

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
DECEMBER 7, 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

Pastor Greg Watts, Liberty Baptist Church, gave the invocation and those presented recited the Pledge of Allegiance.

III. SWEARING IN OF NEW COUNCILMEMBER

Mayor Wolfe stated Councilmember Smith would be sworn into office. Chief Lubins gave the Oath of Office to Councilmember Kirby Smith.

IV. ELECTION OF MAYOR

Mayor Wolfe passed the gavel to Mr. Drury to conduct the election.

1 Mr. Drury reviewed the process for the electing the mayor and then declared the nominations
2 open.

3
4 **Kirby Smith nominated Robert Wolfe. There were no other nominations and the**
5 **nominations were closed.**

6
7 **VOTE ON MAYOR**

8
9 **Robert Wolfe was elected to be Mayor for the term 2011-2012 by unanimous vote 5-0.**

10
11 **V. ELECTION OF VICE MAYOR**

12
13 Mr. Drury passed the gavel back to Mayor Wolfe. Mayor Wolfe thanked Council for its support.

14
15 **Mayor Wolfe declared nominations open for Vice Mayor.**

16
17 **Kirby Smith nominated Bob Grenier.**

18
19 **Lori Pfister nominated Sandy Gamble. Councilmember Gamble declined the nomination.**

20
21 **VOTE ON VICE MAYOR**

22
23 **Bob Grenier was elected to be Vice Mayor for the term 2011-2012 by unanimous vote 5-0.**

24
25 **VI. APPROVAL OF AGENDA**

26
27 Councilmember Smith requested to have Tab 4 pulled from the Consent Agenda.

28
29 **MOTION**

30
31 **Bob Grenier moved, to approve the agenda with pulling Tab 4 from Consent, seconded by**
32 **Kirby Smith. The motion carried unanimously 5-0.**

33
34 **VII. APPROVAL OF MINUTES**

35
36 **Tab 2) Approval of Minutes from the October 19, 2011 and November 16, 2011 City Council**
37 **Meetings**

38
39 **MOTION**

40
41 **Kirby Smith moved to approve the minutes of October 19, 2011 and November 16, 2011, as**
42 **submitted seconded by Sandy Gamble. The motion carried unanimously 5-0.**

43
44 **VIII. ETHICS AND SUNSHINE LAW PRESENTATION**

45
46 Attorney Williams discussed public meetings, public records, and ethics as related to the
47 Sunshine Law. He discussed public emails and the city's email archiving system.

1
2 He discussed the Florida Gift Law which prohibits elected officials from getting certain kinds of
3 gifts over the level of \$25.00. He noted there are ways to file exemptions. He said the other issue
4 is public service fraud which is a federal statute with a similar state statute complement that is
5 very broad in its potential reach. It has to do with actions that are unethical and violate the public
6 trust. He gave examples of recent cases in Florida. He recommended that Council call him for an
7 opinion on any matter concerning public service fraud, gifts, Sunshine Law, etc.

8
9 **IX. CHECKING AUTHORIZATION**

10
11 Ms. Houghton said after every election the city must designate the signers for city checks.
12 Currently it is the Mayor and/or Vice mayor, and City Administrator and/or the Finance Director.

13
14 **MOTION**

15
16 **Kirby Smith moved to approve the staff recommendation of the Mayor, Vice mayor, City
17 Administrator and Finance Director to be authorized to sign checks, seconded by Sandy
18 Gamble. The motion carried unanimously 5-0.**

19
20 **X. PROCLAMATIONS/PRESENTATIONS**

21
22 **None**

23
24 **XI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

25
26 Attorney Williams stated there was one quasi-judicial matter on the agenda, Tab 8, the
27 application for a special use permit for Children’s House of Learning. He asked those present to
28 be sworn in who wished to give testimony. He then asked Council to declare any ex parte
29 communications on this application. None indicated.

30
31 **XII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

32
33 Ms. Barnett read the following ordinances and resolutions into the record by title only:

34
35 **ORDINANCE 2011-14**

36
37 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE
38 FOLLOWING SECTIONS OF THE CITY LAND DEVELOPMENT
39 REGULATIONS; CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES,
40 AND ASSOCIATED NOTES; SUBJECT TO THE RULES, REGULATIONS AND
41 OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;
42 PROVIDING AN EFFECTIVE DATE.**

43
44 **ORDINANCE 2011-15**

45
46 **AN ORDINANCE AMENDING ORDINANCE 2010-22 OF THE CITY OF
47 TAVARES, FLORIDA PERTAINING TO THE WAIVER OF IMPACT FEES;**

1 Mr. Drury noted in the future the description will be clarified for any in kind services.
2

3 **MOTION**
4

5 **Kirby Smith moved to approve the CDBG grant for St. Clair Abrams improvements at
6 \$52,500, seconded by Sandy Gamble. The motion carried unanimously 5-0.**
7

8 **XIV. ORDINANCES/RESOLUTIONS**
9

10 **Tab 5) Ordinance #2011-14 – Amendment to Land Development Regulations – Chapter 8,
11 Updating & Consolidating Table -8-2- Permitted Uses in Zoning Districts – First Reading
12 Only**
13

14 **Tab 6) Ordinance #2011-15 – Extension of Impact Fee Credits for Six Months – First
15 Reading Only**
16

17 **Tab 7) Ordinance #2011-13 – Permit Fee Exemption for ADA Modifications**
18

19 Mr. Skutt reported that the purpose of this ordinance is to amend Chapter 24, Section 24 E, of the
20 City of Tavares Land Development Regulations to allow permit fee exemptions for commercial
21 permits for construction and/or modifications to remove architectural barriers to access and
22 improve access for persons with mobility impairments.
23

24 Mayor Wolfe invited public comment.
25

26 **MOTION**
27

28 **Kirby Smith moved to approve Ordinance #2011-13, seconded by Bob Grenier. The motion
29 carried unanimously 5-0,**
30

31 **Tab 8) Resolution #2011-25 – Special Use Permit for Children’s House of Learning**
32

33 Mr. Skutt made the following report:
34

35 *The subject property is located on the southwest corner of Maud Street and Disston Avenue. It is*
36 *zoned CD (Commercial Downtown). Situated on this property is a one storey single family*
37 *dwelling which the applicant desires to convert to a child care center (daycare). In addition to the*
38 *converted dwelling, the applicant is proposing to place three modular buildings on the site to be*
39 *used for the same purpose. A conceptual site plan has been submitted and is attached to this*
40 *report. A condition of the Special Use permit is that a site plan be prepared in accordance with*
41 *the City's Land Development Regulations and approved through our usual site plan review*
42 *process.*
43

44 *The applicant has hired Jass & Associates Architecture to modify the modular buildings to comply*
45 *with the city's commercial architectural design standards specified within our Land Development*
46 *Regulations. These preliminary plans are attached to this summary. City staff will not approve a*

1 *site plan unless all structures are constructed and all improvements to the site are done in*
2 *accordance with our codes.*

3
4 *Staff does concur that this location within our Commercial Downtown District is appropriate for a*
5 *child daycare facility provided that it meets our architectural standards.*

6
7 Mr. Skutt noted an objection was heard from Mr. Stephen Birr at the Planning & Zoning Board
8 who owns adjacent property. He said Mr. Birr's objections focused mainly on traffic and sound
9 concerns. The Planning & Zoning Board voted 5-2 to recommend approval and staff recommends
10 approval. One of the conditions in the resolution is compliance with the city's design standards.

11
12 Mayor Wolfe asked the applicant to make a statement

13
14 Brenda Phillips, 35814 CR 437, Eustis

15
16 Mayor Wolfe asked Ms. Phillips why she would not consider a site built facility. Ms. Phillips said it
17 is due to cost but she is still investigating modular versus site built and she said she will work with
18 the city on the design once she has made a final decision.

19
20 Discussion followed regarding the architectural design, the proposed location, fencing, etc.

21
22 Attorney Williams noted the city's standards apply whether it is modular or site built and the laws
23 do not allow the city to discriminate between modular and site built construction so long as it
24 meets the building codes and complies with the city's architectural requirements.

25
26 Councilmember Gamble asked for clarification on traffic and the age range of the children. Ms.
27 Phillips said the children will range from one year to school aged. She said the plan for traffic is to
28 come off of Disston, through the alley and exit off Maude. She said the maximum number of
29 children is 100.

30
31 Vice Mayor Grenier asked about the time process in terms of meeting the standards. Mr. Skutt
32 said before occupancy of the building is allowed, the applicant will have to comply with all the site
33 requirements including the architectural standards.

34
35 Councilmember Smith noted there was a proposed façade to make it appear as though the three
36 buildings are attached. He said he noticed a proposed six foot fence around the three modular
37 buildings connecting to the permanent existing stucco residence. He asked about fence
38 requirements. Mr. Skutt said it cannot be a chain length fence. Councilmember Smith thanked
39 Ms. Phillips for choosing Tavares.

40
41 Councilmember Pfister asked about zoning for a daycare. Mr. Skutt said daycares are allowed in
42 a variety of zones within the city but in every case a special use permit is required because of the
43 unique characteristics. Ms. Pfister asked questions about the neighboring uses and access to
44 Wooton Park.

45
46 Ms. Phillips said it has not been her desire to relocate but Progress Energy wishes to have her
47 property and this has been the most favorable location.

1 **MOTION**

2
3 **Kirby Smith moved to approve Resolution #2011-25, Special Use Permit, seconded by**
4 **Sandy Gamble.**

5
6 Discussion followed regarding the importance of abiding by the architectural standards.

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

9
10 **XV. GENERAL GOVERNMENT**

11
12 **Tab 9) Report on Options for Green Initiatives**

13
14 Mr. Skutt said he had done research to find other cities that had waived impact fees for green
15 construction; however, he had not been able to find an example. He said he did find many cities
16 that gave a wide range of incentives for building green, such as building permit fee waivers,
17 expedited permit, rebates, promotional awards, density bonuses, and tax exemptions. He said he
18 also reviewed an extensive 36 page white paper that gave a legal analysis of what would have to
19 be considered in developing a program based on impact fee waivers.

20
21 He said he had provided a copy of Sarasota County's program as an example, along with other
22 government entities in Florida. He recommended that staff be directed to formulate a program
23 based on incentives other than impact fees.

24
25 Councilmember Pfister spoke in support.

26
27 Mayor Wolfe invited public comment.

28
29 **MOTION**

30
31 **Lori Pfister moved to instruct the staff to develop an incentive program for building green**
32 **similar to Sarasota County, seconded by Kirby Smith. The motion carried unanimously 5-**
33 **0.**

34
35 **Tab 10) Appointment to the Citizen Advisory Committees of the Metropolitan Planning**
36 **Council**

37
38 Mayor Wolfe recommended reappointment of David Clutts to the Citizen Advisory Committee.
39 and Alisha Maragalivia to the Bicycle Pedestrian Committee.

40
41 **MOTION**

42
43 **Sandy Gamble moved to approve the Mayor's recommendations to the Citizen Advisory**
44 **Committees as stated, seconded by Kirby smith. The motion carried unanimously 5-0.**

45
46 **Tab 11) Appointment to the Police Pension Board**

47

1 Mayor Wolfe appointed Norman Hope to the Police Pension Board.

2
3 **MOTION**

4
5 **Sandy Gamble moved to approve the Mayor's recommendation of Norman Hope to the**
6 **Police Pension Board, seconded by Kirby Smith. The motion carried unanimously 5-0.**

7
8 **Tab 12) Approval of Contract with Griffey Engineering to Design Pervious Pavers for the**
9 **Coven Alleyway**

10
11 Mr. Thompson said this is a request to approve the selection of Griffey Engineering and authorize
12 the City Administrator to enter into the contract for a biddable design and oversight for paving the
13 unimproved Coven alleyway in the amount of \$5,000.

14
15 **MOTION**

16
17 **Sandy Gamble moved for the City Administrator to enter into a contract with Griffey**
18 **Engineering in the amount of \$5,000 for the biddable design and oversight of the half**
19 **block northern section of the Coven alleyway, seconded by Bob Grenier.**

20
21 Councilmember Smith questioned the choice of Coven alleyway as he said there are alleyways
22 that are only half done in the city that should be a priority as they are more accessible to the
23 public. He discussed several alleyways he had observed recently. He said the current Coven
24 alleyway goes to two triplexes and a single house and is already paved.

25
26 Vice Mayor Grenier asked what the costs would be to finish the longer alleyway sections. Mr.
27 Drury noted staff will have to measure and determine the costs. He noted there is a limited
28 budget left to do alleyways and this one fits the budget and will probably not be addressed under
29 the one way pairing project. He said, however, there is probably another alleyway that could be
30 done for the same price.

31
32 Mr. Thompson added one factor is that are no utility considerations in the Coven alleyway as it
33 only has lateral water lines. Mayor Wolfe asked the total cost of the job. Mr. Thompson said the
34 cost is about \$35,000 per alley. He said for half an alley it would probably be about \$25,000.

35
36 Councilmember Gamble said he agreed with Councilmember Smith. He said he was unaware of
37 alleys that had only been done halfway.

38
39 **The motion failed 5-0.**

40
41 Mr. Thompson said he would bring back another alleyway for Council's consideration.

42
43 **Tab 13) Approval of Florida League of Cities Legislation Priorities**

44
45 Council chose the following five priorities based on 10 recommended by the League of Cities:

46
47 Kirby Smith - Economic Development

1 Robert Wolfe – Municipal Police and Firefighter Pension Plans & Disability Presumptions
2 Bob Grenier – Pending Ordinance Doctrine
3 Sandy Gamble – Public Safety Telecommunications Certification Exemption
4 Lori Pfister – Energy
5

6 **Consensus for the City Administrator to recommend these priorities to the Lake County**
7 **League of Cities**
8

9 **Tab 14) Bottled Water Policy/Report on Sales**
10

11 Ms. Houghton noted she had provided a worksheet in the agenda packet. The original order was
12 for 1,584 cases or 38,016 bottles. The total fixed cost was \$1,420. The variable cost per cart per
13 case was \$6.95. The cost per bottle was 33 cents and the total cost was \$12,428.00.
14

15 Staff is proposing that of the 1,584 bottles, 283 be sold as retail, 551 be sold for wholesale, and
16 750 cases be available for branding and promotional initiatives. This breakdown will allow the city
17 to break even so the cost can be recouped. She discussed current prices for water in the
18 surrounding stores.
19

20 Mayor Wolfe invited public comment.
21

22 **Charlotte Hope, Fox Run**
23

24 Ms. Hope said she had purchased several cases from Sam's Club recently and paid slightly less
25 than twelve cents a bottle and after that found it at under five cents a bottle.
26

27 **MOTION**
28

29 **Kirby Smith moved to approve the City of Tavares policy of giving half the bottles to the**
30 **nonprofits at no cost, seconded by Lori Pfister.**
31

32 **Discussion**
33

34 Councilmember Smith suggested encouraging the vendors to sell the city's bottled water at the
35 Mt. Dora and Eustis events.
36

37 Councilmember Pfister noted the chances of breaking even in one year is unlikely so it is not a
38 break even project.
39

40 Mayor Wolfe said the bottles have been purchased and it is better to get the brand out.
41

42 Mr. Drury noted staff will provide a full report in one year's time and will endeavor to get the
43 vendors to purchase and sell the city's water.
44

45 Councilmember Pfister suggested dropping the price on the wholesale price for the for-profits to
46 assist in reducing the inventory. Ms. Houghton said this would enable staff to reduce for quick
47 sale.

1
2 Councilmember Gamble asked if the motion enabled all nonprofits to be given the bottled water
3 or just those within the city. He said he did not want to limit the local nonprofits from having
4 access to the water.

5
6 **AMENDED MOTION**

7
8 **Kirby Smith moved to amend his motion to only allow nonprofit organizations in the**
9 **Golden Triangle area and leave it to staff discretion to reduce the cost of bottled water to**
10 **profit oriented businesses, seconded by Lori Pfister.**

11
12 **The amended motion carried unanimously 5-0.**

13
14 **XVI. OLD BUSINESS**

15
16 None

17
18 **XVII. NEW BUSINESS**

19
20 None

21
22 **XVIII. AUDIENCE TO BE HEARD**

23
24 Betty Burleigh, 214 New Hampshire Avenue

25
26 Ms. Burleigh said that former Councilmember Patricia Farner, passed away last month. She said
27 she served between 1972 and 1976 and was the first female President of the City Council. She
28 fought for the creation of the Fire Department in 1973. Ms. Burleigh discussed the history of the
29 Fire Department in Tavares.

30
31 Brenda Smith, 1250 Smith Avenue

32
33 Ms. Smith said on behalf of the Historical Society she wished to thank Council for the water
34 bottles with the Tavares brand that will go into the archives that includes other historical
35 fundraising projects such as small wooden pocketbooks, a Monopoly game, and Christmas tree
36 ornaments.

37
38 **XIX. REPORTS**

39
40 **Tab 12) City Administrator**

41
42 Mr. Drury stated that in addition to the meetings listed, he wished to note that the City of Eustis
43 will be the host for the upcoming Golden Triangle Summit Meeting and has asked if Monday
44 January 30, 2012 at 5:30 p.m. will be acceptable to the City Council. He noted not every
45 councilmember is expected to attend but he just wanted to ensure that the majority of the
46 members would be available. **Consensus that this date is acceptable.**

47

1 **Economic Development Director**

2 Mr. Neron said on Saturday the Tavares Santa will be at the Prop Shop to welcome families with
3 kids.

4
5 **Tab 14) City Council**

6
7 **Councilmember Pfister**

8 Councilmember Pfister stated Ms. Rogers and staff had done a superb job for the “Flight before
9 Christmas” noting it was the largest crowd the city has ever had for this event.

10
11 **Councilmember Gamble**

12 Councilmember Gamble added that he had received positive feedback about this event as well.

- 13
14
 - Noted in the park someone has broken one of the lights that goes up in the tree and it is
15 laying on its side
 - Commented on the lightshow and the music.

16
17
18 Mr. Neron said staff is working to have the lights reprogrammed and hoped to have it operational
19 very soon.

- 20
21
 - Noted the only thing missing from the Light Up was having the lights in the trees.

22
23 **Vice Mayor Grenier**

- 24
 - Acknowledged today is Pearl Harbor Day
 - Noted he enjoys receiving the positive emails from staff

25
26
27 **Councilmember Smith**

- 28
 - Wished congratulations to Councilmember Pfister for winning the Twas the Night Before
29 Christmas poem
 - Extended congratulations to Mayor Wolfe and Vice Mayor Grenier for being re-elected for
30 another year

31
32
33 **Mayor Wolfe**

34 Mayor Wolfe thanked Ms. Rogers and all he staff who worked on the Light Up Event. He said it
35 will be up to Council to come up with money for the tree lights.

36
37 Councilmember Gamble noted the Junior Women’s Club had started the Light Up Event.

38
39 **Adjournment**

40
41 There was no further business and the meeting was adjourned at 5:39 p.m.

42
43 Respectfully submitted,

44
45 _____
46 Nancy Barnett, CMC
47 City Clerk