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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
JUNE 17, 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  
Jacques Skutt, Director of Community Development  
Chief Richard Keith, Fire Department  
Chris Thompson, Interim Public Works Director  
Tamera Rogers, Director of Community Services  
Lori Houghton, Director of Finance

**I. CALL TO ORDER**

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

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Chief Richard Keith, Tavares Fire Department, gave the invocation and those present recited the pledge of allegiance.

**III. APPROVAL OF AGENDA**

**MOTION**

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

1  
2 **IV. APPROVAL OF MINUTES**

3  
4 **MOTION**

5  
6 Robert Wolfe moved to approve the minutes of June 3, 2009 as submitted,  
7 seconded by Bob Grenier. The motion carried unanimously, 5-0.

8  
9 **V. PROCLAMATIONS/PRESENTATIONS**

10  
11 None.

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

15  
16 Attorney Williams stated there were no quasi-judicial matters on the agenda.

17  
18 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

19  
20 Ms. Barnett read the following ordinances into the record by title only:

21  
22 **ORDINANCE 2009-16**

23  
24 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE**  
25 **LAND DEVELOPMENT REGULATIONS; BY AMENDING THE TITLE OF**  
26 **CHAPTER 9, AMENDING THE TITLE OF DIVISION II AND REPLACING**  
27 **DIVISION II RELATED TO ARCHITECTURAL AND SITE DESIGN**  
28 **STANDARDS; SUBJECT TO THE RULES, REGULATIONS AND**  
29 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**  
30 **PROVIDING AN EFFECTIVE DATE.**

31  
32  
33 **ORDINANCE NO. 2009 - 19**

34  
35 **AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION OF A FIRE**  
36 **ASSESSMENT; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE**  
37 **ASSESSMENT; PROVIDING FOR THE COLLECTION METHOD; PROVIDING**  
38 **FOR INTERIM FIRE ASSESSMENT; PROVIDING FOR LEGISLATIVE**  
39 **DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING APPLICABILITY;**  
40 **PROVIDING FOR INITIAL PROCEEDINGS; DIRECTING IMPOSITION OF**

1 INITIAL ASSESSMENT ROLL; PROVIDING NOTICE BY PUBLICATION AND  
2 MAIL; PROVIDING FOR ADOPTION OF FINAL ASSESSMENT  
3 RESOLUTION; PROVIDING EFFECT OF FINAL ASSESSMENT  
4 RESOLUTION; PROVIDING ANNUAL ADOPTION PROCEDURES;  
5 PROVIDING LIEN OF FIRE PROTECTION ASSESSMENTS; PROVIDING  
6 FOR REVISIONS OF FIRE PROTECTION ASSESSMENTS; PROVIDING FOR  
7 PROCEDURAL IRREGULARITIES; PROVIDING FOR CORRECTION OF  
8 ERRORS AND OMISSIONS; AUTHORIZING EXEMPTIONS AND HARDSHIP  
9 ASSISTANCE; PROVIDING AN ALTERNATIVE METHOD; PROVIDING FOR  
10 SEVERABILITY; PROVIDING AN EFFECTIVE DATE  
11

12  
13 **ORDINANCE 2009- 20**  
14

15 AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY OF TAVARES  
16 CODE OF ORDINANCES PERTAINING TO POLICE, FIRE/RESCUE, PARKS,  
17 AND RECREATION CAPITAL CHARGES; PROVIDING FOR THE  
18 DEFERRAL OF CERTAIN CAPITAL CHARGES FOR ECONOMIC  
19 DEVELOPMENT INCENTIVE PURPOSES; AND PROVIDING FOR AN  
20 EFFECTIVE DATE.  
21

22  
23 **ORDINANCE 2009- 21**  
24

25 AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY OF TAVARES  
26 LAND DEVELOPMENT REGULATIONS; ESTABLISHING REVISED WATER  
27 AND WASTEWATER CAPITAL CHARGES; ESTABLISHING RECLAIMED  
28 WATER LEVEL OF SERVICE; ESTABLISHING RECLAIMED WATER  
29 CAPITAL CHARGES; PROVIDING FOR REVIEW OF IMPACT FEE EACH  
30 YEAR; PROVIDING FOR ACCOUNTING AND REPORTING OF IMPACT FEE  
31 COLLECTIONS AND EXPENDITURES; AND PROVIDING FOR AN  
32 EFFECTIVE DATE.  
33

34  
35 **ORDINANCE 2009-22**  
36

37 AN ORDINANCE AMENDING SECTION 17-54 OF THE CITY OF TAVARES  
38 LAND DEVELOPMENT REGULATIONS PERTAINING TO RECLAIMED  
39 WATER RATE SCHEDULE; PROVIDING FOR RECLAIMED WATER RATES  
40 BASED ON THE STUDY AND RECOMMENDATIONS OF BROWN AND

1 CALDWELL; AMENDING SECTION 17-55 PROVIDING FOR WASTEWATER  
2 RATE SCHEDULE BASED ON STUDY AND RECOMMENDATIONS OF  
3 BROWN AND CALDWELL; PROVIDING FOR AUTOMATIC ANNUAL RATE  
4 INCREASES; AMENDING THE AMOUNT OF THE DEPOSIT; AMENDING  
5 THE COST OF THE RECONNECTION FEE; AMENDING SECTION 17-56  
6 WATER UTILITY RATE SCHEDULE BASED ON STUDY AND  
7 RECOMMENDATIONS OF BROWN AND CALDWELL; PROVIDING FOR  
8 AUTOMATIC ANNUAL RATE INCREASES; AND PROVIDING AN  
9 EFFECTIVE DATE.

10  
11 RESOLUTION NO. 2009-08

12  
13 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE  
14 PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND  
15 PROGRAMS; DESCRIBING THE METHOD OF ASSESSING FIRE  
16 PROTECTION ASSESSED COSTS; DIRECTING THE PREPARATION OF AN  
17 ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND  
18 DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN  
19 EFFECTIVE DATE.

20  
21 **VIII) CONSENT AGENDA**

22  
23 Mayor Clutts asked if Council wished to pull any item from the Consent Agenda and if  
24 the audience had any objection to an item on that agenda.

25  
26 **MOTION**

27  
28 Lori Pfister moved to approve the Consent Agenda [Award of Bid for Hibiscus  
29 Court Paving; Award of Bid for Alleyway Paving; Approval of Ranking of RFQ for  
30 Evaluation & Appraisal Report for the Comprehensive Plan; and Approval of  
31 Proposal to Approve Substitute Promoter for Jet Ski Racing Event July 4-5, 2009].  
32 The motion was seconded by Norb Thomas. The motion carried unanimously 5-0.

33  
34 **IX. ORDINANCES – PUBLIC HEARING**

35  
36 **Second Reading**

37  
38 **Tab 6) Ordinance 2009-16 – Architectural and Site Design Standards –**  
39 **Amendment to Chapter 9 of the Land Development Regulations**  
40

1 Mr. Skutt stated that this ordinance deals with architectural standards and site design.  
2 The new adopted Master Plan suggests how the city's streets should be visually framed  
3 by the size, height, massing and by the roof lines of buildings, setbacks, landscaping,  
4 widths of sidewalks, and signage. The ordinance was developed by reviewing the  
5 Master Plan and relating it back to the existing regulations and then identifying any  
6 inconsistencies. Most of the changes that have been made are specific to the  
7 Redevelopment District. Main Street, Ruby Street, and Alfred Street are designated as  
8 principal streets and the ordinance frames the street view of these roads by adjusting  
9 the heights and setbacks. The Planning & Zoning Board approved the ordinance 5-1;  
10 the only concern was the implementation of the ordinance and how properties designed  
11 to fit this ordinance would fit in with other existing properties that did not conform.  
12 Sidewalk adjustments were allowed if it could be demonstrated that there would be  
13 obstacles and insufficient road allowance to allow the full 8 foot width.

14  
15 Mayor Clutts asked if there were questions. She noted that Mr. Skutt and Ms. Sullivan  
16 had worked very hard in preparing this ordinance and she thanked them for their efforts  
17

18 Mayor Clutts asked if there was comment from the audience.  
19

20 Councilmember Pfister thanked the CRAAC and everyone who worked on the  
21 Downtown Master Plan. Councilmember Grenier recognized the assistance of the  
22 Planning & Zoning Board.  
23

24 **MOTION**  
25

26 **Robert Wolfe moved to approve Ordinance 2009-16, seconded by Norb Thomas.**  
27 **The motion carried unanimously, 5-0.**  
28

29 **Tab 7) Ordinance 2009-17 –Fire Assessment Implementation**  
30

31 Ms. Houghton reviewed the budgetary issues for the city and the state mandates  
32 regarding ad valorem taxes as the background for development of the fire assessment.  
33 She stated that this ordinance provides definitions of key terms for fire assessment  
34 implementation as well as collection methodology, assessment roll preparation and  
35 notice and procedural processes which will enable staff to begin the implementation  
36 process for Phase II for Fire Assessments.  
37

38 Mayor Clutts stated that this meeting will be about process and meeting statutory  
39 guidelines. She said the purpose is to convene the process of notification. Attorney  
40 Williams added that this is considered to be an enabling ordinance. It allows the city to

1 start the process but it is not the assessment. The assessment cannot be set by law  
2 until the notices have been sent to every affected resident. Mr. Drury added that the two  
3 fire assessments are procedural in nature and that the Public Hearing will be July 15,  
4 2009. He said another option is that Council can choose to continue the public hearing  
5 until the following meeting, if it wishes to have more time to consider the information  
6 presented on July 15<sup>th</sup>.

7  
8 Mayor Clutts asked if there were questions. She then invited comment from the public.  
9

10 Norman Hope, Fox Run Subdivision  
11

12 Mr. Hope said he understood this ordinance was procedural. He asked Council if they  
13 had determined that they were going to approve the fire assessment.  
14

15 Mr. Drury said that Council had not made a final decision and that the Public Hearing  
16 and vote on the assessment would take place July 15<sup>th</sup>. He added that if Council wished  
17 to delay the vote, they would be able to continue the hearing for one additional meeting  
18 until August 5<sup>th</sup>.

19  
20 Mr. Hope asked who would be telling the residents at Fox Run how it would be affecting  
21 them.  
22

23 Mayor Clutts said she believed staff was being proactive in terms of anticipating  
24 questions and Mr. Drury would be able to answer this question.  
25

26 Mr. Drury said that the city is sending a letter that describes the issue and will present  
27 as much information as possible as to what is before this council and why. He said a  
28 four page "frequently asked questions" handout has been prepared which is posted on  
29 the web page. In addition a phone bank system will be instituted at City Hall for about  
30 four days after the notice is sent that will include this dedicated phone number which will  
31 be staffed by employees who will be able to answer immediate questions. In addition he  
32 stated Chief Keith will be addressing residents at Home Owners Association meetings.  
33

34 Mr. Hope asked if the assessment would affect only home owners or would it affect the  
35 entities that do not pay ad valorem taxes.  
36

37 Mr. Drury said that not for profits will pay their share. The city is attempting to mirror the  
38 county's assessment which provides for a 50% reduction for not for profits. He noted  
39 that any reduction, however, will have to be subsidized by the tax payers. He said in  
40 terms of governmental buildings the city has determined the cost of the fire department

1 budget to respond to the government buildings. When the council looked at the city's  
2 costs, it was determined that 25% of the costs were for the government buildings. He  
3 said in most cities it is about 10%. He said the City can ask the county to pay its fair  
4 share for the extra equipment and personnel necessary to respond but it cannot be  
5 enforced by law because one entity cannot put a lien on another entity's property. He  
6 said this will provide clarity on that it costs the city to subsidize fire service for nonpaying  
7 governmental buildings. If Council directs the City Administrator to write a letter to the  
8 County to request that they pay their fair share, it will be up to them to decide whether  
9 or not they are interested in participating.

10  
11 Councilmember Pfister asked if the city could request the non profits and the county  
12 buildings to pay their share to see if they wanted to contribute without spending the time  
13 involved to have a phone bank, etc. He said most entities have been paying for the  
14 service through their ad valorem tax and she did not understand why the city could not  
15 contact the entities that are not paying and explain the situation to them.

16  
17 Mr. Drury said that unless the city has a fire assessment the entities that are not paying  
18 such a not profits and homes valued at less than \$50,000 cannot contribute because  
19 they are tax exempt. Fire fees are collected now by taxing the value of property and if  
20 they are nontaxable they will pay nothing. The State of Florida recognized that this was  
21 an unfair way of collecting the fair share as the cost is the same to go to a three  
22 bedroom home as going to a six bedroom home. The concept is that if the cost of the  
23 two million budgets can be spread amongst the people who are not paying, the cost will  
24 go down for the people who are paying.

25  
26 Councilmember Pfister said she understood but that she was questioning why the not  
27 for profits could not pay without adjusting other property owners' taxes. She asked if the  
28 ordinance had to include everyone.

29  
30 Mayor Clutts invited the consultant to address this issue.

31  
32 Jason Buchholz from GSC stated an assessment program has to be implemented  
33 evenly; it cannot be implemented 100% for commercial and only 50% for residential. He  
34 said he had not heard the question before as to whether an assessment study could  
35 identify the portion attributable to government and then just try to collect that amount.

36  
37 Councilmember Pfister said she was looking for an option to keep more monies in the  
38 residents' pockets.

39

1 Mayor Clutts asked about the city's ability to collect from a government. Mr. Buchholz  
2 said he has had clients who collect from governmental properties but it is a negotiated  
3 process. He said the city now knows an identifiable cost however through doing this  
4 study.

5  
6 Councilmember Pfister said she would like to see an attempt be made to negotiate with  
7 the county.

8  
9 Mr. Drury noted there would a hardship program as part of the process which would be  
10 available to homeowners who meet the income criteria. He discussed the issue of  
11 second home owners. Councilmember Pfister asked if second homeowners could be  
12 addressed specifically.

13  
14 Councilmember Thomas said he would like to see some way of reducing everyone's  
15 taxes by the amount of the fire assessment fee.

16  
17 Mayor Clutts stated that will mean cutting expenses, not acquiring property, etc.

18  
19 Mr. Drury acknowledged that this will be a difficult decision for Council. He discussed  
20 some of the positions being taken by various other cities in the state. He said this  
21 Council has requested that staff craft a budget that will not raise the millage and  
22 continue programs and services at a similar level of service.

23  
24 Councilmember Grenier stated he would be making a motion in order to move the  
25 process forward and have further discussion with the residents.

26  
27 **MOTION**

28  
29 **Bob Grenier moved to approve Option #1 [Approve Ordinance #2009-19 which**  
30 **enables staff to move forward with the Fire Assessment implementation process],**  
31 **seconded by Robert Wolfe. The motion carried 4-1 as follows:**

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

1 Mayor Clutts clarified that there was nothing legally that would prevent anyone from  
2 contacting Council directly regarding any concerns they have with regard to the Fire  
3 Assessment.

4  
5 **Tab 8) Ordinance 2009-20 –Request to Amend Impact Fee Payment Ordinance to**  
6 **Allow Deferral of Payment of Police and Fire Impact Fees for Economic**  
7 **Development Purposes**

8  
9 Mr., Drury explained that currently the City Code of Ordinances provides for a deferral  
10 of impact fees to the time of the issuance of the Certificate of Occupancy for water,  
11 sewer, and parks and recreation impact fees. The current code does not provide this  
12 deferral for police and fire impact fees. In an effort to stimulate the economy staff is  
13 recommending that the deferral program be extended to include police and fire impact  
14 fees.

15  
16 Mayor Clutts asked for questions from Council and then comments from the audience.

17  
18 **Denise Laratta, Tavares**

19  
20 Ms Laratta asked how many businesses in the last six months have not come to  
21 Tavares because of the impact fees. Mr. Drury said he could not say how many  
22 companies might have considered the city but moved on, unless they had actually met  
23 with the city. He said in this case, there is a medical office that has spoken to the city  
24 that may build next to Angelos and is trying to determine whether to move forward. He  
25 said their request is to be able to defer the impact fees.

26  
27 Ms. Laratta questioned the total taxes that will be paid in terms of the proposed fire  
28 assessment fee. She questioned providing this exemption in light of trying to make  
29 taxes equitable.

30  
31 Mr. Drury stated that when a resident contributes a dollar towards taxes they consume  
32 \$1.20 in terms of taxes. He said when a business contributes a dollar they only use .80  
33 of the service. He said Council instructed staff to bring in more businesses to lower the  
34 rate to the residents and this is one way to attract more businesses.

35  
36 Mayor Clutts added that this is a way to continue to be business friendly and it will assist  
37 new businesses in their cash flow problems, the city will eventually receive the tax  
38 income, and every way the city can assist a new business will filter down to the  
39 residents.

1 Attorney Williams noted that this is a deferral; it is not an abatement. Impact fees from  
2 any other entity cannot be referred to other taxpayers. He said commercial businesses  
3 currently have a difficult time getting up front money from lenders to pay soft costs, such  
4 as impact fees.

5  
6 Councilmember Pfister asked about the formula for calculating fire and police impact  
7 fees. Attorney Williams said it is based on square footage of the structure and type of  
8 structure. He noted that the impact fee provides that the builder pay its share of the  
9 capital cost of providing fire and police services—new structures caused by the  
10 development.

11  
12 Ms. Houghton said she would provide the fee schedule to Ms. Pfister. Councilmember  
13 Pfister questioned if the cost to implement the program made it worthwhile.  
14 Councilmember Pfister said if something happens to the development would they  
15 receive a lien. She asked if it is deferred would they then not receive service. Attorney  
16 Williams said that fire suppression is not paid for from impact fees; it would come from  
17 ad valorem taxes.

18  
19 Mayor Clutts asked if there were questions.

20  
21 **MOTION**

22  
23 **Robert Wolfe moved for approval of Ordinance 2009-20, seconded by Bob**  
24 **Grenier. The motion carried 4-1 as follows:**

25  
26 **Nancy Clutts            Yes**  
27 **Robert Wolfe           Yes**  
28 **Norb Thomas            Yes**  
29 **Lori Pfister                No**  
30 **Bob Grenier                Yes**

31  
32 **Tab 9) Ordinance #2009-21 – Water and Sewer and Reuse Capital Charges**

33  
34 Ms. Houghton noted there are two ordinances under consideration: impact fees and  
35 user fees. She said she would review this ordinance and then ask the consultant to  
36 make a presentation and then she would return to tab 10.

37  
38 Ms. Houghton made the following report:  
39

1 Ordinance Number 2002-29 set forth Water and Wastewater Impact Fee  
2 (Capital Charge) rates. The existing rate structure for Water and Wastewater  
3 Capital Charges do not adequately address anticipated capital expansion needs  
4 as the current rate structure pre-dates the City's Master Plan Updates for Water  
5 and Wastewater Capital Planning. Master Plan updates for Water and  
6 Wastewater were completed in 2007. No consideration is provided **in current**  
7 **rates for Reuse** capital expansion needs.  
8

9 In 2008, in anticipation of the Wastewater Reuse Facility needs, the City  
10 contracted with the firm of Brown & Caldwell to prepare a rate study for City  
11 Impact Fees (Capital Charges). As part of the City's Water Planning initiatives,  
12 the City is committed to build a Water Reuse and Reclamation Facility, and  
13 therefore in conjunction with the preparation of the rate study, the City also  
14 prepared Facility Plan Documents for a Water Reclamation Project (Reuse  
15 Facility) for inclusion in the State Revolving Loan Fund Program for  
16 consideration.  
17

18 In order to properly plan for capital improvement commitments for Water,  
19 Wastewater and Reuse facilities, Impact Fee rates should accurately reflect the  
20 anticipated needs and cost for the utility systems. Implementing updated  
21 Impact Fees/Capital Charges will significantly reduce the burden on user rates  
22 and operating reserves to fund and/or amortize existing and future expansion  
23 facilities and related debt.  
24

25 The Study utilizes a "Consumption" based methodology, which assumes that  
26 new service connections will utilize portions of both existing and new facilities;  
27 as compared to an "Improvements" based methodology that assumes a new  
28 facility is provided for each new connection.  
29

30 The Study proposes to base Impact Fee rates on the basis of "with reclaimed  
31 water" or "without reclaimed water". Water Impact fees for connections with  
32 Reclaim water are proposed at a lower rate than those connections without  
33 Reclaim water. Total Impact fees for Water and Wastewater with Reclaimed  
34 water are proposed at \$4,400, whereas total impact fees without Reclaim water  
35 are proposed at \$4,800. Impact fees for Reclaim water are proposed at \$950.  
36 Total Impact fees for connections with all services (water, wastewater, and  
37 reclaim) are proposed at \$5,350. Rates are per connection.  
38

39 Mr. Rocca presented a power point presentation. He thanked Council for the opportunity  
40 and staff for their assistance. He noticed a comprehensive review of the entire water

1 and wastewater system had been conducted and the addition of a reclaim system. He  
2 said in order to allocate the charges customer bills were reviewed for an entire year to  
3 understand the billing characteristics. In addition all of the costs were reviewed including  
4 capital replacement and debt service. He stated the one time charges were also  
5 reviewed. He discussed the purpose for which the study was completed which was  
6 related to the mandates that would be coming from the state regarding the city's  
7 consumptive use permit. Mr. Rocca also reviewed the study that was done pertaining to  
8 impact fees. He discussed the recommendations and conclusions from the study  
9 including the provision for a 1% annual rate adjustment which will take inflationary  
10 impacts into consideration.

11  
12 Mayor Clutts invited questions from Council noting that the presentation related to both  
13 Tab 9 and Tab 10.

14  
15 Mayor Clutts invited public input.

16  
17 Norman Hope, Fox Run Subdivision

18  
19 Mr. Hope said the one part of the study that concerned him was the 10 times increase  
20 from \$25.00 to \$200.00 to turn off the water and then turn it back on. Instead of \$50.00  
21 a customer would be spending \$400 to go away for three months. Mr. Hope asked if the  
22 ordinance is passed does this automatically go into effect and he asked Council to  
23 reconsider the increase of that fee.

24  
25 Mayor Clutts asked how the city compares with other cities.

26  
27 Mr. Rocca said the \$205 turn off fee charge is both for the turn on and turn off; it would  
28 not be doubled to \$410.00. He said when the amount of labor, vehicle, administrative  
29 costs was reviewed it was determined that was the proper amount. He said the  
30 difference between that rate is being paid for by the rate payers who remain in terms of  
31 higher water bills. He said this fee would be for the benefit of all of the users in the  
32 system. He said most of the residents who voluntary turn off do not have to go through  
33 this process. If they were to turn off the water at their house at the valve that turns off  
34 the main feed to their house they can accomplish the same thing. The only thing that  
35 will happen with this recommendation is that the base charge will continue or they can  
36 advance pay the bill.

37  
38 Mayor Clutts asked if there is a structure in place to communicate that to the residents.

39

1 Ms. Houghton responded that there is an informational packet that is given to new  
2 customers but that when someone goes on vacation, staff reviews some of the  
3 procedures and staff goes out to lock the meter. Mr. Drury said if a customer calls and  
4 wants their meter shut down, does the city communicate that there is another method of  
5 shutting off water which will save them the paying the disconnect charge.

6  
7 Ms. Houghton said that option is in place.  
8

9 Councilmember Thomas said that currently a customer would pay \$25.00 to have the  
10 water turned off and then would pay \$25.00 to have it turned back on. He noted the  
11 base charge is not currently being paid along with the base sewer or garbage charge.  
12

13 Mr. Rocca said that the base charge for water is about \$13.00 and sewer is about  
14 \$16.00 so the customer will pay approximately \$39.00 per month which pays for the  
15 service availability.  
16

17 Mayor Clutts asked what percentage of individuals do vacation holds. Ms. Houghton  
18 said it is greater than 10% of all accounts that are on seasonal change, representing  
19 anywhere from 1000 to 1200 accounts that move from active status to vacation status.  
20 She said staff continues to read their meters while they are gone as well.  
21

22 Denise Laratta  
23

24 Ms. Laratta noted that there are a lot of seasonal residents in Royal Harbor and there  
25 are several that leave for six months. She said many of them have left for the season  
26 who will now be receiving the notice in the mail. She said she did not think it was a bad  
27 idea but felt it would be a shock for persons to receive this notice in the mail who were  
28 not aware of it.  
29

30 Ms. Laratta asked if on the proposed impact fee it showed 325 gallons per day of water  
31 per resident which would include irrigation water. She said on reclaim it showed the  
32 water gong down to 250 plus 300 on reclaim. She said she was wondering why more  
33 water was being used as a base. Mr. Rocca responded that the numbers shown in  
34 terms of gallons per day are the engineering design criteria that the system was  
35 constructed under (the pipe sizing, equipment, etc.) It is currently designed to deliver  
36 325 gallons per day for an equivalent residential unit.  
37

38 Ms. Laratta said the residents are currently going through turmoil in terms of water  
39 usage and it has been difficult to get residents to conserve water. She said her concern

1 is that more reclaim water will be used and the explanation should be given so that if  
2 and when reclaim water is available that the usage will still be conserved.

3  
4 Mr. Rocca noted that the impact fee is only the initial charge to use service. Following  
5 that is the reclaim structure that includes usage blocks similar to regular water use as a  
6 tiered system.

7  
8 Mayor Clutts asked his recommendation should Council choose to defer or amend this  
9 option (vacation holds).

10  
11 Mr. Rocca said it was his understanding that the fee change would not affect persons  
12 who have already requested a vacation hold.

13  
14 Attorney Williams asked if the effective date was intended immediately or on October  
15 1<sup>st</sup>. Mr. Rocca said he was recommending that the reclaim rate be made immediately.  
16 Mr. Drury noted that reclaim water is not available as yet but that all of the other rates  
17 were for October 1<sup>st</sup>. Attorney Williams said that the ordinance will need to be corrected  
18 to state the effective date is October 1<sup>st</sup>. He said the statutes require that the city notify  
19 every rate payer of changes to water rates and that everyone would have gotten notice  
20 of this from their water bill unless they are on vacation. It was noted the impact fees  
21 would be effective October 1<sup>st</sup> as well.

22  
23 Ms Houghton noted that currently the city charges for stormwater even when there is a  
24 vacation hold so those persons have been notified.

25  
26 Mr. Hope noted that based on 1000 households this would provide \$250,000 in  
27 revenue.

28  
29 Councilmember Pfister said that she believed the point was to deter the residents from  
30 requesting the city to turn off their water. She said she understood that the same  
31 community service would be provided to residents who were confused about how to  
32 turn off their own water.

33  
34 Ms. Houghton noted there will be a learning process and that the city wanted to work  
35 with the residents.

36  
37 Mr., Drury noted this is an enterprise fund and the savings cannot be used for the  
38 General Fund.

39  
40 Jim Elrodt, business owner

1  
2 Mr. Elrodt asked if there would be a \$210 charge to turn on the water for initial  
3 applicants. Ms. Houghton said this is strictly for the voluntary turn on/turn off.  
4

5 Ms. Houghton stated that vacation hold customers vary in terms of how many times  
6 they request the vacation hold service.  
7

8 The Public Hearing was closed.  
9

10 Discussion followed regarding the shut off meter and where residents can turn on and  
11 turn off their water and the requirements of the ordinance.  
12

13 Mayor Clutts asked if the \$205 fee was reasonable. Councilmember Thomas said the  
14 base charge needs to be charged. Councilmember Pfister asked how much the fee for a  
15 new service would be. Ms. Houghton said it would be \$175.00 deposit plus a \$25.00  
16 turn on fee. Mayor Clutts noted that Councilmember Pfister had raised a good question  
17 which was about the incentive for not just becoming a new user when returning from  
18 vacation.  
19

20 Attorney Williams noted the ordinance may not address that situation but that the  
21 process of becoming a new customer would probably discourage people from taking  
22 advantage of that. He said this ordinance is an attempt to address the problem of  
23 continuous turn on's and turn off's of service. He said the ordinance may need to be  
24 revised if there is an issue with this in the future.  
25

26 Councilmember Grenier asked if this issue could be pulled regarding voluntary vacation  
27 holds.  
28

29 Mr. Drury asked Attorney Williams to clarify, noting that the ordinance could be  
30 approved absent the vacation holds.  
31

32 Attorney Williams recommended that Council address capital charges first.  
33

34 Mayor Clutts asked if there was further public input on the impact fee ordinance.  
35

36 **MOTION**  
37

38 **Bob Grenier moved to authorize staff to implement the recommendations of**  
39 **Ordinance #2009-21, seconded by Lori Pfister. The motion carried unanimously 5-**  
40 **0.**

1  
2 **Tab 10) Ordinance #2009-22 – Water & Sewer & Reuse User Fees**  
3

4 Attorney Williams advised that if Council wished to remove the vacation holds the only  
5 thing to amend would be on page 4 of the ordinance regarding voluntary  
6 disconnection/reconnection charge and to remove that portion.  
7

8 Mayor Clutts asked if Council was in agreement for a base rate. Vice Mayor Wolfe  
9 suggested three should be a base rate but instead of the \$205 fee to disconnect it  
10 should be \$120. Mayor Clutts said she agreed and there was consensus on the base  
11 rate.  
12

13 **MOTION**  
14

15 **Robert Wolfe moved to approve Ordinance #2009-22 with the increase on the**  
16 **connection/reconnection charge to be \$120.00, instead of the \$205**  
17 **recommendation made by the consultant, and all residents will pay the base rate,**  
18 **seconded by Bob Grenier.**  
19

20 Councilmember Thomas asked if this raised the base rate and where the 1% plus  
21 inflation came in. Ms. Houghton clarified that was correct. Councilmember Thomas said  
22 he did not want to raise the rates this year.  
23

24 Mr. Rocca said the rate study had identified the existing rates which will be good until  
25 September 30<sup>th</sup> of 2009. October 1<sup>st</sup> of 2009 the rate adjustment has been identified in  
26 the study and is in the ordinance as the rate commencing October 1<sup>st</sup>. Thereafter, each  
27 October 1<sup>st</sup>, the recommendation is for an adjustment based on inflation plus 1%.  
28

29 Councilmember Thomas asked what the rate would be for October 1<sup>st</sup>. Mr. Rocca  
30 reviewed the recommended adjustment. Councilmember Thomas said he understood  
31 there are different perceptions on rate increases but that he could not support a rate  
32 increase for 2009/10. Mayor Clutts noted that as a condition of providing water the city  
33 is required to provide reclaimed water which tripped this study to make the  
34 recommendation for the increase to pay the debt service on the facility that is being  
35 constructed. She said in addition the Water Management District has required a tiered  
36 utility rate with the belief that it will force water conservation. She acknowledged the  
37 difficulty of the decisions faced by Council.  
38

1 Ms. Houghton discussed the premise of the study, increases and ability to borrow  
2 monies. Mayor Clutts asked how this might affect the city's bond rating. Ms. Houghton  
3 said it could affect the city's ability to get additional debt and the rating.  
4

5 **The motion carried 4-1 as follows:**

6  
7 **Nancy Clutts Yes**  
8 **Robert Wolfe Yes**  
9 **Norb Thomas No**  
10 **Lori Pfister Yes**  
11 **Bob Grenier Yes**  
12

13 **X. RESOLUTIONS – PUBLIC HEARING**

14  
15 **Tab 11) Resolution #2009-08 – Fire Assessment – Directing the Method &**  
16 **Preparation of the Preliminary Assessment Roll**  
17

18 Mr. Drury stated this is a procedural matter. The resolution provides authoritative  
19 direction for preparation and notice of the assessment roll and as well as public hearing  
20 authorization. The breadth of the discussion will be on July 15<sup>th</sup>. Attorney Williams noted  
21 it does not levy the assessment. Ms. Houghton added that the resolution sets the  
22 maximum assessment of \$153 similar to the procedure for setting the millage.  
23

24 Attorney Williams stated the notice that is sent out has to include the proposed amount  
25 of the assessment.  
26

27 Mayor Clutts asked if anyone wished to comment in the audience.  
28

29 **MOTION**

30  
31 **Bob Grenier moved to approve Resolution #2009-08 which directs staff to prepare**  
32 **the assessment roll and to notice the public hearing for the fire assessment,**  
33 **seconded by Norb Thomas. The motion carried 4-1 as follows:**  
34

35 **Nancy Clutts Yes**  
36 **Robert Wolfe Yes**  
37 **Norb Thomas Yes**  
38 **Lori Pfister No**  
39 **Bob Grenier Yes**  
40

1 **XI. GENERAL GOVERNMENT**  
2

3 **Tab 12) Interlocal Agreement with Lake County for the Engineering and Design of**  
4 **Alfred Street One Way Pairing & Resurfacing & Landscaping**  
5

6 Mr. Skutt made the following report: The Alfred Street PD&E Study was conducted in  
7 2007, culminating with a recommendation for the one-way pairing of Alfred Street and  
8 Caroline Street in the downtown area from SR19 to Disston Avenue (Phase I). In July of  
9 2008, City Council requested that Lake County prioritize this project over other county  
10 road improvements within the city that were being considered for their 5 year road  
11 improvement program. The County revised their budget assigning \$1,000,000 for the  
12 design of Alfred Street from SR-19 to Dora Avenue for fiscal year 2009 and \$2,800,000  
13 for the construction in 2010. The proposed interlocal agreement addresses only the  
14 downtown segment from SR 19 to Disston. The Agreement will allow the City to  
15 negotiate with a design professional for the engineering of the project. The City will be  
16 responsible for the day-to-day management of the project. The City agrees to fund any  
17 amount exceeding \$500,000 for design. Construction of the road may proceed upon the  
18 mutual agreement of the County and the City and will be subject to right-of-way  
19 acquisition, where necessary, and available funding in the County Transportation  
20 Construction Program (unless the City agrees to fund additional costs). Upon  
21 completion of construction, Alfred Street shall become a city road and the City will  
22 maintain both Alfred and Caroline Streets.  
23

24 Mr. Skutt noted that a funding analysis has been provided and that it appears there is a  
25 significant shortfall in funding for the construction of the project. He said it is staff's  
26 recommendation to have the engineering for the road completed so that it may be  
27 considered as a "shovel ready" project for economic stimulus funding. It is expected that  
28 the project could create up to 665 jobs and it is considered critical to the prosperity and  
29 redevelopment of the downtown as a high density mixed use regional multi modal hub.  
30

31 Mayor Clutts noted this is the first step in creating an agreement between the partners  
32 that will allow this project to move forward.  
33

34 Mayor Clutts asked for public comments.  
35

36 Denise Laratta  
37

38 Ms. Laratta asked about the difference between the \$500,000 for design and the  
39 anticipated engineering design of \$1,510,000.  
40

1 Mr. Drury said about two years ago when the study was done the engineering estimate  
2 was about one million dollars. He said it is anticipated that after going through design  
3 and engineering, and consultant selection, that the city will negotiate a fee that is within  
4 budget. He said the County is funding the project and did not want to pay more than  
5 \$500,000 to design it. The city has included items such as sidewalks, bike lanes, trees,  
6 etc. to make it more residential in nature. The County will not pay for design above and  
7 beyond a county road whereas the city is looking at a downtown major corridor and the  
8 compromise is for the city to negotiate with a design team to keep it under \$500,000. He  
9 noted that Congressman Grayson is proposing earmark monies and should the design  
10 be higher, staff will come back to council to recommend funding sources.

11  
12 **MOTION**

13  
14 **Lori Pfister moved to approve the Interlocal agreement with Lake County,**  
15 **seconded by Norb Thomas. The motion carried unanimously 5-0.**

16  
17 **Tab 13) Update on St. Clair Abrams House**

18  
19 Ms. Rogers advised that previously, City Council authorized staff to look into the cost of  
20 purchasing the historic St. Clair Abrams house located at 305 N. New Hampshire  
21 Avenue, to explore the condition of the house, and to determine what kind of  
22 renovations would be needed to bring it into usable condition.

23  
24 Working closely with the Tavares Historical Society (THS), research was conducted as  
25 to suggest end uses for the house.

26  
27 Additionally, to provide a full view of costs to renovate this structure to its original  
28 historical stature, to produce an analysis of code requirements to change the dwelling  
29 from single occupancy to public use, and to develop a restoration plan to provide for the  
30 extended life of the structure, the architectural firm of Blaise, Fiebach & Associates, PA  
31 was contacted by staff.

32  
33 In order to accomplish these initiatives, an estimated cost for these services is  
34 \$1,500.00. As this was not a budgeted expense, the \$1,500.00 expense would come  
35 from General Fund Reserves.

36  
37 Councilmember Grenier noted that the appraisal fee was reduced to \$225.00 which was  
38 half the appraiser's normal fee and this was paid for by the Historical Society. He said  
39 the inspection report was done pro bono for the Historical Society.

1 Mayor Clutts asked if a local architect had been approached who might provide the  
2 service for free. Mayor Clutts said she had spoken to individuals regarding the South  
3 Lake Historic Village and the relationship between the Historic association there and the  
4 City of Clermont. She said in her experience people are more willing to provide  
5 professional services pro bono to a nonprofit than to a government entity in addition to  
6 donations. She said South Lake had also received professional services donated from a  
7 restoration company and a moving company. She said because the Historic Society  
8 took the leadership, the costs were less than if the city had initiated it.

9  
10 Mayor Clutts also discussed her preference to have a bigger picture view of the budget  
11 and other future projects before making a decision.

12  
13 Councilmember Pfister asked about incentives for the Historical Society to purchase the  
14 house. Councilmember Grenier cautioned against the Historical Society owning the  
15 property versus a government which would be a more permanent arrangement. Mayor  
16 Clutts discussed the process that had been followed in Clermont.

17  
18 Mr. Drury said he was hearing consensus to assist the Historic Society in obtaining a  
19 donated architect report to determine the cost to renovate the structure. Mayor Clutts  
20 noted the determination would also have to be made of whether it would be a  
21 renovation versus a restoration to historic standards. She added that once a ballpark  
22 figure of the costs has been obtained it could then be considered through the capital  
23 improvement plan through the budget process. Mr. Drury pointed out that the other  
24 component needed is the annual cost to maintain the building.

25  
26 **Mayor Clutts summarized the consensus that staff will assist the Historic Society**  
27 **in meeting with a local architect who may donate services to assess the house**  
28 **and the information will be brought back to be discussed during the budget**  
29 **meetings.**

30  
31 **Tab 14) Community Backyard Project Phase I and Approval of Proposal to Design**  
32 **Phase I**

33  
34 Ms. Rogers stated that included in the current budget are monies to build a dog park  
35 and that a proposal has been presented to design the dog park as well as site built  
36 restrooms and improvements to parking.

37  
38 It is anticipated, that the community backyard project planned for the City's Aesop's  
39 Park will be completed in two to three phases, depending on available funding.  
40 Currently, \$45,000 (general fund and parks impact fees) exists in the current fiscal year

1 budget for Phase 1 and staff has applied for the 2010 & 2011 Community Development  
2 Block Grant (CDBG) allocation for Phases II and III.

3  
4 Phase I of the project will include the installation of a dog park, which may include, but  
5 not limited to, fencing for large and small dogs, drinking fountain (for dogs & people), a  
6 small pavilion, landscaping, and a few miscellaneous items.

7  
8 Also, Phase 1 will include the design and permitting of site-built restrooms and parking  
9 lot design.

10  
11 Phase II and III of the Community Backyard project will include the following:

- 12
- 13 1. Community Garden for growing vegetables, spices and flowers
- 14 2. A butterfly park
- 15 3. Community Play Ground (Swing sets and a slide)
- 16 4. Community Catch and release fishing pond (clean up and stock existing  
17 pond)
- 18 5. Community picnic area (small area with clear views of Dog Park, Fishing  
19 Pond and Play Ground)
- 20 6. Community barbeque grills (A couple of charcoal grills)
- 21 7. Community exercise trail (A few stretch and pull stations along the existing  
22 trail)
- 23 8. Community bird watching area (a few small bird houses for specific  
24 breeds)
- 25

26 It should be noted that the engineering firm, DMC, is currently under a continuing  
27 services contract with the City of Tavares.

28  
29 Mayor Clutts asked for comment from the audience.

30  
31 **MOTION**

32  
33 **Lori Pfister moved to approve Option 1 [Approve the proposal with DMC for  
34 design services for Phase I of the Community Backyard project], seconded by  
35 Robert Wolfe. The motion carried 4-1 as follows:**

36  
37 **Nancy Clutts           No**  
38 **Robert Wolfe         Yes**  
39 **Norb Thomas         Yes**  
40 **Lori Pfister            Yes**

1 **Bob Grenier**            **Yes**  
2  
3

4 **XII. OLD BUSINESS**  
5

6 **None.**  
7

8 **XIII. NEW BUSINESS**  
9

10 **None.**  
11

12 **XIV. AUDIENCE TO BE HEARD**  
13

14 Mayor Clutts asked if there was comment from the audience.  
15

16 **Norman Hope**  
17

18 Mr. Hope thanked Council for its considerations and interest in the populace and  
19 recognized that it is a difficult time for Council decisions. He said Council appears to  
20 have the best interest of the residents even though he was not always in agreement.  
21

22 **XV. REPORTS**  
23

24 **City Administrator**

25 Mr. Drury noted he had provided a list of meetings. He emphasized the commuter rail  
26 meeting with Representative Byran Nelson in the City of Apopka on June 24, 2009. He  
27 said Representative Nelson is moving forward with opening discussion for commuter rail  
28 through Tavares and Eustis through Apopka and Council is invited to attend. The  
29 meeting will be publicly noticed.  
30

31 Mayor Clutts stated that the Water Alliance meeting will be held on August 12<sup>th</sup>, not July  
32 8<sup>th</sup>. She said at the meeting the Alliance will be adopting an Interlocal agreement that  
33 will come back to Council. At the last Alliance meeting the group moved to become an  
34 Advisory Board.  
35

36 **Chief Keith**

37 Chief Keith said he wished mention the retirement reception for Lt. Sweeza which will  
38 be at 3:00 p.m. just before the City Council meeting. He said Lt Sweeza will be given  
39 recognition during the Council Meeting.  
40

1 **Councilmember Pfister**

2 Councilmember Pfister asked for an update on the Splash Park. Mr. Drury said the park  
3 will likely not be done by July 4<sup>th</sup>. The concrete has been poured and staff is working  
4 hard to meet the July 4<sup>th</sup> date but it will probably not be complete by that date.

5  
6 **Councilmember Thomas**

7 Councilmember Thomas said Summerall Park looks very nice except for graffiti on a  
8 sign.

9  
10 **Councilmember Grenier**

11 Councilmember Grenier said that the Welcome to Tavares sign on US 441 by the  
12 hospital is need of repainting. Mr. Thompson noted that the sign has the old city logo  
13 and staff is waiting for the new logo that will come from Branding.

14  
15 Mr. Drury noted it is a gateway project and under the Master Plan the gateways have  
16 been included with recommendation to do the upgrades at one time in order to save  
17 money. He said if the suggestion is to apply a fresh coat of paint that could probably be  
18 included in the regular schedule.

19  
20 **Vice Mayor Wolfe**

21 None.

22  
23 **Mayor Clutts**

24 Mayor Clutts said she had forwarded an email from Mr. Chesser of Fox Run who had  
25 written regarding the response of Chief Keith and the Fire Department. She said he had  
26 requested that Mayor Clutts express his gratitude on behalf of his family for the City  
27 going above and beyond the call of duty to assist him and his wife.

28  
29 **Adjournment**

30  
31 There was no further business and the meeting was adjourned at 7:18 p.m.

32  
33 Respectfully submitted,

34  
35  
36  
37 Nancy A. Barnett  
38 City Clerk