



**TAVARES CITY COUNCIL
MEETING MINUTES
MAY 20, 2020 – 4:00 PM
TAVARES CITY COUNCIL VIDEO CONFERENCE MEETING
<https://www.youtube.com/user/tavarespubcom1>**

COUNCIL MEMBERS PRESENT

**Amanda Boggus, Mayor
Lori Pfister, Vice Mayor
Lou Buigas, Council Member
Troy Singer, 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
Crissy Bublitz, Human Resources Director
Mark O'Keefe, Public Communications Director**

I. CALL TO ORDER

Mayor Boggus called the meeting to order at 4:00 p.m. Mayor Boggus provided information on the virtual meeting and asked those who would like to make public comment to email the City Clerk at councilmeeting@tavares.org.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Richard Keith, Tavares Fire Chief

Richard Keith, Fire Chief, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mr. Drury said staff had not changes to the Agenda.

MOTION

Troy Singer moved to approve the Agenda, seconded by Roy Stevenson. The motion carried unanimously 5-0.

IV. PROCLAMATIONS/PRESENTATIONS

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

Ms. Novack read the following Ordinance by title only:

ORDINANCE 2020-05

AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS CHAPTER 14 FLOODPLAIN MANAGEMENT, TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO CONFORMANCE WITH THE MOST CURRENT FEMA-APPROVED, FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES THAT IS COORDINATED WITH THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VII. CONSENT AGENDA

Mayor Boggus asked if anyone wished to pull any item from the Consent Agenda for discussion. Mr. Drury requested that Tab 3 [Hidden River Lakes – Final Plat] be pulled for public comment.

MOTION

Roy Stevenson moved to pull Tab 3 to hear public comment, with approval of the balance of the Consent Agenda [Tab 2. Approval of the May 6, 2020 Regular City Council Meeting Minutes], seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 2. Approval of the May 6, 2020 Regular City Council Meeting Minutes

Approved on the Consent Agenda.

Tab 3. Hidden River Lakes – Final Plat

Vance Jochim, 12619 Milwaukee Avenue, Lake County, stated his surprise that Hidden River Lakes Final Plat was placed on the Consent Agenda. He said interested parties were not notified, and specific information was not available on the city website. He asked why construction was allowed to commence before approval of the final plat.

Don Kehr, 16833 Deer Island Road, Lake County, asked the Council to consider that he received the agenda information just before the meeting. He said no permits had been issued, and the project is near completion with land clearing allowed before a survey had been initiated. Mr. Kehr said no trees or tall grass remain after Council approved the developer to skip mandatory landscaping to preserve existing natural landscaping. He noted his concern of government overreach and felt it was unconstitutional to allow no public comments to be made in person.

Mr. Drury said the plat is ministerial in nature and includes provisions previously approved by Council in accordance with the City's Land Development Regulations.

Attorney Williams provided information on the general rules for the plat approval process. He said Council completed the annexation and rezoning process and approved a comprehensive ordinance that was ultimately subject to a consent order and rezoning that all the residents, their Counsel, and City agreed. The ordinance is valid, in effect, and forms the framework of the development. The next step is the platting processes under Florida Statutes Chapter 171 that allow people to divide the land for sale in lot and blocks. The City also has subdivision regulations that say if you want to divide property for sale into lots and blocks, three steps must be accomplished:

1. Preliminary plat showing the general outlines of the development, including setbacks, lot configurations, wetlands, and drainage retention. This schematic has been completed.
2. Construction phase where the developer submits engineered construction drawings showing what the roads will look like, elevations, calculations for drainage, SJRWM permits, size of the water and sewer drainage, and lift station locations. It is a comprehensive review that has been completed. Once completed, a developer can begin to dig dirt, construct roads, and infrastructure. A developer cannot sell lots until the final plat is approved.
3. Final plat approval is the final step with ministerial approval by nature. It is not a quasi-judicial matter that requires noticing as it is not a discretionary review by the City Council. He said it is a staff review and staff professional to ensure the applicant complied with the ordinance and City's subdivision regulations.

Attorney Williams said he reviewed the plat, title, dedications, and when the plat is approved and recorded, the developer can sell lots. The developer cannot construct homes or issue Certificates of Occupancy until the final plat is recorded and permitting has been completed. They are in a position to sell lots subject to the completion of all permitting and infrastructure requirements that have been signed off by staff.

Mr. Fitzgerald provided a PowerPoint presentation of the subject property and plat. He made the following presentation:

Hidden River Lakes is a proposed residential subdivision located at the intersection of Shirley Shores Road & East Shirley Shores Road. The subject property is 222+- acres in size and the proposed Final Plat subdivides the land into 68 lots for the construction of single family dwellings as permitted under the existing Planned Development zoning. This Final Plat document has been reviewed by City staff and meets the requirements of Planned Development Ordinance 2019-03, the City of Tavares Land Development Regulations, and the City's Comprehensive Plan.

Staff recommends that City Council moves to approve the Final Plat for the Hidden River Lakes Subdivision located at the intersection of Shirley Shores Road & East Shirley Shores Road.

Mr. Fitzgerald said the City Planner reviewed the plat and is confident that everything is in place for the final plat's approval. He said the construction plan was previously approved. The site plan was approved on April 15, 2020. The environmental report was submitted to the City as well as SJRWMD and FDEP permits. Mr. Fitzgerald said the project is ready to move forward.

Mayor Boggus asked for comments from the Council.

Council Member Singer asked Mr. Drury to address why the plat was placed on the Consent Agenda and if it is a routine procedure. Mr. Drury said items that are ministerial in nature are placed on the Consent Agenda. He said if someone has an issue or wants to discuss further, then the item would be pulled. He said an opportunity is always provided for the Board and the public to make comments.

Attorney Williams said that the term ministerial is not a rubber stamp. He said this is different from an annexation or rezoning hearing where the Council has discretion whether to approve or not or make particular conditions. The rezoning ordinance has been approved. Now the issue is whether the developer, in preparation of the final plat, complied with all of the terms. The Council has delegated that review to Staff, and they have advised that it meets the requirements. Absence of a technical deficiency the Council does not have the discretion to change the approval requirements. Council Member Singer noted his support for the recommendation of Staff.

MOTION

Troy Singer moved to approve Hidden River Lakes Final Plat, seconded by Roy Stevenson.

Council Member Buigas asked for confirmation that the review has been thorough. Mr. Fitzgerald confirmed, and said it is Staff's opinion the plat has been reviewed thoroughly for Council's approval.

Vice Mayor Pfister said she is not in support and has consistently voted against the project.

Mayor Boggus asked if Hidden River Shores is the project where the neighbors went to court and ended up with a settlement agreement. Attorney Williams confirmed and said the resulting ordinance from the settlement agreement is what Council is enforcing in the plat approval. Mayor Boggus asked if Mr. Kehr was a part of the settlement agreement group. Attorney Williams confirmed and said he believes Mr. Kehr signed the consent agreement. A discussion was held regarding delaying approval.

The motion carried 4-1 as follows:

Amanda Boggus: Yes
Lori Pfister: No
Lou Buigas: Yes
Troy Singer: Yes
Roy Stevenson: Yes

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

Tab 4. Ordinance 2020-05 – Amendment to Land Development Regulations Chapter 14 Floodplain Management

Mr. Fitzgerald made the following presentation:

The City of Tavares was among the first communities to adopt local floodplain management regulations using the State model ordinance that is written to coordinate with the Florida Building Code. The Florida Division of Emergency Management contacted City staff and identified corrections required by the Federal Emergency Management Agency to bring the City of Tavares' floodplain management regulations into conformance with the most current Model Floodplain Management Ordinance approved by FEMA. Ordinance 2020-05 proposes the required changes to the City's Land Development Regulations Chapter 14 Floodplain Management.

Staff recommends that City Council moves to approve Ordinance 2020-05 amending the City's Land Development Regulations Chapter 14 Floodplain Management to bring the City of Tavares' floodplain management regulations into conformance with the most current Model Floodplain Management Ordinance approved by FEMA.

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

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

MOTION

Roy Stevenson moved to approve [Ordinance 2020-05 – Amendment to Land Development Regulations Chapter 14 Floodplain Management], seconded by Lori Pfister. The motion carried unanimously 5-0.

X. GENERAL GOVERNMENT

Tab 5. Award of Contract for Architectural Design Services – Solid Waste & Public Works Operations Facility

Mr. Dillon made the following presentation:

A Request for Qualifications (RFQ) 2020-0011 was developed based on the findings from the charrette for the Planning, Design, and Engineering for the Tavares Solid Waste and Public Works Operations Facility. The RFQ was advertised in the Orlando Sentinel newspaper on January 26, 2020, and complete bid packets were available in Tavares City Hall at 201 E Main Street and through DemandStar by phone and online. Receipt of submittals was closed at 2:00 pm on March 5, 2020, with seven (7) submittals received.

An Evaluation Committee comprised of the following members was selected to independently review the 7 submittals: James Dillon, Public Works Director; Chief Richard Keith, Fire Chief; Chief Stoney Lubins, Police Chief; Jeff Henderson, Solid Waste Manager; Charlie Pell, Fleet Manager; Jerad Purvis, Facilities Manager. Submission packages were provided by Purchasing to each member of the committee with a score sheet based on the matrix provided in the RFQ. Each submittal was evaluated based on Experience and Ability, Past Performance, Volume of Municipal Work, and Approach and Method. The score sheets were returned to Purchasing with each of the submittals and a final tally of the Evaluation Committee determined the award of the selection to go to GatorSkitch Corporation.

Founded in 1996, GatorSkitch Corporation is an architectural and design firm located in Lake County that provides design, renderings and construction phase services. They have worked with multiple municipalities throughout

Central Florida and previously conducted work for the City of Tavares, most recently the Public Safety Building (PSB). The success of the PSB project has given rise to GatorSkitch Corporation and they have been recommended for several awards based upon their quality of design and work.

Staff recommends approval of Option 1. City Council moves to award the contract to GatorSkitch Corporation for the Architectural Design Services for the Solid Waste and Public Works Operations Facility.

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

Mayor Boggus asked for comments from the Council.

Council Member Buigas stated she would like female Directors to be included in Evaluation Committee membership in the future.

MOTION

Lou Buigas moved to approve Option 1 [Award the contract to GatorSkitch Corporation for the Architectural Design Services for the Solid Waste and Public Works Operations Facility], seconded by Roy Stevenson. The motion carried unanimously 5-0.

Tab 6. COVID-19 Economic Recovery Plan

Mr. Tweedie made the following presentation:

Staff has developed the attached City of Tavares COVID-19 Economic Recovery Plan as a means to assist our small business community to recover from the adverse impacts of the Federal and State imposed COVID-19 mitigation measures. This plan consists of the following four (4) components developed as a "tool kit" to provide resources focused particularly on the small businesses within the downtown entertainment district, which has been impacted the most severely:

- 1. Downtown CRA small business relief grant, which is proposed as an extension of the existing facade grant program, which would allow small businesses to receive matching funds for improvements and equipment necessary to meet safe social distancing and sanitary requirements. (If approved staff will need to bring back a detailed, Facade Grant revision resolution for approval at the next Council meeting)*
- 2. Tavares Square "Safe Space" - enhancements such as picnic tables, market lighting, pop up shade covers etc. to create additional safe social distancing dining and enjoyment for patrons of the downtown restaurant establishments.*

3. *Consumer Confidence Campaign - A cooperative program with the Chamber of Commerce to increase consumer confidence while giving restaurants and related hospitality businesses tools to help advertise and be recognized and rated for their post COVID-19 safety efforts.*
4. *Chamber of Commerce, Membership Assistance program for businesses, allowing businesses to benefit from chamber membership with financial assistance from both the Chamber and City.*

The proposed small business grant, (facade grant extension) would increase the current level of funding in the facade grant fund to \$40,000 through a re-allocation of funds currently budgeted within the CRA TIF fund for this fiscal year, as specified per the plan. Expenses for the proposed Tavares Square "safe space" enhancements are still being determined, however it is estimated to be around \$1,500, which are also available within the appropriated FY2020 TIF fund budget. The expense of the proposed Consumer Confidence Campaign will be diminimus, mainly consisting of staff time and some minor printing and graphics expenses. The expense of the proposed Chamber Membership Business Assistance program is \$10,00 which would be re-allocated from un-used, un-encumbered FY2020 travel expenses.

Staff recommends Council approve Option 1. Approve the City of Tavares COVID-19 Economic Recovery Plan.

Mayor Boggus asked for comments from the public.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, inquired about recovery plans for businesses that are located outside the downtown area. He asked why the City did not match reductions like other businesses that implemented layoffs.

Mr. Drury noted the Chamber of Commerce and picnic table program is available for all businesses in Tavares. He said some businesses closed, and their employees were not working. The City ramped up to deliver services, and all employees were working to provide those services, including Police, Fire, repairing roads, and traffic lights. Mr. Drury said the City Council had provided budget priorities. Each department has developed its plans and is in the review process. Budget hearing and workshops with public input will begin in June and ending in September 2020. Mr. Tweedie said the Façade Grant funds could only be used within the TIF district. He said those small independent businesses in the downtown had been most affected.

Mayor Boggus asked for comments from the Council.

Council Member Buigas inquired about the program that will come back to Council. Mr. Tweedie said this is an overview, and a detailed and comprehensive plan and Resolution will come back before Council with exact criteria. Council Member Buigas

said she would like to see in good standing with the landlord for eligibility and cross-checking for funds.

Council Member Stevenson and Vice Mayor Pfister noted their support for the Tavares Square Safe Space program. Council Member Buigas asked for confirmation that Tavares Square would not be assigned to specific businesses. Mr. Tweedie noted restaurants could deliver food to the area, and the program can be defined in multiple ways. He said the Economic Development Team would work with the Chamber of Commerce to get the program information to all of the restaurants in Tavares.

Council Member Stevenson asked about expanding the picnic table program into Wooton Park. A discussion was held regarding existing picnic areas in Wooton Park. Mr. Drury said the concept could be explored, and the Council may wish to determine needs before implementing into Wooton Park.

Council Member Buigas inquired about ADA accessibility in Wooton Park. Mr. Drury said there would be challenges, and an area will be designated as ADA accessible.

Council Member Singer commended Mr. Tweedie and Staff on the recommended programs.

MOTION

Lou Buigas moved to approve Option 1 [Approve the City of Tavares COVID-19 Economic Recovery Plan], seconded by Roy Stevenson. The motion carried unanimously 5-0.

Tab 7. COVID-19 Recovery Plan

Mr. Drury read the following letter placed in the City's recovery plan:

As you know, the onset of this pandemic has truly tested the fiber of the state of Florida. We have, indeed, been living in uncertain times, fighting a faceless opponent, but rising to the occasion thanks to selfless medical professionals, health administrators, first responders, our National Guard, City employees and your unwavering support and leadership.

During this unprecedented health crisis, the City's actions have been thoughtful, measured and critical to minimizing the spread of COVID- 19. Amongst this backdrop we maintained 95% of all of our public services and took care of and protected our employees.

In addition, we were faced with an uptick of criminal activity and took care of that protecting and caring for our resident's safety.

I want to recognize and thank you, our first responders and all our employees for their actions and positive can-do attitudes during this crisis. We have persevered and now are in recovery mode. I offer this plan for your benefit.

Mr. Drury provided the following plan highlights:

Council meetings:

Next two City Council meetings remain virtually on Zoom consistent with Governors orders with first City Hall Council Chamber meeting Wednesday June 17th with social distancing measures in place (Audience chairs six feet apart).

City Hall/Library:

Re-open on June 17th with social distancing measures in place (six feet apart indicators – designated entrance and exit doors etc.)

Special Events:

- 1. Memorial Day celebration will be linked on the City website to live national celebrations.*
- 2. July 4 postponed until Labor Day Saturday, September 5th*
- 3. All private/sponsored “special events” (over 300 persons) requiring a City permit are not authorized until after July 25th*

Staff recommends Council approve Option 1. Approve the draft plan.

Mayor Boggus asked for comments from the public:

Alex Cook, 199 West Ruby Street, Tavares, stated his support to move forward with fireworks on July 4th.

John Aramino, 111 West Ruby Street, Tavares, stated his support to move forward with fireworks on July 4th.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, inquired about recovery plans for businesses that are located outside the downtown area. He asked why the City did not match reductions like other businesses that implemented layoffs.

Mr. Drury noted the City of Mount Dora has cancelled its 4th of July fireworks.

Vice Mayor Pfister, inquired about diverting the façade grant funds to pay for a firework display on the 4th of July. Mr. Drury said he believes the funds could be spent on fireworks within the TIFF district and would require legal review.

Council Member Singer asked how many visitors attended July 4th firework displays and celebrations in the past. Ms. Rogers said approximately 5,000 to 10,000. However, without gating an event, attendance numbers would be a guess. Council Member Singer said he understands the business community's struggles and said it is a difficult decision. He noted a concern for attendees that would typically attend other events that were canceled to descend into Tavares. Council Member Singer said there are uncertain variables. He said the City is not canceling the event and is instead postponing. He stated his support for the step by step plan provided by Staff with fireworks postponed until Labor Day.

Council Member Buigas said it is a difficult decision and noted her support for a conservative approach. She wants to move forward with fireworks and noted her concern for showing the City when unprepared. She said the restaurants have staffing issues.

The following is a verbatim transcription of the discussion, approved to be inserted into the minutes by the Tavares City Council during their June 3, 2020 regular meeting:

Council Member Bugias:

“I am very conflicted over this decision. I have spoken to quite a few business owners, residents, landlords, and so on. And my instinct tells me one thing, but when I start thinking about what repercussions we can have, and how we are putting our staff at risk with making this decision, we have to be conservative is my thought. As I said, I have been really troubled over this for the last several days, reached out to quite a few people and basically made a list because really postponing it, it is the same as having the New Year’s in October. Moving holidays around and calling them something else, yes, it is not the best option. But I believe our city, our staff is COVID free. Is that correct Mr. Drury, at this point?”

Mr. Drury:

“That is correct.”

cont... Council Member Buigas:

“So, I am really having a difficult time in choosing this. I am tending to go with let’s have fireworks. But then we are going to open the floodgates because we are going to be one of the few places within probably a 25 to 50-mile radius that is going to have fireworks and everyone is going to come over to us. As much as we love to show our city, do we want to show it when we are not prepared for it. And what happens, folks, too many people, and so on and so forth. And also, in addressing concerns from the restaurants, I know several of them are having issues with staffing. Because a lot of their existing,

their previous staff, hasn't come back. And that is also a challenge as well. So that is just a little side note on everything else. But I know personally I have had a difficult time in making a decision."

Council Member Stevenson said he shares the concerns previously stated. He said he would love to move forward with fireworks and noted a concern for the health and safety of the citizens.

Vice Mayor Pfister said people could make their own decisions to attend and social distance. She noted her support for moving forward with fireworks and said it is not her intent to have a full event, noting attendees have the option to remain in their cars.

Council Member Buigas asked for the impact on the Police Department. Chief Lubins said the 4th of July is a logistics event and confirmed the Tavares Police do not enforce social distancing.

Attorney Williams said he would need to research further to ensure the funds could be spent on fireworks but believes the Council can move forward.

Mayor Boggus asked if all Police staff could potentially be affected if exposed to COVID-19, and possibly be under quarantine. Chief Lubins confirmed. Mr. Dillon confirmed that his staffing could be impacted if exposed to COVID-19, including garbage, facilities, fleets, parks, and right-of-way to support the event. Mr. Tweedie said his entire team would also provide support for the event. Ms. Rogers said her department staffing would be limited during the event. Mayor Boggus asked if the event could be postponed on Labor Day due to hurricane season. Mr. Drury said any event held through May through November could be affected by a hurricane. He said each event has back-up plans in place due to inclement weather. He noted few events had been postponed in the past, and if so, usually by a few hours. Mayor Boggus noted her concern safety with no safety measures implemented. She stated her support to postpone the event to Labor Day.

MOTION

Troy Singer moved to approve staff's recommended plan, seconded by Roy Stevenson.

Mayor Boggus said it is her understanding that the 4th of July fireworks and celebration is postponed, and nothing is determined for July 4th other than a postponement. Mr. Drury confirmed. Council Member Singer noted there would be no benefit to the business community if attendees remained in their cars.

The motion carried 4-1 as follows:

Amanda Boggus: Yes

Lori Pfister: No

Lou Buigas: Yes
Troy Singer: Yes
Roy Stevenson: Yes

XI. NEW BUSINESS

Vice Mayor Pfister said she would like to see the City make a preference to purchase products made from the United States.

There was consensus from the board to preference purchasing products made in the United States.

Mr. Drury said that could be accomplished. Attorney Williams noted the City's purchasing policy would need to be amended.

XII. OLD BUSINESS

Vice Mayor Pfister asked if Tavares High School will be able to accommodate parking in the practice field for graduation. Mr. Drury said he has not seen the school boards plan for graduation.

XIII. HISTORICAL PERSPECTIVE

XIV. AUDIENCE TO BE HEARD

Vance Jochim, 12619 Milwaukee Avenue, Lake County, asked how much capacity will be reduced when live meetings resume. He asked what plans were in place to ensure audience participation and if it is time for the city to provide videos for all meetings.

Mr. Drury said capacity in the Council Chambers was reduced at the beginning of COVID-19. The city will follow social distancing guidelines, which will limit attendees. He said speakers could be utilized for areas outside the Chambers, and the city has a good plan in place that follows the Governor's orders, which provides guidance and new laws on implementing public meetings.

XV. REPORTS

Tab 8. City Administrator Report

Mr. Drury said he is excited about the BUILD Grant submitted to the United States Department of Transportation and commended Mr. Dillon on his efforts. He said grant application to build a recreational trail from Tavares to Mount Dora to Sorrento connected to the Wekiva Trail had been submitted. Mr. Drury noted the City's state and local representatives had sent letters of support.

Mr. Tweedie provided an update on the Seaplane Base and Marina Project. He said 3/4ths of the project is complete, including procurement, design, and funding. A notice

to proceed for construction was issued, and the end of permitting is nearing. Construction will begin mid-June to early July with completion in early 2021.

Mr. Clark said the Lake Francis Estates project should begin within the next several weeks.

Tab 9. City Council Member Reports

Council Member Buigas

- Enjoyed the City newsletter including the new format and provided information.
- Thanked Mr. Dillon for his efforts on the BUILD Grant.

Quote of the day: "To put everything in balance is good, to put everything in harmony is better." ~Victor Hugo

Council Member Singer

- Glad to hear Lake Francis project moving forward.
- Thanked Mr. Dillon for his efforts on the BUILD Grant. He said he knows it was a team effort and appreciates everyone's contributions.
- Gave a shout out to teachers, medical professionals and first responders.
- Asked everyone to be healthy, safe and kind to each other.

Mayor Boggus

- Said she looks forward to seeing the economic stimulus package.
- Noted the June 3, 2020 City Council meeting will be the last virtual meeting.

XVI. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 5:45 p.m.

Respectfully,

Susie Novack, MMC/FCRM
City Clerk