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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
FEBRUARY 2, 2005  
TAVARES CITY HALL COUNCIL CHAMBERS**

Mayor Ted Wicks called the meeting to order at 5:03 p.m.

**COUNCILMEMBERS PRESENT**

**ABSENT**

Ted Wicks, Mayor  
Nancy Clutts, Vice Mayor  
Sandy Gamble, Councilmember  
Robert Speaks, Councilmember  
Dennis Wilson, Councilmember

**STAFF PRESENT**

Dorothy A. Keedy, City Administrator  
Robert Q. Williams, City Attorney  
Nancy Barnett, City Clerk  
Lori Tucker, Director of Human Resources  
Lori Houghton, Director of Finance  
Susan Jackson, Director of Community Development  
Emory Kendrick, Fire Chief  
Stoney Lubins, Police Chief  
Donna Saladin, Director of Community Services

Councilmember Sandy Gamble gave the invocation and those present recited the Pledge of Allegiance.

**APPROVAL OF MINUTES**

1 The minutes of January 19, 2005 were approved with the following correction:

2  
3 Under Staff Present, exclude Lori Houghton and Lori Tucker.

4  
5 **PROCLAMATIONS/PRESENTATIONS**

6  
7 **Haynes Creek**

8  
9 Mayor Wicks read a proclamation on Haynes Creek regarding a request to have the United  
10 States Geological Survey change the spelling of Haines Creek to “Haynes Creek” because of  
11 the issue of historical accuracy. Mayor Wicks noted that Bob Grenier, biographer of Captain  
12 Melton Haynes, was in the audience to receive the proclamation. Mayor Wicks thanked Mr.  
13 Grenier for his work on this project.

14  
15 **“Step Up Florida”**

16  
17 Mayor Wicks read a proclamation regarding “Step Up Florida”, a state-wide initiative to  
18 promote healthy living in Florida.

19  
20 **AGENDA REVIEW**

21  
22 Mayor Wicks asked if there were changes to the agenda.

23  
24 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

25  
26 **Ordinance #2005-03 - Flood Plain Ordinance Revisions – First Reading**

27  
28 Ms. Barnett read the ordinance by title only:

29  
30 **ORDINANCE #2005-03**

31  
32 **AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY OF**  
33 **TAVARES LAND DEVELOPMENT REGULATIONS, PROVIDING**  
34 **FOR REVISIONS TO THE FLOODPLAIN DEFINITIONS;**  
35 **PROVIDING FOR REVISIONS TO THE ELEVATED BUILDINGS**  
36 **REGULATIONS; PROVIDING FOR SEVERABILITY AND**  
37 **CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

38  
39  
40 Ms. Jackson advised that this ordinance was in response to a recent audit done by the  
41 Department of Community Affairs. The existing ordinance was found to be deficient in some

1 of its definitions and in a few regulations relating to mobile homes. The City has revised its  
2 regulations and had it pre-reviewed by DCA. Staff recommends approval.

3  
4 Mayor Wicks said that based on the limited number of structures this might affect it would be  
5 a good idea to notify the owners after the ordinance is adopted of the requirements mandated  
6 by this ordinance.

7  
8 Mayor Wicks asked for comment from the audience.

9  
10 **MOTION**

11  
12 **Robert Speaks moved to approve Ordinance #2005-03, seconded by Nancy Clutts. The**  
13 **motion carried unanimously 5-0.**

14  
15 **Resolution #2005-03 – Variance Request for Billy’s Storage.**

16  
17 Ms. Barnett read the resolution by title only:

18  
19 **RESOLUTION #2005-03**

20  
21 **A RESOLUTION OF THE CITY OF TAVARES GRANTING A**  
22 **VARIANCE TO THE COMMERCIAL ARCHITECTURAL**  
23 **STANDARDS FOR A SELF-STORAGE WAREHOUSE LOCATED AT**  
24 **1651 STATE ROAD 19; SUBJECT TO THE RULES, REGULATIONS**  
25 **AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES**  
26 **COUNCIL; PROVIDING AN EFFECTIVE DATE.**

27  
28  
29 Mayor Wicks noted there had been discussion on this variance issue at the last meeting and it  
30 is now being presented for official action.

31  
32 Ms. Jackson reported that the information in the packet and on the screen is the applicant’s  
33 latest rendering showing no additional window coverage. The glassed area is still about 11%.  
34 Counting newly added shutters and the reveals of the windows they are at about 28%. They  
35 have also added palm trees and some other shrubs. Staff’s recommendation is that if Council  
36 wishes to approve a variance, that this is conditioned upon some additional landscaping, as  
37 well as specifications regarding what size and how many trees, shrubs, etc. This would allow  
38 staff to enforce the landscape plan if it were more specific in the resolution. Staff is  
39 recommending in this case, to require a minimum of six sets of palm trees across the front of  
40 the building (three palm trees per set) being a minimum of 15 feet in height and 8” in dbh.  
41 This would help to break up the mass of the building where windows otherwise would have.  
42 In addition to that a shrub hedge comprised of a minimum of 10 specimen shrubs or sub-

1 canopy trees (e.g., crepe myrtles, wax myrtles, etc.) should be required to be planted the entire  
2 length of the building. The standard code for the hedge is no less than 36” on center, two feet  
3 in height, at the time of planting. If the variance is approved, staff recommends this amount of  
4 landscaping in order to achieve what is intended by the architectural standards.

5  
6 Ms. Jackson said she had also investigated other jurisdictions’ procedures and had found most  
7 were stricter than Tavares, counting glass only and including the entire building façade. The  
8 city only counts the façade below the lowest roof line and is willing to count shutters, etc.  
9 Staff recommended denial of the variance.

10  
11 Council questioned Ms. Jackson on where the trees would be located and issues regarding  
12 replacement of trees. Councilmember Speaks asked about suggestion he had made regarding  
13 an alternative to making it look like more glass in some places.

14  
15 Mayor Wicks asked for comment from the applicant.

16  
17 Attorney Bruce Duncan of Potter, Clement and Duncan stood to address Council.

18  
19 Attorney Duncan said that the applicant had no objections to the specificity of the trees  
20 regarding the types, height, DBH, etc. He said the applicant is requesting some compromise  
21 regarding the amount of trees. He showed a plan that depicted the entire building site. He said  
22 the applicant would be willing to add another group of trees and probably has no objections  
23 regarding understory trees. He asked for four clumps of trees instead of six clumps of trees.  
24 He said there will also be a landscape buffer out on the road.

25  
26 Mayor Wicks said the last discussion had centered around finding justification for reducing  
27 the architectural standards to some degree and that he thought the staff recommendation was a  
28 good compromise.

29  
30 **MOTION**

31  
32 **Robert Speaks moved to approve Resolution #2005-03 with the three sets of**  
33 **requirements that are stated on page 4-2, the minimum six sets of palm trees, 10**  
34 **specimen shrubs, and the shrub hedge. The motion was seconded by Sandy Gamble. The**  
35 **motion carried as follows:**

36  
37 **Ted Wicks** Yes  
38 **Robert Speaks** Yes  
39 **Dennis Wilson** Yes  
40 **Sandy Gamble** Yes  
41 **Nancy Clutts** No

1  
2 Attorney Duncan asked for suggestions on color. Mayor Wicks suggested earth tones with an  
3 accent strip.  
4

5 Mayor Wicks said he felt this was a difficult compromise and encouraged staff to work with  
6 the architectural standards that are in place and that if a situation is found where a variance is  
7 needed or if the standards need to be revised, Council can consider that. He said for now he  
8 felt staff needed to enforce the current code.  
9

10 **Resolution #2005-01 – Transferring Maintenance Authority to Lake County School**  
11 **Board for a Portion of Clifford Street**  
12

13 Ms. Barnett read the resolution by title only:  
14

15 **RESOLUTION #2005-01**  
16

17 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA,**  
18 **TRANSFERRING MAINTENANCE AUTHORITY AND**  
19 **RESPONSIBILITY TO THE LAKE COUNTY SCHOOL BOARD FOR**  
20 **A CERTAIN PORTION OF CLIFFORD STREET LYING ADJACENT**  
21 **TO THE TAVARES ELEMENTARY SCHOOL; GRANTING**  
22 **AUTHORITY TO THE LAKE COUNTY SCHOOL BOARD TO PAVE,**  
23 **IMPROVE, REGULATE OR BLOCKADE ANY OR ALL PORTIONS**  
24 **OF THE TRANSFERRED RIGHT-OF-WAY, INCLUDING THE**  
25 **RIGHT TO PLACE LIMITATIONS ON PUBLIC ACCESS AS MAY BE**  
26 **CONSISTENT WITH SCHOOL OPERATIONS; RESERVING UNTO**  
27 **THE CITY OF TAVARES, OVER, ACROSS AND UPON SAID**  
28 **TRANSFERRED RIGHT-OF-WAY AN EASEMENT FOR UTILITIES,**  
29 **PUBLIC SERVICE AND EMERGENCY VEHICLES; PROVIDING FOR**  
30 **THE ACCEPTANCE OF MAINTENANCE AUTHORITY AND**  
31 **RESPONSIBILITY BY THE LAKE COUNTY SCHOOL BOARD; AND**  
32 **PROVIDING FOR AN EFFECTIVE DATE.**  
33

34 Ms. Keedy stated that this resolution would transfer the authority of the end of Clifford Street,  
35 which was partially paved, to the School Board. It had become a short cut into the back way  
36 of Lake Frances Estates, which was blocked off when the construction started at the  
37 elementary school. Since then there have been discussions with the School Board and it has  
38 been determined that it would serve the city and the school better to integrate the street into  
39 their site. The school will then assume maintenance of the site.  
40

1 Mayor Wicks asked if any complaints were received from Lake Frances Estates residents  
2 when it was blocked off. Ms. Keedy said she had not received any complaints.

3  
4 Attorney Williams said he had worked on the resolution with the School Board attorney and  
5 that they had approved the format. He said it would take effect when both the city and the  
6 School Board approve it.

7  
8 Mayor Wicks asked for comment from the audience.

9  
10 Harry Fix, School District Growth Planning, stood to address Council. He said he had been  
11 asked by Mr. Parker, Director of Facilities, to thank Council for their consideration of this  
12 request.

13  
14 Discussion followed regarding the street boundaries and the property lines of Lake Frances.  
15 Attorney Williams the city's right of way is prescriptive based on its use and maintenance of the  
16 road for a period of years. He said the school district could have the property lines established  
17 if necessary.

18  
19 **MOTION**

20  
21 **Nancy Clutts moved for approval of Resolution #2005-01, seconded by Dennis Wilson.**  
22 **The motion carried unanimously 5-0.**

23  
24 **CONSENT AGENDA**

25  
26 Mayor Wicks noted there are three items on the Consent Agenda and that he needed to  
27 declare a conflict on Item 6 due to his firm providing services to the applicant. Ms. Clutts said  
28 she had sought legal advice from Attorney Williams. She said in previous months she had  
29 abstained from voting on this development because of her husband's employment. However  
30 she said Attorney Williams had advised her that since her husband, David Clutts, has since  
31 left the civil engineering firm, which provided the Chelsea Oaks plans, has formed his own  
32 engineering company and no longer receives any compensation from the firm, that she is now  
33 eligible to vote in this matter.

34  
35 Mayor Wicks asked if any councilmember wished to take any item off Consent.

36  
37 Mayor Wicks offered Mr. Fix an opportunity to speak regarding Items 6 and 7.

38  
39 Mr. Fix stood to address Council. He said he was present to clarify the information in the  
40 school district letters regarding impact fees. He said the school district is doing its best to lay

1 out plans to meet the growth. He said he appreciated the working relationship with staff and  
2 Council and that he was available to answer questions.

3  
4 Council expressed concern over differing numbers that have appeared regarding future  
5 student stations at the elementary school, specifically that had appeared in the local  
6 newspaper. Vice Mayor Clutts stated she had emailed Mr. Fix for information and noted that  
7 when misleading information is put out through the media, it affects everyone adversely.

8  
9 Councilmember Speaks added that the City can only control what comes to the City but that  
10 there the School district covers a lot of area outside the City of Tavares. Mr. Fix responded  
11 that the School District will be reviewing the attendance boundaries. Councilmember Speaks  
12 said he believed there also needed to be a change in the state law mandates that only allows a  
13 school to be built once the school is over capacity.

14  
15 Mayor Wicks asked if anyone in the audience wished to address any item on Consent.

16  
17 Item #8

18 Neil Bogus, General Manager, Mt. Dora Railway, came forward. He thanked staff and  
19 Council for their support for the Thomas the Tank event to held in Tavares in October.

20  
21 Mayor Wicks turned the gavel over to Vice Mayor Clutts because of his conflict declared over  
22 the Chelsea Oaks plat.

23  
24 Vice Mayor Clutts noted this item had been pulled from the Consent Agenda.

25  
26 **MOTION**

27  
28 **Robert Speaks moved for approval of the Chelsea Oaks Final Plat for recordation,**  
29 **seconded by Dennis Wilson. The motion carried unanimously 4-0 with Ted Wicks**  
30 **abstaining.**

31  
32 Vice Mayor Clutts returned the gavel to Mayor Wicks.

33  
34 Mayor Wicks asked for a vote on the remaining items on the Consent Agenda, Items 7 & 8.

35  
36 **MOTION**

37  
38 **Robert Speaks moved for the approval of Items #7 and \*8 on the Consent Agenda**  
39 **[Groves at Baytree Phase III, Final Plat and Thomas the Tank Contract], seconded by**  
40 **Nancy Clutts. The motion carried unanimously 5-0.**

1 **Paddle Against Cancer**

2  
3 Ms. Saladin reported that this was a request to use Wooton Park on June 11, 2005 for a Paddle  
4 Against Cancer event. Staff has been working closely with the leaders of a similar event in Ft.  
5 Lauderdale. She noted that there was information in the packet regarding the event. She said  
6 the route on the waterways is still being developed.

7  
8 Mayor Wicks asked if anyone in the audience had comments.

9  
10 Ms. Glynnis Barber commented that Canadian physicians recommend paddling for cancer  
11 patients.

12  
13 **MOTION**

14  
15 **Nancy Clutts moved for approval of the use of Wooton Park for the Paddle Against**  
16 **Cancer event, seconded by Dennis Wilson. The motion carried unanimously 5-0.**

17  
18 **Dragonboat Purchase and Storage**

19  
20 Ms. Saladin noted that there had been previous proposals made and discussion at Council  
21 Meetings regarding the dragonboat storage. She said staff had spoken with the City Attorney  
22 and been advised that there are deed restrictions from when the Wooton Park property was  
23 given to the City that would preclude a property club from using the property, as the park was  
24 given for “public use.” To resolve this problem staff is recommending that the City purchase  
25 the boats [four]. The boats could then be stored at the park in a storage unit. The source of  
26 funds would be \$20,000 from the TIF fund which would have been used to implement an  
27 ADA ordinance this year. (There has been no requests to use those funds as yet so far this  
28 year.) The use of the boats would not require a fee, there would be steps in place to ensure the  
29 users were either a present or future dragonboat team, or a group that needs to practice as a  
30 “team building” exercise. A deposit would be required to ensure the life jackets and paddles  
31 were returned.

32  
33 Discussion followed regarding Council’s concern over utilizing the TIF fund and the  
34 proposed location of the boat storage. Mayor Wicks asked for comment from the audience.  
35 Steve Barber and Grace Genetia spoke in support of the purchase emphasizing the economic  
36 and community service benefits. Mr. Barber stated the storage unit would hold one boat.

37  
38 **Consensus for staff to bring back further information on the proposal (including a**  
39 **rendering of the site, alternative funding, and a possible contract with the Rotary to**  
40 **lease the boats and reimburse the TIF fund), at a future Council Meeting.**

1 **AUDIENCE TO BE HEARD**

2  
3 Mayor Wicks asked if anyone in the audience would like to address Council.  
4

5 **DEPARTMENTAL TOPICS FOR COUNCIL ACTION OR DISCUSSION**

6  
7 **COMMUNITY DEVELOPMENT**

8  
9 **COMMUNITY SERVICES**

10  
11 **POLICE DEPARTMENT**

12  
13 **FIRE DEPARTMENT**

14  
15 **PUBLIC WORKS/GENERAL SERVICES**

16  
17 **Encore Construction Company Woodlea Road Wastewater Treatment Facility –**  
18 **Request to Reduce Retainage**

19  
20 Bob Farner of Farner Barley stated he was in attendance on behalf of Encore Construction's  
21 request to reduce their retainage on their contract for the wastewater treatment plant. The  
22 original contract was set at 10% retainage which is standard for most projects, with the  
23 exception of larger projects that extend over a longer period of time. This is a \$10 million  
24 dollar contract with a 16 month time frame. He said he had researched and found it is a  
25 common practice to reduce the retainage from 10% to 5% once they have completed at least  
26 50% of the project. He said Farner Barley supported the request.  
27

28 Mayor Wicks agreed it is a routine practice. Ms. Keedy stated that staff supported the request.  
29

30 Mayor Wicks asked for comment from the audience.  
31

32 **MOTION**

33  
34 Nancy Clutts moved to reduce the construction contract retainage from 10% to 5%,  
35 seconded by Dennis Wilson. The motion carried unanimously 5-0.  
36

37 **FINANCE**

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39 **ADMINISTRATION**

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41 **REPORTS**

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**Councilmember Gamble**

- Attended the City Officials conference and presented a videotape he had received regarding public liability. He said the conference was very informative and he appreciated the opportunity to attend. He said one of the instructors was from Palm Bay and he shared some information regarding a paint ball park that is profitable for Palm Bay. He said he had asked Ms. Keedy to find out more information on this.
- Met with a group of concerned parents and tried to work out a solution regarding the sports programs. He said the city, with the school board, has installed a water fountain in the third base dugout of the softball field at Stover. The school board provided the fountain and the city provided the labor.

**Councilmember Wilson**

- Questioned the name “Buzzard Beach” of the park at US 441. Ms. Keedy noted that the real name is Tavares Recreation Park and that the signage at the park is correct.

**Vice Mayor Clutts**

- Stated she attended the public official TMDL meeting and was to have brought back a report stating the city is going to have to make some serious retrofitting and improvements, which are going to be very expensive. She said Mr. Mercer attends on a monthly basis and sends her the minutes. At this stage the meetings have been very technical however they are anticipating a public campaign to get support from the community. Ms. Keedy noted the city is getting credit from the baffle boxes that were installed a few years ago throughout the city.
- Attended the last MPO meeting in place of Mayor Wicks. She said the MPO board selected T.J. Fish to be the MPO Executive Director for Lake County.

**Councilmember Speaks**

- The city, as well as FDOT, has numerous bent signs and signs pointed in the wrong direction throughout the city. He asked if staff could make a survey of the signs and get them straightened up, etc.
- In addition the re-numbering of signs on US 441 has not been corrected that he had brought up recently.

**Mayor Wicks**

- Stated he had received an invitation to attend an induction of the new postmaster for the City on February 18<sup>th</sup>. He said he thought he would still be out of town that day. Councilmember Speaks said he would try to attend.

- 1 • Reminder that the next Councilmeeting is February 23, 2005
- 2 • Noted that there was a request for a resolution supporting the Florida League of
- 3 Cities on growth management issues at the state level and that he would like staff
- 4 to bring that back on the 23<sup>rd</sup>.
- 5

6 **City Administrator**

- 7
- 8 • Stated staff had been working on a new web site for the city. Chief Lubins
- 9 demonstrated (utilizing Power Point) a proposed rendering for a city logo and draft
- 10 web page. She stated she would be dedicating one staff person to updating the web
- 11 page.
- 12

13 Vice Mayor Clutts asked if staff was looking for approval of the logo at this meeting and

14 stated she would like to have input on the design. She said she was in favor of the change and

15 offered to work with Chief Lubins. Mayor Wicks said he thought Council needed to authorize

16 staff to continue to work on the logo and web page and welcomed Ms. Clutts' assistance.

17

- 18 • Councilmember Gamble asked about the status of the Main Street streetscape project.
- 19 Ms. Keedy said she hoped to be able to bring it to Council for input at the next
- 20 meeting and would schedule public meetings with the property owners following that.
- 21 In addition she said staff would be bringing the Woodlea property master plan being
- 22 designed by Don Griffey.
- 23

24 **Adjournment**

25

26 There was no further business and the meeting was adjourned at 6:40 p.m.

27

28 Respectfully submitted,

29

30

31 \_\_\_\_\_

32 Nancy A. Barnett

33 City Clerk