



**TAVARES CITY COUNCIL
MINUTES
OCTOBER 2, 2019 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES**

COUNCIL MEMBERS PRESENT

Troy Singer, Mayor - *Absent*
Lori Pfister, Vice Mayor
Amanda Boggus, Council Member - *Absent*
Kirby Smith, Council Member
Roy Stevenson, 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
Tamera Rogers, Community Services Director
Lori Houghton, Finance Director
Richard Keith, Fire Chief
Stoney Lubins, Police Chief
James Dillon, Public Works Director
Phil Clark, Utilities Director
Mark O'Keefe, Public Communications Director

TAVARES HISTORICAL SOCIETY

Betty Burleigh, Librarian/Historian and Board Member

TAVARES CHAMBER OF COMMERCE

J. Scott Berry, Executive Director

I. CALL TO ORDER

Vice Mayor Pfister called the meeting to order at 4:00 p.m. She asked those present to silence their cell phones and noted hearing devices are available. Vice Mayor Pfister

asked those who would like to speak on an agenda item to complete a Request to Speak form.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Evan Ryan, Church of Nazarene

Pastor Even Ryan, Church of Nazarene, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Attorney Williams said he would like to walk on an easement for Holiday Mobile Home Park for Council's consideration. Mr. Drury said staff would like to add agenda item 7a to discuss the Utility Easement.

MOTION

Kirby Smith moved to approve the Agenda with the addition of Tab 7a, seconded by Roy Stevenson. The motion carried unanimously 3-0.

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Tavares Chamber of Commerce Update

Mr. Berry said the recent Business of the Year Gala was a great success with over 200 in attendance. He thanked the city representatives who were able to attend. Mr. Berry noted the annual Taste of Tavares will be held November 14, 2019 and an election candidate forum will be held October 17, 2019.

Council Member Smith commended Mr. Berry on the Business of the Year Gala.

Tab 3. Recognize and Proclaim October 7-11, 2019 as Customer Service Week in the City of Tavares

Vice Mayor Pfister read a proclamation declaring October 7-11, 2019 as Customer Service Week in the City of Tavares in its entirety. Mayor Pfister presented the proclamation to Ms. Houghton and her team.

Ms. Houghton thanked Vice Mayor Pfister and said the Finance Department is committed to provide excellent customer service.

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

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

None.

VII. CONSET AGENDA

MOTION

Roy Stevenson moved to approve the Consent Agenda [Tab 4 – Approval of the August 21, 2019 Regular and Budget Workshop Meeting Minutes], seconded by Kirby Smith. The motion carried unanimously 3-0.

Tab 4. Approval of the August 21, 2019 Regular and Budget Workshop Meeting Minutes

Approved on the Consent Agenda.

VIII. RESOLUTIONS

None.

IX. ORDINANCES – PUBLIC HEARING

First Reading

None.

Second Reading

None.

X. GENERAL GOVERNMENT

Tab 5. City Council Consideration and Recommendation of an Amendment to Land Development Regulation Chapter 4, Section 4-45, Notice of Hearing Requirements – Posting of Property

Mr. Fitzgerald made the following presentation:

City staff is required to follow Notice of Public Hearing requirements that are outlined in Florida Statutes and the City's Land Development Regulations for Public meeting agenda items that pertain to property annexation, rezoning, and land use changes. The notice requirements include newspaper ads, mail to abutting property owners within 150-300 feet, and posting signs at subject properties notifying the Public of the date, time, and

place of the Public hearing, and a brief description of the proposed action. Per the City's Land Development Regulations City staff is required to have signs posted at properties for notice of Public hearing, however Florida Statute does not include that requirement. City staff is requesting City Council's consideration and recommendation of an amendment to the City's Land Development Regulations Notice of Hearing Requirements eliminating the requirement for signs to be posted at properties subject to Public hearings as this requirement is not found in Florida Statutes.

Of particular concern is enforcement. Once the signs are posted it can be and has been alleged that persons remove them. Once that occurs parties file complaints that the project was not noticed properly. It is virtually impossible for the city to monitoring the signs 24/7 over the 10-day posting period.

Staff is of the opinion that the notices in the paper, letters to surrounding property owners, public Planning and Zoning meetings and two public readings at the City Council meetings provide adequate public notice consistent with law.

Mr. Drury said staff brought this item forward for discussion, dialogue and public input on improving the process. He said signs are important and the public needs to be noticed with all parties feeling that it is done correctly. He noted two City Council members are not present as they are representing the city at the America in Bloom conference. He said an option is to have a preliminary discussion with public input and suggestions on improving the way signs are posted so that the public is noticed properly, and then table the item to the next meeting where a full Board will be present for additional discussion.

Vice Mayor Pfister asked for comments from Council.

Council Member Smith said he is not in support of removing signage.

Council Member Stevenson said there is currently an ordinance that states a sign must be in place. He noted his preference to change the posting from a requirement to a courtesy so that the city can comply with city ordinances and state law.

Mr. Drury said the city requires signs posted on the property every 100 feet for 10 days prior to public meetings. He said signs are found to be missing by area residents during the ten-day posting period. A hearing is then held and a developer or property owner is moving forward on a project when a claim is made that there was not proper notice. Staff is looking to create an environment where the land owner or city is not accused of not noticing properly because signs were removed or damaged.

Vice Mayor Pfister asked who is responsible to post signs. Mr. Fitzgerald said the current ordinance stipulates that the Planning and Zoning Department provides signs to

the owner and the owner posts the property. In Tavares the Planning and Zoning Board has extended a courtesy to the owners for the city to post signs. Vice Mayor Pfister said the owner who would be requesting the rezoning should be responsible for ensuring the property is properly posted. She said she is not in support of removing signs and would prefer larger signage with 4x4 posts that are not easy to remove.

Attorney Williams said the state law does not require site posting. A lot of cities and some counties require, as an additional notification above and beyond state law, properties to be posted in certain ways. He said a posting requirement becomes part of the procedural due process requirement for the adoption of the ordinance. Procedural due process is the process the city goes through to make sure the adoption of the ordinance is legal. He said it is not the ordinance that is legal, but the process. If you create a process that is not easy to comply it will be easy to err. If you create a process that is easy to err you create a possibility of process challenges to the ordinance. He said posting is difficult to control. When you are exercising your legislative discretion, you want to create a process that is reasonable and intended to work. After those signs have been posted and verified by staff, the process of keeping them there 24/7 for 10 days is not easy.

Council Member Smith said he would like staff to bring back options for Council's consideration. He said that he is in support of making the property owners responsible for postings.

Don KEHR, 16833 Deer Island Road, suggested the developer be required to place one large sign every 500 feet that is 4x8 in size with letter size criteria, posting on the city website and forwarded to persons who are signed up to receive information from the city.

Vance Jochim, 12619 Milwaukee Avenue, suggested a wider mailing radius, the developer submitting three photographs during a ten-day posting duration and the city placing the images on the city website.

Brenda Smith, 1250 Smith Avenue, said the signs are important and noted her support for larger signs that would be difficult to remove.

Deb murphy, 1723 Sunrise Court, said she received two separate mailers on a past rezoning that enabled her to research the pending project. She noted her support for larger signs.

Dennis Fryer, 305 Juniper Way, suggested increasing mailings to homes within 500 feet of the subject property and adding language on the signs regarding penalties for removal.

Diana Aten 714 N. St Claire Abrams Avenue, noted her support for larger signs, fines and penalties for removal and making notices user friendly on website. She said the signage should be the responsibility of the property owner.

MOTION

Kirby Smith moved to table until such time staff can bring back ideas for consideration, seconded by Roy Stevenson.

Council Member Stevenson said there were several suggestions from the audience that were reasonable and proper including placing information on the website, larger signs more than every 1000' and a disclaimer.

The motion carried unanimously 3-0.

Tab 6. Two6 Resources Vocational Rehabilitation Program

Mr. Drury made the following presentation:

Two6 Resource, Inc. is headquartered on Caroline Street and part of the Florida Division of Vocational Rehabilitation located in Tavares. The city started working with Two6 last month providing on-the-job training for the purpose of gaining practical knowledge and experience in a particular occupation. The Two6 program is completely funded by the State of Florida.

We are pleased to let you know that we now have two (2) trainees in the Library and Public Works departments learning what governmental services is all about.

Mr. Drury said the program builds confidence and works with employers to provide training and resume building. He said the city is proud to have Two6 in Tavares and two individuals working to get back into the workforce and be gainfully employed.

Tab 7. Update on Lake Francis Water and Sewer Upgrades

Mr. Clark made the following presentation:

This project is to upgrade the water and sewer system in Lake Francis. This Project has been in the planning and funding stage for several years.

The Lake Francis/Lift Station 49 Project was previously presented to the City Council, and the Council has approved the Project for funding through the Florida Department of Environmental Protection State Revolving Fund.

- *SRF Loan 350961 – Loan Agreement in place for water piping in the Amount of \$829,780 (Demolition & Construction, Technical Services, and Contingencies)*

- *SRF Loan 350351 – Loan Agreement in place for Lift Station 49 and related infrastructure in the amount of \$6,624,350 (Demolition & Construction, Technical Services, and Contingencies).*

The project is currently out for bid. Once the bids have been received, tabulated and reviewed by staff and the project engineer, a recommendation for award of the bid will be brought back to the City Council.

Upon award of the bid by the City Council, the awarded bid will be forwarded to Florida Department of Environmental Protection (FDEP) for review and additional approval. FDEP may adjust funding based on award of bid.

Mr. Clark said the project covers Lake Francis water and sewer upgrades, water improvements in front of AdventHealth Hospital and Homer Road gravity sewer line upgrades. He said Council previously approved the project for funding and FDEP has agreed to put in place two types of loans; SRF Loan 350961 and SRF Loan 350351. He said the project is currently out for bids and a final award will be brought back before Council after a recommendation has been received from the city engineer and reviewed by staff.

Tab 7a. Holiday Mobile Home Park Utility Easement

Attorney Williams said he has been working with Mr. Clark and the owners of Holiday Mobile Home Park to establish Utility easements. He said the water and sewer lines to Holiday Mobile Home Park and El Red are some of the oldest in the city and in place without benefit of a formal easements. He said Holiday Mobile Home Park is preparing to sell and in formalizing the transaction for the banks, lenders and new buyer, they approached the city to formalize the easements including a Utility Force Main Easement and Access Easement. Attorney Williams noted there is an underground force main and a lift station that serves El Red that is close to the Holiday Mobile Home Park. He said surveys are being conducted and two easements need to be approved. Attorney Williams provided a description of each easement and said language was built into the easement to self-amend the legal description of the actual force main as a survey has not been completed.

Council Member Smith asked if the easement was from the property owner to the City and if there is language stating the property owner cannot place trees or buildings over the easement. Attorney Williams confirmed.

MOTION

Kirby Smith moved to approve Tab 7a Force Main and Access Easements and authorize the Vice Mayor to sign the easements immediately following the meeting, seconded by Roy Stevenson. The motion carried 3-0.

XI. NEW BUSINESS

Vice Mayor Pfister said she would like to add a future agenda item declaring the City of Tavares a sanctuary city for mothers and unborn children and not allow abortions. She said that she is worried about the direction of the county and believes it would be good for the city and would reflect who Tavares is.

Council Member Smith suggested the item be brought forward for consideration when there is a full Council present.

XII. OLD BUSINESS

None.

XIII. HISTORICAL PERSPECTIVE

Tab 8. Tavares Historical Society

Ms. Burleigh read mid 1930's articles on the Tavares and Gulf Railroad moving into their new depot and the removal of the old seaboard depot from a lakefront property.

XIV. AUDIENCE TO BE HEARD

Diana Aten, 714 N St. Claire Abrams Avenue, said Cromartie Alley was being completed and thanked Council. She noted her support in bringing new business forward.

Vance Jochim, 12619 Milwaukee Avenue, said the City of Minneola pays cash for buildings, requires developers to pave roads and do not rely on the county for road repairs. He said Minneola set a five-year moratorium on development until infrastructure and roads are caught up to speed.

Don Kehr, 16833 Deer Island Road, asked Council to use the laws and their abilities to get high quality development.

Brenda Smith, Smith Avenue, said Council has the power to make developments do what they should. She said a road at Lake Elsie Reserve had a twenty-foot width requirement and the developer put in seventeen-foot wide roads. She said that she contacted the city who then made the developer comply with the twenty-foot requirement. Ms. Smith said she hopes the city requires the Garber project to install low lights

XV. REPORTS

Tab 9. City Administrator

Ms. Houghton noted the new budget year began October 1, 2019.

Mr. Fitzgerald noted a 2040 Comprehensive Plan Committee Meeting will be held October 30, 2019 from 11:30 a.m. to 1:30 p.m. in the Tavares Civic Center.

Each staff member present extended their condolences to Attorney Williams for the loss of his father.

Attorney Williams thanked everyone for their condolences. He said his father was 96 years old, a World War II veteran and a poet who lived a full life.

Tab 10. City Council Member Reports

Each Council member present extended their condolences to Attorney Williams.

Council Member Smith said October 2 is National Name Your Car Day. He said on October 2, 1950 the comic Peanuts was published in comic strips for the first time.

XVI. ADJOURNMENT

There was no further business and Vice Mayor Pfister adjourned the meeting at 5:12 p.m.

Respectfully,

Susie Novack, MMC/FCRM
City Clerk