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3 **CITY OF TAVARES**
4 **MINUTES OF REGULAR COUNCIL MEETING**
5 **DECEMBER 21, 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

28 Reverend Herschberger, Trinity Chapel, gave the invocation and those present stood to recite
29 the Pledge of Allegiance.
30

31 **AGENDA REVIEW**

32
33 Mayor Clutts requested that Item #4 on the agenda be moved prior to Audience to be Heard.
34 She said her intention behind the request was to set a positive tone for the meeting.
35

36 **APPROVAL OF MINUTES**

37
38 Mayor Clutts stated she had given the City Clerk revisions to the minutes of December 7,
39 2005 for approval at the next Council Meeting. She said those changes would also be given to
40 Council for their review. She reviewed two of the changes as follows:
41

1 Page 20, Line Item #38 and 39.

2
3 Change “Vice Mayor Gamble stated he remembered the meeting and the logo...” to
4
5 “He remembered something about the logo...”

6
7 Page 22, Line Item #20

8
9 Change “Mr. Keedy” to “Ms. Keedy”

10
11 She said there will be a few other items to be changed on Page 22. She said that she will
12 provide those to the Clerk who will prepare those changes for Council’s review prior to
13 approval at the next meeting.

14
15 **PROCLAMATION/PRESENTATIONS**

16
17 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

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

20
21 **Ordinance #2005-47 – Aztec Woodlea Subdivision, Annexation & Rezoning – Second**
22 **Reading**

23
24 **ORDINANCE 2005-47**

25
26 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF**
27 **TAVARES BY ANNEXING APPROXIMATELY 6.63 +/- ACRES**
28 **LOCATED ON THE NORTHERN SIDE OF WOODLEA ROAD,**
29 **APPROXIMATELY ONE-HALF MILE WEST OF THE**
30 **INTERSECTION OF STATE ROAD 19 AND WOODLEA ROAD;**
31 **REZONING THE PROPERTY FROM LAKE COUNTY R-6 (URBAN**
32 **RESIDENTIAL) TO CITY OF TAVARES PLANNED DEVELOPMENT**
33 **(PD); SUBJECT TO THE RULES, REGULATIONS AND**
34 **OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL;**
35 **PROVIDING FOR AN EFFECTIVE DATE.**

36
37
38 Ms. Jackson stated this is second reading of the annexation and rezoning request. She said
39 staff had nothing further to add from the first reading. She reiterated that this is 6.63 acres, the
40 annexation meets all statutory requirements, the change is from Lake County Urban

1 Expansion to City Planned Development, and that 23 lots are being proposed at a density of
2 3.5 units per acre. Council voted 4-1 at first reading.

3
4 **Public Hearing**

5
6 Don Griffey, Griffey Engineering, stated that he had nothing additional to add.

7
8 Mayor Clutts asked for comment from the audience.

9
10 **The Public Hearing was closed.**

11
12 **MOTION**

13
14 **Dennis Wilson moved for the approval of Ordinance #2005-47, seconded by Robert**
15 **Speaks. The motion carried 4-1 as follows:**

16
17 **Nancy Clutts No**
18 **Sandy Gamble Yes**
19 **Robert Abernathy Yes**
20 **Dennis Wilson Yes**
21 **Robert Speaks Yes**

22
23 **Ordinance #2005-48 – Aztec Woodlea Subdivision, Small Scale Future Land Use**
24 **Amendment – Second Reading**

25
26 Ms. Barnett read the ordinance by title only:

27
28 **ORDINANCE 2005-48**

29
30 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
31 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**
32 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**
33 **LAND USE DESIGNATION FROM LAKE COUNTY URBAN**
34 **EXPANSION TO CITY OF TAVARES SUBURBAN EXPANSION FOR**
35 **PROPERTY LOCATED ON THE NORTHERN SIDE OF WOODLEA**
36 **ROAD, APPROXIMATELY ONE-HALF MILE WEST OF THE**
37 **INTERSECTION OF STATE ROAD 19 AND WOODLEA ROAD;**
38 **PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING**
39 **FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE**
40 **DATE.**

41

1 Ms. Jackson stated this is second reading on the ordinance; however, the ordinance title that
2 was read by the City Clerk is different than was read at first reading. She said that staff has
3 suggested, and the applicant has agreed, to a down zoning from Low Density Residential to
4 Suburban Expansion. The maximum number of dwelling units for Suburban Expansion is
5 four dwelling units per acre rather than 5.46 for Low Density Residential. At first reading,
6 Council voted in favor of the previous request to Low Density Residential 4-1.
7

8 **Public Hearing**
9

10 Mayor Clutts asked for comment from the applicant. Don Griffey, Griffey Engineering, stated
11 that the applicant had no objection to the change in density and it would not change their
12 plans for the project.
13

14 Mayor Clutts asked for comment from the audience.
15

16 **The Public Hearing was closed.**
17

18 **MOTION**
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20 **Robert Speaks moved for the approval of Ordinance #2005-48, seconded by Dennis**
21 **Wilson. The motion carried 4-1 as follows:**
22

23 Nancy Clutts	No
24 Sandy Gamble	Yes
25 Robert Abernathy	Yes
26 Dennis Wilson	Yes
27 Robert Speaks	Yes

28

29 **CONSENT AGENDA**
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31 **AUDIENCE TO BE HEARD**
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33 **DEPARTMENTAL TOPICS FOR COUNCIL ACTION OR DISCUSSION**
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35 **COMMUNITY DEVELOPMENT**
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37 **COMMUNITY SERVICES**
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39 **POLICE DEPARTMENT**
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41 **FIRE DEPARTMENT**

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PUBLIC WORKS/GENERAL SERVICES

FINANCE

ADMINISTRATION

REPORTS

City Administrator

Mayor Clutts reviewed the background of this agenda item. She said that in government, transparency is a very important element in enabling the Council to fulfill the role that voters expect from their elected officials. She said this past year she had repeatedly communicated her concern for the difficulty that she found in obtaining the information she believed to be necessary in order to make informed decisions. She said she had also communicated her concern for the perception that she had had for the low morale found in the Fire Department. She said she had requested Ms. Keedy provide Council with both the personnel policies and her contract in an effort to have this Council fully informed of the policies and contracts that have been adopted by previous Councils. She said she continued to believe that Ms. Keedy has been a good city administrator and that she has many strengths including responsible fiduciary management. She said she believed it would be possible to resolve these conflicts by allowing Ms. Keedy the opportunity to work with Council so that Council may fulfill all of those duties that are specified within the City of Tavares charter. She invited Council input.

Councilmember Speaks

Councilmember Speaks apologized for having to leave the previous Council meeting before the Reports section. He said he had heard the following day about what had transpired during the meeting and after reading the minutes was upset by what had happened. He said the City has had nine good years of leadership under Ms. Keedy and she has put together a competent group of department heads who have worked with their departments in order to bring the residents exceptional service. He said Ms. Keedy's leadership has helped shape the future of Tavares, increased the quality of service and created a positive work environment. Councilmember Speaks then detailed various criticisms he had regarding the Mayor's performance. He said during his tenure as mayor he had received complete cooperation and respect from Ms. Keedy and her staff. He said he felt Ms. Clutts had overstepped her position and should possibly allow Council to elect a new mayor.

Councilmember Wilson

1 Councilmember Wilson said he disagreed with much of Councilmember Speaks' comments.
2 He said he had no criticism of Ms. Keedy's performance and stated she had always been very
3 professional in her dealings with him. He referred to Page 6 (B) of Ms. Keedy's contract
4 which stated that the employee and the employer acknowledged that the employee currently
5 resides outside and intends to continue reside, outside the city limits of Tavares and that the
6 employee and the employer acknowledges that the city code requires the City Administrator
7 to live within the city limits or during employee tenure of office, change residence within one
8 year. He said the contract goes on to say that the employer intends to alter this city code
9 requirement. He asked if the code was altered and was it legal to alter it and if it had been
10 altered, he noted that the current council could change it. He said he believed the city
11 administrator should live inside the city limits.
12

13 Vice Mayor Gamble

14
15 Vice Mayor Gamble said he had received several phone calls from residents who had
16 expressed embarrassment about being on the front page of the local newspapers and that they
17 had requested that this stop. He said he felt Ms. Keedy had done a good job as city
18 administrator although she may have made some enemies based on decisions she had made.
19 He said, however, he would not want to take any action without giving Ms. Keedy the
20 opportunity to try to iron out problems that have come forward. He said [referring to the
21 prayer given at the beginning of the meeting] that this is an occasion to be expressing joy not
22 causing hardships.
23

24 Councilmember Abernathy

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26 Councilmember Abernathy stated that his input is limited because of his brief time on
27 Council. He said he made requests regarding changing the way business is conducted and the
28 things that come before Council and he was happy to say that this week by email he had seen
29 those changes occur. He said his email and phone calls this week had been almost equally
30 divided between criticism and support of the city administration.. He said his position is
31 neutral at this time.
32

33 Mayor Clutts

34
35 Mayor Clutts responded with comment on Councilmember Speaks' criticisms.
36 Mayor Clutts then discussed her perception of her role as councilmember and her wish to be
37 specific about her concerns. She said she did not have a problem working with anyone when
38 they did not agree with her but did have a problem with the reaction to her concerns. She said
39 she had also received phone calls and emails and that most people had communicated they did
40 not wish to be negative but felt the City could improve. She said there has never been a time
41 during this process that she had ever stated that her goal or intention was to remove Ms.

1 Keedy. She said she had never received Ms. Keedy's contract or a policy manual for the City
2 of Tavares and needed to understand what policies had been approved by previous Councils.
3 She said she had placed this item on the agenda because it had seemed a logical progression
4 from the previous Council meeting. She said she is an optimist and believes that the City will
5 move forward. She said she felt that this is an opportunity for Ms. Keedy to respond.

6
7 Councilmember Speaks stated that Ms. Keedy's contract will come up in February and could
8 be changed. Councilmember Speaks stated he wished to add to his report that he had received
9 phone calls and emails and they had been supportive of the City Manager. Councilmember
10 Speaks read an email he received from Jerry Seymour of J&J Jewelry in support of city
11 administration.

12
13 Vice Mayor Gamble asked about the contract review. Attorney Williams advised that Council
14 cannot change Ms. Keedy's contract. He said Council will do an annual evaluation in
15 February and make a decision about compensation. He said the contract would not change. He
16 said at the time that Ms. Keedy was hired, there was a city code provision that required the
17 city manager to live within the city limits. He said the Council at the time was in the process
18 of amending that to delete that requirement of the city manager and some other department
19 heads because of its opinion that it needed to be done to attract quality candidates. He said
20 although that requirement was repealed, Council could re-instate that provision. Vice Mayor
21 Gamble clarified it could not be changed in Ms. Keedy's current contract. Attorney Williams
22 said he did not think that could be applied to the current contract but that it could be applied to
23 any future managers and/or any other positions that Council wished to have live within the
24 city.

25
26 Councilmember Wilson said he thought in the future the candidate should be given a certain
27 time to live within the city limits.

28
29 Councilmember Abernathy asked Mayor Clutts what her objective was with regard to the
30 complaints she had raised during the meeting.

31
32 Mayor Clutts said she was expecting the free flow of information when it was prudent that
33 Council receive enough information in order to make informed decisions. She gave the
34 example of the decision to deed half the canal property back to the Fox Run community. She
35 said she felt the information received from staff had been incomplete in that instance and that
36 the decision that was ultimately arrived at was due to her investigation of the situation. She
37 said her concern with going into a private meeting was that her concerns should be evaluated
38 and addressed and not just be dismissed. She said she had not wanted to bring up those
39 matters at a public meeting but that she had felt forced to do so in this instance.

40

1 Vice Mayor Gamble said he felt the majority of the persons in the audience were there to
2 witness Council's decision regarding the city administrator. He said he would like to see
3 Council act on this to work out something in a motion that says that with regard to the issues
4 raised by the Mayor tonight, that Ms. Keedy be allowed the time to bring those issues back to
5 Council, if necessary in a workshop, in order that these things can be worked out so that
6 Council can go forward and move on.

7
8 Mayor Clutts asked Vice Mayor Gamble if he wished to phrase this in the form of a motion.
9

10 **MOTION**

11
12 **Vice Mayor Gamble moved that all the things that were brought out at the last meeting
13 be discussed in a workshop or the Mayor and Ms. Keedy would meet either privately (or
14 with someone else in attendance if Ms. Keedy prefers) to try to work this out and bring
15 it back to Council with a conclusion that the City will move forward.**

16
17 **Mayor Clutts asked there was a second on the motion. She summarized that the motion
18 that was on the floor was that Council move forward working with Ms. Keedy, that
19 council work to understand any concerns, address them, remediate them, whether it be
20 in a workshop or privately in order to put the best interests ahead for the City of
21 Tavares.**

22
23 **The motion was seconded by Councilmember Abernathy.**

24
25 **The motion carried unanimously 5-0.**

26
27 Discussion followed as to the next steps. Vice Mayor Gamble clarified that he was asking for
28 the mayor and the City Administrator to work out the problem and bring the resolution back
29 to Council if necessary and move forward. He said if council needs to hold a workshop to
30 discuss specific issues he would prefer that setting rather than during a regular City Council
31 meeting.

32
33 Councilmember Abernathy said he wished to comment on the Fox Run project. He said he
34 said he did not believe it was proper for Council to be involved in running any part of the city
35 until it was felt they had come up against a bulwark that could not be overcome. He said he
36 was pleased to see the communication provided by Ms. Keedy about the progress on Royal
37 Harbor and Fox Run and that that was the direction he would expect to see.

38
39 **AUDIENCE TO BE HEARD**

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1 Doug Myers, 742 Woodview Drive, stood to address Council. Mr. Myers stated he written to
2 the Community Development department on February 2, 2005 questioning the approval of lot
3 configurations in their neighborhood. He said the residents then attended the March 2, 2005
4 meeting expecting to be on the agenda but found the agenda had been changed. He said the
5 residents felt they were “bullied” and did not have their concerns addressed. He said they
6 were told nothing illegal had been done and they subsequently hired an attorney who
7 confirmed this but advised them that the City had been underhanded. He said when a variance
8 is done that will be different than the rest of the neighborhood, the city should come before
9 the neighborhood and explain why the variance is being considered. He said he thought
10 Tavares was a great city and had a good city administrator and mayor. He said he had heard
11 there was a meeting held before the Council meeting to discuss how to deal with the
12 Woodview residents and he thought that was inappropriate.

13
14 Councilmember Speaks said he was not involved in any meetings prior to the Council
15 meeting. He said he was not aware of the issue until he had seen it on the agenda. He asked
16 Mr. Myers if his homeowners association was active. He said he remembered the City
17 Attorney advising the residents at the meeting [in March] that they needed to have an active
18 homeowners association and in addition, the city did not have control of that situation.

19
20 Mr. Myers said the problem is that work has already commenced on the foundations. He said
21 to continue to dispute it would involve litigation costs and that he felt this could have been
22 handled by the Council. Councilmember Speaks asked to see a copy of the minutes of that
23 meeting and have a meeting with Mr. Myers and Mr. Williams. Mr. Myers said he did not
24 want to rehash it. He said he could provide letters that were taken to Community
25 Development requesting information that was never received. He summarized by asking that
26 the residents and the city to work together.

27
28 Councilmember Wilson said he was sorry to hear his remarks and that he would like the
29 information provided to him. He said he knew nothing about a change of agenda until he
30 arrived at the meeting. He expressed sympathy for Mr. Myer’s position.

31
32 **Mayor Clutts**

33
34 **Appointment of CRAAC Member – Carey Pierce**

35
36 Mayor Clutts appointed Carey Pierce to the CRA Advisory Committee. She noted he had
37 requested to be considered for both the Planning & Zoning Board and the CRAAC. She said
38 Mr. Pierce lives in Tavares and is available to attend the Board meetings and the upcoming
39 visioning session.

40
41 **MOTION**

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2 **Councilmember Speaks moved to accept the Mayor’s appointment of Carey Pierce,**
3 **seconded by Dennis Wilson. The motion carried unanimously 5-0.**
4

5 **City Attorney**

6
7 **Councilmember Speaks**

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9 **Councilmember Wilson**

10
11 Councilmember Wilson discussed the following items:
12

- 13 • Expressed opinion that Mr. Williams should tender his resignation
- 14 • Councilmembers should unite and hire a new attorney and illustrate that he works for
15 Council and the City and not a staff member
- 16 • Praised Mr. Mercer for providing information to him promptly about Royal Harbor.
17 He said the next day in the mail there was correspondence from Ms. Keedy explaining
18 the situation further and he stated his appreciation.
- 19 • Has received complaints about people fishing in the new pond and cars parked on the
20 right of way and asked that that the parking be prevented
- 21 • Parking lot at Joann’s Fabric. Received complaints about the parking lot
22 improvements (restriping) being done which has disrupted parking. He said he had
23 been told that the city had given the owners of the parking lot a deadline to get it
24 paved. He questioned why the deadline had not been extended to January or February
25 so the lot was not disrupted during holidays.
- 26 • He said the t.v. show “Made in America” is going to feature the City of Tavares in two
27 weeks
- 28 • Quoted Mr. Williams’ comments regarding being willing to resign from the previous
29 meeting
- 30 • Referred to correspondence he had received regarding the cost of hiring an arbitrator
31 for arbitration. He said he did not like to see city money spent on arbitrators and would
32 like to see another method
33

34 Ms. Keedy advised that staff is trying to negotiate the grievance to avoid the arbitration.
35

36 **Vice Mayor Gamble**

- 37
- 38 • Union Negotiations: Asked who sets the format as far as what is being negotiated and
39 what is being offered
40

1 Ms. Keedy discussed the bargaining process. She said the union usually first presents what
2 they would like and the bargaining goes from there. Vice Mayor Gamble said he did not
3 remember it coming to Council until toward the end. Ms. Keedy said that was correct, that
4 Council is not part of the bargaining process normally as far as negotiations. She said she
5 brings a contract to Council that both the Union and the City have agreed upon. Vice Mayor
6 Gamble asked how it is derived what is being offered by the City. Ms. Keedy responded that
7 she is authorized to do that by being made the chief negotiator. She asked for clarification
8 from Attorney Williams.
9

10 Attorney Williams answered in the affirmative, noting that Council can have input and there
11 have been times when special Shade Meetings are held with Council in order to get input. He
12 said staff represents Council as the management side of the table. He said this year the
13 negotiations were not particularly contentious. He said there were a couple of issues that went
14 back and forth but the biggest issue the Union wanted this year was the increase in retirement
15 benefits to come from moving to a Local Plan. Staff agreed to this and supported it. Vice
16 Mayor Gamble said that his experience through working for the School Board, is that the
17 School Board gives direction to the Chief Negotiator. Attorney Williams said that would be
18 appropriate for the City too. He said at the initiation of negotiations next year the City can
19 hold a Shade Meeting to obtain direction from Council. He said staff's general philosophy for
20 many years on union negotiations has been to collectively bargain in good faith as required by
21 the law but attempt to treat the firefighters and their Union in the same way the other city
22 employees are treated. To that extent, the City Administrator knows going in the benefits and
23 amount of increases that are going to be recommended to be budgeted for general employees
24 and then this is mirrored with the firefighters. He noted that the Collective Bargaining
25 meetings are public meetings, attended by the public, press, and some councilmembers.
26

- 27 • Outstanding Capital Improvement Projects – Asked that a list of the projects be put on
28 the next agenda for Council to review to determine if any changes need to be made in
29 the projects or the priority of the projects.
- 30 • Stated a friend had contacted City staff about possible changes in development and
31 said that he felt that the staff were not cooperative and were making too many
32 requirements before the person had had a chance to discuss his proposal.
33

34 Ms. Keedy said the City Attorney had commented on that in an email to Council as to how the
35 Land Development Regulations are written and the process of review that is required.
36

- 37 • Noted that in the motion he had made earlier, he had made a statement that if Ms.
38 Keedy felt she needed someone else present (adding that Mr. Speaks had also made
39 reference to a possible mediator) that he felt that left the door open to that possibility
- 40 • Commented that the employee Christmas party on Friday was very good
- 41 • Wished staff and Council a Merry Christmas and a Happy New Year

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Councilmember Abernathy

- Stated that he thought Attorney Williams has done a good job and he had received several inputs from others supporting Mr. Williams.
- Traffic problem coming into the courthouse. He said he would like it considered, in consultation with the State, to one lane Alfred Street going south and one lane Caroline going north. He said with a growing city he thought it would make more sense rather than trying to acquire property, etc.
- Stated that he believed the City should have purchased the Lake Region property. He said if it is in negotiations with another individual, maybe the City should purchase it from that person. He said he did not believe that an individual can build a project large enough to do the City of Tavares or Lake County very much good. He said it may yield an income to the owner personally but not to the public good. He said he thought if the city formed a group and tried to acquire redevelopment funds and a redevelopment district it could be done.

Councilmember Speaks

City Administrator

Adjournment

There was no further business and the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Nancy A. Barnett
City Clerk