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

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

8  
9 **COUNCILMEMBERS PRESENT**

**ABSENT**

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

17 **STAFF PRESENT**

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

30 Councilmember Gamble gave the invocation and those present stood to recite the Pledge of  
31 Allegiance.

32  
33 **APPROVAL OF MINUTES**

34  
35 The minutes of the regular City Council Meeting of November 2, 2005 were approved with  
36 the following correction:

37  
38 Page 11, Line 7, change Mayor “Wicks” to Mayor “Clutts”  
39

40 **AGENDA REVIEW**  
41

1 Mayor Clutts noted that the FDOT presentation would be delayed about 30 minutes due to an  
2 airport delay.

3  
4 **PROCLAMATION/PRESENTATIONS**

5  
6 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

7  
8 Ms. Barnett read the ordinance by title only:

9  
10 **Ordinance #2005-47 – Aztec Woodlea Subdivision, Annexation & Rezoning – First**  
11 **Reading**

12  
13 **ORDINANCE 2005-47**

14  
15 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**  
16 **TAVARES BY ANNEXING APPROXIMATELY 6.63 +/- ACRES**  
17 **LOCATED ON THE NORTHERN SIDE OF WOODLEA ROAD,**  
18 **APPROXIMATELY ONE-HALF MILE WEST OF THE**  
19 **INTERSECTION OF STATE ROAD 19 AND WOODLEA ROAD;**  
20 **REZONING THE PROPERTY FROM LAKE COUNTY R-6 (URBAN**  
21 **RESIDENTIAL) TO CITY OF TAVARES PLANNED DEVELOPMENT**  
22 **(PD); SUBJECT TO THE RULES, REGULATIONS AND**  
23 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**  
24 **PROVIDING FOR AN EFFECTIVE DATE.**

25  
26 Attorney Williams gave the oath to Ms. Jackson and Don Griffey of Griffey Engineering.

27  
28 Ms. Jackson advised that the application is for approximately 6.63 acres located on Woodlea  
29 Road, approximately one-half mile west of the intersection of SR 19 and Woodlea Road.  
30 She said the property consists of 6.13 acres of uplands and .5 acres of wetlands. It is  
31 contiguous to city boundaries and meets all statutory requirements. The development proposal  
32 includes single-family lots with a minimum lot width of 60 feet with a minimum lot size of  
33 6,000 square feet. The developer has agreed to construct a portion of Captain Haynes Road  
34 leading from Woodlea Road to the entrance of the development in the event that Captain  
35 Haynes Road has not been constructed at the time of development. Ms. Jackson also  
36 discussed buffering and landscaping requirements. She said the Planning & Zoning Board  
37 recommended approval, 6-0.

38  
39 **Applicant**  
40

1 Don Griffey stated that he represented the applicant. He added that there is 30% open space  
2 allotted on the plans.  
3

4 Mayor Clutts asked Ms. Jackson what the closest straight zoning would be for this area. Ms.  
5 Jackson replied that it would be RFS-1. Ms. Clutts questioned the size of those lots allowed  
6 by straight zoning. Ms. Jackson responded that the size would be 7500 square feet.  
7

8 Mayor Clutts asked if the owner would be agreeable to providing a park since it will be a  
9 Planned Development. She noted that the open space would be mainly for retention.  
10

11 Mr. Griffey responded that a park was not in the plans however there would be some green  
12 space available for passive recreation as well as retention.  
13

14 **Public Hearing**

15  
16 Gene Johnson of Fox Run Homeowners  
17

18 Mr. Johnson asked if traffic impact fees would be collected because of the impact on Dead  
19 River Road. Mayor Clutts responded that there is a requirement of the applicant to provide  
20 traffic analysis as a result of impact on the area which will be done at the time of  
21 development.  
22

23 Ms. Keedy stated that the project will generate impact fees and that the Woodlea Road is on  
24 the transportation impact fee program to be widened.  
25

26 Mr. Johnson questioned whether Dead River Road will be widened. Ms. Keedy said both  
27 roads are on the impact fee program and that as right of way is acquired the projects will be  
28 funded.  
29

30 **Public Hearing closed.**

31  
32 **MOTION**  
33

34 **Robert Speaks moved for the approval of Ordinance #2005-47, seconded by Dennis**  
35 **Wilson. The motion carried 4-1 as follows:**  
36

37 <b>Nancy Clutts</b>	<b>No</b>
38 <b>Sandy Gamble</b>	<b>Yes</b>
39 <b>Robert Abernathy</b>	<b>Yes</b>
40 <b>Dennis Wilson</b>	<b>Yes</b>
41 <b>Robert Speaks</b>	<b>Yes</b>

1  
2 **City Council Adjourns and Reconvenes as the Local Planning Agency**  
3

4 Ms. Barnett advised that there was a form at the podium for anyone to sign who wished to  
5 receive information from the Department of Community Affairs regarding its Notice of Intent  
6 on this ordinance.  
7

8 **Ordinance #2005-48 – Aztec Woodlea Subdivision, Small Scale Future Land Use**  
9 **Amendment – Recommendation to Council**  
10

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

13 **ORDINANCE 2005-48**  
14

15 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**  
16 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**  
17 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**  
18 **LAND USE DESIGNATION FROM LAKE COUNTY URBAN**  
19 **EXPANSION TO CITY OF TAVARES LOW DENSITY RESIDENTIAL**  
20 **FOR PROPERTY LOCATED ON THE NORTHERN SIDE OF**  
21 **WOODLEA ROAD, APPROXIMATELY ONE-HALF MILE WEST OF**  
22 **THE INTERSECTION OF STATE ROAD 19 AND WOODLEA ROAD;**  
23 **PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING**  
24 **FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE**  
25 **DATE.**  
26

27 Ms. Jackson said this amendment is for the same property, 6.63 acres located on Woodlea  
28 road. The request is to change from Lake County Urban Expansion to City of Tavares Low  
29 Density Residential. The property is currently vacant with a small portion of wetlands. The  
30 density difference allowed under the County's Urban Expansion is 4 dwelling units per acre.  
31 The City's Low Density allows 5.6, however, the Planned Development Rezoning in progress  
32 which limit the project to 23 single-family lots and the density to 3.5 dwelling units per acre.  
33 The density is considered compatible with the surrounding designations and existing uses in  
34 the area. Ms. Jackson showed the site location through a power point presentation. The  
35 amendment is in compliance with the Comprehensive Plan. The Planning & Zoning Board  
36 recommended approval 6-0.  
37

38 **Public Hearing**  
39

40 Mayor Clutts asked for comment from the audience.  
41

42 **Public Hearing closed.**

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**MOTION**

**Robert Speaks moved for the approval of Ordinance #2005-48, seconded by Robert Abernathy. The motion carried 4-1 as follows:**

<b>Nancy Clutts</b>	<b>No</b>
<b>Sandy Gamble</b>	<b>Yes</b>
<b>Robert Abernathy</b>	<b>Yes</b>
<b>Dennis Wilson</b>	<b>Yes</b>
<b>Robert Speaks</b>	<b>Yes</b>

**The Local Planning Agency adjourned and the Regular City Council Meeting reconvened.**

**Ordinance #2005-48 – Aztec Woodlea Subdivision, Small Scale Future Land Use Amendment – First Reading**

Ms. Barnett read the ordinance by title only:

**ORDINANCE 2005-48**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN EXPANSION TO CITY OF TAVARES LOW DENSITY RESIDENTIAL FOR PROPERTY LOCATED ON THE NORTHERN SIDE OF WOODLEA ROAD, APPROXIMATELY ONE-HALF MILE WEST OF THE INTERSECTION OF STATE ROAD 19 AND WOODLEA ROAD; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Jackson said she had nothing further to present.

**Public Hearing**

Mayor Clutts asked for comment from the audience.

**Public Hearing closed.**

1 **MOTION**

2  
3 **Robert Speaks moved for the approval of Ordinance #2005-48, seconded by Robert**  
4 **Abernathy. The motion carried 4-1 as follows:**

5  
6 **Nancy Clutts**                      **No**  
7 **Sandy Gamble**                    **Yes**  
8 **Robert Abernathy**                **Yes**  
9 **Dennis Wilson**                   **Yes**  
10 **Robert Speaks**                   **Yes**

11  
12 **Resolution #2005-22 – 322 N. Rockingham, Variance**

13  
14 Mayor Clutts declared a conflict on this variance, as she and her husband are the applicants.  
15 She passed the gavel to Vice Mayor Gamble.

16  
17 Vice Mayor Gamble asked Ms. Barnett to read the resolution.

18  
19 Ms. Barnett read the resolution by title only:

20  
21 **RESOLUTION 2005-22**

22  
23 **A RESOLUTION OF THE CITY OF TAVARES GRANTING**  
24 **VARIANCES TO CHAPTERS 11 AND 20 REGARDING**  
25 **LANDSCAPING AND PARKING REQUIREMENTS FOR**  
26 **PROPERTY LOCATED AT 322 N. ROCKINGHAM**  
27 **AVENUE, SUBJECT TO THE RULES, REGULATIONS AND**  
28 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES**  
29 **COUNCIL; PROVIDING AN EFFECTIVE DATE.**  
30

31 Ms. Jackson reported that this is property located at 322 N. Rockingham. It is currently a  
32 single family home and contains a detached garage. The request is to convert the house to a  
33 business. The applicants wish to maintain the residential character of the area and in order to  
34 do that they are requesting a variance to the parking district regulations and to the buffer  
35 requirements. The usual requirement would be for five spaces on site, however, the front yard  
36 would have to be converted to a parking lot. If this lot was included in the downtown parking  
37 district, for property zoned mixed use that is within that district, they would only be required  
38 to provide 50% of those parking spaces including one handicapped on site. This is the  
39 proposal of the applicant. Staff supports the request. Staff will be coming forward with a  
40 proposed revision to the parking district boundary to make it more consistent.  
41



1 for discussion.

2  
3 **MOTION**

4  
5 **Robert Speaks moved to approve the Consent Agenda [Agreement with Thomas the**  
6 **Tank; Chelsea Oaks Phase 3 and 4, Preliminary Plat; and Lake Harris Reserve**  
7 **Preliminary Plat], seconded by Sandy Gamble. The motion carried unanimously 5-0.**

8  
9 **FDOT PRESENTATION – TAV LEE TRAILHEAD**

10  
11 Gene Howerton of the architectural firm, Arcadis, stood to speak and introduced architect,  
12 Javier Salman with his firm. He said his company had been hired to design the trailhead  
13 building at Wooton Park as part of the enhancement contract with FDOT. Two renderings  
14 were distributed. He said the pavilion is designed with a surrounding porch and to allow for  
15 rocking chairs, etc. within the pavilion. The pavilion will have a metal roof and is in a  
16 southern vernacular style. There are two options: one that allows a view through the building  
17 to the dock for the canoe launching. It acts as a trailhead and marker and could become a focal  
18 point for the park. There will be a place to contain brochures, tourist information, etc. There is  
19 room for storage of about 12 canoes and several bikes. It will be located on the area where the  
20 tennis court was previously located.

21  
22 Mayor Clutts asked for clarification of the action being requested.

23  
24 Mr. Salman asked that Council review the two plans and make a recommendation. He said the  
25 building budget is about \$180,000. It will not have restrooms. The picnic pavilion will also be  
26 renovated with its bathrooms to be made ADA compliant.

27  
28 Ms. Keedy said this is an enhancement grant that the city applied for in 1997 or 1998 and has  
29 been ongoing in conjunction with the Tav Lee Trail project. The city plans to work with the  
30 Lake Region developer to complete the segment of the trail on that property.

31  
32 Mayor Clutts asked if there were funds available for landscape improvement. Mr. Salman said  
33 there will be funds for landscaping which will be in addition to the building budget of  
34 \$180,000.

35  
36 Mr. Salman said he would like a response from Council by the first of January.

37  
38 Mayor Clutts stressed the City's need for further funding from FDOT for projects. She said  
39 she felt Lake County was underfunded in grant projects in comparison with other nearby  
40 counties. Mr. Salman encouraged the City to follow the process for applying for grants.

1 Ms. Keedy noted that FDOT has gone over and above what was requested and she thanked  
2 the agency. Mayor Clutts added her appreciation.

3  
4 Councilmember Speaks noted that Plan A showed a service counter and would that require  
5 staffing. Ms. Keedy said the recommendation had been to have an agreement with a  
6 concessionaire to rent canoes, etc.

7  
8 **AUDIENCE TO BE HEARD**

9  
10 **DEPARTMENTAL TOPICS FOR COUNCIL ACTION OR DISCUSSION**

11  
12 **COMMUNITY DEVELOPMENT**

13  
14 **COMMUNITY SERVICES**

15  
16 **Dragonboat Rental Fees**

17  
18 Ms. Keedy stated staff had brought back information in response to the last Council meeting  
19 regarding the fees charged for rental of the Dragonboats. She said the information showed that  
20 some revenues had been made. She said there has been no maintenance cost to date but that  
21 that would probably be done in-house when needed. She said there is a parks staff member  
22 who works on the weekends who transports the boats.

23  
24 Vice Mayor Gamble said he had brought up the issue because rental of similar boats in the  
25 area are closer to \$50.00 for a half day or \$100 for a full day. He said the figure for the hourly  
26 staff does not include a benefit package. Ms. Keedy said it would be another 20% added on.

27  
28 Ms. Keedy added that most people who rent the dragonboats are renting it to practice for the  
29 event that is held annually.

30  
31 Mayor Clutts stated she agreed with Councilmember Gamble that there are hidden costs when  
32 staff is required to transport the dragonboat and are taken away from other duties. She said  
33 she was not opposed to raising the fee.

34  
35 Ms. Keedy said the boats were purchased by fundraising for the purpose of promoting the  
36 event and to encourage participation in the event. She noted that if the fees were raised too  
37 high she felt it might affect some of the participation. She said she felt the issue was what the  
38 event brings back to the City considering the minimal costs incurred by the City.

39  
40 Councilmember Abernathy said he personally sponsored the first dragonboat in the area that  
41 raced the first year on Lake Harris. He said it is turning out to be a major attraction in various

1 points in the U.S. He said he felt it behooves the City to push the event now that the boats  
2 have been acquired and that it takes a lot of practice by the crews.

3  
4 Vice Mayor Gamble asked that staff keep tabs on the costs of renting the boats, comparing it  
5 to the practice of not charging out of city residents more to participate in recreational events.  
6 He noted he was looking long term at the costs.

7  
8 **Mayor Clutts summarized that Council would like to direct staff to keep tabs on the**  
9 **costs, to look at any maintenance costs that might require a re-evaluation of the fees and**  
10 **to bring those to Council's attention. She said she would like an opportunity to consider**  
11 **the benefits and the potential costs.**

12  
13  
14 **POLICE DEPARTMENT**

15  
16 **FIRE DEPARTMENT**

17  
18 **PUBLIC WORKS/GENERAL SERVICES**

19  
20 **FINANCE**

21  
22 **ADMINISTRATION**

23  
24 **City Government/Sunshine Law Presentation**

25  
26 Attorney Williams made a presentation on the Sunshine Law as follows:

27  
28 **City Government**

- 29  
30
- 31 • Derives its power from the Florida Constitution which provided for Home Rule in
  - 32 1968
  - 33 • Home Rule allows the City to pass laws as long as they do not conflict with state or
  - 34 federal law, e.g. regulation of speed on U.S. 441
  - 35 • The City Charter was adopted by the City in 1984 and created a Commission/Manager
  - 36 form of government.
  - 37 • The powers of the Council are limited only those to those things prohibited by the
  - 38 Charter
  - 39 • The only prohibitions are to hire and fire employees and to give direction to individual
  - 40 employees. Direction should not be given to employees that would give the
  - 41 appearance of the councilmember being the employee's supervisor. He said the reason
  - that council went to that form of government was to avoid the inconsistent direction

1 that an employee might receive from five different council members. He said the other  
2 reason is insubordination. If an employee is unhappy with their job and approaches  
3 Council directly (instead of going through their chain of command) this undermines  
4 the authority of management.  
5

6 Mayor Clutts asked where in the charter it states that employees not allowed to speak to  
7 councilmembers.  
8

9 Attorney Williams said it states that Councilmembers cannot speak to employees. Mayor  
10 Clutts asked that the section be read for the record.  
11

12 Attorney Williams read from Article VII. Prohibitions, Section 7.01B:  
13

14 “b) Interference with administration. Except for the purpose of inquiries and  
15 investigations, the mayor, the council or its members shall deal with city  
16 officers and employees who are subject to the direction and supervision of the  
17 city administrator solely through the administrator, and neither the mayor, the  
18 council, nor its members shall give orders to any such officer or employee,  
19 either publicly or privately. Nothing in the foregoing is to be constructed to  
20 prohibit individual members of the council or the mayor from closely  
21 scrutinizing by questions and personal observation, all aspects of city  
22 government operations so as to obtain independent information to assist the  
23 members in the formulation of sound policies to be considered by the council.  
24 It is the expressed intention of the charter however that recommendations for  
25 improvement in city government, operations by individual councilmembers or  
26 the mayor be made to and through the city administrator so that the  
27 administrator may coordinate efforts of all city departments to achieve the  
28 greatest possible savings through the most efficient and sound means  
29 available.”  
30

31 Mayor Clutts said that she did not interpret that section to mean that council could not hear  
32 information from employees nor ask questions of employees.  
33

34 Attorney Williams said he had not stated that Council cannot hear from employees, he said he  
35 had stated that the Charter says that the councilmembers are not supposed to direct the  
36 employees and are to deal on personnel matters through the city administrator. He said it is  
37 understood that Council knows the city employees and will talk to the employees: the issue is  
38 how is that handled and whether direction is given.  
39

40 Councilmember Wilson clarified that Council is going to hear information but the question is  
41 how Council reacts to that information.

1  
2 Attorney Williams noted that the other powers set forth in the charter are set forth in the  
3 administrative powers of the City Manager under paragraph A and the specific powers of the  
4 Council are very broad except as limited by the charter.

5  
6 Sunshine Law

- 7  
8 • Florida adopted a very broad Sunshine Law in 1972 which falls into three major areas:  
9 open public meetings, open public records, and the regulation of public employee  
10 ethics.  
11 • Public Meetings: all matters concerning public business must be done in an open  
12 meeting which will be advertised according to the law  
13 • Councilmembers must not talk to each other about a matter coming up before Council  
14 outside the public meeting including email, telephone or writing

15  
16 Mayor Clutts asked Attorney Williams to clarify the Sunshine Law with respect to employees  
17 and their correspondence/emails. Attorney Williams noted that public employee emails are  
18 public records with the exception of transitory messages. Mayor Clutts asked how those  
19 emails are purged. Ms. Keedy stated that the City has an email policy on retention and all  
20 public emails are to be either printed out or saved electronically to a file. Mayor Clutts asked  
21 about emails created during business hours that contain general personal comments about  
22 Council, using public computers in the City Hall. She asked if those were considered  
23 transitory. Attorney Williams said it would depend on the content. He said generally if they  
24 are created in an email they would be considered public, although some would not.

25  
26 Mayor Clutts asked why the councilmember's email addresses were no longer on the web site.  
27 Attorney Williams stated that that came as a result of an email seminar that the City Clerk  
28 attended in an attempt to keep in compliance with the public records portion of the Sunshine  
29 Law. He said there have been Attorney General Opinions that state that Council emails that  
30 are directed to Council in their capacity as councilmembers are public records and have to be  
31 maintained. The press has requested those emails and the city has to produce them.

32  
33 Mayor Clutts suggested that Council copy the City Clerk on their emails and also directed  
34 staff to have all councilmember email addresses replaced on the web site by the close of  
35 business on Friday afternoon.

36  
37 Ms. Keedy stated that the city is planning to get new software so that Council can access their  
38 email at home utilizing a city address. Mayor Clutts said that until that happens the public  
39 should be able to access Council. Mayor Clutts asked if she had the support of Council to  
40 have the addresses replaced.

1 Attorney Williams suggested that the direction to staff be done by motion.

2

3 Councilmember Abernathy asked for clarification. Mayor Clutts stated that up until the  
4 election, that council's home email address was on the web site so that if an individual wished  
5 to correspond with Council they could access that information. She said what she was  
6 suggesting that Council should continue to be reachable by email and that Council should take  
7 on the responsibility to copy Ms. Barnett on any correspondence or returns to emails to those  
8 individuals who choose to contact Council through email.

9

10 Councilmember Abernathy said he disagreed with having emails sent to him by an individual,  
11 being channeled through the City. He said he views himself as being a servant to the public  
12 and he did not like to have his personal mail screened.

13

14 Ms. Keedy said the mail is not screened; anyone can reach the council through the web site  
15 and the clerk forwards that mail.

16

17 Attorney Williams stated that the issue is not screening the mail; the concern is with regard to  
18 the public records issue. He said if a resident sends an email to a councilmember on his or her  
19 home email address, regarding public matters in his or her capacity as councilmember, that  
20 would be considered a public record. Councilmember Abernathy said he would maintain the  
21 responsibility of keeping his own public record.

22

23 Attorney Williams said the law is that if someone sends written or email correspondence to a  
24 councilmember in his or her public capacity, that is a public record, and the law is that the city  
25 is required to maintain public records. He said the issue is the procedure by which this is  
26 done. He said the procedure that Ms. Barnett had suggested was an attempt for records  
27 retention purposes, those records should come to the City. The other way this can be handled  
28 is for council to take on self-policing. Emails and written records that come to Council's  
29 home address are the responsibility of the councilmember to provide to the City for  
30 maintenance by the City Clerk. Councilmember Gamble said another way to handle it would  
31 just be to copy it to the City Clerk or forward it to the Clerk.

32

33 Mayor Clutts asked that the emails be restored to the web site by the close of business day  
34 tomorrow.

35

36 Vice Mayor Gamble asked that he would like to add to that request, the understanding that  
37 any correspondence or email that is received by Council be copied to the City clerk so that it  
38 is available as a public record. He said he did not want to pass any motion that would be in  
39 violation of the Sunshine Law. Mayor Clutts said Council just wants to state that it is  
40 accessible via email and that is it up to Council to copy the city on correspondence, and that it  
41 will remain so until such time that the city has its own web site for Council to utilized through

1 emails.

2  
3 **MOTION**

4  
5 **Dennis Wilson moved to restore Council’s home email addresses to the web site by close**  
6 **of business day on Thursday, December 8<sup>th</sup>, seconded by Robert Abernathy. The motion**  
7 **carried 5-0 unanimously**

8  
9 **Quasi-Judicial Meetings**

10  
11 Attorney Williams stated that Quasi-Judicial procedures state that when council sits in a  
12 capacity as judges of variances and rezoning land use applications, that rules similar to  
13 courtroom rules will apply as far as judicial fairness. Those rules dictate that testimony is to  
14 be taken under oath and there is a right to ask questions and present evidence. The evidence is  
15 to be presented only from the podium and from the evidence that is presented. Council is not  
16 to obtain ex parte information or conduct its own investigations about matters related to a  
17 rezoning or variance application. Council should not allow itself to be lobbied by either side  
18 on a land use decision outside of the public meeting.

19  
20 Vice Mayor Gamble asked about the provision for discussing matters outside of the council  
21 meeting.

22  
23 Attorney Williams stated that the legislature passed a statute that is currently under judicial  
24 review which states that a local government may adopt an amendment to the quasi-judicial  
25 procedures to allow the elected officials to talk to persons outside of the zoning hearing about  
26 a case, as long as they disclose all of those conversations and the content of those  
27 conversations, at the time of the zoning hearing. He said he believed Lake County follows this  
28 procedure but that he did not think any of the cities in Lake County had adopted that  
29 ordinance. He said if Council wants to adopt that process, it could be done.

30  
31 **Ethics In Government**

32  
33 Attorney Williams noted that ethical rules for public officials are in Chapter 112 of the F.S.  
34 Ethical decisions are governed and regulated by the State Commission on Ethics. Ethics  
35 complaints are directed to that agency which has the ability to investigate, have a hearing, and  
36 has the disciplinary power of fines, suspensions, and removals. He said the area where this  
37 would come up most often would be in voting conflicts. The conflict has to be revealed and  
38 the official must abstain from voting and discussion. The Ethics Conflict Form is then filed  
39 with the Clerk. He encouraged Council to call him ahead of the meeting if they have concern  
40 about having a conflict and it must relate to special private gain. He said if the  
41 Councilmember does not have a conflict he or she must vote. He provided the telephone

1 number for the Ethics Commission’s Attorney, Chris Anderson (1-800-262-8824).

2  
3 **Planning & Zoning Board Appointment**

4  
5 Mayor Clutts thanked Mr. Albertson for attending the meeting, noting she had received his  
6 application for the Planning & Zoning Board. She recommended Mr. Albertson to be on the  
7 Planning & Zoning Board, adding that he is a professional engineer and will be an asset to the  
8 City.

9  
10 **MOTION**

11  
12 **Sandy Gamble moved to accept the Mayor’s request for the Planning & Zoning Board**  
13 **appointment of Brent Albertson, seconded by Robert Abernathy.**

14  
15 Mayor Clutts invited Mr. Albertson to speak.

16  
17 Brent Albertson stated that he was a relatively new resident to the city and would look  
18 forward to serving the city through his 15 years experience in land development.

19  
20 **The motion carried unanimously 5-0.**

21  
22 **Council Appointments to Community Boards**

23  
24 **MOTION**

25  
26 **Mayor Clutts summarized and moved for the following appointments to Boards:**

27  
28 **Total Maximum Daily Load Board– Councilmember Speaks agreed to represent the**  
29 **City.**

30  
31 **Metropolitan Planning Organization – Councilmember Abernathy will be**  
32 **representative, Vice Mayor Gamble will be alternate.**

33  
34 **Water Alliance – Mayor Clutts**

35  
36 **Lake County League of Cities – Mayor Clutts**

37  
38 **Lake Community Action Agency – Vice Mayor Gamble**

39  
40 **School Concurrency – Mayor Clutts designated representative but all Council invited to**  
41 **attend**

1  
2 **Tavares Chamber of Commerce – Ms. Keedy will serve on the Board of Directors**

3  
4 **The motion carried unanimously 5-0.**

5  
6 **REPORTS**

7  
8 **City Attorney**

9  
10 **Vice Mayor Gamble**

- 11
- 12 • Addressed recent newspaper article re: fencing at the Tavares Elementary School.  
13 He said the City is not against the fencing and the principal and the future principal  
14 have stated they would be willing to leave the gates open for parking for city  
15 recreational purposes. He asked if a letter could be drafted to the Principle to  
16 clarify. He said the main emphasis on the fencing was in case of the need for a  
17 lock down during school hours.
  - 18 • He said he has received criticism regarding the irrigation on SR 19. Ms. Keedy  
19 said that the project is not compete as yet and has not been turned over to the City.  
20 She said staff have told the contractor repeatedly to adjust the pressure and the  
21 concern is that they will turn off the water completely which would affect the  
22 vegetation. She said they should be finished in a few weeks and will then turn the  
23 maintenance over to the City. The City will then water at a different time rather  
24 than the middle of the day.
  - 25 • Stated that he thought Light Up Tavares went well and that he appreciated the  
26 Horse and Buggy Ride.
  - 27 • Said he had been informed that Mr. Johnson of Fox Run has been left out of  
28 communications with regard to the drainage problems and potential solutions. He  
29 asked that Mr. Johnson be kept informed.
  - 30 • Asked if all city policies come through the Council. He said a policy had been  
31 changed at this meeting and he did not recall that policy coming through Council  
32 first. Attorney Williams said the change had been made in an effort to comply  
33 with the law not as an overall policy. Mayor Clutts added that she understood that  
34 staff was trying to provide another means for Council to receive email but until  
35 such time she believed it was important for the general public to have access via  
36 email.
  - 37 • Asked if the County has been communicating with the City regarding their  
38 expansion plans. Ms. Keedy said they are still having discussions with the city but  
39 have not proceeded except for general planning. She stated she thought Attorney  
40 Williams was working with Attorney Minkoff from the County.
- 41

1 Attorney Williams noted that Ms. Keedy has met with the County Manager and that he  
2 believed the County understood that it is the City’s position that they will need to annex and  
3 be subject to city zoning, utility requirements, and water and sewer extension policies. He said  
4 they have asked that they be allowed to issue their own permitting and do their own building  
5 inspections. He said he believed the staff will bring that to Council in the form of an interlocal  
6 agreement to recommend approval of that request. He said he is working on that interlocal  
7 agreement currently.  
8

- 9 • Asked about the presentation that was made for Woodlea Sports Complex and what  
10 was the status for the design and the funding of the complex.  
11

12 Ms. Keedy said most of the funding will come from the penny sales tax and prior direction  
13 has been to work on city-wide repaving project, the streetscape, and the public works facility.  
14 She said it has been a matter of funding and priorities. She said the plan has been to discuss  
15 the capital improvement plan either at a workshop or a regular workshop.  
16

17 Mayor Clutts asked if the capital improvement plan coincided with the budget process. She  
18 asked what happened this year to preclude that. Ms. Keedy answered that the plan was  
19 included in the budget as part of the expenditures for the sales tax revenues. Mayor Clutts  
20 noted that Council had approved the projects without prioritizing. Ms. Keedy replied that the  
21 priorities could be changed at any time, however, the projects that have been undertaken to  
22 this point were based on past Council direction. She said there are additional revenues to be  
23 spent, the revenues continue to increase, and as that happens, projects will continue to be  
24 added to the list.  
25

26 **Councilmember Speaks**

27  
28 **Councilmember Wilson**

29  
30 **Councilmember Abernathy**

31  
32 Councilmember Abernathy asked Councilmembers Wilson and Speaks and Vice Mayor  
33 Gamble what they knew about the status of the downtown Lake Region Property. All  
34 members answered that they were only aware of what had been presented at the council  
35 meetings. Ms. Keedy answered that she understood the property was under contract and they  
36 are doing their due diligence. He asked Ms. Keedy if she was aware of the purposes for the  
37 property listed in the contract. Ms. Keedy answered that the purposes are what is listed in the  
38 City’s zoning ordinance. She said nothing formal has been submitted to the City. Staff has had  
39 a couple of informal meetings. Councilmember Abernathy asked if this had been brought to  
40 the Council. Ms. Keedy answered that the City had rezoned the property about a year and a  
41 half ago. Councilmember Abernathy asked Ms. Keedy if the owner had discussed with her,

1 their plans. Ms. Keedy said there have been some informal conversations regarding the zoning  
2 that is on the property. She said the proposed owner has not submitted any formal plans and  
3 until such time she would be hesitant to discuss proposals on the public record for a piece of  
4 property.

5  
6 Councilmember Abernathy said he expected by being on Council to be one of the most  
7 knowledgeable people in the city regarding what happens and what is going to happen. He  
8 said that project will probably be very significant for the city.

9  
10 Ms. Keedy noted that she believed she had communicated through her Council memos that  
11 she had met with individuals who are looking at the property. She said she has had nothing to  
12 bring forward specifically as yet.

13  
14 Councilmember Abernathy stated that he questioned whether a private individual could  
15 develop the property in any way that would benefit the city and that he was very interested in  
16 what anyone would think they could do with the property.

17  
18 Mr. Abernathy said he had heard that an individual was interested in using the old grocery  
19 property [across from City Hall] for a bingo parlor. He said he was very opposed to a bingo  
20 parlor at that location, stating he believed that would be a sign of decay and that it would have  
21 negative traffic impacts. He said he believed that request should have come to Council  
22 immediately as soon as it was discussed by anyone in city government.

23  
24 Ms. Keedy stated that staff enforces the codes and ordinances that exist within the city. She  
25 said that property is zoned to allow that use. She said, personally, it was not the use she would  
26 like to see there either, however, currently there are no grounds to prohibit the use because of  
27 the current zoning. She said bingo is not addressed in the code so staff has to look at the  
28 closest use.

29  
30 Councilmember Abernathy stated he believed that if bingo is not spelled out, then the answer  
31 can be no. He said that Ms. Keedy should not know of something that is occurring in the city  
32 that is not divulged in a city council meeting especially on the important issues. Ms. Keedy  
33 reiterated that she had tried to address that by her weekly memos to Council. Councilmember  
34 Abernathy said he felt the comments had been fairly broad. Ms. Keedy noted that there was a  
35 previous contract on the property that fell through.

36  
37 Ms. Keedy asked for specific direction. Mayor Clutts stated that should the property owners  
38 wish to address Council or individual Councilmembers that they should be told that Council  
39 would be happy to meet with them. Ms. Keedy said she would not discourage the owners  
40 from meeting with Council and would arrange that if requested. Mayor Clutts asked if a  
41 meeting had been requested from Administration. Ms. Keedy said she had spoken with the

1 potential buyers who had come in to meet with staff regarding the zoning. She said it is not a  
2 zoning issue unless the applicant wants to change it. Mayor Clutts stated that most owners  
3 would want to discuss incentive packages, etc. Ms. Keedy said that staff had discussed a  
4 transportation concurrency exempt area for downtown as an incentive, which would entail  
5 amending the comp plan. She said if Council has incentives to suggest, staff would want to  
6 hear those.

7  
8 Councilmember Abernathy said that he did not want to direct the department heads or hear  
9 about the problems that staff is supposed to solve; that is the City Administrator's  
10 responsibility. He said he did not wish to sit in a Council meeting and listen to a long  
11 presentation on details that should be handled at a staff level. He said if there is need for  
12 public input he suggested that the City call a public meeting on that particular issue in this  
13 room with the City Administration. After that point, the matter should come to Council if the  
14 residents have a complaint. He said he believed there have been several major issues of that  
15 type that should not have been brought to Council.

16  
17 Curb Lanes on Alfred Street

18  
19 Councilmember Abernathy asked if thought had been given to making Caroline one way and  
20 Alfred one way. Mayor Clutts said that had been discussed at a workshop.

21  
22 Attorney Comment

23  
24 Attorney Williams stated that the city receives dozens of inquiries per week about potential  
25 developments that have not gotten to the application stage. He asked if Councilmember  
26 Abernathy was asking for that kind of information?

27  
28 Councilmember Abernathy said he was referring to a project that would have major impact on  
29 the City such as the Lake Region Packing property. He said most of the things that come to  
30 Ms. Keedy, Council would not be interested in hearing about.

31  
32 Mayor Clutts discussed the role of the Audience to be Heard portion of the meeting and added  
33 that she felt it was beneficial to have staff available when the general public have questions.

34  
35 Councilmember Abernathy said he felt the technical matters should be handled at the staff  
36 level along with any public input, and then if there are still problems it would come to  
37 Council.

38  
39 Councilmember Speaks

40  
41 No report.

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**City Administrator**

No report.

**Staff Reports**

No reports.

**Mayor Clutts**

- Will not be available to attend the School Concurrency meeting scheduled for December 14<sup>th</sup> from 10:00 to 2:00 and asked that a councilmember attend in her absence. Councilmember Abernathy agreed to attend. Mayor Clutts then distributed information to Council that Ms. Keedy had provided regarding that meeting. Ms. Keedy stated she had prepared this quickly and noted that it is in a draft format as this not an area that is her expertise. She said the information summarizes the next issues which are District Wide Concurrency versus Concurrency Service Areas and standard methodology for capacity calculations. She asked if Council wished to add further information, to email that to Ms. Keedy so it can be forwarded for the December 14<sup>th</sup> meeting.
- Discussed her concern regarding the use of the new logo on various sites throughout the city. She said changing the logo is a costly endeavor and would typically be changed on uniforms, vehicles, etc. She said to her knowledge Council had not been informed of the City’s logo being changed.

Ms. Keedy said she had informed Mayor Clutts that she intended to bring the logo back to the next agenda. She said when the logo had been presented initially Ms. Clutts had commented it was not ready or “there yet.” She said staff have been working on refining it but no stationery, vehicles, or uniforms have been changed. Mayor Clutts discussed the meeting where Chief Lubins had presented the new web site and logo and she said she had confirmed at that time that the logo wasn’t ready. She said she has since seen the very same image replicated on a lot of media and asked if this is the logo that will be considered, and if it is, why was Council not included in the process. Ms. Keedy said it is a similar logo that will be brought forward but if Council did not like the logo it could be changed. She said she had brought the logo to a previous council and she did not remember hearing any negative feedback other than Mayor Clutts’ comment. Mayor Clutts said she did not think the presentation of the web site included a presentation of the new logo. Ms. Keedy said she thought that was the intention but perhaps it was a misunderstanding.

Mayor Clutts asked Vice Mayor Gamble if he attended the meeting and he remembered something about the logo but not the details of the meeting.

1  
2 Mayor Clutts said the residents view her position as their position and by disrespecting the  
3 Council by not involving them in the process of a complete identity change, was disrespectful  
4 to the residents.

5  
6 Councilmember Speaks noted that he thought the logo change had been a work in progress for  
7 a couple of years. Ms. Keedy said the logo presentation had been part of the discussion of  
8 changing the city’s logo to “Discover Our Waterways” which was an intent to focus on the  
9 fact that the city is surrounded by water. She said she was sorry if Mayor Clutts felt it was  
10 disrespectful but she felt it had been brought to Council, and that staff has been working  
11 towards that goal, and the plan is to bring the matter to the next meeting for final approval.  
12 She said if Council did not want to move forward, she would take the direction of the majority  
13 of Council and do as directed.

14  
15 Mayor Clutts asked Vice Mayor Gamble if he had received an update and knew it was coming  
16 for his approval. Vice Mayor Gamble answered that he had not seen anything but that he  
17 thought it looked good.

18  
19 Mayor Clutts requested that Council be fully informed, receive logo options for consideration,  
20 and be included in the decision making regarding the logo change to the City of Tavares.

21  
22 Ms. Keedy asked Council if they would like her to bring several options back or the one that  
23 is in the current final stage of development.

24  
25 Councilmember Abernathy stated he would abdicate that responsibility, but perhaps the  
26 schoolchildren could be involved. Mayor Clutts said that was done.

27  
28 Vice Mayor Gamble requested that Ms. Keedy bring the current design and perhaps Council  
29 can make some adjustments.

30  
31 Mayor Clutts responded that if Council has comments the project will be back to square one.  
32 She said she was aware of the original logo and that the former mayor’s husband created that  
33 design. She said she felt this was a small part of a decorum of arrogance and disrespect.

34  
35 Mayor Clutts then discussed the following:  
36 • Recent conversation with Ms. Keedy and Ms. Keedy’s reaction which she felt was  
37 disrespectful  
38 • Expressed her concern for having to publicly discuss the experiences she had had with  
39 Ms. Keedy

- 1 • Discussed her concern for asking Ms. Keedy a question during their conversation and  
2 stated that rather than answering the question, Ms. Keedy refused to discuss the  
3 matter.
- 4 • Two letters that council had received in their mailboxes last weekend, forwarded by  
5 Administration. One letter was anonymous and one from the Captain, supporting the  
6 fire dept. administration
- 7 • Reviewed the history leading up to why she believed that the two letters had been  
8 written and placed into councilmembers' mailboxes
- 9 • Detailed the history of her concerns expressed to Ms. Keedy. She said that Ms. Keedy  
10 apologized for the first time during their 11/22/05 conversation on behalf of one of her  
11 staff members for threatening her staff as a result of her question during a council  
12 meeting.
- 13 • Provided council with a description of an earlier discussion held with Ms. Keedy when  
14 she had met with Ms. Keedy to express her concerns for the Fire Chief's behavior of  
15 threatening his department as a result of her asking an equipment related question. She  
16 explained to council that she became concerned with the Chief's reaction to her  
17 question.
- 18 • Explained that she had made an impromptu visit to Fire Station 2 about one month  
19 after council meeting. She said that the fire fighters did not have any conversations  
20 with her at hat time. She said however a former fire department employee was present,  
21 and asked her to come to speak with him. She summarized their discussion and  
22 explained that the retiree told her that the Chief had reprimanded the entire fire  
23 department because a council member had asked a question about fire equipment. She  
24 said he related to her that the Chief had threatened the department to not go outside of  
25 the chain of command.
- 26 • Stated that she had met with Ms. Keedy and expressed her disagreement with  
27 disciplining firefighters because she had asked an equipment related question.

28  
29 Ms. Keedy stated that there is no disciplinary action in anyone's files because of that issue.  
30 Mayor Clutts responded that there may not be concrete action, but there were witnesses to the  
31 reprimand. She said that puts Councilmembers in an awkward situation to think that if they  
32 ask a question, the public safety employees will be reprimanded.

- 33  
34 • Discussed a conversation she had had with Ms. Keedy the prior day regarding her  
35 concern over the morale of the City's Fire Department. She said she advised Ms.  
36 Keedy that she held Administration accountable and asked her to carry out an  
37 investigation, determine the source, and try to resolve the problem. She said Ms.  
38 Keedy had indicated that she felt there were three individuals in the department who  
39 were the source of the problem. Mayor Clutts noted she believed if a divisive  
40 atmosphere is permeating a department it is permeating a department because it is  
41 being allowed and maybe being caused by its administration. She said she directed

1 Ms. Keedy on Monday the 28<sup>th</sup> to fix the problem and then provide a summary. She  
2 said that on 12/6 that she asked Ms. Keedy if she had solicited the firefighter letters  
3 that council had received

- 4 • She stated that Ms. Keedy did not answer the question and characterized her reaction  
5 as being disrespectful and unprofessional.
- 6 • Explained to council that she had not received any apology from Ms. Keedy as a result  
7 of the conversation held on 12/6
- 8 • Explained that prior to the council meeting that she had received copies of two emails  
9 that demonstrated to her that a morale problem existed and that she believed  
10 confirmed the origin of that problem as being from the administration.
- 11 • She noted that they were emails that were probably supposed to be transitory,  
12 however, she ended up with them. She then proceeded to distribute copies to each  
13 councilmember.
- 14 • Read aloud the copy of the email that she had received that was involving staff  
15 members exchanging divisive language regarding the Fire Department. She questioned  
16 whether or not the last email entry had been from Chief Kendrick which included very  
17 harsh language. Ms. Clutts read email exchange between Donna Saladin and Chief  
18 Kendrick. She stated that she believed that the email was in reference to an article on  
19 Firehouse.com which was reporting about a Clearwater, FL Union grievance filed  
20 against their chief. Ms. Clutts stated her strong concern for Ms. Saladin and the chief  
21 communicating in what appeared to be a divisive manner.
- 22 • Read email from Chief Kendrick to Attorney Williams and one from Attorney  
23 Williams to Mr. Kendrick containing critical comments about council.
- 24 • Quoted from the Personnel Policy, “there shall be no individual, group, or factions in  
25 city employees who shall create disharmony, unrest, and disquiet, institute rumors or  
26 by any other act cause dissension and inefficiency in city government.”  
27

28 Ms. Keedy said she had not had time to look at the emails and cautioned Mayor Clutts as to  
29 their source, noting that emails can be manipulated.  
30

31 Councilmember Abernathy asked Attorney Williams to comment. Attorney Williams said he  
32 did not deny sending the email. He said he was not an employee of the city and any time there  
33 were three Councilmembers who did not want him, he would leave and no severance would  
34 be required. He said the emails contained his words. He said there is a standing joke among  
35 municipal attorneys and administrative staff about their Councilmembers. He said staff and  
36 council work together all the time, however, he sees Ms. Keedy every day as opposed to every  
37 other week with Councilmembers. He said there is standing banter that goes back and forth  
38 with administration and staff. Mayor Clutts replied that she saw that as complete disrespect.  
39 Attorney Williams said he was sorry Ms. Clutts perceived it that way; but that it is a standing  
40 joke. He said if that causes Council a problem it could be solved very easily at this meeting by

1 a motion and three votes. Councilmember Abernathy stated he liked Mr. Williams' candor  
2 and Mayor Clutts agreed.  
3

4 Attorney Williams added that he is involved heavily in Union negotiations and advised that  
5 one of the biggest problems with Union negotiations is interference by Council with  
6 firefighters and rank and file members. He said this gives the Firefighters an outlet to be  
7 insubordinate and to interrupt the negotiation process that is set by law. He said the city did  
8 not create the union, but once there is a union involved, there is a management side and there  
9 is a labor side. He said City Council is Management and Administration represents the  
10 Council and the law establishes these sides. He said it is very difficult to negotiate at the  
11 bargaining table and manage the management side of labor when Councilmembers are going  
12 behind and talking to the rank and file members about petty grievances that they have with  
13 management. He said it is true that the firefighters do not love their bosses and the privates do  
14 not love their generals and that is true in every department and every union. He said if  
15 credence is given to the "privates" it is a battle that cannot be resolved.  
16

17 Councilmember Abernathy stated that he has extensive experience with every major union in  
18 the United States. He said if there is a grievance the Union should put it in writing and be very  
19 specific. He agreed that the Union should not have a venue through himself or Ms. Keedy or  
20 anyone else.  
21

22 Mayor Clutts stated her grievance was directly as a result of asking a question as a  
23 councilmember and there being a repercussion to the entire department because she had asked  
24 a question. She said the information she had received that prompted her question [about the  
25 equipment] had not come from a firefighter. She said she met the President and Vice  
26 President of the Union for the first time this past August. She said she feels the Firefighters  
27 feel they need a voice. She said she does not know what their grievances are and does not  
28 want to know. She said she continues to want what is in the best interest of the City of  
29 Tavares which is to improve the morale of the fire department.  
30

31 Ms. Keedy stated that she did not agree with Mayor Clutts' characterizations of their  
32 conversations and that she was not going to debate it in a council meeting. She said the email  
33 regarding the Union is not a reflection of the Council; it is a reflection on these web sites  
34 dealing with various union issues. Mayor Clutts asked Ms. Saladin if her comments on the  
35 email were meant that she "hated" the Fire Department? Ms. Keedy responded that she was  
36 not comfortable with the Mayor questioning the staff regarding these issues. Mayor Clutts  
37 stated she was very comfortable, stating that she would not be comfortable if anybody is  
38 100% reprimanded or fired as a result of her coming forward with [the information].  
39

40 Mayor Clutts stated that she felt Ms. Keedy had been historically a very good administrator.  
41 She said she had evaluated Ms. Keedy with 100% careful consideration and respect. She

1 stated she 100% supports her in public for her serious strengths and will continue to do so.  
2 She said she is not trying to be reckless or hurt anyone and that she wants things to improve,  
3 and the staff to be professional and above reproach.

4

5 **Adjournment**

6

7 There was no further business and the meeting was adjourned at 6:45 p.m.

8

9 Respectfully submitted,

10

11

12

13

14 \_\_\_\_\_  
Nancy A. Barnett

15 City Clerk

16