

1
2
3 **CITY OF TAVARES**
4 **MINUTES OF REGULAR COUNCIL MEETING**
5 **MAY 18, 2005**
6 **CITY COUNCIL CHAMBERS**

7 Mayor Ted Wicks called the meeting to order at 5:00 p.m.

8
9 **COUNCILMEMBERS PRESENT**

ABSENT

10
11 Ted Wicks, Mayor
12 Nancy Clutts, Vice Mayor
13 Sandy Gamble, Councilmember
14 Robert Speaks, Councilmember
15 Dennis Wilson, Councilmember
16

17 **STAFF PRESENT**

18
19 Dorothy A. Keedy, City Administrator
20 Robert Q. Williams, City Attorney
21 Nancy A. Barnett, City Clerk
22 Donna Saladin, Director of Community Services
23 Susan Jackson, Director of Community Development
24 Lori Houghton, Finance Director
25 Stoney Lubins, Police Chief
26 Lori Tucker, Human Resources Director
27 Aaron Mercer, Public Works Director
28 Emory Kendrick, Fire Chief
29

30 Reverend William Tyson, Union Congregational Church, gave the invocation and those
31 present recited the pledge of allegiance.
32

33 **APPROVAL OF MINUTES**

34
35 The minutes of the regular meeting of May 4, 2005 were approved with the following
36 corrections:

37
38 Page 5, Line 20: Council voted to approve at first reading with a vote of 4 to 0 (versus
39 “unanimously.”)

40
41 Page 6, Line 5: Council voted 4-0 in favor of this ordinance at first reading on
42 April 20, 2005 (versus “unanimously”).
43

44 **PROCLAMATIONS/PRESENTATIONS**

45
46 **AGENDA REVIEW**

47
48 Mayor Wicks noted that there was one item under Consent and that there had been a revision
49 to the agenda to add item #15. Item #14 is now the Cultural Affairs Council, application for
50 grants and Item #15 will be the City Administrator evaluation.
51

52 Vice Mayor Clutts stated she would like to pull Item #13, Budget Resolution, for discussion.
53

54 Mayor Wicks stated he wished to declare a conflict on Item #1 and #2, Ordinance #2005-18
55 and Ordinance #2005-20 as he has done business with thee applicant. He passed the gavel to
56 Vice Mayor Clutts.
57

1 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

2
3 **Ordinance #2005-18 – Annexation – Newman – 5.09 Acres North side of CR 448, East of**
4 **CR 561 – First Reading**

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

7
8 **ORDINANCE #2005-18**

9
10 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**
11 **TAVARES BY ANNEXING APPROXIMATELY 5.09 ACRES**
12 **LOCATED ON THE NORTHERN SIDE OF COUNTY ROAD 448,**
13 **APPROXIMATELY 1/2 MILE EAST OF THE INTERSECTION**
14 **COUNTY ROAD 561 AND COUNTY ROAD 448; SUBJECT TO THE**
15 **RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE**
16 **CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

17
18 Ms. Jackson stated that this was a 5.09 acre parcel located on the northern side of CR 448. It
19 meets all statutory requirements for annexation. Staff recommends approval and the Planning
20 & Zoning Board recommended approval 7-0.

21
22 Vice Mayor Clutts invited the applicant to speak.

23
24 Tim Green of Green Consulting Group stated he represented Audie Newman on this case and
25 was available to answer questions. Vice Mayor Clutts asked for comment from the audience.

26
27 The Public Hearing was closed.

28
29 **MOTION**

30
31 **Robert Speaks moved for approval of Ordinance #2005-18, seconded by Dennis Wilson.**
32 **The motion carried 4-0 with Mayor Wicks abstaining.**

33
34 **Ordinance #2005=20 – Annexation & Rezoning – Mikary 9.91 acres south of Mansfield**
35 **Road and west of Lake Dora – First Reading**

36
37 Ms. Barnett read the ordinance by title only:

38
39 **ORDINANCE #2005-20**

40
41 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**
42 **TAVARES BY ANNEXING APPROXIMATELY 9.91 ACRES**
43 **LOCATED SOUTH OF MANSFIELD ROAD AND WEST OF LAKE**
44 **DORA; REZONING THE PROPERTY FROM LAKE COUNTY A**
45 **(AGRICULTURE) TO CITY OF TAVARES RMF-2 (RESIDENTIAL**
46 **MULTI FAMILY); SUBJECT TO THE RULES, REGULATIONS AND**
47 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
48 **PROVIDING AN EFFECTIVE DATE.**

49
50 Ms. Jackson noted that this is an annexation of approximately 9.91 acres. It meets all statutory
51 requirements for annexation and the applicant is requesting to rezone the property from the
52 current Lake County Agricultural designation to the City of Tavares RMF-2. They will also
53 be requesting a Future Land Use Amendment to Low Density Residential. Their density will
54 be limited to 5.6 dwelling units per acre however the RMF-2 does allow single family
55 duplexes and townhomes on the property. RMF-2 is compatible with the surrounding
56 properties. She said the applicant's representative has indicated that the development will be
57 primarily single family homes with some lots dedicated to duplex development. Staff

1 recommends approval of the annexation and the rezoning. The Planning & Zoning Board
2 recommended 7-0.

3
4 Vice Mayor Clutts invited the applicant's representative to address Council.

5
6 Sharon Farrell of Wicks Consulting came forward. She said the project has been designed so
7 far at about 3 units per acre, single family with several lake view lots. She said they have met
8 with the neighbors and thought she had addressed their concerns. She said there is no on file
9 record of an eagle's nest. The height limitation of the zoning area is 35 feet so no high rises
10 are planned.

11
12 Vice Mayor Clutts stated she thought the current land use designation in the County for this
13 property is 7 units per acre. Ms. Jackson said the land use designation is Urban which allows
14 7 units to the acre. Vice Mayor Clutts asked if the county designation allows for the mixed
15 use of duplexes, townhomes, etc.

16
17 Ms. Keedy asked if her question was whether zoning that would allow multi-family was
18 allowed in the current county designation? She said the zoning would have to compatible with
19 the Urban Land Use designation.

20
21 Vice Mayor Clutts asked how many units would be allowed at the maximum. Ms. Jackson
22 answered it could be 55 units which is in the Future Land Use Amendment.

23
24 Councilmember Gamble asked for clarification of the map and asked if County Drive and
25 Mansfield Road were the same road. Mr. Mercer confirmed that it was the same road.

26
27 Vice Mayor Clutts asked for public input on the case.

28
29 Glen Baird, 1095 Mansfield Road, stood to speak. Mr. Baird said he would rather see the
30 property sold as individual lots rather than be a walled-in gated community with four or five
31 families per building. He said he was concerned that they would look like large rental areas.
32 He said there was going to be another similar development nearby on the other side of the
33 road. He said there are eagles on the property and it appeared they were trying to nest.

34
35 Vice Mayor Clutts said in order for the property owners to obtain permits they would have to
36 follow the rules in place at the time which would include environmental surveys.

37
38 Ms. Jackson confirmed that the environmental survey would be required when the site plan is
39 submitted.

40
41 Alan Zell, 1075 Mansfield Road, stood to speak. Mr. Zell stated that on Tuesday at 6:30 a.m.
42 he saw two eagles bringing in sticks. He said his observation was based on his background of
43 being a former Fish and Game employee. He said he believed that the eagles were trying to
44 rebuild their nests that were there before last year's hurricanes. He said he had walked on the
45 property looking for the eagles. He said he is concerned about overcrowding the school
46 system and the capacity of the police department for response by adding more development
47 that will include families. He said there needed to be more protection of the city and the
48 wildlife from growth. He suggested that the city require more green areas.

49
50 Vice Mayor Clutts invited Mr. Zell and his neighbors and anyone in the audience to attend the
51 Land Development Regulations workshop. She noted there would be a workshop on May 25th
52 at 3:00 p.m. to review the current rules. She noted that Council is bound by the current rules
53 to allow for a reasonable use of the land. She noted that by annexing the property Council is
54 bringing the density down from 7 units to 5.6. She said there are plans for open areas in all
55 PUD's. She said she shared Mr. Zell's concern regarding school growth and that the state
56 legislature had recently adopted some bills for growth planning which will include school
57 concurrency. She said Ms. Jackson had spoken earlier regarding the eagle's nest. The project

1 will come back to Council for a preliminary plat approval and at that time the applicant will
2 be required to go through an environmental assessment.

3
4 The Public Hearing was closed.

5
6 **MOTION**

7
8 **Robert Speaks moved for approval of Ordinance #2005-20, seconded by Dennis Wilson.**
9 **The motion carried 4-0 with Mayor Wicks abstaining.**

10
11 Vice Mayor Clutts passed the gavel back to Mayor Wicks.

12
13 Mayor Wicks stated he would like to remind the audience that these ordinances are being
14 considered for first readings and invited those present to bring back further information for
15 the second reading if they wished to do so.

16
17 **Ordinance #2005-22 – Annexation & Rezoning – Tolbert, .9 acres, 38231 Lake Eustis**
18 **Drive – First Reading**

19
20 Ms. Barnett read the ordinance by title only:

21
22 **ORDINANCE #2005-22**

23
24 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**
25 **TAVARES BY ANNEXING APPROXIMATELY 0.9 ACRES LOCATED**
26 **AT 32831 LAKE EUSTIS DRIVE; REZONING THE PROPERTY**
27 **FROM LAKE COUNTY R-6 (URBAN RESIDENTIAL DISTRICT) TO**
28 **CITY OF TAVARES RSF-1 (RESIDENTIAL SINGLE FAMILY);**
29 **SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
30 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING**
31 **AN EFFECTIVE DATE.**

32
33 Ms. Jackson said this .9 parcel is located on Lake Eustis Drive. The applicants wish to annex
34 the property and is planning to subdivide it into two lots. There is one home located on the
35 parcel currently. It meets all statutory requirements for annexation. The request is also to
36 rezone the property from Lake County R-6, Urban Residential District to the City of Tavares
37 RFF-1 which is the lowest density district. She said it is compatible with all surrounding uses.
38 Staff recommends approval and the Planning & Zoning Board recommended approval 7.0.

39
40 Mayor Wicks asked if the applicant's representative wished to speak. He then asked if anyone
41 in the audience had comments. The Public Hearing was closed.

42
43 Ms. Jackson said the applicant wished to split the parcel and that they would need utilities.
44 Ms. Keedy said she did not think the utilities were available at that location. Ms. Keedy said
45 she thought there might have been a lot frontage issue in the county.

46
47 Councilmember Gamble asked for clarification on the utilities. Mr. Mercer said there is water
48 available but not sewer. Mayor Wicks said if they split the lot they must be able to generate a
49 half acre land mass within the confines of each lot in order to develop on an individual septic
50 tank. Ms. Keedy said staff had recommended that the applicant speak to the county about that
51 issue.

52
53 **MOTION**

54
55 **Nancy Clutts moved for approval of Ordinance #2005-22, seconded by Robert Speaks.**
56 **The motion carried 5-0.**

1 **Ordinance #2005-24 – PUD Text Amendment – Amendment to Ordinance #2005-37 –**
2 **Adjustments to Height – Landings at Etowah – First Reading**

3
4 Ms. Barnett read the ordinance by title only:

5
6 **ORDINANCE 2005-24**

7
8 **AN ORDINANCE AMENDING ORDINANCE 94-12 AS AMENDED BY**
9 **2004-19, AS AMENDED BY 2004-37 OF THE CITY OF TAVARES,**
10 **FLORIDA, AFFECTING PROPERTY NORTH OF FLORIDA**
11 **HOSPITAL WATERMAN; AMENDING SECTION 2.3 (D),**
12 **PROVIDING FOR ADJUSTMENTS TO HEIGHT REQUIREMENTS;**
13 **PROVIDING FOR AN EFFECTIVE DATE.**
14

15 Ms. Jackson said that this is an amendment to the Etowah PUD, previously known as Eagle
16 Bay and before that Huffstetler. There is currently a height restriction of 60 feet in the multi-
17 family district. The applicant is requesting to increase that to 64 feet and are also requesting
18 for a decorative cupola to be placed on top of the multi-family structures. She showed a
19 graphic that depicted the cupola.

20
21 Staff review concluded that this is an emerging urban area and wants to encourage the urban
22 densities as well as flexibility in design. She noted the proximity of Florida Hospital
23 Waterman and Best Western Hotel. She said the height is compatible with those properties
24 which had also requested height variances that were approved. Staff recommends approval
25 and the Planning & Zoning Board voted in favor 7-0.

26
27 Vice Mayor Clutts asked Chief Kendrick if there would be any issues with regard to
28 emergency response.

29
30 Chief Kendrick stated that high-rise fires in cities are usually handled by about 65 to 70
31 people and that they are not fought from the outside. The procedure is to fight the fire from
32 the inside by utilizing the stairwells and the amount of stories in a building did not affect the
33 manner of response. He said with the mutual aid agreement and joint response agreements,
34 any city in the county has the bare minimum to fight a high-rise fire. The most important issue
35 is that every high rise has to be sprinkled by state ordinance and that sprinklers put out about
36 99% of fires.

37
38 Attorney Campione stood to address Council stating she represented Shamrock Homes. She
39 said this is a request to add an additional four feet. The request resulted during the design of
40 the multi-family structures when it was determined in order to accommodate the higher pitch
41 (which the applicant felt was critical to aesthetics) an additional four feet was needed.

42
43 Mayor Wicks asked if anyone in the audience had comments. The Public Hearing was closed.

44
45 Mayor Wicks asked how many units were scheduled. Ms. Jackson said she thought it was
46 around 230 units. Attorney Campione said she thought this was correct and that the applicant
47 is very close to submitting the preliminary plat.

48
49 **MOTION**

50
51 **Nancy Clutts moved for approval of the PUD text amendment from Ordinance #2004-37**
52 **to become Ordinance #2005-24. The motion carried 5-0.**

53
54 **Mayor Wicks adjourned the City Council and reconvened as the Local Planning**
55 **Agency.**

56
57 **LOCAL PLANNING AGENCY MEETING**

1
2 **Mayor Wicks declared a conflict on Items #5, Ordinance #2005-19 and Item #6,**
3 **Ordinance #2005-21 as he has done business with the applicant. He then passed the**
4 **gavel to Vice Mayor Clutts.**

5
6 Ms. Barnett stated that there was a form at the podium for anyone to fill out who wished to
7 receive information from the Department of Community Affairs on its Notice of Intent for the
8 following three ordinances:

9
10 **Ordinance #2005-19 – Small Scale Future Land Use Amendment – City of Tavares**
11 **Industrial – Newman Property – Recommendation to Council**

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

14
15 **ORDINANCE #2005-19**

16
17 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
18 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**
19 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**
20 **LAND USE DESIGNATION FROM LAKE COUNTY EMPLOYMENT**
21 **CENTER TO CITY OF TAVARES INDUSTRIAL FOR PROPERTY**
22 **LOCATED ON THE NORTHERN SIDE OF COUNTY ROAD 448,**
23 **APPROXIMATELY 1/2 MILE EAST OF THE INTERSECTION OF**
24 **COUNTY ROAD 561 AND COUNTY ROAD 448; PROVIDING FOR**
25 **SEVERABILITY AND CONFLICTS; PROVIDING FOR**
26 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

27
28 Ms. Jackson reported that this was the Audie Newman property, 5.9 acres located on the
29 northern side of CR 448. The request is to provide it with a Future Land Use Designation of
30 Industrial. Under the County’s Land Use Designation it is Employment Center. The property
31 is compatible with the surrounding properties. Staff recommends approval and the Planning &
32 Zoning Board recommended approval 7-0.

33
34 Vice Mayor Clutts invited Mr. Green to address Council.

35
36 Mr. Green stated he had one edit to the ordinance, on page 1, line 24. He said the request is
37 for City Planned Industrial rather than just Industrial.

38
39 Ms. Jackson said she would make that correction. Mayor Clutts asked for comment from the
40 audience.

41
42 The Public Hearing was closed.

43
44 **MOTION**

45
46 **Robert Speaks moved for the approval of Ordinance #2005-19 including the change as**
47 **indicated by Mr. Green, line 24, page 1 of the ordinance to change “Industrial” to**
48 **“Planned Industrial”, seconded by Dennis Wilson. The motion carried 4-0 with Mayor**
49 **Wicks abstaining.**

50
51 **Ordinance #2005-21 – Small Scale Future Land Use Amendment – Mikary -**
52 **Recommendation to Council**

53
54 Ms. Barnett read the ordinance by title only:

1 **The motion carried 5-0.**

2
3 **The Local Planning Agency was adjourned and the City Council meeting reconvened.**

4
5 Mayor Wicks stated that the City Council would now hear the same cases just heard by the
6 Local Planning Agency, He then declared a conflict on Items 8, Ordinance #2005-19, and
7 Item #9, Ordinance #2005-21, and passed the gavel to Vice Mayor Clutts.

8
9 Ms. Barnett read the ordinance by title only:

10
11 **Ordinance #2005-19 – Small Scale Future Land Use Amendment – City of Tavares**
12 **Industrial – Newman Property – First Reading**

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

15
16 **ORDINANCE #2005-19**

17
18 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
19 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**
20 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**
21 **LAND USE DESIGNATION FROM LAKE COUNTY EMPLOYMENT**
22 **CENTER TO CITY OF TAVARES INDUSTRIAL FOR PROPERTY**
23 **LOCATED ON THE NORTHERN SIDE OF COUNTY ROAD 448,**
24 **APPROXIMATELY 1/2 MILE EAST OF THE INTERSECTION OF**
25 **COUNTY ROAD 561 AND COUNTY ROAD 448; PROVIDING FOR**
26 **SEVERABILITY AND CONFLICTS; PROVIDING FOR**
27 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

28
29 Ms. Jackson reported that staff had no further comments.

30
31 Vice Mayor Clutts asked for comment from the audience.

32
33 The Public Hearing was closed.

34
35 **MOTION**

36
37 **Robert Speaks moved for the approval of Ordinance #2005-19, seconded by Sandy**
38 **Gamble. The motion carried 4-0 with Mayor Wicks abstaining.**

39
40 **Ordinance #2005-21 –Small Scale Future Land Use Amendment – Mikary – First**
41 **Reading**

42
43 Ms. Barnett read the ordinance by title only:

44
45 **ORDINANCE 2005-21**

46
47 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
48 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**
49 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**
50 **LAND USE DESIGNATION FROM LAKE COUNTY URBAN TO CITY**
51 **OF TAVARES LOW DENSITY RESIDENTIAL FOR PROPERTY**
52 **LOCATED SOUTH OF MANSFIELD ROAD AND WEST OF LAKE**
53 **DORA; PROVIDING FOR SEVERABILITY AND CONFLICTS;**
54 **PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN**
55 **EFFECTIVE DATE.**

56
57 Ms. Jackson advised that she had no further information to add to her presentation.

1
2 Vice Mayor Clutts invited comment from the audience.

3
4 The Public Hearing was closed.

5
6 **MOTION**

7
8 **Robert Speaks moved for approval of Ordinance #2005-21 seconded by Dennis Wilson.**
9 **The motion carried 4-0 with Mayor Wicks abstaining.**

10
11 Vice Mayor Clutts passed the gavel to Mayor Wicks.

12
13 **Ordinance #2005-23 – Small Scale Future Land Use Amendment – Tolbert – 32831 Lake**
14 **Eustis Drive – First Reading**

15
16 Ms. Barnett read the ordinance by title only:

17
18 **ORDINANCE #2005-23**

19
20 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING**
21 **THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2010,**
22 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION**
23 **FROM LAKE COUNTY URBAN TO CITY OF TAVARES LOW DENSITY**
24 **RESIDENTIAL FOR 32831 LAKE EUSTIS DRIVE; PROVIDING FOR**
25 **SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL;**
26 **AND PROVIDING FOR AN EFFECTIVE DATE.**

27
28 Ms. Jackson stated the she had no further comments.

29
30 Mayor Wicks noted that Council had heard the staff recommendation, the Planning & Zoning
31 Board, and the recommendation from the Local Planning Agency and noted that there was no
32 one in the audience who wished to speak at the LPA meeting.

33
34 **MOTION**

35
36 **Nancy Clutts moved for approval of Ordinance #2005-23, seconded by Sandy Gamble.**
37 **The motion carried 5-0.**

38
39 **Resolution #2005-08 – Variance to Sign Regulations – Best Western Hotel**

40
41 Ms. Barnett read the resolution by title only:

42
43 **RESOLUTION 2005-08**

44
45 **A RESOLUTION OF THE CITY OF TAVARES GRANTING A**
46 **VARIANCE TO SECTION 21-9 OF THE LAND DEVELOPMENT**
47 **REGULATIONS FOR PROPERTY LOCATED AT 1380 EAST**
48 **BURLEIGH BOULEVARD, COMMONLY KNOWN AS BEST**
49 **WESTERN; SUBJECT TO THE RULES, REGULATIONS AND**
50 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
51 **PROVIDING AN EFFECTIVE DATE.**

52
53 Ms. Jackson said this is a request for two variances to the sign code. The hotel is allowed a
54 maximum of 100 sq. feet of wall sign and a maximum of 150 sq. ft. for all their signage, both
55 wall and ground sign. Ms. Jackson showed some pictures of the property. She reviewed the
56 history of the permitting that had been done previously on the property. The two side signs
57 were permitted and totaled 98 sq. ft. They also permitted a ground sign of 49 sq. ft. which put
58 them at a total of 147 sq. ft. for their total site. Without benefit of a permit a third sign was

1 carved into the wall that states “Lake County Inns and Suites.” This sign has put them over
2 their sign limitation by approximately 30 feet both for their wall sign and for their overall site
3 signage. Staff has recommended denial based on a lack of hardship. They have two wall signs
4 and a ground sign permitted. This particular carved sign was not put up with the benefit of a
5 permit. She said the applicant had stated that a previous staff member had advised them that if
6 a sign was carved into a building it would not need to be permitted. She said the intent of that
7 part of the sign code was for historical building markers that are generally no more than about
8 four square feet in size. Ms. Jackson stated that staff recommended denial as there is concern
9 this will set a serious precedent along U.S. 441 or any of the major frontage roadways. She
10 said the Planning & Zoning Board recommended approval 5-2.

11
12 Councilmember Speaks asked if the sign from the side could be seen from U.S. 441. He asked
13 if that sign were taken down would it be closer to being compatible. Ms. Jackson said that
14 they would.

15
16 Attorney Terry Neal addressed Council. She said she was present on behalf of the applicant.
17 She said the issue is the sign that is carved into the building and she was not sure if it was a
18 variance. She said it was never the applicant’s intent to violate the code. She said they were
19 told by a previous staff member that this was an acceptable sign that was exempt from
20 permitting. She said they were never told that there was any particular intent attached and that
21 the code does not say it is just for historical markers. She said they thought they were
22 complying with the code. She added that she thought there had been an issue over whether
23 this was the name of the building or the business. She said it is their position that the name of
24 the building would remain no matter if the business changed from a Best Western to a
25 Holiday Inn, etc. She said they are requesting that it be recognized as the name of the building
26 and not be counted as part of the overall sign square footage.

27
28 Councilmember Wilson asked for clarification from Ms. Jackson regarding the issue.

29
30 Ms. Jackson stated the sign puts them over their sign allotment, it needs to be permitted for
31 zoning reasons and the Building Department also needs to permit it to ensure that it is
32 constructed correctly.

33
34 Councilmember Wilson said he understood that it might set a precedent but they have the
35 option of removing one of the side signs or they can fill in the carved sign. Councilmember
36 Wilson asked if they removed one of the Best Western signs would it comply. Ms. Jackson
37 answered in the affirmative.

38
39 Mayor Wicks said the sign ordinance was designed to protect aesthetics and limit the number
40 of signs, however, he said he felt this building was an asset in that corridor and that the sign
41 gave the building an identity. He said he felt that as these types of issues come up that Council
42 needed to deal with them on a case-by-case basis. Councilmember Speaks and
43 Councilmember Wilson agreed. Vice Mayor Clutts said she felt the sign was tasteful and did
44 not overwhelm the building. She said her concern was the interpretation of the total copy area.
45 She said there might need to be provision for larger buildings for their copy area to be
46 increased even if by a small amount.

47
48 Councilmember Gamble stated that perhaps Council needed to review the ordinance and
49 make it more specific.

50
51 Attorney Williams noted that the section of the ordinance that creates certain signs that are
52 exempt, does not create an exemption for sign area. They are exempt only from the permitting
53 requirement.

54
55 **MOTION**

56
57 **Robert Speaks moved for the approval of Resolution #2005-08, seconded by Sandy**

1 **Gamble. The motion carried 5-0.**

2
3 **Resolution #2005-10 – Request to Vacate Drainage Utility Easement**

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

6
7 **RESOLUTION #2005-10**

8 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA,**
9 **VACATING A PORTION OF A DRAINAGE AND UTILITY**
10 **EASEMENT LOCATED AT 3601 MEADOW GREEN DRIVE;**
11 **PROVIDING FOR AN EFFECTIVE DATE.**

12
13 Ms. Jackson said this was a request to vacate a small portion of a 7 ½ foot drainage easement
14 that is on the rear of the property. It is a residential lot in the Lake Idamere subdivision. She
15 showed a picture of a survey of the property. She said the applicant applied for a permit for
16 the pool with a 5 foot setback to the rear. She said when the property owners went to sell the
17 property it was discovered that the pool was constructed 2 ½ feet into an easement on the rear
18 of their property. She said staff had contacted the utility providers who do not have an issue
19 with releasing 2 ½ feet of the utility easement and in order to facilitate the sale of this
20 property, staff recommends approval of the vacate. She staff Planning & Zoning Board
21 recommended approval 7-0.

22
23 Councilmember Speaks noted that the resolution does not address that just 2 ½ feet are being
24 vacated other than the legal description. He asked if the whole drainage easement was being
25 vacated. Ms. Jackson answered that only the west 2 ½ feet of the 7 ½ feet is being vacated.
26 She said the drainage easement actually goes onto the other property too. It is 7 ½ feet on
27 opposing properties. Councilmember Speaks asked if the resolution needed to be more
28 specific.

29
30 Mayor Wicks stated that the resolution needs to reflect that this portion of the easement is no
31 longer valid. Attorney Williams said it would be revised to be more clear.

32
33 Mayor Wicks asked for public input.

34
35 **MOTION**

36
37 **Robert Speaks moved for the approval of Resolution #2005-10 with the addition that**
38 **just the 2 ½ feet is being vacated of the easement, seconded by Dennis Wilson.**

39
40 **CONSENT AGENDA**

41
42 **Resolution #2005-13 – Budget Amendments**

43
44 Vice Mayor Clutts said there was one item she wanted to question which was on the very last
45 sheet of the projects which was the revision for office furniture. She asked if that was a
46 budgeted item and why was the revision done.

47
48 Mr. Mercer stated that initially the furniture had been budgeted in the SRF Loan however it
49 was felt it would be more appropriate to use a different funding source than paying for the
50 furniture with a 30 year loan. The same has been done for the purchase of the computers. He
51 said the furniture is for the operators and the lab and part of the maintenance area.

52
53 Ms. Houghton noted that a correction needed to be made in the line item number, that it
54 should reflect account 441 rather than 444.

1 **MOTION**

2
3 **Robert Speaks moved to approve Resolution #2005-13 under Consent Agenda, seconded**
4 **by Nancy Clutts. The motion carried 5-0.**

5
6 **AUDIENCE TO BE HEARD**

7
8 Mayor Wicks asked if anyone in the audience wished to address Council.
9

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

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12 **COMMUNITY DEVELOPMENT**

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14 **COMMUNITY SERVICES**

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16 **POLICE DEPARTMENT**

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18 **FIRE DEPARTMENT**

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20 **PUBLIC WORKS/GENERAL SERVICES**

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22 **Application for Cultural Affairs Grants**

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24 Vice Mayor Clutts stated she wished to declare a conflict as she serves on the Board of the
25 Lake County Cultural Affairs Council.

26
27 Attorney Williams asked for clarification on Vice Mayor Clutt's conflict. Vice Mayor Clutts
28 stated that this Board distributes grants based on monies collected from the Arts Awareness
29 Vehicle License tags.

30
31 Attorney Williams stated he was not sure it was a conflict. He said the voting conflict had to
32 result in a special private gain financially.

33
34 Vice Mayor Clutts asked if any Councilmember who serves on a Board would have not have
35 to declare a conflict? Attorney Williams said it depended on what type of Board of Directors.
36 He said he thought it was appropriate to disclose her position on the Board but that it was not
37 a conflict that would prohibit her from voting.

38
39 Ms. Keedy said the city has the opportunity to apply for grants to assist the art exhibit
40 program. She said Tammy Rogers is the staff person over the art program and that she had
41 made suggestions for the four items listed in the staff report. She said the only item that might
42 require extra funding would be #4 which would require some supplement funding which
43 would be budgeted in the next fiscal year. She invited Ms. Rogers to present information.
44

45 Ms. Rogers said the art shows are generating a very good attendance. The first item is for the
46 National Museum of Women in the Arts fall exhibit. The Central Florida Chapter and the East
47 Florida Chapter approached the city to host their fall show. Running concurrently will be the
48 traveling exhibit from Washington D.C. That will be showcased at the Deland Museum of the
49 Arts so the two events will be billed together. The second item is also the National Museum
50 of Women in the Arts. It will be a juried show. The third item is based on a recommendation
51 from participating artists to have better lighting and the fourth item is to purchase a jewelry
52 display case to display jewelry.

53
54 The fiscal impacts would be \$300 for the jewelry case and staff in kind services.

55
56 Mayor Wicks asked if there was comment from the audience.
57

1 Councilmember Speaks discussed the potential for theft of jewelry. Ms. Rogers noted that so
2 far theft had not been a problem. Ms. Keedy commented that the city also has liability
3 insurance.

4
5 **MOTION**

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7 **Robert Speaks moved for approval of the grant applications to the Cultural Affairs**
8 **Council, seconded by Sandy Gamble. The motion carried 5-0.**

9
10 **FINANCE**

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12 **ADMINISTRATION**

13
14 **City Administrator Evaluation**

15
16 Mayor Wicks noted this had been on the previous agenda and at that time there had been
17 questions brought up regarding the compensation. He noted that Ms. Keedy had provided
18 Council with a job performance evaluation memorandum. He said he had made a
19 recommendation at the last meeting and the decision had been made to bring this back for
20 discussion at this meeting. He said Ms. Keedy had indicated what she would like to have in
21 the memorandum.

22
23 Vice Mayor Clutts discussed her analysis of the market survey regarding city manager salaries
24 that had been provided to Council. She said she had taken a deviation of 2500 in population
25 and discarded the highs and the lows to provide a more realistic idea of the averages. She said
26 with that she found the average salary range for an administrator serving cities that had
27 comparable populations with a plus or minus 2500 residents, was about \$92,811 and the
28 average population from those salaries compiled was 11,661. She said she believed that
29 Council is compensating Ms. Keedy very well and that Council should be doing so. She said
30 over Ms. Keedy's tenure she has charted the course for several exciting changes that are
31 dynamic and are enhancements to the city that might not have otherwise come forward. She
32 said these enhancements will ultimately add charm and character to the city of Tavares. She
33 said it is a delicate balancing act to allow for people to develop and have their own property
34 rights and yet determine densities with open space, aesthetics, and also provide a certain level
35 of services. Vice Mayor Clutts proposed that Council consider asking the City Administrator
36 to institute a climate survey. This climate survey could be two fold: it could be an open free
37 response and it could also provide empirical data, asking specific questions with a ranking.
38 She said she would like to see Ms. Keedy work with Human Resources on this. She said she
39 knew many corporations do this as well as Lake Sumter Community College. She said it
40 could be a tool for Council to utilize to provide more objective data and a way to foster
41 communication up and down within the city ranks. She said it would be important to
42 formulate the questions very carefully when the questionnaire was being compiled. She said
43 she did not know of any other cities that are doing this but that since the charter limits the
44 Council from being involved in the state of the Tavares workforce it would be helpful to
45 Council as a tool. She said although she believed the state of the workforce was good, it
46 would also give the employees the ability to voice concerns, appreciation, and enthusiasm for
47 their workplace.

48
49 Mayor Wicks asked if the survey would be done in the community. Vice Mayor Clutts said
50 that was a possibility but that she was suggesting it be done within the city ranks and that it
51 should be completely anonymous.

52
53 Mayor Wicks said he wondered if this would not be something that would be outside the
54 realm of Council's focus with the city administrator. He said although he understood Vice
55 Mayor Clutts' point of view, at the same time he felt he had a pretty good feel (since he has
56 more interaction with employees) whether there were a lot of people unhappy and that he had
57 not found that. He added that he felt if this was the case, Councilmembers would also be

1 hearing it back from their constituents.

2

3 Vice Mayor Clutts stated that she felt progressive companies have a form of communication
4 where individuals can express concerns and also strengths. She questioned if the city had a
5 tool like that in place.

6

7 Ms. Tucker noted that the current employee performance evaluation system provides a
8 feedback mechanism. She also noted that she felt the working atmosphere of the city
9 encourages feedback. She said that the city currently has a very low turnover rate in which is
10 another indicator.

11

12 Vice Mayor Clutts asked Ms. Tucker to explain why so many organizations have a tool like
13 this in place and yet municipalities do not.

14

15 Ms. Tucker noted that in her most recent Human Resource professional association meetings
16 this practice has been discussed and that many organizations are actually considering
17 modifying their surveys and that this is a tool that is not appropriate for every organization.

18

19 Attorney Williams stated that there is a grievance process in place in the personnel policies
20 where any employee has the ability without fear of sanction to make any feedback through a
21 specified chain of command. He said there are specific statutory prohibitions for government
22 in the Florida Statutes that private industry doesn't have that prohibit any kind of retaliation or
23 any kind of adverse action against employees who raise those concerns. He said those
24 provisions exist and they are reviewed when new employees are hired so that they are aware
25 of this process. He said one of the differences between the municipal format and the private
26 organization that has a Board of Directors is that under the municipal form of government, all
27 the line of employees work for the city administrator. The charter has recognized that
28 dichotomy. He advised that it could give confusing direction to employees if the council
29 directs a customer satisfaction survey aimed at employees.

30

31 Vice Mayor Clutts asked how Council is qualified to evaluate management skills of staff.

32 Attorney Williams answered that Council only evaluates the management skill of the city
33 administrator. Vice Mayor Clutts said that the evaluation raises Council's awareness of
34 specific isolated incidences that can be very myopic in nature. She said Council could
35 evaluate the city administrator at the lowest level based on that one experience.

36

37 Attorney Williams agreed that the evaluation process is much more subjective than it is
38 science. He said unfortunately those stand out experiences do stick in people's minds.

39

40 Vice Mayor Clutts said she was hearing that the process should be left alone.

41

42 Attorney Williams said that was up to Council but that he did not think it was wise for the
43 Council to come up with a Council directed employee satisfaction survey of how they view
44 the management or how they view the staff. He said he thought it was out of Council's role to
45 do that.

46

47 Councilmember Gamble asked if there was an anonymous box now to put comments in. Ms.
48 Tucker answered in the affirmative. Councilmember discussed a similar survey process at the
49 School Board and said he did not think it would be appropriate for Council. He said he said it
50 would be better if individually the Council came up with their own questions as to pros and
51 cons in the evaluation process.

52

53 Vice Mayor Clutts said she was not trying to present this idea to find something negative. She
54 said that she felt Council needed to be aware of the positive things and work on things that
55 need to be strengthened at the same time. She said it would be something that could be used
56 as a tool for progress.

57

1 Councilmember Speaks said he had also met with Ms. Keedy. He said the current evaluation
2 is relatively subjective and that he had asked Ms. Keedy to report on what she had
3 accomplished. He said Council had received a four page memo in response and that he felt
4 Ms. Keedy had done a good job and that Council was there to evaluate what she had
5 accomplished. He recommended that during the budget workshops Council should set goals
6 for the future and that they should then be part of the city administrator's performance review
7 the following year. He said Ms. Keedy's salary needed to be kept in line with what other
8 managers are receiving. He said not every city is the same even if they are the same size.
9

10 Councilmember Gamble asked Ms. Keedy why she had suggested a 2.4 increase rather than
11 3%. Ms. Keedy said the 2.4 would take her to the average that was in the survey.

12 Councilmember Gamble said that would only be \$572. Vice Mayor Clutts said that the 2.4
13 with the addition 8% in the pension and the vehicle increase should also be taken into
14 consideration and that most people would look at that as an overall 7% increase.
15

16 Councilmember Speaks recommended a \$3600 salary increase plus the increase in pension to
17 12% and an increase in the car allowance to \$4800 based on performance.
18

19 Mayor Wicks noted that the councilmembers had all had some thoughts about setting goals
20 but that Council needed to be aware that this council body changes and that long term goals
21 often needed to be fairly generic in order to fit what might happen to the Council in the future.
22 He said he had focused on the fact that he can stand back and take a look at the city and feel
23 that it is in better shape than it was last year. He said he felt Ms. Keedy has been able to
24 provide the leadership that Council had looked for and that he would support Councilmember
25 Speak's recommendation.
26

27 Mayor Wicks asked if anyone in the audience had comments.
28

29 Vice Mayor Clutts asked what was the increase last year. Councilmember Wilson answered
30 "5%." Vice Mayor Clutts asked if the pension was also increased 5% along with salary. It
31 was confirmed that last year's increase was only for salary.
32

33 Vice Mayor Clutts asked Ms. Tucker what was the industry standard for city administrators in
34 percentage increases. Ms. Tucker said it is usually in line with the employees but slightly
35 higher because of the level of responsibility. She said Mr. Speak's recommendation is
36 slightly under 4%.
37

38 Vice Mayor Clutts asked if there came a time when a city administrator had peaked the
39 market. Ms. Tucker said this could happen and the market would also need to be evaluated
40 annually.
41

42 **MOTION**

43

44 **Robert Speaks moved to increase the City Administrator's annual salary by \$3600,**
45 **increase the retirement contribution to a total of 12%, and increase the automobile**
46 **allowance to \$4800 per year. The motion was seconded by Sandy Gamble. The motion**
47 **carried 5-0.**
48

49 **Councilmember Speaks amended his motion to make the increase retroactive to Ms.**
50 **Keedy's date of contract, seconded by Sandy Gamble. The amendment to the motion**
51 **carried 5-0.**
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53 **REPORTS**

54

55 **Attorney Williams**

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57 No report.

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Councilmember Gamble

- Noted there had been a storage container down by the lake but it was gone now (Ms. Saladin said this was left over from the Dragonboat festival and was used to store paddles and vests.)
- Asked if the city is allowing the citizens to replace sidewalk and that he had noticed sidewalk being replaced at Lakeshore Drive and Dora Avenue by a resident.
- Asked about the city’s policy regarding replacing sidewalks that are dangerous. Mr. Mercer said they are replaced based on customer complaints. Councilmember Gamble said that at the 800 block of St. Clair on the west side at Givens, the sidewalk raises about 3 ½ inches. Mr. Mercer said he would address that.
- Status of fountain at retention pond. Ms. Keedy said that Mr. Holder is planning on putting on a fund raising event and is tentatively planning on late July. She said some donations are already lined up and as soon as that event is lined up she would provide further information.
- Asked how the metal storage building near the Caroline water plant had been permitted. Ms. Jackson said revisions to the code are being planned to ensure that does not happen again
- Asked if the landscaping at the storage building being constructed at SR 19 is being met. Ms. Jackson said she had inspected it today and the landscaping does meet the original landscape plan as well as the additional landscaping required for the variance.

Councilmember Wilson

Asked when the budget workshops would be scheduled. Ms. Keedy said they usually start the first of July and that staff is still working on the budget. The next workshop is for the LDR’s on May 25th at 3:00 pm.

Vice Mayor Clutts

- Reminder of the art opening on Friday.
- Building inspectors. She said she had researched and found that Clermont contracts with the county and would Tavares want to consider that? Ms. Keedy said it has worked for some cities. She said she would recommend, if the positions cannot get be filled, to put out a proposal and if the County wants to bid on that proposal they would be considered. Vice Mayor Clutts asked if the County would be cheaper. Ms. Keedy said she was not sure what the county would charge but that it could be looked at in addition to customer service practices.
- Asked Mr. Mercer is there had been any other progress in the Royal Harbor water flow problem. Mr. Mercer said two water pressure recorders had been obtained from the Florida Rural Water Association on loan and they are now doing their recording. They will be placed in three or four different locations within the subdivision.

Councilmember Speaks

- Asked if it had been determined what was going on at New Hampshire behind the bank where the drainage is located. Mr. Mercer said he had called Allan Maadox of FDOT, the district maintenance engineer and he did not know. He said it might be another utility provider like Sprint. Councilmember Speaks said someone has changed the cones but the work does not get finished. Ms. Keedy said if this is in the right of way staff should fix it and remove the cones.

City Administrator

Ms. Keedy thanked Council for their support and said she looked forward to the coming year.

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Mayor Wicks

Mayor Wicks said he had continued to meet with the members of the Mt. Moriah church on Lane Park. They have asked him to discuss with Council as to whether the city is ready to make a commitment to take their building and be responsible for moving it. Mayor Wicks said if Council feels this is a good direction he would like consensus to meet with Ms. Keedy, Mr. Williams and staff to discuss this further. Mayor Wicks said he has advised them that the building probably has no value except for its historic value and that based on the last discussion; Council had expressed interest in moving and relocating that building to be near the Woodlea House complex.

Vice Mayor Clutts asked Mayor Wicks if he was representing the church professionally. Mayor Wicks answered they have done some work pro bono up to this point.

Councilmember Speaks said he thought it would be reasonable to look into it and determine the costs.

Vice Mayor Clutts asked if the Mayor would feel more comfortable to allow Ms. Keedy to handle this. Mayor Wicks answered that that was why he wanted to discuss the issue with Ms. Keedy and Mr. Williams. He said he had told the church if they wished to build in their present location he would try to get some additional pro bono assistance from other business professionals. He said he did not feel he had a conflict at this point because he has just been performing a community service.

Vice Mayor Clutts asked how this would fit in would fit in with the conceptual plan for the Woodlea property. Ms. Keedy said there is a lot of property and there would be room for other historic structures and that she thought it could be an interesting concept. She said she understood the architecture is late 1880's. She said the church and the Woodlea house both have to do with the settlement of Lane Park.

Consensus for Mayor Wicks to hold discussions with Attorney Williams and Ms. Keedy on this project.

Mayor Wicks reminded everyone of the workshop on May 25th at 3:00 p.m. on the LDR's.

Adjournment

There was no further business and the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Nancy A. Barnett
City Clerk