

**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
APRIL 16, 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**

Robert Q. Williams, City Attorney  
Nancy Barnett, City Clerk  
Brad Hayes, Utility Director  
Lori Houghton, Finance Director/Acting City Administrator  
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**

Jacob Roberts, Liberty Baptist Church, 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 Norman Hope. The motion carried unanimously 5-0.

**IV. APPROVAL OF MINUTES**

**Tab 1) Approval of Minutes – March 19, 2014**

1 **MOTION**

2  
3 **Robert Speaks moved for approval of the minutes of March 19, 2014, seconded by Kirby**  
4 **Smith. The motion carried unanimously 5-0.**

5  
6 **V. PROCLAMATIONS/PRESENTATIONS**

7  
8 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE CONTACTS**

9  
10 Attorney Williams noted there were two quasi-judicial matters, Tab 2 - 30329, 30333, and 30337  
11 Mansfield Road annexation and zoning and Tab 4 – variance to rear yard setback for 2408  
12 Vindale Road He swore in those who would be giving testimony.

13  
14 Council indicated there were no ex-parte communications on these matters.

15  
16 **VII. READING OF ALL ORDINANCES/RESOLUTIONS**

17  
18 Ms. Barnett read the following ordinances and resolutions by title only:

19  
20 **ORDINANCE 2014-01**

21  
22 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY**  
23 **ANNEXING APPROXIMATELY 0.36 ACRES OF LAND CONSISTING OF THREE**  
24 **MOBILE HOME LOTS GENERALLY LOCATED ON THE SOUTHWEST END OF**  
25 **MANSFIELD ROAD, REZONING THE PROPERTY FROM COUNTY RM (MIXED**  
26 **HOME RESIDENTIAL) TO CITY RMH-S (RESIDENTIAL MANUFACTURED HOME**  
27 **SUBDIVISION); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**  
28 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**  
29 **EFFECTIVE DATE.**

30  
31 **ORDINANCE 2014-02**

32  
33 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**  
34 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**  
35 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON**  
36 **APPROXIMATELY .36 ACRES OF LAND CONSISTING OF THREE MOBILE**  
37 **HOME LOTS GENERALLY LOCATED ON THE SOUTHWEST END OF**  
38 **MANSFIELD ROAD FROM LAKE COUNTY URBAN LOW TO CITY MOBILE**  
39 **HOME; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR**  
40 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

41  
42 **RESOLUTION 2014-07**

43  
44 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, GRANTING A**  
45 **VARIANCE TO THE CITY OF TAVARES LAND DEVELOPMENT**  
46 **REGULATIONS, MINIMUM REAR YARD SETBACK FOR A RESIDENTIAL**  
47 **MANUFACTURED HOME SUBDIVISION (RMH-S) ZONING FOR PROPERTY**



1 Mr. Skutt stated this matter was tabled from the last City Council meeting. This is a variance  
2 application from Gary Reineck for a reduction for the required minimum rear yard setback of 10  
3 feet for property at 2408 Vindale Road. The owner has constructed an 8' x 12' shed attached to  
4 his mobile home. He did not pull a building permit and the City's Code Enforcement Officer issued  
5 a notice of violation requiring him to pull a permit. The mobile home appears to already project  
6 into the required rear yard and the shed extends to the rear property line.  
7

8 The majority of the homes on this section of Vindale Road appear to project into the required 10'  
9 rear yard setback. These lots back onto the Tav-Lee Trail that is buffered by a 10'+ high masonry  
10 wall. Since these encroachments into the rear yards are not visible from the rear or front, and  
11 since existing conditions are consistent with limited or no rear setback, staff is recommending  
12 approval of this variance. There are no recorded utility easements in the rear yard of the  
13 properties.  
14

15 Mr. Skutt addressed the questions that were asked at the previous Council Meeting:  
16

- 17 • A building permit application has not as yet been received by the City's Building  
18 Department for this structure
- 19 • If there is electrical work that is going to be done within that shed, the applicant would  
20 have to pull an electrical permit also along with the building permit. Mr. Skutt said he is not  
21 aware of any reason why the applicant could not put electrical receptacles into the shed.
- 22 • The masonry wall is owned by FDOT. As part of the normal variance process, FDOT was  
23 advised of this proposed variance and staff did not receive any response from FDOT.
- 24 • There are no recorded setbacks or FDOT easements that are related to this wall, The  
25 homes existing on this segment of Vindale were placed there in the 1970's and it is  
26 unknown what the required setbacks were at that time but it appears that no setbacks  
27 were enforced and that the existing setbacks of these homes could be considered legally  
28 nonconforming or grandfathered in  
29

30 At the March Planning & Zoning meeting the Board recommended approval unanimously of this  
31 resolution and staff recommends approval.  
32

33 Mayor Wolfe invited Jean Salvasey to speak.  
34

35 Jean Silvasey – 2311 Vindale Road  
36

37 Ms. Silvasey noted she was mainly concerned about the ownership of the wall by FDOT and  
38 whether or not the variance could be issued by the City. In addition she said she had a question  
39 about the lack of electrical since the summary that was provided in the last agenda stated there  
40 would be no electrical. She said there seems to be some discrepancy amongst the Imperial  
41 Terrace community as to whether or not Mr. Reineck began the removal of the building and  
42 therefore she would not be addressing that issue; however, she said her major questions had  
43 been answered.  
44

45 Councilmember Smith asked how far the shed is from the wall. Mr. Skutt the shed goes to the  
46 property line and appears to be two or three feet from the wall. Councilmember Smith asked  
47 Chief Keith if he had any problem with the request. Chief Keith answered "no." Councilmember

1 Speaks asked if there was enough room for an FDOT vehicle to pass. Mr. Skutt said he did not  
2 think so. Councilmember Speaks said that Mr. Reineck needs to know that if he goes to sell the  
3 property there may be an exception on his title policy because the survey will show it over the  
4 setback. Attorney Williams said it would show as an exception since it is in an easement.  
5

6 Mayor Wolfe asked Mr. Reineck for comment. Mr. Reineck said that when he met with the P&Z  
7 Board, he noted he had made a mistake of not pulling the permit but he had just moved to Florida  
8 and did not realize the requirement. He said in discussing this with Mr. McCormick he had been  
9 advised to first get the variance which is why he has not yet pulled the building permit. He said  
10 Mr. Fitzgerald of Community Services has been very helpful. He said he had a survey done and  
11 submitted that to the committee at the park. He said there was not enough room for any vehicles  
12 behind his property before he put up the shed. He said the clubhouse does not meet the variance  
13 either. He said there is electrical available but he only plans on using it for storage.  
14

15 **MOTION**

16  
17 **Kirby Smith moved for approval of Resolution #2014-07, seconded by Norman Hope. The**  
18 **motion carried unanimously 5-0.**  
19

20 **Tab 5) Resolution #2014-12 – Authorization of Credit Card Limit Increase for the City's**  
21 **Corporate Credit Card Account**  
22

23 Ms. Houghton stated this is to request an increase to the City's corporate credit card from a  
24 current amount of \$30,000 to \$55,000. The \$30,000 services 10 credit cards through an umbrella  
25 account. When staff reviewed the limits in light of the upcoming storm season, it was determined  
26 to be inadequate. This amount has not changed in over 10 years. Sun Trust can increase the limit  
27 by a \$25,000 increase to \$55,000. All 10 credit cards will share this limit.  
28

29 [Discussion followed regarding the agenda cover sheet reflecting a request to raise to \$65,000  
30 but Ms. Houghton noted this was a typographical error and the request is for a \$25,000 increase  
31 for a total of \$55,000.] Ms. Houghton stated each card will receive an equal limit. She said the  
32 City pays off the account every month. She said all credit card purchases go through the normal  
33 requisition process and are approved by the budget analyst. The cards are kept in the Finance  
34 Department and are signed out by the individual staff members.  
35

36 **MOTION**

37  
38 **Lori Pfister moved to approve an additional \$25,000 for a total of \$55,000 credit card limit,**  
39 **seconded by Kirby Smith.**  
40

41 Councilmember Smith asked Ms. Wood (Budget Analyst) for comment. Ms. Wood indicated her  
42 agreement.  
43

44 **The motion carried unanimously 5-0.**  
45

46 **X. GENERAL GOVERNMENT**  
47

1 **Tab 6) Request from Fire Pension Board to Submit Disability Claim to the State Attorney**  
2 **for Review**

3  
4 Chief Keith said he was representing the Fire Pension Fund as a board member. He said the  
5 objective is to consider a request from the Firefighter Pension Board Trustees to refer a firefighter  
6 disability claim to the Lake County Sheriff's Office and/or State Attorney's Office for a possible  
7 criminal investigation. He noted the Board had submitted a letter with this request. He said the  
8 staff recommendation to Council is to move to authorize the City Attorney to represent the  
9 Council in all matters related to joining the Pension Board on this referral to the Lake County  
10 Sheriff's Office and/or State Attorney's office. The Pension Fund itself will cover any costs  
11 associated with the prosecution and litigation.  
12

13 Chief Keith read a memorandum from the City Attorney regarding the disability claim of former  
14 fighter Landon Lee Gayheart which reflected that the pension award negatively impacts the  
15 pension fund. It also referred to alleged misrepresentations and omissions made by Mr. Gayheart  
16 when he was an employee.  
17

18 Attorney Williams stated the discretion of whether to prosecute rests with the State Attorney's  
19 office. He said the Pension Board attorney had referred the Board to a statute which makes it  
20 unlawful to make misrepresentations and has the penalty of forfeiture of pension. He said he  
21 concurred that it is worthwhile to review.  
22

23 Councilmember Smith said he understood that the reason the City is agreeing to the review is not  
24 because of the amount of money but because of the issue of misrepresentation.  
25

26 **MOTION**

27  
28 **Norman Hope moved to approve the request from the Fire Pension Board to submit**  
29 **disability claim to the State Attorney for review, seconded by Kirby Smith. The motion**  
30 **carried unanimously 5-0.**  
31

32 **Tab 7) Golden Triangle Fire District Update**

33  
34 Chief Keith stated this was an update on the status of the proposed Golden Triangle Fire District.  
35 Chief Keith reviewed the previous steps taken to create the District, noting that the three cities of  
36 Eustis, Mt. Dora, and Tavares had agreed on October 22, 2012 to move forward. Subsequently  
37 the City of Eustis decided not to participate by consensus at its June 27, 2013 meeting.  
38

39 The City Attorneys, City Administrators, and Fire Chiefs for Mt. Dora and Tavares then met and  
40 determined the District could most easily be developed by an interlocal agreement with the  
41 following points:  
42

- 43 • Each City Council would need to vote by a majority to create the incorporated District as a  
44 public corporation similar to Lake EMS that would be owned by Tavares and Mt. Dora
- 45 • The District could be made up by a five member board comprised of two Tavares  
46 councilmembers and two Mt. Dora councilmembers and one member from the County's  
47 Lake EMS Board.

- 1 • The District Board would hire a fire chief and approve an annual budget
- 2 • The annual budget would be funded by each city based on a 50-50 split after truing up the
- 3 value of each fire department. The revenue source would be different for each city.
- 4 • An option to include Eustis in the future would be included with Eustis having two
- 5 councilmembers on the board bringing the membership up to seven members.
- 6 • A transition plan would need to be developed to address various issues.

7  
8 Chief Keith stated that staff recommended that Council discuss and direct staff to continue the  
9 formation of the District and bring back the transitional plan to Council.

10  
11 Mayor Wolfe spoke in support. Councilmember Hope also spoke in support of going  
12 forward. Councilmember Smith said he was in support as it would save the citizens  
13 significant savings. Vice Mayor Pfister indicated her approval.

14  
15 **MOTION**

16  
17 **Kirby Smith moved to direct staff to continue on with the negotiations for creating**  
18 **a Golden Triangle Fire District, seconded by Norman Hope. The motion carried**  
19 **unanimously 5-0.**

20  
21 **Tab 8) Response from Lake County Water re: Request for Reclaim Water and**  
22 **Requirement to Pay Fire Assessment**

23  
24 Ms. Houghton noted Mr. Perry, Executive Director of the Lake County Water Authority  
25 was present. She said this item is to discuss the LCWA's request not to pay a fire  
26 assessment fee.

27  
28 Ms. Houghton reviewed the previous request for fire service protection in the form of  
29 connecting to the city reclaim lines to serve the fire hydrant necessary to protect the new  
30 LCWA administration building. The City Council had previously approved the request on  
31 the condition of the LCWA paying their fair share of the fire assessment fee. The Water  
32 Authority has requested that Council not require that they pay this fire assessment fee  
33 and have listed their concerns in a letter to to the City included in the agenda packet.

34  
35 Ms. Houghton stated at present the Water Authority pays an average of \$3,287 per month  
36 for their potable water account which includes sewer service. The LCWA also issues  
37 grants to the city for various stormwater improvement programs. The Water Authority  
38 does not want to annex into the city nor does it want to pay what the city estimates as  
39 \$275 a month for a fire assessment fee.

40  
41 Vice Mayor Pfister asked about the reference to grants in the letter from the Water  
42 Authority. She said she felt this was a suggestion that if the city did not approve the  
43 request, it would never receive another grant. She referred to the agreement to annex  
44 that was broken by the Water Authority.

45  
46 Mr. Perry stated that the reason that the grant information was provided was to reflect the  
47 long and respectful relationship that the Water Authority has had with the City and the fact

1 that the Water Authority was at the same time evaluating grant options. He said he is not  
2 aware of any other government building that is paying a fire assessment fee at this time.

3  
4 Councilmember Hope said he appreciated the relationship between the two agencies and  
5 he appreciated the grants that had been provided to Tavares. He said he had the same  
6 concern about the wording in the letter referring to the grants as Council is already aware  
7 that the Water Authority provides grants. He said he has never seen the signed document  
8 reflecting that the Water Authority would agree to annex at a future date.

9  
10 Councilmember Hope asked what it will cost the city to put in a hydrant or the line. Mr.  
11 Hayes said it would not be a cost to the city. It was noted if there is a fire, the County will  
12 respond.

13  
14 Councilmember Smith said he believed there was intent to annex and that documentation  
15 of that agreement exists. He said he intends to ask every year if they are willing to come  
16 into the city because of this agreement. He noted that the grants that are received benefit  
17 the entire population of Lake County, not just Tavares or the Tavares Council.

18  
19 Councilmember Smith agreed that the Water Authority should not be paying a fire  
20 assessment fee as there are currently no other entities paying for fire assessment that are  
21 not in the city limits, but that before they are hooked up to the reclaim they should agree  
22 to be annexed.

23  
24 Vice Mayor Pfister said she agreed with Councilmember Smith.

25  
26 Councilmember Hope noted the Water Authority would likely have needs for reclaim for  
27 irrigation on its sports fields in the future and Mr. Perry agreed.

28  
29 Attorney Williams stated there is a signed document regarding the agreement to annex.

30  
31 Mayor Wolfe said he did not understand why the Board does not want to annex. Mr. Perry  
32 said there are two major issues: one is that there has never been a statement from the  
33 City as to why it wants the Water Authority to annex. Mr. Perry said the agreement said  
34 that at some point the Water Authority would enter into another agreement in the future  
35 which appears to be missing. The Board is also concerned about a piece of property  
36 behind the Water Authority known as the Hochberg piece that might be of more value to  
37 the City. In addition the Board believes as they are the Lake County Water Authority they  
38 should be in the county.

39  
40 Councilmember Smith reiterated that the reason he requests annexation is because of this  
41 earlier agreement that was made. He said he believed it is in the best interest to the  
42 Water Authority and the city to continue to work together. He said he had not seen the  
43 original agreement either. He said there have been changes in the city manager and city  
44 councilmembers change and consequently attitudes change. He said there will be  
45 legislation regarding the ability to annex which may also affect the agreement. He said he  
46 agreed with the request and not to charge a fire assessment fee but to continue to look at  
47 the annexation issue.

1  
2 Mr. Perry repeated that the Board has always appreciated its relationship with city and did  
3 not intend the letter to appear as a threat regarding grants. He noted the savings for the  
4 Water Authority would be significant in terms of the water bill if it annexed.

5  
6 Councilmember Smith said he appreciated Mr. Perry's presentation

7  
8 Attorney Williams discussed the earlier history when the utility agreement was signed and  
9 the intention of the Water Authority to annex at that time. He said a standard provision  
10 was included that stated the Water Authority agreed to sign a covenant in support of  
11 annexation at such time as they became contiguous. He said in terms of the fire  
12 assessment it is correct that the city does not charge governmental buildings but the city  
13 is actively working with the county buildings and the schools to voluntarily agree to be  
14 assessed. He said they are considering it and putting it into their budget to review.

15  
16 **MOTION**

17  
18 **Norman Hope moved to allow the Lake County Water Authority to have the reclaim**  
19 **water fire hydrant with no restrictions, seconded by Robert Speaks. The motion**  
20 **carried 3-2 as follows:**

21  
22 **Robert Wolfe** Yes  
23 **Kirby Smith** No  
24 **Lori Pfister** No  
25 **Norman Hope** Yes  
26 **Robert Speaks** Yes

27  
28 **Tab 9) Establishing City Representatives on Fire and Police Union Negotiating**  
29 **Teams**

30 Ms. Houghton said the collective bargaining process will be initiated soon. Previously the  
31 Fire Union Collective Bargaining Team included the City Administrator, the Fire Chief and  
32 Mayor Wolfe and the Police Benevolent Association included the City Administrator,  
33 Police Chief, and Councilmember Hope. Staff is requesting whether Council would like to  
34 have the same negotiating teams as the prior year.

35  
36 **MOTION**

37 **Kirby Smith moved to keep the representatives the same, seconded by Lori Pfister.**

38  
39 **Councilmember Smith commended the councilmembers and the Chiefs for their**  
40 **work on the negotiating teams.**

41  
42 **The motion carried unanimously 5-0.**

43  
44 **XI. OLD BUSINESS**

45 **Chickens in the Downtown**

46

1 Mayor Wolfe asked the status of the chickens in the downtown. Chief Lubins stated he thought  
2 they had all been relocated.

3  
4 **XII. NEW BUSINESS**

5  
6 Vice Mayor Pfister asked for Council's thoughts on having staff look into zoning for medical  
7 marijuana dispensaries as a proactive measure in case the voter referendum passes in  
8 November.

9  
10 Mayor Wolfe asked Mr. Skutt if he has done research. Mr. Skutt said he has seen some  
11 ordinances but has not worked on the issue has yet. Councilmember Hope asked if there is  
12 already zoning in place. Mr. Skutt said it is not included on the city's list of permitted uses but it  
13 would probably be similar to a drugstore; however, he did not have a recommendation as yet.

14  
15 Attorney Williams said there are many cities looking at this issue and there will be probably some  
16 enabling state legislation that accompanies it, if the constitutional amendment passes. He said  
17 there is concern about the problems with the pain clinics that occurred in other areas of Florida.

18  
19 **Consensus for staff to look at the zoning options to be prepared should the referendum**  
20 **pass.**

21  
22 **XIII. AUDIENCE TO BE HEARD**

23  
24 Mayor Wolfe asked for public comment for anything not on the agenda.

25  
26 **XIV. REPORTS**

27  
28 **Tab 14) City Administrator**

29 Ms. Houghton referred to the list of meetings in the agenda.

30  
31 **City Clerk**

32  
33 **Human Resources**

34  
35 **Economic Development**

36  
37 **Public Works**

38  
39 **Public Communications**

40  
41 **Utility Department**

42  
43 **Police Department**

44  
45 **Community Services**

46  
47 **Fire Department**

1  
2 **Community Development**

3 Mr. Skutt advised that the Alfred Street One Way pair project is progressing quickly. He said they  
4 are almost done paving Caroline Street, are preparing to start opening Caroline Street to traffic on  
5 April 24<sup>th</sup> and at the same time will begin to close Alfred Street to traffic.  
6

7 **Finance Department**

8  
9 **City Attorney**

10  
11 **Tab 15) City Council**

12  
13 **Vice Mayor Pfister**

14  
15 Vice Mayor Pfister said an interesting fact is that every day this week is the same date forward as  
16 it is backward.  
17

18 **Councilmember Hope**

19 Councilmember Hope said last weekend's event was excellent and there was a tremendous turn  
20 out. He said attending the events allows an opportunity to promote Tavares.  
21

22 Councilmember Hope expressed condolences to Mr. Drury and his wife on the loss of a member  
23 of his family and said he wished to express concern from the Council to Mr. and Mrs. Drury.  
24

25 **Councilmember Speaks**

26 Councilmember Speaks added his thoughts on his condolence to the Drury family. He expressed  
27 appreciation to Ms. Houghton for filling in for Mr. Drury in his absence.  
28

29 **Councilmember Smith**

30 Councilmember Smith stated Planes, Trains, and BBQ was a fantastic event. He said in 1705  
31 Queen Anne of England knighted Isaac Newton. For this week in city history, Kay Mayes' birthday  
32 is April 17<sup>th</sup> and Dwayne Cannon has been hired on this date, Alex Patton's birthday is April 19<sup>th</sup>  
33 and Anthony Carter's birthday was on April 12<sup>th</sup>. He expressed happy birthday and happy service  
34 anniversary with his appreciation to the employees.  
35

36 **Mayor Wolfe**

37 Mayor Wolfe asked that thoughts and prayers be with Mr. Drury and his family due to their loss.  
38 He commented on the successful Planes, Trains and BBQ event and thanked staff.  
39

40 **Adjournment**

41 There was no further business and the meeting was adjourned at 5:17 p.m.  
42

43 Respectfully submitted,  
44

45  
46 Nancy A. Barnett, C.M.C.  
47 City Clerk