



AGENDA
TAVARES CITY COUNCIL
September 21, 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 Jayson Keefer, Astatula Baptist Church

III. APPROVAL OF AGENDA

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2 Tavares Chamber of Commerce Update

Tab 3 Proclamation - Taiwan's 111 National Day (Mayor)

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO RECORD

VII. CONSENT AGENDA

Tab 4 Approval of the August 17, 2022, Regular City Council Meeting Minutes (City Clerk)

Tab 5 Leela Reserve Phase 2B - Preliminary Subdivision Plan (Community Development)

VIII. RESOLUTIONS

IX. ORDINANCES - PUBLIC HEARING

First Reading

Second Reading

- Tab 6 Ordinance 2022-15 - Establishment of a Community Development District for Cresswind Subdivision (Community Development)
- Tab 7 Ordinance 2022-13 - Establishment of a Community Development District for Leela Reserve Subdivision (Community Development)
- Tab 8 Ordinance 2022-12 - Code of Ordinances Amendment - Establish Regulations Pertaining to Electronic Game Rooms (Community Development / City Attorney)
- Tab 9 Ordinance 2022-14 - Land Development Regulation Amendments - Revision of Land Development Regulations in Accordance with Smart Growth Initiatives and the Comprehensive Plan (Community Development)

X. GENERAL GOVERNMENT

- Tab 10 House of Representatives Local Support Grant Update (Utilities)
- Tab 11 July 4 Parade Route Discussion (Community Services)
- Tab 12 Probation Office Property (City Administrator)

XI. BUDGET HEARING - FISCAL YEAR 2022-2023 MILLAGE & BUDGET - READING OF FINAL MILLAGE & BUDGET RESOLUTIONS - 5:05 P.M.

- Tab 13 Approve Resolution 2022-16 for Final Millage Rate for FY 2023 – Second Reading (City Administrator)
- Tab 14 Approve Resolution 2022-17 for Final Budget for FY 2023 – Second Reading (City Administrator)

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. AUDIENCE TO BE HEARD

XV. REPORTS

- Tab 15 City Administrator Report
- Tab 16 City Council Member Reports

XVI. 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
9/21/2022**

AGENDA TAB NO.: 1

SUBJECT TITLE: Pastor Jayson Keefer, Astatula Baptist Church

OBJECTIVE:

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

SUMMARY:

Pastor Jayson Keefer, 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
9/21/2022**

AGENDA TAB NO.: 2

SUBJECT TITLE: Tavares Chamber of Commerce Update

OBJECTIVE:

To receive an update on the Tavares Chamber of Commerce.

SUMMARY:

Erika Buigas, President/CEO of the Tavares Chamber of Commerce, will provide an update on Chamber activities.

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
9/21/2022**

AGENDA TAB NO.: 3

SUBJECT TITLE: Proclamation - Taiwan's 111 National Day (Mayor)

OBJECTIVE:

For the Council to approve a proclamation recognizing the occasion of the 111th National Day of the Republic of China (Taiwan).

SUMMARY:

The City of Tavares and New Taipei, Republic of China (Taiwan) have established and continue to maintain a sister city relationship in furtherance of bilateral economic, trade, and cultural opportunities. Each year the National Day of the Republic of China (Taiwan) is observed on October 10th and the Taipei Economic and Cultural Office in Miami holds ceremonies in celebration of this occasion. Director General Amino C.Y. Chi and the Taipei Economic and Cultural Office (TECO) in Miami requested the City issue a proclamation recognizing Taiwan for this special day.

OPTIONS:

1. Move to approve the proclamation in observance and recognition of the 111th National Day of the Republic of China (Taiwan).
2. Do not move to approve the attached proclamation.

STAFF RECOMMENDATION:

Option 1, move to approve the proclamation observance and recognition of the 111th National Day of the Republic of China (Taiwan).

FISCAL IMPACT:

None.

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. PROCLAMATION FOR Taiwan NATIONAL DAY

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



PROCLAMATION FOR NATIONAL DAY The Republic of China (Taiwan)

WHEREAS, The Republic of China (Taiwan) observes the 111th National Day on October 10th, 2022; and

WHEREAS, the Taipei Economic and Cultural Office in Miami Florida has maintained a sister-city relation with Tavares – America's seaplane City in the support of bilateral economic, trade, educational, and cultural relations between Tavares and New Taipei Taiwan; and

WHEREAS, the United States and Taiwan have maintained and enhanced close friendship over the decades encompassing commercial, cultural, and other interactions based on the Bilateral Trade Agreement which celebrates the 43rd anniversary of its enactment in 2022; and

WHEREAS, Tavares and New Taipei aspire to further collaborate on economic, cultural and educational relations to promote peace and prosperity.

NOW, THEREFORE, the City of Tavares proclaims its recognition on this auspicious occasion of the 111th National Day of the Republic of China (Taiwan) and her achievements with our admiration and gratitude.

PASSED AND DULY ADOPTED by the Tavares City Council on this 21st day of September 2022.

Lori A. Pfister, Mayor
Tavares City Council

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 4

SUBJECT TITLE: Approval of the August 17, 2022, Regular City Council Meeting Minutes (City Clerk)

OBJECTIVE:

To consider approval of the August 17, 2022, City Council Regular and Budget Workshop meeting minutes.

SUMMARY:

Attached is the August 17, 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 the Council's approval.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. 08-17-2022 CC Minutes

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



**TAVARES CITY COUNCIL
MEETING MINUTES
AUGUST 17, 2022 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES**

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

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

I. CALL TO ORDER

Mayor Pfister called the meeting to order at 4:00 p.m. 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 Brooks Braswell, Umatilla Baptist Church

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

Mayor recognized Lake County Commissioner Kirby Smith, District 3, in the audience.

III. APPROVAL OF AGENDA

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

MOTION

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

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Proclamation – Police Chief Stoney Lubins

Mayor Pfister read a Proclamation in its entirety, bestowing special thanks, recognition, and appreciation to Police Chief Stoney Lubins for his service to the City of Tavares and wishing him a happy retirement.

Chief Lubins thanked the Council, staff, Mr. Drury, citizens, and Police Officers. He said he was proud of the City and would cherish the memories.

Mayor Pfister said Chief Lubins would be missed.

Tab 3. Tavares Chamber of Commerce Update

Erika Buigas, President/CEO of Tavares Chamber of Commerce, provided an update on Chamber activities. She noted that the monthly business luncheon meetings were being held at the Tavares Civic Center beginning August 31, 2022. Ms. Buigas said the Business of the Year Gala was scheduled to be held in September, and Taste of Tavares was postponed to the following year.

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

Attorney Holt said there were two quasi-judicial matters before the Council; Tab 8 and Tab 9 [Tab 8. Ordinance 2022-10 – City of Tavares Property – Rezoning of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street, and Tab 9 Ordinance 2022-11 – City of Tavares Property – Small Scale FLUM Amendment of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street]. She swore in those present who wished to provide testimony.

Attorney Holt asked the Council to disclose exparte communications.

Council Member Boggus said any discussions she held were during public meetings.

Council Member Singer said he spoke with Staff on the project.

Mayor Pfister said she spoke with residents regarding the project.

Council Member Gamble said he spoke with Joy Taylor, Tavares resident, before the meeting.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

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

RESOLUTION 2022-15

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AMENDING THE 2022 FISCAL YEAR ADOPTED BUDGET FOR THE CITY OF TAVARES, REPRESENTING THE SECOND AMENDMENT TO THE ADOPTED BUDGET, AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN 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. Mayor Pfister pulled Tab 5.

MOTION

Amanda Boggus moved to approve the Consent Agenda with Tab 5 pulled for discussion [Tab 4. Approval of the July 20, 2022, City Council Regular Meeting and Budget Workshop Minutes; and Tab 6. Adventure Boating Club LLC Lease Agreement Amendment One], seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 4. Approval of the July 20, 2022, City Council Regular Meeting and Budget Workshop Minutes

Approved on the Consent Agenda.

Tab 5. Florida League of Cities Certificate of Completion

Mayor Pfister said she would like to recognize Council Member Gamble and made the following presentation:

Council Member Gamble recently attended the Florida League of Cities Institute for Elected Municipal Officials (IEMO). The primary objective of the IEMO is to provide elected municipal officials with an intensive academic program that will assist them in effectively meeting the requirements of their elected role. The program offers a comprehensive overview of Florida municipal government, presented by a faculty of top professionals in the field. Training topics include some of the following:

- *Structure and Function of Cities in Florida*
- *Effective Council Member Techniques*
- *Taxes & Revenues for Municipal Governments*
- *Budgeting and Accounting for Florida's Cities*
- *Intergovernmental Relations in Florida*
- *Florida Ethics Law*
- *Florida's Open Government Laws*

The Florida League of Cities requested the certificate of completion to be agendaized and formally recorded in the meeting minutes. The City wishes to recognize and congratulate Council Member Gamble on completing this important leadership training opportunity.

Mayor Pfister thanked Council Member Gamble for taking his personal time to attend IEMO.

Tab 6. Adventure Boating Club LLC, Lease Agreement Amendment One

Approved on the Consent Agenda.

VIII. RESOLUTIONS

Tab 7. Resolution 2022-15 – Second Budget Amendment for FY 2022

Ms. Houghton made the following presentation:

The attached Resolution represents increases and/or decreases to the Adopted Budget for Fiscal Year 2022. Appropriation increases represent capital projects, ARPA expenditures, and prior year/project encumbrance rollovers. In addition, the Resolution also reflects transfers between individual accounts within adopted budgets for all departments.

This resolution represents the SECOND AMENDMENT to the Adopted Budget for Fiscal Year 2021-2022.

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

MOTION

Amanda Boggus moved to approve Resolution 2022-15, seconded by Walter Price. The motion carried unanimously 5-0.

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 8. Ordinance 2022-10 – City of Tavares Property – Rezoning of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street

Mr. Fitzgerald made the following presentation:

The subject property consists of approximately 05.83 acres of vacant property located east of Ridge Place, north of E. Caroline Street . The property is owned by the City of Tavares and is currently zoned as Public Facilities District (PFD), and the City is proposing that the property be rezoned to Residential Multi-Family (RMF-3).

On May 18, 2022, City Council approved a Purchase and Sale Agreement between the City of Tavares and Cagan Management Group for the purchase of the 5.83 acre parcel for the intended purpose of developing a market rate multi-

family rental townhome complex consisting of seventy-two (72) dwelling units. The Purchase and Sale Agreement is subject to the approval of the rezoning of the property to Residential Multi-Family (RMF-3).

The proposed zoning of Residential Multi-Family (RMF-3) is compatible with the surrounding zoning, which is a mixture of multi-family and single-family residential zoning. The proposed use is consistent with the Comprehensive Plan by ensuring the availability, quality, and sustainability of a mix of housing types in Tavares.

The developer of the property is required to obtain school capacity reservation prior to development approval.

The developer must submit an environmental assessment prior to any development approval and must comply with all Florida Fish and Wildlife Conservation Commission provisions as they pertain to threatened species.

The developer must submit a traffic analysis prior to any development approval.

Development of the property will be in accordance with the provisions of the City's Land Development Regulations. Prior to the issuance of any Building Permits for this property, compliance with all applicable regulations will be required.

The City is concurrently processing a future land use map amendment to re-designate the property from Public Facility / Institutional (PUB) to High Density (HD) on the Future Land Use Map 2040.

At their July 21st meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-10.

Staff recommends that City Council moves to approve Ordinance 2022-10 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).

Mayor Pfister asked for comments from the Council.

Council Member Gamble asked if the road would be widened when paved. Mr. Fitzgerald and Mr. Drury said no. Council Member Gamble asked for the current width of the road. Mr. Fitzgerald said when the road is repaved, there would be two 12-foot travel lanes, 24 feet across.

Council Member Gamble referred to the concept plan and inquired about sidewalks. Mr. Fitzgerald said site plan approval would require the developers to install sidewalks in front of their development.

Council Member Gamble noted the entrance does not appear to include a turn lane. Mr. Fitzgerald said a traffic study would be submitted to staff and reviewed by Griffey Engineering. Any recommendations for turning lanes into the site based on trip generation would be reviewed during the site plan review.

Council Member Gamble asked for confirmation the development would have only 72 units. Mr. Fitzgerald said the current proposal was for 72 dwelling units.

Mayor Pfister noted the item before Council is a rezoning request.

Ted Wicks, Wicks Engineering Services, Representative for the Cagan Management Group, said the proposed project would consist of nine buildings with eight units each for a total of 72 units. The site would be fenced with controlled access. He said the Cagan Management Group is an excellent developer with management facilities within the City, including Atwater 1 and 2, as well as Bristol Lakes management services in Mount Dora. He said this is the first step in the process, and due diligence and regulatory studies would follow. The units depicted will essentially be what is developed.

Council Member Singer said roads were one of the highest priorities in the City and noted his support for the development and additional workforce housing. Council Member Singer said Cagan Management Group has a great history of being a good developer and property steward.

Mayor Pfister asked if the property and project aligned with the City's visioning and Master Plan. Mr. Drury confirmed and said the residents asked for more density in the downtown.

Joy Taylor, 1100 E. Caroline Street, Lakeview Condominiums, Tavares, said Caroline Street is not 22 feet wide, and a wider road, sidewalks, and overhead lighting was needed.

Carl Sarver, 1100 E. Caroline Street, Tavares, noted his concern for increased traffic and street issues. He provided pictures depicting the street conditions to the Council for review and said power lines and sewer systems might need to be moved to pave the road.

Vice Mayor Price asked if Caroline Street was similar to the Peninsula project, where the roads would have to be brought up to standards by the developer. Mr. Fitzgerald confirmed and noted the City has the road scheduled to be repaved to City standards. He said it had not been determined if the developer would pave a portion of the road. He said the City has the road scheduled to be paved in its entirety.

Mr. Drury said great comments, including suggesting a future sidewalk program, had been received. He said the City budgeted funds to repave the road by the end of the year, and staff would look closer at the road to see what can be done to bring it up to recommended standards. He said staff would report back to the Council.

Council Member Boggus asked Mr. Drury to provide information on See-Click-Fix. Mr. Drury provided a live demonstration of the See-Click-Fix app and process for reporting infrastructure issues by citizens.

MOTION

Amanda Boggus moved to approve Ordinance 2022-10, seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 9. Ordinance 2022-11 – City of Tavares Property – Small Scale FLUM Amendment of Approximately 5.83 Acres Located East of Ridge Place, North of E. Caroline Street

Mr. Fitzgerald made the following presentation:

The subject property is located east of Ridge Place, north of E. Caroline Street, and is approximately 05.83 acres in size. The land is presently vacant and has a land use designation of Public Facility / Institutional (PUB). The property is owned by the City of Tavares, and the City is proposing an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Public Facility / Institutional (PUB) to High Density (HD).

Ordinance 2022-11 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Public Facility / Institutional (PUB) to High Density (HD).

The subject property is adjacent to a mixture of multi-family and single-family residential. The City is concurrently processing a proposed rezoning of the property to Residential Multi-Family (RMF-3).

The city is required to place a future land use designation on annexed property. The subject property is currently designated Public Facility / Institutional (PUB) . A City High Density (HD) designation is compatible with surrounding property and County Future Land Use.

The land surrounding this property is residential in nature.

The property is currently vacant.

The subject property is located in the City's Utility Service Boundary Area. The City of Tavares has municipal water and waste water utility service available for the subject parcel. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Adverse impacts on Levels of Service

are not implicated.

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

1. A High Density (HD) Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.

2. Impacts of the proposed development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

At their July 21st meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2022-11.

Staff recommends that City Council moves to approve Ordinance 2022-11, a Future Land Use Map amendment from Public Facility / Institutional (PUB) to High Density (HD) for 05.83 acres located east of Ridge Place, north of E. Caroline Street.

Mayor Pfister asked for comments from the audience.

Joy Taylor, 1100 E. Caroline Street, Lakeview Condominiums, Tavares, asked if future discussions would be held on widening the road and sidewalks. Mr. Fitzgerald said staff would review the engineering plan for the road. Mr. Drury said staff would report back to the Council.

Council Member Boggus noted that the designation of the property is before the Council for consideration and does not have an impact on the road.

Ms. Taylor noted her concern for increased traffic due to higher density.

Mayor Pfister said road and sidewalk options would be presented to the Council at a later date. Council Member Boggus said nothing could be built or improved until a traffic study is approved, which would include recommendations for the quality of the roads.

Carl Sarver, 1100 E. Caroline Street, Tavares, asked if the residents could attend road assessment meetings. Council Member Boggus said public meetings would be held with public comments before a Council vote. Mr. Sarver asked if the developer or City would incur costs for the improvement. Mr. Fitzgerald said the City planning staff would review the site plan and engineering and apply all city standards and regulations. Mr. Drury said a turn lane would depend on whether it is required based on a professional traffic engineering study. That determination would be made during the permitting process.

Council Member Gamble noted Mr. Wicks is a former Mayor of Tavares.

MOTION

Amanda Boggus moved to approve Ordinance 2022-11, seconded by Sandy Gamble. The motion carried unanimously 5-0.

X. GENERAL GOVERNMENT

Tab 10. America in Bloom Discussion

Mr. Drury made the following presentation:

America in Bloom is a national awards program for cities, towns, colleges and business districts that “strives to empower communities to beautify and improve the overall quality of life through their programs, grant opportunities, resources library and more.” The program focuses on seven areas of impact within the municipal, business, and residential sectors.

Tavares enrolled in the program in 2017 and has been recognized numerous times as a participant, including:

- *Coollest Place for Kids 2017*
- *Overall Impression 2017*
- *Environmental Efforts 2018*
- *Overall Impression 2019*
- *Best Innovative Project or Program 2019*
- *Champion Community 2019*
- *Tavares did not participate in the virtual program during 2020 & 2021*

The America In Bloom evaluation team visited Tavares this past spring and any awards or recognition from that visit will be announced at the annual National Symposium. The National Symposium offers educational sessions, informative tours, and an opportunity to meet other community leaders and share ideas for improvement and success through connection and collaboration. The 2022 symposium will be hosted by Washington, MO with accommodations in St. Louis, September 29th to October 1st. Registration for the full conference, airfare and lodging is \$1467 per attendee. It has been past practice to send staff and Council members to this event.

An opportunity is provided to identify which City Council members will attend this year.

A discussion was held and there was a consensus from the Council to select Council Member Singer as the Council Representative at the 2022 America in Bloom Symposium.

Tab 11. Yard Sale Requirements Discussion

Mr. Drury made the following presentation:

Previously, the City Council adopted an Ordinance which contains a provision limiting Garage Sales to four (4) Garage Sales (also defined as yard sales) being conducted at any one residence or household during any calendar year. Garage Sales shall be limited in duration to no more than the daylight hours (not to exceed 7:00 p.m.) of three (3) consecutive days. No permit is required for a Garage Sale to be conducted.

Due to the "no permit" requirement, some have set up permanent Garage Sales at their residential homes because enforcing the Ordinance without documentation on where and what date the sales occurred and how many occurred in a year makes it challenging to enforce. This has led to complaints from neighbors regarding a neighborhood "Garage Sale" occurring in their neighborhood continuously and permanently.

Two options are available to document Garage Sales so enforcement can occur as follows:

1: Council could institute a process for Garage Sales to be registered with the City. Registration would be free and done online, similar to online golf cart registration. This process would utilize software already in place (CivicPlus), be created by Public Communications staff using the City website, and would be at no additional cost to the City. The online yard sale registration process would be free and easy for residents, and available 24 hours a day from the convenience of their home or work or library (remote registration). For those individuals unable to register online, hardcopy forms would be made available at the Tavares Library.

2: Council could reinstitute the free permit process which was previously in place. This would require processing the permit application through the City Permit Office.

Staff recommends Option 1, for Council to institute a process for Garage Sales to be registered with the City with registration being free and done online.

Mayor Pfister said she brought the item forward for discussion because she received many complaints and felt the issue had become a quality of life issue for neighbors and neighborhoods.

Council Member Gamble said he is concerned a local church that conducts weekly yard sales would be affected. Mr. Drury said the current laws would not change and noted permanent yard sales are not allowed in residential areas. He said allowing four yard

sales per year have been successful, and an online registration program would be easier for residents than requiring them to come to City Hall. Mr. Drury said the City removed a permit requirement, resulting in some permanent yard sales. The request before the Council is to reinstate the permit process or implement a free online registration program, and the goal is to make it as easy for residents as possible.

Mayor Pfister said residents could register online and asked if someone could come into City Hall to complete the form if they do not have computer access. Mr. Drury confirmed and said registrations could be made at City Hall, the Tavares Library, and by cell phone, laptop, or desktop computers. He said registration might help staff work with those residents who conduct permanent yard sales and noted there would be no registration cost.

Council Member Boggus asked if registration would affect commercial sidewalk or church yard sales. Mr. Fitzgerald said the registration would pertain to households, and no commercial or thrift store associations with a church would be affected.

Kristie Furman, 204 North Rockingham Avenue, Tavares, noted her support for a registration program.

Vice Mayor Price asked if there are monetary penalties for residents with over four yard sales per year. Mr. Drury said Code Enforcement is notified and speaks with the residents. Vice Mayor Price noted his support and said he favored an online registration program.

Mr. Drury said residents who do not have a computer could come to City Hall or the Tavares Library, and staff would assist them with their registration.

MOTION

Troy Singer moved to approve Option 1 [Council to institute a process for Garage Sales to be registered with the City with registration being free and done online], seconded by Walter Price. The motion carried unanimously 5-0.

Mayor Pfister noted the Budget Workshop [Tab 12] would be moved to the end of the agenda.

XII. NEW BUSINESS

XIII. OLD BUSINESS

XIV. AUDIENCE TO BE HEARD

Lou Buigas, 110 E. Ianthe Street, Tavares, noted Caroline Street is scheduled to be repaved and recommended that paving be postponed until after construction for the new development as heavy trucks damage roads.

Kristie Furman, 204 North Rockingham Avenue, Tavares, wished the Council candidates luck in the upcoming elections.

XV. REPORTS

Tab 13. City Administrator Report

Mr. Drury noted a Lake County Strategic Growth Meeting as added to the upcoming meeting calendar. He said the Growth Meeting is the continued conversation from another meeting held six months ago where Lake County is looking to partner with Cities through the joint planning agreement process. Mr. Drury said the meeting would include discussing the East Central Florida Regional Planning Council's regional growth strategic planning and agreements with cities.

Chief Lubins thanked the Council, community, and officers and said he was signing off. Mayor Pfister thanked Chief Lubins for his service to the City.

Each Department Director and the City Attorney thanked Chief Lubins for his dedication and service, expressed their congratulations on his retirement, and wished him well in his future endeavors.

Chief Keith said a regional 9/11 Memorial Event would be held on September 11, 2022, at the Lake County Historic Courthouse lobby at 8:00 a.m. He noted members of Teen Court would be reading the names of the 9/11 victims.

Tab 14. City Council Member Reports

Council Member Gamble congratulated Chief Lubins and said he appreciated his dedication and service to Tavares.

Council Member Singer congratulated Chief Lubins on his retirement and Mayor Pfister for her re-election to the Council with no opposition.

Council Member Singer said he is proud Tavares is one of three cities in Lake County to lower their millage rate for FY 2022-2023.

Council Member Boggus congratulated Chief Lubins and said he would be missed.

Vice Mayor Price congratulated Chief Lubins on his retirement and wished him success in his future endeavors.

Mayor Pfister congratulated Chief Lubins and thanked him for his dedication to the City.

XI. BUDGET WORKSHOP

Tab 12. Budget Workshop

Mr. Drury made the following presentation:

The General Fund budget was presented to the Council at the July 6th budget workshop. The Enterprise and Special Revenue Fund budgets were presented to the 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. The Five-Year Capital Improvement Plan was presented at the August 3, 2022 budget workshop.

All budgets have been updated and are fully balanced. The only outstanding issue is a request from Council member Gamble to appropriate \$94,675 from the Property Appraiser's increased final numbers towards improving the City's recreational ballfields.

After Council finalizes the budgets, they will be brought back to Council along with supporting resolutions at the two upcoming Public Hearings in September for further public input and Council consideration.

Mr. Drury said Reserves were updated to reflect a balance of \$3,657,650; \$23,159 more than GFOA recommends. He said the final negotiated Christmas lights are \$10,000 more for the upcoming year, and Council would need to reduce the Christmas lighting display by \$10,000 or appropriate an additional \$10,000 for the same lighting program (same level of service) as the last three years.

Mr. Drury said staff would like direction for the following:

- \$94,675 for the ballfields
- \$10,000 for Christmas lighting for the same level of service

Baseball Fields

Council Member Boggus inquired about the funding options before the Council. Mr. Drury said there is a ballfield request at \$94,675. Currently, \$100,000 is budgeted for ballfields. The two amounts would cover the cost to bring a baseball field up to standard at approximately \$200,000 per field. Council Member Boggus asked about the funding source. Mr. Drury said \$94,675 would come from Reserves. Council Member Boggus asked much the City has in Reserves over the GFOA recommendation. Mr. Drury said \$23,159. Mr. Drury reviewed the City's Reserve balance history and GFOA recommendations.

Council Member Singer asked how many ballfields the City has, the goals for the ballfields, the cost to bring the ballfields to standard, and the ongoing maintenance costs.

Mr. Aldrich provided a handout of costs and location of the City's ballfields to the Council and said there are nine ball fields, including three large baseball fields, two

adult softball fields, and four youth fields. There is also a multi-purpose soccer field. Mr. Aldrich said the City received a cost estimate from the same company the Lake County School Board contracts for maintenance. The City currently has C minus facilities and would like to bring that up to an A. Some items to renovate the fields include resod, laser grading, and irrigation repair. There would also be annual maintenance costs. Council Member Singer asked for the total cost to bring the 9 ball fields up to an A grade. Mr. Aldrich said the cost is approximately \$1 million dollars. Mr. Drury said it would take 5 years to bring the ballfields to standard if \$200,00 is appropriated each year. Council Member Singer said he supports programs and ballfields, and has a hard time putting those funds when there are infrastructure and road projects the funds could be used. He said there is also an ongoing maintenance cost.

Council Member Gamble said the City could use the upper fields at Woodlea, move out of Stover Field, and come to an agreement with the School Board to purchase Stover Field. He said maintaining only one complex would cut down on City costs.

Council Member Boggus said she is reticent to pull money from Reserves due to inflationary cost projections and where money may need to be drawn from in the future. She said the City is \$23,000 over the GFOA, which is money that can be used to cover the increased Christmas lighting costs.

Vice Mayor Price asked if there was additional ARPA funding. Mr. Drury said the City has ARPA for lighting and canopies. Vice Mayor Price noted his support for keeping the \$100,000 in the budget and any ARPA funds. Council Member Gamble noted his support.

Council Member Singer said he is not comfortable moving forward with the \$100,000. He noted his concern about the \$1 million dollar cost to upgrade nine fields and additional maintenance costs. Mr. Drury said the \$100,000 would upgrade one of the little league baseball fields and possibly two, depending on the outcome of bids. Mayor Pfister said let's stop the discussion without the vote and move onto the Christmas lights.

Council Member Boggus noted replacing the scoreboards at Fred Stover Field is on the cut list.

Mayor Pfister noted her support for selling Fred Stover Field and having the City focus on Woodlea Sports Complex. A discussion was held regarding creating a Horizon Committee Team, including a Council member, Mr. Drury, and Mr. Aldrich, to approach the School Board and begin possible negotiations. Council Member Gamble said he previously spoke with School Board members and advised them Tavares is the only High School in Lake County that does not have its own baseball/softball complex.

There was a consensus for Council Member Gamble to Serve on a Fred Stover Field Horizon Team.

Council Member Singer asked what the \$100,000 included in the budget would go toward upgrading the fields. Mr. Drury said Mr. Aldrich would work to get one of the fields completed at Woodlea Sports Complex. Mayor Pfister noted the City could also be aggressive throughout the year to obtain grants. She said the County sometimes includes appropriations for recreation, and the City works closely with state Representatives who can assist in securing funds when they come up for youth recreation or senior programs. Mr. Aldrich said once the bid process is completed, \$100,000 could turn into an upgrade for two fields. Different options and companies can be solicited to stretch the funding.

Christmas Lights

Council Member Gamble inquired about the increased cost and noted Christmas lights continue throughout the day to deter squirrels from eating the lighting wires. He stated his support for the Christmas lights and asked how far down West Main Street the lighting goes. Mr. Drury said to SR 19.

Council Member Singer asked if the \$10,000 is only the cost to maintain a similar level of service. Mr. Drury confirmed.

Mayor Pfister asked if the blue and white lights would continue at the Chris Daniel Memorial pond. Mr. Drury confirmed.

Lou Buigas, 110 E. Ianthe Street, Tavares, said she appreciates Council Member Gamble's passion for the ball fields and noted many other City projects and items that are needed. She said the last time she asked, the number of residents who utilized the City's ball fields was under 50%. She asked the Council to ensure Tavares residents are using funds that are spent and expressed caution.

There was a consensus to move forward with \$10,000 for Christmas lights.

Council Member Gamble said he would like to withdraw his request of \$94,675 for ball fields.

Council Member Boggus asked if anyone wished to pull the \$100,000 from the budget.

Council Member Singer said he would like a plan for the \$100,000 rather than state the money would go toward ball fields.

Mayor Pfister said the plan could not be identified until funding and bids were obtained.

Mr. Drury said the proposal identifies two Little League baseball fields for \$75,000 each, and \$100,000 may cover upgrades to both fields depending on bids.

MOTION

Sandy Gamble moved to put the \$100,000 in recreation for the Woodlea Sports Complex, seconded by Walter Price. The motion carried 4-1 as follows:

Lori Pfister: Yes
Walter Price: Yes
Amanda Boggus: Yes
Sandy Gamble: Yes
Troy Singer: No

Mr. Drury said there is an opportunity before the Council to finalize the budget and make other changes.

Vice Mayor Price asked for additional information on the following items as potential budget cuts:

1. \$5,000 to repair the boardwalk at Squib Park.
2. \$5,000 for Council Member training.
3. The City is paying for custodian services as well as cleaning supplies.
4. \$19,600 for a Lead Program for economic development when the City has an economic development department
5. \$30,000 Parks and Recreation Rate Study (Ms. Houghton said that is for Impact Fees and Florida Statutes require the City to review rates to remain compliant)
6. \$80,000 for an asphalt dump trailer.
7. \$16,000 in sales from the Prop Shop with the purchase of \$30,000 in merchandise.
8. \$20,000 was allocated for a fence across the walkway to the Pavilion on the Lake. He said he likes to walk on the pier. Mr. Drury said it is currently gated off during events, and the idea is to put a gate ½ way down so the public can use a portion of the pier.
9. \$45,000 to extend the fence at plant 4. Mr. Clark said the fence was for security. A new community is being built near the plant, and the state regulates the plant to provide security. He said the remainder of the City's plant property would be fenced.

Mr. Drury said answers to the questions would be provided to Council before the September 7, 2022, City Council meeting. Members and staff would be available at the meeting to answer further questions.

XVI. ADJOURNMENT

There was no further business and Mayor Pfister adjourned the meeting at 5:48 p.m.

Respectfully,

Susie Novack, MMC, FCRM
City Clerk

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 5

SUBJECT TITLE: Leela Reserve Phase 2B - Preliminary Subdivision Plan (Community Development)

OBJECTIVE:

To approve the Preliminary Plat for the Leela Reserve Phase 2B Subdivision located west of State Road 19, south of Slim Haywood Avenue, north of Camp Road.

SUMMARY:

The Leela Reserve Phase 2B Subdivision is a proposed residential subdivision located west of State Road 19, south of Slim Haywood Avenue, north of Camp Road. The subdivision is 45.37 acres in size and consists of 125 lots for single family dwellings as permitted under the existing Residential Multi-Family (RMF-2) zoning approved by City Council on March 16, 2022.

A Preliminary Plat for the Leela Reserve Phase 2B Subdivision has been submitted by the developer. This document has been reviewed by City staff and meets the requirements of the City of Tavares Land Development Regulations and Comprehensive Plan 2040. The City's Concurrency Management System will ensure that levels of service will not be degraded beyond the adopted levels of service for all regulated public facilities.

This Preliminary Plat is for evaluation purposes, and approval does not constitute the subdivision of land. If approved, the developer may proceed with the engineering for all necessary infrastructure systems for staff review and must prepare a Final Plat of the property for Council consideration.

OPTIONS:

1. City Council approves the Preliminary Plat for the Leela Reserve Phase 2B Subdivision located west of State Road 19, south of Slim Haywood Avenue, north of Camp Road.
2. City Council denies the Preliminary Plat.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve the Preliminary Plat for the Leela Reserve Phase 2B Subdivision located west of State Road 19, south of Slim Haywood Avenue, north of Camp Road.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Preliminary Plat - Leela Reserve Phase 2B
2. Aerial Map
3. Environmental Report
4. Traffic Study
5. School Capacity Reservation

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 6

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
4. Newspaper Ads

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
9/21/2022**

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
5. Newspaper Ads

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

CITY OF TAVARES
ORDINANCE NO. 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 HEREFTER); 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 Park Square Enterprises, 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:

CITY OF TAVARES
ORDINANCE NO. 2022-13

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:

CITY OF TAVARES
ORDINANCE NO. 2022-13

- 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.]

THAT PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4619, PAGES 1709 THROUGH 1719, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; ALSO BEING PORTIONS OF THE VACATED LOTS, BLOCKS, STREETS, ROADS AND RIGHTS OF WAY AS SHOWN ON THE PLAT OF THE LAND OF LANE AND JACKSON AND OTHERS AS RECORDED IN PLAT BOOK 7, PAGE 52, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; TOGETHER WITH PORTIONS OF THE VACATED LOTS, BLOCKS, STREETS, ROADS AND RIGHTS OF WAY AS SHOWN ON TOWN PLAT OF LANE PARK AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, PER RESOLUTION 2015-13 BY THE CITY COUNCIL OF THE CITY OF TAVARES AS RECORDED IN OFFICIAL RECORDS BOOK 4693, PAGES 2436 THROUGH 2443, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 10 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE FORMER ATLANTIC COAST LINE RAILROAD LYING IN SAID GOVERNMENT LOT 10, ALL BEING IN SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST AND SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT NORTHEAST CORNER OF SAID SECTION 1; THENCE ON A BEARING RELATED TO FLORIDA STATE PLANE COORDINATES, EAST ZONE, S00°59'22"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FOR 1979.90 FEET; THENCE DEPARTING SAID EAST LINE, N89°11'36"W FOR 33.21 FEET TO THE SOUTHEAST CORNER OF LOT 73, ACCORDING TO LANE PARK RIDGE PHASE A, AS RECORDED IN PLAT BOOK 59, PAGES 52 THROUGH 54, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE S13°22'19"E FOR 80.76 FEET; THENCE S00°31'03"W FOR 550.33 FEET TO A POINT ON THE NORTH LINE OF AN ACCESS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4732, PAGE 1956, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S89°28'57"E ALONG SAID NORTH LINE FOR 482.12 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 45.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 70.69 FEET TO A POINT OF NON-TANGENT; THENCE N02°39'46"W FOR 180.25 FEET; THENCE N00°31'03"E FOR 850.02 FEET; THENCE N44°28'57"W FOR 82.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE FOR SLIM HAYWOOD AVENUE AS SHOWN ON SAID LANE PARK RIDGE PHASE A; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES: N50°01'18"E FOR 21.54 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°32'23" FOR A DISTANCE OF 141.51 FEET TO THE POINT OF TANGENCY; THENCE S89°26'19"E FOR 245.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 250.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°02'20" FOR A DISTANCE OF 165.98 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 175.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°25'45" FOR A DISTANCE OF 117.38 FEET TO A POINT OF NON-TANGENT; THENCE S89°13'56"E FOR 95.51 FEET TO THE WEST LINE FOXBOROUGH AS RECORDED IN PLAT BOOK 54, PAGES 33 AND 34, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE S00°49'02"W ALONG SAID WEST LINE FOR 470.08 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE WITH THE WEST RIGHT OF WAY LINE OF AN UNNAMED ROAD AS SHOWN ON AFORESAID PLAT OF LAND OF LANE AND JACKSON AND OTHERS; THENCE S01°03'31"W ALONG SAID WEST RIGHT OF WAY

LINE FOR 1256.29 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE FORMER ATLANTIC COAST LINE RAILROAD AS SHOWN ON THE RIGHT OF WAY AND TRACK MAP, ATLANTIC COAST LINE RAILROAD COMPANY, LANE PARK BRANCH, STATION 422+40 TO STATION 500+56, DATED REVISED JUNE 30, 1920, AND BEING ON FILE AT C.S.X. RAILROAD, JACKSONVILLE, FLORIDA; THENCE S54°00'47"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 374.63 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1482.68 FEET; THENCE CONTINUE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°15'10" FOR A DISTANCE OF 627.61 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTH LINE OF GOVERNMENT LOT 10; THENCE S89°17'00"E ALONG SAID NORTH LINE FOR 115.69 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID FORMER ATLANTIC COAST LINE RAILROAD, SAID POINT BEING SITUATED ON A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1382.68 FEET, TO WHICH A RADIAL LINE BEARS N57°54'43"W; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°24'12", FOR A DISTANCE OF 178.66 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE WITH THE WESTERLY RIGHT OF WAY LINE OF MAINTENANCE OF CAMP ROAD AS SHOWN ON THE LAKE COUNTY CAMP ROAD 3-3442 MAINTENANCE RIGHT OF WAY MAP, DATED OCTOBER 19, 2004, AS RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 64 THROUGH 67, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING SITUATED ON A NON-TANGENT CIRCULAR CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 881.20 FEET, TO WHICH A RADIAL LINE BEARS N62°01'10"W; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF MAINTENANCE THE FOLLOWING FOUR (4) COURSES: SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'50" FOR A DISTANCE OF 140.17 FEET TO A POINT OF NON-TANGENT; THENCE S19°56'21"W FOR 181.79 FEET; THENCE S19°05'05"W FOR 87.95 FEET TO A POINT SITUATED ON A NON-TANGENT CIRCULAR CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1190.34 FEET, TO WHICH A RADIAL LINE BEARS S73°30'54"E; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°19'14" FOR A DISTANCE OF 172.87 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4716, PAGE 1121, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE, N89°17'00"W ALONG SAID NORTH LINE FOR 317.85 FEET TO THE WEST LINE OF SAID SECTION 6, SAID LINE ALSO BEING THE WEST LINE OF AFORESAID GOVERNMENT LOT 10; THENCE N00°54'50"E ALONG SAID WEST LINE FOR 192.80 FEET TO THE NORTH RIGHT OF WAY LINE OF VACATED ASTATULA STREET PER OFFICIAL RECORDS BOOK 54, PAGE 93 THROUGH 95, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AS SHOWN ON TOWN PLAT OF LANE PARK, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, AND ALSO SHOWN ON THE LAKE COUNTY TAX MAP; THENCE DEPARTING SAID WEST LINE, N89°15'38"W ALONG SAID NORTH VACATED RIGHT OF WAY LINE FOR 784.72 FEET TO A POINT ON THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4878, PAGE 648, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N00°31'03"E ALONG SAID EAST LINE FOR 862.68 FEET; THENCE CONTINUE N00°54'04"E ALONG SAID EAST LINE FOR 419.25 FEET TO THE SOUTHEAST CORNER OF TRACT A OF SAID LANE PARK RIDGE PHASE A; THENCE N00°51'02"E ALONG THE EAST LINE OF SAID TRACT A FOR 42.66 FEET TO THE MOST SOUTHERLY CORNER OF TRACT B OF SAID LANE PARK RIDGE PHASE A; THENCE N70°21'18"E ALONG THE SOUTHEASTERLY LINE OF SAID LANE PARK RIDGE PHASE A FOR 383.25 FEET TO THE SOUTHEAST CORNER OF TRACT C OF SAID LANE PARK RIDGE PHASE A; THENCE N00°55'58"E ALONG THE EAST LINE OF SAID TRACT C FOR 153.40 FEET TO THE NORTHEAST CORNER OF SAID TRACT C; THENCE N89°11'24"W ALONG THE NORTH LINE OF SAID TRACT C FOR 195.00 FEET TO

THE SOUTHEAST CORNER OF LOT 37 OF SAID LANE PARK RIDGE PHASE A; THENCE ALONG THE EAST LINE OF LOTS 37 THROUGH 47, OF LANE PARK RIDGE PHASE A THE FOLLOWING THREE (3) COURSES: THENCE N00°58'06"E FOR 89.62 FEET; THENCE N02°03'22"E FOR 348.70 FEET; THENCE N05°44'42"E FOR 222.47 FEET; THENCE DEPARTING SAID EAST LINE, S89°11'36"E ALONG THE SOUTH LINE OF LOTS 68 THROUGH 73 OF SAID LANE PARK RIDGE PHASE A FOR 570.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT 73 AND THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE RUN ON A BEARING RELATED TO FLORIDA STATE PLANE COORDINATES, EAST ZONE, ALONG THE EAST LINE OF SAID SECTION 1, ALSO BEING THE WEST LINE OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 26 EAST, SOUTH 00°59'22" WEST A DISTANCE OF 1105.03 FEET TO THE NORTH LINE OF GOVERNMENT LOT 10 OF SAID SECTION 6; THENCE RUN SOUTH 89°17'00" EAST ALONG SAID NORTH LINE A DISTANCE OF 433.18 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FORMER ATLANTIC COAST LINE RAILROAD AS SHOWN ON THE "RIGHT OF WAY AND TRACK MAP, ATLANTIC COAST LINE R.R. CO., LANE PARK BRANCH, STATION 422+40 TO STATION 500+56, DATED REVISED JUNE 30, 1920", AND BEING ON FILE AT C.S.X. RAILROAD, JACKSONVILLE, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE SOUTH 89°17'00" EAST A DISTANCE OF 115.69 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID FORMER ATLANTIC COAST LINE RAILROAD; SAID POINT BEING SITUATED ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1382.68 FEET, TO WHICH A RADIAL LINE BEARS NORTH 57°54'43" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°24'12", AN ARC DISTANCE OF 178.66 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE WITH THE WESTERLY RIGHT OF WAY LINE OF MAINTENANCE OF CAMP ROAD AS SHOWN ON THE "LAKE COUNTY CAMP ROAD 3-3442 MAINTENANCE RIGHT OF WAY MAP, DATED OCTOBER 19, 2004" RECORDED IN MAINTENANCE MAP BOOK 9, PAGES 64 THROUGH 67, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING SITUATED ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 881.20 FEET, TO WHICH A RADIAL LINE BEARS NORTH 62°01'10" WEST; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE OF MAINTENANCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'50", AN ARC DISTANCE OF 140.17 FEET TO A NON-TANGENT POINT; (2) THENCE RUN SOUTH 19°56'21" WEST A DISTANCE OF 181.79 FEET; (3) THENCE RUN SOUTH 19°05'05" WEST A DISTANCE OF 87.95 FEET TO A POINT SITUATED ON A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1190.34 FEET, TO WHICH A RADIAL LINE BEARS SOUTH 73°30'54" EAST; (4) THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°19'14", AN ARC DISTANCE OF 172.87 FEET TO THE NORTH BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4716, PAGE 1121, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE RUN NORTH 89°17'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 56.26 FEET TO A POINT ON THE EASTERLY LINE OF LANDS DESCRIBED IN EXHIBIT 'A' OF THE CITY OF TAVARES ORDINANCE 2004-06 PASSED AND ORDAINED ON MAY 5, 2004, SAID POINT BEING SITUATED ON A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2,306.26 FEET, TO WHICH A RADIAL LINE BEARS SOUTH 66°23'59" EAST, THENCE RUN ALONG SAID EASTERLY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°44'14" AN ARC DISTANCE OF

190.69 FEET TO A POINT OF TANGENCY; (2) THENCE RUN NORTH 18°51'41" EAST A DISTANCE OF 242.52 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,231.30 FEET; (3) THENCE RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°44'04" AN ARC DISTANCE OF 166.21 TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF AN ACCESS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 4732, PAGES 1956 THROUGH 1965, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 14°53'05" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 20.11 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 59°53'05" WEST A DISTANCE OF 33.00 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF FORMER ATLANTIC COAST LINE RAILROAD, SAID POINT BEING SITUATED ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1482.69 FEET, TO WHICH A RADIAL LINE BEARS NORTH 64°50'18" WEST; THENCE RUN NORTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°35'55", AN ARC DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 86.58 ACRES, MORE OR LESS.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 8

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 approve with changes Ordinance 2022-12.
3. 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
9/21/2022**

AGENDA TAB NO.: 9

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
9/21/2022**

AGENDA TAB NO.: 10

SUBJECT TITLE: House of Representatives Local Support Grant Update (Utilities)

OBJECTIVE:

To provide the Council with an update on the status of 5 grants that Utilities applied for through the House of Representatives.

SUMMARY:

The Utilities staff were informed of possible grants for stormwater improvements through the House of Representatives. With the help of Keith Truenow's Aide, Aline Guy, staff submitted applications for five (5) possible projects. One of the projects was the Orange Acres/ Dykes Ave Stormwater Improvements, located off of old Hwy 441/Alfred Street. The City received a grant in the amount of \$500,000 for this project! This grant does not require any matching funds. The grant agreement will be forthcoming to the Council for acceptance at a future Council meeting. .

The Dykes Ave Project has been designed. The project is installing stormwater swales along both sides of the street and running some stormwater pipes under the road to improve stormwater conveyance.

OPTIONS:

There is no action required by the council at this time.

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
9/21/2022**

AGENDA TAB NO.: 11

SUBJECT TITLE: July 4 Parade Route Discussion (Community Services)

OBJECTIVE:

To request Council review and discuss the options for the July 4th Parade route through downtown.

SUMMARY:

The Tavares July 4th Parade has been a staple in the community for many years. At its February 16, 2022 regular council meeting, the City Council voted unanimously to keep the July 4th Parade through downtown as a part of the City's celebration. Discussions have since ensued on the best and safest route for the parade through the streets of downtown.

As a way of background, until 2010, the July 4th Parade started at the far west end of Main Street and proceeded eastbound on Main Street all the way past City Hall. From 2010 - 2016, staff utilized the vacant land and undeveloped access road at the far west end of Wooton Park to stage vehicles and parade walkers, leading them up what is today Joanna Ave and onto Ruby Street. The parade then proceeded eastbound on Ruby Street, turned west onto Main Street and proceeded westbound on Main Street.

After the renaissance of Ruby Street through developed restaurants, the west end boat ramp, road paving, etc., staff moved the parade back to a "one-way" direction, again staging the units and starting the parade at the far west end of Main Street and proceeding eastbound on Main Street only. This lasted from 2017 - 2019. Due to the COVID-19 pandemic, there was not a parade in 2020.

During this time period after the development of Ruby Street, city staff also planned the Christmas Celebration Parade along both Ruby Street and Main Street, highlighting the Christmas lights throughout both streets. In 2021, in an effort to be consistent with the parade route designated for the Christmas Celebration Parade, staff decided to use both Ruby Street and Main Street for the July 4th Parade. The responses to this route during the month of July was quite different than in December. High heat and strong chances of storms are more prevalent in July and having this longer parade route left participants stuck in these unfavorable weather conditions with no means of shelter for an extended period of time.

In an effort to reduce the parade participants' exposure to the extreme summer heat during the July 4th Parade, in 2022, staff reverted back to the "one-way" route of years before, only utilizing Main Street for the parade to make it a little shorter. Staff is seeking the council's direction on this decision to keep the July 4th Parade only "one-way" on Main Street or to also include Ruby Street, similar to the Christmas Celebration Parade.

OPTIONS:

1. Keep the July 4th Parade only “one-way” on Main Street (note that the Christmas Celebration Parade will still utilize both Ruby Street and Main Street).
2. Utilize both Ruby Street and Main Street for the July 4th Parade.

STAFF RECOMMENDATION:

1. Keep the July 4th Parade only “one-way” on Main Street (note that the Christmas Celebration Parade will still utilize both Ruby Street and Main Street).

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally Sufficient

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
9/21/2022**

AGENDA TAB NO.: 12

SUBJECT TITLE: Probation Office Property (City Administrator)

OBJECTIVE:

To discuss the Lake County Office of Probation Building

SUMMARY:

The Lake County Office of Probation is located in the Gateway of Tavares across the street from the Public Safety Complex. Lake County is exploring a relocation of the Office of Probation to another location which would result in the current building becoming surplus property. Lake County is offering the City an opportunity to explore what use (if any) the City may have for this surplus property. Staff seeks approval from Council to explore options and bring them back to the City Council for consideration.

OPTIONS:

1. Authorise staff to explore options for City use of Lake County surplus property that may become available in the gateway and bring them back to the City Council for consideration.
2. Do not explore options.

STAFF RECOMMENDATION:

Option 1: Authorise staff to explore options for City use of Lake County surplus property that may become available in the gateway and bring them back to the City Council for consideration.

FISCAL IMPACT:

None to explore options

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
9/21/2022**

AGENDA TAB NO.: 13

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

OBJECTIVE:

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

SUMMARY:

The City Administrator and staff have developed a budget for Fiscal Year 2023 for the 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 rollback rate).
3. Debt Service millage rate decreased (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)
- 9/07/2022 – City Council Budget Public Hearing – (First Reading for Resolution 2022-16 and 2022-17)

A Tentative Budget (all funds) has been prepared for the City Council. This second Public Hearing represents the Final Public Hearing (Second Reading – Resolution 2022-16) for Council's consideration to adopt the FY 2023 Operating Millage rate and the FY 2023 Voted Debt Service Millage rate.

OPTIONS:

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

Option 2: Take public input and approve the Final Millage for Fiscal Year 2023 as reflected in Resolution 2022-16, including any additional changes the Council proposes.

STAFF RECOMMENDATION:

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

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 2022-16 - Final Millage Rate

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 14

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

OBJECTIVE:

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

SUMMARY:

The City Administrator and staff have developed a budget for Fiscal Year 2023 for the 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 rollback rate).
3. Debt Service millage rate decreased (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)
- 9/07/2022 – City Council Budget Public Hearing – (First Reading for Resolution 2022-16 and 2022-17)

A Tentative Budget (all funds) has been prepared for the City Council. This Second Public Hearing represents the Final Public Hearing (Second Reading – Resolution 2022-17) for Council's consideration to adopt the FY 2023 Operating Budget.

OPTIONS:

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

Option 2: Take public input and approve the Final 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 and approve the Final 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 - Corrected 9-8-22

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 21st 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 21st 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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 15

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	October 5, 2022, 4:00 p.m., Tavares City Council Chambers October 19, 2022, 4:00 p.m., Tavares City Council Chambers
Planning and Zoning Board Meeting	October 20, 2022, 3:00 p.m., Tavares City Council Chambers
Library Board Meeting	October 12, 2022, 4:00 p.m., Tavares Library Conference Room
Code Enforcement Special Magistrate Hearing	October 25, 2022, 5:00 p.m., Tavares City Council Chambers

OUTSIDE AGENCY MEETINGS:

Lake County League of Cities Meeting	October 14, 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
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_9.15.2022
2. Tavares_2023_EventCalendar_9.13.2022

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

**AGENDA SUMMARY
TAVARES CITY COUNCIL
9/21/2022**

AGENDA TAB NO.: 16

SUBJECT TITLE: City Council Member Reports

OBJECTIVE:

To inform the Council on city-related items.

SUMMARY:

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

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

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