



# CITY OF AVON PARK

Highlands County, Florida

## CITY COUNCIL REGULAR MEETING

January 23, 2023, 6:00 p.m.

Council Chambers, 123 E. Pine Street, Avon Park, FL

**This meeting will be held in person at the above address.**

**You are welcome to attend via ZOOM, if you wish. To enter this meeting, you must use the ZOOM app and use code**

**599 309 2787 No Password needed**

**A. CALL TO ORDER:**

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

**B. CITIZENS/OUTSIDE AGENCIES**

**C. CONSENT AGENDA:**

4. Minutes, January 9, 2023, City Council Regular Meeting - City Clerk, Chrissy Hardman

**D. ACTION AGENDA**

5. **Public Hearing: Second Reading**, Ordinance No. 01-2023, Vacating and Closing a Platted Right-of-Way, Twin Lakes Project- City Attorney, Jerry Buhr
6. DRAFT Lease between City of Avon Park and Nasgrass, Inc. - City Attorney, Jerry Buhr
7. Council to vet four (4) applicants for the Southside CRA Alternate Vacancy -City Clerk, Chrissy Hardman
8. Council to vet applicant Donna Parks for the Avon Park Police Pension Board- City Clerk, Chrissy Hardman
9. Draft RFP City Owned Property (101 W. Main Street)- City Manager, Mark Schrader

**E. STAFF UPDATES/ADMINISTRATION**

10. Discussion of Possible Foreclosure Action - Code Enforcement Supervisor, Randy LaBelle

**F. ATTORNEY UPDATES**

**G. COUNCIL DISCUSSION/UPDATES:**

**H. CITY MANAGER'S REPORT**

11. Regular Updates from the City Manager

**I. PUBLIC PARTICIPATION**

**J. ADJOURN: The next City Council Regular Meeting is scheduled for Monday, February 13, 2023, at 6:00 p.m.**

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

## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** Minutes of the City Council Regular Meeting, January 9, 2023

**Item No.:** C-4

**Placed on Agenda by:** City Clerk, Christian Hardman

**Staff Review:** Yes

**Attorney Review:**

**Recommended Motion(s):** Approve Consent Agenda

**Documentation:**

- Draft Minutes, City Council Regular Meeting, January 9, 2023

**Background:**





**CITY OF AVON PARK**  
Highlands County, Florida

**MINUTES OF THE CITY COUNCIL REGULAR MEETING**  
**January 09, 2023 at 6:00 p.m.**

**A. OPENING:** CTO – 6:00 PM

1. Invocation: Councilmember Brittany McGuire
2. Pledge of Allegiance: Mayor Anderson
3. Roll Call: City Clerk, Christian Hardman

**COUNCIL MEMBERS PRESENT:**

Member Brittany McGuire  
Member Shelly Mercure  
Member Berniece Taylor  
Deputy Mayor, Jim Barnard  
Mayor Garrett Anderson

**COUNCIL MEMBERS ABSENT:**

**STAFF PRESENT:**

City Manager, Mark Schrader  
City Attorney, Gerald Buhr  
City Clerk, Christian Hardman  
Code Enforcement Supervisor, Randy LaBelle  
Finance Director, Melody Sauerhafer  
Fire Chief, Andrew Marcy  
I.T. Administrator, Matt Byrd

**B. CITIZENS/OUTSIDE AGENCIES:**

4. Proclamation Agricultural and Labor Program, Inc.- ALPI Executive Office Manager, Maria Crespo

Mayor Anderson read a Proclamation for the Agricultural and Labor Program, Inc. supporting and recognizing the January 28<sup>th</sup>, Annual Corporate Meeting and Luncheon as a “Legacy of Leadership with Purpose and Positive Results.”

5. Presentation by Renaissance Planning and FDOT- Main St. Lane Repurposing

Frank Kalpakis of Renaissance Planning and Roxanne Lake of FDOT presented the Main Street Lane Repurposing Project for State Road 17 (Main Street). Kalpakis covered the project’s purpose and-

the analytical framework. The purpose is to provide on street parking, bicycle lanes, landscaping, and enhanced pedestrian facilities. The design process will integrate community perspectives; getting community involvement to align with its goals. There will also be a focus on traffic flow. Kalpakis covered the geographic characteristics of Main Street and the project's potential. The intention is to align with regional traffic patterns and demands.

Mayor Anderson made note that the project boundaries are from north to south, with Main Street running east to west. He asked will the project be for the lanes or will the scope go beyond that? Kalpakis said they will look a short distance beyond Main Street to understand where people are and how they access the area. However, their strategies and recommendations will focus on Main Street. Mayor Anderson asked if the project may include enhancing or rehabilitating some roadways leading to Main Street? Kalpakis said he was unsure whether they would consider pavement conditions for local or connecting streets to State Road 17 (Main Street). However, during the evaluation, they may find items that need to be brought forward; making recommendations for strategies. Mayor Anderson asked in his experience, has a 3R project ever involved moving or rehabilitating curbs? Kalpakis said it is possible. They may implement street or landscaping that would require a new curb.

Mayor Anderson said if there is a checklist of things the city needs to do, i.e., ripping up asphalt, then we should install as much infrastructure as possible while it is open. City Attorney Buhr asked if Kalpakis knows some businesses are requesting outside seating; suggesting they also consider micro-mobility in their designs.

Councilmember Taylor asked if the project will cover both sides of SR-17 (Main Street) to which Kalpakis said yes. She inquired whether there will be sidewalks removed or moved? He said they will collect feedback, such as Councilmember Taylor's comments; the information will show the different opportunities for the project. Councilmember Taylor asked when the project is estimated for completion? Roxann Lake said it takes approximately 14 to 18-months for the design; the lane repurposing is not to move curbing but to work within the existing framework. The design crew will look at side roads, drainage, and other opportunities. With limited funding, they may stick to resurfacing only. There will be opportunities to speak with the project manager.

Councilmember Mercure asked from start-to-finish, would they estimate project completion at 18-months? Kalpakis said for the evaluation. Councilmember Mercure asked when starting such a project, what is the completion time? Lake said typically, when discussing resurfacing, the estimate is 2-years between design and construction.

Councilmember Taylor expressed concern for Main Street businesses, then asked how long construction will take? Lake was unsure but estimated at 9 to 12 months. Mayor Anderson said they will not know until they have an idea of the depth of the project. Lake explained how the project manager would identify the timeline.

#### **C. CONSENT AGENDA:**

6. Minutes- December 12, 2022, City Council Regular Meeting- City Clerk, Christian Hardman

**MOTION**, made by Councilmember Mercure, seconded by Councilmember McGuire, to approve agenda item "C-6."

AYE: McGuire, Mercure, Taylor, Barnard, Anderson

NAY: None

**Motion Passed: 5-0**

**D. ACTION AGENDA:**

7. **Public Hearing: Second Reading, Ordinance No. 20-2022, Clarifying Master Water Wastewater Billing- City Attorney, Jerry Buhr**

City Attorney Buhr read the short title for Ordinance No. 20-2022, respectively.

AN ORDINANCE OF THE CITY OF AVON PARK FLORIDA, PROVIDING RECITALS AS TO THE COUNCIL INTENT; AMENDING CITY CODE SECTION 98-238 BY ADDING PROVISIONS FOR MASTER WASTEWATER METERS FOR SOME FORMS OF USE, AND PROVIDING FOR WASTEWATER BILLING TO BE BASED ON SUCH WASTEWATER METER RATHER THAN WATER METER(S); PROVIDING FOR INITIAL RATES FOR MASTER WASTEWATER METERS; PROVIDING FOR CODIFICATION AND REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Buhr said the ordinance applies to the Nucor system; they have wells onsite, therefore anything registered on the meter will not accurately reflect what they are doing at the location. He said there will be other situations where the ordinance will apply, for example, subdivisions with a master meter.

**Public Hearing opened at 6:23 p.m.**

There was no public participation.

**Public Hearing closed at 6:24 p.m.**

**MOTION**, made by Deputy Mayor Barnard, seconded by Councilmember Mercure, to approve agenda item "D-7," Ordinance No. 20-2022.

AYE: McGuire, Mercure, Taylor, Barnard, Anderson

NAY: None

**Motion Passed: 5-0**

8. **First Reading, Ordinance No. 01-2023, Vacating and Closing a Platted Right-of-Way, Twin Lakes Project- City Attorney Jerry Buhr**

City Attorney Buhr read the short title for Ordinance No. 01-2023, respectively.

AN ORDINANCE VACATING AND CLOSING A PLATTED ROADWAY NEVER USED BY THE PUBLIC LOCATED IN THE CITY OF AVON PARK, FLORIDA, AT THE REQUEST OF ADJACENT OWNER BOSTON MINING COMPANY; PROVIDING FOR AN EFFECTIVE DATE.

Justin Ham of Kimley-Horn said Ordinance No. 01-2023 is part 3 of the Twin Lakes project. He summarized the previous discussion related to S. Lake Boulevard, which had occurred during the-



discussion from the December 2022 meeting. Ham showed an aerial photo of two Right-of-Ways (ROWs) in relation to S. Lake Boulevard; saying the request to vacate and close roadways applies to a section of road in the southwest corner and in between two parcels (in the main parcel's north side). Ham said they do not use the road other than for farm operations. There are no community effects, it is a continuation of the previous approval.

Mayor Anderson said allowed public participation, saying they would limit it to 3-minutes per speaker.

Arnold Wilson of 1412 S. Carolina Avenue asked if Garrett Road to the Raceway (gas station) is the ROW being considered? Mayor Anderson said it is not. Wilson asked where the developer got his information concerning the negative effects, such as illegal dumping and the time differential when driving each route (discussed at the December meeting)? He also asked if the developer considered working together with the Lacey Hill neighborhood? Ham said he drove the routes himself. Regarding illegal dumping, they submitted photographs to him. He reminded everyone this was all discussed during the previous meetings for which the road closure (S. Lake Blvd) has already been approved.

Thelma Foster of 409 E. Canfield Street said she is concerned because the proposal is to eliminate the road. Mayor Anderson explained how the Shell rock road (S. Lake Blvd) was vacated at the December meeting. The proposal on the table is for two different ROWs. Foster was concerned because she cannot use the road to go fishing. Mayor Anderson reassured her she will still be able to fish in the lake; the road with the boat ramp is not a part of this request.

Councilmember Taylor asked if they used the ROWs for privately owned vehicles (POVs); if the easement leads out to Lake Anoka, and is it closer to Hal McRae Blvd than Garrett Road? She also asked if they can use the easement as a ROW for vehicles for residents in the community to travel, since we cut Garrett Road off? Ham said once vacated, the public cannot use it. Councilmember Taylor said it is not vacated yet. She asked why this easement cannot be a route for the community? Councilmember McGuire asked where would a motorist be going along that road? Mayor Anderson said it goes to Lake Anoka; the other ROW (S. Lake Blvd) was a pathway to get to US 27. The ROW she is referencing does not lead to anywhere but the lake.

Councilmember Taylor said she is sure it leads to the other side. Mayor Anderson said it leads directly to Lake Anoka. Even if it did, the road would be cutting through the subdivision, which is still a conflict. Ham said there is no road there and a portion of it is in the county. Councilmember McGuire said there was not another road. Councilmember Taylor said when the farm workers reached the end of the ROW, they drove along the edge of the lake. Mayor Anderson said when she stated "farm workers," there were people working on the ROWs. Councilmember Taylor said the utility trucks and vehicles that the farm uses (the farming equipment). The drivers drove to the end of the road, riding along the edge of the lake. Ham was unsure how they travelled; however, he imagined they turned off before the edge of Lake Anoka, cutting through the orange groves.

**MOTION**, made by Councilmember McGuire, seconded by Councilmember Mercure, to approve agenda item "D-5," Ordinance No. 01-2023.

AYE: McGuire, Mercure, Barnard, Anderson

NAY: Taylor

**Motion Passed: 4-1**

9. Council to vet Chet Brojek for reappointment to the Avon Park Housing Authority Board- City Clerk, Chrissy Hardman

The City Clerk summarized the details of the request for the Avon Park Housing Authority (APHA) reappointment of Chet Brojek. Mayor Anderson said Brojek is a fine man and upstanding citizen who has done an excellent job serving on the APHA board.

Chet Brojek of 3310 Par Road, Sebring, said it has been a pleasure to serve for 12-years. He has served with 3-executive directors. His concern and love for the city is his motivation to serve for at least 2-more years. Brojek expressed his gratitude to the council for their consideration.

Councilmember Taylor spoke of discussions in September or October (2022) related to taking the city in a direction it has not been going. Mayor Anderson wanted new ideas on the table. She knows Brojek very well but believes it is time to put fresh ideas on the table; not only for the Planning and Zoning (P&Z) board, but for all. Councilmember Taylor thought that was what the council agreed on. Although they may know the individuals, she thinks it is time that Avon Park goes in a total new direction than where it has been. Brojek has served 12-years. Councilmember Taylor said she feels it was time for someone else to be given an opportunity.

Mayor Anderson said Brojek is a forward-thinking individual; Councilmember Taylor is entitled to her opinion, but he believes the reappointment would place the best person for the job. He said Brojek has had some of the more innovative ideas of anyone who has served on the board; having served as a liaison to the APHA board for several years. Mayor Anderson said he has always appreciated the ideas that Brojek has. He has always had the city's best interest in mind.

Councilmember Taylor asked if the Council is not trying to bring new ideas? Mayor Anderson said they are when the opportunity presents itself, but in relation to Brojek, he has done a fine job. He is bringing new ideas. Councilmember Taylor said she is not implying that anyone is doing a poor job. She is saying council has been making plans, regarding the city, to go in a new direction than where we have been heading. Mayor Anderson said in particular, we focused the discussions on the P&Z Board. Councilmember Taylor said they were considering all committees. Mayor Anderson said that was the subject at hand (at the time).

Councilmember McGuire said in her opinion, it is not just necessarily a "new" person but someone who has qualifications; one who has demonstrated an ability to do the job well. They were discussing P&Z issues. The concern was for the attitude; how members of the public were feeling when coming before the P&Z Board. Additionally, it was qualifications. It is not necessarily a great idea to put a new person on the board for the sake of doing it. Councilmember Taylor said she thinks new people interested in serving on the board have great ideas; bringing new innovation to the city. There is no way to know unless they are given a chance. She believed if someone has served on the board for 12-years, then it is time to give someone else a chance.

Councilmember Taylor said with reappointments continuing, interested applicants will perceive that the council is not interested in bringing new ideas to the table. They are more interested in keeping the existing structure. Councilmember McGuire said the community is welcome to attend meetings. She encouraged members of the community to do so. Councilmember McGuire said if they have someone who is qualified and willing to serve, then that is the direction we should go.



Mayor Anderson said there is a vacant position open; no matter what, someone new will be appointed during this meeting. There is a term expiration upcoming in February 2023. In 2024, there will be 3 positions; meaning plenty of opportunities.

**MOTION**, made by Councilmember McGuire, seconded by Councilmember Mercure, to approve agenda item "D-9," to reappoint Chet Brojek to the APHA Board.

AYE: McGuire, Mercure, Barnard, Anderson

NAY: Taylor

**Motion Passed: 4-1**

10. Council to vet eight (8) applicants requesting to be appointed to the Avon Park Housing Authority- City Clerk, Chrissy Hardman

The City Clerk said Florine Anderson Wells and Annie Johnson (APHA board applicants) could not attend. She said she is happy to answer questions? City Manager Schrader said it was brought to his attention that there are some applicants who also marked the Southside CRA on their application besides the APHA board. There is one alternate position open, on the Southside CRA; the council may want to fill it tonight. Mayor Anderson said if it is not on the subject, his preference is to do it at the January 23rd meeting.

Councilmember McGuire recommended applicant Carmelo Pineiro; his references included Penny Pieratt, APHA Executive Director. According to the references, Pineiro has worked for many years with the APHA. He has the basis and understanding of the organizational structure, having attended all the meetings. One reference stated he brings new ideas to the table for saving money and efficiency. The references speak to his strong leadership skills, describing him as honest, hardworking, and knowledgeable about the inner workings of the APHA. Councilmember McGuire felt he would be a good fit for the position.

**MOTION**, made by Councilmember McGuire, seconded by Deputy Mayor Barnard, to appoint Carmelo Pineiro to the APHA board.

Councilmember Taylor asked if she will ever have an opportunity to discuss an item before there is a motion? Mayor Anderson said she can ask any question; however, a motion was made. If there is no second, then the motion will die for lack of a second. Councilmember Taylor said we have all the applicants sitting in the audience; however, Councilmember McGuire recommends one applicant and moves to approve. She asked if that was how this works? Mayor Anderson said the councilmember made a motion. Councilmember Taylor may make a motion; however, she chose not to. Councilmember Taylor said they did not give her an opportunity to make a recommendation, unlike Councilmember McGuire. Mayor Anderson asked for her recommendation, to which she said everyone who submitted an application. Everyone should be considered. Mayor Anderson asked if that is because they listed her as a reference on each application? Councilmember Taylor said she is not a reference on all the applications but three.

Councilmember Taylor recommended Lisa Pough. Pough lived in the Housing Authority as a child. She has an insight into what it is like living there under the APHA regulations. Councilmember Taylor believes Pough can make great decisions for low-income individuals who use the Housing-



Authority as a stepping stone towards home ownership. Councilmember Taylor also recommended Thelma Ann Foster, who lived in the Housing Authority. Foster professionally had to use her supervisory skills. Both individuals are honest. They know the people and the APHA rules. Many individuals who applied are as highly recommended as Pineiro.

Deputy Mayor Barnard said if someone applies for a board, his preference is to appoint someone who is active in the position, for example, attending meetings regularly. It is difficult for him to support someone who does not show up to any meetings of any kind, then suddenly, they decide there is an opening and apply. It tells him what kind of experience they have. Unless you read the newspaper and its limited information, you do not know what is going on within the city. Pineiro has worked at the APHA and attended meetings regularly. He seconded the motion for this reason. Pineiro has the experience and knowledge. There are a lot of other applicants of whom he knows their names. He agrees they are good people who may do a good job. It is a tough decision, but someone must be chosen. Pineiro has proven he wants to serve. Deputy Mayor Barnard said none of the other applicants have attended meetings.

Mayor Anderson said it has been a long time since there have been 8-applicants for one position on any board. We are heading in the right direction, which is a positive thing. He expressed his gratitude for there being so many applicants willing to put their name in for a position. Councilmember Taylor said she met with City Manager Schrader about how these applicants did not just apply for the APHA board, but the agenda reflects only the APHA position. Mayor Anderson said City Manager Schrader reported that is not the only position applied for. Councilmember Taylor said the agenda is misleading because it does not provide for the individuals who selected the Police Pension Board, the CRA Advisory Board, and the APHA Board. The agenda shows 8-applicants applying for 1 position. Councilmember Taylor said the mayor does not want to address the other positions because of the way the agenda was written. She wanted to bring it to his attention.

Mayor Anderson said she did not listen to the previous conversation; the City Manager reported their interest in other boards. It was his decision to address the CRA Advisory board at the next meeting. If there are additional boards listed, then it will be discussed at the next meeting, too. With that said, the council must adhere to what they wrote on the agenda because an audience member would not have known they are considering the CRA Advisory board. How is it right for them to select applicants for a different board not advertised for? They would not have come and spoken. Councilmember Taylor said she met with the City Manager to see if he can change it. Councilmember Mercure said to be fair, the council received the agenda packets on Thursday (January 5th). There would have been an opportunity to have the agenda revised before the meeting. Mayor Anderson said it is a non-issue, no one is being put out and everyone has an equal chance.

Councilmember Taylor asked if Pineiro was present? Pineiro said I am. Councilmember Taylor said that is the reason we wanted the applicants to attend. The council said they would not allow applicants to be appointed without coming before them. Deputy Mayor Barnard thanked everyone who submitted an application. He said he reviewed the references and considered when an application was submitted. Pineiro submitted his application first. He is sure the other applicants are qualified, but someone must be chosen.

Carmelo Pineiro of 6403 Foster Road, Sebring, introduced himself. Councilmember Taylor noted he is a Sebring resident; then asked if he was more interested in what happens in Avon Park than someone who lives here? Pineiro said he believes he has the same feelings as anyone who lives in Avon Park. He has worked here for the past 9-years before retirement and has grown fond of the city. Councilmember Taylor asked why he has not applied for the Housing Authority in Sebring? Pineiro said they do not have one. Councilmember Taylor disagreed, saying he did not check, he was only interested in Avon Park. Pineiro said he checked. Sebring has different management companies that run the Housing Authority, serving section-8 clients. Councilmember Taylor asked if he was retired, has he attended meetings, and if he lives in a Housing Authority? Pineiro said yes, he is retired, attends meetings; he does not live in a Housing Authority.

Councilmember Taylor asked what motivated him to serve on the board; considering he does not live in the city or a Housing Authority? Pineiro said he worked for the Housing Authority for over 8 years. He knows the residents that live there and his goal is to serve the public without malice or prejudice. Mayor Anderson thanked him for attending and submitting his application. City Manager Schrader informed the council that Pieratt told the Clerk there are actually two vacancies. Besides the passing of a board member, there already existed a vacancy. Mayor Anderson asked how many board members are there in total? The City Clerk answered 7.

AYE: McGuire, Mercure, Barnard, Anderson

NAY: Taylor

**Motion Passed: 4-1**

Mayor Anderson asked Councilmember Taylor who she would recommend for the second vacancy? Councilmember Taylor said the council requires applicants come before them. Are we not inviting them to the podium to talk about themselves, then what is the purpose of having them come before the council? They should at least hear what the applicants have to say. Mayor Anderson said it sounds like she is more interested in arguing than moving forward. He repeated his request for a recommendation. Councilmember Taylor recommended every applicant who put in for the position. Mayor Anderson asked of the applicants remaining, would any wish to come up to the podium.

Padrika Boone Sheppard of 305 Earnest E. Sims Street, introduced herself. Mayor Anderson asked why she would like to serve on the board? Sheppard said she wishes to serve because her grandmother lived in the Housing Authority. She spent many weekends there. Her grandmother after several years moved to Delaney Heights. There are a lot of things she learned in the community, not just from her grandmother. Coming home for college, her grandmother would give her a list of people who needed help, for example, running errands, dinner, picking up packages. Anything they needed she would do. Her goal is to continue serving. Councilmember Taylor asked how long she lived in the area? Sheppard said 61-years. She left and always returned. Councilmember Taylor asked if she believed a person who lives in the community can better serve it, compared to someone who lives outside? Sheppard said yes.

Councilmember McGuire asked Sheppard what her primary goal is for the Housing Authority? Sheppard replied, to brighten it up. Councilmember McGuire requested clarification, to which Sheppard said she wants to brighten up the area, for example, landscaping. Especially Delaney Heights, where the elderly are. Mayor Anderson asked if she is familiar with the different housing offered through the Housing Authority; the different level of subsidies, i.e., section-8, no subsidy-



and everything in between. Sheppard said yes. She was one of the first recipients of section-8 when the program was first brought to Avon Park.

Lisa Pough of 705 W. State Street, said she was born and raised in Avon Park. She is employed by the Polk County school board, working with special needs children from the ages of 18-22. Pough said she was raised in the Housing Authority. After graduating, she worked for RCMA; collaborating with Alice Owens, former APHA executive director. Together, they helped a lot of low-income families. She learned about the process. Alice always encouraged her to serve on the APHA because she enjoys helping others. Pough said she has always tried to help people to become self-sufficient and believes her service will be a way for her to give back to the community.

Mayor Anderson asked of the different housing offered by the city; what does she think is the most helpful to citizens, for example, the partial subsidy, or section-8? Pough said section-8 is acceptable; however, she believes the partial subsidy is better. Mayor Anderson asked if that is because of the regulations, to which she said yes. In her conversation with Alice, she knows it comes from the Government and is aware you cannot just change regulations on a local level. However, we can eat away at it until it is balanced and organized within the program. She does not intend to change things but to bring new ideas. Mayor Anderson asked if there is anything she would change on the Housing Authority? Pough said not really because she does not know it inside-out; only what we hear. She does not make a judgement based on this. Pough said she wants to be in it so she can judge the situation for herself, to help in any way she can.

Mayor Anderson asked if she has experience with development, for example, developing properties or real estate? Pough said not too much; she is a property owner. She has always had an interest; however, never pursued it. Mayor Anderson explained his question; development is a large part of what the Housing Authority does. Looking at different properties in the city and surrounding areas, considering whether they can develop this into a Housing Authority property. Pough said she has always thought about it because she has brought it up to Councilmember Taylor and Gerald Snell (CRA Advisory Chair). She always asked about properties and wondered why such properties have not been used for this purpose. Mayor Anderson asked how long she has lived in the city, to which Pough said she was born and raised here.

Thelma Foster of 409 E. Canfield Street said she lived in the Housing Authority when she was young. From the age of 6 to graduation. Foster received her Bachelor of Arts degree in elementary education. The Housing Authority was okay. She has always told people to not consider the Housing Authority as a home but a starting point. It was never meant for anyone to stay. After living there, Foster could purchase her home. Foster applied for the APHA and the P&Z Board. When she lived in the Housing Authority, she attended a class to receive her seal to serve as an executive director for the APHA. Foster also served on the resident's council; they established a laundromat business. Her goal was to assist residents in getting their confidence to know that living in the Housing Authority does not mean you are less worthy. The Housing Authority is a platform where she can help change it for the better, improving programs.

Mayor Anderson recommended Pough. He was impressed with what she had to say and her attitude towards development. Councilmember Mercure agreed, adding she like her outspokenness and the clarity in the way she spoke with the council. Deputy Mayor Barnard enjoyed each presentation, saying each applicant did a wonderful job. He spoke of his father, who lived in low-income housing because of health issues and loss of employment. Deputy Mayor-

Barnard said he understands what that means; sometimes circumstances in life leads to a need for services like the APHA. He has concern for all who use the APHA as a starting point. Councilmember Taylor referenced the term expiration in February and asked will the remaining applications be acceptable for the position in February? The City Clerk said yes.

**MOTION**, made by Mayor Anderson, seconded by Deputy Mayor Barnard, to appoint Lisa Pough to the APHA board.

AYE: McGuire, Mercure, Taylor, Barnard, Anderson

NAY:

**Motion Passed: 5-0**

11. Council to vet applicant Donna Parks for the Avon Park Police Pension Board- City Clerk, Chrissy Hardman

The City Clerk summarized the council's request to meet with Donna Parks prior to her appointment to the Police Pension Board (December 2022). Parks was not in attendance. Councilmember Taylor said Thelma Foster applied for the Police Pension Board. The City Clerk said Foster listed the P&Z Board; there were no applicants for the Police Pension Board. Councilmember Mercure asked how to proceed? Mayor Anderson said the council can either approve the appointment or wait later. Councilmember Taylor said it was not approved last time because Parks had only lived in the city for 2-months. The council knew nothing about the candidate. We made a request for the candidate to come before them; a request that makes sense to her, especially for a board like the Police Pension Board. The City Clerk said Parks has been an Avon Park resident for a year.

Councilmember McGuire said Parks' references are strong. She agrees it would have been nice for Parks to be in attendance but did not want to pass up someone who has references like Parks. Mayor Anderson recommended postponing the appointment until the next meeting. At least, by then, we will have time to call references and vet them accordingly. The City Clerk said she has received no applications for any of the Pension boards. Mayor Anderson asked if this is the first one in quite some time, to which she said yes. Mayor Anderson said they would like enough time to invite Parks back to the January 23rd meeting.

**MOTION**, made by Mayor Anderson, seconded by Councilmember Mercure, to postpone agenda item "D-11," indefinitely.

AYE: Mercure, Taylor, Barnard, Anderson

NAY: McGuire

**Motion Passed: 4-1**

**E. STAFF UPDATES/ADMINISTRATION**

12. 2022 Code Enforcement Numbers - Code Enforcement Supervisor, Randy LaBelle

Code Enforcement Supervisor LaBelle provided a report on the 2022 Code Enforcement totals based on items of importance, including "self-initiated actions and cases." We provided the report to the council in their agenda packets.



Deputy Mayor Barnard asked regarding “Snipe Signs,” if they were related to the election? LaBelle said yes; of the 1,423 signs listed in his report, there were less than 200. Deputy Mayor Barnard commended LaBelle and his team for their great work. He said they are respectful and well-trained.

**F. ATTORNEY UPDATES:**

**G. COUNCIL DISCUSSION/UPDATES:**

**13. Vacant City Property 101 W. Main Street (Former- Wylde Building)- Mayor Anderson**

Mayor Anderson said he had made a request for the council to consider ideas for what they would like to see done where the Wylde Building used to be. Community members have expressed their dislike for the area being open and bare. The goal is not to create an elaborate park. As City Manager mentioned the idea is to put out an RFP (request for proposal) to any investors wanting to build on the parcel; noting that the prior council had also suggested this idea. Mayor Anderson said the goal is to have a new building there. An RFP needs to be put together, and the council needs to consider what we can do to fill the space. He asked City Attorney Buhr’s advice.

City Attorney Buhr agreed and noted the last time he worked with the City Manager to put together an RFP. City Manager Schrader said he already has the purchasing agent (Andy Mogle) working on it, and we will provide a draft to City Attorney Buhr. Mayor Anderson asked if it is something they can take a vote on at the next meeting, or thereafter? City Attorney Buhr saw no reason they could not. They need to consider what they want to do with it. Mayor Anderson asked if staff can provide an outline at the January 23rd meeting as far as options. City Manager Schrader said yes. Mayor Anderson said the goal is for a multi-story building, with businesses on the first floor; and businesses or living spaces upstairs. City Attorney Buhr said they will need to consider the zoning and building characteristics of the area; or anything, it may be rezoned as. There are quite a few options. Mayor Anderson said the idea is to bring more people and foot traffic downtown.

Mayor Anderson said staff has planted grass in the area and irrigation is available to support landscaping. In the past, suggestions were made to place park benches in the area. He was unsure if they should wait for the lane repurposing survey to be concluded prior to deciding. Deputy Mayor Barnard was not opposed to park benches; however, his recommendation is to sell the property to have another business there. There are a lot of things we can do with the area, such as lights, tables, or a checker table. It may be nice and fun for a while; however, if someone is interested in buying the property, then why not just wait a couple months to see what happens. Mayor Anderson thought it would be unlikely that someone will purchase the property in a couple of months, but it could happen. Councilmember Mercure said if it is advertised and marketed right, you never know who could come along.

Mayor Anderson asked if Deputy Mayor Barnard is suggesting the property be left as is? Councilmember Mercure asked if it is possible to clean the area up to make it presentable? Something that is not cost prohibitive. Mayor Anderson gave the example of landscaping such as trees or shrubs. Councilmember Mercure said if someone wants the property, they would have to knock it down. We do not want to spend a lot of money. Mayor Anderson asked for her-

recommendation? Councilmember McGuire recommended a hedgerow along the back of the property, so the industrial zone behind it would be less visible. We could add a couple of benches to make it cozier, to which Deputy Mayor Barnard agreed.

Councilmember Mercure noted the side of the adjacent building is awful and needs to be painted. Mayor Anderson said he spoke with the property owner several times; encouraging him to apply for a CRA Façade grant. The owner is not receptive to the idea. He asked if anyone would like to approach him? He is a Spanish speaker with English as his second language; therefore, it would be better if someone spoke Spanish.

Mayor Anderson asked if there were suggestions from staff, to which City Manager Schrader said none, other than he liked Councilmember McGuire's recommendation. He disagrees with putting a lot of money into it because someone may send a proposal to put up a business or residential building. Mayor Anderson asked City Attorney Buhr, since the issue is one of slum and blight; can the CRA contribute funds? City Attorney Buhr said his recollection for government buildings is, other than funds for government demolitions, he does not see property improvement as a part of the CRA plan. He said there may be an argument with regard to improving the surrounding bricks-and-mortar properties. Generally, the money is to be spent on bricks-and-mortar improvements, rather than aesthetic ground improvements.

Mayor Anderson noted the city tore the building down; he asked if we could argue that it is remediation to bring the property up to the standards where it once was? City Attorney Buhr said the argument would be that generally, we need to improve it to make the surrounding buildings look better; as a result, people will want to do business with them. Mayor Anderson said as of now, they are considering a hedge row with mulch below it. He asked do they want to consider a private company to do the work or is it something staff can do? City Manager Schrader said staff can look at getting it done; if not, the city can get a local company to help without going out to bid. Mayor Anderson said is the intention to bring it before the CRA Board? He asked can the City Manager get the package together for the next CRA Advisory Board meeting? City Manager Schrader said if we can do it quickly, as that will be January 12th.

#### **H. CITY MANAGER'S REPORT:**

##### **14. Regular Updates from the City Manager.**

City Manager Schrader provided an update on the environmental study at the airport, related to the lawnmower race track. He said we have been working for the past few months on getting vendors to see what it would cost and if we must go out to bid. The quotes received include one at \$32,000 to do 9-boring samples in the ground. One company told us that you do not bore into the ground if unsure what is there, since it may create a worse problem. One quote is asking for almost \$6,500 to perform drilling; another, \$4,200 to perform multiple bore samples. The company who does not recommend boring, is requesting \$3,500 for a phase one assessment. There would be no drilling; it would include a review of historical information, maps, aerial photos, reports, regulatory records, site visits, and a geologist report.

City Manager Schrader said when meeting with outside counsel (David Bannard), our consultant (Lowell Clary), and City Attorney Buhr; Lowell brought it up several times how the FAA said not to do anything out of the ordinary at the site, for example, changes to the master plan-



environmental. City Manager Schrader said it led him to think about whether we are going down the wrong path with this because the city is close to submitting the AIPP application and lease to the FAA. City Attorney Buhr agreed with him that we should not be doing this right now based on what the FAA said. City Manager Schrader said he also contacted Lowell Clary who agreed, saying he fully agreed we should leave this alone right now. Clary said if something happens out there, it mostly likely will set us and the AIPP process back for several months. City Attorney Buhr said such a setback will make \$32,000 look tiny comparatively.

Mayor Anderson summarized the discussions which led to the decision to halt the lawn mower racing operation because of potential contamination. With this new information, the council is in the predicament of deciding how to help the lawnmower race and not mess up the AIPP process. City Attorney Buhr asked if there is another location they can use? He feels bad; however, the city had no choice once the smell was reported.

Councilmember Taylor said Nasgrass was not required to have an inspection when they could originally use the area. Now, 25-years later, it is required. She understands the city's position with liability; however, how can they be held responsible for something that the city did not investigate initially. Mayor Anderson said they are not being held responsible. Councilmember Taylor said we are stopping them from racing. We are holding them back from doing what they want to do because we did not do what we were supposed to do as a city. It is not the current council, but the ones prior. She said it does not seem fair to them. City Attorney Buhr said if we discovered a minefield on the property, it would be the same scenario. It is not their fault, nor the city's, but we cannot allow people to go in until we investigate it. City Attorney Buhr said we do not want to investigate now at the advice of our experts. Councilmember Mercure said the city did not pay for anyone to go out there. City Attorney Buhr said he is referring to the airport experts, our outside counsel.

Deputy Mayor Barnard said he has attended a lawnmower race in another town; it is a family-friendly small-town event that is fun to do. It is fantastic to have, and he wants to see it return; whether at that location or another. He wants to make sure the city and its council do not forget. With that said, safety is the number one priority. We cannot move forward if there is any chance of something being unsafe or someone getting hurt. The city has an obligation to make sure it is a safe piece of property; otherwise, we can find another property. We cannot take any risks that may hinder the AIPP grant process. He expressed his apologies for those who have used it in the past and for those who attend. His goal is safety, the success of the AIPP grant; not to get rid of the races. We have to put it on hold. After we conclude the AIPP grant, then he would like to move forward by considering options to make it safe or find an alternative location.

Councilmember McGuire thought there were lawnmower races (unaffiliated with Nasgrass) hosted at the High School track. Mayor Anderson said there were a couple events, but it was not a regular occurrence. Councilmember McGuire asked Nasgrass members in the audience to speak on whether they have looked into another location or what the exact requirements are for the track. If we cannot do it at the airport, then the city may consider other options.

Councilmember Mercure agreed with Deputy Mayor Barnard; it is a lot of fun and she hates to see it go away. The event is a livelihood for many people, bringing in revenue to the city. With that said, she would not be able to sleep if someone got killed. She asked who reported the smell? Councilmember McGuire said a Nasgrass employee. City Manager Schrader said he was first told-

by a Nasgrass employee (Wes). Later, when he told Rick Reed about what Wes said, Reed said when he was at the airport mowing, in that same area, he could smell something. Mayor Anderson asked what the smell was, to which City Manager Schrader said he was told (by Wes) methane; however, he did not believe you can smell methane. Councilmember Mercure asked if they were qualified to identify the smell? Could it just be a swamp smell? City Attorney Buhr said methane or hydrogen sulfide; it could be something innocent, but we do not know at this point.

Kristine Smith of 4409 Hedge Drive, said at the first meeting the City Manager had reported it was a gentleman mowing at the site. They have been there 25-years; the smell did not become apparent until they started clearing the airport. It comes and goes; there were never complaints. Mayor Anderson asked her to clarify what she meant by "clearing," to which she said when they cleared the area up of the trees and foliage up to the fence. She asked why the smell is only affecting Nasgrass; it is not concentrated in a single area. She asked how the council can single them out for contamination? Councilmember Mercure questioned what time of year was the area cleared and was it during the rainy season? Smith said yes during the summer. Mayor Anderson informed the audience to not comment; public participation needs to be on record. Councilmember Mercure said the person mowing may have smelled it, but she questions their qualifications to identify what the smell is.

Mayor Anderson said no one will know for sure until we document it with the proper procedures. Smith agreed, adding it is not confined to just the racetrack. If that is the case, then the entire landfill area should be tested. Discussion continued regarding the landfill area. Smith said J.T. Clark (FAM) said there is available space at the softball field. They have four months left in the season; if they cannot finish, they can no longer be in business. She asked why they cannot be allowed to finish the 4-months while the council considers what to do. Councilmember Mercure asked how many houses are along the path leading to the racetrack when turning off of State Road 64 (SR-64)? Smith said under ten. Councilmember Mercure asked if they were vacant. Smith said no; however, they were told those properties were to be a part of the airport. Councilmember Mercure said allowing them to finish the 4-months is a fair request.

Michael Graves of 801 LaGrande Boulevard, Sebring, said the track has been there for 25-years. There have never been explosions or illness; he asked how they can think there is methane? He spoke of the children who race at the track and the effect not being able to take part will have on them. Mayor Anderson said on the other side, if a kid died out there, then the question would be how did we allow children to go out there. The council is trying to figure out if there is a way to mitigate the risk so that the city is not liable.

Jack Halby of Sebring said he is a seasonal resident who loves to watch the races. Halby said there is another reason the city is not allowing the races, and we need to let them know why. Mayor Anderson said the mentioned smell is the reason. Halby said there are meters that identify the cause of such a smell. He asked if the city has done that? Mayor Anderson said it requires a certified company to do so. That is what they were trying to find. Halby did not understand the council's reasoning.

Bill Veal of 5894 Dove Avenue, asked if FAM or the city consulted with the state before disturbing ground on the other side of the fence (known to be a former landfill)? City Manager Schrader said the FAA requires there to be a cleared area from the fence line. When FAM was moving mounds at the location, he told them to stop immediately. Mayor Anderson asked what is the process to-



continue to clear land at the site; would an environmental study be required? City Manager Schrader said the landfill, probably going back to World War II, extends past it but there are no buildings. In the future, when FAM gets the lease, they are going to perform studies prior to expansion. City Manager Schrader said 25-years ago, the Department of Environmental Protection (DEP) was not what they are today. 25-years ago, they just started moving old cars out there, but right now the city does not know what is under the ground. He is not against Nasgrass, but he is for the city. They have heard City Attorney Buhr and his recommendation; the decision is up to council. If the AIPP goes through, hopefully by March, then FAM will be the one to say who goes out there; not the city. Even if permitted, it would only be for a short time. He does not recommend allowing them to continue without knowing what is underground.

Mayor Anderson asked theoretically, were FAM to get the AIPP and someone gets hurt the next day; is the city still liable? City Attorney Buhr said they will be responsible at that point as the leaseholders. They are aware of the circumstances out there. Veal asked if they can access the property to collect their personal effects? City Attorney Buhr said he sees no reason they cannot; City Manager Schrader had no problem with it. Mayor Anderson asked according to law, what is the difference between someone going out there temporarily versus going out to a race? City Attorney Buhr said legally they have property on the site; the city cannot tell them they may not have their property back. They go onto the property with knowledge of the assumption of risk.

City Attorney Buhr said should the council decide to allow the races to continue; he would say, it would be a real problem unless they have a waiver for everyone on the property. Even then, how can you collect a waiver for a minor? Councilmember Mercure asked if a parent/guardian signs the waiver on their behalf? City Attorney Buhr said there are only certain things that people can sign "a child's life away for." Councilmember Mercure did not believe a parent will purposely put their child at risk. City Attorney Buhr said the "knowingly" part is the issue; if the city does not know what the smell is, how can the signer?

Mayor Anderson said prior to knowledge of the smell; if a child was killed while racing, what are the ramifications? City Attorney Buhr said we made them get insurance and sign an indemnification of the city. Mayor Anderson asked if we cannot do the same thing about this situation? City Attorney Buhr said he is discussing a much larger liability issue; requiring a lot of insurance. Mayor Anderson asked what the insurance liability is for Nasgrass, to which Smith said \$5 million. Councilmember McGuire asked if there is liability coverage available for unknown liability, such as an all-inclusive coverage? City Attorney Buhr said if they are leasing the property, they indemnify the city, and provide a sufficient amount of insurance; he would say they need to at least get waivers. For children, sometimes the waiver is enforceable; other times not. He knows waivers for children hold up for educational activities, for example, field trips. Not so much for jet-skis. He feels the situation is closer to the jet-ski scenario than a field trip.

Mayor Anderson asked if the city is liable were a plane to crash, causing an explosion from methane gas? City Attorney Buhr said there are many circumstances we can come up with for much more than what \$6 million will cover. Is it totally covered; no. Mayor Anderson wanted the context of the airport activities to which, City Attorney Buhr said it is significant.

Wes Pybur, Nasgrass President, presented a waiver saying Smith had provided a copy of the waiver. He asked it to be considered, easing the council's mind. Their policy is for children and adults; they have \$5 million in coverage. Pybur spoke to the understanding of parents with-

children in motorsports. He asked that Nasgrass be allowed to resume racing. Mayor Anderson asked for Nasgrass' policy on children attending their events. Pybur said anyone under the age of 18 must sign a waiver. All people who go in the "pits," must sign a waiver. Mayor Anderson asked if a guardian must accompany minors. Pybur said a parent or guardian must accompany them. Mayor Anderson referenced the risk of motor sports; he asked how the mitigation of risk is handled, is it typically on private property? Pybur said it was on private property.

Discussion continued regarding the history of lawn mower racing and the city's involvement in keeping the sport alive. Pybur said the city is the last to be involved with lawn mower racing. Mayor Anderson assumed we are the last because the others have moved to private properties, to which Pybur agreed. Mayor Anderson noted that in the long-term, the airport is going to be used for airport activities. It is not a forever situation. They are going to want to seek a private property to continue. He encouraged they do so; regardless of what happens at the airport. FAM's goal is to develop the airport. Pybur said when they went month-to-month, they started pursuing other opportunities. They do not want to break ties with the city. Mayor Anderson asked if this does not go through, can they find a private property to operate? Pybur said yes.

Councilmember McGuire asked why they could not use the softball fields? Pybur said it was offered and there was no follow up. City Manager Schrader said he told them J.T. Clark did not answer for the city. He answers to the City Manager; he could not just tell them where they can move to. Mayor Anderson asked if he looked into that property? City Manager Schrader said no; he would not look into anything until the AIPP grant process is done. Mayor Anderson asked if they tie the softball fields into the AIPP? City Manager Schrader said the softball fields (Durrah Martin) and the water plant will not be part of it. Councilmember Mercure asked how large of a property do they need? Pybur answered 7 to 10 acres.

Mayor Anderson said the insurance option is the only one that makes sense. Even then, it is legally questionable. City Attorney Buhr said it is a risk. City Manager Schrader asked when Pybur was working with City Attorney Buhr; did he have an issue with insurance? Pybur said, no it was not insurance, it was the environmental assessment. Since there was not a pre-assessment; Nasgrass did not feel they should be responsible for a post-assessment. Councilmember Mercure asked how long their break would be after the 4-months? Pybur said they shut down in May, the next scheduled event is in September. Councilmember Mercure recommended allowing Nasgrass to complete the remaining 4-months. Councilmember McGuire considered whether there is another property available that is safer; she asked if there was anything preventing them from using the softball fields? City Manager Schrader said he was unsure of the exact area mentioned by J.T. Clark but it is a wooded area. We would have to clear it. He does not believe there is an alternative to move it anywhere else, on airport property. Councilmember McGuire asked Pybur if the private property they have considered was in Avon Park? Pybur said it is close; 15 to 20 minutes away. Councilmember McGuire asked if it was ready, to which Pybur said it was clear, flat land. It is not ready, but it is a useable space.

Mayor Anderson said private property is the way to go. The threshold of safety that a city requires will be far more than privately owned land. City Attorney Buhr asked if the FAA would consider Nasgrass operations as the status quo, if allowed to continue with proper insurance and indemnification? City Manager Schrader said as long as we are not performing environmental studies, he believed we would be alright. However, he agreed going the direction of private property is the best way to go.



City Manager Schrader said this is not meant to be in a bad way; but all good things come to an end. What the city is doing with FAM with the AIPP; if half of their (FAM's) vision comes true, then it will be great for the city. The city needs the AIPP and lease to be approved by the FAA, to bring in jobs, commercial buildings, and hotels, etc. Mayor Anderson referenced changes to the insurance; asking, is there a set of changes that need to happen? City Manager Schrader said they sent one a few months back; they can send the one they have now and he will get it to City Attorney Buhr for review. City Attorney Buhr said likely, it will need to include pollution, which is the expensive part. His concern for liability is not the coverage for crashes. The concern is about things related to pollution.

Councilmember Mercure asked how often are their races? Pybur said once-a-month, they would be out there 4-more times. City Manager Schrader noted sometimes they are out there longer than that. Pybur agreed, clarifying most of them live 3 to 5 hours away. People come in on a Friday and stay overnight. They race on Saturday, host classes for children during the day, then shut down everything at 9:00 p.m. People leave on Sunday morning. City Manager Schrader said there are RV hookups out there.

Mayor Anderson noted there is a lot of support on the council; the hurdles they will need to cross include the insurance with pollution coverage and indemnification for the city. He suggested they reach out to City Attorney Buhr for questions they may have. There is nothing more the city can do until we handle this. Once they take care of these items, we can bring it up at the January 23rd meeting. He asked when is their next race? Pybur said the second Saturday of the month.

Earl Bosley of 1103 Citrine Drive said if the ground is not safe for Nasgrass, then it should not be safe for airplanes to land or to live along the road. For which those parties are not being penalized. He spoke of the improvements made to the ground with no problems when digging. Bosley answered questions from Mayor Anderson regarding other locations where they race.

Discussion continued regarding the community reaching out to members of the council, the potential of a catastrophic event, and the importance of taking legal advice. Councilmember Mercure asked if they can take care of their insurance by the next meeting; will the council be able to give them authorization to proceed? Mayor Anderson said that is the intent. Councilmember McGuire asked Pybur if only children were signing waivers? Pybur said no; anyone in the pit area (where the race mowers are) including children and adults. Councilmember McGuire asked if we must extend waivers to anyone in attendance, not only the pit area? City Attorney Buhr said in a perfect world, yes. It should be part of the entry; a "knowing waiver," explaining the potential for noxious gas. Councilmember McGuire asked would it be acceptable for the waiver to include every potential scenario of liability we can think of; then have every attendee sign? City Attorney Buhr said yes. Mayor Anderson said the gate attendant will have to get people to sign waivers. City Attorney Buhr said Nasgrass needs to review their insurance policy to see if they have a pollution exclusion clause. If there is one, then they will need to seek alternative coverage.

Barry Foster of Highlands Radio Group spoke of the history of Nasgrass and his disagreement with the idea that an unidentified smell would shut the operation down. He said if the city is going to shut them down, then the airport should also be closed. Foster was glad to see there was council support. He also recalled personal stories of attendees he encountered in his time writing about the races.

Garrett Pard of Lake Placid, spoke of his experience at the Highlands County landfill and their lack of warning signs or a waiver. He talked about his family racing at the track for over 5-years and his racing equipment. Pard expressed his disagreement with closing the operation down for a smell. Mayor Anderson spoke of how landfills harness methane; he asked City Attorney Buhr how do landfills circumvent the issues with that? Councilmember McGuire suggested it is the acknowledgement that someone is going into a landfill; she thought they may include it in the waiver. Mayor Anderson thought it would be the easiest route. Councilmember Mercure noted people shoot their guns at the Avon Park landfill. Mayor Anderson said that is done on private property.

City Manager Schrader said a qualified engineer oversees the County landfill that Pard spoke of. They direct people on where to place materials so they are not co-mingled, and put a certain coverage down over the trash. It is not the same as this one from World War II. Pard said there is an RC Club flying model planes there, to which Mayor Anderson said they sign waivers. Pard asked if the city stopped maintaining the airport since we shut them down? City Manager Schrader said we (FAM) is mowing the airport; adding that we are talking about a small area of the airport. Discussion continued regarding Nasgrass compared to FAM, the focus on a formerly used landfill, the city maintaining the airport outside of the Nasgrass area, and the risk of liability.

City Manager Schrader said we will need to have a month-to-month lease since the Nasgrass lease expired. Councilmember McGuire stressed the importance of Nasgrass reviewing their coverage for the pollution exclusion clause. Mayor Anderson said the compromise is to get the pollution exclusion issue worked out to move forward; it is his recommendation. Councilmember McGuire said she wants them to expand the waiver and check for the pollution exclusion; here, she would feel good about the situation. Mayor Anderson said the waiver would have to be approved by the City Attorney before the January 23rd meeting. The waiver and lease will need to be ready by that time. Councilmember McGuire said at the last discussion, Nasgrass did not agree to the post-environmental testing. City Attorney Buhr understood Nasgrass' position, speaking of the circumstances where the city requires it, for example, FAM leasing the airport. There is so much going on where Nasgrass is located, it would be meaningless to get an assessment done. Councilmember McGuire asked if that requirement can be removed? City Attorney Buhr said yes.

Councilmember Taylor asked why it has to go back to the council? If the insurance is acceptable, and the City Attorney agrees it meets the standards; why can we not give approval now for the 4-months? City Attorney Buhr said he will never say it meets the standards. He will tell you what the level of risk is. Based on the requested documentation, it will be reduced. We are trying to get some middle ground to give Nasgrass some help. Councilmember Taylor said we are waiting for them to get with their insurance company to make sure it meets the requirement that this council is requesting. If the council says it meets the requirement today, then why does it have to come back before the council? It would save them time. The City Manager noted the lease needs to be approved by Council. The City Manager asked Nasgrass (Wes) to get the information to him and he would forward it to the city attorney. The City Attorney requested contact information for their insurance company.

City Manager Schrader continued his report, saying the Florida Recreation Development Assistance grant (FRDAP) for Durrah Martin was denied. We received a letter stating the city does not have site control. City Attorney Buhr, himself, and Corbett (Guardian CRM) had a virtual meeting with-



the attorney representing FDEP. During which, she said they had requested further documentation, which was not submitted by the city. Corbett said the city received the request but did not get it back to them. Upon investigation, City Manager Schrader found that was not true. A sketch was completed by Sherco surveying for just the property in question, (ball fields) of which was sent to Corbett. When City Manager Schrader followed up with Corbett, Corbett told him that he sent it to the FDEP. When following up with the attorney from FDEP, she said it a made it her office, but she did not actually receive it: however, after looking at it, more was required than just the sketch. City Manager said the city will apply for the FRDAP grant next year. The FDEP attorney suggested City Attorney Buhr review the legal descriptions/site control requirements.

City Manager Schrader said the attorney at FDEP said that also because the airport was turned over to the city after WWII there are other things we may have to look at. He noted that we have yet to hear back about the FRDAP application for the MLK Sports Complex.

Councilmember Mercure said there is a large pothole at the end of N. Lake Avenue at the end of SR-17 (on the Lake Avenue side); in front of La Preferida Market. She asked who needs to be contacted to get it fixed? City Manager Schrader said in that area it could be the city or the county, and he will have public works look into it.

Councilmember Mercure said there is also a homeless issue. City Manager Schrader said yes, we have been dealing with it. There seems to be more homeless because of the economy. Some of the homeless are not your typical homeless people. He said on his way home recently he stopped and spoke to two individuals sitting in the gazebo (Band Stand). Their rent increased so much they were evicted after not being able to pay it for two-months. It was not drug, alcohol, or mental health related. One gentleman was 75-years old with some health problems and his son was in his 50s. Their funds ran out after staying in a local hotel in the city for \$280 a week. They spent the prior night at CVS, in the rain, scared they would be robbed. After which they went to the gazebo for some cover and light. Their possessions were in 4 small suitcases. As it was supposed to be cold that night, he contacted Sergeant Kim Gunn, with the Sheriff's Office, about maybe getting them to the mission (Sebring). Sergeant Gunn said she would send a deputy and get them to the mission.

City Manager Schrader said the homeless we are seeing is not entirely what we typically see. Code Enforcement Supervisor LaBelle has been dealing with them putting up tents and living in them. A building owner, from West Palm Beach, drove up today to give the homeless (living in a tent) at her property a week to leave or she would call the Sheriff's Office. He received a call from a former mayor about another homeless individual; LaBelle also took care of that by getting the owner to tell them to leave or the Sheriff's office would be called.

City Manager Schrader said there are homeless but he does not know what people actually expect us to do. We are doing what we can; as we cannot have them arrested for just being homeless. Every homeless situation is unique and the city (code enforcement) is dealing with it. Personally, he believes we will deal with more if the economy continues the way it is going. Rents are extremely high for places he would not want to live in. City Manager Schrader said he believes when LaBelle calls law enforcement, they too are doing the best they can. There are a lot of homeless on Main Street charging their phones. He told the staff to shut down the electrical outlets once we put away the Christmas decorations; so, they will not be hanging out there. We have received calls from the Museum about homeless using the power outlet to charge their phone; the power was cut there too.

City Manager Schrader said there are homeless living in their cars. He asked what the council wants staff to do; we cannot have them arrested and LaBelle can do little code enforcement wise. We do work with landowners when they set up tents/trespassing. There seems to be more homeless, not just here, but everywhere.

Councilmember Mercure asked if there is someone who can help and educate them on where they can go. For example, missions and services like Hands for the Homeless? City Manager Schrader agreed Hands for the Homeless deals with people every day; more and more each day. We have the mission. The Sheriff's office does not want to put them in jail, so they are offering he help/resources they can. He noted that Sergeant Gunn was a great help the other night when he called her. We see it and we are taking care of it the best we can. LaBelle is on top of it, receiving calls every day. He said we cannot round them up and take them somewhere else, and we do not want to have them arrested. Most of the time, there is no reason to do so. Sitting in the gazebo is not an arrestable offense. City Manager Schrader said he understands her point; if people are throwing trash around, LaBelle deals with that too. We see it and we are doing the best we can in collaboration with the Sheriff's office.

Mayor Anderson said legally, there is only so much we can do on public property. Private property owners have a full right to kick people off their property. He said the best thing to do is to eliminate the opportunity; for example, overgrown properties, outlets, free internet access, etc. These opportunities give people a chance to dwell on a property. He agrees that if the economy takes a turn, we will see more of it.

Discussion continued regarding the impact of COVID and societal changes, leading to an increase in the homeless population. City Manager Schrader said no good deed goes unpunished; Hands for the Homeless are seeing more people staying near their location because they are feeding them. He spoke of his experience with the homeless in Palm Beach County and the varying reasons people are homeless; for example, mental health and substance abuse. He said the homeless we are seeing here do not all fit into that category. The other day, the Sheriff's office Baker Acted an individual who came to City Hall. A person spoke of harming himself and the City Clerk asked for his help to deal with him. He was likely off of his medication. Code Enforcement, the city, and the Sheriff's office are doing the best we can. It is probably county-wide. Besides what the mayor said about opportunity, abandoned/vacant properties where the owner is not here or a business is closed, are other scenarios. Owners who not live in County do not know the homeless are there until LaBelle contacts them.

LaBelle recalled his own experience with the homeless in the alleyway between the old phone company off of Jim Rogers over to North Lake Avenue, behind US 27. The property owner is on the magistrate list for a hearing. Our authority is to cite the property owner. He can do nothing else. We are doing everything we can legally.

Mayor Anderson asked if there is anything the city can do, as far as public property. City Attorney Buhr said the city is very limited. He would have to research the issue because it had never come up before. He agreed to look into it. City Attorney Buhr said he is not hopeful. Discussion continued about how to eliminate homeless issues on your own property. Mayor Anderson proposed reaching out to food vendors who give away free food to educate them. We can also ask-



to hand out a pamphlet with every bag of food to provide legal guidelines; there are only so many things we can do on public property.

Councilmember Taylor said no one suggested having the city dig into resources to see what we can do to help them. Mayor Anderson asked if she meant to provide housing; adding, if we do so, they will want more. Councilmember Taylor said the APHA does provide housing for the homeless. The homeless are people. Mayor Anderson said you get more of what you subsidize. Handing out rewards for bad behavior leads to more. Councilmember Taylor said some homeless have fallen on bad luck; we cannot help them all and some do not want help. She said as a city, she believes we can dig deeper into our resources to see if we can assist those who want help; taking some off the streets. Mayor Anderson said he has no problem giving direction as to resources, privately; however, city funded initiatives to provide housing he would not support.

Deputy Mayor Barnard said there is a church service center on Main Street. It is there to support people who need help; taking care of people in Avon Park, whether they are homeless or having problems paying bills. There is also feeding of the homeless at the Union Congregational Church. So long as people are receiving help like that, they are going to stick around. He does not see how the city can decide on who to help. It must be a private organization.

Councilmember Taylor said she is not saying the city needs to help; maybe the city can dig deeper into resources to find other organizations that can. There has to be someone willing to help. Mayor Anderson said it sounds like she gave herself a job. He suggested she look into these organizations to submit to the City Manager.

**I. ADJOURN:**

Meeting adjourned at 8:56 p.m.

ATTEST: CITY OF AVON PARK:

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Christian Hardman, City Clerk

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James Garrett Anderson, Mayor

## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject: Public Hearing, Second Reading:** Ordinance 01-2023, Vacating and Closing a Platted Right-of-Way, Twin Lakes Project

**Item No.:** D-5

**Placed on Agenda by:** City Attorney, Jerry Buhr

**Staff Review:** Yes

**Attorney Review:** Yes

**Recommended Motion(s):** Approve Second Reading

**Documentation:**

- Draft Ordinance No. 01-2023, with Exhibits
- Corporate Resolution, Boston Mining Company

**Background:**

This is an unused Platted Right-of-Way, on the Boston Mining Company's property, that needs vacating. Council approved the first reading during the January 9<sup>th</sup> Regular City Council meeting.

## **ORDINANCE 01-2023**

AN ORDINANCE VACATING AND CLOSING A PLATTED ROADWAY NEVER USED BY THE PUBLIC LOCATED IN THE CITY OF AVON PARK, FLORIDA, AT THE REQUEST OF ADJACENT OWNER BOSTON MINING COMPANY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for street or alley closing has been submitted to the City by an adjacent property owner to close and vacate a portion of the city right of way ("ROW"), such ROW to be abandoned being more specifically described as and shown in Exhibit "A" ("Abandoned ROW"); and,

WHEREAS, the ROW to be vacated was platted for City public use but never used by the public, and runs over and across property owned by Boston Mining Company ("Developer") which Developer requested the street closing, and with the public having been duly notified by publication and signs posted of the proposed closing Ordinance second reading and public hearing for passage of this Ordinance; and

WHEREAS, the ROW closing having been considered by City Staff along with letters of nonuse by local utilities including City Public Works Department, City Fire Department as well as the Sheriff's Office and private utilities doing business in the City, according to the Developer's assurances all having received a description of the ROW and have ascertained that the closing will not affect any utility access, or routing to emergencies by City vehicles; and

WHEREAS, the City Clerk duly noticed the public hearing at which the application and this Ordinance have been approved as well as in the newspaper as required by statute, and the City has also posted the appropriate signs on the ROW notifying area residents of the proposal; and

WHEREAS, in the judgment of the City Commissioners, it is prudent or reasonable and in the public interest that the ROW be vacated as provided in this Ordinance; and

WHEREAS, after due notice having been given, two meetings were held at which affected property owners and interested parties were permitted to be heard.

THEREFORE, BE IT ORDAINED by the City Council of the Avon Park, Florida, as follows:

SECTION 1. That the right of way identified on Exhibit "A" is hereby vacated and closed.

SECTION 2. Developer has assumed the obligation of verifying non-use by private utilities. The letters of "no objection" are on file with the City Clerk.

SECTION 3. This Ordinance shall become effective upon passage. The Clerk shall provide a copy of this Ordinance to the County and 911 dispatch.



=====

IN WITNESS WHEREOF, the City of Avon Park, Florida, has duly adopted this Ordinance and caused it to be executed by the officers below as follows:

On the 9<sup>th</sup> day of January, 2023 the Ordinance was read for the first time, and the vote was:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Councilperson/Mayor Anderson</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson /Deputy Mayor Barnard</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson McGuire</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson Mercure</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson Taylor</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On the 23<sup>rd</sup> day of January, 2023 the Ordinance was read for the second time at a public hearing, and the vote was:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Councilperson/Mayor Anderson</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson /Deputy Mayor Barnard</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson McGuire</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson Mercure</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Councilperson Taylor</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

**ATTEST:**

**CITY OF AVON PARK, FLORIDA**

By: \_\_\_\_\_  
Christian Hardman, City Clerk

By: \_\_\_\_\_  
Garrett Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gerald Buhr, City Attorney



# **EXHIBIT "A"** **LEGAL DESCRIPTION AND SKETCH OF RIGHT OF WAY** **PROPERTY TO BE VACATED**

**THIS IS NOT A SURVEY!!!**  
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION.

**LEGAL DESCRIPTION:**

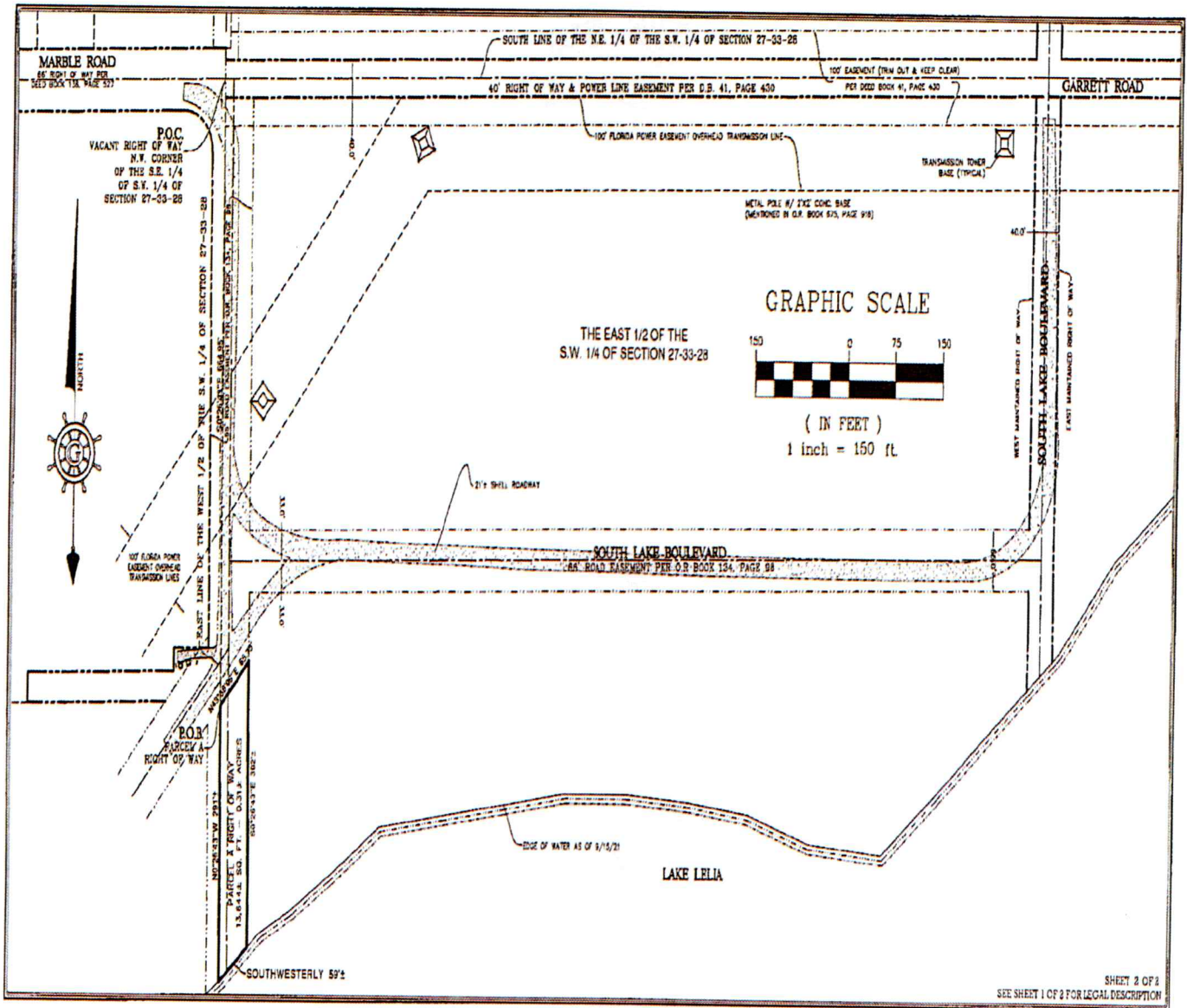
**PARCEL A - RIGHT OF WAY**

A PORTION OF A 66 FOOT ROAD EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 134, PAGE 98, LYING IN PORTION OF EAST 1/2 OF THE S.W. 1/4 OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, ALL IN HIGHLANDS COUNTY, FLORIDA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.W. CORNER OF THE S.E. 1/4 OF S.W. 1/4 OF SAID SECTION 27; THENCE SOUTH 00°26'43" EAST, ALONG THE EAST LINE OF THE WEST 1/2 OF THE S.W. 1/4 OF SAID SECTION 27, A DISTANCE OF 664.95 FEET FOR POINT OF BEGINNING; THENCE NORTH 43°58'08" EAST, A DISTANCE OF 65.73 FEET, THENCE SOUTH 00°26'43" EAST, A DISTANCE OF 302 FEET MORE OR LESS TO A POINT LYING ON THE EDGE OF WATER OF LAKE LELIA; THENCE SOUTHWESTERLY, ALONG SAID EDGE OF WATER A DISTANCE OF 59 FEET MORE OR LESS TO A POINT; THENCE NORTH 00°26'43" WEST, A DISTANCE OF 291 FEET MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 13,644 SQUARE FEET OR 0.31 ACRES, MORE OR LESS.

<b>GERMAINE SURVEYING INC.</b> SURVEYING AND MAPPING 3805 HOLLYWOOD BLVD. SE. SUITE 100 FORT LAUDERDALE, FL 33311 PHONE: 954.366.1000 FAX: 954.366.1001 WWW.GERMAINESURVEYING.COM	
<b>CLIENT:</b> LE PROMOTIONS LLC	
<b>JOB #</b> 67121	<b>SCALE</b> 1"=50'
<b>DATE</b> 8-25-22	<b>DRAWN BY</b> BMS
<b>TASK</b> 010 - PARCEL A	<b>CHECKED BY</b>
<b>SURVEYORS CERTIFICATION:</b> I, the undersigned, being a duly qualified and licensed Professional Surveyor in the State of Florida, do hereby certify that I am the author of the foregoing survey and that it was made by me or under my direct supervision and that I am a duly qualified and licensed Professional Surveyor in the State of Florida.	
[Signature] DATE: 8/25/22	
<b>GENERAL NOTES:</b> 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 2. ALL DIMENSIONS ARE TO BE TAKEN AS SHOWN ON THIS SKETCH. 3. THE SKETCH IS TO BE USED AS A GUIDE ONLY AND NOT AS A SUBSTITUTE FOR A SURVEY. 4. THE SKETCH IS TO BE USED AS A GUIDE ONLY AND NOT AS A SUBSTITUTE FOR A SURVEY.	
<b>LEGEND OF SYMBOLS &amp; ABBREVIATIONS:</b>	
1. 1"=50' 2. 1"=100' 3. 1"=200' 4. 1"=400' 5. 1"=800' 6. 1"=1600' 7. 1"=3200' 8. 1"=6400' 9. 1"=12800' 10. 1"=25600' 11. 1"=51200' 12. 1"=102400' 13. 1"=204800' 14. 1"=409600' 15. 1"=819200' 16. 1"=1638400' 17. 1"=3276800' 18. 1"=6553600' 19. 1"=13107200' 20. 1"=26214400' 21. 1"=52428800' 22. 1"=104857600' 23. 1"=209715200' 24. 1"=419430400' 25. 1"=838860800' 26. 1"=1677721600' 27. 1"=3355443200' 28. 1"=6710886400' 29. 1"=13421772800' 30. 1"=26843545600' 31. 1"=53687091200' 32. 1"=107374182400' 33. 1"=214748364800' 34. 1"=429496729600' 35. 1"=858993459200' 36. 1"=1717986918400' 37. 1"=3435973836800' 38. 1"=6871947673600' 39. 1"=13743895347200' 40. 1"=27487790694400' 41. 1"=54975581388800' 42. 1"=109951162777600' 43. 1"=219902325555200' 44. 1"=439804651110400' 45. 1"=879609302220800' 46. 1"=1759218604441600' 47. 1"=3518437208883200' 48. 1"=7036874417766400' 49. 1"=14073748835532800' 50. 1"=28147497671065600' 51. 1"=56294995342131200' 52. 1"=112589990684262400' 53. 1"=225179981368524800' 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1"=967140655691703339764940800' 86. 1"=1934281311383406679529881600' 87. 1"=3868562622766813359059763200' 88. 1"=7737125245533626718119526400' 89. 1"=15474250491067253436239052800' 90. 1"=30948500982134506872478105600' 91. 1"=61897001964269013744956211200' 92. 1"=123794003928538027489912422400' 93. 1"=247588007857076054979824844800' 94. 1"=495176015714152109959649689600' 95. 1"=990352031428304219919299379200' 96. 1"=1980704062856608439838598758400' 97. 1"=3961408125713216879677197516800' 98. 1"=7922816251426433759354395033600' 99. 1"=15845632502852867518708790067200' 100. 1"=31691265005705735037417580134400'	1. 1"=50' 2. 1"=100' 3. 1"=200' 4. 1"=400' 5. 1"=800' 6. 1"=1600' 7. 1"=3200' 8. 1"=6400' 9. 1"=12800' 10. 1"=25600' 11. 1"=51200' 12. 1"=102400' 13. 1"=204800' 14. 1"=409600' 15. 1"=819200' 16. 1"=1638400' 17. 1"=3276800' 18. 1"=6553600' 19. 1"=13107200' 20. 1"=26214400' 21. 1"=52428800' 22. 1"=104857600' 23. 1"=209715200' 24. 1"=419430400' 25. 1"=838860800' 26. 1"=1677721600' 27. 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<b>REVISIONS:</b> 1. SEPARATE PARCELS ON 12-15-22 (BMS)	
SHEET 1 OF 2 SEE SHEET 2 OF 2 FOR SKETCH	

**LEGAL DESCRIPTION AND SKETCH OF RIGHT OF WAY  
PROPERTY TO BE VACATED**





# **EXHIBIT "A" (CONTINUED)** **LEGAL DESCRIPTION AND SKETCH OF RIGHT OF WAY** **PROPERTY TO BE VACATED**

**THIS IS NOT A SURVEY!!!**

SKETCH TO ACCOMPANY LEGAL DESCRIPTION.

**LEGAL DESCRIPTION:**

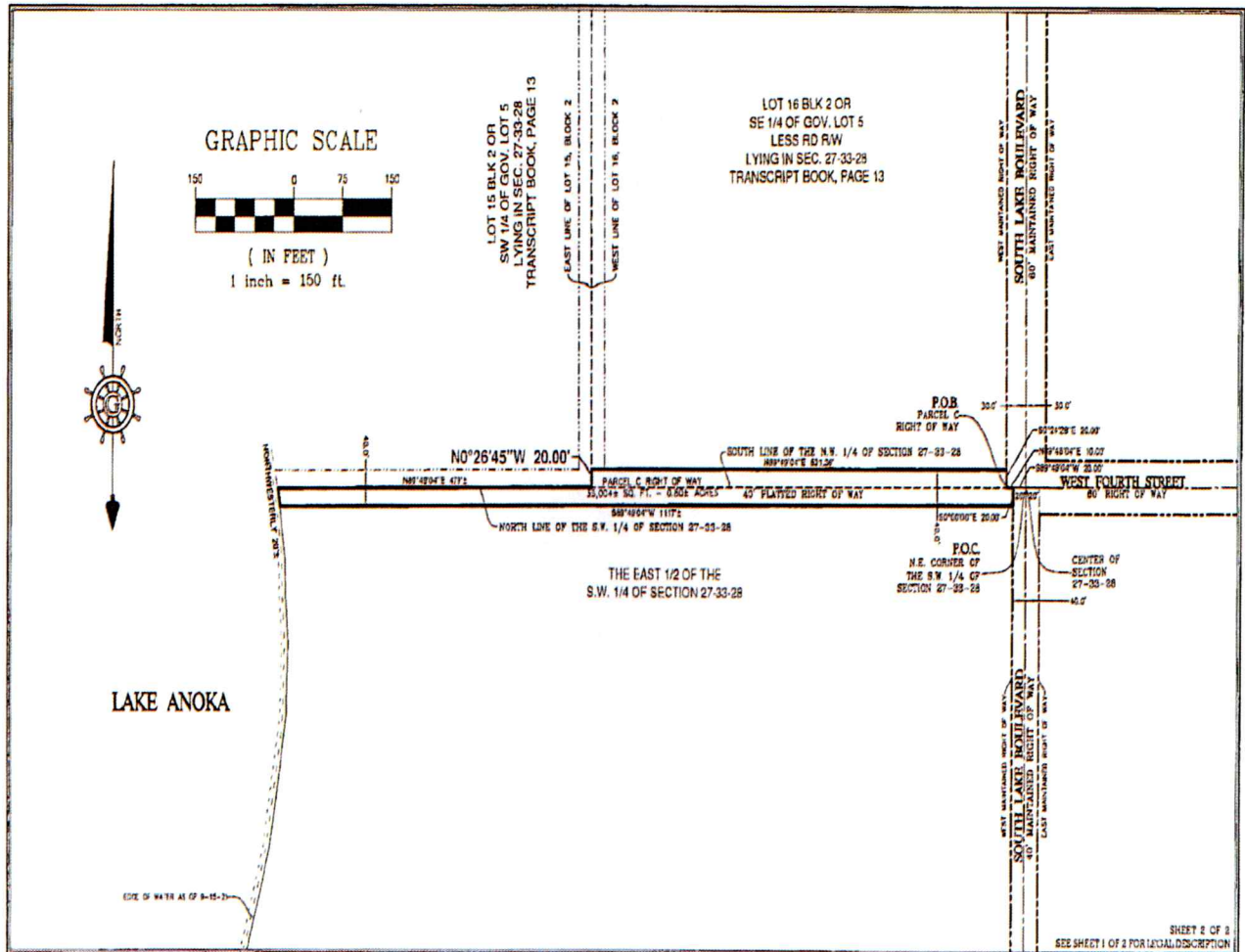
**PARCEL C - RIGHT OF WAY**

A PORTION OF LOT 16, BLOCK 2 OR S E 1/4 OF GOVERNMENT LOT 5, AND A PORTION OF THE EAST 1/2 OF THE S.W. 1/4 OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, ALL LYING IN HIGHLANDS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE N.E. CORNER OF THE S.W. 1/4 OF SAID SECTION 27; THENCE SOUTH 89°48'04" WEST, ALONG THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 27, A DISTANCE OF 20.00 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF SOUTH LAKE BOULEVARD AND BEING THE POINT OF BEGINNING; THENCE SOUTH 0°00'00" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°49'04" WEST, A DISTANCE OF 1,117 FEET, MORE OR LESS TO A POINT LYING ON THE EDGE OF WATER OF LAKE ANOKA, THENCE NORTHWESTERLY ALONG SAID EDGE OF WATER, A DISTANCE OF 20 FEET, MORE OR LESS TO A POINT; THENCE NORTH 89°49'04" EAST, A DISTANCE OF 479 FEET, MORE OR LESS TO THE S.W. CORNER OF SAID LOT 16, BLOCK 2 OF GOVERNMENT LOT 5; THENCE NORTH 00°28'45" WEST, ALONG THE COMMON LINE BETWEEN LOTS 15 & 16, BLOCK 2 OF GOVERNMENT LOT 5, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°49'04" EAST, A DISTANCE OF 631.36 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF SOUTH LAKE BOULEVARD; THENCE SOUTH 00°24'28" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°49'04" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 35,004 SQUARE FEET OR 0.80 ACRES, MORE OR LESS.

<b>GERMAINE</b> <b>SURVEYING INC.</b> PROFESSIONAL LAND SURVEYORS 10000 W. US HIGHWAY 1, SUITE 100, TAMPA, FL 33613 PHONE 813.962.1111 FAX 813.962.1111 EMAIL: INFO@GERMAINESURVEYING.COM WEBSITE: WWW.GERMAINESURVEYING.COM	
CLIENT: _____ PROJECT: _____ DATE: 8/21/22 SCALE: 1"=100' DRAWN BY: BMM CHECKED BY: _____ TALK: 314 - PARCEL C	
<b>SURVEYORS CERTIFICATION:</b> I, the undersigned, being a duly qualified and licensed Professional Land Surveyor in the State of Florida, do hereby certify that I am the author of the foregoing survey, and that it was made by me or under my direct supervision and in accordance with the laws and regulations of the State of Florida. My Commission Expires: 08/31/2024 My Registration Number: 12543 My Signature: _____ My Seal: _____	
<b>GENERAL NOTES:</b> 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. 2. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS. 3. THE SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF FLORIDA. 4. THE SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF FLORIDA. 5. THE SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF FLORIDA.	
<b>LEGEND OF SYMBOLS &amp; ABBREVIATIONS:</b> 1. 1" = 100' (Scale) 2. 1" = 100' (Scale) 3. 1" = 100' (Scale) 4. 1" = 100' (Scale) 5. 1" = 100' (Scale) 6. 1" = 100' (Scale) 7. 1" = 100' (Scale) 8. 1" = 100' (Scale) 9. 1" = 100' (Scale) 10. 1" = 100' (Scale) 11. 1" = 100' (Scale) 12. 1" = 100' (Scale) 13. 1" = 100' (Scale) 14. 1" = 100' (Scale) 15. 1" = 100' (Scale) 16. 1" = 100' (Scale) 17. 1" = 100' (Scale) 18. 1" = 100' (Scale) 19. 1" = 100' (Scale) 20. 1" = 100' (Scale) 21. 1" = 100' (Scale) 22. 1" = 100' (Scale) 23. 1" = 100' (Scale) 24. 1" = 100' (Scale) 25. 1" = 100' (Scale) 26. 1" = 100' (Scale) 27. 1" = 100' (Scale) 28. 1" = 100' (Scale) 29. 1" = 100' (Scale) 30. 1" = 100' (Scale) 31. 1" = 100' (Scale) 32. 1" = 100' (Scale) 33. 1" = 100' (Scale) 34. 1" = 100' (Scale) 35. 1" = 100' (Scale) 36. 1" = 100' (Scale) 37. 1" = 100' (Scale) 38. 1" = 100' (Scale) 39. 1" = 100' (Scale) 40. 1" = 100' (Scale) 41. 1" = 100' (Scale) 42. 1" = 100' (Scale) 43. 1" = 100' (Scale) 44. 1" = 100' (Scale) 45. 1" = 100' (Scale) 46. 1" = 100' (Scale) 47. 1" = 100' (Scale) 48. 1" = 100' (Scale) 49. 1" = 100' (Scale) 50. 1" = 100' (Scale) 51. 1" = 100' (Scale) 52. 1" = 100' (Scale) 53. 1" = 100' (Scale) 54. 1" = 100' (Scale) 55. 1" = 100' (Scale) 56. 1" = 100' (Scale) 57. 1" = 100' (Scale) 58. 1" = 100' (Scale) 59. 1" = 100' (Scale) 60. 1" = 100' (Scale) 61. 1" = 100' (Scale) 62. 1" = 100' (Scale) 63. 1" = 100' (Scale) 64. 1" = 100' (Scale) 65. 1" = 100' (Scale) 66. 1" = 100' (Scale) 67. 1" = 100' (Scale) 68. 1" = 100' (Scale) 69. 1" = 100' (Scale) 70. 1" = 100' (Scale) 71. 1" = 100' (Scale) 72. 1" = 100' (Scale) 73. 1" = 100' (Scale) 74. 1" = 100' (Scale) 75. 1" = 100' (Scale) 76. 1" = 100' (Scale) 77. 1" = 100' (Scale) 78. 1" = 100' (Scale) 79. 1" = 100' (Scale) 80. 1" = 100' (Scale) 81. 1" = 100' (Scale) 82. 1" = 100' (Scale) 83. 1" = 100' (Scale) 84. 1" = 100' (Scale) 85. 1" = 100' (Scale) 86. 1" = 100' (Scale) 87. 1" = 100' (Scale) 88. 1" = 100' (Scale) 89. 1" = 100' (Scale) 90. 1" = 100' (Scale) 91. 1" = 100' (Scale) 92. 1" = 100' (Scale) 93. 1" = 100' (Scale) 94. 1" = 100' (Scale) 95. 1" = 100' (Scale) 96. 1" = 100' (Scale) 97. 1" = 100' (Scale) 98. 1" = 100' (Scale) 99. 1" = 100' (Scale) 100. 1" = 100' (Scale)	
<b>REVISIONS:</b> 1. SEPARATE PARCELS ON 1/2 ACRES (1/2) 2. _____ 3. _____ 4. _____ 5. _____	
SHEET 1 OF 2 SEE SHEET 2 OF 2 FOR SKETCH	

**EXHIBIT "A" (CONTINUED)**  
**LEGAL DESCRIPTION AND SKETCH OF RIGHT OF WAY**  
**PROPERTY TO BE VACATED**





This instrument prepared by:  
Melissa Barlaug  
KARLSON LAW GROUP, P.A.  
301 Dal Hall Blvd.  
Lake Placid, FL 33852  
Our File No. 462-21  
\$18.50 Rec

**CORPORATE RESOLUTION  
of  
BOSTON MINING COMPANY**

I, JAMES MARK WHEELER, do hereby certify that I am the duly elected and acting President of BOSTON MINING COMPANY, a Florida corporation, that I am the keeper of the corporate records and the seal of the corporation.

THAT, BOSTON MINING COMPANY, a Florida corporation, is duly organized and existing and is currently in good standing under the laws of the State of Florida and has been in good standing since the respective date of inception August 26, 1968.

THAT, the subject property does not constitute all or substantially all of the assets of BOSTON MINING COMPANY, a Florida corporation.

By unanimous consent of all the Directors, the following was duly adopted, same has not in any way been modified or rescinded, but is in full force and effect; said Directors of the corporation have duly ratified and affirmed the same in the form hereinafter set forth:

RESOLVED, that JAMES MARK WHEELER, President of BOSTON MINING COMPANY, a Florida corporation, is hereby directed to sign and execute any and all documentation that may be required for the sale or transfer of the following described real property, including but not limited to a Warranty Deed, any necessary easements, and any other documentation required to effect such sale:

**LOT 16, BLOCK 2, OR THE SOUTHEAST 1/4 OF GOVERNMENT LOT 5, LESS RIGHT-OF-WAY, IN SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, AVON PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN TRANSCRIPT BOOK, PAGE 13, PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA.**

**AND**

**THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, IN HIGHLANDS COUNTY, FLORIDA, SAID PORTION OF THE SOUTHEAST QUARTER OF SAID SECTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**STARTING AT A POINT 20 FEET EAST OF THE CENTER OF SAID SECTION 27; THENCE SOUTH 1200 FEET TO THE POINT OF BEGINNING; THENCE RUN EAST 938.80 FEET; THENCE RUN SOUTH 243 FEET TO THE NORTH SHORE LINE OF LAKE LELIA; THENCE RUN ALONG THE NORTH SHORE OF LAKE LELIA IN A WESTERLY DIRECTION TO WHERE A LINE, RUNNING SOUTH FROM THE POINT OF BEGINNING, IF PRODUCED, WOULD STRIKE THE NORTH SHORE LINE OF LAKE LELIA; THENCE RUN NORTH ALONG SAID LINE TO THE POINT OF BEGINNING, LESS AND EXCEPT A 40 FOOT STRIP DEEDED BY H.L. MEAD, SOMETIMES KNOWN AS HARRY L MEAD, TO THE CITY OF AVON PARK AND FLORIDA PUBLIC SERVICE COMPANY, DATED FEBRUARY 20, 1928, RECORDED IN DEED BOOK 41, PAGE 430, OF THE PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA, AND LESS AND EXCEPT THOSE THREE PARCELS DEEDED TO ARNOLD A. GOBOURNE AND WILLIE MAY GOBOURNE, HIS WIFE, BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 205, PAGE 270 AND WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 393, PAGE 857, OF**

THE PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA AND BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 562, PAGE 779, PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA.

LESS & EXCEPT:

WESTERLY EIGHT (8) FEET OF THE EASTERLY TWENTY (20) FEET OF THE VACATED FORTY (40) FOOT PLATTED RIGHT OF WAY (NOT CONSTRUCTED) AS SHOWN ON THE PLAT OF PRICE AND GORHAM SUBDIVISION OF A PORTION OF SECTION 27, RECORDED IN TRANSCRIPT BOOK, PAGE 25 OF THE PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA LYING BETWEEN GOVERNMENT LOTS 10 AND 11 OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, HIGHLANDS COUNTY, FLORIDA. SAID VACATED RIGHT OF WAY IS ALSO DESCRIBED AS THE EASTERLY TWENTY (20) FEET OF LOT 6, BLOCK 3, AND THE WESTERLY TWENTY (20) FEET OF LOT 7, BLOCK 3, BEING A PORTION OF THE SOUTHEAST QUARTER OF GOVERNMENT LOT ELEVEN (11) AND THE SOUTHWEST QUARTER OF GOVERNMENT LOT TEN (10), SECTION 27, TOWNSHIP 33 SOUTH, RANGE 28 EAST, HIGHLANDS COUNTY, FLORIDA.

There being no further business before the meeting, on motion duly made, seconded and carried, the meeting adjourned.

IN WITNESS WHEREOF, I have hereunto subscribed my name as President and affixed the corporate seal of the corporation this 28 day of December 2022.

BOSTON MINING COMPANY, a Florida corporation

By: *J M W*

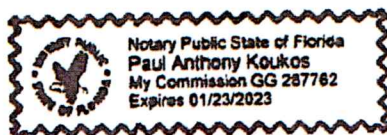
JAMES MARK WHEELER

Its: President

STATE OF FLORIDA  
COUNTY OF HIGHLANDS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28<sup>th</sup> day of DECEMBER, 2022 by JAMES MARK WHEELER, President of BOSTON MINING COMPANY, a Florida corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



*Paul Anthony Kouros*  
NOTARY PUBLIC

Printed Name: PAUL ANTHONY KOUROS

My Commission Expires: JAN 23, 2023



## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** Draft Lease between City of Avon Park and Nasgrass, Inc.

**Item No.:** D-6

**Placed on Agenda by:** City Manager, Mark Schrader

**Staff Review:**

**Attorney Review:** Yes

**Recommended Motion(s):**

**Documentation:**

- City Attorney is working on the DRAFT lease and it will be sent to councilmembers when completed

**Background:**

## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** Council to Vet four (4) applicants requesting to be appointed to the CRA Advisory Board, Southside Alternate Position

**Item No.:** D-7

**Placed on Agenda by:** City Clerk, Christian Hardman

**Staff Review:** Yes

**Attorney Review:**

**Recommended Motion(s):**

**Documentation:**

- Current CRA Advisory Board Members
- Applications and Reference Checks for Four applicants

**Background:**

<b><u>Applicant Name</u></b>	<b><u>Date</u></b>
• Florine Anderson Wells	12/12/2022
• Annie Johnson	12/12/2022
• Thelma Ann Foster	12/30/2022
• Jerdine Collins Williams	12/30/2022

Applicant Padrika Sheppard is no longer interested in the position. Thelma Ann Foster selected the P&Z Board; however, she would also be interested in this position.



## **COMMUNITY REDEVELOPMENT AGENCY ("CRA")**

**The CRA Board (comprised of City Council members) meets on the second Thursday of each month.**

### **CRA ADVISORY COMMITTEE**

Board Chairman, Gerald Snell: **Term: October 1, 2022 to September 30, 2025**  
**(Southside CRA)**

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Board Member, Rick Hayes: **Term: October 1, 2022 to September 30, 2025**  
**(Airport CRA)**

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Board Member, Bill Jarrett: **Term: October 1, 2022 to September 30, 2025**  
**(Main Street CRA)**

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Board Member, Dana Sevigny: **Term: October 1, 2022 to September 30, 2025**  
**(Main Street CRA)**

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Board Member, Kelvin Sheppard: **Term: October 1, 2022 to September 30, 2025**  
**(Southside CRA)**

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Board Member, Laura Wade: **Term: October 2022 to September 30, 2025**  
**(Southside CRA)**

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Avon Park City Liaison: Deputy Mayor Barnard

### **Meetings**

Meetings are on the second Thursday of each month, unless approved otherwise.

### **Vacancies**

1-Board Member for the Airport District

1-Alternate Board Member for each district

## VOLUNTEER APPLICATION

DEC 12 '22 PM 1:34

### FOR BOARDS AND COMMISSIONS

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

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

- |   |  |
|---|--|
| <input type="checkbox"/> Main Street CRA Advisory Board   | <input checked="" type="checkbox"/> Southside CRA Advisory Board |
| <input type="checkbox"/> Airport CRA Advisory Board   | <input checked="" type="checkbox"/> Housing Authority            |
| <input type="checkbox"/> Pension Boards*<br><input type="checkbox"/> Police <input type="checkbox"/> Fire | <input type="checkbox"/> Planning & Zoning Board*                |

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

**\*MEMBERS OF THE BOARD(S) AND/OR COMMISSIONS WITH AN  
ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES. \***

#### 1. PERSONAL:

Name: Florine Anderson-Wells E-Mail: fanderson@highlandsbgc.org

Address: 155 Hatcher Ave Avon Park, Fla 33825

Telephone: 863-873-4871 Business #: \_\_\_\_\_

Are you a registered voter in Avon Park? ☒ Yes ☐ No

How long have you been a resident of Avon Park? 30 yrs +

Are you currently serving on a City Board? ☐ Yes ☒ No

If yes, when and which Board? \_\_\_\_\_

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

<u>Wally Randall</u>	<u>863-443-1737</u>
<u>Kevin Roberts</u>	<u>863-381-4040</u>
<u>Bernie Taylor</u>	<u>(813) 638-3595</u>

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3. Education:

High School: Avon Park Date Graduated: June 82  
College: South Florida State College Date Graduated: Completed CNA  
Other: \_\_\_\_\_ Degree: \_\_\_\_\_

4. Work Experience: See Attachment

5. Interests/Activities:

Family, Cooking, Reading, Helping People

6. Community Involvement: See Attachment

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

Because I live in this community & I'm involved in this community on a daily basis, I want to see a change & I know that can make a difference in Management of Housing Authority / CNA

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

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

Shirley Shelton - Wells  
Signature

November 20, 2022  
Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4400.

Please return this form to the City Manager's Office, 110 E. Main Street, Avon Park, FL 33825 between the hours of 8:00 a.m. and 5:00 p.m.



# Florine Anderson-Wells

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155 Hatcher Ave, Avon Park, 33825 | 863-873-4871 | avonpark217@yahoo.com

## Skills & Abilities

### MANAGEMENT

- Overseeing daily functions and programming to 10-15 employees

### LEADERSHIP

- Senior Branch Director - 2 Sites – Boys & Girls Club of Highlands County – 15 years

## Experience

### SENIOR BRANCH DIRECTOR | BOYS & GIRLS CLUB OF HIGHLANDS COUNTY | 01/2008-CURRENT

- Establish Unit programs, activities and services that prepare youth for success. Program curriculum must follow Outcomes Measurement Indicators & programming goals. • Create a Club environment that facilitates the five key elements for youth development. • Assist in development of Outcome Measurements and Indicators for Club programming. • Ensure a healthy and safe environment, ensuring facilities, equipment and supplies are maintained. • Plan, develop, implement and evaluate Unit programs, service and activities to ensure they meet stated objectives and member needs and interests. • Monthly reports must reflect all activities, attendance and participation, review weekly program assistant reports, to be included in weekly report to Executive Director. • Plan and implement member retention and recruitment activities. • Manage grant requirements & member participation to satisfy grant requirements. • Research and develop curriculum with pre- and post- outcome assessments for Club programs that encourage member interest & participation that met Outcome Indicators. • Manage Unit financial resources assisting in the development of annual budgets. Control expenditures against budget. • Learn & utilize BGCA programming. • Responsible for Club site remaining clean, neat, organized and in good repair. • Maintain an up-to-date inventory of Club equipment quarterly. • Maintain accurate records of volunteers and supplies monthly. • Submit all reports on a timely basis using correct and complete data. • Maintain accurate record of staff payroll timesheets. Ensuring all documents are signed and accurate. • Conduct regular part-time staff meetings. • Develop partnerships with parents, community leaders and organizations. • Manage staff program delivery. • Develop and maintain public relations to increase the visibility of programs, services and activities within the Club and the community. • Review and respond to emails, voicemail and other forms of communication within twenty-four (24) hours. • Communicate any potential issue or concern regularly with administrative staff regarding personnel, parent, peer, partners or Club members. • Implement strategic goals of the organization.

### YOUTH CARE WORKER | HIGHLANDS YOUTH ACADEMY (G4S) | 2010-2012

- Provide safety and security to the facility through proper youth supervision. - Ensures that the facility behavior management system is enforced in a consistent and fair manner. - Participate as a member of the facility treatment team, assisting youth with meeting performance goals. -

Completes observation checks and provides role model behavior to assist youth with problem solving and competency development. - Make every attempt to minimize adverse affects of confinement by supporting the juvenile's physical, emotional, educational, and social development in an atmosphere which is as nonthreatening as possible.

#### **PARENT COORDINATOR | HOPEWELL ACADEMY | 2004-2008**

- Plans, teaches, organizes, coordinates, directs and evaluates various parenting programs and activities - Establishes and maintains weekly parental support groups and/or classes using approved curriculum and ensuring program fidelity - Conducts personal/home parenting education visits using approved curriculum and ensuring program fidelity - Develops, promotes, and maintains community development, public relations and service activities - Recruits, trains, supports and supervises volunteers and program participants

#### **Community Involvement:** I'm very involve with Highlands Community Sheriff's

Department Cops Adapt Unit, Community Pros, Southside Community Resource, Ridge SDA Church, NAACP, Castle on Delaney Restaurant, Church of Christ, First United Methodist Church, South Florida State College Adult Education and Panther Youth Partners Outreach, Tri-County



## REFERENCE CHECK APHA

Florine Anderson-Wells

- **Reference 1: Wally Randall**

Randall knows Anderson from when he used to serve on the AP City Council. He also worked with her on fireworks (1987-2010). He described Anderson as thoughtful; a person who reads through material to make informed decisions. Randall was not aware of her serving on other boards; however, he feels she can make objective decisions. He said she will invest her time on the APHA board and that the city could do a lot worse.

- **Reference 2: Kevin Roberts., County Commissioner**

Commissioner Roberts spoke of Wells' work as executive director for the Boys and Girls Club. Wells has a passion for helping children; teaching them respect and providing support. Commissioner Roberts described Wells as having a passion and love for doing things the right way. He said she would be a powerful advocate for the underprivileged; she wants to shape the lives of the people in her community to make the world a better place. Her history with decision making has been nothing but positive. Clear through her work with children and their parents. Wells is strict, principled, and would be a good voice for what is right. Commissioner Roberts explained Wells is sweet and would bring diversity to the APHA.

- **Reference 3: Berniece Taylor, Councilmember**

Berniece went to school with Wells, saying she highly recommends her for the APHA Board. As mentioned, she was the Director of the Boys and Girls Club; she is a good person. Her experience with children, parents, and coworkers provides her with great insight and expertise on interacting with many people. Berniece said Wells is trustworthy and does a lot for the community. Wells genuinely wants the best for Avon Park.



## VOLUNTEER APPLICATION

DEC 12 '22 PM 1:34

### FOR BOARDS AND COMMISSIONS

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

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

- |   |  |
|---|--|
| <input type="checkbox"/> Main Street CRA Advisory Board       | <input checked="" type="checkbox"/> Southside CRA Advisory Board |
| <input type="checkbox"/> Airport CRA Advisory Board           | <input checked="" type="checkbox"/> Housing Authority            |
| <input type="checkbox"/> Pension Boards*                      | _____ Planning & Zoning Board*                                   |
| <input type="checkbox"/> Police <input type="checkbox"/> Fire |  |

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

**\*MEMBERS OF THE BOARD(S) AND/OR COMMISSIONS WITH AN  
ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES. \***

#### 1. PERSONAL:

Name: Annie Johnson E-Mail: Annie-johnson58@yahoo.com

Address: \_\_\_\_\_

Telephone: 819 776 7787 Business #: Retired Sergeant.

Are you a registered voter in Avon Park? ☒ Yes ☐ No

How long have you been a resident of Avon Park? 61 yrs.

Are you currently serving on a City Board? ☐ Yes ☒ No

If yes, when and which Board? \_\_\_\_\_

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

Attn: Dennis Bernice Taylor 1263 Memorial Dr. AP 888 638 3595  
Ret. Maj. Sheila Carter. AP 863 873 6260.  
Ms. Clara Boone 355 Ernest E. Sims. A.P. 863 453 4312

3. Education:

High School: APHS. Date Graduated: June 1981  
College: N/A. Date Graduated: N/A.  
Other: N/A. Degree: A/A.

4. Work Experience:

I am a retired correctional officer of over 20 yrs.

5. Interests/Activities:

I enjoy spending time in the kitchen cooking  
Renovating rehab homes. (Interior design)  
Attending church often.  
Enjoy traveling

6. Community Involvement:

Elderly Companion.  
Hospitality Committee w/ the church. (New Progressive Church of God by Faith)  
NAACP member

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

I would like to assist with bringing the community together,  
and to get them involved with city matters.  
I also would like to use my voice to be transparent.

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

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

Signature

Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4400.

Please return this form to the City Manager's Office, 110 E. Main Street, Avon Park, FL 33825 between the hours of 8:00 a.m. and 5:00 p.m.

## REFERENCE CHECK APHA

Annie Johnson

- **Reference 1: Berniece Taylor, Councilmember**

Berniece has known Johnson for over 25 years; she worked with Johnson and was her employee. Johnson is a retired sergeant from Avon Park Correctional. They were also classmates. She spoke of Johnson's desire to see the city grow; going in a direction that it has not been for many years. Berniece stated anyone who can lead employees and supervise over 200 inmates can conduct themselves well on a board in service of the community. Since Berniece has known Johnson, she has always had an interest in serving on an Avon Park board; however, she was never made aware of any opportunities. Johnson is a good and trustworthy person. Berniece said Johnson loves Avon Park and will make sound decisions.

- **Reference 2: Sheila Carter**

Ms. Carter knows Johnson from church. She helps the church for services, including set ups, food preparation, and tear downs. Carter described Johnson as an efficient person who works well with others. She said Johnson is a wonderful fit for anything she is involved with. Carter also described Johnson as a person with a great love for people; always doing what is best for others. Carter has known Johnson since elementary school. Johnson worked at the prison. Carter concluded Johnson is very good with people.

- **Reference 3: Clara Boone**

Ms. Boone taught Johnson in school and goes to church with her. Boone stated Johnson is useful and always helps people in Avon Park. She is intelligent and a great help, because that is what she does. Boone said Johnson can do anything that needs to be done. Johnson does a lot for the community. For example, Johnson learned of a home damaged by fire; she helped the residents fix their home, including painting and cleaning. She charged nothing for the work.



## VOLUNTEER APPLICATION

### FOR BOARDS AND COMMISSIONS

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

DEC 30 '22 PM 3:23

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

- |   |  |
|---|--|
| <input type="checkbox"/> Main Street CRA Advisory Board | <input checked="" type="checkbox"/> Southside CRA Advisory Board |
| <input type="checkbox"/> Airport CRA Advisory Board     | <input checked="" type="checkbox"/> Housing Authority            |
| <input type="checkbox"/> Pension Boards*                | <input type="checkbox"/> Planning & Zoning Board*                |
| <input type="checkbox"/> Police                         | <input type="checkbox"/> Fire                                    |

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

\*MEMBERS OF THE BOARD(S) AND/OR COMMISSIONS WITH AN  
ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES. \*

1. PERSONAL:

Name: Jerdine Goffins Williams E-Mail: Jeri25drea@yahoo.com  
Address: 1424 S. Carolina Ave. Avon Park, FL. 33825  
Telephone: 813-763-0105 Business #: \_\_\_\_\_  
Are you a registered voter in Avon Park? ☒ Yes ☐ No  
How long have you been a resident of Avon Park? \_\_\_\_\_  
Are you currently serving on a City Board? ☐ Yes ☒ No  
If yes, when and which Board? \_\_\_\_\_

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

Brenda Gray - 863-873-1138  
Al Joe Hinson 863-399-2243  
Bernice Taylor 813-638-3595  
Rhonda Hunter 863-458-0499

3. Education:

High School:

Avon Park High

Date Graduated:

6/2/1979

College:

Date Graduated:

Other:

Degree:

4. Work Experience:

Medical Sheriff Dept (Bartow) Post Office  
(Valrico)

5. Interests/Activities:

Sitting w/ elderly, traveling, event socializing  
attending church services, and hanging  
out with friends and family.

6. Community Involvement:

Involved in my church, community sports  
when applicable.  
Occasional work Soup Kitchen in Bartow during  
the holidays.

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

I would like to see my community grow to its  
full potential.  
I can provide a role model role in helping with  
some of the decisions being made in my community.

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

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

Gerdine Collins Wilkin

Signature

12/29/22

Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4400.

Please return this form to the City Manager's Office, 110 E. Main Street, Avon Park, FL 33825 between the hours of 8:00 a.m. and 5:00 p.m.



## REFERENCE CHECK APHA

Jerdine Collins Williams

- **Reference 1: Brenda Gray**

Brenda described Williams as dependable. In her opinion, Williams would work very well with the housing authority; having grown up in Avon Park on Carolina Avenue. Williams also owns a home in Avon Park. Brenda said in closing, Williams is very dependable, reliable, and trustworthy.

- **Reference 2: Al Joe Hinson**

Hinson spoke of Williams' work as a nurse. He described her as a pillar of the community; she would make excellent choices because she cares for the community (having grown up in the Southside). Hinson said she is the best choice; if the city does not appoint her to the role, it would be a big mistake.

- **Reference 3: Berniece Taylor, Councilmember**

She is her mother's neighbor. May have worked for the Sheriff's her whole life. Good person, kind hearted. Always talks about the community and expressed an interest in serving. Fun honest person; she would be honored to do something for the community at her age. Berniece feels she would be great, very much a mother hen of the community. The kids look at her as a grandmother or mother. Berniece feels she would do good, and make good sound decisions about the residents in the community. And she is really interested in doing it.

- **Reference 4: Rhonda Hunter**

Weatherspoon said Ramsey is his sister, who he considers being an honest person. Ramsey always helps members of the community; going above and beyond. He said Ramsey is a person who never gets the recognition she deserves.



## VOLUNTEER APPLICATION

### FOR BOARDS AND COMMISSIONS

DEC 30 '22 PM 3:23

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

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

☐ Main Street CRA Advisory Board

☒ Southside CRA Advisory Board

☐ Airport CRA Advisory Board

☒ Housing Authority

☐ Pension Boards\*  
☐ Police ☐ Fire

☒ Planning & Zoning Board\*

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

**\* MEMBERS OF THE BOARD(S) AND/OR COMMISSIONS WITH AN  
ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES. \***

#### 1. PERSONAL:

Name: Thelma Ann Foster E-Mail: tfoster0287@yahoo.com

Address: 409 E. Canfield St, Avon Park, FL 33825

Telephone: (863) 453-9529 Business #: \_\_\_\_\_

Are you a registered voter in Avon Park? ☒ Yes ☐ No

How long have you been a resident of Avon Park? Since a young child

Are you currently serving on a City Board? ☐ Yes ☒ No

If yes, when and which Board? \_\_\_\_\_

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

1) Zella Mae Walker, 709 W. State Street, A.P. FL, (863) 873-6711

2) Martha Mitchell, 400 W. Kirkland St, A.P. FL (863) 453-5597

3) Rev. Theolia Williams, 1042 Lemon Ave, Sebring, FL (863) 385-2840

3. Education:

High School: Avon Park High School Date Graduated: June 1975  
College: Warner Southern College Date Graduated: 17 Dec 1994  
Other: \_\_\_\_\_ Degree: Bachelor Degree. in

4. Work Experience:

I served in the US Army as an administrative specialist - running an office at battalion level handling paperwork of soldiers needing things. I wrote awards certificates. I ran a post office in Korea.

5. Interests/Activities:

My interests are in making my city a better place for all who live here. I enjoy fishing, working in my yard, and reading.

6. Community Involvement:

I have been involved years ago, living in the projects.

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

Because I see a need to serve so all areas of Avon Park can see improvements.

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

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

Shelma Foster  
Signature

12/20/22  
Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4400.

Please return this form to the City Manager's Office, 110 E. Main Street, Avon Park, FL 33825 between the hours of 8:00 a.m. and 5:00 p.m.

## REFERENCE CHECK APHA

Thelma Ann Foster

- **Reference 1: Zella Mae Walker**

Walker said Foster will do well on the APHA. She knows Foster from Church; stating she does a lot of work for the congregation. She is a team player and she would recommend her to the board.

- **Reference 2: Martha Mitchell**

Mitchell knows Foster from church; Foster has been a member of the church for 12 years. They also worked together at Avon Park Correctional. Mitchell said Foster can make correct decisions to the benefit of her community. She said Foster will serve effectively. Foster lived at the APHA prior to purchasing her home. Her insight will assist the operation. Mitchell said Foster is a suitable candidate.

- **Reference 3: Reverend Theolia Williams**

Reverend Williams was Foster's pastor for 14 years; he is retired and is now a part of the congregation. Foster served on the Church board. Reverend Williams described Foster as a decent person who would be an asset because of her concern for people. She is a church steward and treasurer that can make decisions. Foster is sincere in everything she does; she is characteristic of, "a good, decent church-going woman." Foster is also a veteran.



## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** Council to Vet Donna Parks Applicant for the Avon Park Police Pension Board

**Item No.:** D-8

**Placed on Agenda by:** City Clerk, Chrissy Hardman

**Staff Review:** Yes

**Attorney Review:**

**Recommended Motion(s):**

**Documentation:**

- Email from Brian Robinson, Administrator for the Police Pension Board
- Volunteer Application, Donna Parks
- Donna Parks References

**Background:**

There has been a vacancy on the Avon Park Police Pension Board for a considerable amount of time. Donna Parks' application was submitted on December 5th. Donna resides in the city.

During the December 12th and January 9<sup>th</sup> Regular City Council meetings, Council asked that Ms. Parks be present at the next Regular Council meeting; so, they could vet her for the appointment. Staff has been unable to speak with Ms. Parks on the phone. Brian Robinson emailed the city clerk confirming Parks' attendance at the January 23<sup>rd</sup> meeting.

## Christian Hardman

---

**From:** Brian Robinson <appension@policepension.org>  
**Sent:** Tuesday, January 10, 2023 6:04 PM  
**To:** Christian Hardman  
**Subject:** Re: app  
  
**Categories:** Completed

**Caution:** This email was sent from outside the City of Avon Park's organization.

She advised me that she got your message and would call you and show up for Monday's meeting.

Don't worry about it going forward, we will continue to look for someone.

Thanks

Brian Robinson  
Avon Park Police officers  
Plan Administrator

On Tue, Jan 10, 2023 at 11:00 AM Christian Hardman <chardman@avonpark.city> wrote:

Hey Brian,

So, Council did not appoint Donna Parks. They said that they want to talk to her. Our next meeting is on January 23<sup>rd</sup>. Mark wants me to talk with Donna but she has not returned my phone calls. Any chance you can get her to call me?

*Christian Hardman*

City Clerk

(863) 452-4405

110 East Main Street,

Avon Park, FL 33825

## VOLUNTEER APPLICATION

DEC 5 '22 PM 5:35

### **FOR BOARDS AND COMMISSIONS**

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

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

- |  |   |
|--|---|
| <input type="checkbox"/> Main Street CRA Advisory Board                  | <input type="checkbox"/> Southside CRA Advisory Board |
| <input type="checkbox"/> Airport CRA Advisory Board                      | <input type="checkbox"/> Housing Authority            |
| <input checked="" type="checkbox"/> Pension Boards*                      | <input type="checkbox"/> Planning & Zoning Board*     |
| <input checked="" type="checkbox"/> Police <input type="checkbox"/> Fire |   |

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

**\* MEMBERS OF THE BOARD(S) AND/OR COMMISSIONS WITH AN  
ASTERISK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES. \***

#### **1. PERSONAL:**

Name: Donna Parks E-Mail: donna.parks@warner.edu

Address: 600 S. Lake Blvd Avon Park FL 33825

Telephone: 803-245-1579 Business #: \_\_\_\_\_

Are you a registered voter in Avon Park? ☒ Yes ☐ No

How long have you been a resident of Avon Park? 1 year

Are you currently serving on a City Board? ☐ Yes ☒ No

If yes, when and which Board? \_\_\_\_\_

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

<u>Sonia Bennett</u>	<u>1268 Louisiana St</u>	<u>Waukegan (863) 781-4277</u>
<u>Tracy Pate</u>	<u>994 Grissard Rd</u>	<u>Waukegan (863) 448-2128</u>
<u>Jo Pace</u>	<u>694 Shell St</u>	<u>Waukegan (863) 245-9550</u>



3. Education:

High School: Hardee Sr High Date Graduated: 1996  
College: Warner Date Graduated: 2008  
Other: \_\_\_\_\_ Degree: \_\_\_\_\_

4. Work Experience:

Hardee Jr High, Hardee Sr High, Hill Gustat Middle  
Sebring High (current)

5. Interests/Activities:

Reading + gardening

6. Community Involvement:

Volunteer at Rayside Church  
Volunteer Hardee Fair Association

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

Looking to become involved in current hometown.

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

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

Donna Paul 11/11/21  
Signature Date

NOTE: If you have any questions concerning the duties and responsibilities of any of the above Boards and/or Commissions, please contact the City Manager's Office at 452-4400.

Please return this form to the City Manager's Office, 110 E. Main Street, Avon Park, FL 33825 between the hours of 8:00 a.m. and 5:00 p.m.

## REFERENCE CHECK POLICE PENSION BOARD

### Donna Parks

- **Reference 1: Sonja Bennett**

Donna has served on a board as long as Sonja Bennett has known her including, the youth football league. Parks served on the board with a leadership role and made a significant difference, including applying for grant funds and building a new field. She is fantastic with projects. Parks serves on the Hardee County Fair Board. In Bennett's words, I" think she'll do a good job; she has strong organizational and communication skills," "she runs with things." If given a task, Parks always exceeds what is asked of her (for the better). She's a researcher and gets things done.

- **Reference 2: Tracy Pate**

Ms. Pate spoke of Donna Parks as an outstanding person in the community. Pate has served with Parks on other boards; in Pate's own words, "no job is too small or big for Donna." She gives her all with anything she does; Parks can be a worker or a leader. Donna Parks originally came from Hardee County. During her time in the community, Parks could get grant funding for a variety of projects, including the High School Football field and tennis courts. One of Park's accomplishments was coordinating on the Hardee County beauty pageant. During her time, she could get Jeremy Rosado (from the Reality TV Show- The Voice) to perform. Parks was President of the Hardee Youth board; she also started an organization for youth mentorship; creating relationship bonds with Law Enforcement and First Responders.

- **Reference 2: Jo Pace**

Jo Pace has worked with Parks for over 15-years, serving on several boards with her. Pace also worked as an executive assistant with Parks. In Pace's experience, every board who has had Parks serve has succeeded. The current sheriff of Hardee County worked with Parks on their campaign. Parks has experience with law enforcement, working closely with them. It is possible for Parks to read through the jargon, understand it, and use it to convey ideas. Parks is very good at understanding jargon. She would be a great asset; Hardee County lost a gem when Parks moved to Highlands County.

## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject** Draft RFP City Owned Property (101 W. Main Street)

**Item No.:** D-9

**Placed on Agenda by:** City Manager, Mark Schrader

**Staff Review:** Yes

**Attorney Review:** Yes

**Recommended Motion(s):**

**Documentation:**

- DRAFT RFP (Request of Proposal) reference City owned Property at 101 W. Main Street

**Background:**

Council requested the DRAFT RFP for this meeting; so, they could discuss and propose changes to it



# **Request for Proposals for Sale & Development of City-Owned Property**

## **RFP # 2023-01 CITY OF AVON PARK LEGAL NOTICE**

**NOTICE:** The City of Avon Park hereby gives notice of its intent to seek proposals from interested parties in response to this Request for Proposals for “RFP # 2023-01 – Sale & Development of City-Owned Property.” This RFP is for the sale and mixed use-commercial development of the property at 101 W. Main Street.

To be considered, interested respondents must hand deliver or mail in all requested materials by **Tuesday, February 28, 2023**, by 11:00 A.M. (EST). All proposals must be sealed and addressed to: City of Avon Park, Purchasing Agent (RFP # 2023-01), 110 E. Main Street, Avon Park, FL 33872. (Emailed or faxed submittals will not be accepted).

### **ALL SUBMITTALS MUST INCLUDE:**

- **One (1) original and five (5) copies** of the proposal; each marked accordingly as “**original**” or “**copy**.”
- The Response Form (**Appendix B**) and The Affidavit (**Appendix D**).
- Follow the Proposal Organization and Submittal Guidelines (**Appendix C**).
- **One (1)** Flash drive containing all materials submitted in PDF format.

**All proposals shall be publicly opened and recorded on TUESDAY, FEBRUARY 28, 2023, at 11:00 A.M. (EST).** Late submittals may **not** be accepted or considered.

The City of Avon Park reserves the right to accept any response deemed to be in the City’s best interest or to waive any technicality or irregularity in any response. The City may, at any time, reject any or all submittals and re-advertise.

For a copy of the RFP, please visit our website, [www.avonpark.city/rfps](http://www.avonpark.city/rfps) or email [Amogle@avonpark.city](mailto:Amogle@avonpark.city).

\*All addenda will be posted on the City’s website. It is the responsibility of the respondents to check back to the website. Failure to do so may result in rejection of a proposal.

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## SECTION 1: PROJECT SUMMARY

The City of Avon Park invites proposals for the purchase and development of a prime real estate parcel on its historic downtown Main Street. The city is seeking development proposals (“Proposals”) from qualified firms (“Developers”) for the opportunity to purchase and develop a 10,000 square foot parcel of City-owned Property (“Property”) located on the corner of W Main Street and S Forest Avenue.

Due to its location on Main Street, and its proximity to US Highway 27, the City considers this Property a significant asset that offers unique commercial development opportunities, which highlight the need for development. Currently the parcel is zoned C-4 Mixed-Use Commercial.

### **DEVELOPMENT VISION**

The complete vision for the Property’s development is still emerging. The overall plan is for a premier mixed-use project that will be a destination that will add to the value of the surrounding neighborhood. The vision is to create an activity-based community where local residents and visitors will shop, work and play with a visually attractive environment with connectivity to the historic Mall, Donaldson Park, and the surrounding community.

The City will look at Developer proposals and prioritize them according to aesthetic appearance, market demand for the proposed uses, and the highest economic and financial benefit. The city will consider rezoning to maximize the economic and financial benefits. **Note: All land-use changes will require Planning Commission and City Council approvals. Accepting a Developer’s proposal does not guarantee the proposed project meets required City standards or will be approved by the City.** The obtaining of said approvals shall be at the sole risk of the proposer. The city will also emphasize the type of retail offerings, architectural design, and thoughtful site planning of the Property. No discount retailers or fast-food drive-thru restaurants will be allowed within the development, and this restriction will be incorporated into a deed restriction. Restaurants defined as fast-casual are permitted. **(Please see Appendix A for examples of fast-casual, lifestyle, and neighborhood retailers).**

## SECTION 2: PROJECT INTRODUCTION

### **COMMUNITY OVERVIEW**

The City of Avon Park is a U.S. historic district located in Highlands County, Florida. It contains 13 historic buildings which run along Main Street from South Delaney Avenue to U.S. 27. It is known as the “City of Charm.” Nestled in Central Florida, Avon Park is famous for its citrus and its mile long Mall centered along Main Street. According to the US Census QuickFacts, the population was estimated at 10,689 as of July 1, 2019. The City is approximately 7.1 square miles in size.

## **SITE OVERVIEW**

The Property is located at 101 W. Main Street in downtown Avon Park. It is within the Main Street Community Redevelopment Agency. The parcel number is A-22-33-28-010-0700-0010. The size of the parcel is 10,000 square feet. The property is the former location of the Wilde Building. The demolition of the Wilde Building is complete and the parcel is currently a shovel-ready empty grass lot.

**[INSERT GOOGLE MAP SATELLITE VIEW]**

DRAFT

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## **GENERAL PROJECT COMMENTS / STANDARD OF CONDITIONS OF APPROVAL**

The intended outcome of this Request for Proposals (“RFP”) process is to identify a Developer and enter an Exclusive Right to Negotiate Agreement (“ERN”) that will establish terms and conditions and further define the scope, design, general use, and development program for the Project upon which the selected Developer can purchase and develop the Property. The City, at its discretion, could require a public presentation process. The City reserves the right to enter into contract negotiations with the selected Proposer(s). If the City and the Proposer(s) do not agree to the terms of the Purchase and Sale Agreement (sometimes referred to herein as the “Agreement”), then the City may elect to terminate negotiations and begin negotiating with the second highest ranked proposer and so forth. This process will continue until a contract has been executed, or all submittals have been rejected, although the City also maintains the right to reject all proposals at any time. No propose shall have any claims and/or rights against the City arising from such negotiation and/or the qualification process.

During the RFP period, Developers and their employees, agents, or representatives, shall have the right of reasonable access to the Property during regular business hours. Upon reasonable advance notice, to inspect the Property, undertake any necessary testing, and otherwise conduct due diligence to ensure that the Property is suitable for the Developer’s intended use. Notwithstanding anything else in this Request for Proposals, Developer shall defend, indemnify, and hold the City, its employees, officers, and agents, harmless from any injury, property damage, or liability arising out of the exercise by Developer of this right of access, other than injury, property damage or liability relating to the gross negligence or willful misconduct of the City or its officers, agents, or employees.

### **SECTION 3: PROPOSAL QUESTIONS**

To evaluate the alternatives and assist in the selection of a Developer, the City is requesting development proposals that will help the City finalize its vision and move ahead with the Property’s disposition and development. Proposals must address the following items:

1. Description of the Developer’s proposed project:
  - a. Size in square footage of the proposed buildings and all other uses and spaces.
  - b. Type of use(s) planned (e.g., retail, office, commercial, business park, or mixed-use combination).
  - c. Conceptual design, architectural theme(s), & character imagery.
  - d. Site Plan(s) – macro and micro as needed.
  - e. Proposed retailers, types of retailers, and other tenant-type information.
2. Description of the Developer’s prior experience in developing similar types of projects elsewhere:
  - a. Name and location of project(s)
  - b. Description of project(s)
  - c. Completion date of project(s)

- d. Experience in dealing with other governmental agencies (County, City, or District) developing projects and/or experience in purchasing government property for private development. The Developer shall also describe previous projects in close relation with similar context.
3. Explanation of the role the Developer's company will play in the proposed project and a list of other partners and their roles (if any). A list of the Developer's proposed team for key roles such as general contractor, site planning, engineering, architecture, and other consultants should also be included. Any change to the Developer's proposed team will require the consent of the City, which may be delayed or withheld in the sole discretion of the City for any reason or no reason.
4. The proposed general timeframe for the development of the Developer's proposed project. If multiple components or phases are planned, provide detail on each of the intended phases or components and their respective timeframes.
5. Description of the benefit(s) your proposed project brings to the City including:
  - a. Purchase price offered for the Property.
  - b. Funding sources (funding and/or financing capacity).
  - c. Projected property tax revenues anticipated from the proposed project.
  - d. Projected sales tax and other revenues from the project (if applicable).
  - e. Projected number of direct jobs created.
  - f. Other benefits to the City.
  - g. Market studies showing demand for the proposed uses, a list of potential tenants or "tenant-types," and the intended ownership type(s), ground leases, and leasing programs for the project upon completion.

#### SECTION 4: INQUIRIES

Please direct all inquiries concerning this RFP to:

City of Avon Park  
Attn: Purchasing Agent  
110 E. Main Street  
Avon Park, FL 33825  
Email: [Amogle@avonpark.city](mailto:Amogle@avonpark.city)

All questions will be answered via addenda and will be posted on the City's website. It is the responsibility of the respondents to check back to the website. Failure to do so may result in rejection of a proposal.



## SECTION 5: DEVELOPER'S RESPONSIBILITIES

Following Developer selection and execution of an Exclusive Right to Negotiate an Agreement, Developer shall proceed with detailed due diligence, pre-development planning, and pre-entitlement activities while working with the City to negotiate a Purchase and Sale Agreement for the Property.

The City anticipates that the general scope of the successful Developer team's responsibilities would include responsibilities usually handled by developers of like-kind projects, including but not limited to:

### **ENTITLEMENTS**

The Developer shall be responsible for all aspects of the Property's design and approvals, including pre-development planning, environmental review, and site planning. The selected Developer shall be responsible, at its sole cost, expense, and risk for obtaining all land use entitlements and all other governmental approvals required for its proposed development. The selection of a Developer and/or any other purchase negotiations with the City does not constitute the City's approval nor guarantee the Developer's proposed project will be approved by the City or any other governmental agencies.

During the Negotiation Period, the selected Developer shall prepare and process an Initial Study and undertake all other actions required for City approval of the project at the Developer's expense. In addition to the Initial Study, the Developer may, during the Negotiation Period, without any guaranty of approval, therefore, seek the approval of the City of a General Plan amendment, zoning change, and any subdivision entitlements that may be required for the development of the project.

### **PRE-DEVELOPMENT COSTS**

The selected Developer shall bear all predevelopment costs and all costs as may be required by the contract to be executed by the parties relating to this project. **All** fees or expenses of engineers, architects, financial consultants, attorneys, planning or other consultants or contractors retained by Developer for any study, analysis, evaluation, report, schedule, estimate, environmental review, surveys, planning and/or design activities, drawings, specifications or other activities or matters relating to the project shall be the sole responsibility of the Developer and no such activity, or matter shall be deemed to be undertaken for the benefit of, at the expense of, or in reliance upon the City. Notwithstanding Developer's expenditures as set forth above, the City may, at its sole and absolute discretion, at any time, reject any and all, or parts of any and all proposals, re-advertise this solicitation, postpone or cancel, at any time, this solicitation process, waive any irregularities in this solicitation, or in the proposals received as a result of this solicitation.



## **DEPOSIT**

The selected Developer shall reimburse the City for the actual out-of-pocket costs and expenses incurred (fees for consultants, attorneys, surveyors, engineers, title reports, and appraisal costs) in negotiating and preparing the Purchase and Sale Agreement and fulfilling its obligations under this RFP and the Purchase and Sale Agreement ("Reimbursable Costs"). Developer shall deposit with the City the sum of Thirty-Five Thousand Dollars (\$35,000.00) ("Deposit Funds"). The Deposit Funds shall be used and applied from time to time by the City to pay itself for the Reimbursable Costs without consent or approval from Proposer.

## **LEGISLATIVE ACTION**

The City and Developer acknowledge that the City must exercise its independent legislative authority in making any and all findings and determinations required of it by law concerning the Parcel. Developer selection does not restrict the legislative authority of the City in any manner whatsoever. It does not obligate the City to enter into the Exclusive Right to Negotiate Agreement, a Purchase and Sale Agreement, or take any course of action with respect to the Property.

## **FINANCING**

The Developer shall be responsible for providing the funding for the project, whether in debt financing, equity, tax credits, incentives, or a combination of these methods. If debt financing is used, no financial risk or credit risk shall be imposed upon or borne by the City.

## **CONSTRUCTION**

The Developer shall be responsible for the demolition of existing structures, construction, and commissioning of the project, including obtaining all permits, fees, and approvals necessary for the Project's construction and obtaining all final certifications, certificates of occupancy, and all of the final approvals for the project.

## **SECTION 6A: PROPOSAL INSTRUCTIONS**

A complete, concise, and professional response to this RFP will enable the City to evaluate and identify the Developer who will provide the highest benefit to the community and indicate the level of the Developer's experience and commitment to the proposed project. Proposals must demonstrate that the proposed project's approach, design, and financing plan will allow for the project's successful development and delivery.

To be considered, interested respondents must hand deliver or mail in all requested materials by Tuesday, February 28, 2023, by 11:00 A.M. (EST). All proposals must be sealed and addressed to City of Avon Park, ATTN: Purchasing Agent (RFP #2023 001), 110 E. Main Street, Avon Park, FL 33925. (Emailed or faxed submittals will not be accepted).

**ALL SUBMITTALS MUST INCLUDE:**

- **One (1) original and five (5) copies** of the proposal; each marked accordingly as “original” or “copy.”
- The Response Form (**Appendix B**) and the Affidavit (**Appendix D**).
- Follow the Proposal Organization and Submittal Guidelines (**Appendix C**).
- **One (1)** Flash drive containing all materials submitted in PDF format.

**All proposals shall be publicly opened and recorded on Tuesday, February 28, 2023, at 11:00 A.M. (EST).** Late submittals will not be accepted or considered.

The following minimum information should be provided in each proposal and will be utilized in evaluating each proposal submitted. To expedite the evaluation of proposals, submittals should be no more than thirty pages (inclusive of cover pages, site plans, renderings, back-up, and exhibits). Submissions should include the following items:

- Required Response Form (**Appendix B**) and Affidavit (**Appendix D**)
- Follow the Proposal Organization and Submittal Guidelines (**Appendix C**).
- Detailed completion of Questions 1 through 5 in Section 3: Scope of Development, which shall include the following:
  - The Developer’s statement of qualifications
  - Financing sources (funding and/or financing capacity)
  - A narrative description that expresses the Developer’s understanding of the City’s vision for the project’s development. The narrative should reflect the respondent’s development design intent, strategy, implementation expertise, and understanding of the scope of work.
  - Resumes with related expertise of the specific Developer and any other consultant or subcontractor resumes with relevant expertise and experience.
  - Developers shall describe their plan for public outreach and input on any potential plans to the residents during the approval process.
- Descriptions for approximately three (3) of the Developer’s recently completed projects that demonstrate the Developer’s:
  - Experience working with municipalities and/or other public agencies to develop either smart retail, business park, commercial, and/or mixed-use projects.



- Ability to complete projects of a similar size, scope, and purpose in a timely manner.
- Description of any other completed projects (representative examples) of similar types of projects. Include addresses, telephone numbers, and the names of reference contacts for each project. Similar project experience descriptions should be submitted for all key consultants.
- Proposed offer price to purchase the Property.
- Analysis of the proposed job creation potential, market demand, and the economic and financial benefits of various uses proposed for the Property.
- The Developer's proposed approach for undertaking this development including detailed schedules for both the pre-development entitlements and approvals and the subsequent horizontal and vertical construction.

### **Standard Statements**

- A statement that this RFP shall be incorporated in its entirety as a part of the Developer's proposal.
- A statement that this RFP and the Developer's proposal will jointly become part of the "Exclusive Right to Negotiate" ("ERN") Agreement for this project when the ERN is fully executed by the Developer and the City.
- A statement that the Developer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

The City will not be liable for any expenses incurred by Developers responding to this solicitation. The City will retain all material submitted. Based upon the quality and quantity of submissions, the City reserves the right to conduct a Second Round Evaluation with a select number of short-listed proposers.

### **SECTION 6B: SELECTION PROCESS**

The Evaluation Committee ("Committee") will execute the selection process. Each Committee member will rank the proposals on a scale of 1 to 10 for a perfect score of 30.

Committee members shall take the following components into consideration:

1. Purchase price amount.
2. Architectural Design, Theme, and Conceptual Site Plan(s).
3. Conformance with the ideas, themes, and concepts detailed therein.
4. Quality of submittals as outlined in section 7A (experience with similar projects and abilities).
5. Ability to attract appropriate commercial and retail tenants.
6. Creativity, uniqueness, and compelling ideas.



7. In-person presentations (20 minutes maximum).

After each committee member reviews the submittals and in-person presentations, each member will submit a score for each respondent not to exceed 10 points. Based on the number of respondents (proposers), the Committee reserves the right to “short-list” some developers for advanced discussions. The Committee will then discuss all the proposals to select a Developer for an ITN (Invitation to Negotiate). The Committee also reserves the right to reject all proposals and elect to re-start the process. Further, and for the avoidance of any doubt, the City reserves the right to negotiate any term, condition, specification, or price with selected Proposer(s). In the event that mutually agreeable negotiations cannot be reached with a Proposer, the City may negotiate with the next ranked Proposer(s) and so forth. This process will continue until a contract has been executed, or all submittals have been rejected. An impasse may be declared by the City at any time. No proposer shall have any claims and/or right against the City arising from such negotiation and/or the qualification process.

This RFP process was designed for respondents to propose ideas and deliver solutions for the Property. The Developer with the best overall development program will be selected for the ITN (Invitation to Negotiate). After the individual scoring, and in the event the Committee cannot agree on a Developer, this RFP may be rendered null and void.

SECTION 7: STANDARD TERMS AND CONDITIONS:

**ADDITIONAL INDEMNITY OBLIGATIONS**

Developer shall defend, with counsel of the City’s choosing, and at Developer’s own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind that may be brought or instituted against the City and its officers, agents, and employees as a result of this RFP. Developer shall pay and satisfy any judgment, award, or decree that may be rendered against the City and its officers, agents, and employees as part of any such claim, suit, action, or other proceedings. The Developer shall also reimburse the City for the cost of any settlement paid by the City. Such reimbursement shall include payment for City’s attorney fees and expenses, including expert witness fees. Developer shall reimburse City and its officers, agents, and employees for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

**INTELLECTUAL PROPERTY**

Any system or documents developed, produced, or provided in response to this RFP, including any intellectual property discovered or developed by Developer in the course of performing or otherwise as a result of its work, shall become the sole Property of the City unless explicitly stated otherwise in the RFP response. The Developer may retain copies of any and all material, including drawings, documents, and specifications, produced by the Developer in the performance of this proposal. The City and the Developer agree that to the extent permitted by

law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without both parties' prior written consent.

### **CONFIDENTIAL INFORMATION**

The Proposer shall not submit any information in response to this RFP which he or she considers to be a trade secret or confidential. The submission of any information to the City pursuant to or in any way in connection with this RFP shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to the Proposer. If a Proposer submits information to the City in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, then the City shall endeavor to redact and return subject information as quickly as possible, if appropriate. The City will then evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

### **PUBLIC RECORD**

Proposals received will become the Property of the City. Pursuant to Florida Law, all proposals, evaluation documents, and any subsequent contracts will be subject to public disclosure. All documents related to this solicitation will become public records once discussions and negotiations with proposers have been completed and an award has been announced.

Appropriately identified trade secrets will be kept confidential to the extent permitted by law. Any proposal section alleged to contain proprietary information will be identified by the Proposer in boldface text at the top and bottom as "PROPRIETARY." Designating the entire proposal as proprietary is unacceptable and will not be honored. Submission of a proposal will constitute an agreement to this provision for public records. Pricing information is not considered proprietary information.

### **ASSIGNMENT**

Developer selection includes consideration of the merits of the firm/team. Assignment of the proposal is discouraged. The City reserves the right to cancel the contract if the contract is assigned without the City's advance written consent.

### **RFP ADDENDA**

The City may determine it is necessary to revise any part of this solicitation. Revisions will be made by written addenda, and it is the Developer's responsibility to understand and comply with any addenda to this solicitation. Failure to do so may result in a rejection of the proposal.

Addenda will be posted on the City's website ([www.avonpark.city](http://www.avonpark.city)) under the "Bids and RFP's" tab. RFP # 2023-01.



Please direct all inquiries concerning this RFP to:

City of Avon Park  
Attn: Purchasing Agent  
110 E. Main Street  
Avon Park, FL 33825  
Telephone: (863)452-4400 extension 110  
Email: [Amogle@avonpark.city](mailto:Amogle@avonpark.city)

## SECTION 8: CONE OF SILENCE AND PUBLIC ENTITY CRIMES

### **CONE OF SILENCE**

After the advertisement, a "Cone of Silence" is imposed upon each RFP or RFQ. The Cone of Silence prohibits any communication regarding RFP's or RFQ's between City Staff, its Consultants, and Elected Officials, on the one hand, and potential Respondents to the RFP or RFQ process and any representative thereof on the other hand. The Cone of Silence does not apply to City personnel engaging in communication with parties with existing contracts as long as discussions are not made regarding the RFP.

The Cone of Silence shall not apply to:

1. Verbal communications at pre-bid conferences, if applicable.
2. Verbal presentations before selection of evaluation committees.
3. Public presentations made to the City during any duly noticed public meeting.
4. Written communications regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, Respondent, bidder, lobbyist, consultant and the City's Purchasing Agent or City employee designated responsible for administering the procurement process of such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.
5. Communications with the City Attorney and their staff.
6. Duly noticed site visits to determine the competency of bidders/Respondents regarding a particular bid/proposal during the time allowed within the RFP.
7. Any emergency procurement of goods or services pursuant to state law.
8. Responses to the City's request for clarification or additional information.
9. Contract negotiations with selected bidder.
10. Communications to enable City staff and its consultants to seek and obtain industry comment or perform market research; provided all communications related thereto are between a potential vendor, service provider, respondent, bidder lobbyist, or consultant and any member of the City's professional staff, including, but not limited to, the City Manager and its staff.



Violation of the Cone of Silence by a Developer, Developer's representative, or any respondent shall render their proposal void.

### **PUBLIC ENTITY CRIMES**

Pursuant to Paragraph 2(a) of Section 287.133 of the Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real Property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity above the threshold amount provided in Section 287.017 of the Florida Statutes for Category Two for thirty-six (36) months from the date of being placed on the convicted vendor list. Each proposal must include an Affidavit **(Appendix D)**.

## APPENDIX

Appendix A: Sample List of Typical Retailer Types

Appendix B: Required Response Form

Appendix C: Proposal Organization and Submittal Guidelines

Appendix D: Affidavit

## APPENDIX A: SAMPLE LIST OF TYPICAL RETAILER TYPES

The following information should be used solely as a guide to the types of retail desired within the project. This is only a guide identifying the kinds of retailers the City would like to see incorporated into the commercial development. This is not an endorsement, nor a preference of any specific company or brand as numerous other retailers will collectively combine to create the overall theme for the project. Proposers should have a plan to attract a combination from the categories listed below.

Hard Goods	Soft Goods	Restaurants & Fast Casual	Experiential & Others
<ul style="list-style-type: none"> <li>-Adidas</li> <li>-Apple</li> <li>-Blue Mercury</li> <li>-Carolina Herrera</li> <li>-Crate &amp; Barrell</li> <li>-Everything but Water</li> <li>-GNC</li> <li>-Gift Shops</li> <li>-Gucci</li> <li>-H&amp;M</li> <li>-Jewelry Stores</li> <li>-Lens Crafters</li> <li>-LEGO</li> <li>-LV</li> <li>-Lululemon/Athletica</li> <li>-Pandora</li> <li>-Pottery Barn</li> <li>-Sephora</li> <li>-Sunglass Hut</li> <li>-Victoria's Secret</li> <li>-Vineyard Vines</li> <li>-Warby Parker</li> <li>-West Elm</li> </ul>	<ul style="list-style-type: none"> <li>-9 Round</li> <li>-Aspen Dental</li> <li>-Banking</li> <li>-Barry's Bootcamp</li> <li>-Club Pilates</li> <li>-Cycle Bar</li> <li>-Day Spa</li> <li>-Dry Bar/ Blow Bar</li> <li>-FedEx</li> <li>-Hair Salons</li> <li>-HotWorx/Corepower</li> <li>-Kumon</li> <li>-Orange Theory</li> <li>-Other Financial Services</li> <li>-Stretch Zone</li> <li>-Ulta Beauty</li> <li>-Yoga Studios</li> </ul>	<ul style="list-style-type: none"> <li>-Amazon Fresh</li> <li>-Anthony's Coal Fired Pizza</li> <li>-Bahama Breeze</li> <li>-Bakery</li> <li>-Burger Fi</li> <li>-Ceviche 105</li> <li>-Cheesecake Factory</li> <li>-Chipotle</li> <li>-Farmers Market</li> <li>-Häagen-Dazs</li> <li>-Houston's</li> <li>-Kaluz</li> <li>-Ice Cream/Frozen Yogurt</li> <li>-J. Alexanders</li> <li>-Kilwins</li> <li>-Panera Bread</li> <li>-Ruth Chris</li> <li>-Seasons 52</li> <li>-Seed the Table</li> <li>-Starbucks</li> <li>-Shake Shack</li> <li>-Tap 42</li> </ul>	<ul style="list-style-type: none"> <li>-Andretti Racing</li> <li>-Bowlero</li> <li>-Chicken &amp; Crayola Experience</li> <li>-Escape Room</li> <li>-GameWorks</li> <li>-Pop Stroke</li> <li>-Rock &amp; Brews</li> <li>-Strike 10</li> <li>-Tesla</li> <li>-Two Bit Circus</li> <li>-Whirly Ball</li> </ul>

Additional suggestions: The overall project should be compatible with the surrounding areas and serve local residents, visitors, and the area's workforce. The retail components should be a combination of family-oriented offerings, experiential offerings, trendy offerings, and traditional neighborhood offerings. **Discount retailers, fast food restaurants, or outlet-type stores should not be included.**



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**APPENDIX B: REQUIRED RESPONSE FORM**

<u>RFP#</u> <b>2023-01</b>	<u>RFP TITLE:</u> <b>Avon Park Mixed-Use Commercial Redevelopment of Parcel at 101 W. Main Street</b>			<u>RELEASE DATE</u> <b>January 30, 2023</b>
DATE DUE:  FEBRUARY 28, 2023	TIME DUE- AT OR BEFORE:  11:00 A.M. (EST)	ORIGINAL HARD COPY PROPOSAL & APPENDIX REQUIRED:  1	PROPOSAL & APPENDIX ADDITIONAL HARD COPIES REQUIRED:  5	COMPLETE ELECTRONIC COPY OF PROPOSAL REQUIRED:  1 SINGLE ADOBE PDF FILE

**PROPOSER INFORMATION**

PROPOSER'S NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY AND STATE: \_\_\_\_\_

PROPOSER'S TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_

CONTACT TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

CONTACT E-MAIL ADDRESS: \_\_\_\_\_ COMPANY WEBSITE: \_\_\_\_\_

PROPOSER TAXPAYER IDENTIFICATION NUMBER: \_\_\_\_\_

**How were you informed of this solicitation?** (please provide media name(s) in blank space):

Website: \_\_\_\_\_ Newspaper: \_\_\_\_\_ Other: \_\_\_\_\_

**APPENDIX B: REQUIRED RESPONSE FORM-CONTINUED**

**PROPOSAL CERTIFICATOIN**

I hereby certify that I am submitting the following information as my firm's (Proposer) proposal and am authorized by Proposer to do so. Proposer agrees to complete and/or provide all information required by this document inclusive of this request for proposals, and all attachments, exhibits and appendices and the contents of any Addenda released hereto, Proposer agrees to be bound to any and all specifications, terms and conditions contained in this solicitation, and any released Addenda and understand that these are requirements of this solicitation and failure to comply may result in disqualification of proposal submitted. Proposer has not divulged, discussed or compared the proposal with other proposers and has not colluded with any other proposer or party to any other proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Record Laws; all responses, date and information contained in this proposal are true and accurate.

---

Signature of Proposer's Authorized Principal

Date

---

Name of Proposer's Authorized Principal

Title of Proposer's Authorized Principal

NOTE: Entries must be completed in ink or typewritten.



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## APPENDIX C: PROPOSAL ORGANIZATION AND SUBMITTAL GUIDELINES

### INFORMATION TO BE INCLUDED IN THE SUBMITTAL

In order to maintain comparability and facilitate the review process, it is strongly recommended that Developer's Proposals be organized in the manner specified below. Include all information outlined below in your submittal.

1. **REQUIRED RESPONSE FORM** Include "Appendix B" filled out in its entirety and signed by an authorized representative of the Developer.
2. **COMMITMENT LETTER** Include a letter from the Developer's authorized representative(s) indicating the Developer's commitment to the terms and conditions of the RFP and all subsequent addenda, understanding the scope and nature of the Project, attraction to the opportunity, and the company's ability to execute as proposed.
  - 2.1 Signed by an authorized officer of the company
  - 2.2 Explain in detail why the Developer is interested in the Project and why the company would be the best choice for the City
  - 2.3 Acknowledgment of, and commitment to, the terms and conditions of RFP #2023-01 and all subsequent addenda
  - 2.4 Overview of company's qualifications and personnel including:
    - 2.4.1 Company's name, address, and phone number
    - 2.4.2 The date company was established
    - 2.4.3 The size of the organization
    - 2.4.5 The number of years operating under that name and any other firm names, if applicable
    - 2.4.6 List of proposed consultants including architect, engineer, contractors, and others
    - 2.4.7 Identify prior successfully completed development projects and experience with projects of similar size, scale, and budget
3. **TECHNICAL PROPOSAL** Provide a Project concept overview with timeline(s) from contract execution through Project completion. Provide relevant information regarding the following:
  - 3.1 Overall project theme, architectural design, unique characteristics, and benefits to the City
  - 3.2 Identify proposed uses and high-level market analysis supporting demand for these uses
  - 3.3 Schematic site plans on both a large-scale and detailed level, as needed
  - 3.4 Renderings and/or perspectives of the design concepts
  - 3.5 Concepts and other background for the proposed retail and other commercial offerings, including any creative or innovative ideas for the Project

- 3.6 Statement regarding the Project's connectivity to the adjacent properties
- 3.7 Schedules and estimated timelines for the design, approvals, permitting, and construction of the Project (Include a phasing plan if applicable)

4. **FINANCIAL PROPOSAL AND INFORMATION**

- 4.1 Terms of Offer: Provide a brief-term sheet outlining the proposed price, key business terms, and closing conditions
- 4.2 Approvals: Detail the current status of internal and external approvals both received and outstanding from partners, lenders, equity investors, and others if needed
- 4.3 Capitalization: Describe Developer's expectations with regards to debt and equity levels, proposed equity sources, availability to obtain debt, and prior transactions with intended capital providers

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**APPENDIX D: AFFIDAVIT**

**CITY OF AVON PARK  
REQUEST FOR PROPOSALS (RFP) NO.: 2023-01**

**SINGLE EXECUTION AFFIDAVITS**

**THIS FORM COMBINES SEVERAL AFFIDAVIT STATEMENTS TO BE SWORN TO BY THE PROPOSER OR BIDDER AND NOTARIZED BELOW. IN THE EVENT THE PROPOSER OR BIDDER CANNOT SWEAR TO ANY OF THESE AFFIDAVIT STATEMENTS, THE PROPOSER OR BIDDER IS DEEMED TO BE NON-RESPONSIVE AND IS NOT ELIGIBLE TO SUBMIT A PROPOSAL/BID.**

**THESE SINGLE EXECUTION AFFIDAVITS ARE STATEMENTS MADE ON BEHALF OF:**

\_\_\_\_\_  
NAME OF PROPOSING OR  
BIDDING ENTITY

\_\_\_\_\_  
INDIVIDUAL'S NAME AND TITLE

\_\_\_\_\_  
FEIN OF PROPOSING OR  
BIDDING ENTITY

**AMERICANS WITH DISABILITIES ACT COMPLIANCE AFFIDAVIT**

The above-named firm, corporation, or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third-party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

- The American with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat 327, 42 USC Section 12101 and 47 USC Sections 225 and 661 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.
- The Florida Americans with Disabilities Accessibility Implementation Act of 1993, Section 553.501-553.513, Florida Statutes.
- The Rehabilitation Act of 1973, 229 USC Section 1612.
- The Federal Transit Act, as amended 49 USC Section 1612.
- The Fair Housing Act, as amended 42 USC Sections 3601-3631.

\_\_\_\_\_  
Proposer Initials

### **PUBLIC ENTITY CRIMES AFFIDAVIT**

I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.

I understand that “convicted” or “conviction” as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

I understand that an “affiliate” as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime; or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm’s length shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

I understand that a “person” as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, directors, executives, and partners, shareholders, employees, members, and agents who are active in the management of an entity.

Based on information and belief, the statement which I have marked below, is true in relation to the entity submitting this sworn statement.



**(INDICATE WHICH STATEMENT APPLIES)**

- Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
- The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents, who are active in the management of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
- The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final Order).

I understand that the submission of this form to the contracting officer for any public entity is for that public entity only and that this form is valid through December 31 of the calendar year in which it is filed. I also understand that I am required to inform the public entity prior to entering into a contract in excess of the threshold amount provided in Section 287.017, Florida Statutes for category two of any change in the information contained in the form.

\_\_\_\_\_  
Proposer Initials

**NO CONFLICT OF INTEREST OR CONTINGENT FEE AFFIDAVIT**

Proposer warrants that neither it nor any principal, employee, agent, representative nor family member has paid or will pay any fee or consideration that is contingent on the award or execution of a contract arising out of this solicitation. Proposer also warrants that neither it nor any principal, employee, agent, representative nor family member has procured or attempted to procure this contract in violation of any of the provisions of any conflict of interest or code of ethics ordinances. Further, Proposer acknowledges that any violation of these warrants will result in the termination of the contract and forfeiture of funds paid or to be paid to the Proposer should the Proposer be selected for the performance of this contract.

\_\_\_\_\_  
Proposer Initials

### **BUSINESS ENTITY AFFIDAVIT**

Proposer hereby recognizes and certifies that no elected official, board member, or employee of the CITY OF AVON PARK ("the City") shall have a financial interest directly or indirectly in this transaction or any compensation to be paid under or through this transaction, and further, that no City employee, nor any elected or appointed officer (including City Council members) of the City, nor any spouse, parent or child of such employee or elected or appointed officer of the City may be a partner, officer, director or proprietor of Proposer or Vendor, and further, that no such City employee or elected or appointed officer, or the spouse, parent or child of any of them, alone or in combination, may have a material interest in the Vendor or Proposer. Material interest means direct or indirect ownership of more than 5% of the total assets or capital stock of the Proposer. Any exception to these above-described restrictions must be expressly provided by applicable law or ordinance and be confirmed in writing by City. Further, Proposer recognizes that with respect to this transaction or bid, if any Proposer violates or is a party to a violation of any applicable ethics ordinances or rules, or the provisions of Chapter 112, part III, Fla. Stat. the Code of Ethics for Public Officers and Employees, such Proposer may be disqualified from furnishing the goods or services for which the bid or proposal is submitted and may be further disqualified from submitting any future bids or proposals for goods or services to the City.

\_\_\_\_\_  
Proposer Initials

### **ANTI-COLLUSION AFFIDAVIT**

1. Proposer/Bidder has personal knowledge of the matters set forth in its Proposal/Bid and is fully informed respecting the preparation and contents of the attached Proposal/Bid and all pertinent circumstances respecting the Proposal/Bid; and
2. The Proposal/Bid is genuine and is not a collusive or sham Proposal/Bid; and
3. Neither the Proposer/Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including Affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Proposer/Bidder, firm, or person to submit a collusive or sham Proposal/Bid, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Proposer/Bidder, firm, or person to fix the price or prices in the attached Proposal/Bid or of any other Proposer/Bidder, or

to fix any overhead, profit, or cost element of the Proposal/Bid price or the Proposal/Bid price of any other Proposer/Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the CITY OF AVON PARK or any person interested in the proposed Contract.

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Proposer Initials

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**SWORN SIGNATURE OF PROPOSING ENTITY REPRESENTATIVE AND NOTARIZATION  
FOR ALL ABOVE AFFIDAVITS.**

**In the presence of:**

**Signed, sealed and delivered by:**

\_\_\_\_\_  
WITNESS #1-SIGNATURE

\_\_\_\_\_  
PROPOSER SIGNATURE

\_\_\_\_\_  
WITNESS #1- PRINT NAME

\_\_\_\_\_  
PROPOSER- NAME AND TITLE

\_\_\_\_\_  
WITNESS #2- SIGNATURE

\_\_\_\_\_  
WITNESS #2- PRINT NAME

**ACKNOWLEDGEMENT**

State of Florida

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, personally appeared, whose name(s) is/are \_\_\_\_\_ subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

\_\_\_\_\_  
**Notary Public (Print, Stamp, or Type as Commissioned)**

- ☐ Personally known to me; or
- ☐ Produced identification (Type of Identification: \_\_\_\_\_)
- ☐ Did take an oath; or
- ☐ Did not take an oath

DRAFT

[END OF RFP #2023-01]

## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** Discussion of Possible Foreclosure Action – 504 N. Lake Ave

**Item No.:** E-10

**Placed on Agenda by:** Code Enforcement Supervisor, Randy LaBelle

**Staff Review:** Yes

**Attorney Review:** Yes

**Recommended Motion(s):**

**Documentation:**

- Magistrate's Order
- Code Enforcement Notes
- Parcel information
- Tax Collector Information
- Photos of property

**Background:**



**CODE ENFORCEMENT  
SPECIAL MAGISTRATE FOR  
THE CITY OF AVON PARK, HIGHLANDS COUNTY, FLORIDA**

CITY OF AVON PARK, FLORIDA, Petitioner,

Case No.: 22-13685

v. 504 N LAKE AVE LLC

Property address: 504 N LAKE AVE

, Respondent(s)

Strap No. A-22-33-28-D10-0020-0040

**SPECIAL MAGISTRATE'S ORDER  
REPEAT VIOLATIONS**

THIS CAUSE came to be heard before the Special Magistrate for the City of Avon Park at a hearing commencing at 1 A.M./P.M. on JUNE 22<sup>ND</sup> 2022 after due notice to Respondent, and the undersigned Special Magistrate having heard testimony under oath and duly considered the evidence presented and being otherwise fully advised in the premises, does hereupon render the following Findings of Fact, Conclusions of Law and Order as follows:

**TESTIMONY AND EVIDENCE**

1. Appearing before the Special Magistrate was the City's Code Enforcement Officer VINCENT FERRANTE ("Officer"), who testified under oath based on personal observation that:
  - a. An alleged violation condition ☐ existed / ☒ still exists on the Property generally described as follows: ROOF MAINTENANCE, NO HOUSE NUMBERS, BROKE WINDOWS ("Violation")
  - b. The City alleges that the condition is a Violation of City Codes as follows: SEC. 22-603 MINIMUM MAINT ; 22-603(C) POSTING OF NUMBERS
  - c. The condition in question was first observed by the Officer on APRIL 5<sup>TH</sup>, 2022 and the violation is a repeat offense because it occurred previously (within five years at any location) on JUNE 17<sup>TH</sup>, 2020 ; ☒ and other occasions within five years.
  - d. ☐ A Notice of Violation ("NOV") for this alleged repeat violation was issued and properly served on the Respondent on APRIL 5<sup>TH</sup>, 2022 describing the alleged Violation, notifying the violator that it is a repeat offense, informing the violator of actions necessary to correct the violation, and setting this case for hearing.
  - e. ☒ A Notice to Appear ("NTA") at a Special Magistrate Hearing was served on the Respondent on JUNE 2<sup>ND</sup>, 2022 for this Hearing.
- ☒ The Code Enforcement Officer's file has been entered into evidence by the Special Magistrate and contains proof of service of the NOV and NTA, as well as the City's evidence of the violation condition.
- ☒ Documents and/or photographic evidence for the Respondent were entered into evidence by the Special Magistrate. The Respondent testimony claimed NO ONE PRESENT

### FINDING OF FACT AND CONCLUSIONS OF LAW

*The Special Magistrate hereby makes the following Findings of Fact and Conclusions of Law:*

1. THAT the Special Magistrate has jurisdiction over the subject matter and the Respondent.
2. THAT Respondent 504 N LAKE AVE LLC, whose mailing address is 504 N LAKE AVE, is the ☐ agent of the Property owner or ☐ the person responsible for creation of the Violation and ☐ was or ☒ was not present at the hearing.
3. THAT additional Respondents ☐ are or ☒ are not involved in the Violation, and findings for them are stated on attached Exhibits.
4. THAT the Respondent was properly notified of the violation condition and the hearing.
5. THAT the condition of the Property was a Violation of SEC. 22-603; 22-603(c) of the City of Avon Park Code of Ordinances as it existed on APRIL 5TH, 2022 ☐ is; ☐ is not, supported by competent substantial evidence in the record.
6. THAT the violation ☒ is; ☐ is not, a repeat offense as defined in section 164.04(5) FS
7. THAT although a violation was in existence on \_\_\_\_\_, 20\_\_\_\_, it has ☐ been corrected before this hearing and no longer exists or ☒ remains in existence.
8. ☐ THAT the Respondent has chosen to argue against the NOV at the hearing; or, ☐ chosen to waive rights to hearing, and pay the daily fine and administrative costs.

Based upon the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation; actions taken by the Respondent to correct the violation(s); *whether it is a repeat offense*, and, any previous violations committed by the Respondent, **IT IS THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:**

1. ☐ THAT this matter shall be continued until \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 20\_\_\_\_.
2. ☐ THAT because the Respondent has corrected the Violation, the City's claim is dismissed, with ☐ or without ☐ administrative costs of \$\_\_\_\_\_. The Respondent is admonished that a future violation of the same Section of the Code of Ordinances of the City of Avon Park may result in an immediate fine regardless of whether the subsequent violation is remedied.
3. ☐ THAT the evidence does not support the violation cited. This case is hereby dismissed.
4. ☒ THAT If the violation is not corrected by JULY 22ND, 2022, Respondent shall pay an administrative fine in the amount of \$500, beginning on that date and continuing each day thereafter until the Property is in compliance by taking the necessary corrective actions described below, plus administrative costs. or 14.66

*The burden shall rest upon the Respondent(s) to request a re-inspection by a City Code Enforcement Officer to determine whether the violation has been brought into compliance.*

Corrective Actions Required: RESPONDENT TO PAY ADMIN FEES OF \$14.66

DONE AND ORDERED ON the 22 day of June, 2022

\_\_\_\_\_  
City of Avon Park Code Enforcement Special Magistrate

# 504 N LAKE AVE

22-13685 4/5/2022

START DATE: 7/23/2022

END DATE: CURRENTLY STILL RUNNING

@ \$500 PER DAY

TOTAL AS OF TODAY (01/19/2023): \$90,000.00

+ POSTAGE FEE: \$14.66

+ RECORDING CHARGE: \$18.50

+ RELEASE OF LIEN: \$10.00

**TOTAL AMOUNT DUE ON 1/19/2023: \$90,043.16**

VIOLATION: MINIMUM MAINTENANCE ON COLLAPSE GARAGE, ROTTING WOOD ON THE EXTERIOR, ROOF MAINTENANCE AND NO HOUSE NUMBERS

SINCE 2006 THE RESIDENCE HAS BEEN CITED OVER 17 TIMES FOR NUMEROUS VIOLATIONS LIKE FENCE MAINTENANCE, NUISANCE (OVERGROWN GRASS), ABANDON VEHICLES AND MINIMUM MAINTENANCE ISSUES SUCH AS CHIPPING AND PEELING PAINT, ROTTING WOOD ON THE EXTERIOR, AND BOARDED WINDOWS.

.



**Parcel A-22-33-28-010-0020-0040**

504 N LAKE AVE  
AVON PARK, FL 33825

**Owners:**

504 N LAKE AVE LLC

**Mailing Address**

709 SW 14TH CT  
FT LAUDERDALE, FL 33315

**DOR Code:** 01 - SINGLE FAMILY

**Neighborhood:** 1026.00 - AVON PARK SE1/4 OF 15 & NE1/4 OF 22

**Millage:** 10 - Avon Park City Limits

**Map ID:** 23D

**Legal Description**

TOWN OF AVON PARK

IN 22-33-28

LOT 4-LESS N 140 FT + LESS

E 110 FT + ALL LOT 5-LESS

N 140 FT BLK 2



**ERIC T. ZWAYER**  
HIGHLANDS COUNTY TAX COLLECTOR

2022 REAL ESTATE

11154

10

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER
A223328-01000200040
ESCROW CD

PAY, SEARCH, OR PRINT RECEIPT ONLINE AT  
**WWW.HCTAXCOLLECTOR.COM**  
(863) 402-6685

EXEMPTION CODES

01/19/2023 02:43:36

504 N LAKE AVE LLC  
709 SW 14TH CT  
FT LAUDERDALE, FL 33315

504 N LAKE AVE AVON PARK FL  
TOWN OF AVON PARK  
IN 22-33-28  
LOT 4-LESS N 140 FT + LESS  
\*\*\* SEE TAX ROLL FOR EXTRA LEGAL \*\*\*

PAY IN U.S. FUNDS TO ERIC T. ZWAYER, TAX COLLECTOR @ 540 S COMMERCE AVE SEBRING, FL 33870

AD VALOREM TAXES					
TAXING AUTHORITY	ASSESSED	EXEMPTION	TAXABLE	MILLAGE	TAXES LEVIED
COUNTY GENERAL	106,626	0	106,626	8.1000	\$863.67
SCHOOL GENERAL FUND	125,157	0	125,157	3.3030	\$413.39
SCHOOL BASIC DISCRETIONARY	125,157	0	125,157	0.7480	\$93.62
SCHOOL CAPITAL IMPROVEMENT	125,157	0	125,157	1.5000	\$187.74
SWFWM DISTRICT	106,626	0	106,626	0.2260	\$24.10
CITY OF AVON PARK	106,626	0	106,626	4.3681	\$465.75
TOTAL AD-VALOREM TAXES				18.2451	\$2,048.27
NON-AD VALOREM ASSESSMENTS					
LEVYING AUTHORITY	AMOUNT				
CITY OF AVON PARK FIRE (088)	\$140.00				
TOTAL NON AD-VALOREM ASSESSMENTS					\$140.00
COMBINED TAXES AND ASSESSMENTS					\$2,188.27
If Paid By	Jan 31, 2023	Feb 28, 2023	Mar 31, 2023		
Please Pay	2,144.50	2,166.39	2,188.27		

Payment by check will be processed either as a one-time electronic fund transfer or as a check transaction. For inquiries, please call 863-402-6685.

**ERIC T. ZWAYER**

HIGHLANDS COUNTY TAX COLLECTOR

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2022-REAL ESTATE 11154

01/19/2023 02:43:36  
DELINQUENT TAX AMOUNTS  
ARE SUBJECT TO CHANGE

ACCOUNT NUMBER	ESCROW CD	EXEMPTION CODES	MILLAGE CODE
A223328-01000200040			10















E Charles St

N Lake Ave





## **Agenda Item Summary**

**Date of Action:** January 23, 2023

**Subject:** City Manager Updates

**Item No.:** H-11

**Placed on Agenda by:** City Manager, Mark Schrader

**Staff Review:**

**Attorney Review:**

**Recommended Motion(s):**

**Documentation:**

Updates:

- AIPP/Lease
- Community Development Center, Inc. letter requesting two (2) additional five (5) year terms.



# AVON PARK COMMUNITY CHILD DEVELOPMENT CENTER, INC.

Early childhood education is our business. We do it with love.

Date January 9, 2023

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

Re: Lease

To: Mark Schrader, City Manger

This request to renew the lease by and between the City of Avon Park and the Avon Park Community Development Center, Inc. Under the same terms and conditions contained the original Lease dated January 1, 2013. We respectfully request the two (2) additional five (5) year terms as contained in the agreement.

We respectfully request a waiver of the provision regarding the 90-day notice prior to the end of the proceeding Lease, which by its terms expired on January 1, 2023.

Sincerely,

Patricia Landress, Board President  
Avon Park Community Development Center