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2  
3 **CITY OF TAVARES**  
4 **MINUTES OF REGULAR COUNCIL MEETING**  
5 **JULY 20, 2005**  
6 **CITY COUNCIL CHAMBERS**  
7

8 Mayor Ted Wicks called the meeting to order at 5:00 p.m.  
9

10 **COUNCILMEMBERS PRESENT**

**ABSENT**

11  
12 Ted Wicks, Mayor  
13 Nancy Clutts, Vice Mayor  
14 Sandy Gamble, Councilmember  
15 Robert Speaks, Councilmember  
16 Dennis Wilson, Councilmember  
17

18 **STAFF PRESENT**

19  
20 Dorothy A. Keedy, City Administrator  
21 Robert Q. Williams, City Attorney  
22 Nancy Barnett, City Clerk  
23 Aaron Mercer, Director of Public works  
24 Susan Jackson, Director of Community Development  
25

26 James Gardner, Liberty Baptist Church, gave the invocation and those present recited the  
27 pledge of allegiance.  
28

29 **APPROVAL OF MINUTES**

30  
31 The minutes of the regular City Council Meeting of July 6, 2005 were approved with the  
32 following correction:  
33

34 Page 2, line, 3, change “Vice Mayor Wicks” to “Vice Mayor Clutts”  
35

36 **PROCLAMATIONS/PRESENTATIONS**

37  
38 **Presentation by Paul Gross – Fountain Project at U.S. 441**  
39

40 Mr. Gross thanked Council for the opportunity to serve as chairman of the CRA Advisory  
41 Committee. He introduced his wife Gail Gross. He then read his letter dated July 20, 2005

1 describing his desire along with that of Edd Holder to support the U.S. 441 pond project at the  
2 intersection of SR 19 and U.S. 441. A portion of his letter follows:

3  
4 “Edd Holder joins me today in making a restricted contribution to the City of  
5 Tavares for the purpose and installation of a fountain of inspiration for the lake  
6 project referenced herein. Edd’s contribution is in memory of his beloved parents,  
7 C.E. and Polly Holder, who loved their community and the values it brought to their  
8 lives. Enclosed herewith is Edd Holder’s check for \$10,000. I moved to the City of  
9 Tavares in 2001 with my wife Gail. We have come to enjoy the quality of life of our  
10 community, the strides of the city to grow and prosper, and the continuing  
11 commitment and motivation of the city and its leaders to bring to the citizenry it  
12 serves an enjoyable and envied environment to live in and to rear a family. It is with  
13 these thoughts that I give to you my personal check for \$10,000 for the project so  
14 mentioned herein as a restricted contribution. In addition to my personal check I  
15 requested of my past employer, Humana Inc., to in my behalf consider making a  
16 contribution through their foundation to this community undertaking. So in behalf of  
17 the Humana Foundation based in Louisville, Kentucky, I hereby submit their check  
18 in the amount of \$5,000 as a restricted contribution with their letter wishing you  
19 much success in this community initiative.”  
20

21 Mr. and Mrs. Gross were given a standing ovation. Mayor Wicks thanked Mr. and Mr. Gross  
22 noting that the City owes Mr. and Mrs. Gross a deep debt of gratitude not only for their  
23 contribution but also for their interest in the City and Mr. Gross’s participation as Chairman  
24 of the CRA Advisory Committee. He also expressed appreciation for the donation of Mr.  
25 Holder and Humana Foundation.  
26

27 **Fiscal Year 2003-2004 Audit**  
28

29 Kelly Leary of McDermitt, Davis, stood to make the audit presentation. Ms. Leary said she  
30 had worked on the city audit for more than 10 years. She said the audit presentation is a little  
31 later this year but with the hurricane activity plus the need to implement the new reporting  
32 format, GASB 34, it required more time. She noted in the introductory section there is a copy  
33 of the certificate of achievement for the 2003 audit report which was submitted again this  
34 year. Page one was the auditor’s report which was an unqualified opinion showing no  
35 problems found during the audit. Following that report was one of the new sections required  
36 called “Management’s discussion and analysis” which is an overview of everything else in the  
37 audit. She stated that Page 6 and 7 which is a summary of both governmental and business  
38 type activities. This is one of the main new requirements which groups together all of the  
39 governmental funds into what is called “governmental activities.” She said the summaries  
40 showed that the city had a good year with increases in both assets of governmental activities  
41 and business type activities. On page 9 and 10 there were charts comparing revenues and

1 expenses. Page 11 discusses the governmental funds. At the end of the year the General Fund  
2 balance was about 35 % of the expenditures, which is a good cushion. The GFOA  
3 recommends 20 to 30%. She noted that the notes 6 and 7 starting on page 21 details the  
4 capital assets and the debt of the city. The only significant increase in debt was the State  
5 Revolving Loan for the infrastructure improvements of the wastewater plant. The last section  
6 of Other Reports includes a few extra reports this year. The city is required to have a Federal  
7 Single Audit whenever any kind of grant is received which includes the SRF loan. In addition  
8 the FEMA money and other grants are included. The management letter was included  
9 separately with no comments again this year.

10  
11 Ms. Leary thanked the Finance Department. Mayor Wicks noted that there had been no  
12 comments for two years in a row. Mayor Wicks stated he appreciated staff's efforts.

13  
14 Councilmember Speaks noted the comment in the report that mentioned the use of the  
15 available fund balance would avoid the need to raise taxes. In addition he noted the letter of  
16 April 11, 2005, which mentions the city did not meet any of the conditions relating to  
17 financial emergency which meant the city did not have any emergencies which was a positive  
18 comment.

19  
20 **2005 Election Proclamation**

21  
22 Mayor Wicks read the Election proclamation for the municipal election to be held November  
23 8, 2005. He noted that the candidate information was available through the City Clerk.

24  
25 **Rails to Trails Presentation**

26  
27 Gene Molnar, President of Rails to Trails, stood to speak to Council. He noted he had spoken  
28 to Council two years ago when the trail began to be developed in Wooton Park. He said a bike  
29 trail was approved by the County Commissioners in the mid 1960's but was never completed.  
30 This project is an attempt to revive and continue this project. He said there have been several  
31 initiatives by other cities such as Leesburg and Montverde which has 3000 feet of a trail  
32 started and should connect to Tavares. He said the concept of the Rails to Trails organization  
33 is "connectivity." He showed and discussed a map from 1887 that showed the original  
34 railways in Lake County. He said about a year ago the Board of County Commissioners asked  
35 the residents if they wanted to be taxed to set aside land for the public. That initiative passed  
36 with a good majority with the estimated figure to be raised of 36 million. He noted that if that  
37 amount is spread all over Lake County its purchase ability declines. He said the first parcel of  
38 land that was offered to the County was 42 million. He said the Rails to Trails concept is to  
39 acquire the railroad beds which will connect every municipality in Lake County and would  
40 potentially connect with six other counties as well. Otherwise he said the potential is that a  
41 few dollars will be spent on isolated places and not impact all the people of the county. He

1 said their hope is that the County will come up with a plan and that the municipalities will  
2 encourage them to do so.

3  
4 Vice Mayor Clutts asked Mr. Molnar about the current process with the County  
5 Commissioners. Mr. Molnar said he had spoken with the County Manager and the Chairman  
6 of the Board. He said the attorneys have advised him that it is difficult to get a response from  
7 CSX but a little bit better from Central Florida Railroad. He said he had contacted the owner  
8 of the Mt. Dora Dinner Train who lives in Vermont. He said he is favorable to rails to trails.  
9 Mr. Molnar said he likes both concepts of rail and trails. He said CSX has some objections in  
10 terms of liability.

11  
12 Mayor Wicks asked Mr. Molnar if he had looked at alternative routes. Mr. Molnar said it is  
13 possible and discussed the option of using utility rights of way. Mayor Wicks noted that the  
14 county had tried to implement a bike trail on Lakeshore Drive which had not met with  
15 favorable response.

16  
17 Mayor Wicks said there has been an issue with CSX in terms of actual ownership of the rights  
18 of way of the rail bed.

19  
20 Vice Mayor Clutts clarified that Mr. Molnar was looking for support from the Council in  
21 discussing this project in the community. She expressed her support of the plan proposed by  
22 Mr. Molnar and discussed the success of the trails in Orange County.

23  
24 Councilmember Speaks noted that the Tav Lee Trailhead sign had been damaged in the storm.

25  
26 **AGENDA REVIEW**

27  
28 **Consent Agenda**

29  
30 Mayor Wicks declared a conflict on Item #8, Ordinance #2005-13 and #14, final Plat for  
31 Lakeside Commercial Park, First Addition under the Consent Agenda. He noted that staff had  
32 requested that Item #13 be pulled on the new public works facility. He also stated that Item  
33 #15 would be pulled for discussion.

34  
35 Mayor Wicks asked if anyone in the audience wished to discuss any item under the Consent  
36 Agenda.

37  
38 **MOTION**

39  
40 **Robert Speaks moved for approval of consent agenda item #10, #11, and #12 [ Claim**  
41 **Deed for Lift Station #38, Change Order to SRF for Lift Station #38, and Change Order**

1 **#8 to Woodlea Road Wastewater Treatment Plant], seconded by Sandy Gamble. The**  
2 **motion carried unanimously, 5-0.**

3  
4 **Consent Item #14 – Final Plat for Lakeside Commercial**

5  
6 Mayor Wicks passed the gavel to Vice Mayor Clutts. Vice Mayor Clutts asked for a motion to  
7 approve Item #14.

8  
9 **Robert Speaks moved for the approval of Item #14 under the Consent Agenda, seconded**  
10 **by Sandy Gamble. The motion carried unanimously 4-0 with Ted Wicks abstaining.**

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

13  
14 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

15  
16 Mayor Wicks noted that staff would introduce the following ordinances on the agenda for the  
17 Adoption Hearing but not repeat the staff report unless requested by Council.

18  
19 **Ordinance #2005-08 – Woodlea Property – Large Scale Future Land Use Amendment –**  
20 **Adoption Hearing**

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

23  
24 **ORDINANCE 2005-08**

25  
26 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**  
27 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**  
28 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**  
29 **LAND USE DESIGNATION FROM LAKE COUNTY URBAN**  
30 **EXPANSION TO CITY OF TAVARES PUBLIC FACILITIES AND**  
31 **CONSERVATION FOR PROPERTY LOCATED SOUTH OF DEAD**  
32 **RIVER ROAD AND NORTH OF WOODLEA ROAD; PROVIDING**  
33 **FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR**  
34 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

35  
36 Ms. Jackson stated that this amendment was for 149 acres which is the property that the city  
37 has purchased recently which has been rezoned to Public Facilities. She said DCA has had no  
38 comments.

39  
40 Mayor Wicks asked for comment from the audience. The Public Hearing was closed.

41  
42 **MOTION**

1  
2 **Nancy Clutts moved for approval of Ordinance #2005-08, seconded by Sandy Gamble.**  
3 **The motion carried unanimously 5-0.**  
4

5 **Ordinance #2005-10 – Wong Property – Large Scale Future Land Use Amendment**  
6 **Adoption Hearing**  
7

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

10 **ORDINANCE 2005-10**  
11

12 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**  
13 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**  
14 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**  
15 **LAND USE DESIGNATION FROM LAKE COUNTY URBAN**  
16 **EXPANSION TO CITY OF TAVARES LOW DENSITY RESIDENTIAL**  
17 **AND CONSERVATION FOR PROPERTY LOCATED ON THE**  
18 **NORTHWESTERN SIDE OF STATE ROAD 19, APPROXIMATELY 1**  
19 **MILE SOUTHWEST OF THE INTERSECTION OF LANE PARK**  
20 **CUTOFF ROAD AND STATE ROAD 19; PROVIDING FOR**  
21 **SEVERABILITY AND CONFLICTS; PROVIDING FOR**  
22 **TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**  
23

24 Ms. Jackson stated this amendment is for 46.3 acres for low density residential. DCA has  
25 presented no objections.  
26

27 Mayor Wicks asked if there was comment from the audience. The Public Hearing was closed.  
28

29 **MOTION**  
30

31 **Robert Speaks moved for approval of Ordinance #2005-10, seconded by Nancy Clutts.**  
32 **The motion carried unanimously 5-0.**  
33

34 **Ordinance #2005-12 –84 Lumber Property – Large Scale Future Land Use Amendment**  
35 **– Adoption Hearing**  
36

37 Ms. Barnett read the ordinance by title only:  
38

39 **ORDINANCE 2005-12**  
40



1  
2 Ms. Jackson said this is approximately 13 ½ acres and is half of another development that has  
3 a Development Agreement for the RMF-2 zoning and addresses a land use change from Lake  
4 County Urban to City Low Density Residential which has a decrease in density. At the first  
5 reading the Council voted 3 in favor, 0 opposed and DCA has provided no objections.

6  
7 Vice Mayor Clutts asked if there was comment from the audience. The Public Hearing was  
8 closed.

9  
10 **MOTION**

11  
12 **Dennis Wilson moved for approval of Ordinance #2005-13, seconded by Sandy Gamble.**  
13 **The motion carried unanimously 4-0 with Ted Wicks abstaining.**

14  
15 Vice Mayor Clutts passed the gavel back to Mayor Wicks.

16  
17 **Ordinance #2005-16 – Alfred Street Corridor – Large Scale Future Land Use**  
18 **Amendment – Adoption Hearing**

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

21  
22 **ORDINANCE 2005-16**

23  
24 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA**  
25 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**  
26 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**  
27 **LAND USE DESIGNATION FROM CITY OF TAVARES**  
28 **COMMERCIAL TO CITY OF TAVARES MIXED USE**  
29 **COMMERCIAL FOR PROPERTY LOCATED ALONG EAST**  
30 **ALFRED STREET BETWEEN DONNA STREET AND 90- FEET EAST**  
31 **OF CAMPBELL DRIVE, ALSO CONTAINING PROPERTIES WITHIN**  
32 **PORTIONS OF THE ORANGE ACRES, MINNETONKA AND LAKE**  
33 **DORA ESTATES SUBDIVISIONS; PROVIDING FOR SEVERABILITY**  
34 **AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND**  
35 **PROVIDING FOR AN EFFECTIVE DATE.**

36  
37 Ms. Jackson reported that this is property located on East Alfred Street of approximately 12.8  
38 acres which will change from Commercial to Mixed Use Commercial which will allow the  
39 ability to maintain residential or commercial uses on that property. On first reading City  
40 Council voted 4-0 in favor and DCA provided no objections.

41  
42 Mayor Wicks asked if there had been any additional information received from the residents.

1 Ms. Jackson said she had not received further comment.

2

3 Mayor Wicks asked if there was comment from the audience. The Public Hearing was closed.

4

5 **MOTION**

6

7 **Dennis Wilson moved for the approval of Ordinance #2005-16, seconded by Nancy**  
8 **Clutts. The motion carried unanimously 5-0.**

9

10 **Item #15 – Board Appointments**

11

12 Mayor Wicks stated that an issue had arisen with regard to Board appointments. He asked  
13 Attorney Williams to comment. Attorney Williams stated that staff had realized that under the  
14 LDR's there is a provision on the membership of the Planning & Zoning Board, that states  
15 that a P&Z member may be reappointed only one time to a term. He said this would mean that  
16 some of the seasoned members who would normally be up for reappointment and who have  
17 served a second term would not be eligible for reappointment. He said he thought it was the  
18 mayor's desire to continue some of those appointments. He said he recommended that it  
19 pulled from the agenda, allow the existing members' appointments to continue and then to  
20 request approval from the Council to remove that provision from the ordinance. He said the  
21 change will be made through the adoption of the upcoming revised LDR's if Council  
22 approves. He said this is why the P&Z appointments are being pulled.

23

24 **Library Board Appointments**

25

26 Mayor Wicks stated he would like to recommend the reappointment of Doris Ragan, Patricia  
27 Mayhill and Marty Wilkins to the Library Board.

28

29 **MOTION**

30

31 **Robert Speaks moved for the approval of the mayor's recommendations for the Library**  
32 **Board, seconded by Sandy Gamble. The motion carried unanimously 5-0.**

33

34 **AUDIENCE TO BE HEARD**

35

36 Ralph Smith stood to speak to City Council. He stated he wished to repeat that he appreciated  
37 Council's support for Tavares High School Athletics. He said at a City Council meeting five  
38 weeks ago he had presented an issue he was having with the City Code Enforcement Officer.  
39 He said he wished to make specific suggestions regarding code enforcement. He said his  
40 situation had been resolved with regard to the action taken by the Code Enforcement staff  
41 although he said an appeal to the County Court is still a possibility. Mr. Smith elaborated

1 regarding his dissatisfaction with the Code Enforcement Special Master process. He said he  
2 felt the two codes he was convicted of violating needed to be changed, namely 12-22 and 12-  
3 15. He said he could not find another city that has a similar code regarding tires. He said he  
4 thought Council had asked staff at a previous meeting if other cities had a similar code and  
5 they answered in the affirmative however he said he had not found this to be true.

6  
7 Mr. Smith said he felt the ordinance was not about mosquito control but was about where on  
8 his property he can store or stack tires. He said he wished to suggest to change the word “tire”  
9 to “receptacle” as is in the City of Eustis code or to add to language to 12-15 to say something  
10 like “this article shall not apply with regard to automobile, light truck, or SUV tires on the  
11 premises of a business enterprise operated in a lawful place and manner when necessary to the  
12 operation of such business enterprise.” He said the language he used in his suggestion was  
13 found in 12-27 of the LDR’s giving exceptions to 12-21 through 12-26. He said he was  
14 convicted of 12-22. He said he had been told by Chief Lubins that he would only be convicted  
15 of the 12-15 violation. He said, in addition, the minutes of the Special Master Hearing show a  
16 mistake regarding the initial notification of the code violation on June 2<sup>nd</sup>. He asked that  
17 Council instruct staff to re-write 12-15 and 12-22 and any other confusing codes now or in the  
18 future. He said if Council is willing to do this it would allow him to drop any plans of legal  
19 action or appeals in order to protect his interest. He said he believed that Council needed to  
20 be the final arbitrator on code enforcement issues. He said his experience with the last Code  
21 Enforcement Board had been difficult as well as his experience with the Special Master.

22  
23 Mayor Wicks thanked Mr. Smith for his comments. He said he wished to have some time to  
24 think about these specific codes. He said he felt Council serving as code enforcement would  
25 be ill advised because it presents too many opportunities for conflicts and other influences.

26  
27 Councilmember Wilson stated he agreed.

28  
29 Attorney Williams stated that when the legislature created statutes that authorized code  
30 enforcement boards, they specifically empowered that to either a board or a special master  
31 and not to the Council itself. He said the code enforcement process has an automatic appeal to  
32 the Circuit Court who provides the appeal process.

33  
34 Councilmember Speaks noted that Council’s recourse is to review the code.

35  
36 Attorney Williams responded that staff will review the ordinances if Council recommends and  
37 revise accordingly.

38  
39 Mayor Wicks noted that Council will review the code but would not take action at this  
40 meeting. Mayor Wicks said he did not think those particular sections had come forth from  
41 staff as yet. He said staff would notify Mr. Smith when those codes came before Council at a

1 public hearing.

2

3 Renee Falcon

4

5 Ms. Falcon said she had important information that she felt Council needed to be aware of.  
6 She proceeded to distribute packets of information to City Council.

7

8 Ms. Barnett asked Ms. Falcon if she had brought a copy of the handout for the agenda file for  
9 the record. Ms. Falcon said she could bring one tomorrow.

10

11 Mayor Wicks said Ms. Falcon had given Council a lot of information. Ms. Keedy said this is  
12 information about the lab issue which was discussed a few years back. She said the issue was  
13 brought up again recently.

14

15 Ms. Falcon said the issue is not about the lab only but about the leadership of Tavares.

16

17 Mayor Wicks asked if it had to do with a personnel matter. Ms. Falcon said it had to do with  
18 personnel matters and taxpayers. Mayor Wicks said he thought that when the last attempt to  
19 bring this to Council was made, it had a great deal to do with personnel matters. He said  
20 Council does not have authority over personnel matter. He said if Ms. Falcon has specific  
21 information with regard to this Council's responsibilities it could be heard. Ms. Falcon asked  
22 if Mayor Wicks would like her to read the letter aloud.

23

24 Mayor Wicks asked the rest of the Council if they wished to hear the presentation.  
25 Councilmember Speaks said he preferred to read the information first. Mayor Wicks noted  
26 that Ms. Falcon had provided a two-page letter along with several attachments. He said he  
27 wished to read the information and if he considers it a position of validity he would schedule  
28 it as an agenda item and bring back for discussion. He asked for consensus from Council to  
29 make that decision. Ms. Falcon asked to be contacted regarding the Mayor's decision.

30

31 Ms. Barnett asked Ms. Falcon for her address. Ms. Falcon responded that it was 14305  
32 Goldenview Drive in Grand Island. She said she owns two pieces of property on Barrow  
33 Avenue.

34

35 Vice Mayor Clutts stated that she believed that Mayor Wicks' intent was to ensure that  
36 Council was not in violation of its responsibilities.

37

38 Mayor Wicks asked if anyone else in the audience wished to address Council.

39

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

41

1 **COMMUNITY DEVELOPMENT**

2  
3 **COMMUNITY SERVICES**

4  
5 **POLICE DEPARTMENT**

6  
7 **FIRE DEPARTMENT**

8  
9 **PUBLIC WORKS/GENERAL SERVICES**

10  
11 **Request for Additional Staffing in the Wastewater Division**

12  
13 Mr. Mercer said that this is a request for City Council’s consideration of two additional new  
14 employees in the Wastewater Division. He said the division is severely understaffed and that  
15 there is a current vacancy which staff is having difficulty filling. In addition he said there is a  
16 lack of experience in some key positions within the division especially field operations and  
17 lift stations. He said there is one person also on Family Medical Leave who won’t be back for  
18 a few months. He said the city is approaching 70 lift stations and for proper maintenance it  
19 requires experienced and licensed individuals. He said the request is for a senior lift station  
20 mechanic as well as an entry-level position. He said he had made comparisons with Eustis  
21 and Mt. Dora. He said those cities have double the personnel and not as many lift station. He  
22 said they have a maintenance crew that runs their water maintenance as well as wastewater.  
23 He said the budget revision is for \$10,670 which will allow two people to be hired now and  
24 the final salary numbers will be included in the current draft budget being prepared by  
25 Finance. Mayor Wicks clarified that these positions will be funded from the Wastewater  
26 revenues. Mr. Mercer confirmed and said that the positions are growth driven.

27  
28 Councilmember Gamble asked if Mr. Mercer would be requesting additional staff. Mr.  
29 Mercer said there would be a request for one more maintenance worker. Councilmember  
30 Gamble stated that the city needs to be sure that the demand for service is met and that safety  
31 issues are addressed.

32  
33 Vice Mayor Clutts stated she appreciated being made aware of the need to be more proactive  
34 in maintenance of the system and that she was in support of this request.

35  
36 **MOTION**

37  
38 **Nancy Clutts moved for approval of the budget revision for \$10,670 from Wastewater**  
39 **Reserves, seconded by Sandy Gamble. The motion carried unanimously 5-0.**

1 **FINANCE**

2  
3 **Truth in Millage Notice**

4  
5 Attorney Williams stated that the TRIM notice requires that the City sets its tentative millage  
6 rate for the upcoming taxes that will go out on November 1, 2005 by the Property Appraiser.  
7 He said the millage rate last year was 5.42. Each year when the property appraiser does the  
8 initial analysis of the taxable property in the City of Tavares he presents a total amount that  
9 includes increases in values to property within the City. It also includes new annexations and  
10 new construction within the city. As part of the Truth in Taxing, the property appraiser,  
11 working with the city, provides the “Roll Back” rate which is a mathematical calculation that  
12 says, with the new valuation of properties that came into the city, what the millage rate would  
13 have to be to raise the same amount of ad valorem taxation monies raised last year. That  
14 calculation becomes the “roll back” rate. Because the city is growing, the “roll-back” rate is  
15 always a little bit lower. He noted the “roll-back” rate is actually 4.9367. If that rate was  
16 adopted that would raise only the same amount of ad valorem taxes raised last year. If the tax  
17 rate is kept at 5.42 this will raise slightly more ad valorem revenue due to the new growth and  
18 valuations. He said the staff recommendation is to set the tentative rate at the 5.42 level. If the  
19 rate is set at 5.42 and after the budget hearings, Council wishes to lower the rate, it can be  
20 done. However, if the rate is set at the roll-back level or any level less than the 5.42 and  
21 Council decides that it needs those new revenues then it would take a first class mailing to  
22 every tax paying entity in the City of Tavares to be able to go above the tentative rate.  
23

24 Ms. Keedy stated that based on the initial budget draft she would recommend staying at the  
25 current millage.  
26

27 Councilmember Speaks asked how much a half or a quarter of a mill would raise in taxes.  
28 Discussion followed and it was noted that ad valorem taxes make up very little of the city’s  
29 budget. Councilmember Speaks noted it had been three years since the millage was raised and  
30 14 years before that. Councilmember Speaks noted that he was concerned about street  
31 improvements. Ms. Keedy said there are 10 or 12 streets under design currently for re-  
32 surfacing.  
33

34 Mayor Wicks said he thought the penny sales tax appeared to be raising more revenue than  
35 anticipated and that those extra monies may need to go into the Capital Improvement Plan for  
36 street improvements. He said as soon as the budget is approved he would like the Capital  
37 Improvement Plan to be reviewed.  
38

39 Ms. Keedy said staff is reviewing the improvement of the reporting of the city’s expenditures  
40 which relates directly to the gas tax monies that the city gets back. She said Ms. Houghton is  
41 looking closely at this process and it should be improved next year.

1  
2 Mayor Wicks said he intended to support the rate of 5.42. He asked if anyone in the audience  
3 wished to address Council.  
4

5 Vice Mayor Clutts said she agreed with Mayor Wicks. She said she felt per the audit  
6 presented today, the city is being very fiscally responsible.  
7

8 Councilmember Speaks said he is an advocate for planning ahead and that was his concern.  
9

10 Councilmember Gamble asked about the average millage in the surrounding cities. Ms. Keedy  
11 said she thought the lowest was probably Lady Lake and the highest Mt. Dora and that  
12 Tavares is probably a little above the average. She said she would bring that information back  
13 to the budget workshops.  
14

15 **MOTION**  
16

17 **Nancy Clutts moved to set the proposed millage rate to the current rate of 5.42,**  
18 **seconded by Sandy Gamble. The motion carried unanimously 5-0.**  
19

20 Ms. Barnett asked for clarification of the vote. Councilmember Wilson stated he had voted in  
21 favor but that he had a question. He referenced the staff report that stated the final millage rate  
22 would be adopted in September. Mayor Wicks clarified that the final rate would be adopted in  
23 September based on the budget process.  
24

25 Attorney Williams reiterated that this action did not set the taxes. This action was for the  
26 purpose of instructing the property appraiser what amount to send out on the preliminary  
27 TRIM notice to all the taxpayers in Tavares.  
28

29 **ADMINISTRATION**  
30

31 **REPORTS**  
32

33 **Attorney Williams**  
34

35 No report.  
36

37 **Councilmember Gamble**  
38

39 Councilmember Gamble congratulated Ms. Houghton on the successful audit. Ms. Houghton  
40 noted that Ms. Keedy provided much support to the staff. He asked if there is a period in  
41 which the issuance of p.o.'s are stopped before the end of the fiscal year. Ms. Keedy answered

1 in the affirmative stating it was usually in the middle of September. Councilmember Gamble  
2 asked how long this lasted. Ms. Keedy answered that p.o.'s can then be issued starting the  
3 first of October.

4

5 Councilmember Gamble asked for an update on the issues with Fox Run and Royal Harbor.  
6 Ms. Keedy answered that these should be on the next agenda.

7

8 **Councilmember Wilson**

9

10 Councilmember Wilson noted that he had not seen a lot of press coverage for the state  
11 baseball tournaments held in Tavares in July and asked if a press release was done. Ms.  
12 Keedy responded that she thought staff had probably sent in a notice to the newspapers.

13

14 Councilmember Wilson asked Ms. Keedy questions about the construction of the skate park,  
15 maintenance, and vandalism issues. Ms. Keedy noted that the vandalism issues seem to have  
16 been addressed now.

17

18 **Councilmember Speaks**

19

20 Councilmember Speaks remarked that the hole on New Hampshire has been filled. He noted  
21 that there is a blood drive on Friday.

22

23 **City Administrator**

24

25 **Parks and Recreation**

26

27 Ms. Keedy distributed a hand out from the recent League of Cities meeting provided by Vice  
28 Mayor Clutts detailing grant information provided in recent years by the County to the  
29 municipalities. Vice Mayor Clutts reported that there had been considerable discussion at the  
30 League meeting on this issue and the problem of a lack of grant money available for staffing  
31 as well as the issue of how fees can be charged. She said she thought the County Manager and  
32 the Board Chairman had showed an understanding of the cities' point of view.

33

34 Mayor Wicks added that he thought the League needed to continue its follow up with this  
35 issue.

36

37 Councilmember Gamble said that at budget time he wished to look at monies to enhance the  
38 afternoon programs. Ms. Keedy responded that she had just decreased the parks budget but  
39 that staff could continue to look at it if directed. Councilmember Gamble asked about the  
40 possibility of grants for summer camps and after school programs. Ms. Keedy noted that  
41 grants usually always require matches but that staff can look into that as well.

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**Budget Workshops**

Discussion followed regarding the setting of budget workshops. The following dates were set:

**Wednesday, August 3<sup>rd</sup> from 4:00 to 5:00 p.m.**

**Wednesday, August 24<sup>th</sup> at 5:00 p.m.**

**Canal at Fox Run**

Ms. Keedy said staff had inquired with the Army Corp of Engineers, Florida Department of Environmental Protection, and St. Johns River Water Management District, regarding the possibility of their maintaining the Fox Run Canal, however, none of those agencies have indicated an interest in making repairs or providing maintenance.

Vice Mayor Clutts asked if staff had determined the specific maintenance problems in the Fox Run canal. Ms. Keedy replied that she believed most recently the problem was with one particular tree, however, she said she thought the issue for the residents was long term maintenance. She noted that the Water Authority had assisted during the last hurricane season but had advised that they would not provide service in the future because it was too staff intensive.

Discussion followed. Vice Mayor Clutts noted that she did not think it would be setting a precedent, because the City owns the property from which the trees have fallen.. Attorney Williams noted that this is a man made canal (including wetlands), that the owner had deeded it to the City as part of a property exchange needed for the wastewater plant expansion, and that one possibility was that the City give the canal property back to the homeowners. Attorney Williams noted that the property line goes down the center of the canal.

Mayor Wicks noted that the canal benefits the Fox Run residents only and it did not appear to be a public safety issues. He said he felt the homeowners association needed to address this issue.

**Mayor Wicks**

**Lake Community Action Agency**

Mayor Wicks asked Vice Mayor Clutts if she wished to continue serving as the City’s representative. Vice Mayor Clutts explained the services provided by the agency and added

1 that she would like to invite another councilmember to serve during the upcoming year. She  
2 said the meeting is from 7:00 to 9:00 p.m. once a month on Wednesday (opposite from  
3 Council Meeting). Mayor Wicks noted that an alternate representative had also been  
4 requested.

5  
6 **Mayor Wicks asked Ms. Barnett to distribute the information to all of Council and he  
7 would bring the matter forward again at the next Council meeting.**

8  
9 **Water Alliance Board**

10  
11 Mayor Wicks said the Water Alliance Board had met and elected Bob Lovell of Leesburg as  
12 the Chairman and himself as Vice Chairman. He said the Board had decided to send out a  
13 Request for Proposals for a consultant for water supply planning. He said only consultants  
14 who do not currently represent local governments will be allowed to submit proposals.

15  
16 **Vice Mayor Clutts**

17  
18 **Councilmember Speaks**

19  
20 Councilmember Speaks asked Attorney Williams for an update on the sex offender ordinance  
21 issue discussed at the last meeting.

22  
23 Attorney Williams responded that the attorney group had met and that there had been a  
24 consensus that the group would prefer a county-wide ordinance, however, some cities may  
25 want to move ahead even if the county does not act. He said he would provide a proposed  
26 model ordinance for council's review. He said the ordinances passed by some of the  
27 municipalities have not been challenged legally as yet.

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29 **Adjournment**

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31 There was no further business and the meeting was adjourned at 7:10 p.m.

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33 Respectfully submitted,

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39 \_\_\_\_\_  
40 Nancy A. Barnett  
41 City Clerk

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