

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 6, 2011
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

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

Sandy Gamble, 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, Public Works Director
Brad Hayes, Director of Utilities

I. CALL TO ORDER

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

Mayor Wolfe noted Councilmember Gamble was absent due to a death in the family.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Doug Dystra of Mid Lakes Christian Church gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury requested to add Item 8A, Approval to Live Stream the Dragonboat Opening Ceremonies and 8B, Summary of the Planes, Trains, and BBQ Event.

MOTION

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

The motion carried unanimously 4-0.

1
2 **IV. APPROVAL OF MINUTES – March 16, 2011**

3
4 **MOTION**

5
6 Kirby Smith moved for the approval of the minutes of March 16, 2011 as submitted,
7 seconded by Bob Grenier. The motion carried unanimously 4-0.
8

9 **V. PROCLAMATIONS/PRESENTATIONS**

10
11 **Tab 2) National Public Works Week 2011**

12
13 Mayor Wolfe read a proclamation designating May 15-21 as Public Works Week. He commended
14 the public works staff.
15

16 **Tab 3) Childhood Cancer Awareness Week April 17-23**

17
18 Mayor Wolfe read a proclamation designating April 17-23 as Childhood Cancer Awareness Week.
19

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

21
22 Attorney Williams stated Tab 6 – Special Use Permit is the only quasi-judicial matter on the
23 agenda. He gave the oath to those who wished to give testimony. He asked Council if anyone
24 had ex-parte communications on this matter.
25

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

27
28 Ms. Barnett read the following ordinances and resolutions by title only:
29

30 **ORDINANCE 2011-01**

31
32 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA; AMENDING THE**
33 **LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 22,**
34 **BUILDINGS AND BUILDING REGULATIONS, BY REPEALING IN ITS**
35 **ENTIRETY, SECTION 22-4, STANDARD HOUSING CODE AND REPLACING IT**
36 **WITH SECTION 22-4, PROPERTY MAINTENANCE CODE; THUS ADOPTING**
37 **THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE TO**
38 **REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL**
39 **PROPERTIES, BUILDINGS AND STRUCTURES IN THE CITY OF TAVARES;**
40 **PROVIDING FOR SEVERABILTY AND CONFLICTS; SUBJECT TO THE**
41 **RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF**
42 **TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

43
44 **ORDINANCE 2011-04**

45
46 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE**
47 **LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 8,**

1 SECTION-11(D)(1), PERMITTED ACCESSORY USES AND STRUCTURES IN
2 RESIDENTIAL DISTRICTS, BY AMENDING CLAUSE (g) TO SPECIFICALLY
3 ALLOW PRIVATE DOCKS, HOUSING AND LANDING OF SEAPLANES
4 PROVIDED THAT SUCH STRUCTURES COMPLY WITH STATE AND/OR
5 FEDERAL REGULATIONS WHEN APPLICABLE, SUBJECT TO THE RULES,
6 REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
7 COUNCIL; PROVIDING AN EFFECTIVE DATE.
8

9 RESOLUTION 2011-06

10
11 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A
12 SPECIAL USE PETITON FOR THE OPERATION OF A PUBLIC SCHOOL ON
13 APROXIMATELY 20 ACRES OF PROPERTY LOCATED SOUTH OF WOODLEA
14 ROAD AND MORE ACCURATELY DESCRIBED WITHIN THIS RESOLUTION;
15 SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED
16 BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.
17

18 RESOLUTION 2011-07

19
20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAVARES,
21 FLORIDA, AUTHORIZING THE RELEASE OF THE AUTOMATIC, STATUTORY
22 RESERVATION OF PETROLEUM AND MINERAL RIGHTS UNDER SECTION
23 270.11(1), FLORIDA STATUTES (2010) ON PROPERTY LOCATED AT
24 WOODLEA ROAD IN TAVARES, FLORIDA, DESCRIBED ON EXHIBIT "A";
25 AND PROVIDING AN EFFECTIVE DATE.
26

27
28 **VIII) CONSENT AGENDA**

29
30 None

31
32 **IX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING**

33
34 **Tab 4) Ordinance #2011-01 – Amendment to Land Development Regulations – Building**
35 **Regulations – Adoption of International Property Maintenance Code – Second Reading**
36

37 Mr. Skutt presented the following report:

38
39 *On May 5, 2002, the City of Tavares adopted the 1997 edition of the Standard Housing Code,*
40 *published by the Southern Building Code Congress International, Inc., as the governing law for*
41 *minimum housing standards in Tavares. Since that date, the Southern Building Code Congress*
42 *International, or SBCCI, has been incorporated into the International Code Council or ICC, for the*
43 *purpose of developing a single set of coordinated national model building codes. Florida has*
44 *adopted the ICC codes as the state's building code.*
45

46 *The Standard Housing Code, adopted in our Land Development Regulations, is no longer in print*
47 *or readily available and in fact, the city does not have a copy of this code to refer to for*

1 enforcement. Although not mandatory, many local governments that enforce property standards
2 have adopted ICC's Property Maintenance Code thus insuring coordination with state building
3 codes.

4
5 The proposed ordinance repeals the adoption of the old Standard Housing Code and adopts in
6 replacement the 2009 International Property Maintenance Code with the following exceptions:

- 7
8 1. The administration and enforcement procedures for property standards will continue in the
9 same manner as specified in our Code of Ordinances.
10 2. The City's Building Official or Fire Marshall shall enforce emergency measures needed to
11 safeguard life against situations such as building collapse and the presence of explosive fumes or
12 gases.
13 3. The section governing weeds in the ICC code is not adopted since it conflicts with our City's
14 present regulations governing accumulation and excessive growth. It is staff's opinion that these
15 present standards are adequate.

16
17 Mayor Wolfe asked Council if they had questions and if anyone in the audience wished to speak
18 on this ordinance.

19
20 **MOTION**

21
22 **Bob Grenier moved to approve Ordinance #2011-01, seconded by Kirby Smith. The motion**
23 **carried unanimously 4-0.**

24
25 **Tab 5) Ordinance #2011-04 – Amendment to Land Development Regulations to Include**
26 **Docking and Housing of Seaplanes as Accessory Use – Second Reading**

27
28 Mr. Skutt gave the following report:

29
30 *On October 21, 2009, the City of Tavares officially became "America's Seaplane City". The city*
31 *has embraced this brand with the construction and operation of the **Tavares Seaplane Base and***
32 ***Marina**. The City actively encourages commercial development related to the Seaplane Industry*
33 *as well as the private usage of seaplanes for recreational purposes and as an alternate and*
34 *unique mode of transportation.*

35
36 *A citizen from Tavares has recently asked if our Land Development Regulations would allow*
37 *private docking, landing and housing for seaplanes as an accessory use in waterfront residential*
38 *zonings. Although our code does recognize these uses for boats, it does not specifically mention*
39 *that the same accessory structures and uses are allowed for seaplanes which could put staff in*
40 *the position of having to make an interpretive decision that could be challenged. Both the*
41 *inquiring citizen and staff believe that "**America's Seaplane City**" should have provisions in our*
42 *code that would allow both seaplane and boat related accessory uses.*

43
44 *The proposed amendment to Chapter 8, Section 11(D) (1) (g) of the Land Development*
45 *Regulations is a simple change that would allow private docks, boathouses and landing places for*
46 *seaplanes, water vessels and boats provided that such structures maintain the same side yard as*

1 *that required by the principal structure, and further that such structures comply with State and/or*
2 *Federal regulations when applicable.*

3
4 Mayor Wolfe asked Council if anyone had questions and if the audience wished to speak on this
5 ordinance.

6
7 **MOTION**

8
9 **Bob Grenier moved to approve Ordinance #2011-04, seconded by Kirby Smith. The motion**
10 **carried unanimously 4-0.**

11
12 **Tab 6) Resolution #2011-06 – Special Use Permit for School on Woodlea Property**

13
14 Mr. Skutt gave the following report:

15
16 *On February 2, 2011, City Council approved an Interlocal Agreement between Tavares, Lake*
17 *County and the Lake County School Board pertaining to land transfers that included the transfer*
18 *of title of approximately 20 acres of city owned property located about 300 feet south of Woodlea*
19 *Road. The Lake County School Board has determined that this property would be appropriate for*
20 *the site of a future public school. The approved Interlocal Agreement states that the City shall*
21 *apply, on behalf of the School Board, to rezone this property to a zoning designation that would*
22 *allow the use of this property as a school facility.*

23
24 *This property is zoned Public Facilities District (PFD) and use of this property for a public school*
25 *requires City Council to approve a permit for a Special Use under the city's Land Development*
26 *Regulations.*

27
28 *City staff concurs with the School Board that this would be an ideal site for a future school. The*
29 *property is relatively close to our downtown, is near an adequate access road and is across the*
30 *street from the Woodlea Sports Complex where sports facilities may be shared. Since the actual*
31 *school construction may occur several years in the future, the special use permit is conditioned*
32 *so that the proposed facility will comply with all applicable regulations in force at the time of*
33 *construction.*

34
35 Mr. Skutt noted that this resolution was approved by the Planning & Zoning Board on March 17,
36 2011.

37
38 Mayor Wolfe asked Council if they had questions. He asked the audience if they wished to
39 comment.

40
41 **MOTION**

42
43 **Bob Grenier moved to approve Resolution #2011-06, seconded by Kirby Smith. The motion**
44 **carried unanimously 4-0.**

45
46 **Tab 7) Resolution #2011-07 – Release of Mineral Rights to Woodlea Property – Land Swap**
47 **with School Board**

1
2 Mr. Skutt reported that on February 2, 2011, City Council approved an Interlocal Agreement
3 between Tavares, Lake County and the Lake County School Board pertaining to land transfers
4 that included the transfer of title of approximately 20 acres of city owned property located about
5 300 feet south of Woodlea Road. Section 270.11(1) of the Florida Statutes summarily states that
6 local government agencies automatically retain mineral and petroleum rights on property they sell
7 unless they specifically release those rights. The School Board has requested that the city waive
8 these rights. This resolution effectively releases the city's interest in mineral and petroleum rights
9 on this property. The School Board and Lake County will be passing similar resolutions waiving
10 their rights on properties they presently own that are part of the land transfer interlocal.

11
12 Mayor Wolfe asked if Council had questions. He asked the audience if they wished to speak on
13 this matter.

14
15 **MOTION**

16
17 **Kirby Smith moved to approve Resolution #2011-07 for the release of mineral rights to the**
18 **Woodlea Property, seconded by Bob Grenier. The motion carried unanimously 4-0.**

19
20 **X. GENERAL GOVERNMENT**

21
22 **Tab 8) Request FDOT Retention Pond**

23
24 Ms. Barnett stated that this was an item that had been brought to Council at the March 4, 2011
25 City Council meeting by Mrs. Ragan.

26
27 Mrs. Ragan stated that on behalf of the Tavares Palm Garden Club she wished to request the
28 naming of the pond located in the Chris Daniels Park be named the "Welcome Lake" thus giving a
29 welcome to all who enter Tavares from the west. She said this park area is much admired
30 because of the fountain in the center. She noted the pond is in an area that once held a hardware
31 store, a bus stop, a restaurant, and a fish and tackle store and it has been turned into a park with
32 a retention pond.

33
34 Mayor Wolfe asked Council if they had comments and if the audience wished to speak.

35
36 **MOTION**

37
38 **Kirby Smith moved to rename the retention pond at US 441 and Lakeshore Blvd.,**
39 **"Welcome Lake", seconded by Bob Grenier. The motion carried unanimously 4-0.**

40
41 **Tab 8A) Approval to Live Stream the Dragonboat Event Opening Ceremonies.**

42
43 Mr. Drury stated that as part of the Sister City Initiative it was suggested that the opening
44 ceremonies be live streamed to the Tavares residents and the Xindian residents. He discussed
45 the dignitaries that were expected to attend. He said the cost is about \$1000 to live stream the
46 event. The Mayor has obtained a donation of \$1,000 from the Taiwanese consulate to cover the
47 live streaming of the ceremonies.

1
2 Mayor Wolfe asked for comment from the audience.

3
4 **MOTION**

5
6 **Bob Grenier moved to accept the \$1,000 donation secured by Mayor Wolfe, seconded by**
7 **Kirby Smith. The motion carried unanimously 4-0.**

8
9 **Tab 8B) Summary of Planes, Trains and BBQ Event and Colt Ford Concert**

10
11 Mr. Drury requested Mr. Neron to give an update on the Planes, Trains and BBQ Event, Ms.
12 Rogers on the Colt Ford concert, and Ms. Houghton on the financial report,

13
14 Mr. Neron noted it was another successful event and was the 4th annual event. He discussed the
15 steady attendance throughout the park. There were 30 BBQ teams; the most since the first event.
16 He mentioned the events held in City Hall on the train and historical themes, and the car show on
17 Main Street.

18
19 Ms. Rogers reported that it was a successful concert; 2,386 tickets were sold. Approximately 50%
20 were from outside of the county. She noted three bands were offered. There was one food vendor
21 in the concert site and they indicated that they were pleased with their sales.

22
23 Ms. Houghton distributed a preliminary financial report to Council. Ticket sales totaled \$36,970;
24 sponsors \$2500; Chamber of Commerce is estimated at \$2500; Colt Ford Merchandise \$300;
25 parking fees \$325. She noted total expenses without overtime are \$56,561.97. More tickets were
26 sold the day of the event than prior to the event. The report will be updated once the overtime
27 costs are known.

28
29 Mayor Wolfe asked if the audience had questions.

30
31
32 **XI. OLD BUSINESS**

- 33
- 34 • Councilmember Smith asked if the Request for Proposals had gone out for banking
35 services. Ms. Houghton said staff is currently reviewing the RFP and it will go out by the
36 end of the month.
 - 37
38 • Councilmember Pfister said she was confused about parking during the concert on Ruby
39 Street. She asked about the locations that were selected for the electrical vehicle charging
40 stations and why Ruby Street was not chosen.

41
42 Mr. Drury responded that selecting the stations was contingent on costs to the city and that a
43 major factor was where power already existed. He said the grant would not pay for bringing
44 power to the unit. He said eventually a station will be placed at the location once funding is
45 available.

46
47 Mr. Thompson confirmed this was correct and that they were located close to a power source.

1
2 Councilmember Pfister asked if they would be designated for electrical vehicles only. Mr.
3 Thompson said the signs are already in place. Councilmember Pfister asked if the Police
4 Department will be enforcing this. Mr. Drury said that was correct.

5
6 **XII. NEW BUSINESS**

7
8 None.

9
10 **XIII. AUDIENCE TO BE HEARD**

11
12 **Betty Burleigh, 214 North New Hampshire Avenue**

13
14 Ms. Burleigh thanked the City for allowing the Historical Society to have a table at the train exhibit
15 and noted they made \$52.00.

16
17 Ms. Burleigh said her husband has been driving by the ball field at the elementary school and the
18 lights have been on during the day.

19
20 Mr. Thompson said the lights are under a timer and he will look into it.

21
22 **XV. REPORTS**

23
24 **Tab 12) City Administrator**

25
26 Mr. Drury stated the staff did a phenomenal job at the concert and noted it was the first gated
27 concert the city has put on and it had been a learning experience. He said a lot of departments
28 got involved with putting on the event and it had gone very well. He thanked Council for their
29 support and assistance during the event as well.

30
31 **Attorney Williams**

32
33 **Finance Director**

34
35 **Fire Chief**

36
37 Chief Keith distributed a flyer on a fundraising public safety spaghetti dinner on May 1 from 3-7
38 p.m. at the Civic Center to support Corporal Paula Crow.

39
40 **Chief Lubins**

41
42 **Communications Director**

43
44 Ms. Ross reported on the national medical coverage the city has received recently in Florida
45 Trend and in USA Today for the Don't Flush program.

46
47 **City Clerk**

1
2 **Utility Director**

3
4 **Community Services Director**

5
6 Ms. Rogers asked for support for the city's Dragonboat team participating in the Dragonboat
7 competition Saturday.

8
9 **Tab 14) City Council**

10
11 **Councilmember Pfister**

- 12
13
 - 14 • Thanked Ms. Rogers for her leadership and the rest of the staff for their work at the
15 concert.

16 **Councilmember Gamble**

17
18 **Vice Mayor Grenier**

- 19
20
 - 21 • Stated he concurred with Councilmember Pfister and that Ms. Rogers and the staff
22 deserved a standing ovation.
 - 23 • Noted he had overheard someone discussing the concert who asked him who would be
24 the band next year.

25 **Councilmember Smith**

- 26
27
 - 28 • Recognized the successful Sunnyland Boat Show held the prior weekend. Said he had
29 attended several receptions at that event and that only one person was from Lake County
30 and only two from Florida—the rest were from out of state and many positive remarks
31 were received from those attending.
 - 32 • Commended the Tavares Police Department. Asked that Lieutenant Myers pass his
33 appreciation to the Police Department for their professionalism in interacting with the
34 public.

35 **Mayor Wolfe**

- 36
37
 - 38 • Commended the staff for their outstanding work for the last four weeks of events noting
39 there were two more to come and that their efforts were very appreciated.

40 **Adjournment**

41
42 There was no further business and the meeting was adjourned at 4:48 p.m.

43
44 Respectfully submitted,

45
46 _____
47 Nancy A. Barnett, C.M.C., City Clerk