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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
APRIL 1, 2009  
CITY COUNCIL CHAMBERS**

**COUNCILMEMBERS PRESENT**

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

**ABSENT**

Nancy Clutts, Mayor

**STAFF PRESENT**

John Drury, City Administrator  
Robert Q. Williams, City Attorney  
Nancy Barnett, City Clerk  
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**

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

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Mark Andrews, Bridges Church, gave the invocation and those present recited the pledge of allegiance.

**III. APPROVAL OF AGENDA**

Mr. Drury announced that staff would like to table Tab 10 (Berens Development Agreement) and add Tab 13A (Land Swap with Tavares Homeowners Association),

1 Tab 13B (Request to Submit CDBG Application for Park Improvements to Aesop's  
2 Park), and Tab 13A (Discussion of Horizon Project – Public Safety Complex).

3  
4 Attorney Williams requested that Council hear Tab 13A as the first business because of  
5 a requirement to have the agreement recorded before 5:00 p.m.

6  
7 **MOTION**

8  
9 **Councilmember Pfister moved to approve the agenda with the recommended  
10 changes, seconded by Councilmember Grenier. The motion carried unanimously  
11 4-0.**

12  
13 **Tab 13A) Land Swap with Tavares Homeowners – Tav Lee Trail Project**

14  
15 Attorney Williams explained that the City has reached an agreement with the Tavares  
16 Homeowners for a land swap pertaining to a 50 ft. piece of property that belongs to the  
17 Homeowners. The HOA has agreed to deed half of the 50 ft. strip in order for the City to  
18 build and have access to the Tav Lee Trail. In exchange the City will give the HOA a  
19 strip equal in size along the back of their property for parking their trailers. In addition  
20 the City will allow them to place their dumpsters on City right of way by providing a  
21 license agreement.

22  
23 Mr. Drury noted the summary of this issue has been provided to Council in their folder.

24  
25 Vice Mayor Wolfe asked if anyone in the audience had questions.

26  
27 **MOTION**

28  
29 **Councilmember Pfister moved to approve the land swap and authorized Vice  
30 Mayor Wolfe to sign the agreement. The motion was seconded by Councilmember  
31 Thomas. The motion carried unanimously 4-0.**

32  
33 **IV. APPROVAL OF MINUTES**

34  
35 **Councilmember Pfister moved to approve the minutes of the City Council Regular  
36 Meeting of March 18, 2009 as submitted, seconded by Councilmember Thomas.  
37 The motion carried unanimously 4-0.**

38  
39 **V. PROCLAMATIONS/PRESENTATIONS**

40

1 **Tab 2) Water Conservation Month – April 2009**

2  
3 Vice Mayor Wolfe read a proclamation designating April as Water Conservation Month.

4  
5 **VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**  
6 **CONTACTS**

7  
8 Attorney Williams said that Tab No. 11, Request to Extend Platting Deadline, was quasi-  
9 judicial and gave the oath to those who planned to give testimony.

10  
11 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

12  
13 Mr. Drury read the following ordinances into the record by title only:

14  
15 **ORDINANCE 2009-07**

16  
17 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING**  
18 **PCD ORDINANCE 2003-15 OF THE CITY OF TAVARES BY**  
19 **AMENDING THE PERMITTED USES SPECIFIED BY THE ORDINANCE;**  
20 **SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**  
21 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN**  
22 **EFFECTIVE DATE.**

23  
24 **ORDINANCE 2009-05**

25  
26 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING**  
27 **SECTION 20 OF THE CITY OF TAVARES CODE OF ORDINANCES**  
28 **PERTAINING TO PARKING REGULATIONS; REDUCING THE**  
29 **PARKING REQUIRED OF COMMERCIAL ESTABLISHMENTS OVER**  
30 **50,000 SQUARE FEET; AUTHORIZING ADDITIONAL PARKING**  
31 **SPACES UNDER CERTAIN CONDITIONS; ESTABLISHING AND**  
32 **PROVIDING RULES FOR A PUBLIC TRANSPORTATION AMENITIES**  
33 **BANK; PROVIDING CONTRIBUTIONS TO THE AMENITIES BANK IN**  
34 **EXCHANGE FOR ADDITIONAL PARKING SPACES; REDUCING THE**  
35 **REQUIREMENT FOR ONSITE PARKING WHERE PUBLIC PARKING IS**  
36 **AVAILABLE; REQUIRING SHOPPING CART RETURN FACILITIES**  
37 **FOR CERTAIN USES; REQUIRING DESIGNATED PEDESTRIAN**  
38 **ACCESS AREAS IN PARKING LOTS; PROVIDING FOR**  
39 **SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE 2009-06**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING SECTION 11, OF THE CITY OF TAVARES CODE OF ORDINANCES PERTAINING TO LANDSCAPE AND BUFFER REGULATIONS; REQUIRING ADDITIONAL LANDSCAPING AND GARDEN AREAS FOR MULTIFAMILY RESIDENTIAL BUILDINGS AND LARGE SCALE COMMERCIAL DEVELOPMENTS; PROVIDING REGULATIONS; INCREASING THE BUFFERING REQUIREMENT FOR “TYPE C” BUFFERS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**VIII) CONSENT AGENDA**

Councilmember Thomas requested that Tab 3 – Award of Bid for Lights at Woodlea – be removed from the Consent Agenda.

**MOTION**

**Councilmember Pfister moved to approve the Consent Agenda [Tab 4 – Award of Contract to DMC for Design, Permitting, Bidding and Construction Inspection for Summerall Park Restroom Design; and Tab 5 - Award of Contract to DMC for Design of Floating Dock at Tavares Recreation park]. The motion was seconded by Councilmember Thomas. The motion carried unanimously 4-0.**

**Tab 3) Award of Bid for Lights at Woodlea Plant**

Councilmember Thomas said that he had pulled this agenda item because he wanted to know why the low bidder had not been recommended.

Mr. Drury stated this was an error in preparation of the agenda summary. The recommended contractor is Electric Services, Inc., in the amount of \$59,200.00.

**MOTION**

**Councilmember Thomas moved to approve the installation of the lights by Electric Services, Inc. in the amount of \$59,200.00, seconded by Councilmember Pfister. The motion carried unanimously 4-0.**

**IX. ORDINANCES – PUBLIC HEARING**

1  
2 **Vice Mayor Wolfe noted that all Ordinances under First Reading (Tab 6, 7, and 8)**  
3 **will be discussed and receive public comment at Second Reading.**

4  
5 **X. RESOLUTIONS – PUBLIC HEARING**

6  
7 None.

8  
9 **XI. GENERAL GOVERNMENT**

10  
11 **Tab 9) Red Light Camera Discussion**

12  
13 Chief Lubins stated that this agenda item was to discuss the use of red light cameras at  
14 certain intersections within the City and to request to develop an RFP for a vendor to  
15 provide the infrastructure and administrative services associated with red light cameras  
16 as well as to direct staff to develop a city ordinance that prohibits red light running.

17  
18 Chief Lubins explained that in an effort to curb red light running, many cities and  
19 counties throughout the nation employ the use of red light cameras. These cameras are  
20 installed, owned and operated by a private company. The jurisdiction then develops an  
21 ordinance to outlaw red light running. When a violator runs a red light, a picture is taken  
22 and the owner of the vehicle is issued a fine. A portion of the fine goes to the private  
23 company and the remainder goes to the jurisdiction. If an owner of a vehicle contests  
24 the fine, the owner can take his case to the special master for a hearing. Officers can  
25 still issue citations for red light running under state law if they observe an offense in  
26 person.

27  
28 Currently, the cameras themselves can be placed on city or private property, however,  
29 FDOT right of way is not allowed. Legislation may be enacted that would allow the  
30 cameras on FDOT right of way in the future. However, red lights within FDOT right of  
31 way (i.e. US 441) can be videotaped as long as the camera itself is on city or private  
32 property.

33  
34 The placement of a red light camera will be predicated upon such issues as traffic  
35 count, accidents and prior traffic violation history.

36  
37 Chief Lubins emphasized that the focus of this initiative is to create a safer traffic  
38 environment by reducing the number of accidents and personal injury that occurs when  
39 someone runs a red light and crashes into another vehicle.

1 Councilmember Pfister had several questions related to location of proposed cameras,  
2 whether in fact there are problem areas already identified, what will happen if a police  
3 officer observes the infraction and is not able to give a ticket that would give the city  
4 100% of the revenue, and whether there are sufficient staff to review the videos.

5  
6 Mr. Drury explained the process whereby the company will place cameras at different  
7 intersections until they have identified the problem areas and that this will be at no cost  
8 to the city. Chief Lubins stated that in the case of an officer ticketing a driver, their case  
9 would be pulled so that they would not be double ticketed. He added it would not take  
10 additional staff to review the videotapes.

11  
12 Mr. Drury invited Mr. Richey, representative for one of the companies providing this  
13 service, to speak.

14  
15 Attorney Steve Richey

16  
17 Mr. Richey stated that the monies would be paid directly to the City by the violator and  
18 the City would then pay the company. He said only 2% of the violators challenge the  
19 ticket and therefore the code enforcement hearing charges would be the only cost to the  
20 city.

21  
22 Mr. Richey said the reason the company is bringing this matter to the cities now is that  
23 there is pending legislation that would have some portion of the fees returned to the  
24 State, rather than all 80% going to the City.

25  
26 Vice Mayor Wolfe asked for comment from the audience.

27  
28 Norman Hope, Tavares resident

29  
30 Mr. Hope spoke in favor of the red light camera citing his previous experience in law  
31 enforcement and the frequency with which he wrote tickets for red light running. He said  
32 it is a safety issue.

33  
34 **MOTION**

35  
36 **Councilmember Pfister moved to approve Option 1 [Approval for staff to prepare  
37 an RFP for a vendor to provide red light cameras and also develop an ordinance  
38 prohibiting red light running], seconded by Councilmember Thomas. The motion  
39 carried unanimously 4-0.**

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

3  
4 Mr. Skutt explained that this was a request for the extension of the platted time deadline  
5 for one year for the property owned by Florida Waterman LLC. He noted that the  
6 original conceptual plan had called for a mixture of condominiums, attached villas and  
7 single family dwellings. The density was capped at 7 dwelling units per acre. He noted  
8 that the city will be embarking on an evaluation and review of the density of its  
9 comprehensive plan during the next year. He stated that this particular property is in the  
10 vicinity of the area identified within the economic development strategy map as a  
11 Medical Village. He said that staff recommended a one year extension of the platted  
12 deadline in recognition of the current problems in the real estate market.

13  
14 **MOTION**

15  
16 **Councilmember Pfister moved to approve to allow Ordinance #2006-05 to remain**  
17 **in effect for a one year period, seconded by Councilmember Thomas. The motion**  
18 **carried unanimously 4-0.**

19  
20 **Tab 12) Agreement with Bass Federation for 2009 and 2010 Tournaments**

21  
22 Mr. Neron stated that Council had approved the Letter of Intent with Bass Federation  
23 recently and that this was the contract for that agreement. He said the estimated cost is  
24 \$18,000, half of which will be paid by the Tourist Economic Development Council and  
25 the remainder to come from CRA funds.

26  
27 Vice Mayor Wolfe asked if the audience had comments.

28  
29 **MOTION**

30  
31 **Councilmember Grenier moved to approve the Agreement with Bass Federation**  
32 **for 2009 and 2010 Tournaments, seconded by Councilmember Thomas. The**  
33 **motion carried unanimously 4-0.**

34  
35 **Tab 13) Crappie Masters Tournament Contract for 2010**

36  
37 Mr. Neron explained that this was the proposal to host the 2010 Crappie Tournament at  
38 an estimated cost of \$20,000 with 50% to come from the Tourist Economic  
39 Development Council and the City's share to come from CRA revenues.

1 Vice Mayor Wolfe noted that it is expected to have an economic impact of \$500,000.

2  
3 **MOTION**

4  
5 **Councilmember Grenier moved to approve the 2010 Crappie Tournament**  
6 **Agreement, seconded by Councilmember Thomas. The motion carried**  
7 **unanimously 4-0.**

8  
9 **Tab 13B) Request to Submit CDBG Application for Improvements in Aesop's Park**

10  
11 Ms. Rogers stated this is a request to apply for the 2010 allocation from CDBG funds for  
12 \$90,000 to make park improvements in Aesop's Park. The improvements will be public  
13 restrooms, paved parking, and repaving of the tennis courts.

14  
15 Vice Mayor Wolfe asked for audience comment.

16  
17 **MOTION**

18  
19 **Councilmember Thomas moved to approve the submittal of the CDBG application**  
20 **for 2010 allocation, seconded by Bob Grenier. The motion carried unanimously 4-**  
21 **0.**

22  
23 **Tab 13C) Discussion of Public Safety Complex Horizon Project**

24  
25 Mr. Drury reviewed the background of the Horizon project for the Public Safety complex,  
26 noting that since the recommendation had been made to build the complex on Caroline  
27 housing both police and fire, the circumstances have changed due to the economic  
28 downturn. He said staff has continued to look at other options. He said a building has  
29 been identified that has come on the market that would be suitable for the Police  
30 Department alone and would amount to significant savings to the City compared to the  
31 earlier amount proposed for the Police portion of the combined complex. He asked  
32 Attorney Williams to discuss the process involved.

33  
34 Attorney Williams discussed the procedure set forth by Chapter 166.05 which allows  
35 governments to consider appraisals and offers on property in confidentiality or in  
36 "shade" meetings. He stated he had prepared a contract for a maximum price on this  
37 property. He then distributed the information including the location of the property and  
38 maximum price being considered. He said the statute requires the City to obtain an  
39 appraisal (one for properties under \$500,000 and two for properties over \$500,000).

1 Mr. Drury stated that the request is to authorize staff to split police and fire from a single  
2 location to two locations and to authorize the City Attorney and staff to move forward  
3 with an offer not to exceed the amount that has been provided to Council before them  
4 and to have staff bring back any successful contract, with standard clauses, to the City  
5 Council for final approval

6  
7 Attorney Williams added that the appraisal information will be exempt from public record  
8 until the contract has been negotiated and approved

9  
10 Vice Mayor Wolfe asked if the audience had questions.

11  
12 Norman Hope

13  
14 Mr. Hope asked Mr. Drury if he could provide an approximate amount that would  
15 represent the significant savings to the City. Mr. Drury responded that he could not  
16 disclose that amount at this time but that once the offer is complete, the comparison will  
17 be clear that it is significantly less than the current estimate for the police portion of the  
18 proposed combined complex.

19  
20 **MOTION**

21  
22 **Councilmember Pfister moved to accept staff's recommendation to authorize**  
23 **staff to split police and fire from a single location to two locations and to**  
24 **authorize the City Attorney and staff to move forward with an offer not to exceed**  
25 **the amount that has been provided to Council before them and to have staff bring**  
26 **back any successful contract, with standard clauses, to the City Council for final**  
27 **approval, seconded by Councilmember Thomas. The motion carried unanimously**  
28 **4-0.**

29  
30 Attorney Williams collected the documents that had been passed out to Council and  
31 provided to the City Clerk for filing.

32  
33 **XII. OLD BUSINESS**

34  
35 None

36  
37 **XIII. NEW BUSINESS**

38  
39 None

40

1 **XIV. AUDIENCE TO BE HEARD**

2  
3 Vice Mayor Wolfe invited the audience to speak on matters not on the agenda.

4  
5 **XV. REPORTS**

6  
7 **City Administrator**

8  
9 Mr. Drury noted he had provided a list of meetings.

10  
11 **Attorney Williams**

12  
13 No report.

14  
15 **Councilmember Pfister**

16  
17 Councilmember Pfister expressed appreciation to the staff involved with the Antique  
18 Boats event and Classic Boat Race

19  
20 **Councilmember Thomas**

21  
22 Councilmember Thomas commended staff for the success of the recent events. He  
23 acknowledged the staff who assisted at the event.

24  
25 **Councilmember Grenier**

26  
27 Councilmember Grenier expressed his thanks to staff who worked on the events. He  
28 thanked Chief Lubins for the tour that day of his department.

29  
30 **Vice Mayor Wolfe**

31  
32 Vice Mayor Wolfe thanked staff for their work on the events for the past two weekends.

33  
34 **Bill Neron**

35  
36 Mr. Neron noted the successful event announced this week that the FDEP has  
37 permitted the Seaplane Marina.

38  
39 **Chief Lubins**

40

1 Chief Lubins thanked Council for going on the tour with him of the proposed public  
2 safety building.

3

4 **Tammy Rogers**

5

6 Ms. Rogers discussed the upcoming Dragonboat Festival and thanked Council for  
7 acknowledging the efforts of staff.

8

9 **Adjournment**

10

11 There was no further business and the meeting was adjourned at 5:11 p.m.

12

13 Respectfully submitted,

14

15

16

17

18 \_\_\_\_\_  
19 Nancy A. Barnett, C.M.C.

City Clerk