

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

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MAY 21, 2008
TAVARES CIVIC CENTER**

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

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor
Robert Wolfe, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember
Norb Thomas, Councilmember

STAFF PRESENT

John Drury, City Administrator
Lindsay Holt, 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 Richard Keith, Fire Department
Chief Stoney Lubins, Police Department
Brad Hayes, Director of Utilities
Heath Frederick, Director of Public Works
Tamera Rogers, Director of Community Services

Carlos Colon, Fire Department Chaplain, gave the invocation and those present recited the Pledge of Allegiance.

3) APPROVAL OF AGENDA

MOTION

Robert Wolfe moved to approve the agenda, seconded by Lori Pfister. The motion carried unanimously, 5-0.

4) APPROVAL OF MINUTES

1
2 **MOTION**
3

4 **Lori Pfister moved for approval of the May 7, 2008 Regular City Council Meeting as**
5 **submitted, seconded by Norb Thomas. The motion carried unanimously 5-0.**
6

7 **5) PROCLAMATIONS/PRESENTATIONS**
8

9 **A) Presentation of Charter, Public Safety Explorer Post #2276**
10

11 Chief Keith introduced Don Campbell, Cub Master for Pack 43 and Lake District
12 Commissioner for the Boy Scouts. Mr. Campbell discussed the history of the Boy Scout
13 organization and the current program. He presented the Charter for the Public Safety Explorer
14 Post that has been developed in Tavares by Officer Paula Crow of the Police Department and
15 Chief Keith of the Fire Department. It was noted that the Tavares' boy scout troop was
16 founded in 1912.
17

18 **6) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE**
19 **CONTACTS**
20

21 Attorney Holt swore in the audience members who wished to speak on the quasi-judicial
22 matters on the agenda. She then asked Council if they wished to make ex-parte disclosures.
23

24 **7) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**
25

26 Ms. Barnett read the following resolutions by title only from the Consent Agenda:
27

28 **RESOLUTION #2008-18**
29

30 **A RESOLUTION OF THE CITY OF TAVARES AMENDING RESOLUTION**
31 **2005-06 ELIMINATING REFERENCE TO FINANCIAL DISCLOSURE**
32 **FILING REQUIREMENTS FOR MEMBERS OF THE COMMUNITY**
33 **REDEVELOPMENT AREA ADVISORY COMMITTEE; PROVIDING AN**
34 **EFFECTIVE DATE.**
35

36 **RESOLUTION 2008-19**
37

38 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AUTHORIZING**
39 **THE ISSUANCE OF \$1.5 MILLION OF CITY OF TAVARES, FLORIDA**
CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008;

1 DETERMINING THE NEED FOR A NEGOTIATED SALE OF SUCH NOTE
2 AND AWARDING THE SALE OF SUCH NOTE TO BRANCH BANKING
3 AND TRUST COMPANY; AUTHORIZING THE EXECUTION AND
4 DELIVERY OF A LOAN AGREEMENT WITH SAID BANK; PROVIDING
5 FOR THE PAYMENT OF SUCH NOTE FROM A COVENANT TO BUDGET
6 AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM
7 REVENUES ALL AS PROVIDED IN THE LOAN AGREEMENT;
8 AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY
9 OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE
10 IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT,
11 THE NOTE, AND THE SECURITY THEREFORE; DESIGNATING THE
12 NOTE AS A "QUALIFIED TAX-EXEMPT OBLIGATION" UNDER
13 SECTION 265(b)(3)(B) OF THE INTERNAL REVENUE CODE OF 1986;
14 AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER
15 DOCUMENTS IN CONNECTION WITH SAID LOAN; PROVIDING FOR
16 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

17
18 **ORDINANCE 2007-25**

19
20 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING
21 THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2010,
22 PROVIDING FOR A CHANGE OF THE FUTURE LAND USE
23 DESIGNATION ON 20.83 ± ACRES LOCATED ON THE NORTH SIDE OF
24 US HWY 441, APPROXIMATELY 1.5 MILES WEST OF THE
25 INTERSECTION OF US HWY 441 AND LAKE SHORE BLVD. AND 1.5
26 MILES EAST OF THE INTERSECTION OF US HWY 441 AND RADIO
27 ROAD FROM LAKE COUNTY URBAN TO CITY MIXED USE
28 NEIGHBORHOOD; PROVIDING FOR SEVERABILITY AND CONFLICTS;
29 PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN
30 EFFECTIVE DATE.

31
32 **ORDINANCE 2007-41**

33
34 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING
35 THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2010,
36 PROVIDING FOR A CHANGE OF THE FUTURE LAND USE
37 DESIGNATION ON APPROXIMATELY 9.54 ACRES LOCATED EAST OF
38 STATE ROAD 19, SOUTH OF LANE PARK CUTOFF FROM MOBILE
39 HOME TO MEDIUM DENSITY; PROVIDING FOR SEVERABILITY AND

1 **REDEVELOPMENT AREA; SUBJECT TO THE RULES,**
2 **REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF**
3 **TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

4
5 **8) CONSENT AGENDA**

6
7 Mayor Clutts asked if Council wished to pull any item on the Consent Agenda and if any
8 audience member had objections to items on the Consent Agenda.

9
10 **MOTION**

11
12 **Sandy Gamble moved to approve the Consent Agenda [Resolution #2008-18 – Text**
13 **Amendment to CRAAC Resolution; Resolution #2008-19 – Execution of Financing**
14 **Documents for Road Paving Loan; Award of Contract to Purchase Air Packs for Fire**
15 **Department; and Request to Write Off Uncollectible Assessments]. The motion was**
16 **seconded by Norb Thomas. The motion carried unanimously, 5-0.**

17
18 **9) ORDINANCES**

19
20 **A) Ordinance #20087-25 – Palm Gardens – Large Scale Future Land Use Amendment –**
21 **Adoption and Transmission**

22
23 Mr. Skutt gave the following report:

24
25 In the fall of 2007, Council was presented with Ordinance 2007-25 addressing the Palm
26 Gardens Future Land Use Map Amendment requesting a change from Lake County Urban to
27 City Mixed Use Neighborhood. This ordinance was read into the record for its first reading
28 and approved for transmittal to the Department of Community Affairs.

29
30 In March, staff received the Department of Community Affairs’ Objections,
31 Recommendations and Comments “ORC” Report identifying various objections with the
32 proposed amendments (see exhibit A). Specifically, the Department found that the City had
33 not demonstrated that an adequate supply of water was available to serve the proposed
34 amendment. Further, the Department found that the proposed amendment was inconsistent
35 with the State statute which requires the provision of adequate sites for future housing
36 including affordable workforce housing.

37
38 Per Florida Statute 163.3184 regarding Comprehensive Plan Amendments, after receiving an
39 “ORC”, the local government has approximately sixty days to respond and adopt the
40 requested plan amendments. In an effort to address the concerns expressed by the Department

1
2 **Sandy Gamble moved to approve Ordinance #2007-41, seconded by Robert Wolfe. The**
3 **motion carried unanimously 5-0.**

4
5 **C) Ordinance #2007-27 – Hospice Property – Large Scale Future Land Use amendment**
6 **– Adoption Hearing and Transmission**

7
8 Mr. Skutt made the following report:

9
10 In the fall of 2007, Council was presented with Ordinance 2007-27 addressing the Hospice
11 Future Land Use Map Amendment requesting a change from Lake County Urban to City
12 Commercial. This ordinance was read into the record for its first reading and approved for
13 transmittal to the Department of Community Affairs.

14
15 In March, staff received the Department of Community Affairs’ Objections,
16 Recommendations and Comments “ORC” Report identifying various objections (see exhibit
17 A). As you will note, the Department’s report included a comment regarding wetlands on the
18 site of the Hospice project however, it was later determined to be in error.

19
20 Per Florida Statute 163.3184 regarding Comprehensive Plan Amendments, after receiving an
21 “ORC”, the local government has approximately sixty days to respond and adopt the
22 requested plan amendments. In an effort to address the concerns expressed by the Department
23 of Community Affairs, staff has transmitted to the Department a timeline noting the status and
24 expected completion dates of the City’s 10 Year Water Facilities and Supply Work Plan and a
25 draft of the related comprehensive plan elements which together will serve to demonstrate the
26 water available to residential and commercial land uses within the City. Staff has also
27 conducted several telephone conferences with Department staff, and assembled specific data
28 and analysis as necessary to illustrate the availability of affordable housing within the City
29 limits. Further, staff has submitted a draft response to the “ORC” to the Department and
30 received preliminary approval.

31
32 Mayor Clutts asked for questions from Council and for comment from the audience.

33
34 **MOTION**

35
36 **Sandy Gamble moved to approve Ordinance #2007-27, seconded by Norb Thomas. The**
37 **motion carried unanimously 5-0.**

38
39 **D) Ordinance #2008-09 – Comprehensive Plan Amendment – School Concurrency –**
40 **Adoption and Transmission**

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

Mr. Skutt gave the following presentation:

On January 16, 2008, the City Council approved a series of amendments to the existing Interlocal Agreement between Lake County, Lake County School Board and participating municipalities. The purpose of the Interlocal Agreement is to implement school concurrency mandates outlined within the revised Growth Management Act, Senate Bill 360. Further outlined within the bill is the requirement that the City adopt a Public School Facilities Element, update the Intergovernmental Coordination Element and the Capital Improvement Element to our Comprehensive Plan. Amendments to the City’s Land Development Regulations will also be required to address procedures in processing applications with respect to school impacts.

In 2005, Lake County was selected as a pilot community for the state’s school concurrency initiative. The City of Mount Dora volunteered to spearhead efforts to comply with the school concurrency program and with the assistance of the School Concurrency Technical Committee, drafted the required documents necessary for codifying the school concurrency program at the local level. This would serve as the model for the other participating municipalities. These documents include the Public School Facilities Element, updates to the Intergovernmental Coordination Element and Capital Improvement Element noted earlier in this report. The documents have been approved by the Department of Community Affairs and as such have been used as the basis for the amendments presented within this agenda report.

For the purpose of implementing the required school concurrency policy, City staff will propose revisions to the Land Development Regulations following the adoption of the Comprehensive Plan Amendments.

Mr. Skutt noted that he had provided to Council a copy of the chronology of events concerning school concurrency.

Mayor Clutts asked for comment from Harry Fix, Lake County School District Planner, concerning how the process will affect the City’s desire to model “Smart Growth” and make improvements in the urban core.

Mr. Fix responded that he believed that economics will continue to drive the placement of future schools and be a major factor in the future, particularly with the current economic issues facing the country including fuel prices.

1 Mr. Drury asked if there was a mechanism to provide credit to developers who may want to
2 bring projects to the downtown when it may be taken up by other developers in the outlying
3 areas to Tavares.

4
5 Mr. Fix said there is no mechanism specifically but that the school concurrency movement is
6 targeted at timing and phasing in of schools as they are needed, and that the ordinance has
7 been developed to allow amendments that may be needed.

8
9 Mayor Clutts asked for comment from the audience.

10
11 **MOTION**

12
13 **Sandy Gamble moved to approve Ordinance #2008-09, seconded by Norb Thomas. The**
14 **motion carried unanimously 5-0.**

15
16 **E) Ordinance #2008-18 – Amendment to Charter to Change from Two Year Term to**
17 **Four Year Term – First Reading**

18
19 Mayor Clutts noted that this ordinance would be discussed with second reading at the next
20 City Council meeting.

21
22 **10) GENERAL GOVERNMENT**

23
24 **A) Discussion of Special Events and Outside Sales Regulations**

25
26 Mr. Skutt gave the following report:

27
28 City Staff has received a request from a local church to review our ordinances and fee
29 charging policy with respect to special sales events held by charitable organizations. Staff has
30 reviewed our Code of Ordinances and Land Development Regulations. The term “special
31 event” has traditionally been used to describe varying activities and is mentioned in several
32 locations in our codes. A “special event” fee of \$250 has been charged for all of these. This
33 report will identify these varying activities and suggest modifications and amendments to our
34 codes that would make them more applicable to those specific activities.

35
36 **STAFF COMMENT**

37
38 Staff has identified the following types of activities that have traditionally been referred to as
39 “special events”.

- 1 1. **Commercial Temporary Outside Sales Events.** These would be temporary
2 merchandising activities commonly identified as tent sales or tool sales. They may not
3 be associated with a building other than possibly a tent and often are located on vacant
4 property. Seasonal sales of items such as pumpkins, fireworks, Christmas trees would
5 also fall into this category.
- 6 2. **Temporary Sales Events for Fund-Raising by Nonprofit or Church**
7 **Organizations.** These may be church bazaars, bake sales or other kinds of fund
8 raising events for nonprofits or churches. They may be in a building or outside,
9 temporary for a specific time and clearly incidental to the primary function of the
10 institution.
- 11 3. **Temporary Outdoor Sales Associated and Incidental to an Established**
12 **Commercial Use.** Examples of this would be sidewalk sales in front of stores or the
13 outside display of garden equipment at home improvement stores. To comply with the
14 temporary classification, items may be displayed outside only during the hours of
15 operation after which everything must be put back indoors.
- 16 4. **Special Events.** Examples of these would be fairs, shows, circuses, exhibitions,
17 municipal celebrations, festivals or any other temporary assembly held on private or
18 public property that involves a gathering of more than 300 people.

19
20 Section 8-12(D) of the City’s Land Development Regulations addresses all of the above
21 activities in varying adequacy. Issues that require policy direction are highlighted. Staff is
22 recommending that the fee for fund-raising events be waived. The regulations concerning the
23 “Temporary Outdoor Sales Associated and Incidental to an Established Commercial Uses”
24 should be more clearly addressed and provisions outlined for sidewalk sales. An article
25 dealing specifically with true “Special Events”, regulating crowd control and protective
26 measures should be inserted into the Licenses and Business Regulations section of the Code
27 of Ordinances.

28
29 Council Discussion

30
31 Discussion followed on the proposed ordinance. Councilmember Thomas commented that he
32 believed this ordinance should be in the Code of Ordinances rather than the Land
33 Development Regulations. There was discussion specifically on what restrictions would be
34 made on not for profits regarding how many sales per year could be held. Suggestion was
35 made that there should be less restriction on events held on the entity’s own property and/or
36 on inside sales versus outside sales.

37
38 Consensus to have staff bring an ordinance back to Council.

39
40 B) Board Appointments

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

Mayor Clutts made the following board appointments for consideration by Council:

Library Board

Elizabeth Burleigh, Charles Fox, and Judy Eaton (re-appointments)

MOTION

Norb Thomas moved to approve the Mayor’s appointments to the Library Board, seconded by Sandy Gamble. The motion carried unanimously 5-0.

Planning and Zoning Board

James Gardner (reappointment), Norman Hope, and Dolores Russ

Mayor Clutts invited Mr. Hope and Ms. Russ to speak.

Mr. Hope spoke regarding his experience living in several cities in the United States that have had various types of growth processes.

Ms. Russ discussed her experience in construction and development and her 17 years’ residency in Tavares.

MOTION

Sandy Gamble moved to approve the Mayor’s appointments to the Planning and Zoning Board, seconded by Robert Wolfe. The motion carried unanimously 5-0.

Community Redevelopment Advisory Committee

Robert Kaiser, Walter Price, (reappointments) and Laura Hargrove

Mayor Clutts invited Ms. Hargrove to speak.

Ms. Hargrove spoke regarding her desire to be involved with and contribute to the community and the recent relocation of her law practice to the downtown area.

MOTION

1 **Sandy Gamble moved to approve the Mayor’s appointments to the Community**
2 **Redevelopment Advisory Committee, seconded by Norb Thomas. The motion carried**
3 **unanimously 5-0.**

4
5 **C) Concept Plan for Children’s Splash Play Area**

6
7 Mr. Neron presented the following report:

8
9 During the months of March and April, a primary focus of the City’s Project Management
10 Design Team has been on the Splash Park and related improvements to the “Community” area
11 of Wooton Park.

12
13 For the Splash Play Area, the initial step entailed researching the sources for custom designed
14 and fabricated water play features, among the many companies that offer primarily "off the
15 shelf" products. The idea has been to provide for a splash park which is attractive to both
16 children and adults alike. It was also decided that we would pursue a design which utilized a
17 seaplane as its centerpiece, so as to thematically relate the new Splash Park to the proposed
18 Seaplane Basin to be constructed on the West end of the park.

19
20 Nine potential firms were contacted and invited to participate in the proposal process.
21 Considerable time was involved in coordinating with each of these companies, explaining the
22 theme and process, and getting a feel for what they could do.

23
24 Of the 9 firms, there were 2 initial dropouts, 2 that made repeated contact and promises but
25 never submitted, and 5 actual submittals of varying quality. Of the 5, there were 3 proposals
26 that the design team's review deemed credible enough in creativity, theme, and completeness
27 to seek further refinement for a final submittal. Final submittals were due on Friday May 2,
28 2008. Prior to this date, one of the final three submitters dropped out of the running.

29
30 Final design submittals were received from Rain Drop and Com-Pac Filtration and are
31 attached to this document.

32
33 Upon selection of one of the two concept design plans by the Council, the City’s Project
34 Management Design Team will work with the selected design firm who will furnish the water
35 features and the pumping equipment. The Project Management Design Team will coordinate
36 with the City to bid the construction of the park to a General Contractor, who would purchase
37 from and work with the selected design firm to provide for the park construction. The project
38 will be competitively bid and awarded to the lowest qualified bidder. The chosen contractor
39 will also be required to provide for the permitting of the Splash Play Area with the State
40 Department of Health.

1
2 Also included in the bidding will be the installation of three misting stations to provide “cool
3 zones” in three locations throughout the park. These misting stations will provide cooling
4 areas throughout the park for event-goers to cool off during events during the heat of the day.
5 Each station will consist generally of four fans, mounted approximately 10' off of the ground,
6 each with a misting attachment, and one high pressure water pump. Each fan provides for the
7 flash evaporation of water in order to provide cooling of the air to provide an area for event-
8 goers to cool off.

9

10 Council Discussion

11

12 It was the consensus of Council to approve the proposal made by Rain Drops Products. It was
13 noted that the proposed costs were similar. Councilmember Pfister asked to see prices
14 regarding lighting.

15

16 **MOTION**

17

18 **Robert Wolfe moved to approve the concept proposal made by Rain Drops Products,**
19 **seconded by Sandy Gamble. The motion carried unanimously 5-0.**

20

21 **11) OLD BUSINESS**

22

23 **Sex Offender Residency Ordinance**

24

25 Councilmember Pfister asked for an update on the sex offender ordinance in light of the
26 recent newspaper articles about the courts and prosecuting sex offenders.

27

28 Mr. Drury noted that some court cases have been filed and the city is waiting to see how these
29 cases are resolved before deciding if the city’s ordinance will require any amendments. He
30 noted that there have been no incidents since it was adopted that have required prosecution,
31 and that the officers continue to follow the same procedure as in the past, of making monthly
32 follow up visits to registered offenders.

33

34 Trees in the City Right of Way Downtown

35

36 Councilmember Pfister noted she has observed palm trees that need to be replaced on Main
37 Street, that should still be on warranty.

38

39 Mr. Drury thanked Councilmember Pfister for bringing this to staff’s attention and that the
40 contractor has been contacted regarding replacement trees.

1
2 (Councilmember Gamble left the meeting at 5:30 p.m.)

3
4 **12) NEW BUSINESS**

5
6 None.

7
8 **13) AUDIENCE TO BE HEARD**

9
10 Mayor Clutts invited audience members to come forward if they wish to speak to Council on
11 any item.

12
13 Robert Grenier spoke in support of the Council’s choice for the design of the Children’s
14 Splash Park, noting he had been an engineer for 16 years at Disney and was familiar with the
15 design.

16
17 **14) REPORTS**

18
19 Mayor Clutts thanked Attorney Holt for substituting for Attorney Williams who was on
20 vacation.

21
22 **City Attorney**

23
24 No report.

25
26 **Councilmember Pfister**

27
28 No report.

29
30 **Councilmember Thomas**

31
32 No report.

33
34 **Councilmember Gamble**

35
36 **Vice Mayor Wolfe**

37
38 No report.

39
40 **City Administrator**

1
2 Mr. Drury said that a list of upcoming meetings has been provided in the agenda packet. He
3 noted that the Golden Triangle Summit meeting between Tavares, Eustis and Mt. Dora has
4 been scheduled for June 24th at 6:30 p.m. in City Council Chambers, that it is the first meeting
5 of its kind, and that it will be open to the public. He stated that the Code Enforcement Hearing
6 scheduled for that date, has been rescheduled to Wednesday, June 25th at 5:00 p.m.

7
8 **Mayor Clutts**

9
10 Mayor Clutts spoke regarding her involvement on the Arts and Cultural Council of Lake
11 County, stating that the Council is working on public furniture in conjunction with the MPO
12 bus stops and that she would be working with Ms. Rogers, Mr. Neron, and Mr. Skutt on this
13 project. She said there would also be an update on the Water Alliance at a future meeting and
14 that the Water Alliance has moved ahead to obtain qualifications for a facilitator.

15
16 **Adjournment**

17
18 There was no further business and the meeting was adjourned at 5:37 p.m.

19
20 Respectfully submitted,

21
22
23
24 _____
25 Nancy A. Barnett, C.M.C.
26 City Clerk