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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MARCH 16, 2011
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

John Drury, City Administrator
Lori Houghton, Finance Director
Bob Williams, City Attorney
Nancy Barnett, City Clerk
Lori Tucker, Human Resources Director
Chief Lubins, Police Department
Jacques Skutt, Director of Community Development
Chief Richard Keith, Fire Department
Chris Thompson, Interim Public Works Director
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

Ms. Bernice Odums, St. Johns Free Methodist Church, gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

MOTION

Bob Grenier moved to approve the agenda, seconded by Kirby Smith.

The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES – March 2, 2011

MOTION

1
2 **Sandy Gamble moved for the approval of the minutes of March 2, 2011 as submitted,**
3 **seconded by Bob Grenier. The motion carried unanimously 5-0.**
4

5 **V. PROCLAMATIONS/PRESENTATIONS**
6

7 **Tab 2) Budget Priorities of State Chief Financial Officer**
8

9 Randell Brown stated he was Outreach Coordinator in central Florida for the Florida Department
10 of Financial Services and Chief Financial Officer, Jeff Atwater. Mr. Brown explained the
11 responsibilities of Mr. Atwater. He noted his priorities for the upcoming term are fighting financial
12 fraud, abuse and waste in government, reducing government spending and regulatory burdens,
13 and ensuring transparency and accountability in spending. He discussed Personal Injury
14 Protection fraud and its costs to the citizens. He noted the web address for the Department as
15 www.myfloridacfo.com and the help line number of 1-877-693-5236. He also offered his services
16 for an educational forum. He left a flyer on a Scams Against Seniors seminar at UCF on March 24
17 from 1-2:30 pm.
18

19 Mr. Drury commented that on Unclaimed Properties, it is usually not the steps, but the costs
20 associated with the steps, which may discourage people from applying.
21

22 **Tab 3) Water Conservation Month – 2011**
23

24 Mayor Wolfe read a proclamation designating the month of April as Water Conservation Month.
25

26 **Tab 4) Surveyor's Week – March 20-26, 2011**
27

28 Mayor Wolfe read a proclamation designating March 20-26, 2011 as Surveyor's and Mappers
29 Week. Mayor Wolfe noted Danny Williams, President of the Central Florida Chapter of Surveyors
30 was in attendance. Mr. Williams thanked the City for the proclamation and accepted on behalf of
31 his organization.
32

33 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**
34

35 Attorney Williams stated there were no quasi-judicial matters on the agenda.
36

37 **VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**
38

39 Ms. Barnett read the following ordinances by title only:
40

41 **ORDINANCE 2011-01**
42

43 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA; AMENDING THE**
44 **LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 22,**
45 **BUILDINGS AND BUILDING REGULATIONS, BY REPEALING IN ITS**
46 **ENTIRETY, SECTION 22-4, STANDARD HOUSING CODE AND REPLACING IT**
47 **WITH SECTION 22-4, PROPERTY MAINTENANCE CODE; THUS ADOPTING**

1 THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE TO
2 REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL
3 PROPERTIES, BUILDINGS AND STRUCTURES IN THE CITY OF TAVARES;
4 PROVIDING FOR SEVERABILITY AND CONFLICTS; SUBJECT TO THE
5 RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF
6 TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

7
8 **ORDINANCE 2011-04**
9

10 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE
11 LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 8,
12 SECTION-11(D)(1), PERMITTED ACCESSORY USES AND STRUCTURES IN
13 RESIDENTIAL DISTRICTS, BY AMENDING CLAUSE (g) TO SPECIFICALLY
14 ALLOW PRIVATE DOCKS, HOUSING AND LANDING OF SEAPLANES
15 PROVIDED THAT SUCH STRUCTURES COMPLY WITH STATE AND/OR
16 FEDERAL REGULATIONS WHEN APPLICABLE, SUBJECT TO THE RULES,
17 REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
18 COUNCIL; PROVIDING AN EFFECTIVE DATE.

19
20 **VIII) CONSENT AGENDA**

21 None

22
23
24 **IX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING**

25
26 **Tab 5) Ordinance #2011-01 – Read for First Reading only.**

27
28 **Tab 6) Ordinance #2011-04 – Read for First Reading only.**

29
30 **X. GENERAL GOVERNMENT**

31
32 **Tab 7) Discussion on Impact Fee Credits for Construction Exceeding Florida Building**
33 **Code Requirements**

34
35 Mr. Skutt reported that in December of 2010, City Council approved, as a city-wide economic
36 incentive, an ordinance that extended the waiver of all city impact fees until December 31, 2011.
37 During the discussion of this ordinance it was pointed out that Florida Building Codes already
38 mandate that building be energy efficient. It is assumed that any green impact fee program that
39 Council would consider would have to be for construction over and above the energy saving
40 regulations that are already part of the Florida Building Code.

41
42 Staff has met with Council Member Lori Pfister, Council liaison for the Green Initiatives Horizon
43 Project. Examples of how green and innovative construction methods and design could result in
44 lowering the impacts on required City Services were discussed. He noted that a preliminary list of
45 examples for which other cities (mainly in California) have given credit were provided in the
46 summary. Staff is seeking direction on whether or not to work on developing a plan based on this
47 concept. The plan will require staff time from all departments. Impacts and credits will have to

1 calculated and justified so that there would ultimately be no fiscal impact on the city. Mr. Skutt
2 stated he felt it was a sound and responsible approach and that staff could develop a plan by the
3 end of the year if given direction by Council.

4
5 Councilmember Pfister said she was very pleased that Mr. Skutt had brought this
6 recommendation forward.

7
8 Mr. Drury noted staff wants to determine Council's interest before investing time in preparing the
9 program. He said it is the intention that once the impact fee waiver program ends in December,
10 that the green initiatives program to go above and beyond the building codes, would provide
11 impact fee credit. He said it will need to be crafted to be measurable and clear and will take some
12 time to develop.

13
14 Vice Mayor Grenier stated he would be interested in having a component regarding historic
15 renovations as historically renovated buildings take fewer resources.

16
17 Mayor Wolfe stated he was in favor of the water and sewer impact fee provisions but less in favor
18 of impacting police and fire fees. Councilmember Gamble concurred.

19
20 Mayor Wolfe asked for audience comment.

21
22 **MOTION**

23
24 **Lori Pfister moved to instruct staff to develop a program to implement the concept of**
25 **providing impact fee credits in recognition of the savings related to extraordinary green**
26 **and innovative construction and design that is above code requirements, seconded by**
27 **Sandy Gamble. The motion carried unanimously 5-0.**

28
29 **Tab 8) Approval of Agreement with USDA for Engineers Joint Contract Document**
30 **Committee for Stormwater Grant**

31
32 Mr. Hayes reported this was a request to approve the Engineers Joint Contract Document
33 between the City, the USDA, and Malcolm Pirnie in the amount of \$817,000. He stated this
34 document is part of the application process for a potential \$9,470,799 grant/loan for the
35 stormwater infrastructure system upgrades in the CRA section of Tavares. He noted this is the
36 same process that the City went through to appropriate the funding for the water and wastewater
37 system improvements in the downtown CRA. This is a contract with Malcolm Pirnie to do the
38 engineering for the project however the contract is contingent upon three conditions: 1) the
39 acceptable review by the USDA; 2) the city receiving the funding from the USDA; and 3) City
40 Council accepting the grant/loan offer from the USDA for this project. Based on those three
41 concepts the city will not do any work nor will Malcolm Pirnie do any work until the city issues
42 Malcolm Pirnie Notice to Proceed. The cost of the project may be funded nearly 50% by a grant
43 with half to be funded by a low interest loan to be paid for over a 40 year period minimizing the
44 cost impact to the City. Staff recommendation is to move to approve the contract to initiate the
45 application process.

1 Mr. Drury noted the city's goal is to lower the TMDL's that pollutes the lake. In order to do that the
2 city needs to update its entire stormwater system in the CRA. If the city is successful in obtaining
3 the grant/loan, the information will come back to Council to make a final decision. In addition to
4 lowering the TMDL's the city will be putting back streets and sidewalks in the downtown to meet
5 current standards.

6
7 Councilmember Smith questioned whether this would raise the stormwater fee to the residents.
8 Mr. Hayes responded that staff did not know the answer until the grant amount is known from the
9 USDA. Mr. Drury explained that this would depend on the cost of the loan.

10
11 Councilmember Smith asked for more information on the meaning of design/built phases and
12 administrative phases. Mr. Shannon reviewed the details.

13
14 Councilmember Smith asked Mr. Williams to comment on details in the contract related to the
15 engineer's responsibilities in the contract. Mr. Shannon responded that the contract is based on a
16 standard engineering contract throughout the industry. He explained that the engineer cannot
17 direct the contractor on how to do their work. Councilmember Smith questioned the contract
18 amount in lieu of some of the wording in the contract.

19
20 Attorney Williams noted this is a standard industry contract. He discussed the issue of
21 professional liability insurance, the performance bond, and the role of the engineer.

22
23 Mayor Wolfe asked if the audience had comments.

24
25 Norman Hope

26
27 Mr. Hope said he understood that the purpose of this item was to proceed with the steps to go to
28 USDA to see what the City can receive [in funding] and according to the document, this is
29 contingent upon other issues; i.e. if the contract is flawed, USDA will not approve it. He noted if
30 Council votes against the contract it will be the end of the project. He encouraged Council to take
31 this step noting it will have three places of review before it goes into effect.

32
33 Mr. Drury agreed but stated he was hearing from Councilmember Smith that he was questioning
34 if staff had negotiated a price which was in the best interest of the city. He discussed the process
35 of staff review.

36
37 Councilmember Gamble noted there is no fiscal impact until it is approved by USDA. He asked if
38 the application fails what would be the responsibility of the city. Mr. Shannon said the contract
39 would be null and void.

40
41 Councilmember Smith said he is not debating the need for the project; he is questioning the
42 amount of the contract. Mr. Shannon responded that about half of the work is being set aside for
43 others. He noted a significant portion will be set aside for the stormwater contractor and the
44 surveying contractor. He noted that overall the grant money that has come into the city far
45 exceeds the invoices that have come to the city.

46
47 MOTION

1 Mayor Wolfe explained that the various sources that have indicated support for an \$8,000
2 fireworks show and added that Congressman Webster, Senator Hayes, and former Senator
3 Carey Baker are also expected to attend.

4
5 Discussion followed with Council indicating their appreciation for the Mayor's efforts to secure
6 funding.

7
8 **MOTION**
9

10 **Kirby Smith moved to enter into an agreement with Pyrotechnics for a sum of \$8,000 for**
11 **the fireworks display funded by donations confirmed by Mayor Wolfe, seconded by Sandy**
12 **Gamble.**

13
14 **The motion carried unanimously 5-0.**

15
16 **XI. OLD BUSINESS**
17

18 None

19
20 **XII. NEW BUSINESS**
21

22 None.

23
24 **XIII. AUDIENCE TO BE HEARD**
25

26 Mayor Wolfe invited public comment.
27

28 **XV. REPORTS**
29

30 **Tab 12) City Administrator**
31

32 Mr. Drury stated he had provided a list of meetings and events. He reminded Council of the
33 Golden Triangle Summit Meeting next Wednesday March 23rd at 4:00 p.m. in Tavares.
34

35 **Attorney Williams**
36

37 None

38
39 **Finance Director**
40

41 None

42
43 **Fire Chief**
44

45 Chief Keith gave an update on the recent second meeting held between the cities and the County
46 on fire services. He said that Commissioner Caldwell had directed the meeting. The first issue
47 that Commissioner Cadwell brought up was hiring a consultant to do a study and the second item

1 was how to pay for the study. He said that the feedback from the cities was that they did not need
2 a study. He said the meeting was adjourned after a short time. He said that Commissioner Parks
3 congratulated Eustis, Tavares, and Mt. Dora for the work that has been done on a joint service.
4

5 **Chief Lubins**

6
7 Chief Lubins stated that the Police and Fire Department will be holding a spaghetti dinner on May
8 1st at 3:00 to support Corporal Paula Crow. He said the Police Officers will serve the food and the
9 Fire Fighters will cook the food. He stated that Ms. Crow and her family deeply appreciate
10 everyone's efforts.
11

12 **Communications Director**

13
14 None
15

16 **City Clerk**

17
18 None
19

20 **Utility Director**

21
22 None.
23

24 **Tab 14) City Council**

25
26 **Councilmember Pfister**

27
28 Councilmember Pfister congratulated Mr. Thompson on his official appointment as Public Works
29 Director.
30

31 **Councilmember Gamble**

32
33 Councilmember Gamble expressed congratulations to Mr. Thompson.
34

35 Councilmember Gamble stated opening day for Babe Ruth went well. He said he would like to
36 see the city obtain donations for the 4th of July fireworks.
37

38 Councilmember Gamble recognized employee Jimmy Blunt for assisting a resident who fell near
39 the parking garage.
40

41 **Vice Mayor Grenier**

42
43 Vice Mayor Grenier commented on the opening day activities of Babe Ruth and that he had
44 enjoyed coaching with Councilmember Gamble.
45

46 **Councilmember Smith**

47

- 1 • Stated that Mr. Aldrich did a fantastic job at the opening day for Babe Ruth and the parks
2 staff had done an excellent job preparing the fields.
3
4 • Noted that a guest book had been given to Council of the people who come into the Prop
5 Shop. He noted that a 10 year old had visited from Melbourne for a seaplane ride on his
6 birthday which meant he had brought his family to visit as well. He commented that he
7 had found a handout on Tavares' events at his place of work and expressed appreciation
8 to Ms. Ross.
9
10 • Expressed appreciation to Flossie DeGrave for providing excellent customer service in the
11 Building Department
12
13 • Expressed congratulations to Mr. Thompson
14
15 • Noted the Bassmaster Elite was a phenomenal success

16
17 Mr. Drury commented that Ms. Rogers was at a meeting regarding the Pier and Pavilion project
18 and Mr. Neron was at Lake Receptions manning a booth for the Tri City Business Expo today.
19

20 **Mayor Wolfe**

- 21
22 • Expressed congratulations to Mr. Thompson for his appointment
23 • Noted the duck race went well and the Bassmaster Elite Series had thousands of people
24 in the park which meant more people are visiting the city and using the park
25

26 **Adjournment**

27
28 There was no further business and the meeting was adjourned by the Mayor at 5:42 p.m.
29

30 Respectfully submitted,
31
32
33

34 _____
35 Nancy A. Barnett, C.M.C.
City Clerk