Highlands County, Florida

CITY COUNCIL REGULAR MEETING

City Council Chamber
123 E Pine St
Avon Park, Fl
October 10, 2016 6:00 PM

A. OPENING

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

B CITIZENS/OUTSIDE AGENCIES

4. Noah's Fall Festival

C. CONSENT AGENDA:

5 Approve Minutes of September 26, 2016 Regular Council Meeting.
6 Approve Road Closure Permit for Breakfast Rotary for 5 K
7. Approve South Side CRA Advisory Board Member Cyrus Wyche
8. Approve Road Closure Permit for Christmas Parade.

D. COMMITTEE REPORTS/ATTY UPDATES/ANNOUNCEMENTS/PRESENTATIONS

E ADMINISTRATIVE:

10. Ordinance 24-16 Crews Groves, Inc. Future Land Use
Public Hearing (2nd Reading)

11. Ordinance 25-16 Proposed Rezoning (City Initiated)
Public Hearing (2nd Reading)

12. Foreclose 101 W. Main St.

13. Heartland Cultural Alliance – Lease – Ted Puckorius

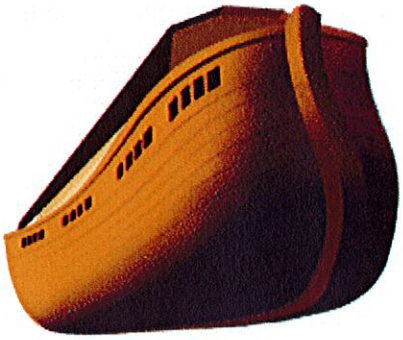
14. CDBG Housing Rehabilitation Grant Action Item: Ellen Rooney 107 N Lake Ave.

F. CITIZENS PARTICIPATION

City Manager prior to the meeting.

B-4

Noah's Fall Festival 2016



October 3, 2016

City Of Avon Park
C/o Mr. DeLeon
110 East Main Street
Avon Park, FL. 33825

Dear Mr. DeLeon,

It's that time of year again! As we prepare for Noah's Fall Festival the participating churches along with the support of many of the area businesses are looking forward to providing a safe evening of fun, food and games for the children and families of Avon Park and Highlands County.

This year, Noah's Fall Festival is scheduled for Saturday evening October 29, from 5:00 PM to 9:00 P.M. with absolutely ***no cost*** *to the public.*

We would again like permission to place professional quality banners advertising Noah's Fall Festival in the grassy area of the mall at the East & West End of the mall area. We would like to have these banners in place two weeks prior to the festival.

With your support we know this will be an exciting evening for the children and families of our community. We would be happy to share any further information that you desire. We anxiously await your decision concerning our request. I can be reached at,

Noah's Fall Festival
930 West Main Street
Avon Park, FL 33825
Ph.# 863-273-9152

Sincerely,

Jay Whipkey

City of Avon Park Event Planning Guide

Road closure Permit Application MUST be submitted at least 3 months in advance of the event.
State Road closure permits require DOT Road Closure Permit form.

Today's Date: 9/30/16

Event Organizer/Sponsor: Jay Whipkey / Noah's Faith Festival

Contact information: (863) 273-9152

Location of Event Avon Park Recreation Center / 207 E. State Street.

Date(s) Set-up 10/28 Event 10/29 Clean up - 10/30 **Time(s) of Proposed Event:** 5-9 pm

Description of event: Please See attached Sheet.

Will you be requesting City staff for any of the following (circle one):

Dumpster: Y (N) **Quantity** _____

Garbage receptacles: Y (N) **Quantity** _____

Traffic Cones/ MOT: (Y) N **Quantity** 50 ** To Be Drop off AT gate or with we pick-up

(This includes delivery, installation and pick-up of cones by City staff and charge of $20 per City "block". Weekend work may require additional charges.
Sponsor needs to stack cones at end of event

Police Y (N) **$100 per officer (minimum 4 hours)**
(Additional hours require prior approval with additional rates)

Road Closure Y (N) If yes, attach map of specific roads to be closed

Will you require city water for your event? (Y) N Concession Stand only

Will you require city electricity for your event? (Y) N Foot Ball field only

Please provide copy of your event insurance. The City of Avon Park needs to be placed as "Additional Insured" on your policy for date of event and proof of insurance needs to be

C-5

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
September 26, 2016
6:00 PM

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

Members Absent: None

Others Present: City Manager Julian Deleon, Interim City Clerk Bonnie Barwick, and City Attorney Gerald Buhr, Jeff Schmucker, CFRPC.

Mayor Sharon Schuler called the meeting to order at 6:15 P.M. The invocation was given and the Pledge of Allegiance was recited. The roll was called and a quorum was present.

B. **Citizens/Outside Agencies:**

City Attorney Gerald Buhr presented the Council with a memo regarding the foreclosure of the property located at 101 W. Main St. He explained there were liens against the property in the amount of $249,750.00. It was explained these were not hard liens they were Code Enforcement liens. After discussion regarding the property, it was decided to put it on October 10's agenda for further discussion.

C: **Consent Agenda**

5. Approve Minutes of September 12, 2016 Regular Council Meeting
6. Approve CRA Advisory Board Application: Dana Ferguson
7. Approve end of year Airport Fund Budget Close out
8. Approve end of year Utility Fund Budget Adjustment
9. Approve end of year Budget Adjustment Improvements

9-A Approve Adjustment to finalize 14- acre purchase

.**Motion** made by Councilman Heston, Seconded by Deputy Mayor Gray to approve consent agenda as presented. Motion passed unanimously.

D

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E. **Administrative:**

10 Resolution 16-24 Final Millage Rate Public Hearing.

City Attorney Buhr read the title of Resolution 16-24 into the minutes.

Mayor Sharon Schuler opened the Public Hearing. Seeing no show of hands, she closed the public hearing.

Motion by Councilman Heston, Seconded by Deputy Mayor Gray to

11. Ordinance 23-16 Budget Adoption for 2016/2017 Public Hearing 2nd reading
City Attorney Buhr read the title of Ordinance 23-16 into the record.
Motion made by Councilman Heston, Seconded by Deputy Mayor Gray to approve 2nd reading of Ordinance 23-16 as presented. Motion passed unanimously.

12. Ordinance 24-16 Future Land Use Map Amendment (City Initiated) 1st reading.
City Attorney Buhr read the Title of Ordinance 24-16 into the record. Jeff Schmucker from the CFRPC went over the Future Land Use Map Amendment.
Motion made by Councilman Sutherland, Seconded by Councilman Heston to approve 1st reading of Ordinance 24-16 as presented. Motion passed unanimously.

13. Ordinance 25-16 Proposed Rezoning 4.2 Acres (City Initiated) 1st reading.
City Attorney Buhr read the title of Ordinance 25-16 into the record. Jeff Schmucker from the CFRPC went over the proposed rezoning of 4.2 acres.
Motion by Deputy Mayor Gray, Seconded by Councilman Heston to approve 1st reading of Ordinance 25-16 as presented. Motion passed unanimously.

14. Planning Advisory Service Contract (CFRPC)
City Manager stated that is was the same contract as previous years. City Attorney Buhr stated that all records were the property of the City and the Clerk was to keep those records from CFRPC.
Motion made by Councilman Sutherland, Seconded by Councilman Heston to approve the contract as presented with the change that Attorney Buhr had brought to their attention. Motion passed unanimously.

Meeting adjourned at 6:45 PM

Recorded and transcribe by Interim City Clerk Bonnie Barwick

Attest Bonnie Barwick, Interim City Mayor Sharon Schuler

C - 6

City of Avon Park Event Planning Guide

This guide is intended for staff to better coordinate and assist your event planning

Road closure Permit Application MUST be submitted at least 3 months in advance of the event.

State Road closure permits require DOT Road Closure Permit form and City Council approval.

Today's Date: 9/2/16 **Phone#:** 863-443-0608 **Email:** Garrett@Anderson-Arms.com

Event Organizer/Sponsor: Garrett Anderson/Avon Park Breakfast Rotary Club

Location of Event N Forest Ave **Expected Number of attendees:** 60

Date(s) NOV 11th **Time(s) of Proposed Event:** ~~NOV 11th~~ 5:30pm-7:pm

Description of event: Veterans Day 5K

Will you have bounce houses or other activities for children? Y (N) *Provide copy of your Event Insurance 2 weeks in advance.

Will you be requesting City staff for any of the following (please circle):

Pavilion Rental: Y (N) **Quantity** _____ ($ 25 per pavilion) **Specify Pavilion if Applicable** _____

Dumpster (6 yard): Y (N) **Quantity** _____ ($200 per dumpster)

Garbage receptacles: Y (N) **Quantity** _____ (included in Rental)

Traffic Cones/ MOT: (Y) N **Quantity** _____ **($20 per City "Block")**

(This includes delivery, installation and pick-up of cones by City staff. Weekend work may require additional charges. *****Sponsor needs to stack cones at end of event**)***

Police Y (N) **$40.00 per hour per officer (minimum 2 hours)**

(Additional hours require prior approval with additional rates)

Road Closure (Y) N If yes, attach map of specific roads to be closed

*****Road Closure Permit MUST be submitted 3 Months in advance*****

Will you require city water for your event? Y (N) (Included in rental where applicable)

Will you require city electricity for your event? Y (N) (Included in rental where applicable)

*Please provide copy of your event insurance and Tax ID if you are requesting any city services. **The City of Avon Park needs to be placed as "Additional Insured" on your insurance policy for date of event and proof of insurance needs to be provided at least 2 weeks in advance of the event date. Minimum $2 million coverage.**

Customer Signature
(Verifying Information is Correct)

9/2/16
Date

Event Coordinator: Streets/Sanitation:

Rule 14-65.0035,1)(c) F.A.C.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TEMPORARY CLOSING OF STATE ROAD PERMIT

850-040-65
MAINTENANCE
12/11

Date: 9/2/16 Permit No. _____

Governmental Entity

Approving Local Government CITY OF AVON PARK Contact Person JASON LISTER
Address 110 E. MAIN ST.
Telephone 863-452-4403 Email _____

Organization Requesting Special Event

Name of Organization Avon Park Breakfast Rotary Club Contact Person Garrett Anderson
Address 301 E Circle St Avon Park, FL
Telephone 863-443-0608 Email _____

Description of Special Event

Event Title Veterans Day 5K Date of Event Nov 11th
Start Time 5:30 PM End Time 7:00 PM
Event Route (attach map) Map Attached

Detour Route (attach map) _____

Law Enforcement Agency Responsible for Traffic Control

Name of Agency _____

US Coast Guard Approval for Controlling Movable Bridge

Not Applicable ☐
Copy of USCG Approval Letter Attached ☐
Bridge Location _____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

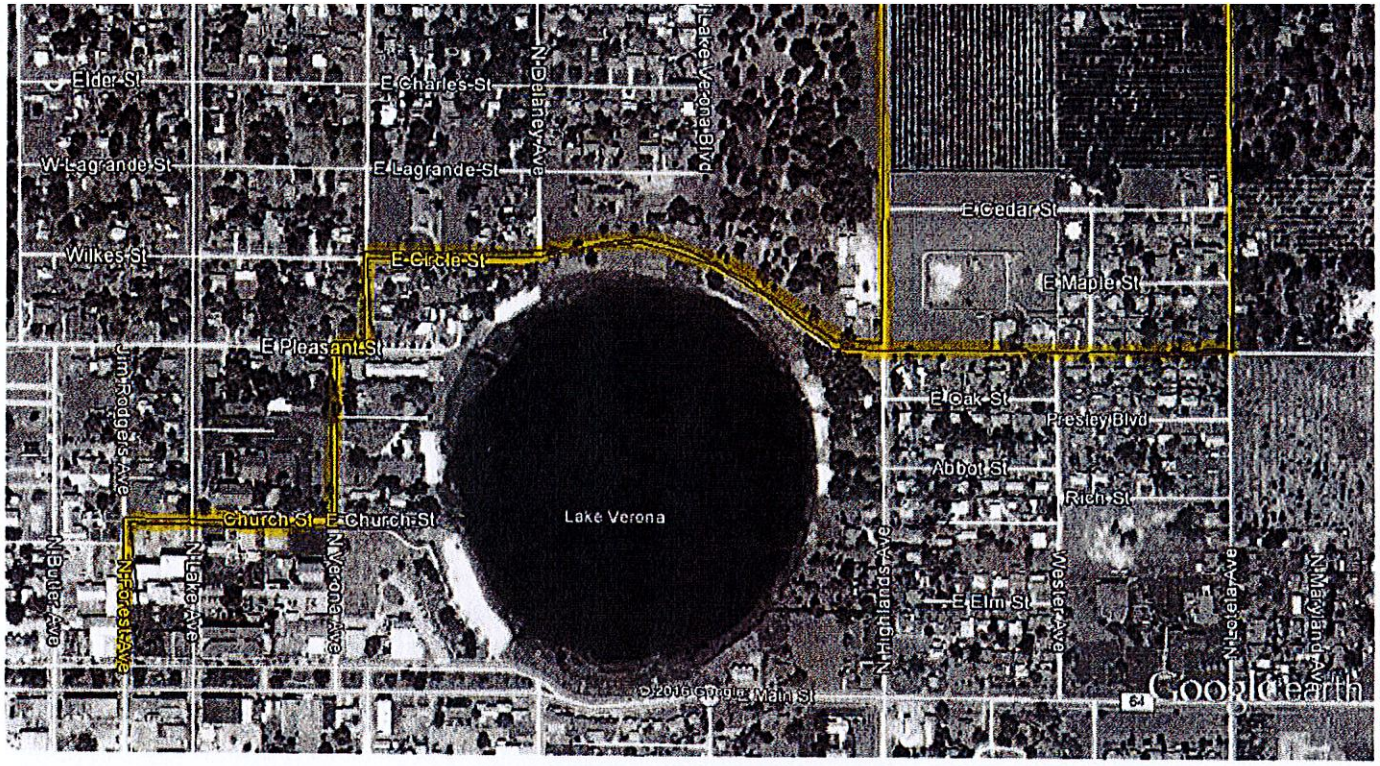
The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator _____ Signature _____ Date _____
Law Enforcement Name/Title _____ Signature _____ Date _____
Government Official Name/Title _____ Signature _____ Date _____

FDOT Special Conditions

_____
_____
_____



Google earth

feet 2000

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C 7

FOR BOARDS AND COMMISSIONS

Thank you for your interest in serving the City of Avon Park. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) and/or Commissions(s) for which you wish to apply:

_____ Airport CRA Advisory Board

_____ Civil Service Board*

X Main Street CRA Advisory Board

_____ Pension Boards*

_____ Police _____ Fire

_____ Planning & Zoning Commission*

X Recreation Advisory Board

X Southside CRA Advisory Board 10TH - 12TH -

_____ Zoning Board of Adjustment*

_____ Housing Authority

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

<u>*MEMBERS OF THE BORAD(S) AND/OR COMMISSIONS WITH AN ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES.</u>

1. PERSONAL:

Name: Cyrus Wyche E-Mail: cyrus.wychefl@gmail.com

Address: 312 Geese St. Avon Park, FL 33825 863-452-5338

Telephone: 754·366·4834 Business #: _____

Are you a registered voter in Avon Park? _____ Yes _____ No

How long have you been a resident of Avon Park? 38 years

Are you currently serving on a City Board? _____ Yes ✓ No

If yes, when and which Board? _____

2. REFERENCES: Please list 3 references (Business and/or Personal) include Name, Address, and Phone Number.

Kelli Bogle-Jackson Kellijackson79@aol.com 863-214-2692 30+

Jim Anderson jacquesand@aol.com 727-642-7835 5

High School: Avon Park High School Date Graduated: 1997

College: University of Florida Date Graduated: 2011

Other: Nova Southeastern University Degree: 2013 & 2015

4. Work Experience:

* please see attached resume. Thank you very much. CWyche

5. Interests/Activities:

Diversity, multicultural Affairs and Public broadcasting city, county, and region wide on wildlife and fish commission concerns to ensure our communities respect an protect this amazing resource.

6. Community Involvement:

I am providing Probono consulting for Class Reunion services for my specific class of 1997 and I'm collaborating with SFSC regarding the possibilty of making a foundation that will help connect all APHS class with resources to connect and even a scholarship to a graduate for tuition to SFSC

7. Why do you desire to serve on this and/or these Board(s)?

My passion in life is to help others solve their problems and empower them to, in turn, help those around them. If I am on the board for Mainstree I can help bring my insight from my time away in other southern cities.

8. A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve if appointed.

Cyrus T Wyche
Signature

9.16.16
Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4403.

C 8

Subject: Christmas Parade

Item No. C-8

Placed on Agenda by: **City Manager**

Total Amount of Project:

Staff Review: Yes

Attorney Review:

Recommended Motion(s):

Background: Annual Christmas Parade,

Attachments: Event Planning Guide

City of Avon Park Event Planning Guide

Road closure Permit Application MUST be submitted at least 3 months in advance of the event.
State Road closure permits require DOT Road Closure Permit form.

Today's Date: 8/18/2016

Event Organizer/Sponsor: Avon Park Chamber of Commerce

Contact information: Melissa Finger, 863-453-3350

Location of Event: Main Street, between Anoka and Delaney (Eastbound)

Date(s) 11/28/2016 Time(s) of Proposed Event: 5p-9p

Description of event: Annual Christmas Parade, with Anoka Ave for float staging. Line up begins at 5pm. Parade start at 7pm.

Will you be requesting City staff for any of the following (circle one):

Dumpster: No **Quantity**_____

Garbage receptacles: Yes **Quantity 15**

Traffic Cones/ MOT: Yes **Quantity 50**

(This includes delivery, installation and pick-up of cones by City staff and charge of $20 per City "block". Weekend work may require additional charges.
Sponsor needs to stack cones at end of event

Police **Y** **N** **$100 per officer (minimum 4 hours)**

(Additional hours require prior approval with additional rates)

Road Closure **Yes** If yes, attach map of specific roads to be closed Will you require city water for your event? **No**

Will you require city electricity for your event? No

Please provide copy of your event insurance. The City of Avon Park needs to be placed as "Additional Insured" on your policy for date of event and proof of insurance needs to be provided at least 2 weeks in advance of the event date.

Date: 8/18/2016 Permit No. _____

Governmental Entity

Approving Local Government City of Avon Park Contact Person Julian DeLeon

Address 110 E Main St, Avon Park, FL 33825

Telephone 863-452-4411 Email jdeleon@avonpark.cc

Organization Requesting Special Event

Name of Organization Avon Park Chamber of Commerce Contact Person Melissa Finger

Address 28 East Main Street

Telephone 863-453-3350 Email director@theapcc.net

Description of Special Event

Event Title Annual Christmas Parade Date of Event 11/28/2016

Start Time 5pm End Time 9pm

Event Route (attach map) see map

Detour Route (attach map) see map

Law Enforcement Agency Responsible for Traffic Control

Name of Agency City of Avon Park

US Coast Guard Approval for Controlling Movable Bridge

Not Applicable ☒

Copy of USCG Approval Letter Attached ☐

Bridge Location _____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator Melissa Finger Signature _____ Date 8/18/2016

Law Enforcement Name/Title Jason Lister, Public Safety Signature _____ Date _____

Government Official Name/Title Julian Deleon, City Manager Signature _____ Date _____

FDOT Special Conditions

apcc Christmas Parade

Indicates street closure and parade staging/route from Anoka Ave with route on Eastbound Main Street from Anoka Ave to Delaney.

apcc

avon park
Chamber of Commerce

2016 Christmas Parade

Monday, November 28, 2016

Business or Organization: _____

Contact Person: _____

Address: _____ City/Zip: _____

Phone: _____ Email: _____

Business/Organization Type: Club

Entry Fee: ☐ Non-profit $35 ☐ All others $45 ☐ Pick Your Spot (#5 and up) $100

Please remit application and payment to: The APCC, 28 E Main St., Avon Park, FL 33825 For questions, please call: 863-453-3350

Entry Type: Animals/Characters Entry Length: _____

○ Auto/Motercycles #_____ ○ Music/Band ○ Walkers/Dancers #_____ ○ Animals

Please describe your entry:

_____

_____

_____

_____

By signing this application, you acknowledge receipt of the Parade Rules, and agree to follow the rules as written. All entries will be assigned on a first come first serve bases with paid application fee.

*Pick your spot entries will be set as paid entries are received. Applicants will be notified at the time of application if a position number has already been requested.

_____ _____

Signature of Applicant Date

E-10

CITY OF AVON PARK
FUTURE LAND USE MAP AMENDMENT AND REZONING
OVERVIEW REPORT

October 10, 2016

TO: CITY OF AVON PARK CITY COUNCIL

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 24-16 – Future Land Use Amendment**
Ordinance 25-16 – Rezoning
A City-initiated request to amend the Future Land Use and zoning of one (1) parcel of land totaling 4.2 acres generally located on the east side of Lake Lotela, west of SR-17, and south of East Pinecrest Drive from the Future Land Use of County Medium Density Residential to City Medium Density Residential and the zoning of County R1A (Residential) to City R-2 (Medium Density, Single Family Attached and Duplex).

AGENDA DATE:

September 13, 2016, 5:30 PM:	Planning and Zoning Board Meeting (Public Hearing)
September 26, 2016, 6:00 PM:	City Council (First Reading)
October 10, 2016, 6:00 PM:	**City Council (Adoption Public Hearing)**

PLANNING & ZONING BOARD ACTION:

On Tuesday, September 13, 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 24-16 – Future Land Use Map Amendment:

On Monday, September 26, 2016, the City of Avon Park City Council voted unanimously to **approve Ordinance 24-16** on First Reading.

Ordinance 25-16 – Rezoning:

On Monday, September 26, 2016, the City of Avon Park City Council voted unanimously to **approve Ordinance 25-16** on First Reading.

CITY COUNCIL MOTION OPTIONS:

Ordinance 24-16 – Future Land Use Map Amendment

1. I move the City Council **approve** Ordinance 24-16.
2. I move the City Council **approve with changes** Ordinance 24-16.
3. I move the City Council **deny** Ordinance 24-16.

Ordinance 25-16 – Rezoning

1. I move the City Council **approve** Ordinance 25-16.
2. I move the City Council **approve with changes** Ordinance 25-16.
3. I move the City Council **deny** Ordinance 25-16.

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	Crews Groves, Inc.
Parcel ID	C-25-33-28-050-0120-0120
Acreage (Total)	4.2 acres
Existing Future Land Use	County Medium Density Residential
Proposed Future Land Use	City Medium Density Residential
Existing Zoning	County R1A (Residential)
Proposed Zoning	City R-2 (Medium Density, Single Family Attached and Duplex)
Previous Hearings	None

The City of Avon Park (applicant) is requesting to change the Future Land Use and zoning of one (1) parcel of land consisting of 4.2 acres. The subject parcel is generally located on the east side of Lake Lotela, west of SR-17, and south of East Pinecrest Drive (see attached Aerial Photo Map).

The requested Future Land Use change is from County Medium Density Residential to City Medium Density Residential.

The requested zoning change is from County R1A (Residential) to City 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 property recently annexed into the City per Ordinance 04-16. The proposed designations will provide an opportunity for future residential development.

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 parcel from County Medium Density Residential to City Medium Density Residential and the zoning from County R1A (Residential) to City R-2 (Medium Density, Single Family Attached and Duplex). 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.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.

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.

Existing – Zoning

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.

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).

Land Use Analysis

The subject property has an existing land use of grove/orchard. Existing land uses surrounding the site consist of single-family residential to the north, grove/orchard land to the east and south, and a golf course to the west. Generally the area to the west of the site is residential along the shore of Lake Lotela, while the area to the east is primarily grove/orchard and other agricultural lands.

Table 1 below outlines the existing and proposed Future Land Use and zoning of the subject parcel 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 (across Hollyhurst Dr.)**
Future Land Use: County Agriculture **Zoning:** County AU	**Future Land Use:** County Agriculture and County Medium Density Residential **Zoning:** County AU and County R1A	**Future Land Use:** County Medium Density Residential **Zoning:** County R1A
West	**Subject Parcel**	**East (across Hollyhurst Dr.)**
Future Land Use: County Agriculture **Zoning:** County AU	**Future Land Use:** Existing: County Medium Density Residential Proposed: City Medium Density Residential **Zoning:** Existing: County R1A Proposed: City R-2	**Future Land Use:** County Medium Density Residential **Zoning:** County R1A
Southwest (across Hollyhurst Dr.)	**South (across Hollyhurst Dr.)**	**Southeast (across Hollyhurst Dr.)**
Future Land Use: City Agriculture **Zoning:** County AU	**Future Land Use:** County Agriculture and County Medium Density Residential **Zoning:** County AU and County R1A	**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. The proposed designations are consistent with the character of the surrounding area.

Under the proposed Future Land Use designation, there will be increase from a maximum of 8 dwelling units per acre (under the County Medium Density Residential) to a maximum of 16 dwelling units per acre (under the City Medium Density Residential).

Although the request is to amend the Future Land Use to a greater density (16 dwelling units per acre), of which this analysis is based on, the applicant is also requesting a companion rezoning to City R-2 (Medium Density, Single Family Attached and Duplex). Under the R-2 zoning, the maximum residential density is 8 dwelling units per acre. The designation of Medium Density Residential is required for the proposed R-2 zoning to be consistent with the City's Comprehensive Plan. However, considering the proposed zoning of R-2, the maximum residential density on the subject property will be limited to 8 dwelling units per acre. Table 2 below outlines the existing and proposed maximum residential densities and the total change in residential density for the proposed request.

Table 2.
Density Calculations.

	Acreage	Future Land Use	FLU Density	Zoning	Zoning Density
Existing	4.2	County Medium Density Residential	8 du/acre **(Total = 33 du)**	County R1A	8 du/acre **(Total = 33 du)**
Proposed	4.2	City Medium Density Residential	16 du/acre **(Total = 67 du)**	City R-2	8 du/acre **(Total = 33 du)**
		Total Change	**=34 du**		**No Change**

du = dwelling units

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. Fire hydrants connected to the City's system have also been installed and are operational nearby. However, centralized sewer is not currently available. Developed 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 future development.

Solid Waste:

The City currently provides solid waste collection 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 for the subject property. The current traffic impact, based on the ITE Trip Generation Manual (9th Edition), for single-family dwelling units is 313.5 trips/day (based on 9.5 vehicle trips per unit). Although the proposed Future Land Use would increase the maximum residential density allowed, the companion rezoning of R-2 limits the maximum residential density at 8 dwelling units/acre. This is consistent with the existing permitted conditions whereby there is no change in the potential traffic volume, thus no negative traffic impacts are anticipated. However, any 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 Future Land Use the potential residential density would increase from 33 dwelling units to 67 dwelling units, yielding an increase of 34 dwelling units. This information is for notification purposes only. Because no new development is occurring at this time, there are currently no impacts on the Highlands County school district. Any future development will be coordinated with the HCSB prior to any development approvals.

Recreation/Open Space:

The City's level of service standard for recreation and open space facilities is 3 acres/1,000 persons. The City is currently operating at 6.54 acres/1,000 persons. As such, if the property were to develop at maximum capacity, there will be no negative impacts on the City's Recreation and Open Space facilities.

Subject: 2nd Reading Ordinance 24-16 Crews Groves, Inc. Future Land Use Amendment.

Item No. E 10

Placed on Agenda by: **City Manager**

Total Amount of Project:

Staff Review: yes

Attorney Review:

Recommended Motion(s): **Motion to approve 2nd reading as recommended by Planning and Zoning Board**

Background: Passed 1st reading on September 26, 2016.

Attachments:

ORDINANCE 24-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF AVON PARK, FLORIDA, AMENDING ONE (1) PARCEL OF LAND TOTALING 4.2 ACRES GENERALLY LOCATED ON THE EAST SIDE OF LAKE LOTELA, WEST OF SR-17, AND SOUTH OF EAST PINECREST DRIVE FROM THE FUTURE LAND USE OF COUNTY MEDIUM DENSITY RESIDENTIAL TO CITY MEDIUM DENSITY RESIDENTIAL; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, 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 163.3187, Florida Statutes, the City Council held meetings and hearings on 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, 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 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; and

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" to the parcel 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. **Certified Copy**: A certified copy of this enacting ordinance and certified

Section 4. **Effective Date**: This plan amendment shall be effective in accordance with Section 163.3187(5)(c), 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

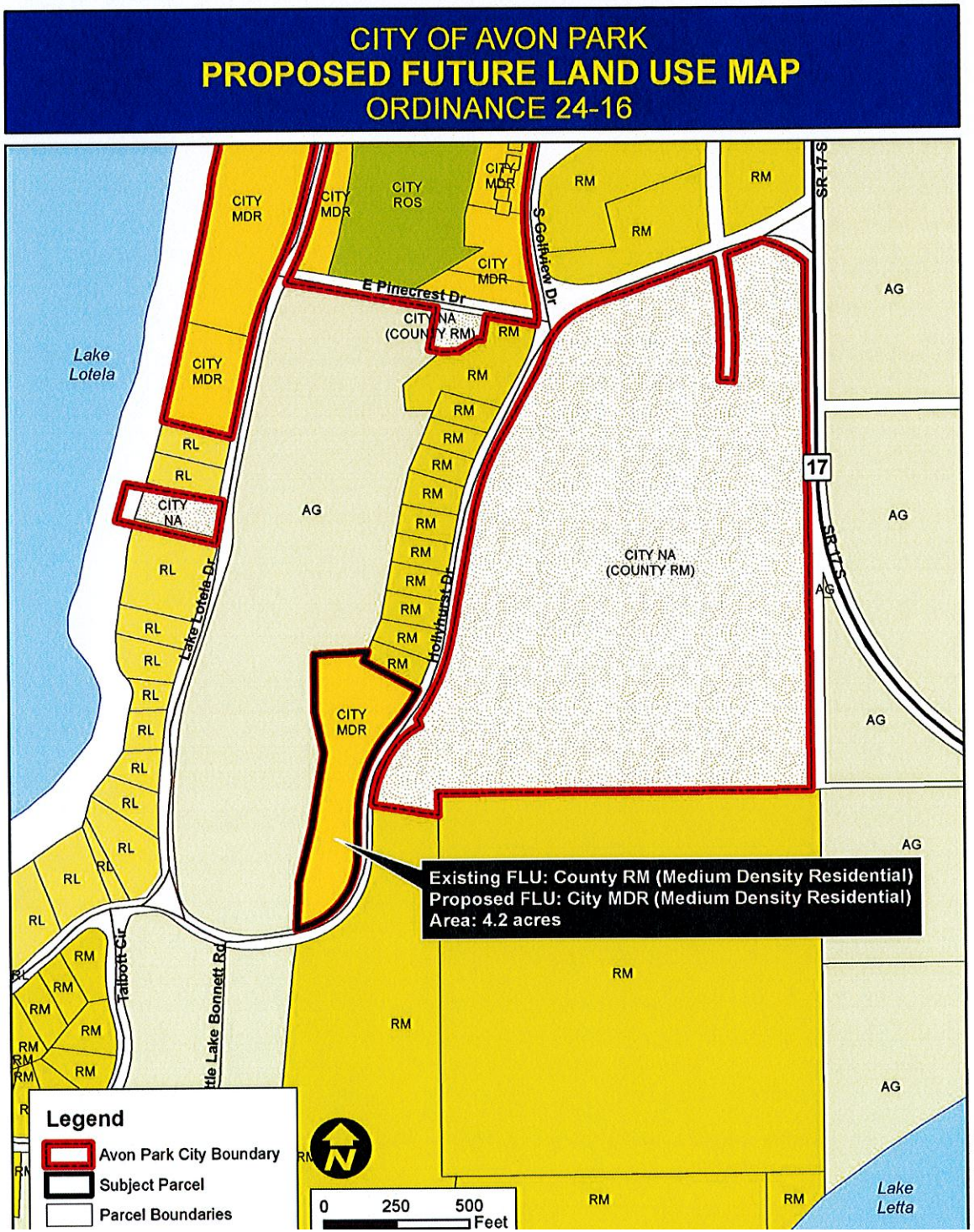
Motion made by_____ seconded by _____.

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

EXHIBIT

A

EXHIBIT "A"


CITY OF AVON PARK
PROPOSED FUTURE LAND USE MAP
ORDINANCE 24-16
Lake Lotela
CITY MDR
CITY ROS
CITY NA
CITY NA (COUNTY RM)
RM
RL
AG
E Pinecrest Dr
S Cellview Dr
SR 17 S
17
Lake Lotela Dr
Hollyhurst Dr
Talbott Cir
Little Lake Bonnett Rd
Existing FLU: County RM (Medium Density Residential)
Proposed FLU: City MDR (Medium Density Residential)
Area: 4.2 acres
Legend
Avon Park City Boundary
Subject Parcel
Parcel Boundaries
N
0 250 500 Feet
Lake Letta

E-11

Subject: 2nd Reading Ordinance 25-16 Crews Groves, Inc. Rezoning

Item No. E 11

Placed on Agenda by: **City Manager**

Total Amount of Project:

Staff Review: Yes

Attorney Review: **Yes**

Recommended Motion(s): **Motion to approve 2nd reading of Ordinance 25-16 as recommended by Planning and Zoning Board**

Background:

Attachments:

ORDINANCE 25-16

AN ORDINANCE AMENDING THE ZONING OF ONE (1) PARCEL OF LAND TOTALING 4.2 ACRES GENERALLY LOCATED ON THE EAST SIDE OF LAKE LOTELA, WEST OF SR-17, AND SOUTH OF EAST PINECREST DRIVE FROM THE ZONING OF COUNTY R1A (RESIDENTIAL) TO CITY R-2 (MEDIUM DENSITY, SINGLE FAMILY ATTACHED AND DUPLEX); 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) to that parcel, having a cumulative total of 4.2 acres, as depicted in Exhibit "A".

Section 2. **Certified Copy**: 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.

Section 3. **Effective Date**: The effective date of this ordinance shall be the date of its adoption.

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

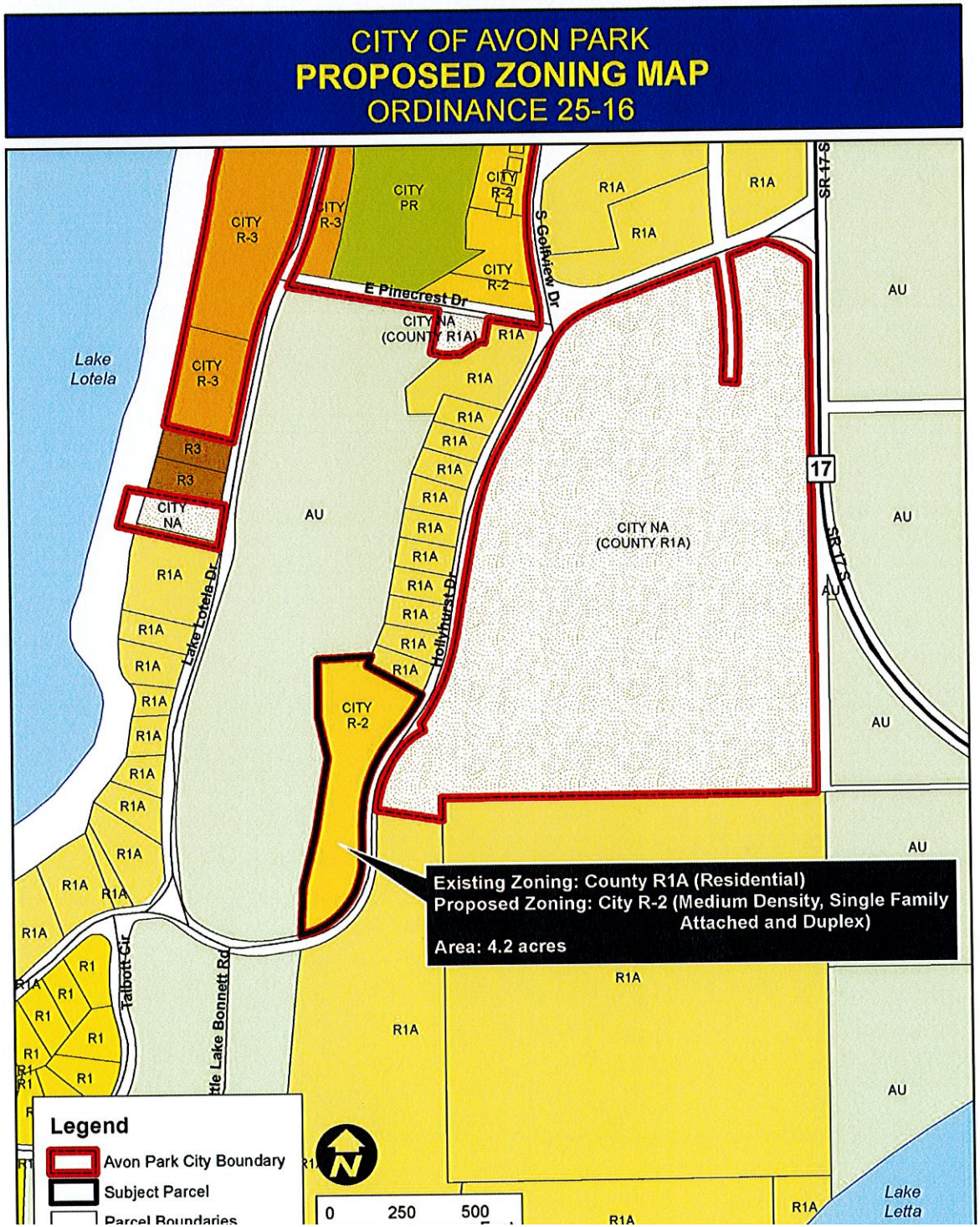
Motion made by_____ seconded by _____.

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

EXHIBIT

B

EXHIBIT "A"


CITY OF AVON PARK
PROPOSED ZONING MAP
ORDINANCE 25-16
Lake Lotela
CITY R-3
CITY R-3
CITY PR
CITY R-2
CITY R-2
CITY R-2
R1A
R1A
R1A
SR 17 S
S Golfview Dr
E Pinecrest Dr
CITY NA (COUNTY R1A)
R1A
AU
R3
R3
CITY NA
17
CITY NA (COUNTY R1A)
Lake Lotela Dr
Hollyhurst Dr
Talbott Cir
Little Lake Bonnett Rd
R1
Existing Zoning: County R1A (Residential)
Proposed Zoning: City R-2 (Medium Density, Single Family Attached and Duplex)
Area: 4.2 acres
Legend
Avon Park City Boundary
Subject Parcel
Parcel Boundaries
0
250
500
Lake Letta

E-12

Subject: Foreclosure 101 W Main Street

Item No. E12

Placed on Agenda by: **City Attorney**

Total Amount of Project:

Staff Review: Yes

Attorney Review: **Yes**

Recommended Motion(s):

Background: Discussion regarding liens and the Judicial Sale on November 17, 2016.

Attachments:

MEMORANDUM

TO: **Members of the City Council**

FROM: **Gerald T. Buhr, City Attorney**

DATE: **September 26, 2016**

SUBJECT: **City of Avon Park vs. Jayeola Enigbonjaye, et al**
Case No. 15000515GCAXMX
Highlands County Circuit Court

The City has foreclosed a Code Enforcement Lien against real property located at 101 W. Main Street, Avon Park, Florida. This property has been subject to code enforcement proceedings in the past, and remained non-compliant. The Final Judgment of Foreclosure has been entered by the Circuit Court, and a Judicial Sale is scheduled for November 17, 2016, at which time the property will be sold to the highest bidder for cash. The Judge ruled that the City is owed $249,750.

The City is entitled to a credit bid at the sale, and can bid up to the full amount of the Judgment if it chooses without paying any additional money, except the documentary stamp tax. If someone bids more than the maximum bid made by the City, that person has to pay the bid in full by cashier's check and the City would receive those funds. Documentary stamp tax is payable on the Deed at the rate of 70¢ per $100 bid. We generally start the bidding at $100 and bid up to the maximum amount in the case of competitive bidding. The City should consider the condition of the property, the likelihood of expenses to tear down the existing structure, and the intended use for the property once the City owns it, in calculating its maximum bid price. Because the property is non-compliant with the City Code, whoever buys the property will need to demolish the structure and clear the debris, or repair the structure to bring it into compliance.

If the City does not want to take title in the name of the City, the City could create a new entity to take title to the property and could transfer the Judgment to the new entity prior to the Sale. An Assignment of the Judgment does not incur any documentary stamp tax. An Assignment of a successful bid at a foreclosure sale does require payment of documentary stamp tax.

C-13

City of Avon Park

Main Street

Avon Park, Fl 33825

Attn: City Clerk

October 3, 2016

Dear Bonnie:

This is a request to place Heartland Cultural Alliance on the City Council agenda for the October 10, 2016 Council meeting.

I will make a presentation requesting extension of the present lease for three more years.

Would you kindly make a copy of this request for all Council members.

Sincerely,

Ted Puckorius

Ted Puckorius

HCA Museum Project Director

1282 Lake Lotela Drive

Avon Park, Fl 33825

863 452-2737

E-14

September 20, 2011

Attention: **Avon Park City Council**

Subject: **CDBG Housing Rehabilitation Grant Action Item:**
Ellen Rooney: 107 N. Lake Ave.

Overview:

The home of Avon park resident Ellen Rooney (107 N Lake Ave.) was rehabilitated in 2013 with City CDBG funding. Recently it was brought to the attention of City staff that the owner has become unwell and as a result Ms. Rooney has suffered dire medical hardship which has in turn lead to equally dire financial hardship.

As a result of her medical issues, Ms. Rooney has not been able to occupy her home. She has currently been placed in an assisted living facility and is expected to remain so for the foreseeable future. As it stands, Ms. Rooney is still making payments on her primary mortgage, but as previously stated due to medical issues she can no longer reside in the home.

The question was inquired by relatives as to what happens when an owner is unable to take care of themselves and/or occupy the home as their primary residence as is required by the CDBG housing rehabilitation agreement. The family has inquired about renting the property in order to prevent foreclosure.

City CDBG Action Items:

The City CDBG Housing Assistance Plan (HAP) grants the City both recapture and non-recapture options. Given the hardship circumstances the below highlighted HAP excerpt appears most appropriate (Page #8-1st paragraph of the attached HAP).

In the event that the sole owner dies or both/all owners die within the ten (10) year DPL loan period, the heirs of the property may 1) apply to income qualify and file for homestead and occupy the property as their primary residence for the remainder of the DPL and assume the mortgage and note and all related conditions OR 2) if not interested in the program or unable to qualify, repay the remaining principal on the DPL within thirty days of transfer of title to the new owner/heirs. If the title is otherwise transferred during the appropriate terms above for any circumstance but death of all approved owner(s), the remaining DPL principal at that time becomes due. If the heirs or recipients of the title upon death receive title and do not qualify for the program and DPL transfer or otherwise do not comply with the program, the full amount of the remaining principal becomes due...

As otherwise provided in this HAP, the City Council may (by vote) waive these requirements on a case by case basis for hardship and family emergencies, such as permanent disability or long term incapacitation of the remaining owner where the heirs receive title without a death of the remaining owner since the remaining owner can no longer fulfill the obligations of the DPL. The DPL must still be assumed or repaid, unless waived and forgiven by vote of the City Council.

Staff/Consultant Recommended Actions:

Owner of said property provides the City Council with a written request for a hardship waiver of the CDBG DPL so that the owner and family may take the appropriate actions to prevent any eventual property blight and/or foreclosure action.

Owner of said property provides the Council with supporting documentation of the owner's medical and financial hardship.

Once the Council has reviewed aforementioned information, consider a Council motion to utilize the authority provided by the HAP/DPL to forgive the remainder of the DPL and record a mortgage satisfaction for the property.

This action will allow the Council to take an authorized action to allow the owner to protect the property from a state of blight and foreclosure without having to govern, and oversee the personal details of how the family proceeds thereafter be it renting, selling, or refinancing the property.

If you have any questions, please do not hesitate to contact us.

Regards,

J. Corbett Alday, VP, COO