

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
OCTOBER 19, 2011
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

John Drury, City Administrator
Lori Houghton, Finance Director
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Chief Stoney Lubins, Police Department
Chief Richard Keith, Fire Department
Brad Hayes, Utility Director
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Bill Neron, Economic Development Director
Tammey Rogers, Community Services Director
Lori Tucker, Human Resources Director

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Chief Keith presented the invocation and all those presented recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury advised that staff wished to pull Tab 15 (Lake Frances Sewer Design Phase 1) to be presented at a future meeting.

MOTION

Sandy Gamble moved, to approve the agenda with the recommendation made by the City Administrator to pull Tab 15, seconded by Kirby Smith. The motion carried unanimously 5-0.

1 Mayor Wolfe stated that the minutes of October 5, 2011 would be deferred.

2
3 **MOTION**

4
5 **Kirby Smith moved to approve the deferral of the minutes of October 5, 2011 to the next meeting,**
6 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

7
8 **V. PROCLAMATIONS/PRESENTATIONS**

9
10 **Tab 2) Presentation by Consultant – Evaluation and Appraisal Report – Recommendation for EAR**
11 **Based Amendment**

12
13 Mr. Skutt stated that the City’s EAR Consultant, Andre Anderson, would be presenting his final
14 recommendations.

15
16 Mr. Skutt said that staff has prepared Ordinance #2011-07 and #2011-08 that will begin to implement the
17 consultant’s recommendations. He said the Planning & Zoning Board (which also functions as the Local
18 Planning Agency) had approved his report.

19
20 Mr. Anderson of Planning Design Group reviewed the Evaluation and Appraisal Report process. He said
21 during the past year the Community Planning Act went into effect as a result of House Bill 7207. This act
22 changed significantly how the growth planning process is done for all local governments. It streamlines the
23 process and repeals Rule 9J5. This changed some of the previous requirements, i.e. removing the
24 requirement for transportation, parks and recreation, and school concurrency. Other changes were more
25 limited state review. The Department of Community Affairs is only required now to review state resources
26 and not local government plans. The time frame has been streamlined and shortened. Some criteria was
27 also added to define urban sprawl more precisely and to help identify quality development.

28
29 Mr. Anderson reviewed the previous seven issues the city had identified, how they were impacted by the
30 new Act, and the recommendations being made:

- 31
32
- 33 • Future Land Use & Annexation Policy: Proceed with EAR based amendments regarding policies.
34 *Sector plan*-- This is now mandated in a different fashion. the city can adopt a long range plan for
35 a long term period and then specify EAR plans for implementation which can be done as part of the
36 local ordinance (versus the Comprehensive Plan process).
 - 37 • Affordable Housing: The City’s comprehensive plan refers to mobile homes as being affordable
38 housing. Recommendation: adjust plan to allow more options for affordable housing. The city has
39 amended its LDR’s which gives people who own mobile home lots the ability to build
40 conventionally constructed homes on those lots. Councilmember Gamble said he understood the
41 setbacks had already been adjusted. Mr. Anderson confirmed.
 - 42 • Economic Development: Mr. Anderson noted the city had indicated it wished to reduce the 50:50
43 split between commercial and residential and the city is well on its way as it is now at 69:31 which
44 is significant over such a short period of time.
 - 45 • Multi Modal Transportation: The City of Tavares is significant in the diversity of transportation it
46 offers. This issue addresses how the city will deal with congestion. This means that the City is
47 shifting its focus from ensuring that infrastructure is in place at the time of development to
ensuring that the city is maintaining its adopted level of service. This does not mean building new

1 roads necessarily, but, through alternative modes of transportation so long as the overall system
2 meets the standard identified. Recommendation: repeal the concurrency requirement and continue
3 to look at other alternatives for concurrency.

- 4 • Public Utilities: Recommendation: Continue to address aging facilities and look at policies
5 identified by the EAR that should be addressed
- 6 • School Capacity and Concurrency: This item was repealed by the statute. This has to do with
7 ensuring that the level of services is maintained. This is in conflict with increased density in the
8 downtown because schools would tend to be located in the suburbs where there is available
9 capacity. Recommendation: repeal the school concurrency requirement because it is difficult for a
10 local government to influence a facility that it has no control over. Continue to work with the
11 School Board to ensure that schools are located in the appropriate locations and specifically in the
12 urban areas where there is infrastructure in place

13
14 Councilmember Gamble noted that the City has repealed the school concurrency and that the setbacks
15 regarding mobile homes has been revised. Mr. Anderson confirmed.

16
17 **MOTION**

18
19 **Sandy Gamble moved to approve the city planning consultant's recommendations, seconded by**
20 **Kirby Smith. The motion carried unanimously 5-0.**

21
22 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

23
24 Attorney Williams stated there is a quasi-judicial hearing, Tab 8, involving the Weiss Rezoning application
25 at Banning Beach. He asked those who wished to speak to be sworn in.

26
27 Attorney Williams asked the councilmembers if they wished to disclose ex parte contacts.

28
29 Councilmember Pfister said she had received many emails that she had responded to and had received
30 several phone calls and had spoken to residents.

31
32 Councilmember Gamble said he had spoken to Mr. Weiss and had received several emails and phone calls
33 from residents.

34
35 Vice Mayor Grenier said he had had email and phone communications with residents.

36
37 Attorney Williams reminded Council that the emails are public records and that those councilmembers not
38 on the city email system, should forward their emails to the City Clerk.

39
40 Mayor Wolfe noted he had received several emails and phone calls and had had a few phone calls with Mr.
41 Weiss.

42
43 Councilmember Smith said he had also had many emails and phone calls from residents both for and
44 against this issue, and phone calls from Mr. Weiss.

45
46 **VII. CONSENT AGENDA**

47

1 Mayor Wolfe asked if anyone in the audience had objections to the items on the Consent Agenda.

2
3 **MOTION**

4
5 **Bob Grenier moved to approve the Consent Agenda [Tab 3 – Agreement with Lake Emergency**
6 **Services for Co-Location at Fire Station 29 – Tavares Fire Station #2 and Tab 4) Approval of Lake**
7 **County Library System Circulation & Registration Policy], seconded by Sandy Gamble. The motion**
8 **carried unanimously 5-0.**

9
10 **VIII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

11
12 Ms. Barnett read the following ordinances by title only:

13
14 **RESOLUTION 2011-26**

15
16 **A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A**
17 **MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 07, AN**
18 **ESCROW AGREEMENT, AND RELATED INSTRUCTIONS, AND**
19 **DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

20
21 **ORDINANCE 2011-08**

22
23 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
24 **HOUSING ELEMENT OF THE TAVARES COMPREHENSIVE PLAN,**
25 **PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR**
26 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

27
28 **ORDINANCE 2011-07**

29
30 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
31 **TAVARES COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION**
32 **ELEMENT, THE CAPITAL IMPROVEMENT ELEMENT, THE CONCURRENCY**
33 **MANAGEMENT SUB-ELEMENT, AND THE INTERGOVERNMENT**
34 **COORDINATION ELEMENT AND BY REMOVING THE PUBLIC SCHOOLS**
35 **FACILITY ELEMENT, PROVIDING FOR SEVERABILITY AND CONFLICTS;**
36 **PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE**
37 **DATE.**

38 **ORDINANCE 2011-09**

39
40 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING**
41 **APPROXIMATELY 9.7 ACRES LOCATED ON THE WEST SIDE OF BANNING**
42 **BEACH ROAD, NORTH OF EAST DELAWARE STREET AND SOUTH OF RESERVE**
43 **DRIVE FROM RSF-1 (RESIDENTIAL SINGLE FAMILY) TO PD (PLANNED**
44 **DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
45 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**
46 **EFFECTIVE DATE.**

47

1 **IX. ORDINANCES/RESOLUTIONS**

2
3 **Tab 5) Resolution #2011-26 – Approval and Award to SunTrust Bank for Lease Funding of Capital**
4 **Purchases**

5
6 Ms. Houghton stated the purpose of this item is to execute a master lease agreement to fund the purchase of
7 a VIOP phone system, a street sweeper, and a solid waste vehicle. She said these items were included in the
8 2012 budget. She discussed the RFP that was done and noted the low bid was a 1.55% annual rate for five
9 years. The street sweeper and vehicle will be funded at seven years at a rate of 1.74%.

10
11 Councilmember Smith asked if staff procures the equipment and Council decides not to approve would
12 there be any penalty if the loan were not taken out. Ms. Houghton indicated there would not be a penalty.

13
14 Councilmember Gamble noted one of the local banks was not listed which is United Southern. Ms.
15 Houghton said they do not offer the capital lease option.

16
17 **MOTION**

18
19 **Bob Grenier moved to approve Resolution #2011-26, seconded by Kirby Smith. The motion carried**
20 **unanimously 5-0.**

21
22 **Tab 6) Ordinance #2011-08 – Transmittal Hearing for Comprehensive Plan EAR Based Amendment**
23 **on Housing Element**

24
25 Mr. Skutt advised this amendment will clarify Mr. Anderson's recommendation which is what the city
26 considers to be affordable housing and it will apply to mobile homes. He noted that at the Planning &
27 Zoning Board meeting it was clarified that this amendment does not prohibit or do away with existing
28 mobile homes and it does not prohibit the placement of new mobile homes in those areas of the city that are
29 zoned for mobile homes. This ordinance updates the housing element and states that any new housing
30 whether it is site constructed or factory built, must comply with current federal and state building codes.
31 The Planning & Zoning Board voted to recommend approval and staff recommends that Council approve
32 for transmittal to the state.

33
34 **MOTION**

35
36 **Kirby Smith moved to approve Ordinance #2011-08, seconded by Sandy Gamble. The motion**
37 **carried unanimously 5-0.**

38
39 **Tab 7) Ordinance #2011-07 – Comprehensive Plan Amendment to Remove Transportation, School,**
40 **and Parks and Recreation Concurrency**

41
42 Mr. Skutt reported that this amendment was also discussed by Mr. Anderson. He said the most important
43 issue is that the local Land Development Regulations has a section on concurrency management that
44 mirrors the regulations that are presently found in the Comprehensive Plan. The only difference is that
45 under the LDR's, transportation, school, and parks concurrency is studied at the rezoning stage and must be
46 achieved at the time of site plan or when the building permit is issued or when the subdivision is platted.
47 The Comprehensive Plan is designed to look far into the future addressing long range concepts. He noted

1 the City has Interlocal agreements with the MPO, the School Board and neighboring municipalities to
2 guarantee school capacity which should continue to be honored and enforced. The Planning & Zoning
3 Board recommended approval and staff recommends that council approve for adoption.

4
5 **MOTION**

6
7 **Bob Grenier moved to approve Ordinance #2011-07, seconded by Sandy Gamble. The motion carried**
8 **unanimously 5-0.**

9
10 **Tab 8) Ordinance #2011-09 – Banning Beach Rezoning to Planned Development – Second Reading**

11
12 Mayor Wolfe noted that all those who stood to be sworn in would be given opportunity to speak and that
13 the speaker's time would be limited to two a half minutes to three minutes. He asked that speakers not
14 repeat comments made by other persons speaking before them.

15
16 Mr. Skutt said this application is similar to one considered a year ago. He said the application is to rezone
17 property which is presently zoned for single family detached dwellings to be rezoned to a Planned
18 Development zoning that would allow single family attached dwellings. Under the present zoning, 15
19 detached dwellings could be platted with 15 driveways. Under the proposed rezoning, 20 attached
20 dwellings could be platted on the property with 20 driveways. The proposed Planned Development includes
21 architectural elevations of the proposed buildings which commits the builder to construct the buildings in
22 accordance with these sketches. This differs from the previous application that had no requirements for
23 architectural standards or designs.

24
25 He said the Planning & Zoning Board recommended unanimously denial of the rezoning. Staff is
26 recommending approval as under the Comprehensive Plan this property is designated Low Density
27 Residential, 5.6 dwelling units per acre. The Comprehensive Plan would allow 20 dwelling units on this
28 property which matches the request by the applicant. Staff cannot identify any clear policies, goals, or
29 objectives in the Comprehensive Plan that would support a recommendation of denial.

30
31 Mayor Wolfe asked Mr. Weiss to make a statement.

32
33 Mr. Weiss said he has brought the project back as a Planned Development to commit the property to what
34 is being presented which would eliminate the multi family concerns that were brought forward last year. He
35 said he is asking for three to five more units than what is currently allowed. He said the current and
36 foreseeable market is flooded with single family large lots and new home buyers want smaller and more
37 energy efficient houses, which is the basis for his request. He discussed other details of the proposed
38 development.

39
40 Mayor Wolfe asked if Mr. Weiss was willing to reconstruct the sidewalk on the east side of Banning Beach
41 Road. Mr. Weiss confirmed.

42
43 Mayor Wolfe invited public comment.

44
45 Fred Steffens, 205 Shorewood Drive

46

1 Mr. Steffens said he believed the property would be developed sooner or later and it is Mr. Weiss' right to
2 develop the property. He said there are there options: grant the rezoning request based on his belief that Mr.
3 Weiss will build a quality development; not grant the zoning request with the risk of another entity buying
4 the property and putting up something unknown; or that the city purchase the property with the assistance
5 of residents by establishing a fund and making the property into a public park. He spoke in support of the
6 rezoning application.

7
8 Robert Cook – 467 Banning Beach Road
9

10 Mr. Cook said his family has lived in the neighborhood for 50 years and he was in support of the
11 application as described by Mr. Weiss.

12
13 June Rabanus – 1905 Oak Circle
14

15 Ms. Rabanus said she supported the rezoning application.

16
17 Mary Ziegengiest – 1927 Sycamore Circle
18

19 Ms. Ziegengiest asked if the Planning & Zoning Board had recommended denial. Mayor Wolfe said that
20 was correct. Ms. Ziegengiest said she is in agreement that Mr. Weiss builds quality homes but her concern
21 was that the request did not appear to meet the intent of a Planned Development. She said the size and
22 configuration of the property does not lend itself to innovative site and building design, provision of
23 interior streets, public spaces, recreational amenities, etc. which are defined in the Planned Development
24 regulations. She said the attached site plan is similar if not the same as last year's submittal and that she had
25 expected to see some kind of different configuration. She asked if it was a single or double garage. (Mr.
26 Weiss said it was a double garage.) She said there is a concern about the impact on the wetlands, wild life,
27 pedestrian safety, and vehicular traffic which was voiced last year.

28
29 Chester Wojcikiewicz, 648 Banning Beach Road
30

31 Mr. Wojcikiewicz said he supported Mr. Weiss' proposal.

32
33 Patty Frazier, 536 Reserve Drive
34

35 Ms. Frazier said she preferred that it would be a planned community and supported the application.

36
37 Ralph Baker, 634 Banning Beach Road
38

39 Mr. Baker spoke in support of the application.

40
41 Richard Baugh, 106 Shorewood Court
42

43 Mr. Ball spoke in opposition. He said the issue is what is best for the neighborhood and he would prefer
44 that individual homes be built which would be better for the existing neighborhood.

45
46 Deborah Boulware, 1913 Oak Circle
47

1 Ms. Boulware spoke in opposition. She said she is concerned about the effect of 20 additional homes and
2 driveways on Banning Beach Road. She said she would be concerned at the change for those who had
3 purchased homes in the area based on their understanding of the current zoning. She discussed the current
4 access points and the impact of the proposed addition.

5
6 Gordon Ryan, 521 Reserve Drive

7
8 Mr. Ryan spoke in support because of knowing what would be built.

9
10 Pat Baker, 634 Banning Beach Road

11
12 Ms. Baker spoke in support. She said she is legally blind and has no trouble with any traffic when she is
13 bicycling in the neighborhood.

14
15 Karen Green, 504 Banning Beach Road

16
17 Ms. Green said if there is concern for the wetlands, the road should never have been moved or reconfigured
18 which was approved by the city originally to allow for homes on that side. She spoke in support and stated
19 the plan is aesthetically pleasing and is only five more driveways.

20
21 Erik Anderson, 250 Banning Beach Road

22
23 Mr. Anderson spoke in support and recommended approval by Council.

24
25 Bob Vehmeier, 179 Lakecrest Drive

26
27 Mr. Vehmeier spoke in opposition. He said there are no problems with the condos because they are not
28 seen from the road and they fit into the neighborhood. He said deed restrictions and HOA's can be difficult
29 to enforce. He said he is bothered by 20 units all looking the same and that he felt this would destroy the
30 aesthetic beauty. He questioned people backing up onto Banning Beach Road and the garbage trucks access
31 to the properties. He said if they could be built similar to the condos with one exit that it would be an
32 excellent development but the proposed plan does not fit the area.

33
34 Dr. Fran Allen, 389 Reserve Drive

35
36 Dr. Allen said as a newest resident she is not concerned about changing from single family to multiple
37 housing. She said given the fact that some change will happen she would be in favor of the "known" rather
38 than the unknown.

39
40 Carl Brenner, 332 Shorewood Drive

41
42 Mr. Brenner spoke about transportation issues. He said if is curb delivery it will mean 120 stops a week for
43 mail, garbage 40 stops a weeks and recycling trucks 20 stops or a total of 180 stops a week of trucks
44 blocking the road. He said he did not understand trash can pads and questioned the location. He asked
45 Council to not approve the application.

46
47 Terry Wintersdorf, 202 Lakecrest Drive

1
2 Ms. Wintersdorf said nothing has changed from last year when Council denied the request and that she is
3 willing to take a chance on what is built there. She voiced concerns over traffic and water problems and
4 urged Council to read the Planning & Zoning's recommendation on why they denied the request. She asked
5 how many times the application can come back if it is denied again.
6
7 Attorney Williams said if it is denied he cannot reapply for one year.
8
9 Ms. Wintersdorf asked if Councilmembers had a personal relationship with Mr. Weiss was that a conflict.
10
11 Attorney Williams said there is a specific statute basis for conflicts of interest which is based on financial
12 incentive and whether the vote creates a financial gain to the person voting.
13
14 Ralph Baker, 634 Banning Beach
15
16 Mr. Baker said as far as traffic he is usually the only car and that the garbage pickup is very smooth on that
17 road.
18
19 Patricia Frazier, 536 Reserve Drive
20
21 Ms. Fraser said there are rarely more than one or two cars on the road and she did not think that was an
22 issue.
23
24 Mary Steffens, 205 Shorewood Drive
25
26 Ms. Steffens spoke in support of the development.
27
28 Durward Buehler, 206 Lakecrest Drive
29
30 Mr. Buehler said nothing has changed from the previous application and he recommended denial.
31
32 Bob Thomas, 680 Banning Beach Road
33
34 Mr. Thomas said in addition to his residence he owns two commercial properties on Banning Beach Road
35 and that he supported Mr. Weiss' proposal.
36
37 James Keyes, 468 Banning Beach Road
38
39 Mr. Keese said he is in favor of the proposal.
40
41 Jack Dilts, 247 Reserve Drive
42
43 Mr. Diltch spoke in support of the project.
44
45 Becky Dilts, 247 Reserve Drive
46
47 Ms. Dilts spoke in support of the project.

1
2 Barbara McLane, 227 Reserve Drive

3
4 Ms. McLane spoke in support of the project.

5
6 Ron Ballenger, 175 Shorewood Drive

7
8 Mr. Ballenger spoke in opposition to the project, stating he preferred single family homes.

9
10 Council Discussion

11
12 Mayor Wolfe asked Mr. Thompson about the garbage pads being proposed. He asked if they are off the
13 edge of the curbing would the truck be able to have access. Mr. Thompson said that was correct if they
14 were spaced correctly. Mayor Wolfe noted the City can control the parking.

15
16 Councilmember Gamble noted there is already a bus going to the elementary and middle school and that
17 any additional bus top location could be worked out with the School Board. He pointed out there is a
18 similar issue on Dora Avenue for garbage pickup and he believed it is managed. He noted he had not heard
19 comments about the existing retention pond affecting property values but it is owned by the state. He asked
20 if the houses could be painted different colors. He said he would have concern about hedges as it might
21 cause a traffic visibility issue. He said the application is different from last year as a Planned Development
22 and that he thought this development needed to be looked at with an open mind.

23
24 Councilmember Smith said he has given the project considerable thought and has spoken to several real
25 estate agents about whether or not it would reduce the value of the surrounding properties. He said he had
26 been told that it should not affect their value and that he concurred that this was a different proposal than
27 last year,

28
29 Mayor Wolfe asked Mr. Weiss if he would be willing to reduce it to 18 units instead of 20. Mr. Weiss
30 responded that he would accept nine buildings instead of ten, which would be 18 homes. He said the
31 development requirements and permitting from St. Johns and drainage issues will also impact the size of
32 the development.

33
34 Councilmember Pfister said it has been a difficult decision. She said if she owned property in that area she
35 would welcome the development because it is a known design, and looks to be well constructed. However,
36 she said out of respect for the current property owners, their property was purchased with the understanding
37 that this was zoned for single family and Mr. Weiss was aware of the zoning as well. She said she did not
38 understand from the minutes, why the Planning & Zoning Board voted against the project.

39
40 Vice Mayor Grenier said he would have to remain consistent with his vote taken last year. He said he
41 continued to not be in favor as he had observed the effect of duplexes in his neighborhood. He said he was
42 not in favor of the appearance of everything looking the same.

43
44 Councilmember Gamble said one of the concerns expressed in Planning & Zoning had to do with flooding.
45 He asked staff to comment.

46
47 Mr. Hayes said Mr. Weiss will have to do several improvements to the existing stormwater system.

1
2 Mr. Neron reviewed the action taken by Council on October 5, 2011 to approve holding a bond
3 referendum. He said Council had requested staff to bring back a recommended date. He said the staff
4 consisting of the City Administrator, City Clerk, Public Communications Director, City Attorney and
5 himself had met to review the issue. He said the goal was to select a date when the seasonal residents would
6 still be in the area, when the appropriate focus could be centered on this issue, and there would be sufficient
7 time for public discussion. He noted there will be a Republican presidential primary in January, but 54% of
8 the electors are either Democrat or Independent and therefore would be less likely to vote. He said staff
9 recommendation is to have the election Tuesday, March 6, 2012.

10
11 Councilmember Pfister questioned whether staff had discussed the date with other individuals or groups.
12 Mr. Neron said some discussion was held with some newspapers and other people involved with the
13 political process. Mr. Drury said staff had not discussed this with any advocacy group—what had been
14 discussed was the issue of holding an election after Easter, when the winter residents would be gone. In
15 addition it was recognized if it was held during the Republican primary there might be criticism of not
16 being inclusive. He said there will be a lot of information going out and discussion being held between now
17 and January 31 related to the primary which would compete with the information on this issue. He said the
18 city wants to ensure there is sufficient time to adequately inform the public and be all inclusive for the
19 voters.

20
21 Councilmember Pfister said she was concerned because she felt strongly about the issue and wanted it to be
22 successful. Mr. Drury said staff had also spoken to the Supervisor of Elections regarding the date.
23 Councilmember Pfister asked if staff had spoken to the Trust for Public Lands who are professionals in this
24 area. Mr. Neron said that he had had some contact with the Trust for Public Lands and that the director had
25 agreed that mixing it with the presidential primary would not be the best choice. He said he had probably
26 not asked her about that specific date. Ms. Barnett noted that another consideration had been to choose the
27 first Tuesday of the month which has been the traditional voting day.

28
29 Vice Mayor Grenier discussed the need for a thorough educational effort. Councilmember Pfister asked
30 about upcoming events in the downtown. Mr. Neron noted the African American Festival, Crappie festival
31 and 5K Run in February. Councilmember Pfister asked about promotional materials being provided sooner.

32
33 Mr. Drury stated the city has begun informing the public of this referendum through the newspapers by
34 meeting with the editorial boards and some of the on line magazines, television, etc. He said there will be
35 an informational blast between January 31 and March 6th and between now and then there will be a
36 constant educational campaign on the web site. He said once the date is picked, the staff will work hard to
37 educate the public.

38
39 Councilmember Pfister noted she was the liaison to the project and the first she had heard of the special
40 election was in her agenda packet. Mr. Drury noted Council had directed staff at a previous meeting to
41 come up with a date and recommend it to Council.

42
43 Councilmember Smith commended staff for picking a date and he agreed it was important to establish a
44 date that would be before the northern residents return home. He said he believed the city cannot promote
45 but can inform. He said as an individual he is in favor of the project and he will work to promote it as well.

46

1 Councilmember Gamble noted that he is in support of the date and is glad that it is before the residents
2 would return to northern residences. However, he noted that historically when the city used to have its
3 elections in March the voting turnout was poor.

4
5 Vice Mayor Grenier asked Attorney Williams to clarify the difference between educating and promoting.

6
7 Attorney Williams said educational articles would provide objective information and would encourage
8 people to vote, as opposed to advocating a position.

9
10 **MOTION**

11
12 **Kirby Smith moved to approve March 6, 2012 for the referendum of Wooton Park, seconded by**
13 **Sandy Gamble. The motion carried unanimously 5-0.**

14
15 **Tab 11) Water & Sewer Service to Three Lakes Park**

16
17 Mr. Hayes said this is a request to direct staff to negotiate an agreement for providing water and wastewater
18 to Three Lakes Park and bulk premium rate. Mr. Hayes said this development is in Lake County but the
19 city's service area extends past Three Lakes Park. There are public health issues for the water and
20 wastewater and financial concerns. Tavares has a good water system that has the capability to serve this
21 community. The wastewater system has the capacity to accept their byproduct. The developer would install
22 the entire infrastructure plus connect to the city's system at no cost to the city. There would be no yearly
23 cost of maintenance. The new system would help with the preservation of the lake. By removing these old
24 systems, the city receives credit for its grant applications under the Basic Management Action Plan or
25 "BMAP". The approximate revenue to the city has been estimated at \$150,000 a year that would potentially
26 help with the debt service. He said there were members of the Florida Department of Environmental
27 Protection in the audience to support the project and the HOA president was also in attendance.

28
29 He said staff recommendation is to move to negotiate an agreement to provide water and wastewater to
30 Three Lakes at bulk premium rate with a requirement to annex into the City within 10 years.

31
32 Mayor Wolfe asked the location of the water and sewer line. Mr. Hayes said it runs on the other side on US
33 441 just past Angelo's restaurant. Mayor Wolfe asked who would pay to bring the line under the road. Mr.
34 Hayes said the development would pay for the line.

35
36 Councilmember Smith asked Attorney Williams if the development could try to get out of the agreement to
37 annex. Attorney Williams said he thought it would be secure. He discussed the ordinance conditions and
38 the difference between what was done for Squirrel Point. In Squirrel Point, every property owner was
39 required to sign a recordable covenant that is now recorded in the public records.

40
41 Councilmember Gamble noted some of the residents had put in wells and septic tanks. He said if they are
42 on a well and septic tank, would they be required to hook up to city water and sewer at the time of
43 annexation. Mr. Hayes said the county's requirement is that if they are within a certain distance of water
44 and sewer, they are required to connect. Councilmember Smith asked which entity would bring the roads
45 up to specifications. Mr. Drury said when the agreement comes back to Council, there will be many issues
46 addressed and this is a request to begin the negotiation process.

1 Attorney Williams noted this is a unique project and because it doesn't fit squarely within existing policies
2 that staff felt before spending time developing the agreement, that it would be appropriate to get approval
3 from Council of the concept.

4
5 **MOTION**

6
7 **Sandy Gamble moved to approve Option 1, to instruct staff to negotiate the agreement for providing
8 water and wastewater to Three Lakes Park at bulk premium rate with a requirement to annex in
9 within ten years and bring back the agreement to Council for approval, seconded by Bob Grenier.**

10
11 Mayor Wolfe noted Council will take public comment at the time the agreement comes back to Council for
12 approval.

13
14 Attorney Williams added there are several people in the area that are not in the Three Lakes Mobile Home
15 Park that are affected.

16
17 Councilmember Gamble added that in the negotiations that if the residents are not able to bring their road
18 to city specifications, the city will not be responsible for the roads as has occurred in Fox Run. In addition
19 the garbage needs to be addressed. Mr. Drury added there may be an issue with the fire trucks.

20
21 **The motion carried unanimously 5-0.**

22
23 **Tab 12) Donation Policy**

24
25 **Ms. Houghton made the following staff report:**

26
27 *On December 15, 2010, the City Council asked staff to develop a policy for solicitation of funds for City
28 events.*

29
30 *The City hosts several events during each fiscal year with many vendors providing various levels of support
31 to the City for these events. Support by our citizens and business community is beneficial to the fiscal
32 impact in hosting City events thus a policy for the solicitation for event funding provides a consistent
33 methodology for each sponsorship opportunity.*

34
35 *In preparing a policy for soliciting and accepting donations and sponsorships, Staff reviewed Florida
36 Statutes in order to develop a meaningful and easy to implement policy.*

37
38 *After review of related information, the attached policy was prepared and discussed amongst the various
39 City Departments for input and operational impact and ease of implementation.*

40
41 *The attached policy meets the criteria of Florida Statutes, and meets the operational needs as well as the
42 City's goals and objectives. The Policy provides for:*

- 43
44
- 45 • *Cash Donations with Restrictions*
 - 46 • *Cash Donations without Restrictions*
 - 47 • *Non-Cash Donations*
 - *Solicitations of Donations*

- *Approval and Procedure for Solicitation of Donations or Sponsorships*

MOTION

Kirby Smith moved to approve the policy, seconded by Sandy Gamble. The motion carried unanimously 5-0.

Tab 13) Report on Charging Station Usage

Mr. Skutt reported that since April, there have been four Electric Charging Stations located in the City of Tavares. They are designed to provide electricity for low speed vehicles such as segways and golf carts; and highway speed vehicles such as the Chevy Volt, Nissan Leaf and Smart Electric. The units are the property of the Department of Energy and were loaned to the City at no cost for a period of three years as a facet of a federal pilot program. At the end of this period, the City of Tavares will be asked by the Department of Energy to assume ownership of the stations and continue their maintenance. The City of Tavares pays the cost of the electricity being used by the stations and provides this convenience to users at no cost. There is an option to charge individuals for the use of the electricity however the cost over the last six months has only been around \$1.00. Staff recommends that the city continue offering the service at no cost. Since installation, there have been 55 sessions of use which have consumed an accumulated total of 12.4 kilowatt hours.

MOTION

Lori Pfister moved to approve the Charging Station Usage Report and to direct staff to make the next report in one year, seconded by Sandy Gamble. The motion carried unanimously 5-0.

Tab 14) Contract Addendum with BESH for Design of Alleyways that Abut the Alfred Street Project

Mr. Thompson made the following staff report:

On March 8th, 2010, City Council selected BESH Engineering as the top ranked firm to design the one-way pairing of Alfred & Caroline Streets. A contract for the engineering and streetscape has been executed with BESH. The adopted Redevelopment Master plan for Downtown Tavares recommends the improvement of our alleyways to introduce unique pedestrian spaces which also will reduce excessive curb cuts and traffic conflicts on street frontages. Tavares has to-date brick paved 7 alleyway segments with very positive public response. As suggested in the Master plan's implementation schedule, alleyways in our downtown will be improved as funding is available. Before an alleyway can be improved, it must be surveyed and the subsoil and brickwork engineered to carry the weight of heavy vehicles. Since BESH is actively surveying and designing Alfred & Caroline Streets, it would be most economical for this firm to also do similar work on the adjoining alleyways. BESH has presented a biddable alternate contract for \$7,687.50 to do this additional task for the remaining 7.5 alleys. It is noted that BESH has agreed to use the survey presently underway by Southeastern Survey for the purpose of their design. This non-duplication of services will save the City of Tavares \$9,000.

MOTION

1 **Kirby Smith moved to approve Option 1, the bid alternate contract with BESH Engineering in the**
2 **amount of \$7,687.50 for the biddable design of the remaining 7.5 unimproved alleyways that are**
3 **adjacent to Alfred and Caroline Streets and authorizes the City Administrator to execute the**
4 **contract. seconded by Bob Grenier. The motion carried unanimously 5-0.**

5
6 **Tab 16) Approval of Emergency Contractors List**

7
8 Mr. Drury advised that Council had requested staff to develop a list of emergency contractors for water,
9 wastewater and stormwater departments. Proposals were solicited through advertising and eight companies
10 responded. Staff recommends selecting all eight companies and a rotational system will be developed.

11
12 **MOTION**

13
14 **Lori Pfister moved to accept the eight contractors for the Emergency Contractors List, seconded by**
15 **Kirby Smith**

16
17 Councilmember Gamble asked about tree damage. Mr. Thompson said most tree emergencies are handled
18 in-house. Mr. Thompson said the city has a contract with Dimensional for canal clearing.

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

21
22 **Tab 17) Update on Progress Energy's 441 Substation Location**

23
24 Mr. Drury said that Progress Energy wishes to build a substation between Sinclair Avenue and the Winn
25 Dixie area. They have looked at several sites with a preference for this site off US 441. They intend to
26 purchase the Chamber property and the daycare property. He noted he had provided a photo of a similar
27 station near Waterman Hospital of 200' x 200'. He said the law only allows the city to control aesthetics
28 and the goal will be to negotiate an aesthetics plan and a gateway sign on their property.

29
30 If Progress Energy purchases the Tavares Chamber property, he Chamber is interested in contributing up to
31 \$150,000 towards the city's train station, if an agreement can be negotiated. This would also allow the city
32 to place a gateway sign to one of the major corridors to the downtown, so this would be a benefit. The city
33 will do everything it can to work with the landscaping aspects.

34
35 Mayor Wolfe questioned why they would not want to go on the north side of US 441. He asked if under
36 negotiations they could put in more mature trees and the larger gallon sized bushes so they grow quicker.
37 Mr. Skutt said there is a maximum height related to the lines.

38
39 Councilmember Gamble asked about the timing. Mr. Drury said they will probably have acquired the
40 property by early 2012 and would begin construction in about a year. This is all contingent on the
41 environmental studies under review. Mr. Neron noted the Chamber would have to move out in July 2012
42 according to their agreement.

43
44 Councilmember Smith asked about ingress/egress. Mr. Drury said the city is trying to require the access to
45 be off Texas Avenue.

46
47 **XIV. OLD BUSINESS**

1
2 **XV. NEW BUSINESS**

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

5
6 None.

7
8 **XVI. REPORTS**

9
10 **Tab 12) City Administrator**

11
12 None

13
14 **City Clerk**

15
16 Ms. Barnett noted that Council had approved an event for New Vision that was to have been held today
17 which had to be cancelled due to the weather. She said they have rescheduled it for January 12, 2012 at
18 9:15 a.m.

19
20 Ms. Barnett stated that last year Council had voted last year to hold only one meeting in November. The
21 next meeting will therefore be November 16, 2011.

22
23 **Economic Development Director**

24
25 Mr. Neron noted there were 22 vendors at the last Friday Farmers Market and urged everyone to attend.

26
27 **Fire Chief**

28
29 Chief Keith stated that the day that Council and staff attended the Economic Development luncheon in
30 Orlando, a small fire was observed on the side of the road in the right of way. He recognized
31 Councilmember Gamble for assisting him with putting out the fire.

32
33 **Tab 14) City Council**

34
35 **Councilmember Pfister**

36
37 Councilmember Pfister reminded everyone to attend the opening at Aesop's Park on Saturday.

38
39 **Councilmember Gamble**

- 40
41
 - Asked about the Carl Ludecke subdivision noting that once they have gotten to a percentage of
42 build out they are required to annex into the city.

43
44 Mr. Hayes said staff has not seen any plans on that development. He said he did not believe any houses
45 have been built. Attorney Williams said he did not think they had received plat approval.

46

1 Mr. Hayes said the water lines are located now at the corner of David Walker and US 441. Ms. Houghton
2 noted there is a pioneer agreement in place when development begins.

- 3
- 4 • Asked Mr. Neron if there could be some different types of restaurants in the city. Mr. Neron
5 mentioned that the chain restaurants have particular requirements but he would look into it.
6
- 7 • Said he appreciated Mr. Skutt's foresight in bringing forward the Comprehensive Plan
8 amendments.
9
- 10 • Noted that Jonathon Lucroyd was a Tavares baseball player in the fall ball program and is now
11 catcher for the Milwaukee Brewers and he wished to acknowledge him and their recent season.
12

13 **Vice Mayor Grenier**

14
15 Vice Mayor Grenier said he has received some very positive emails about events in the city and positive
16 feedback about employees and he said he appreciates receiving those emails.
17

18 He reminded everyone of the event on Friday at the Lake County Historical Society to honor the unveiling
19 of the Lake County military gallery and civil war sesquicentennial.
20

21 **Councilmember Smith**

22
23 Councilmember Smith said there is no Lake Sumter MPO meeting on October 26.
24

25 **Mayor Wolfe**

26
27 Mayor Wolfe reminded everyone of the Aesop's Park opening at 10:00 a.m.
28

29 **Adjournment**

30
31 There was no further business and the meeting was adjourned at 6:56 p.m.
32

33 Respectfully submitted,
34
35
36
37

38 _____
Nancy Barnett, City Clerk