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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JULY 15, 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
Lindsay Holt, Attorney
Nancy Barnett, City Clerk
Susie Novack, Deputy City Clerk
Lori Houghton, Finance Director
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
Brad Hayes, Director of Utilities

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

1 **MOTION**

2
3 **Robert Wolfe moved to approve the July 15, 2009 City Council Agenda, seconded**
4 **by Bob Grenier. The motion carried unanimously, 5-0.**

5
6 **IV. APPROVAL OF MINUTES**

7
8 **MOTION**

9
10 **Norb Thomas moved for approval of the minutes of June 17, 2009, seconded by**
11 **Robert Wolfe. The motion carried unanimously 5-0.**

12
13 **Robert Wolfe moved for approval of the minutes of July 1, 2009, seconded by**
14 **Norb Thomas. The motion carried unanimously 5-0.**

15
16 **V. PROCLAMATIONS/PRESENTATIONS**

17
18 **None.**

19
20 **VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**
21 **CONTACTS**

22
23 Attorney Williams stated that Tab 7, Waterman Cove Planned Development
24 Amendment, was quasi-judicial. He then swore in those who wished to speak on this
25 issue. He asked Council if they wished to declare any ex parte contact they might have
26 had on this matter.

27
28 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

29
30 Ms. Barnett read the following ordinances into the record by title only:

31
32 **RESOLUTION NO. 2009 - 10**

33
34 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING**
35 **TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES**
36 **AND PROGRAMS; IMPOSING FIRE PROTECTION ASSESSMENTS**
37 **AGAINST ASSESSED PROPERTY FOR THE FISCAL YEAR**
38 **BEGINNING OCTOBER 1, 2009; APPROVING THE RATE OF**
39 **ASSESSMENT; APPROVING THE ASSESSMENT ROLL;**
40 **ESTABLISHING A HARDSHIP PROGRAM; PROVIDING A REDUCED**

1 **Tab 2) Resolution #2009-10 – Fire Assessment – Adoption of Final**
2 **Assessment Roll**

3
4 Mayor Clutts introduced the discussion by acknowledging the participation of the
5 audience and expressing appreciation to the citizens for their attendance. She
6 stated that the purpose of the meeting was for the audience to provide input to
7 the Council so that it could weigh that information as it proceeded to consider its
8 decision. She said that she had not made a decision on the resolution and was
9 open and receptive to hearing feedback. She thanked those who had provided
10 input on this issue through emails, phone calls, and letters. She asked Mr. Drury
11 to outline the process of the conduct of the meeting and to summarize the
12 options that have been presented to Council.

13
14 Mr. Drury welcomed the audience members. He introduced each councilmember
15 and those at the dais and department head tables. He said that the purpose of
16 the hearing was for the city council to receive public input on the proposed fire
17 assessment. He asked those who wished to speak to complete a speaker's card.
18 He explained that the speakers would be called up three at a time in the order of
19 when the cards were received. He asked each speaker to state their name and
20 address and to keep their comments to less than three minutes. He noted that
21 the Deputy Clerk would notify the speaker when they had passed two minutes by
22 raising her hand and then at the end of the three minutes a bell would sound. He
23 said public comments will be received along with any questions. He noted that he
24 would be writing down the questions but would not answer them until the last
25 person had spoken.

26
27 Mr. Drury read from the civility proclamation which had been signed by previous
28 Mayor Leo Vaughn.

29
30 Mr. Drury stated he would provide a summary of the assessment, Government
31 Services Group will present its findings, and then the public will be invited to
32 speak. Once the last person has spoken the public comment period will be
33 closed and then staff will answer the questions that were received. He said
34 Council will then take a brief five minute recess. After reconvening Council will
35 deliberate the issues.

36
37 Mr. Drury said the issue before Council is whether to establish a fire assessment
38 rate and then to set the maximum rate. If Council establishes a maximum rate,
39 there are two options: to set the rate and transmit to the tax collector or to set the
40 final rate subject to a downward adjustment after the Council has gone through

1 the two month budget deliberation process in August and September. Council will
2 meet July 29th, August 5th, August 19, and September 2nd to craft the budget. At
3 the September 2nd meeting Council could lower the fire assessment, keep it the
4 same, or eliminate the assessment entirely.

5
6 Mr. Drury introduced the fire assessment by discussing the history of an
7 unpopular decision that faced President George Washington after the
8 revolutionary war that was not understood until 20 years after his death. He
9 noted the parallels in that the citizens of Tavares had worked with Mayor Clutts to
10 develop a vision for the city, the city and the country as a whole are now facing
11 an unprecedented economic war, and the options facing Council are not popular.

12
13 Mr. Drury reviewed the direction of Council to him to develop a balanced budget
14 for its review on July 29th. He said that the broad budget goals are to not raise
15 the millage rate, to maintain a similar level of service, and to treat every
16 employee fairly. He said the current budget is balanced at 13.3 million in revenue
17 and expenses. He reviewed the accomplishments of the past year including the
18 new businesses that had opened. He said next year the budget will drop from
19 13.3 million to 11.5 million and expenses will go up to 13.5 million. The shortfall is
20 2.4 million which creates an unbalanced budget. He noted the reasons for the
21 drop in revenues. He explained the four options to develop a balanced budget:

- 22
23 1) Pass the fire assessment and cut the budget with the goal of lowering the
24 millage as much as possible.
25 2) Eliminate departments, programs, and services
26 3) Raise the millage rate
27 4) Furlough employees and cut pay
28

29 Mr. Drury said the Fire Department is paid from the property taxes. He listed the
30 percentages that pay for public safety, parks and the library. He discussed the
31 hardship clause that would be in the resolution. He then listed the budget cuts
32 that had already been made and those planned for the upcoming budget.

33
34 Mr. Drury discussed the proposed fire assessment noting that it would provide
35 equity of payment. He listed the various entities that do not pay for fire service.
36 He described the year long procedure that had been undertaken to consider the
37 fire assessment and the fire study that had been carried out. He reviewed the
38 financial impact on individuals and businesses including discussing the ISO
39 insurance rating. He discussed the options of closing the library, transferring

1 public safety to the Sheriff and Lake County Fire Department, reducing city
2 services, and raising the millage rate.

3
4 Mayor Clutts discussed the fact that Council had not seen the proposed budget
5 and would be making a decision that would impact the budget without having all
6 the information to review.

7
8 **GSG Presentation**

9
10 Camille Tharpe and Jason Buchholz of Government Services Group gave a
11 presentation on the fire assessment study. Ms. Tharpe stated that the
12 assessment program has to meet two case law criteria to be legally valid: the
13 services or facilities have to provide a special benefit to property and how the
14 charge arrived at has to be fair and reasonable. Ms. Tharpe stated that her
15 agency had conducted studies in 52 cities in Florida and had worked on the
16 original Lake County fire assessment program. She reviewed the data
17 components that had been analyzed. She noted the assessment will go on the
18 tax roll in November if it is approved. She presented the proposed assessment
19 on residential and nonresidential and how those figures had been determined.

20
21 Mayor Clutts noted the GSG report is available on line as a pdf document on the
22 city's web site and the power point presentation would be available upon request.

23
24 **Public Comment**

25
26 The following members of the audience spoke in opposition to the Fire
27 Assessment:

28
29 Kitty Vaughan, Judy Hammock, Sandy Gamble, Eugene Murphy, Doug Dykstra,
30 Harold Whalen, John Tanner, Dan Gorden, Timothy Green, Vann Gannaway,
31 Tom Keisler, Dennis DiLena, Kristen Knight, Gary Santaro, Barbara Wagner, and
32 A.J. Rohe.

33
34 Tim Crow spoke in favor of the fire assessment but requested that Council
35 decrease the amount.

36
37 Mayor Clutts asked to digress from public comment in order to allow Council
38 discussion.

39
40 **Council Discussion**

1
2 Mayor Clutts stated when she had come to the meeting she believed that the
3 maximum assessment rate was unacceptable because it did not provide relief; it
4 gave punitive damages to everyone across the board. She asked if Council was
5 interested in the assessment and did it wish to set a maximum rate.

6
7 Vice Mayor Wolfe said he believed other options needed to be considered but
8 that the assessment remained to be an option. He expressed concern about the
9 proposed rate, especially for commercial.

10
11 Councilmember Thomas stated that last year he had made the statement at the
12 time of the budget process that the city could not afford to take one million from
13 savings every year to cover the shortfall. He said the shortfall is now two million
14 and that it was a painful situation. He said his background is in public safety and
15 that he believed both services needed to be provided by the city. He said he still
16 felt a partial assessment was a good idea but not what had been presented. He
17 said Council was receptive to suggestions.

18
19 Councilmember Grenier said he agreed it was a tough decision and that he felt
20 everyone was in agreement that there are people and places that are not paying
21 their fair share. However, he said he did not like the variety of categories of
22 property that were blanketed under one resolution. He said he felt they needed to
23 be considered separately especially the churches and nonprofits.

24
25 Councilmember Pfister said she was 100% against the assessment in any shape
26 or form. She said she was not convinced that there was a need for Fire
27 Departments to grow because not that many fires occur. She said she did not
28 think the city could support a free ambulance service.

29
30 **Continuance of Public Comment**

31
32 The following spoke in opposition to the fire assessment:

33
34 Patrick Harper, Steve Richey, Thomas Doran, Patsy Osborne, Carla Williams
35 Norm Hull, Gary Cooney, John Caruana, Roger Jablonski, William Barnes,
36 Ronald Milbourne, Alex Cooke, Richard Roof, Christopher Whiteley, Michael
37 Swiney, Kevin Burkholder, Annette Frerking, Rick Joyce, Richard Little, Annie
38 Phillips, Christopher Voss, LaVerne Kamps, Bill Cauthen, Elaine Staudt, Ralph
39 Smith, Thad Brannon, Fran Rice, J. Ross Polson, and Donald Harrison,

40

1 **Questions from Audience**

2
3 Mr. Drury announced that he would be answering questions posed during the
4 audience comment and that if he missed a question, he requested he be
5 contacted after the meeting. He then answered the questions that were
6 presented.

7
8 **Mayor Clutts recessed the meeting at 7:33 p.m. The meeting was**
9 **reconvened at 7:44 p.m.**

10
11 **Council Discussion**

12
13 Councilmember Thomas stated that he disagreed with Councilmember Pfister's
14 statement regarding the value of the Fire Department. He said that their value was far
15 greater in saving lives than in fighting fires.

16
17 **MOTION**

18
19 **Norb Thomas moved to approve the fire assessment on all homes with a five year**
20 **fixed rate of \$120.00 reducing taxes by \$120.00 per residence and to have no**
21 **commercial or church assessments.**

22
23 Mayor Clutts asked for legal comment.

24
25 **There was no second on the motion and the motion failed.**

26
27 Attorney Williams stated that the assessment has to be on a pro rata basis and has to
28 be equal and fair.

29
30 Mr. Drury said that not for profits could be eliminated which was supported by Ms.
31 Sharpe. Ms. Sharpe stated that it could be done with the understanding that the reason
32 for the exemption is that those facilities provide a valid public purpose and are providing
33 services or facilities, that if they were not there, the city would otherwise have to
34 provide. She said public funds cannot be used to buy down commercial assessments
35 because commercial is then being promoted above other properties.

36
37 Discussion followed regarding a possible motion of reducing the rate by 22% overall.

38
39 **Motion**

1 **Lori Pfister moved to not have a fire assessment fee, seconded by Bob Grenier.**

2
3 Vice Mayor Wolfe stated he agreed with the direction of Councilmember Thomas but
4 that he did not like the 22% assessment for commercial which he felt was extremely
5 high.

6
7 Councilmember Pfister said Council had not proven to the residents that they had
8 attempted to balance the budget without doing the fire assessment because the budget
9 was not available as yet. She said she felt more effort could be made to save money.
10 She added that the cities are suffering from decisions made at the federal level.

11
12 Councilmember Thomas said he agreed cuts would be made but that the City
13 Administrator's role was to develop the budget and Council's role was to give him
14 direction.

15
16 Mayor Clutts said that the decision before Council had no relationship to the budget and
17 she did not like any of the options. She said the decision she was making was because
18 she was not armed with the information she needed for the nuances for anything else
19 that was proposed.

20
21 **The motion carried 4-1 as follows:**

22
23 **Nancy Clutts** **Yes**
24 **Bob Grenier** **Yes**
25 **Lori Pfister** **Yes**
26 **Norb Thomas** **No**
27 **Robert Wolfe** **Yes**

28
29 At 7:59 Mayor Clutts announced that the meeting would be recessed for three minutes.

30
31 The meeting was reconvened at 8:05 p.m.

32
33 **Tab 3) Resolution #2009-11 – State Revolving Fund Loan Amendment for Water**
34 **Facility Upgrades**

35
36 Attorney Williams stated that this was the 2.7 million loan with SRF for water system
37 improvements. He stated that once Council has approved the resolution staff can
38 proceed to close on the loan. He said the resolution is in order and it has been reviewed
39 by bond counsel. He said it will be inferior to the city's existing bond issues on the
40 water/sewer revenues.

1
2 Councilmember Thomas asked for clarification on the amount. Attorney Williams noted
3 it is a loan for 2.7 million but it is expected to be considered for stimulus funding for
4 forgiveness of up to 85%.

5
6 Ms. Houghton said the dollar amount for forgiveness is 2.1 million.

7
8 **MOTION**

9
10 **Norb Thomas moved to approve Resolution #2009-11, seconded by Lori Pfister.**

11
12 Mayor Clutts asked Ms Houghton that given the unknown budget scenarios, what was
13 the impact for this decision in terms of the city's bond rating.

14
15 Ms. Houghton stated this will be coming from the water fund and the city just completed
16 its water rate study and revenue sufficiency analysis that will support the debt service of
17 this loan as well as preparing for the water reuse that will come to Council in the future.

18
19 **The motion carried unanimously 5-0.**

20
21 **VIII) CONSENT AGENDA**

22
23 Mayor Clutts asked if anyone in the audience has an objection to any items on the
24 consent agenda. She asked if any Councilmember wished to remove a consent agenda
25 item.

26
27 **MOTION**

28
29 **Robert Wolfe moved to approve the consent agenda (Award of Bid of Restrooms**
30 **of Summerall Park and Amendment to Interlocal Agreement with Water alliance of**
31 **Lake County and Approval of Policies and Procedures). The motion was**
32 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

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

35
36 **First Reading**

37
38 None.

39
40 **Second Reading**

1
2 **Tab 6) Ordinance #2009-18 – Amendment to Stormwater Ordinance**
3

4 Mr. Thompson advised that this ordinance amends Chapter 15 of the Land
5 Development Regulations by creating a new division to address procedures for reducing
6 the introduction of pollutants into the city stormwater drainage utility system. It also
7 clarifies the enforcement procedures. The city has recently submitted an application for
8 a continuation of its five year National Pollutant Discharge Elimination System
9 Stormwater Discharge Permit (NPDES) and this ordinance will assist in meeting the
10 regulatory requirements.

11
12 Mr. Drury said that in order to keep the permit current the city is being asked to ensure
13 that it has regulations to keep pollutants from being discharged into the water. It does
14 not increase the stormwater rate.

15
16 Mayor Clutts asked if anyone in the audience had comment.

17
18 **MOTION**

19
20 **Robert Wolfe moved to approve Ordinance #2009-18, seconded by Bob Grenier.**
21 **The motion carried unanimously 5-0.**
22

23 **Tab 7) Ordinance #2009-23 – Waterman Cove Planned Development Amendment**
24

25 Mr. Skutt reported that this ordinance amends the Planned Development Ordinance 89-
26 30, that governs the Sunshine Christian property. He said the property is located on the
27 south side of Woodlea. The applicant desires to amend the Planned Development by
28 reconfiguring the conceptual plan that provides for a mixture of duplex, quads and
29 multistoried senior apartments. A new nursing/Alzheimer wing is planned for the existing
30 facility. A commercial component, limited to 1.6 acres, with permitted uses intended for
31 the senior residents of the planned community, was introduced into the new conceptual
32 plan. The property has a Future Land Use designation of Medium Density (12 dwelling
33 units per acre) which equates to a maximum of 360 dwelling units after wetland
34 deductions. The proposed new conceptual plan for this development would allow 176
35 dwelling units. The restated PD Ordinance provides updated development standards
36 including architectural renderings that were not presented in the original 1989
37 ordinance.

38
39 Mr. Skutt stated that no objections to the amendment have been received and the
40 Planning & Zoning Board has recommended approval. Staff recommends approval.

1
2 Mayor Clutts asked for public input.

3
4 Aaron Mercer of BESH Engineering stated that Waterman Community had recently
5 purchased Sunshine Christian homes and are pursuing this expansion of the facility. He
6 said architectural renderings have been submitted and concurrency analysis has been
7 provided. He said the existing density allows 12 units per acre but that the applicant has
8 only requested 10 units per acre.

9
10 Mayor Clutts asked for public input.

11
12 **MOTION**

13
14 **Robert Wolfe moved to approve Ordinance #2009-23, seconded by Norb Thomas.**
15 **The motion carried unanimously 5-0.**

16
17 **X. RESOLUTIONS – PUBLIC HEARING**

18
19 None.

20
21 **XI. GENERAL GOVERNMENT**

22
23 **Tab 8) Emergency Water Treatment System SCADA Repair**

24
25 Mr. Hayes said that this is to consider the payment of \$18,650 to Woodard & Curran for
26 emergency repairs to the Water Treatment Plan SCADA system. The Water Treatment
27 Plant System is constantly monitored through an Electronic SCADA System per FDEP
28 Regulations and FDEP permit. The system monitors the water plants wells, pumps,
29 motors, storage and flow volumes. Should a failure occur the system will send out an
30 alarm to the operator and supervisor making them aware of a situation for them to
31 respond. On January 26, 2009 Woodard & Curran was contacted regarding an issue
32 with the Water Plants SCADA computer. An attempt was made to troubleshoot the
33 problem on the phone. It was determined that the computer had failed and it appeared
34 that recovery was not possible. Because the system was not operational, the water
35 plant operators had to personally monitor the facilities around the clock. Joe Hurley
36 arrived on site on January 27, 2009 and reviewed the issues at hand. The computer had
37 a failure that was unrecoverable. The City MIS group provided a refurbished spare
38 computer and work was started to recreate the SCADA system.

1 Councilmember Thomas asked about the contingency plan for future problems with the
2 used computer system. Mr. Brad said that part of the software that has been purchased
3 will be utilized in the system that was recently approved by Council for all the lift stations
4 to be monitored.

5
6 Mayor Clutts asked for public input.

7
8 **The motion carried unanimously 5-0.**

9
10 **MOTION**

11
12 **Norb Thomas moved for approval of Option 1 (Approve the payment of the**
13 **emergency repair invoice in the amount of \$18,605 utilizing funds from the**
14 **Water/Wastewater Reserves), seconded by Bob Grenier.**

15
16 **Tab #9) Coffee Table Layout**

17
18 Mr. Drury advised that previously Councilmember Grenier was assigned to draft the text
19 that has been provided to City Council along with photographs provided by Lake Sumter
20 Community College Business Resources Center. At this time, Mr. Sloan of the Center,
21 is requesting that the City of Tavares approve the attached layout for the Tavares
22 section of this book.

23
24 He said there will be a minimum of 10,000 hard cover copies printed and the anticipated
25 delivery will be September 2009. The book will be priced at \$34.95 and will showcase
26 the counties, the cities and local manufacturing technology, education, sports, leisure,
27 recreation and health care. It will be available for purchase through the local Chambers.

28
29 The city previously paid \$3,800.00 to have a place in the book.

30
31 Mayor Clutts asked that staff investigate and clarify the naming of the fountain.

32
33 Councilmember Grenier said he believed the correct name of the hospital is "Florida
34 Hospital Waterman", not "Florida Waterman Hospital."

35
36 **XII. OLD BUSINESS**

37
38 None.

39
40 **XIII. NEW BUSINESS**

1
2 None.

3
4 **XIV. AUDIENCE TO BE HEARD**

5
6 Mayor Clutts asked if there are any audience members who would like to speak to
7 Council on any matters not included in the agenda.

8
9 **XV. REPORTS**

10
11 **Tab 10) City Administrator**

12
13 Mr. Drury noted he had provided upcoming meeting dates in his report.

14
15 Mr. Drury asked for clarification on the award of the Wooton Park bids. He staff will be
16 coordinating with Council to have a special meeting on July 22nd to award the bid. He
17 said there is a short window of shutting down the park and then being open for the
18 upcoming special events so that it was important to schedule the bid in the near future.
19 **Consensus to hold the bid on July 22nd at 4 p.m..**

20
21 **Brad Hayes**

22
23 Mr. Hayes stated on July 27th the city will be offering a water conservation seminar at
24 the Tavares Civic Center at 5:00 p.m.

25
26 **Councilmember Pfister**

27
28 Councilmember Pfister thanked staff and Council for their work on the fire assessment
29 noting that there was a lot of work ahead but it would be accomplished by everyone.

30
31 **Councilmember Thomas**

32
33 Councilmember Thomas asked Mr. Drury if he could review the current budget and
34 eliminate anything that did not need to be spent.

35
36 **Councilmember Grenier**

37
38 Councilmember Grenier complimented Mr. Drury on his presentation and Mayor Clutts
39 for her handling of the meeting.

1 Councilmember Grenier said he had received a compliment about Captain Luckock
2 from a resident. He thanked Mr. Neron and Ms. Smith for their hard work on procuring
3 grants. He noted Council had received letters of recognition regarding staff in General
4 Services (Chad Stiver, Jay Masaitis, Duane Everett, and Jared Purvis) for their help on
5 reworking the float docks.

6
7 **Vice Mayor Wolfe**

8
9 No report.

10
11 **Mayor Clutts**

12
13 Mayor Clutts said she agreed with Mr. Grenier and noted that the last several days in
14 particular had been very difficult. She thanked Ms. Houghton and Mr. Drury for their
15 assistance in providing the information. She noted that all the work done by staff had
16 been based on consensus and/or direction from Council. She said that the work that the
17 staff and city council has been focusing on has been aimed at changing the city's tax
18 base and that the efforts have been successful. She thanked everyone in attendance for
19 their participation.

20
21 **Adjournment**

22
23 There was no further business and the meeting was adjourned at 8:27 p.m.

24
25 Respectfully submitted,

26
27
28
29
30 _____
31 Nancy A. Barnett, C.M.C.
City Clerk