

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

AGENDA TAB NO. 7

SECOND READING

**SUBJECT TITLE: Ordinance 2011-13
Waiving of Building Permit Fees for Commercial Renovations for
ADA Compliance**

OBJECTIVE:

To amend Chapter 24, Section 24 E, of the City of Tavares Land Development Regulations to allow permit fee exemptions for commercial permits for construction and/or modifications to remove architectural barriers to access and improve access for persons with mobility impairments.

SUMMARY:

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive rights and protections to individuals with physical and mental disabilities. The goal of the ADA is to guarantee equality of opportunity, full participation, independent living and economic self-sufficiency for all disabled persons.

Title III of the Americans with Disabilities Act (ADA) requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Frequently, when a building undergoes a change of use, extensive modifications are required to comply with these standards. The City of Tavares recognizes ADA accessibility as a quality of life enhancement as well as a Federal regulation and would like to further encourage increased ADA accessibility by waiving the building permit fee for certain modifications conducted to remove architectural barriers to access for disabled persons.

OPTIONS:

1. That City Council moves to approve Ordinance 2011-13.
2. That City Council denies the proposed ordinance.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2011-13.

FISCAL IMPACT:

The fiscal impact associated with this agenda item would be the reduction of permit fees collected for ADA accessibility modifications at a rate of one per commercial property per fiscal year.

LEGAL SUFFICIENCY:

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

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ORDINANCE 2011-13

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 24, SECTION-24E, PERMIT FEE EXEMPTIONS TO ALLOW A PERMIT FEE EXEMPTION FOR MODIFICATIONS TO EXISTING COMMERCIAL BUILDINGS TO REMOVE ARCHITECTURAL BARRIERS TO ACCESS AND IMPROVE ACCESS FOR PERSONS WITH MOBILITY IMPAIRMENTS, INCLUDING BUT NOT LIMITED TO RAMPS AND BATHROOM RENOVATIONS PROVIDED THAT SUCH STRUCTURES COMPLY WITH STATE AND/OR FEDERAL REGULATIONS WHEN APPLICABLE, SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

19 **WHEREAS**, the Americans with Disabilities Act of 1990 (" ADA"), 42 U.S.C. Section
20 12181 (a), provides, among other things, that "no individual shall be discriminated against on
21 the basis of disability in the full and equal enjoyment of the goods, services, privileges,
22 advantages, or accommodations of any place of public accommodation by any person who
23 owns, leases (or leases to), or operates a place of public accommodation,"; and,

24 **WHEREAS**, the City of Tavares has taken several steps and committed to continue to
25 take action to increase accessibility to its municipal services and programs to disabled City
26 residents and visitors alike; therefore;

27
28 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

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30 **Section 1. Text Amendments**

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

32 (E) **Permit Fee Exemption.**

33
34 1. Upon receipt of a written request, the Building Official may exempt construction valued at less than
35 \$2,500 for minor work and sheds of 250 square feet or less in size for the owner-occupant of a home (one
36 exemption per property per year). At least one inspection and code compliance is required.
37

1 2. Upon receipt of a written request, the Building Official or his/her designee shall exempt permit fees for
2 modifications to existing commercial buildings or places of public accommodation where such
3 modifications are related to removing architectural barriers to access and improving access for persons
4 with mobility impairments, including but not limited to ramps and bathroom renovations. Request letters
5 must substantiate that the cost of the eligible modification constitutes seventy-five percent of the total
6 project construction cost. The permit fee exemption shall be limited to one exemption per property per
7 fiscal year. At least one inspection and code compliance is required.

8
9 **Section 2. Severability and Conflicts**

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

15
16 **Section 3. Effective Date**

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

19
20 **PASSED AND ADOPTED** this ____ day of _____, 2011 by the City Council of the
21 City of Tavares, Florida.

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23 _____
24 Robert Wolfe, Mayor
25 Tavares City Council

26 First Reading: _____

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28 Second Reading: _____

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31 ATTEST:

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33 _____
34 Nancy A. Barnett, City Clerk
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1 Approved as to form:

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5 Robert Q. Williams, City Attorney

Orlando Sentinel/Lake Sentinel

Sunday, November 27, 2011 Edition

Ordinance 2011-13

Public Hearing Notices

City of Tavares

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2011-13, Second Reading, on December 7, 2011 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2011-13

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 24, SECTION 24E PERMIT FEE EXEMPTIONS TO ALLOW A PERMIT FEE EXEMPTION FOR MODIFICATIONS TO EXISTING COMMERCIAL BUILDINGS TO REMOVE ARCHITECTURAL BARRIERS TO ACCESS AND IMPROVE ACCESS FOR PERSONS WITH MOBILITY IMPAIRMENTS, INCLUDING BUT NOT LIMITED TO RAMPS AND BATHROOM RENOVATIONS PROVIDED THAT SUCH STRUCTURES COMPLY WITH STATE AND/OR FEDERAL REGULATIONS WHEN APPLICABLE, SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAK1161203

11/27/2011

NOTICE OF PUBLIC MEETING

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

AGENDA TAB NO. 8

SUBJECT TITLE: Resolution 2011-25
Special Use Permit-Children's House of Learning

OBJECTIVE:

To consider a Special Use Permit to allow a child care center on property located at 314 East Maud Street.

BACKGROUND:

Owner: Earl R. Allen
Applicant: Brenda Phillips
Location: 314 East Maud Street
Existing Zoning: CD (Commercial Downtown)
Request: Special Use Permit for a child care center

SUMMARY:

The subject property is located on the southwest corner of Maud Street and Disston Avenue. It is zoned CD (Commercial Downtown). Situated on this property is a one storey single family dwelling which the applicant desires to convert to a child care center (daycare). In addition to the converted dwelling, the applicant is proposing to place three modular buildings on the site to be used for the same purpose. A conceptual site plan has been submitted and is attached to this report. A condition of the Special Use permit is that a site plan be prepared in accordance with the City's Land Development Regulations and approved through our usual site plan review process.

The applicant has hired Jass & Associates Architecture to modify the modular buildings to comply with the city's commercial architectural design standards specified within our Land Development Regulations. These preliminary plans are attached to this summary. City staff will not approve a site plan unless all structures are constructed and all improvements to the site are done in accordance with our codes.

Staff does concur that this location within our Commercial Downtown District is appropriate for a child daycare facility provided that it meets our architectural standards.

OPTIONS:

1. That City Council moves to approve Resolution 2011-25.
2. That City Council moves to deny the proposed special use.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 17th meeting, the Planning & Zoning Board voted to recommend approval of Resolution 2011-25. The motion passed 5-2.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve a Special Use permit for a child care center at 314 East Maud Street subject to the conditions specified in Resolution 2011-25.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

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RESOLUTION 2011-25

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A CHILD CARE CENTER PROPOSED TO BE LOCATED AT 314 EAST MAUD STREET; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Earl R. Allen, et al is the owner of property located at 314 East Maud Street, Tavares, Florida, and legally defined as:

Lots D and E; and that part of Lot F described as follows: Begin at the Southeast corner of said Lot F and run West along the South line thereof 73.9 feet, thence North 12 feet, thence West to the West line of said Lot F, thence North along said West line to the Northwest corner of said Lot F, thence East along the North line thereof to the Northeast corner of said Lot F, thence South along the East line thereof to the point of beginning, less any part thereof lying within: Begin at the Southwest corner of said Lot F and run East along the North line of Lots L, M, and N to a point 5 feet East of the Northeast corner of Lot M, thence run North 12 feet, thence West to the West line of said Lot F, thence South along said West line 12 feet to said Southwest corner of Lot F; all in Block 10 in the City of Tavares, Florida, according to the plat thereof as recorded in Plat Book 1, page 64, Public Records of Lake County, Florida.

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WHEREAS, the owner has authorized Brenda Phillips to act on his behalf on this matter; and

WHEREAS, Brenda Phillips desires to establish a child care center on the above described property; and,

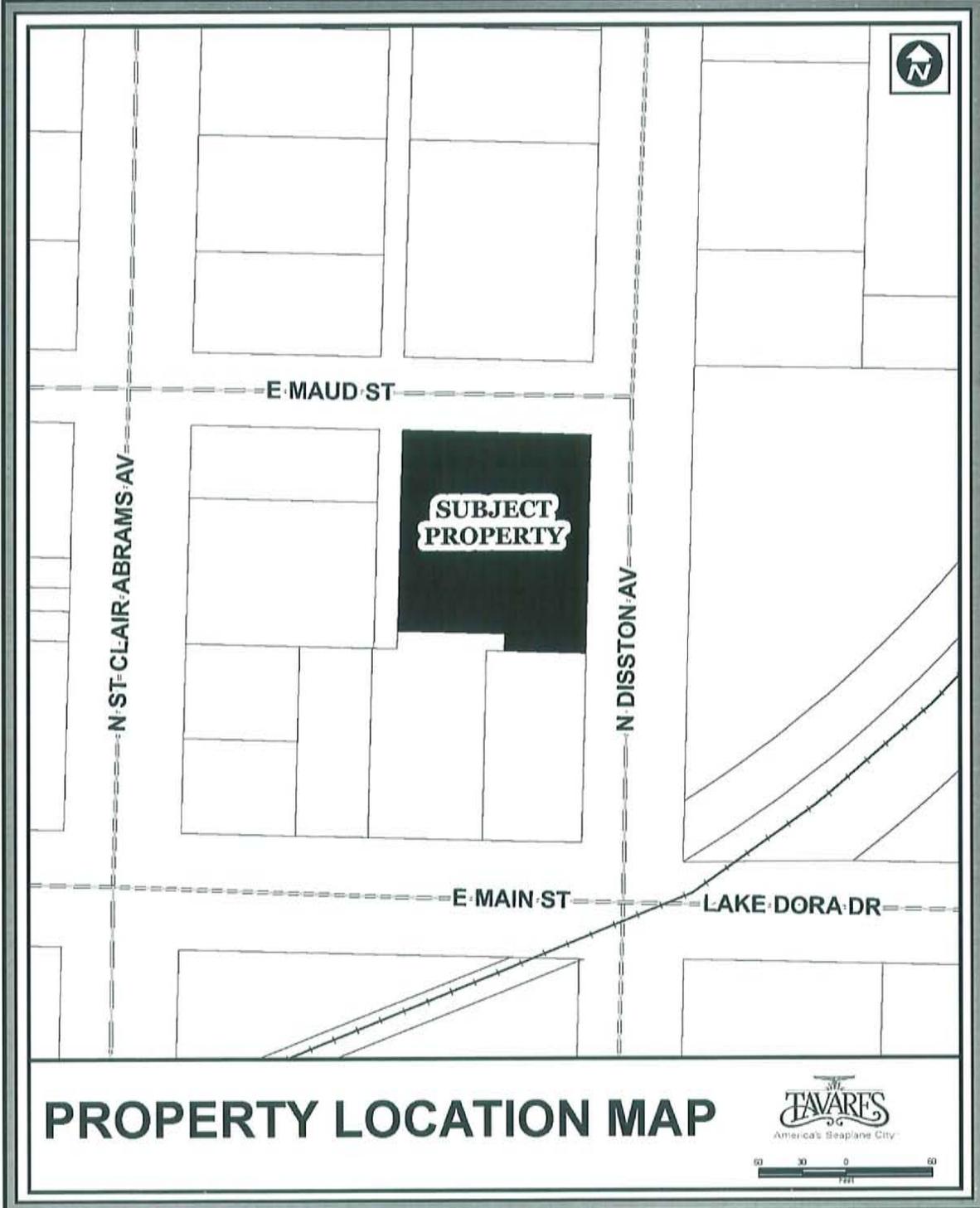
WHEREAS, the property is zoned CD (Commercial Downtown District) and a child care center is permitted by Special Use approval in said zoning district; and,

WHEREAS, the City Council finds that the Special Use for a child care center in this specific case would be in harmony with surrounding uses; therefore,

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

- 23 1. The applicant is hereby granted approval of a Special Use for a child care center.
- 24 2. A site plan approved through the required site plan process as described in
- 25 the city's Land Development Regulations will be required.
- 26 3. All development and buildings constructed or placed on the site shall comply
- 27 with the city's commercial architectural and site design standards as
- 28 specified in Chapter 9 of the city's Land Development Regulations.
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CITY OF TAVARES



PROPERTY LOCATION MAP



Created By: City of Tavares GIS

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Map Created on 11/1/11

STEPHEN G. BIRR, P. A.

ATTORNEY AT LAW

122 N. ST. CLAIR-ABRAMS AVENUE
TAVARES, FLORIDA 32778

November 17, 2011

AREA CODE 352
TELEPHONE 343-5800

Tavares Planning and Zoning Board
Tavares, FL 32778

Re: Public hearing on Resolution 2011-25: Approving a special use permit for the operation of a childcare center proposed to be located at 314 E. Maud St., Tavares, FL

Dear Members of the Planning and Zoning Board,

My name is Steve Birr.

I am presenting this letter to you, the members of the Tavares Planning and Zoning Board on November 17, 2011 at the 3:00 PM meeting regarding the above matter.

I intend to read this letter at the meeting. Some people are more audio oriented and some are more visually oriented, so you can choose to either listen to me as I read, or read this to yourself and tune me out.

I, along with my wife own the property at 122 N. St. Clair Abrams Ave. This is the property immediately west of the proposed child care center.

Only an alley divides our property from the proposed location.

A little bit of history: in 1981 my wife and I escaped with our then three-year-old child from South Florida.

It's no secret that many people left because of the traffic and congestion. We were one of them.

In 1983 we purchased the home located at 122 N. St. Clair Abrams Ave with the express intent to use it as a law office.

I am told that my office is between 90 and 100 years old.

It's what some people might call a shotgun house (although that may be historically inaccurate); however it is long and narrow.

It's about 60 feet long.

And about 30 feet wide.

Many attorneys typically like to settle right around the courthouse. Instead I wanted to be a little bit removed from the action.

I bought the home because it was out and away from the traffic and congestion of Main Street at the Lake County Courthouse which of course is now the County Administration building.

As the population has increased, so has the growth of our court system. Our property is fortunately away from the hubbub of what is now the judicial center and the 2 County office buildings.

We felt good about our decision in 1983 to locate our law office at this location.

It has a professional feel and is in a professional location.

Two other law firms like the professional location as well and have settled across the street- one on each corner.

So having said that, let me cut to the chase.

Here are my concerns about the proposed child care center.

1st concern: a substantial increase in traffic

I understand that initially 50 children would be dropped off and picked up throughout the day. Some would be by Van from the school. Others would be by vehicles.

I understand that there is a waiting list of additional 50 children that would be placed in the modular units.

How many vehicle trips does that equal in the morning?

How many vehicle trips does that equal in the afternoon?

2nd concern: Parking:

Where are the parents going to park when they drop off or pick up the child? The parents may from time to time need to go inside to speak with the staff about the child.

Some studies have shown that the amount of time that parents spend inside the center is about six minutes. I have no idea at all what the proposed center's record is on this issue.

Parking lot: There is a paved parking lot on the south side of my building. To enter the parking lot you can enter from St. Clair Abrams, or you can enter from Maud Street and drive down the alley in between my building and the subject property.

I assume that parents will take advantage of that lot and park there from time to time as overflow parking.

3rd concern: Ingress and egress to property

Access to the proposed childcare center would be by a number of ways, two of which would affect me, and only a few feet away from my property:

--One of which would be from St. Clair Abrams through the parking lot on the south side of my building about 25 feet from where I sit at my desk,

--and the other way by driving a short distance east on Maud about 25 feet from my conference room and then down the alley about 50 feet behind my 2 back offices.

Undoubtedly that will generate substantial traffic and noise by my building.

Actually I'm going to be surrounded by traffic.

Parking garage:

As a side note, I understand in the city's long-range plans they have a multilevel parking garage proposed around the year 2013 or 2014 for the southwest corner of St. Clair Abrams and Maud. This would be directly west of my building.

This would probably result in substantially more traffic and congestion.

Traffic impact analysis-

I have no knowledge whether or not a traffic impact analysis has been done in this case but one would be prudent to determine:

--what is the number of daily trips with 50 children?

--what is the number of daily trips with 100 children?

--what is the number of peak hour trips?

--what is the number of A.M. trips?

--what is the number of P.M. trips?

--what routes of ingress and egress shall be used to access the child care property?

--where will the overflow parking be (in the parking lot south of my building; on the street etc.)?

--what effect would the increased traffic have upon the surrounding properties?

4th concern: Noise

The Windows in my nearly 100 year old building are thin. They probably are the original windows.

They're not insulated.

They're not double pane.

When the train blows its whistle, the sound is loud and clear in my office.

When the sanitation truck drives through the parking lot my windows vibrate.

When it rains I can hear the rain drops.

When the fire station tests its sirens and horns I can hear them just like I was standing outside.

When a car or truck blows its horn I can plainly hear it.

When a car drives down St. Clair Abrams in front of my building I can hear it.

Noise from increased traffic:

When vehicles drive through the parking lot 25 feet from where I'm sitting at my desk I can hear and see them. So can my clients.

I often meet with clients in the conference room which is about 30 feet from Maud Street. When vehicles drive east on Maud, 30 feet from my building, I can both see and hear them.

If and when I rent out my 2 back offices, they will be about 50 feet from the alleyway that runs between the subject property and my building.

Noise from the children playing.

Don't get me wrong. I like children. Much of my law practice is devoted to family and children's issues.

However children are little "noise generators".

I have not measured it but from looking at the Concept plan, the proposed playground area could be about 75 feet from the east side (or backside) of my building.

I did a little bit of research online last night. I couldn't quickly find any U.S. studies but I stumbled upon an Australian study of childcare centers in 2005.

Noise from children playing in childcare centers has been a common issue before some courts in Australia.

My guess is that that would probably hold true here as well.

Some of those courts have imposed a condition that noise not exceeds a certain level.

I'm not an acoustic engineer so I can't tell you what the accepted level is, but given the age of my building and my thin windows, noise is a major concern.

I can tell you that when I'm sitting at my desk (which is on the south side of the building and towards the front), and when people are talking and walk through the parking lot, or down the sidewalk in front of my building, I can clearly hear them.

Also I can clearly hear the fellow that is singing songs from the local bar on Main Street when I'm working late at night. His voice, although it is amplified, is traveling perhaps 100 or more yards from the bar to my office. And there are other buildings in between the bar and my office that should deflect some of the sound.

Having said all that, I would venture a guess that I and my clients will be able to hear children playing outside and traffic driving by.

Acoustic assessment:

In some cases the Australian courts have required an acoustic consultant to undertake an acoustic assessment to take noise readings. The assessment can include recommended noise attenuation measures.

In some cases the courts have required that the time spent by the children in the outdoor play areas be limited to no longer than a certain amount of time each day, and to specific time periods each day.

In some cases the courts required a management plan that indicates how the children's play would be limited, and the maximum number of children outside at any one time.

Modular units

I'm not an architect. But I do not think that the modular units are in harmony with the professional nature of the neighborhood.

The Modular units are going to allow an additional number of children, putting additional pressure on the surrounding properties.

Summary:

I and my clients will be virtually surrounded by cars, trucks, parents, children and the noise and sounds emanating from them.

When the staff recommended approval of this special use permit, they apparently did not consider the impact upon my business and my property.

No one asked me how this would affect me and my clients.

No one asked me about noise levels.

No one asked me about traffic impact.

I respectfully request that the special use permit be denied.

In the alternative, I would request that

A traffic impact analysis be done to determine:

--what is the number of daily trips with 50 children?

--what is the number of daily trips with 100 children?

--what is the number of peak hour trips?

--what is the number of A.M. trips?

--what is the number of P.M. trips?

--what routes of ingress and egress shall be used to access the child care property?

--where will the overflow parking be (in the parking lot on the south side of my building; on the street etc.)?

--what effect does the increased traffic have upon the surrounding properties?

I would also request that an acoustic assessment be done of what the noise readings would be at any point on the boundary of the proposed location when 50 children or 100 children are on the property (both inside and playing outside).

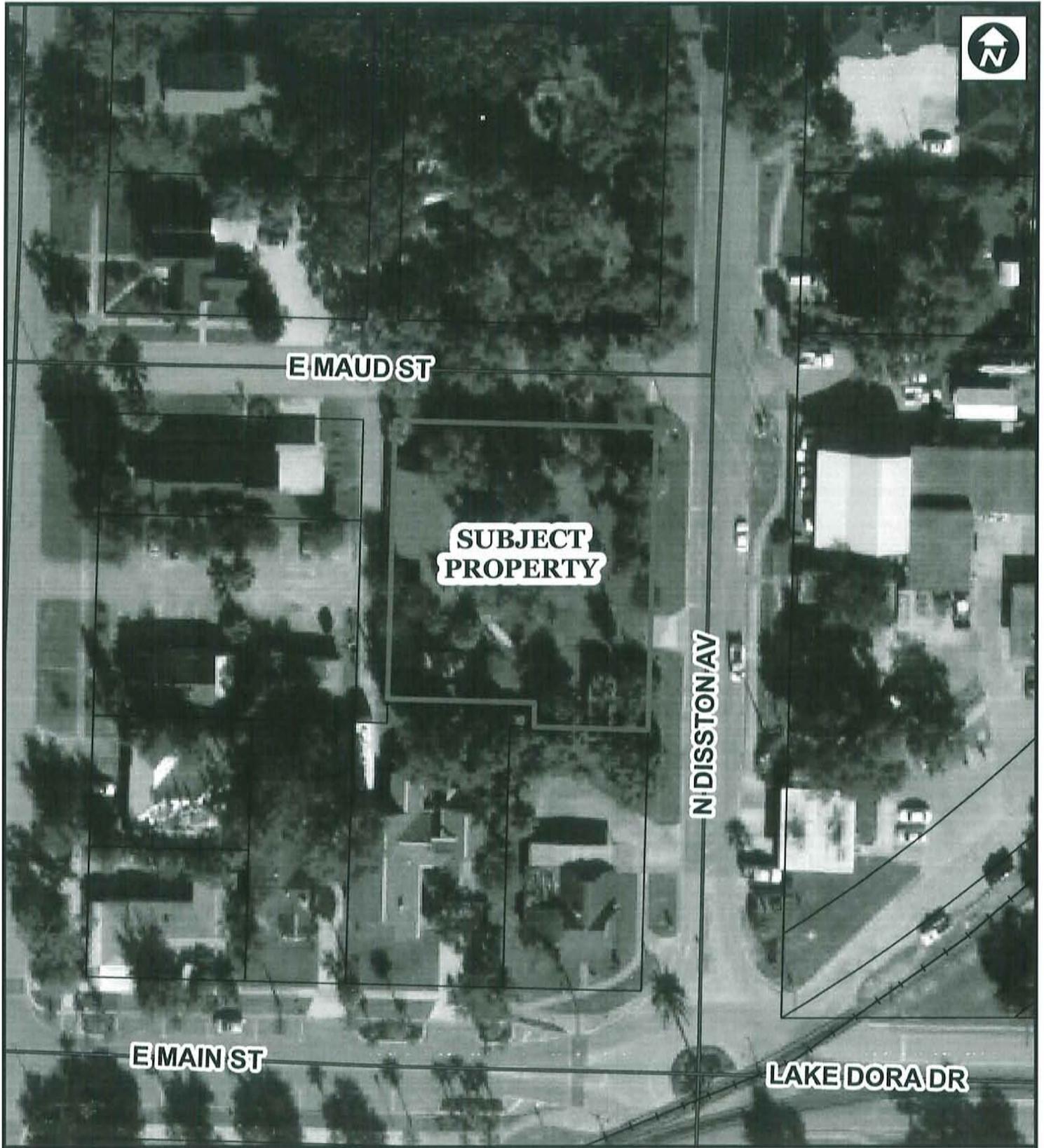
Also what if any noise attenuation measures are recommended by the assessment.

I appreciate your attention. Thank you for allowing me to address you. Please contact me if you have any questions.

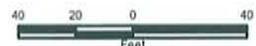
With kind regards,

Stephen G. Birr

CITY OF TAVARES



PROPERTY LOCATION MAP



CITY OF TAVARES RESOLUTION # 2011-25



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



ZONING MAP

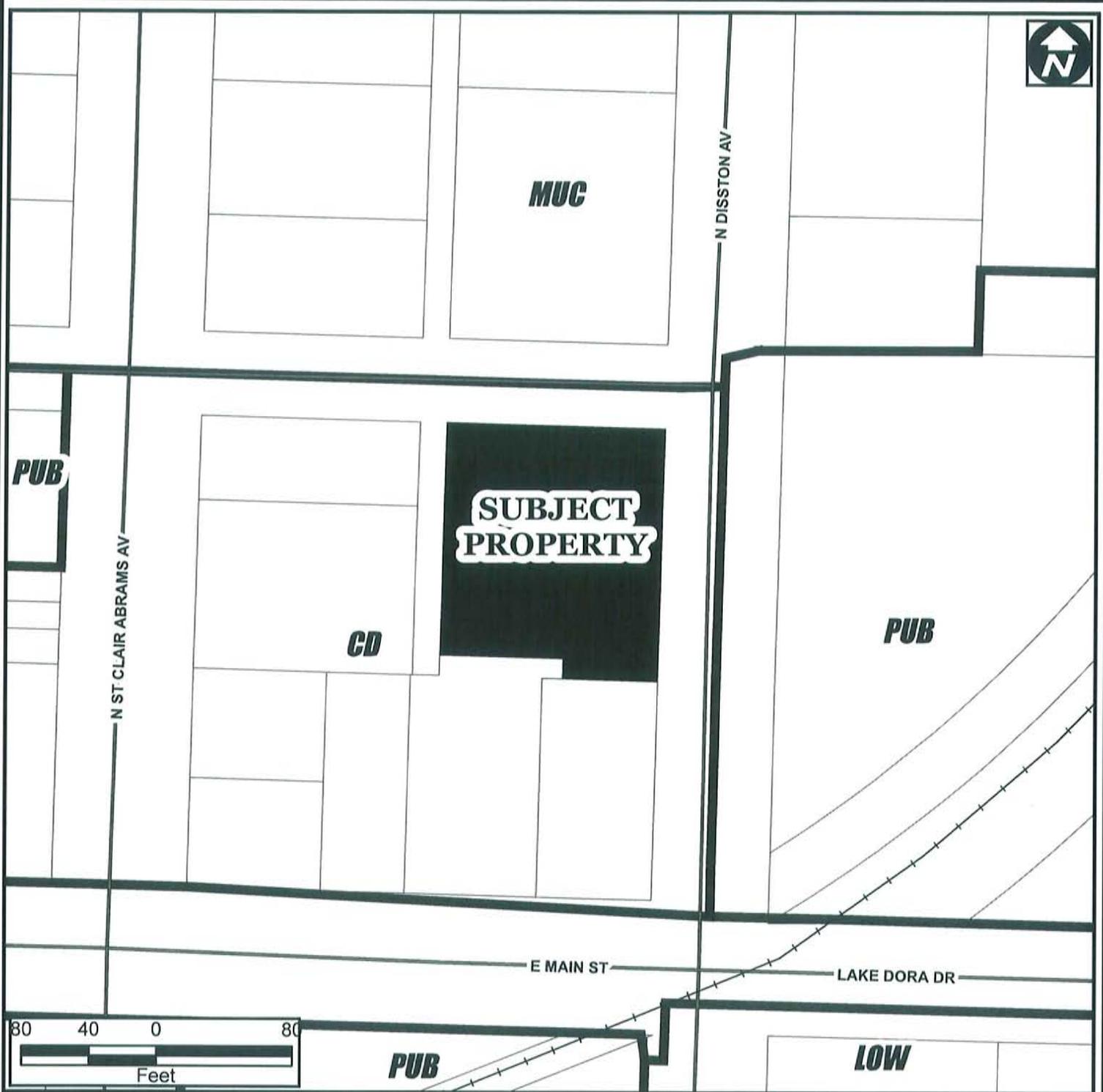
RESOLUTION # 2011-25

Children's House of Learning

Current Zoning:
City CD
0.4 ± Acres

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

CITY OF TAVARES RESOLUTION # 2011-25



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



FUTURE LAND USE MAP

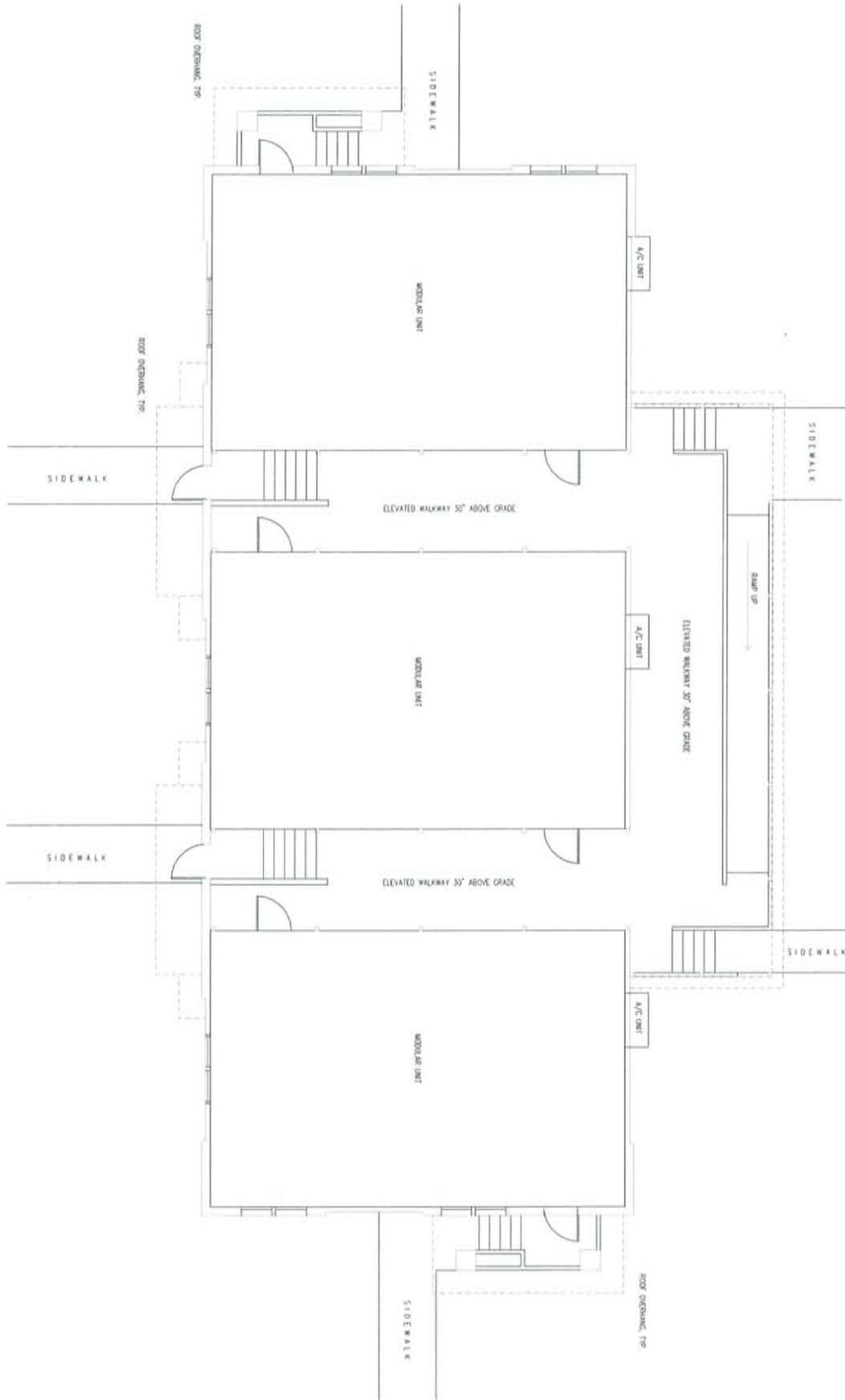
RESOLUTION # 2011-25

Children's House of Learning

Current FLU:
City CD
0.4 ± Acres

Legend

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

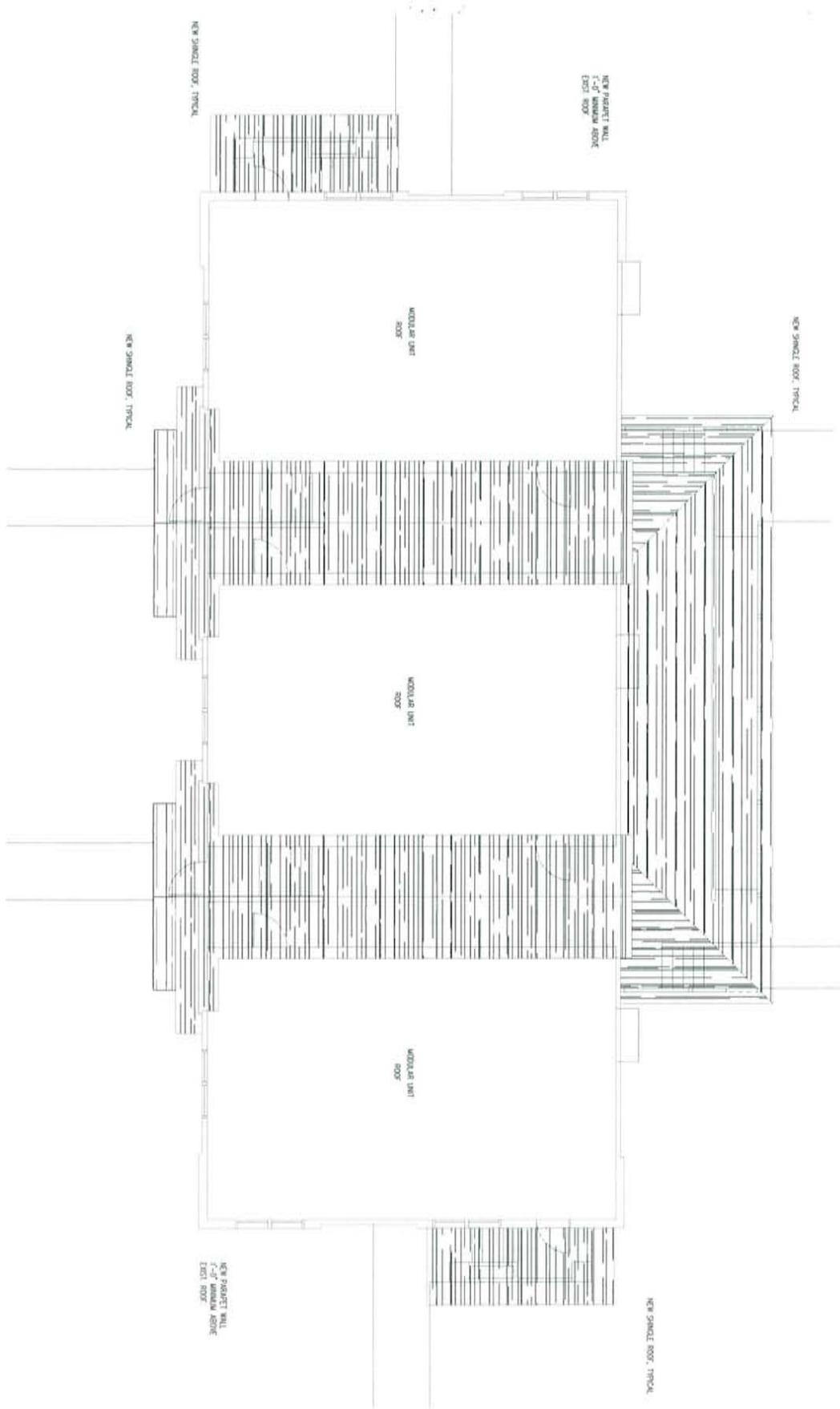


PRELIMINARY FLOOR PLAN

SCALE: 1/4" = 1'-0"



PRE-1	PROJECT NO.	DATE		JASS & ASSOCIATES ARCHITECTURE, LLC 2300 AMHERST LANE MOUNT DORA, FLORIDA 32757 (352) 383 - 9407 License No. AA28092258	REFERENCE PLAN	THIS DRAWING AND THE DESIGN THEREON IS THE PROPERTY OF JASS & ASSOCIATES ARCHITECTURE. THEIR USE WITHOUT WRITTEN LICENSE IS PROHIBITED. NOT VALID OR FOR USE UNLESS SEAL BRAFFED. © 2011	014 DAYDL 368 4501 008
	CHILDREN'S HOUSE OF LEARNING 314 EAST MAUD STREET TAVARES, FLORIDA	PRELIMINARY FLOOR PLAN					



PRELIMINARY ROOF PLAN

SCALE 1/8" = 1'-0"



PRE-2	PROJECT NO.	CONTENTS		JASS & ASSOCIATES ARCHITECTURE, LLC 2500 AMHERST LANE MOUNT DORA, FLORIDA 32757 (352) 383 - 9407 License No. AA26002258	REFERENCE PLAN	THIS DRAWING AND THE DESIGN THEREON IS THE PROPERTY OF JASS & ASSOCIATES ARCHITECTURE. THEIR USE WITHOUT WRITTEN LICENSE IS PROHIBITED. NOT VALID UNLESS SIGNED AND SEALED AS REQUIRED.	DATE: 11/2/11 4:02/5:00
	REVISIONS	PRELIMINARY ROOF PLAN CHILDREN'S HOUSE OF LEARNING 314 EAST MAUD STREET TAVARES, FLORIDA					

Lake Sentinel

LAKE COUNTY CELEBRATES VETERANS DAY

Veterans Day events are scheduled throughout the week to honor the men and women who have served their country.

■ Cypress Ridge Elementary School will present a Veterans Day program at 8:30 a.m. today at the school, 350 East Ave., Clermont. All veterans are welcome.

■ Students at Christian Home & Bible School will celebrate Veterans Day with a patriotic program Friday on the campus at 301 W. 13th Ave. All veterans are encouraged to participate in the parade and meet at 8:45 a.m. at the clock tower by the administration building on 13th Avenue. The parade will begin at 9 a.m. at 13th Avenue and continues to the school's gymnasium. The Veterans Day program will follow inside the gym at 9:20 a.m. All veterans will be honored in the program.

Details: Natalie Yawn at 352-383-2655, Ext. 261.

■ American Legion Post 21 of Umassilla will conduct a Veterans Day program at 10 a.m. Friday at McTureous Memorial Park, State Road 18. Lt. Col. Charles Minyard, senior Army instructor for Umassilla High School JROTC, will be the speaker. ■ East American Legion Post 41 will have a memorial service at 11 a.m. Friday at Ferras Park downtown. State Rep. Larry Metz, R-Yuca, will speak. ■ Veterans Foreign Wars Post 5277, the Tomoka Chapter of the Daughters of the American Revolution and the South Lake County



STEPHEN M. DOWELL/STAFF PHOTO

Lake County will salute veterans during Veterans Day observances presented this week by students and vets' organizations.

Marine Corps Detachment B20 will sponsor a Veterans Day ceremony at 11 a.m. Friday at the pavilion in Waterfront Park, 340 Third St., on Lake Minneola, Clermont. Participating groups include cadets from the South Lake High School NJROTC, Knights of Columbus Council 13240 and Girl and Boy Scouts troops. Jim Hanis will sing the national anthem and Melinda Ojeda also will sing. Col. Roxann Oyster will be the guest speaker. Participants are encouraged to bring small items such as

travel size personal-hygiene items and paperback books, which will be sent to service members.

■ American Legion Post 219 will conduct a Veterans Day ceremony at 11 a.m. Friday at Fruiland Park City Hall, 506 W. Berckman St. A light lunch will follow at the post headquarters, 104 W. Fountain St. The public is welcome. Details: 352-797-2138.

■ The Astor Veterans of Foreign Wars Post will conduct a program at 2 p.m. Friday at the Astor Community Center on Ann

Street. Lt. Col. Charles Minyard, senior Army instructor for Umassilla High School JROTC, will be the speaker.

■ The 12th annual Veterans Celebration and Car Show, sponsored by Chapter 188 of the Korean War Veterans of Lake County, is 8 a.m. to 4 p.m. Saturday at Lake David Park, 400 Lake Ave., Groveland. The event will honor veterans of all wars and conflicts with an honor-guard gun salute, a military-vehicle display and a flyover by World War II airplanes. Registration is

required to participate in the classic-car show and is open to all vehicles through 1979. Cost to register is \$18. Registrants are eligible to win a car lift.

Details: 863-424-5212 or 863-604-5102. ■ The Leesburg Noon Rotary Club is sponsoring a Star Spangled USO-style show and hangar dance beginning at 6 p.m. Saturday at the Leesburg International Airport off U.S. Highway 441. The event is a tribute to all area veterans and proceeds will benefit the Veterans Memorial, the Rotary Club's Support Our Troops and Veterans Organization of Resource and Recovery for the Homeless. There will be military exhibits, antique aircraft, dancing, barbecue, cash bar, music by the EC Swing Band and more. Awards will be given for the best military dressed veteran, the oldest and youngest veteran and jumbotron contest. Winners' tickets are \$30 and can be purchased by calling 352-728-8444.

— Debbie Manis

Client Name: CITY OF TAVARES
Advertiser: Lake/G 5/LAK
Section/Page/Zone: LAKE/G 5/LAK
Description: VETERANS DAY

Ad Number: 086805001
Insertion Number: 086805001
Size: 3 x 10.5
Color Type: B&W

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CALENDAR: SUPPORT GROUPS

Continued from Page G2

■ Moms on Motherhood support group, 10 to 1:30 a.m. the second and fourth Thursday of each month at Florida Hospital Waterman, Children's Center, Tavares. Details: Kathy Burgess, 352-253-3367.

■ Alzheimer's Support Group, 10:30 a.m. the fourth Thursday of each month at Somerset, an assisted-living facility, 2450 Dora Ave., Tavares. Details: 352-343-4464.

■ Alzheimer's/Dementia Support Group, 2 p.m. the third Thursday of each month at Civic Center, 710 S. Lake St., Leesburg. Details: Cheryl Fitchner, 352-259-5360.

■ Overeaters Anonymous, 5:30 p.m. each Thursday at Florida Hospital Waterman, Garden Conference Room H, U.S. Highway 441, Tavares. Details: 352-223-9169.

■ Overeaters Anonymous, 10 a.m. each Thursday at North Lake Presbyterian Church, 975 Rolling Acres Road, Lady Lake. Details: 352-757-0779.

■ Widowed Persons Bereavement support group, 2 to 4 p.m. each Thursday at Union Congregational Church, St. Clair-Abrams Avenue and Alfred Street, Tavares.

■ Haven support group for sexual-assault and domestic-violence victims. Details: 352-787-5889.

■ Support groups in Lake Panasoffee for divorced, widowed and adult singles, 7 p.m. each Thursday at First Baptist Church of Lake Panasoffee. Details: Ann, 352-793-9847.

■ Narcotics Anonymous, 7 a.m., Crossroads II, 30 Citrus Ave., Eustis, and 8 to 9 p.m. at Tavares Church of Christ, Alfred and Joanna streets (wheelchair accessible). For 24-hour helpline, call 352-399-5617.

Friday

■ Breast-feeding support group, 2 p.m. the first Friday of each month at the Women, Infant and Children (WIC) office in the Umassilla clinic, 149 E. Collins St. Details: Danica Poorbaugh, 352-771-5566, or Shirley Soles, 352-771-5500, Ext. 2363.

■ Visually Impaired Persons support group (New Dimensions), 10 a.m. the second Friday of each month meets at the Leesburg InCH, 10332 U.S. Highway 441. Details: Harold Miller, 352-753-2078 or haroldm@earthlink.net.

■ Visually Impaired Persons support group (Clermont), 1 p.m. the fourth Friday of each month at Asbury House, 949 Seventh St., Clermont. Details: 352-394-8992.

■ Real Life Recovery/Celebrate Recovery, a Christian-centered 12-step program, 7 to 9 p.m. each Friday at Real Life Christian Church, 796 Hook St., Clermont. The program is for men and women with chemical addictions.

Child care is available at no charge. Details: 352-504-7092.

■ Pity-U's-Not Multiple Sclerosis Support Group, 10 a.m. the first and third Thursday of each month, Conference Room F, Florida Hospital Waterman, 1020 Waterman Way, Tavares. Caregivers and family members are welcome. Details: David Johnson, 352-638-0630 or pityusnot@hotmail.com.

■ Connection Helpline, a Christian volunteer crisis hotline serving Lake County, is available from 10 to 10 p.m. Details: 352-483-2800.

■ Emotions Anonymous, a nonprofit, self-help organization, 1 p.m. every Friday. The group is designed to help people cope with stress in daily living and offers a 12-step program. For location and details: 352-394-0858.

■ Narcotics Anonymous, 8 p.m. at 1339 Healy Drive, Leesburg. For 24-hour helpline and information, call 352-399-5617.

■ Overeaters Anonymous, 10 a.m. each Friday at the Lady Lake Library, 225 W. Guava St., Details: 352-365-725.

Saturday

■ Hope Restored, a faith-based support group for women who are victims of domestic violence, meets from 10 a.m. to noon each Saturday in Eustis. Chitacore is available. Details: 352-434-9300.

■ Alcoholics Anonymous Triangle Breakfast group, 9 a.m. every Saturday at Florida Hospital Waterman, Garden Conference Rooms A and B, 1000 Waterman Way, Tavares. Details: Wanda, 352-728-6269 or Jack, 352-669-9384.

■ Crisis Center, 10 a.m. to noon fellowship hall of First Baptist Church of Umassilla, 59 N. Trowell Ave. Free food and clothing available for those in need.

■ Connection Helpline, a Christian volunteer crisis hotline serving Lake County, is available from 10 to 10 p.m. Details: 352-483-2800.

■ South Lake Stroke support group, 10 a.m. the second Saturday of each month at the Community Care and Rehabilitation

Center across from the Citrus Tower, U.S. Highway 27 north of Clermont. Details: 352-241-0208.

■ Narcotics Anonymous, 8 p.m. at 1339 Healy Drive, Leesburg, 8:30 p.m. Tavares Church of Christ, Alfred and Joanna streets (wheelchair accessible). For 24-hour helpline, call 352-399-5617.

Sunday

■ Alcoholics Anonymous and Al-Anon support group meetings. Details: 352-360-0960.

■ Los Tres Amigos, 6 and 8 p.m. each Sunday at 7 Gauthier Circle, Leesburg. Details: 407-240-761.

■ Widow to Widow support group, 9 a.m. each Sunday in Clermont. Directions and details: 352-677-8788.

■ Connection Helpline, a Christian volunteer crisis hotline serving Lake County, is available from 10 to 10 p.m. Details: 352-483-2800.

■ Single Again Ministry Support Group, 6 p.m., Calvary Chapel, 2007 14th St., Leesburg. Details: Pastor Chris Ward, 352-365-0808.

■ Narcotics Anonymous, 7 p.m. at 1339 Healy Drive, Leesburg. For 24-hour helpline and information, call 352-399-5617.

■ Lake County Ostrory Support Group, 2 p.m. the third Sunday of every month, except June, July and August, at the Strong Medical Building, 270 S. Lake St., Suite 10, Leesburg. Details: call 352-242-8707.

Monday

■ Lake County Brain Injury Support Group, 6:30 to 8:30 p.m. the fourth Monday of each month at New Life Presbyterian Church, 201 La Vista St., Fruitland Park. Details: Barbara Castlow, 352-483-1353.

■ Diabetes Support Group, 11 to 2 p.m. the third Monday of each month at Florida Hospital Waterman in Tavares, Garden Conference Room E, Tavares. Details: Debra Soles, 352-253-3008.

■ Waterman Amputees and Limb Loss Connections (W.A.L.L.) Support Group, 6 to 7 p.m. the fourth Monday

of every month, except holidays, at Florida Hospital Waterman in the Garden Conference Room C, 1000 Waterman Way, Tavares. Details: Tracy Estak, 352-253-3052.

■ Sumter County Blind/Visually Impaired support group, 8:30 a.m. the second Monday of each month at various restaurants. Reservations are required for lunch by

calling Delta Pryor at 352-399-2445 the Friday before each meeting.

■ Insulin Dependent Support Group, 6:30 to 7:30 p.m. the last Monday of each month at Florida Hospital Waterman in Tavares, Garden Conference Center. Details: Ruth Harnden, 352-735-6907.

■ Alcoholics Anonymous and Al-Anon support group meetings. Details: 352-360-0960.

■ Alteen, 8:30 p.m., St. Edward's Episcopal Church, 460 Grandview Ave., Mount Dora.

6:30 to 8 p.m. the last Monday of each month at Florida Hospital Waterman in Tavares, Garden Conference Center.

■ Alcoholics Anonymous and Al-Anon support group meetings. Details: 352-360-0960.

■ Alteen, 8:30 p.m., St. Edward's Episcopal Church, 460 Grandview Ave., Mount Dora.

THE CITY OF TAVARES NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Resolution 2011-25 titled as follows:

RESOLUTION 2011-25

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A CHILD CARE CENTER PROPOSED TO BE LOCATED AT 314 EAST MAUD STREET; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.



Proposed Resolution 2011-25 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on November 17, 2011, at 3 p.m.; and
2. Tavares City Council meeting on December 7, 2011, at 4 p.m.

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

Proposed Resolution 2011-25 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and be heard with respect to the proposed resolution. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

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

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

In observance of Veterans Day Friday, Nov. 11, 2011, City offices will be closed. There will be no garbage or brush pickup.

1
2 **CASES TO BE HEARD**
3

4 **1) Children’s House of Learning – Special Use Permit (Child Care Center) – Resolution**
5 **2011-25**
6

7 Jacques Skutt, Community Development Director provided the following staff report;
8

9 The subject property is located on the southwest corner of Maud Street and Disston Avenue. It
10 is zoned CD (Commercial Downtown). Situated on this property is a one storey single family
11 dwelling which the applicant desires to convert to a child care center (daycare). In addition to
12 the converted dwelling, the applicant is proposing to place three modular buildings on the site
13 to be used for the same purpose. A conceptual site plan has been submitted and is attached to
14 this report. A condition of the Special Use permit is that a site plan be prepared in accordance
15 with the City's Land Development Regulations and approved through our usual site plan review
16 process.
17

18 The applicant has hired Jass & Associates Architecture to modify the modular buildings to
19 comply with the city's commercial architectural design standards specified within our Land
20 Development Regulations. These preliminary plans are attached to this summary. City staff will
21 not approve a site plan unless all structures are constructed and all improvements to the site
22 are done in accordance with our codes.
23

24 Staff does concur that this location within our Commercial Downtown District is appropriate for
25 a child daycare facility provided that it meets our architectural standards.
26

27 The Public Works facility is directly across the street from the property, but will be moving to
28 Woodlea Rd. The property at 314 E. Maud St. is a prime piece of commercial property near
29 Wooton Park, the rail line, and the new pavillion. Staff does not want to approve a site plan for
30 314 E. Maud unless it complements the downtown area.
31

32 Staff recommends that the Planning & Zoning Board moves to recommend approval of a
33 Special Use permit for a child care center at 314 East Maud Street subject to the conditions
34 specified in Resolution 2011-25.
35

36 Chairman Adams asked for comments from the audience.
37

38 Stephen G. Birr, P.A., owner of the property located at 122 N. St. Clair Abrams Ave. presented
39 a letter outlining his concerns to the Planning & Zoning Board. He read the letter aloud and
40 expressed the following concerns:
41

- 42 A) Traffic – the child care center would cause a substantial increase to the traffic in the
43 area. He wanted to know how many A.M. and P.M. peak trips there would be for a child
44 care center with between 50 - 150 children.
45
- 46 B) Parking – Mr. Birr asked where the parents and the employees are going to park. He
47 expressed concern that the parking lot to the south of his building, accessible via the
48 alleyway and N. St. Clair Abrams Ave., will be used as overflow parking.

1 C) Ingress / Egress – Mr. Birr stated that the child care center could be accessed in a
2 number of ways, all of which would cause substantial traffic and noise affecting his
3 business. He noted that he understood that the city has plans for a parking garage on
4 the southwest corner of Disston Ave. and Maud St., and he supports that development,
5 but his concern is the effect that the daycare will have on his business. Mr. Birr asked if
6 a traffic analysis had been done. He asked about the number of daily trips, peak trips,
7 A.M. & P.M. trips, routes of ingress / egress, overflow parking, and what effect
8 increased traffic would have on surrounding properties.
9

10 D) Noise – Mr. Birr stated that his building is old and he has not replaced the windows, and
11 that the windows in his office are thin and not insulated. He stated that he can clearly
12 hear the train, sanitation trucks, helicopters, and boats. He stated that the sanitation
13 trucks vibrate his windows when they drive through the parking lot by his office. He
14 stated that he can hear people walking outside his building, and cars driving by on N.
15 St. Clair Abrams Ave. and Maud St. He can also hear the amplified voice of the singer
16 from another business downtown. He stated that he and his clients will probably be able
17 to see and hear the cars going to the daycare and using the parking lot south of his
18 building and the alleyway. He stated that he is concerned about the children playing
19 outside, and that children are “noise generators”. He stated that he believes the
20 proposed playground is only 75 feet from his east side of his building. He researched
21 studies of effects on surrounding properties from childcare centers and found one from
22 Australia done in 2005. He stated that some Australian courts have imposed a
23 condition that noise not exceed a certain level. Mr. Birr stated that he did not know what
24 an acceptable level would be, but that noise is a major concern. Mr. Birr outlined that
25 Australian courts have required an acoustic assessment and a management plan
26 indicating noise attenuation, and how the children’s play area would be limited, and the
27 maximum number of children outside at any one time. He asked if the applicant had a
28 plan for controlling the outside play area.
29

30 E) Modular Units – Mr. Birr stated that he believes that modular units are not in harmony
31 with the architectural standards of the neighborhood and the city.
32

33 Mr. Birr summarized that he and his clients will be surrounded by the traffic patterns
34 associated with the child care center if it is approved. He stated that when staff recommended
35 approval of this special use permit that they did not consider the impact upon his business and
36 his property, and other adjoining properties, and that no one asked about the affect on his
37 business.
38

39 Mr. Birr requested that the special use permit be denied, but if it is approved he would ask that
40 a traffic analysis be done to show the number of daily trips, peak trips, A.M. & P.M. trips,
41 routes of ingress / egress, overflow parking location, and what effect increased traffic would
42 have on surrounding properties. Mr. Birr asked if an acoustic assessment could be done to
43 determine noise level emanating from the daycare and what effect it would have on the
44 surrounding properties. He requested that any recommended noise attenuation measures be
45 followed.
46

47 Sam Grist asked for the operating hours of Mr. Birr’s law firm.
48

49 Mr. Birr stated that his operating hours can range from 7 A.M. to 9 P.M.

1 John Tanner stated that the property located at 314 E. Maud is zoned as commercial
2 downtown and that the only reason for the special use permit is because the daycare requires
3 it. He stated that many uses are allowable on that property that could have a worse effect on
4 the neighboring properties that would not require a special use permit and asked Steve Birr if
5 he had considered that fact.
6
7 Steve Birr stated that he did not consider the effect of other uses and that he hoped that the
8 property would always remain a residence.
9
10 John Tanner stated that Tavares is growing, we all would like to see the downtown developed,
11 and that Tavares needs the commercial tax base.
12
13 Steve Birr requested that if the special use permit is approved that a study be done to address
14 his concerns.
15
16 Sam Grist suggested that when Public Works moves from their current location on Disston
17 Ave. that perhaps noise will be reduced.
18
19 James Gardner stated that an historic district has been established downtown and asked if the
20 location of the child care center is on the historic register.
21
22 Jacques Skutt stated that he did not recall if the property was on the historic register.
23
24 James Gardner stated that historic significance of the property is a concern. He stated that
25 there is a wide gap of compatibility between uses as far as an attorney's office and child care
26 center.
27
28 Bob Williams reminded the Planning & Zoning Board that under due process that the board
29 should hear from the applicant at this time.
30
31 John Adams asked Steve Birr where he received the information regarding the proposed child
32 care center.
33
34 Steve Birr stated that he received his information from Alisha Sullivan.
35
36 Alisha Sullivan stated that the child care center owner could confirm the information given.
37
38 Brenda Phillips stated that she is the owner of Children's House of Learning and that she is
39 relocating the business. She confirmed the information given by Alisha regarding the potential
40 number of children, the potential noise levels, and the potential traffic. Brenda confirmed that
41 there is high traffic for the business at 8:30 A.M. and between 4:30 & 5:30 P.M. She did not
42 discuss the parking garage as part of her site plan. She said her conceptual plan shows the
43 traffic flow through the property and the pickup / drop off area. She stated that there have not
44 been 20 cars at one time at the existing daycare during pickup / drop off. She asked for
45 questions from the Board.
46
47 John Tanner asked for the State requirements for interior and exterior square footage for a
48 child care center.
49

1 Brenda Phillips stated minimum State requirements (35 sq ft. indoor per child / 45 sq ft.
2 outdoor per child for half of the licensed capacity) and that she would have sufficient space.
3
4 Sam Grist asked how often children have breaks and would be in the playground.
5
6 Brenda Phillips stated that the children would be in the playground twice per day, but not all of
7 the children would be in the playground at once. There would be 1 – 2 hours per day where
8 the playground was not in use.
9
10 Gary Santoro asked Jacques Skutt if the applicant was aware of the architectural and site plan
11 requirements.
12
13 Jacques Skutt stated that the applicant is aware of the site plan requirements.
14
15 Gary Santoro asked the applicant if she will have any problems with what is required regarding
16 architectural and site plan review.
17
18 Brenda Phillips stated that she will meet the requirements
19
20 Brenda Phillips invited the Planning & Zoning Board members to visit her existing child care
21 center in Tavares to see how it functions and stated that the new location would be an asset to
22 the downtown area.
23
24 Chuck Hiott stated that he is the civil engineer that has been hired by Brenda Phillips and
25 asked the Board if they had any technical questions regarding the site plan. He stated that the
26 daycare will be meeting site plan and architectural requirements.
27
28 Norb Thomas asked how many employees will be working at the child care center.
29
30 Brenda Phillips stated that she currently has 10 employees and that there would possibly be
31 14 – 15 employees at the new location.
32
33 Norb Thomas asked if the employees would be there all at the same time.
34
35 Brenda Phillips responded that not all employees would be there at the same time – shifts
36 would stagger.
37
38 Sam Grist asked where the existing daycare is located.
39
40 Brenda Phillips stated that they are located at 923 N. Texas Ave.
41
42 Norb Thomas asked where the employees are going to park.
43
44 Chuck Hiott stated that the property is in the parking exemption district and that on street
45 parking will be utilized.
46
47 John Tanner asked Jacques Skutt about the 10' landscaping buffer requirements and stated
48 that he did not see it indicated on the site plan.
49

1 Jacques Skutt stated that the site plan is conceptual at this time, and that when the site plan is
2 fully reviewed that all the regulations will be met.
3
4 John Tanner asked if there will be a 10' landscaping buffer as required as part of the special
5 use. He stated that the existing building location would not accommodate a landscape buffer.
6
7 Jacques reiterated that the site plan was not reviewed in depth at this time.
8
9 John Tanner asked if there would be a 10' landscape buffer on the west side of the property.
10
11 Chuck Hiott stated that the buffer is not required between two properties with commercial
12 downtown zoning, and that the buffer could not be met on the west side because of the
13 location of the existing building on the property.
14
15 John Tanner stated that a 10' landscape buffer is required to screen the play area from
16 abutting properties and that it is a condition of the special use permit.
17
18 Sam Grist asked Brenda Phillips why she is relocating the business.
19
20 Brenda Phillips stated that Progress Energy is purchasing her property on Texas Ave. where
21 her current business is located.
22
23 Bob Williams stated that Progress Energy is looking for a sub-station site, and by Statute can
24 locate anywhere it is necessary. Progress Energy purchased property in Tavares including the
25 property owned by Brenda Phillips. He stated that by summer of 2012 that Progress Energy
26 will need the property currently occupied by the applicant. The applicant is interested in
27 relocating to the downtown area to service that area.
28
29 Sam Grist agreed that downtown needs a daycare center.
30
31 John Tanner agreed that a daycare center in downtown would be convenient for a lot of
32 people.
33
34 Bob Williams asked how many children the existing daycare accommodates.
35
36 Brenda Phillips stated that she currently has 58 children at her existing daycare.
37
38 John Tanner asked if that number of children would be an issue at the new location.
39
40 Jacques Skutt stated that there will be buffering around the playground area and that the
41 capacity would be reviewed.
42
43 Jacques Skutt stated to the Board that he had received a letter from Phillis Cramer, 317 E.
44 Main St., in support of the special use permit.
45
46 Chairman Adams turned over discussion to the Board.
47
48 John Tanner stated that he felt the daycare fits in with the vision of downtown.
49

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

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

AGENDA TAB NO. 9

**SUBJECT TITLE: Discussion on Providing Impact Fee Credits for Construction
that Exceeds Building Code Requirements**

OBJECTIVE:

To report to Council the feasibility of using impact fee credits to encourage green building practices.

SUMMARY:

On March 16th, staff presented to Council a conceptual plan that would provide impact fee credits for green and sustainable development that exceeded code requirements. Staff was instructed to continue to develop this concept.

Staff has researched this idea. A white paper written by Benjamin Kingsley of the New York University School of Law entitled "Making it Easy to be Green: Using Impact Fees to Encourage Green Building" appears to be the most detailed study available on this subject. The paper concludes that designing impact fees to encourage green construction is an efficient and effective method that local governments can use to encourage the shift to green construction, however, care must be taken to insure the legality for manipulating impact fees by meeting the tests of Substantive Due Process, Rational Nexus and Proportionality. Staff agrees with Mr. Kingsley's paper, and concludes that developing concrete factors to measure impacts for Green Construction would be a complex task. This is made evident by the fact that staff could not locate an example of a local government that encouraged Green Construction through impact fee adjustments. Instead, Green Construction is widely encouraged through incentives such as subsidy programs, permit fee waivers and local public recognition. A number of municipalities in Florida have programs that offer these incentives. Attached to this report is a resolution from Sarasota County that adopts a program for incentives for Green Construction. A similar program could easily be devised for our city.

In conclusion, reducing impact fees for Green Construction is logical and viable, but is legally complex. An incentive program similar to that of Sarasota County is instead recommended.

OPTIONS:

1. That City Council instructs staff to develop an incentive program for Green Construction that uses incentives such as building permit fee waivers or reductions and public recognition.
2. That City Council instructs staff to develop an incentive program for Green Construction that provides for reduction of impact fees. This may require the enlistment of expert consultants.
3. That City Council takes no action on this matter.

STAFF RECOMMENDATION:

Staff recommends that Council moves to instruct staff to develop an incentive program (similar to that of Sarasota County) for Green Construction that uses incentives such as building permit fee waivers and public recognition.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Approved for legal sufficiency.

RESOLUTION NO. 2005 _____
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

A Resolution of The Board of County Commissioners of Sarasota County, Florida which demonstrates a substantial commitment on the part of Sarasota County (herein referred to as the "County"), to finance, plan, design, construct, manager, renovate, commission, maintain, and deconstruct County facilities in accordance with sustainable building standards.

Whereas, the County has already demonstrated its commitment to sustainable principles, practices, and technologies through the County's Sustainability Resolution No. 02-119; and

Whereas, the County is a member of the U.S. Green Building Council, The United States Department of Energy's Rebuild America Program, the United States Environmental Protection Agency's ENERGY STAR ® program and the Florida Green Building Coalition, all of which advocate for high performance buildings; and

Whereas, The U.S. Green Buildings Council (USGBC) has developed the Leadership in Energy and Environmental Design (LEED) rating system that is a voluntary, consensus based certification program for design of sustainable buildings. LEED buildings conserve materials, energy, water and other natural resources as well as provide occupants with healthier and more productive interior environments; and

Whereas, high performance sustainable building and development is a means of balancing economic development with the preservation of quality of life; and

Whereas, the County has set an example and demonstrated its commitment and leadership through high performance design and construction beginning with the Florida House Learning Center, the Twin Lakes Park Green Office Complex, the North County Library, and obtaining and ENERGY STAR rating for the Judicial Center; and

Whereas, private entities within Sarasota County are voluntarily building high performance or "green" sustainable buildings, beginning with the Kimal Lumber Company Learning Center, the Whole Foods Market, and the Gulf Coast Girl Scout Council Campus; and

Whereas, architects, developers, and builders within Sarasota County are voluntarily making the commitment to design and construct to green building standards beginning with Schroeder Manatee Ranch (SMR) - Lakewood Ranch, Westwater Construction, Inc. (WCI) Communities, and The Granada; and

Whereas, high performance buildings provide occupants and visitors with a healthier and more productive environment and this increase in worker productivity can produce enormous economic benefits, as worker salaries are historically an organizations largest expense; and

Whereas, the County commits to high performance building practices that protect the quality of our air, water and other natural resources; provide employees and the public with safe and healthy indoor environments minimize our ecological footprint; reduce operating and maintenance costs over the life of the building; and serve as a model to others.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, in public meeting assembled:

That shall be the policy of the COUNTY to finance, plan, design, construct, manage, renovate, commission, maintain and deconstruct its facilities and buildings to be sustainable. It is the County's intent that all buildings constructed or owned meet the highest level of high performance building certification feasible, not merely the minimum level of USGBC LEED, Florida Green Building Coalition Green Buildings certification, or any comparable performance criterion.

That any type of new COUNTY building or facility that is not applicable to the USGBC LEED Rating System shall at a minimum incorporate the USGBC LEED checklist into the planning and construction of the facility.

That all major renovations and remodels performed on COUNTY buildings or facilities incorporate sustainable design and construction guidelines in the form of the USGBC LEED Certification or another comparable certification standard is available for existing buildings.

The COUNTY will encourage voluntary green building through a "Green Building Program" as described in this resolution.

The COUNTY will be a leader in environmental design and construction in order to ensure the future property and resource independence of the community, and to lay the foundation for environmentally, socially and economically sustainable development throughout the county and state.

Sarasota County Green Building Program

Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- a) "County" means the Sarasota County, Florida;
- b) "County Commission" means the Board of County Commission of Sarasota County, Florida;
- c) "County-owned civic or office construction project" means County owned buildings; providing a public gathering place or office facilities;
- d) "construction" means any project associated with the creation, development, or erection of any building eligible for the Program;

- e) “FGBC” means the Florida Green Building Coalition;
- f) “green building” means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials;
- g) “GHDS” means the Green Home Designation Standard of the Florida Green Building Coalition;
- h) “LEED” means the most recent edition of the Leadership in Energy and Environmental Design Green Building Rating System, of the United States Green Building Council;
- i) “private” means property not owned by the County of Sarasota, Florida;
- j) “Program” means the Sarasota County Green Building Program;
- k) “program certification” means the final designation awarded to a program participant for satisfying all requirements associated with the Program for a particular project;
- l) “program participant” means any person or entity seeking program certification for a particular project;
- m) “project” means any construction associated with the creation, development, or erection of any building eligible for the Program;
- n) “Project Application Form” means the form submitted to the Inspection and Permitting Services indicating that a program participant is interested in participating in the Program for a particular project;
- o) “sub-program” means any construction covered by the Program;
- p) “USGBC” means the United States Green Building Council

Intent and Purpose

The purpose of the Program shall be to provide the Sarasota County community with a certification-based “green building” program. It is expected that the County owned civic or office construction projects will follow the program guidelines. This Program will be voluntary for all others. This program will promote sustainable and environmentally-friendly design and construction practices.

Designation of Responsibility for Administration and Implementation.

The Program shall be administered by the Planning & Development Services Business Center, Inspections & Permitting Services, which shall be responsible for:

- a) Funding the Program through annual funds budgeted and appropriated by the Board of County Commission;
- b) Marketing the Program to the Sarasota County community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in monthly mailers;
- c) Developing any appropriate or necessary application procedures, including but not limited to, the Program Application Form;
- d) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- e) Resolving any disputes that may arise from implementing the Program.

Program.

- a) For all non-county projects, the Program shall be voluntary.
- b) For any County-owned civic or office construction project, the County is expected to participate in the Program unless the Board of County Commissioners determines that the cost (e.g. time, function, or funding) associated with participating in the Program significantly outweighs the benefits,
- c) The County Administrator or designee shall develop policies and procedures to implement the Green Building Program.

Scope

The Program shall be administered on a per-unit basis. For the purpose of this section of the Program “per-unit” means each unit built, except that any multi-family dwelling or similarly clustered structure may be counted as one unit, as determined by the County Administrator or designee.

Coverage

The Program shall be comprised of the following sub-programs:

- a) New residential construction;
- b) Residential retrofitting/remodeling;
- c) New commercial/non-county construction, not including any expansions or remodeling;
- d) County-owned civic or office construction, including any major expansions or remodeling.

Standards

The Program shall be administered using standards developed by Sarasota County for certification of retrofitting/remodeling of existing residential units and standards developed by 1) the Florida Green Building Coalition (FGBC) and 2) the U.S. Green Building Council (USGBC) for certification of all other building certifications. These standards shall apply to each sub-program as follows:

- a) GHDS. For any program participant seeking program certification for new residential construction the program participant must satisfy all of the requirements associated with the current Green Home Designation Standards (GHDS) of the FGBC, including but not limited to, any monetary or certification requirements. For the purpose of this section of the Program, “current” means at the time a program participant submits a Project Application Form with the Inspections & Permitting Services.
- b) LEED. For any program participant seeking program certification for new commercial/non-county construction or new county civic or office construction, the program participant must satisfy all of the requirements associated with the most current USGBC LEED standard, including but not limited to any monetary or certification requirements.

- c) Review. For the purpose of this section of the Program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant both requests, to be certified under a more current version of a designated standard and the request is approved by Inspections & Permitting Services.

Incentives

The Program shall consist of incentives designed to encourage the use of the Program.

- a) All sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-county construction or new County owned civic or office construction, the County's Development Services Fund 102 shall provide the following incentives:
 - 1) Fast-track permitting for building permits;
 - 2) Reduced building permit fee, which shall equal fifty percent, up to a maximum of \$1,000 of the building permit fee subject to availability of funds;
 - 3) No person or entity shall receive more than \$5,000 in permit fee refunds;
 - 4) A maximum of \$50,000 per year shall be spent on building permit fee refunds;
 - 5) Final project designation by the County.
- b) Marketing for all sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling new commercial/non-county construction, or new county owned civic or office construction projects, the County shall provide the following marketing incentives, including but not limited to:
 - 1) The erection of building site signs designating a project under the Program;
 - 2) The inclusion of program participants on a County webpage dedicated to the Program;
 - 3) The creation of promotional packages, such as a program logo for a program participant's advertisements or brochures;
 - 4) Press releases; and
 - 5) Information about available financial programs, including but not limited to those associated with Fannie Mae/Freddie Mac.
- c) Green Building Award. For the purpose of publicly recognizing outstanding commitment to "green building" the Program shall provide for an award called the "Green Building Award" to be awarded annually by the Board of County Commissioners to one program participant in each sub-program.

Certification

A project shall be subject to certification by a qualified third party or County employee who has been trained and certified as a Green Home Certifying Agent or LEED Accredited Professional. For the purpose of this section of the Program, "third party" means any person or entity authorized by the FGBC or the USGBC to verify that a program participant has satisfied any or all of the requirements associated with the standard designated for a particular project.

Training

Inspections & Permitting Services shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the Program.

Program review

- a) Staff review. Inspections & Permitting Services shall initiate a review of the Program as necessary to determine the need for change in the program to increase its effectiveness.
- b) Frequency. The program shall be subject to review one year after the effective date of this resolution and thereafter at a frequency of no more than once per year.
- c) Purpose. The purpose of reviewing the Program includes but is not limited to updating program incentives, recommending program or market changes, reviewing suggestions made by program participants, and annually awarding the Green Building Award.

This resolution shall become effective on _____.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA THIS _____ DAY OF _____, 2005.

ATTEST:

KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

BY: _____
Chairman

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

AGENDA TAB NO. 10

**SUBJECT TITLE: Appointment to Citizen Advisory Committees of the
Metropolitan Planning Organization**

OBJECTIVE:

To designate a representative to the Bicycle Pedestrian Advisory Committee and to the Citizens Advisory Committee of the Metropolitan Planning Organization

SUMMARY:

Bicycle-Pedestrian Committee

The present representative of the City is Alisha Maraviglia, Senior Planner. Ms. Maraviglia's two year term is up for reappointment. Ms. Maraviglia is willing to be reappointed.

The position was advertised but no applications were received.

Citizens Advisory Committee

David Clutts is the current representative. He has submitted a letter for reappointment.

OPTIONS:

Mayor will make recommendations for appointment.

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT

N/A

LEGAL SUFFICIENCY:

Legally sufficient



- Lake County
- Sumter County
- Town of Astatula
- City of Bushnell
- City of Center Hill
- City of Clermont
- City of Coleman
- City of Eustis
- City of Fruitland Park
- City of Groveland
- Town of Howey-in-the-Hills
- Town of Lady Lake
- City of Leesburg
- City of Mascotte
- City of Minneola
- Town of Montverde
- City of Mount Dora
- City of Tavares
- City of Umatilla
- City of Webster
- City of Wildwood
- Florida Central Railroad
- Lake County Schools
- Sumter County Schools

October 24, 2011

Mr. John Drury, City Administrator
City of Tavares
PO Box 1068
Tavares, FL 32778-1068

**RE: Lake~Sumter Metropolitan Planning Organization
Citizens' Advisory Committee (CAC) and
Bicycle & Pedestrian Advisory Committee (BPAC)
Membership Expirations**

Dear Mr. Drury:

This is to advise that the term expiration date for the members appointed by the City of Tavares to the Lake~Sumter MPO CAC and BPAC is December 31, 2011.

Either current members need to be reappointed or new members appointed for a 2 year term starting January 1, 2012 through December 31, 2013.

The following are the current CAC and BPAC members appointed by the City of Tavares:

CAC – David Clutts, re-appointed 12/16/09
BPAC – Alisha Maraviglia, appointed 12/16/09

Please feel free to contact Sue Goldfuss or Nancy Valenzano if you have any questions.

Sincerely,

T.J. Fish, AICP
Executive Director

c: CAC Member / BPAC Member / MPO Member

Nancy Barnett

From: David Clutts [dclutts@civilengsolutions.com]
Sent: Wednesday, November 09, 2011 1:00 PM
To: Nancy Barnett
Subject: RE: Citizen's Advisory Committee to MPO

Yes Nancy. I am interested in serving again if this is the City's pleasure.

David Clutts, P.E., Principal
Civil Engineering Solutions, Inc.
322 North Rockingham Ave.
Tavares, Florida 32778
Phone (352) 742-5011
Fax (352) 742-5044

From: Nancy Barnett [<mailto:nbarnett@tavares.org>]
Sent: Monday, October 24, 2011 3:57 PM
To: David Clutts (dclutts@civilengsolutions.com)
Subject: Citizen's Advisory Committee to MPO

Hi David,

We've received notice from the MPO that your appointment is up for the CAC on December 31. We'll be doing our regular advertising for the position, however, please advise if you are interested in being reappointed to the Citizens Advisory Council.

Thanks.

Sincerely,

Nancy Barnett
City Clerk

CITY OF TAVARES CITIZEN BOARDS/COMMITTEES

The City of Tavares is presently accepting applications for the following Committees:

- Lake Sumter Metropolitan Planning Organization (MPO) Bicycle Pedestrian Committee
- Lake Sumter Metropolitan Planning Organization (MPO) Citizens Advisory Committee

This position is voluntary and is appointed by the Mayor of the City of Tavares. Applications may be obtained by calling (352) 253-4546, between the hours of 8 a.m. and 5 p.m. Monday through Friday or by downloading the application from the city's web site at

Applications should be submitted by Friday, December 2, 2011 at 5:00 p.m. For additional information please call Nancy Barnett, City Clerk, at 352-253-4546.

215435-October 30, 2011

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

AGENDA TAB NO. 11

SUBJECT TITLE: Appointment to Police Pension Board

OBJECTIVE:

To designate the City Council appointment to the Police Pension Board.

SUMMARY:

Norman Hope serves in one of the citizen positions on the Police Pension Board appointed by Council. Mr. Hope's term of office is up in December 2011. He has submitted a letter requesting reappointment.

The position was advertised. No other applications were received.

OPTIONS:

The mayor will designate reappointment.

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

Nancy Barnett

From: Norman & Charlotte Hope hopechest352@comcast.net [hopechest352@comcast.net]
Sent: Monday, November 21, 2011 4:25 PM
To: Nancy Barnett
Subject: Reappointment to the Police Pension Board

Good afternoon Nancy,

I have enjoyed my tenure on the Police Pension Board and I realize that my term expires this year. We are in a transition phase on the Board at this time and I would appreciate being reappointed to the Board to continue this transition and to insure that all is well.

Thanks for your consideration and thanks for all that you do.

Norman C. Hope

Miscellaneous Legals

CITY OF TAVARES CITIZEN BOARDS/COMMITTEES POLICE PENSION BOARD

The City of Tavares is presently accepting applications for the Police Pension Board. This position is voluntary and is appointed by the Mayor of the City of Tavares. Applications may be obtained by calling (352) 253-4546, between the hours of 8 a.m. and 5 p.m. Monday through Friday or by downloading the application from the city's web site at www.tavares.org

Applications should be submitted by Friday, October 21, 2011. For additional information please call Nancy Barnett, City Clerk, at (352) 253-4546.

LAK1153542

10/09/2011

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

AGENDA TAB NO. 12

SUBJECT TITLE: Coven Alley Biddable Design

OBJECTIVE:

To seek City Council approval authorizing the City Administrator to enter into a contract with Griffey Engineering Inc. for a biddable design of the unimproved Coven alleyway in the amount of \$5,000. This alley is located to the north of Maud Street between Rockingham Avenue and New Hampshire Avenue.

SUMMARY:

Tavares has to date brick paved 7 alleyway segments with very positive public response. As suggested in the City's 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. Griffey Engineering Inc. has agreed to use the survey presently underway by Southeastern Survey for the purpose of their design which is reflected in their quote of \$5,000.00 to provide the remaining services. The cost associated with construction oversight (in the amount of \$1,000) would be withheld until a decision, by City Council, to move forward with construction. Griffey Engineering has provided alleyway design and construction oversight on several prior occasions for the City of Tavares. Presently there remains a very competitive construction climate making the decision to move forward financially attractive.

OPTIONS:

- 1) Approve the City Administrator to enter into a contract with Griffey Engineering Inc. in the amount of \$5,000.00 for the biddable design and oversight of the ½ block northern section of the Coven alleyway.
- 2) Do not approve the City Administrator to enter into a contract with Griffey Engineering Inc. in the amount of \$5,000.00 for the biddable design and oversight of the ½ block northern section of the Coven alleyway.

STAFF RECOMMENDATION:

- 1) Staff recommends that City Council approve the City Administrator to enter into a contract with Griffey Engineering Inc. in the amount of \$5,000.00 for the

biddable design and oversight of the ½ block northern section of the Coven alleyway.

FISCAL IMPACT:

Paving 301-4102-541-6330 - \$5,000.00

Legal Sufficiency:

Legally sufficient.

GRIFFEY ENGINEERING, INC.

City of Tavares, Coven Alley
Project #11030RDW
November 22, 2011

SCOPE OF SERVICES

PROJECT DESCRIPTION

This project is for the design of an alleyway paver project. The alley is approximately 160 feet long on the north side of Maud Street between New Hampshire Avenue and Rockingham Avenue. Engineering services are limited to items described in this scope.

Because the project has less than 4,000 SF of impervious, or semi-impervious area, it will be exempt from permitting with the St. Johns River Water Management District.

WORKSCOPE

TASK I: SURVEYING

Surveying will include establishment of alley right-of-way, elevations with 1-foot contours, location of existing features and location of visible and underground utilities. This work will be performed by the City's surveying consultant under separate contract and is described here only as a needed task for the successful completion of the project.

TASK II: GEOTECHNICAL

Geotechnical exploration of the site is needed for the design of the paver system. Two borings are proposed for this alleyway project. This work will be performed by subconsultant.

TASK III: CAD DRAFTING & DESIGN

Services shall include plan preparation and engineering design. Construction drawings shall include a cover sheet; plan & profile sheet(s) identifying the proposed improvement, and construction details & notes.

TASK IV: COST ESTIMATE

This task shall be the preparation of a detailed engineer's cost estimate. The estimate shall be based upon material quantities from the finished design and unit costs from previous alley construction projects.

TASK V: CONSTRUCTION OVERSIGHT

The task shall entail periodic review and oversight of the construction of the alleyway paver project. Work effort shall include field review, plan interpretation, coordination between City and contractor, review & sign-off of testing reports, and construction monitoring. Charges will be only for actual time expended based on the hourly rate in the Continuing Services Contract.

GRIFFEY ENGINEERING, INC.

City of Tavares, Coven Alley
Project #11030RDW
November 22, 2011

FEE PROPOSAL

TASK	DESCRIPTION	FEE
Task I	Surveying	Not Included
Task II	Geotechnical	\$750.00
Task III	CAD Drafting & Design	\$3,000.00
Task IV	Cost Estimate	\$250.00
Task V	Construction Oversight	\$1,000.00
TOTAL		\$5,000.00

ACCEPTED BY GRIFFEY ENGINEERING:

ACCEPTED BY CITY OF TAVARES:

NAME: _____

Donald A. Griffey



NAME: _____

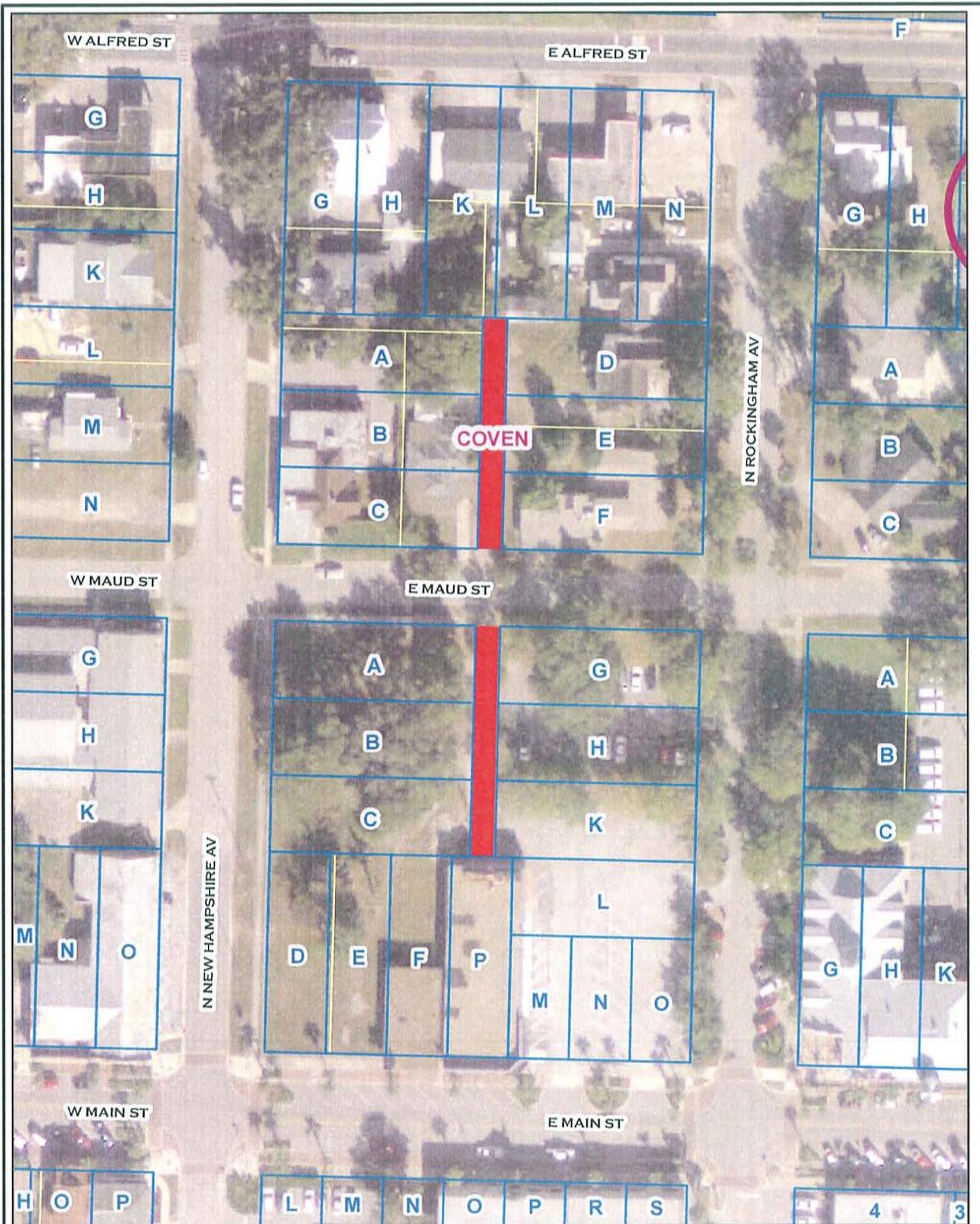
John Drury

TITLE: President

TITLE: City Manager

DATE: November 22, 2011

DATE: _____



DOWNTOWN TAVARES
ALLEY: COVEN

- COMPLETED ALLEYS
- ALLEYS TO BE VACATED
- ALLEYS TO BE IMPROVED

- STREETS
- PARCELS
- ALLEYS

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

AGENDA TAB NO. 13

SUBJECT TITLE: Legislative Priorities

OBJECTIVE:

To designate four to five legislative priorities for endorsement by the Lake County League of Cities

SUMMARY:

The Executive Director of the Lake County League of Cities has requested that each city designate four to five legislative priorities from the ten that were identified at the Florida League of Cities Annual Legislative conference held recently in Orlando. These priorities will be presented to the legislators by the Lake County delegation during Lake County Days January 31 – February 2, 2012. Information is attached detailing each of the 10 priorities.

The 10 priorities identified are:

- Energy,
- Water Policy
- Municipal Police Officer and Firefighter Pension Plans and Disability Presumptions
- Communications Services and Local Business Tax Protection
- Campus Development Agreements
- Pending Ordinance Doctrine
- Economic Development
- Residential Group Homes
- Effective Public Notice
- Public Safety Telecommunicator Certification Exemption.

OPTIONS:

- 1) Discuss and determine five priorities of the City to be presented at the Lake County League of Cities luncheon meeting
- 2) Do not discuss

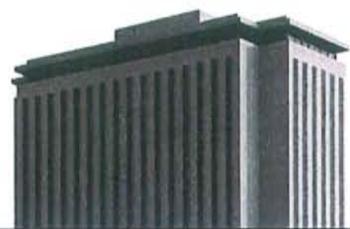
STAFF RECOMMENDATION: Council discuss and determine its priorities.

FISCAL IMPACT N/A

LEGAL SUFFICIENCY: Legally sufficient



2012 LEGISLATIVE ACTION AGENDA



REPORT OF THE LEGISLATIVE COMMITTEE 11/18/2011

Energy

The Florida League of Cities will support legislation that establishes a statewide policy on energy development and conservation, that prioritizes and incentivizes the development and implementation of renewable and alternative energy and transportation fuel sources, and that authorizes local governments to make use of the \$190 million in Qualified Energy Conservation Bond capacity allocated to Florida.

Water Policy

The Florida League of Cities will support legislation that assures cities retain the tools necessary to achieve federal or state water quality standards, such as standards on total maximum daily loads or numeric nutrient criteria, at the lowest possible cost to cities. To accomplish these various standards, cities must have broad regulatory authority, such as controls on storm water discharge, septic tanks and fertilizer use. Additionally, the Florida League of Cities will support legislation that clarifies reclaimed waters are not “waters in the state” and should not be subject to regulatory action by water management districts.

Municipal Police Officer and Firefighter Pension Plans and Disability Presumptions

The Florida League of Cities will support legislation that provides comprehensive municipal firefighter and police officer pension reform. Any comprehensive pension reform package should address the use of the insurance premium tax revenues by repealing the mandate for cities to perpetually provide new, “extra” pension benefits for police/fire, to allow cities the ability to adjust pension benefits and provide for accountability by police/fire pension boards of trustees. The reform package should also include modifications to the current statutory disability presumptions for firefighters, law enforcement officers, and correctional officers relating to tuberculosis, heart disease, or hypertension.

Communications Services and Local Business Tax Protection

The Florida League of Cities will oppose legislation that modifies, restricts or eliminates the authority of municipalities to levy, collect and/or expend the communications services tax and the local business tax.

Campus Development Agreements

The Florida League of Cities supports the continued funding to mitigate fully the impacts of State University System campus development on host local governments and supports maintaining Campus Development Agreements. The repeal of section 1013.30, Florida Statutes, would eliminate a proven and effective mechanism that addresses the impacts of campus development on local infrastructure.

Pending Ordinance Doctrine

The Florida League of Cities supports maintaining the home rule authority of municipalities in the local application of the Pending Ordinance Doctrine.

Economic Development

The Florida League of Cities will support legislation that promotes state agency coordination with local entities through providing increased technical assistance, building public infrastructure and urban infill projects and programs, and offering appropriate business incentives that support local economic development.

Residential Group Homes

The Florida League of Cities will support legislation that requires community residential homes to notify local governments upon application and adhere to local municipal standards of occupancy where onsite substance abuse treatment must be provided by a licensed service provider.

Effective Public Notice

The Florida League of Cities will support legislation that authorizes municipalities to provide effective public notice and advertising for various appropriate matters, not to include ad valorem taxation millage setting, by means other than newspapers, such as direct mailings, physical posting of property, Internet posting, free publications, government access television channels, and other suitable alternatives.

Public Safety Telecommunicator Certification Exemption

The Florida League of Cities will support legislation that exempts certified law enforcement officers from having to also be certified Public Safety Telecommunicators to allow them to serve as “Temporary” Public Safety Telecommunicators.

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

AGENDA TAB NO. 14

SUBJECT TITLE: Approval of City of Tavares Bottled Water Program

OBJECTIVE:

To consider approval of the attached Administrative Policy for the Utilities Department Bottled Water Program

SUMMARY:

On January 11, 2011, the City Council approved a business plan for the sale and distribution of water bottled under the City of Tavares Label.

The bottled water program was established to promote the City of Tavares new branding initiative as America's Seaplane City, and to provide information about the quality of water produced by the City of Tavares Utility System.

The business plan previously approved provided for sales of bottled water and for distribution of bottled water for promotional purposes.

The attached Policy enhances the Business Plan and provides direction to staff on how many bottles should be sold and how many bottles are available for branding promotional purposes.

Specifically, the attached Policy provides for 750 cases of bottled water to be available for promotional use and 834 cases available for retail and wholesale sales. Of the cases set aside for sales, it is anticipated that 283 cases will be sold at the retail price and 550 cases will be sold at the wholesale price.

The goal of the policy is to break-even by recovering costs as well as branding the City as follows:

• Total Cost of Bottles	\$12,428.80
• Anticipated Wholesale Revenue	\$ 5,629.97
• Anticipated Retail Revenue	<u>\$ 6,798.83</u>
Total Anticipated Revenue	\$12,428.80

Note: See attached details on the bottled water cost and sales information sheet.

Also included on the cost and sales information sheet is how many bottles were sold and how many bottles remain as of fiscal year end, September 30, 2011.

As it relates to additional information related to this program, staff offers the following:

1. Discounted bottled water retailers:
 - a. Lowes: \$.17 per bottle (17 cents)
 - b. Sam's Club: \$.19 per bottle (19 cents)
 - c. Wal-mart: \$.17 per bottle (17 cents)
2. Niagara Bottle Water Note:
Niagara provides free bottled water to non-profits based on a predetermined quarterly amount designated for this program.
3. There is no State requirement to put a shelf life date on bottled water, however industry practice suggests a two year shelf life.

OPTIONS:

1. Adopt the proposed City of Tavares Administrative Bottled Water Policy as attached.
2. Discuss the proposed City of Tavares Administrative Bottled Water Policy, and adopt a Policy as amended by the City Council
3. Do not adopt the proposed City of Tavares Administrative Bottled Water Policy.

STAFF RECOMMENDATION:

Move to adopt the proposed City of Tavares Administrative Bottled Water Policy as attached.

FISCAL IMPACT:

The Policy provides a break-even scenario for the program.

LEGAL SUFFICIENCY:

Yes

BOTTLED WATER COSTS AND SALES INFORMATION

Purchased Quantity	1,584 cases
	38,016 bottles
Fixed Costs	\$1,420 Total
Variable Cost per case	\$6.95 per case
Total Cost per case	\$7.85 per case
Total Cost per bottle	\$0.33 per bottle
Total Purchase for bottling	\$12,428.80 invoice total

****PROPOSED SALES & PROMOTIONAL QUANTITIES****

Break Even Point =	Fixed Costs/ (selling price - variable costs)	EXCLUDE 750 CASES		
=s \$1.00/bottle or \$24.00/case <i>(150 cases > break-even)</i>	283.2844575 *	834		
		<i>less 750 for (1584-750) promotional use</i>		
		283 Retail		
		551 Wholesale		
		<u>834</u> Total cases for sales		
	<u>Revenue</u>	<u>Price per Case</u>	<u>Price Per Bottle</u>	<u>Total Cases</u>
283 cases at retail	6,798.83	\$24.00	\$1.00	283.28
Other needed Sales	5,629.97	\$10.22	\$0.43	550.88
Total Revenue	<u>\$ 12,428.80</u>			<u>834.16</u>

Sell 283 cases at Retail Price and Sell remainder at \$10.22 per case or .43/bottle to recoup cost
Assumes 750 Cases are promotional and are not included in calculation

BOTTLED WATER SALES - FISCAL YEAR 2011

	Unit Description	Number of Units	Price Per Unit	REVENUE	Total Bottles Sold/Promo
Oct 2010 - Mar 2011	Retail Bottles	452	1.00	\$ 452.00	452
Oct 2010 - Mar 2011	Wholesale Cases	45	10.80	486.00	1080
Oct 2010 - Mar 2011	Promotional Cases	26.3	0.00	0.00	631
Apr 2011 - Sep 2011	Retail Bottles	876	1.00	876.00	876
Apr 2011 - Sep 2011	Retail Cases	12	20.00	240.00	288
Apr 2011 - Sep 2011	Wholesale Cases	34	10.80	367.20	816
				<u>\$ 2,421.20</u>	<i>Total Bottles Sold/Promo</i> 4,143
					<i>Total Cases Sold/Promo</i> 172.63

BOTTLED WATER INVENTORY RECONCILIATION at 9-30-2011

Beginning Inventory	(bottles)	38,016	
Bottles Sold		<u>(4,143)</u>	
Bottles Remaining		<u>33,873</u>	
Cases Remaining		1,411	
Stored at Prop Shop		81	3.375 Cases
Stored at Trailhead		384	16 Cases
Stored at Water Dept		33,408	1392 Cases
		<u>33,873</u>	<u>1411.375</u>



“Utilities Department Bottled Water Program” ADMINISTRATIVE POLICY

Executive Summary

This bottled water program was established to promote the City of Tavares new branding theme, “America’s Seaplane City” and to provide information about the quality of the water produced by the City of Tavares Utility System. The intent is for this product to serve as a promotional tool for the City and to encourage customer confidence in the water supply offered by the City of Tavares. In addition the program will provide for the supplying of bottled water in the event of an emergency when municipal water service has been temporarily interrupted. Although revenue from the sales of the City’s bottled water will replenish the Utility’s reserve account, any potential net gains will be used for “water related” education and marketing.

Mission

To utilize the Tavares Bottled Water program to promote the City’s brand and quality of the Utility Department’s drinking water.

Objectives

The bottled water program objectives are:

- Acquire the services of an outside vendor to bottle Tavares water, with the Tavares, *America’s Seaplane City* label, which will include the description of the quality of water being produced by the Utility Department.
- Sell bottled water to vendors for resale at the Prop Shop, City parks and facilities.
- Provide free bottled water for promotion at events or for use as gifts, souvenirs and promotional purposes. i.e. VIP tours, seaplane fly-ins, employee functions or water education activities.
- Provide City Departments with bottled water to distribute to the public.

Keys to Success

The keys to success will be:

- To produce a unique product that can serve a utilitarian function (bottled water) and as an attractive souvenir of the City of Tavares.
- To develop a bottled water product that will provide quality potable drinking water for customers.

- Promote advertising to increase public awareness of the availability of Tavares Bottled Water and of “custom labeled” bottled water.

Distribution

- Sell the bottled water at the Prop Shop.
- Sell the bottled water at Fred Stover concession stands and at Woodlea Sports Complex.
- Sell Tavares Bottled Water to vendors.
- Sell Individual Bottled Water.
- Provide free bottled water for promotion at events or for use as gifts, souvenirs and promotional purposes.
- Provide Bottled water to City Departments for re-distribution to the public.

Inventory Control

The Utility Department will maintain the inventory and distribute the water as follows:

1. To the Prop Shop at cost for resale and redistribution through special events
2. To departments as requested at no cost for promotional purposes

The Utility Department will provide the Finance Department a quarterly report of its inventory to include quantity purchased, quantity distributed and to who it was distributed to.

As of December 2010, one order for Bottled Water includes the following costs and quantities:

1. Fixed Costs - \$1,420.00
2. Variable Cost per case of bottled water - \$6.95
3. Finished Cases – 1584

In order to achieve maximum promotional benefits and to provide return of investment for bottling; it is anticipated that 750 cases will be made available for promotional uses and 834 cases will be available for retail and wholesale sales.

Inventory of promotional cases will be controlled and maintained by the Water Department with monthly reporting forwarded to the Finance Department.

Inventory of retail and wholesale cases will be controlled and maintained by the Prop Shop with monthly reporting forwarded to the Finance Department

Cases held for sale longer than eighteen months may be used for promotional purposes in order to reduce aging inventory quantities provided the transfer is approved by the Finance Director and the City Administrator.

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

AGENDA TAB NO. 15

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY: Will be presented at meeting

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

- Lake County League of Cities – December 9, 2011 – 11:30 a.m.
- Library Board – December 9, 2011– 8:30 a.m. Library Conference Room, 314 N. New Hampshire
- Planning & Zoning Board - December 15, 2011, 2011, 3 pm, Council Chambers

EVENTS

December 3, 2011 Saturday	<i>Light-Up Tavares 'Twas The "Flight" Before Christmas – Wooton Park – 5:30 pm – 9:00 pm</i>
December 7, 2011 Wednesday	<i>City Council Regular Meeting – 4:00 pm. – City Hall</i>
December 15, 2011 Thursday	<i>Holly Jolly Celebration – 11:30 am – 1:30 pm – Civic Center</i>
January 12, 2012 Thursday	<i>"Close Your Eyes For New Vision" – In front of City Hall – 9:15 am Reservations call 352-435-5040</i>
January 19 – 20, 2012 Thursday, Friday	<i>Bassmaster Open - Southern Division – Wooton Park The only Bassmaster Open stop in Florida</i>

February 4, 2012 Saturday	<i>African-American Heritage Parade & Festival – 10:00 am – 4:00 pm</i>
February 10 – 11, 2012 Friday, Saturday	<i>Crappie Masters Tournament</i>
March 6, 2012 Tuesday	<i>Special Election for Parkland Referendum for Wooton Park Expansion</i>
March 10, 2012 Saturday	<i>No Duck Left Behind - Rubber Ducky Race & Carnival – Wooton Park, Lake Dora, Downtown Tavares</i>
March 16 – 18, 2012 Friday, Saturday	<i>Classic Raceboat Regatta – Wooton Park, Lake Dora, Downtown Tavares</i>
March 23-25, 2012 Fri., Sat., Sun.	<i>Sunnyland Antique & Classic Boat Society Show – Wooton Park, Downtown Tavares - Largest in the country!</i>
April 7, 2012 Saturday	<i>Planes, Trains & BBQ - Wooton Park – 10:00 am</i> Biggest event of the season - Air show, plane rides, train rides, BBQ competition, car show, Splash Park open & entertainment all day
April 13 – 14, 2012 Friday, Saturday	<i>Dragon Boat Festival – April 13 – 6:00 pm, April 14 – 9:00 am - Wooton Park</i> Teams from around the country, live entertainment, Chinese performers
April 21, 2012 Saturday	<i>Seaplane Pilots Fly-in</i>
April 28, 2012 Saturday	<i>March of Dimes Walk-a-Thon – Wooton Park</i>
May 5 – 6, 2012 Saturday, Sunday	<i>Hydro-X Tours Jet Ski Racing – Wooton Park</i>
June 9 – 10, 2012 Saturday, Sunday	<i>Hydro-X Tours Jet Ski Racing – Wooton Park</i>
July 4, 2012 Wednesday	<i>Independence Day Celebration – 3:00pm – 10:00 pm</i> Parade, festival, Splash Park open, confetti falls from the sky via a seaplane and, of course, a large fireworks display on the waterfront
December 1, 2012 Saturday	<i>City Christmas Light-Up – 5:30 pm – 9:30 pm – Wooton Park, Downtown Tavares</i> Parade, Santa arrives by seaplane, festival, kids activities, entertainment

OTHER COMMUNITY EVENTS

November 25-26, December 3-4, 10-11 & 17-23	<i>Cannonball Christmas Express – Train Station Wooton Park</i>
December 15,	<i>Tavares Chamber Holiday Open House</i>

2011 Thursday	<i>Chamber of Commerce Office – 5:30 pm – 7:00 pm</i>
February 18, 2012 Saturday	<i>Lake County Motorcycle Safety Fair – Wooton Park</i>
February 19, 2012 Sunday	<i>Florida Hospital Waterman Mission team's 3rd Annual 5K</i>
March 3-4, 2012 Saturday, Sunday	<i>Orange Blossom Half Marathon & 5K Run – Wooton Park – March 3: Family Fitness 5k Run/Walk, 7:30 am – March 4: Half Marathon, 7:00 am</i>
Saturday Evenings	<i>Floating Ghosts Séance Tour of Downtown Tavares – Railroad Station, Wooton Park - Sunset (approx. 7:15 pm) – Call 352-617-8808 for reservations</i>

Friday Market – Every Friday in Wooton Park – 9:00 a.m. to 1:00 p.m.

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

AGENDA TAB NO. 16

SUBJECT TITLE: City Councilmembers Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

Council will be offered an opportunity to provide a report at the meeting. Attached is any additional supporting information.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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