

**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
February 3, 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**

Lori Houghton, Acting 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  
Lt. David Myers, 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**

Pastor William Tyson, Union Congregational Church, gave the invocation and those present recited the pledge of allegiance.

**III. APPROVAL OF AGENDA**

**MOTION**

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

**IV. APPROVAL OF MINUTES**

**MOTION**

**Kirby Smith moved to approve the minutes of January 20, 2010, seconded by Robert Grenier. The motion carried unanimously 5-0.**

**V. PROCLAMATIONS/PRESENTATIONS**

**Tab 2) Presentation to Eagle Scout Candidate**

Mayor Wolfe recognized Chris Carmickle, Eagle Scout Candidate, for completion of a special project at Wooton Park. Mr. Carmickle led Troop 233 in building a perimeter fence around the side entrance to the park. The project's initiative enhances the east entrance to the park and provides an added level of safety to the playground by having that side fenced. This community project was his final step to earn scouting's highest honor, the Eagle Scout merit badge.

Other troop members and adults who assisted Chris included:

Eric Mair	Austin Daily
Tyler Daily	Bonny Daily
Austin Daily	Ms. Carmickle
Mitch Daily	Mr. Carmickle
Richard Field	Mr. Noland
Schyler Noland	Mr. Scott
Austin Holmes	Ms. Kinsey
Kyle Kinsey	Mr. Netwal

1  
2 Mayor Wolfe presented a certificate of appreciation to Mr. Carmickle.  
3

4 **Tab 3) Renaissance Faire Report**  
5

6 Carmen Cullen, Executive Director of the Educational Foundation of Lake County, made  
7 a report on the Renaissance Faire held in November 2009. She said this year was the  
8 largest attendance in the past eight years even with the problems in the economy. She  
9 distributed information with data about attendance noting 42% came from Lake County  
10 and 58% from out of Lake County. She said 1,821 public school children attended with  
11 an estimated 700 home schoolers who attended on Education Day. The majority of the  
12 cast members came from local high school drama students. In addition, this year a  
13 documentary was produced which is anticipated to be shown at the Florida Film Festival  
14 this year. She reported on the financial impacts to the Community. She said the Faire  
15 would not be possible without the support of the City of Tavares and thanked the City  
16 for its partnership.  
17

18 **Tab 4) Presentation of Crime Reports Web Site**  
19

20 Lt. Myers discussed the technological improvements that have been made in the  
21 department during the past five years and demonstrated the Crime Reports Web Site  
22 which enables citizens to go on line and view statistics about crime in their

1 neighborhood. He noted that \$166, 658 in federal grant money has been secured for the  
2 project and no monies from the General Fund have been utilized. He said the  
3 technology improvements have made improvements in response time and cut report  
4 writing times in half. He said the Tavares Police Department is the first agency in Lake  
5 County to implement the web site.

6  
7 Councilmember Smith thanked Lt. Myers for his work. He said he thought it was an  
8 important tool for both the Police Department and the citizens of Tavares.

9  
10 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE**  
11 **CONTACTS**

12  
13 Attorney Williams stated that Tab 6 (Comprehensive Plan Amendment), Tab 7  
14 (Annexation of Northern Trust), 8 (Amendment to PD), and 9 (Amendment to LDR's)  
15 were quasi judicial. He gave the oath to those giving testimony and asked Council if  
16 they wished to disclose any ex parte communications.

17  
18 **VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

19  
20 Mayor Wolfe noted that the policy of Council is not to discuss ordinances at first  
21 reading. He said Ordinances #2009-35 and #2010-01 will be read by title only and full  
22 discussion held at second reading.

23  
24 Ms. Barnett noted there was a form at the entrance to Council Chambers for anyone  
25 interested in receiving information from DCA on the Comprehensive Plan amendment.

26  
27 Ms. Barnett read the following ordinances/resolutions into the record by title only:

28  
29 **ORDINANCE 2010-02**

30  
31 **PURSUANT TO SENATE BILLS 360 AND 697 OF THE FLORIDA**  
32 **LEGISLATURE, AN ORDINANCE OF THE CITY OF TAVARES,**  
33 **FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN, BY**  
34 **AMENDING THE FUTURE LAND USE ELEMENT, THE**  
35 **TRANSPORTATION ELEMENT, THE INTERGOVERNMENTAL**  
36 **COORDINATION ELEMENT AND THE CAPITAL IMPROVEMENT**  
37 **ELEMENT BY DESIGNATING THE CITY AS A TRANSPORTATION**  
38 **CONCURRENCY EXCEPTION AREA AND ADOPTING POLICIES**  
39 **WITHIN THE PLAN THAT PROMOTE MULTI-MODAL**  
40 **TRANSPORTATION SYSTEMS INCLUDING BUT NOT LIMITED TO**



1 **Tab 5) Approval of Funds from the FDLE United States Law Enforcement Justice**  
2 **Assistance Grant for Technology Improvements**

3  
4 **MOTION**

5  
6 **Sandy Gamble moved to approve the Consent Agenda [Tab 5 - Approval of Funds**  
7 **from the FDLE United States Law Enforcement Justice Assistance Grant for**  
8 **Technology Improvements], seconded by Robert Grenier.**

9  
10 **The motion carried unanimously 5-0.**

11  
12 **Tab 6) Ordinance #2010-02 – Transmittal Hearing – Large Scale Comprehensive**  
13 **Plan Amendment – Transportation Systems**

14  
15 Mr. Skutt reported that these Comprehensive Plan Amendments promote, recognize  
16 and give status to alternative modes of transportation. He stated that Senate Bill 360  
17 approved in 2009 designated Tavares as a Dense Urban Land Area. It exempted the  
18 city from having to comply with road concurrency and automatically made the entire city  
19 a Transportation Concurrency Exception Area. The Bill also mandated that cities that  
20 were designated as Exception Areas must adopt into their local Comprehensive Plan  
21 within two years, mobility plans that consider alternative modes of transportation.

22  
23 In March, 2008, the City of Tavares entered into an interlocal agreement with the Lake-  
24 Sumter Metropolitan Planning Organization (MPO) authorizing them to manage a study  
25 and to draft the appropriate Comprehensive Plan amendments that would result in the  
26 establishment of a Transportation Concurrency Exception Area within the Community  
27 Redevelopment Area. At that time, it was not known that the State would develop and  
28 enact Senate Bill 360. Fortunately, the data and analysis and draft comprehensive plan  
29 amendments prepared by the MPO were pertinent and easily changed to address the  
30 mandated mobility plans required by Bill 360.

31  
32 Tavares has actively pursued alternative transportation systems as a means to reduce  
33 road congestion and greenhouse gases. Public transit, walking and bicycle trails, water  
34 taxis, seaplanes, electric vehicles and commuter rail all contribute heavily to our present  
35 and future planning goals. The proposed Comprehensive Plan amendments were  
36 prepared by our MPO and reviewed by city staff. The transportation policies included in  
37 these amendments formally identifies many of the aspects of our Downtown Master  
38 Plan and our establishment of "Green Initiatives" as one of this year's priorities. With the  
39 adoption of these amendments, Tavares will be one of the first cities in Florida to

1 recognize multi-modal transportation systems as a city-wide solution to road traffic  
2 congestion.

3

4 Mr. Skutt stated that on January 21, the Planning & Zoning Board voted unanimously to  
5 recommend approval of these amendments. Staff recommends approval.

6

7 Mayor Wolfe invited T.J. Fish, Director of the MPO to speak.

8

9 Mr. Fish stated that the City is early in the process and because of the preliminary policy  
10 work that had been done, all that was needed in this amendment was to change the  
11 context and show that it is now applying to the whole city. He said because Tavares is  
12 one of the first cities, the Department of Community Affairs will be reviewing this in a  
13 new “filter” as the state is pushing the cities to be multi-modal and indicate what is  
14 being done to be pedestrian friendly, and for bikes and other transit systems. He said  
15 DCA may require revisions that would come back to Council for approval which is  
16 typical in textual amendments to the Comprehensive Plan. He noted that Tavares has  
17 been proactive and added that Mt. Dora, Eustis, Lady Lake and Clermont have also  
18 qualified to be exception areas. The rest of the county however will still be subject to  
19 concurrency which will include enclave areas. He said being an Exception Area does  
20 not mean that transportation does not have to be accounted for—it will just be done a  
21 different way. He mentioned some of the future projects such as rail and the bus system  
22 that will be included in the concurrency analysis.

23

24 Mayor Wolfe asked if anyone in the audience had comments.

25

26 **MOTION**

27

28 **Sandy Gamble moved to approve Ordinance #2010-02 for transmittal, seconded**  
29 **by Robert Grenier. The motion carried unanimously 5-0.**

30

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

32

33 **Tab 8) Ordinance 2009-35 – Amendment to Planned Development – Etowah**  
34 **Second Reading**

35

36 Mr. Skutt reported that this ordinance amends the PD ordinance that governs the  
37 Etowah Subdivision. It increases the maximum number of allowed dwelling units by 35  
38 additional homes; stipulating timing for phasing and platting to insure that the  
39 development remains in relative conformity with current land regulations and altering the  
40 conceptual plan to reflect these changes.

1  
2 The original PD ordinance for Etowah was approved in 1994 and has been amended  
3 numerous times since then. M/I Homes, the applicant, is the current owner of 38.14  
4 acres of undeveloped land located in the PD. Florida Hospital Waterman purchased  
5 24.67 acres of the original PD which included the entitlement of 228 multi-family  
6 dwellings through the prepayment of sewer and water impact fees. Phase One of  
7 Etowah was platted for 100 homes and was partially developed by Shamrock Homes.  
8 M/I Homes purchased Shamrock Homes and is continuing to construct homes in that  
9 platted phase. The applicant is requesting that the remaining unplatted property they  
10 own be allowed to be developed in three phases. They are requesting 105 single-family  
11 dwellings in Phases 2 & 3 and 17 multi-family dwellings in Phase 4. This results in an  
12 increase of 35 more dwelling units than that allowed by Ordinance 2006-43 (11 multi-  
13 family and 24 single family). These additional dwelling units increase the overall  
14 residential density of the PD to 4 dwelling units per acre, with Phase 1 being 2 DU/A,  
15 Phase 2&3 being 3 DU/A, Phase 4 being 4.25 DU/A and the hospital property with the  
16 potential for 9.3 DU/A. The property holds a Future Land Use designation of Low  
17 Density (5.6 dwelling units per acre). The conceptual plan for the PD is amended to  
18 indicate the approximate boundaries of Phases 2&3 and Phase 4. The timing clause of  
19 the ordinance has been amended, requiring platting of remaining phases to be  
20 sequentially approved at a maximum of 2 year intervals. This will insure that the PD  
21 remains relatively in conformity with current regulations and city policies. The Hospital  
22 has indicated that it may seek an amended zoning on property it owns, so this portion of  
23 the PD has not been included in the timing provisions. The balance of PD Ordinance  
24 2006-34 for Etowah remains unchanged.

25  
26 Staff recommends approval of the amendment since the increase in the proposed  
27 number of allowed dwelling units translates to a density of 4 dwelling units per acre  
28 which is less than the 5.6 dwelling units allowed in a Low Density future land use  
29 designation.

30  
31 Mr. Skutt added that Etowah is one of the very few residential subdivisions that remains  
32 to be active over the last year. The Planning & Zoning Board voted unanimously to  
33 recommend approval of this ordinance and staff recommends approval.

34  
35 Mayor Wolfe asked if anyone in the audience wished to speak

36  
37 Councilmember Smith noted there had been concern about the infrastructure.

38  
39 Mr. Skutt said the basic infrastructure is adequate and if there is additional infrastructure  
40 that needs to be done, that will be the responsibility of the developer.

1  
2 The Public Hearing was closed.

3  
4 **MOTION**

5  
6 **Kirby Smith moved to approve Ordinance #2009-35, Planned Development  
7 Amendment to the Etowah Planned Development, seconded by Sandy Gamble.  
8 The motion carried 4-1 as follows:**

9  
10 **Robert Wolfe                      Yes**  
11 **Sandy Gamble                      Yes**  
12 **Lori Pfister                        No**  
13 **Kirby Smith                        Yes**  
14 **Robert Grenier                    Yes**

15  
16 **Tab 8) Ordinance #2010-01 – Amendment to Land Development Regulations,**  
17 **Division 10, Chapter 17 – Cross Connection Control Devices – Adoption of Recent**  
18 **Florida Administrative Code – Second Reading**

19  
20 Mr. Hayes stated that the objective is to amend Chapter 17, Division 10, Cross  
21 Connection Control of the City's Land Development Regulations by formally adopting  
22 the most current Florida Administrative Code rules.

23  
24 He gave the following summary:

25  
26 On March 7<sup>th</sup>, 2007, the City of Tavares approved Ordinance 2007-04 that adopted and  
27 exhibited Section 62-555-360, Cross Connection Control for Public Water Systems of  
28 the Florida Administrative Code, as it existed on that date. These rules have since been  
29 updated to provide greater protection to Public Water Systems. The ordinance adopted  
30 by the City of Tavares in 2007 did not provide for any future changes to the  
31 Administrative Code. The proposed ordinance adopts the new Administrative Code  
32 rules. The City's Utility Department will prepare a Cross Connection Manual that will  
33 reflect the current Administrative Code regulations. The safety of the public water  
34 system is obviously a very serious matter and the use of proper devices to prevent  
35 backflow and cross connections with contaminated sources is imperative. The proposed  
36 ordinance will give the Utility Department the authority to enforce the most up-to-date  
37 Code for cross connection control. Staff recommends approval.

38  
39 Mayor Wolfe asked if there questions or comments from Council or from the audience.  
40

1 **MOTION**

2  
3 **Robert Grenier moved to approve Ordinance #2010-01, seconded by Kirby Smith.**  
4 **The motion carried unanimously 5-0.**

5  
6 **GENERAL GOVERNMENT**

7  
8 **Tab 10) Approval of Griffey Contract for Sinclair Avenue Stormwater Project and**  
9 **Transfer from Reserves**

10  
11 Mr. Hayes advised that this item was to consider the approval of the Proposal from  
12 Griffey Engineering to design and permit the upgrades of a portion of existing  
13 stormwater system identified in the Sinclair Avenue Stormwater Study. The cost for this  
14 proposed work is \$23,500.

15  
16 The work will include detailed surveying of the affected rights-of-way, environmental  
17 impact evaluation of the system discharge on the receiving wetland, geotechnical  
18 borings, and engineering design and permitting. Staff recommends approval. Mr.  
19 Hayes stated Mr. Griffey was available to answer questions.

20  
21 Mayor Wolfe asked about the location of the project. Mr. Hayes answered it is near the  
22 high school north from Alfred Street. He said a couple of the homes in the area have  
23 been flooded a few times.

24  
25 Mayor Wolfe asked the audience if they had comments.

26  
27 **Ansel Wood, Lake Frances**

28  
29 Mr. Wood asked, if the approval of this comes under the area of reserves, does the  
30 statute control these improvements under Reserves from a different fund.

31  
32 Ms. Houghton said these are reserves that had not been previously been appropriated  
33 which is an amendment to the current year's budget.

34  
35 **MOTION**

36  
37 **Robert Grenier moved to approve the design and permitting for the Sinclair**  
38 **Avenue project, seconded by Kirby Smith. The motion carried unanimously 5-0.**

39  
40 **OLD BUSINESS**

1 None

2

3 **NEW BUSINESS**

4

5 None

6

7 **AUDIENCE TO BE HEARD**

8

9 Don Campbell, 1502 E. Alfred Street, Scoutmaster Troop 43, Tavares

10

11 Mr. Campbell noted he was joined by Scouts Jonathon Campbell, Michael Welch, and  
12 Gavin Heffler. Mr. Campbell presented information on the history of scouting in the  
13 United States and in Tavares, noting that the City had first applied for a charter in 1912  
14 when Troop 1 was formed. (Troop 1 later became Troop 43.) Mr. Campbell invited those  
15 present to attend a “Celebration of Scouting” to be held Sunday, February 7, from 1 to 5  
16 p.m. at the Union Congregational Church. He asked that Council consider proclaiming  
17 February as “Scout Month” in the City of Tavares.

18

19 Councilmember Grenier urged everyone to attend as the Scouts have been active in the  
20 City’s history from its inception.

21

22 Ms. Barnett commented that she had noticed references in the City’s early Minutes of  
23 contributions made by the Boy Scouts.

24

25 **REPORTS**

26

27 **Tab 11) Acting City Administrator**

28

29 Ms. Houghton noted there were meetings listed under Tab 1.

30

31 Ms. Rogers invited those present to the cultural events for the Tavares African  
32 American Heritage Festival to be held Friday evening at the high school and at the park  
33 on Saturday.

34

35 **IIV. REPORTS**

36

37 **13) City Council**

38

39 **Vice Mayor Pfister**

40

1 Vice Mayor Pfister noted that the waiver of the impact fees had been approved,  
2 however, she felt it should have included a requirement for green initiatives. She asked  
3 that the issue be revisited. She said when it was approved it was pointed out that the  
4 city did not anticipate increased residential, however, Council had voted on increases at  
5 this meeting. She asked that at the next meeting this topic could be put on the agenda  
6 for discussion. She said she felt the ordinance should have included the waiver of  
7 impact fees if a certain percentage of their building was “green.”

8  
9 Councilmember Grenier asked if Ms. Pfister if she meant green space or construction.  
10 Vice Mayor Pfister said she was referring to construction. Councilmember Grenier noted  
11 there are a lot of existing building codes in terms of [environmental initiatives] that have  
12 to be followed. He said he would need to hear specifics.

13  
14 Councilmember Pfister said there are a lot of green initiatives that could be considered  
15 such as pavers instead of asphalt. She said a percentage of the construction should be  
16 LEED certified. Mayor Wolfe questioned the legality of requiring this in order to obtain  
17 impact fee credits. Attorney Williams said that governments can legally do incentives or  
18 give credits for incentives which are being done now in terms of historical preservation.  
19 He said in order for an ordinance to be enforceable the standards would have to be very  
20 specific.

21  
22 Mayor Wolfe noted there are a lot of tax credits for certain incentives.

23  
24 Councilmember Grenier noted the incentives can also be costly.

25  
26 **Councilmember Gamble**

- 27
- 28 • Councilmember Gamble noted that Vice Mayor Pfister had requested having the  
29 council meeting start time on the agenda. He said he was not in favor of  
30 changing the start time but that when a councilmember requests this it should be  
31 respected as much as possible.

32 Mayor Wolfe said he had wanted to implement the new start time for a few meetings to  
33 see how it worked before reversing it after a decision had been made. He said it would  
34 be on the next agenda.

- 35
- 36 • Noted he had held a meeting with Mr. Thompson and Mr. Drury at a residence  
37 where a new road is being paved. He said an agreement was worked out and  
38 during the conversation Mr. Drury had noted he had received a report after the  
39 last council meeting regarding the windmill issue. He said the report stated that  
40 the average wind speed for Lake County for 2009 was over four miles per hour

1 which was something to consider in the future if the windmill issue is brought up  
2 again.

- 3 • Noted that Ms. Rogers had asked him to coach a youth baseball team and that  
4 he had asked Councilmember Grenier if he would be willing to coach together  
5 and would that be a conflict.

6  
7 Attorney Williams answered so long as he and Councilmember Grenier did not discuss  
8 matters that might come before them as councilmembers, there would be no prohibition  
9 against that.

- 10  
11 • Thanked the staff for the Crappie Masters tournament, noting he had tied for third  
12 place [on Media Day]. He said he had a great time and in speaking with the  
13 anglers he had found out how much they bring into the local economy.

14  
15 **Councilmember Greiner**

16 Councilmember Grenier noted that at the Tavares African American heritage festival, at  
17 6:00 p.m., Ms. Odums would be singing with her church before the dance troupe  
18 starting at 7 p.m. He noted the parade will start at 10:00 a.m. on Saturday.

19  
20 **Councilmember Smith**

21 No report.

22  
23 **Mayor Wolfe**

24 Mayor Wolfe thanked Cecilia Smith and the rest of the staff for their work in putting on  
25 the Crappie Masters tournament.

26  
27 **Adjournment**

28  
29 There was no further business and the meeting was adjourned at 5:36 p.m.

30  
31 Respectfully submitted,  
32  
33  
34  
35

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