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**ITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 20, 2006
CITY COUNCIL CHAMBERS**

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

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor
Sandy Gamble, Vice Mayor
Robert Abernathy, Councilmember
Robert Speaks, Councilmember

Dennis Wilson, Councilmember

STAFF PRESENT

Lori Houghton, Interim City Administrator, Finance Director
Nancy Barnett, City Clerk
Robert Williams, City Attorney
Susan Jackson, Community Development Director
Lori Tucker, Human Resources Director
Richard Keith, Fire Chief
Heath Frederick, Public Works Director
Bradley Hayes, Utility Director
Tamera Rogers, Special Projects Coordinator

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

APPROVAL OF MINUTES

Sandy Gamble moved, to approve the minutes of the City Council Budget Workshop of August 21, 2006, seconded by Robert Abernathy.

The motion carried unanimously 4-0.

Sandy Gamble moved to approve the minutes of the City Council Regular Meeting of September 6, 2006, seconded by Robert Abernathy.

The motion carried unanimously, 4-0.

1 **PROCLAMATION/PRESENTATIONS**
2

3 **75th Anniversary for Beta Sigma Phi – September 21, 2006**
4

5 Mayor Clutts noted that this was a proclamation for the 75th Anniversary of Beta Sigma Phi
6 Day and that Ms. Johnson was present as a representative of the local chapter. The mayor read
7 the proclamation into the record:
8

9 **Whereas**, Beta Sigma Phi is the largest Greek-letter women’s service, cultural, and social
10 organization with chapters in the City of Tavares; and
11

12 **Whereas**, Beta Sigma Phi is an organization that has grown to include more than 165,000
13 members representing over 20 countries across the world; and
14

15 **Whereas**, Beta Sigma Phi members have worked for nearly every known charitable, health,
16 and cultural organization, raising money and donating time and effort to those in need; and
17

18 **Whereas**, the badge of the organization shall signify life, learning, and friendship by its Greek
19 symbols, Beta Sigma Phi; and
20

21 **Now, therefore the City of Tavares does hereby proclaim September 21, 2006 as Beta**
22 **Sigma Phi Day** and asks that other Beta Sigma Phi members around the world join the Golden
23 Triangle Chapters of Florida in saluting Beta Sigma Phi.
24

25 Ms. Johnson thanked the City Council on behalf of the members in the Golden Triangle area.
26

27 **Public Safety and Parks Impact Fee Presentation**
28

29 Mayor Clutts noted that Elizabeth Schuck and Steve Tyndale were present from Tindale
30 Oliver.
31

32 Mr. Tindale stated he understood this was intended to present the basic findings of the study.
33 He said he would be reviewing the background of the work that has been done, why it was
34 done, and some of the technical findings and conclusions of the study, and he would also be
35 discussing the issue of fee indexing.
36

37 Mr. Tindale said the city is in a very high growth area and noted the city had retained his firm
38 to do the study and to ensure it was defensible with regard to any legal issues. The major goal
39 is to be fair and equitable so that the fees can be implemented. He said the Law Enforcement
40 and Fire review were updates and the Parks and Recreation would be a new fee.
41

1 He said the impact fee is intended for new growth—not maintenance. He said it cannot be
2 spent on replacement, paving roads, or painting buildings. It has to be spent because of adding
3 capacity and demands for new public infrastructure. In addition he noted the courts have
4 stated that an entity cannot charge twice. The developer cannot pay an impact fee and then
5 have taxes charged for the same facility.

6
7 Mr. Tindale said in the technical study, an inventory was done to determine the assets, the
8 level of service was computed, and the cost to replace that service as the city moves forward
9 was analyzed. In addition the study dealt with the credit component—any future revenues
10 were reduced by the credit component and an impact fee schedule determined. He said they
11 have also provided a comparative schedule with adjacent communities of the same size.

12
13 Fire Rescue

14
15 The assets of the department total about three million dollars. The current functional
16 population is almost 12,500 people. For every person in the community that creates an asset
17 of \$223.00 per person. He said the city is averaging about 6000 residents per station. He said
18 they have observed ranges from 3000 up to 20,000 so this is well within the range. He
19 reviewed the adjacent cities' average number of citizens per station. A vacant land credit
20 brings the total asset to \$219 per person. The impact fee for a single family home would be
21 about \$400; the current fee is about \$70.00.

22
23 Law Enforcement

24
25 The assets of the department total about a million and a half. Divided by the population that
26 comes to \$117.00 per person. Law enforcement is usually more of an operating cost rather
27 than a capital cost. Number of officers per 1000 is 2. He said this is about the range state
28 wide. He compared the ranges to adjacent cities. The cost for a single family residence would
29 be \$215.37.

30
31 Parks and Recreation

32
33 Mr. Tindale said this is usually driven by parks and land. As communities develop he said
34 they move from land intensive to more facility intensive which is the situation in Tavares.
35 There are 17 parks, 277 acres which excludes any wetlands. The total cost per acre is about
36 \$113,000 for replacement and with the population the asset created is \$2500 per person. There
37 are 22 acres per person which he said is the highest ratio he has seen. The adopted standard
38 per 1000 is 1.7 so the total assets were not used to calculate the impact; instead the standard
39 level of service was utilized. The highest legal fee that could have been adopted would have
40 been using the 22 but staff had advised the city was satisfied with the 1.7 figure. He said he

1 wanted to emphasis that more could be charged legally and that adopting the 1.7 would be a
2 conservative figure. He discussed the figures of adjacent cities. The total impact fee cost per
3 resident will be \$193.00; with a small land credit for vacant land, the fee comes to \$190.00
4 per resident. The proposed impact for a single family home will be \$424.00.

5
6 Indexing the Fees

7
8 He suggested that the City adopt a fee schedule that every year automatically indexes upward
9 so that every three years when the City considers a major update, the fees would not change
10 so dramatically. He said a method is being suggested that by annual public hearings every
11 year the fees would be indexed upwards based on the different indexing methods. He
12 explained that utilizing the indexing method they are proposing, Fire Rescue would be
13 indexed to about 5% per year, Law Enforcement would be 4.7% per year, and the Parks
14 would be 11% depending on the value of land. He said normally at the end of three years it is
15 found that the indexing is conservative and the fee would probably need to be increased even
16 more to bring it up to true cost. He said this is a procedure to ensure the fees don't get behind.

17
18 He said the next step in this process is that information will be provided on the basic structure
19 of the fees and how to manage that process. In addition a public hearing and formal adoption
20 process will follow.

21
22 Mayor Clutts asked Council if they had questions or comments.

23
24 Mayor Clutts asked if there was public input.

25
26 Norb Thomas stood to speak. He said he has been through impact fee studies and the process
27 is fairly standard. He encouraged Council to listen to the consultants when they decide what
28 fee to charge; i.e. charge what will be needed for the next five to 10 years.

29
30 Mayor Clutts stated that although the city's park inventory seems to be steep, she said she was
31 not sure the city had the same type of service that is equated with the land inventory. She said
32 the city is seeing a higher demand for recreational amenities and programming. She said
33 knowing that personnel costs are steep and would these monies only go towards further
34 acquisition of land or could they go to other types of services?

35
36 Mr. Tindale answered that impact fees cannot be used to pay salaries; however, they can be
37 used to build facilities. He said, in addition, that legally the City can take prior investment
38 which was policy to invest in buildings or land and change the make up of it. The acreage
39 could be used by adopting a higher standard for the acreage, (not by purchasing any more
40 land) but to transition to building ball parks, tennis courts, etc. He said the city has a legal

1 right to determine what form the asset takes—from a land-based to being building-based. He
2 said, in other words, the city has the right to adopt a higher standard for the acreage, not by
3 the acreage itself, but by putting more amenities on the acreage.

4
5 Mayor Clutts noted that the city is beginning the master planning phase for the parks and
6 recreational facilities at large. She said it has been brought to the city’s attention that the city
7 has a deficit in softball fields with the reason being that there is a proliferation of coed and
8 senior men’s leagues when there are only two fields available. She said she would like to look
9 at the adopted level of standard and perhaps evaluate raising that standard so the city could
10 offset some of those costs that the city may be entering into with the master plan at its
11 conclusion.

12
13 Ms. Houghton said that Council may want to discuss the difference between the adopted level
14 of service for the parks and the current level of service. The adopted level of service was used
15 because it is in the Comprehensive Master Plan.

16
17 Mr. Tindale said that the city definitely needed to do a plan amendment with goals and
18 objectives. He said this concept needed to be in the plan regarding the City’s intent. He said
19 the cost of capital infrastructure has doubled over the last three or four years, so fees have
20 been going up all over the state. He said a master plan was needed that would specifically
21 show the transition from land based to the types of facilities with specific number of ball
22 parks, etc. He said the plan should show where the money will be invested and what the
23 transition would look like.

24
25 Mayor Clutts asked Ms. Houghton if Council was being asked to approve the study or
26 adopting the study.

27
28 Ms. Houghton said that staff was requesting Council to move forward and approve bringing
29 the ordinance back for review and possible approval.

30
31 Mayor Clutts clarified that should the City wish to increase the adopted level of service for
32 the parks and recreation area, it would have to go through the proper procedure.

33
34 **MOTION**

35
36 **Robert Speaks moved to accept the impact fee report and directed staff to bring back an**
37 **ordinance, seconded by Robert Abernathy. The motion carried unanimously 4-0.**

38
39 **AGENDA REVIEW**

40

1 Vice Mayor Gamble requested that items 6 and 7A be pulled from the Consent Agenda for
2 further discussion.

3
4 **MOTION**

5
6 **Sandy Gamble moved to approve the Consent Agenda, Items 7 and 7B [Permission to**
7 **Donate Fire Engine and Grant for Police Vehicle], seconded by Robert Speaks. The**
8 **motion carried unanimously 4-0.**

9
10
11 **Ordinance 2006-19 – Lakeview Center PD Text Amendment – 3.7 Acres – W. of Mt.**
12 **Homer Road, S. of US 441 – Second Reading**

13
14 Mayor Clutts noted that prior to hearing the ordinance she wished to make it known that the
15 applicant, Mr. Hoffmeister, has recently become a client of her husband's, but not for this
16 particular ordinance or project.

17
18 Attorney Williams stated that he had given the mayor the opinion the fact that her husband
19 does work for this client on other projects is not a conflict of interest that would prohibit her
20 from voting on this particular application.

21
22 Ms. Barnett read the ordinance by title only;

23
24 **ORDINANCE 2006-19**

25
26 **AN ORDINANCE AMENDING AND RESTATING ORDINANCES**
27 **1994-19, 1995-01, 1999-12, 2001-41 AND ORDINANCE 2002-34, ALL**
28 **SAID ORDINANCES GENERALLY KNOWN AS THE LAKEVIEW**
29 **CENTER/BAKER GROVES PUD/PCD ZONING ORDINANCE OR**
30 **AMENDMENTS THERETO; SUPERCEDING ALL SAID**
31 **ORDINANCES WITH A NEWLY RESTATED COMPREHENSIVE PD**
32 **(PLANNED DEVELOPMENT) ZONING ORDINANCES; FOR**
33 **PROPERTY GENERALLY DESCRIBED AS CONTAINING 74.19**
34 **ACRES LOCATED SOUTH OF U.S. 441, EAST OF LAKE JUNIETTA,**
35 **NORTHEAST OF LAKE FRANCIS AND WEST OF MT. HOMER**
36 **ROAD; SUBJECT TO THE RULES, REGULATIONS AND**
37 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
38 **PROVIDING AN EFFECTIVE DATE.**

39
40 Ms. Jackson stated this was second reading and she had nothing further to add from first
41 reading. She said Council voted unanimously 5-0 at first reading.

1
2 Mayor Clutts invited the applicant to speak.

3
4 Mayor Clutts invited public input.

5
6 **MOTION**

7
8 **Robert Speaks moved for approval of Ordinance 2006-19 on second reading, seconded**
9 **by Sandy Gamble. The motion carried unanimously, 4-0.**

10
11 **CONSENT AGENDA**

12
13 **Item 6 – Change Order #1 – Revision to Fox Run Drainage Project**

14
15 Ms. Houghton stated that at the last meeting staff had presented a change order and Council
16 approved a total of \$11,000. The current agenda item is an increase to that amount. She said
17 Mr. Bob Borginis of BESH Engineering was present to discuss this item. Mr. Borginis stated
18 he is the construction manager engineer. He said several options have been presented to the
19 City and that his firm wished to support the change order as submitted. He said his firm stood
20 by the design. He noted the project is still currently under construction.

21
22 Mayor Clutts said she had spent considerable time reviewing the minutes and the history of
23 this project. She said she had read that the decision that was proposed this time last year was
24 to restore the swales to its original integrity so that after it was restored there would be an
25 evaluation as to what the real problem was, with possibly the intent to re-evaluate it so that
26 the City would know what additional costs might be required. She said she also recalled a
27 discussion of putting in some under drains and sock drains to and from the affected areas and
28 that this was a potential solution that would be a win-win. She said she did not read that in
29 any of the public record discussion however, but perhaps that discussion was made by the
30 previous administrator. She said the Fox Run residents have brought to Council's attention
31 that they had entered into an agreement, albeit verbal, that there would have been the best
32 possible solution that would have required more money for the results utilizing sock drains
33 and under drains. She said she also read in the minutes that the problem is that there is not a
34 hydraulic slope situation in Fox Run; so the water is not running appropriately where it needs
35 to run. She asked if a sock drain and under drain, would be an appropriate solution for this
36 subdivision and if it was, was it not utilized because it was cost prohibitive or because it was
37 not a feasible solution?

38
39 Mr. Borginis said the Mayor was correct; there is a very flat grade and also a very high water
40 table. What is trying to be established currently is to bring the swales back to the existing

1 grades. The swales were approved by City Council when the subdivision was built as a means
2 of conveyance for ground water and rain water to get it off the streets and the driveways
3 through these swales and into the drainage that was approved and that is in place. He said
4 over the past dozen years a lot of improvements have been made and siltation has occurred. In
5 some areas there is sod that is two or three inches higher than the inverted grades of the
6 driveways and also higher than the edge of the pavement. This acts like a curb and channels
7 the water into the low areas of the driveway. He said the options previously provided to the
8 City were numerous and included what the Mayor had mentioned. The Council decided to go
9 with re-grading the swales and make them as close to the original manufacturer's approved
10 design as much as possible. He said BESH stands by that design. He said because of the very
11 high water table, the soils are not really conducive to a sock drain. He said the sock drain is
12 just another conveyance of water which will perc out laterally through the tubing per se. He
13 said it would not work in those kinds of soils. He said based on the design and his firm's
14 recommendations and studies, the best way is to regrade the swales, lower the sod levels
15 below to edge of pavement (lower than the inverts of the inverted driveways) and convey the
16 water to the existing storm structures. He said if that doesn't work, then it would be time to
17 re-study the whole issue. He said getting it back up to design standards is what needs to be
18 done first. He noted the project is still under construction and the change orders are being
19 requested to help matters that are coming up as a result of construction. He said as part of the
20 project, the contractor will survey all the re-graded swales to make sure there is positive
21 drainage to the existing structures. If that does not happen, it is the contractor's liability to go
22 back in, remove the sod, re-grade and re-survey to make sure there is positive flow to the
23 existing structures. He said it is a matter of getting the water through the swales to the
24 structures.

25
26 Mayor Clutts said there are many residents who are of the opinion that the system didn't work
27 from the very beginning, so the project is restoring back to a design which didn't work. She
28 asked why that had to be done from a City standpoint.

29
30 Mr. Borginis said the project is to put it back to original city design standards. Mayor Clutts
31 said she assumed that was to eliminate the variables so that the engineer can actually study it
32 and ascertain the costs involved to get it to the standard that the residents are requesting. She
33 said the city is moving towards trying to find out what the real costs are going to be for the
34 total change that the residents are looking for, and then evaluate whether that is cost
35 prohibitive to the city or whether or not the citizens of that community believe it is a cost they
36 are willing to incur themselves through a special assessment. She asked Mr. Borginis if that
37 was correct.

38
39 Mr. Borginis said that was his understanding. He said once it is back to original design which
40 was approved by Council many years ago, it will work hydraulically even though it is very

1 flat. The swales are a conveyance system. He said if there is blockage in the swales, or if there
2 is sod between the driveways that is not at the correct grade, it will act as a dam to prevent the
3 water flowing to the existing structures. He said once it is put back to the approved design
4 standards, the city will be in a better position to review it and decide what further work needs
5 to be done.

6
7 Mayor Clutts asked since the design standards have changed, has anything been learned
8 (without having to re-design the entire subdivision), that could have been done that could
9 have mitigated some of the residents concerns without going to the straight, strict adherence
10 to the original design standard?

11
12 Mr. Borginis said the city would be looking at a total re-build to bring it up to current
13 standards which would involve removing all the roads, tearing up all of the right-of-ways and
14 driveways and installing a closed drainage system. He said that would also be assuming it
15 could even be permitted because it is a wetland area, is very low and the hydraulics are
16 difficult to calculate.

17
18 Vice Mayor Gamble said he thought Fox Run was annexed. Attorney Williams said that was
19 correct, that the city annexed the property. Vice Mayor Gamble asked if the City was not
20 involved in the original plans. Attorney Williams said he did not know when the subdivision
21 was approved but he said the government approved the plat—he said either the builder
22 complied with the Lake County current subdivision regulations at the time if they developed
23 in the County and then annexed into the City or they developed in accordance with the City's
24 subdivision regulations that the City had at the time, which allowed the open swales and that
25 type of drainage.

26
27 Vice Mayor Gamble said Mr. Borginis had commented that there were several different
28 assessments given to Council last year in regard to this. He said he remembered one being
29 several hundred thousand dollars, however, he said that Council was led to believe by BESH
30 that once this was done, it would solve the problem. He said that was where the Council's
31 vote came from, from the consultants telling the Council it would work. He said now he was
32 hearing it is not going to work.

33
34 Mr. Borginis said he did not think he said it would not work. He said he believed he had said
35 it needed to be brought back to original design standards and then need to be re-examined..
36 He said there are several factors involved that he did not believe were part of the original
37 approved design. He said he had noticed there are drains that constantly flow water into the
38 inlets that seem to be coming from private yards into the public drainage system. He said he
39 did not want to go through people's yards to investigate where this water is coming from. He
40 reiterated that the water table is extremely high and the soils are extremely poor for

1 percolation. He said he was giving Council the best advice he could, which is that once it is
2 put back to original standards, and given that there are some issues in that subdivision that
3 will need to be looked at, he still stood by his company's design. He said once it is done and
4 can be surveyed he believed the swales will get the water to where it is supposed to go.

5
6 Public Discussion

7
8 Mayor Clutts invited the audience to give input.

9
10 Gene Johnson, Fox Run Subdivision

11
12 Mr. Johnson said he is not an engineer however he lives with the problem everyday. He said
13 Council had directed staff to work with the residents to see if a solution could be found that
14 would remove the water from the Gallagher's and the corner of Myakka and King. He said he
15 thought that was the goal. He said the residents had worked with Mr. Mercer and thought they
16 had come up with a lot of good ideas. He said Mr. Mercer had said that the residents' plan
17 looked like it would work but it would need to be submitted to the engineer who would do the
18 drawing and then it would be put out to bid.

19
20 Mr. Johnson said then the proposal was brought to Council and it was approved. He said that
21 evening he was handed the plans and it was the first time he had seen them. He said when the
22 residents reviewed the plans it was not what they had requested or drawn.

23
24 Mr. Johnson discussed photographs he had taken of the construction and discussed the water
25 flow. He said when the ditches were cut the driveways acted like dams. He said every
26 morning before the workers could do anything they had to pump the water out down the street
27 and down the drain so that they could start working. He said the water that is there now
28 should be flowing to the west and where the drain is on the west side it was a half inch deep,
29 on the east side it was 3 inches deep, which means the water was flowing to the east when it
30 should have been flowing to the west. He discussed each drain configuration, the depth of the
31 swales, etc. by referring to specific photographs which he provided to Council. He said for the
32 first time in 18 years they can walk out of their driveway because it is dry. He said it is dry
33 because of the pipe that expels the water. He said the swale is just about what the original
34 swale but they were never 18 inches deep. He said they have photographs of original swales.
35 He compared that to the new swales that have been dug out that have no pipe between them.
36 He they had no problem before that swale was dug out which was why it was not included on
37 their proposal. He showed pictures of water from the rain before construction started and then
38 pictures taken after construction after the pipe has been installed. He said the residents' idea
39 was to try to get the water out of the ditches and get it down into the drain and then into the
40 canal. He said he is disappointed because he has spent a lot of time trying to get rid of the

1 water to find that the project is going to be a swale system that was never there to start with---
2 at least not the type of swale that has been drawn in the plan. He said he had asked if grass
3 would grow in the swale and had been told it would not grow and it would probably need to
4 have a sock drain to get it out.

5
6 Mayor Clutts said that goes back to the original discussion of a sock drain. She said she knew
7 the sock drain and the under drain was potentially a comprehensive fix to the problem. She
8 asked Mr. Johnson if he was ever of the understanding that a sock drain and an under drain at
9 a very minimal amount, could relieve some of this or was he informed that it had to be
10 comprehensive throughout the neighborhood?

11
12 Mr. Johnson said that was when the residents got involved because he believed the original
13 intention was to go in and put back everyone's swale, even the people that didn't have a
14 problem. He said he thought that idea was forgotten about when Council got involved and the
15 decision was made that it wouldn't work. He said they said at that time and still say, that the
16 swale system will not work. He said it is a proven fact, any time there is rain. He said Mr.
17 Fredrick comes over to inspect every time there is a rain and now there are ponds in front of
18 everyone's house in that area. He said when they laid the pipes between the driveways it was
19 pitched the wrong way.

20
21 Sam Chesser, 3020 Manatee

22
23 Mr. Chesser said he still had the original drawings done by the residents. He said they had
24 done their own surveying and elevations and had drawn a plan of what they thought would
25 work, realizing that there used to be a swale system but it never was 12" or 14" deep like it is
26 now. He said if there is a swale that is 14" deep and the driveway is not 14" deep, the water
27 will not go anywhere. He said Mr. Borginis keeps referring to the original plans. He said there
28 are about 60 concrete collectors with grills on top throughout the park. He said if they are
29 probed, 56 or 57 of them have no outlet—all they are is a pot full of water. He said he was
30 told that was a French drain system. He said he began digging around but they are just solid
31 concrete with no outlet. The water runs off the street into the collector until it fills up and that
32 is all it does. He said cutting the swales and letting the water run to those collectors will not
33 accomplish anything. He said the first 10 gallons of water will fill it up and the swales will
34 stand 16" deep with water again. He said the part they designed which BESH did by their
35 design connecting the east and west side of King and the two lots to the west of the
36 intersection, had done a great job and is doing just what they thought it would do. He said
37 then they went beyond that when they started digging the two yards to the west of that. He
38 said he had pointed out to the workers that those yards should not be dug up because they did
39 not have a problem. He said he was told that the plan had to be followed. He said if the swales

1 are continued, it will be an injustice to Council and to the taxpayers and there will still be a
2 problem.

3

4 Vice Mayor Gamble asked if the plans could be left so that all councilmembers could have a
5 copy. Mr. Chesser gave the plans to Ms. Barnett to make copies.

6

7 Lloyd Kussmann, 3128 Myakka River Road

8

9 Mr. Kussmann said his house is featured in the before, after, and during pictures. He said his
10 tadpoles have deeper water to swim in than before. He said they have a two foot ditch not a
11 swale. He said in every case they asked the workman on the project if it was going to work
12 and were told it was not going to work but that they had been instructed to follow the design.
13 He said they had asked the men laying the sod if they normally threw sod into 6 inches of
14 water but were told they did not do that normally but had been instructed to do that. He said
15 he did not think the project was thought out properly to start with. He said the original plan
16 was drawn by people who have worked in this type of work for 30 to 40 years each. He said
17 they were not engineers but they knew what worked. They knew that water would not run
18 uphill. He said they drew the plan but when it was turned over to engineering it was a
19 different story altogether.

20

21 Grace Fox, 3228 Myakka River Road

22

23 Ms. Fox said she had moved to her home in June of 1989 and in September of 1989 they had
24 taken a picture of the front and then in July of 1992 another picture. She said the original
25 swales could be seen and is nothing like what has been dug up now. She said she had made
26 copies of the two photos and someone had asked to bring them back for the City but she did
27 not know what happened to them. She said the pictures would prove it is not the original
28 swales that are there now. She said on her property it runs from the west to the east; it used to
29 come down into the swales and over the driveway. There was little drain and a little pipe that
30 went into a catch basin that was in 3222 (Joyce Allen's property) and the water would go in
31 there. She said there were pipes underneath that went in and it used to go under her driveway
32 and come out right over the drain that took it down to the canal. She said maybe they had a
33 problem for a little while but nothing like what they have now. She said when people water
34 their lawns up the street, the water travels down and sits in her ditch until it sinks out of the
35 ground or evaporates. She said she did not appreciate having to have that pipe put under the
36 driveway because that would not answer the problem. She said the water is just going to lie in
37 the pipes under the driveway and in the ditches.

38

39 Mr. Johnson said the photos Ms. Fox was talking about were not given to the City; they were
40 given to Mr. Pendergrass with the engineering.

1
2 Councilmember Speaks it seemed that Fox Run needed an underwater drainage system which
3 will be very expensive. He said the city should be reviewing that and the cost to determine
4 what it would cost each homeowner in the form of an assessment.

5
6 Mayor Clutts said when she reviewed the minutes, what she was seeing was a strict adherence
7 to what was approved by the Council. She said in the minutes it was stated by the engineer
8 that it would not solve the drainage problems; it might improve the drainage problems but it
9 would not solve anything. The goal was to get it back to a certain state so that the engineer
10 could figure out how to move towards a comprehensive solution oriented approach. She asked
11 if at some point from the decision that was made by Council and the field evaluation, was
12 there any critical analysis that perhaps could have provided a better solution that may have
13 cost a little more, but that would not have required an entire comprehensive re-grading, in
14 order to get a gradient hydraulic change in the subdivision?

15
16 Mr. Borginis said he could not answer that question as he is just the construction manager. He
17 said he was not involved in design and it was not part of any of the Council minutes. He said
18 Ms. Clutts is correct that it is considered a temporary fix—the engineers will give it 15 to 20
19 years. He said there has been a noticeable lack of maintenance on the part of the Homeowners
20 Association on the swales and in the retention ponds. He said he could not answer the
21 question as far as what alternatives were given.

22
23 Councilmember Abernathy said he felt these discussions were out of place. He said he would
24 like to see Mr. Frederick present so he could give direction on the study. He said Mr.
25 Frederick could take Council out to see the area. He said he did not think Council should try
26 to solve the problem in this setting.

27
28 Mayor Clutts said she understood, but she was trying to get a better understanding of the
29 argument that was being presented versus the solution being presented to the City. She said
30 she realized that Mr. Borginis had a contract that needed to be fulfilled. She used the analogy
31 of taking medicine, having side effects and then needing to change the course of treatment.
32 She said her concern was that the city makes sure that when an agreement is entered into, if a
33 a solution is discovered in the interim that might be more costly but be more efficient, that the
34 consultants bring that to the city's attention.

35
36 Mr. Borginis said he was going by the past minutes where several scenarios were discussed
37 but that his project is focused on the plans approved by City Council. He said he appreciated
38 the homeowners' concerns but that he is still under construction; grades still need to be done
39 so that water can go where it is designed to go.

40

1 Mayor Clutts asked if at the completion of the project in Mr. Borginis' best estimate, did he
2 believe there will be additional relief for the citizens as opposed to what they are seeing right
3 now. Mr. Borginis said he did believe that but it will not be 100% because it is an open swale
4 drainage system. There will always be water in the swales and some in the driveway. The idea
5 of open drainage is to use those swales as a conduit to get it to the ultimate outfall which is
6 what is trying to be achieved.

7
8 Mayor Clutts stated a revision to Change Order #1 is being requested. She said at this point
9 consideration for what Councilmember Abernathy mentioned will be considered so that staff
10 will have time to work with the consultants and with the residents. However she said at this
11 time Council needed to move forward on whether the change order is being approved. Mayor
12 Clutts asked Ms. Houghton to describe what the change order is for. Ms. Houghton responded
13 that it is for concrete driveways, removal and replacement, 8" pvc cross drain, mitered end
14 apron, field pour and the mobilization and installation charge. She added this was approved at
15 the last Council meeting and what is being requested is the difference from what was
16 approved which is \$1600.

17
18 **MOTION**

19
20 **Robert Abernathy moved to approve the additional \$1600.**

21
22 Mr. Abernathy said he would also like to comment that if Mr. Frederick decides that the work
23 that they are now doing should be stopped and go a different direction, that he has the
24 authority to do that.

25
26 Mayor Clutts asked Mr. Abernathy if he was under the understanding that if a consulting
27 engineer approves a plan, that if the city does not have another engineer to challenge that
28 plan, Mr. Frederick may not have the authority to do that.

29
30 Councilmember Abernathy said that he believed that on site someone on staff had to be in
31 charge.

32
33 Mayor Clutts agreed but stated that at the end of the day there can be a report back to Council
34 but he will not have the authority to stop the project. She asked Attorney Williams to
35 comment.

36
37 Attorney Williams stated that the felt the city is the owner of the project and that he was not
38 sure Mr. Frederick had the authority, but the City Administrator would. He said the city could
39 not change the design but could temporarily halt it. He said what he thought Mr. Abernathy

1 was saying that if staff finds that it is not working as planned, come back to the drawing
2 board.

3
4 Mayor Clutts asked Mr. Abernathy to re-frame his motion.

5
6 **Mayor Clutts asked if Mr. Abernathy was approving the \$1600 with the caveat that Mr.**
7 **Frederick has the authority to stop the project should he find that there is a better**
8 **solution which would be brought back to Council for approval. Councilmember**
9 **Abernathy agreed.**

10
11 **MOTION**

12
13 **Mr. Abernathy moved to approve the \$1600 with the caveat that Mr. Frederick has the**
14 **authority to stop the project should he find that there is a better solution which would be**
15 **brought back to Council for approval. The motion was seconded by Sandy Gamble.**

16
17 **The motion carried unanimously 4-0.**

18
19 Vice Mayor Gamble commented on the City Council meeting in October where there were
20 many engineering options brought forward. He said he believed there was discussion in that
21 meeting in which he had emphasized that he wanted to do it right. He said he recalled
22 meetings held later where there was final approval and he believed that the city had been told
23 by the consultant that once it was put back to its original state, it would work. He reiterated he
24 just wanted to see it done right. He said Council wanted to make sure that it made all the
25 citizens of Tavares happy and that if there are water problems the city needs to address them.

26
27 **Resolution 2006-14 – Final Millage Rate – Second Reading**

28
29 Ms. Barnett read the resolution in its entirety:

30
31 **RESOLUTION 2006-14**

32
33 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 5.420**
34 **FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM**
35 **TAXES FOR FISCAL YEAR 2006-2007; SETTING FORTH THE**
36 **PERCENT BY WHICH THE MILLAGE RATE EXCEEDS THE**
37 **“ROLLED-BACK” RATE.**

38
39 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES,**
40 **FLORIDA:**

1
2 **WHEREAS, THE "ROLLED-BACK" AD VALOREM MILLAGE**
3 **RATE FOR THE CITY OF TAVARES, FLORIDA, FOR THE FISCAL**
4 **YEAR 2006-2007 IS 4.4159 AND**

5
6 **WHEREAS, THE CITY OF TAVARES, HAVING CONDUCTED ITS**
7 **FIRST PUBLIC HEARING ON SEPTEMBER 6, 2006 PURSUANT TO**
8 **SECTION 200.065 OF THE FLORIDA STATUTES, IS NOW**
9 **PREPARED TO SET ITS FINAL MILLAGE RATE OF 5.420; AND**

10
11 **WHEREAS, THE FINAL MILLAGE RATE OF 5.420 EXCEEDS THE**
12 **"ROLLED-BACK" RATE OF 4.4159 BY 22.74% PERCENT;**

13
14 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF**
15 **THE CITY OF TAVARES, FLORIDA, THAT THE FINAL MILLAGE**
16 **FOR FISCAL YEAR 2006-2007 IS SET AT 5.420, WHICH FINAL**
17 **MILLAGE RATE EXCEEDS THE "ROLLED-BACK" RATE BY 22.74**
18 **PERCENT;**

19
20 **PASSED AND RESOLVED THIS 20TH DAY OF SEPTEMBER, 2006,**
21 **BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA.**

22
23 Ms. Houghton stated that the fiscal year 2006-2007 budget maintains the millage rate at 5.420
24 and the 2006-2007 budget includes 18 additional full time employees and an upgrade of a
25 seasonal position to a regular part-time position. These positions include one for
26 administration, one for vehicle maintenance, and seven for the police department (six of
27 which are sworn officers and one of which is for code enforcement). Six positions are also
28 budgeted for the Fire Department (three are funded in the General Fund and three are funded
29 by a Safer grant). Notification for this grant award has not yet been received. In addition three
30 positions are being budgeted for the wastewater department. The budget also includes a 4%
31 merit increase for employees. Health insurance is budgeted at 2.6% increase over the prior
32 year, and workers compensation and general liability insurance is budgeted at a 25% increase.
33 No new debt is proposed for this budget. Capital items budgeted are appropriated from
34 reserves within the respective fund. Annual debt service for the new wastewater plant is also
35 included which is for the State Revolving Loan Fund. The budget also includes approved
36 IAFF contract elements, and the General Employee Pension is budgeted at 9.8% as set forth
37 by the Florida Retirement System. The Police Pension is budgeted at 15.4% and the Fire
38 Pension at 9.8%.

1 Councilmember Speaks asked for the reserve percentage. Ms. Houghton responded that it is
2 above the 30% mark. She said the city has a good result of operations last year which is good
3 in light of the fact that the city has many capital improvement initiatives to consider in the
4 upcoming year.

5
6 Mayor Clutts asked for input from the audience.

7
8 **MOTION**

9
10 **Robert Speaks moved to approve the final millage rate, seconded by Robert Abernathy.**
11 **The motion carried unanimously 4-0.**

12
13 **Resolution 2006-15 – Final Budget 2006-2007 – Second Reading**

14
15 Ms. Barnett read the resolution in its entirety:

16
17 **RESOLUTION 2006-15**

18
19 **A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE CITY**
20 **OF TAVARES, FLORIDA, FOR THE FISCAL YEAR 2006-2007.**

21
22 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES,**
23 **FLORIDA:**

24
25 **WHEREAS, A PUBLIC HEARING WAS HELD AT THE TAVARES**
26 **CITY HALL COUNCIL CHAMBERS IN THE CITY OF TAVARES,**
27 **FLORIDA, ON SEPTEMBER 6, 2006, AT 5:05 P.M., AND**

28
29 **WHEREAS, THE GENERAL PUBLIC WAS GIVEN AN**
30 **OPPORTUNITY TO EXPRESS ITS VIEWS PERTAINING TO THE**
31 **PROPOSED BUDGET, AND**

32
33 **WHEREAS, THE CITY COUNCIL APPROVED THE TENTATIVE**
34 **BUDGET FOR 2006-2007, AND**

35
36 **WHEREAS, A SECOND PUBLIC HEARING WAS HELD IN THE**
37 **COUNCIL CHAMBERS AT THE TAVARES CITY HALL, 201 EAST**
38 **MAIN STREET IN THE CITY OF TAVARES, FLORIDA, ON**
39 **SEPTEMBER 20, 2006, AT 5:05 P.M.,**
40

1 **NOW, THEREFORE, BE IT RESOLVED THAT THE BUDGET FOR**
2 **2006-2007 FISCAL YEAR FOR THE CITY OF TAVARES, FLORIDA IS**
3 **HEREBY ADOPTED BY THE TAVARES CITY COUNCIL AT PUBLIC**
4 **HEARING THIS 20TH DAY OF SEPTEMBER, 2006.**

5
6 **PASSED AND RESOLVED this 20th day of September, 2006, by the City**
7 **Council of the City of Tavares, Florida.**

8
9 Ms. Houghton stated she would reiterate her previous comments if Council wished her to
10 discuss them.

11
12 Mayor Clutts stated she did not think it necessary unless Council wished to hear more.

13
14 Mayor Clutts asked for input from the audience.

15
16 Denise Laratta, 3000 Lake Huron Lane

17
18 Ms. Laratta asked what the city was doing in terms of attempting to reduce costs through
19 improved quality processes. She said she understood the need to add police and fire services
20 as the City grows. She asked what the city is doing in terms of trying to hold down some of
21 the costs within their departments so that the taxes do not continue to grow at such a rapid
22 rate.

23
24 Ms. Houghton stated that annually in preparing the budgets each department has an intense
25 meeting. Generally staff looks at what it costs to conduct the operations of the city at the
26 current level of service and if the council has instructed the staff to increase any level of
27 service that is taken into consideration. Also staff looks at the current expected rise in prices.
28 The reserve requirements are reviewed for capital requirements and the five year plan and any
29 emergencies that may come in. She staff is proactive in the departmental budgeting process to
30 ensure the budget addresses what it costs to operate the service level.

31
32 Ms. Laratta asked what the city employees and the managers are doing to actually look at
33 their processes and find better ways to do them that can continue to increase the quality but
34 reduce cost at the same time. She said it is very easy to look at a budget and just add the
35 expected increases on every year without looking at doing things differently and and less
36 expensively.

37
38 Ms. Houghton stated that in the budget document the goals and objectives of each department
39 are included and the costs to implement those goals are examined.

1 Councilmember Speaks noted that taxes have been raised once in 18 years. He said that is an
2 indication that the City is pretty good at budgeting and where monies are spent.

3
4 Ms. Laratta said that when the roll back rate is 22.74 less but the property tax levy is going up
5 38% and there are many more homes that are providing property taxes, there didn't seem to
6 be some things quite in sync. She said appreciated what the city is doing because the services
7 were very good except for some water problems. She said it concerned her that there didn't
8 seem to be more of a forward thinking look of how to actually reduce costs and do things
9 differently than have been done in the past, just as an improvement process. She said there
10 should be a lot more emphasis on quality improvement processes within the city.

11
12 Mayor Clutts said that the City of Tavares, without the roll back rate, will incur \$726,000
13 additional dollars. She said that is a lot of money however the city needed to be looked at
14 holistically. She said that Tavares is unique in that it has more nonprofit entities within the for
15 its square footage than any other city in the area. She said this is not a unique feature because
16 all hosts of capital cities incur the same problems. She said Tavares has smaller boundaries; it
17 does not have a larger area to grow and capture increased revenues. She noted Tavares hosts
18 the School Board, the County Seat and a very large hospital, all entities that require services
19 but do not pay for those services. She said coming into the next several months it will be
20 incumbent on Tavares to become more and more creative. She said the City has been going
21 through a process to find a new city administrator with that issue on its mind. She said the
22 issue is how will the city solve its financial issues while the state legislature mandates more
23 initiatives on the part of the cities with no real funding in site for those initiatives: She cited
24 water re-use, school concurrency, and proportionate share for transportation as examples that
25 will result in significant costs to the City. She said should the city have decided to adopt the
26 rollback rate without understanding the true costs that will be incurred in the future and not
27 really thinking creatively and forwardly, the city might be in a position of not being able to
28 pay for the services. She said she sees the City moving into a direction of creative thinking of
29 not necessarily raising the taxes on the commercial and retail establishments that are in the
30 city currently but looking at how to lure more industry, improving the industrial park, etc. She
31 also discussed the financial system that Ms. Houghton has instituted and the improvements
32 that will be made to the traffic problems by increasing the police force.

33
34 Ms. Laratta said she was very impressed by all of the candidates that she had spoken to at the
35 reception, who all seemed to be very interested in economic development.

36
37 Ms. Houghton added that the city has combined the function of sending out its monthly
38 newsletter and billings for cost savings. She said the city is also looking at ways to solve fuel
39 costs by having a fueling station in-house. In addition a procurement department has been
40 implemented so that economies of scale can be utilized when commodities are purchased.

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MOTION

Robert Abernathy moved to approve the budget for 2006-2007, seconded by Sandy Gamble. The motion was approved unanimously 4-0.

Change Order #6 – Gomez Construction – Downtown Streetscape Project

Vice Mayor Gamble asked if this would be a one time fix. Mr. Bradley answered that that was correct. Mr. Hayes stated that presently the streetscaping project is underway. He said there was some work going on for the proposed Tavares Station program and in looking at that project at the water mains it has been determined that the water main is undersized and will not provide enough water flow for any type of building there, including fire flow protection. He said he had spoken to other department heads and recommended that it was appropriate to tap into the 12” main on Main Street, and get it off and away from the project as shown on the proposed design. It will add a short piece for future water usage in that area in the future and avoid the necessity to tear up Main Street again after it has just been repaved and refurbished. This change order is to get the new line in place for future expansion down into the water area.

Mayor Clutts stated she agreed with this as a proactive measure. She noted the city will be reimbursed through future impact fees when the property develops.

Mr. Hayes stated that the change order amount is for \$11,428.84 to do the project. He said it has been designed and reviewed by BESH.

MOTION

Sandy Gamble moved to approve the Gomez change order, seconded by Robert Abernathy. The motion carried unanimously 4-0.

CONSENT AGENDA

AUDIENCE TO BE HEARD

OLD BUSINESS

Fountain Sign

1 Ms. Rogers presented a draft sign to commemorate donors for the new fountain which was
2 based on the comments made by Council at the previous meeting. She said the primary color
3 will be brick red. She distributed a color copy for Council to review. She noted there was
4 additional space under the benefactors' names if there are future contributors. She said once
5 the contract is signed there will be a three to four week turnaround time for sign installation.
6 The City's staff will install the electrical service. She said the location will be on the west side
7 of the pond running parallel to Alfred Street.
8

9 Mayor Clutts stated she had been in discussion with a few of the donors who were interested
10 in having it placed at the corner at Old 441 and 19. She asked for elaboration on the
11 placement.
12

13 Ms. Rogers said it is a good location in terms of it being a busy intersection. She said when
14 she met with FDOT it was briefly discussed. She said they liked that location because it
15 provided room for traffic recovery. She said she can meet with FDOT and show them the
16 alternative site. Once the decision is made she said she will send a letter to FDOT requesting
17 permission to place the sign with the specific information as to size, location, distance from
18 highway, etc. (She noted that FDOT has already given verbal permission.)
19

20 Vice Mayor Gamble had said one of the donors had expressed concern over the location at the
21 corner because of shrubbery that might conceal the sign. He said he understood that staff is
22 not recommending that it go on the west side because the power source is on the southeast
23 side. Ms. Rogers said she had met with the supervisor of General Services who had advised
24 her that it would not be a problem.
25

26 Mayor Clutts said she had had a different impression. She said she thought the donor had been
27 concerned over whether it would look balanced and that in the future the city might want
28 another "welcome to Tavares" sign at the third point.
29

30 Mayor Clutts stated she wished to thank Senator Baker because he had assisted the City to
31 acquire permission from the FDOT to allow for the sign to be in place because normally they
32 do not allow donor signs. She recommended that staff re-evaluate its placement, looking at
33 Old U.S. 441 and 19 intersection, understanding that in the future as funding becomes
34 available, that the city will re-look at the other point, for another sign welcoming traffic to
35 Tavares.
36

37 Mayor Clutts stated that this time Council is being requested to approve the sign's design
38 understanding that it will cost \$6,000 coming out of the city's contingency fund. She noted
39 the motion should approve the sign's design and approve the placement of the sign being on

1 the Old 441 and 19 point depending on whether or not Ms. Rogers can find out if the FDOT
2 will approve that location.

3
4 **MOTION**

5
6 **Sandy Gamble moved to approve the proposed sign as recommended by staff and the**
7 **proposed location at Old 441 and SR 19 provided FDOT approves the location, seconded**
8 **by Robert Abernathy.**

9
10 **Sandy Gamble amended the motion to state that a color swatch will be brought back to**
11 **Council for approval at a later date, seconded by Robert Abernathy.**

12
13 **The motion carried unanimously 4-0.**

14
15 **School Concurrency Agreement**

16
17 Attorney Williams noted that in the agenda packet was the final draft of the school
18 concurrency agreement. He said he would review it in summary by sections. He said ever
19 since comprehensive planning has been in effect, the state has required concurrency on a
20 number of elements such as water, sewer, streets, and other types of public infrastructure.
21 There has never been a concurrency requirement on a state wide basis regarding capacity in
22 the schools. This changed by legislation in 2005. The requirement is that municipalities
23 develop by 2008 concurrency agreements with their school board. He said through the efforts
24 of Representative Hays, Lake County was selected as one of five counties to be a pilot project
25 county to adopt a school concurrency agreement plan. The requirement is that this agreement
26 be entered into by the School Board, the County and each of the municipalities that are
27 incorporated within the County. The penalty if the entities do not agree, is that after the
28 implementation of the deadline, County school boards will suffer funding cuts if they do not
29 have a concurrency agreement in place and municipalities and counties will not be able to get
30 comprehensive plans amended if they do not have a concurrency agreement in place.

31
32 He said the agreement is not perfect and has compromises that not every entity will be happy
33 with. He said this is an initial draft and the agreement is amendable. The agreement is also
34 terminable and has a one year term although it is intended to be a long term agreement. He
35 said for the first time that developments that are approved for school aged children will have
36 to go before the School Board to get approval for capacity before they can develop This
37 means that the city might approve a development that met all the city's requirements but if it
38 could not meet school concurrency it could not be built.

1 Mayor Clutts stated that the concern expressed by the cities is that the School Board will
2 ultimately get to decide whether or not to accept payments that are development driven that
3 are called proportionate fair share or mitigation payments. She said there is not an objective
4 course of action if a developer meets all of the requirements and is willing to pay their fair
5 share; i.e. there is not a statement that states if a developer follows that course of action they
6 will be guaranteed approval. She said it is a very subjective process and nothing that requires
7 the School Board to provide approvals if all of the conditions are met.

8
9 She said there are very few things that cities have in order to utilize change and growth of any
10 kind and increasing revenue status, however, one of these is land use. This agreement in effect
11 is giving this to another entity without being able to ensure the rights of the property owner.

12
13 Attorney Williams said there is not an appeals process but there is a dispute resolution process
14 which is under Chapter 164 where if two of the governments reach an impasse, there is a
15 process but that it is simply a process that forces the parties to have a discuss to mediate the
16 problem. Mayor Clutts noted it does not go before a public forum so it will not be a publicly
17 noticed meeting. Attorney Williams stated that Chapter 164 meetings are public however the
18 mayor was correct in that there was no provision for standing: it does not provide for appeal
19 to a court.

20
21 Attorney Williams noted that the concerns raised by the mayor had also been expressed by the
22 participants during the meetings.

- 23
24 • Section 1 – Governmental coordination and sharing of information. This is an
25 agreement to share basic information; quarterly meetings of staff, annual meeting of a
26 committee with representatives from the 16 bodies. The school board will provide a
27 five year facilities plan which will be updated every year.

28
29 Councilmember Abernathy stated he had had a call that day from the governor's office and
30 that he had spoken with the person for 30 minutes about the concurrency issue.

- 31
32 • Section 2 - School planning and siting process – required by the concurrency statute.
33 Requires cooperation between the school board and the governments before schools
34 are placed; i.e.. communication about proposed sites; cities must designate in their
35 comp plan those areas where schools will be allowed and will not be allowed; cities
36 must designate in their zoning code where schools will be allowed and not allowed. It
37 requires the parties to jointly work on shared facilities.
38 • Section 3 – Zoning
39 • Section 4 – Construction of schools within the municipal boundary. Currently schools
40 are not required to comply with city codes or obtain building permits. This will require

1 the schools to submit a site plan to the city and to allow the city to have time to ensure
2 it complies.

- 3 • Section 5 – This deals with the details as to how the process will work. It establishes a
4 service which is known as 100% of the FISH (Florida Inventory of School Houses)
5 capacity. FISH is a government statement that tells what the capacity of each school
6 is. The FISH capacity can be exceeded by up to 125% if there is sufficient lunchroom
7 capacity. The additional 25% capacity of the school can be met by portables but only
8 if the lunchroom size is sufficient.

9
10 Vice Mayor Gamble noted that the core of the cafeteria is determined by a minimum of three
11 lunch periods.

12
13 Attorney Williams added that charter schools can be included if they are built to state
14 standards. He said there are certain types of developments that are exempt from concurrency:
15 deminimus (four or less), lots that are already vested with final site plan approval, 55 and
16 older communities, and in addition, there is provision for infill. If a city has an area that they
17 are trying to redevelop as urban renewal, they can go to the school board and work out an
18 agreement. Mayor Clutts noted this was a concern of the cities because it was felt this might
19 hurt the city's ability to revitalize an area. She said she felt the agreement is better than it was,
20 but is still too subjective.

21
22 Attorney Williams went on to review the process under Section 5. He said if a developer
23 comes into Tavares and wants to develop a subdivision that will have school aged children
24 and a school impact, after the approvals are obtained from the school, that developer will have
25 to go to the School Board and obtain a concurrency review. The School Board will charge a
26 fee for that concurrency review. He said the school board has statistical analysis to show how
27 many students are generated by a particular development. What the School Board will then do
28 once the impact is determined, is to review the city's concurrency area and the capacity of
29 those schools using the FISH capacity numbers, and then determine whether the schools
30 contain enough space for the students that that development will create. He said if they have
31 enough capacity the application will be approved. If the schools do not have capacity the
32 School Board will look at the adjacent concurrency areas to borrow capacity. If there is not
33 enough capacity in either area, they then look at the five year capital improvement plan. This
34 plan will show the schools that are going to be built and the capacity that will be generated by
35 those new schools. If the capacity that is needed is going to be within Years One, Two or
36 Three of that plan, then it will be approved. If however, the capacity is within year Four or
37 Five, then the school board will only approve if the developer pays its proportionate share
38 mitigation. If the project is outside those five years, then negotiations begin with the school
39 board for acceptable mitigation. It could include the payment of the proportionate share

1 calculation, or construction of a capital improvement. It is possible there could not be a
2 resolution.

3
4 He said the County has adopted the agreement but he was not sure about the School Board.
5 Ms. Jackson said Mt. Dora and Clermont have adopted it and it is on the Eustis agenda for
6 October. Attorney Williams said there will need to be a comp plan amendment that has to be
7 considered by December of this year. He noted that a letter had been received from Akerman
8 Senterfitt and provided to Council acknowledging their concerns and expressing a right to
9 object to the agreement at a later time.

10
11 Mayor Clutts said she was not opposed to school concurrency but she had problem with the
12 fact that the city is removing its authority and that no rules are being created that tie the hands
13 of those making decisions to the rules themselves. Councilmember Speaks agreed that by
14 doing this, the city is giving up some of its home rule which is guaranteed by the state
15 constitution.

16
17 Mayor Clutts asked if there was comment from the public.

18
19 Discussion followed regarding the date that the agreement needed to be voted upon. Attorney
20 Williams said the goal is to have it done by December 1. He said there is work to be done
21 after this agreement is done for implementation; i.e. comp plan amendments and LDR
22 amendments.

23
24 Mayor Clutts said she was concerned that by putting it off too long staff would not have
25 enough time to make the changes that need to be made.

26
27 Ms. Jackson stated that she needs to move forward to bring the comp plan and LDR changes
28 and she would appreciate it if Council would move forward on it at this meeting.

29
30 Attorney Williams said he did not anticipate any further changes being made to this
31 document.

32
33 **MOTION**

34
35 **Sandy Gamble moved, on behalf of the staff and to help expedite the process, to approve**
36 **the School Concurrency Agreement, seconded by Robert Abernathy. The motion**
37 **carried unanimously 4-0.**

38
39 **Streetscape Event**

1 Ms. Rogers noted that everyone Main Street has endured the streetscape construction and the
2 recommendation is being made to hold an event in the street to celebrate the completion of the
3 streetscape and to welcome the new city administrator. It will be a 1950's theme with a
4 vintage car show. The Disney public relations office has tentatively agreed to send a musical
5 entertainment group to the event. She said she had made some preliminary inquiries to see if
6 there was interest in partnering with the city. She said the city would have to hire an
7 additional performance band. The event would be held on Friday November 17th from 5:30 to
8 9:30 p.m. She said Inland Lakes Railway has agreed to run the train through the park at a
9 nominal price. A local dance studio will teach dance lessons in the street. She said Mr. Rick
10 Gonzales has agreed to provide financial sponsorship.

11
12 Vice Mayor Gamble complimented Ms. Rogers and the staff for the great job done on the
13 reception Friday night for the new city administrator. Mayor Clutts thanked Ms. Rogers.

14
15 Mayor Clutts said the request is to approve the event as well as budget of \$3,000 with the
16 caveat that Ms. Rogers will explore possibilities for sponsorships. This will come out of the
17 new budget.

18
19 **MOTION**

20
21 **Robert Speaks moved to approve the downtown event and budget, seconded by Sandy**
22 **Gamble. The motion carried unanimously 4-0.**

23
24 Ms. Rogers said she wished to acknowledge Denise Laratta who had provided volunteers
25 from Royal Harbor and support for one of the events in the park, as well as the representatives
26 from Fox Run who have also provided volunteers.

27
28 **Appointment to Police Pension Board**

29
30 Mayor Clutts stated there was an application from Mr. Norman Hope to be on the Police
31 Pension Board. She invited Mr. Hope to address Council. Mr. Hope stated that he had started
32 out as a Baptist preacher, then he became a state trooper, and then later became an FBI agent
33 serving in several states. He said he had moved to Tavares two years ago and is a permanent
34 resident. He said he is the neighborhood watch coordinator for Fox Run. He said he believes
35 local law enforcement is the foundation for law enforcement in the United States and that he
36 believes generally that local law enforcement officers are underrated, underpaid, and
37 underappreciated because they are on the streets 24-7 doing things that most people don't
38 want to do. He said he would be happy to offer what assistance he could to the Police
39 Department.

40

1 **MOTION**

2
3 **Sandy Gamble moved to approve the appointment of Norman Hope to the Police**
4 **Pension Board, seconded by Robert Abernathy. The motion carried unanimously 4-0.**

5
6 **NEW BUSINESS**

7
8 **REPORTS**

9
10 **Interim City Administrator**

11
12 Ms. Houghton stated that the city had received a request from Martin's Grove to pick up the
13 cost for street lighting. The staff will be reviewing it and making sure the cost is the standard
14 appropriate cost.

15
16 **Councilmember Abernathy**

17
18 No report.

19
20 **Vice Mayor Gamble**

21
22 Vice Mayor Gamble stated he noticed that work is being done on the old pagoda at Imperial
23 Terrace. He asked if they had ever given a response as to the payment agreement for lighting.
24 Ms. Houghton said the city is paying the standard cost and Imperial Terrace is paying the
25 difference [for the different style] which they agreed to do.

26
27 Vice Mayor Gamble said he had thanked Mr. Frederick for removing the bush at the corner of
28 Caroline because it was a safety issue.

29
30 Vice Mayor Gamble noted there is a special Council meeting Friday at 4:00 p.m.

31
32 **Councilmember Speaks**

33
34 Councilmember Speaks echoed his appreciation for the help of staff on Saturday and
35 complimented Ms. Houghton on the information she has provided and her responsiveness. He
36 asked about campaign signs noting that if they are not in the correct place they need to be
37 removed. He noted there is one sign that does not have proper disclosure and that that person
38 needed to be notified.

1 Ms. Barnett stated she had written all the candidates and contacted the one individual who
2 does not have the proper language. Ms. Houghton added that the police chief has contacted
3 the candidates as well.

4
5 **City Attorney**

6
7 Attorney Williams said he had spoken with Mayor Clutts and Ms. Houghton regarding the
8 candidate selection meeting on Saturday. He said he had spoken to Colin Baenziger who
9 acknowledged the process last Saturday had been incomplete. He said this occurrence has
10 provided an extra week, however, for Council to reflect on their decision. He said he would be
11 present at the meeting. He said a motion will be made after discussion of the candidates has
12 been held.

13
14 Vice Mayor Gamble asked if the candidates had been notified. Mayor Clutts said the
15 consultant had called everyone and she had made personal calls to both candidates and
16 discussed the procedure that needed to be followed including final ratification. She said Mr.
17 Drury has wanted to fly back and make another presentation. She said she could not
18 discourage or encourage him but she deferred to Mr. Baezenger's opinion. She said Mr. Kraus
19 was very understanding of the situation. Vice Mayor Gamble was concerned because it had
20 been in the newspaper.

21
22 Attorney Williams said he believed the mayor had spoken to the newspapers and the
23 consultant had also contacted the newspapers.

24
25 Mayor Clutts said Mr. Drury had additional things he wanted to say but that she felt it more
26 appropriate for him to write a letter to the council. She said she had also invited Mr. Kraus to
27 also provide a letter. She said Attorney Williams had done a great job in protecting the
28 interests of the city when discussing this issue with the consultants. She said the minute she
29 had realized that Council had not ratified the decision, she had called both papers prior to their
30 deadlines and both papers were aware of that.

31
32 **Mayor Clutts**

33
34 Mayor Clutts asked about a barbed wire fence beside the Martin's Grove development. Ms.
35 Jackson said it would be removed and replaced with PVC fence by the developer. The barbed
36 wire fence belongs to Rosewood.

37
38 Mayor Clutts thanked staff for their work this past weekend.

39
40 **Adjournment**

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

Respectfully submitted,

Nancy A. Barnett
City Clerk