

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO. 11

SUBJECT TITLE: Approve Ordinance Number 2012-37 amending Land Development Regulations to Combine the Water/Wastewater and Stormwater Funds

OBJECTIVE: To obtain Council approval to approve Ordinance Number 2012-37, amending section 17-77 of the Land Development Regulations for Fund Management for Stormwater Fees..

SUMMARY:

On January 18, 2012, the City Council approved the acceptance of an FDEP Grant in the amount of \$750,000 for the Downtown Stormwater Improvement Project. The grant requires a match in the amount of \$1,908,800.

On March 21, 2012, the City Council approved the acceptance of a Grant from the Lake County Water Authority in the amount of \$253,000 for the Downtown Stormwater Improvement Project. The grant requires a match in the amount of \$2,047,000.

On May 16, 2012, the City Council authorized the withdrawal of the USDA Stormwater Loan Application. The project includes improvements to the stormwater pond in the downtown core. The USDA application would not allow inclusion of the pond as part of the funded project. The grants are contingent on the inclusion of the pond within the project.

On June 20, 2012, the City Council approved Resolution 2012-08 which provides for reimbursement of project expenditures from debt proceeds as they become available so that the project may begin. The project is currently pending.

On October 3, 2012, the City Council authorized the issuance of a request for proposal for financing stormwater improvements in the downtown area.

As stated above the City has been able to secure grant funding to address some of the capital project cost, but the awarded grants require matches to complete the project which exceeds \$2M.

In response to Stormwater needs within the downtown and other areas of the City, the Council approved increasing the Stormwater Equivalent Single Family Unit Rate from 4.50 per ESFU to \$5.50 per ESFU during the FY2013 Budget Process. Non-residential rates are billed by determining the Equivalent Single Family Units (total impervious area). Ordinance No. 2012-33 (final reading, 10-17-2012) provides the official increase for the rate.

Although the Stormwater Fund should be able to meet the needed debt service payment requirements of financing the downtown stormwater improvements with the increased stormwater fees, the stormwater fund would not be able to meet required debt covenants for debt service coverage that would also be required.

To address the issue for debt service coverage requirements, staff recommends combining the Water/Wastewater and Stormwater Funds, thus as a combined utility, debt service coverage for the stormwater financing would be addressed.

Staff has reviewed the consolidation of the utilities with the City's rate consultant, Mike Rocca of Raftelis Financial Consultants, Inc. for feasibility. A copy of the Utility Consolidation and CIP feasibility report is attached.

OPTIONS:

1. Approve Ordinance 2012-37, which amends section 17-77 of the City of Tavares Land Development Regulations to allow consolidation of the Water/Wastewater and Stormwater Funds.
2. Do not approve Ordinance 2012-37.

STAFF RECOMMENDATION:

Move to approve Ordinance 2012-37, which amends section 17-77 of the City of Tavares Land Development Regulations to allow consolidation of the Water/Wastewater and Stormwater Funds.

FISCAL IMPACT: N/A

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ORDINANCE 2012-37

**AN ORDINANCE AMENDING SECTION 17-77 OF THE
CITY OF TAVARES LAND DEVELOPMENT
REGULATIONS PERTAINING TO THE STORMWATER
DRAINAGE UTILITY MANAGEMENT FUND;
AUTHORIZING THE CONSOLIDATION OF THE FUND
WITH OTHER UTILITY FUNDS; AUTHORIZING THE
FUNDS TO BE USED FOR ANY LAWFUL PURPOSE;
PROVIDING AN EFFECTIVE DATE**

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

Section 17-77 of the City of Tavares Land Development Regulations is hereby
amended to provide as follows:

DIVISION 9. STORMWATER DRAINAGE

Sec. 17-71. Established.

Pursuant to the home rule power of article VIII, 2(b), Florida Constitution and F.S.
Ch. 166, and the powers granted in the City charter, the City does hereby establish a
stormwater drainage utility and declare its intention to acquire, own, construct, equip,
operate and maintain open drainage ways, underground storm drains, equipment and
appurtenances necessary, useful, or convenient for a complete stormwater control
system; and also including maintenance, extension and reconstruction of the present
stormwater control system of the City; to minimize by suitable means such system's
adverse effect on the water quality of adjacent lakes; and to seek the cooperation of the
county and other municipalities in minimizing the effects of all such systems and other
sources of accelerated runoff to flooding and water quality.

Sec. 17-72. Definitions.

The following words, terms and phrase, when used in this article, shall have the
meanings ascribed to them in this section, except where the context clearly indicates a
different meaning:

Beneficiaries of Drainage Service: All developed real properties within the City which
benefit by the provision of maintenance operation and improvement of the stormwater
control system. Such benefits may include, but are not limited to, the provision of
adequate systems of collection, conveyance, detention, treatment and release of
stormwater, the reduction of hazard to property and life resulting from stormwater runoff
improvement in the general health and welfare through reduction of undesirable
stormwater conditions and improvements to the water quality in the storm and surface
water system and its receiving waters.

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Contributors of Drainage Waters: All developed real properties within the City.

Developed: Any property altered in appearance by removal of vegetation, grading of the ground surface and construction of a structure or impervious surface.

Director: The director of the stormwater drainage utility appointed or designated by the City Administrator.

Equivalent Single-Family Unit (ESFU): The average impervious area for single-family dwellings in the City, as established by resolution of the City council.

Fee: A stormwater drainage utility fee enacted herein and set by resolution.

Hydrologic Response: The manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a function dependent upon a number of interacting factors, including, but not limited to, topography, vegetation, surficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be stated in terms of total runoff volume, as a percentage of total precipitation which runs off, or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity, or statistical interval of return (frequency).

Impervious Areas: Those hard-surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development, including normal water in ponds and lakes.

Multiple-Dwelling Unit: A building or facility consisting of more than one (1) dwelling unit, each such unit consisting of one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family.

Nonresidential Unit: Any building, structure or facility used other than as a dwelling unit or single-family unit.

Open Drainageway: A natural or manmade open cut which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

Peak Flow: The highest instantaneous rate of stormwater runoff, measured or estimated in cubic feet of water per second. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is

93 measured, calculated, or estimated.

94

95 Single-Family Unit (SFU): One (1) or more rooms with bathroom and kitchen facilities
96 designed for occupancy by one (1) family such as houses, townhouses, apartment
97 units, duplex units, condominiums, zero lot line, etc., where the units are sold, deeded
98 or leased as single-family units and/or have individual water meters.

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100 Stormwater Control System: Any means by which the stormwater runoff is conveyed;
101 the peak flow from developed land surfaces is reduced; the erosion created by
102 stormwater is reduced and/or the water quality of the stormwater runoff is improved.

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104 Total Flow: The accumulative volume of stormwater discharged from a property, basin,
105 or watershed. The total flow is quantified in measures such as acre feet or cubic feet of
106 water.

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108 Utility: The stormwater drainage utility created by the provisions of this article.

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110 **Sec. 17-73. Findings and Determinations.**

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112 It is hereby found, determined, and declared as follows:

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114 (1) Those elements of the system for the collection of and disposal of
115 storm and surface water are of benefit and provide services to all
116 property within the City including property not presently served by
117 the storm elements of the system.

118

119 (2) The cost of operating and maintaining the City stormwater drainage
120 utility system and financing necessary repairs, replacements,
121 improvements, and extensions thereof should, to the extent
122 practicable, be allocated in relationship to the user impacts,
123 benefits enjoyed, and services received therefrom.

124

125 (3) All property within the City demonstrates a hydrologic response to
126 rainfall events which generates stormwater runoff. The volume,
127 rate, and quality of this runoff will vary with the soil type, land use
128 conditions, topographic conditions, and other variables. In
129 particular, the construction of commercial units on previously
130 undeveloped property will generally increase the volume and rate of
131 stormwater runoff, and adversely affect its water quality.

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133 **Sec. 17-74. Utility Fee.**

134

135 (A) A stormwater fee is hereby imposed upon each developed lot and parcel
136 within the City for services and facilities provided by the stormwater drainage utility
137 system. For purposes of imposing the stormwater fee, all lots and parcels within the
138 City are classified as residential or nonresidential.

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(B) The City administrator or his designee is directed to prepare a list of lots and parcels within the City and assign a classification of residential or nonresidential to each lot or parcel.

Sec. 17-75. Schedule of Utility Fees.

(A) The City council shall by Ordinance establish reasonable rates for the stormwater drainage utility system for each single-family dwelling unit (SFU). The monthly stormwater drainage utility fee for each single-family dwelling unit shall be ~~\$4.50~~ \$5.50. Each SFU shall be billed a flat fee established by the City council for residential units. For residential accounts not individually metered, the account holder of the master meter shall be billed the fee established for a SFU multiplied by the number of residential units.

(B) For nonresidential properties, the number of equivalent single-family units (ESFU) shall be determined periodically by the Utilities Director. All nonresidential properties, not covered by subsection (A) of this section shall be billed based on the total impervious area of the property divided by the ESFU and then multiplied by the rate established for a residential unit. The total impervious area of the property and the number of ESFU shall be updated by the director based on any additions to the impervious area as approved through the permit process. For nonresidential properties that are not separately metered, the total bill will be sent to the account holder of the master meter.

Sec. 17-76. Appeal of Impervious Surface Calculation.

Any person disagreeing with the calculation of impervious surface as determined by the utility may appeal such determination to the director. Any appeal must be filed in writing and shall include a survey prepared by a registered surveyor showing total property area and impervious surface area. Based upon the information provided by the utility and the appealing party, the director shall make a final calculation of impervious surface. The director of utilities shall notify the parties, in writing, of his decision. If still dissatisfied, a party may appeal the director's decision to the City council in the same manner as preceding. The decision of the City council shall be final.

Sec. 17-77. Management Fund.

(A) All stormwater drainage utility fees collected by the City shall be paid into an enterprise fund which is hereby created, to be known as the stormwater management fund. Except as provided in Section 17-77(C), such fund shall be used for the purpose of paying the cost of stormwater drainage facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of those stormwater drainage facilities of the City. The stormwater management fund may be combined with other utility enterprise funds to maximize

185 bonding capacity. To the extent that the stormwater management fees collected are
186 insufficient to construct the needed stormwater drainage facilities, the cost of the same
187 may be paid from such City fund as may be determined by the City council, but the City
188 council may order the reimbursement of such fund if additional fees are thereafter
189 collected. ~~When the fund has surplus dollars on hand in excess of current needs, the~~
190 ~~surplus dollars will be invested to return the highest yield consistent with proper~~
191 ~~safeguards.~~

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193 (B) ~~The fees and charges paid shall not be used for general or other~~
194 ~~governmental or proprietary purposes of the City, except to pay for the equitable share~~
195 ~~of the cost of accounting, management and government thereof. Other than as~~
196 ~~described above, the fees and charges shall be used for any lawful purpose, which shall~~
197 ~~specifically include solely to pay for the cost of operation, repair, maintenance,~~
198 ~~improvements, renewal, replacement, design, right-of-way acquisition, and construction~~
199 ~~of public stormwater drainage facilities and costs incidental thereto.~~

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201 **Sec. 17-78. Fee Collection.**

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203 (A) The stormwater drainage utility fee shall be billed and collected with the
204 monthly utility bill for those lots or parcels of land utilizing City utilities and billed and
205 collected separately as stormwater drainage utility fees for those lots or parcels of land
206 and owners thereof not utilizing other City utilities. All such bills for stormwater drainage
207 utility fees shall be rendered monthly by the finance department and shall become due
208 and payable in accordance with the rules and regulations of the finance department
209 pertaining to the collection of utility fees. The stormwater drainage utility fee is part of a
210 consolidated statement for utility customers, which is generally paid by a single
211 payment. In the event that a partial payment is received, the payment shall first be
212 applied to garbage and trash, next applied to stormwater drainage, next applied to
213 sewer, and finally applied to the water account.

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215 (B) Any charge due under this article which shall not be paid when due may
216 be recovered in any action at law by the City. In addition to any other remedies or
217 penalties provided by this article or any other ordinance of the City, failure of any user of
218 City utilities within the City to pay such charges promptly when due shall subject such
219 user to discontinuance of utility services and the City administrator is hereby
220 empowered and directed to enforce this provision as to any and all delinquent users.
221 The employees of the City shall, at all reasonable times, have access to any premises
222 served by the City for inspection, repair or the enforcement of the provisions of this
223 article.

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225 (C) All stormwater drainage utility fees assessed pursuant to this article shall
226 be a lien upon the property to which such fee is associated from the date such fee
227 becomes due until such fee is paid. The owner of every building, premises, lot or house
228 shall be obligated to pay the fee for all service provided for his premises, which
229 obligation may be enforced by the City by action at law or suit to enforce the lien in the
230 same manner as the foreclosure of mortgages. In the event of such action the City shall

231 be entitled to recover all court costs and reasonable attorney's fees for such collection.
232 IN the case that a tenant in possession of any premises or buildings shall pay such
233 charges, it shall relieve the landowner from such obligation and lien; but the City shall
234 not be required to look to any person whatsoever other than the owner for the payment
235 of such charges. No changes of ownership or occupation shall affect the application of
236 this article, and the failure of any owner to learn that he purchased property against
237 which a lien for stormwater utility fees exist shall in no way affect his responsibility for
238 such payment.
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241 This ordinance shall take effect immediately upon its final adoption by the
242 Tavares City Council.
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245 PASSED AND ORDAINED this ____ day of _____, 2012,
246 by the City Council of the City of Tavares, Florida.
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250 _____
251 Robert Wolfe, Mayor
252 Tavares City Council

253 ATTEST:

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257 John Drury
258 City Administrator

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261 Passed First Reading _____

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263 Passed Second Reading _____

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266 _____
267 Approved as to form:
268 Robert Q. Williams
269 City Attorney

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October 5, 2012

Ms. Lori Houghton
Finance Director
City of Tavares
201 E. Main St.
Tavares, FL 32778

Subject: Utility Consolidation and CIP Feasibility

Dear Ms. Houghton:

This letter provides an overview of our findings on the financial feasibility for the ongoing and proposed funding of an extensive water, wastewater, reclaimed water and stormwater Capital Improvement Program (CIP). It is our understanding that the City is seeking to obtain a bank qualified loan for certain elements of the CIP that are not being funded through existing reserves and loan commitments from the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) program and the United States Department of Agriculture Rural Development (USDS RD). We further understand that the Water and Sewer Enterprise, and Stormwater Enterprise will be combined into a consolidated Water, Sewer and Stormwater Enterprise to better address the interrelationships of service activities and operational economies along with increasing the creditworthiness of the enterprises.

The City's water, wastewater and stormwater utilities are currently under the internal management of one consolidated department supervised by the Utility Director, Brad Hayes. Brad Hayes' vast experience with the operation and management of these types of utilities is reflected in the excellent services provided to the community along with cost effective operations, system improvements, expansion of services and attentiveness to all regulatory requirements. As previously mentioned, the operations and financial reporting for these utilities have historically been through two separate enterprise funds. Financial results of the last two fiscal years for these enterprises are presented in Table 1, which reflect adequate operating revenues to address the needs of both utilities.

Table 1. Historical Financials

	2010/11 (actual)			2011/12 (estimated)		
	Water/Sewer	Stormwater	Total	Water/Sewer	Stormwater	Total
Service Fee Revenue	\$6,993,973	\$525,369	\$7,519,342	\$6,759,700	\$545,700	\$7,305,400
Other Revenue	626,888	1,685	628,573	262,800	500	263,300
Total Revenue	\$7,620,861	\$527,054	\$8,147,915	\$7,022,500	\$546,200	\$7,568,700
O&M Expenses ¹	3,472,306	380,439	3,852,745	4,105,900	426,300	4,532,200
Net Revenue	\$4,148,555	\$146,615	\$4,295,170	\$2,916,600	\$119,900	\$3,036,500
Debt Service						
Series 2000 & 2002	\$ 490,890	\$0	\$ 490,890	\$ 470,575	\$0	\$ 470,575
SRF Loans	838,170	-	838,170	775,570	-	775,570
Total Debt Service	\$1,329,060	\$0	\$1,329,060	\$1,246,145	\$0	\$1,246,145
Coverage						
Series 2000 & 2002 ²	3.12		3.23	2.34		2.44
SRF Loans ³	4.25		4.42	3.03		3.19

1. Excludes Depreciation.

2. Net Revenue / Series 2000 & 2002 Debt Service.

3. (Net Revenue less (Series 2000 & 2002 debt service times 2.2)) / SRF Loan Debt Service

These utilities have embarked on an estimated \$33.3million CIP to expand, upgrade and renew the water, wastewater and reclaimed water system facilities, and the stormwater system facilities. Major system improvements consist of: 1) water meter replacements and Royal Harbor upgrades; 2) new potable water distribution, reclaimed water distribution and wastewater collection piping in the core older sections of the City; 3) reclaimed water transmission main expansion facilities; and 4) a new stormwater retention pond along with stormwater conveyance facilities in the City's downtown area. These improvements, of which some are currently in the design and permitting process, will provide more accurate customer usage data, reduce maintenance requirements and expand services. Funding for the capital improvements will be through a combination of USDS RD loans, SRF loans, bank qualified commercial loans, St. Johns River Water Management District (SJRWMD) grants and a minimum of system reserve funds. A summary of the ongoing and anticipated CIP reflecting project timing, cost estimates, funding sources and rate requirements is presented in Appendix 1.

A water and wastewater utility rate study completed for the City in May 2009 contemplated some of these improvements and recommended annual rate adjustments of inflation plus one percent. The City adopted the rate recommendation, which remains effective through fiscal year 2012/13. The City has historically conducted multi-year rate studies and it is anticipated that a new rate study will be commissioned in fiscal year 2012/13 to provide recommendations for the next five fiscal years. Stormwater utility fees are budgeted to generate an estimated \$667,000, reflecting stormwater utility fee of \$5.50 per month per stormwater equivalency effective October 1, 2012. Financial projections in Table 2 are presented to illustrate the financial feasibility of operational and funding requirements of the utilities and corresponding CIP.

Table 2. Combined Enterprise Proforma and Debt Service Coverage

	2012/13	2013/14	2014/15	2015/16	2016/17
Gross Revenue	\$8,105,200	\$8,478,500	\$8,867,400	\$9,173,800	\$9,495,800
O&M Expenses	4,556,900	4,678,000	4,823,500	4,973,800	5,128,700
Net Revenue	\$3,548,300	\$3,800,500	\$4,043,900	\$4,200,000	\$4,367,100
Senior Debt Service	\$546,500	\$981,000	\$1,104,100	\$1,398,500	\$1,681,200
SRF Debt Service	1,123,100	1,123,100	1,123,100	\$1,123,100	\$1,123,100
Total Debt Service	\$1,669,600	\$2,104,100	\$2,227,200	\$2,521,600	\$2,804,300
Other Requirements	1,566,900	1,306,300	1,356,700	1,401,800	1,448,000
Surplus (Deficit)	\$311,800	\$390,100	\$460,000	\$276,600	\$114,800
Debt Service Coverage					
Senior (Net Revenue / Senior Debt Service)					
Required	1.20	1.20	1.20	1.20	1.20
Achieved - Net Rev	6.49	3.87	3.66	3.00	2.60
SRF (Net Revenue - (Senior Debt Service *1.20) / SRF Debt Service)					
Required	1.25	1.25	1.25	1.25	1.25
Achieved - Net Rev	2.58	2.34	2.42	2.25	2.09

In forecasting the financials shown in Table 2, certain reasonable assumptions and conservative expectations were developed and utilized for the five projected years. Although believed to be greater, minimal customer growth was projected at less than a half of one percent per year. Annual O&M expenses reflect increases that range between 0.54 and 3.12 percent primarily to account for inflation. Revenues were increased on the assumptions that the current water and wastewater rate adjustments of inflation plus one percent will continue beyond fiscal year 2012/13 and stormwater utility fees will be increased by \$0.75 in fiscal years 2013/14 and 2014/15.

Based on the financials reflected in Table 2, provisions in the draft bond resolution, existing and proposed USDA RD and SRF loan agreements and competent utility and city management it can be concluded that the combined utility can for meet or exceed the operational and revenue generation requirements to

Ms. Lori Houghton
October 5, 2012
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address the funding needed for the proposed CIP. It is further concluded that the combined enterprise can maintain sufficient unrestricted and renewal and replacement reserves to meet operational and draft bond ordinance requirements.

The expenses, costs, and criteria associated with development of the projections herein are representative of averages and estimates that were developed primarily from current and historic data, projections based on opinions and assumptions, and/or from existing and draft agreements. Significant levels of historical review and analysis together with the development of assumptions based on financials, ratemaking relationships and direction from City staff were utilized in the development of the customers, operating activity, costs and proposed rate adjustments. The assumptions were current as of the date of this letter; however, some of the assumptions used will inevitably change or not materialize, and unanticipated events may occur which could significantly change the results presented herein.

We express our appreciation to you, Brad Hayes and other City staff that provided data, assistance and guidance in the development of this combined water, sewer and stormwater utility forecast.

Sincerely,
RAFTELIS FINANCIAL CONSULTANTS, INC.

A handwritten signature in blue ink that reads "Marco H. Rocca". The signature is written in a cursive, flowing style.

Marco H. Rocca CMC
Director of Florida Operations

Exhibit 1

Water, Wastewater, Reclaimed Water and Stormwater CIP Funding Program Summary						
Project Description	Cost	Funding Date	Funding Sources			Rate Action Required
			Utility	Loans/Bonds	Grants	
Water and Wastewater Improvements Water Meters & Royal Harbor	\$2,315,000	06/01/12	Interim ¹	Bank Loan ¹		None ⁹
CRA Water, Wastewater & Reclaimed Water Improvements	\$13,302,220	1/1/12 10/1/13	Interim ²	BAN ² USDA Bonds ³		None ⁹
Remaining 5 year CIP Projects	\$1,575,000	10/1/12 to 9/30/17	Operating Reserves		N/A	None ⁹
Reclaimed Water Improvements						
Preconstruction Requirements	\$1,071,466	4/15/11		SRF Loan ⁴		
Phase 1 Improvements	\$3,144,810	12/1/12		SRF Loan ⁵	\$554,235	None ⁹
Phase 2 & 3 Improvements	\$3,374,012	12/1/12		SRF Loan ⁶	\$596,400	
Stormwater Improvements						
Phase I Stormwater	\$3,703,000	10/15/12		Bank Loan ⁷		
Phase II Stormwater	\$4,843,400	12/30/17		Bank Loan ⁸		
Total CIP	\$33,328,908				\$1,100,000	\$0.75 in FY's 2014 & 2015 ¹⁰

Note: Costs and grant amounts other than Preconstruction Requirements subject to future adjustments.

- 1 City internal loan of \$1,800,000 for meters to be refinanced from Bank Loan of \$2,380,000, 18 years @ 3.25 % & \$65,000 expenses, which the balance together with \$375,000 from unrestricted reserves provides \$890,000 for Royal Harbor project.
- 2 City has provided \$1,600,000 internal loan for design costs to be reimbursed on Oct 1, 2012 Bank Bond Anticipation Note (BAN).
- 3 Approved USDA loan on Oct 1, 2013 refunds BANs and interest during construction. USDA Loan 38 years @ 3.25 %.
- 4 Existing preconstruction SRF loan \$1,071,466 for 20 years @ 2.92 %.
- 5 Commitment for SRF loan of \$2,675,647 for 20 years @ 2.37%. Original cost reduced by \$554,235 in grants.
- 6 Commitment for SRF loan of \$2,658,450 for 20 years @ 2.51%. Reduced by \$596,400 in grants. Requires additional reserve funding of \$119,162 for Technical Services not covered by SRF loan.
- 7 Bank loan for \$2,653,000, 20 years 4.25 %. Assumes combined utility enterprise fund.
- 8 Bank loan for \$4,894,000, 20 years @ 4.50 %. Assumes combined utility enterprise fund.
- 9 Existing adjustments provide for inflation plus 1.0 % through FY 2012/13. Assumes same thereafter but should be reviewed for sufficiency. Also assumes combined utility enterprise fund.
- 10 Stormwater Fee increase of \$1.00 Oct 1, 2012 followed by \$0.75 on Oct 1, 2013 and 2014. Should be reviewed prior to Phase 2 funding.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 17, 2012**

AGENDA TAB NO. 12

SECOND READING

SUBJECT TITLE: Ordinance 2012-26

**Amendment to LDR Regulations to Allow Stand Alone Wine &
Beer Bars within the Commercial Downtown Zoning District**

OBJECTIVE:

To amend the City's Land Development Regulations to allow stand alone wine and beer bars (without the necessity to sell food) within the Commercial Downtown District.

SUMMARY:

On July 18, 2012, Council directed staff to research how wine and beer establishments are permitted in neighboring cities and to draft a proposed amending ordinance that would allow this use also in Tavares.

City staff confirmed that Mount Dora, Eustis and Leesburg allow wine and beer establishments in certain designated land zonings. Staff's recommendation is that wine and beer establishments would be a use most appropriate in the City's Commercial Downtown zoning. This zoning is overlaid by the city's Downtown Waterfront Entertainment District which supports and encourages outside entertainment. This district also has special regulations for opened containers and alcoholic beverages.

The proposed ordinance amends the City's Land Development Regulations in the following manner:

1. Defines ***Bar-Wine & Beer***
2. Allows ***Bar-Wine & Beer*** as a permitted use in the Downtown Commercial zone.
3. Clarifies that restaurants that allow the consumption of alcoholic beverages on premises are classified for zoning purposes as "restaurants" provided the establishment holds a valid state alcoholic beverage license for such purpose and provided at least fifty percent (50%) of its gross revenue is derived from the sale of food and non alcoholic beverages.

OPTIONS:

1. That City Council moves to approve Ordinance 2012-26
2. That City Council denies the proposed amending ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

On September 21st, The Planning & Board voted unanimously to recommend approval of Ordinance 2012-26 with the condition that a prohibition of drive-through windows for dispensing alcohol beverages be added to this new use in the ordinance. This was added to the draft ordinance that is now under Council's consideration.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-26.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

This ordinance has been approved for legal sufficiency.

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ORDINANCE 2012-26

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 3, DEFINING "WINE AND BEER BAR"; AMENDING CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES, BY ALLOWING WINE AND BEER BARS IN THE CD (COMMERCIAL DOWNTOWN) DISTRICT AND BY AMENDING NOTE 20 OF TABLE 8-2, CLARIFYING THAT RESTAURANTS PROVIDING ALCOHOLIC BEVERAGES WILL BE CLASSIFIED AS RESTAURANTS PROVIDING CERTAIN CONDITIONS ARE MET; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Land Development Regulation presently only allows liquor, beer and wine sales for on premise consumption in restaurants that derive at least fifty percent (50%) of their gross revenue from the sale of food and non-alcoholic beverages; and

WHEREAS, the city desires to allow stand alone wine and beer bars as a permitted use in the CD (Commercial Downtown) zoning district; and

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

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

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

Section 1. Bar-Wine and Beer Defined

Chapter 3-2, Definitions, is amended by adding the following refinement to the definition of a bar:

Bar: This term includes tavern, cocktail lounge, nightclub, saloon, and the like. Any establishment wherein alcoholic beverages are sold or dispensed for consumption on premises and where the annual gross revenue from the sale of alcoholic beverages is fifty-one percent (51%) or greater of the total gross revenue of the establishment; or any establishment wherein alcoholic beverages are sold or dispensed for consumption on premises which displays a sign that is visible from outside the establishment that advertises alcoholic beverages; or where alcoholic beverages are sold or dispensed for consumption on premises, where private recreational activities are available to the patron of that establishment. Such recreational uses include, but are not limited to, pool tables, dart games, air hockey, dancing, live entertainment, karaoke, pinball or video machines.

Bar-Wine & Beer: A bar that sells or provides or allows the consumption of wine or beer on the premise but does not sell or provide or allow the consumption of liquor on the premise and does not provide a drive-through window or other such take-out facility designed for the sale of packaged wine and beer for off-site consumption.

Section 2. Amendment to Table 8-2, Permitted and Special Uses with Associated Notes

Adding *Bar-Wine & Beer* as a permitted use within the CD (Commercial Downtown) District and amending Note 20 of this table to clarify that restaurants providing alcoholic beverages will be classified as restaurants provided certain conditions are met.

Private Clubs and Lodges, Community Centers, Civic and Social Organization facilities							(1)	P (11)	P	P	P	P	(1)
	RSF-A	RSF-1	RMF-2	RMF-3	RMH-P	RMH-S	PD	MU	CD	C-1	C-2	I	PFD
Parks, play grounds, recreational areas and recreational or community structures owned and maintained by any private non-profit or for-profit association							(1)		S	S	P	P	
Public Parks, Play grounds and Recreation Areas							(1)						P
General Cultural Uses							(1)	P (11)	P	P	P	P	P
Auditoriums, stadiums, arenas, and expositions							(1)				S	S	P
Health or Fitness uses							(1)	P (11)	P	P	P		
Family / General Entertainment uses							(1)		P	P	P	P	
BUSINESS AND COMMERCIAL USES													
Business and Professional office uses							(1)	P (11)	P	P	P	P	

Banks and Financial Institutions							(1)		P	P	P		
Grocery Stores							(1)				P		
Convenience Store (not including gas/fuel sales)							(1)	S (11)	P	P	P	P	
Convenience Store (including gas/fuel sales)							(1)				P	P	
Retail, General Business, or Personal Service							(1)	P (11)	P	P	P		
Retail, General Business, or Personal Service > 50K sq ft. – single use							(1)				P		
Personal Service or Specialty Shop with light retail							(1)	P (11)					
Retail plant nursery							(1)				P	P	
Medical/Dental/Optical Supplies Stores							(1)		P	P	P		
Medical and Dental/Optical Laboratories							(1)			S	P		
Restaurant / Food Service / Food Retail							(1) (20)	P (11) (20)	P (20)	P (20)	P (20)	P (20)	
Bar							(1)-(20)		S-(20)			S-(20)	P
Bar-Wine and Beer									(P)				
Adult Entertainment Establishments													S (22)
Child Care Centers	P (8)	(1)	S (9)	S (9)	S (9)	S (9)		P					
Business and Technical Trade Schools							(1)		P	P	P		P
Vocational and Industrial Trade Schools											S		P
Animal hospital, veterinary clinic or animal boarding with boarding of animals in completely enclosed buildings.							(1)			P	P	P	
Pet Stores that may include retail, grooming services, and boarding of domestic animals									P (29)	P (29)	P (29)		
Laundromats/Dry Cleaning (self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners without drive-through pickup (no on-site processing, not self service)							(1)	S (11)	P	P	P		
Laundry/Dry Cleaners with drive-through pick-up (no on-site processing, not self service)							(1)			P	P		
Laundry/Dry Cleaners with on-site processing							(1)				P	P	
Automobile/Truck, boat, motorcycle, recreational vehicles sales & rental											S (12)	P (12)	
Automobile/Truck Parts Sales											P	P	
Automobile/Truck/Motorcycle/Boat repair & service											P (13)	P (13)	

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20. Liquor, beer and wine sales for consumption on the premises is not permitted except when in conjunction with one (1) of the following:

- 1 a. ~~A restaurant, including a carry-out restaurant, deriving at least fifty percent (50%) of~~
2 ~~its gross revenue from the sale of food and non-alcoholic beverages, may sell beer~~
3 ~~or wine for consumption on the premises;~~
4 b. ~~No liquor, beer or wine for consumption on the premises, may be sold at a drive-in~~
5 ~~restaurant~~

6
7 Restaurants that allow the consumption of alcoholic beverages on premises are
8 classified for zoning purposes as "restaurants" provided the establishment holds a valid
9 state alcoholic beverage license for such purpose and provided at least fifty percent
10 (50%) of its gross revenue is derived from the sale of food and non alcoholic beverages.
11

12
13
14 **Section 3. Severability and Conflicts**

15
16 The provisions of this ordinance are severable and it is the intention of the City Council of
17 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of
18 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the
19 decision of such court shall not impair any remaining provisions of this ordinance.
20

21 **Section 4. Effective Date**

22 This Ordinance shall take effect immediately upon its final adoption by the Tavares City
23 Council.
24

25
26 **PASSED AND ADOPTED** this ____ day of _____, 2012 by the City Council of the
27 City of Tavares, Florida.

28
29 _____
30 Robert Wolfe, Mayor
31 Tavares City Council

32 First Reading: _____
33

34 Second Reading: _____
35

36
37 ATTEST:

38
39 _____
40 Nancy A. Barnett, City Clerk
41

1 Approved as to form:

2

3

4

5 Robert Q. Williams, City Attorney

1 John Tanner asked if the revised ordinance should be brought back to the Planning & Zoning Board
2 rather than going to City Council.

3
4 Jacques Skutt stated that it would be fine if the revised ordinance was brought back to the P&Z Board.

5
6 John Tanner moved that the billboard ordinance be revised and brought back to the Planning & Zoning
7 Board for review.

8
9 Sam Grist seconded the motion.

10
11 Gary Santoro agreed and stated that he has submitted to staff some information regarding "night sky"
12 regulations.

13
14 John Tanner stated that we need to balance the rights of billboard owners and the rights of citizens.

15
16 Gary Santoro stated that the City should not give up rights to review billboard construction /
17 enhancement.

18
19 **MOTION**

20
21 **John Tanner moved to have staff revise Ordinance 2012-25 and bring the ordinance**
22 **back to the Board for review. The motion was seconded by Sam Grist. The motion**
23 **carried 7-0.**

24
25 **2) Ordinance 2012-26 – Wine & Beer Establishments**

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

28
29 On July 18, 2012, Council directed staff to research how wine and beer establishments are permitted in
30 neighboring cities and to draft a proposed amending ordinance that would allow this use also in
31 Tavares.

32
33 City staff confirmed that Mount Dora, Eustis and Leesburg allow wine and beer establishments in
34 certain designated land zonings. Staff's recommendation is that wine and beer establishments would
35 be a use most appropriate in the City's Commercial Downtown zoning. This zoning is overlaid by the
36 city's Downtown Waterfront Entertainment District which supports and encourages outside
37 entertainment. This district also has special regulations for opened containers and alcoholic beverages.

38
39 The proposed ordinance amends the City's Land Development Regulations in the following manner:

40
41 **1. Defines *Bar-Wine & Beer***

42 **2. Allows *Bar-Wine & Beer* as a permitted use in the Downtown Commercial zone.**

43 **3. Clarifies that restaurants that allow the consumption of alcoholic beverages on premises are**
44 **classified for zoning purposes as "restaurants" provided the establishment holds a valid state alcoholic**
45 **beverage license for such purpose and provided at least fifty percent (50%) of its gross revenue is**
46 **derived from the sale of food and non alcoholic beverages.**

47
48 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-26.

49
50 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

51
52 There were no audience comments.

1 John Tanner noted that the change to not allow bars in a PFD zoning district is a good idea. He asked
2 if the wine & beer establishments would be permitted to have a drive-thru window for package sales.
3 He also asked why this change was being considered by staff.
4

5 Bill Neron stated that the City is trying to develop commercial related establishments that complement
6 restaurants, and that the City has been approached by individuals wanting to open a wine and cigar bar
7 in downtown Tavares. He stated that under current regulations that a wine and cigar bar would not be
8 permitted. He stressed that this ordinance is not supporting night clubs, or bars that serve liquor
9 without food service.
10

11 John Tanner asked if the City restricts drive-thru package sales, and stated that the ordinance should
12 be amended to ensure that drive-thru package sales are not permitted.
13

14 Norb Thomas stated that there is drive-thru package sales located at Banning Beach Rd. & US-441.
15

16 Bill Neron noted that the establishment at that location is a liquor store.
17

18 Norb Thomas outlined the different types of licenses that could be held for sale and consumption of
19 alcohol.
20

21 John Tanner asked Bill Neron if the economic goals would be accomplished if the ordinance were
22 revised to exclude drive-thru sales.
23

24 Bill Neron agreed.
25

26 Gary Santoro asked if there were any problems noted from other cities that have made similar
27 allowances.
28

29 Jacques Skutt replied that he was not aware of any problems.
30

31 Bill Neron stated that the Tavares Police Dept. has had no problems in the entertainment district since
32 the implementation of open container allowances including the large events that have been held.
33

34 John Tanner stated that he would like to restrict the ordinance to on premise consumption with no
35 drive-thru sales.
36

37 Jacques Skutt stated that the provided definition of a beer & wine bar allows for consumption on
38 premise, but does not prohibit a drive-thru. He stated that he could add language in the definition that
39 prohibits a drive-thru.
40

41 John Tanner and Gary Santoro asked for the definition change to be made that excludes drive-thru
42 sales.
43
44

45 **MOTION**

46
47 **Gary Santoro moved to recommend approval of Ordinance 2012-26 subject to the**
48 **amendment that no drive-thru sales are allowed. The motion was seconded by John**
49 **Tanner. The motion carried 6-1.**
50
51
52

**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 2012-26 titled as follows:

ORDINANCE 2012-26

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 3, DEFINING "WINE AND BEER BAR"; AMENDING CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES, BY ALLOWING WINE AND BEER BARS IN THE CD (COMMERCIAL DOWNTOWN) DISTRICT AND BY AMENDING NOTE 20 OF TABLE 8-2, CLARIFYING THAT RESTAURANTS PROVIDING ALCOHOLIC BEVERAGES WILL BE CLASSIFIED AS RESTAURANTS PROVIDING CERTAIN CONDITIONS ARE MET; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Ordinance 2012-26 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 20, 2012, at 3 p.m.; and
2. Tavares City Council meeting on October 3, 2012, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on October 17, 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 2012-26 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 ordinances. It is 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 2 (two) working days prior to the date of the Public Hearing; if you are hearing or voice impaired, call (352) 742-6433.

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 17, 2012**

AGENDA TAB NO. 13

SECOND READING

**SUBJECT TITLE: Ordinance 2012-31
Zoning Amendment-Wooton Park Expansion**

OBJECTIVE:

To consider the rezoning of approximately 3.61 acres located on the west side of Wooton Park, south of railroad right-of-way from PD (Planned Development) to PFD (Public Facilities District).

SUMMARY:

The subject property consists of 3.61 acres of land located on the west side of Wooton Park, south of the railroad right-of-way. The property is vacant and has been acquired by the City of Tavares from Tavares Station Development, LLC for the purpose of expanding Wooton Park with improvements including, but not limited to, a public boat ramp, restrooms, parking, and an extension of the Tav-Lee trail. Under our Land Development Regulations, the PFD zoning is reserved for all governmental uses.

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

OPTIONS:

1. That City Council moves to approve Ordinance 2012-31
2. That City Council denies the proposed rezoning.

PLANNING & ZONING BOARD RECOMMENDATION:

On Sept. 20th, the Planning & Board voted unanimously to recommend approval of Ordinance 2012-31.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-31.

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 2012-31

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 3.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WOOTON PARK, SOUTH OF THE RAILROAD RIGHT-OF-WAY FROM PD (PLANNED DEVELOPMENT) TO PFD (PUBLIC FACILITIES DISTRICT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares, has purchased property, described in Exhibit "A", that is adjacent to Wooton Park, the city's downtown waterfront park; and

WHEREAS, the City of Tavares desires to expand Wooton Park to include the property described in Exhibit "A", and

WHEREAS, the City of Tavares seeks to rezone said property from PD (Planned Development) to PFD (Public Facilities District) to facilitate this expansion; and

WHEREAS, the city's Downtown Master Plan encourages expansion of parks, open space, and trails 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 Commercial Downtown to Public Facility/Institutional 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

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

2
3 **Section 1. Rezoning**

4 The said property, as legally defined in Exhibit "A", attached hereto and made a part
5 herewith, is hereby rezoned from PD (Planned Development) to PFD (Public Facilities District),
6 subject to conditions and restrictions outlined in Exhibit "B", attached hereto and made a part
7 herewith, under the specific provisions as established by the City of Tavares Land Development
8 Regulations.

9
10 **Section 2. Severability.**

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

14 **Section 3. Effective Date.**

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

17
18
19 **PASSED AND ORDAINED** this _____ of _____, 2012, by the City Council of the
20 City of Tavares, Florida.

21
22 _____
23 Robert Wolfe, Mayor
24 Tavares City Council
25

26 First Reading: _____
27

28 Passed Second Reading: _____
29

30
31 ATTEST:

32 _____
33 Nancy Barnett, City Clerk
34
35

36
37 APPROVED AS TO FORM AND LEGALITY:
38

39 _____
40 Robert Q. Williams, City Attorney

EXHIBIT A

PARCEL "A"

THOSE PORTIONS OF THE MAP OF TAVARES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 64, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED ON THE SOUTH BY THE ORDINARY HIGH WATER LINE OF LAKE DORA; AND A PORTION OF SHEET 10 REVISED, ACCORDING TO THE SUPPLEMENTAL PLAT OF A PORTION OF TAVARES LYING IN SECTIONS 29 AND 32, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, APPROVED SEPTEMBER 28, 1935 BY THE DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, OF BLOCK 129, LESS THE WEST 1.00 FOOT THEREOF; BLOCK 130; ALL THAT PART OF THE STREET DESIGNATED AS TAVARES BOULEVARD TOGETHER WITH THE ABANDONED RIGHT-OF-WAY OF THE ATLANTIC COAST LINE RAILROAD AS SHOWN ON SAID REVISED SHEET 10 LYING EAST OF A LINE PARALLEL WITH AND 1.00 FOOT EAST OF THE EAST RIGHT-OF-WAY LINE OF SINCLAIR AVENUE AND LYING SOUTHERLY AND WESTERLY OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD; ALL THAT PART OF TEXAS AVENUE LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD; AND THE SOUTH 1/2 OF BRYAN STREET BOUNDED ON THE WEST BY A LINE PARALLEL WITH AND 1.00 FOOT EAST OF THE EAST RIGHT-OF-WAY LINE OF SINCLAIR AVENUE, BOUNDED ON THE SOUTH BY THE NORTH LINE OF BLOCK 129 AND THE NORTH RIGHT-OF-WAY LINE OF TAVARES BOULEVARD.

TOGETHER WITH THAT PORTION OF JOANNA AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD AIR LINE RAILROAD, AND BOUNDED ON THE SOUTH BY THE ORDINARY HIGH WATER LINE OF LAKE DORA.

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EXHIBIT "B"

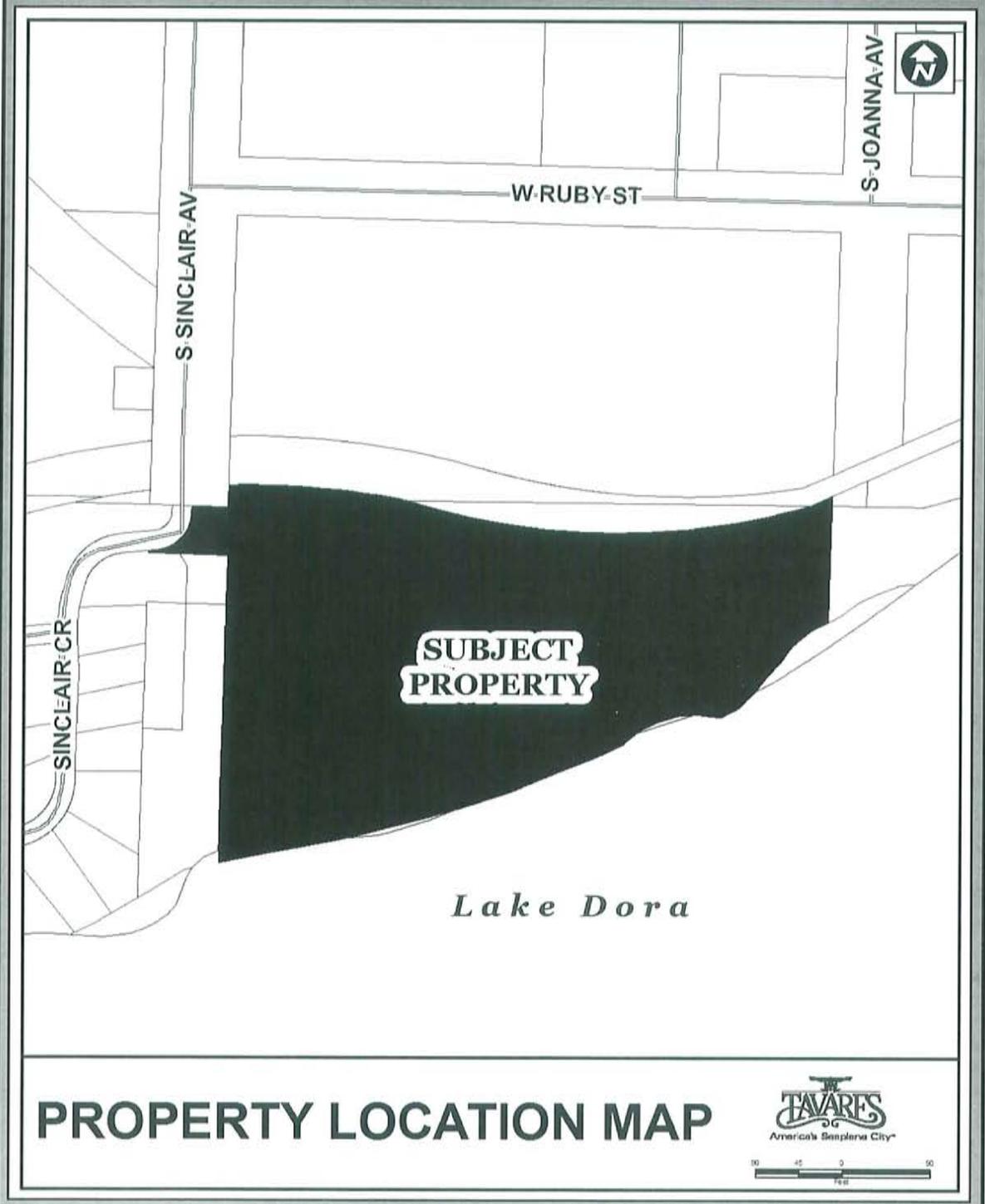
Grantor hereby declares that all of the land conveyed by this Deed is hereby made subject to the following covenants, conditions and restrictions which shall be binding on all parties having any rights to title or interest in the land and their heirs successors and assigns.

Height limitation: the maximum building height of any new or replacement structure is limited to a height of not greater than 35'.

Building height shall mean: the vertical distance from the main elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the main height level between the eaves and ridge for gable, hip and gambrel roofs.

4

CITY OF TAVARES



Created By: City of Tavares GIS

F:\PZD\DATA\PROJECT FILES\City Initiated Rezoning\Wooton Park\GIS\GIS_Maps\AD_Wooton_Park.mxd

Map Created on 8/28/12

CITY OF TAVARES ORDINANCE # 2012-31



- 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 # 2012-31

Wooton Park Expansion Site

Current Zoning: PD
Proposed Zoning: PFD
03.61 ± Acres

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

Lake Sentinel

MOVIES SEPT. 7-13

Continued from Page F5

THE DARK KNIGHT RISES: The masked vigilante Batman must save Gotham City from dangerous new threats, including the mysterious villain Bane. With Christian Bale, Michael Caine, Anne Hathaway and Tom Hardy. Written by Jonathan Nolan and Christopher Nolan. Directed by Christopher Nolan.

DIARY OF A WIMPY KID: DOG DAYS: An adolescent boy tries to survive summer misadventures in such fraught situations as swimming at the public pool and going camping. With Zachary Gordon, Devon Bostick, Raphael Hags and Robert Capron. Written by Maya Forbes and Wallace Wolodarsky. Directed by David Bowler.

THE EXPENDABLES 2: After a seemingly routine mission goes awry, a band of mercenaries seek revenge against an adversary and stumble onto a global threat. With Sylvester Stallone, Jason Statham, Jet Li and Dolph Lundgren. Written by Stallone, Richard Wenk, Ken Kaufman and David Agosto. Directed by Simon West.

THE EYE OF THE STORM: A dying matriarch continues to wield considerable control over her affairs and those around her. With Geoffrey Rush, Charlotte Rampling and Judy Davis. Written by Judy Mordaunt. Directed by Fred Schepisi.

HIT & RUN: A former getaway driver breaks out of the Witness Protection Program to get his girlfriend to Los Angeles. The feds and the driver's former gang give chase. With Dan Sheppard, Kristen Bell and Bradley Cooper. Written by Sheppard. Directed by David Palmer and Sheppard.

HOPE SPRINGS: After 30 years of marriage, a middle-aged couple attends a week of counseling to shed their bedroom hang-ups and recognize the spark that caused them to fall for each other in the first place. With Meryl Streep, Tommy Lee

Jones and Steve Carell. Written by Vanessa Taylor. Directed by David Frankel.

ICE AGE 4: CONTINENTAL DRIFT: A group of Paleolithic animals sets out to survive a continental cataclysm in the fourth installment of the "Ice Age" series. With the voices of Ray Romano, John Leguizamo, Denis Leary and Queen Latifah. Written by Michael Berg and Jason Fuchs. Directed by Steve Martino and Michael Thurmeier.

LAST DANCE OF COURAGE: A man sets out to restore his town's holiday spirit and challenges fellow residents to take back the freedoms they have lost. With Marshall Teague, Jennifer O'Neill and Fred Williamson. Written by Darrel Cammell. Directed by Cammell and Kevin McAfee.

LAWLESS: Set in Virginia during the 1930s, a bootlegging gang is threatened by authorities who want a cut of their profits. With Tom Hardy, Shia LaBeouf and Guy Pearce. Written by Nick Cave. Directed by John Dahl.

MARVEL'S THE AVENGERS: A team of superheroes unite to save the world. With Robert Downey Jr., Chris Evans, Mark Ruffalo and Chris Hemsworth. Written and directed by Joss Whedon.

THE ODD LIFE OF TIMOTHY GREEN: A group of friends try to recover five magical balloons in time for a surprise birthday party. With Toni Braxton, Cloris Leachman, Christopher Lloyd and Chaz Palminter. Written by Scott Stabile. Directed by Matthew Diamond.

THE OOGIELOVES: In this animated film, a misunderstood boy who can communicate with the dead is called upon to save the day when his small town is overrun by zombies. With the voices of Kodi Smit-McPhee, Tucker Albrizzi and Casey Affleck. Written by Chris Butler. Di-

rected by Butler and Sam Fell.

THE POSSESSION: The divorced parents of a 10-year-old girl are troubled by her increasingly erratic behavior, which seems to be linked to an antique wooden box she purchased at a yard sale. With Jeffrey Dean Morgan and Kyrle Sedgwick. Written by Juliet Snowden and Gideon White. Directed by Ole Bornedal.

PREMIUM RUSH: For an intrepid New York City bike messenger, a routine delivery turns into a life-or-death chase. With Joseph Gordon-Levitt, Michael Shannon, Dana Ramirez and Jamie Chung. Written by David Koepp and John Karris. Directed by Joseph Kosove.

RUBY SPARKS: A young novelist who was successful early in his career finds himself struggling until he invents an inspiring new character — who shows up by appearing in the flesh shortly thereafter. With Paul Dano, Zoe Kazan, Antonio Banderas and Annette Bening. Written by Kazan. Directed by Jonathan Dayton and Valerie Faris.

SPARKLE: In Motown-era Detroit, a talented young singer tries to balance a new romance with her manager, her family life and her ambition to become a star. With Jordan Sparks, the late Whitney Houston, Derek Luke and Mike Epps. Written by Mara Brock Akil. Directed by Salim Akil.

TOTAL RECALL: In the future, a factory worker's role-playing mental vacation as a super-spy goes awry, leaving him a hunted man and blurring the lines between reality and fantasy. With Colin Farrell, Kate Beckinsale, Jessica Biel and Bryan Cranston. Written by Kurt Wimmer and Mark Bomback. Directed by Len Wiseman.

THE WORDS: A struggling writer finds and claims another man's long lost work as his own and begins repeating the mistakes of someone in the past. With Bradley Cooper, Jeremy Irons, Dennis Quaid and Zoe Saldana. Written and directed by Brian Klugman and Lee Sternthal.

Client Name: / PO# MIKE FITZGERALD
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Orlando Sentinel
 Publication Date: 09/12/2012

WE HAVE MOVED



Center for Digestive Health

Our Office Has Relocated from
 255 Citrus Tower Blvd.
 to
 1920 Don Wickham Dr.
 Suite 325, Clermont, FL 34711

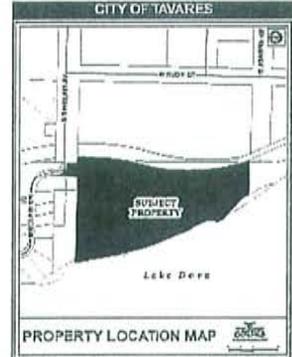
To Make an Appointment
PLEASE CALL
407-896-1726

**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 2012-31 & Ordinance 2012-32 titled as follows:

ORDINANCE 2012-31
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 3.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WOODTON PARK, SOUTH OF THE RAILROAD, RIGHT-OF-WAY FROM PD (PLANNED DEVELOPMENT) TO PD (PUBLIC FACILITY) SUBJECT TO THE RULES, REGULATIONS AND ORDINATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-32
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 3.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WOODTON PARK, SOUTH OF THE RAILROAD, RIGHT-OF-WAY, FROM COMMERCIAL, DOWNTOWN TO PUBLIC FACILITY/TRANSPORTATIONAL, PROVIDING FOR SEVERABILITY AND CONFLICTS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.



Proposed Ordinance 2012-31 & Ordinance 2012-32 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on September 20, 2012, at 3 p.m., and
2. Tavares City Council meeting on October 3, 2012, at 4 p.m. (Introduction and First Reading by Title Only), and
3. Tavares City Council meeting on October 17, 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 2012-31 & Ordinance 2012-32 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 ordinances. It is 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 the 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) 742-6406, at least 2 (two) working days prior to the date of the Public Hearing; if you are hearing or voice impaired, call (352) 742-6433.

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

OSPREY LODGE
 Assisted Living & Memory Care



Come Discover...
 The New Assisted Living & Memory Care Residences

Call Denise for your personal Tour
352-508-7553
 www.ospreylodgetavares.com

DIRECTIONS: Take Hwy 441 to Tavares. Turn south onto Mayo Drive (across from Florida Hospital Waterman), Proceed 1/4 mile to Osprey Lodge.

GRAND OPENING COMING SOON!

1 **3) Ordinance 2012-31 – Rezoning – Wooton Park Expansion Property**

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

4
5 The subject property consists of 3.61 acres of land located on the west side of Wooton Park, south of
6 the railroad right-of-way. The property is vacant and has been acquired by the City of Tavares from
7 Tavares Station Development, LLC for the purpose of expanding Wooton Park with improvements
8 including, but not limited to, a public boat ramp, restrooms, parking, and an extension of the Tav-Lee
9 trail. Under our Land Development Regulations, the PFD zoning is reserved for all governmental uses.

10
11 Any development of these properties will be in accordance with the City's Land Development
12 Regulations. A Future Land Use Map amendment to a Public Facility designation is concurrently under
13 consideration.

14
15 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-31.

16
17 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

18
19 Bill Neron reminded the Board that the vote was passed to allow the City to purchase the property from
20 Tavares Station, LLC in order to expand Wooton Park. He noted the benefit of moving the boat ramps
21 to the west end of the park expansion to reduce conflict between boats and seaplanes.

22
23 John Tanner asked if boat docks were being moved.

24
25 Bill Neron replied that boat docks were not being moved or added, but there will be loading docks
26 associated with the boat ramps, and a pedestrian dock added. He noted that the property will not be
27 developed as it would have been if the City did not purchase it.

28
29 John Tanner noted the need for additional boat trailer parking at Wooton Park.

30
31 Bill Neron stated that additional boat trailer parking is planned. He also noted that an amphitheatre is
32 not part of the Wooton Park expansion plan.

33
34 Tom Allen, Tavares citizen, stated that he felt the seaplane traffic at Wooton Park is overstated, and
35 that there is no need to move the boat ramps to the west end of the park.

36
37 Bill Neron stated that the City documents every seaplane that lands at Tavares. He stated that Tavares
38 has had over 4000 seaplanes land at the Tavares seaplane facility since April 2010 with an average of
39 150 to 200 seaplanes per month.

40
41 Don Snodie, Tavares citizen, expressed concern for the safety of seaplanes landing in the dark. He
42 stated that he witnessed two seaplanes landing after dark, and he stated that he felt that seaplanes
43 should not be landing after dark.

44
45 Bill Neron stated that any safety violations should be reported to 1-800-CALL-FAA.

46
47 Chairman Adams turned the discussion over to the Planning & Zoning Board.

48
49 Gary Santoro reiterated that the voters approved the Wooton Park expansion and that rezoning the
50 property was the first step in the process.

1 **MOTION**
2

3 **Gary Santoro moved to recommend approval of Ordinance 2012-31. The motion was**
4 **seconded by Richard Root. The motion carried 7-0.**
5

6 Morris Osborn noted that there are different levels of seaplane licenses that may permit
7 landing seaplanes at night. He stated that reckless operation should still be reported to the
8 FAA.
9

10 Richard Root noted that Tavares has no enforcement authority regarding the seaplane
11 operation.
12

13 **4) Ordinance 2012-32 – SSFLUM – Wooton Park Expansion Property**
14

15 Jacques Skutt, Community Development Director provided the following staff report;
16

17 Ordinance 2012-32 proposes a small scale amendment to the Future Land Use Map 2020 of the
18 Comprehensive Plan.
19

20 The subject property is approximately 3.61 acres in size, located on the west side of Wooton Park,
21 south of the railroad right-of-way. The city recently purchased this property to expand the Wooton
22 Park/Seaplane Base and Marina. The process to rezone the property to Public Facilities District (PUB)
23 is concurrently being undertaken. This ordinance would amend the current Future Land Use
24 Designation from Commercial Downtown to Public Facilities/Institutional.
25

26 **Future Land Use Amendment/Compatibility**

27 The property is within the city's downtown core. The city's adopted Downtown Master Plan encourages
28 expansion of parks, open space, and trails in the downtown core.
29

30 **Site Conditions**

31 The property is vacant. A site plan demonstrating compliance with all city regulations, including applicable
32 state and federal environmental laws, must be approved prior to the issuance of permits for site
33 development.
34

35 **Impact on City Services**

36 Municipal water and sewer is available to the property. The City's Concurrency Management System will
37 ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all
38 regulated public facilities. It is anticipated that this amendment will not implicate any significant increase on
39 Levels of Service.
40

41 **FINDINGS**

42 This amendment request is considered to be in compliance with the Comprehensive Plan Goals,
43 Objectives and Policies with the following findings:
44

- 45 1. A Public Facilities/Institutional Future Land Use designation would serve as the most
46 appropriate land use for the subject property that is owned by local government and that is
47 intended to be used as a public park.
- 48 2. Impacts of the proposed development of the subject property shall be monitored through the
49 City's Concurrency Management System. (Comp Plan, Chapter 8)
50

51 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-32.
52

1 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

2
3 There were no audience comments.

4
5 Chairman Adams turned the discussion over to the Planning & Zoning Board.

6
7 John Tanner stated that this was an administrative change necessary to complement the rezoning.

8
9 **MOTION**

10
11 **Sam Grist moved to recommend approval of Ordinance 2012-32. The motion was**
12 **seconded by Norb Thomas. The motion carried 7-0.**

13
14 **OTHER BUSINESS**

15
16 **Discussion of FRDAP (Florida Recreation Development Assistance Program) Grant**
17 **application for the Wooton Park expansion.**

18
19 Bill Neron, Economic Development Director provided the following staff report;

20
21 The conceptual site plan for the Wooton Park Expansion Project includes improvement items such as
22 the construction of boat ramps, boat docks, observation dock/fishing pier, parking area and restrooms.

23
24 City Council has authorized staff to file a State FRDAP Grant to assist in the construction of the
25 improvements.

26
27 The previous improvements to Wooton Park were accomplished in part through FRDAP grants.

28
29 The state is currently accepting applications for FRDAP grants.

30
31 The City of Tavares currently has insufficient funds for Wooton Park improvements.

32
33 John Tanner asked Bill Neron what improvements could be made with just City funding.

34
35 Bill Neron replied that minimum improvements could be made with just City funding, and that the
36 FRDAP Grant is necessary for park improvements.

37
38 Chairman Adams asked if there was any further discussion or comments by the Planning & Zoning
39 Board.

40
41 Chairman Adams asked if there was anyone in the audience who would like to make a comment

42
43 There were no audience comments

44
45 **MOTION**

46
47 **Richard Root moved to recommend approval of an endorsement of the FRDAP Grant**
48 **Application. The motion was seconded by Gary Santoro. The motion carried 7-0.**

**AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 17, 2012**

AGENDA TAB NO. 14

SECOND READING

**SUBJECT TITLE: Ordinance 2012-32
Small Scale FLUM Amendment- Wooton Park Expansion**

OBJECTIVE:

To consider a Future Land Use Map amendment of approximately 3.61 acres of property located on the west side of Wooton Park, south of the railroad right-of-way.

SUMMARY:

Ordinance 2012-32 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property is approximately 3.61 acres in size, located on the west side of Wooton Park, south of the railroad right-of-way. The city recently purchased this property to expand the Wooton Park/Seaplane Base and Marina. The process to rezone the property to Public Facilities District (PUB) is concurrently being undertaken. This ordinance would amend the current Future Land Use Designation from Commercial Downtown to Public Facilities/Institutional.

Future Land Use Amendment/Compatibility

The property is within the city's downtown core. The city's adopted Downtown Master Plan encourages expansion of parks, open space, and trails in the downtown core.

Site Conditions

The property is vacant. 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 the property. 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 Public Facilities/Institutional Future Land Use designation would serve as the most appropriate land use for the subject property that is owned by local government and that is intended to be used as a public park.
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 2012-32.
2. That City Council denies the proposed Comprehensive Plan map amendment.

PLANNING & ZONING BOARD RECOMMENDATION:

On Sept. 20th, the Planning & Board voted unanimously to recommend approval of Ordinance 2012-32.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-32.

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 2012-32

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 3.61 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WOOTON PARK, SOUTH OF THE RAILROAD RIGHT-OF-WAY; FROM COMMERCIAL DOWNTOWN TO PUBLIC FACILITY/INSTITUTIONAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares, has purchased property, described in Exhibit "A", that is adjacent to Wooton Park, the city's downtown waterfront park; and

WHEREAS, the City of Tavares desires to expand Wooton Park to include the property described in Exhibit "A", and

WHEREAS, City of Tavares is seeking an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Commercial Downtown to Public Facility/Institutional to facilitate this park expansion; 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 affected individuals have been notified as required by law; and

WHEREAS, the City desires to encourage expansion of parks, open space, and trails in our city core; and

WHEREAS, the Public Facility/Institutional Future Land Use designation facilitates these preferred uses; and

WHEREAS, a Public Facility/Institutional Future Land Use designation is compatible with surrounding future land use designations; and

1
2 **WHEREAS**, the City of Tavares Planning and Zoning Board, Local Planning Agency,
3 and City Council held duly noticed public hearings providing opportunity for individuals to hear
4 and be heard regarding the adoption of the proposed map amendment; and

5
6 **WHEREAS**, the City Council has reviewed and considered all relevant evidence and
7 information and testimony presented by witnesses, the public, and City staff; and

8
9 **WHEREAS**, the City Council finds this amendment in compliance with Chapter 163,
10 Florida Statutes, and the City of Tavares Comprehensive Plan; and

11
12 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
13 general welfare of the citizens of Tavares;

14
15 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
16 Florida as follows:

17
18 **Section 1. Future Land Use Amendment**

19 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
20 Florida, is hereby amended to reflect a re-designation from Commercial Downtown to Public
21 Facility/Institutional on certain real property as legally described in Exhibit "A". All provisions of
22 the Comprehensive Plan shall hereby apply to said property.

23
24 **Section 2. Severability and Conflicts**

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

29
30 **Section 3. Transmittal**

31 The City Administrator is hereby authorized and directed to transmit the adopted
32 Comprehensive Plan amendments to the Florida Department of Economic Opportunity, the East
33 Central Florida Regional Planning Council, the St. Johns River Water Management District, the
34 Department of Environmental Protection, the Florida Department of Transportation, and any
35 other governmental agency in the state of Florida that has filed a written request with the City

1 Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this
2 Ordinance as specified in the State Land Planning Agency's procedural rules.

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Section 4. Effective Date

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

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

Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Nancy A. Barnett, City Clerk

Approved as to form:

Robert Q. Williams, City Attorney

EXHIBIT A

PARCEL "A"

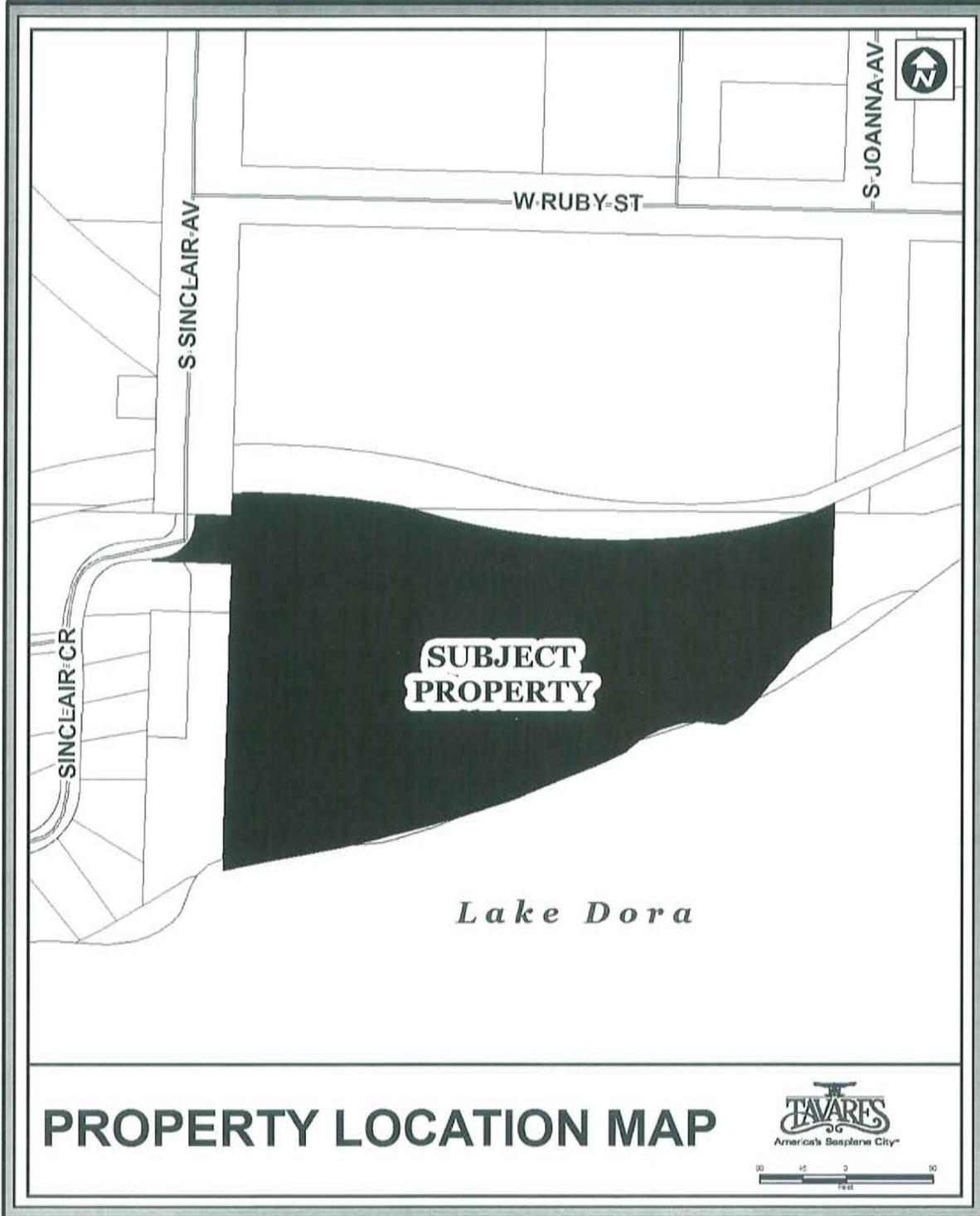
THOSE PORTIONS OF THE MAP OF TAVARES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 64, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED ON THE SOUTH BY THE ORDINARY HIGH WATER LINE OF LAKE DORA; AND A PORTION OF SHEET 10 REVISED, ACCORDING TO THE SUPPLEMENTAL PLAT OF A PORTION OF TAVARES LYING IN SECTIONS 29 AND 32, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, APPROVED SEPTEMBER 28, 1935 BY THE DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, OF BLOCK 129, LESS THE WEST 1.00 FOOT THEREOF; BLOCK 130; ALL THAT PART OF THE STREET DESIGNATED AS TAVARES BOULEVARD TOGETHER WITH THE ABANDONED RIGHT-OF-WAY OF THE ATLANTIC COAST LINE RAILROAD AS SHOWN ON SAID REVISED SHEET 10 LYING EAST OF A LINE PARALLEL WITH AND 1.00 FOOT EAST OF THE EAST RIGHT-OF-WAY LINE OF SINCLAIR AVENUE AND LYING SOUTHERLY AND WESTERLY OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD; ALL THAT PART OF TEXAS AVENUE LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD; AND THE SOUTH 1/2 OF BRYAN STREET BOUNDED ON THE WEST BY A LINE PARALLEL WITH AND 1.00 FOOT EAST OF THE EAST RIGHT-OF-WAY LINE OF SINCLAIR AVENUE, BOUNDED ON THE SOUTH BY THE NORTH LINE OF BLOCK 129 AND THE NORTH RIGHT-OF-WAY LINE OF TAVARES BOULEVARD.

TOGETHER WITH THAT PORTION OF JOANNA AVENUE BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD AIR LINE RAILROAD, AND BOUNDED ON THE SOUTH BY THE ORDINARY HIGH WATER LINE OF LAKE DORA.

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CITY OF TAVARES



PROPERTY LOCATION MAP

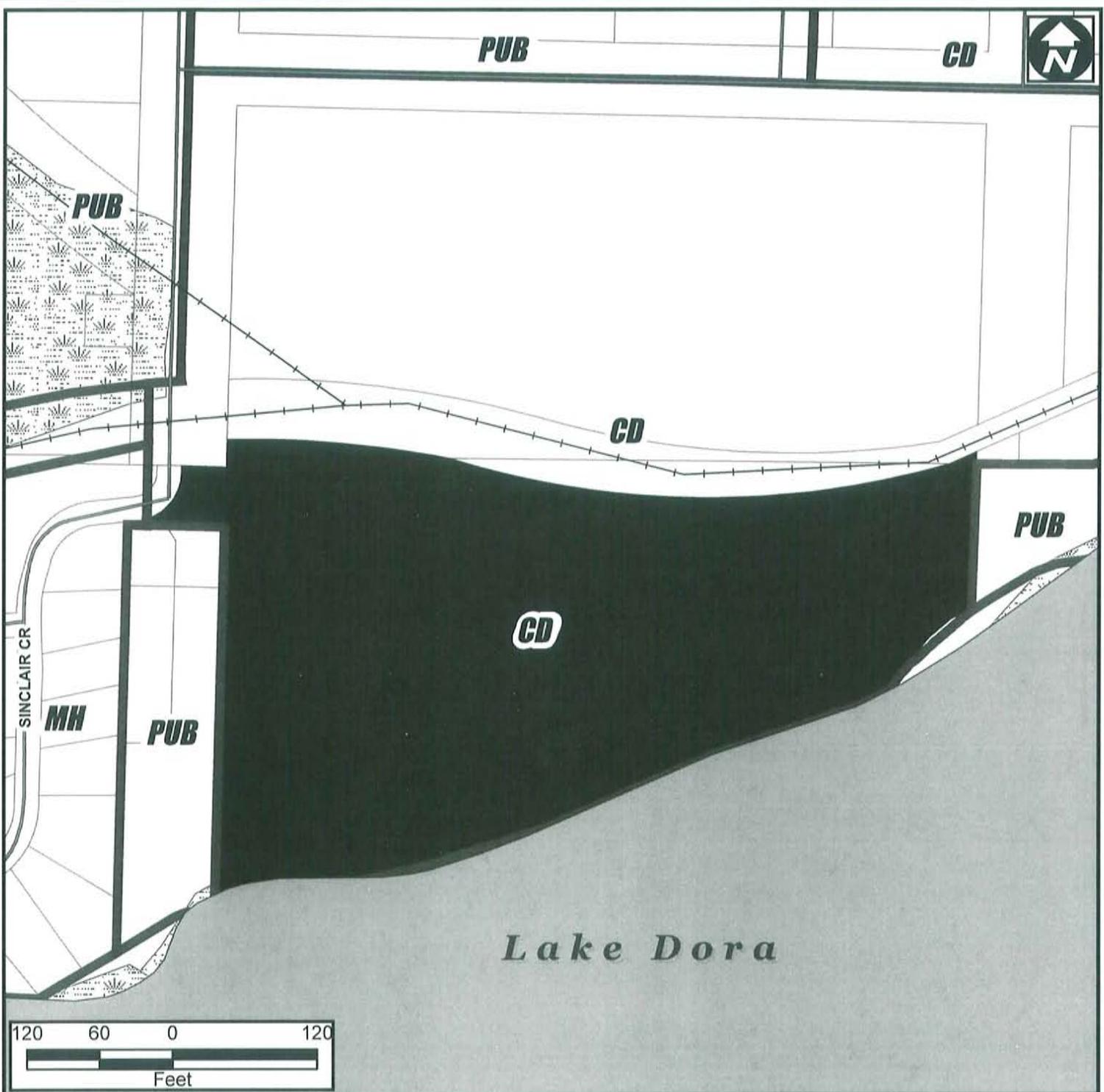


Created By: City of Tavares GIS

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Map Created on 8/28/12

CITY OF TAVARES ORDINANCE # 2012-32



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 # 2012-32

Wooton Park Expansion Site

Current FLU: CD
Proposed FLU: PUB
03.61± Acres

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

Lake Sentinel

MOVIES SEPT. 7-13

Continued from Page F5

THE DARK KNIGHT RISES: The masked vigilante Batman must save Gotham City from dangerous new threats, including the mysterious villain Bane. With Christian Bale, Michael Caine, Anne Hathaway and Tom Hardy. Written by Jonathan Nolan and Christopher Nolan. Directed by Christopher Nolan.

DIARY OF A WIMPY KID: DOG DAYS: An adolescent boy tries to survive summer misadventures in such fraught situations as swimming at the public pool and going camping. With Zachary Gordon, Devon Bostick, Rachael Harris and Robert Capron. Written by Maya Forbes and Wallace Wolodarsky. Directed by David Bowers.

THE EXPENDABLES 2: After a seemingly routine mission goes awry, a band of mercenaries seek revenge against an adversary and stumble onto a global threat. With Sylvester Stallone, Jason Statham, Jet Li and Dolph Lundgren. Written by Statham, Richard Wenk, Ken Kaufman and David Agostoni. Directed by Simon West.

THE EYE OF THE STORM: A dying matriarch continues to wield considerable control over her affairs and those around her. With Geoffrey Rush, Charlotte Rampling and Judy Davis. Written by Judy Morris. Directed by Fred Schepisi.

HIT & RUN: A former getaway driver breaks out of the Witness Protection Program to get his girlfriend to Los Angeles. The facts and the driver's former gang give chase. With Oak Sharkey, Kristen Bell and Bradley Cooper. Written by Shepard. Directed by David Palmer and Shepard.

HOPE SPRINGS: After 30 years of marriage, a middle-aged couple attends a week of counseling to shed their bedroom hang-ups and reignite the spark that caused them to fall for each other in the first place. With Meryl Streep, Tommy Lee

Jones and Steve Carell. Written by Vanessa Taylor. Directed by David Frankel.

ICE AGE 4: CONTINENTAL DRIFT: A group of Paleolithic animals pals to survive a continental cataclysm in the fourth installment of the "Ice Age" series. With the voices of Ray Romano, John Leguizamo, Denis Leary and Queen Latifah. Written by Michael Berg and Jason Fuchs. Directed by Steve Martino and Michael Thurmeier.

LAST OUNCE OF COURAGE: A man sets out to restore his town's holiday spirit and challenges fellow residents to take back the freedoms they have lost. With Marshall R. Teague, Jennifer O'Neill and Fred Williamson. Written by Daniel Campbell. Directed by Campbell and Kevin McAfee.

LAWLESS: Set in Virginia during the 1930s, a bootlegging gang is threatened by authorities who want a cut of their profits. With Tom Hardy, Shia LaBeouf and Guy Pearce. Written by Nick Cave. Directed by John Hillcoat.

MARVEL'S THE AVENGERS: A team of superheroes unite to save the world. With Robert Downey Jr., Chris Evans, Mark Ruffalo and Chris Hemsworth. Written and directed by Joss Whedon.

THE ODD LIFE OF TIMOTHY GREEN: A group of friends try to recover five magical balloons in time for a surprise birthday party. With Tom Braxton, Cloris Leachman, Christopher Lloyd and Chazz Palminter. Written by Scott Stabile. Directed by Matthew Diamond.

THE DOGIELOVES IN THE BIG BALLOON ADVENTURE: The Dogieloves set out to find five magical golden balloons in time for their friend's birthday.

MARANOHMAN: In this animated film, a misunderstood boy who can communicate with the dead is called upon to save the day when his small town is overrun by zombies. With the voices of Koa Smit-McPhee, Tucker Albrizzi and Casey Affleck. Written by Chris Butler. Directed by Butler and Sam Fell.

THE POSSESSION: The divorced parents of a 10-year-old girl are troubled by her increasingly erratic behavior, which seems to be linked to an antique wooden box she purchased at a yard sale. With Jeffrey Dean Morgan and Kyla Sedgwick. Written by Juliet Snowden and Stiles White. Directed by Bob Berney.

PREMIUM RUSH: For an intrepid New York City bike messenger, a routine delivery turns into a life-or-death chase. With Joseph Gordon-Levitt, Michael Shannon, Dana Barron and Jamie Chung. Written by David Koepp and John Kamps. Directed by Koepp.

RUBY SPARKS: A young novelist who was successful early in his career finds himself struggling until he invents an inspiring new character — who shocks him by appearing in the flesh shortly thereafter. With Paul Dano, Zoo Kazan, Antonia Banderas and Annette Bening. Written by Kazan. Directed by Jonathan Dayton and Valerie Faris.

SPARKLE: In Motown-era Detroit, a talented young singer tries to balance a new romance with her manager, her family life and her ambition to become a star. With John Sparks, the late Luke Wilson, Roy Houson, Derek Luke and Mike Epps. Written by Mara Brock Akil. Directed by Salim Akil.

TOTAL RECALL: In the future, a factory worker's rare plugging mental vacation as a super spy goes awry, leaving him a hunted man and blurring the lines between reality and fantasy. With Colin Farrell, Kate Beckinsale, Jessica Biel and Bryan Cranston. Written by Kurt Wimmer and Mark Bomback. Directed by Len Wiseman.

THE WORDS: A struggling writer finds and claims an other man's long lost work as his own and begins repeating the mistakes of someone in the past. With Bradley Cooper, Jeremy Irons, Dennis Quaid and Zoe Saldana. Written and directed by Brian Koppelman and Lee Sternthal.

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

Proposed Ordinance 2012-31 & Ordinance 2012-32 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 ordinances. It is 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) 742-6403, at least 2 (two) working days prior to the date of the Public Hearing, if you are hearing or voice impaired, call (352) 742-6433.

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

Client Name: / PO# MIKE FITZGERALD
 Advertiser: City of Tavares
 Section/Page/Zone: Lake Zone/F006/LAK
 Description: NOTICE OF PUBLIC HEARING
 Ad Number: 817455-1
 Insertion Number:
 Size: 3 x 10.5
 Color Type: B&W

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.

Orlando Sentinel

Publication Date: 09/12/2012

WE HAVE MOVED

Center for Digestive Health

Our Office Has Relocated from
 255 Citrus Tower Blvd.
 to
 1920 Don Wickham Dr.
 Suite 325, Clermont, FL 34711

To Make an Appointment
PLEASE CALL
407-896-1726

OSPREY LODGE
 Assisted Living & Memory Care

Come Discover...
 The New Assisted Living & Memory Care Residences

Call Denise for your personal Tour
352-508-7553
 www.ospreylodgetavares.com

DIRECTIONS: Take Hwy 441 to Tavares. Turn south onto Mayo Drive (across from Florida Hospital Waterman). Proceed 1/4 mile to Osprey Lodge.

GRAND OPENING COMING SOON!

Assisted Living Facility Licensing Pending

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO. 15

SECOND READING

SUBJECT TITLE: Approve Ordinance Number 2012-33 amending Ordinances 87-24, 99-21, 2007-36 to increase Stormwater rates as budgeted in Fiscal Year 2013 Adopted Budget

OBJECTIVE: To obtain Council approval to amend Ordinance Number 87-24, 99-21, and 2007-36 for implementation of a Stormwater rate increase as provided in the 2013 Adopted Budget.

SUMMARY: During the FY2013 Budget process, it was determined that operational costs and capital needs far exceeded the revenue generated from current Stormwater fees.

During the budget process, Council identified several areas within the City which require improvements in Stormwater collection. One area identified as needing urgent attention is the Downtown area and waterfront. Stormwater issues for Ruby Street and the Downtown area have been long standing. The City has been able to secure grant funding to address some of the capital project cost, but the awarded grants require matches to complete the project which exceeds \$2M.

In response to Stormwater needs within the City, Council approved increasing the Stormwater Equivalent Single Family Unit Rate from 4.50 per ESFU to \$5.50 per ESFU in the 2013 Budget Process. Non-residential rates are billed by determining the Equivalent Single Family Units (total impervious area).

The Stormwater Budget for 2013 was prepared with the Stormwater rate increase included in the budget estimates.

OPTIONS:

1. Approve Ordinance 2012-33, which amends Ordinances 87-44, 99-22, and 2007-36 to increase the monthly Stormwater drainage utility fee for each single family dwelling unit from \$4.50 to \$5.50.

2. Do not approve Ordinance 2012-33, and thus decrease/amend FY2013 Stormwater Budget.

STAFF RECOMMENDATION:

Move to approve Ordinance 2012-33, which amends Ordinances 87-44, 99-22, and 2007-36 to increase the monthly Stormwater drainage utility fee for each single family dwelling unit from \$4.50 to \$5.50.

FISCAL IMPACT: This Ordinance **implements** provisions of the 2013 Adopted Budget.

ORDINANCE 2012-33

AN ORDINANCE AMENDING ORDINANCES 87-24, 99-21, AND 2007-36 AND SECTIONS 17-75 AND 17-77 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS PERTAINING TO STORM WATER DRAINAGE UTILITY FEES; INCREASING SAID FEE FROM \$4.50/ESFU TO \$5.50/ESFU; PROVIDING AN EFFECTIVE DATE

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

Ordinance 87-24, and Ordinance No. 99-21, and Ordinance No. 2007-36 of the City of Tavares and Section 17-88 of the City of Tavares Land Development Regulations are hereby amended to provide as follows:

DIVISION 9. STORMWATER DRAINAGE

Sec. 17-71. Established.

Pursuant to the home rule power of article VIII, 2(b), Florida Constitution and F.S. ch. 166, and the powers granted in the city charter, the city does hereby establish a stormwater drainage utility and declare its intention to acquire, own, construct, equip, operate and maintain open drainage ways, underground storm drains, equipment and appurtenances necessary, useful, or convenient for a complete stormwater control system; and also including maintenance, extension and reconstruction of the present stormwater control system of the city; to minimize by suitable means such system's adverse effect on the water quality of adjacent lakes; and to seek the cooperation of the county and other municipalities in minimizing the effects of all such systems and other sources of accelerated runoff to flooding and water quality.

Sec. 17-72. Definitions.

The following words, terms and phrase, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficiaries of drainage service means and includes all developed real properties within the city which benefit by the provision of maintenance operation and improvement of the stormwater control system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff improvement in the general health and welfare through reduction of undesirable stormwater conditions and improvements to the water quality in the storm and surface water system and its receiving waters.

Contributors of drainage waters means and includes all developed real properties within the city.

Developed means any property altered in appearance by removal of vegetation, grading of the ground surface and construction of a structure or impervious surface.

Director means the director of the stormwater drainage utility appointed or designated by the city administrator.

Equivalent single-family unit (ESFU) means the average impervious area for single-family dwellings in the city, as established by resolution of the city council.

Fee means a stormwater drainage utility fee enacted herein and set by resolution.

Hydrologic response means the manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a function dependent upon a number of interacting factors, including, but not limited to, topography, vegetation, surficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be stated in terms of total runoff volume, as a percentage of total precipitation which runs off, or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity, or statistical interval of return (frequency).

Impervious areas means those hard-surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development, including normal water in ponds and lakes.

Multiple-dwelling unit means a building or facility consisting of more than one (1) dwelling unit, each such unit consisting of one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family.

Nonresidential unit means any building, structure or facility used other than as a dwelling unit or single-family unit.

Open drainage way means a natural or manmade open cut which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

Peak flow means the highest instantaneous rate of stormwater runoff, measured or estimated in cubic feet of water per second. It is differentiated from total flow volume by the introduction

of a unit of time measure during which the maximum rate of flow is measured, calculated, or estimated.

Single-family unit (SFU) means one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family such as houses, townhouses, apartment units, duplex units, condominiums, zero lot line, etc., where the units are sold, deeded or leased as single-family units and/or have individual water meters.

Stormwater control system means any means by which the stormwater runoff is conveyed; the peak flow from developed land surfaces is reduced; the erosion created by stormwater is reduced and/or the water quality of the stormwater runoff is improved.

Total flow means the accumulative volume of stormwater discharged from a property, basin, or watershed. The total flow is quantified in measures such as acre feet or cubic feet of water.

Utility means the stormwater drainage utility created by the provisions of this article.

Sec. 17-73. Findings and Determinations.

It is hereby found, determined, and declared as follows:

- (1) Those elements of the system for the collection of and disposal of storm and surface water are of benefit and provide services to all property within the city including property not presently served by the storm elements of the system.
- (2) The cost of operating and maintaining the city stormwater drainage utility system and financing necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the user impacts, benefits enjoyed, and services received therefrom.
- (3) All property within the city demonstrates a hydrologic response to rainfall events which generates stormwater runoff. The volume, rate, and quality of this runoff will vary with the soil type, land use conditions, topographic conditions, and other variables. In particular, the construction of commercial units on previously undeveloped property will generally increase the volume and rate of stormwater runoff, and adversely affect its water quality.

Sec. 17-74. Utility Fee.

(A) A stormwater fee is hereby imposed upon each developed lot and parcel within the city for services and facilities provided by the stormwater drainage utility system. For purposes of imposing the stormwater fee, all lots and parcels within the city are classified as residential or nonresidential.

(B) The city administrator or his designee is directed to prepare a list of lots and parcels within the city and assign a classification of residential or nonresidential to each lot or parcel.

Sec. 17-75. Schedule of Utility Fees.

(A) The city council shall by ordinance establish reasonable rates for the stormwater drainage utility system for each single-family dwelling unit (SFU). The monthly stormwater drainage utility fee for each single-family dwelling unit shall be ~~\$4.50~~ **\$5.50**. Each SFU shall be billed a flat fee established by the city council for residential units. For residential accounts not individually metered, the account holder of the master meter shall be billed the fee established for a SFU multiplied by the number of residential units.

(B) For nonresidential properties, the number of equivalent single-family units (ESFU) shall be determined periodically by the Utilities Director. All nonresidential properties, not covered by subsection (A) of this section shall be billed based on the total impervious area of the property divided by the ESFU and then multiplied by the rate established for a residential unit. The total impervious area of the property and the number of ESFU shall be updated by the director based on any additions to the impervious area as approved through the permit process. For nonresidential properties that are not separately metered, the total bill will be sent to the account holder of the master meter.

Sec. 17-76. Appeal of Impervious Surface Calculation.

Any person disagreeing with the calculation of impervious surface as determined by the utility may appeal such determination to the director. Any appeal must be filed in writing and shall include a survey prepared by a registered surveyor showing total property area and impervious surface area. Based upon the information provided by the utility and the appealing party, the director shall make a final calculation of impervious surface. The director of utilities shall notify the parties, in writing, of his decision. If still dissatisfied, a party may appeal the director's decision to the city council in the same manner as preceding. The decision of the city council shall be final.

Sec. 17-77. Management Fund.

(A) All stormwater drainage utility fees collected by the city shall be paid into an enterprise fund which is hereby created, to be known as the stormwater management fund. Except as provided in Section 17-77(C), such fund shall be used for the purpose of paying the cost of stormwater drainage facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of those stormwater drainage facilities of the city. To the extent that the stormwater management fees collected are insufficient to construct the needed stormwater drainage facilities, the cost of the same may be paid from such city fund as may be determined by the city council, but the city council may

order the reimbursement of such fund if additional fees are thereafter collected. When the fund has surplus dollars on hand in excess of current needs, the surplus dollars will be invested to return the highest yield consistent with proper safeguards.

(B) The fees and charges paid shall not be used for general or other governmental or proprietary purposes of the city, except to pay for the equitable share of the cost of accounting, management and government thereof. Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, repair, maintenance, improvements, renewal, replacement, design, right-of-way acquisition, and construction of public stormwater drainage facilities and costs incidental thereto.

Sec. 17-78. Fee Collection.

(A) The stormwater drainage utility fee shall be billed and collected with the monthly utility bill for those lots or parcels of land utilizing city utilities and billed and collected separately as stormwater drainage utility fees for those lots or parcels of land and owners thereof not utilizing other city utilities. All such bills for stormwater drainage utility fees shall be rendered monthly by the finance department and shall become due and payable in accordance with the rules and regulations of the finance department pertaining to the collection of utility fees. The stormwater drainage utility fee is part of a consolidated statement for utility customers which is generally paid by a single payment. In the event that a partial payment is received, the payment shall first be applied to garbage and trash, next applied to stormwater drainage, next applied to sewer, and finally applied to the water account.

(B) Any charge due under this article which shall not be paid when due may be recovered in any action at law by the city. In addition to any other remedies or penalties provided by this article or any other ordinance of the city, failure of any user of city utilities within the city to pay such charges promptly when due shall subject such user to discontinuance of utility services and the city administrator is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this article.

(C) All stormwater drainage utility fees assessed pursuant to this article shall be a lien upon the property to which such fee is associated from the date such fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fee for all service provided for his premises, which obligation may be enforced by the city by action at law or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event of such action the city shall be entitled to recover all court costs and reasonable attorney's fees for such collection. IN the case that a tenant in possession of any premises or buildings shall pay such charges, it shall relieve the landowner from such obligation and lien; but the city shall not be required to look to any person whatsoever other than the owner for the payment of such charges. No changes of ownership or occupation shall affect the application of this article, and the failure of any owner to learn that he purchased property against which a lien for stormwater utility fees exist shall in no way affect

his responsibility for such payment.

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

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

Robert Wolfe , Mayor
Tavares City Council

ATTEST:

John Drury
City Administrator

Passed First Reading _____

Passed Second Reading _____

Approved as to form:
Robert Q. Williams
City Attorney

Proof

Oct. 02, 2012

Agency:
Customer: City Of Tavares
Address:
City: TAVARES
State: FL 32778-1068
Phone no: (352) 742-6211
Account ID: 1023568
Purchase order no: Ordinance 2012-33
Payment type:

Order ID: 1207443
Caller name: Susie Novack, MMC
Fax no:
Sales rep: Stephen Janes

Newspaper Classified

Title	Class Name	Begin Date	End Date	Size (col x lines)	Color
Orlando Sentinel	Public Hearing Notices	10-07-2012	10-07-2012	1 x 28	No

PUBLIC HEARING NOTICE

City of Tavares

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2012-33, Second Reading, on October 17, 2012 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2012-33

AN ORDINANCE AMENDING ORDINANCES 87-24, 99-21, AND 2007-36 AND SECTIONS 17-75 AND 17-77 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS PERTAINING TO STORM WATER DRAINAGE UTILITY FEES; INCREASING SAID FEE FROM \$4.50/ESFU TO \$5.50/ESFU; 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.

LAK1207443 10/07/2012

Gross price: \$ 29.00
Discounts: \$ 0.00
Net price: \$ 31.00
Prepaid amount: \$ 0.00
Amount due: \$ 0.00

AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012

AGENDA TAB NO. 16

SUBJECT TITLE: Sheriff Dispatch Service's final contract language

OBJECTIVE: To approve the final contract language for the Sheriff dispatching services.

SUMMARY: Previously the Council voted to authorize the Mayor to execute a contract with the Sheriff to provide Dispatch services (see attached July 18th minutes). The draft contract called for an annual cost \$291,000 plus CPI. There are two final contractual items that need Council direction as follows:

1. **NON-EMERGENCY LINES** - All emergency calls received would be answered "911 do you need Police, Fire or Ambulance?" and non-emergency calls are typically answered "Sheriff's Communications Center, how may I help you?" The Council had wanted the Sheriff's Call Takers to answer those non-emergency calls from Tavares residents as "Tavares Police Department how may I help you" although it would actually be a Sheriff's employee taking the call. The Sheriff has recently obtained the cost estimates from the phone company to install the necessary phone lines and equipment to each Call Taker station to accommodate this special request by separating all the Tavares residential non-emergency calls from all other calls. The estimate onetime cost is \$60,000, which would be on top of the \$291,000 annual contract. One option would be to have the Call Takers answer in the same manner that they answer for all of the other cities the Sheriff dispatches for (Clermont, Umatilla etc....) and save \$60,000. If this option is selected then the non-emergency calls would be answered "Sheriff Communications' Center How may I help you?". If an officer needed to be dispatched for the non-emergency issue (Noise Complaint for example) then the dedicated Tavares dispatcher would dispatch a Tavares Police Officer. Staff seeks final direction on this for final contract language.
2. **RADIO COMMUNICATIONS COSOLES:** The Sheriff has completed his evaluation of the Tavares existing consoles and has determined that they would not be up to date and adequate to inter-phase with his new system and therefore a new compatible dedicated Tavares radio communications console needs to be purchased and installed for the Tavares dedicated dispatcher at a onetime cost of \$66,000. The following two options exist: Purchase this equipment over a four year period with year one being at no cost and then paying \$23,740 each year for three years (total cost is \$71,220) or pay \$66,000 upfront which saves \$5,200. Staff seeks final direction on this for final contract language.

OPTIONS:

1. That Council removes the requirement to answer "Tavares Police Department" for non-emergency calls and saves \$60,000 and that Council funds the consoles over four years with year one being at no cost. This option results in no change to the FY 13 budget.
2. That Council keeps the requirement to answer "Tavares Police Department" for non-emergency calls and pays the \$60,000 out of Police Department savings from recent retirements of a Captain and Lieutenant and that Council fund the consoles over four years

with year one being at no cost. This option results in no change to the FY 13 total budget but puts off replacing the retiring Captain and Lieutenant with a road patrol officer for a year.

STAFF RECOMMENDATION: Option one (1); Move to remove the requirement to answer “Tavares Police Department” for non-emergency calls and save \$60,000 and fund the consoles over four years with year one being at no cost.

FISCAL IMPACT: Both options can be accommodated within the budget as noted above.

LEGAL SUFFICIENCY: Legally sufficient.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO. 17

SUBJECT TITLE: Establishment of a Management Collective Bargaining Team for Police Union Contract

OBJECTIVE: To establish a management Collective Bargaining Team For the Police Union Contract.

SUMMARY: Previously the Police Department Employees voted to establish a Union. In order to prepare for the negotiations of a Union contract it is appropriate for management to establish a management collective bargaining team. The City has established one for the Fire Department Union which is made up of The Mayor, City Administrator and Fire Chief. An option for the Management Team for the Police Union contract negotiations could be The Mayor, City Administrator and Police Chief. All negotiations and the subsequent contract that develops from this team's negotiations are subject to Council Approval.

OPTIONS:

Council has the option of appointing anyone or number of people to negotiate the contract including the hiring of a professional firm. Therefore the options are limitless.

STAFF RECOMMENDATION: That Council establishes a management collective bargaining team to negotiate a contract with the Police Union.

FISCAL IMPACT: None

LEGAL SUFFICIENCY: Legally sufficient.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 17, 2012**

CONSENT

AGENDA TAB NO. 18

SUBJECT TITLE: Approval of Ranking of RFP for Building Inspection Services

OBJECTIVE:

To approve the ranking of RFPs for Building Official, Plan Review and Inspection Services for the City.

SUMMARY:

In August, staff posted RFP NO: 2012-0023 for Building Official, Plan Review and Inspection Services. The City is seeking a 3 year contract with options for extension. The City's contract with Nova Engineering for these services expires this fall.

The City received proposals from five firms. A selection committee comprised of the City's Economic Development Director, Development Co-Coordinator and Community Development Director was formed to rank the proposals. The Committee ranked the firms and reached a consensus. All firms demonstrated equivalent experience, references and capabilities leaving the cost for their services as the deciding factor. The Committee ranked the five proposals in the following order:

1. Quorum Services
2. M. T. Causley, Inc.
3. PDCS, LLC
4. Nova Engineering & Environmental
5. Universal Engineering Sciences, Inc.

Using the ranking as established above, the Committee unanimously agreed that the firm, Quorum Services, presented the best RFP for this service contract.

OPTIONS:

1. That Council moves to instruct staff to proceed to negotiate a contract with Quorum Services to perform the Building Inspection Services for the City.
2. That Council does not approve the final ranking.

STAFF RECOMMENDATION:

Staff recommends that Council moves to instruct staff to proceed to negotiate a contract for execution by the City Administrator with Quorum Services for providing Building Inspection Services.

FISCAL IMPACT:

The monthly fee quoted in the RFP from Quorum Services is \$9,967.

LEGAL SUFFICIENCY:

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



**CITY OF TAVARES
MINUTES OF BID OPENING
August 23, 2012
Request for Proposals
BUILDING OFFICIAL, PLANS REVIEW, AND INSPECTION SERVICES
Bid No. 2012-0023**

PRESENT

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

Mr. Rumble noted today's date as Thursday, August 23, 2012. This is the bid opening for the Request for Proposals, Building Official, Plans Review, and Inspection Services, Bid No. 2012-0023. There were five proposals received:

- 1) Nova Engineering and Environmental
1226 Tech Boulevard
Tampa, FL 33619
- 2) Universal Engineering Sciences, Inc.
3532 Maggie Boulevard
Orlando, FL 32811
- 3) M.T. Causley, Inc.
6171 S. Royal Drive
Homosassa, FL 34448
- 4) PDCS, LLC
5892 S. Semoran Boulevard
Orlando, LF 32822
- 5) Quorum Services
405 South Dale Mabry Highway, Suite #241
Tampa, FL 33609

Mr. Rumble state the proposals would be reviewed and a recommendation would be forwarded to City Council for approval.

Respectfully submitted,

Kay Mayes
Admin Assistant, Finance



**CITY OF TAVARES
MINUTES OF RFP EVALUATION
Friday September 28th 10:00 a.m.
Building Inspection Services
RFP 2012-0023
Council Chambers**

PRESENT

Jacques Skutt Community Development Director

John Rumble, Purchasing Manager

Bill Neron, Economic development Director

Mike Fitzgerald , Planning Director

Mr. Rumble convened the meeting by staff at 10:00 for the purpose of reviewing and evaluating the RFPs received in response for the Building Inspection Services. It was noted by Mr. Rumble that 5 responses were received. The firms that submitted were as follows:

- 1) Nova Engineering and Environmental
1226 Tech Boulevard
Tampa, FL 33619
- 2) Universal Engineering Sciences, Inc.
3532 Maggie Boulevard
Orlando, FL 32811
- 3) M.T. Causley, Inc.
6171 S. Royal Drive
Homosassa, FL 34448
- 4) PDCS, LLC
5892 S. Semoran Boulevard
Orlando, LF 32822
- 5) Quorum Services
405 South Dale Mabry Highway, Suite #241
Tampa, FL 33609

Mr. Rumble noted that the committee members had received their packages a week prior

Mr. Skutt opened the meeting by stating that all the submittals had met the requirements of the bid and all had sufficient experience. The question arose as as to the prospect of changing the provider with

whom they were satisfied and was familiar with the city. Mr. Fitzgerald concurred that all appeared to be qualified but the deciding factor were the costs.

Mr. Neron then stated he had done an extensive analysis of the costs comparing the percentage of permit fees versus the flat monthly rate including consideration for hours worked. In every instance the flat monthly rate was preferable as it would cost the city less. The fee breakdown with a combination of Building Official /Plans Examiner was as follows:

	Firm	Cost Per Month
1)	Nova Engineering and Environmental	\$ 12,000.00
2)	Universal Engineering Sciences, Inc.	\$ 14,080.00
3)	M.T. Causley, Inc.	\$ 11,000.00
4)	PDCS, LLC	\$ 11,520.00
5)	Quorum Services	\$ 9,967.00

Mr. Skutt stated that with the consideration of price the other two factors were the licenses of the officials and the proximity of the official to the city. Mr. Skutt wanted to ensure that the official was licensed in all areas including commercial, to avoid having to call a second inspector in to perform the duties. The proximity was necessary for early morning and emergency inspections.

The top three firms were ranked as follows:

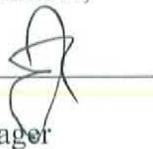
1	Quorum Services
2	M.T. Causley, Inc.
3	PDCS, LLC

It was determined that Mr. Skutt would contact the top three to inquire who was to be assigned to the city and to ensure that they complied with the above criteria . The committee would be informed of the results and the score sheets would be submitted.

There being no further discussion the meeting adjourned at 10:45 a.m.

Respectfully submitted,

John Rumble
Purchasing Manager



Firm	#1	#2	#3	TOTAL	RANK
1) Nova Engineering and Environmental	22	22	22	66	4
2) Universal Engineering Sciences, Inc.	20	21	21	62	5
3) M.T. Causley, Inc.	22	24	24	70	3
4) PDCS, LLC	21	23	23	67	2
5) Quorum Services	25	25	25	75	1

NOTES

Orlando Sentinel

BUILDING SERVICES

City Of Tavares
PO BOX 1068
CITY OF TAVARES
TAVARES, FL 32778-1068

2012-0023

Jul 26 2012 4:41 AM

Before the undersigned authority personally appeared Pam L. Davis/Tamela Vargas/Deborah M. Toney, who on oath says that s/he is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published in Lake County, Florida; that the attached copy of advertisement, being a Advertisement for Bid in the matter of RFP NO: 2012-0023 in the Lake County __, was published in said newspaper in the issue(s); of

07/22/12

Affiant further says that the said Orlando Sentinel is a newspaper published in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, each week day and has been entered as second-class mail matter at the post office in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that s/he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 24 day of July, 2012, Pam L. Davis/Tamela Vargas/Deborah M. Toney, who is personally known to me and who did take an oath.

Tamela Vargas
[Signature]

(seal)
NOTARY PUBLIC
STATE OF FLORIDA
COMMISSION # 12345
EXPIRES 12/31/13

REQUEST FOR PROPOSAL
RFP NO: 2012-0023

PROJECT NAME: BUILDING OFFICIAL PLAN REVIEW AND INSPECTION SERVICES

The City of Tavares Building Department is requesting sealed proposals from qualified and experienced firms or individuals for engineering and building structural, zoning, electrical, mechanical and plumbing Plans Review Services in accordance with the requirements of Florida Statutes 468, Part IX, F.S.

Sealed bids, including a copy of TAVARES REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL PLANS REVIEW AND INSPECTION SERVICES, interested firms or individuals shall submit proposals and address envelopes and one digital copy, preferably in PDF format, and also include a firm name, phone and state license number, if applicable, key personnel and how they approach to be received by the City of Tavares City of Tavares, Florida 32778.

Local time on Thursday, August 2nd, 2012
ALL BIDS MUST BE DELIVERED OR MAILED BY 10:00 AM - BE AT THE OFFICE OF NANCY BARNETT, CITY CLERK BY THE ABOVE STATED DEADLINE TO BE CONSIDERED.
Mail to: City of Tavares
Attn: City Clerk
201 East Main Street
Post Office Box 1068
Tavares, Florida 32778

RFP documents may be obtained via the internet at the DemandStar website at www.demandstar.com, the City website www.tavares.org or copies of the bidding documents may be obtained from the issuing office on or after Monday July 23rd, 2012 at the above location.

The City reserves the right to waive any informality or minor irregularities in the bid and/or proposal, while it remains in second status or secure for which certain conditions are allowed for the award, rejection or proposal in whole or in part with or without cause, and accept the proposal(s) which best serves the City. No bid may be withdrawn for a period of six (6) days after the scheduled closing time for receipt of bids nor compensated for this submission or subsequent presentation interview. All questions concerning this solicitation must be directed to John Humble, Purchasing Manager (Fax: (352) 742-8351; E-Mail: jhumble@tavares.org). Questions or clarifications to the solicitation, if appropriate, must be submitted in writing and will be responded to in writing through DemandStar to all respondents. Written tenders will be the City's official method of response and will be sent via email or fax and posted on the www.demandstar.com web site. All questions must be submitted in writing and received at least seven days prior to receipt of Request for Proposal.

LAK1196434 07/22/2012

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO. 19

SUBJECT TITLE: Request to Approve Work Authorization Amendment with Malcolm Pirnie for Design Services for Phases 1 Stormwater

OBJECTIVE: To consider the approval of a contract with Malcolm Pirnie in the amount of \$305,736 to design for the construction of the Phases 1 Stormwater Infrastructure Project at Ruby Street, including the preparation of the bid documents, bidding out the project, and continuing to solicit for grant funding on behalf of the City.

SUMMARY:

The City has been in the planning stages for the past 3 years to create an Environmental solution to enhancing the old and inadequate stormwater system of the CRA section of the City. This plan would collaborate with the Water and Sewer upgrades that is being constructed, as well as, improve the water quality of the state listed impaired Lake Dora. The Phase 1 project will encompass the construction of large pond behind the Lake County jail and a large stormwater interceptor along Ruby Street. The City has worked with the County on an interlocal agreement for the proposed pond area behind the jail. We have presently received 2 grants towards funding. The TMDL grant from the FDEP is for \$750,000 and the other grant is from the Lake County Water Authority in the amount of \$250,000. This Phase 1 project cost is estimated to cost \$3,000,000. Upon completion of design the City will apply for more grant funding and also make application to the FDEP for loan money for the rest of the project costs.

This work authorization for Design Services authorizes Malcolm Pirnie to Design the project for preparation of the bid documents and soliciting for grant and loan money.

OPTIONS:

1. **Approve** the contract for Design Services with Malcolm Pirnie in the amount of \$305,736 for Phase 1 of the Stormwater Infrastructure Project.
2. Do **not approve** the contract for Design Services with Malcolm Pirnie in the amount of \$305,736 for Phase 1 of the Stormwater Infrastructure Project.

STAFF RECOMMENDATION:

Move to **Approve** the contract for Design Services with Malcolm Pirnie in the amount of \$305,736 for Phase 1 of the Stormwater Infrastructure Project.

FISCAL IMPACT:

To be funded from Stormwater Loan Financing.

Reimbursement Resolution No. 2012-08 was approved by the City Council on June 20, 2012.

Rate increases were included in the Stormwater FY2013 budget to address debt service requirements for the loan financing (Ord 2012-33).

During the FY2013 Budget Process, the Stormwater fee was increased from \$4.50 per ERU to \$5.50 per ERU. Ordinance No. 2012-33 provides for the rate increase. Rates were increased to provide debt service funding for stormwater projects.

LEGAL SUFFICIENCY: It is Legally Sufficient

**Work Authorization for
DOWNTOWN COMMUNITY REDEVELOPMENT AREA
AREA A STORMWATER TREATMENT IMPROVEMENTS
City of Tavares, Florida**

This Work Authorization constitutes a Project Agreement under the terms of the Agreement for Continuing Engineering Services per RFQ 2008-0001, between the City of Tavares (City) and Malcolm Pirnie, Inc. (Engineer). Under the scope of work described herein, the Engineer will provide project management, design, permitting, bidding, and funding assistance for the Downtown Community Redevelopment Area (CRA) AREA A Stormwater Treatment Improvements (AREA A SWTI). AREA A SWTI includes: converting a wetlands area into a stormwater treatment pond; interceptor piping to the stormwater treatment pond along Ruby Street; and, stormwater control structures with overflow outfall piping from Ruby Street to Lake Dora.

The Engineer will reference existing studies for basis of design to include the Downtown CRA Preliminary Engineering Report for Stormwater Collection System Improvements, Environmental Report and Tavares Downtown Stormwater Study. In addition, the Engineer will coordinate the submittal of the Florida Department Environmental Protection (FDEP) State Revolving Fund (SRF) application process and submittal deadlines required for funding consideration.

Project Background

The existing Downtown Tavares Redevelopment Master Plan sets a vision for the future of Downtown Tavares and its potential to develop as a vibrant, pedestrian-oriented, mixed use center. In order to support the anticipated increase in residential and employment population downtown, it is critical that the aging water distribution, wastewater collection, and stormwater management systems be improved and upgraded to reliably serve the additional demands this growth will generate. The City of Tavares is currently in the process of implementing water and wastewater improvements to address numerous utility infrastructure needs within the downtown CRA boundaries. This scope of utility improvement includes critical stormwater upgrades necessary increase stormwater capacity conveyance through the interceptor to provide water quality benefits to improve environmental concerns to Lake Dora. Lake Dora's pollution levels are in excess of maximum contaminant levels during storm events. This scope of work includes a portion of the proposed solution to manage runoff from the highly impervious downtown area. This scope of work only includes treatment improvements related to AREA A SWTI.

The general scope of work for AREA A SWTI includes the following components:

- Convert an existing wetland area into a stormwater treatment pond located south of Main Street, west of Sinclair Avenue, east of Bloxham Avenue, and north of the Florida Central Railroad;

- Design approximately 2,300 linear (LF) of the 36-inch stormwater interceptor reinforced concrete pipe (RCP) along Ruby Street; and,
- Design two 30-inch RCP approximately 300 LF with control structures to outfall into Lake Dora.

The applicable disciplines include geotechnical, survey, environmental, civil and mitigation services.

The City is currently pursuing FDEP SRF funding sources for this project. As part of this scope of services the Engineer will provide the City support to secure SRF funding for the AREA A SWTI project. The Engineer's detailed scope of work is described below.

Scope of Work

Under this scope of work, the Engineer will perform the following tasks:

Task 1 – Program Management

The Engineer will perform overall project management and coordination necessary to continue the development and implementation of the project. Program management services will include coordinating activities associated with the project, with the City, subconsultants, and preparing schedules and invoices.

Task 2 – Meetings

The Engineer will attend up to three (3) additional meetings, not identified in the Tasks below, to perform coordination and hold discussions concerning project status.

Task No. 3 – Kickoff Activities

Task No. 3.1 – Kickoff Meeting

The Engineer will conduct a two-hour kickoff meeting with attendance by the City and subconsultants to discuss the ultimate design deliverable for this project. The Engineer will prepare an agenda to be used as the format for discussion of the design components. After the meeting is concluded, the Engineer will prepare and submit meeting notes to document key decisions and action items.

Task No. 3.2 – Site Visit

The Engineer will conduct one on-site visit to the wetland and interceptor route. The site visit will be coordinated with the City, and project site will be photographed to provide visual documentation of existing conditions.

Task No. 3.3 – Boundary and Topographic Survey

A boundary and topographic survey of the existing wetland area will be performed to include 100-foot grid pattern and 25 LF (as allowable) survey from the edge of the wetland boundary. In addition, a topographic survey along the railroad tracks at the end of east Ruby Street to north Disston Avenue and the two stormwater outfalls to include the inlets along Ruby Street to the outfalls ending near Lake Dora will be conducted. The topographic survey consists of the horizontal location of visible above-ground improvements within project boundaries. A topographic survey for the CRA water and wastewater project currently under design will be used by the Engineer to complete the design for this project.

Task No. 3.4 – Environmental Assessment

The Engineer will perform an environmental assessment of the existing wetland area, interceptor route and outfalls to Lake Dora. The environmental assessment will include a site visit to each location and an evaluation of environmental conditions that may affect the project, including threatened and endangered species evaluation, potential wetland delineation, and identification of environmentally sensitive areas. This task will assist in identification of permitting during the wetlands mitigation process.

Task No. 3.5 – Geotechnical Assessment

A geotechnical investigation of the existing wetlands, interceptor route and outfalls will be conducted to support the design of the conversation to the stormwater treatment pond, interceptor design along Ruby Street, and outfalls to Lake Dora. A letter report will be provided to the City summarizing the results of the investigation.

Task 4 – Stormwater Analysis

The Engineer will provide the City with an updated hydraulic analysis of the proposed stormwater system to supplement the design phase activities. The finding of the report will identify the stormwater pond treatment capacity and confirm the interceptor and outfall pipe sizes. The latest GIS site aerials, existing utility information, topography and land boundary information will be used in the analysis. Results from the evaluations will be presented to the City in a letter report.

Task 5 – Design

Task No. 5.1 – 90% Complete Design Submittal

The Engineer will complete the following activities resulting in the submittal and subsequent City review of the 90% design documents:

Submit two full size (22" x 34") and two half size (11" x 17") sets of the 90% complete design contract drawings and four sets of specifications based upon the stormwater

analysis report. The complete 90% design documents will be furnished electronically in Adobe (PDF) format on a CD-rom.

Attend a 90% design review meeting to receive the City comments. Engineer will prepare a meeting summary for distribution to the meeting attendees and identify a list of the action items to be completed prior to the 100% design.

Task No. 5.2 – 100% Complete Design Submittal

The Engineer will complete the following activities resulting in the submittal and subsequent City review of the 100% design documents:

Submit two full size (22" x 34") and two half size (11" x 17") sets of the 100% complete design contract drawings and four sets of specifications based upon comments received from the 90% design review meeting. The complete 100% design contract drawings and specifications will also be furnished electronically in Adobe (PDF) format on a CD-rom.

Task 6 – Permitting Services

Task No. 6.1 – Environmental Resource Permit (ERP)

The Engineer will assist the City in mitigation of the conversation of the wetland to a stormwater treatment pond. The Engineer will meet the appropriate permitting procedures through the St. Johns River Water Management District (SJRWMD) and United States Army Corps of Engineers (USACE). This includes wetland delineation, coordination with the agencies, permit application package development and submittal, and confirmation of overall impact. The costs do not include payment of mitigation fees or permit application fees.

Task No. 6.2 – City of Tavares Right of Way Permit

The Engineer will prepare and submit for a ROW permit. The costs do not include payment of permit application fees.

Task No. 6.3 – Florida Central Railroad

The Engineer will prepare and submit for a Florida Central Railroad permit for the anticipated stormwater crossings. It is assumed that a total of three separate permit applications will be required. The costs do not include payment of permit application fees or Right-of-Way utilization costs.

Task 7 – Bidding Services

- The Engineer will attend and participate in the pre-bid conference, record and prepare written responses for issuance to the bidders.

- Distribution of the bidding documents (drawings and specifications) and addenda to bidders or other interested parties will be the responsibility of the City. The Engineer will provide the City with three (3) full size and four (4) half size bid drawing sets, seven (7) sets of bid specifications and the full bid set in electronic PDF file format on a CD.
- The City will receive and respond to all bidder's request for information (RFI) during the bid period. The Engineer will only respond to those written RFI's on which the City is requesting assistance. The City will then distribute the Engineer's response on these RFI's to all bidders through addenda.
- The Engineer will prepare four (4) full size and six (6) half size (11" X 17") sets of the conformed contract drawings, ten (10) sets of specifications and two (2) CDs with the conformed contract documents for distribution by the City. The City will provide the Contractor with two (2) full size and two (2) half size of conformed drawings and specifications and one (1) CD of the conformed contract documents in PDF format. The City will be responsible for distribution of the conformed contract documents.
- The Engineer will review and develop bid tabulation from the bid packages provided from the prospective bidders. The Engineer will review the bid packages and produce a letter of recommendation for award to the apparent lowest and responsive bidder to the City.

Task 8 – FDEP SRF Funding Support

Engineer will provide funding support that will include coordination with FDEP SRF, preparing necessary documentation to proceed with funding request. Complete application package with supporting documentation and responding to requests for additional information (RAI). The level of effort assumes that the Engineer will respond up to two RAIs associated with this Task.

Schedule

The Engineer will commence with this scope of work upon written execution of this Work Authorization by the City, which will constitute the Notice to Proceed (NTP). Project kickoff activities will commence with the notice to proceed, followed by design and permitting. Due to the uncertainty with the mitigation permitting procedures the project design schedule is anticipated to be completed between three and four months, and permitting to be completed three to six months after submitted. The funding application will be submitted to FDEP SRF once design and mitigation permitting is complete.

Bidding is anticipated to be completed three months after approval of the FDEP SRF funding.

Fee

The fee for the Scope of Work described above not to exceed **\$305,736.00**, as detailed in Attachment A. Work will be invoiced based upon the progress of work performed.

Execution

This Work Authorization for the Downtown CRA AREA A SWTI shall be executed upon signed approval and acceptance below:

APPROVED BY:

CITY OF TAVARES

Signature

Date

Printed Name

Title

ACCEPTED BY:

MALCOLM PIRNIE, INC.

Signature

Date

Printed Name

Title

ATTACHMENT A

City of Tavares
DOWNTOWN COMMUNITY REDEVELOPMENT AREA
AREA A STORMWATER TREATMENT IMPROVEMENTS
 Attachment A

Engineering Services Fee Estimate

Task No.	Task Description	Project Officer	Associate Engineer	Senior Project Engineer	Project Design Engineer	Senior Technician / CADD	Clerical	Total hrs	Total Labor	Expenses	Total Labor Plus Expenses
1	Task 1 - Program Management	12	120	0	0	0	20	152	\$25,548.00	\$300.00	\$25,848.00
1.1	PM, Coordination, Scheduling and Invoices	12	120	0	0		20				
2	Task 2 - Meetings	0	12	24	12	0	0	48	\$7,212.00	\$75.00	\$7,287.00
2.1	Three Meetings		12	24	12						
3	Task 3 - Kickoff Activities	0	7	18	32	5	3	65	\$6,689.00	\$100.00	\$6,789.00
3.1	Kickoff Meetings		4	8	8				\$2,900.00		
3.2	Site Visit		4	4	4				\$1,092.00		
3.3	Survey		1	2	8	2	1		\$1,771.00		
3.4	Environmental Assessment		1	2	8	2	1		\$1,771.00		
3.5	Geotechnical Assessment		1	2	4	1	1		\$1,155.00		
4	Task 4 - Stormwater Analysis	0	2	4	2	0	0	8	\$1,202.00	\$20.00	\$1,222.00
4.1	Stormwater Letter Report Review		2	4	2						
5	Task 5 - Design Services	8	40	150	40	180	60	478	\$61,742.00	\$1,700.00	\$63,442.00
5.1	90% Design	4	30	100	30	100	40		\$39,446.00		
5.2	100% Design	4	10	50	10	80	20		\$22,296.00		
6	Task 6 - Permitting Services	4	33	82	52	34	14	219	\$30,497.00	\$350.00	\$30,847.00
6.1	ERP	4	24	40	24	16	8		\$16,624.00		
6.2	ROW		1	2	8	2	2		\$1,833.00		
6.3	RR		8	40	20	16	4		\$12,040.00		
7	Task 7 - Bidding Services	6	19	32	84	34	22	197	\$26,493.00	\$1,000.00	\$26,493.00
7.1	Pre-Bid Meeting and Preparation of Minutes of Meetings	4	4	6	12	2	2		\$4,438.00		
7.2	Preparation and Submittal of Bid Documents		2	4	8	8	2		\$3,030.00		
7.3	Assistance to City with Bidders RFI		4	8	24	8	8		\$6,340.00		
7.4	Confirmed Document Preparation	1	1	2	16		2		\$2,829.00		
7.5	Bid Review and Recommendation	1	8	12	24	16	8		\$8,856.00		
8	Task 8 - SRF Funding Services	4	8	16	40	8	8	84	\$11,208.00	\$500.00	\$11,708.00
8.1	Prepare and Submit for SRF Funding	4	8	16	40	8	8		\$11,208.00		
	SUBTOTAL	34	241	326	262	261	127	1251	\$171,691.00	\$4,045.00	\$175,736.00
	Subconsultant Design, Permitting and Bidding								\$130,000.00		\$130,000.00
1	Griffey Engineering								\$50,000.00		
2	Southeastern Survey								\$40,000.00		
3	Andreyev								\$10,000.00		
4	Kleinfelder								\$30,000.00		
	SUBTOTAL								\$130,000.00		\$130,000.00
	TOTAL (Task, Expenses and Subconsultants)								\$301,691.00	\$4,045.00	\$305,736.00

**AGENDA SUMMARY
TAVARES CITY COUNCIL
OCTOBER 17, 2012**

AGENDA TAB NO.20

**SUBJECT TITLE: Interlocal Agreement with Lake County for Traffic Sign
Maintenance and Emergency Repairs**

OBJECTIVE:

To present to Council a proposed, Interlocal Agreement that transfers traffic sign maintenance and emergency sign repair to Lake County for an agreed fee.

SUMMARY:

Presently, our city's Public Works Department maintains and performs emergency repairs on the city traffic signs. Recent updates to FDOT Standards for signage requires that traffic signs must have a specified reflectivity characteristic to enable clear, night visibility. Our Public Works Department has begun to take steps towards compliance, but the magnitude of this task will be a major project for this small department that has many other responsibilities.

Lake County operates its own sign shop and is well equipped to inspect, assess, record, maintain and even fabricate traffic signs. Their sign facility has the capacity to perform these services for both unincorporated Lake County and also for cities within the county. The City of Clermont has satisfactorily used this County service for over a year and other Lake municipalities are presently considering this offer.

In summary, under the proposed Interlocal Agreement, the County will inspect, inventory, evaluate and maintain the city's traffic signs for \$10.08 per assembly per year. A rough estimate, that will be confirmed when the County completes the initial inventory inspections, is that the city has approximately 800 sign assemblies so the city's annual cost will be about \$8,000 per year. Material costs will be charged in addition and will be set at the County's bulk cost. The city has a stockpile of new signs which the County will use first, thus reducing our material costs. The County has also agreed, if within their capability, to fabricate other signs at their cost if requested by the city.

The proposed interlocal is virtually identical to that executed with Clermont. It is staff's opinion that utilizing the County's established sign resources will allow our city to both readily comply with required standards at a reduced cost and permit our limited staff to focus on other more pressing and local issues.

OPTIONS:

1. That City Council moves to approve the proposed Interlocal Agreement with Lake County for traffic sign maintenance and emergency repair.
2. That City Council denies the proposed Interlocal Agreement.

STAFF RECOMMENDATION:

That City Council moves to approve the proposed Interlocal Agreement with Lake County for traffic sign maintenance and repair.

FISCAL IMPACT:

\$20,000 has been budgeted within the General Services Budget for Sign Maintenance and Materials. Appropriations from this line item will be used for this agreement.

General Services Sign Materials 001-4101-541.52-59 - \$20,000

LEGAL SUFFICIENCY:

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

INTERLOCAL AGREEMENT

BETWEEN

THE CITY OF TAVARES, FLORIDA

AND

LAKE COUNTY, FLORIDA

FOR TRAFFIC SIGN MAINTENANCE AND EMERGENCY REPAIRS

THIS AGREEMENT is made and entered into by and between the City of Tavares, Florida, a municipal corporation organized under the laws of Florida, hereinafter referred to as “CITY”, and Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY”.

RECITALS

WHEREAS, the COUNTY and the CITY are authorized to enter into this Agreement by Sections 125.01 and 125.0101, Florida Statutes, which permit the COUNTY to enter into agreements with other governmental agencies for the performance of governmental functions by one unit on behalf of the other, and to enter into contracts to provide services to municipalities; and

WHEREAS, Section 163.01, Florida Statutes, entitled the “Florida Interlocal Cooperation Act of 1969”, authorizes public agencies to enter into agreements to make the most efficient use of their powers, and enables them to cooperate with other localities in order to provide services and facilities; and

WHEREAS, the COUNTY operates its own sign shop and has staff who inspect and maintain traffic signs;

WHEREAS, traffic signs need to be inspected regularly and repaired and replaced when necessary, and it is in the best interests of both the COUNTY and the CITY to develop a coordinated program for the inventory and assessment of traffic signs to facilitate the CITY’s compliance with the Manual on Uniform Traffic Control Devices, and to promote the safe and efficient flow of traffic in and about Lake County;

NOW, THEREFORE, in consideration of the foregoing recitals, promises and mutual covenants contained herein, the parties hereto agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.
2. **Purpose.** The purpose of this Agreement is for CITY to obtain traffic and street sign inspection, assessment and maintenance services for all traffic and street signs on CITY-maintained streets from the COUNTY, and for CITY to secure COUNTY's on-call services for emergency and non-emergency repair work to stop and yield signs.
3. **Definitions.** As used in this Agreement:
 - A. "Deficient Sign" means a sign that does not meet the minimum retroreflectivity requirement, or a sign that is missing, damaged or vandalized.
 - B. "Deficient Sign Assembly" means that the support post holding a sign or signs is damaged and must be reinstalled or replaced, or that one or more of the signs on the support post do not meet the minimum retroreflectivity requirement, or that one or more of the signs on the support post are missing, damaged or vandalized.
 - C. "Emergency Repair" generally means work required to remedy any condition that impairs the functionality and/or visibility of a "stop" or "yield" sign, and specifically means work performed under the accelerated time frame described in Section 4.C. of this Agreement.
 - D. "Sign Assembly" means a support post and all signs attached to that post.
 - E. "Street Name Sign" means a sign indicating the name of a street, as opposed to a traffic or directional sign.
 - F. "Traffic Sign" means a sign that controls traffic and that is referenced in the Manual on Traffic Control Devices (MUTCD) and the Florida Department of Transportation (FDOT) Design Standards manual. Wayfinding signs are also included in this definition. Non-standard signs not referenced within or recommended by the MUTCD or FDOT Design Standards, including but not limited to decorative signs, novelty signs such as 'Slow - Children at Play', 'Deaf Child Area', 'Blind Child Area', and advertising signs, shall not be considered

Traffic Signs for purposes of this Agreement. The following signs are also excluded from this definition and from this Agreement: "No Parking" signs, parking lot signs, and trail signs.

4. **COUNTY Obligations.** COUNTY agrees as follows:

- A. **Inspection, Inventory and Initial Repair or Replacement Phase.** COUNTY shall inspect and inventory all Traffic Signs on CITY-maintained streets. During the initial inspection and inventory, should COUNTY find a Deficient Traffic Sign, COUNTY shall repair or replace it. COUNTY shall prepare and maintain a sign inventory for CITY with the information contained in **Exhibit "A"**, attached hereto and incorporated herein by reference. It is anticipated that the inspection, inventory, and initial repair or replacement phase will take approximately twelve (12) months.
- B. **Maintenance Phase.** During or after the inspection, inventory and initial repair or replacement phase, COUNTY shall continue to maintain all of the Traffic Signs in the inventory. Each sign in the inventory shall be inspected at least once every twelve (12) months. COUNTY shall repair or replace any Traffic Sign which becomes deficient for any reason upon becoming aware of such deficiency, whether observed through inspection or upon being notified by CITY. Unless an emergency described in Section 4.C. below exists, such repair or replacement shall take place within seven (7) days from COUNTY becoming aware of the need for repair or replacement. COUNTY shall maintain and update the inventory by adding any new signs or deleting any signs no longer within the CITY's jurisdiction.
- C. **On-Call Emergency Repair for Stop and Yield Signs.** COUNTY shall provide CITY a twenty-four (24) hour point of contact, to include name and phone number, who may be contacted by CITY at any time for Emergency Repair to "stop" and "yield" signs. COUNTY shall respond to emergency calls within a maximum of three (3) hours, with response time within one (1) hour by phone to

the CITY designated representative and with COUNTY staff on-site within two (2) hours after telephone contact, except when compliance with any government law or regulation, acts of nature, fires, strikes, national disasters, wars, riots, transportation problems and/or any other cause whatsoever beyond the reasonable control of the COUNTY renders such timely performance impossible. In such case, COUNTY shall respond to such emergency call as soon as possible.

- D. MUTCD Compliance and Standards.** All work performed by the COUNTY shall be performed in accordance with the most current MUTCD manual, and in compliance with standards promulgated by the State Department of Transportation and the Florida Statutes.
- E. Qualified Employees.** The COUNTY shall provide qualified employees and materials to perform all tasks and work under this Agreement.
- F. COUNTY Charges for Service.** For the services to be provided pursuant to this Agreement, COUNTY shall be paid the following amounts:

 - (i)* There shall be a charge for labor calculated at the rate of Ten Dollars and 08/100 (\$10.08) per Traffic Sign Assembly per year. COUNTY shall only be paid for Traffic Sign Assemblies within the current inventory. During the first twelve (12) months of this Agreement, the COUNTY shall bill the CITY on a monthly basis for labor at the rate of eighty four cents (\$0.84) per Sign Assembly listed in the current inventory. After the initial twelve months, the COUNTY shall then bill the CITY, in advance, on an annual basis, at the same rate as stated herein. As signs are added to the inventory during the yearly term, the COUNTY shall bill the CITY on a pro-rated basis for the remainder of the contract year in which the sign was added. The COUNTY shall provide a prorated refund for any signs that are deleted from the inventory.
 - (ii)* There shall be a charge for the actual cost to COUNTY for all materials needed for repair or replacement of Traffic Signs; provided, however,

there shall be no charge for city supplied sign materials for replacements or new signs. COUNTY shall bill CITY monthly for such materials and shall provide a detailed invoice to CITY for such costs.

- (iii) There will not be any other charges to CITY for labor or emergency call labor.
- (iv) If the CITY requests the COUNTY to fabricate street name signs, the COUNTY shall charge the rates identified in Exhibit A.

G. Return of Removed or Replaced Signs. COUNTY shall promptly return to CITY any Traffic Signs, regardless of their condition, it removes and replaces.

5. CITY'S Obligations.

- A. Payment.** The CITY agrees to promptly review all invoices transmitted by the COUNTY and to remit payment within thirty (30) days of receipt.
- B. Changes to Inventory.** The CITY shall provide the COUNTY with information regarding the installation of new signs, removal of existing signs, or removal of existing signs from the CITY's jurisdiction, during the period of this Agreement.
- C. Additional Costs to CITY.** The CITY acknowledges that the COUNTY is using its own, existing equipment, software and database for purposes of creating and maintaining the inventory contemplated herein. The CITY agrees that if the CITY wants its own digital copy of the database at any point during the term of this Agreement, the CITY will obtain the necessary software at its sole cost. COUNTY agrees to provide paper copies to CITY upon request if CITY so desires, with CITY paying the copy costs for such work.

6. Term of Agreement. This Agreement shall become effective on October 1, 2012 and shall remain in full force until terminated by either party pursuant to the provisions below:

- A. Written Notice of Termination:** Either party may terminate this Agreement

without cause by providing written notice to the other one hundred and eighty (180) days prior to termination.

- B. General Termination Terms:** Notice of termination shall be sent to the addresses shown below, and shall be considered properly given as of the date received. However, notice of termination, regardless of the party initiating, shall not relieve the CITY of its obligation to fully compensate the COUNTY for all services rendered by the COUNTY up to and including the date of termination of the Agreement. Upon termination of the Agreement by either party, COUNTY shall transmit to CITY a paper printout of the inventory of Traffic Signs and paper printouts of all associated data with printing or copy costs paid for by CITY, unless the CITY has obtained its own software and database capabilities pursuant to Section 5.C. of this Agreement, in which case the COUNTY shall transmit to CITY the electronic data itself at no cost to CITY.
7. **Assignment.** No assignment or other transfer of the COUNTY responsibilities under this Agreement shall be made or granted by COUNTY without the express, prior, and written consent of the CITY, and without amending or terminating this Agreement, as necessary.
8. **Notices.** Wherever provision is made in this Agreement for the giving, serving or delivering of any notice, statement, or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail or sent by facsimile, addressed as follows:

COUNTY

Darren Gray, County Manager
315 West Main Street, Suite 308
Post Office Box 7800
Tavares, Florida 32778-7800

With a copy to:

Jim Stivender
Director, of Public Works
P.O. Box 7800
Tavares, FL 32778-7800

CITY

John Drury, City Manager
201 East Main Street
Tavares, Florida 32778

With a copy to:

Chris Thompson, Director
Department of Public Works
100 N. Disston Avenue
Tavares, Florida 32778

and

Fred Schneider, County Engineer
Lake County Engineering Division
P.O. Box 7800
Tavares, FL 32778-7800

9. **Entire Agreement.** This document embodies the entire agreement between the parties. It may not be modified or terminated except as provided herein.
10. **Severability.** If any provision of this Agreement is found by a court of competent jurisdiction to be invalid, it shall be considered deleted here from, and shall not invalidate the remaining provisions.
11. **Modification.** No modification, amendment or alternation of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

IN WITNESS HERETO, the parties to this Agreement, by their signatures, have caused this Agreement and all its parts to be fully executed this ____ day of _____, 2012.

COUNTY

ATTEST:

LAKE COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

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

Leslie Campione
Chairman

This ____ day of _____, 2012

Approved as to form and legality:

Sanford A. Minkoff, County Attorney

Agreement between Lake County and the City of Tavares for Traffic Sign Maintenance and Emergency Repairs

ATTEST:

CITY

CITY OF TAVARES

City Clerk

Robert Wolfe, Mayor

This ____ day of _____, 2012

Approved as to form and legality:

Bob Williams, City Attorney

EXHIBIT "A"
Scope of Services

Sign Inventory Includes:

Field Work:

- Record sign information
 - Record location, road ahead, road back, travel direction, side of the road
 - Record setback and height
 - Record sign legend
 - Record sign size
 - Record sign sheeting material
 - Record post type and size
 - Assign and attached support number
 - Assign sign ID
 - Record sign retroreflectivity reading
 - Take Picture
 - Assess condition, assess compliance with MUTCD and make repairs or replacements.

Street Name Sign Fabrication Pricing:

Size: 9' x 24", 30", 36", 42", 48", or 54"
Type: Two signs single faced back to back will be considered one street name sign
Number: Usually two street name signs per location

Pricing: County supplied blanks

24"	\$20.70
30"	\$22.74
36"	\$24.56
42"	\$26.48
48"	\$28.40
54"	\$30.34

City supplied blanks

24"	\$15.60
30"	\$16.26
36"	\$16.90
42"	\$17.56
48"	\$18.20
54"	\$18.86

Complete Street Name Sign Assembly (County supplied):

Including sign fabrication, post, associated hardware

Pricing: Sign materials cost

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO: 21

SUBJECT TITLE: Request Council's consideration to modify procedures for Utility Account Liens

OBJECTIVE:

To seek Council's consideration to change the Utility Lien procedures contained in the Administrative Procedures for "Notification and Liening Process for Code Enforcement Violations & Nonpayment of Utility Fees"

SUMMARY:

On April 18, 2012, the City Council approved a policy for notification and liening of City properties for code enforcement violations and for uncollectable delinquent utility accounts.

The policy requires that all notifications for liens be personally served if notification by certified letter fails and the policy also requires the property owner to be personally served if the signing signature from notification by certified letter is not recognized.

Utility Accounts are evaluated on a monthly basis to determine which accounts are candidates for the lien process. The City bills and collects from more than 6500 utility accounts on a monthly basis, thus the potential volume for collections and liens for delinquent accounts will generally be much greater than for City code violations.

After the adoption of the policy, staff implemented lien processing within the provisions of the policy, but due to the unique nature and volume related to billing and collecting utility charges, it has come to staff's attention that in many cases it is difficult to serve notice by certified letter or through the process server process. The cost to provide notice via personally serving notice can be costly when customers are located out of state, out of town, out of country, or deceased. Increased cases for bankruptcies and foreclosures have intensified this issue.

After review of the policy as it relates to utility accounts with the City Attorney, staff requests Council's consideration to modify the policy by removing the requirement for "personally serving" for utility account liens. Code Enforcement procedures would remain unchanged.

A copy of the current policy with the proposed deleted section stricken through is attached.

OPTIONS:

1. Approve change to the "Notification and Liening Process for Code Enforcement Violations & Nonpayment of Utility Fees" by removing the requirement to "personally serve the property owner" when notification by certified letter is returned unclaimed, or the signature of receipt for a certified letter does not match the property owner.

2. Do not approve a change to the "Notification and Liening Process for Code Enforcement Violations & Nonpayment of Utility Fees".

STAFF RECOMMENDATION:

Approve change to the "Notification and Liening Process for Code Enforcement Violations & Nonpayment of Utility Fees" by removing the requirement to "personally serve the property owner when notification by certified letter is returned unclaimed, or the signature of receipt for a certified letter does not match the property owner.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: Legally Sufficient.

CITY OF TAVARES – ADMINISTRATION POLICY/PROCEDURE

TITLE: NOTIFICATION AND
LIENING PROCESS FOR
CODE ENFORCEMENT
VIOLATIONS & NONPAYMENT
OF UTILITY FEES

EFFECTIVE DATE: APRIL 18, 2012

SUPERCEDES:

ADMINISTRATION POLICY #18

PAGE 1 OF 3

AUTHORIZED BY:

JOHN H. DRURY, CITY ADMINISTRATOR

REVIEWED FOR LEGAL SUFFICIENCY: ROBERT Q. WILLIAMS, CITY ATTORNEY

CODE ENFORCEMENT POLICY

ALL CASES (OLD AND NEW)

1. Only those properties that are not homesteaded and only those properties that do not have significant mortgages shall be referred to Council for approval to foreclose on. "Significant" shall be defined as a mortgage that in all likelihood will not result in the city recouping its cost for pursuing a foreclosure as determined by the City Attorney.

NEW CASES (after April 18, 2012):

1. All properties that are in code violation shall be notified by certified mail on the first notice. If the notice comes back unclaimed or if the signature of the claimant does not match the registered property owner, then the city shall personally serve the property owner.
2. Properties that have liens placed upon them and are in complete compliance with city ordinances will not be subject to the foreclosure process.

OLD CASES (Those subject to forfeiture):

1. Properties whose owners have never signed for a Certified Letter regarding a code enforcement case against their property shall be personally served by a police officer or a process server a letter stating that they have a code enforcement case as well as the particulars regarding the case and that if they can provide a sworn affidavit that they did not know anything about the

code violation and that the violation has been cured. Upon that any and all pending city action will be negated including the removal of liens and fines if they exist. The property owner will have thirty (30) days to respond to the letter from date of service.

PROCEDURE FOR NOTIFICATION OF CODE ENFORCEMENT VIOLATIONS

1. The Notice of Violation is sent to the property owner by first class regular mail and by certified mail to the address of record on file with the Lake County Tax Collector for that property.
2. If the notice comes back unclaimed or if the signature of the claimant does not match the property owner of record, then the city shall personally serve the property owner.
3. If the code violation is not fixed within the time frame allowed by F.S. 162 (10 days for normal code violations) then a second first class letter and a certified letter is sent to the property owner's address of record notifying the property owner that a hearing before a magistrate has been set. In addition the notice is placed at City Hall and a copy is placed at the property.
4. After the hearing, a third first class letter and certified letter is sent to the address of record notifying the property owner of any fines and/or conditions imposed by the Special Magistrate.
5. If the fine is not paid, after six months a lien may be placed on the property for the accrued fine amount

PROCEDURE FOR NOTIFICATION AND LIENING FOR NONPAYMENT OF UTILITIES

1. The Final Notice of Unpaid Utilities will be will be sent to the property owner by regular mail and by certified mail at his or her address of record on file with the Lake County Tax Collector.
- ~~2. If the notice comes back unclaimed or if the signature of the claimant does not match the registered property owner (for residential properties), then the city shall personally serve the property owner.~~
2. If the utility account delinquent balance (greater than 90 days overdue) is not paid within the time frame (10 days), *and* the property owner has been appropriately notified by Certified Mail, a lien may be placed on the property by the Finance Director for the City. The lien amount will be for all delinquent utility charges, penalties and fees. "Delinquent" means the portion of the account balance overdue for 90 days or more.

3. The lien will come into effect 31 days after notice signed by the Finance Director unless the account delinquent amount is paid in full.

This policy was approved by City Council on April 18, 2012

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: October 17, 2012**

AGENDA TAB NO. 22

SUBJECT TITLE: Removal of Contaminated Soil from Captain Haynes Road Site

OBJECTIVE:

To seek Council's approval to spend approximately \$10,785 for the removal of the contaminated overburden (soil) stemming from the discovery of a buried fuel tank while constructing Captain Haynes Road

SUMMARY:

During the construction of Captain Haynes Road, a buried fuel tank was discovered. A Tank Closure Report and a Site Assessment Report were submitted on the city's behalf by Andreyev Engineering, Inc., on February and April of 2007 to the Florida Department of Environmental Protection.

Nearly 3 years later (May 20, 2011), a certified letter was received by the City of Tavares stating additional assessment tasks were required pursuant to Rule 62-770.60 before the Site Assessment Report can be considered complete. The City complied with this DEP request by contracting with Andreyev Engineering to perform the required monitoring, testing and proper submittals. This quarterly report on the required sample testing is still ongoing. It takes 2 consecutive quarter reports indicating acceptable levels of contamination for compliance. To date, levels from the 6 monitoring wells have receded in most cases to acceptable levels, however there still remains some contamination levels that remain above acceptable levels and are actually increasing slightly.

Attached is the recommended course of action and cost proposed by Andreyev Engineering. Essentially, it is removing and transporting the contaminated overburden to an off-site facility for proper disposal, replacement with clean soil and reinstallation of the monitor well that has to be taken out for the soil removal. Andreyev Engineering is holding off their response to the DEP until the City makes a decision on the overburden removal option. Ray Billings (Andreyev Engineering) stated that the DEP usually wants a proactive solution if the monitored results do not show signs of continued improvement. The quote for this work is \$10,785. Andreyev Engineering feels this course of action is probably necessary and will probably be cost effective in the long run. Staff's concurs with trying this opinion. The 2012-2013 budget includes the quarterly monitoring expense but this option was not yet proposed.

OPTIONS:

- 1) Move to approve \$10,785 for the contaminated overburden (soil) removal option proposed by Andreyev Engineering and authorize reserve appropriations for the work.
- 2) Do not approve \$10,785 for the of the contaminated overburden (soil) removal option proposed by Andreyev Engineering

STAFF RECOMMENDATION:

- 1) Move to approve \$10,785 for the contaminated overburden (soil) removal option proposed by Andreyev Engineering

FISCAL IMPACT:

There is \$7698 anticipated from savings realized on the new cleaning contract; the difference (\$3,087) would come from General Fund Reserves.

The Government Financial Officers' Association recommends that at a minimum, general-purpose local governments, regardless of size, maintain unreserved fund balances for the General Fund of an amount between 5 and 20 percent of the fund's operating budget. It is further recommended that small cities maintain reserve levels at the mid or higher range.

Estimated unreserved fund balance as of September 30, 2012 is estimated at \$1,313,087 or 10.4%.

Legal Sufficiency:

City Attorney Robert Q. Williams has reviewed this for legal sufficiency.



September 27, 2012

TO: CITY OF TAVARES
201 East Main Street
Tavares, Florida 32778

ATTENTION: Mr. Chris Thompson

SUBJECT: Proposal for Interim Source Removal
Woodlea Road Property
North of Woodlea Road and West of Captain Haynes Road
Tavares, Lake County, Florida

Dear Mr. Thompson:

Andreyev Engineering Inc. (AEI) has completed this proposal to complete an Interim Source Removal for the subject site, in accordance with Chapter 62-770.300, FAC. The Interim Source Removal will consist of removal of impacted soil from the zone of water table fluctuation (smear zone), which is estimated to be from 9 feet to 13 feet below land surface. The recommended area to be excavated is approximately 12 feet wide and 15 feet long. The estimated volume of impacted soil to be removed is approximately 38 tons, which will be transported to an off-site facility for proper disposal. The clean overburden soil from 0 to 9 feet will be used for backfill and any groundwater in the excavation will be removed with a vacuum truck prior to backfilling. Following the soil removal activities, MW-1 will be re-installed in its current location. To determine the effectiveness of the source removal, MW-1 will be sampled for EPA Methods 8260B, 8270D (PAHs) and TRPH parameters.

Following the completion of the work described above, in accordance with Chapter 62-770(5), FAC, a Source Removal Report will then be prepared summarizing the results of the activities and recommendations will be provided based on the source removal results. The following are the estimated costs to complete the Interim Source Removal:

ESTIMATED COSTS

Soil Removal and Disposal Services

1.	Mobilize, Excavate, and Load Impacted Soil	\$2,800.00
2.	Transport and Dispose of Impacted Soil 38 tons @ \$60.00/ton	\$2,280.00
3.	Backfill and Placement 30 yards @ \$15.00/yard	\$450.00
4.	Removal of Groundwater from Excavation 200 gallons @ \$1.20/gallon	<u>\$240.00</u>
	Subtotal Soil Removal Services	\$5,770.00

Field Services

1.	Environmental Technician 16 hours @ \$50.00/hr	\$800.00
2.	Field Geologist 6 hours @ \$75.00/hr	\$450.00
3.	Organic Vapor Analyzer	<u>\$125.00</u>
	Subtotal Field Services	\$1,375.00

Drilling Services

1.	Mobilization of Drill Rig	\$300.00
2.	Installation of Shallow Monitoring Well to 19 feet	\$575.00
3.	Flush Mount Cover and Concrete Pad	\$250.00
4.	Decontamination of Equipment	<u>\$125.00</u>
	Subtotal Drilling Services	\$1,250.00

Laboratory Services

1.	Pre-Disposal Soil Sample for EPA Methods 8260B, 8310D (PAHs), TRPH, 4 RCRA Metals 1 @ \$500.00/ea	\$500.00
2.	Groundwater Samples from Re-Installed MW-1 for EPA Methods 8260B, 8310D (PAHs) and TRPH 1 @ \$450.00	<u>\$450.00</u>
	Subtotal Laboratory Services	\$950.00

Professional Services

1.	Professional Geologist 3 hours @ \$110.00/hr	\$330.00
2.	Project Manager 12 hours @ \$85.00/hr	\$1,020.00
3.	CADD and Secretarial Services 2 hours @ \$45.00/hr	<u>\$90.00</u>
	Subtotal Professional Services	\$1,440.00
	TOTAL ESTIMATED COST	\$10,785.00

If the estimated volume of soil to be removed exceeds the proposed amount, the City of Tavares will be notified prior to removal and will be billed at the specified unit rates. AEI is prepared to implement the above activities within 20 working days of authorization. AEI appreciates the opportunity to provide our services on this project and if you have any questions, please do not hesitate to contact me at (407) 330-7763.

Sincerely,

ANDREYEV ENGINEERING, INC.



Raymond C. Billings
Senior Project Manager

ACCEPTED BY:

Print Name

Signature

DATE:

Conditions of Acceptance: The above proposal is acceptable. This proposal constitutes a binding contract between AEI and the client. It is agreed by the client and AEI that there are no additional terms, conditions, or agreements with respect to the project, other than the items referenced in the proposal. Payment terms are "**net thirty days**", and for past due invoices, interest shall be accrued at a rate of 1.5 % per month. Client also agrees to reimburse AEI for reasonable attorney fees, in the event that payment is not submitted to AEI for services rendered. In addition, if payment is not received for the services conducted by AEI, the information contained in the report shall remain the property of AEI until payment is received. AEI also reserves the right to request that the client return all report copies, in the event of non-payment.



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

May 20, 2011

BY CERTIFIED MAIL

91 7108 2133 3939 1819 3456

Chris Thompson
City of Tavares
201 East Main Street
Tavares, Florida 32778

OCD-TK-11-0256

Lake County – Storage Tanks/Petroleum Cleanup
Woodlea Road Property
East of 2770 Woodlea Road
Tavares, Florida
Facility ID# 9808944
Discharge date: February 12, 2007 (Non-Program)
Tank Closure Assessment and Site Assessment Report Review

Dear Mr. Thompson:

John Vargo, P.G., Petroleum Cleanup Section 5 of the Bureau of Petroleum Storage Systems (BPSS), has reviewed the February 12, 2007 Tank Closure Report and the April 16, 2007 Site Assessment Report that was submitted on your behalf by Andreyev Engineering, Inc., for the Former Woodlea Road Property located North of Woodlea Road, Tavares, Lake County, Florida. Based on Mr. Vargo's review, additional assessment tasks need to be performed pursuant to Rule 62-770.600, Florida Administrative Code (F. A. C.), before the Site Assessment Report can be considered complete. The items in Mr. Vargo's memorandum must be address in a Site Assessment Report Addendum (SARA).

In addition to the items in Mr. Vargo's Comments 3 and 4, please provide the address of the site and the latitude and longitude where the tank was located.

We anticipate receiving a SARA within 60 days of receipt of this letter or by July 22, 2011. Please submit one (1) hard copy of the report and an electronic copy by e-mail, CD, or DVD. Please verify that the electronic submittal is complete and accurate prior to its submittal. The electronic submittal will be considered the official submittal and will be inserted into OCULUS, the Department's electronic document management system.

In order for the Department to provide better service in the future, please provide us with your e-mail address.

Please notify G. Bud Martin in the Central District by telephone at (407) 893-3321 or by e-mail at George.martin@dep.state.fl.us at least seven (7) days prior to the scheduled field activities.

If you have any questions concerning the review of the April 16, 2007 Site Assessment Report and the February 12, 2007 Tank Closure Report, you may contact John Vargo, P.G., by telephone at (850) 222-6446, (Extension 248) or by e-mail at jvargo@wrscompass.com.

Sincerely,



G. Bud Martin
Environmental Specialist III
Storage Tanks/Petroleum Cleanup

GBL/gbl/gbm

Attachment: March 22, 2011 BPSS Memorandum

c: John Vargo, C.P.G., P.G., BPSS jvargo@wrscompass.com
Brad Hayes, City of Tavares, bhayes@tavres.org

Florida Department of
Environmental Protection

Memorandum

TO: G. Bud Martin
Florida Department of Environmental Protection – Central District
3319 Maguire Blvd., Suite 232, Orlando, Florida 32803-3767

THROUGH: *MS* Michael Bland, P.G.
Bureau of Petroleum Storage Systems
Petroleum Cleanup Section 4
Mail Station 4580

FROM: *JSV* John S. Vargo, C.P.G., P.G.
Bureau of Petroleum Storage Systems
WRS Petroleum Cleanup Section 5
Mail Station 4585

DATE: March 22, 2011

SUBJECT: Request for Review of Site Assessment Report
Review Comments #1
Site Assessment Report
Former Woodlea Road Property
North of Woodlea Road (DRF#1: 2/12/2007)
Tavares, Lake County, Florida
DEP Facility ID #35-9808944

As requested by the Central District, I have reviewed the Site Assessment Report (SAR) dated April 16, 2007, (received by the Central District in Orlando on April 18, 2007, and by the Bureau of Petroleum Storage Systems in Tallahassee on March 15, 2011). Review of the SAR was assigned to Petroleum Cleanup Section 5 (PCS5) on March 16, 2011. Andreyev Engineering, Inc. (AEI) prepared the SAR as authorized by City of Tavares.

The referenced documents correspond to: (1) Tank Closure Assessment (TCAR) dated February 12, 2007; and, (2) SAR dated April 16, 2007.

Based on my review of the referenced documents, additional assessment tasks need to be performed for completion of a SAR with regard to Discharge #1 dated February 12, 2007. According to Chapter 62-770.600, F.A.C., a SAR may be complete when the following conditions have been addressed:

Recommendations

The following issues should be addressed in a SAR Addendum:

- 1) According to the TCAR dated February 12, 2007, impacted groundwater samples were detected at sampling location TMW-1 situated in the center of the former 550-gallon diesel fuel underground storage tank (UST) area discovered in January 2007. Analysis of groundwater sample TMW-1 collected on January 26, 2007, revealed that concentrations of ethylbenzene, total xylenes, naphthalene, 1-methylnaphthalene, 2-methylnaphthalene, TRPH, isopropylbenzene, 1,2,4-trimethylbenzene (TMB) and/or 1,3,5-TMB were detected at levels exceeding groundwater cleanup target levels (GCTLs) and/or source maximum Natural Attenuation Default (NADC) criteria. Fuel odor was detected during purging of monitoring well TMW-1. Soil contamination was not detected during tank removal activities.
 - a) The horizontal and vertical extent of the groundwater contaminant plume is undefined pursuant to subparagraph 62-770.600(3)(d), F.A.C.
- 2) According to the SAR dated April 16, 2007, analysis of source groundwater sample MW-1 collected on March 21, 2007, revealed that concentrations of ethylbenzene, total xylenes, TRPH, isopropylbenzene, 1,2,4-TMB and/or 1,3,5-TMB were detected at levels exceeding GCTLs and/or source maximum NADC criteria. Petroleum odor was detected in smear soil samples collected during installation of source monitoring well MW-1 from 15 to 19 feet depth. The vertical extent of smear zone soils is undefined below 19 feet depth. Removal of contaminated smear zone soils from nine feet to 25 feet depth was proposed.
 - a) The vertical extent of the groundwater contaminant plume is undefined pursuant to subparagraph 62-770.600(3)(d), F.A.C.
 - i) Groundwater samples should be collected from all monitoring wells MW-1 to MW-6D (30'-35') for analysis by EPA Test Method 8260 (full scan), EPA Test Method 8270 (full scan) and by FL-PRO.
 - ii) Pending groundwater analysis results, installation of a deeper monitoring well to assess the vertical extent of the groundwater contaminant plume including potential smear zone soils, may need to be considered. Soil samples should be collected every two feet down to total depth and field screened with an OVA. Smear zone soil samples may be collected for analysis.
- 3) A USGS topographic map should be presented pursuant to subparagraph 62-770.600(8)(a)2., F.A.C. Please provide.
- 4) A scaled site layout map should be presented that depicts the location of all former USTs, piping, utilities, areas of excavation, and all soil sampling locations (including TCAR data) and monitoring well locations (including TMW-1) *with respect to property boundaries* pursuant to subparagraph 62-770.600(8)(a)4., F.A.C. Please provide.
- 5) The groundwater vertical gradient should be determined pursuant to subparagraph 62-770.600(4)(j), F.A.C. Please provide.

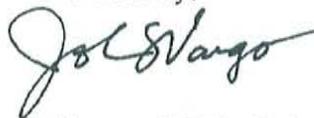
G. Bud Martin
FDEP Facility ID# 35-9808944
March 22, 2011
Page three

- 6) Lithologic Cross Section(s) should be presented including OVA readings, groundwater analysis results and water levels pursuant to subparagraph 62-770.600(8)(a)16, F.A.C. Please provide.
- 7) Groundwater level measurements from all monitoring wells should be collected during each groundwater sampling event, to confirm groundwater flow direction. A contoured groundwater flow map should include all available groundwater elevation data for each event, and should show groundwater flow direction.
- 8) Future groundwater sampling events must conform to the Department's Groundwater Sampling SOP revised March 20, 2008. According to the Department's memorandum dated April 3, 2002, the Department does not recommend use of bailers. The groundwater sampling log was revised on February 12, 2009. Copies of completed groundwater sampling logs (FS 2200/ FD 9000-24) and instrument calibration sheets should be provided for each sampling event. As of May 2, 2005, FDEP-BPSS SOP PCS-005, Groundwater Sampling SOP Variances and Clarifications for BPSS Sites became effective.
- 9) As of May 2, 2005, FDEP-BPSS SOP PCS-006, Design, Installation, and Placement of Monitoring Wells became effective. Future copies of new Soil Boring Logs and Well Construction and Development Logs should be provided.

Pending performance and evaluation of the above recommended assessment tasks, a proposal for a Natural Attenuation Monitoring Plan (NAMP) or a Remedial Action Plan (RAP) with regard to Discharge #1 dated February 12, 2007, may be considered.

If you have any questions, please contact me by telephone at (850) 222-6446, ext. 248.

Sincerely,



John S. Vargo, C.P.G., P.G.
Florida Professional Geologist #521
AIPG Certified Professional Geologist #10373
Petroleum Cleanup Section 5
Bureau of Petroleum Storage Systems
Date March 22, 2011

Email: jvargo@wrscompass.com

**AGENDA SUMMARY
TAVARES CITY COUNCIL
October 17, 2012**

AGENDA TAB NO. 23

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 – November 21, 2012
- Code Enforcement Special Magistrate – October 23, 2012 at 5:00 p.m.
- Golden Triangle Summit – Mt. Dora City Hall – October 22, 2012 at 5:30 p.m.
- Lake County League of Cities – November 9, 2012 – 11:30 a.m.
- Lake Sumter MPO – December 5, 2012 – 2 p.m. – MPO Board Room – 1616 South 14th Street, Leesburg, FL
- Library Board – November 9, 2012 – 8:30 a.m. , Library Conference Room
- Planning & Zoning Board – October 18, 2012 – 3:00 p.m., Council Chambers

OTHER COMMUNITY EVENTS

October – March	<i>Farmers Market Wooton Park 9 am to 1 pm every Friday</i>
October 26-27, 2012 Friday and Saturday	<i>Howl-O-Fest & Trunk or Treat – Downtown Tavares – 5:30 pm – 8:00 pm Pet Parade</i>
October 27, 2012	<i>Monster splash - Seaplane Fly In – Wooton Park 9 am to 3 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 15, 2012 Thursday	<i>Wooton Wonderland – 20 Year Commemoration Celebration 5:30 to 7:30 p.m. At Wooton Wonderland</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>
November 16, 2012	<i>Classic Car Cruise-in on Ruby Street – 5:30 to 9:30 p.m. - Friday</i>
November 16, 2012	<i>Art Opening at City Hall – 5:30 to 7:30 p.m. - Friday</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>

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
October 17, 2012**

AGENDA TAB NO. 24

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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