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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
May 15, 2013
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

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

Rick Fountain, Pastor, First Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Ms. Houghton requested to add Item 10A related to finalizing the sale of the water taxis. Attorney Williams noted a resolution will be presented.

MOTION

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

1
2 **IV. APPROVAL OF MINUTES**

3 Mayor Wolfe asked for the following corrections to the minutes of April 17:

4
5 Page 5, line 27, change “Vice President Smith” to “Vice Mayor Smith”
6 Page 7, line 24, change “approved unanimously” to show that the vote was 3-2

7
8 **MOTION**

9
10 **Norman Hope moved to approve the minutes of April 17, 2013 with corrections as stated,**
11 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

12
13 **V. PROCLAMATIONS/PRESENTATIONS**

14
15 **VI. QUASI JUDICIAL AND DISCLOSURE OF EXPARTE CONTACTS**

16
17 Attorney Williams said there are no quasi judicial hearings.

18
19 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

20
21 Ms. Barnett read the following ordinances/resolutions by title only:

22
23
24 **ORDINANCE 2013- 07**

25
26 **AN ORDINANCE AMENDING ORDINANCE NUMBER 2009-22, and AMENDING**
27 **ORDINANCE NUMBER 2012-10 PERTAINING TO SECTION 17-54 OF THE**
28 **CITY OF TAVARES LAND DEVELOPMENT REGULATIONS FOR RECLAIMED**
29 **WATER RATES; INCREASING THE CAPACITY LIMITS FOR PROVIDING**
30 **RATE AGREEMENTS FOR AGRICULTURE USES AND PROVIDING FOR AN**
31 **EFFECTIVE DATE.**

32 **RESOLUTION 2013-04**

33
34 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE**
35 **STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS;**
36 **AUTHORIZING THE LOAN APPLICATION(S) FOR WATER IMPROVEMENTS**
37 **IN THE DOWNTOWN CRA; AUTHORIZING THE LOAN AGREEMENT(S);**
38 **ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED**
39 **REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR**
40 **CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

41
42 **RESOLUTION 2013-05**

43
44 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE**
45 **STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS;**
46 **AUTHORIZING THE LOAN APPLICATION(S) FOR WASTEWATER**
47 **IMPROVEMENTS IN THE DOWNTOWN CRA; AUTHORIZING THE LOAN**

1 **Tab 4) Resolution #2013-04 – State Revolving Loan Application for Water**

2
3 Ms. Houghton stated Tab 5 – Resolution #2013-05 is the same as Resolution #2013-04 except
4 for wastewater and has a different dollar amount. She noted that the legal opinion has been
5 provided and reflects the updated amounts. This item is to consider the approval of an FDEP loan
6 application with the SRF fund. The loan rate will be 2.25% and will fund downtown CRA water
7 improvements. She discussed the historical time line on the project and the change in funding
8 from USDA to FDEP.

9
10 Ms. Houghton stated that Option 1 is to consider approval of both resolutions and the execution
11 of the loan regarding Resolution #2013-04 in the amount of \$7,413,520 for water and Resolution
12 #2013-05 - \$5,671,351 for the sewer portion from the State of Florida Department of
13 Environmental Protection Revolving Loan Fund to fund the water/wastewater improvements in
14 the CRA. Option 2 is to not approve.

15
16 **MOTION**

17
18 **Lori Pfister moved to approve Resolution #2013-04 and Resolution #2013-05, seconded by**
19 **Bob Grenier. The motion carried unanimously 5-0.**

20
21 **Tab 10) Resolution #2013-06 – Renewal of Six Cents Fuel Tax**

22
23 Ms. Houghton said this is a follow up to Council's previous discussion concerning the gas tax that
24 is up for renewal. This resolution will support the Lake County renewal of the local option 6 cents
25 fuel tax for road maintenance. Council had requested the Mayor to forward a letter to the County
26 recommending that the county hold public meetings on renewal of the fuel tax. The letter was
27 sent and has been provided in the agenda summary.

28
29 Recently the Lake County MPO requested that each governing body vote on supporting the
30 renewal of the local option tax. The distribution of the tax among the cities has not been set. This
31 resolution does not address the distribution. Ms. Houghton noted that \$300,000 has come to
32 Tavares in the past from the 6 cents gas tax. This funds and offsets the street lights and traffic
33 lights which comes to \$300,000. This revenue source can be used for road and right of way
34 maintenance, road repairs, etc. that are related to transportation expenditures.

35
36 Attorney Williams said the distribution is based on a formula. Mr. Neron said the County
37 Commission has indicated they intend to keep their percentage (about 66%) the same and it will
38 be up to the cities to meet and agree on the distribution formula. Attorney Williams said he
39 believed the formula was based on population.

40
41 **MOTION**

42
43 **Kirby Smith moved to support Resolution #2013-06 for supporting the Lake County Board**
44 **of County Commissioners to renew the 6 cents fuel tax, seconded by Norman Hope.**

45
46 Councilmember Grenier asked if this committed the County to approving the fuel tax and the
47 percentage. Attorney Williams said he believed the County wanted to ensure that the cities are in

1 agreement with approving the tax. Councilmember Hope concurred that that was the discussion
2 held at the last MPO meeting.

3
4 Vice Mayor Smith stated that this will not be adding a new tax but continuance of the current 6
5 cents fuel tax. He said if the tax revenue is not available it would require a millage increase.

6
7 Ms. Houghton noted this tax has been in place for 20 years since 1994.

8
9 **The motion was approved unanimously 5-0.**

10
11 **Tab 10A – Resolution #2013-10 – Sale of Water Taxes**

12
13 Attorney Williams said the city has a signed contract regarding the sale of the water tax for
14 \$75,000. The city has contracted with a marine documentation company who has prepared the
15 documents which were signed by the City Administrator. One of the documents required is a
16 resolution authorizing this sale which has been prepared by Ms. Barnett.

17
18 **MOTION**

19
20 **Norman Hope moved to approve Resolution #2013-10, seconded by Kirby Smith. The**
21 **motion carried unanimously 5-0.**

22
23 **Tab 11) Review of the Flag Design for the City of Tavares**

24
25 Ms. Ross noted that Council had previously received a presentation from the Tavares Historical
26 Society concerning the adoption of a new city flag. At the end of the Council's discussion, staff
27 was asked to bring back three flag designs for further consideration: the city logo only, the logo
28 with the railroad tracks crossed, and a logo with railroad tracks running along the bottom of the
29 flag. She noted that staff has provided the three options and put them on three different
30 backgrounds—white, blue, and a gradient background.

31
32 In addition, Ms. Ross said a “good flag/bad flag” dissertation has been provided published by the
33 North American Vexillological Association who has provided five basic principles of flag design.
34 She noted she had also provided a fourth sample flag that would reflect those principles.

35
36 Ms. Ross noted that should Council move forward with adopting the flag, staff will return with an
37 adopting resolution and a licensing agreement if Council wishes to allow the Historical Society to
38 sell the flags.

39
40 Mayor Wolfe invited public comment.

41
42 **Brenda Smith, Tavares Historical Society**

43
44 Ms. Smith said the Society had spent several weeks developing a design and had chosen to
45 include train tracks because Tavares was the railroad hub of the state. She noted at the last
46 meeting the design seemed to be too busy so that by taking out two of the tracks with the
47 crossbars it looks better. She said they considered the five basic rules in the design. She said she

1 hoped that Council would consider the flag that reflects the train's history that also includes the
2 city's logo with the seaplane.

3 Council Discussion

4
5 Councilmember Grenier asked if Council wished to decide today or just intended to have a
6 discussion.

7
8 Mayor Wolfe said the item was on the agenda to make a decision.

9
10 Councilmember Hope said he liked the flag that is simple with just the America's Seaplane City
11 with the white background.

12
13 Mayor Wolfe said he agreed with Councilmember Hope and preferred the white background so it
14 did not take away from the American flag.

15
16 Vice Mayor Smith asked how the decision would impact the flags being sold from the prop shop.
17 Ms. Ross responded that once a decision is made it should be one look or one color. She said a
18 logo design is different because a logo is used in different scenarios and requires two or three
19 types of logo colors.

20
21 Councilmember Grenier said he preferred the flag with the train tracks. Vice Mayor Smith said he
22 agreed with Councilmember Grenier but he was flexible.

23
24 Councilmember Hope noted there are different opinions and it may be difficult to come to a
25 consensus. Councilmember Pfister said the white background with the city logo was her second
26 choice over the flag with the railroad tracks.

27
28 Mayor Wolfe said he appreciated the input but he was not flexible on the white background with
29 the blue lettering and the gray seaplane.

30
31 **MOTION**

32
33 **Norman Hope moved to accept the white background with the logo of Tavares which is the**
34 **city's brand for the flag.**

35
36 There was no second and the motion failed.

37
38 **MOTION**

39
40 **Lori Pfister moved to choose the blue background and white letters [city logo], one color,**
41 **which will be cheaper to produce, and will pop out, and will match the American flag,**
42 **seconded by Kirby Smith.**

43
44 Mayor Wolfe said he believed it was too overbearing.

45
46 **The motion failed 3-2 as follows:**

47

1 **Robert Wolfe** **No**
2 **Lori Pfister** **Yes**
3 **Norman Hope** **No**
4 **Kirby Smith** **Yes**
5 **Bob Grenier** **No**

6
7

8 Mayor Wolfe passed the gavel to Vice Mayor Smith.

9

10 **MOTION**

11

12 **Robert Wolfe moved to approve the white flag with the blue lettering and grey seaplane,**
13 **seconded by Norman Hope.**

14

15 **The motion failed 3-2 as follows:**

16

17 **Robert Wolfe** **Yes**
18 **Lori Pfister** **No**
19 **Norman Hope** **Yes**
20 **Kirby Smith** **No**
21 **Bob Grenier** **No**

22

23 Vice Mayor Smith passed the gavel back to the Mayor.

24

25 Ms. Ross said that the City Administrator had suggested that if Council wished to defer voting on
26 this matter there is no rush and Council could take more time to consider the issue.

27

28 Vice Mayor Smith said the other possibility to send the two choices out to the public for a vote.

29

30 Councilmember Grenier said there is still a third choice with the railroad tracks.

31

32 **MOTION**

33

34 **Kirby Smith moved to take the Tavares logo with white background, the Tavares logo with**
35 **blue background, and the Tavares logo with railroad crossings, have the Public Relations**
36 **Director do a blitz and have people come into City Hall to vote, or on line, and the majority**
37 **vote win, for a period of sixty days, seconded by Bob Grenier.**

38

39 Councilmember Hope noted there appeared to be consensus to have a vote on the two logo flags
40 but Council should possibly vote on whether or not to include the third flag in the vote by the
41 public.

42

43 Attorney Williams summarized that Vice Mayor Smith's motion was to include all three flags and
44 submit to some sort of straw ballot of public opinion. He said staff would have to come up with a
45 plan and bring that back to Council.

46

1 Mayor Wolfe noted the public had already approved the new brand through the visioning process
2 and for many years prior there had been an opportunity to bring forward a flag with railroad
3 tracks.

4 Councilmember Grenier noted the Historic Society had also contributed to the visioning process
5 and ensured the theme of historic foundation had been included in that process.
6

7 Attorney Williams said the motion should be amended to include direction to staff to return with a
8 voting plan. Vice Mayor Smith approved the amendment, seconded by Councilmember Grenier.
9

10 **The motion failed 3-2 as follows:**

11		
12	Robert Wolfe	No
13	Lori Pfister	No
14	Norman Hope	No
15	Kirby Smith	Yes
16	Bob Grenier	Yes

17
18 **MOTION**

19
20 **Lori Pfister moved to choose the white flag [with city logo], seconded by Norman Hope.**
21 **The motion carried 3-2 as follows:**

22		
23	Robert Wolfe	Yes
24	Lori Pfister	Yes
25	Norman Hope	Yes
26	Kirby Smith	No
27	Bob Grenier	No

28
29 **X. GENERAL GOVERNMENT**

30
31 **Tab 12) Request for Construction of Monument, Plaques for Train Depot and Name of**
32 **Train Depot**

33
34 Ms. Barnett stated the purpose of this item is to determine a name for the train station that the city
35 has replicated, to approve the construction of the monument and to authorize the purchase of the
36 plaques. She noted that she had received a lower price on the plaques and would now be
37 requesting \$2,283 instead of \$2400.
38

39 Ms. Barnett stated the historical replication of the train station is based on the original train station
40 built in approximately 1888. The station which stood at St. Clair Abrams and Main Street [then
41 Irma Street] was across from the Opera House owned by Major St. Clair Abrams, the city's
42 founder. She noted Tavares has a long railroad history with five or six lines serving Tavares at
43 one time and along with that history has come more than one train station. She then read from a
44 list of names that have been used in the past when referring to the train station:
45

46 Tavares Railroad Depot
47 Tavares Train Station

- 1 Tavares Train Depot
- 2 Historic Train Station
- 3 Historic Train Depot
- 4 The Train Depot
- 5 The Depot
- 6 Atlantic Coast Line Railroad Station
- 7 ACL Railroad Station
- 8 Seaboard Railroad Station
- 9 Florida Southern Railroad Station
- 10 Tavares, Eustis, & Gulf Depot

11
12 Ms. Barnett stated the Tavares Historical Society was asked if they wished to recommend a
13 name and have recommended “Tavares Train Station.”

14
15 Ms. Barnett stated there are three components to the agenda item. Mayor Wolfe asked that Ms.
16 Barnett present all three items and then would request a vote on each item.

17
18 Ms. Barnett said the next item is the monument noting Mayor Wolfe has offered to donate his
19 labor to construct the monument (along with providing the left over bricks from the Lake Building),
20 as well as Vice Mayor Smith and Mr. Dolan who have also donated their services. There will be
21 two plaques mounted on a slab of granite. One plaque will honor the city officials and staff and
22 contractors involved with the project. The other plaque will contain language giving a history of
23 the train station which has been reviewed by both Councilmember Grenier and the Historic
24 Society. The third plaque will honor the Mayor, Vice Mayor Smith and Jim Dolan for constructing
25 the monument. She said she had provided a sample of the Historic Train Station text that will go
26 on the plaque. She said the new price on the plaque will mean that it will require some editing so
27 that both plaques can be the same size.

28
29 In summary, Ms. Barnett noted the recommendation is that Council discuss and vote on a name
30 for the station, consider the approval of the donation of labor by the Mayor and Vice Mayor and
31 Mr. Dolan and move to authorize the purchase of the plaques at the estimated price of \$2,283
32 from General Reserves.

33
34 Ms. Barnett noted there are people in attendance who can answer questions.

35
36 Brenda Smith, Tavares Historical Society

37
38 Ms. Smith stated the Society had reviewed the various names and had voted to “Tavares Train
39 Station.”

40
41 Ms. Smith stated that the Society has a newspaper clipping saying that the station survived the
42 fire of 1888 so it was built around 1882. Councilmember Grenier said it was built by the Sanford
43 and Lake Eustis Railroad which would be closer to 1888. Mayor Wolfe asked if it was fair to say
44 the train station was built in the mid 1880’s. Discussion followed on the date.

45

1 Councilmember Grenier said he had discussed this issue with the railroad historic society and
2 they have said the city would be safe saying “circa 1888.” Discussion followed on the meaning of
3 “circa.” Councilmember Grenier suggested that circa implies about three years in each direction.
4

5 Ms. Barnett stated she had recommended 1888 as that seemed a date most people were
6 comfortable with.
7

8 **MOTION**
9

10 **Lori Pfister moved to name the station the “Tavares Train Station”, seconded by Norman**
11 **Hope. The motion carried unanimously 5-0.**
12

13 Ms. Barnett asked for clarification on the date. Mayor Wolfe stated the date would be resolved
14 when the plaque is discussed and voted on.
15

16 Councilmember Grenier said the first railroad did not come to Tavares until 1885 and at the
17 Peninsular Hotel Major St. Clair Abrams had a party to celebrate the train coming from Leesburg
18 so it could not have been 1882.
19

20 Mayor Wolfe asked if everyone was clear on 1888 for the plaque.
21

22 Councilmember Pfister said she would rather give the Historical Society a few more days to
23 research the date as she would like more factual information such as from a newspaper.
24

25 Ms. Smith said the Historical Society will agree with “circa 1888.”
26

27 Vice Mayor Smith said he is not comfortable with taking the costs from reserves and suggested
28 taking the monies from the sale of the water taxis. Councilmember Hope agreed.
29

30 **MOTION**
31

32 **Kirby Smith moved to approve the plaques and the funding source from the sale of the**
33 **boats going into the CRA fund, seconded by Norman Hope.**
34

35 **The motion carried unanimously 5-0.**
36

37 Mayor Wolfe noted that in the monument will be a time capsule behind the plaque. He asked
38 every department head and councilmember and the Historic Society to suggest something to put
39 in the time capsule. He said the size of the capsule will mean that it should mostly be paperwork.
40 He asked for suggestions of a time to open the time capsule. He said he hoped the time capsule
41 would be opened and then re-installed for another 50 to 100 years. Discussion followed with
42 consensus for 50 years.
43

44 **MOTION**
45

46 **Norman Hope moved that the time capsule be opened in 50 years, seconded by Bob**
47 **Grenier.**

1
2 Vice Mayor Smith said he would also like instructions included in the capsule that the next City
3 Council open the time capsule, add their information, and then re-open it in another 50 years.

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

6
7 Ms. Houghton asked Council to vote on the donation of the Mayor and Vice Mayor's time in
8 building the monument for clarification.

9
10 **MOTION**

11
12 **Lori Pfister moved to install a plaque that will commemorate who donated their time**
13 **seconded Kirby Smith. The motion carried unanimously 5-0.**

14
15 **XI. OLD BUSINESS**

16
17 **XII. NEW BUSINESS**

18
19 **XIII. AUDIENCE TO BE HEARD**

20
21 None.

22
23 **XIV. REPORTS**

24
25 **Tab 14) Acting City Administrator**

26
27 Ms. Houghton noted there was a list of upcoming meetings in the agenda packet.

28
29 **Economic Development**

30
31 Mr. Neron noted the official de-naming ceremony of the water taxis had been held earlier that
32 day.

33
34 He reminded everyone of the Welcome Home Viet Nam Vets parade on Saturday starting at
35 10:00 am.

36
37 **Public Communications**

38
39 Ms. Ross said the article on visioning approved under Consent will be in the July newsletter.

40
41 **Human Resources**

42
43 Ms. Tucker invited Council to attend the staff picnic this coming Friday from 11:30 to 1:30 pm at
44 Wooton Park.

45
46 **City Attorney**

47

1 Attorney Williams noted that the legislature has changed the law regarding the public's right to
2 speak and effective October 1st, the law says that citizens have the right to be heard on every
3 topic that comes up that is voted upon. He said he and Ms. Barnett will provide further information
4 and will work on developing a procedure.

5
6 **Tab 15) City Council**

7
8 **Councilmember Pfister**

9
10 No report.

11
12 **Councilmember Grenier**

- 13
14 • Noted that his parents, Mary and Bob Grenier, were married on this day 59 years ago
15

16 **Councilmember Hope**

- 17
18 • Discussed the successful Seaplane Fly In. Noted that the pilots were appreciative of the
19 City for providing this event
20 • Commended Mr. Neron for the event's success
21 • Commended Mr. Drury on his role as "ramp boss" at the seaplane event
22

23 **Vice Mayor Smith**

- 24
25 • Stated the Seaplane Fly In was a phenomenal event
26

27 **Mayor Wolfe**

- 28
29 • Commended Ms. Farrell on the Seaplane Fly In, noting she had done a great job putting
30 the event together and said the pilots had very positive comments
31

32 **Adjournment**

33
34 There was no further business and the meeting was adjourned at 5:11 p.m.

35
36 Respectfully submitted,
37
38
39
40

41 Nancy A. Barnett, C.M.C.
42 City Clerk