

**AGENDA
TAVARES CITY COUNCIL**

**APRIL 17, 2013
4:00 P.M.**

TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Rick Fountain, First Baptist Church of Tavares

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, March 20, 2013 April 3, 2013
Minutes of Regular City Council Meeting, April 3, 2013

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Military Family & Community Covenant Day Mayor Wolfe

Tab 3) Presentation of Life Saving Awards to Police Stoney Lubins

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 4) Renewal of Contract for Concession Services at Woodlea Sports Park Tamme Rogers

Tab 5) Award of Bid for Basketball Courts for Ingraham Park Tamme Rogers

IX. ORDINANCES/RESOLUTIONS

FIRST READING

SECOND READING

- Tab 6) Ordinance #2013-04 – Rigsby – Annexation & Rezoning Jacques Skutt
1340 County Drive
- Tab 7) Ordinance #2013-05 – Rigsby – Future Land Use Amendment Jacques Skutt
1340 County Drive

RESOLUTIONS

X. GENERAL GOVERNMENT

- Tab 8) Discussion of Official City Flag John Drury
- Tab 9) Agreement with Tavares Historical Society for Use of John Drury
Historical Fire Station (#1) for Use in Future as Museum
- Tab 10) Prohydroxtour Racing Events June 1-2 & June 8-9 Lauren Farrell
- Tab 11) Acceptance of Tourist Development Grants for Lauren Farrell
Prohydroxtour Racing Events & for Seaplane Fly In Event
- Tab 12) Award of Bid for Ruby Street Sidewalk Project Chris Thompson
and Associated Budget Amendment
- Tab 13) Approval of Agreement for Design of Lake Dora Drive Brad Hayes
Line Extension from Disston to Lake Dora Drive
- Tab 14) Approval of Agreement for Design of Sewer Extension on Brad Hayes
Mansfield Road
- Tab 15) Date for Next Golden Triangle Summit to be held in Tavares John Drury

XI. OLD BUSINESS

XII NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

- Tab 16) City Administrator John Drury

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
MARCH 20, 2013
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
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 Doug Dykstra, Adventure Christian Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury requested to add one item under Old Business, 11A – Acceptance of Federal Railroad Administration Grant for Rail Line Relocation and Improvement.

MOTION

Norman Hope moved to approve the agenda with the additional item requested, seconded by Bob Grenier. The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES

1
2 **MOTION**

3
4 **Kirby Smith moved to approve the minutes of March 6, 2013, as submitted, seconded by**
5 **Bob Grenier. The motion carried unanimously 5-0.**

6
7 **V. PROCLAMATIONS/PRESENTATIONS**

8
9 **Tab 2) Water Conservation Month**

10
11 Mayor Wolfe read a proclamation recognizing April as Water Conservation Month.

12
13 **VI. DISCLOSURE OF EXPARTE CONTACTS**

14
15 Attorney Williams swore in those giving testimony for the rezoning ordinance. There were no ex
16 parte communications.

17
18 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

19
20 Ms. Barnett read the following by title only:

21
22 **ORDINANCE 2013-02**

23
24 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING**
25 **APPROXIMATELY .45 ACRES OF PROPERTY GENERALLY LOCATED ON THE**
26 **SOUTHEAST CORNER OF SAINT CLAIR ABRAMS AVENUE AND ESTHER**
27 **AVENUE FROM RMF-2 (RESIDENTIAL MULTI-FAMILY) TO MU (MIXED USE);**
28 **SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY**
29 **THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**

30
31 **ORDINANCE 2013-03**

32
33 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
34 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**
35 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON**
36 **APPROXIMATELY .45 ACRES OF PROPERTY GENERALLY LOCATED ON**
37 **THE SOUTHEAST CORNER OF SAINT CLAIR ABRAMS AVENUE AND**
38 **ESTHER AVENUE; FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE**
39 **COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS;**
40 **PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE**
41 **DATE.**

42
43
44 **VIII. CONSENT AGENDA**

45
46 Mayor Wolfe asked if anyone in the audience was opposed to the Consent Agenda.
47

1 **MOTION**

2
3 **Norman Hope moved to approve the Consent Agenda [Plat Amendments for Oak Bend**
4 **Subdivision, Air Boss Contract for Sea Plane Fly In; and Approval of Event in Wooton Park**
5 **– “Steamship into the Past: Relive the North and the South”], seconded by Bob Grenier.**

6
7 Vice Mayor Smith asked if the Orange Blossom Cannonball will be running during the Wooton
8 Park event under Tab #5 [Steamship into the Past]. Ms. McGinley of the Tavares Chamber
9 confirmed.

10
11 **The motion carried unanimously 5-0.**

12
13 **IX ORDINANCES/RESOLUTIONS**

14
15 **Tab 6) Ordinance #2013-02 – Rezoning of 518 N. St. Clair Abrams from RMF-2 to Mixed Use**

16
17 Mr. Skutt said this rezoning request is for mixed use for ½ an acre of property located on the
18 southeast corner of St. Clair Abrams and Esther Avenue. There is a large house on the property
19 which the owner has refurbished. The owner has received inquiries from prospective buyers
20 asking if the building could be used as professional office. The property is presently zoned
21 residential multi-family 2 which only allows single family dwellings, duplexes and townhomes. To
22 allow a professional office the zoning would have to be assigned a mixed use designation. This
23 zoning would allow the single family dwellings, duplexes, townhomes, and apartment buildings,
24 as well as low intensity commercial buildings, offices, and service uses.

25
26 Mr. Skutt said the downtown master plan suggests high intensity uses along the water front,
27 medium intensity along Alfred Street and Caroline Street and low density uses north of that. It
28 does recommend that the north downtown residential neighborhoods be preserved. Sinclair and
29 St. Clair Avenues are main regional connecting roads which should be characterized with
30 extensive streetscaping, wide sidewalks, etc. He said this is a policy decision to be made by
31 Council. He said the Planning & Zoning Board recommended approval 6-1.

32
33 Mayor Wolfe said he did not think it was a proper rezoning at this time. Vice Mayor Smith said he
34 believed it would be a good use and it was time to start. Councilmember Pfister said she agreed
35 with the mayor.

36
37 Mayor Wolfe asked for audience comment. Tom Pfeiffer said he is the property owner. He said
38 there has been a lot of interest with the option of either having a law office or real estate office.
39 He said the corridor is 80% rentals and this would not only increase the value of all those
40 properties but it would also open up the corridor for development and connectivity to the
41 downtown.

42
43 Councilmember Grenier said he was concerned as to the type of businesses that might come
44 onto the corridor and was concerned as to the future gateway. He said he would rather see
45 requirements come into place before doing a rezoning.

46

1
2
3 **X. GENERAL GOVERNMENT**

4
5 **Tab 8) Approval of Police Benevolent Association Collective Bargaining Contract and**
6 **Memorandum of Agreement**

7
8 Chief Lubins noted that over the last several months he, Councilmember Hope and Mr. Drury had
9 met with the members of the PBA including Officer Sean Dison, Bill Harper, Jason Baugh, and
10 Karl Grogan, along with Steve Micciche from PBA, for the purpose of negotiating this union
11 contract. The negotiations have concluded and the Union members have approved the
12 agreement.

13
14 Chief Lubins discussed the issue of the contracting out of the dispatch services. He said the PBA
15 and the management team have negotiated a Memorandum of Understanding on the departing
16 dispatch employees for Council's approval. He said the Emergency Operations Center may not
17 be available until May 31st of this year. The city may therefore extend the layoff date for some of
18 its dispatchers who voluntarily wish to stay beyond April 1st in order to coincide with the EOC
19 completion date. Any cost to extend the service will be covered by funds previously set aside to
20 pay the Sheriff's office for the City's contracted communications needs.

21
22 The fiscal impact of the proposed bargaining agreement is estimated to be \$12,000 over the
23 previously approved budget. The city also budgeted for the departure of the dispatcher
24 employees. The only increase to that which was previously budgeted is the 30 days of health
25 care coverage which is estimated to cost \$3,506. These two costs will be paid for out of the
26 Police Budget by deferring the hiring of the vacant police officer position until the fall.

27
28 Mr. Drury added that one of the items bargained was to maintain the same health coverage as
29 the other employees and leave that up to the city Council as to how it is budgeted every year. The
30 contract refers to a chart with percentages. He said that chart has a transposition error that needs
31 to reflect not rounded numbers. He said the only change he recommends if the agreement is
32 approved is that it is subject to the insertion of the corrected chart which is on page 25 and which
33 is current for this fiscal year.

34
35 Mayor Wolfe thanked Councilmember Hope, Mr. Drury and Chief Lubins for doing a good job
36 negotiating and the Police Officers for their negotiating efforts.

37
38 **MOTION**

39
40 **Norman Hope moved to approve the PBA contract, the Memorandum of Agreement and**
41 **the change to page 25 of the contract as recommended by Mr. Drury, seconded by Bob**
42 **Grenier.**

43
44 Vice Mayor Smith and Councilmember Pfister expressed appreciation for the negotiating teams.

45
46 **The motion carried unanimously 5-0.**
47

1 **Tab 9) Agreement for Phase 2 of Wind Turbine Feasibility Study**

2
3 Mr. Hayes stated this will continue the Wind Turbine Feasibility study by approving a contract of
4 \$19,400 to collect the wind data, produce the financial pay back reports, and conduct
5 environmental studies for the potential use of wind to augment electricity at Woodlea Wastewater
6 & Reclamation Facility. Mr. Hayes gave a report on work to date. He said if the study indicates
7 the wind feasibility is not there the project will be discontinued. If there is potential, the next step
8 will be to apply for a grant from the Rural Energy for America Program which allows up to
9 \$50,000 for reimbursement for the studies. This item was budgeted in the current budget. He
10 added that the technology has improved for capturing wind speed and it can now be as low as
11 three to five mph to be effective.

12
13 Mayor Wolfe asked for audience comment.

14
15 **MOTION**

16
17 **Norman Hope moved to approve to fund the WECC continuing contract to complete the**
18 **Site Wind Data Collection & Management and Detailed Wind Resource Study at \$19,400,**
19 **seconded by Lori Pfister. The motion carried 4-1 as follows:**

20
21
22 **Robert Wolfe** **Yes**
23 **Kirby Smith** **Yes**
24 **Norman Hope** **Yes**
25 **Lori Pfister** **Yes**
26 **Bob Grenier** **No**

27
28 **Tab 10) Marketing City Owned Property on Caroline Street**

29
30 Mr. Neron reviewed the background on this property noting Council had considered utilizing this
31 property as a potential public works facility site but had decided to remove the property from
32 consideration. He said staff recommends to do an RFP for a real estate broker and list the
33 property with a broker to find a potential buyer in order to put it back on the tax roll. He said the
34 current zoning is public facility but rezoning it may increase the value of the property.

35
36 Vice Mayor Smith asked for information regarding the process on the sale price before
37 contracting with a broker. Attorney Williams said staff would receive an option contract that would
38 be subject to Council approval.

39
40 Councilmember Pfister asked if there was any need for the property in the future. Mr. Neron said
41 there are no plans currently.

42
43 **MOTION**

44
45 **Bob Grenier moved to approve Tab #10 [instruct staff to solicit proposals from real estate**
46 **firms to market and sell this property and bring a real estate broker's contract back to**
47 **Council for approval], seconded by Lori Pfister. The motion carried unanimously 5-0.**

1
2 **Tab 11) Dragonboat Fireworks Donation & Agreement**
3

4 Mr. Drury stated the Rotary Club has requested that the Mayor solicit funding for the fireworks
5 portion for the Dragonboat Races. He said the Chamber will be contributing \$500 and the Rotary
6 will contribute \$500. The estimated cost is \$5,000.
7

8 Mr. Drury noted that Council had developed a policy and procedure regarding solicitation of
9 funds. He said this request meets the policy requirements. Mayor Wolfe said the Taiwanese
10 officials have indicated they are willing to donate \$2500. He said he anticipates the community
11 will be willing to support the fireworks.
12

13 Vice Mayor Smith said he would like those people who donate to receive recognition for their
14 contribution. Mayor Wolfe said there were two people who did donate last year who were allowed
15 to bring their sponsorship signs. Ms McGinley said the Chamber does allow that and puts the
16 information on their web site.
17

18 **MOTION**
19

20 **Norman Hope moved to approve the acceptance of \$1,000 pledged donations from the**
21 **Rotary Club and Tavares Chamber, authorize the Mayor to solicit additional funding for the**
22 **Dragon Boat Festival Fireworks program, authorize the City Administrator to enter into a**
23 **contract for Fireworks in the amount of \$5,000 and appropriate the necessary funding and**
24 **financial reimbursement mechanisms from donations for that appropriated funding. The**
25 **motion was seconded by Kirby Smith. The motion carried unanimously 5-0.**
26

27 **XI. OLD BUSINESS**
28

29 **Tab 11A) Acceptance of the Federal Administration Grant for Rail Line Relocation and**
30 **Improvement**
31

32 Mr. Drury stated that Council had approved an agreement between Florida Central Railroad and
33 the City of Tavares for a \$2.2 million in anticipation of receiving the Federal railroad grant. He
34 noted Tavares is the pass through agency and did receive the grant and now requires formal
35 action of City Council to accept the grant, before the City can have access to all of the grant
36 documents. Ms. Houghton noted that Council will need to give authorization to the City
37 Administrator or Mayor to accept the grant.
38

39 **MOTION**
40

41 **Kirby Smith moved to authorize the City Administrator and/or Mayor to sign off on**
42 **acceptance of the grant, seconded by Norman Hope.**
43

44 Ms. Houghton noted some of the documents will require signature of the Mayor and some by the
45 City Administrator.
46

47 **The motion carried unanimously 5-0.**

1 **Other Old Business**

2
3 Mr. Drury noted Council has held discussion about the parking motor homes in residential areas
4 during events and has received some comments from the residents. He asked if Council would
5 like to leave this issue as it stands currently or have him put it on the agenda for City Attorney to
6 review the ordinance. He asked if there was consensus from Council on this issue. Mayor Wolfe
7 said he was fine with current procedure and ordinance. Mr. Hope said his concern is that if the
8 Code Enforcement officer cannot enforce the ordinance then it only makes sense to either revise
9 the ordinance or do away with it. Vice Mayor Smith said he is in agreement with the ordinance
10 currently. Councilmember Pfister said she did not want to deter someone from driving their motor
11 home to Tavares and visiting the city. She said visiting and living are two different things and as
12 long as they are not living in the motor home she is in agreement.

13
14 Mr. Drury said since there is a majority opinion at this time to leave the ordinance as is, he will
15 only bring the issue back if the problem escalates. Attorney Williams said he agrees with the
16 ordinance as is, however, he noted the current ordinance was written in 1974 and some of the
17 language is somewhat out of date. He noted there is updating language that could be done if
18 Council wishes to address this in the future.

19
20 **XII. NEW BUSINESS**

21
22 None

23
24 **XIII. AUDIENCE TO BE HEARD**

25
26 Don Campbell, 1502 E. Alfred Street

27
28 Mr. Campbell said the discussion of the motor home is important to him as he did not realize
29 there was a question on the ordinance. He said there is a motor home in his neighborhood that
30 has been there for about three months. He said he would like clarification. Mr. Drury said that
31 issue appeared clear and he should contact the Code Enforcement officer as it sounded like
32 someone is living in the motor home.

33
34 Patsy Umlauf, 2805 Wekiva

35
36 Ms. Umlauf asked about golf carts being able to cross SR 19 and the requirement for license
37 plates as in the Villages.

38
39 Mr. Drury said there is an approval process that is coming from FDOT through FDOT District Five
40 in Deland to Tavares sometime in the current month. He said they are working through their
41 internal approval process and it is hoped at the next Council meeting the city will be able to
42 provide an update.

43
44 Charlotte Hope

45
46 Ms. Hope thanked Mr. Neron for all of his work at the Classic Race boats festival saying it had
47 been a very successful event.

1
2 **XIV. REPORTS**

3
4 **Tab 14) City Administrator**

5
6 Mr. Drury referred to the list of upcoming meetings.

7
8 **Economic Development**

9
10 Mr. Neron reminded everyone of the Sunnyland Antique Boats festival this weekend. He said in
11 terms of the railroad grant he wished to acknowledge the long persistent work of Pam Richmond
12 and T.J. Fish of the MPO.

13
14 **Community Services**

15
16 Ms. Rogers said the foundation is complete for the pavilion project. She said she would arrange a
17 guided tour for those interested.

18
19 **City Attorney**

20
21 **Tab 24) City Council**

22
23 **Councilmember Pfister**

24
25 **Councilmember Hope**

26
27 Councilmember Hope thanked Mr. Hayes and Mr. Thompson for their work in Fox Run when the
28 “sink hole” happened. He said it was a collapsed drainage pole and the city had quickly
29 responded and taken care of the problem.

30
31 He commended Mr. Neron for the car show.

32
33 **Councilmember Grenier**

34
35 Councilmember Grenier said the springtime water events are wonderful and he is very excited
36 about Tavares. He noted he had held a meeting to plan for the North-South event in September.

37
38 He said the Tavares Historical Society has their pioneer luncheon this coming Sunday which
39 celebrates the birthdays of the founder of Tavares, St. Clair Abrams, and Captain Haynes. He
40 noted he will be out of town for the next two weeks to visit his family in Illinois.

41
42 **Vice Mayor Smith**

43
44 Vice Mayor Smith commended Mr. Neron and the police officers on the boat races. He also
45 thanked staff for the splash park and recent resurfacing project.

46
47 **Mayor Wolfe**

1
2 Mayor Wolfe commended staff on the Classic boat race event.

3
4 **Adjournment**

5
6 There was no further business and the meeting was adjourned at 4:56 pm.

7
8 Respectfully submitted,

9
10 
11 Nancy A. Barnett, C.M.C.
12 City Clerk

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 3, 2013
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

Bob Grenier, Councilmember

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF AGENDA

Mr. Drury requested to add Update on Golf Cart Crossing under Item 12A.

MOTION

Norman Hope moved to approve the agenda with the additional item requested, seconded by Lori Pfister. The motion carried unanimously 4-0.

IV. APPROVAL OF MINUTES

The minutes of March 20, 2013 were deferred to the next Council Meeting.

1 **V. PROCLAMATIONS/PRESENTATIONS**

2
3 **Tab 2) Water Conservation Month**

4
5 Mayor Wolfe read a proclamation recognizing May 19-25 as Public Works Week and commended
6 Chris Thompson, Public Works Director. He noted that the Tavares Chamber had recently given
7 the City a beautification award for the Freedom Flag.
8

9 **Tab 3) Library Appreciation Week**

10
11 Mayor Wolfe read a proclamation designating April 14-20, 2013 as Library Appreciation Week
12 and commended the library staff present: Rosa Rosario, Library Director; Marli Lopez, Circulation
13 Coordinator; and Linda Britt, Staff Assistant).
14

15 **Tab 4) Presentation to Chris Thompson for Project of the Year – Alleyway Project**

16
17 Mayor Wolfe presented a plaque to Chris Thompson which Mr. Thompson received recently at a
18 meeting of the Central Florida Branch of the American Public Works Association in recognition of
19 the alleyway project. Mr. Thompson noted this project was a team effort.
20

21 **VI. DISCLOSURE OF EXPARTE CONTACTS**

22
23 None.
24

25 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

26
27 Ms. Barnett read the following ordinances and resolution by title only:
28

29 **FIRST READING**

30
31 **ORDINANCE 2013-04**

32
33 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY**
34 **ANNEXING APPROXIMATELY 0.35 ACRES OF LAND GENERALLY LOCATED ON**
35 **COUNTY DRIVE, REZONING THE PROPERTY FROM COUNTY RM (MIXED HOME**
36 **RESIDENTIAL) TO CITY RMH-S (RESIDENTIAL MANUFACTURED HOME**
37 **SUBDIVISION); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
38 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**
39 **EFFECTIVE DATE.**

40
41 **ORDINANCE 2013-05**

42
43 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
44 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**
45 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON**
46 **APPROXIMATELY 0.35 ACRES OF PROPERTY GENERALLY LOCATED ON**
47 **COUNTY DRIVE FROM LAKE COUNTY URBAN LOW TO CITY MOBILE**

1 HOME; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR
2 TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

3
4 RESOLUTION NO. 2013 - 02

5
6 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AMENDING
7 RESOLUTION NO. 2012-13 RELATING TO THE PROVISION OF FIRE
8 PROTECTION SERVICES, FACILITIES AND PROGRAMS; AMENDING THE
9 NON-RESIDENTIAL PROPERTY USE CATEGORY TO INCLUDE A SEPARATE
10 APPORTIONMENT CATEGORY FOR HOTEL/MOTEL/RV PARK; AMENDING
11 THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS FOR
12 THE HOTEL/MOTEL/RV PARK CATEGORY; AMENDING THE FIRE SERVICES
13 ASSESSMENTS AGAINST HOTEL/MOTEL/RV PARK ASSESSED PROPERTY
14 LOCATED WITHIN THE CITY OF TAVARES; APPROVING THE AMENDED
15 RATE OF ASSESSMENT FOR THE HOTEL/MOTEL/RV PARK CATEGORY;
16 APPROVING THE AMENDED ASSESSMENT ROLL FOR HOTEL/MOTEL/RV
17 PARK CATEGORY; PROVIDING FOR RETROACTIVE APPLICATION AND
18 CREDITS; AND PROVIDING AN EFFECTIVE DATE.

19
20 Mayor Wolfe explained the City's policy to only read ordinances at first reading with full
21 discussion held at second reading.

22
23 **VIII. CONSENT AGENDA**

24
25 None.

26
27 **IX ORDINANCES/RESOLUTIONS**

28
29 **Tab 5) Ordinance #2013-04 – Annexation and Rezoning – Rigsby Property – 1340 County**
30 **Drive**

31
32 First Reading only.

33
34 **Tab 6) – Ordinance #2013-05 – Small Scale future Land Use Amendment – Rigsby Property**
35 **– 1340 County Drive**

36
37 First Reading only.

38
39 **Tab 7) Ordinance #2013-06 – Fire Pension Ordinance – Amendment to Comply with State**
40 **Law Chapter 2011-216**

41
42 First Reading only.

43
44 **Tab 8) Resolution #2013-02 – Establishing the Fire Assessment Rate Tier for Motels and**
45 **Hotels**

46

1 Ms. Houghton advised that she had provided Council with a list of the previous dates of
2 discussion held on the Fire Assessment in the agenda summary. She made the following report:

3
4 *After implementation and application of assessment fees, the City received several inquiries from*
5 *local hoteliers requesting that the City look at including a specific rate class/tier for*
6 *Hotels/Motels/RV Parks. Staff reviewed fire assessments assessed by other Cities and Counties*
7 *including Lake County, and found that many included a specific rate class for Motels/Hotels. Staff*
8 *asked the City's rate consultant, Government Services Group (GSG), to determine whether a*
9 *class for this unique business type could be supported within the constraints of the existing rate*
10 *study.*

11
12 *GSG has worked with the City Attorney to prepare Resolution 2013-02 which provides for a*
13 *specific rate class/tier for the City's Motel Business Community. Offering this addition rate/tier*
14 *class falls with the parameters of the current study and provides a rate structure that more*
15 *appropriately addresses this unique business community. It is not related to occupancy but is*
16 *based on the number of rooms.*

17
18 *The new rate class/tier for Hotels/Motels and RV Parks will assess these entities on a per room*
19 *basis instead of a square feet basis. Occupancy status will not be considered. The rate per room*
20 *will be \$46. Resolution 2013-02 provides a rate structure more similar to other entities assessing*
21 *a fire assessment.*

22
23 *Staff recommends approval of Resolution Number 2013-02 which provides an additional rate*
24 *class/tier specific to Hotels, Motels and RV Parks.*

25
26 Ms. Houghton noted this specific tier would be de minimus to the overall study in the collection of
27 revenues.

28
29 Vice Mayor Smith asked how the RV parks were charged prior to this change. Ms. Houghton said
30 there are only two and they have specific buildings on the property and were based on the square
31 footage and occupancy rate.

32
33 Councilmember Pfister asked the monetary impact. Ms. Houghton answered it is de minimus on
34 the overall revenues as the total revenues have a 10% built in adjustment; the amount should be
35 around \$15,000 to \$20,000 annually. Ms. Pfister asked if this will open to a door to future
36 adjustments. Ms. Houghton said the adjustment has to be applicable to the property and a
37 definitive measurement (such as rooms for the hotels and motels) and there are current cases
38 where this has been collected this way in the past.

39
40 **MOTION**

41
42 **Lori Pfister moved to approve Resolution #2013-02, seconded by Kirby Smith. The motion**
43 **carried unanimously 4-0.**

44
45 **X. GENERAL GOVERNMENT**

46

1 **Tab 9 – Contract with Malcolm Pirnie for Design Services of CRA Stormwater Project**
2 **Phase 1**
3

4 Mr. Hayes said this is a request for approval of the above contract with Malcolm Pirnie in the
5 amount of \$324,250 to design the construction of Phase 1 Stormwater Infrastructure project at
6 Ruby Street which will include preparation of the bid documents, bidding out of the project and
7 continuing to solicit for grant and loan funding.
8

9 Mr. Hayes said this plan will coordinate with the water and sewer upgrades in the area. The
10 purpose is to improve the water quality of Lake Dora. The city has secured three grants thus far:
11 one from TMDL in the amount of \$750,000; the second is the 319 FDEP grant for \$750,000 and
12 the third from Lake County Water Authority in the amount of \$250,000. The total grants to date
13 are \$1,750,000 which is leaving a balance of \$1,250,000 to complete a three million dollar
14 project.
15

16 The city issued a Request for Qualifications in November for this project. Seven proposals were
17 received and a selection committee convened to review, evaluate, and rank the seven proposals.
18 The top three ranked firms were invited to be interviewed. On February 15, 2013, four of the five
19 committee members conducted interviews (one had a schedule conflict). Upon conclusion the
20 four committee members ranked Malcolm Pirnie the number one firm. The Utility Director then
21 negotiated a contract with Malcolm Pirnie. Mr. Hayes discussed the scope of services.
22

23 Vice Mayor Smith asked if there have been discussions with the engineer as to how the project
24 will be accomplished in terms of the event season downtown. Mr. Hayes confirmed and said the
25 information on events will be in the bid specifications.
26

27 Councilmember Pfister asked about the various rankings by the selection committee. Mr. Drury
28 explained that the members of the committee come from different backgrounds and tend to rank
29 based on their professional perspectives. Councilmember Pfister asked about local preference.
30 Attorney Williams said the process is done according to statute and the location of the vendor can
31 be considered.
32

33 Councilmember Hope asked if Ruby Street will only be torn up one time.
34

35 Mr. Drury said there are two corners of the sidewalk that will interact with the stormwater; 95%
36 will be untouched but two years later at the portion where the stormwater touches the sidewalk it
37 will be impacted. Councilmember Pfister asked for clarification on how the project will correct
38 stormwater problems. Mr. Drury said it will not correct the northern part which will be Phase 2.
39 This will take care of the area by the lake, Ruby Street, and Main Street area.
40

41 Mayor Wolfe asked if the baffle boxes being left in the park will be an issue for future shoreline
42 plans. Mr. Hayes said he will work with Mr. Neron on this issue.
43

44 Councilmember Pfister asked how long the project will take. Mr. Drury said eight to nine months.
45 Mr. Shannon confirmed noting that the mitigation and permit issues will take some of that time
46 and hopefully it will only take about six months for the stormwater pond in addition to about a
47 month for Ruby Street.

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MOTION

Kirby Smith moved to approve contract design services with Malcolm Pirnie in the amount of \$324,250 for the CRA stormwater phase one project, seconded by Norman Hope. The motion carried unanimously 4-0.

Tab 10 – Envista Software and Proposal

Mr. Hayes and Ms. Ross presented an overview of the Envista project mapping software which will be utilized to track construction projects and event activities and to seek City Council's approval to implement this budgeted program. Mr. Drury discussed the variety of projects that will be underway in the city's downtown along with various public events and private companies involved with construction projects. Every department will be able to input their project information. He said once the major projects are done the city should not need the same level of software.

Discussion followed on the date of implementation.

Mr. Drury said he was hearing from Council direction to try to make the contract period last for two fiscal years and issue the Notice to Proceed right before there is a major project going forward in order to get the best utilization of the software. He said staff will provide a report back to Council with sufficient notice on the proposed date for the Notice to Proceed and why that date was selected. He asked Council to let him know if they feel there is a problem with the date selected.

Councilmember Pfister noted staff needed time to put the information in the newsletter.

Mayor Wolfe noted with the many projects going on currently and in the future, he did not want to see the implementation pushed off for too long.

MOTION

Kirby Smith moved to approve the software programming and give staff the ability to pick the date for the onset of the program, seconded by Lori Pfister. The motion carried unanimously 4-0.

Tab 11) City Council Benefits

Mr. Drury said the proposal for Council to have access to the City's health insurance by paying 100% of the cost, that was approved previously, did not include vision and dental.

MOTION

Lori Pfister moved to add vision and dental to the City Council's available insurance, seconded by Kirby Smith. The motion carried unanimously 4-0.

1 **Tab 12) Discussion on Renewal of Two Cents Gas Tax**
2

3 Ms. Houghton presented the following summary on the fuel taxes authorized by the state:
4

5 **Background of ALL State authorized Local Option Fuel Taxes available for Levy:**

6 County governments are authorized to levy up to 12 cents of local option fuel taxes in the form of
7 three separate levies.
8

- 9 1. The **first** is a tax of 1 cent on every net gallon of motor and diesel fuel sold within a county
10 known as the **ninth-cent fuel tax**. This tax may be authorized by an ordinance adopted
11 by an extraordinary vote of the County Commission or by a county-wide referendum. *This*
12 *tax is currently collected in Lake County.*
13

- 14 • This revenue is collected by the State of Florida and distributed to participating
15 counties. The City receives a monthly distribution from Lake County from this
16 revenue source. Transportation expenditures are the basis for the distributions for
17 the municipal portion.
18

- 19 2. The **second** is a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within
20 a county. This tax may be authorized by an ordinance adopted by majority vote of the
21 County Commission or by a county-wide referendum. The County currently collects these
22 taxes as follows:
23

24 I. **First 2 Cents:** Authorized by County Ordinance No. 1994-8 authorized for a
25 period of 20 years. This tax is distributed among the county government and
26 eligible municipalities based on transportation expenditures. This revenue is
27 collected and distributed by the State of Florida.
28

29 II. **Second 2 Cents:** County Authorized by County Ordinance No. 1985-15 for a
30 period of 30 years. This tax is distributed among the county government and
31 municipalities based on an interlocal agreement. This revenue is collected and
32 distributed by the State of Florida.
33

34 III. **Third 2 Cents:** County Authorized by County Ordinance No. 1986-4 for a period of
35 30 years. This tax is distributed among the county government and municipalities
36 based on an interlocal agreement. This revenue is collected and distributed by the
37 State of Florida.
38

- 39 3. The **third** is a tax levy of 1 to 5 cents upon every net gallon of motor fuel sold within a
40 county. Diesel fuel is not subject to this tax. This tax may be levied by Ordinance of the
41 County Commission with a majority plus 1 vote or by county-wide referendum.
42

- 43 • This tax is **NOT** levied in Lake County. (This tax was levied in 47 of Florida's
44 counties in FY2013.)
45
46

1 The **second two cents** of the Second available Local Option Tax (1-6 cents & see *highlighted*
2 *section*) described above is under consideration for renewal as this tax per County Ordinance No.
3 1994-8 will expire on August 31, 2014. The full 6 cents will provide the City of Tavares with
4 estimated collections of \$299,506 for FY2013.

5
6 2 cents of the total 6 cents currently collected is approximately one third of this revenue source
7 currently included in the FY2013 year budget. If this tax is not renewed City revenues would
8 decrease by approximate \$100,000 in FY14 plus any incremental amounts related to price
9 increases or increased sales.

10
11 Currently all Counties collect the full 6 cents authorized by the State of Florida except for one
12 county, Franklin, which collects 5 cents.

13
14 Local Option Fuel Taxes may be used for Transportation Expenditures as identified in F.S. §
15 336.025:

- 16 • Public transportation
- 17 • Roadway and right-of-way maintenance and equipment and structures used
- 18 primarily for the storage and maintenance of such equipment
- 19 • Roadway and right-of-way drainage
- 20 • Street lighting installation, operation, maintenance, and repair
- 21 • Traffic signs, traffic engineering, signalization, and pavement markings,
- 22 installation, operation, maintenance and repair
- 23 • Bridge maintenance and operation
- 24 • Debt service and current expenditures for transportation capital projects in the
- 25 foregoing program areas including construction or reconstruction of roads and
- 26 sidewalks.

27
28 Ms. Houghton noted the city spends approximately \$300,000 annually for the traffic signal cost
29 and street lighting. In addition the city spends about \$25,000 to \$30,000 for traffic signal
30 maintenance and this revenue source helps the city meet its costs in the annual budget. It will
31 also help support debt service for roadways or other transportation costs.

32
33 Ms. Houghton said the options suggested are:

- 34
- 35 1. To move to request the mayor forward a letter to the BCC urging them to re-impose the
- 36 first two cents of the second local option fuel tax scheduled to expire in August 2014
- 37 2. To move to have the mayor send a letter to the BCC requesting that they hold community
- 38 meetings or
- 39 3. Do not send any letters.

40
41 Staff recommends that the city recommend that the BCC hold discussions concerning renewal
42 options for the first two cents of the second local option fuel tax. Mr. Drury added that the county
43 is holding its first discussion next Tuesday. He discussed the response from some of the cities
44 thus far. Council discussed various aspects of the fuel tax revenues.

45
46 **MOTION**

47

1 **Lori Pfister moved to send a letter to the County Commission encouraging them to hold**
2 **public meetings on the renewal of the fuel tax, seconded by Norman Hope.**

3
4 Councilmember Hope said he would like staff to look into why Tavares is at 3.9 and the other
5 cities are double that amount.

6
7 Mr. Drury said it was based on a figure in the 1980's and when it is renewed it will be based on
8 current numbers; it depends on the population. He said he will send the formula to Council. He
9 noted that non-residents as well as residents, purchase gas and thus contribute to the cost of
10 operating the lights as opposed to having to fund traffic lights out of property taxes.

11
12 Ms. Houghton said the actual revenues that are paid every year are much higher because they
13 are based on current values of population and transportation expenditures.

14
15 Vice Mayor Smith said he hoped new information could be submitted every year. Attorney
16 Williams said the agreement was not set up to be addressed every year.

17
18 **The motion carried unanimously 4-0.**

19
20 **XI. OLD BUSINESS**

21
22 **Tab 12A) Golf Cart Crossing Update**

23
24 Mr. Drury stated that the process for obtaining approval for golf cart crossings into the downtown
25 has taken four years. The state had to change make changes in its rules because of the impact
26 across the entire state. FDOT has sent a letter of approval for the SR 19/Dead River Road
27 interchange contingent on three issues:

- 28
29 1. The "all red" light must be extended at that intersection
30 2. The County must approve Dead River Road as golf cart friendly
31 3. Installation of golf cart signage

32
33 He said after those three items become approved in the next 30 days this crossing should be
34 approved. The interchange will then be monitored for about a year and FDOT has indicated they
35 may consider a similar crossing at St. Clair Abrams and US 441 after that time.

36
37 **XII. NEW BUSINESS**

38
39 None

40
41 **XIII. AUDIENCE TO BE HEARD**

42
43 **Don Dixon, Tavares**

44
45 Mr. Dixon asked if Council has determined how the increase in the cost of the pavilion approved
46 on February 20th will be achieved.

47

1 Mr. Drury said the city adjusted the business plan that included additional revenues from the
2 improvements as well as a reduction in the payment of the enterprise to the General Fund. He
3 offered to provide a copy of the business plan to Mr. Dixon which shows the before costs and the
4 revised costs and how it will be paid for. There will be a loan with debt service and that debt
5 service will be covered by the increased revenues and the decreased expenses of the payment to
6 the General Fund.

7
8 Mr. Dixon said in the presentation on February 20th Mr. Drury had used a 60% occupancy rate.
9 He questioned the revenues based on weekend rentals.

10
11 Mr. Drury discussed the number of conference rooms planned and rentals anticipated for
12 weekdays and ancillary businesses that will have opportunities.

13
14 Mr. Drury said he would be happy to meet with Mr. Dixon along with the Finance Director to
15 review the business plan and basis for revenues.

16
17 Vance Joachim, Unincorporated Tavares

18
19 Mr. Joachim discussed his attendance at County and School Board meetings and the blog he
20 writes. He noted he has experience auditing contracts. He noted the [CRA] design engineer had
21 been selected without pricing which is allowed under Florida Statutes. He said there is a law
22 pending that may change the equation to include pricing as one of the criteria. He said at the
23 School Board recently the issue came up that there needs to be a way to educate local
24 contractors to help them be more competitive. He said there is also a one penny fuel tax coming
25 up for renewal that is divided between the cities and county.

26
27 Mr. Drury noted that he believed 80% of the work force works in nearby counties and that many
28 of the contractors derive revenue from work outside of Lake County. He said it is important that
29 the Lake County contractors are not prevented from doing business in other counties and cities,
30 as in some areas if a contractor is from a city that has a local preference policy it may inhibit them
31 from working in another county. Mr. Joachim said he was not advising to have a local preference
32 policy but just wanted to encourage the education of local contractors. Mr. Drury said that was a
33 good recommendation.

34
35 Bill Stomp, Britannia Blvd.

36
37 Mr. Stomp said he would like the Mayor and the Council to understand the importance of the
38 software that was approved today noting it is forward thinking and a very smart move by the City.

39
40 XIV. REPORTS

41
42 Tab 14) City Administrator

43
44 Mr. Drury referred to the list of upcoming meetings.

45
46 Economic Development

47

1 Mr. Neron reminded everyone of the Splash Park reopening this Saturday.

2
3 **Community Services**

4
5 Ms. Rogers said there will be fireworks on Friday night for the Dragonboat Festival.

6
7 **Finance Director**

8
9 Ms. Houghton noted the penny tax referred to by Mr. Joachim is the one cents infrastructure
10 sales tax which can be used for any capital infrastructure of the city and will be up for renewal in
11 December 2017.

12
13 **City Attorney**

14
15 **Tab 24) City Council**

16
17 **Councilmember Pfister**

18
19 Councilmember Pfister noted the Notre Dame Women's Basketball team will be playing on
20 Sunday afternoon and possibly in the national championship on Tuesday.

21
22 **Councilmember Hope**

23
24 Councilmember Hope said he had received a nice letter from Bill Hancock of the Sunnyland
25 Antique Boat Society. The letter commended the city and the staff for their cooperative attitude in
26 supporting the event.

27
28 **Vice Mayor Smith**

29
30 Vice Mayor Smith said the citizens may not realize how much work the staff puts in. He noted the
31 agenda takes a lot of work from all the department heads including Ms. Barnett and it is greatly
32 appreciated

33
34 **Mayor Wolfe**

35
36 Mayor Wolfe commended the staff on the boat show.

37
38 **Adjournment**

39
40 There was no further business and the meeting was adjourned at 5:33 p.m.

41
42 Respectfully submitted,

43 

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

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
April 3, 2013**

AGENDA TAB NO. 2

**SUBJECT TITLE: Proclamation for Florida Military Family & Community
Covenant Day**

OBJECTIVE:

The Mayor will read a proclamation designating April 17, 2013 as Military Family & Community Covenant Day.

SUMMARY:

The Florida Military Family and Community Covenant has asked the Florida League of Cities to request that the municipalities adopt a proclamation to recruit civilian support for military families and veterans.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A



***PROCLAIMS APRIL 17, 2013 AS
MILITARY FAMILY AND COMMUNITY COVENANT DAY***

WHEREAS, for more than 230 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, whether serving at home or abroad, Florida's active duty reserve and National Guard military and civil servants, protect our homeland, respond to national disasters, assist humanitarian emergencies and protect against all threats foreign and domestic; and

WHEREAS, created in 2008, the United States Army Community Covenant program was designed to foster and sustain effective state and community partnerships with all of the armed services, improving the quality of life for service men and women and their families; and the State of Florida has conducted a state-wide community covenant signing ceremony; and

WHEREAS, community support is essential to the readiness of the military and contributes to strengthening the resilience of U. S. military personnel; and

WHEREAS, Americans recognize that military personnel and their families make considerable sacrifices as they defend the Nation, as multiple long deployments, frequent moves, and visible/invisible wounds of war are a few of the unique stresses military families face; and

WHEREAS, today, Floridians support service members, veterans, and their families by stepping forward to help mitigate stresses associated with military life while also striving to inspire their fellow Americans to continue to recognize and support military and veteran families in their communities.

NOW, THEREFORE, BE IT RESOLVED that the City of Tavares hereby proclaims April 17, 2013 as

MILITARY FAMILY AND COMMUNITY COVENANT DAY

and hereby express their unwavering support and admiration to all current and former military personnel for their true and faithful service and further recognize the tremendous sacrifices of their families.

BE IT FURTHER RESOLVED that the City of Tavares, through the Florida Military Family and Community Covenant and Operation Strong Families, accepts the call to action to support and honor all service members, veterans and their families, past and present.

DONE AND PROCLAIMED this 17th day of April, 2013.

Robert Wolfe, Mayor



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

February 8, 2013

Dear City Manager or City Clerk:

(PLEASE SHARE THIS INFORMATION WITH YOUR CITY OFFICIALS AND YOUR PUBLIC INFORMATION OFFICER)

The Florida Military Family and Community Covenant, Inc. (FMFCC) is a not-for-profit whose mission is to recruit a ground swell of civilian support across the State of Florida to support our military families and veterans.

By reaching out to Florida's 410 cities and engaging small groups of civilians to create and implement an action plan, the Florida Military Family and Community Covenant will make a difference in the life of military families.

The Florida Military Family and Community Covenant has asked the Florida League of Cities to partner in getting the word out to Florida's cities. Therefore, we are encouraging our membership to place this item on an agenda before the end of March for consideration and adoption of a resolution in support of Florida Military Family and Community Covenant Day – April 17, 2013.

We have attached a draft resolution, along with several other items of information – suggestions for activities celebrating FMFCC and April 17, 2013 and a publicity checklist.

When adopting your resolution, we strongly encourage your city to publicize the adoption of the resolution, as well as any activities planned in celebration of April 17, 2013, FMFCC Day. Also, please let the FMFCC Executive Director (info. below) when the item is scheduled to come before your commission or council.

Once your resolution is adopted, please provide a copy to the FMFCC at Post Office Box 883, Monticello, Florida 32345-0883. All resolutions will be placed on a backdrop for future events, including celebrations on April 17, 2013 in Tallahassee.

For further information, please contact Rae Pike, FMFCC Executive Director at (850) 673-7981. Thank you for placing this on an upcoming agenda for consideration. We look forward to receiving your resolution and to celebrating Florida Military Family and Community Covenant throughout Florida!

Sincerely,

A handwritten signature in black ink, appearing to read "Manny Maroño".

Manny Maroño
President, Florida League of Cities
Mayor, City of Sweetwater

President **Manny Maroño**, Mayor, Sweetwater

First Vice President **P.C. Wu**, Council President, Pensacola • Second Vice President **Lori C. Moseley**, Mayor, Miramar

Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
April 17, 2013**

AGENDA TAB NO. 3

SUBJECT TITLE: Life Saving Awards to Police Officers

OBJECTIVE:

To receive a presentation of life saving awards to Lieutenant Jason Paynter and Sergeant Amy Reynolds.

SUMMARY:

On March 3, 2013 Lt. Paynter and Sergeant Reynolds assisted in a life saving event during the Orange Blossom half marathon event. Chief Lubins will present the award.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: April 17, 2013**

AGENDA TAB NO. 4

SUBJECT TITLE: Renew Concession Agreements with Lake County RAVE for concession services at Woodlea Sports Complex

OBJECTIVE: To consider renewing the existing concession agreements between the City of Tavares and the Lake County RAVE organization for two additional years to provide concession services at the Woodlea Sports Complex. Current agreements expire on July 31, 2013.

SUMMARY: The city has enjoyed a successful working relationship with the Lake County RAVE organization for the provision of concession services at the Woodlea Sports complex for their initial one-year term. In the current contract, a provision was written to indicate that the city could extend the contract for two additional years after their initial term pending a successful operation. By all indications, the organization has performed well.

It is proposed that the annual lease fee will be \$1,800/annually; \$150.00/monthly with payments being billed on a monthly basis.

The proposed contract renewal period will be from August 1, 2013 to July 31, 2015 with annual reviews.

OPTIONS:

- 1) Approve renewing the agreement for two additional years
- 2) Do not renew the agreement

STAFF RECOMMENDATION:

Move to approve renewing the agreements for two additional years beginning August 1, 2013 and ending July 31, 2015.

FISCAL IMPACT: Revenues collected: \$1,800.00/annually

CONCESSION AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2013 between the City of Tavares, Florida (hereinafter referred to as "the City") and the Lake County Rave Organization, a Florida not-for-profit corporation, (hereinafter referred to as "the Club").

RECITALS

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

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

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

1. The City hereby grants to the Club the right to sell concessions at the Woodlea Road Sports Complex located in Tavares, Florida, for the term beginning August 1, 2013 and ending July 31, 2015. The Club hereby agrees to provide concessions at all scheduled and special City or City-sanctioned sporting events (including boys and girls varsity and J.V. High School practices and games) at said complex. The concessions to be provided by the Club shall be submitted to and approved by the City.

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

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

b. Scheduling an adequate staff of workers to man the concession stand at all times, including the presence in the concession stand of an adult at least twenty-one (21) years of age at

all times during which the concession stand is in operation, as required herein;

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

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

3. The City shall be responsible for the following:

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

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

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

4. In consideration of the right granted by the City to the Club to sell concessions at the Woodlea Road Sports Complex, the Club agrees to pay to the city \$150.00 per month for the first twelve (12) months of this agreement. After this period, this amount could be adjusted based on the City's actual expenses incurred in the operation of the facility for the previous year; provided, however, that the payment amount shall not be less than \$150.00 per month. The first payment shall be made to the City by the Club upon the execution of this agreement, and successive payments shall be paid on the first day of every month thereafter.

5. The Club agrees to indemnify the City and hold it harmless for any claims or damages (including attorney's fees) that it may incur by reason of the operation of the concession stand by

the Club. The Club further agrees to obtain and maintain in force, at its cost, liability insurance coverage in the following amounts, which insurance shall add the City as an additional insured with endorsement:

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

Property Damage -- \$50,000

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

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

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

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

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

10. The Club shall have the right to make minor renovations to the interior of the concession stand, only after receiving prior approval from the City Administrator or his designee. All City codes must be met and all necessary permits obtained.

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

Dated this ___ day of _____, 2013.

Lake County Rave Organization

John H. Drury
City Administrator
City of Tavares, Florida

By: _____

Its: _____

Attest:

Attest:

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: April 17, 2013**

AGENDA TAB NO. 5

SUBJECT TITLE: Authorize staff to enter into contractual agreement with selected contractor to construct a basketball court at Ingraham Park.

OBJECTIVE: To authorize staff to enter into a contractual agreement with the selected contractor for the construction of a basketball court at Ingraham Park.

SUMMARY: On March 17, 2013, the City of Tavares advertised an Invitation to Bid for the construction of a baseball court at Ingraham Park. Five companies responded with Advantage Courts, LLC being the selected bidder at \$27,756.00.

1.	Advantage Courts, LLC 3001 Old Winter Garden Road Orlando, FL 32805 TOTAL BID: \$27,756.00
2.	Native Environmental & Construction Services, LLC 776 E. Osceola Road Geneva, FL 32732 TOTAL BID: \$28,970.00
3.	Advanta Asphalt, Inc. 1400 Howard Street East Live Oak, FL 32064 TOTAL BID: \$31,990.00
4.	Sports Services LLC 7011 Wilson Road West Palm Beach, FL 33413 TOTAL BID: \$45,300.00
5.	Paynter & Sons Inc. 37649 Grays Airport Road Lady Lake, FL 32159 TOTAL BID: \$58,100.00

The submission by this company has been reviewed by staff and by the engineering firm, Don Griffey, and has met compliance in all areas (see attached letter).

Once approval to enter into a contractual agreement with the recommended company is granted to staff, a Notice to Proceed will be issued to the company.

OPTIONS:

- 1) Approve to accept the bid from Advantage Courts, LLC.
- 2) Do not approve proposal

STAFF RECOMMENDATION: Move to accept bid of \$27,756.00 and authorize staff to enter into a contractual agreement with the selected contractor.

FISCAL IMPACT: \$27,756.00 budgeted in F/Y13

LEGAL SUFFICIENCY: n/a

GRIFFEY ENGINEERING, INC.

April 9, 2013

John Rumble, Purchasing Manager
City of Tavares
201 East Main Street
Tavares, FL 32778

RE: Ingraham Park Basketball Court Improvements – Bid No. 2013-0010

Dear John:

I've reviewed the five bids for the referenced project. Each bid is a lump sum cost to complete the work as shown on the design plans. None of the bids include adjustments, exceptions or conditions for completion of the work as identified in the plans. Based on this review, it is my conclusion that the bids conform to the proposed scope of work, and the award process should proceed forward.

Sincerely,



Donald A. Griffey, P.E.



**CITY OF TAVARES
MINUTES OF BID OPENING
April 4, 2013
Request for Proposals
Ingraham Park Basketball Court Improvements
Bid No. 2013-0010**

TAVARES CITY HALL

PRESENT

John Rumble, Purchasing Manager
Tammey Rogers, Community Services Director
Scott Aldrich, Recreation
Kay Mayes, Admin Assistant, Finance

Mr. Rumble noted today's date as Thursday, April 4, 2013. This is the opening of submission packages received in response to RFP 2013-0010, Ingraham Park Basketball Court Improvements. There were five proposals received; Mr. Rumble read the Total Amount of Bid:

- | | |
|---|-------------|
| 1) Native Environmental & Construction Services, LLC
776 E. Osceola Road
Geneva, FL 32732 | \$28,970.00 |
| 2) Sports Services LLC
7011 Wilson Road
West Palm Beach, FL 33413 | \$45,300.00 |
| 3) Paynter & Sons Inc.
37649 Grays Airport Road
Lady Lake, FL 32159 | \$58,100.00 |
| 4) Advantage Courts, LLC
3001 Old Winter Garden Road
Orlando, FL 32805 | \$27,756.00 |
| 5) Advanta Asphalt, Inc.
1400 Howard Street East
Live Oak, FL 32064 | \$31,990.00 |

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

Respectfully submitted,

Kay Mayes
Admin Assistant, Finance



America's Seaplane City™

**ADVERTISEMENT FOR
Ingraham Park Basketball Court Improvements**

City of Tavares

Owner

201 E. Main Street, Tavares, FL 32778

Address

Separate sealed Bids for :

**The construction of improvements to the basketball courts located in Ingraham Park
Tavares 32778**

will be received by

City of Tavares

at the office of

City Clerk

City of Tavares, 201 E. Main Street, Tavares, FL 32778 until 2:00 pm, (Local Time) April; 4th 2013 ,
and then at said office publicly opened and read aloud.

The Contract Documents may be examined at the following location(s):

Copies of contract bid documents consisting of bidding requirements, contract forms, conditions of the contract, specifications, and drawings may be examined at Tavares City Hall, 201 E Main St., Tavares, Florida, Telephone (352) 742-6131. Bidders with access to DemandStar.com can obtain the front end documents by calling 1-800-711-1712 (or on the web at <http://www.demandstar.com>).

Copies of the Contract Documents may be obtained at the Issuing Office:

Constructions specifications and engineering plans may be obtained from John Rumble, Purchasing Manager at Tavares City Hall, 201 E Main St., Tavares FL 32778; email: jrumble@tavares.org; phone: (352) 742-6131; or fax: (352) 742-6001

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
APRIL 17, 2013**

AGENDA TAB NO. 6

SECOND READING

**SUBJECT TITLE: Ordinance 2013-04
Annexation & Rezoning – Clifford Rigsby Et. Al Property
1340 County Drive**

OBJECTIVE:

To consider the annexation and rezoning from Lake County RM (Mixed Home Residential) to RMH-S (Residential Mobile Home Subdivision) of approximately 0.35 acres of property located at 1340 County Drive.

SUMMARY:

The subject property is located at the intersection of County Drive and Mansfield Road. The property is approximately 0.35 acres in size. An existing, single family home is located on this property. The subject property is the primary residence of the applicant and he has no desire to change the nature of the property. Properties immediately adjacent to the subject property are all within the City boundaries and for many years it was generally believed that the subject property was within the City limits also. All adjacent properties are zoned Mobile Home Subdivision. Site built homes are now allowed in this zoning. As a result of recent research, it was determined that there is no identifiable formal ordinance annexing the subject property into the City's boundaries. It is for this reason that the applicant is seeking to formally annex into the City limits. The owner has erroneously been paying city taxes including city sewer utility fees for over twenty years, although he is connected to a private septic system. The city utility department is assisting the owner with the cost to connect to a city sewer line that runs in front of his house.

OPTIONS:

1. That City Council moves to approve Ordinance 2013-04.
2. That City Council denies the proposed annexation and rezoning.

PLANNING & ZONING BOARD RECOMMENDATION:

At its March 21st meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2013-04.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2013-04.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY:

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

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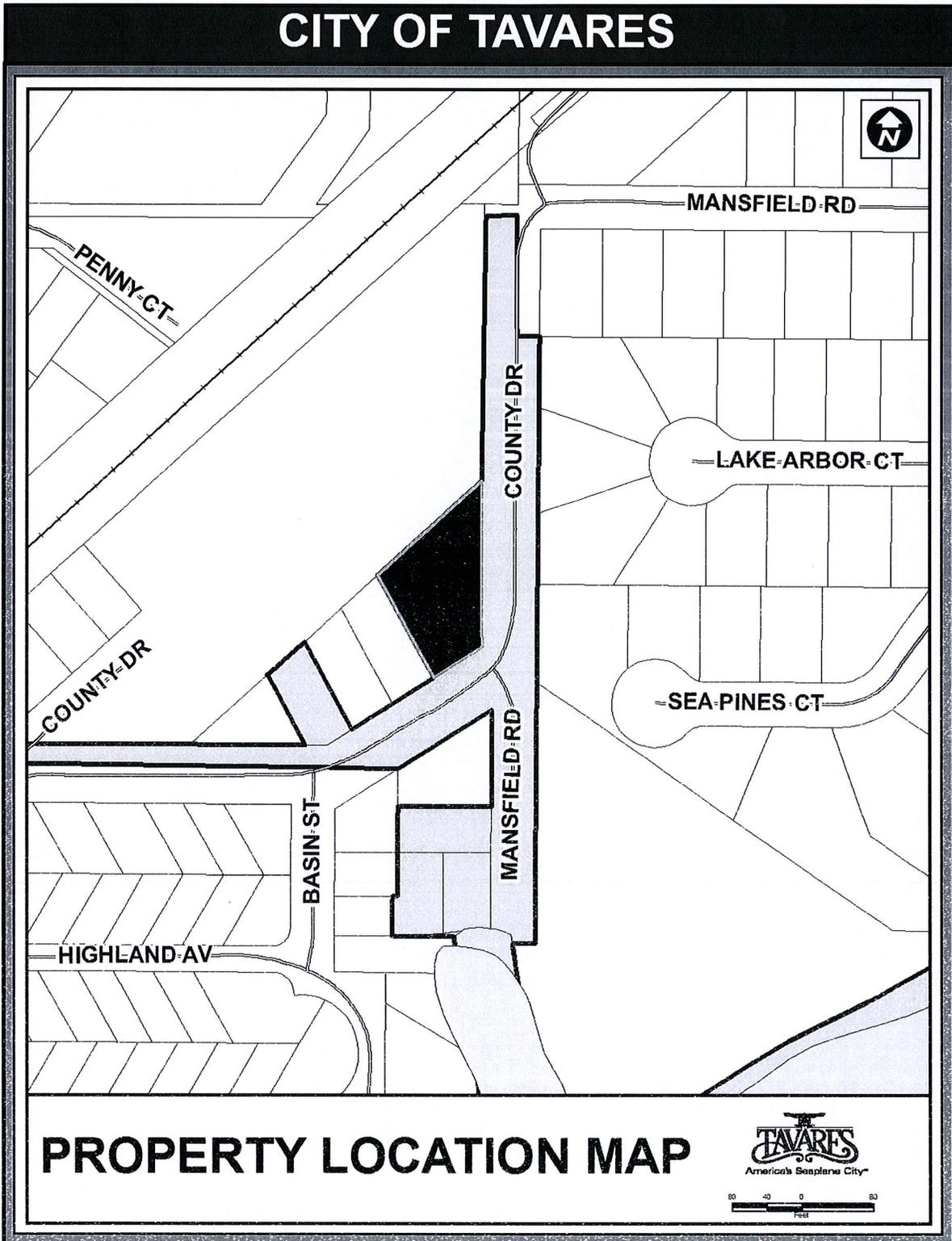
APPROVED AS TO FORM AND LEGALITY:

Robert Q. Williams, City Attorney

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EXHIBIT A

WEST SHORE BEG 313.4 FT S OF NE COR LOT 37 RUN S 187.9 FT, S 57-55-0 W 65 FT, N 28-45-0 W 131.83 FT,
N 48-08-0 E 160 FT TO POB PB 13 PG 69 ORB 635 PG 2280



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**AGENDA SUMMARY
TAVARES CITY COUNCIL
APRIL 17, 2013**

AGENDA TAB NO. 7

SECOND READING

**SUBJECT TITLE: Ordinance 2013-05
 Small Scale Future Land Use Amendment Clifford Rigsby Et. Al
 1340 County Drive**

OBJECTIVE:

To consider a Future Land Use Map amendment for approximately 0.35 acres of property located at 1340 County Drive.

SUMMARY:

Ordinance 2013-05 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 1690625) is 0.35 acres in size, located at 1340 County Drive. An application to annex and rezone this property to a RMH-S (Residential Manufactured Home Subdivision) is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Lake County Urban Low Density to City Mobile Home.

Future Land Use Amendment

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

Compatibility

Properties adjacent to this property are residential in nature occupied by mobile and manufactured homes.

Site Conditions

A single family dwelling that exists on this property is proposed to remain. The applicant has no development or modification desires.

Impact on City Services

The City of Tavares has municipal water and sewer services available to the subject parcel and the owner is currently a water service customer.

FINDINGS

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

1. A Mobile Home Residential Future Land Use designation is consistent with the subject property existing conditions and 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 2013-05.
2. That City Council denies the proposed Future Land Use Amendment.

PLANNING & ZONING BOARD RECOMMENDATION:

At its March 21st meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2013-05.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2013-05.

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 2013-05

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.35 ACRES OF PROPERTY GENERALLY LOCATED ON COUNTY DRIVE FROM LAKE COUNTY URBAN LOW TO CITY MOBILE HOME; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of property described in **Exhibit "A"** attached hereto, is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Lake County Urban Low to City Mobile Home; and

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

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

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

WHEREAS, a City Mobile Home Future Land Use designation is compatible with surrounding future land use designations; and

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

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

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

3
4 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
5 general welfare of the citizens of Tavares;

6
7 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
8 Florida as follows:

9
10 **Section 1. Future Land Use Amendment**

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

15
16 **Section 2. Severability and Conflicts**

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

21
22 **Section 3. Transmittal**

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

30
31 **Section 4. Effective Date**

32 The effective date of this plan amendment, if the amendment is not timely challenged,
33 shall be 31 days after the state land planning agency notifies the local government that the plan
34 amendment package is complete. If timely challenged, this amendment shall become effective
35 on the date the state land planning agency or the Administration Commission enters a final order

1 determining this adopted amendment to be in compliance. No development orders, development
2 permits, or land uses dependent on this amendment may be issued or commence before it has
3 become effective. If a final order of noncompliance is issued by the Administration Commission,
4 this amendment may nevertheless be made effective by adoption of a resolution affirming its
5 effective status, a copy of which resolution shall be sent to the state land planning agency.

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8 **PASSED AND ADOPTED** this _____ day of _____, 2013 by the City Council of
9 the City of Tavares, Florida.

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Robert Wolfe, Mayor
Tavares City Council

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17 First Reading: _____

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20 Second Reading & Final Adoption: _____

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23 ATTEST:

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25

Nancy A. Barnett, City Clerk

27
28

29 Approved as to form:

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31

Robert Q. Williams, City Attorney

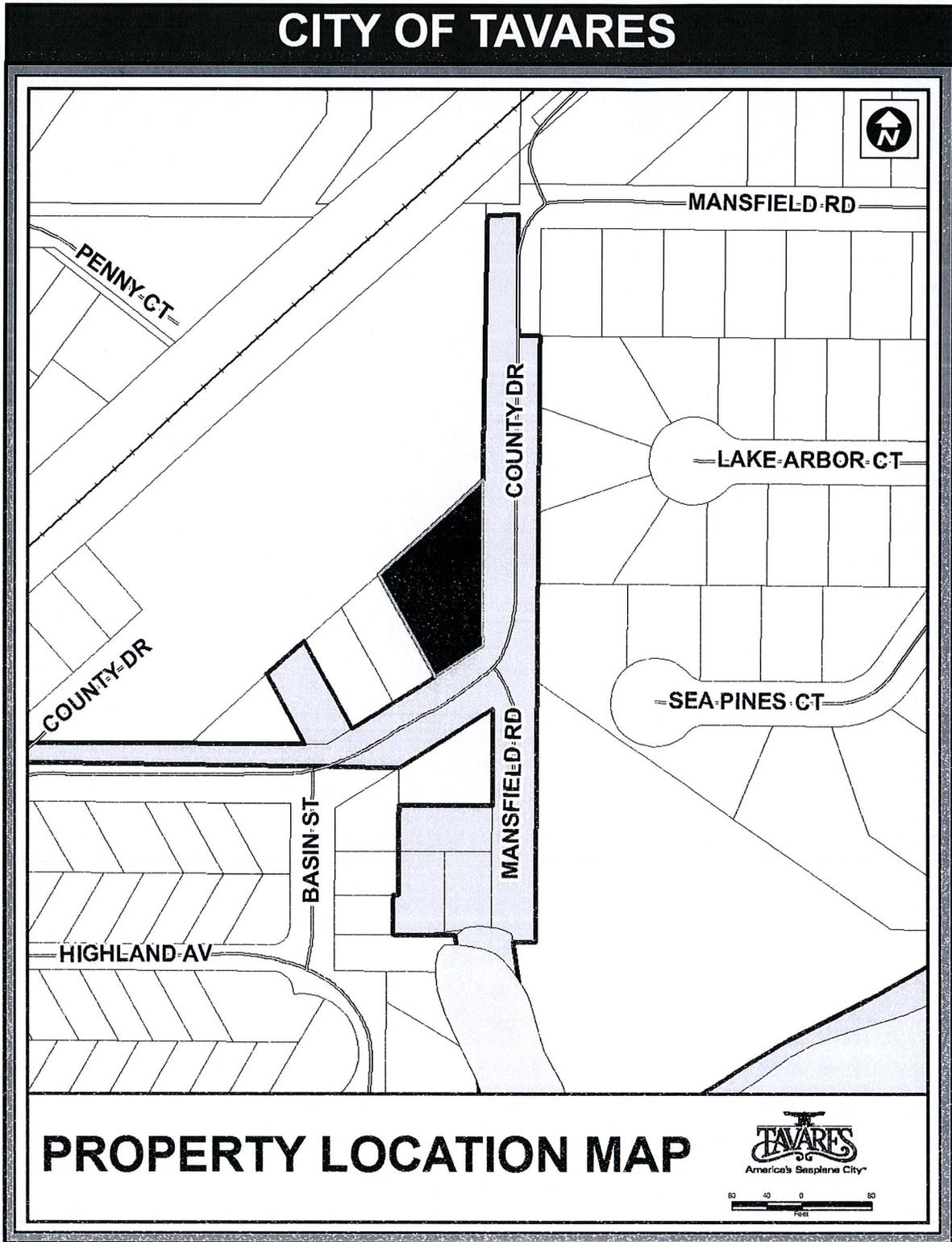
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Exhibit "A"

WEST SHORE BEG 313.4 FT S OF NE COR LOT 37 RUN S 187.9 FT, S 57-55-0 W 65 FT, N 28-45-0 W 131.83 FT,
N 48-08-0 E 160 FT TO POB PB 13 PG 69 ORB 635 PG 2280

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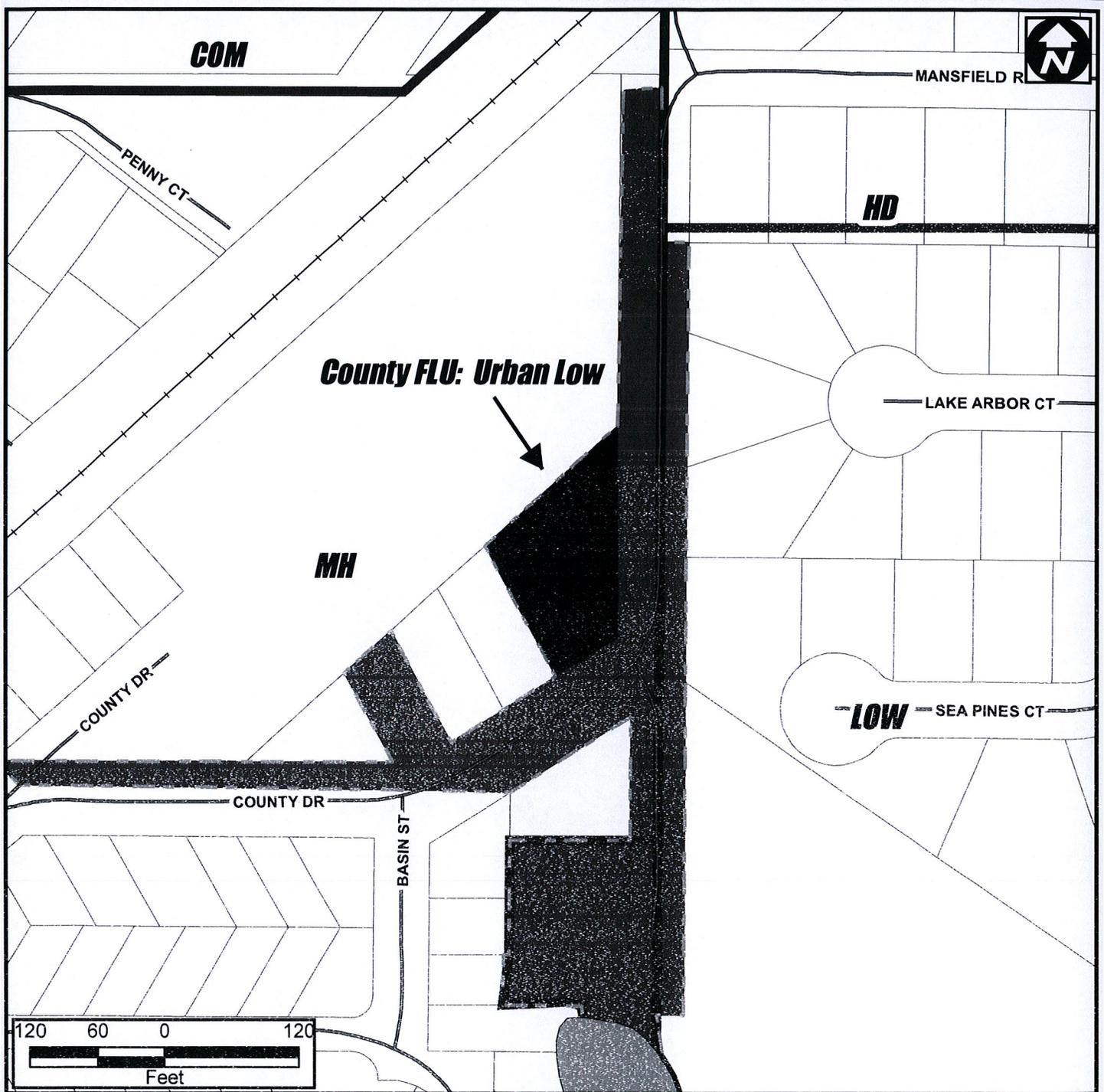
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CITY OF TAVARES ORDINANCE # 2013-05



County FLU: Urban Low

MH

HD

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 # 2013-05

1340 County Dr.

Current: County Urban Low
Proposed: City Mobile Home
0.35 ± Acres

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

Client Name: / PO# Mike Fitzgerald
 Advertiser: City of Tavares
 Section/Page/Zone: Lake Zone/D002/LAK
 Description: Ord.13-04, 13-05
 Ad Number: 1286319-1
 Insertion Number:
 Size: 3 x 10.5
 Color Type: B&W

Orlando Sentinel
 Publication Date: 03/11/2013

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 • No Buffing • No Shine
 • No Drying Time

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THE CITY OF TAVARES NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2013-04 & Ordinance 2013-05 titles as follows:

ORDINANCE 2013-04

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 0.35 ACRES OF LAND GENERALLY LOCATED ON COUNTY DRIVE, REZONING THE PROPERTY FROM COUNTY DM (MIXED HOME RESIDENTIAL), TO CITY RMH-3 (MOBILE HOME SUBDIVISION); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2013-05

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.35 ACRES OF PROPERTY GENERALLY LOCATED ON COUNTY DRIVE FROM LAKE COUNTY URBAN LOW TO CITY MOBILE HOME, PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPERTY LOCATION MAP

Proposed Ordinance 2013-04 & Ordinance 2013-05 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on March 21, 2013, at 3 p.m.
2. Tavares City Council meeting on April 3, 2013, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on April 17, 2013, at 4 p.m. (Second Reading)

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

Proposed Ordinance 2013-04 & Ordinance 2013-05 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

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

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 701 East Main Street, Tavares, Florida 32778. Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing. If you are hearing or voice impaired, call (352) 742-6433.

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

Library hosts bluegrass fest

By DEBBIE MANIS
 Staff Writer

East Lake County Library in Sorrento will host the ninth annual Bluegrass Festival from 10 a.m. to 3 p.m. Saturday at the library, 3340 S. County Road 437.

Performers will include Blackwater Creek Bluegrass Band, Makin' Time and author Bill Good. Free fact training for youngsters will be provided between 11 a.m. and 1 p.m. Steve Earls will demonstrate how to set up a square-foot garden. Lake County Master Gardener Mobile Plant Clinic will be on site to answer landscaping and plant questions.

Friends of the East Lake County Library will have its 12th annual "Spring Fling" during the festival. Activities include book sale, bake sale, yard sale, arts and crafts, food vendors, drawing and more.

Admission is free. Participants are encouraged to bring a lawn chair. Proceeds will benefit the library. Details: 352-383-9980.

Identity theft

A free identity theft/fraud prevention and basic concealed weapons informational class will be at 7 p.m. Tuesday at Clermont Financial Center, 1795 E. State Road 50, Suite A. Deputy Walker Wolfe from the Lake County Sheriff's Office will be the speaker. Class size is limited. To register, call 352-242-2232.

Meetings

District 3 of the Federation of Manufactured Home Owners of Florida will meet at 7 p.m. Wednesday at Leesburg Landing Mobile Home Park off Tally Road and Thomas Avenue behind Walmart. Refreshments will be served at 12:30 p.m. All manufactured home owners are invited. Details: Domenic Battistella, 352-323-8734, or John Petrella, 352-669-6936.

The Lake County Conservative Founders' Club will meet at 6 p.m. Thursday for a social followed by a 6:30 p.m. meeting in La Fontana Room at Mission Inn Resort and Club, 10400 County Road 48, Howey-in-the-Hills. The program will be the "State of Our Cities" - Leesburg, Tavares and Eustis, followed by town hall meetings. Reservations: John Brandeburg, john@brandeburg.com.

Quilt show

Oaks Quilters in Sumter County will host its annual quilt show from 9 a.m. to 2 p.m. Saturday at Red Oaks RV Park, 5651 S.W. 18th Terrace, Bushnell. There will be demonstrations from 10 a.m. to 1 p.m. There also will be a cancer challenge, charity projects, door prizes, auction and vendors. Admission is a monetary donation or canned or nonperishable food items, which will be donated to food banks in Sumter County.

THE ARTS IN LAKE

Make colorful pencil drawings

By DEBBIE MANIS
 Staff Writer

Lew Clayton, a local artist and instructor, will teach two colored-pencil classes using Prismacolor.

Students will learn different methods of layering such as cross-hatching and burnishing, as well as how to use colored pencils on different types of papers.

"Art, Colored Pencil" will be offered at Lake-Sunter State College's Leesburg campus, 9501 E. Highway 44. The six-week course begins March 20 and will meet from 6:30 to 9 p.m. Wednesdays in Room 4 of the Fine Arts Building. Cost for the noncredit course is \$79. To register online, visit lssc.edu and click on "community" and then "continuing education" or call 352-365-3556.

"Colored Pencil" will be offered at Lake Eustis Museum of Art, 1 W. Orange Ave., Eustis, beginning March 27. The six-week class will meet from noon to 2 p.m. Wednesdays. Cost is \$90 for LEMA members and \$100 for nonmembers. Participants are encouraged to bring a sack lunch. To register, call LEMA at 352-483-2900. For more information about either class, call Clayton at 352-321-1523.

Art Zone for Kids

Young children ages 4 to 12 can try their hand at various forms of art during Art Zone for Kids. The Leesburg Center for the Arts, a nonprofit organization, offers the program the first Saturday of each month from October through May. Classes, which will include clay, painting, drawing, sculpture and mixed media, will meet from 9 to 11 a.m. at the art center, 429 W. Magnolia St. The fee is \$15 a session. Reservations are required by calling, 352-365-0232.

Orlando Sentinel, 1898 E. Burleigh Blvd., Tavares, FL 32778-4366, fax 352-742-5938, 352-742-5932 or dmanis@tribune.com.

More art classes

Local artists, Kathie Camara and Adrienne Lee, will teach "Kids Art in the Grove" art and craft classes for children ages 5 to 11 at 9:30 a.m. the first and third Saturday of every month at Showcase of Citrus, 5010 U.S. Highway 27, Clermont. Cost is \$20 per child and includes all materials. Pre-registration is required by contacting Camara at 352-241-6437 or alckathyc@juno.com. For more information about the class, visit picturetrail.com/butterflykissesstudio and click on "Kids Art in the Grove."

Schools rewarded for good grades

Here are the Lake schools that received rewards for earning A's or improving their grades on Florida's annual school report card:

- Beverly Shores Elementary School, \$44,874
- Eustis Elementary School, \$46,177
- Sawgrass Bay Elementary School, \$101,789
- Grassy Lake Elementary School, \$94,648
- Sorrento Elementary, \$67,377
- East Ridge Middle School, \$100,427
- Gray Middle School, \$92,085
- The Villages Elementary Of Lady Lake School, \$72,911
- Seminole Springs Elementary School, \$56,321
- Round Lake Elementary School, \$74,166
- Mount Dora High School, \$99,838
- Treway Elementary School, \$88,091
- Astatula Elementary School, \$55,716
- Lost Lake Elementary School, \$100,760
- Groveland Elementary School, \$78,607
- Clermont Middle School, \$66,082
- Pine Ridge Elementary School, \$78,978
- Cypress Ridge Elementary School, \$55,498
- East Ridge High School, \$207,888
- Lake Minneola High School, \$18,942
- Imagine Schools At South Lake, \$94,872

How to reach us: Lake County newsroom contacts

<p style="text-align: center; font-weight: bold;">COUNTY EDITOR</p> <p style="text-align: center;">JERRY CALLISTON</p> <p style="text-align: center;">jcalliston@lakesentinel.com 352-742-6396</p>	<p style="text-align: center; font-weight: bold;">COMMUNITY EDITOR</p> <p style="text-align: center;">DANA BAGLES</p> <p style="text-align: center;">dbagles@lakesentinel.com 401-920-5467</p>
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CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
MARCH 21, 2013

BOARD MEMBERS PRESENT

John Adams, Chairman
Morris Osborn
Sam Grist
Richard Root
Gary Santoro
Norb Thomas
John Tanner - Absent

LAKE COUNTY SCHOOL BOARD

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

STAFF MEMBERS PRESENT

Jacques Skutt, Community Development Director
Mike Fitzgerald, Development Coordinator

CALL TO ORDER

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

APPROVAL OF MINUTES OF FEBRUARY 21, 2013

The minutes were approved as read.

OLD BUSINESS

None.

SWEARING IN OF THOSE GIVING TESTIMONY

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

CASES TO BE HEARD

1) **Ordinance 2013-04 – 1340 County Dr. – Annexation & Rezoning**

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

The subject property is located at the intersection of County Drive and Mansfield Road. The property is approximately 0.35 acres in size. An existing, single family home is located on this property. The subject property is the primary residence of the applicant and he has no desire to change the nature of the property. Properties immediately adjacent to the subject property are all within the City boundaries

1 and for many years it was generally believed that the subject property was within the City limits also. All
2 adjacent properties are zoned Mobile Home Subdivision. Site built homes are now allowed in this
3 zoning. As a result of recent research, it was determined that there is no identifiable formal ordinance
4 annexing the subject property into the City's boundaries. It is for this reason that the applicant is
5 seeking to formally annex into the City limits. The owner has erroneously been paying city taxes
6 including city sewer utility fees for over twenty years, although he is connected to a private septic
7 system. The city utility department is assisting the owner with the cost to connect to a city sewer line
8 that runs in front of his house.

9
10 Staff recommended that the Planning and Zoning Board move to recommend approval of Ordinance
11 2013-04.

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

14
15 Clifford Rigsby, owner of 1340 County Dr., stated that it his desire to have his property be within the city
16 limits of Tavares. He stated that he desires to be connected to the city waste water system rather than
17 continue using a septic system.

18
19 Jacques Skutt stated that an offer was made to Mr. Rigsby to be connected to the city waste water
20 system at no cost to Mr. Rigsby because he has been paying city sewer fees.

21
22 Chairman Adams turned the discussion over to the Planning & Zoning Board.

23
24 Richard Root asked if any other property in that area needed to be annexed.

25
26 Jacques Skutt stated that there are other parcels in the area, but the owners did not want to annex at
27 this time.

28
29 Bob Williams stated that an audit of annexations is done approximately every 10 years to ensure that
30 the Property Appraiser's information is accurate.

31
32 Richard Root asked if Mr. Rigsby was paying city taxes.

33
34 Mr. Rigsby confirmed that he has been paying city taxes.

35
36 Gary Santoro asked if this annexation was affected by owners of other parcels in the area not wanting
37 to annex.

38
39 Jacques replied that this annexation would be unaffected.

40
41
42 **MOTION**

43
44 **Richard Root moved to recommend approval of Ordinance 2013-04. The motion was seconded**
45 **by Sam Grist. The motion carried 6-0.**

1 **2) Ordinance 2013-05 – 1340 County Dr. – SSFLUM**

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

4
5 Ordinance 2013-05 proposes a small scale amendment to the Future Land Use Map 2020 of the
6 Comprehensive Plan.

7
8 The subject property (Parcel Alternate Key Number 1690625) is 0.35 acres in size, located at 1340
9 County Drive. An application to annex and rezone this property to a RMH-S (Residential Manufactured
10 Home Subdivision) is concurrently under consideration. This ordinance would amend the current Future
11 Land Use Designation from Lake County Urban Low Density to City Mobile Home.

12
13 **Future Land Use Amendment**

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

17
18 **Compatibility**

19 Properties adjacent to this property are residential in nature occupied by mobile and manufactured homes.

20
21 **Site Conditions**

22 A single family dwelling that exists on this property is proposed to remain. The applicant has no
23 development or modification desires.

24
25 **Impact on City Services**

26 The City of Tavares has municipal water and sewer services available to the subject parcel and the
27 owner is currently a water service customer.

28
29 **FINDINGS**

30
31 This amendment request is considered to be in compliance with the Comprehensive Plan Goals,
32 Objectives and Policies with the following findings:

- 33
34 1. A Mobile Home Residential Future Land Use designation is consistent with the subject property
35 existing conditions and would serve as the most appropriate land use for the subject property in
36 accordance with Future Land Use policy 1-1.1.6.
37
38 2. Impacts of the proposed development of the subject property shall be monitored through the
39 City's Concurrency Management System. (Comp Plan, Chapter 7A)

40
41 Staff recommended that the Planning and zoning Board move to recommend approval of Ordinance
42 2013-05.

43
44 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

45
46 Mr. Rigsby stated for the record that he did not live in a mobile home. He stated that he lives in a
47 permanent wooden home on the lot.

48
49 Jacques Skutt stated that the city understands that Mr. Rigsby's home is not a mobile home, and that
50 the mobile home zoning and future land use is consistent with surrounding property. Jacques reminded
51 the board that the City of Tavares allows site built homes in a mobile home subdivision and that Mr.
52 Rigsby's home is a conforming use.

1 Chairman Adams turned the discussion over to the Planning & Zoning Board. No comments made.
2
3

4
5 **MOTION**
6

7 **Gary Santoro moved to recommend approval of Ordinance 2013-05. The motion was seconded**
8 **by Morris Osborn. The motion carried 6-0.**
9

10
11 **OTHER BUSINESS**
12

13 Kelly Kilburn stated that he owns 30333 Mansfield Rd., and that he has conflicting information as to
14 whether or not his property is inside city limits. He asked staff to verify whether or not his property is
15 inside the city limits. He expressed a desire to be connected to the city waste water system.
16

17 Jacques Skutt asked Mr. Kilburn for his contact information, so that staff could follow up with him
18 regarding his concern.
19

20
21 **ADJOURNMENT**
22

23 There was no further business and the meeting adjourned at approximately 3:19 p.m.
24

25 Respectfully submitted,
26

27 _____
28 Michael Fitzgerald
29 Development Coordinator

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: April 17, 2013**

AGENDA TAB NO. 8

SUBJECT TITLE: Discussion of City Flag

OBJECTIVE:

To discuss the historical city flag and determine whether to adopt a new city flag.

SUMMARY:

In 1980, the Tavares City Council approved Resolution 80-13 adopting an official city flag (see attached). The minutes of May 7, 1980 reflected that it would be the *"outline of a red shield with five red stars; one centered and one in each inside corner of the shield on a white background which has been adopted from the symbol of the Coat of Arms of the family of Tavares."* This was in reference to a family crest in Spain by the name of Tavares.

One flag was made by then City Administrator, Brenda von Hartmann and placed in Council Chambers (see old photo). This one flag has not been located since the new city hall building was constructed in 1993. It has also been depicted in materials created by the Tavares Historical Society during the 1980 Centennial celebration and in the form of a quilt (see attached photograph).

The city has since re-branded itself "America's Seaplane City" and adopted a branding manual which outlines the brand and activities necessary to implement the brand (see attached). The city has been implementing various components from this manual over the past four years.

At its recent meeting, City Council directed staff to research the creation of a city flag utilizing the new city brand of America's Seaplane City for both sale as a smaller flag, appropriate for boats, and as a large flag to fly at the Freedom Flag monument and other appropriate locations. This discussion prompted Brenda Smith to develop a flag for the Historical Society's approval and City Council's approval (see attached rendering of the flag and letter to Council dated March 26, 2013).

The Historical Society is requesting that the Council rescind the previous resolution and adopt a new resolution adopting this new rendering as the official flag and providing permission for the Historical Society to sell the flags and retain

the revenues from those sales as a fund raiser for renovating the Fire Station into a Historical Society in the near future once the Fire Department moves into its new location (see attached letter)

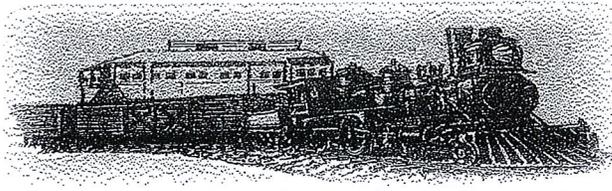
OPTIONS:

1. Invite Brenda Smith to describe the proposed flag and then discuss the Historical Society's request
2. Do not discuss the Historical Society's request

STAFF RECOMMENDATION: That Council invite Brenda Smith to describe the proposed flag and then discuss the Historical Society's request.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: Yes



Historical Society of Tavares

121 East Alfred Street
Tavares, Florida 32778
Keeping Our Tavares History Alive

March 26, 2013

**Tavares City Council
City of Tavares
201 E. Main St.
Tavares, FL 32778**

Dear Tavares City Council Members:

Recently the Tavares Historical Society voted to request that the City Council replace the Tavares city flag that a previous City Council designated with a new city flag. (See attached rendering of the old flag and rendering of the new flag).

The reason for this request is that the old flag was not reflective of the City of Tavares. Apparently it is a crest of the family name "Tavares" from Spain and may not have any relationship to Major St. Clair Abrams nor our City. Only one copy of this flag was made and it has never flown on any city building.

The new flag is reflective of Tavares, its past, present and future by incorporating the rail imagery of our past and future with the seaplane logo of our present. We hope that you will adopt this as the new City Flag.

We also respectfully request that you recognize the Historical Society as the "official seller" of the flag. All proceeds from the sale of the flag would be designated to the "building fund" of our society. This will help us in the preparation of the train station being renovated to a museum when the fire department vacates the station.

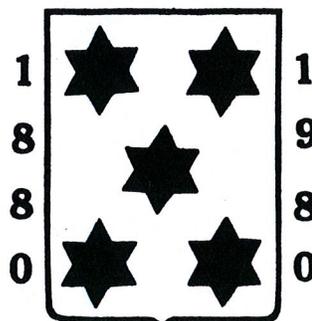
Thank you,

Brenda Smith

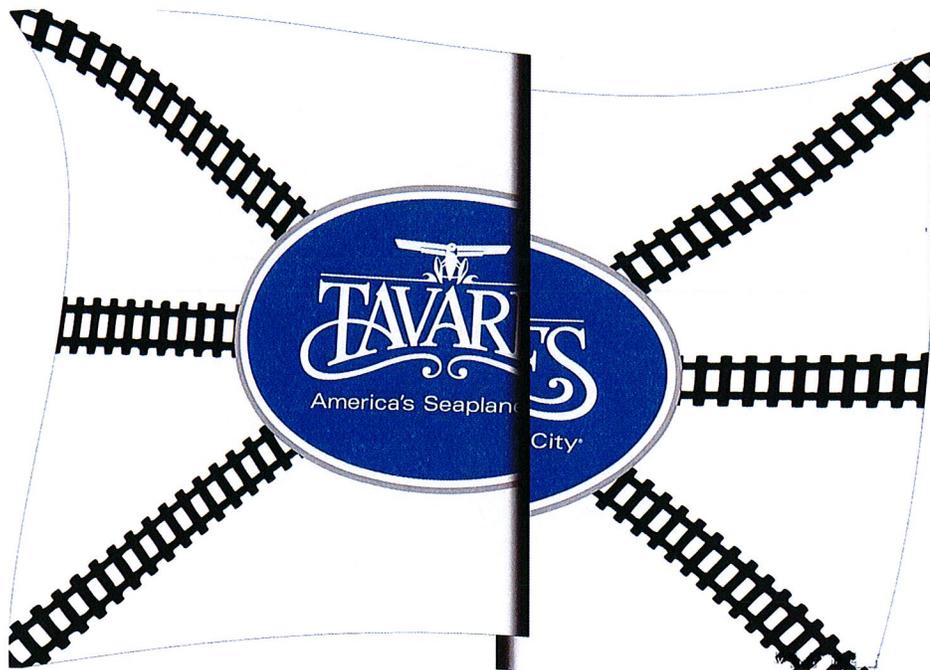
President

Tavares Historical Society

TAVARES



February 4-10, 1980



RESOLUTION 80-13

A RESOLUTION DECLARING AN OFFICIAL
FLAG OF THE CITY OF TAVARES

WHEREAS, the City of Tavares does not have an official
City flag, and

WHEREAS, the City being in the midst of their
Centennial Year and reviewing the history of the town and
its founder, Major St. Clair Abrams, would deem it
appropriate to adopt the symbol of the Coat of Arms of the
family of Tavares as the official flag for the City of
Tavares.

NOW THEREFORE BE IT RESOLVED by the City Council of
the City of Tavares, that the official flag of Tavares be
the outline of a red shield with five red stars; one centered
and one in each inside corner of the shield on a white
background; and that from this day forward, said flag may
be displayed as a symbol of the City of Tavares.

DONE AND RESOLVED by the City Council of the City of
Tavares, Florida in its regular session on the 7th day of
May, 1980.



PRESIDENT, CITY COUNCIL

ATTEST:



CITY ADMINISTRATOR

ROUGH DRAFT

REGULAR MEETING OF CITY COUNCIL ON 7 MAY 1980

President Reed called this meeting to order at 4:00 P.M. with all Council members present. Also present were Mayor Glenn; City Attorney, Carl Duncan; City Administrator, Brenda vonHartmann; Police Chief, Frost; Director of Public Works, Roger Pattullo; (3) Members of the Press; Audience for Public Hearing on Cove Road and recording secretary, Jean Dempsey.

Mayor Glenn gave the Invocation followed by the Pledge of Allegiance.

The Minutes of previous April 16th meeting were approved as submitted.

RESOLUTION 80-12: PROCLAIMING NATIONAL POLICE WEEK

Mayor Glenn read Resolution 80-12 proclaiming the week of May 15th to be dedicated as "National Police Week" and May 15th of each year to be "Police Memorial Day" per the Congress of the United States of America.

Chief Frost then called all the Police Officers of Tavares to come forward to receive "Certificates of Recognition". Eleven Police Officers received the certificates. Chief Frost then invited everyone to the First Christian Church in Leesburg, May 11th where a special recognition of all Police Officers of Lake County is scheduled.

RESOLUTION 80-13: OFFICIAL FLAG OF TAVARES

Mayor Glenn read Resolution 80-13 declaring an official flag of the City of Tavares be the outline of a red shield with five red stars; one centered and one in each inside corner of the shield on a white background which has been adopted from the symbol of the Coat of Arms of the family of Tavares.

MOTION: Councilman Ehler moved to adopt Resolution 80-13 declaring the official flag of Tavares; seconded by

Councilman Conner with all Councilmen voting in favor of the adoption.

PUBLIC HEARING

ZONING OF KING PROPERTY

President Reed noted that due to the large number of people in the audience, he asked that those who wished to be heard limit their statements to ten minutes each.

Charlene King presented her reasons for requesting MH-S, High Density Mobile Home Subdivision for her 79 acres of land located near Glenn Cove and annexed to the City 1 March 1978. An additional eighty acres is being set aside for a "green belt".

Opposition was then called for: William Ray; Jerry Smith; Rodney Blockway; G. H. Massey; Paul Haskins; Dorothy Ray all gave their reasons opposing the zoning for a mobile home subdivision; some of the reasons being poor access, the road would not be capable of carrying the burden of additional traffic; a "trailer park" would lower the value of the conventional homes in the Glenn Cove area and density.

Florence Edwards was not opposed to the King's request for zoning for a mobile home subdivision; her property adjoins the King property. Mrs. Edwards also felt other surrounding property owners were not in opposition either although they were not present.

The residents of Glenn Cove were informed that the City does not have zoning comparable to County zoning as far as density was concerned. MH-S zoning in the City would permit 7.26 maximum; R-1-A would permit 3 homes per acre on lakefront property; R-1 would be the closest density to County zoning.

The Agreement dated 1 March 1978 between the Kings and the City was read and some comparable figures of costs of mobile homes versus conventional homes were discussed along with mobile home tags for rental property





**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: April 17, 2013**

AGENDA TAB NO. 9

SUBJECT TITLE: Historical Society Lease Agreement For Fire Station #1

OBJECTIVE:

To approve the leasing out of Fire Station #1 to the Historical Society at such time as the Fire Department vacates Fire Station # 1 (the old train station).

SUMMARY:

Plans are underway to replace Fire Station # 1 with a Public Safety Complex that will house both the Fire Department and Police Department. The Historical Society has requested approval to lease Fire Station #1 at such time as the Fire Department vacates Station #1.

Enclosed is an agreement approved by the Historical Society that contains the following salient points:

1. The lease will be for \$1.00 per year and will automatically renew annually unless either party provides the other party a 60 day notice not to renew.
2. City will maintain the building.
3. Historical Society will pay utilities.
4. Historical Society will make improvements to building subject to City's approval.

OPTIONS:

1. Approve the Lease
2. Do not approve the lease.

STAFF RECOMMENDATION: That Council move to approve the lease.

FISCAL IMPACT: In the future there will be a cost to maintain the building. The cost will be dependent upon the level of renovations that occur.

LEGAL SUFFICIENCY: Yes

LEASE AGREEMENT

THIS LEASE is made and entered into by and between the CITY OF TAVARES, FLORIDA, a Florida municipal corporation, hereinafter called the "Landlord," and HISTORICAL SOCIETY OF TAVARES, INC., a Florida non-profit corporation, hereinafter called the "Tenant", made this _____ day of _____, 2013.

WITNESSETH:

WHEREAS, Landlord owns the real property ("the Property) located at 424 East Alfred Street, (Alternate Key #1689732) in Tavares, Lake County, Florida 32778, and;

WHEREAS, the Landlord desires to lease the Property to the Tenant for nominal rent, subject to the terms and conditions of this Lease.

NOW, THEREFORE, the parties hereto agree as follows:

1. Description of the Premises. Landlord leases to the Tenant, and Tenant leases from the Landlord the above-described Building, provided the parties agree that the Landlord shall retain the right of ingress and egress over, across and upon the Property for municipal purposes.

2. Term.

(a) Initial term. The initial term of this lease shall be a period of one (1) year, beginning on the Commencement Date, as set forth in this paragraph. The Commencement Date shall be the date that the Fire Department vacates the property and provides written notice to the Landlord and the Tenant that the premises are available for occupancy. The Lease shall terminate at 12:00 midnight one year after the Commencement Date, unless sooner terminated by Landlord or Tenant as herein provided.

(b) Automatic Renewal. This agreement shall automatically renew for one year periods each and every year unless either party provides 60 days notice not to renew at which time this renewal option shall cease to exist. The rent for the additional option periods shall be \$1.00 per year, plus all applicable sales tax, if any, to be paid on the first day of the new term.

3. Rent. Tenant agrees to pay, without demand, to Landlord as prepaid rent for the entire initial one year term for the premises the total sum of One Dollars (\$1.00), plus all applicable sales tax, if any, payable to Landlord as one lump sum in the amount of \$1.00.

4. Security Deposit. Landlord shall not require a security deposit from Tenant.

5. Use of the Premises. The Tenant shall have the right to use the

demised premises for its Historical Society office. The premises shall be open and accessible to Tenant twenty-four hours a day, seven days a week. Tenant's use of the premises shall be in accordance with, and subject to, the land use restrictions imposed by the appropriate governmental authorities, and all recorded encumbrances (deed restrictions, easements, etc.). To the extent permitted by law, Landlord will not amend existing restrictions or encumbrances during the term of this lease without Tenant's consent.

6. Utilities. Tenant shall pay for all utilities furnished to the premises for the term of the lease, including, but not limited to, electricity, water, solid waste disposal, and telephone. If Tenant should leave the premises prior to expiration of the lease, Tenant shall be held responsible for utilities used after it leaves the premises until the utilities are discontinued.

7. Right of Tenant to Make Improvements. Tenant, subject to the conditions set forth herein, may make reasonable alterations to the leased premises to enable it to use said premises for the purposes contemplated by this lease. Tenant shall make no alterations or improvements to the leased premises without the prior written consent of Landlord, which consent shall not be unreasonably withheld. Tenant shall be responsible for obtaining all necessary permits for any such alterations and must meet all applicable codes. Tenant shall be responsible for the cost of designing, permitting, and constructing any such additional leasehold improvements, including the payment of any additional impact fees due based on said improvements. As a condition of such written consent, Tenant must, at a minimum, provide Landlord with a copy of the contract to improve the premises. Tenant covenants that if such prior written approval is received for such improvements or alterations, that such improvements and alterations shall be made in a workmanlike manner and in compliance with applicable federal, state, county and municipal laws and regulations. Any "fixture" improvement becomes the property of the Landlord at the time of the termination of the lease, except for items that can be removed without damage to the Premises

8. Delivery, Acceptance, and Surrender of Premises. Landlord represents that the premises are or will be properly zoned and fit for use as office space for Tenant's Historical Society office. Tenant agrees to accept the premises on possession as being in good repair and in a sanitary condition. The Tenant shall surrender the premises to Landlord at the end of the lease term in the same condition as when the Tenant took possession, except for normal wear and tear. Tenant shall remove all business signs or symbols placed on the premises by it before redelivery of the premises to Landlord, and shall restore any portion of the premises on which they were placed to the same condition as before installation.

All alterations, additions or improvements made by either Landlord or

Tenant to the premises, excluding moveable furniture, shall be the property of the Landlord and shall remain upon and be surrendered with the premises at the termination of this lease.

9. Tenant to Carry Liability Insurance. Tenant agrees to obtain and maintain in force, at its cost, liability insurance coverage (hereinafter called "Insurance") as specifically described in Exhibit A attached hereto. Tenant shall provide the Landlord with the Certificate of Insurance or other proof of said insurance at least ten (10) days prior to occupying the Building.

10. Landlord to Carry Real Property Insurance. Landlord agrees to obtain and maintain in force, at its cost, property insurance coverage that shall be sufficient to cover the cost of a total loss of the Building. Landlord shall provide Tenant with proof of said insurance upon reasonable request by the Tenant.

11. Maintenance of Premises. Landlord shall maintain, replace and keep in good repair the interior portions, entrances and window glass portions of the demised premises at Landlord's own expense. The obligation of Landlord to maintain and perform repairs to interior portion of the demised premises shall include, but not be limited to, the maintenance and repair of all plumbing fixtures and facilities, electrical fixtures, replacement of all glass which may become broken or cracked during the demised term, interior painting, the repair of any damage caused to the structural portions (interior or exterior) of the demised premises, and the provision of periodic pest control service. Landlord shall also maintain, replace and keep in good repair the HVAC system, roof, exterior structure (including exterior painting), interior water and gas lines, and the lawn and landscaping.

12. Subleasing and Assignment. Tenant shall have no right to assign or sublease the demised premises without the express written consent of the Landlord, which shall not be unreasonably withheld.

13. Rent Default. In the event the Tenant shall default in the payment of rents when due, the Landlord shall forward written notice of such default to Tenant and failure on the part of Tenant to cure such default within seven (7) days of receipt of the notice shall, at the option of Landlord, entitle the Landlord to terminate this lease. Tenant shall not be released of any liability for rent hereunder by reason of the Landlord's repossession of the premises or by the Landlord taking any other legal proceedings available to Landlord upon default. A rent default shall occur when Tenant fails to pay the rent, any late charges or any other charges described herein.

14. Other Defaults. It is mutually agreed that in the event either the Landlord or the Tenant shall default in any of the respective obligations under this lease, other than the payment of the rent by the Tenant, the party aggrieved shall be required to forward written notice of such default addressed to the other party so in default. The party receiving such notice agrees that, if it be in default as set forth in such notice, it will cure such default within thirty (30) days after the date of receipt of such notice. In the event the Tenant shall be the party in default and fail to cure such default, as herein

set forth, the Landlord may cure such default, and the cost and expense thereof shall be deemed to be additional rent to be paid by Tenant on the next day when fixed rent shall become due and collectible as such.

If, however, after due notice to either party of any opportunity to cure a default, the party in default shall refuse to cure or make good any such default, the party giving notice of said default may at their or its option, terminate this lease.

15. Attorney's Fees. Without waiving the City's sovereign immunity, if either party to this lease is required to engage an attorney to interpret or enforce this agreement, then the prevailing party shall be entitled to reimbursement by the losing party of all costs and attorney's fees incurred by the prevailing party.

16. Notices. Any notices to the Landlord or Tenant required to be sent should be addressed to the parties at the following addresses:

Landlord: John Drury, City Administrator
City of Tavares
Post Office Box 1068
Tavares, Florida 32778

Landlord's Counsel: Robert Q. Williams
Williams, Smith & Summers, P.A.
380 W. Alfred Street
Tavares, Florida 32778

Tenant: Historical Society of Tavares, Inc.
121 W. Alfred Street
Tavares, Florida 32778

17. Effect of Landlord's Waiver. Landlord's waiver of breach of one covenant or condition of this lease is not a waiver of breach of others or of subsequent breach of the covenant or condition waived.

18. Access by Landlord. The Landlord shall have access to the said demised premises at reasonable hours for inspection and or to make repairs as needed.

19. Nuisance. Tenant covenants not to allow said premises to be used for any illegal or immoral purpose, and not to do or suffer to be done, in or about said premises any act or thing which may be a nuisance, annoyance, inconvenience or damage to Landlord, Landlord's tenants, the occupants of adjoining property, or the neighborhood.

20. Damage by Others. Tenant covenants that should the doors, roof window frames, glass, exterior, or any other portion of the Building be damaged by

persons breaking, or attempting to break, into the demised premises, or by vandals, any and all damage to said premises caused thereby will be repaired by Tenant at Tenant's expense.

21. Heirs and Executors Bound. All the terms and agreements of this lease shall be binding upon the heirs, executors, administrators, successors and assigns of the Landlord and Tenant.

22. Surrender of premises upon termination. At the expiration of the lease term, Lessee shall surrender the leased premises in as good a state and condition as they existed at the commencement of this lease, reasonable use and wear thereof and damages by the elements excepted.

23. Damage to or destruction of premises. In the event the demised premises, or the building in which the same are situated, are totally destroyed by the elements, an act of God, or any other cause, or so nearly destroyed as to require rebuilding, during the term of the lease, then the rent shall be paid up to the time of such destruction and the lease shall thereupon terminate. Neither party hereto shall have any further rights or be under any further obligations on account of this lease, except that Landlord shall be entitled to receive all rent accrued to the date of destruction and if Tenant is not then in default in the performance of any of its obligations under this lease, Landlord shall refund to Tenant any unearned rents paid in advance by Tenant. For the purposes hereof, damage or injury to the extent of sixty percent (60%) of the market value of the demised premises on the date of execution of this lease shall constitute a total destruction thereof.

In the event the demised premises, or the building in which the same are situated, are partially destroyed by the elements, an act of God, or any other cause, Landlord, with reasonable promptness and dispatch, shall repair and rebuild the same, providing the same can be repaired and rebuilt under state and municipal laws and regulations within forty-five (45) working days, and Tenant shall pay rent during such period of repair and rebuilding in the proportion that the portion of the premises occupied by Tenant bears to the entire leased premises. For the purposes hereof, damage or injury that amounts to less than sixty percent (60%) of the market value of the demised premises at the date of execution of this lease shall be considered as a partial destruction.

If the demised premises are rendered untenable by the elements, an act of God, or by any other cause, the obligation to pay rent shall cease until the demised premises are repaired, whereupon the obligation to pay rent shall resume to the same extent and at the same rate as before the damage. Necessary repairs shall be completed within thirty (30) days.

24. Taxes and assessments. During the term of this lease agreement, the Tenant shall pay and discharge any and all ad valorem real property taxes, special assessments, drainage taxes and all other taxes and assessments against the leased

premises. Tenant shall pay all personal property taxes, business taxes and license fees.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have made and executed this Lease Agreement on this _____ day of _____, 2013.

LANDLORD

ATTEST:

City of Tavares

Nancy A. Barnett, City Clerk

Robert Wolfe, Mayor

Kim Welcome
Witness Signature

TENANT:

Historical Society of Tavares, Inc.

Kim Welcome
Witness Printed Name

Brenda Smith
By: _____

Thomas E. Russ
Witness Signature

Its: President

THOMAS E. RUSS
Witness Printed Name

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by Robert Wolfe, the Mayor of the City of Tavares, Florida, [] who is/are personally known to me or [] who has/have produced _____ as identification.

Notary Signature
Commission Expiration Date:

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 1st day of April, 2013, by Brenda K. Smith, the President of the Historical Society of Tavares, Inc., [] who is/are personally known to me or [] who has/have produced _____ as identification.

Kim A. Welcome
Notary Signature
Commission Expiration Date:



EXHIBIT A
INSURANCE REQUIREMENTS

Certificate(s) of insurance must be submitted on a standard Acord form, with accompanying endorsement attached (refer to Item v). Current in-force certificate(s) must be provided to the City's Risk Manager at the coverage renewal date throughout the term of the lease.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING:**

AGENDA TAB NO: 10

SUBJECT TITLE: Approval of Proposal for City to host two Pro Hydro-X Tours - Jet Ski Racing Events

OBJECTIVE:

To have City Council approve the attached Agreements for the City to host two Pro Hydro-X Tours Jet Ski racing events on June 1&2, 2013 and June 8&9, 2013 at Wooton Park.

SUMMARY:

Staff has been approached to determine the interest of the City in hosting two Pro Hydro-X Tours Jet Ski events in June 2013.

The two events are estimated to attract an estimated 1,000 people for each event including spectators, participants, crews and families. These people will visit the Tavares community for approximately three days and stay in area hotels, eat in local restaurants and shop in our area venues during the slower Summer months. An economic impact statement related to each event estimates a direct economic impact of \$65,300 for each event with an indirect economic impact of \$195,900.

The estimated cost to host the two events is approximately \$10,000. City cash expenses are estimated not to exceed \$5,000 for both events with \$5,000 for both events being provided by the Lake County Tourist Development Council.

City expenses are budgeted in the 2012 – 2013 CRA-TIF budget and County matching funds have been approved by the County.

Staff is requesting that Council approve the attached Agreements for the City to host the two Pro Hydro-X Jet Ski racing events on June 1&2 and 8 & 9, 2013.

OPTIONS:

1. To approve the attached Agreements for the City to host the two Pro Hydro-X Tours Jet Ski racing events in June 2013.
2. To not approve the attached Agreements for the City to host the two Pro Hydro-X Tours Jet Ski racing events in June 2013.

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve the attached Agreements for the City to host two Pro Hydro-X Tours Jet Ski racing events in 2013 with the \$5,000 City funds already being approved in the 2012/13 CRA-TIF fund budget.

FISCAL IMPACT:

The estimated City out-of-pocket expenditures of \$5,000 will be covered by 2012 – 13 CRA-TIF revenues.

LEGAL CONSIDERATIONS:

The City Attorney has reviewed and approved the attached Agreements.



1007 76th St. NW
Bradenton, FL 34209
(850) 376-5495

www.prohydroxtour.com

June 1-2, 2013 Event

Content

I. Introduction

II. Event Services

III. Schedule of Events and Tour Schedule

IV. Pro Hydro-X Tour Information

V. Responsibilities of Host Site

VI. Comments & Suggestions



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I. Introduction

The Pro Hydro-X Tour was established in order to promote and stage the exciting, action-sport of personal watercraft racing. Mike Young, Director of the Pro Hydro-X Tour has been producing personal watercraft racing, ski shows, hydrodrags, and Freestyle Moto-X events for over 20 years all across the country and beyond. This IJSBA sanctioned watercross tour is the top racing circuit in Southeastern United States. Our events are recognized and sanctioned by the International Jet Sports Boating Association, of Halfmoon Bay, CA, and they are also recognized as World Finals Qualifiers for the IJSBA World Finals in Lake Havasu City, AZ...this event is in its 32nd year! The IJSBA has members in over 45 countries!

II. Sea Doo Spring Nationals Tour Information

On average, a Tour attracts several thousand people per the weekend of the event including spectators, participants, crew, and families. As a result the local economy benefits with economic impact of dollars spent at hotels, restaurants, gas stations, and other local businesses. We have a very large demographic of participants including children as young as ten years old and adults in their sixty's, which is why the City of Tavares would benefit greatly by once again, hosting a stop on the Pro Hydro-X Tour in 2013, building upon the seed we planted five years ago.

III. Services Provided by Pro Hydro-X Tour

- 1.) Provide a two day, on-the-water racing events, professionally run and specifically designed to entertain an audience for six to seven hours each day.
- 2.) Provide all necessary equipment for the event.
- 3.) Provide \$1,000,000.00 aggregate insurance policy.
- 4.) Provide Cash and Prizes for prize purse and oversee the distribution of the purse to event participants.
- 5.) Provide a minimum of 10 qualified officials to run each event.
- 6.) Provide safety patrol boats for official use.
- 7.) Pre-Race promotions and mail outs to entice participation.
- 8.) Prepare all the necessary insurance and official IJSBA paperwork.

- 9.) Provide all rules regulations for event and the administering of those rules.
- 10.) Enforce adherence to safety and insurance requirements which include but are not limited to: signing of waivers by all participants and crew members, the enforcement of safety equipment.
- 11.) Follow a pre-approved racing schedule, which has been tentatively set.
- 12.) Provide all necessary Coast Guard Permits for this event.
- 13.) The Tavares event in June will be titled "Pro Hydro-X Tour presented by the City of Tavares and Lake County"
- 14.) The Pro Hydro-X Tour is responsible either by direct survey of the event participants or other means of verifying overnight lodging stays of the participating members. This information shall be provided to the City no later than June 12th, 2013. Final payment of host fee will be withheld until verified overnight lodging stay information is submitted.

H2X Racing Promotions is entitled to all series promotional, sponsorship, and merchandising dollars, as well as, the rider entry fees.

H2X Racing Promotions will agree to honor all event sponsorship commitments regarding signage, booth space, and other commitments that the host site makes pertaining the watercraft event, while the host site agrees to honor all series booth space, signage, and sponsorship commitments made by H2X Racing Promotions.

IV. Schedule of Events

Friday

9am-5pm	Event set up
6pm-8pm	Late registration/rider check-in
9pm-???	Welcome Party

Saturday

8am-9am	Late registration/rider check-in
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2013 Pro Hydro-X Tour

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December 7 St. Pete, FL *Mike's Charity Poker Run*

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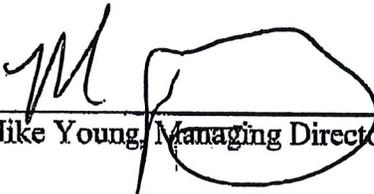
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- 2.) Provide fencing for pit area.
- 3.) Provide shelter area for scoring.

VI. Comments and Suggestions

These are suggestions we recommend that City of Tavares do prior to the event:

- Radio spots of the event through local tourism commission
- Notify local news stations and news papers of the event
- Provide booth space for local businesses, of which the city may keep proceeds

H2X Racing Promotions



Mike Young, Managing Director H2X Racing

4/1/13

Date

City of Tavares

John Drury, City of Tavares

Date



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June 8-9, 2013 Event

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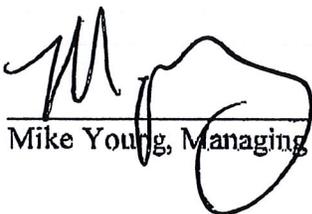
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