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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 3, 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
Susie Novack, Deputy City Clerk
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 Carlos Colon, Tavares Fire Department, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury asked that a new agenda item be added under New Business; Police Justice Grant for Mobile Software.

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MOTION

Robert Wolfe moved to approve the agenda with the aforementioned addition, seconded by Norb Thomas. The motion carried unanimously, 5-0.

IV. APPROVAL OF MINUTES

Lori Pfister moved to approved the May 20, 2009 City Council Regular Meeting minutes as submitted, seconded by Robert Wolfe. The motion carried unanimously, 5-0.

V. PROCLAMATIONS/PRESENTATIONS

None.

VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE CONTACTS

Attorney Williams swore in the members of the audience who wished to give testimony on Tab 7, 8 and 9 (Comprehensive Plan Transmittal Hearings) and noted there is a form for those to sign who wish to receive information from the Department of Community Affairs (DCA) on these items. He asked the Council to disclose any exparte contacts they might have had on those matters.

Vice Mayor Wolfe stated that he had spoken with Aaron Mercer, BESH, regarding Ordinance 2009-14.

Mayor Clutts noted that the transmittal ordinances fall under special conditions as they are to be heard and discussed by Council at first reading for transmittal to DCA.

Fire Assessment Information Line

Mr. Drury stated that the city will be posting ‘frequently asked questions’ and general information about the fire assessment on the city website. He said a dedicated phone number will be established for citizens to call with any follow-up questions after the initial information is distributed to the citizens. Any questions before the dedicated phone line is established can be directed to (352) 742-6209. He said a full presentation and discussion on the fire assessment will be held during the Council meeting on June 17, 2009.

1
2 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**
3

4 Ms. Novack read the following ordinances into the record by title only:
5

6 **ORDINANCE 2009-16**
7

8 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING**
9 **THE LAND DEVELOPMENT REGULATIONS; BY AMENDING THE**
10 **TITLE OF CHAPTER 9, AMENDING THE TITLE OF DIVISION II AND**
11 **REPLACING DIVISION II RELATED TO ARCHITECTURAL AND SITE**
12 **DESIGN STANDARDS; SUBJECT TO THE RULES, REGULATIONS**
13 **AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES**
14 **COUNCIL; PROVIDING AN EFFECTIVE DATE.**
15

16 **ORDINANCE 2009-19**
17

18 **AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION OF A FIRE**
19 **ASSESSMENT; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE**
20 **ASSESSMENT; PROVIDING FOR THE COLLECTION METHOD;**
21 **PROVIDING FOR INTERIM FIRE ASSESSMENT; PROVIDING FOR**
22 **LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING**
23 **FOR APPLICABILITY; PROVIDING FOR INITIAL PROCEEDINGS;**
24 **DIRECTING IMPOSITION OF INITIAL ASSESSMENT ROLL;**
25 **PROVIDING NOTICE BY PUBLICATION AND MAIL; PROVIDING FOR**
26 **ADOPTION OF FINAL ASSESSMENT RESOLUTIONS; PROVIDING**
27 **EFFECT OF FINAL ASSESSMENT RESOLUTION; PROVIDING**
28 **ANNUAL ADOPTION PROCEDURES; PROVIDING FOR**
29 **PROCEDURAL IRREGULARITIES; PROVIDING FOR CORRECTION**
30 **OF ERRORS AND OMISSIONS; AUTHORIZING EXEMPTIONS AND**
31 **HARDSHIP ASSISTANCE; PROVIDING AN ALTERNATIVE METHOD;**
32 **PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**
33

34 **ORDINANCE 2009-20**
35

36 **AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY OF TAVARES**
37 **CODE OF ORDINANCES PERTAINING TO POLICE, FIRE/RESCUE,**
38 **PARKS, AND RECREATION CAPITAL CHARGES; PROVIDING FOR**
39 **THE DEFERRAL OF CERTAIN CAPITAL CHARGES; PROVIDING FOR**
40 **THE DEFERRAL OF CERTAIN CAPITAL CHARGES FOR ECONOMIC**

1
2 **Tab 7) Ordinance 2009-13 – Future Land Use Map Amendment – Commercial –**
3 **Fisherman’s Cove & RV Resort – 3950 N. Eichelberger Road – 60 Acres –**
4 **Transmittal Hearing**
5

6 Mr. Skutt stated Ordinance 2009-13 proposes a large scale amendment to the Future
7 Land Use Map of the Comprehensive Plan and an associated Comprehensive Plan text
8 amendment changing the Lake County Urban Expansion designation to City of Tavares
9 Commercial, prohibiting permanent residential development and restricting the Floor
10 Area Ratio to 0.25. The property owners’ goal is to enhance the resort use already
11 existing on the property.
12

13 The subject parcel, referred to as Fisherman’s Cove, is located on the west side of
14 State Road 19 off of North Eichelberger Road and is approximately 47 acres in size.
15

16 The property was annexed into the City in December 2008 and currently consists of
17 campsites, a nine whole golf course, a clubhouse, pool and several boat slips. In order
18 to direct development of the property in accordance with the City of Tavares Land
19 Development Regulations and Comprehensive Plan, the city must place a future land
20 use designation on the annexed property. This designation will enable the property
21 owners to upgrade the existing resort use which the applicant has communicated will be
22 developed as an upscale recreational vehicle resort. The proposed tourist resort will
23 utilize the existing campsites and boat slips as an attraction for the planned resort. A
24 small convention center is also planned as a component of the resort facility.
25

26 The property is located on State Road 19, the City’s main north-south commercial corridor.
27 Land abutting the subject parcel to the south is held by the same owner and is designated
28 as Commercial. Land to the southeast is within the County’s jurisdiction and designated
29 Urban Expansion. North Eichelberger Road runs along the east property line. Parcels to
30 the east are within the City of Tavares and are designated Commercial, Public Facility
31 (Church) and Mobile Home. Another of the parcels to the east, also within the County’s
32 jurisdiction, is designated Suburban and consists of a single family home. The parcel to
33 the north is in the County’s jurisdiction and is designated Urban Expansion. Lake Harris is
34 located to the west of the subject parcel. Of the total site acreage, 37 acres are
35 considered uplands, approximately 8 acres are wetlands and the remaining acreage is
36 submerged.
37

38 Mr. Skutt noted that Governor Crist has signed an amendment to the state’s growth
39 management legislation which now identifies Tavares as a dense urban area and
40 designates the city as a transportation concurrency exception area. The applicant has

1 prepared a traffic analysis comparing impacts of the existing Urban Expansion land use
2 and the proposed Commercial land use. Based on allowable floor area ratios, there is a
3 net decrease in potential traffic impacts on State Road 19.
4

5 The applicant currently has an existing on-site sewer treatment system and desires to
6 continue to use their private system however, should the applicant wish to have access
7 to City wastewater at a future date, analysis reflects that capacity is available to serve
8 the property. There is sufficient solid waste capacity and stormwater. The amendment
9 does not include a residential component and there will be no impacts on public school
10 facilities.
11

12 At its May 21st meeting, the Planning & Zoning Board voted unanimously to recommend
13 to City Council approval of Ordinance 2009-13, and Staff recommends that City Council
14 moves to approve Ordinance 2009-13 as presented for transmittal to the Department of
15 Community Affairs (DCA).
16

17 Mayor Clutts asked for comments from Council. Mayor Clutts invited the
18 applicant/representative of the project to make comments.
19

20 Gary Cooney, P.A., Richey and Cooney, Leesburg, stated that he and Mr. Gordon
21 Comer are available for questions.
22

23 Mayor Clutts asked for comments from the audience.
24

25 **MOTION**
26

27 **Robert Wolfe moved to approve Ordinance 2009-13 for transmittal to the**
28 **Department of Community Affairs, seconded by Robert Grenier. The motion**
29 **carried unanimously, 5-0.**
30

31 **Tab 8) Ordinance 2009-14 – Future Land Use Map Amendment – Commercial –**
32 **Hammock Citrus Corporation – 3950 Eichelberger Road – 25.9 Acres –**
33 **Transmittal Hearing**
34

35 Ordinance 2009-14 proposes a large scale amendment to the Future Land Use Map of
36 the Comprehensive Plan from Lake County Urban Expansion to City of Tavares
37 Commercial. The included text amendment states that there will be no residential
38 development on this property. The property is owned by Hammock Citrus Corporation
39 and is on the east side of State Road 19. The parcel is approximately 25 acres in size.
40 The property was annexed into the City of Tavares in 2005 and a Highway Commercial

1 zoning was applied. On Nov. 5, 2005, City Council approved the comprehensive plan
2 amendment for transmittal to DCA. DCA issued an ORC report that summarily objected
3 to lack of data and analysis supporting traffic, sanitary sewer and school capacity. The
4 applicant was unable to satisfactorily resolve the issue of traffic capacity on State Road
5 19. The proposed land use amendment was abandoned and the property has remained
6 vacant and unused. DCA has since approved several commercial land use
7 amendments on State Road 19. With the removal of potential residential impacts, with
8 the increased emphasis that the City is placing on multi-modal transportation and the
9 fact that this property is surrounded by existing Commercial land uses and can therefore
10 be considered as in-fill development, the owner has requested to again pursue this land
11 use amendment. It is the City's belief that, under recent amendments to the State's
12 growth management regulations, Tavares qualifies as a dense urban land area. Staff
13 has conducted a data analysis and feels it is a compatible land use. The property is
14 located on State Road 19, the City's main north-south commercial corridor. Properties
15 within the City to the south and west, that also abut State Road 19, are designated as
16 commercial land uses. City properties to the south and east that do not abut State Road
17 19 are a mixture of industrial and public facility land uses. Property abutting to the north is
18 presently within the County. Wastewater storm water, solid waste and potable water
19 analyses have been conducted indicating sufficient capacity and there will be no impact to
20 the public school facilities.

21
22 At its May 21st meeting, the Planning & Zoning Board voted unanimously to recommend
23 to City Council approval of Ordinance 2009-14 and Staff recommends that Council
24 moves to approve Ordinance 2009-14 for transmittal to DCA.

25
26 Mr. Aaron Mercer, BESH, representing Hammond Citrus Corporation, said he concurs
27 with the Staff recommendation and is available for questions.

28
29 Mayor Clutts asked for comments from the audience.

30
31 Mayor Clutts asked for comments from the Council.

32
33 **MOTION**

34
35 **Norb Thomas moved to approve Ordinance 2009-14 for transmittal to the**
36 **Department of Community Affairs, seconded by Robert Grenier. The motion**
37 **carried unanimously, 5-0.**
38

1 **Tab 9 Ordinance 2009-15 – Text Amendment to Comprehensive Plan – Large**
2 **Scale Future Land Amendment – Deletion of Residential Component to**
3 **Commercial Designation – Transmittal Hearing**
4

5 Mr. Skutt said this is a Large Scale Text Amendment which removes the residential
6 density of ten dwelling units per acre within the Commercial land use designation. The
7 city's Comprehensive Plan defines a wide range of Future Land Uses within the Future
8 Land Use Element. The Commercial designation, concentrated along the city's major
9 arterials is intended to accommodate intense retail and commercial uses such as
10 department and grocery stores. Associated with this designation, is a residential density
11 of 10 dwelling units per acre. When Future Land Use Amendments to our
12 Comprehensive Plan are analyzed for concurrency, the review must be done using "the
13 worst case scenario" even if this worst case is not being remotely contemplated. As a
14 hypothetical example, if a grocery store company desired to annex a 20 acre property
15 on State Road 19 and they were seeking a Commercial designation, the State would
16 require that it be reviewed not only for the traffic the commercial use would generate,
17 but also the water, sewer and school needs for 200 residential units. In this example,
18 the proposal could be rejected by the State on the basis of school capacity even though
19 no residential units are planned. To address this problem, the proposed amendment
20 removes the residential density associated with our Commercial designation
21

22 The City encourages compatible residential and commercial uses through Mixed Use
23 Residential (12 DU/acre), Mixed Use Commercial (25 DU/acre) and Commercial
24 Downtown (12-25 DU/acre) designations. These are located generally within our urban
25 core. The Commercial designation, situated mainly along 441 and SR 19, is well
26 established except for several vacant infill properties. Staff considers that the
27 introduction of residential uses associated with existing or future commercial
28 development along these arterials would create incompatibility and is not in keeping
29 with our Master Plan that encourages increased and concentrated residential
30 development in our downtown. In fact, allocating resources that require concurrency
31 review for residential development that will never happen will impede our ability to
32 obtain State approvals to increase residential density in our downtown.
33

34 At its May 21st meeting, the Planning & Zoning Board voted unanimously to recommend
35 to City Council approval of Ordinance 2009-15 and Staff recommends that City Council
36 moves to approve Ordinance 2009-15 for transmittal to DCA.
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38 Mayor Clutts asked for comments from the audience.
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40 Mayor Clutts asked for comments from Council.

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MOTION

Robert Grenier moved for approval of Ordinance 2009-15 for transmittal to the Department of Community Affairs, seconded by Norb Thomas. The motion carried unanimously, 5-0.

X. RESOLUTIONS – PUBLIC HEARING

None.

XI. GENERAL GOVERNMENT

Tab 10) Police Department Building and Report on Due Diligence

Mr. Drury stated Council created a Public Safety Horizon Project Team to look at the antiquated facilities at Public Works, Fire Department Station #1, Police Station and a records storage area for the City Clerk. He said for the past year the team has looked at all available options to accommodate the needs of these departments which included the following highlights;

- The Public Safety Horizon Project Team developed a year long report for Council calling for the Public Safety Facility to be located on city property at Caroline Street (A combined Police and Fire Station).
- A “foreclosed” building became available on SR19 which each Council member toured as a possible Police Station location. The Horizon Project Team did not object to the splitting-up of the Police and Fire. Council authorized Staff to pursue the foreclosed building. A Purchase and Sales agreement was entered into in the amount of One Million Dollars (\$1,000,000.00) million subject to appraisal, title work and a sixty (60) day due-diligence inspection period.
- An appraisal was conducted by a certified MAI. The appraisal came in at One Million Forty Thousand Dollars (\$1,040,000.00)
- The School board Property Horizon Project team has made headway with the School Board to purchase their property (The Fleet Maintenance and Facilities Maintenance property off Alfred Street near 19). The County is interested in constructing an EOC on the property. The city had considered constructing a Fire Department building and Police Station on the site. The Public Safety Horizon project team found the site acceptable to meet the needs but for the time it would take to negotiate the acquisition (two years?) At this point the School Board has authorized the City and County to appraise the property and conduct an

1 environmental assessment. If the city desires to split the estimated cost of \$8,000
2 to appraise and conduct an environmental, then a plan might be able to be put in
3 place that addresses the Schools, County and city's desires. One June 2, 2009
4 the County voted to partner with the City to split the cost of the estimated
5 appraisal.

- 6 • Council voted to have the Public Safety Building Horizon Project team look at a
7 church on Alfred Street as a possible location for the Police Station. The reports
8 concluded that the terms and conditions were not favorable and the church
9 elders have since decided they are not interested in the sale.
- 10 • The City Attorney discovered a title problem as it relates to ingress/egress
11 among other issues on the building off SR19. The owner of the prospective
12 Police Station property has requested a 120 day extension of the contract with
13 the city. If the City accepts the contract extension then the seller would work on
14 curing the title problems and the city would continue its due diligence for another
15 120 days.
- 16 • A small sliver of property lying between the proposed site and CR19 was
17 appraised at Twenty-Three Thousand Seven Hundred Dollars (\$23,700.00) The
18 owner is willing to sell it at the appraised price. This would provide for improved
19 access.
- 20 • An ingress/egress report has been provided by a traffic engineers report on
21 access to the property off CR19. The report indicates that improvements to
22 access this proposed site would be required along with improvements to State
23 Road 19.

24
25 Mr. Drury provided the following options before Council for consideration; 1) Terminate
26 purchase and sales agreement for the building off SR19 and pursue the School Board
27 Property. 2) Build a joint facility on Caroline as originally proposed. 3) Accept the 120
28 day requested contract extension and review this again in 120 days.

29
30 Councilmember Thomas inquired if the issues on the property located on SR 19 can be
31 resolved within 120 days. Attorney Williams said there is currently no legal access to
32 the property and it would depend on two neighboring property owners and their
33 willingness to grant easements. Mr. Thomas said he is not interested in purchasing a
34 sliver of property with the possibility of finding out at a later date that a purchase could
35 not be made of the entire area.

36
37 Vice Mayor Wolfe noted the poor access to SR19 and the need to purchase
38 property/easements/turnarounds which will increase the cost. He said this would be a
39 premier location for a fire and police station as well as enhance the gateway coming into

1 the city which falls in line with the city's vision. He noted the precedent of the school
2 board, county and city's willingness to work together on this project.

3
4 Councilmember Thomas inquired about a possible time limit for negotiations of the
5 school board property. Mayor Clutts said the county EOC has been granted 3.5 million
6 in funding for this project. Mayor Clutts asked if there is any exclusion to creating a joint
7 use facility with the potential stimulus funding. Mr. Drury stated no. Mayor Clutts said
8 she is not in favor of purchasing the SR19 property.

9
10 Chief Lubins said all the school board property offers the most visible and adaptable site
11 for the Police Department and concurred with Councilmember Thomas and Mayor
12 Clutts' comments.

13
14 Councilmember Pfister inquired if the Alfred Street project would open up the Caroline
15 Street property to make it more adaptable and visible for the Police and Fire Station.
16 Mr. Drury said the Alfred Street project would not incorporate or affect the Caroline
17 Street property and noted that there are railroad access issues as well as the location
18 being situated in the middle of a residential area.

19
20 Mr. Drury noted that it would cost the city \$4000.00 to pursue the school board property.
21 He said that the initial six months of the project would include obtaining appraisals,
22 environmental assessments and negotiations. He noted 7.1 million dollars is an
23 earmark that Congressman Grayson is moving forward through Washington and the city
24 should know by the end of that six month period (October) if the earmark makes it
25 through the Senate, House and the President.

26
27 Attorney Williams said the due diligence and closing date expires on the SR19 on June
28 15, 2009. He said they will not meet that deadline and would not recommend closing.
29 An extension would not cost any more monies but would continue to tie the property up
30 for an additional 120 days. He said that if Council chooses a 120 day extension then
31 the city would need to take steps to close on the property. The estimated cost to
32 complete the sale is \$10,000 and would include an environmental assessment and
33 appraisal. Mr. Drury noted the cost of keeping the property off the market and as a
34 viable tax contributing business opportunity.

35
36 Mr. Drury noted that since the contracts have been set the site information is now
37 available to the public.

38
39 Mayor Clutts asked for comments from the audience.

40

1 **MOTION**

2
3 **Lori Pfister moved to approve Option 1 (Terminate purchase and sales agreement**
4 **for the building off SR19 and pursue the School Board property), seconded by**
5 **Robert Wolfe. The motion carried unanimously, 5-0.**

6
7 **Tab 11) Sunset View Annexation – Results of Survey**

8
9 Mr. Skutt stated that on March 18, 2009, City Council received a written petition
10 requesting annexation that had been signed by the majority of property owners within
11 Sunset View Subdivision. In response to this petition, Council made the following
12 motion:

13
14 *"that Staff be instructed to conduct a survey of all property owners north of Highway 441*
15 *between Palm Gardens and Tavares Recreation Park to obtain a general idea of how*
16 *many residents in this area would be supportive of annexation and, if a majority are*
17 *receptive, that an annexation ordinance be prepared for consideration for this area with*
18 *adoption subject to a referendum of the property owners as required by Chapter 171 of*
19 *State Statutes."*

20
21 Staff contacted all property owners in this area and on April 20, 2009, an informal public
22 information meeting was held at City Hall. The meeting was well attended by residents
23 and city staff was available to answer all questions. A written question and answer
24 handout that included estimated costs to be expected for constructing necessary
25 infrastructure was provided.

26
27 On April 27, 2009 a survey was mailed to all of the owners of record of property in this
28 area. The survey asked the owners to indicate their desire with respect to annexation
29 and being assessed for city sewer and water upgrades. There are 60 parcels of
30 property located in this area. Surveys were mailed to the owners of all of these parcels.
31 The results are indicated on the attached map and summarized as follows:

- 32
33
 - For annexation-16
 - 34 • Against annexation-29
 - 35 • No response-15

36
37 The survey indicates that an annexation referendum for the area of land north of
38 Highway 441 between Palm Gardens and Tavares Recreation Park would be
39 unsuccessful since the majority is against annexation. The residents and owners of
40 Three Lakes Mobile Home Park were unanimously against annexation. Of the 23

1 properties/dwellings in the Sunset View Subdivision, 13 were for annexation, 8 were
2 against and 2 did not respond. Several property owners in Sunset View have told staff
3 that they have adequate private wells and septic systems and they therefore do not
4 wish to incur the costs associated with bringing city infrastructure to their property. The
5 majority of owners living on Lakeside Lane within Sunset View Subdivision are for
6 annexation although, even on this street, it is not unanimous. The estimated cost of
7 providing city water and sewer to the residents of Sunset View is \$15,988 per dwelling
8 plus impact fees. This figure assumed the annexation of the whole subdivision including
9 the Nichols and Hooten property immediately east of Sunset View. If a partial
10 annexation of the subdivision were to be considered, the costs would raise
11 proportionately.

12
13 Staff recommends that Council take no further action in the annexation of this property
14 at this time. This recommendation is based on the significant cost of providing on-going
15 city services to a very limited number of single family residential dwellings. Annexations
16 should not be piece-meal and infrastructure should be designed to accommodate future
17 growth and land uses with preference given to the annexation of lands with a potential
18 for commercial development.

19
20 Mayor Clutts said she received a request to speak card from Mr. Robert Wright and
21 invited him to the podium. Mr. Wright, whose father (Bob Wright) resides at 12122
22 Canal Street said that if the Council wishes to annex the property that they also include
23 all the surrounding property as he does not want to subsidize the property
24 improvements for neighboring subdivisions. He noted his objections to the private
25 petition that was passed around the subdivision and said that he became aware of the
26 issue only when the city sent notification. Mr. Skutt said the original notification petition
27 that was circulated throughout the subdivision was done by the residents who then
28 brought their petition to the City Council. The city then notified everyone to ensure that
29 all interested parties were aware. Mr. Drury noted Council had instructed Staff to
30 properly notify all of the residents.

31
32 Mayor Clutts asked for comments from the audience.

33
34 Mr. Cheryl Hilty, 12127 Lakeside Lane, said that Sunset View, Lakeside Lane and
35 Canal Street properties do not have wells and noted that she would prefer to have city
36 water/sewer. She said the Three Lakes Park/TLP Water Company is trying to get the
37 surrounding property owners to subsidize their property and facility improvements for a
38 new water distribution system. She noted the Three Lakes Park/TLP deteriorated
39 conditions and permitting and FDEP issues. She asked Council to place their vote on
40 hold for the residents to gather additional information. Mr. Drury clarified that Council is

1 not voting on water and sewer in the area, but are voting on whether to hold a special
2 election to let the residents vote on annexation. He said the city's survey has indicated
3 that there are not enough votes to pass annexation for the entire area and to keep the
4 costs to \$15,000 per household.

5
6 Mayor Clutts reserved comments to Council

7
8 **MOTION**

9
10 **Lori Pfister moved to approve Option 3 (That Council takes no further action in**
11 **the annexation of this property at this time), seconded by Robert Grenier.**

12
13 Attorney Williams noted that there is nothing to prevent any land owner from coming to
14 Council at any time and that the action taken does not bar residents from reorganizing
15 and then submitting a new petition or request if it meets the legal requirements for
16 annexation.

17
18 **The motion carried unanimously, 5-0.**

19
20 **Tab 12) Acceptance of Squirrel Point Bill of Sale for Water Infrastructure System**

21
22 Attorney Williams provided background information regarding the Squirrel Point water
23 distribution system that is being transferred to the city. He said the city agreed to
24 provide water service pursuant to a developers' agreement. The Squirrel Point
25 Homeowners Association paid, by assessment, for the water infrastructure and is
26 transferring the system to the city on June 15, 2009. The city will then provide water
27 service at out of city rates. Squirrel Point is also conveying capacity from their private
28 water system under their consumptive use permit. All impact fees have been paid.

29
30 Mayor Clutts asked for comments from the audience.

31
32 **MOTION**

33
34 **Lori Pfister moved to approve Option 1 (Approve the Squirrel Point Water System**
35 **Bill of Sale and Water Distribution System), seconded by Robert Wolfe. The**
36 **motion carried unanimously, 5-0.**

37
38 **Tab 13) Interlocal Agreement with City of Eustis for Mutual Response for Fire**

1 Chief Keith provided background history of the tri-county interlocal agreements for first
2 responders and said the City of Tavares and the City of Eustis were at one time
3 partnered in an interlocal agreement for automatic assistance for fire protection.
4

5 Staff is asking Council to enter again into an interlocal agreement with the City of Eustis
6 for fire protection. The proposed interlocal agreement with the City of Eustis is identical
7 in scope to an existing interlocal agreement between Tavares and Mt. Dora, and the
8 existing interlocal agreement between Mt. Dora and Eustis. This agreement was
9 approved by the City of Eustis on May 21, 2009. Chief Keith said he is available for
10 questions.
11

12 Attorney Williams commended Mr. Drury and Chief Keith on their efforts to re-establish
13 these tri-city relationships.
14

15 **MOTION**
16

17 **Norb Thomas moved to approve Option 1 (Approve the Interlocal Agreement for**
18 **Mutual Response with the City of Eustis), seconded by Robert Grenier. The**
19 **motion carried unanimously, 5-0.**
20

21 **Tab 14) Approval of TRIM Schedule for Budget FY 2010**
22

23 Mr. Drury referred to the TRIM schedule and noted that the maximum millage rate will
24 be set during the July 29, 2009 Budget Workshop. Once the rate is set it can go down
25 but not up. Mr. Drury reviewed the schedule. Councilmember Grenier asked which
26 meetings are required for all Councilmembers to attend. Mr. Drury stated the July 29,
27 2009 Budget Workshop, September 2, 2009 Regular City Council Meeting and the
28 September 16, 2009 Regular City Council Meeting.
29

30 **MOTION**
31

32 **Robert Wolfe moved to approve the FY TRIM calendar as submitted, seconded by**
33 **Robert Grenier. The motion carried unanimously, 5-0.**
34

35 **Tab 15) Selection of Red Light Camera Vendor**
36

37 Mr. Lubins said that during the April 1, 2009 City Council Meeting, the City Council
38 directed Staff to prepare and issue an RFP for the placement, operation and
39 maintenance of Red Light Cameras at intersections with high accident rates.
40

1 RFP No. 2009-0018 was issued on April 12, 2009, and bids were opened on April 30,
2 2009. Responses were received from three firms. A review committee was assembled
3 consisting of John Drury, City Administrator, Lori Houghton, Finance Director, and
4 Stoney Lubins, Police Chief. The Committee met on May 21, 2009 at 10:00 a.m.to
5 review and score responses. At the meeting the committee discussed the various RFP
6 responses and then independently scored each firm. The members provided the score
7 sheets to Purchasing Manager, John Rumble for tabulation. The committee ranked the
8 firms in the following order;

- 9
- 10 1. American Traffic Solutions
- 11 2. Gatso USA
- 12 3. Traffipax
- 13

14 Chief Lubins stated that Staff recommends Council to not approve the ranking and hold
15 discussion concerning the City Attorney Opinion for Red Light Cameras.

16
17 Mr. Drury noted a memo from the City Attorney regarding the current legislation
18 regarding red light cameras have been included in the agenda. He said that after
19 Attorney Williams summarizes his findings and if Council wishes to move forward with
20 red light cameras within the city, then Staff would then recommend Council to authorize
21 Staff to bring back an ordinance allowing the traffic devices as well as award a contract
22 to American Traffic Solutions.

23
24 Attorney Williams said there are many cities that have implemented red camera lights
25 and that he has received several opinions from around the state. He said at this time
26 there isn't clear legislative direction on the enforceability. He said the memo's purpose
27 is to disclose that it is a little cutting edge but that he doesn't believe it is outside of the
28 law. He said Gerry Blair, City Attorney for the City of Wildwood, has authored a request
29 to the Attorney General for an Opinion on this subject. Attorney Williams said that in a
30 uniformed traffic citation situation the state can revoke a drivers license if the citation is
31 not paid which is an enforcement tool not available with red light cameras. Discussion
32 followed regarding possible investigative tool aspects of red light cameras.

33
34 Councilmember Pfister asked what the procedure is for a violator to contest a ticket.
35 Mr. Drury said the violations would fall under code enforcement and be heard by the
36 Special Magistrate. He noted that a lien could not be placed on property and a Police
37 Officer would have to confirm the violation by viewing the film before a ticket is issued.
38

1 Mayor Clutts invited the vendor to come forward to answer specific questions about the
2 system. Mr. Pete Carrol, Senior Business Development Manager for American Traffic
3 Solutions answered a series of questions with the following highlights;

- 4
- 5 • In order to determine a violation any part of a vehicle must have crossed a
- 6 determined line.
- 7 • Two photographs and a 12 second video are taken of each violation.
- 8 • It will take approximately 20 seconds per violation for an officer to view the data.
- 9

10 Councilmember Pfister inquired about the cost to the city. Mr. Drury said the staff time
11 involved would be at a cost and will include Police Staff, Code Enforcement Staff,
12 Special Magistrate, Finance Staff and Auditors. Discussion was held regarding the
13 ranking process. Councilmember Pfister stated she would like to view information on
14 the three companies along with the ranking information. Mr. Drury noted an additional
15 option would be to table the proposal portion until Council has had a chance to review
16 the vendor proposals. Attorney Williams said Council should determine if they wish to
17 adopt a red light camera policy, and then look at the three top ranked vendors if they
18 approve the policy.

19
20 **MOTION**

21
22 **Robert Wolfe moved to approve Staff to draft an ordinance and bring back with**
23 **information on the three firms and how they were ranked at the June 17, 2009**
24 **Regular City Council meeting. The motion was seconded by Robert Grenier.**

25
26 Mayor Clutts and Councilmember Thomas noted their concern for clear statistical
27 information and legislation. Councilmember Pfister noted her concern for red light
28 cameras as a type of community policing and privacy issues. Councilmember Wolfe
29 noted his support as an additional enforcement tool.

30
31 **The motion failed 3-2 as follows;**

32
33 **Robert Wolfe: Yes**
34 **Robert Grenier: Yes**
35 **Nancy Clutts: No**
36 **Lori Pfister: No**
37 **Norb Thomas: No**

38
39 Mayor Clutts asked for comments from the audience.
40

1 Mr. Carrol noted that there are two Attorney General Opinions (Butterworth and Crist)
2 regarding personal observation of a traffic violation and said that Charlie Crist opined
3 that the photographs were considered personal knowledge by a Police Officer when he
4 was acting as the Attorney General. He said there are currently 44 cities in the state
5 that have red light cameras.

6
7 **XII. OLD BUSINESS**

8
9 **Tab 16) Funding Options for Purchase of Aesop's Park Property**

10
11 Mr. Drury said that at the May 20, 2009 Regular City Council meeting Staff was
12 instructed to provide funding options for the property adjacent to Aesop's park. He
13 presented a power point presentation that included an overview of all parks within the
14 city. He said the proposed site could potentially connect the north end of the city to
15 Aesop's park and on to the waterfront enabling the city to go from rails to/and trails. He
16 said the city would need to work with the railroad company regarding right-of-way issues
17 for trails. The purchase cost is \$595,000. Mr. Drury provided four funding options; use
18 of reserves, use of CRA master plan implementation funds, include in FY 2009 budget
19 and CDBG funding.

20
21 Councilmember Pfister noted her support for the purchase of the property and said the
22 city is in need of more green space for future generations. Discussion followed
23 regarding the need for long range plans for accessibility and visibility to the park. Mayor
24 Clutts noted her concern of committing debt service to the project at this time by
25 including funding in the budget and noted the potential of a possible need for another
26 project to be placed on hold as well as future costs associated with property
27 maintenance. Discussion followed regarding the various funding options.

28
29 Mayor Clutts asked for comments from the audience.

30
31 Denise Laratta noted her support and said the purchase will be an asset to the city by
32 creating a large downtown park area and felt that a funding source can be found if there
33 is a desire by Council.

34
35 Discussion followed regarding how the provided funding options could challenge the city
36 during the current economic climate as well as funding opportunities that may open in
37 the future if the city is awarded economic stimulus monies and which may free some
38 debt service capacity. Mr. Drury noted CDBG funding would be a good opportunity for
39 this project and provided background information on the Community Development Block
40 Grant Program. Councilmember Pfister said there is a need for green space within the

1 city and noted her support in moving forward with the purchase of the property by
2 including it in the upcoming budget process or by utilizing CRA funding that is currently
3 identified for the branding project. Councilmember Grenier said he appreciates
4 Councilmember Pfister's conservation preservation efforts.

5
6 **MOTION**

7
8 **Robert Wolfe moved to direct Staff to look into starting a CDBG program and this**
9 **land would be first priority.**

10
11 Discussion followed regarding how the Community Backyard Project grew from the
12 Horizon Team.

13
14 **The motion was approved 4-1 as follows:**

15
16 **Nancy Clutts: Yes**
17 **Robert Grenier: Yes**
18 **Lori Pfister: No**
19 **Norb Thomas: Yes**
20 **Robert Wolfe: Yes**

21
22 **XIII. NEW BUSINESS**

23
24 **Police Justice Grant for Mobile Software**

25
26 Chief Lubins said the U.S. Department of Justice will be dispersing Edward Byrne
27 Memorial Justice Assistance Grant Recovery and Reinvestment Act 2009 funds for FY
28 2009/2010 through a reimbursable grant. The countywide allotment is \$750,131. At the
29 Substance Abuse Advisory Board Meeting on May 13, 2009, it was determined that the
30 City of Tavares Police Department portion of this funding will be \$57,793.00. This
31 funding will be used to purchase Mobile Server Software and automated field Reporting
32 Server Software to improve officer efficiency in the Road Patrol Division. This will layer
33 with our current CAD and dispatch technology improvements. He said Lieutenant
34 Myers has managed the Edward Byrne grant program for many years and is available
35 for questions.

36
37 Staff recommends Council to move to apply for the Edward Byrne Memorial Justice
38 Assistance Grant Recovery and Reinvestment Act 2009 funds for \$57,793.00.

39
40 **MOTION**

1
2 **Norb Thomas moved to approve Option 1 (Apply and accept the Edward Byrne**
3 **Memorial Justice Reimbursable Assistance Grant Recover and Reinvestment**
4 **funds in the amount of \$57,793.00), seconded by Robert Wolfe. The motion**
5 **carried unanimously, 5-0.**
6

7 **XIV. AUDIENCE TO BE HEARD**
8

9 Mayor Clutts invited the audience to speak.
10

11 Denise Laratta asked for clarification regarding the funding options for the property
12 adjacent to Aesop's park. She said that she felt some of the funding options were
13 overlooked.
14

15 Betty Burleigh provided background history regarding the past nicknames of Tavares
16 Recreation Park. She asked the city to only refer to the park only by its given name on
17 maps or any printed document; Tavares Recreation Park.
18

19 **XV. REPORTS**
20

21 **City Administrator**
22

23 Mr. Drury noted the schedule of upcoming meeting should reflect that the Fire Pension
24 Board meeting will be held June 19, 2009.
25

26 **Councilmember Pfister**
27

28 None.
29

30 **Councilmember Thomas**
31

32 Councilmember Thomas inquired about status of the tree replacements on US 441. Ms.
33 Rogers said the project was going well and on schedule.
34

35 **Councilmember Grenier**
36

37 Councilmember Grenier noted that on June 2, 1880, Major St. Clair Abrams first
38 purchased Tavares. He said that a surveyor named Mr. Givens, and whom Givens
39 Street is named, completed the surveying of Tavares and the documents were filed in

1 1882. He said the Tavares Historical Society celebrates 1880 as the establishment of
2 the naming of the town.

3
4 June 5, 2009 is will be the 70th anniversary of the passing Major St. Clair Abrams.

5
6 **Vice Mayor Wolfe**

7
8 None.

9
10 **Mayor Clutts**

11
12 Mayor Clutts stated that she wished to clarify that she believed Council had not
13 previously made a policy decision on the red light camera issue but that Staff did not err
14 in bringing it forward.

15
16
17 **Adjournment**

18
19 There was no further business and the meeting was adjourned at 6:57 p.m.

20
21 Respectfully submitted,

22
23
24
25
26 _____
27 Susie Novack, C.M.C.
Deputy City Clerk