MOUNT DORA CITY COUNCIL MEETING
May 6, 2014, 6:00 p.m.
Community Building, 520 N. Baker Street

AGENDA

CALL TO ORDER:
INVOCATION:
PLEDGE OF ALLEGIANCE:
ROLL CALL:
PUBLIC APPEARANCES (6:00 - 6:30 p.m.)
ADJUSTMENTS TO AGENDA

PRESENTATIONS

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2. Phase II – “Open for Business” Campaign Update by Kelda Senior 4

CONSENT AGENDA

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PUBLIC HEARINGS

ORDINANCES

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PROCLAMATIONS

1. Neuropathy Support

COUNCIL CONSIDERATION/DISCUSSION OF DEPARTMENTAL TOPICS
CITY MANAGER

1. Work Plan Update

PLANNING AND DEVELOPMENT

1. Downtown Streetscapes – Donnelly Street Third Avenue to Charles Avenue Engineering, Design and Pre-Construction Services

PUBLIC WORKS

1. Contract Approval for the 7th Avenue Storm Water Project
2. Change Order for 8th Avenue Retention Pond Repair Project

FINANCE

1. Fire and Assessment Fee Study

PARKS AND RECREATION

1. Special Request: 2014 Evans Park Concert Series

BOARD APPOINTMENTS

1. MPO Citizens Advisory Committee (1 Application) – Mayoral Appointment

CITY ATTORNEY/CITY MANAGEMENT INFORMATION/REPORTS

OTHER BUSINESS

MEETING NOTICES

ADJOURNMENT

NOTICE: If any person decides to appeal any decisions made at this meeting with respect to any matter considered at this meeting, such person may need a record of these proceedings. For such purpose, a person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE: In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact Gwen Johns, City Clerk, no later than seven (7) days prior to the proceedings. Telephone (352) 735-7126 for assistance. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

City Council meetings will be recorded and under the State of Florida General Records Schedule, Audio Recordings are retained on file for two (2) anniversary years after adoption of the official minutes. Recent audio recordings available at http://www.ci.mount-dora.fl.us/Archive.aspx?AMID=70

NOTICE: In accordance with a policy placed by the City Council of the City of Mount Dora, citizens are advised that the City Council may take action and vote on any item that is brought up at a City Council Meeting.
DATE: May 6, 2014

TO: Mayor and City Council

FROM: John Peters, Interim Public Works Director

VIA: Michael Quinn, City Manager

RE: “Drop Savers” Poster Contest – Presentation of Certificates

For the seventh year, The City of Mount Dora and BankFIRST sponsored the “Drop Savers” Water Conservation Poster Contest. Students in Grades K-12 are encouraged to create a poster depicting a water conservation idea, in slogan form, drawing form, or both. We then submit one poster from each division to the Florida Section of the American Water Works Association (FSAWWA) for state competition. We are pleased to inform you that one out of the five submittals placed at State.

The Program objective is to promote water awareness and the importance of water conservation in school-aged children.

Contest participants, and BankFIRST will be present. The certificates will be presented to the winner of each division by Mayor Hoechst.

Staff would like to thank Council for the opportunity to participate in this very worthwhile program.
DATE: May 6, 2014
TO: Mayor and City Council
VIA: Michael Quinn, City Manager
FROM: Kelda Senior, Public Communications Officer
RE: Phase 2 Downtown Streetscape “Open for Business” Campaign update

Recommendation:

Staff recommends that City Council approve the installation of three temporary horizontal banners and colored flags for the duration of the downtown streetscape project. These ‘open for business’ banners will be installed at the entrance points of the construction zones. The goal of the banners is to create awareness of activity in the construction zones, and to help draw visitors down to the construction areas.

The three banner locations include:
- Intersection of 5th Avenue and Donnelly Street
- Intersection of 4th Avenue and Donnelly Street
- Intersection of 3rd Avenue and Donnelly Street

Background:

The second phase of downtown infrastructure and streetscape improvements is officially underway. One of the most important factors will be communicating that our downtown will continue to be open and accessible during the five months of construction. Several businesses are located in the heart of the construction project area, and will be directly impacted during the construction period. In addition to those businesses directly impacted, the entire downtown will likely see the effects of this phase of streetscape work. As we enter this season of summer construction, coordination and communication will be essential.

In coordination with downtown merchants, we’ve initiated an ‘open for business’ campaign to support impacted merchants, while informing Mount Dora residents and visitors that downtown will remain open and accessible during construction.
Here’s what has been done so far:

- Distributed initial ‘open for business’ information to visitors at Arts Festival in February
- Coordinated with Burkhardt Construction to host several merchant meetings leading up to construction
- Updated database of emails to ensure merchants receive important information from the City
- Increased one-on-one contact with impacted merchants to ensure important information is begin shared, question and concern are being addressed, and that we are all ‘on message’
- Coordinated with Chamber of Commerce and VisitMountDora™ to coordinate the “open for business” message
- Produced map specific to the summer improvement project highlighting available parking locations and routes to access these parking locations. These maps have been distributed to downtown merchants and the Chamber, and are also available online.
- Provided taking points and FAQs to the Chamber to assist volunteers with answering questions and directing visitors around downtown during construction
- Created a project update webpage on the City’s website specific to Phase II to include FAQs, parking maps, renderings, project details and construction plans. This webpage will continue to be updated throughout the construction period.
- Included Phase II project update in the bi-monthly resident newsletter, the City Connection
- Partnered with VisitMountDora™ to incorporate the ‘open for business’ message into the organization’s existing City-wide advertising platforms. VisitMountDora™ estimates it will be providing in excess of $6,000 for a general ‘visit the city of Mount Dora’ message this summer. From May through September the downtown ‘open for business’ message will be visible in:
  - Orlando Sentinel print ads (twice a month)
  - Daily Commercial print ads (four times a month)
  - “Go, See, Do Orlando”, Orlando Sentinel’s event blog (webpage banner)
  - The Villages bi-monthly SoundClips publication (June/July and August/September issues)
  - WMMO radio spots (25 times a month)
- Produced “Toolkit for Thriving During Construction” for merchants and Chamber (toolkit includes tips on planning ahead, talking points/FAQs, parking map, images of the completed project and useful contact numbers)
- Designed three horizontal, boldly designed banners to hang over the three entrance points of the construction zones

Here’s what is being worked on:

- Ordering vertical flags (in bright purple and yellow for Donnelly Street and bright purple and orange for 3rd Avenue to coordinate with the overhead banners) to be placed on both sides of Donnelly Street and the construction section of 3rd Avenue. The objective is to ‘inject life’ in the construction zones to draw visitors to the area.
- Encouraging merchants (with the Chamber and VisitMountDora™’s support) to save prime parking locations for cash customers and park on the periphery of downtown
- Creating and installing addition directional signage to direct visitors to parking locations
Partnering with the *Mount Dora Buzz* to strategically brand the two construction zones: The Donnelly block is known as “The Zone”, and the 3rd Avenue block is known as “The Art Zone.” Visitors are being invited to “Visit the Zones” and “Get in the Zones” because “Unique shops are open for business in The Zones”

Supporting the downtown “Passport” initiative. Sponsored by the *Mount Dora Buzz*, the “Passport” is a pro-bono, cross-promotional incentive program. It’s available to downtown retailers and restaurants with streetscape construction immediately in front of their business (parts of Donnelly Street and 3rd Avenue). The goal of the “Passport” is to encourage residents from Mount Dora, Eustis and Tavares to patronize businesses in the construction zones, as well as show appreciation for their past patronage - in a fun way. Local customers who purchase from a participating “Passport” business, will receive 20% off any one item they choose from other “Passport” stores on the same day. The *Mount Dora Buzz* will take the lead on the “Passport” initiative, while the City, Chamber and VisitMountDora™ will provide additional support.

Some common themes of the campaign include:
- “Celebrate the improvements”
- “Downtown Mount Dora is open for business”
- “Visit ‘The Zone’ and the ‘The Art Zone’”

The underlying message has been *focusing on the positive*. This will be even more important as construction ramps up. Our merchants have already taken this on. They are verbally informing their regular customers about construction, incorporation the ‘open for business’ message in their normal communication channels and are overall presenting a positive disposition during this construction period.

With continued coordination an increased communication efforts, we’re working to ensure the summer improvement period goes as smoothly as possible.
DATE: May 6, 2014
TO: Mayor and City Council
FROM: Ken Bloom, Director Human Resources/Risk Management
VIA: Michael Quinn, City Manager
RE: Revised Policy; Tobacco Free Workplace

Recommendation:

Staff is recommending revision of the employment policy prohibiting the use of tobacco products by City employees on City property, as approved by City Council in September, 2008. The revised policy "Tobacco Free Workplace" is attached. Staff is proposing it become effective October 1, 2014.

References/Support:

City Managers' Office, All Other City Department Directors

Background/Information/Discussion:

The City's current policy as directed by Florida Statute § 386.201 prohibits smoking in all City buildings and City vehicles, while providing outside break areas designated for smoking. This policy was approved by City Council and made effective in September of 2008.

In recent years, many private and public sector employers in Florida have been moving toward prohibiting all tobacco use by employees to save on health insurance costs. These efforts have been bolstered by case law i.e., City of North Miami v. Kurtz, 653 So.2d 1025 (1995). In this case, the Florida Supreme Court considered a city policy that required applicants to certify that they had not smoked for more than a year as part of the hiring process. The clear intent of the policy was to reduce the number of city employees who were smokers. The City of North Miami policy required job applicants to sign a sworn statement that they had not smoked for at least a year prior to their application for employment with the city. Subsequently, a job applicant challenged the policy in court after she was not hired by the city as a clerk-typist because she had refused to sign the statement. The applicant claimed that the policy violated her Florida
constitutional rights by prohibiting her from smoking in the privacy of her own home. The Florida Supreme Court held that the policy could be enforced because the applicant did not have a legitimate expectation of privacy concerning smoking given the variety of ways in which smoking is prohibited in public. The clear intent of the policy was to reduce the number of city employees who were smokers. Moreover, the Florida Supreme Court stated that "the 'right to smoke' is not included within the penumbra of fundamental rights protected" by the federal constitution, and an employer "has a legitimate interest in attempting to reduce health insurance costs and to increase productivity."

As a result of this decision, public employers can implement restrictions on tobacco usage and smoking for its employees and applicants. Because the Florida Supreme Court decided that such restrictions do not intrude upon individual privacy, such restrictions can be applied to employees both on and off-duty (i.e., you can prohibit tobacco usage and smoking by an employee while at work and even outside of work at home). Assuming that such restrictions are implemented to reduce health insurance costs and to increase productivity, a public employer may refuse to hire individuals who have used tobacco products within the last year and may terminate employees who have used tobacco products during their employment.

While it is not our intent to discharge existing employees who use tobacco products on their own time or in the privacy of their own home, it is our intent to reduce health insurance costs and as such, curtail this behavior while "on duty." To help existing employees in this regard, the City as a responsible employer has offered at no cost to the employee, smoking cessation programs through its Employee Health and Wellness Center. Additionally, it is our intent effective October 1, 2014 and going forward, not to hire individuals who have used tobacco products within twelve (12) months prior to applying. The proposed policy revision addresses both of these concerns.

The City as a responsible employer is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. Consistent with this commitment, the City recognizes the adverse effects of tobacco products overall. Implementation of a tobacco-free workplace policy promotes our commitment to wellness, decreases exposure to environmental tobacco smoke, contributes to a healthier work environment for our workforce and, positively impacts our claims experience resulting in lower insurance premiums.

**Budgetary Impact:**

None

**Attachments:**

Current Policy Statement (September, 2008)
Proposed Policy Statement
CDC Facts
Affidavit
CDC Facts

In 2012, the Centers for Disease Control and Prevention in Atlanta, reported that approximately 8.6 million Americans live with a smoking-related disease each day, and smoking-related diseases cost Americans $96 billion a year in direct healthcare expenses -- a substantial portion of which come from taxpayer-supported payments.

In Florida, 17.5% of the adult population (aged 18+ years)—over 2,509,000 individuals—are current cigarette smokers. Across all states, the prevalence of cigarette smoking among adults ranges from 9.3% to 26.5%. Florida ranks 18th among the states.

Among youth aged 12–17 years, 9.5% smoke in Florida. The range across all states is 6.5% to 15.9%. Florida ranks 13th among the states.

Courtesy of Centers for Disease Control (CDC)
PROPOSED

TOBACCO FREE WORKPLACE

POLICY

In consideration of the health, safety, and comfort of all of our employees, smoking and/or use of tobacco products by City employees shall not be permitted anywhere in, around, or on the property of any City facility in which employees work or have access to, including any City rights of way and/or City vehicle(s) they may drive.

This policy has been introduced to ensure that the City fulfills its obligation to protect workers and visitors from the health risks caused by first and second hand smoke and to comply with the Florida Clean Indoor Air Act, Amended in 2003, which requires all enclosed, and local government workplaces and other public premises to be smoke free. It has also been introduced to promote employee wellness and reduce future medical claims costs related to the use of tobacco products. In addition, City employees are reminded that the use of tobacco products in front of the public while on duty is strictly prohibited.

The activity of “smoking or use of tobacco products” shall include but not be limited to the smoking or carrying of any kind of lighted pipe, cigar, cigarette, or the use of any other tobacco product, including chewing tobacco, snuff, “E” cigarettes, etc.

EMPLOYEE RESPONSIBILITY

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so.

Any City employee hired after 10-1-2014 is prohibited from using tobacco products whether on-duty or off-duty while employed by the City.

Employees hired prior to 10-1-2014 are prohibited from using tobacco products on City property and at any time while on duty. Because employees are paid during break periods, break periods unlike meal time shall be considered “on duty.”

The rules regarding tobacco free workplace apply to everyone entering the City premises. This includes all employees, temporary workers, consultants, interns, volunteers, citizens, and visitors.
Every City employee will be required to sign a **Tobacco/Nicotine Free** affidavit. If you state you are a *non-user* of tobacco products and you are reported to be using them in violation of this policy, you will be required to have a urine cotinine test at the Employee Health and Wellness Center. Failure to comply with the order to take the test may be considered insubordination and disciplinary action may result up to and including termination.

If you have indicated you are a user of tobacco products and it is reported that you are using them while on duty or on city property in violation of the policy, you can be subject to investigation and disciplinary action up to and including termination.

**DEPARTMENT HEAD RESPONSIBILITY**

Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's progressive discipline procedures.

It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see that the policy is applied in an equitable manner and adhered to by all employees.

**EMPLOYER RESPONSIBILITY**

As a responsible employer the City is committed to maintaining a healthy, safe and comfortable working environment for its employees. In this instance, the City will offer smoking and use of tobacco product cessation programs to those employees hired prior to 10-01-2014, at no cost. Cessation programs will be offered in conjunction with the City’s Employee Health and Wellness Center.

Revised: April, 2014

Approved by City Council:

Signature: 

Michael Quinn, City Manager 
Ken Bloom, Director HR/Risk Management
USE OF TOBACCO PRODUCTS

POLICY

In consideration of the health, safety, and comfort of all of our employees, smoking or use of tobacco products by City employees shall not be permitted anywhere in, around, or on the property of any City facility in which employees work or have access to, including any City vehicle(s) they may drive.

All City employees are also reminded that the use of tobacco products in front of the public while on duty is prohibited.

The activity of “smoking or use of tobacco products” shall include but not be limited to the smoking or carrying of any kind of lighted pipe, cigar, cigarette, or the use of any other tobacco product, including chewing tobacco, snuff, etc.

PROCEDURE

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so.

Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's progressive discipline procedures.

EMPLOYEE RESPONSIBILITY

It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see that the policy is applied in an equitable manner and adhered to by all employees.

Approved by City Council: September 2, 2008

Signature: 

[Signature of City Manager] 

Michael Quinn, City Manager

[Signature of H.R. Director]

Ken Bloom, H.R. Director
Tobacco/Nicotine Free Affidavit

Tobacco use is one of the most costly elements of health care, but more importantly, is also harmful to your health. Beginning October 1, 2014 the Employee Only portion of the medical premium will change from $40 to $___ per month. If you are tobacco/nicotine free, your monthly premium will be discounted by $25 per month as long as you remain tobacco/nicotine free during the course of your employment with the City. More importantly, we want you to become tobacco and nicotine free. Therefore, the City will continue to offer its comprehensive smoking cessation program to all employees and dependents through CareHere. If you are interested in this program, have the CareHere provider send a referral to the CareHere Tobacco Cessation Health Coach or contact 1-800-423-1330.

This affidavit verifies that:

Employees Full Name/Print

Last 4 digits of SSN

☐ Is Tobacco/Nicotine Free (Employee must read this section before signing)

Tobacco/Nicotine Free Affidavit (to participate in the health insurance employee only premium discount): I certify that I do not and will not use tobacco or nicotine products, including cigarettes, electronic or vapor cigarettes, nicotine patches, snuff, chewing or dipping products, cigars or pipes effective on the date of this affidavit. I agree to remain tobacco/nicotine free for the remainder of my employment. If I begin using tobacco/nicotine products during this period, I agree to notify the City of Mount Dora within 3 business days to remove the tobacco/nicotine premium discount on my employee only medical premiums. Failure to make timely notification will subject me to disciplinary action up to and including termination of employment. All employees are subject to a urine cotinine screening or blood work for the detection of nicotine in accordance with City policy.

Employee Signature: ___________________________ Date: ____________

(Signature to waive tobacco/nicotine surcharge)

☐ Is NOT Tobacco/Nicotine Free (Employee must read this section before signing)

Tobacco/Nicotine Free Affidavit (to waive health insurance employee only premium discount): I certify that I am NOT tobacco/nicotine free and understand that I am not eligible to participate in any employee only health insurance discounted premiums.

Employee Signature: ___________________________ Date: ____________

Supervisor Signature & Date: ___________________________
DATE: May 6, 2014

TO: Mayor and City Council

FROM: John Peters, Interim Public Works Director

VIA: Michael Quinn, City Manager

RE: Change Order #2 (Final) for the Community Development Block Grant (CDBG)

**Recommendation:** Staff recommends approval of change order #2 (final) to the CDBG contract with Go Underground Utilities in the amount of $19,961.80. The contract will increase from $732,633.36 to $752,595.16. Final inspection of the project has been completed with only minor punch list items remaining to be finished.

**Budgetary Impact:** The water and sewer fund will provide the additional funding for the Change Order. This Change Order represents three percent of the original contract amount. The two change orders combined represent eight percent of the original contract amount.

**References/Support:** N/A

**Background Information:** The CDBG project consisted of installing new 12” water main along the following:

- Lincoln Avenue from Tremain Street to Wardell
- Robie Avenue from US 441 to Clayton Street
- Clayton Street from Robie to Orange Street.

Some additional utility conflicts and other changes were needed to finish the water main installation. The changes are as follows:

**On Lincoln Avenue**

1. Conflicts with other utilities required ductile iron pipe to be used instead of PVC.
   Cost: $2,200.00

2. Conflict with existing gas main at Lincoln and Grandview, water main moved with 22 degree fittings.
   Cost: $3,800.00

3. Credit for non-restoration of areas restored by the Lincoln Avenue Trail Contractor.
   Cost: $1,640.00 (Savings)
On Robie Avenue

1. New Water main had to be moved with 45 degree elbows to avoid breaking existing water main due to soil collapsing into trench.  
   Cost: $3,800.00

2. Water main connection on Robie near US 441 had to be extended 60 feet due to large concrete thrust block on existing water main.  
   Cost: $3,376.80

3. Existing abandoned 2” waterline was in the way of the new water main and had to be removed and disposed of.  
   Cost: $1,725.00

4. At Robie and Highland, an additional connection to an existing 12” water main had to be made. In addition, the existing fire hydrant was replaced due to its age.  
   Cost: $6,700.00

Change Order Total: $19,961.80

Attachments: N/A
Having been duly advertised as required by law, Mayor Cathy Hoechst called the Regular City Council meeting to order at 6:00 p.m.

Chaplain Gordon Robinson gave an Invocation and led the Pledge of Allegiance to the Flag.

PRESENT: Mayor Catherine Hoechst, Vice-Mayor Ryan Donovan; Council Members Bob Maraio, Denny Wood; Ed Rowlett, Michael Tedder and Nick Girone; City Manager Michael Quinn; City Attorney Cliff Shepard and City Clerk Gwen Johns

OTHERS PRESENT: Planning & Development Director Mark Reggentin, Assistant Planning & Development Director Gus Gianikas, Police Chief John O’Grady; Fire Chief Skip Kerkhof; Finance Director Michael Sheppard; Parks & Recreation Director Roy Hughes, Interim Public Works Director John Peters; and Public Communications Officer Kelda Senior

PUBLIC APPEARANCES

Mr. Steve Ferrell, Chairman of Lake Sumter MPO Citizens Advisory Committee, asked Mount Dora to appoint a representative to serve on the committee. The committee advises the MPO board on matters such as transportation and funding. The commitment is approximately one hour per month.

Mayor Hoechst asked staff to place the requested appointment on the next City Council meeting. Information will also be placed on the website.

The City Council adjourned as City Council and reconvened as the CRA Board. The time is approximately 6:04 p.m.

The City Council reconvened at approximately 6:15 p.m.

ADJUSTMENTS TO AGENDA

The contract item under Public Works for paving was pulled from the agenda.

PRESENTATIONS

Award for Government and the Environment – Mount Dora Friends of the Environment

Award for Citizens and the Environment – Mount Dora Friends of the Environment

This item was moved to later in the meeting since Ms. Andrea Yatsuk-Burr was running late.
CONSENT AGENDA

Item 1 - Approval of City Council meeting minutes dated April 1, 2014

Mr. Wood moved to approve the minutes as transcribed. Mr. Rowlett seconded the motion. The motion was approved unanimously.

PUBLIC HEARING
ORDINANCES

First Reading Of Ordinance 2014-03 Pertaining To Impact And Development Review Fee Waivers In The CRA Districts

Mr. Cliff Shepard, City Attorney, read Ordinance 2014-03 by title only:

ORDINANCE 2014-03

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, ESTABLISHING A MORATORIUM ON THE COLLECTION OF WATER, SEWER, POLICE AND FIRE IMPACT FEES ON NON-RESIDENTIAL PROJECTS IN THE DOWNTOWN AND NORTHEAST COMMUNITY REDEVELOPMENT AREA (CRA) DISTRICTS FOR A TERM OF ONE (1) YEAR; ESTABLISHING A MORATORIUM ON SITE PLAN REVIEW FEES IN THE DOWNTOWN AND NORTHEAST CRA FOR A TERM OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Reggentin said based upon City Council direction, the ordinance being presented was approved to waive the following fees for one (1) year. If it remains the policy of the City, the ordinance may be adopted again and the waivers extended for another year.

Impact fees that are eligible for waiver are as follows:

1. Water - $2,402.72 per Equivalent Residential Unit (based on plumbing fixture unit counts)
2. Sewer - $3,617.28 per Equivalent Residential Unit (based on plumbing fixture unit counts)
3. Police – Commercial $1,017.69 per 1000 square feet; Office $70.59 per 1000 square feet
4. Fire – Commercial $371.03 per 1000 square feet; Office $344.51 per 1000 square feet

Development fees applicable for CRA’s would include the following:
1. Site Plan Review - $2,000.00
2. Minor Site Plan - $1000.00

Mr. Tedder moved to approve the first reading of Ordinance 2014-03. Mr. Maraio seconded the motion.

Mr. Maraio asked about an incentive program for areas outside the CRA districts.
Mr. Quinn responded tax incentives are available to those areas.

Ms. Michele Middleton, Main Street Leasing, informed City Council she has seen recent interest in the buildings downtown. She encouraged the waiver and thanked City Council for their consideration.

The motion was approved unanimously.

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<th>Mr. Donovan</th>
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<th>Mr. Wood</th>
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<td>Mr. Maraio</td>
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<td>Mayor Hoechst</td>
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First Reading Of Ordinance 2014-04, Regulation of Simulated Gambling

Mr. Shepard read Ordinance 2014-04 by title only:

ORDINANCE 2014-04

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PROHIBITING COMMERCIAL SIMULATED GAMBLING DEVICES IN THE CITY AND PROVIDING EXEMPTIONS FROM SUCH PROHIBITION; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Reggentin said as requested by City Council, staff has worked with the City Attorney’s office to draft an ordinance regulating simulated gambling in the City. The State Legislature has addressed internet gambling statutorily to essentially ban the practice in Florida. However, in recent months it has become evident there is a movement to repackage these activities as legitimate, legal operations. The City has received and rejected an application for this type of activity due to the applicant refusal to provide information to the City to determine the legitimate, legal operations.

However, based upon this application, it is evident there is a need to specifically address these types of uses into the future. The draft ordinance defines specific terms, prohibits the specific use and provides exemptions.

Mr. Tedder moved to approve, upon first reading, Ordinance 2014-04 regulating simulated gambling. Mr. Wood seconded the motion. The motion was approved unanimously.

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Final Reading and Adoption Of Ordinance 2013-18, Comprehensive Amendment with Changes to Amend Transportation Mobility and Capital Improvements Elements to Support Future State Roadway Projects; and Authorization of Transmittal of the Adoption Packet to the State Land Planning Agency (Department of Economic Opportunity) for issuance of the Notice of Intent

Mr. Shepard read Ordinance 2013-18 by title only:

ORDINANCE 2013-18

AN ORDINANCE OF THE CITY OF MOUNT DORA, LAKE COUNTY, FLORIDA, TO AMEND THE MOUNT DORA COMPREHENSIVE PLAN BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE TRANSPORTATION MOBILITY ELEMENT BY ADDING A NEW POLICY 2.f TO SUPPORT U.S. HWY 441, S.R. 44, S.R. 46 ROADWAY PROJECTS; REVISIGN OBJECTIVE 5, TABLE IX-1 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY (DEPARTMENT OF ECONOMIC OPPORTUNITY); PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Reggentin said this is second reading of an ordinance previously transmitted. This ordinance does not commit the City to any funding since all projects are state-funded. If the City decides to make any changes to FDOT or MPO scheduled projects, information has to be included in the comprehensive plan. This ordinance takes care of that issue.

Mr. Maraio moved to approve, upon final reading, Ordinance 2013-18 comprehensive amendments with changes to Transportation Mobility and Capital Improvements Elements to support future state roadway projects. Mr. Donovan seconded the motion.

Mr. Rowlett asked if there had been changes to the ordinance or to the MPO list of priority projects. Mr. Reggentin said there are constant changes to the MPO list of priority projects but none that impact the City of Mount Dora.

Mr. Wood said City Council sent a letter to MPO not in support of widening SR 44 without a turn signal.

Mr. Donovan, MPO representative, acknowledged a letter was sent to MPO and forwarded to FDOT. FDOT still recommends the project move forward. The widening is justified and will help with traffic congestion. At this point the traffic signal is not justified but if the project moves forward, then looking at a traffic signal as an option will be reviewed again.

Mr. Reggentin advised City Council that realistically, widening is the only way a traffic signal would ever be installed on SR 44. He said traffic control devices are not designed to control speed. This came up at the MPO Technical Advisory Committee meeting and the position of the MPO is for the project to move forward since the road needs to be widened.
Mr. Wood said there is a petition being circulated to residents in the communities along SR 44. He added the FDOT representative had said a two lane road will take care of 19,000 cars per day and currently there are only 17,000 cars. Mr. Wood says there is not a compelling reason to widen SR 44 at this time. Mr. Reggentin said the FDOT representative also stated that when funds become available, and they will, the project will be placed in the work plan for funding and construction since it is ready, and if the project is removed from the plan, it will never be funded and constructed.

Mr. Donovan believes widening will improve traffic congestion and if residents are concerned about speed, the Police Department can enforce speed limits. He also said this is an opportunity to educate residents and help them understand why the roadway is being widened.

Mr. Tedder said with SR 44 now being a state road and future projects on the horizon, that area will continue to be more heavily traveled. In addition, the City of Eustis has projects that hinge on the widening of SR 44.

Mr. Wood complemented the Mount Dora Police Department for the sign placed on SR 44 to help control traffic. Chief O’Grady reported the study is approximately halfway to completion and 85% of the cars in that area are speeding with 50% of the 85% traveling more than 10 miles per hour over the speed limit.

*The final reading of Ordinance 2013-18 was approved by roll call vote.*

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<thead>
<tr>
<th>Mr. Girone</th>
<th>Yes</th>
<th>Mr. Donovan</th>
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<tr>
<td>Mr. Tedder</td>
<td>Yes</td>
<td>Mr. Maraio</td>
<td>Yes</td>
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<tr>
<td>Mr. Wood</td>
<td>No</td>
<td>Mayor Hoechst</td>
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<td>Mr. Rowlett</td>
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**RESOLUTIONS**

Approval of Resolution 2014-10, Amended Section 504 Compliance Policy for the City of Mount Dora’s Community Development Block Grant (CDBG)

Mr. Shepard read Resolution 2014-10 by title only:

**RESOLUTION 2014-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT DORA PERTAINING TO A COMMUNITY DEVELOPMENT PLAN FOR THE CITY OF MOUNT DORA; ADOPTING A SECTION 504 COMPLIANCE POLICY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. John Peters said this Resolution is to update Section 504 to be in compliance for future projects.
Mr. Tedder moved approval of Resolution 2014-10. Mr. Wood seconded the motion. The motion was approved unanimously.

| Mr. Tedder | Yes | Mr. Maraio | Yes |
| Mr. Wood | Yes | Mr. Girone | Yes |
| Mr. Rowlett | Yes | Mayor Hoechst | Yes |
| Mr. Donovan | Yes |

At 6:37 p.m., Ms. Andrea Burr-Yatsuk arrived to make the award presentations.

PRESENTATIONS

Award for Government and the Environment – Mount Dora Friends of the Environment

Award for Citizens and the Environment – Mount Dora Friends of the Environment

Ms. Andrea Burr-Yatsuk presented an Award for Government and the Environment to Ms. Christina Miller, Water Conservation Specialist, City of Mount Dora. Ms. Miller was asked to choose a tree of her choice to be planted and maintained by Mount Dora Friends of the Environment, in recognition of her hard work and dedication to the environment.

Ms. Andrea Burr-Yatsuk presented an Award for Citizens and the Environment to Ms. Margery Prentice. She works very hard for the environment in Mount Dora. Ms. Prentice will also choose a tree of her choice to be planted by Mount Dora Friends of the Environment in recognition of her hard work and dedication to the environment.

Both award recipients will have their names engraved and displayed on a Friends of the Environment tree plaque.

PROCLAMATIONS

Earth Day

Mayor Hoechst acknowledged Earth Day and will be reading the proclamation on Saturday at the Earth Day event scheduled at the Donnelly House in downtown Mount Dora.

COUNCIL CONSIDERATION/DISCUSSION OF DEPARTMENTAL TOPICS

CITY MANAGER

Green Mountain Scenic Byway Corridor Extension Application

Mr. Quinn said the byway corridor extension would include Astatula and Mount Dora to the north. A Resolution was previously approved by City Council implementing support for the Green Mountain Scenic Byway Corridor Extension. He asked that Mayor Hoechst be authorized to sign the designation application. He said the entire document is available on the City website.
Mr. Tedder moved to approve the request by staff. Mr. Donovan seconded the motion. The motion was approved unanimously.

PLANNING AND DEVELOPMENT

Discussion of Draft Ordinance Regulating Medical Marijuana Production and Dispensing

Mr. Reggentin stated no official action is required on the draft ordinance at this time. As requested, staff has been working with the City Attorney and has drafted an ordinance regulating the production and dispensing of medical marijuana in the city. The draft ordinance contains the following stipulations:

1. Defines various terms necessary for regulation within the City’s Land Development Code;
2. Contains prohibitions on the production medical marijuana as an agricultural product in all zoning districts;
3. Limits the dispensing of medical marijuana to the WP-2 Workplace zoning district. This is the city’s most intense industrial zoning district; and
4. Requires a Conditional Use Permit with additional requirements in the WP-2 zoning district

The ordinance takes a conservative approach to the regulation of these activities in the city. If the City Council would prefer to relax the regulations to allow more opportunity for production and dispensing of medical marijuana, adjustments can be made prior to taking the ordinance to the Planning and Zoning Commission for review.

Mr. Reggentin said once legislation is in place, this issue can be revisited. There are two positions that could be taken with regard to legislation, either conservative to completely prohibit the production and dispensing from your city. There is also an economic development side of the issue. Medical marijuana is an indoor crop, they are high water and sewer users, some people are positioning themselves to take advantage of the profits anticipated to be made if marijuana becomes a legal substance.

Mr. Maraio asked where the WP zone is located and Mr. Reggentin it is the Harris oil and A/C property on US 441 on the east side at the south city limit.

Mr. Girone said in all the zones, it says there are no prohibited uses and he asked about the definition of farm the word “plant” he asked that the letter (S) be added so that one plant would not be considered a farm.

Mr. Girone asked if this ordinance will lead to other regulation. Mr. Shepard said the purpose of this ordinance is to keep from being pre-empted since we do not know what the state is going to do at this time.

PUBLIC WORKS

Award of Contract to Seminole Asphalt Paving, Inc. – Edgerton and Charles Avenue

This item was removed from the agenda until a future date.
PARKS AND RECREATION

Special Event Approval: 5K Resurrection Run

Mr. Chris Carson, Events Coordinator, presented the event sponsored by The Cross East Lake Church. Police Department and staff have met with the organizers of the event to address issues pertaining to use of City facilities. As of today, 35 participants have registered.

Mr. Maraio moved to approve. Mr. Girone seconded the motion. The motion was approved unanimously.

CITY ATTORNEY INFORMATION / REPORTS

Mr. Shepard informed City Council of Senate Bill 718 regarding meeting agendas. The bill would require that agendas contain all items intended for action. City Councils would never be allowed to act on an item that is not reflected on the agenda if this bill is approved. He suggested phone calls to the legislative delegation. He said this would not change how the council operates; however it would eliminate opportunities for local legislation.

OTHER BUSINESS

Mr. Quinn announced on April 19 from 9:00 a.m. to 5:00 p.m. the pavilions at Gilbert Park will be used for a high velocity living expo. There will be vendors promoting “green” initiatives.

Mayor Hoechst said that is the same day as the Easter Egg Hunt and the Earth Day events.

Mr. Tedder said it would be helpful to monitor parking in the Gilbert Park boat trailer parking lot.

Chief O’Grady will have an officer present in the Gilbert Park boat ramp area.

Mr. Girone received calls from merchants pertaining to police officers downtown.

Mr. Rowlett reminded City Council that he requested additional police presence downtown because of activities such as skateboarding.

Chief O’Grady said the police presence is community relations and with that comes some enforcement. He added when the Police Department receives a complaint, they have to take enforcement action.

Mayor Hoechst said having police officers present downtown and bringing attention to violations of the law is an educational opportunity.

Mr. Wood asked if paving work on the west end of Donnelly will be complete before the wine and blues festival in May. Mr. Peters said the work schedule is aggressive and he anticipates the work will be done.

Mr. Rowlett received calls of disappointment about removing cypress trees at the end of Edgerton Court. Mr. Quinn said some of the trees had to be removed because of construction improvements and he does not believe those trees are protected. Mr. John Peters said the knees of the root system
on Cypress trees are protected but not the entire tree. Those knees have been preserved for future planting.

**ADJOURNMENT**

There being no further business for discussion, the meeting adjourned at approximately 7:15 p.m.

__________________________
Catherine T. Hoechst
Mayor

__________________________
Gwen Keough-Johns, MMC
City Clerk

*In accordance with the State of Florida General Records Schedule, Audio Recordings are retained on file for two (2) anniversary years after adoption of the official meeting minutes. Recent audio recordings are available at [http://www.ci.mount-dora.fl.us/Archive.aspx?AMID=70](http://www.ci.mount-dora.fl.us/Archive.aspx?AMID=70)*
DATE: May 6, 2014

TO: Mayor and City Council

FROM: Mark Reggentin, AICP, Planning and Development Director

VIA: Michael Quinn, City Manager

RE: Second Reading and Adoption Ordinance No. 2014-03 Pertaining to Impact and Development Review Fee Waivers in the CRA Districts.

Recommendation:

Staff recommends approval of the attached Ordinance No. 2014-03 waiving impact and development review fees for projects that meets the following criteria:

1. Located within a CRA district;
2. Applies to new non-residential projects; and
3. Shall be valid for one year.

City Council, at their regularly scheduled meeting on April 15, 2014, recommended approval of First Reading of Ordinance 2014-03 and hold hearing for Second Reading and Final Adoption on May 6, 2014.

References/Support:

Ordinance 2014-03

Background/Information:

As approved in previous years, City Council has allowed for the option of waiving fees within the Community Redevelopment Agency (CRA) districts. The intent of the Council was to provide an incentive to encourage non-residential investment in the core commercial areas. Impact fees are fees paid when new development causes an impact on the city’s infrastructure or services such as water, sewer, police, fire, library, parks, etc. The legal basis for impact fees is based in the fact existing residents and businesses should not pay for the additional infrastructure or capital cost of services required by new businesses and residents.

Due to the level of importance given to the Downtown and Highland Street districts through the Visioning process, the fact that infrastructure currently exists in these areas to serve commercial development, and the depressed business environment caused by the recession, the Council determined that providing incentives to aid the establishment of businesses in these areas was
important to serve business development, expansion, location and relocation into the CRA districts. These incentives are in addition to the façade grants and permit reimbursement programs provided by the CRA’s.

Based upon City Council direction, the attached ordinance was approved to waive the following fees for one (1) year. If it remains the policy of the City, the ordinance may be adopted again and the waivers extended for another year.

Impact fees that are eligible for waiver are as follows:

1. Water - $2,402.72 per Equivalent Residential Unit (based upon plumbing fixture unit counts)
2. Sewer - $3,617.28 per Equivalent Residential Unit (based upon plumbing fixture unit counts)
3. Police - Commercial $1,017.69 per 1000 square feet; Office $70.59 per 1000 square feet
4. Fire - Commercial $371.03 per 1000 square feet; Office $344.51 per 1000 square feet

Development fees applicable to the CRA’s would include the following:

1. Site Plan Review - $2000.00
2. Minor Site Plan - $1000.00

Activity summary of businesses that took advantage of this program by year are listed below:

| FY 11/2012 | 3 Businesses Impact Fee Totaling $23,652.00 |
| FY 12/2013 | 3 Businesses Impact Fee Totaling $9,555.00 |
| FY 12/2013 | 1 Business Minor Site Plan Totaling $1,000.00 |

**Attachments:**

Ordinance 2014-03

**Advertisements:**

Ordinance Enactment Ad: April 25, 2014
ORDINANCE NO. 2014-03

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, ESTABLISHING A MORATORIUM ON THE COLLECTION OF WATER, SEWER, POLICE AND FIRE IMPACT FEES ON NON-RESIDENTIAL PROJECTS IN THE DOWNTOWN AND NORTHEAST COMMUNITY REDEVELOPMENT AREA (CRA) DISTRICTS FOR A TERM OF ONE (1) YEAR; ESTABLISHING A MORATORIUM ON SITE PLAN REVIEW FEES IN THE DOWNTOWN AND NORTHEAST CRA FOR A TERM OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mount Dora enacted Ordinance No. 952 imposing a schedule of sewer and water impact fees to facilitate the generation of funds necessary for future improvements and additions to the City’s water and sewage systems; and

WHEREAS, the City Council of the City of Mount Dora enacted Ordinance No. 971 imposing a schedule of fire and police impact fees to facilitate the generation of funds necessary for future improvements to the City’s fire rescue and police enforcement systems; and

WHEREAS, a downturn in the national, state and local economy has resulted in a dramatic decline of commercial construction projects in the City; and

WHEREAS, the decline of commercial construction projects has negatively impacted many strands of the local economy, leading to pronounced unemployment and impaired business opportunities; and

WHEREAS, the City Council has determined that helping create employment opportunities for its citizens is a high local priority; and

WHEREAS, the City Council finds that removal of certain, limited regulatory and economic impediments to new commercial development in limited sections of the City is an appropriate and viable method for stimulating the local economy; and

WHEREAS, the City Council has concluded that one of the most efficient and effective economic stimulus that the City can provide is to incentivize new commercial development projects by removing certain water, sewer, fire and police impact fees on non-residential development within the Downtown and Northeast CRA Districts, in order to enhance opportunities for financing and the economic feasibility of new non-residential projects therein; and
Ordinance No. 2014-03

WHEREAS, the City Council has also determined that a temporary waiver of site plan review fees within the Downtown and Northeast CRA Districts may also increase opportunities for financing and the economic feasibility of new non-residential projects therein; and

WHEREAS, the City Council has determined that a temporary moratorium on the assessment and collection of certain impact and development fees within the Downtown and Northeast CRA is a reasonable, necessary and limited response to the immediate and severe need to stimulate and re-energize the economy in a non-discriminatory manner for a limited duration.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Mount Dora.

SECTION 2. This Moratorium is necessary and made in good faith to address the City of Mount Dora’s economic troubles.

SECTION 3. Notwithstanding the current impact fees ordinances, in relation to all applications for building permits made after adoption of this Moratorium, there shall be a temporary cessation of the assessment and collection of water, sewer, police and fire impact fees for non-residential development in the Downtown and Northeast CRA Districts for a term of one (1) year from the date of adoption of this Moratorium.

SECTION 4. Notwithstanding the current development fee resolution, in relation to all applications for building permits made after adoption of this Moratorium, there shall be a temporary cessation of the assessment and collection of all site plan review fees for non-residential development in the Downtown and Northeast CRA Districts for a term of one (1) year from the date of adoption of this Moratorium.

SECTION 5. This Moratorium shall in no way be applied retroactively. All impact and development fees that have been assessed but have not been paid shall remain due prior to issuance of any building permit. Impact and development fees that have already been assessed but have not been fully collected because the applicant has been paying in installments shall remain due and all installment payment agreements with the City of Mount Dora shall remain valid, effective and enforceable. Notwithstanding this Moratorium, all impact fees that may become due and collectable in relation to applications for building permits that are outstanding as of the date of this Moratorium shall remain due and must be paid prior to issuance of a building permit as required by Ordinance.

SECTION 6. Severability. If any provision of this Ordinance or application thereof to any person or circumstance be held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected.
Ordinance No. 2014-03

SECTION 7. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND ORDAINED this 6th day of May, 2014, by the City Council of the City of Mount Dora, Florida.

Gwen Johns, City Clerk

Catherine T. Hoechst, Mayor

Date of First Reading: April 15, 2014
Date of Second Reading: May 6, 2014
Duly Advertised: April 25, 2014

Approved as to form:

Clifford B. Shepard, City Attorney
DATE: May 6, 2014
TO: Mayor and City Council
FROM: Mark Reggentin, Planning and Development Director
VIA: Michael Quinn, City Manager
RE: Second Reading and Adoption Ordinance 2014-04 Regulating Simulated Gambling.

Recommendation:

Staff recommends approval of the above referenced ordinance.

City Council, at their regularly scheduled meeting on April 15, 2014, recommended approval of First Reading of Ordinance 2014-04 and hold for Second Reading and Adoption.

References/Support:

Ordinance 2014-04 Regulating Simulated Gambling

Background/Information:

As requested by the City Council, staff has worked with the city Attorney’s Office to draft an ordinance regulating simulated gambling in the City. As you know, the State Legislature has addressed internet gambling statutorily to essentially ban the practice in the State. However, in recent months it has become evident that there is a movement to repackage these activities as legitimate, legal operations. The City has received and rejected an application for this type of activity due to the fact that the applicant would not provide information to the City to determine the legitimacy of the use.

However, based upon this application, it is evident that there is a need to specifically address these types of uses into the future. The attached ordinance defines specific terms, prohibits the specific use and provides exemptions.

Attachments:

Ordinance 2014-04
ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA,
PROHIBITING COMMERCIAL SIMULATED GAMBLING DEVICES IN
THE CITY AND PROVIDING EXEMPTIONS FROM SUCH
PROHIBITION; PROVIDING DEFINITIONS; PROVIDING
LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES;
PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mount Dora desires to amend the Mount
Dora Code of Ordinances and; and

WHEREAS, there has been, and presently is, an increasing proliferation of
establishments that utilize computer or video displays of spinning wheels or other simulations of
games ordinarily played on a slot machine or in a casino or otherwise in connection with
gambling and which show the results of raffles, sweepstakes, contests or other promotions
(heretinafter collectively referred to in these recitals as “simulated gambling devices”) for
commercial gain; and

WHEREAS, the City Council recognizes that while the State of Florida has authorized
slot machine gaming at licensed facilities in certain areas outside of Mount Dora, it also
recognizes that establishments that utilize simulated gambling devices can deceive members of
the public, including the elderly and the economically disadvantaged, into believing that they are
engaging in a lawfully permitted gaming activity; and

WHEREAS, the use of simulated gambling devices is therefore inherently deceptive;
and

WHEREAS, due to their inherently deceptive nature, establishments that utilize
simulated gambling devices are adverse to the quality of life, tone of commerce, and family
environment in Mount Dora, and have an unreasonable adverse effect upon families, the elderly,
the economically disadvantaged, and other citizens of Mount Dora; and

WHEREAS, in terms of the negative impact recited herein, there is little or no material
difference between the use of slot machines as defined in § 849.16, Florida Statutes, and the use
of simulated gambling devices; and

WHEREAS, there is often a correlation between establishments that utilize simulated
gambling devices and disturbances of the peace and good order of the community, and the
concurrency of these activities have adverse secondary effects and are hazardous to the public
health, safety, and general welfare of the citizens of Mount Dora; and

WHEREAS, the Legislature closed loopholes by its passage of House Bill 155 in the
2013 Legislative Session which, among other changes, amended the definition of slot machines,
which are illegal, to include games of skill as well as games of chance; and

1
WHEREAS, the City Council has become aware of recent attempts by the simulated gaming industry to create what the industry considers “loopholes” but which are illegal lotteries or slot machines; and

WHEREAS, while other jurisdictions in Florida have attempted to rely on existing state laws to close these establishments that utilized simulated gambling devices, it is believed that a local comprehensive prohibition on such simulated gambling devices would close any potential loopholes and enable law enforcement to consistently enforce existing code provisions and statutes and safeguard the public’s welfare; and

WHEREAS, in order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, and general welfare of the community and citizens thereof, it is necessary and advisable to prohibit the use of simulated gambling devices, unless otherwise exempted by law or ordinance; and

WHEREAS, a comprehensive prohibition against simulated gambling activities and devices is necessary in Mount Dora, a small city, because such activities require an inordinate amount of time, effort, and energy of the limited resources of City, including the Police Department; and

NOTE: Underlined words constitute additions to the City of Mount Dora City Code and Land Development Regulations, strike-through constitutes deletions from the original, and asterisks (*** ) indicate an omission from the existing text which is intended to remain unchanged.

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

SECTION 1. The above recitals (Whereas clauses) are hereby adopted as legislative findings, purpose and intent of the City Council.

SECTION 2. Chapter 26, “Businesses” of the Code of Ordinances is amended by creating Article VII, “PROHIBITION OF SIMULATED GAMBLING DEVICES”:

ARTICLE VIII. – PROHIBITION OF SIMULATED GAMBLING DEVICES

Sec. 26.1200. – Legislative intent and authorization.

This article is enacted in the interest of the public health, peace, safety, and general welfare of the citizens and inhabitants of Mount Dora, Florida, pursuant to Fla. Const. Article IX, section 2(b), and Florida Statutes, ch. 166. The intent of the city council in adopting this article is to prohibit broadly the possession or use of simulated gambling devices, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. Further, the council in prohibiting simulated gambling devices in no way intends to approve the use of actual slot machines, other forms of casino gambling, or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

Person means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation or other organization.

Simulated gambling device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, where the play or operation of the device may deliver or entitle the person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. Simulated gambling device includes game promotion as defined in F.S. § 849.094. This term includes simulated gaming devices in internet cafes, internet sweepstakes cafes, cybercafés, sweepstakes cafés, or any other similar establishments. The following rules of construction apply to this definition of "simulated gambling device":

1. The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.

2. The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.

3. The term "object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.

4. The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.

5. The term "computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

6. The term "game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes; any game in which a user is given the results of the game before the user ever chooses to play or activate the game; any game in which the user can either know the results of the game before choosing to play or activate the game, or can choose not to know the outcome of the game prior to playing or activating the game; and any other game associated with gambling or which could be associated with gambling. The term "game" does not necessarily imply that actual gambling is involved.

7. The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.
(8) The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

Slot machine has the same meaning as specified in § 849.16, Florida Statutes.

Sec. 26.1202. - Prohibition of simulated gambling devices.

It is unlawful in the City of Mount Dora for any person to manage, supervise, maintain, provide, produce, possess or use one or multiple simulated gambling devices. Each individual act to manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this article.

Sec. 26.1203. - Exemptions.

(a) This article does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.

(b) This article does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by the Florida Statutes and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this article.

(c) This article does not prohibit a religious or charitable organization from conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one calendar year, the organization provides advance written notice to the Mount Dora Police Department of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

(d) This article is specifically not intended to regulate in any manner any properly authorized bingo game establishment.

Sec. 26-1204. - Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

SECTION 3: Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
SECTION 4: Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 5: Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Mount Dora; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 6: Effective Date. This Ordinance shall be effective immediately upon adoption at the second public hearing.

PASSED AND ORDAINED this 6th day of May 2014, by the City Council of the City of Mount Dora, Florida.

Attest:

__________________________    _______________________
Gwen Johns, City Clerk          Catherine T. Hoechst, Mayor
City of Mount Dora              City of Mount Dora

Date of First Reading: April 25, 2014
Date of Second Reading: May 6, 2014
Duly Advertised: April 25, 2014

Approved as to form:

__________________________
Clifford B. Shepard, City Attorney
City of Mount Dora
DATE: May 6, 2014

TO: Mayor and City Council

FROM: Mark Reggentin, Planning and Development Director

VIA: Michael Quinn, City Manager

RE: First Reading Ordinance No. 2014-05 Land Development Code Amendment Regulating Medical Marijuana Cultivation and Dispensing; and Hold Hearing for Second Reading and Adoption on May 20, 2014.

Recommendation:

Staff recommends approval of the attached Land Development Code Amendment as contained in the attached Ordinance No. 2014-05.

The City Council at their regularly scheduled meeting on April 15, 2014, discussed the draft ordinance with direction for staff and the City Attorney to proceed with drafting the amendments to the City's Land Development Code.

The Planning and Zoning Commission at their regularly scheduled meeting on April 16, 2014, unanimously recommended approval of proposed Land Development Code Amendments as contained in the attached ordinance.

References/Support:

Land Development Code

Background/Information:

As requested, staff working with the City Attorney’s Office has drafted an ordinance regulating the production and dispensing of medical marijuana in the city. This ordinance takes a conservative approach to the regulation of these activities in the city. The proposed ordinance contains the following stipulations:

1. Defines various terms necessary for regulation;

2. Contains prohibitions on the production medical marijuana as an agricultural product in all zoning districts;
3. Limits the dispensing of medical marijuana to the Workplace 2 (WP-2) zoning district. This is the city’s most intense industrial zoning district; and

4. Requires a Conditional Use Permit with additional requirements within this zoning district.

**Attachments:**

Proposed Ordinance No. 2014-05
ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA RELATING TO MEDICAL MARIJUANA; AMENDING THE LAND DEVELOPMENT CODE, CHAPTER III, “ZONING REGULATIONS;” PROVIDING DEFINITIONS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES, NON-MEDICAL MARIJUANA SALES AND CANNABIS FARMS ARE PROHIBITED USES IN CERTAIN ZONING DISTRICTS; PROVIDING THAT MEDICAL MARIJUANA DISPENSARIES ARE A PERMITTED CONDITIONAL USE PERMIT IN THE WORKPLACE (INDUSTRIAL) ZONING DISTRICT; PROVIDING ADDITIONAL STANDARDS AND CONSIDERATIONS FOR APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY; REMOVING AGRICULTURE USES FROM THE LIST OF PERMITTED USES IN CERTAIN RESIDENTIAL DISTRICTS; UPDATING DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the State of Florida is considering legalizing the dispensing of marijuana for medical purposes; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is in the best interests of the citizenry and general public to regulate the location of medical marijuana dispensaries in the event the State of Florida legalizes said dispensaries; and

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

WHEREAS, the City Council of the City of Mount Dora has determined that given the potential impact on the surrounding area, that Medical Marijuana Dispensaries should only be allowed within the Industrial zoning district, as a special exception use; and

WHEREAS, the City Council of the City of Mount Dora has determined that it is advisable and in the public interest to consider certain distance and other siting standards in regard to the location of operation of medical marijuana dispensaries as a special exception use; and

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency, has found this ordinance to be consistent with the City’s Comprehensive Development Plan and recommended approval; and

WHEREAS, the City Council of the City of Mount Dora finds that this ordinance promotes the public health, safety and welfare.
Ordinance No. 2014-05

NOTE: Underlined words constitute additions to the original text of the Land Development Code; strikethroughs constitute deletions to the original text of the Land Development Code; and asterisks (*** ) indicate omissions from the original text of the Land Development Code which is intended to remain unchanged.

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

SECTION 1: The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Mount Dora.

SECTION 2. Chapter III, “Zoning Regulations,” of the City of Mount Dora Land Development Code is hereby amended as follows:

***

3.4.1. GB Greenbelt District:

***

4. Prohibited uses:

a. Medical marijuana dispensaries.
b. Non-medical marijuana sales.
c. Cannabis farms.

4-5 Site development standards:

***

3.4.2. R-1AAAA, R-1AAA, R-1AA, R-1A, R-1, R-1B, Single-Family Residential Districts:

***

3. Conditional uses (See section 2.5.1.5):

a. Agriculture.

ba. Churches.

eb. Public utility and service facilities.

dc. Schools.

ed. Recreation, including live theater or other city sponsored cultural uses.

fd. Temporary sales offices (subsection 3.5.14).

gf. Home occupations (subsection 3.5.12).

hg. Bed and breakfast establishments in R-1 and R-1B zoning districts (subsection 3.5.17).

4. Prohibited uses:

a. Medical marijuana dispensaries.
b. Non-medical marijuana sales.
c. Cannabis farms.

Ordinance No. 2014-05

45. Site development standards:

***

3.4.3. R-2 Duplex (one-and-two-family) Residential District:

***

3. Conditional uses (See 2.5.1.5):

a. Agriculture.
b. Churches.
c. Public utility and service facilities.
d. Schools.
e. Recreation facilities.
f. Temporary sales offices (subsection 3.4.14).
g. Bed and breakfast establishments (subsection 3.5.17).
h. Hospitals.
i. Home occupations (subsection 3.5.12).
j. Day care centers.
k. Group homes and adult living facilities (subsection 3.5.13).
l. Parking associated with adjacent nonresidential uses provided that the vacant land used for the construction of a parking facility is not created as the result of the demolition of an existing structure (subsection 6.5).

4. Prohibited uses:

a. Medical marijuana dispensaries.
b. Non-medical marijuana sales.
c. Cannabis farms.

d. 45. Site development standards:

***

3.4.4. R-3 Multifamily Residential District:

***

3. Conditional uses (See section 2.5.1.5):

a. Agriculture.
b. Churches.
c. Public utilities and service facilities.
d. Group homes and adult living facilities (subsection 3.5.13).
e. Schools.
130  f.e. Recreation facilities.
131  g.f. Temporary sales offices (subsection 3.5.14).
132  h.g. Bed and breakfast establishments (subsection 3.5.17).
133  i.h. Hospitals.
134  j.k. Funeral homes.
135  k.l. Day care centers.
136  l-m. Home occupations (subsection 3.5.12).
137  m.n. Parking associated with adjacent nonresidential uses provided that the
138   vacant land used for the construction of a parking facility is not created as
139   the result of the demolition of an existing structure (subsection 6.5).
140
141  4. Prohibited uses:
142    a. Medical marijuana dispensaries.
143    b. Non-medical marijuana sales.
144    c. Cannabis farms.
145
146  45. Site development standards:
147    ***
148
149  3.4.5. PUD Planned Unit Development District:
150    ***
151
152  3. Prohibited uses:
153    a. Medical marijuana dispensaries.
154    b. Non-medical marijuana sales.
155    c. Cannabis farms.
156
157  34. Site development standards.
158    ***
159  45. Approval procedures.
160    ***
161  56. Submittals.
162    ***
163
164  3.4.6. C-1 Neighborhood Commercial District:
165    ***
166  4. Prohibited uses:
167    a. Bars and cocktail lounges.
168    b. Liquor stores.
169    c. Massage parlors.
170    d. Medical marijuana dispensaries.
e. Non-medical marijuana sales.
f. Cannabis farms.

***

3.4.7. C-2 Downtown Commercial District.

***

4. Prohibited uses: The following uses are specifically excluded from the C-2 district:

a. Gas and oil service centers.
b. Shopping centers and discount houses.
c. Any commercial establishment involving manufacturing, warehousing, excessive traffic generating activity, or any activity likely to cause objectionable noise, fumes, vibrations, dust, odor or fire hazard.
d. Drive-in facilities.
e. Day Care centers.
f. Medical marijuana dispensaries.
g. Non-medical marijuana sales.
h. Cannabis farms.

***

3.4.7-A. C-2-A Peripheral Commercial District.

***

4. Prohibited uses.

a. Any commercial establishment involving manufacturing, warehousing, excessive traffic or any activity which may cause objectionable noise, fumes, vibrations, dust, odor or fire hazard.
b. Medical marijuana dispensaries.
c. Non-medical marijuana sales.
d. Cannabis farms.

***

3.4.8. C-3 Highway Commercial District.

***

4. Prohibited uses.

a. All uses not allowed as either a permitted use or a conditional use above are prohibited unless adopted as part of a planned unit development, and those uses specifically as follows:

b. Medical marijuana dispensaries.
c. Non-medical marijuana sales.
Ordinance No. 2014-05

211 d. Cannabis farms.
212 ***
213
214 3.4.9. **RP Residential Professional District.**
215 ***
216
217 4. **Prohibited uses:**
218 a. Medical marijuana dispensaries.
219 b. Non-medical marijuana sales.
220 c. Cannabis farms.
221
222 4-5. **Site development standards:**
223 ***
224
225 3.4.10. **OP Office Professional District.**
226 ***
227
228 4. **Prohibited uses:**
229 a. Medical marijuana dispensaries.
230 b. Non-medical marijuana sales.
231 c. Cannabis farms.
232
233 4-5. **Site development standards:**
234 ***
235
236 3.4.11 **WP-1 Workplace District:**
237 ***
238
239 4. **Prohibited uses:**
240 a. Medical marijuana dispensaries.
241 b. Non-medical marijuana sales.
242 c. Cannabis farms.
243
244 45. **Site development standards:**
245 ***
Ordinance No. 2014-05

3.4.12 WP-2 Workplace District:

3. Conditional uses (See section 2.5.1.5):

a. Utility facilities.
b. Telecommunications towers (subject to subsection 3.5.21).
c. Any building or structure that is, in the opinion of the development review coordinator, not clearly permitted in the WP-2 district, but is similar and compatible to the uses listed above, may be required to obtain a conditional use permit.
d. Medical marijuana dispensaries. In addition to all other requirements and conditions, the applicant shall comply with all the following conditions:

i. Loitering. A medical marijuana dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The medical marijuana dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

ii. No drive through service. No medical marijuana dispensary shall have a drive through or drive in service aisle. All dispensing, payment for and receipt of products shall occur from inside the medical marijuana dispensary.

iii. Alcoholic Beverages. No consumption of alcoholic beverages shall be allowed on the premises on which a medical marijuana dispensary is located, including the parking areas and sidewalks.

vi. Separation Distances. No medical marijuana dispensary shall operate within two thousand five hundred (2,500) feet of any pre-existing school, day care facility, public park or another medical marijuana dispensary.

v. Compliance with Other Laws. All medical marijuana dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

In addition to the requirements of section 2.5 the planning and zoning commission shall determine that there are adequate systems to prevent ground, air or noise pollution, that the required setback requirements of the WP-2 zoning district are adequate for the proposed conditional use, and that the facility shall conform to the standards set forth in the description of the WP-2 district in subsection 3.4.12.1 above.
4. **Prohibited uses:**
   a. Non-medical marijuana sales.
   b. Cannabis farms.

45. **Site development standards:**

3.4.13. **PLI Public Lands and Institutions District:**

4. **Prohibited uses:**
   a. Medical marijuana dispensaries.
   b. Non-medical marijuana sales.
   c. Cannabis farms.

45. **Site development standards:**

3.4.14. **MHP Mobile Home Park District:**

4. **Prohibited uses:**
   a. Medical marijuana dispensaries.
   b. Non-medical marijuana sales.
   c. Cannabis farms.

45. **Site development standards:**

3.4.15. **EC Employment Center District:**

4. **Prohibited uses:**
   a. Medical marijuana dispensaries.
   b. Non-medical marijuana sales.
   c. Cannabis farms.

45. **Other requirements:**

56. **Site development standards:**
3.4.16 MU-1 Mixed Use transitional and MU-2 Mixed Use Downtown Districts.

***

4. Prohibited uses:

   a. Medical marijuana dispensaries.
   b. Non-medical marijuana sales.
   c. Cannabis farms.

4-5. Accessory Uses Within Sidewalks:

***

5.6. Mixed Use Standards:

***

6.7. Site Development Standards:

***

7-8. Building Placement and Orientation Requirements:

***

8.9. Requirements For Pedestrian Friendly Infrastructure:

***

9-10. Parking and On-Street Parking

***

10.11. Specific Development Guideline:

***

11.12. Phasing Plan:

***

12.13. Public Arts:

***

13.14. Applicability to other code Sections:

***

14.15. Approval expiration:

***

15.16. Bonds:

***

16.17. Process And Application Requirement:

***

17.18. Existing uses and structures:

***

SECTION 3. Chapter VIII, “Definitions,” of the City of Mount Dora Land Development Code is hereby amended as follows:

The following definitions shall apply throughout this code. Words not specifically defined or otherwise explained within this code shall be as defined in a standard dictionary or as understood by the development review coordinator.
Agriculture. means the science and art of production of plant(s) and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production, including hay or grass harvesting and bailing operation. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Cannabis. Any plant(s) or part of a plant(s) of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant(s); and every compound, manufacture, salt, derivative, mixture, or preparation of the plant(s) or its seeds or resin.

Cannabis farm. Any property used in whole or in part for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

Medical Marijuana Dispensary. A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plant(s) are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal and state laws.

Medical Use. The prescriptive use of any form of cannabis to treat a qualifying medical condition and the symptoms associated with that condition or to alleviate the side effects of a qualifying medical treatment.

Non-Medical Marijuana Sales. The purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plant(s) when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law.

SECTION 4: CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5: SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
Ordinance No. 2014-05

phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6: CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Land Development Code of the City of Mount Dora. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

PASSED AND ORDAINED this _ day of __2014, by the City Council of the City of Mount Dora, Florida.

Attest:

______________________________  ______________________________
Gwen Johns, City Clerk          Catherine T. Hoechst, Mayor
City of Mount Dora              City of Mount Dora

Date of First Reading:          Date of Second Reading:
Duly Advertised:                
Approved as to form:

______________________________  ______________________________
Clifford B. Shepard, City Attorney  Clifford B. Shepard, City Attorney
City of Mount Dora               City of Mount Dora

Page 11 of 11
DATE: May 6, 2014

TO: Mayor and City Council

FROM: Mark Reggentin, Planning and Development Director

VIA: Michael Quinn, City Manager

RE: First Reading Ordinance 2014-06 Land Development Code Amendment pertaining to Boat Docks; and hold hearing for Second Reading and Adoption on May 20, 2014.

Recommendation
Staff recommends approval of the attached Land Development Code Amendment as contained in the attached Ordinance No. 2014-06.

The Planning and Zoning Commission at their regularly scheduled meeting on April 16, 2014, recommended approval of proposed Land Development Code Amendments as contained in the attached ordinance.

References/Support:
Land Development Code

Background:

On August 21, 2001, the City established the X-Y (Florida State Plane) Coordinate for the center of Lake Dora. The coordinate data was surveyed as a means to find the center of the lake (City Limits only) to assist in permitting of boat dock structures projected from upland parcels. This requirement has been incorporated into the boat dock standards. However, the inclusion of the centroid point only contemplated those lots lying north of 5th Avenue.

Staff has been recently made aware that the assumed property lines if extended using the centroid point is in conflict with Department Environmental Protection (DEP) requirements south of 5th Avenue. The shoreline at 5th Avenue changes from a southwesterly configuration to west alignment - see attached map. Thereby creating potential encroachment issues for existing docks and boat houses that are perpendicular to the shoreline. Staff has been working with the City Attorney to draft the required changes to address this uniqueness for properties south of 5th Avenue.

Attachments:
Proposed Ordinance 2014-06
Map
Survey
ORDINANCE NO: 2014-06

AN ORDINANCE OF THE CITY OF MOUNT DORA, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER III, SECTION 3.5.22 REVISIGN BOAT DOCK OF THE SUPPLEMENTAL REGULATIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, under its home rule powers, the City of Mount Dora may regulate land use matters including an amendment of Section 5.1.2 Applicability of the Land Development Code; and

WHEREAS, in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Part II, Section, 163 Florida Statutes, the City may enact Land Development Regulations; and

WHEREAS, the City Council from time to time provides updates and amendments to the Land Development Code in order to provide proper review procedures and regulations for new developments and redevelopments within the City; and

WHEREAS, the City of Mount Dora is desirous to establish and update minimum marina design standards, specifications, and requirements; and

WHEREAS, pursuant to Chapter 12480, Laws of Florida, 1927 enacted and granted jurisdiction within the Corporate Limits to the City of Mount Dora for all submerged lands under the waters of Lake Dora; and

WHEREAS, the City Council of the City of Mount Dora hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

NOTE: Underlined words constitute additions to the original text of the Land Development Code; strikethroughs constitute deletions to the original text of the Land Development Code.

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

SECTION 1: The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Mount Dora.

SECTION 2: Chapter III, Section 3.5.22 "Supplemental Regulations" of the Land Development Code is hereby amended as follows:
Ordinance No. 2014-06

3.5.22. Boat docks

***

7. Lake Dora:

a. All new or replacement boat docks (except for normal repairs of existing structures) located on Lake Dora, north of the line described as being the north 1/4 of Section 31, Township 19 South, Range 27 East, which is general described as being the extended centerline of Fifth Avenue, shall follow the location of the centroid for the eastern lobe based on the Lake County Geodetic Control in the Horizontal Projection of the State Plane East Zone, HPGN 82/90 Adjustment, with units in Feet. The Lake Dora centroid coordinates are as follows: 444,939.6373 feet (X-Coordinate - Easting) by 1,622,482.8125 feet (Y-Coordinate - Northing). Such water front structures located on Lake Dora shall provide a boundary survey drawing, signed and sealed by a professional surveyor, depicting the centroid with lines extending from the property line of the upland parcel for verification and documentation of the required setbacks, per this code.

b. For all new or replacement boat docks (except for normal repairs of existing structures) located on Lake Dora, on and south of the line described as being the North 1/4 of Section 31, Township 19 South, Range 27 East, which is general described as being the extended centerline of Fifth Avenue, shall extend property lines of the upland parcel over Lake Dora to determine the assumed lake lot lines. A boundary survey drawing, signed and sealed by a professional surveyor, depicting the assumed lake lot lines extending from the property line shall be required for verification and documentation of the required setbacks, per this code.

***

SECTION 3: CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 4: SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5: CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Land Development Code of the City of Mount Dora. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section”, “Article”, or other
Ordinance No. 2014-06

appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

PASSED AND ORDAINED this ___ day of ____, 2014, by the City Council of the City of Mount Dora, Florida.

Attest:

_________________________                      ________________________
Gwen Johns, City Clerk                            Catherine T. Hoechst, Mayor
City of Mount Dora                                 City of Mount Dora

Date of First Reading:
Date of Second Reading:
Duly Advertised:

Approved as to form:

_________________________
Clifford B. Shepard, City Attorney
City of Mount Dora
LEGAL DESCRIPTION

A DESCRIBED LINE, BEING THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 31, HAVING A GEODETIC COORDINATE VALUE BASED ON NORTH AMERICAN DATUM OF 1983, 2007 ADJUSTMENT (SPCS '83-2007) OF LATITUDE N 28°48'01.9489" AND A LONGITUDE OF W 81°38'33.5838"; WITH A FLORIDA STATE PLANE COORDINATE VALUE, EAST ZONE, OF X 1624321.0083 (FT) AND Z 450336.5088 (FT), SCALE FACTOR 0.99999061 (FT) AND A CONVERGENCE OF -00°18'44.6975", ALSO BEING THE POINT OF TERMINUS OF THIS DESCRIBED LINE.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS THEY BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. CERTIFICATION IS LIMITED TO PARTIES NAMED HEREON.
3. BEARINGS SHOWN HEREON ARE FLORIDA STATE PLANE COORDINATES, EAST ZONE AND ARE REFERENCED TO THE NORTH LINE OF SECTION 31-19-27 AS BEING N 89°57'21"W.
4. THE LEGAL DESCRIPTION WAS PREPARED BY THIS FIRM AT THE CLIENT'S REQUEST AND IS BASED UPON INFORMATION PROVIDED.
5. THIS SURVEY MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODES.
6. THIS SKETCH CONTAINS 2 SHEETS AND IS NOT CONSIDERED FULL AND COMPLETE WITHOUT BOTH SHEETS.
7. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.
8. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/100 OR SMALLER.
9. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET.

CERTIFIED TO:

JAMES M. STRAUHAN, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5309
Sketch of Description

(NOT A FIELD SURVEY)

Legend:
- LB: Licensed Business
- PSM: Professional Surveyor and Mapper
- ORB: Official Record Book
- PG: Page
- IR: Iron Rod
- N&D: Nail & Disk
- P.O.T.: Point of Terminus
- P.O.B.: Point of Beginning
- R/W: Right of Way

In Section 31, Township 19 South, Range 27 East
Lake County, Illinois

Sketch Drawing:

- 1/2" IR (No ID) in Asphalt Road
- 3/4" Iron Bar (0.79'W of Line)
- RR Spike (On Line)
- Meander Line of 1927
- Lot 3
- Lot 2
- Old US 44
- Old US 44
- West Fifth Avenue
- N89°57'21"W 1858.64'
PROCLAMATION

WHEREAS, PERIPHERAL NEUROPATHY is one of the most common chronic neurological diseases in the United States, affecting over 20 million Americans. It is a disease resulting from injury to the peripheral nerves—the motor, sensory, and autonomic nerves connecting the spinal column to muscles, skin, and internal organs. It usually affects the hands and feet, causing weakness, numbness, tingling, and pain. It can either progress slowly over many years or it can quickly become severe and debilitating.

WHEREAS, The National Institute of Neurological Disorders and Stroke (NINDS) and other institutes of the National Institutes of Health (NIH) conduct research related to peripheral neuropathies in laboratories at the NIH and also support additional research through grants to major medical institutions across the country; and

WHEREAS, this is the tenth year that The Neuropathy Association has dedicated the third week of May to raise awareness about the neuropathy epidemic and encourage people across the Nation to take action against neuropathy; and

WHEREAS, increased public education and awareness about neuropathy not only helps people who are living with this debilitating disease, but also encourages much-needed research for more treatment options and cures; and

WHEREAS, it is fitting to recognize the many health care providers and researchers who help patients live better lives with neuropathy and who search for more treatment options and cures for this under-recognized disease,

NOW, THEREFORE, I, Catherine T. Hoechst, Mayor of the City of Mount Dora, Florida, and on behalf of my fellow citizens, do hereby proclaim May 12 - 16, 2014 as

NATIONAL NEUROPATHY AWARENESS WEEK

in Mount Dora and I urge everyone to work together to raise awareness of this disease that affects so many of our friends and neighbors.

__________________________________
Catherine T. Hoechst, Mayor

ATTEST:

_______________________________
Gwen Keough-Johns, City Clerk
CITY OF MOUNT DORA: 2013/14 PROJECT WORK PLAN

This Project Work Plan is intended to give the City Council an update, throughout the year, for various work projects and programs that are considered new or special applications to our normal operations. These are project-oriented rather than service-oriented tasks, and they are not normally an on-going element of operations and service until completed. These work items were incorporated as part of the 2013/14 Budget preparation process; and they also include carry-over projects from last year’s Work Plan. These work items will also receive modification and prioritization from Council review to determine their adequacy and allow for any adjustments to the Project Work Plan. In some cases, the project will be completed such as a construction project. In other cases, the program will be established and eventually incorporated into our normal operations. The successful completion of these projects will depend upon the continued commitment to fund and support these efforts as they are coordinated and accomplished through City staff and resources.

It is important to emphasize that the City of Mount Dora has established a Vision Statement, Mission Statement and Core Values to guide our progress as a community that desires to provide excellent service to our citizens. These statements guide our Budget development and the direction of this Project Work Plan. With the Council’s review and support of this Project Work Plan, we hope to provide excellent public services; promote the physical and cultural connectivity of our neighborhoods; support a sustainable economy balanced with responsible stewardship of our natural resources; enhance the safety and livability of our community; preserve our unique downtown and waterfront location; and engage our citizens as partners in making Mount Dora “someplace special”.

WORK PLAN 2013/14
STATUS UPDATE: 5/6/14

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Description &amp; Status</th>
<th>Project Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. FINANCE &amp; ADMINISTRATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Finalize Labor Contracts</td>
<td>Negotiate the Re-Openers for each of the three Labor Agreements for this fiscal year.</td>
<td>Operations</td>
</tr>
<tr>
<td></td>
<td><strong>Negotiations are scheduled for this Summer.</strong></td>
<td></td>
</tr>
<tr>
<td>2. Lake Wekiva Trail Phase I</td>
<td>Support this trail corridor as part of the Wekiva Parkway and Regional Trail System. Monitor the progress of the MPO study for PD&amp;E.</td>
<td>Multi-Agency Control</td>
</tr>
<tr>
<td>Number</td>
<td>Task Description</td>
<td>% Complete</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3.</td>
<td>Community Video Promotion</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>Develop and Distribute remaining Community Videos on Economic Development, Downtown, Arts &amp; Culture, Quality of Life, and Festivals &amp; Events. Our Full Sail University Interns are working on shooting and editing footage of our major events. We will edit and script the remaining videos as a group to concentrate review time.</td>
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<tr>
<td>4.</td>
<td>Financial Software Upgrade, Phase I</td>
<td>70%</td>
</tr>
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<td></td>
<td>Develop plan for transition to new software and secure a vendor contract in cooperation with the City of Eustis bid process. We have had vendor demonstrations of software packages from Edmunds and from BS&amp;A. While both do a good job of accounting, one does more with reports and other information. We are preparing a recommendation for City Council.</td>
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<tr>
<td>5.</td>
<td>Streetlight Cost Recovery</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>Analyze options for city-wide cost recovery and Assessment for Street Lights. Staff has identified various models for assessment and we are discussing options with the consultant coordinating the fire assessment study. A recommendation for a consultant contract is being prepared based upon proposals received.</td>
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<tr>
<td>6.</td>
<td>Regional Trail and Byway Support</td>
<td>Multi-Agency Control</td>
</tr>
<tr>
<td></td>
<td>Support efforts to extend the Green Mountain Scenic Byway through Mount Dora and promote regional trail connections to our area. The consultant, Glenn Burns, has prepared the draft amendments for the Mount Dora addition to the Scenic Byway designation. The Application was authorized by Council on April 15th and submitted for action to FDOT.</td>
<td></td>
</tr>
<tr>
<td>7. All-America City Application</td>
<td>Explore feasibility and prepare for 2015 All-America City designation through NLC. Preliminary review of examples from last year’s applications have been done to get an idea of the quality of presentations.</td>
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<tr>
<td>B. PLANNING/DEVELOPMENT OPERATIONAL SUPPORT</td>
<td></td>
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</tr>
<tr>
<td>1. Employment District</td>
<td>Complete the Marketing and Master Plan Study for the Mount Dora Employment District. Real Estate Research Consultants have prepared a preliminary market analysis to be included in the master plan by Renaissance Planning Group. Based upon the developed concepts, Renaissance is working on the Marketing Plan.</td>
<td></td>
</tr>
<tr>
<td>2. Sidewalk Café Ordinance</td>
<td>Adopt Ordinance allowing public right-of-way to support sidewalk café and similar uses. Ordinance 2013-19 was adopted on 10/15/13. COMPLETE.</td>
<td></td>
</tr>
<tr>
<td>3. Sign Code Amendment</td>
<td>Develop Ordinance to allow Historic Markers Ordinance 2013-20 was adopted 11/19/13. COMPLETE.</td>
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</tr>
<tr>
<td>4. US441 Alternatives Study</td>
<td>Coordinate with other agencies the Corridor Alternatives Analysis for transportation options and report recommendations to Council. The Project Advisory Group is studying 5 commuter rail and 5 bus alternatives to screen down to the top three. Ridership analysis is being studied under a separate contract but will be a component of this evaluation.</td>
<td></td>
</tr>
<tr>
<td>CAPITAL SUPPORT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Downtown Streetscape Design – Phase II</td>
<td>Complete the construction design for phase II downtown improvements and initiate construction for Donnelly St. from 5th to 4th, Baker St. from 4th to 3rd and Third from Baker to Dora Drawdy Way. Construction will commence on May 1st for Third Avenue, and June 1st for Donnelly Street.</td>
<td></td>
</tr>
</tbody>
</table>

| 10% | Operations | $112,500 |
| 50% | Operations | $2,900,000 |

| Multi-Agency Control | 60% |

City Council Agenda Packet - May 6, 2014
<p>| 6. Downtown &amp; Entry-Way Monuments – Phase I | Monthly meetings with the merchants have been held and the City is a partner in the “Open for Business” campaign that has been developed. Improve way-finding and traffic circulation to business and tourist information sites with enhanced signage and monumentation on entrances to Donnelly and to Highland Streets. This project is being incorporated into the construction on the Streetscapes, Phase II. The enhanced signage will follow examples from Phase I, but the monuments will be new. | 75% | $92,000 |
| C. PUBLIC WORKS/UTILITIES OPERATIONAL SUPPORT | | | |
| 1. GIS Mapping of Collection System | Collection system inspection by Red Zone Robotics, GPS manholes and all lateral line info to be in GIS based map. | 90% | $64,000 |
| 2. Aerial Mapping | Implement aerial mapping of City Facilities and land area for future design planning. On January 7th, Council awarded the contract for aerial mapping to BESH. The mapping will cover the City as well as the Thrill Hill site and the WWTP#2 sites where project specifics will be incorporated. Mapping accomplished. COMPLETE. | 100% | $67,360 |
| 3. Thrill Hill Site Plan | Obtain County approval of site plan design and conduct preliminary study for interim basin concept. Initial points being set to plan for the aerial mapping of the Thrill Hill site to enable design. We expect mapping to begin in May. | 5% | Operations |
| 4. Street Resurfacing &amp; Sidewalks. | Enhance street resurfacing projects city-wide and replace hazardous sections of sidewalks. We finished replacing a section of sidewalk along Old 441. The Downtown Streetscape project will incur a fair amount of sidewalk reconstruction and expansion. | 15% | $460,000 |</p>
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Status</th>
<th>Percentage Complete</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Eastside Water Treatment Facility</td>
<td>Complete construction of the water plant structures including the storage tank and pump building. All the major components are constructed and we have received FDEP clearance for the plant. We are finishing the installation of phone lines and the site landscaping. Our remaining tasks are to check the telemetry and data tower and start the process of putting the new plant on line.</td>
<td>95%</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>6. Seventh Ave. Stormwater Improvement</td>
<td>Install new line, manholes, inlets and other improvements to improve drainage at 6th Ave., 7th Ave. and Baker Street to the block north of City Hall. This project was changed from a negotiated contract with Burkhardt to a bid proposal which has been revised for submittal to the Council in May. With minor changes we are recommending to proceed with the construction.</td>
<td>10%</td>
<td>$1,285,012</td>
</tr>
<tr>
<td>7. Utility Easement Acquisition</td>
<td>Acquisition of utility easements for the future placement of utility lines to serve the east side water treatment plant is critical to future operations. The last easement was secured through the new owner of the property. COMPLETE.</td>
<td>100%</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>8. Construct Tremain Street Greenway</td>
<td>Coordinate construction of this DOT Enhancement grant project to modify the road surface to a multi-use lane and landscaped median Tremain Street has been converted into a one-way street and the contractor is concentrating on pouring the curb on the west side of the street.</td>
<td>45%</td>
<td>$373,571</td>
</tr>
<tr>
<td>9. CDBG Neighborhood Revitalization Grant</td>
<td>Upgrade water mains along portions of Lincoln Ave and Robie Avenue from US441 via this grant and initiate construction contract. Construction has been completed with the final inspection accomplished. All that is remaining are a few punch list items for completion.</td>
<td>98%</td>
<td>$825,000</td>
</tr>
<tr>
<td>10. Lincoln Ave. Trail Improvements</td>
<td>Coordinate construction of trail/sidewalk improvements from Tremain Street to Unser Street as part of “Safe Routes” project.</td>
<td>98%</td>
<td>$489,000 in DOT Grant</td>
</tr>
<tr>
<td>11. Bio-Solids Pilot Project</td>
<td>This is the companion portion to the above project and the sidewalk/trail is now complete. The punch list items are now done for this portion and we are submitting paperwork to close-out the grant. Design and Construct a Bio-Solids processing facility utilizing solar drying and pasteurization to reduce sludge handling costs and create a usable by-product. The authorization to proceed to final design and construction was given by Council on 3/18/14. We are currently finishing design and pre-planning operational impacts with the consultant.</td>
<td>15%</td>
<td>$928,104</td>
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<tr>
<td>12. Highland St. Public Works Complex</td>
<td>Repair roof and convert main building into Storage Facility. It has been determined that the poorly designed roof vents contributed to the moisture problems in the building. Design options are under review.</td>
<td>10%</td>
<td>$200,000</td>
</tr>
<tr>
<td>13. 8th Ave. Stormwater Imp.</td>
<td>Repair in-flow and discharge pipes. Staff has reworked this project to actually abandon the old line that ran down toward the football field. Instead we will divert to an adjacent structure and repair two smaller lines. The budget impact is a savings of over $250,000. Work has been finished. <strong>COMPLETE.</strong></td>
<td>100%</td>
<td>$42,000</td>
</tr>
<tr>
<td>14. Evans Park Improvements</td>
<td>Construct utility, electrical and service improvements to facilitate an entertainment venue site for this park area to serve the downtown. BESH has completed design and construction work began with City staff the end of February. The brick wall has been removed, 3-phase power installed, and demolition and work on Edgerton Court has commenced. Staff is working on the concrete pours now.</td>
<td>45%</td>
<td>$166,000</td>
</tr>
<tr>
<td>D. PARKS &amp; RECREATION OPERATIONAL SUPPORT</td>
<td>Initiate the formation of a Community Center Foundation to assist in advisory recommendations and support for funding and marketing of the facility.</td>
<td>40%</td>
<td>Operations</td>
</tr>
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<td></td>
<td>Clear Title for Cemetery Platting.</td>
<td>Implement legal processes and provide documentation to clear title for platting the second phase of the front section. We have verified 3 of 4 sections as having clear title to the City. The last is more difficult since clear documentation has yet to be verified. We are exploring legal options since the City has clearly operated the cemetery for decades.</td>
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<td></td>
<td>80% Operations</td>
<td></td>
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<tr>
<td>2. Clear Title for Cemetery Platting,</td>
<td>Review Fees for adjustment and establish a separate accounting for maintenance support which generates partial support. Staff has initiated research as to comparable fees for services to help fund long-term maintenance. We are currently competitive with other public rates. Operational options are being explored to allow dedicated maintenance appropriations.</td>
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<tr>
<td>3. Cemetery Maintenance Fund</td>
<td>30% Operations</td>
<td></td>
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<td></td>
<td>Analyze and recommend building facility measures designed to enhance safety and security yet provide adequate public access. Staff is researching less expensive alternatives and options to the more hardened security approach previously reviewed.</td>
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<tr>
<td>4. Review Building Security Measures</td>
<td>20% Operations</td>
<td></td>
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<td></td>
<td>Inventory and assess the needs of youth and adult recreational facilities and programs for phased strategy of improvement. Staff is accumulating data and examples to determine the scope of this assessment since it is not consultant supported. A sample survey is being prepared for distribution to other cities.</td>
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<tr>
<td>5. Recreational Needs &amp; Facility Assessment</td>
<td>20% Operations</td>
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<td></td>
<td>Review and coordinate with the other local agencies on service efficiencies through functional consolidation and coordination of services. Next phase to concentrate on formation of a public service corporation for fire services with Tavares.</td>
<td></td>
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<tr>
<td>E. POLICE/FIRE OPERATIONAL SUPPORT</td>
<td>Regional Operations</td>
<td></td>
<td></td>
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<tr>
<td>1. Participate in Regional Fire/EMS Coordination</td>
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<tr>
<td>2. <strong>Complete Pre-Fire Planning</strong></td>
<td>We have delayed the implementation of the Fire District until we have completed the Fire Assessment Fee Study. The attorneys have drafted Articles of Incorporation and By-Laws for the formation of a Fire District as a public corporation and not by legislative act. Due to the County’s insistence on closest unit response as part of ISBA negotiations, and the fact that our Fire Assessment Fee Study is just getting started with selection of a consultant, we have put this project on hold to get these items accomplished.</td>
<td>95%</td>
<td>Operations</td>
</tr>
<tr>
<td>3. <strong>Fire Service Grant Applications</strong></td>
<td>Conduct pre-fire planning for commercial structures and realign emergency service zones for response. All occupied business structures have been pre-fire planned. We are now concentrating on the vacant structures. In addition, we have re-organized our business inspections into zones for further control and efficiency.</td>
<td>95%</td>
<td>Operations</td>
</tr>
<tr>
<td>4. <strong>Internal Assessment for Organizational Efficiency.</strong></td>
<td>Prepare applications for water rescue boat ($40,000), SCBA harness and bottles upgrade ($112,000), fitness equipment &amp; training ($30,000), and Fire apparatus replacement ($400,000). All applications have been submitted and we are waiting on their response and decision. One additional grant we recently received was for smoke detector installation to which we installed 923 detectors in 235 homes.</td>
<td>50%</td>
<td>Operations</td>
</tr>
<tr>
<td>5. <strong>Deploy two K-9 service teams</strong></td>
<td>Review all police service functions and operations to maximize efficiency and effectiveness. The reviews of the Evidence Unit and the Records Unit have been completed. The result is that we need to address increased security measures for evidence and training for the clerks. In addition we have completed the audit of Animal Control.</td>
<td>50%</td>
<td>Operations</td>
</tr>
<tr>
<td>Project</td>
<td>Description</td>
<td>Status</td>
<td>Budget</td>
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<tr>
<td><strong>6. School Resource Officers</strong></td>
<td>Deployed them on duty to Patrol. The other team is expected to finish training in June.</td>
<td>40%</td>
<td>Operations</td>
</tr>
<tr>
<td><strong>7. Review fleet replacement schedules and program</strong></td>
<td>Analyze the impacts of different schedules on replacing the police vehicles in the budget. A fleet proposal was accepted by the Council on 3/4/14, and the cars have been ordered. The replacement was for 18 vehicles with a payment schedule spread over 4 years through 2017 at which time we will replace the rest of the fleet. <strong>COMPLETE.</strong></td>
<td>100%</td>
<td>Operations</td>
</tr>
<tr>
<td><strong>F. OTHER PROJECT</strong></td>
<td>During the year, Staff and Council may add projects and adjust our resources accordingly.</td>
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<tr>
<td><strong>1. Fire Assessment Fee Study</strong></td>
<td>Study alternative methods of financing fire operations. Staff is reviewing vendor qualifications and recent bids to determine consultant selection to begin this study.</td>
<td>10%</td>
<td>$40,000</td>
</tr>
<tr>
<td><strong>2. Lat-Stena Implementation</strong></td>
<td>Install pods for retrieval of media storage at the Library. With assistance from the Library Association, we initially purchased 20 Lat-Stena pods to automate the retrieval of CD’s, DVD’s, games, etc. Because it was so useful, we added another 10 pods. The pods are installed and in use. <strong>COMPLETE.</strong></td>
<td>100%</td>
<td>Operations</td>
</tr>
<tr>
<td><strong>3. Dorset Electrical Underground Repl.</strong></td>
<td>Replace existing underground system installed in 1991. New cable installed in conduit and our crew is</td>
<td>75%</td>
<td>$62,300</td>
</tr>
</tbody>
</table>
4. Utility Project Financing

Implement a Financing Plan for upcoming Utility Projects in the CIP such as Britt Rd. Extension, US441 Relocation of Utilities, Coverage on East Water Plant and Streetscapes, and Plant Improvements.

Have met with financing consultant to review bank note and bond options. We are reviewing options, but feel the note route may be more advantageous for us financially.

5. ICMA Professional Fellows Program

Coordinate the Fellowship exchange for two Public Officials from Indonesia to learn about American governance operations.

The two Fellows will visit May 10 – June 1, and we have established a schedule of activities and opportunities to experience our American governance and culture. Hosting will be done by the Mount Dora Cottages and some host families.

6. Fire Service Certifications

Obtain certifications and update of ratings for ISO (Insurance Service Org.), OMI (Orlando Medical Inst.) and AHA (American Heart Assn.) inspections.

We have completed our ISO assessment and believe we have at least maintained our 4 rating or possibly move up to a 3 on a scale of 1-10 with 1 being the absolute best in all aspects of fire and water supply. We have received an “exceeds expectations” qualification from OMI as a licensed training site for EMT’s and Paramedics. Likewise we will receive a review by AHA as a training site as well.

G. PROJECT PERFORMANCE

| 1. Total Projects: | 45 |
| 2. Significant Activity >20%: | 37 |
| 3. Projects Completed | 7 |
| 4. Projects Cancelled | 5 |
| 5. Projects Continued | |

| 4. Utility Project Financing | 15% | $7,500,000 |
| 5. ICMA Professional Fellows Program | 25% | $12,000 |
| 6. Fire Service Certifications | 80% | Operations |
DATE: May 6, 2014

TO: Mayor and City Council

FROM: Gus Gianikas, Planning & Development

VIA: Michael Quinn, City Manager

RE: Downtown Streetscapes - Donnelly Street Third Avenue to Charles Avenue Engineering, Design and Pre-Construction Services

Recommendation: The staff recommends approval of the attached agreement with BESH Engineering in the amount of $15,320 for engineering and other design services as described below for Donnelly St. between Third and Charles Aves. As with other downtown project work, this design work will be funded jointly through CRA, Electric, and Stormwater Funds.

Background/Information: The block of Donnelly Street between Third and Charles Avenue is not a part of the Phase 2 project area. Now that Edgerton Ct. is being constructed south of Charles Ave. it makes sense to also complete this gap. Adding this block to the project will address the issue of Edgerton Ct. stormwater by properly connecting the stormwater system at Donnelly St. and Third Ave. to Edgerton Ct.

The scope of work includes civil engineering for streets, sidewalks, stormwater facilities, electrical engineering for street lights and other outdoor electrical service, and landscape architecture for hardscape, landscape, and irrigation. The detailed scope of work for each design element is attached. When the engineering is complete, Burkhardt will determine the cost of the additional work.

The cost of this additional construction work can be partially funded by extra contingency money resulting from the removal of the intersection of Third Ave. and Baker St. from Phase 2. This intersection was originally included in the cost for Phase 2; however it did not make sense to do it at this time since much of it would have to be redone when Baker St. is done and it would have reduced access to the Baker St. parking which is critical to the traffic flow for Phase 2. The remainder of the funding will come from the existing project contingency.

Attachments: BESH Proposal
The services specified below are required in order to complete the above-referenced project, as requested by the City of Mount Dora. We have outlined each individual task that is required to complete this work. Your signature below will constitute approval of said Contract Addendum.

**ADDITIONAL SERVICES:**

**TASK 014  ADDITIONAL ENGINEERING DESIGN - DONNELLY STREET, 3RD AVE. TO R/R TRACKS**

As requested, BESH shall conduct final engineering design on the portion of Donnelly Street located between 3rd Avenue and the r/r tracks. This design shall include all streetscape improvements along this corridor. Also included in this task is the design of an extensive retaining wall system with stairs and an accessible ramp as necessitated by the roadway slope. This task also includes upgrades to the City’s stormwater system in this area, including multiple stormwater inlets on both sides of Donnelly Street. City utility design for this portion of the roadway has already been completed, so no permitting is included in this task.

**FEE: $4,950.00**

**TASK 015  ADDITIONAL PROJECT COORDINATION MEETINGS**

It is anticipated that BESH shall coordinate throughout the design process with the City’s Construction Manager at Risk. We anticipate meetings during design to coordinate design and construction related issues.

**FEE: $1,305.00**

**TASK 016  ADDITIONAL PROJECT SPECIFICATIONS & GMP REVIEW**

Services to include preparation of construction specification documents and preparation of revised project GMP evaluations with recommendations to the City. Services also include the pre-construction meeting with the Construction Manager at Risk and his subcontractors.

**FEE: $725.00**

**TASK 017  ADDITIONAL DESIGN - LANDSCAPE AND IRRIGATION**

Additional landscape and irrigation design for the above portion of roadway and r/w shall be provided by Michael Pape & Associates, Inc.

**FEE: $4,170.00**

**TASK 018  ADDITIONAL DESIGN - ELECTRICAL**

Additional electrical and lighting design for the above portion of roadway and r/w shall be provided by Electric Services, Inc.

**FEE: $4,170.00**
DATE: May 6, 2014

TO: Mayor and City Council

FROM: John Peters, Public Works & Utilities Director

VIA: Michael Quinn, City Manager

RE: Contract Approval for the 7th Avenue Storm water Project

**Recommendation:** Staff recommends that the contract for the 7th Avenue Storm Water Project be awarded to Masci Construction at a cost of $1,285,012.08 (adjusted bid price). There were 24 contractors that attended the mandatory pre-bid meeting and of those only three contractors submitted bids. The bids ranged from $1,441,214.96 to the high bid of $1,751,109.62.

**Budgetary Impact:** The funds for the City of Mount Dora’s 7th Avenue Storm Water Project will come from a Florida Department of Environmental Protection (FDEP) Grant, Lake County Water Authority (LCWA) Grant, and the City’s storm water fund. FDEP was contacted to determine if some portions of the project were dropped, whether the grant funds would be affected. FDEP responded that as long as the storm water storage system was not being reduced, the grant funds would not be reduced.

**References/Support:** N/A

**Background/Information:** The project consists of building an underground storm water storage unit in Donnelly Park and replacing small diameter storm water with larger pipes on several streets north of City Hall.

The project bids were higher than the engineer’s estimate by $110,000. The low bidder was asked to revise the bid amount by eliminating or reducing the following items:

1. Eliminated the inlets and piping on 5th Avenue – The Downtown Streetscape Project has been upgrading the storm water system and this water can be collected at the intersection of 5th Avenue and Donnelly Street instead.
2. Changed the underground storage system to a Contech System which achieves the same treatment storage volume at a lower price.
3. Eliminated the pipe lining on Hackett Street. This is a separate issue that can be done at a later date.
4. Eliminated the storm pipe and inlets on 9th Avenue. Eliminated due to budget constraints.
5. Eliminated half of the storm pipe and inlets on Tremain Street. The pipe would be installed up to the natural low spot in the road to maximize the storm water capture. The rest of the piping is no longer needed since the 9th Avenue section is eliminated.

These changes saved the project $156,202.88.

**Attachments:** See Purchasing Manager’s Bid Synopsis and Recommendation of Award
BID SYNOPSIS & RECOMMENDATION

FROM: John A. Bruce, CPPB, MBA – Purchasing & Property Manager

TO: Paul Ritter, Storm Water Manager
Paul Lahr, City Engineer
John Peters. Interim Public Works & Utilities Director

DATE: April 28, 2014

RE: City Bid# 14-05-001 – 7th Avenue Storm Water Improvements

OPENING DATE: March 20, 2014 @ 2:00 P.M.

PRESENT FOR THE OPENING:

CITY OF MOUNT DORA:

John A. Bruce – CPPB, MBA Purchasing & Property Manager
Stephen Moss, Procurement/Inventory Agent

CONTRACTORS:

Masci Construction, Inc.
Pospiech Contracting, Inc.
Commercial Industrial Corp.

DISCUSSION & BID TABULATION:

There were 24 Contractors that downloaded this Invitation via the internet at www.demandstar.com and the City’s Website. There was one (1) Addendum issued and a Mandatory Pre-Bid (17 potential bidders attended) was held for this Invitation to respond to Contractor questions. Numerous questions were directed at the Engineer of Record, AMEC Consulting Engineers. All questions were either answered at the Pre-Bid Meeting or through the Addendum that was issued a few days later.

There were 3 (three) timely submissions.

The pricing received for this project is as follows:
BID TABULATION

City of Mount Dora ITB# 14-05-001

7th Avenue Storm Water Improvements

<table>
<thead>
<tr>
<th>COMPANY NAME</th>
<th>ORIGINAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masci Corporation</td>
<td>$1,441,214.96</td>
</tr>
<tr>
<td>Pospiech Contracting, Inc.</td>
<td>$1,649,895.40</td>
</tr>
<tr>
<td>Commercial Industrial Corp.</td>
<td>$1,751,109.62</td>
</tr>
</tbody>
</table>

There are no Contractors that qualified for the Local Vendor Preference as stated in the 2014 Purchasing Policy Framework. Masci Corp. is the apparent low bidder for this Invitation.

The budget for this project was lower than the amounts indicated in this bid. The Scope of Work needed to be adjusted in order to for this project to move forward. The low bidder was asked whether or not they would adjust their amounts based on a reduction of the tasks associated with the Scope of Work. Masci has worked very diligently with the City of Mount Dora to bring their bid amounts in line with our budget for this project. The Scope of Work has been curtailed slightly so the project can move forward. The “Adjusted Bid Form” is attached (Exhibit I) to show the reduction in the Scope and bring the budget in line with the project costs.

PURCHASING RECOMMENDATION:

All items in Masci’s bid were checked for accuracy and also for proper execution per the bid specifications. All supporting documentation including references was provided by the Contractor. References were checked by the Purchasing Division and noted that previous work by this Contractor was completed in a timely manner with no change orders. Masci Corp. has completed projects for the City without any issues in the past.

It is the recommendation by Purchasing to proceed with the award to Masci Corp. pending City Council Approval.

Reviewed and Recommended:

[Signature]

John A. Bruce – CPPB, MBA
Purchasing & Property Manager
EXHIBIT 1

ADJUSTED BID FORM
FROM
CONTRACTOR
FORM 1

ADJUSTED BID FORM

(This form is submitted on behalf of the City of Mount Dora and the low bidder, Masci Corporation. The intent is to bring the City’s budget in line with the project construction costs. Certain items have been removed from the Invitation to Bid).

SUBMITTED: April 25, 2014

PROJECT IDENTIFICATION: CITY OF MOUNT DORA
7TH AVENUE STORM WATER PROJECT
BID NUMBER 14-05-001

NAME OF BIDDER: Masci Corporation

BUSINESS ADDRESS: 5752 S. Ridgewood Avenue
Port Orange, Florida 32127

PHONE NO.: 386.322.4500 FAX NO.: 386.322.4600

THIS BID IS SUBMITTED TO: City of Mount Dora, Florida (hereinafter called Owner) acting through its City Council.

1. The undersigned Bidder offers and agrees to enter into an Agreement with Owner in the form included in the Bidding Documents, to complete all work for the Contract Price and within the Contract Time, all in accordance with the Contract Documents.

2. Bidder accepts all of the terms and conditions of the Bidding Documents, including without limitation those dealing with the Owner's time for accepting for Bid and the disposition of Bid Bond.

3. In submitting this Bid, Bidder makes all representations required by the Instructions to Bidders and further warrants and represents that:

   Bidder has examined copies of all the Bidding Documents and of the following addenda:

   Addendum: 1 Dated: March 12, 2014
   Addendum: Dated: 
   Addendum: Dated: 
   Addendum: Dated: 

   (Receipt of all which is hereby acknowledged) and also copies of the Advertisement for Bids and the Instructions to Bidders.
Bidder has examined the site and locality where the Work is to be performed and the legal requirements (federal, state and local laws, ordinances, rules and regulations) and conditions affecting cost, degree of difficulty, progress or performance of the Work and has made such independent investigations as Bidder deems necessary.

This Bid is genuine and not made in the interest or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

Bidder hereby agrees if this Bid is accepted, to commence work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete all work of the Project within the Contract Time stipulated in the Agreement. Bidder further agrees to pay as liquidated damages the amount stated in the Agreement for each consecutive calendar day completion of the work is delayed.

Bidder submits the following lump sum and/or unit prices to perform all the Work as required by the Drawings and Specifications. All Bid Items shall include all materials, equipment, labor, permit fees, taxes, tests, miscellaneous costs of all types, overhead, and profit for the item to be complete, in place, and ready for operation in the manner contemplated by the Contract Documents.

SEE ATTACHED DRAWINGS WITH DELETED ITEMS AND DEDUCT

SUMMARY BASE BID: SCHEDULE OF VALUES WORKSHEET.

| Adjusted Lump Sum Total | $ 1,285,012.08 |

TOTAL BASE BID LUMP SUM PRICE

ONE MILLION TWO HUNDRED EIGHTY FIVE THOUSAND TWELVE DOLLARS AND

EIGHT/100.

(Use Words)

The following item is not part of the base bid and will be bid separately. The City may or may not purchase this item if the cost is too expensive. Please enter your bid for this item here.

The following documents are attached to and made a condition of this Bid:

- Bid Security (Surety bond or cashier’s check).
- Power of Attorney (for surety bond only).
- Non-Collusion Affidavit
- Corporate authority to execute Bid (for any corporate employee other than president or vice president).
Questionnaire

Subcontractor Listing

Drug Free Workplace

Evidence of Bidder’s Certification and License to perform the work.

The terms used in this Bid, which are defined in Article 1 of the General Conditions, shall have the meanings assigned to them in the General Conditions as amended by the Supplementary Conditions.

E. COMPLIANCE WITH FLORIDA TRENCH SAFETY ACT (90-96, LAWS OF FLORIDA)

Bidder hereby acknowledges that all costs for complying with the Florida Trench Safety Act (90-96, Laws of Florida) are included in the various items of the proposal and in the Total Bid Price. For informational purposes only, the Bidder is required to further identify these costs, to be summarized below:

<table>
<thead>
<tr>
<th>Trench Safety Measure Description</th>
<th>Units of Measure</th>
<th>Unit (Quantity)</th>
<th>Unit Cost</th>
<th>Extended Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A BOX</td>
<td>LF</td>
<td>5000.00</td>
<td>$5.00</td>
<td>$2500.00</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td></td>
<td></td>
<td>$2500.00</td>
<td></td>
</tr>
</tbody>
</table>

**THIS IS NOT A PAY ITEM.** The purpose of this form is to disclose information on the costs associated with trench safety measures and to insure that the Bidder has considered these costs and included them in the Bid Price. Contractor will not receive additional payment if actual quantities differ from those estimated above or if the Contractor uses a safety measure different than those listed.

Failure to complete the above may result in the Bid being declared non-responsive.

NAME OF BIDDER: **Masci Corporation**

If Bidder is: (ALL SIGNATORIES MUST HAVE THEIR NAME PRINTED OR TYPED BELOW THEIR SIGNATURE)

NAME OF BIDDER: **Masci Corporation**
Masci Corporation
(Corporation Name)

FLORIDA
(State of Incorporation)

By: LEONEL MASCI
(Name of Person Authorized to Sign)

PRESIDENT
(Title)

(Authorized Signature)

(Corporate Seal)

Attest
(Secretary)

Business Address: 5257 S. RIDGEWOOD AVE
                          Port Orange, FL 32127

Phone No.: 386-322-4500

Fax No.: 386-322-4600

E-Mail Address: LEOMASCI@MASCIEL.COM
## MASCI CORP - DEDUCT WORKSHEET

### EAST 5TH AVENUE & STORM VAULT

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>18&quot; RCP</td>
<td>216.00</td>
<td>$49.99</td>
<td>($10,797.84)</td>
</tr>
<tr>
<td>INLET P-5 (EA)</td>
<td>1.00</td>
<td>$2,990.00</td>
<td>($2,990.00)</td>
</tr>
<tr>
<td>INLET P-6 (EA)</td>
<td>1.00</td>
<td>$3,230.00</td>
<td>($3,230.00)</td>
</tr>
<tr>
<td>TYPE &quot;F&quot; DBI</td>
<td>1.00</td>
<td>$3,550.00</td>
<td>($3,550.00)</td>
</tr>
<tr>
<td>MANHOLE P-8 (&lt;10 FT)</td>
<td>1.00</td>
<td>$2,990.00</td>
<td>($2,990.00)</td>
</tr>
<tr>
<td>18&quot; PIPE LINING</td>
<td>380.00</td>
<td>$115.00</td>
<td>($43,700.00)</td>
</tr>
<tr>
<td>STORMTECH/STORM TANK MTL</td>
<td>1.00</td>
<td>$169,267.70</td>
<td>($169,267.70)</td>
</tr>
<tr>
<td>CONTECH MTL</td>
<td>1.00</td>
<td>$90,564.28</td>
<td>$90,564.28</td>
</tr>
<tr>
<td>6&quot; CONCRETE SLAB</td>
<td>800.00</td>
<td>$54.15</td>
<td>$43,320.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>($61,186.83)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>STONE REQUIRED</strong></td>
</tr>
<tr>
<td>CONTECH PIPE (CY)</td>
<td>907.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.35 TN/CY (TN)</td>
<td>1224.00</td>
<td>$28.89</td>
<td>$35,374.36</td>
</tr>
<tr>
<td>TRUCKING COST</td>
<td>1.00</td>
<td>$6,080.07</td>
<td>$6,080.07</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>($61,186.83)</strong></td>
</tr>
</tbody>
</table>

### EAST 9TH AVENUE

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>STABILIZATION TYPE &quot;B&quot; SY</td>
<td>164.00</td>
<td>$4.00</td>
<td>($656.00)</td>
</tr>
<tr>
<td>BASE OPTIONAL GROUP VI (SY)</td>
<td>164.00</td>
<td>$11.95</td>
<td>($1,959.80)</td>
</tr>
<tr>
<td>SUPERPAVE ASPHALTIC CONCRETE (TN)</td>
<td>54.00</td>
<td>$97.85</td>
<td>($5,283.90)</td>
</tr>
<tr>
<td>18&quot; RCP (LF)</td>
<td>107.00</td>
<td>$49.99</td>
<td>($5,348.93)</td>
</tr>
<tr>
<td>24&quot; RCP (LF)</td>
<td>353.00</td>
<td>$57.15</td>
<td>($20,173.95)</td>
</tr>
<tr>
<td>INLET P-5 (EA)</td>
<td>3.00</td>
<td>$2,990.00</td>
<td>($8,970.00)</td>
</tr>
<tr>
<td>INLET P-6 (EA)</td>
<td>3.00</td>
<td>$3,230.00</td>
<td>($9,690.00)</td>
</tr>
<tr>
<td>MANHOLE P-8 (&lt;10 FT)</td>
<td>1.00</td>
<td>$2,990.00</td>
<td>($2,990.00)</td>
</tr>
<tr>
<td>DESILTING EXISTING 18&quot; PIPE (LF)</td>
<td>380.00</td>
<td>$5.10</td>
<td>($1,174.20)</td>
</tr>
<tr>
<td>PIPE FILLING &amp; PLUGGING (12&quot;) EA</td>
<td>18.00</td>
<td>$11.50</td>
<td>($207.00)</td>
</tr>
<tr>
<td>PIPE FILLING &amp; PLUGGING (15&quot;) EA</td>
<td>503.00</td>
<td>$11.50</td>
<td>($5,784.50)</td>
</tr>
<tr>
<td>CONCRETE CURB (TYPE D) (LF)</td>
<td>560.00</td>
<td>$12.90</td>
<td>($7,224.00)</td>
</tr>
<tr>
<td>THERMOPLASTIC, STD, WHITE SOLID, 24&quot; (LF)</td>
<td>24.00</td>
<td>$9.00</td>
<td>($216.00)</td>
</tr>
<tr>
<td>THERMOPLASTIC, STD, YELLOW SOLID, 6&quot; (LF)</td>
<td>200.00</td>
<td>$1.65</td>
<td>($330.00)</td>
</tr>
<tr>
<td>THERMOPLASTIC, STD, YELLOW SKIP, 6&quot; (LF)</td>
<td>360.00</td>
<td>$1.45</td>
<td>($522.00)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>TOTAL CONTRACT DEDUCTIONS</strong> ($156,202.88)</td>
</tr>
</tbody>
</table>

| STABILIZATION TYPE "B" SY              | 79.00 | $4.00      | ($316.00)   |
| BASE OPTIONAL GROUP VI (SY)            | 156.00| $11.95     | ($1,864.20) |
| SUPERPAVE ASPHALTIC CONCRETE (TN)      | 12.00 | $97.85     | ($1,174.20) |
| 24" RCP (LF)                           | 199.00| $57.15     | ($11,372.85)|
| MANHOLE P-8 (<10 FT)                   | 1.00  | 2990       | ($2,990.00) |
|                                         |       |            | **($17,712.38)** |

**MASCI ORIGINAL BID AMOUNT**

$ 1,441,214.96

**LESS CONTRACT DEDUCTIONS**

($156,202.88)

**ADJUSTED BID AMOUNT**

$ 1,285,012.08
X = DELETED WORK
DATE: May 6, 2014
TO: Mayor and City Council
FROM: John Peters, Interim Public Works Director
VIA: Michael Quinn, City Manager
RE: 8th Avenue Retention Pond Repair Project – Change Orders

Recommendation: Staff recommends approval of two change orders for 8th Avenue Retention Pond Repair Project.

Budgetary Impact: The project was originally budgeted for $300,000. Design changes made it possible to bid the project out for $36,973.50. The additional change orders for $4,745.00 increase the total cost of the project to $41,718.50.

References/Support: N/A

Background Information:

The 8th Avenue Retention Pond Repair Project has been completed. During construction two change orders were presented. The first change order (Invoice #MD 1402) was for work requested by the City to remove the accumulated growth of trees and shrubs in the pond. This change order was for $2,270.00. The second change order (Invoice #MD1403) came while repairing the broken pipeline next to the High School track & field. The work crew encountered unknown drains and excessive ground water. They were required to rent sheet steel for bank retention and spend additional time making the needed repairs. That change order was for $2,475.00.

Attachments: Invoice Change order MD 1402 & MD 1403
INVOICE:

TO: City of Mount Dora

INVOICE #: MD 1402

DATE: April 21, 2014

PROJECT: Mount Dora 8th Ave. retention pond clearing

Work completed: Clearing of retention pond

<table>
<thead>
<tr>
<th>ITEM:</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization of skid steer and grapple</td>
<td>1.00</td>
<td>l.s.</td>
<td>270.00</td>
<td>270.00</td>
</tr>
<tr>
<td>Crew with truck, excavator and skid steer with grapple</td>
<td>1.00</td>
<td>day</td>
<td>2,000.00</td>
<td>2,000.00</td>
</tr>
</tbody>
</table>

Total invoice: $2,270.00

Thank you
INVOICE:

TO: City of Mount Dora

INVOICE #: MD 1403

DATE: April 24, 2014

PROJECT: Mount Dora 8th Avenue pipeline repair

Work completed: Additional crew cost including steel sheeting. This was necessary because two unknown underdrain systems and one 30" Aluminum Corrugated Pipe impacted our ability to perform our work. We had to install steel sheeting and we lost several days of crew time.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crew cost including steel sheeting</td>
<td>1.00</td>
<td>lbs</td>
<td>2,475.00</td>
<td>2,475.00</td>
</tr>
<tr>
<td>Total invoice:</td>
<td></td>
<td></td>
<td></td>
<td>$2,475.00</td>
</tr>
</tbody>
</table>

Thank you
DATE: May 6, 2014
TO: Mayor and City Council
FROM: Mike Sheppard, Finance Director
VIA: Michael Quinn, City Manager
RE: Fire and Street Assessment Fee Study

Recommendation:

Due to previous relationships with Government Services Group, Inc. (GSG) and their extensive knowledge of the subject matter staff recommends the City Council approve the award of the Fire Assessment Fee and Street Light Assessment Fee quotes to GSG. The City sent quote requests to three known providers of the service. Burton and Associates sent a letter of No-Bid. Both GSG and Tindale Oliver and Associates provided bids of $35,000 and $34,500 respectively.

Budgetary Impact:

The FY 2013-14 Budget set aside $40,000 for a Fire Assessment Fee study in account (001-2004-522-34-00) and $15,000 for a Street Light Assessment Fee study in account (001-4105-541-34-00).

Background:

The City has discussed previously the use of specialized contractors to develop a study for the possible implementation of a Fire Assessment Fee and a Street Light Assessment Fee. This motion was unanimously passed at a meeting conducted on July 9, 2103.

Benefits of the Fire Assessments Fee

During Fiscal Year 9-30-2007 the taxable property values was $888,374,815. For the current fiscal year the taxable value is $846,434,428. At the peak the value reached $1,072,536,796 in 2008 and went down each year until the current year when we had our first increase of 1.50%. Even with the increase we are still below the 2007 taxable values.

The Florida Constitution was amended effective January 1, 1995 (FS193.155-1) to limit annual increases in assessed property value with homestead exemptions to the lower of 3% or the change in Consumer Price Index. In 2009 the cap limit on non-homestead property assessments was set at 10% (FS193.1554-3). Both addressed spiraling inflation which previously occurred. The loss in value experience was real and reflected
in the assessed value. Even if inflation were to outstrip the 3% cap the final assessed value would be limited to the 3%.

In 2008 the Florida legislature placed an amendment on the ballot via a special session which was subsequently passed by the voters. This created an additional $25,000 exemption for homeowners, which applies to property values between $50,000 and $75,000. The exemption applied to both the county and municipal entities.

While the intent was to protect the homeowner the State did not address the loss in revenue funding which occurred. The combination of the law and the economy hit both the City and County hard. Both the State and the County pass responsibility down to the lowest levels of government.

The Fire Assessment Fee is an opportunity to diversify our revenue base to a service cost rather than a property cost. The fee would strengthen our ability to provide quality services by diverting previous public safety cost to programs which will solidify and further define what Mount Dora has become. The development of recreational and cultural events can be improved and expanded. Funding for the annual maintenance of facilities can be enhanced to preserve the quality of the facility as well as the quality of life to the citizens of the City.

Revenue in the General Fund from ad valorem taxes represents 34.6%, while public safety represents 58.2% of the expenditures. The general fund’s share for the fire department represents 19.7% or $,2321,300, of the total cost. This demonstrates that ad valorem taxes alone will not cover the cost of public safety. Currently revenues associated with fire protection are less than 0.2%. Part of the departmental cost cannot be recovered under this program.

Factors which are used in the development of the fee are:

- Fire Suppression
- Fire Prevention
- Fire/Building Inspections
- First Response Medical Services may provide a special benefit to property

These were identified by the 4th District Court of Appeals (GSG Gainesville Report pg.7) (EMS does not qualify)

The City will need to go through the process of allocating the above cost in order to provide the information to the consultant.

Assumptions used to support the fee include but are not limited to:

- Fire service facilities and programs have a relationship to the use and enjoyment of property. The integrity and value of the improvements are supported by insurance ratings.
- The availability as well as the ability to maintain a comprehensive fire service strengthens the nexus of the service to the enjoyment of such property.
- Size of buildings determines the greater potential for fires and the need for fire flows.
- The combustible contents within a building reflect on the potential for fires and the need for fire flows.

**Benefits of Street Light Assessments Fee**

Street lighting is important to the community as a whole. Lighting provides protection of people and property within communities as well as along major thoroughfares. At night the overhead lights augment the lights emitted from vehicle head lights improving visibility, reducing the risk of accidents as well as the
severity. Street lighting is an investment in the community which improves pride, community cohesiveness and informal social control.

Currently the City pays approximately $238,000 annually for street lighting and traffic signals. The purpose of the expenditure is to reduce fatalities, reduce criminal activity, and prevent damage to persons & property.

The study will develop a means to assess the groups most affected by the use of the street lights. Commercial users would be more responsible for the thoroughfares while residential users would be responsible for the safety and well-being of communities.

The program would provide for the cost of lighting, as well as the annual repairs and maintenance to the lighting system. Over time the program could incorporate a distinct look and feel to the lighting structure which would represent the City of Mount Dora.

Summary

We live in communities for a multitude of reasons. Each has the same basic needs and desires. The challenge similar to a homeowners association is how to effectively we pay for the services. Over the years cities have had services delegated downward from senior governments. The ability to generate proper revenues to sustain and maintain the current standards has deteriorated. Revenue diversification allows an opportunity to effectively distribute the cost to those who utilize and enjoy the service.

Individually it is difficult to apply change: however, when a collective effort is made accomplishments can be measured.

Attachments:
GSG Fire Assessment Proposal
GSG Street Light Assessment Proposal
Tindale-Oliver Proposal
Burton & Associates No-Bid Quote
City of Mount Dora

Study – Fire Assessment Fee

Thursday, April 17, 2014

Presented by:
Camille P. Tharpe, Senior Vice President
Government Services Group, Inc.
CTharpe@govserv.com

COPY

City Council Agenda Packet - May 6, 2014

1500 Mahan Drive, Suite 250
Tallahassee, Florida 32308

T 850-681-3717
F 850-224-7206
Page 91 of 151
LETTER OF INTEREST

April 17, 2014

Via Federal Express

Mike Sheppard
Finance Director
City of Mount Dora
510 N. Baker St,
Mount Dora, FL 32757

RE: City of Mount Dora – Fire Assessment Fee Development Proposal

Dear Mr. Sheppard:

This correspondence is written to present a scope of services for Government Services Group, Inc. (GSG) to provide professional services and specialized assistance to the City of Mount Dora (City) and its staff with the development of a fire assessment program for Fiscal Year 2014-15. We understand that the City may decide to implement the assessment program in Fiscal Year 2014-15 or Fiscal Year 2015-16 using the Uniform Method of collection. GSG stands ready to assist in implementation in either fiscal year.

GSG is the leader in the State for the development and implementation of fire special assessment programs. GSG has developed and implemented more fire special assessment programs in Florida than any other consulting firm. Our approach to special assessment programs has been developed over a 16-year period through numerous projects involving many different Florida local governments. This not only reflects upon our experience on similar projects, but also lends great credibility to our recommendations. In fact, GSG has been designated by the courts to be an expert in the development of special assessments and capable of providing competent, substantial evidence to support the case law requirements for using special assessments to fund the provision of fire and other services.

In addition, GSG worked with the City on successfully creating the Dogwood Mountain Reserve Local Improvement Area to use special assessments to fund certain improvements to the stormwater drainage system of the Dogwood Mountain Reserve subdivision. The assessments against the property within the Dogwood Mountain Reserve Local Improvement Area are being collected on the ad valorem tax bill as authorized by Section 197.3632, Florida Statutes over a period of 15 years, commencing with the tax bill mailed in November 2013.

The City’s scope of services requests the responder’s recommendation regarding the proper apportionment methodology to be used in developing the fee structure. The City describes the “Calls for Services” approach, more appropriately named the “Benefit-Based” approach, as “more antiquated” with the fire calls varying greatly from year to year and the “Ready for Service” approach, more appropriately named the “Value-Based” approach, as a “logical choice” since it represents a truer recovery of cost associated with the fire services. As GSG possesses the most
extensive experience in the development, implementation and defense of fire special assessment programs in the State, we have created the following matrix that provides the pros and cons of the “Benefit-Based” approach versus the “Value-Based” approach.

<table>
<thead>
<tr>
<th>BENEFIT BASED PROS</th>
<th>VALUE BASED CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court approved by 4th District Court of Appeals</td>
<td>✓</td>
</tr>
<tr>
<td>Florida Supreme has ruled that methodology based on assessed value was actually a tax as opposed to an assessment</td>
<td>X</td>
</tr>
<tr>
<td>Only recently approved at Circuit Court level for each individual jurisdiction through bond validation process</td>
<td>X</td>
</tr>
<tr>
<td>Additional unnecessary costs for bond validation</td>
<td>X</td>
</tr>
<tr>
<td>No requirement for bond validation proceedings</td>
<td>✓</td>
</tr>
<tr>
<td>Bond validation only applies to portion of budget that is pledged for debt service and not for operating costs</td>
<td>X</td>
</tr>
<tr>
<td>Logical relationship between methodology and cost of services to properties</td>
<td>✓</td>
</tr>
<tr>
<td>No relationship between the value of the property and cost of service</td>
<td>X</td>
</tr>
<tr>
<td>Provides a unit cost for the services being provided</td>
<td>✓</td>
</tr>
<tr>
<td>Claims that the cost of readiness to serve a Big Box store is the same as the cost to serve a mobile home, vacant lot, etc.</td>
<td>X</td>
</tr>
<tr>
<td>Claims that the fire at a Big Box store should receive the same response as a vacant lot in a residential neighborhood</td>
<td>X</td>
</tr>
<tr>
<td>Claims that two identical houses with the same construction and size should pay differently because the value of the house is dictated by their location and the market value of their neighborhood</td>
<td>X</td>
</tr>
<tr>
<td>Emphasis is on transparency as methodology ties benefit to historical demand for services</td>
<td>✓</td>
</tr>
<tr>
<td>Emphasis is on the value of the property which is not related to the cost of services provided to property categories</td>
<td>X</td>
</tr>
<tr>
<td>Only needs to be updated every 3 - 5 years</td>
<td>✓</td>
</tr>
<tr>
<td>Will need to be updated annually as values are updated by Property Appraiser</td>
<td>X</td>
</tr>
<tr>
<td>Proven record of being capable of being collected on the tax bill</td>
<td>✓</td>
</tr>
<tr>
<td>Historically has used separate bill due to issues with tax bill collection method and this methodology</td>
<td>X</td>
</tr>
</tbody>
</table>
In short, because of GSG's special assessment experience over 16 years - working with cities with populations ranging from less than 1,000 people to cities with populations greater than 400,000 people - and our unique relationship with the Florida Fire Chief's Association and its members with their extensive fire services delivery expertise, we find no legal, political or factual basis to support the Value-Based methodology at this time.

We believe that the combination of our historical experience and the qualifications of our personnel allow GSG to better develop solution-based strategies that are specifically tailored to successfully address the specific financial, operational, and governance problems faced by local government. As such, GSG believes that our firm brings together the best options, alternatives and innovative solutions in special assessment program capabilities.

We understand that the objective of this project is to develop the fire assessments based on public policy established by the City within the constraints of readily available data and legal precedent. To fulfill this objective, we will provide the following:

1. Specialized services that assist the City in developing a legally defensible method of apportioning the assessments;
2. An Assessment Memorandum which includes (a) the assessment cost calculations, and (b) the description of the apportionment methodology;
3. Billing algorithms necessary to calculate the fire assessments pursuant to the proposed methodology; and
4. The final fire assessment rates.

The proposed scope of services and fees includes those tasks associated with the development of preliminary assessment rates and presenting an Assessment Memorandum. Should the City decide to move forward with implementation, GSG would also be available to assist the City with the necessary implementation steps to impose the assessment and collect the assessment on the ad valorem tax bill.

We appreciate the opportunity to work with the City of Mount Dora on this very important project. If you have any questions, please feel free to contact me at ctharpe@govserv.com or (850) 681-3717.

Sincerely,

Camille P. Tharpe
Senior Vice President
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Experience and Expertise

Government Services Group, Inc. (GSG) is a stock corporation with offices in Tallahassee, Orlando, and Miami, Florida. GSG has 48 full-time employees: 4 executives, 33 professional personnel, and 11 administrative support personnel. GSG has been in business and providing the type of services requested in the RFQ for over 16 years. The work effort outlined in this response will be conducted from our Tallahassee office located at 1500 Mahan Drive, Suite 250, Tallahassee, Florida. The telephone number is 850-681-3717. The primary person responsible for this project will be Camille Tharpe, Senior Vice President of GSG.

GSG earned a reputation throughout Florida and the Southeast as a leader in the development, implementation, and administration of special assessment programs. Our unique models have helped more than 150 local governments fund a wide array of service and capital programs, such as:

- Fire/Rescue
- Solid waste
- Stormwater
- Potable water and sewer
- Wastewater
- Street Lighting
- Beach renourishment
- Service cost recovery
- Neighborhood improvements
- Transportation infrastructure
- Economic development
- Capital improvements planning and finance
- Critical infrastructure improvements

To illustrate the extent of GSG’s ability to produce implementable solutions within project timeframes, over the past five years GSG, on average, has provided the data analyses and assessment roll development for over 1.1 million parcels, generating over $111 million dollars of revenue annually for our clients.

Further, GSG’s experience means that we can successfully estimate the time required to perform the necessary tasks outlined in our scope of work and will commit to a professional services fee negotiated as a result of this response. Our extensive experience means that the City will not pay for any “learning curve” associated with this project, as GSG has successfully completed similar work plans for over 150 clients.
**GSG** has been responsible for developing and implementing special assessment programs for approximately 89% of our clients. The reason we have had such a good success rate is because of some of the strategies used and tools we have developed over the years. Some of the strategies include:

- Finalizing each project’s scope of work before project initiation which will include all tasks needed to accomplish the goals and objectives of our clients. **We know what it takes to get the job done; we don’t expect the client to know.**
- Negotiate a lump sum fee arrangement based on the project’s scope of work to ensure that there are **no hidden costs to our clients.**
- Conduct a kick-off meeting with the client to discuss the project details.
- Prepare a detailed Critical Events Schedule that outlines pertinent deliverables and project timelines.
- Conduct regular project status meetings.
- Obtain a comprehensive understanding of the client’s goals and objectives.
- Provide drafts for review and input.
- Provide various scenarios with illustrations of their impact to property owners.
- Brief elected officials.
- Provide quality control throughout the project.
- Provide overall project management services throughout the project.
- Maintain flexibility in working with the client to achieve the best results.
- Provide sound, reasoned advice and recommendations based on experience.

Our approach, which has been developed over a 16-year period, was garnered through numerous similar projects involving over 150 Florida cities and counties. This not only reflects upon our vast experience on similar projects, but also lends great credibility to our recommendations to City staff, elected officials and the public. In fact, **GSG** has been designated by the Courts as an expert witness in the development of special assessments (specifically fire assessments) and as such we are capable of providing competent, substantial evidence to support the case law requirements for using special assessments to fund the provision of fire services provided by the City. Being acknowledged by the Courts as experts in developing and defending special assessments, we are able to work with our clients to create an apportionment methodology that meets their specific goals while also satisfying case law requirements. In other words, we use the flexibility provided by the courts to assist our clients in meeting their objectives with an eye on potential legal challenges in an attempt to maximize both the efficiency and the effectiveness of any defense.

Our team of project managers, consultants and database analysts/programmers are vastly experienced in evaluating the unique and dynamic characteristics associated with local government and providing options for funding of vital services and capital infrastructure. We believe that the combination of our historical experience and the qualifications of our personnel allow **GSG** to better develop solution-based strategies that are specifically tailored to successfully address the specific financial, operational, and governance problems faced by local government. As such, **GSG** believes that our firm brings together the best options, alternatives and innovative solutions in revenue enhancement capabilities.
GSG is comprised of three major divisions: Government Services Division, Municipal Services Division, and Community Services Division. The Government Services Division will serve as the primary division providing the requested and required services outlined in this proposal.

Our Structure

GSG provides critical services across all divisions

Water, Stormwater & Wastewater | Grants Management | Community Development
Fire Assessment | Revenue Enhancement | Program Administration

Water, Stormwater & Wastewater
- Water, Stormwater & Wastewater Management
- Capital Program Management
- Governance Solutions
- Service Delivery Alternatives
- Water/Wastewater Assessments
- Stormwater Assessments

Grants Management
- Disaster Recovery
- Infrastructure
- Economic Development
- Commercial Revitalization
- Neighborhood Revitalization
- Housing Rehabilitation

Community Development
- Construction Management
- Eligibility Certification
- Inspection Services
- Environmental Review
- Contractor Management
- Davis Bacon Labor Standards
- Capital Project Funding

Revenue Enhancement
- Financial Monitoring & Management
- Funding Strategies
- Capital Project Funding
- Road Assessments
- Solid Waste Assessments

Fire Services
- Fire Assessments
- EMS Tax Assessments
- Service Delivery Analysis
- Governance Solutions

Program Administration
- Contract Compliance
- Contract Management
- Technical Oversight
- Service Delivery Alternatives
Government Services Division

This division is responsible for assisting cities, counties, state agencies and special districts with the development of alternative revenue programs, identification of enhanced revenue opportunities, and overall evaluation and long-term planning of financial growth. GSG has been instrumental in this area, working with numerous cities and counties within the state of Florida to develop alternative means of funding local government services, ranging from tax roll assessments to impact fee programs to user-based fees to downtown redevelopment tax increment financing. Over the past 16 years, GSG has been involved in the development and implementation of over 90 fire assessment programs. In fact, our performance and expertise in this area is best illustrated by the fact that we have been honored with one of the highest recognitions possible by the Florida Fire Chiefs Association; we have been given preferred provider status by the Association to its membership.

In addition to identifying additional funding sources in this practice area, GSG has been regularly asked to maintain and privatize many of the functions previously performed by cities and counties in revenue management and collection. Specifically, GSG maintains over 65 assessment databases for clients on an annual basis. We also assist our clients with preparing and certifying annual assessment rolls for the tax collector.

This practice area also works with cities and counties in creating funding concepts, including the use of special assessment programs, for the funding of infrastructure needs for communities. These projects include capital facilities, water, sewer, stormwater, transportation, neighborhood improvements and street lighting. GSG has worked with over 150 cities and counties on over 250 assessment studies to create some of the most unique funding scenarios currently utilized.

Special Assessment Experience

GSG created some of the first assessment programs in the State and has assisted in writing the law for special assessments. Our approach to special assessment programs has been developed over a 16-year period through numerous projects involving many different Florida local governments. This not only reflects upon our experience on similar projects, but also lends great credibility to our recommendations. In fact, GSG has been designated by the Courts to be an expert in the development of special assessments and capable of providing competent, substantial evidence to support the case law requirements for using special assessments to fund the provision of fire rescue and other services.

GSG is a full-service consulting firm that assists its clients throughout the entire process of the special assessment program. We take the time to get to know our clients and understand their needs prior to starting a project. We conduct a thorough analysis of the call data, parcel level data, services provided, financial data, legal documents and all other pertinent information. We then work with our clients and guide them through the process to ensure a successful outcome. Approximately 89% of our clients have successfully implemented special assessment programs, with GSG's assistance. GSG's achievement in assisting our clients successfully implement special assessment programs is because of the various tools and strategies we have developed over the years.
**GSG** realizes that one size does not fit all when it comes to special assessment programs. Because of our experience and understanding of the legal requirements for special assessments, as acknowledged by the Courts, we have the ability to work with our clients to create unique and innovative apportionment methodologies that meets our clients' specific goals and satisfies case law requirements. In other words, we use the flexibility provided by the courts to assist our clients in meeting their objectives with an eye on potential legal challenges in an attempt to maximize both the efficiency and the effectiveness of any defense.

While nobody likes to think about being sued, hiring a firm that has proven to be successful in defending the special assessment programs they develop provides a level of comfort that is unsurpassed. This is one of the reasons **GSG** is the leader in development, implementation and administration of special assessment programs. We have a proven track record of creating and implementing legally defensible special assessment programs.

**GSG** is recognized as an expert in the field of special assessment development and implementation. The following associations have asked **GSG** to participate in training events, regional and statewide workshops and conferences: the Florida Association of Counties (FAC), the Florida City and County Management Association (FCCMA), the Florida Government Finance Officers Association (FGFOA), the Florida League of Cities (FLC) and the Florida Fire Chiefs Association (FFCA). **GSG** is also a supporter and sponsor with these associations in their conferences and educational endeavors.

**GSG** stands apart from all other consulting firms who may submit responses to the City's RFP with regards to the firm's knowledge and experience in developing fire services apportionment methodologies.

- **GSG** pioneered the development and implementation of the “Traditional” methodology in 1995 and created the “gold standard” apportionment methodology for fire rescue assessment programs in the State. The methodology developed for these programs was based upon the historical demand for fire rescue services by analyzing fire rescue call incident data. This approach is currently employed by the City and is widely used across the State as the standard methodology for fire rescue special assessments. In the past 15 years, **GSG** has been involved in the development and implementation of over 90 fire assessment programs using the “Traditional” methodology.

- **GSG** also created an “Enhanced” methodology as an alternative methodology option that could be used by the City. The “Enhanced” methodology is based upon National Fire Protection Agency standards and accounts for the varying degrees of risk for each building within the jurisdiction based upon the quantity and potential combustibility of the building's contents, the use of the building, the size of the structure, the availability of any on-site fire mitigation measures and the fire department’s established response protocols. **GSG** assisted in the successful implementation of the “Enhanced” methodology in the City of Gainesville in 2010 and City of Ocoee in 2013.
Court Acknowledged Expert In The Area of Special Assessments

**GSG** has been designated by the Courts as an expert in the development of special assessment programs. Camille Tharpe, **GSG**'s Senior Vice President, has testified on numerous occasions as an expert witness and defended the apportionment methodology and rationale utilized by local governmental agencies for their special assessment programs. The most recent case Ms. Tharpe testified in was Desiderio Corporation, et al. vs. The City of Boynton Beach, Florida, et al., 39 So.3d 487 (Fla. 4th DCA 2010).

In Desiderio the Appellants attacked the City’s fire special assessment program on the following grounds:

1. The assessment was for services that did not specifically benefit the burdened properties;
2. The City’s apportionment methodology was arbitrary; and
3. The City impermissibly spent the assessment funds on unauthorized services and capital projects.

Based on evidence and testimony provided by **GSG**, the Fourth DCA affirmed the final judgment in favor of the City as to each argument. The Courts determined that because of the thorough analysis conducted by **GSG** and our understanding of the call data, parcel level data, budget and operations of the City’s fire department, it was satisfied that the fire rescue special assessment developed by **GSG** and implemented by the City met all of the case law criteria.

**Data Management Services**

**GSG** maintains full-time staff dedicated to providing technical support and creating specialized solutions directly for outside clientele, including various municipalities, counties, special districts, and local government entities. **GSG** provides data management services for over 65 programs statewide in the revenue management and reimbursement practice area. **GSG** also currently offers customized, online browser-based data services and program tools for clients throughout the state of Florida.

**Recognized As An Expert In Special Assessment Database Development and Certification**

**GSG** has developed and maintained extensive relationships with the County Property Appraisers and Tax Collectors involved in our clients’ special assessment programs. **GSG** is recognized as a firm that understands the responsibilities and procedures of these Constitutional offices and as a result, can effectively utilize the ad valorem tax roll data required for the development of the special assessment programs. We can provide references from County Property Appraisers and Tax Collectors who will attest to our expertise. Due to the combination of our highly specialized and experienced database analysts and our familiarity with the data, no other firm can match the quality of our data analysis.

As a matter of fact, based on recommendations by Property Appraisers, Tax Collectors and their vendors, in 2009 **GSG** was contacted by the Florida Department of Revenue (FDOR) to assist with the design of the record layout for non-ad valorem assessment record keeping by the FDOR. **GSG** is the only special assessment consulting firm that the FDOR contacted for input.
References

We have provided information about specific projects that are similar to services requested by the City. In all cases, Camille Tharpe has served as the Project Director or Project Manager for these projects. The following are client references for fire rescue special assessment projects GSG has recently completed. The City may contact any of these clients for references.

CITRUS COUNTY FIRE ASSESSMENT PROGRAM

Contact: Brad Thorpe, County Administrator
110 N. Apopka Avenue, 2nd Floor
Inverness, Florida 34450
E-Mail: brad.thorpe@bocc.citrus.fl.us
Phone: (352) 341-6560

Contact: Jim Goodworth, Fire Chief
285 S. Kensington Avenue
Lecanto, FL 34461
E-mail: jgoodworth@sheriffcitrus.org
Phone: (352) 341-2155

GSG was retained by Citrus County in February, 2013 to provide specialized services in the development and implementation of a non-ad valorem assessment program to fund fire services within the unincorporated area of the County that would be collected on the tax bill beginning Fiscal Year 2013-14. The County’s objective was to conduct the study and implement the fire assessment prior to budget workshops and setting the preliminary millage in July. Even though this was an aggressive schedule, GSG was able to meeting the County’s deadlines – presenting the assessment methodology and rate scenarios at a workshop in early May, 2013; assisting with adoption of an assessment ordinance and initial assessment resolution in June, 2013, mailing over 139,000 first class notices to affected property owners on behalf of the County in early July, 2013, and assisting with adoption of the final assessment resolution (final rates) on July 23, 2013. GSG provided guidance throughout the implementation process including training of staff for the customer service phone lines and assistance with fielding property owner’s inquiries. GSG also assisted County staff with processing the hardship exemption and mobile home/RV park vacancy credit applications. The final fire assessment roll was certified to the Tax Collector and the fire assessment was collected on the November 2013 tax bill.
CITY OF OCOCHEE FIRE ASSESSMENT PROGRAM

Contact: Rob Frank, City Manager  
City of Ocoee  
150 Lakeshore Drive  
Ocoee, Florida 34761
E-mail: rfrank@ci.ocoee.fl.us  
Phone: (407) 905-3100

GSG was engaged by the City of Ocoee (City) in 2013 to assist the City in the development and implementation of a fire assessment program using the enhanced assessment methodology created by GSG. The enhanced methodology is based on a common index to compare fire flow requirements for each building within the City boundaries and uses the relationships established in NFPA 1142 for determining the required amount of fire flow to fight a fire based upon occupancy hazard classifications and building area calculated in square foot increments of building improvements. The methodology provides a reasonable estimation of the costs of the fire fighters, apparatus, equipment, services, facilities and programs the City must have available to serve each building and these firefighting resources are directly funded by the fire assessment. In addition, GSG designed a program that provided several rate scenarios to reflect different funding levels from the fire assessments.

The fire assessment program using the enhanced methodology was adopted by the City in September 2013 to fund Fiscal Year 2013-14.

CITY OF GAINESVILLE FIRE ASSESSMENT PROGRAM

Contact: Paul Folkers, Assistant City Manager  
City of Gainesville  
200 E. University Avenue  
Gainesville, FL 32601
E-mail: folkerspe@cityofgainesville.org  
Phone: (352) 334-5010

GSG was originally engaged by the City of Gainesville (City) in 2008 to assist the City in the development and implementation of a fire assessment program because of GSG’s success in the development and implementation of the City of Tallahassee’s fire assessment program in 1998. Since both Tallahassee and Gainesville house large State universities in their boundaries, Gainesville was especially interested in “piggy-backing” the methodology and approach used in Tallahassee through GSG’s expertise. However, the City of Gainesville did not adopt the final assessment resolution in 2008 to implement the assessment program due primarily to issues related to policy decisions to charge institutional, tax-exempt properties such as religious and non-profit properties.

In 2010, GSG was again engaged to assist the City in the development of a fire assessment program that would address the minor issues raised in 2008 and accordingly decided to develop and implement an enhanced assessment methodology developed by GSG and based on a common index to compare fire flow requirements for each building within the City boundaries.
**GSG** worked with the City on all identified issues associated with the original assessment program and the enhanced assessment methodology. **GSG** designed a program that addressed the university issues, institutional tax-exempt properties and property owners with financial hardships. **GSG** also provided several rate scenarios to reflect different funding levels from the fire assessments.

The fire assessment program was implemented in July 2010; the vote to implement the assessment program was unanimous (7-0), but the funding level of 50% was imposed by a vote of 5-2 commissioners.

In July 2010, **GSG** assisted the City in the certification of the fire assessment roll in conformance with Chapter 197, Florida Statutes and provided assistance to City staff in the final close-out of the initial year of imposition. Since inception, **GSG** has been retained by the City to provide annual maintenance services and **GSG** has been retained to update the City's existing fire assessment program for Fiscal Year 2014-15.

**CITY OF CORAL GABLES FIRE RESCUE ASSESSMENT PROGRAM**

**Contact:** Patrick G. Salerno, City Manager  
405 Biltmore Way, 1st Floor  
Coral Gables, Florida 33134  
**E-mail:** psalerno@coralgables.com  
**Phone:** (305) 460-5201

**GSG** provided specialized services in the development and implementation of a non-ad valorem assessment program to fund Fire Rescue services within the City of Coral Gables that was implemented in 2009. The objective of the Fire Rescue Assessment Project was to develop and implement an annual assessment program to fund the City’s provision of Fire Rescue services using an alternate method of collection. The Fire Rescue services assessment was collected by separate bill in 2009. **GSG** assisted the City with transitioning the assessment to the tax bill in 2010. **GSG** has provided ongoing annual maintenance services to the City since the program’s inception.

**CITY OF DEERFIELD BEACH FIRE RESCUE ASSESSMENT PROGRAM**

**Contact:** Hugh Dunkley, Director of Finance  
150 NE 2nd Avenue  
Deerfield Beach, Florida 33441  
**E-mail:** finance08@deerfield-beach.com  
**Phone:** (954) 480-4263

**GSG** provided specialized services in the development and implementation of a non-ad valorem assessment program to fund Fire Rescue services within the City of Deerfield Beach that has been in place since 2001. The objective of the Fire Rescue Assessment Project was to develop and implement an annual assessment program to fund the City’s provision of Fire Rescue services. **GSG** has provided annual maintenance services to the City since the program’s implementation. The City also engaged **GSG** to update their Fire Rescue Assessment program in 2008 and 2013 and was again engaged by the City for a three-year contract beginning Fiscal Year 2014-15 through a competitive bidding process.
CITY OF MARGATE FIRE RESCUE ASSESSMENT PROGRAM

Contact: Gail Gargano, Director of Finance
City Hall, Second Floor
5790 Margate Boulevard
Margate, Florida 33063
E-mail: ggargano@margatefl.com
Phone: (954) 972-6454

GSG provided specialized services in the development and implementation of a non-ad valorem assessment program to fund Fire Rescue services within the City of Margate that has been in place since 1997. The objective of the Fire Rescue Assessment Project was to develop and implement an annual assessment program to fund the City’s provision of Fire Rescue services. GSG has provided annual maintenance services to the City since the program’s implementation. The City engaged GSG to update their Fire Rescue Assessment program in 2000, again in 2007 and again in 2013.

CITY OF TAMARAC FIRE RESCUE ASSESSMENT PROGRAM

Contact: Samuel S. Goren, City Attorney
7525 NW 88th Avenue, Room 203
Tamarac, Florida 33321
E-mail: mcirullo@cityatty.com
Phone: (954) 597-3527

GSG provided specialized services in the development and implementation of a non-ad valorem assessment program to fund Fire Rescue services within the City of Tamarac that has been in place since 1996. The objective of the Fire Rescue Assessment Project was to develop and implement an annual assessment program to fund the City’s provision of Fire Rescue services. GSG has provided annual maintenance services to the City since the program’s implementation. The City engaged GSG to update their Fire Rescue Assessment program in 2008 and 2011.
**Additional Assessment Experience**

In addition to the representative projects described previously, GSG has been responsible for the development and implementation of special assessment programs to fund various services for the following clients. The dates indicate the years that GSG assisted the clients.

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<th>GSG CLIENT</th>
<th>ASSESSMENT TYPE</th>
<th>DATES OF GSG ENGAGEMENT</th>
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<td>Alachua County</td>
<td>Fire (not implemented)<em>; Stormwater</em></td>
<td>2007*, 2009, 2010</td>
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<td>Arcadia, City of</td>
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<td>Avignon, Village of</td>
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<td>Bay Harbor, Town of</td>
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<td>Bayshore Fire District</td>
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<td>Belle Glade, City of</td>
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<td>Bonita Springs, City of</td>
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<td>Boynton Beach, City of</td>
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<td>Cape Coral, City of</td>
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<td>Casselberry, City of</td>
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<td>2007 - 2010</td>
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<td>Coral Gables</td>
<td>Fire Protection; Capital</td>
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<td>Crossings at Fleming Island CDD</td>
<td>Capital; Operations and Maintenance</td>
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<td>Dade City, City of</td>
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<td>Dania Beach, City of</td>
<td>Fire Rescue; Stormwater; Solid Waste</td>
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<td>Daytona Beach, City of</td>
<td>Fire Rescue (not implemented)*</td>
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<td>Davie, Town of</td>
<td>Fire Rescue</td>
<td>1996 - 2007</td>
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<td>Fire Rescue</td>
<td>2001 - 2013</td>
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<td>Deltona, City of</td>
<td>Capital Project (not implemented)</td>
<td>2007, 2008</td>
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<td>GSG CLIENT</td>
<td>ASSESSMENT TYPE</td>
<td>DATES OF GSG ENGAGEMENT</td>
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<tr>
<td>Destin, City of</td>
<td>Solid Waste</td>
<td>2011</td>
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<td>Destin Fire Control District</td>
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<td>2008</td>
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<td>Englewood Area Fire Control District</td>
<td>Fire</td>
<td>2004 – 2013</td>
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<td>Eustis, City of</td>
<td>Fire (not implemented)<em>; Stormwater (not implemented)</em></td>
<td>2003</td>
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<tr>
<td>Florida Governmental Utility Authority</td>
<td>Water/Sewer</td>
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<td>Fort Myers, City of</td>
<td>Fire (not implemented)*; Capital</td>
<td>2002, 2008</td>
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<td>Fort Myers Beach, Town of</td>
<td>Canal Dredging</td>
<td>2008, 2009</td>
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<td>Franklin County</td>
<td>Beach Renourishment (not implemented)*</td>
<td>2007, 2008</td>
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<td>Gadsden County</td>
<td>Roads (not implemented)*</td>
<td>2009, 2013</td>
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<td>Gainesville, City of</td>
<td>Fire (not implemented)*</td>
<td>2007, 2008*, 2010-2013</td>
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<td>Gilchrist County</td>
<td>Fire</td>
<td>2002</td>
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<td>Hardee County</td>
<td>Fire; Solid Waste</td>
<td>2001, 2007</td>
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<tr>
<td>Hernando County</td>
<td>Fire (not implemented)*</td>
<td>1999</td>
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<tr>
<td>Hialeah, City of</td>
<td>Fire*</td>
<td>2007, 2008</td>
</tr>
<tr>
<td>Hialeah Gardens, City of</td>
<td>Capital</td>
<td>2012-2013</td>
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<tr>
<td>High Springs, City of</td>
<td>Fire</td>
<td>2008 – 2013</td>
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<tr>
<td>Highlands County</td>
<td>Fire (not implemented)*</td>
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<tr>
<td>Pensacola, City of</td>
<td>Stormwater; Fire (not implemented)*</td>
<td>2000 – 2013</td>
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</table>
Quality Control

Through the use of a detailed Critical Events Schedule, GSG will monitor all project deadlines and deliverables to ensure that our work is completed in a timely and efficient manner.

GSG will have experienced accountable personnel at all levels of the company responsible for all work on this project. Senior Vice President Camille Tharpe will be the lead on this project and will be actively involved in all phases of the project. GSG’s integrated project team approach consists of a project manager or project coordinator, as well as data analysts to ensure the overall success of the project. All personnel will report to Ms. Tharpe on this project.

GSG will have a senior project manager who will be primarily responsible for all service delivery issues, budget/financial issues and will assist in all project phases and tasks. GSG also uses a project coordinator to assist and monitor scheduling and communications.

GSG has developed specific reports to summarize the complex fire rescue incident data analysis and property data analysis. These reports allow for easy identification of any anomalies or issues that need to be addressed within the data.

The tasks detailed below assume the City would use the “Benefit-Based” approach.

**Task 1:** Evaluate Reports and Research Issues Evaluate the City’s existing documents, ad valorem tax roll information, fire call data, agreements, reports and other data pertaining to the provision of fire services.

**Task 2:** Identify Full Costs of Service Evaluate the full cost of the fire service delivery using the City’s most current financial information and identify service delivery issues which may affect the apportionment methodology. Determine the net service delivery revenue requirements.

**Task 3:** Develop the Apportionment Methodology Using the current ad valorem tax roll and fire incident data reported to the State Fire Marshal, develop the method of apportionment, classification of properties and the use of the data on the assessment roll. Review the assessment methodology for legal sufficiency and compatibility with alternative methods of collection.

**Task 4:** Determine Preliminary Revenue Requirements Advise the City in determining the total fire assessment revenue requirements to ensure the City recovers the costs of: (a) net fire service delivery revenue requirements, (b) implementing the program, and (c) collecting the assessments.

**Task 5:** Develop Preliminary Assessment Roll Database Using the current ad valorem tax roll, create a preliminary assessment roll database. Test the sufficiency of the database by developing reports to access property information.

**Task 6:** Apply Apportionment Methodology to Database Apply the apportionment methodology to the preliminary assessment roll database to test the data validity and legal sufficiency. Revise the apportionment methodology as necessary.

**Task 7:** Calculate a Preliminary Proforma Schedule of Rates Using the developed
Please note that GSG works with the premise of developing and implementing assessment programs with an eye on potential legal challenges in an attempt to maximize both the efficiency and the effectiveness of any defense. Nonetheless, the fees outlined above for professional services do not include any provision for litigation defense. Accordingly, in the event there is a legal challenge, GSG would be available, on an hourly basis, to assist the City in its defense.

**Deliverables Schedule**

<table>
<thead>
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<tbody>
<tr>
<td></td>
<td>May</td>
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<td>Notice to Proceed</td>
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<td>Kick-off Meeting/Data Collection</td>
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<td>Proforma Budget Development</td>
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<td>Assessment Methodology</td>
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<tr>
<td>Proforma Assessment Rates</td>
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<td>Assessment Memorandum</td>
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</table>

**Payment Schedule**

The lump sum fee for professional services and specialized assistance will be due and payable on the following basis. Payment will be based on the following schedule, assuming that notice to proceed is received by May 1, 2014. If notice to proceed occurs after this date, payment will be adjusted on the basis of a condensing of the anticipated number of months remaining to complete the project.

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Government Services Group, Inc.

Government Services Division

City of Mount Dora
Study - Street Lighting Assessments

Thursday, April 17, 2014

Presented by:
Camille P. Tharpe, Senior Vice President
Government Services Group, Inc.
CTharpe@govserv.com

COPY
LETTER OF INTEREST

April 17, 2014

Mike Sheppard
Finance Director
City of Mount Dora
510 N. Baker St,
Mount Dora, FL 32757

RE: City of Mount Dora – Street Lighting Assessment Development Proposal

Dear Mr. Sheppard:

This correspondence is written to present a scope of services for Government Services Group, Inc. (GSG) to provide professional services and specialized assistance to the City of Mount Dora (City) and its staff with the development of a street lighting special assessment program for Fiscal Year 2014-15. We understand that the City wants to implement the assessment program in Fiscal Year 2014-15 using the utility bill as a mechanism for collection.

The objective of this project is to develop the street lighting special assessments based on public policy established by the City within the constraints of readily available data and legal precedent. To fulfill this objective, we will provide the following:

(1) Specialized services that assist the City in developing a legally defensible method of apportioning the assessments;
(2) An Assessment Memorandum which includes (a) the assessment cost calculations, and (b) the description of the apportionment methodology;
(3) Billing algorithms necessary to calculate the street lighting assessments pursuant to the proposed methodology; and
(4) The final street lighting assessment rates.

The proposed scope of services and fees includes those tasks associated with the development of preliminary assessment rates and presenting an Assessment Memorandum. Should the City decide to move forward with implementation, GSG would also be available to assist the City with the necessary implementation steps.

Accordingly, attached as Appendix A is the work plan under which GSG will assist the City with the assessment program. The scope of services is based on the following assumptions:

• The City will be an active participant and provide all of the requisite information and data to develop the assessment methodology.
• GSG will prepare an assessment database based on the ad valorem tax roll data.
Appendix A

Street Lighting Assessment Development
Project Approach

GSG’s project approach has been designed and structured based on our experience and the necessary work effort that we believe needs to be performed to guarantee the City the goal of developing a street lighting special assessment program in a way that will ensure the greatest likelihood of political and community acceptance. To achieve this goal, GSG’s technical approach includes the ability to develop several different methodologies, calculate an unlimited number of rate scenarios, and provide the parcel specific impact of every methodology and rate scenario developed.

Our general approach to developing a street lighting special assessment program is very straightforward. First, we conduct an initial “kick off” meeting with City staff to review, in person, the project objectives, work plan, schedule and deliverables and ensure mutual understanding on as many aspects of the project as possible prior to proceeding. After conducting the “kick off” meeting, GSG will provide the City with a detailed Critical Events Schedule that identifies all pertinent deliverables along with a project timeline for completion.

We will collect data from City staff, including all project descriptions, service delivery information, property appraiser data, plans for future service, current and future budget impacts, financial forecasts and capital improvements plan and all related source data. GSG will review and analyze all data, making inquiries of City staff when necessary.

Once the review has been completed, GSG will review results and discuss the tentative findings with City staff. Following this, GSG will prepare revisions to the tentative analysis as needed.

GSG will then formulate a draft Assessment Memorandum that will be provided to City staff for review and discussion. The Assessment Memorandum will provide fully researched and documented answers to the following questions:

1. Which street lighting expenditures can be assessed as a special non-ad valorem assessment against real property in the City?
2. How should the City apportion the street lighting assessment to each type of property?

GSG will conduct a workshop meeting with the City Council and staff to review the draft Assessment Memorandum and seek input. The Assessment Memorandum will then be revised, as necessary, and a final memorandum will be prepared.

Quality Control

Through the use of a detailed Critical Events Schedule, GSG will monitor all project deadlines and deliverables to ensure that our work is completed in a timely and efficient manner.

GSG will have experienced accountable personnel at all levels of the company responsible for all work on this project. Senior Vice President Camille Tharpe will be the lead on this project and will be actively involved in all phases of the project. GSG’s integrated project team approach consists of a project
manager or project coordinator, as well as data analysts to ensure the overall success of the project. All personnel will report to Ms. Tharpe on this project.

**GSG** will have a senior project manager who will be primarily responsible for all service delivery issues, budget/financial issues and will assist in all project phases and tasks. **GSG** also uses a project coordinator to assist and monitor scheduling and communications.

**Task 1:** **Evaluate Reports and Research Issues** Evaluate the City's existing documents, ad valorem tax roll information, agreements, reports and other data pertaining to the provision of street lighting services.

**Task 2:** **Identify Full Costs of Service** Evaluate the full cost of the street lighting service delivery using the City's most current financial information and identify service delivery issues which may affect the apportionment methodology. Determine the net service delivery revenue requirements.

**Task 3:** **Develop the Apportionment Methodology** Using the current ad valorem tax roll; develop the method of apportionment, classification of properties and the use of the data on the assessment roll. Review the assessment methodology for legal sufficiency and compatibility with the different methods of collection.

**Task 4:** **Determine Preliminary Revenue Requirements** Advise the City in determining the total street lighting assessment revenue requirements to ensure the City recovers the costs of: (a) net street lighting service delivery revenue requirements, (b) implementing the program, and (c) collecting the assessments.

**Task 5:** **Develop Preliminary Assessment Roll Database** Using the current ad valorem tax roll, create a preliminary assessment roll database. Test the sufficiency of the database by developing reports to access property information.

**Task 6:** **Apply Apportionment Methodology to Database** Apply the apportionment methodology to the preliminary assessment roll database to test the data validity and legal sufficiency. Revise the apportionment methodology as necessary.

**Task 7:** **Calculate a Preliminary Proforma Schedule of Rates** Using the developed assessment roll, calculate a proforma schedule of rates based on the developed apportionment methodology and revenue requirements for the assessment program.

**Task 8:** **Prepare and Present Assessment Memorandum** Prepare and present an Assessment Memorandum which documents proposed apportionment methodologies and proforma assessment rates.
Fees and Costs

For the professional services and specialized assistance described in the Scope of Services, GSG will work under a "lump sum" fee arrangement of $14,500. Except as noted below, this lump sum fee includes reimbursement for all out-of-pocket expenses. The lump sum fee for professional services includes a total of two on-site visits to the City by GSG staff. While the purpose of these trips is negotiable, the intent of these meetings is to obtain initial information, participate in individual briefing sessions with elected officials, and present the assessment memorandum at a City Council Workshop.

Additional on-site meetings may be arranged at our standard hourly rates, as authorized by the City. Expenses related to additional on-site meetings will be billed in conformance with section 112.061, Florida Statutes. If necessary, in lieu of on-site visits, periodic telephone conference calls may be scheduled to discuss project status.

The standard hourly rates for GSG are as follows:

**GOVERNMENT SERVICES GROUP, INC.**

Chief Executive Officer .......................................................... $225  
Senior Vice President ......................................................... $175  
Vice President ................................................................. $160  
Senior Project Manager/Consultant/Project Coordinator .......... $160  
Consultant/Database Analyst/Technical Services .................. $130  
Administrative Support .......................................................... $50

The lump sum fee does not include the costs of producing and mailing any first class notices, if required. Mailing and production costs depend on the number of assessable parcels of property within the assessment program area, but average approximately $1.35 per parcel. Payment of mailing and production costs is due at the time of adoption of the initial assessment resolution or like document. For non-domestic notices, mailing charges will include the actual amount of postage beyond the domestic rate. Should U.S. postage rates increase prior to mailing (currently $0.49), the additional postage per notice will be charged.

The lump sum fee also does not include the costs of producing the data exports needed for the production of TRIM notices, if required. Data exports for TRIM notices will be transmitted as necessary to the Property Appraiser's office, per their specifications and be billed at the lump sum fee of $1,500 for the fire assessment program. Payment of these production costs is due at the time of adoption of the initial assessment resolution or like document.

The City is responsible for any and all newspaper publications, including, but not limited to, making arrangements for publications and any costs associated therewith.

The City is also responsible for any costs incurred to obtain information from the property appraiser or other public official that is necessary for the assessment program.
Please note that GSG works with the premise of developing and implementing assessment programs with an eye on potential legal challenges in an attempt to maximize both the efficiency and the effectiveness of any defense. Nonetheless, the fees outlined above for professional services do not include any provision for litigation defense. Accordingly, in the event there is a legal challenge, GSG would be available, on an hourly basis, to assist the City in its defense.

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CITY OF MOUNT DORA

Fire Assessment Fees and Street Light Assessments

April 17, 2014

“Solutions that make a Difference”
April 17, 2014

Mr. Mike Sheppard
Finance Director
City of Mount Dora
510 N. Baker Street
Mount Dora, FL 32757

Re: City of Mount Dora Study Fire Assessment Fees and Street Light Assessments

Dear Mr. Sheppard:

Tindale-Oliver & Associates, Inc. (TOA) is pleased to submit this proposal for the above-referenced RFP. We are a team of experts who have successfully assisted local governments in the implementation of capital and operating funding solutions for more than 25 years. Those solutions have included special assessments, user fees, impact fees, sales taxes, gas taxes, and rate studies, among others.

Similar to other Florida jurisdictions, the City of Mount Dora's tax base has been declining over the past five years. The City has one of the lowest millage rates in the County and experienced a population increase of 35% since 2000. Given the declining tax revenues, these additional needs, and the importance of fire suppression and street light services for the community, the City is interested in implementing fire and street light assessment programs to provide alternative funding and asked for proposals from qualified firms for a technical study.

The TOA Team is very knowledgeable about special assessment programs and other funding methods and has the capability and resources to complete the services described in the City’s RFP. In addition, we understand fire department operations and have prepared Fire Facility Master Plans in the past. Steve Tindale was the Public Works Director for the City of Tampa and was responsible for the City’s street light program. Through our fire assessment, impact fee and other work for Lake County and Cities of Eustis and Tavares, we are familiar with the County’s assessment program structure, Property Appraiser Database, as well as the economic and demographic conditions in the region. This background understanding will enable us to complete the study more efficiently and in a shorter time frame. The following summarizes the qualifications/approaches that will bring value and results to the City of Mount Dora:

PROPOSAL TITLE:
Fire Assessment Fees and Street Light Assessments

CONSULTANT NAME & ADDRESS:
Tindale-Oliver & Associates, Inc.
1000 N. Ashley Drive
Suite 400
Tampa, FL 33602

DESIGNATED CONTACTS:
Nilgün Kamp, AICP
Associate Principal
Role: Project Manager
Tampa Office
(813) 224-8862
NKamp@tindaleoliver.com

Steven A. Tindale, P.E., AICP
Chief Executive Officer
Role: Principal-in-Charge
Tampa Office
(813) 224-8862
STindale@tindaleoliver.com
The project team includes past government administrators who have operated various departments and who understand funding and budget issues and how to respond to public concerns.

The project team includes members with diverse skills, including economists, planners, engineers, and GIS specialists. The individuals included on the project team not only have operated multiple departments but also have prepared assessment, user fee, and impact fee studies as well as Master Plans and understand the operations and services provided by fire and public works departments.

Members of the project team work with many communities, addressing the “new normal” regarding both the reduction in tax base and the need to use other revenue sources for ongoing expenditures for services that are vital to the community.

To express our sincere interest on this project and to prepare an appropriate scope of services, we have completed a review of the City’s annual budget, demographic and economic data, and information related to the Fire Department’s activities. The primary findings of this review include the following:

- Similar to other Florida jurisdictions, the City’s tax base decreased significantly over the past five years until this year. Given the slow economic recovery and legislative limits on property taxable value increases, none of the communities for whom we are currently working foresee a short-term relief from this issue.
- Many public services can be adjusted to respond to major changes in the budget; however, it is much more difficult to do so in the case of services that are critical to the lives and safety of the residents.
- The City currently has the one of the lowest millage rates in the county and the fire services amount to 20 percent of the City’s General Fund. In addition, the City spends approximately $238,000 for street lighting and traffic signals. As such, it is important to develop an assessment methodology that captures the full cost of recurring as well as periodic capital needs.
- The Fire Department responds to approximately 3,000 to 4,000 call annually; of these approximately 75% are medical incidents. To comply with the legal requirements, it is important to identify and exclude ALS incidents. In addition, given that non-ad valorem assessments need to demonstrate benefit to the property, TOA reviews not only the incident data, but also the variations in the value of the property that is being protected.

The TOA Team will address these and other critical issues and will provide a fair, equitable, and legally sufficient assessment program that incorporates the following:

- The use of multiple years of data to increase the sample size and achieve more consistent data. This approach also reduces likely fluctuations during interim updates between technical studies.
- Consideration of not only the frequency of incidents but also the level of effort needed to respond to incidents at different land uses through an evaluation of length of stay and total resources (staff and equipment) used.
- Incorporation of not only fire incidents but also first responder medical incidents that are legally eligible to be funded through assessment revenues. This approach increases the sample size and results in a more equitable
cost apportionment among land uses and is accomplished through a review of procedures used during an incident to identify ALS services that need to be funded with other revenue sources. Incorporation of the first respondent incidents tends to increase the portion of the budget eligible to be funded with the assessment program as well.

**Evaluation of unit values of properties by land use that are being protected to better reflect the benefit received by the property (both in terms of insurance premium savings and the value of the structure that is being protected), which results in a more equitable fee schedule and at times higher revenues for the City from new homes.**

- In the case of street light assessment, an evaluation of residential versus citywide lighting services, unit of demand (lot vs. front footage, etc.), providers of the street lights, and other related issues is prepared.

Specific benefits to the City of selecting the TOA Team include the following:

- We review the available data and conduct the necessary analysis that will result not only in an accurate and equitable assessment program but also will minimize the potential for a lawsuit that may challenge the data.
- Because of the accuracy of our technical study, we are able to easily build consensus on assessment methodology through public forums and workshops; the result is fewer surprises in front of elected officials.
- We communicate in an understandable way to the public and elected officials; this builds credibility and acceptance of study recommendations.

We appreciate the opportunity to present our proposal. We realize that there are other firms with significant experience in fire assessment studies; however, our overall experience in public finance and infrastructure planning enable us to have a better understanding of key issues related to fire and street light assessment calculations. This is evident from our recent work in Lake County, where the County was in litigation due to the methodology used previously, and TOA was able to adjust the methodology and assist the County with the litigation.

**I will be the Principal-in-Charge and Nilgün Kamp will be the Project Manager for this study. We will be supported by other staff with a diverse set of skills.** This is the type of work we enjoy doing, and you have my personal commitment that this will be a successful project, completed on-time and within the project budget.

Sincerely,

Steven A. Tindale, P.E., AICP
President
1000 N. Ashley Drive, Suite 400
Tampa, FL 33602
(813) 224-8862
stindale@tindaleoliver.com
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**City of Mount Dora**  
Fire Assessment Fees and Street Light Assessments

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Experience and Qualifications

Photo courtesy of www.ci.mount-dora.fl.us
TOA FIRM EXPERIENCE AND QUALIFICATIONS

TOA has developed a reputation as a leader in providing quality, innovative engineering and planning services to its clients. Our staff includes 10 licensed PEs, 22 AICPs, 4 LEEDs, and 4 CNU-As, as well as numerous planners, analysts, economists, and GIS analysts.

Individuals with extensive public management experience formed TOA in 1989. The principals of TOA have invested more than 80 years of their professional careers working for city, county, and state agencies. TOA staff include engineers, planners, and economists.

TOA has offices in Tampa, Orlando, Bartow, Ft. Lauderdale, Baltimore (MD), and Seattle (WA). The work for the City of Mount Dora will be conducted out of our Tampa office.

DIFFERENTIATING FEATURES

The following paragraphs provide a summary of our qualifications that are specific to the study requested by the City and explain how we meet and exceed the minimum qualifications outlined in the City’s RFP.

Methodology – TOA has an in-depth understanding of the issues that affect non-ad valorem assessment studies and has developed a set of tools for assessment programs. In terms of fire assessment, Fire Rescue Analysis (FRA) tools include the following:

- Incident Data Management System (IDMS) to conduct a detailed analysis of incident data obtained from the National Fire Incident Reporting System (NFIRS) or the Fire Departments.
- Parcel Data Management System (PDMS) to determine type/size/value of structures/land uses that receive the benefit from fire services.
- Financial Data Management System (FDMS) to calculate rates and provide different assessment schedules and associated revenue streams. FDMS is sensitive to fluctuations in assessment revenues, which can be affected significantly by the community’s growth rate and/or make-up of the assessment options/categories implemented.

Each tool can be used not only for assessment studies but also for the Fire Department’s daily operations and financial planning. For example, to ensure an equitable distribution of fees among land uses, TOA evaluates and compares call data and property values using both IDMS and PDMS.

In assigning calls to a given land use, TOA does not rely only on the land use classification included in Fire Department incident reports, but references address data to the Property Appraiser and/or Tax Collector database to make sure the land use classification for a given parcel is consistent with that included in the incident report.
As part of the previous work, TOA obtained data on the change in insurance premium levels based on ISO ratings. This information, along with an evaluation of variations in property unit values by size and by land use, further enhances the demand component of the assessment calculations, if desired. In other words, the demand component takes into consideration the benefit to property for each land use category in addition to use of services by each land use. This level of detail allows for a more equitable fee schedule and is instrumental in gaining the confidence of elected officials and the public.

In terms of street lighting assessment, TOA has experience with fees that vary by type of lighting, residential vs. citywide lighting programs, and has developed a database using a Geographic Information Systems (GIS)-based approach, which automates data imports and processing and streamlines work flows as well as is used as a tool to analyze fees by lot vs. front footage, etc. Changes to the property characteristics, such as parcel splits or combination, new parcels eligible for the assessment program, etc. are updated easily to ensure that the assessment rates are charged correctly.

**Expert Testimony** – Steve Tindale and Bob Wallace have provided expert testimony and research on public finance related matters in several Florida cases. TOA testimony in these cases was key to winning an across-the-board victory for governmental clients in each of these cases.

**Publications** – The principals of TOA have published articles related to public finance issues in professional journals and manuals documenting the correct methodology and approach. These articles set the standard in their areas and have been used by agencies across the nation.

**Public Presentations** – Project managers at TOA have prepared and given more than 500 public presentations during the last 25 years. TOA has a unique ability to prepare materials for adoption hearings, respond to questions from citizens and technical committees, and develop strategies that result in the successful implementation of new and updated ordinances. TOA also has worked closely with study evaluation and review committees and has had success in building consensus among people with varying opinions.

Mr. Tindale, Mr. Wallace, and Ms. Kamp routinely attend and present papers at the various industry events related to public finance issues. During these presentations, they provide information on the latest trends, state-of-the-art methodologies, and other current public funding issues.

**MANAGEMENT TEAM**

Key staff members of the management team for the City of Mount Dora Fire Assessment Fees and Street Light Assessments are indicated below. Individuals identified as the Principal-in-Charge and Project Manager will not be altered without the express permission of the City.

Steve Tindale, P.E., AICP, will serve as the Principal-in-Charge. For the past 40 years, his primary work activities have involved public
finance studies and their implementation. He also has written papers on public finance methodologies and introduced new concepts. With his background as the Public Works Director for the City of Tampa, he was responsible for the City’s street light program and has an in-depth understanding of operating budgets and capital infrastructure programs.

Nilgün Kamp, AICP, will serve as the Project Manager on this project. She has 20 years of public finance experience and has managed more than 150 fire assessment, impact fee, and infrastructure planning studies. With a graduate degree in economics, she offers significant experience with annual budgets, capital improvement programs, and project expenditures to develop or update the demand, cost, and credit components for assessments, user and impact fees. She will be responsible for the day-to-day management of the study and will serve as the key contact for the Consultant Team.

Bob Wallace, P.E., AICP, will serve provide Quality Assurance for this project. He has more than 30 years of professional experience that includes all aspects of special assessments, user and impact fees, including service standards, benefit districts, cost and credit components, and the integration of the fees with the jurisdiction’s Comprehensive Plan.

In addition to the management team, TOA staff includes individuals with extensive database and GIS analytical skills. This type of capability is highly important for fire and street light assessment studies in terms of being able to extract the necessary incident and parcel data, test the accuracy of the data, and conduct a high-quality and accurate analysis that is explained clearly to the community through the use of easy-to-follow graphs, charts, and tables. Availability of these skills in-house also allows TOA to provide its services in a cost effective manner.

The TOA Team includes Lewis, Longman & Walker, P.A., who provide services in public finance, legislative & government affairs, land use, local government and special districts, and other areas. Terry Lewis will provide assistance in the areas of legal review, resolution preparation, and other legal services, as needed for the City of Mt. Dora. He has extensive experience with special assessment studies and their implementation.

**RELATED PROJECT EXPERIENCE**

Successful performance on similar jobs is best demonstrated through a sampling of projects requiring similar services and client references of individuals who can attest to our performance. Project descriptions for examples of similar projects for government agencies are included on the following pages.

The TOA Team is dedicated to serving our clients, and we encourage you to contact any of our references.
Lake County Fire Rescue (LCFR) provides fire protection and medical services to the unincorporated County and some of the municipalities. The County’s non-ad valorem fire assessment program was last updated in 2007 and the methodology used was being challenged in court. The County retained TOA in 2010 to update the technical study to ensure that an accurate analysis is incorporated in the calculations. TOA was retained again in 2013 and 2014 to prepare interim update studies.

**Project Highlights**
- As part of the study, several changes to the previous methodology was made including the incorporation of first response incidents and measuring the demand in terms of total resources used for incidents at different land uses.

**Project Issues**
- Legal challenge focusing on the fact that a large portion of the budget was associated with a limited number of incidents (fire only) in the previous study.
- Difficulty in separating ALS incidents from first response incidents.
- Need to develop a methodology to identify assessable portion of the budget based on actual work effort instead of capabilities of staff.

**Solutions Implemented**
- TOA reviewed not only the type of incidents, but also the procedures used on-scene to determine which incidents should be classified as ALS incidents.
- Analyzed incident data in terms of all resources used by incident type to determine what portion of the budget is associated with ALS activities versus fire protection and first response services.
The City of Lake City Fire Department provides fire protection services to residents within the incorporated city. The City previously implemented a non-ad valorem fire assessment to fund the capital and operating costs associated with providing fire protection services. To ensure that the City’s assessment rates are accurately recouping the cost of providing fire rescue services, the City retained TOA in 2008 to calculate updated fire protection assessment rates based on the most current data. A year later, the City retained TOA again to prepare an interim update study that would address loss of a significant number of structures due to hurricanes. In 2014, TOA was retained again to update the City’s fire assessment rates.

**Project Highlights**
- As part of the study, several changes to the methodology were incorporated to more fairly apportion the cost allocation among property classes.

**Project Issues**
- Tight timeframe for completion of the study.
- City provides Hazmat service countywide.
- Separation from the County’s fire department.

**Solutions Implemented**
- TOA has a dedicated public finance group, so the necessary resources to meet the deadlines were made available.
- Removed the appropriate portion of the Hazmat budget from the cost allocation analysis so as to not overcharge City residents.
- Isolated costs and incidents associated with fire protection services provided within the city.

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The City of Lake City retained TOA to update its non-ad valorem fire protection assessment using the most current data available.

Lake City’s fire assessment generates non-ad valorem revenue to fund the operation and capital costs of the City’s Fire Department.
The City of Palm Bay Fire Rescue Department is funded with the General Fund revenues. Given the recent decreases in its tax base, the City of Palm Bay retained Tindale-Oliver & Associates to prepare a fire funding methodology study that would evaluate alternate revenue sources, including non-ad valorem assessments and fire fees.

**Project Highlights**

- The City’s ad valorem tax base decreased by approximately 50 percent over the past two to three years.
- Fire Rescue Department’s budget requires a funding level equivalent to 62 percent of the ad valorem revenues.

**Project Issues**

- Strong public reaction to funding the fire rescue services with a funding source other than the General Fund.
- Desire to explore all options and obtain an objective summary of advantages and disadvantages of each option.

**Solutions Implemented**

- Conducted interviews with stakeholders, home owner associations, and the City Council members to explain the process and issues, and obtain input.
- Provided a detailed report that outlines advantages and disadvantages of each option using six criteria, ranging from impact to rate payers to legal considerations.
- Calculated assessment and fire fee rates taking into consideration both use of full resources and value of the property/benefit for each land use.
Columbia County Fire Department provides fire protection services to the unincorporated County and the City of Fort White. The County’s non-ad valorem fire assessment program was last updated in 2006. The County retained TOA in 2013 to update the technical study to ensure that an accurate analysis is incorporated in the calculations.

**Project Highlights**
- As part of the study, several scenarios were prepared that address additional needs to maintain the County’s ISO rating. In addition, insurance premium savings due to improved ISO ratings were documented.

**Project Issues**
- Limited incident data in the previous study, which caused large fluctuations in the distribution of the budget among land uses.
- Need to develop a methodology to identify assessable portion of the budget based on actual work effort instead of capabilities of staff.
- Tight time frame.

**Solutions Implemented**
- Reviewed available data in terms of sample size and used the most recent data with the larger percentage attached to the land uses.
- Analyzed incident data in terms of all resources used by incident type to determine the portion of the budget for each land use.
- Provided the study results in a short time frame to ensure that the County could incorporate the results into the budget discussions.
- TOA also assisted the County during the implementation period by preparing and mailing the first class notices and providing other services.

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Hillsborough County Public Works department is responsible for managing the County's Residential Street Lighting (RSL) program. This non-ad valorem street lighting assessment program manages 800 individual lighting districts and approximately 122,500 properties within those districts. Each year, the department is responsible for providing a list of properties and their current assessment to be included on the current year’s tax roll. The County hired TOA to provide assistance in streamlining this process and creating a tool that could automate many of the business processes involved in producing the final RSL properties.

**Project Highlights**

- The County was able to accurately assess all properties within Residential Street Lighting districts given the new, automated tools. There were no delays in providing the final property assessments to be included with the tax roll. The new toolset was able to link data from the Property Appraiser data to the RSL assessment data.

**Project Issues**

- Coordinating with multiple departments and constitutional offices, and agencies for information.
- Complex workflows needed to be streamlined for automation purposes

**Solutions Implemented**

- Provided tools to manage Street Lighting Districts within department. These tools included a Geographic interface (GIS) to manage the geography of the RSL districts. It also provided a way to manage the assessment information and link back to the Property Appraiser data.
- All business processes and rules were documented and provided back to the County. Flowchart diagrams were also provided to give a clear picture of how data came in and out and which parties were responsible for each step of the overall process.

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Methodology
Tab 2: Methodology

This section of the proposal provides a background review and description of scope of services as well as TOA’s specialized skills and methodology that will be used for this study.

BACKGROUND REVIEW

Located in Lake County, Mount Dora has a population of approximately 12,500 within 6 square miles.

The City experienced a total population growth of approximately 35 percent between 2000 and 2013, which increases the need for services.

In terms of taxable values per capita, the City of Mount Dora experienced significant growth between 2000 and 2007, followed by a decline over the past few years (as shown in Figure 1 on the following page). In FY 2014, the City achieved and recognized an increase of 1.5% in its taxable values for the first time since FY 2008. The City charges one of the lowest millage rates in Lake County.

The city is served by the Mount Dora Fire Department from two stations, which provide 24-hour emergency response and protection with fire suppression operations and enhanced advanced life support (ALS) care. The Department has an ISO rating of 4 and responds to approximately 3,000 to 4,000 calls annually. Approximately 75% of these calls tends to be related to a medical incident. Fire Department’s expenditures represent approximately 20 percent of the City’s budget. Although the Fire Department is working with its counterparts in the Cities of Eustis and Tavares to achieve efficiencies and reduction in cost, it is important to obtain an alternative revenue source to achieve less reliance on ad valorem tax revenues, especially in the case of services that are vital for the safety and well-being of the residents. Availability of another revenues source will also help the City maintain its low millage rate. As such, the City is interested in a technical study that would develop a fire assessment program to help fund the full cost of providing fire services.

Similarly, the City is interested in a street light assessment program for the health and safety of the commuters. In 2012, the City’s Electric Division completed approximately 165 work orders involving street light repairs that were primarily initiated by customer notifications and the City’s General Fund currently funds an average of $238,000 per year for street lighting and traffic signals. It is important to have a viable funding source to continue with the installation, upgrade and maintenance of street lights.

The TOA Team is very knowledgeable about special assessment studies. In addition, we understand fire department and public works department operations and have prepared Fire Facility Master Plans in the past. Steve Tindale, Principal-in-Charge for this study, was the Public Works Director for the City of Tampa and was responsible for the administration of the City’s street light program. Finally, we prepared the most recent update of the Lake County’s Fire Assessment Program in
2011 and prepared two interim updates since then. Given this experience, we are familiar with the Lake County Property Appraiser database as well as the County’s assessment program.

The fire assessment study for the City of Mount Dora will take into consideration several variables, such as:

- **Sample size of call data** – Given that the sample size of incidents at non-residential land uses tends to be limited, it is important to use several years of call data in the analysis to determine a more consistent trend. Data obtained from National Fire Incident Reporting System (NFIRS) or directly from the Fire Department will allow to conduct multiple years of analysis.

- **Variation in level of effort and resources** – Level of effort and resources needed to respond to an incident at certain land uses may be more extensive than others. In apportioning the cost among land uses, it is important to recognize not just the number of calls but also the level of resources and time needed by each land use type. For example, a review of incident data characteristics in other communities suggests that average vehicle and staff time used on an incident is higher for industrial land uses, while the frequency of calls from industrial land uses is relatively low. As such, relying solely on the frequency may not capture total resources used by a given land use.
• Correct classification of calls by land use – TOA has developed database analysis techniques to reference incident address data to the Property Appraiser and/or Tax Collector database to classify incidents by land use. Results are compared to land use classifications included in Fire Department incident reports to ensure that the two data sets are consistent. Given that the land uses typically are charged based on their classification in the Property Appraiser database, this step ensures that each land use is properly classified and charged equitably.

• Methodology that reflects the benefit to the property – Under Florida case law, non-ad valorem assessments require the need to demonstrate special benefit to the property. During a recent study, TOA obtained insurance rate data for homes located in areas with differing ISO ratings and for different insurance values. This analysis along with other research conducted by outside parties suggest a definite correlation between the availability of fire services and insurance rate savings for individual properties. For example, this data and other related studies suggest that improvement of service from ISO Class 9/10 to Class 5 decreases insurance rates by 20 to 40 percent, which could translate into an annual savings of $200 to $500 per year, depending on home values. With its ISO Class 4 rating, the services of the Fire Department are allowing the residents to save a significant amount on their insurance premiums. As such, it is important to consider the benefit received from the availability of fire services not only due to the response to incidents, but also because of the insurance premium savings and the value of the property being protected.

• Fluctuations in annual budgets – The fire rescue annual budgets can fluctuate significantly when there are large capital expenditures, such as rehabilitation of an existing station, construction of a new station, or purchase of new or replacement vehicles. One of the ways to mitigate such fluctuations may be to include a capital replacement allowance in the annual budget on an ongoing basis. This can reduce potential annual fluctuations and makes needed funding and revenues more predictable.

In terms of street lighting, through our past involvement with street light programs, we understand the issues related to data and information coordination between the City and Progress Energy, method of collection (front footage, lot, etc.), residential vs. citywide lighting, and other similar issues. This section of the proposal provided our understanding of the scope of services and background issues as well as TOA’s specialized skills applicable to this project.

PROJECT APPROACH

This section provides a description of the tasks to be undertaken by the TOA Team for the City of Mount Dora fire and street light assessment calculations. The methodology included in this scope of
services conforms with applicable laws, administrative rules and regulations of the State of Florida.

More specifically, the methodology designed for the City meets the following and other related Florida Statutory and case law requirements for a valid special assessment:

- The service provided must confer a special benefit to the property being assessed.
- The costs assessed must be fairly and reasonably appropriated among the properties that receive the special benefit.
- The apportionment or exemption from apportionment of non-ad valorem assessments to the various classifications of governmental entities as defined by Florida law.

Fire Assessment Study

TOA has developed a set of Fire Rescue Analysis (FRA) programs that will be used for the assessment study for the City. Figure 2 on the next page presents how these programs are used. More specifically, FRA consists of the following components:

- **Incident Data Management System (IDMS)** allows TOA to review all of the characteristics of incident data available either through the NFIRS or from the Department’s databases. Using IDMS, TOA is not only able to identify those incidents that should be included, but also calculate total resources (in terms of labor and vehicle time) used by each incident type by land use. IDMS can also be used by Fire Departments for daily operations and planning purposes.

- **Parcel Data Management System (PDMS)** is used in the evaluation of parcel database and gives full access to data attributed including building size/type by land use, structures’ just and taxable values, age of structure, and other similar attributes. These attributes allow for a calculation that takes into consideration full value of the buildings by size and by land use, and results in more accurate revenue estimates. Table 1 presents this concept as a possible option. During previous studies, TOA calculated residential rates both as a single combined fee and as tiered fee, which allowed our clients to make informed decisions.

<table>
<thead>
<tr>
<th>Group (Square Footage)</th>
<th>Assessment Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 800</td>
<td>$95</td>
</tr>
<tr>
<td>801 to 1,100</td>
<td>$154</td>
</tr>
<tr>
<td>1,101 to 1,300</td>
<td>$180</td>
</tr>
<tr>
<td>1,301 to 1,600</td>
<td>$206</td>
</tr>
<tr>
<td>1,601 to 1,800</td>
<td>$233</td>
</tr>
<tr>
<td>1,801 to 2,100</td>
<td>$261</td>
</tr>
<tr>
<td>Greater than 2,100</td>
<td>$298</td>
</tr>
</tbody>
</table>

Table 1 – Example of Tiered Residential Assessment Rates

- **Financial Data Management System (FDMS)** allows for an evaluation of a range of assessment rates, possible exemptions, and future revenues. It also incorporates the impact of the growth rate on future revenue stream. The key questions that can be answered using FDMS include the following:
  - How does the Department’s capital program affect the
The Fire Rescue Analysis Program is made up of three modules:

- Financial Data Management System (FDMS)
- Incident Data Management System (IDMS)
- Parcel Data Management System (PDMS)

**Reports**

1. Financial Alternatives and Projections
2. Policy Allocation Assessment Rate Options
3. Alternatives Report

**Analysis**

- Allowable Assessment "Non ALS"
- Assessment Property Allocation
- Assessment Options
- Budget/Financial Alternatives
assessment rates/levels? This could be in terms of an ongoing replacement program of the trucks/vehicles as well as addition/expansion of fire stations.

- How would the revenue stream be affected as new units are constructed? How would the type/size of these new units affect assessment revenues? How would the revenues change if the community is built-out?

The following paragraphs provide a more detailed description of each task that will be completed as part of the study.

**Task 1) Background Review, Assessment Methodology and Data Collection**

As part of this task, TOA will review the City’s current ad valorem tax roll information, fire rescue incident data, historical fire rescue budgets, and other related data.

Upon receipt of the notice to proceed, TOA will submit a data needs memo to the City. Upon preliminary review of the data, TOA will conduct a kick-off meeting with the City to discuss background issues, project scope, schedule, and data needs. In addition, during this meeting, TOA will provide a summary of common assessment methodologies used by other jurisdictions. Based on input from the City, the assessment methodology that will be used for the study will be established.

**Task 2) Service Cost Analysis**

**Task 2.1) Evaluate Current Financial Information**

The TOA Team will be provided with the adopted FY 2014 Fire Department Budget as well as the budgets for the past three to five years and will work with the City’s Finance Fire Departments to determine the full cost of providing fire suppression services as well as implementing and collecting the fire assessment. As part of this analysis, the TOA Team will undertake a detailed review of the budgetary line items to ensure that all applicable costs, both direct and indirect, are considered and are legally acceptable. Costs associated with implementing the assessment program and collections will be identified and incorporated into the calculations. In addition, whether to include any allowances for capital replacement or addition will be discussed with the City. Any dedicated revenues toward fire rescue budget will also be identified. The TOA Team also will review the proposed FY 2015 and FY 2016 budgets (as available) to identify any significant changes that could affect the cost allocation as part of the assessment calculation.

In determining the legally acceptable portions of the budget, to identify the appropriate portion of resources available both to fire and medical incidents, TOA will conduct a detailed review of incident data type to determine the level of resources used for advanced life support (ALS) incidents. This effort will require an analysis of not only the type of incident (medical vs. fire), but also the procedures conducted on-scene. The case law
requires that the fire assessments are collected to fund the portion of the budget used to respond to fire and first response incidents. Given that in Mount Dora, a large portion of the incidents responded by fire rescue department is medical in nature, it is important to determine the distribution of first response incidents that can be included in the assessment calculations vs. ALS incidents that cannot be included in the assessment calculations. Otherwise, the incident data used to determine cost allocation and demand becomes limited to a relatively small sample, which makes it difficult to ensure the cost is apportioned equitably.

Finally, TOA will develop a five-year pro forma budget conforming to service cost.

**Task 2.2) Apportion Fire Suppression Service Costs Among Assessment Rate Class**

The resulting cost of providing fire rescue services determined to be applicable for inclusion in the fire assessment calculations will be apportioned among each assessment rate class. Potential methodologies to apportion the cost will be documented as part of Task 1 and may include several options, such as using the number of calls, on-scene times, and/or number of units dispatched to determine the resource allocation and the value of the property that is being protected. These options will be discussed with the City to determine the most appropriate and cost-effective methodology.

**Task 3) Service Demand Analysis Using Proposed Methodology**

The TOA Team will obtain the Fire Department’s call response data obtained from NFIRS or the Fire Department to determine the appropriate service demand using the agreed-upon fire assessment methodology. It is recommended that, as available, a minimum of three to five years of call data be analyzed for the service demand component to ensure that fluctuations in call data from year-to-year are neutralized. Not all incident types can be included in the fire assessment calculations. This limited sample size make it critical to use several years of data.

The TOA Team will analyze the historical call data to identify the calls that should be excluded from the analysis and determine a trend in the distribution of remaining incidents between the different assessment rate classes. As mentioned previously, this analysis also will include a review of the different incident types and on-scene procedures to ensure that only those incidents appropriate for use in the service demand analysis are included. Finally, the analysis will evaluate not only the frequency, but also the level of staff and vehicle time used for each type of incident/property. As mentioned previously, certain type of land uses or buildings may not request assistance frequently, but the duration of each response may be longer than that experienced at a different land use. This analysis will also evaluate whether the combustible contents of a building affects the level of resources used.
Task 4) Calculation of Development Units and Rates

Task 4.1) Calculate Development Units

To determine the number of development units for each assessment rate class, the TOA Team will obtain a copy of the City properties from the Lake County Property Appraiser or Tax Collector. Each Property Class Code in the Property Appraiser’s database will be assigned an assessment rate class in order to tie each real property record to the appropriate assessment rate class.

Upon assigning an assessment rate class to each property in the Property Appraiser database, the TOA Team will compare the distribution of calls vs. development units as a quality control measure. For example, if the service demand analysis shows only 5 percent of annual fire calls are to office properties, but the office square footage within the City is 20 percent of the total square footage, there is an indication that fire incidents to office properties may have been miscoded under another type of land use.

Fiscal Year 2015 or 2016 Assessment Roll will be developed based on most recent available data and the City’s policy direction.

Task 4.2) Calculation of Rates and Revenue Requirements

Based on the methodology agreed in Task 1, apportioned costs for each land use and calculated development units, a rate schedule for the non-ad valorem assessment program will be developed. The rate schedule will include assessment cap rates as appropriate, and will ensure that the identified assessable costs are fully funded. In addition, revenue requirements for the Fiscal Year 2014-2015 or Fiscal Year 2015-2016 will be identified.

As part of this task, TOA will address potential exemptions and associated revenue loss for the City. TOA will discuss the City’s policies, and provide information in terms of properties that legally need to be exempted as well as others that were exempted by other jurisdictions as a policy decision.

Finally, phasing of the fire assessment rate levels as well as the possible impacts on the ad valorem millage will also be discussed.

Task 4.3) Fire Assessment Revenue Needs and Calculation of Five-Year Rate Schedule

TOA will project total fire assessment revenue requirements necessary for the City to recover all net fire suppression costs and the associated costs related to the fire assessment program. These projections will take into consideration the nature of new structures in relation to older structures. For example, TOA’s previous work indicates that newer single-family homes tend to be larger than older homes. If the fee schedule is tiered for residential properties, this type of trend affects revenue figures.

Based on this revenue requirements, TOA will prepare an incremental five-year rate schedule to recover all net fire suppression costs based on mutually-agreed-upon cost indexes.
**Task 5) Technical Report**

Results of the analysis completed in Tasks 1 through 4 will be incorporated into a draft Technical Report, which will summarize the study findings and provide the calculation steps of the assessment program. In addition, the technical report will also include a critical events schedule for the upcoming fiscal year to ensure statutory deadlines are met for the continuation of the program. The Technical Report will be submitted to the City for review and comment. Comments received from the City will be incorporated into the final Technical Report.

TOA will create the FY 2014–2015 or FY 2015–2016 assessment roll using most recent Property Appraiser database and based on the final methodology approved by the City Council. The tax roll will be tested for sufficiency by developing reports to access property use information. The assessment roll will be delivered to the City within the timeframe and format acceptable to the City and Lake County Tax Collector.

**Task 6) Meetings & Presentations**

As part of the study, the following meetings and workshops will be conducted:

- Kick-off meeting with City and Fire Department staff
- Draft report review meeting with the City and Fire Department staff and the City Administration
- One City Council workshop or meetings with Council members on an individual basis
- One public hearing

In addition to these formal meetings, TOA will be in continuous contact with the City’s Project Manager to ensure that the City is aware of the study status and progress.

The TOA Team will prepare user-friendly Power Point presentations. TOA has extensive experience with the public involvement process and community consensus building and buy-in and has assisted many communities in the successful implementation of their fees. Given the nature of assessment programs, these presentations are critical in explaining and gaining support for the study methodology.

**Task 7) Implementation Assistance**

As part of the implementation process, TOA will provide sample resolutions and review the resolutions prepared by the City Attorney and provide input.

In addition, the TOA Team will assist the City with the development of the TRIM notice or the first-class notice and its distribution.

**Task 8) Related Legal Services (Optional)**

If the City would like legal assistance, TOA will work with Lewis, Longman & Walker, PA to obtain a legal review and ensure that the methodology used for the study is consistent with the Florida Statutes, case law, and other applicable laws and rules.

The legal subconsultant will conduct the legal review and assist drafting all legal notices, publications, resolutions and other documents necessary to certify the tax roll and adopt the rate structure for the initial year of the methodology.
STREET LIGHT ASSESSMENT STUDY

TOA will work with the City to develop a street light assessment study that will evaluate the following:

- The benefits of the street lighting on the property since legal requirements for assessment require the establishment of benefits to the property;
- Methods used by other jurisdictions in implementing similar programs;
- Geographic service area of the program (residential/subarea lighting program vs. citywide lighting for all users);
- Lighting provided by the City vs. other entities such as the County, FDOT, developer-installed, etc.
- The full budget associated with the initial installation, upgrade and maintenance of the street lights;
- Unit measure (parcel/lot, building square footage, front footage, etc.) as well as rate differentiation between land uses (commercial, residential, etc.).

These issues will be discussed with the City during the kick-off meeting. Based on input obtained from the City and information collected from other jurisdictions with similar services, recommendations for the program structure will be provided.

Several aspects of this analysis will overlap with the analysis conducted as part of the fire assessment study, such as classification of parcels within the city, based on the information obtained from the Property Appraiser’s database, meetings and presentations, etc. The following paragraphs provide a more detailed explanation of the tasks that will be completed.

Task 1) Background Review, Assessment Methodology and Data Collection

As part of this task, TOA will review the City’s current ad valorem tax roll information, street light program, historical budgets, and other related data.

Upon receipt of the notice to proceed, TOA will submit a data needs memo to the City. Upon preliminary review of the data, TOA will conduct a kick-off meeting with the City to discuss background issues, project scope, schedule, and data needs. In addition, during this meeting, TOA will provide a summary of common assessment methodologies used by other jurisdictions. Based on input from the City, the assessment methodology that will be used for the study will be established.

Task 2) Service Cost Analysis

TOA will work with the City’s Finance and Public Works Departments to determine the full cost of street lighting program. Full cost of providing street light services will be captured in terms of initial installation, upgrade and maintenance costs. In addition, costs associated with the implementation of an assessment program will also be included.

TOA will develop a five-year pro forma budget conforming to service cost.
**Task 3) Service Demand Analysis Using Proposed Methodology**

Based on the methodology agreed on as part of Task 1, service costs identified in Task 2 will be distributed among properties. The distribution will evaluate the need to differentiate the service cost by land use (residential vs. commercial) as well as the appropriate unit measure (lot, building square footage, front footage, etc.).

**Task 4) Technical Report**

Results of the analysis completed in Tasks 1 through 3 will be incorporated into a draft Technical Report, which will summarize the study findings and provide the calculation steps of the assessment program. It is our understanding that the City intends to collect this assessment through the utility bill. As part of this task, the amount associated with each parcel will be identified for inclusion in the utility bill.

**Task 5) Meetings & Presentations**

The following meetings and workshops will be conducted:

- Kick-off meeting with City and Public Works Department staff
- Draft report review meeting with the City staff and the City Administration
- One City Council workshop or meetings with Council members on an individual basis
- One public hearing

In addition to these formal meetings, TOA will be in continuous contact with the City’s Project Manager to ensure that the City is aware of the study status and progress.

The TOA Team will prepare user-friendly Power Point presentations.

**Task 6) Implementation Assistance**

As part of the implementation process, TOA will provide sample resolutions and review the resolutions prepared by the City Attorney and provide input.

Similar to the fire assessment program, if the City would like legal assistance, TOA can bring a legal subconsultant.
Pricing

Photo courtesy of www.ci.mount-dora.fl.us
Tab 3: Price

PRICING

The professional fees and expenses associated with the Scope of Services are estimated at $34,500. The table on the following page provides a breakdown of the project budget by task. It is estimated that the savings to the City from conducting the two studies concurrently is approximately $10,000 due to savings associated with having one-set of meetings as well as effort reduction in terms of data analysis and report preparation. Please note that this budget does not include any cost associated with the production and mailing of first class notices.

This is a lump sum budget that includes four trips by TOA. The City will be invoiced monthly for the portion of the work completed.

<table>
<thead>
<tr>
<th>Task</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Assessment Study</td>
<td>$15,700</td>
</tr>
<tr>
<td>Street Light Assessment Study</td>
<td>$10,900</td>
</tr>
<tr>
<td>Meetings &amp; Presentations (4)</td>
<td>$7,900</td>
</tr>
<tr>
<td>Total Professional Fees &amp; Expenses</td>
<td>$34,500</td>
</tr>
<tr>
<td>Legal Services (Optional) -- Estimated Range</td>
<td>$5,000 - $10,000</td>
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</table>
# TOA Office Locations

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orlando</td>
<td>135 W. Central Blvd. Suite 450</td>
<td>(407) 657-9210</td>
</tr>
<tr>
<td></td>
<td>Orlando, FL 32801</td>
<td></td>
</tr>
<tr>
<td>Tampa</td>
<td>1000 N. Ashley Dr. Suite 400</td>
<td>(813) 224-8862</td>
</tr>
<tr>
<td></td>
<td>Tampa, FL 33602</td>
<td></td>
</tr>
<tr>
<td>Bartow</td>
<td>545 N. Broadway Ave.</td>
<td>(863) 533-8454</td>
</tr>
<tr>
<td></td>
<td>Bartow, FL 33830</td>
<td></td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>6750 N. Andrews Ave. Suite 200</td>
<td>(954) 489-2748</td>
</tr>
<tr>
<td></td>
<td>Ft. Lauderdale, FL 33309</td>
<td></td>
</tr>
<tr>
<td>Baltimore</td>
<td>10 S. Howard St. Suite 110</td>
<td>(443) 438-5392</td>
</tr>
<tr>
<td></td>
<td>Baltimore, MD 21201</td>
<td></td>
</tr>
<tr>
<td>Seattle</td>
<td>5301 1st Ave NW</td>
<td>(206) 858-2202</td>
</tr>
<tr>
<td></td>
<td>Seattle, WA 98107</td>
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</tr>
</tbody>
</table>

[www.tindaleoliver.com](http://www.tindaleoliver.com)
April 8, 2014

Mr. Mike Sheppard  
Finance Director  
510 N. Baker St.  
Mount Dora, FL 32757

Re: City of Mount Dora Study for Fire Assessment Fees and Street Light Assessments

Dear Mr. Sheppard,

While we appreciate the opportunity you have provided for us to submit on the Study for Fire Assessment Fees and Street Light Assessments, we are unable to submit on the project because our current workload will not allow us to devote the necessary resources to provide you and the City with the high quality level of service we strive to provide.

We again thank you for your invitation to bid, and we would like to remain on the City’s bid list for similar projects that may arise in the future.

Regards,

Ashley Venturoni  
Marketing & Project Consultant
DATE: May 6, 2014

TO: Mayor and City Council

VIA: Michael Quinn, City Manager

FROM: Roy Hughes, Parks & Recreation Director


Recommendation:
Staff recommends approval for the 2014 Evans Park Concert Series.

Requests:
• To close the following street on select and scheduled evenings for a concert series at Edgerton Court at Charles Street and use of Evans Park.

Reference:
• Letter of Request by Sponsor.

Coordination:
City Manager
Finance
Fire
Library
Parks & Recreation
Utilities & Public Works

Budgetary Impact:
These events are produced by Visit Mount Dora. The applicant will reimburse the City for all services and fees associated with event services and applications.
Discussion:
Visit Mount Dora has requested the approval to present up to six concerts at Evans Park. For the past two years, the event sponsor has worked closely with the City with the current renovation plans of the park. The concerts at Evans Park are successfully coordinated and attended by visitors by community members and visitors of surrounding areas. The projected attendance for these concerts would be more than 1,500 per show that which would be hosted in our downtown merchant areas. In addition, the Lakeside Inn would greatly benefit from these shows due to the close approximation of the Inn.

Staff is in regular contact with the President of the Lawn Bowlers Association in regards of scheduling of events at Evans Park. Prior to contracting with each artist, the sponsor will communicate to the Special Events Coordinator the artist name and details of the event prior to acceptance of the event application.

The sponsor has not submitted an event application due to the inability to provide an exact date but has requested approval for the concert series. With this approval, the sponsor would have the confidence and assurance to negotiate upon availability of the desired artist(s). As result through the office of the Special Events Coordinator, the sponsor would have the opportunity to expedite the reservation for the park facility and coordination of public services following the approval of the Concert Series.

I respectfully submit for your consideration and approval for the 2014 Evans Park Concert Series.

Cc: Michael Quinn, City Manager
    Stephanie Haines, Library Director
    Skip Kerkhof, Fire Chief
    John O'Grady, Police Chief
    John Peters, Public Works & Utilities Director
    Mike Sheppard, Finance Director
Carson, Christopher

From: Brian E. Young <ybri22@gmail.com>
Sent: Friday, April 25, 2014 10:13 AM
To: Carson, Christopher
Subject: Events in Elizabeth Evans Park

Chris,

The completion of Evans Park affords a unique opportunity as it has the potential to become a premier outdoor entertainment venue. Our objective is to make full use of the park by bringing in a series of music related events and festivals. Visit Mount Dora, Inc. has and will always remain dedicated to bringing quality entertainment to Mount Dora.

The ability to take advantage of special pricing for musicians due to routing is important in obtaining quality entertainment at affordable rates. Often these decisions have to be made and procured quickly with commitments and non-refundable deposits. Though we have no precedent for an event application being denied by City Council we do not wish to put ourselves or City Council in the position of having to consider an event application after a non-refundable deposit has been paid.

We would like to propose an event application for a series of events for Evans Park based on the Blues–n–Groove template that City Council could approve in advance that would simply require dates to be plugged in. Use of the park on these dates would be subject to availability per the Parks and Recreation Department schedule. An event application of this type would allow the flexibility to take advantage of special pricing due to routing of talent we could not otherwise afford.

We feel an event application of this type could benefit any group in town desirous of taking advantage of this opportunity.

Thank you for your consideration.

Brian E. Young
Visit Mount Dora, Inc.
Event Committee Chair
APPLICATION TO SERVE AS A BOARD OR COMMITTEE MEMBER
FOR THE
CITY OF MOUNT DORA

Please complete all of the data fields listed below. Each applicant is advised that a very thorough criminal background investigation will be conducted through the Florida Department of Law Enforcement.

Applicant is subject to Florida Sunshine Laws
Immediately Upon Appointment to a Board or Committee

1. Name: Shipley Dennis J
   (last) (first) (middle)

2. Sex: Male
3. DOB: 3-30-1947

4. Home Address: 2190 Sheridan Road, Mount Dora, Florida 32757
   (street, city, state and zip code)

5. Mailing Address: same

6. Home telephone: 352-702-0798
7. Business telephone: N/A

8. Social Security Number:
   (For the Purpose of Background investigation)

9. Drivers License Number and State: S140-170-47-110-0

10. Provide a brief statement relating to your education, experience and reason
    for wishing to serve. (You may attach a resume.)
    Participated in court sponsored citizen outreach programs, including public access and communication. My wife and I have owned
    a 1926 historic home in Sylvan Shores (unincorporated Mount Dora) since 2002. In 2011, I retired to Florida and we were
    advised to "knock down the house and rebuild". Instead we did a complete renovation and I believe made a positive contribution to
    the neighborhood. I believe the history and charm of Mount Dora and all of Lake County should be carefully preserved. This is a significant
    reason for the tourism that Lake County enjoys. However, economic growth and well planned development is essential to the
    sustainability of the Lake County communities in the 21st century and I would like to try to make a contribution to that end.

11. Boards on which you wish to serve: MPO Citizens Advisory Committee

Please return this form to the Office of the City Manager, 510 Baker Street, Mount Dora, FL 32757
PH: 735-7126 for additional information.
brdapp (4/2/02)