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**CITY OF TAVARES  
MINUTES OF REGULAR COUNCIL MEETING  
OCTOBER 5, 2005  
CITY COUNCIL CHAMBERS**

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

**COUNCILMEMBERS PRESENT**

**ABSENT**

Ted Wicks, Mayor  
Sandy Gamble, Councilmember  
Councilmember Robert Speaks  
Dennis Wilson, Councilmember

Nancy Clutts, Vice Mayor

**STAFF PRESENT**

Dorothy A. Keedy, City Administrator  
Gary Cooney, Acting City Attorney  
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

Chaplain Enrique Callandra, Florida Hospital Waterman, gave the invocation and those present recited the pledge of allegiance

**APPROVAL OF MINUTES**

The minutes of the regular City Council Meeting of September 21, 2005 were approved with the following correction:

**Page 15: Add vote re: Ordinance #2005-32 – Vote to table Ordinance #2005-32 to October 19, 2005 Council Meeting was approved unanimously 5-0.**

**PROCLAMATIONS/PRESENTATIONS**

1 **City Government Week – October 16-22, 2005**  
2

3 Mayor Wicks read a proclamation declaring October 16-22, 2005 as City Government Week.  
4

5 **First United Methodist Church – 125<sup>th</sup> Anniversary**  
6

7 Mayor Wicks read and presented a proclamation to Denman Jones, Senior Minister at First  
8 United Methodist Church recognizing the 125<sup>th</sup> anniversary of the church. Mayor Wicks  
9 expressed appreciation to Reverend Jones for the church’s role in the community.  
10

11 **Community Redevelopment Area Advisory Committee**  
12

13 Mr. Rick Joyce, Vice Chairman of the Community Redevelopment Area Advisory Committee  
14 stood to address Council. Mr. Joyce expressed appreciation to the staff for their support of the  
15 Community’s organizing efforts and assistance in determining their advisory capacity. He  
16 said the Committee would like to meet with the City Council in its capacity as the Community  
17 Redevelopment Agency in a retreat facilitated by an outside professional to make sure the  
18 members are on the same page in order to make recommendations regarding the downtown  
19 redevelopment area. He asked the Council to direct staff to coordinate possible dates and  
20 location if they were in agreement.  
21

22 Mayor Wicks said Council had discussed doing a retreat and that Council might want to  
23 combine this with discussion of the capital improvement program.  
24

25 Mayor Wicks suggested that Ms. Crotty, of the University of Central Florida, be contacted as  
26 a possible facilitator as she had been very effective at the previous Council retreat.  
27

28 **Consensus of Council to have the combined meeting with the Community**  
29 **Redevelopment Area Advisory Committee.**  
30

31 **Royal Harbor Water Pressure Update**  
32

33 Rob Ern, Farner Barley, stood to address Council. Mr. Farner said staff have continued to  
34 investigate the pressure problems at Royal Harbor. He said all of the valves along the run of  
35 SR 19 from North Eichelberger Road down to the entrance of Royal Harbor have been dug  
36 up, pipes cut, and valves operated, utilizing the city’s camera system, and all the valves have  
37 been found to be working. The next step will be to examine the air release valves and their  
38 placement (examining the line and the grade of the ground that the line follows). It appears  
39 that there may be a place where either the contractor did not include an air release valve or  
40 didn’t keep the pipe level as it was being installed. He said there are also two other air  
41 release valves located at high points of lines however they are located in areas where the

1 ground is very flat for several hundred feet in each direction. Therefore there may be air  
2 trapped in a line. Staff believes it is a volume problem and something is causing a blockage to  
3 the line. Staff will use the City's vac truck, vacuum out down to the top of the pipe two  
4 hundred feet in each direction from the existing air release valves, and take some survey shots  
5 of the pipe to see if the air release valves were installed at the actual high points of the line. If  
6 there is a high point that does not have an air release valve and some air has been trapped it is  
7 essentially taking away that much of the usable area of the pipe for water to flow through.  
8

9 Mayor Wicks asked Mr. Ern how much of a deflection would it take upward to create the  
10 problem. Mr. Ern said it is a 14 inch pipe and if there was a deflection upward of half that  
11 diameter, it would be probably be consistent with what is being seen in the field. Mayor  
12 Wicks asked what operating system would allow that air locking effect to happen. Mr. Ern  
13 said he thought the line was in service for many years before there was substantial flow  
14 moving through it, so there could have been air sitting in the line from when it was installed.  
15 He said there were several reasons it could happen. He said staff have also contacted the Rural  
16 Water Association who has an engineer who specializes in hydraulics. He said the model  
17 would be sent to him to review as well.  
18

19 Mayor Wicks said he assumed if this does not give a solution to the problem there are the  
20 options of either reconstructing the line or looping the line to Frankie's Road as a long term  
21 solution.  
22

23 Mr. Ern noted that increasing the water pressure at the water plant would also require  
24 installing pressure reducing valves in the opposite direction.  
25

26 Councilmember Gamble asked about booster pumps as had been discussed previously.  
27

28 Mr. Ern said that booster pumps are an option, however once a booster pump is installed, the  
29 line would have to isolated that goes to Royal Harbor.  
30

31 Mayor Wicks asked about technology to video the operating lines.  
32

33 Mr. Ern said that he was not aware of a equipment to view an active system however he had  
34 also asked the Rural Water Association to research this.  
35

36 Mayor Wicks asked staff to look at the cost of booster pumps as well as the option to loop the  
37 line to Frankie's Road. He asked the status of the Loma Linda subdivision project. Ms.  
38 Keedy said the developer is having some access issues with the County.  
39

40 **Fox Run Drainage Report**  
41

1 Rob Ern reported that the Fox Run community was built in 1987 when the city allowed  
2 roadside swales for conveyance of stormwater into inlets piped to retention ponds. He said the  
3 water table in this subdivision is fairly high. He said over the last 18 years the swales have  
4 been silted in by sediment, landscaping, or ornamental structures to the point where the  
5 swales are no longer inverted and are at the same level as the road. The water therefore has  
6 nowhere to go. He said the city has recently removed sod between two driveways in an  
7 attempt to divert the water in two badly affected areas. He said his recommendation as a long  
8 term solution is to re-establish the original swale system and resod. The estimate for this  
9 would be \$272,000.

10

11 He said there was an option of doing a separate project which involves the areas near the  
12 Manatee Road and King Way where drainage problems are currently the worst. This would  
13 require installing an additional inlet, connecting the existing and proposed inlets with drainage  
14 pipe, re-establishing the original swale and restoring the area which impacts about a dozen  
15 homes. This would cost approximately \$63,700.00. The other project would be limited  
16 improvements to Myakka River Road, between St. Johns Road and Fox Run Blvd. These  
17 improvements would consist mainly of connecting the existing drainage structures and re-  
18 establishing the original swales within this area. The estimated cost would be \$51,000.00.

19

20 Mr. Ern said if additional resources are not directed towards maintenance of the system once  
21 re-established, the work will need to be repeated in 15-20 years.

22

23 Mr. Mercer pointed out that the cheaper of the two scenarios will not eliminate all the  
24 standing water and will not assist the homes that are outside of those particular areas.

25

26 Mayor Wicks asked if the city had the equipment to maintain the system. Mr. Mercer said the  
27 equipment would have to be rented.

28

29 Councilmember Gamble asked if there were an alternative to sod.

30

31 Mr. Ern responded that the alternative would be concrete or rock but it would not be  
32 attractive.

33

34 Councilmember Gamble asked about the possibility of a curb and gutter system.

35

36 Mr. Ern replied that the curb and gutter system would be a substantial cost and the whole  
37 community would have to be reconstructed.

38

39 Mayor Wicks asked for public comment.

40

1 **Comments from the Public**

2  
3 **Robert J. Gallagher – 3210 Myakka River Road**

4  
5 Mr. Gallagher asked for information on the location of the retention ponds. He said Mr. Ern  
6 had shown him two ponds that are north of the development. He questioned the location of the  
7 third pond. Mayor Wicks said that Mr. Ern was showing Mr. Gallagher what was on the  
8 original construction plans and what was represented on the record plat. Mr. Gallagher said  
9 the water cannot get to the ponds unless pumps are used from his location. He said he lives at  
10 King Road and Myakka which seems to be the low point and most of the water in the  
11 development coagulates at this location. He said when it is rainy his driveway has a six to ten  
12 foot swath of water and he cannot get to his mailbox without wearing boots or driving his car.  
13 He said in his estimation that his particular area has most of the problem. He said there are  
14 catch basins that have a pipe that go over to the canal or swale. (Mr. Ern noted that it actually  
15 goes into the ponds.) Mr. Gallagher said that system works and if there was a similar pipe  
16 coming out of the basins close to his property it would take care of the problem. He said that  
17 would involve going under the road and asked if that could be done. Mr. Ern said it would be  
18 open cut.

19  
20 Mayor Wicks said he understood there are two areas of distinct responsibility in this problem.  
21 The platted and recorded and publicly dedicated rights of way which contain the paved roads  
22 and those outside of the right of way that are on private property which fall to the  
23 responsibility of the homeowners' association. He said the discussion tonight should center on  
24 how the city and the homeowners can work together to solve the problem and how to pay for  
25 it.

26  
27 Mr. Gallagher said according to his deed the property where the swale is located belongs to  
28 the city. Mayor Wicks said the right of way and the roads belong to the city but the retention  
29 areas were not dedicated to the city. He said Council wanted to determine if based upon Mr.  
30 Ern's report there was consensus by the residents to make a financial contribution to resolve  
31 the problem along with a possible contribution by the city.

32  
33 Mr. Gallagher asked what the drainage tax was spent. Mayor Wicks said the stormwater fee is  
34 mainly used for projects that are identified for water quality improvement. The money is not  
35 spent on private property. Ms. Keedy answered that the stormwater fee maintains the city-  
36 wide stormwater system. Mr. Gallagher said their system does not work.

37  
38 **Gene Johnson, President of the Fox Run Homeowners Association**

39  
40 Mr. Johnson said that the Homeowners' Association had purchased the property about a year  
41 ago from the developer. He said that Mr. Mercer and Mr. Ern had met with him recently to

1 review the subdivision on a rainy day. He said the biggest problem is that the water fills up  
2 the driveways and that even if the swale system is used, something will have to be done about  
3 the driveways. He said it has created a problem for residents getting in and out of their  
4 driveways. He said there have been tadpoles with slime, insects, and the mosquitoes are  
5 particularly bad after sundown. He said he did not know if the perc and swale system  
6 designed in 1983 that was approved ever worked because he was not a resident then. He said  
7 over all the years the problems were not taken care of by the developer or the city. He said he  
8 did not think until the last few years that the city realized there was a problem in Fox Run. He  
9 said he could only surmise that the problems at that time went to the developer. He said the  
10 residents own their own land and have paid taxes since 1986. He said he felt the City of  
11 Tavares should have been checking and fixing the problems many years ago. He said the  
12 residents feel that if anyone is going to be approached to pay for the remedy, it should be the  
13 developer because the drainage has never been right from the beginning. He said as Mr. Ern  
14 had noted, it is going to cost more down the road to keep the system cleaned out. Mr. Johnson  
15 said the roadway was probably built in 1983 or 1986 and that the city should consider a  
16 stormwater system involving the roads. He read a section of a letter from the city dated March  
17 16, 2005 which stated that the city is required to maintain the roads and the right of ways, and  
18 swales and pipes along each street.

19

20 **Margie Voelz, 3134 Myakka River Road**

21

22 Ms. Voelz stated she had thought she had a storm sewer but found out that she has a French  
23 drain that goes nowhere except across the street to Mr. Gallagher's. She said the water goes  
24 back and forth and fills up her yard and sits there. She said she had requested the city to look  
25 at the drain and they came out and pumped it two or three times. She said she had been told  
26 they would not continue to pump the water because of the cost. She said as soon as they water  
27 is pumped out, it fills back up. She said now that the swale has been dug there is water in the  
28 swale and in the driveways and it still doesn't go anywhere. She said she thought if swales  
29 were put in the whole area everyone would have standing water. She said she had called the  
30 city many times but had been told the developer would fix the problem. She said it has been  
31 discussed for several years and is not a new problem. She said the residents would appreciate  
32 whatever could be done to help them.

33

34 **Francis Stevens – King Way and Manatee**

35

36 Mr. Stevens said he lives in an area where there is a problem. He said he is concerned that  
37 between the French drain on his land and where it goes under Wekiva, there is only a couple  
38 of feet difference according to the contour lines. He said it is a very shallow drain, less than  
39 ½% grade and he is concerned that unless the swales are dug deep enough along Wekiva that  
40 he will have a retention pond on his property and that it will affect the value of his home.

41

1 Mayor Wicks said the city would not want to spend money and have it cause additional  
2 problems and that the city would depend on its engineers to advise the city on what will work.  
3 He said it is a very flat area with a lack of hydraulic gradient—the water has to build up  
4 before it can run anywhere, which is a situation faced in a lot of projects in Florida. He said a  
5 complete evaluation would be done before a decision is made to spend money to fix the  
6 problem. He said the problems that are being pointed out would have to be taken into  
7 consideration by staff as it is reviewed further.

8  
9 **Gene Johnson**

10  
11 Mr. Johnson stated that he wanted to add that he had been working with Mr. Mercer and that  
12 he has been good to work with. He said he thought Mr. Mercer and Council were trying to  
13 work with the development.

14  
15 Mayor Wicks said he appreciated his comments and that Council needed to give staff more  
16 resources to work on the problem.

17  
18 **Loyd Kussman, 3128 Myakka River Road**

19  
20 Mr. Kussman said that he felt everyone agreed this is a large problem and that he was amazed  
21 that Mr. Ern had taken one day to review it and then came up with a solution of digging out  
22 the swales, leaving the driveways as is, and creating ponds between the driveways for the  
23 water to stand in. He said he has water standing in his driveway and in the rut that was cut  
24 across his front yard since June. He said there has only been about seven days that the swale  
25 has been dry. He said he did believe digging the swales out would only create deeper holes  
26 for the water to stand in. He said he had had 1 ½” minnows in his driveway because of the  
27 length of time the driveway has had standing water.

28  
29 **Frank Urquhart, Peace Road**

30  
31 Mr. Urquhart stated he thought it was time after 20 years that the hatchet be buried. He said it  
32 is understood that there is a problem and that he was sure that Fox Run was willing to do their  
33 share. He said there are new people running the subdivision and he believed the residents  
34 were willing to cooperate. He said he knew the subdivision was negligent in the maintenance  
35 however the residents relied on the developer which was a mistake. He said the residents are  
36 now willing to do their share to solve the problem.

37  
38 **Jay Brown, 2918 Wekiva Road**

39  
40 Mr. Brown said he agreed with Mr. Kussman and that he did not believe doing anything with  
41 the swales would alleviate the water problem. He said the problem arises when the ground

1 gets saturated. He said he had seen his neighbor’s lawn mower going through the water and  
2 there wasn’t a swale there as it is level. He said if a non-swaled lawn is going to hold water,  
3 how could a swaled lawn get rid of the water? He said he believed it could not be done and  
4 that it will make matters worse.

5  
6 **Geraldine Gallagher – 3210 Myakka River Road**  
7

8 Ms. Gallagher said she had lived in her home for 18 years and they have never filled in their  
9 swale and there is a catch basin on the corner that is always full. She said their swale is as  
10 deep as the original swale when they moved into their house and her husband cannot mow the  
11 lawn because she has had to pull him out of the swale on the riding lawn mower. She said no  
12 grass grows--it is just muck. She said digging a swale is not going to help; it needs a pipe to  
13 take the water someplace and pump it across the street or into one of the French drains that  
14 work. Mayor Wicks asked if the standing water condition had existed since the house was  
15 purchased. Ms. Gallagher said there have been problems but not like it has been lately. She  
16 said when they moved in not all the subdivision was developed and then there was a drought  
17 after that for several years.

18  
19 Mayor Wicks asked if any audience member had additional commentes.

20  
21 The public hearing was closed.

22  
23 **Council Discussion**  
24

25 Mayor Wicks asked Mr. Ern if there was the ability to establish any additional positive outfall  
26 from that area if residents were willing to give the easements. Mr. Ern said that the problem is  
27 primarily with conveyance; the water is not getting into the system. He said the swales were  
28 for conveyance to get it to the inlets that went to the ponds. He said the ponds appear to be in  
29 decent shape with the exception of the one along the west line of the project in the northwest  
30 corner which does not appear to have been constructed properly; i.e. the vegetation was not  
31 taken out of it. He said there is positive outfall--the water is just not getting there. He said the  
32 project was designed prior to driveways being put in by the developer so that water flowed  
33 through the swales to low points in to inlets which then flowed to the ponds and then outfalled  
34 into the canal. He said if the water cannot get to those ponds it’s never going to go anywhere.  
35 He reiterated that re-establishing the swales is the first step and that some driveways will have  
36 to be replaced. Several of them appear to have been constructed with an invert at the swale  
37 center line correctly. If that’s the case, there will not be a pond between the driveways,  
38 because the driveway invert will be similar to the ponds at the swale bottom and the water  
39 will be able to flow past.

1 Mayor Wicks said that with re-establishing the swale profiles, it will allow staff to do  
2 additional evaluation and look for other trouble spots and additional needs to convey. He said  
3 he assumed this would be taken stepwise; it would need to be put back the way it was in order  
4 to evaluate further. Mr. Ern responded that it is not a problem getting the water with  
5 discharging ultimately off site, it is getting it to those points that is the problem.

6  
7 Mr. Mercer stated that re-establishing the swales and driveways and conveying the water  
8 properly as designed would not eliminate standing water in the wettest part of the year. He  
9 noted Mrs. Gallagher had stated her front yard has muck. He said there is no ability to convey  
10 water when ground is muck, other than surface. He said when the system is engineered  
11 hydraulically to the point where it cannot go any further, there will still be standing water. He  
12 said although he did not believe it would be to the extreme point that it is now, that every  
13 driveway would continue to have a small amount of water as that is the way it was designed.  
14 He emphasized that he did not want the residents to expect that even with the system re-  
15 established there would never be water standing in the swales or the driveways. Mayor Wicks  
16 added that that the condition of the soil is a feature that the city has no control over.

17  
18 Councilmember Gamble asked how this would help Ms. Voelz and Mr. Gallagher with their  
19 French drain problem.

20  
21 Mr. Ern said it is the exact same problem as it is everywhere. He said within one lot line of  
22 that corner lot is an inlet that goes directly to the pond, so Ms. Voelz is literally less than 75  
23 feet away from the outfall but it is not getting there as the low point is in the driveways. He  
24 said if the project was graded as it was originally designed and the assumption is that it was,  
25 the water will go where it is supposed to go if the swales are reconstructed per the original  
26 design.

27  
28 Mayor Wicks said the city would be able to make those judgments based on technical  
29 information if this project is undertaken. Elevations and issues impacting that flow of water  
30 will be reviewed.

31  
32 Mayor Wicks asked about the city's financial responsibilities.

33  
34 Ms. Keedy said the city could pay the total amount, however that money is not budgeted and  
35 she was not sure what source would be used to pay for it. She said she was not sure that it was  
36 the city's responsibility to fix 100% of the problems. She said a special assessment could be  
37 done per the memo from the city attorney in the agenda packet that outlines the process. This  
38 could be funded in whole or in part by the residents. This assessment would be done up to a  
39 10 year period at a maximum 8% interest rate. The city would essentially upfront the costs  
40 and then collect those costs from the residents. She said several projects have been done in the  
41 city by assessment over the years.

1  
2 Mayor Wicks asked if \$272,000 was the preliminary estimate to restore the swales. Mr. Ern  
3 said that it was an estimate without doing survey grades. Mr. Mercer added that there have  
4 been a number of improvements done by the homeowners in the swales, decorative features,  
5 landscaping, that may or may not be in that estimate. He said this estimate was preliminary  
6 only based on re-establishing the swale and hauling off the fill and resodding. He said there  
7 may also be some driveways that need to be reconstructed. Mr. Ern added that replacement of  
8 irrigation systems was also excluded from the estimate.  
9

10 Ms. Keedy said if the three projects were considered that were outlined by Mr. Ern and were  
11 divided by the number of lots it would be approximately \$1121 per lot over a 10 year period.  
12

13 Attorney Cooney said the city can ask the tax collector to collect the assessment on the tax  
14 bill. The tax collector charges a percentage charge, along with the property appraiser's office.  
15 Collection can also be done in-house however it is labor intensive. Typically the city would  
16 apply for a loan and tie the interest rate on the assessment to the interest rate on the loan.  
17

18 Mayor Wicks said that Council had heard a lot of testimony at this meeting and gone over a  
19 lot of issues, and he felt it would take additional study on behalf of staff and this body to  
20 reach a decision. He said he felt the city had some financial responsibility to repair this system  
21 because it has been failed to be maintained over the years. He said when the city accepted the  
22 dedication as a public street and right of way, the city accepted some responsibility for that.  
23

24 Mayor Wicks asked Mr. Johnson if the residents had discussed the assessment program and  
25 was that acceptable to the residents.  
26

27 Mr. Johnson said the residents have not had a meeting and the Board has not met on this  
28 issue. He said they were waiting to hear what the city would do. He said the personal feelings  
29 are that they feel that the city and the developer should pay for the project.  
30

31 Ms. Keedy said she did not know that the city ever had the ability to force the developer to  
32 maintain his infrastructure.  
33

34 Attorney Cooney said if the developer was still on site and owned lots he could be assessed as  
35 well. However, he said he did not think someone who is not going to be benefited by the  
36 project could be assessed now.  
37

38 Mr. Johnson asked Attorney Cooney if the association could sue the developer. Attorney  
39 Cooney answered that if the homeowners believed that it was something that the developer  
40 had caused he would assume it could be pursued however he did not know that the residents  
41 would be successful. He said he assumed the developer built the project according to the plans

1 that he provided to the city and the city passed on those inspections and at that point the  
2 dedication was made to the city. He said there may be additional maintenance costs and the  
3 city has the option to do an assessment to pay for the maintenance. He said the taxes that are  
4 paid to the city do not always cover everything that occurs within a city.

5  
6 Mr. Johnson said that on the corner of the [construction] plans it showed a maintenance  
7 schedule that was supposed to have been kept up. He said evidently no one was checking that  
8 the developer was keeping up with maintenance and he thought that should have been the  
9 city.

10  
11 Attorney Cooney said he had not seen the plans. He said he had heard from Mr. Ern that the  
12 streets and swales were dedicated to the city and were accepted by the city and that the rest of  
13 the drainage system was the responsibility of the developer and then later the homeowners  
14 association.

15  
16 Mr. Johnson said they do not have issues with the ponds. Mr. Ern stated that the notes that are  
17 on the plan are for pond maintenance not for swale and conveyance system maintenance.  
18 Mayor Wicks asked when the responsibility transferred from the developer to the HOA. He  
19 asked if the closing documents provided for the transfer of that responsibility to the HOA. Mr.  
20 Johnson said after the HOA bought the property they tried to get a set of plans from the  
21 developer and he stated he had lost his plans. He said Mr. Mercer found construction plans  
22 and now they have plans that show they have a pond that they did not know they had and  
23 which they have been told by the University of Florida cannot be a pond because of the trees  
24 within it. He said the city has since blown water out into this pond and it did drain.

25  
26 Mayor Wicks asked what was purchased from the developer. Mr. Johnson answered that it  
27 was all the common ground including club house, marina, boardwalk, etc.

28  
29 Councilmember Speaks said the city is a partner with Fox Run and both entities need to work  
30 together and see how it can be financed and go from there.

31  
32 Mayor Wicks asked Mr. Mercer what his next step would be to find the numbers.

33  
34 Mr. Mercer responded that he and Ms. Keedy needed to meet with the city attorney and  
35 discuss the financing mechanisms and that the cost estimate needed to be refined and then  
36 staff would return in a few weeks with a short presentation.

37  
38 Mayor Wicks said he would like to see Mr. Johnson and the Homeowners' Association  
39 involved with this as well.

40

1 Councilmember Gamble asked about the Attorney’s letter and the petition process and if that  
2 could be initiated. Mayor Wicks said if the decision is made to go with the lien assessment  
3 program it will require at least 51% of consensus from the residents being assessed.  
4

5 Ms. Keedy said once a firm cost is established, it will assist the petition process.  
6

7 Councilmember Wilson asked for clarification of the estimates that had been discussed. Ms.  
8 Keedy answered that in her estimate of \$1100, she was including the two pond projects and  
9 the piping for the worst areas. Councilmember Speaks said Ms. Keedy had added the figures  
10 for the three projects of \$51,000, \$61,000 and \$272,000.  
11

12 Mr. Johnson said there are only 341 lots in Fox Run.  
13

14 Mayor Wicks stated that he appreciated the attendance and participation of the Fox Run  
15 residents. He said any further questions should be directed to staff and any councilmember  
16 would be glad to hear from the residents. He said the plan is to take the next step and have  
17 staff do a further evaluation and provide more specific information. He said the city would be  
18 dealing with Mr. Johnson as the Homeowners’ President and at some point there may be  
19 another joint meeting. He said the information would come back to Council and every one  
20 was invited to attend at that time.  
21

## 22 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

### 23 24 **AGENDA REVIEW**

25  
26 Mayor Wicks stated he had a conflict on Chelsea Oaks Phase I and would pass the gavel to  
27 Councilmember Speaks.  
28

29 He asked if anyone in the audience had comment on Consent Agenda items #7, 8, 9, and 10.  
30

### 31 **CONSENT AGENDA**

#### 32 33 **MOTION**

34  
35 **Robert Speaks moved for approval of the Consent Agenda items #7, #9, and #10 [IAFF**  
36 **Contract, Contract with Unique Management for Library Material Recovery System,**  
37 **and Final Plat for Martin’s Grove], seconded by Sandy Gamble.**  
38

39 **The motion was approved unanimously 4-0.**  
40

41 **Mayor Wicks passed the gavel to Councilmember Speaks.**

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**Chelsea Oaks Phase I – Acceptance of Infrastructure**

Councilmember Speaks asked if there was discussion on this item.

**MOTION**

**Sandy Gamble moved to approve Consent Agenda Item #8 [Chelsea Oaks Phase I Acceptance of Infrastructure], seconded by Dennis Wilson.**

Councilmember Speaks asked if there was comment from the audience.

**VOTE ON THE MOTION**

**The motion was approved unanimously 3-0 with Ted Wicks abstaining.**

**Councilmember Speaks passed the gavel back to Mayor Wicks.**

**PUBLIC HEARING**

**Ordinance #2005-37 – Locational Criteria for Alcohol Sales – Second Reading**

Ms. Barnett read the ordinance by title only:

**ORDINANCE NO. 2005-37**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, AMENDING SECTION 3.1 OF THE CODE OF ORINANCES, PERTAINING TO ALCOHOL SALES; AMENDING THE LOCATIONAL CRITERIA TO MAKE CONSISTENT WITH STATE LAW; INCLUDING A GEOGRAPHICAL RESTRICTION FOR CERTAIN SALES NEAR CHURCHES; PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Jackson stated this was second reading of the ordinance that deals with the issue of separation of establishments that sell alcoholic beverages not only for consumption on site but also for sales, such as a grocery store. The current code requires a separation from any type of school or church of 600 feet. The state statute requires a 500 ft. separation only from schools. The ordinance will change the distance requirement to 500 ft. to schools in keeping with state statutes. In the CRA district there would only be a separation requirement for schools and in the rest of the city there would be a 500 ft. separation for schools as well as churches. City



1 **DEPARTMENTAL TOPICS FOR COUNCIL ACTION OR DISCUSSION**

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3 **COMMUNITY DEVELOPMENT**

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5 **COMMUNITY SERVICES**

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7 **Agreement for South Florida Dragonboat Club**

8  
9 Ms. Saladin stated that four dragonboats were purchased about four months ago. Prior to the  
10 city's purchase, the South Florida Dragonboat Festival would lease the boats from the former  
11 owner for their festival in October. They have requested to enter into a similar agreement with  
12 the city. Ms. Saladin noted this would offset some of the costs that the city has spent. She said  
13 depending on mileage, the city might recoup as much as \$3,000. The lease would only be for  
14 the boats, not paddles and vests. A security deposit will be required. Councilmember Gamble  
15 asked about the proposed terms. Ms. Saladin said it would be \$75.00 a day plus the mileage  
16 which was the same fee charged by the previous owner of the boats.

17  
18 Councilmember Gamble said he had asked for a fee to be charged for leasing the boats in the  
19 city. Ms. Saladin said a fee of \$25.00 per day is being charged plus a deposit.

20  
21 **MOTION**

22  
23 **Sandy Gamble moved to approve the lease of the dragonboats to the South Florida**  
24 **Dragonboat Club, seconded by Dennis Wilson. The motion carried unanimously 4-0.**

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26 **POLICE DEPARTMENT**

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28 **FIRE DEPARTMENT**

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30 **PUBLIC WORKS/GENERAL SERVICES**

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32 **FINANCE**

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34 **ADMINISTRATION**

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36 **REPORTS**

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38 **Attorney Cooney**

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40 Attorney Cooney said it was a pleasure to be at the meeting.

1 **Councilmember Gamble**

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3 Councilmember Gamble asked if staff had asked how many shuffleboard members live in the  
4 city. Ms. Keedy said staff had not requested the information. Councilmember Gamble asked  
5 if the city had applied for recreation funds from the County for out of city residents. Ms.  
6 Saladin responded that the information and request had been made in August as it is done  
7 annually. She said the reports she had received in previous year had reflected that the city was  
8 serving more out of city residents however the city was not recouping any more funds. She  
9 said now that the funds have been increased, the city will hopefully see an increased benefit.  
10 Councilmember Gamble said that the city has sometimes classified persons as not being in the  
11 city, however, they live in another city (i.e. are not county residents). Ms. Saladin said she has  
12 data on that, however, the unincorporated areas are the highest amount of participants.

13  
14 Mayor Wicks said he assumed the request for the resurfacing of the shuffleboard courts would  
15 be made again next year.

16  
17 Ms. Saladin asked if Council wished staff to follow up with the Shuffleboard Club as to where  
18 their members live. Mr. Gamble said it would be good for Council to know as it could affect  
19 the decision.

20  
21 Mayor Wicks said he thought the shuffleboard program needed to be included in the city's  
22 recreation program.

23  
24 Councilmember Wilson said he thought he had understood that 20 of the 50 members lived  
25 outside the city. Ms. Keedy said the resurfacing will probably be budgeted next year and that  
26 a fee as well could be charged to use the courts similar to the fee that is charged to all other  
27 recreation participants.

28  
29 Ms. Saladin noted that the courts are being resealed which is done annually.

30  
31 **Councilmember Wilson**

32  
33 No report.

34  
35 **Councilmember Speaks**

36  
37 No report.

38  
39 **City Administrator**

40  
41 Ms. Keedy introduced the new Utility Manager, Rob Brown. Mayor Wicks welcomed Mr.

1 Brown.

2

3 **Mayor Wicks**

4

5 Mayor Wicks asked if everyone had received notice of the meeting to be held Monday with  
6 DCA, the Board of County Commissioners and School Board. It will be held Monday at  
7 10:00 at Lake Receptions.

8

9 Ms. Keedy stated that she had had a phone call from the County Manager in response to the  
10 letter that was sent regarding their proposed expansion south of the City. She said the County  
11 does not want to annex until the project is built. She said the Chairman would be sending a  
12 letter as a formal response. She said this issue is related to the question raised earlier about the  
13 Loma Linda property. The property owner and their representative is dealing with the county  
14 only which makes it difficult for the city to plan.

15

16 Mayor Wicks questioned how the city would interface regarding utilities and transportation.  
17 Ms. Keedy said the county manager had stated the city would be asked to review their plans.  
18 She said the County's main concern seems to be having control over their building officials  
19 and the inspection process.

20

21 Mayor Wicks reported that Councilmember Speaks had sent a letter in his capacity as the  
22 Sales Surtax Advisory Committee Chairman regarding a meeting scheduled for October 18 at  
23 9:00 a.m. for a report of the findings of this Committee. Councilmember Speaks stated that  
24 Tavares did a good job in its reporting.

25

26 **Adjournment**

27

28 There was no further business and the meeting was adjourned at 6:50 p.m.

29

30 Respectfully submitted,

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35 Nancy A. Barnett

36 City Clerk

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