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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
FEBRUARY 27, 2008
TAVARES CIVIC CENTER**

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

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor

Sandy Gamble, Councilmember

Robert Wolfe, Vice Mayor

Lori Pfister, Councilmember (joined the meeting at 4:08 p.m.)

Norb Thomas, Councilmember

STAFF PRESENT

John Drury, City Administrator

Robert Williams, City Attorney

Nancy Barnett, City Clerk

Lori Houghton, Director of Finance

Jacques Skutt, Director of Community Development

Bill Neron, Director of Economic Development/Grants

Chief Stoney Lubins, Police Department

Chief Richard Keith, Fire Department

Lori Tucker, Director of Human Resources

Pastor Mark Andrews of Bridges gave the invocation and those present recited the Pledge of Allegiance.

3. APPROVAL OF AGENDA

MOTION

Motion made by Robert Wolfe, seconded by Norb Thomas, to approve the agenda as presented. The motion carried unanimously 3-0 (Lori Pfister was absent).

4. MINUTES

1 **Motion made by Norb Thomas, seconded by Robert Wolfe, to approve the minutes of**
2 **November 20, 2006 as submitted and the minutes of February 6, 2008 with the following**
3 **revision:**

4
5 **Page 2, line 19, Change “Lt. John Clark” to “Corporal John Hall”**

6
7 **The motion carried unanimously 3-0.**

8
9 **PROCLAMATIONS/PRESENTATIONS**

10
11 **5A) Water Conservation Month**

12
13 Mayor Clutts read a proclamation designating April as Water Conservation Month. In
14 addition she noted the following dates and locations for educational presentations being
15 sponsored by the City regarding water conservation: March 7, 2008 – Fox Run Subdivision;
16 March 14 – Royal Harbor Subdivision; and 3) March 18 – Tavares Civic Center (all at 6:00
17 p.m.).

18
19 (At 4:08 p.m., Councilmember Pfister joined the council meeting.)

20
21 **5B) Resolution #2008-08 – Green Local Government**

22
23 Mayor Clutts read Resolution #2008-08 (promoted by the Florida League of Cities) in its
24 entirety:

25
26 **RESOLUTION NO. 2008-08**

27
28 **A RESOLUTION OF THE CITY OF TAVARES TO PURSUE MEASURES TO**
29 **BECOME A “GREEN LOCAL GOVERNMENT” THROUGH IMPROVED**
30 **ENVIRONMENTAL PERFORMANCE, USING CRITERIA AND STANDARDS**
31 **DEVELOPED BY THE FLORIDA GREEN BUILDING COALITION, AND**
32 **ENCOURAGING THE LEGISLATURE AND GOVERNOR TO SUPPORT THE**
33 **GREEN LOCAL GOVERNMENT PROGRAM:**

34
35 **Whereas**, the City of Tavares recognizes the importance of environmental stewardship in a
36 variety of media, including energy, water, air, land and waste; and

37
38 **Whereas**, successful environmental stewardship practices will enhance local and national
39 energy security, protect natural resources for future generations, and result in long term cost
40 savings; and

1
2 **Whereas**, the Florida Green Building Coalition, Inc., is a Florida non-profit corporation
3 with open membership whose primary mission is to develop and maintain Green
4 Designation Standards for Florida and to promote cost-effective, sustainable improvements
5 in the built environment; and

6
7 **Whereas**, the Florida Green Building Coalition not only presents opportunities for a
8 municipality to “be green”, but also provides examples and resources covering how to do it;
9 and

10
11 **Whereas**, the Florida Green Building Coalition, Inc., has developed the “Green Local
12 Government Standard,” which designates Green Cities and Green Counties for outstanding
13 environmental stewardship; and

14
15 **Whereas**, the Green Local Government Standard focuses on improving municipal
16 environmental performance through measurable criteria for municipalities to pursue in
17 order to promote alternative energies and a cleaner environment; and

18
19 **Whereas**, because the Green Local Government Standard was developed with the
20 participation of cities and counties, it recognizes the diversity of Florida’s municipalities
21 and their need for flexibility and autonomy; and

22
23 **Whereas**, municipalities who incorporate sufficient criteria such that they meet or exceed
24 designated thresholds are “certified” or “registered” as a Green Local Government; and

25
26 **Whereas**, a Green Local Government is defined as a city or county that incorporates
27 multiple environmental, ecological and sustainability features throughout the functions they
28 perform that improve the environmental performance considerably over a city or a county
29 that just minimally meets state and local regulations; and

30
31 **Whereas**, the Green Local Government Standard is a useful reference even for those
32 municipalities who do not choose to become “certified” or “registered”, but who are trying
33 to achieve a particular environmental goal.

34
35 **NOW THEREFORE, BE IT RESOLVED BY THE CITY OF TAVARES:**

36
37 Section 1. That the City of Tavares endorses the Florida Green Building Coalition’s “Green
38 Local Government Standard” as a voluntary means for municipalities to take positive steps
39 toward improving and advancing environmental quality and energy security;
40

1 Section 2. That the City of Tavares will pursue steps toward becoming a Florida Green
2 Local Government using the Green Local Government Standard developed by the Florida
3 Green Building Coalition;

4
5 **MOTION**

6
7 **Norb Thomas moved to approve Resolution #2008-08, seconded by Lori Pfister. The**
8 **motion carried unanimously 4-0.**

9
10 **6. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**
11 **CONTACTS**

12
13 Attorney Williams swore in the audience members who wished to speak on the quasi-judicial
14 matters on the agenda, items 7B, 8G, 8H, 8J, and 8K. He invited the City Councilmembers to
15 disclose any contacts they had had regarding those matters.

16
17 **CONSENT AGENDA**

18
19 Mayor Clutts asked if Council wished to pull any item on the Consent Agenda and if any
20 audience member had objections to items on the Consent Agenda.

21
22 **MOTION**

23
24 **Robert Wolfe moved to approve the Consent Agenda [Lane Park Water Treatment**
25 **Plant Contract Addendum – BESH – Water Facilities Planning Report for SRF Funding**
26 **for Expansion of Water Treatment Plants #2, #3, and #4; Sunset Walk Reserve**
27 **Preliminary Plat; and Water Tower Agreement with Lake County Emergency Services],**
28 **The motion was seconded by Norb Thomas. The motion carried unanimously 4-0.**

29
30 **8) GENERAL GOVERNMENT**

31
32 **8A) Horizon Projects**

33
34 Mr. Drury explained that the previous City Council in 2007 approved Horizon Projects, some
35 of which had been accomplished and some of which are ongoing. He said the Horizon
36 Projects involve having a council member pair up with a staff member to investigate and
37 develop projects. He read the following proposed project list with councilmembers' names
38 who have agreed to be involved with the project:

- 39
40 **1. Water Front Marina/Seaplane Multi modal transportation project (Lori Pfister)**

- 1 2. Special Events (**Robert Wolfe**)
- 2 3. Freight Village (**Robert Wolfe**)
- 3 4. Form Based Codes (**Nancy Clutts**)
- 4 5. Downtown revitalization/Master Plan (**Nancy Clutts**)
- 5 6. My Region.org (**Nancy Clutts**)
- 6 7. Public Facilities Master Plan -Police/Fire/Public Works – (**Norb Thomas**)
- 7 8. Water Resource Plan (**Nancy Clutts**)
- 8 9. Transportation - Alfred Street (**Lori Pfister**)
- 9 10. Growth Management Plan (**Norb Thomas**)
- 10 11. Five Year Capital Improvement Plan (**Sandy Gamble**)

11
12 He noted that he had reviewed the list with Councilmember Gamble.

13
14 **MOTION**

15
16 **Robert Wolfe moved to accept the Horizon Project list as stated, seconded by Norb**
17 **Thomas. The motion carried unanimously 4-0.**

18
19 **8B) Water Alliance Agreement**

20
21 **Mr. Drury made the following report on the Water Alliance Agreement:**

22
23 The cost to the city of the proposed new Water Alliance Agreement would be \$3,967.75 per year.
24 Mayor Nancy Clutts currently represents the City on this Board. The Alliance Board is made up
25 of the 14 cities and county. The current Water Alliance Agreement is nearing the end of its useful
26 life in that the original purpose of the Alliance, which was to manage a St. Johns Water
27 Management District grant to study alternative water sources, has been met. Therefore the
28 Alliance has completed its originally constituted work.

29
30 The question is: Should it stay together and work on other Water Related issues of regional
31 significance that would benefit member cities? The Alliance believes that there is a benefit to each
32 member city as well as the county by keeping the Alliance going. In order to keep the Alliance
33 going it would need to be re-constituted. The attached agreement does just that – It reconstitutes
34 the Alliance and provides a funding mechanism. One example of a benefit is jointly paying for
35 and doing the studies that are required for the Consumptive Use Permit (CUP) process. This is the
36 permit that is required to draw water out of the ground to serve the population. Many cities are
37 getting ready to go through that process including Tavares. The permit limits the number of
38 gallons a city can draw which in-turn affects fire protection, potable drinking water and growth. In
39 order to obtain a permit to draw more water the following **costly** studies are required at a
40 minimum:

- 41
42 1. Water Conservation Plan for SJWRMD

- 1 2. A 10 year facilities water supply plan
- 2 3. An audit of water use needs
- 3 4. A “feasibility study”
- 4 5. All water related ordinances have to be updated to include conservation, irrigation, reuse,
- 5 etc
- 6 6. A “partnering with others” program needs to be developed
- 7 7. The Conservation Element of the Comprehensive Plan for DCA has to be updated
- 8 8. A report on progress made on developing a re-use system has to be developed
- 9 9. A Consumptive Use Permit renewal application needs to be accomplished
- 10 10. A model matrix and program that shows how much water is allocated each time a
- 11 development is approved needs to be developed.

12
13 Attorney Williams commented that Mr. Drury’s report was accurate. He said the agreement
14 may include capital projects and allow for subcommittees on specific projects that not all 14
15 cities may have an interest in. He said the City of Leesburg has been providing the
16 administrative support for the Water Alliance and has requested financial support to continue
17 in this capacity.

18
19 Mayor Clutts expressed concern regarding the Technical Advisory Committee, noting that the
20 staff members who function on this committee are Utility Directors and need to be able to
21 exchange information, and as it is considered a Sunshine Committee, this issue needed to be
22 addressed. She asked Attorney Williams to review this matter and make a recommendation
23 for the final version of the contract.

24
25 Mr. Drury noted that the agreement will need to come back to Council for formal adoption.

26
27 Attorney Williams added that the cost of participation may vary depending on whether all 14
28 cities participate.

29
30 **MOTION**

31
32 **Norb Thomas moved to approve the City’s continued participation in the Water**
33 **Alliance with consideration of the Mayor’s comments in reference to the Utility**
34 **Directors who serve on the Technical Advisory Committee. The motion was seconded by**
35 **Robert Wolfe. The motion carried unanimously 4-0.**

36
37 **8C) Road and Street Department Deferral**

38
39 Mr. Drury reported that this issue was to discuss placing the establishment of the Streets and
40 Roads Division Program and Paving Program on hold until the effects of Amendment One

1 and expected reduced city revenues are more clearly defined. He presented the following
2 summarization:

3
4 Previously the Board budgeted the creation of a Street and Road Division to keep up with street
5 maintenance (unlike Leesburg, Mt. Dora, Eustis and many other cities, Tavares has no Street and
6 Road Department – this has resulted in deferred maintenance on many city streets and sidewalks).
7 The passing of Amendment One and the downturn in the economy is affecting city revenues today
8 and will affect revenues into the next fiscal year. It is appropriate to place on hold new and
9 reoccurring programs until the full effect of these two issues are realized. The City Administrator
10 is recommending that the Street and Roads Division Program that was budgeted for this fiscal
11 year and the street paving program be placed on hold until the following two things occur:

- 12
13 1. Ten months of reduced revenue data is accumulated (we currently are only five months into
14 the fiscal year).
15 2. The Council develops its Fiscal Year 2009 budget priorities.

16
17 After the revenue data has been accumulated and the Council has established its Fiscal Year 2009
18 priorities, the programs will be re-evaluated. If they fit into the Council’s priorities and if there are
19 sufficient revenues to support them, the programs would move forward.

20
21 **STAFF RECOMMENDATION:** That Council move to support the recommendation of placing
22 the Street and Road Program and Paving Program on hold until the effects of Amendment One on
23 city revenues and the Council’s FY 09 budget priorities are fully known.

24
25 **FISCAL IMPACT:**

- 26
27 1. \$320,000 was budgeted for the three crew and equipment necessary to start the Street and
28 Road Division program (Note: A portion of this will still need to be used to address emergency
29 street repairs as needed this year).
30 2. \$220,093 was budgeted to cover the debt service associated with \$1,468,607 street paving
31 program (see attached list of affected streets).

32
33 Councilmember Thomas said he would like to see the two issues separated (Road Department
34 versus paving project). He said the streets are long overdue to be paved and he would like to
35 find a way to fund the paving.

36
37 Mayor Clutts asked for comment from the public.

38
39 Shelia Short – 12327 Lane Park Road

40
41 Ms. Short discussed the poor condition of Manigault Road and requested that Council
42 approve continuing to fund the road paving this current budget.

1 Denise Laratta – Royal Harbor

2

3 Ms. Laratta said she agreed with Councilmember Thomas and felt that the City had treated
4 citizens differently in the past.

5

6 **MOTION**

7

8 **Norb Thomas moved to separate the two issues—deferral of Road Department and
9 Road Paving Project, seconded by Lori Pfister. The motion carried unanimously 4-0.**

10

11 **MOTION**

12

13 **Norb Thomas moved to go forward with paving of the streets in the current fiscal year
14 budget, seconded by Robert Wolfe. The motion carried unanimously 4-0.**

15

16 Vice Mayor Wolfe commented that although he supported the motions, he believed that the
17 full ramifications of the passing of Amendment One are going to determine future projects
18 and that some budget cuts will have to be done.

19

20 **MOTION**

21

22 **Norb Thomas moved to approve Resolution #2008-06, seconded by Lori Pfister.**

23

24 Mayor Clutts asked if anyone else in the audience had comments.

25

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

27

28 **8D – 8L) SECOND READINGS OF ORDINANCES**

29

30 Ms. Barnett read the following ordinances by title only:

31

32

ORDINANCE 2008-06

33

34

35

36

37

38

39

40

**AN ORDINANCE AMENDING SECTION 10-14 OF THE CITY OF
TAVARES LAND DEVELOPMENT REGULATIONS REGARDING
THE RESERVATION OF CITY WATER AND WASTEWATER
CAPACITY; AMENDING SECTION 17-37 OF THE CITY OF
TAVARES LAND DEVELOPMENT REGULATIONS REGARDING
THE RESERVATION OF CITY WATER AND WASTEWATER
CAPACITY; CREATING SECTION 17-40.1 PERTAINING TO**

1 Mayor Clutts asked for comment from the audience.
2

3 **MOTION**
4

5 **Lori Pfister moved to approve Ordinance #2008-01 as presented, seconded by Robert**
6 **Wolfe. The motion carried unanimously 4-0.**

7
8 **8F) Ordinance #2008-02**
9

10 Mr. Skutt made the following report:
11

12 The Code Enforcement Division of the Tavares Police Department has requested that the
13 following amendments be made to the City’s Code of Ordinances that would enhance their ability
14 to enforce our codes and address recurring problems of a code enforcement nature.
15

16 **Section 10.5-152. ~~No permit required.~~ Permit required.**

17 ~~No~~ A permit shall be required by the City of Tavares for a garage sale conducted within
18 the city pursuant to this article. No more than four (4) garage sales may be conducted at any one
19 residence or household during any calendar year. Garage sales shall be limited in duration to no
20 more than the daylight hours (not to exceed 7 p.m.) of three (3) consecutive days.
21

22 *The Code Enforcement Division is requesting that a no fee permit be required to hold garage*
23 *sales. Code Enforcement is receiving complaints concerning the frequency of sales. Requiring a*
24 *permit to conduct a garage sale would enable the City to document these events and to insure that*
25 *the frequency allowed by the code is not exceeded. While applying for the permit, regulations*
26 *concerning allowed street advertising, as described in Sec. 10.5-153, can also be given out.*

27 ***Note: After the first reading, staff reconsidered the number of allowed garage sales per***
28 ***calendar year and is now suggesting that it be increased from 2 to 4. This change has been***
29 ***made to the proposed ordinance.***
30

31 **Sec. 10.5-153. Signs permitted.**
32

33 Notwithstanding any other provision of the City Code of Ordinances, one (1) sign of not
34 more than four (4) square feet shall be permitted to be displayed on the property of the residence
35 where a garage sale is being conducted pursuant to this article. In addition, the permittee may
36 place not more than ~~five (5)~~ 3 (three) directional signs in the city right-of-way. All such signs
37 shall be displayed only during the time of the sales, and must include the dates of the event, the
38 address of the premises, and the permit number.
39

40 *By requiring the permit number on garage sale signs, Code Enforcement will be able to identify*
41 *those signs that are legal. The amendment is also reducing the allowable number of directional*
42 *signs in the city right-of-way from five to three. Temporary signs in city streets are an increasing*

1 visual blight. Garage sale signs are the only private temporary type sign allowed on our city
2 streets that do not require special permission from the City Administrator.
3

4 **Section 12-4. Regulations for the parking, storing, or keeping of boats, boat trailers, recreational**
5 **vehicles and trailer coaches.**
6

7 (c) *Permitted parking.*

8 (1) Boats, trailers, recreation vehicles, and trailer coaches, as defined herein, provided they have
9 current valid registrations, may be parked on a plot in a residential zoning district, subject to the
10 following restrictions and conditions:

11 a. One boat/boat trailer or one recreational vehicle or one trailer coach ~~Boats, boat trailers,~~
12 ~~recreation vehicles and trailer coaches,~~ which is ~~are~~ owned and used by a resident of the plot, may
13 be parked in side yards so long as the boat, boat trailer, recreation vehicle, or trailer coach does
14 not extend into the front yard of the plot.

15 b. One boat/boat trailer, one recreation vehicle or one trailer coach, which is owned by and used
16 by a resident of the plot, may be parked in a front yard driveway provided the boat/boat trailer,
17 recreation vehicle or trailer coach does not extend into any right-of-way and provided the boat,
18 boat trailer, recreation vehicle or trailer coach does not exceed ten (10) feet in height as measured
19 from ground level.
20

21 *Presently our code allows an unlimited number of boats, boat trailers, recreational vehicles and*
22 *trailer coaches in a residential side yard. To address frequent complaints, the Code Enforcement*
23 *Division has suggested this amendment. The proposed change would allow only one such vehicle*
24 *in the side yard.*
25

26 **Section 12-5. Regulations for the placement and keeping of temporary storage unit.**
27

28 (A) Definition: Temporary storage units are defined as any structure not requiring a permit for
29 installation as determined by the most current Florida Building Code and designed for the
30 temporary storage of goods, merchandise, household items or products, commercial items or
31 products, appliances, furniture etc.

32 (B) Permit Required (RSF-A, RSF-1, RMF-2, RMF-3, RMH-P, RMH-S, PD, MU). A permit
33 shall be required by the City of Tavares. Temporary storage units are prohibited in zoning
34 districts C-1, C-2, I, & PFD.

35 (C) Restrictions. Temporary storage units cannot exceed 10' in height as measured from the
36 ground to the top of the structure. Temporary storage units are restricted to side yards and
37 residential driveways.

38 (D) Duration. Permits will expire 60 days from the date of issuance. Under no circumstance
39 will another permit be issued for the same property within 180 days from the date of previous
40 permits expiration.
41

42 *Our Code of Ordinances presently does not address or regulate temporary storage units (PODS).*
43 *These have become increasingly popular as a solution for on-site storage during renovations and*
44 *remodeling. They are unsightly, especially if the intended temporary placement becomes*

1 *permanent. The amendment requires PODs to be permitted, restricts the location to side yards or*
2 *driveways and a*

3
4 **Discussion on Parking Vehicles in Side Yard**

5 Mr. Skutt clarified that this amendment will allow one boat trailer or one recreational vehicle
6 or one trailer coach in the side yard. This amendment was suggested to address complaints
7 that the Code Enforcement Division has received.

8
9 Attorney Williams said the vehicle could still be moved into the back yard if it was accessible.

10
11 Mayor Clutts suggested giving more specific examples of what is considered a temporary
12 storage unit.

13
14 Mr. Skutt responded that the building code is specific about what requires a permit. He said
15 anything that does not require a permit yet is still being used as a storage facility would be
16 classified as a temporary storage unit and would require a storage unit permit rather than a
17 building permit.

18
19 Councilmember Pfister asked about work utility trailers such as used by a yard service. Mr.
20 Skutt said those are licensed trailers. Attorney Williams said as long as it is licensed as a
21 vehicle it will fall under the vehicle rules.

22
23 Mr. Drury said this would allow a recreational trailer and a work related trailer in the side
24 yard. Mr. Drury said complaints had been received regarding too many vehicles being parked
25 in the side yard and this is an attempt to address that.

26
27 Attorney Williams said under the terms of 12-4, work trailers are not included in that
28 definition.

29
30 **Discussion on Yard Sales**

31 Councilmember Pfister questioned allowing four sales a year.

32
33 Mr. Drury said there is a problem with residents holding yard sales every weekend and four
34 sales was suggested as a compromise.

35
36 Councilmember Pfister said that she felt two sales were sufficient.

37
38 Mayor Clutts said there had been little regulation and that allowing four a year versus the
39 sales that are taking place very weekend, would be a major change. She said documenting the
40 process should assist Code Enforcement in monitoring this activity.

1 Mayor Clutts asked for input from the public

2
3 Denise Laratta, Royal Harbor, asked how this would impact community wide garage sales.

4
5 Mr. Drury said four would be allowed and the person who owned the property would have to
6 apply for the permit. Ms. Laratta said if Royal Harbor had a community wide sale it would
7 involve multiple properties and would every individual have to apply?

8
9 Mr. Drury said he understood that if the Community Association wished to apply for a permit
10 it could be issued. Mr. Skutt said a procedure for tracking that would have to be developed.

11
12 Attorney Williams said the permit is tied to the property. He said if it is on the Community
13 Club House property, the association would have to apply for the permit.

14
15 T.J. Fish, 1110 Juniper Court

16 Mr. Fish spoke in support of the ordinance and the number of sales. He added that the signs
17 advertising the sale need to be removed after the sale is finished.

18
19 **MOTION**

20
21 **Robert Wolfe moved to approve Ordinance #2008-02, seconded by Lori Pfister. The**
22 **motion carried unanimously 4-0.**

23
24 **8G) Ordinance #2008-03**

25
26 Mr. Skutt presented the following report:

27
28 The subject property is a roughly triangular 1.5 acre parcel located south of the intersection of
29 North Duncan Drive and Alfred Street. It abuts the Tav-Lee Trail to the east and an unopened
30 section of N. Ingraham Avenue to the west. An application to vacate a portion of N. Ingraham
31 Avenue as well as a portion of Ianthe Street is being processed concurrently with this application.
32 Also, an application to amend the Future Land Use Designation from Low Density to Commercial
33 has also been submitted. The property wraps around two existing single family dwellings on the
34 east and also backs up to the property where the City's newly painted water tower is located. The
35 applicant has agreed to exclude certain uses that could be considered to be inappropriate or
36 undesirable in this highly visible gateway to the city. The proposed planned development
37 ordinance lists these prohibited uses that normally would be allowed in a highway commercial
38 zoning.

39
40 Property owned by the private sector, in broad terms, can only be utilized for industrial,
41 residential or commercial uses. Clearly, any type of industrial zoning would be inappropriate for
42 this highly visible gateway property. Similarly, single family residential (that is permitted under

1 the present RSF-1 zoning) would constitute a poor use for this property. If the parcel was larger
2 and if access issues could be resolved, a high density, multi-family use may be feasible given the
3 proximity of the Tav-Lee Trail and our downtown commercial center. Office and highway
4 commercial uses are also appropriate although the small size and disjointed configuration of the
5 property will limit these to uses of a very low intensity. The two existing single family dwellings
6 restrict the usability of the southeast part of the property. Staff would have preferred the rezoning
7 application to have included the two single family parcels.
8

9 At present, the only access to the property would be through West Caroline. Access to US 19 can
10 only be granted with FDOT approval. The proximity of the traffic lights may affect the ability of
11 the applicant to obtain approval. Access to Alfred Street would necessitate crossing the Tav-Lee
12 Trail which is undesirable. It has not been determined that this property has legal access over the
13 trail property.
14

15 At this point, the issue of architectural design has not been addressed by the applicant since the
16 ultimate use of the property has not as yet been determined.
17

18 It is staff's opinion that a PD (Planned Commercial Development) zoning, which allows limited
19 highway commercial uses, would be appropriate. Hurdles concerning access and architectural
20 esthetics can be addressed through the site plan process when the final use has been determined.
21

22 The property, given its prominent gateway characteristic, would also be ideally suited for a
23 passive public use. As an alternative to allowing this commercial development, the City may
24 consider the purchase of the property to be utilized in the future for a "gateway" feature.
25 Gateways are being addressed in our CRA master plan now being developed.
26

27 **OPTIONS:**
28

- 29 1) Table the final decision of the Ordinance for thirty days to allow staff to meet with the applicant
30 to discuss the possible purchase of the property. - Report back to Council at the March 19th
31 meeting.
32 2) Move to approve Ordinance 2008-03 as presented.
33 3) Deny the proposed Ordinance.
34

35 **PLANNING & ZONING BOARD:**
36

37 At its January 17th meeting, the Planning & Zoning Board voted unanimously to recommend to
38 City Council approval of Ordinance 2008-03 with the condition that staff and the applicant
39 compile a list of approved uses which the City would deem appropriate for the property. Staff has
40 met with the applicant and it is suggested that those uses allowed in a C-2 zoning, excluding those
41 listed as prohibited in the attached Exhibit "A" to the ordinance, would be appropriate.
42 Mr. Skutt stated that the owner has not addressed architectural design as it is unknown what
43 would be built on the property. He said it is staff's opinion that the proposed planned commercial
44 development would be appropriate. Architectural standards and access to the property would have

1 to addressed. This is a prominent gateway property and would be appropriate to some type of
2 public use which the city could consider purchasing to be used as a gateway feature. Staff
3 recommendation to discuss the options presented above.

4
5 Mayor Clutts said that because of the judicial expansion and the traffic scenario she would be
6 concerned if there was access from the State Road corridor. She noted this is a prominent area
7 with tremendous potential. She said she was in favor of giving staff the time that is necessary
8 to explore potentials.

9
10 Councilmember Pfister said she would be interested in discussing the purchase of the
11 property.

12
13 Mayor Clutts asked for public input.

14
15 T.J. Fish – 1110 Juniper Court

16
17 Mr. Fish said based on his transportation experience the best approved access the property
18 would receive would be a right-in right-out off of SR 19. He said he did not think residential
19 was the best use. He said the whole point of a planned development is to put the specifics in
20 the ordinance.

21
22 Attorney Chris Shipley

23
24 Attorney Shipley said he was present to represent Mr. and Mrs. Rahming, owners of the
25 adjacent property. He said Mr. and Mrs. Rahming have owned their property since 1966 and
26 have had their residence there for 31 years. He said Mr. and Mrs. Rahming are opposed to any
27 upzoning to this property and the impacts on their way of life and quiet enjoyment of their
28 property. He said the bulk of the Smith's property is wetlands so there may be environmental
29 issues. He said the requests for the closure of the roads [Resolution #2008-01 and #2008-02]
30 should also be addressed with this request.

31
32 Mayor Clutts noted that each of the councilmembers received a letter from Pastor Watkins
33 regarding the access issue and rezoning in support of allowing the Rahming family to
34 continue having access to their property and not in support of the upzoning issue.

35
36 Miss Haselton

37
38 Miss Haselton said there are three issues: zoning the property commercial, building
39 commercial and vacating a street that has direct access to her family's house. She said they
40 create three adverse impacts: 1) the adverse impact of any type of construction to the quiet

1 enjoyment of their property; 2) safety concerns that would emerge from commercial
2 development; and 3) the restriction of access to their property by vacating Ingraham Avenue..

3
4 Walter Canady, 415 N. Bloxham

5
6 Mr. Canady said he believed that the city obtained a right of duty to the house [when it was
7 built].. He said the city provided an easement for access. He said they did not provide an
8 easement that the Rahmings use but they also gave them a city address. He said Mr. Smith's
9 land surrounds their house and if it became commercial they would not have access or access
10 to public safety vehicles.

11
12 Chris White – PO Box 3038 Eustis, FL 32727

13
14 Mr. White said he agreed with the comments made by Mr. Canaday. He said over a year ago
15 he approached the city on behalf of the applicant regarding what the city would like to see at
16 that property. He said the feedback he had obtained had been “commercial.” He said it is not
17 suitable for residential. He said the owner of the property has the right to ask the government
18 to tell him what he can do with the property and then abide by that decision. Mr. White added
19 that the former owner had granted an easement to the Rahmings which they have chosen not
20 to use.

21
22 Chris Shipley

23
24 Mr. Shipley said he had been told that Mr. Rahming purchased his home from Mr. Burleigh
25 before the water tower was built. He said Mr. Rahming opposes any upzoning for the property
26 and that although it may be inappropriate for a single family that is the current zoning and any
27 upzoning or increase in density will negatively affect the adjoining property owners.

28
29 Mr. Drury asked for clarification that the closing of Ingraham that has been requested would
30 not affect access or ingress to the Rahming house. Mr. Shipley said that action alone would
31 not affect the access. Mr. Shipley said as the resolution has been amended that is true but that
32 as it was originally noticed to the property owners, it would have. He said the owners believe
33 that the only appropriate use of the property is a passive public use but other than that, ask
34 that the zoning not be amended.

35
36 Walter Canaday

37
38 Mr. Canady said he believed that if the road was closed it will affect the Rahming property.
39

1 Mr. Drury said (referring to the map) that the current route that curves to the right is what is
2 currently being used; the part of North Ingraham that that is being requested to be closed will
3 have no affect on the current right of passage.
4

5 Attorney Williams commented that whether Mr. Rahming can cross Mr. Smith's property is
6 not an issue that the city controls. He said what the city controls is that currently the Rahming
7 residence cuts across the corner of the water tower site. He said he did not know that the
8 Rahmings have any legal right to do that. He said there may be some dedicated easement. He
9 said he did not want Council to think that whether or not the road is closed that that
10 guarantees that Mr. Rahming can cross Mr. Smith's property because that is not a city issue.
11

12 **MOTION**

13
14 **Lori Pfister moved to approve Option #1, to table the final decision for 30 days and**
15 **allow the staff to meet with the applicant to discuss the possible purchase of the**
16 **property, seconded by Norb Thomas. The motion carried unanimously 4-0.**
17

18 **8H) Ordinance #2008-04**

19
20 Mr. Smith recommended that this be tabled as it concerns the same matter as the previous
21 discussion.
22

23 **MOTION**

24
25 **Robert Wolfe moved to table Ordinance #2008-04, seconded by Norb Thomas. The**
26 **motion carried unanimously 4-0.**
27

28 **8I) Ordinance #2008-05**

29
30 Chief Lubins stated this ordinance concerns the use of neighborhood low speed vehicles for
31 alternative transportation in the Community Redevelopment Area. Chief Lubins presented
32 slides pertaining to this program. He discussed the NEV program which is generally any small
33 vehicle than runs on batteries that could include a golf cart and what the State refers to as
34 "low speed vehicles" (LSV). He discussed the advantages and issues surrounding low speed
35 vehicles. He noted the CRA boundaries may expand in the future and therefore specific streets
36 have not been stipulated. He noted that all NEV's will have to meet safety requirements.
37

38 Mr. Thomas noted that Councilmember Gamble and others had mentioned the idea of having
39 a pedestrian bridge over US 441. He said he had not been supportive originally but now with

1 this ordinance that he had changed his opinion. He said he would be in favor of having a
2 pedestrian bridge which would incorporate the entire city.

3
4 Mr. Drury said that if Council decides to expand the NEV program to north of US 441 there
5 are alternatives to a pedestrian bridge such as appropriate crossing areas. He said staff is
6 researching the history of the removal of the US 441 bridge and the cost to replace the bridge.

7
8 Councilmember Pfister asked if a golf cart is not allowed already. Chief Lubins said Low
9 Speed Vehicles are allowed on 35 mph roads if they are registered and licensed.

10
11 Mayor Clutts asked for public input.

12
13 T.J. Fish – Director of MPO

14
15 Mr. Fish said he wished to use this as support in developing a transportation concurrency area
16 for the area and that in order for DCA to approve this, the city needed to demonstrate it is
17 developing multi modal transportation. He said allowing a golf cart will make it more
18 accessible to all socio economic groups. He said federal funds cannot be used exclusively for
19 carts so that any future bridge would also have to be for pedestrian access.

20
21 Chris White

22
23 Mr. White said he believed that the bridge was built and paid for by the developer of Lake
24 Wood Park. He said it was removed by the FDOT to widen US 441 from four lanes to six
25 lanes. He said when they demolished the bridge he doubted whether they compensated
26 anyone for the demolition.

27
28 Denise Laratta

29
30 Ms. Laratta said she could remember when Royal Harbor and Fox Run came to ask to be golf
31 cart communities and were admonished to make sure their golf carts did not cross over Dead
32 River Road to the golf course. She asked council not to forget that the city goes southward as
33 well and to ensure that the city consider the golf cart communities that may want to access the
34 city in the future.

35
36 **MOTION**

37
38 **Lori Pfister moved to approve Option #1, approve the Neighborhood Electric Vehicle**
39 **initiative, seconded by Robert Wolfe. The motion carried unanimously 4-0.**

1 **8J – 8K) Resolution #2008-01 and Resolution #2008-02**

2
3 Mr. Drury stated that staff recommended to table this issue and Resolution #2008-02 as well
4 until the issue is resolved.

5
6 **MOTION**

7
8 **Norb Thomas moved to postpone Resolution #2008-01 and Resolution #2008-02 until the**
9 **other issues are resolved [Ordinance #2008-03 and Ordinance #2008-04], seconded by**
10 **Lori Pfister. The motion carried unanimously 4-0.**

11
12 Mr. Shipley noted that he believed that the city would need to find that there is no public use
13 for the roads before they could be vacated, and that if the city wants to use them as a passive
14 public use, one way in curtailing the proposed development is to maintain those roads as
15 open. He said that should be factored into the discussions that will take place in the next 30
16 days with the land owners in determining what price is paid and what use can assigned to that
17 property. He said in answer to the question posed by the developer to the City as to the use of
18 the property, he believed that determination has already been made and it is single family.

19
20 **8L) Resolution #2008-07**

21
22 Mr. Drury presented the following summary:

23
24 The business of putting on special events calls for sponsors to contribute a significant amount of
25 dollars to pay for putting on the special event. Budweiser and Bush beer have been and continue
26 to be large sponsors of special events in Tavares and other cities. With out sponsorship many
27 events simply do not have the resources to make them financially viable and therefore are not able
28 to occur. The 12 special events planned for 2008 have a total estimated economic impact on the
29 Tavares area business community of 20 million dollars. Therefore it is appropriate for Tavares, as
30 it has been in the past in Tavares and is currently in Mt. Dora, Eustis, Leasburg and many other
31 cities, to permit Budweiser, Bush and other sponsors to financially contribute to special events
32 through the approval of an ordinance that permits the consumption of alcohol.

33
34 It should be noted that in most cases, Tavares Community Civic organization like the Tavares
35 Rotary Club and Tavares Chamber of Commerce operate the alcohol sales at these special events
36 and utilize those revenues to benefit their civic missions in Tavares and across the world.
37 Recently the Tavares Rotary Club sponsored an impoverished elementary school in Abaco and
38 provided the school with 600 pounds of shoes, pencils, erasers and other school supplies.
39 Scholarships to universities are also provided to Tavares children by these civic groups. The
40 Tavares Rotary Club recently gave \$5,000 for a Tavares High School Scholarship as well as
41 \$5,000 for Take Stock In Children Scholarship (see attached brochure for list of all
42 accomplishments).

1
2 City Council Ordinance 98-16 allows for the consumption of alcohol at Wooton Park for special
3 events upon approval of the City Council. As has been the practice in the past the Council has
4 approved the sale of alcohol at Wooton Park for the Dragon Boat Festival and other selected
5 events.

6
7 The attached Resolution 2008 – 07 seeks approval by the Council to allow for the sale of alcohol
8 at Wooton Park for the following 2008 events: Dragon Boat Festival, Sunnyland Antique Classic
9 Boat Event, Classic Raceboat Association Event, Planes, Trains and Barbecue Event, and the Bass
10 Pro Shop National Crappie Tournament.

11
12 The sale hours and other conditions would be governed as shown in the attached Resolution 2008
13 – 07.

14
15 Previously Resolution #2008-06 was presented to Council for approval and a tie vote of 2-2
16 resulted. It is appropriate to re-present issues with 2-2 votes at such time as the full five member
17 Council is present. Based on comments from the previous meeting the following language was
18 added to Resolution #2008-07“but in no event shall the consumption and sale of alcoholic
19 beverages occur with in the Wooton Wonderland Children’s play area”.

20
21 Mr. Drury said that staff recommended approval of the resolution.

22
23 Councilmember Pfister thanked staff for adding the language regarding the playground. She
24 said she had not opposed the resolution at the previous meeting because of the proximity to
25 O’Keefe’s but that her main concern was that the Police Chief have discretion regarding
26 where alcohol can be purchased and consumed. She said she was concerned regarding the
27 8:00 a.m. sale on weekdays. Attorney Williams said these hours are more restrictive than state
28 beverage laws.

29
30 Mr. Drury said sometimes vendors set up early and that it may be difficult to enforce times
31 that vendors begin their sales.

32
33 Mayor Clutts said that this is a streamlining resolution to address events in advance and at one
34 time.

35
36 Councilmember Pfister said she wanted the city to keep control of the events because of the
37 potential negative impact on downtown businesses. Mr. Drury said that several businesses
38 have left the downtown because of there not being enough foot traffic so that both aspects
39 needed to be looked at. Councilmember Pfister said she was concerned about there being
40 enough restrooms. Mr. Drury said he felt that issue was going to be addressed.

41
42 **Mayor Clutts asked for public input.**

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T.J. Fish – President, Chamber of Commerce

Mr. Fish stated that the Chamber discussed the resolution at its board meeting and there were no negative comments. The Chamber sees this as part of the bigger plan to develop the downtown and Wooton Park.

Terry Seawell, President of Rotary Club

Mr. Seawell said the Rotary Club had received a permit to sell beer four years ago and the problem, if any, was that people had beer in their tents and he would like that to be stopped. He said the Rotary Club does not open for sales until about 10:00 a.m.

MOTION

Lori Pfister moved to approve Resolution #2008-07, seconded by Norb Thomas. The motion carried unanimously 4-0.

AUDIENCE TO BE HEARD

J.R. Mitchell – PO Box 686, Tavares

Mr. Mitchell noted that the two Vacation resolutions were tabled. He asked the intent of the vacation of North Ingraham. Mayor Clutts referred the question to Mr. Williams.

Attorney Williams stated that Council voted to defer the rezoning for 30 days. The Vacation of streets is part and parcel to the rezoning. He said if the City decides not to rezone the property or works out a deal to buy the property, there may or may not be any need to vacate the streets. He said the City does not want to vacate the streets or take any action until the use of the property is known.

Norm Hope – Fox Run Subdivision

Mr. Norman Hope stated he had just attended a meeting at the Lake County Water Authority and he was concerned because there was no one in attendance from the City. He said they are revisiting the issue with St. Johns River Water management District concerning the inflows and outflows on the Harris Chain of Lakes.

Mayor Clutts thanked Mr. Hope and noted that she believed Mr. Drury was continuing to keep in contact with St. Johns and was developing relationships with those entities.

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REPORTS

City Administrator

Mr. Drury noted he had provided Council a list of upcoming meetings.

Councilmember Thomas

No report.

Councilmember Pfister

No report.

Vice Mayor Wolfe

No report.

Bill Neron

Mr. Neron updated Council on the status of the Wooton Park boat ramp installations and Trailhead. He complimented the General Services, Parks staff and Finance staff for their assistance.

Mayor Clutts

Mayor Clutts said she had spoken with a member of the Tavares Chamber of Commerce who said she had received many positive comments from legislatures at Lake County Days in Tallahassee regarding the many projects going on in Tavares.

Adjournment

There was no further business and the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

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