parking needed by the new Pavilion.
21. That any County, City or business employee not be allowed to park on Main Street.

STAFF COMMENT

There were wide spectrums of perceptions related to parking conditions on Main Street. Many of these conflicted with others and it is difficult to point to a consensus.

The city would benefit from a long range parking plan that fully considers the impact of the growth anticipated by the Downtown Master Plan.

The parking garage, the County's employees, the Constitutional officers, the jail and the Sherriff's Department have a significant impact on downtown parking. The city and county should continue to work together to formulate parking policies and to utilize facilities in a manner that is mutually beneficial.

If the City desires to adopt temporary remedies prior to a long range plan being developed, these should be inexpensive to implement and easily reversible since these may be inconsistent with the long range plan. Although there was no consensus on the imposition of a 2 hour time limit, no opposition was noted on the suggested 4 hour time limit.

OPTIONS:

1. That Council discusses the results of the downtown parking workshop.
2. That Council does not discuss the downtown parking workshop.

STAFF RECOMMENDATION:

That City Council considers the citizen input from the downtown parking workshop and provides direction to staff.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

This agenda item has been reviewed for legal sufficiency.

CITY OF TAVARES
PUBLIC WORKSHOP
PARKING IN THE DOWNTOWN
MINUTES
April 16, 2015
CITY COUNCIL CHAMBERS

COUNCILMEMBERS PRESENT **ABSENT**

Lori Pfister, Councilmember
Lisa Johnson, Councilmember

STAFF PRESENT

John Drury, City Administrator
Nancy Barnett, City Clerk
Chris Thompson, Director of Public Works
Jacques Skutt, Director of Community Development
Alisha Maraviglia, Senior Planner, Community Development
Bob Tweedie, Economic Development Director

OTHER

Rick Santoro, resident

WELCOME

John Drury, City Administrator, welcomed all present to the public workshop to discuss parking on Main Street. He stated that Council was interested in hearing public input on this issue. He introduced Gary Santoro (Planning & Zoning Board Chairman) who would be the moderator of the meeting. He then introduced the staff present. He noted this meeting was advertised as a public meeting.

MODERATOR OPENING REMARKS

Mr. Santoro led those present in the Pledge of Allegiance.

Mr. Santoro welcomed all present to the meeting and discussed the purpose of the meeting which was to gain feedback from local business owners and residents related to parking on Main Street.

He stated the meeting would be in two parts: The first part would be for those present to give their thoughts on the status of parking in the downtown and the second part would be to provide recommendations for solutions. He added that for those who wished to put their thoughts in

writing to submit those to the office of the City Administrator as soon as possible or provide to him at this meeting. He invited public comment.

Part I – Status of Parking Situation

Vance Joachim, writer of Blog "Fiscal Rangers.Com"

- Noted he frequently observes the parking spaces filled
- Said he has already sent a letter to the City Council on the subject and will provide a copy to Mr. Skutt and the City Clerk
- The city will probably need to institute a time limit with parking signs in the downtown area
- First level of the parking garage – right now almost the entire lower first level is taken up with police and disabled parking spots and half of them are always empty. The city should negotiate with the county and see what can be done.
- Commented that the County has an employee policy that employees are to park on the third floor and up of the parking garage. Needs to be reaffirmed with the constitutional officers.
- Questions courtesy spaces for visiting police – There is a lot by the new court building (restricted) and another one at the probation office where spaces are available.
- Discussed the American Planner's Association and their recommendations for high density village type areas with walkable areas: He said the City might ask to see what the original standards were for parking per employee in a downtown area versus the new standards.
- The city could buy more land and convert that to parking
- The city should do a survey of the parking capacity for all existing businesses with their employees
- Street parking should probably be available mostly for business customers
- Businesses need to ask their employees to park in the parking structure or some designated area that is out of the downtown area

Mr. Santoro asked Mr. Joachim when he had noticed the parking issues, are they a specific time of the day or day of the week or any time. Mr. Joachim said he comes to the city for several meetings: Tuesday mornings when the County Board meets there are a lot of people; if the School Board meets they sometimes have events with 50 people getting an award but that is usually after hours. He said he has not looked at a pattern.

Linda Bennett, owner of the Ameriprise Financial office, 303 E. Main Street

- There is not really any handicapped parking near her and sometimes her clients cannot walk the extra half a block to get to the office
- When there is an event in the park, there is no parking at that end of the street
- There are no private signs for businesses for parking

- She said she is on four boards and the boards would like to have some of their functions at the pavilion but that parking is worse. There is no place to park without a long walk and if there is a group of people that are older, it is hard for them to get in and out
- There is a sign for the Pavilion coming in one direction around the circle but not the other direction so if someone does not know the area, some additional signing towards Mt. Dora would be helpful.
- As the downtown grows the parking issues will get more difficult (which is a good problem)

Lisa Johnson, Owner of EZ Nutrition, 101 W. Main Street

- Said she opened her new business in March on Main Street
- Sees sporadic issues in parking
- Concerned about the growth in the city and the need to find a solution now
- Is concerned about the local businesses who have elderly clients and handicapped clients and their access
- Suggested some limited time frames for parking; i.e. Monday through Friday in the area between the two traffic circles, 8 to 5 pm, two hour limited parking. If disabled would be able to get a permit or if the driver lived downtown would be exempt from limited parking.
- Noted it may be a few years before the new parking garage on the east end will be built and a solution needs to be found now

Ted Wicks, Wicks Engineering Services, 225 E. Main Street

- Has adequate off street parking for his employees and customers
- Problem in the past prior to the parking garage being constructed was people not observing the "reserved" signs. There has been less of a problem since the garage opened but still two or three people who violate that situation.
- Stated most of the spaces along the block of the Admin Building of the County fill in very quickly even on a regular day and that he has observed some county employees parking all day on the street

Lou Buigas, Hoity Toity Mercantile and resident

- Does not think there is an urgent problem with parking but feels there will be eventually with the new medical clinic opening up. Closer to the county building department and courthouse it is busier but there are spaces
- Said she is opposed to having a two hour limit. The purpose in the downtown is for people to shop and have a meal and two hours is not enough time.
- Maybe people who work for the county or that work in the area should have stickers on their cars and should should park in the parking garage.

Freddie Belton, business owner

- There is a big parking problem with the county employees
- Unless people have to pay for their parking they will stay as long as they want
- In favor of parking meters; the money could be used to fund downtown area needs
- Would not need individual meters; there is a system where there is a box and people pay there and get a sticker for their vehicle
- Has had problems with parking at his building at the Belton Financial Center. Has spent money on individual signs for the parking but there is still a problem with people trying to park in his lot who are not customers
- Understands the sheriff has a problem with the parking of emergency vehicles
- The staff at the jail is there for 12 hours and some of their parking could be used for handicapped. There are staff parking at the west side of the jail who are parking for 12 hour shifts. They should be able to park in the parking garage. If there is a security issue the parking garage lights need to stay on longer.
- Handicapped parking for the courthouse. There is no traffic flow. If someone wants to drive up, they stop on Main Street to let people out and it causes a constant backup in the traffic. There are people crossing from the courthouse to the jail which is a problem.
- The parking plan for the handicapped for people who need to go inside the courthouse is not feasible. There are 10 or 12 spots over at the sheriff's side where they can park but it is a long walk from that point over to the courthouse. He said he has observed people pulling into his lot trying to walk over to the courthouse. He said it would be nice to have a pull off area to drop off people but has been told it is a security issue.
- Another problem is the larger pickups: it is necessary to come to a stop to allow another vehicle to drive around a larger truck parked in the angle parking on Main Street
- The county should consider on the first floor of the parking garage some spots for large truck parking.

Mr. Santoro asked Mr. Belton if a majority of the problems that he has witnessed is being caused by the County. Mr. Belton said he could not say that. Mr. Santoro said he meant was it county business that appears to be causing the problem. Mr. Belton said people are just not used to using the parking garage versus in Orlando where people are accustomed to the garages.

Philip Bowmar– Owner of Do it Yourself Pest and lawn Care

- Does not have private parking but he does not have any problems with day to day parking; but has problems during the events. He tried putting out "reserved parking" signs but there is no way to enforce it. He said there needed to be something implemented to allow "reserve parking" for at least the businesses that have no private parking. Either a time limit needs to be implemented or allow the businesses to permit parking in front of their store only, at least for the events.

Part LL – Recommendations to Solve the Issues

Mr. Santoro asked the thoughts of business owners about limited two hour parking versus having a parking meter out front.

Phillip Bowman

Mr. Bowmar said the biggest disadvantage of the two hour limitation is that Main Street fills out instantly for events and that people will be there for that two hour window all day long so it would not help. The best thing would be to reserve spots for the businesses that have no private parking during the events.

Linda Bennett

Ms. Bennett said there is a day care business on Disston and she sees at least two or three cars parked on Main Street because they have no parking. She said she has no parking and she leaves the driveway for her other tenants. She said many times when clients come in they may spend over two hours and if there is no handicapped parking it creates a problem. She said she does not have a solution but the problem is more than just between the two circles and the government buildings. The parking issues on the entire Main Street need to be reviewed and a future plan needs to be developed.

Lou Buigas

Ms. Buigas said two hours is not enough. She said there are certain businesses that may not be Main Street driven. She said the reason events are held is to promote growth and economic development. If a business exists for a customer that has to run in and out quickly perhaps Main Street is not the ideal location.

Freddie Belton

Mr. Belton said he knew there would be an enforcement issue for the city which will also cost money.

Vance Joachim

Mr. Joachim said if two hours is not enough, why not three or four? The idea is not to have full time employees parking on Main Street all day. He questioned just enforcing it occasionally or hiring a local person or a retiree to be paid out of the collected fines. He suggested allowing the business owners to write the ticket or put a warning notice on the car.

Lisa Johnson

Ms. Johnson said her suggestion about time limits had been only for Monday through Friday which would not infringe on the Entertainment District which is normally only after 5:00 p.m. She

noted the problem is not all county employees; she has observed some businesses whose employees park on Main Street all day long.

Lou Buigas

Ms. Buigas said she wished to clarify that the Entertainment District is 24-7 and there is a retiree community that comes from the Villages and other places during the day as well.

Linda Bennett

Ms. Bennett reiterated that she wants the pavilion to be successful but there is no place to park but on Main Street and its events are not only held at night. She said she would have no problem advising her employees and tenants that they would have to park in a parking garage if it were only a block away.

Rick Gonzales – business owner

Mr. Gonzales says he has space in Mr. Wicks' parking area. He said the immediate solution would be if the city manager and the county manager instruct their employees not to park on Main Street and to ask the businesses to instruct their employees to do the same thing and try to make it voluntary.

Adjournment

Mr. Santoro thanked everyone for attending and invited Mr. Drury to close the meeting.

Mr. Drury thanked all those in attendance for expressing their thoughts and solutions. He noted the discussion had been respectful and held with decorum. He thanked those present for being good citizens on a very heated item. He said it will be a challenging job to solve this problem. He asked those present to visit other cities and observe what is being done and bring some of those ideas back. He noted every option to solve the problem has an unintended consequence. Mr. Drury said the recommendations will be developed into a future agenda summary for Council debate and there will be information on the city's web site.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

_____

Nancy Barnett, MMC
City Clerk

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO: 11

SUBJECT TITLE: Approval of Contract with Richard Powell - New Commercial Boat Tour Operator

OBJECTIVE:

To have City Council approve for the attached contract with Richard Powell to provide commercial boat tour operations at the Tavares Seaplane Base & Marina at Wooton Park.

SUMMARY

At its meeting held March 3, 2010, the City Council approved a business plan for the City to operate the Seaplane Base & Marina, Splash Park and related facilities at Wooton Park.

The business plan called for the City to contract with private operators to offer selected aviation and marine related services to the public.

Richard Powell, has approached the City with a business plan offering commercial boat tours using the facilities of the Tavares Seaplane Base & Marina.

City staff has negotiated the attached contract with Mr. Powell and is similar in scope and provisions to previous boat tour services the City has contracted.

OPTIONS:

1. To approve the attached contract with Richard Powell to provide boat tour operations at the Tavares Seaplane Base & Marina.

2. To not approve the attached contract.

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve the attached contract with Richard Powell to provide commercial boat tour operations at the Tavares Seaplane Base & Marina.

FISCAL IMPACT:

Richard Powell will lease a boat slip Seaplane Base & Marina throughout the term of the Agreement at $4.50 a foot plus applicable tax.

LEGAL CONSIDERATIONS:

The contract has been reviewed by the City Attorney.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: County, through its Board of County Commissioners, signing by and through its Chairman on the _____ day of _____, 2015 and by the City of Tavares, through its duly authorized representative.

CITY OF TAVARES

ATTEST:

_____
Nancy Barnett, City Clerk

_____
Print Name: Kirby Smith
Title: Mayor

This _____day of _____, 2015.

Approved as to form and legality:

_____
Robert Q. Williams, City Attorney

COUNTY

ATTEST:

LAKE COUNTY, through its
BOARD OF COUNTY
COMMISSIONERS

_____
Neil Kelly, Clerk of the Board
of County Commissioners
of Lake County, Florida

_____
Jimmy Conner
Chairman

This _____day of _____, 2015.

Approved as to form and legality:

_____
Sanford Minkoff, County Attorney

AGREEMENT

THIS AGREEMENT made this 1st day of July 2015, between the City of Tavares, Florida (hereinafter referred to as "the City") and Richard Powell, (hereinafter referred to as "Vendor").

RECITALS

1. The City desires to enter into an agreement with Vendor for the provision of a fully operating boat tour service among other things to be operated at the City of Tavares waterfront in accordance with the terms and conditions described herein.

2. Vendor desires to enter into an agreement with the City to provide said services, and further agrees to be bound by the terms and conditions of this Agreement.

THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, receipt of which is hereby acknowledged, the City and Vendor hereby covenant and agree as follows:

1. Vendor's Obligations. The Vendor shall be responsible to carry out the following:

    a. Provide boat tour services as of July 1, 2015. Boat tour services include, but are not limited to the provision of scheduled boat tours with passengers embarking and disembarking from the Tavares Seaplane Base/Marina.

    b. Provide an insurance policy consistent with the terms herein.

    c. Enforce adherence to safety and insurance requirements including, but not limited to, signing of waivers by all participants and employees which eliminate the City's liability, and the enforcement of the utilization of safety equipment.

    d. Comply with all other obligations described herein.

2. City's Obligations. The City shall be responsible for the following:

    a. Provide a single reserved docking space for a tour boat. An

additional reserved docking space may be negotiated with a corresponding adjustment to the Monthly Fee. However, City can use the reserved dock space from time to time for special events. City will notify vendor, make reasonable accommodations and assure adequate dock space is available for the Vendor to use and run service during special events.

e. Provide fixed fuel pricing $.05 above costs for the first year of the contract. Thereafter, the City shall re-evaluate and set the fixed fuel price.

3. Term. The term of this Contract shall be from July 1, 2015 to June 30, 2016 (Hereinafter "Term") and shall automatically renew each year on July 1 for three years unless terminated by either party upon thirty (30) days written notice.

4. Indemnification. The Vendor agrees to indemnify the City for and to hold the City harmless from any and all liability, claims, costs, damages, attorney's fees, or other charges, liens, or fees of any kind or nature as a result of Vendor's use (or the use by any person or participant authorized by Vendor) of City Property, or the execution of this agreement. Vendor further agrees to defend any action or claim whatsoever against the City for any damages or for injunction or other relief resulting from Vendor's use of City property, or the execution of this agreement.

5. Insurance. Vendor agrees to obtain and maintain in force, at its cost, liability insurance coverage (hereinafter called "Insurance") as specifically described in Exhibit "A" attached hereto. Vendor shall provide the City with the Certificate of Insurance or other proof of said insurance at least ten (10) days prior to beginning operations.

6. Monthly Payment to City. The Vendor shall pay the City $4.50 per foot of slip rental plus tax, beginning October 1, 2015 and on the 1st day of each month thereafter during the term of this Agreement for the exclusive use of one (1) reserved dock space.

7. Incorporation of Marina Rules and Regulations and License Agreement. The Vendor shall comply with all City Marina Rules and Regulations and the terms of the City's general License Agreement. To the extent the License Agreement conflicts with provisions herein, this contract shall prevail.

8. Termination of Agreement. The parties agree that if either party violates the terms and conditions of this Agreement, or violates any other applicable state, county or municipal ordinances, either party shall have the option of terminating the agreement upon reasonable notice considering the circumstances.

9. Licenses, Permits, Certificates, Etc. Vendor shall be responsible for obtaining any and all necessary licenses, health certificates, permits, or other documents required for its operation. Vendor shall also be responsible for any and all sales or income tax liability that it may incur by reason of its operation.

10. Assignment. Vendor shall not be permitted to sublet or assign any part of its obligations, privileges or services as set forth in this Agreement without first obtaining the written consent of the City.

11. Attorney's Fees. Should either party breach the terms of this agreement, causing the other party to employ an attorney for the enforcement of the provisions hereof, or for the collection of damages as a result of a breach, then the prevailing party's attorney's fees and court costs shall be paid by the non-prevailing party.

12. Administration of Contract. The City Administrator or his representative shall administer this contract for the City.

13. Applicable Law and Venue. This contract shall be interpreted, construed, and governed according to the laws of the State of Florida. The parties agree to venue in Lake County, Florida for any litigation pertaining to this Contract. In the event there is litigation, the prevailing party shall be entitled to reasonable attorney's fees.

14. Amendments. No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by all parties.

15. Entire Contract. This contract constitutes the entire agreement between the parties and supercedes any and all prior communications, discussions, negotiations, understandings and agreements.

16. Invalid Provision. The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

17. Contract Interpretation. In the event that it becomes necessary for any reason to construe this agreement, it shall be construed as being jointly prepared and drafted by all parties hereto.

18. Remedies. All rights and remedies of the City herein enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by the City of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials this Contract which shall be deemed an original on the date last signed as below written.

Dated this ____ day of _____, 2015.

ATTEST:

CITY OF TAVARES, FLORIDA

_____	_____
Nancy Barnett, City Clerk	John Drury, City Administrator

VENDOR

_____	_____
Printed Name	Richard Powell Owner/Operator

LEGAL REVIEW:

_____

Robert Q. Williams
City Attorney

EXHIBIT A

INSURANCE RQUIREMENTS

BOAT TOUR AGREEMENT

i. $1M commercial general liability, each occurrence

ii. $1M damage to rented premises

iii. $1M personal and advertising injury

iv. $1M general aggregate

v. $2M products – comp/op aggregate

vi. Workers' Compensation - Florida statutory limits, or valid exemption certificate

vii. The City of Tavares is added as additional insured (with endorsement) and certificateholder

viii. Certificate of insurance must be provided on a standard Acord form, with accompanying endorsement attached (refer to Item vii)

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 12

SUBJECT TITLE: Reclaim Water Agreement for Agriculture Use with Tavares Citrus Groves

OBJECTIVE: To consider approval of new rates for Tavares Citrus Groves who utilize reclaimed water from the city for their groves.

SUMMARY: Ordinance No. 2013-07 provides for negotiated pricing for Reclaim Service by Agreement between the City and the Grower/Owner for commercial agriculture uses including but not limited to orange groves, tree farms and nurseries. The city has agricultural reclaimed water agreements with Tavares Citrus Grove and Whittaker Groves in Tavares.

Recently the Citrus Industry in this area, has been effected by the "Asian citrus psyllid" disease, also called "Greening". This disease has caused the industry growers to eradicate orange trees (see attached information). The area growers have requested a temporary reduced pricing for reclaimed water while they recover from this unforeseen epidemic from the current rate of $0.31 per 1000 gallons down to $0.15 per 1000 gallons.

OPTIONS:

1. Approve a new agricultural rate rate of $0.15 per 1000 gallons for one (1) year, then a 25% increment increase over the next 4 years. At the end of 5 years they will be back at full payment.

2. Do not approve agreement with Citrus Grove Owners.

STAFF RECOMMENDATION: Move to approve a new agricultural reclaimed rate of $0.15 per 1000 gallons for one (1) year, then a 25% increment increase over the next 4 years.

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FISCAL IMPACT: It is estimated that the change will reduce revenues by $5,553.12 on the first year and then the rate would go up 25% over the next four 4 years.

LEGAL SUFFICIENCY: YES

Citrus Greening

UF researchers are taking a three-pronged approach to fighting a potentially devastating citrus disease

by Kevin Bouffard

Related Video

Scientists at the University of Florida have a long history of tackling threats to Florida's signature crop — from freezes to canker.

But when citrus greening — known to scientists as huanglongbing or HLB — was detected in Homestead in 2005, researchers at UF's world-renowned Citrus Research and Education Center (CREC) in Lake Alfred knew they were in for the fight of their lives.

Greening has devastated citrus crops wherever it has appeared, working its way around the globe from Asia to Africa to South America. The disease slowly weakens and kills all types of citrus trees, and since it can take years before the first symptoms appear, greening has ample time to spread.

Last year UF economists found that between 2006 and 2011 greening had cost the state $4.5 billion in lost economic output, and 8,257 jobs.

"Citrus greening represents a devastating burden on this state's economy and we're working around the clock to help," says Jack Payne, UF's senior vice president for agriculture and natural resources.

Effective measures against greening cannot come quickly enough for Florida growers, who are just now beginning to see the damage the disease can do to their groves.

Last fall, Hamlin and other early-season oranges harvested from October to March began falling in unprecedented numbers before harvest.

"Everybody is still shocked with how many Hamlins ... fell from the tree," says Ellis Hunt Jr., a Lake Wales grower and member of the Florida Citrus Commission.

The fate of Valencia oranges, harvested from March to June, does not look much better. In February, the U.S. Department of Agriculture changed its projection of premature Valencia drop to "well above average" from "about average" a month earlier.

"It's the highest drop rate we've seen without a weather event," says Vic Story Jr., a second-generation citrus grower based in Lake Wales, who owns or manages about 5,000 grove acres in Polk and Hardee counties.

"The greening is looking worse all the time. We're worried more about future years than this year," adds Jay Clark, a Wauchula grower and member of the Florida Citrus Commission. "What looks alarming right now is these 3- to 5-year-old trees. It looks questionable whether we can grow a young tree to maturity."

So it's no wonder that since the appearance of greening in Florida, researchers with UF's Institute of Food and Agricultural Sciences have been directing almost all of their significant intellectual and financial resources at the disease.

With financial support from the Citrus Research and Development Foundation — a UF direct support organization established with the proceeds from a tax on every box of citrus produced that generates about $5 million annually — scientists at UF and other institutions have pursued a three-pronged approach to combating greening.

First, control the Asian citrus psyllid, the ant-sized insect that transmits the greening bacteria from tree to tree. That offers growers the best hope for immediate results.

Second, understand the bacterium itself, with the goal of neutralizing impact on psyllids or trees.

Third, breed new citrus trees that will tolerate or resist infection.

The Psyllid

The psyllid was first detected in two South Florida counties in June 1998. Although at the time it did not carry the greening bacteria, it made establishment of greening more likely if the disease were introduced.

In an attempt to get ahead of the problem, UF entomology Professor Marjorie Hoy and Ru Nguyen, an entomologist with the Florida Department of Agriculture and Consumer Services, went looking for a natural enemy of the psyllid. They found it in a parasitic wasp from Taiwan and Vietnam called Tamarixia radiata. Adult wasps eat some young psyllids and lay their eggs in others. Then the wasp larvae eat the psyllids' guts from within.

After making sure the wasps would harm only the psyllids, the state began releasing them in 1999.

"Tamarixia radiata is now widely established throughout Florida, feeding on the psyllids and reducing their population by as much as 80 percent in some locations between August and November," Hoy says.

But the psyllid is a prolific breeder, with each female laying up to 800 eggs and some trees infested with 40,000 bugs, so even an 80-percent kill rate by the wasps is not enough.

That's why UF entomologist Michael Rogers and his colleagues are seeking a better understanding of the relationship between the psyllid, the bacteria and the tree.

Rogers says he never envisioned he'd be gluing tiny gold wires to the back of insects just 4 millimeters long so he could track their movements.

But when citrus greening was confirmed in Florida, "We had to shift all our focus to the psyllid," says Rogers, who estimates that 90 percent of his research since 2005 has involved the psyllid.

The psyllid gives off different signals when it feeds, acquires the greening bacteria or infects the plant, so Rogers and his colleagues have been recording these signals and using them to fine- tune pesticide programs for young citrus trees.

Another challenge of controlling the psyllid is that the insects can travel as much as 1.25 miles in 10 days so any pesticide spraying program has been far ranging and comprehensive.

But some land owners have trees on their property but are not cultivating them and so do minimal or no pesticide spraying. These so-called "bad neighbors" negate the efforts of other growers who are spraying.

Based on Rogers' research showing that low-volume aerial pesticide spraying was much less expensive than ground spraying, the state convinced growers, including "bad neighbors," to work together to establish 38 Citrus Health Management Areas (CHMAs) to coordinate the timing and application of pesticides within a county or region. CHMAs covering 80 percent of Florida's commercial citrus acreage resulted in a 50-percent reduction in the state's psyllid population in 2012 compared to the previous year, Rogers says.

Lukasz Stelinski, also an entomologist at the CREC, says another challenge is preventing the psyllids from becoming resistant to pesticides.

"Currently, insecticides are our best tools," Stelinski says. "We don't want current levels of resistance to escalate further."

Stelinski and his colleagues compared mortality levels from insecticide exposure in psyllids collected from groves in 2009 and 2010 to psyllids raised in the lab in isolation and found that the insects were becoming resistant.

Stelinski says the results are proof that resistance management strategies are imperative. These strategies include using different types of insecticides in a rotation and never applying the same chemical twice in a row.

Stelinski also leads research that found that the bacterium responsible for citrus greening causes infected trees to emit a fragrant chemical called methyl salicylate. When psyllids catch a faint whiff of methyl salicylate they interpret it to mean that other psyllids have found a good place to feed. But once they start to feed on an infected tree, they discover that it doesn't taste quite right.

Unfortunately, even a short feeding session is enough for the insects to suck up the greening bacterium, along with the plant sap they consume, and carry it to the healthy trees.

The good news is that methyl salicylate is inexpensive and widely available, so it could be used to battle greening. For example, it could be put in traps to monitor groves for the presence of psyllids. Or, it could be released in small amounts throughout a grove to camouflage infected trees' scent.

In addition to pesticides, citrus researchers have just begun an effort to genetically engineer psyllids so they cannot host or transmit the greening bacteria. The scientists hope to produce a psyllid biologically incapable of carrying or passing on the greening bacterium, says CREC Director Jacqueline Burns. The insect could then be reared in laboratories and released to mate with wild psyllids, ensuring that the no-transmission trait would spread.

The Bacterium

While researchers like Rogers and Stelinski are focused on the psyllid, their colleagues are trying to gain a better understanding of the greening bacterium.

One of the first challenges was to determine whether greening was caused by a single species of bacteria or multiple bacteria and/or viral pathogens working together.

Using three types of next-generation genetic analyses, UF researchers examined inner bark from Florida citrus trees infected with citrus greening.

While the team conclusively found the genetic fingerprint of the bacteria commonly suspected to be behind the disease, *Candidatus Liberibacter asiaticus*, the analysis showed no other DNA of suspect viral or bacterial pathogens.

"This research tells us that our work, much of which has been focused on Liberibacter, is dead on target," says Burns. "And it gives us confidence to move on with research that helps target this pathogen."

Along with potential treatments, the genetic analysis could help lead to fast, inexpensive testing methods that can be early indicators of disease.

The research is important because the disease has been especially difficult to analyze, says Eric Triplett, chair of UF's Department of Microbiology and Cell Sciences and lead researcher on the study.

Normally, researchers would capture a sample of bacteria, grow it in a petri dish, then insert it into a healthy tree to see if it causes the disease. But scientists have not yet found a way to grow greening bacteria in the lab, which is why its scientific name is Candidatus, meaning it has never been cultured.

UF researchers have also created a mathematical model that predicts how citrus greening is transmitted within an infected tree. The model revealed that once a tree is infected, pesticides may not be enough to halt the disease's progression. It also showed that removing diseased new growth is not a solution because many shoots may already be infected without exhibiting any symptoms.

Plant pathologist Ariena van Bruggen of UF's Emerging Pathogens Institute (EPI), who supervised the model's creation, says having the model is "just a first step," albeit an important one.

"This model gives us hints about experiments we can do, where to look, where to focus our efforts to solve the problem," says EPI Director J. Glenn Morris Jr.

Other researchers are looking for genetic material that can neutralize the greening bacteria's action within the citrus tree. The search began after William Dawson, an eminent scholar in plant pathology at the CREC, developed a benign citrus tristeza virus, or CTV, capable of introducing new genetic material into trees.

Dawson and his colleagues are now testing hundreds of antimicrobial peptides, a class of amino acids found in all living organisms, that can be introduced into a citrus tree and undo the harmful effects of the citrus greening bacteria.

"We have a good gun, but we don't have a good bullet," Dawson says, adding that if one of the peptides works it would offer an immediate solution.

Dawson's vector "has already accelerated a lot of research," says Harold Browning, director of the Citrus Research and Development Foundation. "Many research programs are using it as a gun."

Dawson's technology is promising enough that Southern Gardens Citrus Processing Corp., a subsidiary of U.S. Sugar, recently entered into a licensing agreement with the University of Florida. In return for financing the approval costs for the technology with federal regulators — which could take three to five years and cost $20 million to $30 million — Southern Gardens, one of the state's largest growers with 1.8 million trees on

16,500 acres, would get an exclusive right to the technology and get a share of the royalties when others use it.

The Trees

A Florida citrus grove may look very different to future generations if growers adopt the Advanced Citrus Production System (ACPS) that IFAS researchers are prototyping on 14 acres in Auburndale with John Strang of Gapway Grove Corp.

ACPS is a collaborative research project among several CREC scientists led by Arnold Schumann, UF associate professor of soil and water science. It seeks to re-engineer a citrus grove from the ground up, employing "open hydroponics," a drip irrigation controlled by soil moisture monitors; intensive "fertigation," or introducing nutrients through the irrigation system; and high-density plantings with "dwarf" citrus trees that achieve a mature height at around 6 feet, a third as tall as a standard grove.

These smaller trees enabled researchers working at Gapway Groves to plant 363 Hamlin orange trees per acre, about twice the density of today's standard groves. Planted in 2008, the Gapway Grove trees produced up to 580 boxes of Hamlins per acre in their fourth year, comparable to yields in a mature standard grove, but with a fraction of the water, fertilizer and pesticides. A standard grove takes up to five years to produce a marketable crop and doesn't achieve maximum production for another several years.

"Every year saved in the citrus production cycle represents a year of production costs and resources (water, fertilizer, pesticides, etc.) saved," according to a CREC report on the Gapway project. "Moreover, every year saved due to accelerated production helps to offset losses caused by encroaching diseases and potentially earns early returns on the investment."

Jacqueline Burns
Director, Citrus Research and Education Center
(863) 956-5897
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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 13

SUBJECT TITLE: Eight-Month Activity Report for the Tavares Pavilion on the Lake

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OBJECTIVE: To review the eight-month activity report for the Tavares Pavilion on the Lake

SUMMARY: At the April 15, 2015 city council meeting, Councilmember Lori Pfister requested that a report outlining the progress to date of the Tavares Pavilion on the Lake be provided to city council.

Stated below is a snapshot report that best describes the event activities, revenues collected, as well as types of events and types of events by day of the week, since opening this facility on August 30, 2014.

ACTIVITY	**FROM August 30, 2014 to April 23, 2015**			
TOTAL Events Scheduled			124	
Of these, number that have already occurred			42	
Of these, number yet to occur			82	
Of these, number of weddings			83	
Of these, number of social events			28	
Of these, number of business events			13	
Receipts collected Receipts receivable		**FY2014**	**FY2015**	**TOTAL**
	Receipts	48,574.41	119,361.25	167,935.66
	Receipts Receivable	5,319.00	69,644.25	74,963.25
				242,898.91

In the midst of operating this new company for the past eight months, a marketing plan has been developed. The key marketing initiatives that are currently underway include the following:

- Development of a Google virtual tour – under contract, ready to schedule
- Development of a Drone aerial video – RFQ has gone out, with quotes expected back by May 15
- Facility pictorial magazine – contract signed, six-month delivery date.
- Expanded website

It should be noted that since opening this facility, its webpage has been viewed 23,400 times.

OPTIONS: n/a

STAFF RECOMMENDATION: n/a

FISCAL IMPACT: n/a

LEGAL SUFFICIENCY: n/a

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 14

SUBJECT TITLE: Interlocal Agreement with Lake County on Distribution of Local Government Infrastructure Sales Tax

OBJECTIVE:

To consider the approval of the Interlocal Agreement with Lake County related to the distribution of the Local Government Infrastructure Sales Tax covering the period January 1, 2018 through December 31, 2033.

SUMMARY:

The renewal of the Infrastructure Sales Tax ("Penny Sales Tax") is scheduled for a vote by the citizens as a referendum on November 3. 2015. The attached agreement formalizes the system of distribution to the municipalities of Lake County, Lake County, and the School Board. The agreement states that the parties agree to keep all Surtax revenue segregated from other funds and to maintain records showing the amount of revenue received and the expenditures of such revenues in accordance with the agreement.

The surtax proceeds distribution is the same as was approved in 2001 as is as follows:

School Board – one-third (33.33%)
Lake County – one-third (33.33%)
Combined cities – one-third (33.33%) to be divided based on population.

Population figures shall be based on the figures contained in the document referred to as the "Florida Estimates of Population" published on an annual basis by the Bureau of Economic and Business Research, Population Division, University of Florida. The figures shall be adjusted annually as of September 1st each year.

The proposed referendum language lists projects eligible for funding as follows:

- Law enforcement vehicles, fire trucks and ambulances, and public safety equipment
- Construction/Reconstruction/Remodeling of school facilities
- Roads, sidewalks, and transportation
- Water quality, utilities, and drainage improvements

- Other public infrastructure

OPTIONS:

1) Move to approve the Interlocal Agreement with Lake County regarding the distribution of local government infrastructure sales tax.
2) Do not approve the agreement.

STAFF RECOMMENDATION:

1) Move to approve the Interlocal Agreement with Lake County regarding the distribution of local government infrastructure sales tax.

FISCAL IMPACT:

Currently, the city receives approximately $1,230,000 annually from sales tax.

LEGAL SUFFICIENCY:

The agreement has been reviewed and approved by the City Attorney.

INTERLOCAL AGREEMENT
REGARDING
DISTRIBUTION OF LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

This Interlocal Agreement ("Agreement") is made by and between Lake County, Florida ("Lake County"), a political subdivision of the State of Florida, the Cities of Tavares, Umatilla, Astatula, Eustis, Clermont, Groveland, Howey-in-the-Hills, Mascotte, Minneola, Mount Dora, Fruitland Park, Leesburg, Montverde and Lady Lake, collectively the ("Cities"), and The School Board of Lake County, Florida ("School Board"), a body corporate existing under the laws of the State of Florida, regarding the distribution of the Local Government Infrastructure Surtax.

WITNESSETH

WHEREAS, Section 212.055, Florida Statutes authorizes the Lake County Board of County Commissioners to levy a discretionary local government infrastructure sales surtax for purposes of funding infrastructure; and

WHEREAS, pursuant to Section 212.055(2), Florida Statutes, on June 9, 2015, or as soon thereafter as possible, Lake County intends to conduct a public hearing and adopt an Ordinance which would provide for the extension and levy of the one cent infrastructure sales surtax within the geographical boundaries of Lake County to take effect after approval by a majority of the electors of Lake County voting in a referendum on November 3, 2015, hereinafter the "Surtax"; and

WHEREAS, Chapter 163, Florida Statutes, Section 212.055(2)(c), Florida Statutes, and other applicable laws authorize this Agreement between Lake County, the Cities and the School Board regarding the distribution of the Surtax proceeds; and

WHEREAS, the Cities represent a majority of Lake County's municipal population; and

WHEREAS, the parties deem it is in the best interest of the citizens of Lake County to extend the existing Surtax.

NOW THEREFORE, in consideration of the mutual covenants and promises between the parties to this Agreement and the mutual benefits that enure to the parties and to the public, the parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby incorporated into and become a part of this Agreement.

2. **Municipalities.** In the event new municipalities are created within Lake County's geographical area, and unless otherwise provided by law, the parties hereby agree that such new municipalities will be permitted to join in this Agreement and participate, prorata, in the proceeds of the Surtax.

3. **Surtax Proceeds Distribution.** Upon Lake County's adoption of the Ordinance renewing the one cent Surtax for an additional period not to exceed fifteen (15) years and upon such Surtax being approved by the electors of Lake County at the November 3, 2015 referendum, the Surtax shall be distributed during the period from January 1, 2018 through December 31, 2032 as follows:

a) The School Board shall receive disbursements equaling one-third (33.33%) of the net proceeds of the Surtax revenue per year.

b) Lake County shall receive disbursements equaling one-third (33.33%) of the net proceeds of the Surtax revenue per year.

c) The Cities combined shall receive disbursements equaling one-third (33.33%) of the net proceeds of the Surtax revenue per year to be divided among them based on population as set forth in Section 212.055(2)(c), Florida Statutes, and Section 218.62, Florida Statutes.

4. **Consent.** Lake County and the Cities consent to the distribution of the Surtax revenue to the School Board, as provided in Section 3 above.

5. **Surtax Collection.** Lake County, the School Board and the Cities shall receive the revenue of the Surtax monthly from the Department of Revenue and each shall retain all revenue in a separate account.

6. **Collection Reports and Inspection.** The parties agree to keep all Surtax revenue segregated from other funds and to maintain records showing the amount of revenue received and the expenditures of such revenues in accordance with this Agreement, Section 212.055(2), Florida Statutes, and the ballot language of the November 3, 2015 referendum. The parties shall have the right to review the records of each other as to the receipt, allocation and expenditure of the Surtax. All such inspections shall be made upon reasonable prior notice at a mutually agreeable time and place.

7. **Surtax Use.** Lake County, the Cities and the School Board each certify to the others that revenue and interest thereon received from the Surtax shall be expended by that jurisdiction only as permitted by Section 212.055(2), Florida Statutes, the Ordinance and the ballot language of the November 3, 2015 referendum. Lake County, the Cities and the School

Board further certify that the revenue received pursuant to this Agreement shall be used to supplement funds currently budgeted for infrastructure.

8. **Sales Surtax Oversight Advisory Committee.** Lake County has established the Sales Surtax Oversight Advisory Committee under Section 2-90.42 through 2-90.46, Lake County Code. The parties hereby agree that the Sales Surtax Oversight Advisory Committee shall be continued for the purposes of reviewing the expenditures of the revenue generated by the renewed sales tax to ensure the revenue is being used for the purposes specified. The School Board shall agree to continue to appoint two (2) members to the Lake County Sales Surtax Oversight Advisory Committee. The Lake County League of Cities shall continue to appoint two (2) members to the Committee, and that the Constitutional Officers, up to three (3), will be invited and encouraged to become members of the Sales Surtax Oversight Advisory Committee. The members designated by the School Board and the League of Cities shall be submitted to the Lake County Board of County Commissioners which shall, as a ministerial duty, appoint such persons to the Sales Surtax Oversight Advisory Committee. The parties hereto agree to cooperate with, aid and assist the Sales Surtax Oversight Advisory Committee to the extent reasonably possible.

9. **Authority.** Lake County, the Cities and the School Board, each to the other, warrant and represent that the execution and delivery of this Agreement has been duly authorized by all appropriate actions of their respective governments and that this Agreement has been otherwise executed and delivered by an authorized officer, as applicable.

11. **Term.** The term of this Agreement shall run from January 1, 2018 through December 31, 2032. Notwithstanding anything to the contrary contained herein, this Agreement shall terminate upon receipt by and expenditure by each jurisdiction of its final distribution of the revenue of the Surtax pursuant to Section 3 above. Additionally, this Agreement shall be automatically terminated if the Lake County voters fail to approve the Surtax extension on November 3, 2015.

12. **Effective Date.** This Agreement shall take effect upon the date the last party executes the same ("Effective Date").

13. **Referendum.** This Agreement is contingent upon approval of the Surtax by the electorate at a Referendum to be held on November 3, 2015.

14. **Governing Law.** This Agreement shall be governed by the laws of the State of Florida. All legal actions to enforce this Agreement shall be held in Lake County. No remedy conferred in this Agreement is intended to be exclusive of any other remedy, at law or in equity

or by statute or otherwise. No excuse or failure to exercise, by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. This Agreement shall be construed equally against each party in recognition of the fact that each has had the opportunity of review and participation, by their respective counsel, in the preparation of this Agreement.

15. Entire Agreement. This Agreement sets forth the entire Agreement between the parties. There are no promises or understandings other than those stated herein. None of the provisions, terms or conditions contained in this Agreement may be modified, superceded or otherwise altered except by written agreement by all the parties.

16. Survivability. If any item or provision of this Agreement, or the application thereof to any persons or circumstances shall be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms of provision shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

17. Notices. All notices required under this Agreement shall be delivered by U.S. mail or hand delivered to the following offices:

Lake County
Office of the County Manager
315 West Main Street
P.O. Box 7800
Tavares, FL 32778-7800

School Board
Superintendent of Schools
201 W. Burleigh Boulevard
Tavares, Florida 32778

City of Tavares
City Administrator
P. O. Box 1068
Tavares, Florida 32778

City of Umatilla
City Manager
P. O. Box 2286
Umatilla, Florida 32784

Town of Astatula
Town Administrator
25009 C.R. 561
Astatula, Florida 34705

City of Eustis
City Manager
P. O. Drawer 68
Eustis, Florida 32727-0068

City of Clermont
City Manager
P. O. Box 120219
Clermont, Florida 34712-0219

City of Groveland
City Manager
156 S. Lake Avenue
Groveland, Florida 34736-2597

City of Minneola
Mayor
P. O. Box 678
Minneola, Florida 34755

City of Mount Dora
City Manager
P. O. Box 176
Mount Dora, Florida 32757

City of Fruitland Park
City Manager
506 W. Berckman Street
Fruitland Park, Florida 34731

City of Leesburg
City Manager
P. O. Box 490630
Leesburg, Florida 34748-0630

Town of Lady Lake
Town Manager
409 Fennell Boulevard
Lady Lake, Florida 32159

Town of Montverde
Town Clerk
P. O. Box 560008
Montverde, Florida 34756

Town of Howey-in-the-Hills
Town Mayor
101 N. Palm Avenue
Howey-in-the-Hills, Florida 34737

City of Mascotte
City Manager
100 East Myers Boulevard
Mascotte, Florida 34753

18. **Counterparts.** This Agreement may be executed in counterparts to expedite its implementation and Effective Date.

19. **Filing.** This Agreement and any subsequent amendments thereto shall be filed with the Clerk of the Circuit Court of Lake County as provided by Section 163.01(11), Florida Statutes, and with the Florida Department of Revenue.

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IN WITNESS WHEREOF, Lake County, the Cities of Tavares, Umatilla, Astatula, Eustis, Clermont, Groveland, Minneola, Mount Dora, Fruitland Park, Leesburg, Montverde, Mascotte, Howey-in-the-Hills, and Lady Lake and the School Board have caused this Agreement to be duly executed through their authorized representation, on their respective date set forth below.

ATTEST:

LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS

_____
Neil Kelly, Clerk of the
Board of County Commissioners

_____
Jimmy Conner, Chairman

This _____ day of _____, 2015.

Approved as to Form and Legality:

_____
Sanford A. Minkoff
County Attorney

ATTEST:

CITY OF TAVARES

_____
City Clerk

_____
Print name: _____

This _____ day of _____, 2015.

Approved as to Form and Legality:

_____
City Attorney

Summary of Ordinance

The purpose of this Ordinance is to extend the One-Cent Infrastructure Sales Tax for an additional 15 years. The Sales Tax is currently set to expire December 31, 2017. If extended, the Sales Tax will be divided between the Lake County School Board, the Municipalities, and the County. The County's share will be further allocated based upon quality of life needs, public works' needs, public safety needs, and public facility needs. If approved, the Sales Tax shall be extended from January 1, 2018 until December 31, 2032.

ORDINANCE NO. 2015-___

AN ORDINANCE OF LAKE COUNTY, FLORIDA, PROVIDING FOR AN EXTENSION OF THE EXISTING ONE-CENT DISCRETIONARY INFRASTRUCTURE SALES SURTAX IN LAKE COUNTY; PROVIDING FOR APPROVAL OF THE LEVY BY VOTERS IN A REFERENDUM; PROVIDING THAT THE IMPOSITION SHALL BE EFFECTIVE FOR A PERIOD OF FIFTEEN (15) YEARS BEGINNING JANUARY 1, 2018; PROVIDING FOR THE ADMINISTRATION OF THE SURTAX; PROVIDING FOR THE SURTAX PROCEEDS TO BE DISTRIBUTED AMONG LAKE COUNTY, THE LAKE COUNTY SCHOOL BOARD AND THE MUNICIPALITIES; PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015; PROVIDING BALLOT LANGUAGE WHICH INCLUDES A BRIEF GENERAL DESCRIPTION OF THE PROJECTS TO BE FUNDED BY THE SURTAX; PROVIDING FOR NOTICE OF THE SPECIAL ELECTION; PROVIDING FOR NOTIFICATION TO THE DEPARTMENT OF REVENUE; AUTHORIZING EXPENDITURES FOR INFORMING THE PUBLIC; PROVIDING FOR AMENDMENTS TO LAKE COUNTY CODE, CHAPTER 13, SECTION 13-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAKE COUNTY CODE; PROVIDING A CONFLICT CLAUSE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the governing authority in each county to levy a one percent (one-cent) local government infrastructure sales surtax (hereinafter "Surtax") upon taxable transactions occurring within the county as provided in Section 212.054, Florida Statutes; and

WHEREAS, Section 212.055(2), Florida Statutes, provides that the levy of the Surtax shall be pursuant to an ordinance enacted by the Board of County Commissioners of the county

and approved by a majority of the electors of the county voting in a referendum on the Surtax; and

WHEREAS, proceeds from the Surtax and any interest accrued thereto, are required by Section 212.055(2), Florida Statutes, to be used to finance, plan and construct needed infrastructure; and

WHEREAS, on August 18, 1987, the Lake County Board of County Commissioners adopted Ordinance 1987-9 which levied the Surtax for a period of fifteen (15) years, beginning January 1, 1988, subject to voter referendum; and

WHEREAS, on November 3, 1987, the levy of the Surtax for an initial fifteen (15) year period was approved by a majority of those voting on the question in the special election; and

WHEREAS, Sections 1 and 5 of Ordinance 1987-9 were subsequently codified in the Lake County Code as Chapter 13, Section 13-1, Discretionary sales surtax levied; use of proceeds; and,

WHEREAS, on September 4, 2001, the Lake County Board of County Commissioners adopted Ordinance 2001-123 which levied the Surtax for an additional period of fifteen (15) years, beginning January 1, 2003, subject to voter referendum; and

WHEREAS, on November 6, 2001, the levy of the Surtax for an additional fifteen (15) year period was approved by a majority of those voting on the question in the special election; and

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the Lake County Board of County Commissioners to extend the levy of the Surtax pursuant to an ordinance and subject to approval of a majority of the electors of Lake County voting in a referendum on the Surtax; and

WHEREAS, there exists a dire need on the part of Lake County, the Municipalities within Lake County and the School Board of Lake County to extend the Surtax to finance, plan

and construct various infrastructure facilities and improvements as authorized by Section 212.055(2), Florida Statutes, which planning and construction cannot be continued without an expected funding source; and

WHEREAS, the extension of the Surtax would result in a one-cent sales Surtax on each one dollar ($1.00) for an additional fifteen (15) years; and

WHEREAS, the Lake County Board of County Commissioners hereby deems it is in the best interest of the citizens of Lake County to amend Lake County Code, Chapter 13, Section 13-1 and extend the existing Surtax an additional fifteen (15) years.

NOW THEREFORE be it ordained by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. **Extension of One-Cent Surtax.** The Board of County Commissioners of Lake County, Florida, hereby levies and imposes within Lake County an extension of the one-percent (one-cent) infrastructure sales surtax pursuant to Section 212.055(2), Florida Statutes, for an additional fifteen years.

Section 2. **Referendum.** The Surtax levied in Section 1 of this Ordinance shall not take effect unless and until it is approved by a majority of the electors of Lake County voting in a referendum election on the Surtax held as required by this Ordinance.

Section 3. **Term of Levy.** The extension of the Surtax authorized by this Ordinance shall commence on January 1, 2018. The Surtax levy shall remain in full force and effect for a period of fifteen (15) years from and after January 1, 2018 to December 31, 2032.

Section 4. **Administration.** The Surtax levied hereby shall be collected and administered pursuant to the terms of Section 212.054, Florida Statutes, and such other laws as may be applicable.

Section 5. **Distribution of Proceeds.** In accordance with Section 212.055(2)(c), Florida Statutes, the proceeds of the Surtax levied hereby shall be distributed between Lake County, The School Board and the Municipalities representing a majority of Lake County's municipal population as set forth in an interlocal agreement. The interlocal agreement may contain such terms as the parties may negotiate, but its terms must include, at a minimum, any provisions required by this Ordinance and may not contain any provision that is inconsistent with either this Ordinance or applicable Florida law.

Section 6. **Use of Revenues.** Proceeds of the Surtax and any interest accrued thereto shall be expended by the County, the Municipalities and The School Board only for purposes allowed by Section 212.055(2), Florida Statutes, and any other applicable law.

Section 7. **Special Election.** A special election shall be held on November 3, 2015, in which the electors of Lake County may vote as to whether this Ordinance shall take effect and the Surtax be extended. The Lake County Supervisor of Elections shall conduct said special election pursuant to applicable Florida Law. The form of ballot for said special election shall be as follows:

INFRASTRUCTURE SALES SURTAX REFERENDUM

SHOULD LAKE COUNTY ORDINANCE 2015-__ EXTENDING THE EXISTING ONE-CENT COUNTYWIDE INFRASTRUCTURE SALES SURTAX FOR FIFTEEN YEARS BE APPROVED?

PROJECTS ELIGIBLE FOR FUNDING:

Law Enforcement Vehicles, Fire Trucks and Ambulances, and Public Safety Equipment
Parks, Trails, Recreation, and Libraries
Construction/Reconstruction/Remodeling of School Facilities
Roads, Sidewalks, and Transportation
Water Quality, Utilities, and Drainage Improvements
Other Public Infrastructure

_____ **FOR** the 1-CENT Sales Tax

_____ **AGAINST** the 1-CENT Sales Tax

Section 8. **Notice of Special Election.** A notice of the special election shall be published in a newspaper of general circulation in Lake County at least twice, once in the fifth week and once in the third week prior to the week of November 3, 2015.

Section 9. **Notice of Passage.** The Clerk of the Board of County Commissioners is directed to notify the Supervisor of Elections and the Department of Revenue immediately upon the passage of this Ordinance. The Clerk of the Board of County Commissioners is further directed to notify the Department of Revenue of the outcome of the referendum election within ten (10) days of the date of said election. Said notice shall include the time period during which the Surtax will be in effect, the rate, a copy of this Ordinance and such other information as the Department of Revenue shall require by rule, in accordance with Section 212.054(7)(a), Florida Statutes. In addition to the above referenced notice, the Clerk is further directed to notify the Department of Revenue by October 1st, if the referendum or consideration of the Ordinance that would result in the levy of the Surtax is scheduled to occur on or after October 1st of that year, in accordance with Section 212.054(7)(b), Florida Statutes.

Section 10. **Authorizing Expenditures for Informing the Public.** Public funds and public resources may be utilized to mount an informational campaign regarding the Surtax referendum. Such expenditures shall be made in accordance with Section 106.113, Florida Statutes. The Board of County Commissioners of Lake County finds that the expenditure of such funds and the use of such resources is for a public purpose and is an authorized expenditure/use.

Section 11. **Amendment.** Chapter 13, Article I, In General, Section 13-1, Discretionary sales surtax levied; use of proceeds, shall be amended to read as follow:

Sec.13-1 Discretionary sales surtax levied; use of proceeds.

(a) (1) *Extension of one-cent surtax.* The ~~b~~Board of County Commissioner of Lake County, Florida, hereby levies and imposes within Lake County an extension of the one (1) percent (one-cent) infrastructure sales surtax pursuant to F.S. §212.055(2), for an additional fifteen (15) years.

(2) *Term of levy.* The extension of the surtax authorized by this section shall commence on January 1, ~~2003~~2018. The surtax levy shall remain in full force and effect for a period of fifteen (15) years from and after January 1, ~~2003~~2018 to December 31, ~~2017~~2032.

(b) *Use of revenues.* Proceeds of the surtax and any interest accrued thereto shall be expended by the County, the ~~c~~Cities and the ~~s~~School ~~b~~Board only for purposes allowed by F.S. §212.055(2), and any other applicable law. ~~The proceeds of the surtax and any interest accrued thereon shall be expended by Lake County only as follows: One-half (½) (fifty (50) percent) for transportation purposes one-half (½) (fifty (50) percent) for purposes allowed by F.S.212055(2).~~

Section 12. Amendment. Section 2-90.43, entitled "Purpose," of the Sales Surtax Oversight Advisory Committee, shall be amended to read as follows:

Sec. 2-90.43 Purpose.

The sales surtax oversight committee is hereby created to review the expenditures of the revenue generated by the sales surtax to ensure the surtax revenue is being used only for the purposes specified in the ~~November 6, 2001~~ November 3, 2015 referendum and associated enacting Ordinance~~No. 2001-123~~.

Section 13. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

Section 14. **Inclusion in the Code.** It is the intention of this Board of County Commissioners that the provisions of Sections 1, 3 and 6 of this Ordinance shall become and be made a part of the Lake County Code as provided in Section 11 hereof upon approval by a majority of the electors of Lake County voting in the November 3, 2015 referendum and the word "ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 15. **Conflict.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict unless otherwise addressed herein.

Section 16. **Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 17. **Effective Date.** Sections 7-10 of this Ordinance shall take effect immediately upon being filed with the Department of State, State of Florida. All other provisions of this Ordinance, including those relating to the levy and extension of the term of the Surtax, the administration, distribution and expenditures of the Surtax, and the amendment to the Lake County Code, shall take effect only upon approval of a majority of those voting in the Special Election held pursuant to Section 7 of this Ordinance.

ENACTED this day of _____ day of _____, 2015.

FILED with the Secretary of State the ____ day of _____, 2015.

EFFECTIVE _____, 2015

ATTEST:

_____
Neil Kelly, Clerk of the
Board of County Commissioners of
Lake County, Florida

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

_____
Jimmy Conner, Chairman

This ____ day of _____, 2015.

APPROVED AS TO FORM AND LEGALITY:

_____
Sanford A. Minkoff
County Attorney

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 15

SUBJECT TITLE: Discussion on Proposed Lake County Ordinance Amendment re: "Trap-Neuter & Return" Program for Cats

OBJECTIVE:

To discuss and provide feedback to the Lake County Board of County Commissioners on a proposed amendment to the Lake County Code on Animals.

SUMMARY:

The City of Tavares utilizes the Lake County Sheriff Office Animal Services for managing animals that are found running at large or are nuisance animals. This service is provided at no cost to the City through an Interlocal agreement.

The County Manager has requested feedback from the cities that utilize the Lake County Sheriff Office Animal Services. Currently if a feral or abandoned cat is picked up by Animal Control is taken to the Animal Control Shelter. The shelter attempts to notify the owner and/or makes a determination whether or not the animal is feral and/or ill. If the animal is determined to be feral and/or the owner cannot be contacted, the animal is eventually euthanized.

The attached proposed ordinance, if adopted, would create a Trap, Neuter and Release/Return Program for feral cats in Lake County including those cities using the LCSO Animal Services.

The ordinance essentially would allow the capture, sterilization and release (in the original location or other location approved by the LCSO Animal Services Manager) of feral cats. Some communities have adopted such ordinances as a means to reduce the euthanasia of cats going to their animal shelters. The ordinance includes buffers from parks, schools and conservation lands but allow these buffers to be waived if the property owner of these uses grant permission.

The program would be implemented through Lake County Animal Services and but may be delegated to local animal rescue organizations.

The proposed amendment would create the definition of a "Community Cat" and a "Community Cat Caregiver". A "Community Cat" or "Community Cat Caregiver"

would not be subject to the definition of "Kennel" as currently defined in the County's Land Development Regulations:

Kennel Definition (Lake County LDR's)
The keeping, harboring, or maintaining of five (5) or more cats over the age of six (6) months on parcels of land five (5) acres or less; or the keeping, harboring, or maintaining ten (10) or more cats over the age of six (6) months on parcels of land greater than five (5) acres but less than twenty (20) acres; or the keeping, harboring, or maintaining of twenty (20) or more cats over the age of six (6) months on parcels of land twenty (20) acres or greater.

In addition, the ordinance creates minimum buffers for properties with "Community Cats" as follows:

Schools	250 feet
Public playgrounds	250 feet
Public parks	250 feet
Conservation land	750 fee

The City's ordinance currently limits a resident to 4-6 cats and dogs depending on whether or not the animals are in a contained area. If adopted, the City's ordinance may need to be revised to include the definition of "Community Cat" and "Community Cat Caregiver" and language to reflect that the owner of a "Community Cat" would not be subject to the four cat limitation for domestic cat ownership.

OPTIONS:

Council discuss and provide feedback for the Lake County Manager to present to the Board of County Commissioners.

STAFF RECOMMENDATION:

That Council discuss and provide any feedback.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

The City Attorney has reviewed the proposed ordinance for legal sufficiency.

ORDINANCE SUMMARY

The purpose of this Ordinance is to amend Chapter 4 of the Lake County Code, entitled "Animals", to create a 'Trap-Neuter-Return' (TNR) Program for Lake County, which will permit the capture and release of stray or feral cats upon sterilization, rabies vaccination and eartipping, and to amend Sections 4-3 ("Definitions"), 4-9 ("Impoundment of animals") 4-11 ("Surrender of animals") and 4-36 ("Rabies certificate and county tag") of Chapter 4 to make them consistent with the TNR Program.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation "* * *" indicates that all preceding or subsequent text remains unchanged. Renumbering and/or relettering were added as needed.

ORDINANCE 2015 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE, ENTITLED "ANIMALS", SECTIONS 4-3, 4-9, 4-11 AND 4-36 TO PROVIDE DEFINITIONS RELATING TO A TRAP-NEUTER-RETURN PROGRAM FOR LAKE COUNTY, AND TO AMEND REGULATIONS REGARDING IMPOUNDMENT, SURRENDER OF ANIMALS AND RABIES CERTIFICATES AND COUNTY TAGS FOR COMMUNITY CATS IN A TRAP-NEUTER-RETURN PROGRAM; AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE, ENTITLED "ANIMALS", TO CREATE A NEW ARTICLE IV, TO BE ENTITLED "TRAP-NEUTER-RETURN PROGRAM"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proliferation of stray and feral cats and feral cat colonies in Lake County results in recurring expenditures of public funds and resources to trap as many cats as possible, adopt out those that are capable of being socialized, and euthanize those that are not socialized or that are not adopted within a twenty four (24) hour period; and

WHEREAS, the aforementioned, recurring expenditures of public funds and resources are generally not offset by the permanent removal of some stray or feral cats from a colony, as the remaining cats continue to reproduce and create the need for further action and expenditures on the part of Lake County Animal Services; and

WHEREAS, the Board of County Commissioners of Lake County finds that programs known as 'Trap-Neuter-Return' (TNR) have the potential to control stray and feral cat population growth while preventing the euthanasia of the cats, and reducing, on a long-term basis, the expenditure of public funds toward the removal, sheltering and disposition of such cats; and

WHEREAS, as currently written, Lake County Code would not permit the maintenance of stray and/or feral cat colonies by a caregiver, or would treat the caregiver as operating a kennel, and must be amended in order to implement a TNR program; and

WHEREAS, the Board of County Commissioners hereby deems it in the best interest of the citizens of Lake County to amend Lake County Code, Chapter 4, entitled "Animals", in order to create a TNR program in Lake County;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter 4, Lake County Code, entitled "Animals", is amended to read as follows. Changes are shown utilizing ~~strikethrough~~ for deletions and <u>underline</u> for additions to existing Code sections. The notation "* * *" shall mean that all preceding or subsequent text remains unchanged.

ARTICLE I. - ADMINISTRATION

* * *

Sec. 4-3. - Definitions.

[The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

* * *

<u>*Community Cat* means any free-roaming cat or kitten, whether abandoned, stray, lost, or feral, that may be cared for by one or more known or unknown residents of the immediate area, and that may live on its own or in a colony of other such felines. A Community Cat shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.</u>

<u>*Community Cat Caregiver* means a person who, in accordance with a 'Trap-Neuter-Return' (TNR) Program, provides care, including food, water, shelter or veterinary care to a Community</u>

Cat. A Community Cat Caregiver shall not be considered the owner of a Community Cat and shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land Development Regulations.

* * *

Eartipping means the removal of the ¼ inch tip of a Community Cat's left ear, performed while the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

* * *

Nuisance animal means any animal that unreasonably annoys or disturbs other persons, threatens the safety of other animals or persons, or substantially interferes with the ordinary use and enjoyment of life or property. Community Cats shall not be considered nuisance animals merely for being at large.

* * *

Trap-Neuter-Return means, generally, the process of humanely trapping, sterilizing, vaccinating for rabies, Eartipping, and returning Community Cats to their original location.

* * *

Sec. 4-9. - Impoundment of animals.

(a) The Board of County Commissioners may construct, operate and maintain a county animal shelter or subshelter for the purpose of impounding animals. The division is authorized to impound any animal found in violation of any provision of this chapter.

(b) When an animal is impounded, it shall be held for a period of at least one hundred twenty (120) hours, during which period the division shall make a reasonable effort to ascertain or notify the owner. If the principles of humane treatment would be violated by the continued existence of an injured or sick animal, it may be humanely destroyed by a licensed veterinarian or an authorized division employee after an attempt has been made to notify the owner. This section shall not apply to Community Cats diverted to a Trap-Neuter-Return program.

(c) When an animal appearing to be feral is impounded, it shall be held for a period of at least twenty-four (24) hours, after which period the division shall make a determination of whether the animal is a feral animal. If the division determines the animal is feral, the animal may be diverted to a Trap-Neuter-Return program, or shall be humanely destroyed unless the owner requests a hearing pursuant to section 4-60, below.

(d) The director or designee may transfer ownership or custody to a humane agency, place for adoption, divert to a Trap-Neuter-Return program, or destroy in a humane manner, any animal impounded pursuant to this chapter where:

(1) No owner exists;

(2) An owner cannot be identified;

(3) An owner is identified but cannot be notified;

(4) An owner is notified but, by his or her statements, actions, or failure to act, indicates an intent to abandon the animal;

(5) An owner does not claim the animal within the applicable period of time specified by the division; or

(6) The animal is determined by the division to be a feral animal or Community Cat.

(e) Upon compliance with the provisions herein, the division shall be deemed to have complied fully with due process of law and the owner shall not be entitled to compensation for loss of the animal.

* * *

Sec. 4-11. Surrender of animals.

(a) Any owner or owner's agent surrendering an animal to the division or animal control officer shall sign an ownership release statement. The division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation.

(b) Any person, other than an animal control officer, surrendering an animal not his or her own, shall disclose the identity of the owner, if known, or must sign a statement that he or she does not know the identity of the owner of the animal. The animal shall be diverted to a Trap-Neuter-Return program if determined to be a feral cat, or confined by the division for one hundred twenty (120) hours. At the expiration of the one hundred twenty (120) hours, the animal shall be deemed abandoned and the division may permit the adoption of the animal to a new owner, or may destroy the animal in a humane manner and dispose of its remains. In either event, the owner shall not be entitled to compensation.

(c) It is a violation of this section for any person to falsely identify himself or herself as an owner or owner's agent. The recommended penalty for a violation of this section is a fine of seven hundred and fifty dollars ($750.00) for the first offense and a fine of one thousand five hundred dollars ($1,500.00) for any repeat violation within five (5) years of any previous violation.

* * *

Sec. 4-36. Rabies certificate and county tag.

(a) The owner of a dog, cat or ferret that is four (4) months of age or older shall obtain a county license for the animal within thirty (30) days of the initial rabies vaccination and within thirty (30) days of each subsequent vaccination. Community Cat Caregivers are not subject to this section. It is a violation of this section for any owner of a dog, cat that is not a Community Cat, or ferret four (4) months of age or older to fail to have and/or display in an appropriate manner the animal's rabies certificate and county tag.

(b) A county license shall consist of a rabies vaccination, a license certificate, and a tag for the animal's collar. The division shall design and issue license certificates and tags. Only license certificates and tags approved by the director shall be valid in the county.

(c) Each license certificate and tag shall be valid for the period of time corresponding to the type of rabies vaccination administered, and shall only be valid for the animal for which it was issued. No license certificate or tag shall be valid for a period in excess of three (3) years, and no license certificate or tag shall be valid after the expiration of the rabies vaccination regardless of the date of issuance. The county shall provide notice to owners of animals licensed under this section at least forty five (45) days prior to the licensure renewal deadline. The county-issued notice shall describe the licensing requirements and any associated penalties.

(d) The owner of an animal that is vaccinated against rabies shall obtain a tag for the animal upon each vaccination, unless the animal that has been vaccinated is a Community Cat. The tag shall be attached to the collar of the animal and shall be worn at all times except:

(1) When the animal is participating in a sanctioned animal show;

(2) When the animal is confined inside the owner's home, an animal establishment, or is being bathed or groomed, in which case the tag number shall be recorded and readily identifiable with the animal to which it belongs, or, if the animal does not have a tag, the absence of a tag shall be clearly indicated on the records of the animal establishment; or

(3) When a licensed veterinarian orders in writing that the collar and tag be removed from the animal for health reasons, in which case the animal shall be confined in an enclosed building or a kennel at all times until a licensed veterinarian permits the collar and tag to be placed on the animal.

(e) The board of county commissioners shall establish by resolution the fees to be charged for licenses to be issued.

* * *

Secs. 4-62—4-80. - Reserved.

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: May 6, 2015

AGENDA TAB NO. 16

SUBJECT TITLE: Authorization to develop an 'outdoor adventure' themed special event at Wooton Park

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OBJECTIVE:

For Council to authorize staff to develop an outdoor adventure themed special event to host at Wooton Park in the Fall.

SUMMARY:

Staff has been approached with the idea of developing a special event that "*Celebrates the **Spirit of Adventure** in America's Seaplane City*". This event could possibly be built upon the City's current Fall fly-in "The Monster Splash". The ideas is to bring together adventure inspired individual participants (seaplane pilots, Jeep owners, kayakers, etc) with a wide selection of active & outdoor related vendors and sponsors (Yamaha, CLIFF Bars, REI) and provide live music/entertainment in the evening.

OPTIONS:

1. Authorize staff to develop an outdoor adventure themed special event to host at Wooton Park in the Fall.

2. Do not authorize staff a to develop an outdoor adventure themed special event to host at Wooton Park in the Fall.

STAFF RECOMMENDATION:

Staff recommends Option 1: Authorize staff to develop an outdoor adventure themed special event to host at Wooton Park in the Fall.

FISCAL IMPACT:

None.

LEGAL SUFFICIENCY:

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
May 6, 2015

AGENDA TAB NO. 17

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 – May 20, 2015 – 4:00 p.m.
- Code Enforcement Special Magistrate Hearing – May 26, 2015
- Library Board – May 20, 2015 - Library Conference Room – 2:00 p.m.
- Planning & Zoning Board – May 21, 2015 – City Council Chambers – 3:00 p.m.
- Lake Sumter MPO – May 27, 2015 – 2 p.m. MPO Board Room, Leesburg
- Lake County League of Cities Luncheon Meeting – May 8, 2015 – 12:00

EVENTS

- May 9, 2015 – March of Dimes Walk
- May 16 – Public Works Expo – Wooton Park – time TBA
- June 14-15 – Hydro Cross Finals Qualifier
- September 25-27 – Rifles, Rails & History
- October 24, 2015 – Monster Splash
- October 23-24, 2015 – Howl-o-Fest
- October 31 – November 1 2015 – HydroDrags World Championships

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TAVARES

America's Seaplane City™

AGENDA SUMMARY
TAVARES CITY COUNCIL
May 6, 2015

AGENDA TAB NO. 18

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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