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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MAY 20, 2009
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Lori Houghton, Director of Finance
Bill Neron, Economic Development Director
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

Chaplain Enrique Calandra, Florida Hospital Waterman, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

1 Mayor Clutts asked if Council had any changes to the agenda.
2

3 **MOTION**
4

5 **Robert Wolfe moved to approve the agenda as presented, seconded by Bob**
6 **Grenier. The motion carried unanimously 5-0.**
7

8 **IV. APPROVAL OF MINUTES**
9

10 **Norb Thomas moved to approve the minutes of the City Council Regular Meeting**
11 **of May 6, 2009 with the following correction: Page 8, line 2, change “reply” to**
12 **“rely.” The motion was seconded by Robert Wolfe. The motion carried**
13 **unanimously 5-0.**
14

15 **V. PROCLAMATIONS/PRESENTATIONS**
16

17 **Tab 2) Presentation from the Sunnyland Chapter of the Antique Classic Boat**
18 **Society**
19

20 Mr. Neron stated that Mr. Ronca, President of the Sunnyland Chapter, would be making
21 a presentation to the City. He invited Council to join him in front of the dais. Mr. Ronca
22 stated that on behalf of the Sunnyland Chapter he appreciated the efforts of staff and
23 that it had been a pleasure working with the city during the Classic Antique Boat Show.
24 He then presented a check in the amount of \$17,764.46 as the city’s share of the gate
25 receipts. Mayor Clutts thanked the Sunnyland Chapter. She said the city looked forward
26 to the continuation of this event and she thanked each staff member who had a hand in
27 the success of this event.
28

29 **VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**
30 **CONTACTS**
31

32 Attorney Williams swore in the members of the audience who wished to give testimony
33 on Tab 8, 9, 10, 11, and 12. He asked the Council to disclose any exparte contacts they
34 might have had on those matters.
35

36 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**
37

38 Ms. Barnett read the following ordinances into the record by title only:
39
40

ORDINANCE 2009-08

1 Ms. Barnett noted that the following two ordinances were Future Land Use
2 Amendments and that there was a form at the table for anyone to sign
3 who wished to receive information from the Department of Community
4 Affairs on these amendments.
5

6 **ORDINANCE 2008-40**
7

8 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING**
9 **THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP**
10 **2010, PROVIDING FOR A CHANGE OF FUTURE LAND USE**
11 **DESIGNATION ON APPROXIMATELY 35 ACRES OF PROPERTY**
12 **FROM COUNTY URBAN TO CITY MIXED USE NEIGHBORHOOD FOR**
13 **PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF DAVID**
14 **WALKER DRIVE, SOUTH OF DORA AVENUE; PROVIDING FOR**
15 **SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL;**
16 **AND PROVIDING FOR AN EFFECTIVE DATE.**
17

18 **ORDINANCE 2008-43**
19

20 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING**
21 **THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP**
22 **2010, PROVIDING FOR A CHANGE OF FUTURE LAND USE**
23 **DESIGNATION ON APPROXIMATELY 12.7 ACRES OF PROPERTY**
24 **FROM COUNTY COMMERCIAL CORRIDOR & URBAN TO CITY**
25 **COMMERCIAL FOR PROPERTY GENERALLY LOCATED ON THE**
26 **SOUTH SIDE OF US HIGHWAY 441 APPROXIMATELY 2,000 FEET**
27 **WEST OF THE INTERSECTION OF U.S. 441 AND THE DEAD RIVER;**
28 **PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR**
29 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**
30

31 **VIII) CONSENT AGENDA**
32

33 Mayor Clutts asked if anyone in the audience had objections to any item on the Consent
34 Agenda. She asked if Council wished to pull any items. Mayor Clutts noted that Attorney
35 Williams had made two amendments to the Berens Development Agreement which
36 clarify that the City has the right to permit and object to permitting regarding other than
37 what is covered in the agreement. He said Mr. Cooney, the applicant's attorney was
38 present.
39

1 Vice Mayor Wolfe said he had a question on Tab 5. That item was pulled from the
2 Consent agenda.

3
4 **MOTION**

5
6 **Robert Wolfe moved to approve the Consent Agenda for Tabs 3, 4, and 6 [Berens
7 Development Agreement, Request to Approve Work Authorization to Create the
8 City-Wide Computer Wastewater Hydraulic Model; and Request to Approve Work
9 Authorization for Lift Station Upgrades at the Woodlea Wastewater Treatment
10 Facility.] The motion was seconded by Bob Grenier. The motion carried
11 unanimously 5-0.**

12
13 **Tab 5) Request to Approve Work Authorization for Underground Utility Inspection
14 and Condition Assessments, Phase 2**

15
16 Vice Mayor Wolfe questioned the fee calculation on Page 2, Task 6 with regard to
17 manholes which comes to \$5,750. He said the calculation appeared to be based on 35
18 manholes @ \$400 which comes to \$14,000. Mr. Shannon of Malcolm Pirnie confirmed
19 that the total is \$118,920. He said they will be doing a Conditional Assessment Report
20 on the Base Area and Area 5. The quote from InfraMetrix was \$5,000 for the Base Area
21 and \$750 for Area 5. He said the error was in the detail of “\$35 per manholes times 400
22 manholes” and the total figure of \$5,750 is correct.

23
24 **MOTION**

25
26 **Robert Wolfe moved to approve Tab 5 [Request to Approve Work Authorization
27 for Underground Utility Inspection and Condition Assessments, Phase 2],
28 seconded by Norb Thomas. The motion carried unanimously 5-0.**

29
30 **IX. ORDINANCES – PUBLIC HEARING**

31
32 **Tab 7) Ordinance #2009-08 – Amendment to Golf Cart Ordinance to Include All
33 City Streets**

34
35 Mr. Skutt explained that this was a text amendment to the Code of Ordinances that
36 expands permitted golf cart operations to include all public city roads where the posted
37 speed limit is under thirty-five (35) miles per hour and certain County Roads (Dora
38 Avenue and Dead River Road).

1 The City's Code of Ordinances presently allows golf carts to operate in the following
2 areas:

3
4 1.Private roads within communities approved by Council. (Lake Francis Estates, Royal
5 Harbor, Fox Run and Imperial Terrace East) and also in the Downtown Community
6 Redevelopment Area.)

7
8 Low Speed Vehicles, which are manufactured to comply with specific safety standards,
9 may operate anywhere in the city where the speed is thirty-five (35) miles per hour or
10 less.

11
12 The proposed ordinance expands areas where golf carts may operate to include:

13
14 1. All city roads where the posted speed limit is thirty-five (35) miles per hour or less.

15
16 2. Dead River Road and Dora Avenue. (The County has agreed to lower the speed limit
17 on these roads to thirty-five (35) miles per hour and to allow them to be designated for
18 golf cart use.)

19
20 The proposed ordinance also makes provisions for other County Roads that may
21 receive future designation for this use. Golf carts may not operate on or cross state
22 highways unless authorized by the Department of Transportation. Staff has applied to
23 FDOT for permission for crossing points in several strategic locations. Once this
24 permission is received, the city downtown will be golf cart accessible to residential
25 communities north of Highway 441 and west of State Road 19. Staff is working on plans
26 that will eventually make the entire city golf cart accessible.

27
28 The safety standards and hours of operation that presently apply to operation within the
29 CRA district also apply to this expanded area. The City's traffic engineering consultant
30 has reviewed the proposed Ordinance and no specific safety issues were identified. He
31 suggested road signage, community education of traffic laws, and the monitoring of high
32 traffic roads in case safety improvements are needed. Staff recommends approval.

33
34 Mayor Clutts requested comment from the audience.

35
36 Kenneth Lange, 1436 Southshore Drive, said he owns a golf cart and would like to see
37 more prominent signage notifying drivers that golf carts are allowed on the road. He
38 suggested they be located near the stop signs. He spoke in favor of the ordinance.

39
40 **MOTION**

1
2 **Lori Pfister moved to approve Ordinance #2008-08, seconded by Bob Grenier. The**
3 **motion carried unanimously 5-0.**

4
5 **Tab 8) Ordinance #2009-09 – Amendment to Land Development Regulations –**
6 **Adult Activity Center**

7
8 Mr. Skutt advised that this ordinance is related to the Downtown Master Plan and City
9 Vision. It updates the Adult Daycare Regulations. The updates are intended to assist
10 the adult working population in caring for aging parents and/or a disabled spouse or
11 adult children that are living at home. The current regulations only allow this use in
12 commercial zoning districts and as a special use in mixed use districts. The proposed
13 ordinance broadens where this use will be permitted particularly in residential zoning
14 under certain conditions. He discussed the highlights of the ordinance as follows:

- 15
16 1. Changing the term “Adult Day Care” to “Adult Activity Center.”
17
18 2. Defining Adult Activity Center as meaning the building, or part of a building in which is
19 provided within the hours of 6:00 a.m. and 9:00 p.m. not to exceed a period of greater
20 than 16 hours a day, social, recreational and health-related services to individuals in a
21 protective setting. Such facilities shall be designed to meet the needs of older adults
22 but shall also be permitted to provide service to persons who are 18 years of age or
23 older who require assistance to accomplish daily activities because of minor mental or
24 physical special needs.
25
26 3. Allowing the use in the Mixed Use zoning district as a permitted use.
27
28 4. Allowing the use in all residential zoning districts pursuant to the following conditions:
29
30 a. All Adult Activity Centers shall be operated in accordance with the regulations set
31 forth by the State of Florida for Adult Day Care Centers.
32
33 b. All Adult Activity Centers shall be designed to include a minimum of 200 square feet
34 of outdoor passive recreation area which is sufficient to allow for safe, convenient and
35 comfortable outdoor seating.
36
37 c. In residential zoning districts, Adult Activity Centers shall be permitted in adherence
38 to the principle regulations of the zoning district, shall not use signage and shall serve
39 no more than 4 participants at a single time.
40

1 Mayor Clutts invited comment from the audience. Public input was closed.

2
3 **MOTION**

4
5 **Robert Wolfe moved to approve Ordinance #2009-09, seconded by Bob Grenier.**
6 **The motion carried unanimously 5-0.**

7
8 **Tab 9) Ordinance #2009-10 – Amendment to Land Development Regulations –**
9 **Guest Apartments in CRA**

10
11 Mr. Skutt advised this was an amendment to the Land Development Regulations that
12 allows the addition of guest apartments as a permitted use in the RMF-2 zoning district
13 where the district is also within the Community Redevelopment Area Overlay.

14
15 He said that the recently adopted Downtown Master Plan and City Vision, encourages
16 increased density within the downtown, the provision of a mix of housing types and
17 promotion of a pedestrian friendly environment. Guest apartments provide a form of
18 affordable housing, increases density, and integrate well with existing market rate
19 housing.

20
21 The proposed amendment would permit Guest Apartments subject to the following
22 conditions:

- 23
24 1. The principal structure is a single family residence;
25 2. The property meets the minimum lot area of the permitted zoning district
26 3. The apartment is located to the rear of the principal structure
27 4. The living area is no greater in size than twenty-five percent (25%) of the living area,
28 excluding carports, garages, breezeways, and screened or open porches of the
29 principal dwelling or six-hundred (600) square feet, whichever is greater
30 5. The apartment complies with a side setback of 7.5 feet and a rear setback of 10 feet
31 6. A guest apartment is permitted a separate driveway only if it is accessed by a rear
32 alley.

33
34 Councilmember Grenier asked for clarification on #6 regarding driveways. Mr. Skutt said
35 that the original ordinance prohibited widening of driveways or separate driveways from
36 the front. Since much of the downtown is served by alleyways it was thought that it
37 would be appropriate to access from the alleyway.

38
39 Mayor Clutts invited public comment. Public input was closed.

1 Councilmember Pfister asked for more clarification regarding the background of the
2 ordinance. Mr. Drury said this would provide the ability to build a small cottage or guest
3 house for someone who wished to allow a relative to live close by. He should it support
4 the goal of getting more people to live downtown to avoid the creation of more urban
5 sprawl.

6
7 **MOTION**

8
9 **Norb Thomas moved to approve Ordinance #2009-10 as presented, seconded by**
10 **Robert Wolfe. The motion carried 4-1 as follows:**

11
12 **Nancy Clutts Yes**
13 **Bob Grenier Yes**
14 **Lori Pfister No**
15 **Norb Thomas Yes**
16 **Robert Wolfe Yes**

17
18 **Tab 10) Ordinance #2009-11 – Lakeview Crest Rezoning (Planned Development**
19 **Text Amendment)**

20
21 Mr. Skutt stated this is an ordinance to consider the amendment of PD Ordinance 2006-
22 19 that increases the maximum building height in the residential portion of the
23 development from 65' to 70', deletes maximum habitable space height of fifty feet (50'),
24 deletes certain architectural design standards that are applicable to condominium
25 development and changes the conceptual site lay-out plan from residential
26 condominiums to an adult congregate, nursing home and independent living facility.

27
28 The subject property, owned by Tom Hofmeister, is located on Nightingale Lane. It is
29 13.5 acres in size and backs onto Lake Francis. This parcel is part of the Lakeview
30 Center Planned Development. The Planned Development Ordinance, Ordinance 2006-
31 09, that governs this property allows townhomes, multi-family dwellings, adult
32 congregate living facilities, nursing homes, community centers and docks as permitted
33 uses. Originally, the owner had intended on developing this property as an up-scale
34 condominium complex, however, with the downturn in the residential market, he views
35 an ACLF, nursing home and independent living facility to be a more financially feasible
36 option. These are permitted uses that were approved in the original ordinance.
37 Ordinance 2006-19 did however include an exhibit that showed the conceptual lay-out
38 for 20 condominium buildings consisting of 120 homes. The owner is providing an
39 updated conceptual lay-out that substitutes the condos for a 48 bed, 1 storey high
40 Alzheimer building, a 70 bed, 5 storey high Assisted Living building and three 5 storey

1 high Independent Living apartment buildings consisting of 98 dwelling units. In order to
2 provide adequate on-site parking and to also provide sufficient building space to make
3 the project financially feasible, the owner has determined that four of the buildings must
4 be 5 stories high. The ground floors are planned to have a 12 foot high ceiling. The
5 proposed pitched roofs provide a more attractive architectural appearance, but also add
6 to the overall building height. The buildings, although higher than the previously
7 approved condominiums, are separated with 1-storey breaks and parking lots and do
8 not present a significantly more massive façade than the previously approved
9 condominiums. The applicant will be required to comply with all architectural design
10 standards of the Land Development Regulations. The 3.7 acre conservation easement
11 along Lake Frances will not be affected by this amendment. If approved, the project
12 will be required to go through the City's normal site plan process. Preliminary review of
13 the plan has not indicated any significant problems provided the proposed buildings are
14 fire sprinkled in accordance with Code requirements.

15
16 Mr. Skutt advised that the Planning & Zoning Board recommended approval of this
17 ordinance.

18
19 Mayor Clutts invited input from the public. The Public Hearing was closed.

20
21 **MOTION**

22
23 **Bob Grenier moved to approve Ordinance #2009-11, seconded by Norb Thomas.**
24 **The motion carried unanimously 5-0.**

25
26 **Tab 11) Ordinance #2008-40 – Stokes Gove Property – Large Scale Future Land**
27 **Use Amendment – Adoption Hearing**

28
29 Mr. Skutt reported that this is a Large Scale Future Land Use Amendment of about 35
30 acres on the west side of David Walker Road. The property was annexed in December
31 of 2008. Council also recommended approval of the transmittal of Ordinance 2008-40, a
32 proposed large scale amendment to the Future Land Use Map of the Comprehensive
33 Plan for Mixed Use Neighborhood designation.

34
35 The Ordinance was transmitted to the Department of Community Affairs and analysis
36 revealed that the residential density would negatively impact the level of service
37 standard of the local public school facilities. In conversation with the Department of
38 Community Affairs, it has been confirmed that limiting the residential density to seven
39 (7) dwelling units per acre, the density permitted per the existing County Future Land

1 Use designation, would be permitted. Accordingly, the proposed ordinance has been
2 amended to permit a residential density of seven (7) dwelling units per acre.

3
4 Also included in the ordinance is a stipulation which would allow the property owner
5 authority to develop twelve (12) dwelling units per acre provided that it was determined
6 through data and analysis that capacity to serve such density would not negatively
7 impact the adopted level of service of the Public School Facilities. This stipulation is
8 intended to comply with the City of Tavares and State of Florida Comprehensive Plans
9 as it relates to the provision of adequate public facilities.

10
11 Mayor Clutts noted that the property has not received zoning as yet.

12
13 Mr. Mercer of BESH Engineering stated he was present with Mr. Stokes and Phil
14 Conant. He concurred with the staff recommendation and noted the requirement to
15 meet school concurrency.

16
17 Mayor Clutts added that including the PUD language will provide staff the ability to work
18 with the property owner to develop the site appropriately. Mr. Skutt agreed, noting that
19 PUD approval would have to come back to Council with a conceptual plan.

20
21 Mayor Clutts asked for comment from the audience. The Public Hearing was closed.

22
23 **MOTION**

24
25 **Robert Wolfe moved to approve Ordinance #2008-40, seconded by Bob Grenier.**
26 **The motion carried 4-1 as follows:**

27
28 **Nancy Clutts** **Yes**
29 **Bob Grenier** **Yes**
30 **Lori Pfister** **No**
31 **Norb Thomas** **Yes**
32 **Robert Wolfe** **Yes**

33
34 **Tab 12) Ordinance #2008-43 – Berens Property – US 441 – Large Scale Future**
35 **Land Use Amendment – Adoption Hearing**

36
37 Mr. Skutt advised that this Large Scale Future Land Use Amendment of 12.27 acres
38 (south of US 441, west of the Dead River) was approved by Council in December of
39 2008 for transmission to the Department of Community Affairs for a commercial
40 designation.

1
2 The Department of Community Affairs and analysis revealed that the associated
3 residential density would negatively impact the level of service offered through the local
4 public school system. The property owner has no desire to develop the associated
5 residential allowed by the City of Tavares Commercial Future Land Use designation and
6 as such has agreed to prohibit residential development of the subject parcel as noted in
7 the adoption ordinance. In conversation with the Department of Community Affairs, it
8 has been confirmed that this action would satisfy their concern for the impact of the
9 property and the commercial designation would be allowed.

10
11 Mayor Clutts asked for comment from the applicant or audience. Public input was
12 closed.

13
14 **MOTION**

15
16 **Robert Wolfe moved to approve Ordinance #2008-43 with the prohibition of**
17 **residential development, seconded by Bob Grenier. The motion carried**
18 **unanimously 5-0.**

19
20 **X. RESOLUTIONS – PUBLIC HEARING**

21
22 None.

23
24 **XI. GENERAL GOVERNMENT**

25
26 **Tab 13) Request from Tiki Village to Open a Privately Owned Canal**

27
28 Ms. Barnett reported that the City has received a request signed by two residents and
29 the owners of Tiki Village to open and clean up the east end of the Tiki Village Canal.
30 The request is based on the use of the canal by tour boats which are forced to turn
31 around at the south end of the Tiki Village canal. There is opinion that some portions of
32 the Tarzan movies were filmed in the Dora Canal and therefore if the canal were
33 opened this would create an economic development incentive.

34
35 Previously Council adopted a policy wherein the City will maintain those portions of
36 canals within the city limits of the City where the City owns the real property abutting
37 both sides of the subject canal and to not maintain any portion of the Dora Canal or the
38 Dead River since those water bodies are maintained by other agencies.

1 Ms. Barnett noted that staff is seeking direction from Council before engaging in further
2 research as to costs, permits, etc. She stated that Mr. Holloway is present who is
3 representing the owners of Tiki Village.

4
5 Mr. Holloway, 10534 Holloway Drive, Leesburg, stated that the couple that initiated the
6 request are out of town. He said at one time 40 years ago when his father was
7 developing Tiki Village he had considered making an island to join back towards Dora
8 Canal. He said this couple sees the tour boats turn around and think it would be better if
9 they could pass through. He said the canal has never been completely open.

10
11 Mayor Clutts noted that the city receives requests for canal maintenance on a regular
12 basis which can be costly (especially dredging). She thanked Mr. Holloway for his input.

13
14 Mayor Clutts asked for input from the public.

15
16 Vice Mayor Wolfe said he would support the residents of Tiki Village if they wished to
17 take the initiative on obtaining a permit and paying for the dredging but that he did not
18 think the city had the funds to do this.

19
20 **There was unanimous consensus to take no action on this request, noting that**
21 **Council would support the Tiki Residents taking on this project but that staff was**
22 **not expected to provide further research or take further action at this time.**

23
24 **Tab 14) Board Appointments**

25
26 Mayor Clutts stated that her mother in law was applying for reappointment on the
27 Library Board and she wished to clarify that this would not present a conflict. Attorney
28 Williams suggested that she have Vice Mayor Wolfe do her appointment.

29
30 Mayor Clutts recommended the re-appointment of Margaret Wilkins, Robert Sheppard,
31 and Doris Ragan to the Library Board.

32
33 **MOTION**

34
35 **Bob Grenier moved for the Mayor's appointments, seconded by Norb Thomas.**
36 **The motion carried unanimously 5-0.**

37
38 Mayor Clutts turned the gavel to Vice Mayor Wolfe.

39
40 **Vice Mayor Wolfe re-appointed Linda Clutts to be on the Library Board.**

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MOTION

Bob Grenier moved for Linda Clutts to be on the Library Board, seconded by Norb Thomas. The motion carried unanimously 4-0 with Mayor Clutts abstaining.

Vice Mayor Wolfe passed the gavel back to Mayor Clutts.

Attorney Williams noted that the Library Board is a volunteer position.

Mayor Clutts recommended the re-appointment of Richard Joyce and Richard Roof to the Community Redevelopment Area Advisory Committee.

MOTION

Norb Thomas moved for the Mayor’s recommendation, seconded by Robert Wolfe. The motion carried unanimously 5-0.

Tab 15) Fire Assessment Study

Ms. Houghton stated the consultants from GSG were present and would be addressing Council.

Ms. Houghton stated that during the preparation of the Fiscal Year 2009 General Fund Operating Budget, many obstacles faced the City. Obstacles included new mandates for the Truth in Millage (TRIM) process and increased fuel costs which affected costs for most other goods and services. The State mandates for TRIM provided decreased property values which corresponded to decreased ad valorem collections. Although the 2009 adopted budget for the General Fund provided a constant service level to our residents, a reserve appropriation in excess of \$1 million was required in order to support this initiative. Reserve appropriations are generally not sustainable in subsequent fiscal years to meet operational expenditures, thus the 2009 Budget included appropriations for a Fire Assessment Study for implementation of fire assessment fees in fiscal year 2010.

In addition many residents and entities receive the benefits of fire suppression services but provide no contribution to the cost of maintaining these services. For example governmental entities and not-for-profits are exempt from ad valorem taxes but receive the benefit of fire services. City residents with home values less than \$75,000 pay little or no ad valorem tax, thus they receive the benefit of fire suppression services but

1 experience no associated cost. In order to attain equities among property owners and
2 residents, a fire assessment fee will spread the cost of services amongst those that
3 enjoy its benefit and not just those who pay ad valorem tax.
4

5 The City contracted with Government Services Group (GSG) to prepare a study to
6 determine an appropriate assessment to all beneficiaries of fire suppression services;
7 emergency medical services are not included. The study used the 2009 adopted
8 budget as the base year for determining projected assessable budgets for the delivery
9 of fire services. The study looked at assessment rates based on the current year
10 budget as well as a rates based on projected budgets averaged over the next five
11 years. Rates averaged over five years provide: a stable and constant rate to residents,
12 cost benefits for administrative requirements, and sufficient funding in a changing
13 economic environment. Rates based solely on the current year require annual review
14 with significant additional annual administrative costs similar to the implementation year.
15 Rates could fluctuate significantly each year over the next five years. Staff recommends
16 a five year averaged rate which provides reduced administrative costs, sufficient
17 funding, and stable rates for its residents.
18

19 Ms. Houghton invited Jason Buchholz, Project Manager of GSG, to speak. Mr. Buchholz
20 noted that Camille Tharpe, Vice President of GSG was delayed due to the weather.
21

22 Mr. Buchholz went through a power point presentation and highlighted the details of the
23 results of the study. Topics discussed were: special assessments, case law criteria for
24 special assessments, data components, and the development of the assessment
25 program. The apportionment methodology was discussed and determinations that were
26 made based on the data. He presented issues that would require policy direction and an
27 outline of a schedule that will be aimed for mid July. He noted that the costs associated
28 with EMS were removed from the costs of running the department due to case law. He
29 discussed the proposed cost compared to other cities. He noted that any building over
30 65,000 square feet has been taken out of the equation because it has been determined
31 that the city's resources could not cover that scenario independently. The city's budget
32 was analyzed and projected out for five years in order to correlate which portions of the
33 budget were connected to Fire Services with the EMS portion removed. The assessable
34 budget arrived at was \$2,090,000.
35

36 Mr. Buchholz said that the annual fire calls were analyzed along with the types of
37 properties. Man hours were also considered in order to capture the intensity of each
38 call.
39

1 Mr. Buchholz presented the preliminary rates based only on the 09/10 budget. Under
2 that scenario, residential units would pay \$142 per unit; non-residential properties would
3 pay per square foot. He noted that page 12 provides a detailed rate per fiscal year
4 should Council wish to look at the rate on a per year basis. He discussed the costs that
5 the city will bear for governmental properties. He said he believed the staff
6 recommendation would be for Council to consider a five year average assessable
7 budget. Residential properties would pay \$153 per unit per year on a five year average.
8 He also presented options for different levels of implementation.

9
10 Mr. Drury noted that in making comparisons, some cities pay more or less for
11 homeowners insurance based on their community's ISO rating.

12
13 Mr. Buchholz said the city would need to determine how to fund the properties that the
14 City is unable to assess such as government properties. The \$552,000 in the budget
15 includes the cost that the city will have to fund from another revenue source for
16 government properties. He said a good amount of that figure is attributable to Lake
17 County but it also does include some City of Tavares buildings, School Board, etc. He
18 said the revenue estimate for a five year average budget would be about \$1.6 million.

19
20 Mr. Drury added that currently the citizens subsidize fire service for the hospitals, not-
21 for-profits, and churches. He said at the 50% factor that will be recommended, the not-
22 for-profits will be contributing some money. He said that, as an example, Lake County
23 has a fire assessment and charges a 50% reduction for hospitals and not-for-profits.

24
25 Mr. Buchholz said the next decision will be the funding level and the decision whether to
26 provide an exemption and at what level. He then reviewed the draft schedule and
27 process that will be followed.

28
29 Discussion

30
31 Mayor Clutts noted that the largest part of the General Fund comes from Public Safety
32 and asked for confirmation from Ms. Houghton. She asked what percentage of the
33 General Fund is expended for public safety. Ms. Houghton answered that is around
34 40%. She asked if she was correct in her assumption that if the assessment is not
35 considered as a tool, the city will need to cut large amounts from its city services. Ms.
36 Houghton said that was correct. She said the city had used reserve appropriations to
37 balance the budget last year and traditionally in accounting terms that is not a
38 sustainable methodology for budgeting. She said this is one way the city can ensure
39 that fire services are addressed. Mr. Drury said he wished to add the issue of equity—
40 currently the way the city funds fire is that a very few people that pay taxes pay for fire

1 service for everyone. These few people and businesses are paying for fire services for
2 the hospital, not for profits, churches, and all homes under the value of \$75,000.

3
4 Councilmember Grenier asked for information on land lots that presently do not have a
5 structure. Ms. Houghton said they are not going to be assessed based on the benefit of
6 the property. Mr. Buchholz said the calls to the categories of agricultural properties and
7 vacant properties are fairly minimal and there is an argument that the benefit is to the
8 surrounding structures.

9
10 Mayor Clutts asked for comment from the public.

11
12 Denise Laratta, Royal Harbor

13
14 Ms. Laratta questioned why there was an exemption to government institutions at less
15 than 100% as they would not be paying their fair share.

16
17 Mr. Drury replied that government buildings will be assessed at 100% but will probably
18 not pay because there is no enforcement mechanism. He said however because it is
19 clearly identified, opportunity presents itself over time to work those agencies and as
20 they need support from the city, the city can advise them of the service they are
21 receiving.

22
23 Kenneth Lange

24
25 Mr. Lange said there are many mobile homes that are off the tax roll that pay nothing in
26 property taxes and asked if they will they be paying the \$150 per year.

27
28 Mayor Clutts answered this was correct. Attorney Williams added that if they are rental
29 mobile homes they will be handled a different way such as a rental mobile home park.
30 Clarification was made that if there is a park that rents out the lots the owner of the park
31 will pay the assessment for all of the units. Attorney Williams said there is a procedure
32 for the owner to pass through those costs to the persons that rent from him.

33
34 Denise Laratta

35
36 Ms. Laratta asked why only one year's worth of data was analyzed since the projection
37 is for a five year average. Mr. Buchholz answered that typically year to year the data
38 does not change unless something very unusual happens (such as the dry season a
39 few years back). He said by year 5 it will change but not typically year to year.

1 Mr. Holloway

2
3 Mr. Holloway asked for clarification that the owner will be responsible for paying the
4 assessment for all of the units. Mr. Buchholz said that was correct.

5
6 Mayor Clutts asked for information on trends for providing exemptions. Mr. Buchholz
7 said he did not have data on that.

8
9 The Public Hearing was closed.

10
11 Councilmember Thomas said if a 50% exemption was given to non-profits what is the
12 voluntary compliance rate on paying that assessment. Attorney Williams said the
13 proposal is to collect the assessment based on the Uniform Method of Assessment. The
14 assessment will be put on the tax bill from the Tax Collector. If it is not paid on time, a
15 tax certificate gets issued.

16
17 Councilmember Pfister expressed concern regarding the increased cost to the mobile
18 home owners. Attorney Williams discussed the pass through provision provided by
19 law.

20
21 Ms. Tharpe of GSG stated that the property owners have until next April 1st to pay, so
22 they will have almost a year to get the provision in place.

23
24 Councilmember Pfister asked how much money could be generated if the people who
25 had not been paying their fair share were required to pay. Mr. Buchholz said it is not
26 legally fair and reasonable to assess properties individually.

27
28 Councilmember Grenier stated that with construction standards different on mobile
29 homes were those figured into the 47.5 residential historical data? Mr. Buchholz said
30 that when a citizen calls the fire department, they respond whether the call is from a
31 mobile home or a house. It is not based on type of construction.

32
33 With reference to Ms. Pfister's question, Mr. Drury referred to the information provided
34 in the packet but said he did not think staff had the information as to the number of
35 homes under \$75,000 who do not pay property taxes.

36
37 Mayor Clutts discussed the questions that were being asked of Council in terms of
38 policy direction.

1 Mr. Drury said that staff recommendation is to set a rate at a five year average to set a
2 level of funding for not for profits. Mr. Buchholz pointed that at this point staff is looking
3 more for direction to proceed to Phase II—there will be other opportunities to set
4 funding levels and exemptions.

5
6 Attorney Williams stated that Phase 2 is the adoption of the enabling ordinance and the
7 ultimate statutory assessment, sending out of notices with public hearing, etc.

8
9 **MOTION**

10
11 **Bob Grenier moved to accept the fire assessment report and proceed to Phase II,**
12 **seconded by Robert Wolfe. The motion carried unanimously 5-0.**

13
14 **Tab 16) Management Summary for the Children’s Splash Park**

15
16 Ms. Rogers stated that staff was recommending operational guidelines for the Splash
17 Park. She said staff paid a site visit to Lake Mary who has had a splash park for more
18 than one year. In addition staff has consulted with other cities. She said the plan will be
19 revised as needed. She said staff recommends beginning hours of operation Monday
20 through Sunday from 10:00 to 6:00 p.m. This will require one staff member to be hired
21 during operation hours. The operating season will be from April 1 through September
22 30th. Four staff members will be hired who will perform the testing and supervision of the
23 participants, do maintenance, etc. The entrance fee being recommended is \$2.00 per
24 person with an annual pass available to residents of \$15.00 per year. It was
25 recommended by Lake Mary that if a fee is charged it should be charged from inception.
26 The goal is to enable the city to pay for the operation and maintenance of the facility
27 through this user fee.

28
29 Councilmember Pfister asked if staff found any cities with splash parks who did not
30 charge their residents. Ms. Rogers answered that Lake Mary had not initially but found
31 that the costs to operate it became apparent. They then instituted the fee mid season
32 and found that was a problem. She said Sanford has built a splash pad and is planning
33 to charge.

34
35 Mr. Drury said that by having a fee the cost is offset and will not require taxpayers to
36 pay for it who do not use the service.

37
38 Councilmember Pfister asked about the maximum capacity and would there be a time
39 limit.

1 Ms. Rogers said staff have discussed this and are considering a procedure possibly
2 through a color coded wrist band.

3
4 Discussion followed on job descriptions for the staff and any certifications required.

5
6 Mayor Clutts asked for public input.

7
8 Denise Laratta

9
10 Ms. Laratta asked if the 40 member capacity included adults. Ms. Rogers answered that
11 it meant 40 people.

12
13 Ms. Laratta said the splash park in Atlanta and does not charge and she questioned the
14 decision to charge, especially for people inside the city.

15
16 Betty Burleigh

17
18 Ms. Burleigh asked what age would be required to have an adult. Ms. Rogers said it
19 would be children under 12.

20
21 Councilmember Pfister said although it was a surprise to her that the city was going to
22 be charging, she would have to respect the feedback from other cities who have said
23 that it is a mistake not to charge.

24
25 Councilmember Thomas said he was on the fence with charging.

26
27 Mr. Drury noted that the city is envisioning buses from other communities using the
28 splash park for long periods of time. He said this will be a mechanism to control use as
29 these parks tend to be very popular.

30
31 **MOTION**

32
33 **Lori Pfister moved to approve Option #1 [approve the plan as submitted],**
34 **seconded by Norb Thomas. The motion carried unanimously 5-0.**

35
36 Mayor Clutts thanked staff for their research on this program.

37
38 **Tab 17) Request to Approve Authorization to Design and Permit Phases I through**
39 **4 of the Reclaimed Water System Improvements**

40

1 Mr. Hayes reported that this request is to consider the approval of a work authorization
2 in the amount of \$1,027,466 with Malcolm Pirnie to design and permit the Wastewater
3 Reclaimed Upgrades and Distribution System.

4
5 Mr. Hayes gave the following report:

6
7 As Florida's population continues to increase, the need to find alternative
8 sources of water to supplement traditional groundwater supplies becomes more
9 critical. One of the more readily available and cost effective alternative sources
10 is reclaimed water.

11
12 Reclaimed water is recycled wastewater that has been treated, filtered and
13 disinfected. It is most often used for irrigation of areas accessible to the public
14 such as residential lawns, golf courses, cemeteries, parks, commercial
15 landscape areas and highway medians. In addition, reclaimed water may be
16 made available for fire protection, decorative ponds/fountains, irrigation of
17 edible crops, dust control at construction sites, or various other reclaimed
18 applicable activities approved and regulated by local and state agencies.

19
20 The City of Tavares has taken steps toward the implementation of a reclaimed
21 water distribution system that will provide public access reuse-quality reclaimed
22 water to customers and convey effluent away from the WRWRF and rapid
23 infiltration basins currently used to dispose of the wastewater effluent. The shift
24 from potable water to reclaimed water for irrigation will reduce future demands
25 on, and help to protect the quality of the City's potable water source, the Upper
26 Floridian aquifer.

27
28 The City of Tavares has constructed a reclaimed water pump station at its
29 Woodlea Road Wastewater Treatment Facility (WWTF) site in anticipation of
30 distributing reclaimed water to its utility customers in the future. The City is
31 moving forward with the implementation of its Reclaimed Water Facilities Plan
32 that specifies the scope, estimated cost, and phasing schedule for
33 implementing the reclaimed water distribution system and associated WWTF
34 improvements. Under this work authorization, the design and permitting of
35 Phase 1 through 4 of the reclaimed water system will be developed. This work
36 authorization also provides for continued efforts to secure State funding to help
37 pay for the implementation of the reclaimed water system overall.

38
39 The Florida Department of Environmental Protection (FDEP) State Revolving
40 Fund (SRF) program has authorized the City of Tavares to withdraw

1 \$1,027,000.00 for the design and engineering of the reclamation facilities and
2 infrastructure.

3
4 Mr. Drury said that the city is designing a 17 million dollar reclaim facility for the city.
5 It will be used to bring back additional water capacity for the city. He said Malcolm
6 Pirnie will not only design the facility but they will also look for grants and funding.

7
8 Ms. Ray stated that the preconstruction activity came in at \$1,027,000 which has
9 been offset with two grants that total at \$500,000.

10
11 Mayor Clutts asked for public comment. The Public Hearing was closed.

12
13 Mayor Clutts thanked the consultants and staff for their work.

14
15 **MOTION**

16
17 **Bob Grenier moved to approve the work authorization with Malcolm Pirnie,**
18 **seconded by Robert Wolfe. The motion carried unanimously 5-0.**

19
20 **XII. OLD BUSINESS**

21
22 **Tab 18) Aesop's Park – Privately Owned Land**

23
24 Ms. Rogers said that Council had authorized staff to obtain an appraisal on land that is
25 adjacent to Aesop's Park. She said the property would provide connectivity between
26 Stover Ballfield and Aesop's Park. In addition it contains the tree that the park is named
27 for (the "Reading Tree"). She said two quotes were obtained and the appraised value
28 for 7.67 acres came in at \$594,000. She said there are some possible funding sources if
29 council chooses to pursue this such as CRA funds, ad valorem taxes, and a bond issue.
30 Staff did attempt to secure a grant through the Florida Communities Trust however it
31 was found that the funding was cut from the budget.

32
33 Councilmember Pfister asked if staff has talked with the owner of the property. Mr.
34 Drury said staff has discussed it with the owner and it is felt he is interested in fair
35 market appraisal. Councilmember Pfister asked about the other two parcels. Ms.
36 Rogers said those two parcels were not reviewed because they do not provide
37 connectivity.

1 Councilmember Pfister discussed the property noting that is a beautiful piece of
2 property and that someone in the future will want to develop it. She said it would be an
3 asset to the community.
4

5 Mayor Clutts said she agreed that it would be an asset but the issue is the timing and if
6 this is the year to do this.
7

8 Mr. Drury said one option is to place it in the upcoming budget and see if it survives the
9 budgeting process.
10

11 Mayor Clutts asked if anyone in the audience had comments.
12

13 Denise Laratta
14

15 Ms. Laratta said she agreed that the city needs more green space however to spend
16 this much money in the current economy will be difficult. She said if this is purchased
17 and used for certain activities, it will be maintained by the city and the tax payers will be
18 able to use it without charge which is inconsistent with the decision that was made
19 regarding charging for the splash park.
20

21 Councilmember Pfister said she would like to know more about possible funding
22 sources at the current time.
23

24 **MOTION**
25

26 **Lori Pfister moved to direct staff to come back at the next meeting with current**
27 **financing options if council decided to direct the city attorney to draw up an offer**
28 **at this time for the property, seconded by Robert Wolfe.**
29

30 Mayor Clutts said the budget option would be discussed at the next meeting but without
31 the overall report on the budget she would not be comfortable making a decision.
32

33 Councilmember Grenier expressed support for acquisition of the property if the city was
34 able to afford it.
35

36 **The motion carried unanimously 5-0.**
37

38 **Tab 19) Coffee Table Book**
39

1 Mr. Drury stated that at the last Council meeting, it was determined that Councilmember
2 Grenier would do a draft for the coffee table book which has been provided. He said if
3 Council wishes this to move forward it will be submitted to the publisher who will do the
4 normal editing and which will be coordinated with Councilmember Grenier.

5
6 The councilmembers thanked Councilmember Grenier for his work.

7
8 Mayor Clutts stated that she believed Option 1 should be amended to state that Council
9 may choose to approve the attached text with the understanding that appropriate edits
10 will be made through the process moving forward to the publisher. Councilmember
11 Grenier asked that it include his input for final approval.

12
13 Councilmember Thomas asked if Council had officially named the splash park “Gator
14 Lake.” He noted that he thought there may be an existing lake called “Gator Lake.”
15 Mayor Clutts suggested amending it to be “the children’s Splash Park.” It was noted that
16 “Gator Lake” was on the conceptual drawing but was not intended to be an official
17 name. Councilmember Grenier noted it would be changed to “Tavares Children’s
18 Splash Park.”

19
20 Mayor Clutts asked for staff to check on the date she was elected as the text referred to
21 2006. Ms. Barnett noted it was 2003.

22
23 Councilmember Grenier stated he wished to clarify that Major St. Clair Abrams’
24 ancestor was a nobleman of Spain who commanded Spanish forces versus the popular
25 notion that he was Portuguese. He added that St. Clair Abrams had named Tavares
26 after his ancestor’s village in Spain and that it did not mean “hub.”

27
28 **MOTION**

29
30 **Lori Pfister moved for Option #1 with the aforementioned changes to allow for**
31 **appropriate edits and to be referred back to Councilmember Grenier for review,**
32 **seconded by Norb Thomas. The motion carried unanimously 5-0.**

33
34 **XIII. NEW BUSINESS**

35
36 None

37
38 **XIV. AUDIENCE TO BE HEARD**

39
40 Mayor Clutts invited the audience to speak.

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Don Campbell, Scoutmaster Troop 43

Mr. Campbell stated that on June 13th for the third year in a row there will be a flag retirement ceremony in Wooton Park. He distributed invitations to Council.

XV. REPORTS

City Administrator

No report.

Bill Neron

Mr. Neron stated that he and Ms. Smith had recently attended the Florida Economic Development Conference in Orlando. Based on the application staff submitted, Tavares has been awarded a Media FEDC Marketing Award for the DVD that was prepared on the downtown events.

Brad Hayes

Mr. Hayes stated that on May 13, FDEP selected Tavares in the state on their priority list to provide the city with a 2.5 million dollar grant to complete the upgrades of the Water Treatment Plant. He thanked Council for its support and the Malcolm Pirnie staff for their assistance.

Lori Houghton

Ms. Houghton noted she was with Mr. Hayes when he received confirmation of the grant and that this is the largest grant Tavares has received. She said staff has begun the budget process. The proposed workshop schedule will be provided at the next council meeting.

Richard Keith

Chief Keith stated that he wished to introduce two Boy Scouts from Troop 154 who were working on their Citizen in the Community merit badge. He noted there was third Scout [Thomas Paiano] who had to leave earlier. The scouts stated their names for the record: James Commerford and Nicholas Fazekas.

1 **Attorney Williams**

2
3 No report.

4
5 **Councilmember Pfister**

6
7 No report.

8
9 **Councilmember Thomas**

10
11 No report.

12
13 **Councilmember Grenier**

14
15 No report.

16
17 **Vice Mayor Wolfe**

18
19 Vice Mayor Wolfe commented that there are still discussions with the School Board
20 regarding the bus barn property and information will be provided at the next meeting.

21
22 **Mayor Clutts**

23
24 Mayor Clutts thanked Ms. Rogers, Mr. Aldrich, Ms. Madden, and Mr. Simple for the
25 closing reception ceremony held recently for the Babe Ruth program. She said she
26 thought it was the first time the awards were consolidated in one venue and there were
27 over 800 people in attendance.

28
29 **Adjournment**

30
31 There was no further business and the meeting was adjourned at 7:02 p.m.

32
33 Respectfully submitted,

34
35
36
37
38 _____
39 Nancy A. Barnett, C.M.C.
City Clerk