

AGENDA
TAVARES CITY COUNCIL

February 1, 2012
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Rick Fountain, First Baptist Church

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

Deferred (January 18, 2012)

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Presentations to Citizens for Donations Mayor Wolfe

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS Nancy Barnett

VIII. CONSENT AGENDA

IX. ADOPTION HEARING FOR COMPREHENSIVE PLAN AMENDMENT

Tab 3) Ordinance #2011- 08 - Adoption Hearing for Comprehensive Plan - Housing Element (Mobile Homes) Jacques Skutt

X. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 4) Ordinance #2012-01 – Amendment to Land Development Regulations Chapter 4 – Table 4A - Transportation Concurrency Jacques Skutt

Tab 5) Ordinance #2012 – 02 – Amendment to Land Development Regulations to Allow Cattle within City Boundaries under Certain Conditions Jacques Skutt

Tab 6) Ordinance #2012 - 03 - Amendment to Section 2 of Code of Ordinances relating to Updates on Boards Nancy Barnett

SECOND READING

RESOLUTIONS

Tab 7) Resolution #2012-03 – Support of Community for a Lifetime Program – Florida ElderAffairs Program & Presentation by Florida Department of Elder Affairs Nancy Barnett

Tab 8) Resolution #2012-04 – Agreement with FDOT for US 441 Corridor Study for Commuter Rail Jacques Skutt

XI. GENERAL GOVERNMENT

Tab 9) Agreement with SECO Electric for Services at Woodlea Treatment Plant Brad Hayes

Tab 10) Downtown Master Plan Update Jacques Skutt

Tab 11) Appointment to Bicycle Pedestrian Committee of the Metropolitan Planning Organization Mayor Wolfe

Tab 12) Approval of Ranking of Bank Proposals Lori Houghton

Tab 13) Approval of Contract for FDOT Required Engineering Study for Golf Cart Crossing of State Roads in Tavares – (Tabled from previous meeting) John Drury

XII. OLD BUSINESS

XIII. NEW BUSINESS

XIV. AUDIENCE TO BE HEARD

XV. REPORTS

Tab 14) City Administrator John Drury

Tab 15) Council Reports City Councilmembers

of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

The Language of Local Government

Definition of Terms

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

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

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

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

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

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

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

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

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

contiguous – Sharing a common boundary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 2, 2012**

AGENDA TAB NO. 2

SUBJECT TITLE: Recognition to Citizens for Donations

OBJECTIVE:

To recognize the generosity of citizens who have made recent donations to the City of Tavares.

SUMMARY:

The Mayor will recognize Mr. and Mrs. Laratta for donating a seaplane art sculpture and Mr. and Mrs. Bottos for donating the staghorn fern.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY: Legally sufficient





**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

ADOPTION HEARING

AGENDA TAB NO. 3

**SUBJECT TITLE: Ordinance 2011-08
Comprehensive Plan EAR Based Text and Map Amendment
Future Land Use Element and Housing Element Amendment**

OBJECTIVE:

To approve an amendment to the Future Land Use Map and Future Land Use and Housing Element of the City's Comprehensive Plan.

SUMMARY:

In October, Council recommended approval of the transmittal of Ordinance 2011-08, a text amendment to the Housing Element of the Comprehensive Plan. The purpose of the ordinance was to ensure that all new housing, both site-built and pre-manufactured, meets the standards of the most current Building Codes.

The Ordinance was transmitted to the Department of Economic Opportunity, the State Land Planning Agency, and analyzed. The Agency had no concerns regarding this amendment but did recommend that the City formally adopt a long range planning horizon consistent with Florida Statute. The recommendation, though not a basis for objection, represents good planning practice and City staff has updated the Future Land Use Map and Future Land Use Element to incorporate the City's long range planning horizon.

OPTIONS:

1. That City Council moves to approve Ordinance 2011-08 for adoption and transmittal to DEO with a change which formally adopts the City's current long range planning horizon through the year 2020.
2. That City Council moves to deny Ordinance 2011-08.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2011-08 for adoption and transmittal to the DEO the State Land Planning Agency.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

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ORDINANCE 2011-08

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE FUTURE LAND USE AND HOUSING ELEMENT OF THE CITY OF TAVARES COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP, PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Statutes authorizes local governments to update their Comprehensive Plans to incorporate new state requirements and to reflect changes in local conditions; and,

WHEREAS, the City of Tavares conducted an Evaluation and Appraisal of its Comprehensive Plan which underwent a public hearing process, was adopted by City Council and found sufficient by the Florida Department of Community Affairs; and,

WHEREAS, the City of Tavares Evaluation and Appraisal Report found that the City of Tavares has an abundance of aging mobile homes; and,

WHEREAS, these aging mobile homes do not meet current Florida Building Code or HUD standards especially with respect to energy efficiency and wind loading capabilities and they are therefore considered to be inappropriate as a sustainable form of affordable housing ; and,

WHEREAS, the Comprehensive Plan Housing Element Objective 3-1.3 is a remnant policy of a previous planning period which was intended at the time of its adoption to be implemented by the end of the year 2010; and,

WHEREAS, a new planning horizon is appropriate and required by Florida Statute; and

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

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

3
4 **Section 1. Text Amendments**

5
6 The City of Tavares, Comprehensive Plan, is amended as follows:

7
8 Chapter 1, Future Land Use Element

9 Goal 1-1: Ensure that the character, magnitude, and location of all land uses within the
10 City of Tavares provides a system for orderly growth and development that achieves a
11 balanced natural, physical, and economic environment, and enhances the quality of life
12 of all residents through the year 2020 at which time the Comprehensive Plan will be
13 updated to reflect a new ten year planning horizon.

14
15 Chapter 3, Housing Element

16 OBJECTIVE 3-1.3: ~~Within the mobile home land use designation on the adopted~~
17 ~~Future Land Use Map, the City shall assure adequate housing opportunity for anticipated~~
18 ~~additional 37% of the total housing stock for new mobile home units through the year~~
19 ~~2010. The City of Tavares shall assure the quality and sustainability of all housing types,~~
20 including mobile and manufactured homes, by requiring that all new housing is
21 constructed in accordance with all relevant and current federal and state regulations.

22
23 Policy 3-1.3.1: ~~The City shall maintain the current acreage of 438 acres~~
24 ~~within the mobile home land use designation on the Future Land~~
25 ~~Use Map upon adoption of the Comprehensive Plan as residential~~
26 ~~districts permitting mobile homes unless a land use amendment of~~
27 ~~the acreage presents opportunity for a net increase of affordable~~
28 ~~housing. The City shall adopt the most current Florida Building~~
29 ~~Codes and shall enforce these standards for all new housing~~
30 construction.
31

32 **Section 2. Future Land Use Map Amendment**

33 The Comprehensive Plan and Future Land Use Map of the City of Tavares,
34 Florida (Map 1-2) is hereby amended to reflect the new ten year planning horizon,
35 "2020" as reflected in **Exhibit "A"**, attached hereto and incorporated herein by
36 reference.

37
38 **Section 3. Severability and Conflicts**

39 The provisions of this ordinance are severable and it is the intention of the City
40 Council of Tavares, Florida, to confer the whole or any part of the powers herein

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

4
5 **Section 4. Transmittal**

6 The City Administrator is hereby authorized and directed to transmit the adopted
7 Comprehensive Plan amendments to the Florida Department of Community Affairs, the
8 East Central Florida Regional Planning Council, the St. Johns River Water Management
9 District, the Department of Environmental Protection, the Florida Department of
10 Transportation, and any other governmental agency in the state of Florida that has filed a
11 written request with the City Council for a copy of the Comprehensive Plan within 10
12 working days of the adoption of this Ordinance as specified in the State Land Planning
13 Agency's procedural rules.

14
15 **Section 5. Effective Date**

16 The effective date of this plan amendment, if the amendment is not timely
17 challenged, shall be 31 days after the state land planning agency notifies the local
18 government that the plan amendment package is complete. If timely challenged, this
19 amendment shall become effective on the date the state land planning agency or the
20 Administration Commission enters a final order determining this adopted amendment to
21 be in compliance. No development orders, development permits, or land uses dependent
22 on this amendment may be issued or commence before it has become effective. If a final
23 order of noncompliance is issued by the Administration Commission, this amendment
24 may nevertheless be made effective by adoption of a resolution affirming its effective
25 status, a copy of which resolution shall be sent to the state land planning agency.

26
27 **PASSED AND ADOPTED** this ____ day of _____, 2012, by the City
28 Council of the City of Tavares, Florida.

29
30
31 _____
32 Robert Wolfe, Mayor
33 Tavares City Council

34 First Reading and Transmittal: October 19, 2011

35 Passed Second Reading and Adoption: _____
36
37

1 ATTEST:

2 |

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4 _____
Nancy A. Barnett, City Clerk

5

6 Approved as to form:

7

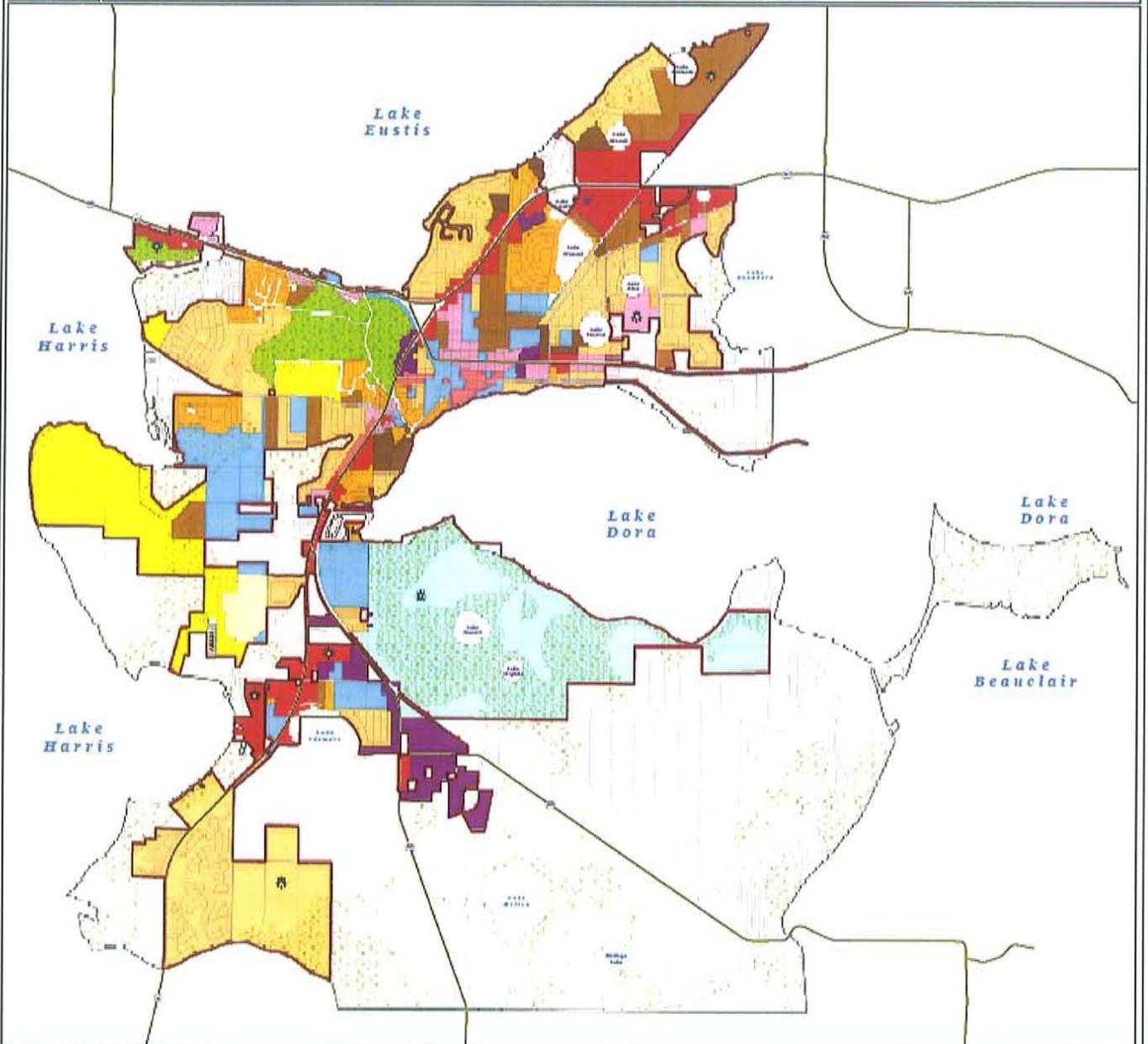
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9 _____
Robert Q. Williams, City Attorney

EXHIBIT A



CITY OF TAVARES - FUTURE LAND USE MAP - 2020



MAP LEGEND

- UTILITY SERVICE BOUNDARY
- CITY BOUNDARY
- PARCELS
- MAJOR ROADS
- UNINCORPORATED/OTHER
- CONSERVATION/WETLANDS
- HISTORIC DISTRICT
- STREETS
- LAKES

FUTURE LAND USE DESIGNATIONS

- | | | | |
|------|-----|-----|---------|
| CD | IND | MOD | PENDING |
| COM | LOW | MUC | SUB |
| CONS | MED | MUN | SUB EX |
| HD | MH | PUB | LMU |
- * FLU EXCEPTIONS

FUTURE LAND USE DESIGNATIONS

- | | | | |
|--------|-------------------------------|-------|----------|
| SUB | Suburban | 3.0 | DUI/Acre |
| SUB EX | Suburban Expansion | 4.0 | DUI/Acre |
| LOW | Low Density | 5.6 | DUI/Acre |
| MOD | Moderate Density | 10 | DUI/Acre |
| MED | Medium Density | 12 | DUI/Acre |
| HD | High Density | 12-25 | DUI/Acre |
| MH | Mobile Home | 6.7 | DUI/Acre |
| MUN | Mixed Use Neighborhood | 12 | DUI/Acre |
| MUC | Mixed Use Commercial | 25 | DUI/Acre |
| LMU | Lakeside Mixed Use | | |
| COM | Commercial | | |
| CD | Commercial Downtown | 25 | DUI/Acre |
| PUB | Public Facility/Institutional | | |
| CONS | Wetlands and Conservation | | |
- * FLU EXCEPTIONS WITH POLICY NUMBER AND ORDINANCE
- * POLICY 1-1.1.2 AND ORD # 2002-19
 - * POLICY 1-1.1.3 AND ORD # 2006-44
 - * POLICY 1-1.1.4 AND ORD # 2009-14
 - * POLICY 1-1.1.5 AND ORD # 2008-43
 - * POLICY 1-1.1.6 AND ORD # 2008-01
 - * POLICY 1-1.1.7 AND ORD # 2009-13
 - * POLICY 1-1.1.8 AND ORD # 2010-06

MAP SCALE



MAP REVISED: 06/07/11

COMMUNITY REDEVELOPMENT AREA



WETLANDS DESCRIPTION

The designations of Conservation & Wetlands on the Future Land Use Map will be for planning purposes only.

The exact location of the Conservation & Wetlands will be determined in the field, using the criteria identified in the Future Land Use Manual of this Corporation's Plan.

Although these wetlands are not currently identified by the Future Land Use Map as Conservation & Wetlands to be preserved, their location will ensure the Future Land Use Designation of the adjacent property.

Proof

Jan. 17, 2012

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

Order ID: 1170278
Caller name: Michael J. Fitzgerald
Fax no:
Sales rep: Stephanie K Smith

Purchase order no:
Payment type:

Newspaper Classified

Title	Class Name	Begin Date	End Date	Size (col x lines)	Color
Orlando Sentinel	Public Hearing Notices	01-20-2012	01-20-2012	1 x 66	No

**THE CITY OF TAVARES
 NOTICE OF PUBLIC HEARING**
 Notice is hereby given that the City of Tavares will consider all the public hearings set forth below approval of proposed Ordinance 2011-08 listed as follows:

ORDINANCE 2011-08
AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE PLANNING AND ZONING DEPARTMENT OF THE CITY OF TAVARES COMPREHENSIVE PLAN AND THE PLANNING AND ZONING DEPARTMENT'S TRANSPORTATION AND CONSTRUCTION TRANSMITTAL AND PROPOSING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2011-08 will be considered at the following public meeting:
 1. Tavares City Council meeting on February 1, 2012 at 4:00 p.m. (Adoption Hearing).

All meetings will be conducted in the Tavares City Council Chambers in City Hall at 20 East Main St., Tavares, Florida.

Proposed Ordinance 2011-08 may be inspected by the public between the hours of 7:30 a.m. and 3:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Any persons wishing to express a decision of the public body should ensure himself or herself a verbatim record of the proceedings is made.

If you are a person with a disability and need an 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, 20 East Main Street, Tavares, Florida 32778, telephone: (352) 742-6408, at least 3 (two) working days prior to the date of the Public Hearing. If you are hearing or voice impaired, call (352) 742-6408.

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

LAK1170278 01/20/2012

Gross price: \$ 66.00
Discounts: \$ 0.00
Net price: \$ 68.00
Prepaid amount: \$ 0.00
Amount due: \$ 0.00

1 Mr. Tanner also asked about adding Lake Shore Drive to the comprehensive plan as a Scenic
2 Road.

3
4 Ms. Maraviglia explained that such an amendment could be made in a separate ordinance.

5
6 Ms. McDonald, LCSB Senior Planner, asked if the City was still on board with administering
7 school concurrency, will be participating in meetings and continuing its commitment to working
8 with the Lake County School District at the local level as mentioned during the EAR
9 presentation.

10
11 She received confirmation from Chairman Adams.

12
13 **MOTION**

14
15 **John Tanner moved to recommend approval of Ordinance 11-07. The motion was**
16 **seconded by Norman Hope. The motion carried unanimously, 5-0.**

17
18 **3) Comprehensive Plan Text Amendment 11-08 Housing Element Amendment**

19
20 Jacques Skutt, Community Development Director provided the following staff report;

21
22 On June 17, 2009, City Council approved the selection of Planning Design Group
23 (PDG) as the consultant to prepare the Evaluation and Appraisal Report (EAR). PDG
24 held scoping meetings with city staff and outside governmental agencies. A list of issues
25 was formulated through a public workshop process, recommended by the Local
26 Planning Agency, approved by Council and sent to DCA. One of the issues identified
27 was the need for the City to amend its Comprehensive Plan Housing Element. It was
28 noted that many of the City's mobile home units are substandard and unsafe.

29
30 To address this issue, the City committed to seek strategies which would encourage the
31 development of safer, more sustainable housing. The proposed ordinance is intended
32 to ensure that all new housing, both site built and pre-manufactured, meets the
33 standards of the most current Florida Building Codes.

34
35 Also, there was a growing perception that the City's affordable housing strategy was
36 limited to or showed preferential treatment toward mobile home units. The City has a
37 number of policies regarding the support of affordable housing. These policies will not
38 be affected by the proposed ordinance.

39
40 Staff is recommending that the Planning and Zoning Board recommends to City Council
41 approval of Ordinance 2011-08 for adoption and final transmittal to the State Land
42 Planning Agency.

43
44 Chairman Adams asked for comments from the audience and board.

45
46 Mr. Hope asked for confirmation that the ordinance did not say a resident could not have a
47 mobile home but that the home should meet current building standards whether manufactured
48 or stick built.

1 Mr. Skutt confirmed.

2
3 Mr. Grist asked if mobile homeowners experienced problems replacing their mobile homes
4 because they did not have enough property. He also expressed concern that there were some
5 mobile homes that cannot be replaced because of the fact that they cannot meet building
6 standards.

7
8 Mr. Skutt explained that this is true and that the current comprehensive plan policy needs to be
9 changes in order to implement the City's vision for providing homes constructed in accordance
10 with current building regulations whether those homes are mobile homes, manufactured
11 homes or stick built homes.

12
13 Mr. Gardner made note of a typographical error which staff committed to correct.

14
15 **MOTION**

16
17 **Mr. Hope moved to recommend approval of Ordinance 11-08. The motion was**
18 **seconded by Mr. Gardner. The motion carried unanimously, 5-0.**

19
20 Mr. Boulware, Oak Circle, asked for confirmation that the Ordinance would not have the affect
21 of forcing the relocation of people currently living in mobile homes.

22
23 The board generally confirmed that Mr. Boulware was correct.

24
25 **4) Banning Beach Road Rezoning Ordinance 2011-09**

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

28
29 The subject vacant property is located on the west side of Banning Beach Road, north
30 of E. Delaware Street and south of Reserve Drive. The property is approximately 9.7
31 acres in size and is owned by Pioneer Realty Service, Inc. A strip of property,
32 approximately 120 feet in depth, abutting Banning Beach Road, is developable. The
33 balance of the property is wetlands. The Vista Del Largo Condominiums, zoned Multi-
34 Family Residential (RMF-3), are located across the street. The applicant is proposing to
35 subdivide the subject property to provide a total potential of 20 single family attached
36 dwelling units (10 buildings). This is less than the maximum allowable density provided
37 by its designated Future Land Use of Low Density Residential (5.6 Dwellings per acre).
38 Under the present zoning, the owner could possibly plat 15 single family lots. The
39 proposed development meets all concurrency tests at this time. The proposed planned
40 development ordinance exhibits a conceptual plan showing the proposed lots and a
41 graphic architectural rendering illustrating the dwellings. These exhibits, being part of
42 the ordinance, will insure that development substantially conforms to the proposed
43 application. City utilities are located on Banning Beach Road and the homes will be
44 connected to city water and sewer. If the rezoning is approved, the applicant must
45 secure applicable permits from outside agencies and receive final construction and
46 platting approval from the city before homes can be built. To minimize potential
47 problems with pedestrian and driveway traffic, the applicant has agreed to participate in
48 the construction of a sidewalk along the east side of Banning Beach Road in the
49 segment across from the proposed new lots. This will be addressed when the

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**AGENDA SUMMARY
TAVARES CITY COUINCIL
FEBRUARY 1, 2012**

AGENDA TAB 4)

SUBJECT TITLE: Ordinance 2012-01

FIRST READING

**Amending the Land Development Regulations for
Concurrency: Chapter 4 – Table 4A – Submittal Requirements
and Chapter 10 - Concurrency**

OBJECTIVE:

To amend the Land Development Regulations Chapter 4, Table 4A – Submittal Regulations and Chapter 10 entitled Concurrency to accurately reflect the City's requirements and to achieve consistency with our City's Comprehensive Plan.

SUMMARY:

In June, the State of Florida legislature passed House Bill 7207 which addressed the State's involvement in local growth management. The new bill made the State review of concurrency related to transportation, school facilities and parks and recreation optional. City Ordinance 2011-11, approving the removal of the optional concurrency facilities from the comprehensive plan, was adopted in October of 2011. Currently however, the Land Development Regulations makes several references to the comprehensive plan which are no longer accurate based on the adoption of Ordinance 2011-11. Therefore, staff is recommending Ordinance 2012-01 which is drafted to reflect the City's requirements related to application submittals for transportation and school facility impacts. No change is necessary as it relates to parks and recreation. Concurrency regulations encompassed by existing interlocal agreements with the MPO and School Board related to the issuance of Development Orders remain unchanged.

OPTIONS:

No Council Action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its January 19th meeting, the Planning & Zoning Board voted unanimously to recommend approval.

STAFF RECOMMENDATION:

At the Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-01.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

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ORDINANCE 2012-01

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**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA
AMENDING THE LAND DEVELOPMENT REGULATIONS; BY
AMENDING CHAPTER 4 AND CHAPTER 10, TO REFLECT
CHANGES IN THE REQUIREMENTS TO REFLECT THE CITY'S
REQUIREMENTS RELATED TO APPLICATION SUBMITTALS
FOR TRANSPORTATION AND SCHOOL FACILITY IMPACTS,
SUBJECT TO THE RULES, REGULATIONS AND
OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
COUNCIL; PROVIDING AN EFFECTIVE DATE.**

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WHEREAS, the Florida Legislature has amended Florida Statute 163 through the adoption of House Bill 7207, referred to as the Community Planning Act; and

WHEREAS, the Community Planning Act has made State review of concurrency requirements for transportation, schools, parks and recreational facilities optional for local governments; and,

WHEREAS, the City of Tavares desires to locally manage the development impacts to transportation, schools, parks and recreation facilities through co-ordination with Lake County and neighboring municipalities; and,

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

Section 1. Text Amendments

That the City of Tavares Land Development Regulations be hereby amended, and Chapter 4 and Chapter 10 specifically be hereby amended with the revisions attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Severability and Conflicts

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

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

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4 **Section 3. Effective Date**

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

7

8 **PASSED AND ADOPTED** this ____ day of _____, 2012 by the City Council of the
9 City of Tavares, Florida.

10

11 _____
12 Robert Wolfe, Mayor
13 Tavares City Council

14 First Reading: _____

15

16 Second Reading: _____

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19 ATTEST:

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21 _____
22 Nancy A. Barnett, City Clerk

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28 Approved as to form:

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32 _____
Robert Q. Williams, City Attorney

**Exhibit A
CHAPTER 4**

Table 4-A Submittal Requirements														
Application Type		Annexation	Rezoning	Special Use	Comprehensive Plan Amendment	Preliminary Subdivision Plan	Subdivision Construction	Final Plat	Minor Subdivision	Lot Split	Site Plan	Minor Site Plan	Variance	Vacate
Information Required *see Table notes (#) on attached page	No. of Copies Required per Application Type													
Traffic Study (14)	3		•	◦	•	•			◦		•			
School Impact Analysis (15)	3		•	◦	•	•	•		•		•			

- Indicates required information.
- Indicates that this information may be required depending on individual circumstances. A pre-application conference is advised in order that the Community Development Director and/or other appropriate staff may determine which items are required so as to properly evaluate the development proposal. Please contact the Planning department for confirmation of requirement.

**CHAPTER 10
CONCURRENCY REVIEW AND DETERMINATION CAPACITY MANAGEMENT**

Section 10-3 Exemptions for Concurrency Test

The following development orders and permits are exempt from this article, and may commence development without a certificate determination of capacity:

- (A) Any addition to a residence which creates no additional impact on public facilities;
- (B) Interior completion of a shell-only structure for uses with same or less intensity as identified on an approved site plan;
- (C) Interior renovations with no change in use;

- (D) Accessory structure that create no additional impact on public facilities;
- (E) Storage addition to a nonresidential use which creates no additional impact on public facilities;
- (F) Replacement structure which create no additional impact, except for a nonconforming use, in accordance with the Land Development Code provisions on nonconforming uses;
- (G) Temporary construction trailers;
- (H) Wells and septic tanks;
- (I) Driveway or resurfacing parking lot paving;
- (J) Re-roofing of structures;
- (K) Demolitions;
- (L) Single-family and duplex residences on lots which were platted prior to adoption of this code;
- (M) The following items: public utility and service structures, attached or detached guest house to a residence, accessory parking for passenger vehicles when intended for a permitted adjacent commercial use;
- (N) Development permits including, specifically, building permits, which do not require an additional final development order prior to their issuance shall not require a concurrency review as a condition of issuance of said permits;
- (O) Sign permits.
- (P) Development that is determined to be vested.

Section 10-6 Certificate Determination of Concurrency

- (A) General. For each public facility, a determination of available capacity shall be made. If the capacity for that specific facility exceeds the projected demand of the proposed development, within the applicable geographic scope of that facility, a **Certificate Determination** of Concurrency (CDOC) shall be issued. If the capacity for that specific facility is less than the projected demand of the proposed development, a **Certificate Determination** of Concurrency cannot be issued for the application as submitted. If the project requires any other development permit, a copy of the CDOC shall be included with any future application for development permit. A separate concurrency review may be required for each development permit issued for the same project. If the application is not concurrent, that determination shall be reduced to writing, signed by the official making the determination, and sent by U.S. Mail to the applicant. The **Certificate Determination** of Concurrency does not provide for a reservation of capacity.
- (B) Expiration of a **Certificate Determination** of Concurrency. The City of Tavares has specific time limits for development orders and the concurrency **certificate**

determination will be valid for the same period of time as the underlying development order.

- (C) Resubmission of Concurrency Application. Applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted if the applicant of the denied development order intends to provide all public facilities to comply with capacity requirements or enters into a development agreement with the City or other public facility provider for the purpose of contributing to the provision of the public facility required.
- (D) Transfer of **Certificate Determination** of Capacity. The capacity test is site specific and cannot be transferred to another piece of property. It can be transferred to subsequent development orders for the same parcel, and to subsequent owners of the same parcel.

Section 10-7 Standards to Meet Concurrency

The City of Tavares shall review applications for development and a development permit will be issued only if the proposed development does not lower the existing level of service (LOS) of a facility/service below the adopted LOS in the Tavares Comprehensive Plan or appropriate governing document. A project shall be deemed concurrent if one of the following standards is met:

- (A) The necessary public facilities and services are in place at the time the Development Permit is issued; or
- (B) The necessary facilities and services will be in place at the time the impacts of development occur; or
- (C) The necessary public facilities and services are under construction at the time the Development Permit is issued; or
- (D) The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to Sections 163.3220 through 163.3243, Florida Statutes; or
- (E) The necessary public facilities and services are the subject of a binding executed contract between the City and a contractor which provides for the commencement of the actual construction of the required facilities or the provision of services within one (1) year of the issuance of the development permit.
- (F) The appropriate governing agency has certified that capacity is available.

Section 10-8 Facilities/Services Subject to Concurrency Determination

A concurrency determination shall be made for the following public facilities/services: Potable water; wastewater; solid waste; recreation/open space; stormwater management; schools and transportation.

Section 10-9 Concurrency Determination

In general, concurrency shall be determined by comparing the available capacity of a facility or service to the demand created by the proposed project.

- (A) ~~Non-transportation Facilities/Services. Concurrency shall be determined by comparing the available capacity of a facility or service to the demand created by the proposed project.~~
- (B) ~~Transportation Facilities. Concurrency will be determined by comparing the level of service (LOS) of all facilities within the project study area to the acceptable LOS established by the City in the Tavares Comprehensive Plan. The traffic volume used to determine the LOS shall include project traffic. The LOS shall be based upon the existing roadway including any programmed improvement to that facility. For transportation facilities, the concurrency requirement shall be satisfied through one of the following actions approved by the City of Tavares during the development review process:~~
- ~~(1) Satisfy one (1) of the criteria stipulated in Subsection 10-7, above; or~~
 - ~~(2) Necessary improvements are programmed within the first three (3) years of the Five-Year Schedule of Capital Improvements Program.~~
 - ~~(3) An approved mitigation strategy.~~

Section 10-10 Facility/Service Demand Calculations

The following Level of Services (LOS) calculations shall be used to determine the projected demand of the proposed project on the applicable public facility/service. The calculations are listed by facility/service type.

- (A) Potable Water. Adopted LOS = 325 gal/day/ERU
(325 gal x ERU conversion x _____ units = demand)
- (B) Wastewater. Adopted LOS = 250 gal/day/ERU
(250 gal x ERU conversion x _____ units = demand)
- (C) Solid Waste. Adopted LOS = 4.57 lbs/ERU
(4.57lbs x ERU conversion x _____ units = demand)
- (D) Recreation/Open Space. Adopted LOS = 1.7 acres/1000 residents.
(Project population = _____ units x 2.32 persons/household; Project population/LOS = demand)
- (E) Stormwater Management. Adopted LOS = 25 year, 96 hour storm event. Drainage calculations shall meet the standards adopted in the City of Tavares Comprehensive Plan.

- (F) Transportation. Refer to the City of Tavares Comprehensive Plan for the adopted level of service standards.
- (G) Schools. Refer to Section 10-25 and the Lake County School District Growth Planning Department.

Section 10-13 Appellate Process

The applicant may appeal the denial of a ~~Certificate~~Determination of Concurrency to City Council for all facilities except those related to School capacity. The appeal shall be made in accordance with the City's Land Development Regulations as specified in Chapter 4, Division IV, Appeal Procedures.

Section 10-14 Reservation of Capacity

Reservation of capacity of a concurrency monitored public facility shall only occur when the associated capital charge is paid.

Section 10-15 Transportation Proportionate Fair Share Program Purpose and Intent

The purpose of Transportation Proportionate Fair Share ~~this ordinance~~ is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S., or its successor. The Lake Sumter Metropolitan Planning Organization Transportation Concurrency Management System Impact Study Methodology and this section ~~This ordinance~~ will also provide methods and procedures for the City, Lake County and the other impacted municipalities located therein to coordinate the Proportionate Fair Share Program.

Section 10-16 Proportionate Fair Share Program Applicability

The Proportionate Fair-Share Program shall apply to all proposed developments in the City of Tavares that have been notified of a transportation concurrency deficiency on a transportation facility in the Concurrency Management System (CMS). ~~The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair share under §163.3180(12), F.S., or its successor, or to developments exempted from concurrency as provided by local and state law.~~

Section 10-17 ~~Definitions~~

~~The following definitions shall apply to the subject terms as used in this Article:~~

- ~~(1) Concurrency. As set forth in Section 163.3180(2)(c), F.S., or its successor, concurrency shall be defined as transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~
- ~~(2) De minimis is defined as an impact that would not affect more than one (1) percent of the maximum service volume at the adopted level of service of the affected transportation facility as determined by the local government.~~
- ~~(3) County is defined as Lake County.~~

~~(4) City is defined as the City of Tavares.~~

~~(5) Municipality is defined as any affected municipality within Lake County.~~

~~(6) CSA. The term CSA refers to Concurrency Service Area. Concurrency Service Area for the purpose of School Concurrency means the area of the County within which the level of service will be measured from school concurrency purposes as adopted in the Public School Facilities Element of the City of Tavares Comprehensive Plan.~~

~~(7) FISH. The term FISH refers to "Florida Inventory of School Houses (FISH)," current edition, and that is published by the Florida Department of Education, Office of Educational Facilities.~~

~~(8) Determination of Authenticity. This term refers to a letter prepared by the City of Tavares which serves to verify to the Lake County School Board that a certain development has accurately represented its development density and intensity for the purpose of assessing public school impacts.~~

~~(9) Long Term Planning Period. For the purpose of School Concurrency, the term Long Term Planning Period refers to the long-term planning period of Lake County consistent with 9J-5.025 (3)(b)2 term F.A.C.~~

Section 10-178 Proportionate Fair-Share Program General Requirements

(a) An applicant may choose to satisfy the transportation concurrency requirements of the County and/or a Municipality by making a proportionate fair-share contribution, pursuant to the following requirements:

(1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.

(2) The five-year schedule of capital improvements in the Capital Improvements Element (CIE) or the schedule of capital improvements for the long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the then existing requirements of the applicable CMS. The provisions of Section 10-18 (b) may apply if a project or projects needed to satisfy concurrency are not presently contained within the applicable CIE(s) or the adopted long-term schedule of capital improvements.

(3) A proportionate share contribution may involve the addition of transportation capacity through several means including but not limited to: the physical widening and/or reconstruction of a roadway to add capacity; the addition of transportation capacity through creating new reliever roadways; new network additions; contributing to new transit capital facilities (e.g., bus rapid transit corridor); contributing to the expansion of bus fleets to increase service frequency, other contributions to mass transit system expenses; or any other means determined by the County and/or Municipality to add transportation capacity sufficient to mitigate impacts.

(b) The County or Municipality City of Tavares may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by approving the applicant's contribution to an improvement or improvements that, upon completion, will satisfy the requirements of the applicable CMS(s), but is not contained in the five-year schedule of capital improvements in the CIE(s) or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:

(1) The City adopts, by resolution or ordinance, a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled

update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate jurisdictions and agencies and must be determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., or its successor, consistent with the comprehensive plan of each jurisdiction within which any portion of the proposed improvement would lie, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities. If a transportation facility proposed for the Proportionate Share Program is under the jurisdiction of another entity, such as the County or FDOT, the proposed improvement shall be included in the five-year Work Program of that jurisdiction or, when the improvement is not in the Work Program, through resolution or ordinance, there shall be adoption of a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update.

(2) If the funds allocated for the schedule of capital improvements in the CIE are insufficient to fund construction of a transportation improvement required by the CMS, the County and/or Municipality may still enter into a binding proportionate fair-share agreement with the applicant. The agreement may authorize construction of the development if the proportionate fair-share amount in such agreement is determined to be sufficient to pay for improvements which will, in the opinion of the governing body of each governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement(s) funded by the proportionate fair-share component must, for each affected local jurisdiction, be adopted into the capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

Section 10-20 Proportionate Fair Share Request Application Process

(1) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to this article.

Section 10-25. School Concurrency Definitions.

(1) CSA. The term CSA refers to Concurrency Service Area. Concurrency Service Area for the purpose of School Concurrency means the area of the County within which the level of service will be measured from school concurrency purposes as adopted in the Public School Facilities Element of the City of Tavares Comprehensive Plan First Amended Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting.

(2) FISH. The term FISH refers to "Florida Inventory of School Houses (FISH)," current edition, and that is published by the Florida Department of Education, Office of Educational Facilities.

(3) Determination of Authenticity. This term refers to a letter prepared by the City of Tavares which serves to verify to the Lake County School Board that a certain development has accurately represented its development density and intensity for the purpose of assessing public school impacts.

(4) Long Term Planning Period. For the purpose of School Concurrency, the term Long Term Planning Period refers to the long term planning period of Lake County consistent with 9J-5.025 (3)(b)2 term F.A.C.

Section 10-26. School Concurrency.

- (A) It is the intent of this ~~section ordinance~~ to implement the goals, objectives, policies and standards of the City of Tavares Comprehensive Plan, as amended, and particularly, the Public School Facilities Element and to implement the Interlocal Agreement entitled the First Amended Interlocal Agreement between Lake County, the Lake County School Board and the Municipalities for School Facilities Planning and Siting dated December 26, 2007 as incorporated herein by reference (hereafter referred to as the "Agreement").
- (B) Unless otherwise provided herein, ~~this section ordinance~~ the stipulations outlined in the Agreement shall apply to all development orders with five or more residential dwelling units ~~any residential component~~ and any amendment to an existing development order that may increase student enrollment projections. ~~to the extent that the student generation is increased above what was previously approved, or any other official action of the City of Tavares having the effect of permitting residential development of land.~~

1 **1) Land Development Regulations Amendment – Chapter 4 & Chapter 10 – Concurrency**
2 **Review – Text Amendment - Ordinance 2012-01**

3
4 Jacques Skutt, Community Development Director provided the following staff report;

5
6 In June, the State of Florida legislature passed House Bill 7207 which addressed the State's
7 involvement in local growth management. The new bill made the State review of concurrency
8 related to transportation, school facilities and parks and recreation optional. City Ordinance
9 2011-11, approving the removal of the optional concurrency facilities from the comprehensive
10 plan, was adopted in October of 2011. Currently however, the Land Development Regulations
11 makes several references to the comprehensive plan which are no longer accurate based on
12 the adoption of Ordinance 2011-11. Therefore, staff is recommending Ordinance 2012-01
13 which is drafted to reflect the City's requirements related to application submittals for
14 transportation and school facility impacts. No change is necessary as it relates to parks and
15 recreation. Concurrency regulations encompassed by existing interlocal agreements with the
16 MPO and School Board related to the issuance of Development Orders remain unchanged.

17
18 Chairman Adams asked for comments from the audience. Being none, the Chairman asked for
19 board for comments.

20
21 Dawn McDonald informed that board that on behalf of the School Board, she had
22 recommended text changes which staff incorporated into the proposed ordinance and the
23 ordinance appropriately reflected the intentional of the Interlocal Agreement.

24
25 John Tanner said that he spoke to Jacques Skutt before the meeting and his questions were
26 addressed.

27
28 James Gardner mentioned that there was a typo on page 3 of the ordinance. Staff committed
29 to correct the error.

30
31 **MOTION**

32
33 **John Tanner moved to recommend approval of Ordinance 2012-11. The motion was**
34 **seconded by . The motion carried unanimously.**

35
36 **2) Land Development Regulations Amendment – Chap. 8 Table 8-2 – Ordinance 2012-02**

37
38 Jacques Skutt, Community Development Director provided the following staff report;

39
40 City staff has received requests by owners of large tracts of parcels within the city to allow
41 cattle grazing. Presently, our Land Development Regulations does not allow the keeping of
42 cattle, although the boarding of up to two horses is permitted on parcels over 2.5 acres in an
43 RSF-A zoning district.

44
45 On December 21st, 2011, this matter was brought to City Council to receive a general policy
46 direction on whether to proceed with an amendment. Council directed staff to draft a proposed
47 LDR amendment for their review. There was at that time a discussion about agricultural tax
48 exemptions. Council questioned whether this amendment would facilitate commercial
49 agricultural operations and trigger applications for the exemption. From this discussion, staff

Proof

Jan. 04, 2012

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

Order ID: 1168383
 Caller name: Mike Fitzgerald
 Fax no:
 Sales rep: Stephanie K Smith

Purchase order no:
 Payment type:

Newspaper Classified

Title	Class Name	Begin Date	End Date	Size (col x lines)	Color
Orlando Sentinel	Public Hearing Notices	01-09-2012	01-09-2012	1 x 83	No

THE CITY OF TAVARES
NOTICE OF PUBLIC HEARING
 Notice is hereby given that the City of Tavares will consider all the public hearing notices to be held on the following dates:
RESOLUTIONS AND ORDINANCES
 An ordinance of the City of Tavares, Florida, to amend the City Code of Ordinances, Chapter 10, to add a new section, 10-10, to read as follows:
 1. Tavares City Council meeting on January 11, 2012, at 8:00 a.m. (10:00 a.m. and First Session by Title Ordinance)
 2. Tavares City Council meeting on January 11, 2012, at 8:00 a.m. (10:00 a.m.)
 All meetings will be conducted in the Tavares City Council Chamber, 11 City Hall, 101 East Main St., Tavares, Florida.
 Proposed Ordinance 2012-01 may be inspected by the public between the hours of 7:30 p.m. and 9:30 a.m. from City Hall, 101 East Main St.
 Interested parties may appear at the meeting and at the hearing of the City Council meeting and City Council Chamber meeting and make comments on the proposed ordinance. It is the City Council's policy to hold public hearings on all proposed ordinances. The City Council's public hearing and City Council Chamber meeting and City Council meeting are open to the public, and any person wishing to appear at a meeting of the City Council should appear at the meeting in person or by telephone.
 If you are a person with a disability and need special accommodations to be able to attend the meeting, please contact the City Manager at (352) 742-6417, ext. 1001, at least 7 days before the meeting. The City of Tavares is an equal opportunity employer and does not discriminate on the basis of race, sex, or age.
 Please direct any questions to the City Manager, 101 East Main St., Tavares, Florida 32778-1068.
 L.A. 1168383 1/4/12

Gross price: \$ 83.00
 Discounts: \$ 0.00
 Net price: \$ 85.00
 Prepaid amount: \$ 0.00
 Amount due: \$ 0.00

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

AGENDA TAB NO. 5

FIRST READING

SUBJECT TITLE: Ordinance 2012-02

**Amendment to LDR Regulations to Allow Cattle within the
RSF-A Zoning District**

OBJECTIVE:

To amend Chapter 8, Table 8-2 of the City's Land Development Regulations to allow the keeping of cattle in the RSF-A zoning district under specific conditions as stated in amended Note 7 of the table.

SUMMARY:

City staff has received requests by owners of large tracts of parcels within the city to allow cattle grazing. Presently, our Land Development Regulations does not allow the keeping of cattle, although the boarding of up to two horses is permitted on parcels over 2.5 acres in an RSF-A zoning district.

On December 21st, 2011, this matter was brought to City Council to receive a general policy direction on whether to proceed with an amendment. Council directed staff to draft a proposed LDR amendment for their review. There was at that time a discussion about agricultural tax exemptions. Council questioned whether this amendment would facilitate commercial agricultural operations and trigger applications for the exemption. From this discussion, staff derived that Council would prefer that if cattle were allowed within the city, that it would be permitted only as a small scale, non-commercial use. For this reason, the proposed amendment has been drafted to allow the keeping of cattle on properties over 2.5 acres in size within the RSF-A zoning district. There are only several properties at the east end of Dead River Road that would qualify. These are all less than 10 acres in size. The conditions imposed by the amended Note 7 of the Permitted Use Chart (8-2) are similar to those already established for the boarding of horses and would preclude a commercial agricultural operation. It is unlikely that the County Property Appraiser would grant an agricultural exemption on any new use facilitated by this amendment.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its January 19th meeting the Planning and Zoning Board unanimously recommended approval of Ordinance 2012-02 with the suggestion that the maximum number of horses or cattle be capped at 15. The proposed ordinance has been revised to include this suggestion.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend the City Council moves to approve Ordinance 2012-02.

FISCAL IMPACT:

None

LEGAL SUFFICIENCY:

Approved for legal sufficiency.

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ORDINANCE 2012-02

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA
AMENDING THE LAND DEVELOPMENT REGULATIONS BY
AMENDING THE AGRICULTURAL LAND USES ALLOWED
UNDER CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL
USES, BY ALLOWING THE KEEPING OF CATTLE UNDER
CERTAIN CONDITIONS WITHIN THE RFS-A ZONING
DISTRICT; SUBJECT TO THE RULES, REGULATIONS AND
OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
COUNCIL; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the RSF-A zoning district presently permits the boarding of two horses on lots that exceed 2.5 acres; and

WHEREAS, the city has received a request to expand this permitted use to include the keeping of cattle under the same conditions currently applied to the boarding of horses; and

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

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

Section 1. Text Amendments

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

1
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TABLE 8-2 PERMITTED AND SPECIAL USES (30)

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

3

NOTES: Table 8-2 Permitted and Special Uses

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1. Boarding of horses or keeping of cattle is permitted provided all of the following conditions are met:

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Section 2. Severability and Conflicts

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Section 3. Effective Date

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

1 **1) Land Development Regulations Amendment – Chapter 4 & Chapter 10 – Concurrency**
2 **Review – Text Amendment - Ordinance 2012-01**

3
4 Jacques Skutt, Community Development Director provided the following staff report;

5
6 In June, the State of Florida legislature passed House Bill 7207 which addressed the State's
7 involvement in local growth management. The new bill made the State review of concurrency
8 related to transportation, school facilities and parks and recreation optional. City Ordinance
9 2011-11, approving the removal of the optional concurrency facilities from the comprehensive
10 plan, was adopted in October of 2011. Currently however, the Land Development Regulations
11 makes several references to the comprehensive plan which are no longer accurate based on
12 the adoption of Ordinance 2011-11. Therefore, staff is recommending Ordinance 2012-01
13 which is drafted to reflect the City's requirements related to application submittals for
14 transportation and school facility impacts. No change is necessary as it relates to parks and
15 recreation. Concurrency regulations encompassed by existing interlocal agreements with the
16 MPO and School Board related to the issuance of Development Orders remain unchanged.

17
18 Chairman Adams asked for comments from the audience. Being none, the Chairman asked for
19 board for comments.

20
21 Dawn McDonald informed that board that on behalf of the School Board, she had
22 recommended text changes which staff incorporated into the proposed ordinance and the
23 ordinance appropriately reflected the intentional of the Interlocal Agreement.

24
25 John Tanner said that he spoke to Jacques Skutt before the meeting and his questions were
26 addressed.

27
28 James Gardner mentioned that there was a typo on page 3 of the ordinance. Staff committed
29 to correct the error.

30
31 **MOTION**

32
33 **John Tanner moved to recommend approval of Ordinance 2012-11. The motion was**
34 **seconded by . The motion carried unanimously.**

35
36 **2) Land Development Regulations Amendment – Chap. 8 Table 8-2 – Ordinance 2012-02**

37
38 Jacques Skutt, Community Development Director provided the following staff report;

39
40 City staff has received requests by owners of large tracts of parcels within the city to allow
41 cattle grazing. Presently, our Land Development Regulations does not allow the keeping of
42 cattle, although the boarding of up to two horses is permitted on parcels over 2.5 acres in an
43 RSF-A zoning district.

44
45 On December 21st, 2011, this matter was brought to City Council to receive a general policy
46 direction on whether to proceed with an amendment. Council directed staff to draft a proposed
47 LDR amendment for their review. There was at that time a discussion about agricultural tax
48 exemptions. Council questioned whether this amendment would facilitate commercial
49 agricultural operations and trigger applications for the exemption. From this discussion, staff

1 derived that Council would prefer that if cattle were allowed within the city, that it would be
2 permitted only as a small scale, non-commercial use. For this reason, the proposed
3 amendment has been drafted to allow the keeping of cattle on properties over 2.5 acres in size
4 within the RSF-A zoning district. There are only several properties at the east end of Dead
5 River Road that would qualify. These are all less than 10 acres in size. The conditions imposed
6 by the amended Note 7 of the Permitted Use Chart (8-2) are similar to those already
7 established for the boarding of horses and would preclude a commercial agricultural operation.
8 It is unlikely that the County Property Appraiser would grant an agricultural exemption on any
9 new use facilitated by this amendment.

10
11 Chairman Adams asked for comments from the audience. Being none, the Chairman asked for
12 board for comments.

13
14 In response to a question, Jacques explained that commercial operation would not be
15 permitted.

16
17 There was discussion regarding the definition of bonafide agriculture for tax exemption
18 purposes. Attorney Williams explained that that determination would be made by the tax
19 assessor's office which has established a trend of making very conservative assessments in
20 this regard.

21 **MOTION**

22
23
24 **John Tanner moved to recommend approval of Ordinance 12-02 allowing for the**
25 **boarding of horses and/or cows on properties over 2.5 acres in size within the RSF-A zoning**
26 **district at a rate of two animals per 2.5 acres with the maximum number of animals**
27 **limited to 15 regardless of acreage. The motion was seconded by Sam Grist. The**
28 **motion carried unanimously.**

29 **OTHER BUSINESS**

30
31
32 There was none.

33 **ADJOURNMENT**

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36 Motion to adjourn was made, seconded and approved unanimously.

37
38 The meeting adjourned at approximately 3:22 p.m.

39
40 Respectfully submitted,

41
42 _____
43 Alisha Maraviglia
Senior Planner

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 1, 2012**

AGENDA TAB NO. 6

SUBJECT TITLE: Ordinance #2012 – 03 - Amendment to Section 2 of Code of Ordinances

OBJECTIVE:

To consider the approval of Ordinance #2012- to update the Code of Ordinances relating to a provision for the Beautification Committee and payments to certain Boards.

SUMMARY:

This is an ordinance to clean up provisions in the Board section of the Code of Ordinances that are no longer current.

The Beautification Committee (created in 1995) last met in 1998 when the Civic Center was renovated to accommodate the library, for the purpose of making landscaping recommendations. As a Council appointed Board it fell under Sunshine Law and had to meet those requirements. The Committee was informally disbanded after completion of the library but no changes were made to the code.

The Code Enforcement Board was formally disbanded by Ordinance in 2004 when the Special Magistrate was approved by City Council. This will update the section of the code relating to reimbursement no longer in effect.

OPTIONS:

- 1) Move to approve Ordinance #2012-03 to update Section 2 of the Code of Ordinances
- 2) Do not approve Ordinance #2012-03

STAFF RECOMMENDATION:

Move to approve Ordinance #2012-03 to update Section 2 of the Code of Ordinances.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: Legally sufficient.

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ORDINANCE 2012-03

AN ORDINANCE REPEALING PORTIONS OF SECTION 2-46 RELATING TO PAYMENT OF CERTAIN BOARDS AND SECTIONS 2-110; 2-111 AND 2-113 OF THE CITY OF TAVARES CODE OF ORDINANCES PERTAINING TO THE CITY OF TAVARES BEAUTIFICATION COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 2-46 is amended as follows:

Section 2-46 – Reimbursement of Expenses for Certain Members

Members of the following boards and committees of the city shall receive twenty dollars (\$20.00) per meeting for each meeting of the board or committee that they attend as reimbursement for expenses, which amount shall be paid monthly:

- (1) Planning and Zoning Board
- ~~(2) Code Enforcement Board~~
- (2) Library Board
- ~~(3) Recreation Board~~

Sections 2-110; 2-111 and 2-113 of the City of Tavares Code of Ordinances are hereby repealed in their entirety.

~~Section 2-110. — Establishment of Beautification Committee.~~

~~— The Tavares Beautification Committee is hereby established to govern, regulate and encourage beautification programs and activities, including landscaping and tree plantings and maintenance, in parks, rights-of-way, the City cemetery, and other public areas owned or controlled by the City of Tavares. The Tavares Beautification Committee shall be an advisory board. All decisions of the Committee are subject to the approval of the Tavares City Council except as to specific authorities hereinafter delegated to the Tavares Beautification Committee.~~

~~Section 2-111. Beautification Committee Organization and Membership.~~

1 a) ~~The Beautification Committee shall consist of seven (7) members to be~~
2 ~~appointed by the President of the City Council and approved by the City~~
3 ~~Council. The members initially appointed shall hold office as follows:~~

4
5 ~~—Four (4) for the term expiring the second meeting in June of 1997; and,~~

6
7 ~~—Three (3) for the term expiring the second meeting in June of 1998.~~

8
9 ~~Beginning at the second meeting in June, 1997, and thereafter each year, at the second~~
10 ~~meeting in June, appointments shall be made for two (2) years to fill the expiring terms.~~
11 ~~Appointments shall be made by the President of the City Council subject to the approval~~
12 ~~of the City Council.~~

13
14 b) ~~Two (2) members appointed to the Beautification Committee may reside~~
15 ~~outside the city limits of the City of Tavares. The remaining five (5)~~
16 ~~Beautification Committee members shall be residents of the City of Tavares.~~

17
18
19 c) ~~The members shall meet and organize immediately after their appointment,~~
20 ~~and shall elect one of their members as Chairman, and elect such other~~
21 ~~officers as shall be required or expedient. Four (4) members of the~~
22 ~~Committee shall constitute a quorum.~~

23
24
25 **Section 2-113. Duties.**

26
27 ~~—The Beautification Committee shall have the following duties:~~

28
29 a. ~~Recommend and encourage City beautification programs, and~~
30 ~~activities, including landscaping and tree plantings and maintenance, in~~
31 ~~parks, rights of way, the City cemetery, and other public areas owned~~
32 ~~or controlled by the City of Tavares;~~

33
34 b. ~~Recommend general rules and procedures relating to the operation of~~
35 ~~the City Cemetery;~~

36
37 c. ~~Study, investigate, counsel, and develop and/or update annually, and~~
38 ~~administer a written plan for the care, preservation, pruning, planting,~~
39 ~~replanting, removal or disposition of trees and shrubs in parks, along~~
40 ~~streets and in other public areas.~~

41
42 d. ~~Recommend and participate in the formulation of an official~~
43 ~~comprehensive tree plan for the City of Tavares;~~

1 e. ~~Recommend and participate in the preparation of the Beautification~~
2 ~~and Cemetery elements of the budget to be submitted to the City~~
3 ~~Council;~~

4
5 f. ~~Administer the City's Public Tree Ordinance;~~

6
7 g. ~~Recommend any and all other matters pertaining to the City~~
8 ~~beautification or the City cemetery.~~

9
10 This Ordinance shall take effect immediately upon its final adoption by the
11 Tavares City Council.

12
13 **PASSED AND ORDAINED** this day of 2012, by the City Council of the City
14 of Tavares, Florida.

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19 _____
20 **Robert Wolfe, Mayor**
21 **Tavares City Council**

22
23 First Reading: February 1, 2012

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25 Passed Second Reading

26
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28 ATTEST:

29
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31 _____
32 Nancy A. Barnett, City Clerk

33
34
35 Approved as to form:

36
37
38
39 _____
40 Robert Q. Williams, City Attorney

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 1, 2012**

AGENDA TAB NO. 7

SUBJECT TITLE: Resolution #2012-03 – Community for a Lifetime Program

OBJECTIVE:

To receive a presentation by the Community Relations Manager representing Elder Affairs for the State of Florida regarding the Communities for a Lifetime Initiative and to consider approval of a resolution indicating support of the program.

SUMMARY:

The Community Relations Manager of the Department of Elder Affairs of the State of Florida has requested an opportunity to address Council regarding "Communities for a Lifetime" and has also requested that Council consider adopting a resolution to indicate its support.

OPTIONS:

- 1) Move to approve Resolution #2012-03
- 2) Do not approve Resolution #2012-03
- 3) Have discussion only

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient

RESOLUTION #2012-03

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF ELDER AFFAIRS' COMMUNITIES FOR A LIFETIME INITIATIVE AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City of Tavares supports the Florida Department of Elder Affairs' *Communities for a Lifetime* initiative to make Florida a friendlier place to live for people of all ages, that they may be as independent as long as possible, and remain in their homes and in the communities they love; and

Whereas, the State of Florida has the highest percentage of elders of any state in the nation and our elder population will continue to increase, reaching numbers without precedent in the first part of the XXI Century; and

Whereas, in order to allow all residents to maintain their dignity, security and independence, communities must evaluate, assess and modify their infrastructures to create a *Community for a Lifetime*; and

Whereas, the City of Tavares and the Florida Department of Elder Affairs share the vision and responsibility to improve the life of all citizens so they can prepare for and enjoy aging in place throughout their life; and

Whereas, in order to achieve our mutual goals, cities and counties should begin to build together a place free of physical, emotional and social barriers,

BE IT HEREBY RESOLVED that our community, will make efforts to first evaluate and later remove barriers to create a *Community for a Lifetime*.

PASSED and ADOPTED this day of, 2012, **by the City Council of the City of Tavares, Florida.**

Robert Wolfe , Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

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

Nancy Barnett

From: Janine Harris [Harrisj@elderaffairs.org]
Sent: Monday, January 09, 2012 2:16 PM
To: Nancy Barnett
Subject: Commission Agenda
Attachments: CFAL Overview Fact Sheet.pdf; CFAL_sample_resolution.doc; Janine Harris.vcf

Ms. Barnett - Good afternoon

I would like to know if I can have a spot on the Commission's agenda at its first meeting in February.

We are asking the Commission to pass a resolution or proclamation to join the Communities for a Lifetime initiative. I have attached our fact sheet to give you a brief overview of Communities for a Lifetime and a sample resolution. I will also send a letter and additional information to the mayor's attention.

Thank you for your attention to this request.

Janine R. Harris
Community Relations Manager
Communities for a Lifetime
Department of Elder Affairs
4040 Esplanade Way, Suite 250E
Tallahassee, Florida 32399
850.414-2373
850.414-2372 (fax)
harrisj@elderaffairs.org
<http://www.communitiesforalifetime.org>

CONFIDENTIALY NOTICE: This E-Mail including attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any unauthorized review, use, disclosure, or distribution is prohibited. If you have received this communication in error, please do not distribute it. Please notify the sender by e-mail at the address shown and delete the original message. Thank you.

DEPARTMENT OF



**ELDER
AFFAIRS**
STATE OF FLORIDA

RICK SCOTT
GOVERNOR

January 18, 2012

The Honorable Robert Wolfe
Mayor, City of Tavares
P.O. Box 1068
201 E. Main Street
Tavares, Florida 32778

Dear Mayor Wolfe:

Thank you for the opportunity to speak to you and the Commission on Wednesday, February 1, 2012 at your regularly scheduled meeting. I have enclosed is a copy of the Communities for a Lifetime *Blueprint* for your review prior to the meeting. It provides a good overview of the initiative.

CHARLES T. CORLEY
SECRETARY

Communities for a Lifetime is a statewide initiative within the Florida Department of Elder Affairs that addresses the benefits and challenges of an increasing elder population, and enhances opportunities for both youth and seniors to live in their chosen community for a lifetime. Additionally, the initiative assists communities with smart growth planning for their elder population, while also addressing the needs of all residents.

As leaders in your community, you and the city commission can certainly play a very vital role in encouraging your government to make the commitment toward creating a community that provides a better place for seniors to live, and the opportunity for all residents to achieve their full potential and contribute to the betterment of their community.

If you have questions or concerns, please contact me at 850-414-2373 or email harrisj@elderaffairs.org.

Sincerely,

Janine R. Harris
Community Relations Manager

Enclosure

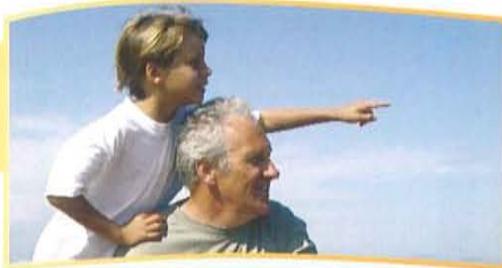
4040 ESPLANADE WAY
TALLAHASSEE,
FLORIDA 32399-7000

phone 850-414-2000
fax 850-414-2004
TDD 850-414-2001

<http://elderaffairs.state.fl.us>

What is the Communities for a Lifetime initiative?

Communities for a Lifetime is a statewide initiative, begun in 1999, that assists Florida cities, towns and counties in planning and implementing improvements that benefit their residents, youthful or elder. The Communities for a Lifetime Bureau is comprised of the following focus areas: Housing; Transportation and Mobility; Employment; Health, Wellness and Injury Prevention; and Volunteerism and Intergenerational programs.



Why is the initiative needed?

- Florida's demographics are changing.
- Elder population is expected to double by 2030.
- Over 78 million Americans born between 1946 and 1964 (baby boomers) began turning 60 in 2006.
- 76 million baby boomers will begin retiring in 2010.

What benefits do seniors bring to our state?

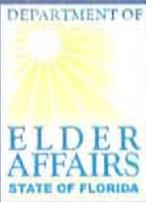
- \$3.5 billion in charitable giving
- \$135 billion in spending power
- 4.2 million jobs tied to mature Floridians
- 7.5 million donated volunteer hours
- \$2.8 billion net tax benefit after services rendered
- 50 percent of new home construction

What is the process for creating a Community for a Lifetime?

- Pass a proclamation or resolution.
- Form a senior advisory committee/task force.
- Create a community inventory or needs assessment.
- Create a senior survey and needs assessment.
- Develop a community vision or action plan.
- Initiate partnerships.
- Develop maintenance plan.

Where can I get additional information?

For more information about the Communities for a Lifetime initiative, please contact Janine R. Rogers-Harris at (850) 414-2000, or e-mail rogersj@elderaffairs.org.



FLORIDA DEPARTMENT OF ELDER AFFAIRS

COMMUNITIES FOR A LIFETIME

PREPARE FOR TOMORROW - TODAY



COMMUNITIES
FOR A LIFETIME

Housing

Through the Communities for a Lifetime initiative, the Florida Department of Elder Affairs helps to form innovative and effective partnerships in each community to help residents and leaders identify, assess and implement plans to fit their elder housing needs. The department is researching and advocating for best practices in elder housing planning, design and construction to meet the needs of elders and youth alike.

Employment

The Senior Community Service Employment Program has two important purposes: first, to increase participants' economic self-sufficiency; and second, to increase the number of persons who may benefit from unsubsidized employment. This program is an important component of the Communities for a Lifetime initiative because it affords participants the opportunity to remain independent in their communities.

Health, Wellness & Injury Prevention

Health promotion, disease prevention, and injury prevention activities and programs are a priority for older adults, their families and the health care system. Promoting the healthy lifestyles of older people is vital in helping them to maintain health and functional independence and lead healthy and independent lives. Communities for a Lifetime is a tool that promotes active living through policy, programs and physical infrastructure.

Volunteerism and Intergenerational Programs

The Communities for a Lifetime initiative brings elders together with their communities to share their knowledge and experience. The department is committed to building an elder-friendly and volunteer-friendly environment in every community throughout Florida. Volunteers enhance their own lives and the lives of those they serve. With committed volunteers, communities can offer a wider variety of services that would otherwise be unavailable.

Transportation & Mobility

Transportation plays a vital role in the lives of elder Floridians, and no single solution can meet all the mobility needs of Florida's senior population. Mobility and accessibility are essential for independent living, and transportation is the link that allows access to needed services and activities. Participating Communities for a Lifetime are realizing through their visioning efforts that other mobility options such as sidewalks, bike lanes and safe crosswalks are not just extras, but essential investments in the health and safety of their residents of all ages.

For additional information on the Communities for a Lifetime initiative, contact the Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or call (850) 414-2000.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

AGENDA TAB NO. 8

**SUBJECT TITLE: Resolution 2012-04
US 441 Alternative Analysis Study Local Match Agreement
Commuter Rail**

OBJECTIVE:

To consider the approval of Resolution #2012-04 which will authorize the City Manager to execute an agreement with the FDOT to share in the funding of the US 441 Corridor Alternative Analysis.

SUMMARY:

On February 16, 2011, City Council was presented with a proposed agreement with FDOT to perform a \$1,700,000 study to determine the viability of commuter rail service between Eustis, Mount Dora, Tavares, Apopka and downtown Orlando. The study would be funded by FDOT with a 25% local match to be split equally between Lake and Orange Counties. The \$212,000 Lake County share of the match was to be split with Eustis, Mount Dora and Tavares each allocating \$35,000 and Lake County contributing \$107,250. At this previous meeting, City Council instructed staff to place the \$35,000 match for this study in the proposed FY 2012 budget for consideration during the upcoming, normal budgeting deliberation process. That was done and the \$35,000 was ultimately included in the city's 5 year Capital Improvement Plan and moved to FY 2013, the anticipated year of the study. In addition, \$84,000 was programmed into the FY 2012 Capital Improvement Plan for the Dora Canal Rail Bridge. It is most likely that those funds will not be needed until after October 2012 in FY 2013. Staff is recommending that \$35,000 of those funds budgeted this year for the Dora Canal Rail Bridge are used instead for the commuter rail study and that the bridge funding be replenished by an equal amount next fiscal year.

FDOT has prepared an agreement to be executed individually by each contributing municipality. If any contributing municipality fails to enter into the agreement, FDOT may cancel the project. Under the Agreement, each participant must advance their local match within 30 days after the execution of the agreement. Tavares has been the leader in promoting infrastructure rail improvements from Eustis through Tavares to downtown Orlando which would support both freight rail endeavors and commuter rail service in the future.

OPTIONS:

1. That City Council moves to approve Resolution 2012-04 that authorizes the City Administrator to execute the agreement with FDOT to share in the funding of the US 441 Corridor Alternative Analysis.
2. That City Council denies the proposed Resolution.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Resolution 2012-04 that authorizes the City Administrator to execute the agreement with FDOT to share in the funding of the US 441 Corridor Alternative Analysis.

FISCAL IMPACT:

The \$35,000 for this rail study will come from the rail upgrades budgeted this year for the Dora Canal Rail Bridge project. This account will be replenished in the next fiscal year by an equal amount. It is probable that the upgrade agreements for the bridge project will be processed this fiscal year and there is a minimal chance that the city may need to replenish the \$35,000 this fiscal year instead of next year.

LEGAL SUFFICIENCY:

This agreement has been reviewed for legal sufficiency.

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RESOLUTION 2012-04

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, AUTORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO SHARE IN THE FUNDING OF THE US 441 CORRIDOR ALTERNATIVES ANALYSIS; SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

12 **WHEREAS**, on February 16, 2011, the Tavares City Council was presented with a
13 tentative agreement with the Florida Department of Transport in which the city would fund
14 \$35,000 as a portion of a local match to conduct an alternative analysis study for a future
15 commuter rail system to downtown Orlando; and
16

17 **WHEREAS**, the FDOT is now prepared to undertake the project which will lead to the
18 identification of a Locally Preferred Alternative in the US 441 Corridor from the Cities of Eustis,
19 Mount Dora, and Tavares in Lake County, through northwest Orange County and the Cities of
20 Apopka and Orlando and terminating at LYNX Central in downtown Orlando; and
21

22 **WHEREAS**, this Alternative Analysis is the first step of the Federal Transit
23 Administration's Planning and Development Process, which is required when seeking Section
24 5309 New Starts funding; and
25

26 **WHEREAS**, the City of Tavares has been the leader in promoting infrastructure rail
27 improvements from Eustis through Tavares to downtown Orlando which would support both
28 freight rail endeavors and commuter rail service; and
29

30 **WHEREAS**, the City finds that funding the city's portion of this local match would be in
31 the best interest of the health, safety and general welfare of the citizens of the City,
32

33 **NOW, THEREFORE, be it resolved by the City Council of the City of Tavares,**
34 **Florida as follows:**

35 That City Council authorizes the City Administrator to execute the Locally Funded Agreement
36 between the State of Florida Department of Transport and the City of Tavares.
37
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1 PASSED AND RESOLVED this ____ day of _____ 2012, by the Tavares City Council.

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Robert Wolfe, Mayor
Tavares City Council

ATTEST

Nancy A. Barnett,
City Clerk

Approved as to form and legality:

Robert Q. Williams,
City Attorney

Agency: City of Tavares	Fund: LF	Financial Management No.:
Vendor No: F596000438	Contract Amount: \$ 35,000.00	429214-1-12-05

**LOCALLY FUNDED AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF TAVARES**

This **AGREEMENT**, made and entered into this ____ day of _____, 2012, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as the “DEPARTMENT”) and the CITY OF TAVARES, a Florida Municipal Corporation (hereinafter referred to as the “LOCAL GOVERNMENT”),

WITNESSETH:

WHEREAS, the Parties have been granted specific legislative authority to enter into this Agreement pursuant to Section 339.12, Florida Statutes; and

WHEREAS, the LOCAL GOVERNMENT, by Resolution, a copy of which is attached hereto as Exhibit “C”, and made apart hereof, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, the DEPARTMENT is undertaking the development and implementation of the US 441 Corridor Alternatives Analysis in coordination and consultation with MetroPlan Orlando, the Lake-Sumter Metropolitan Planning Organization (MPO), Lake County, and Orange County, the cities of Eustis, Tavares, Mount Dora, Apopka and Orlando, CSX Transportation, and Florida Central Railroad.; and

WHEREAS, the DEPARTMENT is prepared, in accordance with its Adopted Five Year Work Program, to undertake the project described as: “the Alternatives Analysis and Environmental Studies necessary to comply with Federal Transit Administration (FTA) requirements and lead to the identification of a Locally Preferred Alternative (LPA) in the US 441 corridor from the cities of Eustis, Mount Dora and Tavares in Lake County, through northwest Orange County and the cities of Apopka and Orlando and terminating at LYNX Central Station in downtown Orlando, said project being known as Financial Management (FM) Number 429214-1-12-05, hereinafter referred to as the “Project”; and

WHEREAS, the Project is not revenue producing and is contained in the Adopted Work Program; and

WHEREAS, the implementation of the Project is in the interests of both the DEPARTMENT and the LOCAL GOVERNMENT and it would be most practical, expeditious, and economical for the LOCAL GOVERNMENT to provide funds for the Project in the DEPARTMENT'S Fiscal Year 2011/2012; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived from the joint participation of this Agreement, the parties agree as follows:

1. The term of this Agreement shall begin upon the date of signature of the last party to sign and shall remain in full force and effect through completion of all services required of the LOCAL GOVERNMENT. The DEPARTMENT may, at any time and at any stage, amend or terminate the Project in whole or in part if the DEPARTMENT determines that such action is in the best interest of the public.

2. The DEPARTMENT shall perform the study, and otherwise perform all other necessary work to complete the Project, as specified in Exhibit "A" attached hereto and by this reference made a part hereof. Nothing herein shall be construed as requiring the DEPARTMENT to perform any activity which is outside the scope of the Project as previously defined. Except as specifically stated otherwise in this Agreement, all such activities shall be performed by such entities, at such times, in such manner, under such conditions, and pursuant to such standards as the DEPARTMENT, in its sole discretion, deems appropriate. The LOCAL GOVERNMENT shall not have any jurisdiction or control over the DEPARTMENT'S activities, except as specifically stated in this Agreement. The LOCAL GOVERNMENT shall be entitled to be advised of the progress of the Project at reasonable intervals upon request.

3. Contribution by the LOCAL GOVERNMENT of the funds for the study phase of the Project shall be made as follows:

(A) The DEPARTMENT'S current estimated cost of the Project is **\$1,700,000.00 (One Million Seven Hundred Thousand Dollars and No/100)**. The parties agree that in the event funds are not appropriated to the DEPARTMENT for the Project, this Agreement may be terminated, which shall be effective upon the DEPARTMENT giving written notice to the LOCAL GOVERNMENT to that effect.

(B) The LOCAL GOVERNMENT understands that they are responsible for a share of the estimated Project cost along with six (6) other local government entities that include: the City of Apopka, the City of Orlando, the City of Mount Dora, the City of Eustis, Lake County and Orange County. The shared cost for each local government entity is specified in Exhibit "B", Estimated Project Budget. This Project is contingent upon each local government entity entering into an agreement with the DEPARTMENT for their share of Project costs. If one or more of the local government entities fails to enter into said agreement or provide their share of funding, the DEPARTMENT may cancel the project and terminate any previously executed agreements for this Project.

(C) The LOCAL GOVERNMENT agrees to furnish the DEPARTMENT an advance lump sum deposit in the amount of **\$35,000.00 (Thirty Five Thousand Dollars and No/100) due within thirty (30) days after the execution of this Agreement.** The advance lump sum deposit shall be the total obligation required of the LOCAL GOVERNMENT for their share of the estimated Project cost.

(D) If the actual costs of the Project increase based on the advertised scope of work, the additional costs will be borne by the DEPARTMENT. Any additional cost must be statutorily allowed for the DEPARTMENT to pay for the additional cost.

(E) If the actual costs of the Project are less and the LOCAL GOVERNMENT'S share of the Project costs are reduced, the DEPARTMENT will refund the amount that the advance deposit exceeds the actual cost, if such refund is requested by the LOCAL GOVERNMENT in writing. This will be accomplished at the end of the Alternatives Analysis Study.

(F) The payment of funds under this Locally Funded Agreement will be made directly to the DEPARTMENT for deposit due within thirty (30) days after the execution of this Agreement. Failure to make said deposit shall result in termination of this agreement.

(G) The DEPARTMENT'S performance and obligation to construct the Project is contingent upon an annual appropriation by the Florida Legislature. The parties agree that in the event funds are not appropriated to the DEPARTMENT for the Project, this Agreement may be terminated, which shall be effective upon the DEPARTMENT giving written notice to the LOCAL GOVERNMENT to that effect.

(H) Contact Persons:

Florida Department of Transportation

Holly Lopenski Contract Specialist/MS 4-521 719 South Woodland Boulevard DeLand, Florida 32720-6834 PH: (386) 943-5520 holly.lopenski@dot.state.fl.us	John Zielinski Project Manager/MS 530 133 South Semoran Boulevard Orlando, Florida 32807 PH: (407) 482-7868 john.zielinski@dot.state.fl.us
--	---

City of Tavares

John Drury City Manager P.O. Box 1068 201 East Main Street Tavares, Florida 32778-1068 PH: (352) 742-6209 jdrury@tavares.org	Robert Q. Williams City Attorney P.O. Box 1068 201 East Main Street Tavares, Florida 32778-1068 PH: (342) 343-6655 rqw@wssattorneys.com
--	---

4. All tracings, plans, specifications, maps, models, reports, or other work product prepared or obtained under this Agreement shall be considered works made for hire for the DEPARTMENT and shall at all times be and remain the property of the DEPARTMENT without restriction or limitation on their use. The LOCAL GOVERNMENT may, however, inspect those materials upon providing reasonable advance notice to the DEPARTMENT.

5. In the event this Agreement is in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) or has a term for a period of more than one (1) year, the provisions of Chapter 339.135(6)(a), Florida Statutes, are hereby incorporated as follows:

“The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year.”

6. The DEPARTMENT may unilaterally cancel this Agreement for refusal by the LOCAL GOVERNMENT to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by such party in conjunction with this Agreement.

7. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof, and incorporates and includes all proper negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein. The parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written.

8. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida. Any provision herein determined by a court of competent jurisdiction, or any other legally constituted body having jurisdiction, to be invalid or unenforceable shall be severable and the remainder of this Agreement shall remain in full force and effect, provided that the invalidated or unenforceable provision is not material to the intended operation of this Agreement.

9. The DEPARTMENT and the LOCAL GOVERNMENT acknowledge and agree to the following:

(A) The LOCAL GOVERNMENT shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the LOCAL GOVERNMENT during the term of the contract; and

(B) The LOCAL GOVERNMENT shall expressly require any contractors and subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the contractor/subcontractor during the contract term.

IN WITNESS WHEREOF, the LOCAL GOVERNMENT has executed this Agreement this _____ day of _____, 2012, and the DEPARTMENT has executed this Agreement this _____ day of _____, 2012.

CITY OF TAVARES

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____

By: _____

Name: _____

Name: Frank J. O’Dea, P.E.

Title: _____

Title: Director of Transportation Development

Attest:

Attest:

Executive Secretary

Legal Review

Legal Review:

City Attorney

Financial Provision Approval by
Department of Comptroller on:

Exhibit "A"
SCOPE OF SERVICES
US 441 Corridor Alternatives Analysis
FM#: 429214-1-12-05

The US 441 Corridor is a proposed multi-modal transit system intended to assess community consensus, financial and policy support for the transit improvement alternative best able to meet the current and future needs of multi-modal transit system. The project involves development of a transit corridor, development of station stops along the corridor, and expansion of bus services to support the system. The study corridor extends along the US 441 corridor north to the city of Eustis in Lake County, south through Tavares, then southeast across the Lake-Orange County line through Zellwood and Apopka, ending in downtown Orlando, where it terminates at LYNX Central Station. In Tavares, the study area also extends east to the city of Mount Dora. With the current implementation of the Central Florida Commuter Rail Transit Project known as SunRail, further analysis of the proposed US 441 Corridor is warranted. That is the subject of the Alternatives Analysis.

The Alternatives Analysis is being conducted in coordination and consultation with the Lake-Sumter Metropolitan Planning Organization (MPO), MetroPlan Orlando, Lake County, Orange County, the cities of Eustis, Tavares, Mount Dora, Apopka and Orlando, CSX Transportation, and Florida Central Railroad.

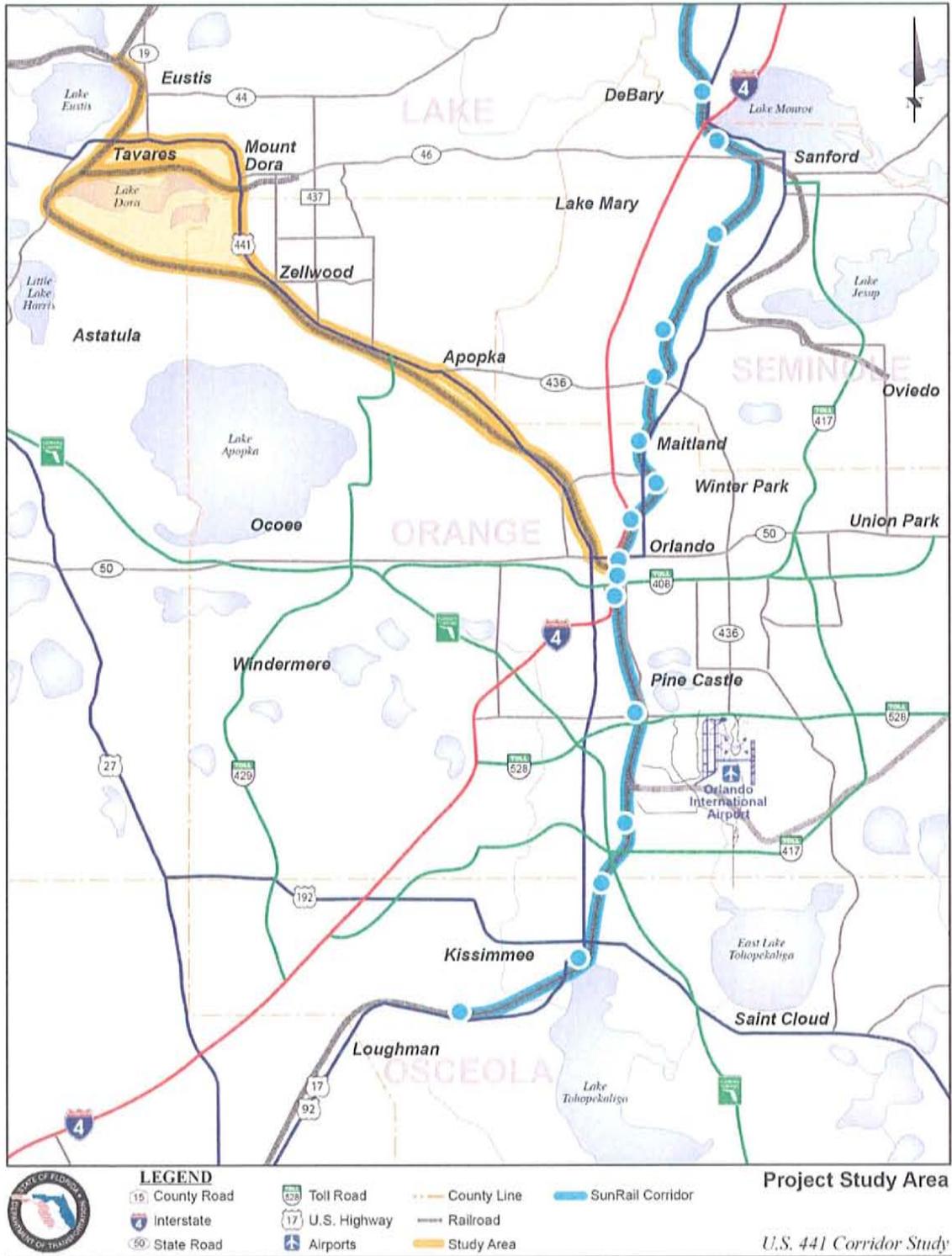
The results of the Alternatives Analysis shall be the identification of a Locally Preferred Alternative (LPA) which can then be evaluated as part of the National Environmental Policy Act (NEPA) phase of project development. The environmental documentation is an option to this Scope of Services. The Alternatives Analysis and environmental phases of project development shall fulfill the requirements of the DEPARTMENT'S Project Development and Environment (PD&E) Manual, published 7/01/88 and all subsequent revisions, and the State of Florida's environmental policies, and Federal Transit Administration (FTA) requirements concerning the assessment of the environmental impacts of major projects.

The Alternatives Analysis is the first step of the FTA's Planning and Project Development Process, which is required when seeking Section 5309 New Starts funding. Ultimately, the goal would be to reach a consensus on the LPA which can then be evaluated as part of the NEPA phase of project development.

Description of Conceptual Alternatives

Up to four (4) alternate corridors shall be developed for the system, including: No Build (make minimal improvements within the corridor); Transportation Systems Management or TSM (improve bus service within the corridor); and the Build Alternative for the US 441 Corridor.

FIGURE 1



Work Plan for the Alternatives Analysis

A Work Plan for the proposed US 441 Corridor has been developed using a creative and customized approach to describe the scope of work in connection with the Alternatives Analysis and Environmental Studies necessary to comply with FTA requirements and lead to the identification of a Locally Preferred Alternative (LPA) for a multi-modal transit system from the cities of Eustis, Tavares and Mount Dora in Lake County through northwest Orange County and the city of Apopka to downtown Orlando.

The results of the Alternatives Analysis shall be the generation of capital and operations/maintenance cost estimates, corridor evaluation, estimates of 2030 ridership, identification of potential economic, social and environmental impacts, and recommendation of a LPA that is consistent with the regional vision developed during the myregion.org process. The LPA can then be evaluated as part of the NEPA phase of project development. The environmental documentation is an option to this scope of work. The Alternatives Analysis and environmental phases of project development shall fulfill the requirements of the FDOT's Project Development and Environment (PD&E) Manual, published 7/01/88 and all subsequent revisions, and the State of Florida's environmental policies, and FTA requirements concerning the assessment of the environmental impacts of major projects.

This project shall be coordinated with the on-going SunRail project, Regional Transit System Modeling Consultant, and any ongoing and/or planned projects that may affect this study. Coordination will occur with local governmental entities to ensure design and right of way requirements for the project are compatible with local public works improvements and right of way activities.

An option to this Work Plan is to provide preparation services of a Draft and Final Environmental Document at the appropriate class of action, 30% preliminary engineering, final design, plans preparation services, or expert witness services for right of way acquisition. A change to the limits of the project may be requested. Additional tasks associated with a change in the limits to the project shall be determined during the course of the project.

1.0 Public Involvement

Critical to the success of any transportation project is the effective involvement of the public and impacted agencies. Key to the success of a public involvement effort is the ability to address competing demands of the public and agencies; obtain consensus without the public's demand overwhelming or dictating the direction of the project; and ultimately implementing a project that is practical, affordable, achieves the project goals, and strikes a balance between the public's needs. Public involvement includes communicating to and receiving information from all interested persons, groups, and government organizations information regarding the development of the project. The results of the public involvement program shall be supportive of the NEPA process and local needs.

2.0 Engineering Analysis and Reports

The appropriate level of engineering analysis for this project shall be performed. All relevant past transportation and development studies and documents shall be reviewed for the project. The review of these documents should be used as a resource for the completion of an Alternatives Analysis, pursuant to FTA 49 USC 5309(e)(1)(A), DEIS and New Starts, in accordance with NEPA requirements.

Alternatives Analysis Report – A draft report documenting the alternatives analysis will be prepared by the Consultant and submitted to the Department for review by the established technical review team. Once the report has been revised, the report will then be submitted to the Project Advisory Group (PAG) for review and comment. The comments from the PAG will then be reviewed for incorporation into the report. This report will be assembled by incorporating the previously developed reports documenting earlier tasks in the study. This report will identify a Locally Preferred Alternative (LPA) related to the transit alignment, stations, and storage/maintenance facility. The Alternatives Analysis Report shall be subject to approval by MetroPlan Orlando and the Lake-Sumter MPO.

3.0 Environmental Analysis and Reports

The Programming Summary Report and graphical information from the Environmental Screening Tool (EST) available at <http://www.dot.state.fl.us/emo>, or other appropriate database will be utilized. Database information shall be compatible for use on base maps used for public presentations, corridor maps, and alternative plans. The level of effort for the following work activities shall be commensurate with the level of impact identified in the final Programming Summary Report. The results of the environmental analysis shall be included in the evaluation matrix.

Environmental Reports

The Environmental Documents prepared by the Consultant shall comply with the procedures listed in the PD&E Manual, Part 1, and shall also follow the format and include content described in Part 2 of the PD&E Manual. The task of documentation includes the preparation of draft and interim reports prepared by the Consultant for review and comment prior to producing final reports and documents.

A Class of Action Determination shall be developed. The environmental evaluation shall be documented in an Assessment of Social, Economic, and Environmental Report. The Consultant shall prepare a draft report that summarizes all the initial findings to an appropriate level of analysis commensurate with the social, economic, and environmental conditions involved. The level of analysis should be appropriate for use in determining a class of action for the environmental document at the conclusion of the study. The draft report shall be submitted to the DEPARTMENT for review by the established technical review team. Once the report has been revised, the report shall then be submitted to the PAG for review and comment. Comments from the PAG shall then be reviewed for incorporation into the report.

New Starts Application

The Consultant shall coordinate with the DEPARTMENT and prepare the various appendices that are required as part of the New Starts Application. The Consultant shall complete the final assembly of the New Starts Application which shall be submitted to the DEPARTMENT for review. Once comments have been received, the report will be finalized and resubmitted to the DEPARTMENT for submittal to FTA.

Under Optional Services to this scope of work, the Consultant would prepare and complete an Environmental Assessment with Finding of No Significant Impact, or a Draft and Final Environmental Impact Statement, depending on the class of determination deemed appropriate in consultation and coordination with FTA.

Exhibit “B”
Estimated Project Budget
US 441 Corridor Alternatives Analysis

FM #: 429214-1-12-05

Funding Partner	Percentage	Amount
State ¹	75%	\$1,275,000.00
Local	25%	\$425,000.00
Total	100%	\$1,700,000.00
Local Funding Share Distribution		
MetroPlan Orlando Area		\$212,500.00
Orange County		\$53,125.00
City of Orlando		\$106,250.00
City of Apopka		\$53,125.00
Lake-Sumter MPO Area		\$212,500.00
Lake County		\$107,500.00
City of Mount Dora		\$35,000.00
City of Eustis		\$35,000.00
City of Tavares		\$35,000.00

¹ Federal Transit Administration grant award is currently pending to cover 50 percent of state costs. In the event the grant is awarded following execution of this agreement, the Locals contribution would not be affected.

Exhibit "C"
Resolution 2012-04
City of Tavares

FM#: 429214-1-12-05

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 1, 2012**

AGENDA TAB NO. 9

SUBJECT TITLE: Agreement with SECO to reduce electricity costs at Woodlea Reclamation Facility

OBJECTIVE: To consider the approval of an agreement with SECO to reduce electricity consumption and the cost of electricity at Woodlea Reclamation Facility.

SUMMARY: Utility facilities are high end users of electricity due to the specialized equipment necessary to operate at peak efficiency. Utility staff members are always looking for ways to reduce the amount of electricity used or to augment the existing electrical system and lower costs to ratepayers.

The electric bill for the Woodlea Reclamation Facility is approximately \$15,000 per month, or \$180,000 per year. City staff has taken the necessary steps to modify the equipment and to implement cost saving solutions wherever possible. Over the past three years City staff has been negotiating with SECO to create a plan that would be beneficial to the residents and to the City. The Woodlea Reclamation Facility currently has a generator that is capable of running the entire operation for three days on one tank full of fuel. We are required under Florida Department of Environmental Protection regulations to utilize and test the generator at least four hours per month to insure proper operation in an emergency. If we were to time these required testing periods with SECO's service area brownouts, this would free up necessary power for SECO customers at no additional cost to us and with no disruption to our Utility customers. In exchange, SECO has agreed to provide the City with a reduced rate for being part of their program. These cost savings are expected to be approximately \$20,000 per year. This also provides more electricity to the residents during a time of high consumption, so we are being good neighbors.

When SECO needs to divert our power they will notify us through various electronic notices and provide a 30 minute window to transfer facility operations to the generator.

OPTIONS:

1. **Approve** of entering into an agreement with SECO to offset some power consumption and costs of electricity at Woodlea Reclamation Facility.
2. Do **not** approve of entering into an agreement with SECO to offset some power consumption and costs of electricity at Woodlea Reclamation Facility.

STAFF RECOMMENDATION:

1. Move to **approve** of entering into an agreement with SECO to offset some power consumption and costs of electricity at Woodlea Reclamation Facility.

FISCAL IMPACT:

Would provide a cost savings to the operation and maintenance budget.

LEGAL SUFFICIENCY: The agreement has been reviewed by the City Attorney for legal sufficiency.

AGREEMENT FOR THE PURCHASE OF POWER
GENERAL SERVICE DEMAND - INTERRUPTIBLE (GSDI)

This **AGREEMENT**, made this _____ day of _____, 2012, between **SUMTER ELECTRIC COOPERATIVE, INC.** (hereinafter called the "**Seller**") and the City of Tavares, Florida (hereinafter called the "**Consumer**").

WITNESSETH:

The **Seller** agrees to sell and to deliver to the **Consumer** and the **Consumer** agrees to purchase and receive from the **Seller** all of the electric power and energy which the **Consumer** may need at **2770 Woodlea Rd Waste Water Plant**, account # 5175599010 upon the following terms:

1. **SERVICE CHARACTERISTICS:** Service hereunder shall be alternating current, three-phase, sixty cycles, 277/480 volts. Service does not include standby, emergency, or resale terms.

The **consumer** has requested this "Interruptible" service, where service may be interrupted by the Cooperative during any time period in which peak monthly loading conditions are anticipated. A monthly Demand charge, as identified in the GSDI rate schedule, will be applicable in the event the consumer fails to interrupt service when requested to do so by the Cooperative.

The **Seller** agrees to notify the **Consumer** of the "Interruptible" periods not less than 30 minutes prior to the initiation of an "Interruption" period for the purpose of establishing the **Consumer's** monthly billing demand. The **Seller** shall also notify the **Consumer** at the end of each "Interruption" period.

2. **PAYMENT:**

- A. The **Consumer** shall pay the **Seller** for service hereunder at the rates and upon the terms and conditions set forth in the General Service Demand Interruptible Rate Schedule which is made a part of this Agreement, and such rates and terms and conditions of service as may be hereafter adopted by the Board of Trustees of Sumter Electric Cooperative, Inc. The minimum charge per month shall be the minimum monthly charge provided for in the rate schedule.

AGREEMENT FOR THE PURCHASE OF POWER
GENERAL SERVICE DEMAND - INTERRUPTIBLE (GSDI)
CITY OF TAVARES, FLORIDA

Page 2

B. The **Consumer** agrees that if, at any time, the rate under which the **Seller** purchases electric energy at wholesale is modified, the **Seller** may make a corresponding modification in the rate for service hereunder.

3. **CONTINUITY OF SERVICE:** The **Seller** shall use reasonable diligence to provide a constant and uninterrupted supply of electric power and energy in non-interruption periods, but if such supply shall fail or be interrupted, or become defective through an act of God, or the public enemy, or by accident, strikes, labor troubles, or by action of the elements, or inability to secure rights-of-way, or other permits needed, or for any other cause beyond the reasonable control of the **Seller**, the **Seller** shall not be liable.

4. **MEMBERSHIP:** The **Consumer** shall become a member of the **Seller**, shall pay the membership fee and be bound by the provisions of the Articles of Incorporation and By-Laws of the **Seller** and by such rules, regulations, and policies as may from time to time be adopted by the **Seller**.

5. **TERMS:** This Agreement shall become effective on the date service is first delivered hereunder by the **Seller** to the **Consumer**, and shall remain in effect for a period of one year and thereafter until terminated by either party giving to the other one (1) month's notice in writing.

6. **SUCCESSION AND APPROVAL:** This Agreement shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the respective parties hereto.

7. **SECURITY DEPOSIT:** The **Consumer** is not required to **provide** a security deposit unless there is a transfer of ownership and / or a transfer of operations to a third party non-governmental entity.

AGREEMENT FOR THE PURCHASE OF POWER
GENERAL SERVICE DEMAND - INTERRUPTIBLE (GSDI)
CITY OF TAVARES, FLORIDA
Page 3

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives all as of the day and year first written above.

SUMTER ELECTRIC COOPERATIVE, INC.

By: James P. Devenor, CEO

WITNESSED BY:

CONSUMER

Name

By: _____
Signature of Officer

Title

Title

**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

AGENDA TAB NO. 10

SUBJECT TITLE: Downtown Master Plan
Capital Implementation Schedule Update

OBJECTIVE:

To present to Council an updated capital implementation schedule for the Downtown Master Plan.

SUMMARY:

In the fall of 2008, Council approved the current Downtown Tavares Redevelopment Master Plan documented by the IBI Group. The plan, which is commonly referred to as the Master Plan, is the result of public workshops with community residents, business owners, council and staff. The plan documents the City's vision of itself and outlines an orderly process for implementing that vision. City staff has reviewed the plan to insure that it is still consistent with the policies of City Council. The goals and objectives of the plan and the projects envisioned to revitalize our downtown continue to be valid. Due to unforeseen economic challenges, the timing of certain capital improvements has been delayed or they are progressing slower than anticipated. Staff has revised the five year implementation schedule of the plan and will continue to do this review annually.

OPTIONS:

1. That City Council moves to accept the updated capital implementation schedule of the Downtown Master Plan.
2. That City Council denies the updated capital implementation schedule.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to accept the updated capital implementation schedule of the Downtown Master Plan.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Reviewed for legal sufficiency.

5 Year Implementation Budget Downtown Tavares CRA 2011 Update

Projects	FY '11	FY '12	FY '13	FY14	FY'15
Alfred Street Caroline Street Realignment	In design \$566,197 Committed	In design	Construction \$5 million	Anticipated completion	
Tavares Pier Pavilion (Wootton Park Improvements)	In design	Design \$369,475	Construction \$2,930,525	Anticipated completion	
Wootton Park Seaplane Base and Marina	Complete				
Wootton Park Expansion (Subject to Voter Referendum)		Property Purchase \$2.4 million	Construction \$962,000		
Alleyway Improvement (On-going)	7 Complete \$297,980	\$50,000	\$50,000	\$50,000	\$50,000
Gateways (On-going)	1 Kiosk Sign Complete \$50,000 budgeted \$4,000 spent	2 Kiosk Signs, US HWY 441 Directional Signs planned \$45,000	1 gateway sign \$40,000 estimated	1 gateway sign \$40,000 estimated	
Railroad Infrastructure Improvements		Dora Canal Bridge Replacement \$1.3 million	General rail improvement \$18 million In design	Design	Construction Freight Rail Improvements to serve as the backbone for commuter rail
Roundabout (Funded by County)		Design complete	Construction \$1.5 million		
New Public Safety Complex		Land Acquisition \$500,000	Design and Engineering \$800,000	Construction \$8 million	

5 Year Implementation Budget Downtown Tavares CRA 2011 Update

5 Year Implementation Budget Downtown Tavares CRA					
Projects	FY '11	FY '12	FY'13	FY'14	FY'15
Develop Form-Based Codes and Revise Land Development Regulations	Complete				
Comprehensive Plan Updates	Complete				
Multimodal Transportation Study		Anticipated completion \$35,000			
Downtown Stormwater Master Plan	Design Complete		Construction \$10 million		
Downtown Water and Sewer Plan		Design \$1.7 million	Construction \$17 million		
Transit Station (Waterfront Entertainment District)		Construction \$450,000 from tenants	Anticipated completion		
Ruby Street Streetscape (Waterfront Entertainment District)		Preliminary Design	Engineering Plans \$250,000	Construction \$500,000	
Tavares Square (Waterfront Entertainment District)			Property purchase option \$1.5 million estimated value	Lease to private entity for 3-5 years until market demand new construction	
East End Parking Garage (Subject to Public Works Relocating to WGodlea Road.)				Surface Parking Design \$75,000 Construction \$750,000	Multi-story Garage Construction \$30 million
Streetscape Design Specification Manual	In design Incorporated into Alfred Street-Caroline Street	Anticipated Completion			

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

AGENDA TAB NO. 11

SUBJECT TITLE: Appointment to Bicycle Pedestrian Committee of the MPO

OBJECTIVE:

The Mayor will recommend an appointment to the Bicycle Pedestrian Committee.

SUMMARY:

Previously staff advertised for this citizen appointment to the Bicycle Pedestrian Committee. There were no applications received at the time and Council approved the mayor's recommendation to reappoint Senior Planner, Alisha Maraviglia. The city has subsequently received an application from a citizen, Jim Elldrodt who is interested in serving on this Committee.

OPTIONS:

The Mayor will make a recommendation.

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION
BICYCLE & PEDESTRIAN ADVISORY COMMITTEE
GENERAL APPLICATION

Mr. Ms. Name: James Ellrodt Date: 1-12-12

Home Mailing Address: 725 West Main street, Tavares FL 32778

Home Physical Address: _____

County of Residence: Lake Home Phone: 352-267-3647

E-mail Address: ELLRODT1@AOL.COM

Business (Name & Type): Ellrodt Bail Bonds

Business Address: 725 West Main street Tavares FL 32778

Business Phone: 352-343-2245 Position: owner

Training or experience related to activities of the Bicycle & Pedestrian Advisory Committee to which appointment is sought:

Professional Organizations:

Florida Society Agents - TRES

Have you served on the Bicycle & Pedestrian Advisory Committee in the past?

Yes No Dates Served: _____

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 1, 2011**

AGENDA TAB NO. 12

SUBJECT TITLE: Approval for Ranking and Award of RFP Bid for Banking Services

OBJECTIVE:

Request Council consideration and approval for ranking and award of RFP bid for Banking Services in response to RFP No. 2012-0001 - Banking Services.

SUMMARY:

In May of 2011, the City Council requested that staff prepare an RFP for City Banking Services.

Over the next few months, staff researched various bank services that would enhance City service delivery and also provide improved efficiency for treasury tasks. In addition staff reviewed software requirements that would be needed to integrate desired services from a banking service provider.

On October 9, 2011, the City advertised a Request for Proposals for Banking Services. The RFP required responders to maintain a service location within three miles "as the crow flies" of City Hall as evidenced by a Business Tax Receipt; a map prepared by the City's GIS Analyst was included. For safety of City funds the RFP required all responders to be a Florida Qualified Public Depository (QPD). The RFP was advertised in the Lake Edition of the Orlando Sentinel, and Demand Star On-line with a direct link from the City's web-site.

Five Banks responded to RFP 2012-0001 for Banking Services: Bank of America, BB&T, TD Bank, SunTrust, and M&I/BMO Harris.

A Selection Committee which included Lori Houghton, Finance Director; Joan Giesy, Finance Manager; Alex Patton, LAN Administrator; and Bill Neron, Economic Development Director met on January 17, 2012 to evaluate the responses based on the RFP mandatory requirements, general criteria, and price.

After reviewing the RFP required service elements and price, the Selection Committee ranked the five responding banks as shown below with BB&T ranked as the number one bank based on mandatory requirements, qualifications, services provided, price, and compensating balance requirements.

The City currently utilizes SunTrust Bank for Banking Services.

Bank	Address	Rank
BB&T	224 N. Sinclair Ave., Tavares	1
TD BANK	125 E. Burleigh Blvd., Tavares	2
M&I/BMO Harris	2722 E. Burleigh Blvd., Eustis	3
BANK OF AMERICA	500 W. Burleigh Blvd., Tavares	4
SUNTRUST	15375 US Hwy 441, Eustis	5

OPTIONS:

1. Approve the RFP Ranking for Banking Services and authorize the City Administrator to execute a contract with the number one ranked bank, BB&T.
2. Do not approve the RFP Ranking.

STAFF RECOMMENDATION:

Staff recommends the City Council move to approve the RFP Ranking for Banking Services and authorize the City Administrator to execute a contract with the number one ranked bank, BB&T.

FISCAL IMPACT:

Most banking service fees will be accomplished through bank analysis charges based on average compensating balances. Bank fees including credit card processing fees are also included in the Finance and Utility Budgets.

LEGAL SUFFICIENCY:

A copy of this summary was provided to the City Attorney.



America's Seaplane City™

CITY OF TAVARES

MINUTES OF BID OPENING

November 17, 2011

Request for Proposals

Banking Services

Bid No. 2012-0001

TAVARES CITY HALL

PRESENT

John Rumble, Purchasing Manager
Kay Mayes, Admin Assistant, Finance

Mr. Rumble noted today's date as Thursday, November 17, 2011. This is the opening of submission packages received in response to RFP 2012-0001. There were five proposals received:

Company	Local Address of Branch	Corporate Office
Bank of America	600 W Burleigh Blvd, Tavares (352) 742-7752	1000 Federal Street MA-5-100-07-05 Boston, MA 02110
BB&T	224 North Sinclair Avenue, Tavares (352) 343-6271	800 W. North Boulevard Leesburg, FL 34778
TD Bank	125 East Burleigh Boulevard, Tavares (352) 343-1991	183 N. Highway 27 Clermont, FL 34711
SunTrust	15375 US Highway 441, Eustis, FL, 32726	200 S. Orange Avenue Orlando, FL 327801
M & I/BMO Harris	2722 E Burleigh Blvd, Eustis, FL, 32726 (352) 483-8900	2722 E. Burleigh Blvd Eustis, FL 32726

Mr. Rumble noted the packages would be forwarded to the Selection Committee for review and evaluation of the individual proposals. The bid opening concluded at approximately 2:05 p.m.

Respectfully submitted,

Kay Mayes
Admin Assistant, Finance



CITY OF TAVARES
Request for Proposals
Banking Services
Bid No. 2012-0001
Evaluation of Proposals
Tavares City Hall Conference Room

PRESENT

Lori Houghton, Finance Director, Selection Committee Member
Bill Neron, Director, Economic Development, Selection Committee Member
Joan Giesy, Finance Manager, Selection Committee Member
Alex Patton, Information Technology, Selection Committee Member
John Rumble, Purchasing Manager
Kay Mayes, Admin Assistant, Finance

Mr. Rumble noted today's date as Tuesday, January 17, 2012. This meeting is to discuss the evaluation and ranking of all responses received for Bid 2012-001, Banking Services. Each committee member received a complete proposal package from each respondent, and had reviewed them independently prior to this meeting. Mr. Rumble then turned the discussion over to Ms. Houghton.

Ms. Houghton stated her focus was to select a Bank with good credit rating and demonstrated ability to support governmental activities. Mr. Neron said he also focused on prior governmental relationships, and also looked at the proximity to the City. Mr. Neron stated his top preferences were to TD Bank and BB&T, with a slight nod to TD Bank based on their experience with local government. Ms. Houghton agreed these two were also her top two; she considered the technology impact on day-to-day operations as well as the fees, compensating balances, and investment policies.

Mr. Patton stated he also ranked TD Bank and BB&T as his top two; all respondents meet the minimum technology standards. His tie breaker points were proximity to City Hall, experience of the respondent's personnel, and credit rating.

Ms. Giesy reviewed the submissions with an eye on the fees and other charges, and agreed the BB&T and TD Bank were the stronger packages. She noted that TD Bank's credit card processing fees seemed high, which would need to be evaluated if we decided to change credit card processing services.

The committee members briefly discussed reasons other respondents (Bank of America, SunTrust, BMO Harris/M&I) were not higher among the respondents. Reasons for their lower rankings were points such as lack of local presence, high fees, high compensating balances, lack of investment opportunities.

The committee members discussed the relative merits of both BB&T and TD Bank. Ms. Houghton asked the committee members if they felt there would be any value in interviewing the top two respondents. All committee members felt there was sufficient information in the responses upon which to base their evaluation and decision. Each committee member prepared their score sheets individually; the individual score sheets are attached.

Based on the committee members' review of the responses and discussion in the meeting, the committee will recommend BB&T to be the provider of financial services to City Council.

Respectfully submitted,



Kay Mayes
Admin Assistant, Finance

Ranking Sheet						TOTAL	RANK
TD Bank	90	90	98	91	369	2	
	0						
BB&T	98	95	100	95	388	1	
M & I	70	75	93	80	318	4	
Bank Of America	80	85	80	80	325	3	
Suntrust	70	86	85	83	324	5	

BALANCE RELATED SERVICES FDIC ASSESSMENT

ESTIMATED NUMBER TD MONTHLY COST BOA MONTHLY COST M & I MONTHLY COST BB&T MONTHLY COST SUNTRUST MONTHLY COST

DEMAND DEPOSIT SERVICES

ACCOUNT MAINTENANCE	4	40.00	20.00	28.00	30.00	20.00
DEPOSITS CREDITED	93	51.15	9.30	23.25	27.90	27.90
QPD/NIGHT DROP DEPOSIT	0	-	-	-	-	-
ITEMS DEPOSITED	4255	340.40	297.85	382.95	255.30	382.95
ITEMS PAID NOT ENCLOSED	454	81.72	38.72	72.64	31.78	59.02
ELECTRONIC DEBITS POSTED	18	3.60	2.70	3.78	3.24	3.60
ELECTRONIC CREDITS POSTED	170	42.50				

ZERO BALANCE SERVICES

ZBA MASTER ACCOUNT	1	35.00	20.00	-	40.00	15.00
ZBA SUB ACCOUNT (SB 2)	1	25.00	10.00	22.00	25.00	5.00

RETURNED CHECK SERVICES

RETURNED ITEMS	15	120.00	39.00	105.00	112.50	75.00
TREASURY ONLINE SOLUTIONS IMG SRCH RETURNS	3			15.00		

BRANCH/NIGHT DEPOSIT SERVICES

BRANCH CASH OTC DEPOSIT/\$1000	46	-	11.50	59.80	78.20	59.80
STANDARD STRAP ORDER				0.60		-
COIN ORDER PER ROLL				0.78		-
NON STANDARD STRAP ORDERED				0.21		

CHECK SORT SERVICES

CHECK SORT - BASE FEE	3	150.00	150.00	60.00	60.00	-
CHECK SORT - ITEM CHARGE	454	45.40	9.08	13.62	22.70	13.62
MEIDA FEE PER CD	3			30.00		
MEDIA VIEWER CDROM PER ITEM	454			20.43		
TREASURY ONLIN ESOLUTION IMAGE ARCHIVE SRCH	3			15.00		

ACH SERVICES

ACH MONTHLY MAINTENANCE	1	50.00	20.00	5.00	20.00	-
ACH MANUAL CALENDAR MONITORING	1	-	-	-	-	25.00
ACH FILE TRANSMISSIONS, SELF	9	90.00	10.00	-	45.00	63.00
CONSUMER PPD DEBITS ORIGINATED	1126	90.08	90.08	213.94	157.64	90.08
CUNSUMER PPD CREDITS ORIGINATED	484	38.72	48.40	91.96	67.76	
ACH FAX PAGE	13	-	19.50	-	39.00	13.00
ACH REPRESENTMENT	3	-	7.50	10.50		12.00
ACH RETURN ITEM	3	15.00	7.50	12.00	15.00	15.00
ACH NOC ITEM	1	3.00	7.50	4.00	2.00	4.00
ACH DEBIT FILTER FEE	3			30.00		
TREASURY ONLINE SOLUTIONS ACH FILES UPLOAD	1			5.00		

WIRE TRANSFER SERVICES

WIRE TRANSFER MONTHLY MAINT/ACCT	1	-	-	5.00		-
W/T OUT NON-REP (OPER ASSISTANCE)	1	35.00	8.00	14.00	11.00	20.00
W/T INTERNAL NON-REP OPER ASSIST	1	13.00	8.00	7.00	4.00	8.00
INCOMING DOMESTIC WIRES UNIT PRICE \$12	TBD					
WIRE TRNSFER FAX NOTIFICATION UNIT PRICE \$17	TBD					
TREASURY ONLINE SOLUTIONS W/T NOT REP DOM \$14	TBD					

INTERNATIONAL SERVICES

INTERNATIONAL ITEMS DEPOSITED	1	18.00	3.00	5.00	7.50	4.00
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FDIC ASSESSMENT

FDIC ASSESSMENT INS		-	108.60	62.42		-
BASE RELATED SERVICES FDIC			there is a chg	1,539.71		
333.25						
INFORMATION REPORTING SERVICES						
TD TREASURY DIRECT MAINTENANCE	1	75.00				
BALANCE REPOORTING ADDL ACTS	2	24.00				
TRANSACTIONS>500	302	24.16				
DOMESTIC OUTGOING WIRE	2	24.00				
CASH MGMT ON LINE MO. MAINT PER ACCT					100.00	
ARP SERVICES						
FULL RECONCILEMENT W/POS PAY MAINT	2	160.00				
FILE TRANSMISSION	8	80.00				
ARP-PAID ITEM	454	27.24				

REMOTE DEPOSIT CAPTURE SERVICES

DIGITAL EXPRESS MAINT -BANK SCANNER	0	85.00						
ADDITIONAL BANK SCANNER	0	-						
CHECKS DEPOSITED -DIGITAL	4255	212.75						
TOTAL CHARGES		1,999.72	946.23	2,858.59	1,488.77	915.97		
CR CARD CHGS		2,002.43	237.30	65.00	65.70	1,759.25		
TOTAL CHARGES		4,002.15	1,183.53	2,923.59	1,554.47	2,675.22		

SWEEP

NOT RECOM.

INTEREST RATE .20%

FEE WAIVED								
DEPOSIT TICKETS		-						must purchase
200 DISPOSABLE NIGHT BAGS		-						must purchase
1 ENDORSEMENT STAMP PER ACCT		-						
IMPLEMENTATION SOFTWARE FEES		-						

BALANCE TO OFFSET FEES		6,441,284.00	No Recommendation	10,700,000.00	2,500,000.00	5,000,000.00
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CHILD CARE TEACHER — Experience working with various ages in child care facility. Contact Patricia at 352-357-0925

CONCRETE

BOB'S CONCRETE—Repairs and New. One call does it all! 352-223-7935

CAR OWNERS
Orlando Sentinel readers will motor to your classified automobile ad.

Announcements

Cemetery Lots/Crypts

2 CEMETERY SPACES — 1 Vault, shaded, in Eustis. \$4000 (\$700 under list.) 865-206-7745

Lost & Found

LOST CAT - Siamese male, blue collar, lost at Cumberland Farms on 19 in Eustis on Oct. 3rd. Call 352-483-0418

Employment

Government/Professional

REFUSE DRIVER/COLLECTOR II - Operate fully automated refuse collection/recycle &/or clam trucks to collect refuse/trash. FL Class "B" CDL w/air-brakes req. Pls visit our website for details www.CityofClermontFL.com EOE, W/F, V/P, D/V, DFWP.

Healthcare

• CNAS - PT WKND ONLY
• RN II-7 PT
Apply in person 8:30a-3p M-F
Lake Eustis Care Center
411 W Woodward Ave
Eustis FL. DFWP/EOE

Sales & Marketing

TOP PAY & BENEFITS

CLOSERS/FLOOR MANAGERS/SALES REPS — Key Scales Ford, Leesburg. Full benefits, 5 day work week. Apply in person at 1719 Citrus Blvd, Leesburg.

WEB OS20861

Trade/Industrial & Security

CONSTRUCTION INSTRUCTOR - wanted to teach at Polk Cl. \$9K=9-wk class. FAU Inst. for Design & Construction. 754.762.5184/mcfarlan@fau.edu
WEB OS63325

DRIVERS — TEAMS UPS contractor needs Drivers. Reg. 1 yr OTR Class A CDL. 23 yrs Old Hazmat. 100% no touch. 3 5 2 - 4 0 8 - 5 8 7 0

Legal Notices

Advertisements for Bid

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REQUEST FOR PROPOSAL
RFO 2012-000
BANKING SERVICES FOR THE CITY OF TAVARES

PURPOSE OF SOLICITATION

The City of Tavares will accept sealed bids for Banking Services for the City of Tavares. The intent of this solicitation to engage one or more qualified public depositories (Chapter 280, Florida Statutes) to provide non-exclusive comprehensive banking services to the City. The objective of the City is to secure the most efficient and effective banking services while maintaining sufficient liquidity and protection of

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FLOORS

FLOORING INSTALLATION — Free estimates! Tile/Wood/Laminate flooring. Kitchens, bathrooms, porches & more! Experienced 15 years. Bonded and insured. Jamie Dunn 352-551-3528

A HANDYMAN OR WOMAN exp. Guaranteed quality work. Remodeling, renovations, general home repairs, painting, faux carpentry, flooring, drywall, plumbing, etc. Lic #86900 352-771-6492

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JOSIE'S CLEANING SERVICES — Weekly, Bi-Weekly, Monthly, Move In & Move Out. Honest & Reliable Satisfaction guaranteed!! Call for free estimate Josie 352-551-3787

Shrubs, trees, etc. clean up 352-42

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Advertisements for Bid

all the funds entrusted to the City. The City reserves the right not to award some or all of the services contemplated herein. Similarly, the City reserves the right of its sole discretion to open, and/or maintain checking and deposit accounts with financial institutions other than the successful proposer(s).

Sealed submittals are invited by the City of Tavares, to be received at the office of the City Clerk, 201 East Main St., Tavares, Florida 32778 so as to be received not later than 2:00 PM on Thursday, November 17th, 2011. Submittals received after this specified time and date will not be considered. Submittals will be opened in public on the same day at 2:05 pm. Please submit one (1) original, eight (8) copies and one (1) digital copy, preferably in pdf format.

Bidders with access to DemandStar.com can obtain the Bid documents by calling 800-711-1712, or on the web at <http://www.demandstar.com>. Complete bid documents may be reviewed and/or obtained at the City of Tavares, Florida, 32778. For further information contact: John Rumble, Purchasing Manager, at Tavares City Hall, 201 E Main St., Tavares, Florida 32778; jrumbler@tavares.org, phone: (352) 742-6313; fax (352) 742-6351. Per ADA Regulation Title II, Chapter 3 Addendum on General Effective Communication, printed material provided to the public, upon request, will be provided in an accessible format such as large print, Braille or audio recording.

John Rumble, Purchasing Manager
City of Tavares

LAK1155266 10/09/2011

INVITATION TO BID

PROJECT NAME: PAVEMENT REPLACEMENT AND REPAIR GATEWAY PARK

BID NO: PROJECT 2011 - 10
OWNER: CITY OF UMATILLA

LOCATION OF PROJECT: The project is located within the City Limit Umatilla, south of Cassidy Street and east of Central Avenue.

SCOPE OF WORK: The project generally involves the replacement and/or repair of existing pavers, pressure cleaning, staining and sealing of pavers in project area.

DESCRIPTION OF WORK: The work includes the furnishing of all labor, materials, and equipment, necessary to complete the project.

RECEIPT OF BIDS: Sealed bids in single copy for the work described herein shall be received until Wednesday, October 19, 2011 @ 2:00 p.m. at City of Umatilla, 1 S. Central Avenue, Umatilla, Florida, 32784. Bids WILL be opened and read aloud. ALL BIDS WHETHER HAND DELIVERED OR MAILED MUST BE AT THE OFFICE OF THE CITY MANAGER, CITY OF UMATILLA, CITY HALL BEFORE THE ABOVE STATED DEADLINE TO BE CONSIDERED. PLEASE PROVIDE THREE (3) COPIES OF BID (ORIGINAL AND TWO COPIES).

INFORMATION REGARDING BIDDING MATERIAL: Specifications may be reviewed at Umatilla City Hall, 1 S. Central Ave, Umatilla, FL 32784 and obtained via mail, email, or fax. Contact City Manager Glenn Irby at girby@umatilla.org or (352) 669-3125 for specifications and bidding materials.

LAK1155600 10/09/2011

ONLINE

Place your Classified ad online. Go to orlandosentinel.com. Click on "Place an Ad".

Public Hearing Notices

MEETING NOTICE

The Lake County Water Authority will be holding a Regular Meeting at 3:30 p.m. on October 19, 2011, in the Lake County Board of County Commissioners Chambers at the Lake County Administration Building (2nd Floor, Round Courthouse), 315 West Main Street, Tavares, Florida.

Anyone having questions regarding the meeting or a specific item on the agenda, please contact the office at 343-3777, during our normal office hours: Monday through Friday 8:30 a.m. - 5:00 p.m.

Should any person decide to appeal any decision made at the meeting, they will need a record of the proceeding and it is their responsibility to ensure that a verbatim record of the proceeding is made.

LAKE COUNTY WATER AUTHORITY

LAK1155791 10/09/2011

NOTICE OF PUBLIC MEETING DATES CASCADES AT GROVELAND COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of Cascades at Groveland Community Development District will hold their regular monthly meetings for Fiscal Year 2011/2012 at the Shea Homes Construction Office, located at 229 Boyce Bend Road, Groveland, Florida 34736 at 2:00 p.m. on the following dates.

- October 19, 2011
- November 16, 2011
- December 21, 2011
- January 18, 2012
- February 15, 2012
- March 21, 2012
- April 18, 2012
- May 16, 2012
- June 20, 2012
- July 18, 2012
- August 15, 2012
- September 19, 2012

The meetings will be open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. The meetings may be continued in progress without additional notice to a time, date and location stated on the record.

A copy of the agenda for each meeting may be obtained at the offices of the District Manager, Rizzetta & Company, Inc., located at 8529 South Park Circle, Suite 330, Orlando, Florida 32819, (407) 472-2471, during normal business hours.

There may be occasions when one or more Supervisors will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any meeting is asked to advise the District Office at least forty-eight (48) hours before the meeting by contacting the District Manager at (407) 472-2471. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-(800) 955-8770, who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that the person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Cascades at Groveland Community Development District
Brady Lefere, District Manager

LAK1154263 10/09/2011

Miscellaneous Legal

CITY OF TAVARES POLICE PERMITS

The City of Tavares is accepting applications for Police Permits. The City of Tavares will be obtaining by call between the hours of Monday through Friday, loading the application web site at www.tavares.org. Applications should be received by Friday, October 21, information please contact City Clerk, at (352)

LAK1153542

Pets for Adoption

ENGLISH BULLDOG AKC, 11 WEEKS
\$900 richardbrown

Real Estate for Sale

Apts/Multi-Lake for Rent

EQUAL OPPORTUNITY

AFFORDABLE RENT — LITTLE TURTLE - C applications Mt. Dora Rent based on Credit Rents H Call 352-787-352-787

WANTED

TAVARES — L3 Downtown, Ne paint. \$650/mo

TAVARES — New SF A/C, heat bathroom/show bed. 2 blocks vares. \$525/mo

TAVARES — 2B/1.5BA, 12 mo & \$400 det

Hot Lake for Rent

EUSTIS — 3BR/2 page, vaulted to include n and tile. \$825

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: February 1, 2012**

AGENDA TAB NO. 13

SUBJECT TITLE: Request to approve a Golf Cart Crossing Engineering Study Agreement with Griffey Engineering in the amount of \$6,500.

OBJECTIVE: To approve a Golf Cart Crossing Engineering study agreement with Griffey Engineering in the amount of \$6,500.

SUMMARY:

This item was tabled by City Council at the previous meeting to allow Councilmembers time for additional review.

Previously the City passed a golf cart ordinance permitting golf carts on city streets with a posted speed limit of 35 MPH or less. Previously the City Council requested that staff work towards obtaining approval for Golf Carts to cross State Road 19 at Dead River road and State Road 441 at St. Clair Abrams road. Staff worked with FDOT which resulted in the attached Golf Cart Crossing rules being developed and inserted into FDOT's Traffic Engineering Manual this October for the entire state of Florida. Section 5.1.4 (3) requires that the City conduct "a full engineering study prepared by a State of Florida licensed engineer...".

Staff has negotiated the attached Scope Of Services with Griffey Engineering, Inc. to collect the data, conduct an analysis and prepare the FDOT required report for the two requested crossings.

Where the new FDOT rules do not appear to permit golf cart crossing at the two requested locations, FDOT does have the ability to waiver portions of the rules if an adequate engineering study is first completed and is a part of the waiver application. Should the Council elect to conduct the study, staff would request waivers of those rules that are in conflict with the two crossings.

When the Council created the city budget in June 2011 the state FDOT had not created the Golf Cart Crossing rules so the Council could not have known that a \$6,500 Golf Cart crossing study would be required and therefore did not budget \$6,500 for the study.

OPTIONS:

1. Move to authorize the Engineering Services Agreement with Griffey Engineer in the amount of \$6,500 with funding from reserves.
2. Move to table consideration of the agreement until October 2012 after the FY 12 budget is developed to see if the Council includes \$6,500 in the budget to do this work.
3. Do not authorize this work.

STAFF RECOMMENDATION:

Move to authorize the Engineering Services Agreement with Griffey Engineer in the amount of \$6,500 with funding from reserves.

FISCAL IMPACT: The city currently maintains \$1,371,899 in its General Fund Reserve account which is approximately 11.5% of the total general fund for FY 12. The Government Finance Officers Association recommends that a city maintain between 5% and 20% of the total general fund in reserves. The use of \$6,500 from reserves for this unforeseen need keeps reserves within the GFOA reserve amount recommendations.

LEGAL SUFFICIENCY: Legal sufficient.

GRIFFEY ENGINEERING, INC.

City of Tavares
Golf Cart Crossing Study
January 5, 2012

SCOPE OF SERVICES

PROJECT DESCRIPTION

This project is for the performance of an engineering study as described in the FDOT Traffic Engineering Manual, Section 5.1, Golf Cart Crossing and Operation on the State Highway System. The work effort shall be for two studies, one for each of the following locations: the intersection of US 441 and St Clair Abrams Avenue, and the intersection of SR 19 and Dead River Road.

Upon completion the studies will be submitted to FDOT in support of the City's request to allow golf cart crossings at these locations.

WORKSCOPE

TASK I: DATA COLLECTION

This task shall involve the collection and assembling of field data required by the FDOT guidelines. These shall include volume and speed counts on each of the side streets (4 locations). Also included will be crash history, and measurement and inventory of existing roadway features.

TASK II: DETAILED ANALYSIS

This task includes the review and evaluation of the collected data. A collision analysis and operational evaluation is also included.

TASK III: REPORT PREPARATION

This task includes write up of results, CAD work, preparation of a draft report for client review, final report preparation, and copying and assembly of the final document.

GRIFFEY ENGINEERING, INC.

City of Tavares
Golf Cart Crossing Study
January 5, 2012

FEE PROPOSAL

TASK	DESCRIPTION	FEE
Task I	Data Collection	\$2,500.00
Task II	Detailed Analysis	\$2,500.00
Task III	Report Preparation	\$1,500.00
	TOTAL	\$6,500.00

ACCEPTED BY GRIFFEY ENGINEERING:

ACCEPTED BY CITY OF TAVARES:

NAME: 
Donald A. Griffey

NAME: _____
John Drury

TITLE: President

TITLE: City Manager

DATE: January 5, 2012

DATE: _____

Section 5.1

GOLF CART CROSSING AND OPERATION ON THE STATE HIGHWAY SYSTEM

5.1.1 PURPOSE

The purpose of this section is to establish criteria and guidelines for safe operation of golf carts on authorized portions of the State Highway System.

5.1.2 GENERAL

- (1) The Department has developed this section in response to a growing public interest in using golf carts on roadways. Golf carts are increasingly used to make short trips for shopping, social and recreational purposes from nearby residential neighborhoods such as planned unit communities with golf courses. These passenger-carrying vehicles, although low-speed, offer a variety of advantages, including comparatively low-cost and energy-efficient mobility.
- (2) Golf cart use and operation on public roads is authorized only under certain circumstances as provided in [Section 316.212, F.S.](#) The intent of this section is to provide criteria and guidelines for authorizing golf cart crossings at designated locations along State Highway System and promote uniformity within the State. This section also provides safety recommendations to counties and municipalities wishing to enact ordinances authorizing the use of golf carts on sidewalks adjacent to or on the State Highway System within their corresponding jurisdictions.

5.1.3 DEFINITIONS

- (1) **Golf Cart:** A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that attain speeds of less than 20 miles per hour.
- (2) **Grade Separated Crossing:** A tunnel or overpass designed and constructed for the purpose of crossing a street or highway.
- (3) **Local Government:** A City or County as defined in [Section 11.45 \(e\), F.S.](#)

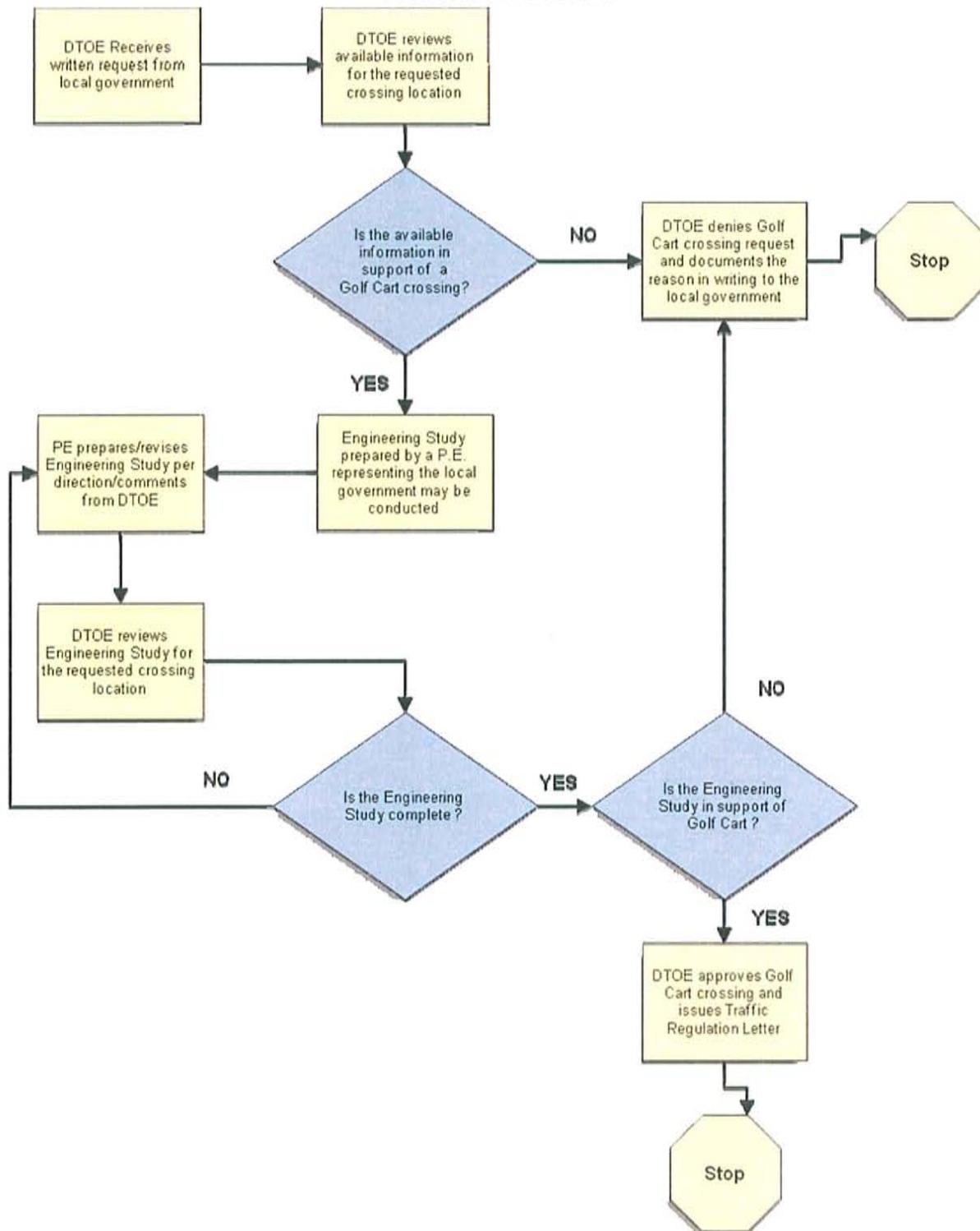
- (4) **State Roadway:** Any roadway of the State Highway System under jurisdiction of the State except limited access facilities.

5.1.4 PROCEDURE

- (1) Any golf cart crossing proposed for a location on the State Highway System shall be reviewed and approved by the appropriate District Traffic Operations Engineer prior to installation. The Department's preferred design for golf cart crossing(s) of any State Roadway shall be via grade separated facility.
- (2) A request from a local government shall be submitted to the appropriate District Traffic Operations Engineer. Non governmental entities seeking authorization for a golf cart crossings shall do so through the local government with jurisdictional authority.
- (3) If the District Traffic Operations Engineer's review of available information supports the installation of a golf cart crossing based upon the criteria outlined in **Section 5.1.5**, then a full engineering study prepared by a State of Florida licensed engineer representing the requester may be conducted.
- (4) The criteria referenced in **Section 5.1.5**, as documented in an engineering study, shall be met as a condition for approval of a golf cart crossing. The engineering study shall also contain the following information:
- (a) Document the need for a golf cart crossing based on conditions set forth in [Section 316.212, F.S.](#), i.e., verify the following:
- The intersecting county or municipal road has been designated for use by golf carts.
 - A golf course or single mobile home park is constructed on both sides of State Roadway.
- (b) Document all safety considerations with respect to intersecting sight distances, proximity to intersection and driveway conflict areas, number and configuration of approach lanes to signalized intersections, and roadway speed and volume thresholds as described in **Section 5.1.5** that can be satisfied at the proposed location.
- (c) Document the proposed golf cart crossing and/or roadway segment location (Roadway ID and Mile Post) and corresponding signing, marking, and signal treatments (if applicable). A schematic layout should be provided over aerial photography or survey to show locations of signs, markings, and other treatments in proximity to existing traffic control devices.

- (d) Document all crash history within the vicinity of the proposed golf cart crossing based upon a minimum three years of data.
- (5) If the evaluation results in a decision not to authorize the installation of a golf cart crossing, the District Traffic Operations Engineer shall document the reasons and advise the local government of the findings. *Meeting the minimum criteria outlined in this section does not guarantee approval of a request for a golf cart crossing.*
- (6) Prior to the approval of a golf cart crossing, coordination is necessary between the appropriate District Traffic Operations Office, District Maintenance Office and local governments to determine any permitting requirements or responsibilities for maintenance.

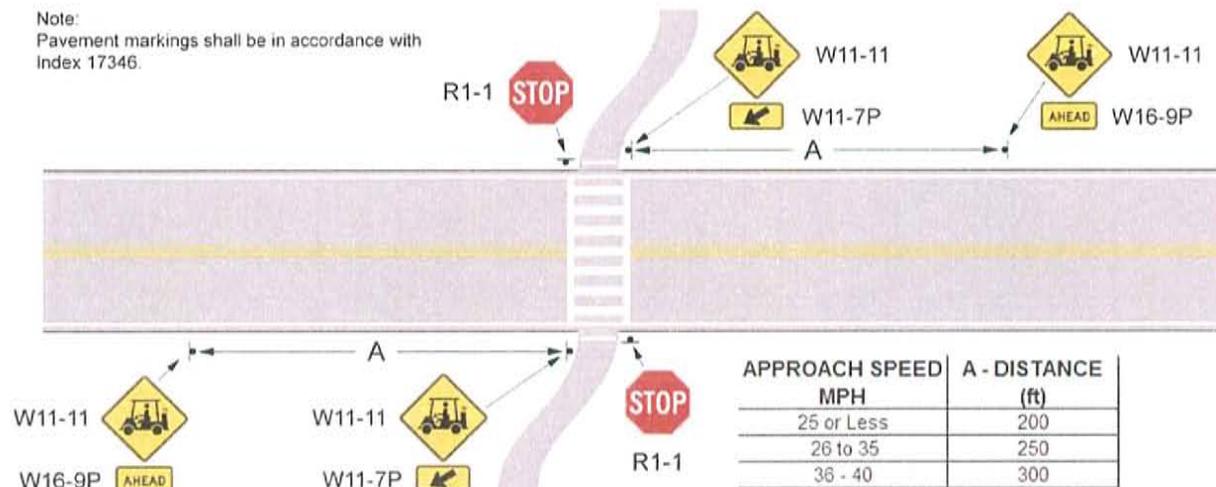
Procedure Flowchart



5.1.5 CRITERIA FOR APPROVAL OF CROSSING

- (1) **Mid-Block Crossing:** To be considered for a golf cart crossing at a mid-block location along any State Roadway where a golf course or a single mobile home park is constructed or located on both sides of the roadway, the proposed location and roadway characteristics shall meet the following criteria:
- (a) Maximum vehicular volume of 15,000 Average Daily Traffic (ADT) or less along the roadway segment.
 - (b) Maximum Posted Speed Limit of 40 miles per hour or less.
 - (c) Maximum number of lanes is three (3) with or without bike lanes.
 - (d) Maximum allowable median width is 15 feet or less.
 - (e) Minimum distance to the nearest driveway, access point or pedestrian crosswalk is 350 feet in each direction.
 - (f) Crossing along roadway tangents only with the nearest point of curvature at least 350 feet in each direction.
 - (g) A clear and unobstructed view of the roadside on the approach to the crossing.
 - (h) Mid-block crossing signing and pavement markings should be installed as shown in *Figure 5.1-1*.
 - (i) Golf carts are the only vehicle permitted to use the designated crossing or to traverse State right-of-way. Other vehicles such as Low Speed Vehicles are strictly prohibited. See [320.01\(42\) F.S.](#)

Figure 5.1-1. Mid-Block Crossing



- (2) **Side Street Stop Controlled Intersections:** To be considered for a golf cart crossing at a roadway intersection with side street stop control, the location along any State Roadway shall meet the following criteria:
- (a) Side street maximum vehicular volume 1,200 ADT and AM/PM Peak Hour not to exceed 110 vehicles per hour single direction.
 - (b) Main street posted speed limit or 85th percentile intersection approach speed is 35 miles per hour or less.
 - (c) Maximum crossing distance for undivided roadways shall be equal to three (3) lanes or less not including any right turn lanes, bike lanes and crosswalks. For divided roadways of four (4) lanes or less, a minimum of twenty two (22) feet median width is required.
See Figure 5.1-3.
 - (d) Side street approaches should have an exclusive left turn lane and a shared through-right turn lane. Other lane approach configurations will be considered on case-by-case basis.
 - (e) Side street intersection alignment shall be a 90 degrees (not more than 105 degrees) angle to the mainline tangent. Skewed or offset intersections are not recommended for golf cart crossings.
 - (f) Approach stop signs and pavement markings shall be in accordance with MUTCD and FDOT ***Standard Index 17346***.
 - (g) Golf Cart signs (W11-11) should be placed on the mainline approach as shown in *Figure 5.1-2* and *Figure 5.1-3*.

Figure 5.1-2. Stop-Controlled Crossing

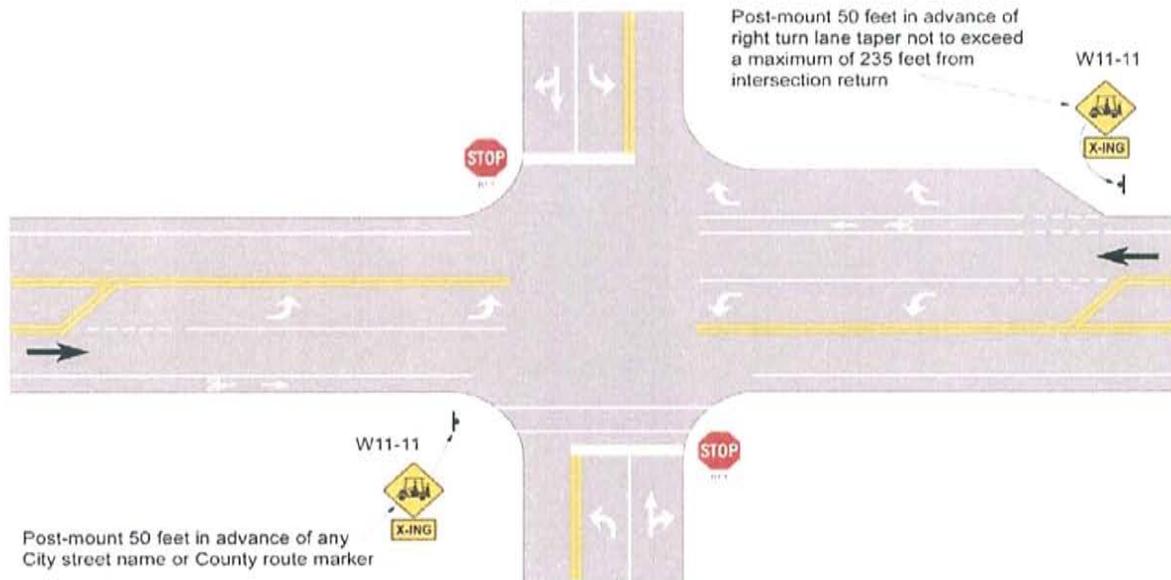
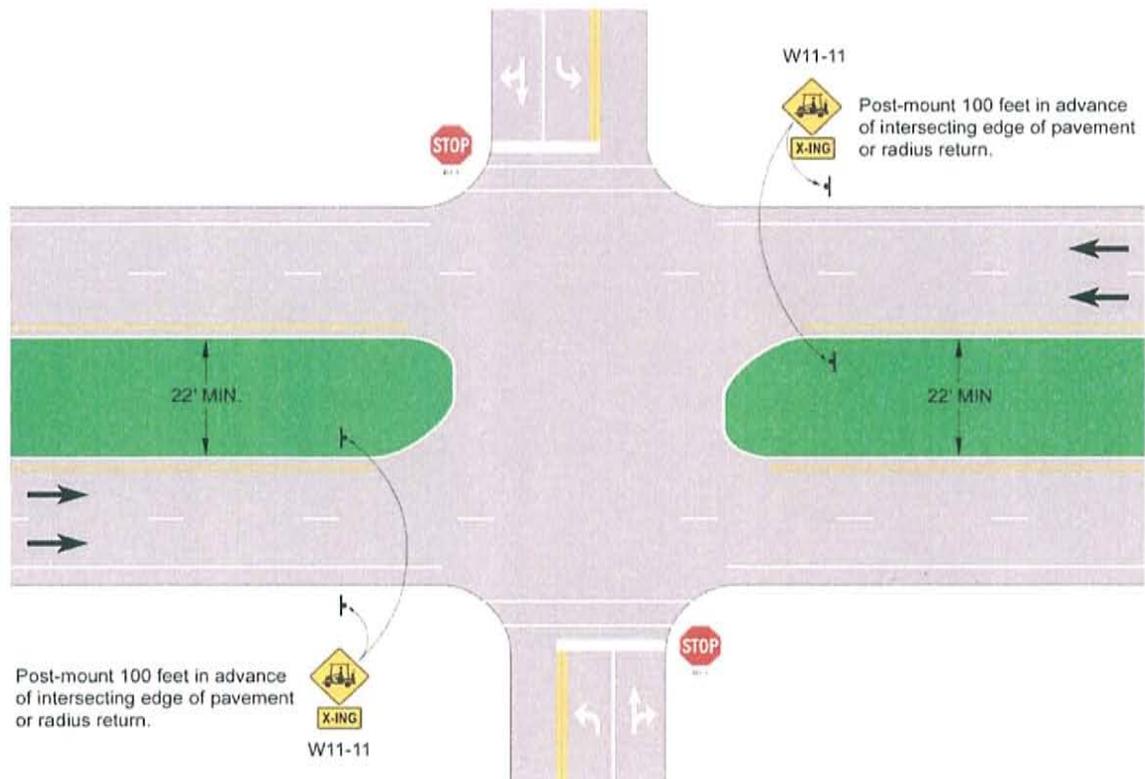


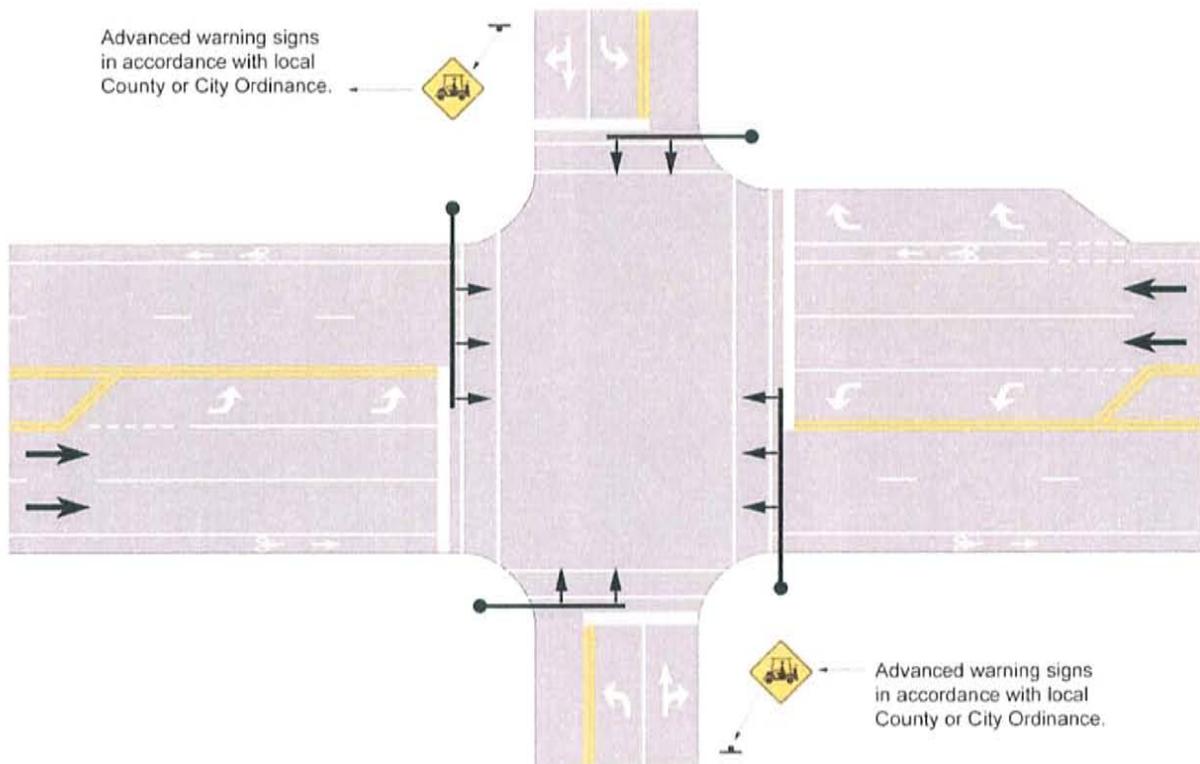
Figure 5.1-3. 4-Lane Stop-Controlled Crossing



- (3) **Full Signalized Intersections:** To be considered for a golf cart crossing at a roadway intersection with full signal control, the location along any State Roadway shall meet the following criteria:
- (a) Side street maximum vehicular volume 1,500 ADT and AM/PM Peak Hour not to exceed 200 vehicles per hour single direction.
 - (b) Side street posted speed limit or 85th percentile intersection approach speed is 35 miles per hour or less.
 - (c) Maximum crossing distance equal to five (5) lanes or less not including any right turn lanes, bike lanes, and crosswalks.
 - (d) Side street approaches should have at least one (1) exclusive left turn lane and at least one (1) exclusive through or shared through-right turn lane. Other lane approach configurations will be considered on case-by-case basis.
 - (e) Side street intersection alignment shall be a 90 degrees (not more than 105 degrees) angle to the mainline tangent. Skewed or offset intersections are not recommended for golf cart crossings.

- (f) Golf carts shall not use pedestrian crosswalks or sidewalk ramps for the purpose of crossing the mainline State Roadway.
- (g) Golf cart crossings are not permitted at "T" intersections.
- (h) For existing signalized "T" intersections, a proposed forth leg approach and receiving lane for the exclusive use of golf cart crossing shall not be permitted.
- (i) Approach traffic control signs and pavement markings shall be in accordance to MUTCD and FDOT **Standard Index 17346**.
- (j) Golf Cart signs (W11-11) should be placed on the side street approach as shown in *Figure 5.1-4*.

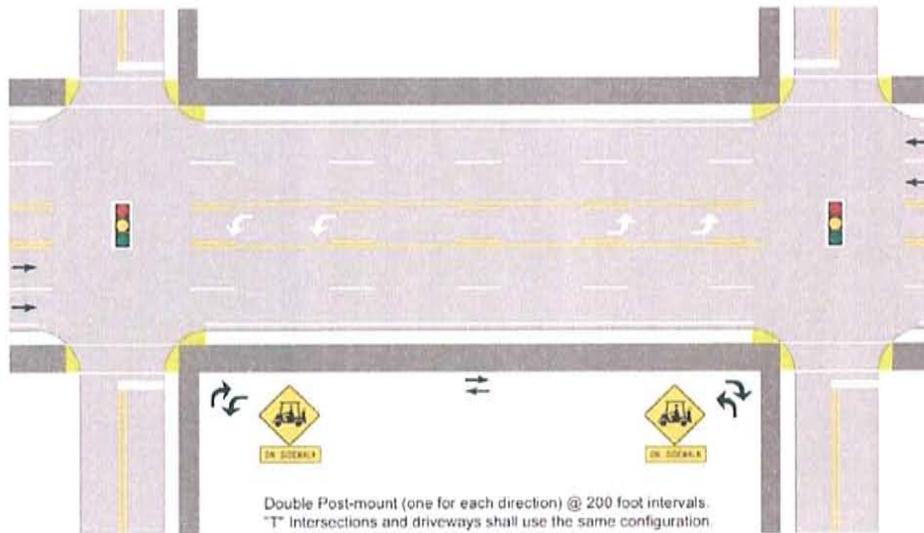
Figure 5.1-4. Traffic Signal Controlled Crossing



5.1.6 OPERATION OF GOLF CARTS ON SIDEWALKS

- (1) Under [*Title 23 of United States Code, Section 217*](#), existing and proposed non-motorized trails and pedestrian walkways using Federal transportation funds do not permit motorized use including golf cars or golf carts. However, the legislation authorizes exceptions and the Federal Highway Administration (FHWA) has developed framework for an exception process.
- (2) **Safety and Operational Recommendations:** The following recommendations for the operation of golf carts on pedestrian sidewalks adjacent to State Roadways should be considered when authorizing such use by local government ordinance:
 - (a) Access to State maintained sidewalks should be from county or city maintained sidewalks adjacent to side streets intersecting with State Roadways. In-street golf cart operation onto State operated sidewalks via ADA curb ramps is not permitted.
 - (b) Crossing State Roadways from county or city maintained streets or sidewalks to access State operated adjacent sidewalks is not recommended. If a local government submits a request for golf cart crossing and seeks consultation for golf cart operation on a State operated sidewalk at the same location, the golf cart crossing will not be allowed.
 - (c) A minimum un-obstructed sidewalk width of 8 feet is required and separated from back of curb or edge of shoulder by at least 5 feet is recommended.
 - (d) A minimum width of 4 foot grassed or stabilized, relatively flat area should be provided beyond the outside edge of sidewalks for recovery or stalled golf carts. Sidewalks with existing adjacent drainage features or fencing should not be considered.
 - (e) Golf cart operation on State operated sidewalks should terminate at a connecting county or city maintained sidewalk.
 - (f) State approved, Golf Cart on Sidewalk signs should be installed along State operated sidewalks as shown in *Figure 5.1-4*.

Figure 5.1-4. Golf Cart Operation on Sidewalks



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**AGENDA SUMMARY
TAVARES CITY COUNCIL
FEBRUARY 1, 2012**

AGENDA TAB NO. 14

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)

- City Council Regular Meeting, February 14, 2012 – 4:00 p.m.
- Code Enforcement Hearing – February 29, 2012 – 5:00 p.m.
- Lake County League of Cities – February 10, 2012 – 11:30 a.m.
- Lake Sumter MPO – February 22, 2012 – 4 p.m. – The Savannah Center
- Library Board – February 10, 2012 – 8:30 a.m. , Library Conference Room
- Planning & Zoning Board – February 16, 2012 – 3:00 p.m., Council Chambers

EVENTS

- African American Heritage Parade & Festival – February 4, 2012 – 10:00 a.m. to 4:00 p.m.
- Classic Raceboat Regatta – March 16-18, 2012
- Crappie Masters Tournament – February 10 – 11, 2012
- Friday Market – Wooton Park 9 am to 1 pm
- Planes, Trains & BBQ – April 7, 2012
- Special Election for Parkland Referendum – March 6, 2012

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
JANUARY 18, 2012**

AGENDA TAB NO. 15

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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