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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
OCTOBER 20, 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
Lori Tucker, Human Resources Director
Lori Houghton, Finance 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

I CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Mark Andrews of Bridges, gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

1 Councilmember Gamble requested to move Tab 6 up for discussion as he would have
2 to leave the meeting early.

3
4 **MOTION**

5
6 **Kirby Smith moved for approval of the agenda with change requested by**
7 **Councilmember Gamble, seconded by Bob Grenier. The motion carried**
8 **unanimously, 5-0.**

9
10 **IV. APPROVAL OF MINUTES**

11
12 **MOTION**

13
14 **Kirby Smith moved for approval of the minutes of the July 28, 2010 City Council**
15 **Workshop, seconded by Bob Grenier. The motion carried unanimously, 5-0.**

16
17 **V. PROCLAMATIONS/PRESENTATIONS**

18
19 **Tab 2) City Government Week**

20
21 Mayor Wolfe read a proclamation designating October 17-23 as City Government
22 Week.

23
24 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE**
25 **CONTACTS**

26
27 Attorney Williams noted there were no quasi-judicial items on the agenda.

28
29 **Tab 6) Amendment to Contract with Waste Management to have City Collect**
30 **Trash in Mobile Home Parks**

31
32 Mr. Thompson stated the objective is for Council to consider approval of an amendment
33 to the contract with Waste Management for Mobile Home Park.

34
35 He presented the following report:

36
37 *The City currently contracts with Waste Management to provide solid waste collection*
38 *for commercial businesses and mobile home parks. As part of the contract Waste*
39 *Management provides free residential recycling as well as commercial dumpsters and*
40 *port-a-potties at City sponsored events.*

1
2 *In 2006 the contract was amended to transfer the responsibility of garbage collection in*
3 *mobile home parks from the City crews to Waste Management.*
4 *Under the current Contract, Waste Management is providing garbage collection to 8*
5 *mobile home parks in the City servicing 532 mobile home units at an estimated cost to*
6 *the City of \$127,000.*

7
8 *During budget discussions this summer, staff provided information to Council that due to*
9 *reorganization and new efficiencies in the Solid Waste Department, the City now has*
10 *the capacity and equipment to again provide City garbage collection services to mobile*
11 *home parks at a substantial lesser cost. The cost savings will remain in the Solid Waste*
12 *Enterprise Fund and be set aside for future vehicle replacement.*

13
14 *The City's current contract with Waste Management expires October 31, 2011. Waste*
15 *Management has agreed to amend its Contract to allow the City to again provide*
16 *garbage collection to mobile home parks effective November 1, 2010 contingent upon*
17 *the City granting a one-year extension to their current Contract providing for a new*
18 *expiration date of October 31, 2012.*

19
20 Discussion

21
22 Discussion followed on the cost savings by amending the contract. Mr. Thompson
23 estimated the savings conservatively at \$53,000.

24
25 Councilmember Smith said the savings was important to communicate to the public and
26 should be part of the agenda summary. He said he would have liked to see the contract
27 itself being extended but that he was in support.

28
29 Mayor Wolfe asked if the audience wished to comment.

30
31 MOTION

32
33 **Sandy Gamble moved to approve the amendment to the current Waste**
34 **Management Contract to provide garbage collection to mobile home parks**
35 **beginning November 1, 2010, extend the expiration of the current contract to**
36 **October 31, 2012, authorize the City Attorney to prepare a contract amendment to**
37 **reflect these changes and authorize the City Administrator to execute the**
38 **amended contract. The motion was seconded by Kirby Smith.**

39

1 Councilmember Smith stated he appreciated Councilmember Gamble bringing up the
2 issue of the cost savings.

3
4 **The motion carried unanimously 5-0.**

5
6 **VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

7
8 Ms. Barnett read the resolutions by title only:

9
10 **RESOLUTION 2010-13**

11
12 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAVARES,
13 FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT
14 OF THE CITY OF TAVARES COMPREHENSIVE PLAN; SUBJECT TO
15 THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE
16 CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

17
18 **RESOLUTION 2010-14**

19
20 **A RESOLUTION OF THE CITY OF TAVARES, RECOGNIZING AND
21 SUPPORTING THE SELF EVALUATION OF CITY OF TAVARES
22 FACILITIES FOR COMPLIANCE WITH THE AMERICAN'S WITH
23 DISABILITIES ACT AND THE CITY'S DESIRE TO INCREASE
24 ACCESSIBILITY TO ITS VARIOUS SERVICES, ACTIVITIES AND
25 PROGRAMS TO PERSONS WITH DISABILITIES.**

26
27 **VIII) CONSENT AGENDA**

28
29 None.

30
31 **IX. RESOLUTIONS – PUBLIC HEARING**

32
33 **Tab 3) Resolution #2010-13 – Adoption of Evaluation and Appraisal Report**

34
35 Mr. Skutt stated that this resolution adopts the Evaluation and Appraisal Report of the
36 City's Comprehensive Plan. The EAR is required to be done under the State's Growth
37 Management laws and its purpose is to evaluate how well the City's Comprehensive
38 Plan has performed over the last seven years. The City has contracted with Plan Design
39 Group to prepare the EAR. On May 20, 2010, City Council approved the draft version of
40 the EAR. It was sent to the Department of Community Affairs. They responded with an

1 Objections, Recommendations and Comment Report (ORC). Plan Design Group
2 revised the EAR. The revisions have been highlighted in yellow in the report. The
3 revisions are mainly clarifications and additional data that were required by DCA. Staff
4 has reviewed the updates and believe that PDG has done a good job responding to the
5 ORC. He noted Mr. Anderson was present to answer any questions. Staff recommends
6 approval of the Resolution which will authorize staff to submit the revised EAR to DCA
7 for final compliance determination.

8
9 Mayor Wolfe asked if Council had questions or if the audience had comments.

10
11 **MOTION**

12
13 **Bob Grenier moved to approve Resolution #2010-13 with the revisions noted and**
14 **authorize staff to transmit the report to DCA for compliance determination. The**
15 **motion was seconded by Kirby Smith.**

16
17 **The motion was approved unanimously 5-0.**

18
19 **Tab 4) Resolution #2010-14 – Evaluation of City Facilities for Compliance with the**
20 **Americans with Disabilities Act**

21
22 Mr. Skutt stated that this was a resolution that endorses the 2010 ADA Self Evaluation
23 Report for the City of Tavares. He said the report was prepared by Alisha Maraviglia,
24 Senior Planner with the assistance of the city's Risk Manager and Loss Prevention
25 Consultant and input from all city departments. Title II of the Americans with Disabilities
26 Act (ADA) requires all public entities with 50 or more employees to conduct a "Self
27 Evaluation" to make certain the entity is in compliance with the Act. Additionally, Title II
28 requires that the evaluation be retained for three years. Title II suggests that the
29 evaluations are completed periodically but does not dictate the frequency with which
30 new evaluations are to be done. The attached ADA Self Evaluation has been prepared
31 in compliance with the Federal regulation and will be available for review upon request
32 to the City Clerk's office. He noted that no significant deficiencies were noted in the
33 report and that it made three recommendations: 1) That the Personnel Policies
34 Handbook be updated to reflect the information 2) That the city continue to provide
35 training to employees on this topic and 3) that the city use its web site to inform the
36 public and employees about accommodations.

37
38 Mayor Wolfe asked if Council had questions or if the audience had input.

39
40 **MOTION**

1 **Sandy Gamble moved to approve Resolution #2010-14 endorsing the 2010 ADA**
2 **Compliance Self Evaluation, seconded by Bob Grenier. The motion carried**
3 **unanimously 5-0.**

4
5 **X. GENERAL GOVERNMENT**

6
7 **[Councilmember Gamble left the meeting at 4:27 p.m.]**

8
9 **Tab 5) Approval of Contract and Work Order with Don Bell Signs for Gateway**
10 **Signs & Kiosks**

11
12 Mr. Skutt reported that on August 18th, 2010, City Council approved the selection of Don
13 Bell Signs for the design, fabrication and installation of the City's gateway and
14 directional signage associated with the Wayfinding program. The Wayfinding program is
15 a multi-year project and staff was instructed to negotiate a continuing services contract
16 with Don Bell Signs which has been provided for Council approval.

17
18 He stated that in addition staff has negotiated a purchase agreement for one kiosk sign
19 to be located at City Hall in the small landscaped area at the corner of Main and
20 Rockingham. Staff has been working with Councilmember Grenier to help identify
21 locations. The plan is to have the first kiosk installed and then follow up with the
22 installation of a second sign on Ruby Street if the first meets the city's expectations. The
23 third would be on the County campus near the parking garage.

24
25 Staff is working with FDOT on the placement of main directional signs on US 441 and
26 will bring back to Council for approval each work order for every new sign.

27
28 Staff recommendation was to approve the contract with Don Bell signs and the work
29 order for the first kiosk sign which costs \$4,700. Council has budgeted \$50,000 this year
30 towards the wayfinding signage.

31
32 **Discussion**

33
34 Councilmember Smith asked about the status of the warranty on the materials. Attorney
35 Williams noted the contract includes a statement of errors and omissions.

36
37 Mayor Wolfe asked if the audience had comments.

38
39 **T.J. Fish, 1110 Juniper Court**

40

1 Mr. Fish stated as a resident and Chamber member he is supportive and the Chamber
2 is supportive. He said he is glad that Council is moving forward however there was
3 discussion one year ago when it was clearly communicated by the Chamber, that this
4 project is tied to snipe signs. He said if the City wants snipe signs to go away, it needed
5 to go forward with the wayfinding signs to get people directed to the businesses
6 downtown.

7
8 Mr. Drury noted that Councilmember Grenier had been appointed to a task force to
9 determine where the wayfinding signs will be located and who owns the rights of way
10 and the liability, etc. He said the City has sent the sign plan to FDOT and has begun to
11 discuss the issues with FDOT District 5 to get them resolved. He said it may be
12 complicated to get the signs in the right locations which is why the City is doing one sign
13 at a time because every location has a different issue.

14
15 Councilmember Grenier agreed with Mr. Drury's summation.

16
17 [Mr. Skutt noted that in the contract the company does warrant the display to be of free
18 of defects for a period of one year from the installation date which is in the work order.]

19
20 **MOTION**

21
22 **Kirby Smith moved to approve the contract work between Don Bell signs at the**
23 **location that Councilmember Grenier provided, seconded by Bob Grenier. The**
24 **motion carried unanimously 4-0.**

25
26 **Tab 7) Interlocal Agreement with Lake County regarding Stormwater Drainage**
27 **Easement for the Downtown Stormwater District**

28
29 Mr. Hayes noted that a stormwater study has been completed for the CRA. He said he
30 had tried to obtain grant funds from the FDEP and the only location where the
31 stormwater could be disposed is a wetland in back of the County jail. The grant could
32 not be obtained because the city does not own the property or have an Interlocal
33 agreement. Staff has now negotiated an Interlocal agreement between the City and the
34 County. Staff is recommending approval of the Interlocal to construct a stormwater pond
35 in the downtown area so that the city can move forward on the project and proceed to
36 apply for grant funds to complete the project.

37
38 Mayor Wolfe asked if Council had questions or if the audience had comments.

39
40 **MOTION**

1
2 **Bob Grenier moved to approve the Interlocal agreement with Lake County to**
3 **construct a stormwater pond in the downtown area in order to move forward with**
4 **the project, seconded by Kirby Smith. The motion carried unanimously 4-0.**
5

6 **Tab 8) Request for Authorization to Apply for Federal Grant for Railroad**
7 **Infrastructure Improvements**
8

9 Mr. Drury reported that previously the city has been working on upgrading the railroad
10 tracks from Tavares to Orlando. There are continuous welded tracks from Plymouth to
11 Orlando and molded tracks from Umatilla to Eustis, and then through Tavares to
12 Plymouth. Molded tracks restrict the speed to 25 mph. Continuous welded tracks (Class
13 3) allow the trains to go up to about 60 mph. He said in order to improve the
14 infrastructure the city has been an advocate for federal and state funds to improve this
15 infrastructure. He discussed the grants that have been received to date. He noted this is
16 a regional issue that affects the economic viability of this area. He stated that the
17 Executive Director of the MPO, T.J. Fish, has been working for the past year to put
18 together a program to update the tracks for the businesses that use it to transport goods
19 and possibly in the future improve passenger rail. He invited Mr. Fish to present further
20 information.
21

22 Mr. Fish reviewed the past accomplishments noting that the process had begun in
23 Tavares. He said normally FDOT follows a five year program but in this case the funds
24 went straight from the tentative work program and the \$13.8 million funds were
25 budgeted as of July 1st which runs until June 30, 2011. The \$13.8 requires a \$4.6 million
26 match. The request is for \$1.7 from Orange County, \$1.8 from Lake County and Florida
27 Central is putting in at least \$1.2M in addition to the commitment they have made for the
28 Dora Canal Bridge Replacement. He said the Federal Rail Administration has posted a
29 grant opportunity which may be a good fit for this project. He said he is in need for an
30 applicant to file for federal funds. He reviewed the status of the project including actions
31 taken in Orange County. He requested that the MPO be allowed to submit this grant
32 application to the Federal Rail Administration on behalf of the City
33

34 Mayor Wolfe asked for comment from the public.
35

36 **MOTION**
37

38 **Kirby Smith moved for approval of the request to apply for a federal grant for \$2.2**
39 **million dollars, seconded by Bob Grenier. The motion carried unanimously 4-0.**
40

1 **Tab 9) Discussion on Date of Next Council Meeting.**

2
3 Ms. Barnett stated this was a request to discuss when Council will hold its next meeting
4 in November and to recommend that Council consider a policy going forward on the
5 date to swear in the new council and elect the mayor and vice mayor. She noted it had
6 been the city's past practice to do this the first Wednesday following the election which
7 has usually been the day after the election. She discussed the issue of receiving the
8 certified results from the Elections Supervisor and how that may impact the swearing in
9 of the new council.

10
11 Mayor Wolfe asked if Council had questions or if the audience had comments.

12
13 **Norman Hope**

14
15 Mr. Hope stated that this year there are three incumbents with no one running against
16 them so there would not be a need to certify. He said perhaps this would be an issue
17 next year.

18
19 Mr. Drury noted that was correct however there was a problem last year and the
20 following year there may be a problem, and instead of picking different years and
21 different times to have this meeting, staff was recommending that it be discussed and
22 Council consider setting a policy.

23
24 Councilmember Pfister said if it is not necessary she would prefer to leave it this year
25 and have a discussion later as she had not received much notice.

26
27 **Ansell Wood, Windsor Street**

28
29 Mr. Wood noted there are two issues: swearing in and the certification and there is the
30 issue of an "Act of God." He asked which comes first legally.

31
32 Attorney Williams discussed the history of when the City decided to contract with the
33 Supervisor of Elections to allow her office to conduct all municipal elections for
34 consistency and to meet state regulations. He discussed the provisional ballot issue,
35 absentee ballot issues, etc. He said that the Charter says that "terms for newly elected
36 councilmembers commence the first regular meeting following the general municipal
37 election" and that "the city councilmembers will hold office for two years or until their
38 successors are elected and qualified." He said last year it was not possible to qualify
39 the newly elected members because of the new time limits that did not exist when the

1 charter was adopted. Therefore the meeting was not held and the city waited until he
2 second Wednesday (the Charter only requires that the council meet once a month).

3
4 Attorney Williams noted that if there was a death before being sworn in there would be a
5 vacancy. He said he could not answer if the three members are still subject to
6 qualification. He said as a policy matter it potentially may not matter what happens this
7 year but for most years it will matter. He said the other option is to cure the matter by
8 Charter amendment which would take another election. He said it may make more
9 sense to cancel the first meeting in November.

10
11 Ansell Wood

12
13 Mr. Wood asked if a write in candidate is allowed.

14
15 Attorney Williams said he did not know the answer as to how it applied to Tavares
16 without further research. Ms. Barnett stated the City's code requires candidates to be
17 qualified by August 15th.

18
19 Councilmember Grenier commented that on the ballot there is no provision for a write in
20 candidate. Vice Mayor Pfister suggested consideration of having the meeting the
21 second Wednesday beginning next year.

22
23 Norman Hope, Myakka River Road

24
25 Mr. Hope said he did not see a problem this year unless Ms. Stegall cannot give a
26 certification and he did not see a reason to change.

27
28 Betty Burleigh, 214 N. New Hampshire Avenue

29
30 Ms. Burleigh said she thought this discussion should occur some other month before
31 the next council meeting.

32
33 Attorney Williams noted he had just spoken to Ms. Stegall at 5:05 p.m. at her office. Ms.
34 Stegall has advised that under State election law where Candidates do not have
35 opposition, that they are deemed to have each voted for themselves and are deemed to
36 be elected at the close of polling on election day. She said she will not speak to those
37 results or certify those results because that is handled by state law. In terms of the
38 referendum questions, those will not be certified until November 12th.

39
40 **MOTION**

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XIV. AUDIENCE TO BE HEARD

Timothy Carter, 1402 Crystal Court

Mr. Carter stated his mother has been a resident there for 25 years. He said his mother wanted to have a second service up and she is on good standing and has had her deposits returned. He said she had been advised she would have to make another \$175.00 deposit for the second service. He said he did not understand this policy.

Ms. Houghton said she would look into this situation and report back to Council.

William Baldwin, 1206 Colerain Avenue

Mr. Baldwin said he had attended a meeting to investigate how the residents felt about opening up the road between Colerain Avenue and Willow Court and had understood it would be discussed at this meeting.

Mayor Wolfe said that issue was discussed at the last Council Meeting and the conclusion had been that the city will not be opening up the road. Mr. Baldwin confirmed that he had not wanted it opened.

XV. REPORTS

Tab 12) City Administrator

None

Brad Hayes, Utility Director

Mr. Hayes said his employees had asked him to relay their thanks to Council for remembering them this year.

Tab 13) City Council

Vice Mayor Pfister

Vice Mayor Pfister reminded everyone of the upcoming event at the park and the dog park opening. She thanked Ms. Rogers for her hard work.

1 **Councilmember Grenier**

- 2 • Thanked Mr. Fish for his work on the railroad and noted the founder of the City
3 would have approved [as a railroad pioneer in central Florida]
4 • Thanks Ms. Maraviglia for her hard work on the signs and the ADA report
5 • Stated he wished to acknowledge the passing of two legendary Tavarians:
6 Carolyn Kennedy Downs (born in Tavares in 1916 – 94 years old). Her brother
7 Bruggs is still on the Board of Directors of the Tavares Historical Society. He said
8 her grandfather was Professional William Kennedy who wrote and published in
9 1929 the history of Lake County. In addition the mother of Bernice Odums,
10 Etherea Owens recently passed away.
11

12 **Councilmember Smith**

- 13 • Reminded everyone to attend the grand opening for the dog park this Saturday at
14 10:00 and the Harvest Moon festival on Saturday evening
15 • Said he is interested in the sales of the baseballs at the Prop Shop; thanked staff
16 for getting the baseballs into the shop
17

18 **Mayor Wolfe**

- 19 • Said he hoped everyone would attend the grand opening of the dog park and the
20 Harvest Moon festival. Noted boaters can also utilize Summeral Park as it has
21 been redone and there is a boat ramp
22 • Reminded everyone of the “Trunk or Treat” and the Halloween festivities that will
23 take place October 30th
24

25 **Daryl Davenport – 613 Sinclair Circle**

26 Mr. Davenport said he was curious about what would happen to the two water taxis. Mr.
27 Drury said they are run during large special events (i.e. Sunnyland Antique Classic
28 Boat; Planes, Trains and BBQ, etc.) He said the goal in the future is to run them on the
29 weekends as the community grows but it is not felt the City is at that level yet. He said
30 staff is exploring the idea of having them run during special events in Mt. Dora. Mr.
31 Neron added they may run during their large art festival in January.
32

33 **Adjournment**

34 There was no further business and the meeting was adjourned at 5:25 p.m.
35

36 Respectfully submitted,
37

38
39 Nancy A. Barnett, C.M.C.
40 City Clerk