

**AGENDA
TAVARES CITY COUNCIL**

**November 17, 2010
4:00 P.M.**

TAVARES CITY HALL COUNCIL CHAMBERS

(The City Council Agenda is subject to change at the time of the Tavares City Council Meeting)

I INVOCATION AND PLEDGE OF ALLEGIANCE	Doug Dykstra, Pastor Mid Lakes Christian Church
II. CALL TO ORDER	Mayor Wolfe
Tab 1) Update on Mayor's Visit to Sister City	Mayor Wolfe
III. SINE DIE	Mayor Wolfe
IV. CALL TO ORDER	John Drury
V. PROCLAMATION OF ELECTION RESULTS	Nancy Barnett
Tab 2) Proclamation of Election Results	
VI. SWEARING IN OF NEW COUNCILMEMBERS	Chief Lubins
VII. CONVENING OF NEW COUNCIL	John Drury
VIII. ELECTION OF MAYOR	John Drury
Tab 3) Election of Mayor	
IX. ELECTION OF VICE MAYOR	Mayor
Tab 4) Election of Vice Mayor	
X. APPROVAL OF AGENDA	Mayor
XI. APPROVAL OF MINUTES	Mayor

Tab 5) September 8, 2010, September 22, 2010, October 6, 2010

XII. DESIGNATION OF BANK FOR OFFICIAL DEPOSITORY

Tab 6) Designation of Bank Lori Houghton

XIII. DESIGNATION OF THOSE AUTHORIZED TO SIGN CHECKS

Tab 7) Designation of those Authorized to Sign Checks Lori Houghton

XIV. SUNSHINE LAW/ETHICS PRESENTATION Attorney Williams

XV. PROCLAMATIONS/PRESENTATIONS

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

XVII. READING OF ALL ORDINANCES/RESOLUTIONS Nancy Barnett
INTO THE RECORD

XVIII. CONSENT AGENDA

Tab 8) Request to Apply for Edward Byrne Memorial Justice Stoney Lubins
Assistance Grant for Surveillance Camera

XIX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING

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

First Reading

Tab 9) Ordinance #2010-19 – Planned Development Amendment Jacques Skutt
to Conceptual Plan for Oak Bend - 56.73 Acres
Convert Land Designated for Attached Dwellings to Detached Dwellings
(Morris Engineering Developers)

Tab 10) Ordinance #2010-20 – Rezoning from RMF to Planned Jacques Skutt
Development for Senior Apartment Complex at Northeast Corner
of David Walker Drive & OLD U.S. 441 (Shantiniketan Developers) – 10 Acres

Second Reading

None

RESOLUTIONS

Tab 11) Resolution #2010-15 - USDA Bond for Downtown Water & Wastewater Improvements Lori Houghton

Tab 12) Resolution #2010-17 - Final Amendment to Fiscal Year 2010 Budget Lori Houghton

Tab 13) Resolution #2010-18 First Amendment to Fiscal Year 2011 Budget for Roll Forward Items Lori Houghton

XX. GENERAL GOVERNMENT

Tab 14) Results of Tavares Ballot Items Joyce Ross

Tab 15) Discussion on Amendment to Impact Fee Ordinance to Consider Extension of Time Period of City-Wide Waiver Program Bill Neron

Tab 16) Approval of Minimum Standards for Commercial Activity at Seaplane Marina Bill Neron

Tab 17) Approval of Lighting Fountain for Christmas Chris Thompson

Tab 18) Bus Barn Update Councilmember Wolfe

XXI. OLD BUSINESS

XXII. NEW BUSINESS

XXIII. AUDIENCE TO BE HEARD

XXIV. REPORTS

Tab 19) City Administrator John Drury

Tab 20) Council Reports City Councilmembers

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 253-4546.

The Language of Local Government

Definition of Terms

agenda – A list of items to be brought up at a meeting.

annexation – The process by which a municipality, upon meeting certain requirements, expands its corporated limits.

bid – Formal quotation, based on common specifications, for the provision of goods or services. Opened at public for meeting consideration and award.

budget – A comprehensive financial plan to sustain municipal operations during a given year with related explanation

buffer – A strip of land, vegetation and/or opaque wall that sufficiently minimizes the physical or visual intrusion generated by an existing or future use.

call for the question – Term used to end the discussion and vote on the motion.

capital outlay – Expenditures made to acquire fixed assets or additions to them usually made from the general fund or utility fund where the assets are to be used.

conflict of interest – A term used in connection with a public official's relationship to matters of private interest or personal gain and which prohibits participation in the discussion under decision.

consent agenda – A policy of the governing body to approve, in one motion, routine and/or non-controversial items, which can be determined prior to the meeting

contiguous – Sharing a common boundary.

contingency – An appropriation of funds to handle unexpected events and emergencies which occur during the course of the fiscal year.

density – The number of families, individuals, dwellings units, or housing structures per unit of land.

development – A physical change, exclusive of new construction and substantial improvement, to improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavating or drilling operations.

easement – An interest in land owned by another that entitles its holder to a specific limited use or enjoyment

emergency measure – An ordinance recognized by the legislative body as requiring immediate passage.

ex parte communications – Direct or indirect communication on the substance of a pending matter without the knowledge, presence, or consent of all parties involved in the matter.

general fund – The general operating fund of the municipality used to account for all financial resources except those required to be accounted for in a special fund.

impact fees – Set aside fees collected from developers to pay for infrastructure improvements. Monies used as new development further impacts the municipalities.

infrastructure – The facilities and systems shared or used by all citizens such as transportation, water supply, wastewater and solid waste disposal systems.

intergovernmental agreements – Contract between two or more public agencies for the joint exercise of powers common to the agencies.

intergovernmental revenues – Revenues from other governments in the form of grants, entitlements, shared revenues, or payments in lieu of taxes.

line item – A specific item or group of similar items defined by detail in a unique account in the financial records. Revenue, expenditure and justifications are reviewed, anticipated and appropriated at this level.

non-conforming – A use which does not comply with present zoning conditions but which existed lawfully and was created in good faith prior to the enactment of the zoning provisions.

ordinance – An enforceable municipal law, statute or regulation which applies to all citizens within that municipality; penalty provisions may apply.

public hearing – Provides citizens the opportunity to express their position on a specific issue, both pro and con, as mandated by either statute or by order of proper authority after due notice.

quasi-judicial – A governmental body that hears sworn testimony, obtains evidence and provides for cross examination of witnesses, with the decision based solely on the evidence presented.

quorum – The prescribed number of members of any body that must be present to legally transact business.

request for proposals – RFP – Notice and related information from a municipality requesting proposals for professional services.

resolution – A decision, opinion, policy or directive of a municipality expressed in a formally drafted document and voted upon.

right-of-way – Strip of land owned by a government agency over which the public has right of passage such as streets, parkways, medians, side walks, easements and driveways constructed thereon.

Sunshine Law – Legislation providing that all meetings of public bodies shall be open to the public (a/k/a open public meeting law).

vacate – To annul; to set aside; to cancel or rescind.

variance – Modification from the provisions of a zoning ordinance granted by a legislative body upon submission of an application and a hearing.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: November 17, 2010**

AGENDA TAB NO. 1

SUBJECT TITLE: Update on Mayor's Visit to Sister City

OBJECTIVE:

The Mayor will provide an update on his visit to Xindian, Taiwan.

SUMMARY:

A copy of the Letter of Intent in English and in Mandarin is attached signed by both the Mayor and the Taiwanese officials. In addition the City's Sister City Resolution is attached.

OPTIONS:

N/A

STAFF RECOMMENDATION:

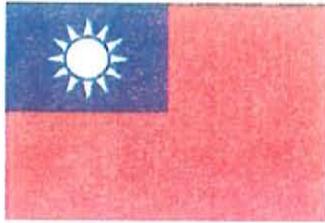
N/A

FISCAL IMPACT:

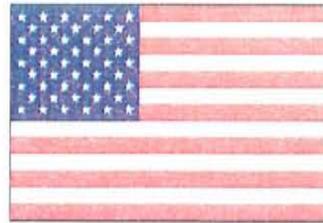
N/A

LEGAL SUFFICIENCY:

N/A



**CITY OF XINDIAN
TAIPEI COUNTY, TAIWAN**



**CITY OF TAVARES
FLORIDA, U.S.A.**

**SISTER CITIES SINCE 2010
LETTER OF INTENT**

The City of Tavares, Florida, U.S.A. and the City of Xindian, Taipei County, Taiwan shall become sister cities as of November 8th, 2010.

Both the City of Tavares and the City of Xindian agree to promote sustainable development and a close relationship in terms of education, culture, trade, tourism, and environment, and to encourage business opportunities in various industries.

Therefore, this Letter of Intent constitutes an agreement between both Cities in facilitating and advancing a mutual cooperative relationship.

Both Cities vow to support this partnership that will foster the mutual economic, technical and educational development, as well as culture exchanges.

It is hereby declared that the City of Tavares and the City of Xindian become sister cities as of November 8th, 2010. In witness thereof, the respective representative of each City hereto has signed this Letter of Intent as of the day and year as stipulated above.

(Signature)

Mei-Yue Wang

Mei-Yue Wang, Mayor
Xindian City
Taipei, Taiwan

(Signature)

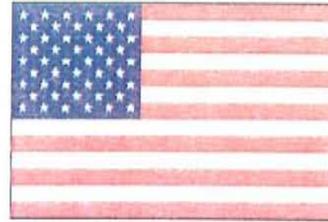
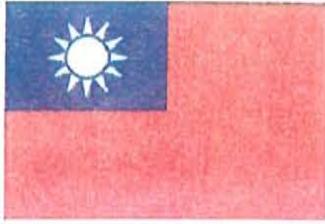
Robert Wolfe

Robert Wolfe, Mayor
Tavares City
Florida, U.S.A.

(Signature)

Hsi-Shui Lin

Hsi-Shui Lin, Chairman
Xindian City Council



中華民國台北縣新店市 - 美國佛羅里達州塔瓦雷斯市

自 2010 年為友好城市

意 願 書

中華民國台北縣新店市與美國佛羅里達州塔瓦雷斯市自 2010 年 11 月 8 日起結為友好城市。

雙方同意在教育、文化、貿易、觀光及環境各方面推廣永續發展與密切關係，並且鼓勵各項產業的商機。

因此，本文確定上述城市皆同意推廣與鼓勵雙方相互合作關係。

雙方誓願支持彼此合作夥伴關係，以促進發展經濟、技術、教育與文化交流。

雙方茲於 2010 年 11 月 8 日宣布為友好城市，並同意中華民國台北縣新店市與美國佛羅里達州塔瓦雷斯市之間的友好關係，茲以下述簽名為證：

(簽名)

中華民國臺北縣新店市
市長 王美月

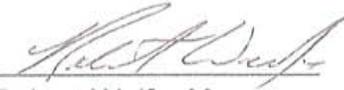
(簽名)

美國佛羅里達州塔瓦雷斯市
市長 Robert Wolfe

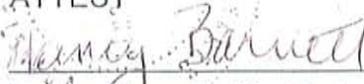
(簽名)

中華民國臺北縣新店市民代表會

1 PASSED AND RESOLVED this 6th day of October, 2010, by the Tavares City Council.

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4
5 
6 Robert Wolfe, Mayor
7 Tavares City Council

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9 ATTEST

10 
11 Nancy Barnett, City Clerk

12 Approved as to Form and Legality:

13 
Robert Q. Williams, City Attorney

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: November 17, 2010**

AGENDA TAB NO. 2

SUBJECT TITLE: Proclamation of Election Results

OBJECTIVE:

The City Clerk will announce the results of the 2010 election.

SUMMARY:

Section 2-168 of the Code of Ordinances states that when the canvass of the election has been completed, the results of the election shall be publicly proclaimed.

Attached is a copy of the Certification of Election Results and memo from the Deputy City Clerk confirming that the following candidates were elected without opposition for the term 2010-2012:

Bob Grenier
Lori Pfister
Robert Wolfe

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

"Official"
CERTIFICATE OF ELECTION RESULTS
CITY OF TAVARES

STATE OF FLORIDA

LAKE COUNTY

We, the undersigned, Emogene W. Stegall, Lake County Supervisor of Elections, Welton G. Cadwell, Jr., Chairman Board of Commissioners and Terry T. Neal, County Judge do hereby certify that we met on the **2nd day of November A.D., 2010** and proceeded publicly to canvass the votes for the CITY OF TAVARES, as shown on the returns on file at the Lake County Supervisor of Elections' Office. We do hereby certify said returns:

Charter Referendum #1

Do you favor an amendment to the City of Tavares Charter that would extend the term of councilmembers from two (2) years to four (4) years?

YES 1,848 NO 3,053

Bond Referendum
City of Tavares

Bonds for Expansion of Wooten Park at Lake Dora

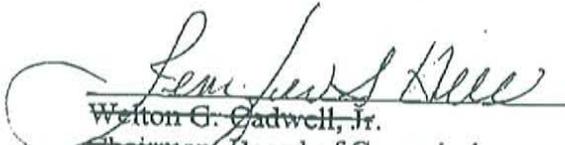
To protect water quality, preserve scenic views of Lake Dora, restore the natural shoreline and wetlands, improve public access to Lake Dora, acquire an addition to Wooten Park, and construct waterfront improvements, shall the city issue bonds not exceeding \$8,500,000, at an interest rate not exceeding the legal maximum and maturing in 30 years or less, by levying ad valorem taxes in an amount sufficient to repay such bonds, with zero money spent on administration?

FOR BONDS 2,328

AGAINST BONDS 2,717


Emogene W. Stegall
Supervisor of Elections
Lake County, Florida


Terry T. Neal
County Judge
Lake County, Florida


Welton G. Cadwell, Jr.
Chairman, Board of Commissioners
Lake County, Florida

August 16, 2010

Emogene W. Stegall
Lake County Supervisor of Elections
P. O. Drawer 457
Tavares, FL 32778

RE: Tavares November 2, 2010 City Election – Qualified Candidates

Dear Mrs. Stegall:

Below is a list of the city councilmember candidates who have qualified for the upcoming City of Tavares election November 2, 2010. These individuals are all incumbents and since there was no opposition, the City will not be placing any names on the ballot and the candidates will be considered to be elected without opposition for FY 2010-2012. The City will, however, have a charter referendum and bond referendum on the ballot and I will be forwarding that information on August 19th.

Bob Grenier

Lori Pfister

Robert Wolfe

Please call me if you need further information at 742-6279. Thank you for your assistance.

Sincerely,

Susie Novack, C.M.C.
Deputy City Clerk

C: John Drury, City Administrator
Robert Q. Williams, City Attorney
Joyce Ross, Public Information Director

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: November 17, 2010**

AGENDA TAB NO. 3

SUBJECT TITLE: Election of Mayor

OBJECTIVE:

To elect the position of Mayor of City Council

SUMMARY:

Section 3.04 of the City Charter states that "The council shall elect from its members, a mayor and vice mayor" and "the city administrator shall conduct the election of the mayor". The Council has traditionally followed Roberts Rules of Order when conducting meeting and elections.

Base on the Roberts Rules of Order process, the City Administrator will open up the floor for nominations of Mayor. Council members will be invited to nominate any council member including themselves. No second is required for a nomination. Once nominations have been completed the City Administrator will close nominations.

The City Administrator will then offer an opportunity for any council member who wishes to speak to make comment at this time. As the Charter specifically calls for the City Council and not the public to conduct this organizational order of business, the City Administrator does not plan on opening this issue up to public debate and discussion but rather leave that to Council.

Upon completion of Council comment and discussion, The Administrator will request a hand vote (raising of the right arm) for each nominee based on the order in which they were received at time of nomination until three or more votes are made for a nominee.

OPTIONS:

- 1) Have the City Administrator entertain nominations for Mayor and call for the vote in the order in which they are made
- 2) Make a motion for another method of nominations

STAFF RECOMMENDATION: N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This has met legal sufficiency.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: November 17, 2010**

**AGENDA TAB NO. 4
SUBJECT TITLE: Election of Vice Mayor**

OBJECTIVE:

To elect the position of Vice Mayor of City Council

SUMMARY:

Section 3.04 of the City Charter states that "The council shall elect from its members, a mayor and vice mayor". The Council has traditionally followed Roberts Rules of Order when conducting meeting and elections.

Base on the Roberts Rules of Order process, the Mayor should open up the floor for nominations of Vice Mayor. Council members should be invited to nominate any council member including themselves. No second is required for a nomination. Once nominations have been completed the Mayor should close nominations.

The Mayor should then offer an opportunity for any council member who wishes to speak to make comment at this time. As the Charter specifically calls for the City Council and not the public to conduct this organizational order of business, the Mayor does not need to open this issue up to public debate and discussion but rather can leave that to Council.

Upon completion of Council comment and discussion, The Mayor should request a hand vote (raising of the right arm) for each nominee based on the order in which they were received at time of nomination until three or more votes are made for a nominee.

OPTIONS:

- 1) Have the Mayor entertain nominations for Vice Mayor and call for the vote in the order in which they are made
- 2) Make a motion for another method of nominations

STAFF RECOMMENDATION: N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This has met legal sufficiency.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: November 17, 2010**

**AGENDA TAB NO. 5
SUBJECT TITLE: Approval of Minutes**

OBJECTIVE:

To approve the minutes submitted for September 8 and 22, 2010

SUMMARY:

Attached are the minutes.

OPTIONS:

- 1) Approve the minutes as submitted
- 2) Approve the minutes with changes

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 8, 2010
CITY COUNCIL CHAMBERS

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Lori Pfister, Vice Mayor
Bob Grenier, Councilmember
Sandy Gamble, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

John Drury, City Administrator
Bob Williams, City Attorney
Nancy Barnett, City Clerk
Bill Neron, Economic Development Director
Chief Lubins, Police Department
Jacques Skutt, Director of Community Development
Chief Richard Keith, Fire Department
Chris Thompson, Interim Public Works Director
Tamera Rogers, Director of Community Services
Brad Hayes, Director of Utilities
Chris McCormick, Code Enforcement Officer

I CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Bernice Odums of St. Johns Free Methodist church gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury stated he wished to add an item under New Business-- Appointment to Lake County League of Cities representative to the Sales Tax Surtax Oversight Committee.

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MOTION

Bob Grenier moved for approval of the Agenda with the addition of this item, seconded by Sandy Gamble. The motion carried unanimously, 5-0.

IV. APPROVAL OF MINUTES

Deferred

V. PROCLAMATIONS/PRESENTATIONS

None.

VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS

Attorney Williams noted there are no quasi judicial hearings on the agenda.

Mayor Wolfe stated that in reference to Tab 9 (Award of Bid for Aesop's Park), he has had contact with four different contractors, with regard to providing bids. He said he had provided bids to three of the contractors and one has contacted him but he has not provided an oral or a written bid.

Attorney Williams said that would be a voting conflict of interest and Mayor Wolfe should declare a conflict and recuse himself from running the meeting at that time.

VII) CONSENT AGENDA

Mayor Wolfe asked if any audience member would like to discuss any item on the consent agenda (tabs 2, 3, or 4).

Mayor Wolfe asked if Council would like to pull any items on the consent agenda for discussion.

Councilmember Smith said he would like to remove Tab 4 from the Consent Agenda (Agreement with Florida Central Railroad).

MOTION

1 **Sandy Gamble moved for approval of Tab 2 (Interlocal with Lake County for**
2 **Hurricane Debris Removal) and Tab 3 (Request to Approve a Memorandum of**
3 **Understanding regarding Disbursement of the Local Match for Replacement of**
4 **the Dora Canal Bridge), seconded by Lori Pfister. The motion carried**
5 **unanimously, 5-0.**

6
7 **Tab 4) Agreement with Florida Central Railroad for Wooton Park – Fiber Optic**
8 **Crossing**

9
10 Mr. Neron reported that part of the plans for the construction of the Seaplane Base was
11 to connect fiber optic to the Prop Shop at Woodlea so that financial information can be
12 transferred directly from the Prop Shop to City Hall. That connection requires going
13 under the railroad tracks.

14
15 Councilmember Smith asked about the \$800 annual fee. He said he felt that was
16 excessive considering all the work being done in conjunction with the railroad. In
17 addition he asked if it would require a directional bore or jack and bore. Mr. Neron said
18 he was not certain. Councilmember Smith asked about the permitting costs. Mr. Neron
19 said he believed the city would be doing the work. Councilmember Smith said he would
20 like the annual fee to be renegotiated to a lower price in lieu of the efforts being made
21 on behalf of the railroad by the City.

22
23 **MOTION**

24
25 **Kirby Smith moved to defer Tab 4 until the next council meeting so staff can**
26 **negotiate another agreement with Central Florida Railroad, seconded by Sandy**
27 **Gamble.**

28
29 **The motion carried 4-1 as follows:**

30
31 **Robert Wolfe Yes**
32 **Kirby Smith Yes**
33 **Sandy Gamble Yes**
34 **Bob Grenier Yes**
35 **Lori Pfister No**

36
37 Mayor Wolfe asked Council if they wished to proceed to Tab 7 in order to defer the
38 millage and budget public hearing until 5:05 p.m. Consensus to proceed

1 **IX – GENERAL GOVERNMENT**

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3 **Tab 7) Authorization to Request a Grant from Tourist Development Council for**
4 **Pier and Pavilion Project**

5
6 Mr. Drury stated this was a request for authorization from Council to obtain a \$750,000
7 grant over a three year period in increments of \$250,000 each from the Tourist
8 Development Council to participate in the Pier and Pavilion project. He reviewed the
9 history of the project. He discussed the proposal to increase the scope of services from
10 a basic facility to an acceptable standard that could accommodate conferences and
11 weddings. He discussed the economic benefits of those events. He stated it would be
12 appropriate to request assistance from the Tourist Development Council since the
13 people using the facility will stay in area hotels. He said similar to the Woodlea House,
14 the exterior will remain true to the historic pavilion but the interior will be a economically
15 viable contributor to the area's economy with the goal of becoming self sufficient. The
16 goal is to open the pavilion for its 100th anniversary in 2012. He noted the letters of
17 support he has received from various organizations who have indicated interest in
18 holding their meetings and conferences at the pavilion.

19
20 Ms Rogers presented a power point presentation on the design plans for the pavilion.

21
22 Mayor Wolfe invited comment from the audience.

23
24 **MOTION**

25
26 **Bob Grenier moved to approve the staff recommendation to authorize staff to**
27 **pursue the grant from the Tourist Development Council, seconded by Kirby**
28 **Smith. The motion carried unanimously 5-0.**

29
30 **Tab 8) Water Hydraulic Model Report for Royal Harbor**

31
32 Mr. Hayes stated the objective is to accept the Royal Harbor Hydraulic Model Report
33 and consideration of the options to correct the Royal Harbor pressure problem.

34
35 He reviewed the previous actions taken by Council to resolve the Royal Harbor water
36 pressure issues. He noted Council had approved an updated Water Hydraulic Model for
37 the entire city which was approved in 2009. He introduced Mr. Shannon from Malcolm
38 Pirnie. Mr. Shannon provided an overview of the model. He noted that the City had a
39 basic hydraulic model in place used for general planning but it was not detailed enough
40 to do the kind of analysis needed to understand completely the issues in the distribution

1 system. He said the model assists in determining the correct size of pipe to use in order
2 to get adequate pressure.

3
4 Discussion followed on the issue of options and costs for the various improvements
5 presented by Mr. Shannon.

6
7 Mayor Wolfe asked for audience comment

8
9 Gary Santaro, Lake Huron Lane

10
11 Mr. Santaro thanked Council for continuing to look at this problem and noted it was
12 unfortunate that the City was having to correct a problem that the developer should
13 have been responsible for originally. He said he believed the problem would get worse
14 when Oak Bend Subdivision becomes fully operational. He questioned whether Royal
15 Harbor residents would allow the City to dig up the streets to make improvements. He
16 discussed the issue of not having a "check valve" at the entrance to the community. He
17 said Royal Harbor is on a dead end main which will not change even when the
18 reclaimed water is available. He invited Council to come to Royal harbor and speak to
19 the residents.

20
21 Denise Laratta

22
23 Ms. Laratta thanked Council for continuing to look at the problem. She noted the water
24 pressure problem began in 2001. She said the issue will be what is the financial
25 responsibility for both the homeowners and the City and what is the financial
26 responsible for the long term process. She said she did not want to have to pay for two
27 fixes. She questioned whether it will be a requirement to hook up to reclaimed water
28 once it is available and that issue should be included in the review. She acknowledged
29 that two years ago the residents had requested that the city not do a quick fix of the
30 problem.

31
32 **(Adjournment to Budget Hearing)**

33
34 **Mayor Wolfe noted it was 5:05 p.m. and that Council would now adjourn the**
35 **regular meeting and begin the Public Hearing for the Millage and Budget.**

36
37 **Tab 6) Resolution #2010-10 – Tentative Budget for Fiscal Year 2010**

38
39 Ms. Houghton presented the summary as follows:
40

- 1 • Ad valorem millage rate of 6.95 mills which is 8.15% less than the rollback rate of
- 2 7.5669 mills
- 3 • An assessed taxable property value of \$671,531,382 which is a decrease of
- 4 17.03% from the prior year
- 5 • A cost of living employees increase of 2% for all City employees effective April 1,
- 6 2011
- 7 • Elimination of the ½ day furlough per month for all employees
- 8 • Staffing level decreases – four positions will not be filled
- 9 • Fire Pension contribution rate increase from 21.7% to 22%
- 10 • Police Pension contribution rate increase from 19% to 20.8%
- 11 • Health & dental insurance rate increase of 9.32%
- 12 • Workers' compensation rate increase of 5%
- 13 • General liability rate increase of 5%
- 14 • Push capital replacements until the following year
- 15 • Fund only operational costs critical to the service delivery mission
- 16 • Maintain a similar level of service.

17
18 Mr. Drury summarized the dates of the previous budget workshops. He said Council
19 had asked information be provided on the following additional items: 1) information
20 related to contracting out the 911 service to the Sheriff; 2) moving the 2% employee
21 cost of living adjustment from six months into the fiscal year to the beginning of the
22 fiscal year (October 1); 3) information related to water and sewer base rates when a
23 property is vacant and 4) adding a narrative to the capital program. He noted the
24 information related to this has been included in the agenda package.

25
26 Dispatch Issue

27
28 Chief Lubins noted the cost of providing dispatch services from the Sheriff's Office had
29 been solicited. The Sheriff's response was a first year figure of \$526,107 and the
30 second year a cost of \$301,209. He noted the first year was an increase of \$60,000
31 primarily for some infrastructure and reduction of force payments and the second and
32 third year was a reduction of approximately \$167,000 from that point forward. He
33 discussed the issue of contracting services versus consolidation of services. He said the
34 issue being considered is contracting of services.

35
36 Chief Lubins reviewed the past history of elimination of 911 and then the re-instatement
37 of the service. He noted that from 1979 to 2001 there was dispatch services and then in
38 2001 the city contracted out the service. In 2006 Council directed staff to reinstate the
39 Communications Center. He reviewed the history of the staffing level, noting it is
40 currently two on duty at a time.

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Chief Lubins reviewed the budget summary and the total police budget. He also discussed the trend of total calls compared to changes in population, noting the percentage of the General Fund has remained consistent. He noted that Tavares is the lowest funded percentile of all of the cities of Clermont, Eustis, Lady Lake, and Mt. Dora.

Chief Lubins discussed the other monitoring activities that the Police dispatch provides to the City such as monitoring for sewer issues, safety in City Hall, park monitoring, etc. He said these services can be modified as needed which is more difficult to do in a contracted out service.

He said the fundamental difference is basically three positions-- the cost of the dispatchers is about the same. The Sheriff's office will provide five dispatchers but more call takers. He said it cost residents in Tavares about \$15.00 a month and by using the Sheriff's proposal the savings will be about .58 a month. He noted there would also be losses in cost of equipment if the City went with the Sheriff.

Councilmember Gamble stated the reinstatement of dispatch stemmed from issues in 2006 when there was no one available at City Hall after hours for residents.

Councilmember Grenier stated he agreed with Councilmember Gamble and that he had taken a tour of the dispatch center and was very impressed with the operations.

Councilmember Smith asked how the service had been impacted when it went to the Sheriff. Chief Lubins discussed some of the issues that had come up related to priority of calls.

Mayor Wolfe noted the suggestion to consider contracting out dispatch had been because three members of Council at the last budget hearing had stated they wished to see more cuts because they did not want to raise the millage. He said he has brought up the issue as an option although he was not necessarily in favor of it. He asked Council if they were supportive of the 6.95 millage rate and increase of \$70.00 per year for a house estimated at \$170,000 or did Council still wish to make cuts.

Mayor Wolfe asked for audience comment.

Trueman Hurley

1 Mr. Hurley said he had lived in Tavares for 18 years and he was supportive of Council
2 and staff. He said it bothered him that when a city needs to cut its budget it is usually
3 public safety. He suggested looking at other areas to cut such as libraries. He
4 commented that when the City contracted out dispatch, the response time was affected.
5 He asked that Council find a way to reduce the budget without cutting public safety.

6
7 Norman Hope, Fox Run
8

9 Mr. Hope said he spent 30 years in law enforcement and his main experience in the FBI
10 was dealing with local law enforcement. He said he has lived in Tavares since 2004 and
11 has been very impressed with the Police Department. He said he understood the
12 Mayor's concern that there were no other areas suggested for cuts. He said he was
13 willing to pay the 6.95 mils so that his family will feel secure about public safety.

14
15 (Mr. Drury commented on the fact that Council has already cut 2.998093 million dollars
16 out of the budget which included the Library Children's Services, the Police Department,
17 the Human Resources, IT, Parks, etc. He said these were the biggest cuts the City has
18 ever done in its history. He said he just wanted people to be aware of these many cuts
19 that have already been made both in positions and in other costs.)

20
21 Norb Thomas, New Hampshire Avenue
22

23 Mr. Thomas said he thoroughly supports public safety and throughout his 35 years in
24 law enforcement. He said he believed the City would be remiss to do away with the
25 Dispatch Center. He said he understood the difficult decisions Council has to make and
26 he was supportive of the 6.95 millage.

27
28 Tim Crow, Tavares
29

30 Mr. Crow said it is a nationwide problem that cuts tend to be made with public safety.
31 He said public safety is part of the infrastructure that should be as important as utilities.
32 He spoke in support of the proposed millage rate.

33
34 Jason Fisher, Green Drive
35

36 Mr. Fisher said that the Dispatch Center provides customer services in addition to public
37 safety. He commended the chief for his budget. He said he was willing to pay the extra
38 amount per month to keep dispatch.

1 Vice Mayor Pfister said the Mayor was correct to look into this because she has
2 received comments for several months regarding not raising the millage rate. She said
3 the discussion should help the citizens to understand the budget situation.

4
5 2% Cost of Living Adjustment for Employees

6
7 Mr. Drury stated that at the August 8th City Council meeting, Councilmember Gamble
8 requested that Council review the issue of moving the 2% COLA from April 1 to October
9 1, 2010. He said currently the budget is balanced and the cost of moving the COLA will
10 be \$82,000. He said general reserves are typically used for this type of a one time non-
11 recurring expense. He said the estimated \$208,500 of additional tax revenues from the
12 new business that Tavares has attracted and permitted over the last year should
13 replace that additional cost. Mr. Drury listed the 11 businesses and anticipated tax
14 revenues.

15
16 Mayor Wolfe noted that if there is a drop in property values again next year it could be a
17 budget issue again. Mr. Drury acknowledged that was correct. Mayor Wolfe suggested
18 postponing the decision until April and considering a 4% COLA for the rest of the year if
19 the values do not drop or keeping it at 2% on April 1st if values are dropping.

20
21 Councilmember Smith said he was in support of the employees receiving the COLA
22 now since it appears it would not impact the residential component.

23
24 Councilmember Grenier asked about the possible impact on emergency reserves. Mr.
25 Drury said the reserves would go from about 15% to 14%. He said GFOA advises 14-
26 15% for smaller cities. He said there are two backups to emergencies: reserves and
27 reimbursement from FEMA for events such as hurricanes,

28
29 Councilmember Gamble spoke in support of the 2% increase for October 1st

30
31 Mayor Wolfe asked for comment from the audience.

32
33 Denise Laratta

34
35 Ms. Laratta said if the City can take money out of reserves for insurance and the City
36 Administrator's compensation then it could be done for the rest of the employees.

37
38 Water and Sewer Fees for Vacant Property

1 Mr. Drury said the issue was raised about the requirement for the property owner to pay
2 the base water rate when the property is vacant. He said staff has reviewed the
3 question and has developed a policy whereby if application is made, the water meter
4 can be removed and the base fee payment can be stopped.

5
6 Ms. Houghton commented on the analysis she had done and noted it will be a policy
7 decision by Council. She then read the proposed policy into the record:
8

The City of Tavares shall own and maintain all water meters metering water consumption by City of Tavares' customers. The customer shall own and maintain all attachments up to the water meter on the customer's side of the meter.

All meters shall be set and reset by a City of Tavares Water Utility employee unless otherwise authorized by the Utility Director.

When a water meter has been removed for unauthorized meter access, the property owner is required to complete a Meter Reset application and pay the cost for a new meter and reset fees.

Single Family Residence

A property owner may request a **potable water meter** to be removed under the following conditions:

The structure that the meter serviced has been demolished or removed from the property.

A replacement structure will not be erected within one year.

The property owner is required to pay all costs associated with the installation for any new meter installation. No other meters will remain active on the property.

Multi-Family and Commercial

A property owner may request a **potable water meter** to be removed under the following conditions:

The structure that the meter serviced has been demolished or removed from the property and no structures remain that were attached to the demolished structure.

A replacement structure will not be erected within one year.

The property owner is required to pay all costs associated with the installation for a new meter installation. No other meters will remain active on the property

Irrigation meters currently installed and servicing a vacant parcel may not be removed.

Fees for meter removals will be assessed at the Voluntary Service Disconnection Rate and require advance payment.

All requests for meter removals require approval of the Utility Director and the Finance Director

1
2
3 Ms. Houghton described the application she has prepared with detailed information.

4
5 Mr. Drury said this policy will be brought back to a future council meeting for approval.

6
7 Capital Improvement Program

8
9 Mr. Drury stated Council had been given an updated Capital Improvement Program.
10 The change was made to add Page 10 which has a description of the projects.

11
12 **Discussion of Public Hearing Process**

13
14 Mr. Drury asked Attorney Williams to comment on the millage and budget hearing
15 process. Attorney Williams stated that the final resolutions are not adopted until the
16 second hearing. However, Council is required to finish its deliberations on the budget
17 and adopt a tentative budget and a tentative millage rate at this meeting.

18
19 Ms. Barnett read the draft resolutions in their entirety as follows:

20
21 **RESOLUTION 2010 - 10**

22
23 **A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE CITY OF**
24 **TAVARES, FLORIDA, FOR THE FISCAL YEAR 2010-2011.**

25
26 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES,
27 FLORIDA:

28
29 WHEREAS, a public hearing was held at the Tavares City Hall Council
30 Chambers in the City of Tavares, Florida, Lake County Florida on September 8, 2010,
31 at 5:05 p.m., as required by Florida Statutes 200.065; and

32
33 WHEREAS, the general public was given an opportunity to express its

1 views pertaining to the proposed budget, and

2
3 WHEREAS, the City Council approved the tentative budget for 2010-2011,
4 and

5
6 WHEREAS, a second public hearing is scheduled to be held in the
7 Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares,
8 Florida, on September 22, 2010, at 5:05 p.m.,

9
10 NOW, THEREFORE, BE IT RESOLVED that the Budget for 2010-2011
11 fiscal year for the City of Tavares, Florida is hereby adopted by the Tavares City Council
12 in the amount of \$26,638,275 at the public hearing this 22nd day of September, 2010.

13
14 **RESOLUTION 2010- 09**

15
16 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.95 FOR**
17 **THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR**
18 **FISCAL YEAR 2010-2011; SETTING FORTH THE PERCENT BY**
19 **WHICH THE MILLAGE RATE IS LESS THAN THE "ROLLED-BACK"**
20 **RATE.**

21
22 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES,
23 FLORIDA:

24
25 **WHEREAS**, the City of Tavares of Lake County, Florida on September 8, 2010,
26 adopted the 2010-2011 Fiscal Year Tentative Millage Rate following a public hearing as
27 required by Florida Statute 200.065.

28
29 **WHEREAS**, the City of Tavares of Lake County, Florida, following due public
30 notice as required by law, held a second public hearing on September 22, 2010, as
31 required by Florida Statute 200.065 on the 2010-2011 Millage Rate; and

32
33 **WHEREAS**, the gross taxable value for operating purposes not exempt from
34 taxation within Lake County has been certified by the County Property Appraiser to the
35 City of Tavares as \$671,531,382.

36
37 **NOW THEREFORE, BE IT RESOLVED** by the City of Tavares of Lake County,
38 Florida, that:

- 39
40 1. The City of Tavares Fiscal Year 2010-2011 operating millage rate to be

1 levied is hereby set at 6.95 mills, which millage rate is less than the rolled
2 back rate of 7.5669 by 8.15%.

3
4 2. The voted debt service millage is 0.00.

5
6 3. This Resolution will take effect immediately upon its adoption.

7
8 **PASSED AND RESOLVED this 22nd day of September 2010, by the City**
9 **Council of the City of Tavares, Florida. Time Adopted: _____.**

10
11 Attorney Williams stated that the resolutions have been read into the record so that
12 Council and the public will know what is proposed to be adopted at the September 22,
13 2010 Public Hearing. He advised that today the requirement is to finalize the tentative
14 budget and make decisions on the four elements presented by Mr. Drury. The final
15 budget will be adopted at the next meeting along with the final millage.

16
17 Mayor Wolfe asked for comment from the public on any issue of the budget.

18
19 Mr. Drury asked for Council direction on Items 1, 2, 3, and 4.

20
21 Item 1 – Consensus to leave the Dispatch 911 Service in the budget

22
23 Item 2 - Move the COLA from April 1, 2011 to October 1, 2010 – Consensus to approve

24
25 Item 3 – Policy on not charging for vacant lots will be brought back for formal vote.

26
27 Item 4 – Capital Program – Consensus to approve (Councilmember Smith clarified that
28 he could bring back further comments at the next meeting.)

29
30 **MOTION**

31
32 **Bob Grenier moved for approval of staff recommendation for the tentative budget**
33 **for fiscal year 2011 [adopt the tentative budget for 2011 as presented for**
34 **\$26,638,275, with a one time use of reserves to give the employees the 2% COLA**
35 **on October 1.] The motion was seconded by Lori Pfister.**

36
37 **The motion carried unanimously 5-0.**

38
39 Councilmember Smith said he was against setting the 6.95 millage rate and had
40 expressed that two months ago and that he continued to believe the City still needed to

1 find areas of reduction for the millage rate.

2
3 **Tab 5) Resolution #2010-09 - Tentative Millage Rate – Fiscal Year 2010-2011**

4
5 Mr. Drury stated that in order to support the budget that Council had just approved, the
6 millage rate that will support the budget is 6.95.

7
8 **MOTION**

9
10 **Sandy Gamble moved to approve the fiscal year 2011 tentative millage as**
11 **presented in Resolution #2010-09 at 6.95 millage rate, seconded by Bob Grenier.**

12
13 **The motion carried 4-1 as follows:**

14
15 **Robert Wolfe Yes**
16 **Lori Pfister Yes**
17 **Sandy Gamble Yes**
18 **Bob Grenier Yes**
19 **Kirby Smith No**

20
21 Attorney Williams stated that the proposed millage rate is less than the roll-back rate by
22 8.15%.

23
24 **Tab 8) Water Hydraulic Model Report – Continued [from page 4]**

25
26 **MOTION**

27
28 **Sandy Gamble moved to approve the report but take no action at this time**
29 **pending the receipt of further information from staff, seconded by Bob Grenier.**

30
31 **The motion carried unanimously 5-0.**

32
33 **Tab 9) Award of Bid for Aesop's Park Restrooms**

34
35 Attorney Williams stated that Mayor Wolfe had indicated he had a conflict of interest
36 because of being a potential subcontractor for some of the bidders. Mayor Wolfe
37 confirmed.

38
39 The gavel was passed to Vice Mayor Pfister.

1 Vice Mayor Pfister asked Ms. Rogers to present the staff report.

2
3 Ms. Rogers reported that based on the recommendation of Council on July 18, 2010,
4 the City re-advertised an Invitation to Bid for the construction of an ADA-compliant
5 restroom facility at Aesop's Park.

6
7 She said that eight companies responded to the invitation with George Rada, Inc., of Mt.
8 Dora being the lowest bidder at \$59,500.00. Mr. Rada has since indicated that he will be
9 using subcontractors which was not listed on his bid proposal. Attorney Williams
10 advised that although Mr. Rada's bid was acceptable and he did nothing wrong, this
11 issue has resulted in his bid being considered as "non-responsive." In order to be legally
12 sufficient as a competitive bid, the city must insure that the bid requirements are
13 adhered to. Staff recommendation therefore is to disqualify Mr. Rada's bid and to enter
14 into an agreement with the next low bidder which is Pillar Construction Group in the
15 amount of \$64,947.23.

16
17 It was noted that this is a fully funded project through the Federally-funded Community
18 Development Block Grant program.

19
20 Vice Mayor Pfister asked if there were questions.

21
22 Vice Mayor Pfister said she had been concerned about the different figures in the
23 original bid and also about possible pressure on staff to always have to recommend the
24 lowest bid. She noted the city hires an engineer to make a recommendation.

25
26 Attorney Williams said it was his understanding that the figures in the original bid were a
27 typographic error but that they did add up to a correct total bid figure however he said it
28 would not be a basis to disqualify a bid. He said on the issue of the engineer
29 recommendation, that when a competitive bid is entered into there is a presumption in
30 the law that the lowest bid should receive the bid award. He said there needs to be a
31 reason to disqualify the bid especially when it is a CDBG federal grant that requires a
32 competitive bid. He noted for other bids there is some flexibility for cities under Home
33 Rule.

34
35 Vice Mayor Pfister asked for audience comment.

36
37 **MOTION**

38
39 **Kirby Smith moved to accept the second lowest bidder, Pillar Construction for the**
40 **construction project at Aesop's Park, seconded by Bob Grenier.**

1
2 **The motion carried 4-0 with Mayor Wolfe abstaining from the vote.**

3
4 The gavel was passed back to Mayor Wolfe.

5
6 Mayor Wolfe commented that there was still a savings of 10% by rebidding the project
7 and if the vendors know that that could be a possibility there may be more competitive
8 pricing in the future.

9
10 **Tab 10) Code Enforcement Procedures and Notification Process**

11
12 Chief Lubins reported that recently a business owner had come before Council to
13 express concern about the notification process. Council directed staff to look into the
14 procedures. Chief Lubins said a new notification policy has been provided to Council.
15 He reviewed the policy which will provide more opportunities to contact the property
16 owner. He asked Mr. McCormick to review the code enforcement process. Mr.
17 McCormick discussed the procedures which follow Florida Statutes.

18
19 Attorney Williams summarized that Mr. McCormick followed the law on notifying
20 property owners but this policy will allow for additional notification options. He explained
21 the "repeat violator" provision of the law which has to be addressed.

22
23 **Tab 11) Amendment to Interlocal Agreement with Lake County for Design,**
24 **Construction and Maintenance of a Segment of Alfred Street**

25
26 Mr. Skutt stated this is an amendment to the above Interlocal agreement that concerns
27 the design and construction of Alfred Street and Caroline Street (one way pairing). The
28 original agreement capped the design costs at \$500,000 which was based on an
29 estimate from the County's engineering staff. The scope of work has now been
30 negotiated with BESH Engineering and their actual cost is \$566,196. Both the County
31 and City staff are satisfied that this is a reasonable cost and the County has proposed
32 the amendment that increases the amount that the County will pay for the project. Once
33 the amendment is approved the contract with BESH can be executed.

34
35 Mayor Wolfe asked if anyone in the audience had questions.

36
37 **MOTION**

38
39 **Sandy Gamble moved to approve the amendment to the Alfred Street Interlocal**
40 **Agreement with Lake County for the engineering and design of the downtown**

1 **segment of Alfred Street, seconded by Bob Grenier. The motion carried**
2 **unanimously 5-0.**

3
4 **Tab 12) Appointment to Councilmember to the Location of the Gateway Signs**
5 **Team Project**

6
7 Mayor Wolfe stated that staff will begin this process of reviewing locations in the near
8 future in order to insure that there are no conflicts with the FDOT rights of way or any
9 other rights of way. Staff involved will be the City Administrator, City Attorney, Director
10 of Community Development, and Senior Planner.

11
12 Mayor Wolfe asked if there was a volunteer from Council. Councilmember Grenier
13 expressed interest.

14
15 Mayor Wolfe stated he wished to appoint Councilmember Bob Grenier to the Gateway
16 Sign Project as Council representative.

17
18 **Consensus to support the Mayor's appointment.**

19
20 **X. OLD BUSINESS**

21
22 None.

23
24 **XI. NEW BUSINESS**

25
26 **Tab 1) County Sales Surtax Oversight Committee**

27
28 Mr. Drury stated there is a vacancy on the Lake County League of City's appointment to
29 the County Sales Surtax Oversight Committee. He asked if anyone on Council wished
30 to be considered. There was no Council appointment made.

31
32 **XII. AUDIENCE TO BE HEARD**

33
34 None.

35
36 **XIII. REPORTS**

37
38 **Tab 13) City Administrator**

39

1 Mr. Drury noted Mr. McCormick had left the meeting but that he had wanted to
2 commend him on his work as Code Enforcement Officer. He said he believed Mr.
3 McCormick does an outstanding job for the City as a one person code enforcement
4 officer and in his efforts to maintain the balance of enforcing the codes and
5 communicating with the public.

6
7 **Tammy Rogers**
8

9 Ms. Rogers presented a letter to Council signed by all of the members of the 13 and
10 under baseball team that Council assisted in going to the state tournament.
11

12 **Lori Houghton**
13

14 Ms. Houghton stated that the budget that had been approved by Council will be
15 advertised in the Sunday September 19th newspaper (full page ad) which will also
16 include the millage rate.
17

18 **Tab 13) City Council**
19

20 **Vice Mayor Pfister**
21

22 Vice Mayor Pfister said she would like to look into the City having a Senior Center so
23 that seniors can have more structured activities. She said she would like the topic to be
24 put on a future agenda if possible, and would also request that staff look into grant
25 opportunities before it is brought back.
26

27 Mr. Drury commented that the Recreation Department does conduct activities for the
28 seniors but could probably do more. He said staff can bring back information on what
29 other cities do in the area, the costs, funding sources, etc.
30

31 **Councilmember Gamble**
32

33 Councilmember Gamble thanked staff for the list of roads being paved.
34

35 **Councilmember Grenier**
36

37 Councilmember Grenier said he will be visiting various cities to discuss his book and
38 that he is very proud of what is going on in Tavares and that as he goes out to speak,
39 he finds that people are very interested in hearing about the activities of the city.
40

1 **Councilmember Smith**

2
3 Councilmember Smith thanked the public works staff for starting the road project. He
4 asked the Police and Fire Chiefs to commend their staff as well.

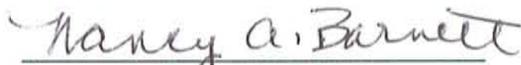
5
6 **Mayor Wolfe**

7
8 No report.

9
10 **Adjournment**

11
12 There was no further business and the meeting was adjourned at 6:57 p.m.

13
14 Respectfully submitted,

15
16 

17
18 Nancy A. Barnett, C.M.C.
19 City Clerk

CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 22, 2010
CITY COUNCIL CHAMBERS

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Lori Pfister, Vice Mayor
Bob Grenier, Councilmember
Sandy Gamble, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

John Drury, City Administrator
Bob Williams, City Attorney
Nancy Barnett, City Clerk
Bill Neron, Economic Development Director
Chief Lubins, Police Department
Lori Houghton, Director of Finance
Jacques Skutt, Director of Community Development
Chief Richard Keith, Fire Department
Chris Thompson, Interim Public Works Director
Tamera Rogers, Director of Community Services
Brad Hayes, Director of Utilities

I CALL TO ORDER

Mayor Wolfe called the meeting to order at 4:05 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Tim Green, Liberty Baptist Church, gave the invocation and led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Wolfe asked if there were any changes to the agenda. Attorney Williams requested to add a Continuing Encroachment Agreement to accommodate a real estate closing. Mr. Drury suggested adding it under New Business as Item 1.

Mayor Wolfe noted that at 5:05 p.m. the regular meeting will adjourn to the Public Hearing on the budget and millage.

1 **MOTION**

2
3 **Bob Grenier moved for approval of the agenda with the addition, seconded by Kirby**
4 **Smith. The motion carried unanimously 5-0.**

5
6 **IV. APPROVAL OF MINUTES**

7
8 **Deferred.**

9
10 **V. PROCLAMATIONS/PRESENTATIONS**

11
12 **Tab 2) Request for Funding from Early Learning Coalition**

13
14 Mr. Drury said this is a request from the Early Learning Coalition to give a presentation on their
15 request for support for the upcoming fiscal year. He noted that Council has the letter and
16 supporting documentation.

17
18 Ms. Lesha Buchbinder, Executive Director, thanked Council for the opportunity to come before
19 Council. She explained that their agency is mandated by legislation to offer services to low
20 income families for subsidized childcare (birth to four) and before and after school programs up
21 to age 12. She said they are required by the state to obtain a 6% match for the working poor
22 population. The need this year is approximately \$214,000. She said there are over 100 children
23 enrolled from the City of Tavares. She said the dollar amount for Tavares is about \$7,355. She
24 said they have reviewed the budget and knowing the budgetary issues, have reduced the
25 request to \$5,737.

26
27 Mayor Wolfe thanked Ms. Buchbinder for her presentation and stated that this issue will be
28 discussed further at 5:05 p.m. under the Budget Hearing.

29
30 **Tab 3) Presentation of Registration Notification of City Logo & Trademark**

31
32 Mr. Drury said he had provided the letter from the city's trademark attorney. He said Tavares is
33 one of the few cities in the United States that has a unique brand and logo/tag line. He said it
34 was important therefore to trademark the logo. He said the City Attorney and the trademark
35 attorney have spent about a year working to register the trademark. He said this will be in effect
36 for about 10 years and after that time the city will need to reapply to keep it in force. He said it
37 gives Tavares control over how the logo and trademark is used.

38
39 Councilmember Smith gave "kudos" to the citizens and the Council for this achievement.

40
41 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

42
43 Attorney Williams said there were no quasi-judicial matters.

44

1 **VII. CONSENT AGENDA**

2
3 Mayor Wolfe asked if anyone in the audience wished to oppose any item on the Consent
4 Agenda. He asked if Council wished to pull an item.

5
6 Councilmember Gamble asked to pull Tab 4 for comment and Tab 5 to ask a question.

7
8 **MOTION**

9
10 **Sandy Gamble moved to approve the Consent Agenda for Tabs 6 and 7 [Approval of**
11 **Amendment to Interlocal Agreement with Lake County for Traffic Light Maintenance to**
12 **Add School Crossing Lights and Extension of the CDBG Agreement for the Aesop's Park**
13 **Restrooms], seconded by Kirby Smith. The motion carried unanimously 5-0.**

14
15 **Tab 4) Approval of Bid Award for Lake Frances Sewer Force Main Modifications**

16
17 Councilmember Gamble stated that he asked Ms. Houghton for clarification as he had noted a
18 difference between what was in the budget and what was now being requested (\$17,000 less).
19 He said he wanted to be sure that the public was made aware when projects are contracted at
20 less than what was budgeted

21
22 **MOTION**

23
24 **Sandy Gamble moved to approve Tab 4, bid award for Lake Frances Sewer Force Main**
25 **modifications, seconded by Bob Grenier. The motion carried unanimously 5-0.**

26
27 **Tab 5) Approval of Bid Award for Sidewalk Construction**

28
29 Councilmember Gamble questioned whether the sidewalks that had been constructed on
30 Givens Street are four feet in width according to code.

31
32 Mr. Thompson confirmed that the specifications require four feet. He said he would check the
33 job site.

34
35 Mayor Wolfe noted that this project is also coming in under budget. Mr. Thompson said the
36 hope is to run a sidewalk from Clifford to the school.

37
38 **MOTION**

39
40 **Sandy Gamble moved to approve Tab 5, bid award for sidewalk construction, seconded**
41 **by Kirby Smith. The motion carried unanimously 5-0.**

42
43 **Tab 10) Approval of Revised Agreement with Florida Central Railway for Fiber Optic**
44 **Crossing in Wooton Park**

1
2 Mr. Neron stated at the last meeting this agreement had been presented and included an \$800
3 annual fee. He said Council requested that staff discuss the fee with the railroad. Staff has met
4 with the railroad and they have agreed to waive the fee.

5
6 Mayor Wolfe noted this had been brought up by Councilmember Smith and he appreciated Mr.
7 Neron taking this matter back for renegotiation.

8
9 Mayor Wolfe asked if the audience had comments.

10
11 **MOTION**

12
13 **Kirby Smith moved to approve Tab 10, Revised Agreement with Florida Central Railway**
14 **for Fiber Optic Crossing in Wooton Park, seconded by Sandy Gamble. The motion**
15 **carried unanimously 5-0.**

16
17 **Tab 11) Request for Release of Lien and Fines for Dorsey Property**

18
19 Attorney Williams stated he had received a request from Attorney Pat Mueller who was present
20 on behalf of her client, Mr. Dorsey, who owns property subject to code enforcement liens
21 [\$75,295 for lien, fines of \$71,780; staff time of \$348.52]. He noted the information on the lien
22 and the history of the case has been provided in the agenda packet. He gave a summary of the
23 case.

24
25 Attorney Williams noted if Council decided to reduce the lien it would need to set forth the
26 conditions on the reduction of the lien.

27
28 Attorney Mueller stated she represented Mr. Dorsey, the property owner. She said the request
29 is either a severe reduction or an elimination of any of the fines except for the city's costs. She
30 said Mr. Dorsey is an elderly man and has been living with his daughter for over a year and
31 suffers from dementia and that she thought it was a good possibility that he was not aware of
32 the meaning of the impacts of the liens at the time they were filed, or if he event knew about
33 them. She added that his daughter with whom he lives recently lost her job and has medical
34 issues. She said they cannot afford to pay off the liens. She said the current tax rolls list this
35 parcel at about \$17,000.

36
37 Discussion followed with various suggestions from Council as to amount of fine to reduce
38 including the possibility of asking the owner to sign over the property to the city in lieu of the
39 fines.

40
41 Mayor Wolfe asked if the audience had comments.

42
43 **Charlotte Hope**

1 Ms. Hope asked if the taxes were included in the lien. Attorney Williams said the city's lien does
2 not address taxes. Ms. Hope asked if there was a certified diagnosis of dementia and that she
3 thought it would helpful to know if the daughter has power of attorney or is the health care
4 surrogate.

5
6 Denise Laratta

7
8 Ms. Laratta said she felt the city has an obligation to the residents to uphold the rules and
9 regulations and laws of the community. She spoke in support of a compromise.

10
11 Attorney Williams said Council could request additional information but noted Ms. Mueller does
12 not have to have power of attorney to represent the client. He said documentation about Mr.
13 Dorsey's health status would not have to impact Council's action. He suggested that it would be
14 fair to at least give an indication of the action that Council was considering if they wished to
15 require him to obtain the documentation.

16
17 Mr. Drury noted the purpose of the code is for compliance. He reviewed the history of the
18 violation and noted the building had been demolished. He discussed past Council action when
19 properties have come into compliance.

20
21 Councilmember Grenier questioned the staff recommendation. Mr. Drury said the
22 recommendation was in error. He said his recommendation was for council to deliberate, listen
23 to, and then come up with a reasonable fine, recognizing the balance between not eliminating
24 fines and but supporting the code enforcement process.

25
26 **MOTION**

27
28 **Lori Pfister moved to reduce the lien to 10% of what is due now payable in a minimum of**
29 **six months (180 days) with interest, seconded by Kirby Smith.**

30
31 Mr. Drury noted there is a lien and there is a fine and that it needed to be clarified.

32
33 Attorney Williams said he would like to have a specific dollar amount as he would be preparing
34 the document.

35
36 Vice Mayor Pfister asked for clarification.

37
38 Attorney Williams explained the process of fining. He noted that when the Special Master issues
39 a code enforcement fine, it begins to accrue on a daily basis which is \$250 or \$500 a day and at
40 some point in order to perfect the fine (in order that the city could foreclose on it), an actionable
41 lien has to be filed. At some point in the past the city has gone to the point of filing a code
42 enforcement lien against the property. At that date the amount of the fines was \$75,295.00.
43 Those fines continued to run until the violation was cleared. After the lien was filed an additional

1 \$71,780 accrued on the fines. He said he would need to know what is the amount Council is
2 willing to reduce in order to clear the title to this property so that the document can be recorded.

3
4 Councilmember Smith asked about the process to deal with the motion on the floor.

5
6 **Vice Mayor Pfister restated her motion as follows: 10% of the amount owed as of the day
7 that the property was brought back up to code of whatever is owed; i.e. \$14,600.**

8
9 Attorney Williams asked Councilmember Smith if his second to the motion stood with that
10 clarification. Councilmember Smith said it did not.

11
12 **There was no second to the amended motion and the motion failed.**

13
14 **Kirby Smith moved to reduce the fine to \$7,500 to be payable within 180 days including
15 interest (normal interest rate).**

16
17 **There was no second and the motion failed.**

18
19 Attorney Williams noted the total amount that accrued was approximately \$140,000 and he
20 needed the dollar amount that the Council would be willing for the city to release its claim upon
21 this property.

22
23 **Lori Pfister moved that the amount of the fine be changed to \$10,000 plus interest to be
24 paid in 180 days.**

25
26 **There was no second and the motion failed.**

27
28 Mayor Wolfe passed the gavel to Vice Mayor Pfister.

29
30 **Robert Wolfe moved to reduce the fine to \$5,000 to be paid in 180 days, seconded by
31 Kirby Smith.**

32
33 Councilmember Smith noted that by this action the city is reducing this lien by \$70,000 and
34 removing the \$71,000 fine which is generous but also tells the citizens that there is a need to
35 keep in code compliance.

36
37 **The carried 3-2 as follows:**

38
39 **Robert Wolfe** Yes
40 **Kirby Smith** Yes
41 **Bob Grenier** Yes
42 **Lori Pfister** No
43 **Sandy Gamble** No
44

1 Vice Mayor Pfister returned the gavel to Mayor Wolfe.

2
3 **VIII) PUBLIC HEARING – FISCAL YEAR 2010-2011 MILLAGE & BUDGET**

4
5 **Tab 8) Resolution #2010-09 – Final Millage Rate for Fiscal Year 2010/2011**

6 Ms. Barnett read the resolutions in their entirety as follows:

7
8 **RESOLUTION 2010- 09**

9
10 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.95 FOR**
11 **THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR**
12 **FISCAL YEAR 2010-2011; SETTING FORTH THE PERCENT BY**
13 **WHICH THE MILLAGE RATE IS LESS THAN THE "ROLLED-BACK"**
14 **RATE.**

15
16 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES,
17 FLORIDA:

18
19 **WHEREAS**, the City of Tavares of Lake County, Florida on September 8, 2010,
20 adopted the 2010-2011 Fiscal Year Tentative Millage Rate following a public hearing as
21 required by Florida Statute 200.065.

22
23 **WHEREAS**, the City of Tavares of Lake County, Florida, following due public
24 notice as required by law, held a second public hearing on September 22, 2010, as
25 required by Florida Statute 200.065 on the 2010-2011 Millage Rate; and

26
27 **WHEREAS**, the gross taxable value for operating purposes not exempt from
28 taxation within Lake County has been certified by the County Property Appraiser to the
29 City of Tavares as \$671,531,382.

30
31 **NOW THEREFORE, BE IT RESOLVED** by the City of Tavares of Lake County,
32 Florida, that:

- 33
34 1. The City of Tavares Fiscal Year 2010-2011 operating millage rate to be
35 levied is hereby set at 6.95 mills, which millage rate is less than the rolled
36 back rate of 7.5669 by 8.15%.
- 37
38 2. The voted debt service millage is 0.00.
- 39
40 3. This Resolution will take effect immediately upon its adoption.
- 41

- August 18, 2010
- September 8, 2010

During this process, \$2,998,093 of budget cuts (included in Exhibit A in the agenda packet) were made across various City Departments to arrive at the City of Tavares Fiscal Year 2011 Tentative Budget.

The City Council set the tentative maximum millage rate at 6.95 mills which resulted in a balanced General Fund Draft Budget of \$11,266,112. This budget and budgets for all funds were further adjusted by the City Council on September 8, 2010 at the Tentative Budget Public Hearing to include the final health insurance premium renewal costs and to change the effective date of an employee cost of living increase from April 1, 2011 to October 1, 2011. A summary of final changes to the General Fund Budget is presented below:

The tentative millage rate and the tentative budget are based on the following assumptions and details:

- Ad valorem millage rate of 6.95 mills which is 8.15% less than the rollback rate of 7.5669 mills
- An assessed taxable property value of \$671,531,382 which is a decrease of 17.03% from the prior year
- A cost of living employees increase of 2% for all City employees effective October 1, 2011
- Elimination of the ½ day furlough per month for all employees
- Staffing level decreases – four positions will not be filled
- Fire Pension contribution rate increase from 21.7% to 22%
- Police Pension contribution rate increase from 19% to 20.8%
- Health & dental insurance rate increase of 9.32%
- Workers' compensation rate increase of 5%
- General liability rate increase of 5%
- Push capital replacements until the following year
- Fund only operational costs critical to the service delivery mission
- Maintain a similar level of service.

Ms. Houghton stated that the average value of a home in Tavares is \$125,000 equates to an annual bill of \$521.25 annual or \$43.44 monthly city tax payment for a homesteaded home (\$125,000-\$50,000/1000X6.95). This amount supports the millage rate of 6.95.

Staff recommends approval of the final millage rate of 6.95 as previously approved.

Mayor Wolfe asked for comment from the audience.

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Ralph Smith, local business owner

Mr. Smith said he has been involved in Tavares for about 25 years. He said he is supportive of staff and Council and is happy with the direction being followed by the City. He said he is not in favor of the increase in the millage rate although he understood the need and acknowledged that the city has already made cuts. He said he did not think anyone in the room understood the future and that he thought what the city was doing was excessive. He said he supported the referendum on the amphitheater, but the 6.95 mills would probably contribute to its defeat.

Attorney Williams noted that the proposed millage rate is not considered by the State of Florida to be a tax increase. He said the "roll back" rate this year because of decreased property values is actually a "roll-forward" rate. Under the state regulations for this to be considered an increase the rate would have to exceed the roll-back rate which is 7.56.

Discussion

Councilmember Gamble said he believed Council had already made significant cuts and that the city would still be negotiating with Waste Management to take over service for some of the mobile home parks which will save \$70,000. He said he received two phone calls and one person stated his taxes were going up. He said he was concerned that by making further cuts it would negatively affect services to the citizens.

Vice Mayor Pfister asked about the presentation made earlier. Mr. Drury said it would be discussed under the budget resolution

MOTION

Sandy Gamble moved to approve Resolution #2010-09 for the final millage rate of 6.95, seconded by Lori Pfister.

Councilmember Smith said it was his first time as a new councilmember and it had been a challenging budget process. He said at the outset he had not wanted the millage rate to be 6.95 and had suggested 6.75. He said he had expected the rate to be lowered and could not discuss it further with Council due to the Sunshine Law. He said in technical terms it may not be a tax increase, however, if a check is being written for more than last year, he would consider it to be a tax increase.

The motion carried 4-1 as follows:

Robert Wolfe	Yes
Lori Pfister	Yes
Sandy Gamble	Yes
Kirby Smith	No
Bob Grenier	Yes

1 **Tab 9) Resolution #2010-10 – Final Budget for Fiscal Year 2010-2011**

2 Ms. Houghton stated the same assumptions are in effect for the budget as those for the
3 millage. She asked if Council wished her to present the budget amounts for the various
4 amounts.

5
6 Mr. Drury said the budget included the Wastewater and Reclaimed fund of \$6,709,000.72;
7 Sanitation and Garbage Fund of \$2,350,825; the Stormwater Enterprise fund of \$719,709; and
8 the Tavares Seaplane Base Marina, and special events for Wooton Park of \$518,426 and
9 \$11,364,840 for the General Fund. He noted Council has done significant cuts to the budget
10 and has the most efficient police force in Lake County with the fewest number of police officers,
11 and is running a lean and efficient budget. He noted the City has a lot of not for profits that do
12 not contribute to the tax base. He noted no grants for community social programs have been
13 included at this time and that if Council wished to include the amount that had been requested it
14 would need to come from reserves.

15
16 Mayor Wolfe asked for comment from the public.

17
18 Mayor Wolfe asked for direction from Council on the request from the Early Learning Coalition.

19
20 Discussion followed. Councilmember Gamble suggested cutting \$2500 from the donation to the
21 Tavares Chamber and giving that to the Early Learning Coalition.

22
23 Vice Mayor Pfister asked for clarification on what events are funded under the regular budget.
24 She asked how the Renaissance Faire had gotten moved out of donations to a regular event.
25 Mr. Drury noted it is a special event and is funded in the budget for \$4,000. He said the
26 Chamber is considered a partnership. He said an operational social program is not considered
27 the same as a special event.

28
29 Mr. Drury reviewed the previous process that had been followed for donations. Councilmember
30 Gamble noted Council in the past had put a limit on the amount that would be given for
31 donations. He agreed that a discussion had been held regarding putting the Renaissance Faire
32 in Special Events.

33
34 Ms. Buchbinder noted a special event will be held at Hickory Point for 1000 four year olds and
35 500 adults in October 28, in Tavares. Councilmember Gamble noted Hickory Point is not in the
36 City yet.

37
38 **MOTION**

39
40 **Kirby Smith moved to approve the current budget as presented with no extra funding,**
41 **seconded by Sandy Gamble.**

42
43 Councilmember Gamble said he thought there was some confusion on the motion.

1 Kirby Smith clarified his motion as follows: Move to approve Resolution #2010-10 for the
2 final budget for 2010-2011, seconded by Sandy Gamble.

3
4 The motion carried 4-1 as follows:

5		
6	Robert Wolfe	Yes
7	Sandy Gamble	Yes
8	Bob Grenier	Yes
9	Kirby Smith	Yes
10	Lori Pfister	No

11
12 **Tab 12) Approval of Ranking of Request for Qualifications for the Public Safety Complex**

13
14 Chief Keith stated this agenda item represents an important milestone for this project. He noted
15 that in June staff developed an RFQ for an architectural firm. The project team met on August
16 10th and ranked three respondents out of 13 firms. The short list included Architect Design
17 Group, Gator Sktch Architects, and Stengel Schultz. On September 9th the interview team met
18 consisting of Norm Thomas, Lt. Myers, Nancy Barnett, Chris Thompson, and himself,
19 moderated by John Rumble. Each firm made a presentation and answered questions. At the
20 end of the process the rating team recommended Gator Sktch Architects Incorporated as bring
21 ranked number one. He discussed the options for Council including approval of the ranking,
22 picking a different firm, or taking no action (giving staff additional direction).

23
24 He said the city has received a \$500,000 earmark however the funds have not been received as
25 yet. He invited the Director of Operations, Michael Latham of Gator Sktch to the podium.

26
27 Mr. Latham noted he was present with his partner Jeff Powell, and stated they wished to work
28 with the city to carry its vision forward. Chief Keith noted Mr. Latham had brought some of their
29 presentation items to the meeting.

30
31 Councilmember Smith asked if it was premature as the city was considering three locations. Mr.
32 Drury stated Council had voted on a location near City Hall however the goal is to negotiate a
33 contract and during that period of time the Horizon Project team will be finalizing negotiations
34 with the school Board and it is hopeful that staff will be recommending reconsideration of the
35 location from City Hall to a new location. He said the contract will come back to Council for
36 approval and hopefully the new location will be known at that time.

37
38 Councilmember Gamble added that he did not want work to be done that would have to be
39 repeated for a different location.

40
41 Chief Keith said staff had discussed this issue with the competing firms and had shown them all
42 three of the properties under consideration. He said during the presentations all of those
43 properties were discussed. Mayor Wolfe noted he had not been able to attend the ranking but

1 confirmed Chief Keith's comments and stated he was confident the city should be receiving
2 confirmation soon on the other location.

3
4 Mayor Wolfe asked if anyone in the audience wished to comment.

5
6 **MOTION**

7
8 **Sandy Gamble moved to approve Option 1, the architectural firm ranking as presented by**
9 **the Horizon Project Team for Public Safety Facility replacement recognizing that the**
10 **Clermont firm of Gator Sktch Architects, Inc. is the prevailing firm. The motion was**
11 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

12
13 **Tab 13) Approval of USDA Application for Stormwater Grant Funds for Engineering**
14 **Services & environmental Report and Interim Financing**

15
16 Mr. Hayes stated that the objective of this request is the approval of a work
17 authorization in the amount of \$58,774 with Malcolm Pirnie to submit a USDA Grant
18 Funding Application for CRA Stormwater Infrastructure Improvements. Mr. Hayes
19 discussed the previous work that has been done for the CRA utilities, noting that the
20 previous application did not cover stormwater. He said a separate application is
21 required. He discussed the flooding issues in the CRA.

22
23 Mr. Drury discussed the CRA stormwater issues and master plan for the downtown. He
24 said there is a need to widen the catch basins to current standards.

25
26 Mayor Wolfe asked for comment from the audience.

27
28 **MOTION**

29
30 **Bob Grenier moved to approve the work authorization with Malcolm Pirnie,**
31 **seconded by Sandy Gamble.**

32
33 Councilmember Smith said in his opinion the fee was excessive and he felt a lot of the
34 information was available already. He said he would like Mr. Hayes to renegotiate the
35 fee.

36
37 Mr. Hayes said in terms of the fee he had noted that if the city is successful in obtaining
38 funds for the project this fee will be recouped. Councilmember Smith noted there was
39 no guarantee the city will receive the grant. Mr. Shannon of Malcolm Pirnie said there
40 are some additional components from the previous applications for water and sewer in
41 terms of working with USDA and the environmental requirements. He said the contract
42 is written in a "not to exceed" format.

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The motion was approved 4-1 as follows:

Robert Wolfe	yes
Bob Grenier	Yes
Kirby Smith	No
Lori Pfister	Yes
Sandy Gamble	Yes

Tab 14) Update on TDC Grant Request for Pier and Pavilion Project

Mr. Drury presented the following summary:
Previously the Council authorized staff to request a \$750,000 grant from the TDC to match the \$1.5 million budgeted for the Pier and Pavilion project to more closely reflect the anticipated cost of the project.

The City Administrator made a presentation on September 15th to the TDC for the request and Tamera Rogers and Vice Mayor Lori Pfister were present during the TDC meeting.

The TDC voted 9-0 to support the project subject to exploring funding options. Staff has explored funding options and recommends that since the TDC's last annual payment of \$250,000 to the County for a prior Clermont project will be Fiscal year 2012 that TDC fund the Tavares project in three \$250,000 payments in FY 13, FY 14 and FY 15. This results in no need to increase the heads in beds tax rate and results in no need to tap TDC reserves. In other words, the current \$250,000 payment from the TDC fund to the BCC fund for that prior Clermont project would continue for three years to reimburse Tavares for a Tavares project. Staff believes this results in a minimus impact on the TDC budget.

Tavares would cash flow the \$750,000 grant with a short term loan to get started on the project today and then get reimbursed starting in FY 13 for that short term loan.

Mr. Drury noted he would be returning to the Board of County Commissioners on December 15th for final approval.

Mayor Wolfe spoke in support. He asked if anyone in the audience wished to speak.

Denise Laratta, Royal Harbor

1 Ms. Laratta asked the source of the funds for paying the interest on the short term loan.

2
3 Mr. Drury said the payment would come out of the project budget. There is currently 1.5
4 million budgeted which is the match for the \$750,000 grant for a total of 2.25 million
5 dollars.

6
7 Ms. Laratta asked when the project is scheduled for completion. Mr. Drury responded
8 that goal is to finish it in 2012, the 100 year anniversary of the pavilion.

9
10 Norm Hope, Fox Run

11
12 Mr. Hope spoke in support of the project. He said his 50th wedding anniversary is in
13 2013 and he has made known his wish to reserve the pavilion for February 22nd.

14
15 **MOTION**

16
17 **Bob Grenier moved for staff to continue to work with the Tourist Development**
18 **Council on this funding process, seconded by Kirby Smith. The motion carried**
19 **unanimously 5-0.**

20
21 **XII. OLD BUSINESS**

22
23 None.

24
25 **XIII. NEW BUSINESS**

26
27 **Tab 1) Continuing Encroachment Agreement**

28 Ms. Frye stated this request was received from Attorney Blanchard for Tavares property owner
29 Jeff Pfister. She said the second level of the building encroaches over the right of way on West
30 Main Street by 13.9 feet. This agreement will allow the encroachment to exist unless the
31 building is demolished or destroyed in which case the city would have to consent for it to be re-
32 built.

33
34 Vice Mayor Pfister declared a conflict on this matter noting the overhang is part of her
35 apartment.

36
37 Mayor Wolfe asked for comment from the public.

38
39 **MOTION**

40
41 **Kirby Smith moved to approve the continuing encroachment agreement, seconded by**
42 **Sandy Gamble. The motion carried 4-0 unanimously with Vice Mayor Pfister abstaining.**

1
2 **XIV. AUDIENCE TO BE HEARD**

3
4 Charlotte Hope

5
6 Ms. Hope said she thought the Tavares Chamber of Commerce should be supported. She also
7 expressed concern that she had not seen advertisements for Tavares events in the September
8 Style magazine. She added that in the future when decisions are made that Council should
9 ensure that the background has been reviewed and due diligence has been followed when
10 anything is considered involving money. She questioned the amount (\$140,000) that had been
11 disallowed on the lien issue discussed earlier.

12
13 **XV. REPORTS**

14
15 **Tab 12) City Administrator**

16
17 Mr. Drury stated the city had representation at the Tavares Chamber Gala this past week and it
18 was the highest attended Chamber Gala yet. He noted the City and the Chamber has worked
19 well together.

20
21 **Economic Development Director**

22
23 Mr. Neron said he would be on a cruise next week and to contact Cecilia Smith for assistance.

24
25 **Public Works Interim Director**

26
27 Mr. Thompson noted that the repaving has almost been completed and re-striping will follow in
28 about 30 days. In addition he stated the four alleys with the brick pavers started today and will
29 take one or two months. The alleys are also being graded.

30
31 Mr. Thompson thanked Council on behalf of the employees for their action on the budget.

32
33 **Fire Department**

34
35 Chief Keith said on behalf of the Horizon Project team for public safety he wished to thank
36 Council for their support.

37
38 **Community Services**

39
40 Ms. Rogers discussed the upcoming grand opening of the Dog Park on October 23rd as well as
41 the Harvest Moon Event. She thanked Vice Mayor Pfister for her vision and support of the
42 project and event.

43
44 **Tab 13) City Council**

1
2 **Vice Mayor Pfister**
3

4 None.
5

6 **Councilmember Gamble**
7

- 8
- Thanked Mr. Rumble for his assistance in getting his computer on line for the meeting
 - Thanked Mr. Thompson for the information he had provided regarding the sidewalks and streets and the updates on the roads. He said he receives a lot of questions from residents on roads and sidewalks.
 - Thanked Council for working together on the budget. He said he would like to see sooner a preview/rough draft of what the budget will look next year.
- 14

15 **Councilmember Grenier**
16

- 17
- Thanked Council for their work on the budget and noted it was a complex task and he appreciated everyone's efforts
 - Noted that in 1912 Mr. Coven had his drawings completed for the pavilion and by Christmas of 1912 the Council had approved the plans. He said by 1913 events were held but the official completion was in 1914.
- 22

23 **Councilmember Smith**
24

- 25
- Noted that the company that is doing the rentals of jet skis has allowed a boat trailer with a boat and a couple of canoes parked in two parking places. He said he thought they should be moved to a different area so they are accessible to the public
 - He discussed parking issues that interfere with the ramp.
 - Presented a photograph to Chief Lubins of his son Wade Smith who has recently received his driver's license.
- 31

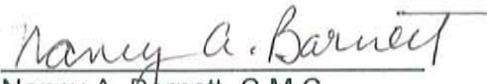
32 **Mayor Wolfe**
33

34 No report.
35

36 **Adjournment**

37 There was no further business and the meeting was adjourned at 6:36 p.m.
38

39 Respectfully submitted,
40

41 
42 _____
43 Nancy A. Barnett, C.M.C.
44 City Clerk

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**CITY OF TAVARES
TAVARES CITY COUNCIL
DATE OF MEETING: NOVEMBER 17, 2010**

AGENDA TAB NO: 6

SUBJECT TITLE Designation of Bank for Official Depository

OBJECTIVE:

To consider the designation of Sun Trust Bank as the official depository for the city.

SUMMARY:

The City has utilized SunTrust Bank as the official depository for the city for the past several years. SunTrust is a State of Florida Authorized Depository and provides collateral of U.S. Treasury Securities (specifically designated) for all City of Tavares Deposits.

Staff is currently developing a Request for Proposals (RFP) for issuance in the current fiscal year. Once the RFP has been issued and evaluated, staff will present findings to Council for award. The RFP will also address various banking options to enhance efficiencies and customer service delivery.

OPTIONS

- 1) Move to approve SunTrust Bank to be the official depository
- 2) Do not approve SunTrust Bank as the official depository

STAFF RECOMMENDATIONS:

Staff recommends approval of SunTrust Bank as the official depository for the City.

FISCAL IMPACTS:

N/A

LEGAL SUFFICIENCY:

N/A

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
NOVEMBER 17, 2010**

AGENDA TAB NO. 7

SUBJECT TITLE: Designation of those Authorized to Sign Checks

OBJECTIVE:

To designate those who are authorized to sign checks for city business.

SUMMARY:

Staff recommends approval of the Mayor, Vice Mayor, City Administrator and the Finance Director as those designated to sign checks. This is consistent with past policy.

City disbursements (checks) will utilize one signature from the Mayor or the Vice Mayor and one signature from the City Administrator or the Finance Director.

OPTIONS: N/A

STAFF RECOMMENDATION:

Move to authorize the Mayor, Vice Mayor, City Administrator and the Finance Director to be authorized to sign checks.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: N/A

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: NOVEMBER 17, 2010**

AGENDA TAB NO. 8

**SUBJECT TITLE: 2010 UNITED STATES DEPARTMENT OF JUSTICE –
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
DIRECT FOR A SURVEILLANCE CAMERA**

OBJECTIVE:

To consider the request to apply for and accept funding from the 2011 United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant (JAG) Direct for purchase of a Surveillance Camera in the amount of \$2,678.

SUMMARY:

The U.S. Department of Justice will be dispersing Edward Byrne Memorial Justice Assistance (JAG) Direct funds through a reimbursable grant. The allotment for the City of Tavares is \$2,678. This funding will be used to purchase a Wireless Broadband Internet Protocol (IP) Surveillance Camera to be used by employees of the Tavares Police Department.

OPTIONS:

- 1) Apply and accept U.S. Department of Justice – Edward Byrne Memorial Justice Assistance Grant (JAG) Direct funding in the amount of \$2,678.
- 2) Do not apply for the grant

STAFF RECOMMENDATION:

Move to apply for the U.S. Department of Justice –Edward Byrne Memorial Justice Assistance Grant (JAG) Direct.

FISCAL IMPACT:

100% reimbursable grant with no match requirement

LEGAL SUFFICIENCY:

This has met legal sufficiency.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
NOVEMBER 17, 2010**

AGENDA TAB NO. 9

FIRST READING

**SUBJECT TITLE: Ordinance 2010-19
PD Amendment – Oak Bend Subdivision-S.R. 19**

OBJECTIVE:

To consider Ordinance 2010-19, an ordinance that amends Oak Bend's PD Ordinance 2005-04, by substituting the provision for 96 single-family attached dwellings (townhomes) for 53 single-family detached dwellings.

SUMMARY:

The Oak Bend subdivision is located on the west side of S.R. 19, across from Royal Harbor. The PD ordinance for this subdivision was approved in 2005. The Planned Development zoning permitted 111 single-family detached dwellings and 96 single-family attached dwellings. The property was platted to provide lots for these two types of dwellings.

No attached dwellings have been constructed or sold and it is the owner's opinion that the property can best be developed exclusively as a single-family detached subdivision. This is generally consistent with the City's Comprehensive Plan that encourages higher residential densities within our urban core. The proposed amendment will reduce the net upland density of this property from 4.81 dwelling units per acre to 3.93 dwelling units per acre. Impacts on all city services will be reduced proportionately to this change in density. Other than amending the permitted dwelling types, the Planned Development regulations for this subdivision shall remain unchanged. The owner will be required to submit updated utility and drainage plans to address the reconfiguration of the lots. The roads within the subdivision have already been constructed and will not be altered. A new plat of subdivision, reflecting the amended conceptual plan, must be approved and recorded.

Oak Bend is located on the southern extremity of the city. Staff is recommending approval of the amendment due to the potential reduction of impacts on city services in a manner that is consistent with the encouragement of higher residential densities within the urban core.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its October 21st meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2010-19.

STAFF RECOMMENDATION:

At Final Reading, staff will recommend that Council moves to approve Ordinance 2010-19.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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ORDINANCE 2010-19

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA
AMENDING PUD ORDINANCE 2005-04; AN ORDINANCE THAT
GOVERNS THE DEVELOPMENT OF THE OAK BEND
SUBDIVISION ON S.R. 19; SUBSTITUTING THE PROVISION
FOR 96 SINGLE-FAMILY ATTACHED DWELLINGS FOR 53
SINGLE-FAMILY DETACHED DWELLINGS; AMENDING THE
CONCEPTUAL MASTER PLAN FOR THE SUBDIVISION TO
REFLECT THIS CHANGE; SUBJECT TO THE RULES,
REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY
OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on March 2, 2005, the City of Tavares adopted Ordinance 2005-04, an ordinance generally known as the Oak Bend (Rhodes Property) Planned Development Zoning Ordinance; and

WHEREAS, Ordinance 2005-04 permitted 111 single-family detached dwellings and 96 single-family attached dwellings and the property, legally described in that ordinance and shown as Exhibit "C" to this ordinance, was platted (**Exhibit "B"**) to provide lots for the permitted dwellings; and

WHEREAS, no single-family attached dwellings have been constructed or sold on this property; and

WHEREAS, the property owner desires to amend Ordinance 2005-04 by substituting the 96 single-family attached dwellings provided for in that ordinance for 53 single-family detached dwellings; and

WHEREAS, the City of Tavares City Council has determined that adoption of this ordinance is in the best interest of the general health, welfare and safety of the citizens of Tavares; therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

1 **Section 1. PUD Amendment:**

2 That Sections 2.2 and 2.3 of Ordinance 2005-04 are amended as follows:

3
4 **Section 2.2 Land Uses**

5 A. The Conceptual Master Plan for the project is attached hereto and made a part herewith
6 as **Exhibit "A"**. Elements in the Conceptual Master Plan include residential (single-
7 family detached and single-family attached) acreage, recreation space, open space, and
8 jurisdictional wetlands. The general location of each of these land uses has been
9 established as depicted in the Conceptual Master Plan. Out of the 57.64-acre site, the
10 approximate acreage devoted to each land use shall be as follows:

11		
12	Permitted Uses	Single-family Detached Residential
13		Single-family Attached Residential
14		
15	Total Acreage	57.64 gross acres
16	Maximum Units	207 <u>164</u> dwelling units
17	Single-family Detached Residential	414 <u>164</u> dwelling units
18	Single-family Attached Residential	96 dwelling units
19	Gross Density	3.59 <u>2.84</u> dwelling units per acre
20	Net Upland Density	4.84 <u>3.93</u> dwelling units per acre

21
22 **Site Specific Acreage Breakdown:**

23	Common Areas:	
24	Stormwater Retention Areas	3.49 acres
25	Recreational Space	4.03 acres
26	Jurisdictional Wetlands	15.96 acres
27	Total Common Areas	23.48 acres
28	Total Residential Acreage	<u>34.16 acres</u>
29		
30	Total Gross Acreage	57.64 acres

31
32 B. The jurisdictional wetlands may include an elevated boardwalk, picnic area and trail
33 system subject to permitting requirements of the St. Johns River Water Management
34 District and/or the Florida Department of Environmental Protection.

1 C. A minimum of five percent (5%), or approximately 2.88 acres, of the upland areas shall
2 be dedicated to recreational uses.

3
4 D. In addition to the planned elements shown on the Master Plan, such easements and
5 rights-of-way shall be established within or adjacent to the project site as may be
6 necessary or desirable for the service, function or convenience of the project, said
7 easements and rights of way to be determined and indicated on recorded plats of the
8 property or any portion thereof.

9
10 E. The development may be constructed in multiple phases, consistent with the Tracts
11 proposed in the Conceptual Master Plan. Each phase shall be platted and developed so
12 that it constitutes a self-contained unit, not dependent on any other phases of the
13 development.

14
15 **Section 2.3 Development Standards**

16 Unless otherwise specified herein the development standards of the City of Tavares
17 Land Development Code shall apply as follows:

18
19
20 Single-family detached dwelling units shall comply with the RSF-1 zoning district
21 standards.

22
23 ~~Single-family attached dwelling units shall comply with the RMF zoning district~~
24 ~~standards, and specifically section 8-39. The single-family attached dwelling units shall~~
25 ~~not be developed as rental units. The attached dwelling units shall be limited to 6~~
26 ~~dwelling units per single building and each such building shall comply with the~~
27 ~~commercial architectural standards of the Land Development Regulations.~~

28
29 A. Setbacks. All setbacks shall be measured from the property line to the foremost vertical
30 face of the structure. Where any setbacks conflict with required easement widths, the
31 easement widths, if larger, shall prevail.

32
33 1. Single-Family Detached Dwelling Units

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(a) Principal Structure

Front setback	25'
Rear setback	20'
Side setback 50-foot lots (internal)	5'
Side setback 60-foot lots (internal)	6'
Side adjacent to ROW	12.5'
From Jurisdictional Wetlands Line	25'

(b) Accessory Structures, Pools and Screen Enclosures, Detached Garages.
All accessory structures, pools and screen enclosures shall be located in the rear yard.

Rear setback	5'
Side setback (internal)	same as principle structure
Side adjacent to ROW	same as principle structure
From Jurisdictional Wetlands Line	25'

~~2. Single Family Attached Dwelling Units:~~

~~Single family attached dwelling units shall be limited to six (6) dwelling units per single building. The setbacks per building are as follows:~~

~~(a) Principal Structure~~

Front setback	25'
Rear setback	15'
Side adjacent to ROW	15'
Distance between buildings	10'
From Jurisdictional Wetlands Line	25'

1 (b) ~~Accessory Structures, Pools and Screen Enclosures, Detached Garages.~~
2 All accessory structures, pools and screen enclosures shall be located in
3 the rear yard.

4
5 Rear setback _____ 5'

6 Side setback (building) _____ same as principle structure

7 Side adjacent to ROW (building) _____ same as principle structure

8 Side setback (internal units) _____ 5'

9 From Jurisdictional Wetlands Line _____ 25'

10
11 B. Lot Requirements

- 12 1. Minimum Lot Widths and Areas. The minimum lot size for single-family dwelling
13 units shall be no less than five-thousand-five-hundred (5,500) square feet with
14 minimum lot width of fifty feet (50'). ~~Minimum lot size equivalent for town-house~~
15 ~~dwelling units shall be two thousand seven hundred and fifty square feet (2,750).~~
16 2. Corner Lots. Corner lots shall be fifteen percent (15%) larger in area and width
17 than as required above.
18 3. Maximum lot coverage and impervious surfaces. Maximum lot coverage by
19 impervious surfaces shall not exceed sixty percent (60%) of the total lot area.
20 Impervious surfaces shall not exceed thirty-five percent (35%) of any front yard.
21 4. Lot widths and areas shall substantially conform to those indicated on the
22 attached Conceptual Plan.

23
24 C. Dwelling size. The minimum dwelling size for all single-family ~~and town-home~~
25 residences shall be one-thousand-two-hundred (1,200) square feet of heated/air-
26 conditioned space under roof, exclusive of a garage.

27
28 D. Height of Structures. The height of a structure shall be determined by measuring the
29 distance from mean grade elevation to the highest point of the roof and shall not exceed
30 thirty-five feet (35').

1 ~~E. Architectural Standards~~

2 ~~1. Each single-family attached dwelling unit shall have a garage, attached or~~
3 ~~detached, placed a minimum of 3 feet (3') to the rear of the front façade of said~~
4 ~~dwelling unit.~~

5 ~~2. Each single-family attached building shall comply with specific sections of the~~
6 ~~City's Architectural Standards as set forth in Chapter 9 of the Land Development~~
7 ~~Regulations as follows:~~

- 8 ~~• Section 8-29(B) Roof Standards.~~
- 9 ~~• Section 8-29(D) Massing Standards~~
- 10 ~~• Section 8-29(E) Design Elements~~
- 11 ~~• Section 8-29(F) Building Materials Standards~~
- 12 ~~• Section 8-29(G) Exterior Colors~~

13
14 F. Lighting. Street lighting shall be installed by the Developer at each intersection and at
15 the end of each cul-de-sac in accordance with the minimum standards as set forth by the
16 local power provider. Design of fixtures shall be subject to approval of the City of
17 Tavares, with submission of said design required at time of application of construction
18 plans. Design shall incorporate a theme. Lighting shall be at least fifteen feet (15') in
19 height and no more than thirty feet (30') in height, with lighting focused in a downward
20 direction. Fixture locations shall be approved by the City prior to installation.

21
22 G. Landscaping and Buffer Requirements.

- 23 1. State Road 19. Buffering along State Road 19 shall consist of the following:
- 24 • There shall be a six foot (6') wall along the property line adjacent to S.R.
25 19. The wall shall be either brick, block/stucco or split-face block. The
26 ends of the walls shall extend inward toward the development a minimum
27 of 20 feet (20').
 - 28 • A continuous hedge, planted thirty-six inches (36") on center, two feet (2')
29 high at the time of planting shall be planted on the roadway side of the
30 wall.
 - 31 • One (1) canopy tree each fifty lineal feet (50') shall be planted on the
32 roadway side of the wall. Sub-canopy trees may be substituted for canopy

1 trees at a ratio of 3 to 1 up to a maximum of one-fourth (1/4) of the
2 canopy trees required.

- 3 2. Perimeter Buffering. Along the perimeter of the parent tract that is not adjacent to
4 State Road 19, landscaping and buffering shall be required per the Land
5 Development Regulations effective at the time of development.
- 6 3. Plant material specifications and approved species shall meet the requirements of
7 Chapter 11 of the City of Tavares land Development Regulations in effect at the
8 time of development.
- 9 4. All landscaped and common areas shall be in place at time of final plat approval and
10 shall be properly irrigated and maintained by the established Homeowners
11 Association or by the Developer.
- 12 5. All landscaped and common areas shall be in a self-contained tract or easement
13 that is maintained by the Homeowners Association or by the Developer.
- 14 6. Each single-family detached lot ~~or single-family attached lot area equivalent~~ shall
15 contain a minimum of number of trees as follows:
- 16 • Lots 6000 square feet and greater – 3 trees
 - 17 • Lots less than 6000 square feet – 2 trees

18 Trees shall be considered canopy trees per the approved species list as set forth in
19 the Land Development Regulations, a minimum of 2.5 inches in diameter breast
20 height. Existing trees greater than 6 inches diameter breast height may be counted
21 toward this minimum requirement.

22

23 H. Fences. Any fencing or walls located along the perimeter of the parent tract shall be
24 uniform in design, materials, color, and height, with such requirement incorporated into
25 the deed restrictions recorded at the time of final plat recording. No fences abutting
26 right-of-way shall consist of wood or chain link.

27

28 I. Signage. Signage shall conform to the City of Tavares Land Development Regulations
29 regarding subdivision signage.

30

31 J. Recreation Area. Recreational equipment approved by the City of Tavares at time of
32 final platting shall be located in an area designated on the attached Conceptual Plan as

1 "Tract A, Recreational Area." The designated recreational area shall provide, at a
2 minimum, a five-foot-wide (5') trail and exercise course consisting of a minimum of ten
3 (10) amenity items including benches, barbeque grills, and components of the exercise
4 course. Said trail shall be in place prior to the issuance of the first certificate of
5 occupancy issued within this development. Said trail may consist of a paved or a
6 stabilized mulch surface.

7
8 K. Tree Preservation.

9
10 1. Under no circumstances shall any tree, regardless of size or species, be
11 removed from any designated wetland or conservation easements.

12
13 2. A minimum of one-quarter of the existing trees measured 6 inches in diameter
14 breast height or greater shall be preserved on site. Should preservation of these
15 trees interfere with reasonable development of the site, replacement trees may
16 be planted at the following ratio.

17 (a) Existing trees 6 to 12 inches dbh may be replaced with 1 tree a minimum
18 of 2.5 inches dbh.

19 (b) Existing trees 13 to 20 inches dbh may be replaced with 2 trees a
20 minimum of 2.5 inches dbh.

21 Replacement trees shall be considered canopy trees per the approved species
22 list as set forth in the Land Development Regulations.

23 3. All trees twenty inches in diameter or greater shall be preserved and lot design
24 shall accommodate said preservation.

25 (a) Said trees may be removed upon application to the City for a tree removal
26 permit subject to the following conditions:

27 (1) The tree is located within the building pad of the proposed
28 dwelling unit or within 10 feet of the building pad.

29 (2) The tree materially interferes with the location, servicing or
30 function of the utility lines or services, right-of-ways, or stormwater
31 retention areas.

32 (3) The tree is diseased or weakened by age, abuse, storm or fire and

1 is likely to cause injury or damage to people, buildings or other
2 improvements.

3 (b) Replacement Requirements. Trees required to be preserved under
4 subsection 3 and which have been approved for removal subject to
5 subsection 3(a) shall be replaced in accordance with the following:

6 (1) For each inch of tree removed an inch of tree shall be replaced,
7 said tree being measured at diameter breast height. Replacement
8 trees shall be a minimum of six inches in diameter breast height.

9 (2) Replacement trees shall be considered canopy trees per the
10 approved species list as set forth in the Land Development
11 Regulations.

12 4. Replacement tree may be moved from one location to another within the
13 development subject to each lot meeting the minimum planting standards as set
14 forth in G.6 above.

15 5. Trees removed pursuant to the criteria specified in this section shall be replaced
16 at the expense of the applicant.

17
18 **Section 2. Severability and Conflicts**

19
20 The provisions of this ordinance are severable and it is the intention of the City Council of
21 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of
22 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the
23 decision of such court shall not impair any remaining provisions of this ordinance.

24
25 **Section 3. Effective Date**

26 This Ordinance shall take effect immediately upon its final adoption by the Tavares City
27 Council.

28
29 **PASSED AND ADOPTED** this _____ day of _____, 2010 by the City Council of
30 the City of Tavares, Florida.

31
32 _____
33 Robert Wolfe, Mayor
34 Tavares City Council
35
36

1 First Reading: _____

2

3 Passed Second Reading: _____

4

5 ATTEST:

6

7

8 _____
Nancy A. Barnett, City Clerk

9

10
11 Approved as to form:

12

13

14 _____
Robert Q. Williams, City Attorney

15

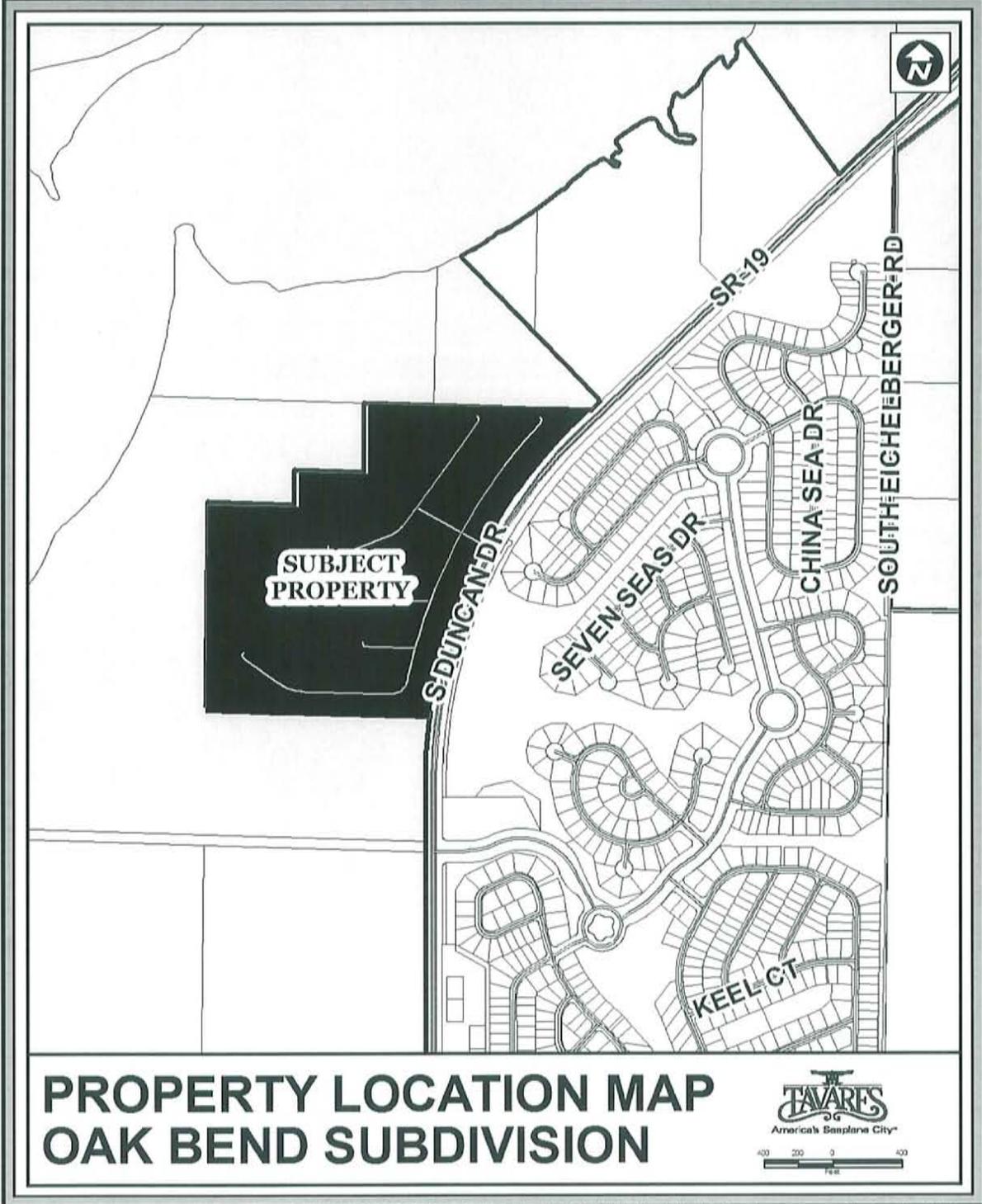
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CITY OF TAVARES



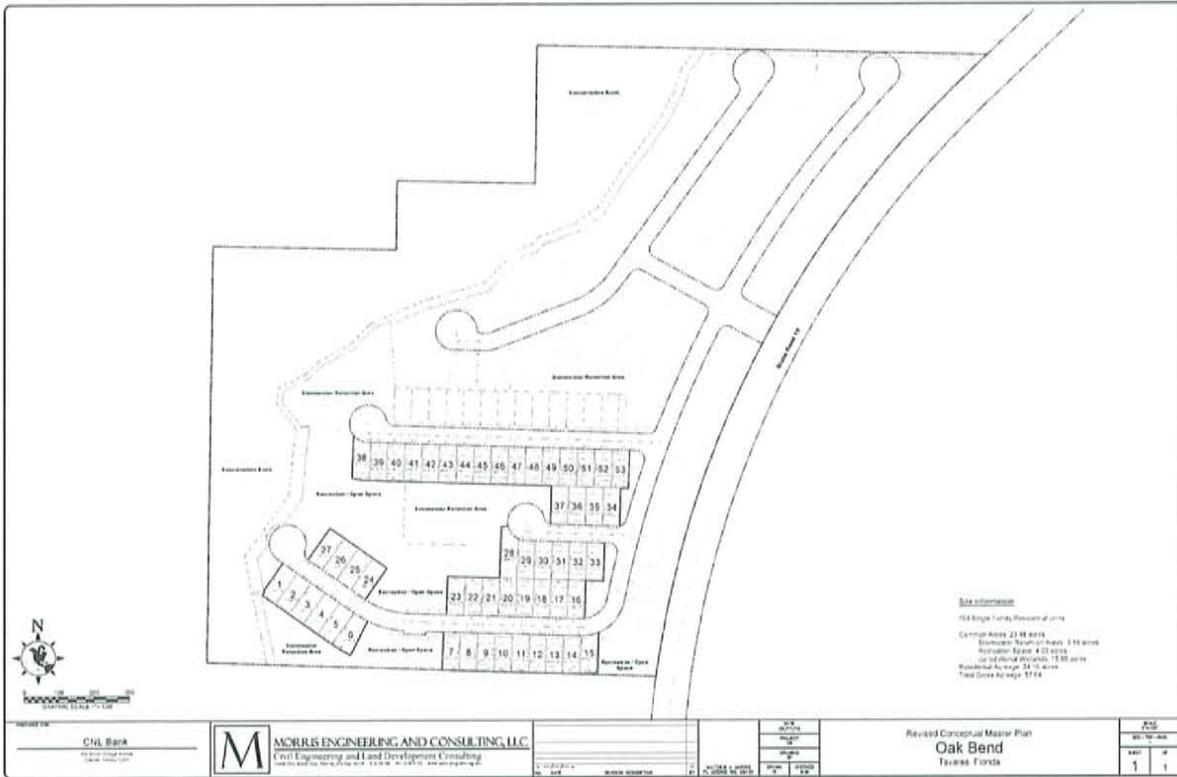
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Map Created on 10/1/10

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Exhibit "A" Revised Master Conceptual Plan



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Exhibit "C"
Legal Description

GOVERNMENT LOT 3, LESS THE SOUTH 810.00 FEET THEREOF.

ALSO LESS: THAT PART OF THE SOUTH 200.00 FEET OF THE NORTH 600.00 FEET THEREOF, LYING WEST OF A LINE, SAID LINE BEING 800.00 FEET WEST OF AND PARALLEL WITH, THE EAST LINE OF SAID GOVERNMENT LOT 3, WHEN MEASURED AT RIGHT ANGLES THERETO.

ALSO LESS: THAT PART OF THE NORTH 400.00 FEET THEREOF, LYING WEST OF A LINE, SAID LINE BEING 400.00 FEET WEST OF, WHEN MEASURED AT RIGHT ANGLES THERETO, THE EAST LINE OF SAID GOVERNMENT LOT 3, ALL BEING IN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

ALSO: THAT PART OF THE NORTHEAST 1/4 OF SAID SECTION 13, LYING WESTERLY AND NORTHWESTERLY OF THE WESTERLY AND NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 19, AS IT EXISTS THIS 10TH DAY OF DECEMBER, 1986.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RECOVERED TWO INCH IRON PIPE BEARING NO LAND SURVEYOR IDENTIFICATION NUMBER MARKING THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER, AND THE NORTHEAST CORNER OF GOVERNMENT LOT 3, OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 88 DEGREES 44 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 901.95 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 19, A 100.00 FEET WIDE RIGHT OF WAY; THENCE RUN SOUTH 46 DEGREES 23 MINUTES 59 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 110.07 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2914.90 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND AFORESAID RIGHT OF WAY LINE 1968.90 FEET THROUGH A CENTRAL ANGLE OF 38 DEGREES 42 MINUTES 04 SECONDS TO THE NORTH LINE OF THE SOUTH 810.00 FEET OF THE AFOREMENTIONED GOVERNMENT LOT 3; THENCE RUN NORTH 88 DEGREES 06 MINUTE 01 SECONDS WEST ALONG SAID NORTH LINE A DISTANCE OF 1298.31 FEET TO THE WEST LINE OF AFOREMENTIONED GOVERNMENT LOT 3; THENCE RUN NORTH 00 DEGREES 47 MINUTES 29 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 1202.72 FEET TO THE SOUTH LINE OF THE NORTH 600.00 FEET OF SAID GOVERNMENT LOT 3; THENCE RUN SOUTH 88 DEGREES 44 MINUTES 01 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 529.41 FEET TO THE WEST LINE OF THE EAST 800 FEET OF SAID GOVERNMENT LOT 3; THENCE RUN NORTH 00 DEGREES 47 MINUTES 29 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 200.01 FEET TO SOUTH LINE OF THE NORTH 400.00 FEET OF SAID GOVERNMENT LOT 3; THENCE RUN SOUTH 88 DEGREES 44 MINUTES 01 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 400.01 FEET TO THE WEST LINE OF THE EAST 400.00 FEET OF SAID GOVERNMENT LOT 3; THENCE RUN NORTH 00 DEGREES 47 MINUTE 29 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 400.01 FEET TO THE NORTH LINE OF THE NORTHWEST ONE QUARTER OF AFORESAID SECTION 13 AND THE NORTH LINE OF THE AFORESAID SECTION 13 AND THE NORTH LINE OF THE AFOREMENTIONED GOVERNMENT LOT 3; THENCE RUN SOUTH 88 DEGREES 44 MINUTES 01 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 400.01 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 56.73 ACRES, MORE OR LESS.

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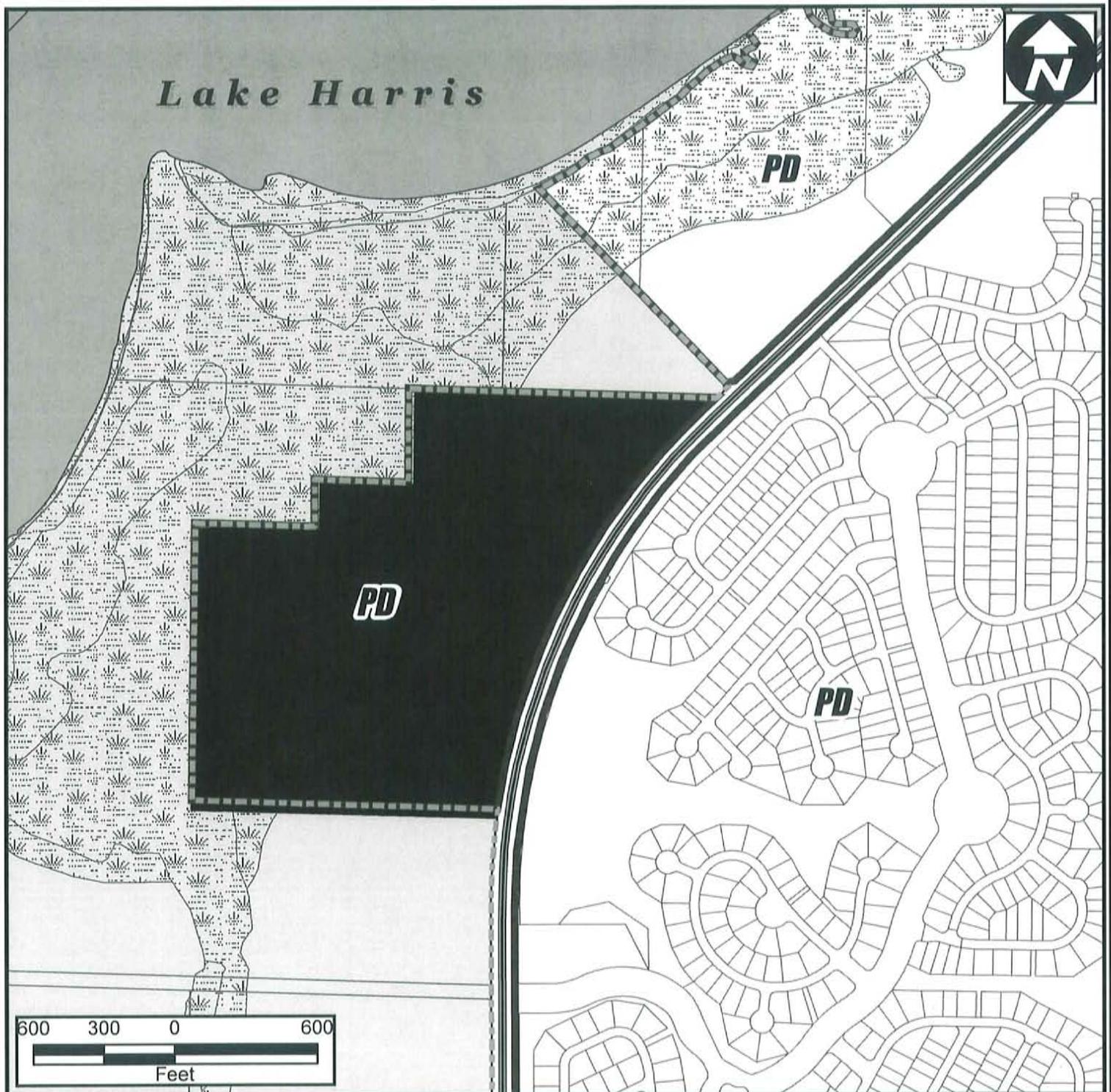
CITY OF TAVARES



PROPERTY LOCATION MAP OAK BEND SUBDIVISION



CITY OF TAVARES ORDINANCE # 2010-19



- RSF-A Residential Single Family
- RSF-1 Residential Single Family
- RMF-2 Residential Multi-Family
- RMF-3 Residential Multi-Family
- RMH-S Residential Manufactured Home Sub.
- RMH-P Residential Manufactured Home Park
- PD Planned Development District
- MU Mixed Use District
- C-1 General Commercial
- C-2 Highway Commercial
- CD Commercial Downtown District
- I Industrial District
- PFD Public Facilities District



ZONING MAP

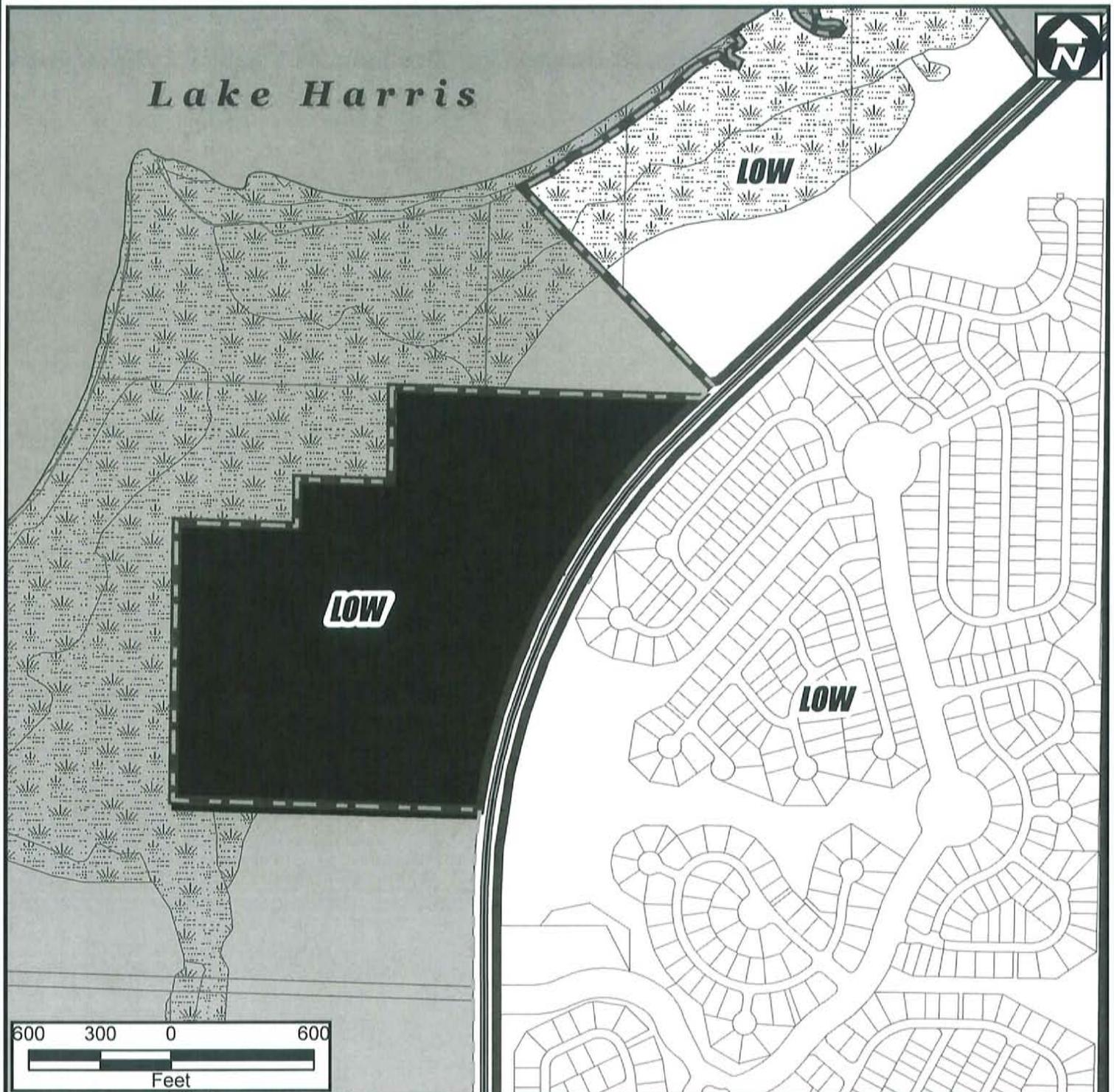
ORDINANCE # 2010-19

OAK BEND SUBDIVISION

Current Zoning:
City PD
56.73 ± Acres

Legend	
	CITY BOUNDARY
	ZONING
	SUBJECT PROPERTY
	UNINCORPORATED
	MAJOR ROADS
	STREETS
	PARCELS
	CONS/WETLANDS

CITY OF TAVARES ORDINANCE # 2010-19



SUB	Suburban	3.0 DU/Acre
SUB EX	Suburban Expansion	4.0 DU/Acre
LOW	Low Density	5.6 DU/Acre
MOD	Moderate Density	10 DU/Acre
MED	Medium Density	12 DU/Acre
HD	High Density	12-25 DU/Acre
MH	Mobile Home	8.7 DU/Acre
MUN	Mixed Use Neighborhood	12 DU/Acre
MUC	Mixed Use Commercial	25 DU/Acre
COM	Commercial	
CD	Commercial Downtown	25 DU/Acre
IND	Industrial	
PUB	Public Facility/Institutional	
CONS	Westlands & Conservation	

FUTURE LAND USE MAP ORDINANCE # 2010-19 OAK BEND SUBDIVISION

Current FLU:
City LOW
56.73 ± Acres

	CITY BOUNDARY		MAJOR ROADS
	FLU		STREETS
	SUBJECT PROPERTY		CONS/WETLANDS
	UNINCORPORATED		PARCELS

THE CITY OF TAVARES NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2010-20 titled as follows:

ORDINANCE 2010-20

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA; REZONING APPROXIMATELY 10 ACRES OF LAND LOCATED GENERALLY AT THE NORTHEAST INTERSECTION OF DAVID WALKER ROAD AND OLD U.S. 441 FROM RMI-2 (RESIDENTIAL MULTI-FAMILY) TO PD (PLANNED DEVELOPMENT DISTRICT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2010-20 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on October 21, 2010, at 3 p.m.; and
2. Tavares City Council meeting on November 3, 2010 at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on November 17, 2010, at 4 p.m. (Second Reading)

All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2010-20 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinances. It is City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing, if you are hearing or voice impaired, call (352) 742-6433.

Please direct any questions on this proposed ordinance to Jacques Skult, Community Development Director, at 742-6404.



THE CITY OF TAVARES NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2010-19 titled as follows:

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING PD ORDINANCE 2005-04; AN ORDINANCE THAT GOVERNS THE DEVELOPMENT OF THE OAK BEND SUBDIVISION ON S.R. 19; SUBSTITUTING THE PROVISION FOR 96 SINGLE-FAMILY ATTACHED DWELLINGS FOR 53 SINGLE-FAMILY DETACHED DWELLINGS; AMENDING THE CONCEPTUAL MASTER PLAN FOR THE SUBDIVISION TO REFLECT THIS CHANGE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

Proposed Ordinance 2010-19 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on October 21, 2010, at 3 p.m.; and
2. Tavares City Council meeting on November 3, 2010 at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on November 17, 2010, at 4 p.m. (Second Reading)

All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2010-19 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.



Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinances. It is City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing, if you are hearing or voice impaired, call (352) 742-6433.

Please direct any questions on this proposed ordinance to Jacques Skult, Community Development Director, at 742-6404.

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1 | ~~Bob Williams, City Attorney, gave the oath to staff and those members of the audience who~~
2 | ~~indicated they would be giving testimony.~~

3
4 | **CASES TO BE HEARD**

5
6 | **1) Recommendation of Ordinance 2010-19 - Oak Bend Subdivision – Rezoning (PD**
7 | **Amendment)**

8
9 | Jacques Skutt provided the following staff report;

10
11 | Objective – To consider Ordinance 2010-19, an ordinance that amends Oak Bend's PD
12 | Ordinance 2005-04, by substituting the provision for 96 single-family attached dwellings
13 | (townhomes) for 53 single-family detached dwellings.

14
15 | Summary – The Oak Bend subdivision is located on the west side of S.R. 19, across
16 | from Royal Harbor. The PD ordinance for this subdivision was approved in 2005. The
17 | Planned Development zoning permitted 111 single-family detached dwellings and 96
18 | single-family attached dwellings. The property was platted to provide lots for these two
19 | types of dwellings.

20
21 | No attached dwellings have been constructed or sold and it is the owner's opinion that
22 | the property can best be developed exclusively as a sing-family detached subdivision.
23 | This is generally consistent with the City's Comprehensive Plan that encourages higher
24 | residential densities within our urban core. The proposed amendment will reduce the
25 | net upland density of this property from 4.81 dwelling units per acre to 3.93 dwelling
26 | units per acre. Impacts on all city services will be reduced proportionately to this
27 | change in density. Other than amending the permitted dwelling types, the Planned
28 | Development regulations for this subdivision shall remain unchanged. The owner will be
29 | required to submit updated utility and drainage plans to address the reconfiguration of
30 | the lots. The roads within the subdivision have already been constructed and will not be
31 | altered. A new plat of subdivision, reflecting the amended conceptual plan, must be
32 | approved and recorded.

33
34 | Oak Bend is located on the southern extremity of the city. Staff is recommending
35 | approval of the amendment due to the potential reduction of impacts on city services in
36 | a manner that is consistent with the encouragement of higher residential densities within
37 | the urban core.

38
39 | Vice Chairman Gardner asked for comments from the Board.

40
41 | Mr. Grist noted that the PD ordinance was originally approved in 2005 and asked if there was a
42 | time limit placed on that approval. Mr. Skutt said there was a time limit in the original PD that
43 | required the platting to be completed within a certain time period. He said that once a property
44 | has been platted that plat remains forever whether structures/homes are placed on the
45 | property or not. He noted this property has been platted as required.

46
47 | Ms. Russ asked how many homes were currently occupied within the subdivision. Mr. Skutt
48 | said 2-3 homes with the remainder being model homes.

49
50 | Matt Morris, representing the property owner (C & L Bank), said homes have been constructed
51 | on individual lots and that he does not know how many are occupied. Ms. Russ asked if the
52 | bank was the new owner of the property. Mr. Morris said the bank owns the portion under

1 consideration and noted there are private single family owners and/or lots which are not
2 included in the proposed changes.

3
4 Mr. Grist stated his support and noted his approval regarding the reduction in the number of
5 dwelling units. Vice Chairman Gardner noted his support.

6
7 **MOTION**

8
9 **Dolores Russ moved for approval, seconded by Jimmy Horner. The motion carried**
10 **unanimously, 5-0.**

11
12 **2) Recommendation on Ordinance 2010-20 - Liberty Baptist Church, Inc. - Rezoning**

13
14 Jacques Skutt provided the following staff report;

15
16 Objective — To consider the rezoning of approximately 10 acres of property located on
17 the northeast intersection of David Walker Drive and Old U.S. 441 from RMF-2
18 (Residential Multi-Family) to PD (Planned Development District)

19
20 Summary — The subject property is located in the northeast intersection of David Walker
21 Drive and Old U.S. 441 adjacent and south of the Chelsea Oaks Subdivision. The
22 property is approximately 10 acres in size and is currently vacant. The owners of the
23 property, the Liberty Baptist Church, had once considered relocating their church on
24 these lands. They concluded, however, it was in their best interest to sell this property.
25 The owners of the Shanti Niketan condominiums on David Walker Road have decided
26 to buy this property and develop it as Phase 2 of their project. The applicant is
27 requesting to rezone the property from RMF-2 (Residential Multi-Family) to PD (Planned
28 Development District).

29
30 The proposed Planned Development consists of a maximum of 120 age-restricted,
31 apartment or condominium dwelling units. The property bears a Future Land Use
32 designation of Medium Density (12 dwelling units per acre). The conceptual plan shows
33 multiple wings of one and two storey residential buildings with attached garages.
34 Parking is calculated on the basis of 1.35 spaces per dwelling unit. No commercial uses
35 will be allowed within this development. The community will be landscaped and
36 buffered in accordance with the City's Land Development Regulations. The applicant
37 shall obtain all necessary permits from applicable local, regional, state and federal
38 agencies as well as city site plan approval prior to any construction.

39
40 A traffic analysis has been submitted with a determination that the project will generate
41 an additional 12 new peak hour trips and is therefore exempt from requiring a full traffic
42 impact study under the Methodology Guidelines developed by the Lake Sumter MPO.
43 The applicant has elected to defer concurrency determination until the issuance of a
44 final development order (site plan).

45
46 The project is modeled after Phase 1 of the Shanti Niketan development further north on
47 David Walker Road. Phase 1 has proven to be very successful and has sold out.

48
49 The proposed rezoning is consistent with the existing Future Land Use designation of
50 Medium Density. The need for this type of residential housing has been established by
51 the success of Shanti Niketan Phase 1. Staff is recommending approval of the
52 rezoning.
53

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