



**TAVARES CITY COUNCIL
MINUTES
OCTOBER 16, 2019 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES**

COUNCIL MEMBERS PRESENT

**Troy Singer, Mayor
Lori Pfister, Vice Mayor
Amanda Boggus, Council Member
Kirby Smith, Council Member
Roy Stevenson, Council Member - *Absent***

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
Richard Keith, Fire Chief
Stoney Lubins, Police Chief
James Dillon, Public Works Director
Phil Clark, Utilities Director
Crissy Bublitz, Human Resources Director
Mark O'Keefe, Public Communications Director**

TAVARES HISTORICAL SOCIETY

Betty Burleigh, Librarian/Historian and Board Member

TAVARES CHAMBER OF COMMERCE

J. Scott Berry, Executive Director

I. CALL TO ORDER

Mayor Singer called the meeting to order at 4:00 p.m. He asked those present to silence their cell phones and noted hearing devices are available. Mayor Singer 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. Pastor Brooks Braswell, Umatilla Baptist Church

Pastor Brooks Braswell, Umatilla Baptist Church, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff would like to add Tab 3a to the Agenda. He said the item is a Proclamation for a Council Member to be named at the time of the reading.

MOTION

Kirby Smith moved to approve the agenda [with the addition of Tab 3a], seconded by Amanda Boggus. The motion carried unanimously 4-0.

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Proclamation – White Cane Safety Day

Mayor Singer made the following presentation:

Scott Mack, New Vision for Independence Board Member, requested the Tavares City Council pass a Proclamation declaring October 15, 2019 as White Cane Day in recognition of the contributions of Americans who are blind or who have low vision.

New Vision is a nationally accredited 501(c)(3) tax-exempt organization that was incorporated on July 18, 2005. New Vision provides unique training to persons experiencing severe bilateral vision loss that is affecting their daily functioning in daily living, vocational, or academic activities. New Vision serves people of all ages including babies, children, teens, adults, and seniors who reside in Lake and Sumter counties and The Villages. New Vision is the only provider of these vital services for this population in this geographic area. New Vision for Independence is committed to excellence in providing rehabilitation, community education, advocacy, and support services for people with low vision or blindness, and their families to promote independence, acceptance, and self-confidence.

Mayor Singer read the proclamation in its entirety.

Mr. Mack said New Vision is the only organization in the area to provide services for individuals with low vision or blindness. He said the purpose of White Safety Day brings is to bring safety and awareness as well as benefits that low vision or blind individuals bring to the community. He thanked the Mayor and Council for bringing the proclamation forward.

Council Member Smith said he would be attending a New Vision event being held at Beacon College on October 17, 2019. He asked Mr. Mack to advise the audience of the event.

Mr. Mack said that as part of White Cane Safety Day and Week, the Close Your Eyes Event blindfolds individuals and provides guides and white canes to tour downtown Leesburg to provide the experience of traveling through a downtown area with low or no vision.

MOTION

Kirby Smith moved to approve, seconded by Amanda Boggus. The motion carried unanimously 4-0.

Tab 3. America in Bloom Awards Presentation

James Dillon introduced Traci Anderson, America in Bloom Coordinator.

Ms. Anderson said America in Bloom is an awards program for cities and towns that foster beautiful and thriving places to live, work and play. She provided a description of the criteria to compete in the America in Bloom awarding program. Ms. Anderson presented a plaque of recognition from America in Bloom for Overall Impression, noting the City of Tavares as a beautiful and welcoming community. She presented an award for Innovation and Action Most Impressive New Project or Program in recognition of the Tavares Ecological Park. Ms. Anderson thanked the Utilities Department for the creation of the park and their commitment to the betterment of the environment. Ms. Anderson then presented Council with the 2019 Champion Community in the Population Category of 17,000 to 22,000. She said this is the second consecutive year Tavares has been bestowed the honor.

The Public Works Department presented the three awards to Council.

Mayor Singer thanked the Public Works Department and congratulated the entire city.

Tab 3a. Proclamation – Kirby Smith

Mr. Drury said a proclamation is being brought forward on behalf of the city to Council Member Smith for his decade of service to the citizens and City of Tavares. He said this

is Council Member Smith's last meeting as a City Council member. Mayor Singer read the proclamation honoring Council Member Smith's service in its entirety.

Council Member Smith thanked Council and said it has been an honor to serve over the past ten years.

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

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

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following resolution by title only:

RESOLUTION 2019-09

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; AUTHORIZING SRF LOAN AGREEMENT WW350960 FOR LAKE FRANCIS WATER DISTRIBUTION AND PIPING IMPROVEMENT PROJECT DESIGN ACTIVITIES; APPROVES AMENDMENT NO. 1 OF THE LOAN, SETTING THE FINAL LOAN AMOUNT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

VII. CONSENT AGENDA

Mayor Singer asked if there were any questions or comments from the audience on any item on the consent agenda.

Mr. Drury said Mr. Kehr completed a Request to Speak form for Tab 5, Stokes Preliminary Plat.

MOTION

Amanda Boggus approved the Consent Agenda with the removal of Tab 5, seconded by Lori Pfister. The motion carried unanimously 4-0.

Tab 4. Approval of the September 6, 2019 Regular City Council Meeting and Budget Hearing Minutes

Approved on the Consent Agenda.

Tab 5. Stokes Property – Preliminary Plat

Mr. Fitzgerald made the following presentation:

The Stokes Property Subdivision is a proposed residential subdivision located west of David Walker Drive, south of Merry Road. The subdivision is 33.15 acres in size and consists of 121 lots for single family dwellings (RSF-2 zoning).

A Preliminary Plat for the Stokes Property Subdivision has been submitted by the developer. This document has been reviewed by City staff and meets the requirements of the City of Tavares Land Development Regulations and the City of Tavares Comprehensive Plan. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities.

This Preliminary Plat is for evaluation purposes, and approval does not constitute subdivision of land. If approved, the developer may proceed with the engineering for all necessary infrastructure systems for staff review and must prepare a Final Plat of the property for Council consideration.

Don Kehr, 16833 Deer Island Road, said he attended the July 18, 2019 Planning and Zoning Board meeting where the Stokes Grove and Shantiniketan Subdivisions were discussed. He said that he and his wife were the only audience members present and noted his concern that the meeting was not properly noticed. He said he filed an objection by email to the Council and said he would remove his objection on the projects if the city would review and pass new legislation that would update the sign requirements with larger and sturdier signs similar to those used in other communities. He said he received an email from Mr. Drury who indicated the city was researching other cities policies and staff would provide a report to the City Council. Mr. Kehr said the Stokes Grove project did not meet the sign requirements as evidenced by date stamp photographs he provided to the city and continues his objection. He said a preliminary plat decision should be postponed until a new sign code is reviewed.

Mr. Drury said staff placed the signs on the property consistent with law and placed photographs in a file. He said the project was duly noticed consistent with law. Mr. Drury said there was a concern that within the ten-day period the signs were removed and a photograph was presented by Mr. Kehr. Staff then asked the City Attorney to opine and it is his understanding that the law was complied by the city and property owner regarding the posting of signs. He noted the number of public hearings that have been held and will continue to be held on the project. Mr. Drury said before Council for consideration is the preliminary plat which is a survey of the property and consistent with what was previously approved. He said there has been discussion on how to ensure a sign remains for the entire ten-day period. Council directed staff to bring back options at a future meeting for Council's consideration and staff is currently conducting research to resolve the issue.

Attorney Williams said Stokes Property went to the Planning and Zoning Board and two readings before Council and the rezoning was approved. He said that he gave the opinion that the notice was compliant with the city ordinances. He said there is no legal appeal pending or stay of the rezoning so the rezoning has become final. What is before Council today is a request for a preliminary plat, and although it comes to Council for review, it is ministerial in nature and not a discretionary decision. He said the reason for a preliminary plat is to ensure all survey markers and lot width and street names are compliant with city codes. He said there is no basis to not act upon preliminary plat and would expose the city to potential challenge if Council did so. He said his recommendation is to act on the preliminary plat approval.

Council Member Smith asked Mr. Fitzgerald for the lot and street sizes depicted in the preliminary plat. Mr. Fitzgerald said that per the RSF2 Zoning District the lot sizes have to be sixty feet with 6500 square feet, the right-of-way width has to be a total of fifty feet including the sidewalk, travel lanes will be twelve feet each for a total width of twenty-four feet of travel lanes. Council Member Smith said the final plat could be rejected if the streets are too small. Attorney Williams said a plat cannot be rejected if it meets the city requirements. He said if Council does not like the plat then the requirements would need to be changed by way of an amending ordinance.

Council Member Boggus asked if anyone was present on behalf of the Stokes Property. There were none.

Vice Mayor Pfister said no concessions are requested and the applicant is complying with city codes. Mr. Fitzgerald confirmed and said the applicant will comply with the RSF2 Zoning District and noted it is a standard zoning and not a planned development. Vice Mayor Pfister asked if the development will be within the boundaries of the 2040 Comprehensive Plan Update. Mr. Drury said provided an update on the 2040 Comprehensive Plan and said current law being compliant with a new law is difficult to predict until the update process is completed. Mr. Fitzgerald said the road and right-of-way widths being used are FDOT standards. He said that he will work with the Public Works Department and city engineer to ensure the city is following a standard right-of-way.

Mayor Singer asked Attorney Williams if the city provided proper notice. Attorney Williams confirmed. He asked if this is the procedure the city has been conducting for over twelve years. Mr. Drury confirmed. Mayor Singer asked if the developer has followed the city codes. Mr. Drury confirmed and said the plat is consistent with what Council approved and is consistent with law.

MOTION

Kirby Smith moved to approve, seconded by Amanda Boggus. The motion carried unanimously 4-0.

Tab 6. Resolution 2019-09 – State Revolving Fund Loan for Lake Frances Water Distribution Piping Replacement Design

Approved on the Consent Agenda.

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

None.

Second Reading

None.

X. GENERAL GOVERNMENT

Tab 7. Award of Contract for City Hall Hardening Project

Mr. Dillon made the following presentation:

On November 9, 2017, the Florida Division of Emergency Management and City of Tavares entered into a contract through the non-matching Hazard Mitigation Grant Program (HMGP) contract #18-HM-06-45-02-H0048 in the amount of \$425,625.00 for the purpose of hardening the City Hall building. Hardening and retrofitting of the City Hall building is to include, but not limited to, replacing windows, doors, louvers, and roof to provide protection against 140 MPH winds as per the HMGP DR-4283-19-R.

Design and Engineering were completed and the Invitation to Bid advertisement, Bid no. 2019-0010, went out on April 21, 2019 with a bid closing date of June 13, 2019. No bids were received. A second Invitation to Bid advertisement went out on July 10, 2019 with an extended bid closing date of August 23, 2019. One submission package was received with a proposal from Florida Retrofits in the amount of \$342,143.46 which is under budget.

The proposal from Florida Retrofits was reviewed by the Engineer of Record and the Project Manager for Florida Division of Emergency Management and found to be acceptable.

Staff requests City Council to select Option #1: City Council moves to accept the bid proposal from Florida Retrofits in the amount of \$342,143.46

to harden the City Hall building through the non-matching Hazard Mitigation Grant Program (HMGP) DR-4283-19-R.

Mayor Singer asked for questions from Council.

Council Member Boggus asked if the retrofits include gutters. Mr. Drury confirmed.

MOTION

Kirby Smith moved to approve, seconded by Amanda Boggus. The motion carried unanimously 4-0.

Tab 8. LCSO Dispatch Services Agreement

Chief Lubins made the following presentation:

LCSO provides dispatch and 911 services for the police department. The cost for these services will be \$196,920.

Last year's cost was \$189,418. The increase is due to employee raises within the sheriff's office. This is an increase of \$7,502.

The annual renewal dates of the LCSO agreement did not coincide with the fiscal year calendar therefore, starting this year, the agreement will be start and end of the fiscal year. Staff recommends approval to execute the agreement.

Mayor Singer asked for comments from Council.

Council Member Boggus asked if the Sheriff's Office is the most efficient way to dispatch services. Chief Lubins said it is the least expensive.

MOTION

Amanda Boggus moved to approve, seconded by Lori Pfister. The motion carried unanimously 4-0.

Tab 9. Approval of Agreement with Haskell Company for Removal of Marina Pilings

Mr. Tweedie made the following presentation:

Previously the City Council and Insurance Company approved the selection of Haskell Company of Jacksonville FL, through a competitive Request for Qualifications (RFQ) solicitation, for Design/Build services of the reconstruction of the Seaplane Base & Marina.

Council and the insurance company approved a preliminary services agreement which was executed on July 24th, 2018 and a Notice to Proceed (NTP) for engineering & design services was issued on August 1, 2018. This phase currently stands at approximately 95% complete. Upon completion, in the coming weeks, Haskell will provide a complete set of construction documents and a Guaranteed Maximum Price (GMP) Proposal for Council's consideration.

The 95% re-build plans call for the removal of the existing pilings as they are not usable because: 1) They were compromised by the Hurricane 2) They are in the wrong configuration for the re-build and 3) They are in the wrong location for the re-build. Staff has negotiated a contract in the amount of \$294,683 with Haskell to remove all the existing piles which has been approved by the insurance company at 98% reimbursement. The remaining 2% has previously been budgeted by the City.

Mr. Tweedie noted the contract legal review was not completed in time for the agenda deadline. He said that he is working with the City Attorney on minor legal language changes with the contractor which should be completed within the next few days. He said staff is asking for Council's approve of scope which remain unchanged, and subject to the City Attorney's final review.

Mayor Singer asked for comments or questions from Council.

Council Member Boggus asked if this will help the project moving faster. Mr. Tweedie confirmed. He said the pilings need to be removed and it will pave the way to expedite the project.

Vice Mayor Pfister asked for the time line. Mr. Tweedie said three to four weeks for mobilization after a notice to proceed has been issued, and then seven weeks to complete the demolition and removal. Attorney Williams noted it is seven weeks to substantial completion.

MOTION

Amanda Boggus moved to approve, seconded by Lori Pfister. The motion carried unanimously 4-0.

Mayor Singer said he is excited to get the project moving forward.

XI. NEW BUSINESS

None.

XII. OLD BUSINESS

None.

XIII. HISTORICAL PERSPECTIVE

Tab 10. Tavares Historical Society

Ms. Burleigh provided the following Tavares timeline:

- 1875 James Smith Conner family settled the Conner homestead
- 1880 Major St. Claire Abrams founded the City and purchased half of the land in the city limits of Tavares
- 1882 Major St. Claire Abrams purchased the second half of the City and construction began on the Jacksonville Tampa and Key West railway, the Tavares and Gulf and St. Johns and Lake Eustis railway
- 1883 A Post Office was established at Lane Park and ultimately closed in January 1920
- 1884 St. Claire Abrams laid out the Town of Tavares and built a hotel, three stores, a sawmill and eight cottages
- 1885 Union Congregational Church (first church in Tavares) was organized and constructed by W. W. Winchester with completion in 1888, the First Bank of Tavares was organized by Archie Hull and the plat of the Town of Tavares was filed
- 1887 Lake County formed from parts of Sumter and Orange counties, the Lake Abstract Company was organized by E. S. Burleigh
- 1887 Tavares became the county seat
- 1888 Business section of the Town Tavares burned from a fire that originated from a train fire box where 35 businesses were lost in the fire including the bank, hotel, sawmill and Abstract company
- 1890 The Opera House was built by Major St. Claire Abrams, a new courthouse later called the Pioneer Building was construction which was ultimately torn down in 1975
- 1893 Lake County Commissioners approved building connector roads to other communities
- 1894 A big freeze on December 28 destroyed fruit and trees at a temperature of twelve degrees
- 1895 After a warming period a February freeze destroyed the remaining fruit and trees
- 1898 The first telephone line connecting Tavares with Eustis was strung on Western Union poles
- 1909 Lake Region Packing Association was established as a central packing house for six the Citrus Growing Associations
- 1912 The first Boy Scout Troop was founded in Tavares
- 1913 The Bank of Tavares was organized as a branch of the Citizens Bank of Eustis, the First Baptist Church was built and the historic Pavilion was constructed

- 1915 The Tavares Women's Club was founded, construction began on the county's first hard surface roads
- 1916 The Opera House burned in a fire
- 1917 Another freeze affected the area
- 1919 Tavares was incorporated as a Town
- 1920 Tavares experienced a real estate boom
- 1922 A weekly newspaper, The Tavares Herald, was purchased by a gentleman named Vaughn who renamed the paper to the Lake County Citizen.
- 1923 The second and last public hanging took place on a scaffold beside the courthouse, the Tavares Methodist Church was built on the corner of Alfred and Joanna Streets.
- 1924 A modern (historical) courthouse, a memorial to World War I soldiers was dedicated in Sumerall Park

Ms. Burleigh said she would miss Council Member Smith.

XIV. AUDIENCE TO BE HEARD

Darwin Bayston, 331 Shorewood Drive, entered two letters into the record dated September 25, 2019 and October 4, 2019 regarding budget concerns to the Council and Mr. Drury's response.

David Serdar, 66 Wintergreen Drive, said he has scheduled a meeting with Mr. Drury and forwarded email regarding concerns about the country's plastic addiction most notably plastic straws. He said many cities have been working to reduce the use of plastics and asked the Council to implement a ban on plastic straws.

Don Kehr, 16833 Deer Island Drive, thanked Council Member Smith for his service. Mr. Kehr said he is disappointed by the ruling on the Stokes Grove Preliminary Plat. He said he provided indisputable proof that the development was not properly posted. Mr. Kehr noted he does not approve of the Shantiniketan development and would like someone to look into the project further.

Debi Weinert, 720 Lake Dora Drive, President Friends of Tavares Library, asked each department to participate in the scarecrow contest and/or make donations with proceeds going toward unbudgeted services and programs at the Tavares Library. She asked those who would like to participate to meet with her after the meeting for an application form.

Denise Laratta, Royal Harbor, said she will miss Council Member Smith and wished him well. She wished all six City Council candidates the best and said she hopes who ever is elected it is her hope the Council continues to work together as well as the Council has for the past ten years. She said as a resident of Tavares she is proud of how the city operates, rules and regulations are followed and how the Council tries to make the best decisions for all residents.

Pastor Micheal Watkins, 805 Sumrall, thanked Council Member Smith for his service and involvement in race relations meetings designed to build bridges and break down barriers. He noted a race relation meeting will be held on October 22, 2019 at the Ingraham Center and invited those in attendance to participate.

XV. REPORTS

Tab 11. City Administrator Report

Each Department Director wished Council Member Smith well, thanked him for his service.

Tab 12. City Council Member Reports

Council Member Boggus

Council Member Boggus said the America in Bloom conference was a wonderful experience and is proud of the many awards the city received.

Vice Mayor Pfister

Vice Mayor Pfister said Council Member Smith will be missed. She noted her appreciation for Council Member Smith conservative stance over the years and said his service to the city is greatly appreciated.

Mayor Singer

- Recognized Mr. Stein, Tavares High School Principal was in the audience, but had to depart early.
- Noted it is Homecoming week and asked those present to attend the High School Homecoming Parade on Friday, October 18, 2019.
- Said it has been an honor to work with Council Member Smith and wished him well.

Council Member Smith

- Commended Ms. Anderson for the America in Bloom Program.
- Said he enjoyed Roctoberfest and it is a great family event.
- Said Tavares has come a long way in ten years.
- Noted Boo Fest would be held on October 25, 2019 in downtown Tavares.
- Said October 16 is National Fossil Day.
- Said on October 16 in 1908, the first airplane flight in England was made by Samuel Cody who was a United States citizen.
- Commended the city staff on always doing a fantastic job.

XVI. ADJOURNMENT

There was no further business and Mayor Singer adjourned the meeting at 5:17 p.m.

Respectfully,

Susie Novack, MMC/FCRM
City Clerk