



**TAVARES CITY COUNCIL
MEETING MINUTES
MARCH 17, 2021 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES**

COUNCIL MEMBERS PRESENT

**Amanda Boggus, Mayor
Lou Buigas, Vice Mayor
Lori Pfister, Council Member - *Absent*
Walter Price, 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
Scott Aldrich, Community Services Director**

TAVARES CHAMBER OF COMMERCE

J. Scott Berry, Executive 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 Tom Cavanaugh, First Baptist Church of Mount Dora

Pastor Tom Cavanaugh, First Baptist Church of Mount Dora, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Boggus asked if there were any changes to the Agenda. Mr. Drury said Staff had no changes.

MOTION

Troy Singer moved to approve the Agenda, seconded by Lou Buigas. The motion carried unanimously 4-0.

IV. PROCLAMATIONS/PRESENTATIONS

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

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following Resolution and Ordinance into the record:

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA; AUTHORIZING APPLICATION FOR FUNDING THROUGH THE STATE OF FLORIDA FOR FUNDING ALLOCATED FROM THE 1.9 TRILLION DOLLAR AMERICAN RESCUE PLAN (HR1319); AUTHORIZING FUNDING FROM ANY DESIGNATED FEDERAL AGENCY FOR FUNDING ALLOCATED FROM THE 1.9 TRILLION DOLLAR AMERICAN RESCUE PLAN; AUTHORIZING ACCEPTANCE OF FUNDING FROM THE 1.9 TRILLION DOLLAR AMERICAN RESCUE PLAN THROUGH THE STATE OF FLORIDA OR ANY DESIGNATED STATE AGENCY; RELATED TO THE COVID-19 PANDEMIC EMERGENCY; AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS RELATED TO 1.9 TRILLION DOLLAR AMERICAN RESCUE PLAN THROUGH THE STATE OF FLORIDA OR ANY DESIGNATED FEDERAL AGENCY FOR FUNDING FROM THE 1.9 TRILLION DOLLAR AMERICAN RESCUE PLAN: PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 21, SECTION 21-15 SINGLE OR TWO FAMILY RESIDENTIAL USES, REMOVING THE PROVISION FOR TEMPORARY CONSTRUCTION SIGNS; SECTION 21-16 TEMPORARY SIGNS, REQUIRING THAT TEMPORARY SIGNS BE DISPLAYED FOR A MAXIMUM OF 120 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

Mayor Boggus asked if any Council Members would like to pull an item on the Consent Agenda for discussion.

MOTION

Lou Buigas moved to approve the Consent Agenda [Tab 2, Approval of the March 3, 2021 City Council Regular Meeting Minutes], seconded by Walter Price. The motion carried unanimously 4-0.

Tab 2. Approval of the March 3, 2021 City Council Regular Meeting Minutes

Approved on the Consent Agenda.

VIII. RESOLUTIONS

Tab 3. Approval of Resolution 2021-04 Authorizing Funding from 1.9 Trillion Dollar American Rescue Plan (HR)1319)

Ms. Houghton provided the following presentation:

On March 13, 2020, Donald Trump, as President of the United States, declared the ongoing Coronavirus (COVID-19) Pandemic of sufficient severity and magnitude to warrant a nationwide emergency declaration covering all states, tribes, territories, and the District of Columbia. The Presidential Declaration provided for the availability of Federal Assistance (FEMA) due to the COVID-19 Pandemic. The incident period for Public Assistance under the Declaration ban on January 20, 2020 and is currently on going.

On March 27, 2020, Donald Trump as President of the United States signed into law the two (2) Trillion Dollar Coronavirus Economic Stimulus Bill (The Cares Act) which

provided economic relief from the negative impacts of the Coronavirus Pandemic. Cares Act Funding to Cities was accomplished through sub-recipient allocations from respective Counties.

On March 11, 2021, Joseph Biden, President of the United States signed into law the 1.9 Trillion Dollar American Rescue Plan (HR1319) which provides additional relief to address negative economic impacts from the Coronavirus Pandemic. The American Rescue Plan (HR 1319) allocates 19.53 billion dollars to non-CDBG direct eligible cities. A preliminary funding estimate for Tavares is approximately 7 million dollars subject to eligibility of cost covered by the American Rescue Plan. .

The City Council has responded to the Coronavirus Pandemic through the following actions:

- The City Council Adopted Resolution 2020-05 on March 18, 2020 declaring a Local State of Emergency.*
- The City Council Adopted Resolution 2020-06 on April 1, 2020 authorizing application and execution of agreements for Federal Assistance to the State of Florida (FEMA).*
- The City Council Adopted Resolution 2020-21 on September 2, 2020 authorizing application and execution of agreements as a sub-recipient to Lake County, Florida for Cares Act Funding.*

Resolution 2021-04 authorizes the City Administrator to make application and execute needed agreements and contracts with the State of Florida or any designated Federal Agency to receive funding from the Federal 1.9 Trillion Dollar American Rescue Plan (HR1319).

Once funding from the Rescue Plan has been secured, the City Administrator will bring a "Spend Plan" back to the City Council for discussion and approval that meets the eligibility and criteria of the 1.9 Trillion Dollar American Rescue Plan (HR1319).

Staff recommends approval of Option 1, Move to approve Resolution 2021-04 authorizing the City Administrator to apply for funding from the State of Florida or any designated Federal Agency for funding from the Federal 1.9 Trillion American Rescue Plan (HR1319), and to execute all documents related to and required by the application for \$1.9 Trillion Dollar American Rescue Plan Funding.

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

Mayor Boggus asked for comments from the Council.

Council Member Price inquired about eligible items. Mr. Drury said broad parameters have been provided to date. He said water and sewer is eligible through the CDBG grant process, and dollars associated with lost revenues such as gas tax revenues due to remote working during the pandemic. Funding for items related to City staff assisting

with vaccination programs is also eligible. Tavares paramedics supported the vaccine program in Leesburg and Mount Dora. The plan will be sent to the Governor who is working on various ways the funds will be allocated. He said prior relief funding went through the state, county, and then to the city. The city will match any deficiencies with available funding and then a spend plan will come to Council for consideration on what items to spend the monies.

Council Member Singer asked for clarification that there is no direct cost to Tavares to approve the Resolution. Mr. Drury confirmed.

Vice Mayor Buigas asked if the Resolution is a formality to put a plan together. Mr. Drury confirmed. He said the resolution is a formality to allow the City Administrator to put together a spend plan and match up dollars, and set the City up for the opportunity to receive funding.

MOTION

Troy Singer moved to approve Resolution 2021-04, seconded by Walter Price. The motion carried unanimously 4-0.

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 4. Ordinance 2021-01 – Land Development Regulation Amendment – Chapter 21 Temporary Signs and Miscellaneous Sign Content

Mr. Fitzgerald made the following presentation:

Previously the City Council instructed staff to expand the city sign regulations by adding vacant property as a permissible temporary sign location with no permit nor fee required along with other changes necessary to be in conformity with a relatively new Supreme Court decisions on sign regulations by bringing back to City Council an amendment to the City's Land Development Regulations Chapter 21.

By way of background, 1) the current City sign regulations prohibit temporary signs on vacant property, 2) the City Council would like to expand the sign regulation to include vacant property and 3) 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's 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.

At the December 16, 2020 meeting City Council directed staff to expand the city sign regulations by adding vacant property as a permissible temporary sign location with no permit nor fee required along with other changes necessary to be in conformity with the new Supreme Court ruling.

Ordinance 2021-01 proposes changes to temporary sign regulations that temporary signs may be displayed for a period of up to 120 days in a calendar year, may be displayed on vacant and developed land without a permit, and shall be permitted up to two (2) temporary signs per parcel of property in addition to any non-temporary permitted signs they may have on the property. Ordinance 2021-01 also proposes to remove a provision pertaining to flag content in conformity with Supreme Court decisions. Ordinance 2021-01 maintains that feather signs are prohibited in Tavares.

At their February 18th meeting the Planning & Zoning Board voted unanimously (7-0) to recommend denial of Ordinance 2021-01. Staff recommends that City Council moves to approve Ordinance 2021-01 amending Temporary Sign Regulations and Miscellaneous Sign content in conformity with Supreme Court decisions.

Gary Santoro, Royal Harbor, said the Planning and Zoning Board comments did not violate the Supreme Court ruling regarding signs. He said the Board tried to be business friendly and noted signs are not being maintained. The Planning and Zoning Board felt that while people do not want permitting for signs, there should be a mechanism to allow city Staff to do their job. He noted his support for the Council to approve flag signs.

Jesse Smith, 32600 Lakeshore Drive, Lake County, expressed his frustration at being code enforced for having too many signs on his property. He said limiting the number of flags is unconstitutional.

Mayor Boggus asked for any additional comments from the audience.

Joseph Droin, Flag Business Owner, said he sells flags in Eustis, Lake County, Mount Dora, Tavares, and Leesburg. He said the flags are called sweeper flags and noted the difference in various regulations in each city. Mr. Droin noted Leesburg recently rescinded their ban on sweeper flags to help businesses affected during the pandemic.

Deb Murphy, 1723 Sunrise Court, Tavares, noted a concern for oversight and said there should be permitting procedures in place for successful enforcement of temporary signs.

Mr. Drury said Council instructed staff to expand the city sign ordinance by adding more properties that can have temporary signs with no permit or fee. He said Council would be expanding the sign ordinance to add more property with no cost and no permit if the ordinance is approved. The current ordinance does not permit flag signs. Adding flag signs would be a Council decision. Mayor Boggus asked for confirmation that the referred flags are feathered flags. Mr. Drury confirmed and said they are feathered wind blown signs that have to have a certain wind threshold in order to see both sides.

Mayor Boggus asked for confirmation the ordinance does not affect regular flags like the American flag or the State of Florida flag. Mr. Drury confirmed. Mayor Boggus said the original ordinance was written in 2005 and is being addressed due to the Supreme Court case. Mr. Drury confirmed, and said the Supreme Court case has driven all cities to look at their ordinance to ensure compliancy. Mayor Boggus said she believes the ordinance should remain as-is with no expansion. She said signs on improved property should not be regulated.

Vice Mayor Buigas asked Officer McCormick if the reports Council receives from the Police Department reflecting approximately 150 cases per month include cases regarding signs, and if so, how many. Officer McCormick confirmed and said currently there are approximately 10 out of 150 open cases regarding temporary flags. He said he has placed a hold on any cases until a determination has been made by Council, and noted the number of flag violations would increase once an ordinance has passed.

Vice Mayor Buigas asked Officer McCormick if he has a mechanism in place to handle violations, or if it is only complaint driven. Officer McCormick said a case is initiated if he sees a violation or receives a complaint. He reviewed the process of noticing and bringing a case to hearing. Vice Mayor Buigas asked Officer McCormick if he has a mechanism to track sign violations. Officer McCormick confirmed, and said he uses an Outlook calendar program to manage sign violations by calendaring the date the violation was witnessed and inspected.

Council Member Singer asked for confirmation there is a separate ordinance prohibiting snipe signs in the right-of-way. Officer McCormick confirmed, and said snipe signs are prohibited and do not apply to the ordinance before Council. He said snipe signs located in the right of way are taken down and discarded.

Council Member Price said feather flag signs should not be prohibited as the City is attempting to attract real estate development. He said realtors have come before Council and stated it takes on average 8 to 9 months to sell vacant property, and if a sign has to be removed in 90-120 days it would impede on their ability to sell property. He said it is an undue burden on vacant land owners and realtors who service those owners. Council Member Price said if a property owner wished to support a federal

candidate, a state candidate, a county candidate, and a municipal candidate with campaign signs, they would not be able to with a two sign limit. He said two 4x8 signs are allowed with a total of 64 square feet and recommended using a square footage requirement rather than number of signs.

Council Member Singer noted his support for an ordinance that allows vacant property owners the same rights as developed property owners. He said he is not in support of permitting because it places an undue burden on the residents that have to go through the permitting process.

Vice Mayor Buigas said she agrees with both Council Members Singer and Price. She said vacant property owners are being discriminated. She said she personally is not in support of signs as they are not maintained, and noted the Supreme Court case does not allow the control of language or content.

Council Member Price noted his objection to the permitting process, and said every time a roofer or fertilizer company provides service to a home they would be required to obtain a permit for each sign which would be an undue burden. Council Member Price said he is in support of feather signs.

Discussion was held regarding feather flag signs.

There was a consensus from the Council to allow feather flag signs.

Discussion was held regarding the ordinance, and workshopping those items where a consensus could not be reached when a full Council is present.

MOTION

Council Member Price moved to allow signs on vacant property and feather signs

Council Member Price said the Council can come back to address the size, number, and duration of signs at a later date.

Attorney Williams asked for confirmation the motion is to approve the ordinance with an amendment to add feathered flag signs.

Lou Buigas seconded the motion.

Further discussion was held regarding the ordinance before the Council, the motion, and items that would be workshopped in the future.

MOTION

Walter Price moved to approve Ordinance 2021-01, seconded by Lou Buigas. The motion carried unanimously 4-0.

Mayor Boggus asked if the Council could workshop the remaining issues such as duration and square footage of temporary signs. Mr. Drury confirmed and said staff would bring back the current ordinance and regulations for review. Once Council consensus has been reached an amending ordinance would be created and moved through the process of adoption. Mayor Boggus asked if the Council could also workshop the permitting process including how it would work if passed. She noted an example of going online to register a sign. Mr. Drury confirmed and said all options would be provided including no permit, online registration, and in-person registration.

X. GENERAL GOVERNMENT

Tab 5. Board Appointment – Lake Community Action Agency

Mayor Boggus made the following presentation:

Council Member Roy Stevenson previously served as the City representative to the Lake Community Action Agency Board. During the December 2, 2020 City Council Meeting, the Council directed staff to advertise for a citizen representative to serve as a City representative. The position was then advertised in the Daily Commercial and on the City website. As no applications were received, discussion was agendaized for the March 3, 2021 City Council Regular Meeting. The afternoon of March 3rd just prior to the meeting an application was received from Brooke S. Matthews. During the meeting an audience member, Vance Jochim, said he would like an opportunity to submit an application as well. Council tabled discussion to the March 17, 2021 City Council meeting to allow all interested persons an opportunity to submit applications for review.

The City has received the following applications (attached) for appointment as the City Representative to the Lake Community Action Agency:

- *Brooke S. Matthews*
- *Vance Jochim*

Lake Community Action Agency is one of Lake County's leading organizations in the delivery of human services. For more than 44 years Lake Community Action Agency has advocated for the poor, elderly and disadvantaged, and administers anti-poverty programs throughout Lake County utilizing U.S Department of Health and Human Services and Community Services Block Grant funds allocated by the Florida Department of Community Affairs.

Mayor Boggus noted an application was received from Donna Klinger the previous day.

Attorney Williams said under the City Charter the position is a Mayor appointment with consent of Council.

Mayor Boggus noted Ms. Matthews applied for another position that recently opened.

Mayor Boggus appointed Donna Klinger as the City Representative to the Lake Community Action Agency Board.

Attorney Williams said with the appointment of Donna Klinger a motion would need to be made and ratified by the Council. He said the Mayor's recommendation comes to Council as an appointment and does not need a second.

Vice Mayor Buigas said it is great to see so many people wanting to participate.

There was a unanimous consensus for approval in a vote of 4-0 for Mayor Boggus' appointment of Donna Klinger as the City Representative to the Lake Community Action Agency Board.

Tab 6. Florida Fish and Wildlife Conservation Commission Agreement Renewal to Maintain Two City Boat Ramps Located at Tavares Recreational Park and Sumerall Park

Mr. Dillon made the following presentation:

The Florida Fish and Wildlife Conservation Commission (FWC) would like to renew their existing 20-Year Agreement with the City to maintain two (2) City boat ramps in exchange for the city providing public access to the boat ramps and not charging a launch fee among other provisions as outlined in the attached agreement. The two boat ramps are located at Tavares Recreational Park (TRP) and Summerall Park.

Under the agreement, FWC will provide labor, equipment, and materials funded in part from 1) the Sport Fish Restoration Act - Boat Access program and in part from 2) the state to maintain the boat ramps.

Subject to availability of programed funds, the City of Tavares will provide ancillary facilities such as, but not limited to, lighting, public restrooms, picnic, and recreational facilities as may be deemed by the city to be necessary or desirable. If the city chooses not to move forward with the acceptance of the Agreement, the obligations of the parties will cease and total responsibility will revert back to the City of Tavares for the boat ramp maintenance.

The Memorandum of Agreement has passed through the review process by city staff and legal counsel for the city and approved to be presented to City Council for acceptance.

Staff recommends Council Approve and authorize the Mayor to execute the attached Memorandum of Agreement with The Florida Fish and Wildlife Conservation Commission for a renewed period of 20 years

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

Mayor Boggus asked for comments from the Council.

Council Member Singer asked if the contract could be terminated at any time and then the City would be responsible for full maintenance. Mr. Dillon confirmed.

MOTION

Troy Singer moved to approve, seconded by Lou Buigas.

Council Member Price asked if the agreement is already in place, and for the cost if not approved. Mr. Dillon confirmed there is a current agreement. Mr. Drury said the FWC provides annual inspections. He said the City would incur a cost of approximately \$5,000 to \$6,000 to hire professional structural engineers, as well as any costs for needed or programmed repairs. He confirmed the City is required to ensure everyone has access. Attorney Williams noted the City cannot charge a municipal fee for access.

Vice Mayor Buigas said it is great to have a partnership with FWC. She noted the City also partners with FWC for an annual water clean-up program.

The motion carried unanimously 4-0.

Tab 7. Lake Frances Utilities Improvement Project Update

Mr. Clark made the following presentation:

Lake Frances, which was constructed in the 1970's, is one of the oldest subdivisions of its type in Tavares. It consists of 442 lots with approximately 600 residents .

Previously the City secured SRF funding to rehabilitate the Water and Sewer utility lines and hired a contractor to do the work. Construction began in mid-2020. Approximately 40% of the project is complete to date. The project is within the budget and currently on schedule. The City's proactive efforts to have open and frequent communications with the HOA and community leaders has proven effective to address issues and concerns with the project. City staff are on site daily inspecting and making sure the city has good quality control and all construction specifications are adhered to. This also allows daily interaction with the residents. At this point, staff does not foresee any major issues or delays. The project should be completed by December 2021.

Mr. Clark thanked Mr. Drury for mentoring him through the process, the City Council for their support, and the Staff, Residents, HOA Representatives, and community leaders who helped in the success of the project.

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

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

Mayor Boggus commended Mr. Clark.

Tab 8. Planes, Tunes & Barbecue 2021 Event Update

Mr. Tweedie provided a high level overview of the 2021 Planes, Tunes & Barbeque event scheduled April 9 through 11, 2021 with the following highlights:

- Music centric element event
- Friday, April 9, 2021 – 4:00 p.m. to 10:00 p.m.
- Saturday, April 10, 2021 – 10:00 a.m. to 10:00 p.m., including the incorporation of Seaplane-A-Palooza and contests
- Sunday, April 11, 2021 – 11:00 a.m. – Jones Brothers Bingo

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

Mayor Boggus asked for comments from the Council.

Vice Mayor Buigas inquired about advertising. Mr. Tweedie said contracts are being finalized which would be completed within two weeks. Advertising would include the City website, social media platforms, Daily Commercial, Daily Sun, Triangle News Leader, banners, and posters. The aviation portion will be advertised through outlets such as Aviation Digest, Seaplane Fly In magazine, and Social Flight. Vice Mayor Buigas inquired about event insurance. Mr. Tweedie confirmed event insurance has been secured for inclement weather.

Council Member Singer thanked Mr. Tweedie and Staff, and said everyone is looking forward to the event. He noted the hard work behind the scenes to produce the event, and said the event is a great economic driver for the community.

XII. NEW BUSINESS

XIII. OLD BUSINESS

Council Member Singer inquired about the status of placing military signs as discussed in a recent Council meeting. Mr. Drury said Staff will identify the cost in the upcoming budget to place five flags and poles near the Freedom Flag monument.

Mayor Boggus inquired about cemetery upgrades for military veterans. Mr. Dillon said the concept plan has been completed and will reflect in the upcoming budget.

XIV. AUDIENCE TO BE HEARD

Gary Santoro, Royal Harbor, said Lake County surpassed 58,000 Covid-19 vaccinations at Lake Sumter State College (LSSC) and Sears vaccination sites since the program began.

XV. REPORTS

Tab 9. City Administrator Report

Mr. Drury congratulated Mayor Boggus on her appointment to the Florida League of Mayors Board of Directors. He said she will be representing District 6. He noted Council Member Pfister was in Tallahassee attending committee meetings and representing Tavares and City initiatives.

Tab 10. City Council Member Reports

Council Member Price wished those present a Happy St. Patrick's Day.

Council Member Singer encouraged those present to support local businesses.

Vice Mayor Buigas provided the following positive quote; "May the sun shine, all day long, everything go right, and nothing wrong. May those you love bring love back to you, and may all the wishes you wish come true!" ~Irish Blessing

XVI. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 5:24 p.m.

Respectfully,

Susie Novack, MMC, FCRM
City Clerk