AGENDA
TAVARES CITY COUNCIL

OCTOBER 19, 2016
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Eric Filkin, Bridges Covenant Church

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) Deferred

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Eagle Scout Project (Alexander Netwal) — **Mayor Pfister**

Tab 3) Rifles, Rails & History (Don Campbell) — **Mayor Pfister**

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 4) Amendment to State Revolving Fund Loan Agreement For Funding the Downtown Stormwater Project Phase 1 — **Lori Houghton**

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 5) Ordinance #2016-32 - Police Pension (Buyback) Amendment — **Lori Houghton**

SECOND READING

Tab 6) Ordinance #2016-28 – Tavares 1st Church of the Nazarene - 32151 David Walker Road – 3 Acres – Annexation & Rezoning to C-1 General Commercial — Jacques Skutt

Tab 7) Ordinance #2016-29 – Tavares 1st Church of the Nazarene - 32151 David Walker Road – 3 Acres – Future Land Use Amendment to City Commercial — Jacques Skutt

Tab 8) Ordinance #2016-27 – Planned Development Ordinance - 155 Acres – Lake Hermosa Village – West of Mt. Homer Dr. & South of Clay Blvd. adjacent to Lake Hermosa — Jacques Skutt

RESOLUTIONS

X. GENERAL GOVERNMENT

Tab 9) Deannexation Study of Peninsula Subdivision — Jacques Skutt

Tab 10) Approval to Apply for Grants from the Florida Recreation Development Assistance Program For Enhancements to Stormwater Treatment Pond Area — Brad Hayes

Tab 11) Interlocal Agreement with the City of Eustis for Automatic Aid for Fire Response — Richard Keith

Tab 12) Approval of Collective Bargaining Agreement with Police Benevolent Association — John Drury

XI. OLD BUSINESS

XII. NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

Tab 13) City Administrator — John Drury

Tab 14) 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.

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 19, 2016

AGENDA TAB NO. 2

SUBJECT TITLE: Proclamation in Recognition of Alexander Netwal and Troop #233 for Eagle Scout Project at Aesop's Park

OBJECTIVE:

To have the Mayor read a proclamation in recognition of the Eagle Scout Project completed by Alexander Netwal and Troop 233.

SUMMARY:

Eagle Scout Candidate Alexander Netwal and Troop 233 recently completed the cleanup of the shoreline at Aesop Park's pond as his community service project towards becoming an Eagle Scout.

OPTIONS:

Mayor Pfister will present the proclamation.

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

America's Seaplane City℠

PROCLAMATION
IN RECOGNITION OF ALEXANDER NETWAL
AND TROOP 233
FOR AESOP PARK PROJECT

WHEREAS, Eagle Scout Candidate Alexander Netwal is a member of Troop 233, sponsored by the Fraternal Order of the Eagles in Leesburg, Florida;

WHEREAS, Alexander Netwal came to the City of Tavares offering to provide a community service for his Eagle Scout project by cleaning the shoreline of Aesop Park Pond in Tavares, and;

WHEREAS, Alexander Netwal and Troop 233 worked diligently with the City of Tavares to complete this important project which is very beneficial to the quality of life for the Citizens of Tavares, and;

WHEREAS, the City Council of the City of Tavares commends Mr. Netwal's initiative for taking on this project and seeing it to completion.

NOW, ***THEREFORE***, the City Council of the City of Tavares, Florida expresses its appreciation for the Aesop's Park Pond project completed by Alexander Netwal and Troop 233 and extends best wishes to Mr. Netwal on his journey to becoming an Eagle Scout.

PASSED AND DULY ADOPTED in regular session this 19th day of October 2016

_____
Mayor Lori Pfister
City of Tavares

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 19, 2016

AGENDA TAB NO. 3

SUBJECT TITLE: Presentation – Rifles, Rails & History Event

OBJECTIVE:

To receive a presentation by Don Campbell on the recent Rifles, Rails & Trails Event held in Wooton Park.

SUMMARY:

Mr. Campbell will give a presentation on the event.

OPTIONS:

n/a

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 19, 2016

AGENDA TAB NO. 4
SUBJECT TITLE: State Revolving Fund Loan SW350940 Amendment 3 for funding the Downtown Stormwater Project Phase I

OBJECTIVE:
To consider the approval of Amendment 3 for State Revolving Loan Fund Agreement No. SW350940 to the Florida Department of Environmental Protection (FDEP Point Source Water Pollution Control) to combine pre-construction activities and to adjust the loan amount for construction activities to reflect awarded grants and construction contract amount.

SUMMARY:
As part of the City's Downtown Revitalization initiatives, improvements to the Stormwater System in the CRA are in planned. The total project costs including engineering, technical, and construction is $6,940,975 and the project will be funded with Grants and State Revolving Loan Funds. Three Grants totaling $2,889,330 have been secured for this project.

1. DEP Agreement No. SO568 - $1,500,000
2. DEP Agreeme3nt NO. GO401 - $750,000
3. Lake County Water Authority Grant (LCWA) $639,330

Previously the City Council authorized application and acceptance of FDEP SRF Loan Financing for the Project for Preconstruction and Construction Activities.

- On January 15, 2014, Resolution 2014-01 authorized application to FDEP for preconstruction activities. Loan documents were executed March 31, 2014 in the amount of $255,216 ($247,416 disbursable, $7,800 Capitalized Interest).
- On June 3, 2015, Council authorized Amendment No. 1 which extended the loan repayment commencement date.
- On January 19, 2016, Council approved Resolution 2016-02 authorizing application to FDEP for Construction activities for the project in the amount of $4,831,487 to be adjusted for Grants.
- On January 19, 2016 Council approved Amendment 2
  Which served to combine activities approved with Resolution No. 2014-01 and Resolution 2016-02 and to adjust the disbursable loan amount for construction activities to reflect awarded grants.

Amendment 3 adjusts the loan to reflect an increased grant amount from LCWA (from $353,000 to $639,330), and to increase the disbursable loan amount by $2,107,035.

- The agreement for the increased amount ($2,107,035) in this amendment is at a rate of 0.00% per annum.
- No capitalized interest for the increased amount
- Increases the semi-annual loan payment from $105,984 to $106,832

OPTIONS:
1. **Move to Approve** Amendment No. 3 to the FDEP SRF Stormwater Phase 1 Project Loan, No. SW350940, which increases the disbursable loan amount by $2,107,035 and reflects an increased awarded Stormwater Grants offset.

2. **Do Not Approve** Amendment No. 3 to FDEP SRF Stormwater Phase 1 Project Loan, No. SW350940.

STAFF RECOMMENDATION:

1. **Move to Approve** Amendment No. 3 to the FDEP SRF Stormwater Phase 1 Project Loan, No. SW350940, which increases the disbursable loan amount by $2,107,035 and reflects an increased awarded Stormwater Grants offset.

FISCAL IMPACT:
Debt service requirements for this project were included in the 2014 Utility Study (approved by the City Council on November 19, 2014 provided by the City's rate consultant, Mike Rocca, of Raftelis & Assoc.). The Annual Debt Service obligation (**annual** debt service) is ***estimated*** at $106,832 (excluding service fees and capitalized interest); semi-annual debt service payments are expected to commence June 15, 2018.

LEGAL SUFFICIENCY: The City Attorney has reviewed the Amendment for legal sufficiency.

STATE REVOLVING FUND
AMENDMENT 3 TO LOAN AGREEMENT SW350940
CITY OF TAVARES

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF TAVARES, FLORIDA, (the "Local Government") existing as a local governmental agency under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number SW350940, as amended, authorizing a Loan amount of $1,944,610, excluding Capitalized Interest; and

WHEREAS, the Local Government is entitled to additional financing of $2,107,035, excluding Capitalized Interest; and

WHEREAS, revised provisions for audit and monitoring are needed; and

WHEREAS, a Financing Rate must be established for the additional financing amount awarded in this amendment; and

WHEREAS, a Loan Service Fee must be estimated for the additional financing; and

WHEREAS, the Semiannual Loan Payment amount needs revision to reflect an adjustment in the Loan amount; and

WHEREAS, the Project costs need adjustment to reflect revised estimates; and

WHEREAS, the Local Government has requested advance funding.

NOW, THEREFORE, the parties hereto agree as follows:

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

1. Section 2.03 of the Agreement is deleted and replaced as follows:

The Local Government agrees to the following audit and monitoring requirements.

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

State Resources Awarded to the Local Government Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:					
State Program Number	Funding Source	CSFA Number	CSFA Title or Fund Source Description	Funding Amount	State Appropriation Category
Original Agreement	Wastewater Treatment and Stormwater Management TF	37.077	Wastewater Treatment Facility Construction	$4,051,645	140131

(2) Audits.

(a) In the event that the Local Government expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such Local Government, the Local Government must have a State single audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. In determining the state financial assistance expended in its fiscal year, the Local Government shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

(b) In connection with the audit requirements addressed in the preceding paragraph (a); the Local Government shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

(c) If the Local Government expends less than $750,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. The Local Government shall inform the Department of findings and recommendations pertaining to the State Revolving Fund in audits conducted by the Local Government in which the $750,000 threshold has not been met. In the event that the Local Government expends less than $750,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an

audit must be paid from the Local Government's resources obtained from other than State entities).

(d) The Local Government is hereby advised that the Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a Local Government should access the Florida Single Audit Act website located at https://apps.fldfs.com/fsaa for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at http://www.leg.state.fl.us/Welcome/index.cfm, State of Florida's website at http://www.myflorida.com/, Department of Financial Services' Website at http://www.fldfs.com/ and the Auditor General's Website at http://www.myflorida.com/audgen.

(e) The Local Government should confer with its chief financial officer, audit director or contact the Department for assistance with questions pertaining to the applicability of these requirements.

(f) Report Submission.

(g) Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised and 2 CFR Part 200, Subpart F, and required by Subsection 2.03(2) of this Agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised and 2 CFR Part 200, Subpart F, by or on behalf of the Local Government directly to each of the following:

(i) The Department at one of the following address:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-30000

Electronically:
FDEPSingleAudit@dep.state.fl.us

(ii) The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

(iii) Copies of reports or management letters shall be submitted by or on behalf of the Local Government directly to the Department at the following address:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General
3900 Commonwealth Boulevard, MS 40
Tallahassee, Florida 32399-3123

Electronically:
FDEPSingleAudit@dep.state.fl.us

(h) Any reports, management letters, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted timely in accordance with Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

(i) Local Governments, when submitting financial reporting packages to the Department for audits done in accordance with Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Local Government in correspondence accompanying the reporting package.

(3) Record Retention.

The Local Government shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five years from the date of the final amendment, and shall allow the Department, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The Local Government shall ensure that working papers are made available to the Department, or its designee, Chief Financial Officer, or Auditor General upon request for a period of five years from the date of the final amendment, unless extended in writing by the Department.

(4) Monitoring.

In addition to reviews of audits conducted in accordance with Section 215.97, F.S., as revised monitoring procedures may include, but not be limited to, on-site visits by Department staff and/or other procedures. By entering into this Agreement, the Local Government agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department determines that a limited scope audit of the Local Government is appropriate, the Local Government agrees to comply with any additional instructions provided by the Department to the Local Government regarding such audit. The Local Government further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

2. Section 4.08 of the Agreement is deleted and replaced as follows:

4.08. LOAN DISBURSEMENTS.

Under the provisions of 216.181, Florida Statutes, this Agreement allows for funds to be advanced to the Local Government for allowable costs and costs invoiced for eligible work performed. Disbursements shall be made directly to the Local Government only by the State Chief Financial Officer and only when the requests for such disbursements are accompanied by a Department certification that such withdrawals are proper expenditures. Advance payment is contingent upon successful completion of the requirements of Section 4.09.

Requests by the Local Government for disbursements of the preconstruction funds shall be made using the Department's disbursement request form. Up to twenty percent of the allowance shall be disbursed after a Loan Agreement is signed. Up to fifty percent of the allowance shall be disbursed after the planning documentation has been completed and accepted. The remainder of the allowance shall be disbursed after all procurement contracts are executed and shall be adjusted to reflect as-bid costs. The Department may disburse the entire estimated allowance amount after acceptance of the plans and specifications or completion of the request for proposals, if the Local Government agrees to an allowance adjustment once all contracts have been bid. The following allowance amount will be disbursed after the specified milestone events unless the allowance is reduced pursuant to Section 10.06:

Milestone Event		Amount
Loan Agreement executed	$	101,359
Department acceptance of planning documents		152,041
Department acceptance of executed procurement contracts		253,399
Total	$	506,799

Disbursements for materials, labor, or services shall be made upon receipt of the following:

(1) A completed disbursement request form signed by the Authorized Representative. Such requests must be accompanied by sufficiently itemized summaries of the materials, labor, or services to identify the nature of the work performed; the cost or charges for such work; and the person providing the service or performing the work.

(2) A certification signed by the Authorized Representative as to the current estimated costs of the Project; that the materials, labor, or services represented by the invoice have been satisfactorily purchased, performed, or received and applied to the project; that all funds received to date have been applied toward completing the Project; and that under the terms and provisions of the contracts, the Local Government is required to make such payments.

(3) A certification by the engineer responsible for overseeing construction stating that equipment, materials, labor and services represented by the construction invoices have been satisfactorily purchased, or received, and applied to the Project in accordance with construction contract documents; stating that payment is in accordance with construction contract provisions;

stating that construction, up to the point of the requisition, is in compliance with the contract documents; and identifying all additions or deletions to the Project which have altered the Project's performance standards, scope, or purpose since the issue of the Department construction permit.

Such other certificates or documents by engineers, attorneys, accountants, contractors, or suppliers as may reasonably be required by the Department.

3. Section 4.09 is added to the Agreement as follows:

4.09. ADVANCE PAYMENT.

In accordance with Section 216.181(16)(b), Florida Statutes, the Department, upon written request from the Local Government, the Advance Payment Justification Form and written approval from the State's Chief Financial Officer, if applicable, may provide an advance to the Local Government. The Local Government must temporarily invest the advanced funds, and return any interest income to the Department, within thirty (30) days of each calendar quarter, or apply said interest income against the Department's obligation to pay, if applicable, under this Agreement. Interest earned must be returned to the Department within the timeframe identified above or invoices must be received within the same timeframe that shows the offset of the interest earned.

Unused funds, and interest accrued on any unused portion of advanced funds that have not been remitted to the Department, shall be returned to the Department within sixty (60) days of Agreement completion.

The parties hereto acknowledge that the State's Chief Financial Officer may identify additional requirements, which must be met in order for advance payment to be authorized. If the State's Chief Financial Officer imposes additional requirements, the Local Government shall be notified, in writing, by the Department regarding the additional requirements. Prior to releasing any advanced funds, the Local Government shall be required to provide a written acknowledgement to the Department of the Local Government's acceptance of the terms imposed by the State's Chief Financial Officer for release of the funds.

If advance payment is authorized, the Local Government shall be responsible for submitting the information requested in the Interest Earned Memorandum to the Department quarterly.

4. Section 8.12 is added to the Agreement as follows:

8.12. PUBLIC RECORDS ACCESS.

(1) The Local Government shall comply with Florida Public Records law under Chapter 119, F.S. Records made or received in conjunction with this Agreement are public records under Florida law, as defined in Section 119.011(12), F.S. The Local Government shall keep and maintain public records required by the Department to perform the services under this Agreement.

(2) This Agreement may be unilaterally canceled by the Department for refusal by the Local Government to either provide to the Department upon request, or to allow inspection and copying of all public records made or received by the Local Government in conjunction with this Agreement and subject to disclosure under Chapter 119, F.S., and Section 24(a), Article I, Florida Constitution.

(3) IF THE LOCAL GOVERNMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE LOCAL GOVERNMENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC RECORDS AT
(850) 245-2118, by email at ombudsman@dep.state.fl.us, or at the mailing address below:

Department of Environmental Protection
ATTN: Office of Ombudsman and Public Services
Public Records Request
3900 Commonwealth Blvd, MS 49
Tallahassee, FL 32399

5. Section 8.13 is added to the Agreement as follows:

8.13. TERMINATION FALSE CERTIFICATION, SCRUTINIZED COMPANIES, BOYCOTTING.

The Local Government certifies that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, F.S. In addition, the Local Government agrees to observe the requirements of Section 287.135, F.S., for applicable sub-agreements entered into for the performance of work under this Agreement. Pursuant to Section 287.135, F.S., the Department may immediately terminate this Agreement for cause if the Local Government, its affiliates, or its subcontractors are found to have submitted a false certification; or if the Local Government, its affiliates, or its subcontractors are placed on any applicable scrutinized companies list or engaged in prohibited contracting activity during the term of the agreement. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

6. Additional financing in the amount of $2,107,035, excluding Capitalized Interest, is hereby awarded to the Local Government.

7. A Financing Rate of 0.00 percent per annum is established for the additional financing amount awarded in this amendment. Individually, the interest rate is 0.00 percent per annum and the Grant Allocation Assessment rate is 0.00 percent per annum. However, if this amendment is not executed by the Local Government and returned to the Department before December 1, 2016, the Financing Rate may be adjusted.

8. The estimated principal amount of the Loan is hereby revised to $4,066,645, which consists of $4,051,645 authorized for disbursement to the Local Government and $15,000 of Capitalized Interest. This total consists of the following:

(a) Original Agreement of $256,916, including $247,416 authorized for disbursement to the Local Government and $9,500 of Capitalized Interest, at a Financing Rate of 2.06 percent per annum (the interest rate is 1.03 percent per annum and the Grant Allocation Assessment rate is 1.03 percent per annum); and

(b) Amendment 2 of $1,702,894, including $1,697,194 authorized for disbursement to the Local Government and $5,500 of Capitalized Interest, at a Financing Rate of 0.37 percent per annum (the interest rate is 0.185 percent per annum and the Grant Allocation Assessment rate is 0.185 percent per annum); and

(c) Amendment 3 of $2,107,035, including $2,107,035 authorized for disbursement to the Local Government and $0 of Capitalized Interest, at a Financing Rate of 0.00 percent per annum (the interest rate is 0.00 percent per annum and the Grant Allocation Assessment rate is 0.00 percent per annum).

9. An additional Loan Service Fee in the amount of $42,141, for a total of $81,033, is hereby estimated. The fee represents two percent of the Loan amount excluding Capitalized Interest, that is, two percent of $4,051,645.

10. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of $106,832. Such payments shall be paid to, and must be received by, the Department beginning on June 15, 2018 and semiannually thereafter on December 15 and June 15 of each year until all amounts due hereunder have been fully paid. Until this Agreement is further amended, each Semiannual Loan Payment will be proportionally applied toward repayment of the amounts owed on each incremental Loan amount at the date such payment is due.

The Semiannual Loan Payment amount is based on the total amount owed of $4,147,678, which consists of the Loan principal plus the estimated Loan Service Fee.

11. The Local Government and the Department acknowledge that the actual Project costs have not been determined as of the effective date of this agreement. Project cost adjustments may be made as a result of construction bidding or Project changes agreed upon by the Department. Capitalized Interest will be recalculated based on actual dates and amounts of Loan disbursements. If the Local Government receives other governmental financial assistance for this Project, the costs funded by such other governmental assistance will not be financed by this Loan. The Department shall establish the final Project costs after its final inspection of the Project records. Changes in Project costs may also occur as a result of the Local Government's Project audit or a Department audit.

Funds disbursed in accordance with Section 4.08 of this Agreement shall be disbursed in the order in which they have been obligated without respect to budgetary line item estimates. All disbursements shall be made from the original Loan amount until that amount has been disbursed; the Financing Rate established for the original Loan amount shall apply to such disbursements for the purpose of determining the associated Capitalized Interest and repayment

amount. The Financing Rate established for any additional increment of Loan financing shall be used to determine the Capitalized Interest and repayment amount associated with the funds disbursed from that increment.

The estimated Project costs are revised as follows:

CATEGORY	COST ($)
Allowance	506,799
Construction and Demolition	5,328,307
Contingencies	266,415
Technical Services After Bid Opening	839,454
Less Other Funding	(2,889,330)
SUBTOTAL (Disbursable Amount)	4,051,645
Capitalized Interest	15,300
TOTAL (Loan Principal Amount)	4,066,945

12. Subsections 10.07 (5), (6), (7), and (8) of the schedule are deleted and replaced as follows:

(5) Completion of Project construction is scheduled for December 15, 2017.

(6) The Loan Debt Service Account shall be established and Monthly Loan Deposits shall begin no later than December 15, 2017.

(7) The initial annual certification required under Subsection 2.01(10) of the Agreement shall be due March 15, 2018. Thereafter the certification shall be submitted no later than September 30 of each year until the final Semiannual Loan Payment is made.

(8) The first Semiannual Loan Payment in the amount of $106,832 shall be due June 15, 2018.

13. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 3 to Loan Agreement SW350940 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this Agreement to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this Agreement shall be as set forth below by the Department.

for
CITY OF TAVARES

_____
Mayor

Attest:

_____
City Clerk

Approved as to form and legal sufficiency:

_____
City Attorney

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

_____
Secretary or Designee

_____
Date

AGENDA SUMMARY
TAVARES CITY COUNCIL
October 19, 2016

AGENDA TAB NO. 5

SUBJECT TITLE: Ordinance No. 2016-32 Amending Chapter 15 of the City of Tavares Code of Ordinances for Police Officer's Retirement Pension Fund

OBJECTIVE:

To accept a subsequent First Reading to approve Ordinance 2016-32 which permits the City to purchase prior service for an employee without tax consequences to the plan member.

SUMMARY:

Previously the City on October 5th presented a first reading of this ordinance. Legal changes were necessary to the ordinance language (see underlines), thus calling for a re-issue of First Reading.

On September 7, 2016, the City Council approved the reclassification of a Police Lieutenant position to an entry level Police Officer position and authorized the purchase of one year of prior service for retirement purposes for the vacating Police Officer.

Ordinance 2016 – 32 adds sub section (7) to the City of Tavares Police Officer's Retirement Plan, Section 15-97 of the code of City Ordinances titled "Prior police service". The new sub section permits the City to agree to purchase for a member, all or any portion of the service described in the section. In the case of City Purchase, the City will pay to the plan, all or a portion of the amount defined in sub section (1) for the agreed upon specific credited service with the member paying the remainder of the required amount.

Previously, with the Reclassification of a Police Lieutenant position, the City Council approved the purchase of one year of service with the City paying 95% of the cost to purchase of up to one year of service.

The Police Pension Board Attorney, Scott Christiansen of Christiansen & Dehner, P.A., recommends that this Ordinance be adopted as soon as possible. Further, it is recommended that Lt. Paynter's retirement date be delayed to after the Second Reading of the Ordinance which is scheduled for November 2nd.

Resolution No. 2016-32 provides the needed amendment to the Police Officer's Retirement Plan in order to effect the purchase of service for Lt. Paynter by the

City for the City's agreed portion of the cost. Please note that the underlined changes are recommended by the City Attorney.

OPTIONS:

1. Adopt Ordinance 2016-32 amending Chapter 15 of the Code of Ordinances for the City of Tavares Police Officer's Retirement Plan permitting purchase of prior employee service by the City.

2. Do not Approve Ordinance 2016-32.

STAFF RECOMMENDATION:

Option 1.

Move to Adopt Ordinance 2016-32 amending Chapter 15 of the Code of Ordinances for the City of Tavares Police Officer's Retirement Plan permitting purchase of prior employee service by the City.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: This ordinance has been reviewed by the City Attorney.

ORDINANCE NO. 2016-32

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-97, PRIOR POLICE SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 15, Pensions and Retirement, Article IV, Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Tavares, is hereby amended by amending Section 15-97, Prior Police Service, to read as follows:

Sec. 15-97. Prior police service.

Unless otherwise prohibited by law, and except as provided for in section 15-71, the years or fractional parts of years that a member previously served as a full-time police officer with the city during a period of previous employment and for which period accumulated contributions were withdrawn from the fund, or the years and fractional parts of years that a member served as a full-time police officer for any other municipal, county or state law enforcement department in the State of Florida shall be added to his years of credited service provided that:

(1) The member contributes to the fund the sum that he would have contributed, based on his salary and the member contribution rate in effect at the time that the credited service is requested, had he been a member of the system for the years or fractional parts of years for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the fund plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service. Notwithstanding the previous sentence, a member may request and receive one calculation at no cost to the member, for the purchase of credited service under this Section or this Section combined with Section 15-96, Military service prior to employment.

(2) Multiple requests to purchase credited service pursuant to this section may be made at any time prior to retirement.

(3) Payment by the police officer of the required amount shall be made within six (6) months of his request for credit, but not later than the retirement date, and shall be made in one lump sum payment upon receipt of which credited service shall be given.

(4) The maximum credit under this section for service other than with the City of Tavares combined with service purchased pursuant to Section 15-96, shall be five (5) years of credited service and shall count for all purposes, except vesting and eligibility for not-in-line of duty disability benefits. There shall be no maximum purchase of credit for prior service with the City of Tavares and such credit shall count for all purposes, including vesting.

(5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or state law enforcement department, if such prior service forms or will form the basis of a retirement benefit or pension

from a different employer's retirement system or plan as set forth in section 15-85, subsection ~~(k)(2)~~ (l)(2).

(6) For purposes of determining credit for prior service as a police officer as provided for in this section, in addition to service as a police officer in this state, credit may be given for federal, other state, county or municipal service if the prior service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement, as provided under Chapter 943, Florida Statutes, or the police officer provides proof to the board that such service is equivalent to the service required to meet the definition of a police officer under Sec. 15-71, Definitions.

(7) In furtherance of the exercise of its control and discretion over the department organization and operations, the City may agree to purchase for a member, all or any portion of the service described in this Sec. 15-97, for workforce reduction or personnel re-allocation purposes. In that case, the City will pay to the plan, all or a portion of the amount defined in subsection (1) above, for the agreed upon specific credited service, with the member paying the remainder of the required amount, provided that said action does not have any impact upon the other plan members' benefits or contributions to the plan or the actuarial soundness of the plan.

SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Tavares.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: That this Ordinance shall become effective retroactively on October 1, 2016.

PASSED AND ORDAINED ON this _____ day of _____, 2016, by the City Council of the City of Tavares, Florida.

_____
Lori Pfister, Mayor
Tavares City Council

Passed First Reading:_____

Passed Second Reading:_____

ATTEST:

_____
Nancy A. Barnett
CITY CLERK

Approved as to form:

_____
Robert Q. Williams
CITY ATTORNEY
dm/tav/pol/10-13-16.ord

Law Offices
Christiansen & Dehner, P.A.
63 Sarasota Center Blvd. Suite 107 Sarasota, Florida 34240 • 941-377-2200 • Fax 941-377-4848

September 22, 2016

Mr. John H. Drury, City Administrator
City of Tavares
201 E. Main Street
Tavares, Florida 32778

Re: City of Tavares Police Officers' Pension Trust Fund - Proposed Ordinance

Dear Mr. Drury:

Enclosed please find a proposed ordinance amending the City of Tavares Police Officers' Pension Trust Fund This ordinance amends the plan to permit the City to purchase a member's prior police officer service with another department as credited service in our plan. This change is provided to accommodate the action taken by the City Council regarding Lt. Jason Paynter.

By copy of this letter to the plan's actuary, Foster & Foster, I am requesting that they provide an actuarial impact statement or no-impact letter indicating the cost, if any, associated with the adoption of this ordinance. There will, of course, be a cost to the City, to be determined by the plan's actuary, for the purchase of the approximately 11 months (or 10 months as of November 1) of credited service for Lt. Paynter in order for him to have 25 years of credited service to be eligible for normal retirement.. This ordinance simply permits this purchase in this instance and in any future situations which the City deems appropriate.

This ordinance should be adopted as soon as possible to accommodate the City's desired actions. The ordinance change is required in order to permit the City to purchase the service without tax consequences to the member. I recommend that we delay Lt. Paynter's retirement date to November 1 in order to give us time to adopt the ordinance, calculate the required amount to be deposited in the plan for the purchase and give Lt. Paynter sufficient time to arrange for the payment of his 5% portion of the required amount into the plan. We cannot possibly get all this done by October 1. The delay will also reduce the cost of the purchase since only 10 months will be required as of November 1.

If you or any member of your staff have any questions with regard to this ordinance, please feel free to give me a call. In addition, if you feel it would be appropriate for me to be present at the meeting at which this ordinance is considered by the City Council, please contact my office to advise me of the date that the ordinance would be considered.

Yours very truly,

Scott R. Christiansen

SRC/dm
enclosure

e-copy: Doug Lozen, with enclosure
Nancy Barnett, with enclosure
Robert Williams, with enclosure
Ferrell Jenne, with enclosure

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 19, 2016

AGENDA TAB NO.6 **SECOND READING**

SUBJECT TITLE: **Ordinance 2016-28**
Annexation & Rezoning –Tavares 1st Church of the Nazarene
Northwest Intersection of David Walker Drive & Dora Avenue

OBJECTIVE:

To consider the annexation and rezoning to General Commercial of approximately 3 acres of property located on the northwest intersection of David Walker Drive and Dora Avenue.

SUMMARY:

The subject property is located on the northwest intersection of David Walker Drive and Dora Avenue. The Tavares 1st Church of the Nazarene is located on this land. The applicant desires to add classrooms to the church and connection to the City of Tavares wastewater utility is required for this expansion. The property is already connected to City water. The property is contiguous to our city boundary. The church property is zoned Community Facility in the County. The applicant is requesting a City General Commercial (C-1) zoning. A church use is permitted within the C-1 zoning district. Adjacent properties that have been previously annexed into the city have been similarly zoned Commercial.
The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Office to City of Tavares Commercial on the Future Land Use Map 2020.
It is staff's opinion that a General Commercial (C-1) zoning is the most compatible designation for this property.

OPTIONS:

1. That City Council moves to approve Ordinance 2016-28.
2. That City Council moves to deny Ordinance 2016-28.

PLANNING & ZONING BOARD RECOMMENDATION:

At its September 15 meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2016-28.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2016-28.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2016-28

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 3 ACRES OF LAND LOCATED ON THE NORTHWEST INTERSECTION OF DAVID WALKER DRIVE AND DORA AVENUE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMUNITY FACILITY DISTRICT (CFD) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the properties described in **Exhibit "A"** have voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, the properties legally defined in **Exhibit "A"** are contiguous with the corporate limits of the City of Tavares and the annexation of said properties will not result in the creation of any enclave; and

WHEREAS, the City of Tavares, Florida, is in a position to provide municipal services to the properties described herein; and,

WHEREAS, the City Council of the City of Tavares, Florida, deems it in the best interest of the City to accept said petition and to annex said properties; and,

WHEREAS, the properties are currently zoned Lake County Community Facilities District (CFP) and the applicants have requested that said properties be rezoned to a City designation of General Commercial (C-1); and,

WHEREAS, adjacent properties that have been previously annexed into the city have been similarly zoned Commercial; and,

WHEREAS, the existing church use located on this property is a permitted use within a General Commercial (C-1) zoning district; and

WHEREAS, the City is concurrently processing a future land use map amendment to re-designate these properties from Lake County Office to a City of Tavares Commercial designation on the 2020 Future Land Use Map; therefore

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

Section 1. Annexation

The properties legally defined as and depicted in **Exhibit "A"** attached hereto, situated in Lake County, Florida, is hereby incorporated into and made a part of the City

of Tavares, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes.

Section 2. Rezoning

The properties described in **Exhibit "A"** shall hereby be rezoned from Lake County Community Facilities District (CFP) to City of Tavares General Commercial (C-1) and shall be subject to the provisions contained within the Land Development Regulations for this zoning designation.

Section 3. 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 4. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 2016, by the City Council of the City of Tavares, Florida.

_____
Lori Pfister, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

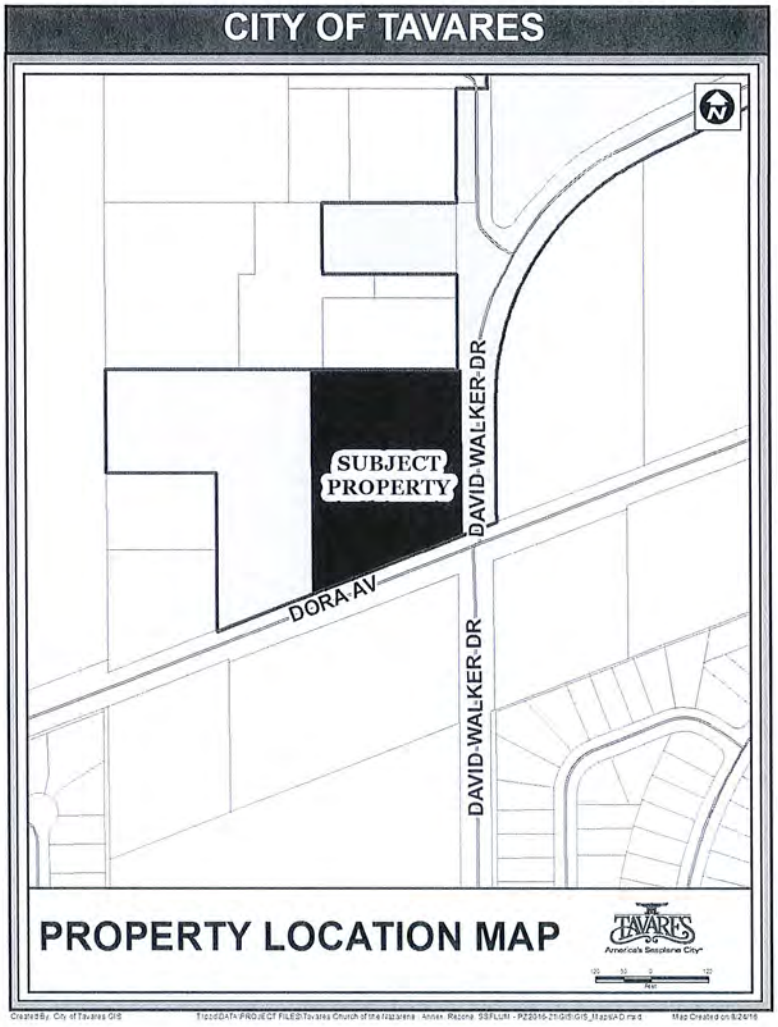
_____
Nancy Barnett, City Clerk

APPROVED AS TO FORM AND LEGALITY:

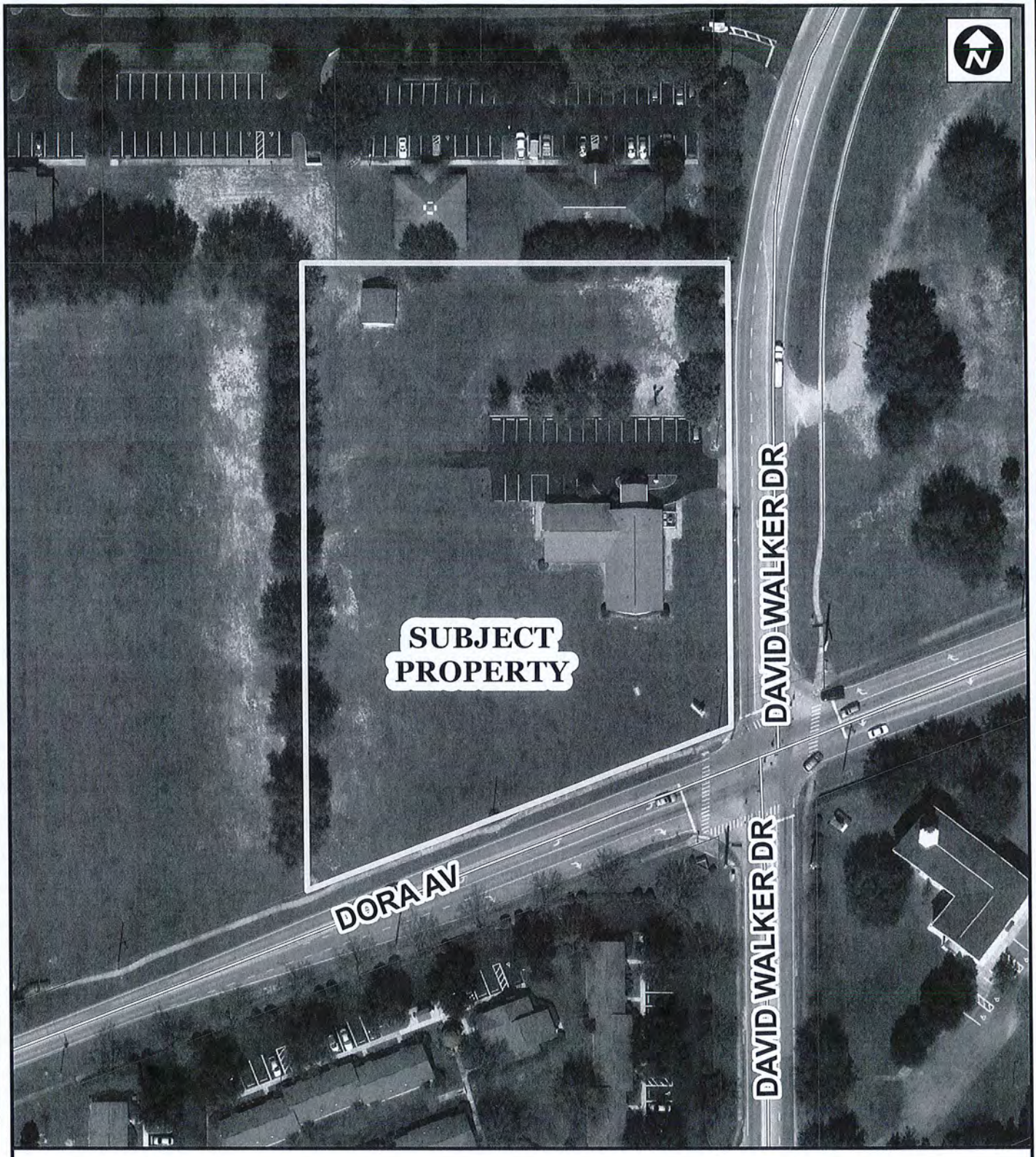
_____
Robert Q. Williams, City Attorney

EXHIBIT A

The East 321.32 feet of the West 759.00 feet of Tract "1" of the Replat of PASADENA PARK, as recorded in Plat Book 11, Page 69 of the Public Records of Lake County, Florida, lying in Section 22, Township 19S., Range 26E. in Lake County, Florida. LESS the North 655.00 feet thereof.
Subject to all easements, rights-of-way and restrictions of record.



CITY OF TAVARES

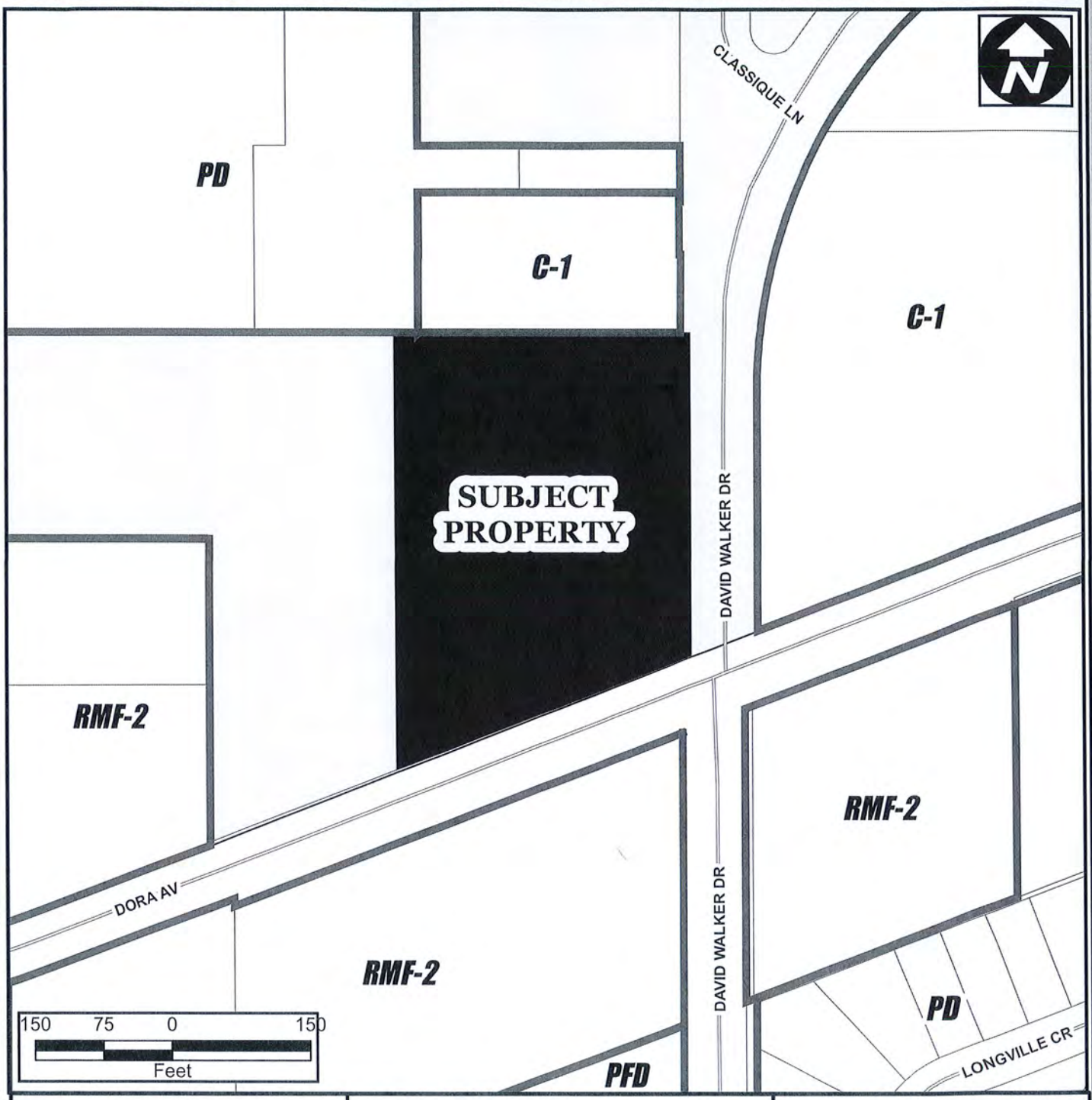


PROPERTY LOCATION MAP

TAVARES
America's Seaplane City

60 30 0 60
Feet

CITY OF TAVARES ORDINANCE # 2016-28



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

ZONING MAP

ORDINANCE # 2016-28

Tavares First Church of The Nazarene

Current Zoning: Lake County Community Facility District
Proposed Zoning: C-1
03.00 ± Acres

Legend

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

Orlando Sentinel
Publication Date: 09/12/2016
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PARKS AND RECREATION

Continued from Page E2

Umatilla

North Lake Community Park: County Road 450 and Roger Giles Road. Playground, picnic pavilions, picnic tables, grills, baseball fields, multiuse fields, basketball courts, tennis courts, volleyball courts, dog park, exercise stations, nature trail and walking, running and biking trails.

South Umatilla Park: Ball Park Road off State Road 19. Playground, picnic pavilions and picnic tables.

Lake County Water Authority

For more information, call 352-324-6141 or lcwa.org.

Bourlay Historic Nature Park: North of U.S. Highway 441 on Canal Street in Leesburg. Hiking, exercise stations, bicycling, Cracker-style home, chickee hut and amphitheater, picnic tables, lakeside benches, native plant garden, bird-watching, fishing pier and kayak rentals.

Crooked River Preserve: On the north shore of Lake Louisa and east side of Palatlakaha River off Lake Louisa Drive in Clermont. Hiking, nature study and picnic tables, canoes available through reservations.

Flat Island Preserve: South of Leesburg on Owens Road off County Road 25A. Hiking, picnic tables, nature study, canoe rentals and camping available through reservations.

Hickory Point Recreational Facility: North end of the Howey bridge on State Road 19. Playground, 2-story picnic pavilion, picnic tables, grills, horseshoe pits, sand volleyball court, natural trail, swimming beach, fishing pier, boat ramp and docks, and kayaks are available.. There is no charge to park.

Hidden Waters Preserve: North of U.S. Highway 441 in Eustis between Country Club and Abrams roads. Hiking and bird-watching.

Sabal Bluff Preserve: On Leesburg Mobile City Road off County Road 44 east of Leesburg. Hiking, bicycling, picnic tables and bird-watching. Golf cart access.

Sawgrass Island Preserve: On the north side of Lake Yale, northwest of Eustis on Thomas Boat Landing Road. Hiking, equestrian trails, picnic tables, bicycling and nature study. Primitive camping available through reservations.

Orange County Parks & Recreation

West Orange Trail: Killarney Station is on State Road 50 at the Lake-Orange county line, east of Clermont. The 22-mile paved trail stretches to Apopka. Bicycling, skating, walking and running. Details: 407-654-1108.

State Parks, Trails

Gen. James A. Van Fleet State Trail: The 29.2-mile trail begins at Mabel, four miles west of Mascotte on State Road 50, to Polk County. Path for bicycling, in-line skating and hiking . Details: 352-516-7384.

Lake Griffin State Park: 3090 U.S. Highway 27-441, Fruitland Park. Fishing, boat ramp, canoe rentals, camping, picnic pavilion, picnic tables, grills, playground, volleyball net, horseshoe pits and nature trail. Admission is $4 single occupant vehicle, $5 per vehicle (two to eight people) and $2 pedestrians and bicyclists. Details: 352-360-6760.

Lake Louisa State Park: 7305 U.S. Highway 27, Clermont. Picnic pavilion, fishing pier, swimming, canoeing, hiking, equestrian trail, nature trail, camping and cabin rentals. Admission is $4 single occupant vehicle, $5 per vehicle (two to eight people) and $2 pedestrians and bicyclists. Details: 352-394-3969.

National Parks

Alexander Springs: Southwest of Astor on County Road 445 off State Road 19. Camping, canoe and kayak rentals, scuba diving, snorkeling, swimming, picnic tables, nature trail, food concession and bathhouse. Admission is $5.50 per person. Details: 352-669-3522.

Ocala National Forest: Picnicking, camping, hiking, horse trail, bicycle trail, nature trips and programs, spring-fed beaches, bathhouses, fishing, canoe rentals, boat ramps and food concessions. Details: **Seminole Ranger District**, 40929 State Road 19, Umatilla, 352- 669-3153. **Pittman Visitor Center**, 45621 State Road 19, Altoona, 352-669-7495; **OcklawahaVisitor Center**, 3199 State Road 40 and County Road 315, Silver Springs, 352-236-0288; and **Salt Springs Visitor Center**, 14100 State Road 19, Salt Springs, 352-685-3070.

MORRONE

Continued from Page E1

ever, you never see them offered as pets anymore in the pet stores we went to and I was wondering why? — Richard Grant, Chicago

A: Keeping reptiles as pets has come a long way in the last few decades. Years back, the iguana was so popular as a pet only because it was the only lizard that was available as a pet.

In Central America, the green iguana is a popular food source. The animal is commercially bred on farms for this purpose, so there are many babies that are available to be sold in the pet trade and years back every pet store had them.

The problem, though, is that baby iguanas need a lot of specialized care that not all pet keepers are capable of providing. Because of this, most of them died as infants.

So many adult iguanas ended dumped in parks and other areas by those people who could not keep them and many municipalities made them not legal as pets. In parts of Florida, pet iguanas that got dumped have taken over as an invasive species.

While all this was going on, dedicated reptile enthusiasts started to breed and domesticate other lizards such as bearded dragons and geckos. Those animals are much smaller than a 6-foot, 15-pound iguana, thus easier to keep as a pet. That is the main reason you seldom see baby iguanas offered for sale as pets.

If you do find one to purchase, you must be sure you are capable of keeping one as a pet before you purchase it.

Write to Marc Morrone at reapetxperts2@aol.com.

COURTESY OF CAMILLE AUBRAY

Although Sherry Boas enjoys being outside, sometimes books keep her indoors.

BOAS

Continued from Page E1

which, even though they were translated within the text, I enjoyed trying to figure out on my own. The characters she has created are likeable and quirky, the plot compelling and the story line, which twisted and turned in unexpected directions, never failed to hold my attention. Chapter after chapter, I found myself wondering what would happen next.

Part mystery, part historical fiction and part biographical exposé with just the right a dash of romance to add a hint of spice, "Cooking for Picasso" is like a delectable bouillabaisse of blended flavors and texture. It is one of those rare books you can't stop reading but don't want to end.

Sherry Boas can be reached at simplyliving@beautifulbamboo.com. Her columns can be found online at OrlandoSentinel.com/lale.

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THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2016-28 & Ordinance 2016-29 titled as follows:

ORDINANCE 2016-28

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 3 ACRES OF LAND LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMUNITY FACILITY DISTRICT (CFD) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2016-29

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 3 ACRES OF LAND GENERALLY LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; FROM LAKE COUNTY OFFICE TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2016-28 & Ordinance 2016-29 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 15, 2016, at 3 p.m.; and
2. Tavares City Council meeting on October 5, 2016, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 19, 2016, at 4 p.m. (Second Reading)

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

Proposed Ordinance 2016-28 & Ordinance 2016-29 may be inspected by the public between the hours of 8:00 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 Skull, Community Development Director, at 742-6404.

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Call Steve

J & M Affordable Auto Inc.
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Call Internet Department

Stan's Premium Cars
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Pre-Owned 888-220-2616
Call Stan

Seth Lee Auto Sales
Tavares
Pre-Owned 888-744-5692
Call Jason

CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E MAIN STREET, TAVARES
September 15, 2016 – 3:00 PM

BOARD MEMBERS PRESENT

Norb Thomas
Lou Buigas
Roy Stevenson
Morris Osborn

BOARD MEMBERS ABSENT

Gary Santoro, Chairman
Richard Root , Vice Chairman
Bill Stomp

LAKE COUNTY SCHOOL BOARD

STAFF MEMBERS PRESENT

Bob Williams, City Attorney
Jacques Skutt, Community Development Director
Michael Fitzgerald, Development Coordinator
Antontio Fabre, Planning Coordinator

STAFF MEMBERS ABSENT

CALL TO ORDER

Morris Osborn, called the meeting to order at 3:00 p.m. and those present recited the Pledge of Allegiance.

AGENDA REVIEW

None.

APPROVAL OF MINUTES

The July 19, 2016 Planning and Zoning Board minutes were approved as submitted.

MOTION

Roy Stevenson moved for the approval of the July 19, 2016 Planning and Zoning Board Minutes, seconded by Norb Thomas. The motion carried unanimously 4-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Those persons present to provide case testimony were sworn in by Attorney Williams.

PUBLIC HEARINGS:

CASES HEARD

1. **Ordinance 2016-28 – Tavares Church of the Nazarene – Annexation, Rezoning**

Mr. Skutt provided the following staff report:

The subject property is located on the northwest intersection of David Walker Drive and Dora Avenue. The Tavares 1st Church of the Nazarene is located on this land. The applicant desires to add classrooms to the church and connection to the City of Tavares wastewater utility is required for this expansion. The property is already connected to City water. The property is contiguous to our city boundary. The church property is zoned Community Facility in the County. The applicant is requesting a City General Commercial (C-1) zoning. A church use is permitted within the C-1 zoning district. Adjacent properties that have been previously annexed into the city have been similarly zoned Commercial.

The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Office to City of Tavares Commercial on the Future Land Use Map 2020.

It is staff's opinion that a General Commercial (C-1) zoning is the most compatible designation for this property.

DISCUSSION

Morris Osborn asked for comments from the audience

Brenda Smith introduced herself as the representative for the Church, and stated that she could answer any of the Board's questions.

There was no Board discussion.

MOTION

Norb Thomas moved to recommend approval of Ordinance 2016-28, seconded by Lou Buigas. The motion carried unanimously 4-0.

2. Ordinance 2016-29 – Tavares Church of the Nazarene – SSFLUM

Mr. Skutt provided the following staff report:

Ordinance 2016-29 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 2986077) is 3 acres in size, located on the northwest intersection of David Walker Drive & Dora Avenue. This ordinance would amend the current Future Land Use Designation from Lake County Office to City of Tavares Commercial.

Future Land Use Amendment

The city is required to place a future land use designation on annexed property. The subject property is currently designated County Office. A City Commercial designation is most compatible with surrounding property.

Compatibility

Lands adjacent and in the vicinity of this property are commercial in nature.

Site Conditions

The property is currently utilized as a Church. Prior to any redevelopment or additions, an approved site plan will be required. All applicable environmental assessments and permitting must be in place before the site plan is approved.

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 19, 2016

AGENDA TAB NO. 7 **SECOND READING**
SUBJECT TITLE: **Ordinance 2016-29**
Small Scale FLUM Amendment- Tavares 1st Church of the Nazarene
Northwest Intersection of David Walker Drive & Dora Avenue

OBJECTIVE:

To consider an application for a Future Land Use Map amendment from Lake County Office to City Commercial for 3 acres of property located on the northwest intersection of David Walker Drive & Dora Avenue.

SUMMARY:

Ordinance 2016-29 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 2986077) is 3 acres in size, located on the northwest intersection of David Walker Drive & Dora Avenue. This ordinance would amend the current Future Land Use Designation from Lake County Office to City of Tavares Commercial.

Future Land Use Amendment
The city is required to place a future land use designation on annexed property. The subject property is currently designated County Office. A City Commercial designation is most compatible with surrounding property.

Compatibility
Lands adjacent and in the vicinity of this property are commercial in nature.

Site Conditions
The property is currently utilized as a Church. Prior to any redevelopment or additions, an approved site plan will be required. All applicable environmental assessments and permitting must be in place before the site plan is approved.

Impact on City Services
The subject property is located in the City's Utility Service Area. The City of Tavares has municipal water and sewer services available to the subject parcel and any new development on this property must connect to city utilities. 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. Adverse impacts on Levels of Service are not implicated.

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

1. A 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 any development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

OPTIONS:

1. That City Council moves to approve Ordinance 2016-29.
2. That City Council moves to deny Ordinance 2016-29.

PLANNING & ZONING BOARD RECOMMENDATION:

At its September 15 meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2016-29.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2016-29.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2016-29

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 3 ACRES OF LAND GENERALLY LOCATED ON THE NORTHWEST INTERSECTION OF DAVID WALKER DRIVE AND DORA AVENUE; FROM LAKE COUNTY OFFICE TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the property described in **Exhibit "A"** has voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, the City of Tavares is concurrently processing the annexation of this property with proceedings to amend the Future Land Use Map designation pertaining to said property from Lake County Office to City of Tavares Commercial; and

WHEREAS, the property consists of less than ten acres;

WHEREAS, the City of Tavares has advertised as required by law for two public hearings 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, a Commercial Future Land Use designation is compatible with surrounding designations and such designation is compatible with both City of Tavares and Lake County 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 of the City of Tavares, Florida, is hereby amended to reflect a re-designation from Lake County Office to City of Tavares Commercial on certain real property 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 Community Affairs, the East Central Florida Regional Planning Council, the St. Johns River Water Management District, the Department of Environmental Protection, the Florida Department of Transportation, 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 the state land planning agency notifies the local government that the plan amendment package is complete. 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 _____, 2016 by the City Council of the City of Tavares, Florida.

_____
Lori Pfister, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

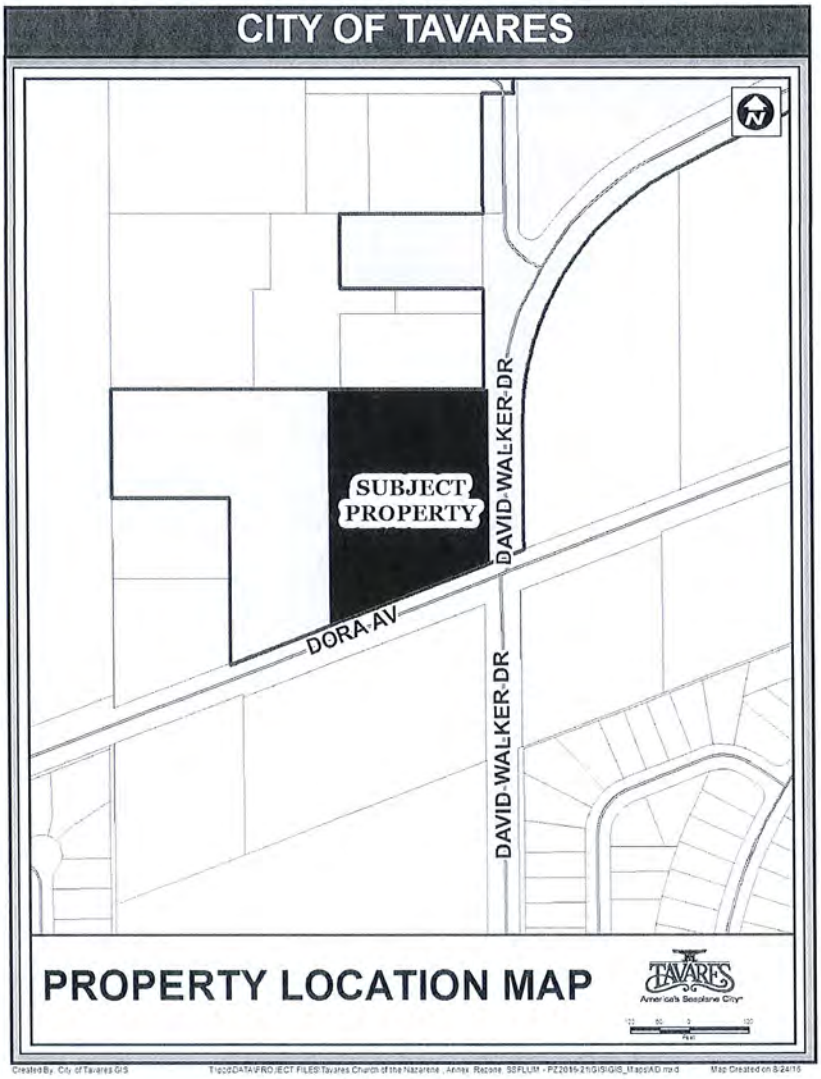
_____
Nancy A. Barnett, City Clerk

Approved as to form:

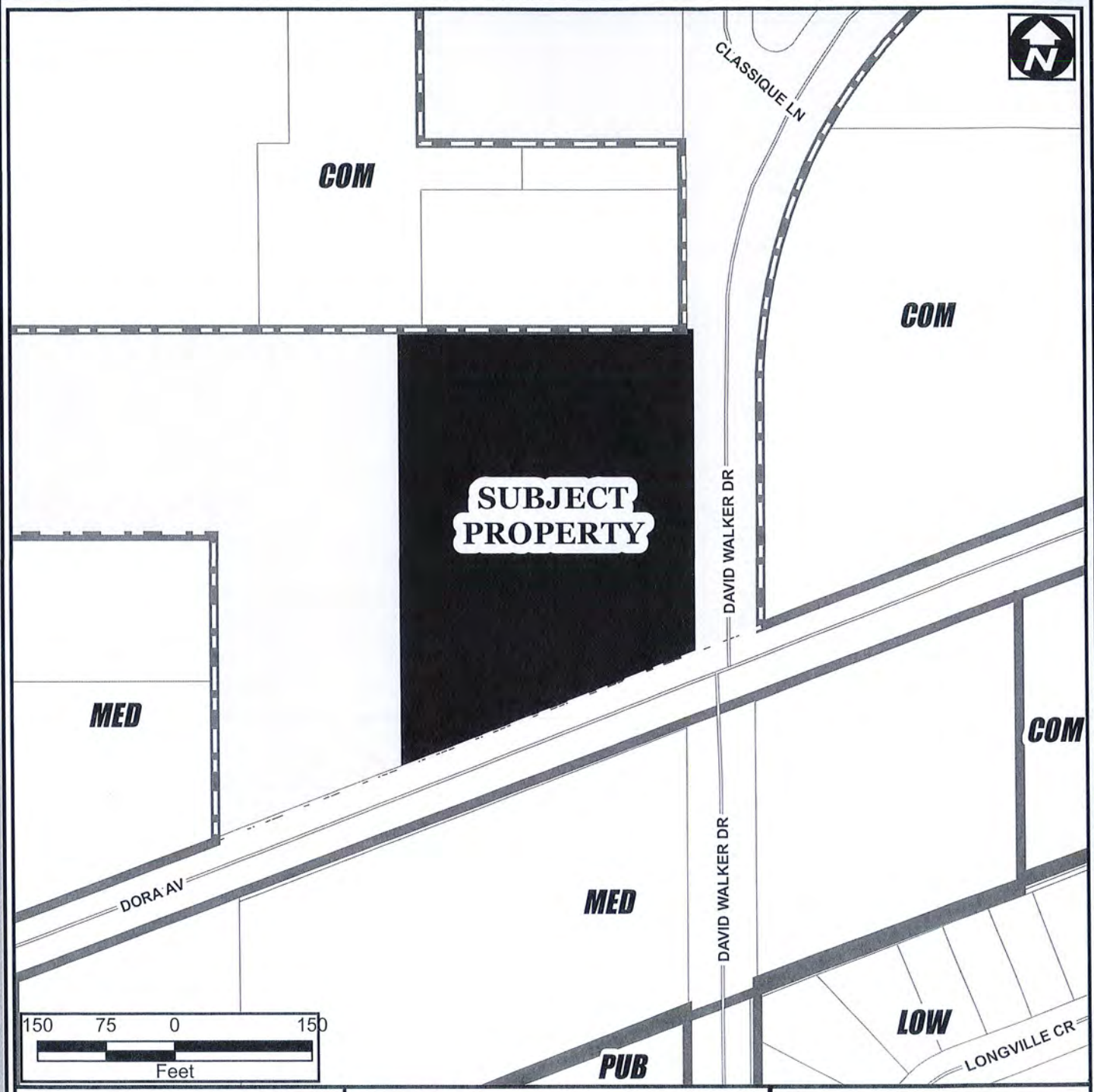
_____
Robert Q. Williams, City Attorney

EXHIBIT "A"

The East 321.32 feet of the West 759.00 feet of Tract "1" of the Replat of PASADENA PARK, as recorded in Plat Book 11, Page 69 of the Public Records of Lake County, Florida, lying in Section 22, Township 19S., Range 26E. in Lake County, Florida. LESS the North 655.00 feet thereof.
Subject to all easements, rights-of-way and restrictions of record.



CITY OF TAVARES ORDINANCE # 2016-29



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	

TAVARES

FUTURE LAND USE MAP

ORDINANCE # 2016-29

Tavares Church of The Nazarene

Current FLU: County Office
Proposed FLU: Commercial

03.00 ± Acres

Legend

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

Orlando Sentinel
Publication Date: 09/12/2016
Ad Number: 4426911-1
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: Ord. 2016-28-29

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.

PARKS AND RECREATION

Continued from Page E2

Umatilla

North Lake Community Park: County Road 450 and Roger Giles Road. Playground, picnic pavilions, picnic tables, grills, baseball fields, multiuse fields, basketball courts, tennis courts, volleyball courts, dog park, exercise stations, nature trail and walking, running and biking trails.

South Umatilla Park: Ball Park Road off State Road 19. Playground, picnic pavilions and picnic tables.

Lake County Water Authority

For more information, call 352-324-6141 or lcwa.org.

Bourlay Historic Nature Park: North of U.S. Highway 441 on Canal Street in Leesburg. Hiking, exercise stations, bicycling, Cracker-style home, chickee hut and amphitheater, picnic tables, lakeside benches, native plant garden, bird-watching, fishing pier and kayak rentals.

Crooked River Preserve: On the north shore of Lake Louisa and east side of Palatlakaha River off Lake Louisa Drive in Clermont. Hiking, nature study and picnic tables, canoes available through reservations.

Flat Island Preserve: South of Leesburg on Owens Road off County Road 25A. Hiking, picnic tables, nature study, canoe rentals and camping available through reservations.

Hickory Point Recreational Facility: North end of the Howey bridge on State Road 19. Playground, 2-story picnic pavilion, picnic tables, grills, horseshoe pits, sand volleyball court, natural trail, swimming beach, fishing pier, boat ramp and docks, and kayaks are available. There is no charge to park.

Hidden Waters Preserve: North of U.S. Highway 441 in Eustis between Country Club and Abrams roads. Hiking and bird-watching.

Sabal Bluff Preserve: On Leesburg Mobile City Road off County Road 44 east of Leesburg. Hiking, bicycling, picnic tables and bird-watching. Golf cart access.

Sawgrass Island Preserve: On the north side of Lake Yale, northwest of Eustis on Thomas Boat Landing Road. Hiking, equestrian trails, picnic tables, bicycling and nature study. Primitive camping available through reservations.

Orange County Parks & Recreation

West Orange Trail: Killarney Station is on State Road 50 at the Lake-Orange county line, east of Clermont. The 22-mile paved trail stretches to Apopka. Bicycling, skating, walking and running. Details: 407-654-1108.

State Parks, Trails

Gen. James A. Van Fleet State Trail: The 29.2-mile trail begins at Mabel, four miles west of Mascotte on State Road 50, to Polk County. Path for bicycling, in-line skating and hiking. Details: 352-516-7384.

Lake Griffin State Park: 3090 U.S. Highway 27-441, Fruitland Park. Fishing, boat ramp, canoe rentals, camping, picnic pavilion, picnic tables, grills, playground, volleyball net, horseshoe pits and nature trail. Admission is $4 single occupant vehicle, $5 per vehicle (two to eight people) and $2 pedestrians and bicyclists. Details: 352-360-6760.

Lake Louisa State Park: 7305 U.S. Highway 27, Clermont. Picnic pavilion, fishing pier, swimming, canoeing, hiking, equestrian trail, nature trail, camping and cabin rentals. Admission is $4 single occupant vehicle, $5 per vehicle (two to eight people) and $2 pedestrians and bicyclists. Details: 352-394-3969.

National Parks

Alexander Springs: Southwest of Astor on County Road 445 off State Road 19. Camping, canoe and kayak rentals, scuba diving, snorkeling, swimming, picnic tables, nature trail, food concession and bathhouse. Admission is $5.50 per person. Details: 352-669-3522.

Ocala National Forest: Picnicking, camping, hiking, horse trail, bicycle trail, nature trips and programs, spring-fed beaches, bathhouses, fishing, canoe rentals, boat ramps and food concessions. Details: **Seminole Ranger District**, 40929 State Road 19, Umatilla, 352- 669-3153. **Pittman Visitor Center**, 45621 State Road 19, Altoona, 352-669-7495; **OcklawahaVisitor Center**, 3199 State Road 40 and County Road 315, Silver Springs, 352-236-0288; and **Salt Springs Visitor Center**, 14100 State Road 19, Salt Springs, 352-685-3070.

MORRONE

Continued from Page E1

ever, you never see them offered as pets anymore in the pet stores we went to and I was wondering why? — Richard Grant, Chicago

A: Keeping reptiles as pets has come a long way in the last few decades. Years back, the iguana was so popular as a pet only because it was the only lizard that was available as a pet.

In Central America, the green iguana is a popular food source. The animal is commercially bred on farms for this purpose, so there are many babies that are available to be sold in the pet trade and years back every pet store had them.

The problem, though, is that baby iguanas need a lot of specialized care that not all pet keepers are capable of providing. Because of this, most of them died as infants.

So many adult iguanas ended dumped in parks and other areas by those people who could not keep them and many municipalities made them not legal as pets. In parts of Florida, pet iguanas that got dumped have taken over as an invasive species.

While all this was going on, dedicated reptile enthusiasts started to breed and domesticate other lizards such as bearded dragons and geckos. Those animals are much smaller than a 6-foot, 15-pound iguana, thus easier to keep as a pet. That is the main reason you seldom see baby iguanas offered for sale as pets.

If you do find one to purchase, you must be sure you are capable of keeping one as a pet before you purchase it.

Write to Marc Morrone at reapetxperts2@aol.com.

COURTESY OF CAMILLE AUBRAY

Although Sherry Boas enjoys being outside, sometimes books keep her indoors.

BOAS

Continued from Page E1

which, even though they were translated within the text, I enjoyed trying to figure out on my own. The characters she has created are likeable and quirky, the plot compelling and the story line, which twisted and turned in unexpected directions, never failed to hold my attention. Chapter after chapter, I found myself wondering what would happen next.

Part mystery, part historical fiction and part biographical exposé with just the right a dash of romance to add a hint of spice, "Cooking for Picasso" is like a delectable bouillabaisse of blended flavors and texture. It is one of those rare books you can't stop reading but don't want to end.

Sherry Boas can be reached at simplyliving@beautifulbamboo.com. Her columns can be found online at OrlandoSentinel.com/lake.

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THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2016-28 & Ordinance 2016-29 titled as follows:

ORDINANCE 2016-28

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 3 ACRES OF LAND LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMUNITY FACILITY DISTRICT (CFD) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2016-29

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 3 ACRES OF LAND GENERALLY LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; FROM LAKE COUNTY OFFICE TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2016-28 & Ordinance 2016-29 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 15, 2016, at 3 p.m.; and
2. Tavares City Council meeting on October 5, 2016, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 19, 2016, at 4 p.m. (Second Reading)

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

Proposed Ordinance 2016-28 & Ordinance 2016-29 may be inspected by the public between the hours of 8:00 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.

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Mount Dora
Pre-Owned 888-479-6160
Call Steve

J & M Affordable Auto Inc.
Leesburg
Pre-Owned 888-391-8879
Call Internet Department

Stan's Premium Cars
Leesburg
Pre-Owned 888-220-2616
Call Stan

Seth Lee Auto Sales
Tavares
Pre-Owned 888-744-5692
Call Jason

Mr. Skutt provided the following staff report:

The subject property is located on the northwest intersection of David Walker Drive and Dora Avenue. The Tavares 1st Church of the Nazarene is located on this land. The applicant desires to add classrooms to the church and connection to the City of Tavares wastewater utility is required for this expansion. The property is already connected to City water. The property is contiguous to our city boundary. The church property is zoned Community Facility in the County. The applicant is requesting a City General Commercial (C-1) zoning. A church use is permitted within the C-1 zoning district. Adjacent properties that have been previously annexed into the city have been similarly zoned Commercial.
The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Office to City of Tavares Commercial on the Future Land Use Map 2020.
It is staff's opinion that a General Commercial (C-1) zoning is the most compatible designation for this property.

DISCUSSION

Morris Osborn asked for comments from the audience

Brenda Smith introduced herself as the representative for the Church, and stated that she could answer any of the Board's questions.

There was no Board discussion.

MOTION

Norb Thomas moved to recommend approval of Ordinance 2016-28, seconded by Lou Buigas. The motion carried unanimously 4-0.

2. Ordinance 2016-29 – Tavares Church of the Nazarene – SSFLUM

Mr. Skutt provided the following staff report:

Ordinance 2016-29 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 2986077) is 3 acres in size, located on the northwest intersection of David Walker Drive & Dora Avenue. This ordinance would amend the current Future Land Use Designation from Lake County Office to City of Tavares Commercial.

Future Land Use Amendment
The city is required to place a future land use designation on annexed property. The subject property is currently designated County Office. A City Commercial designation is most compatible with surrounding property.

Compatibility
Lands adjacent and in the vicinity of this property are commercial in nature.

Site Conditions
The property is currently utilized as a Church. Prior to any redevelopment or additions, an approved site plan will be required. All applicable environmental assessments and permitting must be in place before the site plan is approved.

Impact on City Services

The subject property is located in the City's Utility Service Area. The City of Tavares has municipal water and sewer services available to the subject parcel and any new development on this property must connect to city utilities. 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. Adverse impacts on Levels of Service are not implicated.

FINDINGS

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

1. *A 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 any development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)*

DISCUSSION

There was no audience discussion

There was no Board discussion.

MOTION

Lou Buigas moved to recommend approval of Ordinance 2016-29, seconded by Norb Thomas. The motion carried unanimously 4-0.

3. Resolution 2016-17 – Couglar Property – Variance

Mr. Skutt provided the following staff report:

This is a variance application from Jessica Cougler to construct an accessory residential structure in the exterior side yard of her property located at 404 North Disston Avenue. The owner of the property desires to build a 144 square foot detached covered deck beside their existing home. The subject property is a corner lot and the existing home is configured in a manner so that there is a limited rear yard and a substantial side yard. The proposed side yard setback of this accessory structure is greater than 12.5 feet which is the minimum exterior side yard setback for accessory structures located in rear yards on corner lots. The City's Land Development Regulations allow accessory structures only in a rear yard within a residential district.

The property's exterior side yard is fenced from street view and due to the existing home's setbacks, this side yard functions as a rear yard to the house. It is staff's opinion that this variance is appropriate considering the existing conditions. A building permit issued by the City's Building Department will be required for the proposed structure.

DISCUSSION

There was no audience discussion

There was no Board discussion.

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 19, 2016

AGENDA TAB NO. 8 **SECOND READING**
SUBJECT TITLE: **Ordinance 2016-27**
Planned Development Ordinances
Lake Hermosa Village

OBJECTIVE:

To consider a Planned Development Ordinance that rescinds expired, undeveloped PD ordinances 1994-20 and 2006-05 that apply to the subject property and to approve a new Planned Development Ordinance that would govern the development regulations for a proposed new Mixed Use Village for property generally located between Mt. Homer Drive and Lake Hermosa.

SUMMARY:

The Planned Development Ordinances and regulations that presently govern the subject property were originally passed in 1994 and 2006. Neither of these proposed developments materialized and these PD ordinances have now expired. Waterman Center, LLC and Lake Hermosa Village, LLC have combined properties that were part of these expired ordinances and their desire is to develop these lands as a Planned Mixed Use Village regulated by a new Development Ordinance that specifically addresses their town village concept for development. The applicant is also the developer of Avalon Park in east Orlando which will serve as a business and planning model. In essence, the proposed village envisions a fairly dense, self-contained, connected living environment consisting of varying home styles, with supporting office, commercial, medical, educational and recreational services.

The subject property consists of approximately 155 acres of undeveloped land generally located west of Mount Homer Drive, westerly to and partially surrounding Lake Hermosa. The conceptual plan attached to the ordinance allows a maximum of 1,088 dwelling units of varying types. Of these, 788 units are either attached or multi-family in nature. Lots sizes are typically small with minimal setback requirements resulting in densely populated neighborhoods when compared to the city's usual, more suburban existing subdivisions. The plan allows supporting, ancillary uses such as a charter school, a village center, senior facilities, self-storage units, medical offices, parks, recreational facilities and pedestrian trails. The predominant goal is to make the Village as self contained as possible. The Avalon Park vision statement is "Live, Learn, Work and Play".

This proposed development is synonymous with modern, sustainable planning concepts and maximizes the efficiency of municipal service delivery. The village will not only compliment the expanding Medical Village in that area of town, but the additional, presumably active and younger population will enjoy and give support to our city's increasingly sophisticated downtown environment and cultural events.

At the September 15, Planning & Zoning Board meeting, residents abutting the northerly boundary of the project commented on access points and abutting building height. The Developer has made modifications to the ordinance (highlighted in yellow) that address these concerns.

Developer has made modifications to the ordinance (highlighted in yellow) that address these concerns.

It is staff's opinion that the approval and development of this Planned Mixed Use Village will ultimately be viewed as a key advancement in the economic growth of our city.

OPTIONS:

1. That City Council moves to approve Ordinance 2016-27.
2. That City Council moves to deny Ordinance 2016-27.

PLANNING & ZONING BOARD RECOMMENDATION:

At its September 15 meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2016-27.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2016-27.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2016-27

A PLANNED DEVELOPMENT ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REVOKING AND REPLACING PORTIONS OF EXPIRED PLANNED DEVELOPMENT ORDINANCES 94-20 AND 2006-05 AS THEY PERTAIN TO APPROXIMATELY 155 ACRES OF UNDEVELOPED LANDS GENERALLY LOCATED WEST OF MOUNT HOMER DRIVE, WESTERLY TO AND PARTIALLY SURROUNDING LAKE HERMOSA, ADOPTING A NEW PLANNED DEVELOPMENT ORDINANCE THAT WOULD ALLOW AND PROVIDE GOVERNING REGULATIONS FOR THE DEVELOPMENT OF A MIXED-USE URBAN VILLAGE, PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION TO WHICH THIS PLANNED DEVELOPMENT IS APPLICABLE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subject property is generally developmentally regulated by expired PD Ordinances 1994-20 and 2006-05; and

WHEREAS, neither of these Planned Developments were constructed and the subject lands remain vacant; and

WHEREAS, the owners of the subject property, Waterman Center LLC and Lake Hermosa Village LLC has made an application to apply new Development Regulations to this property to facilitate the construction of a Mixed Use Urban Village; and

WHEREAS, the applicant has provided a conceptual plan, **"Exhibit B"**, showing generally the location of proposed uses; and

WHEREAS, the applicant has also provided conceptual character images, "**Exhibit D**", showing photographs of the proposed character of the development; and

WHEREAS, the proposed development is in compliance with the existing Future Land Uses of Medium Density and Commercial under our city's Comprehensive Plan; and

WHEREAS, the City of Tavares City Council has determined that adoption of this Ordinance is in the interest of the general health, welfare and safety of the citizens of Tavares; therefore:

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

Section 1. Planned Development Zoning

The subject property, as legally described in **"Exhibit A"** attached to this Ordinance and made a part hereof by this reference, shall be and is hereby zoned to a City of Tavares Planned Development District (PD) zoning designation subject to the provisions contained within this Ordinance. This Ordinance does hereby extinguish expired Planned Development Ordinances 94-20 and 2006-05 that may be applicable to the subject property.

The purpose of this Section 1 is to set forth basic development regulations and to generally describe the project (the "Project") which is being developed as a Planned Unit Development on the subject, hereinafter referred to as a "PD", as specified in Chapter 8 of the Land Development Regulations of the City of Tavares, Florida.

Future development of the Project shall be governed by the contents of this Ordinance and applicable sections of the City of Tavares Land Development Regulations and Code of Ordinances, and all other applicable rules, regulations and ordinances of the City in effect at the time of development. Where in conflict, the terms of this Ordinance shall take precedence over the City of Tavares Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City, unless otherwise noted.

LAKE HERMOSA VILLAGE PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL

Master Development Plans

Development shall be in accordance with the application, plans, and information submitted for the PD (the "Project"), unless otherwise stipulated or modified herein.

General

Open Space/Buffering

1. **Wetlands (conservation/preservation areas) shall be as defined by the City of Tavares Comprehensive Plan and shown on all preliminary development plans/preliminary site plans and construction plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency; i.e., the St. Johns River Water Management District (SJRWMD), the Florida**

Department of Environmental Protection (FDEP), or the Army Corps of Engineers (ACOE). These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary development plan/preliminary site plan. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to the City of Tavares prior to construction plan/construction site plan approval.

2. The developer shall create one or more mandatory homeowners'/property owners'/condominium owners'/merchants' association(s) in the form of a nonprofit corporation recorded in the official records of the City of Tavares and registered with the Secretary of State, State of Florida, or, if approved by the Board, a Community Development District, hereinafter known as CDD, that, in the aggregate, encompass the entire boundaries the Planned Development except for any real property to be conveyed to the City. The developer shall convey in fee simple to the association or CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the City. All such conveyances shall be for a value that does not exceed the fair market value of the land conveyed. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the City of Tavares' Community Development Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or CDD. Any impact/mobility fee credits for improvements funded by CDD shall be issued to CDD and not the developer.

Parks, Open Spaces and Trails

3. There will be no minimum size requirement for a park and the cumulative park area will be five percent of the total land area within the community. Any large park areas, regardless of their location within the community, shall be counted towards this requirement. Retention ponds shall not be calculated towards this requirement.

Transportation/Circulation

Access Management

4. **Applicant/developer shall be responsible for the construction of the Site Access Improvements in phases prior to or concurrent with construction of the infrastructure improvements to serve the portions of the Project necessitating such improvements. At the time of each preliminary site plan approval, applicant/developer shall provide to the City for its review and approval, the list of Site Access Improvements that have been or will be constructed to serve the existing phases of the Project and the phase(s) that are being considered for approval as part of such site plan approval. Provided that the City confirms that such proposed Site Access Improvements are adequate to serve such existing and proposed phase(s) of the Project, applicant/developer shall be permitted to construct the Site Access Improvements in the phases as proposed by applicant/developer. If the Project trips are exceeded for any access point, then the applicant/developer shall be required to demonstrate through additional access management analysis, as approved by the City, that the City's adopted Level of Service standards will be maintained at each access point.**

5. **The construction by the applicant/developer of the Site Access Improvements as set forth in "Exhibit B" shall vest the Project against further required access requirements for City purposes through December 31, 2036, subject to the following conditions:**

6. **All roads that will be used to access public-purpose sites, such as public school, public park, library, and fire/rescue sites, if any (as determined by the School Board, Parks and Recreation Department, Libraries Services Department, Emergency Services Department, or DRC, as applicable) shall be public roadways and constructed in accordance with applicable City/FDOT design, construction, and signage standards. Such roadways shall be deeded in fee simple to the City, a CDD or FDOT, as applicable, prior to or concurrent with the first record plat containing such roadways, or where no record plat is required prior to or concurrent with the issuance of the first CO for a building utilizing such roadways.**

7. **The access points shown on the conceptual plan in "Exhibit "B" are conceptual only. Permanent placement of each access point shall be determined at the time of review with by the City's Development Review Committee and shall meet established access-management criteria and the access management approvals granted herein. In no event shall automobile access be granted adjacent to 1400 Clay Blvd., 1420 Clay Blvd., 1472 Clay Blvd., or 1550 Clay Blvd.**

Dedication of Right-of-Way

8. **Unless otherwise determined by the City's Development Review Committee, streets may be private but shall be constructed to City standards. In case of private streets, dedication and maintenance**

shall be the responsibility of a Homeowner's/Property Owner's Association or CDD, as applicable. The City of Tavares will not be responsible for the maintenance of any private streets.

Utilities: Drainage, Water Service, Wastewater Disposal

9. **A Master Utility Plan for the entire development shall be submitted to the City of Tavares' Public Utilities Department for review and approval, prior to submittal of the first preliminary plan/preliminary site plan. This utility plan shall minimally show the following:**

   a. Trunk sewer lines and lift stations.

   b. Main potable water lines and nonpotable water lines, if applicable.

   c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.

   d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.

   e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the City of Tavares' Public Utilities Department.

10. **The developer shall construct all water and wastewater facilities within the Project to current City of Tavares Standards. A complete set of instructions may be obtained from the City of Tavares' Public Utilities Department.**

Land Use

11. **Land uses and entitlements may be exchanged by applicant/developer in accordance with the Land Use Equivalency Matrix attached hereto as "Exhibit B". Land use exchange requests shall be submitted to the Director of Planning and Development or designee for verification as to implementation and administrative approval in accordance with the Land Use Equivalency Matrix and shall not constitute an amendment to the PD. Subject to the exchanges permitted by the Land Use Equivalency Matrix, the Project's maximum levels of development are as follows:**

	Commercial (SF)	Office (SF)	School (K-12)	Total Single Family Attached (DU)	Total Single Family Detached (DU)	Total Multifamil (DU)
Proposed Use	150000	50000	1850 stud	100	300	688

12. **The PD Conceptual Plan for the Project depicts and is intended to be a mixed-use village. The designated land use areas are conceptual and subject to final design, surveying, environmental analysis, engineering, permitting, and governmental approval. Site layout, product type and density are subject to change but shall as reasonably possible generally conform to the conceptual plan. Listed below are the allowable uses for the PD:**

Permitted Uses: Commercial, retail, professional services, offices (including administrative, medical and professional), hospitals, medical facilities and clinics, entertainment (including bars, lounges, theaters), civic, cultural, restaurants, hotels/motels, single family attached, multi-family residential, single family detached, vertically mixed-use (such as multi-family and retail), commercial, services, adult congregate living facilities (including ALF and ILF), daycare, churches, public service and educational facilities, residential treatment and care facilities, support commercial/retail and services, observation tower and permanent and temporary retail and service kiosks, and any other use permitted within a Medium Density / Commercial zoning.

- Garage apartments and guest suites shall be accessory units and shall not be considered separate residential units for purposes of the PD Entitlements.

- Garage apartments and guest suites may be constructed as part of the original home construction or as a post-construction addition.

- For-sale lots in the Project (attached or detached product) may have either a garage apartment or a guest suite, but in no instance may they have both.

- Garage apartments and guests suites may have a kitchen, in addition to other typical amenities, such as a living area, bathroom, and, bedroom(s).

- Garage apartments and guests suites shall be served by the same water meter and electric meter as the primary residence.

- Garages with garage apartments or guest suites may NOT be sold as separate dwelling units independent of the primary residence through a lot split, subdivision or other conveyance.

13. **The development standards for the entire project shall be as follows:**

1. **COMMERCIAL/OFFICE/VERTICALLY MIXED USE (INCLUDING RESIDENTIAL)/OBSERVATION TOWER**

(a) **Lot Coverage/Size**- 95%, no minimum lot size

(b) **Floor Area Ratio**- N/A- development will be limited by building height, parking requirements and lot coverage

(c) **Building Setbacks**-

i. Side Yard- 0'
ii. Rear Yard- 5'
iii. Front Setback- 10' from back of curb

(d) **Parking-**

i. Joint use allowance/shared parking is permitted and is strongly encouraged in these areas due to the proximate uses. Each block and/or area identified by applicant/developer for shared parking area and their associated uses will be analyzed to determining the total required parking for that block. The following table will determine the parking requirements and the required number of spaces for an individual use below shall be required on each block/shared parking area until another permitted, shared parking use is proposed for development. Where developer seeks to use shared parking, it shall provide an analysis to demonstrate compliance with the table below on a block-by-block/shared parking area basis.

SHARED PARKING							
Mixed-Use	Number of Parking Spaces	**Weekday**			**Weekend**		
		8am-6pm	6pm-12am	12am-8am	8am-6pm	6pm-12am	12am-8am
Multi-Family							
1 Bedroom	1.5	60%	100%	95%	100%	70%	95%
2+ Bedrooms	2	60%	100%	95%	100%	70%	95%
Townhouse	2	60%	100%	95%	100%	70%	95%
Mixed-Use							
General Retail	3.3 / 1000 sf	60%	95%	5%	100%	70%	5%
General Office	3.3 / 1000 sf	100%	10%	5%	10%	5%	5%
Convenience Retail*	5 / 1000 sf	60%	95%	5%	100%	70%	5%
K-12 Schools	Lake County Code or SREF**	100%	20%	5%	10%	10%	5%

	(whichever is less)						
Church	1 / 3 seats	10%	5%	5%	100%	50%	5%
ILF (1-3 Bedrooms)	1.5	60%	100%	100%	70%	100%	95%
ALF	.5 / bedroom	100%	60%	60%	80%	60%	60%

*- Convenience Retail are those uses usually accessed by the automobile. (i.e.- Grocery, Gas Stations, freestanding drug stores such as CVS/Walgreens)
**- State Requirements for Educational Facilities

ii. On-street parking may be used to meet parking requirements

iii. On-street parking will occur on all streets in the Mixed Use areas

iv. Tandem parking is permitted

(e) **Maximum Building Height-** Up to 7 stories or 100' (see item 14 for exception)

2. **TOWNHOME (ATTACHED SINGLE FAMILY)**

(a) **Lot / Building Site Size**
i. Min building width- 16'
ii. Min lot size- 16' x 80'

(b) **Maximum Lot Coverage-** 95%

(c) **Minimum Setbacks**
i. Front Setback- 5'
ii. Side Setback- 0'
iii. Corner lot side Setback- 5'
iv. Building separation- 10'

(d) **Parking-** in accordance with the table above.

(e) **Maximum Building Height-** 4 stories (see item 14 for exception)

3. **MULTI-FAMILY DESIGN STANDARDS**

(a) **Lot / Building Site Size**
i. Min building width- 20'

(b) **Maximum Lot Coverage-** 95%

(c) **Floor Area Ratio-** N/A- development will be limited by building height, parking requirements and lot coverage

(d) **Minimum Setbacks**

i. Front Setback- 5'
ii. Side Setback- 0'
iii. Corner lot side Setback- 5'
iv. Rear Setback (edge of pavement)- 10'
v. Building separation- 10'

(e) **Parking-** in accordance with the table above.

(f) **Maximum Building Height-** Up to 7 stories or 100' (see item 14 for exception)

4. **Single Family**

(a) **Lot Size-** see setback matrix below

(b) **Minimum Setbacks-** see setback matrix below

(c) **Maximum lot coverage-** see setback matrix below

(d) **Maximum Building Height-** 3 stories

(e) **Landscaping-** In addition to City requirements, developer shall provide the following trees within the Residential Neighborhood unless otherwise approved by City staff:

i. All roadways shall have one canopy tree installed for every single detached family lot with roadway frontage and one canopy tree for every 50 feet of roadway frontage for attached single family blocks.
ii. Corner lots shall have two additional canopy trees installed along the side adjacent to the roadway.

		FRONT LOADED												
Lot Type	Min. Lot Size	Primary Unit Setback				Garage Setback				Front Porch Setback				Lot Coverage
		F	S	R	C	F	S	R	C	F	S	R	C	
A- Townhome	16' x 80'	10'	0'/5'	10'	10'	20'	0'/5'	5'	5'	3'	0'/5'	NA	8'	85%
B- Villa	30' x 80'	10'	0'/5'	10'	10'	20'	0'/5'	5'	5'	3'	0'/5'	NA	8'	85%
C- Single Family	32' x 80'	10'	5'	10'	10'	20'	5'	5'	5'	3'	5'	NA	8'	70%
D- Zero Lot Line	32' x 90'	15'	0'/10'	10'	10'	25'	0'/10	5'	5'	8'	0'/10'	NA	8'	70%
C- Offset Lot	40' x 90'	15'	3'/12'	10'	10'	25'	5'(2)	5'	5'	10'	3'/12'	NA	8'	70%
F-Cluster	50'x50'	5'/10'(3)	5'	5'	10'	18'	5'	5'	10'	5'	5'	NA	5'	75%
G- Single Family	32'-80' x 100'	15'	5'	10'	10'	25'	5'	5'	5'	8'	5'	NA	8'	70%

		REAR LOADED												
Lot Type	Min. Lot Size	Primary Unit Setback				Garage Setback				Front Porch Setback				Lot Coverage
		F	S	R	C	F	S	R	C	F	S	R	C	
A- Townhome	16' x 80'	10'	0'/5'	10'	10'	NA	0'/5'	8'(1)	5'	3'	0'/5'	NA	8'	85%
B- Villa	30' x 80'	10'	0'/5'	10'	10'	NA	0'/5'	8'(1)	5'	3'	0'/5'	NA	8'	85%
C- Single Family	32' x 80'	10'	5'	10'	10'	NA	5'	8'(1)	5'	3'	5'	NA	8'	70%
D- Zero Lot Line	32' x 90'	15'	0'/10'	10'	10'	NA	0'/10'	8'(1)	5'	8'	0'/10'	NA	8'	70%
E- Single Family	32'-80' x 100'	15'	5'	10'	10'	NA	5'	8'(1)	5'	8'	5'	NA	8'	70%

(1) Garage setback on rear loaded lots will be measured from the edge of the alley pavement.
(2) 80% of lot depth must maintain 10'-0" distance between units and 20% of lot depth must maintian 8'-0" distance between units.
(3) Front Yard Setbackof 10 Feet External and 5 Feet Internal Facing the Common Courtyard for Primary Structure

14. **The maximum building height on any lot that abuts Clay Boulevard or abuts an existing home on Clay Boulevard shall be 3 stories.**

15. **The commercial/retail uses shall be in accordance with the C-2 General Commercial Zoning District's permitted uses and specific conditional use is hereby granted for the sale or consumption of alcoholic. In addition, the distance limitation/conditional use permit requirement for alcoholic beverages sales or consumption from school, park, place of worship, or church located within the Project is hereby waived unless otherwise prohibited by State Statute.**

16. **Throughout the Project, balconies, porches, stoops, roof overhangs may encroach upon front setback and corner lot side setback, and balconies and roof overhangs may encroach upon the rear setback.**

Payment of Impact Fees

17. **The applicant/developer or its successors shall pay school impact fees for the impacts of the non-senior residential component of the MPD to the Lake County.**

School Concurrency

18. **The applicant/developer shall be required to comply with all applicable provisions of the adopted School Concurrency Ordinance, but shall not be required to provide an on-site school.**

Charter School Design

19. **Size, design and construction requirements for any charter schools shall be as required by Florida law and not the design requirements for traditional public schools as adopted by the Lake County School District.**

Procedures

20. **If the preliminary plans and/or preliminary site plans for the entire PD Master Planned Development are not approved by December 31, 2027, the conditions of approval shall expire for those portions of the MPD Master Planned Development that do not have (unexpired) preliminary plan or preliminary site plan approval. This expiration date may be extended by City Council for up to five year increments upon petition from the applicant/Developer and based upon good cause, as determined by City Council; provided that any extension shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order.**

21. **A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Conceptual Plan. A preliminary site plan must also be approved for each multifamily (non-fee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.**

22. **In addition to complying with the above conditions, no activity shall commence on site until such time as all required applicable permits have been obtained and received by the City of Tavares.**

Exhibits: **"A" - Legal Description**
"B" – Conceptual Plan
"C" – Land Use Equivalency Matrix
"D" – Character Images

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 _____day of _____, 2016, by the City Council of the City of Tavares, Florida.

_____
Lori Pfister, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

_____

Nancy A. Barnett, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____

Robert Q. Williams, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

WATERMAN CENTER
DESCRIPTION

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, LYING WESTERLY OF THE NORTHWESTERLY RIGHT OF WAY OF THE ATLANTIC COAST LINE RAILROAD, THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE ATLANTIC COAST LINE RAILROAD, THAT PART OF THE PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS, AS RECORDED IN PLAT BOOK 6, PAGE 84, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THAT PART OF LOT C, WEBB AND RIDDLE SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 18, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, ALL LYING IN SECTION 15, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, AND THAT PART OF THE MAP OF LAND OF GEORGE W. BOWEN AT MT. HOMER, AS RECORDED IN PLAT BOOK 2, PAGE 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF THE ATLANTIC COAST LINE RAILROAD WITH THE SOUTHERLY RIGHT OF WAY LINE OF CLAY BOULEVARD AS SHOWN ON SAID PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS; THENCE RUN ON A BEARING RELATED TO FLORIDA STATE PLANE COORDINATES, EAST ZONE, S22°07'33"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 188.15 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1884.86 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND WESTERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 17°58'01" FOR AN ARC DISTANCE OF 591.06 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE S40°05'35"W FOR 1676.53 FEET TO THE SOUTH LINE OF SAID PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE AND SOUTH LINE OF SAID PLAT, N89°38'41"W FOR 32.51 FEET; THENCE DEPARTING SAID SOUTH LINE OF SAID PLAT, CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, S40°05'35"W FOR 1736.14 FEET TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 15; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, S89°53'23"W ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 15 FOR 32.73 FEET TO THE WESTERLY RIGHT OF WAY LINE FOR MOUNT HOMER ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 751, PAGE 47, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE, CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE FOR MOUNT HOMER ROAD, S40°05'35"W FOR 1529.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 25.00 FEET (ALSO BEING THE NORTHERLY RIGHT OF WAY LINE FOR HUFFSTETLER DRIVE AS RECORDED IN OFFICIAL RECORDS BOOK 2104, PAGE 399, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA); THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 61°23'04" FOR AN ARC DISTANCE OF 26.78 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 660.00 FEET; THENCE CONTINUE WESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 19°16'22" FOR AN ARC DISTANCE OF 222.01 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 740.00 FEET; THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 13°47'49" FOR AN ARC DISTANCE OF 178.19 FEET TO A POINT ON THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4611, PAGE 1481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE RUN ALONG THE EASTERLY AND

SOUTHERLY LINE OF SAID PARCEL AND ALSO ALONG THE SOUTHERLY, EASTERLY AND NORTHERLY LINE OF THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4715, PAGE 31, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THE FOLLOWING SEVEN (7) COURSES: N00°06'36"W FOR 228.83 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 421.00 FEET; THENCE NORTHEASTERLY, FROM A RADIAL LINE WHICH BEARS N49°43'02"W, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°41'48" FOR AN ARC DISTANCE OF 321.08 FEET TO THE POINT OF TANGENCY; THENCE N83°58'46"E FOR 273.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°53'02" FOR AN ARC DISTANCE OF 38.30 FEET TO THE POINT OF TANGENCY; THENCE N40°05'44"E FOR 423.25 FEET; THENCE N00°35'25"W FOR 657.75 FEET; THENCE S89°24'35"W FOR 1108.23 FEET TO THE WESTERLY LINE OF AFORESAID LOT C, WEBB AND RIDDLE SUBDIVISION; THENCE N17°15'29"W ALONG SAID WESTERLY LINE FOR 1313.81 FEET TO THE NORTHERLY LINE OF SAID LOT C; THENCE N87°09'08"E ALONG SAID NORTHERLY LINE FOR 985.00 FEET TO THE EAST LINE OF SAID LOT C; THENCE S00°01'22"E ALONG SAID EAST LINE FOR 349.89 FEET TO THE NORTH LINE OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15; THENCE N89°53'49"E ALONG SAID NORTH LINE FOR 264.00 FEET; THENCE DEPARTING SAID NORTH LINE, S00°01'22"E FOR 310.99 FEET TO A WITNESS CONCRETE MONUMENT 10.0 FEET, MORE OR LESS, SOUTH OF SAID WATER'S EDGE FOR LAKE HERMOSA; THENCE NORTHEASTERLY ALONG SAID WATER'S EDGE TO THE INTERSECTION OF THE AFORESAID SOUTH LINE OF PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS WITH WATER'S EDGE OF LAKE HERMOSA AND HAVING A WITNESS CONCRETE MONUMENT ALONG THE SAID SOUTH LINE THAT IS N89°38'41"W A DISTANCE OF 1381.38 FEET FROM THE INTERSECTION OF THE SAID SOUTH LINE OF PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS AND THE AFORESAID WESTERLY RIGHT OF WAY LINE OF ATLANTIC COAST LINE RAILROAD, SAID POINT BEING 26.5 FEET, MORE OR LESS, EAST OF WATER'S EDGE AND HAVING A TIE BEARING OF N60°32'05"E AND A DISTANCE OF 668.80 FEET FROM THE AFORESAID WITNESS CONCRETE MONUMENT; THENCE CONTINUE ALONG SAID WATER'S EDGE TO THE INTERSECTION OF THE LINE DIVIDING LOTS 16 AND 17, BLOCK 5 OF THE AFORESAID PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS AND THE WATER'S EDGE OF LAKE HERMOSA, SAID POINT HAVING A WITNESS 2 INCH DIAMETER IRON PIPE AT THE WATER'S EDGE, WITH A TIE BEARING OF N17°47'01"W AND A DISTANCE OF 935.76 FEET FROM THE AFORESAID WITNESS CONCRETE MONUMENT ON THE SOUTH LINE OF PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS; THENCE N36°12'46"E ALONG SAID LINE DIVIDING LOTS 16 AND 17 AND ITS EXTENSION NORTHEASTERLY FOR 249.60 FEET TO THE CENTERLINE OF HERMOSA ROAD (NOW CLOSED); THENCE S55°58'01"E ALONG SAID CENTERLINE FOR 74.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 885.00 FEET; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND CENTERLINE THROUGH A CENTRAL ANGLE OF 09°53'42" AN ARC DISTANCE OF 152.84 FEET TO THE INTERSECTION OF THE CENTERLINE OF HERMOSA ROAD AND THE CENTERLINE OF SOUTH PALMETTO CIRCLE (NOW CLOSED), SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIAL BEARING OF S49°48'40"W AND A RADIUS OF 720.29 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF SOUTH PALMETTO CIRCLE THROUGH A CENTRAL ANGLE OF 26°28'28" AN ARC DISTANCE OF 332.82 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE AFORESAID CLAY BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE NORTHERLY HAVING A RADIAL BEARING OF S00°32'02"W AND A RADIUS OF 1697.20 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 01°48'13", AN ARC DISTANCE OF 53.43 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 620, PAGE 1816, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S21°14'30"E ALONG THE WEST LINE OF SAID PARCEL OF LAND FOR 150.00 FEET; THENCE N85°09'08"E ALONG THE SOUTH LINE OF SAID PARCEL OF LAND FOR 132.97 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2308, PAGE 648; THENCE N83°51'29"E ALONG THE SOUTH LINE OF SAID PARCEL OF LAND FOR 150.15 FEET; THENCE N11°46'33"W ALONG THE EAST LINE OF SAID PARCEL OF LAND FOR

150.29 FEET TO THE SOUTH RIGHT OF WAY LINE FOR AFORESAID CLAY BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTH HAVING A RADIAL BEARING OF S11°39'43"E AND A RADIUS OF 1697.20 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 01°41'22", AN ARC DISTANCE OF 50.04 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 366, PAGE 113, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S11°44'30"E ALONG THE WEST LINE OF SAID PARCEL OF LAND FOR 160.18 FEET; THENCE N47°50'41"E ALONG THE SOUTH LINE OF SAID PARCEL OF LAND FOR 108.01 FEET TO THE MOST WESTERLY CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 832, PAGES 422 AND 423, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S56°17'53"E ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND FOR 119.86 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 832, PAGES 952 AND 953; THENCE S85°55'40"E ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND FOR 150.07 FEET; THENCE N12°26'16"W ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND FOR 134.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE FOR ELIZABETH CIRCLE, SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIAL BEARING OF S14°50'39"E AND A RADIUS OF 160.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 83°22'18" AN ARC DISTANCE OF 232.82 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF AFORESAID CLAY BOULEVARD; THENCE N70°58'39"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 1189.14 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2269.99 FEET; THENCE CONTINUE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ARC OF CURVE, THROUGH A CENTRAL ANGLE OF 19°08'26", AN ARC DISTANCE OF 758.32 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE S89°52'55"E FOR 217.73 FEET TO THE POINT OF BEGINNING.

LESS

LOTS 21, 22, AND 23, BLOCK 30, AND THE EAST 1/2 OF SOUTH PALM CIRCLE LYING WESTERLY OF AND ADJACENT TO SAID LOTS 21, 22, AND 23 BLOCK 30, PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS, AS RECORDED IN PLAT BOOK 6, PAGE 84, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF THE ATLANTIC COAST LINE RAILROAD WITH THE SOUTHERLY RIGHT OF WAY LINE OF CLAY BOULEVARD AS SHOWN ON SAID PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS; THENCE N89°52'55"W ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 217.73 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2269.99 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ARC OF CURVE THROUGH A CENTRAL ANGLE OF 18°03'34", AN ARC DISTANCE OF 715.49 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SOUTH PALM CIRCLE (NOW CLOSED), SAID POINT BEING ON A CURVE CONCAVE WESTERLY HAVING A RADIAL BEARING OF N72°13'53"E AND A RADIUS OF 1389.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°11'07" AN ARC DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 23, BLOCK 30, OF SAID PLAT OF EUSTIS HEIGHTS ON LAKE EUSTIS AND THE POINT OF BEGINNING; THENCE N74°20'15"E ALONG THE NORTHERLY LINE OF SAID LOT 23 FOR 148.03 FEET, SAID POINT BEING ON A CURVE CONCAVE WESTERLY HAVING A RADIAL BEARING OF N79°10'29"E AND A RADIUS OF 1945.46 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°26'13" AN ARC DISTANCE OF 184.61 FEET; THENCE RUN S87°49'50"W FOR 146.52 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21, BLOCK 30; THENCE S84°36'08"W A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIAL BEARING OF N84°36'08"E AND A RADIUS OF 1369.46 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL

ANGLE OF 06°11'07" AN ARC DISTANCE OF 147.84 FEET; THENCE N78°25'00"E FOR 20.00 FEET TO THE POINT OF BEGINNING.

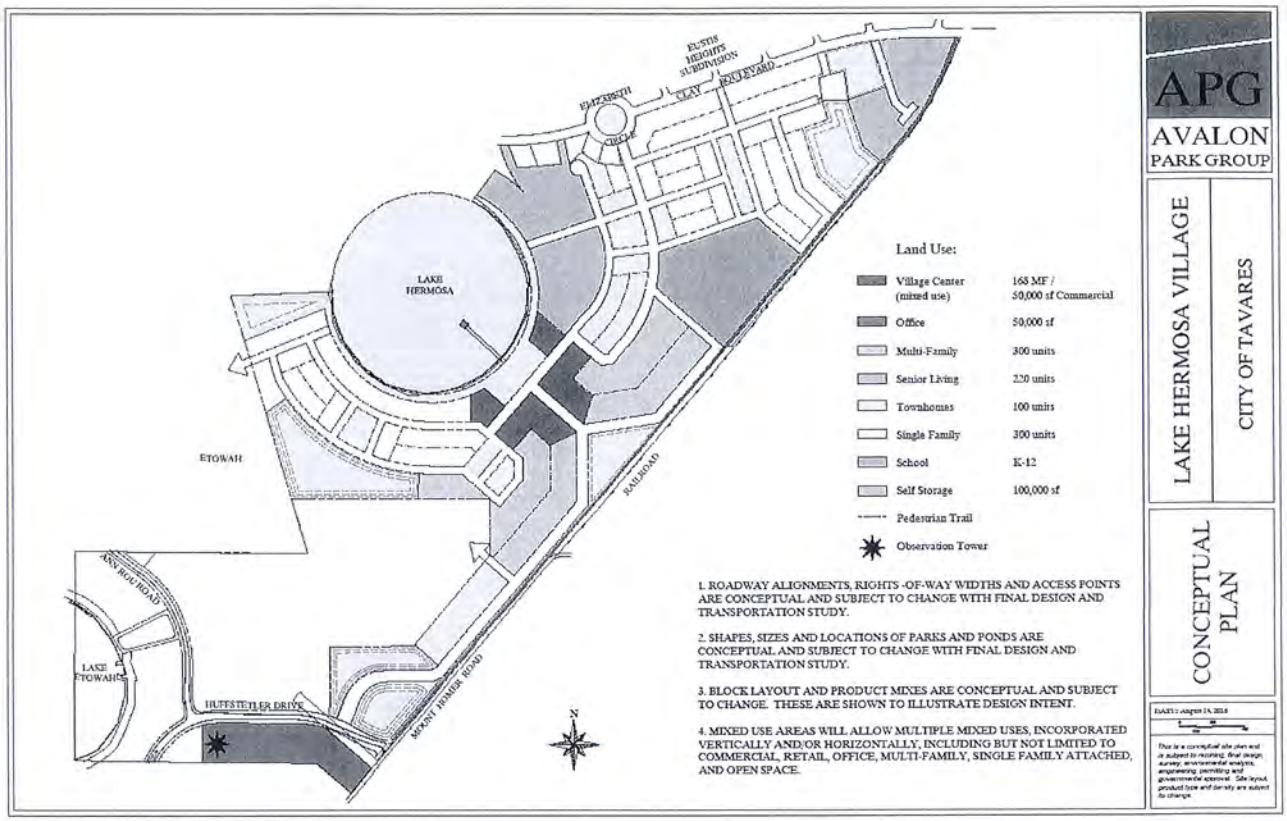
TOGETHER WITH

THAT PART OF THE MAP OF LAND OF GEORGE W. BOWEN AT MT. HOMER, AS RECORDED IN PLAT BOOK 2, PAGE 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, AND BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE FOR MOUNT HOMER ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 751, PAGE 47, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT OF WAY LINE FOR HUFFSTETLER ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 2104, PAGE 399, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE FOR MOUNT HOMER ROAD, S40°05'35"W FOR 279.09 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, N50°47'02"W FOR 267.15 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE ALONG SAID NORTH LINE, S89°53'17"W FOR 727.67 FEET; THENCE DEPARTING SAID NORTH LINE, N00°06'47"W FOR 234.76 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIAL BEARING OF N15°07'04"W AND A RADIUS OF 460.00 FEET (SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE FOR SAID HUFFSTETLER ROAD); THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°58'53" AN ARC DISTANCE OF 120.28 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: N89°51'49"E FOR 478.89 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 660.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°53'13" AN ARC DISTANCE OF 355.79 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 740.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°04'55" AN ARC DISTANCE OF 181.88 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 113°25'29" AN ARC DISTANCE OF 49.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 155.53 ACRES, MORE OR LESS.

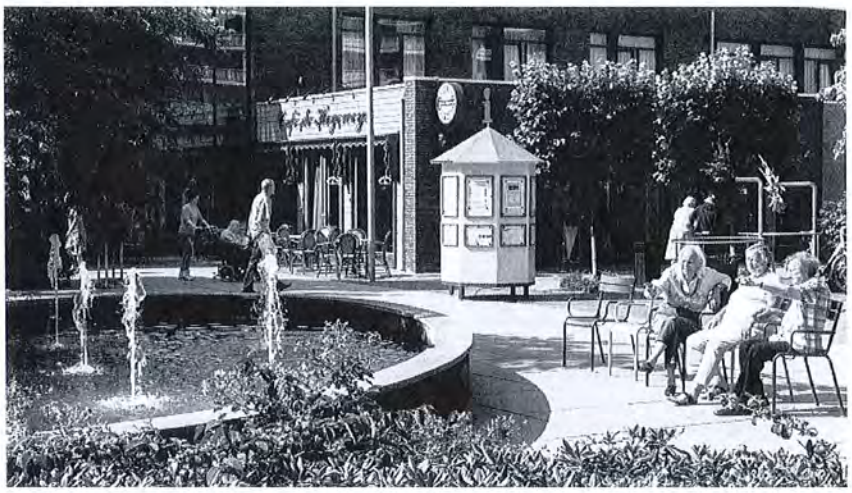
EXHIBIT "B"
CONCEPTUAL PLAN



Townhomes

Veteran's Village

Single Family



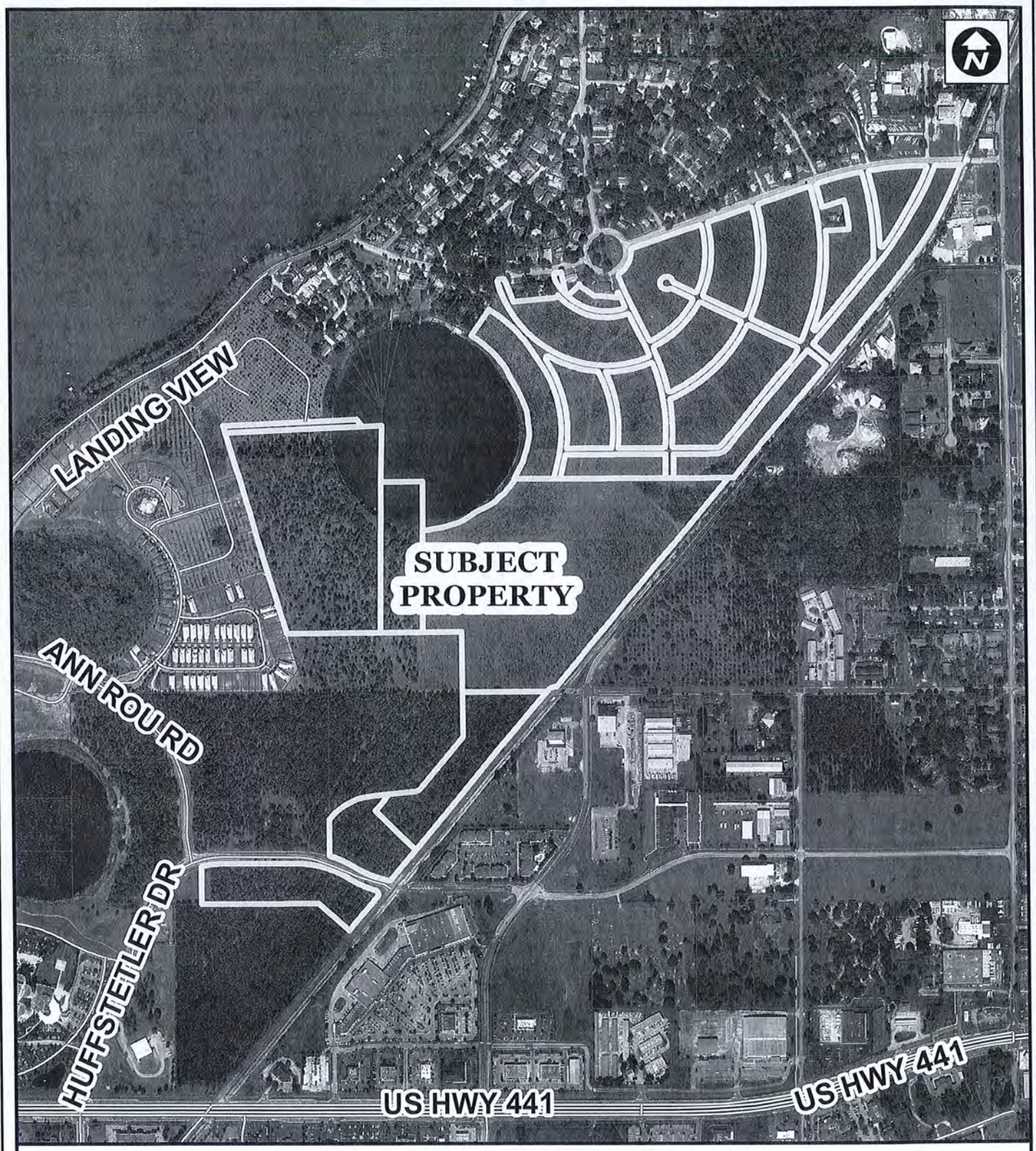
Dementia Village

Senior Living

Charter School

Self Storage

CITY OF TAVARES

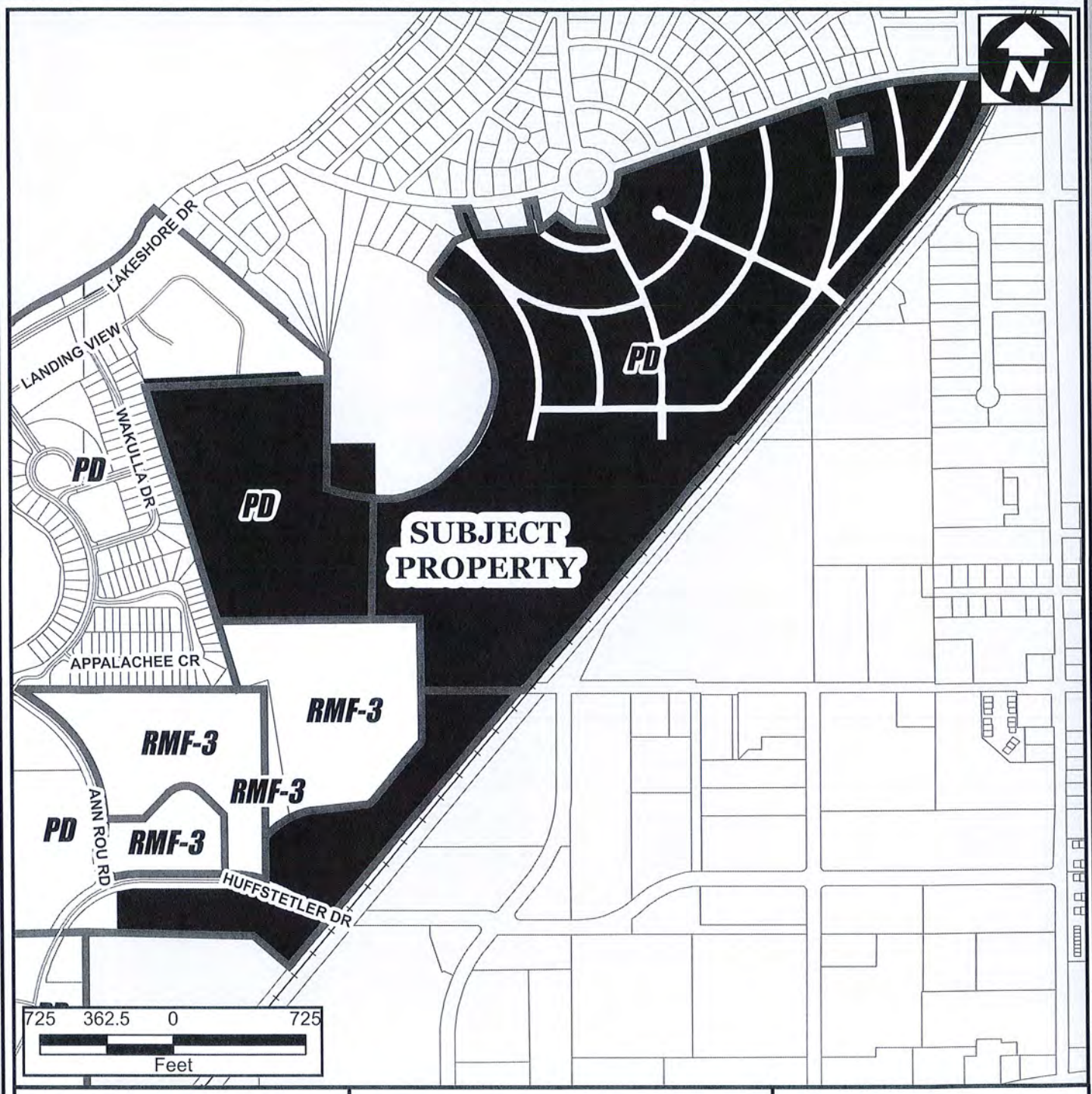


PROPERTY LOCATION MAP

TAVARES
America's Seaplane City

500 250 0 500
Feet

CITY OF TAVARES ORDINANCE # 2016-27



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

ZONING MAP

ORDINANCE # 2016-27

Lake Hermosa Village

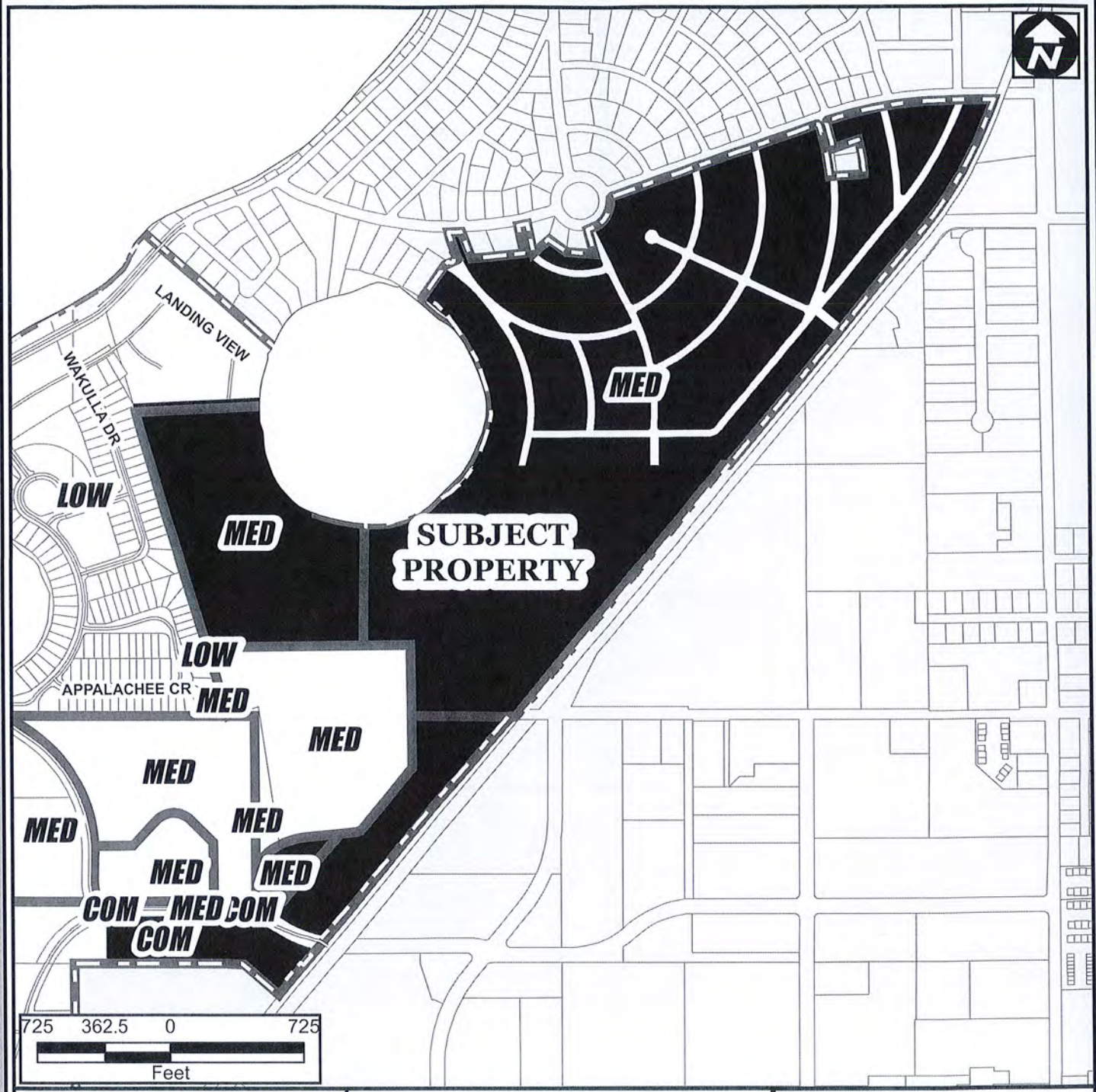
Current Zoning: PD
Proposed Zoning: PD

155.53 ± Acres

Legend

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

CITY OF TAVARES ORDINANCE # 2016-27



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	

TAVARES

FUTURE LAND USE MAP

ORDINANCE # 2016-27

Lake Hermosa Village

Current FLU: MED & COM

155.53 ± Acres

Legend

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

Orlando Sentinel

Publication Date: 09/05/2016

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Section/Page/Zone: Lake Zone/E004/LAK
Description: Ord. 2016-27

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THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Resolution 2016-17 titled as follows:

RESOLUTION 2016-17

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, SECTION 8.8 (D), ACCESSORY USES AND STRUCTURES, BY ALLOWING AN ACCESSORY STRUCTURE TO BE CONSTRUCTED WITHIN A SIDEYARD IN A RESIDENTIAL DISTRICT, AT PROPERTY LOCATED AT 404 NORTH DISSTON AVENUE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Resolution 2016-17 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 15, 2016, at 3 p.m.; and
2. Tavares City Council meeting on October 5, 2016, 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 2016-17 may be inspected by the public between the hours of 8:00 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.

PROPERTY LOCATION MAP
404 N. Disston Ave.

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 2016-26 titled as follows:

ORDINANCE 2016-26

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 APRROXIMATELY 59.3 ACRES OF LAND GENERALLY LOCATED NORTH OF FLORIDA WATERMAN HOSPITAL, FRONTING ONTO LAKE EUSTIS DRIVE AND ANN ROU ROAD; FROM A MIX OF LANDS DESIGNATED AS HIGH DENSITY RESIDENTIAL, LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL ALL TO MIXED USE COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2016-26 will be considered at the following public meetings:

1. Tavares City Council meeting on September 21, 2016, at 4 p.m. (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 2016-26 may be inspected by the public between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. 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.

PROPERTY LOCATION MAP

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 2016-27 titled as follows:

ORDINANCE 2016-27

A PLANNED DEVELOPMENT ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REVOKING AND REPLACING PORTIONS OF EXPIRED PLANNED DEVELOPMENT ORDINANCES 94-20 AND 2005-05 AS THEY PERTAIN TO APPROXIMATELY 155 ACRES OF UNDEVELOPED LANDS GENERALLY LOCATED WEST OF MOUNT HOMER DRIVE, WESTERLY TO AND PARTIALLY SURROUNDING LAKE HERMOSA, ADOPTING A NEW PLANNED DEVELOPMENT ORDINANCE THAT WOULD ALLOW AND PROVIDE GOVERNING REGULATIONS FOR THE DEVELOPMENT OF A MIXED-USE URBAN VILLAGE, PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION TO WHICH THIS PLANNED DEVELOPMENT IS APPLICABLE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Ordinance 2016-27 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 15, 2016, at 3 p.m.; and
2. Tavares City Council meeting on October 5, 2016, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 19, 2016, at 4 p.m. (Second Reading)

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

Proposed Ordinance 2015-27 may be inspected by the public between the hours of 8:00 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.

PROPERTY LOCATION MAP

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 2016-28 & Ordinance 2016-29 titled as follows:

ORDINANCE 2016-28

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 3 ACRES OF LAND LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMUNITY FACILITY DISTRICT (CFD) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2016-29

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 3 ACRES OF LAND GENERALLY LOCATED ON THE NORTHWEST INTERECTION OF DAVID WALKER DRIVE AND DORA AVENUE; FROM LAKE COUNTY OFFICE TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2016-28 & Ordinance 2016-29 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 15, 2016, at 3 p.m.; and
2. Tavares City Council meeting on October 5, 2016, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 19, 2016, at 4 p.m. (Second Reading)

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

Proposed Ordinance 2016-28 & Ordinance 2016-29 may be inspected by the public between the hours of 8:00 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.

PROPERTY LOCATION MAP

~~**MOTION**~~

~~**Roy Stevenson moved to recommend approval of Resolution 2016-17, seconded by Lou Buigas. The motion carried unanimously 4-0.**~~

4. Ordinance 2016-27 – Lake Hermosa Village – Rezoning

Mr. Skutt provided the following staff report:

The Planned Development Ordinances and regulations that presently govern the subject property were originally passed in 1994 and 2006. Neither of these proposed developments materialized and these PD ordinances have now expired. Waterman Center, LLC and Lake Hermosa Village, LLC have combined properties that were part of these expired ordinances and their desire is to develop these lands as a Planned Mixed Use Village regulated by a new Development Ordinance that specifically addresses their town village concept for development. The applicant is also the developer of Avalon Park in east Orlando which will serve as a business and planning model. In essence, the proposed village envisions a fairly dense, self-contained, connected living environment consisting of varying home styles, with supporting office, commercial, medical, educational and recreational services.

The subject property consists of approximately 155 acres of undeveloped land generally located west of Mount Homer Drive, westerly to and partially surrounding Lake Hermosa. The conceptual plan attached to the ordinance allows a maximum of 1,088 dwelling units of varying types. Of these, 788 units are either attached or multi-family in nature. Lots sizes are typically small with minimal setback requirements resulting in densely populated neighborhoods when compared to the city's usual, more suburban existing subdivisions. The plan allows supporting, ancillary uses such as a charter school, a village center, senior facilities, self-storage units, medical offices, parks, recreational facilities and pedestrian trails. The predominant goal is to make the village as self contained as possible. The Avalon Park vision statement is "Live, Learn, Work and Play".

This proposed development is synonymous with modern, sustainable planning concepts and maximizes the efficiency of municipal service delivery. The village will not only compliment the expanding Medical Village in that area of town, but the additional, presumably active and younger population will enjoy and give support to our city's increasingly sophisticated downtown environment and cultural events.

It is staff's opinion that the approval and development of this Planned Mixed Use Village will ultimately be viewed as a key advancement in the economic growth of our city.

DISCUSSION

Morris Osborn opened the discussion to the audience

Beat Kahli introduced himself as the developer – Avalon Park Group - and made a presentation about the concept of the development and how it would be similar to Avalon Park in East Orlando.

Lou Buigas asked if the proposal included homes for age 55 and older

Beat Kahli replied that homes for age 55 and older is a possibility

Lou Buigas asked what the median income is for residents of Avalon Park

Beat Kahli replied that he believed that household income was $90,000. He stated that the Lake Hermosa Village project could potentially attract individuals earning higher wages. He stated that he believed that the project would have a positive impact on adjoining property values.

Lou Buigas asked about the proposed charter school.

Beat Kahli stated that the Avalon Park Group has partnered with Academica charter school service. He stated that they would like to partner with Waterman Hospital regarding the charter school. He stated that he believes that charter schools are a good complement to Public schools.

Lou Buigas asked if the charter school was approved by the district.

Beat Kahli replied that it had not been approved yet.

Vernon Bond, 9 Hermosa Dr. Eustis, FL, asked if the proposed community dock had been approved yet. He stated that residents across Lake Hermosa own part of the lake.

Jacques Skutt stated that the dock permitting was not approved and dock construction would follow normal permitting procedure.

Vernon Bond asked if a Public Hearing would be held for community dock approval.

Bob Williams stated that building permits do not require a Public Hearing, but there may be some Public discussion with outside agencies that would also need to give approval.

Vernon Bond stated that there are boating restrictions on Lake Hermosa that limit motorized boats

Morris Osborn asked for clarification that there are residents that own part of the Lake.

Vernon Bond stated that lake bottom is part of some of the platted lots.

Roy Stevenson asked if the main concern was boating on the lake

Vernon Bond stated that he is concerned with the health of the lake and wants to see it preserved.

Vernon Bond expressed concern about the building height allowance and stated that there aren't other buildings in the area and that tall buildings would affect the character of the neighborhood.

Morris Osborn asked if the building height in the new proposal is different from what had previously been approved.

Jacques Skutt stated that building height has changed from the old planned development approval (*circa 2006*).

Vernon Bond expressed concern about traffic in the Eustis Heights neighborhood because of access onto Clay Blvd. and limited access because of the railroad.

Robert Stebbins, 1210 Overlook Rd. Eustis, FL stated the he is concerned about traffic on Clay Blvd. and the negative effect on existing homes, and that the City of Eustis is responsible for maintenance of Clay Blvd.

Roy Stevenson asked Bob Williams if traffic is considered more during site plan review

Bob Williams stated that traffic impacts are looked at from a standpoint of capacity.

Jacques Skutt stated that the developer has done a traffic impact analysis.

Roy Stevenson stated to the audience that traffic impact will be reviewed by staff

Daniel Sacco, 1002 Hermosa Dr. Eustis, FL, stated that he generally supports mixed use development, but the scale and usable acreage at Lake Hermosa Village is much smaller than Avalon Park in Orlando. He believes that the proposed commercial cannot be supported in this area. He stated that the project is too dense and ambitious for the area. He expressed concern about access points, building height, setbacks, and the number of different uses. He asked for a review of alternative access points, that building height be limited to 3 stories rather than 7, and setbacks for buildings be at least 30 feet. He express concern that the uses are too intense for the area and that senior housing may cause too much EMS traffic in the neighborhood and asked for alterntative access points. He asked that Tavares discuss the project with the City of Eustis.

Angela Hartman, 1420 Clay Blvd. Eustis, FL, stated that she owns a single family home abutting the proposed senior living area. She expressed concerns about access next to her property and requested that it remain a green space buffer.

David Carter, 1471 Clay Blvd. Eustis, FL, expressed concern about access onto Clay Blvd. from the proposed senior living area. He stated that the development is too intense for the neighborhood.

Ross Halle, developer representative, stated that the senior living area would not access Clay Blvd. directly and that property in that area abutting Clay Blvd. would be green space. He stated that alternative access points over the railroad tracks was unobtainable. He spoke of the importance of interconnecting streets and neighborhoods as a benefit for the community, and for the sake of traffic flow. He stated that the traffic study showed that only the intersection of Huffstetler Dr. & Mt. Homer Rd. would be negatively impacted and require new stop conditions. He stated that proper permitting procedures would be followed for the community dock. He stated that there is no intention of placing motor boats on Lake Hermosa. He stated that most of the agreage at Lake Hermosa is usable and the density of 7 du/acre is not changing and is similar to Avalon Park.

Nicole Jenney, 1550 Clay Blvd. Eustis, FL, expressed concern about senior living abutting her property with 7 stories. She stated that the project is too intense for the area and that this area should not be compared to east Orlando. She expressed concern about noise being generated by the commercial uses across Lake Hermosa. She recommended that the area stay residential with no commercial use.

Daniel Sacco stated that he believes that the density is greater than Avalon Park and that it is too intense for the area. He asked to review the traffic study. He stated that he could support a mixed use development if it was a proper scale for the area.

Lori Barnes, Planning Director for City of Eustis, stated that she had a meeting with the City of Tavares to discuss the project. She stated that she is pleased to hear that the developer is planning to maintain green space between senior living and existing single family residential. She asked for the developer to consider enhanced landscape buffering along Clay Blvd. She expressed concern about traffic impact to Clay Blvd. with respect to City of Eustis maintenance responsibility for the road.

Morris Osborn asked how plan review coordination would be handled between Eustis and Tavares.

Jacques Skutt stated that site plans would be routed to Eustis for review.

Lori Barnes stated that she looks forward to coordinating with Tavares on the project

Terry McMahon, 1693 South Palm Cir. Eustis, FL, stated that the original residential approval in Tavares did not allow access onto Clay Blvd. and asked if that would be taken into consideration. He was concerned about his property access being preserved.

Susie Novack, 1200 North Palmetto Cir. Eustis, FL, stated that she supports the project including the connectivity to the existing neighborhood. She stated that she looks forward to taking advantage of the proposed commercial uses and having access to enjoy Lake Hermosa. She stated that she reviewed the traffic study and that it shows a small percentage of trips on Clay Blvd.

Sue Boehm, 1002 Hermosa Rd. Eustis, FL, stated that she supports development if done correctly. She objected to the senior living are abutting the existing single family homes and asked that the location of the senior living area be reconsidered.

MOTION

Roy Stevenson moved to recommend approval of Ordinance 2016-27, seconded by Norb Thomas. The motion carried unanimously 4-0.

ADJOURNMENT

Morris Osborn moved to adjourn the meeting, seconded by Lou Buigas. The motion carried unanimously 4-0.

There was no further business and the meeting adjourned at 4:18 p.m.

Respectfully submitted,

_____

Michael Fitzgerald
Development Coordinator

AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 5, 2016

AGENDA TAB NO. 9

SUBJECT TITLE: Deannexation Study of Peninsula Subdivision (Peninsula Phase 1- Petition for Contraction)

OBJECTIVE:

To present to Council a study on the feasibility of de annexing (contraction) of Phase 1 of the Peninsula Subdivision located off Peninsula Drive (lakefront lots).

SUMMARY:

The City Clerk has received a petition to contract our municipal boundary to exclude residents located on Peninsula Drive.

BACKGROUND:

The 17 lots that are subject to this petition for contraction were annexed into the City of Tavares in 1995. The petition received this year, was the first time that the owners of these lots have raised an issue concerning this matter.

The primary reason that the lots were annexed into the City of Tavares is that the County would not allow development of one acre lots along the lake front (5 acres minimum).

At the time of annexation, the Developer signed an agreement to connect these lots to city water and sewer, at his expense, when these services where available and each lot owner was bounded to that commitment.

City water and waste water services are available on Woodlea Road, approximately one mile to the east. Most importantly, these lots are located within our Interlocal Service Boundary Area as agreed with Lake County and any future development along the westerly end of Woodlea, including the undeveloped acreage that formerly comprised the Peninsula PD, will be required to extend and connect to city utilities.

The State of Florida and Department of Environmental Protection is actively encouraging the elimination of septic systems, especially along lake front properties. Connecting these 17 lots to city utilities will eliminate 17 septic systems which potentially present a source of contamination to Lake Harris.

The de annexation of these lots will create an enclave of county property surrounded by and only accessible through the city. This is not allowed under state law and is not favored for planning purposes due to the inefficiency of providing protective services. The City's fire and police services enjoy ISO ratings that are superior to the County's which should be reflected in lower insurance premiums for these residents.

The removal of these 17 properties from the city will remove $11,628,869 of taxable value from our tax rolls and result in a loss of $81,674 in city taxes collected at current rate.

THE STUDY

The State Statutes, Section 171.051 provides the procedure that a municipality must follow to initiate the contraction of its municipal boundaries. In summary, if the City Clerk receives a petition that is supported by at least 15% of the qualified voters in an area desiring to be excluded from the municipal boundary, the municipality must undertake a study of the feasibility of such proposal and shall, within 6 months either:

1. Initiate proceedings to implement the contraction or
2. Reject the petition.

The study determines if an area desiring to be excluded meets the criteria for contraction. The Statutes refer to Section 171.043 which gives a number of thresholds or tests to be applied to the area to make a determination if it is urban in nature. If the study determines that the area is urban, then the petition shall be rejected.

Attached is a detailed study undertaken by staff that examines the criteria specified in Section 171.043. The study has determined that the area under petition is urban in nature and therefore must be rejected.

OPTIONS:

1. That City Council rejects the petition for contraction received from the residents of Peninsula Drive.
2. That City Council rejects the staff study and contracts with a Planning Consultant to undertake a new study.

STAFF RECOMMENDATION:

That City Council moves to reject the petition for contraction received from the residents of Peninsula Drive.

FISCAL IMPACT:

Option 1- no fiscal impact
Option 2- consultant's fee to undertake a new study

LEGAL SUFFICIENCY:

Approved for legal sufficiency

STUDY
PETITION FOR CONTRACTION
PENINSULA PHASE 1

Statistics and Background:

The total size of the area seeking contraction is 20.32 acres. This includes 17 residential lots averaging .91 acres in size and 4.85 acres of Property Owners' Common Ground. There is one vacant residential lot and 16 existing homes. The average size of a home in this area is 5,071 square feet. Using a statistically understated estimate of 2 occupants per home, the area seeking contraction has a population 32 people. The homes back onto Lake Harris and front onto Peninsula Drive which is a private road. The homes are served with private sewer systems and wells for potable water. This area is zoned Planned Development and is the first phase of the Peninsula Planned Development Subdivision. The remaining phases of the Peninsula Planned Development were never constructed and that property has subsequently been rezoned to Residential Single Family (RSF-A). The Peninsula Planned Development (approved in 1995) envisioned that City water and sewer utilities would be extended to Peninsula Drive with Phase Two of the development thus mandating the connection of the existing homes platted in Phase One.

Criteria to be met for Contraction:

Section 171.052(1) of the State Statutes says:

"Only those areas which do <u>not</u> meet the criteria for annexation in Section 171.043 may be proposed for exclusion by municipal governing bodies"

Section 171.043 provides specific tests or requirements to determine if lands are eligible for annexation. If the area that is petitioning for exclusion meets the criteria for annexation, then it cannot be considered for exclusion. This study will examine each requirement within this section to determine if the land and its present use meet the criteria for annexation and thus does not meet the criteria for exclusion.

1. *Section 171.043 (1) the total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.*

   The land under petition is directly west of and adjacent to parcels alt. key# 1507197 & 2852178. These parcels, owned by Gorgeous Groves Inc, are within the city's boundary and therefore the land is contiguous to our city boundary.

   Section 171.031 of the Statutes defines "Compactness" as a concentration of a piece of property in a single area and precludes any action which would create enclaves,

pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact. The land under petition fronts onto a single road and meets the above definition of compactness.

No area of the petitioned property is included within the boundary of another incorporated municipality.

2. *Section 171.043(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:*

   (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries.

   The land under petition has a conservative estimated population of 32 people (two occupants per dwelling unit). The total land area is 20.32 acres. The calculated density is 1.57 people per acre. The land does not meet this threshold.

   (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or
   (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

   The total residential population is greater than 1 person per acre (1.57). There are 17 residential lots within the platted subdivision. Of these, 13 lots are 1 acre or less in size (lots 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18). Therefore, 76% of the subdivided lots are 1 acre or less in size. There are 6 tracts of land, including the private road, dedicated to the Home Owners' Association for this subdivision. Other than the road tract, all other dedicated tracts are less than 2 acres in size. 83% of the dedicated tracts are less than 2 acres in size. The land under petition therefore meets the test specified in 171.043 (b) which accordingly also satisfies the similar and less stringent requirements of (c).

Conclusion:

The Peninsula land under petition for contraction and exclusion meets the criteria for annexation under Florida Statute Section 171.043 (1) & (2) (b) and has been developed for urban purposes. The land is therefore considered "Urban in Character" which is defined in the Statutes as:

COMMUNITY DEVELOPMENT

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

TAVARES
America's Seaplane City™

Building Division
Phone: (352) 742-6213

September 27, 2016

Dear Resident

Re: Petition to be Excluded from Municipal Boundary-Peninsula Drive-Rescheduled

Due to an unforeseen scheduling conflict, the City needs to postpone the public hearing and agenda item on the Peninsula De-Annexation petition from October 5 to the next City Council meeting on October 19. The meeting begins at 4:00 PM. We are sending out amended notices to all residents that received previous notifications as well as your counsel. The City of Tavares regrets any inconvenience.

Sincerely,

Jacques Skutt
Director of Community Development

www.tavares.org
P.O. Box 1068, 201 E. Main Street, Tavares, FL 32778
FAX: (352) 742-6087

COMMUNITY DEVELOPMENT

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

TAVARES
America's Seaplane City™

Building Division
Phone: (352) 742-6213

September 13, 2016

Dear Resident

Re: Petition to be Excluded from Municipal Boundary-Peninsula Drive

The City of Tavares has received a "Petition to be Excluded from Municipal Boundaries" from Jimmy D. Crawford, Esq. on behalf of the seventeen property owners located on Peninsula Drive, Lots 2-18, Replat of the Peninsula Subdivision. The petition included the signatures and letters indicating support of this action from all registered property owners in this phase of the subdivision.

The State Statutes, Chapter 171, provides a procedure for "contraction of municipal boundaries" as well as criteria that must be met. When a city receives a petition of this nature, it is required that a Study be performed within six months to determine if the area desiring exclusion meets the criteria for this action. Only those areas qualifying under this criterion can be considered as eligible for further contraction procedures. The City of Tavares has completed this Study. A copy is attached to this letter. This matter will be placed on the October 5th Council Agenda for consideration. Based on the results of this Study, staff will recommend that City Council rejects the petition received from the residents of Peninsula Drive.

Sincerely,

Jacques Skutt
Director of Community Development

www.tavares.org
P.O. Box 1068, 201 E. Main Street, Tavares, FL 32778
FAX: (352) 742-6087

Thomas & Donna Line
1130 Peninsula Drive
Tavares, Florida
32778

Lanny & Jacqueline Husebo
33845 Overton Drive
Leesburg, Florida
34788

Charles & Judy Costar
1200 Peninsula Drive
Tavares, Florida
32778

Katherine R. Quinn Trustee
1220 Peninsula Drive
Tavares, Florida
32778

Nancy Davito & Julio Villarroel Trustees
715 Alba Drive
Orlando, Florida
32804

Peter A. Harrison Trustee
1350 Peninsula Drive
Tavares, Florida
32778

Leonard & Barbara Johnson
1370 Peninsula Drive
Tavares, Florida
32778

Gene & Barbara Batson
P.O. Box 1410
Mount Dora, Florida
32756

Charles & Susan Leonard Life Estate
1440 Peninsula Drive
Tavares, Florida
32778

Daniel and Carla Turay Trustees
1460 Peninsula Drive
Tavares, Florida
32778

Ian & Hazel Crawford
1530 Peninsula Drive
Tavares, Florida
32778

Terrell & Beverly Bounds
1550 Peninsula Drive
Tavares, Florida
32778

Dennis & Shirley Schlimgen
1600 Peninsula Drive
Tavares, Florida
32778

John & Anne Stephens
1620 Peninsula Drive
Tavares, Florida
32778

James & Patricia Robinson
1040 Red Rock Road
Gettysburg, PA
17325

Lloyd & Loretta Arnold
1710 Peninsula Drive
Tavares, Florida
32778

Ricky & Donna Waddell
25 Horseshoe Falls Drive
Orlando, Florida
32828

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 19, 2016

AGENDA TAB NO. 10
SUBJECT TITLE: Request to Approve the Submittal of 2 Grant Application for the 2016-2017 Florida Recreational Development and Assistance Program

OBJECTIVE: To approve the submittal of 2 grant application in the amount of $50,000 each to the FRDAP to help offset costs for the on-going Ruby St. Stormwater Project.

SUMMARY:

The City of Tavares may prepare and submit applications to the Florida Recreational Development Assistance Program (FRDAP) for grant funds to assist in further development of downtown recreation facilities. Staff suggests two FRDAP applications totaling $50,000 each be submitted during the open cycle. Each application would assist in creating amenities around the new storm water holding area within the existing park development area.
The first application would include lighting, benches, trash receptacles, dog waste receptacles, biking station, and walking trail. The second application would include aeration fountain and youth fishing pier. The total requested for park improvements is $100,000.00 with no required match funding from the City.

There are a few requirements of the FDEP when using FRDAP funding: 1) Notice of commencement of project before expending funds; 2) area is dedicated as an outdoor recreation site for a minimum of 25 years; 3) project site is open at reasonable times and managed in a safe and attractive manner; 4) signage designating the use of FRDAP grant funds placed where visible to the public.

OPTIONS:

1. **Move to Approve** submittal of two FRDAP grant applications during the 2016-2017 open cycle. Each application should be budgeted for $50,000 in park improvements to be used within the downtown park area.

2. **Move to not Approve** submittal of two FRDAP grant applications during the 2016-2017 open cycle. Each application should be budgeted for $50,000 in park improvements to be used within the downtown park area.

STAFF RECOMMENDATION:

1. Approve submittal of two FRDAP grant applications during the 2016-2017 open cycle. Each application should be budgeted for $50,000 in park improvements to be used within the downtown park area.

FISCAL IMPACT:

Acceptance of an award would be required, if applicable. TAMCO-BV, LLC would be compensated $5,000 for each grant application (total $10,000) upon award. Funds would become available on a lump sum, reimbursement basis if approved by FDEP.

PUBLIC HEARING NOTICE

THE CITY OF TAVARES

The City of Tavares is considering applying for two Florida Recreation Development Assistance Program (FRDAP) grants at $50,000 each to fund improvements to the Wooten Park located in the City of Tavares at 100 E. Ruby Street. The first grant to total $50,000 dollars will fund improvements to include lighting, benches, trash receptacles, dog waste receptacle, bike parking station, security cameras and a walking trail to connect to the existing Tav-Lee trail. The second grant to total $50,000 will fund improvements to include a youth fishing pier, aeration fountains, and education plaques. The estimated project cost is $100,000, each grant totaling $50,000 each. If the City is awarded each grant, FRDAP would provide the $100,000 for construction.

A public hearing to receive citizen views regarding this project will be held on Wednesday, October 19th, 2016 at 4:00 P.M. at the City of Tavares, City Hall located at 201 E. Main Street Tavares, Florida 32778. Telephone 352-742-6209.

The public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring an interpreter for the hearing impaired or the visually impaired should contact the City Clerk, City of Tavares at (352) 253-4546 at least three calendar days prior to the meeting and an interpreter will be provided. Any non-English speaking person wishing to attend the public hearing should contact the City Clerk at least three calendar days prior to the meeting and a language interpreter will be provided. Any handicapped person requiring special accommodation at this meeting should contact the City Clerk at least three calendar days prior to the meeting.

A Fair Housing/Equal Opportunity/Handicap Accessible Jurisdiction.

Daily Commercial 10/16/16 - Scheduled

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: OCTOBER 19, 2016

AGENDA TAB NO. 11

SUBJECT TITLE: Interlocal Automatic Aid Agreement between the Cities of Eustis and Tavares for Fire Protection and other Emergency Services.

OBJECTIVE:

To renew and enhance the existing interlocal agreement with the City of Eustis for automatic response for fire protection and emergency response.

SUMMARY:

The City of Tavares and the City of Eustis have had an automatic aid agreement for fire protection since 2009. Tavares Fire Department and Eustis Fire Department maintain a great working relationship, and have assisted each other numerous times since 2009 under the provisions of that interlocal agreement.

The interlocal agreement for fire protection with Eustis that was created in 2009 has expired. Staff is recommending a renewal of that agreement.

However, Staff is requesting Council to consider approving an enhancement in the service level for the renewed interlocal agreement. The enhancement adds emergency medical response to the agreement that previously only included fire related response under the automatic aid portion of the agreement.

Adding the emergency medical response component makes the agreement with Eustis more closely aligned with the interlocal agreement for "closest unit" emergency response that we have now with Lake County (under the Interlocal Services Boundary Agreement – ISBA). The major difference between those two different agreements is that there is no financial "true up" with Eustis, where there is a financial true up with Lake County.

Additionally, adding emergency medical response to our interlocal agreement with Eustis makes the function of dispatching units much easier to manage. As a reminder, Lake Emergency Medical Services provides our dispatch service, and standardizing the interlocal agreements at this level also standardizes the dispatch process.

Tavares City Council recently approved an interlocal agreement with the City of Leesburg. This proposed agreement with Eustis closely resembles the Leesburg agreement, except where the issue of the ISBA is concerned. Eustis is involved

in on-going negotiations with Lake County on the ISBA issue. Those negotiations include discussions about Auto-Vehicle Locators (AVLs).

Tavares Fire Department will be presenting a request for a similar interlocal agreement with the City of Mount Dora in the near future.

OPTIONS:

Option 1 – Council could approve the interlocal agreement with the City of Eustis for fire protection and other emergency response, and authorize the Mayor to execute the agreement by affixing signature.

Option 2 – Council could choose to deny the interlocal agreement and direct Staff to pursue another course of action.

STAFF RECOMMENDATION:

Staff recommends that Council move to approve the interlocal agreement with City of Eustis for fire protection and other emergency response, and authorize the Mayor to execute the agreement by affixing signature.

FISCAL IMPACT:

The fiscal impact involves only the costs associated with responding City of Tavares Fire Department resources into the City of Eustis for emergency situations. These costs, however, are off-set by City of Eustis Fire Department personnel and equipment responding likewise to Tavares.

LEGAL SUFFICIENCY:

City Attorney Robert Q. Williams has reviewed the interlocal agreement.

AUTOMATIC AID AGREEMENT FOR FIRE PROTECTION AND OTHER EMERGENCY SERVICES BETWEEN THE CITY OF TAVARES AND THE CITY OF EUSTIS

THIS AGREEMENT is made and entered this _____ day of _____, _____, by and between the City of Tavares and City of Eustis to provide for automatic assistance for fires and other types of emergency incidents as described under the terms of this agreement.

WITNESSETH:

WHEREAS, an informal agreement for automatic assistance in fire protection and response to other emergencies has existed between the City of Tavares and the City of Eustis; and,

WHEREAS, it is the desire of the parties to this agreement to continue and improve the nature and coordination of emergency assistance to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions; and,

WHEREAS, it is further the determination of each of the parties hereto that the decision to enter into this Automatic Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is automatic in nature, and includes the determination of the proper use of the resources available with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel; and,

WHEREAS, it is the desire of the parties to initiate an "Automatic Aid Agreement" for fire department and other emergency services as set forth below:

NOW, THEREFORE, IT IS AGREED:

1. The parties hereto acknowledge that this Agreement is being entered into pursuant to applicable Florida law.

2. The parties agree to dispatch their respective assigned fire department units on an automatic basis, if such units are available. Each jurisdiction agrees that the closest available, most appropriate unit(s) regardless of jurisdictional boundaries will respond.

3. It is agreed that the scope of this agreement includes automatic assistance in responding to fires, medical emergencies, hazardous conditions, rescue and extrication situations and other types of emergency incidents that are within the standard scope of services provided by fire departments in the usual and customary Automatic Aid Agreement.

4. This agreement shall encourage the development of cooperative procedures and protocols including, but not limited to, communications coordination, training, health and safety, and other activities that will enhance the ability of the fire departments to fulfill their missions.

5. It is expressly understood and agreed that the party first to respond to the scene may serve as initial incident commander exercising command and control functions within the other's jurisdiction until relieved by an official from the primary jurisdiction having authority. The initial responding party will then fall under the chain of command of the jurisdiction having authority.

6. Nothing in this agreement shall limit the ability of either of the parties to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.

7. The City of Tavares and the City of Eustis shall retain ownership of any equipment or property it brings to the performance of this agreement, and each shall retain ultimate control of its own employees.

8. Participants in this Automatic Aid Agreement do further agree to the following standard service criteria as the primary response system elements of this Automatic Aid Agreement:

    A. The Automatic Aid Agreement allows the closest, most appropriate emergency response unit to an emergency to be dispatched automatically-regardless of jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit. The City of Eustis will endeavor to fulfill all its obligations in this agreement. However, the parties recognize the City of Eustis may be limited because the City of Eustis does not currently have Automatic Vehicle Locating (AVL).

    B. All participants will use standard procedures for efficient management of the emergency and for the safety of firefighters.

    C. It is the desire of the Automatic Aid participants to explore other opportunities for joint training, including entry level training, mini academies, refresher training and systems training. By training together and using common procedures, participants have a higher level of confidence in each other.

    D. Participants shall use standardized apparatus response criteria. Lake EMS Dispatch can tailor the response to specific types of incidents by jurisdiction or part of a jurisdiction. This includes the capability to automatically dispatch selected specialty units.

    E. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a municipality will receive the exact same amount of assistance as it gives, it does mean that all participants will provide some assistance outside its jurisdictional boundaries and that the level of service delivered with the Automatic Aid Agreement will be comparable.

ATTEST:

_____

City of Eustis Clerk

Approved as to form and legality:

_____

City of Eustis Attorney

CITY OF EUSTIS, FL

_____

City of Eustis Mayor

This ___ day of _____, _____

To be approved by City of Eustis

RESOLUTION NO. 16-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF EUSTIS TO COMPLETE AN INTERLOCAL AGREEMENT WITH THE CITY OF TAVARES TO PROVIDE FOR AUTOMATIC ASSISTANCE FOR FIRES AND OTHER TYPES OF EMERGENCY INCIDENTS.

WHEREAS, the City of Eustis strives to provide the best service to its citizens by the members of its Fire Department; and

WHEREAS the City of Eustis has determined that a partnership with other area cities will benefit its citizens.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Eustis, Florida, directs and authorizes its City Manager to complete and sign an Interlocal Agreement with the City of Tavares to provide the closest most appropriate equipment and personnel through automatic aid for response to all types of emergency incidents.

DONE AND RESOLVED, this 20th day of October, 2016, in regular session of the City Commission of the City of Eustis. Lake County, Florida.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

_____

Michael L. Holland
Mayor/Commissioner

ATTEST:

_____

Mary C. Montez City Clerk

CITY OF EUSTIS CERTIFICATION

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

_____
Notary Public – State of Florida
My Commission Expires: _____
Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

_____ _____
Derek A. Schroth, City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 16-93 is hereby approved, and I hereby certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

_____ _____
Date Mary C. Montez, City Clerk

AGENDA SUMMARY
TAVARES CITY COUNCIL
October 19, 2016

AGENDA TAB NO. 12
SUBJECT TITLE: Police Union Collective Bargaining Agreement

OBJECTIVE:

To approve Police Union Bargaining Agreement.

SUMMARY:

The City's management bargaining team of City Administrator, Police Chief and Councilmember Singer have come to terms with the Police Union's labor negotiations team and offer the below negotiated items for Councils consideration and then if approved insertion into the contract to be developed by the City Attorney between the city and the Union:

1. Raise to be the same as general employees at 4% beginning October 1 2016.
2. Healthcare coverage and cost to be the same as general city employees beginning October 1.
3. Approval to have Florida Retirement System (FRS) hold a vote of the Police Department employees to close the local pension plan to new employees (those hired after October 1, 2016) and offer the Florida Retirement System plan to said new employees. If said FRS administered vote passes 50% plus 1, then the following shall occur:

a. All new Police Department employees shall be obligated to join the FRS program.
b. A $0.50 (50 cent) shift differential incentive pay shall apply for Police Department Employees who work the night shift (This equals an additional $6 for working a 12 hour nightshift)
c. The employee contribution rate to the local pension plan shall be lowered by 1.5% and the employer contribution rate shall be raised by a correlating 1.5% resulting in employee contributing 11.3% of their pay and City contributing 20.02% of their pay to the local pension plan.

OPTIONS

1. Approve the negotiated bargaining agreement as identified above
2. Do not approve and send management team back to negotiate different terms

STAFF RECOMMENDATION

That Council discusses and then approve the bargaining agreement as negotiated and authorize the Mayor to execute a City Attorney agreement that incorporates items 1, 2 and 3 enumerated above.

FISCAL IMPACT: Items No.1 and No. 2 are budgeted. If No. 3 passes then:

a) FRS: Contribution rate from city would be 22.57% of the new employees salary as compared to 20.02% for the local plan.
b) Shift differential of $6 per night shift would kick in sometime in February and would cost approximately $8,282 for the remainder of the fiscal year. This would be covered by deferring the filling of vacant positions until later in the year.
c) The increased City Contribution to the Local Plan would kick in sometime in February and would cost approximately $15,344 for the remainder of the fiscal year. This would be covered by deferring the filling of vacant positions until later in the year.

LEGAL SUFFICIENCY: If approved the Attorney would draft an amendment to the contract to be executed by the City and Union.

AGENDA SUMMARY
TAVARES CITY COUNCIL
October 19, 2016

AGENDA TAB NO. 13
SUBJECT TITLE: City Administrator Report

OBJECTIVE: To inform Council on city related matters.
SUMMARY: Will be presented at meeting

City Council Regular Meeting	*October 19, 2016 – 4:00 p.m.* *November 2, 2016 – 4:00 p.m.*
Library Board	*November 16, 2016 – 2:30 p.m. – Library Conference Room*
Planning & Zoning Board	*October 20, 2016 – 3:00 p.m. – City Council Chambers*
Code Enforcement Hearing	*November 22, 2016 – 5:00 p.m. – City Council Chambers*

CITY SPONSORED OR AFFILIATED EVENTS

Tavares Chamber of Commerce Red Carpet Gala	*October 21, 2016 – Lake Receptions* *6:00 to 10:00 pm*
Boo Festival Family Fall Festival	*October 28, 2016 – 6 pm to 9 pm* *Wooton Park*
Monster Splash	*October 29, 2016 – Wooton Park – contest begins at 11:0 am*
Cornerstone Laying Ceremony	*November 1, 2016 – 5:00 p.m.* *Future Public Safety Complex – SR 19 and Alfred*
Hydro-Turf Jet Ski	*November 5-6, 2016 World Championship*
General Election	*November 8, 2016 (City Hall is a Precinct)*
Tavares Chamber Taste of Tavares	*November 10, 2016 – Pavilion on the Lake*
CRA Fall Thunder Regatta	*November 18-20 – Wooton Park*
Christmas Parade & Celebration	*December 3, 2016* *Parade at 5:00 p.m. on Main Street*

OTHER COMMUNITY EVENTS

Chamber Business Luncheon	*October 26, 2016 – Civic Center 11:30 – 1:30*
Golden Triangle YMCA Turkey Trot	*November 24, 2016 – 8:00 a.m.*

OTHER OUTSIDE AGENCY MEETINGS

Lake County League of Cities	*Friday, November 4 , 2016 – 12:00 noon* *Elks Lodge*

Lake Sumter MPO	*October 26, 2016 – 2:00 p.m. – Leesburg MPO office*

AGENDA SUMMARY
TAVARES CITY COUNCIL
October 19, 2016

AGENDA TAB NO. 14

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