



**TAVARES CITY COUNCIL
MEETING MINUTES
JULY 21, 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

**Lori Houghton, Finance Director
Bob Williams, City Attorney
Jillian Roberts, Deputy City Clerk
Mike Fitzgerald, Community Development Director
Richard Keith, Fire Chief
Stoney Lubins, Police Chief
James Dillon, Public Works Director
Phil Clark, Utilities Director
Mark O'Keefe, Public Communications Director**

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Youth Pastor Chase Allen, Umatilla Baptist Church

Youth Pastor Chase Allen, Umatilla Baptist Church, 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

Council Member Price inquired about the minutes from the previous meeting were. Mr. Drury said the minutes would be available at the following meeting.

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

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Tavares Chamber of Commerce Update

Erika Buigas, Tavares Chamber of Commerce, Director of Operations, provided the following highlights:

- 90 visitors during June 2021
- A Joint Business After Hours at VyStar Credit Union Networking Luncheon, Chamber Luncheon sponsored by Avalon Park Tavares will be held in August
- The Tavares Chamber is holding Take the Lead every Thursday at Mary's County Kitchen.
- July Business Luncheon was cancelled.
- Taste of Tavares has been cancelled with hopes to bring it back next year.
- The Red Carpet Gala will held, with a date to be determined.

Vice Mayor Buigas asked if Ms. Buigas could relay to the Chamber Board that she appreciates how the Chamber has taken small business into consideration and postponed the Taste of Tavares. Ms. Buigas thanked Vice Mayor Buigas.

Tab 3. Proclamation – Notice of Election

Mayor Boggus read a 2021 Election Proclamation in its entirety:

PROCLAMATION BY ORDER OF THE MAYOR OF THE CITY OF TAVARES

NOTICE OF ELECTION

The 2021 City Election will be held on Tuesday, November 2, 2021 at the City Hall Council Chambers (Precinct 39), First United Methodist Church (Precinct 19), Lake County Agriculture Center (Precinct 42), Lake Frances Estates Clubhouse (Precinct 48), Imperial Terrace (Precinct 69), and Royal Harbor Social Hall (Precinct 99), for the

purpose of electing two non-partisan Councilmembers to Seat 2 and Seat 4 to serve at large for 2021-2023.

Voters must be registered with the Lake County Supervisor of Elections on or prior to October 4, 2021 at 5:00 p.m.

Nominations to Seat 2 and Seat 4 shall be by petition, signed by at least twenty-five (25) qualified electors of the City of Tavares and must name the individual and the specific Council seat sought. A candidate may qualify for only one seat. The petition, along with all other required election documents, must be filed with the City of Tavares City Clerk within the period beginning August 1, 2021 at 12:00 noon and ending August 15, 2021 at 12:00 noon. If August 15th should fall on a weekend day or holiday the deadline will be extended to the next business day at 12:00 noon. Election packets may be obtained from the City Clerk from 8:00 a.m. to 5:00 p.m. Monday through Friday, Tavares City Hall, 201 E. Main Street, Tavares.

Tab 4. GFOA Award Presentation

Mayor Boggus presented the GFOA Award to the Finance Department. Ms. Houghton and Brett Jones, Budget Analyst, accepted the award on behalf of the Finance Department. Ms. Houghton thanked the finance team and said the award would not be possible without the support of Mr. Drury and the City Council.

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

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

None.

VII. CONSENT AGENDA

Council Member Price asked to pull Tab 5 for discussion.

Tab 5. Park Square Subdivision Phase 1 – Preliminary Plat

Council Member Price noted the agenda summary reflects the plat is for 69 lots, with a school capacity of 324 lots. He asked for clarification. Mr. Fitzgerald stated that the Preliminary Plat is for Phase 1 of Park Square Subdivision. He noted Park Square homes intends to take over the remaining property from the ShantiNiketan development at 300+ dwelling units. ShantiNiketan has secured that capacity with the school board.

MOTION

Troy Singer moved to approve the Consent Agenda [Tab 5. Park Square Subdivision Phase 1 – Preliminary Plat], seconded by Walter Price. The motion carried unanimously 5-0.

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 6. Dora Queen Lease Agreement

Mr. Tweedie made the following presentation:

Previously Council approved a short term lease (attached) with Steamboat Cruises LLC for temporary dockage for their vessel, the Dora Queen, at the Wooton Park waterfront for their commercial boat tour operations prior to and during construction of the new marina docks. All construction activities are now complete and the Dora Queen has been relocated to its permanent berth at the new marina where it will remain permanently. Staff has negotiated the attached lease with Steamboat Cruises LLC for both the dockage of the Dora Queen and their occupancy of a small City owned "ticket booth" adjacent to the marina dock entry way. Salient points for this lease are:

- *A 1 year initial term with 5 additional 1 year optional renewal terms.*
- *Initial monthly dockage lease fee payment of \$450 per month to the City (\$5.50/ft. for 90 ft. vessel) for first 3 months of initial lease term then \$648 per month (\$7.20) for remainder of lease term.*
- *Ticket booth rental of \$120 per month at commencement of occupancy and for remainder of the lease term.*
- *A 4% lease rate per year for each renewal period throughout the term of the lease.*

Staff recommends that Council moves to approve option 1, For Council to approve the attached lease agreement between the City of Tavares and Steamboat Cruises LLC for the Dora Queen.

Mayor Boggus asked for public comment. There were none.

Mayor Boggus asked for comments from the Council.

Council Member Price asked if the rates are market rental rates, and how they were determined. Mr. Tweedie stated the rates were determined by surveying the

surrounding comparable areas for similar commercial vessel rates. He said it is a similar process to the marina and slip docks in the leasing policy.

Mayor Boggus inquired about insurance coverage. Mr. Tweedie confirmed there is an extensive insurance coverage requirement and risk management agreement.

MOTION

Troy Singer moved to approve the Lease Agreement [Option 1], Seconded by Lou Buigas.

Council Member Singer thanked Mr. Haron for his patience, investment and wished him luck in the future.

The motion pass unanimously 5-0.

Tab 7. Dead River Rd and SR19 Intersection Improvement Project

Mr. Dillon made the following presentation:

The Lake County Board of County Commissioners adopted the Five Year Transportation Construction Capital Program containing \$590,000 for intersection improvements on Dead River Road at SR 19. These improvements to the east bound side of Dead River Road at SR 19 include the addition of a second left-turn lane, extending the length of the turn lanes for increased capacity, and additional signalization which will ease the flow of traffic on Dead River Road as well as SR 19.

A request for bid was advertised in May 2021 by Lake County and due in June 2021. The selected qualifying bid to be presented to the Lake County Board of County Commissioners for award is 21% over the original project estimate at \$714,835. Lake County has identified \$647,598 in funding currently available, leaving a deficit of \$67,237 for the project due to a decline of Impact Fee Revenues over the last two years as a result of COVID.

Improving the traffic flow through this intersection will alleviate congestion as growth and development continue to expand along SR 19. City Staff recommends a contribution of \$33,500 from Reserves, towards the Lake County \$67,237 deficit, with Lake County funding the remaining \$33,737 as this is a direct benefit to the residents and City of Tavares.

Staff recommends that City Council moves to approve Option 1 - Approval to contribute \$33,500 from Reserves to Lake County, with Lake County covering the remaining \$33,737, as a proportional cost-share of the \$67,237 shortfall for the Lake County Transportation Improvement Project at Dead River Road and SR 19.

Mr. Drury said Mr. Dillon has developed relationships with the surrounding businesses and staff at the county while working diligently and effectively. He noted the partnership between Lake County and Tavares is strong and a great example of a partnership and working together.

Mayor Boggus asked for public comment.

Jan Hallbrook, Baytree Development, Tavares noted her concern regarding the intersection. She asked who is paying for the improvements and what happened to the developer that was going to complete the intersection. Mr. Drury said the first developer chose not to move forward with the project. At that point the city and county decided to work together and move forward.

Lee Sullivan, 2412 Baywater, Tavares, noted his support and said the project is long overdue.

Attorney Williams said every home that is built has to pay permit and impact fees and is therefore contributing.

Mayor Boggus closed public comment.

Council Member Pfister asked for clarification about the developer that was going to fund the intersection improvements. She said she would not support intersection improvements at this time. Mr. Drury said the developer was not required to fund intersection improvements.

Councilmember Price asked if the total cost is \$33,000.00, and where the funds would come from. He said the improvements are needed. Mr. Dillion confirmed the total cost. Ms. Houghton stated the funds would come from General Fund Reserves.

Councilmember Singer said the project is important and improvements need to be made. He asked if tabling the item was a possibility. He asked what would happen if the county could not come up with the remaining funds if not approved. Mr. Drury said the project would not move forward. Mr. Houghton stated that reserves are set aside for emergencies, disasters and one-time expenditures and noted this project will not affect budget structurally.

Council Member Pfister said the intersection needs improvements and noted she is not in support of development in the area.

Attorney Williams noted development in the Greenbrier development cannot be stopped as they are entitled lots.

Vice Mayor Buigas noted her support for intersection improvements. She said she does

not want the funds to come out of Reserves and prefers for the funds to come from boat slip revenues.

Councilmember Singer said would prefer the funds to come from Reserves or the Budget.

Mayor Boggus said if the county is willing to assist in the road improvements, she is willing to go the rest of the way to make it happen.

MOTION

Troy Singer moved to approve Option 1, seconded by Walter Price. The motion passed 3-2 as follows:

Amanda Boggus: Yes

Lou Buigas: No

Lori Pfister: No

Walter Price: Yes

Troy Singer: Yes

Tab 8. City Council Discussion and Consideration for an Electronic Game room Ordinance

Mr. Fitzgerald made the following presentation:

Electronic game rooms operating as private business enterprises that provide the opportunity for individuals to utilize on-site electronic equipment to participate in games of chance in accordance with Florida Statutes have become increasingly prevalent in Florida. Lake County recently passed an ordinance that establishes regulations for electronic game rooms operating in unincorporated Lake County, and those regulations include requiring the operator to obtain a permit, limiting the number of permits issued for electronic game rooms, signage limitations, inspection requirements, and limitations on the sale of certain items on premises. The complete regulation adopted by Lake County has been provided to City Council for review and is also available at www.municode.com

The City of Tavares has been approached by electronic gaming industry representatives who have made a request that the City of Tavares consider passing an ordinance as Lake County has done to establish regulations that place limits on electronic game rooms within the City limits of Tavares.

Ali Chay, Representative from Lake County Gaming Association, gave a presentation regarding the benefits of regulating gaming rooms.

Attorney Kelly Mathis, Representative for Lake County Gaming Association, said his client is requesting regulations surrounding gaming rooms and noted he and his client

presented to the Lake County Commission and had an Ordinance passed to regulate the establishments.

Mayor Boggus asked for comments from the public.

Kristy Ferman, 204 N. Rockingham Ave, Tavares, inquired why this is being brought up. Mr. Drury stated that gaming rooms are permitted to operate in Tavares and in the State of Florida. He said this is a request to have local government set regulations and noted Lake County implemented a permitting and inspection process.

Mayor Boggus asked if Lake County passed an Ordinance for all of Lake County or Unincorporated Lake County. Mr. Drury said it was for Unincorporated Lake County only.

Mayor Boggus closed public comment.

Council Member Price inquired about illegal gambling in Tavares and how a gaming facility can be unregulated. He asked if the City is looking to mirror Lake County. Chief Lubins stated there were approximately 4 to 5 establishments in operation, which have been shut down. There is currently one operating on HWY 441 said the Police Department is watching it and have made several arrests from clients leaving the establishment. Mr. Drury stated the establishment can come to Tavares just like a tattoo shop or barber shop. He said the Lake County Gaming Association has inquired about regulating it.

Council Member Pfister said she is not in support of gaming establishments, and if they are allowed she would support regulations.

Vice Mayor Buigas inquired about contributing to non-profits. Attorney Mathis said contributions to non-profits were made from the owners and clientele of the establishments. Vice-Mayor Buigas said if the gaming establishments were to come to Tavares she does not want the business in the downtown.

Attorney Mathis said one part of the Ordinance addresses is the safety and security concerns and utilizes bonded security guards. He mentioned that they are working with the Lake County Sheriff's Department and if law enforcement is looking for someone they are welcome to come into the establishments.

Council Member Singer asked about grandfathering establishments that are currently operating and stated he is not in favor of government regulation. Attorney Williams said the Lake County Ordinance gave preferential treatment to those that were established in the application process while subject to all of the same regulations.

Council Member Price asked who would be responsible for drafting an Ordinance and if citizens would be able to have input. Mr. Drury stated if Council was to move forward, the City Attorney would develop an Ordinance and bring it back to Council. A cost would

be developed for managing, inspecting, licensing and Council would be provided the cost for the government regulation. Mr. Drury stated public meetings or workshops could be held, and the public would be invited to participate.

Attorney Williams said it is a carefully regulated industry that has the potential to cause law enforcement issues. He said the County application fee is \$20,000.00 per applicant. Mr. Drury added that if the Council wants to regulate this business, options would be brought back with revenue streams to offset the cost of regulating the businesses. Attorney Williams stated his understanding from Ms. Marsh is that the number of proposed establishments in Lake County is approximately 25.

Mayor Boggus said she is not in favor for more than 3-5 establishments in Tavares and is in favor of the regulations addressing no minors, alcohol or illegal narcotics on the premises. She said security systems are vital in and outside of the establishment to be accessible by law enforcement and noted her preference for limiting establishments to commercial corridors.

MOTION

Lou Buigas moved to explore the Ordinance, seconded by Lori Pfister. The motion passed 4-1 as follows:

Amanda Boggus: Yes

Lou Buigas: Yes

Lori Pfister: Yes

Walter Price: Yes

Troy Singer: No

XI. BUDGET WORKSHOP AND SETTING OF MAXIMUM TENTATIVE MILLAGE RATE

Tab 9. Budget Workshop – Present Enterprise and Special Funds Budgets, and Discuss the General Fund Budget

Ms. Houghton gave the following presentation:

Previously, at the July 7th City Council meeting, Council was presented the General Fund budget, and staff will now deliver the Utility Funds and Special Funds Proposed Budgets for FY 2022 after which an opportunity will be provided to discuss the previously delivered General Fund budget as well as the Utilities and Special Fund budgets.

The Utility funds include: Water, Wastewater, Stormwater, Solid Waste, and the Seaplane Base/Marina. Special Funds include Community Redevelopment (TIF), Infrastructure Sales Tax, Grants, Debt Service, and the Pavilion Fund.

*The maximum tentative millage rate will be discussed and set by the City Council later during this meeting. The Five-Year Capital Plan will be delivered, presented and discussed at the August 4, 2021 budget workshop. An additional Council budget workshop is scheduled for August 18th to discuss all budgets followed by two Public Hearings on the budget on September 8, 2021 (**THIS IS NOT A REGULAR CITY COUNCIL MEETING DATE**) and September 22, 2021.*

Ms. Houghton presented a PowerPoint presentation on the Utility Funds and Special Funds proposed Budget for FY2022.

Mayor Boggus asked for comments from the Council.

Council Member Singer asked for clarification on funding for the bush hog, vehicles and generators and noted they are funded with Restrictive Funds. He asked for the remaining duration of the debt service on the Pavilion on the Lake. Ms. Houghton stated the items are in the Proprietary Water, Wastewater and Stormwater Funds and stated any decreases would not affect the millage. The General Fund is the only fund related to the Millage Rate or your General Millage Rate. With regard to the Pavilion she stated there is approximately 8 years remaining.

Mayor Boggus said revenues generated by the Pavilion prior to COVID are different due to executive orders requiring people to not hold events. She noted that going forward, the city needs to be cautiously optimistic when it comes to the budget due to the unknown with the consumer side.

Vice Mayor Buigas asked if the revenue was lower as a result of COVID. She asked if there were any COVID funds from loss revenue that we are able to recuperated. Ms. Houghton stated the Finance Team was unable to find any funds available to offset the loss of revenue.

Tab 10. Budget Workshop – Setting of Maximum Tentative Millage Rate

Mr. Drury made the following presentation:

The City's General Fund budget was presented at the July 7, 2021 City Council meeting. The Enterprise, and Special Fund budgets were previously presented at this meeting.

*The maximum tentative millage rate will also be set at this meeting. The Five-Year Capital Plan will be delivered, presented and discussed at the August 4th, 2021 budget workshop. The August 18th budget workshop does not focus on a specific aspect of the proposed budget, but will instead be used to discuss all fund budgets, and any changes to the proposed budget. There will be two Public Hearings on the budget, September 8, 2021 and September 22, 2021, at which time the **final** millage rates will be set and the final budget will be adopted. (September 8th and September 22nd represent the **2nd and 4th** Wednesdays in*

the month of September.)

- *The proposed General Fund maximum millage rate of 6.85 mills represents a decrease from the prior year millage rate of .05 mills (6.90 – 6.85), a .72% decrease over prior year, and is 5.47% above the rollback rate of 6.4948 mills.*
- *The proposed Voted Debt Service maximum millage rate of .2391 mills represents a decrease from the prior year millage rate of .0232 mills (.2623 - .2391), an 8.84% decrease over prior year.*
- *Total decrease is .0732 mills (.05 + .0232) which is a 1.02% total decrease over the prior year adopted millage rates.*

*Once the City Council sets the Maximum Tentative Millage Rate it may be decreased as the Council moves through the budget process; however, it **may not be increased**.*

Staff Recommends option 1 to Move to set the Maximum Tentative Millage Rate at 6.85 mills, and the Voted Maximum Tentative Voted Debt Millage Rate at 0.2391 mills.

Mayor Boggus asked for public comment.

Gary Santoro, Royal Harbor, Tavares, noted his support for the City Administrators recommendations.

Mayor Boggus asked for comments from the Council.

Vice Mayor Buigas inquired about a rollback rate. Mr. Drury said there will be four more meetings to discuss lowering the millage rate to the rollback rate. At the final meeting in September Council would have to make a final decision.

Mayor Boggus asked for clarity regarding meeting dates in September. Mr. Drury stated the meetings in September will be held on the 2nd and 4th Wednesdays and will begin at 4:00 p.m. The budget workshop will start at 5:05 p.m., once the public workshop for the budget is completed, the Regular City Council meeting will resume. There will be no City Council meeting on the 1st and 3rd Wednesdays' in September.

Council Member Price stated he was pleased to see the maximum rate is lower than last years' rate and noted he is in favor of the rollback rate.

MOTION

Lou Buigas moved to approve Option 1 [setting the tentative maximum millage rate at 6.85 Mills and set the debt millage rate at .2391 mills as the max rate], seconded by Troy Singer. The motion passed unanimously 5-0

XII. NEW BUSINESS

None.

XIII. OLD BUSINESS

Council Member Pfister asked about the Tavares Chamber of Commerce holding events at the Pavilion. Mr. Tweedie said when they returned to in-person events last summer the Chamber found the Pavilion was a better fit for them.

XIV. AUDIENCE TO BE HEARD

Gary Santoro, Royal Harbor, Tavares, noted his preference for Lindsay Holt to serve as the new City Attorney. He also noted his concerns of the restrooms at the cemetery coming back for discussion, and the inability to comment on it because of the placement in the agenda.

XV. REPORTS

Tab 12. City Administrator Report

Mr. Fitzgerald noted the construction of a Dollar General on State Road 19 and Citrus Street.

Tab 13. City Council Member Reports

Council Member Price congratulated Ms. Houghton and the Finance Department on the GFOA award.

Council Member Singer congratulated Ms. Houghton and the Finance Department on the award and thanked them for their presentation.

Vice Mayor Buigas congratulated Ms. Houghton and Finance Department on the GFOA award and noted she read the budget in its entirety and submitted 17 pages of questions which were answered.

Vice Mayor Buigas provided a positive quote of the day: Positive thinking will let you do everything better than negative thinking will. – Zig Ziglar

XVI. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 6:19 p.m.

Respectfully,

Jillian Roberts
Deputy City Clerk