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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 6, 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
Richard Keith, Fire Department
Stoney Lubins, Police Department

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Brooks Braswell, First Baptist Church, Umatilla, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Councilmember Smith requested to pull Tab 4 from the Consent Agenda (Edward Byrne Justice Assistance Grant).

MOTION

Bob Grenier moved to approve the agenda, seconded by Kirby Smith. The motion carried unanimously 5-0.

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IV. APPROVAL OF MINUTES

MOTION

Kirby Smith moved to approve the minutes of the City Council Meeting of May 16, 2012 as submitted, seconded by Norm Hope. The motion carried unanimously 5-0.

V. PROCLAMATIONS/PRESENTATIONS

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

None.

VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Barnett advised that the title of Ordinance #2012-14 is revised from what was in the agenda packet. The change is that the ordinance repeals Ordinance #2009-19. She then read the following ordinance and resolutions by title only:

ORDINANCE #2012-14

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT; REPEALING ORDINANCE NO. 2009-19 AUTHORIZING THE IMPLEMENTATION OF A FIRE ASSESSMENT USING THE UNIFORM METHOD; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE ASSESSMENT; PROVIDING APPLICABILITY; PROVIDING FOR THE USE OF AN ALTERNATIVE METHOD; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT; PROVIDING FOR ADOPTION OF FIRE SERVICES ASSESSMENT RATE RESOLUTION; PROVIDING COLLECTION METHOD AND LIENS; PROVIDING FOR CORRECTION OF ERRORS AND OMISSIONS; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

RESOLUTION NO. 2012-06

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA ACCEPTING THE PROPOSAL OF BRANCH BANKING AND TRUST COMPANY TO PURCHASE THE CITY'S NOT TO EXCEED \$3,300,000 GENERAL OBLIGATION NOTE, SERIES 2012 TO ACQUIRE AND CONSTRUCT ANY OR ALL OF THE CAPITAL IMPROVEMENTS APPROVED IN THE CITY BOND REFERENDUM OF MARCH 6, 2012 AND FOR OTHER LEGAL USES; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO

1 SECURE THE REPAYMENT OF SAID NOTE; PLEDGING TO SECURE
2 PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE AD
3 VALOREM TAXES LEVIED WITHOUT LIMIT ON ALL TAXABLE PROPERTY
4 WITHIN THE CITY, ALL AS PROVIDED IN THE LOAN AGREEMENT;
5 AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER
6 ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN
7 CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE
8 NOTE, AND THE SECURITY THEREFORE; AUTHORIZING THE EXECUTION
9 AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID
10 LOAN; DESIGNATING THE NOTE AS "BANK QUALIFIED;" PROVIDING FOR
11 SEVERABILITY AND OTHER MATTERS IN REGARD THERETO; AND
12 PROVIDING AN EFFECTIVE DATE.
13

14 RESOLUTION NO. 2012-07

15 A RESOLUTION OF THE CITY OF TAVARES, FLORIDA ACCEPTING THE
16 PROPOSAL OF SUNTRUST BANK TO PURCHASE THE CITY'S NOT TO
17 EXCEED \$6,700,000 CAPITAL IMPROVEMENT REFUNDING REVENUE NOTE,
18 SERIES 2012 TO REFUND ALL OF THE CITY'S OUTSTANDING CAPITAL
19 IMPROVEMENT REVENUE BOND, SERIES 2008; AUTHORIZING THE
20 EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO
21 SECURE THE REPAYMENT OF SAID NOTE; PROVIDING FOR THE PAYMENT
22 OF SUCH NOTE FROM THE PUBLIC SERVICE TAXES LEVIED AND
23 COLLECTED BY THE CITY PURSUANT TO SECTION 166.231, FLORIDA
24 STATUTES, ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING
25 THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL
26 THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE
27 EXECUTION OF THE LOAN AGREEMENT, THE NOTE, AND THE SECURITY
28 THEREFOR; AUTHORIZING THE EXECUTION AND DELIVERY OF
29 DOCUMENTS IN CONNECTION WITH SAID LOAN; DESIGNATING THE NOTE
30 AS "BANK QUALIFIED;" PROVIDING FOR SEVERABILITY AND OTHER
31 MATTERS IN REGARD THERETO; AND PROVIDING AN EFFECTIVE DATE.

32
33 **VIII. CONSENT AGENDA**

34
35 Mayor Wolfe asked if anyone in the audience objected to Tabs 2, 3 and 4.

36
37 **MOTION**

38
39 Norm Hope moved to approve the Consent Agenda with Tab 4 removed [Renewal of
40 Agreement with Lake County for Use of 70 Acres on Frankie's Road for Larger Animals
41 and Request to Approve Extension Lease Agreement with School Board re: Occupancy of
42 Bus Barn], seconded by Kirby Smith. The motion carried unanimously 5-0.

43
44 **Tab 5) Edward Byrne Justice Assistance Grant for Equipment**

1
2 Councilmember Smith asked if the City has done this type of reimbursable grant previously and if
3 so, at any time has the City failed to get reimbursed.
4

5 Chief Lubins said it has been done previously and to his knowledge the City has been reimbursed
6 every time. Councilmember Smith asked about the contingency should the city not be
7 reimbursed. Chief Lubins said there would be a contingency plan should that occur.
8

9 **MOTION**

10
11 **Kirby Smith moved to approve the Edward Byrne Justice Assistant grant, seconded by**
12 **Bob Grenier. The motion carried unanimously 5-0.**
13

14 **IX ORDINANCES/RESOLUTIONS**

15
16 **Tab 5) Ordinance #2012-14 – Implementation & Methodology for Fire Assessment – First**
17 **Reading Only**
18

19 **Tab 6) Resolution #2012-06 – Issuance of Bond for Debt Issuance for Financing of General**
20 **Obligation Note for Wooton Park Expansion**
21

22 Ms. Houghton noted that Mike Williams, the City's bond counsel was present to answer
23 questions.
24

25 Ms. Houghton said this resolution authorizes the obligation note approved by voter referendum
26 for the Wooton Park expansion. She said Council had awarded the bid to BB&T Bank for the
27 amount of \$3.3 million for a term of 20 years at a rate of 3.49%. If the rate is lower at the time of
28 closing the city will have further savings.
29

30 This resolution authorizes staff to execute the financing documents with BB&T Bank. She noted
31 under the fiscal impact she had stated the approximate millage rate would be .3860. She said the
32 property appraiser estimated values have changed and she has provided an updated millage rate
33 to Council.
34

35 Mr. Williams stated that BB&T will be purchasing the note at the interest rate indicated, it will
36 mature on July 1, 2031 and the security document will be a loan agreement between the City and
37 BB&T along with other closing documents.
38

39 Councilmember Smith asked Attorney Williams how the language in the referendum might affect
40 this millage rate.
41

42 Attorney Williams said he did not believe that the referendum was tied to a specific millage rate
43 increase; it was tied to a term of years of indebtedness. Mr. Drury said it is 20 years or less and
44 Council could do a different term. He discussed the estimated debt service costs based on the
45 different terms. He said what the public was told an estimate of less than \$1.75.
46

1 Councilmember Smith said he preferred the 15 year term. Attorney Williams said the 20 years
2 was the cap on the term and Council could freely vote on the term. Mr. Williams discussed the
3 prepayment terms.

4
5 **MOTION ON TERM**

6
7 **Norm Hope moved for the 15 year note instead of the 20 year note, seconded by Kirby
8 Smith. The motion carried unanimously 5-0.**

9
10 **MOTION ON RESOLUTION**

11
12 **Kirby Smith moved to approve Resolution #2012-06, seconded by Lori Pfister. The motion
13 carried unanimously 5-0.**

14
15 **Tab 7) Resolution #2012-07 – Issuance of Bond for Debt Issuance for Refinancing of
16 Capital Improvement Note for Wooton Park Seaplane Base & Marina Project**

17
18 Ms. Houghton stated this item authorizes capital improvement revenues for refinancing of the
19 Capital Improve note for the Wooton Park Seaplane Base & Marina project and authorizes staff to
20 execute financing documents with SunTrust Bank.

21
22 Ms. Houghton reviewed the process that had taken place regarding the RFP. City Council
23 awarded the bid on a 16 year term at an indicative rate of 2.36% for 6.7 million. She said the
24 estimated annual savings will be \$54,000 due to the cost of issuance.

25
26 Mr. Williams said the SunTrust commitment letter reflected 2.36% however rates have come
27 down and the expectation is that the rate will be a little less when it closes.

28 **MOTION**

29
30 **Norman Hope moved to approve Resolution #2012-07, seconded by Bob Grenier. The
31 motion carried unanimously 5-0.**

32
33 **X. GENERAL GOVERNMENT**

34
35 **Tab 8) Dispatch Services**

36
37 **Chief Lubins made the following report:**

38
39 *On April 2, 2012 City Council instructed staff to explore the possibility of the Lake County Sheriff's
40 Office providing 911/radio dispatch services. On April 17, 2012 Mayor Robert Wolfe, City
41 Administrator John Drury and Police Chief Stoney Lubins met with Sheriff Gary Borders, Deputy
42 Chief Peyton Grinnell and Major Wayne Longo from LCSO.*

43
44 *The meeting focused on a list of core issues that would be, at a minimum, required to maintain
45 the closest level of service that the City currently has. These issues were:*

1 1. The **Sheriff** agreed to provide a pool of call takers that take calls for Lake County as well
2 as cities and provide one dedicated Tavares dispatcher.

3
4 Currently, the **City** has 8 full time dispatcher/call takers.

5
6 2. The **Sheriff** agreed to hire 5 to 6 dispatchers at \$13.01 per hour. Others who apply may
7 be able to work for other positions within the LCSO communications center.

8
9 Currently Tavares Level I Communications Officer starts at \$12.74 and Level II starts at
10 \$14.66

11
12 3. The **Sheriff** agreed to place two smaller desktop monitors/recorders to video monitor the
13 parks, water plants and seaplane base.

14
15 The **City** has two 42" large screen surveillance monitors/recorders for video monitoring of
16 the parks, water plants, city hall and seaplane base.

17
18 4. The **Sheriff** agreed to let the non-emergency lines be answered with "Tavares Police
19 Department". The emergency lines would be answered the same as Tavares currently answers.

20
21 5. The **Sheriff** estimates that the annual cost shall not exceed \$300,000 per year for
22 dispatch services.

23
24 The **City** budget for 911/dispatch services is \$481,000. Of that, approximately \$32,628 will
25 need to be budgeted annually in addition to contracted costs. This is to cover the department's
26 software and radio maintenance.

27
28 6. The **Sheriff** also stated that the earliest he could accommodate the city would be in April
29 2013, pending completion of the county EOC.

30 31 **Current Functions of Tavares Police Dispatch**

32
33 The TPD 911/dispatch center is staffed 24/7 and is available to the public at the police station in
34 City Hall. The center has 8 certified full time dispatchers. They provide the following:

- 35
36
- 37 • All police radio communications
 - 38 • 911 emergency and non-emergency calls
 - 39 • Monitor Wooton Park, Seaplane Base, Splash Park, City Hall, Water Plants and the
40 Skateboard Park
 - 41 • Monitor panic alarms within City Hall
 - 42 • Monitor public works, utilities and general services radio channels
 - 43 • Provide information concerning events
 - 44 • Handle citizen calls for utilities after hours
 - 45 • Provides internal service to police employees and city employees
 - Since 2007 has handled 154,746 calls for service and 19,694 911 calls

- 1 • *Handles extra watch coordination for problem areas or for citizens on vacation*
- 2 • *Provide safe “refuge”*
- 3 • *Handle minor complaints that would not require an officer to respond*
- 4 • *Handle walk ups 24/7*

5 **Start Up Costs**

6
7 *In 2007 the department reinstated its 911/radio communications center. The cost of this start-up*
8 *was approximately \$492,910.28.*

9
10 **Recent Dispatch Events**

11
12 *1. Clermont: The Clermont police department has contracted with LCSO for dispatch that*
13 *provides for 8 dispatchers with a cost of approximately \$396,000.*

14
15 *2. Mount Dora: The City of Mount Dora recently solicited a formal proposal for outsourcing*
16 *dispatch services to LCSO. On May 7, 2012 the City Council of Mount Dora voted 7-0 to keep*
17 *their communications center. The Sheriff had proposed a cost of \$349,757.*

18
19 *The cities of Tavares and Mount Dora have similar characteristics in regards to call volumes and*
20 *population.*

21
22 **OPTIONS:**

23
24 *1. Instruct staff to develop a contract with LCSO for future Council approval.*

25 *2. Do not pursue contracting with LCSO for 911/radio services.*

26
27 *Staff recommendation is to discuss this policy decision.*

28
29 **Discussion**

30
31 *Councilmember Smith asked if the \$32,000 for the software would be in addition to the \$481,000.*
32 *Chief Lubins said the \$481,000 encompasses that amount.*

33
34 *Councilmember Pfister asked when the software and equipment would be obsolete.*

35
36 *Captain Myers said the contract with Spillman Technology, the provider, stipulates that so long as*
37 *the maintenance is being paid the upgrades are free. He said since the implementation, the City*
38 *has gone through one major upgrade to the main part of the system and three major upgrades to*
39 *the mobile part of the system (used in the vehicles). He said an additional cost if the City goes to*
40 *the County would be the cost to convert the City’s data to their system (about \$30,000). He said*
41 *the other issue is hardware cost replacements. He discussed additional costs related to server*
42 *issues and the existing agreements with the City of Eustis.*

43
44 *Captain Myers stated the City should not have any major dispatch equipment issues with the*
45 *current system for the next four to five years.*

1 Councilmember Pfister said her concern was the equipment becoming obsolete and not being
2 able to accept software upgrades. Captain Myers said Tavares is the first agency in Florida to get
3 upgrades.

4
5 Councilmember Smith asked how much the City of Eustis pays Tavares. Captain Myers said the
6 City of Eustis does not pay Tavares. The City entered into an agreement with them where they
7 paid for their portion of the software; it was put on the City's server and occasionally when there
8 is an issue with their part of the software he said it requires his administrative time. He said they
9 pay for their own maintenance and it is paid three years in advance currently.

10
11 Mayor Wolfe asked the cost of the server replacement to Eustis. Captain Myers said
12 approximately \$25,000.

13
14 Councilmember Hope asked how many dispatchers are on duty on any given shift. Captain Myers
15 responded two dispatchers on duty are scheduled for any given shift. Occasionally the shift can
16 go down to one from midnight until 8 am only when someone has called in sick, etc. He noted the
17 hiring and training procedures were standardized between the two agencies which allowed two
18 employees from Eustis to come to the Tavares Center to work flex time which is at a cost that is
19 less than the city would normally pay for overtime and Tavares has some employees that work in
20 Eustis on the same arrangement.

21
22 Councilmember Hope asked Captain Myers questions about the shifts, prioritization of calls,
23 personnel issues at the Sheriff's Dispatch.

24
25 Mr. Drury noted Captain Myers is doing a good job answering based on his assumptions but he
26 noted that the comments made do not reflect the Sheriff's position officially.

27
28 Councilmember Hope said he is concerned about the difference in service should the dispatch
29 system go to the Sheriff. He then questioned Captain Myers on specific issues concerning the
30 hiring process of the employees; how the equipment disposal would be handled; the proposed
31 savings versus payment for separation of employees; the hours of operation for the Police
32 Department if dispatch is not provided; how a problem with a dispatcher would be handled; and
33 would there still be monitoring of City Hall. He added his concern about security at the parks and
34 water plants.

35
36 Chief Lubins said the sheriff would be providing smaller monitors sitting on top of a console.

37
38 Councilmember Hope said he is adamantly against contracting dispatch to the Sheriff because he
39 believed the City would not be providing a complete Police Department to the citizens of Tavares.

40
41 Vice Mayor Grenier said #5 on the agenda summary says that the Sheriff estimates a cost of
42 \$300,000. Chief Lubins said the agenda reflects a general estimate of costs.

43
44 Mr. Drury said if Council gives the direction to go forward, a contract will come back with all the
45 costs stipulated.

46

1 Mayor Wolfe said the Sheriff had stated the contract would be under \$300,000 and tied to the
2 CPI.

3
4 Councilmember Hope asked if a new sheriff is elected would that affect the contract. Mr. Drury
5 said he believed the next Sheriff would have to honor the contract. Attorney Williams concurred.

6
7 Councilmember Hope said he would need to see hard numbers to be convinced this contract
8 would save money this coming fiscal year. Councilmember Smith agreed that specific numbers
9 needed to be presented before a decision is made.

10
11 Mayor Wolfe asked for audience comment.

12
13 Denise Laratta

14
15 Ms. Laratta asked which functions would not be done if dispatch went to the Sheriff. Chief Lubins
16 answered the walk service at City Hall after 5 pm and on the weekends; the minor complaint
17 handling; the safe refuge service after hours, the internal service to employees; event information
18 given out by telephone, and the panic alarms in City Hall.

19
20 Ms. Laratta stated she was opposed to the transfer of services because of the unknowns, the
21 additional costs that were not included in the summary, and based on her own negative
22 experience in another city that did not have a walk up service in its Police Department.

23
24 Betty Burleigh, 214 N. New Hampshire Ave.

25
26 Ms. Burleigh said she believed police dispatch should be kept in Tavares.

27
28 Colleen McGinley, 920 Orange Avenue

29
30 Ms. McGinley said as a citizen she would also prefer the service to be local. She noted Council is
31 asking for more data when they already had numbers indicating it would be more expensive. She
32 said she believed dispatch was brought back for a reason because the city was not receiving the
33 service from the Sheriff they had anticipated.

34
35 Bob Speaks, 1807 Carolina Court

36
37 Mr. Speaks noted he had been on Council when dispatch was contracted out previously and he
38 believed it had been a mistake. He said the points that Councilmember Hope had brought out will
39 likely come true and if the issues is next year's budget, it will not save money for seven months.
40 He said he believed there are other areas in the city for cost savings. He spoke in support of
41 keeping dispatch.

42
43 **MOTION**

44
45 **Kirby Smith moved to instruct staff to come up with a contract with the Sheriff in order to**
46 **have more facts, seconded by Lori Pfister.**

47

1 Councilmember Pfister noted although there may not be major savings this year, the savings will
2 come into effect eventually and if the city had made this decision three years ago, the savings
3 would now be realized. Mayor Wolfe concurred and he discussed the proposed accommodations
4 of the new EOC building. He said he has spoken to many people in the community who agree
5 with him.

6
7 **The motion carried 3-2 as follows:**

8		
9	Robert Wolfe	Yes
10	Kirby Smith	Yes
11	Lori Pfister	Yes
12	Bob Grenier	No
13	Norm Hope	No
14		

15 **Tab 9) Request to Amend Conditions of Approval of Ordinance #2011-09**

16
17 Mr. Fitzgerald noted Council had approved the rezoning of property owned by David Weiss in
18 order to construct 18 single family attached dwellings on the west side of Banning Beach Road.
19 He said included in that approval was an agreement that a sidewalk would be required on the
20 east side of Banning Beach Road. He said Mr. Weiss is finalizing his plans for the subdivision and
21 the engineering feasibility of constructing the sidewalk on the east side is being questioned. Mr.
22 Griffey of Griffey Engineering has reviewed the issue. He said Mr. Griffey has stated that Banning
23 Beach Road was constructed using rural substandard section design utilizing swale drainage
24 without roadside shoulders and it is his opinion that a sidewalk on the east side of the road would
25 displace the stormwater management for this road creating a potential for road flooding.

26
27 David Weiss

28
29 Mr. Weiss reviewed his past interactions with Council and with staff at the previous hearings. He
30 said he is still willing to install the sidewalk on the other side but staff is recommending against it.
31 He said he would be willing to build a new sidewalk where the existing sidewalk is located and do
32 it in paver brick.

33
34 Mayor Wolfe asked for audience comment.

35
36 Bob Vehmeier, 179 Lakecrest Drive

37
38 Mr. Vehmeier said in the minutes it stated “18 attached dwellings.” He asked for clarification.

39
40 Mr. Fitzgerald said the site plans shows nine buildings to be constructed, two attached dwellings
41 per unit. He said it has to be constructed per the ordinance and approved plan which shows nine
42 separate buildings.

43
44 Mr. Vehmeier said if Mr. Weiss had built the single family homes that reflected the original zoning
45 there would be no argument about sidewalks. He said the sidewalk reflected the residents’ fears
46 that the project would change as it went along. He said he would prefer the sidewalk on the
47 condominium side because it would be safer.

1 Mary Ziegengeist, 1927 Sycamore Circle

2
3 Ms. Ziegengeist asked if there will be a final development plan to come back to Council. Mayor
4 Wolfe said no. Mr. Fitzgerald said the subdivision plan is approved at the staff level. Ms.
5 Ziegengeist agreed that the issue of placement of sidewalk needed to be made by the experts.
6 She said she wished Mr. Weiss had decided to build a development similar to the current
7 neighborhood. She said she hoped that when staff reviews the final plan that it will meet the
8 Planned Development requirements such as infrastructure, recreation, etc.

9
10 Terry Wintersdorf, 202 Lakecrest Drive

11
12 Ms. Wintersdorf said the agreement with Mr. Weiss included the sidewalk and the city should
13 have been aware that there was a problem on that side. She said if anyone had been out recently
14 during the rains they would have noticed there is no flooding on the condo side. She said the
15 sidewalk was part of the agreement and this change should make the agreement null and void
16 and Council should deny the land use change.

17
18 Patty Whaley, 101 Shorewood Drive

19
20 Ms. Whaley said the sidewalk on the east side will affect her directly because it will go down the
21 side of her yard and if there is an issue with drainage she wanted that to be considered. She said
22 a lot of people use the sidewalk on the west side to walk their dogs and she asked if Mr. Weiss
23 would upgrade the west side as well and would he be willing to put in landscape to block people
24 from bringing their dogs into her yard.

25
26 Council Discussion

27
28 Councilmember Hope asked Mr. Weiss if he is willing to put the sidewalk on the west side. Mr.
29 Weiss confirmed. He clarified it would be on the location of the existing sidewalk but upgraded
30 and out of paver stone.

31
32 Mayor Wolfe asked Mr. Weiss if he was willing to put in a five foot wide paver brick sidewalk.

33
34 Mr. Weiss said he was willing to replace the sidewalk out of paver stones but he did not want to
35 be held to the feet five because of the cost. He said if that is the contingency he would agree. Mr.
36 Fitzgerald said he believed that five foot sidewalks are an ADA requirement. Attorney Williams
37 noted the sidewalk would have to be built to current standards. Mr. Weiss said if it is ADA
38 required to five foot he will agree but if it is not five foot required it would depend on the cost.

39
40 Councilmember Pfister asked if the sidewalk is kept where it was originally approved what would
41 happen. Mr. Drury reviewed the engineer's opinion regarding drainage issues.

42
43 Vice Mayor Grenier questioned that a sidewalk would cause flooding.

44
45 Don Griffey

46

1 Mr. Griffey said that if Banning Beach was a standard city road there would be room as normally
2 there is 66 feet on the right of way, however, Banning Beach has limited right of way and there is
3 not enough room for the second sidewalk.

4
5 Councilmember Pfister asked which side provides more safety.

6
7 Mr. Griffey said there is not a site distance issue and it would be equally safe on either side for a
8 pedestrian to use the sidewalk.

9
10 **MOTION**

11
12 **Norm Hope moved that the city not allow the sidewalk on the east side because of the**
13 **Griffey Engineering study and require Mr. Weiss to put a five foot wide sidewalk on the**
14 **west side of Banning Beach Road, seconded by Lori Pfister.**

15
16 Discussion followed regarding the ADA standards.

17
18 **AMENDMENT TO MOTION**

19
20 **Norm Hope amended his motion as follows:**

21
22 **Move to not allow the sidewalk on the east side; and to require the sidewalk to go on the**
23 **west side and to meet the city’s current standards in the city codes—whether four feet or**
24 **five feet as required-- and to require that paver stones be used as agreed to by Mr. Weiss,**
25 **seconded by Kirby Smith.**

26
27 **The motion carried 3-2 as follows:**

28
29 **Robert Wolfe Yes**
30 **Kirby Smith Yes**
31 **Norm Hope Yes**
32 **Lori Pfister No**
33 **Bob Grenier No**

34
35 **Tab 10) Request from Property Owner to Waive Lien for Vacant Property**

36
37 Mr. Drury stated there is a \$1750 lien recorded against the property referred to as the Lake
38 Building property. He noted the building had started to fall down and was code enforced under
39 the “unsafe building” codes. He said the magistrate issued a \$1751 fine for not complying with the
40 codes. Mr. Drury read from the letter submitted by the owner formally requesting to reduce the
41 lien. He said the highlight of the letter is that the owner noted he was trying to save the Lucky Dog
42 building so a new downtown business could be reopened.

43
44 **Nick Magrone**

45
46 Mr. Magrone stated there was some confusion when it was decided that it was economically
47 unfeasible to restore the building to current standards. He said he was told in the magistrate

1 hearing that they would be given permission to demolish the building and that it was an open
2 demolition permit. He said the confusion of the delay which carried the project over the allotted
3 time was because he believed he had an open demolition permit that included the Lucky Dog
4 building. He said when they had given notice to the city that they were going to demolish the
5 Lucky Dog building they were required to go through the demolition process again. He asked if
6 Council would waive the lien.

7
8 Mayor Wolfe said he believed that Mr. Magrone had exceeded the time limit given to him.

9
10 Councilmember Smith asked Mr. Magrone if he was in the process of demolishing the building
11 before July 26th but it took longer than he expected. Mr. Magrone confirmed.

12
13 Councilmember Pfister asked if the property was in compliance even though it was seven days
14 late.

15
16 Mr. Drury summarized it appeared to take 60 to 90 days while he was trying to reengineer the
17 building and he came into compliance seven days after the judge issued his ruling. He believed
18 Mr. Magrone was saying that the sixty days was not long enough to go through the engineering
19 and by the time he finished that process he had concluded it was not worth saving.

20
21 Councilmember Hope noted from the code enforcement report it appeared there was a request
22 for a permit but the individuals who submitted the application were unlicensed contractors and
23 Officer McCormick had noted there were some things unlawfully installed. He said he was reticent
24 to second guess the Special Magistrate who had heard all the details and testimony.

25
26 Attorney Williams said Council is not sitting as a Board on appeal of the Special Master. The law
27 in Florida is once the lien is imposed it belongs to the government and it is the role of the city
28 government to grant or not grant the waiver, and therefore Council is not overruling the special
29 master.

30
31 Mr. Magrone said once they had received the demolition permit it had only taken one day to
32 remove the building.

33
34 Mr. Fitzgerald said the issue of the second permit being required stems from separate addresses
35 and separate utilities for the buildings.

36
37 Mr. Magrone said he was only noticed for one building which was why he was under the
38 impression that only one permit was needed.

39
40 Mr. Fitzgerald said he was with the Building Official when he posted the unsafe building notice on
41 the Lucky Dog.

42
43 Councilmember Smith said he felt the city should give lenience on this.

44
45 Mayor Wolfe said he believed the owner had plenty of time.

46
47 **MOTION**

1
2 **Bob Grenier moved to approve Option #3 to not waive or reduce the lien amount,**
3 **seconded by Norman Hope. The motion carried 3-2 as follows:**
4

5 Mayor Wolfe	Yes
6 Norman Hope	Yes
7 Kirby Smith	No
8 Lori Pfister	No
9 Bob Grenier	Yes

10
11 **Tab 11) Consideration of Extension of Impact Fee Waiver**
12

13 Mr. Neron stated that Council had set a goal some years ago to get the tax base to 60%
14 residential with 40% commercial. He said during the last recession building construction of any
15 type has come to a standstill. Approximately 29 months ago Council started an impact fee waiver
16 program. During that period permits have been issued for new construction valued at almost \$37
17 million with impact fee waivers of \$1.7 million. For every dollar of impact fee waived it has
18 resulted in \$21.43 of new value construction. Based on the current millage rate this new
19 construction will translate into property tax revenues of almost \$240,000 on an annual basis when
20 the properties come on the tax roll. He discussed the waivers that are taking place in surrounding
21 communities.
22

23 Councilmember Pfister noted six months ago this program was to have been winding down. She
24 said the city has done so much to invest in itself that she believed people will want to be in the
25 City regardless of the impact fees.
26

27 Councilmember Hope said he agreed however he takes the opposite view. He said he has no
28 problem extending them another six months if there is a clear ending in site.
29

30 Mayor Wolfe said he supported the extension of another six months but that should be the
31 longest time period.
32

33 Councilmember Smith asked how the impact fee waiver program has impacted the Public Works
34 and Utility Departments. Mr. Neron said about 80% of the fees collected are for water and sewer.
35

36 Councilmember Smith said he was in favor of another six months exemption and then having
37 another look at it in six months.
38

39 Vice Mayor Grenier said he agreed and would like to wind it down at the end of the year.
40

41 Mr. Drury said it will sunset at the end of this month and it will take two readings to extend the
42 waiver.
43

44 Mayor Wolfe asked for audience comment.
45

46 Freddie Belton
47

1 Mr. Belton spoke in support of extending the waiver at least until December and possibly longer.

2
3 Joe Ziler, Owner and President of Kevco Builders

4
5 Mr. Ziler said he and a group of investors have purchased 13 lots in Tuscan Cove. He asked the
6 cost of the impacts fees. Mayor Wolfe responded for a 3-2 house about \$6,000. Mr. Ziler said it
7 would not be worth continuing construction if the impact fees were put back in place.

8
9 Mr. Ziler commended the city on the waterfront and said although he understood the need for a
10 sunset on the fees he felt it was premature to make a decision to discontinue the waiver.

11
12 Jim Eldrodt

13
14 Mr. Eldrodt said he would not have built his new building if it was not for the waiver and he would
15 like to see them extended longer than December.

16
17 Ted Wicks, Project Manager for Wicks consulting Services

18
19 Mr. Wicks said he serves on the Chamber of Commerce legislative and economic development
20 committee. He said as a consulting engineer he has the ability to see what starts to transpire in
21 the development end of the economy before others. He said the committee supports the staff
22 recommendation for the extension of the waiver however it does not give enough time to take
23 advantage of the waiver. He said he has met with clients who envision coming to Tavares but
24 they need time to put their projects in place. He noted the state law now requires the city to
25 extend its building permits for two more years. He said there is a lot more opportunity to improve
26 development on the city corridors.

27
28 Tom Pfeiffer, Contractor for Shanti Niketan Project

29
30 Mr. Pfeiffer spoke in support of the extension of the waiver because of the time it takes to develop
31 a project. He said he wanted to see the momentum continue as people are coming to Tavares.
32 He noted they employ quite a few people who live in Tavares or the surrounding communities.

33
34 Tom Hofmeister, 985 Club Hills Drive

35
36 Mr. Hofmeister stated that his company has had the privilege of breaking ground on Osprey
37 Lodge in the city's medical community and there are many road blocks that come up on a daily
38 basis. He said the city's waiving of the impact fees is extraordinary and he appreciated the city's
39 leadership and staff. He noted he has been hiring as many local employees as possible and
40 getting them involved in other projects.

41
42 Linda Nagel, 1100 N. Joanna Avenue

43
44 Ms. Nagel said she wished to summarize what had been said. She discussed the data in the
45 agenda summary. She noted the impact fee is a one time revenue source but the development
46 will be a permanent revenue stream for the city.

47

1 Tom Pfeiffer

2
3 Mr. Pfeiffer asked council to consider waiving the fees for another six months and then make a
4 decision at that time.

5
6
7 Mr. Drury stated the city of Tavares was the first city in Lake County and one of the first in Florida
8 to waive impact fees and this Board has led the way. He said it is a tough call. He noted that
9 impact fees pay for sidewalks and water and sewer lines. He noted if the roads are getting
10 antiquated it also affects people coming to Tavares if the quality of life is impacted. He said it has
11 to be a balance.

12
13 Council Discussion

14
15 Councilmember Pfister said it has come to a point of being a budget issue and she believed it had
16 been plenty of time to have the waivers and she is concerned about the infrastructure.

17
18 Councilmember Smith said he believed people will stop building and the economy is not out of
19 the woods yet. He said the waiver has been most successful and he was willing to re-evaluate it
20 in six months.

21
22 **MOTION**

23
24 **Norman Hope moved to extend the impact fee waiver for six months and that the issue be**
25 **revisited at that point to see if it goes forward or if it sunsets, seconded by Kirby Smith.**
26 **The motion carried unanimously 5-0.**

27
28 **Tab 12) Discussion on Vacation Holds**

29
30 Councilmember Pfister said she wanted to discuss the base rates for empty buildings not
31 vacation holds. She said she has had calls about this and she wanted to know if it could be
32 adjusted to a flat fee that would be affordable. She said there has to be a better way to be more
33 business and resident friendly. She said she believed \$60 was way too much to pay for an empty
34 building.

35
36 Mayor Wolfe said that would be shifting the burden to others to maintain the debt service.

37
38 Councilmember Pfister said it is too much money.

39
40 Mayor Wolfe said he does not want to pay more on his water bill because of other's unoccupied
41 buildings.

42
43 Councilmember Pfister asked when it changed. Ms. Houghton said the fee was approved in July
44 2009.

45
46 Mr. Eldrodt

47

1 Mr. Eldrodt said when a tenant moves out the meter is locked but he is still paying for it.

2
3 Mr. Drury said Mr. Eldrodt is paying for the mortgage on the loan for the water and sewer
4 improvements. He noted the rate study addressed keeping the minimum mortgage amount for all
5 the new facilities. For \$16.12 the customer is paying for their share of the 20 million dollar water
6 plant. He said the rate would have to be increased for the other people.

7
8 Mr. Eldrodt said when the city paid for the loan they did not use 100% capacity.

9
10 Mr. Eldrodt said he was told he would have to tear down his house to stop the water bill. Ms.
11 Houghton said the current policy allows the irrigation meter to be pulled. However for the building
12 under the policy previously approved, there is a base charge. She said research had been done
13 on the policies of other cities and it had been determined that the city's policy was in line with
14 other cities.

15
16 Gene Smith

17
18 Mr. Smith commented Mr. Eldrodt has a house he is not using. He wants to pay the city to take
19 the meter out and have no more charges.

20
21 Mr. Drury said the rate study would have to be adjusted by making an assumption on how many
22 people would be pulling their meters.

23
24 Mayor Wolfe noted he believed that the fee to pull the meter and replace the meter would be
25 higher than just paying the base rate.

26
27 Mr. Drury suggested that the issue be tabled and have staff look at the policy and put it back on
28 the agenda in order to address the question of having a habitable house with no water meter and
29 not pay any base fees. He said Council needs to know the impact of that.

30
31 **Consensus to have Mr. Drury bring this back to a future agenda.**

32
33 Denise Laratta

34
35 Ms. Laratta said she lives in community with a number of foreclosures and the banks are paying
36 the utility fees. If the policy changes those homes will have no means of having the irrigation
37 continued and it could impact the property values of all of the other homeowners in the
38 community.

39
40 Charlotte Hope

41
42 Ms. Hope said she understood the water, sewer, and stormwater rates but she questioned the
43 garbage rate. Mr. Drury said a study could be done on the garbage rate. He noted the fuel,
44 personnel, and loan costs continue 365 days a year.

45
46 **Tab 13) Appointment to the Library Board**

47

1 Mayor Wolfe appointed Charles Fox, Judy Eaton and George Cooke to the Library Board.
2

3 **MOTION**
4

5 **Lori Pfister moved to ratify the Mayor’s appointments to the Library Board, seconded by**
6 **Kirby Smith. The motion carried unanimously 5-0.**
7

8 **XVI. OLD BUSINESS – None**
9

10 **XVII. NEW BUSINESS**
11

12 **Dora Canal**
13

14 Mayor Wolfe stated he had received a call from Commissioner Campione regarding cleaning up
15 the Dora Canal. Based on a bid received the cost will be \$15,000 to pull the stumps and debris.
16 The County will contribute \$5,000, the Lake County Water Authority will contribute \$5,000, and
17 they are asking each City to provide \$1,667.00. He said Mt. Dora agreed to their share if the other
18 two cities will also contribute their share.
19

20 Mr. Drury said this is not budgeted however Ms. Houghton has stated that the utility bill for this
21 building and a few other buildings is slightly lower this year than projected and therefore the
22 savings can be transferred of \$1670 to a fund to participate in the cleanup without going into
23 reserves.
24

25 Mr. Neron said this work will be done when the Dora Canal bridge construction is in process.
26

27 Councilmember Smith and Vice Mayor Grenier spoke in support.
28

29 **MOTION**
30

31 **Norman Hope moved to authorize staff to spend the \$1667.00, seconded by Bob Grenier.**
32 **The motion carried unanimously 5-0.**
33

34 **XVIII. AUDIENCE TO BE HEARD - None**
35

36 **XIV. REPORTS**
37

38 **City Administrator**
39

40 Mr. Drury stated he had no report other than the meetings listed in the agenda.
41

42 **City Clerk**
43

44 **City Attorney**
45

46 Attorney Williams stated there appeared to be a procedure for pulling the water meter.
47

1 **Finance Department**

2
3 **Economic Development**

4
5 Mr. Neron reminded those present of the Jet Ski races this coming weekend.

6
7 **Public Communications**

8
9 Ms. Ross advised that she had an update on the Sister City program. She said the City has been
10 waiting for Xindian City to reorganize. She said they have created new districts and their new
11 name is Xindian District New Taipei City. She said the City has recently heard from the officials
12 and they are ready to move forward with the Sister City program and staff will be working with the
13 Mayor to move that forward.

14
15 **Fire Department**

16
17 Chief Keith stated that 68 years ago today many Americans lost their lives on the beaches of
18 Normandy so that this meeting could take place.

19
20 **Public Works Department**

21
22 **Community Services Department**

23
24 Ms. Rogers mentioned the fundraising concert for the baseball program with five bands this
25 Saturday.

26
27 **Human Resources**

28
29 **Community Development**

30
31 Mr. Fitzgerald noted that his father was shot down in the invasion of Normandy.

32
33 **Tab 10) City Council**

34
35 **Councilmember Pfister**

36
37 **Councilmember Hope**

38
39 **Vice Mayor Grenier**

40
41 Vice Mayor Grenier noted the anniversary of the Normandy Invasion and also discussed the
42 opening of the free library that had taken place earlier that day at Aesop's Park. He asked Ms.
43 Rogers to comment.

44
45 Ms. Rogers discussed the free library or the "take a book, leave a book" kiosk which was
46 suggested by Marli Lopez of the Library staff.

1 Vice Mayor Grenier noted he had provided two of his books on Tavares history for the kiosk.

2

3 **Councilmember Smith**

4

5 **Mayor Wolfe**

6

7 **Adjournment**

8

9 There was no further business and the meeting was adjourned at 7:13 p.m.

10

11 Respectfully submitted,

12

13

14

15

16 _____
Nancy Barnett, CMC

17 City Clerk