

**AGENDA
TAVARES CITY COUNCIL**

**June 20, 2012
4:00 P.M.**

TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Carlos Colon, Chaplain, Fire Department

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

Tab 1) City Council Meeting June 6, 2012

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Presentation by T. Scott Walker – Mt. Dora Wine & Blues Event Organizer Tammey Rogers

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS Nancy Barnett

VIII. CONSENT AGENDA

Tab 3) Approval of Plat for Weiss Banning Beach Planned Unit Development Jacques Skutt

Tab 4) Approval of Pipe License Agreement for Railroad Crossing for Water Main Underneath Railroad Tracks & ROW at Disston Avenue Attorney Williams

Tab 5) Tax and Financial Policy for IRS Compliance Measure Lori Houghton

Tab 6) Extend Date of Dora Canal Bridge Replacement Bill Neron

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 7) Ordinance #2012 – 11 – Extension of Impact Fees Waiver for Six Months Bill Neron

SECOND READING

Tab 8) Ordinance #2012-14 – Implementation & Methodology for Fire Assessment Lori Houghton

Tab 9) Ordinance #2012-12 – Annexation & Rezoning of 1.41 acres to General Commercial – Morgan & Morgan/Clear Channel – 14229 U.S. Hwy 441 Jacques Skutt

Tab 10) Ordinance #2012-13 – Small Scale Future Land Use Map Amendment – 1.41 Acres – Morgan & Morgan/Clear Channel – 14229 U.S. Hwy 441 Jacques Skutt

RESOLUTIONS

Tab 11) Resolution #2012-08 – Reimbursement for Stormwater Project Lori Houghton

Tab 12) Resolution #2012-09 – Reimbursement for Meter Project Lori Houghton

X. GENERAL GOVERNMENT

Tab 13) At Large Seat Referendum Mayor Wolfe

Tab 14) Request by Disabled Veterans Foundation to do Fundraising Stoney Lubins

Tab 15) Agreement with Whittaker for Agricultural Water Rate Lori Houghton

Tab 16) ISO Building Evaluation Report Jacques Skutt

Tab 17) O'Keefe-Ruby Street Partial Sidewalk Chris Thompson

Tab 18) Authorization for Mayor to Attend the Sister Cities International 2012 Annual Conference in Jacksonville, Florida John Drury

XI. OLD BUSINESS

XII. NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIX. REPORTS

Tab 19) City Administrator

John Drury

Tab 20) Council Reports

City Councilmembers

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

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

The Language of Local Government

Definition of Terms

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

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

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

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

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

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

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

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

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

contiguous – Sharing a common boundary.

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

DCA – Department of Community Affairs

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.

FDOT – Florida Department of Transportation

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.

PUD – Planned Unit Development

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

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

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

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

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

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

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

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

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 6, 2012
CITY COUNCIL CHAMBERS
4:00 p.m.

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Norm Hope, Councilmember
Lori Pfister, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Brooks Braswell, First Baptist Church, Umatilla, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Councilmember Smith requested to pull Tab 4 from the Consent Agenda (Edward Byrne Justice Assistance Grant).

MOTION

Bob Grenier moved to approve the agenda, seconded by Kirby Smith. The motion carried unanimously 5-0.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

IV. APPROVAL OF MINUTES

MOTION

Kirby Smith moved to approve the minutes of the City Council Meeting of May 16, 2012 as submitted, seconded by Norm Hope. The motion carried unanimously 5-0.

V. PROCLAMATIONS/PRESENTATIONS

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

None.

VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Barnett advised that the title of Ordinance #2012-14 is revised from what was in the agenda packet. The change is that the ordinance repeals Ordinance #2009-19. She then read the following ordinance and resolutions by title only:

ORDINANCE #2012-14

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT; REPEALING ORDINANCE NO. 2009-19 AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT USING THE UNIFORM METHOD; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE ASSESSMENT; PROVIDING APPLICABILITY; PROVIDING FOR THE USE OF AN ALTERNATIVE METHOD; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING FOR ADOPTION OF FIRE SERVICES ASSESSMENT RATE RESOLUTION; PROVIDING COLLECTION METHOD AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA ACCEPTING THE PROPOSAL OF BRANCH BANKING AND TRUST COMPANY TO PURCHASE THE CITY'S NOT TO EXCEED \$3,300,000 GENERAL OBLIGATION NOTE, SERIES 2012 TO ACQUIRE AND CONSTRUCT ANY OR ALL OF THE CAPITAL IMPROVEMENTS APPROVED IN THE CITY BOND REFERENDUM OF MARCH 6, 2012 AND FOR OTHER LEGAL USES; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO

1 SECURE THE REPAYMENT OF SAID NOTE; PLEDGING TO SECURE
2 PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE AD
3 VALOREM TAXES LEVIED WITHOUT LIMIT ON ALL TAXABLE PROPERTY
4 WITHIN THE CITY, ALL AS PROVIDED IN THE LOAN AGREEMENT;
5 AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER
6 ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN
7 CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE
8 NOTE, AND THE SECURITY THEREFORE; AUTHORIZING THE EXECUTION
9 AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID
10 LOAN; DESIGNATING THE NOTE AS "BANK QUALIFIED;" PROVIDING FOR
11 SEVERABILITY AND OTHER MATTERS IN REGARD THERETO; AND
12 PROVIDING AN EFFECTIVE DATE.
13

14 RESOLUTION NO. 2012-07

15 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA ACCEPTING THE
16 PROPOSAL OF SUNTRUST BANK TO PURCHASE THE CITY'S NOT TO
17 EXCEED \$6,700,000 CAPITAL IMPROVEMENT REFUNDING REVENUE NOTE,
18 SERIES 2012 TO REFUND ALL OF THE CITY'S OUTSTANDING CAPITAL
19 IMPROVEMENT REVENUE BOND, SERIES 2008; AUTHORIZING THE
20 EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO
21 SECURE THE REPAYMENT OF SAID NOTE; PROVIDING FOR THE PAYMENT
22 OF SUCH NOTE FROM THE PUBLIC SERVICE TAXES LEVIED AND
23 COLLECTED BY THE CITY PURSUANT TO SECTION 166.231, FLORIDA
24 STATUTES, ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING
25 THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL
26 THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE
27 EXECUTION OF THE LOAN AGREEMENT, THE NOTE, AND THE SECURITY
28 THEREFOR; AUTHORIZING THE EXECUTION AND DELIVERY OF
29 DOCUMENTS IN CONNECTION WITH SAID LOAN; DESIGNATING THE NOTE
30 AS "BANK QUALIFIED;" PROVIDING FOR SEVERABILITY AND OTHER
31 MATTERS IN REGARD THERETO; AND PROVIDING AN EFFECTIVE DATE.

32
33 VIII. CONSENT AGENDA

34
35 Mayor Wolfe asked if anyone in the audience objected to Tabs 2, 3 and 4.
36

37 MOTION

38
39 Norm Hope moved to approve the Consent Agenda with Tab 4 removed [Renewal of
40 Agreement with Lake County for Use of 70 Acres on Frankie's Road for Larger Animals
41 and Request to Approve Extension Lease Agreement with School Board re: Occupancy of
42 Bus Barn], seconded by Kirby Smith. The motion carried unanimously 5-0.
43

44 Tab 5) Edward Byrne Justice Assistance Grant for Equipment

1
2 Councilmember Smith asked if the City has done this type of reimbursable grant previously and if
3 so, at any time has the City failed to get reimbursed.
4

5 Chief Lubins said it has been done previously and to his knowledge the City has been reimbursed
6 every time. Councilmember Smith asked about the contingency should the city not be
7 reimbursed. Chief Lubins said there would be a contingency plan should that occur.
8

9 **MOTION**

10
11 Kirby Smith moved to approve the Edward Byrne Justice Assistant grant, seconded by
12 Bob Grenier. The motion carried unanimously 5-0.
13

14 **IX ORDINANCES/RESOLUTIONS**

15
16 **Tab 5) Ordinance #2012-14 – Implementation & Methodology for Fire Assessment – First**
17 **Reading Only**

18
19 **Tab 6) Resolution #2012-06 – Issuance of Bond for Debt Issuance for Financing of General**
20 **Obligation Note for Wooton Park Expansion**

21
22 Ms. Houghton noted that Mike Williams, the City's bond counsel was present to answer
23 questions.
24

25 Ms. Houghton said this resolution authorizes the obligation note approved by voter referendum
26 for the Wooton Park expansion. She said Council had awarded the bid to BB&T Bank for the
27 amount of \$3.3 million for a term of 20 years at a rate of 3.49%. If the rate is lower at the time of
28 closing the city will have further savings.
29

30 This resolution authorizes staff to execute the financing documents with BB&T Bank. She noted
31 under the fiscal impact she had stated the approximate millage rate would be .3860. She said the
32 property appraiser estimated values have changed and she has provided an updated millage rate
33 to Council.
34

35 Mr. Williams stated that BB&T will be purchasing the note at the interest rate indicated, it will
36 mature on July 1, 2031 and the security document will be a loan agreement between the City and
37 BB&T along with other closing documents.
38

39 Councilmember Smith asked Attorney Williams how the language in the referendum might affect
40 this millage rate.
41

42 Attorney Williams said he did not believe that the referendum was tied to a specific millage rate
43 increase; it was tied to a term of years of indebtedness. Mr. Drury said it is 20 years or less and
44 Council could do a different term. He discussed the estimated debt service costs based on the
45 different terms. He said what the public was told an estimate of less than \$1.75.
46

1 Councilmember Smith said he preferred the 15 year term. Attorney Williams said the 20 years
2 was the cap on the term and Council could freely vote on the term. Mr. Williams discussed the
3 prepayment terms.

4
5 **MOTION ON TERM**

6
7 Norm Hope moved for the 15 year note instead of the 20 year note, seconded by Kirby
8 Smith. The motion carried unanimously 5-0.

9
10 **MOTION ON RESOLUTION**

11
12 Kirby Smith moved to approve Resolution #2012-06, seconded by Lori Pfister. The motion
13 carried unanimously 5-0.

14
15 **Tab 7) Resolution #2012-07 – Issuance of Bond for Debt Issuance for Refinancing of**
16 **Capital Improvement Note for Wooton Park Seaplane Base & Marina Project**

17
18 Ms. Houghton stated this item authorizes capital improvement revenues for refinancing of the
19 Capital Improve note for the Wooton Park Seaplane Base & Marina project and authorizes staff to
20 execute financing documents with SunTrust Bank.

21
22 Ms. Houghton reviewed the process that had taken place regarding the RFP. City Council
23 awarded the bid on a 16 year term at an indicative rate of 2.36% for 6.7 million. She said the
24 estimated annual savings will be \$54,000 due to the cost of issuance.

25
26 Mr. Williams said the SunTrust commitment letter reflected 2.36% however rates have come
27 down and the expectation is that the rate will be a little less when it closes.

28 **MOTION**

29
30 Norman Hope moved to approve Resolution #2012-07, seconded by Bob Grenier. The
31 motion carried unanimously 5-0.

32
33 **X. GENERAL GOVERNMENT**

34
35 **Tab 8) Dispatch Services**

36
37 Chief Lubins made the following report:

38
39 *On April 2, 2012 City Council instructed staff to explore the possibility of the Lake County Sheriff's*
40 *Office providing 911/radio dispatch services. On April 17, 2012 Mayor Robert Wolfe, City*
41 *Administrator John Drury and Police Chief Stoney Lubins met with Sheriff Gary Borders, Deputy*
42 *Chief Peyton Grinnell and Major Wayne Longo from LCSO.*

43
44 *The meeting focused on a list of core issues that would be, at a minimum, required to maintain*
45 *the closest level of service that the City currently has. These issues were:*
46

1 1. The **Sheriff** agreed to provide a pool of call takers that take calls for Lake County as well
2 as cities and provide one dedicated Tavares dispatcher.

3
4 Currently, the **City** has 8 full time dispatcher/call takers.

5
6 2. The **Sheriff** agreed to hire 5 to 6 dispatchers at \$13.01 per hour. Others who apply may
7 be able to work for other positions within the LCSO communications center.

8
9 Currently Tavares Level I Communications Officer starts at \$12.74 and Level II starts at
10 \$14.66

11
12 3. The **Sheriff** agreed to place two smaller desktop monitors/recorders to video monitor the
13 parks, water plants and seaplane base.

14
15 The **City** has two 42" large screen surveillance monitors/recorders for video monitoring of
16 the parks, water plants, city hall and seaplane base.

17
18 4. The **Sheriff** agreed to let the non-emergency lines be answered with "Tavares Police
19 Department". The emergency lines would be answered the same as Tavares currently answers.

20
21 5. The **Sheriff** estimates that the annual cost shall not exceed \$300,000 per year for
22 dispatch services.

23
24 The **City** budget for 911/dispatch services is \$481,000. Of that, approximately \$32,628 will
25 need to be budgeted annually in addition to contracted costs. This is to cover the department's
26 software and radio maintenance.

27
28 6. The **Sheriff** also stated that the earliest he could accommodate the city would be in April
29 2013, pending completion of the county EOC.

30 31 **Current Functions of Tavares Police Dispatch**

32
33 The TPD 911/dispatch center is staffed 24/7 and is available to the public at the police station in
34 City Hall. The center has 8 certified full time dispatchers. They provide the following:

- 35
36
- 37 • All police radio communications
 - 38 • 911 emergency and non-emergency calls
 - 39 • Monitor Wooton Park, Seaplane Base, Splash Park, City Hall, Water Plants and the
40 Skateboard Park
 - 41 • Monitor panic alarms within City Hall
 - 42 • Monitor public works, utilities and general services radio channels
 - 43 • Provide information concerning events
 - 44 • Handle citizen calls for utilities after hours
 - 45 • Provides internal service to police employees and city employees
 - Since 2007 has handled 154,746 calls for service and 19,694 911 calls

- 1 • *Handles extra watch coordination for problem areas or for citizens on vacation*
- 2 • *Provide safe "refuge"*
- 3 • *Handle minor complaints that would not require an officer to respond*
- 4 • *Handle walk ups 24/7*

5 **Start Up Costs**

6
7 *In 2007 the department reinstated its 911/radio communications center. The cost of this start-up*
8 *was approximately \$492,910.28.*
9

10 **Recent Dispatch Events**

11
12 *1. Clermont: The Clermont police department has contracted with LCSO for dispatch that*
13 *provides for 8 dispatchers with a cost of approximately \$396,000.*
14

15 *2. Mount Dora: The City of Mount Dora recently solicited a formal proposal for outsourcing*
16 *dispatch services to LCSO. On May 7, 2012 the City Council of Mount Dora voted 7-0 to keep*
17 *their communications center. The Sheriff had proposed a cost of \$349,757.*
18

19 *The cities of Tavares and Mount Dora have similar characteristics in regards to call volumes and*
20 *population.*
21

22 **OPTIONS:**

- 23
24 *1. Instruct staff to develop a contract with LCSO for future Council approval.*
25 *2. Do not pursue contracting with LCSO for 911/radio services.*
26

27 *Staff recommendation is to discuss this policy decision.*
28

29 **Discussion**

30
31 *Councilmember Smith asked if the \$32,000 for the software would be in addition to the \$481,000.*
32 *Chief Lubins said the \$481,000 encompasses that amount.*
33

34 *Councilmember Pfister asked when the software and equipment would be obsolete.*
35

36 *Captain Myers said the contract with Spillman Technology, the provider, stipulates that so long as*
37 *the maintenance is being paid the upgrades are free. He said since the implementation, the City*
38 *has gone through one major upgrade to the main part of the system and three major upgrades to*
39 *the mobile part of the system (used in the vehicles). He said an additional cost if the City goes to*
40 *the County would be the cost to convert the City's data to their system (about \$30,000). He said*
41 *the other issue is hardware cost replacements. He discussed additional costs related to server*
42 *issues and the existing agreements with the City of Eustis.*
43

44 *Captain Myers stated the City should not have any major dispatch equipment issues with the*
45 *current system for the next four to five years.*
46

1 Councilmember Pfister said her concern was the equipment becoming obsolete and not being
2 able to accept software upgrades. Captain Myers said Tavares is the first agency in Florida to get
3 upgrades.

4
5 Councilmember Smith asked how much the City of Eustis pays Tavares. Captain Myers said the
6 City of Eustis does not pay Tavares. The City entered into an agreement with them where they
7 paid for their portion of the software; it was put on the City's server and occasionally when there
8 is an issue with their part of the software he said it requires his administrative time. He said they
9 pay for their own maintenance and it is paid three years in advance currently.

10
11 Mayor Wolfe asked the cost of the server replacement to Eustis. Captain Myers said
12 approximately \$25,000.

13
14 Councilmember Hope asked how many dispatchers are on duty on any given shift. Captain Myers
15 responded two dispatchers on duty are scheduled for any given shift. Occasionally the shift can
16 go down to one from midnight until 8 am only when someone has called in sick, etc. He noted the
17 hiring and training procedures were standardized between the two agencies which allowed two
18 employees from Eustis to come to the Tavares Center to work flex time which is at a cost that is
19 less than the city would normally pay for overtime and Tavares has some employees that work in
20 Eustis on the same arrangement.

21
22 Councilmember Hope asked Captain Myers questions about the shifts, prioritization of calls,
23 personnel issues at the Sheriff's Dispatch.

24
25 Mr. Drury noted Captain Myers is doing a good job answering based on his assumptions but he
26 noted that the comments made do not reflect the Sheriff's position officially.

27
28 Councilmember Hope said he is concerned about the difference in service should the dispatch
29 system go to the Sheriff. He then questioned Captain Myers on specific issues concerning the
30 hiring process of the employees; how the equipment disposal would be handled; the proposed
31 savings versus payment for separation of employees; the hours of operation for the Police
32 Department if dispatch is not provided; how a problem with a dispatcher would be handled; and
33 would there still be monitoring of City Hall. He added his concern about security at the parks and
34 water plants.

35
36 Chief Lubins said the sheriff would be providing smaller monitors sitting on top of a console.

37
38 Councilmember Hope said he is adamantly against contracting dispatch to the Sheriff because he
39 believed the City would not be providing a complete Police Department to the citizens of Tavares.

40
41 Vice Mayor Grenier said #5 on the agenda summary says that the Sheriff estimates a cost of
42 \$300,000. Chief Lubins said the agenda reflects a general estimate of costs.

43
44 Mr. Drury said if Council gives the direction to go forward, a contract will come back with all the
45 costs stipulated.

46

1 Mayor Wolfe said the Sheriff had stated the contract would be under \$300,000 and tied to the
2 CPI.

3
4 Councilmember Hope asked if a new sheriff is elected would that affect the contract. Mr. Drury
5 said he believed the next Sheriff would have to honor the contract. Attorney Williams concurred.

6
7 Councilmember Hope said he would need to see hard numbers to be convinced this contract
8 would save money this coming fiscal year. Councilmember Smith agreed that specific numbers
9 needed to be presented before a decision is made.

10
11 Mayor Wolfe asked for audience comment.

12
13 Denise Laratta

14
15 Ms. Laratta asked which functions would not be done if dispatch went to the Sheriff. Chief Lubins
16 answered the walk service at City Hall after 5 pm and on the weekends; the minor complaint
17 handling; the safe refuge service after hours, the internal service to employees; event information
18 given out by telephone, and the panic alarms in City Hall.

19
20 Ms. Laratta stated she was opposed to the transfer of services because of the unknowns, the
21 additional costs that were not included in the summary, and based on her own negative
22 experience in another city that did not have a walk up service in its Police Department.

23
24 Betty Burleigh, 214 N. New Hampshire Ave.

25
26 Ms. Burleigh said she believed police dispatch should be kept in Tavares.

27
28 Colleen McGinley, 920 Orange Avenue

29
30 Ms. McGinley said as a citizen she would also prefer the service to be local. She noted Council is
31 asking for more data when they already had numbers indicating it would be more expensive. She
32 said she believed dispatch was brought back for a reason because the city was not receiving the
33 service from the Sheriff they had anticipated.

34
35 Bob Speaks, 1807 Carolina Court

36
37 Mr. Speaks noted he had been on Council when dispatch was contracted out previously and he
38 believed it had been a mistake. He said the points that Councilmember Hope had brought out will
39 likely come true and if the issues is next year's budget, it will not save money for seven months.
40 He said he believed there are other areas in the city for cost savings. He spoke in support of
41 keeping dispatch.

42
43 **MOTION**

44
45 **Kirby Smith moved to instruct staff to come up with a contract with the Sheriff in order to**
46 **have more facts, seconded by Lori Pfister.**

47

1 Councilmember Pfister noted although there may not be major savings this year, the savings will
2 come into effect eventually and if the city had made this decision three years ago, the savings
3 would now be realized. Mayor Wolfe concurred and he discussed the proposed accommodations
4 of the new EOC building. He said he has spoken to many people in the community who agree
5 with him.

6
7 **The motion carried 3-2 as follows:**

8		
9	Robert Wolfe	Yes
10	Kirby Smith	Yes
11	Lori Pfister	Yes
12	Bob Grenier	No
13	Norm Hope	No
14		

15 **Tab 9) Request to Amend Conditions of Approval of Ordinance #2011-09**

16
17 Mr. Fitzgerald noted Council had approved the rezoning of property owned by David Weiss in
18 order to construct 18 single family attached dwellings on the west side of Banning Beach Road.
19 He said included in that approval was an agreement that a sidewalk would be required on the
20 east side of Banning Beach Road. He said Mr. Weiss is finalizing his plans for the subdivision and
21 the engineering feasibility of constructing the sidewalk on the east side is being questioned. Mr.
22 Griffey of Griffey Engineering has reviewed the issue. He said Mr. Griffey has stated that Banning
23 Beach Road was constructed using rural substandard section design utilizing swale drainage
24 without roadside shoulders and it is his opinion that a sidewalk on the east side of the road would
25 displace the stormwater management for this road creating a potential for road flooding.

26
27 David Weiss

28
29 Mr. Weiss reviewed his past interactions with Council and with staff at the previous hearings. He
30 said he is still willing to install the sidewalk on the other side but staff is recommending against it.
31 He said he would be willing to build a new sidewalk where the existing sidewalk is located and do
32 it in paver brick.

33
34 Mayor Wolfe asked for audience comment.

35
36 Bob Vehmeier, 179 Lakecrest Drive

37
38 Mr. Vehmeier said in the minutes it stated "18 attached dwellings." He asked for clarification.

39
40 Mr. Fitzgerald said the site plans shows nine buildings to be constructed, two attached dwellings
41 per unit. He said it has to be constructed per the ordinance and approved plan which shows nine
42 separate buildings.

43
44 Mr. Vehmeier said if Mr. Weiss had built the single family homes that reflected the original zoning
45 there would be no argument about sidewalks. He said the sidewalk reflected the residents' fears
46 that the project would change as it went along. He said he would prefer the sidewalk on the
47 condominium side because it would be safer.

1 Mary Ziegengeist, 1927 Sycamore Circle
2

3 Ms. Ziegengeist asked if there will be a final development plan to come back to Council. Mayor
4 Wolfe said no. Mr. Fitzgerald said the subdivision plan is approved at the staff level. Ms.
5 Ziegengeist agreed that the issue of placement of sidewalk needed to be made by the experts.
6 She said she wished Mr. Weiss had decided to build a development similar to the current
7 neighborhood. She said she hoped that when staff reviews the final plan that it will meet the
8 Planned Development requirements such as infrastructure, recreation, etc.
9

10 Terry Wintersdorf, 202 Lakecrest Drive
11

12 Ms. Wintersdorf said the agreement with Mr. Weiss included the sidewalk and the city should
13 have been aware that there was a problem on that side. She said if anyone had been out recently
14 during the rains they would have noticed there is no flooding on the condo side. She said the
15 sidewalk was part of the agreement and this change should make the agreement null and void
16 and Council should deny the land use change.
17

18 Patty Whaley, 101 Shorewood Drive
19

20 Ms. Whaley said the sidewalk on the east side will affect her directly because it will go down the
21 side of her yard and if there is an issue with drainage she wanted that to be considered. She said
22 a lot of people use the sidewalk on the west side to walk their dogs and she asked if Mr. Weiss
23 would upgrade the west side as well and would he be willing to put in landscape to block people
24 from bringing their dogs into her yard.
25

26 Council Discussion
27

28 Councilmember Hope asked Mr. Weiss if he is willing to put the sidewalk on the west side. Mr.
29 Weiss confirmed. He clarified it would be on the location of the existing sidewalk but upgraded
30 and out of paver stone.
31

32 Mayor Wolfe asked Mr. Weiss if he was willing to put in a five foot wide paver brick sidewalk.
33

34 Mr. Weiss said he was willing to replace the sidewalk out of paver stones but he did not want to
35 be held to the feet five because of the cost. He said if that is the contingency he would agree. Mr.
36 Fitzgerald said he believed that five foot sidewalks are an ADA requirement. Attorney Williams
37 noted the sidewalk would have to be built to current standards. Mr. Weiss said if it is ADA
38 required to five foot he will agree but if it is not five foot required it would depend on the cost.
39

40 Councilmember Pfister asked if the sidewalk is kept where it was originally approved what would
41 happen. Mr. Drury reviewed the engineer's opinion regarding drainage issues.
42

43 Vice Mayor Grenier questioned that a sidewalk would cause flooding.
44

45 Don Griffey
46

1 Mr. Griffey said that if Banning Beach was a standard city road there would be room as normally
2 there is 66 feet on the right of way, however, Banning Beach has limited right of way and there is
3 not enough room for the second sidewalk.

4
5 Councilmember Pfister asked which side provides more safety.

6
7 Mr. Griffey said there is not a site distance issue and it would be equally safe on either side for a
8 pedestrian to use the sidewalk.

9
10 **MOTION**

11
12 **Norm Hope moved that the city not allow the sidewalk on the east side because of the**
13 **Griffey Engineering study and require Mr. Weiss to put a five foot wide sidewalk on the**
14 **west side of Banning Beach Road, seconded by Lori Pfister.**

15
16 Discussion followed regarding the ADA standards.

17
18 **AMENDMENT TO MOTION**

19
20 **Norm Hope amended his motion as follows:**

21
22 **Move to not allow the sidewalk on the east side; and to require the sidewalk to go on the**
23 **west side and to meet the city's current standards in the city codes—whether four feet or**
24 **five feet as required-- and to require that paver stones be used as agreed to by Mr. Weiss,**
25 **seconded by Kirby Smith.**

26
27 **The motion carried 3-2 as follows:**

28
29 **Robert Wolfe Yes**
30 **Kirby Smith Yes**
31 **Norm Hope Yes**
32 **Lori Pfister No**
33 **Bob Grenier No**

34
35 **Tab 10) Request from Property Owner to Waive Lien for Vacant Property**

36
37 Mr. Drury stated there is a \$1750 lien recorded against the property referred to as the Lake
38 Building property. He noted the building had started to fall down and was code enforced under
39 the "unsafe building" codes. He said the magistrate issued a \$1751 fine for not complying with the
40 codes. Mr. Drury read from the letter submitted by the owner formally requesting to reduce the
41 lien. He said the highlight of the letter is that the owner noted he was trying to save the Lucky Dog
42 building so a new downtown business could be reopened.

43
44 **Nick Magrone**

45
46 Mr. Magrone stated there was some confusion when it was decided that it was economically
47 unfeasible to restore the building to current standards. He said he was told in the magistrate

1 hearing that they would be given permission to demolish the building and that it was an open
2 demolition permit. He said the confusion of the delay which carried the project over the allotted
3 time was because he believed he had an open demolition permit that included the Lucky Dog
4 building. He said when they had given notice to the city that they were going to demolish the
5 Lucky Dog building they were required to go through the demolition process again. He asked if
6 Council would waive the lien.

7
8 Mayor Wolfe said he believed that Mr. Magrone had exceeded the time limit given to him.

9
10 Councilmember Smith asked Mr. Magrone if he was in the process of demolishing the building
11 before July 26th but it took longer than he expected. Mr. Magrone confirmed.

12
13 Councilmember Pfister asked if the property was in compliance even though it was seven days
14 late.

15
16 Mr. Drury summarized it appeared to take 60 to 90 days while he was trying to reengineer the
17 building and he came into compliance seven days after the judge issued his ruling. He believed
18 Mr. Magrone was saying that the sixty days was not long enough to go through the engineering
19 and by the time he finished that process he had concluded it was not worth saving.

20
21 Councilmember Hope noted from the code enforcement report it appeared there was a request
22 for a permit but the individuals who submitted the application were unlicensed contractors and
23 Officer McCormick had noted there were some things unlawfully installed. He said he was reticent
24 to second guess the Special Magistrate who had heard all the details and testimony.

25
26 Attorney Williams said Council is not sitting as a Board on appeal of the Special Master. The law
27 in Florida is once the lien is imposed it belongs to the government and it is the role of the city
28 government to grant or not grant the waiver, and therefore Council is not overruling the special
29 master.

30
31 Mr. Magrone said once they had received the demolition permit it had only taken one day to
32 remove the building.

33
34 Mr. Fitzgerald said the issue of the second permit being required stems from separate addresses
35 and separate utilities for the buildings.

36
37 Mr. Magrone said he was only noticed for one building which was why he was under the
38 impression that only one permit was needed.

39
40 Mr. Fitzgerald said he was with the Building Official when he posted the unsafe building notice on
41 the Lucky Dog.

42
43 Councilmember Smith said he felt the city should give lenience on this.

44
45 Mayor Wolfe said he believed the owner had plenty of time.

46
47 **MOTION**

1
2 **Bob Grenier moved to approve Option #3 to not waive or reduce the lien amount,**
3 **seconded by Norman Hope. The motion carried 3-2 as follows:**

4
5 **Mayor Wolfe** **Yes**
6 **Norman Hope** **Yes**
7 **Kirby Smith** **No**
8 **Lori Pfister** **No**
9 **Bob Grenier** **Yes**

10
11 **Tab 11) Consideration of Extension of Impact Fee Waiver**

12
13 Mr. Neron stated that Council had set a goal some years ago to get the tax base to 60%
14 residential with 40% commercial. He said during the last recession building construction of any
15 type has come to a standstill. Approximately 29 months ago Council started an impact fee waiver
16 program. During that period permits have been issued for new construction valued at almost \$37
17 million with impact fee waivers of \$1.7 million. For every dollar of impact fee waived it has
18 resulted in \$21.43 of new value construction. Based on the current millage rate this new
19 construction will translate into property tax revenues of almost \$240,000 on an annual basis when
20 the properties come on the tax roll. He discussed the waivers that are taking place in surrounding
21 communities.

22
23 Councilmember Pfister noted six months ago this program was to have been winding down. She
24 said the city has done so much to invest in itself that she believed people will want to be in the
25 City regardless of the impact fees.

26
27 Councilmember Hope said he agreed however he takes the opposite view. He said he has no
28 problem extending them another six months if there is a clear ending in site.

29
30 Mayor Wolfe said he supported the extension of another six months but that should be the
31 longest time period.

32
33 Councilmember Smith asked how the impact fee waiver program has impacted the Public Works
34 and Utility Departments. Mr. Neron said about 80% of the fees collected are for water and sewer.

35
36 Councilmember Smith said he was in favor of another six months exemption and then having
37 another look at it in six months.

38
39 Vice Mayor Grenier said he agreed and would like to wind it down at the end of the year.

40
41 Mr. Drury said it will sunset at the end of this month and it will take two readings to extend the
42 waiver.

43
44 Mayor Wolfe asked for audience comment.

45
46 Freddie Belton
47

1 Mr. Belton spoke in support of extending the waiver at least until December and possibly longer.

2
3 Joe Ziler, Owner and President of Kevco Builders

4
5 Mr. Ziler said he and a group of investors have purchased 13 lots in Tuscan Cove. He asked the
6 cost of the impacts fees. Mayor Wolfe responded for a 3-2 house about \$6,000. Mr. Ziler said it
7 would not be worth continuing construction if the impact fees were put back in place.

8
9 Mr. Ziler commended the city on the waterfront and said although he understood the need for a
10 sunset on the fees he felt it was premature to make a decision to discontinue the waiver.

11
12 Jim Eldrodt

13
14 Mr. Eldrodt said he would not have built his new building if it was not for the waiver and he would
15 like to see them extended longer than December.

16
17 Ted Wicks, Project Manager for Wicks consulting Services

18
19 Mr. Wicks said he serves on the Chamber of Commerce legislative and economic development
20 committee. He said as a consulting engineer he has the ability to see what starts to transpire in
21 the development end of the economy before others. He said the committee supports the staff
22 recommendation for the extension of the waiver however it does not give enough time to take
23 advantage of the waiver. He said he has met with clients who envision coming to Tavares but
24 they need time to put their projects in place. He noted the state law now requires the city to
25 extend its building permits for two more years. He said there is a lot more opportunity to improve
26 development on the city corridors.

27
28 Tom Pfeiffer, Contractor for Shanti Niketan Project

29
30 Mr. Pfeiffer spoke in support of the extension of the waiver because of the time it takes to develop
31 a project. He said he wanted to see the momentum continue as people are coming to Tavares.
32 He noted they employ quite a few people who live in Tavares or the surrounding communities.

33
34 Tom Hofmeister, 985 Club Hills Drive

35
36 Mr. Hofmeister stated that his company has had the privilege of breaking ground on Osprey
37 Lodge in the city's medical community and there are many road blocks that come up on a daily
38 basis. He said the city's waiving of the impact fees is extraordinary and he appreciated the city's
39 leadership and staff. He noted he has been hiring as many local employees as possible and
40 getting them involved in other projects.

41
42 Linda Nagel, 1100 N. Joanna Avenue

43
44 Ms. Nagel said she wished to summarize what had been said. She discussed the data in the
45 agenda summary. She noted the impact fee is a one time revenue source but the development
46 will be a permanent revenue stream for the city.

47

1 Tom Pfeiffer

2
3 Mr. Pfeiffer asked council to consider waiving the fees for another six months and then make a
4 decision at that time.

5
6
7 Mr. Drury stated the city of Tavares was the first city in Lake County and one of the first in Florida
8 to waive impact fees and this Board has led the way. He said it is a tough call. He noted that
9 impact fees pay for sidewalks and water and sewer lines. He noted if the roads are getting
10 antiquated it also affects people coming to Tavares if the quality of life is impacted. He said it has
11 to be a balance.

12
13 Council Discussion

14
15 Councilmember Pfister said it has come to a point of being a budget issue and she believed it had
16 been plenty of time to have the waivers and she is concerned about the infrastructure.

17
18 Councilmember Smith said he believed people will stop building and the economy is not out of
19 the woods yet. He said the waiver has been most successful and he was willing to re-evaluate it
20 in six months.

21
22 MOTION

23
24 **Norman Hope moved to extend the impact fee waiver for six months and that the issue be**
25 **revisited at that point to see if it goes forward or if it sunsets, seconded by Kirby Smith.**
26 **The motion carried unanimously 5-0.**

27
28 Tab 12) Discussion on Vacation Holds

29
30 Councilmember Pfister said she wanted to discuss the base rates for empty buildings not
31 vacation holds. She said she has had calls about this and she wanted to know if it could be
32 adjusted to a flat fee that would be affordable. She said there has to be a better way to be more
33 business and resident friendly. She said she believed \$60 was way too much to pay for an empty
34 building.

35
36 Mayor Wolfe said that would be shifting the burden to others to maintain the debt service.

37
38 Councilmember Pfister said it is too much money.

39
40 Mayor Wolfe said he does not want to pay more on his water bill because of other's unoccupied
41 buildings.

42
43 Councilmember Pfister asked when it changed. Ms. Houghton said the fee was approved in July
44 2009.

45
46 Mr. Eldrodt

47

1 Mr. Eldrodt said when a tenant moves out the meter is locked but he is still paying for it.

2
3 Mr. Drury said Mr. Eldrodt is paying for the mortgage on the loan for the water and sewer
4 improvements. He noted the rate study addressed keeping the minimum mortgage amount for all
5 the new facilities. For \$16.12 the customer is paying for their share of the 20 million dollar water
6 plant. He said the rate would have to be increased for the other people.

7
8 Mr. Eldrodt said when the city paid for the loan they did not use 100% capacity.

9
10 Mr. Eldrodt said he was told he would have to tear down his house to stop the water bill. Ms.
11 Houghton said the current policy allows the irrigation meter to be pulled. However for the building
12 under the policy previously approved, there is a base charge. She said research had been done
13 on the policies of other cities and it had been determined that the city's policy was in line with
14 other cities.

15
16 Gene Smith

17
18 Mr. Smith commented Mr. Eldrodt has a house he is not using. He wants to pay the city to take
19 the meter out and have no more charges.

20
21 Mr. Drury said the rate study would have to be adjusted by making an assumption on how many
22 people would be pulling their meters.

23
24 Mayor Wolfe noted he believed that the fee to pull the meter and replace the meter would be
25 higher than just paying the base rate.

26
27 Mr. Drury suggested that the issue be tabled and have staff look at the policy and put it back on
28 the agenda in order to address the question of having a habitable house with no water meter and
29 not pay any base fees. He said Council needs to know the impact of that.

30
31 **Consensus to have Mr. Drury bring this back to a future agenda.**

32
33 Denise Laratta

34
35 Ms. Laratta said she lives in community with a number of foreclosures and the banks are paying
36 the utility fees. If the policy changes those homes will have no means of having the irrigation
37 continued and it could impact the property values of all of the other homeowners in the
38 community.

39
40 Charlotte Hope

41
42 Ms. Hope said she understood the water, sewer, and stormwater rates but she questioned the
43 garbage rate. Mr. Drury said a study could be done on the garbage rate. He noted the fuel,
44 personnel, and loan costs continue 365 days a year.

45
46 **Tab 13) Appointment to the Library Board**

47

1 Mayor Wolfe appointed Charles Fox, Judy Eaton and George Smith to the Library Board.
2

3 **MOTION**
4

5 **Lori Pfister moved to ratify the Mayor’s appointments to the Library Board, seconded by**
6 **Kirby Smith. The motion carried unanimously 5-0.**
7

8 **XVI. OLD BUSINESS – None**
9

10 **XVII. NEW BUSINESS**
11

12 **Dora Canal**
13

14 Mayor Wolfe stated he had received a call from Commissioner Campione regarding cleaning up
15 the Dora Canal. Based on a bid received the cost will be \$15,000 to pull the stumps and debris.
16 The County will contribute \$5,000, the Lake County Water Authority will contribute \$5,000, and
17 they are asking each City to provide \$1,667.00. He said Mt. Dora agreed to their share if the other
18 two cities will also contribute their share.
19

20 Mr. Drury said this is not budgeted however Ms. Houghton has stated that the utility bill for this
21 building and a few other buildings is slightly lower this year than projected and therefore the
22 savings can be transferred of \$1670 to a fund to participate in the cleanup without going into
23 reserves.
24

25 Mr. Neron said this work will be done when the Dora Canal bridge construction is in process.
26

27 Councilmember Smith and Vice Mayor Grenier spoke in support.
28

29 **MOTION**
30

31 **Norman Hope moved to authorize staff to spend the \$1667.00, seconded by Bob Grenier.**
32 **The motion carried unanimously 5-0.**
33

34 **XVIII. AUDIENCE TO BE HEARD - None**
35

36 **XIV. REPORTS**
37

38 **City Administrator**
39

40 Mr. Drury stated he had no report other than the meetings listed in the agenda.
41

42 **City Clerk**
43

44 **City Attorney**
45

46 Attorney Williams stated there appeared to be a procedure for pulling the water meter.
47

1 **Finance Department**

2
3 **Economic Development**

4
5 Mr. Neron reminded those present of the Jet Ski races this coming weekend.

6
7 **Public Communications**

8
9 Ms. Ross advised that she had an update on the Sister City program. She said the City has been
10 waiting for Xindian City to reorganize. She said they have created new districts and their new
11 name is Xindian District New Taipei City. She said the City has recently heard from the officials
12 and they are ready to move forward with the Sister City program and staff will be working with the
13 Mayor to move that forward.

14
15 **Fire Department**

16
17 Chief Keith stated that 68 years ago today many Americans lost their lives on the beaches of
18 Normandy so that this meeting could take place.

19
20 **Public Works Department**

21
22 **Community Services Department**

23
24 Ms. Rogers mentioned the fundraising concert for the baseball program with five bands this
25 Saturday.

26
27 **Human Resources**

28
29 **Community Development**

30
31 Mr. Fitzgerald noted that his father was shot down in the invasion of Normandy.

32
33 **Tab 10) City Council**

34
35 **Councilmember Pfister**

36
37 **Councilmember Hope**

38
39 **Vice Mayor Grenier**

40
41 Vice Mayor Grenier noted the anniversary of the Normandy Invasion and also discussed the
42 opening of the free library that had taken place earlier that day at Aesop's Park. He asked Ms.
43 Rogers to comment.

44
45 Ms. Rogers discussed the free library or the "take a book, leave a book" kiosk which was
46 suggested by Marli Lopez of the Library staff.

47

1 Vice Mayor Grenier noted he had provided two of his books on Tavares history for the kiosk.

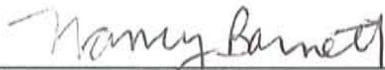
2
3 **Councilmember Smith**

4
5 **Mayor Wolfe**

6
7 **Adjournment**

8
9 There was no further business and the meeting was adjourned at 7:13 p.m.

10
11 Respectfully submitted,

12
13
14 
15 _____

16 Nancy Barnett, CMC
17 City Clerk

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 2

SUBJECT TITLE: Presentation by T. Scott Walker – Mt. Dora Blues & Events, Inc.

OBJECTIVE:

To receive a presentation by T. Scott Walker

SUMMARY:

T. Scott Walker, event organizer for Mt. Dora Blues & Events, Inc. has requested to present a thank you letter to the City for its support of the recent Mt. Dora Blues & Wine Festival.

OPTIONS:

NA

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

6/12/12

To: Mayor Robert Wolfe
City of Tavares
201 E. Main St.
Tavares, FL 32778

We would like to thank the City of Tavares for their generous support of the Leon Russell concert at Tavares Station Field on May 19-20, 2012. All of your departments and staff were reliable and very easy to work with and helped to make our event a success. We look forward to working with the City of Tavares again as part of our Mount Dora Blues And Wine Festival or other possible events.

Sincerely,

T. Scott Walker, Paula Briskin
Mount Dora Blues and Events Inc.
352.728.5250
www.mdbwf.com

**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 20, 2012**

AGENDA TAB NO. 3

CONSENT

SUBJECT TITLE: Vista Villas – Banning Beach Road – Final Plat

OBJECTIVE:

To approve the Final Plat for Vista Villas on Banning Beach Road.

SUMMARY:

This proposed residential subdivision is located on the west side of Banning Beach Road, north of E. Delaware Street and south of Reserve Drive. The subdivision is 9.7 acres in size and consists of 18 single family attached dwellings.

A final plat has been submitted by the developer. This document has been reviewed by the city's surveyor, attorney and staff. The plat meets all the requirements of the City of Tavares' Land Development Regulations and the City of Tavares' Comprehensive Plan.

OPTIONS:

1. That Council moves to approve the final plat of Vista Villas.
2. That Council denies the proposed final plat of Vista Villas.

STAFF RECOMMENDATION:

Move to approve the final plat of Vista Villas.

FISCAL IMPACT:

None

LEGAL SUFFICIENCY:

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

THIS PAGE INTENTIONALLY LEFT BLANK



AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012

AGENDA TAB NO. 4

SUBJECT TITLE: Agreement with Florida Central Railroad for a Water Line Under R.R. Tracks

OBJECTIVE: To consider the approval of an agreement with the Florida Central Railroad for the installation, continued maintenance and yearly payment of a fee for this water line under the existing railroad tracks at Disston Ave. The agreement requests Council approval.

SUMMARY: The City Utility Department is installing a new 12" water main under the railroad tracks, at Disston Ave., to upgrade the existing line to provide adequate fire flow protection and water quality to the new Pavilion and other residents on the south side of the tracks. The City needed to apply to the railroad for permission to install the line under their tracks and as part of all agreements with the railroad must pay a yearly real estate fee. The yearly fee is \$832 and is incorporated in the Water Department's yearly Operation and Maintenance budget.

OPTIONS:

1. **Approve** the agreement with the Florida Central Railroad in the amount of \$832.
2. Do **Not Approve** the agreement with the Florida Central Railroad in the amount of \$832.

STAFF RECOMMENDATION:

3. Move to **Approve** the agreement with the Florida Central Railroad in the amount of \$832.

FISCAL IMPACT:

Funding Source: Water Department Budget #401-3302

LEGAL SUFFICIENCY: This agreement has been reviewed by City Attorney and meets legal sufficiency.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into as of this ___ day of _____, 2012 by and between **FLORIDA CENTRAL RAILROAD COMPANY, INC.**, a Florida corporation with an address of 3001 Orange Avenue, Apopka, FL 32703 ("FCRR") and **THE CITY OF TAVARES, FLORIDA**, a political subdivision of the State of Florida with an address of P.O. Box 1068, Tavares, FL 32778 (the "Licensee").

Preliminary Statement

- A. Licensee, for the economical and convenient conduct of Licensee's business, desires to obtain from FCRR a license to use a portion of FCRR's right of way leased to FCRR pursuant to a lease agreement between FCRR and CSX Transportation, Inc. (the "CSX Lease"), without establishing, claiming, or possessing any estate or interest therein (the "License"), for the benefit of Licensee.
- B. FCRR has the right, power and authority to enter into this License Agreement, pursuant to the CSX Lease.
- C. Licensee desires to construct and maintain an underground water main (the "Pipe") within the License Area, defined below.

NOW THEREFORE, in consideration of the mutual promises contained herein the parties agree as follows:

1. GRANT OF LICENSE
FCRR hereby grants unto Licensee, its successors and assigns a License, with authority to enter upon, construct and maintain, pursuant to this License, the Pipe under the FCRR's tracks and right of way on Disston Avenue approximately one hundred sixty (160') feet East of Railroad Mile Post ST 783 (the "License Area"), described on Exhibit A, which is attached hereto and incorporated herein.
2. SUBJECT TO MASTER LEASE AGREEMENT
This License shall be subject to the terms and conditions of the CSX Lease, a memorandum of which is recorded in the public records.
3. STATUS OF SUBCONTRACTORS
For purposes of this agreement, all references to Licensee shall include Licensee, its contractors, subcontractors, agents, officers, employees and others acting under its or their authority.
4. USE
Licensee shall use the License Area for the construction, maintenance and operation of the Pipe that is the subject of this Agreement only for the conveyance of water, and any other purpose or use is prohibited. Notwithstanding any contrary provisions

herein, Licensee agrees that this License shall not be used in any way that will inhibit the use of the License Area by FCRR, its successors or assigns. The Pipe shall be constructed, maintained and operated by Licensee in accordance with Exhibit A.

5. CONDUCT OF WORK

All work connected with the construction, maintenance, repair, renewal, modification, relocation, reconstruction or removal of the said Pipe shall be undertaken within the License Area. However, no such work shall be performed without prior written notice to, and approval of, FCRR's General Manager. Any and all work shall be performed in a manner satisfactory to the FCRR. All work shall be performed at times and in a manner which shall not disturb the reasonable operation of the business of FCRR. At the sole discretion of FCRR's General Manager a flagman may be required during construction and periods of maintenance. Licensee, in accordance with Paragraph 14 below, shall be responsible for all costs and expenses of any flagging service.

6. ANNUAL FEE

Licensee shall pay to FCRR for this License, an annual license fee of **Eight Hundred Thirty-Two Dollars (\$832), plus sales tax if applicable**. The license fee shall be payable in advance in annual payments on the anniversary date of this License for as long as this License remains in force and effect. Such annual license fee shall increase annually in proportion to the increase in the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics issued in December preceding each anniversary date of this Agreement over such Index issued in the preceding December; provided, however, that in no event shall the annual fee be less than Eight Hundred Thirty-Two (\$832) Dollars. In the event Licensee fails to make the aforesaid annual payment, Licensee shall be considered to be in default, and this License shall cease, be null and void and of no further force or effect, and the Pipe and facilities installed shall become the property of FCRR but only after written notice from FCRR of Licensee's default and the passage of a thirty (30) day opportunity to cure such default. In the event that FCRR has failed to invoice its pricing correctly for any year, FCRR shall have the power to retroactively adjust its price for any past year to conform to that past year's proper pricing schedule. Any retroactive price increase shall be paid for by Licensee together with the annual license fee.

7. TERM

The term of the License this Agreement shall run for a period of one (1) year from the above date. Thereafter, this Agreement shall automatically renew for successive one-year periods unless or until it is terminated as provided below. In no event shall the Term of the License or this Agreement extend beyond the term of the CSX Lease.

8. TERMINATION
Notwithstanding any contrary provisions contained herein, this Agreement may be terminated at any time by either FCRR or Licensee by giving to the other party thirty (30) days advance written notice of its intention to so terminate. In the event of termination, Licensee shall remove the Pipe and restore the License Area as nearly as possible to as good order and condition as when original entry was made thereon by said Licensee, at its sole expense, cost and liability.
9. GOVERNMENT REQUIREMENTS
Installation of the Pipe pursuant to this License Agreement shall be performed in accordance with all appropriate governmental and administrative requirements for the use(s) for which such Pipe is to be maintained.
10. FCRR REGULATIONS
Licensee agrees that it shall observe and obey all regulations of FCRR respecting the use of the License and the License Area.
11. NON-PERMANENT LOCATION
Licensee recognizes that it may be in the best interest of FCRR to move the Pipe to other areas within FCRR's property, and therefore, Licensee agrees, at Licensee's cost and expense, to move or relocate the said Pipe at the reasonable request of FCRR. Licensee hereby agrees to effectuate and perform such move expeditiously and within reasonable constraints of time.
12. RISK, LIABILITY, INDEMNITY
 - 12.1 To the extent permitted by law, Licensee shall defend, indemnify and save FCRR and its officers, shareholders, directors, affiliates, employees and agents harmless, from and against, any and all liability, loss, claim, suit, damage, charge, or expense (including reasonable attorney's fees and experts) which any such party may suffer, sustain, incur or in any way be subjected to, on account of death of, or injury to, any person and damage to or loss of or destruction of any property, arising out of, or resulting from, or in any way connected with, the construction, presence, existence, repair, maintenance, replacement, operation, use, or removal of Licensee's Pipe, the use of the License Area pursuant hereto or any structure in connection therewith, or restoration of the License Area to good order or condition.
 - 12.2 Use of FCRR's right of way involves certain risks of loss or damage as a result of FCRR's operations. To the extent permitted by law, Licensee expressly assumes all risk of loss and damage to persons or Licensee's property or Pipe, in, on, over or under the License Area, including loss of or any interference with use thereof, regardless of cause, including derailment, arising out of FCRR's operations. For purposes of this section, Licensee's property shall include the contents of the Pipe as well as property of third parties situated or placed upon FCRR's right of way by Licensee or by such third parties at the request of or for the benefit of Licensee.

12.3 Without limiting the generality of other provisions herein, to the extent permitted by law, Licensee also expressly assumes all risk of loss which may result from Licensee's failure to maintain either the Pipe or the required depth and support for the Pipe.

12.4 Without limiting the generality of other provisions contained herein, to the extent permitted by law, Licensee assumes all responsibility for, and agrees to defend, indemnify and hold FCRR and its officers, shareholders, directors, affiliates, and agents harmless from (a) all claims, costs and expenses, including reasonable attorneys' fees as a consequence of any pollution of air, water, land and/or ground water on or off the License Area, arising from, or in connection with, the use of this License Area or resulting from the leaking, bursting, spilling, or escape of the material transmitted in or through Licensee's Pipe; (b) any claim or liability arising under federal or state law dealing with pollution of air, water, land, and/or ground water arising therefrom or the remedy thereof; and (c) any subsidence or failure of lateral or subjacent support of FCRR's tracks.

12.5 Obligations of Licensee hereunder to defend, indemnify and hold FCRR harmless shall also extend to companies or other legal entities that control or are under common control with FCRR and its/their respective officers, agents and employees.

12.6 Nothing herein shall be construed as a waiver of Licensee's sovereign immunity.

13. NOTICES

All notices on the part of Licensee to FCRR shall be given in writing to the General Manager, **FLORIDA CENTRAL RAILROAD COMPANY, INC.**, 3001 Orange Avenue, Apopka, Florida 32703.

All notices on the part of FCRR to Licensee shall be given in writing to the Attn: Robert Zern, Engineer, **THE CITY OF TAVARES, FLORIDA**, P.O. Box 1068, Tavares, Florida 32778.

All notices shall be delivered in person, or via overnight courier, facsimile or email.

14. FCRR COSTS AND EXPENSES

Licensee agrees to pay to FCRR all reasonable costs and expenses incurred by FCRR due to FCRR's granting of this License or due to the use, maintenance or existence of said License by Licensee. Such costs and expenses shall include, but are not limited to, FCRR's cost of providing a flagman pursuant to Paragraph 5 above. Licensee's cost for such flagman shall be \$250 per day for each day a flagman is required to be present at the work site.

15. COSTS AND ATTORNEYS FEES
In the event FCRR retains the services of attorneys, other professionals or persons in order to collect fees or other obligations from Licensee hereunder, FCRR shall be entitled to collect from Licensee all such attorney's fees, professional fees and costs so incurred, including but not limited to, said attorney's fees and costs for litigation and appeals thereof.
16. NO WARRANTIES
This License is herein granted without any warranty, express or implied, and Licensee hereby agrees that no damages shall be recoverable from FCRR because of any dispossession of Licensee or because of any failure of, defect in, cancellation of, or termination of, FCRR's property interest in the License Area.
17. ASSIGNMENT
No assignment of rights or privileges hereunder by Licensee shall be valid unless the written consent of FCRR is first obtained.
18. FUTURE PARTIES
This License shall inure to the benefit of, and be binding upon, the Parties hereto and their respective, heirs, legal representatives, successors and assigns.
19. REMEDIES
The remedies under this Agreement are cumulative and shall not exclude any other remedies to which any party may be lawfully entitled. The failure or delay of any party to insist upon the strict or timely performance of a covenant hereunder or any obligation hereunder, shall not be a waiver of such party's right to demand strict compliance therewith in the future.
20. CAPTIONS
All titles or captions are inserted for convenience only and they in no way shall be construed to define, limit or describe the scope of this Agreement or any provision thereof.
21. SEVERABILITY
If any clause or provision of this Agreement shall be deemed to be invalid or unenforceable under present or future laws, then, in that event it is the intention of the Parties that the remainder of this Agreement shall not be affected thereby.
22. CHOICE OF LAW
This instrument is being delivered and is intended to be performed in the state of Florida and shall be construed and enforced in accordance with the laws of that state. Any aggrieved party may proceed to enforce its rights in the appropriate action at law or in equity. Venue for all suits arising out of this instrument shall lie exclusively in the Courts of Orange County, Florida. By execution or adoption of this agreement, each party hereby submits itself to the *in personam* jurisdiction of the Courts of Orange County, Florida.

23. INSURANCE

Licensee shall maintain insurance in the following amounts:

- (a) General liability insurance in the amount of Two Million dollars (\$2,000,000);
- (b) Contractual liability in the amount of Two Million dollars (\$2,000,000);
- (c) Worker's compensation, statutory limits or greater;
- (d) Automobile liability, One Million dollars (\$1,000,000); and
- (e) Railroad Protective Liability with bodily injury protection of Two Million dollars (\$2,000,000) and property damage of Two Million dollars (\$2,000,000).

All such insurance shall name FCRR as an additional insured. The original of the railroad protective liability policy shall be provided to FCRR and certificates of insurance evidencing Licensee's compliance with subparagraphs (a), (b), (c), (d) and (e) above shall be forwarded to FCRR prior to any work commencing on or within the License Area. Notwithstanding anything to the contrary, the insurance required under subparagraph (e) shall only be required during installation of the Pipe and whenever the Pipe will be reconstructed, updated, maintained or otherwise improved.

24. MODIFICATION

All modifications or waivers to this License Agreement must be in writing and executed by both parties.

25. MERGER

This Agreement represents the final, complete and exclusive understanding of the Parties of the subject matter hereto.

26. LICENSEE'S AUTHORITY TO EXECUTE THIS AGREEMENT

Licensee represents and warrants that it has taken all necessary actions required in order to enter into this License Agreement and cause it to be fully enforceable against Licensee, and that its agent below is authorized to execute this License Agreement.

THE REST OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have executed this Agreement as a sealed instrument on the day, month and year first written above.

Signed and delivered in the presence of: **FLORIDA CENTRAL RAILROAD COMPANY, INC.**

Witness
Print Name:

By: _____
John P. Levine
President

Witness
Print Name:

THE CITY OF TAVARES, FLORIDA

Witness
Print Name:

By: _____
John Drury
City Administrator

Witness
Print Name:

APPROVED AS TO FORM AND LEGALITY:

Print Name:
City Attorney

ACCEPTED BY CITY COUNCIL

DATE: _____
OFFICE OF THE CITY CLERK

EXHIBIT A
LICENSEE'S APRIL 25, 2012 APPLICATION FOR PIPE CROSSING (5 pages below)

TAVA-61-180

Water Main
Disston Ave

Page 1 of 2 TAVARES, FL

FLORIDA CENTRAL RAILROAD
FLORIDA MIDLAND RAILROAD
FLORIDA NORTHERN RAILROAD
APPLICATION FOR PIPELINE CROSSING/PARALLELISM UNDER/OVER
PROPERTIES AND TRACKS

Plans for proposed installation shall be submitted to and meet the approval of the Railroad Company before construction is begun. Material and installation are to be in strict accordance with specifications of the American Railway Engineering Association and requirement of The Florida Central/Midland/Northern Railroads. Original and three (3) elevation section of crossing from field survey, location in respect to Mile Post, width of Railroad's right of way, location of adjacent structures affecting crossing, and all information required in Figures 1 and 2 of AREA Specification, Part 5 Pipelines. If open cutting or tunneling is necessary, details of sheeting and method of supporting tracks or driving tunnel shall be shown. An application fee of \$200.00 should accompany this application.

1. Correct name of applicant City of Tavares
2. Phone: 352-742-6209
Post Office Address PO Box 1068, Tavares, Florida 32778
3. Partnership - Name and initials all partners, women given and surnames before marriage and present N/A
4. If incorporated, name and state in which incorporated N/A
5. Location: +/-160 feet East (Direction) from nearest RR Mile Post ST 183. 24 VS TAVARES
6. Nearest Railroad Station Unknown County _____ State _____
7. Within limits of public highway name N/A Fed-State-County No. _____
8. Temporary track support or riprapping required () Yes (X) No - Describe Will directional bore below tracks.
9. Wires, poles obstructions to be relocated () Yes (X) No - Describe No existing obstructions to construction
10. Product to be conveyed Water Flammable () Yes (X) No - Describe _____
11. Max. working pressure 160 PSI Field test pressure PSI. Type test Hydrostatic.

12. Location of shut-off valves Either side of crossing

13. PIPE SPECIFICATIONS	CARRIER PIPE	CASING PIPE
Materials Specs & Grade	<u>SDR - 11 HDPE</u>	_____
Minimum Yield Strength of Material PSI	<u>3,500 PSI</u>	_____
Mill Test Pressure PSI	_____	_____
Inside Diameter	<u>11.454"</u>	_____
Wall Thickness	<u>1.273"</u>	_____
Outside Diameter	<u>12.727"</u>	_____
Type of Seam	_____	_____
Laying Lengths	<u>40'</u>	_____
Kind of Joints	<u>Fusion Weld</u>	_____
Total Length within RR Right of Way	_____	_____
VENTS: Number <u>N/A</u> Size _____ Hgt. Above ground _____		
SEALS: Both ends _____ One end _____		
BURY: Base of rail to top of casing <u>10</u> ft. <u>0</u> in.		
BURY: (Not beneath tracks) _____		
BURY: (Roadway ditches) _____ ft. _____ in.		
CATHODIC PROTECTION: () Yes (X) No		
PROTECTIVE COATING: () Yes (X) No		
Type, size and spacing of insulators or supports _____		

14. Method of installation Directional Drill (DISSTON AVE.)

If application is approved, applicant agrees to reimburse the Railroad for any cost incurred by the railroad incident to installation, maintenance, and/or supervision necessitated by this pipeline installation and further agrees to assume all liability for accidents or injuries which arise as a result of this installation. Should open cut installation be required a non-refundable charge of \$ _____ will be required to resurface tracks.

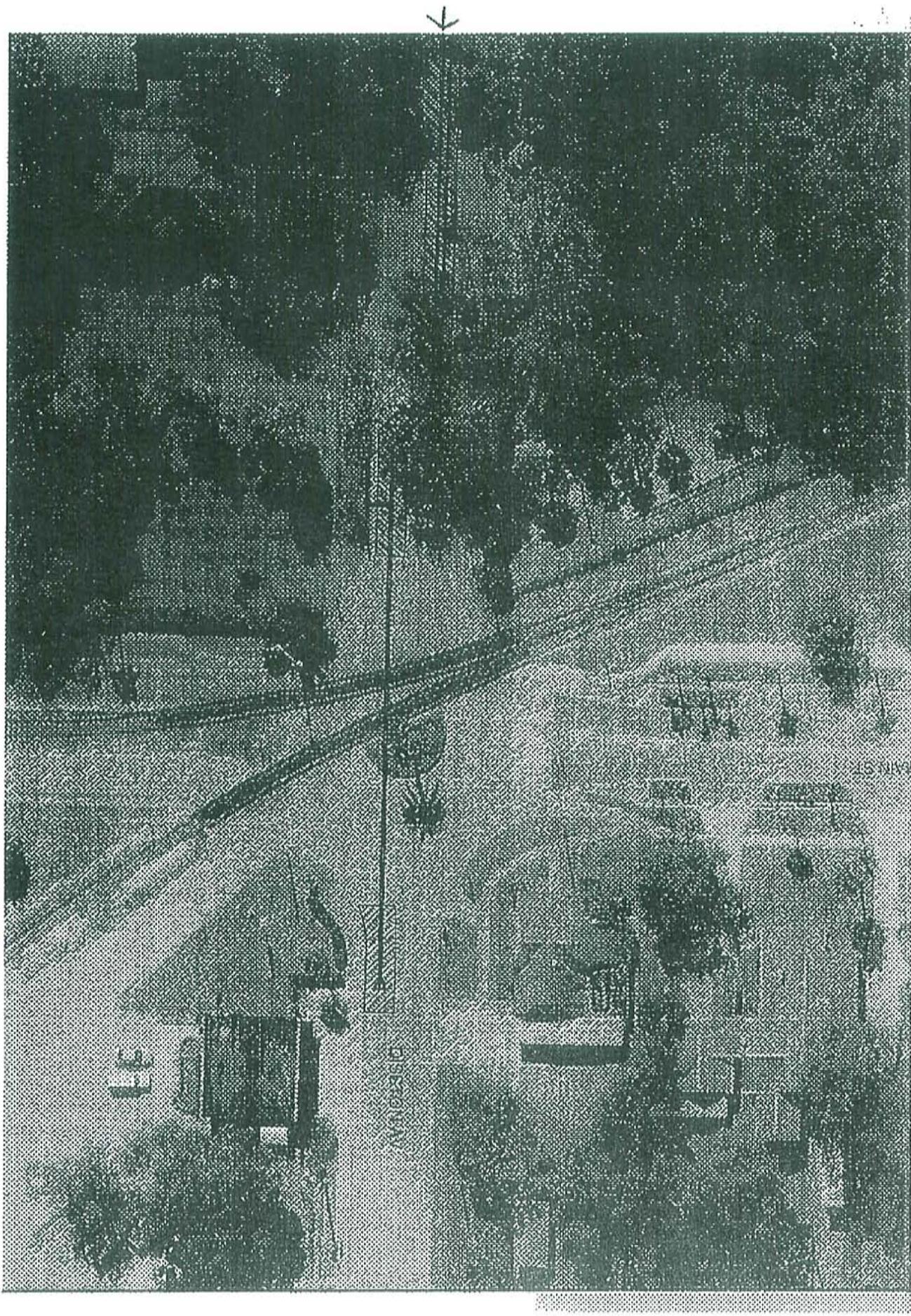
APR 25 2012

Date

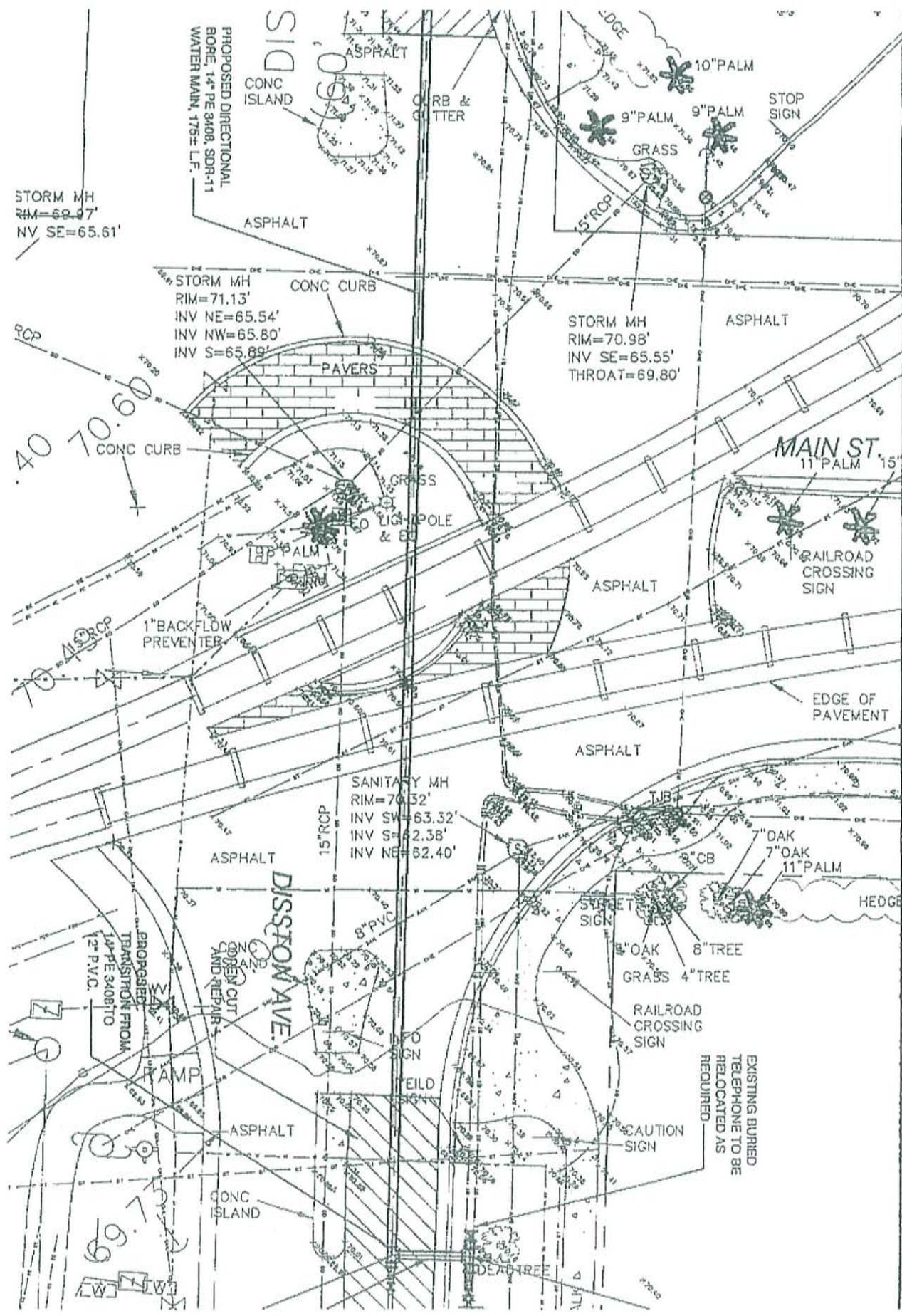


Signature and Title of Officer Signing
Application

IN THE EVENT LITIGATION ARISES OUT OF OR IN CONNECTION WITH THIS APPLICATION, THE APPLICANT SHALL BE RESPONSIBLE FOR, AND AGREES TO PAY, ALL ATTORNEY'S FEES AND COSTS INCURRED BY THE FLORIDA CENTRAL/MIDLAND/NORTHERN RAILROADS.







**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 5

SUBJECT TITLE: Tax Exempt Bond Issue – Post Issuance Tax Compliance Policy and Procedures

OBJECTIVE:

To formally adopt Tax Exempt Debt Obligation Post Issuance Compliance Policy and Procedures.

SUMMARY:

In 2011, the Internal Revenue Service (IRS) updated its requirements for post issuance compliance measures for Tax Exempt Bond issues and related debt issues.

The governmental bond financings project of the IRS measures several aspects of the post-issuance compliance knowledge and practices of government issuers of tax-exempt bonds. Some issues that the IRS may look at during a compliance audit include:

- Record retention requirements
- Qualified use of bond-financed property requirements
- Arbitrage yield restriction and rebate requirements
- Debt management policies and procedures, and
- Awareness of voluntary compliance and education resources.

In order to meet IRS guidelines and compliance in completing form 8038-G for post issuance compliance requirements, the attached Post-Issuance Compliance Policy has been prepared by the City's Bond Counsel. This policy will be a requirement of all conduit issuers of as well.

Issuers that do not implement a Post Issuance Compliance Policy risk the tax exempt status of issued debt, bond rating, and increased risk for an IRS examination audit.

OPTIONS:

1. Adopt City of Tavares, Tax Exempt Bond Issue Post Issuance Tax Compliance Policy and Procedures.

STAFF RECOMMENDATION:

Move to Adopt City of Tavares, Tax Exempt Bond Issue Post Issuance Tax Compliance Policy and Procedures.

FISCAL IMPACT:

N/A – This is a housekeeping measure.

LEGAL SUFFICIENCY:

N/A

**City of Tavares, Florida
Tax Exempt Bond Issue
Post Issuance Tax Compliance Policy and Procedures**

Purpose

Use of tax-exempt bond proceeds must comply with Federal tax rules pertaining to the expenditure of proceeds, use of bond financed property, investment of proceeds in compliance with arbitrage rules, and retention of records. The policy of the City of Tavares, Florida (the "Issuer") for monitoring compliance with these rules is as follows:

1. Expenditure of Proceeds

Expenditure of bond proceeds will be reviewed by the chief financial officer of Issuer and will be subject to periodic monitoring by the City Council (the "Council").

- Establish form and procedure for preparation and review of requisitions of bond proceeds.
- Requisitions must identify the financed property in conformity with the tax certificate and agreement ("Tax Certificate") executed by Issuer at bond closing, including certifications as to the character and average economic life of the bond-financed property.
- Requisitions for costs that were paid prior to the issuance of the bonds are, in general, limited to costs paid subsequent to, or not more than 60 days prior to, the date a "declaration of intent" to reimburse the costs was adopted by an authorized officer of Issuer.
- Requisitions will be summarized in a "final allocation" of proceeds to uses not later than 18 months after the in-service date of the financed property (and in any event not later than 5 years and 60 days after the issuance of the bonds). In the alternative, a final allocation of proceeds may be made using any reasonable, consistently applied principles provided it complies with Federal tax regulations.
- Expenditure of proceeds should be measured against the tax certificate expectation to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the project and fully spend the net sale proceeds.
- Expenditure of "available construction proceeds" should also be measured against the provisions for the arbitrage rebate exception set forth in the Tax Certificate.

2. Use of Bond-Financed Property

Use of bond-financed property when completed and placed in service will be periodically reviewed by the chief financial officer of Issuer so long as bonds are outstanding and be periodically monitored by the Council.

- Records must be kept as to when property financed with bond proceeds is placed in service.
- Average nonexempt use of bond-financed property over the life of the issue cannot exceed 10% of the proceeds. For this purpose, nonexempt use includes use by business users, or use by any other one other than the Issuer or the general public. "Proceeds" do not include amounts deposited in a reasonably required reserve fund.
- Agreements with business users for lease, management, sponsored research, or any other potential nonexempt use of bond-financed property will be reviewed prior to execution for compliance with the 10% limit.
- No item of bond-financed property will be sold or transferred to a nonexempt party without advance arrangement of a "remedial action" under the applicable Treasury regulations.

3. Investments

Investment of bond proceeds in compliance with the arbitrage bond rules and rebate of arbitrage will be supervised by the chief financial officer of Issuer and be periodically monitored by the Council.

- Guaranteed investment contracts ("GIC") will be purchased only using the three-bid "safe harbor" of applicable Treasury regulations, in compliance with fee limitations on GIC brokers in the regulations. Any exceptions to this rule must be discussed with the Council for approval.
- Other investments will be purchased only in market transactions.
- Calculations of rebate liability will be performed annually by outside consultants.
- Rebate payments will be made with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance and (b) the final retirement of the issue. Compliance with rebate requirements will be reported to the bond trustee and the issuer.
- Identify date for first rebate payment at time of issuance. Enter in records for the issue.

4. Records

Management and retention of records related to tax exempt bond issues will be supervised by the chief financial officer of Issuer and be periodically monitored by the Council.

- Records will be retained for the life of the bonds plus any refunding bonds plus six years. Records may be in the form of documents or electronic copies of

documents, appropriately indexed to specific bond issues and compliance functions.

- Retainable records pertaining to bond issuance include transcript of documents executed in connection with the issuance of the bonds and any amendments, and copies of rebate calculations and records of payments including Forms 8038-T.
- Retainable records pertaining to expenditures of bond proceeds include requisitions, trustee statements and final allocation of proceeds.
- Retainable records pertaining to use of property include all agreements reviewed for nonexempt use and any reviewed documents relating to unrelated business activity.
- Retainable records pertaining to investments include GIC documents under the Treasury regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.
- Retainable records pertaining to any credit enhancement of the bonds during the entire term of the bonds, including bond insurance contracts, letters of credit and standby purchase agreements.
- Retainable records pertaining to interest rate swaps, interest rate caps and other hedging contracts, including any ISDA agreements, fairness opinions, termination agreements and records of termination payments.

5. Compliance under Tax Certificate and Agreement

- Issuer shall also periodically review and comply with all provisions of the related Tax Certificate so long as the bonds are outstanding.
- Issuer will also take timely remedial actions under section 1.141-12 of the Treasury Regulations (or other remedial actions authorized by the Counciler of the IRS under Section 1.141-12(h) of the Regulations) to prevent from being considered "deliberate actions" any actions of the Issuer which cause the conditions of the private business tests or the private loan financing test to be met resulting in private activity bonds.

Overall Responsibility

Overall administration and coordination of this policy is the responsibility of the chief financial officer of Issuer.

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO: 6

SUBJECT TITLE: Approval of Addendum to Dora Canal Bridge Replacement MOU to extend effective date to September 30, 2012

OBJECTIVE:

To have City Council approved the Addendum to the Dora Canal Bridge Replacement MOU to extend the effective date to September 30, 2012.

SUMMARY:

In June 2011 the City approved a Memorandum of Understanding with Florida Central Railroad Company, Inc. and the Lake County Water Authority relating to a \$1.3 million grant to fund the reconstruction of the Dora Canal Bridge. This MOU had a termination date of June 29, 2012. Due to certain delays in the project, it is now anticipated that the project will not be completed until August 2012.

The attached Addendum changes the expiration date of the MOU to September 30, 2012.

OPTIONS:

1. To approved the Addendum extending the expiration date of the MOU until September 30, 2012.
2. To not approve the Addendum extending the date.

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve the Addendum extending the date of the MOU until September 30, 2012.

FISCAL IMPACT:

The direct fiscal impact is neutral.

LEGAL CONSIDERATIONS:

The proposed Addendum has been reviewed and approved by the City Attorney.

**ADDENDUM TO MEMORANDUM OF UNDERSTANDING
FOR DORA CANAL BRIDGE AND TRACK IMPROVEMENTS**

THIS Addendum to the June 28, 2011, Memorandum of Understanding for the Dora Canal Bridge and track improvements is made this _____ day of _____, 2012, by and between **THE CITY OF TAVARES** ("Tavares"), **FLORIDA CENTRAL RAILROAD COMPANY, INC.** ("Railroad"), and **THE LAKE COUNTY WATER AUTHORITY** ("Authority").

RECITALS

WHEREAS, the parties entered into a written Memorandum of Understanding dated June 28, 2011 regarding the funding arrangement for the Dora Canal Bridge and track improvements between the railroad bridge and downtown Tavares ("MOU"). That Agreement contained, among other things, a project completion deadline.

WHEREAS, the parties agree that the project completion deadline shall be extended.

NOW THEREFORE, in consideration of the foregoing Recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

l) Section 5 of the Agreement is hereby amended as follows:

5. Timing; Target Dates

It is the intention of the parties to this MOU to engage the Contractors and begin work on the Project within forty-five (45) days following Railroad entering into a Reimbursement Agreement with the FDOT. Therefore, absent factors beyond the control of Railroad, the project shall be completed by **September 30, 2012**.

IN WITNESS WHEREOF, Tavares, Railroad, and Authority have signed this Addendum this _____ day of _____, 2012.

FLORIDA CENTRAL RAILROAD
COMPANY, INC.

By: James J. Plasse 6/1/12
Its: N.P. Finance + Admin

CITY OF TAVARES, FLORIDA

By: _____
Its: Mayor

LAKE COUNTY WATER
AUTHORITY

By: _____
Its: _____

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO: 7

SUBJECT TITLE: Ordinance #2012-11 – Amendment to Ordinance 2011-15 to Extend City-wide Impact Fee Waiver Program for Six Months – First Reading

OBJECTIVE:

To consider the approval of Ordinance #2012-11 to extend the impact fee waiver program for an additional six months to December 31, 2012.

SUMMARY:

In December of 2009, City Council approved Ordinance 2009 – 34 which waived the imposition of City impact fees City-wide for the period Jan.1 2010 – Dec. 31, 2010. On December 15, 2010, Council approved Ordinance 2010-22 to extend the program for an additional 12 months through December 31, 2011. On December 21, 2011, Council approved Ordinance 2011-15 to extend the program for an additional six months until June 30, 2012.

On June 6, 2012 discussion was held by Council regarding the extension of the Ordinance for an additional six months which will communicate the intention of the City to wind down this program. Staff presented data to show the results of the impact fee waiver program. For the past 29 months through May 2012, permits have been approved and issued for new construction valued at \$36,688,586 with resulting impact fee waivers of \$1,716,032. For every dollar of impact fees waived it has resulted in \$21.43 of new construction. Of the \$36.7 million in new construction, 64% was for commercial construction and 36% was for residential construction.

Council directed staff to prepare an ordinance to extend the program for an additional six months to December 31, 2012 at which time the waiver will be reviewed.

OPTIONS:

1. Move to approve Ordinance #2012- 11 to extend the current City-wide impact fee waiver program through December 31, 2012.

2. Do not approve Ordinance #2012 – 11 to extend the current City-wide impact fee waiver program through December 31, 2012.

STAFF RECOMMENDATION:

Move to approve Ordinance #2012-11 to extend the current City-wide impact fee waiver program through December 31, 2012.

FISCAL IMPACT:

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

LEGAL REVIEW:

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

ORDINANCE 2012- 11

1
2
3 AN ORDINANCE AMENDING ORDINANCE 2011- 15 OF THE
4 CITY OF TAVARES, FLORIDA PERTAINING TO THE
5 EXTENSION OF THE WAIVER OF IMPACT FEES; FURTHER
6 EXTENDING THE WAIVER TO DECEMBER 31, 2012; AND
7 PROVIDING FOR AN EFFECTIVE DATE.
8
9

10 WHEREAS, Ordinance 2009-34 provides for a waiver of impact fees
11 provided by Chapter 6 and Chapter 17 of the City's Code of Ordinances until
12 December 31, 2010, and
13

14 WHEREAS, Ordinance 2010-22 provided an extension of this waiver of
15 impact fees until December 31, 2011, and
16

17 WHEREAS, Ordinance #2011-15 provided an extension of this waiver of
18 impact fees until June 30, 2012, and
19

20 WHEREAS, the City of Tavares finds that an additional extension of the
21 waiver will further its legitimate public interest in encouraging economic growth
22 and development in and around the City, since said growth provides jobs,
23 provides additional customers for the City's services, and increases the City's tax
24 base; and
25

26 WHEREAS, the limited impact fee waiver provided herein will not result in
27 a disproportionate impact fee for past or future development; and
28

29 WHEREAS, the payment of City police, fire/rescue, parks, recreation,
30 water, and wastewater capital charges still pose a significant expense for new
31 residential and commercial businesses and enterprises that are facing other start
32 up expenses; and
33

34 WHEREAS, the Florida Legislature has recognized the validity of waivers
35 of impact fees to promote economic development in Section 163.2517, Florida
36 Statutes, and
37

38 WHEREAS, City impact fee revenues have not been pledged for the
39 repayment of any municipal bonds or obligations, and the provision of an
40 additional six (6) month waiver of such fees will not impair the City's capital
41 improvement plans for its police, fire, recreation, water and wastewater utility
42 departments, and
43

44 WHEREAS, the City Council desires to waive payment of impact fees for
45 an additional six (6) month period as a citywide economic development incentive
46 as provided herein; now therefore,
47

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

50
51 **Section 1. Recitals.** The foregoing recitals are true and correct and
52 incorporated herein by reference.

53
54 **Section 2. Amendment.** Chapter 6 of Part II of the City of Tavares Code of
55 Ordinances is hereby amended to read as follows:

56
57 **Section 6-6. Payment of impact fees.**

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

65
66 (b) No building permit or final development order requiring payment of
67 an impact fee pursuant to this article shall be issued unless and until impact fees
68 herein required have been paid.

69
70 (c) No extension of a building permit or final development order for any
71 activity requiring payment of an impact fee, pursuant to the fee schedule, shall be
72 granted unless and until the impact fees in effect at the time of the extension
73 request have been paid.

74
75 (d) In the event impact fees are paid concurrently with the issuance of
76 a building permit or final development order and subsequently, the building
77 permit or final development order is amended, the applicant shall pay impact fees
78 in effect at the time the amended building permit or amended final development
79 order is issued with credit being given for the previous fees paid.

80
81 (e) All impact fees that would normally be due under the terms of this
82 Chapter shall be waived for building permits issued from January 1, 2010,
83 through December 31, 2012.

84
85 **Section 3. Amendment.** Section 17-39 of the City of Tavares Land
86 Development Regulations is hereby amended to provide as follows:

87
88 **Section 17-39. Waiver of Impact Fees.**

89
90 All impact fees that would normally be due under the terms of this
91 Chapter shall be waived for building permits issued from January 1, 2010,
92 through December 31, 2012.

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

96 **PASSED AND ORDAINED** this _____ day of _____,
97 2012, by the City Council of the City of Tavares, Florida.
98

99
100
101 _____
102 Robert Wolfe, Mayor
103 Tavares City Council

104 ATTEST:

105
106
107 _____
108 Nancy A. Barnett
109 City Clerk

110 First Reading _____

111
112 Passed Second Reading _____
113

114
115
116 _____
117 Approved as to form:
118 Robert Q. Williams
119 City Attorney

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 8

SUBJECT TITLE: Ordinance No. 2012 -14 Fire Assessments

OBJECTIVE:

To consider adoption of Ordinance Number 2012-14 providing for implementation of a Fire Assessment and providing definitions, collection methods, and process for annual assessments.

SUMMARY:

During the preparation of the Fiscal Year 2013 General Fund Operating Budget, the City faces a budgetary shortfall due to continued property value declines in an economic environment with continued cost increases for goods and services.

In the coming fiscal year the City is expected to experience a decrease of 3.5% in taxable values for ad valorem tax collections. In addition state shared revenues are not expected to provide significant increases in revenue collections, and many expenditures such as fuel, utilities, liability insurance, health insurance, contractual services and various supplies used in day to day operations are expected to increase in fiscal year 2013.

As outlined in the fiscal year 2013 Budget Priorities to the City Council on April 4, 2012, the City expects a budgetary shortfall of approximately \$540,000. Options provided to the Council to address this shortfall included increasing the current millage rate, using General Fund reserves or implementing a fire assessment for benefited properties.

Many residents and entities receive the benefits of fire suppression services but provide little or no contribution to the cost of maintaining these services. For example governmental entities and not-for-profits are exempt from ad valorem taxes but receive the benefit of fire services. City residents with home values less than \$75,000 may pay little or no ad valorem tax, thus they receive the benefit of fire suppression services but experience little or no associated cost. In order to attain equities among property owners and residents, a fire assessment fee would most likely spread the cost of services amongst those that receive its benefit and not just those who pay ad valorem tax.

In fiscal year 2009 a fire assessment study was prepared by Government Services Group and in July 2009 study results were presented to the City Council. Many elements of the study are still relevant and may be applied. Updates to the original study will be required if tiered rates for Commercial properties are desired. Updates

Ordinance No. 2012-14 Fire Assessment Enabling Ordinance – FY 2013

may also be needed to update any impacts of the current assessment roll on assessment rates. Updates to the assessment roll will be required.

On April 25, 2012, the City Council held a Workshop for discussion of a fire assessment. At the Workshop, the City Council requested staff to include budget options that provide for inclusion of a fire assessment in the proposed fiscal year 2013 proposed budget.

In order to allow staff to properly include a fire assessment in the proposed budget as an available revenue source, an implementation/enabling ordinance is needed. As part of the implementation and budgetary process, Ordinance Number 2012-14 is presented for Council's consideration. This Ordinance provides definitions of key terms for fire assessment implementation as well as collection methodology (utility bill collection), assessment roll preparation and notice and procedural processes which will enable staff to begin the implementation process to provide a proposed budget to the City Council with inclusion of a fire assessment for Council's review and subsequent approval or disapproval.

- This ordinance ***only establishes the Fire Assessment framework, providing for a collection methodology, a collection process methodology, definitions, and statutory authority.***
- Fire Assessment discussions will take place during/with the regular budget process (workshops and public hearings).
- Fire Assessment discussions will occur at each step of the budget process.
- Request for implementation of the Fire Assessment will occur as a separate item with the adoption of the Tentative and Final Budget at the public hearings for the FY2013 Operating Budget.
- Implementation will only occur after the assessment roll has been approved by the City Council as provided for within the framework of this ordinance.

Staff recommends approval of Ordinance Number 2012-14 which provides a working guide for staff to move forward through the implementation and budget process for fire assessments.

OPTIONS:

1. Move to approve Ordinance Number 2012-14 which enables staff to move forward with the Fire Assessment Implementation process for inclusion in the proposed budget for fiscal year 2013 to the City Council.
2. Do not move to approve Ordinance Number 2012-14 for Fire Assessment Implementation process.

STAFF RECOMMENDATION:

Move to approve Ordinance Number 2012-14 which enables staff to move forward with the Fire Assessment Implementation process for inclusion in the proposed budget for fiscal year 2013.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

This has been reviewed for legal sufficiency

ORDINANCE NO. 2012- 14

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT; REPEALING ORDINANCE NO. 2009-19 AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT USING THE UNIFORM METHOD; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE ASSESSMENT; PROVIDING APPLICABILITY; PROVIDING FOR THE USE OF AN ALTERNATIVE METHOD; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING FOR ADOPTION OF FIRE SERVICES ASSESSMENT RATE RESOLUTION; PROVIDING COLLECTION METHOD AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Pursuant to Article VIII, section 2(b), Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the city council has all powers of local self government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of city ordinances.

WHEREAS, the City desires to provide procedures and standards for the imposition of citywide fire services assessments under the general home rule powers of a municipality to impose special assessments;

WHEREAS, the City authorizes a procedure for the funding of fire protection services, facilities, or programs that provide special benefits to property within the city; and

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

FLORIDA:

Section 1. Recitals.

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

Section 2. Repeal of Ordinance No. 2009- 19.

Ordinance No. 2009 - 19 is hereby repealed in its entirety.

Section 3. Definitions.

As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Assessed property means all parcels of land subject to the fire assessment that receive a special benefit from the delivery of the fire services, programs or facilities.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

City manager means the chief administrative officer of the city, designated by the city council to be responsible for coordinating fire assessments, or such person's designee.

Fire services assessment means a special assessment lawfully imposed by the city council against assessed property to fund all or any portion of the cost of the provision of fire services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Fire services assessment rate resolution means the resolution establishing the rate at which a fire services assessment will be computed.

Fire services cost means the amount determined by the city council to be charged over a designated time period to fund all or any portion of the cost (as determined by generally accepted accounting practices) of the provision of fire services, facilities, or programs which provide a special benefit to assessed property, and shall include, but not be limited to, the following components:

- (1) The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (2) The costs incurred in any required acquisition or purchase;
- (3) The cost of all labor, materials, machinery, and equipment;
- (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (5) The cost of computer services, data processing, and communications;
- (6) The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (7) The cost of any indemnity or surety bonds and premiums for insurance;

- (8) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (9) The cost of uniforms, training, travel, and per diem;
- (10) The cost of construction plans and specifications, surveys and estimates of costs;
- (11) The cost of engineering, financial, legal, and other professional services;
- (12) The costs of compliance with any contracts or agreements entered into by the city to provide fire services;
- (13) All costs associated with the structure, implementation, collection, and enforcement of the fire services assessments and amounts necessary to offset discounts received for early payment of fire services assessments;
- (14) All other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the city council by subsequent resolution;
- (15) A reasonable amount for contingency and anticipated delinquencies and uncollectible fire services assessments;
- (16) A portion of the costs and expenses associated with dispatch for fire related calls; and
- (17) Reimbursement to the city or any other person for any moneys advanced for any costs incurred by the city of such person in connection with any of the foregoing components of fire services cost. In the event the city also imposes an impact fee upon new growth or development for fire protection related capital improvements, the fire protection assessed cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees. The fire protection assessed cost shall also not include costs for the provision of emergency medical services by the city.

Fire services cost for assessed property means the subset of fire services cost fairly and reasonably attributable to property.

Government property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district or a municipal corporation.

Owner means the person reflected as the owner of property on the tax roll or utility bill.

Property Appraiser means the property appraiser of the county.

Tax collector means the tax collector of the county.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635 or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Utility means that utility owned and operated by the city, providing electricity, water and wastewater services, solid waste services, natural gas, and stormwater services, or any combination of the foregoing, and billing customers on a monthly or periodic basis.

Utility customer of record means the person or entity assuming responsibility for the payment for services of the utility.

Section 4. Applicability.

This ordinance and the city council's authority to impose assessments pursuant to this ordinance shall be applicable throughout the incorporated areas of the city, as may be amended from time to time.

Section 5. Alternative method.

- (a) This ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may thereafter come into existence. This ordinance, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to effect the purposes hereof.
- (b) Nothing in this ordinance shall preclude the city council from directing and authorizing, by resolution the combination with each other of:
 - (1) Any supplemental or additional notice deemed proper, necessary, or convenient by the city;
 - (2) Any notice required by this ordinance; or

- (3) Any notice required by law, including the Uniform Assessment Collection Act.
- (c) Any actions of the city council required to be taken by resolution pursuant to this ordinance may be combined into a single resolution and a separate resolution for each action shall not be required.

Section 6. Legislative determinations of special benefit.

It is hereby ascertained and declared that the fire services, facilities, and programs provide a special benefit to property based upon the following legislative determinations:

- (1) Fire services possess a logical relationship to the use and enjoyment of improved property by:
 - a. Protecting the value of the improvements and structures through the provision of available fire services;
 - b. Protecting the life and safety of intended occupants in the use and enjoyment of improvements and structures within improved parcels;
 - c. Lowering the cost of fire insurance by the presence of a professional and comprehensive fire services program within the city; and
 - d. Containing the spread of fire incidents occurring on vacant property with the potential to spread and endanger the structures and occupants of improved property.
- (2) The fire services of the city under its existing fire services program enhances and strengthens the relationship of such services to the use and enjoyment of buildings within improved parcels of property within the areas served by the city.
- (3) Within the areas served by the city, the fire services of the city under its existing fire services program enhance the value of business and commercial property that is improved by the existence or construction of a building, which enhanced value can be anticipated to be reflected in the rental charge or value of such business or commercial property.

Section 7. Fire Services Assessment Rate Resolution.

The city council is hereby authorized to impose a fire services assessment to fund all or any portion of the fire services cost for assessed property upon benefited property at a rate of assessment based on the special benefit accruing to such property from the city's provision of fire services, facilities, or programs. All fire services assessments shall be imposed in a subsequently adopted fire services assessment rate resolution. Such fire services assessment rate resolution shall determine the amount of the fire services assessment against assessed property pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the fire services cost for assessed property among properties on a basis reasonably related to the special benefit provided by fire services, facilities, or programs funded with assessment proceeds. On an annual basis, the city council shall determine whether to impose the fire services assessment for the upcoming year.

Section 8. Collection.

(a) The city council is hereby authorized to collect fire services assessments on the utility bill in accordance with the following:

- (1) The fire services assessment may be billed to and collected on a monthly basis along with the city's utility in the regular utility billing cycle, appearing as a separate line item.
- (2) The utility customer of record and the owner of such property subject to a fire services assessment are responsible for payment of the fire services assessment as the assessment for which the property receives a special benefit from the provision of fire services, facilities and programs by the city.
- (3) Bills for the fire services assessment shall be payable at the same time, in the same manner, and subject to the same penalties as have been heretofore established for other utility fees charged and administered by the city. The owner and utility customer of record shall be notified of any deficiency in the payment of the fire services assessment in the same manner as other delinquent utility bills. The failure to pay such a fire services assessment shall subject the property to the discontinuance of other utility services and all other penalties and charges available under law relative to the discontinuance of such utility services. In the event the owner and utility customer of record submit a partial payment, the payment shall first be applied to the fire assessment and the remainder to any outstanding utility service charges. The administrative appeal and hearing procedure applicable to the discontinuance of other utility services in the city shall be applicable to the discontinuance of such services for any delinquencies resulting under this ordinance.

- (4) Notwithstanding the provisions of this section, the city may make alternative collection arrangements with property owners or tenants or both for the payment of the fire services assessment.

(b) Alternative method of collection of fire assessments. In lieu of utilizing the utility bill, the city council may elect to collect fire services assessments by the Uniform Assessment Collection Act (after following all necessary statutory requirements) or any other method which is authorized by law or under the alternative collection method provided by this section.

- (1) The city may provide fire assessment bills by first class mail to the owner of each affected parcel of property. The bill or accompanying explanatory material shall include:
 - a. A brief explanation of the fire assessment;
 - b. A description of the unit of measurement used to determine the amount of the fire assessment;
 - c. The number of units contained within the parcel;
 - d. The total amount of the fire services assessment imposed against the parcel for the appropriate period;
 - e. The location at which payment will be accepted;
 - f. The date on which the fire services assessment is due; and
 - g. A statement that the fire services assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.
- (2) A general notice of the lien resulting from imposition of the fire services assessments shall be recorded in the official records of the county. Nothing in this ordinance shall be construed to require that individual liens or releases be filed in the official records.
- (3) The city shall have the right to collect all delinquent fire services assessments in the manner provided for the delinquent utility bills or in any manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings.

- (4) A fire services assessment shall become delinquent if it is not paid within 60 days from the date any installment is due. The city or its agent shall notify any property owner who is delinquent in payment of his fire services assessment within 90 days from the date such assessment was due. Such notice shall state in effect the city or its agent will either:
- a. Initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent fire services assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property; or
 - b. Cause an amount equivalent to the delinquent fire services assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year (after following all statutory requirements for using said method).
- (5) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described in this ordinance shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as any person. The city or its agent may join in one foreclosure action for the collection of fire services assessments against any or all property assessed in accordance with the provisions of this ordinance. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city and its agents, including reasonable attorney fees, in collection of such delinquent fire services assessments and any other costs incurred by the city as a result of such delinquent fire services assessments and the costs shall be collectible as a part of or in addition to, the costs of the action.
- (6) In lieu of foreclosure, any delinquent fire services assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (i) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act (after all statutory requirements have been met to implement the Uniform Method) and this ordinance, and (ii) any existing lien of record on the affected parcel for the delinquent fire services assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.

- (7) Notwithstanding the city use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to him/her or other city officials herein.
- (8) Any city council action required in the collection of fire services assessments may be by resolution.

Section 9. Correction of errors and omissions.

(a) No act of error or omission on the part of the city manager, city council, or their deputies or employees, shall operate to release or discharge any obligation for payment of a fire services assessment imposed by the city council under the provision of this ordinance.

(b) When it shall appear that any fire services assessment should have been imposed under this ordinance against property specially benefited by the provision of fire services, facilities, or programs, but that such property was omitted from the bill, the city may impose the applicable fire services assessment against the property for which such error is discovered, in addition to the applicable fire services assessment due for the prior 24 months. Such delinquent fire services assessment may be collected as provided for the collection of other charges on the utility bill, or may be collected as provided in the Uniform Assessment Collection Act (provided all statutory requirements are met beforehand), or may be collected as a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

Section 10. Authorization for exemptions and hardship assistance.

(a) The city council, in its sole discretion, shall determine on an annual basis whether to provide exemptions from payment of the fire services assessment for government property or institutional property whose use is exempt from ad valorem taxation under Florida law.

(b) The city council, in its sole discretion, shall determine on an annual basis whether to provide a program of hardship assistance to city residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of the fire services assessments.

(c) On an annual basis, the city council shall designate the funds available to provide any exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the city

council. Any funds designated for exemptions or hardship assistance shall be paid by the city from funds other than those generated by the fire services assessment.

(d) Any shortfall in the expected fire services assessment proceeds due to any hardship assistance or exemption from payment of the fire services assessments required by law or authorized by the city council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the fire services assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the city council is improper or otherwise adversely affects the validity of the fire services assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of a fire services assessment upon each affected tax parcel in the amount of the fire services assessment that would have been otherwise imposed save for such reduction or exemption afforded to such tax parcel by the city council.

Section 11. Severability.

The provisions of this article are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this article shall not be affected thereby.

This Ordinance shall take effect immediately upon adoption.

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

ATTEST:

CITY OF TAVARES, FLORIDA

Nancy Barnett, City Clerk

Robert Wolfe, Mayor
Tavares City Council

Approved as to form and legality:

Robert Q. Williams, City Attorney

Passed First Reading: _____

Passed Second Reading: _____

Public Hearing Notices

CITY OF TAVARES

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2012-14, Second Reading, on June 20, 2012 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32776.

ORDINANCE NO. 2012-14

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT, REPEALING ORDINANCE NO. 2009-19 AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT USING THE UNIFORM METHOD; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE ASSESSMENT; PROVIDING APPLICABILITY; PROVIDING FOR THE USE OF AN ALTERNATIVE METHOD; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING FOR ADOPTION OF FIRE SERVICES ASSESSMENT RATE RESOLUTION; PROVIDING COLLECTION METHOD AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; AUTHORIZING EXEMPTION FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

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

LAK1190753

06/10/2012

Lake Sentinel June 10/12

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 20, 2012**

AGENDA TAB NO. 9

SECOND READING

**SUBJECT TITLE: Ordinance 2012-12
Annexation & Rezoning –Morgan & Morgan Property Hwy 441**

OBJECTIVE:

To consider the annexation and rezoning to General Commercial of approximately 1.41 acres of property located on the north side of US 441 approximately 750 feet east of Lake Eustis Drive.

SUMMARY:

The subject property is located on the north side of U.S. 441 approximately 750 feet east of Lake Eustis Drive and west of Lake Junietta (existing Morgan & Morgan law office and adjacent vacant parcel). The property is approximately 1.41 acres in size. The property consists of two parcels. On the westerly parcel is situated the Morgan & Morgan law office. The easterly parcel abuts Lake Junietta and is vacant. The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Urban Low to City of Tavares Commercial on the Future Land Use Map 2020. The applicant is proposing to erect an LED billboard sign on the vacant parcel.

STAFF COMMENT:

Lands adjacent and across the road from the subject property are commercial in nature. The property is contiguous to the city. The applicant will be required to connect the existing law office to the city's waste water system within six months of the effective date of annexation. A pressurized sewer line runs in front of the building on Lake Eustis Drive. The City is sharing connection costs to the property by providing an appropriately sized sewage pump. A site plan demonstrating compliance with all city regulations including applicable state and federal environmental laws must be approved prior to the issuance of any building permits for the billboard sign. The billboard manufacturer has provided information that confirms that there will be no glancing light intrusion onto adjoining properties. It is staff's opinion that a General Commercial (C-1) zoning is the most compatible designation for this property.

OPTIONS:

1. That City Council moves to approve Ordinance 2012-12.
2. That City Council denies the propose annexation and rezoning.

PLANNING & ZONING BOARD RECOMMENDATION

At its April 19th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-12.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-12.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ORDINANCE 2012-12

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 1.41 ACRES LOCATED ON THE NORTH SIDE OF US HWY 441 APPROXIMATELY 750 FEET EAST OF LAKE EUSTIS DRIVE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMERCIAL (C-1) AND LAKE COUNTY RESIDENTIAL PROFESSIONAL (RP) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

17 **WHEREAS**, the property legally defined in **Exhibit "A"** is contiguous with the
18 corporate limits of the City of Tavares and the annexation of said property will not result in
19 the creation of any enclave; and

20 **WHEREAS**, the City of Tavares, Florida, is in a position to provide municipal
21 services to the property described herein and the owner of said property has agreed to
22 connect to the municipal wastewater system within 6 months of the effective date of this
23 ordinance; and,

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

26 **WHEREAS**, the property is currently zoned in part Lake County Commercial (C-
27 1) and in part Lake County Residential Professional (RP) and the applicant has
28 requested that said property be rezoned to a City designation of General Commercial
29 (C-1); and,

30 **WHEREAS**, this property fronts onto U.S. 441 which is designated by the Lake
31 County future land use map as Lake County Urban Low and therefore a commercial
32 designation is in compliance with the Lake County Comprehensive Plan; and,

33 **WHEREAS**, the City is concurrently processing a future land use map
34 amendment to re-designate the property from Lake County Urban Low to a City of
35 Tavares Commercial designation on the Future Land Use Map 2020; therefore

36
37 **BE IT ORDAINED** by the City Council of the City of Tavares, Florida, as follows:
38

1 **Section 1. Annexation**

2 The property legally defined as and depicted in **Exhibit "A"** attached hereto,
3 situated in Lake County, Florida, is hereby incorporated into and made a part of the City
4 of Tavares, Florida, pursuant to the voluntary annexation provisions of Section 171.044,
5 Florida Statutes.

6
7 **Section 2. Rezoning**

8 The property described in **Exhibit "A"** shall hereby be rezoned from Lake
9 County Commercial (C-1) and Lake County Residential Professional (RP) to City of
10 Tavares General Commercial (C-1) and shall be subject to the provisions contained
11 within the Land Development Regulations for this zoning designation.

12
13 **Section 3. Severability.**

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

17
18 **Section 4. Effective Date.**

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

21
22
23 **PASSED AND ORDAINED** this 20th of June, 2012, by the City Council of the
24 City of Tavares, Florida.

25
26
27 _____
28 Robert Wolfe, Mayor
29 Tavares City Council

30 First Reading: May 2, 2012
31
32 Passed Second Reading: June 20, 2012

33
34
35 ATTEST:
36
37 _____
38 Nancy Barnett, City Clerk

1 **Section 1. Annexation**

2 The property legally defined as and depicted in **Exhibit "A"** attached hereto,
3 situated in Lake County, Florida, is hereby incorporated into and made a part of the City
4 of Tavares, Florida, pursuant to the voluntary annexation provisions of Section 171.044,
5 Florida Statutes.

6
7 **Section 2. Rezoning**

8 The property described in **Exhibit "A"** shall hereby be rezoned from Lake
9 County Commercial (C-1) and Lake County Residential Professional (RP) to City of
10 Tavares General Commercial (C-1) and shall be subject to the provisions contained
11 within the Land Development Regulations for this zoning designation.

12
13 **Section 3. Severability.**

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

17
18 **Section 4. Effective Date.**

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

21
22
23 **PASSED AND ORDAINED** this _____ of _____, 2012, by the City
24 Council of the City of Tavares, Florida.

25
26
27 _____
28 Robert Wolfe, Mayor
29 Tavares City Council

30 First Reading: _____

31
32 Passed Second Reading: _____

33
34
35 ATTEST:

36
37 _____
38 Nancy Barnett, City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

APPROVED AS TO FORM AND LEGALITY:

Robert Q. Williams, City Attorney

EXHIBIT A

DESCRIPTION: (AS FURNISHED)

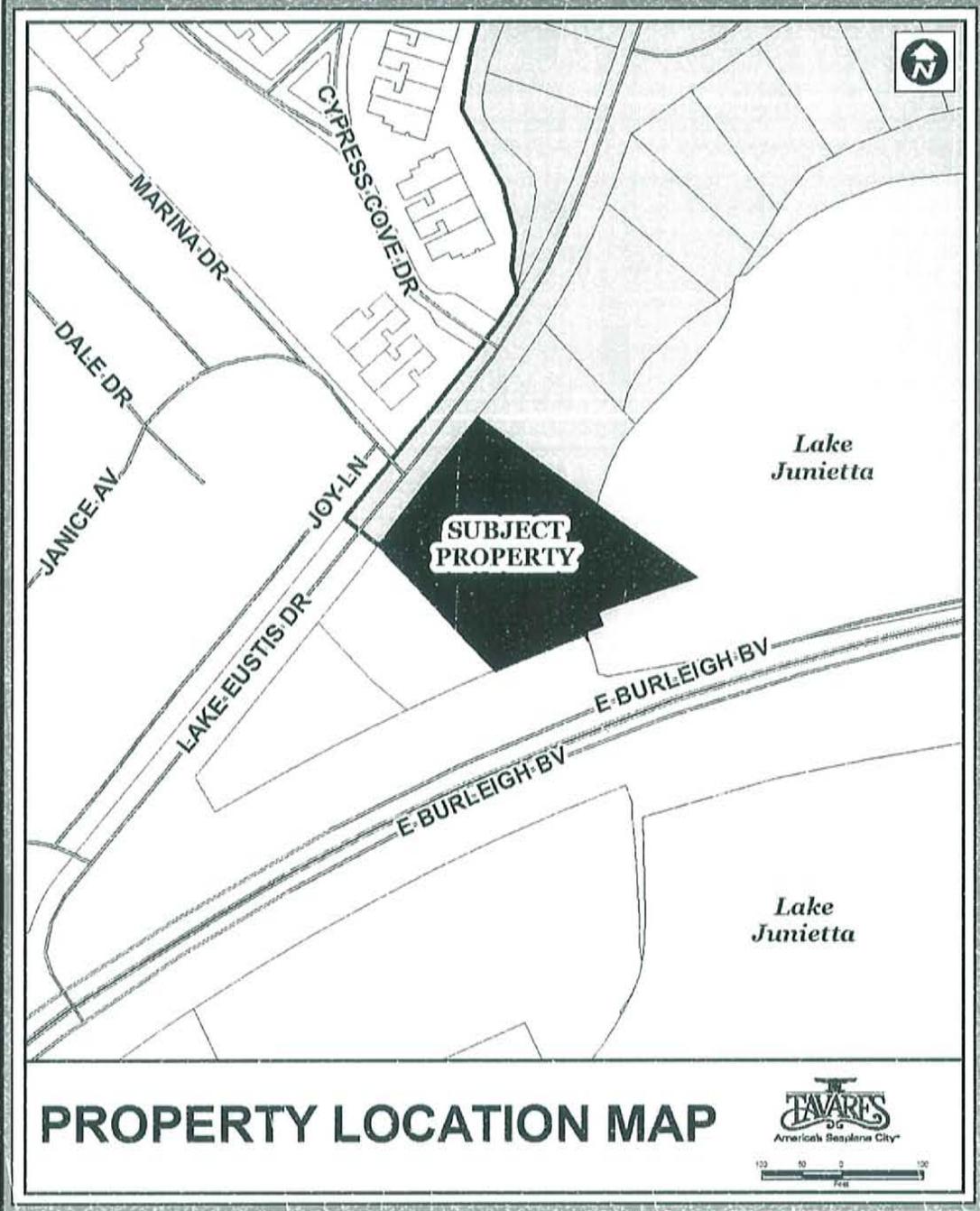
A PORTION OF LAND LYING IN SECTION 21, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, NORTH 89°41'55" WEST, 939.14 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 500, SAID POINT ALSO BEING THE POINT OF BEGINNING AND A POINT ON A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 3,014.93 FEET, A CENTRAL ANGLE OF 02°24'32" AND A CHORD BEARING AND DISTANCE OF SOUTH 70°56'51" WEST, 126.75 FEET; THENCE, ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES, (1) ALONG THE ARC OF SAID CURVE 126.76 FEET TO A POINT ON A NON-TANGENT LINE; (2) SOUTH 20°15'25" EAST, 18.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2,996.93 FEET, A CENTRAL ANGLE OF 02°47'00" AND A CHORD BEARING AND DISTANCE OF SOUTH 68°21'05" WEST, 145.57 FEET; (3) ALONG THE ARC OF SAID CURVE 145.59 FEET; THENCE NORTH 42°39'17" WEST, 124.44 FEET; THENCE NORTH 42°44'17" WEST, 86.21 FEET TO THE EASTERLY RIGHT OF WAY LINE OF LAKE EUSTIS DRIVE; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 36°13'52" EAST, 95.46 FEET; THENCE, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 37°21'17" EAST, 108.00 FEET; THENCE SOUTH 52°40'10" EAST, 339.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 61,474 SQUARE FEET, OR 1.411 ACRES MORE OR LESS.

16
17
18

CITY OF TAVARES



PROPERTY LOCATION MAP



Created By: City of Tavares GIS F:\Z\DATA\PROJECT FILES\M&M Mount Dora LLC - Annex, Rezone - SRF\UM - PZ2012-04\GIS\GIS_Maps\W\MOUNT_DORA_AD.mxd Map Created on: 2/27/12

1

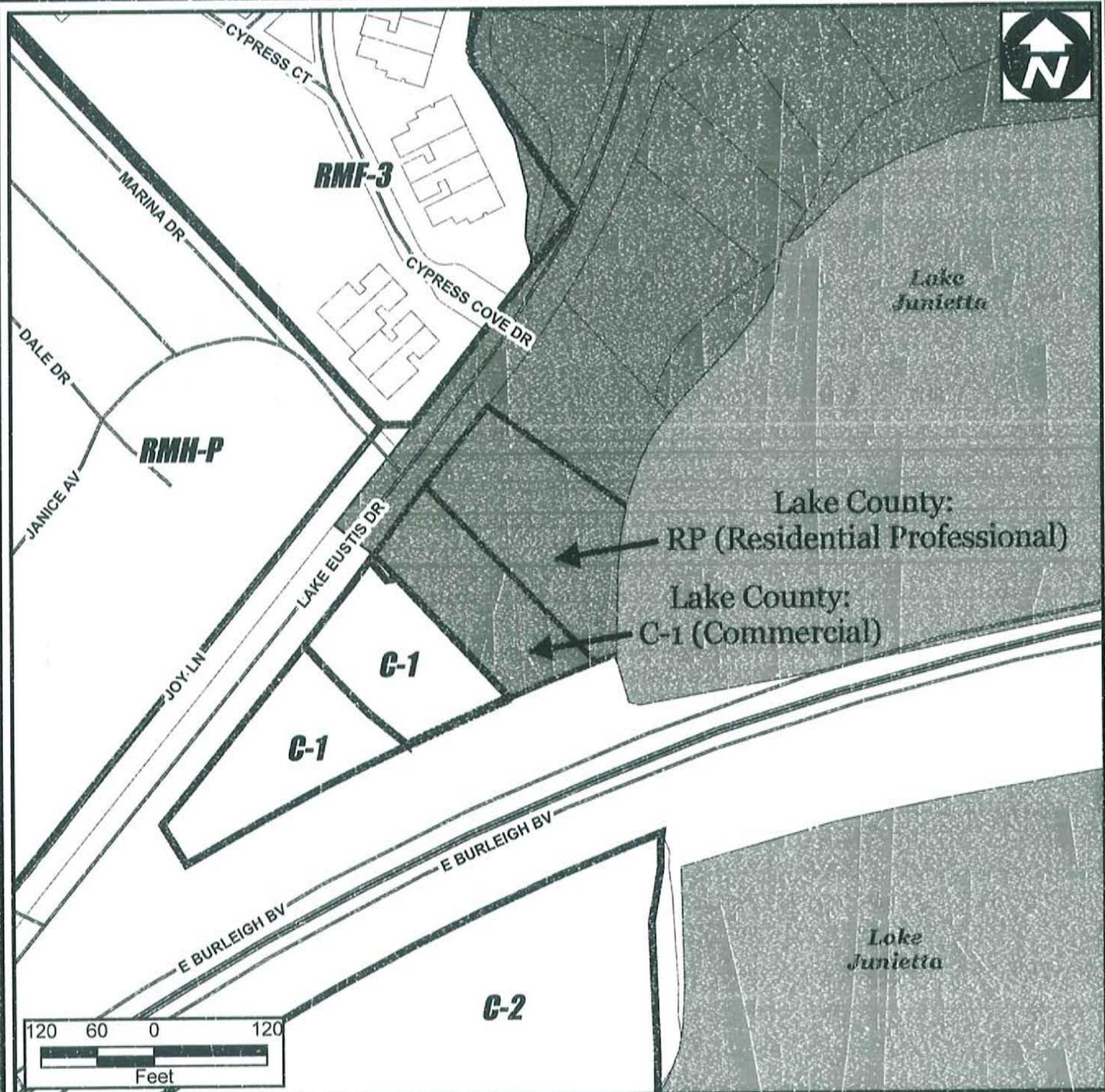
CITY OF TAVARES



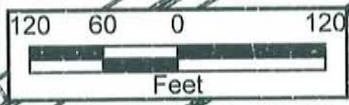
PROPERTY LOCATION MAP



CITY OF TAVARES ORDINANCE # 2012-12



Lake County:
RP (Residential Professional)
Lake County:
C-1 (Commercial)



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



ZONING MAP

ORDINANCE # 2012-12

M&M Mount Dora, LLC

Current: County C-1, RP
Proposed: City C-1
01.42 ± Acres

Legend

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

1 **1) M& M Mount Dora, LLC – Annexation, Rezoning Ordinance 2012-12**

2
3 Jacques Skutt, Community Development Director provided the following staff report;

4
5 The subject property is located on the north side of U.S. 441 approximately 750 feet east of
6 Lake Eustis Drive and west of Lake Junietta (existing Morgan & Morgan law office and
7 adjacent vacant parcel). The property is approximately 1.41 acres in size. The property
8 consists of two parcels. On the westerly parcel is situated the Morgan & Morgan law office.
9 The easterly parcel abuts Lake Junietta and is vacant. The City is concurrently processing a
10 future land use map amendment to re-designate the property from Lake County Urban Low to
11 City of Tavares Commercial on the Future Land Use Map 2020. The applicant is proposing to
12 erect a billboard sign on the vacant parcel.

13
14 Staff recommended that the Planning and Zoning Board move to recommend approval of
15 Ordinance 2012-12.

16
17 Chairman Adams asked if there was anyone in the audience who would like to make a
18 comment. Mr. Brad Cooper of Clear Channel and speaking on behalf the applicant said that
19 he was available to answer questions.

20
21 John Tanner asked to discuss the proposed billboard. There was discussion as to whether the
22 billboard was permitted and if the location was appropriate. It was determined that as a sign,
23 concerns regarding billboards could be addressed by review of the sign chapter of the Land
24 Development Regulations.

25
26 **MOTION**

27
28 **Gary Santoro moved to recommend approval of Ordinance 2012-12. The motion was**
29 **seconded by Norb Thomas. The motion carried unanimously 6-0.**

30
31 **2) M&M Mount Dora, LLC – SSFLUM - Ordinance 2012-13**

32
33 Jacques Skutt, Community Development Director provided the following staff report;

34
35 Ordinance 2012-13 proposes a small scale amendment to the Future Land Use Map 2020 of the
36 Comprehensive Plan.

37
38 The subject property (Parcel Alternate Key Numbers 1217032 & 1217083) is 1.41 acres in
39 size, located on the north side of U.S. 441 approximately 750 feet east of Lake Eustis Drive
40 and west of Lake Junietta. An application to annex and rezone this property to a general
41 commercial designation is concurrently under consideration. This ordinance would amend the
42 current Future Land Use Designation from Lake County Urban Low to City Commercial.

43
44 Future Land Use Amendment

45 The city is required to place a future land use designation on annexed property. The subject property is
46 currently designated Lake County Urban Low. A City Commercial designation is most compatible with
47 surrounding property.

Orlando Sentinel

Publication Date: 04/16/2012

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

Client Name: CITY OF TAVARES
 Advertiser: CITY OF TAVARES
 Section/Page/Zone: Lake/D 2/LAK
 Description: ORD 2012-12 AND 13
 Ad Number: 092027702
 Insertion Number: 092027702
 Size: 3 x 10.5
 Color Type: B&W

irish mist AIR DUCT CLEANING

Residential • Commercial

whole house special \$199.00

- 1 Mail Supply Duct
- 1 Mail Return Duct
- 1 Vent Covers
- 1 Ducts 4 Years

State-Of-The-Art Vacuum Trucks

- Reduce Allergy Suffering
- Remove Dirt & Dust
- Remove Mold & Bacteria
- Remove Animal Hair & Dander
- Improved Efficiency
- Sanitizing Available

OFFICE HOURS: MONDAY - FRIDAY 9A.M. - SATURDAY 10A.M.

Mount Dora 352-343-9808 The Villages 352-391-1890 Toll Free 800-307-9771

irish mist CARPET CLEANERS

Residential • Commercial

whole house special \$109.00

Any Combination of 5 Rooms, Bedrooms or Bath

4 More \$100.00 Rooms - \$100.00

ALLIANCE SERVICES AVAILABLE FOR LOCAL CLEANING & MAINTENANCE CONTRACTS

Truck Mounted Equipment

- Professional Operators
- Eco-Friendly Products
- No Detergent
- No Abrasive

If someone wears a hearing aid and no one can see it, is it really there?

New discreet hearing instruments from Siemens. These days, hearing loss affects people at any age. But just because you know you need hearing aids doesn't mean anyone else has to. Our new hearing instruments from Siemens—the world's largest and most innovative hearing instrument company—can help you hear better without advertising the fact that you're wearing them.

Call for your appointment and free consultation today.

Lake Medical Hearing Centers

Family Owned and Operated

CLERMONT

243-HEAR (4327)

221 N US Hwy 27, Suite H
(Across from The Citrus Tower)

EUSTIS

483-HEAR (4327)

2755 S. Bay Street, Suite F
(Across from Tractor Supply Company)

SATISFACTION GUARANTEED

71910 www.lakemedicalhearing.com

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2012-12 and Ordinance 2012-13 (in total) as follows:

ORDINANCE 2012-12

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 1.41 ACRES LOCATED ON THE NORTH SIDE OF US HWY 41 APPROXIMATELY 750 FEET EAST OF LAKE EUSTIS DRIVE; REZONING SAID PROPERTY FROM LAKE COUNTY COMMERCIAL (C-1) AND LAKE COUNTY RESIDENTIAL PROFESSIONAL (RP-70) CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS OBTAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-13

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 1.41 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF US HWY 41 APPROXIMATELY 750 FEET EAST OF LAKE EUSTIS DRIVE; FROM LAKE COUNTY URBAN LOW TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-12 and Ordinance 2012-13 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on April 19, 2012, at 3 p.m. and
2. Tavares City Council meeting on May 2, 2012, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on May 16, 2012, at 4 p.m. (Second Reading - Adoption Hearing)

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

Proposed Ordinance 2012-12 and Ordinance 2012-13 may be in posted by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting, Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board case file. City Council Second Reading. Any persons wishing to appeal a decision of the public body should state himself a verbatim record of the proceedings in mail.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing, if you are hearing or voice impaired, call (352) 742-6403.

Please direct any questions on this proposed ordinance to Jacques Seun, Community Development Director, at (352) 742-6404.



YOUR COMMUNITY IN BRIEF

Extension office offers free programs at county libraries

By DEBBIE MANIS
Staff Writer

The University of Florida/Lake County extension office will offer several free programs at the following libraries:

Get tips at a "De-Clutter Your Life" from 2 to 3:30 p.m. Wednesday at Cooper Memorial Library, 2525 Oakley Sasser Drive, Clermont. Participants will learn the principles of good storage, how long and where to store important documents and how to overcome barriers to organization.

"Women and Money" will be offered from 2 to 3:30 p.m. April 23 at Lady Lake Public Library, 225 W. Guava St. Participants will learn how to take charge of their financial life.

The program also will be offered from 2 to 3:30 p.m. May 2 at Cooper Memorial Library.

For more information, email Julie England at the Lake County Extension Office at julieeng@ufl.edu or call 352-843-4101, Ext. 272.

Mount Dora.

VVA also serves steak dinners from 5 to 7 p.m. the fourth Saturday of every month at VFW Post 8087. The public is welcome.

Details: 352-702-8245 or 352-552-3899.

■ Fifth Circuit Juvenile Justice Board, which includes Lake, Marion, Sumter, Citrus and Hernando counties, committee planning meeting is 8:30 a.m. Thursday at Oxford Assembly of God in Sumner County, 1284 N. U.S. Highway 301. The regular meeting will begin at 9:30 a.m.

Details: Becky Linn, 352-620-7405, Ext. 227.

■ The Highlanders Chapter of the Florida Trail Association will meet at 6 p.m. Thursday in Room A of the Leeburg Public Library, 100 E. Main St. The meeting, which is usually held the fourth Thursday of the month, will be held the third Thursday because of the Leeburg Bluefest. Gabe Beasley will give a presentation on day hiking in Central Arizona.

Participants are encouraged to bring a snack to share and aluminum cans to recycle.

Details: 352-787-8654 or hobbitzoo@combarqmail.com.

■ The Golden Triangle Stamp Club will meet at 1 p.m. Friday in the lodge at Waterman Village, 445 Waterman Ave., Mount Dora.

Details: Scot Cornwall, 352-217-2426.

■ The Oklawaha Valley Audubon Society will meet at 2 p.m. Sunday at Trout Lake Nature Center, County Road 44 Bypass east of State Road 13, Eustis. Nature photographer Diane Brannon will present "The Birds of Bosque del Apache National Wildlife Refuge," a famous spot in New Mexico.

Benefit jewelry sale

Leeburg Regional Medical Center Auxiliary will have a fundraising jewelry sale from 7 a.m. to 4 p.m. Wednesday and Thursday in the west lobby of the hospital, 600 E. Dixie Ave. Jewelry will be provided by the Masquerade Jewelry Company. All items are \$5. Proceeds will benefit the hospital.

Housing Expo

Marion County Community Services and other community groups and businesses will present the 12th annual Ocala/Marion County Housing Expo from 10 a.m. to 2 p.m. Saturday at the Silver Springs Shores Community Center, 590 Silver Road, Ocala.

Participants will receive free expert advice and help about home-buying, house repairs and foreclosure.

Details: 352-673-8770.

Furniture collection

Marion County residents can get rid of unwanted furniture at recycling centers. Marion County Solid Waste Department holds furniture collection every month from 7 a.m. to 5 p.m.

Collections dates will be at the following locations:

- Saturday, Weirsdale recycling center, 13535 S.E. 164th St., Weirsdale.
- April 28, Orange Lake recycling center, 18290 NW 53rd Court Road, Orange Lake.
- May 6, Florida Highlands recycling center, 8390 SW 150th St., Dunnellon.
- May 12, Salt Springs recycling center, 13580 N.E. 293rd Avenue Road, Silver Springs.
- May 19, South Forest recycling center, 1440 S.E. 182nd Avenue Road, Unstiffle.
- May 26, Wright Road recycling center, 1850 NW 90th Ave., Reddick.

Details: 352-673-8165 or marioncounty.org/solidwaste.htm

Meetings

- Lake Minneola High School's advisory committee will be at 6 p.m. today in the media center, 601 N. Hancock Road, Minneola. Topics will include end-of-course exams, FCAT updates and plans for 2012-13 school year.
- Details: 352-394-9600.
- Chain Stitchers Chapter of the Embroiderers' Guild of America meets from 1 to 3 p.m. the third Wednesday of every month in Room A/B at the Leeburg Public Library, 100 E. Main St. Participants can learn the art of hand embroidery.
- Details: 352-315-0459.
- Vietnam Veterans of America Chapter 6066 meets at 6:30 p.m. the third Wednesday of every month at the Veterans of Foreign Wars Post 8087, 4065 County Road 10A,

Clarendo Sentinel, 1896 E. Burlington Blvd., Tavares, FL 32778-4366, fax 352-742-5938 or dmanis@tribune.com.

RETIRE SMART

Coping in low-interest world not easy

By JILL SCHLESINGER
Tribune Media Services

A reader writes: "My CD is maturing next month. What are my alternatives in this low-interest world? I field this question at least once a week and all I can think is, 'Pity the poor saver!'"

To boost the economy, the Federal Reserve has been slashing short-term interest rates (the Fed Funds rate) to the historically low levels of 0 to 0.25 percent, the range at which rates have been for over three years running. As a result, interest on everything from savings accounts to money market funds to CDs is meager at best. What's a good saver to do?

First, let's make sure that we differentiate between those who want to bump up the interest on their emergency reserve funds (3 to 6 months of living expenses for the retiree, 9 to 12 months for pre-retirees) and those who have used CDs as part of their total retirement investments.

For emergency reserves, you must have the ability to access your money quickly. This is a concept known as "liquidity" and it's important regardless of your age, but even more so during retirement. Checking accounts, savings accounts, money market funds and 3-, 6-, 9- or 12-month CDs have all been the vehicle of choice for emergency funds, even while interest rates for these instruments are hovering below 0.5 percent.

But don't give up too early! My colleague

Allan Peth has directed me to a fabulous website that keeps track of the best options among the various account types, www.pretiree.com. At this site, you will see that some banks and credit unions offer 5%, 6%, or 7% CDs at 18-24 percent, with minimal 60-day early withdrawal penalties. For every \$10,000 in emergency reserves, you may be able to increase your earnings by \$25-\$200 a year.

Another idea for your emergency reserves is Series I US Savings Bonds, which have two components: a fixed rate that remains the same throughout the life of the bond, and a variable inflation rate that is adjusted twice a year (May and November) based on changes in the Consumer Price Index. Today the first component pays 0 percent and the second component pays 3.6 percent, which is a heck of a lot better than the 0.5 percent that you're earning on short-term CDs! How does it work? Interest from the bond is added to the bond's value each month. That means that you don't receive periodic interest payments, but rather you collect the interest when you cash in your bonds. Note that there are two downsides to I-bonds: You can only buy \$10,000 per person, per year, and you have to hold them for at least one year.

Jill Schlesinger is editor-at-large for CBSMoneyWatch.com. Contact her with questions and comments at csj@jillmanaging.com.

PICKLES

EVERYBODY GOT PROBLEMS, NEIGHBOR! THE BEST WAY TO GET OUT OF A PROBLEM IS TO SOLVE IT.

MY GRANDMA ONCE SAID, "WHEN YOU GET TO THE END OF YOUR ROPE, TIE A KNOT AND MAKE A SWING."

ACTUALLY, THAT WAS BAD ADVICE.

HAVE YOU EVER TROUD GROUNDING LAMB LEGS ON A KNOT? THAT'LL PUT A KNOT IN YOUR GETTING FOR A WEEK!

How to reach the Lake County newspaper contacts

COUNTY EDITOR
 JILL SCHLESINGER
 1896 E. Burlington Blvd., Tavares, FL 32778-4366
 352-742-5938

COLUMNIST/EDITOR
 JILL SCHLESINGER
 1896 E. Burlington Blvd., Tavares, FL 32778-4366
 352-742-5938

LAKE NEWS ONLINE
www.lakecounty.com

Delivery, notices, web page or computer, circulation change, managerial contacts
 1-800-399-5342

**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 20, 2012**

AGENDA TAB NO. 10

SECOND READING

**SUBJECT TITLE: Ordinance 2012-13
Small Scale FLUM Amendment- Morgan & Morgan Property Hwy 441**

OBJECTIVE:

To consider a Future Land Use Map amendment for approximately 1.41 acres of property located on the north side of US Highway 441 approximately 750 feet east of Lake Eustis Drive.

SUMMARY:

Ordinance 2012-13 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Numbers 1217032 & 1217083) is 1.41 acres in size, located on the north side of U.S. 441 approximately 750 feet east of Lake Eustis Drive and west of Lake Junietta. An application to annex and rezone this property to a general commercial designation is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Lake County Urban Low to City Commercial.

Future Land Use Amendment

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

Compatibility

Properties adjacent and across the road from this property are commercial in nature.

Site Conditions

The property consists of two parcels. On the westerly parcel is situated the Morgan & Morgan law office. The easterly parcel abuts Lake Junietta and is vacant. The applicant is proposing to erect a billboard sign on the vacant parcel. A site plan demonstrating compliance with all city regulations including applicable state and federal environmental laws must be approved prior to the issuance of any building permits for the billboard sign.

Impact on City Services

The subject property is located in the City's Utility Service Area. The City of Tavares has municipal water and sewer services available to the subject parcel and the existing law office is required to connect to city utilities. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Since the property is currently designated Urban under the County's Comprehensive Plan, impacts on Levels of Service are not implicated.

FINDINGS

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

1. A Commercial Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.
2. Impacts of the proposed development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 7A)

OPTIONS:

1. That City Council moves to approve Ordinance 2012-13.
2. That City Council denies the proposed Future Land Use Map amendment.

PLANNING AND ZONING BOARD RECOMMENDATION

At its April 19th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-13.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-13.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

ORDINANCE 2012-13

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 1.41 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF US HWY 441 APPROXIMATELY 750 FEET EAST OF LAKE EUSTIS DRIVE; FROM LAKE COUNTY URBAN LOW TO CITY OF TAVARES COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Tavares is concurrently processing the annexation of this property with proceedings to amend the Future Land Use Map 2020 designation pertaining to said property from Lake County Urban Low to City of Tavares Commercial; and

WHEREAS, the property consists of less than ten acres;

WHEREAS, the City of Tavares has advertised as required by law for two public hearings prior to adoption of this ordinance; and

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

WHEREAS, the City desires to encourage commercial uses in this particular area of the City, and

WHEREAS, a Commercial Future Land Use designation is compatible with surrounding designations and such designation is compatible with both City of Tavares and Lake County surrounding future land use designations; and

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

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

3
4 **WHEREAS**, the City Council finds this amendment in compliance with Chapter 163,
5 Florida Statutes, and the City of Tavares Comprehensive Plan; and

6
7 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
8 general welfare of the citizens of Tavares.

9
10 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
11 Florida as follows

12
13 **Section 1. Future Land Use Amendment**

14 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
15 Florida, is hereby amended to reflect a re-designation from Lake County Urban Low to City of
16 Tavares Commercial on certain real property as legally described in Exhibit "A". All provisions
17 of the Comprehensive Plan shall hereby apply to said property.

18
19 **Section 2. Severability and Conflicts**

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

24
25 **Section 3. Transmittal**

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

1 **Section 4. Effective Date**

2 The effective date of this plan amendment, if the amendment is not timely challenged,
3 shall be 31 days after the state land planning agency notifies the local government that the plan
4 amendment package is complete. If timely challenged, this amendment shall become effective
5 on the date the state land planning agency or the Administration Commission enters a final order
6 determining this adopted amendment to be in compliance. No development orders, development
7 permits, or land uses dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the Administration Commission,
9 this amendment may nevertheless be made effective by adoption of a resolution affirming its
10 effective status, a copy of which resolution shall be sent to the state land planning agency.

11
12

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

15
16
17
18
19
20
21

Robert Wolfe, Mayor
Tavares City Council

22 First Reading: _____

23
24 Second Reading & Final Adoption: _____

25
26
27 ATTEST:

28
29
30 _____
31 Nancy A. Barnett, City Clerk

32
33 Approved as to form:

34
35
36
37 _____
38 Robert Q. Williams, City Attorney

39

1
2
3
4

EXHIBIT "A"

DESCRIPTION: (AS FURNISHED)

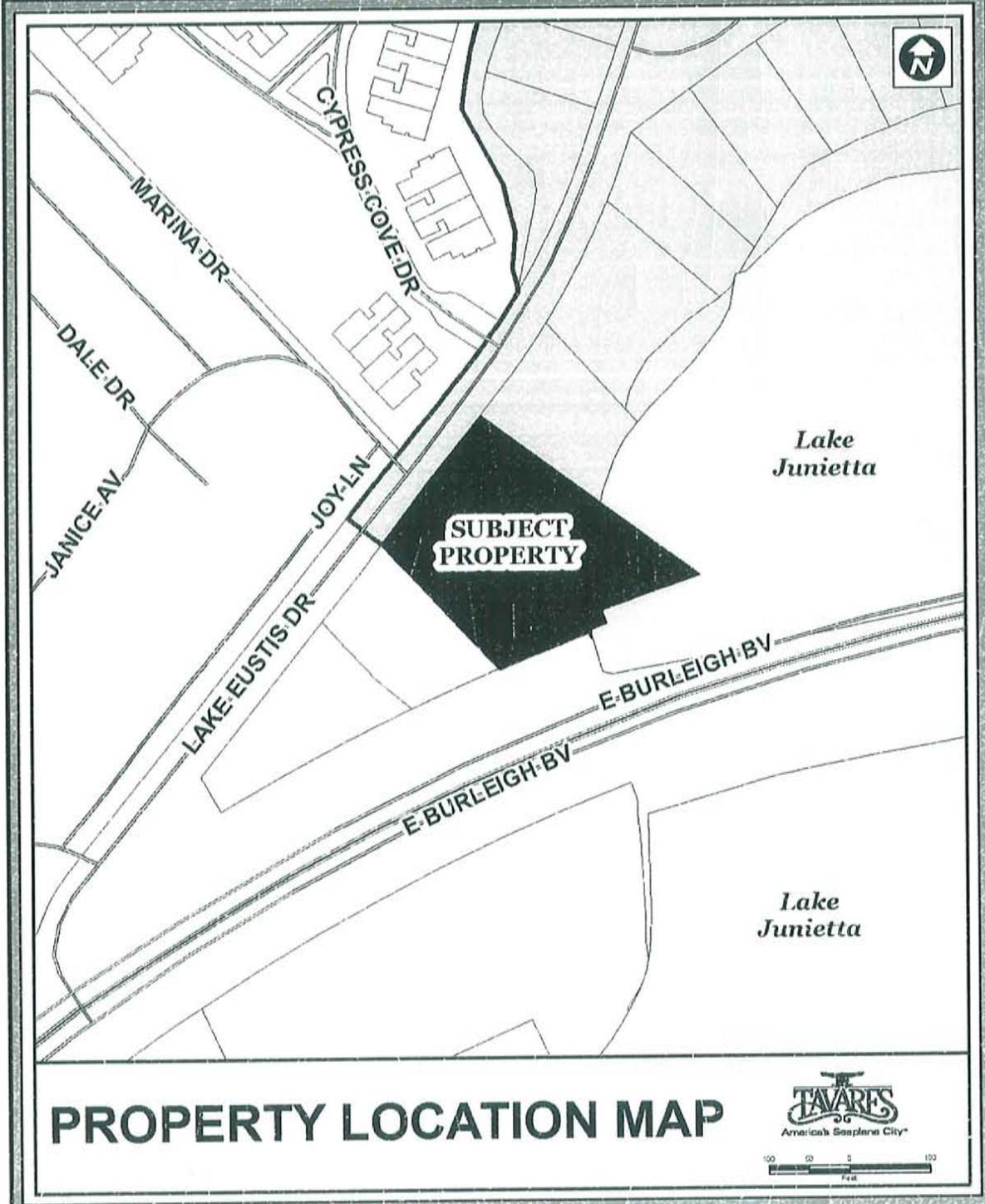
A PORTION OF LAND LYING IN SECTION 21, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, NORTH 89°41'55" WEST, 939.14 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 500, SAID POINT ALSO BEING THE POINT OF BEGINNING AND A POINT ON A CURVE CONCAVE SOUTH, HAVING A RADIUS OF 3,014.93 FEET, A CENTRAL ANGLE OF 02°24'32" AND A CHORD BEARING AND DISTANCE OF SOUTH 70°56'51" WEST, 126.75 FEET; THENCE, ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES, (1) ALONG THE ARC OF SAID CURVE 126.76 FEET TO A POINT ON A NON-TANGENT LINE; (2) SOUTH 20°15'25" EAST, 18.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2,996.93 FEET, A CENTRAL ANGLE OF 02°47'00" AND A CHORD BEARING AND DISTANCE OF SOUTH 68°21'05" WEST, 145.57 FEET; (3) ALONG THE ARC OF SAID CURVE 145.59 FEET; THENCE NORTH 42°39'17" WEST, 124.44 FEET; THENCE NORTH 42°44'17" WEST, 86.21 FEET TO THE EASTERLY RIGHT OF WAY LINE OF LAKE EUSTIS DRIVE; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 36°13'52" EAST, 95.46 FEET; THENCE, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 37°21'17" EAST, 108.00 FEET; THENCE SOUTH 52°40'10" EAST, 339.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 61,474 SQUARE FEET, OR 1.411 ACRES MORE OR LESS.

5
6

CITY OF TAVARES

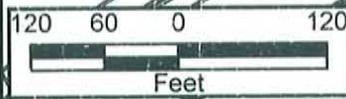
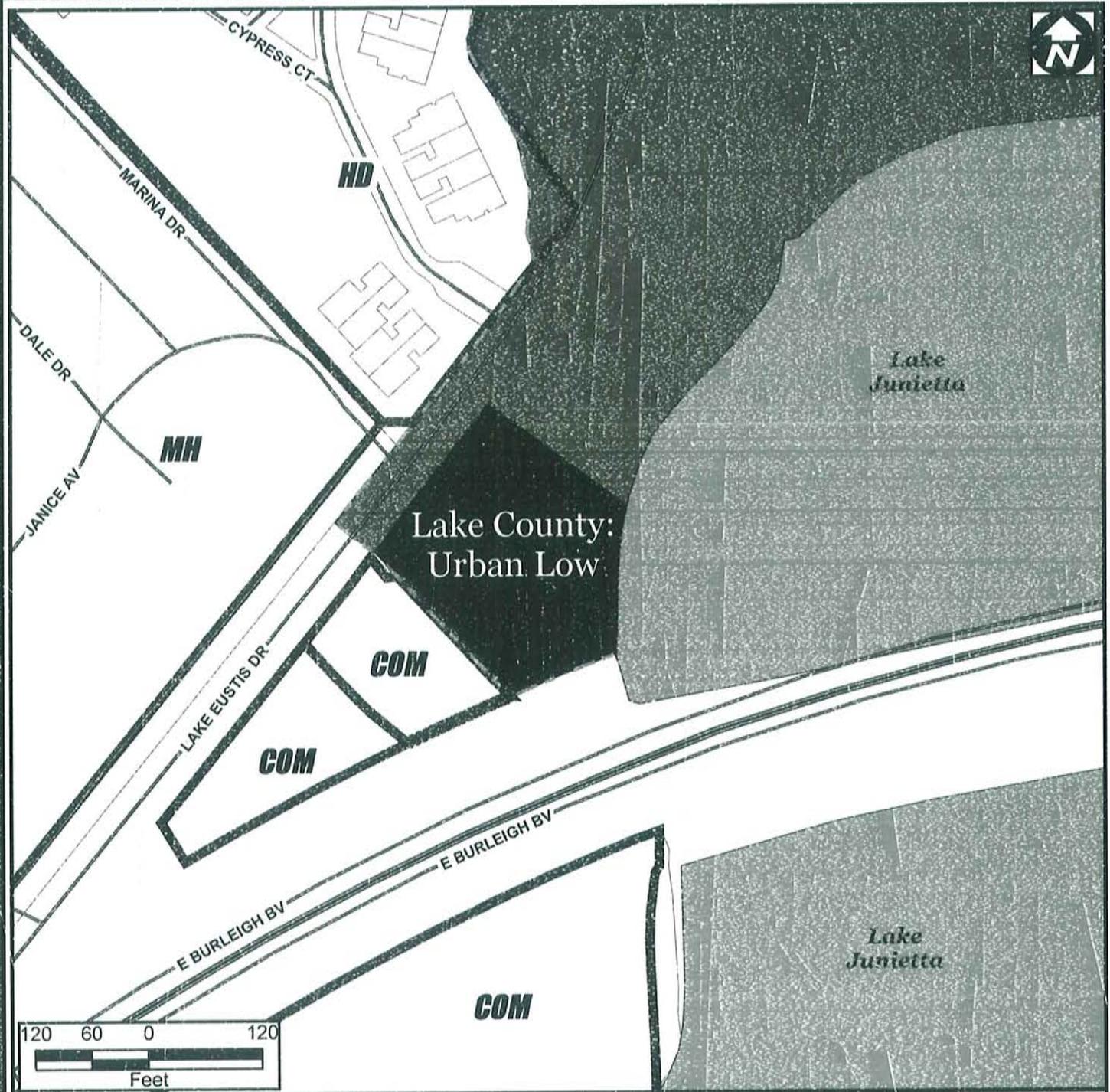


PROPERTY LOCATION MAP



Created By: City of Tavares GIS F:\P2\DATA\PROJECT FILES\M&M Mount Dora LLC - Annex Rezone - SS FLUM - P22012-04\GIS\GIS_Maps\WM_MOUNT_DORA_A0.mxd Map Created on 3/27/12

CITY OF TAVARES ORDINANCE # 2012-13



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

FUTURE LAND USE MAP

ORDINANCE # 2012-13

M&M Mount Dora, LLC

Current: County Urban LOW
 Proposed: City Commercial
 01.42 ± Acres

Legend

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 14, 2012**

AGENDA TAB NO. 11

SUBJECT TITLE: Consider Resolution Number 2012-08 Expressing the City's Intent to issue Tax Exempt Debt for the Downtown Stormwater Project, allowing for reimbursement of expenditures from debt proceeds.

OBJECTIVE: To consider Resolution Number 2012-08 which expresses the intent of the City to issue Tax-Exempt debt for the downtown Stormwater Project

SUMMARY:

The Downtown Tavares Redevelopment Master Plan sets forth a vision for the future for Downtown Tavares and its potential to develop as a vibrant pedestrian-oriented, mixed use center in order to support the anticipated increase in residential and commercial populations. In September 2010 the City Council authorized Malcolm Pirnie to assist the City by preparing a Preliminary Engineering Report and Environmental report required for the applications to various funding agencies.

On January 18, 2012, the City Council approved the acceptance of a grant from the Florida Department of Environmental Protection Agency (FDEP) in the amount of \$750,000 for improvements to the Downtown Stormwater system. The grant requires a minimum match of \$1,908,000. The FDEP grant may be included as part of match requirements for other grants for the project.

On March 21, 2012, the City Council approved the acceptance of a grant from the Lake County Water Authority (LWCA) in the amount of \$253,000 for the Downtown Stormwater project. The grant requires a minimum match of \$2,047,000. The LWCA grant may be included as part of match requirements for other grants for the project.

In order to take advantage of both grants totaling \$1,003,000, the City will need to borrow funds for the remainder of the project. The total project cost for Phase 1 of the Downtown Stormwater project is estimated at \$3,400,000.

In order to allow the City to reimburse itself for project costs during the period that the City issues an RFP for Tax Exempt financing for the project, this resolution is needed under the requirements of United States Treasury Regulation Section 1.150-(2) (e).

This resolution has been prepared by the City's Bond Counsel, Mike Williams, and reviewed by the City Attorney and the City's Financial Advisor, Mike Galvin of First Southwest.

OPTIONS:

1. Move to **adopt** Resolution Number 2012-08 which expresses the City's intent to issue Tax-Exempt debt for design, permitting, and construction for the Downtown Stormwater Project and

for the issuance by the City of Notes, Bonds or other obligations in amount not exceeding \$3,400,000.

2. Move to **not** adopt Resolution Number 2012-08

STAFF RECOMMENDATION:

Move to **adopt** Resolution Number 2012-08 which expresses the City's intent to issue Tax-Exempt debt for design, permitting, and construction for the Downtown Stormwater Project and for the issuance by the City of Notes, Bonds or other obligations in amount not exceeding \$3,400,000

FISCAL IMPACT:

This Resolution provides for no fiscal impact at this time. The resolution provides for the ability to incur approved expenditures prior to the issuance of debt.

LEGAL SUFFICIENCY: Resolution No. 2010-08 was prepared by the City's Bond Counsel, Mike Williams of Akerman Senterfitt through the office of the City Attorney.

RESOLUTION NO. 2012-08

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF TAVARES, FLORIDA TO ISSUE TAX-EXEMPT DEBT TO DESIGN, PERMIT AND CONSTRUCT IMPROVEMENTS TO THE CITY'S STORMWATER SYSTEM; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(E) TO REIMBURSE WITH THE PROCEEDS OF SUCH TAX-EXEMPT FINANCING, EXPENDITURES MADE WITH RESPECT TO THE DESIGN, PERMITTING AND CONSTRUCTION OF SUCH IMPROVEMENTS; PROVIDING FOR THE ISSUANCE BY THE CITY OF NOTES, BONDS OR OTHER OBLIGATIONS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$3,400,000 TO PAY THE COST OF SUCH PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tavares, Florida (the "City") is initiating the process to undertake certain improvements to the City's stormwater system including but not limited to the design, permitting and construction of a wet detection pond and interception pipeline (the "Project"); and

WHEREAS, the City intends to finance the costs of such Project with the proceeds of its revenue bonds, notes or other obligations to be issued in the future in one or more series the interest on which is intended to be excludable from gross income for federal income tax purposes (the "Tax Exempt Financing"); and

WHEREAS, the City expects to initially pay certain costs of the Project with funds other than proceeds of the Tax Exempt Financing (the "Advanced Funds") and to reimburse itself for such expenditures with proceeds from the Tax Exempt Financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, THAT:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Chapter 166, Florida Statutes, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The City Council hereby finds, determines and declares as follows:

A. The City is authorized under law, including, without limitation, the Act, to issue the Tax Exempt Financing for the valid public purpose of paying the cost of the Project.

B. It is necessary, desirable, convenient and in the interest of the City that the Project be designed, permitted, constructed and financed as contemplated in this Resolution.

C. The City intends to finance certain of the costs of the design, permitting, construction and installation of the Project with the proceeds of its Tax Exempt Financing to be issued in the future.

D. The City expects to pay certain costs of the Project with Advanced Funds before the issuance of the Tax Exempt Financing.

SECTION 3. EXPRESSION OF INTENT. The City reasonably expects to use the proceeds of the Tax Exempt Financing to reimburse itself for all expenditures described herein made with the Advanced Funds. This Resolution is a declaration of the official intent of the City in that regard, within the contemplation of Section 1.150-(2)(e) of the Income Tax Regulations promulgated by the United States Department of the Treasury.

SECTION 4. MAXIMUM AMOUNT OF DEBT. The maximum principal amount of the Tax Exempt Financing reasonably expected to be issued to finance the cost of the Project is \$3,400,000.

SECTION 5. FURTHER ACTION. The officers and employees of the City are hereby authorized to do all acts and things required of them by this Resolution for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or necessary or convenient to the issuance of the Tax Exempt Financing as provided herein.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Tavares, Florida on the 20th day of June, 2012.

THE CITY OF TAVARES, FLORIDA

(SEAL)

By: _____
Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 14, 2012**

AGENDA TAB NO. 12

SUBJECT TITLE: Resolution Number 2012-09 Expressing the City's Intent to issue Tax Exempt Debt for the Water and Sewer Meter Replacement Project, allowing for reimbursement of expenditures from debt proceeds.

OBJECTIVE: To consider Resolution Number 2012-09 which expresses the intent of the City to issue Tax-Exempt debt for the city-wide replacement of water meters.

SUMMARY:

The City instituted a 20 year meter modernization and replacement program about ten (10) years ago. The City has continued to modernize the entire water system to eliminate water loss sources and to come as close as possible to eradicating water loss, with the goal of improving the delivery of clean water at the lowest possible price. In addition to modernizing and replacing meters, the City has invested in a city-wide water hydrology study, GPS'ing every line, upgrading the water plant and evaluating water pressure issues. Recent grants and loans have also enabled the City to upgrade old antiquated water distribution lines in certain locations.

On January 18, 2012, the City Council approved a contract with UMS (Utility Metering Solutions) to accelerate the City-Wide meter replacement program. The accelerated program to change out all non-radio read meters would provide the following benefits to the City:

- Elimination of the existing meter reading contract with Severn Trent in the amount of \$60,000 per year.
- Estimated annual revenue increase of 2%-5% by replacing underperforming meters.
- Reduction of the City's existing leak detection program from every 2-3 years to every 5-7 years with an estimated savings of \$50,000
- Reallocate water staff time from meter replacement duties to reclaim water related duties
- Receive rebate of approximately \$69 for every replaced meter.
- Enhanced water conservation efforts
- Data storage of approximately 96 days of meter activity.
- Improved reading accuracy
- Ability to obtain SJRWMD Water Conservation Program Credits
- Receive 20 year warranty on replaced transmitters
- GPS location capture
- Identification of possible unmetered water usage

The Program savings will be used to offset Debt Financing for the project. In order to allow the City to reimburse itself for projects costs during the period that the City issues an RFP for Tax Exempt financing for the project, this resolution is needed under the requirements of United States Treasury Regulation Section 1.150-(2) (e).

This resolution has been prepared by the City's Bond Counsel, Mike Williams, and reviewed by the City Attorney and the City's Financial Advisor, Mike Galvin of First Southwest.

OPTIONS:

1. Move to **adopt** Resolution Number 2012-09 which expresses the City's intent to issue Tax-Exempt debt to acquire, construct and make equipment improvements (water meters) to the City's Water and Sewer System, and providing for the issuance by the City of Notes, Bonds or other obligations in amount not exceeding \$2,000,000.
2. Move to **not** adopt Resolution Number 2012-09

STAFF RECOMMENDATION:

Move to **adopt** Resolution Number 2012-09 which expresses the City's intent to issue Tax-Exempt debt to acquire, construct and make equipment improvements (water meters) to the City's Water and Sewer System, and providing for the issuance by the City of Notes, Bonds or other obligations in amount not exceeding \$2,000,000.

FISCAL IMPACT:

This Resolution provides for no additional fiscal impact. The resolution provides for the ability to incur expenditures prior to the issuance of debt. (This project was approved by the City Council on January 18, 2012.)

LEGAL SUFFICIENCY: Resolution No. 2010-09 was prepared by the City's Bond Counsel, Mike Williams of Akerman Senterfitt through the office of the City Attorney.

RESOLUTION NO. 2012-09

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF TAVARES, FLORIDA TO ISSUE TAX-EXEMPT DEBT TO ACQUIRE, CONSTRUCT AND EQUIP IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH TAX-EXEMPT FINANCING, EXPENDITURES MADE WITH RESPECT TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH IMPROVEMENTS; PROVIDING FOR THE ISSUANCE BY THE CITY OF NOTES, BONDS OR OTHER OBLIGATIONS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$2,000,000 TO PAY THE COST OF SUCH PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tavares, Florida (the "City") is initiating the process to undertake certain improvements to the City's water system and sewer including by not limited to a water meter replacement program (the "Project"); and

WHEREAS, the City intends to finance the costs of such Project with the proceeds of its revenue bonds, notes or other obligations to be issued in the future in one or more series the interest on which is intended to be excludable from gross income for federal income tax purposes (the "Tax Exempt Financing"); and

WHEREAS, the City expects to initially pay certain costs of the Project with funds other than proceeds of the Tax Exempt Financing (the "Advanced Funds") and to reimburse itself for such expenditures with proceeds from the Tax Exempt Financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, THAT:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to Chapter 166, Florida Statutes, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The City Council hereby finds, determines and declares as follows:

A. The City is authorized under law, including, without limitation, the Act, to issue the Tax Exempt Financing for the valid public purpose of paying the cost of the Project.

B. It is necessary, desirable, convenient and in the interest of the City that the Project be acquired, constructed, equipped and financed as contemplated in this Resolution.

C. The City intends to finance certain of the costs of the design, permitting, acquisition, construction, equipping and installation of the Project with the proceeds of its Tax Exempt Financing to be issued in the future.

D. The City expects to pay certain costs of the Project with Advanced Funds before the issuance of the Tax Exempt Financing.

SECTION 3. EXPRESSION OF INTENT. The City reasonably expects to use the proceeds of the Tax Exempt Financing to reimburse itself for all expenditures described herein made with the Advanced Funds. This Resolution is a declaration of the official intent of the City in that regard, within the contemplation of Section 1.150-(2)(e) of the Income Tax Regulations promulgated by the United States Department of the Treasury.

SECTION 4. MAXIMUM AMOUNT OF DEBT. The maximum principal amount of the Tax Exempt Financing reasonably expected to be issued to finance the cost of the Project is \$2,000,000.

SECTION 5. FURTHER ACTION. The officers and employees of the City are hereby authorized to do all acts and things required of them by this Resolution for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or necessary or convenient to the issuance of the Tax Exempt Financing as provided herein.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Tavares, Florida on the 20th day of June, 2012.

THE CITY OF TAVARES, FLORIDA

(SEAL)

By: _____
Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 13

SUBJECT TITLE: Discuss changing Charter by voter referendum to permit City Council candidates to run at large by seat

OBJECTIVE: Discuss changing Charter by voter referendum to permit City Council candidates to run at large by seat.

SUMMARY: Currently, the Charter calls for the top vote getters to be elected. An option that the Mayor would like to discuss is changing the election process to an at large seat process that is not based on geographic location ("at large").

Under the current system, challenging candidates that run for City Council and are not running for a specific seat nor are they running against a specific incumbent, therefore they are running against all candidates as the highest vote getters are declared the winners.

Under the at large seat process, each candidate is assigned a seat (Seat 1, Seat 2, Seat 3, Seat 4 and Seat 5). Seats are not tied to a specific geographical area within the city, they are "at large". When an election is held, challenging candidates select a seat that they desire to run for. So, if for example, if three seats are up for election and the incumbents for those three seats run for re-election, then challengers select which seat they want to run for. This would result in a challenger running against a specific incumbent (two people running against each other). To follow through on this example, if each of the three incumbents run for their designated seat and only one fourth non-incumbent candidate runs for City Council, then that fourth non incumbent candidate selects a seat to run for and the other two seats have "no challengers" and therefore the incumbents for those seats are re-elected without opposition.

Both above election methods are legally sufficient. As it relates to how other surrounding communities conduct their elections, see attached. The County conducts a by district seat process with their election

OPTIONS:

1. Instruct the City Attorney and Clerk to go through the process necessary to bring the question of changing the charter to at large seats before the voters.
2. Leave the charters as is.

STAFF RECOMMENDATION:

Permit the Mayor to present this issue and then have Council discuss this policy questions

FISCAL IMPACT:

There would be a cost to add charter change language to the ballet. Said estimated cost will be presented at the Council meeting.

LEGAL SUFFICIENCY: Legally sufficient.

Nancy Barnett

From: Nancy Barnett
Sent: Wednesday, June 13, 2012 2:46 PM
To: John Drury
Subject: How councils are elected in neighboring cities

Eustis has five numbered seats elected at large – no districts – four year terms (3+2)

Mt. Dora has the mayor and 6 council members. The mayor is elected at large; one at large councilmember runs on the even year and one at large runs on the odd year. The four other council members are assigned seats and districts. – two year terms (4+3)

Leesburg has the mayor in District 1, two seats in districts (one and two) and two seats at large – 4 year terms (3+2)

Umatilla has the mayor and five council members, all are assigned seats and are elected at large and are split in even and odd year with four year terms

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 14

SUBJECT TITLE: Request by Disabled Veterans to do Fundraising

OBJECTIVE:

To discuss the city's policy on the collection of cash by fundraising organizations on state roads within the city limits.

SUMMARY:

The Disabled Veterans Foundation has in the past requested to do fundraising on state roads at intersections within the city limits. The City currently does not have an ordinance that permits the collection of cash for fundraising at its intersections and has not permitted this activity other than allowing the Fire Union to conduct this activity for Muscular Dystrophy once a year. By State Statute cities may allow this activity if it has an ordinance in place to allow this.

If Council were to approve a policy allowing the collection of cash at intersections, an ordinance would be prepared stipulating that the organization must provide a safety plan, time frame, number of participants and any other pertinent information. The ordinance would address permit requirements, how many permits would be allowed annually, and the nature of the selection process of the not for profits.

OPTIONS:

- 1) Move to allow limited cash collection fundraisers per year by not for profit organizations on state roads within the city limits who fulfill the requirements of the special event permit and to direct staff to develop an ordinance to address this topic
- 2) Move to not allow cash collections by fundraising organizations on state roads within the city limits.

STAFF RECOMMENDATION:

Move to not allow cash collections by fundraising organizations on city streets or state roads within city limits.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

Nancy Barnett

From: nicolette@disabledveteransfoundation.org
Sent: Thursday, June 07, 2012 1:27 PM
To: Nancy Barnett
Subject: Hi Nancy. Request for Council Meeting



Non-Profit 501(c)3
www.disabledveteransfoundation.org

Nicolette Globus / Event Coordinator
954-687-2223 * Fax: 954-678-4274

nicolette@disabledveteransfoundation.org

June 7th 2012

Dear Ms. Barnett and City of Tavares,

We here at the Disabled Veterans Foundation would like to request to be put in the council meeting if possible for June 20th 2012.

We would like to discuss the issues for nonprofit fundraising in the city of Tavares. We have, at the request of Mr. Jason Paynter and Chief Lubins to bring are requests to the council meeting for discussion.

If there is particular information that you require from us please let me know.

Thank you for your time,

Nicolette Globus

Event Coordinator

Disabled Veterans Foundation

Cell: (954) 687-2223

Office: (954) 678-4705

Fax: (954)678-4274

Toll free: 1-888-500-WAYS

Nicolette@disabledveteransfoundation.org

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 15

SUBJECT TITLE: Reclaim Water Agreement for Agriculture Use with May & Whitaker, a Florida Family Partnership

OBJECTIVE:

To consider approval of an agreement with May & Whitaker, a Florida Family Partnership, for negotiated pricing of Reclaim Water Service for agriculture use as provided by Ordinance No. 2012-10.

SUMMARY:

In June 2009 the City Council adopted Ordinance 2009-22 amending Chapter 17 of the City of Tavares Land Development Regulations for Water, Wastewater, and Reclaim user rates.

Prior to Ordinance 2009-22, the City did not provide reclaim water service thus Ordinance 2009-22 provided for and established Reclaim User rates for the newest service component of the Water, Wastewater Utility in addition to amending the user rates for water and wastewater services. The rates provided for in the Ordinance are based on a rate Study prepared by Brown and Caldwell dated May 2009.

At the time the rates were established for Reclaim services, many user characteristics were unknown, thus the rates provide for two classes of customers: Residential and Large Scale Users. Agriculture use was not considered.

Local growers, looking for an alternative water supply that is cost effective for their use approached the City to provide reclaim service at prices similar to Conserv II, and Orange County Provider. *(attached)*

On April 18, the City Council adopted Ordinance 2012-10 which amends Ordinance No. 2009-22 which provides for water, sewer, and reclaim rates. Ordinance 2012-10 amends chapter 17-54, and provides an additional section allowing for "Negotiated Pricing Agreements between the City and Commercial Agriculture Customers for Reclaim Service. The Ordinance stipulates that reclaim service provided at negotiated pricing will not exceed ten percent of plant capacity and that all agreements will be approved by the City Council.

A copy of a draft agreement between the City of Tavares and May & Whittaker is attached for your review and approval. The attached agreement provides interruptible reclaim water service at a price of \$.30 per 1000 gallons of reclaimed water for agriculture use. This rate captures the City's cost for disposal of reclaim water.

OPTIONS:

1. Approve Negotiated Price Agreement with May & Whittaker, A Florida Family Partnership at a rate of \$.30 per 1000 gallons of reclaim water on an interruptible service basis.
2. Do not approve agreement with May & Whittaker, A Florida Family Partnership.

STAFF RECOMMENDATION:

Move to approve Negotiated Price Agreement with May & Whittaker, A Florida Family Partnership at a rate of \$.30 per 1000 gallons of reclaim water on an interruptible service basis.

FISCAL IMPACT:

Rate provides for capture of disposal costs of reclaim service.

LEGAL SUFFICIENCY:

N/A

Rate Schedules

Water Conserv II (Reuse - Orange Co)

ORANGE COUNTY
COMMERCIAL CITRUS GROWER RECLAIMED WATER RATE SCHEDULE

Effective January 1, 2009 through December 31, 2011	
Citrus Growers Reclaimed Water Rate	<u>Volume Charge for Usage Commercial</u> \$0.15 per 1,000 Gallons
Effective January 1, 2012	
Commercial Citrus Growers Reclaimed Water Rate	<u>Volume Charge for Usage</u> \$0.19 per 1,000 Gallons

AUTOMATIC ANNUAL RATE INCREASE

The Board of County Commissioners adopts annually, effective October 1 each year an automatic increase each year of three percent (3%) to all rates, fees and charges contained in this schedule as they are in effect immediately prior to the effective date of such annual increase.

ORANGE COUNTY
RECLAIMED WATER RATE SCHEDULE
Effective October 1, 2010

Retail Residential Rates

Meter Size	Fixed Monthly Charge	Allowed Monthly Usage (Gallons)	Volume Charge For Usage Above Allowance
5/8 by 3/4 Inch	\$3.33	4,000	\$0.90 per 1,000 Gallons
3/4 Inch	\$3.33	4,000	\$0.90 per 1,000 Gallons
1 Inch	\$8.34	10,000	\$0.90 per 1,000 Gallons
1 – 1/2 Inch	\$16.68	19,000	\$0.90 per 1,000 Gallons
2 Inch	\$26.67	31,000	\$0.90 per 1,000 Gallons
3 Inch	\$50.02	57,000	\$0.90 per 1,000 Gallons

Wholesale Priority Rates

Meter Size	Fixed Monthly Charge	Allowed Monthly Usage (Gallons)	Volume Charge For Usage Above Allowance
4 Inch	\$161.68	218,000	\$0.74 per 1,000 Gallons
6 Inch	\$369.87	499,000	\$0.74 per 1,000 Gallons
8 Inch	\$578.06	780,000	\$0.74 per 1,000 Gallons
10 Inch	\$879.22	1,185,000	\$0.74 per 1,000 Gallons

12 Inch	\$1,341.38	1,808,000	\$0.74 per 1,000 Gallons
16 Inch	\$2,659.86	3,584,000	\$0.74 per 1,000 Gallons

**ORANGE COUNTY
RECLAIMED WATER RATE SCHEDULE
Effective October 1, 2010**

Wholesale Interruptible Rates With No On-Site Storage

Meter Size	Fixed Monthly Charge	Allowed Monthly Usage (Gallons)	Volume Charge For Usage Above Allowance
4 Inch	\$97.01	218,000	\$0.44 per 1,000 Gallons
6 Inch	\$221.92	499,000	\$0.44 per 1,000 Gallons
8 Inch	\$346.83	780,000	\$0.44 per 1,000 Gallons
10 Inch	\$527.54	1,185,000	\$0.44 per 1,000 Gallons
12 Inch	\$804.83	1,808,000	\$0.44 per 1,000 Gallons
16 Inch	\$1,595.91	3,584,000	\$0.44 per 1,000 Gallons

Wholesale Interruptible Rates With On-Site Storage

Meter Size	Fixed Monthly Charge	Allowed Monthly Usage (Gallons)	Volume Charge For Usage Above Allowance
4 Inch	\$64.67	218,000	\$0.30 per 1,000 Gallons
6 Inch	\$147.95	499,000	\$0.30 per 1,000 Gallons
8 Inch	\$231.22	780,000	\$0.30 per 1,000 Gallons
10 Inch	\$351.69	1,185,000	\$0.30 per 1,000 Gallons
12 Inch	\$536.55	1,808,000	\$0.30 per 1,000 Gallons
16 Inch	\$1,063.95	3,584,000	\$0.30 per 1,000 Gallons

AUTOMATIC ANNUAL RATE INCREASE

The Board of County Commissioners adopts annually, effective October 1 each year an automatic increase each year of three percent (3%) to all rates, fees and charges contained in this schedule as they are in effect immediately prior to the effective date of such annual increase.

RECLAIMED WATER AGREEMENT

This Reclaimed Water Agreement ("Agreement") is made this 20th day of June, 2012, by and between the **CITY OF TAVARES, FLORIDA**, a Florida municipal corporation, whose address is 201 East Main Street, Tavares, Florida, and May & Whitaker, a Florida Family Partnership whose address is P.O. Box 2267, Umitilla, FL. 32784.

RECITALS

WHEREAS, the primary purpose of this Agreement is for the City to provide to the Customer reclaimed water, which is generally defined as water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility or some other acceptable non-potable water sources; and

WHEREAS, the City owns and operates a reclaimed water distribution system and utility within the jurisdictional limits of the City of Tavares which consists of a network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute reclaimed water from one or more domestic wastewater treatment facilities and other facilities to one or more users of reclaimed water; and

WHEREAS, the Customer owns, operates, and maintains certain commercial agricultural areas that Customer desires to irrigate with reclaimed water supplied by the City and the reclaimed water will replace Customer's potable water for commercial agricultural irrigation and will allow the City and the Customer to conserve potable water.

WHEREAS, the City desires to sell, and the Customer desires to purchase, reclaimed water from the City; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1.0 Recitals, Effective Date; Term.

1.1 The foregoing recitals are true and correct and are hereby incorporated herein.

1.2 The Effective Date of this Agreement shall be the date that it is fully executed by the parties ("Effective Date").

1.3 The initial term of this Agreement shall be from the Effective Date until June 20, 2015. The initial term may be renewed by mutual consent of the parties.

2.0 **Subject Property.** The real property which is the subject of this Agreement is located at SR 19 & Slim Hayward Ave, Tavares,FL.

3.0 **Reclaimed Water Service; Customer Demand; Treatment Standards.**

3.1 The City agrees to supply reclaimed water service to the Property on an "as needed" basis, subject to the City having the available capacity to provide reclaimed water to the Property and subject to the force majeure provision set forth herein. In addition, Customer acknowledges and agrees that the City provides reclaimed water to all its customers, including the Customer, without preference or priority given to any existing or future customers or to the Customer.

3.2 The parties acknowledge that the Customer is requesting a combined average day flow (ADF) of 38,356 gallons per day (14 Million annually) based on the ADF of an anticipated highest monthly requirement basis but not to exceed a maximum day of 38,356 gallon of reclaimed water for irrigation purposes. While the City will use its best efforts to supply that amount of reclaimed water to the Property, the City does not represent, warrant, or guarantee that reclaimed water will be available to meet all of Customer's demands for reclaimed water. In the event the City temporarily interrupts service or is not capable of meeting the Customer's actual demands for reclaimed water at any given time, the Customer agrees to hold harmless the City from any liability, costs, or damages that Customer may suffer as a result of the City's inability to supply reclaimed water to the Property, regardless of the reason the supply is not available.

3.3 The supply of reclaimed water provided to the Property by the City shall be treated to the City's general operating protocol standards for treating reclaimed water for all reclaimed water customers, as is or may be required under the City's reclaimed water permit issued by the State of Florida. Customer agrees to accept the supply of reclaimed water under this Agreement in accordance with said general treatment standards.

3.4 Should Customer determine that the volume of reclaimed water made available to Customer is not sufficient to meet Customer's needs, or should Customer determine that the quality of the reclaimed water is detrimental to maintaining healthy crops or vegetation, Customer may seek alternative irrigation water sources.

4.0 **Rates for Service**

4.1 Customer acknowledges and agrees that the City Council of the City of Tavares has the discretion and right to establish rates, charges, and fees for reclaimed water service pursuant to applicable law. Customer further acknowledges and agrees to pay for reclaimed water service provided by the City under the terms and conditions of this Agreement at a rate established by the City Council as amended from time to time. At the Effective Date, the Customer acknowledges that the City has established specifically for this Agreement a rate for commercial agriculture reclaimed water usage at \$0.30 per 1,000 gallons, which is subject to an annual adjustment based on the

Consumer Price Index beginning on June 20, 2012. This rate will only apply for an amount of reclaimed water not exceeding the Customer's proportional allowance of within the ten percent (10%) of the City's total reclaim water supply as determined by the City Manager. In the event Customer's needs exceed the proportional allowance the Customer may be charged the reclaimed water General Service Block 1 Usage rates set forth in Section 17 of the City's Land Development Regulations for the amount in excess of the Customer's proportional allowance.

4.2 No provision of this Agreement shall be construed to limit, restrict, or modify the City's rate making authority for reclaimed water services provided hereunder. Said authority shall be exercised solely by the City Council of the City of Tavares in accordance with law, and this Agreement shall be subject to the Council's exercise of this authority at all times.

5.0 Invoicing for Service

5.1 The City agrees to provide a monthly billing statement setting forth the amount of reclaimed water delivered to the Customer for the preceding billing cycle, the rate per one thousand gallons, and the amount due. Invoices will be sent to Customer at P.O. Box 2267;Umitilla,FL 32784.

5.2 The Customer agrees to pay its monthly invoice for reclaimed water service within thirty (30) days of receipt thereof. Should the Customer dispute any or all of any invoice, it shall pay the amount not in dispute and shall submit, in writing, the amount in dispute to the Finance Director to be handled in accordance with the City's written utility billing policies.

5.3 The Customer agrees that all charges for reclaimed water service, as they may become due from time to time, shall be and are hereby made a lien upon the Property so long as said charges remain unpaid.

6.0 On-Site Facility Modifications

6.1 If modifications are necessary to Customer's on-site facilities to conform to reclaimed water use requirements, Customer shall submit its plans and specifications for such modifications to the City who shall approve same before construction commences and whose approval shall not unreasonably be withheld. All modifications required in Customer's on-site facilities shall be the sole cost and responsibility of Customer. The City shall assist Customer in identifying the modifications and/or changes required in Customer's on-site facilities. It shall be Customer's responsibility to construct the modifications in accordance with the approved plans and specifications, and with applicable laws and regulations.

6.2 The City shall install and maintain at Customer's expense a Reclaimed Water Meter together with any necessary interconnection facilities and appurtenances, as required to monitor the reclaimed water deliveries made to Customer.

6.3 The Customer shall receive a fifty percent (50%) discount on the meter connection charge. The connection charge is set forth in Section 17 of the City's Land Development Regulations.

6.4 Customer shall provide City with any easements necessary for delivery, inspection, maintenance, and service of reclaimed water to Customer's Property.

7.0 Use of Reclaimed Water; Notices to Members of Public.

7.1 Customer acknowledges and agrees that the use of reclaimed water is not for potable water or swimming pool purposes, and that the land application of reclaimed water is governed by applicable local, state, and federal law and administrative rules. Customer agrees to only use reclaimed water for purposes authorized by applicable local, state and federal law and administrative rules. Customer is prohibited from reselling the reclaimed water.

7.2 Customer agrees to notify members of the public using the Property that the Property is being irrigated with reclaimed water by posting appropriate advisory signs in accordance with applicable provisions of the Florida Administrative Code including, but not limited to, section 62-610.468 and 61-610.469, Florida Administrative Code, as may be amended from time to time.

7.3 **Application of City Utility Policies.** Customer agrees to comply with any and all applicable lawful utility policies adopted by the City for its reclaimed water customers including, but not limited to, policies related to rates, charges, fees, billing, rules, regulations, ordinances and technical standards.

7.4 **Integration.** The drafting, execution, and delivery of this Agreement by the parties has been induced by no representation, statements, warranties, or agreement other than those expressed herein. This Agreement embodies the entire understanding of the parties related to reclaimed water service, and there are not further or other agreements or understanding, written or oral, in effect between the parties relating to reclaimed water service unless expressly referred to herein. The parties agree that they both contributed equally to the drafting of this Agreement and this Agreement shall not be construed more favorably against the other in the event of any conflict with regards to the terms and conditions used herein.

8.0 **Severability.** If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other

parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can still be accomplished.

9.0 **Amendments.** This Agreement shall only be amended by written instrument signed by both parties.

10.0 **Identification and Hold Harmless.** To the extent permitted by law, each party agrees to indemnify and hold harmless the other party and the other party's employees, officers, and attorneys from and against all claims, losses, damages, personal injuries (including but not limited to death), or liability (including reasonable attorney's fees), which directly or indirectly arises out of, or results from their own acts or omissions and the acts and omissions of their employees, officers, and attorneys pursuant to this Agreement. This paragraph shall survive termination of this Agreement.

11.0 **Sovereign Immunity.** Notwithstanding any other provision set forth in this Agreement, nothing contained in this Agreement shall be construed as a waiver of the City's right to sovereign immunity under section 768.28, Florida Statutes, or other limitations imposed on either City's or the City's officers and employees potential liability under state or federal law. As such, the City shall not be liable under this Agreement for punitive damages or interest for the period before judgment. This paragraph shall survive termination of this Agreement.

12.0 **General Liability and Other Insurance.** The parties shall each maintain in force at all time during the term of this Agreement, a general liability insurance policy with coverage amounts reasonable and customary for the respective party.

13.0 **Attorney's Fees.** In the event of any legal action to enforce the terms of this contract, each party shall bear its own attorney's fees and costs, except as otherwise provided under this Agreement.

14.0 **Force Majeure.** Neither party shall be liable for failure or delay in performance under this Agreement (other than for delay in payment of money owed by Customer) to the extent said failures or delays are caused by conditions beyond its control including, but not limited to, Acts of God (including hurricane, droughts, tornado, floods, earthquake or other natural disaster), government restrictions, wars, strikes, insurrections, acts of terrorism, and any other cause beyond the reasonable control of the party whose performance is affected, provided that the party affected shall provide the other party with prompt written notice, with full details of the cause being relied upon for non-performance. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

15.0 **Choice of Law; Venue.** This Agreement has been made and entered into in the State of Florida related to utility services that will be provided for, and upon real property, located within Lake County, Florida. Therefore, the laws of the State of Florida shall govern the validity and interpretation of this Agreement and the performance due hereunder. The parties agree that venue shall be exclusively in Lake

County, Florida, for all state disputes or actions which arise out of or are based upon this Agreement.

16.0 **Assignment.** This Agreement shall not be assigned by Customer without the express written consent of the City.

Customer:

By: _____

Print Name: _____

Title: _____

Date: _____

City:

CITY OF TAVARES

ATTEST:

Nancy A. Barnett, City Clerk

Robert Wolfe, Mayor

This ____ day of _____, 2012.

Approved as to form and legality:

Robert Q. Williams, City Attorney

**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 20, 2012**

AGENDA TAB NO. 16

SUBJECT TITLE: ISO- Building Code Effectiveness Report for the City of Tavares

OBJECTIVE:

To present to City Council ISO's Building Code Effectiveness Report for the City of Tavares.

SUMMARY:

On May 16th, 2012 we received ISO's Building Code Effectiveness Report for Tavares. This score is an indication of the quality of building code enforcement within a municipality and is used by the insurance industry to establish property insurance rates. Municipalities with well-enforced, up-to-date codes demonstrate better loss experience which is reflected in lower rates for the citizens' insurance. Cities are evaluated every five years.

Our city received a classification of 4 for residential, commercial and industrial properties. This score is an upgrade from that established last year after an intensive review of our department. ISO allowed the city to implement an improvement program which lowered our classification to 4 (the lower the number the better the rating).

Our city received high scores in the following categories:

1. Adopted Building Codes
2. Certification of Building Official
3. Contractor Licensing
4. Plan Review
5. Field Inspection

An average score was received for Training of Building Inspectors. This may be one area that could be improved upon in the future.

The city contracts with Nova Engineering for Inspection Services and this report is being shared with them.

In summary, an ISO classification of 4 is very good, especially for a small municipality with limited resources. In every category, Tavares exceeded the State average.

OPTIONS:

No Council action required.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 17

SUBJECT TITLE: Request to remove parking in front of O'Keefe's and convert to a sidewalk to the new Ruby Street KIOSK.

OBJECTIVE: To approve the removal the parking in front of O'Keefe's and convert it to a sidewalk to the new Ruby Street KIOSK.

SUMMARY: As Ruby Street becomes one of the primary pedestrian friendly corridors of the entertainment district, the placement of sidewalks along the north side of the street has been a master planning goal. As projects move forward on the north side of Ruby Street, sidewalks have been inserted. At some point in time in the future, all of the sidewalks will be inserted and connected resulting in one long sidewalk along the north side of Ruby Street.

The owner of O'Keefe's restaurant has requested that the city eliminate the parking spots in front of his restaurant along Ruby Street. He believes that it will improve pedestrian flow and eliminate the current situation where cars that pull in to those spots shine their headlights onto people dining on the front porch creating an unpleasant dining experience. Staff has reviewed the situation and believes that it will improve pedestrian flow, is consistent with the master plan and provides better access to the new KIOSK location previously budgeted for and approved by Council (see attached sketch).

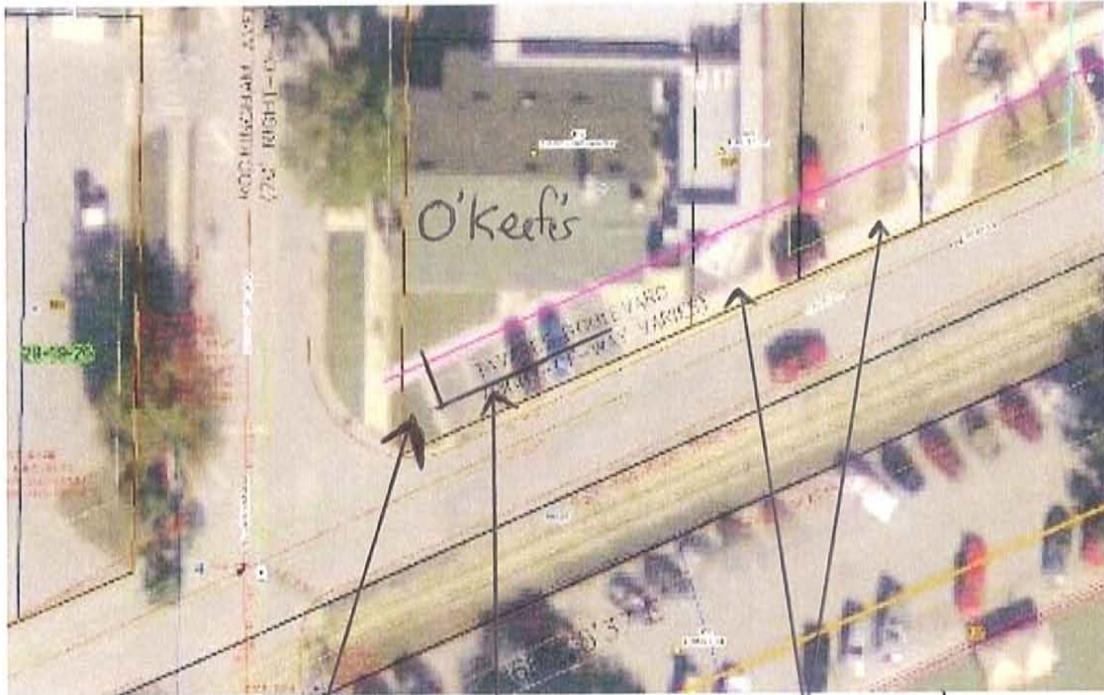
Staff has obtained a cost estimate from Pillar Construction who was previously selected by Council to construct the down town Alleyways as they will be mobilizing this month to construct those alleyways. The cost Pillar provided for this additional sidewalk work is \$4,050. Staff has also negotiated a draft agreement with O'Keefe's wherein they would donate paver blocks and installation for the median by this new sidewalk to match the current paver block patio. Currently, a restaurant owner can obtain a permit for outdoor seating under certain conditions. It is anticipated that in the future, O'Keefe's may want to provide outdoor seating in that area from time to time as the activity along Ruby Street grows consistent with the City's outdoor seating permit ordinance. .

OPTIONS:

1. Authorize staff to enter into a contract with Pillar Construction in the amount of \$4,050 to convert the parking area in front of O'Keefe's to a sidewalk to the New KIOSK utilizing funds from the previously budgeted KIOSK installation program and accept the donated paver block and installation offer from O'Keefe's for the median.
2. Do not convert the parking to a sidewalk and do not accept the donated pavers and installation.

STAFF RECOMMENDATION: Option one (1) Move to authorize staff to enter into a contract with Pillar Construction in the amount of \$4,050 to convert the parking area in front of O'Keefe's to a sidewalk to the New KIOSK utilizing funds from the previously budgeted KIOSK installation program and accept the donated paver block and installation offer from O'Keefe's for the median

FISCAL IMPACT: There is currently \$36,000 budgeted in Infrastructure Sales Tax for the KIOSK program. Approval of this item will reduce that down to \$31,950 which provides sufficient dollars to complete the KIOSK program.



Existing sidewalk
Proposed new sidewalk

Proposed kiosk location

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 20, 2012**

AGENDA TAB NO. 18

SUBJECT TITLE: Authorization for Mayor to attend the Sister Cities International 2012 Annual Conference in Jacksonville, Florida.

OBJECTIVE: To authorize Mayor's attendance to the Sister Cities International 2012 Annual Conference in Jacksonville, Florida.

SUMMARY: The City Council budgets \$2,500 each year towards Sister City initiatives. This year the Sister Cities International 2012 Annual Conference happens to be in Jacksonville Florida. The cost is \$600.00 plus hotel. Attached is the agenda for this two (2) and ½ day conference.

Attendance to this conference to obtain best practices on implementing the Sister City program as well as the networking opportunities could go a long way towards accelerating the implementation of Tavares Sister City program and the economic, cultural and youth opportunities this program provides.

OPTIONS:

1. Authorize the Mayor to attend.
2. Do not authorize the Mayor to attend.

STAFF RECOMMENDATION: Option one (1). Move to authorize the Mayor to attend the Sister Cities International 2012 Annual Conference in Jacksonville Florida.

FISCAL IMPACT: There is \$2,500 budgeted for Sister City initiatives.

LEGAL SUFFICIENCY: Legal sufficient.

Sister Cities International 2012 Annual Conference

Stay tuned for details on the upcoming program!

Education tracks will include:

- Sister Cities University
- Young Professional
- Economic Development
- SCI Best Practices
- SCI Resources & Program Updates
- Innovation & International Programming

Thursday, July 12, 2012

7:00 AM - 7:30 AM	International Attendees Orientation
7:30 AM - 8:00 AM	First Time Attendees Orientation
8:30 AM - 9:30 AM	Opening Plenary Session
9:45 AM - 11:15 AM	Economic Development: Incorporating Economic Development Into A Sister City Program
9:45 AM - 11:15 AM	Innovation: Your Program & Disability Awareness
9:45 AM - 10:45 AM	SCI Info Session: Membership Benefits & Resources
9:45 AM - 11:15 AM	Sister City University: Fundraising - Successful Individual Giving Campaigns
11:00 AM - 11:45 AM	SCI Info Session: Sister Counties
12:00 PM - 1:15 PM	Luncheon Work Session: Trilateral Twinning
1:30 PM - 3:00 PM	Best Practices: Arts & Culture
1:30 PM - 3:00 PM	Economic Development: Incubators & Entrepreneurship
1:30 PM - 3:00 PM	Innovation: Your Program & Renewable Energy
1:30 PM - 3:00 PM	Sister City University: Grant Writing 101
2:45 PM - 3:45 PM	Best Practices: Humanitarian Assistance
3:15 PM - 4:45 PM	Economic Development: M&E - Measuring your program's impact
3:15 PM - 4:45 PM	Innovation: Your Program & Military Veterans
3:15 PM - 4:45 PM	Sister City University: Social Media-Beginning Basics
4:00 PM - 5:00 PM	Best Practices: Sustainable Development
5:15 PM - 6:00 PM	Thursday Closing Remarks
7:30 PM - 9:30 PM	Welcome Reception

Friday, July 13, 2012

8:30 AM - 9:30 AM	Friday Opening Plenary Session
9:45 AM - 11:15 AM	Economic Development: Trade-based Delegations
9:45 AM - 11:15 AM	Innovation: Creative Economy 101
9:45 AM - 11:15 AM	Sister City University: Social Media-Advanced strategies for building your network
9:45 AM - 10:45 AM	Young Professionals: Role of Higher Education in Career Development
11:00 AM - 12:00 PM	SCI Info Session: Japan Grant Update
11:00 AM - 12:00 PM	Young Professionals: Building a Professional Network for Success
12:15 PM - 1:15 PM	Luncheon Plenary Session
1:30 PM - 3:00 PM	Economic Development: University-to-University Twinning
1:30 PM - 3:00 PM	Innovation: Going Virtual - Exchange 2.0
1:30 PM - 3:00 PM	Sister City University: Visa Preparations & Processing
1:30 PM - 2:30 PM	Young Professionals: Board Service-who should serve and what to expect
2:45 PM - 3:45 PM	Best Practices: Youth & Education
2:45 PM - 3:45 PM	Young Professionals: Finding the Balance as a Volunteer
3:15 PM - 4:45 PM	Innovation: Using Technology to Connect
3:15 PM - 4:45 PM	Sister City University: Recruit, Train & Retain Volunteers
4:00 PM - 5:00 PM	Best Practices: Sustainable Development - Energy
4:00 PM - 5:00 PM	Young Professionals: Mentoring Session
5:15 PM - 6:00 PM	Friday Closing Remarks
7:30 PM - 9:30 PM	Mayor's Welcome Reception

Saturday, July 14, 2012

9:00 AM - 10:00 AM	Candidates & Coffee
10:00 AM - 11:30 AM	Sister Cities International Annual Business Meeting
12:00 PM - 2:00 PM	Lou Wozar Annual Awards Ceremony

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
June 20, 2012**

AGENDA TAB NO. 19

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 Budget Workshop & Meeting – July 18, 2012
- City Council Budget Workshop & Setting of Maximum Millage Rate – July 25, 2012 – 4:00 pm
- Code Enforcement Hearing – June 26, 2012 – 5:00 p.m.
- Lake County League of Cities – July 13, 2012 – 11:30 a.m.
- Lake Sumter MPO – June 27, 2012 at 4 pm
- Library Board –July 13, 2012 – 8:30 a.m. , Library Conference Room
- Planning & Zoning Board – June 21, 2012 – 3:00 p.m., Council Chambers

EVENTS

- Classic Car Show on Main Street – July 20, 2012 – 6:00 p.m. – 9:00 p.m.
- Juneteenth Celebration – June 23, 2012 Ingraham Park from 1:00 pm to 5:00 pm – Community Event – Voters Registration/Health Screening

THIS PAGE INTENTIONALLY LEFT BLANK



**AGENDA SUMMARY
TAVARES CITY COUNCIL
June 20, 2012**

AGENDA TAB NO. 20

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

THIS PAGE INTENTIONALLY LEFT BLANK

