



**TAVARES CITY COUNCIL
MEETING MINUTES
DECEMBER 16, 2020 – 4:00 PM
TAVARES CIVIC CENTER
100 EAST CAROLINE STREET, TAVARES**

COUNCIL MEMBERS PRESENT

**Amanda Boggus, Mayor
Lou Buigas, Vice Mayor
Lori Pfister, Council Member
Walter B. Price, Sr., Council Member
Troy Singer, Council Member**

STAFF PRESENT

**John Drury, City Administrator
Bob Williams, City Attorney
Susie Novack, City Clerk
Mike Fitzgerald, Community Development Director
Bob Tweedie, Economic Development Director
Lori Houghton, Finance Director
Richard Keith, Fire Chief
Stoney Lubins, Police Chief
James Dillon, Public Works Director
Phil Clark, Utilities Director
Crissy Bublitz, Human Resources Director
Mark O'Keefe, Public Communications Director**

I. CALL TO ORDER

Mayor Boggus called the meeting to order at 4:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Pastor Mike Watkins, Friendship CME Church

Pastor Mike Watkins, Friendship CME Church, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff had no changes to the Agenda.

MOTION

Troy Singer moved to approve the Agenda, seconded by Lou Buigas. The motion carried unanimously 5-0.

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Proclamation – Arbor Day

Mayor Boggus made the following presentation:

Trees are assets to a community when properly planted and maintained. They provide a multitude of benefits from visual appeal and increased property values to health and wellness. In 2018 the City of Tavares achieved Tree City USA recognition by meeting the program's requirements as established by the Arbor Day Foundation, U.S. Forest Service and the National Association of State Foresters.

Mayor Boggus read a proclamation in its entirety proclaiming January 6, 2021 as City of Tavares Arbor Day.

MOTION

Lori Pfister moved to approve the Proclamation, seconded by Lou Buigas. The motion carried unanimously 5-0.

V. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Attorney Williams stated there were no quasi-judicial matters before Council.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following Ordinance by title only:

ORDINANCE 2020-12

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 21, SECTION 21-5 SIGNS EXEMPT FROM PERMITTING

REQUIREMENTS, DELETING THE PERMIT EXEMPTION FOR TEMPORARY SIGNS; SECTION 21-16 TEMPORARY SIGNS, REQUIRING THAT TEMPORARY SIGNS BE PERMITTED FOR A MAXIMUM OF 90 DAYS IN A CALENDAR YEAR AND DELETING THE RESTRICTION ON VACANT PROPERTY AND LIMITING TWO (2) TEMPORARY SIGNS PER PARCEL OF PROPERTY; SECTION 21-17 MISCELLANEOUS SIGNS, DELETING THE PROVISIONS FOR FLAG CONTENT; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

VII. CONSENT AGENDA

MOTION

Lori Pfister moved to approve the Consent Agenda, seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 3. Approval of the November 18, 2020 City Council Meeting Minutes

Approved on the Consent Agenda.

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 4. Ordinance 2020-12 – Land Development Regulations Amendment – Chapter 21 Temporary Signs on Vacant Property and Miscellaneous Sign Content

Mr. Fitzgerald provided the following staff report:

A U.S. Supreme Court decision in Reed v Town of Gilbert ruled that regulating signs based on the message on the sign would be a restriction to free speech or conversely show favoritism to some category of speech. The court further determined that regulating signs based on the message would be unconstitutional and would invalidate the regulation or governing code.

The court did recognize that governmental type signs such as traffic signs in the street right-of-way fall into a separate category and are necessary for public safety and protection. The court also stated that sign design such as size, height, location, number allowed, etc. could be regulated provided no reference is made to the sign message.

Current City regulations prohibit temporary signs on vacant property, and at their August 5, 2020 meeting City Council directed staff to propose an amendment to the Land Development Regulations to allow temporary signs on vacant property, regardless of content, subject to the issuance of a permit and a time limit of 90 days.

Ordinance 2020-12 proposes changes to temporary sign regulations that temporary signs shall require a no fee permit, be permitted for a period of 90 days in a calendar year, shall be permitted on vacant and developed land, and shall be limited to two (2) signs per parcel of property. Ordinance 2020-12 also proposes to remove a provision pertaining to flag content in conformity with Supreme Court decisions.

At their November 19th meeting the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2020-12 with an amendment to Section 21-16 allowing temporary feather signs up to a maximum height of fourteen feet (14'). Ordinance 2020-12 has been modified per the Planning & Zoning Board's recommendation and staff recommends approval.

Mayor Boggus asked for comments from the audience.

Addie Owens, President, Realtors Association of Lake and Sumter Counties, 30001 S.R. 19 South, Tavares, thanked Council for adopting new policies based on the Supreme Court ruling to not restrict free speech. She read a letter with the following comments:

- Ordinance 2020-12 would place an undue burden on property owners and real estate agents hired to list properties
- There are currently 200 properties listed in MLS in Tavares and the surrounding area with many vacant lands not including in the listings
- The Ordinance also places a burden on city staff with no fee permit
- A 90 day limit is inconsistent with the time it takes to market and sell a property where the average is identified as 277 days, and longer for property not included in the MLS system
- Estimated 600 permits would be required for real estate signs not including property for sale by owner or a non-real estate party not affiliated with an MLS marketing system

She said the Realtors Association of Lake and Sumter Counties opposes the ordinances and requests Council adopt a less restrictive ordinance that does not require permitting for individual property owners or a designated representative to do so.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, provided a handout to the Council with comments regarding Ordinance 2020-12. He said he is not in support of a 90 day sign limit once per year nor a limit on the number of signs during a festival or event. He said the restriction limits the ability to get election information out as social

media and online groups do not allow political conversations. He suggested a ten sign limit for political signs and permitting should be available online. He asked Council to allow public input at the first hearing of ordinances.

Mayor Boggus asked for comments from the Council.

Mayor Boggus asked if the ordinance allows signs for 90-days within the year or if a property owner could apply for additional 90 day re-installments during the year. Mr. Fitzgerald said the ordinance allows a total of 90 days in a calendar year. Mayor Boggus asked if a separate permit would be required per sign. Mr. Fitzgerald said up to two signs can be included in the same application. Mayor Boggus asked if all property, including improved and vacant property, is included in the ordinance. Mr. Fitzgerald confirmed.

Council Member Pfister asked if the 90-day sign period was initially suggested by to provide an opportunity for derogatory signs to be removed and not left up for longer periods of time as any information can now be placed on a sign per the Supreme Court ruling. Mr. Drury said the Supreme Court ruling says cities across America can no longer regulate signs based on content. Signs can be regulated on size, location, and number. He said the City currently allows no signs on vacant property. The Council decided the current ordinance was too restricted and instructed staff to begin allowing signs on vacant property. The first draft was presented to the Planning and Zoning Board and is now before Council for consideration. Mr. Drury noted there have been multiple public meetings with discussion regarding the topic.

Council Member Singer asked what changes would be made to real estate signs if the ordinance is approved. Mr. Drury said real estate signs would also be allowed on vacant property. Council Member Singer asked if permits would be required for both vacant and improved property. Mr. Fitzgerald confirmed. Council Member Singer asked how the current ordinance is policed and how it would be policed in the future. Mr. Drury said the City has one Code Enforcement officer, and is primarily a complaint driven enforcement regarding signs with the exception of sign inspections in the community one day a week. Council Member Singer inquired about real estate sign complaints. Mr. Drury said he is unaware of complaints received regarding real estate signs and confirmed the Code Enforcement officer inspects complaints, with action taken on those signs that have been installed more than 90 days.

Mayor Boggus asked if she could apply for a 90 day permit for one sign, and then apply for a 90 day permit for a second sign during a different period of time for a total of 180 days. Mr. Fitzgerald said the ordinance states a permit will be issued for either one or two temporary sign(s) for a 90 day period within one calendar year.

Council Member Pfister inquired about placing signs in windows. Mr. Fitzgerald said the ordinance is silent on window signs.

Mayor Boggus noted she is not in support and said the ordinance should apply only to vacant properties and not over regulate improved property.

Vice Mayor Buigas said the ordinance places more demand on improved property, is a burden to staff with additional permitting, and creates more rules.

Council Member Singer said he is not in support of permitting as it is an undue burden on the citizens. He said the subject was initially brought to the Council's attention due to unsightly snipe signs. He said he would like to include signs on vacant properties and there should be no distinction between vacant and developed property. Council Member Singer said he does not want to see the Realtors Association have to apply for a permit to place for sale signs, and is not in support of the permitting process. He would be amenable to a 90-120 sign limit, and vacant property should be added to allow signs.

Council Member Price said most vacant land does not sell within 90 days and some lands can take years to sell. He noted he is not in support of a time limit for realtor or homeowner signs for selling property. He noted roofers and yard companies use signage, and said it would be a burden to require a permit for business promotions. He said he is partial to campaigning and provided an example of a property owner who supports a federal, state, and local candidates who cannot place signs in their yard for all candidates due to a two sign limit. He said not in support of permitting every sign. Council Member Price said he would support signs on vacant property with no time limit or permit nor a limit on the number of signs.

Council Member Pfister said her only concern is regarding derogatory signs. She said she agrees that you cannot sell a piece of property in 90 days, and noted her support to allow signs on vacant property.

Attorney Williams said the existing sign ordinance allows temporary signs for 90 days on improved property, and no signs on vacant lands. He said there are vacant lands in the city where people have posted temporary signs that other people do not like. The city received complaints and staff brought the issue to Council for consideration. He said 90 days for temporary signs has always been the time limit for improved property. Council can regulate signs or disallow signs altogether. He said that if the proposed ordinance does not pass, the existing ordinance will prevail. Mr. Drury asked if the Council could pass the ordinance with changes. Attorney Williams said if there are substantive changes the ordinance would have to go back through the process.

Council Member Pfister asked if the existing ordinance could be left as-is and just add vacant property. Attorney Williams confirmed and noted a 90 day restriction would remain.

Council Member Price noted his support to remove the 90 day limit.

Vice Mayor Buigas said her concern is regarding property with a lot of signs. She said the city is clean and she does not want to see a property welcoming visitors and citizens into the city with a multitude of different signs. Attorney Williams said the current ordinance has a 2 sign limit. Attorney Williams discussed the Reed case, legal scrutiny tests, and unconstitutionality of most signs in the country at this time.

Council Member Singer said he would like to allow signs on vacant property with no permit requirement.

Attorney Williams said if Council wishes to allow temporary signs, a determination will need to be made to instruct staff on the requirement of a permit, number of signs allowed, and where signs can be placed such as vacant, improved or commercial property. He said an ordinance can be drafted within those determined requirements.

Permitting

There was consensus from the Council for no permitting requirements.

Time Limit

Vice Mayor Buigas noted her support for signs on both vacant and improved property for at least a maximum of 120 days.

Council Member Singer said he had no problem allowing signs for 120 days but preferred the current ordinance in regards to time limits on temporary signs.

Council Member Price noted his support for no time limit on temporary signs.

Council Member Pfister said she would support 120 days.

Mayor Boggus noted her support for no time limit on improved property, with a vacant property extended time limit of 6 months as they can also be placed on the MLS listing. If a vacant property still has not sold the following year a sign can be put up again.

Number of Signs per Parcel

Attorney Williams asked if Council wished to have 2 temporary signs per parcel. Vice Mayor Buigas, Council Member Singer, and Council Member Pfister were in support of 2 temporary signs. Council Member Price said he prefers no limit, and if a limit had to be placed he would support 10 signs.

Council Member Pfister asked if vacant and approved property can have different requirements. Attorney Williams confirmed.

Mr. Drury said his notes reflect three Council members in support for no permitting, a 120 day sign limit, and a 2 sign limit. He said that appears to be what a majority vote would reflect, and if approved staff will come back with an ordinance for consideration.

Mayor Boggus said she is in support of 5 signs per property that would align more with political and campaign signs.

Type of Property

Vice Mayor Buigas said she would like signs allowed across the board for all types of property

Council Member Singer said he would like signs allowed uniformly for all types of property.

Council Member Price said he is in support of signs on vacant or improved land.

Council Member Pfister said she would like to leave the ordinance as-is and add vacant property.

Mayor Boggus said she is in support of no sign limit on improved property and limits placed on vacant property as they may not be regularly maintained.

Mr. Drury said he heard a majority of no permit, 120 days, limited to 2 signs, and applies to all classes of property. Attorney Williams said staff would work on the ordinance and until a new ordinance is adopted the existing ordinance remains in place.

Council Member Pfister noted Council has requested an expanded sign ordinance that what currently exists. Mr. Drury said Council is taking a restrictive ordinance and adding vacant property, and extending the time limit from 90 days to 120 days. Mayor Boggus asked if a motion is required. Mr. Drury said staff has the information to move forward with an amended ordinance. Discussion was held on feathered flags. Mayor Boggus asked if there are any concerns from Council to add feathered flags.

There was a consensus from Council to not add feathered signs.

X. GENERAL GOVERNMENT

Tab 5. Race Relations Quarterly Meeting Update

Mr. Drury made the following presentation:

The Tavares B.E.T.T.E.R (Brining Everyone Together To Embrace Race relations) group met in the Tavares Civic Center this past Wednesday evening. Panelist included The Tavares Mayor, 5th Circuit Public Defender, 5th Circuit Prosecutor and a 5th Circuit Judge. The topic was a perspective on the Lake County judicial system past, present and future from these panelist. The meeting

was live streamed on zoom. Many attended including the Tavares Police Chief, City Council liaison for this Troy Singer and the Tavares City Administrator. Pastor Mike Watkins moderated the discussion and would like to provide the City Council a summary of the meeting for City Council's benefit.

Mr. Drury said it was a good meeting and he is proud of the group. He noted B.E.T.T.E.R. has held quarterly meetings for the past four years to exchange ideas, views, and thoughts on race relations for all races. This meetings topic was on the judicial system in Lake County in the past, present, and future.

Pastor Mike Watkins said B.E.T.T.E.R began four years ago when one of his bible study members mention race relations in the country was deteriorating. He contacted Mr. Drury the next day, and meetings immediately began with a group including Pastors, City Officials, and Police Officers. He said the group discusses difficult issues to build bridges and break down barriers. He said the past meeting consisted of Public Defender's Michael Graves and Amanda Boggus, and retired Judge Michael Johnson. He said he is proud of race relation progress in Lake County including diversity training as well as identifying issues. He commended Chief Lubins, past and current Mayor's of Tavares, Mr. Tweedie, and Mr. O'Keefe for attending meetings, with special mention to Mr. Drury for his assistance. He said Tavares is progressive in dealing with race relations and noted he would like to live in a world that looks at everyone for who they are as human beings.

Tab 6. Alfred Street Train Station Proposal

Mr. Tweedie made the following presentation:

At the February 19'th, 2020 meeting Council directed staff to seek proposals from the private sector for the lease and renovation of the Alfred Street Station for the highest and best commercial use. The building, which was originally constructed in 1925 as a train depot, housed the Tavares Fire Department from the mid-1970s until June of 2019 when they relocated to the newly constructed Public Safety Complex.

Previous plans had called for the building to be re-purposed for use as the City Historical Museum however, Council moved in favor of a more timely and cost-effective option of re-purposing the Wooton Park Train Station which became available with the departure of the tourist train operator from that location.

Upon Council, Direction staff advertised the property and developed the attached Request for Proposals (RFP). Staff have been contacted and met with several interested parties throughout the solicitation period and received the attached proposal from Woosah Craft Brew, an upstart craft beer brewing company proposing to open Tavares's first craft beer brewery. Due to the age, condition, and interior configuration of the building, the conversion to a working brewery will require extensive interior and some exterior work to suit their use and production

needs. They have requested a period of up to 5 months to complete appropriate due diligence/design/engineering and cost determination during which they develop plans and negotiate a lease with staff which would be presented to Council for consideration. Staff recommends accepting this preliminary proposal and granting their request for a due diligence period.

Mayor Boggus asked for comments from the audience. There were none.

Mayor Boggus asked if the train station has a historical designation. Mr. Tweedie confirmed. Mayor Boggus asked if the improvements would benefit a future historical museum. Mr. Drury said no, and noted the permanent history museum would be located at the new train station. He said the new location would provide tremendous outdoor space including a train platform. The location would also allow the city to be creative with the museum. The historical train station was previously designated by Council to support a business such as a brewery and will bookend the entertainment district from the historical train station to the newest boutique hotel.

Mayor Boggus asked if Woosah Craft Brew plans to eliminate the cut through for vehicles. Mr. Tweedie said their preliminary plan is to utilize the cut through for pedestrian traffic only.

Council Member Singer asked if Woosah Craft Brew was the only submittal, and if the submittal had an August deadline. Mr. Tweedie said yes, and the submittal deadline had been moved past the initial August submittal deadline due to no receipt of a proposal.

Council Member Singer asked if all the criteria had been met in the submittal. Mr. Tweedie confirmed, and said the submittal met Council's criteria and conforms with the City's economic development strategy.

Vice Mayor Buigas said she spoke with Ms. Winheim who shared her vision and energy, which was the same positive and excited energy she herself had when opening an Antique Mall in Tavares several years ago. She said the Winheim's are excited to be a part of the City of Tavares.

Council Member Pfister commended Mr. Tweedie, and welcomed the Winheims and Woosah Craft Brew to Tavares.

MOTION

Lori Pfister moved to accept the proposal with a five month due diligence period, seconded by Troy Singer. The motion carried unanimously 5-0.

Council Member Singer said he liked Woosah Craft Brew's logo embracing the seaplane brand.

Tab 7. SeeClickFix Public Launch Announcement

Mr. O'Keefe made the following presentation:

At the last City Council meeting Council received an overview of a new digital platform that will provide the City's 18,000 residents, businesses and visitors an easy way to submit non-emergency requests for issues to be addressed such as broken street lights and potholes.

The Council is provided an opportunity to go live with SeeClickFix.

- Tavares residents can access SeeClickFix by downloading the SeeClickFix app, or via the City of Tavares website. Citizens can also call the City during normal business hours Monday - Friday to submit requests. SeeClickFix expands office hours for submitting requests to 24/7 all year long.*
- The City's goal is to provide citizens an instantaneous method of reporting issues to the appropriate department 24 hours a day, seven days a week and provide people the confidence that their observed issue has been submitted to be addressed.*
- SeeClickFix uses GPS data to pinpoint the location of the request. Once a request has been submitted, the request is then automatically routed to the correct department and then the correct city worker to repair, correct and address the issue.*
- Residents receive updates on the status of their submittal and the issue being addressed.*
- Tavares is proud to be the first City in Lake County to offer this service.*

Mayor Boggus asked for comments from the audience. There was none.

Mayor Boggus asked for comments from the Council. There was none.

MOTION

Lori Pfister moved to launch SeeClickFix, seconded by Lou Buigas. The motion carried unanimously 5-0.

XII. NEW BUSINESS

Council Member Pfister said she had been reading about Safe Boxes for surrendering infants, including one the City of Ocala installed recently. Discussion was held on Safe Boxes. Mr. Drury said staff will research and bring back to Council at the next meeting. Mayor Boggus asked staff to research other cities as well as the hospital protocols for surrendering infants.

XIII. OLD BUSINESS

XV. AUDIENCE TO BE HEARD

David Serdar, 66 Wintergreen Drive, Fruitland Park, noted his support for the fight against drug abuse.

XVI. REPORTS

Tab 8. City Administrator Report

Mr. Drury noted the next City Council meeting was scheduled to be held on January 20, 2021.

Mr. Tweedie provided an update on the Seaplane Base & Marina reconstruction. He said kiosks in the downtown have been updated with locator maps, and a new upscale sports bar and eatery will be opening at the west end of Ruby Street.

Mr. Aldrich noted a City drive-in movie was scheduled the following evening.

Tab 9. City Council Member Reports

Council Member Pfister and Council Member Price wished those present a Merry Christmas.

Council Member Singer said he enjoyed the Christmas parade, and thanked Mr. Aldrich and his staff. He wished those present a Merry Christmas.

Vice Mayor Buigas said she recently attended a City sponsored senior's social event and received positive feedback from attendees. She provided the following quote of the day: "Life's not about expecting, hoping and wishing, it's about doing, being and becoming." ~Mike Dooley

Mayor Boggus said the downtown Christmas lights are impressive, and she enjoyed the fireworks display. She wished those present a Merry Christmas.

XVII. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 5:19 p.m.

Respectfully,

Susie Novack, MMC, FCRM
City Clerk