



**TAVARES CITY COUNCIL
MEETING MINUTES
SEPTEMBER 8, 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
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
Sarah Coursey, Police Lieutenant
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**

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Tom Cavanaugh, First Baptist Church of Mount Dora

Tom Cavanaugh, First Baptist Church of Mount Dora, 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

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

IV. PROCLAMATIONS/PRESENTATIONS

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

Attorney Holt said there was one quasi-judicial matter before the Council - Tab 8 [Ordinance 2021-09 – Comprehensive Plan 2040 Amendment – Addition of Property Rights Element Pursuant to House Bill 59].

Attorney Holt asked the Council to disclose any exparte communications. There were none.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following resolutions and ordinances by title only.

RESOLUTION 2021-19

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO PURCHASE A WIRELESS SURVEILLANCE CAMERA

RESOLUTION 2021-22

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AUTHORIZING THE JOINING WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN.

RESOLUTION NO. 2021-23

A RESOLUTION OF THE CITY OF TAVARES SUPPLEMENTING RESOLUTION NO. 2012-17, WHICH RESOLUTION, AMONG OTHER THINGS, AUTHORIZES THE ISSUANCE FROM TIME TO TIME OF CITY OF TAVARES, FLORIDA UTILITY SYSTEM REVENUE BONDS; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$3,600,000 PRINCIPAL AMOUNT OF A CITY OF TAVARES, FLORIDA UTILITY SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2021 IN ORDER TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH SERIES 2021 BOND AND AUTHORIZING A NEGOTIATED SALE OF SAID BOND AND THE AWARD OF THE BOND PURSUANT TO THE PROPOSAL OF STERLING NATIONAL BANK; DELEGATING CERTAIN AUTHORITY TO THE MAYOR AND OTHER CITY OFFICIALS WITH RESPECT TO THE SERIES 2021 BOND; PROVIDING CERTAIN OTHER PROVISIONS WITH RESPECT TO THE SERIES 2021 BOND; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 2021-24

A RESOLUTION OF CITY OF TAVARES, FLORIDA; AUTHORIZING AMERICAN RESCUE PLAN ACT FUNDING TO THE CITY OF TAVARES AS A NON-ENTITLEMENT UNIT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT; AND AUTHORIZING THE CITY ADMINISTRATOR, TO EXECUTE DOCUMENTS WITH THE STATE OF FLORIDA RELATED TO THE AMERICAN RESCUE PLAN ACT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF TAVARES AMENDING CHAPTER 15, PENSIONS AND RETIREMENT, ARTICLE IV, POLICE OFFICERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF TAVARES; AMENDING SECTION 15-76, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 15-77, PRERETIREMENT DEATH; AMENDING SECTION 15-80, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15-86, MINIMUM DISTRIBUTION OF BENEFITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2021-09

PURSUANT TO HOUSE BILL 59 OF THE FLORIDA LEGISLATURE, AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN 2040, BY PROVIDING FOR THE ADDITION OF A PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Novack noted Resolutions 2021-20 and 2021-21 would be read in their entirety during the budget hearing at 5:05 p.m.

VII. CONSENT AGENDA

Mayor Boggus asked if the Council wished to pull an item from the Consent Agenda.

MOTION

Troy Singer moved to approve the Consent Agenda [Approval of the August 4 and August 18, 2021 Regular and Budget Workshop Meeting Minutes], seconded by Lori Pfister. The motion carried unanimously 5-0.

Tab 2. Approval of the August 4 and August 18, 2021 Regular and Budget Workshop Meeting Minutes

Approved on the Consent Agenda.

VIII. RESOLUTIONS

Tab 3. Resolution 2021-19 – Acceptance of United States Department of Justice Edward Byrne Memorial Justice Assistance Grant

Lieutenant Coursey made the following presentation:

The City of Tavares has been awarded a United States Department of Justice (US DOJ) Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase a portable wireless surveillance camera to assist the Police Department in criminal investigations.

Details of the grant include the following:

- *Agreement Number: 2021-JAGC-LAKE-3-3B-084.*
- *Pass-through Entity: Florida Department of Law Enforcement.*
- *Subrecipient: City of Tavares.*
- *Grant Award: \$3,402.*
- *No grant match required.*
- *Award Period: 10/1/2021 – 9/30/2022.*

- *The grant is subject to all applicable rules, regulations, and conditions, as contained in the Department of Justice Grants Financial Guide, and the Office of Management and Budget Uniform Grant Requirements (2 C.F.R. Part 200).*

Staff recommends Option 1, for Council to move to approve resolution 2021-19 authorizing the Chief of Police and Mayor to execute the wireless surveillance camera JAG grant.

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

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

MOTION

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

Tab 4. Resolution 2021-22 – Supporting the Proposal Memorandum of Understanding Regarding the Ongoing Opioid Litigation

Lieutenant Coursey made the following presentation:

Almost 100 political subdivisions within the State of Florida, as well as the State of Florida itself, have filed suit against numerous entities engaged in the manufacture, marketing, promotion, distribution or dispensing of opioids. In the hopes of using the proceeds from the Settlements to increase the amount of funding presently spent on opioid and substance abuse education, the State and its local governments are considering entering a Proposal Memorandum of Understanding (“PMOU”) relating to the allocation and use of the Settlement proceeds, subject to the completion of formal documents. If the City Council is acceptable to the PMOU, it is requested the Board adopt a Resolution in support of the PMOU to continue with settlement negotiations.

The settlement funds will be disbursed via a "metric" that is shown in the accompanying documents. There are essentially 3 funds; city/county fund, regional fund and state fund.

Staff recommends Option 1, to adopt Resolution 2021-22 in support of the Proposed Memorandum of Understanding to continue with settlement negotiations.

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

Mayor Boggus asked for comments from the Council.

Vice Mayor Buigas asked if the city would incur additional legal fees to obtain the funds.

Attorney Holt provided background information and said there is multi-state class action litigation. There has been a consolidation of national opioid litigation, and a proposed settlement has to be approved by the courts. Lake County and the City of Minneola are participating in the litigation. The City of Tavares was not a party representative in any litigation. The metric recommended for approval would be for the City of Tavares to accept the allotment of funds for possibly 18 years. It is a nominal amount that varies from \$3,400 to \$6,200 per year. Attorney Holt said she met with Lake County Attorney Marsh regarding a county-wide spearheaded group headed by Judge Heidi Davis, Public Defender Michael Graves, and Walter Forgie with the State Attorney's office. Their hope is the municipalities will adopt and pool funds in favor of a county-wide drug program. She noted Lake County is one of four counties in the state that does not have a drug program. She advised the City to enter into an interlocal agreement where the City looks to the County because accepting the funds does bring some oversight by the state. She said if the City took the minimal funds subject to reporting or auditing, it might not be worth it, and collectively it could.

Mr. Drury said there would be some legal fees that would be covered under the contract that the City has in place and does not anticipate large legal fees moving forward.

Council Member Price asked if Lake County is entering the memorandum of understanding. Mr. Drury said Lake County is an initiator. Council Member Price asked for the other cities moving forward in Lake County. Mr. Drury said Minneola and noted the remaining city resolutions would be presented to their boards over the next month. Council Member Price asked how Tavares would use the funds. Mr. Drury said the Council would decide, and there is a movement to pool the funds to use for treatment or the Police Department needs. The funds have not been identified for specific programs with funding options to be brought back to the Council for approval in the future.

MOTION

Lou Buigas moved to adopt Resolution 2021-22, seconded by Lori Pfister. The motion carried unanimously 5-0.

Tab 5. Approve Award of Financing Bid and Approve Resolution 2021-23 Authorizing Execution of Loan Documents for City of Tavares Florida Utility System Improvement Revenue Bond Series 2021 with Sterling Bank

Ms. Houghton made the following presentation:

On April 7, 2021 the City Council authorized the issuance of an RFP for debt financing in the amount of \$3,600,000 including cost of issuance. The proceeds will provide funding for expansion of water and wastewater capital lines for the area known as the Peninsula which includes 16 developed homes and undeveloped vacant land within and abutting the Peninsula area.

RFP 2021-0010 for debt financing to be secured by a pledge of water, wastewater, reclaim, and utility impact fees, and subordinate to existing debt of the Water/Wastewater Utility was issued on July 20, 2021. RFP 2021-0010 was advertised on the City website, DemandStar.com, and in the Orlando Sentinel.

The RFP was issued with the following elements requested:

- *Amount: not to exceed \$3,600,000*
- *Security: payable solely from and secured by the Net Revenues, including impact fees of the City's combined Utility System subject to the conditions and covenants as provided in the Master Utility System Bond Resolution 2012-17. The Series 2021 Bond will be issued as an Additional Parity Obligation under the Bond Resolution on parity with the City's Utility System Refunding Revenue Bond Series 2012A and the Utility System Improvement Revenue Bond Series 2012B.*
- *Rate: fixed*
- *Term: 20 years*
- *Bank Qualified (BQ), tax-exempt fixed interest rate*
- *Prepayment option requested*

On August 10, 2021, five responses to RFP 2021-0010 were received and opened publicly. Sterling Bank was selected for submittal to the City Council for award of bid (proposal) and for request of approval to execute a loan in the amount of \$3,600,000.

1. ***Sterling Bank – 2.07%***
2. *Truist Bank (BB&T) - 2.24%*
3. *Citizen Bank - 2.80% 2.21% / 2.36%*
4. *SouthState Bank – 2.31%*
5. *Seaside Bank – 2.44%*

The bids (proposals) were reviewed and evaluated by the City's Financial Advisor, Mark Galvin, of Hilltop Securities, and City Staff. Proposals were ranked according to RFP requirements and overall benefit to the City of Tavares. It was determined that Sterling Bank provided the best overall benefit to the City of Tavares. A copy of the bid review and recommendation from the City's Financial Advisor, Mark Galvin, of Hilltop Securities is attached for your review.

Resolution 2021-23 and the Loan Agreement for City of Tavares, Florida Utility System Improvement Revenue Bond Series 2021 has been prepared by the City's Bond Counsel, Steve Miller, Esq. of Nabors, Giblin & Nickerson. The City Attorney (Bob Williams), and City staff have reviewed the documents for any required changes.

Staff recommends approval of Option 1, to award Bid 2021-0010 to Sterling Bank, and approve Resolution 2021-23, authorizing the execution of the City of Tavares Florida Utility System Improvement Revenue Bond Series 2021 in the amount of \$3,600,000

Steve Miller, Neighbors, Giblin and Nickerson, said in 2012, the City adopted a Master Bond Utility Resolution that would allow the Council to issue debt from time to time that is secured by net revenues of the Utility system. He said the City had entered SRF loans with the State of Florida, and this is the 2nd issue under the bond resolution. It will be on parity and equal playing surface with the 2012 bonds and senior to the SRF debt. The interest rate is 2.07% for 20 years, a historically low interest rate. It was a good bid, and the bank that won the bid was easy to work with and did not ask for overbearing conditions by the City.

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

Mayor Boggus asked for comments from the Council.

Council Member Price asked if funds from the \$8.90 million dollars American Rescue Plan Act could be used instead of incurring new debt. Mr. Drury said the American Rescue Plan Act monies could be used for water and sewer for future growth and economic development. The act was recently approved and relatively new. The City has been working on this project for three years and moving forward equitably. The project includes 600 homes, and the impact fees paid by the developer will pay for the loan over a period of time. The American Rescue Plan Act funds have been identified for water and sewer for the hospital and surrounding area, which is in line with the intent of the American Rescue Plan Act.

Council Member Price asked if the debt service for the bond is included in the FY 2021 budget. Ms. Houghton confirmed and said the debt service schedule begins on October 1, 2021. Council Member Price asked if the debt service would be covered under the Utility budget until impact fees are received. Ms. Houghton said the debt service is covered through impact fees and net revenues of the system.

Vice Mayor Buigas asked if the City is currently being sued by one of the existing 16 homes because water is not provided to the area. Mr. Drury confirmed. He said there is ongoing litigation that the municipality should bring water and sewer to the 16 homes, and while the City has won most of the litigation, it continues in appeals. He confirmed the City incurs ongoing legal fees to defend the City. Vice Mayor Buigas said Attorney Williams advised her that the legal costs are approximately \$40,000. She asked if the ad-valorem taxes would be over \$1 million dollars with the 600 homes. Mr. Drury confirmed.

Council Member Pfister asked why the property was annexed when water was not supplied to the area. Mr. Drury said the property was annexed in the 1990s. At that time, the plan was to build 16 homes and a golf course community. The City also planned to expand the water and sewer plant. The golf industry and market changed, and the golf course project sat idle. The community asked for the City to bring water and sewer as they felt was promised. The City wanted to wait until there was a project that could help pay for the debt service. Now a project has come forward, and the City is in a position to bring water and sewer to the area. He said the City has been working with the property owners for the past three years along with the City Council to get all necessary approvals to complete the project. The Council has consistently approved the design, engineering, funding, and budgeting, and before the Council is a request to choose the low bidder on the debt service.

Council Member Pfister asked if the property owner requested the annexation. Mr. Drury said yes. Council Member Pfister asked if there would be 16 homes and a golf course at the time the annexation was approved. Mr. Drury said yes and noted the golf course included 600 homes.

Council Member Singer asked if the project would be pushed out if ARPA funds were used. Mayor Boggus asked when the ARPA money would come to fruition. Mr. Drury said the project would be pushed out as Staff would have to come back to the Council to get approval to spend ARPA funds.

Council Member Pfister asked if there is a prepayment penalty. Ms. Houghton said there is no prepayment penalty. She noted the ARPA money is Federal dollars with Federal grant requirements which could affect the total cost of the project.

Council Member Singer said the interest rate is fantastic and the project has been approved by Council several times and is an investment in the City's future.

Council Member Pfister asked if the loan could be paid off early using ARPA funds. Ms. Houghton said no as the interim rule would not allow it.

Council Member Price inquired about the hospital improvements. Mr. Drury said the project brings water pressure, a permanent pump station, and upgrades water lines. Mayor Boggus asked Mr. Clark to discuss the temporary booster pump versus a permanent booster pump. Mr. Clark said there is a combination of two projects; moving the wells and the booster pump station by the hospital. He said the project would improve the entire water system. Mr. Drury provided a historical perspective of the water and sewer system in the area. He said the Council placed a temporary booster station to get the charter school operational while looking for funding and finishing the plans to bring water to the region. The Avalon and Atwater projects worked with the City to acquire land acquisitions to improve water and sewer lines.

MOTION

Lori Pfister moved to approve Option 1, seconded by Lou Buigas. The motion carried unanimously 5-0.

**Tab 6. Resolution 2021-24 – Acceptance Agreement with the State of Florida
Division of Emergency Management for American Rescue Plan Act**

Ms. Houghton made the following presentation:

The American Rescue Plan Act was enacted into law on March 11, 2021. The American Rescue Plan provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses.

Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2, §9901) added section 603(1) to the Social Security Act (ARPA) which created the Coronavirus Local Fiscal Recovery Fund for the purpose of providing funds to local governments in order to facilitate the ongoing recovery from the COVID-19 pandemic (Fiscal Recovery Funds); the American Recovery Plan Act provides funding to local governments to mitigate and address the impacts of COVID-19.

The American Recovery Plan Act defines local governments with populations generally less than 50,000 as Non-Entitlement Units, thus requiring funding under the Act to pass through the respective state of the Non-Entitlement Unit.

The City of Tavares has been identified by the United States Treasury as a Non-Entitlement Unit (NEU) of local government, and therefore funding will pass from the Treasury to the State of Florida to be disbursed from the State of Florida to the City of Tavares. The Florida Division of Emergency Management (the Division) has provided an Agreement to the City of Tavares for execution to provide the pass-through funding from the American Recovery Plan Act.

The Agreement provides funding under the Agreement in the amount of \$8,889,651.00 which will be disbursed to the City of Tavares in two installments. The Act requires that expenditure obligations be incurred no later than December 31, 2024, with disbursements by December 31, 2026.

Federal Code 2 CFR §200.49, 2 CFR §200.50, and Florida Statutes 215.97(2)(i) apply for accounting, auditing, and reporting.

Staff recommends Option 1, move to approve Resolution 2021-24 authorizing the City Administrator to Execute Agreement No Y5305, with Unique Identifier Code FL0303 for American Rescue Plan Act Coronavirus Local Fiscal Recovery Act Funding in the amount of \$8,889,651.00

Mr. Drury said the item is an agreement to accept \$8.8 million dollars to be spent on eligible items under the American Rescue Plan Act (ARPA) program, as well as agree to pay the money back if not spent on eligible items. Staff will bring back eligible items in the future to ensure monies would not have to be reimbursed. The ARPA funds would be audited, and the Council has until 2026 to spend the funds on an eligible item.

Mayor Boggus asked for comments from the audience.

Kristie Furman, 204N. Rockingham Avenue, Tavares, asked if the ARPA funding guidelines would allow for the purchase of items such as facemasks. Mr. Drury said items such as facemasks would be outside of requiring facemasks.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, said Council should think about controlling spending when considering millage and budget approvals. He noted his support of accepting ARPA money.

David Serdar, 66 Wintergreen Drive, Fruitland Park, said he is in support of accepting ARPA funding.

Mayor Boggus asked for comments from the Council.

MOTION

Lori Pfister moved to approve Option 1, seconded by Lou Buigas.

Council Member Singer asked how the distribution figure for funding was determined and when the City would receive the funds. Ms. Houghton said distributions were based on the 2020 census population. Ms. Houghton noted the state has 30 days to distribute the first payment to the City once the executed agreement has been received. The state could request 30-day extensions of up to 120 days, and 50% of the funds would be received by December 31, 2021.

Council Member Singer asked Ms. Houghton to elaborate on how staff will ensure guidelines are followed. Ms. Houghton said the GFOA has a federal liaison officer in Washington D.C. who is working with the U.S. Treasury to push information to its members. The National League of Cities, Florida League of Cities, and International City Managers Association have also provided information and webinars. Ms. Houghton said she is on a list to receive access to webinars the U.S. White House and Treasury are distributing.

Vice Mayor Buigas asked if the funds could be used for administrative costs. Ms. Houghton said there is no current definitive information regarding administrative costs.

The motion carried unanimously 5-0.

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 7. Ordinance 2021-15 – Amendment to Police Officers’ Pension Plan Amending Sections 15-75, 15-77, 15-80, and 15-86 as it relates to Required Age Distribution of Benefits

Ms. Houghton made the following presentation:

Ordinance 2021-15 provides changes to the Police Pension Plan to comply with recent changes to the Internal Revenue Code, related Treasury Regulations, and guidance from the Internal Revenue Service.

The Pension Plan Board Attorney, Scott Christiansen, Law Offices of Christiansen & Dehner, P.A., has prepared Ordinance 2021-15 to address these Internal Revenue Code (IRC) changes. A summary of the changes are as follows:

- Amend Section 15-76, Benefit Amounts and Eligibility to address required distribution age per Amended Section 15-86.*
- Amend Section 15-77, Pre-Retirement Death to address required distribution age per Amended Section 15-86.*
- Amend Section 15-80, Optional Forms of Benefits to address required distribution age per Amended Section 15-86.*
- Amend Section 15-86, Minimum Distribution of Benefits to provide for recent changes to the IRC changing the required distribution age from 70 ½ to 72.*

The Plan Actuaries, Foster and Foster, have provided a letter of “no-impact” to the plan that no formal Actuarial Impact Statement is required to support adoption. A copy of their letter detailing the Plan changes, and their opinion is provided in the agenda packet.

Staff recommends Option 1, to adopt Ordinance 2021-15 amending Chapter 15 of the Code of Ordinances for the City of Tavares Police Officer’s Pension Plan.

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

Mr. Drury said the ordinance includes ministerial changes to comply with no cost to the City.

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

MOTION

Lori Pfister moved to approve [Option1], seconded by Troy Singer. The motion carried unanimously 5-0

X. TRANSMITTAL HEARING

Tab 8. Ordinance 2021-09 – Comprehensive Plan 2040 Amendment Addition of Property Rights Element Pursuant to House Bill 59

Mr. Fitzgerald made the following presentation:

On November 18, 2020, the City of Tavares adopted Comprehensive Plan 2040 in accordance with Florida Statutes - Chapter 163, and the State of Florida Local Government Comprehensive Planning and Land Development Regulation Act. Subsequently to that adoption, the 2021 Florida Legislature enacted House Bill 59, signed by Governor DeSantis on June 29, 2021, requiring each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision making. Ordinance 2021-09 proposes amending the City of Tavares Comprehensive Plan providing for the addition of a Property Rights Element inclusive of goals, objectives, and policies, as mandated by the State of Florida.

At the August 19th Planning & Zoning Board meeting, the Board requested legal clarification regarding the language of HB 59 in regard to a property owner's control over property, including easements. City staff obtained the following legal summary from the City Attorney:

HB 59 is basically a restatement and codification into policy of existing Florida and U.S. Constitutional Law. It has been universally recognized by the courts, and it is specifically stated in the 5th and 14th Amendments, that individuals enjoy private property rights that cannot be taken or infringed upon by the government without due process and just compensation. The issues that have been litigated extensively, however, are what constitutes "property" and what governmental action constitutes a compensable "taking." There is not a black-white line on these questions – the courts are all over the place – and most of the cases turn on their individual facts. The only thing the new statute and policy say is that the city needs to be mindful of person's property rights – whatever they are ultimately determined to be – which, as noted above – is basically a statement of existing law. To the extent a person has a "property" interest – be it fee simple, mineral rights, easement, life estate, the City is agreeing as a matter of policy that we will not take or infringe upon those rights.

At their August 19, 2021 meeting, the Planning and Zoning board voted unanimously to recommend approve of Ordinance 2021-09. Staff recommends the City Council move to approve the transmittal to the State for review of Ordinance 2021-09, an amendment to the City of Tavares Comprehensive Plan 2040 providing for the addition of a Property Rights Element pursuant to HB 59

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

Mayor Boggus asked for comments from the Council. Mayor Boggus noted the Supreme Court found rights were not specifically outlined. She said the State of Florida has gone out of its way to specifically state those rights and that is what is being codified in the ordinance.

MOTION

Lou Buigas moved to approve Ordinance 2021-09, seconded by Troy Singer. The motion carried unanimously 5-0.

XI. GENERAL GOVERNMENT

Tab 9. American Rescue Plan Act Spending Plan

Mr. Drury made the following presentation:

The American Rescue Plan Act of 2021 provides funds for municipalities, counties, states, tribal governments, and territories to respond to the Covid-19 emergency, and related public health and economic challenges. The City of Tavares will receive \$8,889,651 in ARPA funding. Disbursements will be made to the City from the State of Florida in two installments.

ARPA funds have several uses and many restrictions enumerated in the Department of Treasury's 31 CFR Part 35 ruling – See attachment. In particular as described on page 26806 (pg. 21) under "Restrictions on Use", cities "may not use the funds...to either directly or indirectly offset a reduction innet tax revenue....". Further, cities who do not use the funds consistent with the Treasury's ruling will have to pay them back. Based on the eligible uses and restrictions laid out in the Treasury's attached ruling, staff recommends the most cost-effective manageable and equitable uses of ARPA funds within the time frame allocated for these funds for Tavares are as follows:

- 1. Drinking Water Improvements.*
- 2. Wastewater Improvements.*
- 3. Stormwater Improvements.*
- 4. Improving air quality of Public Buildings.*

Upon approval by Council on the above four uses of the ARPA funds, staff will bring back to Council specific projects that meet the four (4) above uses that are compliant with the Treasury's ruling for Council's consideration and approval. Project descriptions will include the total cost, funding sources proposed and amount of ARPA funding allocated.

Staff recommends approval of Option 1, for Council to approve the above four(4) recommended uses of ARPA funding and instruct staff to bring back each project for Council approval.

Mr. Drury noted the Public Hearing for the budget and millage would be held within a few minutes at 5:05 and the Regular City Council meeting would need to break for those hearings.

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

Mayor Boggus asked for comments from the Council.

Council Member Pfister asked if a budgeted item could be taken out and spent using ARPA funds to help achieve the rollback rate. She noted she did not support the four identified categories provided and did not understand why drinking water would be included. Mr. Drury said a good example is increasing water pressure at the hospital. He said if there is an item in the budget the Council would like to apply ARPA funds, a budget amendment could be made. Mayor Boggus asked for confirmation that the projects could not be part of the Utility or Stormwater fund and a separate budget from the General Fund to change the tax rate. Mr. Drury said the rules do not allow a project that would reduce the tax rate.

MOTION

Lori Pfister moved to table the discussion until after the Budget Hearings, seconded by Lou Buigas. The motion carried unanimously 5-0.

Mayor Boggus adjourned the Regular City Council Meeting and called the Budget Hearing to order at 5:05 p.m.

XII. BUDGET HEARING – FISCAL YEAR 2021-2022 TENTATIVE MILLAGE & BUDGET – READING OF TENTATIVE MILLAGE & BUDGET RESOLUTIONS – 5:05 P.M.

Tab 18. Approve Resolution 2021-20 for Tentative Millage Rate for FY2022

Ms. Novack read Resolution 2021-20 in its entirety as follows:

RESOLUTION 2021 - 20

A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.850 FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM TAXES FOR FISCAL YEAR 2021-2022; SETTING FORTH THE PERCENT BY WHICH THE MILLAGE RATE IS GREATER THAN THE "ROLLED-BACK" RATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

WHEREAS, the City of Tavares of Lake County, Florida on September 8, 2021, adopted the 2021-2022 Fiscal Year Tentative Millage Rate following a public hearing as required by Florida Statute 200.065.

WHEREAS, the City of Tavares of Lake County, Florida, following due public notice as required by law, held a second public hearing on September 22, 2021, as required by Florida Statute 200.065 on the 2021-2022 Millage Rate; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Lake County has been certified by the County Property Appraiser to the City of Tavares as \$1,138,385,564.

NOW THEREFORE, BE IT RESOLVED by the City of Tavares of Lake County, Florida, that:

1. The City of Tavares Fiscal Year 2021-2022 operating millage rate to be levied is hereby set at 6.8500 mills, which millage rate is greater than the rolled back rate of 6.4948 by 5.47%.
2. The voted debt service millage rate is set at .2391 mills for Fiscal Year 2021-2022.
3. This Resolution will take effect immediately upon its adoption.

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

Mr. Drury made the following presentation:

The City Administrator and his staff have developed a budget for Fiscal Year 2022 for Council's consideration totaling \$50,437,924 that is fully balanced. The proposed budget for FY2022 includes, among many other items, the following:

- *Similar Level of Service.*
- *General Fund millage rate decrease (from 6.90 to 6.85) which is 5.47% above the rollbacked rate.*
- *Debt Service millage rate decrease (from .2623 to .2391).*

- *Increased reserve appropriations.*
- *Fire Assessment level funded (no rate increase).*
- *Employee increase of 2.5%.*
- *Street paving is increased from \$130,000 to \$500,000.*
- *The annual July 4th and Christmas holiday celebration events are level funded.*
- *Expanded programs are cut.*

Previously the City Council discussed the proposed Fiscal Year 2022 Budget at the following public meetings:

- *7/01/2021 – City Council Budget Workshop – (General Fund Budget)*
- *7/21/2021 – City Council Budget Workshop – (Utility and Special Revenue Fund Budgets)*
- *7/21/2021 – City Council Budget Workshop – (Set Maximum Tentative Millage rate)*
- *8/04/2021 – City Council Budget Workshop – (Capital Improvement Plan Presentation)*
- *8/18/2021 – City Council Budget Workshop – (Discussion on FY 2022 Proposed Budget)*

A Tentative Budget (all funds) has been prepared for the City Council. Attached are the remaining budgetary items that the City Council will need to reach a consensus on.

The Final Public Hearing to Adopt the FY2022 Millage Rate and the FY2022 Budget will be held at 5:05 p.m. on September 22, 2021 at which time the final millage rates will be adopted.

Staff recommends the Council take public input and approve the Tentative Millage for Fiscal Year 2022 as reflected in Resolution 2021-20.

Mr. Drury referred to Exhibit A in the agenda packet and asked the Council to discuss, decide, and come to a consensus on the remaining budgetary items not addressed during previous Budget Workshops.

Mayor Boggus asked if there were any additional items the Council would like to add.

Vice Mayor Buigas said she would like to discuss customer credit card fees in the Building Department and Pavilion on the Lake (\$5,000).

Vice Mayor Buigas said she would like to discuss the Mother/Son and Father/Daughter dances (\$10,500).

Council Member Price said the City has \$775,000 for reserves. He said the recommendation was to place \$211,000 placed in reserves to meet the Government Finance Officers Association (GFOA) recommendations for reserves, which would allow

the City to achieve a rollback rate and keep the budget intact. Mr. Drury said the City would not meet GFOA requirements of two months of reserves. Mayor Boggus noted the amount of money the City would have to place in Reserves to meet GFOA standards far exceeds the \$211,000 currently reflected in the budget. Mr. Drury said staff would provide Council a spreadsheet reflecting the Reserve balance, including the funding budgeted for reserves and remaining deficit to meet GFOA requirements. A discussion was held regarding current reserve balances and how to achieve the GFOA reserve requirements. Brett Jones, Budget Analyst, said the City currently needs \$384,000 to accomplish the GFOA recommendation, including all the money going into reserves. Mayor Boggus asked for confirmation that the \$775,000 plus \$384,000 would be needed to meet GFOA requirements. Mr. Jones confirmed.

Mayor Boggus reviewed the following list of items with the Council for consideration:

1. Reduce America in Bloom entry fee and travel expenditures budget in the Parks Department in half (from \$6,600 to \$3,300) saving \$3,300.

There was a consensus from the Council to reduce the America in Bloom entry fee and travel expenditures in half from \$6,600 to \$3,300.

2. Remove \$4,800 budgeted in the Parks Department for cemetery trees. Postpone the purchase until next year.

There was a consensus from the Council to remove \$4,800 budgeted for cemetery trees.

3. Credit card fees collected through use and passed on to the customer.

Ms. Houghton said the estimated value would be approximately \$5,000 if credit card fees or administrative fees are implemented.

Vice Mayor Buigas said she is in support of collecting credit card fees for the Pavilion on the Lake and Building Department. She said building departments throughout Lake County pass on credit card fees to the end-user.

Mayor Boggus asked if the credit card fee would be a flat fee or percentage. Ms. Houghton confirmed a flat fee would be implemented for General Government credit card sales and collections.

Council Member Pfister said she does not support credit card fees for the Pavilion on the Lake, noting a concern the City may lose business. She asked for the percentage the City pays on credit card fees. Ms. Houghton said the cost to the City varies depending on the type of card and transaction. She said Utilities are charged 1.6%, and General Government 2% to over 3% depending on the card presented. Council Member Pfister recommended raising rates rather than credit card fees for

transparency. Vice Mayor Buigas said the Clerk of Courts charges a convenience fee for using a credit card.

Mayor Boggus said it appears Council would be in support of splitting credit card fees by charging fees for building permits and removing the Pavilion on the Lake. Council Member Singer asked for the estimated cost. Mr. Drury recommended splitting the amount in half at \$2,500.

There was a consensus from the Council to collect fees for the Building Department at \$2,500.

4. Remove Father/Daughter and Mother/Son dances.

Council Member Singer said he would like to see the dances continue as they are a great community event.

Mayor Boggus said it is a well-attended event that gets children and families into the community, providing an opportunity to see the city's services.

Council Member Price said he was in support of continuing with the dances.

There was a consensus to keep the Father/Daughter and Mother/Son dances in the Budget.

5. Pavilion on the Lake Furniture

Vice Mayor Buigas said she met with staff at the Pavilion on the Lake and found the furniture in need of replacement.

There was a consensus to keep the Pavilion on the Lake furniture replacement in the Budget.

6. Removing City Council health and dental insurance (\$47,705).

Council Member Singer noted the Council is trying to find every way possible to reduce the millage rate. He said the cost to provide insurance to the Council is \$15,000 to \$16,000 per member and is optional for each member to accept or not. He said insurance could be removed from the budget if each Council member would opt-out. Mayor Boggus said she does not believe the City could legally deny offering health insurance. Council Member Singer said he would like to state on record that he does not take the City health insurance nor would do so in the future.

Council Member Pfister and Council Member Price said they would continue exercising their option to take health insurance.

Vice Mayor Buigas said she would not continue to exercise her option for health insurance.

Mayor Boggus noted there would be a savings of approximately \$15,000 as one Council member opted out of taking health insurance for the budget season.

7. Remove \$300,000 budgeted for Tav-Lee Trail Safety Improvements (re-route Tav Lee Trail around seaplane ramp).

Mayor Boggus asked if the safety issue would qualify as infrastructure for ARPA funding. Mr. Drury said no and confirmed it would not fall under the water, sewer, or air quality categories.

Vice Mayor Buigas asked if the project would qualify under ARPA's travel and tourism category. Mayor Boggus said the criteria is for Covid related damages.

Vice Mayor Buigas and Council Member Singer noted their support to keep the improvements in the budget as there is a safety issue.

Council Member Pfister asked how the City missed the issue in the design of the seaplane base. Mr. Drury said the seaplane base was historically a boat ramp and parking area for trailers and boats. A previous Council put a trail between the boat ramp and the parking area. Over time the City rebranded itself as America's Seaplane City and began to permit seaplanes to come onto the ramp shared by boats and trailers and the trail. As the City's branding efforts took off, more seaplanes arrived, and boat operations moved to the west side of Wooton Park, with the existing ramp used for seaplanes. The City has been utilizing staff to manage the separation of pedestrians and active seaplanes. He said the City could add additional staff at an ongoing cost or use one-time insurance proceeds to fix the issue. Council Member Pfister said it was success that caused the problem. Mr. Drury confirmed.

Council Member Price said he believes the project could be deferred and would be in support of removing the project from the budget.

Mayor Boggus said she is in support of using the insurance money to complete the marina.

There was a majority consensus from the Council to leave \$300,000 in the Budget for the Tav Lee Trail safety improvements.

8. Reallocating \$78,083 from reserves (primarily health insurance savings that were allocated to reserves).

Mayor Boggus asked for the amount a \$200,000 home would be assessed from the City of Tavares to go from the current millage rate to the rollback rate. Mr. Jones said a homeowner would gain \$32.00 in savings per household per year.

There was a consensus from Council to leave \$78,083 in Reserves.

9. Reduce reserves as necessary to get to the remaining amount of dollars necessary to go to the rollback rate (\$26,271).

Council Member Singer said with the \$26,271 an additional \$375,000 would need to be removed from reserves. He said he is not in favor of reducing reserves by \$375,000.

Mayor Boggus asked for any additional items for consideration to cut from the budget. She asked if Council wishes to cut \$26,271 knowing the goal of reaching the rollback rate would not be met.

A discussion was held on the savings from the discussed cuts. Mr. Drury asked for the new millage rate with the discussed cuts. Ms. Houghton said 6.8265. Mr. Drury said if Council makes the cuts as discussed, in addition to over \$1 million in cuts, the Council would have lowered the millage rate to 6.8265.

Council Member Price said he would like to use the \$78,000 in insurance savings to lower the millage rate further.

Council Member Singer asked for the current amount in reserves. Ms. Houghton said the total estimated reserve balance as of September 30, 2022, would be \$3,031,096, including \$775,433 currently included in the budget. Mr. Drury asked how short the reserve balance would then be from GFOA requirements. Ms. Houghton said there would be a shortfall of \$384,174. Mr. Drury said the goal is to continue to build reserves and believes the City will meet GFOA in two years if monies continue to be placed in reserves.

Council Member Pfister said she would support using the \$78,000 insurance savings to bring the millage rate down further.

Ms. Houghton said if the Council wished to use the \$78,000 to lower the millage rate, the millage rate would be 6.7579.

There was a consensus from the Council to use \$78,083 from insurance savings to lower the millage rate to 6.7579.

Mayor Boggus asked for comments from the audience.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, said there was discussion regarding the City bringing in 600 new homes and revenue of \$1 million dollars. He said

he has never seen an analysis of the true cost for lifestyle and services the City spends versus how much the City receives in taxes. He said the City continues to push off roads and does not put money into County roads, noting there was a movement to do so.

David Serdar, 66 Wintergreen Drive, Fruitland Park, said it is what we do today that can improve all our tomorrows.

Vice Mayor Buigas said if the City were to go to the rollback rate this year, a \$200,000 home would save \$22. However, in the FY2023 budget, that same savings would turn into an additional \$90 for the same home. She said she is proud of her fellow Council members for getting the budget below the recommended amount and noted it is important to look toward the future impact. Council Member Price said that while the preferred rollback rate was not achieved he was glad the Council was able to lower the millage rate and noted new construction might be factored in the budget the following year.

MOTION

Troy Singer moved to approve Resolution 2021-20 to reflect a millage rate of 6.7579 [providing a 4.05% rate above the rollback rate], and a debt service of .2391, seconded by Lou Buigas. The motion carried 4-1 at 5:57 p.m. as follows:

Amanda Boggus:	Yes
Lou Buigas:	Yes
Lori Pfister:	Yes
Walter Price:	No
Troy Singer:	Yes

Tab 19. Approve Resolution 2021-21 for Tentative Budget for FY2022

Mayor Boggus adjourned the Budget Hearing at 5:58 for a ten-minute recess.

Mayor Boggus reconvened the Budget Hearing at 6:10 p.m.

Ms. Novack read Resolution 2021-21 in its entirety as follows:

RESOLUTION 2021-21

**A RESOLUTION ADOPTING THE FINAL BUDGET FOR
THE CITY OF TAVARES, FLORIDA, FOR THE FISCAL
YEAR 2021 - 2022.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
TAVARES, FLORIDA:**

WHEREAS, a public hearing on the tentative 2021-2022 budget was held at the Tavares City Hall Council Chambers in the City of Tavares, Florida, Lake County, Florida on Thursday, September 8, 2021 at 5:05 p.m., as required by Florida Statutes 200.065; and

WHEREAS, the general public was given an opportunity to express its views pertaining to the tentative budget, and

WHEREAS, the City Council approved the tentative budget for 2021-2022, and

WHEREAS, a second public hearing on the proposed 2021-2022 budget was held in the Council Chambers at the Tavares City Hall, 201 East Main Street in the City of Tavares, Florida, on Wednesday, September 22, 2021, at 5:05 p.m.,

NOW, THEREFORE, BE IT RESOLVED that the Budget for 2021-2022 fiscal year for the City of Tavares, Florida is hereby adopted by the Tavares City Council in the amount of \$50,437,924 at public hearing this 22nd day of September, 2021.

This resolution will take effect immediately upon its adoption.

Mr. Drury said the Council adopted Resolution 2021-20 with a lowered millage rate from the City Administrator's recommendation. He said the Council would reduce the budget reflected in Resolution 2021-21 to \$50,413,637 to support the millage rate adopted in Resolution 2021-20.

Ms. Houghton said there is a typo in Resolution 2021-20; the resolution should reflect the date Wednesday, September 8, 2021.

Mr. Drury said both resolutions [2021-20 and 2021-21] would be brought back to the Council at the next public hearing with changes to the millage and budget. Ms. Houghton said the Finance Department, in coordination with the City Clerk, will advertise in the Daily Commercial, a general circulation local paper.

Mayor Boggus asked for the savings from the previous year's budget with the cuts identified in Tab 18. Ms. Houghton said the total budget with all funds is 9.25% lower this year than the previously adopted budget.

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

Mayor Boggus asked for comments from the Council.

Council Member Price asked if the \$78,000 insurance savings was included in the reduced budget amount. Ms. Houghton said \$78,000 would be moved from Reserves to expenditure appropriations. A discussion was held and Mr. Drury noted the funds were moved from a reserve account to a revenue account to lower the millage rate.

MOTION

Lou Buigas moved to approve Option 1 with a modified budget amount [\$50,413,637], seconded by Troy Singer. The motion carried unanimously 5-0 at 6:19 p.m.

Mayor Boggus adjourned the Budget Hearing and reconvened the Regular City Council Meeting at 6:19 p.m.

Continuation of American Rescue Plan Act Spending Plan Discussion – Tab 9

Council Member Price said there are other permitted uses identified in ARPA and asked if Council could explore other options at a later date. Mr. Drury said yes, and if approved, staff will create projects that meet guidelines and are consistent with the four categories. He said the Council could also explore all other options. Federal and state-mandated program management is costly. He said the four identified items can be accomplished without hiring additional staff or auditing firms and is confident he has the team in place to manage the four categories provided.

Council Member Singer noted a concern for small businesses and asked why they were not added to the list. Mr. Drury said each business could apply for funding under the current Cares Act program. One issue would be taking dollars from the city to hire auditing firms to create a program equitable for all businesses when there is already county, state, and federal programs available. A duplication of program services and fraud management would be costly.

Mayor Boggus said she is in support of the four categories as identifying infrastructure uses is the most equitable way to have the most citizens of Tavares gain the most benefit of the funds in a meaningful way. She said there have been several citizen concerns regarding air quality in city facilities including the Civic Center as well as air conditioning and ventilation upgrade needs.

MOTION

Lou Buigas moved to approve Option 1, seconded by Walter Price. The motion carried unanimously 5-0.

Tab 10. School Resource Officer Agreement with Lake County School Board

Lieutenant Coursey made the following presentation:

The Lake County School Board (LCSB) provides funding for a police officer to be at Tavares Elementary for security and safety during the school year. This will be the fourth year in which the LCSB and City have entered into this agreement. During the times when there is no school, the SRO will be available for duties within the department.

The LCSB will pay the City of Tavares \$60,010.00 for a police officer during the school year. This amount has been budgeted in the proposed FY21-22 budget. The cost of the currently assigned officer to the City is \$75,222.36 including benefits. The funding provided by the LCSB covers the nine months for the SRO. If any overtime is incurred as a result of being an SRO, the LCSB will reimburse the overtime.

Staff recommends approval of Option 1, to approve the agreement between the City of Tavares and LCSB to provide a police officer at Tavares Elementary.

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

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

MOTION

Lori Pfister moved to approve [Option 1], seconded by Lou Buigas.

Council Member Singer said the agreement is a great partnership.

The motion carried unanimously 5-0.

Tab 11. Dispatch Agreement with Lake County Sheriff's Office for Dispatch Services

Lieutenant Coursey made the following presentation:

The Lake County Sheriff's Office (LCSO) provides dispatch and 911 services for the Tavares Police Department. The agreement has not changed from previous years, including the cost.

Staff recommends approval of Option 1, for Council to approve the agreement with LCSO for dispatch and 911 services.

Lieutenant Coursey said there were no changes from previous years including the cost.

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

Mayor Boggus asked for comments from the Council.

MOTION

Lori Pfister moved to approve [Option 1], seconded by Lou Buigas.

Vice Mayor Buigas asked for other costs incurred to support the agreement. Mr. Drury said 800 MHz radios, Police vehicles, and cell towers support the 911 system. Ms. Houghton noted that the City has a current agreement with the Lake County Sheriff's office that will sunset in three years and cover the cost of upgraded radios at \$19,000 per year for Police and Fire.

Council Member Pfister provided the history of contracting with the Sheriff's office for dispatch services. She said utilizing the Sheriff's office saves in response times. Council Member Singer said there were great cost savings as well.

The motion carried unanimously 5-0.

Tab 12. Access Easement Agreement Between the City of Tavares and Orange County granting a 20' Access Easement Across City-Owned Property Located North of Woodlea Road and West of Captain Haynes Road

Mr. Fitzgerald made the following presentation:

The City has been approached by a developer's attorney requesting a 20' access easement across City-owned property located north of Woodlea Road, west of Captain Haynes Road. The developer is constructing a project in Orange County and is required to contribute property to a land mitigation bank to offset the impact of the Orange County project. The developer owns a parcel of property in Tavares that is being used for mitigation purposes, and that parcel is located immediately west of the City's property. The developer's property is land-locked, and as part of the mitigation process, there needs to be legal access for ingress and egress. The developer's attorney has submitted for City Council's consideration an Access Easement Agreement that, if approved, shall be recorded in Lake County Public Records to establish the 20' access easement across City property in perpetuity, resulting in the developer's property in Tavares being categorized as conservation land. The developer shall be required to convey the property to Orange County to complete the mitigation process, and therefore the Access Easement Agreement is in favor of Orange County. This easement request has been reviewed by City staff, and it has been determined that the easement does not conflict with the sports park's future expansion nor the future wastewater facilities expansion. There has been no discussion between the City staff and the developer's attorney regarding financial compensation for the City of Tavares.

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

Mayor Boggus asked for comments from the Council.

Anita Geraci-Carver, Esq., representative for American Orange County Investments 40, LLC/Zlatikiss, said she is available for questions.

Mayor Boggus asked if an ingress and egress easement would be needed to designate the subject property as a conservation area. Ms. Geraci-Carver confirmed. Mayor Boggus asked for the benefit to the City to allow the easement. Ms. Geraci-Carver said the property currently has zoning that would allow residential uses and instead would be preserved for conservation purposes with no development that would impact the lake or adjacent properties. Mayor Boggus noted the property is wet and low and asked if it was developable even if not identified as conservation. Ms. Geraci-Carver said she is unsure how much is wet versus dry and could not determine how much is developable. She confirmed the property would be maintained as private property and designated as conservation. She said her client would transfer ownership to Orange County and would need access.

Council Member Price inquired about compensation to the City for the easement. Mr. Drury said the City Attorney indicated the City's obligation to provide access to the landlocked property could be required to provide. He confirmed the City might save money in the future by not litigating the easement.

Attorney Holt said because the City owns the parcel that created the land-locked situation, the developer or owner of the property may qualify under Florida Statutes Chapter 704 for a statutory way of necessity. Litigating easements in court are typically for access ingress and egress for 20' to 30'.

MOTION

Lori Pfister moved to approve Option 1, seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 13. Freedom Boat Club Commercial Lease Agreement at Tavares Marina

Mr. Tweedie made the following presentation:

Previously the City Council approved the Tavares Seaplane Base & Marina Facility Leasing Policy (attached) which includes, among other provisions a rate and fee schedule for commercial and non-commercial marina tenants. In accordance with that policy, commercial leases and lease rates are to be approved by Council on a case by case basis.

Freedom Boat Club of Tampa Bay is a franchise private boat share membership company and a previous commercial lease holder occupying boat slips in the former marina facility destroyed by Hurricane Irma, ready to return to the Tavares waterfront to resume their boat club operations from the newly reconstructed marina. Staff has negotiated the attached lease for Council consideration and Freedom Boat Club has agreed to these terms and conditions. The lease rate negotiated and applied has been determined on the basis of current market conditions of similar commercial boat dock rental lease rates throughout the region. Salient points for this lease are:

- *A 1-year initial term with 5 additional 1-year optional renewal terms*
- *A monthly boat slip lease fee of : \$292/slip (35 ft. slip) X 7 = \$2,044 per month total time 12 months = \$24,528.00*
- *A 4% increase in lease rate per year for each renewal period throughout the term of the lease*

Staff recommends Option 1, for Council to approve the lease agreement between the City of Tavares and Freedom Boat Club of Tampa Bay.

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

Mayor Boggus asked for comments from the Council.

Council Member Price asked if it is typical for a commercial lease to be \$6.00 more than a residential lease. Mr. Tweedie confirmed. He confirmed the Council-approved leasing policy adopted in May 2021 included an allocation of 60 out of 80 slips for non-commercial and 20 for commercial. The combined total in the package is 20 commercial slips allocated between four leases. Of the 60 non-commercial slips, there are currently 32 under a lease, with 28 still available.

Council Member Singer noted the economic benefit and said more people would be drawn to the community. He asked if the lease was vetted by the City Attorney. Mr. Tweedie confirmed and said there are insurance requirements.

Vice Mayor Buigas inquired about the number of slips. Mr. Tweedie said there are 20 slips. 2 additional non-slip linear are included in two of the upcoming leases for discussion.

A discussion was held regarding payment processes. Council Member Pfister said she is in support of marina software that would provide a customer the ability to identify available slips, submit a lease online, and pay a monthly fee online. Mr. Tweedie said a software product has been identified and is currently being reviewed by the Finance Department.

MOTION

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

Tab 14. Adventure Boating Club LLC Lease Agreement, Tavares Marina

Mr. Tweedie made the following presentation:

Previously, the City Council approved the Tavares Seaplane Base & Marina Facility Leasing Policy (attached) which includes, among other provisions, a rate and fee schedule for commercial and non-commercial marina tenants. In accordance with that policy, commercial leases and lease rates are to be approved by the Council on a case by case basis.

Adventure Boating Club LLC is a private boat share membership company, currently headquartered in Leesburg, FL, desirous of expanding its operations to the Tavares waterfront's newly reconstructed marina. The staff has negotiated the attached lease for Council consideration and the Boat Club has agreed to these terms and conditions. Lease rates have been developed, negotiated, and applied based on current market conditions for similar commercial boat dock spaces throughout the area.

There are two classifications and therefore two rates of boat docks, lease space: 1) Individual boat slips, and 2) linear dock space along the floating dock perimeter. Salient points for this lease are:

- *A 1-year initial term with 5 additional 1-year optional renewal terms.*
- *A monthly lease fee of the following:*
 - 1.) *Boat slip space: Five (5) thirty-five foot (35ft) boat slips X \$292.00/slip = \$1,460.00 per month*
 - 2.) *Linear boat dock space: One (1) 55 ft. linear dock space X \$7.20 per ft. = \$396.00*

Total \$1,856.00 per month. A 4% increase in lease rate per year for each renewal period throughout the term of the lease. Total annual revenue, \$22,272.

Staff recommends Option 1, to approve the lease agreement between the City of Tavares and Adventure Boating Club LLC.

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

Mayor Boggus asked for comments from the Council.

Mr. Tweedie confirmed all lease terms and conditions are the same as the previously approved contract.

MOTION

Lou Buigas moved to approve Option 1, seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 15. Care Free Boat Club of Central Florida Marina Lease Agreement

Mr. Tweedie made the following presentation:

Previously the City Council approved the Tavares Seaplane Base & Marina Facility Leasing Policy (attached) which includes, among other provisions a rate and fee schedule for commercial and non-commercial marina tenants. In accordance with that policy, commercial leases and lease rates are to be approved by Council on a case by case basis.

Care Free Boat Club of Central Florida is a private boat share membership club headquartered in Groveland, FL, and desires to expand its operations to the Tavares waterfront at the newly constructed Tavares Marina. The staff has negotiated the attached lease agreement with Care Free Boat Club.

The lease rate has been developed, negotiated, and applied based on market conditions for similar commercial boat dock space throughout the area. Salient points for this lease are:

- A 1-year initial term with 5 additional 1-year optional renewal terms.*
- A monthly lease fee of: \$242.50 per slip X three (3) thirty-foot (30ft.) slips = **\$727.50 Total per month.***
- A 4% increase in lease rate per year for each renewal period throughout the term of the lease.*

Staff recommends approval of Option 1, for Council to approve the lease agreement between the City of Tavares and Care Free Boat Club.

Mayor Boggus asked for comments from the audience.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, suggested houseboat slips be offered such as those in Sausalito, California.

Mayor Boggus said the concern would be infrastructure requirements of sewer and water to the lake which would require environmental oversight for the waterways.

Todd Howard, Owner of Carefree Boat Club, Clermont, said he has enjoyed working with Mr. Tweedie and Mr. Clutts. He said he is a native of Tavares and proud of the City. He said he appreciates the opportunity to partner with the City.

MOTION

Lou Buigas moved to approve Option 1, seconded by Troy Singer. The motion carried unanimously 5-0.

Tab 16. Lake Adventures LLC Marina Lease Agreement

Previously, the City Council approved the Tavares Seaplane Base & Marina Facility Leasing Policy (attached) which includes, among other provisions, a rate and fee schedule for commercial and non- commercial marina tenants. In accordance with that policy, commercial leases and lease rates are to be approved by the Council on a case-by-case basis.

Lake Adventures LLC is a Lake County-based pontoon boat rental company desirous of entering into a commercial agreement with the City to expand their current boat rental services currently located on Lake Eustis to the newly constructed Tavares Marina. The company had previously submitted and Council accepted a proposal to negotiate a lease with the City for construction of a dock on City property at the waterfront for their operation. Upon completion of their due diligence for this process,

Lake Adventures concluded a more operational and cost-feasible opportunity to conduct their business would be to lease space at the newly constructed City Marina. The staff has negotiated the attached agreement with Lake Adventures for Council consideration. Lease rates have been developed, negotiated, and applied based on current market conditions for similar commercial boat dock spaces throughout the area. There are two classifications and therefore, two rates of boat dock lease space: 1.) Industrial boat slips and 2) linear dock space along the floating dock perimeter. Salient points for this lease are:

- *A 1-year initial term with 5 additional 1-year optional renewal terms.*
- *A monthly lease fee of:*

*1.) **Boat slip space:** \$292.00 X Five (5) thirty-five foot (35ft.) boat slips = **\$1,460.00***
*2.) **Linear boat dock space:** \$7.20 per foot X one (1) 35 linear ft. docking berth = **\$252.00***
*Total **\$1,712.00***

- *A 4% increase in lease rate per year for each renewal period throughout the term of the lease.*

Mr. Tweedie said this is a boat rental company and confirmed all lease terms and conditions are the same as the previously approved contract.

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

Mayor Boggus asked for comments from the Council.

MOTION

Troy Singer moved to approve, seconded by Walter Price. The motion carried unanimously 5-0.

Mr. Tweedie thanked Kendall Clutts, Aviation Manager, for his hard work and diligence.

Tab 17. Approval of Utility Agreement with Atwater Apartments, LLC for Water Line Upsize

Ms. Houghton made the following presentation:

The Developer, Atwater Apartments LLC, owns property inside the City and within the City's utility service district. The Developer is in the process of constructing potable water and wastewater lines and facilities and other infrastructure improvements, at its expense, to be connected to the City's utility system to make potable water and wastewater utility services available to the Developer's proposed apartment complex located on the northeast corner of the intersection of Ann Rou and Huffstetler Drives.

To service future development in the northeast section of the City, our Utility Director has requested the developer to engineer and upsize a watermain extension for the Atwater Apartments Phase Two apartment project. The upsizing is needed to provide service to the future off-site City water system that is planned for the area. The request by City staff provides additional linear feet of watermain extension to the current water system.

The total cost for the upsizing of the line has been determined to be \$44,691.79. A copy of cost details from the developer's engineer is attached for Council's review. An agreement has been prepared by the City Attorney which will provide a reimbursement credit to the developer upon completion of the water main extension by the developer and acceptance by the City of Tavares Utility Department.

Staff recommends approval of Option 1, to approve the Utility Agreement with Atwater Apartments LLC for Water Main Extension and upsize servicing Atwater Phase 2 and future developments in the area.

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

Mayor Boggus asked for comments from the Council.

Vice Mayor Buigas inquired about a 2019 invoice presented to the Council. Ms. Houghton said the older dates are from a change order their contractor issued in 2019. She confirmed Atwater would like to be reimbursed for the impact fees they paid and an upcharge from 8 inches to 12 inches the City requested they complete.

Council Member Singer asked how much impact fees the developer paid. Ms. Houghton said \$1.5 million dollars for both phases. She confirmed Atwater is one of the largest taxpayers in the City.

MOTION

Walter Price moved to approve, seconded by Lou Buigas. The motion carried unanimously 5-0.

XIII. NEW BUSINESS

XIV. OLD BUSINESS

Council Member Pfister asked for an update on the golf cart crossing. Mr. Drury said the City is waiting for FDOT District 5 to change light signalization. Once the signals are appropriately timed the City will install signs and a one-year study will begin.

Council Member Pfister inquired about a pothole off Main Street toward Mount Dora. Mr. Drury said there is a large stormwater issue that Staff hopes to be repaired utilizing ARPA grant funds.

Council Member Singer asked for an update on the Mayors Youth Council program. Mr. Drury said the school is gathering applications. Council Member Pfister will be joining the selection process and once the students have been identified the program will move forward.

XV. AUDIENCE TO BE HEARD

XVI. REPORTS

Tab 20. City Administrator Report

Mr. Drury said the downtown continues to grow with new businesses are arriving. He said the Economic Development team works hard to attract new businesses to the community. The City is investing in itself and it is paying off resulting in a lowered millage rate three years in a row.

Mr. Tweedie said it is National Beer Lovers Day and encouraged those present to patronize one of the local downtown establishments to keep the economy strong.

Chief Keith provided an update on the upcoming 9/11 memorial event to be held on Main Street beginning at 8:00 on Saturday, September 11, 2021. He noted the Teen Court of Lake County was selected from a national program to read 50 names and biographies from the victims of 9/11.

Tab 21. City Council Member Reports

Council Member Price said that while he would have preferred to get to the rollback rate he is pleased the Council was able to lower the Millage Rate even lower than the recommended rate.

Vice Mayor Buigas said she toured Lake Cares Food Pantry. She encouraged those present to take a tour and said Lake Cares serves 344 Tavares households.

Vice Mayor Buigas presented the following positive quote: "If we learn nothing else from this tragedy, we learn that life is short and there is no time for hate." ~Sandy Dahl, wife of the pilot of Flight 93 Jason Dahl

XVII. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 7:22 p.m.

Respectfully,

Susie Novack, MMC, FCRM
City Clerk