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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
JANUARY 20, 2010  
CITY COUNCIL CHAMBERS**

**COUNCILMEMBERS PRESENT**

**ABSENT**

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

**STAFF PRESENT**

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

**I CALL TO ORDER**

Mayor Wolfe called the meeting to order at 4:30 p.m.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Chaplain Pete Bandstra, Lake County Corrections, gave the invocation and those present recited the pledge of allegiance.

**III. APPROVAL OF AGENDA**

**MOTION**

1 **Robert Grenier moved to approve the agenda, seconded by Sandy Gamble. The**  
2 **motion carried unanimously 5-0.**

3  
4 **IV. APPROVAL OF MINUTES**

5  
6 **MOTION**

7  
8 **Kirby Smith moved to approve the minutes of December 16, 2010, seconded by**  
9 **Sandy Gamble. The motion carried unanimously 5-0.**

10  
11 **V. PROCLAMATIONS/PRESENTATIONS**

12  
13 **Report on Rate Study for Water and Sewer Rates**

14  
15 Mayor Wolfe stated that a report would be presented on the water and sewer rate  
16 ordinance that was approved in June of 2009. He said Council did not intend to take a  
17 vote on this issue at this meeting but that audience comment would be heard.

18  
19 Mr. Drury explained the procedure that would take place after which the issue would be  
20 opened to the public. He noted that the City Clerk would read the names of those in the  
21 audience who had signed up to make comments.

22  
23 **Finance Director Report**

24  
25 *(Ms. Houghton prefaced her remarks by stating she had always promised City Council*  
26 *that she would be straight forward with providing them information whether it be*  
27 *welcome news or not. She then presented the following report :)*

28  
29 Last year the City conducted a water and sewer rate study to maintain the financial stability of  
30 the water and sewer utility fund which was presented to Council at a public meeting on June 17,  
31 2009 and adopted by Council. Subsequently and recently citizens that were not present during  
32 the adoption of the study and its recommendations have requested an opportunity to learn more  
33 about the rates and comment on them.

34  
35 An opportunity is provided at this meeting to summarize the rate study, its recommendations  
36 and provide public input.

37  
38 The City of Tavares operates Water and Wastewater Systems to provide utility services to City  
39 residents and non city residents. All services are provided on demand where a meter  
40 connection exists.

1 The City's Water Utility consists of four water plants, six water wells, two storage tanks, and 128  
2 miles of water distribution lines. The Water System can pump up to 11,048,000 million gallons  
3 of water per day, and the System is currently able to store up to 1.5 million gallons of water at  
4 any point in time. The system is currently being upgraded with grant and debt financing to  
5 increase storage capacity to 2.5 million gallons. In addition all water is treated according to  
6 industry safety standards before being distributed to customers including fluoride treatment to all  
7 water before being distributed to the consumer. When customers turn on their faucet, they can  
8 expect to receive water on demand at the highest quality. Continuous monitoring of water  
9 quality is maintained and safeguards are in place to ensure water quality.

10  
11 The City's Sewer Utility consists of a sewer processing plant, a master lift station (old Carolyn  
12 Plant), 70 lift stations, collection lines which include 55.5 miles of force mains and 50 miles of  
13 gravity mains, 1,000 sewer manholes, system wide scada system, and a full service laboratory.  
14 The sewer plant consists of the plant head works, anoxic zone tanks for phosphorus and  
15 nitrogen removal, clarifiers for solid and liquid digestion. Clarifiers for solids include digesters,  
16 belt filters, and compost facility. Clarifiers for liquids include sand filters and chlorine contact  
17 tanks for rapid infiltration. The Scada System is an emergency telemetry notification system for  
18 system wide monitoring to meet regulatory compliance and to monitor system performance for  
19 mechanical failures. The Sewer Plant is able to process 3.5 million gallons of waste per day.

20  
21 Saint John's River Management District, SJRWMD, issues the City a Consumptive Use Permit,  
22 CUP, which allows and authorizes the City of Tavares to pump up to 11,048,000 million gallons  
23 of water per day from the Floridan Aquifer. The City is currently in the process of renewing its  
24 Consumptive Use Permit with the district. In order for the City to renew its CUP, it must put a  
25 Water Reuse Facility in place. This facility is expected to cost the utility approximately \$15  
26 million. In addition, many water distribution lines and sewer collection lines (downtown and city-  
27 wide) have reached their useful life and are in need of replacement in the very near future.

28  
29 In order to fund needed improvements such as replacements, upgrades, and expansions, the  
30 City may issue debt to fund needed improvements. The most recent debt obligations for the  
31 Water and Sewer Utility include a State Revolving Loan in the amount of \$14.8 million in 2005 to  
32 cover the Sewer Plant Replacement and Expansion Project, a State Revolving Loan in the  
33 amount of \$1.1 million for preconstruction activities for a Water Reuse System, and a State  
34 Revolving Loan /Grant in the amount of \$2.5 million for needed Water Plant Improvements. In  
35 addition to State Revolving Loan Funds the City has two additional debt obligations for the  
36 Utility, \$4.7 million outstanding issued in 2000, and \$845,000 outstanding issued in 2002.

37  
38 A rate study was accomplished in 2004 in anticipation of the Wastewater plant. Rate studies  
39 are accomplished approximately every five years to ensure and maintain the financial stability of  
40 the Water and sewer enterprise fund. As a result of current debt obligations, the required water  
41 reuse system that is currently under design, operational requirements, and capital improvement  
42 needs, the City contracted with Brown and Caldwell, an independent professional Florida utility  
43 rate study firm to complete a rate study for water, sewer, and reuse services. Debt covenants

1 require that the City must ensure revenue sufficiency for utility operations to avoid default for the  
2 City's debt obligations. The rate study was completed in May 2009.

3  
4 The City has historically enjoyed a significant seasonal population who may live in Tavares for a  
5 period of 6 months or less. It has been the prior practice to allow customers to go on "Vacation  
6 Hold" where the city would turn off water and sewer service and collect no revenue for the  
7 period of time that the occupants were on extended "Vacation Status". In these cases the City  
8 would turn off and lock the customer's meter for \$25.00. During the extended vacation, the City  
9 is still required to read and maintain a customer's meter whether on Vacation or Active Status.

10  
11 The City must also maintain water or sewer capacity for all locations where a water connection  
12 exists including those properties that are on "vacation hold". Most operational expenditures of  
13 the Water and Sewer Utility are fixed costs and do not decrease due to seasonal fluctuations in  
14 home occupancy. In addition the City must make debt service payments or "Mortgage  
15 payments" on loans that were secured to construct the water and sewer plants, lift stations,  
16 collection and distribution lines without regard to whether city residents are on extended  
17 vacation status or not. Approximately 1,100 meters move between active to vacation status  
18 during a budget year approximating \$300,000 in lost base fee revenues.

19  
20 The rate study prepared by Brown & Caldwell concluded that

- 21  
22 • The existing rate structure was determined to be equitable and consistent with  
23 ratemaking criteria and the Utility's goals and objectives. However, the level of cost  
24 recovery was identified to be insufficient to address the continued levels of services  
25 provided to customers and not adequate to address reserves, renewal & replacement,  
26 regulatory requirements, and capital improvements anticipated in the next five fiscal  
27 years.  
28 • Deposits were found not to adequately address the identified potential risk of non-  
29 payment.  
30 • A rate structure and rates are needed to recover costs for reclaimed water services.  
31 • It was also determined that there was not sufficient cost recovery to maintain the fixed  
32 costs of the Water and Sewer plants. In other words, the lost base fee revenues due to  
33 vacation holds would either have to be covered by a system wide additional increase in  
34 fees or those who went on vacation hold would need to contribute to the base rate.

35  
36 The analysis by Brown and Caldwell recommended the following changes to Water and  
37 Wastewater Utility Rates that were adopted by Council on June 17, 2009 under Ordinance  
38 2009-22:

- 39  
40 1. Adopt a water reclaimed rate structure for the new water reclaimed plant.  
41 2. Increase water and sewer rates annually over the next five years at an amount equal to  
42 the Consumer Price Index (CPI) plus 1%.  
43 3. Increase residential water deposits from \$150.00 to \$175.00

- 1 4. Include an additional water deposit of \$100.00 for each additional meter at a residential  
2 location.
- 3 5. Eliminate the base fee waiver program for meters on vacation hold.
- 4 6. Increase turn-on/turn-off fee from \$25.00 to \$120.00 which includes both the turn-off and  
5 the turn-on for the extended vacation customer. (Study recommended \$205.00, Council  
6 lowered it to \$120.00)
- 7

8 The rate study was completed in May 2009, and Ordinance 2009-22 was adopted by Council on  
9 June 17, 2009 to be effective October 1, 2009. In addition to advertising the June 17<sup>th</sup> meeting  
10 in the newspaper and on the City Web page, a special notice was placed on all utility bills giving  
11 notice of the public hearing for the rate increase providing the date, time and place of the public  
12 hearing.

13  
14 As a customer service measure, the City Council requested that staff not implement base  
15 charges on seasonal accounts before their return to Tavares. For example: customers  
16 returning from extended vacation on December 1<sup>st</sup> did not pay base charges for water and  
17 sewer for October and November.

18  
19 Recently many seasonal residents have made inquiries concerning the turn on/off fee and base  
20 charges. Additional information on these two issues is provided as follows:

- 21  
22 1. The turn on/off fee of \$120.00 for people requesting that service when they go on  
23 vacation is based on an analyses of what it cost to provide that service including  
24 dispatching personnel, the vehicle, locks and financial accounting and billing  
25 adjustments to provide the service. Two options exist for customers who want to turn-on  
26 and off their water when they go on vacation. They can either call the city and pay a  
27 \$120 to have it turned on and off (\$60 to turn on and \$60 to turn off) or they can turn off  
28 the water to their home themselves at no cost. Many homes have a shut-off valve  
29 outside the home that the home owner can shut off or turn on. For those homes that do  
30 not have a shut off valve, a plumber can install one. The city obtained cost estimates  
31 from area plumbers of \$80 to \$120 to install a shut off valve.
- 32 2. The base rate has been in effect for many many years. The base rate is not unlike a  
33 base rate for cable TV or phone service. It is the rate paid to cover the cost of having  
34 that service available 24 hours a day 365 days a year whether you use the service or  
35 not. It covers the fixed cost of having that service including the debt service or “mortgage  
36 payment” on the loans that were used to construct the water plants, sewer plants, lift  
37 stations, distribution lines, collection lines etc as well as the maintenance of the plant  
38 and system. Those costs do not stop when a customer goes on vacation. By way of  
39 comparison, the monthly base rate for water, sewer and garbage collection in Tavares is  
40 currently \$51.10. The monthly base rate in the City of Eustis for water, sewer and  
41 garbage collection is \$54.92 and the base rate in Mt. Dora for those services is \$46.57.  
42 Neither, Mt. Dora or Eustis provides vacation hold provisions. Previously those persons  
43 who went on vacation stopped paying the base rate. This means that the people who did  
44 not go on vacation were effectively paying the base rate for the people who went on

1 vacation. The study recommended that this practice stop and that all people paid their  
2 own base rate. The Council agreed with that recommendation and adopted it last June.  
3

4 Ms. Houghton stated that she had also prepared an FAQ sheet for Council and for the  
5 audience. Mr. Drury noted that the consultant, Mike Rocca, who prepared the study,  
6 was available to answer questions.  
7

### 8 **Council Discussion**

9

10 Councilmember Smith questioned the sanitation rate and asked if the collection  
11 frequency and disposal cost could be reduced. Ms. Houghton answered that the  
12 Finance Department is reviewing the sanitation costs and will report back to Council.  
13

### 14 **Audience Comment**

15

16 Leonard Kimmich, 1691 Nassau Circle, Tavares  
17

18 Mr. Kimmich spoke against the ordinance noting his property is not homesteaded so he  
19 pays higher taxes. He said his electric company in New York does not charge a base  
20 fee when he is not in New York. He said he believed this was a “snowbird” tax. He said  
21 the snowbirds pay more into the economy resulting in higher sales taxes being  
22 collected.  
23

24 Robert Wybrow, 2933 Myakka River Road, Tavares  
25

26 Mr. Wybrow said he is a resident of Fox Run but he was speaking as an individual. He  
27 noted he had provided a detailed letter to Council regarding the ordinance. He said he  
28 hoped the ordinance could be referred back to staff for review and a subsequent re-  
29 hearing. He said he was concerned because the ordinance was approved when the  
30 snowbirds were out of town. He said residents expect their governments to be moderate  
31 and this was a radical change. He said his letter proposed that the increase be phased  
32 in and that the base rate should be reduced to \$31.00 while on vacation.  
33

34 Richard Miller – 1502 Pleasant Street  
35

36 Mr. Miller spoke against the ordinance. He discussed the amount of spending that his  
37 family contributes to the local economy. He said he was irritated about the time of year  
38 that the ordinance was approved.  
39

1 Mr. Drury explained that the ordinance was approved in compliance with the required  
2 budgeting process by the state and that it was not done purposely because the  
3 residents were away.

4  
5 Robert Simms – 1108 Elkhart Circle

6  
7 Mr. Simms questioned the \$4.50 stormwater fee. Ms. Houghton responded that the  
8 stormwater fee has been in effect for several years and that it has always been charged  
9 whether or not the water was connected.

10  
11 Mr. Simms asked about the number of meters in the city. Mr. Drury noted that  
12 stormwater fees are based on the number of properties.

13  
14 Mr. Simms asked about the option of hiring a plumber to turn off the water. He  
15 questioned the amount quoted to hire a plumber, saying he had inquired and found the  
16 fee to be between \$135 and \$150.

17  
18 Sandra Wasielewski, 714 Landry Lane

19  
20 Ms. Wasielewski stated the ordinance should have been implemented more gradually.

21  
22 Russell Beach, 2705 Vindale

23  
24 Mr. Beach asked about how much was anticipated to be collected and asked if it would  
25 be put in a “slush fund.” Mr. Drury answered that the funds are used for maintenance  
26 and improvement of infrastructure. He discussed the improvements that the City has  
27 made to Lake Frances and Imperial Terrace subdivisions in terms of replacing their  
28 pump station, clay pipes, and correcting a cross connection problem. He discussed the  
29 loans taken out to pay for reclaimed water. He noted that the industry standard for water  
30 utilities is to have a base rate and that the other alternative is to increase the water rates  
31 for all users to pay for the vacation holds. Mr. Beach noted the city had voted to  
32 eliminate impact fees. Mr. Drury stated that the impact fees were being eliminated for 12  
33 months and that the fees pay for impacts of new construction.

34  
35 Dick Risch, 1520 Skyline Drive

36  
37 Mr. Risch said in his business he had to learn to plan for overhead expenses. He said  
38 the city should have budgeted based on the fact that some residents are only in town a  
39 certain period of time. He noted that Winn Dixie does not charge a base fee. He said the  
40 residents are on limited income.

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Lorene Brenneman, 1433 Mohawk Circle

Ms. Brenneman said when she had moved to Tavares she had understood that if an extra meter were installed for irrigation she would not be required to pay an additional monthly fee. Mayor Wolfe noted that sprinkler lines have to be maintained as well.

Karen Havens, 1112 Todd Way

Ms. Havens stated she had just moved into Tavares and had not anticipated the increase in the water fee. She said she believed the snowbirds were being targeted to pay for the reclamation facility.

Pat Dodson, 2706 Vindale

Mr. Dodson asked if reclaimed water is currently available. Mr. Drury said that the facility is being designed and that some newer subdivisions have the lines in place. Mr. Dodson asked when the state requires that the facility be in place. Mr. Duruy said that the date is a negotiated issue for the city's water consumptive use permit. As part of the application process, the city must demonstrate that it is moving forward on being able to provide the reclamation service. He added, as an example of expenditures on utilities, that the city recently spent \$850,000 to replace one pump station and that there are 70 in the city.

Mr. Dodson reiterated that he felt the increase should have been phased in slowly.

Ansel Wood, 1361 Windsor Street

Mr. Wood said he had questions regarding the CPI Index noted in Ordinance #2009-22 and said he felt the calculations were incorrect. He said it was a negative CPI in 2009 and asked how the city could increase the fee when there is a recession. He noted that in Lake Frances they are not allowed to rent their units.

Ms. Houghton noted that the increase in Ordinance 2009-22 was based on the rate study, not the CPI, and that next year she would have to calculate the CPI and bring that information to Council.

Discussion followed on the rate study. Mr. Drury noted it had to be done every five years.

1 Marv Haney, 1429 Highland Avenue

2  
3 Mr. Haney questioned whether the impact fees pay for the growth. Mr. Drury noted the  
4 impact fees pay for the infrastructure but not for continuous maintenance. Mr. Haney  
5 questioned the twice a week service for sanitation in the mobile home parks. Mr. Drury  
6 stated that staff will be looking at the impacts of reducing that service.

7  
8 Norman Hope -3221 Myakka River Road

9  
10 Mr. Hope stated he was present at the June meeting when the ordinance was  
11 approved. He noted that all but two councilmembers were on the council at that time.  
12 He said he had spoken in objection to the cost of the charge for turn ons and turn offs  
13 and that it was reduced from \$205 to \$120 [\$60 turn off; \$60 turn on]. He asked about  
14 the ability of the residents to turn off the meter without hiring a company or paying the  
15 city to do so. He said although the mayor had announced there would be no vote taken  
16 tonight, he thought that Council should reconsider their decision because of the various  
17 suggestions that had been made.

18  
19 Art Thomas – 1532 Lakeview Drive

20  
21 Mr. Thomas commented on the overall rate increase that would be needed in order to  
22 continue the vacation holds. He asked about the reasoning behind the decision by the  
23 previous Council and whether Council could reconsider the ordinance.

24  
25 Mr. Drury responded that Council could choose to revisit the ordinance if they wished.

26  
27 Council Discussion

28  
29 Mayor Wolfe thanked the audience for their input and participation.

30  
31 Councilmember Gamble stated he would like Council to revisit the ordinance,  
32 particularly the garbage rate and noted the water rate is \$5.00 higher than Eustis or Mt.  
33 Dora. He said he liked some of the suggestions made by Mr. Wybrow in his letter.

34  
35 Councilmember Grenier said his understanding was that Council would revisit the  
36 ordinance.

37  
38 Vice Mayor Pfister asked how much was spent on the water and sewer rate study. Ms.  
39 Houghton responded the fee was \$15,000. Mr. Drury noted the study reviewed the rate  
40 impacts on the entire city or 10,000 accounts.

1  
2 Mr. Drury suggested that each Councilmember could review the water and sewer rate  
3 study and that Council could also call the consultants directly. He noted that an  
4 independent opinion had been given by the Florida Rural Association that concurred  
5 with the results of the study by Brown and Caldwell and that Council could also contact  
6 them directly. He said if Council felt that further study and discussion was warranted this  
7 matter could be placed back on the agenda.

8  
9 Vice Mayor Pfister suggested having the consultant hold a meeting for the residents to  
10 explain the results of the study. She said after she had spent time with the consultant  
11 and had the information explained, she had understood the need behind the increase.

12  
13 Mr. Drury stated that staff could obtain a cost for the consultant to set up meetings with  
14 residents.

15  
16 Councilmember Smith stated the study itself could be provided to the residents in lieu of  
17 setting up meetings. Mr. Drury said staff would also put the report on the web site and  
18 send to the Homeowners Associations. He said staff would also provide analysis and  
19 options for changing from a two day to a one day pickup of trash.

20  
21 **(At 6:20 p.m. the meeting adjourned for a 10 minute break. At 6:30 p.m. the**  
22 **meeting reconvened.)**

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

26  
27 Attorney Williams stated there were no quasi-judicial matters on the agenda.

28  
29 **VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

30  
31 Mayor Wolfe noted that the policy of Council is not to discuss ordinances at first  
32 reading. He said Ordinances #2009-35 and #2010-01 will be read by title only and full  
33 discussion held at second reading.

34  
35 Ms. Barnett read the following ordinances/resolutions into the record by title only:

36  
37 **ORDINANCE 2009-35**

38  
39 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA**  
40 **AMENDING PD ORDINANCE 2006-43 OF THE CITY OF**

1 TAVARES BY AMENDING SECTION 2.2, LAND USES;  
2 AMENDING SECTION 2.7, TIMING; AMENDING EXHIBIT  
3 "A", CONCEPTUAL PLAN; SUBJECT TO THE RULES,  
4 REGULATIONS AND OBLIGATIONS ORDAINED BY THE  
5 CITY OF TAVARES COUNCIL; PROVIDING AN  
6 EFFECTIVE DATE.

7  
8 **ORDINANCE 2010-01**

9  
10 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA  
11 AMENDING CHAPTER 17, DIVISION 10, CROSS  
12 CONNECTION CONTROL BY ADOPTING SECTION 62-  
13 555.360 OF THE FLORIDA ADMINISTRATIVE CODE AS  
14 PRESENTLY STATED ON THE EFFECTIVE DATE OF  
15 THIS ORDINANCE, AS THE CITY OF TAVARES' CROSS  
16 CONNECTION CONTROL REGULATIONS; SUBJECT TO  
17 THE RULES, REGULATIONS AND OBLIGATIONS  
18 ORDAINED BY THE CITY OF TAVARES COUNCIL;  
19 PROVIDING AN EFFECTIVE DATE.

20  
21 **ORDINANCE 2009-36**

22  
23 AN ORDINANCE AMENDING ORDINANCE NO. 2009-22  
24 OF THE CITY OF TAVARES LAND DEVELOPMENT  
25 REGULATIONS, SECTION 17-56 PERTAINING TO  
26 WATER UTILITY RATE SCHEDULE; PROVIDING FOR  
27 WAIVER OF METER DEPOSITS FOR PRIOR CITY OF  
28 TAVARES UTILITY CUSTOMERS IN GOOD STANDING;  
29 PROVIDING FOR DEFINITIONS AND PROVIDING FOR AN  
30 EFFECTIVE DATE.

31  
32 **RESOLUTION 2010-01**

33  
34 A RESOLUTION AMENDING THE CITY OF TAVARES  
35 ICMA, NATIONWIDE, AND HARTFORD DEFERRED  
36 COMPENSATION PLANS.

37  
38 **VIII. CONSENT AGENDA**

39  
40 Mayor Wolfe asked if there were any changes or deletions to the Consent Agenda.

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**MOTION**

**Robert Grenier moved to approve the Consent Agenda [Tab 3 - Renewal of Firefighting Agreement with Mt. Dora; Tab 4) Award Design and Engineering of Street Resurfacing Project; and Tab 5) Approval to Host Florida Babe Ruth Tournament], seconded by Sandy Gamble.**

Councilmember Gamble commented that the Babe Ruth Tournament would be a positive event for the City and a revenue generator for the local hotels.

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

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

**Tab 6) Ordinance #2009-35 – Amendment to Planned Development - Ordinance #2009-43 – Etowah Subdivision – First Reading**

The ordinance was read by title only (See VII)

**Tab 7) Ordinance #2010-01 – Amendment to Land Development Regulations, Division 10, Chapter 17, Cross Connection Control Devices Adoption of Recent Florida Administrative Code - First Reading**

The ordinance was read by title only (See VII).

**Tab 8) Ordinance #2009-36 – Amendment to Water Rate Ordinance to Allow Wavier for Deposit for Previous Customers – First Reading**

Ms. Houghton gave the following report:

The City Council adopted Ordinance Number 2009-22 on June 17, 2009 which sets forth the current user rates for Water, Wastewater, and Reuse user fees. In addition the ordinance sets forth fees for deposits, meter connections, late fees and other similar charges. No consideration is provided in the current rate structure ordinance for waivers of residential deposits for current or previous customers with good payment history with the City of Tavares.

With the adoption of Ordinance 2009-22, residential deposits were increased from \$150.00 to \$175.00 and \$100 for each additional meter at a single location to better address the potential of non-payment of service fees by customers. The increase in the deposit amount was intended to address the risk for revenue loss by the City for those accounts with potential for non-payment.

1  
2 Many customers have been customers in “good standing” whereas they have provided excellent  
3 payment histories as customers to the City of Tavares for utility services. These customers are  
4 the mainstay for providing consistent cash receipt collections to the City Utilities.  
5

6 Ordinance No. 2009-36 recognizes that any residential customer opening a new account that  
7 was a prior residential customer or a current residential customer of the City of Tavares for  
8 Water, Wastewater or Reclaimed Water services in good standing for the final or most recent  
9 twelve (12) months of activity, are candidates for waiver of utility deposits.

10  
11 Further the ordinance defines an account in “good standing” as an account that has  
12 experienced “on-time” payments in the most recent 12 months of activity and no penalty fees  
13 have accrued to the account.  
14

15 Staff recommends approval of Ordinance No. 2009-34 which amends Ordinance No. 2009-22  
16 which sets for user fees for Water, Wastewater, and Reclaim (Reuse) services.  
17

18 Mayor Wolfe asked if anyone in the audience had comments.  
19

20 **MOTION**

21  
22 **Sandy Gamble moved to approve Ordinance #2009-36, seconded by Kirby Smith.**  
23 **The motion was approved unanimously 5-0.**  
24

25 **Tab 9) Resolution #2010-01 – Amendment to Employee Deferred Compensation Plans**

26  
27 Ms. Houghton explained that Sections 415 and 457 of the Internal Revenue Code  
28 provide provisions for governmental entities to offer wage and salary deferrals to  
29 employees. These provisions provide employees with tax savings within specified  
30 limitations. Plans maintained by government employers for employee wage deferrals  
31 are referred to as 457 plans under the Internal Revenue Code.  
32

33 The City of Tavares currently offers three 457 Deferred Compensation Plans for  
34 employees through ICMA-RC, Nationwide and Hartford. These plans have been in  
35 existence for several years and no changes have been made to these plans within the  
36 past six years. These plans are fully funded from employee compensation deferrals  
37 and provide no expenditures from the City Operating Budget.  
38

39 The Internal Revenue Code has made changes in the past few years that would offer  
40 additional benefits to members of the City’s 457 plans. Changing the current plans  
41 provides additional employment incentives to current and future employees without  
42 adding expenditures to the City budget. Changes to be made to the plans include:

- 1
- 2 1. Allow deferrals of Sick, Vacation and Severance Pay that is paid at termination of
- 3 employment.
- 4 2. Protection to Persons who serve in the Uniformed Services – if an employee is
- 5 called into military service, they will be able to make additional deferrals upon
- 6 returning to City service.
- 7 3. Allow in-service distributions for employees age 70 ½.
- 8 4. Allow in-service distributions to employees with rollover assets.
- 9

10 Mayor Wolfe asked if there was comment from the public.

11  
12 **MOTION**

13  
14 **Kirby Smith moved to approve Resolution #2010-01, seconded by Robert Grenier.**  
15 **The motion was approved unanimously 5-0.**

16  
17 **GENERAL GOVERNMENT**

18  
19 **Tab 10) Art Mural Project at Stover Field**

20  
21 Ms. Rogers stated that this item was to authorize staff to proceed with securing  
22 sponsors for art murals anticipated to be painted on the back of the concrete dugouts at  
23 Fred Stover Baseball Complex and to approve the associated agreements. She  
24 reviewed the proposed murals, explained the procedure for securing sponsorships, and  
25 introduced the muralist, Yvonne Wolfe. Ms. Wolfe presented her draft mural designs.

26  
27 Councilmember Gamble asked Attorney Williams if there would be any legal  
28 ramifications to allowing city businesses to have first priority on being approached to be  
29 a sponsor. Attorney Williams said this would be acceptable.

30  
31 **MOTION**

32  
33 **Robert Grenier moved to authorize staff to proceed with securing sponsors for art**  
34 **murals anticipated to be painted on the back of the concrete dugouts at Fred**  
35 **Stover Baseball Complex with two categories: (1) right of first refusal for Tavares**  
36 **businesses and (2) second category to be businesses outside Tavares, and to**  
37 **approve the associated agreements. The motion was seconded by Kirby Smith.**  
38 **The motion carried unanimously 5-0.**

39  
40 **Tab 11) Proposed Change in July 4<sup>th</sup> Celebration Date**

1  
2 Ms. Rogers reported that in 2010 July 4<sup>th</sup> falls on a Sunday and said that traditionally  
3 when this occurs, the City has opted to hold the celebration activities on Saturday, July  
4 3<sup>rd</sup>. She asked for direction from Council.

5  
6 Mayor Wolfe asked if the audience had comments.

7  
8 **MOTION**

9  
10 **Kirby Smith moved to approve the change in date for the July 4<sup>th</sup> events to be**  
11 **July 3<sup>rd</sup> so everyone can enjoy the festivities, seconded by Robert Grenier. The**  
12 **motion was approved unanimously 5-0.**

13  
14 **Tab 12) Budget Amendment for Improvements to Water Pump Stations 3 & 4 and**  
15 **Approval of Contract Award**

16  
17 Mr. Hayes advised that this was a request to consider the award of the bid and authorize staff  
18 to execute a contract with PACE Electric, INC to complete the Electrical Upgrades to the Water  
19 Wells #3 & #4 in the amount of \$55,540.

20  
21 **MOTION**

22  
23 **Lori Pfister moved to approve the award of the bid to Pace Electric and to**  
24 **authorize staff to execute a contract, seconded by Sandy Gamble. The motion**  
25 **was approved unanimously 5-0.**

26  
27 **Tab 13) Red Light Camera**

28  
29 Mayor Wolfe stated that he had requested this item to be reconsidered by Council. He  
30 stated that the vendor who was recommended by staff has agreed to the same terms  
31 and would be willing to sign an agreement to be responsible for any legal costs should  
32 the citations be challenged.

33  
34 Discussion followed. Attorney Steve Ritchie stated that the State had not passed  
35 legislation during the past session. He discussed other cities in Florida that have the  
36 cameras and their procedures.

37  
38 Councilmember Smith asked for comment from Chief Lubins. Chief Lubins stated that  
39 the fines would be handled as a code enforcement violation and would only be

1 collectable from Tavares property owners. He explained the Code Enforcement  
2 process.

3  
4 Attorney Williams noted that the questions brought up under discussion were the same  
5 ones that had been raised during discussion at the legislative hearings.

6  
7 Mr. Drury clarified that the proposed red light camera ordinance had not been brought  
8 forward by staff when the proposal for a vendor was not approved.

9  
10 Councilmember Gamble said that he would only be in support of the ordinance if the  
11 camera caught all traffic to assist in cases of abductions, and that he was not interested  
12 in just specifically red light offenders.

13  
14 Vice Mayor Pfister expressed concern about the number of motorists who have filed  
15 lawsuits against the red light cameras and noted they have increased rear end crashes  
16 according to the research she had done. She said the last Council had voted against  
17 the red light camera and she continued to support that position.

18  
19 Councilmember Grenier said he agreed with Vice Mayor Pfister.

20  
21 Councilmember Smith said he would like to defer a decision until the state legislature  
22 has taken a position.

23  
24 **Consensus to not take action on this item until the State Legislature has made a**  
25 **ruling on this issue.**

26  
27 **OLD BUSINESS**

28  
29 **Tab 14) Windmill Feasibility Study**

30  
31 Vice Mayor Wolfe asked if tabling this matter to a future meeting would be a problem,  
32 due to the number of items that had been on the agenda.

33  
34 Councilmember Gamble asked that the audience be given an opportunity to comment.

35  
36 **MOTION**

37  
38 **Lori Pfister moved to not approve the funding of the Wind Mill Feasibility Study,**  
39 **seconded by Robert Grenier.**

40

1 Mayor Wolfe ruled Ms. Pfister’s motion out of order.

2  
3 **Sandy Gamble moved to table the issue to the first meeting in February,**  
4 **seconded by Robert Grenier.**

5  
6 Councilmember Smith stated he believed the issue needed to be discussed at this  
7 meeting due to the time and effort spent by Mr. Hayes in his research.

8  
9 Councilmember Gamble said he would be willing to pull his motion but asked how long  
10 the discussion would take.

11  
12 Attorney Williams stated that a motion to table cannot be pulled per Roberts Rules of  
13 Order.

14  
15 **The motion failed 3-2 as follows:**

16		
17	<b>Robert Wolfe</b>	<b>Yes</b>
18	<b>Lori Pfister</b>	<b>No</b>
19	<b>Kirby Smith</b>	<b>No</b>
20	<b>Sandy Gamble</b>	<b>Yes</b>
21	<b>Robert Grenier</b>	<b>No</b>
22		

23 Mr. Hayes presented the following report:

24  
25 Previously the City Council Solicited an RFQ for Consulting Engineers. In accordance with our  
26 Continuing Agreement dated June 20, 2007, (the “Agreement”) Brown and Caldwell (Engineer)  
27 was selected as one of those firms.

28  
29 Consistent with the national trend to identify and utilize alternate sources of energy, the City  
30 Council directed staff to pursue green initiatives. The Utility Department desires meet those  
31 requests of the City Council and to conduct a study to determine the preliminary economic  
32 feasibility of an Alternative Energy Source that could potentially reduce Carbon Emissions and  
33 help to maintain reduced rates through energy efficient for the residents. This study does  
34 coincide with the City Councils goals of working towards “Green Initiatives and Goals”.

35  
36 The primary objectives of this preliminary study include:

- 37  
38 (a) Determine wind power output potential towards reducing rates and conserving  
39 energy.  
40 (b) Compute likely annual economic value of Wind Power and other Alternative  
41 Energy.  
42 (c) Identify likely wind power incentives and metering arrangements.

- 1 (d) Identify environmental issues and potential carbon emission reduction credits.
- 2 (e) Review and summarize contemporary solar energy technologies, including but
- 3 not limited to PV electric power generation, parabolic trough thermal electric
- 4 power systems, and stirling cycle electric power generation.
- 5

6 Mr. Hayes stated he had provided a packet of information to Council in order to  
7 address questions and concerns that had been raised at the previous meeting.

8  
9 Councilmember Smith noted that Mr. Hayes had spent many hours on researching this  
10 issue. He asked Mr. Drury if there would be additional revenues in the city budget not  
11 yet anticipated.

12  
13 Mr. Drury said he could not make a prediction as yet as to the status of revenues. He  
14 noted that the recommendation that was made was in response to Council's direction to  
15 find some green alternatives for energy savings.

16  
17 Mayor Wolfe asked for comment from the audience.

18  
19 Denise Laratta, Royal Harbor subdivision, stated that she approved of studies generally.  
20 She said she found it disturbing that an item was put on the agenda and then Council  
21 would consider removing it from the agenda.

22  
23 Public Comment was closed.

24  
25 Councilmember Gamble stated he appreciated all of Mr. Hayes' efforts. He said he was  
26 surprised that no indication of weather information could be provided.

27  
28 Vice Mayor Pfister noted that Monte Verde [where a wind mill is being installed] is at a  
29 higher elevation than Tavares and she questioned its successful implementation in  
30 Tavares.

31  
32 Mr. Hayes noted it would also be an educational tool for local students.

33  
34 **MOTION**

35  
36 **Lori Pfister moved to approve the funding of the Wind Mill feasibility study to**  
37 **collect needed data for the potential use of this Alternative Energy Source at**  
38 **Woodlea Reclamation Facility in the amount of \$20,000, seconded by Sandy**  
39 **Gamble.**

1 Councilmember Smith stated he had concerns about the expenditure knowing that five  
2 people have been laid off and that it is a difficult economy.

3  
4 Vice Mayor Pfister asked if grants were available to build the windmill. Mr. Hayes  
5 responded that there are grants available but they needed to be “shovel ready.”  
6

7 **The motion failed 3-2 as follows:**

8		
9	<b>Robert Wolfe</b>	<b>No</b>
10	<b>Kirby Smith</b>	<b>No</b>
11	<b>Robert Grenier</b>	<b>No</b>
12	<b>Sandy Gamble</b>	<b>Yes</b>
13	<b>Lori Pfister</b>	<b>Yes</b>

14  
15 **NEW BUSINESS**

16  
17 None

18  
19 **AUDIENCE TO BE HEARD**

20  
21 None.

22  
23 **REPORTS**

24  
25 **Tab 12) City Administrator**

26  
27 Mr. Drury said he had provided a report in the packet regarding meetings and  
28 announcements. He stated that his Administrative Assistant, Jennifer Dempsey, had  
29 recently resigned her position to pursue other goals and that he would be advertising to  
30 fill her position.

31  
32 **Director of Human Resources**

33  
34 Ms. Tucker reported that Ibini Terra (the Lake County water cleanup event) would be  
35 held Saturday March 13<sup>th</sup> and that she was team captain for Tavares.

36  
37 **Director of Community Services**

38

1 Ms. Rogers announced that in the recent Lake & Sumter magazine, Tavares had  
2 received mention and awards for Wooton Park and for the Splash Park and that there  
3 had also been an article about Officer Jon Clark and his contributions to the community.

4  
5 She noted the City Hall art show would be held this coming Friday at 5:30 p.m.

6  
7 She stated that the prescribed burn was held recently at the Tavares Nature Park and it  
8 had gone very well with the assistance of Chief Keith.

9  
10 **Finance Director**

11  
12 Ms. Houghton stated the auditors are on site and if Council wished to be introduced to  
13 let her know.

14  
15 **13) City Council**

16  
17 **Vice Mayor Pfister**

18  
19 Vice Mayor Pfister requested that the starting time for Council Meeting be placed back  
20 on a future agenda.

21  
22 Vice Mayor Pfister congratulated Jon Clark on the article in the Lake & Sumter  
23 Magazine.

24  
25 **Councilmember Gamble**

26  
27 Councilmember Gamble noted he had thanked Representative Alan Hayes for assisting  
28 the city with obtaining grants.

29  
30 Councilmember Gamble stated he had not been able to read his city emails due due to  
31 a computer glitch but would be getting assistance from Mr. Vedder in the near future.

32  
33 **Councilmember Greiner**

34  
35 Councilmember Grenier complimented Ms. Houghton for her presentation on the water  
36 and sewer rates.

37  
38 **Councilmember Smith**

1 Councilmember Smith thanked Ms. Houghton and Mr. Drury for meeting with him and  
2 providing information on the water and sewer rates issue.

3

4 **Mayor Wolfe**

5

6 Mayor Wolfe thanked all the staff for their work and efforts.

7

8 **Adjournment**

9

10 There was no further business and the meeting was adjourned at 8:15 p.m.

11

12 Respectfully submitted,

13

14

15

16

17 \_\_\_\_\_  
Nancy A. Barnett, C.M.C.

18 City Clerk