

**AGENDA
TAVARES CITY COUNCIL**

**SEPTEMBER 19, 2012
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS**

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Greg Watts, Liberty Baptist Church

III. 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 Regular Meeting & Public Hearing – September 5, 2012

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Recognition to Scott Ales for Donation for Historic Display Case Nancy Barnett

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

VII. CONSENT AGENDA

VIII. PUBLIC HEARING – FISCAL YEAR 2013 MILLAGE & BUDGET – 5:05 P.M.

Tab 3) Resolution #2012-11 – Final Millage Rate – Fiscal Year 2012-2013 Lori Houghton

Tab 4) Resolution #2012-12 – Final Budget – Fiscal Year 2012-2013 Lori Houghton

IX. ORDINANCES

FIRST READING

SECOND READING

- Tab 5) Ordinance #2012- 23 – Rezoning of Properties on West Ruby Street to Commercial Downtown Jacques Skutt
- Tab 6) Ordinance #2012-24 – Small Scale Future Land Use Amendment for Properties on West Ruby Street - Commercial Downtown Jacques Skutt
- Tab 7) Ordinance 2012-28 – Amendment to Code of Ordinances Extending Hours of Music and Entertainment Jacques Skutt

X. GENERAL GOVERNMENT

- Tab 8) Approval of Contract with Lake County Rave for Concession Services at Woodlea Sports Complex Tammev Rogers
- Tab 9) Revised Interlocal Agreement for Local Funding of Railroad Track Rehabilitation - Omitting Umatilla Attorney Williams
- Tab 10) Approval to Execute Amendment #1 to the State Revolving Fund Loan for Preconstruction Activity for the Reclaim System – All Phases Lori Houghton

XI. OLD BUSINESS

XII NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

- Tab 11) City Administrator John Drury
- Tab 12) 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 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.

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CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 5, 2012
CITY COUNCIL CHAMBERS
4:00 p.m.

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Susie Novack, Deputy City Clerk
Brad Hayes, Utility Director
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Bill Neron, Economic Development 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

Chase Allen, Youth Pastor, Liberty Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said he wished to move Tab 4) Approval of Amendment 2 to the State Revolving Loan Fund from Presentation category to the Consent Agenda.

MOTION

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

IV. APPROVAL OF MINUTES

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MOTION

Kirby Smith moved to approve the minutes of the City Council meeting of August 15, 2012, seconded by Norman Hope. The motion carried unanimously 5-0.

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Recognition of Ryan Veraghan, owner of RCar for Loan of Van for Summer Camp

Ms. Rogers presented Mt. Veraghan of RCar and discussed his donation of the use of his van for the summer camp program. She expressed appreciation for his assistance. The Mayor expressed appreciation to Mr. Veraghan on behalf of City Council.

Tab 3) Recognition to Councilmember Hope for Attendance at the Institute for Elected Officials

Mayor Wolfe presented a certificate of completion from the Institute of Elected Officials for his participation in a recent elected official training program.

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

Attorney Williams said there are quasi-judicial matters on the agenda however no testimony would be taken until second reading at the following meeting.

VII. CONSENT AGENDA

Mayor Wolfe asked if anyone in the audience objected to Tab 4 under the Consent Agenda,

MOTION

Norm Hope moved to approve the Consent Agenda [Amendment No. 2 for the State Revolving Loan WW350910 for Reclaimed Water Facility Construction Phase 1, Changing the Repayment Date], seconded by Bob Grenier. The motion carried unanimously 5-0.

VIII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Barnett read the ordinances by title only:

ORDINANCE 2012-24

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 A COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AND SOUTH BLOXHAM AVENUES; FROM LOW

1 DENSITY RESIDENTIAL TO COMMERCIAL DOWNTOWN; PROVIDING FOR
2 SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND
3 PROVIDING FOR AN EFFECTIVE DATE.

4
5 **ORDINANCE 2012-23**

6
7 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED
8 TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTY GENERALLY LOCATED ON
9 THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AVENUE
10 AND SOUTH BLOXHAM AVENUE FROM RSF-1 (RESIDENTIAL SINGLE FAMILY)
11 TO CD (COMMERCIAL DOWNTOWN DISTRICT); SUBJECT TO THE RULES,
12 REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
13 COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

14
15 **ORDINANCE 2012-28**

16
17 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY
18 CODE OF ORDINANCES BY AMENDING CHAPTER 10.5, ARTICLE XI,
19 REGULATIONS FOR THE DOWNTOWN ENTERTAINMENT DISTRICT, BY
20 AMENDING SECTION 10.5-504, HOURS FOR MUSIC AND ENTERTAINMENT BY
21 EXTENDING THE HOURS FOR OUTDOOR ENTERTAINMENT; SUBJECT TO THE
22 RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF
23 TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

24
25 **IX – ORDINANCES/RESOLUTIONS**

26
27 **First Reading**

28
29 **Tab 7) Ordinance #2012- 23 – Rezoning of Properties on West Ruby Street to Commercial
30 Downtown – First Reading Only**

31
32 **Tab 8) Ordinance #2012-24 – Comprehensive Plan Future Land Use Amendment for Properties on
33 West Ruby Street - Commercial Downtown – First Reading Only**

34
35 **Tab 9) Ordinance 2012-28 – Amendment to Code of Ordinances Extending Hours of Music and
36 Entertainment – First Reading Only**

37
38 **SECOND READING**

39
40 **None**

41
42 **X. GENERAL GOVERNMENT**

43
44 **Tab 10 Appointment to Planning & Zoning Board**

45

1 Mayor Wolfe stated James Gardner had submitted his letter of resignation from the Planning &
2 Zoning Board. He said two applications to fill the remainder of his term had been received and
3 that he would be recommending Morris Osborne for the position.

4
5 **MOTION**

6
7 **Bob Grenier moved to approve the appointment of Morris Osborne to the Planning &**
8 **Zoning Board, seconded by Kirby Smith. The motion carried unanimously 5-0.**

9
10 **Tab 11) Agreement with Florida Department of Emergency Management for Federal Grant**
11 **for Design of Public Safety Complex**

12
13 Chief Keith presented an overview of the public safety complex project noting that Tab 11 and
14 Tab 12 were interrelated but would require separate votes. He stated that in 2010 the city was
15 successful in obtaining a \$500,000 grant through the office of Congressman Grayson. The grant
16 monies could not be rewarded until the city owned the property and a number of requirements
17 met. Staff is now recommending that Council move to accept the grant award which will be used
18 for design and engineering of the public safety complex. He stated the grant is 75% federal and
19 25% local grant. He said the city's purchase of the Gateway property more than meets the 25%
20 match required of the city.

21
22 Mayor Wolfe asked for comment from the audience.

23
24 Councilmember Smith asked if any monies left over after design could come back into the city
25 and could it go back into reserves. Chief Keith said the left over monies will be available to the
26 City. He noted Phase 1 is just the beginning for design and engineering. Mr. Drury responded
27 staff will need to ask the granting agency if prior dollars spent prior to grant acceptance are
28 eligible to be put back into reserves. He noted that Phase 1 includes several tasks plus acquiring
29 the rest of the grant money to construct the building. Phase 2 will be final design and construction
30 supervision. There will be therefore two options for the excess dollars— expenditures on Phase 2
31 or possibly reimburse the reserves.

32
33 Vice Mayor Grenier asked about the deadline for expending the grant monies. Mr. Drury said the
34 general rule is that the grant is good for about a year unless the city asks for an extension.

35
36 Councilmember Pfister asked if the opportunity does not exist for a Golden Triangle Fire District.
37 She said she is concerned about duplicity of services, referring to the County's EOC building that
38 will be constructed within a block of this complex.

39
40 Mr. Drury said that the Golden Triangle Fire District continues to move forward. He said the three
41 cities have effectively agreed to move forward. The three cities have approached the County to
42 have the enclaves within the cities included in the district so that 50% of the revenues go to this
43 district. He said at the Golden Triangle Summit in October the city should have an answer as to
44 whether or not the County will participate in this effort. The building will include police and fire
45 services with a small portion being the city's emergency operations center. The city's EOC is
46 there because the grant came from that state agency so it is expected that a portion of the
47 building will contain a small EOC for times when only the city may need to activate its EOC.

1 Chief Keith said he still remains in support of the District. He said it would not mean the city does
2 not need a new fire station and new police station. He commented on the conditions of Fire
3 Station #1 and the Police Department at City Hall. He said the County's EOC is being funded
4 from the same FEMA grant monies. He discussed the differences between the County EOC and
5 the city's EOC.

6
7 Councilmember Pfister reiterated that she was against duplicity of governmental operations and
8 believed that governments should share their resources.

9
10 Councilmember Hope said he did not believe this project will be redundant. He explained how the
11 emergency operations of the FBI work and how local operations centers are required as part of
12 that system. He said the buildings will assist both departments in being more efficient and even
13 with the creation of the Golden Triangle District, another fire station will be needed.

14
15 **MOTION**

16
17 **Norm Hope moved to approve the acceptance of the \$500,000 [FEMA] grant, seconded by**
18 **Bob Grenier. The motion carried unanimously 5-0.**

19
20 **Tab 12) Request to Approve the Contract with GatorSkitch Architects for Design and**
21 **Engineering of the Proposed Public Safety Facility**

22
23 Chief Keith discussed the action that had been previously taken to award the agreement for
24 architectural services to GatorSkitch noting that the contract could not be executed until the grant
25 monies were received by the City, and that staff recommended approval of the contract at this
26 time. He commented that he had one correction. On the agenda summary sheet on page 4 under
27 Option #1 the price should be corrected to read "\$231,522.00" and the staff recommendation
28 should also reflect this correction. He said the contract itself is correct.

29
30 Chief Keith discussed the format of the contract noting that Exhibit C details the basics of the
31 contract. He noted that on page 3 of the proposal for professional services it states on the top
32 "Phase 1" and that on page 6 it refers to "Phase II." All of the deliverables being provided for the
33 \$231,522.00 is under Phase 1. He said the deliverables will provide a story board and cost
34 estimates to submit to potential granting agencies.

35
36 Mr. Drury said the various design segments will be presented to Council for approval.

37
38 **MOTION**

39
40 **Norm Hope moved to approve the contract with GatorSkitch, seconded by Bob Grenier.**

41
42 Councilmember Smith said he wanted to make sure Council received the information on the
43 leftover monies from the grant and the options.

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

46
47 **Tab 13) Revised Contract with Barratt Scanes LLC for Boat Tours**

1
2 Mr. Neron said Barratt Scanes was the successor agency to Premier Boat Tours, the first boat
3 tour operator and Council approved a contract with Barratt Scanes one year ago. The negotiated
4 agreement at that time was \$200 per month and a price for fuel 5% above the city's purchase
5 price. The company has approached the city about a revised contract that would mirror their
6 contract with Lakeside Inn in Mt. Dora where they will pay the city \$10.00 per trip per month. Staff
7 believes this is a reasonable request and a contract reflecting this change has been provided to
8 Council.

9
10 Mayor Wolfe asked how this would be monitored. Mr. Drury noted the Prop Shop staff is available
11 7 days a week, 10 hours per day and should be able to monitor the activity.

12
13 Councilmember Smith asked if this contract would mean exclusivity to this boat tour operator.

14
15 Mr. Neron said the intention is to try to limit the service to one contractor. Attorney Williams said
16 there is no exclusive language in this contract.

17
18 **MOTION**

19
20 **Kirby Smith moved to approve the boat tour \$10.00 a trip per month and ensure the**
21 **contract does not provide exclusivity, seconded by Lori Pfister. The motion carried**
22 **unanimously 5-0.**

23
24 **XVI. OLD BUSINESS**

25
26 **XVII. NEW BUSINESS**

27
28 **XVIII. AUDIENCE TO BE HEARD**

29
30 Betty Burleigh, 214 N. New Hampshire Ave.

31
32 Ms. Burleigh noted another pioneer member of the Tavares Historical Society had passed away:
33 David Haskins Treadway. She said he was a life member of the Society and had been a teacher
34 and principal in the Lake County School System and was a veteran of the army and was very
35 involved in the Union Congregational Church. She said he will be missed by many of the people
36 who knew him.

37
38 Vice Mayor Grenier said Mr. Treadway was a very special person. He noted that the Howey
39 Bridge was to have been dedicated in name to Mr. Treadway's father, but he was a modest
40 person and did not want that. He thanked Ms. Burleigh for her report.

41
42 Halie Weber

43
44 Ms. Weber reported that she had gone before the Board of County Commissioners recently
45 regarding a proposal to reduce the number of animals going into the Animal Shelter and the
46 number of animals having to be euthanized. She discussed her suggestion of having a low cost
47 or no cost spaying and neutering program. She requested a letter of support from the City.

1
2 Councilmember Pfister spoke in support of Ms. Weber and commended her for her actions.
3 Discussion followed with Council agreement.
4

5 Mr. Drury said that Council could approve having the mayor develop a letter of support but that if
6 there was a specific letter they wished Council to approve, that would need to come back to them
7 at the next meeting
8

9 **MOTION**

10
11 **Lori Pfister moved to craft a letter in support of a low cost or no cost, spay and neuter**
12 **program, seconded by Bob Grenier. The motion carried unanimously 5-0.**
13

14 **XIV. REPORTS**

15
16 **Tab 14) City Administrator**

17
18 Mr. Drury reminded everyone of the Tavares Pavilion on the Lake groundbreaking ceremony to
19 be held tomorrow.
20

21 **City Clerk**

22
23 **Human Resources**

24
25 **Economic Development**

26
27 Mr. Neron reported that the Dora Canal Bridge replacement project has been completed. In
28 addition he stated the railroad will be paying for the fencing along the railroad tracks on Ruby
29 Street and the work will be commencing this weekend.
30

31 **Public Communications**

32
33 Ms. Ross said the charter referendum materials will be going out in the newsletter this month and
34 mailings will begin for absentee ballot holders.
35

36 **Public Works Department**

37
38 **Utility Department**

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40 **Police Department**

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42 **Fire Department**

43
44 **Community Services Department**

45
46 **Finance Department**
47

1 **City Attorney**

2
3 **Tab 26) City Council**

4
5 **Councilmember Pfister**

6
7 **Councilmember Hope**

8
9 Councilmember Hope commended Ms. Ross for her clear communications on the referendum to
10 the public noting it is does not show Council taking a position on this issue.

11
12 **Vice Mayor Grenier**

13
14 Commented on Mr. Treadway's passing noting he will be missed.

15
16 **Councilmember Smith**

17
18 Noted he had toured the new canal bridge and he wished to suggest that some type of protective
19 device on the cross I-beams should be added. He said he did not run into any debris on the canal
20 so a thorough removal job had been done.

21
22 **Mayor Wolfe**

23
24 Mayor Wolfe adjourned the regular meeting at 4:56 p.m.

25
26 **Adjournment and Reconvening to Budget Hearing for Fiscal Year 2012-2013**

27
28 Mayor Wolfe reconvened the meeting for the Public Hearing on the millage and budget at 5:03
29 p.m.

30
31 **Tab 5) Resolution #2012-11 – Tentative Millage Rate for Fiscal Year 2013**

32
33 Mr. Drury stated that Ms. Barnett will read the resolutions into the record.

34
35 Ms. Barnett read Resolution #2012-11 in its entirety:

36
37 **RESOLUTION 2012- 11**

38
39 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 5.985**
40 **FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM**
41 **TAXES FOR FISCAL YEAR 2012-2013; SETTING FORTH THE**
42 **PERCENT BY WHICH THE MILLAGE RATE IS LESS THAN THE**
43 **"ROLLED-BACK" RATE.**

44
45 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

46
47 **WHEREAS, the City of Tavares of Lake County, Florida on September 5, 2012, adopted**

1 the 2012-2013 Fiscal Year Tentative Millage Rate following a public hearing as required by
2 Florida Statute 200.065.

3
4 **WHEREAS**, the City of Tavares of Lake County, Florida, following due public notice as
5 required by law, held a second public hearing on September 19, 2012, as required by Florida
6 Statute 200.065 on the 2012-2013 Millage Rate; and

7
8 **WHEREAS**, the gross taxable value for operating purposes not exempt from taxation
9 within Lake County has been certified by the County Property Appraiser to the City of Tavares as
10 \$589,146,165.

11
12 **NOW THEREFORE, BE IT RESOLVED** by the City of Tavares of Lake County, Florida,
13 that:

- 14
15 1. The City of Tavares Fiscal Year 2012-2013 operating millage rate to be levied is
16 hereby set at 5.985 mills, which millage rate is less than the rolled back rate of
17 7.3694 by 18.785%.
- 18
19 2. The voted debt service millage is .4612.
- 20
21 3. This Resolution will take effect immediately upon its adoption.

22
23 **PASSED AND RESOLVED** this 19st day of September 2012, by the City Council of the
24 City of Tavares, Florida.

25
26 Mr. Drury asked Ms. Houghton to summarize the budget. He said Council has set a maximum
27 tentative millage rate as if there was no fire assessment at a higher rate to enable Council to go
28 through the budget process. Staff is recommending a lowering of the millage rate (below any
29 other city in Lake County) along with the fire assessment. He reviewed the actions taken over the
30 past few months to bring the budget to its current form in order to maintain a similar level of
31 service. He noted Council has grown its city methodically while downsizing its government.

32
33 Ms. Houghton noted she had provided an agenda summary which lists several items that support
34 the millage rate as follows:

35
36 The Tentative Millage Rate for the General Fund is proposed at 5.985 mills which is a 13.13%
37 decrease over the Current FY 2012 Millage rate of 6.89 mills. The Tentative Millage Rate for
38 Voted Debt Service is .4612 mills. The Tentative Millage is based on the following assumptions
39 and details:

- 40
41 • Ad valorem millage rate of 5.895 mills is 18.785% less than the rollback rate of 7.3694
42 mills and 13.13% less than the current millage rate of 6.89 mills.
- 43 • An assessed taxable property value of \$589,146,145 which is a decrease of 5.63% from
44 the prior year.
- 45 • A Fire Assessment at 100% of assessed costs effective October 1, 2012 to cover Fire
46 Services reflecting an estimated residential rate of \$12.75 per month, and estimated tiered
47 rates for commercial and industrial businesses (see attached).

- 1 • A balanced Tentative Budget of \$12,567,462 for General Fund.
- 2 • FRS employer contributions are budgeted at blended rates as rate increases are effective
- 3 July 1, 2013 (5.435% Regular Class-1.9% inc & 6.26% Senior Management Class-25%
- 4 dec).
- 5 • Staffing level decreases – Library Assistant, Library Page
- 6 • Increase Fire Services by two entry level Firefighters
- 7 • The Fire Pension contribution rate is budgeted at 20.89%
- 8 • The Police Pension contribution rate is budgeted at to 20%.
- 9 • Transfer of the Police Communication Center to the Lake County Sheriff effective April
- 10 2013
- 11 • Health insurance is budgeted at an overall increase of 10% over prior year and reflects a
- 12 negotiated package for single and family coverage, life, short and long term disability.
- 13 • A workers' compensation rate increase of 5%.
- 14 • A general liability rate increase of 9.9%.
- 15 • An employee cost of living increase deferred until January 1, 2013.
- 16 • The Tentative Budget funds only operational costs critical to the service delivery mission.
- 17 • The Tentative Budget maintains a similar level of service.
- 18 • The Tentative Budget includes a one- time contribution from the Self Insurance Fund of
- 19 \$250,000 due to the closing of the Self Insurance Fund.
- 20 • Debt Service for the Wooton Park Expansion Project – Voted Debt Service
- 21 • The Tentative Budget includes \$121,521 in un-appropriated revenues which will increase
- 22 fund balance reserves to 11.3% of the Tentative Budget or \$1,420,123.
- 23 • The Tentative Budget maintains an estimated reserve balance of \$1,420,123 or 11.3% of
- 24 the Tentative Budget. (*Assumes all revenue budgeted in FY 2012 will be received.*)

25

26 **Mayor Wolfe asked for public comment**

27

28 Duane Winters, 2860 Cape Horn Drive

29

30 Mr. Winters said he had received a letter from the Lake County Taxing Authority which showed

31 that his taxes would be going up 26% in Tavares.

32

33 Mayor Wolfe stated that Council had set the maximum millage rate which was sent out on the

34 TRIM notice but it was Council's intention to decrease it from there which has now been done. It

35 will not be at 8.7164; the plan is to adopt it at 5.985. He said the rate had to be set at the

36 maximum in case no fire assessment was done.

37

38 Mr. Winters asked if the tax debt refers to the Wooton Park project. Mayor Wolfe confirmed.

39

40 Mr. Winters said he continues to have low water pressure in Royal Harbor. He said they had put

41 on a water pressure meter recently and he had been told he had the lowest water pressure of any

42 of the recorders that had been installed during that period. He asked the status.

43

44 Mr. Drury said the city had been disappointed in the original design of the developer which had

45 created the problem. After the city inherited that system and the complaints arose, the City

46 started looking into it. The latest update is that all of the data has been completed. That data is

1 being put into a proposal to repair and rectify the pressure problem which is planned to come
2 before Council sometime in October. The City will ensure that the Royal Harbor HOA is notified
3 and discussion will follow on how to pay for the solution to this problem.

4
5 Don Bias, 957 Todd Way

6
7 Mr. Bias said he noted the Todd Way project was in the budget and he wished to encourage
8 Council to keep it in the budget as the street continues to deteriorate with standing water.

9
10 **MOTION**

11
12 **Norm Hope moved to approve the millage rate at 5.985, seconded by Kirby Smith.**

13
14 Attorney Williams stated that it must be announced the amount that the proposed millage rate
15 exceeds the rollback rate and this millage rate is less than the rollback rate by 18.785%.

16
17 **The motion carried unanimously 5-0.**

18
19 **Tab 6) Resolution #2012-12 – Tentative Budget Fiscal Year 2013**

20
21 Mr. Drury stated the millage rate just adopted supports the budget and the budget includes those
22 items that Ms. Houghton reviewed at the last reading.

23
24 Ms. Barnett read the resolution in its entirety:

25
26 **RESOLUTION 2012- 12**

27
28 **A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE**
29 **CITY OF TAVARES, FLORIDA, FOR THE FISCAL YEAR 2012-**
30 **2013.**

31
32 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

33
34 **WHEREAS,** a public hearing on the proposed 2012-2013 budget was held at the
35 Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on
36 September 5th 2012, at 5:05 p.m., as required by Florida Statutes 200.065; and

37
38 **WHEREAS,** the general public was given an opportunity to express its views
39 pertaining to the proposed budget, and

40
41 **WHEREAS,** the City Council approved the tentative budget for 2012-2013, and

42
43 **WHEREAS,** a second public hearing on the proposed 2012-2013 budget was held
44 in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares,
45 Florida, on September 19, 2012, at 5:05 p.m.,

46
47

1 NOW, THEREFORE, BE IT RESOLVED that the Budget for 2012-2013 fiscal year for the City of
2 Tavares, Florida is hereby adopted by the Tavares City Council in the amount of \$29,782,821, at
3 public hearing this 19th day of September, 2012
4
5

6 Mr. Drury said Council has worked to move the city forward while maintain a similar level of
7 service. He asked Ms. Houghton if she had anything to add. Ms. Houghton said the budget
8 includes appropriations for all city funds including proprietary funds, special revenue funds, and
9 trust and agency funds.

10
11 Mayor Wolfe added this means that the budget includes all the enterprise funds such as water
12 and sewer, etc. He then invited public comment. There was none.
13

14 **MOTION**

15
16 **Bob Grenier moved to approve Resolution #2012-12 adopting the tentative budget for**
17 **fiscal year 2013, seconded by Kirby Smith.**
18

19 Mayor Wolfe said he would like Council to consider one amendment. The budget currently
20 includes a cost of living adjustment for the employees for January 1, 2013. He would like Council
21 to consider giving the increase on October 1st and see what the cost would be to move it up three
22 months. This would be taken from the amount that is budgeted to go back into reserves so it
23 would not make the proposed budget higher.
24

25 Councilmember Hope spoke in support as long as it does not impact Mr. Drury's budget process.
26

27 Mr. Drury clarified his understanding of the Mayor's recommendation and said he would provide
28 that information at the next meeting.
29

30 Councilmember Smith said the reserves are extremely low and although he agreed that the
31 employees do a great job, he would prefer to leave the budget as it has been established.
32

33 Vice Mayor Grenier said he wanted to confirm that the vote tonight would not be including this
34 recommendation.
35

36 Attorney Williams concurred and explained that Council could reconsider the budget at the time of
37 final adoption as well as the millage although it could not go higher.
38

39 Councilmember Pfister asked if the \$14,400 for the Golden Triangle Opportunity Center was in
40 the budget and noted she had not voted for that. Mr. Drury said the amount was in the tentative
41 budget. He said it is for a one year trial of the Center. He noted that Eustis is voting to consider
42 giving the City of Tavares \$21,000 back for the investment done on the bridge. Councilmember
43 Pfister said she did not think the city has the funds and she did not support it. Councilmember
44 Smith said he agreed.
45

46 **The motion carried unanimously 5-0 for the tentative budget.**
47

1 Ms. Houghton said the millage rate and budget will be advertised in the newspaper the Sunday
2 before the next meeting.

3

4 ADJOURNMENT

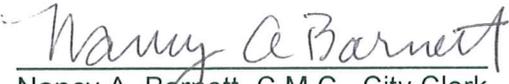
5

6 There was no further business and the meeting was adjourned at 5:32 p.m.

7

8 Respectfully submitted,

9

10 
11 _____
12 Nancy A. Barnett, C.M.C., City Clerk

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 2

**SUBJECT TITLE: Recognition of Scott Ales for Donation to Historic
Seaplane Display**

OBJECTIVE:

Staff would like to present a donation from Scott Ales for the City's seaplane display case being developed for the Lake County Historic Museum.

SUMMARY:

Former City of Eustis Mayor Scott Ales has generously donated a miniature of a historic floatplane to be placed in the city's display case which is being developed for the Lake County Historic Museum. The miniature floatplane will be presented at the Council meeting with recognition given to Mr. Ales.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 3

SUBJECT TITLE: Public Hearing to Adopt Resolution 2012-11 Adopting the Final Millage Rate for FY 2013

OBJECTIVE:

To receive public input and consider the approval of Resolution 2012-11 to adopt the Final Millage Rate for Fiscal Year 2013

SUMMARY:

The Final Millage Rate for the General Fund is proposed at **5.985** mills which is a 13.13% decrease over the Current FY 2012 Millage rate of 6.89 mills. The Final Millage Rate for Voted Debt Service is **.4612** mills. The Final Millage is based on the following assumptions and details:

- Ad valorem millage rate of 5.985 mills is 18.785% less than the rollback rate of 7.3694 mills and 13.13% less than the current millage rate of 6.89 mills.
- An assessed taxable property value of \$589,146,145 which is a decrease of 5.63% from the prior year.
- A Fire Assessment at **100%** of assessed costs effective October 1, 2012 to cover Fire Services reflecting an estimated residential rate of \$12.75 per month, and estimated tiered rates for commercial and industrial businesses (see attached).
- A balanced Final Budget of \$12,567,462.
- FRS employer contributions are budgeted at blended rates as rate increases are effective July 1, 2013 (*5.435% Regular Class-1.9% inc & 6.26% Senior Management Class-25% dec*).
- Staffing level decreases – Library Assistant, Library Page
- Increase Fire Services by two entry level Firefighters
- The Fire Pension contribution rate is budgeted at 20.89%
- The Police Pension contribution rate is budgeted at to 20%.
- Transfer of the Police Communication Center to the Lake County Sheriff effective April 2013
- Health insurance is budgeted at an overall increase of 10% over prior year and reflects a negotiated package for single and family coverage, life, short and long term disability.
- A workers' compensation rate increase of 5%.
- A general liability rate increase of 9.9%.
- An employee cost of living increase deferred until January 1, 2013.

- The Final Budget funds only operational costs critical to the service delivery mission.
- The Final Budget maintains a similar level of service.
- The Final Budget includes a one- time contribution from the Self Insurance Fund of \$250,000 due to the closing of the Self Insurance Fund.
- Debt Service for the Wooton Park Expansion Project – Voted Debt Service
- The Final Budget includes \$121,521 in un-appropriated revenues which will increase fund balance reserves to 11.3% of the Final Budget or \$1,420,123.
- The Final Budget maintains an estimated reserve balance of \$1,420,123 or 11.3% of the Final Budget.. *(Assumes all revenue budgeted in FY 2012 will be received.)*

Previously the City Council discussed the proposed Fiscal Year 2013 Budget at the following public meetings:

- April 4th – City Council Meeting – City Council set broad budget goals
- April 25th – City Council Meeting - Council Discussion on Fire Assessment
- July 18th – Draft Budget Presentation to City Council
- July 25th - City Council Budget Workshop to Set Maximum Millage for TRIM Notice and Fire Assessment
- August 1st – City Council Budget Workshop
- August 15st – City Council Budget Workshop
- September 5 – City Council Public Hearing for Tentative Millage & Budget

A Final Budget has been prepared for the City Council based on discussions at the previous City Council Budget Workshops and the Tentative Budget and Tentative Millage approved by the City Council at the Public Hearing on September 5th, 2012.

Detail changes made to the FY 2013 DRAFT Budget for the General Fund to arrive at the Final Budget are shown below:

Draft Budget - July 2012		12,678,983
Reduce Transfers to Seaplane Base Fund		(93,303)
Additional Fuel Revenue	(10,000)	
Splash Park Salaries	(32,101)	
Adjust Health Ins	(2,170)	
Adjust Gen Liab Ins	968	
Remove Water Taxi Inspections	(50,000)	
Reduce Transfers to Pavilion Fund		(74,692)
Reduce Pavilion Budget to \$50,000	(74,692)	
Add Election Expense for Council Seat Referendum		1,800
Recreation Programs		10,000
Library Entrance Carpet		10,000
Reduce Todd Way		(15,000)
Rail Road Landscaping on Ruby Street		25,000
Ruby Street Sidewalks		25,000
Central Florida Veteran's Memorial Park		1,180
Golden Triangle Business Opportunity Center		14,400
Adjust Health Ins		(33,392)
General Liability - Final		16,424
Over-time correction		998
FICA Correction		1
Workers' Comp Correction		63
Total Adjusted General Fund FY 2013 Final Budget		12,567,462

The Final Budget is balanced at \$12,567,462 and reflects a Final Millage Rate of 5.985 mills with a Fire Assessment at 100% of the assessable Fire budget to fund Fire Services.

OPTIONS:

1. Take Public input and approve the Final Millage for Fiscal Year 2013 as reflected in Resolution 2012-11.
2. Take Public input and approve the Final Millage for Fiscal Year 2013 as reflected in Resolution Number 2012-11 and to reflect additional revisions to the Final Budget.

STAFF RECOMMENDATION:

Take public input and move to approve the Final Millage for Fiscal Year 2013 as reflected in Resolution No. 2012-11.

FISCAL IMPACT: At this point all budgets are balanced assuming a Final Millage Rate of 5.985, a Final Voted Debt Service Millage of .4612, and a 100% Fire Assessment. Changes will require revisions to the Final Budget.

RESOLUTION 2012- 11

A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 5.985 FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR FISCAL YEAR 2012-2013; SETTING FORTH THE PERCENT BY WHICH THE MILLAGE RATE IS LESS THAN THE "ROLLED-BACK" RATE.

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

WHEREAS, the City of Tavares of Lake County, Florida on September 5, 2012, adopted the 2012-2013 Fiscal Year Tentative Millage Rate following a public hearing as required by Florida Statute 200.065.

WHEREAS, the City of Tavares of Lake County, Florida, following due public notice as required by law, held a second public hearing on September 19, 2012, as required by Florida Statute 200.065 on the 2012-2013 Millage Rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the County Property Appraiser to the City of Tavares as \$589,146,165.

NOW THEREFORE, BE IT RESOLVED by the City of Tavares of Lake County, Florida, that:

1. The City of Tavares Fiscal Year 2012-2013 operating millage rate to be levied is hereby set at 5.985 mills, which millage rate is less than the rolled back rate of 7.3694 by 18.785%.
2. The voted debt service millage is .4612.
3. This Resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 19th day of September 2012, by the City Council of the City of Tavares, Florida. Time Adopted:_____.

Robert Wolfe, Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 4

SUBJECT TITLE: Public Hearing to Adopt Resolution 2012-12 Adopting the Final Budget for FY 2013

OBJECTIVE:

To receive public input and consider the approval of Resolution 2012-12 to adopt the Final Budget for Fiscal Year 2013

SUMMARY:

The Final Budget for the General Fund is balanced at \$12,567,462, and is based on the following assumptions and details:

- Ad valorem millage rate of **5.985** mills is 18.785% less than the rollback rate of 7.3694 mills, and 13.13% less than the current millage rate of 6.89 mills.
- An assessed taxable property value of \$589,146,145 which is a decrease of 5.63% from the prior year.
- A Fire Assessment at **100%** of assessed costs effective October 1, 2012 to cover Fire Services reflecting an estimated residential rate of \$12.75 per month, and estimated tiered rates for commercial and industrial businesses (see attached).
- A balanced Final Budget of \$12,567,462.
- FRS employer contributions are budgeted at blended rates as rate increases are effective July 1, 2013 (5.435% Regular Class-1.9% inc & 6.26% Senior Management Class-25% dec).
- Staffing level decreases – Library Assistant, Library Page
- Increase Fire Services by two entry level Firefighters
- The Fire Pension contribution rate is budgeted at 20.89%
- The Police Pension contribution rate is budgeted at to 20%.
- Transfer of the Police Communication Center to the Lake County Sheriff effective April 2013
- Health insurance is budgeted at an overall increase of 10% over prior year and reflects a negotiated package for single and family coverage, life, short and long term disability.
- A workers' compensation rate increase of 5%.
- A general liability rate increase of 9.9%.
- An employee cost of living increase deferred until January 1, 2013.

- The Final Budget funds only operational costs critical to the service delivery mission.
- The Final Budget maintains a similar level of service.
- The Final Budget includes a one- time contribution from the Self Insurance Fund of \$250,000 due to the closing of the Self Insurance Fund.
- Debt Service for the Wooton Park Expansion Project – Voted Debt Service

- The Final Budget includes \$121,521 in un-appropriated revenues which will increase fund balance reserves to 11.3% of the Final Budget or \$1,420,123.
- The Final Budget maintains an estimated reserve balance of \$1,420,123 or 11.3% of the Final Budget.. (Assumes all revenue budgeted in FY 2012 will be received.)

Previously the City Council discussed the proposed Fiscal Year 2013 Budget at the following public meetings:

- April 4th – City Council Meeting – City Council set broad budget goals
- April 25th – City Council Meeting - Council Discussion on Fire Assessment
- July 18th – Draft Budget Presentation to City Council
- July 25th - City Council Budget Workshop to Set Maximum Millage for TRIM Notice and Fire Assessment
- August 1st – City Council Budget Workshop
- August 15st – City Council Budget Workshop
- September 5th – City Council Public Hearing for Tentative Millage & Budget

A Final Budget has been prepared for the City Council based on discussions at the previous City Council Budget Workshops and Public Hearing.

The following table provides a brief overview of all changes made to the General Fund and the Enterprise Funds draft budgets and Tentative Budgets to arrive at the Final Budget.

FUND NAME	NUMBER	DRAFT BUDGET	FINAL BUDGET	CHANGE
GENERAL	001	12,678,983	12,567,462	(111,521)
WATER/SEWER	401	6,906,949	7,191,957	285,008
SOLID WASTE	402	2,465,675	2,465,675	-
STORMWATER ¹	403	560,106	566,534	6,428
SEAPLANE BASE	405	772,995	689,692	(83,303)
PAVILION	406	124,692	50,000	(74,692)
TOTAL		23,509,400	23,531,320	21,920

¹ Stormwater Fund includes \$1.00 increase per ERU. \$4.50 to \$5.50

Detail changes made to the FY 2013 DRAFT Budget and the Tentative Budget for the General Fund, Water/Wastewater Fund, Solid Waste Fund, Stormwater Fund, Seaplane Base Fund and the Pavilion Fund to arrive at the Final Budget is shown on the following pages.

GENERAL FUND - FY 2013 FINAL BUDGET

Draft Budget - July 2013	12,678,983
Reduce Transfers to Seaplane Base Fund	(93,303)
Additional Fuel Revenue	(10,000.00)
Splash Park Salaries	(32,101.00)
Adjust Health Ins	(2,170.00)
Adjust Gen Liab Ins	968.00
Remove Water Taxi Inspections	(50,000.00)
Reduce Transfers to Pavilion Fund	(74,692)
Reduce Pavilion Budget to \$50,000	(74,692.00)
Add Election Expense for Council Seat Referendum	1,800
Recreation Programs	10,000
Library Entrance Carpet	10,000
Reduce Todd Way	(15,000)
Rail Road Landscaping on Ruby Street	25,000
Ruby Street Sidewalks	25,000
Central Florida Veteran's Memorial Park	1,180
Golden Triangle Business Opportunity Center	14,400
Adjust Health Ins	(33,392)
General Liability - Final	16,424
Over-time correction	998
FICA Correction	1
Workers' Comp Correction	63
Total Adjusted General Fund FY 2013 Final Budget	12,567,462

WATER/WASTEWATER - FY 2013 FINAL BUDGET

Draft Budget - July 2012	6,906,949
Regulatory Compliance - Wastewater Plan	55,000
Digital Scanning	5,000
Emergency Repairs for Wastewater - Pumps etc.	15,000
Emergency Repairs - Contractual Services	10,000
Health Insurance - Final Adjustment	(798)
General Liability - Final	7,806
Debt Service for 2000 Bonds - Principal for 10-1-2013	193,000
Total Adjusted Water/Wastewater Fund FY 2013 Final Budget	7,191,957

STORMWATER FY2013 FINAL BUDGET

Draft Budget - July 2012	560,106
Truck Tool Box	7,000
Health Insurance - Final Adjustment	(1,020)
General Liability - Final	448
Total Adjusted Stormwater Fund FY 2013 Final Budget	566,534

SEAPLANE BASE FUND FY2013 FINAL BUDGET

Draft Budget - July 2012	772,995
Water Taxi Inspections	(50,000)
Splash Park Salaries. FICA, WC, etc.	(32,101)
Health Insurance - Final Adjustment	(2,170)
General Liability - Final	968
Total Adjusted Seaplane Base Fund FY 2013 Final Budget	689,692

PAVILION FY2013 FINAL BUDGET

Draft Budget - July 2012	124,692
Salaries & Benefits	(24,187)
Overtime	(9,683)
FICA	(2,591)
Retirement Contributions	(1,315)
Health Ins	(27,678)
Workers' Comp	(1,636)
Travel & Per Diem	(325)
Communication & Freight	(750)
Utilities	(3,834)
Other Current Charges	(375)
Office Supplies	(25)
Operating Supplies	307
Books, Pubs & Subs	(100)
Machinery & Equipment	(2,500)
Total Adjusted Pavilion Fund FY 2013 Final Budget	50,000

OPTIONS:

1. Take Public input and approve the Final Budget for Fiscal Year 2013 as reflected in Resolution 2012-12.
2. Take Public input and approve the Final Budget for Fiscal Year 2013 as reflected in Resolution Number 2012-12 and to reflect additional revisions to the Final Budget.

STAFF RECOMMENDATION:

Take public input and move to approve the Final Budget for Fiscal Year 2013 as reflected in Resolution No. 2012-12.

FISCAL IMPACT: At this point all budgets are balanced. Changes will require revisions to the Final Budget.

RESOLUTION 2012- 12

**A RESOLUTION ADOPTING THE FINAL BUDGET FOR
THE CITY OF TAVARES, FLORIDA, FOR THE FISCAL
YEAR 2012-2013.**

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

WHEREAS, a public hearing on the proposed 2012-2013 budget was held at the Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on September 5th 2012, at 5:05 p.m., as required by Florida Statutes 200.065; and

WHEREAS, the general public was given an opportunity to express its views pertaining to the proposed budget, and

WHEREAS, the City Council approved the tentative budget for 2012-2013, and

WHEREAS, a second public hearing on the proposed 2012-2013 budget was held in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares, Florida, on September 19, 2012, at 5:05 p.m.,

NOW, THEREFORE, BE IT RESOLVED that the Budget for 2012-2013 fiscal year for the City of Tavares, Florida is hereby adopted by the Tavares City Council in the amount of \$29,782,821, at public hearing this 19th day of September, 2012.

Fund Name	Fund Number	Estimated Revenues ¹	Reserve Appropriations or (Non-Appropriated Revenues) ^{2,3}	Estimated Appropriations ⁴
General Fund	001	\$ 12,688,983	\$ (121,521)	\$ 12,567,462
Water/Wastewater Utility	401	7,318,425	(126,468)	7,191,957
Water/Wastewater Impacts	441	-	950,000	950,000
W/WW RR&I Fund	443	300,000	(244,600)	55,400
SRF Construction Fund	444	-	-	-
W/WW SRF Loan	445	1,202,173	-	1,202,173
Solid Waste	402	2,465,675	-	2,465,675
Stormwater	403	657,980	(91,446)	566,534
Seaplane Base Fund	405	689,692	-	689,692
Pavilion Fund	406	50,000	-	50,000
Police Education	102	2,025	(525)	1,500
Police Automation	103	-	-	-
Community Redevelopment	105	148,845	7,731	156,576
Police Impacts	110	-	110,000	110,000
Fire Impacts	111	-	-	-
Forfeiture Fund	112	-	-	-
Park Impacts	114	-	-	-
Fire Assessment Fund	122	1,569,134	-	1,569,134
Infrastructure Sales Tax	150	1,175,410	24,948	1,200,358
Grant Fund	151	-	-	-
Debt Service Fund	201	384,093	-	384,093
Capital Project Fund	301	-	-	-
Dental Insurance Fund	501	-	250,000	250,000
Municipal Police Pension	601	682,049	(498,819)	183,230
Firefighter's Pension	602	1,465,894	(1,277,312)	188,582
Mildred Hunter Trust	605	181	-	181
Woodlea Park Playground Trust	606	274	-	274
		<u>\$ 30,800,833</u>	<u>\$ (1,018,012)</u>	<u>\$ 29,782,821</u>

¹ Estimated Revenues = anticipated revenue collections

² Negative Reserve Appropriations assumes unappropriated revenues

³ Positive Reserve Appropriations assumes spending an amount of reserves.

⁴ Total Expenditures for the fund

This resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 19th day of September, 2012, by the City Council of the City of Tavares, Florida. Time Adopted: _____ P.M.

Robert Wolfe, Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

Approved as to form:
Robert Q. Williams
City Attorney

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
SEPTEMBER 19, 2012**

AGENDA TAB NO. 5

SECOND READING

**SUBJECT TITLE: Ordinance 2012-23
West Ruby Street -Rezoning**

OBJECTIVE:

To consider the rezoning of a combined total of approximately 1 acre of properties located on the north side of West Ruby Street, between South Lake and Bloxham Avenues from RSF-1 (Residential Single Family) to CD (Commercial Downtown).

SUMMARY:

The subject properties consist of five parcels of land located on the north side of West Ruby Street between South Lake and South Bloxham Avenues. The properties have a combined area of approximately 1 acre. The properties are all owned by James Ellrodt. The properties are vacant except for two small, single family rental dwellings on one parcel on South Bloxham Avenue.

The City's adopted Downtown Master Plan encourages commercial and high density residential uses in the downtown core of our city. The owner of this property supports the vision of the Master Plan and he has approached the city requesting that the city rezone these properties. The Commercial Downtown District zoning allows both commercial and high density residential uses. City staff is beginning the task of contacting property owners within our downtown where zoning changes are suggested by the Master Plan.

Any development of these properties will be in accordance with the City's Land Development Regulations. A Future Land Use Map amendment to a Commercial designation is concurrently under consideration.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

The Planning & Zoning Board moved unanimously to recommend approval of Ordinance 2012-23 at its August 16th meeting.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-23.

FISCAL IMPACT: N/A

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

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ORDINANCE 2012-23

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AVENUE AND SOUTH BLOXHAM AVENUE FROM RSF-1 (RESIDENTIAL SINGLE FAMILY) TO CD (COMMERCIAL DOWNTOWN DISTRICT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of properties described in Exhibit "A" attached hereto, is requesting to rezone said properties from RSF-1 (Single Family Residential) to CD (Commercial Downtown District); and

WHEREAS, the city's Downtown Master Plan encourages commercial and high density residential uses in our city core; and

WHEREAS, the City of Tavares held duly noticed public hearings before the Planning and Zoning Board and City of Tavares City Council, providing opportunity for individuals to hear and to be heard regarding the proposed amended zoning; and

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

WHEREAS, the City is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Residential to Commercial Downtown on the Future Land Use Map 2020; and

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares Land Development Regulations and the proposed amended Comprehensive Plan; now therefore

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

1 **Section 1. Rezoning**

2 The said property, as legally defined in Exhibit "A", attached hereto and made a part
3 herewith, is hereby rezoned from RSF-1 (Residential Single Family) to CD (Commercial
4 Downtown), under the specific provisions as established by the City of Tavares Land
5 Development Regulations.

6
7 **Section 2. Severability.**

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

11 **Section 3. Effective Date.**

12 This ordinance shall take effect immediately upon its final adoption by the Tavares City
13 Council.

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15
16 **PASSED AND ORDAINED** this _____ of _____, 2012, by the City Council of the
17 City of Tavares, Florida.

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

23 First Reading: _____

24
25 Passed Second Reading: _____

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27
28 ATTEST:

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30 _____
31 Nancy Barnett, City Clerk

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35 APPROVED AS TO FORM AND LEGALITY:

36
37 _____
38 Robert Q. Williams, City Attorney

Exhibit A

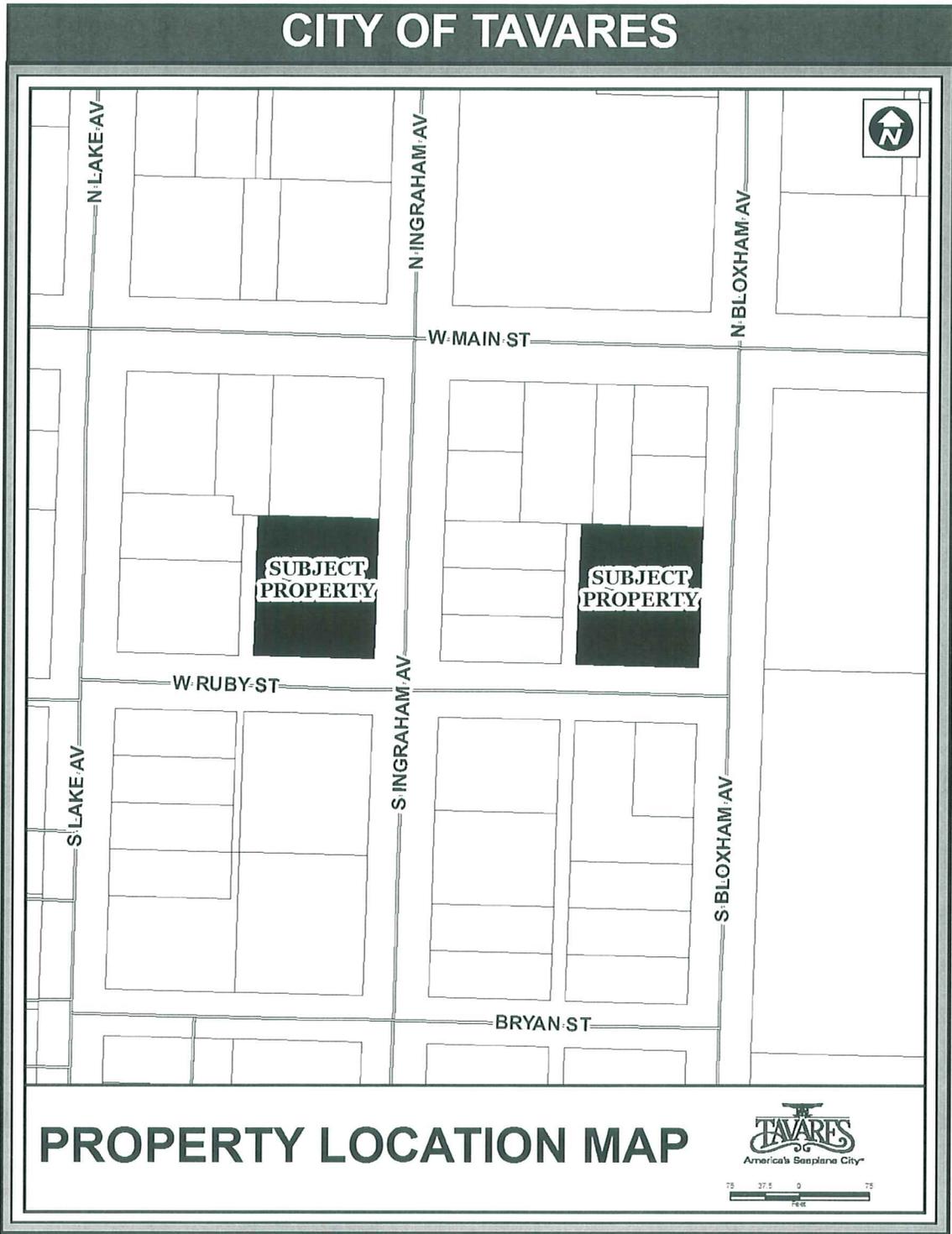
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Lots L, M, and N, Block 70, according to the Official Plat of the
Town of Tavares, recorded in Plat Book 1, Page 64, of the Public
Records of Lake County, Florida.

(For information only: Property Appraiser's Parcel
Identification Number is 2919260100-070-00L00 and
2919260100-070-00M00)

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5
**Lot M, less the South three (3) feet thereof, and Lot L, Block 61, Tavares
Improvement Subdivision, in the City of Tavares, Florida, according to the plat
thereof as recorded in Plat Book 4, Page 39, Public Records of Lake County,
Florida.**

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7
The South 3 feet of Lot M, Block 61, according to a map of the Tavares
Improvement Company's subdivision of Blocks 44, 45 . . . 60, 61, 62
.....71 and 72, as recorded in Plat Book 4, Page 39 of the public records
of Lake County, Florida. Sections 29, T. 19 S., R. 26 E.

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Lot N, Block 61, according to the plat of Tavares Improvement Company's Subdivision
recorded in Plat Book 4, Page 39, Public Records of Lake County, Florida.

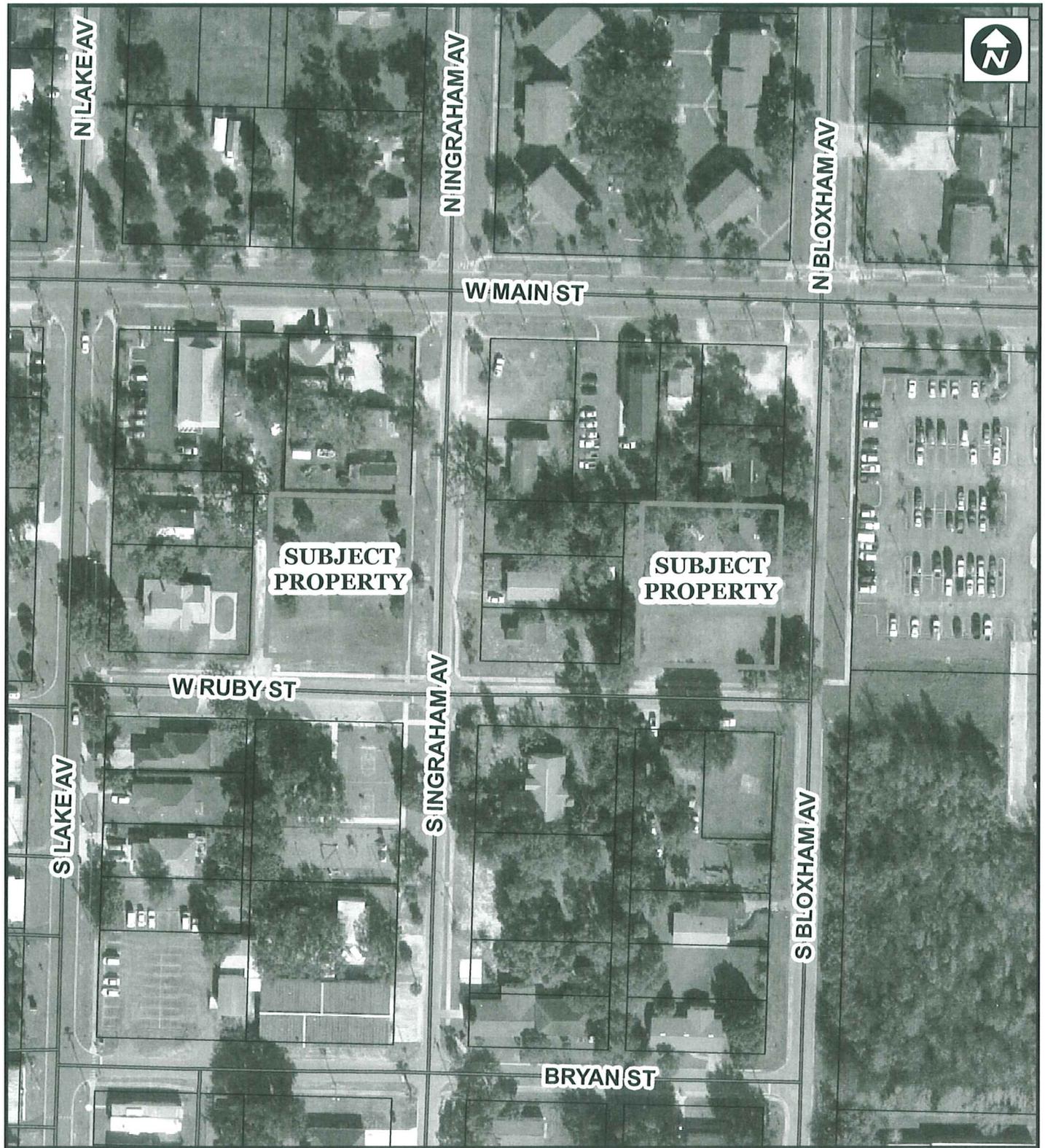


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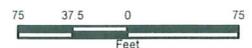
F:\P2\DATA\PROJECT FILES\City Initiated Rezoning\Ellrodt Property\GIS\GIS_Maps\AD_ELLRODT.mxd

Map Created on 7/24/12

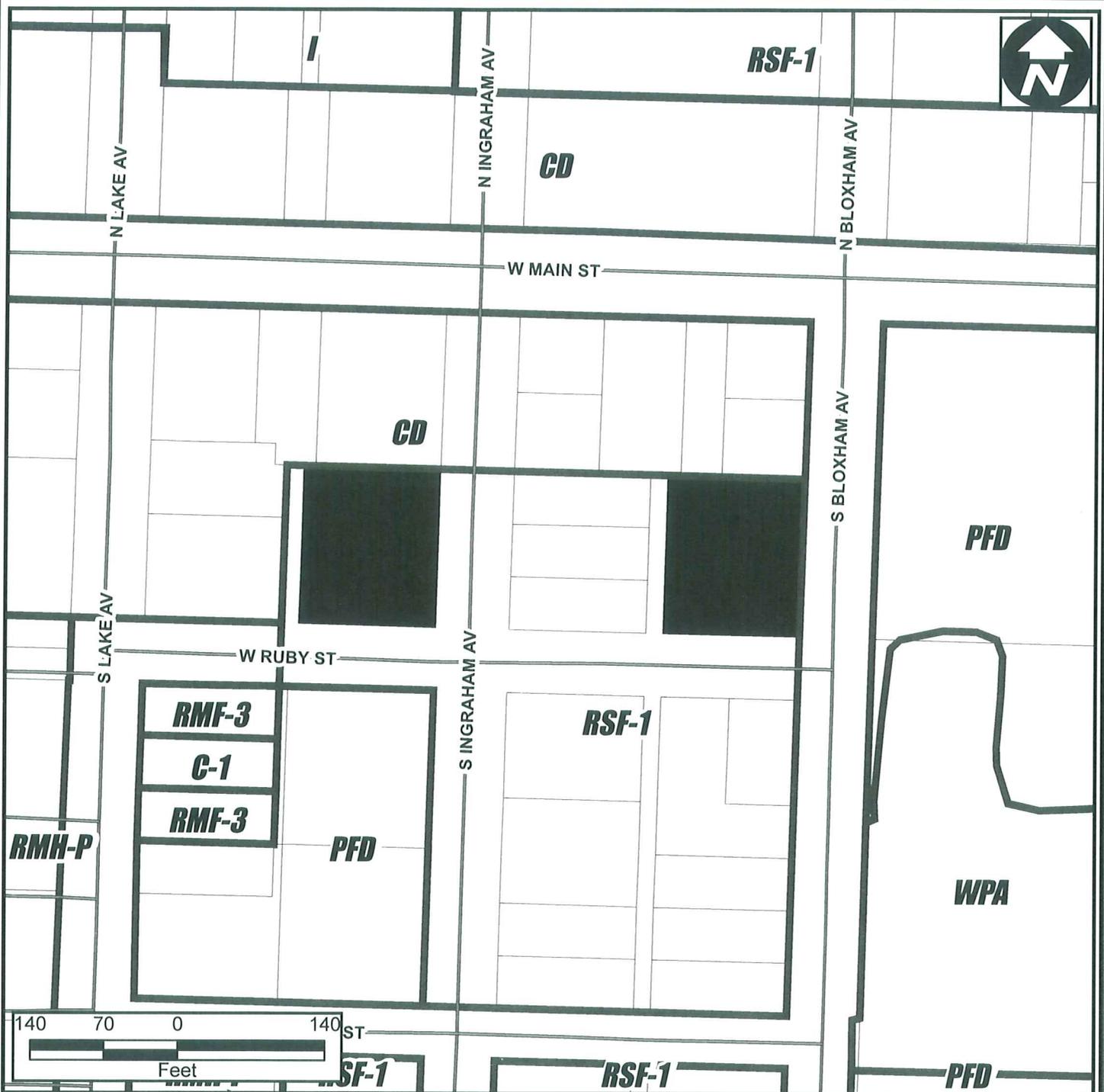
CITY OF TAVARES



PROPERTY LOCATION MAP



CITY OF TAVARES ORDINANCE # 2012-23



- 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 # 2012-23

Current Zoning: RSF-1
 Proposed Zoning: CD
 0.90 ± Acres

Legend

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

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
SEPTEMBER 19, 2012**

AGENDA TAB NO. 6

SECOND READING

**SUBJECT TITLE: Ordinance 2012-24
Small Scale FLUM Amendment- Ellrodt Property
West Ruby Street**

OBJECTIVE:

To consider a Future Land Use Map amendment of a combined total of approximately 1 acre of property located on the north side of West Ruby Street, between South Lake and South Bloxham Avenues from Low Density Residential to Commercial Downtown.

SUMMARY:

Ordinance 2012-24 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The combined area of the subject property (Parcel Alternate Key Numbers 1686261, 3475623, 1375312, 1375533, and 1375541) is approximately 1 acre in size, located on the north side of West Ruby Street between South Lake and South Bloxham Avenues. An application to rezone these properties to Commercial Downtown is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Low Density Residential to Commercial Downtown.

Future Land Use Amendment/Compatibility

These properties are within the city's downtown core. The city's adopted Downtown Master Plan encourages commercial and high density residential uses in the downtown core. These properties are either adjacent or in close proximity to the county's expanded Judicial Center and would be an ideal location for commercial businesses that support this facility.

Site Conditions

The properties are vacant except for two small single family rental dwellings on one parcel on South Bloxham Avenue. The owner of these properties supports the vision of the Master Plan and he has approached the city requesting that the city amend the Future Land Use Map. A site plan demonstrating compliance with all city regulations, including applicable state and federal environmental laws, must be approved prior to the issuance of permits for site development.

Impact on City Services

Municipal water and sewer is available to these properties. 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. It is anticipated that this amendment will not implicate any significant increase on Levels of Service.

FINDINGS

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

1. A Downtown 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 8)

OPTIONS:

1. That City Council moves to approve Ordinance 2012-24.
2. That City Council denies the proposed Comprehensive Plan map amendment.

PLANNING & ZONING BOARD RECOMMENDATION:

The Planning & Zoning Board moved to recommend approval of Ordinance 2012-24 at its August 16th meeting.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-24.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

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ORDINANCE 2012-24

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 A COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AND SOUTH BLOXHAM AVENUES; FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL DOWNTOWN; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of properties described in Exhibit "A" attached hereto, is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said properties from Low Density Residential to Commercial Downtown; and

WHEREAS, the properties consist of less than ten acres; and

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 and high density residential uses in the downtown core of the City; and

WHEREAS, the Commercial Downtown Future Land Use designation facilitates these preferred uses; and

WHEREAS, a Commercial Downtown Future Land Use designation is compatible with 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 Low Density Residential to
16 Commercial Downtown on certain real properties as legally described in Exhibit "A". All
17 provisions 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 Economic Opportunity, 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 Robert Wolfe, Mayor
18 Tavares City Council
19

20
21
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 Exhibit A
3
4

Lots L, M, and N, Block 70, according to the Official Plat of the Town of Tavares, recorded in Plat Book 1, Page 64, of the Public Records of Lake County, Florida.

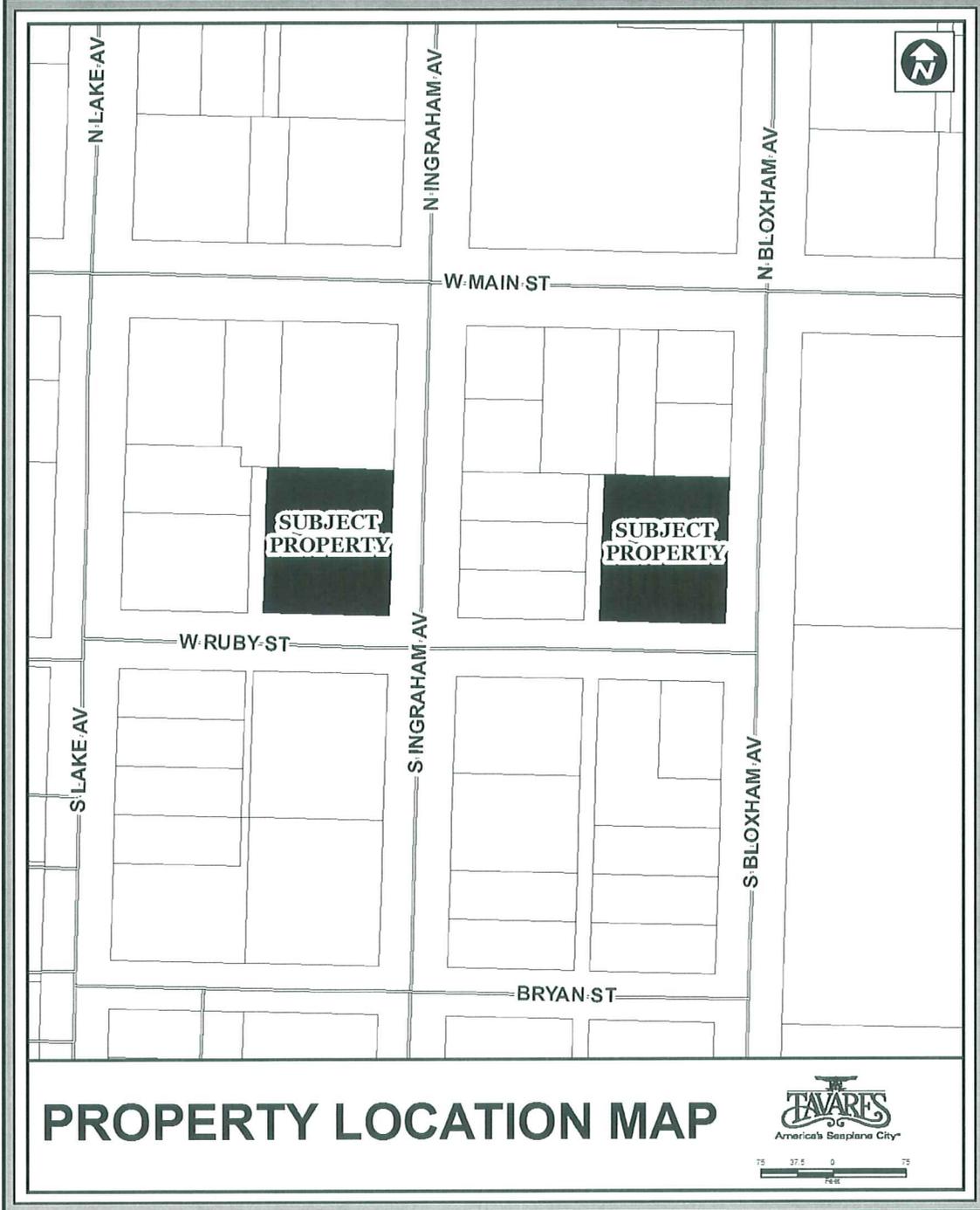
(For information only: Property Appraiser's Parcel Identification Number is 2919260100-070-00L00 and 2919260100-070-00M00)

5
6 **Lot M, less the South three (3) feet thereof, and Lot L, Block 61, Tavares Improvement Subdivision, in the City of Tavares, Florida, according to the plat thereof as recorded in Plat Book 4, Page 39, Public Records of Lake County, Florida.**

7 The South 3 feet of Lot M, Block 61, according to a map of the Tavares Improvement Company's subdivision of Blocks 44, 45 . . . 60, 61, 6271 and 72, as recorded in Plat Book 4, Page 39 of the public records of Lake County, Florida. Sections 29, T. 19 S., R. 26 E.

8 Lot N, Block 61, according to the plat of Tavares Improvement Company's Subdivision recorded in Plat Book 4, Page 39, Public Records of Lake County, Florida.

CITY OF TAVARES



Created By: City of Tavares GIS

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Map Created on 7/24/12

CITY OF TAVARES ORDINANCE # 2012-24



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 # 2012-24

Current FLU: LOW
Proposed FLU: CD
0.90 ± Acres

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

Orlando Sentinel

Publication Date: 08/06/2012

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.

Ad Number: 747191-1

Insertion Number:

Size: 3 x 10.5

Color Type: B&W

Client Name:

Advertiser: City of Tavares

Section/Page/Zone: Lake Zone/D005/LAK

Description: city of Tavares

THE CITY OF TAVARES NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2012-23 and Ordinance 2012-24 listed as follows:

ORDINANCE 2012-23

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AVENUE AND SOUTH BLOXHAM AVENUE FROM RSF-1 (RESIDENTIAL SINGLE FAMILY) TO CD (COMMERCIAL DOWNTOWN DISTRICT), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS OBTAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-24

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 A COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTIES GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET BETWEEN SOUTH LAKE AND SOUTH BLOXHAM AVENUES; FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL DOWNTOWN; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.



- Proposed Ordinance 2012-23 and Ordinance 2012-24 will be considered at the following public meetings:
1. Tavares Planning & Zoning Board meeting on August 16, 2012 at 3 p.m., and
 2. Tavares City Council meeting on September 5, 2012 at 4 p.m. (Introduction and First Reading by Title Only); and
 3. Tavares City Council meeting on September 19, 2012 at 4 p.m. (Second Reading)
- All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2012-23 and Ordinance 2012-24 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinance. It is the City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32778; Telephone: (352) 742-6408 at least 5 (five) working days prior to the date of the Public Hearing. If you are hearing or voice impaired, call (352) 742-6433.

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

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*See below for details in store only

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10% off home & shoes

30-50% off Misses' & women's casual sportswear from NO New Directions®, Choices, NO New Directions® Weekend, Alfred Dunham, Kim Rogers® & Ruby Red
Orig. 22.00-82.00. Sale 15.40-57.40. A lot. In today's world, it's a gift in your price.

30% off ENTIRE STOCK Once Upon a Ruby Rd., NO New Directions®, Kim Rogers®, Red Cameo and Val Harris™ jewelry

red dot clearance
save **65% & more** on select items
*See store for details

40% off ENTIRE STOCK on Red Cameo® sportswear
Orig. 14.00-48.00 Sale 8.40-28.80

Connect with us for special offers and promotions at Belk.com/connected

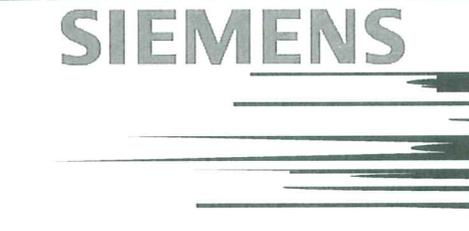
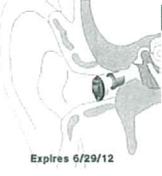


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Alan Boone, HAS, BC-HIS
President & Wife Linda

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**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
August 16, 2012**

BOARD MEMBERS PRESENT

**John Adams, Chairman
Vacant- Vice Chairman
Sam Grist
Richard Root
Gary Santoro
Norb Thomas
John Tanner**

LAKE COUNTY SCHOOL BOARD

**Debbie Stivender, Boardmember - Absent
Dawn McDonald, Senior Planner**

STAFF MEMBERS PRESENT

**Jacques Skutt, Community Development Director
Robert Williams, City Attorney
Alisha (Sullivan) Maraviglia, Senior Planner
Mike Fitzgerald, Development Coordinator**

CALL TO ORDER

John Adams, Chairman, called the meeting to order at 3:00 p.m. and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES OF July 19, 2012

The minutes were approved as read.

OLD BUSINESS

None.

SWEARING IN OF THOSE GIVING TESTIMONY

Attorney Robert Williams, gave the oath to staff and those members of the audience who indicated they would be giving testimony.

CASES TO BE HEARD

1) West Ruby Street - Rezoning Ordinance 2012-23

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

1
2 The subject properties consist of five parcels of land located on the north side of West Ruby
3 Street between South Lake and South Bloxham Avenues. The properties have a combined
4 area of approximately 1 acre. The properties are all owned by James Ellrodt. The properties
5 are vacant except for two small, single family rental dwellings on one parcel on South Bloxham
6 Avenue.

7
8 The City's adopted Downtown Master Plan encourages commercial and high density
9 residential uses in the downtown core of our city. The owner of this property supports the
10 vision of the Master Plan and he has approached the city requesting that the city rezone these
11 properties. The Commercial Downtown District zoning allows both commercial and high
12 density residential uses. City staff is beginning the task of contacting property owners within
13 our downtown where zoning changes are suggested by the Master Plan.

14
15 Any development of these properties will be in accordance with the City's Land Development
16 Regulations. A Future Land Use Map amendment to a Commercial designation is concurrently
17 under consideration.

18
19 Staff recommends that the Planning & Zoning Board moves to recommend the approval of Ordinance
20 2012-23.

21
22 Sam Grist asked if all the properties would be rezoned. In response, Jacques mentioned that
23 not all the properties in the vicinity would be rezoned. There was discussion about
24 nonconforming uses.

25
26 **MOTION**

27
28 **John Tanner moved to recommend approval of Ordinance 2012-23. The motion was**
29 **seconded by Richard Root. The motion carried 6-0.**

30
31 **2) West Ruby Street - SSFLUM - Ordinance 2012-24**

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

34
35 Ordinance 2012-24 proposes a small scale amendment to the Future Land Use Map 2020 of the
36 Comprehensive Plan.

37
38 The combined area of the subject property (Parcel Alternate Key Numbers 1686261, 3475623,
39 1375312, 1375533, and 1375541) is approximately 1 acre in size, located on the north side of
40 West Ruby Street between South Lake and South Bloxham Avenues. An application to rezone
41 these properties to Commercial Downtown is concurrently under consideration. This ordinance
42 would amend the current Future Land Use Designation from Low Density Residential to
43 Commercial Downtown.

44
45 **Future Land Use Amendment/Compatibility**

46 These properties are within the city's downtown core. The city's adopted Downtown Master Plan
47 encourages commercial and high density residential uses in the downtown core. These properties are
48 either adjacent or in close proximity to the county's expanded Judicial Center and would be an ideal
49 location for commercial businesses that support this facility.

1 Site Conditions

2 The properties are vacant except for two small single family rental dwellings on one parcel on South
3 Bloxham Avenue. The owner of these properties supports the vision of the Master Plan and he has
4 approached the city requesting that the city amend the Future Land Use Map. A site plan demonstrating
5 compliance with all city regulations, including applicable state and federal environmental laws, must be
6 approved prior to the issuance of permits for site development.

7
8 Impact on City Services

9 Municipal water and sewer is available to these properties. The City's Concurrency Management System
10 will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all
11 regulated public facilities. It is anticipated that this amendment will not implicate any significant increase on
12 Levels of Service.

13
14 FINDINGS

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

- 17
18 1. A Downtown Commercial Future Land Use designation would serve as the most appropriate
19 land use for the subject property in accordance with Future Land Use policy 1-1.1.6.
20
21 2. Impacts of the proposed development of the subject property shall be monitored through the
22 City's Concurrency Management System. (Comp Plan, Chapter 7A)

23
24 Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2012-24.

25
26 Chairman Adams asked if there was anyone in the audience who would like to make a comment.
27 There were no audience comments.

28
29 There was a brief discussion by the Planning & Zoning Board confirming support for the ordinance.

30
31 **MOTION**

32
33 **Gary Santoro moved to recommend approval of Ordinance 2012-24. The motion was**
34 **seconded by Richard Root. The motion carried 6-0.**

35
36 **OTHER BUSINESS**

37
38 The board complimented the Community Development Department staff on its work
39 performance and efficiency.

40
41 **ADJOURNMENT**

42
43 Gary Santoro motioned to adjourn the meeting. John Tanner seconded the motion. The
44 motion was approved unanimously 6-0.

45
46 The meeting adjourned at approximately 3:15 p.m.

47
48 Respectfully submitted,

49
50 _____
51 Alisha Maraviglia
52 Senior Planner

**AGENDA SUMMARY
TAVARES CITY COUNCIL
SEPTEMBER 19, 2012**

AGENDA TAB NO. 7

SECOND READING

**SUBJECT TITLE: Ordinance 2012-28
Amendment to Code of Ordinances
Extension of Hours for Outside Entertainment**

OBJECTIVE:

To consider an amendment to the Code of Ordinances that would extend the hours for music and entertainment within the City's Downtown Waterfront Entertainment District.

SUMMARY:

At the August 15th Council meeting, City Council instructed staff to draft a proposed ordinance that would extend the hours for music and entertainment within the Downtown Waterfront Entertainment District to 11:00 P.M. on Monday and Tuesday nights and until midnight on all other evenings of the week.

The City's Code of Ordinances provides an exemption from the City's noise regulations in the Downtown Waterfront Entertainment District within specified times. The proposed ordinance, Ordinance 2012-28, amends the hours of exemption to coincide with Council's August 15th direction to staff.

OPTIONS:

No Council action required at First Reading.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-28.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

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ORDINANCE 2012-28

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10.5, ARTICLE XI, REGULATIONS FOR THE DOWNTOWN ENTERTAINMENT DISTRICT, BY AMENDING SECTION 10.5-504, HOURS FOR MUSIC AND ENTERTAINMENT BY EXTENDING THE HOURS FOR OUTDOOR ENTERTAINMENT; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 2, 2009 the City Council of Tavares approved Ordinance 2009-28, an ordinance that amended the City's Code of Ordinance by establishing a Downtown Waterfront Entertainment District with the following characteristics:

"A waterfront entertainment district providing a venue for festivals, shops, restaurants, the arts and cultural amenities that will firmly establish Downtown Tavares as a regional destination."; and

WHEREAS, the City of Tavares, also through this same ordinance, specified regulations to govern activities within the Downtown Waterfront Entertainment District; and

WHEREAS, these regulations provided outdoor music and entertainment an exemption from the City's Public Noise Nuisance Code during certain specified hours; and

WHEREAS, business owners within the Downtown Waterfront Entertainment District have requested that the city extend the hours of this exemption; and

WHEREAS, the Tavares City Council has determined that extending these hours of exemption is appropriate and consistent with the desired characteristics sought with the establishment of the Downtown Waterfront Entertainment District, and

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

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

2
3 **Section 1. Text Amendment to the City of Tavares Code of Ordinances.**

4
5 That Chapter 10.5, Article XI, Section 10.5-504, Hours for music and entertainment is
6 amended as follows:

7
8 **Section 10.5-504 Hours for Music and Entertainment.**

9
10 Music, singing and other forms of entertainment whether amplified or not, shall be
11 permitted indoors at any time during business hours of any facility or business enterprise
12 within the district, and in addition music, singing and entertainment shall be permitted
13 outdoors within the district, however, such outdoor music, singing and entertainment shall
14 not be permitted later than the hours of ~~10:00 p.m. Sunday through Wednesday~~ 11:00 p.m.
15 on Monday and Tuesday and midnight on Wednesday, Thursday, Friday, Saturday, Sunday
16 and legal holidays as provided by state law (including St. Patrick's Day). Entertainment
17 provided in compliance with this section shall not be considered a Public Noise Nuisance as
18 defined in Chapter 12 of the City's Land Development Regulations.

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

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

26
27 **Section 3. Effective Date**

28
29 This Ordinance shall take effect immediately upon its final adoption by the Tavares City
30 Council.

31
32 **PASSED AND ADOPTED** this _____ day of _____, 2012 by the City Council of
33 the City of Tavares, Florida.

34
35
36
37 _____
38 Robert Wolfe, Mayor
39 Tavares City Council

40 First Reading: _____

41 Passed Second Reading: _____

42
43 ATTEST:

44
45 _____
46 Nancy A. Barnett, City Clerk

47
48 Approved as to form:

49
50 _____
51 Robert Q. Williams, City Attorney

Lake Sentinel/Orlando Sentinel
September 9, 2012 Edition
Ordinance 2012-28

Legal Notices

Public Hearing Notices

City of Tavares

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2012-28, Second Reading, on September 19, 2012 at 4:00 p.m., Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2012-28

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10.5, ARTICLE XI, REGULATIONS FOR THE DOWNTOWN ENTERTAINMENT DISTRICT, BY AMENDING SECTION 10.5-504, HOURS FOR MUSIC AND ENTERTAINMENT BY EXTENDING THE HOURS FOR OUTDOOR ENTERTAINMENT; SUBJECT TO THE RULES, REGULATIONS, AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

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

LAK1203111

09/09/2012

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 8

SUBJECT TITLE: Concession Services at the Woodlea Sports Complex

OBJECTIVE: To consider approval of the Lake County Rave Organization to provide concession services at Woodlea Sports Complex in the amount of \$1800 per year.

SUMMARY: The Gridiron Gang, Inc. has been the concessionaire at the Woodlea Sports Complex for several years. They have requested that they be relocated to the Fred Stover complex and their request has been granted. Further, staff asked this group if they would be interested in operating both concession stands and they declined. A request of interest was also e-mailed to the Tavares High School principal to see if any other fund raising group within THS would be interested in this fund raising opportunity and no group came forward.

A Request for Proposal (RFP) for concession services was advertised on July 29, 2012 in the Lake Sentinel seeking a non-profit 501 (c) (3) organization to provide concession services at the Woodlea Sports Complex. One response was received by the Lake County Rave Organization, a non-profit travel ball team.

Staff has secured appropriate liability insurance from the team and has received proof of non-profit status. The attached agreement is for one-year, with two, one-year renewals. This is the same amount as the agreement with the Gridiron Gang.

OPTIONS:

- 1) Approve the Lake County Rave Organization and enter into an agreement for concession services at Woodlea Sports Complex for \$1800 per year.
- 2) Do not approve the Lake County Rave Organization for concession services at Woodlea Sports Complex.

STAFF RECOMMENDATION:

Move to approve the Lake County Rave Organization for concession services at Woodlea Sports Complex and authorize City Administrator to execute agreement in the amount of \$1800 per year.

FISCAL IMPACT: \$1800 annual revenues

CONCESSION AGREEMENT

THIS AGREEMENT made this 10th day of Sept, 2012 between the City of Tavares, Florida (hereinafter referred to as "the City") and the Lake County Rave Organization, a Florida not-for-profit corporation, (hereinafter referred to as "the Club").

RECITALS

1. The City desires to enter into an agreement with the Club for the provision of certain concessions at the Woodlea Road Sports Complex located in Tavares, Florida.

2. The Club desires to enter into an agreement with the City to provide concession services, and further agrees to be bound by the terms and conditions of this Agreement.

THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, receipt of which is hereby acknowledged, the City and the Club hereby covenant and agree as follows:

1. The City hereby grants to the Club the right to sell concessions at the Woodlea Road Sports Complex located in Tavares, Florida, for the term beginning October 1, 2012 and ending July 31, 2013. Pending a successful initial term, the City will have the right to extend the Club's contract for an additional two years. The Club hereby agrees to provide concessions at all scheduled and special City or City-sanctioned sporting events (including boys and girls varsity and J.V. High School practices and games) at said complex. The concessions to be provided by the Club shall be submitted to and approved by the City.

2. During the term of this Agreement, the Club shall be responsible for the following:

a. Ordering, maintaining and purchasing adequate inventory to provide the services set forth herein;

b. Scheduling an adequate staff of workers to man the concession stand at all times, including the presence in the concession stand of an adult at least twenty-one (21) years of age at all times during which the concession stand is in operation, as required herein;

c. Providing the necessary equipment to equip, supply and operate the concession stand including, but not limited to, cabinets, countertops, sinks, coolers, ice machine, refrigerator, stove, popcorn machine, hot dog machine, coffee machine, soft drink dispenser and various utensils, all of which must be approved in advance by the City;

d. Keeping the interior area of the concession stand clean and in a sanitary condition, free from waste and rubbish;

3. The City shall be responsible for the following:

a. Providing the Club with access to the concession stand;

b. Furnishing utilities, regular pest control service and building maintenance (not including maintaining or cleaning the interior of building);

c. Notifying the Club at least forty-eight (48) hours in advance of all regularly scheduled or special sporting events during which concession sales are called for under this Agreement.

4. In consideration of the right granted by the City to the Club to sell concessions at the Woodlea Road Sports Complex, the Club agrees to pay to the city \$150.00 per month for the first initial term of this agreement. If extended, beginning August 1, 2013 and each year after, this amount shall be adjusted based on the City's actual expenses incurred in the operation of the facility for the previous year; provided, however, that the payment amount shall not be less than \$150.00 per month. The first payment shall be made to the City by the Club upon the execution of this agreement, and successive payments shall be paid on the first day of every month thereafter.

5. The Club agrees to indemnify the City and hold it harmless for any claims or damages (including attorney's fees) that it may incur by reason of the operation of the concession stand by the Club. The Club further agrees to obtain and maintain in force, at its cost, liability insurance coverage in the following amounts, which insurance shall add the City as an additional insured with endorsement:

Bodily Injury -- \$100,000 per person; \$300,000 per occurrence

Property Damage -- \$50,000

The Club shall provide the City with proof of said insurance prior to taking possession of the premises.

6. The Club shall provide a copy of the official 501(c)3 designation to the City upon execution of the agreement.

7. The parties agree that if the Club violates the terms and conditions of this Agreement, or violates any other applicable state, county or municipal ordinances, the City shall have the option to immediately terminate this Agreement.

8. The Club shall be responsible for obtaining any and all necessary licenses, health certificates, permits, or other documents required for the operation of the concession stand. The Club shall also be responsible for any and all sales or income tax liability that it may incur by reason of its operation of the concession stand.

9. The Club shall not be permitted to sublet or assign any part of the concession stand premises or the right to sell concessions at the complex as set forth in this Agreement without first obtaining the written consent of the City.

10. The Club shall have the right to make minor renovations to the interior of the concession

stand, only after receiving prior approval from the City Administrator or his designee. All City codes must be met and all necessary permits obtained.

11. Notwithstanding any other provision of this Agreement to the contrary, either party may terminate this Agreement at any time, without cause, by giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Dated this 10th day of September, 2012.

Lake County Rave Organization

By: 
Lynn Arnett

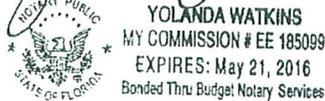
Its: Owner

John H. Drury
City Administrator
City of Tavares, Florida

Attest:

Attest:




YOLANDA WATKINS
MY COMMISSION # EE 185099
EXPIRES: May 21, 2016
Bonded Thru Budget Notary Services

**SPONSOR THIRD PARTY CERTIFICATE OF INSURANCE
AMATEUR ATHLETIC UNION OF THE U.S., INC.**

CERTIFICATE HOLDER	Woodlea Road Sports Complex 2770 Woodlea Road TAVARES, FL 32778	COVERAGE DATES: 09/07/2012 - 08/31/2013
---------------------------	---	---

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

PRODUCER Special Markets Insurance Consultants Inc 2615 Post Road Stevens Point, Wisconsin 54481	INSURED Amateur Athletic Union of the U.S., Inc. Walt Disney World Resort P.O. Box 10000 Lake Buena Vista, FL 32830-1000 (407) 934-7200	MEMBER CLUB INSURED Lake County Rave 2191 Tealwood Circle Tavares, FL 32778	CERTIFICATE ID: 13FLBL3Y78 CLUB CODE: XTF647
---	---	---	---

INSURER(S) AFFORDING COVERAGE	
Company A Gerber Life Insurance Company - NAIC #70939 Company B Philadelphia Insurance Company - NAIC #18058	*For box below, INSR LTR refers to Company A or B.

COVERAGES - This is to certify that the policy(ies) of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions, and conditions of such policy(ies), limits shown may have been reduced by paid claims.

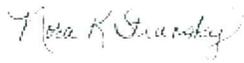
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	COVERAGE EFF. DATE (MM/DD/YY)	COVERAGE EXP. DATE (MM/DD/YY)	COVERAGES	LIMITS
A	Participant Accident	09-071462-12	8/15/2012 12:01 AM.	9/1/2013 12:01 AM.	Accident Medical Accidental Death and Dismemberment	50,000 10,000
B	Excess Liability	BE23542868 PHUB39342	8/15/2012 12:01 9/01/2012 12:01AM	9/01/2012 12:01 AM 9/1/2013 12:01 AM.	Each Occurrence Per Club Policy Aggregate Per Club	9,000,000 9,000,000
B	General Liability	PHPK906531	8/15/2012 12:01 ***	9/1/2013 12:01 AM.	Each Occurrence Limit General Aggregate Limit Per Club Participant Legal Liability Personal and Advertising Injury Limit Products-Completed Operations Fire Damage to premises Rented to You (Any One Premises) Medical Expenses Limit (Any One Person)	1,000,000 3,000,000 1,000,000 1,000,000 3,000,000 1,000,000 5,000

ADDITIONAL INFORMATION / RESTRICTIONS / SPECIAL ITEMS
Coverage applies to Lake County Rave, Sanction # 13FLBL3Y78 Sponsor, Lake County Rave from 09/07/2012 through 08/31/2013, for the gross negligence and/or liabilities of the AAU Club(s) or registered members. For said club to have coverage, all membership requirements in the AAU must be met.

The Certificate holder shall be an Additional Insured, but only with respect to the operations of the Named Insured, subject to the provisions and limitations of the policy(ies), attached CG 20 26 11 85 applies.

CANCELLATION - Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. But, failure to mail such notices shall impose no obligation for liability of any kind upon the insurer, its agents or representatives.
REVOCAION OF MEMBERSHIP - will result in cancellation of coverage.

FACILITY OWNER SHOULD VERIFY THIS CERTIFICATE.
Go to www.aausports.org, Insurance Overview, and choose 'Print/View' > Certificates



Authorized Representative

Certificate No. 20134056

6

inscfacility.rpt

POLICY NUMBER: 9471518

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization: Woodlea Road Sports Complex
2770 Woodlea Road
TAVARES, FL 32778

Event: Sponsor, Lake County Rave

Date: 09/07/2012 through 08/31/2013

THE ABOVE PERSON OR ORGANIZATION IS ADDITIONAL INSURED AS REQUIRED BY WRITTEN CONTRACT.

endorsement # 20134056

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

**SPONSOR THIRD PARTY CERTIFICATE OF INSURANCE
AMATEUR ATHLETIC UNION OF THE U.S., INC.**

CERTIFICATE HOLDER City of Tavares 201 E. Main Tavares, FL 32778	COVERAGE DATES: 09/07/2012 - 08/31/2013
--	---

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

PRODUCER Special Markets Insurance Consultants Inc 2615 Post Road Stevens Point, Wisconsin 54481	INSURED Amateur Athletic Union of the U.S., Inc. Walt Disney World Resort P.O. Box 10000 Lake Buena Vista, FL 32830-1000 (407) 934-7200	MEMBER CLUB INSURED CERTIFICATE ID: 13FLBL3Y78 CLUB CODE: XTF647 Lake County Rave 2191 Tealwood Circle Tavares, FL 32778
---	---	---

INSURER(S) AFFORDING COVERAGE	
Company A Gerber Life Insurance Company - NAIC #70939 Company B Philadelphia Insurance Company - NAIC #18058	*For box below, INSR LTR refers to Company A or B.

COVERAGES - This is to certify that the policy(ies) of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions, and conditions of such policy(ies), limits shown may have been reduced by paid claims.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	COVERAGE EFF. DATE (MM/DD/YY)	COVERAGE EXP. DATE (MM/DD/YY)	COVERAGES	LIMITS
A	Participant Accident	09-071462-12	8/15/2012 12:01 AM.	9/1/2013 12:01 AM.	Accident Medical Accidental Death and Dismemberment	50,000 10,000
B	Excess Liability	BE23542868 PHUB39342	8/15/2012 12:01 9/01/2012 12:01AM	9/01/2012 12:01 AM 9/1/2013 12:01 AM.	Each Occurrence Per Club Policy Aggregate Per Club	9,000,000 9,000,000
B	General Liability	PHPK906531	8/15/2012 12:01	9/1/2013 12:01 AM.	Each Occurrence Limit General Aggregate Limit Per Club Participant Legal Liability Personal and Advertising Injury Limit Products-Completed Operations Fire Damage to premises Rented to You (Any One Premises) Medical Expenses Limit (Any One Person)	1,000,000 3,000,000 1,000,000 1,000,000 3,000,000 1,000,000 5,000

ADDITIONAL INFORMATION / RESTRICTIONS / SPECIAL ITEMS

Coverage applies to Lake County Rave, Sanction # 13FLBL3Y78 Sponsor, Lake County Rave from 09/07/2012 through 08/31/2013, for the gross negligence and/or liabilities of the AAU Club(s) or registered members. For said club to have coverage, all membership requirements in the AAU must be met.

The Certificate holder shall be an Additional Insured, but only with respect to the operations of the Named Insured, subject to the provisions and limitations of the policy(ies), attached CG 20 26 11 85 applies.

CANCELLATION - Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. But, failure to mail such notices shall impose no obligation for liability of any kind upon the insurer, its agents or representatives.
REVOCAION OF MEMBERSHIP - will result in cancellation of coverage.

FACILITY OWNER SHOULD VERIFY THIS CERTIFICATE.
 Go to www.aausports.org, Insurance Overview, and choose 'Print/View' > Certificates

Mona K. Gurnsey

 Authorized Representative

Certificate No. 20134056



inscertfacility.rpt

POLICY NUMBER: 9471518

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization: City of Tavares
201 E. Main
Tavares, FL 32778

Event: Sponsor, Lake County Rave

Date: 09/07/2012 through 08/31/2013

THE ABOVE PERSON OR ORGANIZATION IS ADDITIONAL INSURED AS REQUIRED BY WRITTEN CONTRACT.

endorsement # 20134056

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 9

SUBJECT TITLE: Revised Interlocal Agreement for Railroad Track Upgrades

OBJECTIVE:

Approval of revised Interlocal agreement between Lake County, Eustis, Mt. Dora, Tavares, and Florida Central Railroad for railroad track improvements between Plymouth and Eustis.

SUMMARY:

Council approved the Interlocal agreement between City of Tavares, Lake County, City of Eustis, City of Mt. Dora, City of Umatilla, and Florida Central Railroad Company on July 18, 2012. The City's portion is \$160,000 (\$80,000 in FY 2013 and \$80,000 in FY 2014). Umatilla's portion was to have been \$40,000.

Umatilla has since chosen not to participate in the agreement. Florida Central Railroad has agreed to pay the \$40,000 that Umatilla would have paid.

OPTIONS:

- 1) Move to approve the revised Interlocal Agreement between Florida Central Railroad, City of Eustis, City of Mt. Dora, City of Tavares, and Lake County, Florida, for local funding of railroad track rehabilitation which omits the participation of the City of Umatilla.
- 2) Do not approve the revised agreement.

STAFF RECOMMENDATION:

Move to approve the revised Interlocal Agreement between Florida Central Railroad, City of Eustis, City of Mt. Dora, City of Tavares, and Lake County, Florida, for local funding of railroad track rehabilitation which omits the participation of the City of Umatilla.

FISCAL IMPACT:

There is no fiscal impact to the City of Tavares; previous match of \$160,000 remains the same.

LEGAL SUFFICIENCY: Legally sufficient

**AGREEMENT
FOR
LOCAL FUNDING OF RAILROAD TRACK REHABILITATION
(LAKE COUNTY)**

This Agreement for Local Funding of Railroad Track Rehabilitation (Lake County) (“Agreement”) dated this _____ day of _____, 2012 by and among **FLORIDA CENTRAL RAILROAD COMPANY, INC.** (“Railroad”), **LAKE COUNTY, FLORIDA** (the “County”), and the municipalities of **EUSTIS, FLORIDA, MOUNT DORA, FLORIDA, and TAVARES, FLORIDA** (collectively the “Cities”).

RECITALS

1. Railroad operates, maintains and provides rail freight service on a rail line between Orlando and Umatilla, Florida, between Toronto and Winter Garden, Florida, and between Tavares and Sorrento, Florida, a portion of which is located in Lake County and the Cities;

2. The portions of the line between Orlando and Umatilla, Florida (including the Silver Star Industrial Park), between Toronto and Winter Garden, Florida and between Tavares and Mount Dora, Florida (collectively herein the “Line”) are in need of rehabilitation including new rail, ties and ballast, surfacing, and repair of bridges and road crossings;

3. In order to (i) reduce railroad operating costs and improve rail service reliability, so that rail service may better compete with trucks, thereby reducing the number of trucks on local streets and highways, reducing traffic congestion and air pollution and promoting energy efficiency, (ii) promote the growth of local industries that ship by rail and the jobs, taxes and other local benefits such industries provide, and (iii) preserve the Line for future rail commuter service, Railroad, the Florida Department of Transportation (“FDOT”), Lake County and Orange County, Florida (collectively herein the “Counties”), the Cities herein, and the Cities of Apopka, Ocoee, Orlando and Winter Garden, Florida have developed a plan to fund rehabilitation of the Line (the “Project”);

4. Pursuant to the Joint Rail Project Agreement (Non-Federal) between FDOT and Railroad dated June 21, 2011, FDOT has agreed to provide a maximum financial contribution of Thirteen Million Eight Hundred Thousand Dollars (\$13,800,000.00), not to exceed seventy-five percent (75%) of the total estimated cost of the entire Project which is Eighteen Million Four Hundred Thousand Dollars (\$18,400,000.00) (the “Estimated Project Cost”);

5. The City of Tavares has obtained from the Federal Railroad Administration (“FRA”) under its Rail Line Relocation and Improvement Capital Grant Program, a grant of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) (the “FRA Grant”) to be applied toward the Estimated Project Cost;

6. Railroad, the Counties, the Cities herein, and the Cities of Apopka, Ocoee, Orlando and Winter Garden, Florida (collectively herein the "Local Match Participants"), have agreed to collectively fund the remainder of the Estimated Project Cost (the "Local Match") pursuant to agreements to be entered into between and among Railroad and the other Local Match Participants with each contributing the percentage of the Estimated Project Cost shown on Exhibit A hereto up to the maximum dollar amount shown on Exhibit A; and

7. The parties to this Agreement desire to set forth herein the terms and conditions for their respective contributions to the funding of the Project.

NOW, THEREFORE, in consideration of the benefits described in the foregoing recitals, the parties hereto agree as follows:

1. Description of the Project

The Project shall consist of the work described on the Workplan attached hereto as Exhibit B. Railroad shall be responsible for carrying out the Project consistent with the Workplan. Railroad shall be the owner of all materials and any equipment used in the Project.

2. Project Funding

(a) The parties hereto shall fund the following percentages of the Estimated Project Cost:

Railroad	-	3.63 percent (3.63%) but not less than Six Hundred Twenty-Seven Thousand Dollars (\$667,000.00)
The County	-	2.65 percent (2.65%) not to exceed Four Hundred Eighty-Eight Thousand Dollars (\$488,000.00)
City of Eustis	-	0.87 percent (0.87%) not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00)
City of Mount Dora	-	0.57 percent (0.57%) not to exceed One Hundred Five Thousand Dollars (\$105,000.00)
City of Tavares	-	0.87 percent (0.87%) not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00)

- (b) Under no circumstances shall the County or any of the Cities be required to contribute more than the dollar amount applicable to it shown in Section 2(a) above.
- (c) The County and the Cities acknowledge that Railroad's contribution in Section 2(a) herein represents Railroad's cumulative contribution to the Estimated Project Cost under all agreements relating to the Project.
- (d) The funding provided for herein shall only be used for the Project.
- (e) The parties hereto acknowledge that the City of Orlando, Florida has not secured all of the funding it had intended to provide toward the Estimated Cost of the Project, and that completion of the work attributable to rehabilitation of the track in the Silver Star Industrial Park, highlighted in yellow on Exhibit B hereto, may be delayed due to the lack of such funding. Railroad agrees to continue to work with the City of Orlando to secure such funding, but the lack of such funding shall not delay Railroad's completion of other parts of the Project.
- (f) The parties hereto acknowledge that the cost of the work shown on Exhibit B hereto is an estimate and agree that, in the event that the actual cost of the Project exceeds the Estimated Project Cost, some or all of the work described on Exhibit B attributable to rehabilitation of the track on the Sorrento Branch Mount Dora to Tavares segment may be deferred pending receipt of additional funding.

3. Release of Funds

- (a) The financial contributions of the parties hereto shall be made in accordance with this Section 3. The funds contributed by Railroad, the County and the Cities hereunder shall be used by Railroad to cover unreimbursed costs for the Project. As construction of the Project progresses, Railroad shall, from time to time, submit project cost invoices to FDOT representing work on the Project completed at the time of the billing. Upon approval of the cost reimbursement request by FDOT, Railroad shall submit a copy of the FDOT approval accompanied by supporting invoices and a copy of the payment documentation to the County and the Cities for payment of their agreed shares of the Estimated Project Cost. Within thirty (30) days of receipt of the FDOT approval, the County shall pay Railroad 2.65 percent (2.65%) of the approved costs representing the County's agreed share of the Estimated Project Cost, and the Cities shall each pay Railroad their respective agreed shares of the Estimated Project Cost. For example, if FDOT approves a project cost invoice in the amount of One Hundred Thousand (\$100,000.00), FDOT will pay Seventy-Five Thousand Dollars (\$75,000.00). Within thirty (30) days of FDOT's cost approval, the County shall pay Two Thousand Six

Hundred Fifty Dollars (\$2,650.00) to Railroad, the City of Eustis shall pay Eight Hundred Seventy Dollars (\$870.00) to Railroad, the City of Mount Dora shall pay Five Hundred Seventy Dollars (\$570.00) to Railroad and the City of Tavares shall pay Eight Hundred Seventy Dollars (\$870.00) to Railroad. Railroad shall, at the same time, seek payment from each of the other Local Match Participants for their agreed share of the Estimated Project Cost pursuant to separate written agreements with those parties. Also, pursuant to a separate written agreement between Railroad and the City of Tavares, Florida, Railroad shall seek payment from the City of Tavares of the agreed share of the Estimated Project Cost to be paid by the FRA Grant.

- (b) Except as provided in Section 2(e) and Section 2(f) herein, in the event the maximum financial assistance from FDOT, the FRA Grant, the funding provided by the parties hereto, and the funding provided by the other Local Match Participants pursuant to separate agreements, are collectively insufficient to complete the Project as specified, Railroad shall be responsible for the payment of the additional funding.

4. Project Development Responsibilities

Railroad shall be solely responsible for coordinating the hiring of contractors to complete the Project and will administer the Project through completion of the work. Each of the contractors shall be required to execute an agreement with Railroad. The County and the Cities hereby acknowledge and agree that the role of Railroad in the Project is to coordinate the hiring of the contractors, administer the contracts with the contractors, and ensure that the contractors complete the Project in substantial conformance with Exhibit B. Railroad does not insure the long term quality or workmanship of the completed Project. During performance of the rehabilitation work and following the completion of the Project, Railroad shall be solely responsible for the operation and maintenance of the Line.

5. Timing: Target Dates

It is the intention of the parties hereto to engage the contractors and begin work on the Project within one hundred eighty (180) days after this Agreement becomes effective as provided in Section 6 herein. Railroad shall provide written notice to the County, the Cities, and the other Local Match Participants of the date on which the Project is completed (the "Completion Date").

6. Effective Date

This Agreement shall become effective upon the later of (i) execution of this Agreement by the parties hereto, (ii) execution of the agreements between and among Railroad and Orange County and the Cities of Apopka, Ocoee, Orlando and Winter Garden, Florida cumulatively providing for funding of at least Five Hundred Sixty-Nine Thousand Nine Hundred Five Dollars (\$569,905.00) to be applied toward the Estimated Project Cost, and (iii) execution of an agreement between Railroad and the City of Tavares for payment to Railroad of the FRA Grant

funds. Railroad shall notify in writing the County, the Cities and the other Local Match Participants when all agreements have been fully executed.

7. Repayment to the County and the Cities

- (a) In the event that within fifteen (15) years of the Effective Date, the State of Florida or other public entity purchases Railroad's ownership interest in the rail, ties, other track materials and ballast on the line (the "Track") in order to facilitate the operation of commuter rail service thereon, Railroad shall pay to the County and to each City hereunder, within thirty (30) days of the closing of such sale, an amount equal to the number of full 12-month periods remaining in the 15-year period after receipt of the final payment of funding by the County or that City, divided by 15, times the total amount of funds provided by the County or that City hereunder. For example, if at the time of such closing, there are five (5) remaining full 12-month periods in the fifteen (15) years since receipt of the final payment of funding from the County hereunder, Railroad would repay to the County one-third (5/15) of the Four Hundred Forty Eighty-Eight Thousand Dollars (\$488,000.00) in funding provided by the County hereunder for a total repayment to the County of One Hundred Sixty-One Thousand Forty Dollars (\$161,040.00).
- (b) Such repayment shall not be required if, in lieu of purchasing Railroad's ownership interest in the Track, the State or other public entity contracts with Railroad to operate the commuter service, or if Railroad grants a lease of or operating rights over the Track to the State or other public entity or to an operator of the commuter service. In the event that Railroad sells its ownership interest in the Track to a purchaser other than the State or other public entity as provided above, Railroad shall require, as part of such sale, that the purchaser assume the above repayment obligation for the remainder of such fifteen (15) year period.

8. Miscellaneous

- (a) This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, notwithstanding any countervailing choice of law principles that might otherwise apply.
- (b) If this Agreement contains any provisions found to be unlawful, such provisions shall be deemed to be of no effect and shall be stricken from this Agreement without affecting the binding force of this Agreement as it shall remain after omitting such provisions.
- (c) A failure of any party hereto to exercise any right provided for in this Agreement shall not be deemed to be a waiver of any right hereunder. Any waiver by any party hereto of a breach of any provision of this

Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of this Agreement unless and until agreed to in writing by all parties hereto.

- (d) All invoices, notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed received: (i) if delivered by hand, then at the time of delivery to the street address provided below; (ii) if delivered by telecopier or overnight delivery, then at the time when received; or (iii) if delivered by mail, then five business days after being mailed, certified or registered mail, with postage prepaid to the party involved at the address below:

Lake County
315 West Main Street
P.O. Box 7800
Tavares, Florida 32778
Attention: County Manager

The City of Eustis, Florida
P.O. Box Drawer 68
10 North Grove Street
Eustis, Florida 32727-0068
Attention: City Manager

The City of Mount Dora, Florida
510 North Baker Street
Mount Dora, Florida 32757
Attention: City Manager

The City of Tavares, Florida
P.O. Box 1068
201 East Main Street
Tavares, Florida 32778
Attention: City Manager

If by mail:

Florida Central Railroad Company, Inc.
P.O. Box 967
Plymouth, Florida 32768
Attention: Vice President and General Manager

If by hand delivery:

Florida Central Railroad Company, Inc.
3001 West Orange Avenue
Apopka, Florida 32703
Attention: Vice President and General Manager

Any party hereto may at any time, by written notice to the other parties hereto, designate a different person or a different address for the receipt of invoices, notices, requests, demands, and other communications required or permitted hereunder.

- (e) This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement.

9. Term

This Agreement shall become effective on the Effective Date and shall remain in effect for fifteen (15) years from such Effective Date and on the expiration date hereof, all provisions of this Agreement shall terminate.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute and deliver this Agreement as of the date set forth above.

**FLORIDA CENTRAL RAILROAD
COMPANY, INC.**

LAKE COUNTY, FLORIDA

By: _____
Its: _____
Dated: _____

By: _____
Leslie Campione, Chairman
Dated: _____

Attest: _____
Neil Kelly, Clerk of the Board of
County Commissioners
Approved as to form and Legality:

Sanford A. Minkoff, County Attorney

CITY OF EUSTIS, FLORIDA

By: _____

Its:

Dated: _____

CITY OF MOUNT DORA, FLORIDA

By: _____

Its:

Dated: _____

CITY OF TAVARES, FLORIDA

By: _____

Its:

Dated: _____

EXHIBIT A

Railroad	-	3.63 percent (3.63%) not less than Six Hundred Twenty-Seven Thousand Dollars (\$667,000.00).
Lake County	-	2.65 percent (2.65%) not to exceed Four Hundred Eighty-Eight Thousand Dollars (\$488,000.00).
Orange County	-	1.85 percent (1.85%) not to exceed Three Hundred Forty Thousand Dollars (\$340,000.00).
City of Apopka	-	0.87 percent (0.87%) not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00).
City of Eustis	-	0.87 percent (0.87%) not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00).
City of Mount Dora	-	0.57 percent (0.57%) not to exceed One Hundred Five Thousand Dollars (\$105,000.00).
City of Ocoee	-	0.11 percent (0.11%) not to exceed Twenty-One Thousand Dollars (\$21,000.00).
City of Orlando	-	0.21 percent (0.21%) not to exceed Thirty-Seven Thousand Nine Hundred Five Dollars (\$37,905.00). In the event that the City secures additional funding, its total contribution shall be 1.57 percent (1.57%) not to exceed Two Hundred Eighty-Eight Thousand Dollars (\$288,000.00).
City of Tavares	-	0.87 percent (0.87%) not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00).
City of Tavares (FRA Grant)	-	11.95 percent (11.95%) not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00).
City of Winter Garden	-	0.06 percent (0.06%) not to exceed Eleven Thousand Dollars (\$11,000.00).

FDOT/FCEN Strategic Intermodal System Project Orlando to Eustis
Total Project Funding - \$18,400,000
State Funding - \$13,800,000 Local and Railroad Match - \$4,600,000

Sorrento Branch Mount Dora to Tavares

Year	Subdivision	Milepost	Item	Units	Unit Cost	Total	Comments
2012-2013	Sorrento	0-5.4	Cross ties (G)	6,000	\$70.00	\$420,000	Incl. Install, Distribute, and Dispose with spikes
2012	Sorrento	0-5.4	Brush Cutting	5.4	\$1,200.00	\$6,480	Incl. Follow up Spray
2012	Sorrento	0-5.4	Surfacing (miles)	6.0	\$6,000.00	\$36,000	5.4 Mi.+Switches
2012	Sorrento	0-5.4	Bolt Tightening	6.0	\$2,000.00	\$12,000	5.4 Mi. + Y Track and Mt. Dora Siding Incl. Bolts
2012-2013	Sorrento	0-5.4	Ballast (tons)	5,000	\$20.00	\$100,000	Incl. Road Crossing Ballast & Unload
2012	Sorrento	0-5.4	Crossings (track ft)	431	\$539.00	\$232,310	36' concrete @\$950TF and 395TF @\$500 per TF.
2012	Sorrento	0-5.4	Switch Ties	59	\$193.21	\$11,400	Delivered, Installed, and Disposed of Scrap
2012	Sorrento	3.7	Bridge Repair	1	\$150,000.00	\$150,000	
2012	Sorrento	4.9	Bridge Repair	1	\$60,000.00	\$60,000	
2012	Sorrento	0-5.4	Work Trains & Support	0	\$96,000.00	\$96,000	6% of Project All FCC Labor All Departments Support
2012	Sorrento	0-5.4	Ditching and Drainage	6.0	\$3,225.00	\$19,350	Incl. Y Tracks
2012	Sorrento	0-5.4	Tie Plates For Xings.	1,400.0	\$14.14	\$19,790	13" for Rd. Xing Work Incl. 4 spikes per plate
2012	Sorrento	0-5.4	115# Rail For Xings Tons	45	\$1,100.00	\$49,500	115# Rail New for Major Crossings
2012	Sorrento	0-5.4	Engineering&Contingencies		\$49,000.00	\$49,000	
2012-2013	Sorrento	0-5.4	SUB-TOTAL			\$1,261,830	

Plymouth to Eustis

Year	Subdivision	Milepost	Item	Units	Unit Cost	Total	Comments
2012-2013	Plymouth	798.5-817.3	Welded Rail Installation	100,320TF	\$75.91	\$7,615,291	Incl. all OTM, Rail and distribute, Labor, Welds, Plates
2012	Plymouth	798.5-817.3	Turnout Replacement	12	\$45,480.00	\$545,760	Incl. 7 Ea. Ins. With IJ'S & Installation
2012	Plymouth	798.5-817.3	Cross ties (7x9)	22,000	\$70.00	\$1,540,000	Incl. Distribute, Install, & Dispose with Spikes
2012	Plymouth	798.5-817.3	Brush Cutting	20.0	\$1,200.00	\$24,000	Incl. Chemical Spray Follow Up
2012	Plymouth	798.5-817.3	Surfacing (miles)	20.0	\$6,000.00	\$120,000	Incl. Switches & Road Crossings
2012	Plymouth	798.5-817.3	Bridge Ties/Walkway	1.0	\$75,000.00	\$75,000	Delivered & Unloaded
2012	Plymouth	798.5-817.3	Ballast (tons)	12,000	\$20.00	\$240,000	Complete
2012	Plymouth	798.5-817.3	Crossings Rail Seal/ TF	900	\$500.00	\$450,000	Diston St @ Travers to be done by Aux. Funding
2012	Plymouth	798.5-817.3	Crossings Concrete/TF	324	\$193.21	\$62,600	Delivered, Installed, & Disposal of Scrap Incl. Inside
2012	Plymouth	798.5-817.3	Switch Ties	20.0	\$3,225.00	\$64,500	Work Trains, Roadway/Signal Support/Mechanical
2012	Plymouth	798.5-817.3	Work Trains & Support	1	\$80,000.00	\$80,000	Slot Train and Contractor Equipment Various
2012	Plymouth	798.5-817.3	Ditching and Drainage	1	\$644,000.00	\$644,000	
2012	Plymouth	798.5-817.3	Equipment Mobilization				
2012	Plymouth	798.5-817.3	Engineering&Contingencies				
2012-2013	Plymouth	798.5-817.3	SUB-TOTAL			12,510,151	

Plymouth to Orlando and Supporting Branches - Orange County

Year	Subdivision	Milepost	Item	Units	Unit Cost	Total	Comments
2012-2013	Silver Star	0-3.5	Welded Rail Installation	14784TF	\$90.38	\$1,336,178	Inc. all OTM,Rail,Distribute,Labor,Welds,Plates 13*
2012-2013	Silver Star	0-3.5	Turnout Replacement	16	\$33,038.00	\$528,600	Incl. 10 Ins. Sw.6 Non-Ins.& 5 Ea. ML Sampson
2012-2013	Silver Star	0-3.5	Cross ties (7x9)	2,000	\$70.00	\$140,000	IG Hardwood Boatwright
2012-2013	Silver Star	0-3.5	Surfacing (miles)	4.0	\$6,000.00	\$24,000	
2012-2013	Silver Star	0-3.5	Ballast (tons)	1,200	\$20.00	\$24,000	Crushed Concrete Delivered&Unloaded
2012-2013	Forrest City	4.5-14.6	Cross ties (7x9)	4,000	\$70.00	\$280,000	
2012-2013	Forrest City	4.5-14.6	Brush Cutting Miles	25.0	\$1,200.00	\$30,000	
2012-2013	Forrest City	4.5-14.6	Surfacing (miles)	11.5	\$6,000.00	\$69,000	
2012-2013	Forrest City	4.5-14.6	Bolt Tightening	11.5	\$2,000.00	\$23,000	
2012-2013	Forrest City	4.5-14.6	Ballast (tons)	3,500	\$20.00	\$70,000	
2012-2013	Plymouth	798.5-811.5	Crossings (track ft)	300TF	\$950.00	\$285,000	Concrete Silver Star,Fourth St.,Lake Ave.,Eighth Ave
2012-2013	SS&FC/Plymouth	0-14.6	Switch Ties	473	\$193.21	\$91,388	Delivered,Installed,& Disposal of Scrap
2012-2013	Plymouth	0-14.6	Turnout Replacement	1	\$45,000.00	\$45,000	ML Undercut Switch Complete
2012-2013	SS/FC/Plymouth	0-14.6	Rail TO/Crossings	71.30Tons	\$11,100.00	\$78,430	
2012-2013	FC RAIL RELAY	0-14.6	REVERSE CURVES CC	1792TF	\$18.15	\$32,525	Relay Rail Labor & OTM Only Utilize SS Released
2012-2013	FC/SS/PLY.	0-14.6	Work Trains & Support			\$320,000	All FCRR Support Labor & Equipment All Departments
2012-2013	Ditch&Drainage	0-14.6	Ditch Wk. SS/FC/Plymouth	25Mi.	\$3,225.00	\$81,150	Slot Train
2012-2013	SS/FC/Plymouth	0-14.6	Engineering&Contingencies		\$184,000.00	\$184,000	
			SUB-TOTAL			\$3,606,271	

Eustis To Umatilla

Year	Subdivision	Milepost	Item	Units	Unit Cost	Total	Comments
2012-2013	Plymouth	ASD817-ASC820	Bridge Complete-Piles	1EA	\$158,000.00	\$158,000	MP Equation 6 Miles Total 1-complete 70' Bridge
2012-2013	Plymouth		Cross ties (7x9)	7,000	\$70.00	\$490,000	IG Ties
2012-2013	Plymouth		Switch Timber	171EA	\$193.21	\$33,039	Installed,Delivered,Scrap Disposal
2012-2013	Plymouth		Road Crossing RRS	150TF	\$500.00	\$75,000	
2012-2013	Plymouth		Brush Cut Heavy	6-Miles	\$2,400.00	\$14,400	
2012-2013	Plymouth		Ditchin&Drainage	6-Miles	\$3,225.00	\$19,350	
2012-2013	Plymouth		Bolt Tighten	6-Miles	\$2,000.00	\$12,000	
2012-2013	Plymouth		Surface	6Miles	\$6,000.00	\$36,000	
2012-2013	Plymouth		Ballast	2000TONS	\$20.00	\$40,000	
2012-2013	Plymouth		Work Train&Support			\$96,000	All Departments FCRR Support Labor and Equipment
2012-2013	Plymouth		Engineering&Contingencies		\$48,000.00	\$48,000	
2012-2013	Subtotal	ASD817-ASC820	SUB-TOTAL			\$1,021,789	

Summary

Year	Subdivision	Milepost	Item	Units	Unit Cost	Total	Comments
2012-2013	Sorrento	0-5.4				\$1,261,830	
2012-2013	Plymouth-Eustis	798.5-817.3				\$12,510,151	
2012-2013	FC/SS/Plymouth					\$3,606,271	
2012-2013	Eustis-Umatilla					\$1,021,789	
2012-2013	TOTAL					\$18,400,041	

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: September 19, 2012**

AGENDA TAB NO. 10

SUBJECT TITLE: Approval to execute Amendment No. 1 for the State Revolving Fund Loan WW789060 for Preconstruction Activity for the Reclaim System – All Phases

OBJECTIVE:

To authorize staff to execute Amendment Number 1 extending the period of capitalization/repayment dates for the State Revolving Fund (SRF) for Preconstruction Activities for the Reclaimed Water Project – All Phases , No. WW789060 with Florida Department of Environmental Protection (FDEP)

SUMMARY:

On January 4, 2009, the City Council approved Resolution 2009-01 which provided authorization for application to FDEP for the City of Tavares Water Reclamation Project. This request included all phases of the project estimated at \$16,541,549.

On March 4, 2009, the City Council authorized an SRF Pre-construction Loan with FDEP pre-construction activities in the amount of \$1,027,466. The pre-construction loan provided funding for design and planning activities for the reclaim project.

The City has only begun Phase 2 and 3 of the Construction Process, thus preconstruction activities for the Phase 4 still remain for the project. As Phase 4 of the project is outstanding and loan draws are outstanding for Phase 4, the FEDP has requested that the City approve an amendment to the Preconstruction Loan, WW789060, to allow for the extended timeline.

OPTIONS:

1. **Move to Authorize** the City Administrator to execute Amendment Number 1 with the Florida Department of Environmental Protection State Revolving Loan Fund (WW789060) for Pre-construction Activity for All Phases of the Water Reclamation Project which extends the repayment date of the loan to allow for completion of the design for Phase 4 of the project before the first debt service payment is required.
2. **Do Not Move to Authorize** the City Administrator to execute Amendment Number 1 with the Florida Department of Environmental Protection State Revolving Loan Fund (WW789060) for Pre-construction Activity for All Phases of the Water Reclamation Project which extends the repayment date of the loan to allow for completion of the design for Phase 4 of the project before the first debt service payment is required.
- 3.

STAFF RECOMMENDATION:

1. **Move to Authorize** the City Administrator to execute Amendment Number 1 with the Florida Department of Environmental Protection State Revolving Loan Fund (WW789060) for Pre-construction Activity for All Phases of the Water Reclamation Project which extends

the repayment date of the loan to allow for completion of the design for Phase 4 of the project before the first debt service payment is required.

FISCAL IMPACT:

Changes the repayment schedule for the loan

LEGAL SUFFICIENCY:

The City Attorney and Bond Counsel have reviewed the loan documents for legal sufficiency.

**STATE REVOLVING FUND
AMENDMENT 1 TO LOAN AGREEMENT WW789060
CITY OF TAVARES**

This amendment is executed by the FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION (the "Corporation") and the CITY OF TAVARES, FLORIDA, existing as a local government agency (Local Borrower) under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Corporation and the Local Borrower entered into a State Revolving Fund Loan Agreement, Number WW789060; and

WHEREAS, Loan repayment activities need rescheduling to give the Local Borrower additional time to complete preconstruction activities; and

WHEREAS, revised provisions for audit and monitoring are needed.

NOW, THEREFORE, the parties hereto agree as follows:

1. Subsections 2.04(3)(a)(i) and (5) of the Agreement are hereby deleted and replaced as follows:

(3) Report Submission.

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

(i) The Department at the following address:

Valerie Peacock, Audit Director
Office of the Inspector General
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 41
Tallahassee, Florida 32399-3123

(5) Record Retention.

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

The Local Borrower is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. For federal financial assistance, the Local Borrower shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section __.210 for determining whether the relationship represents that of a subrecipient or vendor.

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

2. Section 8.02 of the Agreement is deleted and replaced as follows:

Books, records, reports, engineering documents, contract documents, and papers shall be available to the authorized representatives of the Department and the U.S. Environmental Protection Agency's Inspector General for inspection at any reasonable time after the Local Borrower has received a disbursement and until five years after the date that the Project-specific audit report, required under Subsection 2.04(4), is issued.

3. Unless repayment is further deferred by amendment of the Agreement, Semiannual Loan Payments as set forth in Section 10.05 shall be received by the Trustee beginning on October 15, 2014, and semiannually thereafter on April 15 and October 15 of each year until all amounts due under the Agreement have been fully paid.

4. The items scheduled under Section 10.07 of the Agreement are hereby deleted and rescheduled as follows:

(1) Acceptance of the planning documents by the Department (Design Authorization) by February 15, 2010.

(2) Design of all Project facilities proposed for loan funding no later than September 15, 2013.

(3) Certification of availability of all sites for facilities proposed for loan funding no later than September 15, 2013.

(4) Evidence that permitting requirements have been satisfied for all Project facilities proposed for construction loan funding no later than September 15, 2013.

(5) Completion of all Preconstruction Activities for all Project facilities proposed for loan funding no later than October 15, 2013.

(6) Unless deferred by amendment, establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than April 15, 2014.

(7) Unless deferred by amendment, provide certifications under Subsection 2.01(10) beginning July 15, 2014, and annually thereafter no later than September 30 of each year until the final Semiannual Loan Payment is made.

(8) Unless this Agreement is amended to provide construction financing, the first Semiannual Loan Payment in the amount of \$37,852 shall be due October 15, 2014.

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

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This Amendment 1 to Loan Agreement WW789060 shall be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Corporation has caused this amendment to the Loan Agreement to be executed on its behalf by its Chief Executive Officer and the Local Borrower has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Chief Executive Officer of the Corporation.

for
FLORIDA WATER POLLUTION CONTROL FINANCING CORPORATION

Chief Executive Officer

Date

Reviewed and approved by the Corporate Secretary

for
CITY OF TAVARES

Mayor

Attest:

Attest as to form and legality:

City Clerk

City Attorney

SEAL

APPROVED AND ACCEPTED BY THE STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION.

Deputy Director
Division of Water Resource Management

**AGENDA SUMMARY
TAVARES CITY COUNCIL
September 19, 2012**

AGENDA TAB NO. 11

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY: Will be presented at meeting

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

- City Council Regular Meeting – October 3, 2012
- Code Enforcement Special Magistrate – September 25, 2012 at 5:00 p.m.
- Lake County League of Cities – October 12, 2012 – 11:30 a.m.
- Lake Sumter MPO – September 26, 2012 – 2 p.m. – MPO Board Room – 1616 South 14th Street, Leesburg, FL
- Library Board – October 12, 2012 – 8:30 a.m. , Library Conference Room
- Planning & Zoning Board – September 20, 2012 – 3:00 p.m., Council Chambers
- Police Pension Board Quarterly Meeting – September 2, 2012 – 1:30 P.M.
- Police and Fire Pension Board Quarterly Joint Meeting – September 21, 2012 – 2:00 p.m.
- Fire Pension Board Quarterly Meeting – September 21, 2012 – 3:00 p.m.

OTHER COMMUNITY EVENTS

September 1, 2012, Saturday	<i>Pups on the Patio – Downtown Tavares Ruby Street – 6 pm</i>
September 1, 2012 Saturday	<i>Concert – Fundraiser for Harley Andrews – Ruby Street Grill – 221 E. Ruby St. – Noon until 4:00 pm</i>
October 26-27, 2012 Friday and Saturday	<i>Howl-O-Fest & Trunk or Treat – Downtown Tavares – 5:30 pm – 8:00 pm</i>
September 26, 2012 Wed.	<i>League of Cities, Sponsor's Night – Lake Receptions</i>
November 1, 2012 Thursday	<i>Florida H.O.G. Rally – Downtown Tavares – 5:00 pm</i>
November 6, 2012 Tuesday	<i>2012 Election</i>
November 8, 2012 Thursday	<i>Taste of Tavares</i>

November 9, 2012 Friday	<i>Art Around Town – Downtown Tavares – 5:30 pm</i>
3 rd Friday of the Month	<i>Classic Car Show – Main Street – 6:00 pm to 9:00 pm</i>
Saturday Evenings	<i>Floating Ghosts Séance Tour of Downtown Tavares – Railroad Station, Wooton Park - Sunset (approx. 7:15 pm) – Call 352-617-8808 for reservations</i>
Saturday and Sunday *NOTE: Train service will be temporarily suspended due to construction from July 5, 2012 until September 1, 2012	<i>Orange Blossom Cannonball Train – Train Station Wooton Park – Departure time and ticket information available at www.orangeblossomcannonball.com or call 352-742-7200</i>

**AGENDA SUMMARY
TAVARES CITY COUNCIL
September 19, 2012**

AGENDA TAB NO. 12

SUBJECT TITLE: City Councilmembers Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

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

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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