

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 19, 2012
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Kirby Smith, Councilmember
Norman Hope, Councilmember
Lori Pfister, 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
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 Greg Watts, Liberty Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff had no changes.

MOTION

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

IV. APPROVAL OF MINUTES

1 **MOTION**

2
3 **Kirby Smith moved to approve the minutes of the City Council meeting of September 5,**
4 **2012, seconded by Bob Grenier. The motion carried unanimously 5-0.**

5
6 **V. PROCLAMATIONS/PRESENTATIONS**

7
8 **Tab 2) Recognition to Scott Ales - Donation for Historic Display Case**

9
10 Ms. Barnett noted that former City of Eustis Mayor Scott Ales was present with his family. She
11 said that Mr. Ales had generously donated a miniature WW I Curtiss Jenny Floatplane to be used
12 in the historical display that the staff is in the process of developing at the Lake County Historical
13 Museum.

14
15 Mr. Ales commended Mr. Drury and the City Council for their accomplishments in the downtown
16 and throughout the City. He said he had donated the model in appreciation for his company to be
17 able to use the waterfront as a backdrop for a photograph session which would not have
18 happened in past years. He commended the city staff for their assistance.

19
20 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

21
22 Attorney Williams said there are quasi-judicial matters under Tab 5 and Tab 6 and he asked
23 those who wished to give testimony to be sworn in. He asked if Council wished to declare any ex
24 parte communications. Councilmember Smith said that Mr. Eldrodt was a personal friend.
25 Attorney Williams said that would not constitute a conflict.

26
27 **VII. CONSENT AGENDA**

28
29 None

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

32
33 Ms. Barnett read the ordinances by title only:

34
35 **ORDINANCE 2012-24**

36
37 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
38 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**
39 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON A**
40 **COMBINED TOTAL OF APPROXIMATELY 1 ACRE OF PROPERTY**
41 **GENERALLY LOCATED ON THE NORTH SIDE OF WEST RUBY STREET**
42 **BETWEEN SOUTH LAKE AND SOUTH BLOXHAM AVENUES; FROM LOW**
43 **DENSITY RESIDENTIAL TO COMMERCIAL DOWNTOWN; PROVIDING FOR**
44 **SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND**
45 **PROVIDING FOR AN EFFECTIVE DATE.**

46
47 **ORDINANCE 2012-23**

1 **Lori Pfister** **Yes**
2 **Norm Hope** **Yes**

3
4 **X. GENERAL GOVERNMENT**

5
6 **Tab 8) Approval of Contract with Lake County Rave for Concession Services at Woodlea**

7
8 Ms. Rogers stated that staff contacted the Gridiron Gang and the High School to ask if they would
9 like to take on both Fred Stover and Woodlea concession services but they declined. Staff then
10 advertised a Request for Qualifications for the service and a nonprofit group Lake County Rave (a
11 traveling baseball team) responded. It is a one year contract with two one year renewable
12 opportunities.

13
14 Councilmember Smith thanked Ms. Rogers for reaching out to the high school and the Gridiron
15 Gang.

16
17 **MOTION**

18
19 **Norm Hope moved to approve the contract with Lake County Rave for the concession**
20 **services at Woodlea Sports Complex, seconded by Kirby Smith. The motion carried**
21 **unanimously 5-0.**

22
23 **Tab 9) Revised Interlocal Agreement for Local Funding of Railroad Track Rehabilitation**
24 **Omitting Umatilla**

25
26 Attorney Williams said four cities had originally agreed to contribute to the track rehabilitation.
27 Umatilla had agreed to a contribution of \$40,000 which was the smallest amount. The Umatilla
28 Council then decided to opt out of the agreement when it was prepared. The improvements will
29 not extend all the way to Umatilla and the railroad has agreed to absorb that portion of the costs.
30 The agreement is revised but removes Umatilla.

31
32 **MOTION**

33
34 **Kirby Smith moved to approve the revised Interlocal agreement for the railroad track,**
35 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

36
37 **Tab 10) Approval to Execute Amendment One for the State Revolving Fund Loan for**
38 **Preconstruction Activity for the Reclaim system (all phases)**

39
40 Ms. Houghton said this is a housekeeping measure. In March of 2009 the City executed an
41 agreement with FDEP for preconstruction activities for the Reclaim project. The City has nearly
42 completed Phase 1 and is currently in the process with Phase 2 and 3. The engineering of Phase
43 4 has not been completed so it is reasonable to move the maturity date for this loan out to the
44 future to mirror the completion of Phase 4 engineering. FDEP has requested that the city execute
45 this amendment.

46
47 **MOTION**

1
2 **Norm Hope moved to approve and executive Amendment One [WW789060] to the State**
3 **Revolving Fund Loan, seconded by Bob Grenier.**

4
5 **The motion carried unanimously 5-0.**

6
7 **XI. OLD BUSINESS**

8
9 **XII. NEW BUSINESS**

10
11 **XIII. AUDIENCE TO BE HEARD**

12
13 Harland Dolamore, 12144 Woodlea Road

14
15 Mr. Dolamore said his enclave is about to be annexed into the city. He discussed a problem with
16 his septic tank drainage field and communications with the Health Department noting that he had
17 been told he would have to connect with the city's sewer because of the proximity of his property.

18
19 Mr. Dolamore said he had received a letter from the city and that he believed it was misleading to
20 the other residents in the area. He said the letter stated that Council had authorized a waiver of
21 impact fees scheduled to expire December 31, 2012. He said the letter also said the city would
22 not charge the usual annexation fees and that his cost would be a small plumbing fee, meter
23 deposit, and the cost of the plumber to connect to the water and sewer lines that run adjacent to
24 his property. Mr. Dolamore said there are no gravity sewer lines on Woodlea Road; there are two
25 force mains—one under the road and one at the back of his property 200 feet from his house. He
26 said the cost to run the line which will require a grinder pump is \$12,347. He said he is going to
27 go ahead and pay the connection costs through a loan. He then discussed his neighbor's
28 situation. He asked if Council can do something for the residents as he does not think they will
29 understand the total costs and the impact. He said the residents are not opposed to the
30 annexation just the costs of connection.

31
32 Mr. Drury said he was not prepared to address the specifics of the situation. He said he would like
33 time to come up with some options and bring back to Council. He thanked Mr. Dolamore for
34 coming to Council

35
36 **XIV. REPORTS**

37
38 **Tab 14) City Administrator**

39
40 Mr. Drury said the Golden Triangle Summit meeting is being hosted by Mt. Dora. They have
41 suggested October 22 or October 29th at the City Hall in Mt. Dora.

42
43 Mayor Wolfe said both dates are fine with him. Mr. Hope said he will be out of town on October
44 29th. He asked if it would make more sense to have it after both Commissions are seated in those
45 cities. Mayor Wolfe asked staff to check with the cities regarding the dates that they seat their
46 Councils. Mr. Hope said if they wait until after January, he would agree with the October 22nd
47 date.

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City Clerk

Human Resources

Economic Development

Mr. Neron said in the past two days the safety fence has been extended all the way to Sinclair Avenue from the Wooton Park expansion. He said there is a fishing tournament this weekend on Saturday of the local Bassmasters.

Public Communications

Public Works Department

Utility Department

Police Department

Fire Department

Community Services Department

Ms. Rogers said 8 pilings have been driven for the pavilion with 92 to go.

Finance Department

City Attorney

Tab 26) City Council

Councilmember Pfister

Councilmember Pfister said she had taken a picture of vultures and garbage on the ground around the dumpster in Wooton Park and something needed to be done.

Mr. Drury said there is one restaurant that uses it but it is not working so it is scheduled to be removed. He said the city will be going to blue cans for each of the businesses in that area.

Councilmember Hope

Councilmember Hope thanked Chris Thompson for answering questions from two Fox Run residents and he appreciated his courtesy and assistance with solving the problem.

Councilmember Hope said he and his wife had stayed at the new hotel and it was a very nice view of the lake from the balcony.

1
2 **Vice Mayor Grenier**
3

4 Vice Mayor commented that it was great to build upon the historic foundation of both the
5 seaplanes and the railroad. He said he had received a letter from some visitors to Tavares
6 recently. He then read the letter aloud from John Welch who stated he would like to donate the
7 T&G [Tavares and Gulf] timetable from 1968 to the local historical society in his name of his
8 father (Darrell Welch).
9

10 **Councilmember Smith**
11

12 Councilmember Smith thanked the City staff and every councilmember for attending the grand
13 opening at the new hotel.
14

15 Councilmember Smith said today is “International Talk like a Pirate Day.”
16

17 **Mayor Wolfe**
18

19 Mayor Wolfe adjourned the regular meeting at 4:45 p.m.
20

21 **Budget Hearing for Fiscal Year 2012-2013**
22

23 Mayor Wolfe reconvened the Public Hearing on the Millage and Budget at 5:05 p.m.
24

25 Mr. Drury asked the City Clerk to read the two resolutions into the record.
26

27 Ms. Barnett read the millage and budget resolutions in their entirety into the record as follows:
28

29 **RESOLUTION 2012- 11**
30

31 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 5.985**
32 **FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM**
33 **TAXES FOR FISCAL YEAR 2012-2013; SETTING FORTH THE**
34 **PERCENT BY WHICH THE MILLAGE RATE IS LESS THAN THE**
35 **"ROLLED-BACK" RATE.**
36

37 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**
38

39 **WHEREAS**, the City of Tavares of Lake County, Florida on September 5, 2012, adopted
40 the 2012-2013 Fiscal Year Tentative Millage Rate following a public hearing as required by
41 Florida Statute 200.065.
42

43 **WHEREAS**, the City of Tavares of Lake County, Florida, following due public notice as
44 required by law, held a second public hearing on September 19, 2012, as required by Florida
45 Statute 200.065 on the 2012-2013 Millage Rate; and
46

47 **WHEREAS**, the gross taxable value for operating purposes not exempt from taxation

1 within Lake County has been certified by the County Property Appraiser to the City of Tavares as
2 \$589,146,165.

3
4 **NOW THEREFORE, BE IT RESOLVED** by the City of Tavares of Lake County, Florida,
5 that:

- 6
7 1. The City of Tavares Fiscal Year 2012-2013 operating millage rate to be levied is
8 hereby set at 5.985 mills, which millage rate is less than the rolled back rate of
9 7.3694 by 18.785%.
- 10
11 2. The voted debt service millage is .4612.
- 12
13 3. This Resolution will take effect immediately upon its adoption.

14
15 **PASSED AND RESOLVED** this 19st day of September 2012, by the City Council of the
16 City of Tavares, Florida.

17
18 **RESOLUTION 2012- 12**

19
20 **A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE**
21 **CITY OF TAVARES, FLORIDA, FOR THE FISCAL YEAR 2012-**
22 **2013.**

23
24 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

25
26 WHEREAS, a public hearing on the proposed 2012-2013 budget was held at the
27 Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on
28 September 5th 2012, at 5:05 p.m., as required by Florida Statutes 200.065; and

29
30 WHEREAS, the general public was given an opportunity to express its views
31 pertaining to the proposed budget, and

32
33 WHEREAS, the City Council approved the tentative budget for 2012-2013, and

34
35 WHEREAS, a second public hearing on the proposed 2012-2013 budget was held
36 in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares,
37 Florida, on September 19, 2012, at 5:05 p.m.,

38
39 **NOW, THEREFORE, BE IT RESOLVED** that the Budget for 2012-2013 fiscal year for the
40 City of Tavares, Florida is hereby adopted by the Tavares City Council in the amount of
41 \$29,782,821, at public hearing this 19th day of September, 2012

42
43 **Tab 3) Resolution #2012-11 – Final Millage Rate for Fiscal Year 2013**

44
45 Mr. Drury noted the budget process had begun in March to set budget priorities and multiple
46 meetings had been held in June, July, August and September related to the budget and millage.
47 Most recently after going through the budget process and doing more cuts to the budget, Council

1 voted at the last meeting to lower the millage rate to 5.985 mills as a 18.785% decrease to the
2 rollback and 13.3% from the current rate of 6.89. He noted he has highlighted 20 salient points I
3 the agenda summary and this is an opportunity to open the matter to the public for input.
4

5 **Mayor Wolfe asked for public comment**

6
7 Jane Ann Southard, Tavares resident
8

9 Ms. Southard said she wished to speak about the fire tax. Attorney Williams noted that the budget
10 contemplates a fire assessment but it is not on the agenda tonight for approval. He said there will
11 be another public hearing where the actual fire assessment roll is approved if the budget is
12 approved.
13

14 Ms. Southard said she did not think it should be a separate tax and it should be through the
15 property tax. Attorney Williams discussed the court decision that allows cities to consider part of
16 fire services as a fee based service similar to solid waste collection. He said the advantage of
17 separating that fee out is that people who pay nothing now for fire service will now pay something
18 toward the service similar to garbage service.
19

20 Mr. Drury added that this gives the city the opportunity to approach the governmental agencies to
21 contribute towards the fire services.
22

23 Ms. Southard said the city had worked hard to get the hospital to come to Tavares and the county
24 buildings to stay, and the city knew they would be tax exempt. She asked if the Fire Department
25 would let a house burn down if the fee was not paid. Chief Keith said the department would
26 respond. Ms. Southard said she did not think the fire assessment was right and it was not the way
27 to do business.
28

29 Discussion
30

31 Councilmember Hope asked how Council could vote on the millage without voting on the fire
32 assessment at the same time, as the budget was built on the fire assessment.
33

34 Mr. Drury said the agenda summary tried to make the connection clear. He said a resolution will
35 come to Council on October 3rd to approve the fire assessment roll. He said technically speaking
36 if Council decided not to pass the resolution, Council would have to come up with other solutions.
37

38 Attorney Williams noted the vote is only for millage and budget. He said the budget is based on a
39 number of incomes and assumptions. He said several of the items will be implemented by
40 ordinance in the new fiscal year. He said once the millage is fixed it cannot be change. He said if
41 the city loses any revenue source in this adopted budget for any reason, the only option is to
42 amend the budget.
43

44 Councilmember Hope said he wished to have on the record that even though Council is not
45 voting on the fire assessment that this vote tonight is based upon the fact that the city will be
46 implementing a fire assessment.
47

1 Councilmember Hope noted the funds for the fire assessment can only be used for the Fire
2 Department funding and it will not completely fund the Fire Department but it will enhance the
3 ability of the fire department. He said he had had reservation initially but now has changed his
4 mind and is in support.

5
6 **MOTION**

7
8 **Kirby Smith moved to adopt Resolution #2012-11, for the final millage rate of 5.985%,
9 seconded by Bob Grenier. The motion carried unanimously 5-0.**

10
11 **Tab 6) Resolution #2012-12 – Final Budget Fiscal Year 2013**

12
13 Mr. Drury stated the budget is now down to \$12,567,462 after a series of public meetings and
14 discussions. He said the only outstanding issue is that Council had asked staff to bring back what
15 impact there would be if the COLA would be implemented on the first quarter of the fiscal year
16 October 1 instead of the second quarter in January. He said that is a \$52,600 impact and he has
17 provided two options. One is to utilize reserves which would bring reserves from 11% to 10% still
18 within the GFOA requirements beginning at 5%. The other option is that since Captain Feleccia
19 has retired, the Chief has assigned the captain duties to three of the lieutenants. One of the
20 options would be to not fill that captain position next year but to reclassify that as a police officer
21 position. The savings could be used to fund the COLA on October 1st. That would allow the
22 budget and reserves to stay the same.

23
24 **Mayor Wolfe asked for comment from the public.**

25
26 **Council Discussion**

27
28 Councilmember Pfister said she had not expected to see the Business Center cost of \$14,000 in
29 the budget as she had thought Council had requested further information. She said she did not
30 think this should be budgeted because within a mile of the city limits there is already a business
31 center at Lake Sumter Community College.

32
33 Mr. Drury said the information on the Economic Center had been sent to Council and it had been
34 noted that the monies would not be provided until an agreement comes back to Council for
35 approval.

36
37 Councilmember Smith said in the presentation the request had been for \$14,000 continuously
38 and in this budget was it proposed for just one year? Mr. Drury said that was correct and they
39 would be required to request the money every year.

40
41 Councilmember Pfister reiterated that she did not understand why the city should spend the funds
42 when it appeared to be a duplication of services that are available at the college.

43
44 Mr. Drury said there are examples of where the Golden Triangle works together to save money
45 and one of those examples is the railroad project in which Eustis has agreed to reimburse Tavares
46 for replacement of the railroad bridge. He said some believe the economic center will be a benefit
47 to the region.

1
2 Councilmember Pfister said she would like the \$14,000 pulled from the budget. Councilmember
3 Smith said that although the center is in the City of Eustis he hopes they will concentrate on local
4 businesses. He said next year there will be better data on the results of the center.

5
6 Mayor Wolfe said he would like to see the money stay in the budget for the center.

7
8 Vice Mayor Grenier asked if the motion should include the COLA issue.

9
10 Attorney Williams said there are two resolutions prepared depending on Council direction and the
11 second resolution may need to be read.

12
13 Councilmember Smith asked for clarification. Mr. Drury said the total budget number will stay the
14 same but within the budget there will be changes and Council will need to agree with the COLA
15 beginning in October 1st if that is the direction.

16
17 Councilmember Hope said he would support the COLA of 2.5% begin effective October 1 and
18 using the option of funding it from the retirement savings.

19
20 **MOTION**

21
22 **Norm Hope moved to approve the fiscal year 2013 budget with the COLA effective October**
23 **1 with the monies coming from the internal budget from Captain Feleccia's retirement,**
24 **seconded by Bob Grenier.**

25
26 Attorney Williams said the revised resolution needed to be read. Mr. Drury noted the budget will
27 actually be lower because of the transfers.

28
29 Ms. Barnett stated that she would read the new budget amount under the same Resolution
30 #2012-12 under the motion that had just been made:

31
32 **Now therefore be it resolved that the budget for 2012-2013 fiscal year for the City of**
33 **Tavares Florida is hereby adopted by the Tavares City Council in the amount of**
34 **\$29,773,855 at Public Hearing this 19th day of September 2012.**

35
36 Mayor Wolfe asked if Councilmember Pfister's item has been resolved. Councilmember Pfister
37 said she had had other items but she hoped that the councilmembers will visit the Lake Sumter
38 Business Center to see what they have to offer. Vice Mayor Grenier said he is on the fence but
39 will want more information before making a decision. Mayor Wolfe said he supported the center
40 as another tool to help the businesses.

41
42 Councilmember Pfister said she appreciates the employees but that she believed the COLA
43 needs to stay in January as she is concerned about the employees continuing to have a job. She
44 said the city does not have the money and she did not agree with basing the funds on someone
45 retiring.

46

