



CITY OF AVON PARK

Highlands County, Florida
110 East Main Street
Avon Park, Florida 33825

June 7, 2016

Avon Park City Council
110 East Main Street
Avon Park, Florida 33825

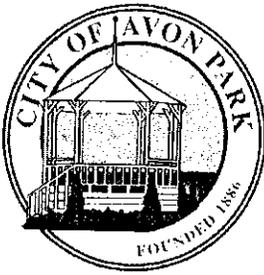
Dear Council Members:

Pursuant to City Ordinance No. 874, you are hereby notified of a Regular Meeting of the City Council on Monday, June 13, at 6:00 PM in the City Council Chambers located at 123 East Pine Street, Avon Park, Florida. If you are unable to attend, please contact me at 452-4403 or email the City Clerk: bbarwick@avonpark.cc

Sincerely,

A handwritten signature in blue ink, appearing to read "Julian Deleon", is written over a horizontal line.

Julian Deleon
City Manager



CITY OF AVON PARK
Highlands County, Florida

CITY COUNCIL REGULAR MEETING
City Council Chamber
123 E Pine St
Avon Park, FL
June 13, 2016 6:00 PM

A. OPENING

1. Invocation
2. Pledge of Allegiance
3. Roll Call

B CITIZENS/OUTSIDE AGENCIES

C. CONSENT AGENDA:

10. Approve Minutes of May 23, 2016 Regular City Council Meeting

D. COMMITTEE REPORTS/ATTY UPDATES/ANNOUNCEMENTS/PRESENTATIONS

12. City Manager Report:

- A. - NASGRASS Lease request \$1,200 annually for 5.8 Acre
- B. - Updated Budget Calendar
- C. - CRA Adoption documents
- D. - 2016/2017 evening Budget Workshop for June 27th, 2016
- E. - AP Fire Pension Projection
- F. - Fire Assessment Funding Level @ \$50.00 per House

E. ADMINISTRATIVE:

13. City Audit Presentation
14. Ordinance 10-16 Amending Future Land Use, 2nd Reading
Public Hearing
15. Ordinance 11-16 Amending the zoning of 24 Parcels of Land, 2nd Reading
Public Hearing
16. Ordinance 13-16 Annex Ten Parcels of Land, 2nd Reading
Public Hearing
17. Ordinance 16-16 Amending Land Development Code, 2nd Reading
Public Hearing
18. Ordinance 17-16, Relating to Medical Cannabis Dispensing Facilities, 1st Reading
19. Ordinance 18-16 Amending the City Code Expanding the Code Enforcement Board
Public Hearing 2nd Reading

20. Resolution 16-17, Preliminary Fire Assessment Resolution
21. Ordinance 19-16 Clarifying and Changing qualification periods
22. Sight Unseen Equipment Staged At Donaldson Park
23. 4th Amendment to the Employment Agreement Between Julian Deleon and the City of Avon Park

F. CITIZENS PARTICIPATION

H. ADJOURN

Any person who might wish to appeal any decision made by the City Council of the City of Avon Park, Highlands County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the City Manager prior to the meeting.

C-10

C-10

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
May 23, 2016
6:00 PM

Members Present: Mayor Sharon Schuler, Deputy Mayor Brenda Giles, Councilman Parke Sutherland, Councilperson Dora Smith, Councilman Terry Heston.

Members Absent: None

Others Present: City Manager Julian Deleon, Acting City Clerk Bonnie Barwick, City Attorney Gerald Buhr, Public Service Director Jason Lister, Members of the press and audience.

Mayor Sharon Schuler called the meeting to order at 6:00 P.M. The invocation was given and the Pledge of Allegiance was recited. The roll was called and a quorum was present.

City Manager Julian Deleon presented the Consent Agenda:
Approval of Minutes for May 9, 2016 Regular Council Meeting
Approval of two (2) Utility Budget Adjustments
Approval of road closure for Jaycee’s 4th of July Fireworks
Reappointment to the following boards

<u>Planning & Zoning:</u>	<u>Term Expires</u>
Jean Jordan	06/23/2019
Rebecca Jaramillo	06/23/2019
Jason Miller	06/23/2019
Roger Gurganus	06/23/2019
<u>Southside CRA Board</u>	
Gerald Snell	06/23/2019
<u>Airport CRA Board</u>	
Bill Sager	06/23/2020
Walt Pierce	06/23/2020
Bill Jarrett	06/23/2020
Jim Renfro	06/23/2020

Motion by Councilman Terry Heston, Seconded by Deputy Mayor Brenda Giles to approve consent agenda as presented by City Manager Julian Deleon. Motion passed unanimously.

Deputy Mayor Brenda Giles spoke about the Avon Park Chamber Dinner.

Councilman Parke Sutherland spoke regarding the Grand Opening of the Peter Powell Art Museum.

City Manager Julian Deleon handed out a tentative calendar for the 2016-2017 budget hearings. He explained that since there was a Regular Council Meeting on July 11, 2016, he suggested that a budget work shop be held at the same time. Councilman Parke Sutherland asked if we had ever gotten a reply on the proposal for the overlap of County volunteer fire program. City Manager

Deleon replied that we had not, he felt the County was discussing going with a County Wide Volunteer Fire Dept.

Councilman Parke Sutherland asked if we were going to use the same methodology that was used last year, and City Manager Julian Deleon said yes. City Manager Julian Deleon went over in details the dates that were being set up and asked the Council Members to notify him if there was any conflict in dates or times.

Jason Lister addressed the Council regarding the Event Ordinance. He stated that he was working with the City Attorney Gerald Buhr, and that it was a work in progress, trying to get a guide or two guides to work with. A larger guide for a large group and a smaller guide that would make it much easier for the public and staff to understand. City Attorney Gerald Buhr stated that they hoped the Ordinance would be in place by July or August at the latest.

City Manager Julian Deleon went over in detail the water quality of Lake Verona. He stated that the water had been tested by FDEP and FDOT. He said he felt most of the run off was coming off Main Street. He stated he had a meeting with FDOT, and he said they wanted us to put together a Master Drainage Plan for the entire basin. He stated we had done it before, and a SWWMD 75% matching grant. He stated that a preliminary plan would list all the man holes, etc that emptied into the basin. Then it would go into design plan and that could cost anywhere from \$35,000.00 to \$60,000.00. He asked the Council if they wanted to go forward with the plan and apply to SWWMD for a grant, which they were willing to do, or did they want to authorize funds and have it done now. He said he had looked at the lake and it did look better. Deputy Mayor Brenda Giles asked what would it cost if we done the study ourselves. City Manager Julian Deleon stated he felt that would be too big of an undertaking for the City to do, but you are talking about a DOT roadway system, because that is what Main Street is, and you have to meet DOT standards. After further discussion, Councilman Terry Heston said he would like to apply to SWWMD for a grant and to apply to TBC for the lakes and try and get money there also. It was discussed that FDOT wanted to help but we would have to put a plan together for them to consider. City Manager Julian Deleon stated that to get a SWWMD Grant would take about a year. Mayor Sharon Schuler asked about if we did not get the Grant this year would we have to wait another year. City Manager Deleon stated that while working on the budget they could budget it both ways, one with the grant in place and one without, so we could move forward.

Ordinance 18-16. 1st reading. Expanding Magistrate Powers to include LDR Violations. City Attorney Gerald Buhr read Ordinance 18-16 into the record. Since it was 1st reading, Council did not have to have a public hearing. **Motion** made by Councilman Parke Sutherland Seconded by Deputy Mayor Brenda Giles to approve 1st reading of Ordinance 18-16. Motion passed unanimously.

Brandee Bagwell address the Council regarding using MLK Complex June 25, 2016 for Break Dancers, She addressed the Council regarding using MLK Complex for the Break Dancers. After some discussion **Motion** made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve the use of MLK Complex for the Break Dancers, with the same cost and regulations as leasing the Community Center. Motion passed unanimously.

Ordinance 13-16 1st reading. Annexation 10 parcels, owned by three (3) different parties. City Attorney Gerald Buhr read Ordinance 13-16 into the record. Since it was 1st reading, Council did not

have to have a public hearing. **Motion** made by Councilman Terry Heston, Seconded by Councilman Parke Sutherland to approve 1st reading of Ordinance 13-16. Motion passed unanimously.

City Manager Julian Deleon presented the contract from Clifton, Larson and Allen that had been approved for negotiations. **Motion** by Deputy Mayor Brenda Giles, Seconded by Councilman Terry Heston to approve the contract as presented. Motion passed unanimously.

Investigator's Contract. City Attorney Gerald Buhr presented the contract with Roy Pierce with Apollo Investigators. City Attorney Gerald Buhr explained that this was a two part investigation. 1st with a public official using the "N" word in public. 2nd an untimely delay of presenting a Public Record Request and then when it was produced, a section of it had been destroyed. Several members of the audience spoke, mostly against an investigation, because nothing was going to be gained. It still would be hearsay. At one point Councilman Terry Heston suggested that the City make a donation to NAACP and get on with it. Nothing could be gained by spending a lot of money. Deputy Mayor disagreed; she didn't want to make a donation to anybody. The Mayor kept stating the main thing was that she wanted her name cleared and the witch hunt are ended. She is willing to take a polygraph test to prove she did not say it. City Manager Julian Deleon stated he knew what was said to him and he would take a polygraph test also. Aljoe Hinson spoke regarding remarks that he had heard the Mayor said, but he had never heard them in person. He made some remarks about the company that was hired; they might be a friend of City Attorney Gerald Buhr. Attorney Buhr stated he was offended by his remarks. Deputy Mayor Brenda Giles stated she had always been proud of the job that City Attorney Gerald Buhr had done, and respected his judgment. Councilman Parke Sutherland stated that he did not agree with the investigation, but he felt if he voted no on the investigation, some people would take it as self serving. After further discussion, **Motion** made by Deputy Mayor Brenda Giles, Seconded by Councilperson Dora Smith, to approve the contract with Roy Pierce adding that the investigation regarding the "N" word go back three (3) years, and other people could be contacted to be asked questions. Motion passed 4 to 1 with Councilman Terry Heston voting no. Mayor Sharon Schuler stated she wanted to make sure that Maria Sutherland's name was on the list of people to be talked to. City Attorney stated her name was on the list along with other staff members and Council Members and Administration, also three (3) Jane or John Doe's that may need to be talked to.

Councilperson Dora Smith asked about the matter that had been tabled or postponed at the last meeting. Renting rooms of the Community Center. Councilman Parke Sutherland said he thought he had been postponed and he had not had a chance to go look over the rooms they were talking about. Deputy Mayor Brenda Giles stated she was still against renting rooms at the Community Center for Art Classes. She thought there was plenty of places downtown Avon Park that could be rented. We should stop giving things away. The Council agreed to postpone it further until everyone had a chance to look at the rooms and where they were located in the Community Center.

Tom Macklin gave the Council Members calendars and asked that they check the dates. He stated that it was advertised that the qualifying period for the upcoming election was wrong. It was explained to him that this directive had come from the Supervisor of Election Office. He stated he had talked to them and they told him that the City's Ordinance superseded the County's dates. He was told that the staff would look into it and correct it if need be.

City Manager Julian Deleon addressed the Council regarding his contract. He felt he should have at least 7 days warning if his contract was about to be terminated. But to come in on Monday and get blindsided and not know what was going was unfair. It was wrong to bring up something that happened 7 or 10 months ago without any warning at all. City Attorney Gerald Buhr stated he would write an amendment to his contract and have it for the next Council Meeting.

Meeting adjourned at 8:15 PM

Acting City Clerk Bonnie Barwick

Mayor Sharon Schuler

D-12

Julian Deleon

12A

From: Julian Deleon
Sent: Wednesday, June 1, 2016 9:39 AM
To: 'William T. Haynes'
Cc: Jason Lister
Subject: RE: NASGRASS POLLUTION PREVENTION PLAN APRIL 24TH 2016

Bill,

I will bring your request for \$1,200 per ~~month~~ ^{YEAR} for a 5.8 acres land lease to the City Council. This is not the agreement, just the pricing. Please let me know if I have misunderstood the leased area as described below.

This is a lease for \$17.24/acre per month]



From: William T. Haynes [mailto:wthaynes@wastequip.com]
Sent: Monday, May 23, 2016 12:20 PM
To: Julian Deleon <jdeleon@avonpark.cc>
Cc: Jason Lister <jlister@avonpark.cc>
Subject: RE: NASGRASS POLLUTION PREVENTION PLAN APRIL 24TH 2016

Good morning Mr. Deleon,

I have to admit, I read your email on Friday evening and had to recover somewhat from the \$3,600 figure. While Wes and I discussed the days of a \$1.00 per year lease apparently coming to an end after our joint meeting last month, we never considered the potential to have to adjust race membership and race entry fees to cover for an increase of \$300 per month in the lease cost.

While I am not the club treasurer, I am very skeptical about the ability of Nasgrass to cover that cost. Lawn mower racing is about family and fun competition and unlike automotive racing can't garnish significant financial sponsorships that can be utilized to pay overhead costs. While raising membership and race entry fees have the potential to generate some additional revenue there is a fine line between the ability to

generate additional revenue to cover an increase in the property lease cost and watching overall revenue decline due to participation level fall off.

Lawn mower racing is a family motorsport which means that some Florida families have as many as four family members racing (in the same or different classes). Based on an average of thirty racers per month and a nine race annual schedule, Nasgrass would need to increase entry fees by \$14.00 per racer just to cover the proposed new lease cost (this would almost double the current racer entry fee of \$15.00. For a family of four racers this would mean a fifty six dollar increase each month. I personally believe that this level of racer entry fee increase will cause reduced overall participation by both racers and supporting family members who also pay \$5.00 for pit access (pit entry fees go directly toward liability insurance costs). While there are a few of us racers that can easily absorb an entry fee increase, I am sure there are several lower entry level class mower racers that would feel the increase cost significantly. Several racers and families are incurring the cost of traveling two hours one way to attend our club races and I am confident that racer registration documentation would demonstrate reduced total racer counts back when gas prices were well above \$3.00 per gallon. I state this to support my concern that at some point there is a diminishing return on raising fees due to racer and family discretionary fund restrictions. Fewer racers results in less competitive racing and excitement for local area residents/spectators which undoubtedly will lead to lower spectator counts and gate proceeds.

Mr. Deleon, above I have tried to present what I believe whole heartedly to be honest and valid points regarding the likelihood of Nasgrass surviving and continuing to race at the Avon Park Mowplex with the proposed \$3,600 per year lease cost. At this point, is there any way you see that would allow us to achieve a lease cost of \$1,200.00 per year? Achieving this would result in Nasgrass being able to limit the entry fee increase to \$5.00 per racer., an increase that I believe all members could absorb so racer counts didn't diminish.

Thanks,
Bill Haynes
(863) 738-0757

From: Julian Deleon [mailto:jideleon@avonpark.cc]
Sent: Friday, May 20, 2016 3:35 PM
To: William T. Haynes
Cc: Jason Lister
Subject: Re: NASGRASS POLLUTION PREVENTION PLAN APRIL 24TH 2016

Good afternoon Bill,

I am sorry for the delayed response. The BMP plan is fine. The rent based on the acreage, fair market lease value for airport property, excluding the wooded area not in use, we would propose a \$3,600 annual amount for use of the City facility.

Please let me know and we can finalize the agreement. I would recommend a 5 year lease agreement, without increases.

Julian Deleon, City Manager
City of Avon Park
863-452-4403

25	Monday, July 25, 2016		COUNCIL MEETING, SET PRELIMINARY MILLAGE RATE.
26	Tuesday, July 26, 2016		
27	Wednesday, July 27, 2016		
28	Thursday, July 28, 2016		
29	Friday, July 29, 2016		
30	Saturday, July 30, 2016		
31	Sunday, July 31, 2016		
32	Monday, August 01, 2016		
33	Tuesday, August 02, 2016		
34	Wednesday, August 03, 2016		
35	Thursday, August 04, 2016		Due Date for day=35, after tax certification by P.A. (July 1), last day to provide PA with DR-420, DR-420 TIF
36	Friday, August 05, 2016		
37	Saturday, August 06, 2016		
38	Sunday, August 07, 2016		
39	Monday, August 08, 2016		
40	Tuesday, August 09, 2016		
41	Wednesday, August 10, 2016		
42	Thursday, August 11, 2016		
43	Friday, August 12, 2016		
44	Saturday, August 13, 2016		
45	Sunday, August 14, 2016		
46	Monday, August 15, 2016		
47	Tuesday, August 16, 2016		
48	Wednesday, August 17, 2016		
49	Thursday, August 18, 2016		
50	Friday, August 19, 2016		
51	Saturday, August 20, 2016		
52	Sunday, August 21, 2016		
53	Monday, August 22, 2016		
54	Tuesday, August 23, 2016		
55	Wednesday, August 24, 2016		Within 55 days the P.A. mails out tax notices to property owners
56	Thursday, August 25, 2016		
57	Friday, August 26, 2016		
58	Saturday, August 27, 2016		
59	Sunday, August 28, 2016		
60	Monday, August 29, 2016		
61	Tuesday, August 30, 2016		
62	Wednesday, August 31, 2016		12.26

63	Thursday, September 01, 2016		
64	Friday, September 02, 2016		
65	Saturday, September 03, 2016		1st day that we can legally hold public hearing on tentative Budget meetings, and
66	Sunday, September 04, 2016		(This tentative hearing is published on the PA TRIM notice that is mailed out by the PA)
67	Monday, September 05, 2016		(Within 15 days of the tentative hearing, the taxing authority must advertise final millage and
68	Tuesday, September 06, 2016		(Final public hearing within 2 to 5 days after the above hearing advertisement to adopt final
69	Wednesday, September 07, 2016		(Within 3-days after final hearing and adoption of resolution/ord, this is forward to PA and DOR.)
70	Thursday, September 08, 2016		(Within 30 days of final hearing each authority gets DOR and PA completed DR-422
71	Friday, September 09, 2016		
72	Saturday, September 10, 2016		Notify Tax Collector on Fire Assessment Roll.
73	Sunday, September 11, 2016		
74	Monday, September 12, 2016		COUNCIL MEETING: OFFICIAL PUBLIC HEARING ON TENTATIVE BUDGET, and
75	Tuesday, September 13, 2016		TENTATIVE MILLAGE)
76	Wednesday, September 14, 2016		Advertise budget Ordinance
77	Thursday, September 15, 2016		
78	Friday, September 16, 2016		
79	Saturday, September 17, 2016		
80	Sunday, September 18, 2016		
81	Monday, September 19, 2016		
82	Tuesday, September 20, 2016		
83	Wednesday, September 21, 2016		
84	Thursday, September 22, 2016		
85	Friday, September 23, 2016		Newspaper Advertisement in local paper BUDGET Hearing
86	Saturday, September 24, 2016		
87	Sunday, September 25, 2016		
88	Monday, September 26, 2016		COUNCIL MEETING. PUBLIC HEARING TO ADOPT FINAL BUDGET (2-5 DAYS AFTER AD)
89	Tuesday, September 27, 2016		
90	Wednesday, September 28, 2016		
91	Thursday, September 29, 2016		Forward resolution adopting final millage rate to Property Appraiser and Tax Collector.
92	Friday, September 30, 2016		(Within 30 days of final hearing each authority gets DOR and PA completed DR-422
93	Saturday, October 01, 2016		
94	Sunday, October 02, 2016		
95	Monday, October 03, 2016		
96	Tuesday, October 04, 2016		

Bonnie Barwick

12-E

From: Julian Deleon
Sent: Wednesday, June 01, 2016 4:55 PM
To: Bonnie Barwick
Subject: Fwd: Avon Park Firefighters' Plan - Cost Projections
Attachments: image001.jpg; ATT00001.htm; Avon Park Fire - Projection Analysis.pdf; ATT00002.htm

Please add this summary report on the 10 year projection for the firefighters pension in the city councils agenda ~~under consent.~~

Julian Deleon, City Manager
City of Avon Park
863-452-4403
Sent from my iPhone

Begin forwarded message:

From: Douglas Lozen <Doug.Lozen@foster-foster.com>
Date: June 1, 2016 at 3:52:40 PM EDT
To: 'Julian Deleon' <jdeleon@avonpark.cc>
Cc: 'Carol Knapp' <carol@ckpensions.com>, Warren West <apfirepension5@yahoo.com>, Warren West <apfire5@yahoo.com>, "scott@cdpension.com" <scott@cdpension.com>
Subject: Avon Park Firefighters' Plan - Cost Projections

Julian,

Attached are the requested cost projections for the City of Avon Park's Firefighters' Plan.

Let me know if you have any questions.

Thanks,

Doug

Douglas H. Lozen, EA, MAAA



June 1, 2016

Mr. Julian DeLeon, City Manager
City of Avon Park, FL

Re: City of Avon Park Firefighters' Retirement System
Projection Analysis

Dear Julian:

As requested at the January 26, 2016 Board Meeting, Foster & Foster has performed a special actuarial analysis to estimate the projected City funding requirements and Unfunded Actuarial Accrued Liability (UAAL) over the next ten years. Before we can discuss the results of the projection analysis, it is first important to review the various assumptions that have been utilized in order to estimate future assets and liabilities, as well as the resulting estimated annual contribution requirements.

Assumptions Utilized for Projection

The balance of this analysis will examine a projection of the anticipated plan costs over the next ten years. When reviewing the estimated results, please keep in mind the following:

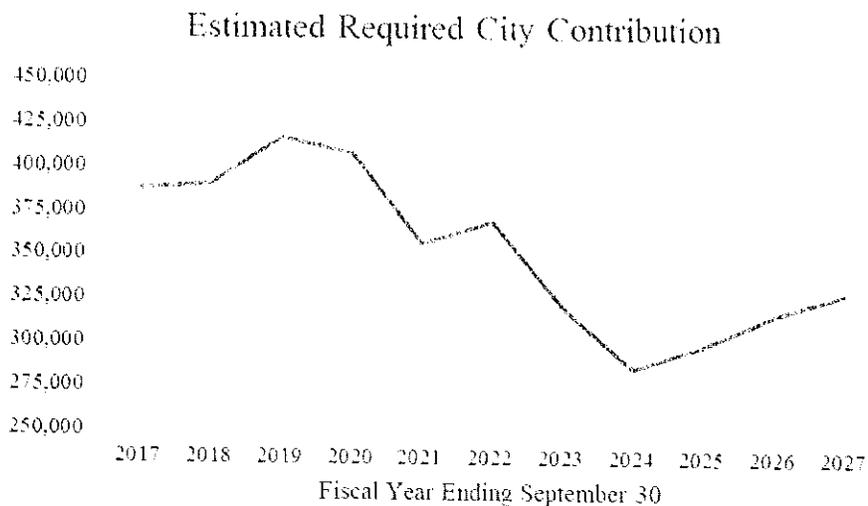
- The liability projections were based upon census data as of the October 1, 2015 actuarial valuation. Additionally, we relied upon actuarial assumptions, methods, asset information, and plan provisions contained in the October 1, 2015 actuarial valuation report with the exception of the assumed mortality rates, as described below.
- As you are probably aware, Governor Scott signed HB 1309 (codified as Chapter 2015-157, Laws of Florida) which will require mandatory revisions to the mortality table used in the actuarial valuation to incorporate generational mortality improvements. Specifically, Chapter 2015-157 requires that beginning with the October 1, 2016 valuation, all public plans must utilize the mortality table used by the Florida Retirement System actuary in one of their previous two actuarial valuations. Therefore, in order to more accurately estimate future plan costs, we have employed the special risk mortality tables reflected in the Florida Retirement System Actuarial Valuation as of July 1, 2015 for purposes of this analysis.
- Market Value of Assets were assumed to earn 7.75% per year, net of investment related expenses, beginning October 1, 2015. This is the respective assumption currently utilized for valuation purposes.
- The active population was assumed to be constant, meaning that as members are projected to terminate or retire, they will be replaced with new members.

- Future new entrants are assumed to enter the plan at age 25 with a beginning salary of \$35,000 and be 100% male, based on recent experience. Also, the beginning salary is assumed to increase at the 3.0% inflation rate during the projection period.
- Future administrative expenses were assumed to grow at 3.0% per year, equal to the inflation assumption currently utilized in the plan.
- Future annual state monies received by the plan were assumed to be \$41,577, equal to the amount received in 2015.
- Unless otherwise stated, future mortality, disability, turnover, retirement, payroll, and wage increases were all assumed to occur in accordance with the actuarial assumptions outlined in the October 1, 2015 actuarial valuation report.

It is important to keep in mind that deviations in future plan experience relative to the assumptions stated above may have a dramatic impact upon future contribution requirements.

Summary of Results

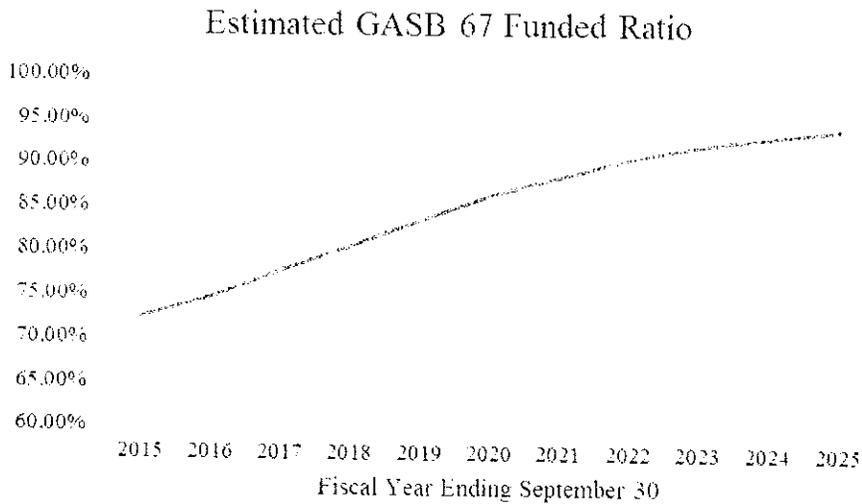
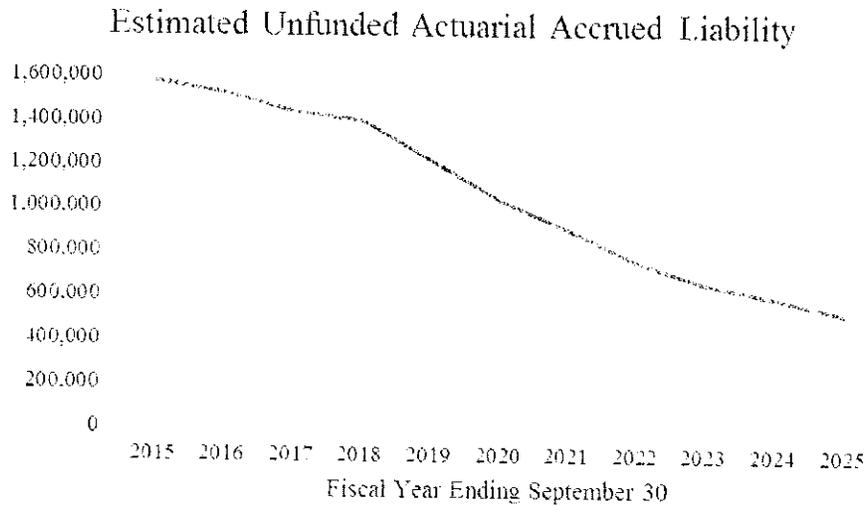
In order to help represent the results of the projection analysis in a visual manner, we have included a graph directly below which displays the estimated annual funding requirements over the ten-year projection period.



As can be seen, the estimated City contribution requirement increases in the first couple of years of the projection period as deferred investment losses flow into the system. Beginning in Fiscal 2020, the estimated City contribution requirement begins to decline, mostly due to the 2008 and 2009 UAAL loss base being completely paid off. Currently, these two bases represent about 40% of the required UAAL amortization payment.

Beginning in Fiscal 2020, the City contribution requirement is estimated to decline from around \$407,000 to \$285,000 by Fiscal 2024. Beginning in Fiscal 2025, the City is projected to realize a small increase in its annual funding requirements, on a dollar-funding basis. However, it is important to note that during the final years of the projection period (2024-2027), the estimated City contribution requirement is relatively flat, when expressed as a percentage of projected payroll. Additionally, we have reviewed the results beyond the scope of the 10-year projection period and determined that the long-term City contribution requirement is 21-22% of annual payroll.

For informational purposes, we have also included a graph of the estimated UAAL and estimated GASB funded ratio during the projection period for review below. As you can see, the estimated UAAL decreases throughout the entirety of the projection period, from approximately \$1.6 million to \$500,000. Similarly, the estimated GASB funded ratio increases throughout the projection period, from 72% to 94%.



Please note the contents of this analysis and the October 1, 2015 actuarial valuation report are considered an integral part of the actuarial opinions. The undersigned is familiar with the immediate and long-term aspects of pension valuations, and meets the Qualification Standards of the American Academy of Actuaries necessary to render the actuarial opinions contained herein.

Hopefully the results of this study will lead to good discussions. If you have any questions, concerns, or would like to discuss the results in greater detail, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Douglas H. Lozen".

Douglas H. Lozen, EA, MAAA
DHL/lke

CC (via email): Carol Knapp, Plan Administrator
Warren West, Board Chairman

Avon Park Fire Assessment

Rates and Revenues in \$10 Increments of Residential Assessment

Property Category	Assessment Unit	Cost Recovery %	59.7%	58.2%	54.8%	51.3%	50.0%	47.9%	44.5%	41.1%	37.6%	34.2%	30.8%	27.4%	24.0%	20.5%	17.1%
Residential	Dwelling Unit	Revenue	\$ 17,445	\$ 170.00	\$ 160.00	\$ 150.00	\$ 146.11	\$ 140.00	\$ 130.00	\$ 120.00	\$ 110.00	\$ 100.00	\$ 90.00	\$ 80.00	\$ 70.00	\$ 60.00	\$ 50.00
Commercial	Sq Ft	Revenue	\$ 0.093	\$ 0.090	\$ 0.085	\$ 0.080	\$ 0.078	\$ 0.074	\$ 0.069	\$ 0.064	\$ 0.058	\$ 0.053	\$ 0.048	\$ 0.043	\$ 0.04	\$ 0.03	\$ 0.03
Ind/Warehouse	Sq Ft	Revenue	\$ 0.014	\$ 0.014	\$ 0.013	\$ 0.012	\$ 0.012	\$ 0.011	\$ 0.011	\$ 0.010	\$ 0.009	\$ 0.008	\$ 0.007	\$ 0.007	\$ 0.01	\$ 0.01	\$ 0.01
Govt/Institutional	Sq Ft	Revenue	\$ 0.035	\$ 0.034	\$ 0.032	\$ 0.030	\$ 0.030	\$ 0.028	\$ 0.026	\$ 0.024	\$ 0.022	\$ 0.020	\$ 0.018	\$ 0.016	\$ 0.01	\$ 0.01	\$ 0.01
Total Assessment		Revenue	\$ 875,919	\$ 852,679	\$ 802,904	\$ 753,128	\$ 734,372	\$ 701,803	\$ 652,445	\$ 602,669	\$ 551,344	\$ 501,569	\$ 451,793	\$ 402,435	\$ 351,110	\$ 301,335	\$ 251,559
Less: 5% Reserve or Contingency			\$ (43,796)	\$ (42,634)	\$ (40,145)	\$ (37,656)	\$ (36,719)	\$ (35,090)	\$ (32,632)	\$ (30,133)	\$ (27,567)	\$ (25,078)	\$ (22,590)	\$ (20,122)	\$ (17,556)	\$ (15,067)	\$ (12,578)
Less: 2% Tax Collector's Expens			\$ (17,518)	\$ (17,054)	\$ (16,058)	\$ (15,063)	\$ (14,687)	\$ (14,036)	\$ (13,049)	\$ (12,053)	\$ (11,027)	\$ (10,031)	\$ (9,036)	\$ (8,049)	\$ (7,022)	\$ (6,027)	\$ (5,031)
Estimated Collected Revenue			\$ 832,123	\$ 810,045	\$ 762,758	\$ 715,472	\$ 682,966	\$ 666,713	\$ 619,823	\$ 572,536	\$ 523,777	\$ 476,490	\$ 429,204	\$ 382,314	\$ 333,555	\$ 286,266	\$ 238,981

As requested by the City, rates are calculated with all calls, including EMS, distributed to real property.

Prepared by Burton & Associates

12F

17.1% Funding



E-14



**CITY OF AVON PARK
FUTURE LAND USE AMENDMENT AND REZONING
OVERVIEW REPORT
June 13, 2016**

TO: CITY OF AVON PARK, CITY COUNCIL

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 10-16 – Future Land Use Amendment
Ordinance 11-16 – Rezoning**

A City-initiated request to amend the Future Land Use and zoning of 24 parcels of land totaling 21.7-acres generally located on the east side of Lake Lotela, west of SR-17, and north of Hollyhurst Drive from the Future Land Use of County Agriculture, County High Density Residential and County Medium Density Residential to City Medium Density Residential and City Recreation and Open Space and the zoning of County AU (Agricultural), County R3 (Multi-family Residential) and County R1A (Residential) to City R-2 (Medium Density, Single Family Attached and Duplex) and City PR (Public Recreation/Open Space)

AGENDA DATE:

March 8, 2016, 5:30 PM:	Planning and Zoning Board Meeting (Public Hearing)
March 28, 2016, 6:00 PM:	City Council (Transmittal Hearing – Future Land Use) City Council (First Reading - Rezoning)
June 13, 2016, 6:00 PM:	City Council (Adoption, Public Hearing)

PLANNING & ZONING BOARD ACTION:

On Tuesday, March 8, 2016, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed Future Land Use Map Amendment and rezoning to the City Council **with a recommendation of approval.**

CITY COUNCIL ACTION:

Ordinance 10-16 – Future Land Use Map Amendment:

On Monday, March 28, 2016, the City of Avon Park City Council voted unanimously to **approve to transmit Ordinance 10-16** to the Department of Economic Opportunity for review.

Ordinance 11-16 – Rezoning:

On Monday, March 28, 2016, the City of Avon Park City Council voted unanimously to **approve the First Reading of Ordinance 11-16.**

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY REVIEW:

The Florida Department of Economic Opportunity (DEO) and other state review agencies have reviewed the proposed Future Land Use Map Amendment (Ordinance 10-16) and had no objections.

CITY COUNCIL MOTION OPTIONS:

Options for motions are listed below.

Ordinance 10-16 – Future Land Use Map Amendment:

1. I move the City Council **approve Ordinance 10-16.**
2. I move the City Council **approve Ordinance 10-16 with changes.**
3. I move the City Council **deny Ordinance 10-16.**

Ordinance 11-16 – Rezoning:

1. I move the City Council **approve Ordinance 11-16.**
2. I move the City Council **approve Ordinance 11-16 with changes.**
3. I move the City Council **deny Ordinance 11-16.**

ATTACHMENTS:

- Aerial Photo Map
- Existing Future Land Use Map
- Proposed Future Land Use Map
- Existing Zoning Map
- Proposed Zoning Map

OVERVIEW:

Applicant	City of Avon Park
Property Owner(s)	Multiple Ownerships
Parcel IDs	C25332805000B00000, C25332805000301436, C25332805000300AA0, C25332805000301434, C25332805000301460, C25332805000301432, C25332805000301458, C25332805000301430, C25332805000301456, C25332805000301428, C25332805000301454, C25332805000301426, C25332805000301450, C25332805000301422, C25332805000301448, C25332805000301420, C25332805000301446, C25332805000301418, C25332805000301444, C25332805000301416, C25332805000301442, C25332805000301410, C25332805000301438, C25332805000B10000
Acreeage (Total)	21.7-acres
Existing Future Land Use	County Agriculture
	County Medium Density Residential
	County High Density Residential
Proposed Future Land Use	City Medium Density Residential
	City Recreation and Open Space
Existing Zoning	County AU (Agricultural)
	County R1A (Residential)
	County R3 (Multi-family Residential)
Proposed Zoning	R-2 (Medium Density, Single Family Attached and Duplex)
	City PR (Public Recreation/Open Space)
Previous Hearings	None

The City of Avon Park (applicant) is requesting to change the Future Land Use and zoning of 24 parcels of land consisting of 21.7- acres. The subject parcels are generally located on the east side of Lake Lotela, west of SR-17, and north of Hollyhurst Drive (see attached Aerial Photo Map).

The proposed Future Land Use change is from County Agriculture, County Medium Density Residential and County High Density Residential to City Recreation and Open Space and City Medium Density Residential.

The proposed zoning change is from County AU (Agricultural), County R1A (Residential) and County R3 (Multi-family Residential) to City PR (Public Recreation/Open Space) and R-2 (Medium Density, Single Family Attached and Duplex).

REASON FOR REQUEST:

The proposed amendments will assign City Future Land Use and City zoning to previously developed properties that have been recently annexed into the City under Ordinance No. 01-16. The existing land uses on the subject parcels include single family attached residences (duplexes), a golf course and grove land.

ANALYSIS OF PROPOSED FUTURE LAND USE AND ZONING AMENDMENTS:

Consideration of the proposed FLU and zoning changes shall be evaluated against the following:

- *Consistency with the Comprehensive Plan*
- *Land Use Analysis*

- *Public Facilities and Services Analysis*

Consistency with the Comprehensive Plan:

The request is to change the Future Land Use of the subject parcels from County Agriculture, County High Density Residential and County Medium Density Residential to City Medium Density Residential and City Recreation and Open Space and the zoning from County AU (Agricultural), County R1A (Residential) and County R3 (multi-family Residential) to City R-2 (Medium Density, Single Family Attached and Duplex) and City PR (Public Recreation/Open Space). Descriptions for both the existing and proposed Future Land Use and zoning designations are provided as follows:

Existing – Future Land Use

County Future Land Use Element, Policy 1.2.D.1. – Agriculture:

Agriculture is the predominant land use for the rural areas of Highlands County. This category encompasses those activities generally associated with rural settlements, active agriculture including bio fuel feedstock and other resource based activities, and recreation and open space.

- a. Starting Density: 0.20 or less, units per acre, or one (1) dwelling for every five acres.

County Future Land Use Element, Policy 1.2.D.3. – Medium Density Residential:

The development pattern for this residential category begins with the traditional development density for single-family lots on unincorporated properties in the County. Generally subdivided into quarter-acre lots, which established the starting density this land use category constituted the primary residential environment for County residents comprising both site-built and mobile homes. Historic development patterns for this land use category favor commuter linkages from satellite subdivisions around municipalities and along arterial corridors. Housing service ranges from single-family detached neighborhoods to attached housing complexes, such as duplexes, which offer both ownership and rental opportunities. Vacant infill properties are prime candidates for this land use category. Future projects should emphasize a traditional preference for privacy, visual amenity, and low profile development: one and two story construction, ample separation between buildings, off-street parking, landscape treatments, etc. The upper end of this density range, which includes the Mobile Home Park (max. 8 dus/ac), may be achieved where existing infrastructure and paved roads exist to serve the development site or whenever special taxing districts are created to provide such infrastructure.

- a. Starting Density: 4.00 units per acre.
- b. Maximum Density: 8.00 units per acre
- c. Additional Allowable Uses: Public schools (Elementary, Middle, & High); collocated with the following public facilities to the extent possible: public recreational facilities; community centers; public library; museum and gallery.
- d. Permitted Supporting Uses: include potable water and wastewater treatment plants.

County Future Land Use Element, Policy 1.2.D.4. – High Density Residential:

Land use with the highest residential development potential. Historically, this has been the predominant residential density for mobile home and attached multiple-family housing projects, although small lot subdivisions are achievable at the low end of this density range.

Prime candidates for development at this density are infill properties situated in close proximity to municipal boundaries, shopping and employment centers, the intersections of paved arterial or collector roads, and similarly developed sites. In addition to these considerations, new development or redevelopment at the upper limits of this density range may be required to connect to an existing central wastewater system and potable water system which are available to the site, or provided on site as required supporting uses.

Because of their high profile in the urban fabric, High Density Residential projects should integrate landscape treatments and buffers, screened or covered on-site parking, properly controlled internal circulation and access/egress points, and amenity spaces/facilities into the site plan.

In order to assure that High Density Residential projects are compatible with the character of neighboring residential properties and respectful to the visual perspective of the street scape, design consideration should also be given to the scale of the project; building mass, heights, setbacks, and orientations; architectural style and material treatments; and signage.

- a. Starting Density: 9.00 units per acre.
- b. Maximum Density: 12.00 units per acre, except that *Assisted Living Facilities* shall be allowed a maximum of 30 units per acre.

Proposed – Future Land Use

City Future Land Use Element, Policy 1.5 – Medium Density Residential:

The Medium Density Residential designation shall meet Avon Park's housing demand for this range of density, promote efficient use of existing infrastructure and promote affordable housing. Multi-family housing units are permissible at a maximum density of 16 units per gross acre. Mobile home parks are permissible at a maximum density of 8 mobile homes per gross acre. Public schools shall be a permitted use in this classification.

City Future Land Use Element, Policy 1.10 – Recreation and Open Space:

The Recreation and Open Space designation includes existing recreational and open space land uses in Avon Park. Public schools shall be a permitted use in this classification.

Existing – Zoning

County Land Development Regulations, Section 12.05.200 – AU (Agricultural):

The AU agricultural district is intended to apply to those areas presently and primarily agricultural.

County Land Development Code, Section 12.05.210 – R1A (Residential):

The R1A residential district is intended to be single-family residential area, medium population density with minimum lot area.

County Land Development Code, Section 12.05.213 – R3 (Multiple-family dwelling including motel and hotel district): *The County does not provide a description of intent in the Land Development Code for this designation.*

Proposed – Zoning

City Land Development Code, Section 2.04.02.04 – R-2 (Medium Density, Single Family Attached and Duplex):

To establish locations suitable for medium-density single family attached development such as duplexes, patio homes, townhouses, and condominiums, all with ground floor entrances, at a maximum of eight units in no more than four buildings per acre (8 du/ac).

City Land Development Code, Section 2.04.02.13 – PR (Public Recreation/Open Space):

To establish locations for publicly-owned recreation facilities; and properties reserved for open space to promote the public health, safety, and welfare.

Land Use Analysis

The subject parcels primarily consist of developed single-family attached residences (~5.4 acres) and a golf course (~15.0 acres). A small portion of the subject area is existing grove land (~1.3 acres). The majority of the surrounding community is also residential in nature, with agricultural operations as the other predominant land use in this area, primarily large tracts of grove land located on the east side of SR-17.

Table 1 below outlines the existing and proposed Future Land Use and zoning of the subject parcels and the existing Future Land Use and zoning of adjacent properties. Existing and Proposed Future Land Use and Zoning Maps are attached for reference.

**Table 1.
Land Use Matrix.**

Northwest	North	Northeast
Future Land Use: County Medium Density Residential Zoning: County R1A	Future Land Use: County Medium Density Residential Zoning: County R1A	Future Land Use: County Medium Density Residential Zoning: County R1A
West	Subject Parcels	East
Future Land Use: County Medium Density Residential Zoning: County R1A	Future Land Use: <u>Existing:</u> County High Density Residential, County Medium Density Residential & County Agriculture <u>Proposed:</u> City Medium Density Residential & City Recreation and Open Space Zoning: <u>Existing:</u> County AU, County R1A & County R3 <u>Proposed:</u> City R2 and City PR	Future Land Use: County Medium Density Residential Zoning: County R1A
Southwest	South	Southeast
Future Land Use: City Medium Density Residential Zoning: City R-3	Future Land Use: County Medium Density Residential & County Agriculture Zoning: County R1A & County AU	Future Land Use: County Medium Density Residential Zoning: County R1A

The proposed amendments will assign City Future Land Use and zoning designations that most closely reflect the current County designations and the existing land uses on the subject properties. The proposed Future Land Use and zoning are compatible and are consistent with the Future Land Use and zoning of the surrounding area.

Based on the total land area and considering the proposed designations, there is a slight increase in the maximum residential density of the subject parcels. However, no new development is proposed as part of these amendments. Table 2 below outlines the existing and potential maximum residential densities and total change in residential density based on the existing and proposed Future Land Use designations.

**Table 2.
Density Calculations.**

Current County FLU	Acreage	Density
-County Agriculture	15.0 acres	0.2 du/acre = ~3.0 du
-County High Density Residential	5.4 acres	12 du/acre = ~65 du
-County Medium Density Residential	1.3 acres	8 du/acre = ~10 du
Total		~78 du
Proposed City FLU		
-City Recreation and Open Space	15.0 acres	N/A
-City Medium Density Residential	6.7 acres	16 du/acre = ~107 du
Total		~107 du
Total change		+29 du

du = dwelling unit

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water and Sanitary Sewer

The City currently operates water facilities in this area with a majority of the subject properties already connected to the City’s system. Fire hydrants connected to the City’s system have also been installed and are operational. Centralized sewer is not available. Properties in this area are currently on septic systems as permitted by the Health Department. Capacity is available on both the City’s water and waste water systems to accommodate future infrastructure improvements and any development on the undeveloped portions of the subject properties.

Solid Waste:

The City currently provides solid waste collection for the properties in this area.

Transportation/Traffic:

The proposed amendments will assign City Future Land Use and zoning designations that most closely reflect the current County designations supporting the existing character of the area. Considering no new development is occurring, there are no anticipated impacts to the existing traffic patterns in the area. Any undeveloped portions of the subject properties proposed for future development will be evaluated for traffic impacts prior to any development approvals.

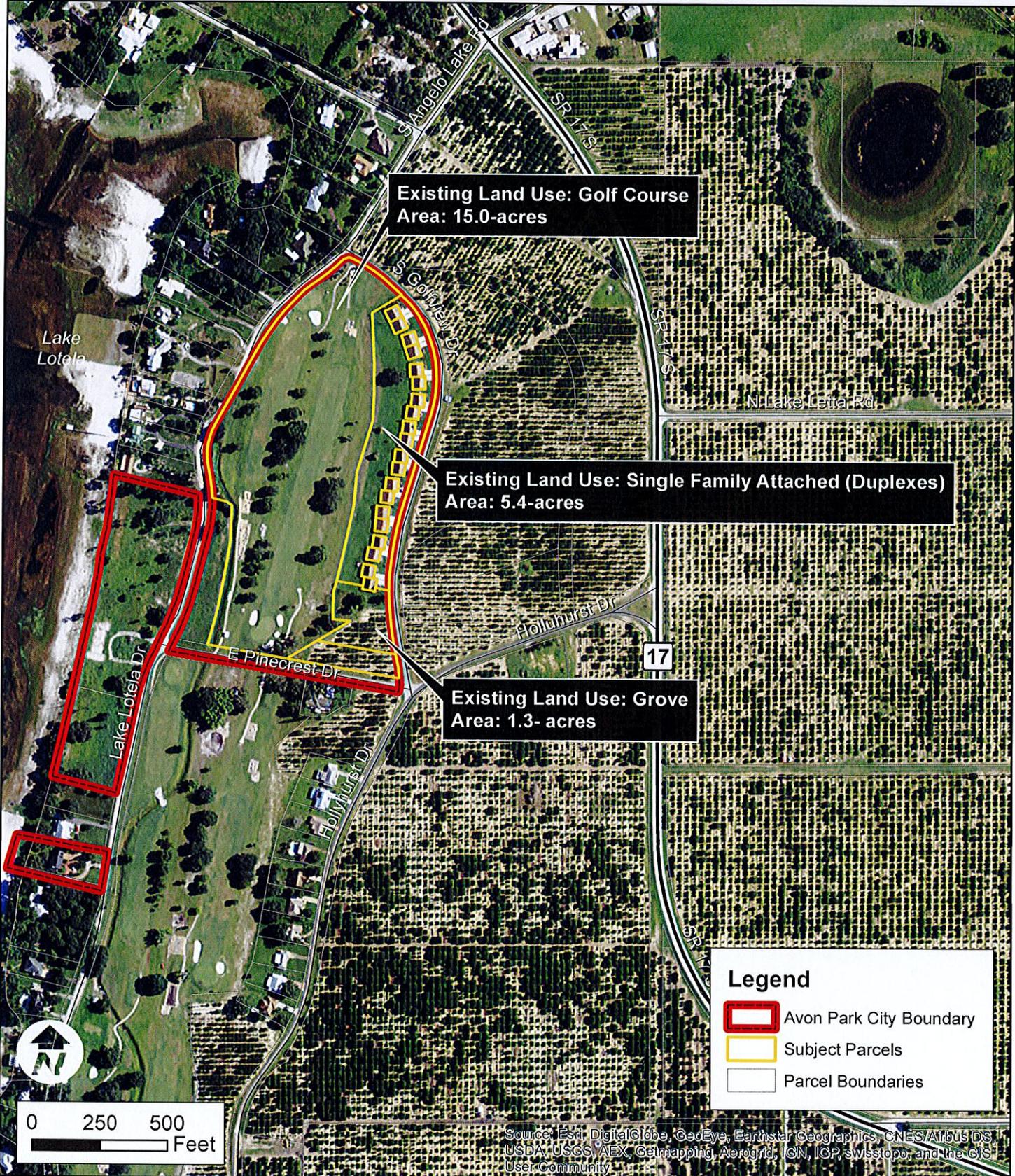
Public Schools:

The Highlands County School Board (HCSB) has been notified concerning the proposed Future Land Use and zoning changes. Under the proposed amendments the potential residential density would increase from 78 units to 107 units, yielding an increase of 29 dwelling units. This information is for notification purposes only. Because no new development is occurring, there are currently no impacts on the Highlands County school district.

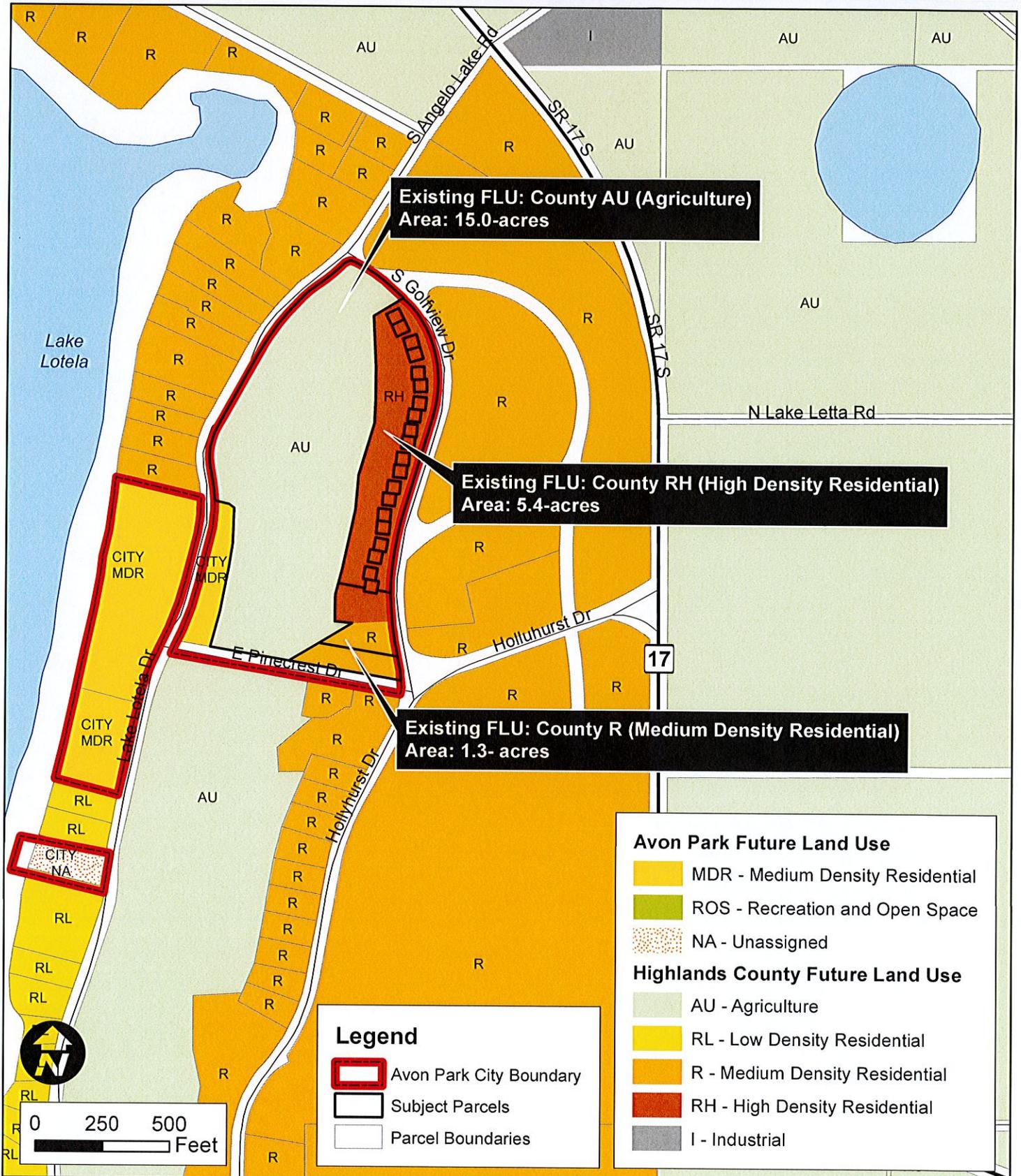
Recreation/Open Space:

Based on the City's level of service standard for recreation and open space facilities, which requires 3 acres/1,000 persons, the City's current operating standard of 6.54 acres/1,000 persons, and considering no new development is occurring, there are no anticipated impacts on the City's Recreation and Open Space facilities.

CITY OF AVON PARK AERIAL PHOTO MAP



CITY OF AVON PARK EXISTING FUTURE LAND USE MAP



CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE 10-16



CITY OF AVON PARK EXISTING ZONING MAP



Existing Zoning: County AU (Agricultural)
Area: 15.0-acres

Existing Zoning: County R3 (Multi-family Residential)
Area: 5.4-acres

Existing Zoning: County R1A (Residential)
Area: 1.3- acres

Avon Park Zoning

- R-2 - Medium Density, Single-Family Attached, and Duplexes
- R-3 - High Density Multi-Family Residential
- PR - Public Recreation/Open Space
- NA - Unassigned

Highlands County Zoning

- AU - Agricultural
- R1A - Single Family Residential
- R3 - Multiple-Family Residential
- I2CU - Industrial 2 CU

Legend

- Avon Park City Boundary
- Subject Parcels
- Parcel Boundaries



0 250 500
Feet

CITY OF AVON PARK PROPOSED ZONING MAP ORDINANCE 11-16



Existing Zoning: County AU (Agricultural)
Proposed Zoning: City PR (Public Recreation/Open Space)
Area: 15.0-acres

Existing Zoning: County R3 (Multi-family Residential)
Proposed Zoning: City R-2 (Medium Density, Single Family Attached and Duplex)
Area: 5.4-acres

Existing Zoning: County R1A (Residential)
Proposed Zoning: City R-2 (Medium Density, Single Family Attached and Duplex)
Area: 1.3- acres

Avon Park Zoning

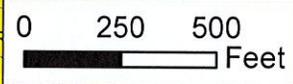
- R-2 - Medium Density, Single-Family Attached, and Duplexes
- R-3 - High Density Multi-Family Residential
- PR - Public Recreation/Open Space
- NA - Unassigned

Highlands County Zoning

- AU - Agricultural
- R1A - Single Family Residential
- R3 - Multiple-Family Residential
- I2CU - Industrial 2 CU

Legend

- Avon Park City Boundary
- Subject Parcels
- Parcel Boundaries



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ORDINANCE 10-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING 24 PARCELS OF LAND TOTALING 21.7-ACRES GENERALLY LOCATED ON THE EAST SIDE OF LAKE LOTELA, WEST OF SR-17, AND NORTH OF HOLLYHURST DRIVE FROM THE FUTURE LAND USE OF COUNTY AGRICULTURE, COUNTY HIGH DENSITY RESIDENTIAL AND COUNTY MEDIUM DENSITY RESIDENTIAL TO CITY MEDIUM DENSITY RESIDENTIAL AND CITY RECREATION AND OPEN SPACE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Community Planning Act, empowers and mandates the City of Avon Park, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the City Council held meetings and hearings on the Future Land Use Map Amendment as shown in Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

WHEREAS, the parcels, as depicted in Exhibit "A", consist of approximately 21.7-acres and are the subject of this ordinance and represent a change to the Future Land Use Map by changing the Future Land Use designation from County Agriculture, County High Density Residential and County Medium Density Residential to City Medium Density Residential and City Recreation and Open Space; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this Map Amendment to the Comprehensive Plan, which is marked as Exhibit "A" and is attached and made a part hereof to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Avon Park.

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida, as follows:

Section 1. The Future Land Use Map is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the Future Land Use designation of "City Medium Density Residential and City Recreation and Open Space" to the parcels designated on such Exhibit which is attached and made a part hereof.

Section 2. If any provision or portion of this Ordinance is declared by any court of

competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. A certified copy of this enacting ordinance and certified copy of the City of Avon Park Comprehensive Plan shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

Section 4. Within ten (10) days of final passage and adoption of this Ordinance, the City of Avon Park shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, *Florida Statutes*.

Section 5. The effective date of the plan amendment adopted by this Ordinance shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of Avon Park that the plan amendment package is complete, or, if the plan amendment is timely challenged, the date on which the Florida Department of Economic Opportunity or the Administration Commission, whichever is applicable, enters a final order finding the amendment to be in compliance in accordance with Section 163.3184(3)(c)4, *Florida Statutes*.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the _____ day of _____, 2016.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Bonnie Barwick, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

EXHIBIT "A"

**CITY OF AVON PARK
PROPOSED FUTURE LAND USE MAP
ORDINANCE 10-16**



CITY OF AVON PARK PROPOSED FUTURE LAND USE MAP ORDINANCE 10-16



Existing FLU: County AU (Agriculture)
Proposed FLU: City ROS (Recreation and Open Space)
Area: 15.0-acres

Existing FLU: County RH (High Density Residential)
Proposed FLU: City MDR (Medium Density Residential)
Area: 5.4-acres

Existing FLU: County R (Medium Density Residential)
Proposed FLU: City MDR (Medium Density Residential)
Area: 1.3- acres

- Avon Park Future Land Use**
- MDR - Medium Density Residential
 - ROS - Recreation and Open Space
 - NA - Unassigned
- Highlands County Future Land Use**
- AU - Agriculture
 - RL - Low Density Residential
 - R - Medium Density Residential
 - I - Industrial

Legend

- Avon Park City Boundary
- Subject Parcels
- Parcel Boundaries

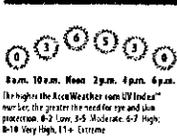
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FIVE-DAY FORECAST FOR SEBRING

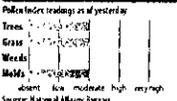
OUTLOOK	TODAY	TONIGHT	SUNDAY	MONDAY	TUESDAY	WEDNESDAY
A frontal boundary moving across the state will result in varying amounts of clouds today along with a couple of showers and a thunderstorm. There can be locally heavy downpours, especially across northern areas. Northern areas will dry out tomorrow.	HIGH 84° An afternoon thunderstorm Wind: SSW 6-12 mph	LOW 67° A couple of showers and a t-storm Wind: WSW 4-8 mph	78° 48° A t-storm in spots in the morning Wind: WNW 7-14 mph	67° 41° Partly sunny and cooler Wind: N 8-16 mph	75° 50° Mostly sunny Wind: ENE 4-8 mph	79° 58° Sunny and delightful Wind: SE 4-8 mph

AccuWeather.com

UV INDEX TODAY



POLLEN INDEX



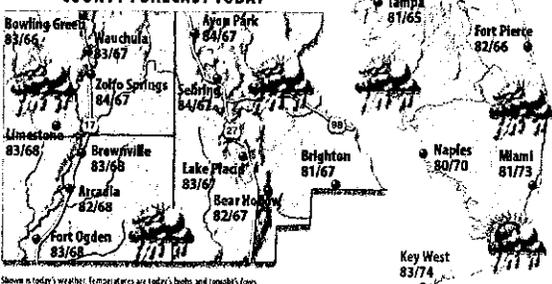
FLORIDA CITIES

City	Today	Sunday
Apalachicola	74/53	64/44
Arcadia	82/68	77/58
Boca Raton	82/72	83/56
Bradenton	81/59	73/54
Cape Coral	82/68	77/51
Clewerwater	86/68	79/53
Crystal River	84/70	84/56
Dryden Beach	81/62	69/43
Fort Lauderdale	81/71	82/57
Fort Myers	81/68	77/51
Fort Pierce	82/66	70/51
Gainesville	77/57	60/50
Immokalee	82/59	80/53
Jacksonville	78/58	68/41
Key Largo	82/75	82/65
Key West	82/74	81/61
Orlando	85/67	78/48
Lakeland	81/66	73/45
Maitland	84/76	83/61
Melbourne	83/67	79/51
Miami	81/73	82/57
Naples	80/70	79/54
Ocala	84/68	71/41
Okechobee	82/56	79/49
Orlando	85/65	77/47
Panama City	78/51	62/44
Pensacola	84/72	84/57
Port Charlotte	82/59	75/51
St. Augustine	78/50	71/44
St. Petersburg	82/66	71/52
Sanford	85/65	74/47
Sebring	80/67	74/52
Tallahassee	77/52	63/40
Tampa	81/61	73/51
Titusville	84/74	82/51
Vero Beach	83/67	78/53
West Palm Beach	81/71	81/57

FLORIDA FORECAST TODAY



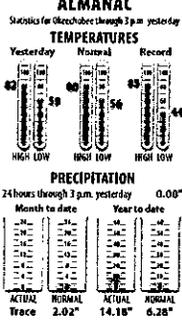
HIGHLANDS, HARDEE AND DE SOTO COUNTY FORECAST TODAY



NATIONAL CITIES

City	Today	Sunday	City	Today	Sunday
Albuquerque	67/35	66/41	Denver	26/17	55/30
Anchorage	22/19	44/33	Des Moines	43/29	45/25
Birmingham	62/40	53/34	Detroit	48/27	43/28
Boston	42/27	24/18	Fargo	38/24	40/16
Buffalo	35/23	37/23	Hanalei	79/74	82/70
Charlotte	61/41	57/38	Houston	65/44	64/37
Chicago	41/29	42/29	Indianapolis	45/27	24/18
Cleveland	37/28	37/28	Kansas City	45/28	50/28
Columbia, SC	73/47	62/38	Las Vegas	82/38	86/52
Dallas	59/39	59/35	Little Rock	59/36	55/31
			Los Angeles	72/52	74/54
			Los Angeles	47/32	46/31
			Memphis	56/34	52/33
			Minneapolis	40/22	47/26
			Nashville	54/37	48/33
			New Orleans	69/51	64/43
			New York	64/32	61/31
			OKlahoma City	56/30	53/24
			Philadelphia	48/32	38/30
			Portland, ME	38/21	37/26
			Portland, OR	63/47	67/46
			St. Louis	49/31	46/31
			San Diego	69/57	69/56
			San Francisco	54/54	65/54
			Seattle	59/46	57/43
			Washington, DC	47/35	42/31

ALMANAC



RIVERS AND LAKES

Water Name	Water Level
Kichimnee River at Sebring	76.05 ft
Carter Creek near Sebring	5.78 ft
Lake Okechobee	15.28 ft

TIDES TODAY

Location	High	Low	High	Low
Vero Beach	9:15 am	3:20 am	9:28 pm	3:54 pm
Daytona Beach	5:54 am	12:06 pm	6:18 pm	—
Fort Pierce	6:37 am	12:10 pm	6:55 pm	—
Jupiter	6:38 am	12:25 pm	6:56 pm	—
Stuart	5:81 am	3:35 am	9:19 pm	4:04 pm
Tampa	12:46 am	7:45 am	2:23 pm	7:22 pm
Black Grand	12:19 am	5:04 am	11:13 pm	6:56 pm
Clewerwater	11:18 am	4:21 am	10:22 pm	6:17 pm
Fort Myers	1:29 am	9:32 am	3:27 pm	8:52 pm
Sarasota	12:21 pm	6:48 am	11:49 pm	5:45 pm

SUN AND MOON

The Sun	Rise	Set
Today	7:30 a.m.	7:37 p.m.
Sunday	7:29 a.m.	7:37 p.m.
The Moon	8:26 a.m.	5:41 p.m.
Today	4:32 a.m.	5:08 a.m.
Sunday	5:25 a.m.	5:44 a.m.

MOON PHASES



WOW!

IF YOU WANT TO SELL ...

WE HAVE BUYERS!!

Call the **HIGHLANDS TODAY CLASSIFIED ADVERTISING**

(863) 386-5876

NOTICE OF PUBLIC HEARING FOR THE CITY OF AVON PARK, FLORIDA

The City of Avon Park will hold a Public Hearing on the following Monday, March 28, 2016, at 6:00 pm or as soon thereafter as possible. The hearing will be held at the Avon Park City Council Chambers, 123 E. Pine Street, Avon Park, Florida.

ORDINANCE 10-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING 24 PARCELS OF LAND TOTALING 21.7-ACRES GENERALLY LOCATED ON THE EAST SIDE OF LAKE LOTELA, WEST OF SR-17, AND NORTH OF HOLLYHURST DRIVE FROM THE FUTURE LAND USE OF COUNTY AGRICULTURE, COUNTY HIGH DENSITY RESIDENTIAL AND COUNTY MEDIUM DENSITY RESIDENTIAL TO CITY MEDIUM DENSITY RESIDENTIAL AND CITY RECREATION AND OPEN SPACE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed ordinance are available for review at the Avon Park City Hall with the City Clerk at 100 East Main Street, Avon Park, Florida. City Hall is open between 8 am and 5 pm, Monday through Friday, excluding holidays. Comments may also be submitted in writing to the City Clerk prior to or during the meeting.

Persons are advised that if they decide to appeal any decision made at these meetings/hearings, they will need a record of these proceedings and for such purposes, they may need to insure that a verbatim record of the proceedings is made at their own expense and effort, which record includes the testimony and evidence upon which the appeal is to be based per Section 286.0105, Florida Statutes.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk 48 hours in advance of the meeting at 863-452-4403.

Flying high and keeping cool with...

KELLY LONG

A Real Man Loves His Cat Like His Child!

Cats are like angels with whiskers. They are healers who help reduce stress, and have been proven to lower your blood pressure. They are refuges from the storms of life, and they bring spirit to our homes and become your best friend. "Airplane" is our best friend and a beloved member of our family!

COMFORT™ SERIES AIR CONDITIONERS

Looking for the most economical way to improve the reliability and efficiency of your central air conditioning system? Turn to our Comfort series. With impressive SEER efficiency ratings ranging up to 16, they're likely to cut your utility bills. And because these models can run even quieter than a common hair dryer, it's easier on your ears as well. Some models in the Comfort™ Series may not be eligible for installation in the Southeast or Southwest regions of the country, based on Department of Energy minimum efficiency standards in place as of January 1, 2015. Ask your Carrier expert to ensure your new air conditioner meets government regulations for your area.

HALL OF FAME

Carrier LONGS AIR CONDITIONING, INC.

1-800-COOLING

284 U.S. Highway 27 N. • Avon Park - 453-7571 • Sebring - 395-1731 • Lake Placid - 485-7771

E-15

E 15

ORDINANCE 11-16

AN ORDINANCE AMENDING THE ZONING OF 24 PARCELS OF LAND TOTALING 21.7-ACRES GENERALLY LOCATED ON THE EAST SIDE OF LAKE LOTELA, WEST OF SR-17, AND NORTH OF HOLLYHURST DRIVE FROM THE ZONING OF COUNTY AU (AGRICULTURAL), COUNTY R3 (MULTI-FAMILY RESIDENTIAL) AND COUNTY R1A (RESIDENTIAL) TO CITY R-2 (MEDIUM DENSITY, SINGLE FAMILY ATTACHED AND DUPLEX) AND CITY PR (PUBLIC RECREATION/OPEN SPACE); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park held meetings and hearings regarding the parcels show on Exhibit "A", with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this parcel; and

NOW, THEREFORE BE IT ENACTED by the City Council of the City of Avon Park, Florida,

Section 1. The official zoning map of the City of Avon Park is amended so as to assign the City zoning classification of City R-2 (Medium Density, Single Family Attached and Duplex) and City PR (Public Recreation/Open Space) to those parcels, having a cumulative total of 21.7-acres, as depicted in Exhibit "A".

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 10-16.

This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the _____ day of _____, 2016.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Bonnie Barwick, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

EXHIBIT "A"



E-16

E-16

ORDINANCE NO. 13-16

AN ORDINANCE TO ANNEX TEN (10) PARCELS OF LAND OWNED BY DIFFERENT OWNERS INTO THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA, WITH SUCH LAND BEING GENERALLY LOCATED SOUTH OF DAVIS CITRUS ROAD, TO THE EAST OF US 27 SOUTH, AND TO THE WEST OF MEMORIAL DRIVE AS SHOWN IN THE ATTACHED MAP; PROVIDING FOR FINDINGS OF COMPLIANCE WITH ANNEXATION STATUTES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Avon Park, Florida is a duly incorporated municipality under the laws of the State of Florida; and

WHEREAS, a map showing the relative locations of properties to be annexed is shown on Exhibit "A"; and certain properties have executed annexation agreements with the City as shown on Exhibit-"B", and more specifically described by metes and bounds in Exhibit "C" showing each legal description and strap number as assigned by the Highlands County Property Appraiser,

WHEREAS, the City of Avon Park, would like to annex and incorporate these properties into the City limits of the City of Avon Park, Florida; and

WHEREAS, the City of Avon Park, Florida, finds that the properties are contiguous to the existing City Limits as required by Florida Statutes Section 171.044, and has the authority to annex this property; and

WHEREAS, the City of Avon Park, Florida deems it to be in the best interest of the public health, safety and welfare of the citizens of the City of Avon Park, Florida, and those entitled to its services that an Ordinance be passed for the purposes of annexing the said properties; and,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA;

Section 1. Recitals Included; Properties Suitable for Annexation. The City Council finds the above recitals to be true, and incorporate them as part of this Ordinance, and find that the signatures of the owners of the properties described herein are affixed to voluntary annexation agreements, and that the properties are substantially contiguous to the existing city limits, and are otherwise capable of being lawfully annexed into the City.

Section 2. Property Annexed. That the parcels of land with the metes and bounds legal descriptions identified in Exhibit "C" attached hereto and incorporated herein, are hereby annexed into the City of Avon Park, Florida, pursuant to Statute 171.044 F.S. The properties being annexed are shown on the map attached as Exhibit "A", and are also identified by their relative addresses and tax ID numbers as follows:

Addresses and Tax ID of Properties

PARCEL NO	OWNER	ADDRESS	ACREAGE	SITE ID
C03342801000C00410	WAUCHULA STATE BANK	6940 US 27	0.96	8
C03342801000C00550	HIGHVEST CORP	7322 US 27	0.46	2
C03342801000C00560	HIGHVEST CORP	7406 US 27 N	9.69	1
C03342801000C00510	HIGHVEST CORP	7220 US 27 N	3.53	3
C03342801000C00420	WAUCHULA STATE BANK	7044 US 27 N	0.46	6
C03342801000C00310	KEGEL COMPANY INC	6800 US 27	2.40	10
C033428A0000210010	WAUCHULA STATE BANK	7010 US 27	0.50	7
C033428A0000420000	KEGEL COMPANY INC	6790 US 27	1.88	9
C033428A0000210000	HIGHVEST CORP	7196 US 27	6.57	4
C03342801000C00430	WAUCHULA STATE BANK	7200 US 27	15.12	5

The City boundaries are hereby redefined so as to include the said described parcels of land.

Section 3. Effective Date. This ordinance shall become effective immediately upon passage.

=====

This ordinance was read for the first time at the Regular Meeting of the City Council on the 23 day of May, 2016, where it was voted on by members of the City Council as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Council member/Mayor Schuler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member/Deputy Mayor Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Heston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This ordinance was authorized to be read for a second and final time at the Regular Meeting of the City Council on the _____ day of _____, 20____, where it was voted on by members of the City Council as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Council member/Mayor Schuler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member/Deputy Mayor Giles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Sutherland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council member Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

ATTEST:

CITY OF AVON PARK, FLORIDA

By: _____
Bonnie Barwick, City Clerk

By: _____
Sharon Schuler, Mayor

APPROVED AS TO FORM:

Gerald Buhr, City Attorney

Exhibit "A": Highlands County and Avon Park Annexation Ordinance 13-16

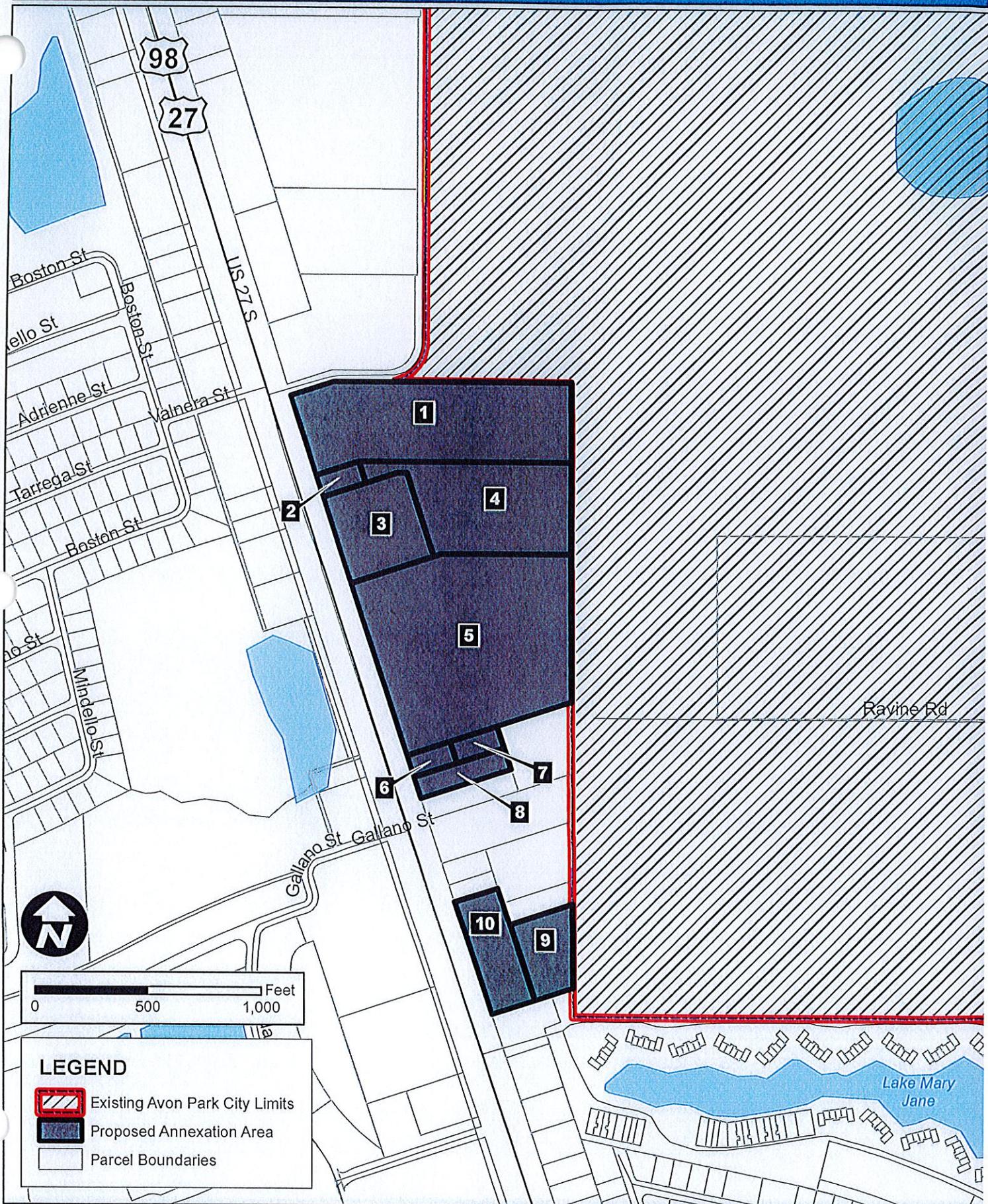


EXHIBIT B

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this October 6, 2015, by and between KBGEL COMPANY INC, a Florida corporation, whose business address is P O BOX 3370, LAKE WALES, FL 33859-3370, for themselves and their successors and assigns (hereinafter collectively referred to as "Owner"), and the City of Avon Park, a municipal corporation, whose business address is 110 East Main Street, Avon Park, Florida 33825, and its successors and assigns (hereinafter referred to as "City").

PURPOSE & INTENT

A. Owner is desirous of developing Owner's property described on Exhibit "A" attached hereto and made a part hereof (the "Property") someday in the future, and obtaining water service from the City when the Property is developed.

B. City is willing to provide such water service in the manner described herein, but in exchange requires that the annexation of the Property be performed as soon as legally possible.

AGREEMENT

OWNER and CITY therefore agree as follows:

1. Purpose & Intent and Exhibits Are Part of Agreement. The above recitations are true and correct, are hereby incorporated herein by reference, and form a material part of this Agreement. All exhibits to this Agreement and statements therein are hereby deemed a part of this Agreement.
2. Agreements between the Parties as to Annexation. Owner irrevocably agrees to voluntarily annex the Property within the City. City agrees to annex the Property.
3. Agreements and Improvements.
 - a. The City agrees to permit and build 620 ft of 8" water main to assist owner with fire protection services, while installing a fire hydrant at the end of the pipeline.
4. Commencement of City's Duties. The City's obligation to perform its duties regarding the Road Project will be initiated upon annexation, and completed within an 18 month period.
5. Laws of Florida to Govern; Venue; Waiver of Jury Trial. This Agreement shall be governed by the laws of the State of Florida, and the proper venue shall be state court in Highlands County, Florida, and the parties agree to waive any right to jury trial.

6. Waiver; Remedies. No failure or delay on the part of either party in exercising any right, power or privilege hereunder will operate as a waiver thereof, nor will any waiver on the part of either party of any right, power, or privilege hereunder operate as a waiver of any other right, power, or privilege hereunder, nor will any single or partial exercise of any right, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power, or privilege hereunder.

7. Document is the Result of Mutual Draftsmanship. The terms and conditions in this Agreement are the product of mutual draftsmanship by both parties, each being represented by counsel, and any ambiguities in this Agreement or any documentation prepared pursuant to it shall not be construed against any of the parties because of authorship. The parties acknowledge that all the terms of this Agreement were negotiated at arms' length, and that each party, being represented by counsel, is acting to protect its, his, her, or their own interest.

8. Prior Agreements; Amendments. This Agreement supersedes all previous agreements or representations, either verbal or written, heretofore in effect between Owner and City, made with respect to the matters herein contained, and when duly executed constitutes the entire Agreement between Owner and City. No additions, alterations or variations of the terms of this Agreement shall be valid, nor provisions of this Agreement be deemed waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed by the party to be bound thereby.

9. Conflict With Laws. In the event of a conflict between provisions in this Agreement and the provisions in any federal or state law, or any City ordinance, resolution, rules and regulations or code, the parties shall first attempt to read the provisions in reasonable harmony, and if no agreement can be reached, the provision of federal law, then state law, then City ordinance (Code), resolution, rules & regulations shall prevail over the provisions in the Agreement, in that order, however, the City shall pass no future ordinance that will invalidate this Agreement or eliminate the City's duties under this Agreement.

10. Agreement Recorded as Covenant on the Property. A copy of this Agreement shall be duly recorded in the county records by the City as a covenant binding the Owner of the Property and any subsequent owners of the Property, and the benefits and burdens of this Agreement shall become a covenant, running, touching, building and concerning the title to the Property, and all parts and parcels thereof.

11. Attorney Fees. In the event of any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover actual and reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the same be incurred in a pre-litigation negotiation, litigation at the trial level, or upon appeal.

IN WITNESS WHEREOF, Owner and City have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed.

[signatures on attached pages]

OWNER

<p>Signed, sealed and delivered before these witnesses:</p> <p><u>June H. Davis</u> (Signed)</p> <p><u>JUNE DAVIS</u> (Printed)</p> <p><u>Elka Pérez</u> (Signed)</p> <p><u>Elka Pérez</u> (Printed)</p>	<p>KEGEL COMPANY INC</p> <p>By: <u>Jonathan Davis</u></p>
--	---

State of Florida
County of Highlands

This instrument was acknowledged before me this 14th, 2015, October, as president of KEGEL COMPANY INC, a Florida corporation. Jonathan DAVIS is personally known to me or [] produced a driver's license as identification.



ANNA M. HALL
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE108946
Expires 2/25/2016

Anna M. Hall
Notary Public
Print Name: Anna M. Hall
My Commission Expires: 2/25/2016

CITY OF AVON PARK

<p>[SEAL]</p> <p>ATTEST: _____ Maria Sutherland, City Clerk</p> <p>APPROVED AS TO FORM: _____ Gerald T. Buhr, City Attorney</p>	<p>CITY OF AVON PARK, FLORIDA,</p> <p>By: _____ Sharon Schuler, Mayor</p>
---	---

EXHIBIT A

DESCRIPTION OF OWNER'S PROPERTY TO BE ANNEXED

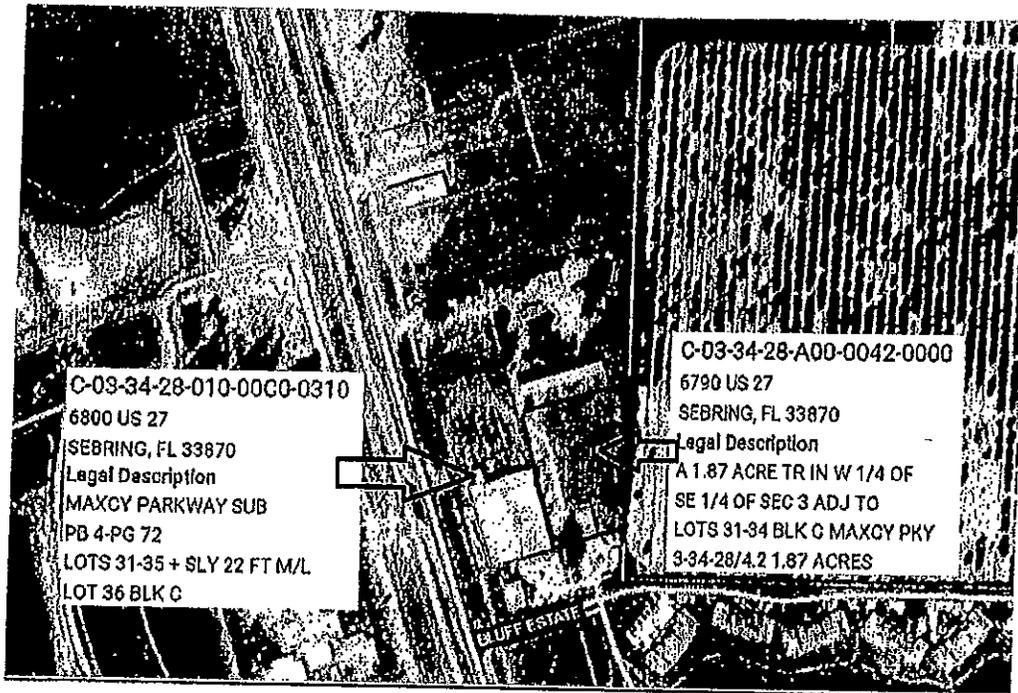
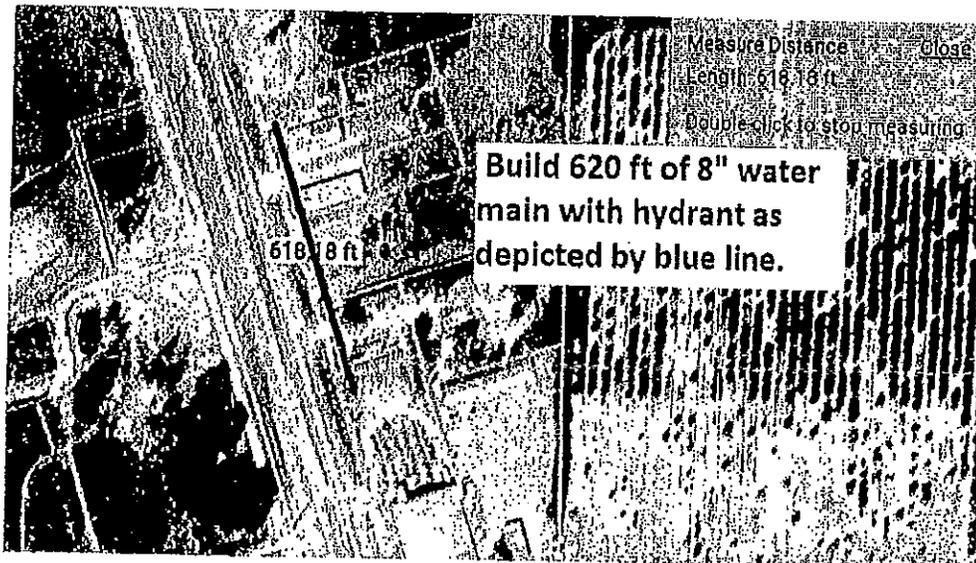


Exhibit-B Proposed City Work.

Build approximately 620 ft as depicted by blue water main.



**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

City of Avon Park
2301 US HWY 27 South
Avon Park, FL 33825
<http://www.avonpark.cc/>

Office: (863) 452-4427
Cell: (863) 443-4884
Fax: (863) 452-4428

For Recording Purposes Only

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 5th day of October, 2015, By KEGEL COMPANY INC, whose address is P O BOX 3370, LAKE WALES, FL 33859-3370, its successors and assigns, hereinafter referred to as "Grantor," and to the CITY OF AVON PARK, a Florida Municipality located at 110 East Main Street, Avon Park, FL 33825, its successors and assigns, hereinafter referred to as "Grantee".

W I T N E S S E T H

That the said Grantor, for and in consideration of ten and 00/100 dollars (\$10.00), and other good and valuable consideration to it in hand paid and received by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by this instrument does hereby grant, bargain, sell and convey to Grantee, a utility easement ("Easement"), in perpetuity, for all reasonable potable water, reclaimed water, and wastewater utility uses including, but not limited to, the right of ingress and egress thereto, the construction, installation, operation, maintenance, repair, extension, enlargement, reconnection, alteration and replacement of water, wastewater, and reclaimed water facilities and appurtenances, including, without limitation, the right to reconstruct, improve, extend, add to, change the size of, or remove water, wastewater, drainage and reclaimed utility facilities and appurtenances, including without limitation, mains, lines, services, meter boxes (including valves), fittings, and appurtenances, and all sewer force mains, (including valves), and related facilities, as well as the right to extend water, wastewater, or reclaimed water mains, lines and related facilities to serve any person, or other entity over, in, through and under the following described real property ("Easement Area"):

<<<<The legal description and sketch is described on Exhibit-A as part of this document>>>>

In areas where Grantee does not use the surface of the Easement Area, the Grantor retains, reserves, and shall maintain and continue to enjoy the use of the Easement Area. Such Grantor uses shall include any and all purposes not prohibited herein, or uses which do not interfere with Grantee's present or reasonable future use of the subject Easement. Such rights

shall include Grantor's right to grant easements for the furnishing of utility services other than potable or reclaimed water service or wastewater service, or to grant rights of way to government. Provided, however, that every such grant of easements or rights of way to others shall be on the express condition that the grantee therein shall not impair or interfere with the use, occupation and enjoyment of the Easement Area by Grantee herein, nor require the Grantee herein to move, replace, adjust, alter or modify any of its facilities, and that the grantee therein shall be liable to the Grantee herein for any injury or damage by the grantee therein to any facilities of Grantee herein by that grantee's activities in the Easement Area. Should Grantor, or its successors or assigns change the grade above Grantee's installed facilities, or perform any construction on the surface of the Easement Area which is permitted hereunder, which change in grade and or construction interferes with or requires the lowering, relocation and/or protection of Grantee's installed facilities (such protection to include but not be limited to the construction of a vault to protect the pipes), such lowering, relocation and/or protection shall be performed at the sole cost and expense of Grantor, its successors or assigns. Also provided that Grantor shall maintain the surface of the Easement Area such that it does not cause or create any public nuisances or dangerous conditions, nor violate any laws or covenants.

No structure or improvement shall be constructed in the Easement Area by Grantor other than standard sidewalks, driveways or streets, including without limitation, a prohibition of boundary walls, fences, buildings, or any other form of structure not specifically allowed herein. Also prohibited as Grantor use are cement or asphalt parking areas (other than standard-sized driveways or streets), sidewalks wider than five (5) feet, any form of cement slab other than the standard sized streets, driveways or sidewalks allowed herein. Also prohibited are trees and bushes, or any vegetation other than grass.

Provided further that, if at any time in the future any portion of any cement or asphalt driveways, streets or sidewalks allowed herein, or areas sodded with cultivated grasses, shall be destroyed or damaged by Grantee as a result of Grantee's activities within the foregoing described Easement Area, Grantee's sole obligation under this Easement is to restore the surface of the Easement Area according to standard industry practices for such repairs, except that such obligation shall be limited to the replacement of dirt to previous grade, cultivated sod replacement, and repair or replacement of the standard sidewalks, streets or driveways that are allowed herein. Grantee shall have no obligation to repair or replace sidewalks, streets or driveways constructed of, or containing materials other than asphalt or cement. Grantee shall also have no obligation to replace or repair any form of ornamentation in allowed sidewalks, streets or driveways. Except for grassed areas containing common cultivated sod, Grantee's sole obligation for replacement of grass shall be to spread common grass seed.

Grantor warrants that it owns the aforesaid described real property free and clear of any liens, encumbrances, or covenants which would impair the Grantee's ownership, use or enjoyment of the Easement granted herein; that Grantor has the authority to grant this Easement, and hereby binds itself, its successors and assigns, to warrant and forever defend the above described Easement and the rights herein conferred against any person or legal entity whomsoever.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed in their name as shown below.

DATED this 14th day of October, 2015.

Eika Pérez
Witnesses Signature

Eika Pérez
Witnesses Printed Name

By: [Signature]
President

STATE OF FLORIDA
COUNTY OF HIGHLANDS

I HEREBY CERTIFY that on this 14th day of October, 2015, before me, personally appeared Jonathan Davis, who is known to me or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESSETH my hand and official seal in the state and county named below.

Notary Public, State of Florida, County of Highlands

(Seal)



ANNA M. HALL
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE168945
Expires 2/25/2016

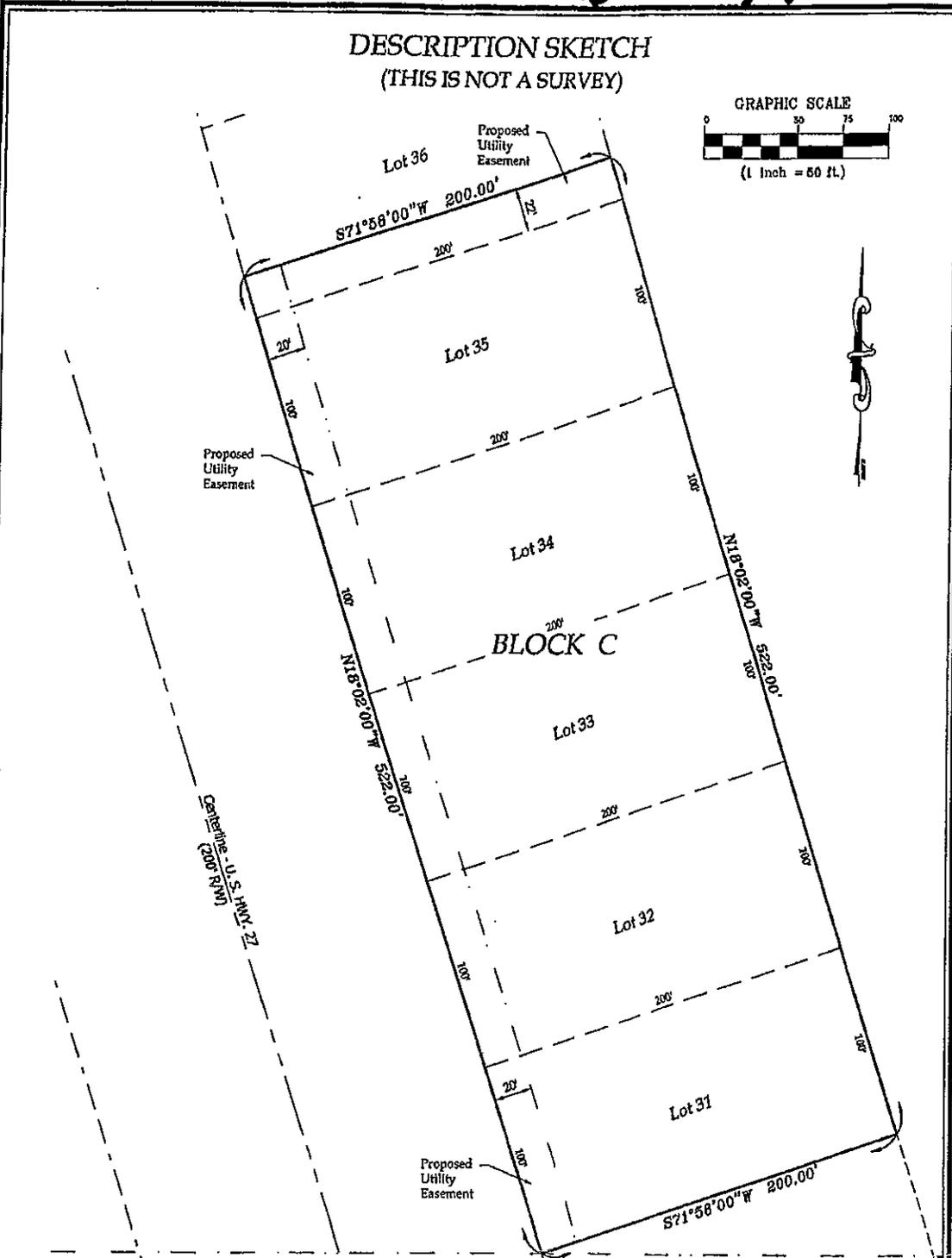
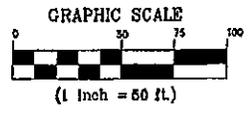
Signature: Anna M. Hall

Printed name: Anna M. Hall

Commission No. EE168945

My Commission Expires: 2/25/2016

DESCRIPTION SKETCH
(THIS IS NOT A SURVEY)



EASEMENT DESCRIPTION
 C-03-34-28-010-00C0-0310 - KEGAL COMPANY, INC.
LEGAL DESCRIPTION: (prepared by this office)
 The Southwesterly 20 feet of Lots 31, 32, 33, 34, 35 and the Southwesterly 20 feet of the Southeasterly 22 feet of Lot 36, Block C, MAXCY PARKWAY SUBDIVISION according to the plat thereof as recorded in Plat Book 4, Page 72 of the Public Records of Highlands County, Florida.

PROJECT NO.:	H100407206A
Drawn:	JEK
Checked:	RFS
Revised:	

I hereby certify that I am a Florida Registered Professional Land Surveyor and that the sketch shown hereon is a graphic representation of the above described lands, and that said description was generated under my direction and meets or exceeds the "Minimum Technical Standards" as set forth by the Board of Professional Surveyors and Mappers, Chapter 5J-17.050 through .052 of the Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.



Sherco, Inc.

SURVEYING SERVICES
 16 North Lake Avenue
 Avon Park, Florida 33825
 Ofc: (863) 453-4113 Fax: (863) 453-4122

EMBOSSED
SEAL

Robert Phillip Schuler, P.L.S.
 Florida Registration # LS 2930
 Certificate of Authorization # LB 7827

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

AR
18.50
CN
→ Prepared by:
City Clerk

City of Avon Park
110 E. Main St.
Avon Park, FL 33825



DECLARATIONS OF COVENANTS

Higvest Corporation, herein called "Declarant", is the owner in fee of certain real property, herein called the "Property", located in Highlands County, Florida, more particularly described as follows:

- C-03-34-28-010-00C0-0420
MAXCY PARKWAY SUB
PB 4 PG 72
LOTS 42 TO 49 BLK C
- C-03-34-28-010-00C0-0500
MAXCY PARKWAY SUB
PB 4 PG 72
LOT 50 BLK C
- C-03-34-28-010-00C0-0510
MAXCY PARKWAY SUB
PB 4 PG 72
LOTS 51 TO 54 BLK C + 1.7
ACRE TR ADJ TO REAR LOT
LINES
- C03342801000C00550
MAXCY PARKWAY SUB
PB 4-PG 72
LOT 55 BLK C
- C-03-34-28-010-00C0-0560
MAXCY PARKWAY SUB
PB 4-PG 72
LTS 56 THRU 58 + S 70.37
FT OF LOT 59 BLK C + AN
APPROX 8 ACRE TRACT OUT OF
S 1/2 OF SEC 3-34-28
ABUTTING E SIDE OF SAID
LTS PER RB 69-PG 249
- C-03-34-28-A00-0021-0000
AN 18.02 ACRE TR IN S 1/2
SEC 3 ADJ REAR LOT LINES
OF LOTS 43 TO 55 BLK C
OF MAXCY PARKWAY SUB
PB 4 PG 72
3-34-28/2.1 18.04 ACRES
- C-03-34-28-A00-0021-0010
A 100 X 218 FT TR ADJ TO
REAR LOT LINE OF LOT 42
BLK C MAXCY PKWY SUB IN SW
1/4 OF SE 1/4 SEC 3 E OF

US HWY 27
3-34-28/2.1-1 0.5 ACRES

C-03-34-28-010-00C0-0410
MAXCY PARKWAY SUB
PB 4-PG 72
LOT 41 BLK C
+ CONTIG 100 X 218 FT TR
ADJ TO REAR LOT LINE

For good and valuable consideration, and in exchange for the right for the Property to receive Water & Wastewater service from the City of Avon Park, Declarant hereby declares that the Property shall be subject to the following covenant, which shall constitute a covenant running with the Property and shall be binding on all parties having any right, title or interest in the Property, their heirs, successors and assigns.

When the Property becomes contiguous to the City Limits of the City of Avon Park, the Property shall be subject to annexation into said City Limits and this declaration shall be considered a petition to the City of Avon Park to facilitate the annexation of the Property when it becomes contiguous.

Dated this 13th day of Sept, 2010.

Declarant: R. Anthony Cozier
(Print Name) [Signature]
(Signature)

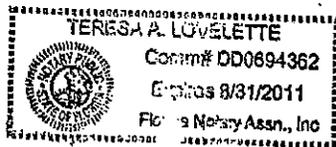
STATE OF FLORIDA
COUNTY OF HIGHLANDS

BEFORE me, personally appeared R. Anthony Cozier, personally known or who produced identification _____ to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he (he or she) executed said instrument for the purposes therein expressed and was authorized by said corporation to do so.

WITNESS my hand and official seal this 13th day of Sept, 2010.

[Signature]
Notary Public, State of Florida (affix stamp or seal)

Filing Fee: \$11.00 - 1st Page
\$8.50 - Additional Page



→ Prepared by/return to:

CITY CLERK
CITY OF AVON PARK
110 E. MAIN ST.
AVON PARK, FL 33825

EXHIBIT C

Parcel C-03-34-28-010-00C0-0410

6940 US 27
SEBRING, FL 33870

Owners:

WAUCHULA STATE BANK

Mailing Address

106 E MAIN ST
WAUCHULA, FL 33873

DOR Code: 33 - NIGHTCLUBS/BARS

Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR

Millage: 40 - County Southwest Water

Map ID: 25A

Legal Description

MAXCY PARKWAY SUB
PB 4-PG 72
LOT 41 BLK C
+ CONTIG 100 X 218 FT TR
ADJ TO REAR LOT LINE

**Value Summary**

Total Building Value	\$241,072
Total XF Value	\$28,543
Total Land Value	\$150,000
Total Land value - Agri.	\$0
Income	NA
Total Classified Use Value	\$0
Total Just Value	\$419,615

Parcel C-03-34-28-010-00C0-0550

7322 US 27
SEBRING, FL 33870

Owners:
HIGHVEST CORP

Mailing Address
7406 US 27 N
SEBRING, FL 33870

DOR Code: 27 - VEHICLE SL/SERV/RENT
Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description

MAXCY PARKWAY SUB
PB 4-PG 72
LOT 55 BLK C



Parcel C-03-34-28-010-00C0-0560

7406 US 27 N
SEBRING, FL 33870

Owners:
HIGHVEST CORP

Mailing Address
7406 US 27 N
SEBRING, FL 33870

DOR Code: 27 - VEHICLE SL/SERV/RENT
Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description

MAXCY PARKWAY SUB
PB 4-PG 72
LTS 56 THRU 58 + S 70.37
FT OF LOT 59 BLK C + AN
APPROX 8 ACRE TRACT OUT OF
S 1/2 OF SEC 3-34-28
ABUTTING E SIDE OF SAID
LTS PER RB 69-PG 249



Parcel C-03-34-28-010-00C0-0510

4

7220 US 27 N
SEBRING, FL 33870

Owners:
HIGHVEST CORP

Mailing Address
7406 US 27 N
SEBRING, FL 33870

DOR Code: 27 - VEHICLE SL/SERV/RENT
Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description

MAXCY PARKWAY SUB
PB 4 PG 72
LOTS 51 TO 54 BLK C + 1.7
ACRE TR ADJ TO REAR LOT
LINES



Parcel C-03-34-28-010-00C0-0420

5

7044 US 27 N
SEBRING, FL 33870

Owners:
WAUCHULA STATE BANK

Mailing Address
106 E MAIN ST
WAUCHULA, FL 33873

DOR Code: 10 - VACANT COMMERCIAL
Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description
MAXCY PARKWAY SUB
PB 4 PG 72
LOT 42 BLK C



Parcel C-03-34-28-010-00C0-0310

6

6800 US 27
SEBRING, FL 33870

Owners:
KEGEL COMPANY INC

Mailing Address

P O BOX 3370
LAKE WALES, FL 33859-3370

DOR Code: 34 - BWL AL/SKT RNK/PL HL

Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR

Millage: 40 - County Southwest Water

Map ID: 25A

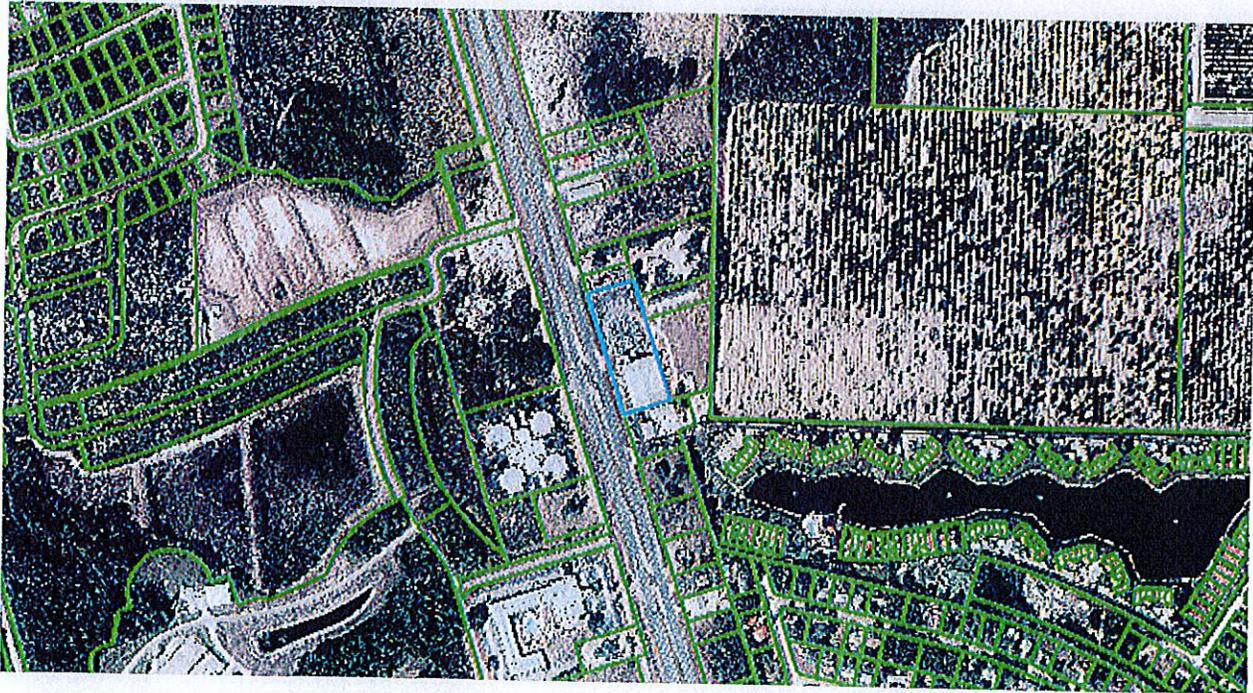
Legal Description

MAXCY PARKWAY SUB

PB 4-PG 72

LOTS 31-35 + SLY 22 FT M/L

LOT 36 BLK C



Parcel C-03-34-28-A00-0021-0010

7

7010 US 27
SEBRING, FL 33870

Owners:

WAUCHULA STATE BANK

Mailing Address

106 E MAIN ST
WAUCHULA, FL 33873

DOR Code: 00 - VACANT

Neighborhood: 5025.00 - COMM OFF 27 IN SEBRING

Millage: 40 - County Southwest Water

Map ID: 25A

Legal Description

A 100 X 218 FT TR ADJ TO
REAR LOT LINE OF LOT 42
BLK C MAXCY PKWY SUB IN SW
1/4 OF SE 1/4 SEC 3 E OF
US HWY 27
3-34-28/2.1-1 0.5 ACRES



Parcel C-03-34-28-A00-0042-0000

8

6790 US 27
SEBRING, FL 33870

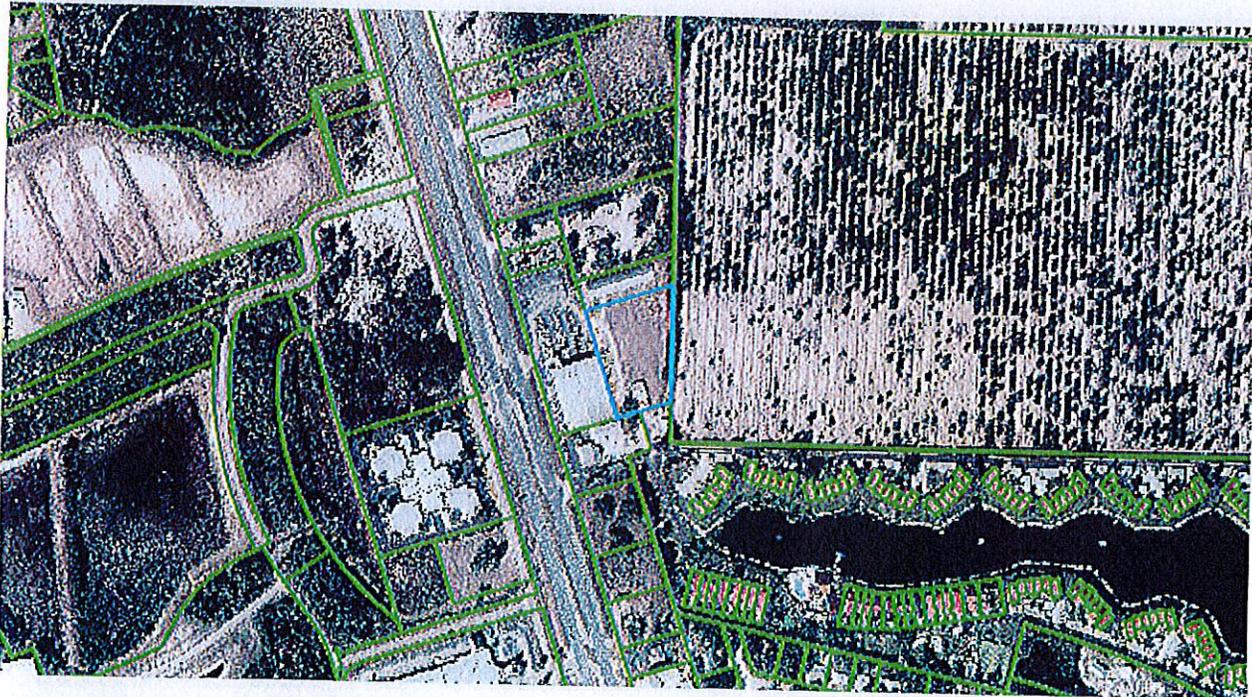
Owners:
KEGEL COMPANY INC

Mailing Address
P O BOX 3370
LAKE WALES, FL 33859-3370

DOR Code: 35 - TOUR ATTRACT-PERM
Neighborhood: 5025.00 - COMM OFF 27 IN SEBRING
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description

A 1.87 ACRE TR IN W 1/4 OF
SE 1/4 OF SEC 3 ADJ TO
LOTS 31-34 BLK C MAXCY PKY
3-34-28/4.2 1.87 ACRES



Parcel C-03-34-28-A00-0021-0000

9

7196 US 27
SEBRING, FL 33870

Owners:
HIGHEST CORP

Mailing Address
7406 US 27 N
SEBRING, FL 33870

DOR Code: 02 - MOBILE HOME
Neighborhood: 340.00 - RURAL TRACTS IN 34/28
Millage: 40 - County Southwest Water
Map ID: 25A

Legal Description

AN IRREG 6.57 ACRE TR IN S 1/2
SEC 3 LYING BEHIND LOT LINES
OF LOTS 51 TO 55 BLK C
OF MAXCY PARKWAY SUB
PB 4 PG 72
3-34-28/2.1 6.57 ACRES



Parcel C-03-34-28-010-00C0-0430

7200 US 27
SEBRING, FL 33870

Owners:

WAUCHULA STATE BANK

Mailing Address

106 E MAIN ST
WAUCHULA, FL 33873

DOR Code: 27 - VEHICLE SL/SERV/RENT

Neighborhood: 5140.00 - US 27 LK GLENADA TO FAIRMOUNT DR

Millage: 40 - County Southwest Water

Map ID: 25A

Legal Description

MAXCY PARKWAY SUB

PB 4 PG 72

LOTS 43 TO 50 BLK C +

AN 11.45 ACRE TR ADJ TO REAR

LOT LINES OF LOTS THEREOF

15.12 AC TOTAL



E-17

ORDINANCE NO. 16-16

E17

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE AVON PARK LAND DEVELOPMENT CODE; AMENDING ARTICLE 8, ADMINISTRATION AND ENFORCEMENT, SPECIFICALLY SECTION 8.03.00, ADDRESSING THE CODE ENFORCEMENT BOARD TO REFER TO THE CITY OF AVON PARK CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, pursuant to Section 166.041(3)(c)(2), Florida Statutes, the City Council of the City of Avon Park has held meetings and hearings regarding the proposed amendments to the Unified Land Development Code, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority, the City Council of the City of Avon Park has determined it necessary to adopt these amendments, which are shown in Exhibit "A", attached hereto and made a part hereof, to reduce conflicts between the City's Land Development Code and the City's Code of Ordinances when referencing the Code Enforcement Board; and,

NOW, THEREFORE, be it enacted by the City Council of the City of Avon Park, Florida:

Section 1. Article 8, Section 8.03.00 is hereby amended as shown in Exhibit "A".

Section 2. **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Effective Date:** This ordinance shall take effect immediately upon adoption at second reading.

Section 4. **Codification.** It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

Section 5. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Avon Park. The City Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading at the regular meeting of the Avon Park City Council held on the 9th day of MAY, 2016.

PASSED AND DULY ADOPTED, on second reading at the meeting of the Avon Park City Council duly assembled on the _____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ___ for ___ against with ___ abstentions and ___ absent

**ORDINANCE NO. 16-16
EXHIBIT "A"**

**City of Avon Park Unified Land Development Code
Amendments to Article 8**

Article 8, Section 8.03.03 is hereby amended as shown below. Text that is underlined is text to be added. Text that is ~~strikeout~~ is text to be removed.

8.03.03 Code Enforcement Board

Enforcement of the provisions of this Code may be made pursuant to the procedures provided in the City of Avon Park Code of Ordinances, or by any other means allowed by law.

~~A Code Enforcement Board is hereby created to enforce the provisions of this Code pursuant to Chapter 162, Florida Statutes. It is the intent of this Section to promote, protect, and improve the health, safety and welfare of the citizens of the City of Avon Park by providing an equitable, expeditious, effective and inexpensive method of enforcing the Land Development Code of the City of Avon Park.~~

~~(A) — Powers and Duties~~

- ~~(1) — Adopt rules for the conduct of its hearings.~~
- ~~(2) — Subpoena evidence, witnesses, and alleged violators.~~
- ~~(3) — Take testimony under oath.~~
- ~~(4) — Issue orders, having the force of law, commanding those actions necessary to bring a violation into compliance.~~
- ~~(5) — Establish fines.~~

~~(B) — Appointment of Members~~

- ~~(1) — The Code Enforcement Board shall be composed of six (6) members and two (2) alternates, all of whom shall be residents of the City of Avon Park.~~
- ~~(2) — Members of the Code Enforcement Board shall have experience or an interest in zoning and building control. The membership of the Board shall, whenever possible, consist of an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.~~
- ~~(3) — The initial terms of the members of the Board shall be as follows:
 - ~~a. — Two (2) members and two (2) alternate members shall be appointed for a term of one (1) year from the date of their initial appointment;~~~~

- b. ~~Two (2) members shall be appointed for a term of two (2) years from the date of their initial appointment; and,~~
- e. ~~Two (2) members shall be appointed for a term of three (3) years from the date of their initial appointment.~~

~~Thereafter, the appointments shall be for a term of three (3) years.~~

- (4) ~~Members may be reappointed for one (1) successive term upon the concurrence of the City Council. Appointment to fill any vacancy of the Board shall be for the remainder of the unexpired term of office.~~
- (5) ~~Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be incurred.~~
- (6) ~~If any member of the Board fails to attend two (2) out of three (3) successive meetings without cause and without prior approval of the Chairman, the Board shall declare the member's office vacant and the City Council shall promptly fill such vacancy.~~
- (7) ~~Alternate members of the Board may attend all meetings, but shall act only in the absence, disability or disqualification of a regular member. In the absence of a member, the first alternate shall be substituted, and in the absence of two (2) or more members, both alternates shall be substituted. In the absence of a member and the first alternate, the second alternate shall be substituted. When an alternate member acts, the minutes of the Board shall reflect the name of the absent, disabled or disqualified member in whose place the alternate is acting.~~
- (8) ~~The members shall serve in accordance with the ordinances of the City and may be removed for cause as provided in such ordinances for removal of members of the City Boards.~~

~~(C) *Hearing Procedures*~~

- (1) ~~The Board shall adopt procedures to carry out its purposes. All rules must conform to this Code, other City ordinances, and state law.~~
- (2) ~~Meetings of the Board shall occur at such time or times as the Board has business to come before it, upon call of the Chairman, or the vice chairman, or upon call of any three (3) members.~~
- (3) ~~The Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.~~

- ~~(4) Four (4) members shall constitute a quorum.~~
- ~~(5) Each decision of the Board must be approved by a majority vote of the members present at a meeting in which a quorum is present and voting.~~
- ~~(6) Each case before the Board shall be presented either by the City Attorney or his assistant, or by an employee or a commissioner of the City of Avon Park; however, in no case shall the City Attorney or his assistant present cases before the Board while at the same time serving as counsel to the Board.~~
- ~~(7) All testimony shall be under oath and shall be recorded. The Board shall take testimony from the code inspector, the violator and any other person familiar with the case or having knowledge about the case. The Board shall not be bound by formal rules of evidence; however, it shall act to ensure fundamental due process in each of its hearing cases.~~
- ~~(8) At the conclusion of each hearing, the Board shall issue findings of fact and conclusion of law, based on the evidence of record, and its orders shall provide relief consistent with Section 8.03.03(A). Each finding shall be by motion approved by a majority of those present and voting, except that at least four (4) members of the Board present at the hearing must vote in order for the action to be official.~~
- ~~(9) The City Manager shall render to the City Council a monthly status report of the Board's activities.~~
- ~~(D) *Enforcement Procedures.* Except where the inspector charged with enforcing a particular technical code identified herein has reason to believe that a code violation presents a serious threat to the public health, safety and welfare, the code enforcement procedure under this Section shall be as follows:~~
 - ~~(1) It shall be the duty of the code inspector to initiate the enforcement proceedings with respect to each technical code.~~
 - ~~(2) Where the code inspector finds or is made aware of a code violation, he shall provide in writing a reasonable time within which to correct the violation. Should the violation continue beyond the time specified in the correction notice, then the code inspector shall file an affidavit of violation with the Code Enforcement Board. The Board shall assign a case number and mail a copy of affidavit of violation and notification of the date, time and place of the hearing to the violator. "Reasonable time" is defined as 10 days; however, where a different time period in which to correct the violation is provided for by the ordinance being enforced, that time period shall~~

~~constitute reasonable time for that particular violation; or, in cases of more complexity, a greater time period may be granted.~~

- ~~(3) — If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare, the code inspector may proceed to request an emergency hearing before the Code Enforcement Board without notifying the violator.~~
- ~~(4) — The City Manager shall appoint the code inspectors, and shall develop and publish written procedures for the filing of complaints to be heard by the Code Enforcement Board.~~

~~(E) — *Fines, Liens, and Foreclosures*~~

- ~~(1) — Upon being notified by the code inspector that a previous order of the Board has not been complied with by the set time, the Board may order the violator to pay a fine to the City of Avon Park not to exceed \$250.00 for each day that the violations continue past the date set for compliance.~~
- ~~(2) — A certified copy of an order imposing the fine provided for herein may be recorded in the public records of Highlands County, and thereafter such order shall constitute a lien against the land on which the violation existed or, if the violator does not own the land, upon any other real or personal property owned by the violator, and may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court, except for enforcement purposes.~~
- ~~(3) — After one (1) year from the filing of any such lien that remains unpaid, the Board may authorize the City Attorney to foreclose on such lien in the manner provided by statute for the foreclosure of any other municipal liens.~~
- ~~(4) — No lien provided by this Section shall continue for a longer period than two (2) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.~~

- ~~(F) *Appeal.* Any aggrieved party, including the City, may appeal a ruling or order of the Code Enforcement Board to the Circuit Court of Highlands County. The appeal provided for herein shall be filed within 30 days of the order to be appealed. The record shall be presented to the Court on appeal.~~
- ~~(G) *Notices.* All notices required to be provided by this Section shall be by certified mail, return receipt requested, or, where mail would not be effective, by hand delivery of the code inspector.~~

E-18



E 18

**CITY OF AVON PARK
TEXT AMENDMENT TO THE UNIFIED LAND DEVELOPMENT CODE
MEDICAL CANNABIS DISPENSING FACILITIES
OVERVIEW REPORT
JUNE 13, 2016**

TO: CITY OF AVON PARK CITY COUNCIL

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: Text Amendment to the Avon Park Unified Land Development Code
This is a City-initiated change to the Avon Park Land Development Code (LDC) to address medical cannabis dispensing facilities.

AGENDA & HEARING DATES:

April 26, 2016, 5:00 PM: Planning & Zoning Board Hearing

June 13, 2016, 6:00 PM: City Council Meeting (First Reading, Public Hearing)

June 27, 2016, 6:00 PM: City Council Meeting (Second Reading, Public Hearing)

PLANNING & ZONING BOARD ACTION:

On Tuesday, April 26, 2016, the City of Avon Park Planning & Zoning Board voted unanimously to forward the proposed amendments to the City Council **with a recommendation of approval.**

BACKGROUND:

On June 16, 2014, the Governor signed the “Compassionate Medical Cannabis Act of 2014” into state law, which serves as an outline for its medical cannabis industry. It allows limited access to cannabidiol, or CBD, based medical cannabis for treatment of chronic epileptic seizures and some other severe illnesses. The requirements are included in Florida Statutes Section 381.986. Part of this law authorizes the establishment of five dispensing organizations, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida, to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are prescribed low-THC cannabis under the requirements of the law. Each dispensing agent is permitted a reasonably located infrastructure to dispense low-THC cannabis to registered patients.

On March 25, 2016, Governor Scott signed the “Compassionate Use of Low-THC and Medical Cannabis” into State law. The proposed Text Amendment to the Avon Park Land Development Code will provide the City of Avon Park the ability to approve and site medical cannabis dispensing facilities based on defined criteria.

MOTION OPTIONS:

1. Move to approve Ordinance 17-16 on first reading.
2. Move to approve Ordinance 17-16 with changes on first reading.
3. Move to deny Ordinance 17-16 on first reading.

AMENDMENT OVERVIEW:

The proposed amendments are attached. The text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

**PROPOSED TEXT AMENDMENTS
TO THE
CITY OF AVON PARK UNIFIED LAND DEVELOPMENT CODE**

ARTICLE 2: REGULATIONS FOR SPECIFIC DISTRICTS

2.04.00 Establishment of Districts

2.04.01 Zoning District Summary Tables

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.04.02. The key to the table is as follows:

- P = Permitted Use
- D = Site Development Plan required, use is permitted upon approval of a site development plan
- S = Special Exception Use, Board action required
- C = Conditional Use, Board action required, City Council action required
- *= Supplemental Development Standards apply (see Section 3.11.00)

Table 2.04.01(A), Table of Land Uses

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
<u>Office/Financial/Medical Facilities/Clubs</u>															
ATM Walk up or Drive up Unit						P	P	P	P						P
Bank/financial institution, no drive thru						D	P	P	D						P
Bank/financial institution, with drive thru							P	P							P
Business & Office Park								P		P					
Clinic, medical or dental							P	P	P						P
Hospital						D	P	D	D						P
Medical laboratory						D	P	P	D	P	P				P
<u>Medical Cannabis Dispensing Facilities</u>							<u>S</u>								

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Non-Profit Organization						P	P	P	D	S					
Professional office						P	P	P	P						P
Real estate/business office						P	P	P	P						P

ARTICLE 3: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.10.00 Development Standards for Special Exceptions

3.10.03 Medical Cannabis Dispensing Facilities

(A) Compliance with Code Requirements.

All requests and approved uses must comply with the applicable requirements of Florida Statutes 381.986(6).

(B) Zoning Restrictions.

Medical cannabis dispensing facilities shall be permitted as special exceptions in only the C-2 zoning district throughout the City only through the special exception approval process required through Section 7.09.00.

(C) Single Addresses.

No other business, aside or separate from the dispensing of medical cannabis shall be permitted to be conducted from the same address where the medical cannabis dispensing facilities is located.

(D) Medical cannabis dispensing facilities Licensing and Compliance with Other Laws.

Medical cannabis dispensing facilities must be licensed by the state as required in Florida Statutes. All medical cannabis dispensing facilities shall at all times be in compliance with all federal and state regulations, and the City of Avon Park Land Development Code, as may be applicable and amended from time to time.

(E) Controlled Substances.

The onsite sale, provision, or dispensing of cannabis is prohibited except as specifically authorized by either federal or state law. The onsite cultivating and processing of cannabis shall be prohibited within the City limits.

(F) Definitions.

The City adopts by reference the definitions established in Florida Statutes 381.986 and Florida Administrative Code 64-4.001, as they may, from time to time, be amended and those definitions included in Article 9 of the Avon Park Land Development Code.

(G) Zoning District Restrictions.

Table 2.04.01(A), Table of Land Uses, in the Land Development Code indicates the zoning districts where Medical Cannabis Dispensing Facilities are allowed.

(H) Separation Distances.

Medical cannabis dispensing facilities and all business signage shall meet the following separation distance requirements:

(1) No medical cannabis dispensing facilities shall be located within 500 feet of any property zoned Residential;

(2) No medical cannabis dispensing facilities shall be located within 1,000 feet of another medical cannabis dispensing facilities.

(3) No medical cannabis dispensing facilities shall be located within 2,000 feet of any day care center or public recreation facility;

(4) No medical cannabis dispensing facilities shall be located within 2,500 feet of any church or school.

This distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the nearest point of the licensee's place of business or proposed place of business to the nearest point of the property in use as part of the school, day care center, public recreation facility, or medical cannabis dispensing facilities or to the edge of the property zoned residential or agriculture.

(I) Hours of Operation for On-site Dispensing.

Medical cannabis dispensing facilities shall not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery service between the hours of 9:00 P.M. and 7:00 A.M., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.

(J) No Drive-Thru Service.

No medical cannabis dispensing facilities shall have a drive-thru or drive-in service aisle. All dispensing, payment for and receipt of said cannabis shall occur from within or inside the medical cannabis dispensing facilities.

(K) Parking.

Any parking demand created by a medical cannabis dispensing facilities shall not exceed the parking spaces located or allocated on site, as required by the City's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical cannabis dispensing facilities will be sufficient to accommodate traffic and parking demands generated by the medical cannabis dispensing facilities, based upon a current traffic and parking study prepared by a certified professional.

(L) Queuing of Vehicles.

The medical cannabis dispensing facilities shall ensure that there is no queuing of vehicles in the rights-of-way. The medical cannabis dispensing facilities shall take all necessary and immediate steps to ensure compliance with this paragraph.

(M) No On-Site Consumption of Cannabis and/or Intoxicating Beverages.

No consumption of cannabis or intoxicating beverages shall be allowed on the premises, including in the parking areas, sidewalks, or rights-of-way. The medical cannabis dispensing facilities shall take all necessary and immediate steps to ensure compliance with this paragraph.

(N) No Loitering.

A medical cannabis dispensing facilities shall provide adequate seating for its patients and business invitees. The medical cannabis dispensing facilities shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/treatment center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The medical cannabis dispensing facilities shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

(O) Safety and Security Measures.

In addition and support of the safety and security requirements of Florida Statutes 381.986(6), the following safety and security measures are required.

1. Storage. During non-business hours, all stock must be kept in a locked, one-half (1/2) ton or greater safe, with a minimum TL-15 rating, which is bolted to the floor. During business hours, all stock not on display, will be kept in the same locked safe.

2. Alarm or Video Monitoring System. Medical cannabis dispensing facilities shall be equipped with, and the operators of such dispensaries/treatment centers shall maintain in working order at all times, a security alarm system or 24-hour video monitoring system as required by Florida Statutes 381.986(6).

3. Lighting. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.

4. Manager on Premises. All operations shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which any dispensary/treatment center is open to the public or any portion thereof.

5. Two Employees on Premises: As required by Florida Statutes 381.986, two employees or two employees of a contracted security firm must be on premises at all times.

(P) Minors.

It shall be unlawful for any permittee, operator, or other person in charge of any medical cannabis dispensing facilities to employ any person who is not at least eighteen (18) years of age. Persons under the age of eighteen (18) shall not be allowed on the premises of a dispensary/treatment center unless they are a qualified patient or they are in the presence of their parent, legal guardian, legal representative as defined in Florida Statutes 381.986, or a primary caregiver. The entrance to a medical cannabis dispensing facilities shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

ARTICLE 9: DEFINITIONS

Cannabis Delivery Device: An object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

Dispensing Organization: An organization approved by the Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to Florida Statutes Section 381.986.

Low-THC Cannabis: A plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

Medical Cannabis: All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

Medical Cannabis Dispensing Facility: A facility that is operated by an approved dispensing organization holding all necessary licenses and permits from which medical cannabis, cannabis based products, or cannabis plants as permitted through Florida Statutes 381.986 are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Per Florida Administrative Code Rule 64-4.001(11)(c) “any area designated in the application where Derivative Product is dispensed at retail.” Medical cannabis dispensing facilities do not include cultivation facilities or processing facilities as defined in Florida Administrative Code Rule 64-4.001(11)(c).

E 18

ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY OF AVON PARK FLORIDA, RELATING TO MEDICAL CANNABIS DISPENSING FACILITIES; AMENDING THE AVON PARK UNIFIED LAND DEVELOPMENT CODE, ARTICLE 2, SECTION 2.04.01, ZONING DISTRICT SUMMARY TABLES, TABLE 2.04.01(A) TO INCLUDE MEDICAL CANNABIS DISPENSING FACILITIES, ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, BY ADDING SECTION 3.10.03 MEDICAL CANNABIS DISPENSING FACILITIES, AND ARTICLE 9, DEFINITIONS, TO INCLUDE RELATED DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, on June 16, 2014, Governor Scott signed the "Compassionate Medical Cannabis Act of 2014" into State law, which serves as an outline for its medical cannabis industry; and

WHEREAS, on March 25, 2016, Governor Scott signed the "Compassionate Use of Low-THC and Medical Cannabis" into State law; and

WHEREAS, the City Council of the City of Avon Park has determined that it is in the best interests of the citizenry and general public to regulate the location of medical cannabis dispensing facilities; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City Council of the City of Avon Park has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of medical cannabis dispensing facilities of dispensing organizations; and

WHEREAS, pursuant to Section 166.041(c)2, Florida Statutes, the Planning and Zoning Board and the City Council have held meetings and hearings to amend the **Unified Land Development Code as presented in the attached exhibit**, such exhibit attached as Exhibit "A" and made a part hereof; and, the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF AVON PARK, FLORIDA that the Unified Land Development Code of the City of Avon Park is amended as set forth in Exhibit "A".

- (a) **Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.
- (b) **Codification:** This Ordinance shall be codified in the Code of Ordinances of the City of Avon Park, Florida.
- (c) **Effective Date:** This ordinance shall be effective 10 days after passage upon Second Reading.

INTRODUCED AND PASSED on First Reading this ____ day of _____, 2016.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Avon Park, Florida, this ____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA

Sharon Schuler, Mayor

ATTEST:

Maria Sutherland, City Clerk

Approved as to form:

Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

The vote was ____ for ____ against with ____ abstentions and ____ absent

ORDINANCE 17-16

EXHIBIT "A"

Underlined text is proposed new text. ~~Strikeout text is text proposed to be deleted.~~

UNIFIED LAND DEVELOPMENT CODE

ARTICLE 2: REGULATIONS FOR SPECIFIC DISTRICTS

2.04.00 Establishment of Districts

2.04.01 Zoning District Summary Tables

The tables on the following pages present, in a quick-reference form, information regarding permitted and special exception land uses, and development standards for all zoning districts. These tables must be read in conjunction with the regulations for specific zoning districts in Section 2.04.02. The key to the table is as follows:

- P = Permitted Use
- D = Site Development Plan required, use is permitted upon approval of a site development plan
- S = Special Exception Use, Board action required
- C = Conditional Use, Board action required, City Council action required
- *= Supplemental Development Standards apply (see Section 3.11.00)

Table 2.04.01(A), Table of Land Uses

Category/Use	R-1AA	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	C-4	I-1	I-2	PI	PR	PC	PUD
Office/Financial/Medical Facilities/Clubs															
ATM Walk up or Drive up Unit						P	P	P	P						P
Bank/financial institution, no drive thru						D	P	P	D						P
Bank/financial institution, with drive thru							P	P							P
Business & Office Park								P		P					
Clinic, medical or dental							P	P	P						P
Hospital						D	P	D	D						P
Medical laboratory						D	P	P	D	P	P				P
<u>Medical Cannabis Dispensing Facilities</u>							<u>S</u>								
Non-Profit Organization						P	P	P	D	S					
Professional office						P	P	P	P						P
Real estate/business office						P	P	P	P						P

ARTICLE 3: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

3.10.00 Development Standards for Special Exceptions

3.10.03 Medical Cannabis Dispensing Facilities

(A) Compliance with Code Requirements.

All requests and approved uses must comply with the applicable requirements of Florida Statutes 381.986(6).

(B) Zoning Restrictions.

Medical cannabis dispensing facilities shall be permitted as special exceptions in only the C-2 zoning district throughout the City only through the special exception approval process required through Section 7.09.00.

(C) Single Addresses.

No other business, aside or separate from the dispensing of medical cannabis shall be permitted to be conducted from the same address where the medical cannabis dispensing facilities is located.

(D) Medical cannabis dispensing facilities Licensing and Compliance with Other Laws.

Medical cannabis dispensing facilities must be licensed by the state as required in Florida Statutes. All medical cannabis dispensing facilities shall at all times be in compliance with all federal and state regulations, and the City of Avon Park Land Development Code, as may be applicable and amended from time to time.

(E) Controlled Substances.

The onsite sale, provision, or dispensing of cannabis is prohibited except as specifically authorized by either federal or state law. The onsite cultivating and processing of cannabis shall be prohibited within the City limits.

(F) Definitions.

The City adopts by reference the definitions established in Florida Statutes 381.986 and Florida Administrative Code 64-4.001, as they may, from time

to time, be amended and those definitions included in Article 9 of the Avon Park Land Development Code.

(G) Zoning District Restrictions.

Table 2.04.01(A), Table of Land Uses, in the Land Development Code indicates the zoning districts where Medical Cannabis Dispensing Facilities are allowed.

(H) Separation Distances.

Medical cannabis dispensing facilities and all business signage shall meet the following separation distance requirements:

(1) No medical cannabis dispensing facilities shall be located within 500 feet of any property zoned Residential;

(2) No medical cannabis dispensing facilities shall be located within 1,000 feet of another medical cannabis dispensing facilities.

(3) No medical cannabis dispensing facilities shall be located within 2,000 feet of any day care center or public recreation facility;

(4) No medical cannabis dispensing facilities shall be located within 2,500 feet of any church or school.

This distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the nearest point of the licensee's place of business or proposed place of business to the nearest point of the property in use as part of the school, day care center, public recreation facility, or medical cannabis dispensing facilities or to the edge of the property zoned residential or agriculture.

(I) Hours of Operation for On-site Dispensing.

Medical cannabis dispensing facilities shall not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery service between the hours of 9:00 P.M. and 7:00 A.M., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.

(J) No Drive-Thru Service.

No medical cannabis dispensing facilities shall have a drive-thru or drive-in service aisle. All dispensing, payment for and receipt of said cannabis shall occur from within or inside the medical cannabis dispensing facilities.

(K) Parking.

Any parking demand created by a medical cannabis dispensing facilities shall not exceed the parking spaces located or allocated on site, as required by the City's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical cannabis dispensing facilities will be sufficient to accommodate traffic and parking demands generated by the medical cannabis dispensing facilities, based upon a current traffic and parking study prepared by a certified professional.

(L) Queuing of Vehicles.

The medical cannabis dispensing facilities shall ensure that there is no queuing of vehicles in the rights-of-way. The medical cannabis dispensing facilities shall take all necessary and immediate steps to ensure compliance with this paragraph.

(M) No On-Site Consumption of Cannabis and/or Intoxicating Beverages.

No consumption of cannabis or intoxicating beverages shall be allowed on the premises, including in the parking areas, sidewalks, or rights-of-way. The medical cannabis dispensing facilities shall take all necessary and immediate steps to ensure compliance with this paragraph.

(N) No Loitering.

A medical cannabis dispensing facilities shall provide adequate seating for its patients and business invitees. The medical cannabis dispensing facilities shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/treatment center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The medical cannabis dispensing facilities shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.

(O) Safety and Security Measures.

In addition and support of the safety and security requirements of Florida Statutes 381.986(6), the following safety and security measures are required.

1. Storage. During non-business hours, all stock must be kept in a locked, one-half (1/2) ton or greater safe, with a minimum TL-15 rating, which is bolted to the floor. During business hours, all stock not on display, will be kept in the same locked safe.

2. Alarm or Video Monitoring System. Medical cannabis dispensing facilities shall be equipped with, and the operators of such dispensaries/treatment centers shall maintain in working order at all times, a security alarm system or 24-hour video monitoring system as required by Florida Statutes 381.986(6).

3. Lighting. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property, but may be of sufficient intensity to discourage vandalism and theft.

4. Manager on Premises. All operations shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which any dispensary/treatment center is open to the public or any portion thereof.

5. Two Employees on Premises: As required by Florida Statutes 381.986, two employees or two employees of a contracted security firm must be on premises at all times.

(P) Minors.

It shall be unlawful for any permittee, operator, or other person in charge of any medical cannabis dispensing facilities to employ any person who is not at least eighteen (18) years of age. Persons under the age of eighteen (18) shall not be allowed on the premises of a dispensary/treatment center unless they are a qualified patient or they are in the presence of their parent, legal guardian, legal representative as defined in Florida Statutes 381.986, or a primary caregiver. The entrance to a medical cannabis dispensing facilities shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

ARTICLE 9: DEFINITIONS

Cannabis Delivery Device: An object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

Dispensing Organization: An organization approved by the Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to Florida Statutes Section 381.986.

Low-THC Cannabis: A plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

Medical Cannabis: All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

Medical Cannabis Dispensing Facility: A facility that is operated by an approved dispensing organization holding all necessary licenses and permits from which medical cannabis, cannabis based products, or cannabis plants as permitted through Florida Statutes 381.986 are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Per Florida Administrative Code Rule 64-4.001(11)(c) "any area designated in the application where Derivative Product is dispensed at retail." Medical cannabis dispensing facilities do not include cultivation facilities or processing facilities as defined in Florida Administrative Code Rule 64-4.001(11)(c).

E-19

E 19

ORDINANCE NO. 18-16

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE CITY CODE, SECTION 2-93 CLARIFYING AND EXPANDING THE CODE ENFORCEMENT BOARD'S AND OR SPECIAL MAGISTRATE'S JURISDICTION TO INCLUDE HEARING LAND DEVELOPMENT AND ZONING CASES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

Additions to the City Code are shown by underline and redline, and deletions are shown by ~~strikethrough~~.

Section 1. Section 2-93 of the Code of Ordinances of the City of Avon Park, Florida is hereby amended to read as follows:

Sec. 2-93. - Jurisdiction.

(a)The code enforcement board shall have the jurisdiction and authority to hear and decide alleged violations of all codes, ~~other than the land development code~~, and ordinances of the city.

(b)The jurisdiction of the code enforcement board shall not be exclusive. Any alleged violation of any codes, ~~other than the land development code~~, and ordinances may be pursued by appropriate remedy in court, at the option of the administrative official whose responsibility it is to enforce that respective code or ordinance.

Section 2. Inclusion in the Code. It is the intention of the City Council, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the city. Section numbering may be revised, if necessary, to fit the Code.

Section 3. Effective Date. This Ordinance shall become effective upon passage.

This Ordinance was read for the first time at the regular special session of the City Council held on May 23rd. The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Schuler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/ Deputy Mayor Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Commissioner Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on the _____ day of _____, at a regular special session of the City Council, and this Ordinance was adopted rejected . The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Schuler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/Deputy Mayor Giles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sutherland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

ATTEST:

CITY OF AVON PARK, FLORIDA

 Maria Sutherland, City Clerk

 Sharon Schuler, Mayor

APPROVED AS TO FORM

 Gerald T. Buhr, City Attorney

E-20

RESOLUTION NO. 16-17

E 20

A RESOLUTION OF THE CITY OF AVON PARK, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF AVON PARK, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATES FOR FIRE RESCUE ASSESSED COSTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of City Ordinance No. 01-00 (the "Assessment Ordinance"), City Resolution No. 15-12 (the "Initial Assessment Resolution"), City Resolution No. 15-20 (the "Final Assessment Resolution"), sections 166.021, 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Rescue Assessments for the Fiscal Year beginning October 1, 2016 (hereinafter the "Preliminary Rate Resolution"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows.

(A) The legislative findings and determinations set forth in the Assessment Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution are affirmed and incorporated herein by reference.

(B) Upon the imposition of a Fire Rescue Assessment for fire rescue services, facilities, or programs against Assessed Property located within the City, the City shall provide fire rescue services to such Assessed Property. A portion of the cost to provide such fire rescue services, facilities, or programs shall be funded from proceeds of the Fire Rescue Assessments. The remaining cost required to provide fire rescue services, facilities, and programs shall be funded by available City revenues other than Fire Rescue Assessment proceeds.

(C) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefitted by the City's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment imposed against such parcel, computed in the manner set forth in the Initial Assessment Resolution, the Final Assessment Resolution and this Preliminary Rate Resolution.

(D) The rates for the Fire Rescue Assessments approved in the Final Assessment Resolution for Fiscal Year 2015-16 and hereby approved and adopted as the rates to be utilized in the Assessment Roll for the Fiscal Year commencing October 1, 2016.

(E) The Fire Rescue Assessments for Fiscal Year 2016-17 shall be collected pursuant to the Uniform Assessment Collection Act. The City Manager is authorized

and directed to take such actions as may be necessary or desirable in furtherance thereof.

(F) Government Property provides facilities and uses to the community, local constituents and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose the Fire Rescue Assessments upon such parcels of Government Property. However, Government Property that is owned by federal government mortgage entities, such as the VA and HUD, due to foreclosures are not serving a governmental purpose nor providing a public benefit but are instead being held by these federal government mortgage entities in a proprietary capacity. Accordingly, these properties shall not be exempted from the Fire Rescue Assessment.

SECTION 4. APPORTIONMENT METHODOLOGY. The apportionment methodology for computing the annual Fire Rescue Assessments approved and adopted in the Final Assessment Resolution is hereby ratified and confirmed as the methodology to be utilized in preparing the Assessment Roll for the Fiscal Year commencing October 1, 2016. Such methodology is affirmed and incorporated herein by reference.

SECTION 5. RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION AND FINAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution and Final assessment Resolution are hereby ratified and

confirmed.

SECTION 6. FIRE RESCUE ASSESSED COST; RATES.

(A) The estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2016 is \$670,000. The City Manager shall apportion such estimated Fire Rescue Assessed Cost to be recovered through Fire Rescue Assessments in the manner set forth in the Initial Assessment Resolution and Final Assessment Resolution.

(B) As set forth in the Initial Assessment Resolution and Final Assessment Resolution, the Fire Rescue Assessment for each Tax Parcel will be based upon each parcel's use category and the number of Dwelling Units for Residential Property and square footage for General Parcels. The following table reflects the Fire Rescue Assessment rate schedule for the property use categories for Fiscal Year 2016-17 and beyond:

Property Use Category	Assessment Unit	Assessment Rate for FY 2016-17 and beyond
Residential	Dwelling Unit	\$140.00 per dwelling unit
Commercial	Square Foot	\$0.093 per square foot
Industrial/Warehouse	Square Foot	\$0.014 per square foot
Government/Institutional	Square Foot	\$0.035 per square foot

SECTION 7. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2016, in the manner provided in the Assessment Ordinance. The updated Assessment Roll shall include all Tax Parcels within the City which are not excluded or exempt from special assessments, consistent with the Initial Assessment Resolution and Final Assessment Resolution. A

copy of this Preliminary Rate Resolution, the Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, documentation related to the estimated amount of the Fire Rescue Assessed Cost to be recovered through the imposition of Fire Rescue Assessments, and the updated Assessment Roll for the Fiscal Year commencing October 1, 2016 shall be maintained on file in the office of the City Manager and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2016, be in printed form if the amount of the Fire Rescue Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Rescue Assessments for fire rescue services as set forth in the Initial Assessment Resolution, the Final Assessment Resolution and this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Rescue Assessed Cost among parcels of Assessed Property located within the City.

SECTION 8. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on July 11, 2016, in the Council Chambers, 123 East Pine Street, Avon Park, Florida, at which time the City Council will receive and consider any comments on the Fire Rescue Assessments from the public and affected property owners and consider imposing Fire Rescue Assessments for the Fiscal Year commencing October 1, 2016 and collecting such assessments on the same

bill as ad valorem taxes pursuant to the Uniform Assessment Collection Act.

SECTION 9. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 8 hereof in the manner and time provided in Section 2.04 of the Assessment Ordinance. The notice shall be published no later than June 20, 2016, in substantially the form attached hereto as Appendix A.

SECTION 10. NOTICE BY MAIL. The City Manager shall also provide notice by first class mail to the Owner of each parcel of Assessed Property in the event circumstances described in Section 2.08(F) of the Assessment Ordinance so require, in substantially the form attached hereto as Appendix B. Such notices shall be mailed no later than June 20, 2016.

SECTION 11. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Fire Rescue Assessments will be utilized for the provision of fire rescue services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire rescue services, facilities, and programs.

[Remainder of page intentionally left blank]

SECTION 12. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 13th DAY OF JUNE, 2016.

Mayor

ATTEST:

City Manager

APPROVED AS TO FORM AND CORRECTNESS:

Gerald Buhr City Attorney

APPENDIX A
FORM OF NOTICE TO BE

PUBLISHED To Be Published by June 20, 2016

**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS**

Notice is hereby given that the City Council of the City of Avon Park will conduct a public hearing to consider the imposition of annual fire rescue special assessments for the provision of fire rescue services within the municipal boundaries of the City of Avon Park.

The hearing will be held at 6:00 p.m. on July 11, 2016, in the Council Chambers, 123 East Pine Street, Avon Park, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Manager's Office at (863) 452-4400, at least three days prior to the date of the hearing.

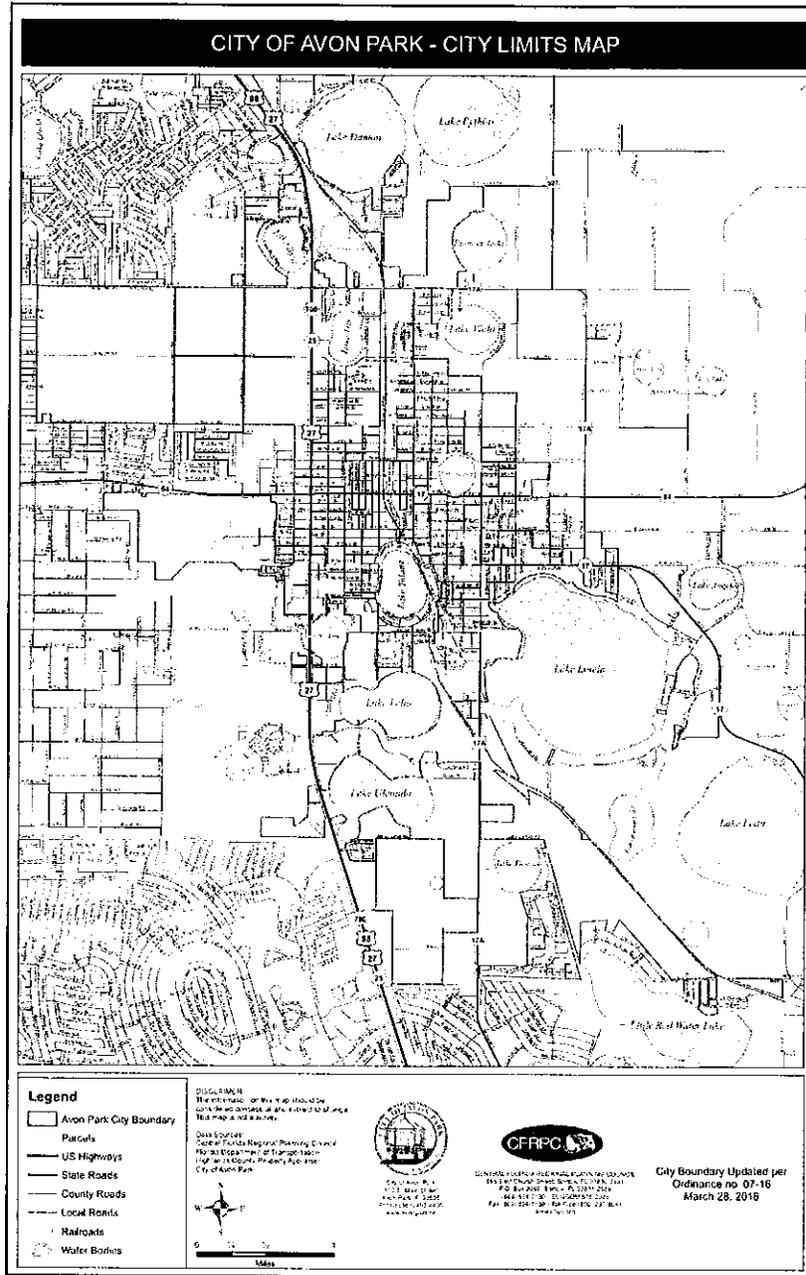
The assessment for each parcel of property will be based upon each parcel's use category and the number of dwelling units for residential property and square footage for non-residential property. The following table reflects the proposed fire rescue assessment rate schedule for the parcel use categories:

Property Use Category	Assessment Unit	Assessment Rate for FY 2016-17 and beyond
Residential	Dwelling Unit	\$140.00 per dwelling unit
Commercial	Square Foot	\$0.093 per square foot
Industrial/Warehouse	Square Foot	\$0.014 per square foot
Government/Institutional	Square Foot	\$0.035 per square foot

Copies of the Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution for Fiscal Year 2016-17, and the updated Assessment Roll are available for inspection at City Hall, located at 110 East Main Street, Avon Park, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2016, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Manager at (863) 452-4400, Monday through Friday between 9:00 a.m. and 5:00 p.m.



**CITY COUNCIL
 CITY OF AVON PARK, FLORIDA**

APPENDIX B

FORM OF NOTICE TO BE MAILED

To be mailed by June 20, 2016

City of Avon Park
110 East Main Street
Avon Park, FL 33825

Owner's Name
Address
City, State Zip

Tax Parcel #:
Parcel Address:

*****NOTICE TO PROPERTY OWNER*****

As required by Section 197.3632, Florida Statutes, notice is given by the City of Avon Park that an annual assessment for fire rescue services using the tax bill collection method may be levied on your property. The purpose of this assessment is to fund fire rescue services benefiting improved property located within the City of Avon Park. The total annual fire rescue assessment revenue to be collected within the City of Avon Park is estimated to be \$670,000 for Fiscal Year October 1, 2016 – September 30, 2017. The annual fire rescue assessment is based on the classification of each parcel of property and number of billing units contained therein. The above parcel has the following units:

Table with 3 columns: Category, Type and Number of Billing Units, Fiscal Year 2016-17 Assessment. Includes a Total Assessment row.

The annual fire rescue assessment for the above parcel is \$_____ for Fiscal Year 2016-17 and future fiscal years.

A public hearing will be held at 6:00 p.m. on July 11, 2016, in the City Council Chambers, 123 East Pine Street, Avon Park, Florida for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If you decide to appeal any decision made by the City Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing special accommodation or an interpreter to participate in this proceeding should contact the City Manager's office at (863) 452-4400, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution for Fiscal Year 2016-17, and the updated assessment roll are available for inspection at the City Manager's Office, City Hall, located at 110 E. Main Street, Avon Park, Florida.

Both the fire rescue service non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November of each year that the assessment is imposed. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire rescue assessment, please contact the City Manager at (863) 452-4400, Monday through Friday between 9:00 a.m. and 5:00 p.m.

***** THIS IS NOT A BILL *****

E-21

Julian Deleon

E 21

From: Julian Deleon
Sent: Tuesday, June 7, 2016 11:36 AM
To: Bonnie Barwick
Subject: FW: Ordinance 19-16 Modifying Qualifications Period
Attachments: Ordinance Amending Section 34-2 of the code to change the qualifications dates.docx

From: Julian Deleon
Sent: Monday, June 6, 2016 1:23 PM
To: Bonnie Barwick <bbarwick@avonpark.cc>
Subject: FW: Ordinance 19-16 Modifying Qualifications Period

Bonnie,

Please print this email below, and the attachment. It goes with agenda item E21.

From: Gerald T. Buhr [mailto:gerald@geraldtbuhr.com]
Sent: Monday, June 6, 2016 12:47 PM
To: Julian Deleon <jdeleon@avonpark.cc>
Cc: soe@votehighlands.com
Subject: Ordinance 19-16 Modifying Qualifications Period

Julian – I have attached the proposed ordinance changing the code for qualifications period. I have also sent it to the Highlands County Supervisor of Elections for any comments or changes.

Please note that the ordinance will not become effective until September, thereby leaving the present year's election qualification period under the old code provision as previous discussed.

Jerry



GERALD T. BUHR, P.A.
Certified by the Florida Bar as a City, County and Local Government specialist since 2003

ORDINANCE NO. 19-16

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE CITY CODE, CHAPTER 34, SECTION 34-2 REGARDING CANDIDATE QUALIFICATION DATES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A REPEALER; PROVIDING FOR AN EFFECTIVE DATE THAT DOES NOT AFFECT THE QUALIFICATION DATES FOR THE ELECTIONS IN NOVEMBER, 2016.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

Additions to the City Code are shown by underline and redline, and deletions are shown by ~~strikethrough~~.

Section 1. Section 34-2 of the Code of Ordinances of the City of Avon Park, Florida is hereby amended to read as follows:

Sec. 34-2. - Qualification of candidates; fee.

Any person, duly qualified, desiring to become a candidate for the office of mayor or member of the city council of the city for any special or regular election in said city shall qualify by filing the required qualifying documents with the City Clerk of Avon Park and paying to said clerk a qualification fee of \$25.00. The qualification period shall commence at 8:00 a.m. on Monday of the last full week of July, ~~whether a full or partial week~~, and shall end at 5:00 p.m. on Friday of the following week.

Section 2. Inclusion in the Code. It is the intention of the City Council, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the city. Section numbering may be revised, if necessary, to fit the Code.

Section 3. Repealer. All ordinances or portions of ordinances in conflict herewith are repealed.

Section 4. Effective Date. This Ordinance shall become effective on September 1, 2016, allowing the election qualifications for the year 2016 to remain under the previous code provision.

This Ordinance was read for the first time at the regular session of the City Council held on June 13, 2016. The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Schuler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/ Deputy Mayor Giles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sutherland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on the _____ day of _____, at a regular special session of the City Council, and this Ordinance was adopted rejected . The vote was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner/Mayor Schuler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner/Deputy Mayor Giles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sutherland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Smith	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY OF AVON PARK, FLORIDA

By: _____

Sharon Schuler, Mayor

ATTEST:

Approved as to Form and Content:

Bonnie Barwick, City Clerk

Gerald T. Buhr, City Attorney

E-22

Agenda Item Summary

Subject: Sight Unseen Equipment stored at Donaldson Park shore

Item No. E 23

Placed on Agenda by: City Manager

Total Amount of Project: N/A

Staff Review: Yes

Attorney Review:

Recommended Motion(s): Discussion

Background: The City and the Mayor received concerns over the (Sight Unseen) equipment stored at Donaldson Park, which seems to have some damaged and is normally unattended or unavailable for rentals. I checked with the code enforcement section, and this business owner (Sight Unseen) has either given a verbal or written acknowledgement from the City Council to have this equipment at its present location. The Clerk researched the minutes and effectively located (Exhibit-A) where Council approved the use of the public area through an apparent verbal acknowledgement within the minutes back in 2013.

Mr. Talley was contacted on June 8th, 2016 in reference to his future plans. He stated that he is looking for someone to assist him operate the rentals for the mechanical watercraft business. He stated that this is how he earns his living.

With the Council's approval to use the property in 2013, it is up to the Council to consider and discuss the situation while providing administration with direction on the concerns which were raised. Mr. Talley was given notice on Tuesday June 8th, 2016 that this matter would be discussed at the June 13th City Council due to citizen concerns which have been raised.

EXHIBIT-A Council approval minutes to use property

CONSENT AGENDA:

A **motion** was made by Councilman Heston, seconded by Councilman Miller, to approve the consent agenda for discussion. Mayor Schuler asked for an update on some of the items on the project status report. Attorney Buhr gave an update on the Lake Verona business venture and suggested a permitting process may be needed for the City to handle businesses on City property. Administrative Services Director, Maria Sutherland provided additional comments and noted the Farmer's Market issue was similar. Robert Talley, who owns the business, addressed Council to explain his business and how the operation would work. A **motion** was made by Councilman Miller, seconded by Councilman Heston, to approve Mr. Talley opening a business that would operate out of the Sr. Activity Center, pending everything is in order prior to its opening. The motion was approved unanimously.

Next, Attorney Buhr and Administrative Services Director, Maria Sutherland, discussed the Head Field lease, noting the final draft is still in progress. Maria also gave an update on the Community Day Care Center on the contract renegotiation. The Mayor asked Attorney Buhr to put a list together of items he's been requested to work on. Deputy Mayor Gray noted she wanted to stay abreast of the police accreditations. Public Safety Director John King gave an update; it was noted the City Clerk will add this to the project status report. Roll was called on the original motion to approve the consent agenda; the motion was approved unanimously.

- Council Minutes Regular Meeting – April 23, 2012
- Project Status Report

COMMITTEE REPORTS/ATTORNEY UPDATES/PRESENTATIONS: City Manager, Julian Deleon, gave a power point presentation on the recycling program, noting this is out to bid now. He also gave an update on other City projects, the budget, etc., Deputy Mayor Gray gave an update on the Southside CRA meeting.

ADMINISTRATIVE:

Ordinance 10-12 – Charter Amendment for the Ballot: Attorney Buhr read the title of the ordinance into the record. A **motion** was made by Deputy Mayor Gray, seconded by Councilman Heston, to approve Ordinance 10-12. Deputy Mayor Gray had a question regarding the boundaries of the City, if all the annexations were included. Attorney Buhr noted the City could hire someone to do a professional survey and map which would include all properties annexed in to this point. Deputy Mayor Gray also requested a change of the word 'him' on page 6 of 12 under section 3.04. Citizen Tom Macklin commented on keeping the residency requirement under section 4.03 to 6 months instead of the change to 1 year. James Barnard, who worked on the Charter amendment committee, added his comments on his experience on the committee. Roll was called on the original motion, which was approved unanimously. It was requested for the City Clerk to put the proposed Charter amendment on the city's web-site for the citizens to review before the election in November.

Modification to Emergency Management Subgrant: Administrative Services Director Maria Sutherland, went over the information from the packet on the background of this item. The recommended action was to approve reinstatement of the State of Florida sub grant agreement

E 23

(E 23)

**FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT
BETWEEN JULIAN DELEON AND THE CITY OF AVON PARK**

This Fourth Amendment to the Employment Agreement between Julian Deleon and the City of Avon Park ("Amendment"), is made and entered into this ____ day of June, 2016, by and between the City of Avon Park ("City"), and Julian Deleon ("Employee").

WHEREAS, the parties to the existing Employment Agreement, as previously amended, wish to amend that Agreement to provide that the City will afford Deleon seven days' notice prior to moving to vote on termination of his employment except in certain circumstances; and

NOW THEREFORE, the parties agree to amend Deleon's existing Employment Agreement, as previously amended, as follows:

Section 1. Amendments.

6. Resignation and Termination:

B. Termination by City.

- (1) The Employee shall serve at the will and pleasure of the City Council and may be terminated with twenty one days notice at any time for any reason or no reason subject only to applicable law. The parties agree that the City will not move for a vote or take a vote to discharge the City Manager pursuant to the terms of this Agreement without first providing at least seven calendar days' prior notice of the intent to raise the issue and providing copies of any documentation to be used by Council members at the public meeting at least three calendar days before the meeting; provided, that the parties agree that the City may move for the discharge of the City Manager and take a vote to do so without any prior notice and without any prior production of documentation in any case where at least four of the City Council members agree to do so. Provided further, nothing in this paragraph shall require the City to provide advance notice of any issues or documentation brought forward by citizens.

Section 2. Miscellaneous.

All other provisions of the existing Employment Agreement, as previously amended, shall remain the same and in force, and shall be construed in *pari materia* with this Amendment.

Date: _____

Julian Deleon, City Manager

CITY OF AVON PARK, FLORIDA

(Seal)

Sharon Schuler, Mayor

ATTEST:

**APPROVED AS TO CORRECTNESS
AND FORM.**

City Clerk

Gerald T. Buhr, City Attorney