

**AGENDA
TAVARES CITY COUNCIL**

**DECEMBER 19, 2012
4:00 P.M.**

TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Rick Fountain, First Baptist Church

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

**Tab 1) Minutes of Regular City Council Meeting, November 21, 2012
Minutes of Meeting of December 5, 2012 – Deferred**

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Recognition of Progressive Aerodyne's Seaplane Manufacturing Certification **Mayor Wolfe**

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 3) Approval of African-American Festival in Wooton Park **Tammey Rogers**

Tab 4) Approval of Road Closure for Swearing in of Office Event **Bill Neron**

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 5) Ordinance #2012-42 – Extension of Impact Fees Waiver **Bill Neron**

SECOND READING

Tab 6) Ordinance #2012-38 – Annexation & Rezoning of 6 acres Jacques Skutt
to RMF- 3 - David Walker Rd. & Merry Rd. – Shanti Niketan Project – Phase III

Tab 7) Ordinance #2012-39 – Future Land Use Amendment for Jacques Skutt
6 acres to City High Density – David Walker Rd. & Merry Rd. – Phase III
Shanti Niketan Project

Tab 8) Ordinance #2012-40 – Rezoning of .378 Acres – Single Jacques Skutt
Family to Planned Development – 1305 North Avenue

Tab 9) Ordinance #2012-41 – Future Land Use Amendment Jacques Skutt
.378 Acres – Medium Density – 1305 North Avenue

RESOLUTIONS

X. GENERAL GOVERNMENT

Tab 10) Representation by Council and Staff on Committees John Drury

Tab 11) Approval of Kooser Alleyway Bricking Paving adjacent Chris Thompson
to New Hotel

Tab 12) Request to Approve Work Authorization with Malcolm Brad Hayes
Pirnie for a Planning Assessment on the L.S. #49 (Waterman
Hospital) and the Medical Park Area including Osprey Lodge

Tab 13) Request to Approve Work Authorization Amendment Brad Hayes
with Malcolm Pirnie for Woodlea Road Water Reclamation
Facility Permit Renewal

XI. OLD BUSINESS

XII NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

Tab 14) City Administrator John Drury

Tab 15) Council Reports City Councilmembers

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

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

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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
NOVEMBER 21, 2012
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Greg Watts, Liberty Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. SINE DIE

Mayor Wolfe adjourned the current Council Meeting and asked Mr. Drury to convene the new Council Meeting.

Mr. Drury requested that the City Clerk read the results of the election and referendum.

Ms. Barnett stated that the results of the 2012 election were that Councilmember Pfister, Councilmember Hope and Councilmember Robert Wolfe were re-elected without opposition to a

1 two year term of office until 2014. Councilmember Grenier was also re-elected and chose to take
2 the one year term until 2013.

3
4 Ms. Barnett noted that Councilmember Grenier will be in Seat 4 and the others re-assigned by a
5 random process. She said that the Charter referendum to create seats was approved by the
6 voters 3,076 votes in favor and 3,047 opposed.

7
8 Mr. Drury noted one correction: Councilmember Grenier is assigned Seat 4 and Councilmember
9 Smith is assigned Seat 2.

10
11 Council determined the following seat assignments:

12
13 Robert Wolfe 1
14 Kirby Smith 2
15 Norm Hope 3
16 Bob Grenier 4
17 Lori Pfister 5

18
19 Attorney Williams commented that although the councilmembers now have seat assignments, the
20 election is still held at-large which means that all residents are able to vote for each
21 councilmember. When a candidate declares to run for office they will need to pick a seat to run
22 against.

23
24 **VI. SWEARING IN OF NEW COUNCILMEMBERS**

25
26 Chief Lubins performed the swearing in of the councilmembers.

27
28 **VII – CONVENING OF NEW COUNCIL**

29
30 **VIII. ELECTION OF MAYOR**

31
32 Mr. Drury opened the floor for nominations for Mayor.

33
34 Norman Hope nominated Bob Grenier.

35
36 Kirby Smith nominated Robert Wolfe.

37
38 The nominations were closed. Mr. Drury asked the councilmembers to raise their right hand in
39 favor of the nominations beginning with Councilmember Grenier

40
41 **VOTE ON BOB GRENIER**

42
43 Norman Hope – in favor

44 Bob Grenier – in favor

45
46 **VOTE ON ROBERT WOLFE**

47

1 Lori Pfister – in favor
2 Kirby Smith – in favor
3 Robert Wolfe – in favor

4
5 **Mr. Drury stated that Robert Wolfe has been elected as mayor for 2012-2013.**

6
7 Mr. Drury passed the gavel to Mayor Robert Wolfe.

8
9 **IX. ELECTION OF VICE MAYOR**

10 Mayor Wolfe opened the floor for nominations for Vice Mayor.

11
12
13 Lori Pfister nominated Kirby Smith.
14 Norman Hope nominated Bob Grenier.

15
16 **VOTE ON KIRBY SMITH**

17
18 Lori Pfister voted in favor.
19 Kirby Smith voted in favor
20 Robert Wolfe voted in favor.

21
22 **VOTE ON BOB GRENIER**

23
24 Norman Hope voted in favor.
25 Bob Grenier voted in favor.

26
27 **Mayor Wolfe stated that Kirby Smith has been elected as Vice Mayor for 2012-2013.**

28
29 **X. APPROVAL OF AGENDA**

30
31 Mr. Drury stated staff would like to add Item 23A, Request to Approval a Work Order for Black
32 and Veatch to Secure FDEP Funding for Water and Wastewater Programs.

33
34 **MOTION**

35
36 **Norman Hope moved to approve the agenda with the change submitted, seconded by**
37 **Kirby Smith. The motion carried unanimously 5-0.**

38
39 **XI. APPROVAL OF MINUTES OF OCTOBER 3, 2012 AND OCTOBER 17, 2012 CITY**
40 **COUNCIL MEETINGS**

41
42 **MOTION**

43
44 **Kirby Smith moved to approve the minutes of October 3 and October 17, 2012, seconded**
45 **by Norman Hope. The motion carried unanimously 5-0.**

46
47 **XII. DESIGNATION OF BANK FOR OFFICIAL DEPOSITORY**

1
2 Ms. Houghton stated the purpose of this item is to redesignate BB&T as the official depository
3 bank. She noted BB&T is listed as a state collateralized bank for public funds.
4

5 Mayor noted no council vote is required on this item.
6

7 **XIII. DESIGNATION OF THOSE AUTHORIZED TO SIGN CHECKS**
8

9 Ms. Houghton noted this item redesignates four official signers for all city business which is two
10 elected officials (the Mayor and the Vice Mayor), the City Administrator and the Finance Director.
11 It requires one signature from the elected official and one signature from the staff.
12

13 **MOTION**
14

15 **Lori Pfister moved to approve the Mayor, Vice Mayor, City Administrator, and Finance**
16 **Director, as those authorized to sign checks, seconded by Kirby Smith. The motion carried**
17 **unanimously 5-0.**
18

19 **XIV. SUNSHINE LAW/ETHICS/CCNA UPDATE**
20

21 Attorney Williams said he would be focusing more on the CCNA process and the Florida Gift
22 Statute rather than the Sunshine Law which has been addressed previously.
23

24 **CCNA**
25

26 Attorney Williams said this process is recognized in F.S. 287 and recognizes that certain types of
27 services that the city procures have to be procured through a process called "Consultants
28 Competitive Negotiation Act." It applies to certain professional consultants such as engineers,
29 architects, landscape architects, G.O. techs, and other professions with state certifications. It
30 does not apply to lawyers and some statutes apply to auditors. The process is aimed at looking at
31 the people who are best qualified for the job and ranking them in order of qualifications and
32 experience and then negotiating a price with them. He said the process will be that an RFQ will
33 be sent out, firms will submit their proposals for that service, and then generally a committee of
34 the staff or other people with expertise, will participate in a committee and will rank them in order.
35 Once that ranking is done and approved, then the price is negotiated and if an agreement cannot
36 be met with the top ranking firm, then negotiations are held with the second ranked firm, and so
37 on. The ranking committee can consider the location of the firm, experience with the city in the
38 past, and some firms will have more expertise in one area than another.
39

40 He said the Selection Committee itself is a public meeting. The committee rankings come to
41 Council and generally Council has approved the ranking. He said there have been a couple of
42 instances where Council has not approved the rankings. He said the statute states that the
43 agency is required to rank the firms however it has not been the practice for the City Council itself
44 to do the rankings because of the amount of time it takes and also because generally Council
45 does not have the expertise to rank on technical items. It also takes the Councilmembers out of
46 the politics of making a selection. He said if Council decides to exercise its authority to do the
47 selecting, it would need to go through the entire process. He said Council may want to consider

1 whether to adopt a policy to delegate ranking to staff and committees or not. He noted there are
2 smaller thresholds for smaller jobs.
3

4 Mr. Drury stated he would like to present a policy at the next Council meeting that would call for
5 approval by Council as to whether Council wants to do the CCNA selection process or staff. He
6 said most projects he assumes Council will want staff to handle. He said he would be
7 recommending that this committee goes through the full CCNA process. he said the Committee
8 will see the proposals, review the proposals, and invite the top three firms for an interview,
9 interview the top three firms, negotiate a scope of service with the top ranked firm, negotiate a fee
10 estimate for those scope of services, create a contract, and then come to Council. He said there
11 will be two options: a) accept staff's recommendation for entering into a contract with the # one
12 ranked firm, or b) have Council do the entire process.
13

14 **Gifts**

15
16 Attorney Williams said that Florida has one of the most aggressive gift laws in the United States
17 which grew out of the open government movement. There are restrictions on public officials either
18 receiving gifts or soliciting gifts which apply to all elected officials and most public officials; i.e.
19 anyone who has to file for financial disclosure. He said there is no exemption for a public official
20 to accept or solicit a gift if he or she knows, or should reasonably know, that the gift is being given
21 for the purpose of influencing public action. In addition for gifts from lobbyists or Political Action
22 Committees, if the gift is over \$100 it cannot be accepted, if between \$25.00 and \$100 it can be
23 accepted but must be reported on an Ethics form quarterly or if the gift is \$25.00 or less it does
24 not have to be reported.
25

26 Attorney Williams advised Council to contact him or Mr. Drury for an opinion if approached by
27 someone regarding accepting a gift if clarification is needed.
28

29 **VII. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE CONTACTS**

30
31 Attorney Williams swore in those wishing to give testimony on the alleyway vacation.
32

33 **XVII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

34
35 Ms. Barnett read the following ordinances and resolutions into the record by title only:
36

37 **ORDINANCE 2012-22**

38
39 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
40 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT;**
41 **IDENTIFYING THE CITY OF TAVARES SEAPLANE BASE; PROVIDING FOR**
42 **AIRPORT PROTECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
43

44 45 **ORDINANCE 2012-27** 46

1 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
2 TAVARES LAND DEVELOPMENT REGULATIONS; ADDING CHAPTER 8
3 SECTION 8-12 REGARDING PUBLIC USE AIRPORTS; PROVIDING FOR
4 AIRPORT PROTECTION ZONING; AND PROVIDING FOR AN EFFECTIVE
5 DATE.

6
7 **ORDINANCE 2012-25**

8
9 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE
10 LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 21,
11 SECTION 21-17, BILLBOARDS, BY UPDATING THE INVENTORY OF
12 EXISTING SIGNS WITHIN THE CITY AND BY INCREASING THE MINIMUM
13 SPACING OF NEWLY LOCATED BILLBOARDS; SUBJECT TO THE RULES,
14 REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
15 COUNCIL; PROVIDING AN EFFECTIVE DATE.

16
17
18 **ORDINANCE 2012-34**

19
20 AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF TAVARES
21 LAND DEVELOPMENT REGULATIONS RESTATING CHAPTER 14
22 FLOODPLAIN MANAGEMENT WHICH ADOPTS FLOOD HAZARD MAPS,
23 DESIGNATES A FLOODPLAIN ADMINISTRATOR, ADOPTS PROCEDURES
24 AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR
25 OTHER PURPOSES; ADOPTS LOCAL ADMINISTRATIVE AMENDMENTS TO
26 THE FLORIDA BUILDING CODE; SUBJECT TO THE RULES , REGULATIONS,
27 AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;
28 PROVIDING AN EFFECTIVE DATE.

29
30
31 **ORDINANCE 2012-35**

32
33 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING
34 APPROXIMATELY 11.28 ACRES OF PROPERTY GENERALLY LOCATED ON
35 THE SOUTH SIDE OF MANSFIELD ROAD, FROM RMF-2 (RESIDENTIAL
36 MULTI-FAMILY) & RMF-3 (RESIDENTIAL MULTI-FAMILY) TO PD (PLANNED
37 DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND
38 OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;
39 PROVIDING FOR AN EFFECTIVE DATE.

40
41
42 **ORDINANCE 2012-36**

43
44 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
45 TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,
46 PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON
47 APPROXIMATELY 9.89 ACRES OF PROPERTY GENERALLY LOCATED ON

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THE SOUTH SIDE OF MANSFIELD ROAD, FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE 2012-29

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 19 NORTH OF MAIN STREET AND SOUTH OF ALFRED STREET; FROM INDUSTRIAL (I) TO HIGHWAY COMMERCIAL (C2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-30

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 19 NORTH OF MAIN STREET AND SOUTH OF ALFRED STREET; FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

ORIDNANCE 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.

ORIDNANCE 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.

RESOLUTION 2012-14

1
2 Ms. Houghton stated that the consolidation will allow the stormwater fund to qualify for debt
3 financing for some of the stormwater improvements. She said she had prepared a calendar of
4 events related to various stormwater projects that have occurred throughout the last fiscal year
5 and the grants that have been received related to stormwater. In order to leverage the grant
6 monies, the city will need to consolidate the fund with water/wastewater so that the city will
7 receive the benefit of coverage for the debt that will need to be brought back to Council for the
8 stormwater improvements for the downtown. In doing this consolidation this will reposition and
9 supplant the USDA/RD loan application. She noted she has listed some of the challenges related
10 to the USDA agency in the summary. She said with the consolidation, the City will be applying to
11 the State Revolving Fund for the water/wastewater improvements.

12
13 **MOTION**

14
15 **Norman Hope moved to pass Ordinance 2012-37, seconded by Bob Grenier. The motion**
16 **carried unanimously 5-0.**

17
18 **Tab 23A) Request to Approve a Work Order with Black and Veatch Corporation for**
19 **Completion and Submittal of a Florida Department of Environmental Protection State**
20 **Revolving Loan Fund Program Request for Request for Inclusion for the Downtown**
21 **Community Redevelopment Area Utility Improvements Project**

22
23 Mr. Hayes presented the following summary:

24
25 *Previously, in 2009 the City retained the services of Tami Ray and Tom Bryant P.E. to obtain*
26 *grants/loans from DEP for the City. They were very successful in obtaining legislative grants at*
27 *\$370,000, SRF Preconstruction loan and construction SRF Loans for the City's reclaimed*
28 *projects Phases 1-4 \$5,692,670. They also obtained an ARRA SRF Loan with 85% loan*
29 *forgiveness for the City's Capital Water Improvement Project. The City desires to use their*
30 *services again to obtain SRF DEP loans for the City's Downtown Wastewater and Drinking Water*
31 *Improvements project. We have negotiated a not to exceed fee of \$5,000 (see attached contract)*
32 *to submit a request for inclusion to DEP to obtain a SRF Clean Water preconstruction loan*
33 *estimated amount of allowances of \$687,719 for construction of a \$12,000,000 Downtown*
34 *Wastewater and Drinking Water Improvements project. We are confident that they will be*
35 *successful in securing the funding for the city. The Scope of work presented in the Task Order*
36 *includes support services to complete a Request for Inclusion to the Florida Department of*
37 *Environmental Protection State Revolving Fund program under Florida Administrative Code*
38 *62.503 Clean Water. The task includes a completed Request for Inclusion, necessary*
39 *coordination with FDEP Staff and City Staff and attendance at the upcoming FDEP Public*
40 *Hearing. The work includes only the work necessary to complete the RFI process. The cost to*
41 *provide the necessary service will be a lump sum fee of \$5,000.*

42
43 Vice Mayor Smith asked if this item could have been included in the December 5th agenda.

44
45 Mr. Drury advised that staff had added this agenda item because it would not be prudent to wait
46 due to the deadlines for SRF.
47

1 Vice Mayor Smith asked if staff did not know about this issue until two days ago. Mr. Drury noted
2 Council had just voted to make the change from USDA to FDEP. Staff will now be terminating
3 negotiations with USDA and will be moving to FDEP with an end of November deadline.
4

5 Councilmember Hope asked for assurance that the vendor will be able to make the application by
6 the end of November. Mr. Hayes confirmed.
7

8 **MOTION**

9
10 **Norman Hope moved to approve the contract with Black and Veatch, seconded by Lori**
11 **Pfister. The motion carried unanimously 5-0.**
12

13 **Tab 24) Resolution #2012-14 – Partial Vacation of Alleyway Adjacent to the Lake County**
14 **Administration Building**
15

16 On October 17th, 2012, City Council approved an Interlocal Agreement concerning the use,
17 modifications and improvements associated with an unnamed city alleyway running between the
18 new Tavares Station Hotel under construction at 124 South Joanna Avenue and Lake County's
19 Government Parking Lot. This agreement has now been approved and executed by all parties.
20

21 The Agreement requires that the city initiates an action to vacate the north fifty feet of the
22 alleyway located between Lots D and L, Block 6, City of Tavares. This portion of the alleyway is
23 not needed any city purposes and vacation is the appropriate action. The Planning & Zoning
24 Board recommended approval at its meeting on November 18, 2012.
25

26 **MOTION**

27
28 **Norman Hope moved to approve Resolution #2012-14, seconded by Bob Grenier. The motion**
29 **carried unanimously 5-0.**
30

31 **Tab 25) Resolution #2012-15 – Final Amendment to Fiscal Year 2012 Budget**
32

33 Ms. Houghton stated this resolution represents increases and/or in some cases, decreases to the
34 adopted revised budget for fiscal year 2012. Appropriate increases represent previously approved
35 reserve appropriations or capital projects and final year true up. The resolution also reflects all
36 transfers between budgeted line items. It increases the adopted revised appropriations budget to
37 \$42,615,329. The major reason for the General Fund appropriations is the issuance of debt. The
38 reserve does not change at this point.
39

40 Mr. Drury clarified that this pertains to the last year Fiscal Year 2012 budget.
41

42 **MOTION**

43
44 **Bob Grenier moved to approve Resolution #2012-15, seconded by Kirby Smith. The**
45 **motion carried unanimously 5-0.**
46

47 **X. GENERAL GOVERNMENT**

1
2 **Tab 26) Appointments to Police Pension Board and Fire Pension Board**

3
4 Mayor Wolfe noted he would like to appoint Charlotte Hope to the Fire Pension Board and Art
5 VanDerStuyf to the Police Pension Board.

6
7 Attorney Williams stated Mr. Hope should abstain from the vote on the Fire Pension Board.

8
9 **MOTION**

10
11 **Kirby Smith moved to approve the appointments to the Fire Pension Board and the Police**
12 **Pension Board, seconded by Bob Grenier.**

13
14 Mayor Wolfe noted Mr. Hope will need to vote on the Police Pension appointment.

15
16 **Kirby Smith amended his motion to state that Charlotte Hope should be approved for the**
17 **Fire Pension Board, seconded by Bob Grenier. The motion carried 4-0 unanimously with**
18 **Councilmember Hope abstaining.**

19
20 **MOTION**

21
22 **Kirby Smith moved to approve the appointment of Art VanDerStuyf to the Police Pension**
23 **Board, seconded by Norman Hope. The motion carried unanimously 5-0.**

24
25 **Tab 27) Appointment to the Lake County School Concurrency Committee**

26
27 Mayor Wolfe noted this committee meets once a year. Councilmember Sandy Gamble was the
28 representative for the City. The City's representative can be either an elected official or a citizen.
29 Staff is recommending that an elected official attend this meeting on behalf of the City.

30
31 Councilmember Hope offered to be the representative.

32
33 **Consensus by Council that Norman Hope would be the city's representative.**

34
35 **Tab 28) Approval of IAFF Contract**

36
37 Chief Keith stated he had provided the draft Collective Bargaining Agreement between the City
38 and the IAFF, Local 3245. He noted the negotiating teams have met over the last two months. He
39 said the city team consisted of Mr. Drury, Mayor Wolfe and himself and the IAFF was represented
40 by President Alan Gagne and Vice President Mark Kidd.

41
42 **MOTION**

43
44 **Kirby Smith moved to approve the IAFF Contract as stated, seconded by Norman Hope.**
45 **The motion was approved unanimously 5-0.**

46
47 **Tab 29) Report on Code Enforcement Foreclosures**

1
2 Attorney Williams noted that Council had adopted a process to authorize certain code
3 enforcement properties to go forward to foreclosure and there are two that are potentially in this
4 category where the fines have been levied, the owners have been personally served, and they
5 are aware of the ongoing action and in addition, there are no homestead exemptions or
6 intervening mortgages.

7
8 He said the two in this category are the building behind the Eldrodt property [105 S. Ingraham]
9 and the former "Quiet Waters" property [US 441]. He said although foreclosure is a drastic
10 remedy the city's intent is to get someone involved to clean up the property and get it back on the
11 tax rolls. The foreclosure process involves filing a lawsuit and doing a title search, having a
12 hearing, etc. He said the attorney fees can be part of the judgment and can be included in the
13 sale, assuming the property sells for an amount necessary to put it back on the market.

14
15 Vice Mayor Smith asked for assurance that the property owners had been contacted. Attorney
16 Williams confirmed that they had been contacted and will be contacted again through the Sheriff's
17 office when they are served. Discussion followed on whether or not the Quiet Waters property is
18 in compliance. Mr. Drury said staff will confirm.

19
20 Councilmember Pfister asked about the issue of proceedings beginning, but in the meantime the
21 owner coming into compliance with the city already incurring costs. Attorney Williams said the
22 owner has the right to redeem but that includes paying all the costs.

23
24 **MOTION**

25
26 **Lori Pfister moved to direct staff to continue with the foreclosure process on the**
27 **properties mentioned by the City Attorney, seconded by Norman Hope.**

28
29 Vice Mayor Smith stated he wanted this to be only if the owner is not in compliance.

30
31 Councilmember Pfister stated her motion assumed the City Attorney is following the policy as
32 directed by the City Council.

33
34 **The motion carried unanimously 5-0.**

35
36 **Tab 30) Request to Consider the Design, Permitting and Construction of a Gravity Sewer**
37 **Line for 8 Residential Homes on Woodlea Road**

38 Mr. Hayes gave the following report:

39
40 *There is a County enclave consisting of 8 properties across from the Woodlea ball fields at Capt*
41 *Haynes Road. One of the properties, identified on the attached map, has a failed Septic Tank and*
42 *the County Health Department will not issue a septic tank permit if an existing sewer line is within*
43 *1000 feet of the property line, as is the case here. The property owner was provided the option of*
44 *tapping into the existing pressurized sewer system, at an estimated cost of approximately*
45 *\$13,000. He came before Council and asked if an alternative system could be looked at for the 8*
46 *properties along Woodlea Rd. (he indicated that he was representing some of the owners). It*

1 *should be noted that the property has a failed system and the owner has to have his septic tank*
2 *pumped out every 45 days at a cost of \$275.*

3
4 *The City has budgeted \$750,000 for the construction costs to upgrade the Mt Homer Sewer*
5 *Force Main in this FY 12-13 budget. A portion of these funds could be diverted to this gravity line*
6 *project and we could continue to design the project this year and replenish the funds next year to*
7 *do the construction. This construction project could be postponed till next budget year when the*
8 *funds could be replenished to complete this project.*

9
10 *Staff was asked to bring back to Council options for assisting the residents along Woodlea Road*
11 *to connect to the City Water and Sewer System. The estimated cost to the City for this work is*
12 *\$74,550. The cost to home homeowners to connect is approximately \$3,260 for wastewater*
13 *service, \$2,800 for a water service, and \$310 for meter and backflow. The total cost to connect to*
14 *the water and sewer system is therefore approximately \$6,370.*

15
16 *As it relates to the funding of the \$74,550, it should be noted that none of the other 7 properties*
17 *have shown any interest in connecting to this proposed gravity line. It should also be noted that*
18 *until a decision is made, the property owner is pumping his septic tank out every 45 days at a*
19 *cost of \$275.*

20
21 **Mr. Hayes** staff recommendation was to postpone this project until next year when it can be
22 included in the budget.

23
24 **Mayor Wolfe** asked for public comment.

25
26 **Harlan Dolamore** stated he lives on Woodlea Road and has been discussing this with Mr. Hayes
27 and Mr. Drury. He said he liked the proposal however he thought there were a couple of errors.
28 He said he believed over half of the homes are already on the city water system. He said he
29 would be agreeable to wait to include this in next year's budget.

30
31 **Councilmember Hope** asked if the other residents are willing pay the fees to connect to the city's
32 sewer system. Mr. Dolamore said he could not speak for all of the residents. Councilmember
33 Hope said he has an issue with the city spending the funds unless all of the residents are willing
34 to connect. Mr. Dolamore said he felt all of the residents would have to connect when they are
35 annexed. Councilmember Hope asked Mr. Drury if there is a process in place to annex the area.
36 Mr. Drury stated he is not aware of a pending annexation. Mr. Skutt confirmed noting it would
37 have to be voluntary annexations at this time.

38
39 **Vice Mayor Smith** said that Lake County has a rule that if there is a sewer system within 1000
40 feet the home must connect to the sewer system. He asked Mr. Dolamore if he had gone to the
41 County. Mr. Dolamore said he had been to the Health Department. Vice Mayor Smith said he
42 believed Mr. Dolamore could go before the County Commission to obtain a variance. Mr.
43 Dolamore said the Health Department would not grant approval. Attorney Williams said the
44 Health Department is the permitting agency and there is a variance process but it is not granted
45 very often. Mr. Dolamore more said he had been told that if the City would provide a letter stating
46 that it does not have a gravity line within this distance that he could tie into, they might give the
47 variance but he was not sure if that was true.

1
2 Mr. Drury said the City will issue a letter confirming there is no gravity line.
3

4 **MOTION**

5
6 **Kirby Smith moved to table this item until the property owner provides further information
7 to the City on this issue, seconded by Lori Pfister. The motion carried unanimously 5-0.**
8

9 **Tab 31) Request to Approve a New Format for Holiday Event**

10
11 Ms. Rogers stated this is a request to remove the ceremonial countdown of the flipping of the
12 switch at the holiday event. She said there is new lighting and the count down does not always
13 work as the lighting is different. She said this year there will be added 20 large lighted spheres
14 from the trees which will create visual impact. She discussed the plans for the event noting that
15 Tavares is the only city that has fireworks.
16

17 Mr. Drury added that he had put money in the budget to light up the oak trees however the quotes
18 were in the \$90,000 range and he had presented that item as a cut item due to budget
19 constraints. The other item cut was to buy a 50 ft. Christmas tree for \$20,000 however he had cut
20 that item in the budget as well and provided that to Council.
21

22 Mayor Wolfe and Vice Mayor Smith expressed agreement with Ms. Rogers' proposal. Vice Mayor
23 Smith asked that the event be called a "Christmas Celebration" rather than "holiday."
24

25 Councilmember Smith said she had received comments from the residents about having the trees
26 lighted and she missed that portion of the event.
27

28 **MOTION**

29
30 **Kirby Smith moved to approve the new format, discontinue the countdown, and call it
31 "Christmas Celebration" seconded by Norm Hope. The motion carried unanimously 5-0.**
32

33 **Tab 32) Approval of MyRegion "Open for Business" Initiative**

34
35 Mr. Skutt discussed the MyRegion organization noting this is a marketing initiative designed to
36 show developers and investors that local governments are committed to this process. He said
37 staff has attended their meetings and completed an application indicating the city meets the
38 requirements to support this process. He said they are having a signing on December 14th to
39 publicly unveil this project and are inviting elected officials to attend.
40

41 Mayor Wolfe said he would attend the signing.
42

43 **MOTION**

44
45 **Kirby Smith moved for the mayor to attend the MyRegion event and sign the agreement, to
46 represent the City of Tavares, seconded by Lori Pfister. The motion carried unanimously 5-
47 0.**

1
2 **Tab 33) Approval of Design for Freedom Flag Project and Authorization for City**
3 **Administrator to Sign Agreements & Expend Funds**
4

5 Mr. Thompson gave an update on the fundraising efforts and noted the flag is expected to be
6 delivered by December 20th. He said this is a request for the city Administrator to execute
7 necessary contracts and expend the funds collected through donations to complete the Freedom
8 Flag project. He noted this project had been discussed in October by Council and concern had
9 been expressed regarding the design and staff had been asked to include some sable palms in
10 the design. He said on further review the palm trees would conflict with flags hanging at half staff.
11 He staff is recommending to contract with a professional landscaper to incorporate some lower
12 bushes or foliage that could be decorated at Christmas.
13

14 Councilmember Pfister suggested sago palms and large rocks. Mayor Wolfe noted a two foot wall
15 is planned.
16

17 Mr. Drury said he would ask the landscape architect to provide a rendering which he would
18 provide to Council and if anyone feels it is not in keeping with their wishes he would bring that
19 portion back for Council discussion.
20

21 Councilmember Pfister said since not all the funding is in place she assumed expenditures would
22 only be made for the amount collected. Mr. Drury said that is correct and that it is hoped that the
23 second half of the funds needed would come in December and January which will be used for the
24 monument and landscaping. Councilmember Pfister asked if the city had discussed this with the
25 County. Mr. Drury said the County is providing funds for the flagpole base.
26

27 **MOTION**
28

29 **Norm Hope moved to authorize the City Administer to approve all project purchases**
30 **financed from the “Freedom Flag” donation fund and to authorize the City Administrator to**
31 **make any decisions necessary to complete the project, including landscape modifications,**
32 **monument selection and lighting design, seconded by Bob Grenier. The motion carried**
33 **unanimously 5-0,.**
34

35 Councilmember Pfister asked about water being available as an accessory. Mr. Thompson noted
36 there will be a fountain across the street at the northwest corner of Main.
37

38 **Tab 34) Florida League of Cities 2013 Legislative Priorities**
39

40 Discussion followed on the priorities presented by the League of Cities and each Coucilmembers'
41 individual priorities.
42

43 **There was consensus to agree on the following four priorities which the City Administrator**
44 **will provide to the League of Cities: Water, Pensions, Economic Development, and Sober**
45 **Homes.**
46

1 **Tab 35) Approval of FDOT funding Grant Application for the Ta Lee Trail “Missing Link”**
2 **Extension in Wooton Park**
3

4 Mr. Neron discussed the funding application that staff had submitted to the MPO. He said the
5 MPO had notified the City that it had allocated \$546,000 in this fiscal year, however,
6 subsequently they had then notified staff that that since the City did not have the trail design they
7 could not approve the funding for this fiscal year. They have programmed funding for the Tav Lee
8 Trail extension project in the year 2016. Staff is hopeful that the 2016 date will get moved back to
9 2014. As part of that funding they will probably authorize the city to go ahead to use city funding
10 for the design and construction if the city wishes to do this and they would reimburse the city its
11 costs. In the bond approved portion of the expansion project, the city had monies for a 10 foot
12 wide path from the Prop Shop to the end of the Sinclair Avenue property. This grant will allow the
13 safety improvements around the Seaplane base, construction of the trail and extension from the
14 city property all the way to the Sinclair Avenue and Main Street right of way to complete the
15 missing link of the Tav Lee trail project. In addition it will cover enhancements such as benches,
16 water fountains, etc.
17

18 He said the request today is for Council to authorize staff to continue working with FDOT and the
19 MPO to work on the final program. Mr. Drury said once the grant is awarded staff will bring back
20 acceptance of the grant to Council.
21

22 **MOTION**
23

24 **Kirby Smith moved to direct staff to make the grant application, seconded by Norm Hope.**
25 **The motion carried unanimously 5-0.**
26

27 **XVI. OLD BUSINESS**
28

29 None.
30

31 **XVII. NEW BUSINESS**
32

33 Mayor Wolfe said he had been contacted by some individuals to see if Council is willing to have
34 the staff and the City Attorney look into the subject of Domestic Partnerships. He said other cities
35 and counties across the state have passed ordinances for Domestic Partnerships. He said this
36 would give partners of all sexes documentation in order to make health decisions, etc.
37

38 Vice Mayor Smith said he had read some of the literature but he wondered if it would not be
39 better served under the County
40

41 Mayor Wolfe said if the city is to pass the ordinance it would only be valid in the City. Attorney
42 Williams referred to the City of Orlando ordinance which allows people to register as domestic
43 partners and it gives them certain rights for businesses and entities within the jurisdiction to share
44 medical information, to make funeral arrangements, and to visit the jail.
45

46 Councilmember Hope said he would like to have the City Attorney and City Administrator pursue
47 the matter for the city but in conjunction with the County. Councilmember Pfister asked if the

1 individual would have to be a resident of Tavares. Attorney Williams confirmed they would need
2 to be a resident. Discussion followed with Council indicating a desire to have the matter brought
3 back with further information.
4

5 **Mr. Drury noted there appeared to be consensus to bring matter the issue to a future**
6 **agenda.**
7

8 **XVIII. AUDIENCE TO BE HEARD**

9 None.
10

11 **XIV. REPORTS**

12 **Tab 23) City Administrator**

13 Mr. Drury noted the November 27th Code Enforcement hearing is cancelled; the next meeting will
14 be January 22, 2013. The Holly Jolly Staff Christmas gathering will be December 14th at 11:30.
15

16 Mr. Drury asked council to remain in Chambers at the close of the meeting to meet with the City
17 Attorney and himself to hold a Shade Meeting to discuss the Police Union Negotiations Process.
18

19 **City Clerk**

20
21 **City Attorney**

22
23 **Finance Department**

24
25 **Economic Development**

26
27 Mr. Neron expressed appreciation to Council for their support.
28

29 **Public Communications**

30
31 **Fire Department**

32
33 **Public Works Department**

34
35 **Community Services Department**

36 Ms. Rogers expressed Happy Thanksgiving to everyone and thanked all the staff for their
37 assistance in the upcoming Christmas event.
38

39 **Human Resources**

40
41 **Community Development**

42
43 **Utility Department**

44
45 Mr. Hayes said two months ago the homeowners in Three Lakes Parks had approached the city
46 about annexing into the city in order to obtain water and wastewater. He said a conceptual plan
47 has been provided to the homeowners with the cost of about \$20,000 per lot. The homeowners

1 have indicated they will agree to pay the costs. The mobile home portion has also approached
2 the City with a willingness to join in the project. He said the city has advised both parties that the
3 city will need a better than 75% approval from the residents to do this. He said Attorney Williams
4 has been working on the agreement which will require an easement to be done to be included in
5 the agreement. He said all the costs will be included in the projected \$20,000 assessment.
6

7 Mr. Drury noted this is intended as an update to Council to advise Council that an agreement will
8 be coming to Council and that staff is working on the agreement.
9

10 **Tab 24) City Council**

11
12 **Councilmember Pfister**

13
14 Councilmember Pfister expressed appreciation for staff's assistance for the Wooton Park Birthday
15 Celebration. She noted that one of her granddaughters won the splash park pass and she would
16 be willing to pay for the pass. She said her name was drawn but she was not there at the time.
17

18 **Councilmember Hope**

19
20 Councilmember Hope commended the Public Works staff and the Parks staff for their work on the
21 Christmas event. He noted he will be having surgery and may not be able to attend the December
22 14th event.
23

24 **Councilmember Grenier**

25 Councilmember Grenier wished everyone a Happy Thanksgiving.
26

27 **Vice Mayor Smith**

28 Vice Mayor Smith noted that the community notices when the department heads take an active
29 role in the community and he appreciated that.
30

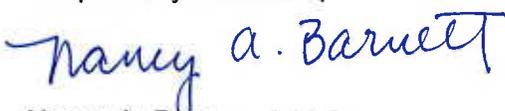
31 **Mayor Wolfe**

32 Mayor Wolfe gave an update on the previous Magrone property on Main Street. He said the land
33 has been purchased by Justin Holder who is planning to develop the property and he will be
34 bringing a conceptual plan to the city.
35

36 **Adjournment**

37 There was no further business and the meeting was adjourned at 6:07 pm for Council to hold its
38 Shade Meeting.
39
40

41 Respectfully submitted,

42
43 

44
45 Nancy A. Barnett, C.M.C.
46 City Clerk
47

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

AGENDA TAB NO. 2

SUBJECT TITLE: Proclamation for Progressive Aerodyne – SeaRey Aircraft

OBJECTIVE:

Mayor Wolfe will read a proclamation recognizing Progressive Aerodyne and their recent accomplishment of becoming a Searey plane manufacturing facility.

SUMMARY:

See attached proclamation honoring Progressive Aerodyne.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A



PROCLAMATION

PROGRESSIVE AERODYNE – SEAREY AIRCRAFT

DECEMBER 19, 2012

WHEREAS, Progressive Aerodyne has been manufacturing kits for the SeaRey Light Sports Aircraft for 20 years; and

WHEREAS, Progressive Aerodyne consolidated its factory operations in March, 2010 in America's Seaplane City; and

WHEREAS, Progressive Aerodyne was the first of seven Light Sports Aircraft manufacturers to receive FAA certification to begin the manufacture and assembly of complete SeaRey airplanes in Tavares;

NOW, THEREFORE BE IT RESOLVED THAT, the City Council hereby honors Progressive Aerodyne on this momentous achievement and wishes them continued success in the future

DONE AND PROCLAIMED this 19th day of December, 2012.

Robert Wolfe, Mayor

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

AGENDA TAB NO. 3

SUBJECT TITLE: African-American Heritage Festival

OBJECTIVE: To approve use of Wooton Park, with city support, for the African-American Heritage Festival.

SUMMARY: For the ninth year in a row, the city has served as the host site for the African-American Heritage Festival. The event will begin at 10:00 a.m. on February 2, 2013 with a parade on Main Street and the festival will follow in Wooton Park until 4:00 p.m.

The city contribution will be light and will include, in addition to use of the park, the provision of 30 trash cans, nine pieces of stage, six barricades, and a \$1000.00 grant, approved in the fiscal 2013 budget.

This event promotes community involvement and cultural awareness and is supported through the collaboration of local churches and volunteers. Fundraising activities to support this event are conducted throughout the year by the Committee.

OPTIONS:

- 1) Move to approve the use of Wooton Park with city support for the African American Heritage Festival.
- 2) Do not approve

STAFF RECOMMENDATION: Move to approve the use of Wooton Park with city support for the African American Heritage Festival.

FISCAL IMPACT: n/a

LEGAL SUFFICIENCY: meets legal sufficiency



SPECIAL EVENT PERMIT APPLICATION

NOV 28 2012



City of Tavares
201 E. Main Street, Tavares, FL 32778
Phone: (352) 742-6213 Fax: (352) 742-6087

Date Received

Permit Number 199-21

Use this form for any event where the anticipated attendance exceeds 300 people per day.
Examples of Special Events include, but are not limited to: Parades, Festivals, Carnivals,
Runs/Races/Walks, Art Shows, Concerts, Special Musical Presentations, Street Dances, Photography
Shoots, Contests/Competition/Sporting Events and Fireworks Displays.

Council approval is required for Special Events involving street closings, City co-sponsorship or has a crowd
attendance in excess of 2,000 people per day.

Completed application with all necessary attachments is required thirty (30) days prior to the actual event (sixty (60)
days if Council approval is required). For information call (352) 742-6213.

Organization: TAVARES African American Heritage Organization Inc.
Name/Nature of Event: Heritage Parade ; Festival (Black History Celebration)

Event Category (See attached City Event Policy). Circle appropriate event category:

(1) City Organized (2) Full City Supported (3) Limited City Supported (4) Non-City Supported

Webpage:

Location of event (Attach Site Plan): Down mainstreet with Parade / Festival Wooten Park

Table with 4 columns: Date, Set-Up Time, Actual Event Times, Take Down Time. Row 1: Feb 2, 2013, 6:00am to 9:00am, 10:00 to 4:00 pm, 4:00 pm to 5:30 pm.

Has this event been held in the past? Yes If so, when was the last event? 2012

Individual Contact for Activity/Event: Rev. Michael J. Watkins Email Address: mwatkins@metalsusa.com

Cell Phone: 352-406-9608 Office Phone 352-787-4000 ext 210

Address: P.O. Box 1412 TAVARES, FL 32778 Fax:

Major Sponsor(s): Local Churchs

Promoter(s): Rev. Michael J. Watkins Cell Phone or Contact #: 352-406-9608

(If different from "Individual Contact")

Email Address: mwatkins@metalsusa.com

Items 1-3 marked yes require City Council approval.

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Crowd: Is anticipated crowd size 2,000 or more? Actual anticipated number: <u>800</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Streets/Traffic: Will any street(s) or sidewalk(s) be closed? (If yes, provide location on site plan.) Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with City of Tavares Police Department, Department of Transportation and Emergency Services review and approval.
<u>Parade Down Main Street.</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Noise: Will there be amplified music or entertainment? If yes, please attach type(s) of entertainment and time(s) of performance(s). Indicate stage location(s) on site plan.
<u>MUSIC by DJ And Singing groups in Park</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Fireworks: Is this a public _____ or private _____ display? Applicant must comply with State Law F.S. 791: and NFPA 1123 and obtain any applicable Lake County permit. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Banners, Signs, etc.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Alcoholic Beverages: Will alcoholic beverages be sold _____ or consumed _____ on the premises? (If yes, please check one or both.) A copy of the Florida Beverages Commission permit is required at the time of application and prior to event approval.
Permit Holder: _____
Division of Alcoholic Beverages and Tobacco: (407) 245-0785. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Security: Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Private Property: Does the applicant own the property where the event is to be held? If not, please attach a letter of permission from the property owner. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Public Safety: Will Police and Emergency Services Personnel be requested? (Based on responses to questions, certain Public Safety personnel may be required i.e., Police, First aid, Paramedics, emergency services, fire, etc.) Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety personnel staff necessary to assist with the event. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Tents/Canopies: Will tents or canopies be used? If yes, indicate on site plan the tent size, location and type of surface on which the tent(s) will be installed and intended use of each tent. <u>40 x 60 tent from Grand Rental</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Air Conditioning Units/Power Generators: Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? If yes, indicate location of equipment on site plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Food/Cooking: Will food be cooked _____ catered _____ on-site during this event? Indicate on site plan the location of vendors and cooking equipment to be used. (Appropriately rated fire extinguishers required.) The applicant is responsible for obtaining required food permits from the Florida Department of Business and Professional Regulation-Division of Hotel and Restaurant Management- 850-787-1395. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. **Sanitary Facilities:**
Will temporary sanitary facilities be provided? If yes, indicate location on site plan.

14. **Trash:** Will additional refuse containers/dumpsters be provided?

15. **Insurance Requirement:** (Events on City property or City co-sponsored). Please provide the City of Tavares with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured.

16. **Request for Use of City Services, Staff or Equipment:** Will you be requesting the use of any City services, assistance from any City staff, or use of any City owned equipment? Please note that this request must be approved by the City Administrator and the applicant may incur a cost for the use of these.

Indicate your needs by checking the appropriate box.

- Trash Pickup \$85/hr
- Trash Containers \$10/day/each
- Stage (4'x8') \$95/day
- First Aid Station \$30/hr
- Police/Security \$30/hr (6 hour minimum)
- Generator \$50/day
- Light Tower \$100/day

- Custodial (Restroom Cleaning) \$30/hr
- Bleachers \$600/day/each
- Fencing/Barricades \$1,350/day
- Port-a-Let (Regular) \$85.00/day/each
- Port-a-Let (Handicap) \$150.00/day/each
- Wash Station \$75.00/day/each
- Other _____

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED, IF CONDITIONS HAVE CHANGED, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY ADMINISTRATOR AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend and hold harmless, the City of Tavares, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

July Wat
Signature of Applicant

10-29-12
Date

Comments: _____

City Administrator

Date

Comments: _____

EVENT NAME

EVENT ITEM COST

Item	Cost Each	Delivery Fee	Number of Items	Cost
8' Barricades	\$ 13.50		6	\$ 81
4'x8' Stage	\$ 70.00	\$ 25.00	9	\$ 655
Portalet - Regular	\$ 85.00		0	\$ -
Portalet - Handicap	\$ 150.00		0	\$ -
Wash Station	\$ 75.00		0	\$ -
Portable Generator	\$ 50.00		0	\$ -
Bleachers	\$ 600.00		0	\$ -
Garbage Bins	\$ 10.00		30	\$ 300
Item	Cost Per Hour	Delivery Fee	Number of Hours	Cost
Garbage Pick Up	\$ 85.00		0	\$ -
Restroom Cleaning Service	\$ 30.00		0	\$ -
Light Tower	\$ 100.00		0	\$ -
TOTAL COST FOR EVENT ITEMS:				\$ 1,036.00

EVENT PERSONNEL COST

Personnel	Cost Per Hour	Misc Fees	Number of Hours	Cost
Police Officer	\$ 30.00		0	\$ -
Firefighter w/ First Aid Unit	\$ 30.00		0	\$ -
				\$ -
				\$ -
TOTAL COST FOR EVENT PERSONNEL:				\$ -

TOTAL ESTIMATE COST: \$ 1,036.00

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

AGENDA TAB NO: 4

SUBJECT TITLE: Approval of Street Closure for Swearing Into Office Celebration

OBJECTIVE:

To approve a street closure in conjunction with the Swearing Into Office Celebration event hosted at O'Keefe's Irish Restaurant & Pub on the evening of January 8, 2013.

SUMMARY:

O'Keefe's Irish Restaurant & Pub would like to celebrate the swearing in of Mr. Graves as Public Defender.

They have filed the attached Event Application requesting Ruby Street from St. Clair Abrams Ave to Rockingham Ave be closed for the event.

The City of Tavares will be providing limited staff support and services to this event as outlined in the Event application.

Since the event requires a very limited street closing, the event application has to be approved by City Council.

OPTIONS:

1. That the City Council approves the street closure reflected in the attached Event Application for the "Swearing Into Office Celebration" Event.
2. That the City Council not approve the street closure.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the street closure reflected in the attached Event Application for the "Swearing Into Office Celebration" Event.

FISCAL IMPACT:

The fiscal impact will be the provision of the in-kind services provided by the City as requested in the attached Event Application.

LEGAL CONSIDERATIONS: All options are legally sufficient.



**SPECIAL EVENT
PERMIT APPLICATION**

City of Tavares
201 E. Main Street, Tavares, FL 32778
Phone: (352) 742-6213 Fax: (352) 742-6087

Date Received _____

Permit Number _____

Use this form for any event where the anticipated attendance exceeds 300 people per day.
Examples of Special Events include, but are not limited to: Parades, Festivals, Carnivals,
Runs/Races/Walks, Art Shows, Concerts, Special Musical Presentations, Street Dances, Photography
Shoots, Contests/Competition/Sporting Events and Fireworks Displays.

Council approval is required for Special Events involving street closings, City co-sponsorship or has a crowd attendance in excess of 2,000 people per day.

Completed application with all necessary attachments is required thirty (30) days prior to the actual event (sixty (60) days if Council approval is required). For information call (352) 742-6213.

Organization: Graves & Spivey

Name/Nature of Event: Swearing into office celebration

Event Category (See attached City Event Policy). Circle appropriate event category:

(1) City Organized (2) Full City Supported (3) Limited City Supported (4) Non-City Supported

Webpage: _____

Location of event (Attach Site Plan): O'Keefe's Irish Pub

	Set-Up Time	Actual Event Times	Take Down Time
Date: <u>1/8/2013</u>	<u>1</u> to <u>2</u>	<u>4</u> to <u>10</u>	<u>10</u> to <u>11</u>
Date: _____	_____ to _____	_____ to _____	_____ to _____
Date: _____	_____ to _____	_____ to _____	_____ to _____

Has this event been held in the past? NO If so, when was the last event? _____

Individual Contact for Activity/Event: Heather Graham Email Address: heather@lakecountyfla.gov

Cell Phone: 321.377.8953 Office Phone _____

Address: _____ Fax: _____

Major Sponsor(s): Graves & Spivey

Promoter(s): _____ Cell Phone or Contact #: _____

(If different from "Individual Contact")

Email Address: _____

Items 1-3 marked yes require City Council approval.

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Crowd: Is anticipated crowd size 2,000 or more? Actual anticipated number: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Streets/Traffic: Will any street(s) or sidewalk(s) be closed? (If yes, provide location on site plan.) Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with City of Tavares Police Department, Department of Transportation and Emergency Services review and approval. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Noise: Will there be amplified music or entertainment? If yes, please attach type(s) of entertainment and time(s) of performance(s). Indicate stage location(s) on site plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Fireworks: Is this a public _____ or private _____ display? Applicant must comply with State Law F.S. 791: and NFPA 1123 and obtain any applicable Lake County permit. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Banners, Signs, etc.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Alcoholic Beverages: Will alcoholic beverages be sold <input checked="" type="checkbox"/> or consumed _____ on the premises? (If yes, please check one or both.) A copy of the Florida Beverages Commission permit is required at the time of application and prior to event approval.
Permit Holder: _____
Division of Alcoholic Beverages and Tobacco: (407) 245-0785. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Security: Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Private Property: Does the applicant own the property where the event is to be held?
If not, please attach a letter of permission from the property owner. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Public Safety: Will Police and Emergency Services Personnel be requested? (Based on responses to questions, certain Public Safety personnel may be required i.e., Police, First aid, Paramedics, emergency services, fire, etc.) Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety personnel staff necessary to assist with the event. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Tents/Canopies: Will tents or canopies be used? If yes, indicate on site plan the tent size, location and type of surface on which the tent(s) will be installed and intended use of each tent. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Air Conditioning Units/Power Generators: Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? If yes, indicate location of equipment on site plan. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Food/Cooking: Will food be cooked _____ catered _____ on-site during this event? Indicate on site plan the location of vendors and cooking equipment to be used. (Appropriately rated fire extinguishers required.) The applicant is responsible for obtaining required food permits from the Florida Department of Business and Professional Regulation-Division of Hotel and Restaurant Management- 850-787-1395. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

13. Sanitary Facilities:

Will temporary sanitary facilities be provided? If yes, indicate location on site plan.

Yes No

14. Trash: Will additional refuse containers/dumpsters be provided?

15. Insurance Requirement: (Events on City property or City co-sponsored). Please provide the City of Tavares with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured.

16. Request for Use of City Services, Staff or Equipment: Will you be requesting the use of any City services, assistance from any City staff, or use of any City owned equipment? Please note that this request must be approved by the City Administrator and the applicant may incur a cost for the use of these.

Indicate your needs by checking the appropriate box.

- Trash Pickup \$85/hr
- Trash Containers \$10/day/each
- Stage (4'x8') \$95/day
- First Aid Station \$30/hr
- Police/Security \$30/hr (6 hour minimum)
- Generator \$50/day
- Light Tower \$100/day

- Custodial (Restroom Cleaning) \$30/hr
- Bleachers \$600/day/each
- Fencing/Barricades \$30.00 per 8 linear feet/day
- Port-a-Let (Regular) \$85.00/day/each
- Port-a-Let (Handicap) \$150.00/day/each
- Wash Station \$75.00/day/each
- Other _____

for street closing

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED, IF CONDITIONS HAVE CHANGED, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY ADMINISTRATOR AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend and hold harmless, the City of Tavares, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

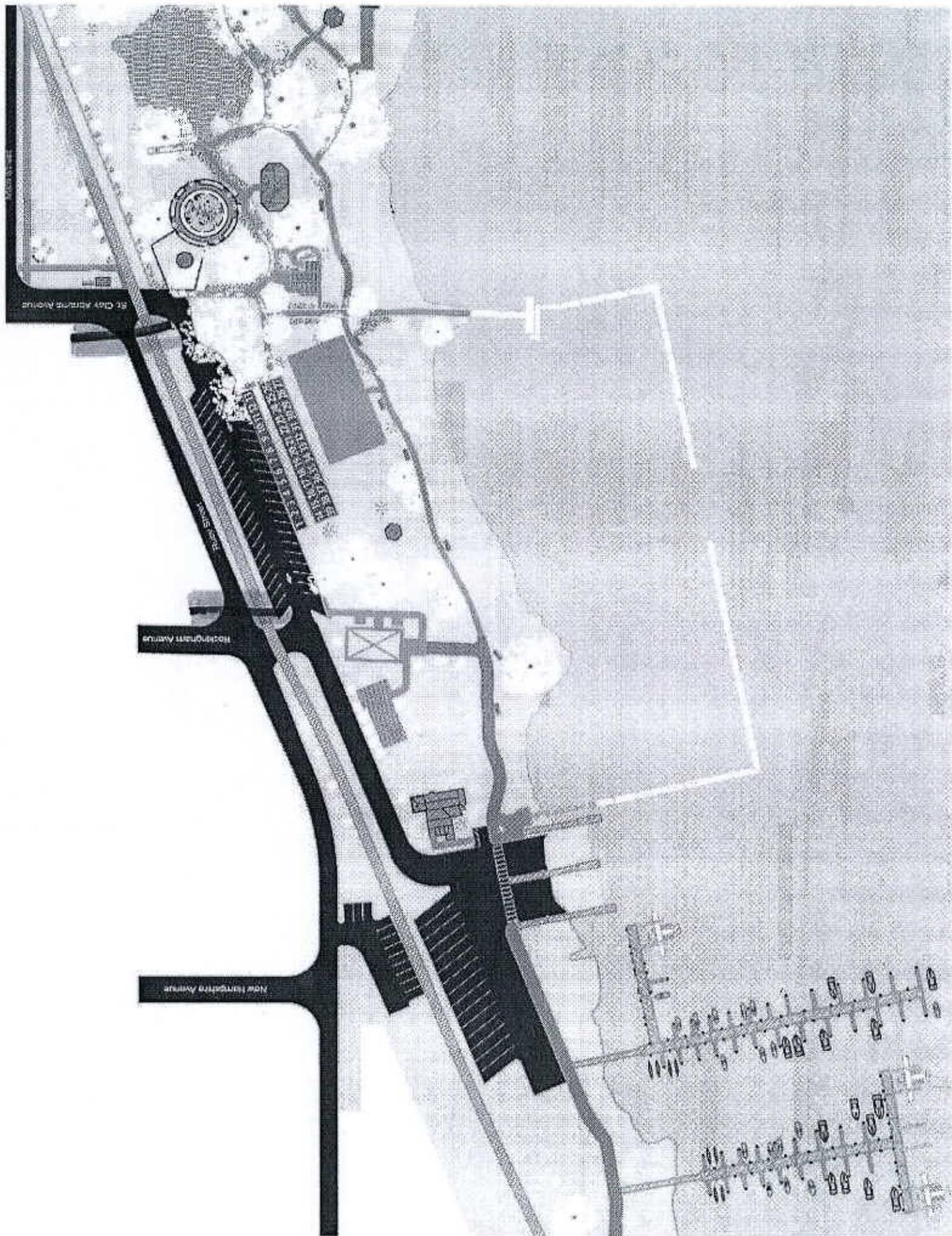
The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

Alvin O'Keefe 12-8-2012
Weather Graham 12-8-2012
Signature of Applicant Date

Comments: _____

City Administrator Date

Comments: _____



SWEARING INTO OFFICE CELEBRATION

EVENT ITEM COST				
Item	Cost Each	Delivery Fee	Number of Items	Cost
8' Barricades	\$ 12.00		4	\$ 48
4'x8' Stage	\$ 70.00	\$ 25.00	0	\$ -
Portalet - Regular	\$ 85.00		0	\$ -
Portalet - Handicap	\$ 150.00		0	\$ -
Wash Station	\$ 75.00		0	\$ -
Portable Generator	\$ 50.00		0	\$ -
Bleachers	\$ 600.00		0	\$ -
Garbage Bins	\$ 10.00		0	\$ -
Item	Cost Per Hour	Delivery Fee	Number of Hours	Cost
Garbage Pick Up	\$ 85.00		0	\$ -
Restroom Cleaning Service	\$ 30.00		0	\$ -
Light Tower	\$ 150.00		0	\$ -
TOTAL COST FOR EVENT ITEMS:				\$ 48.00

EVENT PERSONNEL COST				
Personnel	Cost Per Hour	Misc Fees	Number of Hours	Cost
Police Officer	\$ 30.00		0	\$ -
Firefighter w/ First Aid Unit	\$ 30.00		0	\$ -
				\$ -
				\$ -
TOTAL COST FOR EVENT PERSONNEL:				\$ -

TOTAL ESTIMATE COST:	\$ 48.00
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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 19, 2012**

AGENDA TAB NO: 5

SUBJECT TITLE: Ordinance #2012- 42 – Amendment to Ordinance 2012-11 to Extend City-wide Impact Fee Waiver Program for Six Months with Phasing in Increments – First Reading

OBJECTIVE:

To consider the approval of Ordinance #2012-42 to extend the impact fee waiver program for an additional six months to June 30, 2013 with incremental increases to July 1, 2014.

SUMMARY:

In December of 2009, City Council approved Ordinance 2009 – 34 which waived the imposition of City impact fees City-wide for the period Jan.1 2010 – Dec. 31, 2010. On December 15, 2010, Council approved Ordinance 2010-22 to extend the program for an additional 12 months through December 31, 2011. On December 21, 2011, Council approved Ordinance 2011-15 to extend the program for an additional six months until June 30, 2012. On July 18, 2012, Council approved Ordinance #2012-11 to extend the waiver through December 31, 2012.

On December 5, 2012 discussion was held by Council regarding the extension of the Ordinance for an additional six months to include phasing in of the fees gradually through July 1, 2014. Staff presented data to show the results of the impact fee waiver program.

Staff presented data and information at the December 5th Council Meeting as follows:

City-Wide Impact Fee Waiver Program – January 2010 – November 2012

Since January 2010 the City has waived all City impact fees for all construction within the City Limits of Tavares.

Permits have been approved and issued for new construction valued at \$51,179,006 with resulting impact fee waivers of \$2,258,475. For every dollar of impact fee waived results in \$22.67 of new value construction.

At the current millage rate of 5.95 mills, this \$51.2 million of new construction will translate into new property tax revenues of an estimated \$304,640 on an annual basis.

Of the \$51.2 million in new construction, \$26.6 million or 52% was for commercial construction and \$24.5 million or 48% was for residential construction. It should be noted that all new residential construction has occurred either in existing subdivisions or on residentially designated infill parcels already served by City utilities.

At the meeting of December 5, 2012, Council directed staff to prepare an ordinance to extend the program for an additional six months to June 30, 2012 with gradual phasing back in of the impact fees.

OPTIONS:

1. To make a motion to approve Ordinance #2012-42 to extend the current City-wide impact fee waiver program through June 30, 2013 and reinstate the City's impact fees thereafter at a rate of a 33% increase every six months to reach the full 100% by July 1, 2014.
2. Do not approve Ordinance #2012-42

STAFF RECOMMENDATION:

Move to approve Ordinance #2012-42 to extend the current City-wide impact fee waiver program through June 30, 2013 and reinstate the City's impact fees thereafter at a rate of a 33% increase every six months to reach the full 100% by July 1, 2014.

FISCAL IMPACT:

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

LEGAL REVIEW:

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

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ORDINANCE 2012 - 42

AN ORDINANCE AMENDING THE CITY OF TAVARES, FLORIDA WAIVER OF IMPACT FEES; EXTENDING THE IMPACT FEE WAIVER TO JUNE 30, 2013; PROVIDING FOR A GRADUATED REINTRODUCTION OF THE IMPACT FEES BEGINNING JULY 1, 2013, AND INCREASING IN SIX MONTH INCREMENTS UNTIL JULY 1, 2014, WHEN THE CURRENT FULL IMPACT FEE WILL BECOME EFFECTIVE AGAIN; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Ordinance 2010-22 provided for an extension of the complete waiver of impact fees until December 31, 2011, and

WHEREAS, Ordinance 2011-15 provided for an extension of the complete waiver of impact fees through June 20, 2012, and

WHEREAS, Ordinance 2012-11 provided for an extension of the complete waiver of impact fees through December 31, 2012, and

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

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

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

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

WHEREAS, City impact fee revenues have not been pledged for the repayment of any municipal bonds or obligations, and the provision of an additional twelve (12) month waiver of such fees will not impair the City's capital

47 improvement plans for its police, fire, recreation, water and wastewater utility
48 departments, and

49

50 **WHEREAS**, the City Council desires to waive payment of impact fees for
51 an additional six (6) month period, until June 30, 2013, as a citywide economic
52 development incentive as provided herein; and

53

54 **WHEREAS**, the City Council desires to provide in this ordinance for a
55 graduated reintroduction of impact fees beginning July 1, 2013, and continuing
56 through July 1, 2014, when the current full impact fee will become effective
57 again; now therefore,

58

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

61

62 **Section 1. Recitals.** The foregoing recitals **are** true and correct and
63 incorporated herein by reference.

64

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

67

68 **Section 6-6. Payment of impact fees.**

69

70 (a) Any person who seeks to develop land within the city, or which is
71 served by City utilities, by applying for a building permit or final development
72 order, is hereby required to pay the applicable impact fees in the manner and
73 amount set forth in the fee schedule. The impact fee due prior to the issuance of
74 a building permit or final development order, except as otherwise provided by this
75 article, shall be the sum of the applicable police facilities, fire/rescue facilities,
76 and parks and recreation facilities impact fee.

77

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

81

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

86

87 (d) In the event impact fees are paid concurrently with the issuance of
88 a building permit or final development order and subsequently, the building
89 permit or final development order is amended, the applicant shall pay impact fees
90 in effect at the time the amended building permit or amended final development
91 order is issued with credit being given for the previous fees paid.

92

93 (e) All impact fees that would normally be due under the terms of this
94 Chapter shall be waived for building permits issued from January 1, 2010,
95 through June 30, 2013.

96
97 **Section 3. Amendment.** Section 17-39 of the City of Tavares Land
98 Development Regulations is hereby amended to provide as follows:

99
100 **Section 17-39. Waiver of Impact Fees.**

101
102 All impact fees that would normally be due under the terms of this
103 Chapter shall be waived for building permits issued from January 1, 2010,
104 through June 30, 2013.

105
106 **Section 4. Graduated Reintroduction of Impact Fees.**

107
108 Beginning July 1, 2013, and continuing through December 31, 2013, all impact
109 fees provided for in Chapters 6 and 7 of the Code of Ordinances and in Chapter
110 17 of the Land Development Regulations shall be due and payable in an amount
111 equal to 33.3% of the current rate provided by City ordinance.

112
113 Beginning January 1, 2013, and continuing through June 30, 2014, all
114 impact fees provided for in Chapters 6 and 7 of the Code of Ordinances and in
115 Chapter 17 of the Land Development Regulations shall be due and payable in an
116 amount equal to 66.7% of the current rate provided by City ordinance.

117
118 Beginning July 1, 2014, and continuing thereafter, all impact fees provided for in
119 Chapters 6 and 7 of the Code of Ordinances and in Chapter 17 of the Land
120 Development Regulations shall be due and payable at the current rate
121 provided by City ordinance.

122
123
124 This Ordinance shall take effect immediately upon its final adoption by the
125 Tavares City Council.

126
127 **PASSED AND ORDAINED** this _____ day of _____,
128 2013, by the City Council of the City of Tavares, Florida.

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133
134 ATTEST:

Robert Wolfe, Mayor
Tavares City Council

135
136
137
138 _____
139 Nancy A. Barnett
City Clerk

140

141 Passed First Reading _____

142

143 Passed Second Reading _____

144

145

146 _____

147 Approved as to form:

148 City Attorney

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

AGENDA TAB NO. 6

SECOND READING

**SUBJECT TITLE: Ordinance 2012-38
Annexation & Rezoning –Shanti Niketan Phase 3**

OBJECTIVE:

To consider the annexation and rezoning to RMF-3 (Residential Multi-Family) of approximately 6 acres of property located east of David Walker Road, north of old US 441 and west of Merry Road.

SUMMARY:

The subject property is located east and adjacent to the 2nd Phase of Shanti Niketan on David Walker Road. The property is approximately 6 acres in size. An existing, single family dwelling on this property is proposed to be demolished. The applicant is proposing to construct Phase 3 of the Shanti Niketan development on this location. Phase 3 is planned to consist of 112 senior condominium dwelling units. This multi-family development will comply with all city regulations for an RMF-3 zoning. Shanti Niketan Phases 1 & 2, also located on David Walker Road, have proven to be very successful. The construction of Phase 3 on the subject property is a logical location for the continued expansion of this development. The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Urban High Density to City High Density.

OPTIONS:

1. That City Council moves to approve Ordinance 2012-38.
2. That City Council denies the proposed annexation and rezoning.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-38.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-38.

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 2012-38

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 6 ACRES OF LAND GENERALLY LOCATED EAST OF DAVID WALKER ROAD, NORTH OF OLD HIGHWAY U.S. 441, WEST OF MERRY ROAD; REZONING THE PROPERTY FROM COUNTY R-6 RESIDENTIAL TO CITY RMF-3 (RESIDENTIAL MULTI-FAMILY); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the property legally defined in **Exhibit "A"** is contiguous with the corporate limits of the City of Tavares, and

WHEREAS, the City of Tavares, Florida, is in a position to provide municipal services to the property described herein; and,

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

WHEREAS, the property is currently zoned Lake County R-6 Residential and the applicant has requested it to be rezoned to City RMF-3 (Residential Multi-Family); and,

WHEREAS, the Lake County Future Land Use Map designation of the property is Urban High Density, which allows multi-family uses, and therefore an RMF-3 (Residential Multi-Family) designation is in compliance with the Lake County Comprehensive Plan; and,

WHEREAS, the Applicant has applied for a future land use map amendment to a City Residential High Density designation and the application for this will be processed concurrently with this annexation and rezoning; therefore

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

1 **Section 1. Annexation**

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

5

6 **Section 2. Rezoning**

7 The property described in **Exhibit “A”** shall hereby be rezoned from Lake
8 County R-6 Residential to City of Tavares RMF-3 (Residential Multi-Family) and shall be subject
9 to the provisions established by the City of Tavares Land Development Regulations for this
10 zoning.

11

12 **Section 3. Effective Date.**

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

15

16 **Section 4. Severability.**

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

20

21 **Section 5. Effective Date.**

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

24

25

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

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Robert Wolfe, Mayor
Tavares City Council

1 First Reading: _____
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3 Passed Second Reading: _____
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8 ATTEST:
9

10
11 _____
12 Nancy Barnett, City Clerk
13

14
15 APPROVED AS TO FORM AND LEGALITY:
16
17 _____
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19
20 Robert Q. Williams, City Attorney
21

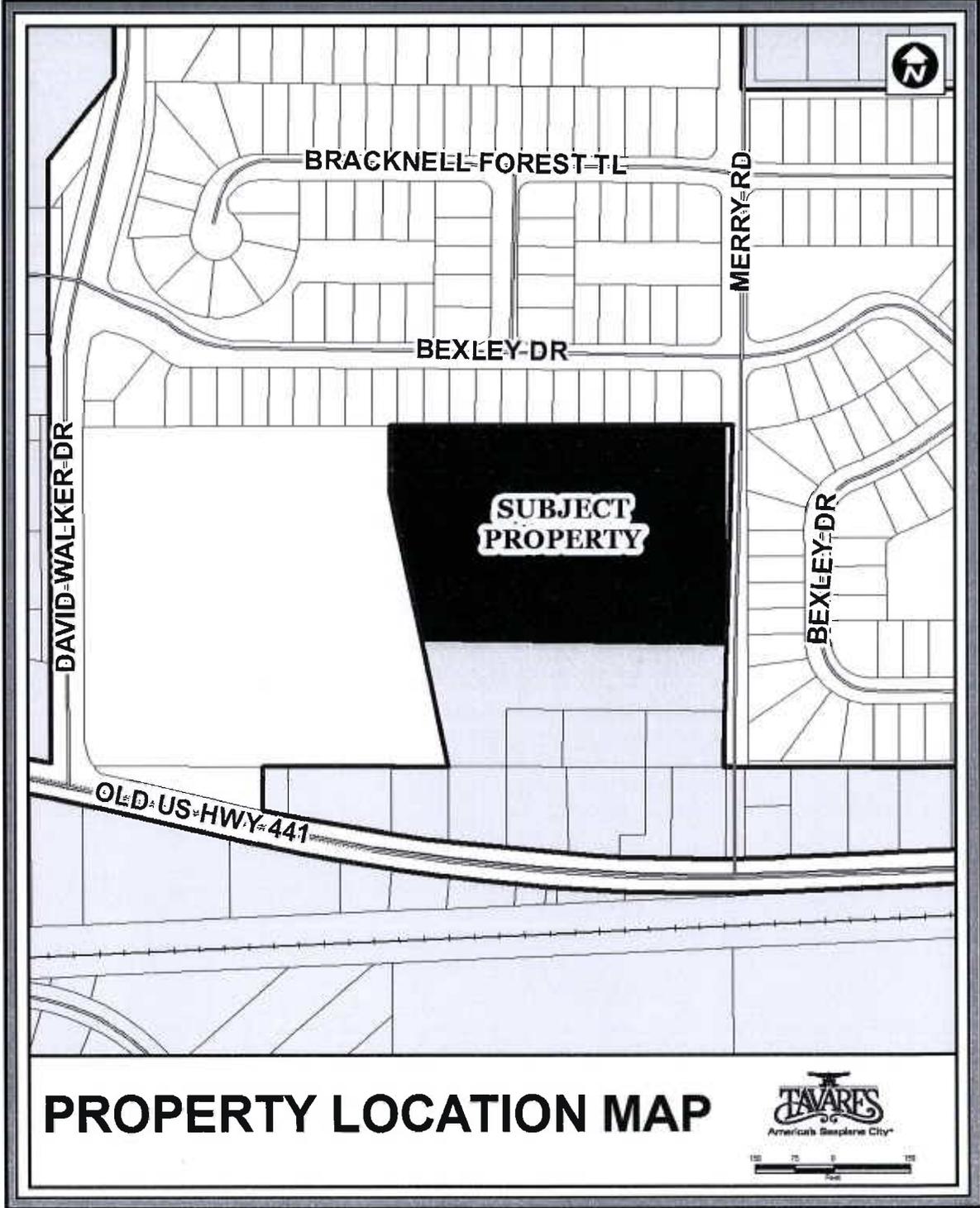
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Exhibit "A"

25
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27

28 Begin at the Northwest corner of Lot 16, according to the PLAT OF JAMES M. CONNER
29 recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida, run South 0 degrees
30 08'52" East 131 feet, South 12 degrees 02'00" East 292.14 feet, South 89 degrees 14'30" East
31 586.86 feet to the West Right-of-Way line of Merry Road, North 0 degrees 18'19" West 419.45
32 feet to North line of Lot 17, North 89 degrees 32'29" West 645.81 feet to Point of Beginning,
33 being part of Lots 16 and 17, PLAT OF JAMES M. CONNER, according to the PLAT thereof as
34 recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida.

CITY OF TAVARES



PROPERTY LOCATION MAP



Created By: City of Tavares GIS F:\P2\DATA\PROJECT FILES\Shanti Niketan Phase 3: Annex, Rezone, SSFLUM - P22012-23\GIS\Map\Shanti_Phase3_AD.mxd Map Created on 10/24/12

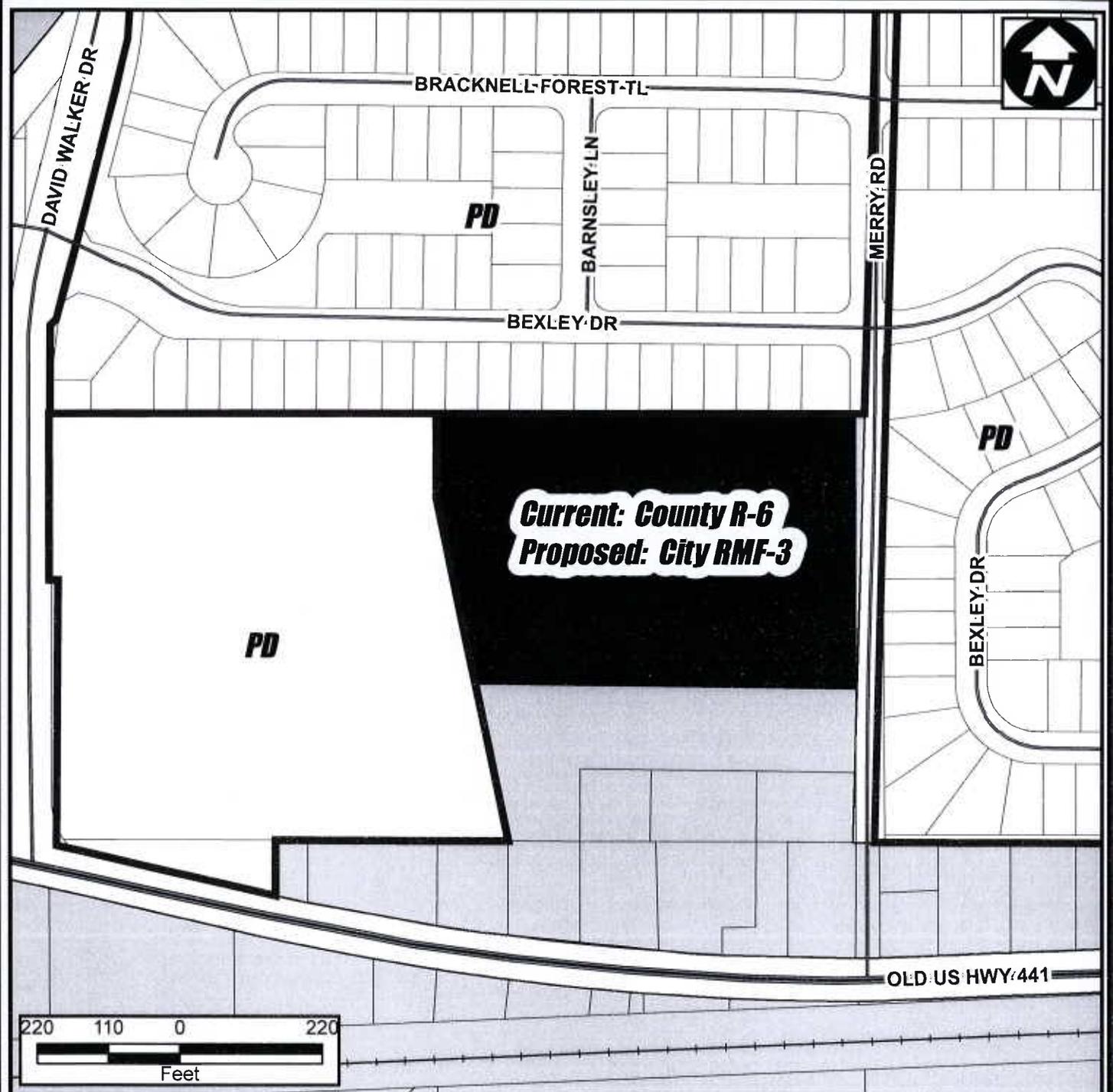
CITY OF TAVARES



PROPERTY LOCATION MAP



CITY OF TAVARES ORDINANCE # 2012-38



- 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 # 2012-38

Current Zoning: County R-6
 Proposed Zoning: RMF-3
 6.0 ± Acres

Legend

- [Symbol] CITY BOUNDARY
- [Symbol] MAJOR ROADS
- [Symbol] ZONING
- [Symbol] STREETS
- [Symbol] SUBJECT PROPERTY
- [Symbol] PARCELS
- [Symbol] UNINCORPORATED
- [Symbol] CONSWETLANDS

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

AGENDA TAB NO. 7

SECOND READING

**SUBJECT TITLE: Ordinance 2012-39
Small Scale FLUM Amendment- Shanti Niketan Phase 3**

OBJECTIVE:

To consider a Future Land Use Map amendment for approximately 6 acres of property located east of David Walker Road, north of old US 441 and west of Merry Road.

SUMMARY:

Ordinance 2012-39 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 1449618) is 6.02 acres in size, located east and adjacent to the 2nd Phase of Shanti Niketan on David Walker Road. An application to annex and rezone this property to a RMF-3 (Residential Multi-Family) is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Lake County Urban High Density to City High Density Residential.

Future Land Use Amendment

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

Compatibility

Properties adjacent to this property are multi-family residential.

Site Conditions

A single family dwelling that exists on this property is proposed to be demolished. The applicant desires to construct a senior condominium complex which will be Phase 3 of the Shanti Niketan development. This property is abuts Phase 2 of this project. A site plan demonstrating compliance with all city regulations including applicable state and federal environmental laws must be approved prior to the issuance of any building permits.

Impact on City Services

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

FINDINGS

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

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

OPTIONS:

1. That City Council moves to approve Ordinance 2012-39.
2. That City Council moves to deny the proposed Future Land Use amendment.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-39.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-39.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ORDINANCE 2012-39

1
2
3 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
4 TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,
5 PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON
6 APPROXIMATELY 6 ACRES OF PROPERTY GENERALLY LOCATED EAST
7 OF DAVID WALKER ROAD, NORTH OF OLD HIGHWAY U.S. 441, WEST OF
8 MERRY ROAD FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY HIGH
9 DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND
10 CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN
11 EFFECTIVE DATE.
12
13

14 WHEREAS, the property legally defined as and depicted in Exhibit "A" attached
15 hereto, has been incorporated into and made a part of the City of Tavares, Florida,
16 pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes;
17 and
18

19 WHEREAS, the owner of property described in Exhibit "A" attached hereto, is
20 requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to
21 change the designation of said property from Lake County Urban High Density to City High
22 Density Residential; and
23

24 WHEREAS, the property consists of less than ten acres; and
25

26 WHEREAS, the City of Tavares has advertised as required by law for two public
27 hearings prior to adoption of this ordinance; and
28

29 WHEREAS, the City has held such public hearings and the records of the City provide
30 that the owners of the land affected have been notified as required by law; and
31

32 WHEREAS, the City desires High Density Residential uses in this particular area of the
33 City; and
34

35 WHEREAS, a High Density Residential Future Land Use designation is compatible with
36 surrounding future land use designations; and
37

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

4
5 **WHEREAS**, the City Council has reviewed and considered all relevant evidence and
6 information and testimony presented by witnesses, the public, and City staff; and

7
8 **WHEREAS**, the City Council finds this amendment in compliance with Chapter 163,
9 Florida Statutes, and the City of Tavares Comprehensive Plan; and

10
11 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
12 general welfare of the citizens of Tavares;

13
14 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
15 Florida as follows:

16
17 **Section 1. Future Land Use Amendment**

18 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
19 Florida, is hereby amended to reflect a re-designation from Lake County Urban High Density to
20 City High Density Residential on certain real property as legally described in **Exhibit "A"**. All
21 provisions of the Comprehensive Plan shall hereby apply to said property.

22
23 **Section 2. Severability and Conflicts**

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

28
29 **Section 3. Transmittal**

30 The City Administrator is hereby authorized and directed to transmit the adopted
31 Comprehensive Plan amendments to the Florida Department of Economic Opportunity, the East
32 Central Florida Regional Planning Council, the St. Johns River Water Management District, the
33 Department of Environmental Protection, the Florida Department of Transportation, and any
34 other governmental agency in the state of Florida that has filed a written request with the City
35 Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this

1 Ordinance as specified in the State Land Planning Agency's procedural rules.

2

3 **Section 4. Effective Date**

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

13

14

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

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Robert Wolfe, Mayor
Tavares City Council

First Reading: _____

Second Reading & Final Adoption: _____

ATTEST:

Nancy A. Barnett, City Clerk

Approved as to form:

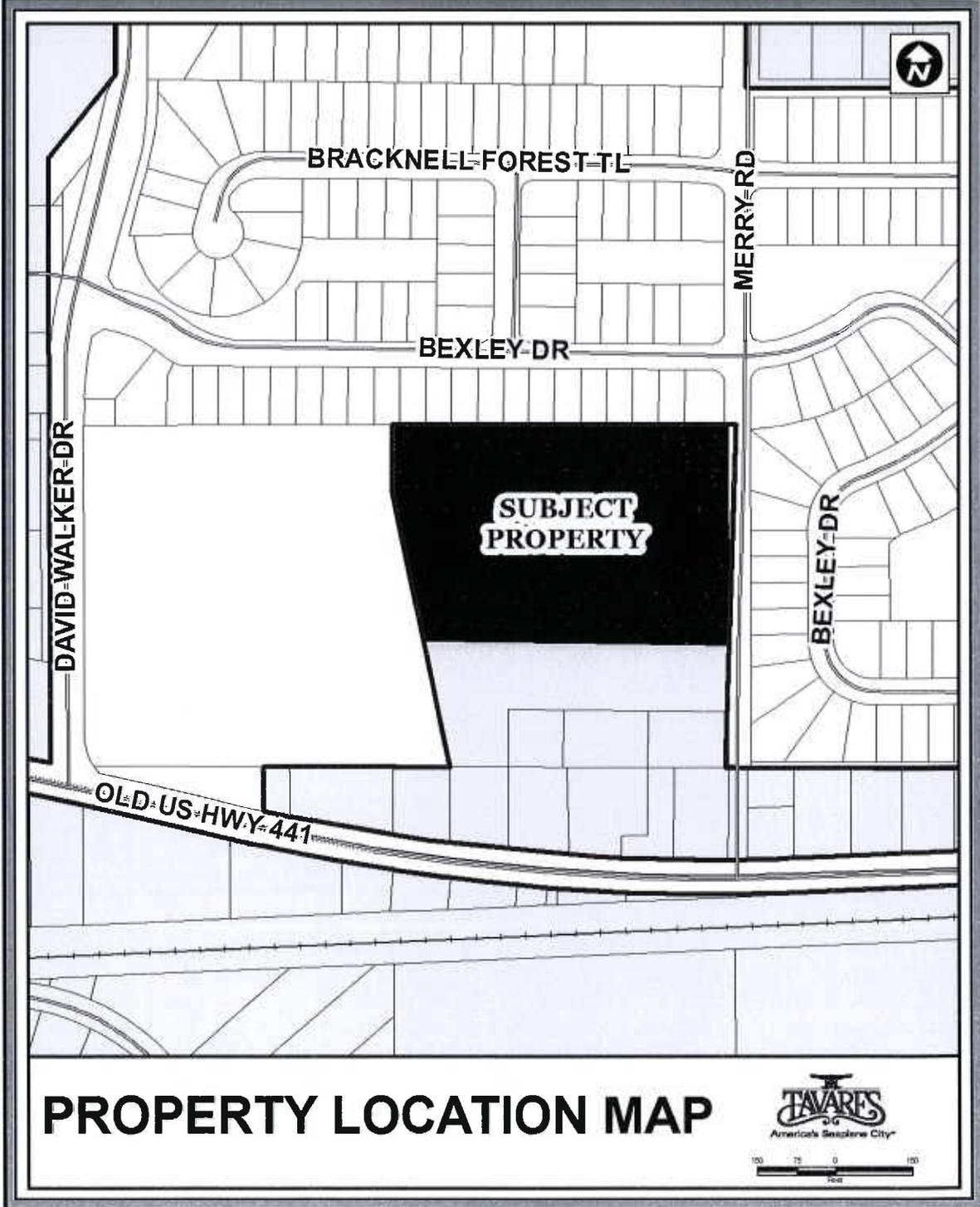
Robert Q. Williams, City Attorney

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Exhibit "A"

Begin at the Northwest corner of Lot 16, according to the PLAT OF JAMES M. CONNER recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida, run South 0 degrees 08'52" East 131 feet, South 12 degrees 02'00" East 292.14 feet, South 89 degrees 14'30" East 586.86 feet to the West Right-of-Way line of Merry Road, North 0 degrees 18'19" West 419.45 feet to North line of Lot 17, North 89 degrees 32'29" West 645.81 feet to Point of Beginning, being part of Lots 16 and 17, PLAT OF JAMES M. CONNER, according to the PLAT thereof as recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida.

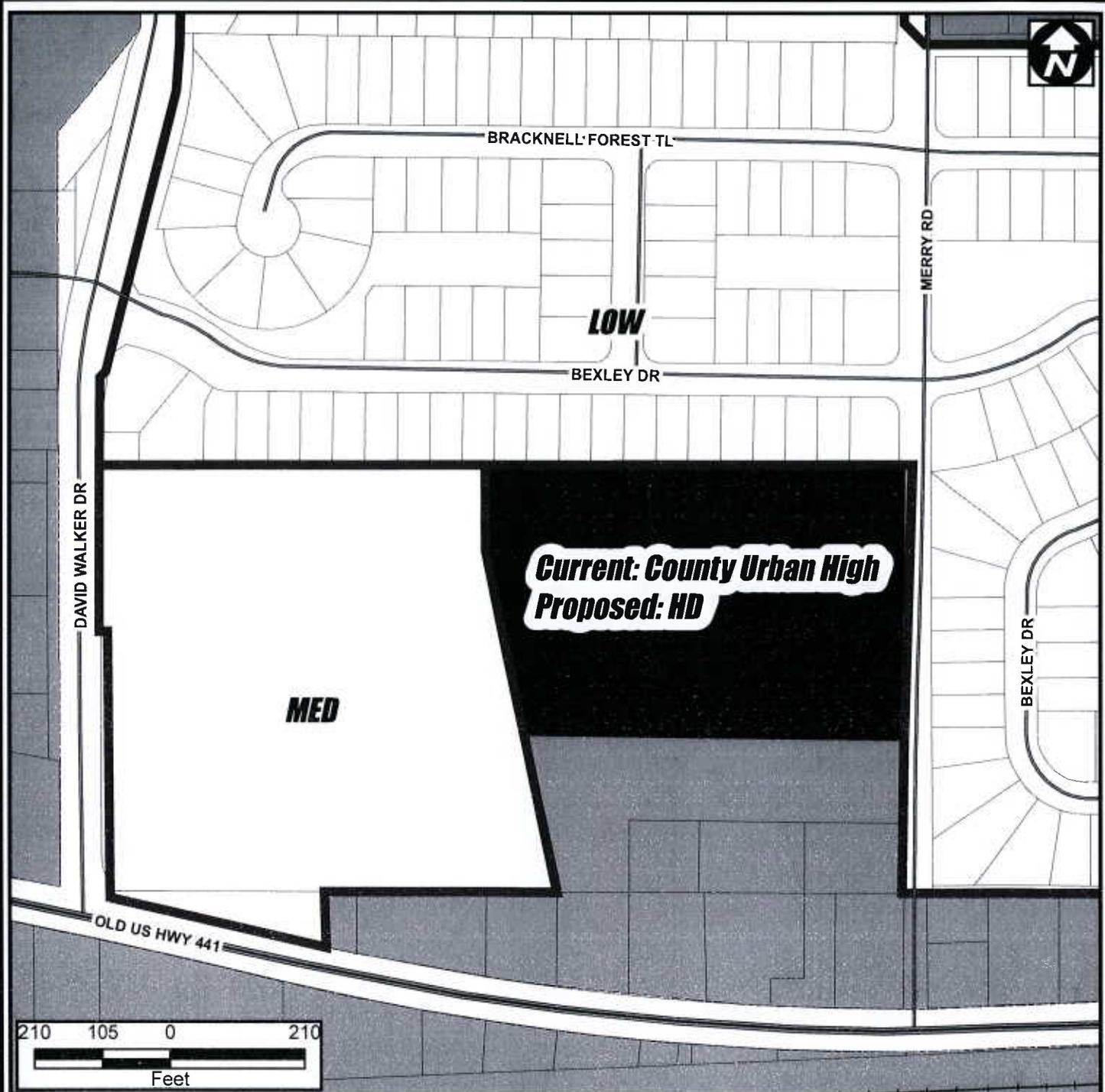
CITY OF TAVARES



Created By: City of Tavares GIS F:\P2\DATA\PROJECT FILES\Shanti Niketan Phase 3, Annex, Rezone, SSFLUM - P22012-23\GIS\GIS_Maps\Shanti_Phase3_AD.mxd Map Created on 10/24/12

1
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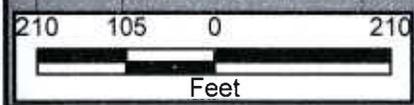
CITY OF TAVARES ORDINANCE # 2012-39



**Current: County Urban High
Proposed: HD**

MED

LOW



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 # 2012-39

Current: County Urban High
Proposed: HD
6.0 ± Acres

Legend

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

CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
November 15, 2012

1
2
3
4
5
6 **BOARD MEMBERS PRESENT**

7
8 John Adams, Chairman
9 Morris Osborn
10 Sam Grist
11 Richard Root
12 Gary Santoro
13 Norb Thomas
14 John Tanner

15
16 **LAKE COUNTY SCHOOL BOARD**

17
18 Debbie Stivender, Boardmember - Absent
19 Dawn McDonald, Senior Planner - Absent

20
21 **STAFF MEMBERS PRESENT**

22
23 Jacques Skutt, Community Development Director
24 Alisha (Sullivan) Maraviglia, Senior Planner
25 Mike Fitzgerald, Development Coordinator

26
27 **CALL TO ORDER**

28
29 John Adams, Chairman, called the meeting to order at 3:00 p.m. and the Pledge of Allegiance was
30 recited.

31
32 **APPROVAL OF MINUTES OF October 18, 2012**

33
34 The minutes were approved as read.

35
36 **OLD BUSINESS**

37
38 None

39
40 **SWEARING IN OF THOSE GIVING TESTIMONY**

41
42 Bob Williams, Attorney, gave the oath to staff and those members of the audience who indicated they
43 would be giving testimony.

44
45 **CASES TO BE HEARD**

46
47 **1) Ordinance 2012-38 – Shanti Niketan Phase 3 – Annexation & Rezoning**

48
49
50
51 Jacques Skutt, Community Development Director provided the following staff report;
52

1 Ordinance 2012-38 proposes an annexation of approximately 6 acres of property located east of David
2 Walker Road, north of old US 441 and west of Merry Road rezoning from Lake County R-6 Residential
3 to City RMF-3 Residential Multi-Family.
4

5 An existing, single family dwelling on this property is proposed to be demolished. The applicant
6 is proposing to construct Phase 3 of the Shanti Niketan development on this location. Phase 3
7 is planned to consist of 112 senior condominium dwelling units. This multi-family development
8 will comply with all city regulations for an RMF-3 zoning. Shanti Niketan Phases 1 & 2, also
9 located on David Walker Road, have proven to be very successful. The construction of Phase
10 3 on the subject property is a logical location for the continued expansion of this development.
11

12 Chairman Adams asked if there was anyone in the audience who would like to make a comment.
13

14 Mr. Rob Ern of BES&H Inc., representing the property owner, informed the board that he was available
15 to answer questions regarding the project.
16

17 There were no questions from the general public.
18

19 Chairman Adams turned the discussion over to the Planning & Zoning Board.
20

21 In response to a question regarding buffering, Mr. Skutt reported that a buffer would be provided in
22 accordance with the Land Development Regulations.
23

24 In response to a question regarding Merry Road, Mr. Ern informed the board that a secondary exit road
25 would be developed which would provide residents with an alternative exit from the property as well as
26 a fire service exit.
27

28 **MOTION**

29

30 **Gary Santoro moved to recommend approval of Ordinance 2012-38. The motion was seconded**
31 **by Sam Grist. The motion carried 7-0.**
32

33 **2) Ordinance 2012-39 – Shanti Niketan Phase 3 – SSFLUM**

34

35 Jacques Skutt, Community Development Director provided the following staff report;
36

37 Ordinance 2012-39 proposes a small scale amendment to the Future Land Use Map 2020 of the
38 Comprehensive Plan from Lake County Urban High Density to City High Density Residential.
39

40 The subject property (Parcel Alternate Key Number 1449618) is the same property as that was
41 addressed earlier on the agenda. It is 6.02 acres in size, located east and adjacent to the 2nd Phase of
42 Shanti Niketan on David Walker Road. An application to annex and rezone this property to a RMF-3
43 (Residential Multi-Family) is concurrently under consideration. This ordinance would amend the current
44 Future Land Use Designation from Lake County Urban High Density to City High Density Residential.
45

46 Future Land Use Amendment

47 The city is required to place a future land use designation on annexed property. The subject property is
48 currently designated Lake County Urban High Density. A City High Density Residential designation is
49 most compatible with surrounding property.
50

51 Compatibility

52 Properties adjacent to this property are multi-family residential.

1
2 Site Conditions

3 A single family dwelling that exists on this property is proposed to be demolished. The applicant desires
4 to construct a senior condominium complex which will be Phase 3 of the Shanti Niketan development.
5 This property is abuts Phase 2 of this project. A site plan demonstrating compliance with all city
6 regulations including applicable state and federal environmental laws must be approved prior to the
7 issuance of any building permits.
8

9 Impact on City Services

10 The City of Tavares has municipal water and sewer services available to the subject parcel and the
11 developer will be required to connect to city utilities. The City's Concurrency Management System will
12 ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all
13 regulated public facilities. Since the property is currently designated Urban High Density under the
14 County's Comprehensive Plan, impacts on Levels of Service are not implicated.
15

16 FINDINGS

17
18 This amendment request is considered to be in compliance with the Comprehensive Plan Goals,
19 Objectives and Policies with the following findings:
20

- 21 1. A High Density Residential Future Land Use designation would serve as the most appropriate
22 land use for the subject property in accordance with Future Land Use policy 1-1.1.6.
23
24 2. Impacts of the proposed development of the subject property shall be monitored through the
25 City's Concurrency Management System. (Comp Plan, Chapter 7A)
26

27 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-39.

28
29 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

30
31 There were no questions.

32
33 Chairman Adams turned the discussion over to the Planning & Zoning Board.
34

35 **MOTION**

36
37 **Sam Grist moved to recommend approval of Ordinance 2012-39. The motion was seconded by**
38 **Gary Santoro. The motion carried 7-0.**
39

40 **3) Ordinance 2012-40 – Rezoning – Jack Smith**

41
42 Jacques Skutt, Community Development Director provided the following staff report;
43

44 The subject property, 1305 North Avenue, is located on the southwest corner of Dora and North
45 Avenues. The property is approximately .378 acres in size and is owned by Jack Smith. The owner
46 desires to construct three small residential cottages and renovate the existing cottage on the property.
47 The resulting 4 dwelling units will architecturally follow a "Key West" theme. The buildings must
48 substantially adhere to the renderings shown on Exhibit "C" of the Planned Development ordinance. It
49 is intended that these cottages may provide needed workforce housing for professional individuals that
50 are employed at the hospital and other medical facilities in this area of the city. The proposed ordinance
51 requires that the usual buffering required between multi-family and single-family uses be constructed
52 along adjoining property lines. Planning demographics forecast that this type of housing will become
53 increasingly popular with young working individuals. Prior to the issuance of any building permits, the