

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 2, 2014
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Tom Cavanaugh, First Baptist Church of Mt. Dora, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

MOTION

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

IV. APPROVAL OF MINUTES

Tab 1) Approval of Minutes – March 19, 2014 - Deferred

1 **V. PROCLAMATIONS/PRESENTATIONS**

2
3 **Tab 2) Library Appreciation Week**

4
5 Mayor Wolfe read a proclamation designating April 13-19, 2014 as Library Appreciation Week.

6
7 Ms. Rogers introduced those present from the Tavares library: Rosa Rosario, Director; Deborah
8 Summers and April Mazack. She noted there will be an appreciation breakfast for the staff next
9 Tuesday morning.

10
11 **Tab 3) Water Conservation Month**

12
13 Mayor Wolfe read a proclamation designating April as Water Conservation Month.

14
15 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE CONTACTS**

16
17 Attorney Williams noted there was one quasi-judicial matter, Tab 7, Variance for a Rear Yard
18 setback at 2408 Vindale Avenue. He swore in those who would be giving testimony.

19
20 Council indicated there were no ex-parte communications on this matter.

21
22 **VII. READING OF ALL ORDINANCES/RESOLUTIONS**

23
24 Ms. Barnett read the following ordinances and resolutions by title only:

25
26 **ORDINANCE 2014-01**

27
28 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY**
29 **ANNEXING APPROXIMATELY 0.36 ACRES OF LAND CONSISTING OF THREE**
30 **MOBILE HOME LOTS GENERALLY LOCATED ON THE SOUTHWEST END OF**
31 **MANSFIELD ROAD, REZONING THE PROPERTY FROM COUNTY RM (MIXED**
32 **HOME RESIDENTIAL) TO CITY RMH-S (RESIDENTIAL MANUFACTURED HOME**
33 **SUBDIVISION); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
34 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**
35 **EFFECTIVE DATE.**

36
37 **ORDINANCE 2014-02**

38
39 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
40 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**
41 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON**
42 **APPROXIMATELY .36 ACRES OF LAND CONSISTING OF THREE MOBILE**
43 **HOME LOTS GENERALLY LOCATED ON THE SOUTHWEST END OF**
44 **MANSFIELD ROAD FROM LAKE COUNTY URBAN LOW TO CITY MOBILE**
45 **HOME; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR**
46 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

47

1
2
3
4
5
6
7
8
9
10
11
RESOLUTION 2014-07

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS, MINIMUM REAR YARD SETBACK FOR A RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMH-S) ZONING FOR PROPERTY LOCATED AT 2408 VINDALE AVENUE, TAVARES, FL; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
RESOLUTION NO. 2014-10

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 \$735,000 CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2014, TO FINANCE THE CITY'S COST OF ACQUIRING POLICE VEHICLES AND A SANITATION VEHICLE AND EQUIPMENT RELATED THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO SECURE THE REPAYMENT OF SAID LOAN; PROVIDING FOR THE PAYMENT OF THE NOTE FROM THE CITY'S COVENANT TO BUDGET AND APPROPRIATE NON AD VALOREM REVENUES ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE NOTE, AND THE SECURITY THEREFORE; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID LOAN; DESIGNATING THE NOTE AS "BANK QUALIFIED"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

35
36
37
38
39
40
41
42
43
44
45
VIII CONSENT AGENDA

IX. ORDINANCES/RESOLUTIONS

Tab 4) Ordinance #2014-01 – Annexation and Zoning – 30329, 30333, and 30337 Mansfield Road – City Residential Mobile Home Subdivision – First Reading Only

Tab 5) Ordinance #2014-02 – Future Land Use Amendment 30329, 30333, and 30337 Mansfield Road from County Urban Low to City Mobile Home – First Reading Only

Tab 6) Resolution #2014-10 – Approval of Financing for Lease of Police Vehicles & Sanitation Truck

Ms. Houghton explained that this resolution will approve the execution of loan documents for Capital Improvement Revenue Note, Series 2014, in order to purchase 12 police vehicles and a

1 solid waste automated truck. She reviewed the bid process for the financing which was awarded
2 to BB&T Bank on March 19, 2014. She said the total amount including closing costs will be
3 \$730,630.90. She noted the packet included a memorandum from the financial advisor.

4
5 **MOTION**

6
7 **Robert Speaks moved for approval of Resolution #2014-10, seconded by Norman Hope.**
8 **The motion carried unanimously 5-0.**

9
10 **Tab 7) Resolution #2014-07 – Variance for Read Yard Setback – 2408 Vindale Avenue**

11
12 Mr. Skutt stated that the applicant for this variance was unable to attend this meeting and has
13 submitted a written request that City Council table this matter until the next Council Meeting on
14 April 16th.

15
16 Mr. Drury explained the options to Council. Mayor Wolfe noted there was a Request to Speak
17 form from Jean Silvasey.

18
19 Jean Silvasey

20
21 Ms. Silvasey of 2311 Vindale Road stated she is on the Board of Imperial Terrace Association.
22 She said she had questions about the location and its proximity to the subdivision wall. She said
23 that the owner had started to remove his shed and then consequently put it back up. She said it
24 does not appear to have electricity. She said she questioned how he will use the shed. She asked
25 if the wall was owned by the City of Tavares or by FDOT and were there regulations about how
26 close buildings could be to the wall.

27
28 Mr. Drury asked Ms. Silvasey if she would be able to attend the next meeting on April 16th if
29 Council decided to table this item. Ms. Silvasey said she would attend. Mr. Drury asked Ms.
30 Silvasey if she would email her questions to him and he would prepare the answers.

31
32 **MOTION**

33
34 **Kirby Smith moved to table Resolution #2014-07 until the April 16th meeting, seconded by**
35 **Robert Speaks. The motion carried unanimously 5-0.**

36
37 **X. GENERAL GOVERNMENT**

38
39 **Tab 8) Purchase of Police Vehicles and Sanitation Truck Utilizing the Lake County Sheriff's**
40 **Bid**

41
42 Ms. Houghton noted this item requests authorization to purchase the police vehicles and one
43 garbage truck utilizing the Sheriff's bid (Miami Gardens Bid Res 2013-72-1868).

44
45 **MOTION**

46

1 **Kirby Smith moved to authorize the purchase of 12 police cars and one automated**
2 **garbage truck, seconded by Robert Speaks. The motion carried unanimously 5-0.**

3
4 **Tab 10) Update on Tavares Interlocal Service Boundary Agreement**

5
6 (Mr. Drury requested that Council take up discussion of Tab 10 first before Tab 9)

7
8 Mr. Skutt reported that on October 2, 2013, the City of Tavares passed Resolution 2013-15 to
9 initiate the process for negotiating an ISBA between Lake County and the City of Tavares for
10 lands located along the Old 441 Corridor. This initiating resolution was sent to Lake County and
11 to all municipalities within the County.

12
13 Lake County replied with a responding resolution indicating their desire for an ISBA with Tavares,
14 but they increased the utility service boundary map to include all lands to which the city could
15 possibly supply future utilities. The Cities of Leesburg, Mount Dora and Astatula also responded
16 that they too desired to participate in the process. City and County staff have had informal
17 meetings and sample agreements from other municipalities have been reviewed. Of primary
18 importance to the County is the coordination of County and City Fire and Rescue Services and
19 the provision that the closest emergency aid would respond to emergency calls, regardless of
20 jurisdiction.

21
22 Staff has met with Councilmember Smith, the project's liaison, and have produced boundary
23 maps of unincorporated areas that could reasonably be serviced and annexed into the City of
24 Tavares in the future. Lands that presently are serviced by other jurisdictions were excluded.
25 Care was taken to insure that subdivisions and properties were not bisected by the boundary line.
26 The City of Leesburg is concurrently negotiating an ISBA with the County and they have adjusted
27 their boundary map to correspond with the Tavares' proposed boundary.

28
29 Mr. Skutt reviewed the draft maps showing extended boundaries.

30
31 In terms of the old 441 corridor, the City of Mt. Dora has a JPA agreement with Lake County that
32 runs along Old 441, west of Bay Road. Mt. Dora has some utilities in the south part of Bay Road.
33 As a compromise the City has removed that area from the Utility Boundary Area and has
34 extended the area up northerly along Bay Road until it hits the boundary of Mt. Dora.

35
36 The first formal ISBA meeting with the County and participating municipalities is tentatively set for
37 May 23rd at 2:00 p.m. Prior to that date, a draft agreement that is presently under legal review will
38 be distributed to this City Council, the County and all municipalities within Lake County.

39
40 Mr. Drury noted that Councilmember Smith was appointed to be the Horizon Project team
41 member and he has met with staff several times to look at the overall ISBA area and has helped
42 with his historical knowledge. In addition he noted that a JPA is a "Joint Planning Area" and some
43 cities have a JPA with the County. He said the Mt. Dora JPA was probably done 10 or 15 years
44 ago and went close to Fairview Road. (Tavares had not been part of that JPA.) He stated that
45 JPA's are becoming a thing of the past and are being replaced by ISBA. The ISBA states that the
46 City will identify the areas to which they could possibly grow and anyone in the area has the right
47 to request voluntary annexation. He said it is a negotiation process with the County. He stated the

1 City of Leesburg has signed off on the proposed map with Tavares and negotiations are
2 underway with Mt. Dora. There appears to be no issues with Eustis and Howey in the Hills. There
3 are no anticipated issues with the town of Astatula.
4

5 Mr. Drury added that when the agreement is signed it will include obligations one of which is
6 “closest unit response.” It will stipulate that if there is a fire all of the City of Tavares fire trucks
7 and all of Lake County’s trucks will have a GPS device. This software will allow the dispatchers to
8 identify who is the closet unit to the structure. Whoever is closest will respond to the fire whether
9 or not it is in the City or County. At the end of the quarter, a “true up” is done to summarize how
10 many times the city fire truck responded versus the County fire truck and a check is written to
11 whoever responded more times.
12

13 Attorney Williams noted this is a relatively new statutory amendment to the annexation statute.
14 Traditionally annexations have only been available for contiguous properties. The major change
15 is that the government has done away with the requirement to have it touch the city’s boundaries.
16

17 Councilmember Speaks mentioned the southern boundary is just south of CR 448 for the City
18 and he was not sure how much further it was to the Astatula boundary. He said the City may want
19 to explore that space in between. Mr. Skutt stated that Astatula has indicated that they wish to
20 participate. Mr. Drury stated that staff will look at that in their meetings.
21

22 **Tab 9) Local Gas Tax Options**

23

24 Councilmember Speaks stated he had been appointed to represent the City for the 2 cents gas
25 tax (six cents in actuality over three years with the two cents coming due this year). The objective
26 of this item is for the City Council to select a formula option for distribution of the proposed
27 renewed second Local Option Gas Tax (2 cents).
28

29 Councilmember Speaks referred to the Lake County memorandum of February 4th detailing the
30 formulas and their impact. He reviewed the options:
31

- 32 1. Current Distribution Formula (based on 1984-1996 formulas)
 - 33 2. Formula based on Population & Road Miles (each element is 50%)
 - 34 3. Formula based on Population, Transportation Expenditures, & Road Miles (each element
35 is 1/3 of the formula)
 - 36 4. Formula based on Population & Transportation Expenditures (25% population & 75%
37 transportation)
- 38

39 He commented that Formula #2 is the easiest to calculate. He said approval will be based on
40 51% of the 14 cities’ population to approve the formula and eight of the municipalities have
41 already approved formula #2. He said in terms of population and road miles in the future, he
42 believed it would be to the city’s advantage to adopt this formula.
43

44 Mr. Drury thanked Councilmember Speaks for attending the meetings.
45

46 **MOTION**

47

1 **Kirby Smith moved to approve formula #2 based on population and road miles, seconded**
2 **by Norman Hope. The motion carried unanimously 5-0.**

3
4 **Tab 11) Commercial Utility Accounts – Interest Credit**

5
6 Ms. Houghton advised this item is to address an issue with an overbilling of some of the
7 commercial accounts. This is to request authorization to provide those customers with an
8 additional one time credit of 1% similar to an interest credit. It would only be for certain metered
9 accounts with meters greater than 1 inch.

10
11 **MOTION**

12
13 **Kirby Smith moved to approve a one-time, 1% credit of the total amount that was**
14 **overbilled, to be applied to the affected commercial utility accounts, seconded by**
15 **Robert Speaks. The motion carried 4-1 as follows:**

16
17 **Robert Wolfe** Yes
18 **Kirby Smith** Yes
19 **Norman Hope** No
20 **Lori Pfister** Yes
21 **Robert Speaks** Yes

22
23 **XI. OLD BUSINESS**

24
25 **Chickens in the Downtown**

26
27 Mayor Wolfe asked the status of the chickens in the downtown. Mr. Drury said the last rooster
28 was caught and homes have been found.

29
30 **City Flag**

31
32 Councilmember Speaks said Council has approved the City Flag and he would like to see the flag
33 flown at City Hall and below the Freedom Flag. He said he was very proud of the City and the
34 flag.

35
36 Mr. Drury said staff will research flag etiquette and whether it needs to be on a separate pole.

37
38 **MOTION**

39
40 **Kirby Smith moved to allow city staff to venture into obtaining flags and to check on the**
41 **flag etiquette to properly display flags in various locations throughout the city, seconded**
42 **by Norman Hope.**

43
44 Mr. Thompson mentioned that there is added hardware that will be needed. Mr. Drury stated the
45 funding will be found.

46
47 **The motion carried unanimously 5-0.**

1
2 **XII. NEW BUSINESS**

3
4 **XIII. AUDIENCE TO BE HEARD**

5
6 Mayor Wolfe asked for public comment for anything not on the agenda.

7
8 **XIV. REPORTS**

9
10 **Tab 14) City Administrator**

11
12 Mr. Drury stated this Friday at 6 p.m. will be the opening ceremony and fireworks for the
13 Dragonboat festival and the Tavares team will be competing Saturday.

14
15 **City Clerk**

16
17 **Human Resources**

18
19 **Economic Development**

20
21 **Public Works**

22
23 **Public Communications**

24
25 **Utility Department**

26
27 **Police Department**

28
29 **Community Services**

30
31 Ms. Rogers stated she had received a check in the amount of \$1,889 from the Tavares High
32 School class of 1984 to pay off the balance of the first reservation for the pavilion. Their event is
33 September 27th.

34
35 **Fire Department**

36
37 **Community Development**

38
39 Mr. Skutt stated the city has contracted with the East Central Florida Regional Planning Council
40 to undertake an economic development study of the commercial and industrial land within the city
41 located south of Lake Dora. The Planning Council will be holding a stakeholders meeting in
42 Council Chambers on April 17th at 2 p.m. to present their first draft of the report to the business
43 and commercial property owners within that area. He noted Councilmember Hope has been the
44 liaison on this project. He invited each councilmember to attend. Mr. Drury noted the meeting will
45 be advertised.

46
47 **Finance Department**

1
2 Ms. Houghton stated a check had been received from Mrs. Wu for a \$1,000 donation for the
3 Dragonboat fireworks.

4
5 **City Attorney**

6
7 **Tab 15) City Council**

8
9 **Vice Mayor Pfister**

10
11 **Councilmember Hope**

12
13 Councilmember Hope said he had not attended the weekend events because he was in a
14 seminar in Orlando for the MPO. He said his take aways were that he now knows more of the
15 questions to ask and HE understands the time involved in the process. He said he also received
16 reinforcement that he needs to remember to think globally because of the need to work
17 collectively with the other government entities.

18
19 **Councilmember Speaks**

20
21 Councilmember Speaks said Ohio State has a band that also has the dotting of the eye in their
22 program.

23
24 **Councilmember Smith**

25
26 Councilmember Smith stated on this day in history Florida was discovered by Ponce de Leon. He
27 said this week in City of Tavares the following employees have anniversaries: April Mazak's
28 birthday is April 7th; service anniversary of Bill Neron with Economic Development; John Russo's
29 anniversary with the Seaplane Base, and Matthew Simmons with the Fire Department. He wished
30 the staff members congratulations.

31
32 **Mayor Wolfe**

33
34 Mayor Wolfe stated that the head of Rotary International is planning to attend next year's
35 Dragonboat festival. He said it should be a great event to showcase the waterfront.

36
37 **Adjournment**

38
39 There was no further business and the meeting was adjourned at 5:08 p.m.

40
41 Respectfully submitted,

42
43
44 Nancy A. Barnett, C.M.C.
45 City Clerk
46