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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
JULY 6, 2011  
CITY COUNCIL CHAMBERS  
4:00 p.m.**

**COUNCILMEMBERS PRESENT**

**ABSENT**

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

**STAFF PRESENT**

John Drury, City Administrator  
Lori Houghton, Finance Director  
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**

Pastor Mark Andrews, Bridges, gave the invocation and those present recited the Pledge of Allegiance.

**III. APPROVAL OF AGENDA**

**MOTION**

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

1 **IV. APPROVAL OF MINUTES**

2  
3 **MOTION**

4  
5 **Kirby Smith moved to approve the minutes of June 15, 2011 as submitted,**  
6 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

7  
8 **V. PROCLAMATIONS/PRESENTATIONS**

9  
10 Mayor Wolfe read the 2011 election proclamation as follows:

11  
12 **Notice of Election**

13 **The 2011 City Election will be held on Tuesday, November 8, 2011 in the City Hall Council**  
14 **Chambers, First United Methodist Church, Lake County Agricultural Center, Lake Frances Estates**  
15 **Clubhouse, Tavares Masonic Lodge Building, Imperial Terrace Clubhouse East, Royal Harbor Social**  
16 **Hall, and Haines Creek Baptist Church for the purpose of electing two non-partisan**  
17 **Councilmembers to serve at large for two year terms of office.**

18  
19 **NOTICE IS HEREBY GIVEN that the registration for Lake County is now open for registration**  
20 **of all qualified voters of the City of Tavares at the office of the Supervisor of Elections for Lake**  
21 **County in the Administrative Building, 315 W. Main Street, Tavares, Florida, during the hours of 8:00**  
22 **a.m. to 5:00 p.m.**

23  
24 **Registration of electors of the City of Tavares who have registered on or prior to October 10,**  
25 **2011 will be processed for voting at the City Election to be held on the 8th day of November, 2011.**

26  
27 **Persons who wish to be qualified as a candidate for City Council, must submit a petition**  
28 **signed by at least twenty-five (25) qualified electors of the City of Tavares, along with other required**  
29 **documents, to the City Clerk by 12:00 noon, at City Hall on or before the 15th day of August, 2011.**

30  
31 **Dated this 6<sup>th</sup> day of July, 2011.**

32  
33 **VI) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE**  
34 **CONTACTS**

35  
36 Attorney Williams said there were no quasi-judicial matters on the agenda.

37  
38 **VII) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

1 None

2

3 **VIII) CONSENT AGENDA**

4

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

7

8 **MOTION**

9

10 **Sandy Gamble moved to approve the Consent Agenda, Tabs 3, 4, and 5 [Approval**  
11 **of Interlocal Agreement with Lake County Library System; Proposal to Purchase**  
12 **Playground & Exercise Equipment for Aesop’s Park; and Agreement with USSI for**  
13 **Assessment of Imperial Terrace Sewer Lines & Sewer System – Phase 3],**  
14 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

15

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

17

18 None

19

20 **X. GENERAL GOVERNMENT**

21

22 **Tab 6) Request for Approval of Windmill Feasibility Study**

23

24 Mr. Hayes stated that a request was presented to Council previously for a proposal to  
25 study wind energy at the Woodlea facility. City Council directed staff to conduct additional  
26 research and to obtain assistance from other entities. Staff has contacted wind turbine  
27 and energy companies and received a contact through Florida State University, WECC  
28 Solutions. After reviewing the site, the company believes the city may have a viable  
29 project. Staff has not been able to obtain a grant for this first step of the alternative  
30 energy project. However, this investment will open the door for the city to seek grant  
31 opportunities for a meteorological tower from state and federal agencies and wind turbine  
32 companies. A preliminary wind resource assessment needs to be conducted and part of  
33 the application process in order to apply for grants.

34

35 Mr. Drury noted there was a map in the agenda that represents a potential area that  
36 could sustain a renewable energy source such as wind. He said there is an anomaly  
37 around this particular area because of the topography, elevation and lakes that provides  
38 some additional wind which is unique to the area.

39

40 Mayor Wolfe questioned what had been done on the preliminary work to date.

41

42 Mr. Hildreth of WECC Solutions stated his company is one of the first in the United  
43 States that focused on single turbine installations for municipalities and school districts,

1 however they are all outside of Florida. He noted there is good wind along the coast and  
2 in some distinct areas throughout the state. He discussed the potential for the  
3 reclamation facility. He said they will need to take airport data from two to three sources  
4 and then extrapolate it to the site as well as some high level data from the National  
5 Center for Atmospheric Research. He said once the study is done there may be  
6 justification for a a wind regime to support a financially viable wind project.  
7

8 Councilmember Smith asked about the length of time that would be needed for the  
9 meteorological tower calculations. Mr. Hildreth said the tower will have anemometers at  
10 80, 70, and 60 meters and the wind will be measured every 10 minutes for a year. That  
11 data will then be compared with long term weather data from various sources.  
12

13 Vice Mayor Grenier asked for clarification on how the specific area was chosen. Mr.  
14 Hildreth acknowledged that it cannot be proven yet but they are speculating that there is  
15 good chance it could produce a financially viable project. Mr. Drury clarified that the map  
16 was created last year by an organization that does wind analysis maps.  
17

18 Mayor Wolfe asked for comment from the audience.  
19

20 Norm Hope, Fox Run  
21

22 Mr. Hope stated he thought the \$9500 was a fairly cheap investment for potential and  
23 significant savings in energy costs.  
24

25 **MOTION**  
26

27 **Sandy Gamble moved to approve the \$9500 from the contractual services wind**  
28 **study budget to have the WECC conduct a preliminary wind resource assessment,**  
29 **seconded by Kirby Smith.**  
30

31 Councilmember Gamble said he was in support of the project initially and continued to  
32 support it. Councilmember Smith said he thought there was a significant price decrease  
33 from what had been proposed last year.  
34

35 Councilmember Pfister commended Mr. Hayes for his previous presentation on this topic.  
36 She said she has observed several windmills in operation on her travels and is excited  
37 about this project.  
38

39 **The motion carried 4-1 as follows:**  
40

41 <b>Robert Wolfe</b>	<b>Yes</b>
42 <b>Kirby Smith</b>	<b>Yes</b>
43 <b>Bob Grenier</b>	<b>No</b>

1 **Sandy Gamble**                      **Yes**  
2 **Lori Pfister**                        **Yes**

3  
4 **Tab 7) Request for Lien Reduction for 109 Jean Street**

5  
6 Ms. Barnett stated that the city has received a request from Sean Ferguson, Classic  
7 Homes Realty who is the agent representing the owner, Bank of America. The request is  
8 to reduce the \$17,136.82 fines recorded as a lien.  
9

10 Ms. Barnett explained that the property was a repeat violator in 2010. The owner was  
11 noticed and the fines were recorded in April 2010. The owner requested reinspection in  
12 April of 2011 and the violation was determined to be in compliance at that time 343 days  
13 after the repeat violation had been cited.  
14

15 Sean Ferguson stated he had been assigned the property in August of 2010 and the  
16 property was in a unique situation as there was also an excessive amount of debris and  
17 junk around the property. He said the seller had to make a complicated legal judgment  
18 about how to resolve the problem. He said the lawn was brought into compliance in  
19 August of 2010 but he did not request a reinspection until the debris was removed in  
20 2011. He said the property is under contract to close for \$30,700.  
21

22 Councilmember Smith said he had noticed that the property was found to be in violation  
23 in 2009 and it was brought in compliance around August 25, 2009. He asked if it was  
24 found in violation August 20, 2009. He said he thought Council needed more information.  
25

26 Ms. Barnett said the notice from 2009 reflects that notices were sent July 13 and 18 of  
27 2009 about the original violation. Councilmember Smith said he wished to table the item.  
28

29 Councilmember Pfister said she has enough information and that the Council policy has  
30 been to not reduce the fines. She said she has observed the property and had seen the  
31 debris. She said it has been out of compliance for a long time.  
32

33 Mr. Ferguson said after the bank had cleaned up the property more debris was left at the  
34 property.  
35

36 **MOTION**

37  
38 **Lori Pfister moved to not reduce the fine, seconded by Bob Grenier.**

39  
40 Councilmember Gamble said he felt Council needed to stay consistent on this issue.  
41

42 **The motion carried unanimously 5-0.**  
43

1 **Tab 8) Request to Postpone Building Fees for the “Big House” at 1544 Lane Park**  
2 **Cutoff**

3  
4 Mr. Skutt gave the following report:

5  
6 *On June 1<sup>st</sup>, 2011, City Council passed Ordinance 2011-05 thus creating Chapter 23,*  
7 *"Community Economic Development Initiatives" within the City's Land Development Regulations.*  
8 *Division 4 of this Chapter provides that City Council, as an economic development incentive, may*  
9 *authorize the deferral of payment of non-residential building permit fees for a period of six months*  
10 *or until the issuance of a certificate of occupancy or completion for which the permit was issued,*  
11 *whichever occurs first.*

12  
13 *MCGB, LLC is the owner of a new Community Center/Multi-Sports facility that is to be*  
14 *constructed in Tavares at 1544 Lane Park Cutoff. Phase one of this complex is estimated by the*  
15 *owner to be valued at \$4,500,000. A subsequent phase that will complete the upper level is*  
16 *estimated to be an additional \$1,000,000. Executed contracts with the Building Contractor will*  
17 *verify the actual value of work prior to the issuance of the permits. Using the estimates supplied*  
18 *by the owner, the permit fees would be \$67,500 for phase one and \$15,000 for phase two. The*  
19 *owner has requested that payment of these fees be postponed as an economic incentive under*  
20 *Chapter 23 of Land Development Regulations.*

21  
22 *Staff concurs with the applicant that this facility is pivotal for the City of Tavares and that it will*  
23 *provide an immediate and lasting economic benefit to our community. It will create jobs and offer*  
24 *tutoring, mentoring and sports training for our city's children.*

25  
26 **MOTION**

27  
28 **Lori Pfister moved to defer the building permit fees, seconded by Bob Grenier.**

29  
30 Councilmember Smith stated he believed this would be a huge economic impact for the  
31 City of Tavares and great for the community. He thanked the applicant for bringing the  
32 project to the city.

33  
34 Vice Mayor Grenier added that it would an asset that area of Tavares.

35  
36 **The motion carried unanimously 5-0.**

37  
38  
39 **Tab 9) Discussion on the Lake Building Property**

40  
41 Mr. Skutt gave an update on the Lake Building Property including actions taken by City  
42 Code Enforcement and the response of the owner. The owner has 14 days to comply  
43 regarding the code violations. He said the city has a scheduled meeting with the owner  
44 and any further updates will be provided to Council.

45

1 **Tab 10) Discussion on Policy of Permitting Internet Café Casinos**

2  
3 Mayor Wolfe stated that Ms. Burleigh had requested that Council discuss this issue. He  
4 said Ms. Burleigh had noted that other cities around the county have issued moratoriums.

5  
6 Mayor Wolfe said he has visited the various businesses and they appear to be clean  
7 establishments. He said there have been no calls to the Police Department to respond to  
8 the internet cafes.

9  
10 Councilmember Smith asked for comment from Chief Lubins based on any incidences in  
11 cities around the county.

12  
13 Chief Lubins said he is not aware of any incidences in Lake County and it has not been  
14 discussed at police chief meetings.

15  
16 Councilmember Smith asked if the internet cafes currently have the proper permits,  
17 licenses, etc.

18  
19 Chief Lubins said some undercover investigations have been done in two of them to  
20 review the activities and they do not currently violate state statute per the State Attorney's  
21 office.

22  
23 Attorney Williams said currently there are no regulations at the state level against these  
24 businesses. He said there have been some cities that have regulated them both for  
25 placement or by altogether banning them by ordinance. He said there is a new federal  
26 court decision upholding that ordinance. He said he spoke to the Lake County attorney  
27 and although the issue has been brought up, they are not working on an active ordinance  
28 at this time.

29  
30 Mayor Wolfe asked for public comment

31  
32 **Betty Burleigh, 214 N. New Hampshire Avenue**

33  
34 Ms. Burleigh said when she first brought up the topic there were only two businesses and  
35 now there are four. She said Leesburg and Fruitland Park have a moratorium. She asked  
36 how many would the city want to allow.

37  
38 **Council Discussion**

39  
40 Mayor Wolfe said he would find it difficult to not allow a legal business to open up in the  
41 City of Tavares.

42

1 Councilmember Smith asked Chief Lubins if the city is spending additional resources to  
2 patrol. these areas. Chief Lubins said it is part of the normal patrol process.

3  
4 Councilmember Gamble said he has a problem with it but he also has a problem with  
5 Lotto which is still gambling. He said if it is a legitimate business he questioned how  
6 Council could shut them down but he agreed that perhaps there needed to be a limit and  
7 would that mean opening up the city to a lawsuit.

8  
9 Attorney Williams said the court has found at this time that the city can regulate them.

10  
11 Councilmember Smith asked Attorney Williams if they could be banned if the city was  
12 overrun with internet casinos.

13  
14 Attorney Williams said they could be banned but the city might not be able to close the  
15 ones already approved.

16  
17 Councilmember Pfister said she wanted to be open for business and wanted to continue  
18 to take off the tax burden on residents by supporting new businesses.

19  
20 Vice Mayor Grenier said he would like to have a moratorium.

21  
22 **MOTION**

23  
24 **Sandy Gamble moved to instruct staff to come back with a moratorium with a**  
25 **maximum amount that the city would allow so that the city is not bombarded, and**  
26 **allow that to be presented to Council at the next meeting if possible or the first**  
27 **meeting in August.**

28  
29 Discussion followed on what a moratorium would involve. Council questioned if  
30 Councilmember Gamble had finished his motion. Councilmember Gamble reiterated his  
31 motion:

32  
33 **Councilmember Gamble moved that Council instruct staff to bring back a**  
34 **moratorium to Council to approve or disapprove this item as a moratorium and**  
35 **that the city stop the internet cafes until that time comes forward, seconded by**  
36 **Bob Grenier.**

37  
38 Vice Mayor Grenier said he would like Tavares to make the decision, not the State of  
39 Florida. He said what might be appropriate for other cities, might not be good for Tavares.  
40 He said he has spoken to Tavares residents.

41  
42 Attorney Williams clarified that the State of Florida has not said internet cafes are legal  
43 and they haven't said they are illegal; they have not been regulated. He said what has

1 happened is that some local governments have taken steps to regular them either  
2 through prohibiting or regulating their placement and in the one case the judge has said  
3 that Seminole County’s regulation that prohibited internet cafes did not violate the  
4 constitution and was legal. He reiterated that based on that, they can be prohibited and  
5 there is nothing from the state that tells the city what it can do.

6  
7 Mayor Wolfe said he felt it would be sending the wrong message for Council to say what  
8 businesses can be opened and what cannot. Councilmember Smith said he agreed if it is  
9 a legal business.

10  
11 **The motion failed 3-2 as follows:**

12		
13	<b>Robert Wolfe</b>	<b>No</b>
14	<b>Kirby Smith</b>	<b>No</b>
15	<b>Sandy Gamble</b>	<b>Yes</b>
16	<b>Lori Pfister</b>	<b>No</b>
17	<b>Bob Grenier</b>	<b>Yes</b>

18  
19 **XI. OLD BUSINESS**

20  
21 **XII. NEW BUSINESS**

22  
23 **XIII. AUDIENCE TO BE HEARD**

24  
25 **XV. REPORTS**

26  
27 **Tab 12) City Administrator**

28  
29 Mr. Drury reminded Council of the budget workshop on July 13<sup>th</sup> at 4:00 p.m. which will  
30 be the delivery of the budget to the City Council and the citizens. The budget workshops  
31 will continue on July 20<sup>th</sup> and the maximum millage rate will be set on July 27<sup>th</sup>.

32  
33 Mr. Drury said he thought July 4<sup>th</sup> was phenomenal. He said Ms. Rogers had taken the  
34 leadership as she does every year and that she is attending a Tourist Development  
35 Council workshop tonight to continue the effort to acquire a grant for the pier and pavilion  
36 project.

37  
38 **Chief Keith**

39  
40 Chief Keith commented on the sale of water by the Boy Scouts that Ms. Burleigh had  
41 mentioned at the last meeting. He said it was a fundraiser for the Tavares Kiwanis Club  
42 and the boy scouts were assisting them.

43

1 **Attorney Williams**

2  
3 **Finance Director**

4  
5 **Fire Chief**

6  
7 **Chief Lubins**

8  
9 **Communications Director**

10  
11 **City Clerk**

12  
13 **Economic Development Director**

14  
15 **Utility Director**

16  
17 **Community Services Director**

18  
19 **Tab 14) City Council**

20  
21 **Councilmember Pfister**

22  
23 **Councilmember Gamble**

- 24  
25
- 26 • Commented on the July 4<sup>th</sup> event and thought it went very well
  - 27 • Asked what the city would charge nonprofit organizations if the city provided its own water.
- 28

29 Mr. Drury said the city has not finalized a policy on whether the city wants to  
30 provide water to not for profits at its costs or not. He said that would be brought  
31 back for a discussion in the future. Mr. Drury said the water will always probably  
32 be cheaper to buy elsewhere because of the label that the city puts on the bottle  
33 but a policy question will be brought back to Council.

34

35 **Vice Mayor Grenier**

- 36  
37
- 38 • Noted that he echoed Mr. Hope's comments about how Tavares is a city that gets things done and this is a testament to Council and staff
  - 39 • Said the Tavares High School chapter of Health Occupation Students of America have recently won a national award so he wanted to recognize them
  - 40 • Two weeks ago Lois Manigault, a Tavares legend, passed away at age 89. He said her father was John Wade who was a fireman on the railroad and
- 41  
42  
43

1 her grandfather was William Cromartie who was an educator and started  
2 the first African American school. He said her son Claude is pastor at St.  
3 Johns Methodist Church.  
4

5 **Councilmember Smith**

- 6
- 7 • Thanked Mr. Neron for his monthly report; added that he would like to see more
- 8 data
- 9 • Noted that Mr. Thompson’s name still says “Interim” on the monthly report
- 10 • Said that although the parade was fantastic, that public works had also done a
- 11 phenomenal job of coordinating the buoys and the “behind the scenes” staff also
- 12 deserved recognition
- 13

14 **Mayor Wolfe**

- 15
- 16 • Mayor Wolfe read an email he had received from a family who attend the 4<sup>th</sup> of
- 17 July event from Plant City who had commended the city and said they would be
- 18 planning to return again in the near future. He asked the department heads to
- 19 share the information with their employees. He said everyone had done a great
- 20 job.
- 21

22 **Adjournment**

23  
24 There was no further business and the meeting was adjourned at 5:08 p.m.

25  
26 Respectfully submitted,

27  
28  
29  
30 \_\_\_\_\_  
Nancy A. Barnett, C.M.C., City Clerk