

1 TAVARES CITY COUNCIL
2 MINUTES

3
4 March 16, 2016

5 4:00 P.M.

6 TAVARES CITY HALL COUNCIL CHAMBERS
7

8 **COUNCILMEMBERS PRESENT**

ABSENT

9
10 Robert Wolfe, Mayor
11 Lori Pfister, Vice Mayor
12 Bob Grenier, Councilmember
13 Lisa Johnson, Councilmember
14 Kirby Smith, Councilmember
15

16 **STAFF PRESENT**

17
18 Lori Houghton, Finance Director/Acting City Administrator
19 Robert Q. Williams, City Attorney
20 Nancy A. Barnett, City Clerk
21 Lori Tucker, Human Resources Director
22 Richard Keith, Fire Department
23 Jacques Skutt, Director of Community Development
24 Stoney Lubins, Police Chief
25
26
27

28 **I. INVOCATION**

29
30 Pastor Rick Fountain, First Baptist Church of Tavares and Pastor Ngoc Nguyen from
31 Powers Drive Baptist Church, gave the invocation in English and Vietnamese and led
32 those present in the Pledge of Allegiance.
33

34 **II. CALL TO ORDER**

Mayor Wolfe

35
36 **III. APPROVAL OF AGENDA**

Mayor Wolfe

37
38 Mayor Wolfe asked if staff had any changes to the agenda. Ms. Houghton said there were none.
39

40 **MOTION**

41
42 Kirby Smith moved to approve the agenda, seconded by Bob Grenier. The motion carried
43 unanimously 5-0.
44

45 **IV. APPROVAL OF MINUTES**

46
47 Tab 1) Approval of Minutes for March 2, 2016 - Deferred
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V.PROCLAMATIONS/PRESENTATIONS

Tab 2) Proclamation for the Freedom and Heritage Flag of the Vietnamese-American Community of Florida

Mayor Wolfe read the proclamation for the Freedom and Heritage Flag of the Vietnamese Community of Florida and presented it to the members of the Vietnamese-American community present. He thanked those in attendance for their promotion of goodwill. He then presented the proclamation along with Vice Mayor Pfister to those present.

John McKinney thanked the Mayor and City Council, the City Attorney, staff and residents for the opportunity to receive the proclamation. He said this would make the 112th city in the United States who has recognized the Heritage Flag. He discussed his adoption 50 years ago when he was 12 years old in Viet Nam by an American captain who lived in Eustis and his American's father's interest in how the Americans and Vietnamese could come together. He said America is the land of opportunity and the Vietnamese have tried to work hard and set an example for their children and for the community. He said he wished to give back to the community for the younger generation to make it a better world.

Mr. McKinney introduced other individuals in attendance: his sister Tong who lives in Tavares and her husband; his wife Lisa; Mr. Luu Van Tuoi, President of the Vietnamese Community of Florida; the former Major General of the VNCH, Republic of South Viet Nam and Advisor of Vietnamese Veteran of Central Florida--Mr. Tran Ba Di; Mr. Pho Quoc Uy, the President of the Vietnamese Veterans Association of Central Florida; Colonel Le hung Phong (his brother), United States Airforce Volunteer Reserve; Mr. Nguyen Huu Cang, President Assembly of Veterans of former Republic of Vietnam South Eastern Division and reporter for Saigon Broadcasting Television Network, Mr. Ong Do Xuan Hung, Reporter of Tre Magazine, and Pastor Nguyen Thank Ngoc of Orlando.

Tab 3) Proclamation for Surveyors Week

Mayor Wolfe a proclamation in recognition of Surveyors Week, March 20-26, 2016. He presented the proclamation with Vice Mayor Pfister to the group of surveyors present. Richard Allen, President of the Central Florida Chapter of the Surveying and Mapping Society thanked Council for recognizing the field of surveying.

Tab 4) Tavares Chamber of Commerce Update

Janet Noack, President of the Tavares Chamber, invited Council to come to the Chamber on Saturdays as they are now open for business. She noted Councilmember Smith had volunteered the week before. She said they have been getting visitors on Saturdays and some from out of the area. She said the Board has selected J. Scott Berry as the Chamber's Interim Executive Director. She said he will attend the next Council Meeting. Ms. Noack thanked Council for their support. Councilmember Smith invited those present to volunteer and to attend the downtown events.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE CONTACTS

97
98 Attorney Williams advised the second reading on the Small Scale Future Land Use Amendment
99 for the Disston & Lake Dora Avenue is Quasi-Judicial. He gave the oath to those who wished to
100 speak.

101
102 Attorney Williams asked Council if they had had communications with anyone regarding this
103 amendment. Councilmember Smith said he had spoken to Rick Gonzales and Vice Mayor
104 Pfister said she had spoken with Bill Purser. Mayor Wolfe added that he had also spoken with
105 Bill Purser.

106
107 **VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

108
109 Ms. Barnett read the following ordinance by title only:

110
111 **ORDINANCE NO. 2016-04**

112
113 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
114 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING**
115 **FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A COMBINED**
116 **TOTAL OF APPROXIMATELY 2.91 ACRES OF PROPERTY GENERALLY**
117 **LOCATED SOUTH OF LAKE DORA DRIVE, BETWEEN DISSTON AND DORA**
118 **AVENUES; FROM RESIDENTIAL LOW DENSITY TO MIXED USE**
119 **NEIGHBORHOOD; SUBJECT TO THE RULES, REGULATIONS AND**
120 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING**
121 **FOR AN EFFECTIVE DATE.**

122
123 **VIII. CONSENT AGENDA**

124
125 Mayor Wolfe asked if anyone in the audience opposed the items on Consent Agenda (Tabs 5, 6
126 and 7). There was no opposition.

127
128 **MOTION**

129
130 **Lori Pfister moved to approve the Consent Agenda, Tab 5 [Amendment to Ruby Street**
131 **Stormwater Project FDEP Agreement G0401]; Tab 6 [Award of Bid for Delaware**
132 **Court/Maine Court Drainage Improvements]; and Tab 7 [Authorization to Apply for CDBG**
133 **Funds from Lake County for Road Improvements], seconded by Bob Grenier. The motion**
134 **carried unanimously 5-0.**

135
136 **IX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING**

137 **(All Ordinances under First Reading are not discussed, unless otherwise noted, until the**
138 **Second Reading)**

139
140 **Tab 8) Ordinance #2016-04 – Small Scale Future Land Use Amendment for Properties**
141 **between Disston & Lake Dora Avenue**

142
143 Mr. Skutt said this amendment is a companion to the mixed use rezoning of the three properties
144 on the corner of Disston and Lake Dora Avenue approved by Council on February 17th. The

145 amount of land was downscaled from 10 acres to 2.91 acres, therefore the status of the
146 amendment has gone from a Large Scale Amendment to a Small Scale Amendment. The
147 hearing was re-advertised to comply with State Statutes. This amendment changes the
148 designation of 111 and 107 S. Disston and 426 Lake Dora Drive to Mixed Use Neighborhood
149 from Low Density Residential. The use is compatible with the Mixed Use Zoning approved
150 previously and staff recommends approval.

151
152 Pike Hamlin – 107 & 111 S. Disston Avenue

153
154 Mr. Hamlin said he was confused about the sequence and thought there would be discussion
155 about what was going to be allowed or not, at the Duncan House before the rezoning took
156 place. He said that discussion is now going to take place tomorrow with discussion of a
157 Boutique Hotel [at P&Z meeting]. He said there was a letter drafted back in December of 2012
158 saying the outdoor events and noise at night was against the noise ordinance and bed and
159 breakfast ordinance so he assumed that was still in effect with the Mixed Use zoning.

160
161 Attorney Williams said it is still in effect. Mr. Hamlin said the residents' concern is outdoor music.
162 He said he is in favor of the Mixed Use zoning and progress for the City but wants to protect the
163 residential interests.

164
165 Kay Hauserman – 504 Lake Dora Drive

166
167 Ms. Hauserman said the area has been a quiet residential area serving as the gateway to
168 Tavares. She said she lives next door to the Duncan House and has some major concerns
169 regarding the proposal to make the Duncan House a boutique hotel. She said the proposal is
170 geared more towards events all of which can already occur at other existing establishments.
171 She said her biggest concern is the noise from events. She said previously the noise from the
172 weddings had been a problem and that she and her husband remained against the rezoning of
173 the property.

174
175 Gail Heneghan – 512 Lake Dora Drive

176
177 Ms. Heneghan said she looked forward to the restoration of the house. She said she is opposed
178 to the current ordinance as it appears that the present planning is for a boutique hotel to be
179 occupied there. She said the city planners' definition of boutique hotel which includes outdoor
180 venues, does not specify the volume of the music or the type of music. She said there has been
181 no attempt to gather residents to work with possible developers and the city. She proposed that
182 a dialogue be held and that this movement to change the aspect of the Duncan House be
183 suspended and slowed down. She said she would like the ordinance for the rezoning to be
184 turned down and the boutique hotel description to be redefined with taking in the residents'
185 concerns, and a committee to be formed.

186
187 Vice Mayor Pfister asked the effect of the Mixed Use zoning on the property, noting the Bed and
188 Breakfast rules would not apply.

189
190 Attorney Williams clarified that Council had already approved the rezoning--the narrowed down
191 portion of the three structures and two properties. Originally the application had requested
192 Mixed Use all the way down Lake Dora which was rejected. When a rezoning is done the City is

193 required to amend its Comprehensive Plan as well and there is a process for that which
194 depends on the size of the property. He said the Comprehensive Plan is the overall framework
195 for the City and is not specific as to zoning.

196
197 Attorney Williams said the residents are concerned about what will be allowed in the Mixed Use
198 zone now that it has been designated. There is no category that allows boutique hotels in the
199 city now however the legislation that the P&Z Board considers tomorrow will include a definition.
200 He encouraged the residents to attend that meeting. The ordinance will then come to Council for
201 further discussion and determination. He said there is a Bed and Breakfast ordinance in the City
202 which has not changed which also applies in that area. Anyone opening a bed and breakfast
203 today would have to comply with the existing bed and breakfast ordinance.

204
205 Vice Mayor Pfister asked if someone could buy the property now and have a bar with music on
206 the lake. Mr. Skutt confirmed.

207
208 **MOTION**

209
210 **Kirby Smith moved to approve Ordinance #2016-04, seconded by Bob Grenier.**

211
212 Councilmember Grenier said the city would continue to accept input from the citizens.

213
214 Mayor Wolfe noted the purpose for having the property rezoned had been to set more
215 restrictions on what could or could not be done at the property.

216
217 Attorney Williams said the boutique hotel ordinance will be brought forward to the Planning &
218 Zoning Board as to whether that should be an allowable use within the Mixed Use District. The
219 current Mixed Use ordinance specifies what kinds of uses are allowable within that zoning if
220 they meet the criteria. He said one option for Council's consideration will be to allow the
221 boutique hotel within Mixed Use by defining a boutique hotel and any development obligations.
222 This is not zoning that will pertain simply to the Duncan House; it is an amendment to the Mixed
223 Use that will apply throughout the City.

224
225 **The motion carried 4 to 1 as follows:**

226		
227	Robert Wolfe	Yes
228	Lori Pfister	No
229	Kirby Smith	Yes
230	Lisa Johnson	Yes
231	Bob Grenier	Yes

232
233 **X. GENERAL GOVERNMENT**

234
235 **Tab 9) Agreement with Michael Pape for Construction Management of Caroline Street**
236 **Landscaping Project**

237
238 Mr. Skutt reported this is a request to enter into a contract with Michael Pape & Associates for
239 construction oversight of the Caroline Street landscaping and related streetscaping
240 improvements. He said in 2010 City Council selected BESH engineering to perform the

241 engineering design of the Alfred-Caroline One Way Street project. The second component was
242 to develop a standardized streetscaping plan that the City could use to uniformly restore the
243 downtown streets as the underground infrastructure systems was refurbished. This themed
244 design included carefully selected landscaping and appropriate irrigation, branded furnishings,
245 and brick paver crosswalks and alleyways. BESH subcontracted with Michael Pape and
246 Associates to design the streetscaping portion of the contract. Mr. Pape, city staff, Vice Mayor
247 Pfister met several times to review options and in 2012 the final plan was approved.
248

249 The City allowed the County to complete the basic road construction with the intent to phase in
250 the streetscaping as funding became available. Under this year's approved budget, the city has
251 approved funds to complete the Caroline Street streetscaping which will include the
252 landscaping, irrigation, brick paved crosswalks and accents, and themed furniture. Phase 2 will
253 be Alfred Street which has been suggested as a priority for next year. He said the project
254 requires a professional to oversee the project because of its complexity and magnitude. The
255 protected total of the contract is \$62,000.
256

257 **MOTION**

258
259 **Lori Pfister moved to approve the contract with Michael Pape and Associates, seconded**
260 **by Bob Grenier. The motion carried unanimously 5-0.**

261 **Tab 10) Award of Construction Bid for Ruby Street Stormwater Project**

262
263
264 Ms. Houghton advised this is a request to award the bid for the downtown stormwater
265 community redevelopment Area A improvement program. The bid is in the amount of
266 \$5,419,226. This includes a bid alternate of \$90,720 for some street brick paving along Ruby
267 Street. She reviewed the previous actions taken on this project and the bidding process. This
268 project is funded by State Revolving Loan funds as well as three stormwater improvement
269 grants.
270

271 Councilmember Smith questioned the bid surface pavement that includes sand bedding which is
272 \$266,000. Mr. Shannon said that is the base that goes under the brick. He said there had been
273 concern about settling on Ruby Street so some additional reinforcement was added. Mr.
274 Shannon said everything along Ruby Street was all going to be brick surface. He said the
275 discussion has to do with how much support to go under the red bricks.
276

277 Councilmember Smith asked for the bid price of just the pavement as Council was to have two
278 options in order to know the cost of the brick. He asked to know the difference between asphalt
279 and brick. Mr. Shannon said he would need to review the bid documents and then would come
280 back to report to Council.
281

282 There was discussion regarding tabling the contract. Attorney Williams asked to defer this item
283 until the end of the meeting to give Mr. Shannon time to answer the question.
284

285 Mayor Wolfe asked to take up Tab 12 next while Mr. Shannon reviewed the documents.
286

287 At 5:27 Mr. Shannon returned to speak on this issue. He said that Councilmember Smith was
288 correct—the cost of the brick was \$226,800, the cost of the additive alternate (asphalt in place

289 of brick) is \$90,720, so there would be a net deduct of \$136,000 to the contract value for asphalt
290 instead of brick. The brick will cost \$136,000. Councilmember Smith said he would prefer to
291 brick the sidewalks and not the street.

292
293 Discussion followed. Councilmember Smith expressed concern about continued maintenance of
294 brick.

295
296 **MOTION**

297
298 **Lori Pfister moved to approve the award of bid and contract in the amount of five million**
299 **four hundred nineteen thousand twenty six dollars (\$5,419,026) inclusive of the bid**
300 **alternate to Prime Construction Group for the Downtown CRA Area A Stormwater**
301 **Treatment Improvement Project (Ruby Street Improvements Project) and authorize the**
302 **City Administrator to execute a contract agreement with Prime. The motion was**
303 **seconded by Bob Grenier. The motion carried 3-2 as follows:**

304		
305	Robert Wolfe	Yes
306	Lori Pfister	Yes
307	Kirby Smith	No
308	Lisa Johnson	No
309	Bob Grenier	Yes

310
311 **Tab 11) Agreement with Arcadis for Resident Project Representation Services for the**
312 **Downtown CRA Stormwater Improvements**

313
314 Ms. Houghton said this agreement in the amount of \$295,586 includes services for a resident
315 project representative and also includes items such as:

- 316
- 317 • Conduct and record on site observations of the work in progress\
- 318 • Serving as city's project manager liaison with the contractor
- 319 • Reporting to Arcadis, the engineer of record and the project manager for any work that is
- 320 unsatisfactory, faulty or does not conform to the contract documents
- 321 • Accompany visiting inspectors representing public or other agencies having jurisdiction
- 322 in the project
- 323 • Consulting with the contractor in advance of the scheduled task inspections or start of
- 324 major phases
- 325 • Arranging and conducting major progress meetings
- 326 • Reviewing applications with the contractor for compliance
- 327

328 Mr. Shannon discussed some of the issues regarding the staffing level of the low bidder (Prime)
329 to ensure they could meet the deadlines. He noted that 80% of the contract is with a sub
330 consultant with whom they have worked in the past so that he is on site regularly.

331 Councilmember Smith asked for clarification on what services would be available if this
332 agreement was not approved. Mr. Shannon said that his firm would do some construction
333 administration services but not this type of specific on site supervision and observation.

334 Councilmember Smith said he wanted this to be brought out, because he believed it was
335 important to have a contractor on site.

336

337 **MOTION**

338

339 **Lori Pfister moved to approve the work authorization with Arcadis U.S., Inc. to perform**
340 **Resident Project Representation Services for the improvements in the Downtown CRA**
341 **for a total lump sum fee of \$295,856.00, seconded by Bob Grenier. The motion carried**
342 **unanimously 5-0.**

343

344 **Tab 12) Request to Authorize the City Attorney to Negotiate Counter Offer for Land**
345 **Purchase of Sparks Property Adjacent to Public Safety Complex Property at US 441 & SR**
346 **19 “Gateway Property”**

347

348 Chief Keith reviewed the previous actions taken on this issue. Because of the wide variance on
349 the original appraisals between the City and Mr. Jesse Sparks III, the City had a reviewer
350 appraiser’s report done and that report came in with a value of \$136,800. Chief Keith said that
351 on February 22nd, Mr. Sparks contacted the city with a counter offer of \$170,000 and \$10,000 in
352 tax credits and extinguishment of all outstanding utilities on the property. He said tax credits are
353 outside the City’s authority.

354

355 Chief Keith stated that staff recommendation is to authorize the City Attorney to negotiate the
356 counter offer at \$170,000 and extinguishment of all outstanding utilities/assessments due on the
357 property up to the date of closing, which as of last week had a value of \$928.50.

358

359 Councilmember Smith asked Mr. Skutt what could be built on that property now. Mr. Skutt said if
360 it is mixed use it could be a restaurant or an office building but it would be limited because of the
361 size.

362

363 Councilmember Pfister questioned the difference between the two appraisals and said she
364 would have difficulty approving this new amount.

365

366 Attorney Williams said both appraisers are well qualified. He said the third appraisal came from
367 a review appraiser who looks at the two appraisals and tries to see if a mistake was made. He
368 said there is a question of whether Old 441 is a 100 ft. dedicated right of way or not. He said the
369 County had advised the first appraiser that they had 100 ft. of right of way and when this amount
370 is plotted it takes up much of the property, so the first appraisal was based on a smaller square
371 foot land value. The Orlando review appraiser pulled records and looked at the right of way
372 dedication and came up with a theory that it is not really 100 ft.--it was an offer to dedicate 100
373 ft. that was never accepted and used. He said it would probably need a judicial answer to
374 resolve. He discussed the estimated court costs if this could not be resolved through
375 negotiations.

376

377 Mayor Wolfe spoke in support of approving the new counter offer. Councilmember Grenier
378 asked if there would be other costs. Attorney Williams said the city had offered to pay the
379 closing costs. He said some of the fees in the utility liens have to do with penalties and interest
380 which can be reduced. Vice Mayor Pfister reiterated that she thought the city should stand on its
381 previous offer.

382

383 **MOTION**

384

385 **Bob Grenier moved to approve to authorize the City Attorney to negotiate a counter offer**
386 **to Mr. Jesse Sparks for the purchase of the Quonset hut property at a price of \$170,000**
387 **and extinguishment of all outstanding utilities/assessments due on the property up to**
388 **the date of closing (currently \$928.50), seconded by Kirby Smith. The motion carried 4 to**
389 **1 as follows:**

390		
391	Robert Wolfe	Yes
392	Lori Pfister	No
393	Kirby Smith	Yes
394	Lisa Johnson	Yes
395	Bob Grenier	Yes

396
397 **XI. OLD BUSINESS**

398
399 Councilmember Smith said at the last meeting, Council developed goals and he wished to add
400 another goal. He said he would like to see if the City could get a CRA designation between
401 Disston Avenue and Bay Road along the Old 441 corridor, working with the County. Attorney
402 Williams said the CRA statutes are complicated but his thought is that it has to be municipal
403 property and some of that property is not in the city yet. He discussed the process and benefits
404 of a CRA district and added it is often not supported by the Counties.

405
406 Councilmember Smith said perhaps his goal should be to look at the area from Disston to Bay
407 Road on Old 441 to see the feasibility of getting a CRA zoning in that area.

408
409 Ms. Houghton confirmed staff would add that goal.

410
411 **XII. NEW BUSINESS**

412
413 **XIII. AUDIENCE TO BE HEARD**

414
415 **XIV. REPORTS**

416
417 **Tab 14) Acting City Administrator**

418
419 Ms. Houghton referred to the events listed on the City Administrator report.

420
421 **City Attorney**

422
423 Attorney Williams said that staff had met and reviewed the final pay application for Emmett
424 Sapp for the pavilion. He said they had submitted to him what they believe is the appropriate
425 final pay. He said he had received a response from his office manager saying they will be
426 respond by April 1st.

427
428 **Tab 15) Council Reports**

429
430 **Councilmember Grenier**

- 431
432
 - Noted he will not be at the next meeting as he will be away visiting family

- 433 • Discussed the recent VA opening and ribbon cutting
- 434 • The Tavares theater seems to be doing well and he attended a recent production
- 435 • Attended a 100th anniversary colonial tea at the Osprey Lodge for the Daughters of the
- 436 American Revolution (Ocklawaha Chapter)
- 437 • **History:**
- 438 • Major Alexander St. Clair Abrams' birthday is March 10th
- 439 • Captain Melton Haynes' (whose career was a surveyor) birthday is Monday March 21st
- 440 • In 44 BC March 15th (the Ides of March) Julius Caesar was murdered in the Senate.
- 441 • Noted he has a new schedule at Disney
- 442 • One of the Senate House Bills for removing confederate flags in public places died and
- 443 Tavares was mentioned as an example of the economic benefits of reenactments
- 444

445 **Councilmember Johnson**

- 446
- 447 • Wished everyone a Happy St. Patrick's Day
- 448 • Noted she is looking forward to the Sunnyland Boat Festival this weekend
- 449 • Stated she has a question about the Monster Splash on the schedule [clerical error on
- 450 the calendar – the Monster Splash is October 22]
- 451

452 **Councilmember Smith**

- 453
- 454 • Encouraged those present to volunteer at the Chamber on Saturdays
- 455 • Will be attending the Sunnyland Boat Show
- 456 • Today is National Everything You Think is Wrong Day
- 457 • Historical: on this date in 1802 the US Military Academy was established
- 458

459 **Mayor Wolfe**

- 460
- 461 • This past weekend was the Babe Ruth Opening Day which went well, 260 youth with 24
- 462 teams and every team had a sponsor (thanked those who were sponsors)
- 463 • The VA Clinic had its ribbon cutting and he was pleased to see it come to Tavares
- 464

465 **ADJOURNMENT**

466
467 There was no further business and the meeting was adjourned at 5:50 p.m.

468
469 Respectfully submitted,

470
471
472 Nancy A. Barnett, MMC
473 City Clerk
474