

C-10

C 10

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
March 28, 2016

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

Members Absent: Councilman Terry Heston (excused)

Others Present: City Manager Julian Deleon, City Clerk Maria Sutherland, City Attorney Gerald Buhr, 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 Clerk read the Mayors Day of Recognition for National Service into the record.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilperson Dora Smith to approve the Proclamation as read. Motion passed unanimously.

Welcome: WWC Convention April 7-10 2016. Information only, there was no motion needed.

Proclamation: Child Abuse Awareness: City Clerk read the Proclamation into the record.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilperson Dora Smith to approve the Proclamation as read. Motion passed unanimously.

Code Enforcement: 1477 N Melrose Dr. Attorney David Lanier representing David Marsh's Estate spoke about the value of the home being less than the cost of the liens. There was discussion regarding adjustment of the code enforcement liens. Code Enforcement liens would be released after payment of "hard costs" and 2.5% administrative charge of the value of the liens were satisfied. Also, garbage hard costs need to be paid. Approximately \$2000 would be the amount the owners would pay. Staff is to put the costs breakdown together and work with the estate. **No motion was made.**

NASGRASS: Agreement with Discovery Channel Production Company: There was discussion regarding the production company agreement indemnity clause and editorial freedoms. The City Attorney gave input regarding a separate land lease that needs to be addressed. Council had no problem with the production company crew filming the races but wanted to address certain clauses in the agreement regarding indemnification. **No motion made.**

City Manager Julian Deleon presented the consent agenda. Minutes of March 14, 2016 Regular Council Meeting.

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

Tabled Item: Municipal comparison of Council Compensation. No discussion at this time.

Southside CDBG Construction: Bid award recommendation:

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to Approve CDBG for Cobb Construction in the amount of \$876,759.78. Motion passed unanimously.

Motion by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to allow NuJack to withdraw their bid without penalties. Motion passed unanimously.

Airport Fuel Truck:

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to award fuel truck bid to ProFlo in the amount of \$110,650.00. This project is 100% FDOT funded. Motion passed unanimously.

Resolution 16-07: Adopt Southside CRA Plan: Resolution 16-07 was read into the record by City Attorney Gerald Buhr. City Attorney Gerald Buhr made a disclaimer: "I did not review or approve to form."

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve Resolution 16-07 as presented. Motion passed unanimously.

Resolution 16-08: Adopt Main Street CRA Plan: City Attorney read Resolution 16-08 into the record.

Motion by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve Resolution 16-08 as presented. Motion passed 3 to 1 with Mayor Sharon Schuler voting no.

Resolution 16-09: Airport CRA Plan: City Attorney read Resolution 16-09 into the record.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve Resolution 16-09 as presented. Motion passed unanimously.

Ordinance 06-16: Creation of the Avon Park CRA with expansion areas. First Public Hearing:

City Attorney Gerald Buhr read the title of Ordinance 06-16 into the record. Mayor Sharon Schuler opened the public hearing. Seeing no show of hands, Mayor Sharon Schuler closed the public hearing.

Motion by Councilman Parke Sutherland, Seconded by Councilperson Dora Smith to approve 1st reading of Ordinance 06-16. Motion passed 3 to 1 with Mayor Sharon Schuler voting no.

Ordinance 04-16: Voluntary Annexation of three parcels; 2nd public hearing: City Attorney Gerald Buhr read the title of Ordinance 04-16 into the record. Mayor Sharon Schuler opened the public hearing, seeing no show of hands Mayor Schuler closed the public hearing.

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve 2nd reading of Ordinance 04-16. Motion passed unanimously.

Ordinance 05-16 Voluntary Annexation of Four parcels. 2nd public hearing: City Attorney Gerald Buhr read the title of Ordinance 05-16 into the record. Mayor Sharon Schuler opened the public hearing. Seeing no show of hands, Mayor Sharon Schuler closed the public hearing.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve 2nd reading of Ordinance 05-16. Motion passed unanimously.

Ordinance 07-16 Voluntary Annexation of 9.18 Acres, 2nd public hearing. City Attorney Gerald Buhr read the title of Ordinance 07-16 into the record. Mayor Sharon Schuler opened the public hearing. Seeing no show of hands, Mayor Sharon Schuler closed the public hearing.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve 2nd reading of Ordinance 07-16. Motion passed unanimously.

Ordinance 10-16 Amending Future Land use 24 parcels First Public Hearing: Land use from County to City

City Attorney Gerald Buhr read the title of Ordinance 10-16 into the record. Mayor Sharon Schuler opened the public hearing. Seeing no show of hands, Mayor Sharon Schuler closed the public hearing.

Motion made by Councilman Parke Sutherland, Seconded by Councilperson Dora Smith to approve 1st reading of Ordinance 10-16. Motion passed unanimously.

Ordinance 11-16 Amending Zoning 24 parcels 1st public hearing: City Attorney Gerald Buhr read the title of Ordinance 11-16 into the record. Mayor Sharon Schuler opened the public hearing. Seeing no show of hands, Mayor Sharon Schuler closed the public hearing.

Motion made by Councilman Parke Sutherland, Seconded by Brenda Giles to approve 1st reading of Ordinance 11-16. Motion passed unanimously.

Contract: Go Underground. Annual Infrastructure Construction and Repairs Service:

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to approve the contract with Go Underground pending City Attorney Gerald Buhr review. Motion passed unanimously.

Resolution 16-10 Lake Verona Algae Problem: City Attorney Gerald Buhr read the title of Resolution 16-10 into the record.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve Resolution 16-10 as presented. Motion passed unanimously.

Motion made by Councilman Parke Sutherland, Seconded by Councilperson Dora Smith to seek a professional/ credentialed opinion of issue regarding the Lake Verona. Motion passed unanimously.

Meeting adjourned at 7:39 PM

Maria Sutherland, City Clerk

Sharon Schuler, Mayor

D-12

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: 3/28/2016 Contact/ email: 54croman@gmail.com

Event Organizer/Sponsor: Iglesia Cristiana Monte Sion "Hispanic Christian Church Mont Sion"

Location of Event Avon Park Main Street Gazebo Expected Number of attendees: 150 to 200

Date(s) November 11 & 12, 2016 Time(s) of Proposed Event: 5:30 p.m. until 9:00 p.m.

Description of event: *Evangelical praise and worship evening with guest speaker and music. We will also have 100 chairs available for guest who prefer to sit down during event.*

Maybe up to 300 attendees, music ensemble

Will you have bounce houses or other activities for children? NO!

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

Pavilion Rental: Y N Quantity _____ (\$ 25 per pavilion)

Dumpster: Y N Quantity _____ (\$200 per dumpster)

Garbage receptacles: Y N Quantity _____ (\$10 per receptacle)

Traffic Cones/ MOT: Y N Quantity 10 **
(This includes delivery, **installation and pick-up** of cones by City staff and \$20 per lineal 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

Will you require city electricity for your event? Y N

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.

E-15

E 15

**INTERLOCAL AGREEMENT
BETWEEN HIGHLANDS COUNTY
AND THE
CITY OF AVON PARK
FOR
A NEW SCOREBOARD AT THE MARTIN LUTHER KING PARK**

This Interlocal Agreement (herein referred to as the "Interlocal Agreement") is made by and between **HIGHLANDS COUNTY**, a political subdivision of the State of Florida, 600 South Commerce Avenue, Sebring, Florida 33870 (herein referred to as the "COUNTY") and the **CITY OF AVON PARK**, a Florida municipal corporation, 110 East Main Street, Avon Park, Florida, 33825 (hereinafter referred to as the "CITY"),

For and in consideration of the mutual covenants and conditions contained herein, the COUNTY and the CITY hereby agree as follows:

1. The purpose of this Interlocal Agreement is to provide for cooperative funding for the replacement of a scoreboard at the Martin Luther King Park in Avon Park, Florida (herein referred to as the "Project").
2. The parties agree that the CITY shall be responsible for all bidding, contracting and supervision of the Project. The CITY agrees to follow its adopted procedures for the awarding of contracts for work of this nature.
3. The COUNTY agrees to reimburse the CITY up to \$7,000.00 of the verifiable costs for capital purchases of the Project, in infrastructure funds set aside for recreation and shall have no obligation to pay any costs beyond this maximum amount. The CITY shall be the lead party to this Interlocal Agreement and shall pay all Project costs prior to requesting reimbursement from the COUNTY. The CITY and COUNTY understand and agree that there shall be no reimbursement of funds by the COUNTY for any expenditure in excess of \$7,000.00, or for any expenditures which are not for infrastructure as defined in Section 212.055(2), Florida Statutes.
4. The CITY agrees to save and hold the COUNTY, its officers, agents and employees harmless from any and all liabilities, claims, actions, damages, awards and judgments to the extent allowed by law, arising from the CITY's obligations contained herein to bid, contract and supervise the Project. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity and the limitations set forth in Section 768.28, Florida Statutes.
5. This Interlocal Agreement shall become effective upon the execution by the CITY and the COUNTY.
6. The CITY is responsible for obtaining all permits, licenses, agreements, leases, etc. required for the Project.

7. The CITY shall document all expenditures of public money in detail sufficient for a proper pre-audit and post-audit report. The CITY shall retain all records for supporting Project costs for three (3) years after the fiscal year in which the final payment was released by the CITY, or until final resolution of matters resulting from any litigation, claim, or audit that started prior to the expiration of the three (3) year record retention period.

8. The COUNTY reserves the right to inspect the Project, as well as the right to audit any and all financial records pertaining to the Project at any reasonable time. This Interlocal Agreement can be unilaterally canceled by the COUNTY if the CITY refuses to allow public access to all documents, papers, letters, or other material made or received in conjunction with this Interlocal Agreement pursuant to the provisions of Chapter 119, Florida Statutes.

9. The COUNTY shall have the right to terminate this Interlocal Agreement and demand refund of all funds for the CITY's non-compliance with the terms and conditions of this Interlocal Agreement if the CITY fails to cure such material non-compliance within ten (10) days after receiving notice thereof from the COUNTY or within such additional time as the COUNTY may allow. If the CITY fails to cure such material non-compliance within the time allowed, the CITY agrees to return those funds to the COUNTY within sixty (60) days after the termination and demand for refund by the COUNTY.

10. Following receipt of an audit report identifying any reimbursement due the COUNTY, the CITY will be allowed a maximum of sixty (60) days to submit additional documentation to offset the amount identified or to return the amount due.

11. This Interlocal Agreement has been executed pursuant Section 163.01, Florida Statutes.

12. This Interlocal Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications, or waivers of provisions of this Interlocal Agreement shall only be valid when they have been reduced to writing duly signed by each of the parties hereto and attached to the original of this Interlocal Agreement.

13. This Interlocal Agreement is binding upon the parties, their successors and assigns.

14. Neither party may assign or transfer its rights or obligations under this Interlocal Agreement, including the operation or maintenance duties related to the Project, without the written consent of the other party.

15. Nothing in this Interlocal Agreement shall be construed to benefit any person or entity not a party to this Interlocal Agreement.

16. The CITY recognizes that employment of unauthorized aliens is a violation of Federal Law. To ensure compliance with the law the CITY shall:

1. Utilize the U.S. Immigration and Customs Enforcement E-Verify System to determine employment eligibility of all new hires and validation of Social Security numbers.

2. Require all contractors and subcontractors working on behalf of the CITY on projects that will be submitted for reimbursement pursuant to this Interlocal Agreement to: (i) include, and to require the inclusion of, this paragraph 16, substituting the name of the contractor or subcontractor for the word CITY, in each contract and subcontract for work that will be submitted for payment reimbursement pursuant to this Interlocal Agreement and (ii) supply to the City of Avon Park documented proof that the contractor or subcontractor is enrolled in the E-verify System to verify employment eligibility of its employees.

17. Upon the occurrence of any event of default by the CITY, all obligations on the part of the COUNTY to make any further payments of funds pursuant to this Interlocal Agreement shall if the COUNTY so elects, terminate, but the COUNTY may make any payments or parts of payments after the happening of any event of default without thereby waiving the right to exercise any remedy which it may have without becoming liable to make any further payment.

18. This Interlocal Agreement expires 24 months from date of execution. Any financial obligations on the part of the COUNTY shall become null and void upon the date of expiration and any unexpended COUNTY funds shall revert back into the appropriate infrastructure account.

IN WITNESS WHEREOF, the parties hereto or their lawful representatives, have executed this Interlocal Agreement on the day and year set forth next to the signatures below.

DATED this _____ day of _____, 2016.

**HIGHLANDS COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS**

By: _____
James L. Brooks, Chairman

Attest:

Robert W. Germaine, Clerk of Court

APPROVED AS TO FORM:

J. Ross Macbeth, County Attorney

DATED this _____ day of _____, 2016

CITY OF AVON PARK

By: _____
Sharon Schuler, Mayor

Attest:

CITY Clerk

LEGAL REVIEW: APPROVED AS TO FORM:

Gerald Burh, CITY Attorney

E-16

E 16

ORDINANCE NO. 06-16

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING ORDINANCE No. 822, REGARDING CREATION OF THE AVON PARK COMMUNITY REDEVELOPMENT AGENCY; REPEALING ORDINANCE NO. 02-01; REPEALING ORDINANCE NO. 03-1; ESTABLISHING THE AREA OF OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY; CONFERRING CERTAIN POWERS UPON THE COMMUNITY REDEVELOPMENT AGENCY; RETAINING CERTAIN POWERS UNTO THE CITY COUNCIL OF THE CITY OF AVON PARK; PROVIDING FOR A TIME CERTAIN FOR COMPLETION OF REDEVELOPMENT ACTIVITIES THROUGH TAX INCREMENT FINANCING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on February 22, 1988, adopted Resolution No. 18-87-88 (the "Findings" Resolution), finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"), exist in the City of Avon Park, Florida (the "City"), and it further found that the rehabilitation, conservation, or redevelopment, or combination thereof , of such area is necessary in the interest of public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on August 27, 2001, adopted Resolution No. 01-18, (the "Findings" Resolution) for the Southside redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), adopted Resolution No. 01-19 the "Findings" Resolution for the Airport redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on July 14, 2003, adopted Resolution No. 03-11 the "Findings" Resolution for the expansion of the Main Street Redevelopment Area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, the City Council further found in the Findings Resolutions that a need exists for the creation of a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes (the "Redevelopment Act") for the purpose of rehabilitating the Community Redevelopment Areas and eradicating conditions of slum or blight, or both, therein; and

WHEREAS, the City Council of the City of Avon Park, Florida (the "City Council), on July 14, 2003, adopted Resolution No. 01-19 the "Findings" Resolution for the Airport redevelopment area, finding that one or more slum or blighted areas, as describe in said resolution (the "Community Redevelopment Area"); and

WHEREAS, to satisfy the need for such a community redevelopment agency, the City Council adopted Ordinance No. 822, creating such an agency in accordance with the provisions of the Redevelopment Act, pursuant to Section 163.356, Florida Statutes (1987), as amended, and thereby created a public body corporate and politic to be known as the Community Redevelopment Agency of the City of Avon Park, Florida (the "Community Redevelopment Agency"); and

WHEREAS, the City also adopted Ordinance No. 02-01, creating the Southside Community Redevelopment Agency contrary to Section 163.356, Florida Statutes (1987), as amended; and

WHEREAS, the City also adopted Ordinance No. 03-01, creating the Airport Community Redevelopment Agency contrary to Section 163.356, Florida Statutes (1987), as amended.

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

SECTION 1. Ordinance No. 822, which established the original Community Redevelopment Agency and Community Redevelopment Area, is amended to include the redevelopment areas known as the Southside Community Redevelopment Area and the Airport Community Redevelopment Area, which were created by ordinances of the City of Avon Park, Florida.

SECTION 2. This Section is hereby repealed, and the City Council shall, by Resolution, declare themselves to be the commissioners of the Community Redevelopment Agency.

SECTION 3. The Community Redevelopment Agency shall be governed by and shall act in conformity with the provisions of the Redevelopment Act and this ordinance, as either shall be amended from time to time.

SECTION 4. The area of operation of the Community Redevelopment Agency shall be the Redevelopment Areas as described in the Findings Resolutions in Exhibit "A," Exhibit "B," Exhibit "C," Exhibit "D," and Exhibit "E," attached hereto.

SECTION 5. Regardless of any powers granted to the Community Redevelopment Agency by the Redevelopment Act, the City Council shall retain and may exercise the power set forth and described in Section 163.370, Florida Statutes (1987), as amended, and the following powers, which continue to remain vested in the City Council:

1. The power to determine an area to be a slum, or blighted area, or combination thereof; to designate such area appropriate for community redevelopment; and to hold a public hearing required with respect thereto.
2. The power to grant final approval to community redevelopment plans and modifications thereof.
3. The power to authorize the issuance of revenue bonds as set forth in Section 163.385, Florida Statutes (1987), as amended.
4. The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes (1987), as amended, and the power to assume the responsibility to bear loss as provided in Section 163.370(3), Florida Statutes (1987), as amended.

SECTION 6. There is hereby created a single Community Redevelopment Trust fund, for collection of ad valorem taxes in accordance with Section 163.387, Florida Statutes (1987), as amended.

SECTION 7. The time certain for completion of all redevelopment in the area of operation of the Community Redevelopment Agency, through the use of tax increments deposited into the Redevelopment Trust Fund, shall be twenty (20) years from date of adoption of the Resolutions approving the amendments to the Community Redevelopment Plans, including the Main Street Community Redevelopment Plan, the Southside Community Redevelopment Plan, and the Airport Community Redevelopment Plan; as such plans may be amended from time to time, but in no instance shall the time certain for completion of redevelopment activities be longer than that allowed by Section 163.387(2)(a), Florida Statutes (1987), as amended.

SECTION 8. The City Clerk is hereby authorized and directed to send a certified copy of this ordinance to each "taxing authority" (as that term is defined in Section 163.340(24), Florida Statutes (1987), as amended.

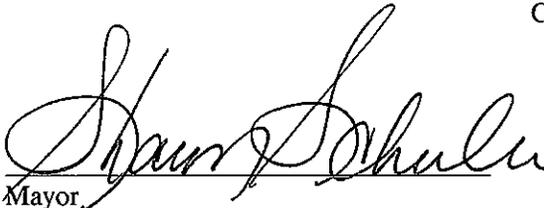
SECTION 9. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed.

SECTION 10. If any word, sentence, clause, phrase or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 11. This ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2016.

CITY OF AVON PARK, FLORIDA



Mayor

City Clerk

E-17

E17

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 LOVELA, 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.

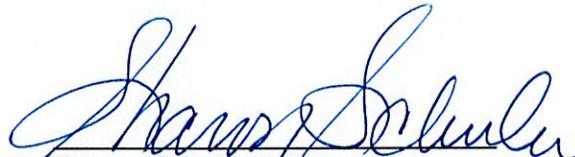
Section 4. Within ten (10) days of final passage and adoption of this Ordinance, the City of Avon Park shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City,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

Maria Sutherland, City Clerk

Approved as to form:

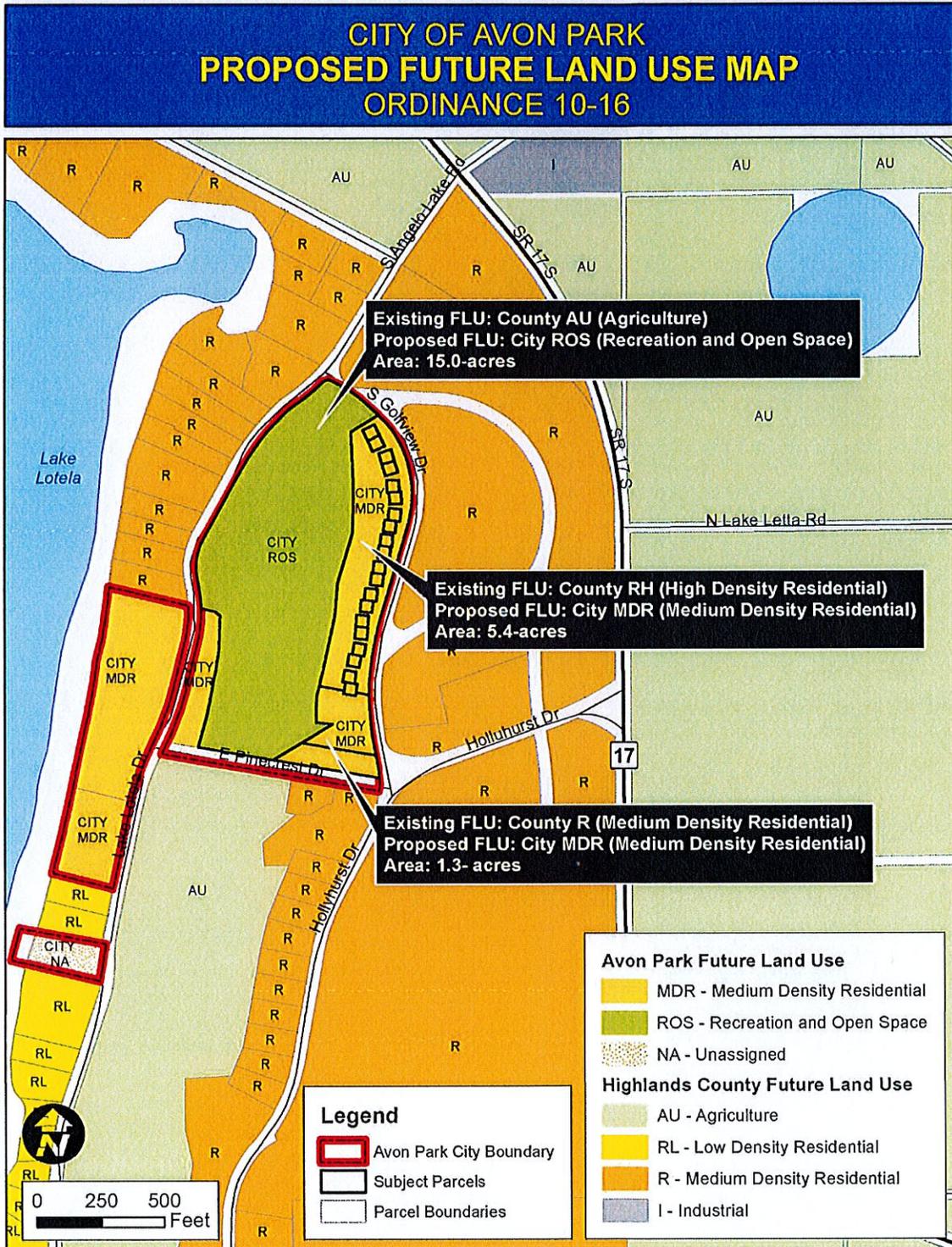


Gerald T. Buhr, City Attorney

Motion made by _____ seconded by _____.

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

EXHIBIT "A"



E-18

E18

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 LOVELA, 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.

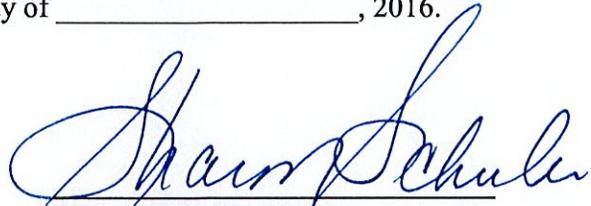
Section 3. **Effective Date:** The effective date of this ordinance shall coincide with the effective date of the companion Future Land Use amendment Ordinance 10-16.

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:



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

EXHIBIT "A"





**CITY OF AVON PARK
FUTURE LAND USE AMENDMENT AND REZONING
OVERVIEW REPORT
March 8, 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)
May 23, 2016, 6:00 PM:	City Council (Adoption 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 MOTION OPTIONS:

Options for motions are listed below.

Ordinance 10-16 – Future Land Use Map Amendment

1. I move the City Council **approve to transmit Ordinance 10-16** to the Department of Economic Opportunity for review.
2. I move the City Council **approve to transmit Ordinance 10-16 with changes** to the Department of Economic Opportunity for review.

Ordinance 11-16 – Rezoning

1. I move the City Council **approve** the First Reading of Ordinance 11-16.
2. I move the City Council **approve with changes** the First Reading of 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
Acreage (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.

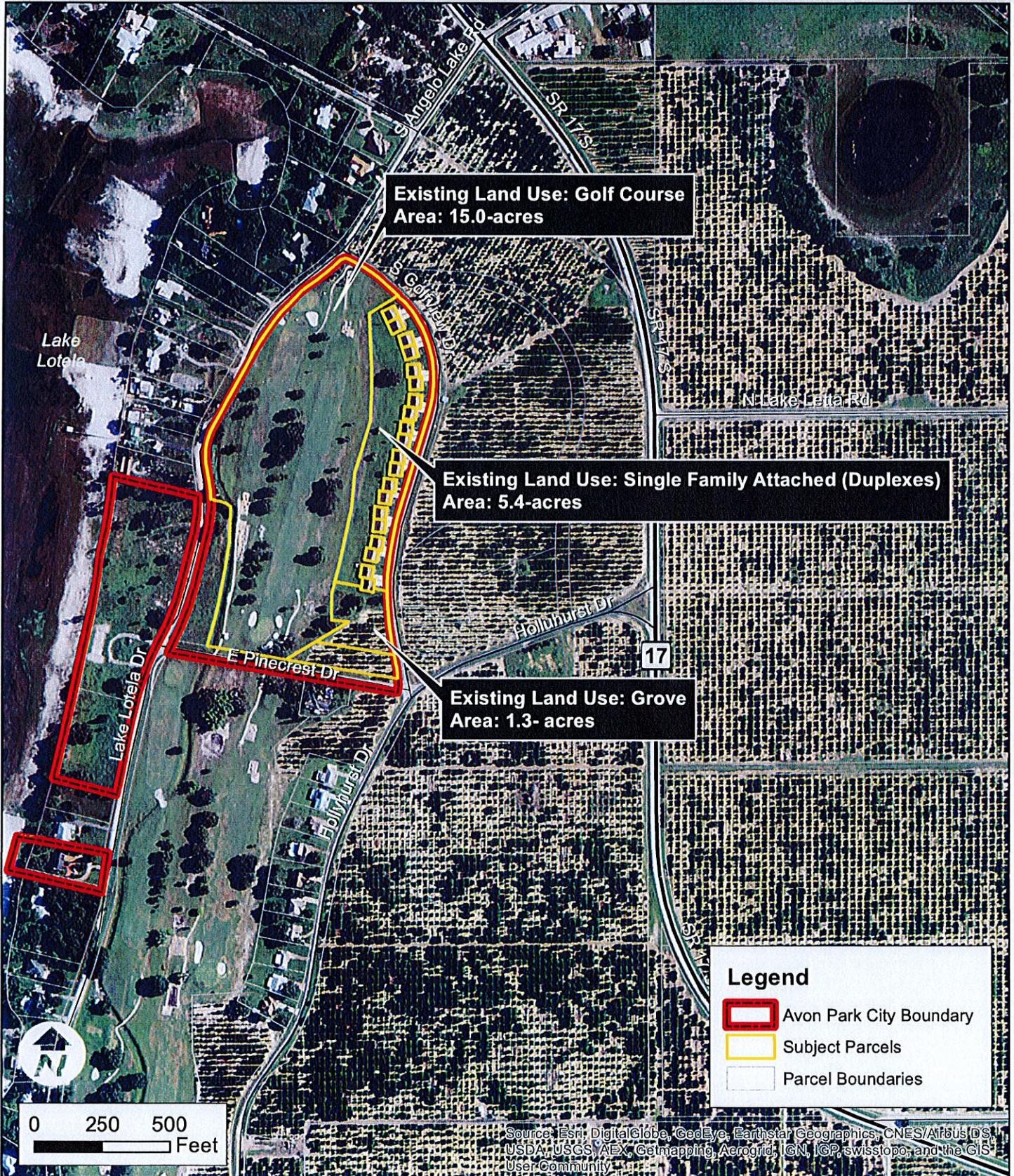
Public Schools:

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.

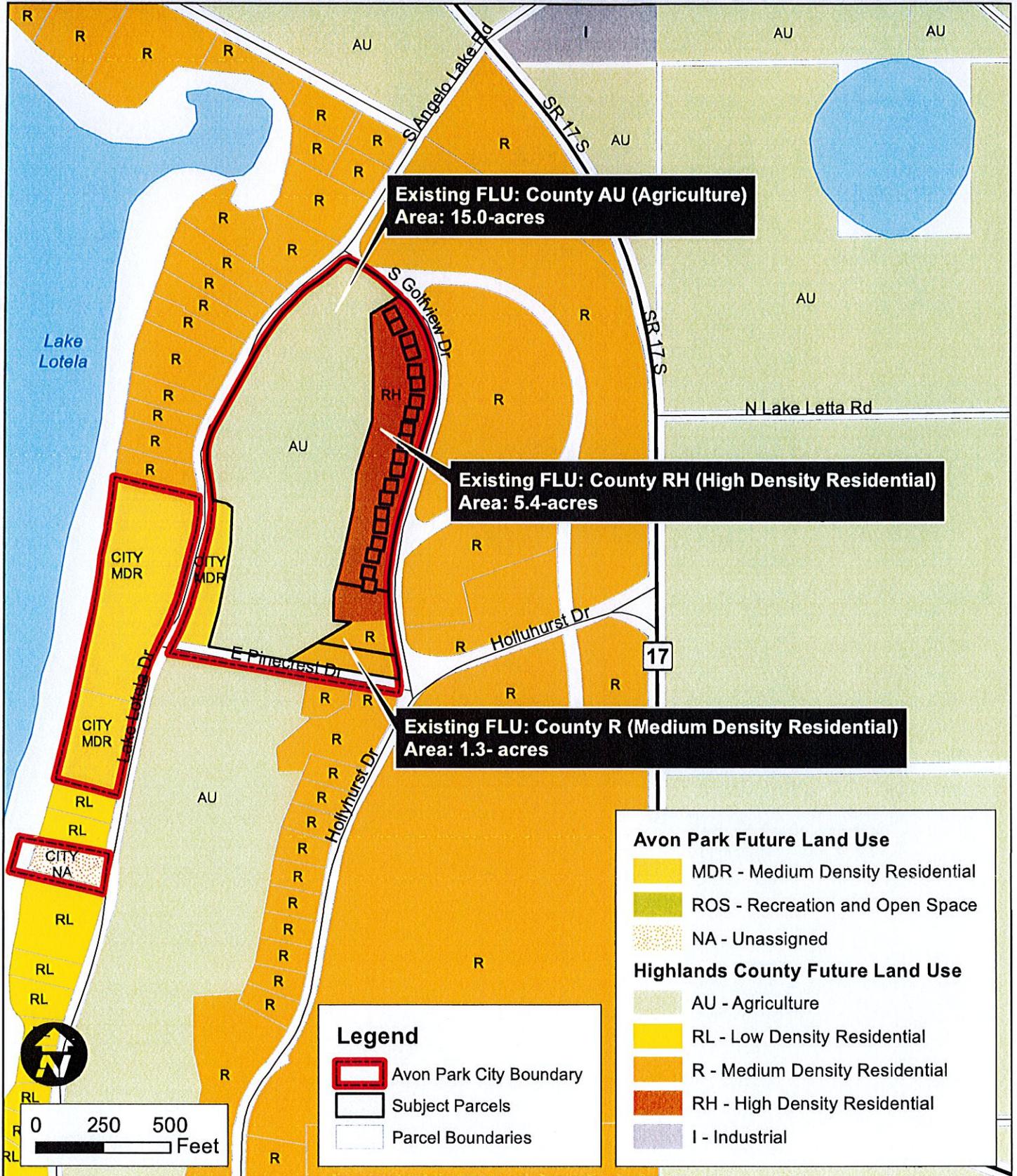
Recreation/Open Space:

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



Existing FLU: County AU (Agriculture)
Area: 15.0-acres

Existing FLU: County RH (High Density Residential)
Area: 5.4-acres

Existing FLU: County R (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
 - RH - High Density Residential
 - I - Industrial

Legend

- Avon Park City Boundary
- Subject Parcels
- Parcel Boundaries

0 250 500 Feet

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

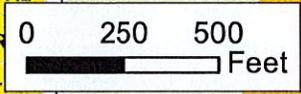
- MDR - Medium Density Residential
- ROS - Recreation and Open Space
- NA - Unassigned

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



CITY OF AVON PARK EXISTING ZONING MAP



Avon Park Zoning

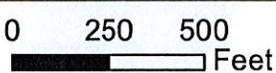
- R-2 - Medium Density, Single-Family Attached, and Duplexes
- R-3 - High Density Multi-Family Residential
- PR - Public Recreation/Open Space
- NA - Unassigned

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



CITY OF AVON PARK PROPOSED ZONING MAP ORDINANCE 11-16



E-19

E19⁷

ORDINANCE NO. 14-16

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, AMENDING THE CITY CODE, SECTION 98-241. - SPECIAL AGREEMENTS FOR NORMAL DOMESTIC SEWAGE CHARACTERISTICS, ADDING A PROVISION TO PROVIDE FOR THE COUNCIL ESTABLISHING A BASE RATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council, with the advice of the city manager, a professional engineer, finds that much of the septage treated and disposed of as special wastes are domestic septage and capable of being fairly estimated as to the actual cost of treatment and disposal; and

WHEREAS, in order to establish a fair and consistent charge for treatment and disposal of special wastes brought in by trucks and characterized as mostly residential septage, the Council hereby amends the code to provide for a standard base rate for such wastes; and,

NOW, THEREFORE, 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 98-241 of the Code of Ordinances of the City of Avon Park, Florida is hereby amended to read as follows:

Sec. 98-241. - Special agreements; normal domestic sewage characteristics.

(a) Nothing in this division shall restrict the city council's authority to modify sewer charges, upon the approval of the city's professional engineers, by special contractual agreement to serve institutional, commercial or industrial users connected to the sewer system whose regular water consumption, upon which the sewer service charge would normally be based, exceeds or is expected to exceed 200,000 gallons monthly.

(b) By special contractual agreement, the city council may reduce its sewer service charges to users connected to the sewer system contributing industrial wastes abnormally below strength in comparison with normal domestic sewage. Similarly, the council may impose a surcharge above scheduled rates set forth in this division for industrial waste discharges into the municipal

sanitary sewer system which are abnormally high in strength in comparison with normal domestic sewage. Such rate reduction or surcharge may be effected regardless of the daily or monthly volume of such wastes, with the approval of the city's consulting engineers.

(c) By special contractual agreement, the city council may establish special rates and charges for special wastes brought into the wastewater treatment plant or periodic discharged at agreed locations within the system, including without limitation, septage, wastewater treatment residuals, sludge, grease, grit, wastewater treatment plant effluent, raw sewage. The City Council hereby establishes the initial base rate \$.07 per gallon for common residential septage and other wastes not anticipated to substantially exceed the biochemical oxygen demand or total suspended solids of residential septage. The City Council may, by resolution, amend such base rate based on advice of a professional engineer as to the estimated cost of treatment and disposal of such wastes. The rates and charges may take into consideration the relevant strength of the wastes; the difficulty in treatment; special handling, inspections and testing; risk to treatment system; and professional engineer consultation utilized. The rates and charges shall be established by city staff with the advice of a professional engineer.

(d) For the purpose of the provisions of subsections (a), (b) and (c) of this section, normal domestic sewage shall be considered to have a biochemical oxygen demand (five days at 20 degrees Celsius) and/or suspended solids content within a range of 100 to 250 parts per million. Adjustment of rates for industrial waste discharges will be considered only if the biochemical oxygen demand and/or suspended solids content of such wastes falls outside such strength range.

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 session of the City Council held on April 11, 2016. The vote was as follows:

	Yes	No	Abstain	Absent
Councilmember/Mayor Schuler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember/ Deputy Mayor Giles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Heston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Sutherland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember 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:

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

E 20

ORDINANCE NO. 15-16

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 session of the City Council held on April 11, 2016. The vote was as follows:

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