

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 17, 2015
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

Kirby Smith, Mayor
Lori Pfister, Councilmember
Lisa Johnson, Councilmember

ABSENT

Bob Grenier, Vice Mayor
Robert Speaks, Councilmember

STAFF PRESENT

John Drury, City Administrator
Nancy Barnett, City Clerk
Robert Q. Williams, City Attorney
Chris Thompson, Public Works Director
Tammey Rogers, Community Services Director
Jacques Skutt, Director of Community Development
Stoney Lubins, Police Chief
Richard Keith, Fire Chief
Bob Tweedie, Economic Development Director

I. CALL TO ORDER

Mayor Smith called the meeting to order at 4:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Rick Fountain, Fire Baptist Church of Tavares, gave the invocation and led those present in the Pledge of Allegiance.

Mayor Smith noted the hearing devices available at the entrance table and requested that cell phones be silenced. He asked those who wished to speak to Council to fill out the form provided at the door.

III. APPROVAL OF AGENDA

Mayor Smith asked if there any changes to the agenda.

MOTION

Lori Pfister moved for approval of the agenda, seconded by Lisa Johnson. The motion carried unanimously 3-0.

IV. APPROVAL OF MINUTES

1
2 **Tab 1) Minutes of May 20, 2015 and June 3, 2015 Regular Council Meeting**

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4 **MOTION**

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6 **Lori Pfister moved to approve the minutes of May 20 and June 3, 2015 as submitted,**
7 **seconded by Lisa Johnson. The motion carried unanimously 3-0.**

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9 **V. PROCLAMATIONS/PRESENTATIONS - None**

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11 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE**
12 **COMMUNICATIONS**

13
14 None.

15
16 **VII. READING OF ALL ORDINANCES/RESOLUTIONS**

17
18 None

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20 **VIII. CONSENT AGENDA**

21
22 **IX. ORDINANCES/RESOLUTIONS**

23
24 **XI. GENERAL GOVERNMENT**

25
26 **Tab 2) Third Party Interlocal Agreement for the Seaplane Fountain Feature for Deposit with**
27 **Florida Department of Transportation**

28
29 Ms. Houghton stated this is to request authorization for the City Administrator to execute a three
30 party escrow agreement with FDOT. Previously Council approved Resolution 2014-25 which
31 authorized an Aesthetic Feature Agreement with the FDOT for a standalone seaplane marker
32 located at the Chris Daniels Pond at the corner of US 441 and State Road 19. The city received
33 notification today that the permit for the seaplane marker has been approved. As part of the
34 permit package FDOT requires an initial deposit of \$2500 to be held indefinitely for placement of
35 the seaplane feature. The deposit will be held in escrow and this agreement will allow the city to
36 earn interest on the \$2500. Mr. Drury noted the purpose of the deposit is in the event the marker
37 needs to be removed for any reason. This ensures that there will be funds available and this is a
38 requirement of all of the FDOT agreements in their public right of ways.

39
40 **MOTION**

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42 **Lori Pfister moved to approve the Three Party Escrow Agreement with FDOT and authorize**
43 **the City Administrator to sign and execute the agreement, seconded by Lisa Johnson. The**
44 **motion carried unanimously 3-0.**

45
46 **Tab 3) Request for Reduction in Impact Fees – Cagan Management Group**

47

1 Mr. Tweedie advised this is a request from Jeff Cagan for a reduction in current impact fees for a
2 proposed 516 unit apartment complex to be located at Huffstetler and Ann Rou Road. Mr. Cagan
3 has requested a reduction from the current \$4,406 per unit total impact fee to the fee that was in
4 place at the time they originally went under contract on this property in October of 2013, which
5 was then \$1,468.52 per unit. If approved, the reduction would result an overall revenue collection
6 shortfall of about \$1.5 million to the City. He said while the City supports the project, staff does
7 not support the request because it is not in line with the current impact fee waiver program that
8 has been recently established and approved at the last Council Meeting for seaplane
9 manufacturers. He noted there are representatives from the Cagan Management Group who wish
10 to speak.

11
12 Mayor Smith asked that the persons who wished to speak provide their names and address as
13 follows:

14
15 Ted Wicks, Wicks Engineering Services, 225 W. Main Street, Tavares; Jeffrey Cagan, 16554
16 Cagan Crossings Blvd., Clermont; and Brian Cagan, 16554 Cagan Crossings Blvd., Clermont.

17
18 Mr. Wicks noted that Council had been presented information on this project before during the
19 rezoning request. He said the project came to Council for rezoning of about a 23 acre project
20 from PD to an RMF-3 at 12 units per acre. He said the process began in late 2012 with some staff
21 contact and subsequently in 2013 when the decision was made to develop the property. He said
22 there were some issues encountered that were beyond their control and it was clearly the intent
23 of Cagan to have the project ready to go forward and be able to take advantage of the impact fee
24 waivers that were in place at the time. He said there was an issue of obtaining a marketable title
25 and other matters. He noted some handouts had been provided to Council to show their other
26 developments that have been done in Lake County. He said the request is for consideration to
27 abate some of the impact fees that would take the developer back to the original contract date of
28 2013.

29
30 Mr. Wicks stated that after making the original request to the City, they reviewed their marketing
31 situation, and today would like to reduce the request to just consider the first phase which would
32 only be 240 units. In addition he said they would be willing to pre-pay some of the impact fees
33 which would normally be paid at the time of building plan approval which may not occur until after
34 the first of 2016. He said the City has done some waivers for aircraft manufacturing and
35 businesses that bring jobs to the community. He said this project will provide housing for people
36 that come to the community along with a significant ad valorem tax base.

37
38 Jeffrey Cagan

39
40 Mr. Cagan reiterated that his company has been a long term holder in the area for over 20 years
41 (Bristol Lakes in Mt. Dora at 15 years) and intends to remain so. He discussed a similar project
42 they are doing in Jacksonville. He discussed his request and details of the financial impact.

43
44 Brian Cagan

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46 Mr. Cagan thanked City Council. He noted in addition to the real estate tax available to the City,
47 they have found that many of the residents working in Tavares are currently looking outside of

1 Tavares for housing. This would be an opportunity to keep the residents in Tavares and retail and
2 commercial developers look for quality housing in the area.

3
4 Councilmember Johnson

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6 Councilmember Johnson asked why staff was not recommending approval. Mr. Tweedie
7 responded that the current impact fee waiver program that was passed at the last Council
8 Meeting is targeted at seaplane manufacturers for economic development purposes. In order to
9 be consistent with that policy and to collect the necessary revenues needed for the City (debt
10 service on utilities; and fire, police, parks and recreation and library services) the revenue is
11 needed. Mr. Drury added that Council sets policy; staff implements and executes policy. The
12 policy currently is 100% impact fees for everyone unless it is a seaplane manufacturing facility.

13
14 Councilmember Johnson said she thought the impact fees had been waived for the Paradise
15 Café. Mr. Drury said the café was under construction during the time that the impact fee waiver
16 program existed.

17
18 Mr. Jeffrey Cagan said he understood that the period of time for the reduced impact fees has
19 passed. He said his company's reasoning is that they started the project back in May 2013 (per
20 some signed contracts from May of 2013), the impact fees were a third of the current level. He
21 said if the impact fees go up to the current level for the 242 units they are uncertain what they will
22 do. He noted the rents at Bristol Lakes are around \$900 for a two bedroom, two bathroom and
23 these will be a little higher as they will be a newer design and have washer/dryer hookups.
24 However he said they are trying to keep the rent levels at the Tavares market.

25
26 Mayor Smith said it is unfortunate that there have been setbacks. He asked Mr. Skutt about the
27 number of permits being issued. Mr. Skutt said the City is having a good year for single family
28 detached dwellings that are all paying 100% impact fees. Mr. Smith said all his research has
29 been on 516 units and now the request is being changed to 240 units. He asked if Council would
30 agree to allow them to discuss this new request again with staff and for staff to bring back the
31 revised impacts.

32
33 MOTION

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35 **Lori Pfister moved to not approve Mr. Cagan's request.**

36
37 There was no second to the motion and the motion failed.

38
39 MOTION

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41 **Lisa Johnson moved for the request to go back to staff and allow Council to see the**
42 **reduced numbers in order for Council to make the best decision for everybody in the City.**

43
44 Mayor Smith said since the Vice Mayor was not present, he had no one to whom to pass the
45 gavel. He asked for comment from the City Attorney. Attorney Williams responded if there is no
46 action today, then it may come back to another agenda. The other solution is that through
47 tradition, when there have only been three councilmembers and no Vice Mayor, the gavel has

1 there and it will also be used for city events. He said grants for Fire Departments are highly
2 competitive. He said this grant is a 75% match from the State of \$26,250.00 with the City
3 providing 25% grant of \$8,750.00 from the Fire Department budget after October 1st in the new
4 fiscal year. He said the proposed budget includes this line item.
5

6 Councilmember Pfister asked for information on the monitor. Chief Keith discussed the features
7 of the machine. Councilmember Pfister said an option would be to purchase the machine now as
8 it could save a life between now and October.
9

10 Mr. Drury noted the amount is not available in the current budget and it would have to come out
11 of reserves. He said it is a viable option however and the match could be taken out of reserves to
12 be purchased now. Mayor Smith asked Chief Keith if he could fund the match in his current
13 budget. Chief Keith said he does not have it in the budget but it could be repaid out of the next
14 year's budget.
15

16 Mr. Drury said the department will have an \$8750 deficit in their budget that could be replenished
17 in the following fiscal year through a negative carry forward.
18

19 **MOTION**

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21 **Lori Pfister moved to take the money out of reserves as a loan to the department so the**
22 **equipment can be purchased immediately, seconded by Lisa Johnson. The motion carried**
23 **unanimously 3-0.**
24

25 **XI. FISCAL YEAR 2016 BUDGET WORKSHOP**

26 27 **Agenda Tab 6) Budget Workshop – General Fund Presentation**

28
29 Mayor Smith stated that in the past years, there has always been a full board when the budget
30 has been presented. He asked Attorney Williams if there was anything legally binding the City to
31 have the proposed presentation at this meeting. He asked Mr. Drury if this could be tabled to the
32 next meeting. Mr. Drury confirmed.
33

34 Mayor Smith said he would like for Council to consider tabling the proposed budget delivery until
35 there is a full Council. He noted Council has received the budget and he can hold his questions
36 for two weeks. Councilmember Pfister agreed.
37

38 **MOTION**

39
40 **Lori Pfister moved to table the budget presentation until the next Council meeting when**
41 **there is a full Council, seconded by Lisa Johnson. The motion carried unanimously 3-0.**
42

43 **XII. OLD BUSINESS**

44 45 **XIII. NEW BUSINESS**

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47 Councilmember Johnson stated she had some new business as follows:
48

- 1 • Asked if there could be signs put in the parking garage for golf carts – Mr. Drury noted the
2 garage is owned and operated by the County and he could make a request to the County
3 Manager to ask if the Board of County Commission would consider designating golf cart
4 parking spots in the garage (Ms. Johnson added that was the request made to her
5 especially at the lower levels.) Mr. Drury said the requestor should probably ask the
6 County Commission directly however if two or more Councilmembers wish him to send a
7 letter he could do that as well. Ms. Johnson said she would give this information back to
8 the resident who contacted her.
- 9 • She said a letter was received about golf carts being driven on the sidewalks in Wooton
10 Park. Mr. Drury said golf carts are not allowed to be on sidewalks so a notice was sent to
11 the Police Department. Chief Lubins said the golf cart complaint was sent in by a county
12 employee who frequents the park during lunch and the incident in question was a golf cart
13 that was a rental. He said they had spoken to the business that rents the carts and asked
14 them to let future renters know the city codes. In addition the officers will step up patrol for
15 golf carts that are using the sidewalks and the Wooton Park staff will also address this
16 with the public.
- 17 • Asked that when the Splash Park has to close because of weather or other issues, that a
18 notice be put on the web site so that people are given a forewarning before visiting the
19 park.

20 21 **Mayor Smith**

22
23 Mayor Smith discussed the problem of the riding of bicycles in front of the Courthouse and in front
24 of Raymond James, Belton Bail Bonds, etc. He asked that a sign be put up. Mr. Drury said he
25 thought that had been taken care of and it would be done.

26 27 **City Administrator**

28
29 Mr. Drury noted that he should have announced at the beginning of the meeting, that the two
30 councilmembers who are not present (Bob Grenier and Robert Speaks) had pre-arranged family
31 gatherings out of state or they would have been in attendance.

32 33 **XIV. AUDIENCE TO BE HEARD**

34 35 **Historical Report:**

36 37 **Betty Burleigh – 214 N. New Hampshire**

38
39 Ms. Burleigh reported that in 1990 Lt. Chip Davis was honored by the Lake County Committee of
40 100 who presented him with Compassion in the Line of Duty Award. He was selected for the
41 award after he talked a Viet Nam veteran suffering flashbacks into surrendering to deputies after
42 speaking with him for 3 ½ hours.

43 44 **Denise Laratta, Royal Harbor**

45
46 Ms. Laratta stated that in relation to a previous agenda item, that a math figure quoted earlier
47 needed to be corrected. She also said that when there is a policy in place that Council should not

1 consider asking people to do more work around it, that would set a precedent and be a problem
2 for Council in the future.

3
4 **XV. REPORTS**

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6 **Tab 14) City Administrator**

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8 **City Clerk**

9
10 **Fire Chief**

11
12 Chief Keith thanked Council for their support.

13
14 **Finance Director**

15
16 Ms. Houghton said that in advance of tonight's presentation the electronic copy of the budget has
17 been posted to the City website.

18
19 **Economic Development**

20
21 **Human Resources Director**

22
23 **Public Works Director**

24
25 **Finance Director**

26
27 **Community Services Director**

28
29 Ms. Rogers reminded everyone of the upcoming July 4th event.

30
31 **Tab 15) City Council**

32
33 **Councilmember Pfister**

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35 Councilmember Pfister said in 1955 on this date, Disneyland in California opened and it was built
36 on 160 acres for \$17 million.

37
38 **Vice Mayor Grenier**

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40 **Councilmember Speaks**

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42 **Councilmember Johnson**

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44 **Mayor Smith**

45
46 Mayor Smith commented on the street lights on Caroline Street and the a difference they have
47 made. In addition, he said the Clerk's Building is looking better. He said there was a lot of
48 participation at the Jet Ski races and it was a good economic impact on the city.

1
2 Mayor Smith said on this day in 1885 the Statue of Liberty was delivered to New York City. In
3 addition he said today is “National Eat Your Vegetables” Day.

4
5 **Adjournment**

6
7 There was no further business and the meeting was adjourned at 5:00 p.m.

8
9 Respectfully submitted,

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11
12 _____
13 Nancy A. Barnett, City Clerk, MMC