



**TAVARES CITY COUNCIL
MEETING MINUTES
JULY 1, 2020 – 4:00 PM
TAVARES CITY HALL COUNCIL CHAMBERS
201 EAST MAIN STREET, TAVARES**

COUNCIL MEMBERS PRESENT

Amanda Boggus, Mayor
Lori Pfister, Vice Mayor
Lou Buigas, Council Member
Troy Singer, Council Member – *Virtual Attendance*
Roy Stevenson, Council Member

STAFF PRESENT

John Drury, City Administrator
Lindsay Holt, City Attorney
Susie Novack, City Clerk
Bob Tweedie, Economic Development Director
Tamera Rogers, Community Services Director
Lori Houghton, Finance Director
Richard Keith, Fire Chief
Sarah Coursey, Police Lieutenant
James Dillon, Public Works Director
Phil Clark, Utilities Director
Mark O'Keefe, Public Communications Director

TAVARES CHAMBER OF COMMERCE

J. Scott Berry, Executive Director

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Tab 1. Pastor Brooks Braswell, First Baptist Church of Umatilla

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

III. APPROVAL OF AGENDA

Mr. Drury noted Council Member Singer would be joining the meeting virtually. He said Staff had no changes to the Agenda.

MOTION

Roy Stevenson 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

Mr. Berry stated the Chamber gained seven new members in June 2020, and nine new members took advantage of a half price membership promotion. He noted upcoming events including the following highlights:

- The Chamber offices reopened from COVID-19 with limited hours.
- Seaplane Seal of Approval Consumer Confidence Campaign launched with eleven business members, and eleven more waiting for approval.
- Monthly Business luncheon scheduled July 14, 2020 with guest speaker Sheriff Grinnell

Council Member Buigas asked if the Consumer Confidence Campaign members would be noted on the website or if stickers would be placed at business locations. Mr. Scott said members will receive a diploma sized notice.

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

Mr. Drury stated there were no quasi-judicial matters before Council.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following Resolution by title only:

RESOLUTION 2020-14

**A RESOLUTION OF CITY OF TAVARES, FLORIDA, RELATING TO THE
STATE REVOLVING FUND LOAN PROGRAM; AUTHORIZING SRF
LOAN AGREEMENT WW350951 FOR THE LIFT STATION 49/LAKE**

FRANCES SEWER IMPROVEMENTS PROJECT; APPROVES AMENDMENT No. 1 OF THE LOAN, EXTENDING THE PROJECT TIMELINE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

VII. CONSENT AGENDA

Mr. Drury said he would like to pull Tab 4 for discussion.

MOTION

Lori Pfister moved to approve the Consent Agenda minus Tab 4 [Tab 3 – Approval of the June 3, 2020 and June 17, 2020 City Council Regular Meeting Minutes], seconded by Roy Stevenson. The motion carried unanimously 5-0.

Tab 3. Approval of the June 3, 2020 and June 17, 2020 City Council Regular Meeting Minutes

Approved on the Consent Agenda.

Tab 4. Rescind the Declaration of a State of Local Emergency Related to COVID-19

Mr. Drury said staff developed a recommendation to end the State of Emergency several weeks ago that was consistent with the city plan to move to full normal operations on July 8, 2020. He noted recent COVID-19 case numbers in Lake County and Florida continue to rise, and said Staff would like to amend the recommendation to continue the State of Emergency until further notice. The State of Emergency keeps Tavares eligible for Cares Act and FEMA reimbursement funding for COVID-19 related expenses.

Mr. O'Keefe concurred with Mr. Drury's comments and noted the Governors Executive order allows the city to incur obligations and quickly take care of acquisition and distributions which would allow the city to obtain reimbursement during the ongoing pandemic.

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

Mayor Boggus asked for comments from the Council.

Council Member Buigas asked if the city will remain in Phase II of the plan. Mr. Drury said the plan will remain the same, the city will move to Phase III and begin full operations July 8, 2020, and Resolution 2020-05 COVID-19 Declaration of Emergency will remain in place until further notice.

Council Member Stevenson commended Mr. Drury and thanked him for pulling the item for discussion. He noted his concern for safety and health during the pandemic.

MOTION

Council Member Stevenson moved to leave the Declaration of Emergency in Place [Resolution 2020-05] and move forward to Phase III [of the Plan], seconded by Lou Buigas. The motion carried unanimously 5-0.

VIII. RESOLUTIONS

Tab 5. Resolution 2020-14, Request approval for Lake Francis Project SRF Loan 350951 to Amend Project Timeline

Ms. Houghton noted that due to COVID-19 there was a backlog with the state and receiving the agreement back for the city's attorneys to review and execute. COVID-19 also slowed the contractors from starting and implementing the project. Ms. Houghton said the project is currently in progress, and made the following presentation:

On November 1, 2018, the City Council authorized acceptance of a State Revolving Loan Application for Project WW 350951 for the Lake Frances/LS 49 Project for Collection and Transmission. The SRF Loan Document, WW350951 for construction activities was executed on November 6, 2018 in the amount of \$6,624,350 excluding capitalized interest or loan service fees. The loan financing rate for the construction activities was set at 0.57% per annum.

Resolution 2020-14 authorizes Amendment 1 to SRF Loan WW 359051 which provides an extended timeline for construction activities for the project. Amendment 1 includes the following changes to the loan terms:

- An extension of the project construction timeline, therefore, completion of the Project construction is scheduled for January 15, 2022.*
- The First Semi-Annual loan payment is due July 15, 2022*
- Semi-annual loan payments are due thereafter on July 15th and January 15th each year until all amounts due under the agreement have been made.*
- The first Semiannual Loan Payment in the amount of \$179,743 shall be due on July 15, 2022*

Resolution 2020-14 authorizes the Mayor to execute loan documents for Amendment 1 for SRF Loan 350951 for Lake Frances Collection and Transmission/LS 49 Project with the Florida Department of Environmental Protection (FDEP) for construction activities which extends the construction time, and delays the first semi-annual debt service payment to July 15, 2022. Semi-annual debt services payments are due thereafter on July 15th and January

15th each year until all amounts due under the agreement have been made. The interest rate remains unchanged at 0.57% per annum. Loan term is unchanged and remains at 20 years.

Staff recommends Council approve Resolution 2020-14 authorizing the Mayor to execute Amendment No. 1 for SRF Loan WW350951.

Mayor Boggus asked for comments from the Council.

Council Member Singer asked for the project construction schedule. Mr. Drury said Staff would provide the current construction schedule and forward to each Council Member. Council Member Singer asked if the Resolution before Council pushed the project dates further. Mr. Drury confirmed and said Resolution 2020-14 pushes the dates for paying the debt service.

MOTION

Lori Pfister moved to approve Option 1 [Approve Resolution 2020-14 authorizing the Mayor to execute Amendment No. 1 for SRF Loan WW350951], seconded by Roy Stevenson. The motion carried unanimously 5-0.

IX. ORDINANCES – PUBLIC HEARING

First Reading

Second Reading

X. GENERAL GOVERNMENT

Tab 6. Discussion of Sign Ordinance

Mr. Drury referenced Ordinance 2017-01, page 18, Temporary Signs. He said new case law establishes that governments cannot regulate signs based on the content. The size, height, amount, and distance between signs can be regulated and not speech. Mr. Drury provided background information on a Supreme Court ruling for Reed v. Town of Gilbert, Arizona, where there was a ruling that the town's sign ordinance imposes content-based restrictions that does not survive the scrutiny of the First Amendment of the United States Constitution's right to the freedom of speech.

Mr. Drury read Section 21-18 (A), Ordinance 2017-01 and noted item (6) states temporary signs shall not be erected on vacant property, unless associated with a temporary vendor's permit. He discussed the application of the ordinance in regards to the requirement of a 90-day time limit and temporary vendor's permits to real estate and political signs. Mr. Drury said item (6) should be removed from the ordinance. He asked Council for guidance on how many days a sign should be allowed, noting a sign could include any message. He said city's throughout the country are reviewing their ordinances to ensure compliance with the Supreme Court ruling. Mr. Drury asked for

broad direction from the Council and said he would then work with the City Attorney and bring back an amending ordinance. He provided the following options for consideration:

- Temporary signs only allowed on vacant property for one or two years, then come down for thirty days, and then replaced.
- Only one sign every three hundred feet for each vacant property.

Mayor Boggus asked for questions from the Council.

Vice Mayor Pfister asked for the Supreme Courts goal, and if the city could ban signs all property except businesses. Mr. Drury confirmed and said case law does not allow the regulation of speech. Vice Mayor Pfister inquired about placing signs allowed by businesses on vacant property. He said if a sign met all other sign codes a sign could be erected on a business.

Council Member Buigas asked if temporary signs are required. Mr. Drury said Council could allow no temporary signs on vacant property. However, if signs are not allowed on vacant property that would include real estate signs and political signs. Vice Mayor Pfister noted a concern for not limiting the number of signs allowed. She asked what options the city has other than not allowing temporary signs.

Mr. Drury provided the following options:

- Temporary signs are limited to six months with a permit. The six-month period could be extended to one year or any time frame the Council establishes as reasonable.
- Temporary signs are permitted on vacant property.
- Temporary signs must be 300 feet apart on a single parcel of land.
- Temporary signs must not be erected for more than one year.
- Temporary signs must have a permit.
- Temporary signs must be down for 30 days before another permit is issued.

Vice Mayor Pfister inquired about offensive signs. Mr. Drury said the Council should consider temporary signs as a blank piece of plywood and not consider the content. He said temporary signs are usually used for selling real estate, political advertising, temporary sales such as fireworks or Christmas trees, and noted some communities do not allow real estate signs.

Council Member Buigas noted real estate contracts generally have a six-month term. She noted a concern for policing temporary signs if allowed and permitted with a fee. Mr. Drury said there could or could not be a fee and governments should have costs reimbursed for a reasonable nominal fee of the actual cost to have staff inspect a sign. Vice Mayor Pfister noted a concern for the owner's property rights and asked if a property owner would have to pull a permit. Mr. Drury said the Council could require permitting if they wished, and said the current ordinance allows to signs of a certain size

on residential properties. The content of those signs also falls under the recent Supreme Court ruling regarding content.

Council Member Singer said while he is in favor of taking the property owners rights into consideration, he also receives comments from the citizens who do not like signs placed all around the city and would be in favor of limiting the number and duration of allowed signs.

Council Member Stevenson noted the Supreme Court makes no comment on regulating the number of days in their ruling, only the speech contained herein. Mr. Drury said the current ordinance is compliant with case law. However, the city would need to code enforce all properties that have signs beyond 90 days including real estate signs and political signs. Council Member Stevenson noted a concern for the real estate market. Mr. Drury said the city received calls for signs have been up for 90 days and the current ordinance says they must come down and he wanted to check in with the Council to ensure that is the direction they would like before moving forward. Under the current ordinance you have to obtain a vendor's permit to put up a real estate sign on vacant property. He said removing the requirement to pull a vendor's permit would solve the problem. Council Member Stevenson asked if other cities have dealt with the issue effectively since the new case law was established.

Attorney Holt said yes and noted Tavares could face a challenge if it carves out exceptions based on content. Council Member Stevenson asked if the item could be tabled to allow time for research to discover a city post Gilbert who has effectively constructed an ordinance that will deal with the issues being presented. Attorney Holt confirmed and said the most feasible and legally sufficient ordinances are ones that have blinders on as to content. Mr. Drury confirmed and said staff can come back with an ordinance for Council to modify.

Vice Mayor Pfister noted if permits are required to be obtained by a property owner then it would affect political signs. She noted her preference to allow no signs.

Mayor Boggus suggested requiring a permit for signs over 90 days.

Vice Mayor Pfister noted her preference for a break period with signs allowed only 6 months out of a year.

XI. BUDGET WORKSHOP

Tab 7. Budget Workshop – General Fund Presentation

Mr. Drury made the following presentation:

Prior to COVID-19, the City Council developed broad budget priorities for the City Administrator to use as guiding principles in developing next year's FY 21 budget. COVID-19 hit America and Florida very hard, shutting down many Florida businesses which significantly reduced sales and gas tax revenue projections from the state for next years proposed FY 21 budget. This will make it challenging to

achieve some of the Council's pre-COVID-19 budgetary goals. It will also prevent the City from adding staff to keep up with the growth of Tavares.

Attached are those pre-COVID-19 Council Goals and identified next to each one, is a notation as to whether that specific goal was achieved or not in the budget that is before Council.

As it relates to forecasting a reduced revenue program from the state for next fiscal year, there are two (2) schools of thought—one is that City revenues from the State of Florida will be significantly reduced and budgets and programs need to reflect this. The other school of thought is that the reduction is temporary, short lived and the economy will come back strong and quickly producing enough state revenues to adequately fund city budgets and programs as originally contemplated. Based on this information, the City Administrator has developed two (2) budgets. One is a reduced and balanced budget reflecting reduced revenue projections which funds the City Government for the entire fiscal year 2021. The other budget defers some items for six (6) months until April 2021 that were in Council's budget priorities along with needed positions to keep up with this growing city. In April of 2021, Council would look at how realized revenues tracked for the prior six (6) months. If forecasted revenues remain reduced, then the budget is left alone. If revenues exceed the forecast based on an aggressive economic recovery, then City Council could place back into the budget some of those deferred items while still keeping the lower millage rate that is proposed.

Attached is the FY 21 proposed cut list. In previous budgets the cut list was broken up into two categories: "Reduced" and "Cut". The amounts categorized as "reduced" means that the item is still in the proposed FY 21 budget and the City Administrator has reduced the amount that was requested by the Department Director. Those items listed as "Cut" means the City Administrator has removed the entire item from the budget. This year, an additional category has been identified and referenced as "Deferred". This means the item is not currently in the reduced balanced budget, it will however be reconsidered, in six months (April 2021) by the City Council after the budget has realized six (6) months of revenues.

A reduced balanced budget reflecting a reduced revenue forecast from the state has been produced for the City Council's consideration. What follows are some "high level" highlights of this proposed budget:

- 1. A Similar Level of Service is achieved.*
- 2. The FY 21 budget has decreased from the current year's adopted budget (FY 20).*
- 3. The General Fund millage rate has decreased.*
- 4. The Debt Service millage rate has decreased.*
- 5. Reserve appropriations have increased.*
- 6. The Fire Assessment on properties is level funded (no rate increase).*

7. *Employee raises are established at 2%.*
8. *Healthcare increased costs are shared by employee and employer.*
9. *The two new Police Officers that were added this year are reflected in the FY 21 proposed budget.*
10. *One new Fire Fighter position has been added in FY21 in the latter part of the fiscal year.*
11. *All other new positions are either cut or deferred.*
12. *Where Street paving is funded, it has been reduced from the current year.*
13. *Where the History Museum is funded, it will be staffed by volunteers.*
14. *Replacement of some of the aging Police cars are funded.*
15. *Christmas lighting program is level funded*
16. *Expanded programs deferred and or cut.*
17. *Projects that are currently approved by City Council in the current fiscal year (2020) and are fully funded that are underway and under construction and design including the Seaplane Base and Marina re-build, Wootton Wonderland Playground Re-build, Public Works building and Splash Park reconstruction continue and are scheduled to be completed in FY 2021.*

This proposed budget is balanced and reflects a property tax millage rate decrease that is lowered from 6.95 mills down to 6.9 mills and a proposed debt service rate decrease that is lowered from .2932 to .2623. At the proposed lower millage rates, homeowners with a house valued at \$150,000 and standard homestead exemption would pay \$716 per year or \$60 per month in City Ad Valorem Taxes for the budget that is before Council in FY 2021.

This first budget workshop is on July 1st, 2020 to deliver, present and discuss the General Fund budget. The second budget work shop on July 15th, 2020 is to deliver, present and discuss the enterprise funds (Water, Wastewater, Reclamation, Stormwater, Solid Waste, Seaplane Base/Marina, and the Pavilion on the Lake) and discuss the General Fund Budget that was presented at the last Council meeting.

The maximum tentative millage rate will be set at a third budget workshop on July 29th, 2020. A fourth and fifth Council budget workshop is scheduled for August 5th and August 19th to discuss all budgets followed by two Public Hearings on the budget on September 3rd, 2020 (this is the THURSDAY after the regular City Council Meeting on September 2nd) and September 16th, 2020. The Five (5) Year Capital Plan will be delivered, presented and discussed at the August 5th, 2020 budget workshop.

Mr. Drury reviewed the agenda attachments regarding individual Council Member budget goals, deferred budget items and cut budget items. He said one of the Council's goals is to maintain a similar level of service. Enhanced budget were identified as cut or deferred. Those items can be reviewed in April to see if revenues exceeded forecasts, due to current economic conditions, to place back in the budget. He said there are approximately 13 million dollars in cuts in order to achieve a balanced budget.

Lori Houghton provided a high-level overview PowerPoint presentation for the General Fund budget.

Mr. Drury said one goal is to maintain a transparent and detailed budget of any city in Lake County by providing a zero-based line item budget to ensure each taxpayer knows where each tax dollar is allocated. He said budgets across the state do not create line item budget details like Tavares provides down to \$25 dollars. He said it is a detailed budget that is available to the public.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, referenced a handout he provided to the Council prior to the meeting. He said the budget does not reflect the changed environment and drop in revenues due to COVID-19. He asked for an explanation of wage increases and other benefits included as well as an analysis of economic impact on residents and businesses. He said video equipment and software should be included in the budget even though it would be an enhancement to the level of service.

Council Member Buigas asked Mr. Jochim if he is a resident and tax payer of Tavares. Mr. Jochim said no, he said he pays sales taxes and is a representative for all tax payers.

Council Member Singer thanked Ms. Houghton for her presentation, as well as the entire Finance Team and Department Directors for the efforts on the budget. He said the millage rate was lowered, reserves increased, and good projects are included in the budget.

XII. NEW BUSINESS

None.

XIII. OLD BUSINESS

None.

XIV. AUDIENCE TO BE HEARD

None.

XV. REPORTS

Tab 8. City Administrator Report

Mr. Drury said he is proud of all city employees who worked through COVID-19. He commended the City's first responders who were on the front line protecting the public through parades and marches as well as emergency situations. He noted the first responders and general employees were on the front lines when people were in

isolation working hard to keep the city business moving forward. He noted Tavares staff is lean compared to other cities of similar size.

Ms. Rogers noted a new art collection in City Hall. She said Clyde Butcher is a world-renowned environmental photographer and his work is an important collection for the city to obtain. She noted upcoming events including the Folk Festival that will feature over one hundred musical performers.

Ms. Houghton thanked the Finance Team, Brett Jones, Finance Analyst, Mr. Drury, and City Council for their support.

Attorney Holt said it was nice to attend the meeting.

Tab 9. City Council Member Reports

Council Member Singer thanked the Mayor and Council for allowing him to attend the meeting virtually. He thanked Mr. O'Keefe for his assistance to enable participation.

Council Member Buigas

- Congratulated Lieutenant Coursey for her promotion.
- Wished Council Member Singer well.

Quote of the day: "You can, you should, and if you're brave enough to start, you will."
~Steven King

Mayor Boggus thanked Ms. Houghton for the budget presentation.

XVI. ADJOURNMENT

There was no further business and Mayor Boggus adjourned the meeting at 5:10 p.m.

Respectfully,

Susie Novack, MMC/FCRM
City Clerk