



**AGENDA
TAVARES CITY COUNCIL
September 7, 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 agenda 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 Jonathan Morgan, Astatula Baptist Church

III. SWEARING IN OF NEW POLICE CHIEF

Tab 2 Swearing in of New Police Chief (Mayor)

IV. APPROVAL OF AGENDA

V. PROCLAMATIONS/PRESENTATIONS

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO RECORD

VIII. CONSENT AGENDA

Tab 3 Approval of the August 3, 2022, City Council Regular Meeting and Budget Workshop Minutes (City Clerk)

IX. RESOLUTIONS

Tab 4 Resolution 2022-14 - Special Use Permit for School at 203 N. St Clair Abrams Avenue (Community Development)

X. ORDINANCES - PUBLIC HEARING

First Reading

- Tab 5 Ordinance 2022-12 - Code of Ordinances Amendment - Establish Regulations Pertaining to Electronic Game Rooms (Community Development / City Attorney)
- Tab 6 Ordinance 2022-14 - Land Development Regulation Amendments - Revision of Land Development Regulations in Accordance with Smart Growth Initiatives and the Comprehensive Plan (Community Development)
- Tab 7 Ordinance 2022-13 - Establishment of a Community Development District for Leela Reserve Subdivision (Community Development)
- Tab 8 Ordinance 2022-15 - Establishment of a Community Development District for Cresswind Subdivision (Community Development)

Second Reading

XI. GENERAL GOVERNMENT

- Tab 9 Purchase & Sale Agreement with Fox Run HOA of Tavares, Inc. for 0.25 Acres of City Property (Community Development)

XII. BUDGET HEARING - FISCAL YEAR 2022-2023 TENTATIVE MILLAGE & BUDGET - READING OF TENTATIVE MILLAGE & BUDGET RESOLUTIONS - 5:05 PM

- Tab 10 Approve Resolution 2022-16 for Tentative Millage Rate for FY 2023 – First Reading (City Administrator)
- Tab 11 Approve Resolution 2022-17 for Tentative Budget for FY 2023 – First Reading (City Administrator)

XIII. NEW BUSINESS

XIV. OLD BUSINESS

XV. AUDIENCE TO BE HEARD

XVI. REPORTS

- Tab 12 City Administrator Report
- Tab 13 City Council Member Reports

XVII. 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
9/7/2022**

AGENDA TAB NO.: 1

SUBJECT TITLE: Pastor Jonathan Morgan, Astatula Baptist Church

OBJECTIVE:

Pastor Jonathan Morgan, Astatula Baptist Church, will provide the invocation and lead those present in the Pledge of Allegiance.

SUMMARY:

Pastor Jonathan Morgan, Astatula 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
9/7/2022**

AGENDA TAB NO.: 2

SUBJECT TITLE: Swearing in of New Police Chief (Mayor)

OBJECTIVE:

The City Attorney will swear in new Police Chief Sarah Coursey, to be followed by a pinning ceremony.

SUMMARY:

A native of Tavares, with a Master's of Science in Criminal Justice, Saraha Coursey was hired as Tavares' new Police Chief effective September 1, 2022. Police Chief Coursey will oversee the Tavares Police Department and serve as chief counsel to the City Administrator in matters of Policing.

During her tenure with the Tavares Police Department, Coursey has worked in or supervised many of the Department's Divisions and has been assigned to the Chief's Command Staff. Most recently, she led the Road Patrol Division, the largest section of TPD. Coursey brings a record of great accomplishment and proven skills to the task of leadership. She has a Master of Science in Criminal Justice with an emphasis in Law Enforcement Administration and a Bachelor's Degree from Columbia College. She is a graduate of the 85th Southern Police Institute Command Officer Class and has also received the Trilogy award from the FBI-LEEDA program for Supervisor, Command, and Executive Leadership.

The City Attorney will swear in Chief Coursey. The swearing-in will be followed by a pinning ceremony of the City's 23rd Police Chief.

OPTIONS:

N/A

STAFF RECOMMENDATION:

Swear in the new Police Chief.

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
9/7/2022**

AGENDA TAB NO.: 3

SUBJECT TITLE: Approval of the August 3, 2022, City Council Regular Meeting and Budget Workshop Minutes (City Clerk)

OBJECTIVE:

To consider approval of the August 3, 2022, City Council Regular and Budget Workshop Meeting.

SUMMARY:

Attached are the August 3, 2022, City Council Regular and Budget Workshop Meeting Minutes as submitted by the City Clerk.

OPTIONS:

1. Move to approve the City Council meeting minutes as submitted by the City Clerk.
2. Move to approve the City Council meeting minutes with corrections.

STAFF RECOMMENDATION:

For Council's approval.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. 08-03-2022 CC Minutes

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



**TAVARES CITY COUNCIL
MEETING MINUTES
AUGUST 3, 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
Phil Clark, Utilities 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. She asked those who wished to speak on an agenda item to complete and submit a Request to Speak form.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Pastor Jamison Elder, Umatilla Baptist Church

Pastor Jamison Elder, 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. Mr. Drury said staff had no changes.

MOTION

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

IV. PROCLAMATIONS/PRESENTATIONS

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

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following resolutions and ordinances by title only:

RESOLUTION 2022-12

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA ACCEPTING A PROPOSAL OF TRUIST BANK TO PROVIDE THE CITY WITH A TERM LOAN TO FINANCE THE CONSTRUCTION AND EQUIPPING OF A PUBLIC WORKS FACILITY WITHIN THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; AUTHORIZING THE ISSUANCE OF A CITY OF TAVARES, FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2022 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,550,000 IN ORDER TO EVIDENCE SUCH LOAN; AUTHORIZING THE REPAYMENT OF SUCH NOTE FROM A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, CITY ADMINISTRATOR AND OTHER CITY OFFICIALS FOR THE AUTHORIZATION, EXECUTION AND DELIVERY OF THE LOAN AGREEMENT, NOTE AND VARIOUS OTHER DOCUMENTS WITH RESPECT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2022-13

A RESOLUTION OF CITY OF TAVARES, FLORIDA; AUTHORIZING THE ACCEPTANCE OF A GRANT FROM LAKE COUNTY WATER AUTHORITY, LAKE COUNTY FLORIDA; AND THE GRANT REPRESENTS A GRANT AWARD FOR THE DESIGN AND INSTALLATION OF A STORMWATER TREATMENT POND SYSTEM AT

AESOPS PARK IN THE CRA; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

ORDINANCE 2022-10

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 05.83 ACRES OF PROPERTY LOCATED EAST OF RIDGE PLACE, NORTH OF E. CAROLINE STREET, FROM PUBLIC FACILITIES DISTRICT (PFD) TO RESIDENTIAL MULTI-FAMILY (RMF-3); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2040, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 05.83 ACRES OF PROPERTY FROM PUBLIC FACILITY / INSTITUTIONAL (PUB) TO HIGH DENSITY (HD) FOR PROPERTY LOCATED EAST OF RIDGE PLACE, NORTH OF E. CAROLINE STREET; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

VII. CONSENT AGENDA

Mayor Pfister asked if anyone wished to pull an item from the Consent Agenda for discussion. There were none.

MOTION

Amanda Boggus moved to approve the Consent Agenda [Tab 2. Approval of the July 6, 2022, City Council Regular Meeting and Budget Workshop Minutes; and, Tab 3. Lake Harris Reserve – Final Plat], seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 2. Approval of the July 6, 2022, City Council Regular Meeting and Budget Workshop Minutes

Approved on the Consent Agenda.

Tab 3. Lake Harris Reserve – Final Plat

Approved on the Consent Agenda.

VIII. RESOLUTIONS

**Tab 4. Resolution 2022-13 – Acceptance for LCWA Grant CRA Basin EE Ph 1
Stormwater Enhancement – Aesop’s Park**

Mr. Drury made the following presentation:

The City of Tavares received notice of award from the Lake County Water Authority that the City of Tavares has been awarded a Grant in the amount of \$162,500 for design and installation of a stormwater treatment pond. The Project is estimated at \$325,000, and the Grant Agreement requires a 50% grant match or \$162,500.

The project is the first phase of improvements to Basin EE within the Community Redevelopment area (CRA) watershed. The proposed improvements are detailed in the Tavares Community Redevelopment Area – Stormwater Study Phase dated March 2011 by Griffey Engineering. This grant provides funding for Phase 1 which will be the expansion of the existing pond in Aesop’s Park.

The Grant requires that grant funds only be applied toward the portion of the project that treats the existing impervious areas. Grant funds may not be used for the redistribution of flows from existing retention areas that are proposed to be eliminated or reduced.

Salient details of this grant include the following:

- The Project Title: City of Tavares Phase 1 Stormwater Improvements to Basin EE within the Community Redevelopment Area (CRA) watershed at Aesop’s Park.*
- The Grant is a direct local grant award by Lake County Water Authority (LCWA), Lake County, Florida*
- The Grant award amount is \$162,500 (reimbursable)*
- The Grant requires a 50% match of total project costs (\$325,000) which is \$162,500.*
- Funding from LCWA shall only be applied toward the portion of the project that treats the existing impervious areas and not future development, nor shall the LCWA Grant fund the redistribution of flows from existing retention areas that are proposed to be eliminated or reduced.*
- The LCWA shall make reimbursements to Grantee within thirty (30) days of timely submitted invoices by Grantee.*
- The Agreement shall begin upon the date it has been executed by both parties, and terminate no later than twenty-four (24) months thereafter.*

Staff recommends Option 1, for Council to approve Resolution 2022-13 authorizing the City Administrator to Execute the Lake County Water Authority Grant for the Phase 1 Stormwater Improvements to Basin EE within the Community Redevelopment Area located at Aesop’s Park.

Mayor Pfister asked for comments from the Council.

Council Member Gamble inquired about expanding the existing pond. Mr. Clark confirmed the pond floods as it is too small. He said flooding would exacerbate after the completion of Phase II and confirmed the retention pond was a fish pond.

MOTION

Amanda Boggus moved to approve [Option 1], seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 5. Resolution 2022-12 – Award and Authorize Capital Improvement Revenue Note, Series 2022

Ms. Houghton made the following presentation:

The City included the design, construction, and equipping of a Public Works Facility Complex to house Solid Waste Operations, Facilities Maintenance, Road Maintenance, Parks Maintenance, and Fleet Operations, as well as Public Works Administration in the FY2022 Budget with a portion of the funding for the facility programmed from loan proceeds. The Project also includes a Lake Technical Workforce Training Component. Funding components for the Project in addition to this loan include the following:

- *\$6,000,000 - Florida Job Growth Infrastructure Grant - FL DEO*
- *775,497 – Lake County CDBG -CV (City as Subrecipient)*
- *\$3,100,000 – Federal ARPA*
- *\$1,000,000 – Solid Waste Reserves*
- *\$3,500,000 – Lake County Work Force Dev (Lake Tech is Recipient – reimbursements to the City of Tavares through Interlocal Agreement)*

On June 10, 2022, the City issued RFP No. 2022-0016 for long term financing to construct and equip a Public Works Facility. The RFP stated that the debt would be issued as a CBA (covenant to budget and appropriate). The RFP was issued with the following elements requested:

- *Amount: not to exceed \$4,550,000*
- *Bank Qualified Fixed tax-exempt rate for the entire term of the Note*
- *No pre-payment penalty*
- *Security: CBA – Covenant to Budget and Appropriate*
- *Rate: fixed*
- *Term: 20 years*

On July 6, 2022, all received bids were opened publicly. Two Proposals were received. Truist (formerly BB&T & SunTrust) was selected for submittal to the City Council for award of proposal and for request of approval to execute a loan

in the amount of \$4,550,000.

- 1. Truist (formerly BB&T and SunTrust Banks) – 3.45%*
- 2. Webster Bank (Formerly Sterling Bank) – 3.475%*

The bids were reviewed and evaluated by the City's Financial Advisor, Mark Galvin of Hilltop Securities, and City Staff. Proposals were ranked according to RFP requirements and overall benefit to the City of Tavares. It was determined that Truist Bank provided the best overall benefit to the City of Tavares.

Michael Broschart of Giblin & Nickerson, P.A., as Bond Counsel, has prepared the Resolution for the Bank Loan, and the Loan Agreement, approved by Truist Bank, the City Attorney, and City Staff.

*Staff recommends Council move to Award Bid No. 2022-0016 to Branch Banking & Trust Co. (BB&T), and Approve Resolution No. 2022-12, **and** authorize the Mayor and Staff to execute of the Capital Improvement Revenue Note, Series 2022 in the amount of \$4,550,000, including closing costs with Truist Bank to construct and equip a new Public Works Facility.*

Mark Galvin, Hilltop Securities, said after five years the bonds can be called at any time without a pre-payment penalty.

Mayor Pfister asked for comments from the Council.

Council Member Boggus asked if the City could negotiate a better interest rate in the future. Mike Broshart, Bond Counsel, Giblin & Nickerson, P.A. confirmed and said after five years.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, said he views the project as adding more debt. He asked for the cost per resident and cost per household and recommended deferral of the award.

Council Member Boggus asked for confirmation the Council had already voted on the debt, and the item before Council was who would be assigned the loan. Mr. Drury confirmed and noted funding was in place. The project is one of the best leverage projects in the history of the City, with a \$6 million dollar grant from the Governor, a \$3 million dollar grant from Lake County Workforce Development, and a \$3 million dollar grant from the Federal Government. Council Member Boggus said the City would assign a \$4.5 million dollar loan to a \$19 million dollar project. Mr. Drury confirmed.

MOTION

Amanda Boggus moved to approve Truist [Option 1], seconded by Troy Singer.

Council Member Singer said the City would be able to build a \$19 million dollar Public Works Complex with the loan. And, if the City were to deny the loan and tax the current

residents \$100,000 per year, it would take 40 years to complete the project. He said the City would also lose \$14 million dollars in grants. Council Member Singer noted his support.

Council Member Gamble asked if the City would lose the \$6 million dollar grant from the State of Florida if the Council did not approve the funding award. Mr. Drury confirmed.

Vice Mayor Price said he does not favor the City adding debt as a matter of principle. He said the \$4 million out of a \$19 million dollar project benefits the City and students at Lake Technical College and noted his support.

The motion carried unanimously 5-0.

IX. ORDINANCES – PUBLIC HEARING

First Reading

Tab 6. Ordinance 2022-10 – City of Tavares Property – Rezoning of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street

No discussion at first reading.

Tab 7. Ordinance 2022-11 – City of Tavares Property – Small Scale FLYM Amendment of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street

No discussion at first reading.

Second Reading

X. GENERAL GOVERNMENT

Tab 8. Collective Bargaining Agreement between Tavares Firefighters Local 3245 and the City of Tavares

Chief Keith made the following presentation:

Representatives of management and the Union met on several occasions for collective bargaining sessions. City Council member / Vice-Mayor Walter Price, City Administrator John Drury, and Fire Chief Richard Keith served as the negotiations team representing the City. Local 3245 President Mike Kelley and Vice-President Mike Willis represented the Union. City Finance Director Lori Houghton and Human Resources Director Crissy Bublitz attended and added their expertise in all bargaining sessions.

Mike Kelley has authorization from the members of the Union Local to sign the proposed contract on behalf of the Union.

Proposed changes to the contract are indicated by strikethrough (~~example~~) for deleted language, and underlined (example) for new language.

The salient points of this proposed contract are:

- Under Article 33, bargaining unit members agree to the same 5.38% cost of living adjustment proposed for other city employees.*
- Under Article 33, bargaining unit members agree to participate in the health insurance plan, including cost adjustments (9% increase - city / 9% increase - employee), consistent with the plan adjustments proposed for other city employees.*

Staff recommends Option 1, for Council to approve the proposed Collective Bargaining Agreement as presented, between the Tavares Professional Firefighters Local 3245 and the City of Tavares, authorizing City Administrator John Drury to execute the contract on behalf of the City.

Vice Mayor Price said the Tavares Firefighters were professional and enjoyed working with them. He said Firefighters were not unreasonable in their requests and noted his support of the agreement.

MOTION

Amanda Boggus moved to approve [Option 1], seconded by Walter Price. The motion carried unanimously 5-0.

Tab 9. Regional Park Update

Mr. Drury provided the following presentation:

Previously, the City established a Horizon Team to explore the development of Lake County's Regional Park with a proposed East Campus located at the YMCA and West Campus located at Woodlea ball fields. The goal was to explore a public/private partnership with Tavares, Lake County and YMCA. Tavares Horizon team members include Mayor Lori Pfister, City Administrator and Public Community Services Director. Many meetings have been held by the Horizon team with officials from Lake County and YMCA.

Most recently, the County Commission voted unanimously to move forward with an appraisal of the YMCA property and the YMCA Board voted to work with the County and City to sell the property and lease back the YMCA portion to continue to provide YMCA programs. An agreement is being developed to be presented to the City, County, and YMCA for consideration in the near future on how the partnership would be formed. It is expected that Lake County would pay for the purchase of the property and capital improvements, the City would operate the

Regional Park to include a Senior Center and outdoor recreation, and the YMCA would lease their portion to continue to provide YMCA programs. The agreement and funding options will be provided to the City in the near future for consideration - all of which are being worked on by the partners and Horizon team.

Mayor Pfister asked for comments from the Council. There were none.

XI. BUDGET WORKSHOP

Tab 10. Budget Workshop – Five-Year Capital Improvement Plan

Mr. Drury made the following presentation:

The General Fund budget was presented to Council at the July 6th budget workshop. The Enterprise and Special Revenue Fund budgets were presented to Council at the July 20th budget workshop. The City Council set the maximum tentative millage rate at a reduced tax rate of 6.6950 mills, and the maximum tentative voted debt millage rate at a reduced tax rate of 0.2074 mills at the July 20th budget workshop. At this meeting the Five-Year Capital Improvement Plan will be presented, after which the Council will have an opportunity to discuss it, the FY 2023 Proposed General Fund Budget and Enterprise Fund Budgets.

The Proposed Budgets have been updated based on the most recent updates from the City's health and property insurers, Lake County Property Appraiser, and the State of Florida Office of Economic and Demographic Research (EDR) Department. Updates for miscellaneous items are also included (staff vacancies, changes in health insurance coverage, changes in dental insurance coverage, local Police and Fire pension contributions as adjusted by the actuary).

Ms. Houghton provided a PowerPoint presentation on the Five-Year Capital Improvement Plan.

Mayor Pfister asked for comments from the Council.

Council Member Gamble inquired about West Main Street Gateway funding. Mr. Drury said the project was not included in the budget.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, commended Ms. Houghton on her PowerPoint presentation. He noted the Tavares Nature Park improvements were scheduled four years out and recommended funding be included in the current budget. He asked for clarification and justification for wells being moved from downtown at \$4.5 million dollars and discussed the International City County Management Association and its certificate programs.

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. AUDIENCE TO BE HEARD

Carl and Deborah Sarver, 1100 E. Caroline Street, said they are Board members of the Lakeview condominiums. Mayor Pfister noted the ordinances 2022-10 and 2022-11 were at first reading and would not be discussed. She said the discussion would be held during the August 17, 2022, City Council meeting at 4:00 p.m.

Daniel Olivanni, 3688 Lake Elenore Drive, Mount Dora, said she was contacted by the City's Code Enforcement Department, who advised a food box would need to be removed from Aesop's park. The Code Enforcement Officer said a permit would need to be completed. Ms. Olivanni said her organization would need to place the box at a business location, and they have tried unsuccessfully for several months to identify a location. Mayor Pfister advised a permit would need to be completed. Mr. Drury asked Ms. Olivanni to develop a partnership plan by writing a letter to the City identifying a partnership, including goals and measures. The City would review her plan and entertain discussion on a plan. He said a separate issue is leaving a food box in a public right-of-way which is against the law. The Code Enforcement Officer has enforced the violation, and a magistrate would handle any contesting. He stated the food box would need to be removed. Mayor Pfister thanked Ms. Olivanni for her efforts.

Gary Santoro, Royal Harbor, said he would like to thank the Mayor on behalf of the Planning and Zoning Board for her kind words about the Board during the previous City Council meeting. He stated the Planning and Zoning Board could not do their job without the help of City staff, Attorney Holt, and Mr. O'Keefe.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, said he would like more information and justification on moving wells from downtown. Mr. Drury said the City is in the Budget Workshop process with two additional public hearings scheduled in September for opportunities to address the subject.

Sandy Singer, 1936 Maple Circle, Tavares, said she wrote a letter to Chief Lubins to commend Officer Courtney Bannick, a first responder on the scene during an emergency with her sister. She thanked Officer Bannick for staying with her throughout a difficult time and going above and beyond her duties. Ms. Singer also wrote a letter to Chief Keith commending Captain Buddy Luckock, who provided free car seat installation for her grandchild. She said car seat installations were a wonderful community service that many residents may not know.

Mayor Pfister thanked Ms. Singer for sharing her experiences with the Council.

XV. REPORTS

Tab 11. City Administrator Report

Mr. Drury noted an August Lake Sumter MPO meeting was canceled and the next meeting would be held on October 26, 2022, at 2:00 p.m.

Mr. Drury provided the following project updates:

- Tavares/Mount Dora Recreational Trail: Located on the Old US 441 rail bed, the County has funded as in negotiations with CSX with the purchase of the rail railroad right-of-way.
- \$25 Million Dollar Raise Grant: Submitted to the United States Department of Transportation award announcement will be August 8, 2022.
- Public Works Operations Facility: Designed, and go through permitting on August 5, 2022.
- Lake Francis Utility Line Replacement: Completed and finalized last punch list items.
- Wootton Wonderland: In the process of demossing trees, salvaging historic artifacts, and site process is underway.
- The Peninsula Water and Sewer Line: Designed and will be out to bid on September 1, 2022. This project will improve road paving.
- Dead River/SR 19 Intersection: Completion is scheduled for August 11, 2022.

Mr. Clark thanked the residents of Lake Francis Estates.

Tab 12. City Council Member Reports

Council Member Gamble

- Inquired about fishing in Aesop's Park. Mr. Drury said the park is catch and release.
- Stated Ken Reutebuch who owned Ace Hardware in downtown Tavares for 25 years recently passed away.
- Inquired about a task force for the homeless. Chief Lubins said a group of Police Officers was working with property owners, homeless coalitions, and homeless individuals to assist with service needs.

XVI. ADJOURNMENT

There was no further business and Mayor Pfister adjourned the meeting at 5:05 p.m.

Respectfully,

Susie Novack, MMC, FCRM
City Clerk

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 4

SUBJECT TITLE: Resolution 2022-14 - Special Use Permit for School at 203 N. St Clair Abrams Avenue (Community Development)

OBJECTIVE:

To consider a petition for a Special Use Permit for a school located at 203 N. St Clair Abrams Avenue

SUMMARY:

An application for a Special Use Permit has been received to operate a school at 203 N. St Clair Abrams Avenue. The subject property is located on the northwest corner of the intersection of N. St Clair Abrams Avenue and Maud Street. The building located on the site was most recently occupied by a law firm. The property is within the Mixed Use (MU) zoning district, and a school is allowed only with the issuance of a Special Use Permit from the City Council.

The applicant envisions what is referred to as a "micro-school" with an estimated enrollment of 40 students across various grade levels. The subject property is in close proximity to the Tavares Public Library. The property includes an empty lot that will be utilized for student recess. The building has been evaluated by the Tavares Fire Department and Building Official, and no major issues were found. However, the applicant will be required to obtain permits for some plumbing and electrical improvements.

The subject property has limited on-site parking. It is the intention of the school operator to have parents use available public and private parking and walk children to and from the school. There will be no car drop off or pickup permitted to block any public right-of-way.

At their August 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Resolution 2022-14, subject to the applicant presenting a parking and student drop off & pickup plan acceptable to the City Council. The Planning & Zoning Board expressed concern for the safety of the parents and students as the proposed parking presented at the August 18th meeting was too far away from the school site. City staff met with the applicant and conducted an evaluation of available public parking near the proposed site. City staff has determined that there are four (4) public parking areas consisting of a total of ninety (90) parking spaces that are in close proximity to the property with sidewalk access south of Maud Street. City staff has coordinated with the City's Engineer to design improvements to the crosswalk located at Maud Street and N. St Clair Abrams Avenue.

OPTIONS:

1. City Council moves to approve Resolution 2022-14, Special Use Permit for a school located at 203 N. St Clair Abrams Avenue.

2. City Council moves to deny Resolution 2022-14.

STAFF RECOMMENDATION:

At their August 18th meeting, the P&Z Board voted unanimously to recommend approval of Resolution 2022-14, subject to the applicant presenting an alternative parking and student drop off & pickup plan acceptable to the City Council.

Staff recommends that City Council moves to approve Resolution 2022-14, Special Use Permit for a school located at 203 N. St Clair Abrams Avenue.

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 2022-14
2. Modern School House - Background Presentation
3. Aerial Map
4. Public Parking Available
5. Scheduled Parking Improvements by City
6. Zoning Map
7. Newspaper Ad

RESOLUTION 2022-14

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A SPECIAL USE PERMIT TO ALLOW A SCHOOL LOCATED AT 203 N ST CLAIR ABRAMS AVENUE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of property addressed as 203 N. St. Clair Abrams Ave. desires this property to be utilized as a School; and

WHEREAS, this property is zoned Mixed Use (MU) under the City of Tavares Land Development Regulations; and

WHEREAS, a School in the Mixed Use District requires City Council to approve a Special Use Permit for this use under the city's Land Development Regulations; and

WHEREAS, City Council may add conditions, limitations or requirements to the approval of a Special Use Permit; and

WHEREAS, the City Council has determined School is an appropriate use at this location subject to the conditions contained within this Resolution of Approval, therefore,

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

That property addressed as 203 N. St. Clair Abrams Avenue is granted a Special Use Permit for a School subject to compliance with all regulations applicable to this use. The Special Use Permit shall be contingent upon the school operator committing to not allowing drop off & pickup of children from car lines that would block any public right-of-way.

THIS RESOLUTION will become effective upon approval by the Tavares City Council.

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

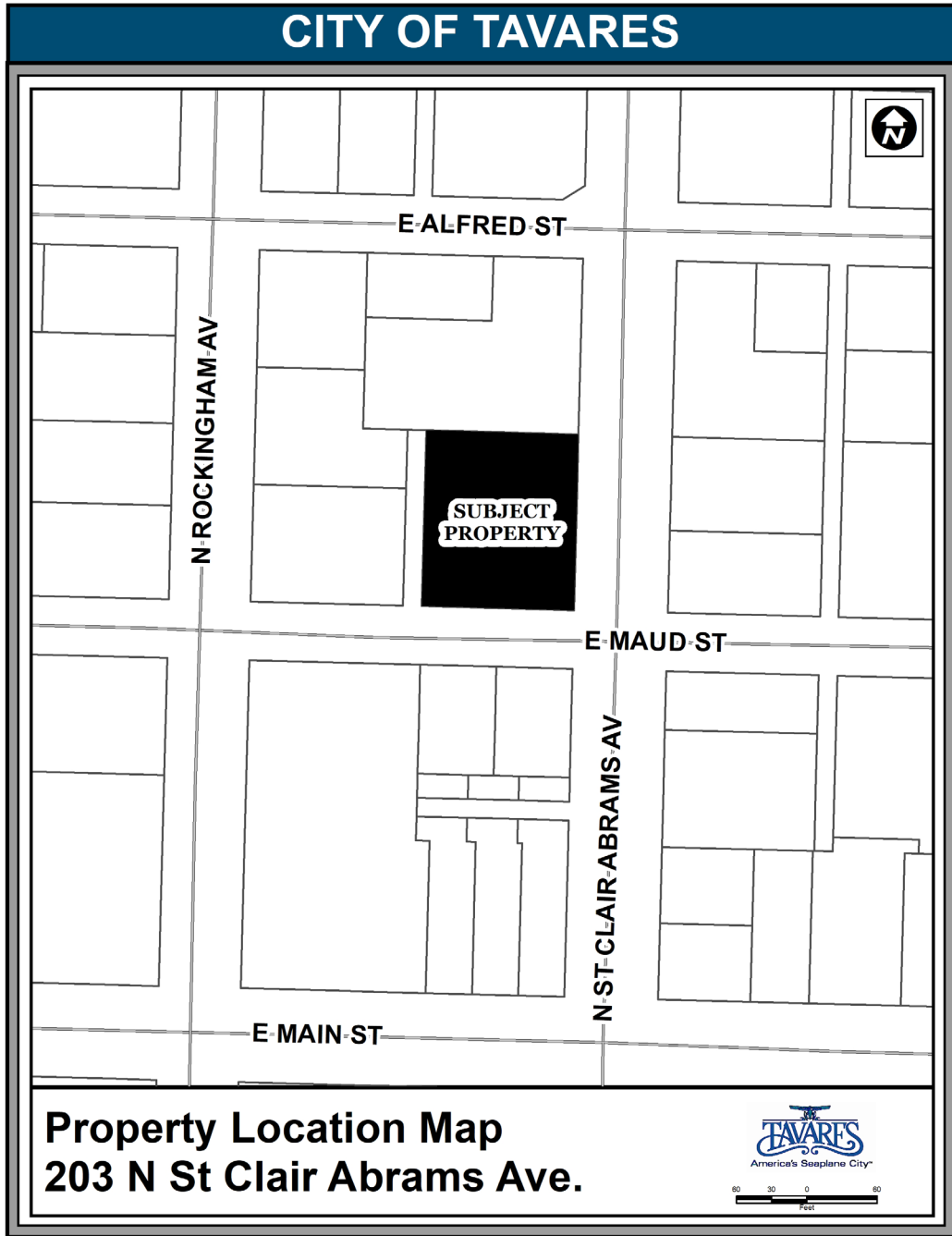
Lori Pfister, Mayor
Tavares City Council

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney



Created By: City of Tavares GIS

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Map Created on 07/27/22

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 5

SUBJECT TITLE: Ordinance 2022-12 - Code of Ordinances Amendment - Establish Regulations Pertaining to Electronic Game Rooms (Community Development / City Attorney)

OBJECTIVE:

To consider approval of a revision to the Code of Ordinances establishing regulations pertaining to electronic game rooms.

SUMMARY:

Pursuant to City Council's directive, the City of Tavares is proposing an amendment to the Code of Ordinances to establish regulations pertaining to electronic game rooms within the city limits. Ordinance 2022-12 creates Chapter 21 - Electronic Game Rooms in the Code of Ordinances regulating game rooms by limiting the number allowed, requiring operators to obtain permits and pay fees, limiting certain business operations, providing signage guidelines, providing safety and security requirements, and providing for enforcement and inspection of premises.

OPTIONS:

1. City Council moves to approve Ordinance 2022-12, a revision to the Code of Ordinances establishing regulations pertaining to electronic game rooms.

2. City Council moves to deny Ordinance 2022-12.

STAFF RECOMMENDATION:

At their August 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-12.

Staff recommends that City Council moves to approve Ordinance 2022-12, a revision to the Code of Ordinances establishing regulations pertaining to electronic game rooms.

FISCAL IMPACT:

Initial permit fee payable to the City of Tavares - \$10,000

Annual permit renewal fee payable to the City of Tavares - \$3,000

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 2022-12
2. Exhibit A - Chapter 21 Electronic Game Rooms
3. Newspaper Ad

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA REGARDING ELECTRONIC GAME ROOMS; MAKING FINDINGS; ESTABLISHING A NEW CHAPTER 21 (ELECTRONIC GAME ROOMS) OF THE CITY OF TAVARES CODE OF ORDINANCES, TO REGULATE ELECTRONIC GAME ROOMS AND TECHNOLOGY; PROVIDING FOR LEGISLATIVE AUTHORIZATION, THE COVERED AREA TO BE ALL OF THE CITY OF TAVARES, FLORIDA, THE INTENT OF THE LEGISLATION, DEFINITIONS, REGULATIONS FOR PERMITTING AND FEES, INSPECTIONS, SIGNAGE REQUIREMENTS, LIMITATIONS ON THE OPERATIONS OF THE BUSINESSES, SAFETY AND SECURITY REQUIREMENTS, VIOLATIONS AND PENALTIES AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in the last decade, electronic game rooms have created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law; and

WHEREAS, the uncontrolled proliferation of electronic game rooms throughout the City of Tavares will have a detrimental impact on the health, safety and welfare of its citizens and visitors, unless properly regulated; and

WHEREAS, the City Council has a duty to affirmatively eliminate the potential detrimental impact of a proliferation of electronic game rooms; and

WHEREAS, confusion has existed for some years as to the interpretation and enforcement of state statutes regarding electronic games, which grant an exemption from the statutory framework prohibiting illegal gambling activities; and

WHEREAS, in order to avoid such activity transitioning to and becoming illegal gambling, strict compliance with the law must occur; and

WHEREAS, local law enforcement authorities have limited resources with which to police this industry, and a regulatory fee will better fund enforcement efforts and ensure compliance with the law; and

WHEREAS, the City of Tavares has evaluated and estimated the costs of permitting and enforcement, and has determined that the permitting fees and revenues will not exceed such costs; and

WHEREAS, the increased popularity in electronic game rooms has the potential to mislead and confuse unwary citizens if not regulated, and therefore increases the need for regulation; and

WHEREAS, an ordinance to regulate the use of electronic games which display images associated with slot machines and gambling will protect the public welfare; and

WHEREAS, increased popularity of electronic game rooms increases the need for a security presence on the premises offering the activity, so as to prevent and/or deter criminal activity; and

WHEREAS, pursuant to the Municipal Home Rule Powers Act, Florida Statute section 166.011 et seq., the City Council may regulate this activity for the health, safety, and welfare of the community; and

WHEREAS, a likelihood of confusion exists of businesses using electronic games to conduct drawings by chance and game promotions or sweepstakes or other lawful uses, with businesses that may use electronic equipment to conduct gambling, as both legitimate and illegal operations often display images associated with traditional slot machines, and fraud and misrepresentation may occur at these businesses because of this confusion unless properly regulated; and

WHEREAS, some operations display images of gambling or slot machines in their advertisements and signage suggesting the presence of illegal activity; and those activities should be controlled and regulated;

WHEREAS, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares.

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

Section 1. Legislative Findings.

The City Council finds as follows:

(a) Desiring to protect individual rights, while at the same time affording opportunity for the fullest development of the individual, and promoting the health, safety, education, and welfare of the people, the City Council has a compelling interest in protecting its citizens from certain activities and influences which can result in irreparable harm if left unregulated.

(b) The City Council has a legitimate interest in protecting its citizens from unethical business practices, ensuring operators of regulated establishments are of good moral character, providing safe locations for people to congregate, and protecting the quality of life and well-being of its neighborhoods.

(c) It is necessary and in the public interest to ensure that businesses portray themselves in a manner not likely to mislead the public.

(d) The imposition of a regulatory scheme for electronic game rooms bears a rational relationship to the public interest and welfare.

(e) That the State of Florida authorizes drawings by chance, game promotions, sweepstakes, and other electronic games. The City Council further recognizes that establishments that utilize electronic equipment to display the results of drawings by chance and game promotions or sweepstakes by simulating a game or games ordinarily played on a slot machine can deceive members of the public into believing that they are engaging in a licensed gambling activity if left unregulated.

(f) That the City Council has an obligation and responsibility to protect its citizens from the use of deceptive practices.

(g) In order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to provide greater regulation for the use of electronic equipment which displays the results of drawings by chance and game promotions.

Section 2. The City of Tavares Code of Ordinances, amended to create a new Chapter 21, Electronic Game Rooms.

The City of Tavares Code of Ordinances are amended to create a new Chapter 21 (Electronic Game Rooms) as shown in Exhibit "A" attached to this ordinance and incorporated herein by reference.

Section 3. 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 4. 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: _____

Second Reading & Final Adoption: _____

ATTEST:

Susie Novack, City Clerk

Approved as to form:

Lindsay C. T. Holt, City Attorney

EXHIBIT “A”

(TO ORDINANCE 2022-12)

Chapter 21 - ELECTRONIC GAME ROOMS.

Section 21-1 - Legislative Authorization

This Chapter is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of the City of Tavares, Florida, pursuant to Fla. Const. Article VIII, section 1(g), Section 125.01, Florida Statutes. It is established to regulate the use of electronic game rooms, including giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, game promotions and other electronic games that do not otherwise violate Florida law.

Section 21-2 - Area of Enforcement

The City Council is acting herein as the governing body for the City of Tavares, Florida, and this Chapter shall be effective within the boundaries of the City of Tavares, Florida.

Section 21-3 - Intent

The intent of the City Council acting as the governing body of the City of Tavares, Florida in adopting this Chapter is to regulate electronic game rooms, including the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions that do not otherwise violate Florida law. This regulation is intended to include all locations that utilize electronic games that simulate a game or games ordinarily played on a slot machine or other images associated with gambling, including those used to display the results of a drawing by chance conducted in connection with the sale of a consumer product or service, game promotion or sweepstakes. It also is intended to regulate all Operators (as defined herein) who operate electronic game rooms.

Section 21-4 - General Prohibition

Except as expressly regulated and permitted by this Chapter, no Person shall operate an electronic game room, including those that conduct drawings by chance pursuant to Section 849.0935, Florida Statutes, sweepstakes or game promotion pursuant to Section 849.094, Florida Statutes, or any other game of chance on any electronic or mechanical device provided by an operator of the game room which displays the result by simulating a game or games ordinarily played on a slot machine or other image associated with gambling.

Section 21-5 - Definitions

(a) "Person" means an individual, association, partnership, joint venture, corporation, limited liability company, not-for-profit entity, or entity of any kind authorized to engage in business in Florida.

(b) “Applicant” means the Operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the electronic game room shall be operated.

(c) “Conviction” means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or *nolo contendere*, was found guilty by a judge or jury, or had adjudication withheld.

(d) “Electronic Equipment” means any electronic or mechanical device provided by or on behalf of the Operator that is used or adapted for use to conduct game play and/or to reveal the results of a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine or associated with gambling. For any server based or internet based electronic game, each player station shall be deemed a separate Electronic Equipment device.

(e) “Electronic Game Room” means a Premises at which electronic games are provided to members or the general public, that utilize Electronic Equipment for entertainment, amusement, or prize giveaways. This definition includes, but may not be limited to, Premises commonly known or identified as Internet Cafes. This definition does not apply to family style arcades wherein Minors are permitted.

(f) “Minor” means an individual under the age of eighteen (18) years.

(g) “Operator” means any Person in whose name a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, game promotion, or other electronic game that utilizes Electronic Equipment is conducted.

(h) “Permit Holder” means the Operator in whose name the City has issued a permit under this Chapter.

(i) “Premises” means the house, building, edifice, or location, along with its grounds, in or upon which the Operator operates an Electronic Game Room.

(j) “Rules” means the restrictions and covenants governing the operation of any drawing by chance, sweepstakes, or game promotion.

To the extent not defined in this section, the definitions utilized in the Florida Statutes shall be applicable to all terms used in this Chapter.

Section 21-6 - Permitting and Fees

(a) *Permit Required.* Every Operator operating an Electronic Game Room shall obtain a permit from the City for each Premises. Each permit is valid only for the Operator and the Premises named in the permit. Each permit is valid for one year.

(b) *Initial Permits.* Within thirty (30) days of enactment of this Ordinance, the current Operators that have been operating an Electronic Game Room on or before July 1, 2022 at a Premises, and which apply for, facially qualify for, and pay required fees for a permit, shall be granted a permit for the Premises as provided for in this section. Each such Operator shall, in addition to the requirements set forth herein as part of the application, provide proof satisfactory to the City that the Operator was lawfully operating or commencing the operation of an Electronic Game Room as of July 1, 2022, which such evidence may include a current and valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of Electronic Equipment on the Premises, or other certificates, permits, licenses, receipts or filings issued by the Federal, State or local government indicating proof of the uses contemplated by this Ordinance on the Premises. Applications received within the initial thirty (30) days, but deemed insufficient or incomplete as of October 1, 2022, shall no longer be entitled to priority status under this subsection and shall be subject to the permit limitations set forth in subsection (c) below.

(c) *Permits Limited.* Unless greater than three (3) permits have been issued as provided for in subsection (b) above, the City shall limit the total number of permits issued pursuant to this section to three (3). After the permits authorized by subsection (b) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to exceed three (3) permits. All qualifying Operators who receive an initial permit as provided for in subsection (b) shall be entitled to renew their permit if they otherwise qualify and pay required fees.

(d) *Application Materials Required for Permit.*

(1) Applicant shall file with the City the following materials:

- (i) If applicable, a copy of Applicant's proposed Rules governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table;
- (ii) A complete list of all products and services offered and the prices charged therefore;
- (iii) A letter must be provided that identifies the full name, date of birth, current physical address, and social security number for every principal, officer, and director of the Operator and business owner if different from the Operator. The letter must authorize the City to conduct a criminal background check on all individuals listed in the letter in order to confirm the requirements of this Code have been satisfied;
- (iv) A sworn affidavit containing the following:
 - (A) the identity of the applicant;

- (B) a description, including the number of pieces, of the Electronic Equipment;
- (C) a statement of whether any of the individuals listed in subsection (d)(1)(iii) above have, within the five-year period immediately preceding the date of the application, been convicted of any felony under the laws of Florida, the United States, or any other state, or has had adjudication withheld, and, if so, the particular criminal act involved and the place of conviction;
- (D) the name and address of an individual in Tavares, Florida who is authorized to receive notices from the City; and
- (E) a statement certifying that all information on the application and any attachments thereto is true and that the Applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit.

(e) Review of Application.

(1) Duration of Review. Within sixty (60) days of receipt of an Applicant's completed permit application, the City shall grant or deny the application.

(2) Eligibility of Applicant. The permit shall be denied for any of the following reasons:

- (i) The application contains false information or is incomplete;
- (ii) The Applicant has failed to comply with a provision of the state statutes, including, but not limited to, Chapter 607, Florida Statutes (regarding corporations), Chapter 620, Florida Statutes (regarding partnerships), or section 865.09, Florida Statutes (regarding fictitious names);
- (iii) The Applicant had a license under this Article that has been suspended or revoked, or was a partner in a partnership, or an officer, director or principle stakeholder of a corporation which had a license suspended or revoked during the previous five (5) years;

(iv) The Applicant, within five (5) years of the date of the application, has been convicted of any felony under the laws of Florida, the United States, or any other state unless said violation would not constitute a crime in Florida unless the applicant has had adjudication withheld; or

(v) The Applicant has been found to be in violation of any provision of this Article, other provision of the City of Tavares Code or Land Development Regulations by the City of Tavares Code Enforcement Special Magistrate when such violation occurs on the premises licensed hereunder.

(f) *Denial of Permit; Reapplication.* Any decision of the City Manager or designee (including City staff) pursuant to the granting or denying of a license under this Section may be reviewed as a matter of right by the circuit court upon the filing of the appropriate pleading by the aggrieved party within thirty (30) days of the date of the written decision. If an applicant reapplies for a permit at a particular location within a period of one (1) year from the date of denial of a previous application at the same location, and there has not been an intervening change in the circumstances which will lead to a different decision regarding the application, the application shall be rejected.

(g) *Permit fees.* The eligible Applicant, before receiving the permit, shall pay an initial Electronic Game Room Permit Fee for the Premises in the amount of \$10,000.00. The initial permit fee covers the first year of the issued permit. Subsequent yearly renewal permits will be charged a separate yearly renewal permit fee in the amount of \$3,000.00. The fee is for one year during which the permit is valid and shall be paid each time the permit is renewed. If an eligible Applicant fails to pay this fee(s) on or before the thirtieth (30th) day after approval, availability, and notice of the permit authorization, the application shall be deemed denied.

(h) *Duration of Permit.* A permit shall be valid for one (1) year from the date of issuance.

(i) *Renewal of Existing Permit.* Existing permits shall be renewed upon compliance with this Section, notwithstanding the total number of permits issued. The Permit Holder shall apply for the renewal permit no later than sixty (60) days and no sooner than one-hundred twenty (120) days before the expiration of the current permit. The renewal permit application shall include all the materials and the renewal application fee required for the issuance of an original permit as established by the City Council. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application. Upon approval, renewal permit applicants shall pay the same fees as set forth in subsection (h) above and said renewals shall be deemed denied if an eligible Applicant fails to pay these fees on or before the thirtieth (30th) day after approval, availability, and notice of the permit authorization.

(j) *Transfers of Permits Not Permitted.* Permits shall not be transferred to another premises nor shall Permits be transferred to another person or entity. Any change in majority or controlling interest in any corporate Permit Holder shall be deemed a transfer to another entity and the Permit shall be automatically revoked as of the date such change was made.

(k) *Revocation of Permit.* The City may revoke a permit for violation of any provision of this Chapter. Prior to revocation, the City shall provide to the Permit Holder, through their individual in Tavares, Florida authorized to accept notices from the City, the following:

- (1) A written notice of intent to revoke the permit;
- (2) A fourteen (14) calendar day opportunity to cure the alleged violation;
and
- (3) An opportunity to be heard prior to revocation.

Revocation shall not take place before twenty-one (21) days after a notice of revocation, opportunity to cure, and opportunity to be heard is delivered to the Permit Holder. Any decision of the City Manager or designee (including City staff), or City Council or Magistrate after hearing, to revoke a permit may be reviewed as a matter of right by the circuit court upon the filing of the appropriate pleading by the aggrieved party within thirty (30) days of the date of the written decision. Failure to file an action in the circuit court within the prescribed time period constitutes a waiver of the right to appeal.

Section 21-7 - Inspection of Premises

During business hours, the City, the Tavares Police Department, or their agents may enter the Premises for purposes of inspecting all areas of the Premises otherwise accessible to the general public, to ensure compliance with the provisions of this Chapter or any other ordinances within their authority, including but not limited to the right to enter the Premises and to select and remove any piece(s) of Electronic Equipment to inspect, test and/or have tested to determine compliance with this Chapter. The City or the Tavares Police Department may issue to the Permit Holder a show cause order requiring the production on Premises of documents or data relating to the electronic games. Production of the records or inventory shall only be for inspection and review to determine compliance with this Chapter. Within three (3) days of receipt of the show cause order the Permit Holder shall produce all requested records and inventory.

Section 21-8 - Signage Requirements

(a) *Exterior of Premises.* Exterior signage shall comply with Chapter 21 of the City's Land Development Regulations.

(b) *Interior of Premises.* The Permit Holder shall conspicuously post the Permit at the entrance or main counter. The Permit Holder shall also conspicuously post the name of the Permit Holder, a description of all products and services sold, and the complete rules for all drawings, sweepstakes or game promotions at the Premises' front or main counter. Rules for all game promotions shall include the following language in at least 26 point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The Permit Holder shall also post a sign which shall include the following language in at least 26 point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." The Permit Holder shall affix signage that shall include the following language in at least 10 point type on each piece of Electronic Equipment: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the Rules, prizes, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting.

Section 21-9 - Limitations on Operation of Business

(a) *Alcoholic Beverages.* Permit Holders shall not sell or permit any individual to consume or possess any alcoholic beverages on any Premises.

(b) *Tobacco.* Permit Holders shall not sell tobacco at any Premises.

(c) *Minors.* Permit Holders shall not permit Minors to enter the Premises.

(d) *Conditions of Alternative Means of Entry.* Entries that are available without purchase or financial donations shall be made available on request. The Permit Holder shall not impose any condition on the provision of such entries other than proof of identity by government issued identification from any state. The Permit Holder shall not limit the number of such entries offered per day per individual to less than the equivalent amount of entries that Permit Holder provides to individuals who make a donation, or purchase of a product or service, valued at least \$1.00.

(e) *Employee Background Checks.* Permit Holders shall ensure that a criminal background check is conducted on all employees within 30 days of hire and that such documentation is maintained on the Premises.

(f) *Additional Requirements.* An Operator conducting a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall be required to:

- (1) maintain a list of the names and addresses of all persons who have won prizes which have a value of more than \$25 for one (1) year.

- (2) maintain a trust account or bond in the amount of \$25,000.00.

Section 21-10 - Safety and Security Requirements

The Premises of the Electronic Game Room shall maintain the following security devices and standards:

- (a) a security camera system operating during business hours and capable of recording and retrieving an identifiable image for both the interior and exterior of the Premises;
- (b) a sign or posted notice that the premises are under surveillance;
- (c) a drop safe or cash management device for restricted access to cash receipts;
- (d) a conspicuous notice at all public entrances to Premises stating cash register contains limited amount of cash and that the manager does not have access to the safe;
- (e) at exits to Premises, height markers displaying height measures;
- (f) a cash management policy limiting cash on hand;
- (g) a silent alarm system capable of notifying law enforcement; and
- (h) during nighttime hours when the Premises is open for business at least one licensed, armed security guard.

Section 21-11 - Violations.

It shall be unlawful for any Person, Operator, Manager, or Permit Holder to violate any of the provisions of this Chapter. Violations of different provisions of this Chapter shall constitute separate offenses. Each day a violation occurs shall constitute a separate offense. A first violation of any of the provisions of this Chapter constitutes a civil infraction punishable by up to a \$100 fine. Any subsequent violation of any provision of this Chapter shall be punishable by up to a \$200 fine.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 6

SUBJECT TITLE: Ordinance 2022-14 - Land Development Regulation Amendments - Revision of Land Development Regulations in Accordance with Smart Growth Initiatives and the Comprehensive Plan (Community Development)

OBJECTIVE:

To consider approval of the revision of Land Development Regulations in accordance with smart growth initiatives and the Comprehensive Plan.

SUMMARY:

On November 18, 2020, City Council adopted a new Comprehensive Plan for the City of Tavares entitled Taking Flight - Comprehensive Plan 2040. City staff subsequently conducted a full review of the City's Land Development Regulations to ensure consistency with the Comprehensive Plan. The review process included multiple Smart Growth Horizon Team workshops providing the public with the opportunity to collaborate with staff and share ideas regarding how the regulations may be improved. City staff compiled the input received and made revisions to the Land Development Regulations with the intention of promoting quality development standards within the City. Some key highlights include increasing lot sizes, increasing the size of required landscape buffers, adding a residential estate zoning category for rural areas of the City, updating parking regulations to account for golf carts, and amending development application fees.

At their August 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-14, subject to staff making minor corrections to certain language contained in Chapter 11, Chapter 13, Chapter 17, Chapter 20, Chapter 23, and Chapter 24. The corrections were non-substantive and did not change the intent of the code.

OPTIONS:

1. City Council moves to approve Ordinance 2022-14 revision of Land Development Regulations in accordance with smart growth initiatives and the Comprehensive Plan.

2. City Council moves to deny Ordinance 2022-14.

STAFF RECOMMENDATION:

At their August 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-14, subject to staff making minor corrections to certain language contained in Chapter 11, Chapter 13, Chapter 17, Chapter 20, Chapter 23, and Chapter 24.

Staff recommends that City Council moves to approve Ordinance 2022-14 revision of Land Development Regulations in accordance with smart growth initiatives and the Comprehensive Plan.

FISCAL IMPACT:

Increase in development application fees paid to the City of Tavares.

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 2022-14
2. CHAPTER_1___GENERAL_PROVISIONS
3. CHAPTER_3___DEFINITIONS
4. CHAPTER_4___APPLICATION_PROCEEDURES_AND_PERMITTING
5. CHAPTER_7___NON_CONFORMING_SITUATIONS
6. CHAPTER_8___ZONING_REGULATIONS
7. CHAPTER_9___HISTORIC_PRESERVATION_OVERLAY_DISTRICT_AND_ARCHITECTURAL_AND_SITE_DESIGN_STANDARDS
8. CHAPTER_10___CONCURRENCY_REVIEW_AND_DETERMINATION
9. CHAPTER_11___LANDSCAPING_AND_BUFFERING_REGULATIONS_PROTECTION_AND_REMOVAL_OF_TREES
- 10 CHAPTER_12___PERFORMANCE_STANDARDS
- .
- 11 CHAPTER_13___ENVIRONMENTAL
- .
- 12 CHAPTER_15___STORMWATER_REGULATIONS
- .
- 13 CHAPTER_16___SUBDIVISION REGULATIONS
- .
- 14 CHAPTER_17___UTILITIES
- .
- 15 CHAPTER_19___STREETS AND SIDEWALKS
- .
- 16 CHAPTER_20___PARKING_REGULATIONS
- .
- 17 CHAPTER_21___SIGN_REGULATIONS
- .
- 18 CHAPTER_22___BUILDINGS_AND_BUILDING_REGULATIONS
- .
- 19 CHAPTER_23___COMMUNITY_ECONOMIC_DEVELOPMENT_INITIATIVES
- .
- 20 CHAPTER_24___COMMUNITY_DEVELOPMENT_FEE_SCHEDULE
- .
- 21 Newspaper Ad
- .

ORDINANCE 2022-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, SUBSTANTIALLY REVISING AND REWRITING THE CITY LAND DEVELOPMENT REGULATIONS, WHICH INCLUDE CHAPTER 1 GENERAL PROVISIONS, CHAPTER 2 ADMINISTRATION, CHAPTER 3 DEFINITIONS, CHAPTER 4 APPLICATION PROCEDURES AND PERMITTING, CHAPTER 7 NON-CONFORMING SITUATIONS, CHAPTER 8 ZONING REGULATIONS, CHAPTER 9 HISTORIC PRESERVATION OVERLAY DISTRICT AND ARCHITECTURAL AND SITE DESIGN STANDARDS, CHAPTER 10 CONCURRENCY REVIEW AND DETERMINATION, CHAPTER 11 LANDSCAPING AND BUFFERING REGULATIONS PROTECTION AND REMOVAL OF TREES, CHAPTER 12 PERFORMANCE STANDARDS, CHAPTER 13 ENVIRONMENTAL PRESERVATION, CHAPTER 14 FLOODPLAIN, CHAPTER 15 STORMWATER, CHAPTER 16 SUBDIVISION REGULATIONS, CHAPTER 17 UTILITIES, CHAPTER 19 STREETS AND SIDEWALKS, CHAPTER 20 PARKING REGULATIONS, CHAPTER 21 SIGN REGULATIONS, CHAPTER 22 BUILDINGS AND BUILDING REGULATIONS, CHAPTER 23 COMMUNITY ECONOMIC DEVELOPMENT INITIATIVES, CHAPTER 24 COMMUNITY DEVELOPMENT FEE SCHEDULE; CHANGING THE ACTUAL LIST OF PERMITTED, CONDITIONAL, OR PROHIBITED USES WITHIN ZONING DISTRICTS; ADDING CERTAIN ZONING DISTRICTS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tavares has previously adopted by ordinance Land Development Regulations which implement the City's Comprehensive Plan and guide and regulate the development of property within the City limits; and

WHEREAS, the City Council has undertaken a master revision to the Land Development Regulations to update those ordinances and make them consistent with the most recent amendments to the City's Comprehensive Plan; and

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

WHEREAS, the City of Tavares Planning and Zoning Board, and City Council held duly noticed public hearings providing opportunity for individuals to hear and be heard regarding the adoption of the proposed ordinance; 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 now desires to adopt the revised and updated Land Development Regulations, to become effective as provided herein, now, therefore:

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

Section 1: Text Amendments.

The revised City of Tavares Land Development Regulations attached hereto as Exhibit "A" and incorporated herein by reference are hereby adopted.

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

Passed First Reading _____

Passed Second Reading _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 7

SUBJECT TITLE: Ordinance 2022-13 - Establishment of a Community Development District for Leela Reserve Subdivision (Community Development)

OBJECTIVE:

To consider approving a Community Development District for the Leela Reserve Subdivision located west of SR-19, south of Slim Haywood Ave., north of Camp Rd.

SUMMARY:

Leela Reserve is a residential subdivision located west of SR-19, south of Slim Haywood Ave., north of Camp Rd. and consists of 362 dwelling units. The developer of the property has submitted an application to create a Community Development District (CDD) for the purpose of financing and constructing community-wide infrastructure. Community Development Districts are permitted under the Florida Statute as a means for developers to shift the payment of the cost of infrastructure construction and other improvements to the homeowners that will directly benefit. Establishment of a Community Development District is pursuant to the adoption of an ordinance by the City Council granting approval of the CDD. If approved, all City land development regulations and ordinances shall still apply to all development of the land within the Community Development District.

OPTIONS:

1. City Council moves to approve Ordinance 2022-13 establishing a Community Development District for the Leela Reserve Subdivision located west of SR-19, south of Slim Haywood Ave., north of Camp Rd.
2. City Council moves to deny Ordinance 2022-13.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2022-13 establishing a Community Development District for the Leela Reserve Subdivision located west of SR-19, south of Slim Haywood Ave., north of Camp Rd.

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 2022-13
2. Exhibit A - Legal Description

3. Leela Reserve CDD Establishment Petition
4. Aerial Map

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

ORDINANCE 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, ESTABLISHING, ON THE PROPOSED PROPERTY KNOWN AS LEELA RESERVE AND FURTHER DESCRIBED HEREIN, AND RECOGNIZING, THE COMMUNITY DEVELOPMENT DISTRICT, CREATED AND CHARTERED BY UNIFORM GENERAL LAW, THE UNIFORM COMMUNITY DEVELOPMENT DISTRICT ACT OF FLORIDA, CHAPTER 190, FLORIDA STATUTES (2001 AND HEREAFTER); ACKNOWLEDGING THE UNIFORM DISTRICT CHARTER EXPRESSED IN SECTIONS 190.006-190.041, FLORIDA STATUTES, AND AS REFERENCED AND PROVIDED BY SECTION 190.004(4), FLORIDA STATUTES, AND CONFIRMED BY SECTION 189.0311, FLORIDA STATUTES; ESTABLISHING THE LEELA RESERVE COMMUNITY DEVELOPMENT DISTRICT (ON THE PROPERTY PROPOSED IN THIS PETITION) AND DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; AND, DESIGNATING THE PROPOSED LAND AREA WITHIN WHICH THE DISTRICT MAY MANAGE AND FINANCE ITS BASIC INFRASTRUCTURE, SYSTEMS, FACILITIES, SERVICES, IMPROVEMENTS AND PROJECTS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Tavares, Florida received on June 27, 2022 a petition (the “Petition”) for Establishment of a Community Development District of less than 2,500 acres located entirely within the municipal boundaries of the City of Tavares, hereinafter the “District”, as provided pursuant to Chapter 190, *Florida Statutes*, from Lennar Homes, LLC (the “Petitioner”); and

WHEREAS, it has been determined that the Petition contains the requisite information as mandated by Section 190.005(2), *Florida Statutes*, and Section 190.005(1)(a), *Florida Statutes*; and

WHEREAS, the Petitioner has obtained the written consent to the establishment of the District by the owners of 100% of the real property described in Exhibit “A,” attached hereto and referred to as Leela Reserve Community Development District; and

WHEREAS, the decision of the City Council to establish the District is a quasi-legislative decision authorized by Chapter 190, *Florida Statutes*, and the City of Tavares’s home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City of Tavares has reviewed factors as required by Chapter 190, *Florida Statutes*, and will consider such factors prior to the final adoption of the subject ordinance, and upon such review has determined that the establishment of the District is in the best interest of the City of Tavares, for the orderly growth of the City of Tavares in an efficient manner for their existing and future health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tavares in lawful session assembled, as follows:

SECTION 1. Findings of Fact and Considerations

The City of Tavares has reviewed the petition, and the representations, information, statements and evidence presented at the public hearing by Petitioner or on Petitioner's behalf and makes the following Findings of Fact:

- a. The statements contained within the Petition are true and correct.
- b. The Petition for and establishment of the District is not inconsistent with the State Comprehensive Plan or City's comprehensive plan.
- c. The area of land within the District is of sufficient size, sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community.
- d. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- e. The community development services and facilities of the District will be compatible with the capacity and uses of existing local and regional community development services and facilities.
- f. The area to be served by the District is amenable to separate independent special-district government.

SECTION 2. Establishment of District

Based on the above findings and consideration, the City Council of the City of Tavares does hereby grant the Petition and there is hereby established the District for all purposes consistent with, and as authorized by Chapter 190, *Florida Statutes*, and all other applicable laws. The City does further hereby acknowledge the uniform district charter set forth in Chapter 190, *Florida Statutes*.

SECTION 3. Establishment of District Boundary

The external boundary for the District shall include and incorporate all property as more particularly described in Exhibit "A," attached hereto and incorporated herein, all such property (86.58 acres more or less) being located entirely within the municipal boundaries of the City of Tavares. No real property within the external boundaries of the District is to be excluded.

SECTION 4. Appointment of Initial Board of Supervisors

The City Council of the City of Tavares does hereby appoint the following individuals as the initial Board of Supervisors to serve for a period not to exceed ninety (90) days after the creation of the District upon which a new Board of Supervisors will be elected as provided by law. The initial Board of Supervisors shall be:

- a. Amanda Whitney
- b. Linda Kepfer

- c. Kelly Thomas
- d. Randy Jones
- e. Achal Aggarwal

SECTION 5. Charter; Powers

The District shall be governed by the provisions of Chapter 190, *Florida Statutes*, as amended. The District shall have, and the District Board of Supervisors may exercise, all powers and functions granted pursuant to Sections 190.011 and 190.012(1), *Florida Statutes*, as amended from time to time, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included in the District. In addition, the City Council of the City of Tavares hereby consents to the District's Board of Supervisors exercise of all other special powers granted pursuant to Sections 190.012(2)(a) and (d), *Florida Statutes*, as well as Section 190.012(2)(f), *Florida Statutes*.

SECTION 6. City Comprehensive Plan and Land Development Code

The District shall be governed by the development and construction standards of the City of Tavares Comprehensive Plan and the City of Tavares Land Development Code on its construction as if it were a developer.

SECTION 7. Severability and Repeal

All ordinances, agreements, or resolutions and parts thereof in conflict herewith to the extent of such conflicts are hereby repealed. If any phrase, clause, sentence, paragraph, section or subsection of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 8. Effective Date

This Ordinance shall be published as provided by law and shall become law and shall take effect on the date of its Second Reading and Final Passage.

SECTION 9. Recording

A certified copy of the ordinance may be filed with the Clerk of the Circuit Court of Lake County, Florida, and duly recorded among the Public Records of Lake County, Florida at the Petitioner's expense.

PASSED AND ADOPTED by the City Council of the City of Tavares, Lake County,
Florida on this ____ day of _____, 2022.

CITY OF TAVARES

Lori Pfister, Mayor

ATTEST:

Susie Novack, MMC/FCRM
City Clerk

Approved as to form and legality:

Lindsay C. T. Holt, City Attorney

Exhibit “A”

Legal Description

[See attached.]

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 8

SUBJECT TITLE: Ordinance 2022-15 - Establishment of a Community Development District for Cresswind Subdivision (Community Development)

OBJECTIVE:

To consider approving a Community Development District for the Cresswind Subdivision located west of the intersection of Woodlea Rd. and Lane Park Rd.

SUMMARY:

Cresswind is a residential subdivision located west of the intersection of Woodlea Rd. and Lane Park Rd. and consists of 625 dwelling units. The developer of the property has submitted an application to create a Community Development District (CDD) for the purpose of financing and constructing community-wide infrastructure. Community Development Districts are permitted under the Florida Statute as a means for developers to shift the payment of the cost of infrastructure construction and other improvements to the homeowners that will directly benefit. Establishment of a Community Development District is pursuant to the adoption of an ordinance by the City Council granting approval of the CDD. If approved, all City land development regulations and ordinances shall still apply to all development of the land within the Community Development District.

OPTIONS:

1. City Council moves to approve Ordinance 2022-15 establishing a Community Development District for the Cresswind Subdivision located west of the intersection of Woodlea Rd. and Lane Park Rd.
2. City Council moves to deny Ordinance 2022-15.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2022-15 establishing a Community Development District for the Cresswind Subdivision located west of the intersection of Woodlea Rd. and Lane Park Rd.

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 2022-15
2. Cresswind CDD Establishment Petition

3. Aerial Map

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

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, ESTABLISHING THE CRESSWIND LAKE HARRIS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the “Uniform Community Development Act of 1980”, Chapter 190, *Florida Statutes* (“Act”), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the City Council of the City of Tavares, Florida (“City”); and

WHEREAS, KH CW Lake Harris LLC, a Florida limited liability company (“Petitioner”), having obtained written consent to the establishment of the Cresswind Lake Harris Community Development District (“District”) by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose principal place of business is 105 NE 1st Street, Delray Beach, Florida 33444; and

WHEREAS, the Petition which was submitted to the City on or around August 19, 2022, and has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, all interested persons and affected units of general-purpose local government have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on September 21, 2022; and

WHEREAS, on September 21, 2022, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, and upon such review, has determined that granting the District is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Tavares, Florida, as follows:

SECTION 1. RECITALS INCORPORATED. The above recitals are true and correct and are incorporated herein.

SECTION 2. AUTHORITY. This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes*. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS OF FACT. The City hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before the City, and the record established at the public hearing that:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Tavares Comprehensive Plan.
- C. The area of land within the District, described in Exhibit “A”, which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.
- E. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- F. The area to be served by the District is amenable to separate special-district government.

SECTION 4. ESTABLISHMENT AND DISTRICT NAME. There is hereby created

a community development district situated entirely within the incorporated limits of the City of Tavares, Florida, which District shall be known as the “Cresswind Lake Harris Community Development District.”

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit “A”, and said boundaries encompass 220.09 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS. The powers and functions of the District are described in Chapter 190, *Florida Statutes*. The District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1), (3) and (4), *Florida Statutes*, as amended from time to time. In addition, and pursuant to Section 190.012(2)(a) and (d), *Florida Statutes*, consent is hereby given to the District’s Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses and security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land.

Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any provisions of the Act, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District’s Board of Supervisors are Brad Walker, Keith Berg, Mark Bines, Scott Morton and Kevin Lacey.

SECTION 8. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four consecutive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 9. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW. Petitioner has complied with all remaining provisions of Chapter 190, *Florida Statutes* and other provisions of law necessary for the establishment of the District.

SECTION 10. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.

SECTION 11. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS.

The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Council of the City of Tavares, Florida, meeting in Regular Season this 21st day of September, 2022.

CITY COUNCIL
OF TAVARES, FLORIDA

By: _____
Lori Pfister, Mayor

ATTEST:

By: _____
Susie Novack
City Clerk

INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING by the City Council of the City of Tavares, Florida, meeting in Regular Season this ____ day of _____, 2022.

CITY COUNCIL OF TAVARES, FLORIDA

By: _____
Lori Pfister, Mayor

ATTEST:

By: _____
Susie Novack
City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

GOVERNMENT LOTS 1, 2, AND 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 4 AND THE NORTH 571 FEET OF GOVERNMENT LOT 6, TOGETHER WITH LOTS 1 THROUGH 9, INCLUSIVE, OF WEBLEY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 22, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, ALL LYING WITHIN SECTION 35, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. ALSO, LOTS 10 THROUGH 13, INCLUSIVE, OF WEBLEY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 22, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; AND THE SOUTH 1/2 OF GOVERNMENT LOT 5, LESS THE ROAD RIGHT-OF-WAY; AND GOVERNMENT LOT 4 AND THE NORTH 1/4 OF GOVERNMENT LOT 5; AND GOVERNMENT LOT 6, LYING SOUTH OF ROAD, ALL LYING IN SECTION 36, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

LESS:

THAT PART LYING WITHIN A REPLAT OF THE PENINSULA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, PAGES 32 THROUGH 34, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA,

AND LESS:

THAT PART CONVEYED IN OFFICIAL RECORDS BOOK 2730, PAGE 1287, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PORTION OF GOVERNMENT LOT NO. 2, IN SECTION 35, TOWNSHIP 19 SOUTH, RANGE 25 EAST, CITY OF TAVARES, LAKE COUNTY, FLORIDA, LYING 75.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES AND PARALLEL WITH, THE NORTH LINE OF LOT 18 OF A REPLAT OF THE PENINSULA, AS RECORDED IN PLAT BOOK 36, PAGES 32 THROUGH 34, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING BOUNDED ON THE WEST BY THE WATERS OF LAKE HARRIS AND ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 18.

AND,

PARCEL 2:

THE NORTH 1/2 OF GOVERNMENT LOTS 2 AND 3, LYING IN SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, TOGETHER WITH AN INGRESS/EGRESS GRANTED IN DEED BOOK 295, PAGE 233, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. LESS AND EXCEPT THOSE CERTAIN ENCROACHMENTS OF THE IMPROVEMENTS RELATIVE TO THE SUBDIVISION COMMONLY KNOWN AS THE "PENINSULA" ON THE ABOVE IDENTIFIED PROPERTY, AS SUCH ENCROACHMENTS ARE MORE PARTICULARLY DEPICTED ON THE "EXISTING SURVEY" OR "NEW SURVEY", AS THOSE TERMS ARE DEFINED IN THE AGREEMENT FOR SALE AND PURCHASE OF REAL PROPERTY DATED SEPTEMBER 6, 2005.

MORE PARTICULARLY DESCRIBED AS:

PARCEL A:

THAT PORTION OF SECTIONS 35 AND 36 TOWNSHIP 19 SOUTH, RANGE 25 EAST, AND THAT PORTION OF WEBLEY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 22, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, ALL LYING WITHIN LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE RUN N00°39'25"E ALONG THE EAST LINE OF SAID SECTION 35 A DISTANCE OF 409.00 FEET; THENCE DEPARTING SAID EAST LINE RUN N89°10'45"W A DISTANCE OF 10.18 FEET TO THE WESTERLY AND NORTHERLY RIGHT OF WAY OF LANE PARK/WOODLEA ROAD PER MAINTENANCE MAP DATED SEPTEMBER 15, 2004 AS RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 89 THROUGH 94, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°10'45"W A DISTANCE OF 2321.90 FEET TO THE SOUTHEAST CORNER OF A REPLAT OF THE PENINSULA AS RECORDED IN PLAT BOOK 36, PAGES 32 THROUGH 34, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN ALONG THE EASTERLY LINE OF SAID PLAT THE FOLLOWING EIGHT COURSES: THENCE N10°55'01"W A DISTANCE OF 75.30 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 50.00 FEET TO WHICH A RADIAL LINE BEARS S10°55'01"E; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 160°31'44" AN ARC DISTANCE OF 140.09 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°31'44" AN ARC DISTANCE OF 30.77 FEET; THENCE RUN N10°55'01"W A DISTANCE OF 50.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 775.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°46'39" AN ARC DISTANCE OF 226.94 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 725.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°31'04" AN ARC DISTANCE OF 19.21 FEET; THENCE RUN N86°23'51"E A DISTANCE OF 125.00 FEET; THENCE RUN N18°21'38"W A DISTANCE OF 30.43 FEET; THENCE DEPARTING SAID EAST LINE RUN N82°45'10"E A DISTANCE OF 40.17 FEET; THENCE RUN N12°57'32"W A DISTANCE OF 140.84 FEET; THENCE RUN N89°45'43"W A DISTANCE OF 55.58 FEET TO THE AFORESAID EAST LINE OF SUBDIVISION; THENCE RUN ALONG SAID EAST LINE THE FOLLOWING SEVEN COURSES: N18°21'38"W A DISTANCE OF 24.50 FEET; THENCE RUN N89°50'46"W A DISTANCE OF 125.00 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO WHICH A RADIAL LINE BEARS S80°43'04"W AND HAVING A RADIUS OF 725.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°00'25" AN ARC DISTANCE OF 88.66 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 775.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°07'27" AN ARC DISTANCE OF 136.94 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 975.00 FEET; THENCE RUN NORTHERLY THROUGH A CENTRAL ANGLE OF 16°14'03" AN ARC DISTANCE OF 276.26 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1025.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°48'01" AN ARC DISTANCE OF 282.66 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 975.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF

14°36'37" AN ARC DISTANCE OF 248.62 FEET; THENCE DEPARTING SAID EAST LINE RUN N88°04'51"E A DISTANCE OF 87.56 FEET; THENCE RUN N00°15'24"E A DISTANCE OF 216.63 FEET; THENCE RUN N02°04'11"W A DISTANCE OF 221.93 FEET; THENCE RUN N88°24'11"W A DISTANCE OF 86.55 FEET TO THE AFORESAID EAST LINE OF SUBDIVISION, SAID POINT BEING ON A NON-TANGENT CURVE TO WHICH A RADIAL LINE BEARS N87°51'04"W AND HAVING A RADIUS OF 725.00 FEET; THENCE RUN ALONG SAID EAST BOUNDARY THE FOLLOWING FIVE COURSES: NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°04'46" AN ARC DISTANCE OF 64.27 FEET; THENCE RUN N07°13'44"E A DISTANCE OF 117.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°31'44" AN ARC DISTANCE OF 30.77 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°31'44" AN ARC DISTANCE OF 61.55 FEET; THENCE RUN N07°13'44"E A DISTANCE OF 24.69 FEET; THENCE DEPARTING SAID EAST LINE RUN S71°57'15"E A DISTANCE OF 57.01 FEET; THENCE RUN N23°09'55"E A DISTANCE OF 113.13 FEET; THENCE RUN N70°24'13"W A DISTANCE OF 191.79 FEET; THENCE RUN N06°46'44"E A DISTANCE OF 39.32 FEET; THENCE RUN N89°10'45"W A DISTANCE OF 282.00 FEET, MORE OR LESS TO THE WATER'S EDGE OF LAKE HARRIS AND HAVING A TIE WITNESS MONUMENT N89°10'45"W AT A DISTANCE OF 239.78 FEET THAT IS 42± FEET EASTERLY OF LAKE'S EDGE; THENCE RUN NORTHERLY AND EASTERLY ALONG SAID LAKE'S EDGE AND HAVING A TIE LINE FOR THE FOLLOWING 15 COURSES: THENCE RUN FROM SAID TIE WITNESS MONUMENT N03°26'08"E A DISTANCE OF 175.63 FEET; THENCE RUN N23°30'38"E A DISTANCE OF 307.44 FEET; THENCE RUN N29°42'44"E A DISTANCE OF 358.39 FEET; THENCE RUN N72°42'02"E A DISTANCE OF 493.09 FEET; THENCE RUN N82°31'03"E A DISTANCE OF 426.79 FEET; THENCE RUN N83°10'35"E A DISTANCE OF 516.10 FEET; THENCE RUN S57°52'37"E A DISTANCE OF 899.04 FEET; THENCE RUN S47°58'40"E A DISTANCE OF 550.80 FEET; THENCE RUN S86°38'10"E A DISTANCE OF 306.43 FEET; THENCE RUN S44°33'38"E A DISTANCE OF 271.29 FEET; THENCE RUN S78°28'04"E A DISTANCE OF 145.76 FEET; THENCE RUN S44°10'51"E A DISTANCE OF 445.79 FEET; THENCE RUN S20°26'30"E A DISTANCE OF 305.25 FEET; THENCE RUN S07°18'18"E A DISTANCE OF 420.42 FEET; THENCE RUN S42°49'15"E A DISTANCE OF 280.70 FEET TO A TIE WITNESS MONUMENT THAT IS 1034 FEET, MORE OR LESS, S00°39'44"W OF THE EDGE OF LAKE; THENCE RUN FROM THE EDGE OF LAKE S00°39'34"W A DISTANCE OF 1538 FEET, MORE OR LESS, AND HAVING A TIE OF S00°39'37"W A DISTANCE OF 506.84 FEET FROM THE TIE WITNESS MONUMENT TO THE AFORESAID NORTHERLY RIGHT OF WAY OF WOODLEA/LANE PARK ROAD SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY TO WHICH A RADIAL LINE BEARS N17°08'20"E AND HAVING A RADIUS OF 959.28 FEET; THENCE RUN ALONG THE NORTHERLY AND WESTERLY RIGHT OF WAY LINE OF SAID WOODLEA/LANE PARK ROAD THE FOLLOWING 14 COURSES: NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°58'36" AN ARC DISTANCE OF 250.75 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 21.28 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 2.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 298.62 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 1.00 FEET; THENCE RUN N88°27'21"W 237.39 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 7.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 118.94 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 6.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 105.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 248.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°45'32" AN ARC DISTANCE OF 193.74 FEET; THENCE RUN S46°47'07"W A DISTANCE OF

20.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 352.21 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°09'07" AN ARC DISTANCE OF 283.71 FEET; THENCE RUN S00°38'00"W A DISTANCE OF 577.95 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THAT PORTION OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 25 EAST, AND SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE RUN S89°10'49"E ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 30.00 FEET TO THE EASTERLY AND SOUTHERLY RIGHT OF WAY LINE OF LANE PARK/WOODLEA ROAD PER MAINTENANCE MAP DATED SEPTEMBER 15, 2004 AS RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 89 THROUGH 94, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE RUN ALONG SAID EASTERLY AND SOUTHERLY RIGHT OF WAY THE FOLLOWING 19 COURSES: N00°38'00"E A DISTANCE OF 987.04 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 312.21 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°17'52" AN ARC DISTANCE OF 159.65 FEET; THENCE RUN N60°04'08"W A DISTANCE OF 9.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY TO WHICH A RADIAL LINE BEARS N60°04'08"W AND HAVING A RADIUS OF 321.21 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°51'15" AN ARC DISTANCE OF 94.49 FEET; THENCE RUN N46°47'07"E A DISTANCE OF 20.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 217.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°45'32" AN ARC DISTANCE OF 169.52 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 105.45 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 5.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 118.94 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 3.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 237.39 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 1.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 298.62 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 2.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 21.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 921.25 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°54'02" AN ARC DISTANCE OF 529.00 FEET; THENCE RUN S55°33'10"E A DISTANCE OF 573.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 3534.05 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°46'26" AN ARC DISTANCE OF 171.09 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 588.68 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°03'45" AN ARC DISTANCE OF 462.99 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN S00°39'53"W ALONG SAID EAST LINE A DISTANCE OF 645.32 FEET TO THE SOUTH 1/4 SECTION CORNER OF SAID SECTION 36; THENCE RUN S89°10'55"E ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 1317.90 FEET TO THE NORTHEAST CORNER OF GOVERNMENT LOT 2 OF SAID SECTION 1; THENCE DEPARTING SAID SOUTH LINE RUN

S00°57'57"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 2 A DISTANCE OF 1319.63 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 2; THENCE RUN N89°10'19"W ALONG SAID SOUTH LINE AND THE SOUTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 1 A DISTANCE OF 2632.64 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3; THENCE RUN N00°51'18"E ALONG SAID WEST LINE A DISTANCE OF 1319.20 FEET TO THE SOUTH LINE OF THE AFORESAID SECTION 36; THENCE RUN N89°10'49"W ALONG SAID SOUTH LINE A DISTANCE OF 1287.27 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION DESCRIBED AS FOLLOWS:

NORTHERLY PARCEL

THAT PORTION OF SECTION 36 TOWNSHIP 19 SOUTH, RANGE 25 EAST, AND THAT PORTION OF WEBLEY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 22, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, ALL LYING WITHIN LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE RUN N00°39'25"E ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36 A DISTANCE OF 1506.84 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE N00°39'25"E ALONG SAID WEST LINE A DISTANCE OF 1132.13 FEET TO THE WEST 1/4 SECTION CORNER OF SAID SECTION 36; THENCE CONTINUE N00°39'25"E ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 36 A DISTANCE OF 207.51 FEET; THENCE DEPARTING SAID WEST LINE RUN S83°07'31"E A DISTANCE OF 131.38 FEET; THENCE RUN S47°59'34"E A DISTANCE OF 229.39 FEET; THENCE RUN S72°37'08"E A DISTANCE OF 1059.40 FEET TO THE EAST LINE OF GOVERNMENT LOT 5 OF SAID SECTION 36; THENCE RUN S00°39'34"W A DISTANCE OF 1101.70 FEET TO THE NORTHERLY RIGHT OF WAY OF WOODLEA/LANE PARK ROAD PER MAINTENANCE MAP DATED SEPTEMBER 15, 2004 AS RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 89 THROUGH 94, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING SITUATED ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY TO WHICH A RADIAL LINE BEARS N16°29'28"E AND HAVING A RADIUS OF 961.18 FEET; THENCE RUN ALONG THE NORTHERLY AND WESTERLY RIGHT OF WAY LINE OF SAID WOODLEA/LANE PARK ROAD THE FOLLOWING 11 COURSES: NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'49" AN ARC DISTANCE OF 250.74 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 21.28 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 2.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 298.62 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 1.00 FOOT; THENCE RUN N88°27'21"W A DISTANCE OF 237.39 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 7.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 118.94 FEET; THENCE RUN N01°32'39"E A DISTANCE OF 6.00 FEET; THENCE RUN N88°27'21"W A DISTANCE OF 105.45 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 248.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°13'39" AN ARC DISTANCE OF 74.57 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE RUN N47°31'04"W A DISTANCE OF 288.25 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT PORTION DESCRIBED AS FOLLOWS:

SOUTHERLY PARCEL

THAT PORTION OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE RUN S89°10'49"E ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 30.00 FEET TO THE EASTERLY AND SOUTHERLY RIGHT OF WAY LINE OF LANE PARK/WOODLEA ROAD PER MAINTENANCE MAP DATED SEPTEMBER 15, 2004 AS RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 89 THROUGH 94, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE RUN ALONG SAID EASTERLY AND SOUTHERLY RIGHT OF WAY THE FOLLOWING 19 COURSES: N00°38'00"E A DISTANCE OF 987.04 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 312.21 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°17'52" AN ARC DISTANCE OF 159.65 FEET; THENCE RUN N60°04'08"W A DISTANCE OF 9.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY TO WHICH A RADIAL LINE BEARS N60°04'08"W AND HAVING A RADIUS OF 321.21 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°51'15" AN ARC DISTANCE OF 94.49 FEET; THENCE RUN N46°47'07"E A DISTANCE OF 20.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 217.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°45'32" AN ARC DISTANCE OF 169.52 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 105.45 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 5.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 118.94 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 3.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 237.39 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 1.00 FOOT; THENCE RUN S88°27'21"E A DISTANCE OF 298.62 FEET; THENCE RUN S01°32'39"W A DISTANCE OF 2.00 FEET; THENCE RUN S88°27'21"E A DISTANCE OF 21.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 921.18 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°54'11" AN ARC DISTANCE OF 529.00 FEET; THENCE RUN S55°33'10"E A DISTANCE OF 573.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 3534.30 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°46'25" AN ARC DISTANCE OF 171.09 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 588.69 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°03'41" AN ARC DISTANCE OF 462.99 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN S00°39'53"W ALONG SAID EAST LINE A DISTANCE OF 645.32 FEET TO THE SOUTH 1/4 SECTION CORNER OF SAID SECTION 36; THENCE RUN N89°10'49"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36 A DISTANCE OF 2604.57 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION DESCRIBED AS FOLLOWS:

THE NORTH 1/2 OF GOVERNMENT LOTS 2 AND 3, SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

TOGETHER WITH EASEMENT INTEREST FOR INGRESS AND EGRESS BEING DESCRIBED AS FOLLOWS:

AN EASEMENT 50 FEET IN WIDTH FOR INGRESS AND EGRESS LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCE AT THE SOUTHEAST

CORNER OF THE S.E. 1/4 OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, AND RUN N.00°08'33"E., ALONG THE EAST LINE OF THE S.E. 1/4 A DISTANCE OF 409.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 409 FEET OF THE S.E. 1/4 OF SAID SECTION 35; THENCE N.89°41'37"W., ALONG THE NORTH LINE OF THE SOUTH 409 FEET OF THE S.E. 1/4 A DISTANCE OF 2332.08 FEET; THENCE N.00°18'23"E., 1504.64 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN N.89°38'22"E., 244.42 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 196.47 FEET; THENCE SOUTHEASTERLY ALONG AND WITH SAID CENTERLINE THROUGH A CENTRAL ANGLE OF AN ARC LENGTH OF 280.28 FEET TO THE END OF SAID CURVE; THENCE S.08°37'28"E., 494.21 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 366.98 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 135°37'59" AN ARC LENGTH OF 868.73 FEET TO THE END OF SAID CURVE; THENCE N.35°44'33"E., 390.91 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°07'15" AN ARC LENGTH OF 26.81 FEET TO THE END OF SAID CURVE; THENCE N.30°37'18"E., 175.06 FEET TO A POINT ON A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 279.13 FEET AND A RADIAL BEARING OF S.30°37'18"W.; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46° 16'47" AN ARC LENGTH OF 225.46 FEET TO THE END OF SAID CURVE; THENCE N.74°20'30"E., 214.14 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 272.70 FEET; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57°37'34", AN ARC LENGTH OF 274.27 FEET TO THE END OF SAID CURVE; THENCE S.48°01'56"E., 296.94 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°21'56" AN ARC LENGTH OF 43.16 FEET TO THE END OF SAID CURVE; THENCE S.35°40'00"E., 97.91 FEET, MORE OR LESS, TO THE CENTERLINE OF WOODLEA ROAD (COUNTY ROAD NO. 3-3840); RETURN TO THE POINT OF BEGINNING AND RUN S.89°38'22"W., 318.09 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1000.00 FEET AND A RADIAL BEARING OF S.80°47'03"W.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°56'31" AN ARC LENGTH OF 278.24 FEET TO THE END OF SAID CURVE AND BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°29'10" AN ARC LENGTH OF 215.80 FEET TO THE END OF SAID CURVE AND BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°28'27", AN ARC LENGTH OF 215.65 FEET AND THE END OF SAID CURVE; THENCE N.06°42'52"E., 187.93 FEET; THENCE S.83°17'08"E., 25.00 FEET TO THE END OF THIS CENTERLINE DESCRIPTION.

LESS AND EXCEPT, ANY RIGHTS-OF-WAYS AS SHOWN ON THE PLAT OF THE PENINSULA, AS RECORDED IN PLAT BOOK 36, PAGES 1 THROUGH 3, INCLUSIVE AND A REPLAT OF THE PENINSULA AS RECORDED IN PLAT BOOK 36, PAGES 32 THROUGH 34, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

CONTAINING 220.09 ACRES, MORE OR LESS.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 9

SUBJECT TITLE: Purchase & Sale Agreement with Fox Run HOA of Tavares, Inc. for 0.25 Acres of City Property (Community Development)

OBJECTIVE:

For City Council to consider a request from Fox Run HOA of Tavares, Inc. to purchase 0.25 acres of vacant City-owned property adjacent to the Fox Run subdivision.

SUMMARY:

The City of Tavares owns approximately 66.0 acres of property located west of Captain Haynes Rd., south of Dead River Rd., and south of the Fox Run subdivision. Fox Run HOA of Tavares Inc. has submitted a letter requesting to purchase approximately 0.25 acres of the City-owned property located adjacent to the Fox Run subdivision.

Fox Run HOA makes this request so that the subdivision may secure a path for ingress and egress from the Fox Run subdivision to 13.0 acres of property owned by the Fox Run HOA located southeast of the subdivision, abutting Captain Haynes Road.

The City Attorney has drafted a Purchase and Sale Agreement for the sale of the property. The proposed sale price for Council consideration is in the amount of \$1,000.

If the City Council accepts the request, Fox Run HOA, Inc. shall be responsible for hiring a surveyor at the HOA's expense to have the 0.25 acres surveyed to obtain a proper legal description of the property. Fox Run HOA, Inc. shall also provide a Quitclaim Deed to the City Attorney for review and approval prior to closing.

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 un-solicited offer without conducting a request for proposals (RFP) process.

OPTIONS:

1. City Council accepts the request from Fox Run HOA of Tavares, Inc. to purchase 0.25 acres of vacant City-owned property adjacent to the Fox Run subdivision, and authorizes staff to execute the Purchase and Sale Agreement for the amount of \$1,000.00.
2. City Council rejects the request.

STAFF RECOMMENDATION:

Staff recommends that Council moves to approve option 1.

FISCAL IMPACT:

Receipt of \$1,000 for surplus City property.

LEGAL SUFFICIENCY:

Legally sufficient.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Fox Run HOA Request Letter
2. Property Location Aerial Map
3. Purchase and Sale Agreement

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 10

SUBJECT TITLE: Approve Resolution 2022-16 for Tentative Millage Rate for FY 2023 – First Reading (City Administrator)

OBJECTIVE:

To receive public input and consider the approval of Resolution 2022-16 to adopt the Tentative Millage Rate for Fiscal Year 2023.

SUMMARY:

The City Administrator and staff have developed a budget for Fiscal Year 2023 for Council's consideration totaling \$53,131,518 that is fully balanced. The proposed budget for FY 2023 includes, among many other items, the following:

1. Similar Level of Service.
2. Decreased the General Fund millage rate for the 4th year in a row from 6.7579 to 6.6950 (which is 9.58% above the rollbacked rate).
3. Debt Service millage rate decrease (from .2391 to .2074).
4. Increased reserve appropriations to meet the GFOA recommendations for a city of this size.
5. Fire Assessment level funded (no rate increase).
6. Employee raises of 5.38%.
7. Two new Police Officers, and one new Police Evidence Technician.
8. Street paving \$430,000.
9. Expanded programs are cut.

Previously, the City Council discussed the proposed Fiscal Year 2023 Budget at the following public meetings:

- 7/06/2022 – City Council Budget Workshop – (General Fund Budget)
- 7/20/2022 – City Council Budget Workshop – (Utility and Special Revenue Fund Budgets)
- 7/20/2022 – City Council Budget Workshop – (Set Maximum Tentative Millage rate)
- 8/03/2022 – City Council Budget Workshop – (Capital Improvement Plan Presentation)
- 8/17/2022 – City Council Budget Workshop – (Discussion on FY 2023 Proposed Budget)

A Tentative Budget (all funds) has been prepared for the City Council. During the last Budget Workshop Vice Mayor Price asked for clarification on nine (9) budgeted items. Answers to those questions have been provided to each Council member and staff is available to provide further information as needed.

The Final Public Hearing to adopt the FY 2023 Millage Rate and the FY 2023 Budget will be held at 5:05 p.m. on September 21, 2022 at which time the final millage rates will be adopted.

OPTIONS:

Option 1: Take public input, discuss and approve the Tentative Millage for Fiscal Year 2023 as reflected in Resolution 2022-16.

Option 2: Take public input, discuss and change the Tentative Millage for Fiscal Year 2023 as reflected in Resolution 2022-16,

STAFF RECOMMENDATION:

Option 1: Take public input, discuss and approve the Tentative Millage for Fiscal Year 2023 as reflected in Resolution 2022-16.

FISCAL IMPACT:

At this point all budgets are balanced. Changes to the millage rate will require revisions to the Tentative Budget.

LEGAL SUFFICIENCY:

Legally Sufficient

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2022-16 - Tentative Millage Rate
2. Exhibit B - FY 2023 Budget Questions from Vice Mayor Price
3. Exhibit C- Photos of Squibb Park
4. Exhibit D - LEAD Letter
5. Exhibit E - Asphalt Patching Trailer Proposal

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

RESOLUTION 2022 - 16

A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.6950 FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR FISCAL YEAR 2022-2023; SETTING FORTH THE PERCENT BY WHICH THE MILLAGE RATE IS GREATER THAN THE "ROLLED-BACK" RATE.

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

WHEREAS, the City of Tavares of Lake County, Florida on September 7, 2022, adopted the 2022-2023 Fiscal Year Tentative Millage Rate following a public hearing as required by Florida Statute 200.065.

WHEREAS, the City of Tavares of Lake County, Florida, following due public notice as required by law, held a second public hearing on September 21, 2022, as required by Florida Statute 200.065 on the 2022-2023 Millage Rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the County Property Appraiser to the City of Tavares as \$1,310,071,607.

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

1. The City of Tavares Fiscal Year 2022-2023 operating millage rate to be levied is hereby set at 6.6950 mills, which millage rate is greater than the rolled back rate of 6.1098 mills by 9.58%.
2. The voted debt service millage rate is set at .2074 mills for Fiscal Year 2022-2023.
3. This Resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 21st day of September 2022 by the City Council of the City of Tavares, Florida. Time Adopted: _____.

Lori Pfister, Mayor
Tavares City Council

ATTEST:

Susie Novack
City Clerk

Approved as to form:
Lindsay Holt,
City Attorney

FY 2023 BUDGET Questions/Reponses

All budgets are presented and balanced for the next fiscal year. The property tax rate and debt service tax rates have been lowered and the Reserve account has been brought up to GFOA recommendations. The City has a solid budget proposed for next year. Below are answers to the remaining Council member Walter Price's nine (9) questions on the budget:

1: **Squibb Park Boardwalk \$5,000 – What is this for?: James Dillon:** Attached are recent photos of the deteriorated wood and a map of the Park's location. Squibb Park was donated to the City on August 29, 1988, by owners Charlie and Gladys Squibb. The 122-acre property was donated with the stipulation that it would be used as a City Park. A resolution supporting the donation was passed on November 16, 1988. The property is flanked by the Dora Canal on the eastern border. On June 21, 1989, Squibb Park was rezoned from Mobile Home Rental Park to Wetlands Preservation Area. The park area that is accessible from Dead River Road includes a wood boardwalk that extends a few hundred feet into the wetlands. The structure is in dire need of repairs and new decking. In 2021 Department of Public Works teams rebuilt an area at the entrance of the boardwalk that had become compromised and had resulted in the closure of the park for several months. Currently, the balance of the boardwalk repairs needs attention and the \$5000 programmed should address the needs to keep the boardwalk in a safe and operable for the public, thereby keeping the Public Park opened.

2: **Council Training \$5,000: What is this for? Susie Novack:** The \$5,000 Council Member training is for training opportunities that 'pop up' that aren't specifically identified. An example

of this would be the option to attend the FLC Institute for Elected Municipal Officials IEMO (Council Member Gamble recently attended). IEMO offers multiple levels of training opportunities for elected officials and is in the process of developing an additional Leadership Academy. When other training opportunities present themselves during a Fiscal Year that Council members wish to attend, this line item is available for this.

3. Custodial Services Cleaning Supplies: Why does city provide cleaning supplies to

contractor? James Dillion - The City's Facilities Management Division provides a variety of cleaning services on a citywide scale through City-employed and contracted custodial staff. Traditionally, contracted cleaning services are competitively bided out (excluding paper and cleaning supplies) every 3 years with the option to renew for an additional 2 years. As it relates to external contracted custodians, the City utilizes competitively bid National, State, and Local cleaning supply contracts, which allows the City to leverage/maximize economies of scale. The majority of janitorial firms cannot sustain the economies of paper and supply purchases as each customer has very different and specific paper and cleaning supply needs to meet their varying type and size of dispensers and cleaning needs. Thus, most janitorial firms have **opted out** of providing supplies in their bids.

4. LEAD Economic Development Program. \$19,000: Why is it needed? Bob Tweedie:

Thank you for the opportunity to weigh in on this new program. I have had an opportunity to review the (attached) Lake Economic Area Development (LEAD) proposal. Additionally, I have attended several presentations by the Lake 100 group spearheading this effort at various

meetings throughout the County over the past year and have had discussions with individual members of the group as well as my colleagues with the County's economic development department, Elevate Lake. Given all of this and the fact that the County will be providing the bulk of the funding (\$500,000), and the ability of the City to have a "seat at the table" on the board, I am very positively encouraged by and supportive of this proposal.

As our County and City move forward, it is necessary to look at new ways to work collectively and expand our reach into new areas of economic opportunity to enhance the economic base and quality of life for our community. We can't do this alone. As we all know "A rising tide lifts all boats". Lake 100 and the County are taking a bold step forward respectively in leading and funding this effort. We also know that "those who owns water and sewer owns economic development" and in Lake County, it is the municipalities, including Tavares which provide the utility services necessary for all commercial/industrial development and expansion. All of the new business brought into our area need to be within the utility service boundaries of our Cities and the City of Tavares with our outstanding municipal infrastructure and continued focus on improving and enhancing it, is very well positioned to provide all of the infrastructure necessary for attracting the types of industry and commerce that will be targeted by LEAD.

This public/private partnership as constituted, with a regionally focused approach can provide opportunities that can leverage and extend our economic development reach, particularly in the area of business recruitment to areas we presently have limited capabilities to capture with our limited resources. We have had and continue to have great success in economic development locally within our City developing a very balanced, broad-based, and diverse business climate within the City. We have had great success in recruiting/ retention, and

expansion of our local companies (Sea Ray Aircraft, Jones Brothers, and Sunday Cool to name just a few) however with a staff of one, dedicated to these efforts (on top of managing a department including Seaplane Base/Marina, Pavilion, CRA, and Special Event Operations) our capabilities to reach out farther and do the “big game hunting” necessary to effectively recruit large, national industry leaders (the Amazon’s of the world) to relocate/expand into our area is extremely limited. To extend our present reach would require additional staff and/or consultant partners at a much greater cost. The cost to hire additional in-house staff and/or consultant partner(s) would far exceed the proposed cost of \$19,000 to the City (likely by a factor of 4 to 5 times this amount \$70,000 to \$90,000).

I am very excited about this prospect and the opportunity to continue to work with Elevate Lake and LEAD as we move our County and City forward.

5. Parks and Recreation Impact Fee Study \$30,000: Lori Houghton: Florida law section 163.31801 established the rules for raising Impact fees and includes 1) Can’t be raised more than once every 4 years and 2) “*A demonstrated need study justifying any increase.....*” above 25% is required. The parks and recreation impact fee rate study is budgeted for \$30,000. The City has budgeted a Police, Fire, and Parks and Recreation impact fee rate study next year. These studies are paid for using impact fees. Impact fees are the fees that are paid when property is developed (residential and commercial). Because the study is paid for using impact fees, the study does not impact the General Fund.

The study will determine if the impact fees charged are sufficient for the current and future needs of the community. For example, if 300 homes are developed in an area the City will

collect \$131,997 in Park Impact fees. This money may then be used to build a new park or new recreational facility. Similarly, Police Impact fees may be used to buy a new police car, or build a new police station. The City collects the following six impact fees: Park and Recreation, Police, Fire, Water, Wastewater, and Reclaimed Water.

The study will examine the current needs of the City by inventorying the facilities and equipment already in place, and then determine what will be needed as growth continues and property is developed. Impact fees should be sufficient to pay for future growth. For example, if the study determines the city has enough parks and recreational facilities its current number of city residents, but we will need to add a new park or expand an existing park if the city adds 1,000 more residents, then the study will determine if the park and recreation impact fees collected on the new homes built to house those residents are sufficient to build the new park (or expand an existing park). If they aren't the study would suggest that the impact fees be raised.

6. Asphalt Dump Truck and trailer: \$80,000: Mr. Price saw a cheaper one on line: James

Dillion: Enclosed is a quote on the Asphalt Patch Trailer from Jet-Vac. Base Price for a Stepp Manufactured SPHD – 2.0cy (3 ton) Diesel Dump Style Premix Heater and includes; Diesel burner, temp. Controls, Hydraulic dump, Oil Jacket, Battery Charger, Electric Brakes, Electric Overnight Heat, Compacter Plate Carrier, Tool Holder, Washdown System, Hose Reel Hitch, which equates to \$50,027.00

MOT Safety Equipment and Operational Options – Strobe Light Set, Arrow board, Spare Tire, Tack Tank and Pumping System, Overnight heat for tack and LED lights, which equates to \$18,569.00.

Total: \$68,596.00*

*** Due to current inflationary economic conditions as well as delaying the procurement process for this item for the next fiscal year, a 16% contingency was added to the final price.

7. Prop Shop Merchandise: \$30,000: Mr. Price questioned an expense of \$30,000 and a revenue of only \$15,000 and needed some true-up information Bob Tweedie: I have reviewed this and discussed with the Finance Department and determined that an adjustment should be made reducing estimated expenses next year to \$16,000 and increasing estimated revenues next year to \$20,000. I budgeted \$30,000 in merchandise expenses and only \$16,000 in revenues. This was an oversight on my part. The current fiscal year revenues stand at \$19,800 (slightly above that which was budgeted) and expenses have been well below. Based on additional research and current projections for this fiscal year (just about 30 days remaining) we should adjust the FY 23 budget to reflect an expense of \$16,000 and revenue of \$20,000. This adjustment has been made to the proposed budget. The new difference between prop shop revenues and expenditures has been added to the Seaplane Base and Marina Fund reserves.

8. Pavilion Pier Fence: \$20,000: Why is this proposed?: Bob Tweedie: When the Pavilion on the Lake is rented, the Pier is closed to Public Access. In order to provide the public continuous

uninterrupted access to a portion of the Pier at the Pavilion on the Lake during events and weddings while still securing events and weddings from uninvited guest appearances, picture taking etc...., installing an attractive fence about ¼ of the way down is proposed. The fencing/gate installation will allow for the chains currently placed on the bollards at the top of the pier to be removed permanently, allowing full public access to the entire pier during “nonevent” periods. The gates will be installed approximately ¼ of the distance down the pier (toward the building) and will remain open at all times providing full pier access to the public except during those times when necessary to close to provide security for an event/event set up period. This is a solution to address complaints we have received over the years regarding no public access during private rented events by creating a balance between securing a private rented event and providing reasonable public access to the pier at the same time.

9. Fencing for water Plant #4 \$45,000: Phil Clark: This is an Enterprise Funded item. Water Plant #4 is a Public Drinking Water Plant supply facility. It is also the location of the City of Tavares Inventory Warehouse of parts and Utility Department equipment storage facility. Municipal water systems are required by the EPA and FDEP to properly secure their water production and treatment sites to protect the drinking supply system from any tampering or contamination events. The area around Water Plant #4 is developing and staff believes its time to enhance security of this public water plant by adding additional security fencing. Last year the City installed a video security camera upgrade to this water plant and this year it is proposed to add security fencing to complete the security system upgraded.









TO: City of Tavares

RE: FY 2023 Budgetary request

Lake 100 in partnership with Lake County Commissioners has established a new Lake County Economic Development organization called LEAD (Lake Economic Area Development) which includes a partnership between: The Private Sector, Lake County Government, and the Cities of Lake County.

We seek your consideration during your upcoming budget deliberations to become partners in this new initiative by participating and sharing in the benefits and costs associated with running this results-oriented new organization. Lake County Government has committed to a financial contribution of \$150,000 this fiscal year and \$500,000 next fiscal year. LEAD is asking all Lake County cities to consider a financial contribution to this new organization in the amount of \$1 per capita (resident) in exchange for receiving the following benefits:

1. Existing Business retention and job retention for your city
2. Existing Business expansion and job expansion for your city
3. New Business recruitment specifically tailored to your city's vision and wants
4. Entrepreneurship assistance to help grow local businesses locally

The initial LEAD Board(s) may be made up of:

- 15-19 Private Business Executives from North, Central and South Lake
- 3 Hospital representatives from North, Central and South Lake
- 1 Lake County Administrator or her designee
- 1 City Manager representing cities of 10,000 population or less
- 1 City Manager representing cities of 10,000 population or more
- 1 League of Cities elected official designated to be on Advisory Board

The LEAD Board has contracted out its Economic Development services to a Professional Economic Development Organization which is in the process of hiring three (3) economic development professional employees, dedicated to Lake County, at the Leesburg International

Airport. These employees will focus exclusively on the development of Lake County. One employee dedicated to Business Attraction, one to Business Retention, and one to Business Creation. Deliverables to your City Council and City Manager include but are not limited to:

1. **Meeting with your City Manager**, Planner and Economic Development Manager to clearly identify the City's Economic Development vision.
2. **Business Retention and job retention**: Several measurable business retention programs will be developed by LEAD for the City's existing businesses. The quarterly LEAD report will provide input on the success/status of these efforts.
3. **Business Expansion and job expansion**: LEAD will work with local businesses to identify barriers to their growth and then work to remove those barriers (i.e., access to capital, permitting issues, workforce, etc.)
4. **Business Recruitment**: LEAD will work to recruit new businesses in alignment with each city's vision.
5. **Entrepreneurship**: LEAD will provide a broad array of services to help future and current entrepreneurs grow their own businesses. Helping to create new local businesses will be as important as recruiting outside businesses to locate.

Your support for this funding request is greatly appreciated. We stand available to attend your budget meetings and answer any questions you may have on this economic prosperity for all initiative.

Sincerely,

Ben Pauluhn

LEAD Board of Directors
Ben Pauluhn, Chair



5746 Broad Street
SUMTER, SC 29154

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

781 Frost Bottom Road
OLIVER SPRINGS, TN 37840

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Ship To: IN STORE PICKUP

Invoice To: CITY OF TAVARES
100 N DISSTON AVE
TAVARES FL 32778

Attention: BRYAN MOORE

Branch 50 - ORLANDO		
Date 05/03/2022	Time 9:59:17 (O)	Page 1
Account No TAVAR001	Phone No 3522534203	Est No 01 Q00045
Ship Via DELIVERY		Purchase Order
Tax ID No		
		Salesperson RD1 / AW1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 06/02/2022 Amount

OPTIONS TO CONSIDER:

Flush Mounted Strobe Light (SET OF 2)\$834.00

Arrowboard \$1,731.00

Spare Tire w/ Holder \$620.00

Tack Tank w/ Diesel Burner and Pumping System, and Honda
Engine

\$13,147.00

Electric Overnight Heat for Tack Tank 110V 1500W

\$1,756.00

LED LIGHTS \$481.00

NEW STEPP MANUFACTURING SPHD-2.0CY (3TON) DIESEL DUMP STYLE 50027.00

PREMIX HEATER TO INCLUDE:

Each base unit includes: Diesel Burner, Automatic
Temperature Controls, Hydraulic Dump, Oil Jacket, Battery
Charger, Electric Brakes, and a 2 Light System

Diesel Burner Enclosure

Electric Overnight Heat 220V 3000W (hot mix use)

Compactor Plate Carrier

Stainless Steel Tool Holder (2EACH)

Washdown System

Hose Reel for Washdown

Shovel Cleaning Compartment

PAINT: Hwy Orange

LIGHT PLUG: 7 Pin RV

HITCH: 3" Pintle

Sale # 01 Subtotal: 50027.00

TOTAL: 50027.00

Subtotal: 50027.00

Quote Total: 50027.00

Authorization: _____

Thank You For Your Business!

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 11

**SUBJECT TITLE: Approve Resolution 2022-17 for Tentative Budget for FY 2023 – First Reading
(City Administrator)**

OBJECTIVE:

To receive public input and consider the approval of Resolution 2022-17 to adopt the Tentative Budget for Fiscal Year 2023.

SUMMARY:

The City Administrator and staff have developed a budget for Fiscal Year 2023 for Council's consideration totaling \$53,131,518 that is fully balanced. The proposed budget for FY 2023 includes, among many other items, the following:

1. Similar Level of Service.
2. Decreased the General Fund millage rate for the 4th year in a row from 6.7579 to 6.6950 (which is 9.58% above the rollbacked rate).
3. Debt Service millage rate decrease (from .2391 to .2074).
4. Increased reserve appropriations to meet the GFOA recommendations for a city of this size.
5. Fire Assessment level funded (no rate increase).
6. Employee raises of 5.38%.
7. Two new Police Officers, and one new Police Evidence Technician.
8. Street paving \$430,000.
9. Expanded programs are cut.

Previously, the City Council discussed the proposed Fiscal Year 2023 Budget at the following public meetings:

- 7/06/2022 – City Council Budget Workshop – (General Fund Budget)
- 7/20/2022 – City Council Budget Workshop – (Utility and Special Revenue Fund Budgets)
- 7/20/2022 – City Council Budget Workshop – (Set Maximum Tentative Millage rate)
- 8/03/2022 – City Council Budget Workshop – (Capital Improvement Plan Presentation)
- 8/17/2022 – City Council Budget Workshop – (Discussion on FY 2023 Proposed Budget)

A Tentative Budget (all funds) has been prepared for the City Council. During the last Budget Workshop Vice Mayor Price asked for clarification on nine (9) budgeted items. Answers to those questions have been provided to each Council member and staff is available to provide further information as needed.

The Final Public Hearing to adopt the FY 2023 Millage Rate and the FY 2023 Budget will be held at 5:05 p.m. on September 21, 2022 at which time the final millage rates will be adopted.

OPTIONS:

Option 1: Take public input and approve the Tentative Budget for Fiscal Year 2023 as reflected in Resolution 2022-17.

Option 2: Take public input and approve the Tentative Budget for Fiscal Year 2023 as reflected in Resolution 2022-17, including any additional changes the Council proposes.

STAFF RECOMMENDATION:

Option 1: Take public input, discuss and approve the Tentative Budget for Fiscal Year 2023 as reflected in Resolution 2022-17.

Option 2: : Take public input, discuss and Change the Tentative Budget for Fiscal Year 2023 as reflected in Resolution 2022-17

FISCAL IMPACT:

At this point all budgets are balanced. Changes will require revisions to the Tentative Budget.

LEGAL SUFFICIENCY:

Legally Sufficient

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Resolution 2022-17 - Tentative Budget
2. Exhibit B - FY 2023 Budget Questions from Vice Mayor Price
3. Exhibit C- Photos of Squibb Park
4. Exhibit D - LEAD Letter
5. Exhibit E - Asphalt Patching Trailer Proposal

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

RESOLUTION 2022-17

**A RESOLUTION ADOPTING THE FINAL BUDGET FOR
THE CITY OF TAVARES, FLORIDA, FOR THE FISCAL
YEAR 2022 - 2023.**

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

WHEREAS, a public hearing on the tentative 2022-2023 budget was held at the Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on Wednesday, September 7, 2022 at 5:05 p.m., as required by Florida Statutes 200.065; and

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

WHEREAS, the City Council approved the tentative budget for 2022-2023,
and

WHEREAS, a second public hearing on the proposed 2022-2023 budget was held in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares, Florida, on Wednesday, September 21, 2022, at 5:05 p.m.,

NOW, THEREFORE, BE IT RESOLVED that the Budget for 2022-2023 fiscal year for the City of Tavares, Florida is hereby adopted by the Tavares City Council in the amount of \$53,131,518 at public hearing this 22nd day of September, 2022.

Fund Name	Fund Number	Estimated Revenues ¹	Reserve Appropriations ³	Unappropriated Revenues ²	Estimated Appropriations/ Expenditures
General Fund	001	21,983,592	\$ -	\$ (167,008)	\$ 21,816,584
Water/Wastewater Utility	401	11,641,706	-	(58,215)	\$ 11,583,491
Water/Wastewater Impacts	441	657,000		(102,000)	\$ 555,000
W/WW RR&I Fund	443	300,000	406,500	-	\$ 706,500
SRF Construction Fund	444	-	-	-	\$ -
W/WW SRF Loan	445	2,444,931	-	-	\$ 2,444,931
Sunset View Fund	447	112,397	14,665		\$ 127,062
Solid Waste/Sanitation	402	4,007,050	-	(17,625)	\$ 3,989,425
Stormwater	403	2,127,100	-	(1,219)	\$ 2,125,881
Seaplane Base Fund	405	963,834	-	(20,761)	\$ 943,073
Pavilion Fund	406	845,432		(17,851)	\$ 827,581
Police Education	102	-	-	-	\$ -
Community Redevelopment	105	543,908	-	-	\$ 543,908
Police Impacts	110	69,026		(15,549)	\$ 53,477
Fire Impacts	111	129,091		(97,614)	\$ 31,477
Forfeiture Fund	112	-	-	-	\$ -
Park Impacts	114	141,017	-	(111,017)	\$ 30,000
Building Permits	115	27,596	-	(27,596)	\$ -
Freedom Flag Fund	117	-	-	-	\$ -
Fire Assessment Fund	122	1,892,750	-	-	\$ 1,892,750
Infrastructure Sales Tax ⁵	150	-	193,513	-	\$ 193,513
Grant Fund	151	-	-	-	\$ -
Infrastructure Sales Tax ⁵	152	1,807,358	-	-	\$ 1,807,358
ARPA	155	-	-	-	\$ -
Debt Service Fund	201	1,186,673	27	-	\$ 1,186,700
Capital Project Fund	301	-	-	-	\$ -
Capital Project Fund ⁶	302	-	-	-	\$ -
Municipal Police Pension ⁴	601	1,085,560	-	(287,345)	\$ 798,215
Firefighter's Pension ⁴	602	3,052,347	-	(1,643,327)	\$ 1,409,020
General Employee Pension	603	194,440		(128,868)	\$ 65,572
Mildred Hunter Trust	605	20		(20)	\$ -
Wooton Park Playground Trust	606	10		(10)	\$ -
		\$ 55,212,838	\$ 614,705	\$ (2,696,025)	\$ 53,131,518

¹ Estimated Revenues = anticipated revenue collections.

\$ 53,131,518

² Negative Reserve Appropriations assumes unappropriated revenues.

³ Positive Reserve Appropriations assumes appropriating (spending) an amount of reserves.

⁴ Special Revenue Fund.

⁵ Fund 150 Infrastructure Surtax Revenue collections sunset in December 2017, and begin again in January 2018 (Fund 152).

This resolution will take effect immediately upon its adoption.

PASSED AND RESOLVED this 21nd day of September, 2022, by the City Council of the City of Tavares, Florida. Time Adopted: _____ P.M.

Lori Pfister, Mayor
Tavares City Council

ATTEST:

Susie Novack
City Clerk

Approved as to form:
Lindsay Holt.
City Attorney

FY 2023 BUDGET Questions/Reponses

All budgets are presented and balanced for the next fiscal year. The property tax rate and debt service tax rates have been lowered and the Reserve account has been brought up to GFOA recommendations. The City has a solid budget proposed for next year. Below are answers to the remaining Council member Walter Price's nine (9) questions on the budget:

1: **Squibb Park Boardwalk \$5,000 – What is this for?: James Dillon:** Attached are recent photos of the deteriorated wood and a map of the Park's location. Squibb Park was donated to the City on August 29, 1988, by owners Charlie and Gladys Squibb. The 122-acre property was donated with the stipulation that it would be used as a City Park. A resolution supporting the donation was passed on November 16, 1988. The property is flanked by the Dora Canal on the eastern border. On June 21, 1989, Squibb Park was rezoned from Mobile Home Rental Park to Wetlands Preservation Area. The park area that is accessible from Dead River Road includes a wood boardwalk that extends a few hundred feet into the wetlands. The structure is in dire need of repairs and new decking. In 2021 Department of Public Works teams rebuilt an area at the entrance of the boardwalk that had become compromised and had resulted in the closure of the park for several months. Currently, the balance of the boardwalk repairs needs attention and the \$5000 programmed should address the needs to keep the boardwalk in a safe and operable for the public, thereby keeping the Public Park opened.

2: **Council Training \$5,000: What is this for? Susie Novack:** The \$5,000 Council Member training is for training opportunities that 'pop up' that aren't specifically identified. An example

of this would be the option to attend the FLC Institute for Elected Municipal Officials IEMO (Council Member Gamble recently attended). IEMO offers multiple levels of training opportunities for elected officials and is in the process of developing an additional Leadership Academy. When other training opportunities present themselves during a Fiscal Year that Council members wish to attend, this line item is available for this.

3. Custodial Services Cleaning Supplies: Why does city provide cleaning supplies to

contractor? James Dillion - The City's Facilities Management Division provides a variety of cleaning services on a citywide scale through City-employed and contracted custodial staff. Traditionally, contracted cleaning services are competitively bided out (excluding paper and cleaning supplies) every 3 years with the option to renew for an additional 2 years. As it relates to external contracted custodians, the City utilizes competitively bid National, State, and Local cleaning supply contracts, which allows the City to leverage/maximize economies of scale. The majority of janitorial firms cannot sustain the economies of paper and supply purchases as each customer has very different and specific paper and cleaning supply needs to meet their varying type and size of dispensers and cleaning needs. Thus, most janitorial firms have **opted out** of providing supplies in their bids.

4. LEAD Economic Development Program. \$19,000: Why is it needed? Bob Tweedie:

Thank you for the opportunity to weigh in on this new program. I have had an opportunity to review the (attached) Lake Economic Area Development (LEAD) proposal. Additionally, I have attended several presentations by the Lake 100 group spearheading this effort at various

meetings throughout the County over the past year and have had discussions with individual members of the group as well as my colleagues with the County's economic development department, Elevate Lake. Given all of this and the fact that the County will be providing the bulk of the funding (\$500,000), and the ability of the City to have a "seat at the table" on the board, I am very positively encouraged by and supportive of this proposal.

As our County and City move forward, it is necessary to look at new ways to work collectively and expand our reach into new areas of economic opportunity to enhance the economic base and quality of life for our community. We can't do this alone. As we all know "A rising tide lifts all boats". Lake 100 and the County are taking a bold step forward respectively in leading and funding this effort. We also know that "those who owns water and sewer owns economic development" and in Lake County, it is the municipalities, including Tavares which provide the utility services necessary for all commercial/industrial development and expansion. All of the new business brought into our area need to be within the utility service boundaries of our Cities and the City of Tavares with our outstanding municipal infrastructure and continued focus on improving and enhancing it, is very well positioned to provide all of the infrastructure necessary for attracting the types of industry and commerce that will be targeted by LEAD.

This public/private partnership as constituted, with a regionally focused approach can provide opportunities that can leverage and extend our economic development reach, particularly in the area of business recruitment to areas we presently have limited capabilities to capture with our limited resources. We have had and continue to have great success in economic development locally within our City developing a very balanced, broad-based, and diverse business climate within the City. We have had great success in recruiting/ retention, and

expansion of our local companies (Sea Ray Aircraft, Jones Brothers, and Sunday Cool to name just a few) however with a staff of one, dedicated to these efforts (on top of managing a department including Seaplane Base/Marina, Pavilion, CRA, and Special Event Operations) our capabilities to reach out farther and do the “big game hunting” necessary to effectively recruit large, national industry leaders (the Amazon’s of the world) to relocate/expand into our area is extremely limited. To extend our present reach would require additional staff and/or consultant partners at a much greater cost. The cost to hire additional in-house staff and/or consultant partner(s) would far exceed the proposed cost of \$19,000 to the City (likely by a factor of 4 to 5 times this amount \$70,000 to \$90,000).

I am very excited about this prospect and the opportunity to continue to work with Elevate Lake and LEAD as we move our County and City forward.

5. Parks and Recreation Impact Fee Study \$30,000: Lori Houghton: Florida law section 163.31801 established the rules for raising Impact fees and includes 1) Can’t be raised more than once every 4 years and 2) “*A demonstrated need study justifying any increase....*” above 25% is required. The parks and recreation impact fee rate study is budgeted for \$30,000. The City has budgeted a Police, Fire, and Parks and Recreation impact fee rate study next year. These studies are paid for using impact fees. Impact fees are the fees that are paid when property is developed (residential and commercial). Because the study is paid for using impact fees, the study does not impact the General Fund.

The study will determine if the impact fees charged are sufficient for the current and future needs of the community. For example, if 300 homes are developed in an area the City will

collect \$131,997 in Park Impact fees. This money may then be used to build a new park or new recreational facility. Similarly, Police Impact fees may be used to buy a new police car, or build a new police station. The City collects the following six impact fees: Park and Recreation, Police, Fire, Water, Wastewater, and Reclaimed Water.

The study will examine the current needs of the City by inventorying the facilities and equipment already in place, and then determine what will be needed as growth continues and property is developed. Impact fees should be sufficient to pay for future growth. For example, if the study determines the city has enough parks and recreational facilities its current number of city residents, but we will need to add a new park or expand an existing park if the city adds 1,000 more residents, then the study will determine if the park and recreation impact fees collected on the new homes built to house those residents are sufficient to build the new park (or expand an existing park). If they aren't the study would suggest that the impact fees be raised.

6. Asphalt Dump Truck and trailer: \$80,000: Mr. Price saw a cheaper one on line: James

Dillion: Enclosed is a quote on the Asphalt Patch Trailer from Jet-Vac. Base Price for a Stepp Manufactured SPHD – 2.0cy (3 ton) Diesel Dump Style Premix Heater and includes; Diesel burner, temp. Controls, Hydraulic dump, Oil Jacket, Battery Charger, Electric Brakes, Electric Overnight Heat, Compacter Plate Carrier, Tool Holder, Washdown System, Hose Reel Hitch, which equates to \$50,027.00

MOT Safety Equipment and Operational Options – Strobe Light Set, Arrow board, Spare Tire, Tack Tank and Pumping System, Overnight heat for tack and LED lights, which equates to \$18,569.00.

Total: \$68,596.00*

*** Due to current inflationary economic conditions as well as delaying the procurement process for this item for the next fiscal year, a 16% contingency was added to the final price.

7. Prop Shop Merchandise: \$30,000: Mr. Price questioned an expense of \$30,000 and a revenue of only \$15,000 and needed some true-up information Bob Tweedie: I have reviewed this and discussed with the Finance Department and determined that an adjustment should be made reducing estimated expenses next year to \$16,000 and increasing estimated revenues next year to \$20,000. I budgeted \$30,000 in merchandise expenses and only \$16,000 in revenues. This was an oversight on my part. The current fiscal year revenues stand at \$19,800 (slightly above that which was budgeted) and expenses have been well below. Based on additional research and current projections for this fiscal year (just about 30 days remaining) we should adjust the FY 23 budget to reflect an expense of \$16,000 and revenue of \$20,000. This adjustment has been made to the proposed budget. The new difference between prop shop revenues and expenditures has been added to the Seaplane Base and Marina Fund reserves.

8. Pavilion Pier Fence: \$20,000: Why is this proposed?: Bob Tweedie: When the Pavilion on the Lake is rented, the Pier is closed to Public Access. In order to provide the public continuous

uninterrupted access to a portion of the Pier at the Pavilion on the Lake during events and weddings while still securing events and weddings from uninvited guest appearances, picture taking etc...., installing an attractive fence about ¼ of the way down is proposed. The fencing/gate installation will allow for the chains currently placed on the bollards at the top of the pier to be removed permanently, allowing full public access to the entire pier during “nonevent” periods. The gates will be installed approximately ¼ of the distance down the pier (toward the building) and will remain open at all times providing full pier access to the public except during those times when necessary to close to provide security for an event/event set up period. This is a solution to address complaints we have received over the years regarding no public access during private rented events by creating a balance between securing a private rented event and providing reasonable public access to the pier at the same time.

9. Fencing for water Plant #4 \$45,000: Phil Clark: This is an Enterprise Funded item. Water Plant #4 is a Public Drinking Water Plant supply facility. It is also the location of the City of Tavares Inventory Warehouse of parts and Utility Department equipment storage facility. Municipal water systems are required by the EPA and FDEP to properly secure their water production and treatment sites to protect the drinking supply system from any tampering or contamination events. The area around Water Plant #4 is developing and staff believes its time to enhance security of this public water plant by adding additional security fencing. Last year the City installed a video security camera upgrade to this water plant and this year it is proposed to add security fencing to complete the security system upgraded.









TO: City of Tavares

RE: FY 2023 Budgetary request

Lake 100 in partnership with Lake County Commissioners has established a new Lake County Economic Development organization called LEAD (Lake Economic Area Development) which includes a partnership between: The Private Sector, Lake County Government, and the Cities of Lake County.

We seek your consideration during your upcoming budget deliberations to become partners in this new initiative by participating and sharing in the benefits and costs associated with running this results-oriented new organization. Lake County Government has committed to a financial contribution of \$150,000 this fiscal year and \$500,000 next fiscal year. LEAD is asking all Lake County cities to consider a financial contribution to this new organization in the amount of \$1 per capita (resident) in exchange for receiving the following benefits:

1. Existing Business retention and job retention for your city
2. Existing Business expansion and job expansion for your city
3. New Business recruitment specifically tailored to your city's vision and wants
4. Entrepreneurship assistance to help grow local businesses locally

The initial LEAD Board(s) may be made up of:

- 15-19 Private Business Executives from North, Central and South Lake
- 3 Hospital representatives from North, Central and South Lake
- 1 Lake County Administrator or her designee
- 1 City Manager representing cities of 10,000 population or less
- 1 City Manager representing cities of 10,000 population or more
- 1 League of Cities elected official designated to be on Advisory Board

The LEAD Board has contracted out its Economic Development services to a Professional Economic Development Organization which is in the process of hiring three (3) economic development professional employees, dedicated to Lake County, at the Leesburg International

Airport. These employees will focus exclusively on the development of Lake County. One employee dedicated to Business Attraction, one to Business Retention, and one to Business Creation. Deliverables to your City Council and City Manager include but are not limited to:

1. **Meeting with your City Manager**, Planner and Economic Development Manager to clearly identify the City's Economic Development vision.
2. **Business Retention and job retention**: Several measurable business retention programs will be developed by LEAD for the City's existing businesses. The quarterly LEAD report will provide input on the success/status of these efforts.
3. **Business Expansion and job expansion**: LEAD will work with local businesses to identify barriers to their growth and then work to remove those barriers (i.e., access to capital, permitting issues, workforce, etc.)
4. **Business Recruitment**: LEAD will work to recruit new businesses in alignment with each city's vision.
5. **Entrepreneurship**: LEAD will provide a broad array of services to help future and current entrepreneurs grow their own businesses. Helping to create new local businesses will be as important as recruiting outside businesses to locate.

Your support for this funding request is greatly appreciated. We stand available to attend your budget meetings and answer any questions you may have on this economic prosperity for all initiative.

Sincerely,

Ben Pauluhn

LEAD Board of Directors
Ben Pauluhn, Chair



5746 Broad Street
SUMTER, SC 29154

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

781 Frost Bottom Road
OLIVER SPRINGS, TN 37840

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Ship To: IN STORE PICKUP

Invoice To: CITY OF TAVARES
100 N DISSTON AVE
TAVARES FL 32778

Attention: BRYAN MOORE

Branch 50 - ORLANDO		
Date 05/03/2022	Time 9:59:17 (O)	Page 1
Account No TAVAR001	Phone No 3522534203	Est No 01 Q00045
Ship Via DELIVERY		Purchase Order
Tax ID No		
		Salesperson RD1 / AW1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 06/02/2022 Amount

OPTIONS TO CONSIDER:

Flush Mounted Strobe Light (SET OF 2)\$834.00

Arrowboard \$1,731.00

Spare Tire w/ Holder \$620.00

Tack Tank w/ Diesel Burner and Pumping System, and Honda
Engine

\$13,147.00

Electric Overnight Heat for Tack Tank 110V 1500W

\$1,756.00

LED LIGHTS \$481.00

NEW STEPP MANUFACTURING SPHD-2.0CY (3TON) DIESEL DUMP STYLE 50027.00

PREMIX HEATER TO INCLUDE:

Each base unit includes: Diesel Burner, Automatic
Temperature Controls, Hydraulic Dump, Oil Jacket, Battery
Charger, Electric Brakes, and a 2 Light System

Diesel Burner Enclosure

Electric Overnight Heat 220V 3000W (hot mix use)

Compactor Plate Carrier

Stainless Steel Tool Holder (2EACH)

Washdown System

Hose Reel for Washdown

Shovel Cleaning Compartment

PAINT: Hwy Orange

LIGHT PLUG: 7 Pin RV

HITCH: 3" Pintle

Sale # 01 Subtotal: 50027.00

TOTAL: 50027.00

Subtotal: 50027.00

Quote Total: 50027.00

Authorization: _____

Thank You For Your Business!

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 12

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

The City Administrator will inform the Council on city-related items.

SUMMARY:

The City Administrator will provide a summary at the meeting.

UPCOMING MEETINGS:

City Council Meeting and Budget Hearing	September 21, 2022, 4:00 p.m., Tavares City Council Chambers (<i>Budget Hearing - Fiscal Year 2022-2023 Tentative Millage & Budget - Reading of Resolutions - 5:05 p.m.</i>)
Planning and Zoning Board Meeting	September 22, 2022, 3:00 p.m., Tavares City Council Chambers
Library Board Meeting	September 14, 2022, 4:00 p.m., Tavares Library Conference Room
Code Enforcement Special Magistrate Hearing	September 13, 2022, 5:00 p.m., Tavares City Council Chambers

OUTSIDE AGENCY MEETINGS:

Lake County League of Cities Meeting	September 9, 2022, 12:00 noon, Mount Dora Golf Course
Lake Sumter MPO Executive Board Meeting	October 26, 2022, 2:00 p.m., Conference Room 206, 1300 Citizens Boulevard, Leesburg
Tavares Chamber of Commerce Meeting	September 28, 2022, 11:30 a.m., Tavares Civic Center
Tavares Chamber of Commerce Business of the Year Gala	September 16, 2022, 6:00 p.m., Mission Inn Resort
Lake County Strategic Growth Planning Meeting	September 25, 2022, 1:00 p.m., Venetian Gardens, Leesburg

CITY EVENTS:

The current 2022 and 2023 City event calendars are attached.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Tavares_2022EventCalendar_8.31.2022
2. Tavares_2023_EventCalendar_V1_8.31.2022

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/7/2022**

AGENDA TAB NO.: 13

SUBJECT TITLE: City Council Member Reports

OBJECTIVE:

To inform the Council on city-related items.

SUMMARY:

The Council will be provided an opportunity to provide a report at the meeting.

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.