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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
NOVEMBER 17, 2010
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II CALL TO ORDER

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

Tab 1) Update on Mayor's Visit to Sister City

Mayor Wolfe reported on his visit to Xindian, Taiwan to represent the City of Tavares. He said he believed it was a very beneficial trip. He presented a document that he had signed along with the Mayor of Xindian City and the President of their Council, which ties the city's together, along with a Letter of Intent to be Sister Cities. He said he thought it was an excellent step in moving forward to foster the relationship. He said he had met with many of the higher dignitaries in

1 Xindian including the Prime Minister of Taiwan, the Minister of Foreign Affairs, and various
2 Taiwanese and Chinese business professionals. He said the Mayor was very receptive and
3 wants to move forward with establishing the relationship. He said in the next two weeks a larger
4 packet of information will be developed with the assistance of Ms. Ross, to document the trip.
5

6 Council expressed their appreciation to Mayor Wolfe for taking the time to make the trip, noting
7 he had taken time off from his own business to travel on behalf of the City.
8

9 Mayor Wolfe noted that Chief Keith was one of many in the city who assisted along with Ms.
10 Rogers and other staff. He said Chief Keith had provided a Fire Chief helmet which he was able
11 to present to the Xindian Fire Chief (a member of the Xindian Council). He presented the gifts to
12 Chief Keith for display at one of the Fire Stations.
13

14 **III. SINE DIE**

15
16 **Mayor Wolfe adjourned the current Council Meeting and turned over the gavel to Mr.
17 Drury.**
18

19 **IV. CALL TO ORDER**

20
21 Mr. Drury called the first meeting of the new City Council to order at 4:30 p.m.
22

23 **V. PROCLAMATION OF ELECTION RESULTS**

24
25 Ms. Barnett announced the results of the 2010 election from the Official Certification as follows:
26

27 **Charter Referendum for Extension of Terms**

28
29 Yes - 1,848
30 No – 3,053
31

32 **Bond Referendum for Expansion of Wooton Park**

33
34 Yes – 2,328
35 No – 2,717
36

37 (Ms. Barnett noted further information on the bond referendum would be presented later in the
38 meeting.)
39

40 **Councilmembers**

41
42 Robert Grenier, Lori Pfister, and Robert Wolfe were re-elected without opposition to the term of
43 office 2010-2012.
44

1 **VI. SWEARING IN OF NEW COUNCILMEMBERS**

2
3 Chief Lubins gave the oath of office to Robert Grenier, Lori Pfister and Robert Wolfe to their
4 elected positions of councilmember.

5
6 **VII. CONVENING OF NEW COUNCIL**

7
8 Mr. Drury convened the new City Council.

9
10 **VIII. ELECTION OF MAYOR**

11
12 Mr. Drury reviewed the process according to Roberts Rules of Order that would be followed in
13 electing the new mayor. He asked if Council had questions. He noted as the Charter calls for
14 the City Council to conduct this order of business, did not not plan to open up this issue to public
15 debate.

16
17 He then asked for nominations from the floor for Mayor.

18
19 Kirby Smith nominated Robert Wolfe. Sandy Gamble nominated Lori Pfister.

20
21 Mr. Drury closed the nominations. He asked if Council wished to comment.

22
23 Mr. Drury asked that Councilmembers raise their hand to indicate their vote:

24
25 **Vote on Councilmember Robert Wolfe by Raising of Hand**

26
27 Robert Grenier Yes
28 Kirby Smith Yes
29 Robert Wolfe Yes
30 Sandy Gamble No
31 Lori Pfister No

32
33 **Mr. Drury stated that since Robert Wolfe had received three votes, he would pronounce**
34 **Robert Wolfe as Mayor for the City of Tavares. He passed the gavel to Mayor Wolfe.**

35
36 **IX. ELECTION OF VICE MAYOR**

37
38 Mayor Wolfe noted the same process would be followed for the election of the Vice Mayor. He
39 requested nominations from the floor for Vice Mayor.

40
41 **Sandy Gamble nominated Lori Pfister. Kirby Smith nominated Bob Grenier. The**
42 **nominations were closed.**

43
44 **Mayor Wolfe requested that Councilmembers raise their hand to indicate their vote:**

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Vote on Lori Pfister by Raising of Hand

Sandy Gamble	Yes
Lori Pfister	Yes
Robert Wolfe	No
Kirby Smith	No
Bob Grenier	No

Vote on Bob Grenier by Raising of Hand

Robert Wolfe	Yes
Kirby Smith	Yes
Bob Grenier	Yes
Lori Pfister	No
Sandy Gamble	No

Mayor Wolfe pronounced Bob Grenier to be Vice Mayor by three votes.

X. APPROVAL OF AGENDA

Mayor Wolfe asked if there any changes by staff or Council. Mr. Drury said the City Attorney has an item that he will discuss that will become Tab 10A.

Attorney Williams stated it would probably be better to consider it as Tab 13A under Ordinances as it is an emergency ordinance to be considered for adoption. He said it pertains to an ordinance allowing dogs in outdoor dining areas of the city's restaurants.

He said regarding the USDA bonds that are scheduled for Tab 11, Mike Williams; the bond counsel from Akerman Senterfit is in route from another meeting and asked that that item be postponed until Mr. Williams can be present.

MOTION

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

XI. APPROVAL OF MINUTES – September 8 and September 22

MOTION

Kirby Smith moved for approval of the minutes of September 8 and September 22, seconded by Bob Grenier. The motion carried unanimously 5-0.

1 **XII. DESIGNATION OF BANK FOR OFFICIAL DEPOSITORY**

2
3 **Tab 6) Designation of Bank**

4
5 Mr. Drury explained that the City has utilized SunTrust Bank as the official depository for the city
6 for the past several years. SunTrust is a State of Florida Authorized Depository and provides
7 collateral of U.S. Treasury Securities (specifically designated) for all City of Tavares Deposits.

8
9 Mr. Drury stated that staff is currently developing a Request for Proposals (RFP) for issuance in
10 the current fiscal year to provide services for the next five years. Once the RFP has been
11 issued and evaluated, staff will present findings to Council for award. The RFP will also address
12 various banking options to enhance efficiencies and customer service delivery.

13
14 Councilmember Smith discussed making approval of SunTrust contingent on having the
15 proposals go out within six months.

16
17 **MOTION**

18
19 **Kirby Smith moved to approve SunTrust Bank up until June 1, 2011, seconded by Sandy**
20 **Gamble. The motion carried unanimously 5-0.**

21
22 **XIII) – DESIGNATION OF THOSE AUTHORIZED TO SIGN CHECKS**

23
24 **Tab 7) Designation of those Authorized to Sign Check**

25
26 Mr. Drury advised that staff recommends approval of the Mayor, Vice Mayor, City Administrator
27 and the Finance Director as those designated to sign checks. This is consistent with past policy.

28
29 City disbursements (checks) will utilize one signature from the Mayor or the Vice Mayor and one
30 signature from the City Administrator or the Finance Director.

31
32 **MOTION**

33
34 **Sandy Gamble moved to authorize the Mayor, Vice Mayor, City Administrator and**
35 **Finance Director, to be authorized to sign checks on behalf of the City of Tavares,**
36 **seconded by Kirby Smith. The motion carried unanimously 5-0.**

37
38 **XIV. SUNSHINE LAW/ETHICS PRESENTATION**

39
40 Attorney Williams reviewed the Sunshine Law as it pertains to public meetings and public
41 records noting that it pertained to City Council and also the other Boards appointed by Council.
42 He also reviewed the Ethics Law. He discussed issues of voting and conflict of interest. He
43 reviewed the issue of Honest Services Fraud which is a federal statute that has recently gotten
44 some very strict interpretation in the courts. In addition he noted that under the Sunshine Law,

1 Council relies on the advice of Council but if he is wrong in his opinion, it does not reflect on
2 Council.

3
4 **XV. PROCLAMATIONS/PRESENTATIONS**

5
6 None

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

9
10 Attorney Williams noted there were quasi-judicial items on the agenda, Tab 9 and Tab 10, but
11 they are for first reading only.

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

14
15 Ms. Barnett read the ordinances and resolutions by title only:

16
17 **ORDINANCE 2010-19**

18
19 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING PUD**
20 **ORDINANCE 2005-04; AN ORDINANCE THAT GOVERNS THE**
21 **DEVELOPMENT OF THE OAK BEND SUBDIVISION ON S.R. 19;**
22 **SUBSTITUTING THE PROVISION FOR 96 SINGLE-FAMILY ATTACHED**
23 **DWELLINGS FOR 53 SINGLE-FAMILY DETACHED DWELLINGS;**
24 **AMENDING THE CONCEPTUAL MASTER PLAN FOR THE SUBDIVISION**
25 **TO REFLECT THIS CHANGE; SUBJECT TO THE RULES, REGULATIONS**
26 **AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
27 **PROVIDING AN EFFECTIVE DATE.**

28
29
30 **ORDINANCE 2010-20**

31
32 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA; REZONING**
33 **APPROXIMATELY 10 ACRES OF LAND LOCATED GENERALLY AT THE**
34 **NORTHEAST INTERSECTION OF DAVID WALKER ROAD AND OLD U.S. 441**
35 **FROM RMF-2 (RESIDENTIAL MULTI-FAMILY) TO PD (PLANNED**
36 **DEVELOPMENT DISTRICT); SUBJECT TO THE RULES, REGULATIONS AND**
37 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING**
38 **FOR AN EFFECTIVE DATE.**

39
40 **RESOLUTION NO. 2010-15**

41 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AUTHORIZING**
42 **THE ISSUANCE OF NOT EXCEEDING \$15,805,000 IN AGGREGATE**
43 **PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS, TO**

1 FINANCE THE COST OF CONSTRUCTING IMPROVEMENTS TO THE CITY
2 OWNED WATER AND SEWER SYSTEM; PLEDGING ON A PARITY WITH
3 THE LIEN THEREON OF CERTAIN OUTSTANDING UTILITY DEBT OF THE
4 CITY, THE NET REVENUES OF THE CITY'S WATER AND SEWER SYSTEM;
5 AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES, IN
6 ANTICIPATION OF THE ISSUANCE OF SAID BONDS; AUTHORIZING THE
7 VALIDATION OF SUCH BONDS AND NOTES; PROVIDING FOR THE
8 RIGHTS OF THE HOLDERS OF SUCH BONDS AND NOTES; MAKING
9 OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH;
10 AND PROVIDING AN EFFECTIVE DATE.

11 RESOLUTION 2010 - 17

12
13 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
14 2010 FISCAL YEAR ADOPTED BUDGET FOR THE CITY OF TAVARES,
15 REPRESENTING ADJUSTMENTS TO THE ADOPTED BUDGET, AND
16 PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE
17 DATE.

18
19 RESOLUTION 2010 - 18

20
21 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AMENDING THE
22 2011 FISCAL YEAR ADOPTED BUDGET FOR THE CITY OF TAVARES,
23 REPRESENTING ADJUSTMENTS TO THE ADOPTED BUDGET, AND
24 PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE
25 DATE.

26
27 **XVIII) CONSENT AGENDA**

28
29 **Tab 8) Request to Apply for Edward Byrne Memorial Justice Assistance Grant for**
30 **Surveillance Camera.**

31
32 Mayor Wolfe asked if any audience member objected to the Consent Agenda item or if Council
33 wished to discuss.

34
35 **MOTION**

36
37 **Bob Grenier moved to approve the Consent Agenda [Request to Apply for Edward Byrne**
38 **Memorial Assistance Grant], seconded by Kirby Smith. The motion carried unanimously**
39 **5-0.**

40
41 **XIX. ORDINANCES/ RESOLUTIONS – PUBLIC HEARING**

42
43 **Tab 9 Ordinance #2010-19 – Read by title only.**

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Tab 10) Ordinance #2010-20 – Read by title only.

Second Reading

None

RESOLUTIONS

Tab 12) Resolution #2010-17 – Final Amendment to Fiscal Year 2010 Budget

Mr. Drury stated that this is a resolution that must be done within sixty days of closing out the financial books for the prior fiscal year. The objective is to approve this resolution to amend the Fiscal Year Budget just finished for September 30th.

He said that the attached resolution represents increases and/or decreases to the adopted and revised budget for Fiscal Year 2010. Appropriation increases represent previously approved reserve appropriations. In addition the Resolution also reflects transfers between individual accounts within the adopted budgets for all departments.

This resolution represents the FIFTH AND FINAL AMENDMENT to the Adopted Budget for Fiscal Year 2009-2010.

Mayor Wolfe asked if there were questions.

MOTION

Sandy Gamble moved to approve Resolution #2010-17, seconded by Bob Grenier. The motion carried unanimously 5-0.

Tab 13 – Resolution #2010-18 – First Amendment to Fiscal Year 2011 Budget for Roll Forward Items

Mr. Drury stated that the resolution represents increases and/or decreases to the adopted and revised budget for Fiscal Year 2011. The increases and or decreases represent adjustments to the budget for additional reserve appropriations approved by the City Council, additional expenditure requirements, estimated revenue adjustments, and **encumbrance roll forwards** from the prior fiscal year.

This resolution represents the FIRST AMENDMENT to the Adopted Budget for Fiscal Year 2010-2011.

1 Councilmember Gamble said he had only received the information yesterday and would prefer
2 to table it until the next meeting. Mr. Drury said that Ms. Houghton will be able to highlight the
3 details at the next meeting.

4
5 **MOTION**

6
7 **Sandy Gamble moved to table Resolution #2010-18 until the next meeting (unless there is
8 an emergency that arises before the next meeting), seconded by Kirby Smith. The motion
9 carried unanimously 5-0.**

10
11 **Tab 13A – Ordinance #2010-21 – Emergency Ordinance to Allow Dogs in Outdoor Dining
12 Areas**

13
14 Attorney Williams read the ordinance by title only:

15
16 **AN EMERGENCY ORDINANCE OF THE CITY OF TAVARES, FLORIDA,
17 AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER
18 10.5, LICENSES AND BUSINESS REGULATIONS BY ADDING ARTICLE XII
19 ENTITLED “PRESENCE OF DOGS IN OUTDOOR PORTIONS OF PUBLIC
20 FOOD ESTABLISHMENTS”; PROVIDING FOR PERMIT REQUIREMENTS,
21 ENFORCEMENT AND PROCEDURES; SUBJECT TO THE RULES,
22 REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES
23 COUNCIL; PROVIDING AN EFFECTIVE DATE.**

24
25 Attorney Williams stated that this ordinance has been requested by staff. He said it would be
26 enacted pursuant to new provisions in the Florida Statutes which allows a city to exempt
27 outdoor dining areas from the normal prohibition from allowing dogs into those dining areas. He
28 said the statute provides that the normal prohibition can be trumped by a city ordinance that
29 contains certain procedural rules. If the owner obtains a permit under the city ordinance they
30 can allow dogs and animals within that outdoors portion of the restaurant. He said it has been
31 presented as an emergency ordinance which is done very rarely by the City. He said there is a
32 provision in the statutes that allows council to adopt an ordinance based on the emergency as
33 deemed by Council. He said the only restriction is that it requires a 2/3 vote by the governing
34 body. He said the emergency nature is that some of the vendors in the Entertainment District
35 have some events coming up before the normal two reading process could take place.

36
37 Councilmember Smith asked if this was a state law already. Attorney Williams said the state law
38 allows the cities to make the determination.

39
40 Councilmember Pfister asked if there will be a fee. Attorney Williams said the ordinance does
41 not address a fee but the city could charge a fee. It was noted the ordinance is limited to dogs
42 only. Mr. Drury said this provides a vehicle for the private sector to decide whether or not they
43 would like to have a pet friendly outdoor area.

1 Mayor Wolfe asked if the public would like to comment.

2
3 Roger Kooser, Al's Landing

4
5 Mr. Kooser spoke in support of the ordinance.

6
7 Andrew O'Keefe, O'Keefe's Irish Pub

8
9 Mr. O'Keefe spoke in support of the ordinance.

10
11 Denise Laratta, Royal harbor

12
13 Ms. Laratta spoke in support of the ordinance.

14
15 Council Discussion

16
17 Councilmember Gamble said he had some concern regarding the patrons who would like to sit
18 outside but might be allergic to dogs. He said he would be more in favor if there were an area
19 designated for people without dogs. He said he would like the business owners to consider that
20 when they are applying for their permit.

21
22 MOTION

23
24 **Kirby Smith moved to approve Emergency Ordinance #2010-21, seconded by Bob**
25 **Grenier. The motion carried unanimously 5-0.**

26
27 **Tab 11) Resolution #2010-15 – USDA Bond for Downtown Water & Wastewater**
28 **Improvements**

29
30 Mr. Drury stated the resolution is to authorize the issuance of debt not to exceed \$15,805,000 from USDA
31 for a low interest loan where proceeds will be used to upgrade the water and sewer infrastructure system.
32 He presented the following staff report:

33
34 *Previously the City Council and the Citizen's of Tavares met to define a vision for the City of Tavares.*
35 *These visioning sessions resulted in the City's Vision Statement which defined the City as the "Capital*
36 *Water Front City of Lake County". As a result of the vision of our residents, Downtown/CRA Master*
37 *Plan was developed which provides a roadmap for achieving the vision set forth by the citizens of*
38 *Tavares. Plan was completed and was adopted by the City Council in 2008. The "Master Plan"*
39 *includes an "Implementation Plan" which provides for utility water and sewer upgrades. The*
40 *infrastructure in the downtown and CRA district are clay pipes with galvanized water lines that are*
41 *broken or too small to provide adequate utility service and therefore are in need of replacement. The*
42 *estimated cost to replace the existing clay pipe which is well beyond their useful life is approximately \$17*
43 *million. The "Master Plan" also sets forth a vision of a vibrant, pedestrian-oriented, mixed use center in*
44 *the downtown core. In order to support the anticipated redevelopment for increased residential and*

1 *commercial growth, it is critical that the aging water and wastewater infrastructure systems be improved*
2 *and upgraded to reliably serve these anticipated additional demands that the growth and redevelopment*
3 *will generate.*

4
5 *In January 2009 the City Council authorized Malcolm Pirnie to assist the City by preparing the*
6 *Preliminary Engineering Report and Environmental Report required to apply for grant funds and low*
7 *interest loans from the United States Department of Agriculture (USDA) to replace the broken and*
8 *inadequate water and wastewater utility lines.*

9
10 *The Utilities Department submitted an application to the USDA to secure the grant and loan funds to*
11 *rehabilitate the aging CRA infrastructure.*

12
13 *On May 10, 2010, the USDA issued a letter of condition providing the city a \$1,195,000 grant and*
14 *\$15,805,000 low interest loan for a total of \$17 million to reconstruct the downtown and CRA water and*
15 *sewer system. At this time staff estimated annual debt service on the \$15,805,000 low interest loan of*
16 *3.25% over 38 years is \$730,350 per year. The recommended source of funding for this debt service is*
17 *\$300,000 from the Renewal and Replacement fund, \$300,000 from those funds pledged for retiring debt*
18 *service and \$130,350 from Impact Fees. The Impact Fee fund has approximately \$5 million in available*
19 *funds: an Impact Fee Waiver program is currently in place to attract development within the City.*

20
21 *On May 17, 2010, the City Council approved and accepted the USDA Letter of Conditions dated May 10,*
22 *2010 for acceptance of the USDA Loan and Grant and authorized the Mayor to sign the Letter of*
23 *Conditions and related forms for acceptance of the USDA Loan.*

24
25 *On July 7, 2010, the City's consultant, Malcolm Pirnie, provided an overview of the condition of the*
26 *current infrastructure within the downtown and CRA areas. In addition they provided additional detail*
27 *on possible cost savings that replacement of the system would provide.*

28
29 *In order to complete the process for acceptance of the USDA Loan and Grant for rehabilitation and*
30 *upgrade of the downtown and CRA utility lines, the City is required to adopt a Resolution authorizing the*
31 *issuance of debt. Resolution Number 2010-15 provides authorization for issuance of debt not to exceed*
32 *\$15,805,000 in aggregate and in parity to existing debt of the water and wastewater utility. As part of*
33 *this process, the City will issue bond anticipation notes in anticipation of the USDA Bonds. This process*
34 *is called interim financing and will be satisfied by the issuance of the USDA Bonds.*

35
36 *It should be noted that this is the :”FINAL” step to accept the USDA Loan and Grant Financing as set*
37 *forth in the USDA Commitment letter to the City dated May 10, 2010 and accepted by the City Council on*
38 *May 17, 2010. Up to this point the City had the option to “opt” out of the USDA Commitment, but with*
39 *the adoption of Resolution 2010-15, additional review periods are not scheduled, and the funding process*
40 *by the USDA will begin.*

41
42 **Mr. Drury added that this also provides an opportunity to upgrade the landscaping and**
43 **sidewalks to the more current standards that the citizens have requested during the visioning**
44 **process.**

1
2 Councilmember Pfister asked if the impact fees that were waived could have been used to fund
3 portions of this infrastructure. Mr. Drury responded that some sewer lines that are upgraded to
4 accommodate future growth can be paid for from impact fees. He asked Mr. Shannon to
5 comment on the percentage of pipes being upgraded in size. Mr. Shannon stated that they are
6 working on the Wastewater Hydraulic Model at this time which will determine the size of piping,
7 but it will likely be somewhere in the 50% range.
8
9 Councilmember Smith asked if there was a total dollar amount that the city will be requesting
10 from the taxpayers for the various utility projects.
11
12 Mr. Shannon said the objective has always been to do as much as possible with the existing
13 rate structure. Currently two projects are being pursued: the reclaimed water project (funded by
14 State Revolving Fund) which is 18M (one million in grants and 17M in loans) and the USDA
15 project is \$17 M being funded by the Federal Government (one million in grants and 16M in
16 loans). The third project for stormwater is in the application process (10M upgrade to entire
17 stormwater system) – the ratio of grant to loan is not known as yet.
18
19 Councilmember Pfister asked if the impact fees are paying sufficiently for future growth.
20
21 Mr. Shannon said impact fees can be used to some extent to pay off the loans. Mr. Shannon
22 stated that the SRF was pursued after the rate study was done so that the rates were approved
23 knowing that project was planned. After the rate study was set, the award from the USDA was
24 received. The financial analysis for the water and sewer USDA project is currently underway. He
25 noted that impact fees will pay for the cost of increasing the incremental increase for capacity of
26 some the pipes.
27
28 Councilmember Smith said his estimate is that about 42M will be in loans. Mr. Drury stated that
29 Council will be authorizing staff to establish the loan capabilities but the city could never borrow
30 more than its current ability to cover debt service. The city's ability to cover debt service under
31 its current rate structure is 20M. Over the next five to 10 years, council would authorize the
32 project in phases. He said hopefully over the next five to 10 years the additional monies needed
33 will be supplemented by either grants or new growth and that hopefully the construction costs
34 will be less than estimated.
35
36 Councilmember Gamble confirmed that the funds are only being earmarked and as the funds
37 are needed, the city would draw from them. Mr. Shannon said that was correct. Councilmember
38 Smith stated his understanding was that the millage rate, the water rate, or the sewer rate will
39 not have to be raised. Mr. Shannon said they are working to develop a plan to fund this through
40 the existing rates. Mr. Drury said this is within the current rate study that was adopted. The
41 current rate study calls for the rates to be increased by CPI plus 1%; up to 20M of debt can be
42 carried by following that rate study. He said his goal is to keep that at a 15M level or below.
43

1 Mike Williams (Bond Counsel) stated that the resolution authorizes not exceeding \$15,805,000
2 in water and sewer bonds, authorizes notes, bond validation (approval by a circuit court
3 judge), and shows that it is on parity with 2000 and 2002 bond issues. The city must meet a
4 coverage test confirmed by a CPA before the bond can be closed.

5
6 **MOTION**

7
8 **Sandy Gamble moved to approve Resolution #2010-15, seconded by Bob Grenier. The**
9 **motion carried unanimously 5-0.**

10
11 **X. GENERAL GOVERNMENT**

12
13 **Tab 14) Results of Tavares Ballot Items**

14
15 Ms. Ross stated that by previous vote of the City Council, two items were placed on the
16 November 2010 ballot, Bonds for the Expansion of Wooton Park and a Charter Amendment to
17 change two year Council terms to four year terms.

18
19 The result of the Charter Amendment issue was that 62% of City residents voted not to change
20 the terms of the Council members.

21
22 The result of the Bond for Wooton Park Expansion was closer with 54% of City residents voting
23 not to issue bonds and 46% voting to issue the bonds. There was a 389 vote difference. 208
24 were under votes which meant that they did not vote on this particular issue.

25
26 Councilmember Gamble clarified that the signage did not come from public funds. Mr. Drury
27 stated that the city provided information to the public which was done on the web page and by
28 mail to explain what was being voted on. He said the city did not advocate a position. He said
29 there was a Political Action Committee created by a group of citizens to advocate for the
30 passage of the referendum who purchased signs. Ms. Ross noted that in total \$5,842 was spent
31 by the city to encourage people to vote, which included the printing for the newsletters, the
32 bookmarks, postcards, posters and two newspaper ads.

33
34 Councilmember Gamble stated he appreciated all of Ms. Ross's efforts.

35
36 **Tab 15) Discussion on Amendment to Impact Fee Ordinance to Consider Extension of**
37 **Time Period of City-Wide Waiver Program**

38
39 Mr. Neron reported at its meeting held December 9, 2009, the City Council approved Ordinance
40 2009 – 34 which waived the imposition of City impact fees City-wide for the period Jan.1 2010 –
41 Dec. 31, 2010. On November 17, 2010, Council directed staff to prepare an ordinance to
42 extend the program for an additional year to December 31, 2011. He discussed the reports
43 provided to Council: Exhibit 1 showed the construction value and number of residential and non-
44 residential permits for a five year period from 2005 to 2009 and the taxable assessed valuation

1 broken down by residential and non-residential for approximately the same period. He said in
2 2005 at the height of the building boom the city issued building permits with a total value of
3 \$102,000,000 (610 permits). In 2009 with the fallback in construction, \$11.2 M was issued (31
4 permits), almost a 90% drop. He said the value of the construction was primarily residential in
5 the early years, and in the later years, non-residential.

6
7 Mr. Neron said the taxable assessed valuation roller coasted in the 2005-2010 period. It
8 increased from \$395,000,000 in 2005 to a high of \$854,000,000 in 2008. He said the charts
9 reflect a two year lag from the time a building permit is issued, the building is constructed, and it
10 gets on the tax roll. He said it then went to \$529,000,000 in 2010, almost over a \$300,000,000
11 drop. Two things affected this: the increased homestead exemption (extra \$50,000) and the
12 drop in assessed value of homes. He said with the Save Our Homes legislation even when the
13 market comes back up, the increase can only be done by 3% a year.

14
15 Mr. Neron said in 2005, the breakdown was 80% residential and 20% commercial. The City's
16 programs are beginning to make some progress as the total valuation is now 75% residential
17 and 25% commercial.

18
19 Mr. Drury pointed out that on average for every \$1.00 that a resident contributes in tax dollars,
20 they use about \$1.25 in services. For every \$1.00 a business contributes to the tax base, they
21 use about .80 worth of services. He said this is the basis for trying to shift some of the tax
22 burden to commercial.

23
24 Mr. Neron said the second exhibit in the report shows the results of the Impact Fee Waiver
25 program from January 1, 2010 through the end of October 2010. Permits have been approved
26 for new construction valued at \$31M (which is three times as that permitted last calendar year).
27 Impact fees have been waived of about \$1.8M and for every dollar of impact fee waived, it has
28 resulted in \$17.07 of new value construction. He said of the \$31M, 73 % was for commercial.

29
30 Mr. Neron stated the CRAAC reviewed the ordinance and also recommended approval by City
31 Council. Mr. Neron acknowledged that the majority of the impact fees waived are for water and
32 sewer which is having some impact on the impact fees collections in the water and sewer
33 enterprise fund He said he had reviewed the water rates adopted in 2009 and the proportion of
34 the impact fee components was about 11% of the total revenue stream so it is staff's opinion
35 that this can be done for one more year and then go back to the impact fee collection to make
36 up for the 11% in the final three of the five year program.

37
38 Mr. Drury discussed the options suggested: no action, extend for a year, or extend for six
39 months.

40
41 Councilmember Smith said his analysis showed \$215,564 a year that would be coming to the
42 city from the new businesses and not as a burden to the residents.

1 Councilmember Pfister said she was against the waiver before and she remained against it. She
2 said she believed the city needed to include more incentives to build “green” for new
3 construction and to look to the future. She said she did not mind waiving the fees, however, the
4 city needed to require more green initiatives.
5

6 Mayor Wolfe said the initiatives needed to be specific. He also discussed the overall economic
7 benefits to the community.
8

9 Vice Mayor Grenier noted that construction standards are changing and most contractors are
10 thinking “green” already. He said it depends on the type of building and situation. He discussed
11 re-using older buildings as an example.
12

13 Councilmember Pfister said she was interested in requiring materials that are considered green
14 and that she believed the city should require LEED certification in its code. Councilmember
15 Gamble discussed his support of green initiatives but said he did not think the city should force it
16 through code. Councilmember Pfister said it could be something the contractor could choose to
17 do in order to get a reduction or pay no impact fees.
18

19 Audience to be Heard
20

21 Norman Hope – Myakka River Road
22

23 Mr. Hope said is a member of the Planning & Zoning Board and when this came up before he
24 had asked several of the people if they were starting to build because of the waiver of the
25 impact fees and the answer was “yes” from each one. He said if it is correct that the waiver of
26 the impact fees will not adversely impact the citizens of Tavares today, tomorrow, or next year,
27 then he would be in favor.
28

29 Tom Pfeiffer, General Contractor – Shantiniketan project
30

31 Mr. Pfeiffer said one of the reasons the Shantiniketan project was started was because of the
32 impact fee waivers. He said the project started and is almost finished and they are now looking
33 at Phase II. He said 50% of their construction staff are from Tavares and 80-90% are in Lake
34 County. He said they are also looking at helping with the Sister City project with Taiwan. He
35 spoke in support of the waiver.
36

37 Tom Hofmeister, Osprey Lodge project
38

39 Mr. Hofmeister discussed the proposed 24M first phase of the Osprey Lodge project. He said
40 the project has been delayed to probably early next year or early first quarter. He said they
41 remain dependent on the waiver coming into the next year because their financing has been
42 based on that assumption. He said he has been studying adult care all over the United States
43 and believes it will be a very unique development with the main corporate office located in this
44 community. He discussed green construction and noted that every contractor is studying this

1 component. He said it could be LEED certified but the inspection requires extensive paperwork
2 and could be costly to hire consultants to expedite the paperwork. He said he agreed it is wise
3 to encourage green construction and educate the community, but he would prefer not to be
4 mandated to be LEED certified.
5

6 Councilmember Gamble asked for clarification on Mr. Hope's question. Mr. Drury said directly it
7 would not raise taxes but indirectly as Ms. Pfister pointed out, impact fees are used to create a
8 reserve of funds to improve the downtown community without raising taxes in the future and
9 using those revenues so that growth pays for new growth. He said during tough economic times
10 to have a one year or two year waiver to do the city's portion of stimulating the economy in a
11 small community, is positive, but in the long run he would caution the board not to waive the
12 funds year after year. He said it is a balance and if the economy was strong he would not
13 necessarily be recommending it.
14

15
16 **MOTION**

17
18 **Bob Grenier moved to approve Option 1 [to approve public hearings in December on an**
19 **Ordinance to extend the current City-wide impact fee waiver program through December**
20 **2011], seconded by Kirby Smith.**
21

22 Mr. Drury said there is an opportunity to consider some standards and perhaps next year if
23 Council wished to extend the program that could be incorporated.
24

25 Vice Mayor Grenier stated he thought he had provided information on green standards to staff
26 and perhaps that could be looked at.
27

28 **The motion carried 4-1 as follows:**
29

30 Robert Wolfe	Yes
31 Bob Grenier	Yes
32 Sandy Gamble	Yes
33 Lori Pfister	No
34 Kirby Smith	Yes

35

36 **Tab 16) Approval of Minimum Standards for Commercial Activity at Seaplane Marina**
37

38 Mr. Neron reported that this was a request to have City Council approve the Minimum
39 Standards for Commercial Activities and Service Providers operating at the Tavares Seaplane
40 Base & Marina.
41

42 He stated that staff has developed the Minimum Standards to govern the Commercial Activities
43 and Service Providers operating at the Tavares Seaplane Base & Marina.
44

1 Mayor Wolfe asked if the audience wished to speak.

2
3 **MOTION**

4
5 **Bob Grenier moved to approve the minimum standards, seconded by Lori Pfister. The**
6 **motion carried 3-0.**

7
8 **[Councilmember Gamble and Councilmember Smith were out of the room during the**
9 **vote.]**

10
11 **Tab 17) Approval of Lighting for Christmas**

12
13 Mr. Drury advised that this was a request to replace the clear 441 fountain light lenses with a
14 color variety for the upcoming Christmas Holiday and Light-Up Celebration at an estimated cost
15 of \$524.00.

16
17 In the past, the City of Tavares hired Vertex Water Features (who is under contract for the
18 quarterly maintenance of the fountain) to temporarily replace the clear lenses with color lenses
19 for different holidays such as St. Patrick's Day, 4th of July, and Christmas. The City previously
20 purchased the color lenses, therefore the only cost would be for the labor and possible any
21 damaged gaskets. The estimated cost to install the color lenses is \$225; to re-install the clear
22 lenses will be \$225.00 plus a service call charge of \$74.00.

23
24 (The initial change out would be performed in conjunction with quarterly maintenance, therefore
25 only one \$74.00 service charge is needed.)

26
27 Mayor Wolfe asked for Council comment and if the audience wished to speak.

28
29 **MOTION**

30
31 **Sandy Gamble moved to approve the lighting of the fountain for Christmas, seconded by**
32 **Bob Grenier. The motion carried unanimously 5-0.**

33
34 **Tab 18) Bus Barn Update**

35
36 Mayor Wolfe provided an update on the purchase of the School Board Maintenance Property
37 and the city's proposed public safety complex. He noted the city is attempting to purchase
38 and/or swap out in order to acquire the property. He said the School Board will be taking it to
39 their board on November 29th for a workshop and approval on December 15th.

40
41 Mayor Wolfe asked for additional comments or if the audience had questions.

1 Attorney Williams stated the city's Comprehensive Plan requires that the city provide for
2 intergovernmental coordination and this project meets that requirement. All three entities have
3 worked together on this initiative.
4

5 Councilmember Gamble stated one of the School Board members had suggested there might
6 be an eminent domain issue. Mr. Drury said he had provided the factual information but that had
7 not been an issue.
8

9 Chief Keith stated that a suggestion had been to keep one of the buildings by the architect. He
10 said as negotiations go forward that would be a consideration.
11

12 Attorney Williams said one government cannot eminent domain another government.
13

14 Councilmember Smith said he appreciated all the hard work being done to acquire this property.
15 Attorney Williams noted it had been a work in progress since the 1980's.
16

17 **XXI. OLD BUSINESS**

18
19 None.
20

21 **XXII. NEW BUSINESS**

22
23 None.
24

25 **XXIII. AUDIENCE TO BE HEARD**

26
27 **Lt. David Myers - City Resident**
28

29 Lt. Myers said he had communicated to Mr. Drury when he first began with the City, that the
30 School Board property was the best location but that the City would never be able to acquire the
31 property. He said he appreciates, as does the entire Police Department, all the hard work being
32 done to move this forward.
33

34 **XXIV. REPORTS**

35
36 **Tab 19) City Administrator**
37

38 Mr. Drury commented on the upcoming events.
39

40 Mr. Drury commented that former Councilmember Norb Thomas has remained very involved in
41 the Public Safety complex project and he thanked Mr. Thomas for staying engaged and
42 assisting the city on this project.
43

44 **Interim Public Works Director**

1
2 Mr. Thompson stated that the plaque for the Woodlea House on the Prop Shop had been
3 installed.

4
5 **Community Services Director**

6
7 Ms. Rogers reminded those present of the upcoming Art Walk in the downtown.

8
9 **Public Communications Director**

10
11 Ms. Ross said the staff at the Prop Shop are looking for inexpensive ways to stock the store but
12 also help with marketing the city's brand. She said license plates with the city's brand will now
13 be sold in the Prop Shop along with decals, etc.

14
15 **Tab 20) City Council**

16
17 **Councilmember Pfister**

18
19 Councilmember Pfister stated she wished to recognize Mr. and Mrs. Hope for all their help on
20 the Wooton Park Expansion.

21
22 **Councilmember Gamble**

- 23
24 • Asked if it would be possible to have the city council agendas sooner than the weekend;
25 i.e. Wednesday or Thursday at the latest

26
27 Mr. Drury requested to discuss this with staff and then report back to Council.

- 28
29 • Noted that the city's email address is copying home accounts and asked that it be
30 changed to only be his city account.

31
32 Councilmember Pfister said she has requested that option to make it easier to look at one
33 address.

34
35 Mr. Drury said that can be removed for Mr. Gamble's email.

- 36
37 • Noted that when the sanitation budget was done for the mobile home parks and the
38 change made to have the city again provide the service, he was not aware it was for
39 once a week pickup. He asked if the parks were in agreement with once a week pickup.

40
41 Mr. Thompson said there has been no negative feedback on this from the parks. He said they
42 appeared to be satisfied with once a week as most of them did not want the disruption or the
43 impact to their streets.

- 1 • Commented on the Ellrodt Building on Main Street and noted he had used many energy
- 2 savings techniques in the renovation
- 3 • Advised Ms. Rogers he will be in the parade for Light Up
- 4

5 **Vice Mayor Grenier**

- 6
- 7 • Expressed appreciation to staff and Mr. and Mrs. Hope for their efforts on the Wooton
- 8 Park referendum
- 9 • Expressed appreciation to Chief Lubins and his department for work on recent crime in
- 10 the city
- 11 • Noted in the newspaper that a Tavares teacher, Anjanette McGregor has been selected
- 12 as one of the 50 education champions to attend the national education summit In 2010
- 13 • Stated he appreciated the Tavares citizens for their confidence and that with no
- 14 opposition it indicated some confidence in how the city was being managed and that this
- 15 will allow follow through on the ongoing projects.
- 16

17 **Councilmember Smith**

- 18
- 19 • Thanked the staff for their hard work
- 20 • Asked Mr. Drury to let Ms. Houghton know his prayers were with her and her family
- 21

22 **Mayor Wolfe**

- 23
- 24 • Thanked Chief Lubins, the police officers and all the staff for their work
- 25 • Wished everyone a happy Thanksgiving and safe holidays
- 26

27 **Adjournment**

28

29 There was no further business and the meeting was adjourned at 6:58 p.m.

30

31 Respectfully submitted,
32 Nancy A. Barnett, C.M.C.
33 City Clerk
34