



**AGENDA
TAVARES CITY COUNCIL**

**June 15, 2011
4:00 P.M.
TAVARES CITY HALL COUNCIL CHAMBERS**

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Chaplain Lincoln Haynes, Florida Hospital Waterman

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF MINUTES

Tab 1) May 18, Regular City Council Meeting
June 1, 2011 Regular City Council Meeting

Mayor Wolfe

V. PROCLAMATIONS/PRESENTATIONS

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

VII. READING OF ALL ORDINANCES/RESOLUTIONS

Nancy Barnett

VIII. CONSENT AGENDA

Tab 2) Renewal of Agreement with Lake County – Use of 70 Acres
on Frankie's Road by Animal Control

Nancy Barnett

IX. ORDINANCES

FIRST READING

None

SECOND READING

X. RESOLUTIONS

Tab 3) Resolution #2011-14 – Approval of Application for State Revolving Fund Loan for Water Facility Construction – Reclaimed Water Project Phases 2 and 3 Lori Houghton

XI. GENERAL GOVERNMENT

Tab 4) Florida Retirement Contribution Adjustment John Drury

Tab 5) Request Approval to Develop Ordinance to Lien Delinquent Utility Accounts Lori Houghton

Tab 6) Appointments to Planning & Zoning Board, Library Board, and Community Redevelopment Advisory Committee Mayor Wolfe

Tab 7) Approval of Agreement for Boat Tour Operator Bill Neron

Tab 8) Approval of Tourist Train Operation in Wooton Park and Authorization to Negotiate Agreement with Reader Railroad Bill Neron

XII. OLD BUSINESS

XIII. NEW BUSINESS

XV. AUDIENCE TO BE HEARD

XVI. REPORTS

Tab 9) City Administrator John Drury

Tab 10) 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.

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CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MAY 18, 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
Chief Lubins, Police Department
Jacques Skutt, Director of Community Development
Chief Richard Keith, Fire Department
Tammey Rogers, Community Services Director
Chris Thompson, Public Works Director
Brad Hayes, Director of Utilities
Joyce Ross, Communications Director

I. CALL TO ORDER

Mayor Wolfe called the meeting to order.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor John Barham, First United Methodist Church, gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff had no changes to the agenda.

MOTION

Sandy Gamble moved to approve the agenda, seconded by Lori Pfister. The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES

1
2 **MOTION**

3
4 Kirby Smith moved to approve the minutes of April 20, 2011 as submitted, seconded by
5 Sandy Gamble. The motion carried unanimously 5-0.
6

7 **V. PROCLAMATIONS/PRESENTATIONS**

8
9 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

10 Attorney Williams stated there were no quasi-judicial matters on the agenda.
11

12
13 **VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

14
15 Ms. Barnett read the following ordinance by title only:
16

17 **ORDINANCE 2011-05**

18
19 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE CITY'S**
20 **LAND DEVELOPMENT REGULATIONS BY REASSIGNING CHAPTER 23**
21 **(RESERVED) TO BE NEWLY TITLED "COMMUNITY ECONOMIC DEVELOPMENT**
22 **INITIATIVES"; CREATING CHAPTER 23 DIVISION 1, IN GENERAL; CREATING**
23 **CHAPTER 23 DIVISION 2, ECONOMIC DEVELOPMENT AD VALOREM TAX**
24 **EXEMPTIONS; CREATING CHAPTER 23 DIVISION 3, IMPACT FEE WAIVERS;**
25 **CREATING CHAPTER 23 DIVISION 4, POSTPONEMENT OF BUILDING PERMIT**
26 **FEE PAYABLE FOR COMMERCIAL DEVELOPMENT; CREATING CHAPTER 23**
27 **DIVISION 5, INDUSTRIAL DEVELOPMENT FINANCING; PROVIDING REQUIRED**
28 **TEXT AMENDMENTS TO THE CODE OF ORDINANCES AND THE LAND**
29 **DEVELOPMENT REGULATIONS TO REFERENCE THE CREATION OF THIS NEW**
30 **CHAPTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE**
31 **DATE.**
32

33
34 **VIII) CONSENT AGENDA**

35
36 Mayor Wolfe asked if anyone in the audience had objections to any item on the Consent Agenda.
37 He asked if Council wished to pull any item.
38

39 **MOTION**

40
41 Kirby Smith moved to approve the Consent Agenda [Award of Request for Proposals for
42 Meter Reading and Request to Submit Grant Application for COPS Funding], seconded by
43 Bob Grenier. The motion carried unanimously 5-0.
44

45 **IX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING**

46

1 **Tab 3) Ordinance #2011-05 – Creating Chapter 23 of the Land Development Regulations for**
2 **Economic Initiatives – Read for First Reading Only**

3
4 **X. GENERAL GOVERNMENT**

5
6 **Tab 3) Affordability Evaluation Report for Utilities Capital Projects**

7
8 Mr. Drury summarized the utilities capital project status and discussed the previous presentations
9 made. He noted this evening is an opportunity for further discussion and questions.

10
11 Councilmember Smith stated on Page A-9, in 2017 there is an \$87,171 deficiency in funds. He
12 asked Mr. Shannon of Malcolm Pirnie to comment.

13
14 Mr. Shannon stated it would be a one year deficiency due to the timing of the debt service
15 payment that year and new accounts coming on line.

16
17 Mayor Wolfe stated he had spoken with all of the advisors and has been assured with this
18 conservative approach the City would not be at great risk, although he acknowledged the difficulty
19 of predicting twenty years from now,

20
21 Councilmember Smith added that he thought Malcolm Pirnie and staff had done their due
22 diligence. He thanked the firm for meeting with him separately.

23
24 Mayor Wolfe asked if anyone in the audience wished to speak.

25
26 **MOTION**

27
28 **Bob Grenier moved to approve the Affordability Evaluation Report as presented, seconded**
29 **by Sandy Gamble. The motion carried unanimously 5-0.**

30
31 **Tab 4) Request to Approve the Award of Bid for the Reclamation Project, Phase 1**

32
33 Mr. Hayes stated 12 bids were received for this project. He said the estimated cost to do the
34 project originally was approximately five million. He said the lowest bidder is E.T. MacKenzie of
35 Florida Inc. at a price of \$2,519,249.00.

36
37 Mayor Wolfe stated he did not want to see late change orders because something was missed in
38 the bid.

39
40 **MOTION**

41
42 **Bob Grenier moved to approve the award of bid to E.T. MacKenzie of Florida Inc.,**
43 **seconded by Kirby Smith. The motion carried unanimously 5-0.**

44
45 **Tab 6) Discussion and Direction of Harvest Moon Event for 2011**

46

1 Ms. Rogers noted the previous event in 2010 had been inspired by Councilmember Pfister. She
2 said the 2011 event will be held in October after the new fiscal year begins and the determination
3 of funding needs to be done now so that the event can be developed. She said one week after
4 the 2010 event the Downtown Business Development group and the Chamber put on a "Howl
5 Fest" for Halloween. She said this is an opportunity for the two events to be combined. The
6 Chamber has submitted a letter to the Mayor requesting an amount of \$15,890 to be budgeted
7 from reserves to assist the Chamber in enhancing the "Howl Fest" and melding the two events.
8

9 Ms. Rogers said \$20,000 was budgeted from reserves for the last Harvest Moon event which was
10 to pay for the band and associated costs. The Chamber would create a two day event with music.
11 The city would provide support as well with police, fire, portalets, etc. She discussed the various
12 options presented.
13

14 Councilmember Gamble asked if the city had stayed within the \$20,000 budget. Ms. Rogers
15 confirmed.
16

17 Mayor Wolfe asked the audience if they wished to speak.
18

19 Jerry Wosika, 544 Reserve Drive, Tavares

20 Mr. Wosika spoke against making the expenditure due to the city's deficit but said if the city
21 wished to put on the event it should seek funding from other sources.
22

23 Andrew O'Keefe

24
25 Mr. O'Keefe said he is Chair of the Business Development Committee and was available to
26 answer questions.
27

28 Mayor Wolfe asked Mr. O'Keefe if the group would be soliciting from other sources to help with
29 fundraising.
30

31 Mr. O'Keefe said they would be attempting to fundraise.
32

33 Mayor Wolfe asked if that would be money in addition to that requested from the city. Mr. O'Keefe
34 said that was correct.
35

36 Councilmember Smith asked how the \$15,890.00 figure was determined. Mr. O'Keefe asked if
37 Council had seen the expense breakdown. He said he had a draft breakdown available and he
38 distributed to Council.
39

40 Denise Laratta

41
42 Ms. Laratta said she would normally be against taking the money out of reserves but she believed
43 that the expenditure has been beneficial to the business owners. She asked what had been the
44 return to the business owners when the large events are held. She said she had heard the
45 restaurants had been heavily booked and if that was true she thought it would be acceptable to
46 spend some of the money and hopefully reduce the amount coming out of reserves in the future.
47

1 Andrew O’Keefe

2
3 Mr. O’Keefe said it does stimulate business in the community and is also a nice way to give back
4 to the citizens.

5
6 Jerry Wosika

7
8 Mr. Wosika questioned the concept of a “free event” with tax dollars supporting the private sector.
9

10 City Council Discussion

11
12 Councilmember Smith asked if the city chose not to contribute what would happen to the current
13 Chamber event. Mr. O’Keefe said it would stay the same. He noted that event also brings in a
14 good attendance

15
16 Councilmember Gamble said last year the city recruited a band but he was noting that the
17 Chamber is planning to have local bands and that there would be emphasis on gathering youth
18 for the right reasons which he liked to see. He said had concerns about the budget but he was
19 willing to consider it.

20
21 Suzanne Cunningham, Bounty Circle, Tavares

22
23 Ms. Cunningham said that bringing the businesses to downtown has increased the commercial
24 tax payments which mean fewer taxes having to be paid by the residents.

25
26 Mr. Drury commented that the economic development process takes some time but the city is
27 beginning to see the results.

28
29 Mayor Wolfe said he likes to see the businesses do well but the city is facing a large deficit and
30 there may be a need to take money from reserves. He said it may be difficult to take this money
31 from reserves in addition to the need for in-kind services. He said he would not be opposed to
32 helping out with in-kind services and possibly up to \$3,000 to \$5,000 in funds.

33
34 Councilmember Pfister said she agreed that it is a lot to pay out for this event as the city had paid
35 \$20,000 last year with nationally known talent plus provided the in-kind services. She noted the
36 city did receive some donations and did some fundraising. She said she would be comfortable
37 with \$10,000.

38
39 Vice Mayor Grenier said he is considering \$5,000 plus in-kind services.

40
41 Councilmember Smith said he is against using reserves for anything especially when the city is
42 facing a large budget deficit next year of an unknown value. He said he understood the
43 contribution of the businesses to the tax base. He questioned the Chamber regarding their
44 estimate of costs but noted he appreciates the willingness of the Chamber to put on this event.
45 He said he will help with the event and assist with sponsorships.
46

1 Ms. McGinley, Chamber Director, noted the Chamber will continue to do usual Halloween events
2 but had come up with quick estimates in order to add the music component.

3
4 **MOTION**

5
6 **Lori Pfister moved to give \$7500 to the Chamber to help support this event.**

7
8 **The motion failed for lack of a second.**

9
10 **MOTION**

11
12 **Sandy Gamble moved to forego this at this time until Council knows what is in the**
13 **[upcoming] budget.**

14
15 **The motion failed for lack of a second.**

16
17 Councilmember Smith discussed options for the Chamber putting on the event and the City
18 possibly contributing at a later time (e.g. July or August when budget workshops begin). Mr. Drury
19 said the decision needed to be made sooner in order to plan and market the event effectively. He
20 noted the Chamber would be having their event with or without the city and the only question is
21 whether to add the music to the event.

22
23 Councilmember Pfister said she had neglected to get this event into this year's budget and she
24 did not know how that happened. She said there were other events that the city sponsors that got
25 moved over as line items. She noted the committee had approached the Chamber thinking it
26 would save money to combine the events.

27
28 **MOTION**

29
30 **Kirby Smith moved to put this in the fiscal year budget 2011-2012 with the other events,**
31 **seconded by Sandy Gamble.**

32
33 Councilmember Gamble said he is not against the event; he is just concerned about the city's
34 finances. He said he would contribute one month of his councilmember pay (\$295) for one of the
35 bounce houses.

36
37 **The motion failed 3-2 as follows:**

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

44 Mayor Wolfe passed the gavel to Vice Mayor Grenier.

45
46 **MOTION**

47

1 **Robert Wolfe moved that in order to support the event the city will donate the in-kind**
2 **services during the event but no money. The motion was seconded by Kirby Smith.**
3

4 Councilmember Pfister said the Chamber would not be able to have their event in this case.
5 Councilmember Gamble asked if the motion could include that the City will do this with the
6 Harvest Moon inclusion of the Howl Fest.
7

8 Mr. Drury said he did not think the Chamber would do a Harvest Moon event without any money
9 from the city.
10

11 **Mayor Wolfe rescinded his motion, seconded by Councilmember Smith.**
12

13 **MOTION**
14

15 **Robert Wolfe moved to not have the event [Harvest Moon], seconded by Kirby Smith.**
16

17 **The motion carried 4-1 as follows:**
18

19 Kirby Smith	Yes
20 Sandy Gamble	Yes
21 Robert Wolfe	Yes
22 Bob Grenier	Yes
23 Lori Pfister	No

24

25 Vice Mayor Grenier returned the gavel to Mayor Wolfe.
26

27 **Tab 7) Request to Change Part-Time Positions to Full-Time Positions at the Seaplane**
28 **Marina**
29

30 Mr. Neron said the marina operation was opened in April of 2010 and the city has had a little over
31 a year's experience now with the day to day operations. He noted that the operations are open 9
32 am to 6 pm seven days a week, 362 days a year and that the operations have been very
33 successful with over 7,000 seaplane operations during the first year and averaging over 120+
34 seaplanes a month. The original budget was planned with no operations experience and at the
35 time there were only three full-time positions with four part-time marina tech positions. These
36 employees fuel the seaplanes, spray the docks and keep the dock area clean. During the first
37 several months there was quite a bit of turnover due to the part-time positions which is inefficient.
38 He said staff recommendation is to take two of the part-time positions and move them to full-time
39 positions which will give the employees benefits. This change will be revenue neutral. It leaves
40 another 20 hours a week of part-time hours to assist with weekend hours and special events.
41

42 Mayor Wolfe asked Ms. Houghton to comment. Ms. Houghton said she had reviewed the request.
43 She noted the hours for the part-timer that is left will need to remain within the limits. Mr. Neron
44 confirmed.
45

1 Councilmember Pfister asked the financial status of the seaplane operations. Mr. Neron said Ms.
2 Smith is working on a report that he hoped would be available early next week on the first six
3 months of this fiscal year. Mr. Neron said the numbers are good and better than projected.
4

5 Mayor Wolfe asked if the audience had comments.
6

7 Jerry Wosika, 544 Reserve Drive
8

9 Mr. Wosika questioned Mr. Neron on some of the data regarding the seaplane marina. He asked
10 if the marina has a budget and if it was making a profit. Mr. Drury said it is not as yet and it will be
11 a five year program. Mr. Wosika questioned Mr. Neron about the budget.
12

13 Mr. Drury recommended to Mr. Wosika that he set up an appointment with Mr. Neron to go over
14 the budget. He said Mr. Wosika is trying to make a point that the enterprise is not self sufficient at
15 this time which is acknowledged, however the marina was planned with the goal of becoming self
16 sufficient within five years.
17

18 **MOTION**
19

20 **Kirby Smith moved to change the two part-time positions to full time, noting this will be a**
21 **budget neutral decision, seconded by Bob Grenier, The motion carried unanimously 5-0.**
22

23 **Tab 8) Award of Request for Proposals for Utility Bill Printing and Mailing**
24

25 Ms. Houghton said the Request for Proposals requested pricing in addition to the scope of
26 services. She discussed the points considered by the ranking committee. The committee is
27 recommending Pinnacle Data Systems as top ranked.
28

29 **MOTION**
30

31 **Bob Grenier moved to approve the ranking and the number one firm, Pinnacle Data**
32 **System, seconded by Kirby Smith. The motion carried unanimously 5-0.**
33

34 Councilmember Smith noted that this new firm saves the city money from last year.
35

36 **Tab 9) Authorization to Solicit Proposals for Special Magistrate for Code Enforcement**
37

38 Chief Lubins stated that in 2004 the city passed an ordinance that provided for the appointment of
39 a Special Magistrate to hear and decide cases involving code enforcement issues and
40 enforcement of ordinances. Attorney Sam Mackie was appointed to the position by contract and
41 has served since 2004. On May 10th Mr. Mackie submitted a letter of resignation due to his
42 professional conflicts which will be effective June 15th.
43

44 Chief Lubins asked Council to seek RFP's and form a ranking committee to solicit a new special
45 magistrate.
46

1 Mr. Drury added that staff will bring back the ranking recommendation to City Council for its
2 decision.

3
4 **MOTION**

5
6 **Sandy Gamble moved to authorize staff to seek RFP's for Special Magistrate services and**
7 **form a ranking committee, seconded by Bob Grenier. The motion carried unanimously 5-0.**
8

9 **XI. OLD BUSINESS**

10
11 Mayor Wolfe asked Ms. Houghton if the RFP's have been sent out for banking services. Ms.
12 Houghton said it is currently in process and the goal is to have it out within the next couple of
13 weeks. She said she would contact the mayor when it has gone out to bid.
14

15 **XII. NEW BUSINESS**

16
17 **XIII. AUDIENCE TO BE HEARD**

18
19 **XV. REPORTS**

20
21 **Tab 12) City Administrator**

22
23 Mr. Drury thanked the department heads for their assistance with the budget preparation. He said
24 he has worked with every department head over the past two months taking Council's general
25 direction. He said he will be working with Ms. Houghton over the next few weeks to prepare the
26 budget to submit to Council.
27

28 **Attorney Williams**

29
30 **Finance Director**

31
32 Ms. Houghton said the financial report for 2010 has been completed and a copy of the CAFR will
33 be put in Council's box. The auditor will be scheduled to make a presentation to Council.
34

35 **Fire Chief**

36
37 **Chief Lubins**

38 Chief Lubins expressed his appreciation to Chief Keith and the firefighters as well as the rest of
39 city staff, community members, and councilmembers who attended the fundraiser for Officer
40 Crow.
41

42 **Communications Director**

43
44 **City Clerk**

45
46 **Utility Director**
47

1 **Community Services Director**

2 Ms. Rogers noted that work is progressing on the Woodlea sports complex with the bid
3 documents being ready to go out shortly for the land grading and sodding.

4
5 **Tab 14) City Council**

6
7 **Councilmember Pfister**

8
9 **Councilmember Gamble**

10 Councilmember Gamble reiterated that he was not against the Harvest Moon event but he had
11 concerns about the status of the budget. He noted he will contribute the \$295 for the bounce
12 house if he is contacted.

13
14 Councilmember Gamble stated Council had received an invitation to go to the end of the year
15 Babe Ruth awards celebration next Wed. and Thursday. He said he will attend on Wednesday if
16 he can get back up to attend the Lake Community Actions Board meeting.

17
18 **Vice Mayor Grenier**

19
20 **Councilmember Smith**

21 Councilmember Smith said he would like to see an economic development report in the monthly
22 department head reports.

23
24 Councilmember Smith asked for clarification as to when the RFP will go out for banking services.
25 Ms. Houghton responded it would be by June 15th. He noted Council only extended for six
26 months for the current bank in order to get RFP's out. Ms. Houghton said she would review the
27 dates and bring back an extension to Council if needed.

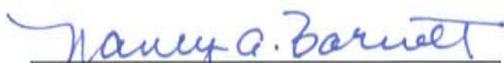
28
29 Councilmember Smith said there had been good news on property valuations. Mr. Drury noted
30 that the first report from the Property Appraiser had been that the Tavares property values would
31 go down another 10% on top of the 17% that was the previous year. The preliminary numbers
32 have now come in with several cities that are down in double digits. Tavares did very well and is
33 at about a 4.6% decrease in valuation which is a significant reduction from what was originally
34 predicted. This means that the property values in Tavares are holding much stronger than
35 predicted.

36
37 **Mayor Wolfe**

38
39 **Adjournment**

40
41 There was no further business and the meeting was adjourned at 5:13 p.m.

42
43 Respectfully submitted,

44
45 
46 Nancy A. Barnett, C.M.C., City Clerk
47

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CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 1, 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
Chief Lubins, Police Department
Jacques Skutt, Director of Community Development
Chief Richard Keith, Fire Department
Tammey Rogers, Community Services Director
Chris Thompson, Public Works Director
Brad Hayes, Director of Utilities
Joyce Ross, Communications Director

I. CALL TO ORDER

Mayor Wolfe called the meeting to order.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Tim Green, Liberty Baptist Church, gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff had no changes to the agenda.

MOTION

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

IV. APPROVAL OF MINUTES

1
2 **MOTION**

3
4 **Bob Grenier moved to approve the minutes of May 4, 2011 as submitted, seconded by**
5 **Kirby Smith. The motion carried unanimously 5-0.**

6
7 **V. PROCLAMATIONS/PRESENTATIONS**

8
9 **Tab 2) Resolution #2011-12 – Approval of Bond Issue for Osprey Lodge**

10
11 Attorney Williams reviewed the history of this project and the request for conduit financing that
12 had come before Council. He noted Mike Williams, Bond Counsel would be giving the
13 presentation.

14
15 Mr. Williams stated the resolution authorizes not exceeding \$15,300,000 of tax exempt bonds
16 which means the interest is not taxable to investors in the bonds and not exceeding \$10,700,000
17 of taxable bonds. The reason part of it is taxable is a provision of the Internal Revenue Code—
18 part of this is being treated as qualified residential rental housing under Section 142 of the Code,
19 which can be done tax exempt. The Alzheimer Facility will be done on a taxable basis. This is the
20 maximum amount that the underwriter will issue. This ties in with the TEFRA approval done in
21 February when Council authorized not exceeding \$26,000,000 combined. The resolution
22 approves the following documents:

- 23
24
- Trust Indenture – document between the City and the Trustee (no city committee of any financial matter)
 - Loan Agreement – document between the City and the borrower pursuant to which the owner agrees to make payments sufficient to pay the bonds and other deposits
 - Mortgage (from the borrower to the city and then assigned over to the Trustee)
 - Land Use Restriction Agreement – The Internal Revenue Code requires the borrower to make various covenants. This document will be recorded and will be attached to the land.
 - Preliminary Official Statement – the Underwriter will use this document to market the bonds to investors
 - Bond Purchase Contract and Bond Placement Contract – when the bonds are priced the underwriter will come to the city and ask the Mayor to sign the document once they have sold the bonds
 - Section 7 of the resolution sets forth parameters that the underwriter will need to meet to have the city officials sign the bond purchase agreement and the bond placement agreement. The tax exempt bonds will be sold pursuant to the bond purchase contract. The taxable bonds, because of security law provisions, need to be a private placement in nature. The parameters for the purchase price of the tax exempted bonds is to be not less than 90% of the original principal amount thereof and the average interest rate for the tax exempt bonds is not be in excess of 11%. There is the same type of provision for the taxable bonds. The purchase price must be not less than 90% of the principal amount and the interest rate cannot exceed 12 ½%.
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45
46 Mr. Drury confirmed that should there be a default on the bonds, the city has no obligation. Mr.
47 Williams said that was correct.

1 MOTION
2

3 Sandy Gamble moved to approve Resolution #2011-12 to authorize issuance of the bonds
4 for the Osprey Lodge project, seconded by Bob Grenier. The motion carried unanimously
5 5-0.
6

7 VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS
8

9 Attorney Williams stated there were no quasi-judicial matters on the agenda.
10

11 VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD
12

13 Ms. Barnett read the following ordinance by title only:
14

15 **ORDINANCE 2011-05**
16

17 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
18 CITY'S LAND DEVELOPMENT REGULATIONS BY REASSIGNING CHAPTER
19 23 (RESERVED) TO BE NEWLY TITLED "COMMUNITY ECONOMIC
20 DEVELOPMENT INITIATIVES"; CREATING CHAPTER 23 DIVISION 1, IN
21 GENERAL; CREATING CHAPTER 23 DIVISION 2, ECONOMIC
22 DEVELOPMENT AD VALOREM TAX EXEMPTIONS; CREATING CHAPTER 23
23 DIVISION 3, IMPACT FEE WAIVERS; CREATING CHAPTER 23 DIVISION 4,
24 POSTPONEMENT OF BUILDING PERMIT FEES PAYABLE FOR
25 COMMERCIAL DEVELOPMENT; CREATING CHAPTER 23 DIVISION 5,
26 INDUSTRIAL DEVELOPMENT FINANCING; PROVIDING REQUIRED TEXT
27 AMENDMENTS TO THE CODE OF ORDINANCES AND THE LAND
28 DEVELOPMENT REGULATIONS TO REFERENCE THE CREATION OF THIS
29 NEW CHAPTER; PROVIDING FOR SEVERABILITY; PROVIDING AN
30 EFFECTIVE DATE.

31 **RESOLUTION 2011-11**
32

33 A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES,
34 FLORIDA, GRANTING TO SUMTER ELECTRIC COOPERATIVE, INC., AN
35 EIGHT (8) FOOT ELECTRICAL EASEMENT ON CITY OWNED PROPERTY,
36 SPECIFICALLY TRACT C OF CHELSEA OAKS SOUTH SUBDIVISION;
37 SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF
38 TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.
39

40 **RESOLUTION 2011-13**
41

42 A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES,
43 FLORIDA, VACATING AN EASEMENT LOCATED ON THE CENTER SIXTEEN
44 (16) FEET OF THE CLOSED AND VACATED PORTION OF PULSIFER STREET
45 LYING BETWEEN ALFRED AND CAROLINE STREETS; SUBJECT TO THE
46 RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES
47 COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

1
2
3 **VIII) CONSENT AGENDA**
4

5 Mayor Wolfe asked if anyone in the audience had objections to any item on the Consent Agenda.
6 He asked if Council wished to pull any item.
7

8 Councilmember Gamble asked to pull Items 3 and 5 for discussion.
9

10 **MOTION**
11

12 **Sandy Gamble moved to approve the Consent Agenda for Item 4 – Building Code**
13 **Effectiveness Grading Results – ISO Ratings for City of Tavares, seconded by Kirby Smith.**
14 **The motion carried unanimously 5-0.**
15

16 **Tab 3) Award of Bid for Fox Run Drainage Project**
17

18 Councilmember Gamble observed that the staff recommendation is for the HDPE option however
19 he noted that Mr. Griffey's engineer recommendation was for the PVC option which is a \$1233
20 increased cost.
21

22 Mr. Griffey explained that he had sent a follow-up recommendation changing it to the HDPE. He
23 said they are basically equivalent; the PVC is a little sturdier. He said in terms of the design life
24 they are relatively equivalent. He said he had held follow-up discussions with Mr. Hayes and they
25 had determined that there was no significant benefit and it would be better to go with the lower
26 price. He said HDPE stands for High Density Polyethylene which is black corrugated plastic pipe
27 and has a smooth bore lining. Councilmember Smith asked if the HDPE is used by a lot of
28 governments. Mr. Griffey confirmed and said it is approved by FDOT and is actually easier to deal
29 with resulting in lower labor costs.
30

31 Councilmember Pfister asked how much more time would result from the PVC. Mr. Griffey said it
32 would be difficult to estimate but the manufacturer gives them the same design life. She asked
33 what had changed his mind. He said he initially suggested the other material but adjusted it to
34 save the city money (one percent savings).
35

36 Mayor Wolfe confirmed there would be no change orders.
37

38 **MOTION**
39

40 **Sandy Gamble moved to approve Tab 3 to award the contract to Mora Engineering in the**
41 **amount of \$142,337.80 for the HDPE option, seconded by Bob Grenier. The motion carried**
42 **unanimously 5-0.**
43

44 **Tab 5) Request to Purchase Used Carry-All Vehicle for Seaplane Base Marina**
45

46 Councilmember Gamble said he had spoken to Mr. Neron about this request. He said he had
47 wanted to know the age of the vehicle and if the parts were available.

1
2 Mr. Neron said this is a 2003 gas powered vehicle, has a large bed, and he did believed Mr. Pell
3 in the Maintenance Department had recommended the vehicle as the parts are available.

4
5 **MOTION**

6
7 **Sandy Gamble moved to have the city approve the purchase of the carry-all vehicle at a**
8 **cost of \$3,661, seconded by Kirby Smith. The motion carried unanimously 5-0.**

9
10 **IX. ORDINANCES/RESOLUTIONS – PUBLIC HEARING**

11
12 **Tab 6) Ordinance #2011-05 – Creating Chapter 23 of the Land Development Regulations for**
13 **Economic Initiatives – Second Reading**

14
15 Mr. Neron explained that the current Land Development Regulations contain various economic
16 incentives scattered throughout the Code of Ordinances. He said staff has now put all the
17 economic development initiatives in the proposed ordinance in one single section. There are also
18 some additions to the current ordinance.

19
20 In November 2008 the citizens in a referendum authorized the city to grant ad valorem tax
21 exemptions to new businesses, The expansion of existing business pursuant to Section 196 of
22 the Florida Statutes specifies the criteria and conditions in which these exemptions for city taxes
23 only, may be granted. The criteria include such factors as the amount of capital investment, the
24 number of jobs created and the wages of jobs created. He said any exemption granted under this
25 section of the statute is at the sole discretion of the City Council.

26
27 The proposed ordinance also contains a new section that allows the City Council to defer the
28 payment of building permit fees from the time of the building permit issuance to such time as the
29 Certificate of Occupancy is issued or six months, whichever is sooner. It would only be for
30 commercial projects. This will help on a large project and will give the developer some added time
31 to pay the fees. The ordinance also contains the current provision that allows the City
32 Administrator to defer the payment of non-residential water and wastewater fees from the time of
33 the building permit issuance to the time the Certificate is issued or six months, whichever is
34 sooner. This current provision is mute on the waiver of impact fees as a city waiver of impact fees
35 is in effect until December 31st. The proposed ordinance also provides a revised section so that
36 when the impact fees are once again effective the City Council, rather than he City Administrator
37 would be able to grant non-residential water and wastewater fees from the time of issuance of the
38 permit till the time the Certificate of Occupancy is issued.

39
40 Councilmember Smith asked if City Council determines that a project is worthy of deferring
41 payment and the six months or the Certificate of Occupancy has come due and the builder has
42 not paid, what would happen. Mr. Neron responded that the City will not issue a C.O. and the
43 building would not be able to be used until the payment is made.

44
45 **MOTION**

46

1 **Kirby Smith moved to approve Ordinance #2011-05 creating Chapter 23 of the Land**
2 **Development Regulations of Economic Incentives, seconded by Sandy Gamble. The**
3 **motion carried unanimously 5-0.**

4
5 **Tab 7) Resolution #2011-11 – Grant Electrical Utilities Easement for Tract C of Chelsea**
6 **Oaks Subdivision**

7
8 Mr. Skutt said this resolution will grant a utility easement to Sumter Electric Cooperative. SECO
9 desires to relocate and extend a electrical utility line to service Phase 2 of the Shanti Niketan
10 project on David Walker Road and Old 441. The most direct and least disruptive route would be
11 through the east 8 feet of Tract C in Chelsea Oaks Subdivision where the sewage pump station is
12 located. SECO will utilize directional boring to install the conduit to insure that there will be no
13 damage or disturbance to city property or equipment. The City's Utility Director has reviewed the
14 request and has no objections. SECO will bear the cost of installing the line and are seeking a
15 perpetual right of way to install and maintain the line. Staff recommends approval.

16
17 **MOTION**

18
19 **Bob Grenier moved to approve Resolution #2011-11, seconded by Kirby Smith. The motion**
20 **carried unanimously 5-0.**

21
22 **Tab 8) Resolution #2011-13 – Vacating of Utility Easement of Gateway Property**

23
24 Mr. Skutt reported that in 1979 City Council vacated a portion of Pulsifer Street that ran through
25 the property where the bus barn facility is located and although through the same resolution also
26 reserved a 16 ft. wide utility easement through the center of the vacated street. The City's Utility
27 Department has confirmed that there are no existing or proposed utility lines within this easement
28 and it is therefore not required. The proposed vacate will clear this easement from the property
29 and simplify the transfer of the titles. Staff recommends approval.

30
31 **MOTION**

32
33 **Sandy Gamble moved to approve Resolution #2011-13 to vacate the utility easement on**
34 **the Gateway property, seconded by Bob Grenier. The motion carried unanimously 5-0.**

35
36 **Tab 9) Public Hearing on USDA Grant/Loan for Stormwater Improvements in the**
37 **Community Redevelopment Area**

38
39 Mr. Hayes noted that previously Council approved the application to the USDA for the CRA
40 stormwater improvements. This will be a public meeting required as part of the application
41 process to obtain public input. He noted Laura Strach from Malcolm Pirnie will provide an
42 overview of the project. If the City is successful in obtaining funding from the USDA, an
43 affordability report will be brought back to Council.

44
45 Ms. Strach noted the project includes improvements to the conveyance of stormwater as well as
46 the treatment of stormwater. For conveyance the proposal is for upsized stormwater pipes as well
47 as new stormwater pipes. For treatment the proposal is a stormwater pond and in areas where

1 there is no land for a stormwater pond, under the road storm chambers will be built to provide
2 extra storage and treatment.

3
4 Mayor Wolfe invited public comment. There was no comment from the public.

5
6 Mayor Wolfe thanked staff and the engineers for their input at the meeting.

7
8 **X. GENERAL GOVERNMENT**

9
10 **Tab 10) Request to Reduce Lien on 610 N. New Hampshire**

11
12 Ms. Barnett stated the city has received a request from the owner of 610 N. New Hampshire
13 which is the Federal National Mortgage Association to hear a request for reduction of the code
14 enforcement lien by representatives from Freda Realty.

15
16 This property was brought before the Special Magistrate in 2008 for violations related to a
17 commercial delivery truck being left in the driveway and being used for storage. Fines were
18 imposed at a rate of \$100 a day for the two violations and the total lien was recorded at \$13,400.

19
20 Ms. Freda said they are the listing brokerage for the property and received the listing from an
21 asset management company who works for Fannie Mae who took the property back in 2010
22 through the foreclosure process. She said currently the lien is 38% of the property value. She
23 said there is a current offer on the property, an owner occupant, who has been approved for
24 renovation financing and wants to move in and renovate the property. They have asked that it be
25 barred or reduced.

26
27 Mayor Wolfe asked if the city was willing to split the difference, would Fannie Mae pay the \$6700
28 if the city absorbs the other \$6700? Ms. Freda responded that she believed that would be
29 accepted.

30
31 Councilmember Smith it sounded like if there is no reduction the closing will not go through. The
32 representatives responded that was possible and that they had been trying to get the title cleared
33 since April. Ms. Freda said they do not have the authority to say what the bank will approve.

34
35 Councilmember Smith said he understood that neither the bank nor the new owner was
36 responsible for the lien.

37
38 Ms. Freda said there is a current offer for \$35,100 and the lien is \$13,400. She said fair market
39 value is \$35,000.

40
41 Mayor Wolfe asked if the audience had input.

42
43 **Denise Laratta, Royal Harbor**

44
45 Ms. Laratta said the appraised value on the property is around \$45,000. She said she had a
46 problem with the city reducing any of the liens because of the city's budgetary issues. She said
47 the bank should take the loss, not the City of Tavares

1
2 **MOTION**

3
4 **Lori Pfister moved to not reduce the amount of the lien, seconded by Bob Grenier. The**
5 **motion carried unanimously 5-0.**

6
7 **Tab 11) Appointment of Lake County Cultural Affairs Alliance Representative**

8
9 Mayor Wolfe designated Debbie Stivender to be re-appointed to the Lake County Cultural Affairs
10 Alliance.

11
12 **MOTION**

13
14 **Sandy Gamble moved to ratify the Mayor's appointment, seconded by Bob Grenier. The**
15 **motion carried unanimously 5-0.**

16
17 **Tab 12) Request to Award Bid for Sign Management Plan and City-Wide Assessment**
18 **Report**

19
20 Mr. Thompson stated that this is a request to enter into a contract with Southeast Surveying Inc.
21 of Tavares for a city-wide street sign inventory and a city-wide pavement assessment. He said
22 under federal mandate agencies have until January 22, 2012 to implement a management
23 method for maintaining traffic sign retro reflectivity at or above MUTCD (Manual on Uniform
24 Traffic Control Devices) minimum standards. This contract would provide an inventory of all street
25 city signs in order to meet this mandate. This information will be collected and delivered in a
26 format that can be updated by city staff. The costs associated with this service are \$13,535. The
27 City also needs a city-wide street pavement assessment report which would allow staff to better
28 plan and budget for pavement upgrades. Utilizing a Mobile Mapping Vehicle, data will be
29 gathered and evaluated using the P.A.S.E.R.S. model (Pavement Surface Evaluation and Rating
30 System) which is common in the industry. The information will be provided in a manner consisted
31 with that used by the city's GIS Department. Southeast Surveying can supply this service for
32 \$6,410. If the two studies are combined the cost is \$17,535 which would be a savings of \$3,410.
33 Staff recommends the two studies with associated savings. The funds are available in the current
34 budget.

35
36 Councilmember Smith asked if the project went out for bid. Mr. Thompson answered that it did go
37 out for bid and there were four responses.

38
39 Vice Mayor Grenier asked for clarification on the pavement evaluation. Mr. Thompson invited Mr.
40 Philips of Southeastern to speak.

41
42 Mr. Philips stated he is a certified GIS professional. He said they will be driving the streets at
43 posted speeds using an imaging vehicle that captures imagery with up to five cameras. The firm
44 will map all of the distresses on the street and then, using the PASER model, give each street an
45 index from 1 to 10 (failed to excellent). They will provide a GIS data base, imagery, and an added
46 tool to the software so that it will be clear why the street received a particular index. In addition,

1 several hours of training will be provided in the use of the software and a digital camera and
2 software for updating the sign inventory.

3
4 **MOTION**

5
6 **Sandy Gamble moved for Option #3 to approve staff to enter into a contract with**
7 **Southeast Surveying Inc. for a combined city-wide street sign inventory and street paving**
8 **evaluation in the amount of \$17,535. The motion was seconded by Kirby Smith. The**
9 **motion carried unanimously 5-0.**

10
11 **Tab 13) Approval for Tavares Rotary to Host a Wine Testing Tent at the July 4th Event**

12
13 Ms. Rogers stated this year's theme is "Red, White and Blues" (a blues band will perform). A staff
14 member suggested incorporating a wine tasting component to the event. In the past, the city has
15 not had alcohol at this event or the Light Up event. Attendees would pay a fee to get into the tent
16 and to sample red and white wine. The operation would be facilitated by the Rotary Club. She
17 noted Ms. McGinley is present. They will also secure insurance naming the city as additional
18 insured. The tent will have three sides and be installed near the blues band. The only persons
19 allowed in the tent will be those who have purchased a ticket for the wine tasting. It will be a fund
20 raising activity for the Rotary Club.

21
22 Councilmember Smith asked where the band will be located. Ms. Rogers said it will be on the
23 event pad. He that the tent be placed far away from the Splash Park.

24
25 Mayor Wolfe asked if there was comment from the audience.

26
27 **MOTION**

28
29 **Lori Pfister moved to approve the wine tasting tent of the Rotary for the 4th of July Event,**
30 **seconded by Kirby Smith. The motion carried unanimously 5-0.**

31
32 **Tab 14) Rezoning of the Sprayfield Property**

33
34 Mr. Skutt gave the following report:

35
36 *On April 20th, 2011, Council considered a report that investigated possible sites for a new Public*
37 *Works Facility. The Spray Field Property on East Caroline Street was eliminated as a possible*
38 *site. The present zoning of the property is PFD (Public*
39 *Facilities District). This zoning would allow any city use. Council comments were recorded that*
40 *the property should be rezoned to High Density Residential and then marketed. Staff requires a*
41 *motion from Council to authorize the initiation of the rezoning and amending land use of this*
42 *property. Options:*

43
44 *1. That City Council moves to instruct staff to initiate a rezoning of the Caroline Street East*
45 *property (Old Spray Fields) to RMF-3, Residential Multi-Family with a corresponding High Density*
46 *Land Use designation and then to market the property.*

1 dedicated for public safety. He discussed the parameters that had been considered for the public
2 works property.

3
4 Mr. Thompson said staff has determined there will be a need for about four acres for the facility.
5 He showed a proposed sketch to demonstrate what will be required. He noted the Caroline
6 wastewater plant property is too small. He said the wetland property would incur high mitigation
7 costs. Therefore the Woodlea property is being suggested and there are two options in that area.
8 One is in the existing ball fields and the other is at the former site of the Captain Haynes house.

9
10 Mr. Drury discussed the two Woodlea sites. There are two projects currently that would be
11 affected: one is the current project to build a sports complex at Woodlea which is under design.
12 The master plan called for multipurpose fields where the potential public works facility would be
13 located.

14
15 He said currently the wastewater plant is also planned to double in size which would include the
16 property on the upper end. If the public works complex is located in that area it does affect the
17 future plan to double the size of the plant. He said there are a couple of issues: one is that in the
18 future, technology will likely change and there might be a need to have as much room as what
19 was proposed. There will likely be options to go "up" instead of "out" along with infill in the current
20 area. He said he would therefore recommend going to the north end and keeping the sports park
21 moving forward as it was master planned originally.

22
23 Mayor Wolfe noted he thought it was the most logical place to put public works and fleet
24 maintenance.

25
26 **OPTION**

27
28 **Sandy Gamble moved to approve Option #1 to approve the dedication of the "Woodlea**
29 **House" property located on Captain Haynes Road as the site of the proposed public works**
30 **facility, directing that all design efforts from this point forward will be made for this**
31 **property. The motion was seconded by Bob Grenier.**

32
33 Mayor Wolfe asked if there was comment from the audience.

34
35 **Denise Laratta**

36
37 Ms. Laratta said she had concerns about both of the properties as she felt this would potentially
38 put at risk the expansion of the wastewater treatment plant. She said she believed the city was
39 neglecting the water department. She said there is a resident from Fox Run in the audience who
40 has concerns about putting a maintenance facility with fueling capabilities being close to a
41 residential area.

42
43 Councilmember Pfister asked Mr. Thompson how much property is consumed now for public
44 works. Mr. Thompson said it is over three acres. She asked what was the problem with the
45 current location.

46

1 Mr. Drury said the master plan calls for that area to be a parking garage with retail on the ground
2 floor to support the pavilion and this section of the downtown. The current facilities were built in
3 the 1950's and are beyond their useful life. The Horizon project team was asked to look at the
4 needs of public works in addition to public safety. The core issue is that there is a higher and
5 better use for their property. Councilmember Pfister asked if funding is available. Mr. Drury said
6 not at the present time and once a site is located, funding can be investigated similar to how the
7 public safety complex has been pursued.

8
9 **The motion carried 4-1 as follows:**

10		
11	Robert Wolfe	Yes
12	Sandy Gamble	Yes
13	Bob Grenier	Yes
14	Lori Pfister	No
15	Kirby Smith	Yes

16
17 **Tab 16) Report on Senior Services**

18
19 Ms. Rogers stated Councilmember Pfister had requested that staff begin research to see what
20 type of services exist in the county that the city might partner with to provide service to the
21 seniors. She discussed a meeting held with Mr. Popovitch of Mid Florida Lake Senior Services
22 who service Lake, Sumter and Hernando counties. Staff is seeking permission to move forward
23 with formulating a plan and partnership with this agency to determine what could be provided in
24 the city, such as a congregate meal site.

25
26 Councilmember Pfister stated Mr. Popovitch was very excited about working with the city.

27
28 Vice Mayor Grenier asked what would be the city's role as far as staffing, etc.

29
30 Ms. Rogers stated if the city decided, as an example, to have a congregate meal site, the city
31 would provide the facility and the agency would provide the food, serve the food and would
32 publicize the program and provide transportation to the facility. She said the city's contribution
33 would be minimal.

34
35 Councilmember Pfister said if the city chose to do the three days a week, there could also be an
36 activity provided such as bingo, a speaker, or wellness checks.

37
38 Mayor Wolfe asked if there was comment from the audience.

39
40 Betty Burleigh, 214 N. New Hampshire Ave.

41
42 Ms. Burleigh said congregate meals were offered at the Ingraham Center in the 1970's or 80's
43 and it was a nice community service and she thought it would be a good idea.

44
45 **MOTION**

46

1 **Lori Pfister moved to approve Option 1 [authorize staff to pursue a partnership and plan],**
2 **seconded by Sandy Gamble.**

3
4 Ms. Pfister said she would be willing to be the liaison for this project.
5 **The motion carried unanimously 5-0.**

6
7 **Tab 17) Authorization to Renew Contract with Nova Engineering**

8
9 Mr. Skutt stated that the city's contract with Nova for building inspection and plans examination
10 services was executed November 3, 2008 for a two year period with the option to renew the
11 contract for the same terms for two additional one year periods. The contract was renewed in
12 2010 and may be renewed for one additional year. Staff is satisfied with the quality of services
13 presently being provided.

14
15 Discussion followed on the fee currently being paid of \$144,000. Mr. Drury noted they provide
16 vacation coverage, retirement, healthcare, workers compensation, the employee's vehicle and
17 gas, and liability insurance. He said the city had done an analysis about two years ago on what it
18 would cost the city to do the service versus their contract. The contract was then re-negotiated
19 which brought down the cost. He said next year when the city goes out for bids updated costs will
20 be available for the city to consider and assess.

21
22 Councilmember Gamble questioned the salary paid to building officials. Ms. Houghton said when
23 the analysis was done the going rate was around \$60,000. Councilmember Gamble said he
24 wanted to ensure the public was aware of the true costs and services provided.

25
26 Councilmember Pfister asked if a building official could be shared between the other cities.

27
28 Mr. Drury said he thought it was a good idea that could be explored with the other three cities. He
29 said one issue is that each city has three different codes and three different approaches—some
30 cities may interpret the enforcement of building codes differently.

31
32 Vice Mayor Grenier said as a local contractor he would never consider sharing building officials.

33
34 Mr. Drury said the city has not received any complaints and the current building official is very
35 helpful in working with the residents and contractors.

36
37 **MOTION**

38
39 **Lori Pfister moved to renew the current contract with Nova Engineering for an additional**
40 **year, seconded by Kirby Smith. The motion carried unanimously 5-0.**

41
42 **Tab 18) Donation of Cemetery Burial Plot to Judge Boylston Family**

43
44 Mayor Wolfe discussed the precedent that the city has set for donating burial plots (Sheriff Chris
45 Daniels and Officer Mike Poole) and that he thought it would be a nice gesture from the City to
46 the family of Judge Boylston who passed away a week ago, to honor him with the donation of a

1 plot in the Tavares cemetery. He said even though Judge Boylston lived in Leesburg as he was
2 going through his illness he made his own arrangements and requested to be buried in Tavares.

3
4 **MOTION**

5
6 **Sandy Gamble moved to donate a burial plot to the family of Judge Boylston, seconded by**
7 **Kirby Smith. The motion carried unanimously 5-0.**

8
9 **XI. OLD BUSINESS**

10
11 **XII. NEW BUSINESS**

12
13 **XIII. AUDIENCE TO BE HEARD**

14
15 **Betty Burleigh**

16
17 Ms. Burleigh said there were no representatives from the City at the last Historical Society
18 meeting and Ms. Gay [of the Ghost Tours company] had done a great job at depicting Betsy
19 Ross. Mr. Grenier agreed and noted he attended and that he anticipated the Ghost Tours would
20 be very successful based on her performance at the meeting.

21
22 **XV. REPORTS**

23
24 **Tab 12) City Administrator**

25
26 Mr. Drury stated his has no further information other than the upcoming meetings listed in the
27 council packet.

28
29 **Attorney Williams**

30
31 **Finance Director**

32
33 **Fire Chief**

34
35 **Chief Lubins**

36
37 **Communications Director**

38
39 **City Clerk**

40
41 **Utility Director**

42
43 **Community Services Director**

44
45 **Tab 14) City Council**

46
47 **Councilmember Pfister**

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Councilmember Gamble

Councilmember Gamble asked Mr. Drury and Ms. Houghton to advise Council on the recent savings to be derived from the recent change in FRS contributions during the budget workshops.

Mr. Drury said he will be bringing that issue to the next council meeting.

Vice Mayor Grenier

Councilmember Smith

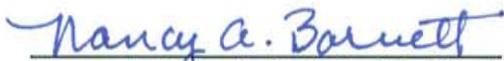
Councilmember Smith said he had driven by Hidden Cove after a recent storm to look at the stormwater repair work done in that area. He advised Mr. Hayes that everything appeared to be well restored and no impacts from the storm.

Mayor Wolfe

Adjournment

There was no further business and the meeting was adjourned at 5:39 p.m.

Respectfully submitted,



Nancy A. Barnett, C.M.C., City Clerk

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AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 15, 2011

AGENDA TAB NO. 2

SUBJECT TITLE: Request to Renew Agreement for Use of 70 Acres on Frankie's Road by Lake County for Housing Horses and Livestock

OBJECTIVE:

To consider the extension of the Revocable Non-Exclusive License Agreement with Lake County for the temporary storage of livestock

SUMMARY:

Lake County has requested that the City extend the agreement (signed in June 2010) for an additional year for the housing of abused horses and livestock that have been seized by Lake County Animal Control. This is property owned jointly with Eustis and Mt. Dora (see 2010 memo from City Attorney) also referred to as the "Old Landfill property".

OPTIONS:

- 1) Approve the extension of the agreement with Lake County for one year
- 2) Do not approve the agreement

STAFF RECOMMENDATION:

Move to approve the extension of the Revocable Non-Exclusive Agreement with Lake County for the Use of 70 Acres on Frankie's Road for One Year

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

Williams, Smith & Summers, P.A.

Robert Q. Williams
380 West Alfred Street
Tavares, Florida 32778
Phone: 352-343-6655 Fax: 352-343-4267
e-mail: rqw@wssattorneys.com

MEMORANDUM

TO: Mayor and City Counsel, John Drury
FROM: City Attorney, Robert Q. Williams
RE: Temporary Storage of Livestock - Old Tri-City Landfill Site
DATE: MAY 28, 2010

On May 27, 2010, I got in an e-mail request from County Attorney Melanie Marsh. Requesting, on an emergency basis, the consent of the, cities of Tavares, Mount Dora, and Eustis to use a portion of the vacant acreage owned by those three cities near Frankie's Road, for the temporary housing of abused horses and livestock that have been seized by Lake County. The property in question is the old Tri-City's Landfill site located off County Road 561, South of Tavares. My recollection is that Mount Dora and Eustis each own a 40% undivided share in the property and that the city of Tavares owns a 20% undivided share.

According to Ms. Marsh, the County needs approximately five to ten acres of the vacant property to house these animals. The County will fence and maintain the property, and be responsible for taking care of the animals. We did not discuss this specifically, but I assume the County will also assume the liability for securing and housing the animals.

If this meets with your approval, please let us know so that we can approve of this temporary arrangement, either formally or informally as the case may be.

RQW/jsy



LAKE COUNTY

FLORIDA

COUNTY ATTORNEY'S OFFICE

SANFORD A. MINKOFF*
County Attorney
sminkoff@lakecountyfl.gov

MELANIE N. MARSH*
Deputy County Attorney
mmarsh@lakecountyfl.gov

ERIN HARTIGAN
Assistant County Attorney
ehartigan@lakecountyfl.gov

SARAH TAITT
Assistant County Attorney
staitt@lakecountyfl.gov

**Board Certification in City, County and Local Government Law*

May 17, 2011

John Drury
City Administrator
201 E. Main Street
Tavares, FL 32778

RE: Renewal of Revocable Non-Exclusive Agreement with Lake County – use of 70 acres on Frankie's Road

Dear John:

The above-referenced License Agreement was for a one year period and is due to expire July 8, 2011. Pursuant to Section 5 of the License Agreement, the term of the Agreement shall not exceed one year without prior approval by the City.

Please accept this letter as Lake County's request for extension of the Agreement for one year. If this request is acceptable to the City, please let me know.

If you have any questions, please feel free to give me a call.

Sincerely,

Quinnette Durkin
Property Manager

/qsd

REVOCABLE NON-EXCLUSIVE LICENSE AGREEMENT

THIS AGREEMENT is made by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the "County," and the City of Tavares, a municipal corporation organized under the laws of the State of Florida, hereinafter the "City"

RECITALS

WHEREAS, County has limited acreage at its Animal Control facility to house a large number of livestock; and

WHEREAS, due to the recent increase in Animal Control cases requiring seizure of livestock, including but not limited to cows and horses, additional acreage is needed to house the animals on a temporary basis; and

WHEREAS, City owns approximately 70 acres on Frankie's Road, near the County's Animal Control facility, identified as Alternate Key 1095123, hereinafter the "Property", and

WHEREAS, County desires to use the Property to place livestock on a temporary basis;

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the County and City hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. By the execution hereof, City grants County a revocable, non-exclusive permit to use the Property identified as Alternate Key 1095123 for placement of seized livestock, including but not limited to cows and horses. County shall be allowed to fence approximately a five (5) to ten (10) acre tract in order to prevent the livestock from straying from the Property.
3. The County agrees to properly maintain and safeguard the Property during the term of

this permit.

5. The term of this permit shall not exceed a period of one (1) year from the date of execution by the parties without prior approval by City.

A. All notices, demands, or other writings required to be given or made or sent in this Agreement, shall be in writing and addressed as follows:

COUNTY

County Manager
Post Office Box 7800
315 West Main Street
Tavares, FL 32778-7800

CITY

John Drury
City Administrator
201 E. Main Street
Tavares, FL 32778

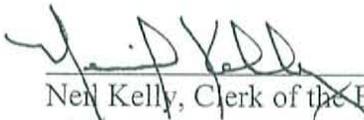
6. It is specifically agreed between City and County that this license granted under and pursuant to this Agreement is personal to the County and shall not inure to the successors or assigns of the County.

7. No assignment or other transfer of the license granted under this Agreement, or any interest in such license, and no sublicense for any purpose shall be made or granted by the County without the express, prior, and written consent of City.

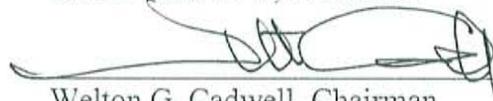
Dated this 6th day of July, 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



Neil Kelly, Clerk of the Board
of County Commissioners of Lake
County, Florida



Welton G. Cadwell, Chairman

This 8th day of July, 2010.

Approved as to form and legality:



Melanie Marsh
Acting County Attorney

Revocable Non-Exclusive License Agreement Between Lake County and the City of Tavares

CITY



John Drury, City Administrator

This 8th day of June, 2010.



LAKE COUNTY

COUNTY ATTORNEY'S OFFICE

SANFORD A. MINKOFF*
County Attorney
sminkoff@lakecountyfl.gov

MELANIE N. MARSH*
Deputy County Attorney
mmarsh@lakecountyfl.gov

ERIN HARTIGAN
Assistant County Attorney
ehartigan@lakecountyfl.gov

SARAH RISSMAN
Assistant County Attorney
srissman@lakecountyfl.gov

**Board Certified in City, County, Local Government Law by The Florida Bar*

July 21, 2010

Nancy Barnett
City Clerk
City of Tavares
201 E. Main Street
Tavares, Florida 32778

RE: Revocable Non-Exclusive License Agreement with Lake County

Dear Nancy:

Enclosed please find a fully executed original of the above-referenced Agreement with Lake County approved by the Board of County Commissioners at their meeting on July 6, 2010.

If you have any questions, please feel free to give me a call.

Sincerely,

Quinnette Durkin
Property Manager

/qd

Enclosure

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 15, 2011**

AGENDA TAB NO. 3

SUBJECT TITLE: Resolution #2011-14 - State Revolving Fund Loan for Reclaimed Water Facility Construction Phase 2 & 3

OBJECTIVE:

To consider the approval of Resolution #2011- 14 to apply for \$3,247,200 from the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) program. These funds are for Phase 2 & 3 of the project which includes treatment of effluent for phosphorus removal and an administrative staff and training facility. Pledge revenues for the entire project will be via a reclaimed water enterprise fund program, which will be secured by the operating revenues of the City's water and sewer system and any future pledge revenues.

SUMMARY:

The City of Tavares water resources are managed by the St. Johns Water Management District (SJRWMD). The district regulates the location and volume of water withdrawn from the aquifer by all users within their region. The City is currently in process of completing its consumptive use permit (CUP) due to expiration of the current permit to remain in compliance with the requirements established by the SJRWMD.

As part of the permit process City is required to make every effort to conserve the local water resources to the highest degree and to develop alternative resources. The City's Water Reclamation Project will provide additional water resources for irrigation within the City which is anticipated to help offset future demand for water irrigation needs.

In addition to State Revolving Loan funds, the City has secured additional funding from SJRWMD to assist the City with Phase 1 and 2 of the Reclaim Project; SJRWMD has an active agreement with the City of Tavares to provide assistance toward the project in the amount of \$1,000,000. This is in conjunction with the District's alternative water resources program.

A timeline of the Reclaim Project milestones is provided below:

On January 21, 2009, the City Council approved Resolution 2009-01 which provided authorization for application to FDEP for the City of Tavares Water Reclamation Project. This request included all phases of the project estimated at \$16,541,549.

On March 4, 2009, the City Council authorized an SRF Pre-construction Loan with FDEP pre-construction activities in the amount of \$1,027,466. The pre-construction loan provided funding for design and planning activities for the reclaim project.

On January 5, 2011, the City Council approved Resolution 2011-02 which authorized application to FDEP for loan funding of Phase 1 construction activities for the project which includes reclaim water mains and a ground storage tank.

On January 16, 2011, the City issued Bid Number ITB-2011-0009-0-211/JR for Phase 1 of the reclaim project.

On April 12, 2011, the City Council authorized the execution of loan documents with FDEP for State Revolving Loan Funds in the amount of \$4,902,260. (Bid amount was \$2,383,011 less.)

On May 18, 2011, the City Council awarded bid in the amount of \$2,519,249 for Phase 1 of the Reclaim Phase 1 to E.T. MacKenzie, Inc.

As Florida's population continues to increase, the need to find alternative sources of water to supplement traditional low cost groundwater supplies is being mandated by state regulations. One of the more readily available and cost effective alternative water sources is reclaimed water.

OPTIONS:

1. **Move to Approve** Resolution #2011-14 for the City to authorize application and execution of loan from the State of Florida Department of Environmental Protection Revolving Loan Program for Phase 2 & 3 Construction Activities which includes treatment of effluent for phosphorus removal and an administrative staff and training facility
2. **Do Not Approve** Resolution #2011-14 for the City to authorize application and execution of loan from the State of Florida Department of Environmental Protection Revolving Loan Program for Phase 2 & 3 Construction Activities which includes treatment of effluent for phosphorus removal and an administrative staff and training facility

STAFF RECOMMENDATION:

Move to Approve Option 1 for approval of Resolution #2011- 14 for the City to authorize application and execution of loan from the State of Florida Department of Environmental Protection Revolving Loan Program for Phase 2 & 3 Construction Activities which includes treatment of effluent for phosphorus removal and an administrative staff and training facility

FISCAL IMPACT:

Debt service requirements for this project were included in the City's most recent Water, Wastewater, and Reclaim Water Rate Study, and were also included in the affordability analysis provided to the City Council on May 4, 2011. Annual Debt Service obligations (semiannual payments) for Phase 2 & 3 construction activities are *estimated* at \$222,268 (excluding coverage and capitalized interest); debt service obligations will not occur in the current fiscal year.

LEGAL SUFFICIENCY: The City Attorney has reviewed the resolution for legal sufficiency.

RESOLUTION 2011-14

A RESOLUTION OF the CITY OF TAVARES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water pollution control facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. WW35092 for Phases 2 & 3 of the Reclaimed Water project as eligible for available funding; and

WHEREAS, the City of Tavares, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA AS FOLLOWS:

SECTION 1. The foregoing finding are incorporated herein by reference and made a part hereof.

SECTION 2. The City of TAVARES, Florida is authorized to apply for a loan to finance Phase 2 & 3 of the reclaimed Water project.

SECTION 3. The revenues pledged for the repayment of the loan are water and sewer utility system revenues.

SECTION 4. The Mayor is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION 5. The Mayor is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Mayor is authorized to represent the City in carrying out the City's responsibilities under the loan

agreement. The Mayor is authorized to delegate responsibility to appropriate City staff to carryout technical, financial, and administrative activities associated with the loan agreement.

SECTION 6. The legal authority for borrowing moneys to construct this Project is by, Florida Statutes.

SECTION 7. Conflicts. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION 9. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND RESOLVED this 15th day of June, 2011, by the City Council of the City of Tavares, Florida.

Robert Wolfe, Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

Approved as to form:
Robert Q. Williams
City Attorney

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 15, 2011**

AGENDA TAB NO. 4

SUBJECT TITLE: Employee Retirement Contribution Changes for One City Retirement Plan Group

OBJECTIVE: To obtain Council approval on providing take home pay equity adjustments for that group of city employees affected by The Florida Legislators mid-year changes to the Florida Retirement System.

SUMMARY:

By way of background, the City of Tavares has the following four (4) retirement plans:

1. Police Officers' Pension Plan Retirement Program (27 Employees)
2. Firefighters' Pension Plan Retirement Program (22 Employees)
3. General Employee Hartford Pension Plan (9 Employees)
4. General Employee Florida Retirement System (FRS) (106 Employees)

Each of these plans is unique, different, and requires varying contribution rates by the employee and the employer. There is a range of covered classifications among the plans, and variable benefits within each, based upon retirement benefit elections made by the individual employee. In general, the following plans, contribution rates and benefits provide a big picture assessment of the four retirement plans currently offered to eligible City employees:

Plan	Employee Contrib	Employer Contrib	Benefit
1. Police	12.8%	21.2%	33 yrs 100% (1)
2. Fire	3.5%	22%	33 yrs 100% (2)
3. Hartford	0%	6%	*Investment (3)
4. Florida	0%	10.77% to 14.57%	33 yrs 50% (4)

- (1) Police: After 33 years of service and minimum age 52, employee receives 100% of their annual salary. This plan includes all full-time sworn Police Department employees.
- (2) After 33 years of service and minimum age 50, employee receives 100% of their annual salary. This group includes all full-time certified Fire Department employees.
- (3) This investment (defined contribution) plan pays out the total accumulated value of the account in one of several benefit election options. This group includes those employees who elected not to change to the Florida Retirement System

Plan when it was offered in 2006. As of April 1, 2006, all new employees who are not sworn Police or certified Fire employees are compulsory members of the Florida Retirement System.

- (4) After 33 years of service, the employee receives 50% of their annual salary if employee chose the "defined benefit" plan. This group includes all new employees after April 1, 2006. City puts in 10.77% for General Employees and 14.57% for Sr. Management classification.

The Police and Fire Pension Plans have a vesting schedule of 10 years of service and annual Cost of Living Adjustments. The Florida Retirement System Pension Plan has a vesting schedule of 6 years of service and had a cost of living adjustment. The Hartford Pension Plan is closed to new members, and all current members were fully vested at 5 years of service.

The Florida Legislature and Governor passed a new law in May 2011 that calls for any employee in the "Florida Retirement System" (the City's Plan 4 above) to contribute 3% toward this plan and to lower the employer contribution by that 3%. It also significantly reduces or eliminates retirement Cost of Living Adjustments, which further reduces the employer's contribution by approximately 3%; for a total reduction of approximately 6% by the employer (City) and 3% increased contribution by the employee. This results in the above table changing and looking like the following for Plan 4 on July 1 of this year:

Plan	Employee Contrib	Employer Contrib	Benefit
4. Florida	3%	6%	33 yrs 50% (4)

The net effect is those City employees who are in the Florida Retirement System - plan 4 (64% of the city employees) will have their take-home pay reduced by approximately 3% on July 1st of this year and the City of Tavares will have its contribution reduced by 6%. All other City employees who are in City Plans 1, 2 and 3 (36% of the city Employees) will not be affected by a 3% reduction in their take-home pay.

In an effort to maintain employee equity among the employees take home pay as well as saving the city money, options are being provided to Council for consideration that all have a positive effect on this year's budget as well as next year's budget as follows:

OPTIONS

- 1. The Employee's pay who are in Plan 4 is increased by approximately 3% on July 1 (excluding the City Administrator) so that the result in take-home pay remains the same for all employees. The City will save \$26,582 the remainder of this year with this option, based on the decrease to 6% of required retirement contributions for this group of employees. Next year the savings to the city will be approximately \$106,328 for this option.
- 2. The Employee's pay who are in Plan 4 is increased by approximately 1.5% on July 1(excluding the City Administrator). This results in take-home pay reduced

by 1.5% for only those employees in Plan 4. The City will save \$44,602 the remainder of this year with this option, based on the 6% decrease in retirement contributions for this group of employees. Next year the savings to the city would be approximately \$178,408 for this option.

3. The Employee's pay who are in Plan 4 is left alone. This results in take-home pay reduced by 3% for only those employees in Plan 4. The City will save \$62,622 the remainder of this year with this option, based on the 6% decrease in retirement contributions for this group of employees. Next year the savings to the city would be approximately \$250,488 for this option.

STAFF RECOMMENDATION: In order to maintain equity in take home-pay among city employees for the remainder of this fiscal year, the City Administrator recommends Option 1. Note: The City Administrator is in Plan 4, the Florida Retirement System and is recommending that this pay adjustment does not apply to him.

FISCAL IMPACT: All options presented have a positive net effect on the budget this year and next year because all options result in the City contributing 6% less than budgeted to Group 4's retirement plan. As it relates to the following Fiscal Year 12 beginning October 1, 2011, if Option 1 is selected then the city will save approximately \$106,328 and all employees begin the year on "equal footing" at the same take-home pay they received in FY 11. Any percentage adjustments made during the budgeting process to across the board employee pay (either positive or negative) would have an equal effect on take home pay changes for all employees.

LEGAL SUFFICIENCY: This matter has been reviewed with the City Attorney, and all options are legally sufficient.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 15, 2011**

AGENDA TAB NO 5

SUBJECT TITLE: Consideration for an Ordinance to Allow Utility Liens

OBJECTIVE:

To consider approval to develop an Ordinance to allow for liens upon real property for unpaid utility accounts of property owners

SUMMARY:

In June 2009, the City Council adopted Ordinance No. 2009-22 which established water, sewer, and reclaim water rates as recommended by the City's Rate Study by Brown & Caldwell which was completed in May 2009. The new rate structure provided for the implementation of base charges for water, sewer and reclaim utility services. In addition the ordinance included an annual rate increase equal to the Consumer Price Index plus 1%.

The City currently has three different customer types: tenant/lease occupied, owner occupied, and owner vacant. In each case the City requires a utility deposit when an account is opened for water consumption. As of October 2009, all account types incur a monthly base charge, and when the residence or building is unoccupied by owner or tenant, the owner is billed the base charge.

Currently, when a customer is delinquent the City may provide a payment plan for active accounts, or refer closed and uncollected accounts to a collection agency. Generally, the accounts referred are those that were tenant occupied.

With the implementation of base charges, each property owner or tenant receives a monthly bill which includes the monthly base charge. Due to the economic conditions in the past three years, the City has experienced an increase in the number of uncollectible accounts due to an increased number of foreclosures and bankruptcy cases. These cases often times involve disputes between the mortgage holder and the mortgagee, and the legal issues involved can make it unclear as to who is responsible for the monthly base charges.

Foreclosures may be complex, and they may include bankruptcy in some instances. A foreclosure case may take several years, and once the property owner/mortgagee vacates the property, they are reluctant to pay the base fees, and the mortgage holder/bank may suspend or hold off completing the property transfer, thus the City can only bill the recorded property owner.

Unpaid utility bills are an unintended consequence in these cases. Currently, the City utilizes a collection firm to collect delinquent accounts and this has generally been successful in usual circumstances. With the implementation of base charges, we have incurred some account holders/property owners who have been unable or refused to pay base charges, and more troublesome, we have incurred the consequences of property foreclosures. It should be noted that without a lien attached to the property, the City is unable to collect owed amounts when a bankruptcy case has been filed.

Further, please note that in these extreme cases where no one occupies the property, turning off the water to the home or structure has little effect and base charges continue to accrue.

A lien ordinance in place would allow the City to record property liens for utility charges that are the responsibility of the property owner, and would allow the City to collect charges owed to the City when properties are sold. In addition liens would provide legal standing for utility charges in bankruptcy cases and could reduce uncollectible utility charges/fees in these cases.

OPTIONS:

1. Move to request staff to prepare a draft ordinance providing for property liens for uncollectible utility charges/ fees of property owners.
2. Move to not consider an ordinance allowing property liens for uncollectible utility accounts of property owners.

STAFF RECOMMENDATION:

Move to request staff to prepare a draft ordinance providing for property liens for uncollectible utility charges fees of property owners.

FISCAL IMPACT: None. A lien ordinance will increase collectability of delinquent and uncollectable accounts.

LEGAL SUFFICIENCY: The City Attorney has reviewed this request.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 15, 2011**

AGENDA TAB NO. 6

SUBJECT TITLE: Board/Committee Appointments: Planning & Zoning Board, Library Board and Community Redevelopment Area Advisory Committee

OBJECTIVE:

To have the Mayor designate appointments for the Planning & Zoning Board (Three Expiring Seats), Library Board (Four Expiring Seats) and Community Redevelopment Area Advisory Committee (Three Expiring Seats).

SUMMARY:

The City advertised (Daily Commercial/Web Site) for seats that will expire in June 2011 for the Planning & Zoning board, Library Board and Community Redevelopment Area Advisory Committee:

The City has received the following requests for appointments/re-appointments;

Planning and Zoning Board (3 year terms June 2011-June 2014)

There are three seat vacancies due to expiring terms. Letters requesting re-appointment(s) have been received from the following;

- James Gardner
- Norman Hope
- Dolores Russ

One new application has been received from Gary S. Santoro.

Library Board (2 year terms June 2011-June 2013)

There are four seat vacancies due to expiring terms. Letters requesting re-appointment(s) have been received from the following;

- Linda Clutts
- Doris Ragan
- Robert Sheppard
- Martha Wilkins

No new applications have been received.

Community Redevelopment Area Advisory Committee (3 year terms June 2011-June 2014)

There are three seat vacancies due to expiring terms. Letters requesting re-appointment(s) have been received from the following;

- Denise Laratta
- Walter Price

New Applications have been received from the following

- Freddie Belton
- Lou (Lourdes) Buigas
- Andrew O'Keefe.

OPTIONS:

The Mayor will recommend appointments to the Boards/Committees

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

None.

LEGAL SUFFICIENCY:

N/A

Daily Commercial

Sunday, May 15, 2011 Edition

Display Ad – Citizens Boards/Committees

CITY OF TAVARES CITIZEN BOARDS/COMMITTEES

The City of Tavares is presently accepting applications for the following Boards:

**Planning and Zoning Board
Library Board**

Community Redevelopment Area Advisory Committee

The positions are voluntary and appointed by the Mayor of the City of Tavares. Applications may be obtained by calling (352) 253-4546, between the hours of 8 a.m. and 5 pm Monday through Friday or by downloading the application from the city's web site at www.tavares.org

Applications should be submitted by Wednesday, May 31, 2011. For additional information please call Nancy Barnett, City Clerk, at 352-253-4546.

197419-May 15, 2011

TAVARES

City accepting planning, zoning applications

The City of Tavares is accepting applications for its planning and zoning board, library board and Community Redevelopment Area Advisory Committee.

Applications may be obtained by calling 352-253-4546, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or by downloading the application from the city's web site at www.tavares.org.

For additional information, call City Clerk Nancy Barnett at at 352-253-4546.

CLEMMONT

James Gardner
723 Landry Lane
Tavares, FL 32778-4519
352 343-0420
cell 317 514-6871
jrg@iag.net

May 14, 2011

The Honorable Robert Wolfe, Mayor
c/o Office of the City Clerk
201 East Main Street
Tavares, FL 32778

Dear Mayor:

This is in response to a May 12 letter from Susie Novack informing me that my term on the Planning and Zoning Board would expire in June and that if I was interested in seeking re-appointment I should notify you in writing.

Yes, I am interested in being re-appointed.

It's an honor to serve our city as Vice Chairman of the Board. The record will show that I have consistently voted in favor of and taken part in public discussions of cases that would bring progress to our community. In the zoning business it seems as though length of service equates to added experience. Therefore, I would like to continue contributing whatever small part I can to this endeavor.

In closing, I want to mention I believe my attendance has been as good as or better than some others. This is not to cast disparity amongst my fellow members but - - bottom line - - if you're not present you can't vote and this is not fair to a petitioner.

Sincerely,



CC: Susie Novack ✓
Jacques Skutt

May 26, 2011

Robert Wolfe, Mayor
City of Tavares
201 E. Main Street
P. O. Box 1068
Tavares, FL 32778

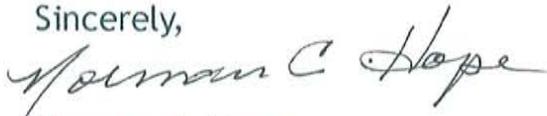
Re: Position on the Planning and Zoning Board, City of Tavares, FL

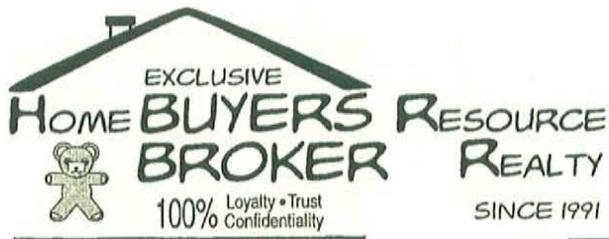
Dear Mayor Wolfe:

I have been advised that my term as a member of the Zoning and Planning Board of the City of Tavares is going to end in June of 2011. I have enjoyed my position on this Board and have learned a great deal about the rules and regulations concerning matters handled by this Board. Due to these facts, I am respectfully requesting that the City Council re-appoint me to this Board at the end of my present term.

Thank you for your consideration of this request.

Sincerely,


Norman C. Hope



Dolores A. Russ, Exclusive Buyer Broker
352-343-6650 • FAX 352-343-6755
1613 Orange Ave. • Tavares, FL 32778-2111
E-MAIL: BUYSHOMES@aol.com

May 16, 2011

Mayor Robert Wolfe,
c/o Office of the City Clerk,
City of Tavares,
201 E. Main Street,
Tavares FL 32778

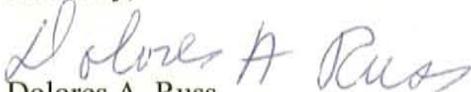
Re: Re-appointment to Planning and Zoning Board

Dear Mayor Wolfe,

Please be advised that I do seek another term on the Planning and Zoning Board. It has been an interesting and educational term and I am anxious to continue to serve our City and its citizens.

The future of Tavares is nothing but bright and I would hope I could contribute to that exciting future. Thank you for your consideration.

Sincerely,


Dolores A. Russ

cc: Susie Novack, Deputy City Clerk

Serving: Clermont, Eustis, Lady Lake, Leesburg, Mount Dora, Summerfield, Tavares and The Villages





Application for a Board/Committee Appointment
City of Tavares

Please Print: Santoro Gary S.
Last Name First Middle Initial

Telephone: (352) 742-5151 Email: gsantoro@embarqmail.com

Cell Phone: () Fax:

Present Address

Which Board/Committee Appointment are you seeking; (Please mark with a check.)

- Bicycle Pedestrian Committee of the Metropolitan Planning Organization
Citizens Advisory Committee of the Metropolitan Planning Organization
Community Redevelopment Area Advisory Committee
Fire Pension Board
Lake County Cultural Affairs Council - Tavares Representative
Library Advisory Board
[X] Planning and Zoning Board*
Police Pension Board

*Planning and Zoning Board Applicants Only - please also complete the Planning & Zoning Board Applicant Questionnaire Attachment and attach to the application.

Name(s) and Relationship of Relatives Working for the City: none

Have You Ever Been Convicted of or Pled Guilty or No Contest to any Felony Offense? Yes ___ No

Education and Training: (Circle Last Level of Education Completed)

Elementary & High School College or University Graduate School
1 2 3 4 5 6 7 8 9 10 11 (12) 1 2 3 4 1 2 3 4

Are You Employed at Present? (Please Circle) YES (NO)

Name of Last or Present Employer: Town of Wethersfield

Address: 505 Silas Deane Hwy, Wethersfield, CT 06109
 Number and Address City State Zip

Date Hired: Nov. 1, 1986 Position: Fire Marshal

Brief Description of Responsibilities: Enforce the laws found in Chapter 541 of the Connecticut General Statutes, as they pertain to life safety, and interact with local/state boards and commissions to review and comment on (over)

Have You Served on a City of Tavares Board or Committee? No

If You Answered Yes: When? _____ Where? _____

Professional or Civic Memberships:

- 1) Nat'l Fire Protection Assoc. 2) Int'l Assoc. of Fire Chiefs
- 3) Int'l Fire Marshals Assoc. 4) FL Fire Marshals + Inspectors Assoc.

Please Answer the Following (Use Back of Page if Additional Space is Needed)

1) Why would you be a good candidate for this appointment? What experience, knowledge, or special skills do you have that would be helpful to this board?

see attached

2) What do you think should be the purpose of this board?

see attached

Brief Description of Responsibilities (continued)

proposed new commercial/residential construction or proposed alterations to existing construction as well as proposed re-design of streets and highways.

1) Why would you be a good candidate for this appointment? What experience, knowledge, or special skills do you have that would be helpful to this board?

As a retired municipal department head, I was required to review and comment on plans that were submitted to our Planning & Zoning Commission. My review centered on how it would fit and if the proposal would meet statutory and local requirements for safety. As part of that review process I had the opportunity to meet with the developers beforehand to work out details that would help in getting their proposal approved by Planning & Zoning.

2. What do you think should be the purpose of this board?

The Planning and Zoning Board shall review all proposals for new construction and external alterations to existing construction. These reviews shall determine whether the proposal meets city requirements, county requirements, and state requirements as it pertains to all facets of the construction. The Planning and Zoning Board is key to the future development of the city not only in what is built but how it is built and how it blends in to the city's architectural plan. Without a good Planning and Zoning Board, the city will not attract new development.

References: Give Below, the Names of Three Persons Not Related to You, Whom You Have Known at Least One Year.

- 1) Ron Farr 1226 107th Ave., Otsego, MI 49078 > 10 years
Name Address Business Years Known
- 2) Charles Viani 72 Sunrise Ter., Westford, CT 06109 > 10 years
Name Address Business Years Known
- 3) Don Lindberg 5637 Bounty Cir., Tavares, FL 32778 2 1/2 years
Name Address Business Years Known
personal

Next of Kin: Maryann Santoro 2954 Lake Huron Ln., Tavares FL 32778 Spouse
Name Address Relationship

In Case of Emergency, Please Notify:

Maryann Santoro ... 352-742-5152
Name Address Telephone No.

I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED IN THIS APPLICATION. I UNDERSTAND THAT MISREPRESENTATION OR OMISSION OF FACTS CALLED FOR IS CAUSE FOR VOIDING THIS APPLICATION.

Applicants Signature Mary A. Santoro Date May 18, 2011

This form is for completion by applicants, and is used to collect information for reporting purposes only.

In keeping with Florida Statutes Chapter 760.80(4) and to help us comply with reporting and legal requirements regarding minority representation on boards, commissions, councils and committees, please answer the questions below.

Gary S. Santoro May 11, 2011
Name Date of Application

Please select one of the following:

An African American; that is a person having origins in any of the racial groups of the African Diaspora.

A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

A Native American, that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

An American woman.

An American man.

None of the above.

Do you qualify as physically disabled? Yes: No:

*Planning and Zoning Board
Applicant Questionnaire Attachment*

- 1) How do you balance property development rights with government development regulations?

see attached

- 2) What is your overall philosophy on growth in the City and in Lake County?

see attached

1) How do you balance property development rights with government development regulations?

If a person or developer owns a piece of property, whether they pay taxes on it or not, they have the right to develop that property as long as the regulations approve the type of development planned. The city or county has the right at any time to make changes to the plan of development as long as the change goes through the normal approval process. Without development, the city tax base will not grow. With growth also comes the added burden on local government to provide for services like police, fire, education, water, sewer, recreational facilities, roads, and all the essential requirements of everyday life.

In order for a city to grow and prosper, the Planning and Zoning Board has to find a balance between protecting the quality of the city with the rights of a developer to develop their property. That balance can be achieved with collective thinking and dialogue.

2) What is your overall philosophy on growth in the City and in Lake County?

I believe that the growth of our City and Lake County will depend largely on what the overall plan of economic development is for the region. The City and the County have to work in concert in order for a proposal to be successful and it has to be marketed in such a way that people want to build and relocate here. If the City is trying to lure a large corporation here but the county infrastructure won't support it, the corporation won't come. We have to be able to support development not only in our City, but in the County as well. One can't survive without the other. If it is our intent for the City and County to grow, we need to make sure that we can support that growth. In the new economic times, we can't ask a developer to pay for something that the city or county should be providing anyway.

May 16, 2011

Mrs. Linda Clutts
1260 Lake Dora Drive
Tavares, FL 32778

Dear Nancy:

My time on the library board has been most enjoyable. Please enter my name to be re-appointed for another term.

Many thanks.

Sincerely,


Linda Clutts

May 16, 2011

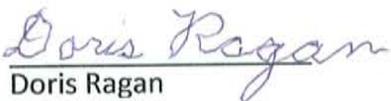
Mrs. Doris Ragan
415 Kentucky Street
Tavares, FL 32778

Dear Nancy:

As a retired English teacher in the Tavares School System, supporting the Tavares Library is very important to me in this day and age. I would consider it a privilege to be re-appointed to another term.

Thank you in advance for your consideration.

Sincerely,


Doris Ragan

May 16, 2011

Mr. Robert Sheppard
100 E. Ianthe Street
Tavares, FL 32778

Dear Nancy:

As I have been a member of the City of Tavares Library Advisory Board for the past few years, I have become more experienced in library matters and wish to submit this letter for re-appointment for the next term.

A letter of acknowledgement would be much appreciated. See you at the library!

Sincerely,

A handwritten signature in cursive script that reads "Robert Sheppard". The signature is written in black ink and is positioned above the printed name.

Robert Sheppard

May 16, 2011

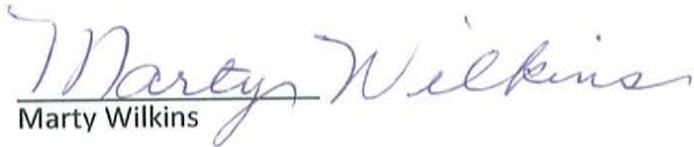
Martha Wilkins
415 W. Caroline Street
Tavares, FL 32778

Dear Nancy:

As I have enjoyed my time on the City of Tavares Library Advisory Board, I would consider it a pleasure to be considered for re-appointment once more.

Look forward to hearing from you!

Sincerely,


Marty Wilkins

Susie Novack

From: Denise Laratta
Sent: Thursday, May 12, 2011 5:12 PM
To: Susie Novack
Subject: Request for Reappointment

Mayor Wolfe,

My CRAAC term expires in June, 2011. I would appreciate your consideration to re-appoint me for an additional term from June, 2011 to June, 2014.

Thank you.

Denise Laratta
Fire Pension Board
City of Tavares
America's Seaplane City
dlaratta@tavares.org

Nancy Barnett

From: wprice@priceappraisalgroup.com
Sent: Wednesday, June 08, 2011 4:19 PM
To: Nancy Barnett
Subject: CRAAC Committee

To: Mayor Wolfe & Nancy Barnett:

I would be happy to continue as a member of the CRAAC for another term.

I can also continue as chairman if you would like.

Thank you,

Walter B. Price, Sr., SRA, CFP

Chairman, CRAAC



America's Seaplane City™

*Application for a Board/Committee Appointment
City of Tavares*

Please Print: BELTON FREDERICK C
Last Name First Middle Initial

Telephone: (352) 343-7775 Email: beltonbailbonds@aol.com

Cell Phone: (352) 516-6030 Fax: 352-343-8999

Present Address Mail: 525 W. Main St. Home: 1745 Heim Rd
Tavares, FL 32778-3125 Mt. Dora, FL 32757

Which Board/Committee Appointment are you seeking; (Please mark with a check.)

- Bicycle Pedestrian Committee of the Metropolitan Planning Organization
- Citizens Advisory Committee of the Metropolitan Planning Organization
- Community Redevelopment Area Advisory Committee
- Fire Pension Board
- Lake County Cultural Affairs Council – Tavares Representative
- Library Advisory Board
- Planning and Zoning Board*
- Police Pension Board

***Planning and Zoning Board Applicants Only - please also complete the Planning & Zoning Board Applicant Questionnaire Attachment and attach to the application.**

Name(s) and Relationship of Relatives Working for the City: _____

Have You Ever Been Convicted of or Pled Guilty or No Contest to any Felony Offense? Yes NO

Education and Training: (Circle Last Level of Education Completed)

Elementary & High School

College or University

Graduate School

1 2 3 4 5 6 7 8 9 10 11 12

1 2 3 4

1 2 3 4

Are You Employed at Present? (Please Circle) YES NO

Name of Last or Present Employer: BELTON Bail Bonds

Address: 525 W. Main St. Tavares FL 32778
Number and Address City State Zip

Date Hired: 1976 Position: owner

Brief Description of Responsibilities: _____

Have You Served on a City of Tavares Board or Committee? NO

If You Answered Yes: When? _____ Where? _____

Professional or Civic Memberships:

- 1) President, FL Surety Agents, Asso.
- 2) Tavares Chamber Business Develop. Committ.
- 3) Professional Bail Agents of
- 4) _____

Please Answer the Following (Use Back of Page if Additional Space is Needed)

1) Why would you be a good candidate for this appointment? What experience, knowledge, or special skills do you have that would be helpful to this board?
Investor and business owner in Tavares for over 30 years

2) What do you think should be the purpose of this board?
Continue with the focus on the community needs and problems

References: Give Below, the Names of Three Persons Not Related to You, Whom You Have Known at Least One Year.

- | | | | |
|----|-----------------------|--------------------|----------------------|
| 1) | <u>Pat Smallwood</u> | <u>Tavares, FL</u> | <u>20</u> |
| | Name | Address | Business Years Known |
| 2) | <u>Jim Elliott</u> | <u>Tavares, FL</u> | <u>20</u> |
| | Name | Address | Business Years Known |
| 3) | <u>Andrew O'Keefe</u> | <u>Tavares, FL</u> | <u>20</u> |
| | Name | Address | Business Years Known |

Next of Kin: Tracy M. Belton Same wife
Name Address Relationship

In Case of Emergency, Please Notify:

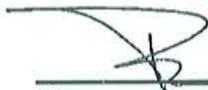
Tracy M. Belton 352-343-7775
Name Address Telephone No.

I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED IN THIS APPLICATION. I UNDERSTAND THAT MISREPRESENTATION OR OMISSION OF FACTS CALLED FOR IS CAUSE FOR VOIDING THIS APPLICATION.

Applicants Signature  Date 5-16-11

This form is for completion by applicants, and is used to collect information for reporting purposes only.

In keeping with Florida Statutes Chapter 760.80(4) and to help us comply with reporting and legal requirements regarding minority representation on boards, commissions, councils and committees, please answer the questions below.


Name Frederick C. Belton Date of Application 5-16-11

Please select one of the following:

An African American; that is a person having origins in any of the racial groups of the African Diaspora.

A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

A Native American, that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

An American woman.

An American man.

None of the above.

Do you qualify as physically disabled? Yes: No:



America's Seaplane City™

**Application for a Board/Committee Appointment
City of Tavares**

Please Print: BUIGAS LOU (LOURDES)
Last Name First Middle Initial

Telephone: 352 205 5992 Email: LOUBUIGAS@ADL.COM

Cell Phone: 352 205 - 5992 Fax: _____

Present Address 32047 Hamo Rd Tavares FL

Which Board/Committee Appointment are you seeking; (Please mark with a check.)

Bicycle Pedestrian Committee of the Metropolitan Planning Organization

Citizens Advisory Committee of the Metropolitan Planning Organization

Community Redevelopment Area Advisory Committee

Fire Pension Board

Lake County Cultural Affairs Council – Tavares Representative

Library Advisory Board

Planning and Zoning Board*

Police Pension Board

***Planning and Zoning Board Applicants Only - please also complete the Planning & Zoning Board Applicant Questionnaire Attachment and attach to the application.**

Name(s) and Relationship of Relatives Working for the City: _____

Have You Ever Been Convicted of or Pled Guilty or No Contest to any Felony Offense? Yes ___ No

Education and Training: (Circle Last Level of Education Completed)

Elementary & High School

College or University

Graduate School

1 2 3 4 5 6 7 8 9 10 11 (12)

1 (2) 3 4

1 2 3 4

Are You Employed at Present? (Please Circle) YES NO

Name of Last or Present Employer: Hodge Posh, INC

Address: 32047 HARRIS Rd TAVARES, FL 32778
Number and Address City State Zip

Date Hired: 2005 Position: PRESIDENT / OWNER

Brief Description of Responsibilities: OWNER / MGR @ TAVARES Antique Mall -
GREEN ART Gallery, INC Founder / President

Have You Served on a City of Tavares Board or Committee? NO

If You Answered Yes: When? _____ Where? _____

Professional or Civic Memberships:

- 1) CBC 1256151 (Building Contractor) Member of TAVARES Chamber of Commerce
- 2) Notary Public
- 3) State of Florida
- 4) Lake County Homebuilder Assoc.

Please Answer the Following (Use Back of Page if Additional Space is Needed)

1) Why would you be a good candidate for this appointment? What experience, knowledge, or special skills do you have that would be helpful to this board?

As a Business / property owner in the city, I want to see the positive growth continue. As a ~~cert~~ ^{STATE} licensed builder, I have vast knowledge of executing projects and seeing them come to fruition.

2) What do you think should be the purpose of this board?

To maximize change and growth in an educationally and fiscally responsible manner.

References: Give Below, the Names of Three Persons Not Related to You, Whom You Have Known at Least One Year.

- 1) John Meudorff 1010 RIVERA Rd, Leesburg FL 561-601-4648 20 plus
Name Address Business Years Known
- 2) Dale West 20255 Bill Collins Rd Eustis FL 352-989-7757 18 yrs
Name Address Business Years Known
- 3) Andrew O'Keefe 352-406-0027 2 yrs
Name Address Business Years Known

Next of Kin: George Bugas 32047 Harris Rd, TAVARES, FL Spouse
Name Address Relationship

In Case of Emergency, Please Notify:

George Bugas 32047 Harris Rd TAVARES, FL 352-32-705-5991
Name Address Telephone No.

I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED IN THIS APPLICATION. I UNDERSTAND THAT MISREPRESENTATION OR OMISSION OF FACTS CALLED FOR IS CAUSE FOR VOIDING THIS APPLICATION.

Applicants Signature [Signature] Date 5/17/11

This form is for completion by applicants, and is used to collect information for reporting purposes only.

In keeping with Florida Statutes Chapter 760.80(4) and to help us comply with reporting and legal requirements regarding minority representation on boards, commissions, councils and committees, please answer the questions below.

Low Bugas 5/17/11
Name Date of Application

Please select one of the following:

An African American; that is a person having origins in any of the racial groups of the African Diaspora.

A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

A Native American, that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

An American woman.

An American man.

None of the above.

Do you qualify as physically disabled? Yes: No:

*Planning and Zoning Board
Applicant Questionnaire Attachment*

1) How do you balance property development rights with government development regulations?

2) What is your overall philosophy on growth in the City and in Lake County?



America's Seaplane City™

**Application for a Board/Committee Appointment
City of Tavares**

Please Print: O'Keefe Andrew T.
Last Name First Middle Initial

Telephone: (352) 314-6919 Email: Atokeefe@hotmail.com

Cell Phone: (352) 406-0027 Fax: 352-343-8500

Present Address 10111 Canterbury Drive Leesburg Fl. 34788

Which Board/Committee Appointment are you seeking; (Please mark with a check.)

- Bicycle Pedestrian Committee of the Metropolitan Planning Organization
- Citizens Advisory Committee of the Metropolitan Planning Organization
- Community Redevelopment Area Advisory Committee
- Fire Pension Board
- Lake County Cultural Affairs Council – Tavares Representative
- Library Advisory Board
- Planning and Zoning Board*
- Police Pension Board

***Planning and Zoning Board Applicants Only - please also complete the Planning & Zoning Board Applicant Questionnaire Attachment and attach to the application.**

Name(s) and Relationship of Relatives Working for the City: N/A

Have You Ever Been Convicted of or Pled Guilty or No Contest to any Felony Offense? Yes ___ No X

Education and Training: (Circle Last Level of Education Completed)

Elementary & High School College or University Graduate School
1 2 3 4 5 6 7 8 9 10 11 12 1 (2) 3 4 1 2 3 4

Are You Employed at Present? (Please Circle) YES NO

Name of Last or Present Employer: O'Keefe's Irish Pub

Address: 115. South Rockingham Ave. TAVARES FL. 32778
Number and Address City State Zip

Date Hired: May 86 Position: OWNER

Brief Description of Responsibilities: Advertising, Promotion, Cooking, Bartending, Hiring employees, Contracts, Insurance

Have You Served on a City of Tavares Board or Committee? Pre-CRA Board

If You Answered Yes: When? 1995 Where? TAVARES

Professional or Civic Memberships:

- 1) TAVARES Chamber of Commerce
- 2) Florida Restaurant Assn.
- 3) Business Development Committee ^{TAVARES}
- 4) American Culinary Federation

Please Answer the Following (Use Back of Page if Additional Space is Needed)

1) Why would you be a good candidate for this appointment? What experience, knowledge, or special skills do you have that would be helpful to this board?

I have a significant interest in the area, operated a Restaurant in the CRA for almost 25 years. Help in neighborhood planning groups Advisory Meeting. Also real estate development and financing.

2) What do you think should be the purpose of this board?

To insure the interests of the residents, property owners and businesses are represented, in key decisions relating to the Community Redevelopment Planning Area. And to help advise and make recommendations to City officials and Staff.

References: Give Below, the Names of Three Persons Not Related to You, Whom You Have Known at Least One Year.

- | | | | |
|----|---------------------|-------------------------|----------------------|
| 1) | <u>MIKE GRAVES</u> | <u>MAIN ST. TAVARES</u> | <u>24</u> |
| | Name | Address | Business Years Known |
| 2) | <u>Brent Miller</u> | <u>4411 TAVARES.</u> | <u>10</u> |
| | Name | Address | Business Years Known |
| 3) | <u>Edd Holder</u> | <u>TAVARES</u> | <u>15</u> |
| | Name | Address | Business Years Known |

Next of Kin: Jennifer O'Keefe 10111 CANTEBURY DR. LEESBURG Wife

Name	Address	Relationship
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In Case of Emergency, Please Notify:

Jennifer O'Keefe 10111 CANTEBURY DRIVE, LEESBURG FL. 352-314-6919

Name	Address	Telephone No.
------	---------	---------------

I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED IN THIS APPLICATION. I UNDERSTAND THAT MISREPRESENTATION OR OMISSION OF FACTS CALLED FOR IS CAUSE FOR VOIDING THIS APPLICATION.

Applicants Signature Jennifer O'Keefe Date May 29, 2011

This form is for completion by applicants, and is used to collect information for reporting purposes only.

In keeping with Florida Statutes Chapter 760.80(4) and to help us comply with reporting and legal requirements regarding minority representation on boards, commissions, councils and committees, please answer the questions below.

Andrew O'Keefe May 29 2011
Name Date of Application

Please select one of the following:

An African American; that is a person having origins in any of the racial groups of the African Diaspora.

A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

A Native American, that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

An American woman.

An American man.

None of the above.

Do you qualify as physically disabled? Yes: No:

*Planning and Zoning Board
Applicant Questionnaire Attachment*

1) How do you balance property development rights with government development regulations?

Very carefully.

2) What is your overall philosophy on growth in the City and in Lake County?

I am for controlled well thoughtout plans on growth.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: June 15, 2011**

AGENDA TAB NO: 7

SUBJECT TITLE: Approval of Contract with New Commercial Boat Tour Operator

OBJECTIVE:

To have City Council approve for the attached contract with Barratt Scanes LLC. to provide commercial boat tour operations at the Tavares Seaplane Base & Marina at Wooton Park.

SUMMARY

At its meeting held March 3, 2010, the City Council approved a business plan for the City to operate the Seaplane Base & Marina, Splash Park and related facilities at Wooton Park.

The business plan called for the City to contract with private operators to offer selected aviation and marine related services to the public.

The City advertised for interested businesses who wished to provide services at Wooton Park to submit proposals for consideration.

Regency Leisure Services, Inc. submitted a proposal to provide boat tour services at the Tavares Seaplane Base & Marina. The services began as of June 1, 2010.

Regency Leisure Services, Inc. has recently been sold to Barratt Scanes LLC. The new owner/operator Tudor and Laura Barratt-Scanes have met with staff and expressed an interest to continue providing boat tour services under the same terms and conditions as the contract with Regency Leisure Services, Inc.

The attached contract prepared by the City Attorney reflects the proposed contract with the new owner.

OPTIONS:

1. To approve the attached contract with Barratt Scanes LLC. to provide boat tour operations at the Tavares Seaplane Base & Marina.

2. To not approve the attached contract.

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve the attached contract with Barratt Scanes LLC to provide commercial boat tour operations at the Tavares Seaplane Base & Marina.

FISCAL IMPACT:

Barratt Scanes LLC. will pay the City \$200.00 per month through September 30, 2012.

LEGAL CONSIDERATIONS:

The contract has been prepared by the City Attorney.

AGREEMENT

THIS AGREEMENT made this 15th day of June 2011, between the City of Tavares, Florida (hereinafter referred to as "the City") and Barratt Scanes LLC, (hereinafter referred to as "Vendor").

RECITALS

1. The City desires to enter into an agreement with Vendor for the provision of a fully operating boat tour service among other things to be operated at the City of Tavares waterfront in accordance with the terms and conditions described herein.

2. Vendor desires to enter into an agreement with the City to provide said services, and further agrees to be bound by the terms and conditions of this Agreement.

THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, receipt of which is hereby acknowledged, the City and Vendor hereby covenant and agree as follows:

1. Vendor's Obligations. The Vendor shall be responsible to carry out the following:

- a. Provide boat tour services as of June 16, 2011. Boat tour services include, but are not limited to the provision of scheduled boat tours with passengers embarking and disembarking from the Tavares Seaplane Base/Marina.
- b. Provide an insurance policy consistent with the terms herein.
- c. Enforce adherence to safety and insurance requirements including, but not limited to, signing of waivers by all participants and employees which eliminate the City's liability, and the enforcement of the utilization of safety equipment.
- d. Follow an operating schedule which is pre-approved by the City.
- e. Comply with all other obligations described herein.

2. City's Obligations. The City shall be responsible for the following:

- a. Provide a single reserved docking space for a tour boat. An additional reserved docking space may be negotiated with a corresponding adjustment to the Monthly Fee. However, City can use the reserved dock space from time to time for special events after giving reasonable notice to the Vendor.
- e. Provide fixed fuel pricing –\$.05 above costs for the first two

years of the contract. Thereafter, the City shall re-evaluate and set the fixed fuel price.

3. Term. The term of this Contract shall be from June 15, 2011 to September 30, 2011 (Hereinafter "Term") and shall automatically renew each year on September 30 for three years unless terminated by either party without cause upon thirty (30) days written notice.

4. Indemnification. The Vendor agrees to indemnify the City for and to hold the City harmless from any and all liability, claims, costs, damages, attorney's fees, or other charges, liens, or fees of any kind or nature as a result of Vendor's use (or the use by any person or participant authorized by Vendor) of City Property, or the execution of this agreement. Vendor further agrees to defend any action or claim whatsoever against the City for any damages or for injunction or other relief resulting from Vendor's use of City property, or the execution of this agreement.

5. Insurance. Vendor agrees to obtain and maintain in force, at its cost, liability insurance coverage (hereinafter called "Insurance") as specifically described in Exhibit "A" attached hereto. Vendor shall provide the City with the Certificate of Insurance or other proof of said insurance at least ten (10) days prior to beginning operations.

6. Monthly Payment to City. The Vendor shall pay the City TWO HUNDRED DOLLARS (\$200.00) per month, beginning June 1, 2011 and on the 1st day of each month thereafter during the initial term of this Agreement for the exclusive use of one (1) reserved dock space. An additional dock space can be reserved for an additional TWO HUNDRED DOLLARS (\$200.00) per month during the initial term of this agreement. In the event the contract is renewed after September 30, 2012, the City and the Vendor shall renegotiate the new monthly amount to be paid by the Vendor to the City.

7. Incorporation of Marina Rules and Regulations and License Agreement. The Vendor shall comply with all City Marina Rules and Regulations and the terms of the City's general License Agreement. To the extent the License Agreement conflicts with provisions herein, this contract shall prevail.

8. Termination of Agreement. The parties agree that if either party violates the terms and conditions of this Agreement, or violates any other applicable state, county or municipal ordinances, either party shall have the option of terminating the agreement upon reasonable notice considering the circumstances.

9. Licenses, Permits, Certificates, Etc. Vendor shall be responsible for obtaining any and all necessary licenses, health certificates, permits, or other documents required for its operation. Vendor shall also be responsible for any and all sales or income tax liability that it may incur by reason of its operation.

10. Assignment. Vendor shall not be permitted to sublet or assign any part of its obligations, privileges or services as set forth in this Agreement without first

obtaining the written consent of the City.

11. Attorney's Fees. Should either party breach the terms of this agreement, causing the other party to employ an attorney for the enforcement of the provisions hereof, or for the collection of damages as a result of a breach, then the prevailing party's attorney's fees and court costs shall be paid by the non-prevailing party.

12. Administration of Contract. The City Administrator or his representative shall administer this contract for the City.

13. Applicable Law and Venue. This contract shall be interpreted, construed, and governed according to the laws of the State of Florida. The parties agree to venue in Lake County, Florida for any litigation pertaining to this Contract. In the event there is litigation, the prevailing party shall be entitled to reasonable attorney's fees.

14. Amendments. No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by all parties.

15. Entire Contract. This contract constitutes the entire agreement between the parties and supercedes any and all prior communications, discussions, negotiations, understandings and agreements.

16. Invalid Provision. The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

17. Contract Interpretation. In the event that it becomes necessary for any reason to construe this agreement, it shall be construed as being jointly prepared and drafted by all parties hereto.

18. Remedies. All rights and remedies of the City herein enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by the City of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials this Contract which shall be deemed an original on the date last signed as below written.

Dated this ___ day of _____, 2010.

ATTEST:

CITY OF TAVARES, FLORIDA

Nancy Barnett, City Clerk

Robert Wolfe, Mayor
Tavares City Council

VENDOR

Witness Signature

Printed Name

Tudor Barratt-Scanes
Owner/Operator

LEGAL REVIEW:

Robert Q. Williams
City Attorney

EXHIBIT A
INSURANCE REQUIREMENTS
BOAT TOUR AGREEMENT

- i. \$1M commercial general liability, each occurrence
- ii. \$1M damage to rented premises
- iii. \$1M personal and advertising injury
- iv. \$1M general aggregate
- v. \$2M products – comp/op aggregate
- vi. Workers' Compensation - Florida statutory limits
- vii. The City of Tavares is named additional insured (with endorsement) and certificateholder
- viii. Certificate of insurance must be provided on a standard Acord form, with accompanying endorsement attached (refer to Item viii)

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: JUNE 15, 2011**

AGENDA TAB NO: 8

SUBJECT TITLE: Conceptual Approval of Agreement with Reader Railroad to use Train Platform at Wooton Park and other City facilities

OBJECTIVE:

To have City Council give conceptual approval of an Agreement with Reader Railroad to use the Train Platform at Wooton Park and other City facilities.

SUMMARY:

On December 16, 2009, City Council approved an Agreement with Florida Rail Adventures for non-exclusive use of the Train Platform at Wooton Park. This company has since ceased its tourist train operations.

Staff has been in discussion with Richard Grigsby, the owner of Reader Railroad in Arkansas (www.readerrailroad.com) to bring one or two of his steam engines and passenger cars to Tavares and begin again a Tourist Train service. Mr. Grigsby owns several steam engines that have been involved in several major motion pictures.

The City's Economic Development Director and City Attorney met with Mr. Grigsby and negotiated a proposed Agreement based on the following business points:

The City would lease a small portion of land at the Caroline Street plant adjacent to the railroad tracks to allow Reader to construct a track siding and build a pole barn type facility for the storage and limited maintenance of the steam engines. All construction costs for the siding and building would be the full responsibility of Reader Railroad. This cost may include the "hardening" of some of the buried City utility lines that would be crossed by the construction of the siding.

The "non-exclusive" use of the Wooton Park Train platform as the City has agreed to the limited use of the platform for the "ghost tours".

The installation of a metered water source in the area of the Wooton Park train station to provide water to the steam engines. Reader would be responsible for the cost of installation and the cost of the water would be

based on an "irrigation" type of a rate since none of the water would be entering into the sewer system.

Term – an initial term of five (5) years with a nominal fee (\$100.00 per year) for the lease of the City property for the first three years with some type of adjusted rate thereafter. Financial terms could be renegotiated after the first five years with five year renewal terms.

Insurance – Reader would provide insurance as specified by the City's Risk Manager.

Mr. Grigsby would like to initiate limited Tourist Train service in time for the 4th of July holiday.

In order to meet this timetable, staff is recommending that City Council give "conceptual approval" to this Agreement and direct the City Attorney to draft a formal Agreement to reflect the above "deal points" and authorize the City Administrator to execute the Agreement once prepared.

Tourist train service in Tavares has been an on-again off-again proposition over the past several years. Reader Railroad has extensive experience in the operation of tourist train services and would bring this experience and their owned equipment to Tavares with expansion of service to Eustis and possible other areas as rail track infrastructure improvements are made in the future.

OPTIONS:

1. To approve a "conceptual agreement" with Reader Railroad, direct the City Attorney to draft an Agreement per the "deal points" outlined above, and authorize the City Administrator to execute the Agreement once prepared.
2. To not approve a "conceptual agreement" with Reader Railroad.

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve a "conceptual agreement" with Reader Railroad, direct the City Attorney to draft an Agreement per the "deal points" outlined above, and authorize the City Administrator to execute the Agreement once prepared.

FISCAL IMPACT:

The direct fiscal impact is negligible but will benefit the City in attracting train passengers to downtown Tavares.

LEGAL CONSIDERATIONS: The proposed Agreement will be drafted by the City Attorney.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
JUNE 15, 2011**

AGENDA TAB NO. 9

SUBJECT TITLE: City Administrator Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY: Will be presented at meeting

UPCOMING MEETINGS: (check with Susie Novack for any last minute changes)

- City Council Regular Meeting – July 6, 2011
- Code Enforcement Hearing – deferred until selection made of Special Magistrate
- Lake Sumter MPO – Board Meeting – No Meeting in July
- Library Board – July 8, 2011– 8:30 a.m. Library Conference Room, 314 N. New Hampshire
- Planning & Zoning Board June 23, 2011 – 3 p.m.

EVENTS:

Jet Ski Races - June 25-26

July 4th Celebration

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
June 15, 2011**

AGENDA TAB NO. 10

SUBJECT TITLE: City Councilmembers Report

OBJECTIVE:

To inform Council on city related matters.

SUMMARY:

Council will be offered an opportunity to provide a report at the meeting. Attached is any additional supporting information.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

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