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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 18, 2012
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Norm Hope, Councilmember
Lori Pfister, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Brad Hayes, Utility Director
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Bill Neron, Economic Development Director
Tammey Rogers, Community Services Director
Lori Houghton, Finance Director

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Morry Osborne, Adventure Christian Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury requested to add one item under Presentations—a presentation to be made by the Rotary Club and report of the Dragonboat event.

MOTION

Bob Grenier moved to approve the agenda with addition of Rotary Club presentation, seconded by Kirby Smith. The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES

1
2 **April 4, 2012 Minutes were deferred.**

3
4 **V. PROCLAMATIONS/PRESENTATIONS**

5
6 **Presentation by Rotary Club**

7
8 Dee Johns, President of the Tavares Rotary Club, thanked the City Council and staff for their
9 support of the Dragonboat Festival. She thanked Mayor Wolfe for his work to secure the
10 fireworks. Ms. McGinley, Executive Director, recognized Wendell Hunt for his expertise in
11 handling the boats, Joey Graham who provided much assistance, and Chad Stiver for obtaining
12 the electric for the vendors. She also thanked Ms. Rogers and all the Parks and Recreation staff.
13 Ms. Johns provided a commemorative paddle to Mayor Wolfe.

14
15 Mayor Wolfe stated the event was a great success in spite of the wind issues.

16
17 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

18
19 Mayor Wolfe stated, as the City Attorney was not present, Ms. Barnett would perform the
20 swearing in.

21
22 Ms. Barnett stated there are four quasi-judicial matters on the agenda: Tabs 6, 7, 8, and 9. She
23 asked those present to be sworn in. She then invited Council to disclose any ex-parte
24 communications.

25
26 **VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

27
28 Ms. Barnett read the following ordinances into the record by title only:

29
30 **ORDINANCE 2012 - 10**

31
32 **ORDINANCE AMENDING ORDINANCE NUMBER 2009-22 PERTAINING**
33 **TO SECTION 17-54 OF THE CITY OF TAVARES LAND DEVELOPMENT**
34 **REGULATIONS FOR RECLAIMED WATER RATES; PROVIDING FOR**
35 **RATE AGREEMENTS FOR AGRICULTURE USES AND PROVIDING**
36 **FOR AN EFFECTIVE DATE.**

37
38
39 **ORDINANCE 2012-06**

40
41 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING**
42 **APPROXIMATELY .15 ACRES OF LAND LOCATED GENERALLY ON THE**
43 **NORTHWEST CORNER OF BLOXHAM AVENUE AND TRAFFORD STREET FROM**
44 **PUBLIC FACILITIES DISTRICT (PFD) TO RESIDENTIAL MANUFACTURED HOME**
45 **PARK (RMH-P); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
46 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**
47 **EFFECTIVE DATE.**

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ORDINANCE 2012-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY .15 ACRES OF LAND GENERALLY LOCATED ON THE NORTHWEST CORNER OF BLOXHAM AVENUE AND TRAFFORD STREET; FROM LOW DENSITY RESIDENTIAL (LOW) TO MOBILE HOME (MH); PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-08

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 1.28 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF US 441 AND 7TH SUNFISH STREET; REZONING SAID PROPERTY FROM LAKE COUNTY NEIGHBORHOOD COMMERCIAL (C-1) TO CITY OF TAVARES GENERAL COMMERCIAL (C-1); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-09

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 1.28 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST INTERSECTION US HWY 441 AND 7TH SUNFISH STREET; FROM COUNTY COMMERCIAL CORRIDOR TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

VIII. CONSENT AGENDA

Mayor Wolfe asked if anyone in the audience objected to the items under the Consent Agenda (Tabs 2, 3, and 4).

Councilmember Hope stated he had a question regarding Tab 4.

MOTION

Kirby Smith moved to approve the Consent Agenda Tabs 2 and 3 [Award of Bid for St. Clair Abrams Sidewalk Construction Project and Approval of Hot Water Tour Jet Ski Racing Events for May and June 2012] and omitting Tab 4. The motion was seconded by Norman Hope. The motion carried unanimously 5-0.

1
2 **Tab 4) Approval of Proposal for City to Host Harris Chain Bassmasters' Fishing**
3 **Tournament – September 22, 2012**
4

5 Councilmember Hope asked about in-kind services. He said he would like to see those costs
6 before a vote is taken by Council.
7

8 Mr. Neron stated staff will be developing a spread sheet to identify the value of the City's in kind
9 services. He stated that in addition to the use of the picnic pavilion, he and one staff member
10 would be helping to park boats in the morning and the boaters would be out of the park by 3:00
11 p.m.
12

13 **MOTION**
14

15 **Bob Grenier moved to approve Tab 4 [Harris Chain Bassmasters' Fishing Tournament,**
16 **September 22, 2012], seconded by Norman Hope. The motion carried unanimously 5-0.**
17

18 **XI ORDINANCES/RESOLUTIONS**
19

20 **Tab 5) Ordinance #2012-10 – Amendment to Ordinance #2009-22 to Allow for Agricultural**
21 **Rate Agreements for Reclaimed Water – Read for First Reading Only**
22

23 **Tab 6) Ordinance #2012-06 – Rezoning of Riverest Mobile Home Community from Public**
24 **Facilities District to Residential Manufactured Home to Allow Park Model & RV Sites**
25

26 Mr. Skutt stated this is an application to rezone the north .15 acres of a parcel of property owned
27 by Riverest Mobile Home Park located on the northwest corner of Trafford and Bloxham. The
28 property is now zoned Public Facilities District and this application is to rezone it to Residential
29 Manufactured Home Park. The owners were in the process of developing a site plan to
30 accommodate several RV pads when it was discovered that a portion of the land was zoned PFD.
31 It was felt this was a mapping error. The rezoning will be consistent with the present zoning of the
32 rest of Riverest Mobile Home Park. The Planning & Zoning Board recommended approval.
33

34 **MOTION**
35

36 **Bob Grenier moved to approve Ordinance #2012-06, seconded by Kirby Smith. The motion**
37 **carried unanimously 5-0.**
38

39 **Tab 7) Ordinance #2012-07 – Small Scale Future Land Use Amendment, Lot L of Riverest**
40 **Mobile Home Park**
41

42 Mr. Skutt stated this is the Future Land Use Map Amendment for the same property as discussed
43 under Ordinance #2012-06. The amendment is from low density to mobile home. The Planning &
44 Zoning Board recommended approval.
45

46 **MOTION**
47

1 **Norman Hope moved to approve Ordinance #2012-07, seconded by Bob Grenier. The**
2 **motion carried unanimously 5-0.**

3
4 **Tab 8) Ordinance #2012-08 – Annexation & Rezoning – Tolbert Property U.S. 441 – Dollar**
5 **General**

6
7 Mr. Skutt stated this will annex and rezone to General Commercial a 1.2 acre parcel of property
8 located on the north side of US 441, west of the main entrance of Palm Gardens. This property is
9 contiguous to the city boundaries. The owners of this property are proposing to construct a new
10 Dollar General Store and will require city utilities. They have a submitted a site plan that details
11 the extension of the city's water and sewer lines under US 441 to service their property. They will
12 do this extension of services at their expense and the pipes have been sized to allow future
13 development along the north side of US 441. The Planning & Zoning Board recommended
14 approval.

15
16 Mayor Wolfe invited the applicant to speak.

17
18 **MOTION**

19
20 **Kirby Smith moved to approve the annexation and rezoning of the Tolbert property**
21 **[Ordinance #2012-08], seconded by Bob Grenier. The motion carried unanimously 5-0.**

22
23 **Tab 10) Ordinance #2012-09 – Small Scale Future Land Use Amendment – Tolbert Property**
24 **– US 441 – Dollar General**

25
26 Mr. Skutt said this is the Future Land Use Amendment for the property just presented. It will
27 amend the Future Land Use designation from County Commercial Corridor to City Commercial on
28 the 2020 Future Land Use Map. This is the most appropriate designation for this property. The
29 Planning & Zoning Board recommended approval.

30
31 **MOTION**

32
33 **Norman Hope moved to approve Ordinance #2012-09, seconded by Bob Grenier. The**
34 **motion carried unanimously 5-0.**

35
36 **IX. GENERAL GOVERNMENT**

37
38 **Tab 10) Acceptance of Grant from Firehouse Subs for MSA Thermal Imaging Camera**

39
40 Chief Keith stated this is a nonmatching grant from Firehouse Subs Public Safety Foundation. He
41 discussed the corporation's history. He said the department had a need to replace the current
42 thermal imaging camera which is over 12 years old. He said Battalion Chief Jeff Hosterman
43 contacted the Foundation and applied for the grant. The award is \$9,753 to buy the camera. Chief
44 Keith explained how the camera operates. He said Firehouse Subs has recently opened a
45 restaurant in Tavares and the owner Jennifer Latimer was present. He then introduced Ms.
46 Latimer.

1 Ms. Latimer stated she would appreciate the city accepting the grant. Mayor Wolfe spoke in
2 support.

3
4 **MOTION**

5
6 **Norman Hope moved to accept the grant and thanked Firehouse Subs for making this**
7 **available to the Fire Department, seconded by Kirby Smith.**

8
9 Councilmember Smith said the grant is much appreciated.

10
11 Mayor Wolfe asked that Chief Keith relay Council's appreciation to Battalion Chief Hosterman for
12 his efforts to secure the grant.

13
14 **The motion carried unanimously 5-0.**

15
16 Chief Keith noted that Firehouse Subs has also given to the Lake County Fire Department
17 \$18,000 for voice amplification systems for their air packs.

18
19 **Tab 11) City Violation and Lien Notification**

20
21 Mr. Drury stated staff is working on a policy regarding notifying owners of properties who do not
22 pay their water or sewer bill as well as owners of properties who have code enforcement
23 proceedings against them. The minimum requirement under the law when notifying a property
24 owner that they are delinquent with their bill or have a code enforcement violation is a certified
25 letter which has been the practice of Tavares. Recently the city has been moving forward with the
26 next step when properties do not comply by putting on liens for the amount owed and the ultimate
27 step is to foreclose. He said Councilmember Smith has pointed out that some property owners
28 are not aware of these issues because they have not signed for the letters. He said probably 25
29 to 30% of the letters are returned in the mail unsigned which means that there are times when the
30 owner could not have known that he had a violation.

31
32 Staff has developed a policy whereby the city will continue to do the minimum requirement: send
33 out a certified letter to violators in both cases and if the signature matches the owner of record,
34 then the normal procedure will be followed. If the signature does not match, then they will be
35 served once by one of the Police Officers if they are in the community or by the local servicing
36 agent in the community where they live. Once they have been served then the normal process
37 will be followed. Mr. Drury stated there are three properties that will be served after the policy is
38 approved.

39
40 Councilmember Smith stated one of the properties that will be served is owned by his brother in
41 law and therefore he would be abstaining from voting.

42
43 Mayor Wolfe asked if anyone in the audience had comment.

44
45 **MOTION**

46

1 **Norman Hope moved to approve the lien notification procedures, seconded by Bob**
2 **Grenier. The motion carried unanimously 4-0 with Councilmember Smith abstaining.**

3
4 **Tab 12) Request to Change One Part-Time Lab Technician to Full Time Technician**

5
6 Mr. Brad reviewed his request to eliminate one full time water plant operator and changing that to
7 a lab technician position from part-time to full time to reduce expenses. Mr. Hayes discussed the
8 Splash Park regulations that must be met regarding water testing and staff needs. He also
9 discussed the Reclaim Water program noting that only one operator is needed to fulfill the
10 requirement from St. Johns for the Consumptive Use Permit because of other equipment that has
11 been installed. He noted he had provided updated fiscal impact information to Council and said it
12 will mean a savings of approximately \$29,540 in the Operating and Maintenance budget. He
13 discussed the overtime that has incurred that will be potentially reduced.

14
15 Mayor Wolfe clarified that Mr. Hayes would not be requesting the second position in the
16 upcoming budget. Mr. Hayes confirmed.

17
18 Councilmember Smith asked how much overtime would be saved. Mr. Hayes said it is estimated
19 to be around \$17,000 to \$18,000. He asked if this could be postponed until October. Mr. Hayes
20 said the Splash Park is operating now which results in the overtime.

21
22 **MOTION**

23
24 **Norman Hope moved to approve Mr. Hayes' request to change one part-time lab technician**
25 **to a full-time technician, seconded by Kirby Smith. The motion carried unanimously 5-0.**

26
27 **Tab 13) Selection of Construction Method for Wooton Park Expansion**

28
29 Mr. Drury noted the voters approved the expansion of the Wooton Park property and some
30 improvements. He said he had provided three construction methods for Council to consider. he
31 said it is broken up into two basic methods: 1) The construction manager at risk where an
32 engineering team and a contractor are hired, together they design the project and when the
33 design is about 80% the contractor provides a price not to exceed and then bids out all the
34 subcomponents. (Method currently being used for the pier and pavilion project.) 2) Design and
35 then bid project and select lowest bid.

36
37 Mr. Drury said currently BESH is doing the design and Emmett Sapp the construction of the pier
38 and pavilion and a change order was issued recently to have them do the train station. One
39 option is to do another change order for them do the park expansion. There may be some cost
40 savings and it should be done quicker. Option 2 is to go out for RFQ's for a design team and
41 RFP's for a construction company. Option 3 is to go through the traditional bidding out method.

42
43 Mayor Wolfe asked if there was comment from the audience.

44
45 **MOTION**

46

1 **Norman Hope moved for the traditional design build and bid process, seconded by Lori**
2 **Pfister.**

3
4 Councilmember Hope said his motion is not a comment about the engineer or contractor being
5 utilized currently but rather his concerns about openness in government and the perception that
6 two change orders have been made already.

7
8 Councilmember Smith said he agreed however he was more in favor of the construction at risk
9 process. He said he preferred Option #2.

10
11 Councilmember Pfister and Councilmember Grenier concurred with Option #2 for the same
12 reasons.

13
14 Councilmember Pfister asked for clarification on the difference between Option #2 and #3. Mr.
15 Drury said Option 2 is Construction Manager at Risk. A design team and a construction manager
16 are hired through a competitive process. Once they are hired they meet together and design the
17 project. At 80% design the contractor gets pricing from all the subs and then presents the
18 guaranteed maximum price of the project. Mr. Drury said the design build process is where the
19 engineer designs the project with no input from the contractor which may result in change orders.

20
21 Councilmember Pfister asked if there any positive aspects to Option #3. Mr. Drury responded it is
22 a cleaner process for a simpler project. Mr. Drury asked for input from the engineers in
23 attendance.

24
25 Mr. Ern discussed the change order process that had taken place for the marina. He said when
26 the contractor is part of the design team it tends to go smoother.

27
28 Councilmember Pfister said she did not want to rush the process because of issues that came up
29 with the marina.

30
31 Mayor Wolfe questioned why Council had approved the change order for the pavilion and was not
32 willing to continue with them for the park expansion. Councilmember Hope reiterated that he is
33 concerned that other businesses may get the impression that it is a closed process.
34 Councilmember Smith concurred. Mayor Wolfe questioned the previous decisions to go with the
35 same firms for other projects.

36
37 Vice Mayor Grenier stated his support for Option #2.

38
39 **The motion was denied unanimously 5-0.**

40
41 **MOTION**

42
43 **Kirby Smith moved to choose Option #2 to conduct a Construction at Risk Manager bid**
44 **process for this project, seconded by Bob Grenier. The motion carried 4-1 as follows:**

45
46 **Robert Wolfe** **No**
47 **Kirby Smith** **Yes**

1 **Norman Hope** **Yes**
2 **Lori Pfister** **Yes**
3 **Bob Grenier** **Yes**
4

5 **Tab 14) Discussion on Holding One Regular City Council meeting in July**
6

7 Mr. Drury stated that staff has recommended to not hold the July 4th Council Meeting. He said the
8 scheduled for budget workshops will be presented on May 2 and there will be a budget meeting
9 scheduled for July.

10
11 **There was consensus to cancel the July 4th meeting.**

12
13 **X. OLD BUSINESS**
14

15 **Tab 15) Appointment to Lake Community Action Agency**
16

17 Councilmember Hope said he had researched the agency and did not think it would be a good fit
18 for him.

19
20 Mayor Wolfe said he would speak to staff about representing someone on Council.
21

22 **XI. NEW BUSINESS**
23

24 **XII. AUDIENCE TO BE HEARD**
25

26 None
27

28 **XIII. REPORTS**
29

30 **City Administrator**
31

32 Mr. Drury said in addition to the list of upcoming meetings he wished to remind everyone of the
33 public workshop and Council meeting on the fire assessment on April 25th at 4:00 p.m.
34

35 He noted the Dragonboat festival went very well.
36

37 **City Clerk**
38

39 Ms. Barnett stated there would be an ad in the Daily Commercial and the Lake Sentinel on
40 Sunday April 22 regarding the public workshop.
41

42 **Fire Department**
43

44 Chief Keith discussed the Scots Firefighter Challenge held the past Saturday and Sunday that
45 had been sponsored by Lake County and the City of Tavares. He said \$3,000 from the TIF fund
46 was used to sponsor the Kids Challenge. He thanked Mr. Neron and Vice Mayor Grenier for their
47 participation.

1
2 **Public Works Department**

3
4 Mr. Thompson said the new garbage truck has been delivered.

5
6 **Economic Development Department**

7
8 Mr. Neron said the Seaplane Fly In is scheduled for this Saturday.

9
10 **Human Resources**

11
12 **Tab 10) City Council**

13
14 **Councilmember Pfister**

15
16 **Councilmember Hope**

17
18 Councilmember Hope stated he had enjoyed his tours with the city and the opportunity to observe
19 the employees working in their various departments.

20
21 **Vice Mayor Grenier**

22
23 Vice Mayor Grenier said he enjoyed the Firefighter event and hoped they would return next year.

24
25 Vice Mayor Grenier said tomorrow is the 100th anniversary of boy scouting starting in Tavares. He
26 mentioned other historical events in April: the sinking of the Titanic, the opening of Fenway Park
27 in Boston, and Harriet Quimby becoming the first woman to fly across the English Channel.

28
29 **Councilmember Smith**

30
31 **Mayor Wolfe**

32
33 Mayor Wolfe stated the Dragonboat Event was a great success even with the four boats that
34 flipped. He noted the participation of the exchange students.

35
36 **Adjournment**

37
38 There was no further business and the meeting was adjourned at 5:22 p.m.

39
40 Respectfully submitted,

41
42
43
44
45
46 _____
47 Nancy Barnett, CMC
City Clerk