

AGENDA
TAVARES CITY COUNCIL

December 7, 2011

4:00 P.M.

TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Greg Watts, Liberty Baptist Church

III. SWEARING IN OF NEW COUNCILMEMBER

Chief Lubins

IV. ELECTION OF MAYOR

Tab 1) Election of Mayor

John Drury

V. ELECTION OF VICE MAYOR

Mayor

VI. APPROVAL OF AGENDA

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

VII. APPROVAL OF MINUTES

Tab 2) City Council Regular Meeting October 19, 2011 & November 16, 2011

VIII. ETHICS/SUNSHINE LAW PRESENTATION

Attorney Williams

IX. CHECKING AUTHORIZATION

Tab 3) Designation of those Authorized to Sign Checks

Lori Houghton

X. PROCLAMATIONS/PRESENTATIONS

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

XII. READING OF ALL ORDINANCES/RESOLUTIONS

Nancy Barnett

XIII. CONSENT AGENDA

Tab 4) Interlocal Agreement with Lake County for CDBG Grant for Sidewalk Project – St. Clair Abrams Chris Thompson

XIV. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 5) Ordinance #2011-14 – Amendment to Land Development Regulations – Chapter 8, Updating & Consolidating Table 8-2 - Permitted Uses in Zoning Districts Jacques Skutt

Tab 6) Ordinance #2011-15 - Extension of Impact Fee Credits for Six Months – First Reading Bill Neron

SECOND READING

Tab 7) Ordinance #2011- 13 – Permit Fee Exemption for ADA Modifications Jacques Skutt

RESOLUTIONS

Tab 8) Resolution #2011-25 – Special Use Permit for Children’s House of Learning, Daycare Business in Commercial Downtown Jacques Skutt

XV. GENERAL GOVERNMENT

Tab 9) Report on Options for Green Initiatives Jacques Skutt

Tab 10) Appointments to Citizens Advisory Committees of the Metropolitan Planning Council Mayor

Tab 11) Appointment to Police Pension Board Mayor

Tab 12) Approval of Contract with Griffey Engineering to Design Pervious Pavers for the Coven Alleyway Chris Thompson

Tab 13) Approval of Florida League of Cities Legislative Priorities John Drury

XVI. OLD BUSINESS

Tab 14) Bottled Water Policy/Report on Sales Lori Houghton

XVII. NEW BUSINESS

XVIII. AUDIENCE TO BE HEARD

XIX. REPORTS

Tab 15) City Administrator

John Drury

Tab 16) Council Reports

City Councilmembers

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

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

The Language of Local Government

Definition of Terms

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

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

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

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

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

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

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

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

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

contiguous – Sharing a common boundary.

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

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

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

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

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

ex parte communications – Direct or indirect communication on the substance of a pending matter without the knowledge, presence, or consent of all parties involved in the matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
OCTOBER 19, 2011
CITY COUNCIL CHAMBERS
4:00 p.m.

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Chief Keith presented the invocation and all those presented recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury advised that staff wished to pull Tab 15 (Lake Frances Sewer Design Phase 1) to be presented at a future meeting.

MOTION

Sandy Gamble moved, to approve the agenda with the recommendation made by the City Administrator to pull Tab 15, seconded by Kirby Smith. The motion carried unanimously 5-0.

1 Mayor Wolfe stated that the minutes of October 5, 2011 would be deferred.
2

3 **MOTION**
4

5 Kirby Smith moved to approve the deferral of the minutes of October 5, 2011 to the next meeting,
6 seconded by Bob Grenier. The motion carried unanimously 5-0.
7

8 **V. PROCLAMATIONS/PRESENTATIONS**
9

10 **Tab 2) Presentation by Consultant – Evaluation and Appraisal Report – Recommendation for EAR**
11 **Based Amendment**
12

13 Mr. Skutt stated that the City's EAR Consultant, Andre Anderson, would be presenting his final
14 recommendations.
15

16 Mr. Skutt said that staff has prepared Ordinance #2011-07 and #2011-08 that will begin to implement the
17 consultant's recommendations. He said the Planning & Zoning Board (which also functions as the Local
18 Planning Agency) had approved his report.
19

20 Mr. Anderson of Planning Design Group reviewed the Evaluation and Appraisal Report process. He said
21 during the past year the Community Planning Act went into effect as a result of House Bill 7207. This act
22 changed significantly how the growth planning process is done for all local governments. It streamlines the
23 process and repeals Rule 9J5. This changed some of the previous requirements, i.e. removing the
24 requirement for transportation, parks and recreation, and school concurrency. Other changes were more
25 limited state review. The Department of Community Affairs is only required now to review state resources
26 and not local government plans. The time frame has been streamlined and shortened. Some criteria was
27 also added to define urban sprawl more precisely and to help identify quality development.
28

29 Mr. Anderson reviewed the previous seven issues the city had identified, how they were impacted by the
30 new Act, and the recommendations being made:
31

- 32 • Future Land Use & Annexation Policy: Proceed with EAR based amendments regarding policies.
33 *Sector plan*— This is now mandated in a different fashion. the city can adopt a long range plan for
34 a long term period and then specify EAR plans for implementation which can be done as part of the
35 local ordinance (versus the Comprehensive Plan process).
- 36 • Affordable Housing: The City's comprehensive plan refers to mobile homes as being affordable
37 housing. Recommendation: adjust plan to allow more options for affordable housing. The city has
38 amended its LDR's which gives people who own mobile home lots the ability to build
39 conventionally constructed homes on those lots. Councilmember Gamble said he understood the
40 setbacks had already been adjusted. Mr. Anderson confirmed.
- 41 • Economic Development: Mr. Anderson noted the city had indicated it wished to reduce the 50:50
42 split between commercial and residential and the city is well on its way as it is now at 69:31 which
43 is significant over such a short period of time.
- 44 • Multi Modal Transportation: The City of Tavares is significant in the diversity of transportation it
45 offers. This issue addresses how the city will deal with congestion. This means that the City is
46 shifting its focus from ensuring that infrastructure is in place at the time of development to
47 ensuring that the city is maintaining its adopted level of service. This does not mean building new

1 roads necessarily, but, through alternative modes of transportation so long as the overall system
2 meets the standard identified. Recommendation: repeal the concurrency requirement and continue
3 to look at other alternatives for concurrency.

- 4 • Public Utilities: Recommendation: Continue to address aging facilities and look at policies
5 identified by the EAR that should be addressed
- 6 • School Capacity and Concurrency: This item was repealed by the statute. This has to do with
7 ensuring that the level of services is maintained. This is in conflict with increased density in the
8 downtown because schools would tend to be located in the suburbs where there is available
9 capacity. Recommendation: repeal the school concurrency requirement because it is difficult for a
10 local government to influence a facility that it has no control over. Continue to work with the
11 School Board to ensure that schools are located in the appropriate locations and specifically in the
12 urban areas where there is infrastructure in place

13
14 Councilmember Gamble noted that the City has repealed the school concurrency and that the setbacks
15 regarding mobile homes has been revised. Mr. Anderson confirmed.

16
17 **MOTION**

18
19 **Sandy Gamble moved to approve the city planning consultant's recommendations, seconded by**
20 **Kirby Smith. The motion carried unanimously 5-0.**

21
22 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

23
24 Attorney Williams stated there is a quasi-judicial hearing, Tab 8, involving the Weiss Rezoning application
25 at Banning Beach. He asked those who wished to speak to be sworn in.

26
27 Attorney Williams asked the councilmembers if they wished to disclose ex parte contacts.

28
29 Councilmember Pfister said she had received many emails that she had responded to and had received
30 several phone calls and had spoken to residents.

31
32 Councilmember Gamble said he had spoken to Mr. Weiss and had received several emails and phone calls
33 from residents.

34
35 Vice Mayor Grenier said he had had email and phone communications with residents.

36
37 Attorney Williams reminded Council that the emails are public records and that those councilmembers not
38 on the city email system, should forward their emails to the City Clerk.

39
40 Mayor Wolfe noted he had received several emails and phone calls and had had a few phone calls with Mr.
41 Weiss.

42
43 Councilmember Smith said he had also had many emails and phone calls from residents both for and
44 against this issue, and phone calls from Mr. Weiss.

45
46 **VII. CONSENT AGENDA**

47

1 Mayor Wolfe asked if anyone in the audience had objections to the items on the Consent Agenda.
2

3 **MOTION**
4

5 Bob Grenier moved to approve the Consent Agenda [Tab 3 – Agreement with Lake Emergency
6 Services for Co-Location at Fire Station 29 – Tavares Fire Station #2 and Tab 4) Approval of Lake
7 County Library System Circulation & Registration Policy], seconded by Sandy Gamble. The motion
8 carried unanimously 5-0.
9

10 **VIII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**
11

12 Ms. Barnett read the following ordinances by title only:
13

14 **RESOLUTION 2011-26**
15

16 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A
17 MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 07, AN
18 ESCROW AGREEMENT, AND RELATED INSTRUCTIONS, AND
19 DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.
20

21 **ORDINANCE 2011-08**
22

23 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
24 HOUSING ELEMENT OF THE TAVARES COMPREHENSIVE PLAN,
25 PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR
26 TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.
27

28 **ORDINANCE 2011-07**
29

30 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
31 TAVARES COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION
32 ELEMENT, THE CAPITAL IMPROVEMENT ELEMENT, THE CONCURRENCY
33 MANAGEMENT SUB-ELEMENT, AND THE INTERGOVERNMENT
34 COORDINATION ELEMENT AND BY REMOVING THE PUBLIC SCHOOLS
35 FACILITY ELEMENT, PROVIDING FOR SEVERABILITY AND CONFLICTS;
36 PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE
37 DATE.
38

39 **ORDINANCE 2011-09**
40

41 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING
42 APPROXIMATELY 9.7 ACRES LOCATED ON THE WEST SIDE OF BANNING
43 BEACH ROAD, NORTH OF EAST DELAWARE STREET AND SOUTH OF RESERVE
44 DRIVE FROM RSF-1 (RESIDENTIAL SINGLE FAMILY) TO PD (PLANNED
45 DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS
46 ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN
47 EFFECTIVE DATE.

1 **IX. ORDINANCES/RESOLUTIONS**
2

3 **Tab 5) Resolution #2011-26 – Approval and Award to SunTrust Bank for Lease Funding of Capital**
4 **Purchases**
5

6 Ms. Houghton stated the purpose of this item is to execute a master lease agreement to fund the purchase of
7 a VIOP phone system, a street sweeper, and a solid waste vehicle. She said these items were included in the
8 2012 budget. She discussed the RFP that was done and noted the low bid was a 1.55% annual rate for five
9 years. The street sweeper and vehicle will be funded at seven years at a rate of 1.74%.

10
11 Councilmember Smith asked if staff procures the equipment and Council decides not to approve would
12 there be any penalty if the loan were not taken out. Ms. Houghton indicated there would not be a penalty.
13

14 Councilmember Gamble noted one of the local banks was not listed which is United Southern. Ms.
15 Houghton said they do not offer the capital lease option.
16

17 **MOTION**
18

19 **Bob Grenier moved to approve Resolution #2011-26, seconded by Kirby Smith. The motion carried**
20 **unanimously 5-0.**
21

22 **Tab 6) Ordinance #2011-08 – Transmittal Hearing for Comprehensive Plan EAR Based Amendment**
23 **on Housing Element**
24

25 Mr. Skutt advised this amendment will clarify Mr. Anderson's recommendation which is what the city
26 considers to be affordable housing and it will apply to mobile homes. He noted that at the Planning &
27 Zoning Board meeting it was clarified that this amendment does not prohibit or do away with existing
28 mobile homes and it does not prohibit the placement of new mobile homes in those areas of the city that are
29 zoned for mobile homes. This ordinance updates the housing element and states that any new housing
30 whether it is site constructed or factory built, must comply with current federal and state building codes.
31 The Planning & Zoning Board voted to recommend approval and staff recommends that Council approve
32 for transmittal to the state.
33

34 **MOTION**
35

36 **Kirby Smith moved to approve Ordinance #2011-08, seconded by Sandy Gamble. The motion**
37 **carried unanimously 5-0.**
38

39 **Tab 7) Ordinance #2011-07 – Comprehensive Plan Amendment to Remove Transportation, School,**
40 **and Parks and Recreation Concurrency**
41

42 Mr. Skutt reported that this amendment was also discussed by Mr. Anderson. He said the most important
43 issue is that the local Land Development Regulations has a section on concurrency management that
44 mirrors the regulations that are presently found in the Comprehensive Plan. The only difference is that
45 under the LDR's, transportation, school, and parks concurrency is studied at the rezoning stage and must be
46 achieved at the time of site plan or when the building permit is issued or when the subdivision is platted.
47 The Comprehensive Plan is designed to look far into the future addressing long range concepts. He noted

1 the City has Interlocal agreements with the MPO, the School Board and neighboring municipalities to
2 guarantee school capacity which should continue to be honored and enforced. The Planning & Zoning
3 Board recommended approval and staff recommends that council approve for adoption.
4

5 **MOTION**

6
7 **Bob Grenier moved to approve Ordinance #2011-07, seconded by Sandy Gamble. The motion carried**
8 **unanimously 5-0.**
9

10 **Tab 8) Ordinance #2011-09 – Banning Beach Rezoning to Planned Development – Second Reading**

11
12 Mayor Wolfe noted that all those who stood to be sworn in would be given opportunity to speak and that
13 the speaker's time would be limited to two a half minutes to three minutes. He asked that speakers not
14 repeat comments made by other persons speaking before them.
15

16 Mr. Skutt said this application is similar to one considered a year ago. He said the application is to rezone
17 property which is presently zoned for single family detached dwellings to be rezoned to a Planned
18 Development zoning that would allow single family attached dwellings. Under the present zoning, 15
19 detached dwellings could be platted with 15 driveways. Under the proposed rezoning, 20 attached
20 dwellings could be platted on the property with 20 driveways. The proposed Planned Development includes
21 architectural elevations of the proposed buildings which commits the builder to construct the buildings in
22 accordance with these sketches. This differs from the previous application that had no requirements for
23 architectural standards or designs.
24

25 He said the Planning & Zoning Board recommended unanimously denial of the rezoning. Staff is
26 recommending approval as under the Comprehensive Plan this property is designated Low Density
27 Residential, 5.6 dwelling units per acre. The Comprehensive Plan would allow 20 dwelling units on this
28 property which matches the request by the applicant. Staff cannot identify any clear policies, goals, or
29 objectives in the Comprehensive Plan that would support a recommendation of denial.
30

31 Mayor Wolfe asked Mr. Weiss to make a statement.
32

33 Mr. Weiss said he has brought the project back as a Planned Development to commit the property to what
34 is being presented which would eliminate the multi family concerns that were brought forward last year. He
35 said he is asking for three to five more units than what is currently allowed. He said the current and
36 foreseeable market is flooded with single family large lots and new home buyers want smaller and more
37 energy efficient houses, which is the basis for his request. He discussed other details of the proposed
38 development.
39

40 Mayor Wolfe asked if Mr. Weiss was willing to reconstruct the sidewalk on the east side of Banning Beach
41 Road. Mr. Weiss confirmed.
42

43 Mayor Wolfe invited public comment.
44

45 Fred Steffens, 205 Shorewood Drive
46

1 Mr. Steffens said he believed the property would be developed sooner or later and it is Mr. Weiss' right to
2 develop the property. He said there are there options: grant the rezoning request based on his belief that Mr.
3 Weiss will build a quality development; not grant the zoning request with the risk of another entity buying
4 the property and putting up something unknown; or that the city purchase the property with the assistance
5 of residents by establishing a fund and making the property into a public park. He spoke in support of the
6 rezoning application.

7
8 Robert Cook – 467 Banning Beach Road
9

10 Mr. Cook said his family has lived in the neighborhood for 50 years and he was in support of the
11 application as described by Mr. Weiss.

12
13 June Rabanus – 1905 Oak Circle
14

15 Ms. Rabanus said she supported the rezoning application.
16

17 Mary Ziegengiest – 1927 Sycamore Circle
18

19 Ms. Ziegengiest asked if the Planning & Zoning Board had recommended denial. Mayor Wolfe said that
20 was correct. Ms. Ziegengiest said she is in agreement that Mr. Weiss builds quality homes but her concern
21 was that the request did not appear to meet the intent of a Planned Development. She said the size and
22 configuration of the property does not lend itself to innovative site and building design, provision of
23 interior streets, public spaces, recreational amenities, etc. which are defined in the Planned Development
24 regulations. She said the attached site plan is similar if not the same as last year's submittal and that she had
25 expected to see some kind of different configuration. She asked if it was a single or double garage. (Mr.
26 Weiss said it was a double garage.) She said there is a concern about the impact on the wetlands, wild life,
27 pedestrian safety, and vehicular traffic which was voiced last year.
28

29 Chester Wojcikiewicz, 648 Banning Beach Road
30

31 Mr. Wojcikiewicz said he supported Mr. Weiss' proposal.
32

33 Patty Frazier, 536 Reserve Drive
34

35 Ms. Frazier said she preferred that it would be a planned community and supported the application.
36

37 Ralph Baker, 634 Banning Beach Road
38

39 Mr. Baker spoke in support of the application.
40

41 Richard Baugh, 106 Shorewood Court
42

43 Mr. Ball spoke in opposition. He said the issue is what is best for the neighborhood and he would prefer
44 that individual homes be built which would be better for the existing neighborhood.
45

46 Deborah Boulware, 1913 Oak Circle
47

1 Ms. Boulware spoke in opposition. She said she is concerned about the effect of 20 additional homes and
2 driveways on Banning Beach Road. She said she would be concerned at the change for those who had
3 purchased homes in the area based on their understanding of the current zoning. She discussed the current
4 access points and the impact of the proposed addition.

5
6 Gordon Ryan, 521 Reserve Drive

7
8 Mr. Ryan spoke in support because of knowing what would be built.

9
10 Pat Baker, 634 Banning Beach Road

11
12 Ms. Baker spoke in support. She said she is legally blind and has no trouble with any traffic when she is
13 bicycling in the neighborhood.

14
15 Karen Green, 504 Banning Beach Road

16
17 Ms. Green said if there is concern for the wetlands, the road should never have been moved or reconfigured
18 which was approved by the city originally to allow for homes on that side. She spoke in support and stated
19 the plan is aesthetically pleasing and is only five more driveways.

20
21 Erik Anderson, 250 Banning Beach Road

22
23 Mr. Anderson spoke in support and recommended approval by Council.

24
25 Bob Vehmeier, 179 Lakecrest Drive

26
27 Mr. Vehmeier spoke in opposition. He said there are no problems with the condos because they are not
28 seen from the road and they fit into the neighborhood. He said deed restrictions and HOA's can be difficult
29 to enforce. He said he is bothered by 20 units all looking the same and that he felt this would destroy the
30 aesthetic beauty. He questioned people backing up onto Banning Beach Road and the garbage trucks access
31 to the properties. He said if they could be built similar to the condos with one exit that it would be an
32 excellent development but the proposed plan does not fit the area.

33
34 Dr. Fran Allen, 389 Reserve Drive

35
36 Dr. Allen said as a newest resident she is not concerned about changing from single family to multiple
37 housing. She said given the fact that some change will happen she would be in favor of the "known" rather
38 than the unknown.

39
40 Carl Brenner, 332 Shorewood Drive

41
42 Mr. Brenner spoke about transportation issues. He said if is curb delivery it will mean 120 stops a week for
43 mail, garbage 40 stops a weeks and recycling trucks 20 stops or a total of 180 stops a week of trucks
44 blocking the road. He said he did not understand trash can pads and questioned the location. He asked
45 Council to not approve the application.

46
47 Terry Wintersdorf, 202 Lakecrest Drive

1
2 Ms. Wintersdorf said nothing has changed from last year when Council denied the request and that she is
3 willing to take a chance on what is built there. She voiced concerns over traffic and water problems and
4 urged Council to read the Planning & Zoning's recommendation on why they denied the request. She asked
5 how many times the application can come back if it is denied again.

6
7 Attorney Williams said if it is denied he cannot reapply for one year.

8
9 Ms. Wintersdorf asked if Councilmembers had a personal relationship with Mr. Weiss was that a conflict.

10
11 Attorney Williams said there is a specific statute basis for conflicts of interest which is based on financial
12 incentive and whether the vote creates a financial gain to the person voting.

13
14 Ralph Baker, 634 Banning Beach

15
16 Mr. Baker said as far as traffic he is usually the only car and that the garbage pickup is very smooth on that
17 road.

18
19 Patricia Frazier, 536 Reserve Drive

20
21 Ms. Fraser said there are rarely more than one or two cars on the road and she did not think that was an
22 issue.

23
24 Mary Steffens, 205 Shorewood Drive

25
26 Ms. Steffens spoke in support of the development.

27
28 Durward Buehler, 206 Lakecrest Drive

29
30 Mr. Buehler said nothing has changed from the previous application and he recommended denial.

31
32 Bob Thomas, 680 Banning Beach Road

33
34 Mr. Thomas said in addition to his residence he owns two commercial properties on Banning Beach Road
35 and that he supported Mr. Weiss' proposal.

36
37 James Keyes, 468 Banning Beach Road

38
39 Mr. Keese said he is in favor of the proposal.

40
41 Jack Dilts, 247 Reserve Drive

42
43 Mr. Dilts spoke in support of the project.

44
45 Becky Dilts, 247 Reserve Drive

46
47 Ms. Dilts spoke in support of the project.

1
2 Barbara McLane, 227 Reserve Drive

3
4 Ms. McLane spoke in support of the project.

5
6 Ron Ballenger, 175 Shorewood Drive

7
8 Mr. Ballenger spoke in opposition to the project, stating he preferred single family homes.

9
10 Council Discussion

11
12 Mayor Wolfe asked Mr. Thompson about the garbage pads being proposed. He asked if they are off the
13 edge of the curbing would the truck be able to have access. Mr. Thompson said that was correct if they
14 were spaced correctly. Mayor Wolfe noted the City can control the parking.

15
16 Councilmember Gamble noted there is already a bus going to the elementary and middle school and that
17 any additional bus top location could be worked out with the School Board. He pointed out there is a
18 similar issue on Dora Avenue for garbage pickup and he believed it is managed. He noted he had not heard
19 comments about the existing retention pond affecting property values but it is owned by the state. He asked
20 if the houses could be painted different colors. He said he would have concern about hedges as it might
21 cause a traffic visibility issue. He said the application is different from last year as a Planned Development
22 and that he thought this development needed to be looked at with an open mind.

23
24 Councilmember Smith said he has given the project considerable thought and has spoken to several real
25 estate agents about whether or not it would reduce the value of the surrounding properties. He said he had
26 been told that it should not affect their value and that he concurred that this was a different proposal than
27 last year,

28
29 Mayor Wolfe asked Mr. Weiss if he would be willing to reduce it to 18 units instead of 20. Mr. Weiss
30 responded that he would accept nine buildings instead of ten, which would be 18 homes. He said the
31 development requirements and permitting from St. Johns and drainage issues will also impact the size of
32 the development.

33
34 Councilmember Pfister said it has been a difficult decision. She said if she owned property in that area she
35 would welcome the development because it is a known design, and looks to be well constructed. However,
36 she said out of respect for the current property owners, their property was purchased with the understanding
37 that this was zoned for single family and Mr. Weiss was aware of the zoning as well. She said she did not
38 understand from the minutes, why the Planning & Zoning Board voted against the project.

39
40 Vice Mayor Grenier said he would have to remain consistent with his vote taken last year. He said he
41 continued to not be in favor as he had observed the effect of duplexes in his neighborhood. He said he was
42 not in favor of the appearance of everything looking the same.

43
44 Councilmember Gamble said one of the concerns expressed in Planning & Zoning had to do with flooding.
45 He asked staff to comment.

46
47 Mr. Hayes said Mr. Weiss will have to do several improvements to the existing stormwater system.

1
2 Councilmember Pfister reiterated that if she does not approve the development it will leave everyone's
3 interest the same as before.

4
5 **MOTION**

6
7 **Sandy Gamble moved to approve Ordinance #2011-09 with the reduction from 10 buildings to nine**
8 **buildings (20 to 18 residences) with the understanding that the project still has to go before St. Johns**
9 **Water District for approval, seconded by Kirby Smith.**

10
11 Councilmember Smith said he wished to clarify with the owner that the motion will approve the rezoning
12 with the amendment that he will be reducing an entire building from 10 duplexes to 9 duplexes. Mr. Weiss
13 confirmed. He said in addition the Planned Development is being approved and once it is approved there
14 can be no changes.

15
16 Mr. Drury said he wished to clarify with the applicant that the trash pads for each one will be off the road,
17 there will be 30 to 40 new oak trees, it will be a deed restricted landscaped property with a Home Owners
18 Association, there will be a sidewalk on the east side of the road and it will be 18 attached dwellings. Mr.
19 Weiss agreed.

20
21 **The motion carried 3-2 as follows:**

22
23 **Robert Wolfe** Yes
24 **Kirby Smith** Yes
25 **Sandy Gamble** Yes
26 **Lori Pfister** No
27 **Bob Grenier** No

28
29 Mayor Wolfe adjourned the meeting for a recess and said he would reconvene the meeting at 5:50 p.m.

30
31 **Tab 9) Appointment to Planning & Zoning Board**

32
33 Mayor Wolfe said Mr. Horner had resigned from the board in October. He said he had received two
34 applications and that he wished to appoint Norbert Thomas to the Planning & Zoning Board.

35
36 **MOTION**

37
38 **Kirby Smith moved to ratify the Mayor's recommendation of Norb Thomas to the Planning &**
39 **Zoning board, seconded by Sandy Gamble.**

40
41 Mayor Wolfe expressed appreciation to Mr. Vilissov for applying and encouraged him to reapply in the
42 future.

43
44 **The motion carried unanimously 5-0.**

45
46
47 **Tab 10) Set Referendum Date for Expansion of Wooton Park**

1
2 Mr. Neron reviewed the action taken by Council on October 5, 2011 to approve holding a bond
3 referendum. He said Council had requested staff to bring back a recommended date. He said the staff
4 consisting of the City Administrator, City Clerk, Public Communications Director, City Attorney and
5 himself had met to review the issue. He said the goal was to select a date when the seasonal residents would
6 still be in the area, when the appropriate focus could be centered on this issue, and there would be sufficient
7 time for public discussion. He noted there will be a Republican presidential primary in January, but 54% of
8 the electors are either Democrat or Independent and therefore would be less likely to vote. He said staff
9 recommendation is to have the election Tuesday, March 6, 2012.

10
11 Councilmember Pfister questioned whether staff had discussed the date with other individuals or groups.
12 Mr. Neron said some discussion was held with some newspapers and other people involved with the
13 political process. Mr. Drury said staff had not discussed this with any advocacy group—what had been
14 discussed was the issue of holding an election after Easter, when the winter residents would be gone. In
15 addition it was recognized if it was held during the Republican primary there might be criticism of not
16 being inclusive. He said there will be a lot of information going out and discussion being held between now
17 and January 31 related to the primary which would compete with the information on this issue. He said the
18 city wants to ensure there is sufficient time to adequately inform the public and be all inclusive for the
19 voters.

20
21 Councilmember Pfister said she was concerned because she felt strongly about the issue and wanted it to be
22 successful. Mr. Drury said staff had also spoken to the Supervisor of Elections regarding the date.
23 Councilmember Pfister asked if staff had spoken to the Trust for Public Lands who are professionals in this
24 area. Mr. Neron said that he had had some contact with the Trust for Public Lands and that the director had
25 agreed that mixing it with the presidential primary would not be the best choice. He said he had probably
26 not asked her about that specific date. Ms. Barnett noted that another consideration had been to choose the
27 first Tuesday of the month which has been the traditional voting day.

28
29 Vice Mayor Grenier discussed the need for a thorough educational effort. Councilmember Pfister asked
30 about upcoming events in the downtown. Mr. Neron noted the African American Festival, Crappie festival
31 and 5K Run in February. Councilmember Pfister asked about promotional materials being provided sooner.

32
33 Mr. Drury stated the city has begun informing the public of this referendum through the newspapers by
34 meeting with the editorial boards and some of the on line magazines, television, etc. He said there will be
35 an informational blast between January 31 and March 6th and between now and then there will be a
36 constant educational campaign on the web site. He said once the date is picked, the staff will work hard to
37 educate the public.

38
39 Councilmember Pfister noted she was the liaison to the project and the first she had heard of the special
40 election was in her agenda packet. Mr. Drury noted Council had directed staff at a previous meeting to
41 come up with a date and recommend it to Council.

42
43 Councilmember Smith commended staff for picking a date and he agreed it was important to establish a
44 date that would be before the northern residents return home. He said he believed the city cannot promote
45 but can inform. He said as an individual he is in favor of the project and he will work to promote it as well.
46

1 Councilmember Gamble noted that he is in support of the date and is glad that it is before the residents
2 would return to northern residences. However, he noted that historically when the city used to have its
3 elections in March the voting turnout was poor.

4
5 Vice Mayor Grenier asked Attorney Williams to clarify the difference between educating and promoting.

6
7 Attorney Williams said educational articles would provide objective information and would encourage
8 people to vote, as opposed to advocating a position.

9
10 **MOTION**

11
12 **Kirby Smith moved to approve March 6, 2012 for the referendum of Wooton Park, seconded by**
13 **Sandy Gamble. The motion carried unanimously 5-0.**

14
15 **Tab 11) Water & Sewer Service to Three Lakes Park**

16
17 Mr. Hayes said this is a request to direct staff to negotiate an agreement for providing water and wastewater
18 to Three Lakes Park and bulk premium rate. Mr. Hayes said this development is in Lake County but the
19 city's service area extends past Three Lakes Park. There are public health issues for the water and
20 wastewater and financial concerns. Tavares has a good water system that has the capability to serve this
21 community. The wastewater system has the capacity to accept their byproduct. The developer would install
22 the entire infrastructure plus connect to the city's system at no cost to the city. There would be no yearly
23 cost of maintenance. The new system would help with the preservation of the lake. By removing these old
24 systems, the city receives credit for its grant applications under the Basic Management Action Plan or
25 "BMAP". The approximate revenue to the city has been estimated at \$150,000 a year that would potentially
26 help with the debt service. He said there were members of the Florida Department of Environmental
27 Protection in the audience to support the project and the HOA president was also in attendance.

28
29 He said staff recommendation is to move to negotiate an agreement to provide water and wastewater to
30 Three Lakes at bulk premium rate with a requirement to annex into the City within 10 years.

31
32 Mayor Wolfe asked the location of the water and sewer line. Mr. Hayes said it runs on the other side on US
33 441 just past Angelo's restaurant. Mayor Wolfe asked who would pay to bring the line under the road. Mr.
34 Hayes said the development would pay for the line.

35
36 Councilmember Smith asked Attorney Williams if the development could try to get out of the agreement to
37 annex. Attorney Williams said he thought it would be secure. He discussed the ordinance conditions and
38 the difference between what was done for Squirrel Point. In Squirrel Point, every property owner was
39 required to sign a recordable covenant that is now recorded in the public records.

40
41 Councilmember Gamble noted some of the residents had put in wells and septic tanks. He said if they are
42 on a well and septic tank, would they be required to hook up to city water and sewer at the time of
43 annexation. Mr. Hayes said the county's requirement is that if they are within a certain distance of water
44 and sewer, they are required to connect. Councilmember Smith asked which entity would bring the roads
45 up to specifications. Mr. Drury said when the agreement comes back to Council, there will be many issues
46 addressed and this is a request to begin the negotiation process.

47

1
2 Attorney Williams noted this is a unique project and because it doesn't fit squarely within existing policies
3 that staff felt before spending time developing the agreement, that it would be appropriate to get approval
4 from Council of the concept.

5
6 **MOTION**

7
8 **Sandy Gamble moved to approve Option 1, to instruct staff to negotiate the agreement for providing
9 water and wastewater to Three Lakes Park at bulk premium rate with a requirement to annex in
10 within ten years and bring back the agreement to Council for approval, seconded by Bob Grenier.**

11
12 Mayor Wolfe noted Council will take public comment at the time the agreement comes back to Council for
13 approval.

14
15 Attorney Williams added there are several people in the area that are not in the Three Lakes Mobile Home
16 Park that are affected.

17
18 Councilmember Gamble added that in the negotiations that if the residents are not able to bring their road
19 to city specifications, the city will not be responsible for the roads as has occurred in Fox Run. In addition
20 the garbage needs to be addressed. Mr. Drury added there may be an issue with the fire trucks.

21
22 **The motion carried unanimously 5-0.**

23
24 **Tab 12) Donation Policy**

25
26 **Ms. Houghton made the following staff report:**

27
28 *On December 15, 2010, the City Council asked staff to develop a policy for solicitation of funds for City
29 events.*

30
31 *The City hosts several events during each fiscal year with many vendors providing various levels of support
32 to the City for these events. Support by our citizens and business community is beneficial to the fiscal
33 impact in hosting City events thus a policy for the solicitation for event funding provides a consistent
34 methodology for each sponsorship opportunity.*

35
36 *In preparing a policy for soliciting and accepting donations and sponsorships, Staff reviewed Florida
37 Statutes in order to develop a meaningful and easy to implement policy.*

38
39 *After review of related information, the attached policy was prepared and discussed amongst the various
40 City Departments for input and operational impact and ease of implementation.*

41
42 *The attached policy meets the criteria of Florida Statutes, and meets the operational needs as well as the
43 City's goals and objectives. The Policy provides for:*

- 44
45
 - Cash Donations with Restrictions
 - 46 • Cash Donations without Restrictions
 - 47 • Non-Cash Donations

- *Solicitations of Donations*
- *Approval and Procedure for Solicitation of Donations or Sponsorships*

MOTION

Kirby Smith moved to approve the policy, seconded by Sandy Gamble. The motion carried unanimously 5-0.

Tab 13) Report on Charging Station Usage

Mr. Skutt reported that since April, there have been four Electric Charging Stations located in the City of Tavares. They are designed to provide electricity for low speed vehicles such as segways and golf carts; and highway speed vehicles such as the Chevy Volt, Nissan Leaf and Smart Electric. The units are the property of the Department of Energy and were loaned to the City at no cost for a period of three years as a facet of a federal pilot program. At the end of this period, the City of Tavares will be asked by the Department of Energy to assume ownership of the stations and continue their maintenance. The City of Tavares pays the cost of the electricity being used by the stations and provides this convenience to users at no cost. There is an option to charge individuals for the use of the electricity however the cost over the last six months has only been around \$1.00. Staff recommends that the city continue offering the service at no cost. Since installation, there have been 55 sessions of use which have consumed an accumulated total of 12.4 kilowatt hours.

MOTION

Lori Pfister moved to approve the Charging Station Usage Report and to direct staff to make the next report in one year, seconded by Sandy Gamble. The motion carried unanimously 5-0.

Tab 14) Contract Addendum with BESH for Design of Alleyways that Abut the Alfred Street Project

Mr. Thompson made the following staff report:

On March 8th, 2010, City Council selected BESH Engineering as the top ranked firm to design the one-way pairing of Alfred & Caroline Streets. A contract for the engineering and streetscape has been executed with BESH. The adopted Redevelopment Master plan for Downtown Tavares recommends the improvement of our alleyways to introduce unique pedestrian spaces which also will reduce excessive curb cuts and traffic conflicts on street frontages. Tavares has to-date brick paved 7 alleyway segments with very positive public response. As suggested in the Master plan's implementation schedule, alleyways in our downtown will be improved as funding is available. Before an alleyway can be improved, it must be surveyed and the subsoil and brickwork engineered to carry the weight of heavy vehicles. Since BESH is actively surveying and designing Alfred & Caroline Streets, it would be most economical for this firm to also do similar work on the adjoining alleyways. BESH has presented a biddable alternate contract for \$7,687.50 to do this additional task for the remaining 7.5 alleys. It is noted that BESH has agreed to use the survey presently underway by Southeastern Survey for the purpose of their design. This non-duplication of services will save the City of Tavares \$9,000.

MOTION

1 Kirby Smith moved to approve Option 1, the bid alternate contract with BESH Engineering in the
2 amount of \$7,687.50 for the biddable design of the remaining 7.5 unimproved alleyways that are
3 adjacent to Alfred and Caroline Streets and authorizes the City Administrator to execute the
4 contract. seconded by Bob Grenier. The motion carried unanimously 5-0.
5

6 **Tab 16) Approval of Emergency Contractors List**
7

8 Mr. Drury advised that Council had requested staff to develop a list of emergency contractors for water,
9 wastewater and stormwater departments. Proposals were solicited through advertising and eight companies
10 responded. Staff recommends selecting all eight companies and a rotational system will be developed.
11

12 **MOTION**
13

14 Lori Pfister moved to accept the eight contractors for the Emergency Contractors List, seconded by
15 Kirby Smith
16

17 Councilmember Gamble asked about tree damage. Mr. Thompson said most tree emergencies are handled
18 in-house. Mr. Thompson said the city has a contract with Dimensional for canal clearing.
19

20 **The motion carried unanimously 5-0.**
21

22 **Tab 17) Update on Progress Energy's 441 Substation Location**
23

24 Mr. Drury said that Progress Energy wishes to build a substation between Sinclair Avenue and the Winn
25 Dixie area. They have looked at several sites with a preference for this site off US 441. They intend to
26 purchase the Chamber property and the daycare property. He noted he had provided a photo of a similar
27 station near Waterman Hospital of 200' x 200'. He said the law only allows the city to control aesthetics
28 and the goal will be to negotiate an aesthetics plan and a gateway sign on their property.
29

30 If Progress Energy purchases the Tavares Chamber property, he Chamber is interested in contributing up to
31 \$150,000 towards the city's train station, if an agreement can be negotiated. This would also allow the city
32 to place a gateway sign to one of the major corridors to the downtown, so this would be a benefit. The city
33 will do everything it can to work with the landscaping aspects.
34

35 Mayor Wolfe questioned why they would not want to go on the north side of US 441. He asked if under
36 negotiations they could put in more mature trees and the larger gallon sized bushes so they grow quicker.
37 Mr. Skutt said there is a maximum height related to the lines.
38

39 Councilmember Gamble asked about the timing. Mr. Drury said they will probably have acquired the
40 property by early 2012 and would begin construction in about a year. This is all contingent on the
41 environmental studies under review. Mr. Neron noted the Chamber would have to move out in July 2012
42 according to their agreement.
43

44 Councilmember Smith asked about ingress/egress. Mr. Drury said the city is trying to require the access to
45 be off Texas Avenue.
46

47 **XIV. OLD BUSINESS**

1
2 **XV. NEW BUSINESS**

3
4 **XV. AUDIENCE TO BE HEARD**

5
6 None.

7
8 **XVI. REPORTS**

9
10 **Tab 12) City Administrator**

11
12 None

13
14 **City Clerk**

15
16 Ms. Barnett noted that Council had approved an event for New Vision that was to have been held today
17 which had to be cancelled due to the weather. She said they have rescheduled it for January 12, 2012 at
18 9:15 a.m.

19
20 Ms. Barnett stated that last year Council had voted last year to hold only one meeting in November. The
21 next meeting will therefore be November 16, 2011.

22
23 **Economic Development Director**

24
25 Mr. Neron noted there were 22 vendors at the last Friday Farmers Market and urged everyone to attend.

26
27 **Fire Chief**

28
29 Chief Keith stated that the day that Council and staff attended the Economic Development luncheon in
30 Orlando, a small fire was observed on the side of the road in the right of way. He recognized
31 Councilmember Gamble for assisting him with putting out the fire.

32
33 **Tab 14) City Council**

34
35 **Councilmember Pfister**

36
37 Councilmember Pfister reminded everyone to attend the opening at Aesop's Park on Saturday.

38
39 **Councilmember Gamble**

- 40
41
 - Asked about the Carl Ludecke subdivision noting that once they have gotten to a percentage of
42 build out they are required to annex into the city.

43
44 Mr. Hayes said staff has not seen any plans on that development. He said he did not believe any houses
45 have been built. Attorney Williams said he did not think they had received plat approval.

46

1 Mr. Hayes said the water lines are located now at the corner of David Walker and US 441. Ms. Houghton
2 noted there is a pioneer agreement in place when development begins.

- 3
- 4 • Asked Mr. Neron if there could be some different types of restaurants in the city. Mr. Neron
5 mentioned that the chain restaurants have particular requirements but he would look into it.
- 6
- 7 • Said he appreciated Mr. Skutt's foresight in bringing forward the Comprehensive Plan
8 amendments.
- 9
- 10 • Noted that Jonathon Lucroyd was a Tavares baseball player in the fall ball program and is now
11 catcher for the Milwaukee Brewers and he wished to acknowledge him and their recent season.
- 12

13 **Vice Mayor Grenier**

14
15 Vice Mayor Grenier said he has received some very positive emails about events in the city and positive
16 feedback about employees and he said he appreciates receiving those emails.

17
18 He reminded everyone of the event on Friday at the Lake County Historical Society to honor the unveiling
19 of the Lake County military gallery and civil war sesquicentennial.

20
21 **Councilmember Smith**

22
23 Councilmember Smith said there is no Lake Sumter MPO meeting on October 26.

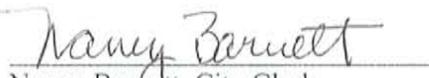
24
25 **Mayor Wolfe**

26
27 Mayor Wolfe reminded everyone of the Aesop's Park opening at 10:00 a.m.

28
29 **Adjournment**

30
31 There was no further business and the meeting was adjourned at 6:56 p.m.

32
33 Respectfully submitted,

34
35
36 
37 _____
38 Nancy Barnett, City Clerk

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
NOVEMBER 16, 2011
CITY COUNCIL CHAMBERS
4:00 p.m.

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember

Kirby Smith, Councilmember

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Gamble gave the invocation and those presented recited the Pledge of Allegiance.

III. SINE DIE

Mayor Wolfe stated it had been an honor to serve as the Mayor. He then adjourned the current Council and pronounced Sine Die. He passed the gavel to the City Administrator.

IV. CALL TO ORDER

Mr. Drury called the meeting to order.

V. PROCLAMATION OF ELECTION RESULTS

1
2 **Tab 1) Election Results**
3

4 Ms. Barnett stated that Sandy Gamble and Kirby Smith were elected without opposition to the
5 City Council for the term 2011-2013.
6

7 **VI. SWEARING IN OF NEW COUNCILMEMBER**
8

9 Chief Lubins gave the Oath of Office to Councilmember Sandy Gamble.
10

11 **VII. ELECTION OF MAYOR**
12

13 Mr. Drury said that prior to the election of the mayor he wished it noted that Councilmember
14 Smith could not be present at this meeting and has submitted a letter to be read into the record:
15

16 *Dear Council:*
17

18 *I have just been informed by my employer that I must attend a meeting in Tallahassee on*
19 *November 16, 2011 and therefore will not be able to attend our next City Council meeting on that*
20 *same date. I know that the agenda will call for an election of the Mayor and Vice Mayor at this*
21 *November 16th Council Meeting. I respectfully request that you table those two items until the*
22 *next regularly scheduled Council Meeting on December 7th, when we would have a full Council.*
23 *Thank you for your consideration of this request.*
24

25 *Kirby Smith, Councilmember*
26

27 Mr. Drury said he would like direction from Council as to whether it wished to move forward with
28 the election of Mayor and Vice Mayor or whether Council would like to table the election to the
29 next meeting.
30

31 He asked the City Attorney to give his legal opinion on the option of tabling the election.
32

33 Attorney Williams stated that under the Charter the city's mayor's term ends with the Sine Die of
34 the Council and currently the city is without a mayor. He said the charter allows for the City
35 Administrator to become the Chair of this meeting for one purpose which is to elect the Mayor. He
36 said the City Charter calls for the Council to elect a new mayor and vice mayor at its first meeting.
37 If that is done today there will be no gap. If it is postponed, then there will be a two week period
38 without a duly elected mayor. He said there is a need for someone to act as the titular head of
39 government and to run the meeting. He said in the absence of an elected mayor and vice mayor
40 he has given the opinion in the past (which is consistent with Roberts Rules of Order) that the
41 position would pass to the most senior elected member of the Board. He said Councilmember
42 Wolfe and Councilmember Pfister have the longest continuous service. He said the decision
43 could be done by consensus or by a coin flip.
44

45 **MOTION**
46

1 **Sandy Gamble moved to table this issue until December 7, 2011, seconded by Robert**
2 **Wolfe.**

3
4 **The motion carried unanimously 4-0.**

5
6 Attorney Williams requested Council to make a motion to table the election of Vice Mayor and the
7 designation of those authorized to sign checks.

8
9 **MOTION**

10
11 **Sandy Gamble moved to table to the December 7, 2011 meeting, Tabs 3 and 6 [Election of**
12 **Vice Mayor and Designation of those Authorized to Sign Checks], seconded by Robert**
13 **Wolfe. The motion carried unanimously 4-0.**

14
15 Attorney Williams stated there is a need to chair the balance of this meeting and act as the head
16 of government until the December 7th meeting.

17
18 Councilmember Gamble asked if both councilmembers are agreeable to this.

19
20 Councilmember Pfister said she had no objection to being the mayor but she thought that it would
21 be best to have Councilmember Wolfe continue for consistency. There was consensus to have
22 Mayor Wolfe continue.

23
24 **Attorney Williams stated that by acclamation Robert Wolfe will continue to serve as the**
25 **mayor until the next Council Meeting.**

26
27 Vice Mayor Grenier ask for information on the legality of a coin toss. Attorney Williams said that
28 coin tossing is a traditional way to resolve a tie in governmental matters and is appropriate.

29
30 Mr. Drury passed the gavel back to Mayor Wolfe.

31
32 **IX. APPROVAL OF AGENDA**

33
34 Attorney Williams said it might be appropriate to also continue the Ethics and Sunshine Law
35 presentation until the next meeting. Mr. Drury asked to pull that item from the agenda.

36
37 **MOTION**

38
39 **Bob Grenier moved, to approve the agenda [as amended], seconded by Sandy Gamble.**
40 **The motion carried unanimously 4-0.**

41
42 **X. APPROVAL OF MINUTES**

43
44 **Tab 4) Approval of Minutes from the October 5, 2011 City Council Meeting**

45
46 **MOTION**

47

1 **Lori Pfister moved to approve the minutes of October 5, 2011, seconded by Bob Grenier.**
2 **The motion carried unanimously 4-0.**

3
4 **Tab 5) Designation of Bank (Temporary)**

5
6 Mr. Drury stated this item is to designate the bank temporarily as staff continues with the RFP
7 process.

8
9 Ms. Houghton said that staff recommendation will be on the December 21st Council Meeting.

10
11 **MOTION**

12
13 **Bob Grenier moved to approve Option 1 [Sun Trust Bank as official depository until the**
14 **RFP is awarded], seconded by Sandy Gamble. The motion carried unanimously 4-0.**

15
16 **XIV. PROCLAMATIONS/PRESENTATIONS**

17
18 **Tab 7) Presentation to Corey Mathis, GIS Analyst, Cadastralist of the Year**

19
20 Mr. Drury stated that for 25 year the Florida Association of Cadastralist Mappers has promoted
21 education and every year designates an award for the best in the state. Mr. Mathis was awarded
22 this designation for his work on developing an aircraft design for the ICON site. He said the City is
23 proud to have Mr. Mathis with the City.

24
25 Mayor Wolfe presented the award to Mr. Mathis and expressed his appreciation. Mr. Drury
26 extended his congratulations.

27
28 **XV. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

29
30 Attorney Williams stated there were no quasi-judicial matters on the agenda.

31
32 **XVI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

33
34 Ms. Barnett read the following ordinance and resolutions into the record by title only:

35
36 **ORDINANCE 2011-13**

37
38 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE**
39 **LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 24,**
40 **SECTION-24E, PERMIT FEE EXEMPTIONS TO ALLOW A PERMIT FEE**
41 **EXEMPTION FOR MODIFICATIONS TO EXISTING COMMERCIAL BUILDINGS**
42 **TO REMOVE ARCHITECTURAL BARRIERS TO ACCESS AND IMPROVE**
43 **ACCESS FOR PERSONS WITH MOBILITY IMPAIRMENTS, INCLUDING BUT**
44 **NOT LIMITED TO RAMPS AND BATHROOM RENOVATIONS PROVIDED THAT**
45 **SUCH STRUCTURES COMPLY WITH STATE AND/OR FEDERAL**
46 **REGULATIONS WHEN APPLICABLE, SUBJECT TO THE RULES,**

1 **Tab 12) Ordinance #2011-13 – Permit Fee Exemption for ADA Modifications – Read for**
2 **First Reading only**

3
4 Mayor Wolfe noted this ordinance would be discussed at second reading at the next Council
5 Meeting.

6
7 **Tab 13) Resolution #2011-23 – Final Amendment to Fiscal Year 2011 Budget**

8
9 Ms. Houghton said this is a cleanup resolution to balance all the city ledger accounts
10 (expenditures and revenues) through the end of the year. This represents an increase in some
11 line items and in others a decrease. The total budget city wide with the adjustments is
12 \$32,284,630.

13
14 **MOTION**

15
16 **Sandy Gamble moved to approve Resolution #2011-23, seconded by Bob Grenier. The**
17 **motion carried unanimously 4-0.**

18
19 **Tab 14) Resolution #2011-27 – Referendum for Expansion of Wooton Park**

20
21 Attorney Williams advised this resolution was prepared pursuant to Council direction to pursue
22 the acquisition of additional parkland and waterfront land adjacent to Wooton Park for a price of
23 approximately \$3.3 million dollars. The resolution is necessary to set a special election for the
24 bonds that would be used to pay for the acquisition of this parkland. It contains the referendum
25 language for the ballot in Section 7. The election date has been settled on as March 6, 2012.

26
27 Mayor Wolfe asked the public for comment.

28
29 Rick Joyce, 2633 SR 19, Howey in the Hills

30
31 Mr. Joyce said he was in opposition to the purchase and the referendum. He said although he
32 does not live in Tavares, he and his wife have made significant investments in the Community
33 Redevelopment Area over the past six years. He said he was also a former member of the
34 CRAAC and participated in the Visioning Sessions. He said within the CRA less than 50% of the
35 properties are taxable and this property was seen as an opportunity to have more residential
36 downtown and increase the tax base. He said the timing is bad and less than 50% of the
37 residents pay property taxes.

38
39 Norm Hope, Fox Run Subdivision

40
41 Mr. Hope said he was in favor of the project. He said when this was attempted before it was too
42 much for the taxpayers because of the increase in the millage, water rates, etc. and the inclusion
43 of the amphitheater. He said although it takes taxable properties off the records, there are many
44 positives because of the protection of the waterfront. He said he would rather see a park
45 developed and the boats moved to the other end away from the seaplanes. He said he pays
46 taxes on two houses in Tavares and has no objection to this improvement.

47

1 Denise Laratta, Royal Harbor

2
3 Ms. Laratta said she was also part of the Visioning group and she is in favor of purchasing the
4 land because it is the last bit of open space left on the lake. She said it adds value to the city long
5 term. In addition she said she respects the owners for their investment in the community and their
6 flexibility in changing plans when needed.

7
8 Jerry Wosika, Reserve Drive, Tavares

9
10 Mr. Wosiki discussed the monies that the city has recently borrowed to build the marina and the
11 proposed pavilion. He said although he would like to have the waterfront property he questioned
12 the expenditure. He noted the city has also stated it wishes to build a parking garage and a train
13 station. He said when some of the officials and staff are no longer representing or working for
14 Tavares, the residents will still be paying for the projects for the next 20 years.

15
16 Discussion

17
18 Councilmember Pfister asked if she should have disclosed ex parte communications. Attorney
19 Williams said this is not an ex parte matter.

20
21 Councilmember Pfister said she is in support of the project. She said her understanding is that
22 Tavares Station is still going to build some condominiums, but in a different location. She said the
23 city has finally discovered its identity and is moving out of its slump. She said being the county
24 seat designation has not improved property values, but that all of the improvements that are
25 being made are an investment in the city's future. She said the property is needed to finish the
26 vision and she believed this project was still supportive of the Visioning process.

27
28 Vice Mayor Grenier stated he is also in support of the purchase of the property. He said he
29 believed the city has moved ahead in spite of the tough economic times. He noted he would still
30 be living in the City long term and would also be paying taxes. He said if the people want to vote
31 on this matter they will come out to vote.

32
33 Councilmember Gamble said when he had obtained signatures to qualify for office, he had asked
34 individuals how they felt on this issue and had not received any negative feedback. He said the
35 main thing he had stressed is that this issue needed to go back to the voters. He said he believed
36 there would be a good turnout for the election because of it affecting taxes. He said he was
37 comfortable with the budget and procedure being proposed to educate the voters.

38
39 Mayor Wolfe

40
41 Mayor Wolfe said currently 50% of the voters do not pay for services currently. He said it is a
42 minimal amount per taxable value; about \$12.00 per \$100 taxable value a year. He said since
43 property values have dropped about 25% on average it would not make as much of a difference
44 in taxes being paid and the residents will see the results for the property taxes they pay. He said
45 the city has a balanced budget so it is not like the federal government going into deficit. He said
46 before the decision is made it is evaluated by many persons in Finance as well as financial

1 consultants to the city. He said this is something that will benefit everyone who uses the park and
2 he believed it will be a great addition to the city.

3
4 Councilmember Gamble asked Mr. Drury to comment on the city's reduction in property taxes.
5 Mr. Drury said he believed Tavares had the second lowest reduction in property values in the
6 entire county. He discussed the city's civic entrepreneurial approach to government which has
7 resulted in the current property tax base of 69% coming from residential and 32% coming from
8 commercial which has been achieved in only five years.

9
10 Mr. Drury commented further in response to the audience comments:

- 11
- 12 1) The City will work hard to educate and not promote. Each councilmember can advocate
13 ether way on this issue
- 14 2) Two things that have changed since the last referendum is that the amphitheater is not
15 part of this referendum and the price of the property went down significantly
- 16 3) Under Florida Law both the state and the cities cannot deficit spend and borrow
- 17 4) Every decision made by the Council has been in terms of its economic return to the city.
18 He discussed the example of the Splash Park which has been paid for by the user fee of
19 \$2.00, the revenue coming from the fuel sales at the marina, the pavilion/convention
20 center being built and the train station being proposed.

21
22 **MOTION**

23
24 **Sandy Gamble moved to approve Resolution #2011-27, seconded by Lori Pfister. The**
25 **motion carried unanimously 4-0.**

26
27 **Tab 15) Approval of Contract for Sale and Purchase of Land for Wooton Park Expansion**

28
29 Attorney William noted this is the proposed land sale contract. The vacant land price is \$2.4
30 million which was a negotiated price by Mr. Neron who worked out the details with Mr. Kooser. He
31 noted that on Page 15 there is an addendum to the contract that contains the special terms which
32 are critical and will be part of the educational process for the voters. He said in addition to buying
33 land, the city will be buying development rights. Currently, as the project is permitted, the owner
34 has the ability to build 25 units and up to 98 covered boat slips on the lakeshore.. Those 98 slips
35 will be given up as part of this agreement. This contract is contingent upon approval of the voters.
36 There will be minimal improvements made which will be the continuation of the Tav Lee trail, a
37 restroom, a wildlife viewing gazebo, the grassing of the area and landscaping to improve the
38 wetland, water shore and the recharge area. The city has agreed not to build anything in excess
39 of 35 feet in height on the property and there are some terms regarding access.

40
41 Mayor Wolfe asked if there was public comment.

42
43 **MOTION**

44
45 **Lori Pfister moved to approve the contract, seconded by Bob Grenier. The motion carried**
46 **unanimously 4-0.**

47

1 **Tab 16) Public Information Program Budget for the Special Election**
2

3 Ms. Ross said she had provided a proposed communication timeline and budget for the parkland
4 referendum to be held on March 6, 2012. She said aside from the basic referendum information
5 being provided, the city faces two challenges: notifying the public that it is a Special Election and
6 delivering a clear message on how this referendum differs from the one held the previous year.
7 She said the plan will provide a variety of ways to reach the public. Staff recommendation is to
8 approve the plan and \$6500 to cover the expenses.
9

10 **MOTION**
11

12 **Lori Pfister moved to approve the budget, seconded by Bob Grenier. The motion carried**
13 **unanimously 4-0.**
14

15 **Tab 17) Approval of Purchase of Sanitation Truck**
16

17 Ms. Houghton stated this is to request approval to piggy back on the Florida Sheriff's bid
18 #11190907 for the purchase of the sanitation truck at \$251,017. This item came before Council
19 for the financing through capital lease with SunTrust two meetings previously. This item is
20 budgeted in the current budget.
21

22 **MOTION**
23

24 **Bob Grenier moved to Tab 17, Option 1 to authorize the purchase of the automated solid**
25 **waste collection vehicle in the amount of \$251,017 utilizing pricing under the Florida**
26 **Sheriff's Bid], seconded by Sandy Gamble. The motion carried unanimously 4-0.**
27

28 **Tab 18) Approval of Purchase of Street sweeper**
29

30 Ms. Houghton said this was a request to piggyback off of the City of Tallahassee bid. This item
31 was budgeted in the current fiscal year budget and the financing will be through capital lease.
32

33 **MOTION**
34

35 **Bob Grenier moved to approved Tab 18, Option 1 to authorize the purchase of the Street**
36 **Sweeper in the amount of \$213,300.37 utilizing pricing under the City of Tallahassee RFP**
37 **0176-97-BM-RC and Contract No. 1619, seconded by Sandy Gamble. The motion carried**
38 **unanimously 4-0.**
39

40 **Tab 19) Policy on Bottled Water Program**
41

42 Ms. Houghton said Council approved the selling of city bottled water several months back and
43 since then staff has had some time to look at the accounting impact and the branding measures
44 more in depth. This policy will allow for the transfer of water to the departments' use for branding
45 initiatives.
46

1 Mr. Drury discussed the issue of marketing the city's brand and the request by not for profits to
2 purchase city water. He noted that not for profits hold events and have volunteers that can assist
3 with selling the water and helping the city to get its brand out to the public. The city has had
4 requests from not for profits to purchase the city's bottled water, however, water can be
5 purchased from Wal-Mart for about 10 cents per bottle. It costs the city about 30 cents to bottle its
6 water. He said the goal is to get the water out to the public before its shelf life is over and get the
7 brand out and allow the not for profits to fund their charitable projects.

8
9 Mayor Wolfe asked if there would be a limit to how many bottles per event. Mr. Drury said staff
10 has not recommended a quantity and it would depend on the type of event and how many people
11 would be attending the event. He said it could be monitored by having the organization return any
12 bottles they had not sold.

13
14 Councilmember Pfister suggested charging the not for profits at the lowest price that they could
15 otherwise obtain from a store.

16
17 Mr. Drury noted two issues would be setting the price and the other is the accounting measures
18 required to track the monies. He said staff is recommending to allow the city to use the half the
19 bottles to promote the city similar to buying pens or items for promotional items.

20
21 Mayor Wolfe questioned Ms. Houghton about the cost, sales and opportunity for the city to
22 replenish the investment.

23
24 Councilmember Pfister asked about the expiration date and how many bottles had been sold out
25 of the 33,000 bottles purchased.

26
27 Mr. Drury noted the options were to authorize staff to give the water to not for profits, charge a
28 nominal fee of 10 cents per bottle or continue to sell it at the fee it is costing the city.

29
30 **Charlotte Hope, Fox Run**

31
32 Ms. Hope she had inquired about selling the Tavares water for the local Kiwanis Club at the 4th of
33 July event but because of the cost they had purchased their water through a private vendor. She
34 said she has found out since then that Niagara gives their water to not for profits to sell although
35 she has not investigated that as yet. She said the monies went for fundraisers for the students in
36 the community.

37
38 **Denise Laratta, Fox Run**

39
40 Ms. Laratta said she had thought it was a good idea when the program was first presented but
41 that she had thought it was going to be on a break even basis. She said she did not think it
42 should be given away. She said if few bottles have been sold it would appear to not be a viable
43 program.

44
45 **Jerry Wosika**

46

1 Mr. Wosika said most of the water would end up in the city and he thought there would be other
2 products for promotion that would not expire and would be more suitable.

3
4 Mayor Wolfe asked to find out how many bottles have been sold. Mr. Drury said staff can provide
5 information on what Leesburg has been doing with their bottled water program and their
6 marketing plan and the City's program.

7
8 **MOTION**

9
10 **Sandy Gamble moved to table this discussion on the policy of the bottled water program**
11 **until the December 7, 2011 meeting, seconded by Bob Grenier.**

12
13 Vice Mayor Grenier said he agreed with the need for more information.

14
15 **The motion carried unanimously 4-0.**

16
17 **Tab 20) Discussion on Extension of Impact Fee Waiver Program**

18
19 Mr. Neron said at the meeting of November 17, 2010, Council approved the waiver of impact fees
20 for January 31, 2011 through December 31, 2011. He said this is a request for Council to discuss
21 whether to continue the waiver of city impact fees city wide. He noted the packet includes
22 information on the history of impact fees and a chart that tracks the breakdown between
23 residential and commercial value on the city's tax base between 2005 and 2011. He noted the
24 commercial value had not dropped as significantly as residential in 2011. He said this shows that
25 the push to get commercial in the city has been working. He discussed the history of the impact
26 fee waiver program. He noted the city has waived a total of 1.6 million dollars of impact fees since
27 the city wide waiver. This has resulted in 34.5 million of new construction and of that, almost 24
28 million is commercial, 4 million is multifamily and seven million is single family.

29
30 Mr. Drury said he would characterize this amendment as being about winding down the impact
31 fee program. He said he believed it was time to wind down the program noting some of the
32 projects that may be undecided may move forward if the city decides to end the program in six
33 months.

34
35 Vice Mayor Grenier clarified that the vote today is to have an ordinance drafted to consider for
36 approval.

37
38 Councilmember Pfister said she has voted against this previously and that the purpose of impact
39 fees is for the infrastructure to be able to accommodate the new residents and businesses. She
40 said she believed the burden would fall on the current taxpayers. She said she is concerned
41 about the number of empty homes and commercial buildings and felt that this would devalue the
42 properties that were previously built that paid impact fees.

43
44 Discussion followed regarding older buildings that did not pay impact fees versus some of the
45 more recent housing in new subdivisions.

46

1 Councilmember Pfister discussed green initiatives. She noted Mr. Skutt had produced some
2 creative ideas that she would have liked to see in the agenda that would help builders to save
3 money and be better off for the environment.
4

5 Mayor Wolfe noted some of the green initiatives could be included in the ordinance. He said he
6 had a different viewpoint on the impact fees and that the data was supportive that the taxes would
7 offset the payment of impact fees.
8

9 Mr. Drury discussion is often held with prospective buyers who are attracted to the city by not
10 having to pay impact fees; however, he said he is not in favor of another year's extension. He
11 said the city needs to continue to grow its impact fee funds to fund the police and fire expansion
12 and the library expansion, as an example. He said after the program ends might be the time to
13 provide credits for green initiatives above and beyond the building code. He said he cannot tell
14 Council which businesses will come off the fence but there would not be the impetus if it
15 continues for another year.
16

17 Vice Mayor Grenier said he would like to see the ordinance and have more discussion and was
18 only in favor of a six months extension. He discussed the positive response to the program he
19 had received at a recent contractors' recertification session. He said he would like to see green
20 incentives for restoring the historic buildings.
21

22 **MOTION**

23
24 **Bob Grenier moved to direct staff to prepare the ordinance for the six months extension,**
25 **seconded by Sandy Gamble. The motion carried 3-1 as follows:**
26

27 Robert Wolfe	Yes
28 Sandy Gamble	Yes
29 Bob Grenier	Yes
30 Lori Pfister	No

31
32 **Tab 21) Tavares Public Schools – Renaissance Donation**

33
34 Mr. Drury stated this was a request from the Educational Foundation for the City Council to
35 determine which public school should receive the \$500 allocated to Tavares.
36

37 **MOTION**

38
39 **Lori Pfister moved to divide the \$500 three ways to the elementary, middle school and the**
40 **high school, seconded by Bob Grenier. The motion carried unanimously 4-0.**
41

42 **Tab 22) Project Status Update**

43
44 Mr. Drury stated he had submitted a list of 31 projects for 2012 and their status. He read the list of
45 projects into the record as follows:
46

- 1 1. **Public Safety Facility:** (Council Liaison – Robert Wolfe/Staff manager- Richard Keith).
2 Estimated cost is \$8 million. A \$500,000 Federal Grant has been secured to do
3 preliminary design which will also include financial plan to secure the remaining funds to
4 construct the facility. Council selected the design Team (Gator Sktch) and an agreement
5 has been negotiated subject to Federal Grant Agency approval to start phase one
6 (preliminary design). The School Board "bus barn" has been purchased by the city as the
7 site for the Public Safety Facility. The School Board was given one year to relocate.
- 8 2. **Seaplane Base and Marina:** (Council Liaison –Councilmember Lori Pfister/Staff Manager
9 - Bill Neron). Punch list items including the dock-to- dock hinge connections are complete.
10 Final pay request from contractor is being processed proposing final payment of \$100,000
11 to the contractor reserving for the city liquidated damages for lateness of the project which
12 will be utilized to cover the additional engineering fees associated with the dock fixes and
13 the fuel farm repairs and or replacement of the computer communications components as
14 they continue to have intermittent problems. The three flag plaques (Seaplane Pilots
15 Association; Sunnyland and brick commemorative should be installed within the next 60
16 days.
- 17 3. **Tavares Pavilion on the water:** (Council Liaison – Councilmember Lori Pfister/Staff
18 manager - Tamera Rogers). Project is under design. Council previously selected the
19 BESH team to design the project and Emmet Sapp to construct the project under a
20 construction manager at risk contract. We anticipate six months to design (May 2012) and
21 9 months to construct with an estimated completion date of February 2013.
- 22 4. **Expansion of Wooton Park:** (Council Liaison – Councilmember Lori Pfister/Staff
23 Managers – Bill Neron and Joyce Ross). Project includes a voter referendum to
24 purchasing 3.61 acres of Park Land to extinguish a developer's right to construct 98
25 covered boat slips and 25 condominiums along the water front. The park land would be
26 preserved for open public space, a public recreational boat ramp, parking and bathroom,
27 an extension of the Tav Lee Trail and the construction of a wild life observation area.
- 28 5. **Royal Harbor Water Pressure** (Staff Manager is Brad Hayes) – City Council authorized
29 Malcolm Pirnie to pressure test those homes who are having pressure problems and then
30 develop a recommendation for corrective action. It is expected that in April of 2012 the
31 tests and recommendation will be complete.
- 32 6. **Dora Canal Bridge Replacement** (Council Liaison – Councilmember Kirby Smith/Staff
33 Manager - Bill Neron). Project funded by Pinsley Railroad, Water Authority, FDOT and
34 City. Agreements have been executed by all parties. Railroad has completed the design
35 and construction to commence in February.
- 36 7. **Tavares Outdoor Sports Park** (Council Liaison – Councilmember Sandy Gamble/staff
37 manager - Tamera Rogers). Permitting from Florida Wildlife and Game Commission for
38 the relocation of gopher tortoises was completed and tortoises were relocated. Bids were
39 received to clear land and then rejected due to low bidder not able to perform to
40 specifications. New bids are being obtained. Interlocal Government Agreement between
41 County and City is complete where County will provide \$250,000 to assist with the project
42 and City has budgeted \$300,000. Total sports complex estimated to cost \$8 million. This
43 first phase includes environmental permitting, gopher tortoise removal, clearing and
44 grubbing entire site and developing two softball fields and a multipurpose field.
- 45 8. **Alleyways and alleyway signage** (Council Liaison – Vice Mayor Bob Grenier/staff
46 manager - Chris Thompson). Naming of alleyways approved by City Council. Alleyways

1 that have been cobblestoned have the new names on alleyway signs installed. Bids for
2 two more alleyways are being obtained.

- 3 9. **Gateway and Kiosk signs:** (Council Liaison – Vice Mayor Bob Grenier/staff manager -
4 Jacques Skutt). First KIOSK sign had to be sent back to sign company for improvements
5 to design including how the propeller was affixed and the ability to change out map
6 needed improvements. Sign has been returned and installed at city hall. The sign on Ruby
7 Street in a grassy area near O'Keefe's and one at the west end of Main Street near the
8 County Parking Garage is now under construction. Gateway signs off 441 and 19 and the
9 entire way finding program have been submitted to FDOT for approval. Approval is
10 pending. Once approval is obtained. Staff will develop a sign implementation schedule.
- 11 10. **Alfred Street Project** (Council Liaison – Council member Lori Pfister/Staff manager -
12 Jacques Skutt). The 30% design was provided to Council and approved. Monthly
13 meetings with design team, County and City are going well. FDOT is giving surplus
14 property to city out by SR 19 for the storm water needs. County and City attorney
15 negotiating with a few property owners for minor acquisitions needed to fulfill design
16 needs. The 90% design will go to Council in January after which the project will go to
17 100% design and then out to bid.
- 18 11. **Branding Americas Seaplane City:** Project manager is Joyce Ross: The branding
19 manual is complete and includes many touch points from social media to placement of
20 signage throughout the community. Brand management is a continuous program that also
21 includes maintaining a positive image of the city not only through a visible brand
22 (shirts/logos) but also with verbal and written messages, as well as how the message
23 looks and is conveyed either through media interaction (press releases, interviews or
24 articles) or direct material coming from the departments.
- 25 12. **Community Backyard Project** (Council Liaison – Councilmember Lori Pfister/staff
26 manager - Tamera Rogers). Includes Dog Park, catch and release fishing pond, Butterfly
27 Park, community vegetable garden, exercise trail/stations, grilling stations, park benches,
28 restrooms and park furniture. Project complete and grand opening was conducted last
29 month. Park is being fully utilized throughout the day and in particular late afternoon.
- 30 13. **Public Works Facility** (Council Liaison – Vice Mayor Bob Grenier/staff member Chris
31 Thompson. Council selected a site next to the Woodlea Waste Water Plant off Captain
32 Haynes Road. A dedication picnic was held over the summer at the location. No funds
33 have been identified for this project yet. Funding will be addressed in a future year through
34 the Capital Improvement Programming process. The estimated cost of the project is \$3
35 million.
- 36 14. **Rail upgrades:** (Council Liaison – Councilmember Kirby Smith/Staff Manager Bill Neron)
37 Originally Tavares assisted the railroad in securing \$13,000,000 in grants to upgrade
38 tracks from Eustis, through Tavares to Plymouth. Recently Tavares secured another \$2.2
39 million grant which will reduce the match of the several local governments by
40 approximately 50%. Tavares has provided the MPO with a template agreement between
41 all of the participating communities and the Railroad which the MPO will finalize and then
42 distribute to the partners within the next 60 days. Once the agreement is executed it is
43 anticipated that the Railroad will design and then construct the upgrades. The City
44 programmed \$300,000 over a three year period beginning next year in the Capital
45 Improvement Program, however, with the success of obtaining the additional grant, that
46 contribution is expected to drop down in half to \$150,000.

- 1 **15. Economic Development:** (Council Liaison – Councilmember Kirby Smith/Staff member
2 Bill Neron).The Tavares Economic Development Strategy continues to include support
3 towards: Hospital, Medical Village, Rail Village, County Government Campus, Commerce
4 Park, Seaplane Base and Marina, Special Events, Multi Modal Transportation system,
5 Sports Park and growing our own businesses. This strategy was developed by the city
6 three years ago and is making progress on all fronts. The team is engaged on all fronts
7 including business recruitment for companies that offer high wage jobs (manufacturing –
8 Project ICON), growing the medical park (Project Osprey Lodge and new Surgical
9 Facility), growing the down town (project Ruby Street Hotel and multiple back-to-back
10 Special Events). In addition the team maintains its economic development programs
11 including the Impact Fee Waiver Program, building permit fee deferral program and fast
12 track permitting program.
- 13 **16. Banking RFP: Staff Manager** – Lori Houghton. Finance Department has gone out for a
14 request for proposals, has received the proposals and is evaluating them for Council
15 consideration at their December, 2011 meeting.
- 16 **17. Meter Reading RFP: Staff manager – Lori Houghton.** Finance Department is currently
17 in process of developing a scope of services and requirements for meter reading
18 services. The desired vendor will provide meter reading services in a timely fashion and
19 within City customer service guidelines.
- 20 **18. Golf Cart Crossing:** Staff Manager – John Drury. Two locations on State Road 19 and
21 441 have been applied for with FDOT (Dead River Road and St. Clair Abrams Road).
22 FDOT developed statewide standards for Golf Cart crossings at state roads. The
23 standards call for an engineering report from the applicant (City). Don Griffey is preparing
24 a cost estimate for the city to conduct the engineering report consistent with the state
25 standards. If the crossing intersections do not comply with the state standards, then a
26 variance process will need to be applied for. We expect to go through the variance
27 process for the two crossings after the engineering report is complete.
- 28 **19. City Comprehensive CRA Plan** – Staff Manager – Jacques Skutt: The Evaluation and
29 Appraisal Report has been completed and submitted to DCA for approval. DCA approved
30 the report.
- 31 **20. Down Town Water/Sewer Upgrades.** Staff Manager – Brad Hayes. \$17 million in grant
32 and loans secured. Scope of work to design has been negotiated and approved by
33 Council. Notice to proceed on design was issued. Surveying is underway.
- 34 **21. Down Town CRA Storm Water upgrades.** Staff Manager – Brad Hayes. \$10 million
35 grant/loans have been applied for to USDA. City awaits determination of grant award.
36 Agreement between County and City finalized to utilize the wet land area behind jail as
37 Down Town's storm water collection/treatment pond. City received a \$750,000 grant from
38 DEP to improve the storm water pond behind the jail.
- 39 **22. Reclaim Facility and Water Utility bld.** Staff Manager Brad Hayes. \$18 million
40 grant/loans applied for. \$900,000 St John's grant received for construction and \$1.2
41 million DEP loan received for design services of the reclaimed facility. Phase one is under
42 construction and includes Reclamation holding tank and distribution lines along 19 south
43 to Royal Harbor and Dead river road to Bay Tree Development.
- 44 **23. Water Treatment Plant Upgrades:** Staff Manager Brad Hayes: Project completed.

1 24. **Sidewalk repair/replacement:** Staff Manager Chris Thompson: Replacement program
2 continues throughout the city.

3 25. **Traffic Circle at West Main Street.** Staff Manager – Jacques Skutt. County has agreed
4 to fund and construct at the completion of the judicial project which is scheduled to be
5 complete within one year.

6 26. **Sister City Program:** (Council Liaison- Mayor Robert Wolfe/Staff Manager Joyce Ross).
7 Sister Cities Tavares and Taiwan's Xindian have both passed resolutions codifying the
8 sister city relationship. The city identified three areas to develop 1) Cultural Program, 2)
9 Youth Program 3) Business Development Program. The Cultural program is being
10 handled through the Tavares Rotary Dragon boating event. The Youth program is being
11 handled through Central Florida District 6980 Rotary which Tavares is a part of. Ten (10)
12 Central Florida High school students went abroad (two to Taiwan) and 10 came from
13 foreign countries to central Florida (two Asian girls to Tavares – non from Taiwan yet).
14 The business program included two meetings with Tavares area business community to
15 discuss fostering a business relationship. A letter to the mayor of Xindian from the
16 business group has been sent requesting that a similar business group be developed
17 there. Recently, the city of Xindian has become part of New Taipei City and it is
18 recommended that in January, we take a look at the formal structure of Xindian and New
19 Taipei and resume discussions on formalizing our three initiatives of culture, youth and
20 business.

21 • **Special Events Team:** (Council Liaison - Robert Wolfe/Staff Manager Bill Neron). The
22 Following Special Events are programmed:

23
24 • Bassmaster Open – January 19-21, 2012 – Wooton Park

25
26 • Crappie Masters Tournament – February 10-11, 2012

27
28 • No Duck Left Behind – Rubber Ducky Race & Carnival – March 10, 2012 – Wooton Park,
29 Lake Dora, Downtown Tavares

30
31 • Classic Raceboat Regatta – March 16-18, 2012 – Wooton Park, Lake Dora, Downtown
32 Tavares

33
34 • Sunnyland Antique & Classic Boat Society Show – March 23 – 25, 2012 – Wooton Park,
35 Downtown Tavares - 8:00 am – 5:00 pm

36
37 • Planes Trains and BBQ – April 7, 2012 – 10:00 am

38
39 • Dragon Boat Festival – April 13, 2012 – 6:00 pm & April 14, 2012 – 9:00 am – Wooton
40 Park

41
42 • Seaplane Pilots Fly-In – April 21, 2012

43
44 • March of Dimes Walk-a-Thon – April 28, 2012 – Wooton Park

45
46 • Hydro-X Tours Jet Ski Racing – May 12 – 13, 2012 – Wooton Park

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- Hydro-X Tours Jet Ski Racing – June 23 – 24, 2012 – Wooton Park
- Lake County Motorcycle Safety Fair – 10:00 am to 1:00 pm February 18, 2012 – Wooton Park
- Florida Hospital Waterman Mission Team’s 3rd Annual 5K – February 19, 2012
- Orange Blossom Half Marathon & 5K Run – March 3-4, 2012 – Wooton Park – Half Marathon: 7:00 am, 5K Run/Walk: 7:30 am
- Renaissance Fair (Tamera Rogers Staff Manager)
- Empty Bowls (Tamera Rogers Staff Manager)

27. Community Events: Staff Manager Tamera Rogers

- City Christmas Light- Up Event December 3, 2011 5:30 pm to 9:00 pm
- 4th of July Celebration –July 4, 2012 – 3:00 pm – 10:00 pm
- African American Heritage Parade and Festival on February 4, 2012 10:00AM to 4:00PM
- Art in the square/Art around town

28. Advance Life Support: Staff manager: Richard Keith. The City of Tavares is the only City in Lake County with a paid Fire Department that does not provide Advance Life Support. The City Council instructed staff to develop the cost estimates to become ALS certified. Staff is working on developing those cost estimates.

29. Golden Triangle Fire District: Staff Manager is Richard Keith and John Drury: The Golden Triangle Fire Chiefs and City managers have met multiple times to discuss this initiative. It is expected that by the beginning of 2012, they will collectively develop a recommendation for their respective boards on the process of moving forward.

30. Golden Triangle Annual Summit Meeting: Four (4) years ago Tavares initiated a Golden Triangle summit meeting for the city Councils of Eustis, Mt. Dora and Tavares. The next meeting will be hosted by Eustis some time during the beginning of 2012.

31. Fox Run Stormwater upgrades Phase 2: Staff manager is Brad Hayes –Project was completed on November 10, 2011.

XIV. OLD BUSINESS

Councilmember Pfister asked if Mr. Skutt would bring the green initiatives to the next meeting so they could be integrated with the impact fee extension ordinance.

XV. NEW BUSINESS

None

1 **XV. AUDIENCE TO BE HEARD**

2
3 **Betty Burleigh, 214 New Hampshire Avenue**

4
5 Ms. Burleigh stated at the last meeting of the Library Advisory Board, Doris Ragan and Charlie
6 Fox were recognized for serving 20 years on the Library Advisory Board.

7
8 **Denise Laratta, Royal Harbor**

9
10 Ms. Laratta said she was speaking for Charlotte Hope. She said Ms. Hope had wanted to remind
11 Council that there had been a discussion regarding making donations to the Education
12 Foundation for the Renaissance Faire and part of the discussion was the amount of money that
13 would come back to the Tavares schools. She said they hoped the \$500 did not represent the
14 total amount coming back to the Tavares schools.

15
16 **Charlotte Hope, Fox Run**

17
18 Ms. Hope commended the subcontractors working on the stormwater project in Fox Run.

19
20 **XVI. REPORTS**

21
22 **Tab 12) City Administrator**

23
24 Mr. Drury acknowledged Ms. Ragan, noting she has been in rehab due to an accident.

25
26 **Economic Development Director**

27
28 Mr. Neron introduced Lauren Farrell, the new Economic Development Coordinator. He noted she
29 is a graduate of Tavares High School and Lake Sumter Community College.

30
31 **Community Services Director**

32
33 Ms. Rogers reminded everyone of the Downtown Art Stroll this Friday evening and noted Light Up
34 will be December 3. She urged everyone to go to the Library to see the decorative sun catcher
35 that is being sold as a fundraiser for new flooring in the Library. She said the Friends of the
36 Library bought the inventory.

37
38 **Tab 14) City Council**

39
40 **Councilmember Pfister**

41
42 Councilmember Pfister stated she had recently watched a war documentary that was very heart
43 wrenching. She said she wished to thank all the veterans for their service to the country.

44
45 **Councilmember Gamble**

46

1 Councilmember Gamble expressed his gratitude to the citizens of the Tavares for allowing him to
2 serve on Council for another two years. He said it is good news to hear about the golf cart
3 crossing project.

4
5 **Vice Mayor Grenier**

6
7 Vice Mayor Grenier noted he is assisting with the Veterans Memorial in Leesburg. He spoke
8 about his relationship with this uncle who served in World War II in Iwa Jima. He said he agreed
9 with Councilmember Pfister how important it is to remember the veterans.

10
11 Vice Mayor Grenier acknowledged that Bernice Odums' son Kenton passed away last week.

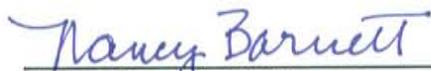
12
13 **Mayor Wolfe**

14
15 Mayor Wolfe wished those present a happy and safe Thanksgiving and said he looked forward to
16 seeing everyone at Light Up.

17
18 **Adjournment**

19
20 There was no further business and the meeting was adjourned at 6:14 p.m.

21
22 Respectfully submitted,

23
24
25 
26 _____
27 Nancy Barnett, CMC
28 City Clerk

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 7, 2011**

AGENDA TAB NO. 1

SUBJECT TITLE: Election of Mayor

OBJECTIVE:

To elect the position of Mayor of City Council

(This item was deferred from the meeting of November 16, 2011.)

SUMMARY OF PROCEDURE:

Section 3.04 of the City Charter states that "The council shall elect from its members, a mayor and vice mayor" and "the city administrator shall conduct the election of the mayor". The Council has traditionally followed Roberts Rules of Order when conducting meeting and elections.

Base on the Roberts Rules of Order process, the City Administrator will open up the floor for nominations of Mayor. Council members will be invited to nominate any council member including themselves. No second is required for a nomination. Once nominations have been completed the City Administrator will close nominations.

The City Administrator will then offer an opportunity for any council member who wishes to speak to make comment at this time. As the Charter specifically calls for the City Council and not the public to conduct this organizational order of business, the City Administrator does not plan on opening this issue up to public debate and discussion but rather leave that to Council.

Upon completion of Council comment and discussion, The Administrator will request a hand vote (raising of the right arm) for each nominee based on the order in which they were received at time of nomination until three or more votes are made for a nominee.

OPTIONS:

- 1) Have the City Administrator entertain nominations for Mayor and call for the vote in the order in which they are made
- 2) Make a motion for another method of nominations

STAFF RECOMMENDATION: N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This has met legal sufficiency.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 7, 2010**

**AGENDA TAB NO. 2
SUBJECT TITLE: Election of Vice Mayor**

OBJECTIVE:

To elect the position of Vice Mayor of City Council

(This item was deferred from the meeting of November 16, 2011.)

SUMMARY:

Section 3.04 of the City Charter states that "The council shall elect from its members, a mayor and vice mayor". The Council has traditionally followed Roberts Rules of Order when conducting meeting and elections.

Base on the Roberts Rules of Order process, the Mayor should open up the floor for nominations of Vice Mayor. Council members should be invited to nominate any council member including themselves. No second is required for a nomination. Once nominations have been completed the Mayor should close nominations.

The Mayor should then offer an opportunity for any council member who wishes to speak to make comment at this time. As the Charter specifically calls for the City Council and not the public to conduct this organizational order of business, the Mayor does not need to open this issue up to public debate and discussion but rather can leave that to Council.

Upon completion of Council comment and discussion, The Mayor should request a hand vote (raising of the right arm) for each nominee based on the order in which they were received at time of nomination until three or more votes are made for a nominee.

OPTIONS:

- 1) Have the Mayor entertain nominations for Vice Mayor and call for the vote in the order in which they are made
- 2) Make a motion for another method of nominations

STAFF RECOMMENDATION: N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This has met legal sufficiency.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
December 7, 2011**

AGENDA TAB NO. 3

SUBJECT TITLE: Designation of those Authorized to Sign Checks

OBJECTIVE:

To designate those who are authorized to sign checks for City business.

SUMMARY:

Staff recommends approval of the Mayor, Vice Mayor, City Administrator and the Finance Director as those designated to sign checks. This is consistent with past policy.

City disbursements (checks) will utilize one signature from the Mayor or the Vice Mayor and one signature from the City Administrator or the Finance Director.

(This item was deferred from November 16, 2011 meeting.)

OPTIONS: N/A

STAFF RECOMMENDATION:

Move to authorize the Mayor, Vice Mayor, City Administrator and the Finance Director to be authorized to sign checks.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: N/A

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: Dec. 7, 2011**

AGENDA TAB NO. 4

**SUBJECT TITLE: Interlocal Agreement with Lake County for CDBG Grant
TAVARES SIDEWALK PROJECT**

OBJECTIVE:

To seek Council approval to enter into an agreement with Lake County for the Community Development Block Grant (CDBG) for sidewalk improvements along the east side of St. Clair Abrams Avenue.

SUMMARY:

On June 29, 2011, the Tavares Public Works Department submitted an application to Lake County for a Community Development Block Grant consideration. The project proposed for this grant funding consisted of constructing and replacing sidewalks on the east side of St. Clair Abrams Avenue providing a safe and aesthetically pleasing means of pedestrian travel from US HWY 441 to Caroline Street. The City received an approval letter from Lake County on September 2, 2011 stating the grant was in the amount of \$52,500. This grant is a 100% reimbursable funding source.

OPTIONS:

- 1) Move to approve the City of Tavares to enter into an interlocal agreement with Lake County for acceptance of the 2011 CDBG Grant for St. Clair Abrams sidewalk improvements in the amount of \$52,500.
- 2) Council to not approve the City of Tavares to enter into an interlocal agreement with Lake County for acceptance of the 2011 CDBG Grant for St. Clair Abrams sidewalk improvements.

STAFF RECOMMENDATION:

- 1) Move to approve that the City of Tavares to enter into an interlocal agreement with Lake County for acceptance of the 2011 CDBG Grant for St. Clair Abrams sidewalk improvements in the amount of \$52,500.

FISCAL IMPACT:

Reserves (100% reimbursement through the Grant)



LAKE COUNTY
FLORIDA

September 2, 2011

Chris Thompson
City of Tavares
100 N. Disston Avenue
Tavares, F: 32778

Dear Chris:

We are pleased to inform you that the 2011-12 CDBG Urban County Partner Project application for St. Clair Abrams Avenue Sidewalks has been approved at the requested amount of \$52,500. This approval is contingent upon the satisfactory outcome of an environmental review. The environmental review will be performed by CDBG Staff by the end of September 2011.

We look forward to working with you on this project and appreciate your continued support. If you have any questions, feel free to contact me at 742-6522.

Sincerely,

Shawna Chancey
Sr. Program Specialist

DEPARTMENT OF COMMUNITY SERVICES
P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.742.6540 • F 352.742-6535
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

SEAN M. PARKS, AICP, QEP
District 2

JIMMY CONNER
District 3

LESLIE CAMPIONE
District 4

WELTON G. CADWELL
District 5

**COMMUNITY DEVELOPMENT BLOCK GRANT
PARTNERSHIP AGREEMENT**

BETWEEN

LAKE COUNTY

AND

CITY OF TAVARES

FOR

***CDBG FY 2011-12
ST. CLAIR ABRAMS AVENUE
SIDEWALK PROJECT***

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**PARTNERSHIP AGREEMENT
BETWEEN LAKE COUNTY AND
CITY OF TAVARES**

This Agreement is made and entered this _____ day of _____, 20__ by and between Lake County, a Political Subdivision of the State of Florida hereafter referred to as "COUNTY", and *Tavares*, a political subdivision of the State of Florida, hereafter referred to as "MUNICIPALITY"

WITNESSETH:

WHEREAS, the COUNTY has been awarded a Community Development Block Grant (CDBG) from the Department of Housing and Urban Development (HUD) which provides for the development, establishment, and administration of projects to benefit low and moderate income families, aid in elimination of slums or blight, or meet an urgent community development need according to CFR 570 HUD Regulations; and

WHEREAS, said Grant allows the COUNTY to develop partnerships with other governmental agencies and non-profit corporations to administer and implement projects that are eligible for CDBG funding; and

WHEREAS, the MUNICIPALITY has entered into an Urban County Cooperation Agreement with the County, whereby the County shares its annual CDBG entitlement with the MUNICIPALITY because the MUNICIPALITY's low and moderate income population was used to qualify the County for the entitlement; and

WHEREAS, the MUNICIPALITY wishes to use its share of the FY 2011-12 CDBG entitlement to *Aesop Park Improvement*; and

WHEREAS, the MUNICIPALITY has agreed to implement the above activity and to be reimbursed for the services in an amount not to exceed \$52,500; and

WHEREAS, the COUNTY has initially determined that the proposed activity will benefit low and moderate income persons;

NOW THEREFORE in consideration of the mutual premises and covenants, the parties agree as follows:

**ARTICLE I
PROJECT DESCRIPTION**

- 1.1 The MUNICIPALITY agrees to implement this activity as described in detail in Appendix A, Scope of Services.

**ARTICLE II
DISBURSEMENTS**

- 2.1 The COUNTY agrees to reimburse the MUNICIPALITY a maximum amount not to exceed \$52,500 from FY2011-12 Community Development Block Grant (CDBG) funds, as outlined in Appendix B, Budget.

**ARTICLE III
REPORTING**

- 3.1 The MUNICIPALITY shall provide the COUNTY with a monthly report of all activities including a narrative summary of progress and financial statement on expenditures during the report period. Reports may be submitted on the report form attached to this Agreement, Appendix D. Reports are due on the tenth working day of each month, unless on an otherwise agreed upon schedule, and shall begin on the effective date of this agreement and continue until all information concerning the project has been received by the COUNTY for close-out.
- 3.2 The MUNICIPALITY shall provide the Lake County Department of Community Services with additional program information as needed.

**ARTICLE IV
AGREEMENT PERIOD AND TERMINATION**

- 4.1 This Agreement shall take effect on **December 1, 2011**, and shall terminate on **September 30, 2012** unless canceled sooner.
- 4.2 Suspension and termination for convenience:
- a. If the MUNICIPALITY should materially fail to comply with any term of the award, suspension or termination may occur in accordance with 24 CFR 85.43 and in accordance with 24 CFR 85.44. In the event that funds should fail to be or cease to be provided to the COUNTY then the COUNTY may terminate this Agreement immediately.
 - b. Termination for Convenience: Except as provided above awards may be terminated in whole or in part only as follows:
 - 1. By the County with the consent of the MUNICIPALITY in which case the two parties shall agree upon the termination condition including the effective date and in case of partial termination the portion to be terminated; or
 - 2. By the MUNICIPALITY upon written notification to the COUNTY setting forth the reasons for such termination, the effective date, and in case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the COUNTY determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the COUNTY may terminate the award in its entirety.

- 4.3 The COUNTY may issue a Stop Order to the MUNICIPALITY which will halt all work on the project in the event that the work is not being done according to Federal guidelines and regulations, the assurances contained herein, or the provisions of this Agreement.
- 4.4 The MUNICIPALITY may not terminate its obligations under Paragraph 11.7-11.9 (Program Income) and may not terminate an Assignment of Proceeds and Grant of Lien without written consent of the COUNTY.
- 4.5 Hearings Appeals: In taking an enforcement action the COUNTY will provide the MUNICIPALITY an opportunity for such hearing appeal or other administrative proceeding to which the COUNTY or MUNICIPALITY is entitled to under any statute or regulation applicable to the action involved.
- 4.6 Effects of Suspension and Termination: Costs resulting from obligations incurred by the MUNICIPALITY clearing a suspension after termination of an award are not allowable unless the awarding agency expressly authorizes them in the nature of suspension or termination or subsequently. Other MUNICIPALITY costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
 - a. The costs result from obligations which were properly incurred by the MUNICIPALITY before the effective date of suspension or termination are not in anticipation of it and in case of termination are noncancellable; and
 - b. The costs would be allowable if the award was not suspended or expired normally at the end of the funding period in which the termination takes effect.
- 4.7 Relationship to Debarment and Suspension: The enforcement remedies identified in this section including suspension and termination do not preclude the grantee or subrecipient from being subject to "Debarment".

**ARTICLE V
INDEMNIFICATION**

- 5.1 The COUNTY and the MUNICIPALITY, in accordance with Section 768.28, Florida Statutes, agree to be fully responsible for their negligent acts or omissions or intentional tortuous acts which result in claims or suits against the other party, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Subrecipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract. The MUNICIPALITY agrees that it is an independent contractor of the COUNTY and not an agent or employee.

**ARTICLE VI
PROCEDURES FOR INVOICING AND PAYMENT**

- 6.1 All purchasing for consumable, capital equipment, and services shall be made by credit card, purchase order or by a written contract
- a. The COUNTY agrees to make payment and reimburse all budgeted costs as specified in Appendix B available under Federal, State, and County guidelines.
 - b. Requests by the MUNICIPALITY for payment shall be accompanied by proper documentation and shall be submitted to the COUNTY for approval no later than thirty (30) days after the last date covered by the request.
 - c. The COUNTY agrees that it shall pay the MUNICIPALITY within thirty (30) calendar days after proper presentation of invoices and reports approved by the MUNICIPALITY and COUNTY.
 - d. For purposes of this section, copies of invoices, receipts, or other evidence of indebtedness shall be considered proper documentation. Invoices shall not be honored if received by the COUNTY later than thirty (30) days after expiration date of this Agreement.
 - e. The COUNTY may withhold payment of reimbursement requests if monthly reports are not current.
- 6.2 Upon receiving the invoices, reports and other materials, the COUNTY shall review such bid awards, contracts, reports and invoices to determine whether the items invoiced have been completed and that the invoiced items are proper for payment.
- 6.3 Upon determination by the COUNTY that the services or material invoiced have been received or completed, the COUNTY shall authorize payment to the MUNICIPALITY in the amount it determines to be payable.
- 6.4 If applicable, a request to subcontract work or services hereunder shall be submitted in writing and shall be subject to each provision of this Agreement and any contract shall be in accordance with County, State, and Federal guidelines and regulations. A list of all subcontractors shall be provided to the Department of Community Services. This in no way relieves the MUNICIPALITY from any other requirements of this Agreement. Reimbursement requests shall include certification such as the certification shown in Appendix C, Page 2 in the absence of canceled checks for verification. None of the work or services, including but not limited to, consultant services covered by this Agreement, shall be subcontracted or reimbursed without the prior notice to the COUNTY.

**ARTICLE VII
IMPLEMENTATION AND TIMETABLE**

- 7.1 The parties expressly ratify the activities relating to this agreement and adopt the terms and conditions of this agreement for all such activities beginning October 1, 20. _ Expenses incurred during this period will be considered eligible for reimbursement.

- 7.2 The MUNICIPALITY agrees to implement project(s) and comply with the Scope of Services and timetable set forth in Appendix A.

**ARTICLE VIII
NOTICES**

- 8.1 The MUNICIPALITY and the COUNTY agree that all notices required by this Agreement shall be in writing and delivered by U.S. Mail, electronic mail, by messenger or personally delivered to the office of the duly authorized representative of the MUNICIPALITY or COUNTY as specified herein.

COUNTY :

Cheryl Howell, Housing Division Manager
Lake County Dept of Comm. Services
P.O. Box 7800
1300 S. Duncan Drive.
Tavares, FL 32778-7800

MUNICIPALITY:

Chris Thompson
Public Works Director
City of Tavares
PO Box 1068
Tavares, FL 32778

**ARTICLE IX
MODIFICATION**

- 9.1 Any program modification requested by the MUNICIPALITY must be requested at least ninety (90) days prior to the end of the term of this Agreement. No modification to this Agreement shall be binding on either party unless in writing and signed by both parties.
- 9.2 In the event that the Board of County Commissioners approves any modification, amendment, or alteration to the funding allocation, the MUNICIPALITY shall be notified in writing and such notification shall constitute an official amendment.
- 9.3 The COUNTY may, at its discretion and upon provision of proper notice to the MUNICIPALITY, amend this Agreement to conform with changes in Federal, State, and/or County guidelines, regulations, directives, and objectives. Such amendments shall be incorporated by written amendment as a part of this Agreement.

**ARTICLE X
ASSURANCES**

- 10.1 MUNICIPALITY agrees that it will comply with the following assurances:
 - a. If applicable, the MUNICIPALITY shall inform affected persons of the benefits, policies, and procedures provided for under HUD regulations.
 - b. The MUNICIPALITY agrees further that it shall be bound by the standard terms and conditions used in the Grant Agreement between HUD and the COUNTY and such other rules, regulations or requirements as HUD may reasonably impose in addition to the aforementioned assurances at or subsequent to the execution of this Agreement by the parties hereto.
 - c. In accordance with the Drug Free Workplace Act of 1988, the MUNICIPALITY certifies that it has a policy designed to ensure that the MUNICIPALITY's

workplace is free from the illegal use, possession, or distribution of drugs or alcohol.

- d. In compliance with Paragraph (2)(a) of Section 287.133, Florida Statutes, a "person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids or leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

10.2 The MUNICIPALITY certifies that, to the best of its knowledge and belief that:

- a. No federally appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and It will require that the language of this Paragraph 8.12 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE XI FINANCIAL RESPONSIBILITY

- 11.1 The MUNICIPALITY gives the COUNTY, HUD, and the Inspector General, through any authorized representative, access to and the right to examine all records, books, papers, or documents relating to the project.
- 11.2 The MUNICIPALITY agrees to maintain books, records and documents in accordance with accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided under this Agreement.
- 11.3 The MUNICIPALITY further agrees to provide for audit purposes (upon request) all files, records and documents pertaining to related activities and clientele demographic data contained in this Agreement.
- 11.4 Any funds expended in violation of this Agreement shall be refunded in full from non-Federal resources.
- 11.5 Funding authorization through a Community Development Block Grant shall be used only for eligible activities specifically outlined in this Agreement. In the event material progress is not evidenced nor commenced within the time limitations of this Agreement, as determined by the COUNTY, the COUNTY may terminate this contract.
- 11.6 All funds not expended as a result of the aforementioned deficiency of significant material progress or returned as a result of expiration and subsequent termination of the original funding Agreement shall be used by the COUNTY at its discretion for reallocation to other eligible CDBG activities.
- 11.7 Program income (defined at 24 CFR 570.500) derived from the project, if any, shall be retained by the MUNICIPALITY to be used to recoup costs incidental to generation of the income, such as expendable supplies and labor costs.
- 11.8 If the MUNICIPALITY executes an Assignment of Proceeds and Grant of Lien to the COUNTY specifying the terms of reversion of proceeds from possible future sale of real property, it is incorporated by reference and made a part of this contract.
- 11.9 The COUNTY shall have the right to audit and monitor any program income as a result of a Community Development Block Grant activity.

ARTICLE XII EVALUATION AND MONITORING

- 12.1 The MUNICIPALITY agrees that the COUNTY may carry out periodic monitoring and evaluation activities as determined necessary by the COUNTY. This Agreement is dependent upon satisfactory monitoring and evaluation of activities and other performance measures, including, but not limited to the terms of this Agreement, comparisons of planned versus actual progress relating to project scheduling, budget, and output measures. The MUNICIPALITY agrees to furnish upon request to the COUNTY or its designees, and make copies and/or transcriptions of such records and information as is determined necessary by the COUNTY. The MUNICIPALITY shall

submit, upon the request of the COUNTY, information and status reports required by the COUNTY or HUD on forms approved by the COUNTY.

- 12.2 A sample monitoring instrument attached as Appendix E contains the minimum monitoring measures to be used by the COUNTY. Other measures may also be utilized.

ARTICLE XIII UNIFORM ADMINISTRATIVE REQUIREMENTS

- 13.1 Governmental subrecipients and the County shall comply with the 24 CFR Part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments":
- a. Section 85.3, "Definitions";
 - b. Section 85.6, "Exceptions";
 - c. Section 85.12, "Special grant or subgrant conditions for 'high-risks' grantees";
 - d. Section 85.20, "Standards for financial management systems", except paragraph (a);
 - e. Section 85.21, "Payment", except as modified by State Statute 570.513;
 - f. Section 85.22, "Allowable costs";
 - g. Section 85.26, "Non-federal audits";
 - h. Section 85.32, "Equipment", except in all cases in which the equipment is sold, the proceeds shall be Program Income;
 - i. Section 85.33, "Supplies";
 - j. Section 85.34, "Copyrights";
 - k. Section 85.35, "Subawards to debarred and suspended parties";
 - l. Section 85.36, "Procurement", except paragraph (a);
 - m. Section 85.37, "Subgrants";
 - n. Section 85.40, "Monitoring and reporting program performance", except paragraph (b) - (d) and (f);
 - o. Section 85.41, "Financial reporting", except paragraphs (a), (b), and (e);
 - p. Section 85.42, "Retention and access requirements for records";
 - q. Section 85.43, "Enforcement";
 - r. Section 85.44, "Termination for convenience";
 - s. Section 85.51, "Later disallowances and adjustments"; and
 - t. Section 85.52, "Collection of amounts due".

The COUNTY and governmental subrecipients shall also comply with the provisions of OMB Circular A-133 - Audits of State and Local Governments Non-Profit Organizations; and OMB Circular A-87 - Cost Principles for State and Local Governments.

**ARTICLE XIV
CONFLICT OF INTEREST**

14.1 In the procurement of services by the MUNICIPALITY, the Conflict of Interest provision in 24 CFR 85.36 shall be adhered to as applicable.

**ARTICLE XV
OTHER REQUIREMENTS**

15.1 The COUNTY and the MUNICIPALITY agree to comply with all applicable Federal, State, and County laws ordinances, codes and regulations. Any conflict or inconsistency between the above Federal, State or County guidelines and regulations and this Agreement shall be resolved in favor of the more restrictive. More specifically, the COUNTY and the MUNICIPALITY agree to carry out each activity in compliance with all applicable Federal laws and regulations as described below:

- Public Law 88.352 - Title VI of the Civil Rights Act of 1964
- Public Law 90.284 - Title VIII of the Civil Rights Act of 1988
- Executive Order 11063 as amended by Executive Order 12259
- Section 109 of the Act
- Labor Standards
- National Flood Insurance Program
- Relocation and Acquisition
- Employment and Contracting Opportunities;
- Executive Order 11246 (41 CFR Chapter 60)
- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17010)
- Lead-Based Paint
- Use of Debarred, Suspended or Ineligible Contractors
- Displacement
- Conditions for Religious Organizations
- Non-Discrimination Base on Handicap
- Section 504 of the Rehabilitation Act of 1973
- Architectural Barriers Act of 1963
- Environmental Protection Agency Regulations.

15.2 The MUNICIPALITY will conform with the rules and regulations set forth under Section 3 of the Housing and Urban Development Act of 1968, (12 USC 1701u), as amended. If the MUNICIPALITY solicits or requests an invitation for bids, every effort feasible will be made to contact minority-owned and women-owned business enterprises for a response to the solicitation or invitation for bidders.

15.3 Neither the MUNICIPALITY's program nor the funds provided therefore, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of the Hatch Act, Chapter 15 of Title 5, United States Code

**ARTICLE XVI
GENERAL PROVISIONS**

- 16.1 The COUNTY and the MUNICIPALITY agree to abide by the provision of Chapter 112.3135, Florida Statutes, pertaining to nepotism in their performance under this Agreement. The COUNTY and the MUNICIPALITY also agree to abide by Chapter 119, Florida Statutes, Public Records and its successors.
- 16.2 This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.
- 16.3 This document shall be executed in three (3) counterparts, each of which shall be deemed to be an original.
- 16.4 Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

ARTICLE XVII INSURANCE AND BOND

- 17.1 The MUNICIPALITY shall maintain, at all times, the following minimum levels of Insurance and; shall, without in any way altering their liability, obtain, pay for and maintain insurance for the coverages and amounts of coverage not less than those set forth below.
- a. Worker's Compensation -- in compliance with State and Federal laws.
 - b. Comprehensive Automobile Liability -- \$1,000,000.00 combined single limit of liability for bodily injuries, death and property damage resulting from any one occurrence, including all owned, hired, and non-owned vehicles.
 - c. Comprehensive General Liability -- \$1,000,000.00 combined single limit of liability for bodily injuries, death, and property damage, and personal injury resulting from any one occurrence, including the following coverages:
 - I. Premises and Operations; and
 - II. Broad Form Commercial General Liability Endorsement to include blanket contractual liability (specifically covering, but not limited to, the contractual obligations assumed by the firm); Personal Injury (with employment and contractual exclusions deleted); and Broad Form Property Damages coverages.
- 17.2 The MUNICIPALITY shall provide to the COUNTY original Certificates of Insurance satisfactory to the County to evidence such coverage before any work commences.
- 17.3 The MUNICIPALITY shall name the COUNTY as an additional insured on all policies related to the project, excluding worker's compensation and professional liability.

- 17.4 All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII.
- 17.5 The MUNICIPALITY's self-insured retention or deductible per line of coverage shall not exceed \$25,000 without the permission of the COUNTY. Such certificates of insurance provide that there shall be no termination, non-renewal modification or expiration of such coverage without forty-five (45) calendar days prior written notice to the COUNTY. In the event of any failure by the MUNICIPALITY to comply with the provisions; the COUNTY may, at its option, on notice to the MUNICIPALITY suspend the project for cause until there is full compliance. Alternatively, the COUNTY may purchase such insurance at the MUNICIPALITY's expense, provided that the COUNTY shall have no obligation to do so and if the COUNTY shall do so, the MUNICIPALITY shall not be relieved of or excused from the obligation to obtain and maintain such insurance amounts and coverages.
- 17.6 The MUNICIPALITY herein attests and certifies to the COUNTY that during the term, January 31, 2011 to the effective date of this agreement, the MUNICIPALITY had all insurance coverages and limits as set forth by the agreement.
- 17.7 The undersigned person signing as an officer on behalf of the MUNICIPALITY, a party to this Agreement, hereby severally warrants and represents that said person has authority to enter into this Agreement on behalf of said MUNICIPALITY and to bind the same to this Agreement, and, further that said MUNICIPALITY has authority to enter into this Agreement and that there are no restrictions or prohibitions contained in any article of incorporation or bylaw against entering into this Agreement.

IN WITNESS WHEREOF the parties hereto duly execute this Agreement as of the day and year first written above.

LAKE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Jennifer Hill, Chair

This ____ day of _____, 20__

ATTEST

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

Approved as to form and legality

Sanford A. Minkoff
Acting County Attorney

MUNICIPALITY

ATTEST:

Robert Wolfe, Mayor

Nancy Barnett, City Clerk

This ____ day of _____, 20__.

Approved as to form and legality:

Robert Q. Williams, City Attorney

**APPENDIX A
SCOPE OF SERVICES**

1. The MUNICIPALITY intends to use its FY 2011-12 Community Development Block Grant (CDBG) funds to **construct sidewalks**. More specifically, the improvements include:

- Construction of sidewalk on the east side of St. Clair Abrams Avenue

2. The MUNICIPALITY will oversee implementation of the project with assistance from the County as follows:

- Construction of sidewalks and ADA ramps.
- Contract for installation of the site improvements.

It shall be the responsibility of the MUNICIPALITY to ensure that all contracted services shall be procured in such a manner as to encourage free and open competition following statutory procurement practices, and, in all contracts for outside labor, to include compliance with federal labor standards, where applicable, and with other federal requirements. The County will assist the MUNICIPALITY to ensure that these requirements are met.

2. Implementation of the project shall proceed according to the Schedule on Appendix A, Page 2.

Implementation Schedule

Task	Start	Contract Month												End	
		11/11	12/11	01/12	02/12	03/12	04/12	05/12	06/12	07/12	08/12	09/12	10/12		
Design (in-house)	11/11	X	X												12/11
Interlocal Agreement Approved	11/11	X	X	X											01/12
Bids Requested	01/12			X	X										02/12
Approval of Bids	02/12				X	X									03/12
Enter in to Contract	03/12					X	X								04/12
Construction Begins	04/12						X	X							05/12
Project Closeout	06/12									X					06/12

3. The MUNICIPALITY shall comply with the following other requirements:

- Prior to rehabilitation/construction, Department of Community Services-CDBG Division staff will review and approve specifications and cost allocations.
- The MUNICIPALITY shall include in all advertising and/or promotion a statement that whole or partial funding of the project is supplied by Lake County Community Development Block Grant Funds, or wording to that effect.
- The MUNICIPALITY shall maintain documentation that ensures eligibility and compliance with a National Objective of the CDBG program.
- The Scope of Service may not be changed or modified without prior written approval by the COUNTY.

**APPENDIX B
BUDGET**

The MUNICIPALITY shall adhere to the following budget in carrying out this Agreement. LINE ITEMS MAY NOT BE ADDED to the Budget during the term of this Agreement.

Category	Line Item	CDBG Funds	Other Funding	Total
Salaries & benefits (service delivery or labor costs only)				
Materials & equipment	Concrete, 3100 feet	\$45,000		\$45,000
	8 ADA Compliant Ramps	\$4,000		\$5,000
	Fill/sod/stripping/hand rails	\$3,500		\$3,500
Consultants & professional services				
Other expenses	Demo/labor and Disposal		\$4,000	\$4,000
	Engineering, Over-sight, Design, Permitting		\$16,000	\$16,000
	Tree removal/labor and disposal		\$10,000	\$10,000
	Fill, stabilization		\$2,000	\$2,000
	Utility relocations/labor and material		\$5,000	\$5,000
Totals		\$52,500	\$37,000	\$89,500

The MUNICIPALITY may request **PRIOR** approval for Budget line item shifts, except that such line item shifts involving personnel shall not result in an increase in the rate of such salaries. Requests for line item shifts shall be granted by the Lake County Housing Services Division (HSD) as it deems reasonable and necessary for the performance of Services and shall not be deemed approved unless given **IN WRITING** by HSD.

APPENDIX C

REIMBURSEMENT REQUEST FOR CDBG FUNDS

PROJECT NAME: CDBG 2011-12 St. Clair Abrams Sidewalks
Urban County Partner: Tavares

PAYROLL (Must have authorized timesheets and payroll information): \$ _____

INVOICES (Attach all relevant invoices and copies of disbursed checks): \$ _____

EQUIPMENT (Office, etc., along with procurement information): \$ _____

OTHER CONTRACTS (Provide copies of contracts using CDBG funds): \$ _____

REIMBURSEMENT REQUEST TOTAL: \$ _____

Authorized Signature

Date

=====

For CDBG Use Only

ACCOUNT NUMBER ()

SUBJECT TO PROGRAM INCOME? YES _____ NO _____

APPROVED PROGRAM SUPERVISOR
SIGNATURE / DATE

APPROVED HOUSING DIRECTOR
SIGNATURE / DATE

NOTES: _____

VENDOR/INVOICE FORM

Account Number (_____)
 Project Title **CDBG 2011-12 St. Clair Abrams**
 To: Lake County Department of Community Services
 From: **Tavares**

Paid Invoices (Period Covered) from _____ To _____

List Invoice #	Each Invoice #	Check Number	Vendor Names	Project Total on Invoice
			TOTAL	

IN-KIND CONTRIBUTIONS [report if applicable]: Contributions used in completion of project using other than CDBG funds [e.g., labor, materials, financial contributions, etc.]

TOTAL EARNED			\$
LESS RETAINAGE			-\$
TOTAL LESS RETAINAGE – BALANCE DUE			\$
Awarded Funds:	Previous Balance Forward	Reimbursement Amount	Balance Forward
CDBG FUNDS (\$52,500)	\$0.00	\$0.00	\$0.00

I certify that to the best of my knowledge the data reported in this reimbursement request is accurate.

_____/_____
 Signature and Title / Date

SPECIAL NOTE: ALL Invoices and Checks listed above must be attached (as well as any Bidding Information and Contracts). ALL COPIES MUST BE LEGIBLE AND REPRODUCIBLE.

APPROVAL

_____/_____
 CDBG Program Supervisor / Date

_____/_____
 Housing Division Manager / Date

**APPENDIX D
CONSTRUCTION MONTHLY STATUS REPORT**

[Goals and accomplishments reported must be measurable and specific to activities outlined in the Scope of Services.]

Urban County Partner: *Tavares*

PROJECT: *CDBG FY 2011-12 St. Clair Abrams Ave. Sidewalks*

ACCOUNT NUMBER: (_____)

REPORT PERIOD _____ THROUGH _____

Activity	Estimated Start Date	Actual Start Date	Estimated Completion Date	Actual Completion Date

Attach narrative documentation for all activities, if applicable.

PROJECT GOALS FOR NEXT REPORTING PERIOD:

Signature: _____ Date: _____

APPENDIX E
Sample Monitoring Instrument

Sample Monitoring Instrument for Public Facilities

Construction activities	Yes	No	N/A
Is there a copy of the contract for professional services?			
Are there copies of all plans and specifications?			
Is there a copy of the Davis Bacon Wage Determination?			
Is there verification of the bid opening?			
Is there documentation of the pre-construction conference?			
Are all monthly reports current?			
Have any requests for Budget changes been properly documented/filed?			
Have all invoices submitted contained the required documentation/backup?			
Are partial payment requests verified by site inspections?			
Are "Change Orders" properly documented and processed?			
Have all payroll requests been verified/adjusted properly?			
Is there a final inspection report preceding final payment?			
Have any/all liens against the contractor been released?			

Proposed Budget and Cost Estimate

Category	Line Item	CDBG Funds	Other Funding	Total
Salaries & benefits (service delivery or labor costs only)				
Materials & equipment	Concrete, 3100 feet	\$45,000		\$45,000
	8 ADA compliant ramps	\$4,000		\$4,000
	Fill/sod/stripping	\$3,500		\$3,500
Consultants & professional services				
Other expenses	Sidewalk demo/Labor and Disposal		\$4,000	\$4,000
	Engineering, Over-sight, Design & Permitting		\$16,000	\$16,000
	Tree removal, labor and disposal		\$10,000	\$10,000
	Fill, stabilization, hand rails		\$2,000	\$2,000
	Utility relocations/labor and material		\$5,000	\$5,000
Totals		\$52,500	\$37,000	\$89,500

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 7, 2011**

AGENDA TAB NO. 5

FIRST READING

**SUBJECT TITLE: Ordinance 2011-14
Chapter 8 – Table 8-2 Permitted Uses and Associated Notes -
Amendment to Land Development Regulations**

OBJECTIVE:

To consider an amendment to Chapter 8 of the Land Development Regulations updating and consolidating the permitted uses listed in Table 8-2 and the associated Notes.

SUMMARY:

The proposed ordinance has been drafted to consolidate and update the allowable uses listed in Table 8-2 of Chapter 8. The resulting chart will simplify the administration and enforcement of zoning regulations.

Highlights of Proposed Ordinance:

1. Consolidate many of the specific uses listed into general business, cultural, and industrial categories. No use presently allowed would be excluded in the consolidation.
2. Delete from RSF-A and RSF-1 the allowance for group homes of 7 or more residents (This appears to be an old typographical error).
3. Allow Pet Stores in commercial zones that offer boarding services provided that the location has outside open space for the animals and the over-night boarding is within an enclosed building. This is a unique concept that was not anticipated in the existing regulations.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 17th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2011-14.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2011-14.

FISCAL IMPACT:

None

LEGAL SUFFICIENCY:

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

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ORDINANCE 2011-14

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA
AMENDING THE FOLLOWING SECTIONS OF THE CITY LAND
DEVELOPMENT REGULATIONS; CHAPTER 8, TABLE 8-2,
PERMITTED AND SPECIAL USES, AND ASSOCIATED NOTES;
SUBJECT TO THE RULES, REGULATIONS AND
OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
COUNCIL; PROVIDING AN EFFECTIVE DATE.**

12 **WHEREAS**, on September 7, 2005, the City of Tavares adopted the Land Development
13 Regulations, Chapter 8, Table 8-2, Permitted Uses and Special Uses; and
14

15 **WHEREAS**, Chapter 8 puts forth permitted uses within identified geographic areas that
16 are considered appropriate in nature to meet the desire of the community and which promote
17 and protect land values; and
18

19 **WHEREAS**, the City of Tavares has proposed these changes and has determined that it
20 is appropriate and in accordance with protecting the health, safety and welfare of the
21 community; therefore;
22

23 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**
24

25 **Section 1. Text Amendments.**

26 That the City of Tavares Land Development Regulations be hereby amended, and
27 Chapter 8, Table 8-2 Permitted and Special Uses, and the associated Notes, be hereby
28 repealed and replaced with a revised Chapter 8, Table 8-2 Permitted and Special Uses, and
29 associated Notes, attached hereto as Exhibit "A" and incorporated herein by reference.
30

31
32
33 **Section 2. Severability and Conflicts**
34

35 The provisions of this ordinance are severable and it is the intention of the City Council of
36 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of

1 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the
2 decision of such court shall not impair any remaining provisions of this ordinance.

3
4 **Section 3. Effective Date**

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

7
8
9 **PASSED AND ADOPTED** this ____ day of _____, 2011 by the City
10 Council of the City of Tavares, Florida.

11
12
13
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15 _____
16 Robert Wolfe, Mayor
17 Tavares City Council

18 First Reading: _____

19
20 Passed Second Reading: _____

21
22
23 ATTEST:

24
25 _____
26 Nancy A. Barnett, City Clerk

27
28
29
30 Approved as to form:

31
32 _____
33 Robert Q. Williams, City Attorney
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Exhibit A

Table 8-2 Permitted and Special Uses (30)

LAND USE	ZONING												
	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
AGRICULTURE													
Citrus Groves	P	P	P	P	P	P		P	P	P	P	P	
Wholesale plant production, wholesale nurseries, and greenhouses.												P	
Boarding of Horses	P (7)												
RESIDENTIAL													
Single-family Dwelling	P	P	P		P(28)	P(28)	(1)	P					
Two-family Dwellings, Duplexes			P(23)	P(23)			(1)(23)	P(23)					
Townhomes			P (24)	P (24)			(1)(24)	P (24)	P (24)				
Multiple-family Dwelling (3 or more attached dwelling units)				P(25)			(1)(25)	P(25)	P(25)				
Manufactured/Mobile Home Dwellings					P	P							
Travel Trailer and Motor Home Dwellings					P (4)								
Ancillary Apartments							(1)(2)	P(2)	P (2)				
Guest Apartments	P (3)		P (3)					P					
Boarding and Rooming Houses	P (21)		P (21)										
Group Home / Community Residential Home (max. 6 residents)	S (5)	S (5)	P (5)	P (5)	S (5)	S (5)		S (5)					
Group Home / Community Residential Home (7 or more residents)			S (6)	S (6)		S (6)		S (6)					
Nursing Home				P			(1)	P					
Adult Congregate Living Facilities				P (26)			(1)	P (26)					
Adult Activity Center	P(27)	P(27)	P(27)	P	P	P	1	P	P	P	P		
PUBLIC/SEMIPUBLIC, INSTITUTIONAL													
Public and Private Schools (Elementary through High School)	S	S	S	S	S	S	(1)	S	S	S	S	S	S
Community Colleges, Colleges or Universities or College annexes							(1)		S		S	S	S
Libraries							(1)	S	S	S	P		P
Community Centers	S	S	S	S	S	S	(1)	S	S	P	P	P	P
Community Shelters	S	S	S	S	S	S		S	S				P
Government Facility							(1)						P
Churches and other places of Worship, with attendant educational and recreational facilities	S	S	S	S	S	S	(1)	S	S	P	P		
Hospitals							(1)				P	P	
Medical Clinics and Emergency Treatments Centers							(1)				P	P	
Medical Care Facility, outpatient only							(1)			S	P	P	
RECREATIONAL, CULTURAL AND CIVIC USES													
Community recreation buildings, utility buildings, recreation facilities or areas for use of subdivision or park residents.	S	S	S	S	P	P	(1)						
Community Boat Docks and Boat Houses	S	S	S	S	S	S	(1)						
Private docks and Boathouses	P (10)	(1)		S	S	S							
Private Clubs and Lodges, Community Centers, Civic and Social Organization facilities							(1)	P (11)	P	P	P	P	(1)

NOTES: Table 8-2 Permitted and Special Uses

1. This use may be permitted subject to the provisions of the Planned Development Regulations and subject to the authority of the Comprehensive Plan Future Land Use Map.
2. Ancillary Apartments are defined as dwelling units above the first story of any structure having the first story devoted to commercial uses.
3. a. One (1) Guest Apartment is permitted within the RSF-A zoning district subject to the following:
 1. the property is one (1) acre or larger in size; and,
 2. the apartment is used exclusively to house members of the family occupying the principal dwelling, or their non-paying guests; and,
 3. the living area is no greater in size than twenty-five percent (25%) of the living area, excluding carports, garages, breezeways, and screened or open porches of the principal dwelling or six-hundred (600) square feet, whichever is greater; and,
 4. the apartment complies with the setback requirements for a principal structure for the district in which it is located.
- c.. One (1) Guest Apartment is permitted within the RMF-2 zoning district in the Community Redevelopment Area Overlay subject to the following:
 1. the principal structure on the property is a single family detached residence; and
 2. the property meets the minimum lot area of the permitted zoning district; and,
 3. the apartment is located to the rear of the principal structure; and,
 4. the living area is no greater in size than twenty-five percent (25%) of the living area, excluding carports, garages, breezeways, and screened or open porches of the principal dwelling or six-hundred (600) square feet, whichever is greater; and,
 5. the apartment complies with a side setback of 7.5 feet and a rear setback of 5 feet; and
 6. the guest apartment is not permitted a separate driveway unless it is accessed by a rear alley, or the property is located on a corner lot.
4. Travel trailers and motor homes may be permitted in Residential Mobil Home Parks provided they are located in a separate section of the park and not intermingled with manufactured or mobile homes. Sewer, water and electrical utility connections must be provided.
5. Group Homes and/or Community Residential Homes with a maximum of six (6) residents may be permitted by approval of a Special Use Permit and shall be located no closer than one-thousand feet (1000') to another such home or within one-thousand-two-hundred feet (1200') of a group home with seven (7) or more residents.
6. Group Homes and/or Community Residential Homes with seven (7) or more residents may be permitted by approval of a Special Use Permit and shall be located no closer than one-thousand two-hundred feet (1200') to another such home including group homes with six (6) or less residents.
7. Boarding of horses is permitted provided all of the following conditions are met:
 - a. lot size must be greater than two-and-one-half (2.5) acres; and,

- b. no more than two (2) horses may be boarded at one time per lot; and,
 - c. no commercial boarding is permitted; and,
 - d. no barn or stable may be located within fifty feet (50') of any property line.
8. Childcare shall be permitted subject to a maximum of six (6) unrelated children being cared for.
9. Childcare centers may be permitted subject to approval of a special use permit. In addition to other requirements that may apply, the child care center shall provide:
 - a. usable indoor floor space and usable outdoor play area in accordance with State regulations consisting of a minimum square footage per child; and
 - b. a fenced and landscaped buffer zone a minimum of ten feet (10') in width to screen the play area from abutting properties.
10. Private docks and boat houses are permitted provided that such structures maintain the same side yard as that required for the principal structure, and further provided that such structures comply with state and/or federal regulations as applicable.
11. Non-residential uses shall be limited to a maximum size of five-thousand square feet (5,000') devoted to any individual non-residential use or structure used for a nonresidential use.
12. All outside display areas shall be paved. Other hard surface treatments may be approved subject to special use procedures. This use includes repair work, which is purely incidental to the sales agency provided that the front line of the building used for repair work shall be at least thirty feet (30') from the right-of-way.
13. The establishment shall not store parts or vehicles other than those which are in the process of being serviced; all service areas shall be enclosed in such a manner that no service areas or parts storage areas are visible from the right-of-way; it must be demonstrated that noise, odor and fumes shall not create a nuisance for abutting property owners; the establishment shall be screened and buffered from adjacent uses.
14. Light manufacturing, fabricating, processing and packaging uses shall be permitted subject to all such activities taking place in a completely enclosed building.
15. A storage yard shall not be located closer than twenty-five feet (25') to any public street. Such yards shall be screened from view from any right-of-way by a six-foot (6') high fence. This provision shall not permit wrecking yards (including automobile wrecking yards), junkyards, or yards used in whole or in part for scrap or salvage operating. Nor shall this provision permit processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts. Storage of flammable liquids shall not be permitted.
16. Wireless communication towers, antennas and equipment facilities shall be subject to the provisions of *Section 8-12* of these zoning regulations.
17. Funeral Homes shall provide sufficient on-site parking, staging areas and/or service drives in order to accommodate parking and staging of funeral processions. Streets and public right-of-ways shall not be used for parking or to form funeral processions.

18. Hotels and motels containing one-hundred (100) guest rooms or more may be allowed internal ancillary uses including gift shops, and restaurants which may serve alcoholic beverages for consumption on premises, subject to note #21.
19. Bed and Breakfast shall meet the following design standards:
 - a. Bed and breakfast home stays may be allowed when there is no appearance of commercial activity. The structure must maintain its residential character.
 - b. Food Preparation: The only meal to be provided to guests shall be breakfast and it shall be served only to guests.
 - c. Interior Design Standards: The architectural integrity of the existing interior space must be maintained, and the number of guest rooms shall not be increased, except as may be required to meet health, building, fire, safety and sanitation requirements.
 - d. Exterior Design Standards: The exterior appearance of the structure shall not be altered from its single-family character.
 - e. Landscape Buffer B as described in *Chapter 11*, shall be provided.
20. Liquor, beer and wine sales for consumption on the premises is not permitted except when in conjunction with one (1) of the following:
 - a. A restaurant, including a carry-out restaurant, deriving at least fifty percent (50%) of its gross revenue from the sale of food and non-alcoholic beverages, may sell beer or wine for consumption on the premises;
 - b. No liquor, beer or wine for consumption on the premises, may be sold at a drive-in restaurant.
21. The taking of boarders or the renting of rooms by a resident family in a residential district is permitted, provided the total number of boarders and roomers does not exceed two (2) and that any state law governing such use is complied with.
22. Adult entertainment establishments shall be governed by Lake County Ordinance No. 2000-106 which provides for countywide jurisdiction.
 - a. In addition to those requirements for adult entertainment establishments set forth in Article IV, Chapter 3 of the Lake County Code, adult entertainment establishments located within the City shall comply with the following location criteria:
 1. Zoning. Notwithstanding any other provision herein, or any other provision of the City Code of Ordinances, the City Land Development Regulations, or the County Code, no person shall propose, cause or permit the operation of, or enlargement of (except when required by law), an adult entertainment establishment, as defined in Article I, Chapter 3 of the Lake County Code, unless the establishment would or will be located in an I (Industrial) zoned district or the City where adult entertainment establishments are allowed with a special use permit.
 2. Distance Minimums. In addition to the zoning requirements set forth in above, an adult entertainment establishment shall not be allowed to open, operate, or be enlarged (except when required by law) within any of the following distances:

- a. Fifteen-hundred feet (1500') of a preexisting religious institution;
 - b. Fifteen-hundred feet (1500') of a preexisting educational facility;
 - c. Fifteen-hundred feet (1500') of an area zoned within the City or county as a residential district as defined by each governmental entities respective zoning Code;
 - d. Fifteen-hundred feet (1500') of the property line of a preexisting residence;
 - e. Fifteen-hundred feet (1500') of a preexisting park; or
 - f. Fifteen-hundred feet (1500') of a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption.
3. Enlargement. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than ten percent (10%) from the originally permitted floor size.
 4. Supplemental to Alcoholic Beverage Regulations. The zoning and distance requirements of this section are independent of and do not supersede the distance requirements for alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.
- b. Measurement of Distance. The distance from a proposed adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, an area zoned for residential use, a preexisting residence, a preexisting park, or a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed adult entertainment establishment and the preexisting adult entertainment establishment, the preexisting religious institution, the preexisting educational institution, and area zoned for residential use, an area designated on the future land use map as residential, the preexisting residence, the preexisting park, or the preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption.
 - c. Severability. If any section, sentence, clause, phrase or word of these regulations is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in to way effect the validity of the remaining portions of these regulations.
23. Two-Family Dwellings and/or Duplexes shall meet the following architectural design criteria:
 - Each duplex must have a minimum of 1 single car garage per dwelling unit and a paved driveway a minimum of 10 feet in width and 18 feet in length.
 - Duplexes shall be designed so that at least one of the units main entryway faces a public right-of-way.
 - Said unit facing a public right-of-way shall also contain a covered front porch facing the public right-of-way, a minimum of 5 feet in depth and 8 feet in length.
 24. Townhouse development shall conform to the following regulations:
 - a. Definition. For the purposes of this section, the word townhouses shall mean a building that has not less than three (3) or more than eight (8) one-family dwelling

units with each unit under single ownership erected in a row as a single structure on adjoining lots, each being separated from the adjoining units by an approved party wall, thus creating distance and noncommunicating dwelling units. This definition shall also include row houses.

- b. Criteria for development. Complete plans shall be submitted along with the application for townhouse projects. Such plans shall include a subdivision plan which satisfies all of the subdivision and platting requirements of the city. Furthermore, a preliminary development plan shall be submitted along with the preliminary plat for approval by the city council. This preliminary development plan shall be drawn to reasonable scale and shall include, but need not be limited to, the following:
1. Ingress and egress to individual lots.
 2. General building locations, elevations and floor plans.
 3. Typical lot with unit, parking spaces, walkways, easements, setbacks, etc.
 4. Off-site parking facilities.
 5. Common recreation and open space areas.
 6. Conceptual landscaping or criteria to be used for screening.
 7. Drainage retention areas.
 8. Solid waste management.
 9. The floor area of townhouse units, the number of parking spaces, the total area of the project and the density.

After approval of the preliminary plat and the preliminary development plan, the developer shall submit a final development plan along with the final subdivision plat for approval by the city council.

- c. General requirements. The following shall be required in all townhouse developments under this section:
1. A townhouse development shall be in single ownership at the time of development. Further, a legal plat approved by the city shall be placed on the public records of the county prior to the disposition of any lot or parcel of land within such townhouse development.
 2. No single townhouse building shall contain less than three (3) or more than eight (8) single-family dwellings.
 3. No townhouse unit shall be located above another townhouse unit. Each townhouse unit shall be located on a parcel of land with direct access to a public or approved private street.

4. Each townhouse unit shall be self-contained with respect to utilities, including heating and air conditioning.
 5. All utilities are to be installed underground.
 6. No two (2) townhouse units shall be served by the same interior or exterior stairway or by the same exterior door.
 7. Each townhouse unit shall be separated from the other by an approved fire wall and in all cases, shall comply with the standard building code adopted by the city.
 8. No townhouse unit shall be less than twenty (20) feet in width.
 9. Each townhouse unit shall contain at least the minimum square footage of floor area as required in that zoning district it is to be located.
- d. Parcel size and lot size. The following parcel and lot sizes shall apply to all townhouse developments:
1. Property for a townhouse project shall have a minimum of one hundred and fifty (150) feet fronting on a public or an approved private street. This requirement may be modified by the city council if the modification will not have the effect of nullifying the purpose and intent of these regulations. Appropriate conditions and safeguards may be prescribed by the city council in conformity with this section.
 2. There shall be no minimum individual lot size, except as needed to meet all requirements set forth herein.
- e. Minimum setback requirements. Within the boundaries of the townhouse project, the following setbacks shall be observed:
1. When parking spaces are located on individual lots, the minimum setback shall be twenty-five (25) feet measured from the right-of-way to the base building line.
 2. When parking spaces are located off-site in commonly owned parking facility, the minimum setback shall be ten (10) feet measured from the parking facility to the base building line.
 3. The minimum front setback from any right-of-way to the base building line shall be twenty-five (25) feet.
 4. The minimum side setback from any right-of-way or abutting property line shall be fifteen (15) feet to the base building line.
 5. The minimum rear setback shall be fifteen (15) feet from the rear line or utility easement to the base building line.

- f. Maximum height of structures. No portion of any building located within a townhouse project shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- g. Building separation. The separation of buildings in a townhouse development shall be as follows:
 - 1. The minimum distance between groups of buildings within a townhouse project shall be as follows:
 - a. One (1) story, twenty (20) feet minimum.
 - b. Two (2) stories, twenty (20) feet minimum.
 - 2. Not less than ten (10) feet of unobstructed open space under common ownership or dedicated easement shall be provided around the parcels of land upon which the townhouse building is located for the purpose of providing access for utilities and other purposes.
- h. Parking requirements. Parking requirements for townhouse developments shall be as follows:
 - 1. Parking spaces may be provided for an individual lot or in commonly owned and maintained parking facilities or a combination of both.
 - 2. There shall be provided a minimum of two (2) parking spaces per townhouse unit, plus additional parking may be required for recreational or other facilities retained under common ownership.
 - 3. Parking lots, driveways and streets within a townhouse project shall be designed to discourage through traffic.
 - 4. Two (2) parking spaces may be permitted on an individual lot provided the minimum width of the lot is at least thirty (30) feet. The balance of the yard shall be landscaped.
 - 5. One (1) parking space may be permitted on an individual lot where the minimum lot width is at least twenty (20) feet. The driveway shall be limited in width to provide parking for only one (1) car. The balance of the yard shall be landscaped.
- i. Private open space. Private open spaces in townhouse developments shall meet the following requirements:
 - 1. Not less than twenty (20) percent of the gross lot area shall be maintained as usable open space, exclusive of any required on-site parking, service or building areas.
 - 2. Unenclosed roofed areas and screen enclosures designed and planned for patio purposes may be credited for no more than fifty (50) percent of the required open space.

- j. Accessory buildings. No accessory buildings shall be permitted on any lot containing a townhouse building. This is not applicable patio storage sheds that are attached to the rear of a townhouse unit and extend less than five feet (5') from the rear townhouse wall and extend less than eight feet (8') across the rear townhouse wall.
- k. Fences, walls or hedges. Fences, walls or hedges in townhouse developments shall meet the following requirements:
 - 1. When parking spaces are located on individual lots, no fence, wall or hedge shall be permitted over thirty (30) inches in height within twenty (20) feet of a public or private road.
 - 2. All outdoor, rear yard areas used for drying of clothes shall be screened from view from the street and from adjoining yards and parking lots.
 - 3. The City Council may require a conceptual development plan showing typical alternatives for adequate screening. Such screening shall be approved by the Council.
- l. Signs. Identification signs may be permitted in townhouse projects provided, however, no sign other than real estate signs advertising the sale or lease of the property shall be permitted on any individual lot within the project.
- m. Recreation facilities. Swimming pools, tennis courts, playgrounds and other recreational uses may be permitted within townhouse projects, provided such uses are located within areas retained in common ownership. Adequate provisions shall be made to eliminate problems of noise and light with respect to adjacent property. All land within the townhouse project shall be developed and maintained in a neat and orderly condition.
- n. Boats and recreational vehicles. Storage and parking of boats and recreational vehicles shall be prohibited, except for parking and/or storage in a screened designated area for same.
- o. Streets. Private and public street means a public or private vehicular right-of-way or easement which provides a preliminary means of access to abutting properties. Streets within a planned unit development need not be dedicated to the general public, but shall be built to city specifications with the exception of required right-of-way, but shall not be accepted by or maintained by the city until such time as the city may elect to do same.
- p. Deed covenants. Approval for construction of townhouses shall be issued in accordance with the regulations herein set forth after evidence has been presented in the form of deed restrictions and/or cooperative maintenance system acceptable to the city requiring that a maintenance system be established, governed and operated by the owners of the individual units in such a manner as to prevent the occurrence of blight on any townhouse unit by failure of the owner of that unit to properly maintain his property in standard condition at all times. When common open space areas and facilities are to be provided,

there shall be deed restrictions and/or cooperative maintenance system covering the maintenance of same.

- q. Modifications by City Council. The City Council may modify the above standards or may impose additional requirements, which, in their judgment, are required as a result of unique circumstances with respect to the site, the district in which it is located and the type of development proposed. Such modifications shall not have the effect of nullifying the purpose and intent of these regulations. Any modification to these regulations by the city council shall be in writing and shall become part of the public record.
25. Multi-family developments must conform to the requirements of Chapter 9 Architectural Standards for commercial properties.
 26. The State of Florida Agency for Health Care Administration determines the maximum number of beds permitted in an ACLF project. The number of beds licensed is based on the facility size, staffing, and other requirements. All facilities must be licensed by the State. Density restrictions regulating the number of dwelling units per acre implied by the City's Land Development Regulations and Comprehensive Plan will not apply to or restrict the number of beds licensed by the State.
 27. Adult Activity Centers shall be permitted subject to the following:
 - a. All Adult Activity Centers shall be operated in accordance with the regulations set forth by the State of Florida for Adult Day Care Centers.
 - b. All Adult Activity Centers shall be designed to include a minimum of 200 square feet of outdoor passive recreation area which is sufficient to allow for safe, convenient and comfortable outdoor seating.
 - c. In residential zoning districts, Adult Activity Centers shall be permitted in adherence to the principal regulations of the zoning district, shall not use signage and shall serve no more than 4 participants at a single time.
 28. Modular or conventional site-built homes are permitted provided they are constructed in compliance with all applicable Florida Building and Fire codes. Development Standards including minimum yard requirements shall be as described in Table 8-3 of this Chapter.
 29. Locations providing boarding services must include a fenced outside open space for the animals that is adjacent to and accessible by the business, and overnight boarding must be in a completely enclosed building.
 30. If a particular use does not meet a definition established in Chapter 3 of these regulations, the Community Development Director shall attempt to classify it as a defined use that is materially similar to the particular use considering the following factors:
 - a. Similarity of scale and of operations.
 - b. Similarity of impacts upon and compatibility with adjacent properties.

- c. Similarity to other uses that are permitted in the district in which the particular use is located or sought to be located, and whether the particular use is more similar to such permitted uses than to uses that are either not permitted or permitted only by a special use permit.
- d. If the Community Development Director is unable to classify a particular use, the use shall be deemed to be not a permitted use and an amendment to this code shall be initiated to create a definition for the use.

Current Table - TO BE REPLACED

Table 8-2 Permitted and Special Uses

LAND USE	ZONING												
	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
AGRICULTURE													
Citrus Groves	P	P	P	P	P	P		P	P	P	P	P	
Wholesale plant production, wholesale nurseries, and greenhouses.												P	
Boarding of Horses	P (7)												
RESIDENTIAL													
Single-family Dwelling	P	P	P		P(28)	P(28)	(1)	P					
Two-family Dwellings, Duplexes			P(24)	P(24)			(1)(24)	P(24)					
Townhomes			P (25)	P (25)			(1)(25)	P (25)	P (25)				
Multiple-family Dwelling (3 or more attached dwelling units)				P(26)			(1)(26)	P(26)	P(26)		P(26)		
Manufactured/Mobile Home Dwellings					P	P							
Travel Trailer and Motor Home Dwellings					P (4)								
Ancillary Apartments							(1)(2)	P(2)	P (2)				
Garage Apartments								P (20)					
Guest Apartments	P (3)												
Boarding and Rooming Houses	P (22)		P (22)										
Group Home / Community Residential Home (max. 6 residents)	S (5)	S (5)	P (5)	P (5)	S (5)	S (5)		S (5)					
Group Home / Community Residential Home (7 or more residents)	P (6)	P (6)	S (6)	S (6)		S (6)		S (6)					
Nursing Home				P			(1)			S			
Adult Congregate Living Facilities				P (27)			(1)			S			
PUBLIC/SEMIPUBLIC, INSTITUTIONAL													
Public and Private Schools (Elementary through High School)	S	S	S	S	S	S	(1)	S	S	S	S	S	S
Community Colleges, Colleges or Universities or College annexes							(1)		S		S	S	S
Libraries							(1)	S	S	S	P		P
Community Centers	S	S	S	S	S	S	(1)	S	S	P			P
Community Shelters	S	S	S	S	S	S		S	S				P
Government Facility							(1)						P
Churches and other places of Worship, with attendant educational and recreational facilities	S	S	S	S	S	S	(1)	S	S	P	P		
Hospitals							(1)				P	P	
Medical Clinics and Emergency Treatments Centers							(1)				P	P	
Medical Care Facility, outpatient only							(1)			S	P	P	

	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
RECREATIONAL, CULTURAL AND CIVIC USES													
Community recreation buildings, utility buildings, recreation facilities or areas for use of subdivision or park residents.	S	S	S	S	P	P	(1)						
Community Boat Docks and Boat Houses	S	S	S	S	S	S	(1)						
Private docks and Boathouses	P (10)	(1)		S	S	S							
Private Clubs and Lodges, Community Centers, Civic and Social Organization facilities							(1)	S (11)	P		P	P	(1)
Parks, play grounds, recreational areas and recreational or community structures owned and maintained by any private non-profit or for-profit association							(1)		S	S	P	P	
Public Parks, Play grounds and Recreation Areas							(1)						P
Theaters							(1)		P	S	P		P
Museums							(1)		P	S	P		P
Art Galleries							(1)		P	S	P		P
Auditoriums, stadiums, arenas, and expositions							(1)				S	S	P
Gymnasium, Health or Fitness Center							(1)		P	S	P		
Bowling Alley							(1)			S	P		
Skating Rink							(1)			S	P		
Pool Hall							(1)			S	P		
Game/Video Arcade							(1)		P	S	P		
BUSINESS AND COMMERCIAL USES													
Professional office uses offering personal or consultant services including, but not limited to: architects, engineers, attorneys, accountants, physicians, dentists and the like.							(1)	P (11)	P	P	P	P	
Business office uses such as real estate office, advertising agency, insurance agency, travel agency, abstract and title companies, data processing and the like. No retail or wholesale goods are shown to or delivered from the premises to a customer.							(1)	P (11)	P	P	P	P	
Banks and Financial Institutions with drive-in facilities							(1)		P	P	P		
Banks and Financial Institutions without drive-in facilities							(1)		P	P	P		
ATM Centers (stand alone)							(1)	P (11)	P	P	P	P	P
Grocery Stores							(1)				P		
Convenience Store (not including gas/fuel sales)							(1)	S (11)	P	P	P	P	
Convenience Store (including gas/fuel sales)							(1)				P	P	
Department Store							(1)		P		P		
Drug Store/Pharmacy							(1)		P	P	P		
Clothing Stores							(1)		P	P	P		
Sporting Good Stores							(1)		P		P		
Office Supplies							(1)		P		P		
Variety Stores							(1)		P		P		

	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
Retail plant nursery							(1)				P	P	
Furniture Stores							(1)		P		P		
Luggage Stores							(1)		P		P		
Paint Stores							(1)		P		P		
Hardware Stores							(1)		P		P		
Lumber and Building Supply Stores							(1)				P	P	
Florists							(1)	P (11)	P	P	P		
Jewelry Stores							(1)		P	P	P		
Camera Stores							(1)		P	P	P		
Photographic Studios							(1)	S(11)	P	P	P		
Art Studios							(1)	S(11)	P	P	P		
Bicycle Sales Agencies							(1)		P	P	P		
Antique Shops							(1)		P	P	P		
Gift Shops							(1)	S(11)	P	P	P		
Specialty Shops							(1)	S (11)	P	P	P		
Appliance sales and repairs							(1)				P	P	
Tailor Shops							(1)	S (11)	P	P	P		
Shoe Repair							(1)	P (11)	P	P	P		
Book Store/News Stands							(1)		P	P	P		
Video Rental/Sales							(1)		P	P	P		
Computer Hardware/Software Sales and Service							(1)		P	P	P	P	
Medical/Dental/Optical Supplies Stores							(1)		P	P	P		
Medical and Dental/Optical Laboratories							(1)			S	P		
Barber and Beauty Shops							(1)	P (11)	P	P	P		
Manicure/Pedicure Salon							(1)	P (11)	P	P	P		
Slenderizing salon, weight loss clinic							(1)	P (11)	P	P	P		
Tanning Salon							(1)	P (11)	P	P	P		
Massage/Physical Therapy							(1)	P (11)	P	P	P		
Restaurants							(1) (21)		P (21)	P (21)	P (21)	P (21)	
Fast Food Restaurants with drive-thru facilities							(1) (21)				P (21)		
Carry-out Restaurant							(1) (21)		P (21)	P (21)	P (21)	P (21)	
Bar							(1) (21)		S (21)			S (21)	P
Adult Entertainment Establishments												S (23)	
Bakeries (including retail sales)							(1)		P	P	P		
Confectionary and ice cream shop							(1)		P	P	P		
Child Care Centers	P (8)	(1)	S (9)	S (9)	S (9)	S (9)							
Adult Day Care Centers							(1)	S	P	P	P		
Telemarketing and Telecommunication Businesses							(1)		P	P	P	P	
Printing and Publication Businesses							(1)		P	P	P	P	
Employment Agencies							(1)		P	P	P	P	
Union Halls							(1)				P	P	
Business and Technical Trade Schools							(1)		S		S	P	
Vocational and Industrial Trade Schools											S	P	
Animal hospital, veterinary clinic or animal boarding with boarding of animals in completely enclosed buildings.							(1)			S	P	P	
Laundromats/Dry Cleaning (self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners without drive-through pickup (no on-site processing, not self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners with drive-through pick-up (no on-site processing, not self service)							(1)			P	P		

	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD (1)	MU	CD	C-1	C-2	I	PFD
Laundry/Dry Cleaners with on-site processing											P	P	
Automobile/Truck, boat, motorcycle, recreational vehicles sales											S (12)	P (12)	
Automobile/Truck rental											S (12)	P (12)	
Automobile/Truck Parts (retail sales only)											P	P	
Automobile/Truck Parts (retail/wholesale and installation)											P (13)	P (13)	
Automobile/Truck repair											P (13)	P (13)	
Automobile Service Stations											P	P	
Self-service car wash, Automatic car wash											P	P	
Full service Car Wash, Detail Shop											P	P	
Tractor and heavy equipment sales agencies/repair											P (12) (13)	P (12) (13)	
Marine Repair											P (13)	P (13)	
INDUSTRIAL USES													
Bait Production and Sales												P	
Canteen Services												P	
Linen Supply Business												P	
Freight Movers												P	
Sign company												P	
Pest Control Business												P	
Furniture Refinishing												P	
Commercial water softening												P	
Contractor storage yards for materials and equipment												P	
Wood working shops												P	
Machine Shop												P	
Light Manufacturing/ Fabricating/ Welding												P (14)	
Concrete products manufacturing.												P	
Stone yard or monument works.												P	
Processing												P (14)	
Packaging												P (14)	
Concentrate plant, canning plant or bottling works.												P (14)	
Milk depot other than a retail business conducted on the premises.												P	
Fertilizer storage and sales warehouses; fertilizer manufacture.												P	
Ice plants or ice storage												P	
Distribution Establishments												P	
Warehousing, high stack storage facilities												P	
Mini-warehouse, personal storage facilities												P	
Mini-warehouse, personal storage facilities (climate controlled, internal entrance only)											S	P	
Retail accessory establishments (only for the sale of goods manufactured on site)												P	
Wholesale Stores											P	P	
Research Laboratory											P	P	
Radio and Television stations and transmitters, but no radio or television tower											P	P	
Bulk storage yards, Outdoor Storage Yards												P (15)	
Wrecking Yards (including automotive vehicle wrecking yards) and junk yards												S	

	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
Truck Stop												S	
Mobile home sales yards											S	P	
Fuel storage yards, coal, coke or wood yards.												S (15)	
PUBLIC UTILITY USES													
Refuse Transfer Stations												P	P
Sewage Treatment Facilities, local												P	P
Water withdrawal operations, local												P	P
Electric power and light generating plants, electric substations, and operational centers												P	P
Gas and water metering stations												P	P
Wireless Communications Towers, Antennas and Equipment Facilities							(1) (16)		S (16)	S (16)	S (16)	S (16)	P (16)
LODGING													
Hotel, Motel and Motor Court accommodations							(1) (18)		P(18)		P(18)	S (18)	
Bed and Breakfast Accommodations	S (19)	S (19)	S (19)					P (19)					
Tourist Resort							(1)						
MISCELLANEOUS													
Home Owners Association/Park Business Office	P	P	P	P	P	P							
Community Storage Areas for use of subdivision and park residents for storage of boats, boat trailers and recreation vehicles.		S	S	S	S	S							
Public parking lots and parking garages, either rental or free parking.									S	S	P	P	P
Transportation terminals including bus stations, railroad stations or other mass transit systems												P	P
Airports and heliports											S	S	P
Funeral Homes									P (17)	S (17)	P (17)		
Cemeteries and mausoleums													P

Table 8-2 Permitted and Special Uses (Amendment)

Land Use	Zoning
Event Center	CD, C1, C2
Restaurant	MU*
Carry-out Restaurant	MU*
Small Animal Grooming	MU*
Grocery Store	MU*
Bookstore	MU*
Art Studio	MU**
Photographic Studio	MU**

*These uses would be limited in size to 5,000 square feet.

**These uses were formerly permitted only as a special use.

NOTES: Table 8-2 Permitted and Special Uses

1. This use may be permitted subject to the provisions of the Planned Development Regulations and subject to the authority of the Comprehensive Plan Future Land Use Map.

2. Ancillary Apartments are defined as dwelling units above the first story of any structure having the first story devoted to commercial uses.
3. One (1) Guest Apartment is permitted subject to the following:
 - a. the property is one (1) acre or larger in size; and,
 - b. the apartment is used exclusively to house members of the family occupying the principal dwelling, or their non-paying guests; and,
 - c. the living area is no greater in size than twenty-five percent (25%) of the living area, excluding carports, garages, breezeways, and screened or open porches of the principal dwelling or six-hundred (600) square feet, whichever is greater; and,
 - d. the apartment complies with the setback requirements for a principal structure for the district in which it is located.
4. Travel trailers and motor homes may be permitted in Residential Mobil Home Parks provided they are located in a separate section of the park and not intermingled with manufactured or mobile homes. Sewer, water and electrical utility connections must be provided.
5. Group Homes and/or Community Residential Homes with a maximum of six (6) residents may be permitted by approval of a Special Use Permit and shall be located no closer than one-thousand feet (1000') to another such home or within one-thousand-two-hundred feet (1200') of a group home with seven (7) or more residents.
6. Group Homes and/or Community Residential Homes with seven (7) or more residents may be permitted by approval of a Special Use Permit and shall be located no closer than one-thousand two-hundred feet (1200') to another such home including group homes with six (6) or less residents.
7. Boarding of horses is permitted provided all of the following conditions are met:
 - a. lot size must be greater than two-and-one-half (2.5) acres; and,
 - b. no more than two (2) horses may be boarded at one time per lot; and,
 - c. no commercial boarding is permitted; and,
 - d. no barn or stable may be located within fifty feet (50') of any property line.
8. Childcare shall be permitted subject to a maximum of six (6) unrelated children being cared for.
9. Childcare centers may be permitted subject to approval of a special use permit. In addition to other requirements that may apply, the child care center shall provide:
 - a. an open space play area consisting of a minimum of two-hundred-fifty (250) square feet per child and located in a single area; and
 - b. a fenced and landscaped buffer zone a minimum of ten feet (10') in width to screen the play area from abutting properties.
10. Private docks and boat houses are permitted provided that such structures maintain the same side yard as that required for the principal structure, and further provided that such structures comply with state and/or federal regulations as applicable.
11. Non-residential uses shall be limited to a maximum size of five-thousand square feet (5,000') devoted to any individual non-residential use or structure used for a nonresidential use.

12. All outside display areas shall be paved. Other hard surface treatments may be approved subject to special use procedures. This use includes repair work, which is purely incidental to the sales agency provided that the front line of the building used for repair work shall be at least thirty feet (30') from the right-of-way.
13. The establishment shall not store parts or vehicles other than those which are in the process of being serviced; all service areas shall be enclosed in such a manner that no service areas or parts storage areas are visible from the right-of-way; it must be demonstrated that noise, odor and fumes shall not create a nuisance for abutting property owners; the establishment shall be screened and buffered from adjacent uses.
14. Light manufacturing, fabricating, processing and packaging uses shall be permitted subject to all such activities taking place in a completely enclosed building.
15. A storage yard shall not be located closer than twenty-five feet (25') to any public street. Such yards shall be screened from view from any right-of-way by a six-foot (6') high fence. This provision shall not permit wrecking yards (including automobile wrecking yards), junkyards, or yards used in whole or in part for scrap or salvage operating. Nor shall this provision permit processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts. Storage of flammable liquids shall not be permitted.
16. Wireless communication towers, antennas and equipment facilities shall be subject to the provisions of *Section 8-12* of these zoning regulations.
17. Funeral Homes shall provide sufficient on-site parking, staging areas and/or service drives in order to accommodate parking and staging of funeral processions. Streets and public right-of-ways shall not be used for parking or to form funeral processions.
18. Hotels and motels containing one-hundred (100) guest rooms or more may be allowed internal ancillary uses including gift shops, and restaurants which may serve alcoholic beverages for consumption on premises, subject to note #21.
19. Bed and Breakfast shall meet the following design standards:
 - a. Bed and breakfast home stays may be allowed when there is no appearance of commercial activity. The structure must maintain its residential character.
 - b. Food Preparation: The only meal to be provided to guests shall be breakfast and it shall be served only to guests.
 - c. Interior Design Standards: The architectural integrity of the existing interior space must be maintained, and the number of guest rooms shall not be increased, except as may be required to meet health, building, fire, safety and sanitation requirements.
 - d. Exterior Design Standards: The exterior appearance of the structure shall not be altered from its single-family character.
 - e. Landscape Buffer B as described in *Chapter 11*, shall be provided.
20. One (1) Garage Apartment is permitted subject to the following:
 - a. The living area is no greater in size than twenty-five percent (25%) of the living area, excluding carports, garages, breezeways, and screened or open porches of the principal dwelling or six-hundred square feet (600'), whichever is greater; and,

- b. The apartment is located on the second story, above enclosed space for at least one (1) automobile; and,
 - c. The apartment complies with the setback requirements for an accessory structure for the district in which it is located.
21. Liquor, beer and wine sales for consumption on the premises is not permitted except when in conjunction with one (1) of the following:
- a. A restaurant, including a carry-out restaurant, deriving at least fifty percent (50%) of its gross revenue from the sale of food and non-alcoholic beverages, may sell beer or wine for consumption on the premises;
 - b. No liquor, beer or wine for consumption on the premises, may be sold at a drive-in restaurant.
22. The taking of boarders or the renting of rooms by a resident family in a residential district is permitted, provided the total number of boarders and roomers does not exceed two (2) and that any state law governing such use is complied with.
23. Adult entertainment establishments shall be governed by Lake County Ordinance No. 2000-106 which provides for countywide jurisdiction.
- a. In addition to those requirements for adult entertainment establishments set forth in Article IV, Chapter 3 of the Lake County Code, adult entertainment establishments located within the City shall comply with the following locational criteria:
 - 1) Zoning. Notwithstanding any other provision herein, or any other provision of the City Code of Ordinances, the City Land Development Regulations, or the County Code, no person shall propose, cause or permit the operation of, or enlargement of (except when required by law), an adult entertainment establishment, as defined in Article I, Chapter 3 of the Lake County Code, unless the establishment would or will be located in an I (Industrial) zoned district or the City where adult entertainment establishments are allowed with a special use permit.
 - 2) Distance Minimums. In addition to the zoning requirements set forth in above, an adult entertainment establishment shall not be allowed to open, operate, or be enlarged (except when required by law) within any of the following distances:
 - a) Fifteen-hundred feet (1500') of a preexisting religious institution;
 - b) Fifteen-hundred feet (1500') of a preexisting educational facility;
 - c) Fifteen-hundred feet (1500') of an area zoned within the City or county as a residential district as defined by each governmental entities respective zoning Code;
 - d) Fifteen-hundred feet (1500') of the property line of a preexisting residence;
 - e) Fifteen-hundred feet (1500') of a preexisting park; or
 - f) Fifteen-hundred feet (1500') of a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption.
 - 3) Enlargement. In this subsection the term "enlargement" includes, but is not limited to, increasing the floor size of the establishment by more than ten percent (10%) from the originally permitted floor size.
 - 4) Supplemental to Alcoholic Beverage Regulations. The zoning and distance requirements of this section are independent of and do not supersede the distance requirements for

alcoholic beverage establishments which may be contained in other laws, rules, ordinances or regulations.

- b. Measurement of Distance. The distance from a proposed adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, an area zoned for residential use, a preexisting residence, a preexisting park, or a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed adult entertainment establishment and the preexisting adult entertainment establishment, the preexisting religious institution, the preexisting educational institution, and area zoned for residential use, an area designated on the future land use map as residential, the preexisting residence, the preexisting park, or the preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption.
 - c. Severability. If any section, sentence, clause, phrase or word of these regulations is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of these regulations.
24. Two-Family Dwellings and/or Duplexes shall meet the following architectural design criteria:
- Each duplex must have a minimum of 1 single car garage per dwelling unit and a paved driveway a minimum of 10 feet in width and 18 feet in length.
 - Duplexes shall be designed so that at least one of the units main entryway faces a public right-of-way.
 - Said unit facing a public right-of-way shall also contain a covered front porch facing the public right-of-way, a minimum of 5 feet in depth and 8 feet in length.
25. Townhouse development shall conform to the following regulations:
- (a) Definition. For the purposes of this section, the word townhouses shall mean a building that has not less than three (3) or more than eight (8) one-family dwelling units with each unit under single ownership erected in a row as a single structure on adjoining lots, each being separated from the adjoining units by an approved party wall, thus creating distance and noncommunicating dwelling units. This definition shall also include row houses.
 - (b) Criteria for development. Complete plans shall be submitted along with the application for townhouse projects. Such plans shall include a subdivision plan which satisfies all of the subdivision and platting requirements of the city. Furthermore, a preliminary development plan shall be submitted along with the preliminary plat for approval by the city council. This preliminary development plan shall be drawn to reasonable scale and shall include, but need not be limited to, the following:
 - (1) Ingress and egress to individual lots.
 - (2) General building locations, elevations and floor plans.
 - (3) Typical lot with unit, parking spaces, walkways, easements, setbacks, etc.
 - (4) Off-site parking facilities.
 - (5) Common recreation and open space areas.

Proof

Nov. 02, 2011

Agency:
Customer: City Of Tavares
Address:
City: TAVARES
State: FL 32778-1068
Phone no: (352) 742-6417
Account ID: 1494867

Order ID: 1159855
Caller name: Michael J. Fitzgerald
Fax no:
Sales rep: Stephanie K Smith

Purchase order no:

Payment type:

Newspaper Classified

Title	Class Name	Begin Date	End Date	Size (col x lines)	Color
Orlando Sentinel	Public Hearing Notices	11-07-2011	11-07-2011	1 x 81	No

THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will hold a public hearing of proposed Ordinance 2011-14 on or before the following date:

- Item(s) are:**
1. Tavares Planning & Zoning Board meeting on November 16, 2011 at 7:30 P.M. at Tavares City Council meeting on November 16, 2011 at 8:00 P.M. (Ordinance 2011-14) (Public Hearing by 1st Reading)
 2. Tavares City Council meeting on November 23, 2011 at 8:00 P.M. (Second Reading)

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

Proposed Ordinance 2011-14 may be inspected at the City Hall, between the hours of 9:00 a.m. and 5:00 p.m. each day, Monday through Friday of each week of notice.

Interested parties may appear at the meetings and at the hearing to comment on the proposed ordinance. It is the City Council's policy to hold public hearings on all proposed ordinances to the City of Tavares. All interested parties wishing to comment on the ordinance should appear at the public hearing or at the second reading of the ordinance.

If you are a person with a disability and need an accommodation to be able to participate in this proceeding, you may wish to do so as soon as possible by contacting the City of Tavares, 201 East Main Street, Tavares, Florida 32778, (352) 742-6417, or by email at city@tavares.org. Please direct any questions to the person assigned to the hearing or to the public hearing. If you are unable to attend, please call (352) 742-6417.

Please direct any questions to the person assigned to the hearing or to the public hearing. If you are unable to attend, please call (352) 742-6417.

LAC:0003 (10/20/11)

Gross price:	\$ 81.00
Discounts:	\$ 0.00
Net price:	\$ 83.00
Prepaid amount:	\$ 0.00
Amount due:	\$ 0.00

1 Gary Santoro stated that staff has made it clear that architectural and site plan requirements
2 must be satisfied, and if the applicant does so then he agrees that the daycare fits in with the
3 development of downtown.

4
5 John Adams agreed with Gary Santoro.

6
7 Norb Thomas asked about the modular buildings and whether they will meet architectural
8 standards. He stated that he does not like the idea of putting modular buildings on the
9 property.

10
11 Chuck Hiott assured the Board that the modulars will meet architectural standards.

12
13 Norb Thomas asked about ADA compliance.

14
15 Chuck Hiott stated that the site will be ADA compliant.

16
17 Bob Williams reminded the Board that we do not allow metal buildings in downtown Tavares.

18
19 **MOTION**

20
21 **Sam Grist moved to recommend approval of Resolution 11-25. The motion was**
22 **seconded by John Tanner. The motion carried 5-2.**

23
24 **2) Land Development Regulations Amendment – Chap. 8 Table 8-2 – Ordinance 2011-14**

25
26 Jacques Skutt, Community Development Director provided the following staff report;

27
28 Jacques Skutt stated that Table 8-2 is the permitted use chart in Chapter 8 of our Land
29 Development Regulations and that it is 20 years old. Staff has had to classify uses that are not
30 listed in the chart. Some businesses listed in the table are archaic and should not be listed,
31 and other new types of businesses are not listed.

32
33 The proposed ordinance has been drafted to consolidate and update the allowable uses listed
34 in Table 8-2 of Chapter 8. The resulting chart will simplify the administration and enforcement
35 of zoning regulations.

36
37 Highlights of Proposed Ordinance:

- 38
39 1. Consolidate many of the specific uses listed into general business, cultural, and
40 industrial categories. No use presently allowed would be excluded in the consolidation.
41
42 2. Delete from RSF-A and RSF-1 the allowance for group homes of 7 or more residents
43 (This appears to be an old typographical error).
44
45 3. Allow Pet Stores in commercial zones that offer boarding services provided that the
46 location has outside open space for the animals and the over-night boarding is within an
47 enclosed building. This is a unique concept that was not anticipated in the existing
48 regulations.
49

1 Jacques Skutt stated that the changes do not create any non-conforming situations, or change
2 any land use policies. He said that 2 – 3 years ago that a decision was made to allow pet
3 stores with boarding as a permitted use and that the change to Table 8-2 is an administrative
4 amendment.

5
6 Staff recommends that the Planning & Zoning Board moves to recommend approval of
7 Ordinance 2011- 14.

8
9 John Adams stated that he was glad to see the update being done.

10
11 Bob Williams suggested that we consider a classification of use provision for allowable uses
12 not specifically described, giving staff moderate discretion, and asked if staff felt it necessary to
13 add that language.

14
15 Jacques Skutt stated that he has seen that in other cities.

16
17 Chairman Adams turned the discussion over to the Board.

18
19 John Tanner stated that he supported the changes, but there should have been strike-throughs
20 in the old table to see changes more clearly.

21
22 **MOTION**

23
24 **Gary Santoro moved to recommend approval of Ordinance 11-14. The motion was**
25 **seconded by John Tanner. The motion carried unanimously, 7-0.**

26
27 **OTHER BUSINESS**

28
29 Norb Thomas asked how long the MRI Trailer will be parked behind "Tail Chasers" (property
30 located at 901 Lakeshore Blvd.)

31
32 Jacques Skutt stated that he believed Code Enforcement was working on that issue.

33
34 Mike Fitzgerald stated that the property is zoned for medical use, an occupational license was
35 issued, and a building permit application was received for a proper electrical connection to the
36 existing building. He stated that the business owner presented the use as temporary and that
37 it would not be there everyday.

38
39 **ADJOURNMENT**

40
41 **Gary Santoro moved for adjournment, seconded by James Gardner. The motion carried**
42 **unanimously, 7-0.**

43
44 The meeting adjourned at 3:53 p.m.

45
46 Respectfully submitted,

47
48 _____
49 Michael Fitzgerald
Development Coordinator

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 7, 2010**

AGENDA TAB NO: 6

**SUBJECT TITLE: Ordinance #2011-15 – Amendment to Ordinance 2010-22
to Extend City-wide Impact Fee Waiver Program for Six Months**

OBJECTIVE:

To consider the approval of Ordinance #2011-15 to extend the impact fee waiver program for an additional six months to June 30, 2012.

SUMMARY:

In December of 2009, City Council approved Ordinance 2009 – 34 which waived the imposition of City impact fees City-wide for the period Jan.1 2010 – Dec. 31, 2010. On December 15, 2010, Council approved Ordinance 2010-22 to extend the program for an additional 12 months which will expire on December 31, 2011.

On November 16, 2011, discussion was held by Council regarding the extension of the Ordinance for an additional six months which will communicate the intention of the City to wind down this program. Staff presented data to show the results of the impact fee waiver program. For the past 22 months through October 2011 permits have been approved and issued for new construction valued at \$34,585,892 with resulting impact fee waivers of \$1,651,492. For every dollar of impact fees waived it has resulted in \$20.94 of new construction. Of the 34.5 million in new construction, 65% was for commercial construction and 23% was for residential construction.

Council directed staff to prepare an ordinance to extend the program for an additional six months to June 30, 2012.

Discussion was also held regarding the inclusion of green initiatives to builders. Staff has prepared a separate report on options for green initiatives for further consideration.

OPTIONS:

1. Move to approve Ordinance #2011- 15 to extend the current City-wide impact fee waiver program through June 30, 2012.

2. Do not approve Ordinance #2015 - 15 to extend the current City-wide impact fee waiver program through June 30, 2012.

STAFF RECOMMENDATION:

Staff recommends that the Council approval of Option 1:

Move to approve Ordinance #2011-15 to extend the current City-wide impact fee waiver program through June 30, 2012.

FISCAL IMPACT:

The fiscal impact will be dependent on the level and type of building permits that are pulled during the 6 month time frame.

LEGAL REVIEW:

This proposal has been reviewed and approved by the City Attorney.

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ORDINANCE 2011-15

AN ORDINANCE AMENDING ORDINANCE 2010-22 OF THE CITY OF TAVARES, FLORIDA PERTAINING TO THE WAIVER OF IMPACT FEES; EXTENDING THE WAIVER TO JUNE 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2010-22 provides for a waiver of impact fees provided by Chapter 6 and Chapter 17 of the City's Code of Ordinances until December 31, 2011, and

WHEREAS, the City of Tavares finds that an extension of the waiver will further its legitimate public interest in encouraging economic growth and development in and around the City, since said growth provides jobs, provides additional customers for the City's services, and increases the City's tax base; and

WHEREAS, the limited impact fee waiver provided herein will not result in a disproportionate impact fee for past or future development; and

WHEREAS, the payment of City police, fire/rescue, parks, recreation, water, and wastewater capital charges still pose a significant expense for new residential and commercial businesses and enterprises that are facing other start up expenses; and

WHEREAS, the Florida Legislature has recognized the validity of waivers of impact fees to promote economic development in Section 163.2517, Florida Statutes, and

WHEREAS, City impact fee revenues have not been pledged for the repayment of any municipal bonds or obligations, and the provision of an additional six (6) month waiver of such fees will not impair the City's capital improvement plans for its police, fire, recreation, water and wastewater utility departments, and

WHEREAS, the City Council desires to waive payment of impact fees for an additional six (6) month period as a citywide economic development incentive as provided herein; now therefore,

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

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

48 **Section 2. Amendment.** Chapter 6 of Part II of the City of Tavares Code of
49 Ordinances is hereby amended to read as follows:

50

51 **Section 6-6.** Payment of impact fees.

52

53 (a) Any person who seeks to develop land within the city, by applying
54 for a building permit or final development order, is hereby required to pay impact
55 fees in the manner and amount set forth in the fee schedule. The impact fee due
56 prior to the issuance of a building permit or final development order, except as
57 otherwise provided by this article, shall be the sum of the applicable police
58 facilities, fire/rescue facilities, and parks and recreation facilities impact fee.

59

60 (b) No building permit or final development order requiring payment of
61 an impact fee pursuant to this article shall be issued unless and until impact fees
62 herein required have been paid.

63

64 (c) No extension of a building permit or final development order for any
65 activity requiring payment of an impact fee, pursuant to the fee schedule, shall be
66 granted unless and until the impact fees in effect at the time of the extension
67 request have been paid.

68

69 (d) In the event impact fees are paid concurrently with the issuance of
70 a building permit or final development order and subsequently, the building
71 permit or final development order is amended, the applicant shall pay impact fees
72 in effect at the time the amended building permit or amended final development
73 order is issued with credit being given for the previous fees paid.

74

75 (e) All impact fees that would normally be due under the terms of this
76 Chapter shall be waived for building permits issued from January 1, 2012,
77 through June 30, 2012.

78

79 **Section 3. Amendment.** Section 17-39 of the City of Tavares Land
80 Development Regulations is hereby amended to provide as follows:

81

82 **Section 17-39.** Waiver of Impact Fees.

83

84 All impact fees that would normally be due under the terms of this
85 Chapter shall be waived for building permits issued from January 1, 2012,
86 through June 30, 2012.

87

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

90

91 **PASSED AND ORDAINED** this _____ of December, 2011, by the City
92 Council of the City of Tavares, Florida.

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Robert Wolfe, Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

First Reading: December 7, 2011

Passed and Adopted Second Reading:

Approved as to form:
City Attorney

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