AGENDA
TAVARES CITY COUNCIL
February 2, 2022
4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 E MAIN STREET, TAVARES

(Members of the public wishing to speak on an item that is on the agenda must fill out a Request to Speak form available from the City Clerk or at the Council Meeting prior to the meeting being called to order. In addition, the Mayor will ask for comment under the agendized item titled "Audience to be Heard" for matters not on the Agenda. For further information contact the City Clerk at (352) 742-6209 or snovack@tavares.org)

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1 Pastor Mike Ellis, Umatilla Baptist Church

III. APPROVAL OF AGENDA

IV. PROCLAMATIONS/PRESENTATIONS

V. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO RECORD

VII. CONSENT AGENDA

Tab 2 Approval of the January 19, 2022 City Council Regular Meeting Minutes (City Clerk)

VIII. RESOLUTIONS

Tab 3 Resolution 2022-01 - Badeau Property - Vacate a Portion of an Easement Located at 719 Dolphin Drive (Community Development)

Tab 4 Resolution 2022-02 - American Rescue Plan (SLFRF) Standard Allowance Revenue Loss Selection and Spend Plan Approval (City Administrator)

IX. ORDINANCES - PUBLIC HEARING

First Reading

Tab 5 **Ordinance 2022-01 - Trzaskoma Property - Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive. (Community Development)**

Second Reading

X. GENERAL GOVERNMENT

Tab 6 **Lake County Opioid Interlocal Agreement (City Attorney)**

Tab 7 **Tavares' 5th Annual Arbor Day Celebration Update (Public Works)**

XI. NEW BUSINESS

XII. OLD BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

Tab 8 **City Administrator Report**

Tab 9 **City Council Member Reports**

XV. ADJOURNMENT

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) 742-6209.

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 1

SUBJECT TITLE: Pastor Mike Ellis, Umatilla Baptist Church

OBJECTIVE:
Pastor Mike Ellis, Umatilla Baptist Church, will provide the invocation and lead those present in the Pledge of Allegiance.

SUMMARY:
Pastor Mike Ellis, Umatilla Baptist Church, will provide the invocation and lead those present in the Pledge of Allegiance.

OPTIONS:
N/A

STAFF RECOMMENDATION:
N/A

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
N/A

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Attachments not provided are available to the public upon request to the City Clerk.

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 2

SUBJECT TITLE: Approval of the January 19, 2022 City Council Regular Meeting Minutes (City Clerk)

OBJECTIVE:
To consider approval of the January 19, 2022 City Council Regular Meeting Minutes

SUMMARY:
Attached are the January 19, 2022 City Council Regular Meeting minutes as submitted by the City Clerk.

OPTIONS:

1. Move to approve the City Council meeting minutes as submitted under the Consent Agenda.
2. Move to approve the City Council meeting minutes with corrections.

STAFF RECOMMENDATION:
For Council approval.

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:
1. 01-19-2022 CC Minutes

Attachments not provided are available to the public upon request to the City Clerk.

TAVARES CITY COUNCIL
MEETING MINUTES
JANUARY 19, 2022 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES

COUNCIL MEMBERS PRESENT

Lori Pfister, Mayor
Walter Price, Vice Mayor
Amanda Boggus, Council Member
Sandy Gamble, Council Member
Troy Singer, Council Member

STAFF PRESENT

John Drury, City Administrator
Lindsay Holt, City Attorney
Susie Novack, City Clerk
Scott Aldrich, Community Services Director
Crissy Bublitz, Human Resources Director
James Dillon, Public Works Director
Mike Fitzgerald, Community Development Director
Lori Houghton, Finance Director
Richard Keith, Fire Chief
Stoney Lubins, Police Chief
Mark O'Keefe, Public Communications Director
Bob Tweedie, Economic Development Director

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Pastor Brooks Braswell, Umatilla Baptist Church

Pastor Brooks Braswell, Umatilla Baptist Church, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Pfister asked for changes to the Agenda. There were none.

MOTION

Amanda Boggus moved to approve the Agenda, seconded by Walter Price. The motion carried unanimously 5-0.

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Proclamation – 2022 Arbor Day

Mayor Pfister read a proclamation in its entirety declaring January 21, 2022, as City of Tavares Arbor Day.

V. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Attorney Holt said there were no quasi-judicial matters before the Council.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

VII. CONSENT AGENDA

Mayor Pfister asked if anyone wished to pull an item from the Consent Agenda for discussion.

Council Member Gamble said he would like to pull Tab 5 for discussion.

MOTION

Council Member Gamble moved to approve Tabs 3 and 4 on the Consent Agenda [Tab 3. Approval of the December 15, 2021, Tavares City Council Regular Meeting Minutes; and Tab 4. Approval of the 2022 City Council Meeting Dates], seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 3. Approval of the December 15, 2021 Tavares City Council Regular Meeting Minutes

Approved on the Consent Agenda.

Tab 4. Approval of the 2022 City Council Meeting Dates

Approved on the Consent Agenda.

Tab 5. Eagle Homes at Tavares – Preliminary Plat

Council Member Gamble said the Lake County School Board has a portable building that encroaches on the right-of-way and noted his concern that the project would affect the structure and surrounding School Board parking. Mr. Fitzgerald said bollards would be moved and reinstalled by three lots and not affect the Lake County School Board property. He provided PowerPoint images of the site and said there would be no interference with the portable or current function of the Lake County School Board. Mr. Fitzgerald said that when the School Board redevelops their property or moves, road access would then be extended from Joanna to U.S. 441. Mr. Dillon confirmed garbage trucks would have ample room to turn with the proposed road configuration.

MOTION

Sandy Gamble moved to approve Consent Agenda Tab 5 [Eagle Homes at Tavares – Preliminary Plat], seconded by Amanda Boggus. The motion carried unanimously 5-0.

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

X. GENERAL GOVERNMENT

Tab 6. Board Appointment – Police Pension Board

Mayor Pfister made the following presentation:

> *The Tavares Police Pension Board consists of five (5) members. Two members are appointed by the Mayor and ratified by the City Council, two members are appointed by the Police Pension Board, and the 5th trustee seat is a joint appointment. The Police Pension Board elected Eric Filkin to continue serving in the 5th Trustee seat for the term December 2021 through November 2023, and is requesting the City Council ratify their selection.*

MOTION

Amanda Boggus moved to approve [the appointment of Eric Filkin to the 5th Trustee Seat to the Police Pension Board], seconded by Sandy Gamble. The motion carried unanimously 5-0.

__**Tab 7. Cagan Management Group Offer to Purchase City Property**__

Mr. Tweedie made the following presentation:

> *The Cagan Management Group Inc. has submitted the attached letter of intent requesting to purchase the 6.7-acre parcel of City-owned property located on E. Caroline Street (Alt Key # 13739334) with the intent of developing, constructing, and operating a market-rate townhome community on the property. Cagan presently owns and manages the 480 unit Atwater rental apartment community off of Hufstettler Drive in Tavares (behind Waterman Hospital) which they have developed and built in phases within the past 5 years. Atwater is presently at full capacity with a waiting list.*
>
> *This property has been owned by the City for several years and has most recently been identified and considered for possible development and operation by the City as a pocket R.V. park to support tourism and special events in the downtown entertainment district and surrounding area. This project is currently identified in the City 5-year Capital Improvement Plan. It has not been funded through the annual budgeting process thus far. The estimated cost of development/construction for the preliminary phase of the R.V. park project is $250,000.*
>
> *The Cagan Management Group has submitted a proposed purchase price of $211,700.00 for the parcel which is presently valued at $20,100 by the Lake County Property Appraiser.*
>
> *If Council accepts this letter of intent, staff will hire an appraisal firm to conduct a full appraisal on the property and the final purchase and sale contract would be negotiated and presented to Council for final acceptance subject to that property appraisal report.*
>
> *The City Attorney has opined that under State Statute and the City Charter it is legal for the City to sell real property based on an unsolicited offer without conducting a request for proposals (RFP) process.*

Mr. Tweedie provided PowerPoint images of projects the Cagan Management Group completed in the past.

__Vance Jochim, 12619 Milwaukee Avenue, Lake County__, recommended Council direct staff to obtain an appraisal and publicly bid the property to determine value. He said the agenda item did not include enough information for the public.

Mayor Pfister asked for comments from the Council.

Vice Mayor Price asked how many units would be included in the project.

Bryan Cagan, Director of Asset Management, Cagan Management Group, Inc., said the project is preliminary and anticipates between 50 to 60 townhomes on the site.

Vice Mayor Price asked for the average anticipated living area. Mr. Cagan said the townhomes are between 1,300 and 1,500 square feet. He said they would like to incorporate detached garages with alley access and rear yards, space permitting, and would depend on the site layout, zoning, retention, and setbacks.

Vice Mayor Price said multi-family is a better use for the site than an RV park as there are apartments and condominiums in the area. He said he supports the Letter of Intent provided an appraisal is obtained.

Council Member Singer asked for the time frame to build and occupy if approved. Mr. Cagan said the project would take 18 to 24 months from start to finish with an approved site, barring any Covid supply chain delays. Council Member Singer said there is a need for market-price homes and noted his preference to move as quickly as possible. Mr. Cagan said their goal is to complete the project as soon as possible.

Council Member Gamble asked if the townhomes would be stick or block built. Mr. Cagan said barring any requirement, the buildings would be stick, and noted wind requirements may impact the build.

Council Member Boggus asked if the property was advertised for sale. Mr. Tweedie said the request was an unsolicited proposal from the Cagan Management Group. Council Member Boggus asked if the property had been advertised or received interest in the property in the past. Mr. Tweedie said not that he was aware. He said the City received a legal opinion from the City Attorney, who stated an unsolicited proposal could be considered by the Council. The City has no legal, state statute, or City charter requirement to go through a bid or Request for Proposal.

Vice Mayor Price asked for the price range of the proposed townhomes. Mr. Cagan said pricing would be premature, and according to Atwater market data, they are anticipated to be slightly more expensive and would be market dictated upon completion. Vice Mayor Price asked if a traffic study would be completed. Mr. Cagan said all requirements would be performed.

Council Member Singer asked Mr. Tweedie for his professional opinion if a pocket park or townhomes would be better at the location regarding economic development. Mr. Tweedie said that absent an economic impact study, his professional opinion is the proposed use would have a more robust economic impact given the need for the housing product to support the community workforce and the customer base for businesses on a consistent basis. He said apartment buildings are the future office spaces with increased remote working. He confirmed the project would be compatible with the surrounding area. Council Member Singer said the Cagan Management Group does a great job, and there is a current waiting list at Atwater. He asked if there would be a draw from City services. Mr. Drury said no as the City was already servicing the area.

Council Member Singer asked if funds from the project could go into Reserves, road paving, or lower the millage rate. Mr. Drury said the Council will re-appropriate those revenues to what is believed to be in the City's best interest, and all of those items would be eligible.

Council Member Boggus asked if there was anything to prevent the City from getting more than the property's appraisal value. Mr. Drury said no. Council Member Boggus if better offers could be gained if the City advertised the property for sale. Mr. Drury confirmed and noted it would send a message to the private sector and business community that the City may bid out entrepreneurial ideas. He said that would put a damper on the collaborative efforts the City tries to have with the business community, entrepreneurs, and creative entities. He said he believes that the Florida Legislature did not require cities to bid out when private enterprise comes to the government with a good and innovative idea.

Mayor Pfister asked if the project would create water pressure issues. Mr. Drury said no. Mayor Pfister noted her support and said the project would fill a void needed in the City. While she likes the RV park, she said the proposed project makes more sense.

<u>MOTION</u>

Sandy Gamble moved to approve, seconded by Troy Singer.

Council Member Singer asked if negotiations could include a time frame to complete the project or convert the property back to the City. Mr. Drury said staff could work with the Cagan Management Group.

Council Member Boggus asked if any part of the project would be subsidized housing. Mr. Cagan said no, and the project would be market rate.

The motion carried unanimously 5-0.

<u>Tab 8. Establish FY 2023 Broad Budget Priorities</u>

Mr. Drury made the following presentation:

> *It has been the practice of the Council to set the broad budget priorities for the City Administrator to use as guiding principles in developing a budget that is commensurate with the Council's collective overall budgetary goals.*

By way of background, the City operates six (6) governmental operations as follows:

1. ***General Government*** *(revenues derived from property taxes, other taxes, and fees)*
2. ***Utilities*** *- Water, Waste Water (Sewer), Reclaimed Water, Stormwater (Revenues derived from fees – no property taxes)*
3. ***Solid Waste (Garbage Collection)*** *(revenues derived from fees – no property taxes)*
4. ***Seaplane Base and Marina Enterprise*** *(revenues derived from fuel sales, prop shop sales, rental income from Seaplane operator and Marina Slip leases, the General Fund (taxes) and CRA TIF Fund (Incremental property tax revenues within the CRA District).*
5. ***Pavilion on the Lake Events Venue****. (revenues derived from rental income and General Fund taxes)*
6. ***Capital Projects****. (revenues are derived from grants like ARPA funds, impact fees, special tax revenues like "Infrastructure Sales Tax" and property taxes).*

(Note: in addition to the above are debt service costs associated with prior capital projects)

The cost to provide the citizens governmental services, when benchmarked against other communities of similar size in Florida, reveals Tavares comes out on top in terms of efficiencies. For example, the number of employees per capita for various services offered like police and fire protection which make up a significant part of any city's General Fund budget is lower than cities of comparable size. This "lean" approach carries across all of Tavares governmental services.

At this early point in time, it is not possible to predict with precision the actual revenue or expenses that will occur for the Fiscal Year 2023 (Beginning October 1, 2022, through September 30, 2023) because the city does not know:

1. *How many new properties have been added to the tax rolls nor how much property values will increase? (The Property Appraiser issues the report in May 2022).*
2. *What the State shared revenues will be? (State sets this in June 2022)*
3. *What the increased operational cost will be? (fuel, electricity, healthcare, payroll, etc. – staff bases this on economic indicators)*

However, "possible" scenarios for the purpose of starting the discussion on the Council's broad budget priorities based on staff following trends and conducting the research could result in the following possible budget scenarios:

Revenues:

1. *Property Tax revenue collections increasing due to an increase in property values and new construction.*
2. *All other revenues increased over the current year due to positive economic conditions.*

Expenses:

1. *Personnel expenses increasing*
2. *Operational expense increasing due to increased cost of goods and services*
3. *Employee healthcare costs increasing*

Tax Rate: Tavares has maintained a steady and incremental reduction in the property tax rate over the past several years as it balances the increased cost of delivering services and providing new services by setting a reasonable property tax rate to support these increased costs and new services.

FY19 - 7.1119 millage rate

FY20 - 6.9500 millage rate

FY21 – 6.9000 millage rate

FY22 – 6.7579 millage rate

Mr. Drury said the agenda backup material includes information on over 22 projects and 30 initiatives currently being managed and implemented throughout the community. He asked the Council to consider and deliberate some of the following items:

- Maintain or not maintain a similar level of service
- Adding or not adding new programs and services
- Capital programs
- Tax rates, reserves, debt, and grants
- Employee compensation

He said he looks for broad budget priorities and goals. Mr. Drury said once the Council's broad budget priorities and goals are identified, he would work with the Department Directors to create a budget in sync with the City Administrator and Council. A budget would be brought back to the Council for public workshops, with adoption once fully vetted in September 2022.

The Council identified the following Broad Budget Priorities:

Council Member Boggus

Council Member Boggus said she would like to focus on the following projects for the next budget cycle:

- Maintain momentum on the Public Works Facility and continue to work toward acquiring additional grants.
- Move forward with Wooton Wonderland and Splash Park renovations.
- Continue benchmarking and provide benchmarking information available to assist Council in making decisions.
- Continue with the Police Department accreditation, which will provide additional grant opportunities.
- Continue to work toward a Fire Department Paramedic Program to help the most people possible as most Fire Department calls are medical-related.
- Continue momentum for paving City streets and for faster completion.
- Continue to move forward with the Neptune 360 and Base Read Program for the maintenance of water meters, to identify leaks quicker, and provide more remote access to employees.
- Maintain the same level of service
- Aim to keep the tax rate going in the same direction it has been going.
- Staff should be considered for an increase if able.
- Continue pursuing grants, including the firm that assists with Federal grants.
- Continue to work on the Tavares Nature Park dock, with ADA accessibility and a boardwalk that ties the parking lot for visitor access. And, continue to pursue a CDBG grant.

Council Member Singer

- Continue to lower the City's millage rate.
- Maintain the same level of service for the business community and residents.
- Ensure road paving is well funded and seek grants to continue to improve roads
- Fair employee compensation.
- Continue working on capital and all projects mentioned by Council Member Boggus and finish projects and initiatives that have started.

Council Member Gamble

- Maintain the same level of service.
- Compensate employees.
- Noted a preference for a conservative approach when considering adding or not adding programs or services that are not self-sufficient.
- Concurred with Council comments regarding capital programs.
- Suggested working with the County to install sidewalks on the west side of Lakeshore Drive to the hospital. He said some of the property is not annexed in the City and may require a joint effort.
- When designing capital projects, review lay-up wall vs. prefab wall vs. block or brick costs.

- Noted reduced vehicle visibility at the Chris Daniels Memorial on Old 441 when turning right on SR19. Mr. Drury said FDOT is currently working on two projects in the area, and the City would ask them to review the area.
- Continue to move forward with the Wooton Park and the Splash Park projects.
- Continue to move forward with the Police Department accreditation.
- Continue to move forward with a Fire Department Paramedic Program.

Council Member Gamble said unbudgeted projects should be reviewed differently.

Vice Mayor Price

- Noted a preference for the rollback rate on the millage if possible. If not possible, continue lowering the millage rate.
- Continue or accelerate debt repayment.
- Continue the same level of service, maintain what we have, and did not see a need for new services.
- Continue more road paving.
- Continue to pursue grants.
- Try to increase reserves.
- Start West Main Street Gateway improvements.

Vice Mayor Price said he received a citizen suggestion to keep the blue and white Christmas lights up year-round on the palm trees at the Chris Daniels Memorial Fountain

Mayor Pfister

- Continue quality of life initiatives, including recreation and Wooton Park.
- Complete docks at the Tavares Nature park, find funds, or pursue grants.
- Noted the Library Expansion Project is winding down.
- Attain and move forward with the YMCA
- Volleyball Court lighting and possibly add another court
- Complete a study on downtown lighting.
- Maintain the same level of service.
- Employee compensation.
- More road paving.
- Rollback millage or reduction in millage.
- Technology advancement for efficiency in public business.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, commended Mr. Drury and staff for providing details in the agenda packet. He made the following comments:

- Recommended postponing projects and going to the rollback rate or more than the rollback rate.
- Noted his support of the Community Police Program
- Noted his support for Tavares Nature Park dock upgrades

- Said a cap should be placed on the 2022 budget.
- Said the Public Works building should be built with tilt-up walls.
- Asked that the benchmarking report be posted to the City website as well as three-year performance metrics tied to specific managers responsible for those cost centers.

Mr. Jochim provided a ‘talking point’ handout to the Council.

Mr. Drury said he had the information needed to craft a budget and bring it to Council in the spring.

XI. NEW BUSINESS

Mayor Pfister said the Lake County Board of County Commissioners were planning a joint group meeting with all municipalities on February 7, 2022, at 9:00 a.m. at Venetian Center located in Leesburg. She invited those present to attend.

XII. OLD BUSINESS

XIII. AUDIENCE TO BE HEARD

Vance Jochim, 12619 Milwaukee Avenue, Lake County, discussed a Lake County School Board concurrency map depicting current projects throughout Lake County. He said he believed the City relies on traffic analysis reports paid and provided by developers that may be biased and suggested the Community Development Department hire traffic engineers with developers reimbursing costs to the City.

XIV. REPORTS

Tab 9. City Administrator Report

City Administrator

- Said Bringing Everyone Together To Embrace Race Relations (B.E.T.T.E.R.) would be holding a meeting on January 25, 2022, at 4:00 p.m. He thanked Pastor Watkins for coordinating the meeting.
- Noted a Central Florida Film Festival three-day event over the upcoming weekend at the Epic Theater in Mount Dora. He said local theater groups would present short films during the festival.
- Noted the Smart Growth Horizon Team recently met, would formulate workshops with the community, and bring updates to the Council in the future.

Mr. Fitzgerald referred to Mr. Jochim’s comments during Audience to be Heard. He said the traffic studies the City receives are routed to Griffey Engineering to review, including methodology, and brings those comments back to the City on behalf of the City. He noted Mr. Griffey’s specialty is traffic engineering.

Tab 10. City Council Member Reports

Council Member Gamble

- Said the sidewalks down Lakeshore Drive should be reviewed.
- Said the roundabout needs lighting at Sinclair

Council Member Gamble made the following comments on the Lake Francis project:

- Asked when the Lake Francis would be completed.
- Said it was his understanding asphalt would be placed on the roads and has not seen progress since December.
- Asked that potholes be included in the final inspection to ensure no potholes remain.
- Said residents had voiced concern that the construction company digs in areas already completed, and it appears repetitive repairs are slowing the project.
- Said future contracts should include a provision that damages made by the contractor would be handled at the time damage was made.
- Said the entrance lift approved by the Council in December was not completed.

Council Member Gamble asked for the status of the Woodlea infrastructure project for 16 homes. He said the homes do not have services the City should be providing.

Council Member Singer

- Said he enjoyed the Rhythm on Ruby event on January 8, 2022, and the event was well-received. He suggested more advertising and marketing of the event, including wayfinding signs.
- Said he could not attend the Arbor Day event and understood everyone had a great time. He said he would like to see the program continue.
- Said he attended the Library Expansion Ribbon cutting. He said the ribbon cutting was great for the community, and those who attended enjoyed the event.

Council Member Boggus

- Said she is happy to be back and wished those present a Happy New Year.
- Said she could not attend the Arbor Day event and did enjoy the 11 Days of Trees program. She thanked Mr. O'Keefe and Mr. Dillon and said their efforts built a lot of interest.
- Said the Public Works building has already programmed tilt walls which is efficient and functional.

Vice Mayor Price

- Said he enjoyed the Arbor Day event and commended the staff.

- Said he enjoyed the Library Ribbon Cutting event and the expansion was a beautiful addition.

Mayor Pfister

- Said she could not attend the Arbor Day event and heard it was a great event.
- Said she enjoyed the Library Ribbon Cutting event, and it was well attended.

Mayor Pfister said she appreciates Mr. Clark and the Utilities Department Staff for their efforts at Lake Francis. She said she is confident Mr. Clark and staff would complete the job correctly and noted workers were present at the entrance at 8:00 p.m. recently.

XV. ADJOURNMENT

There was no further business and Mayor Pfister adjourned the meeting at 5:17 p.m.

Respectfully,

____
Susie Novack, MMC, FCRM
City Clerk

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 3

SUBJECT TITLE: Resolution 2022-01 - Badeau Property - Vacate a Portion of an Easement Located at 719 Dolphin Drive (Community Development)

OBJECTIVE:

To consider the partial vacation of the easement located at 719 Dolphin Drive, Lot 40 in Imperial Mobile Terrace 5th Addition as recorded in Plat Book 23, Page 46.

SUMMARY:

This is a request to vacate a portion of platted easement lying across the property located at 719 Dolphin Drive Tavares, Florida 32778. As a stipulation of the proposed sale of the property, the mortgage company issuing the buyer's mortgage is requiring the current owner of the property to petition to vacate a portion of an existing easement where the rear of the existing mobile home encroaches. City staff reviewed the vacate request and determined no conflicts in the vacation with regard to drainage, utilities, health, safety, or welfare of the Public. This vacate will remove the city's public interest in this land, thus allowing the applicant to eliminate any perceived exception to clear title of this property.

OPTIONS:

1. City Council moves to approve Resolution 2022-01 partial vacation of an easement located at 719 Dolphin Drive, Lot 40 in Imperial Mobile Terrace 5th Addition as recorded in Plat Book 23, Page 46.

2. City Council moves to deny Resolution 2022-01.

STAFF RECOMMENDATION:

At their January 20th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Resolution 2022-01.

Staff recommends that City Council moves to approve Resolution 2022-01 partial vacation of an easement located at 719 Dolphin Drive, Lot 40 in Imperial Mobile Terrace 5th Addition as recorded in Plat Book 23, Page 46.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2022-01
2. Aerial Map
3. Newspaper Ad 1-9-22

RESOLUTION 2022-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, TO VACATE A PORTION OF AN EASEMENT LOCATED AT 719 DOLPHIN DRIVE TAVARES, FL 32778, LOT 40 IN IMPERIAL MOBILE TERRACE 5TH ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 46, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property located at 719 Dolphin Drive has petitioned for a vacation of said easement; and

WHEREAS, the portion of the easement described in Exhibit "A" is no longer practical as a result of the encroachment of the mobile home built in 1979 across the portion of said easement; and

WHEREAS, this proposed vacate will remove the City's public interest in this property; and

WHEREAS, the petition to vacate said easement has been duly noticed as required by law; and

WHEREAS, the abutting property owners have been notified per the requirements of the City of Tavares Land Development Regulations; and,

WHEREAS, the City of Tavares has reviewed the vacate request and determined no conflicts in the vacation with regard to drainage, utilities, health, safety, or welfare,

NOW, THEREFORE, be it resolved by the City Council of the City of Tavares, Florida as follows:

The City of Tavares hereby vacates any and all interest in the aforesaid easement, as described in Exhibit "A", attached hereto and made part of this resolution.

PASSED AND RESOLVED this ____ day of _____, 2022 by the Tavares City Council.

____
Lori Pfister, Mayor
Tavares City Council

ATTEST

____
Susie Novack, City Clerk

Approved as to form and legality:

____

Lindsay C. T. Holt, City Attorney

Exhibit “A”

SKETCH OF DESCRIPTION

PAGE 1 IS FOR LEGAL DESCRIPTION

PROPERTY DESCRIPTION

LOT 40, IMPERIAL MOBILE TERRACE 5TH ADDITION, according to the plat thereof as recorded in Plat Book 23, Page 46 of the Public Records of Lake County, Florida.

DESCRIPTION OF A PORTION OF EASEMENT TO BE VACATED

COMMENCE AT THE SOUTHEAST CORNER OF LOT 40, IMPERIAL MOBILE TERRACE 5TH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 46 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. THENCE RUN N 46°00'00" E ALONG THE EASTERLY LINE OF LOT 40 A DISTANCE OF 4.00'; THENCE RUN N 44°00'00" W A DISTANCE OF 6.00' TO THE POINT OF BEGINNING; THENCE CONTINUE N 44°00'00" W A DISTANCE OF 11.00'; THENCE RUN N 46°00'00" E A DISTANCE OF 3.50'; THENCE RUN S 44°00'00" E A DISTANCE OF 11.00'; THENCE RUN S 46°00'00"W A DISTANCE OF 3.50' TO THE POINT OF BEGINNING. CONTAINING 44.00± SQ.FT.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Lake County, Florida, Community Panel Number 120138 0345 E, last dated 12/18/2012, it appears from a scaling of said map that the land described hereon is shown to be in Zone "X", (AREA OF MINIMAL FLOODING) Said FEMA map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

1. This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, PLC. per client's instruction and makes no claims regarding ownership or rights of possession.
2. Bearings shown hereon are based on the SOUTHWEST line of Lot 40, Being N 44°00'00" W, PER PLAT.
3. This surveyor has not searched the public records or abstracted the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
4. The relative distance accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 Feet.
5. Underground improvements and utilities have not been located.
6. This survey performed by DSW Surveying and Mapping, PLC. is for the singular use by the clients named hereon for the express stated purpose listed hereon. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of DSW Surveying and Mapping, PLC.
7. Building ties, Fence ties, Etc. are not to be used as a way to reconstruct boundary line location.
8. Fencing may deflect on and off property as fencing travels property lines. Fencing is located and ties at the property corners only.

DRAWING: 21.1546	SURVEY DATE: 10/18/21
INTENDED DISPLAY SCALE 1" = 30'	DRAWN: DSW

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM

DSW Surveying & Mapping, PLC

PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATION OF AUTHORIZATION #LB7945
32138 OKALOOSA TRAIL
SORRENTO, FLORIDA 32776
Phone: (352) 735-3796

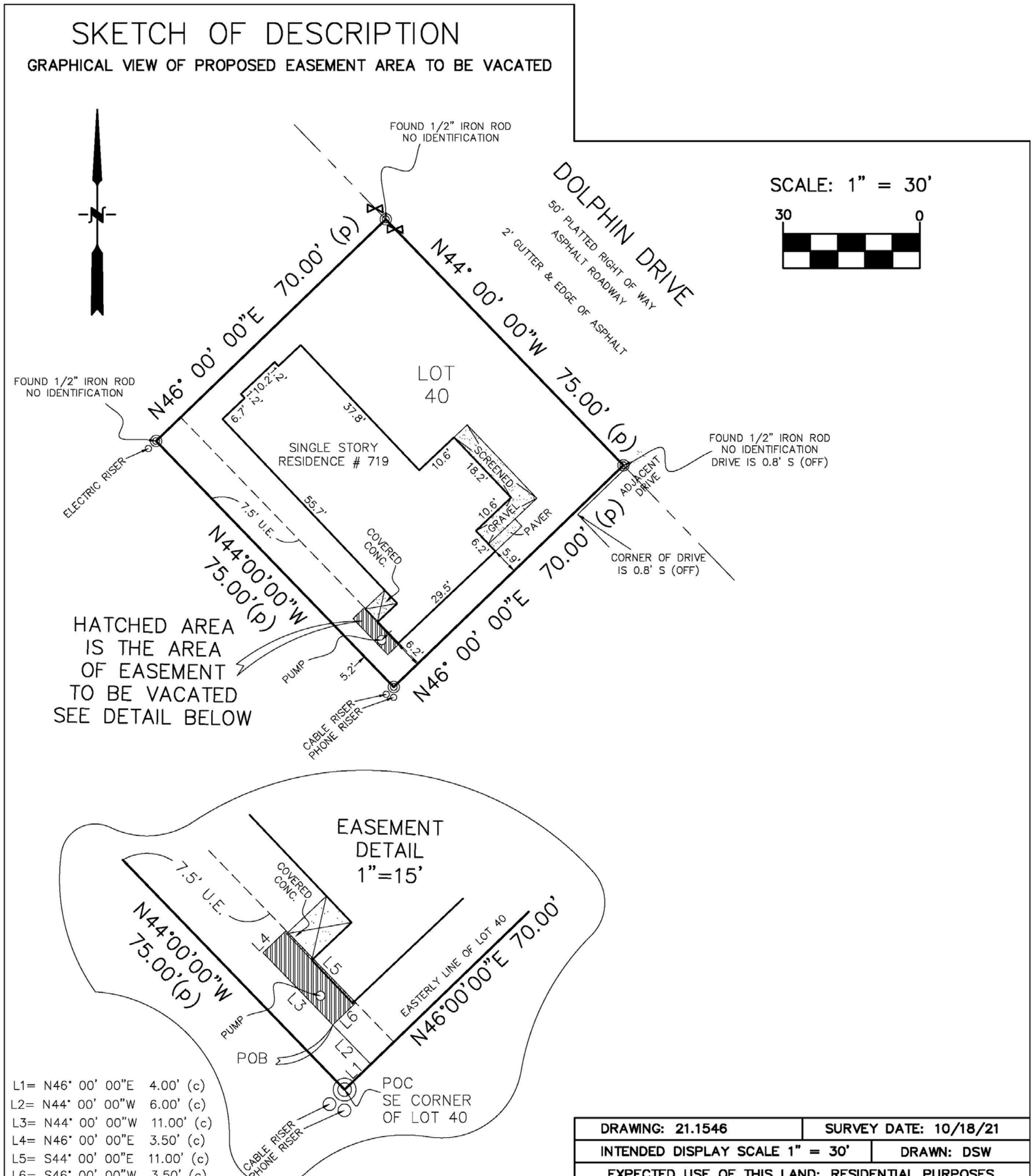
JOB NO. 21.1546 Sheet 1 of 3

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 AND 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:

Exhibit "A" continued



DRAWING: 21.1546	SURVEY DATE: 10/18/21
INTENDED DISPLAY SCALE 1" = 30'	DRAWN: DSW

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 AND 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

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DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:

PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM

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Phone: (352) 735-3796
JOB NO. 21.1546 Sheet 2 of 3

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 4

SUBJECT TITLE: Resolution 2022-02 - American Rescue Plan (SLFRF) Standard Allowance Revenue Loss Selection and Spend Plan Approval (City Administrator)

OBJECTIVE:

To adopt Resolution 2022-02 which authorizes the election of the "Standard Allowance" provision for Revenue Loss identified in the American Recovery Plan Act Final Rule for expenditures of governmental services, and to further authorize specific eligible projects as identified in Draft Exhibit A

SUMMARY:

The American Rescue Plan Act of 2021 provides funds for municipalities, counties, states, tribal governments, and territories to respond to the Covid-19 emergency, and related public health and economic challenges. The City of Tavares has been awarded $8,889,651 in ARPA funding. Disbursements will be made to the City from the State of Florida in two installments. The City received the first installment on October 7, 2021 in the amount of $4,444,825.

ARPA funds have several uses and many restrictions enumerated in the U.S. Department of Treasury's final rule. Previously, within the eligibility guidelines of the U.S. Treasury's Interim Rule, the City Council at their September 8th 2021 meeting designated ARPA funds for the following categories of project types:

1. Drinking Water Improvements.
2. Wastewater Improvements.
3. Stormwater Improvements.
4. Improving air quality of Public Buildings

After the Council set the above four (4) categories on September 8th, 2021 based on the "Interim Rules", the Department of Treasury issued a "final rule" in January 2022 which expanded ARPA eligible items as long as the City elects the "Standard Allowance" option for revenue loss.

Resolution 2022-02 (see attached) authorizes the election of the "Standard Allowance" option provision for Revenue Loss identified in the American Recovery Plan Act Final Rule for expenditures of governmental services, and to further authorize specific eligible projects as identified in the attached ARPA Spend Plan (Draft Exhibit A). Onetime non-reoccurring capital expense items are identified for this onetime non-reoccurring ARPA revenue in Draft Exhibit A.

The City Council may wish to modify Draft Exhibit A by swapping out capital items from the list of prior identified unfunded capital items from the FY 2022 Adopted Budget cut list which has been provided and is identified as (Exhibit B).

All of the projects and capital items identified in Draft Exhibit A and Exhibit B are eligible for ARPA funding within the expanded guidelines. It is recommended that 10% of ARPA funds, or $888,965, remain unallocated and available for cost escalations during the bidding process for the selected capital items.

The following uses of ARPA funds are prohibited:

1. Deposits into pension funds.
2. Debt service
3. Replenishing financial reserves
4. Satisfaction of settlements and judgements.
5. Any projects that conflict with or contravene the purpose of the American Rescue Plan Act Statute.

Any misappropriation of ARPA funds, as deemed by the U.S. Treasury department, must be paid back.

OPTIONS:

Option 1: Council work together to develop a Final Exhibit A from the list of projects identified on Draft Exhibit A and Exhibit B and then Approve Resolution 2022-02 and Final Exhibit A.

Option 2: Council Adopt Draft Exhibit A as a Final Exhibit A and then approve Resolution 2022-02 and Final Exhibit A.

STAFF RECOMMENDATION:

Option 1: Council work together to develop a Final Exhibit A from the list of projects identified on Draft Exhibit A and Exhibit B and then Approve Resolution 2022-02 and Final Exhibit A.

FISCAL IMPACT:

The City will expend ARPA funds as directed in Final Exhibit A and designate $888,965 as unallocated and available for cost escalations during the bidding process for the selected capital items identified in Final Exhibit A.

LEGAL SUFFICIENCY:

All options are legally sufficient.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Exhibit A - ARPA Spend Plan Draft - 3
2. Exhibit B - ARPA Spend Draft - Original Version
3. S Joanna E Parking Plan - 2021-10-15
4. Resolution 2022-02_ARPA Final Rule RevenueLoss Allowance & spend plan 02022022

Attachments not provided are available to the public upon request to the City Clerk.

DRAFT

ARPA Spend Plan

Total ARPA Allocation:	**$8,889,651**
Air Quality Improvements to Publicly Owned Buildings	**$1,903,000**
1. Fire Station 29	$103,000
2. Civic Center	$430,000
3. City Hall	$970,000
4. Historic Fire Station	$400,000
Stormwater Infrastructure	**$3,576,985**
1. Lake Frances Stormwater Improvements (Previously Approved by Council)	$56,985
2. Stormwater Improvements at Public Works Complex	$3,100,000
3. Seaplane Base Tav-Lee Trail Bypass Stormwater Project	$125,000
4. Wooton West Stormwater Pond Modification	$45,000
5. Marina Parking Area & Stormwater Improvements	$250,000
New Broad Base Budget Items	**$1,845,701**
1. Tavares Nature Park Dock Replacement	$805,701
2. Road Paving	$1,040,000
Public Safety and Sanitation Items	**$675,000**
1. Police Interceptors x 7 ($50,000 each)	$350,000

2. Garbage Truck $325,000

Total All Projects: $8,000,686

Amount Reserved for unforeseen costs: $888,965

APRA Spend Plan Draft Descriptions

Air Quality Improvements to Publicly Owned Buildings

1. **Fire Station 29/Lane Park ($103,000)** - Improvements to Station 29 (Lane Park) Air System for improved air quality to mitigate COVID19 Pandemic impacts to the Fire Station First Responders and visitors to the facility. Planned improvements/upgrades are intended to increase the delivery of clean air to Fire Fighters and other people and dilute potential contaminants to the air they breathe.
2. **Civic Center ($430,000)** –Improvements to the Civic Center Air System for improved air quality to mitigate COVID19 Pandemic impacts for building occupancy related to the General Public's use of the building for community events and other uses including but not limited to public meetings, pandemic related emergency use, and the general public's use of the building. Planned improvements/upgrades are intended to increase the delivery of clean air to people and dilute potential contaminants to the air they breathe.
3. **City Hall ($970,000)** – Improvements to the City Hall Air System for improved air quality to mitigate COVID19 Pandemic impacts for building occupancy related to the General Public's use of the building to conduct the public's business (City Council meetings, Public Utility Administrative services, Building Permitting services, General

City Administration operations etc.) and other uses, including but not limited to public meetings, pandemic related emergency use, and the general public's use of the building. Planned improvements/upgrades are intended to increase the delivery of clean air to people and dilute potential contaminants to the air they breathe.

4. **Historic Fire Station ($400,000)** - Improvements to the Publicly owned Historic Train Station Air System for improved air quality to mitigate COVID19 Pandemic impacts for building occupancy by tenants and the general public who will patronize the building once occupancy has been re-established. Planned improvements/upgrades are intended to increase the delivery of clean air to people and dilute potential contaminants to the air they breathe.

Stormwater Infrastructure

1. **Lake Frances Stormwater Improvements ($56,985)** – This project provides for construction activities to capture stormwater run-off from the roadway at the entrance to the Lake Frances Subdivision. The Project provides for traditional conveyance and treatment of conveyed stormwater (gray infrastructure). **Approved by the City Council on 12-1-2021.**
2. **Stormwater Improvements at Proposed Public Works Complex ($3,100,000)** – This project provides for construction activities for the capture of stormwater run-off from the proposed complex including parking infrastructure, and improves the current stormwater pond collection system at the site. The project provides for traditional conveyance and treatment of conveyed stormwater (gray infrastructure).

3. **Seaplane Base Tav-Lee Trail Safety Bypass Stormwater Project ($125,000)** – This project provides for construction activities in order to provide Stormwater Improvements for the Tav-Lee Trail Safety Bypass project currently under design. The project will collect stormwater run-off from the Seaplane base Tav-Lee trail Safety By-pass project. The project provides for traditional conveyance and treatment of collected stormwater (gray infrastructure).
4. **Wooton West Stormwater Pond Modification ($45,000)** – This project provides for improvements to the West Wooton Park Stormwater pond by reconfiguring a large existing stormwater pond into a more efficient area. Grass overflow boat and trailer parking has prompted the need for modifications to the current stormwater pond to adequately address the change in stormwater run-off collection from pavement to grass. The project provides for the traditional conveyance and treatment of collected stormwater (gray infrastructure).
5. **Marina Parking Area & Stormwater Improvements ($250,000)** – This project provides for construction activities for the Marina Parking Area (see map) and capture of stormwater run-off from the Seaplane Base Marina Parking Area, and includes improvements to the current stormwater pond collection system at the site. The project provides for the traditional conveyance and treatment of collected stormwater (gray infrastructure).

New Broad Base Budget Items

1. **Tavares Nature Park Dock Replacement ($805,701)** – This project was identified by the City Council as a priority during their broad budget priorities discussion at the 1/19/2022 City Council meeting.
2. **Road Paving ($1,845,701)** – This project was identified by the City Council as a priority during their broad budget priorities discussion at the 1/19/2022 City Council meeting.

Public Safety and Sanitation Items

1. **Police Interceptors x 7 ($350,000)** – Purchase and replace seven (7) older police vehicles with new police interceptor vehicles.
2. **Garbage Truck ($325,000)** – Purchase and replace one older garbage truck with a new garbage truck.

Prior Identified Unfunded Capital Items (Cut List)

Community Development	
Resurface building department parking lot	$43,195
St. Clair Abrams beautification streetscape	$300,000
Fee rate study	$100,000
Police	
Two (2) new Police Vehicles (Explorers)	$92,000
Fire	
Replace 1998 fire rescue boat	$40,000
Facilities Management	
Replace Unit #118 (1997 Chevrolet) with transit van	$32,000
Replace Unit #123 (2000 Ford F-250) with transit van	$32,000
New transit van for requested custodial staff	$64,000
Streets Management	
Street sign replacement	$5,250
Sidewalk/Ramp ADA compliance - large projects	$25,000
Sidewalk/Ramp ADA compliance - small projects	$20,000
Sidewalks around building/facilities not located in right-of-way	$15,000
Alleyway Construction (design already complete)	$762,300
Alleyway Design and Construction	$1,400,700
Wells Avenue bridge rehabilitation - design	$83,905
Wells Avenue bridge rehabilitation - construction	$264,947
Tischlerbise - mobility/multi-modal fee study	$150,000
Street sign replacement - branding initiative (replace current signs with new signs with logo)	$63,000
Alleyway improvements	$65,100
Mobile message board mounted on trailer	$32,660
Pavement striper line laser	$6,100
Hot water pressure washer	$7,800
Vibratory compact roller	$15,000
Sidewalk grinder scarifier	$4,600
Reflectometer	$22,930
Ford F-250 extended cab 4x4 truck	$43,500
Wood Avenue pedestrian improvement project	$72,050
West Main Street streetscape gateway features	$160,500
West Main Street streetscape construction engineering and oversight	$134,235
West Main Street streetscape construction	$1,342,347
Rockingham Avenue - widen road design	$33,810
Rockingham Avenue - widen road construction	$326,350
Gateway corridors - architectural design/engineering	$49,245
Parks Management	
Additional city contribution for FDOT Landscaping grant for Chris Daniels Memorial Pond	$300,316
Cemetery landscaping	$79,900
Additional city contribution for FDOT Landscaping grant for Chris Daniels Memorial Pond	$110,415

Prior Identified Unfunded Capital Items (Cut List)

Grant match for design and construction of information kiosk at Tavares Recreation Park	$17,000
Grant match for design and construction of information kiosk at Tavares Nature Park	$17,000
Grant match for design and construction of information kiosk at Summerall Park	$17,000
Construction of veteran's memorial court and plaza at cemetery	$254,000
First responders park masterplan proposal conceptual design	$10,500
Community Services	
Truck for new position	$22,800
Woodlea Sports Park shade structures for fields phase 1	$22,800
Woodlea Sports Park bleacher concrete pads for adult fields	$15,000
Upgrade ballfield lighting-woodlea sports park phase 1	$101,153
Upgrade ballfield lighting - Fred Stover Sports Park phase 1	$112,140
Replace 2000 Toro sand pro #432	$10,000
2021 Ford F-150 to replace F-150 #471 (1996)	$35,000
Resurface shuffleboard courts with embedded beads	$15,000
Paint exterior of civic center/library/TRA room	$16,750
Ingraham center parking lot improvements	$45,000
Senior center design and construction	$1,850,000
Solid Waste	
Refurbish truck #626	$50,000
Replace floor in truck #624	$15,000
Replace truck #617	$278,052
Replace truck #621	$306,487
Refurbish truck #627	$30,000
Stormwater	
Replace vehicle #356 with 2021 for F350 crew cab with utility bed	$60,000
Dykes Dr. drainage improvements	$100,000
Seaplane Base and Marina	
New truck - adds ability to launc hand recover vessels at marina	$32,000
New marine vessel - adds ability to tow and reposition vessels in marina slips and seaplanes	$46,000
Pavilion on the Lake	
Pier lighting	$13,000
Passenger van	$30,000
Propeller illuminated	$8,000
Teer upgrades	$10,000
Hurricane shutters	$7,500
Total Prior Identified Unfunded Capital Items (Cut List):	**$9,847,337**

RESOLUTION NO. 2022-02

A RESOLUTION OF CITY OF TAVARES, FLORIDA; RELATING TO THE AMERICAN RESCUE PLAN ACT FUNDING; FURTHER KNOWN As CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF); AUTHORIZING THE SELECTION OF THE STANDARD ALLOWANCE IN THE AMOUNT OF $8,889,651; THE CITY OF TAVARES FULL SLFRF FUNDING ALLOWANCE; AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS WITH THE STATE OF FLORIDA OR the US TREASURY AS MAY BE REQUIRED FOR THE STANDARD ALLOWANCE REVENUE LOSS SELECTION; AND PROVIDING FOR A SPEND PLAN WITHIN THE REVENUE LOSS PROVISIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, ON March 11, 2021, H.R. 1319 American Rescue Plan Act of 2021 was enacted into law.

WHEREAS, the American Rescue Plan Act provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses.

WHEREAS, Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, §9901) added section 603(1) to the Social Security Act (ARPA) which created the Coronavirus Local Fiscal Recovery Fund for the purpose of providing funds to local governments in order to facilitate the ongoing recovery from the COVID-19 pandemic (Fiscal Recovery Funds); the American Recovery Plan Act provides funding to local governments to mitigate and address the impacts of COVID-19.

WHEREAS, the American Recovery Plan Act defines local governments with populations generally less than 50,000 as Non-Entitlement Units (NEUS) thus requiring funding under the Act to pass-through the respective state of the Non-Entitlement Unit.

WHEREAS, the City of Tavares has been identified as a Non-Entitlement Unit of local government by the United States Treasury, and therefore funds to the City of Tavares will be passed to the City from the State of Florida.

WHEREAS, the City of Tavares and the State of Florida Division of Emergency Management (the Division) has executed an Agreement on September 10, 2021 for pass-through funding in the amount of $8,889,651 from the American Recovery Plan Act known as State and Local Fiscal Recovery Funds (SLFRF).

WHEREAS, Federal Code 2 CFR §200.49, 2 CFR §200.50, and Florida Statutes 215.97(2(i) apply for accounting, auditing, and reporting.

WHEREAS, the United States Treasury has issued a Final Rule adopting the Interim Final Rule published on May 17, 2021 with amendments effective April 1, 2022.

WHEREAS, the Final Rule was published in the Federal Register, Thursday January 27, 2022.

WHEREAS, the Final Rule offers a standard allowance for revenue loss of $10 million, not to exceed a recipient's award amount.

WHEREAS, the Final Rule allows recipients to choose the standard allowance of revenue loss or to complete a full revenue loss calculation.

WHEREAS, the Final Rule and recipients that choose the standard allowance may use that amount for government services, with streamline reporting requirements.

WHEREAS, an updated Spend Plan for the City of Tavares SLFRF funds in the amount of $8,888,965 has been prepared listing eligible uses within the meaning of "government services" as provided in the Final Rule for the Revenue Loss "Standard Allowance" provision. (Exhibit A, attached)

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

SECTION I. The City Council hereby authorizes choosing the "Standard Allowance Option" for determining Revenue Loss in the amount of $8,889,651 as provided in the Department of the Treasury, 31 CFR Part 35, RIN 1505-AC77, Coronavirus State and Local Fiscal Recovery Funds Final Rule as Published in the Federal Register/Vol. 87, No. 18 on Thursday, January 27, 2022. (*Re: Sections 602(c)1(C) and 603(c)(1(C) of the Social Security Act.)*

SECTION II. The City Council hereby approves the Spend Plan (Exhibit A) of eligible uses for "government services" for City of Tavares SLFRF funds.

SECTION III. The City Administrator is hereby authorized to execute amendments to Agreement Number Y5305, Unique Identifier Code: FL0303, and all related documents that may be required by the State of Florida or the US Treasury to confirm the selection of the "Standard Allowance Revenue Loss Option" as a Non-Entitlement Unit for the City of Tavares in the amount of $8,889,651.

SECTION IV. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION V. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED this 2nd Day of February, 2022.

____

Lori Pfister, Mayor

ATTEST

____

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY

____

Lindsay Holt, City Attorney

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 5

SUBJECT TITLE: Ordinance 2022-01 - Trzaskoma Property - Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive. (Community Development)

OBJECTIVE:

To consider a Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive, redesignating the property from multi-family use to single-family use.

SUMMARY:

The subject property is approximately 3 acres located at the northeast corner of Ann Rou Road and Lake Eustis Drive. The property is currently vacant and is part of the Etowah Planned Development approved by City Council on April 6, 1994, with subsequent amendments in 2004, 2005, 2006 and 2009. As part of the Etowah Planned Development, the property was designated as Phase 4 with multi-family use and a maximum allowance of 17 dwelling units. On November 16, 2021, the property was sold by CG Land Services, LLC, and the new owner desires single family use rather than multi-family use. Ordinance 2022-01 proposes an amendment to the Etowah Planned Development to redesignate the subject property from multi-family use to single-family use with a maximum allowance of two (2) dwelling units. The subject property shall retain its Planned Development (PD) zoning classification, and shall be subject to the provisions of the Etowah Planned Development and the City of Tavares Land Development Regulations as they pertain to single family development.

OPTIONS:

1. City Council moves to approve Ordinance 2022-01 a Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive, redesignating the property from multi-family use to single-family use.

2. City Council moves to deny Ordinance 2022-01.

STAFF RECOMMENDATION:

At their January 20th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-01.

Staff recommends that City Council moves to approve Ordinance 2022-01 a Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive, redesignating the property from multi-family use to single-family use.

FISCAL IMPACT:

N/A

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:
1. Ordinance 2022-01
2. Aerial Map
3. Zoning Map
4. Etowah Master Plan
5. 01-20-2022 PZ Minutes ADA
6. Newspaper Ad 1-9-22

ORDINANCE 2022-01

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING PLANNED DEVELOPMENT ORDINANCE 2006-43 AS AMENDED BY ORDINANCE 2009-35 OF THE CITY OF TAVARES BY AMENDING SECTION 2.2, LAND USES; AMENDING EXHIBIT "A", CONCEPTUAL PLAN; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 18, 2006, the City of Tavares adopted Ordinance 2006-43, an ordinance generally known as the Etowah Planned Development Zoning Ordinance; and

WHEREAS, on February 3, 2010, the City of Tavares adopted Ordinance 2009-35, an ordinance amending Ordinance 2006-43 generally known as the Etowah Planned Development Zoning Ordinance; and

WHEREAS, phases one, two, and three of the Etowah Planned Development have been platted and developed; and

WHEREAS, the parcel described in Exhibit "B" is the remaining 03.01+- acres of the original Etowah Planned Development designated as Phase 4 of the Etowah Planned Development Conceptual Plan; and

WHEREAS, the owner of the parcel described in Exhibit "B" has petitioned the City of Tavares to amend the Etowah Planned Development Conceptual Plan Exhibit “A”, primarily to change Phase 4 from multi-family use designation to single family use with an allowance for two (2) single family dwelling units; and

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

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

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

Section 1. PD Amendment:

That Section 2.2 Lane Uses and the Etowah Planned Development Conceptual Plan Exhibit "A" of Ordinance 2006-43 as amended by Ordinance 2009-35 is amended as follows:

Section 2.2 Land Uses

A. The Conceptual Master Plan for the project is attached hereto and made a part herewith as Exhibit "A" and is an integral part of this PD document. Elements in the Conceptual Master Plan include residential acreage, recreation space, open space, and jurisdictional wetlands. The general location of each of these uses has been established as depicted in the Conceptual Master Plan.

Site Specific Breakdown of Units:

~~Phase 4 — 17 multi-family residential units~~
Phase 4 — 2 single-family residential units

B. The property described in Exhibit "B" shall be subject to the provisions contained within this Ordinance, Ordinance 2006-43, and the Land Development Regulations.

Section 2. Severability and Conflicts

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

Section 3. Effective Date

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

PASSED AND ADOPTED this _____ day of ______, 2022 by the City Council of the City of Tavares, Florida.

____
Lori Pfister, Mayor
Tavares City Council

First Reading:______________

Passed Second Reading: ______________

ATTEST:

____
Susie Novack, City Clerk

Approved as to form:

____
Lindsay C. T. Holt, City Attorney

Exhibit "A" Conceptual Master Plan

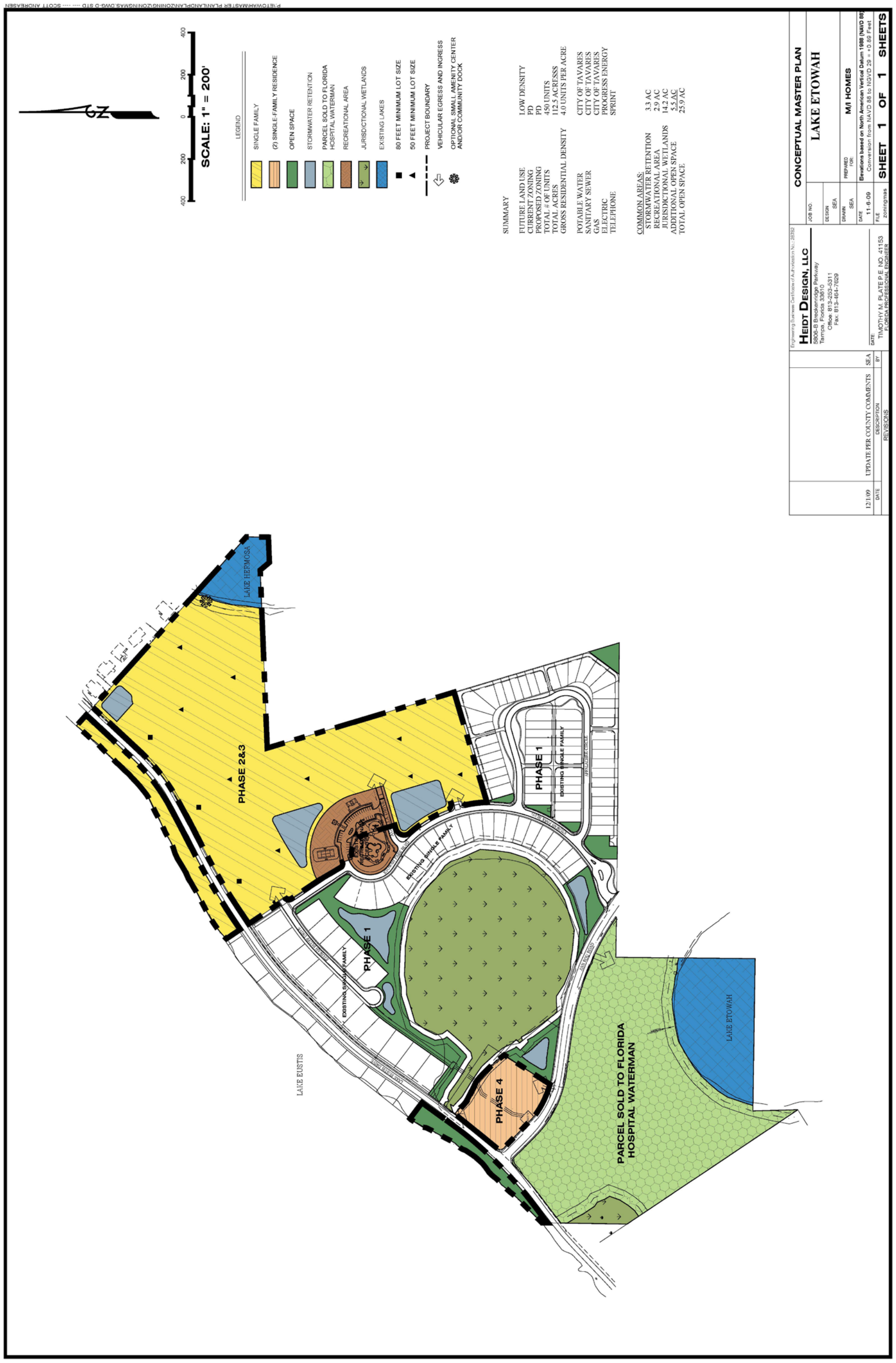

EXHIBIT “B”
LEGAL DESCRIPTION

PARCEL 2B:

THAT PORTION OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 16, SAID POINT BEING MONUMENTED WITH A 6" X 6" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE RUN NORTH 89°10'16" WEST ALONG THE SOUTH LINE OF SAID SECTION 16 A DISTANCE OF 342.03 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ANN ROU ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1892, PAGES 190 THROUGH 193, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES, NORTH 53°28'54" WEST A DISTANCE OF 55.87 FEET TO THE POINT OF CURVATURE OF A CURE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1297.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°39'54" AN ARC DISTANCE OF 648.89 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 82°08'50" WEST A DISTANCE OF 208.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 467.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°50'17" AN ARC DISTANCE OF 63.89 FEET, FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES, CONTINUE ALONG SAID CURVE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF 29°19'02" AN ARC DISTANCE OF 238.95 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 44°59'31" WEST A

DISTANCE OF 138.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 88°18'15" AN ARC DISTANCE OF 38.53 FEET TO THE SOUTHERLY RIGHT OF WAY OF LAKE SHORE DRIVE AS RECORDED IN OFFICIAL RECORD BOOK 2735, PAGES 1751 THROUGH 1754, PUBLIC RECORDS LAKE COUNTY, FLORIDA, SAID POINT BEING SITUATED ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1934.86 FEET TO WHICH A RADIAL LINE BEARS SOUTH 46°41'16" EAST; THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING TWO (2) COURSES, NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°23'00" AN ARC DISTANCE OF 283.11 FEET; THENCE RUN NORTH 36°06'40" EAST A DISTANCE OF 29.49 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY RUN SOUTH 55°29'19" EAST A DISTANCE OF 359.05 FEET; THENCE RUN SOUTH 32°53'36" WEST A DISTANCE OF 348.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DEEDED OUT IN OFFICIAL RECORDS BOOK 4041, PAGE 152, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
JANUARY 20, 2022

BOARD MEMBERS PRESENT
Gary Santoro, Chairman
Dian Joy, Board Member
Bruce Peterman, Board Member
Brooke Matthews, Board Member
Deborah Murphy, Board Member
James Sweezea, Board Member - Absent
Dara Treadwell, Board Member – Absent

LAKE COUNTY SCHOOL BOARD
Helen LaValley - Absent

STAFF MEMBERS PRESENT
Antonio Fabre – Planning Coordinator
Mike Fitzgerald, Community Development Director
Lindsay Holt, City Attorney
Jillian Roberts, Deputy City Clerk

CALL TO ORDER

Chairman Santoro called the meeting to order at 3:00 p.m. and asked those present to silence their cell phones. He led those present in the Pledge of Allegiance.

Chairman Santoro asked for approval to add 'Correspondence to the City Council from the Planning and Zoning Board' to the agenda.

MOTION

Bruce Peterman moved to approve the addition of item 'Correspondence to the City Council', seconded by Dian Joy. The motion carried unanimously 5-0.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections for November 18, 2021 Planning and Zoning Board Meeting minutes. There were none.

MOTION

Dian Joy moved to approve the minutes of the November 18, 2021 Planning and Zoning Board Meeting, seconded by Brooke Matthews. The motion carried unanimously 5-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Attorney Holt swore in those who were present and stated exparte communications should be disclosed by the Board Members. There were none.

PUBLIC HEARING

1) **Recommendation on Resolution 2021-01 – Badeau Property – Vacate a Portion of an Easement Located at 719 Dolphin Drive**

Mr. Fitzgerald provided the following staff report:

SUMMARY:
This is a request to vacate a portion of platted easement lying across the property located at 719 Dolphin Drive Tavares, Florida 32778. As a stipulation of the proposed sale of the property, the mortgage company issuing the buyer's mortgage is requiring the current owner of the property to petition to vacate a portion of an existing easement where the rear of the existing mobile home encroaches. City staff reviewed the vacate request and determined no conflicts in the vacation with regard to drainage, utilities, health, safety, or welfare of the Public. This vacate will remove the city's public interest in this land, thus allowing the applicant to eliminate any perceived exception to clear title of this property.

OPTIONS:
1. That the Planning & Zoning Board moves to recommend approval of Resolution 2022-01 vacation of an easement located at 719 Dolphin Drive, Lot 40 in Imperial Mobile Terrace 5th Addition as recorded in Plat Book 23, Page 46.

2. That the Planning & Zoning Board moves to recommend denial of Resolution 2022-01.

STAFF RECOMMENDATION:
Staff recommends that the Planning & Zoning Board moves to recommend approval of Resolution 2022-01 vacation of an easement located at 719 Dolphin Drive, Lot 40 in Imperial Mobile Terrace 5th Addition as recorded in Plat Book 23, Page 46.

Chairman Santoro asked for comments from the audience. There were none.

Chairman Santoro asked for comments from the Board. There were none.

MOTION

Deborah Murphy moved to recommend approval of Resolution 2021-01, seconded by Dian Joy. The motion carried unanimously 5-0.

2) **Recommendation on Ordinance 2021-01 – Trzaskoma Property – Planned Development Amendment for Approximate 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive.**

Mr. Fitzgerald provided the following staff report:

SUMMARY:
The subject property is approximately 3 acres located at the northeast corner of Ann Rou Road and Lake Eustis Drive. The property is currently vacant and is part of the Etowah Planned Development approved by City Council on April 6, 1994, with subsequent amendments in 2004,

2005, 2006 and 2009. As part of the Etowah Planned Development, the property was designated as Phase 4 with multi-family use and a maximum allowance of 17 dwelling units. On November 16, 2021, the property was sold by CG Land Services, LLC, and the new owner desires single family use rather than multifamily use. Ordinance 2022-01 proposes an amendment to the Etowah Planned Development to redesignate the subject property from multi-family use to single-family use with a maximum allowance of two (2) dwelling units. The subject property shall retain its Planned Development (PD) zoning classification, and shall be subject to the provisions of the Etowah Planned Development and the City of Tavares Land Development Regulations as they pertain to single family development.

OPTIONS:
1. The Planning & Zoning Board moves to recommend approval of Ordinance 2022-01 a Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive, redesignating the property from multi-family use to single-family use.

2. The Planning & Zoning Board moves to recommend denial of Ordinance 2022-01.

STAFF RECOMMENDATION:
Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2022-01 a Planned Development Amendment for Approximately 3 Acres of Property Located at the Northeast Corner of Ann Rou Road and Lake Eustis Drive, redesignating the property from multi-family use to single-family use.

Chairman Santoro asked for comments from the audience.

Chairman Santoro asked for comments from the Board.

MOTION

Dian Joy moved to recommend approval of Ordinance 2021-11, seconded by Brooke Matthews. The motion carried unanimously 5-0.

OTHER BUSINESS

1) Correspondence to City Council

Chairman Santoro said he is impressed with the Planning and Zoning Boards' due diligence and operation. He stated concern that the board's recommendations are not being followed by the City Council and questioned the Planning and Zoning Board's role and possible disbanding. He discussed recent ordinances that came before both boards where the Council did not follow the Planning and Zoning Boards recommendation including a proposed apartment complex and the Lake County Supervisor of Elections offices.

Board Member Murphy noted a need for housing and stated concern for lost revenue with the Council's denial of an apartment complex on SR 19. She said staff reviews projects and ensures the comprehensive plan is followed and all requirements are met.

Attorney Holt said the Planning and Zoning Board could not be disbanded by City Charter, and members have singularly or collectively have the right to resign. She noted with resignations, interim placements would be made for the remainder of term(s).

Lou Buigas, W. Ianthe Street, Tavares, Florida, stated she previously served on both the Planning and Zoning Board and City Council. She commended the Planning and Zoning Board and said the Board plays an important role and need for the City. She recommended open dialogue with the City Council and noted a concern regarding influence from people who do not reside in the City or pay city taxes. She thanked the Planning and Zoning Board members for their service.

Attorney Holt suggested holding workshops, Planning and Zoning Board members expressing their concerns to the City Council at an upcoming Council meeting, or corresponding individually or collectively with the Council. She discussed court magistrate procedures. She said when a property owner petitions the City, presentation and materials may differ by the time a request is heard by the Council as more due diligence is completed and Planning and Zoning Board questions are reviewed. Attorney Holt noted the Planning and Zoning Board has an important role and noted the minutes of the meeting would be available to the Council and reflect the Boards' frustration.

Chairman Santoro noted concern regarding public comment previously made during a Council meeting regarding an application that purportedly violated the Comprehensive Plan. He said the Community Development Director was not provided an opportunity to dispute the claim.

Attorney Holt said the staff report in the agenda would identify any outstanding items and noted the Council often follows the Planning and Zoning Board recommendation.

Mike Fitzgerald noted the majority of the credit goes to Antonio Fabre, City Planner. Attorney Holt Confirmed.

Board Member Joy said she visits every property sites that come before the Planning and Zoning Board so that she can develop her questions and thoughts to share during meetings. She said the Planning and Zoning Board does a good job, should stay solvent and believes dialogue with the City Council would be beneficial.

Board Member Murphy noted her preference for holding a workshop with the City Council.

Mr. Fitzgerald said a Smart Growth Horizon Team had recently been developed. The Horizon Team will hold workshops and could potentially incorporate the role of the Planning and Zoning Board. He said a review process takes significant time from staff and developers before items are brought before both Boards for consideration. Mr. Fitzgerald said he believes the Council recognizes the Planning and Zoning Boards' value and plans on including that value in the education process during workshops.

Chairman Santoro requested Attorney Holt relay the Planning and Zoning Boards frustrations to Mr. Drury and the City Council. Attorney Holt confirmed.

PUBLIC COMMENT

ADJOURNMENT

MOTION

Bruce Peterman moved to adjourn the meeting at 3:30 PM, seconded by Dian Joy. The motion carried unanimously 5-0.

Respectfully submitted,

____

Jillian Roberts,
Deputy City Clerk

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 6

SUBJECT TITLE: Lake County Opioid Interlocal Agreement (City Attorney)

OBJECTIVE:
To approve an interlocal agreement designating Lake County as a "Qualified County" under the Florida Opioid Allocation agreement.

SUMMARY:
The State of Florida filed a lawsuit against several opioid manufacturers and distributors in 2018. Lake County filed suit in 2019. Since that time, the parties have engaged in settlement negotiations which will result in a fund that will be made available to counties and municipalities to abate the effects of opioid usage, including opioid and substance abuse education. To receive money from this fund, however, Lake County must be designated as a “Qualified County” under the Florida Opioid Allocation Agreement.

The City of Tavares adopted Resolution 2021-22 on September 8, 2021 supporting a proposed Memorandum of Understanding for ongoing opioid litigation, along with 100 political subdivisions within the State of Florida, the State of Florida, and Lake County. Attached is an interlocal agreement between Lake County and participating Lake County cities designating Lake County as a "Qualified County" for Lake County Regional Opioid Settlement Funds.

OPTIONS:

1. Approve the Interlocal Agreement for Use of Lake County Regional Opioid Settlement Funds.
2. Do not approve the Interlocal Agreement for Use of Lake County Regional Opioid Settlement Funds.

STAFF RECOMMENDATION:
Option 1, approve the Interlocal Agreement for Use of Lake County Regional Opioid Settlement Funds.

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Lake County Opioid Interlocal Agmt_12.13.2021_Final
2. FL Opioids Allocation +SW Resp Agreement with Exhibits

Attachments not provided are available to the public upon request to the City Clerk.

**INTERLOCAL AGREEMENT FOR
USE OF
LAKE COUNTY REGIONAL OPIOID SETTLEMENT FUNDS**

THIS INTERLOCAL AGREEMENT ("Agreement") is by and between Lake County, a political subdivision of the State of Florida, hereinafter referred to as the "County," and the eligible Municipalities who have signed onto this agreement, as evidenced by their signatures to this Agreement.

WITNESSETH:

WHEREAS, a local, state and national crisis arose as a result of the manufacture, distribution and over-prescribing of opioid analgesics ("opioids") which resulted in opioid overdoses and addictions throughout municipalities, counties, states, and the nation; and

WHEREAS, Lake County and the municipalities therein are not immune from this nationwide crisis; and

WHEREAS, in January of 2021, a collaborative body known as the Lake County Opioid Task Force, hereinafter "Opioid Task Force," formed in Lake County in response to the alarming increase in opioid-related drug misuse and opioid-related deaths within the geographic boundaries of Lake County; and

WHEREAS, the Opioid Task Force will continue to provide local governments with relevant information on the opioid national crises as well as information and analysis on the nature, extent, and problems in Lake County and on opioid-related programs consistent with the State MOU; and

WHEREAS, the Opioid Task Force meets periodically to study and analyze data related to the opioid epidemic and abatement programming; and

WHEREAS, the crisis has caused and is causing an undue strain on local government finances to implement programing to combat the opioid epidemic, to mitigate the harmful effects of the opioid epidemic in the community, and to increase educational campaigns to counteract misinformation about the addictive nature and harmful effects of opioids; and

WHEREAS, the opioid crisis is as pronounced within Lake County and within certain municipalities within Lake County as it was throughout most of the harder hit areas in the state of Florida and in the United States and despite the resources expended on combatting the epidemic, the opioid epidemic continues to impact the local community; and

WHEREAS, as a result of the national opioid crisis, many governmental entities throughout the country filed lawsuits against opioid manufacturers, distributors, and retailers, hereinafter referred to as the "defendants," to hold them accountable for the damage caused by their misfeasance, nonfeasance and malfeasance, as well as to recover monetary damages for past harm and financial compensation for ongoing and future abatement efforts; and

WHEREAS, as a result of this litigation, multiple defendants have begun to negotiate settlements; and

WHEREAS, the Attorney General for the State of Florida (hereinafter "Attorney General") anticipates that settlement funds will be distributed to the State of Florida over multiple years as part of a global settlement; and

WHEREAS, the Attorney General has proposed entering into agreements with local governments within the State of Florida to receive settlement funds. This agreement (hereinafter referred to as the "State MOU"), as currently drafted, divides settlement funds into three portions designated as city/county (hereinafter individual settlement funds), regional, and state funds; and

WHEREAS, it is anticipated that the State MOU will set forth the amount and manner of distribution of City/County and regional settlement funds within Florida, the requirements to receive and manage regional funds, and the purposes for which regional funds may be used. The current draft of the State MOU is attached hereto as **Exhibit A**; and

WHEREAS, the Parties recognize that local control over settlement funds is in the best interest of all persons within the geographic boundaries of Lake County and ensures that settlement funds are available and used to address opioid-related impacts within Lake County and are, therefore, committed to the County qualifying as a “Qualified County” and thereby receiving regional funds pursuant to the State MOU; and

WHEREAS, the State MOU requires that in order for Lake County to become a Qualified County eligible to receive regional funding, there must be an interlocal agreement among Lake County and its Municipalities, as defined in the MOU, with combined population exceeding 50% of the total population of the Municipalities within Lake County, with the term “Municipalities” being defined for the purpose in this Agreement as those municipalities with a population of 10,000 or more as required by the State MOU; or with population less than 10,000 who were party plaintiffs; population for purposes of the MOU is determined by specific Census data; and

WHEREAS, the Parties recognize that it is in the best interest of the County and the Municipalities to enter into this Interlocal Agreement to ensure Lake County is a “Qualified County” to receive Regional Funding pursuant to the State MOU.

NOW, THEREFORE, the Parties agree as follows:

1. **RECITALS**. The recitals above are true and correct and incorporated into this Agreement by this statement.

2. **DEFINITIONS**.

a. Unless otherwise defined herein, all defined terms in the State MOU are incorporated herein and will have the same meanings as in the State MOU.

b. “Lake County Regional Funding” means the amount of the regional funding paid to Lake County in its role as a Qualified County, plus any contribution by a municipality

3. **CONDITIONS PRECEDENT**. This Agreement will become effective in accordance with paragraph 5 below and so long as the following conditions have been satisfied:

a. Execution of this Agreement by the County and at least the minimum number of governing bodies of the Municipalities as required by the State MOU to enable Lake County to become a Qualified County and directly receive Lake County Regional Funding; and

b. Execution of all documents necessary to effectuate the State MOU in its final form; and

c. Lake County being determined by the State of Florida to qualify as a “Qualified County” to receive regional funding under the State MOU; and

d. Filing of this Agreement with the Clerk of the Circuit Court for Lake County as required by Florida Statutes, Section 163.01.

4. **EXECUTION**. This Agreement may be signed in counterparts all of which, taken together, will constitute one and the same Agreement.

5. **TERM AND TERMINATION.**

The term of this Agreement and the obligations hereunder commences upon the satisfaction of all conditions precedent, runs concurrently with the State MOU, and will continue for one (1) year after the expenditure of all Lake County Regional Funding, unless otherwise terminated in accordance with the provisions of the State MOU. Obligations under this

Agreement which by their nature should survive, including, but not limited to, any and all obligations relating to record retention, audit, and indemnification will remain in effect after termination or expiration of this Agreement.

6. **USE OF SETTLEMENT FUNDS**

a. Lake County Regional Funding will be used to fund opioid abatement in accordance with the requirements of the State MOU, this Interlocal, and any guidelines set forth by the County. The selection of opioid abatement services will take into consideration recommendations by the Opioid Task Force.

b. Lake County Regional Funding may be used to enhance current programs or develop new programs. Regional funding is not intended to supplant current funding sources and general funds, and County staff will continue to seek funding for opioid related abatement at the levels opioid abatement programs were funded as of the effective date of this Agreement.

c. The County will provide the State with all required reporting on the use of regional funds.

7. **ADMINISTRATIVE COSTS.**

The County is responsible for administering the "Regional Funds" remitted pursuant to the State MOU and, shall provide all support services, including but not limited to, legal services, as well as contract management, program monitoring, and reporting required by the State MOU, and is entitled to the maximum allowable administrative fee pursuant to the State MOU. The administrative fee will be deducted annually from the amount of available Lake County Regional Funds, and the remaining Lake County Regional Funds will be spent as provided in the State MOU and as provided herein.

8. **LOCAL GOVERNMENT CONTRIBUTIONS**

Any municipality may contribute its' individual settlement funds to the County for use in all service areas. To the extent that a municipality contributes its' individual settlement funds to the County that Municipality must timely satisfy all reporting requirements of the State of Florida Memorandum of Understanding (MOU), and provide any other reporting required by County.

9. **NON-APPROPRIATION.**

This Agreement is not a general obligation of the County. It is understood that neither this Agreement nor any representation by any County official, officer or employee creates any obligation to appropriate or make monies available for the purposes of the Agreement beyond the fiscal year in which this Agreement is executed. The obligations of the County as to funding required pursuant to the Agreement are limited to an obligation in any given fiscal year to budget and appropriate from Lake County Regional Funds annually which are designated for regional use pursuant to the terms of the State MOU. No liability will be incurred by the County beyond the monies budgeted and available for the purpose of the Agreement. If funds are not received by the County for any or all of this Agreement for a new fiscal period, the County is not obligated to pay or spend any sums contemplated by this Agreement beyond the portions for which funds were received and appropriated. The County agrees to promptly notify the municipalities in writing of any subsequent non-appropriation.

10. **INDEMNIFICATION**.

Each Municipality and the County will be responsible for their respective employees' acts of negligence when such employees are acting within the scope of their employment and will only be liable for any damages resulting from said negligence to the extent permitted by Section 768.28, Florida Statues. Nothing herein shall be construed as a waiver of sovereign immunity, or the provisions of Section 768.28, Florida Statutes, by any Party. Nothing herein shall be construed as consent by either Party to be sued by third Parties for any matter arising out of this Agreement.

11. **SEVERABILITY**. If any provision of this Agreement is held invalid, the invalidity will not affect other provisions of the Agreement which can be given effect without the invalid provision or application, and to this end, the provisions of this Agreement are severable.

12. **AMENDMENTS TO AGREEMENT**. This Agreement may be amended, in writing, upon the express written approval of the governing bodies of all the Parties.

13. **FILING OF AGREEMENT**. The County will file this Agreement with the Clerk of the Circuit court as provided in Section 163.01(11), Florida Statutes.

14. **GOVERNING LAW**. The laws of the State of Florida will govern this Agreement.

15. **NOTICES**. Any notices required or permitted by this Agreement will be in writing and will be deemed delivered upon hand delivery, or three (3) days following deposit in the United States postal system, postage prepaid, return receipt requested, addressed to the Parties at the addresses specified on the Party's signature page to this Agreement.

16. **ENTIRETY, CONSTRUCTION OF AGREEMENT.**

This Agreement represents the understanding between the Parties in its entirety and no other agreements, either oral or written, exist between the Parties. The Exhibits are attached and incorporated into this Agreement by this reference. The Parties acknowledge that they fully reviewed this agreement and had the opportunity to consult with legal counsel of their choice, and that this agreement will not be construed against any Party as if they were the drafter of this Agreement. Each Party warrants that it is possessed with all requisite lawful authority to enter into this Agreement, and the individual executing this Agreement is possessed with the authority to sign and bind that Party. All conditions and assurances required by this Agreement are binding on Parties and their authorized successors in interest. This Agreement contains the following exhibits which are incorporated herein:

Exhibit A State MOU
Exhibit B Abatement Plan

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

____
Sean M. Parks, Chairman

ATTEST:

This _____ day of ________________________, __________.

____
Gary J. Cooney, Clerk
Board of County Commissioners of
Lake County, Florida

Approved as to form and legality:

____
Melanie Marsh, County Attorney

All notices under this agreement will be sent to the County at:

Lake County Manager
P.O. Box 7800
Tavares, Florida 32778

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

TOWN OF ASTATULA, FLORIDA

By: ______________________________________
Mitchell Mack, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Graham Wells, Town Clerk

Approved as to form and legality:

____
Heather Ramos, Town Attorney

All notices under this Agreement will be sent to:

Town of Astatula
Mitchell Mack, Mayor
25009 County Road 561
Astatula, Florida 34705

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF CLERMONT, FLORIDA

By: ___________________________________
Tim Murry, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

____
Daniel F. Mantzaris, City Attorney

All notices under this Agreement will be sent to:

City of Clermont
Brian Bulthuis, City Manager
685 W. Montrose Street
3rd Floor
Clermont, Florida 34711

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF EUSTIS, FLORIDA

By: ______________________________________
Michael Holland, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Mary Montez, City Clerk

Approved as to form and legality:

____
Derek A. Schroth, City Attorney

All notices under this Agreement will be sent to:

City of Eustis
Tom Carrino, Interim City Manager
10 North Grove Street
Eustis, Florida 32726

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF FRUITLAND PARK, FLORIDA

By: _____________________________________
Chris Cheshire, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Esther B. Coulson, City Clerk

Approved as to form and legality:

____
Anita Geraci-Carver, City Attorney

All notices under this Agreement will be sent to:

City of Fruitland Park
Gary La Venia, City Manager
10 North Grove Street
Eustis, Florida 32726

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF GROVELAND, FLORIDA

By: ______________________________________
Evelyn Wilson, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Virginia Wright, City Clerk

Approved as to form and legality:

____
Anita Geraci-Carver, City Attorney

All notices under this Agreement will be sent to:

City of Groveland
Michael Hein, City Manager
156 South Lake Avenue
Groveland, Florida 34736

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

TOWN OF HOWEY-IN-THE-HILLS, FLORIDA

By: ______________________________________
Martha MacFarlane, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
John Brock, Town Clerk

Approved as to form and legality:

____
Tom Wilkes or Heather Ramos
Town Attorneys

All notices under this Agreement will be sent to:

Town of Howey-In-The-Hills
Martha MacFarlane, Mayor
101 North Palm Avenue
Howey-In-The-Hills, Florida 34737

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

TOWN OF LADY LAKE, FLORIDA

By: ______________________________________
James Rietz, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Nancy Slaton, Town Clerk

Approved as to form and legality:

____
Derek A. Schroth, Town Attorney

All notices under this Agreement will be sent to:

Town of Lady Lake
James Rietz, Mayor
409 Fennell Boulevard
Lady Lake, Florida 32159

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF LEESBURG, FLORIDA

By: ______________________________________
John Christian, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
J. Andi Purvis, City Clerk

Approved as to form and legality:

____
_________________________, City Attorney

All notices under this Agreement will be sent to:

City of Leesburg
John Christian, Mayor
501 West Meadow Street
P.O. Box 490630
Leesburg, Florida 34749-0630

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF MASCOTTE, FLORIDA

By: ______________________________________
Steven Sheffield, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Stephanie Abrams, City Clerk

Approved as to form and legality:

____
Andrew Hand, City Attorney

All notices under this Agreement will be sent to:

City of Mascotte
Attn: City Manager
100 East Myers Boulevard
Mascotte, Florida 34753

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF MINNEOLA, FLORIDA

By: ____________________________________
Pat Kelley, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Christina Stidham, City Clerk

Approved as to form and legality:

____
Scott Gerken, City Attorney

All notices under this Agreement will be sent to:

City of Minneola
Mark Johnson, City Manager
Post Office Drawer 678
800 North U.S. Highway 27
Minneola, Florida 34715

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

TOWN OF MONTVERDE, FLORIDA

By: ___________________________________
Joe Wynkoop, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Sandra Johnson, Town Clerk

Approved as to form and legality:

____
Anita R. Geraci-Carver, Town Attorney

All notices under this Agreement will be sent to:

City of Montverde
Paul Larino, Town Manager
17404 Sixth Street
P.O. Box 560008
Montverde, Florida 34756-0008

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF MOUNT DORA, FLORIDA

By: ______________________________________
Crissy Stile, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Jessica Burnham, City Clerk

Approved as to form and legality:

____
Sherry G. Sutphen, City Attorney

All notices under this Agreement will be sent to:

City of Mount Dora
Patrick C. Comiskey, City Manager
P.O. Box 176
Mount Dora, Florida 32757-0176

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF TAVARES, FLORIDA

By: ______________________________________
Lori Pfister, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Susie Novak, City Clerk

Approved as to form and legality:

____
Lindsay Holt, City Attorney

All notices under this Agreement will be sent to:

City of Tavares
John Drury, City Administrator
P.O. Box 1068
Tavares, Florida 32778-1068

IN WITNESS WHEREOF, the Parties through their duly authorized representatives have signed this agreement on the date under each signature.

CITY OF UMATILLA, FLORIDA

By: ______________________________________
Kent Adcock, Mayor

This ______ day of _________________, 20____.

ATTEST:

____
Gwen Johns, Interim City Clerk

Approved as to form and legality:

____
Kevin M. Stone, City Attorney

All notices under this Agreement will be sent to:

City of Umatilla
Scott Blankenship, City Manager
P.O. Box 2286
Umatilla, Florida 32784-2286

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 7

SUBJECT TITLE: Tavares' 5th Annual Arbor Day Celebration Update (Public Works)

OBJECTIVE:

To provide Council with an update on Tavares' 5th Annual Celebration.

SUMMARY:

The City of Tavares is proud to be recognized as a Tree City USA participant since 2018. Each year, the City honors this recognition by celebrating Arbor Day. This annual event, in its 5th successful year, was held in Wooton Park on Saturday, January 15th. The City had the support of six dedicated sponsors, and all six have supported this exceptional celebration since our 1st annual Arbor Day event. We greatly appreciate the vision and support of each of these agencies and would like to recognize the following:

1. Lake Soil & Water Conservation District
2. University of Florida Institute of Food and Agricultural Sciences Extension Lake County
3. Duke Energy
4. SECO Energy
5. Florida Forest Service
6. Cherry Lake Tree Farm and Nursery

This year approximately 500 people attended, providing a new home for 1034 one-gallon potted trees a place to take root in this vibrant community. They included these native species:

1. Live Oak
2. Shumard Oak
3. Pecan
4. Winged Elm
5. Sycamore
6. Red Maple
7. Sweet Bay Magnolia
8. Longleaf Pine
9. River Birch
10. Pond Cypress
11. Bald Cypress
12. Dahoon Holly

And, flowering and fruiting varieties including:

1. Crape Myrtle
2. Pink Tabebuia
3. Yellow Tabebuia
4. Brown Turkey Fig

We had 9 agencies that participated this year by greeting attendees and sharing the benefits of their services and facilities throughout Lake County. The City would like to recognize the following:

1. Lake County Office of Emergency Management
2. Lake County Parks & Trails
3. Lake County Water Authority
4. Keep Lake Beautiful
5. FWC Fisheries Division
6. FWC Wildlife Division
7. Trout Lake Nature Center
8. Florida Native Plant Society Beautyberry Chapter
9. University of Florida Institute of Food and Agricultural Sciences Lake County 4-H

And a special thank you to University of Florida/IFAS Residential Horticulture Agent II and ISA Certified Arborist, Jamielyn Daugherty for creating our tree information cards and facilitating a program on "Right Tree, Right Place" to ensure that planting sites are properly selected and the trees planted correctly so that they may thrive. A special thank you to the Florida Forest Service for handling Smokey Bear and to the Orianne Center for Indigo Conservation, a program of the Central Florida Zoo & Botanical Gardens, who educated us and shared an Indigo Snake and Gopher Tortoise to the delight of the audience. We would also like to recognize our volunteers this year, Kellie Singer and Christopher Evans who worked tirelessly to help individuals choose the best tree for their conditions.

This event has flourished in the past 5 years, allowing us to share 5774 trees to date with attendees and we thank our Council for their support and our community for caring for the environment and attending. We look forward to seeing you again next year.

OPTIONS:
N/A

STAFF RECOMMENDATION:
N/A

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Attachments not provided are available to the public upon request to the City Clerk.

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 8

SUBJECT TITLE: City Administrator Report

OBJECTIVE:
The City Administrator will inform the Council on city-related matters.

SUMMARY:
The City Administrator will provide a summary at the meeting.

UPCOMING MEETINGS:

City Council Meeting	February 16, 2022, 4:00 p.m., City Council Chambers
Planning & Zoning Board Meeting	February 17, 2022, 3:00 p.m., City Council Chambers
Library Board Meeting	February 16, 2022, 2:30 p.m., Library Conference Room
Code Enforcement Special Magistrate Hearing	February 22, 2022, 5:00 p.m., City Council Chambers

OUTSIDE AGENCY MEETINGS:

Lake County BCC Joint Planning Growth Meeting	February 7, 2022, 9:00 a.m., Venetial Center, 1 Dozier Court, Leesburg
Lake County League of Cities	February 11, 2022, 11:30 a.m., Mount Dora Golf Course
Lake Sumter MPO Executive Board Meeting	February 23, 2022, 2:00 p.m., 1300 Citizens Boulevard, Leesburg
Tavares Chamber of Commerce Business Luncheon	February 23, 2022, 11:30 a.m., Tavares Civic Center

CITY EVENTS: - The current 2022 City Event Calendar is attached.

OPTIONS:
N/A

STAFF RECOMMENDATION:
N/A

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
N/A

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:
1. Tavares_2022EventCalendar_1.19.2022

Attachments not provided are available to the public upon request to the City Clerk.

AGENDA SUMMARY
TAVARES CITY COUNCIL
2/2/2022

AGENDA TAB NO.: 9

SUBJECT TITLE: City Council Member Reports

OBJECTIVE:
To inform the Council on city-related items.

SUMMARY:
The Council will be offered an opportunity to provide a report at the meeting.

OPTIONS:
N/A

STAFF RECOMMENDATION:
N/A

FISCAL IMPACT:
N/A

LEGAL SUFFICIENCY:
N/A

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

Attachments not provided are available to the public upon request to the City Clerk.