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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
JUNE 15, 2011  
CITY COUNCIL CHAMBERS  
4:00 p.m.**

**COUNCILMEMBERS PRESENT**

**ABSENT**

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

Lori Pfister Councilmember

**STAFF PRESENT**

John Drury, City Administrator  
Lori Houghton, Finance Director  
Kaely Smith Frye, City Attorney  
Nancy Barnett, City Clerk  
Lt. David Myers, Police Department  
Jacques Skutt, Director of Community Development  
Chief Richard Keith, Fire Department  
Chris Thompson, Public Works Director  
Joyce Ross, Communications Director

**I. CALL TO ORDER**

Mayor Wolfe called the meeting to order.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Chaplain Lincoln Haynes, Florida Hospital Waterman, gave the invocation and those present recited the Pledge of Allegiance.

**III. APPROVAL OF AGENDA**

Mr. Drury requested to add Tab 3A – Resolution #2011-16 – Amendment of Bond Resolution for the Osprey Lodge Project.

**MOTION**

1 **Bob Grenier moved to approve the agenda, seconded by Kirby Smith. The motion**  
2 **carried unanimously 4-0.**

3  
4 **IV. APPROVAL OF MINUTES**

5  
6 **MOTION**

7  
8 **Kirby Smith moved to approve the minutes of May 18, 2011 as submitted,**  
9 **seconded by Bob Grenier. The motion carried unanimously 4-0.**

10  
11 **Kirby Smith moved to approve the minutes of June 1, 2011 as submitted, seconded**  
12 **by Bob Grenier. The motion carried unanimously 4-0.**

13  
14 **V. PROCLAMATIONS/PRESENTATIONS**

15  
16 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE**  
17 **CONTACTS**

18  
19 Attorney Smith Frye stated there were no quasi-judicial matters on the agenda.

20  
21 **VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

22  
23 Ms. Barnett read the following resolutions by title only:

24  
25 **RESOLUTION 2011-14**

26  
27 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO**  
28 **THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS;**  
29 **AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN**  
30 **AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING**  
31 **AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE;**  
32 **PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE**  
33 **DATE.**

34  
35 **RESOLUTION NO. 2011-16**

36  
37 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA AMENDING**  
38 **CITY RESOLUTION NO. 2011-12 BY INCREASING THE AUTHORIZED**  
39 **AMOUNT OF CITY OF TAVARES, FLORIDA FIRST MORTGAGE**  
40 **REVENUE BONDS, SERIES 2011A (OSPREY LODGE AT LAKEVIEW**  
**CREST); AND PROVIDING AN EFFECTIVE DATE.**

41 **VIII) CONSENT AGENDA**

1  
2 Mayor Wolfe asked if anyone in the audience had objections to any item on the Consent  
3 Agenda. He asked if Council wished to pull any item.

4  
5 **MOTION**

6  
7 **Bob Grenier moved to approve the Consent Agenda Item 2 – Renewal of**  
8 **Agreement with Lake County for Use of 70 Acres on Frankie’s Road by Animal**  
9 **Control, seconded by Kirby Smith. The motion carried unanimously 4-0.**

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

12  
13 **Tab 3) Resolution #2011-14 – Approval of Application for State Revolving Fund**  
14 **Loan for Water Facility Construction – Reclaimed Water Project Phases 2 and 3**

15  
16 Ms. Houghton stated this resolution will allow the application to the FDEP under the State  
17 Revolving Loan Fund program to be submitted for the amount of \$3,247,200 for Phases 2  
18 and 3 of the project. This includes treatment of effluent for phosphorous removal and an  
19 administrative staff and training facility. Pledge revenues for the entire project will be  
20 through a Reclaimed Water Enterprise Fund program which will be secured by the  
21 operating revenues of the city’s water and sewer system and any future pledge revenues.

22  
23 Mayor Wolfe asked if Council had questions and if anyone in the audience wished to  
24 speak.

25  
26 **MOTION**

27  
28 **Sandy Gamble moved to approve Resolution #2011-14, seconded by Bob Grenier.**  
29 **The motion carried unanimously 4-0.**

30  
31 **Tab 7) Resolution #2011-16 – Amendment to Bond Resolution for the Osprey**  
32 **Lodge Project**

33  
34 Mr. Neron noted that on June 1<sup>st</sup> Council had approved Resolution #2011-12 authorizing  
35 the sale of \$15.3 million dollars of tax exempt conduit bonds to fund a portion of the  
36 Osprey Lodge Assisted Living Project. Subsequently the bonds have been offered for  
37 sale and in the process they have been selling for approximately 98% of par value that is  
38 a discount of 2%. When the \$15.3 million bonds are fully sold the project proceeds which  
39 would be 2% less than the funds needed for the project cost. In order to make up the 2%  
40 deficit and keep the same amount of net funds available for construction, the total amount  
41 of the bonds to be sold needs to be increased from \$15.3 million to \$16 million dollars.  
42 This resolution accomplishes this purpose. The resolution has been approved by the City  
43 Attorney and Bond Counsel.

1  
2 **MOTION**

3  
4 **Bob Grenier moved to approve Resolution #2011-16, seconded by Kirby Smith. The**  
5 **motion carried unanimously 4-0.**

6  
7 **X. GENERAL GOVERNMENT**

8  
9 **Tab 4) Florida Retirement Contribution Adjustment**

10  
11 Mr. Drury stated the purpose of the item is to seek Council's approval on providing take  
12 home pay equity adjustments for the group of city employees affected by the State  
13 mid year changes to the Florida Retirement System. Mr. Drury discussed the four  
14 different retirement plants that exist in the City and made two corrections to his agenda  
15 summary: under the Fire Pension Plan the age is 52 for retirement not 50, and there is no  
16 cost of living adjustment.

17  
18 He noted the State had passed a new law in May of 2011 that calls for any employee in  
19 the Florida Retirement System to contribute 3% towards this plan and then to lower the  
20 city's contribution by that same 3%. In addition, the state eliminated cost of living  
21 adjustments to the plan further lowering the employer's contribution. The contribution  
22 from the city will now go down to 6% of their pay and the employee will contribute 3%.  
23 The net effect is that those city employees who are in this plan (64% of the employees)  
24 will have their take home pay reduced by 3% on July 1<sup>st</sup>. In an effort to maintain  
25 employee equity among the employees, Mr. Drury recommended that the city increase  
26 the base pay for those employees by 3%. He noted that although he is a member of the  
27 Florida Retirement System, he recommended that he not be included in this adjustment.  
28 He discussed the net savings to the City under this option.

29  
30 Mayor Wolfe asked if there was comment from the audience.

31  
32 Councilmember Grenier said he supported Option 1.

33  
34 **MOTION**

35  
36 **Bob Grenier moved to approve Option 1- Increase the employees' pay who are in**  
37 **Plan 4 (Florida Retirement System) by 3% on July 1 (excluding the City**  
38 **Administrator) so that the result in take-home pay remains the same for all**  
39 **employees, seconded by Sandy Gamble.**

40  
41 Councilmember Smith said he supported the 3% increase after review of employee  
42 salaries provided by Ms. Tucker. He said after doing his own research he felt that the  
43 reduction would mean a disparity in pay and he did not want to lose good employees.

1  
2 Councilmember Gamble noted that the city will only be contributing 6% next year and it  
3 will not negatively affect the budget.

4  
5 **The motion carried unanimously 4-0.**

6  
7 **Tab 5) Approval to Develop Ordinance to Lien Delinquent Utility Accounts**

8  
9 Ms. Houghton stated this was a request to develop an ordinance that would allow for  
10 liens upon real property for unpaid utility accounts. Ms. Houghton said the city currently  
11 has three different customer types: tenant/lease occupied, owner occupied, and owner  
12 vacant. In each case there is a requirement for a utility deposit when the account is  
13 opened. As of 2009 all account types incur a monthly base charge and when the  
14 residence or building is unoccupied by owner or tenant the owner is billed the base  
15 charge. When a customer is delinquent, the city may provide a payment plan for active  
16 accounts or refer closed and uncollected accounts to a collection agency. Generally the  
17 accounts that are referred are tenant occupied. With the implementation of base charges  
18 each property owner or tenant receives a monthly bill which includes the monthly base  
19 charge. Due to the economic conditions in the past three years the city has experienced  
20 an increase in the number of uncollectable accounts due to an increased number of  
21 foreclosures and bankruptcy cases. Without a lien attached to the property the city is  
22 unable to collect amounts owed when the bankruptcy case is filed.

23  
24 Mayor Wolfe said he was in favor of directing staff to prepare a draft ordinance.  
25 Councilmember Grenier said he agreed. Councilmember Gamble said he was in  
26 between. He asked how much it costs to have the water meter removed.

27  
28 Ms. Houghton said under the rate ordinance, the city began charging base charges for  
29 any property that has a structure and has a water line or water service and unless the  
30 structure is removed or is vacant and uninhabitable, there is no allowance for removal of  
31 the meter.

32  
33 Councilmember Gamble said he did not want to try to take over property through this  
34 program.

35  
36 Mr. Drury noted the position of the city is to collect equitably for services provided and a  
37 house that is vacant is still being provided a water infrastructure system. He said  
38 although there is empathy for people going through difficulties it would be hard to choose  
39 between the various services that the city provides.

40  
41 Councilmember Gamble asked how much does it cost to remove the meter so that the  
42 base rate does not continue to go up. Mr. Drury said if council wished to change the

1 ordinance on meter removal, the cost is around \$400 including removal, installation and  
2 backflow device.

3 Mr. Drury clarified that if Council agrees with the lien process and the lien is ignored it  
4 could end up in foreclosure. He noted that most people settle the lien upon sale of the  
5 property and that a check for \$13,000 was received today for a lien reduction request that  
6 was heard by Council two weeks ago. Ms. Houghton stated the city will continue to work  
7 with the customers and provide assistance.

8  
9 Councilmember Smith clarified that if the property was leased, the homeowner would not  
10 be responsible for the utilities.

11  
12 Councilmember Gamble stated he is concerned about people on fixed incomes and  
13 wanted to ensure that the city is communicating with them before the water is turned off.

14  
15 Vice Mayor Grenier reiterated that he wished to clarify this is a request to have an  
16 ordinance drafted that would come back to Council.

17  
18 **MOTION**

19  
20 **Bob Grenier moved for option 1, to direct staff to develop a draft ordinance**  
21 **providing for property liens for uncollectable utility charges and fees of property**  
22 **owners, seconded by Kirby Smith. The motion carried unanimously 4-0.**

23  
24 **Tab 12) Appointments to the Planning & Zoning Board, Library Board and the**  
25 **Community Redevelopment Advisory Committee**

26  
27 Planning & Zoning Board

28  
29 Mayor Wolfe recommended the re-appointment of James Gardner and Norman Hope  
30 and the appointment of Gary Santoro to the Planning and Zoning Board for the next three  
31 years.

32  
33 **MOTION**

34  
35 **Kirby Smith moved to approve the mayor's appointments to the Planning and**  
36 **Zoning Board, seconded by Bob Grenier. The motion carried unanimously 4-0.**

37  
38 Library Board

39  
40 Mayor Wolfe recommended the reappointment of Linda Clutts, Doris Ragan, Robert  
41 Sheppard and Martha Wilkins to the Library Board for a two year term.

42  
43 **MOTION**

1  
2 **Sandy Gamble moved to approve the Mayor’s appointments to the Library Board,**  
3 **seconded by Kirby Smith. The motion carried unanimously 4-0.**

4  
5 Community Redevelopment Advisory Committee

6  
7 Mayor Wolfe stated that this committee was developed to help advise the Community  
8 Redevelopment Area (City Council) on the Master Plan which has been instituted. He  
9 commented that the Committee has done an outstanding job. He said since the  
10 Committee was created, there have been other business groups formed in the  
11 community who have input such as the Tavares Chamber and he noted the citizens have  
12 input through the City Council. He said therefore he wished to recommend dissolving the  
13 Community Redevelopment Area Advisory Committee as he did not feel it was needed  
14 now that the Master Plan has been implemented and the City is moving forward.

15  
16 Councilmember Smith asked Mayor Wolfe if he had spoken to the downtown businesses  
17 and if they felt things were proceeding smoothly. Mayor Wolfe said the business group  
18 holds monthly meetings and has expanded their focus to the entire city.

19  
20 Councilmember Gamble said he was on Council when the CRAAC was first established  
21 and he liked the Committee because it provided the ability to have fact finding done on  
22 behalf of the residents to present to the Council.

23  
24 **MOTION**

25  
26 **Kirby Smith moved to approve the Mayor’s recommendation to dissolve the**  
27 **Community Redevelopment Area Advisory Committee, seconded by Bob Grenier.**  
28 **The motion carried 3-1 as follows:**

29  
30 **Robert Wolfe**                      **Yes**  
31 **Kirby Smith**                        **Yes**  
32 **Bob Grenier**                        **Yes**  
33 **Sandy Gamble**                      **No**

34  
35  
36 **Tab 7) Approval of Agreement for Boat Tour Operator**

37  
38 Mr. Neron noted that Regency Leisure Services has recently been sold to Tudor Barratt  
39 Scanes, LLC. The new owners have expressed an interest to continue to provide boat  
40 tour services under the same terms and conditions as the previous agreement. The  
41 proposed agreement mirrors the previous agreement.

42  
43 **MOTION**

1  
2 **Sandy Gamble moved to approve the contract provided [in the agenda] with Mr.**  
3 **Barratt -Scanes, LLC, seconded by Bob Grenier. The motion carried unanimously**  
4 **4-0.**

5  
6 **Tab 8) Approval of Tourist Train in Wooton Park and Authorization to Negotiate**  
7 **Agreement with Reader Railroad**  
8

9 Mr. Neron said that in December of 2009 City Council approved an agreement with  
10 Florida Rail Adventures for non-exclusive use of the train platform at Wooton Park. This  
11 company has ceased to operate tourist train operations. In the meantime staff has been  
12 in discussions with Richard Grigsby the owner of Reader Railroad in Arkansas to bring  
13 one of his two steam engines and passenger cars to Tavares to begin a tourist train  
14 services. He said he and the City Attorney met with the owner and have outlined the  
15 major points of a proposed contract. He said at the time the plan was to begin operations  
16 by July 4<sup>th</sup>, however, they have since indicated they will not be able to meet that date but  
17 want to proceed as quickly as possible. The city will lease a small portion of land at the  
18 Caroline Street plant so they can construct a railroad spur and a building on which they  
19 could house the steam engine (1907 engine) and keep it out of the weather. All expenses  
20 for any construction and the train tracks would be at their expense. The city will also  
21 provide a non-exclusive use of the train platform. The Ghost Tour will also operate there  
22 and the two businesses will be able to compliment one another. It will require the  
23 installation of a metered water source in the area of Wooton Park to provide water to the  
24 steam train which will be done at their expense. Staff is recommending an initial term of  
25 five years with a \$100 per year lease for the first three years with some type of an  
26 adjusted rate thereafter. Insurance requirements would be as specified by the Risk  
27 Manager.

28  
29 Mayor Wolfe questioned the \$100 a year lease rather than a monthly lease. Mr. Drury  
30 noted the company is making a capital investment by installing infrastructure that the city  
31 will own permanently. He said they will be the first tenant of the Rail Village. He said in  
32 addition within three years the rent can be increased to reflect more of the market value  
33 after they have amortized their investment. Mayor Wolfe asked if the structure would be a  
34 pole barn. Mr. Neron said he believed it would be more substantial and it would have to  
35 be approved by the city Building Department.

36  
37 Councilmember Smith said there is no mention of the operator building the structure with  
38 their own capital funds. Mr. Neron said that will be included in the contract.  
39 Councilmember Smith said he just wanted clarification that the city will not be responsible  
40 to construct buildings. He said he would also like to see in the contract a stipulation that  
41 the train operator will not stop and obstruct Alfred Street when the Alfred Street gates are  
42 down for an extended period of time. Mr. Neron said there will be language included to  
43 that effect.

1  
2 Mayor Wolfe asked if the audience wished to comment.

3  
4 Jerry Wosika, 544 Reserve Drive

5  
6 Mr. Wosika said he supported having a tourist train. He asked about the following points:

- 7  
8
- Where will the combustible material come from that will fuel the train and where will it be stored.
  - If electricity is provided on the platform can their use of the electricity be included in the contract.
  - Is the lease on the building or the platform
  - Will parking be a concern
  - Can the city get a percentage of ticket sales
  - What are the projected routes
- 9  
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17 **MOTION**

18  
19 **Kirby Smith moved to approve the conceptual agreement with Reader Railroad and**  
20 **direct the City Attorney to draft the agreement per the detailed points outlined and**  
21 **authorized the City Administrator to execute the agreement once prepared,**  
22 **seconded by Sandy Gamble.**

23  
24 Vice Mayor Grenier asked for clarification that the agreement will not be coming back to  
25 City Council. Discussion followed. Councilmember Smith said he believed that all the  
26 issues would be addressed.

27  
28 **The motion carried 4-0 unanimously.**

29  
30 **XI. OLD BUSINESS**

31  
32 **XII. NEW BUSINESS**

33  
34 **XIII. AUDIENCE TO BE HEARD**

35  
36 Betty Burleigh

37  
38 Ms. Burleigh commented on not being able to hear Council speak clearly. She noted at  
39 the [high school] graduation the Boys Scouts were selling water and that next year she  
40 would like to see them sell Tavares water.

41  
42 **XV. REPORTS**

43

1 **Tab 12) City Administrator**

2  
3 Mr. Drury stated he would be leaving to attend the Board meeting of the Tourist  
4 Development Board Council shortly after this meeting and everyone was welcome to join  
5 him. He said Councilmember Pfister was in attendance at that meeting.

6  
7 **Attorney Williams**

8  
9 **Finance Director**

10  
11 **Fire Chief**

12  
13 **Chief Lubins**

14  
15 **Communications Director**

16  
17 Ms. Ross stated there is a press conference scheduled for tomorrow morning to  
18 commemorate the purchase of the Gateway property for the public safety complex.

19  
20 **City Clerk**

21  
22 Ms. Barnett said she had just returned from her annual City Clerk conference and had  
23 heard a lot of positive comments about Tavares from other clerks in attendance.

24  
25 **Economic Development Director**

26  
27 Mr. Neron noted there is a 17 passenger seaplane currently docked at the Seaplane  
28 Base from South America.

29  
30 **Utility Director**

31  
32 **Community Services Director**

33  
34 **Tab 14) City Council**

35  
36 **Councilmember Pfister**

37  
38 **Councilmember Gamble**

- 39  
40
  - Thanked Mr. Thompson for installing the outlet at the dias for his computer
  - Noted this weekend is the All-Stars Babe Ruth Tournament at Ocala

41  
42  
43 **Vice Mayor Grenier**

- 1  
2       • Noted he had observed the Public Works staff working near his home and he  
3       wanted to be sure they would stay hydrated  
4       • Commented that on this date in 1752, Ben Franklin put his kite in the air and  
5       discovered electricity  
6       • Stated that this Friday, he will be taping a salute to Lake County Veterans for Lake  
7       Front T.V. with Rick Reed  
8

9       **Councilmember Smith**

- 10  
11       • Thanked Ms. Tucker for the salary information which was very helpful  
12       • Asked for an update on the Lake building. Mr. Drury stated the owner has until  
13       June 18<sup>th</sup> to provide a plan  
14

15       **Mayor Wolfe**

16  
17       **Adjournment**

18  
19       There was no further business and the meeting was adjourned at 5:03 p.m.  
20

21       Respectfully submitted,  
22  
23

24  
25       \_\_\_\_\_  
Nancy A. Barnett, C.M.C., City Clerk