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2
3 **CITY OF TAVARES**
4 **MINUTES OF REGULAR COUNCIL MEETING**
5 **MARCH 1, 2006**
6 **CITY COUNCIL CHAMBERS**

7 Mayor Nancy Clutts called the meeting to order at 5:02 p.m.

8
9 **COUNCILMEMBERS PRESENT**

ABSENT

10
11 Nancy Clutts, Mayor
12 Sandy Gamble, Vice Mayor
13 Robert Abernathy, Councilmember
14 Councilmember Robert Speaks

Dennis Wilson, Councilmember

15
16 **STAFF PRESENT**

17
18 Dorothy A. Keedy, City Administrator
19 Robert Q. Williams, City Attorney
20 Nancy Barnett, City Clerk
21 Susan Jackson, Director of Community Development
22 Lori Houghton, Finance Director
23 Aaron Mercer, Public Works Director

24
25 Christy Holden, Associate Minister of the First United Methodist Church, gave the invocation
26 and those present recited the Pledge of Allegiance.

27
28
29 **APPROVAL OF MINUTES**

30
31 **Sandy Gamble moved, seconded by Robert Speaks to approve the minutes of February**
32 **15, 2006, as submitted. The motion carried unanimously 4-0.**

33
34 **PROCLAMATION/PRESENTATIONS**

35
36 **AGENDA REVIEW**

37
38 There were no changes made to the agenda.
39
40

1 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

2
3 **Ordinance 2006-06 – Amendment to Ordinance to Rescind Restriction on Stormwater**
4 **Funds – Second Reading**

5
6 Ms. Barnett read the ordinance by title only:

7
8 **ORDINANCE 2006-06**

9
10 **AN ORDINANCE AMENDING SECTION 17-77 OF THE CITY OF**
11 **TAVARES LAND DEVELOPMENT REGULATIONS RELATING TO**
12 **THE STORMWATER MANAGEMENT FUND; REPEALING**
13 **SUBSECTION 17-77(C) PERTAINING TO RESTRICTIONS ON USING**
14 **CERTAIN STORMWATER MANAGEMENT FUNDS FOR CAPITAL**
15 **PROJECTS ONLY; PROVIDING AN EFFECTIVE DATE.**

16
17 Ms. Keedy advised that there were no changes to the ordinance from first reading.

18
19 **Audience**

20
21 Mayor Clutts asked for comment from the audience. The Public Hearing was closed.

22
23 **MOTION**

24
25 **Robert Speaks moved for the approval of Ordinance #2006-06, seconded by Sandy**
26 **Gamble. The motion carried unanimously 4-0.**

27
28 **Ordinance #2006-05 – Annexation & Rezoning – 118 Acres – Dixie Royals Property –**
29 **First Reading**

30
31 Attorney Williams gave the oath to the following: Susan Jackson, John Scott, Cambridge
32 Homes), Mr. Sterns (Boyer Singleton), and Kevin Cramer, Cambridge Homes.

33
34 Ms. Barnett read the ordinance by title only:

35
36 **ORDINANCE 2006-05**

37
38 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**
39 **TAVARES BY ANNEXING APPROXIMATELY 118.5 +/- ACRES**
40 **LOCATED SOUTH OF CLAY BOULEVARD, NORTHEAST OF LAKE**
41 **HERMOSA AND WEST OF THE ATLANTIC COAST LINE**
42 **RAILROAD; REZONING THE PROPERTY FROM LAKE COUNTY**

1 **AGRICULTURAL TO CITY OF TAVARES PLANNED**
2 **DEVELOPMENT (PD); SUBJECT TO THE RULES, REGULATIONS**
3 **AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES**
4 **COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**
5

6 Ms. Jackson stated that this ordinance was regarding an application for annexation and
7 rezoning for property known as the Dixie Royals Property. It abuts the property known as the
8 Bible School PUD on the south. The property is approximately 118 acres and is currently a
9 citrus grove. The request is to annex and rezone the property to a Planned Development
10 designation.

11
12 Ms. Jackson noted the property was identified in a Joint Planning Agreement by both Eustis
13 and Tavares drawn up in May 2003 in which it was agreed that the property could be annexed
14 into either city depending on the owner's preference.

15
16 Ms. Jackson discussed details regarding the proposed development including a building
17 height maximum of 65 feet to accommodate condominiums which is commensurate with
18 what had been approved in the neighboring Etowah development. She discussed the primary
19 entrance on the south side of the property and noted they are proposing a secondary
20 emergency access entrance only that would be gated onto Clay Blvd. She stated the City has
21 water and sewer capacity available and that the developer is master planning the utilities for
22 this development and the Etowah development. The traffic study that has been submitted
23 indicated that there is adequate capacity however as each phase comes in for approval, staff
24 will do more in depth studies so that any deficiencies that are identified will be addressed at
25 that time. The development is currently planned to be an age restricted community; if any
26 changes are made they would be required to provide a school impact study. The Planning &
27 Zoning Board recommended approval 6-0 and staff recommends approval. The City of Eustis
28 submitted a letter for the record of their objection to the annexation at that meeting which has
29 been included in this agenda packet.

30
31 Vice Mayor Gamble asked how the secondary entrance would be made accessible to an
32 ambulance or fire rescue service. Ms. Jackson said there are various ways, but it can either be
33 done by crash gates or a number pad. Vice Mayor Gamble asked about the age restrictions
34 issue and was it a drawn out process. Attorney Williams said it is not done until the time of
35 the plat recording and the restricted covenants that accompany the subdivision.

36
37 **Applicant**
38

39 Attorney Cecilia Bonifay, Akerman Senterfitt, stood to address Council on behalf of the
40 applicant, Cambridge Homes. Ms. Bonifay stated she thought the ordinance was specific in

1 terms of each type of residential unit, setbacks, height limitations, etc. She said the applicant
2 was in full support of the ordinance as recommended by staff.

3
4 Kevin Cramer, Cambridge Homes, stood to speak. Mr. Cramer stated that Cambridge Homes
5 is located in Altamonte Springs and has been in existence since 1991. He said they were
6 acquired by K. Hovnanian, a publicly traded company and the 7th largest builder nation-wide.
7 He noted the request is for annexation of the 118 acres and that the adjoining parcel of 55
8 acres (the Christian Home and Bible School parcel) is already in the City of Tavares. He said
9 the intent is to combine the two parcels to create an age restricted community of about 800
10 homes total. The development will be marketed as a “Four Seasons” community which is a
11 trademark of Cambridge Homes for its active adult community. There are 48 nation-wide and
12 this will be the first in Florida. He discussed the issue of security, entrances, architecture, and
13 the general layout of the development.

14
15 Mr. Cramer discussed the issue of why the request is to annex into Tavares. He said one group
16 owns the property and that it is under contract to purchase it March 20th. He said the company
17 did not wish to do a small 55 acre development on the portion that is in Tavares: the intent is
18 for it to be an 800 unit, 170 acre, active adult community. In order for that to happen
19 efficiently he said the developer wishes it to be in the same city. He gave the example of
20 having to have two separate utility systems, especially sanitation as it presents geographic
21 issues. In addition, once it is developed, the issue of service would have to be addressed:
22 garbage, police, fire, etc. He said another reason for their choice of Tavares is that there is
23 ample water and sewer capacity. He said that Tavares has a very good master plan set up to
24 connect both parcels of this development with the Etowah development.

25
26 **Audience**

27
28 Mayor Jonnie Hale, City of Eustis

29
30 Mayor Hale provided letters of record to be made part of the meeting. The first letter was
31 addressed to the City Council and detailed the City of Eustis’ objections to the annexation,
32 zoning and assignment of land use to the property as follows:. Objections that the property
33 lies within the Eustis Joint Planning Area Agreement (Resolution No. 87-34 with Lake
34 County); the property is identified with the Eustis Future Land Use Element of the City’s
35 Growth Management plan, as approved by the Department of Community Affairs; the
36 property lies with the City of Eustis’ Florida Statute Section 180 Utility Service Area
37 (Resolution No 95-11); the proposed rezoning and land Use densities are not in conformance
38 with the approved Lake County Land use and zoning on the subject property nor in
39 conformance with the Future Land Use and Density called out in the Eustis Future Land Use
40 Plan, and that it appeared that the City of Tavares had failed to comply with its own adopted
41 Intergovernmental Coordination Element of its adopted Growth Management Plan which

1 requires prior coordination and discussion with Lake County and adjacent local governments
2 prior to advertising and scheduling this annexation, and rezoning. The second letter was also
3 written to Council and reiterated the objection made in the first letter regarding the property
4 lying within the City of Eustis' 180 Utility Service Area and stated that the City of Eustis has
5 wastewater treatment capacity and potable water capacity for this property.

6
7 Mayor Hale referred to the letter in the packet that had been signed by Michael Stearman in
8 May of 2003 and asked if Council had a copy of the map referenced. Mayor Clutts noted the
9 map has been included. Mayor Hale asked if it was a color map and distributed copies of the
10 map in color. Mayor Hale said that the agreement that Ms. Jackson had mentioned earlier was
11 not supported by the map. She said she understood the point of view of the developer however
12 the City of Eustis wished their objections to be made part of the record.

13
14 Mayor Clutts asked Ms. Keedy to comment regarding the Joint Planning Agreement.

15
16 Ms. Keedy stated that the map that Mayor Hale had distributed was also a copy of the one in
17 the agenda packet. She said in 2003 when the County first began discussions regarding Joint
18 Planning Agreements they had asked the cities to discuss and agree on their boundaries. The
19 map that Mayor Hale distributed came out of those discussions. She noted that there are two
20 areas on the map that are "hatched"—one in pink and one in black. The black hatched area
21 which is on the western edge of the City is the Tavares-Leesburg JPA; the intention of those
22 hatched marks was to indicate an area that could be in either city. It was actually shown in
23 both the City of Leesburg and the City of Tavares' JPA. The thinking was that the cities
24 would allow the market to dictate which city that that property annexed into based on the
25 location of the utilities at the time the property developed. She said the areas in pink are the
26 two parcels that she had understood that Eustis and Tavares had agreed upon that would be
27 under the same criteria. The northern parcel is a portion of the Dixie Royals property. The
28 intention was to include the entire parcel on the map however the city had only shown about
29 half of it. There is a smaller piece to the south that is currently still in the County.

30
31 Mayor Clutts noted that Commissioner Stivender was in the audience.

32
33 **MOTION**

34
35 **Robert Speaks moved for the approval of Ordinance #2006-05 as presented, seconded by**
36 **Robert Abernathy. The motion carried unanimously 4-0.**

37
38 **Ordinance #2006-04 – Fancy Farms Planned Development – Text Amendment**
39 **First Reading**

40
41 Ms. Barnett read the ordinance by title only:
42

ORDINANCE 2006-04

AN ORDINANCE AMENDING ORDINANCE 2005-31 OF THE CITY OF TAVARES, FLORIDA, AFFECTING PROPERTY LOCATED ON THE NORTHERN SIDE OF DEAD RIVER ROAD, APPROXIMATELY 0.3 MILES WEST OF THE INTERSECTION OF DEAD RIVER ROAD AND STATE ROAD 19; AMENDING SECTION 4 (A.1), AND 4 (F.1), PROVIDING FOR ADJUSTMENTS TO SETBACK AND BUFFERING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Jackson stated that this was a request to amend the existing PD ordinance for Fancy Farms Planned Development. The first request is to amend the setback requirements for the single family homes. This development is proposed at a minimum of 65 foot wide lots however, included in the ordinance is a side setback of 12 ½ feet on each lot of the property which is somewhat large compared to the city’s largest regular zoning district of RSF-1 which is a 75 ft. wide lot and requires a 10 ft. side setback. The request is to amend the setback from 12 1/5 ft. to 7 ½ ft. Staff is in support as the opinion is that 7 ½ ft. will still provide ample room between structures (15 ft) and it is in keeping with the normal zoning requirements. The other request is to amend the buffer requirements along Dead River Road. Currently the PD ordinance requirement is to have a wall to extend the whole frontage of Dead River Road. The proposal is to have the options of either a wall or a berm which would be 4 ft. in height and planted with canopy trees and sub-canopy trees every 40 linear feet in addition to shrubs along the berm, as well as a row of shrubs along the rear of the lots. The purpose of the wall originally was to shield the rear of the lots from the right of way. By installing the road or the berm it will beautify the roadway and have less impact on the roadway. In addition a 100 ft. setback is proposed from the road right of way and the rear of the lots. The berm would only be allowed where there is a 100 ft. setback. If there are lots closer than that, the wall would be required.

Ms. Jackson noted that the developer is also in the process of annexing an abutting parcel and that they will be asking to amend their PD agreement to include it with the same development profile.

Staff is support of the options and in support of the reduced sideyard setback. The Planning & Zoning Board approved this amendment 6-0 in favor.

Vice Mayor Gamble asked for clarification on the side yard setback. Ms. Jackson replied that the request is to reduce it to 7 ½ ft. on both sides.

Applicant

1 Tiffany Katner stated she was available to answer questions.

2

3 **Audience**

4

5 Mayor Clutts asked for input from the audience.

6

7 **MOTION**

8

9 **Robert Speaks moved to approve Ordinance #2006-04, seconded by Sandy Gamble.**

10

11 Vice Mayor Gamble asked if by changing the side setbacks would that give the developer the
12 availability to add an extra house or two? Ms. Jackson answered there is no additional lot
13 space proposed.

14

15 Ms. Clutts added she had observed that it would allow for a larger home to be built.

16

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

18

19 **CONSENT AGENDA**

20

21 Vice Mayor Gamble asked that item #6 be pulled for discussion

22

23 **MOTION**

24

25 **Robert Speaks moved for the approval of the Consent Agenda [Police Surveillance**
26 **Grant and Waterman Village Preliminary Plat], seconded by Sandy Gamble. The**
27 **motion carried unanimously 4-0.**

28

29 **AUDIENCE TO BE HEARD**

30

31 **OLD BUSINESS**

32

33 **West Main Street – City Entrance Sign, Approval of Cost Estimate of Streetscape Sign**
34 **Option B**

35

36 Ms. Keedy stated this had been discussed at a previous Council meeting and Council had
37 indicated a preference for Option B. There was also direction to staff to bring back the cost
38 estimate. She said this sign is funded by the Community Development Block Grant.

39

40 Vice Mayor Gamble asked if one sign or two signs were being put up. Ms. Keedy said the
41 plan is to put up two signs—one on each side of Main Street. Easements have to be obtained.

1 Vice Mayor Gamble asked if staff had spoken to the property owners. Ms. Keedy stated staff
2 had spoken to one of the property owners. Ms. Jackson said the hope is to be able to install the
3 sign within the FDOT right of way because that area extends onto Main Street. She said the
4 property owner to the south is amendable however the City might have to work with them on
5 re-locating their existing sign for the insurance company. Those would be additional costs
6 however they would be borne by the CDBG grant. Councilmember Speaks asked if the bricks
7 would match City Hall. Ms. Keedy said they will be red bricks and that it will incorporate the
8 elements from the pedestrian crossings. Ms. Jackson said they will be similar to the bricks in
9 the retention pond.

10
11 **MOTION**

12
13 **Robert Speaks moved approval of the estimate for the Main Street Gateway Signs**
14 **Option B as presented, seconded by Sandy Gamble. The motion carried unanimously 4-**
15 **0.**

16
17 **Garbage Rates for Master Metered Parks**

18
19 Attorney Williams noted that he had prepared the memo to Council regarding master metered
20 parks because he wanted to ensure he was going in the direction intended by Council. He said
21 this followed the discussion at a previous Council meeting regarding the issue of garbage
22 rates and mobile home parks on a master meter and the inequity between those residents and
23 the residents of the regular neighborhoods because those residents do not have independent
24 utility accounts. He said he had been pursuing an idea of a somewhat cumbersome procedure
25 of creating utility accounts for each of those residents that would be a utility account for
26 garbage only. He said a bill would be sent to them which would be due and payable like a
27 regular utility bill and also one they could turn on and off for extended times if they were
28 gone. He said it has associated issues such as deposits and disconnection/reconnection fees.
29 He said a couple of councilmembers had discussed other options with him—one option was
30 either reducing the number of pickups per week in those parks or reducing the rate which was
31 based on the traditional method. The other option was a self reporting mechanism suggested
32 by Mr. Abernathy. He said before he proceeded to work on this ordinance he wanted to obtain
33 a consensus from Council and specific direction.

34
35 Mayor Clutts asked for input from Ms. Houghton as to how this would impact billing.

36
37 Ms. Keedy asked to comment. She said staff had tried to look at the sanitation program as a
38 business. She said it is an enterprise fund. She said Ms. Houghton had prepared a short power
39 point presentation regarding how the rates were structured and has done some comparison
40 with a few other cities, if Council was interested in viewing that. She said she was concerned
41 from a management standpoint about making changes to the program. She said staff was

1 going to recommend that rather than allowing more vacation holds, to do away with the
2 vacation hold rate completely. She said the vacation holds are actually costing the city in
3 implementation and the research has found that no other private or public sanitation program
4 provides that service. The enterprise fund is set up to, not only support itself and pay for itself,
5 but to provide enough revenue to have a contingency fund for that program and also pay into
6 the General Fund, payment in lieu of taxes. The City regularly transfers an amount equal to
7 that tax that would have been paid by a private enterprise, as well as a reimbursement to the
8 General Fund for all of the costs associated with that operation. She said her concern was that
9 if changes are made, that revenue will not be available and there has to be a way to offset
10 those losses—either by raising the property taxes or reducing services that were being paid for
11 by those revenues. She said the City is beginning to be known throughout the state for having
12 a sanitation program that pays for itself. She said very few cities have their own program; it is
13 a service commonly contracted out. She said the reason the Tavares program is successful is
14 because it is run and managed efficiently. She asked if Council wished to see Ms. Houghton’s
15 power point and/or offered to answer questions.

16
17 Vice Mayor Gamble asked how many individuals in the City actually use the vacation holds
18 and how much revenue would be lost or has been lost in the past.

19
20 Ms. Houghton stated she could not provide exact numbers as far as how much money would
21 be lost. She said the rates are structured based on recouping the costs to the city to service
22 each residential unit. She said it has been found that each residential unit costs the same to
23 serve whether it is in a mobile home community, an apartment, or a home if the City is doing
24 curb-side service. She said the conception seems to be that there is a large disparity in the
25 actual disposal costs. She said when she re-reviewed the rates, only 10% of all the costs for
26 the whole fund is attributed to land disposal costs. She said that 10% for savings would be a
27 miniscule amount so that money would have to be made up, because it will affect the overall
28 budget. She said if the City reduces the rates for what is considered multi-family units
29 (currently 1331 accounts) the decision would have to be made regarding whether it would be
30 all multi-family units or just mobile home parks. She said she had approached the issue based
31 on what it costs to serve the accounts which is the same. She said wages and employee
32 benefits are the same regardless whether there are 5000 accounts or 5500 accounts. Only 10%
33 of the total costs fluctuate.

34
35 Vice Mayor Gamble asked if 1331 people live under the eight master meters? He said he
36 thought the only issue was with regard to persons under the master meters.

37
38 Attorney Williams said he did not know if Ms. Houghton’s term of “multi-family” was equal
39 to his term of “master metered accounts.” Ms. Houghton said there were approximately 600
40 with curb side pickup. Ms. Houghton said they are not distinguished in the billing system
41 because they are not individually metered.

1
2 Councilmember Abernathy suggested that in order to be fair to the people in those parks, that
3 the self reporting system seems to be the most fair and it seems to be a relationship between
4 the City and its citizens that sometimes gets eroded, that it should get back to: [being known
5 as] a friendly city in every way. He said one of the other things that could occur is that they
6 would probably choose to go to this procedure and would give up one of the services that they
7 get now, i.e. they would give up one of the weekly pickups. He said this should alleviate the
8 difference in income from garbage service. He said that although he did not mean to dispute
9 Ms. Houghton, that his experience in cost analysis and time studies would cause him to
10 somewhat dispute her information. He said if there is one person in a mobile home park using
11 the garbage service it would not take as much time as it takes if that unit is full, however he
12 noted that was rather minor to the overall issue. He said the overall issue is fairness to the
13 citizens. He suggested the City do a good audit because he said he has the feeling in general
14 (which involves a lot of other issues) that if the city continually comes in and sees a taxing
15 district with an amount of money coming in to the City, that the City finds a way to spend it
16 without having a need to spend it. He said he wished to look into that a lot deeper.

17
18 Ms. Houghton responded that self billing presents additional challenges to the accounting
19 staff in order to ensure that all charges are appropriately billed and there has to be a degree of
20 checks and balances to ensure it is accurate. She said it makes it more cumbersome to
21 quantify the billing records.

22
23 Ms. Keedy asked if the auditors would be concerned about a self reporting mechanism.

24
25 Councilmember Abernathy said this would not have anything to do with this particularly.

26
27 Ms. Keedy stated that staff would have no way of ensuring that everyone is paying, it would
28 have to be left up to the resident who would be filling in the blank on their bill.

29
30 Councilmember Abernathy said he heard the comments from staff that the people of Tavares
31 cannot be trusted. He said he disagreed with that and believed they could be trusted. He said if
32 someone is found that cannot be trusted, then it will be brought up.

33
34 Mayor Clutts said she did not have any trust issues but she would have a problem relying on
35 her clients to self report their bills because she did not know how she would make ends meet
36 with cost analysis and long range plans, etc. She said that leaves up a lot of subjectivity that
37 would be difficult to measure.

38
39 Councilmember Speaks agreed and stated that he believed there was a program in place now
40 that addresses the pickup situation and that perhaps something different could be done for the
41 master metered parks, however he felt they should fall under the same rules and guidelines

1 that the rest of the city follows. He said he does not have the option to stop his garbage
2 service when is away. He said he disagreed with Mr. Abernathy in that he had never heard
3 staff comment that the citizens are not trustworthy. He said the City has a comprehensive plan
4 that was instituted several years ago when the decision was made to upgrade the water and
5 sewer systems and go to automated sanitation. He said he knew a lot of effort went into the
6 planning and that the income from the sanitation is reflected in the city's long range plan of
7 financing the system. He said he did not agree with giving special privileges to any one group.
8

9 Vice Mayor Gamble said he would support the first option which would make the
10 accountability better. He said in terms of equal status, not all of the residents go home or go
11 north; that maybe 80% go north. He discussed his proposal for giving a garbage fee credit to
12 the mobile home parks which would come to about a two months credit of garbage fees over a
13 year's time. He said his suggestion did not reflect whether someone was honest or not; it
14 would make it a smoother accountability.
15

16 Mayor Clutts said initially the logic of the increase had not made sense to her, however she
17 had concerns. She noted that the City has to do more with less revenues because of its smaller
18 tax base. She noted that revenues have to come from somewhere—either through permitting
19 fees, services, or increasing ad valorem, etc. She said the sanitation system has become a
20 source of revenue and staff proposed the level of service be increased to offset that increase.
21 She said she felt the bottom line is that she is hearing from staff that there is a need for the
22 revenues and that if everyone is being assessed the same, some of this revenue can be used in
23 the General Fund and this enables the offsetting of costs that would otherwise have to be
24 passed on to the taxpayers in other forms. She said in order to alleviate the problem with the
25 dumpster issue, the City chose to go with Waste Management for the mobile home parks.
26 Waste Management will assess the City whether or not they go into the parks—if 80% of the
27 residents are gone and Waste Management continues to serve only 20% during the summer
28 months, the rest of the City of Tavares will absorb that cost. She said she understood both
29 sides of the argument. She said she understood a mobile home park's need, however, she said
30 she saw that as a detail in the whole picture.
31

32 Vice Mayor Gamble stated that up to this year the City was doing fine without the increased
33 rate for the mobile home parks. He said when the original documents were reviewed at budget
34 planning time there was nothing mentioned that the increase would go towards equipment and
35 vehicles; what was mainly presented was that the service was going to twice a week. He said
36 just prior to the final approval the issue of purchasing new equipment and vehicles was on the
37 agenda with the budget. He said that people have said they don't want twice a week and he
38 said he thought if the City approached Waste Management, they would probably be
39 cooperative.
40

1 Mayor Clutts said the option she felt was most reasonable was option #3 prepared by Mr.
2 Williams (reducing the collection in the master meter park to once per week, adjusting the
3 rate accordingly but not allowing for turning off or on; and keeping them on the master
4 meters.) However she said she was not directing staff at this time.

5
6 Ms. Keedy clarified her understanding that Mayor Clutts was suggesting once a week pickup
7 in those eight mobile home parks and reduce the monthly rate to reflect that cost.

8
9 Councilmember Abernathy stated that the rate could be reduced to an amount that was equal
10 to the increase caused by the twice a week service, however, to correct the inequity it would
11 have to be somewhere above that. He asked Mayor Clutts what she would propose the amount
12 to be?

13
14 Mayor Clutts said she would not have the knowledge to propose an amount and she would be
15 receptive for input.

16
17 Mayor Clutts asked for comment from the audience.

18
19 Heather Walker, resident of Royal Harbor, stated she had recently moved to Tavares. She said
20 twice a week garbage pickup had been an issue in Royal Harbor. She said the discussion
21 seemed to be favoring the mobile home parks. She asked if the residents at Royal Harbor
22 voted that they wanted once a week pick up, would they be able to be included in Option 3?

23
24 Mayor Clutts said those issues had come up when the ordinance was approved earlier in the
25 fall. She said she had attended a meeting at Royal Harbor and had brought back that issue.
26 She said the issue for the City was that it would difficult to administer a program where
27 different areas got different services. She said Ms. Walker had raised a good point and that
28 was why she had concerns about making further changes.

29
30 Ms. Keedy said there still seemed to be a misconception that the City added a pickup. She
31 said the City did not add a pickup. She said the City has always gone to every home twice a
32 week and the change was to allow co-mingling. In the past one of those pickups was a
33 separated yard waste and the other was household garbage. In that sense it was considered an
34 increase in service because residents would not have to separate their garbage from yard
35 waste. She said the bottom line is that costs increased: personnel costs, liability, health
36 insurance, fuel costs— and they are all costs that must be passed on or the City will be
37 supplementing this service from the General Fund or the property taxes. She suggested that
38 the change be made to once a week pick up but to make it city-wide and charge everyone the
39 same rate. She said staff would need to re-calculate how this will be done to keep up with the
40 growth but also provide the service with the current staff. She said Mr. Gould works out the
41 routes in such a way to keep up with the growth and not have to raise rates every year.

1
2 Councilmember Abernathy asked how many people stop their garbage and water service at
3 the present time. Ms. Keedy said she could get that information. Councilmember Abernathy
4 said Ms. Keedy should not just study things that are against this proposal; she should also
5 study things that are for it. He said he wanted to come up with the reasons why it should be
6 done and one of the reasons was fairness.

7
8 Ms. Keedy said she understood the logic of trying to treat everyone equally which was why
9 she had recommended that the option of [discontinuing vacation holds] be done away with
10 equally. She said, however, Council will set the policy and staff will make it work. She said
11 she had just suggested discontinuing the vacation holds as something to consider especially
12 when the budget process begins. She said staff has to estimate the revenues and balance that
13 against the services that Council wishes to provide to the residents.

14
15 Councilmember Abernathy said he would still like to propose that the City go to the
16 procedure that is equal to the people that are now discontinuing their water service---he said
17 perhaps a decision should not be made until the information is available as to how many
18 people are taking advantage of that option now.

19
20 Ms. Keedy asked Ms. Houghton if she had this information. Ms. Houghton responded that it
21 is a number that changes. She said she has to do a query in the billing system and go through
22 all of the accounts in order to find that information. She said the information is the program
23 but it is time consuming because of the number of records to review. She said the number
24 fluctuates monthly.

25
26 Ms. Keedy noted that driving by a house that is on vacation rates still costs the City the same
27 amount of money, minus 10%, because 10% is the amount that is being paid in tipping fees
28 and disposal costs. She said although it is an amenity to offer to the residents, there are costs
29 associated with it.

30
31 Vice Mayor Gamble asked why co-mingling could not be offered once a week which would
32 save money.

33
34 Ms. Keedy said that could be done however there is also a segment of the population who will
35 state that once a week is not enough. She asked Mr. Gould to comment.

36
37 Vice Mayor Gamble said he thought he had received different messages about whether the
38 owners of the mobile home parks had been notified when the changes were being considered.
39 He said he would have preferred to have everyone know up front and that should have been
40 done by sending out a letter in the water bill. He said he did not think any study was done.

41

1 Mr. Gould said the benefits of the twice a week pickup and the co-mingling will be more
2 apparent in the spring and the summer because that is when people produce a lot of yard
3 waste. He said once a week pickup would be inadequate in the months when there is more
4 yard waste.

5
6 Mayor Clutts said she would like to end the discussion until there is a motion in order to give
7 staff direction.

8
9 Councilmember Speaks asked if there is a way to keep the rates the same as they are now, and
10 go back to once a week. He said the rates may need to be increased with just once a week
11 service, if people are concerned about that extra pickup.

12
13 Councilmember Abernathy said that might have been the better decision—to raise the rate and
14 not change the service.

15
16 Ms. Keedy if the service had not been changed the City would have had to buy new
17 equipment and hire an additional three people. Mr. Mercer it would have cost around
18 \$300,000 to continue the automated system. Ms. Keedy said she is concerned that all the
19 people who do use the twice a week service will have to pay extra for extra bags. She noted
20 the City's rates are not high compared to other cities except for a couple of cities that have
21 electric utilities.

22
23 **MOTION**

24
25 **Robert Abernathy moved to stop discussion for tonight and come back at the next**
26 **meeting and have some analysis of the number of citizens that are stopping their service**
27 **now and what that amounts to. The motion was seconded by Sandy Gamble.**

28
29 Vice Mayor Gamble suggested an amendment to the motion to include also what he had
30 brought up earlier—the percentage difference from the greater to the greatest and from the
31 lowest to what it would be then.

32
33 Ms. Keedy said she understood Vice Mayor Gamble's amendment to be the difference in the
34 mobile home rate because they had a bigger percentage increase.

35
36 **Robert Abernathy accepted the amendment.**

37
38 Mr. Mercer stated that the original costs associated with collection when the ordinance was
39 first brought forward, were based on the fact that the mobile home parks were charged
40 \$13.89; single family homes were \$16.89, a \$3.00 difference. He said staff had not understood
41 why there was such a disparity however Vice Mayor Gamble had provided background

1 information on the history. He said everyone was raised to \$19.89 so the mobile home parks
2 got a \$6.00 per unit increase. He said he understood that Vice Mayor Gamble was suggesting
3 to reduce it by \$3.00. Vice Mayor Gamble said it should be whatever the percentage was from
4 the \$16.00. Mr. Mercer said he thought it was 15% increase and the mobile home parks had
5 about a 40% increase.

6
7 Ms. Houghton asked for more clarification on the analysis for the vacation hold analysis.

8
9 Councilmember Abernathy stated he would like the average number of vacation holds and the
10 approximate amount of time. Attorney Williams noted the numbers don't include mobile
11 home parks.

12
13 Ms. Houghton said the information will reflect whoever has an account that is put on
14 vacation.

15
16 Mayor Clutts commented that if a vacation hold analysis is done this will be a study of the
17 entire city and if the issue is really mobile home parks, this analysis will not be applied to that
18 specific situation. She said if this is going to take an enormous amount of time she questioned
19 if this was the route to go.

20
21 Councilmember Abernathy commented it would be some way to have an idea of what that is
22 [the vacation holds].

23
24 Mayor Clutts asked for comment from the audience.

25
26 Betty Kaufman from the River Rest Community thanked the City Council for caring and at
27 least listening to the problems of some of their residents.

28
29 Mayor Clutts summarized the motion on the floor to end the discussion and to ask staff to
30 gather analysis of those individuals receiving vacation holds and the average length of time
31 and that the percentage increase to the mobile home parks also be reviewed.

32
33 **The motion carried unanimously 4-0.**

34
35 Mayor Clutts asked when the information would be available. Ms. Houghton stated the April
36 meeting would be better for her to get the information together.

37
38 **U.S. 441 Landscaping – FDOT Joint Project**

39
40 Ms. Keedy stated that when FDOT does a project they set aside a certain amount of money
41 for landscaping. Money has been set aside for the segment from the old Amigos to SR 473.

1 She said staff had brought forward an estimated cost to Council previously but the figure was
2 quite high and there had been discussion regarding whether the City wanted to participate
3 because FDOT does not pay for design or installation costs. She said staff had been directed
4 to look at the length of the project and bring back an estimated cost to see if Council wanted
5 to enter into a Joint Participation Agreement for this project. The scope of the project has been
6 reduced to just go to the Dead River Bridge. The cost estimate for the City's portion will be
7 \$260,000 which will be funded by infrastructure sales tax. She said the project is almost
8 closed out so the City needs to make a decision in order to take advantage of the FDOT funds.
9

10 Mayor Clutts noted that the City's portion for the retention pond was \$267,000. She said she
11 has heard nothing but good comments from that project and believed it has been an amenity to
12 the City.
13

14 Vice Mayor Gamble asked what items had been on the infrastructure sales tax list that would
15 be cancelled if this project were approved. Ms. Keedy stated that there were several things on
16 the list but with the increase in construction costs, staff is realistically thinking what can be
17 funded is the streetscape project which should be on the next agenda to award the bid (about
18 two million). She said staff are still trying to get bids on the paving which is estimated to be
19 close to a million and there is about four million in the sales tax fund not including the recent
20 additional revenues. She said the other major project that had been planned was the Public
21 Works facility but she did not think this would be affordable at this time. She said a certain
22 amount of debt service was set aside when the City borrowed the five million against the sales
23 tax based on the revenues three years ago. She said the revenues have increased substantially
24 so there is some funding available, over and above that debt service that is available which
25 will be re-assessed. She said the City may want to look at a bond issue in the future as those
26 revenues increase.
27

28 Mayor Clutts noted that if the City denies the funding, it would not be taking advantage of the
29 \$250,000 match to stretch the project to \$500,000. She spoke in favor of the project stating it
30 will enhance the image of the city.
31

32 Councilmember Speaks said he supported the project.
33

34 **MOTION**
35

36 **Robert Abernathy moved to accept the Joint Participation Agreement with FDOT,**
37 **seconded by Robert Speaks. The motion carried unanimously 4-0.**
38

39 Mr. Mercer recommended the City execute the JPA based on the vote. The JPA then goes to
40 the State. If it is awarded they will require the City to go through the bidding and design and
41 submit for the funding.

1
2 Attorney Williams stated he felt that was within the scope of the motion.

3
4 **NEW BUSINESS**

5
6 **Appointment to Fire Pension Board**

7
8 Mayor Clutts recommended the appointment of Steven Fate to the Fire Pension Board. She
9 invited Mr. Fate to speak.

10
11 Mr. Fate said he was now a business owner in Tavares and had had an extensive career in the
12 Fire Service.

13
14 **MOTION**

15
16 **Sandy Gamble moved to approve the mayor’s recommendation, seconded by Robert
17 Speaks. The motion carried unanimously 4-0.**

18
19 **REPORTS**

20
21 **City Attorney**

22
23 Attorney Williams stated he understood there had been lengthy discussion at the last City
24 Council Workshop regarding the judicial parking garage and issue of eminent domain.

25
26 He reviewed the process of eminent domain. If the government determines that it is going to
27 take property for a public purpose it has to file a law suit and it has to convince a judge that
28 there is a public purpose. There two ways it can be done. He said the government usually does
29 what is called a “quick take.” Under that process the government has to do an appraisal of the
30 property and then has to deposit that money plus a percentage in addition to that money to
31 cover the costs of the proceeding, with the Clerk of Court. The land owner can then either
32 agree to the appraisal price or they state that they feel their property is worth more than the
33 appraisal. The judge then gives the property to the government, gives the appraisal price to the
34 landowner, and preserves the landowner’s right to have a jury trial to determine the true value
35 of the property. He said the trial would require a 12 person jury which hears evidence and the
36 jury sets the compensation value for the property owner. If that value is more than the
37 government’s estimation, then that additional money has to be paid as well. In addition, the
38 government has to pay for the landowner’s attorney fees and appraiser fees.

39
40 Councilmember Speaks said the owner also had a concern about his business value. Attorney
41 Williams said generally the appraisal is based on the value of the property in its current

1 condition. Attorney Williams noted that if property is purchased and sold at a profit, the
2 difference is taxable. Under the eminent domain or threat of condemnation then that gain to
3 the property owner, if any (if it is rolled back into something else) is not taxed.

4
5 Vice Mayor Gamble said the question had come up regarding the issue of not giving the
6 County a conditional use permit.

7
8 Attorney Williams said that decision would need to be made in a Public Hearing and
9 shouldn't be discussed outside of a hearing.

10
11
12 **Councilmember Speaks**

- 13
14 • Turn lane at Winn Dixie off St. Clair Abrams – asked about status

15
16 Ms. Keedy said the engineer had provided an estimate but it was fairly costly. She said she
17 requested him to look at a cheaper solution such as restriping and that information will be
18 brought forward when it is available.

- 19
20 • Cross walk at Banning Beach and speed limit signs – Ms Keedy said she had asked
21 Chief Lubins and Mr. Mercer to look in this.
22 • Noted there is no speed limit sign on US 441 from Dead River Bridge until
23 approaching Sinbad's. Ms. Keedy added that the city limit sign is on the wrong place
24 too and asked Mr. Mercer to contact FDOT.

25
26 **Vice Mayor Gamble**

- 27
28 • Referenced letter from Mrs. Ragan regarding the clearing of the property and her
29 positive comments about receiving assistance from staff
30 • Noted Mr. Fate had brought up the issue of speeding on Main Street at the previous
31 meeting and Council had been told there would need to be a study to put out an extra
32 stop sign. He said he noted a stop sign at every street is proposed which will slow
33 traffic.

34
35 Ms. Keedy said she thought Council will be pleased with the plan and noted some parking
36 will be increased.

37
38 Vice Mayor Gamble said he understood Mr. Fate's concern and that he thought another thing
39 that would help the situation would be the presence of a police car. He noted there is a
40 problem with people running the red light constantly at Old 441 and St. Clair Abrams.

- 1 • Noted that this Saturday is the opening for Babe Ruth baseball
2

3 **Councilmember Wilson**

4
5 **Councilmember Abernathy**

6
7 No report.
8

9 **Mayor Clutts**

- 10
11 • Reminded Council that the policy for items to be on the agenda was that Council
12 would contact Ms. Keedy. She said she did not intend to change that policy but it
13 would be preferable to be in writing. She said she meets with Ms. Keedy once a week
14 prior to the meeting to review the agenda. She asked if Council wish to add an item to
15 contact Ms. Keedy and then she will be able to inform Ms. Clutts at the agenda review
16 session.
17 • Reminded Council of the Workshop next Thursday March 9th at 4:30 p.m. to discuss
18 possible Charter amendments
19 • Asked about status on Fire Chief applications
20

21 Ms. Keedy answered that she had received 15 applications and had short listed it to about six.
22 She said she is having Human Resources check their qualifications and also contact them to
23 see if they are still interested if there is a residency requirement. Vice Mayor Gamble asked
24 Ms. Keedy if she was not taking any applications from persons from out of state. Ms. Keedy
25 answered that she was and that she had several. Vice Mayor Gamble stated that someone had
26 contacted him and said they had a relative that called and they were told the City was not
27 taking any out of state applications. Ms. Keedy said that was incorrect.
28

29 Mayor Clutts stated that Councilmember Wilson had asked to have an item pulled from this
30 meeting's agenda because he would be unable to attend the meeting and she pointed out that was
31 also an option available to Council.
32

33 There was no further business and the meeting was adjourned at 6:55 p.m.
34
35
36

37 Nancy A. Barnett
38 City Clerk