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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MARCH 18, 2009
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor
Robert Wolfe, Vice Mayor
Bob Grenier, Councilmember
Councilmember Pfister
Norb Thomas, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Brad Hayes, Utility Director
Lori Houghton, Director of Finance
Lori Tucker, Director of Human Resources
Jacques Skutt, Director of Community Development
Bill Neron, Director of Economic Development/Grants
Chief Richard Keith, Fire Department
Chief Stoney Lubins, Police Department
Chris Thompson, Interim Public Works Director
Tamera Rogers, Director of Community Services

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Michael Watkins of the Friendship CME Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

1 Mr. Drury announced that staff would like to add item 7A (CDBG Grant extension for the
2 Summerall Park project) and item 7B (Award of Bid for Ruby Street Lake Building
3 Parking Lot Modifications).

4
5 **MOTION**

6
7 **Robert Wolfe moved to approve the agenda with those additions, seconded by**
8 **Bob Grenier. The motion carried unanimously 5-0.**

9
10 **IV. APPROVAL OF MINUTES**

11
12 **Lori Pfister moved to approve the minutes of the City Council Regular Meeting of**
13 **March 4, 2009 as submitted, seconded by Norb Thomas. The motion carried**
14 **unanimously 5-0.**

15
16 **V. PROCLAMATIONS/PRESENTATIONS**

17
18 **Tab 2) Recognition of Travis Wadsworth**

19
20 Mayor Clutts stated that Mr. Wadsworth of Boy Scout Troop 16, had come to the City to
21 request to complete a special project in the Tavares Nature Park. Mr. Travis led his
22 troop in building a split rail fence throughout the parking lot and into the Nature Park.
23 This project was part of earning his Eagle Scout Merit Badge. Mayor Clutts noted the
24 following individuals had also assisted Mr. Wadsworth:

25
26 Taylor Wadsworth, Sheri Wadsworth, J.R. Kirkland, Bryan Bradly, Scott Peeler, Ian
27 Hodge, John Hodge, Tom Wall, John Wall, Bill Larsen, Clayton Larsen, Curtis Marcum
28 Angelo Santos, and Andrew Kaleski

29
30 Mayor Clutts presented Mr. Wadsworth with a certificate. She acknowledged the role of
31 Ms. Rogers in facilitating this project and Councilmember Grenier for his involvement.
32 She thanked all the participants for their contributions towards this event.

33
34 **Tab 3) American Red Cross Training Video**

35
36 Chief Keith presented slides from a training video that was produced by the American
37 Red Cross working with Lake County Emergency Management Services in which
38 Tavares police officers and firefighters participated.

1 Mayor Clutts acknowledged Jim Judge, Director of Emergency Management Services
2 who was present.

3
4 Mr. Judge discussed the background of the film and Lake County EMS' involvement. He
5 expressed appreciation to the City for the professionalism of the staff who participated
6 in making the video. He presented an award of appreciation to Chief Lubins and Chief
7 Keith.

8
9 Chief Keith presented a flashover training certificate to the City Administrator.

10
11 **VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**
12 **CONTACTS**

13
14 Attorney Williams noted there were no quasi-judicial matters on the agenda.

15
16 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

17
18 Ms. Barnett read the following resolution into the record by title only:

19
20 **RESOLUTION #2009-06**

21
22 **A RESOLUTION OF THE TAVARES CITY COUNCIL, ELECTING TO**
23 **WITHDRAW FROM PUBLIC RISK MANAGEMENT OF FLORIDA FOR**
24 **GENERAL LIABILITY, POLICE PROFESSIONAL LIABILITY,**
25 **PROPERTY, AUTOMOBILE, PUBLIC OFFICIALS ERRORS AND**
26 **OMISSIONS, CRIME, WORKERS' COMPENSATION, AND OPTIONAL**
27 **INSURANCE COVERAGE; REPEALING ALL RESOLUTIONS IN**
28 **CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN**
29 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**
30 **ACCORDING TO LAW.**

31
32 **VIII) CONSENT AGENDA**

33
34 None

35
36 **IX. ORDINANCES – PUBLIC HEARING**

37
38 **(All Ordinances under First Reading will be considered for discussion at Second**
39 **Reading)**

1 **X. RESOLUTIONS – PUBLIC HEARING**

2
3 **Tab 5) Resolution #2009-06 – Seek Proposals on Liability Insurance**

4
5 Ms. Tucker stated this resolution gives notice of the City's election to withdraw its
6 membership in order to seek proposals for liability insurance and to seek Council
7 direction in requesting proposals for general liability, police professional liability,
8 property, automobile, public officials errors and omissions, crime, workers'
9 compensation and optional insurance coverage.

10
11 Ms. Tucker said the City of Tavares has been a member in good standing of the Public
12 Risk Management of Florida (PRM) risk management pool since 1987. In accordance
13 with PRM by-laws, members must notice PRM with an election to withdraw by way of
14 Council resolution in order to seek proposals for the aforementioned insurance
15 coverages through a competitive process as required for public entities by the State of
16 Florida. The resolution will not serve as verification of the City's election to withdraw. If
17 the City chooses other coverage this will require additional verification.

18
19 Mayor Clutts asked if Council had questions. She then opened the item for public input.

20
21 **MOTION**

22
23 **Lori Pfister moved to approve Resolution #2009-06, seconded by Robert Wolfe.**
24 **The motion carried unanimously 5-0.**

25
26 **XI. GENERAL GOVERNMENT**

27
28 **Tab 5) Sunset View Annexation**

29
30 Mr. Skutt said that staff received a petition for annexation signed by 19 of the residents
31 of Sunset View Subdivision. He said the residents were present and wished to make a
32 presentation asking Council to prepare an annexation ordinance subject to holding a
33 referendum as required by State Statutes.

34
35 Mr. Skutt said the residents presently receive their water through a private water utility
36 that is operated by the owners of the mobile home park. This private utility has recently
37 received violation notices from FDEP. Mr. Skutt said this subdivision and all of the
38 property north of US 441 from Palm Gardens to Buzzard Beach are also on septic
39 tanks. He said across the street there are city water and sewer lines. Bringing utilities
40 under US 441 to serve these properties is costly and staff has provided engineering

1 estimates from BESH Engineering. He said the cost if the City were just to service
2 Sunset View is \$15,998 per dwelling unit plus impact fees of \$5,038 per unit. He said
3 the cost could be reduced by \$2,712 if the 32 residents of Three Lakes Mobile Home
4 Park were to also participate in this annexation. He noted that staff has presented three
5 options. He said since all of the properties north of US 441 are on septic tank and well,
6 the environmentally responsible option would be to annex all of these properties. Staff
7 could determine whether there is enough public support for annexation of all these
8 lands from a public mail out. If there is not enough public support for all of the
9 properties, there appears to be 50% support in Sunset View and that could be pursued
10 alone as an alternative.

11
12 Mr. Skutt noted that the referendum process is dictated through Chapter 171 in the
13 State Statutes which has been provided to Council. He said since the city would lien
14 and assess all properties within the annexed area for costs associated with the design
15 and construction of water and wastewater lines, the only cost to the City (other than the
16 referendum costs) would be the loss of investment opportunities while carrying these
17 costs until they are paid back by the property owners.

18
19 Mr. Skutt said that the residents have provided a list of questions.

20
21 Mayor Clutts stated that she wished to recommend that staff be given an opportunity to
22 do the research and respond completely and fully to all of the questions. She asked who
23 would be the best person in the residents' group to respond to when providing the
24 information.

25
26 Mr. Drury suggested that staff could send a response to all of the owners on the petition
27 list.

28
29 Mayor Clutts asked Attorney Williams to explain the annexation process.

30
31 Attorney Williams said he agreed with the plan but that he could give a better response
32 in writing. He said Chapter 171 of the Florida Statutes allows cities to annex properties
33 under certain circumstances. He said the most key circumstance is that the property
34 has to be contiguous to the city limits of Tavares. The decision of annexation can occur
35 by either a voluntary annexation (100% of owners sign covenants) through the adoption
36 of an ordinance or the holding of an election. He noted the Clerk has done an analysis
37 of the voters in the property in Sunset View and the City believes it meets the criteria to
38 hold a special election. He said all of the registered electors would get to vote and could
39 vote by absentee ballot if they were out of town. He said if the results of the election are

1 that more than 50% of the registered electors vote to be annexed, then the entire
2 property is annexed regardless of the people who voted “no” or who did not vote.

3
4 Mayor Clutts asked if anyone from Council had questions. She then invited comment
5 from the public.

6
7 Claudia Hennesy, 12203 Lakeside Lane, Tavares

8
9 Ms. Hennesy said that the residents in attendance wished to thank the Mayor and City
10 Council for putting this issue on the agenda. She said the two major concerns are the
11 quality of the water due to a number of FDEP violations, and the age of the septic tanks
12 and their proximity to both the canal and Lake Eustis. She said the residents look
13 forward to a response from the city and appreciate the manner in which the City will
14 respond to the residents’ questions.

15
16 Cheryl Horbeck, Lakeside Lane

17
18 Ms. Horbeck asked Attorney Williams for clarification on the chapter from the Florida
19 Statutes. Attorney Williams answered that is it Chapter 171. Ms. Horbeck thanked City
20 Council.

21
22 Attorney Williams said that based on his previous experience with similar annexations
23 he wished to recommend that the city hold an informal meeting with the residents that
24 would be held in City Council chambers or the Civic Center. At this meeting the utility
25 staff, the engineers, the Finance staff, and Administration would meet with the residents
26 and answer questions in a more informal setting.

27
28 Mr. Drury summarized that staff will answer the questions in writing, send them to all of
29 the residents, and then a meeting will be set up to hold an informal discussion regarding
30 those responses, so that the costs are understood, as well as what services will be
31 offered. The letter will include the date for the meeting.

32
33 Mr. Drury noted that staff had made a recommendation to consider annexing all of the
34 property between Palm Gardens and the Tavares park because the cost could then be
35 distributed more equitably. He said staff is recommending contacting all of the residents
36 in the area to determine if there are enough owners wishing to annex. He said if that
37 fails (less than 50%), then staff would go back to looking at the Sunset View subdivision
38 only.

39
40 **MOTION**

1
2 **Lori Pfister moved to approve Option 2 [instruct staff to conduct a survey of all**
3 **property owners north of 441 between Palm Gardens and Buzzard Beach to**
4 **obtain a general idea of how many residents in this area would be supportive of**
5 **annexation and, if a majority are receptive, that an annexation ordinance be**
6 **prepared for consideration for this area with adoption subject to a referendum of**
7 **the property owners as required by Chapter 171 of State Statutes]. The motion**
8 **was seconded by Norb Thomas. The motion carried unanimously 5-0.**
9

10 **Tab 6) Request to Extend Platting Deadline for Ordinance #2006-05 of the Four**
11 **Seasons Subdivision**
12

13 Mr. Skutt stated that he had just received a call from the owner's representative
14 regarding this petition. He said the representative has been delayed due to traffic and
15 has requested a continuance on this item to the next Council Meeting.
16

17 **MOTION**
18

19 **Bob Grenier moved to approve the request to continue this item to the April 1,**
20 **2009 Council Meeting, seconded by Lori Pfister. The motion carried unanimously**
21 **5-0.**
22

23 **Tab 7) Socially Responsible Banking**
24

25 Mr. Drury stated that Bank First has approached the Cities of Tavares, Mt Dora, Eustis,
26 Umatilla, Leesburg and Lake County as well as area not for profits with their innovative
27 "Social Responsible Banking Program". The program is currently in operation in the
28 Florida cities of Winter Garden, Ocoee and Oakland.
29

30 The program is designed to provide business loans in a community to assist new
31 businesses that fit within the community's social and economic goals. If established the
32 following would occur:
33

- 34 1. The Golden Triangle Cities, Leesburg, Lake County and some not for profits
35 would place a portion of their "idle funds" (reserve money) into the Social
36 Responsible Banking Fund managed by BankFirst.
- 37 2. Each Community and not for profit would appoint one person to sit on the Lake
38 Social Responsible Banking Advisory Board.

- 1 3. The Advisory Board would establish the targeted social and economic goals.
2 Example: Grow area day cares; grow high wage job base, support faith based
3 institutions.
- 4 4. Once the area social and economic goals are established, businesses that
5 wanted to move to the area that fit the goals and needed a loan to launch their
6 business would develop a detailed business plan and credit scores. Other bank
7 loan background due-diligence work would be done by Bank First. If the business
8 met the bank loan criteria, then a loan would be issued by the bank from the
9 pooled Social Responsible Bank Program fund.
- 10 5. The business would make its business mortgage payments to the Bank and the
11 Social Responsible Banking Program fund would receive those payments and be
12 managed by Bank first.

13
14 If Tavares desires to participate in the program, a funding level would need to be
15 established and a representative appointed to the Advisory committee.

16
17 An unrelated issue to this program is that the City currently Banks with Sun Trust. It is
18 prudent to go out for Banking Services proposals every five years. The city is scheduled
19 to go out for Municipal Banking Proposals this summer for a five year term.

20
21 **OPTIONS:**

- 22
- 23 1. Commit to join the program, set a funding level and appoint an advisory Board
24 member.
- 25 2. Go out for proposals for a “Social Responsible Banking Program” to participate in
26 and then select the program that council desires to participate in.
- 27 3. Include Social Responsible Banking Programs as part of the Five Year Municipal
28 Banking service request for proposals being done in the summer.
- 29 4. Do not participate in Social responsible Banking Programs.

30
31 Mr. Drury invited the representatives from BankFirst to speak.

32
33 Tom Popieski, area President of BankFirst in north Lake County, stood to address
34 Council. He introduced Jacqueline Coval, Vice President and Finance Center Manager.
35 He said that SRB (Social Responsible Banking) is unique to BankFirst. He explained the
36 background of the program and described it as a program that provides unconventional
37 loans to support needs in the community. He said this is a request to participate in the
38 program and that BankFirst is not requesting to become the City’s banker. He explained
39 the program details that would be earmarked for various types of development within

1 the area. He gave examples of projects that had been carried out in Winter Park and
2 Winter Garden.

3
4 Vice Mayor Wolfe asked about the size of the bank and whether they had received
5 monies from the government. Mr. Popieski said they had not.

6
7 Mayor Clutts asked if there were other banks that were doing similar programs that
8 would be local competitor to this idea. Mr. Popieski said the program was unique to
9 BankFirst.

10
11 Mayor Clutts asked Mr. Popieski his thoughts on the city going through an RFP to find
12 out if other banks have an interest in this program.

13
14 Mr. Popieski said they had not had to go through that process in other communities
15 because it is unique and because they are only interested in idle funds.

16
17 Vice Mayor Wolfe asked Ms. Houghton for her opinion. Mr. Houghton said that she had
18 checked and found that BankFirst is a qualified public depository and that her
19 understanding is that the City's participation would be an investment with a return in the
20 business sector environment as well as a return on its investment on deposit. She said
21 all the information she had obtained was positive.

22
23 Councilmember Grenier asked for more information on the Advisory Board. Mr. Popieski
24 said the Board would be the "eyes and ears" of the community. It would be anticipated
25 that a Board member would contact the Bank when they saw an opportunity and that in
26 addition they would review and ensure the loans being made by the bank were for
27 appropriate projects. He said the board members would not be making loan decisions or
28 be held accountable for a loan. Mr. Drury added that there would likely be two kinds of
29 meetings: initially a meeting to decide loan policies and to set parameters, and the
30 second to receive reports on the program.

31
32 Mr. Popieski noted that the Golden Triangle will present a unique opportunity through
33 having the County government and School Board in the same city along with the other
34 cities participating and that a new model of their socially responsible banking program
35 will result from this collaboration.

36
37 Councilmember Pfister asked about the credit issues and federal regulations and what
38 would be different that would allow a loan through this program. Mr. Popieski noted that
39 certain things are federally regulated but the majority are not. He said it is normally
40 difficult for most non-profits to get financing.

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Mr. Drury compared the request to the monies the city places in the SBA account in Tallahassee that gives loans all over the world. He said he would have no problem making a recommendation to commit to \$250,000 and appointing Ms. Houghton to be on the Board subject to another city or two joining the program.

Mayor Clutts asked about the time frame. She said one of the options is to solicit area input from the area banks and that she was inclined to choose that option so that a complete investigation was done.

Mr. Drury noted a proposal process could be done fairly quickly. Mr. Popieksi asked what would be in the RFP. Mr. Drury said it would contain the information that Mr. Popieksi has submitted. He noted that Government in the Sunshine requires that the process be open.

Attorney Williams asked how long the city would have to commit to the program. Mr. Popieski said there is no time frame of commitment adding that the funds could be redeemed without penalty should the city need to withdraw the funds.

Councilmember Pfister said she did not like the options and that she would like more research to be done, and that she would like Ms. Houghton to contact all of the cites who have been in the program. Ms. Houghton said she had tried to contact the other two cities but had not been able to speak with them as yet. Mr. Drury said he had contacted all three city managers, but had not received all their input yet.

Ms. Houghton said her main concern was liquidity and safety of city dollars and that she thought Mr. Popieski had addressed those issues.

Councilmember Pfister said the research on the better return on the money needed to be researched. Mr. Drury said that governments do not chase yields; the primary focus is a solid investment, principal protected, etc. He said the main decision to be made is the policy decision on socially responsible banking and then the process to be followed.

Mayor Clutts questioned how the weight of votes by the board members would be determined: i.e. would it be based on how much was invested?

Mr. Popieksi said he would be happy to meet with each councilmember and provide more information

Mayor Clutts asked if anyone in the audience had comments.

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Denise Laratta, Tavares

.
Ms. Laratta asked what guarantee would there be that Tavares businesses would get loans. Mr. Drury noted that the Board will not vote on loans. The Board will only set parameters as to what loans this fund can make.

Ms. Laratta asked if a business was provided a loan and the business fails who would absorb the loss. Mr. Popieksi answered that BankFirst would absorb the loss.

MOTION

Lori Pfister moved to bring this issue back with more information within a reasonable time, seconded by Bob Grenier.

Councilmember Thomas said he would suggest that the motion be adjusted to reflect the request by Mr. Drury to go out for proposals for a socially responsible banking program and answer those questions through that process.

Councilmember Grenier said he thought going out for proposals was inferred through the request for more research.

Councilmember Pfister said she would add “**and request a proposal**” to her motion.

Vice Mayor Wolfe discussed the SBA program in Tallahassee in which the city currently participates. He asked Mr. Popieski if the monies would be FDIC insured. Mr. Popeski answered in the affirmative.

Councilmember Pfister said she would like to start over with her motion. There was discussion as to whether her motion could be rescinded. Councilmember Grenier noted he had not seconded the amendment.

MOTION

Lori Pfister moved to rescind her original motion, seconded by Bob Grenier. The motion carried unanimously 5-0.

Councilmember Pfister said she was empathetic to BankFirst because the program was their idea. However, she said she also knew that there were other banks who might claim to have a similar program.

1 Mayor Clutts asked what mechanism was in place to ensure the job was completed if
2 the vendor found they could not do the job at the low bid. Mr. Drury noted that the bid
3 bond would be utilized in that situation.

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

6
7 **XII. OLD BUSINESS**

8
9 **XIII. NEW BUSINESS**

10
11 **XIV. AUDIENCE TO BE HEARD**

12
13 Mayor Clutts invited the audience to speak on matters not on the agenda.

14
15 **XV. REPORTS**

16
17 **Mayor**

18
19 Mayor Clutts congratulated Brad Hayes on taking over the staff liaison to the Water
20 Alliance Board.

21
22 Mayor Clutts stated that the opening ceremony for the Babe Ruth season was
23 outstanding. She noted that there were games that took place on most of the fields the
24 night before the opening ceremony and unfortunately the participants trashed the fields.
25 She expressed appreciation for the General Services and Parks staff for their work in
26 cleaning the fields. She stated the participants were very appreciative of the state of the
27 fields.

28
29 Mayor Clutts noted she had been absent at the last Council meeting because of
30 attending the funeral of a friend. She expressed appreciation for Council's
31 understanding and support. She noted she would also be missing the next meeting on
32 April 1, 2009; however, she would be working on behalf of the city as the opening and
33 guest speaker for UCF's Global and Climate Change Summit.

34
35 **City Administrator**

36
37 Mr. Drury noted he had provided a list of meetings and pointed out the upcoming
38 Golden Triangle Summit meeting to be held in Eustis on March 25th. He said the
39 meeting will begin at 6:00 p.m. with refreshments.

40

1 In addition, he said Councilmember Wolfe had come up with the idea of developing an
2 article in the city newsletter answering common questions posed by the residents. The
3 Councilmember would interview the staff member concerned regarding such questions
4 and the answers would be published in the quarterly city newsletter. Mr. Drury asked
5 each councilmember to be thinking of an issue they would like addressed. There was
6 consensus to move forward on this project.

7
8 **Attorney Williams**

9 No report.

10
11 **Councilmember Pfister**

12 Councilmember Pfister congratulated Mr. Drury and Mr. Neron for their excellent job in
13 continuing to pursue outside interests for the community.

14
15 **Councilmember Thomas**

16 No report.

17
18 **Councilmember Grenier**

19 Councilmember Grenier said he had toured General Services recently with Mr.
20 Thompson and he complimented their operations and work space. He said he had
21 spent three hours with Mr. Hayes touring the Wastewater Department and also met with
22 Mr. Vaughn in the Water Department. He said he also spent time with the City Clerk and
23 tomorrow would be with Chief Keith.

24
25 **Vice Mayor Wolfe**

26 No report.

27
28 **Adjournment**

29 There was no further business and the meeting was adjourned at 5:47 p.m.

30
31 Respectfully submitted,

32
33
34
35
36 _____
37 Nancy A. Barnett, C.M.C.
City Clerk