

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
June 19, 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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Chief Richard Keith gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

MOTION

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

IV. APPROVAL OF MINUTES

1 Kirby Smith moved to approve the minutes of May 15 and June 5, 2013, seconded by Bob
2 Grenier. The motion carried unanimously 5-0.

3
4 **V. PROCLAMATIONS/PRESENTATIONS**

5
6 **Tab 2) Certification of Completion of Advanced Institute for Elected Municipal Officials**

7
8 Mayor Wolfe presented Councilmember Hope with a certificate for completion of the Advanced
9 Institute for Elected Municipal Officials. He noted that Councilmember Hope had invested in his
10 own time to acquire additional training to assist in his duties as Councilmember.

11
12 **VI. QUASI JUDICIAL AND DISCLOSURE OF EXPARTE CONTACTS**

13
14 Attorney Williams gave the oath to those who wished to give testimony. He asked Council if they
15 wished to disclose ex-parte communications. There were none.

16
17 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

18
19 Ms. Barnett read the following ordinances by title only under Second Reading:

20
21 **ORDINANCE 2013-08**

22
23 **AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES**
24 **OF THE CITY BY ANNEXING APPROXIMATELY 5.5 ACRES OF LAND**
25 **LOCATED ON THE NORTHEAST CORNER OF COUNTY ROADS 561 & 448;**
26 **SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED**
27 **BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY;**
28 **PROVIDING FOR AN EFFECTIVE DATE.**

29
30
31 **ORDINANCE 2013-09**

32
33 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE**
34 **LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 3, SECTION**
35 **2, DEFINITION FOR HOME OCCUPATION AND CHAPTER 8, SECTION-12(E),**
36 **HOME OCCUPATIONS, TO ALLOW THE LIMITED SALE OF MERCHANDISE**
37 **AND SERVICES IN A MANNER CONSISTENT WITH THE REGULATIONS**
38 **SPECIFIED IN THIS SECTION; SUBJECT TO THE RULES, REGULATIONS**
39 **AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
40 **PROVIDING AN EFFECTIVE DATE.**

41
42 **RESOLUTION 2013-07**

43
44 **A RESOLUTION DECLARING AN OFFICIAL FLAG OF THE CITY OF**
45 **TAVARES**
46
47

1 **VIII. CONSENT AGENDA**
2

3 Mayor Wolfe asked if anyone in the audience wished to oppose any item on the Consent Agenda.
4

5 He noted that staff has requested to pull Tab 3 and Vice Mayor Kirby, Tab 4.
6

7 **Tab 3) Approval of Contract with New Commercial Boat Tour**
8

9 Mr. Neron noted that in 2011 City Council adopted minimum standards for various commercial
10 operations at the Seaplane Base and Marina. Section 14 regulates commercial boat tour
11 operators operating out of the marina, picking up or discharging passengers. Premier Boat Tours
12 has a current contract and Scott Alderman of Rusty Anchor has approached the City. He said Mr.
13 Alderman would like to address Council.
14

15 Scott Alderman owner of the Rusty Anchor in Mt. Dora said he does not wish to run a business
16 out of Tavares. He said all he wants to do is bring people to the city to go to the restaurants and
17 activities. He said he does not wish to schedule boat tours from Tavares. He questioned the
18 proposed fee to drop off and pick up passengers.
19

20 Mr. Drury noted that that the commercial standards were developed to ensure that the business is
21 licensed and properly insured and treats the public with respect and decency. He said this is
22 similar to other agreements the city has done. He asked Mr. Alderman if the only item he was
23 opposed to was the \$10 fee.
24

25 Mr. Alderman said the agreement also refers to “scheduled boat tours” and he does not intend to
26 schedule boat tours. He said it is similar to a taxi service.
27

28 Attorney Williams read from the contract language noting it referred to passengers embarking and
29 disembarking.
30

31 Vice Mayor Smith asked if Mr. Alderman intended to advertise to pick up passengers from
32 Tavares. Mr. Alderman said “no.” Vice Mayor Smith agreed with the comparison to a taxi service.
33

34 Councilmember Hope said he believed the city needed to have an agreement but he saw no
35 reason to charge the \$10 fee and that the language regarding boat tours could be removed.
36

37 Attorney Williams discussed the regulation of private usage of the docks. He said the law clearly
38 allows for the regulation of commercial use of public properties including a taxi cab service. He
39 said the city does have some liability with people who come onto the docks and therefore has an
40 interest in knowing that the business has insurance and is certified, etc. Whether or not to charge
41 a fee or regulate is a policy decision. Councilmember Pfister said she supports an agreement but
42 probably not a fee.
43

44 Councilmember Hope asked Mr. Alderman if he had any other objections to language in the
45 agreement. Mr. Alderman said it requires everyone to sign a waiver who goes onto the dock.
46 Attorney Williams said the insurance and indemnification clause would make signing the waiver
47 unnecessary.

1
2 Councilmember Grenier said he would like to have the contract reviewed annually.

3
4 Mr. Drury said if Council moves forward with the changes as discussed staff will probably come
5 back and request that Council update the minimum standards for commercial operations on the
6 waterfront to address this issue. He noted that the goal of the city has been to become self
7 sufficient at the marina and it is not. He said there is a General Fund subsidy of the marina and
8 seaplane base. The only way to become self sufficient is to charge appropriate fees to the
9 commercial operations. He noted there is an economic impact of bringing passengers which the
10 city recognizes.

11
12 Councilmember Pfister asked if there is a fee for registration. Mr. Drury discussed the various
13 fees and costs that are being charged at the marina. Ms. Pfister said she would support a fee to
14 register.

15
16 Vice Mayor Smith suggested trying out the agreement with no fee for one year.

17
18 **MOTION**

19
20 **Norman Hope moved to approve an amended contract with Rusty Anchor, with no fee at**
21 **this time for one year with the details to be modified as discussed, including listing the**
22 **city as additional insured, and to authorize the City Administrator to sign the contract,**
23 **seconded by Lori Pfister.**

24
25 **Tab 4) Award of Bid for Sidewalk Improvements funded by Lake County CDBG Grant**
26 **Program**

27
28 Vice Mayor Smith noted the last time there was a sidewalk project he had gotten phone calls
29 about city workers not being dressed appropriately. He asked if there was a clause in the
30 contract. (It was noted that City Employees are regulated by a dress policy.)

31
32 Mr. Drury said if Council directs, the language can be included in all contracts. Discussion
33 followed. Vice Mayor Smith stated that the City has the right to dictate what contracted
34 employees wear. Attorney Williams said it would be a policy decision but was legal. Mr. Drury
35 said he felt the real issue was the workers being seen not wearing shirts.

36
37 **MOTION**

38
39 **Norman Hope moved the awarding of the bid of the contract with no contingencies,**
40 **seconded by Lori Pfister. The motion carried 4-1 as follows:**

41
42 **Robert Wolfe** Yes
43 **Norman Hope** Yes
44 **Kirby Smith** No
45 **Bob Grenier** Yes
46 **Lori Pfister** Yes
47

1 **IX ORDINANCES/RESOLUTIONS**

2
3 **Tab 5) Ordinance #2013-08 – Annexation of Lake Region & Boardman Property – 5.5 Acres**
4 **– County Road 561 and 448 – Second Reading**

5
6 Mr. Skutt stated this property is located on the northeast corner of CR 561 and CR 448. The
7 property is composed of two parcels and two owners who have petitioned for a voluntary
8 annexation. Both properties are vacant and classified as orange groves by the County Property
9 Appraiser. He noted the applicants are preparing to market the property and want to have it
10 receive city utilities. It is an enclave within city boundaries and should be annexed to ensure
11 efficient delivery of local government services. The Planning & Zoning Board recommended
12 approval and staff recommends approval.

13
14 **MOTION**

15
16 **Bob Grenier moved to approve Ordinance #2013-08, seconded by Kirby Smith.**

17
18 Mr. Veldhuis stated the property is a citrus grove and the owners would like to keep the
19 agricultural exemption until the buyer has been found. Attorney Williams said it is not the City's
20 issue. The City allows the continuation of the agricultural uses but it is a Property Appraiser
21 question.

22
23 **The motion carried unanimously 5-0.**

24
25 **Tab 6) Ordinance #2013-09 – Amendment to Land Development Regulations of Chapter 3**
26 **regarding Home Occupations – Second Reading**

27
28 Mr. Skutt said a question was received from a citizen asking whether limited and incidental sales
29 of merchandise could be allowed as part of a home occupation. He said he had reviewed this with
30 the City Attorney. As currently written the codes do not allow any sales or the rendition of any
31 services with a home occupation. The regulations are several decades old and did not anticipate
32 the advancement of technology and the internet. He said the proposed ordinance will ensure that
33 the home occupation businesses will not degrade the residential character but does allow limited
34 sales. He said the Planning & Zoning Board recommended approval and staff recommends
35 approval.

36
37 Councilmember Hope asked if this would prohibit an HOA from putting stricter regulations on
38 home businesses in their homes. Attorney Williams confirmed that it would not, adding that HOA
39 regulations can be more restrictive than city regulations. He said this ordinance is not intended to
40 allow multiple delivery trucks coming back and forth.

41
42 **MOTION**

43
44 **Kirby Smith moved to approve Ordinance #2013-09, seconded by Norman Hope. The**
45 **motion carried unanimously 5-0.**

46
47 **Resolution #2013-07 – Adoption of New City Flag**

1
2 Ms. Ross stated that in May Council approved an official city flag consisting of a solid white
3 background and city logo in the center. This resolution describes and adopts the new city flag.
4

5 **MOTION**

6
7 **Lori Pfister moved to approve Resolution #2013-07, seconded by Kirby Smith. The motion**
8 **carried 4-1 as follows:**
9

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

15
16 **X. GENERAL GOVERNMENT**

17
18 **Tab 8) Award of Bid for Uniform Contract**

19
20 Mr. Thompson reported as follows:

21
22 *The current uniform contract with Aramark Services was for a five year period and expired in*
23 *February of 2013. The City issued a request for proposals and two responses were received on*
24 *April 11, 2013. The current vendor did not submit a proposal. The request for proposals was*
25 *based on price for rentals, price for replacement uniforms, and specifications regarding quality*
26 *and service.*
27

28 *Two proposals were received:*

- 29
30 1. *Cintas Facility Solutions*
31 *4392 SW 34th Street*
32 *Orlando, FL*
33
34 2. *AlSCO American Linen Supply*
35 *1213 South Division Avenue*
36
37 *Orlando, FL*
38

39 Mr. Thompson said a ranking committee was formed who discussed and ranked the firm Cintas
40 as number one. Uniforms are budgeted in each department and have been budgeted for fiscal
41 year 2014 for Council review.
42

43 Vice Mayor Smith asked if laundry was included. He asked if the contract was amendable if
44 Council decided to eliminate the laundry service during the budget process.
45

46 Mr. Rumble said the contract is amendable with 30 days notification.
47

1 **MOTION**

2
3 **Kirby Smith moved to award the bid for uniform services to Cintas per Contract 2013-006,**
4 **seconded by Norman Hope. The motion carried unanimously 5-0.**

5
6 **Tab 9) Setting of Calendar for Fiscal Year 2014 Budget Workshops**

7
8 Ms. Houghton said she had provided an updated calendar because of some minor errors. She
9 said this comprehensive calendar includes TRIM, budget process, and the fire assessment roll
10 update.

11
12 **There was consensus to accept the proposed budget workshop schedule.**

13
14 **Tab 10) Voting Delegate for the Florida League of Cities Annual Conference**

15
16 Mayor Wolfe asked Councilmember Hope if he would like to attend the annual conference in
17 August and be the voting delegate for the city. Councilmember Hope accepted the
18 recommendation if Council approves.

19
20 **Council consensus to approve the Mayor's recommendation.**

21
22 **Tab 11) Appointments to Florida League of Cities Policy Committees**

23
24 Mr. Drury asked if any councilmember would like to participate on a Florida League of Cities
25 policy committee. Councilmember Hope said if Mr. Drury felt council participation would be
26 beneficial to the city, he would be willing and would be most interested in economic development
27 or finance and taxation.

28
29 **Mr. Drury said he would provide this information and that of any staff members who wish**
30 **to participate on a committee, to the Florida League of Cities.**

31
32 **Tab 12) Air Quality Remediation at Fire Stations**

33
34 Mayor Wolfe asked Attorney Williams if he should disclose his conflict before the staff
35 presentation is made. Attorney Williams advised that Council could receive the presentation first.

36
37 Chief Keith reviewed the details of the agenda summary. He noted the objective is to receive
38 authorization to fund an emergency air quality fund for both fire stations. He noted that over the
39 last year the Fire Department believes it has experienced an inordinate amount of respiratory
40 related illnesses. The city put out an RFQ to do an air quality assessment and IAQS was
41 contracted to do the assessment which was done on May 15th. The results of both assessments
42 were included in the agenda packets. Neither building was considered immediately dangerous so
43 it did not require evacuation but it was found there were issues at both stations, especially for
44 staff who are exposed 24 hours.

45
46 Chief Keith then described in detail the various issues that will need to be addressed. He invited
47 the councilmembers to pay an onsite visit.

1
2 Mr. Drury commented that after completion of the initial phase the city will have the stations
3 retested at a cost of about \$300.00 and Council will be given the results of the second test.
4

5 Mayor Wolfe declared a conflict of interest as he was planning on submitting a bid on working on
6 either of the fire stations. He passed the gavel to Vice Mayor Smith.
7

8 Vice Mayor Smith asked if there were comments from the audience.
9

10 Van Joachim, 12619 Milwaukee
11

12 Mr. Joachim said it sounded like there was not a continuous maintenance program in place. He
13 suggested that Council address why this should be an unexpected surprise.
14

15 Denise Laratta, Royal Harbor
16

17 Ms. Laratta said she believed this was long overdue and did not go far enough. She questioned
18 how wallpaper will be removed from Fire Station 28 and suggested that a vapor barrier will
19 probably be needed. She said she has been concerned about the firefighters' health in that
20 building.
21

22 Council Comments
23

24 Councilmember Hope said he is not surprised as he has renovated older structures and is glad it
25 will be addressed and done correctly.
26

27 Councilmember Grenier commented on the interiors of the air handlers and evaporator coils
28 noting that it will need to be addressed. Mr. Drury commented that Councilmember Grenier had
29 recommendations that had been forwarded to staff and will be in the bid specs.
30

31
32 **MOTION**
33

34 **Lori Pfister moved to approve the transfer of \$20,000 from reserves as well as designing a**
35 **maintenance schedule to keep track of repairs and see that they are maintained, seconded**
36 **by Norman Hope.**
37

38 Vice Mayor Smith asked how long it will take to get the job completed. Chief Keith said he did not
39 have a date certain but the sooner the better.
40

41 Vice Mayor Smith said he did not see this as an emergency but it is an issue that he would
42 support coming out of reserves in this instance. He noted the City Administrator will be changing
43 the way the reserves are handled next year.
44

45 **The motion carried 4-0 unanimously with Robert Wolfe abstaining.**
46

47 **Vice Mayor Smith passed the gavel to Mayor Wolfe.**

1
2 **Tab 13) 2014 City Council Goals for City Administrator**

3
4 Mr. Drury read the following goals for the record:

- 5
6) Work on 2013 goals that are not completed (see attached listing in agenda summary)
7 2) Plan out SR 19 and 561
8 3) Maintain the historical integrity of the city
9 4) Pursue the establishment of more retail businesses in the downtown
10 5) Pursue a downtown community theater
11 6) Re-institute the façade program in the CRA
12 7) Plan out Old 441 corridor eastward towards Mt. Dora
13 8) Approach the School Board to have them contribute their fair share towards fire protection
14 costs
15 9) Apply for TDC funding for the pavilion seaplane boat dock
16 10) Implement the hardscape portion of branding (signs)
17

18 Mr. Drury asked Council to vote collectively on these goals.
19

20 Vice Mayor Smith said he was not in favor of reinstating the façade program due to adding
21 regulations. Mr. Drury said the program is to provide a grant to commercial businesses that elect
22 to place awnings and ADA upgrades. Mr. Neron noted it is a 50% match up to \$2000 per
23 applicant. Mr. Drury noted this is a program the city had in the past but has not done for a few
24 years. Councilmember Pfister spoke in support.
25

26 Mr. Drury said a description of the program will be sent to Vice Mayor Smith. Vice Mayor Smith
27 said he was not sure the budget will be able to include the grant program.
28

29 Vice Mayor Smith said in terms of the community theater he did not object to staff spending time
30 on the project but he did have an issue with the city spending money for a theater.
31

32 Councilmember Pfister said she is interested in expanding the entertainment district.
33

34 Mr. Drury noted the façade program will be a goal to work on along with the other items, and
35 always subject to budget.
36

37 **MOTION**

38
39 **Kirby Smith moved to approve the 10 goals for the City Administrator, seconded by**
40 **Norman Hope. The motion carried unanimously 5-0,.**
41

42 **XI. OLD BUSINESS**

43
44 **XII. NEW BUSINESS**

45
46 **XIII. AUDIENCE TO BE HEARD** - None
47

1 **Denise Laratta, Royal Harbor**
2

3 Ms. Laratta said she had hoped to speak when the topic of commercial licensing was discussed
4 for the boat operator. She said there was one aspect that was overlooked. She said when he
5 drops people off, the boat will stay on the dock and in that time the boat will get free advertising
6 and the public will not know the difference between an business licensed in Tavares or not.
7

8 **XIV. REPORTS**
9

10 **Tab 14) City Administrator**
11

12 Mr. Drury noted there was a list of upcoming meetings in the agenda packet. He noted the P&Z
13 Board meeting will not be held in July.
14

15 **Fire Chief**
16

17 Chief Keith said the 6th annual Fire Cadet academy is being held at the Bragg Center for Fire
18 Explorers and Fire Cadets who are having their summer camp in Tavares. He noted the opening
19 ceremony is tomorrow night and Mayor Wolfe will be attending and Vice Mayor Smith may attend.
20

21 **Community Services**
22

23 Ms. Rogers reminded everyone of the upcoming July 4th event and welcomed everyone's
24 participation.
25

26 **Tab 15) City Council**
27

28 **Councilmember Pfister**
29

30 Noted she had been in St. Augustine over the weekend and had been wearing her Tavares t-shirt
31 and had a conversation with a seaplane pilot who commented positively about the city.
32

33 **Councilmember Hope**
34

35 Commented on the League of City events, noting it allows him to be aware of other cities'
36 problems in the state, some of which are similar to Tavares and some of which are different. He
37 said it believes it helps him to make better decisions.
38

39 Noted that he budget process is starting up and encouraged those present to attend the budget
40 hearings and have input.
41

42
43 **Councilmember Grenier**
44

45 Commented on the Chicago Blackhawks' participation in the Stanley Cup.
46

47 **Vice Mayor Smith**

1
2 **Mayor Wolfe**
3
4 Mayor Wolfe said in attending the League meetings it was nice to be able to represent how
5 Tavares has moved forward in achieving its goals.

6
7 **Adjournment**

8
9 There was no further business and the meeting was adjourned at 5:33 p.m.

10
11 Respectfully submitted,

12
13
14
15
16 Nancy A. Barnett, C.M.C.
17 City Clerk