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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 7, 2005
CITY COUNCIL CHAMBERS**

Mayor Ted Wicks called the meeting to order at 5:05 p.m.

COUNCILMEMBERS PRESENT

ABSENT

Ted Wicks, Mayor

Councilmember Robert Speaks

Nancy Clutts, Vice Mayor

Sandy Gamble, Councilmember

Dennis Wilson, Councilmember

STAFF PRESENT

Dorothy A. Keedy, City Administrator

Gary Cooney, Acting City Administrator

Nancy Barnett, City Clerk

Aaron Mercer, Director of Public works

Lori Houghton, Finance Director

Lori Tucker, Director of Human Resources

Donna Saladin, Director of Community Services

Susan Jackson, Director of Community Development

Stoney Lubins, Police Chief

Pastor Denman Jones, First United Methodist Church, gave the invocation and those present recited the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes of the regular City Council Meeting of August 17, 2005 were approved with the following correction:

Page 1, under Recognitions: add, “Mayor Wicks recognized Commissioner Debbie Stivender and former Mayor Leo Vaughn.”

The minutes of the City Council Workshop of August 22, 2005 were approved as submitted.

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS

1 **Resolution #2005-18 – Tentative Millage Rate**

2
3 Ms. Barnett read the Resolution by title only:

4
5 **RESOLUTION 2005-18**

6
7 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 5.420**
8 **FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM**
9 **TAXES FOR FISCAL YEAR 2005-2006; SETTING FORTH THE**
10 **PERCENT BY WHICH THE MILLAGE RATE EXCEEDS THE**
11 **"ROLLED-BACK" RATE.**

12
13 Attorney Cooney stated that this resolution was to adopt the tentative millage which is at the
14 rate of 5.420 mils and exceeds the roll-back rate of 4.9368 by 9.79%. The roll-back rate is the
15 rate that would be used if the City was trying to collect the same amount of ad valorem taxes
16 as was collected the previous year. The City of Tavares has experienced growth and
17 annexations and will have to provide services for those properties.

18
19 Ms. Keedy stated the proposed budget includes 8.75 additional full time employees: 5 ¼ will
20 come from the General Fund, 1 ½ will be from the Water Fund, one from the Wastewater
21 Fund, and one from Sanitation. This is in addition to the three employees that were recently
22 approved in this year's budget. The budget also includes a maximum 3 ½% merit increase for
23 employees as well as parity increases for a number of positions to bring those into position
24 with the market. It also includes 11.4% liability and workers compensation increase, the
25 repayment of the debt service on the city's wastewater plant expansion, and general increases
26 in operational costs for the city.

27
28 Attorney Cooney suggested that public comment be taken.

29
30 Mayor Wicks asked for public comment on the millage rate. The Public Hearing was closed.

31
32 **MOTION**

33
34 **Nancy Clutts moved for approval of Resolution #2005-18, seconded by Sandy Gamble.**
35 **The motion carried unanimously 4-0.**

36
37 **Resolution #2005-19 – Tentative Budget - 2005-2006**

1 Ms. Barnett read the resolution by title only:
2

3 **RESOLUTION 2005-19**

4
5 **A RESOLUTION ADOPTING THE FINAL BUDGET**
6 **FOR THE CITY OF TAVARES, FLORIDA, FOR THE**
7 **FISCAL YEAR 2005-2006.**
8
9

10 Attorney Cooney advised that the Mayor should request public comment and ask that Ms.
11 Keedy provide information on the budget.
12

13 Ms. Keedy stated that the budget includes the provision for a number of new employees to
14 handle the growth of the city, including positions in the Sanitation, Water, Wastewater
15 Departments and five employees funded out of the General Fund, 3 ½% maximum merit
16 increase, parity increases for a number of positions, repayment of the debt service for the
17 wastewater plant expansion, increases in workers comp and liability insurance, and the
18 general increases in operating costs, such as fuel, etc.
19

20 Mayor Wicks asked for public comment on the proposed 2005-2006 budget.
21

22 The Public Hearing was closed.
23

24 Mayor Wicks noted there had been three workshops on the budget. He said there were
25 decisions to be made on additional proposed items presented at the last workshop. In addition
26 he noted individual Councilmembers may have recommendations.
27

28 Vice Mayor Clutts noted that she had not seen the funding for the Florida Yards and
29 Neighbors St. Johns Water District program, however, she said if it is in the budget she would
30 like to have it removed. She said in lieu of funding the St. Johns District she would like to
31 fund some of the other entities that had come before Council. Mayor Wicks said that amount
32 was utilized to fund the city's own program. Ms. Keedy noted that the advertising request
33 from St. Johns is not in the budget, however \$5,000 is included for the Florida Yards and
34 Neighborhood Program which is a University of Florida initiative. It is an educational
35 program conducted for residents to teach them conservation techniques in landscaping. It was
36 suggested this be budgeted in lieu of the \$5,000 to St. Johns for their advertising.
37

38 Mayor Wicks said he thought the program had been successful and it allowed the
39 homeowners to ask questions about specific issues.
40

1 Vice Mayor Clutts said Lifestream had requested an additional amount over what was funded
2 last year. She said in light of the budget she did not think the city was in a position to fund
3 that request at this point. She said she thought it important to repair the shuffleboard courts.
4

5 Mayor Wicks stated that the outstanding requests that need to be addressed included the
6 Tavares Chamber of Commerce - \$15,000, Lifestream Behavioral Center Outpatient
7 Psychiatric Service - \$2,781, Edd Holder & Associates - Best Places to Work - \$500, and
8 Tavares Shuffleboard Club - \$11,051. He said he thought it was a general consensus to fund
9 the Chamber at the \$15,000 level. He said he would like to make the \$500 contribution to Edd
10 Holder and Associates as he felt it would be well spent in terms of bringing in new jobs and
11 improving the work place situation. He said the Tavares Shuffleboard club request needed to
12 be discussed. He said he understood the Club does not pay anything to the city for the use of
13 those facilities and that it is not part of the city's recreation program. He said he was not sure
14 it could be funded this year but that he would defer his comments to the rest of Council.
15

16 Councilmember Gamble asked how many of the club members are city residents. Ms. Keedy
17 said she did not know. Mayor Wicks noted that most of the individuals who participate in the
18 recreation programs are charged some sort of subsidized fee or are subsidized through some
19 other method. He said there needed to be some equity established; i.e. add it to the recreation
20 program with fees, or some other means to assist it to help it pay its way. He said he did not
21 doubt the courts probably needed to be resurfaced however he was not prepared to support it
22 this year.
23

24 Vice Mayor Clutts noted that the members had mentioned that they organize their own
25 programs and provide for the cleanup and upkeep of the shuffleboard courts which are all
26 costs that are eliminated from the city. She said this is a recreation facility that is in the city
27 and she was not in favor of allowing it to decline any further.
28

29 Mayor Wicks said he could not argue those points, however, he tended to be in favor of not
30 supporting it this year.
31

32 Councilmember Gamble said he did want to maintain the courts for the use of the city
33 residents but that the main group that is using the facility is the club. He said he would still
34 like to know how many are city residents versus county and that perhaps the county should be
35 helping to fund it via a grant.
36

37 Vice Mayor Clutts noted that the Shuffleboard Club members had come to Council about the
38 time the Fox Run Canal was being discussed and were told to go through a certain process.
39

40 Vice Mayor Clutts said that between first and second reading she would like to have the
41 results of the parity survey conducted by Ms. Tucker. She said she had asked for more

1 information because it had taken her considerable time to locate the information in the budget.
2 She said a large part of the information was only available at 5:00 p.m. so that she did not
3 have time to review it in detail. She asked if Council was normally provided the budget a
4 month sooner than when it was provided this year and was it delayed due to the hurricane?
5

6 Ms. Keedy stated that the software conversion had also made the budget process somewhat
7 delayed, however, there were three budget workshops which is about normal.
8

9 Ms. Keedy asked if Vice Mayor Clutts had not received the parity increase information she
10 had requested earlier. Vice Mayor Clutts noted that she had not requested the survey results in
11 her email, however, she would now like to review it before second reading.
12

13 Councilmember Gamble requested that the latest report provided by Ms. Houghton be
14 reprinted in a larger font.
15

16 Mayor Wicks stated that in addition to the requests from the August 24th meeting, a written
17 request had subsequently been received from the School District requesting financial
18 assistance for the SRO position. He said there was no dollar amount mentioned in the letter
19 which is in the agenda packet.
20

21 Councilmember Gamble said he had spoken to Mr. Cunningham who had asked how to get on
22 the agenda and he had given him the information. He said he had spoken to him about an
23 amount of \$12,500 for each school site which would be \$25,000 total. He said Mr..
24 Cunningham had said they would be willing to work with that and anything would be
25 welcome. He said if the City was able to come up with that amount it would be a good
26 position for the city because it would not be supplying an officer, just assisting with the costs.
27 He said he is trying to set a good trend between the City, the County and the School System.
28

29 Councilmember Wilson said that he was not against helping with the SRO however, if there
30 was a need at another school, what would prevent the superintendent from pulling the SRO at
31 the Tavares school and moving them to another school? He said there was no contract that
32 would prevent that. Councilmember Gamble said only the Sheriff would have that ability.
33 Attorney Cooney said if the city is only providing funding, whoever controls the SRO
34 whether it be the Sheriff or the Superintendent, would have the option of moving that person,
35 unless the city tied its donation to an agreement.
36

37 Councilmember Wilson said he still felt if someone in the School District felt the SRO was
38 needed elsewhere they could be transferred immediately.
39

1 Councilmember Gamble stated that the monies could be donated with that understanding in an
2 agreement. He said he believed the SRO was provided by the Sheriff and therefore answers to
3 the Sheriff.
4

5 Councilmember Wilson said he has observed this practice in the past at the Tavares schools.
6

7 Mayor Wicks said he was not sure funding would provide any accountability by the School
8 System. He said prior Councils have chosen not to provide financial assistance for that
9 position because it was perceived as a double taxation. He said ad valorem taxes have already
10 been paid at a fairly high rate and he felt it should be a budgeted item by the School District.
11 He said he would not support funding any part of that position.
12

13 **MOTION**

14
15 **Nancy Clutts moved to accept Resolution #2005-19, Tentative Budget for 2005-2006,**
16 **excluding the position of the Administrative Assistant for the Fire Department, the**
17 **Customer Services Assistant, and the Parks Maintenance Worker. The position of the**
18 **Parks Maintenance Worker would be revisited in January after the impacts of the rising**
19 **fuel costs are known. Also excluded would be the vehicle for Public Works. Included in**
20 **the budget would be the \$15,000 for the Tavares Chamber of Commerce, \$500 for the**
21 **Best Work Places, and \$11,000 for the Tavares Shuffleboard resurfacing. \$12,500 for a**
22 **potential half position of an SRO officer would be reviewed after January 1, when fuel**
23 **costs, etc. are better known.**
24

25 **The motion was seconded by Sandy Gamble.**
26

27 **Discussion**

28
29 Ms. Keedy stated if Council would like to cut a percent or a dollar amount from the budget
30 she would like to be able to make recommendations regarding what should be cut rather than
31 have Council make those specific cuts without input.
32

33 Councilmember Wilson said Mr. Gamble had asked a valid question regarding the request for
34 the resurfacing, which was how many members are city residents.
35

36 Mayor Wicks said Council also needed to consider Ms. Keedy's comments because he felt
37 she should be making the decisions regarding positions. He said he would not support the
38 motion in its present form.
39

40 Councilmember Gamble said he agreed and disagreed. He said there might be some positions
41 that Council would not want to go forward with and Ms. Keedy might leave those positions

1 in the field. The last two tests done were at the entrance to Royal Harbor and the other within
2 Royal Harbor. Hydrants were flowed and the data was re-checked again in the model with the
3 same results. He said this process has isolated the problem to the line somewhere along State
4 Road 19. It does not appear to exist in the Royal Harbor Subdivision.

5
6 He said the model is showing that during the average flows when there is no irrigating or
7 peaks in the morning or afternoon, that the model and the reality within the field are within 2
8 to 3 psi, which indicates that the model has been laid out properly. As the maximum daily
9 flows and the fire flows are simulated, however, it is showing as much as a 25 to 35 psi
10 difference between what is actually being seen in the field when the hydrants are flowed and
11 what the model is showing.

12
13 Staff is now concentrating on the line down SR 19 which is a 14 inch water line most of the
14 distance back to the plant, and then an 18 inch line back into the plant. Staff started today at
15 the road crossing at SR 19 in front of Royal Harbor. The system was taken off line today
16 (Royal Harbor was without water for several hours) and the assembly was taken apart in the
17 grounds and the 14 inch butterfly valve parallel to SR 19 and the 12” gate valve were visually
18 inspected utilizing the City’s television camera. After draining the system that 14” butterfly
19 and the 12” gate valve were able to be viewed and operated. The City has now put that system
20 back on line and now staff will proceed up SR 19 valve by valve and physically inspect every
21 valve to ensure that they are all working properly.

22
23 Mr. Ern said he has been told there are four more 14” butterfly valves in line between Royal
24 Harbor and the Marina. Unfortunately every time these valves are checked the system will
25 have to be taken off line. If a bad valve is found, a new one will be installed and hopefully
26 that will solve the problem.

27
28 Mayor Wicks asked if, even with the elevational head in some of the parks at Royal Harbor,
29 did the models match what was found in the field? Mr. Ern answered that the static pressures
30 even at the top of the hill were within 2 psi however the entire Royal Harbor development is
31 between 25 and 30 psi difference once flow flows are inputted into the model. He said the
32 average day model, non-peak hour was within 2 to 3 psi even at the top of the hill.

33
34 Mayor Wicks summarized that there seems to be something in the line that is preventing the
35 water flow under peak demand.

36
37 Mr. Ern agreed.

38
39 Mayor Wicks asked Mr. Mercer if the Royal Harbor residents had been kept apprised. Mr.
40 Mercer said he met with the residents several times and communicated via emails and phone

1 calls as well. Mayor Wicks asked what would be the next step if a defect in the valve system
2 is not found. Mr. Ern said he did not have an answer at this time.

3
4 Mr. Wilson asked Mr. Ern if he had an estimate when the work would be completed.

5
6 Mr. Ern said the Public Works department would have to schedule the water outages, and
7 inform the DEP for boil water notices; it would probably take two to three more weeks.

8
9 Vice Mayor Clutts said she appreciated the proactivity on this problem. She noted the Royal
10 Harbor residents had brought this to Council in 2001 and that although it seemed to be a
11 unique situation, she felt the City needed to work effortlessly to resolve the issue.

12
13 Ted Robbins, representing the Royal Harbor Home Owners Association, stood to address
14 Council. Mr. Robbins expressed his thanks to Mr. Mercer for his communication efforts with
15 the residents.

16
17 **AGENDA REVIEW**

18
19 Mayor Wicks stated he had received a request to move Ordinance #2005-36 forward on the
20 agenda.

21
22 He said there had been one item added to the Consent Agenda--a budget amendment to
23 request additional water meters. He asked if anyone wished to pull any other item under
24 Consent.

25
26 **CONSENT AGENDA**

27
28 **MOTION**

29
30 **Nancy Clutts moved for approval of the consent agenda item #7 through 11A, [2005-**
31 **2006 Agreement between Lake County Sheriff and the City of Tavares for Dispatch**
32 **Services; Planning & Zoning Board Appointments – James Gardner and Don Baltunis**
33 **and Library Board – Doris Ragan, Patricia Mayhill, and Marty Wilkins; Request for**
34 **Transfer of Jurisdiction of Ann Rou Road, Lake County Board of County**
35 **Commissioners; CDBG Partnership Agreement for West Main Street Beautification;**
36 **and Bid Award to Electrical Services, Inc. for Emergency Generator for City Hall]**
37 **seconded by Sandy Gamble. The motion carried unanimously 4-0.**

38
39 Mayor Wicks asked if anyone in the audience had comments on the Consent Agenda.

40
41 **Ordinance #2005-36 – Newman Rezoning – CR 448, East of Blue Rhino – First Reading**

1
2 Mayor Wicks declared a conflict on this ordinance because of having done business with the
3 applicant. He passed the gavel to Vice Mayor Clutts.

4
5 Ms. Barnett read the ordinance by title only:

6
7 **ORDINANCE 2005-36**

8
9 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
10 **REZONING APPROXIMATELY 5.09 ACRES LOCATED ON THE**
11 **NORTHERN SIDE OF COUNTY ROAD 448, APPROXIMATELY ½**
12 **MILE EAST OF THE INTERSECTION OF COUNTY ROAD 561 AND**
13 **COUNTY ROAD 448 FROM LAKE COUNTY HM (HEAVY**
14 **MANUFACTURING) TO CITY OF TAVARES PID (PLANNED**
15 **INDUSTRIAL DEVELOPMENT); SUBJECT TO THE RULES,**
16 **REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF**
17 **TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.**

18
19 Vice Mayor Clutts asked to hear from the applicant prior to public input.

20
21 Attorney Cooney gave the oath to Tim Green, President of Green Consulting Group,
22 representing Audie Newman.

23
24 Mr. Green said this site was presented previously for annexation and a Comprehensive Plan
25 Amendment. This is a planned industrial area. He said he has worked with staff for several
26 months to develop the PID plan. Vice Mayor Clutts invited Council to ask questions. She then
27 asked Ms. Jackson to make a report.

28
29 Ms. Jackson stated that this concerns a 5 acre property located on CR 448. She showed an
30 aerial shot. She said the property is currently vacant and the owner wishes to develop it into a
31 multiple user development but provide for a cohesive development plan. It will be master
32 stormwatered, master landscaped and all utilities will be master planned. It will be built in
33 phases however during Phase I development they will be required to build all stormwater
34 systems and provide for the landscaping.. They will be required to organize a business owners
35 association to deal with all of those interests in common, such as maintaining the landscaping,
36 utility system, etc. There are two access points: one is across from Southridge Industrial
37 Drive and the other is shared with the property to the east. All the uses are allowed in the
38 Industrial District. Staff recommends approval and the Planning & Zoning Board
39 recommended unanimous approval.

40
41 Vice Mayor Clutts invited questions from Council.

1 Vice Mayor Clutts invited comment from the audience. The Public Hearing was closed.
2

3 **MOTION**
4

5 **Dennis Wilson moved to approve Ordinance #2005-36, seconded by Sandy Gamble. The**
6 **motion carried unanimously 3-0 with Ted Wicks abstaining.**
7

8 **Vice Mayor Clutts passed the gavel back to Mayor Wicks.**
9

10 **Ordinance 2005-35 – Revised Land Development Regulations – Second Reading**
11

12 Ms. Barnett read the ordinance by title only:
13

14 **ORDINANCE 2005-35**
15

16 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
17 **TAVARES, FLORIDA, SUBSTANTIALLY REVISING AND**
18 **REWRITING THE CITY LAND DEVELOPMENT REGULATIONS,**
19 **WHICH INCLUDE CHAPTER 1 GENERAL PROVISIONS, CHAPTER**
20 **2 ADMINISTRATION, CHAPTER 3 DEFINITIONS, CHAPTER 4**
21 **PERMITTING, CHAPTER 5 APPEALS AND VARIANCES, CHAPTER**
22 **6 HEARINGS, CHAPTER 7 NON-CONFORMING SITUATIONS,**
23 **CHAPTER 8 ZONING REGULATIONS, CHAPTER 9 HISTORIC**
24 **PRESERVATION, CHAPTER 10 VEGETATION, CHAPTER 12**
25 **PERFORMANCE STANDARDS, CHAPTER 13 ENVIRONMENTAL**
26 **PRESERVATION, CHAPTER 14 FLOODPLAIN, CHAPTER 15**
27 **STORMWATER, CHAPTER 16 SUBDIVISION REGULATIONS,**
28 **CHAPTER 17 UTILITIES, CHAPTER 18 SOLID WASTE, CHAPTER**
29 **19 STREETS AND SIDEWALKS, CHAPTER 20 PARKING, CHAPTER**
30 **21 SIGNS, CHAPTER 22 BUILDINGS AND BUILDING**
31 **REGULATIONS; CHANGING THE ACTUAL LIST OF PERMITTED,**
32 **CONDITIONAL, OR PROHIBITED USES WITHIN ZONING**
33 **DISTRICTS; RENAMING CERTAIN ZONING DISTRICTS AND**
34 **CHANGING THE BOUNDARIES OF CERTAIN ZONING DISTRICTS;**
35 **PROVIDING AN EFFECTIVE DATE.**
36

37 Ms. Jackson said the motion made at the first reading had been to approve the regulations
38 with a vote of 5-0, however, the motion included certain amendments. She said she had
39 included all those amendments into the revised LDR's attached to the packet.
40

1 Chapter 8 – Revised residential PD language to provide for enhanced design criteria. She said
2 she and Ms. Keedy met with Vice Mayor Clutts to integrate those revisions.
3
4 Chapter 9 – included a historic district map
5
6 Chapter 11 – included height standards for canopy and sub canopy trees as well as revised the
7 tree removal permits providing an exemption for single-family development during
8 emergency situations. Amended the tree size requirements for replacement trees, that was a
9 scrivener’s error and another scrivener’s error correcting a reference to historic oaks that is
10 non-existent.
11
12 Chapter 12 – amended the reference to tires and included a reference to other receptacles
13
14 Chapter 19 – included language requiring multi purpose trail bike path in lieu of sidewalks
15
16 Chapter 20 – corrected an alternative parking study section to allow the city’s transportation
17 engineer the authority to approve alternative parking calculations
18
19 She said based on these changes, staff recommends approval.
20
21 Vice Mayor Clutts said she appreciated the time staff had spent working with her on this
22 review of the LDR and that the results were a good compromise.
23
24 Mayor Wicks asked for input from the audience.
25
26 Jean Kaminski, Executive Director of the Homebuilders Association addressed Council. She
27 repeated her primary concerns expressed at the previous meeting regarding the landscaping
28 chapter. She said requiring 3 ½” caliper trees went too far. She said it is a cost issue and as
29 well the survivability rate is not as good. She said this would affect the building of affordable
30 housing and the costs to businesses. She asked that the wording be changed to stay with the 1
31 ½” to 2” caliper trees and leaving the buffering spacing for canopy trees at 50 feet. She said
32 she wished to clarify that the city is now saying that 50% or only 50% of the front, rear, or
33 side yards can be turf grass, the rest has to be other material. She said she did not think it had
34 been made clear that if the builder chose to have one of the intense water required grasses in
35 front such as St. Augustine and the choice was made to go with a lower intensive grass
36 instead, would the 50% rule apply? She said her main concern was the size of the trees, the
37 spacing, and the buffering.
38
39 Mayor Wicks asked if anyone else had comments.
40

1 Tom Greenwalt with Miranda Homes stood to speak. He said he agreed with Ms. Kaminski's
2 statements. He said they are concerned with the turf requirements. He said he is open to
3 modifications to minimize the amount of water used, however, he did not agree with
4 legislating the requirements. Vice Mayor Clutts asked Ms. Jackson to respond.

5
6 Ms. Jackson said that that the requirement for 50% turf grass is a requirement that is required
7 by the State in order to receive the recent Conditional Use Permit. She said that was not
8 originated through staff. She said a smaller tree does not survive any greater than a larger tree.
9 She noted that the current minimum code size is 2", not 1 ½" and this is being increased to 2
10 ½". She said in terms of the buffering requirement, the amount of trees and other landscaping
11 materials has been reduced because the impervious surface area ratio landscaping
12 requirements has been reduced. The results will be seen in the buffers where it is most visible
13 and where it is more easily accommodated.

14
15 Vice Mayor Clutts noted that when she reviewed this section with Ms. Jackson, there were
16 similarities with some of the surrounding cities in the size of trees and number of trees. Ms.
17 Jackson confirmed that the city did not require more trees than other cities and in some cases
18 require less than some of the neighboring cities.

19
20 Mayor Wicks said the requirement says that no more than 50% of turf grass can be applied to
21 a front or rear yard. He clarified that that was mandated under the consumptive use permit.
22 Ms. Jackson confirmed this. The remaining would have to be ground cover or a xeriscaped.
23 Mayor Wicks said he was concerned about the enforcement of the survivability of
24 landscaping. He said he felt the DBH of the canopy trees could be reduced to the previous
25 code and not have that much impact on the outcome of the landscaping plan in its appearance
26 and survivability. He said he agreed that there might more survivability with the smaller
27 trees.

28
29 Ms. Jackson confirmed the code is 2" to 2 ½" in range. Mayor Wicks said he would
30 recommend 2 ½" He said he was somewhat concerned about the 40 foot spacing but he would
31 not pursue that with consideration of the DBH change.

32
33 **MOTION**

34
35 **Nancy Clutts moved to approve Ordinance #2005-35 Revised Land Development**
36 **Regulations, on second reading, seconded by Dennis Wilson.**

37
38 **AMENDMENT TO MOTION**

39
40 **Sandy Gamble moved to amend the motion to decrease the DBH requirement for**
41 **canopy trees to 2 ½", seconded by Dennis Wilson.**

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The motion carried 3-1 as follows:

Ted Wicks	Yes
Sandy Gamble	Yes
Dennis Wilson	Yes
Nancy Clutts	No
Robert Speaks	Absent

VOTE ON ORIGINAL MOTION

Mayor Wicks summarized that the original motion is to adopt the LDR's as presented with the amendment just approved.

The motion carried 3-1 as follows:

Ted Wicks	Yes
Sandy Gamble	Yes
Dennis Wilson	Yes
Nancy Clutts	No
Robert Speaks	Absent

Mayor Wicks said that the LDR's are a work in progress but that he appreciated the work done by staff and that he thought this was a good document

(Lita Higginbotham came forward to discuss issues with the Rosewood Subdivision. Mayor Wicks asked Ms. Higginbotham to wait for Audience to be Heard.)

Ordinance #2005-32 – Sanitation Rates – First Reading

Ms. Barnett read the ordinance by title only:

ORDINANCE 2005-32

AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS; PROVIDING FOR ADDITIONAL DEFINITIONS; REVISING CERTAIN COLLECTION PRACTICES; ESTABLISHING COLLECTION PROCEDURES FOR INACTIVE ACCOUNTS; PROVIDING FOR CODIFICATION OF THIS CHAPTER IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

1
2 Mr. Mercer said this ordinance is related to the full automation of collection of household
3 waste which was instigated in 2001. He said the program was developed over a five year
4 period and this is the last phase to implement this five year plan. The ordinance has
5 clarifications and revisions that will not only facilitate the last phase of the automation but
6 also will change to twice a week collection. He reviewed the highlights of the revisions:
7

- 8 • Rate increase to be discussed further by Ms. Houghton
- 9 • Most of the text edits are clean up items from when the ordinance referred to the old
10 rear loading system – part of the automated collection decision was because the city
11 had an outdated rear loading system that would have had had to be upgraded
- 12 • There are 8 mobile home parks that are currently master metered and considered
13 commercial accounts that are paying a curbside service which is actually prohibited in
14 the current ordinance. This ordinance will correct that and put those mobile home
15 parks on dumpster service. There are a number of mobile home parks currently on
16 dumpster service. There are also 8 parks not on dumpster service which pay a cheaper
17 rate than residential curbside service. He said the city cannot continue servicing the
18 private parks and implementing the system in an efficient manner. Currently there are
19 8 parks of 525 units. When twice a week collection is instituted those parks will be
20 required to go to a dumpster. The 525 units equal 2/3 of an existing route or 525 new
21 houses that will be able to be served before another truck has to be purchased or
22 another employee hired. He said these mobile home parks are on a master meter. The
23 individual lot owners do not pay a garbage rate, water or sewer. The park owners pays
24 a flat consumption rate which is based on the number of units. This is contrary to what
25 the automated system can handle. In addition, servicing is a major issue. The private
26 streets are strewn with overhead wires, trees, cars, awnings, etc. and the city trucks do
27 not fit. There have been accidents with impact to the trucks and the homes. He said
28 staff will work with the property owners or associations to get them off the curbside
29 service and move them to a dumpster. They will have to permit the dumpsters with the
30 planning and zoning department to meet the code. The system is anticipated to be
31 implemented after January 1, 2006. which will allow the parks time to transition.
32

33 Mr. Mercer recognized Phil Gould, the sanitation supervisor, and drivers, Eddie Ratliff and
34 Mike Durran. He said these employees do an excellent job and keep the city clean and they
35 were present to support the ordinance as well.
36

37 He asked Ms. Houghton to address the rate increase.
38

39 Ms. Houghton stated that in anticipation of the twice a week pickup there are additional costs
40 that will be incurred such as staffing, fuel, maintenance and supplies and the cost of the
41 vehicles. The methodology used to determine the increase in rates to determine for the

1 proposed ordinance is based on a full cost assumption. Estimated costs were based on the
2 twice a week schedule. Once the total costs were determined, these costs were then converted
3 to a cost per equivalent residential unit. Revenues were then calculated based on the average
4 equivalent residential unit as the city is currently billing and making the current assumption.
5 Then a comparison is done on what is being collected versus the cost per unit. The \$3.50
6 should cover this additional cost per residential unit. In addition when other cities were polled
7 it was found there was a residential rate and a commercial rate, not two residential rates such
8 as is contained in the current ordinance. She said if it is a residential dwelling unit it should
9 pay the same rate as other residences. In addition the proposed sanitation rates provide that
10 rates to customers will offset the cost to the city and the revenue generated from the proposed
11 rate should fulfill this additional cost. There is an amount slightly less than 1% for future
12 improvements. In addition the rates are determined with the assumption that residential units
13 is a flat rate; no separate rate will exist for a multi family unit. The surrounding cities were
14 compared. Some cities to the south use Orange County landfill whose prices are cheaper, so
15 their costs are cheaper. There are two surrounding cities whose rates exceed the rates that are
16 being proposed.

17
18 Mr. Mercer noted that there is also an incentive. The current ordinance allows the resident to
19 pay the additional cost per month of \$9.00 for a second can which is less than two bags of
20 garbage. He said the incentive will be if the resident will keep the can for a year, the city will
21 waive the delivery and pickup charges.

22
23 Vice Mayor Clutts asked how that information would be communicated to the residents. Mr.
24 Mercer answered it would be done through the city's web site, the newsletter, and posting at
25 the Utility Counter.

26
27 Vice Mayor Clutts asked about the additional charge for the service and when it would be
28 instituted.

29
30 Mr. Mercer said he did not anticipate beginning the service until January 1st which is when the
31 rate increase will take effect. He said it has been brought forward at this time because the
32 budget has anticipated that increase and it will give 90 days for the parks to make the
33 transition.

34
35 Vice Mayor Clutts asked how questions from residents who do not want a twice a week
36 pickup will be addressed. She said she would like an explanation in the city's newsletter
37 regarding costs and the fact that it would be more cost prohibitive to identify every person
38 who did not wish to have the second day service.

39
40 Mr. Mercer said the collection practice will also be a co-mingling of household and yard
41 waste. He said the tipping fees are the same at the incinerator.

1
2 Councilmember Gamble clarified that staff had met with Waste Management and some of the
3 homeowners associations regarding appropriate locations for the dumpsters.

4
5 Councilmember Gamble asked about the service and delivery charge. Mr. Mercer answered it
6 would be \$19.89.

7
8 Mr. Mercer noted that staff had received much praise from the residents since instituting the
9 new automated system and that it had been a vast improvement from the old rear loader
10 system. Ms. Keedy commended Mr. Mercer and Mr. Gould who had been very proactive
11 when he looked at this system five years ago and recommended ways to make the system
12 efficient.

13
14 Councilmember Gamble expressed concerns about possible theft of containers. Mr. Mercer
15 replied that each can has a serial number that is associated with an account. Councilmember
16 Gamble asked about the need for repairs. Mr. Mercer said as long as the can is not abused,
17 staff will either repair the can or provide a new can. Councilmember Gamble asked that staff
18 contact the mobile home parks on Lake as soon as possible if they have not been contacted as
19 yet.

20
21 Mayor Wicks asked if anyone in the audience would like to address Council on this
22 ordinance.

23
24 **MOTION**

25
26 **Nancy Clutts moved to approve Ordinance #2005-32, seconded by Sandy Gamble. The**
27 **motion carried unanimously 4-0.**

28
29 **AUDIENCE TO BE HEARD**

30
31 Ms. Lita Higginbotham, representative from Rosewood Homes Subdivision, stood to address
32 Council. She said the subdivision has approximately 100 children that take the school bus and
33 the bus stop is located within Rosewood. She said there are two stop signs that are not being
34 adhered to. She said the residents would like more police presence. She said she was referred
35 to speak to Chief Lubins by the City Clerk who then called her and has established
36 communication. She said she just wanted Council to be aware that Rosewood Homes exist,
37 pay taxes and want to be considered when they call the city.

38
39 Chief Lubins stated there are a large number of children in that complex and that can present a
40 problem with the school buses unloading. He said the homeowners association has provided a
41 letter which allows the city legally to extend enforcement capabilities within the jurisdiction.

1 He said has spoken to the officers who will strengthen the Neighborhood Watch program and
2 will do enforcement increase of the area for the stop sign issue and also will work on a
3 specific issue in the community being forwarded to special investigations.
4

5 Councilmember Gamble asked about complaints about vehicles vibrating houses with boom
6 boxes. Chief Lubins said he receives complaints occasionally. He said the problem is when
7 the police car comes to investigate the sound is turned down. Councilmember Gamble stated
8 there is a three wheel bicycle outfitted with an amp that has been causing a disturbance in the
9 Ingraham area. Chief Lubins said bicycles are considered a vehicle under Florida law and that
10 several laws are affected.

11
12 **DEPARTMENTAL TOPICS FOR COUNCIL ACTION OR DISCUSSION**

13
14 **COMMUNITY DEVELOPMENT**

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16 **COMMUNITY SERVICES**

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18 **POLICE DEPARTMENT**

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20 **FIRE DEPARTMENT**

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22 **PUBLIC WORKS/GENERAL SERVICES**

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24 **FINANCE**

25
26 **ADMINISTRATION**

27
28 **REPORTS**

29
30 **Attorney Cooney**

31
32 Attorney Cooney said he was pleased to attend the meeting. Mayor Wicks thanked Mr.
33 Cooney for his assistance.
34

35 **Councilmember Gamble**

36
37 Councilmember Gamble said with regard to the culvert area that collapsed on Medford, would
38 Mr. Mercer arrange to have that cleaned out once the repairs are completed. He said there was
39 a problem on Skyline and asked Mr. Mercer if he had received any more complaints. Mr.
40 Mercer said the erosion is bad and it needed to be addressed. He said he would be happy to
41 meet with Councilmember Gamble on location if Ms. Keedy directed.

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Councilmember Wilson

Councilmember Wilson noted that he has relatives who live in a mobile home park in Leesburg and he did not know how they could be serviced curbside because of the difficulty negotiating vehicles.

Vice Mayor Clutts

Vice Mayor Clutts reiterated that in asking questions she is looking for information in order to be able to make informed decisions. She said she intended to continue to ask questions on behalf of the citizens of Tavares. She said unless other councilmembers are interested it did not seem there was a consensus to need a salary survey at this point. She noted her earlier request to have a complete breakdown to see what the total costs would be for the 8 positions. She said in addition to this she had asked for a parity survey at the beginning of the meeting. She said Council had received an itemized amount per employee of what the costs were going to be in addition to their salary last year. She said unless there is anyone else interested in the survey, she would be withdrawing that request.

Mayor Wicks said he did not have a need to review the information.

Vice Mayor Clutts stated that in the last two weeks there had been an increased level of communication provided to Council and she thanked staff for that.

Adjournment

There was no further business and the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Nancy A. Barnett
City Clerk