



**TAVARES CITY COUNCIL
MEETING MINUTES
AUGUST 5, 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
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
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**

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 Lillie Brown, St. Johns Free Methodist Church

Pastor Lillie Brown, St. Johns Free Methodist Church, provided the invocation and led those present in the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Boggus asked if there were any changes to the Agenda. There were none.

MOTION

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

IV. PROCLAMATIONS/PRESENTATIONS

Tab 2. Presentation of N95 Masks from our Sister City the City of New Taipei in Taiwan

The Director General, David Chien, of the Taipei Economic and Cultural Office in Miami presented a gift of 2,000 N95 masks to the Tavares Police and Fire Departments from the Republic of China (Taiwan). The City has had a multi-year Sister City relationship with the City of New Taipei, in Taiwan. Mayor Boggus presented a proclamation to Director General Chien in recognition and gratitude for assisting the City in combatting the spread of COVID-19 by donating the N95 masks.

Tab 3. Tavares Chamber of Commerce Update

Mr. Berry said six (6) new members joined the Tavares Chamber of Commerce in July, and fourteen (14) members took advantage of a half price membership discount. He said the Chamber remains closed on Saturday and Sunday's as visitation has not increased. He discussed the CARES act funding available for local businesses and noted Avalon Park scheduled a Groundbreaking Ceremony on August 20, 2020 at 4:00 p.m.

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

Attorney Williams said all ordinances were at their first reading and there were no quasi-judicial matters were before the Council.

VI. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following ordinances and resolutions by title only:

RESOLUTION 2020-18

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE STATE REVOLVING FUND (SRF) LOAN PROGRAM; AUTHORIZING SRF LOAN AGREEMENT DW350961 FOR THE LAKE FRANCES WATER DISTRIBUTION AND PIPING REPLACEMENT PROJECT; APPROVES AMENDMENT No. 1 OF THE LOAN, EXTENDING THE PROJECT TIMELINE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

ORDINANCE 2020-06

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 119.57 ACRES OF LAND LOCATED AT 27521 STATE ROAD 19, REZONING SAID PROPERTY FROM LAKE COUNTY AGRICULTURE DISTRICT (A) TO CITY OF TAVARES RESIDENTIAL SINGLE FAMILY (RSF-2) AND CITY OF TAVARES WETLANDS PRESERVATION AREA (WPA); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-08

AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 01.72 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 19 AND SLIM HAYWOOD AVENUE, REZONING SAID PROPERTY FROM LAKE COUNTY AGRICULTURE DISTRICT (A) TO CITY OF TAVARES HIGHWAY COMMERCIAL (C-2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-09

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 01.72 ACRES OF PROPERTY FROM COUNTY URBAN MEDIUM DENSITY TO CITY COMMERCIAL (COM) FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 19 AND SLIM HAYWOOD AVENUE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

VII. CONSENT AGENDA

MOTION

Lori Pfister moved to approve the Consent Agenda [Tab 4, Authorize Staff to Enter into a Lease Agreement with the Dora Queen for On-Site Storage; Tab 5, Merchant McIntyre Associates Agreement], seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 4. Authorize Staff to Enter Into a Lease Agreement with the Dora Queen for On-Site Storage

Approved on the Consent Agenda.

Tab 5. Merchant McIntyre Associates Agreement

Approved on the Consent Agenda.

VIII. RESOLUTIONS

IX. ORDINANCES – PUBLIC HEARING

First Reading

Tab 6. Ordinance 2020-06 – Annexation & Rezoning – 119.57 Acres – Green Property Located at 27521 SR-19

No discussion at First Reading.

Tab 7. Ordinance 2020-08 – Annexation & Rezoning – 1.72 Acres – Palmer Property Located at the Northwest Corner of Slim Haywood Avenue and SR-19

No discussion at First Reading.

Tab 8. Ordinance 2020-09 – SSFLUM – 1.72 Acres – Palmer Property Located at the Northwest Corner of Slim Haywood Avenue and SR-19

No discussion at First Reading.

Second Reading

X. GENERAL GOVERNMENT

Tab 9. Mayor's Youth Council Syllabus

Mr. Drury made the following presentation:

During the June 17, 2020 City Council meeting, the Council expressed a desire to agendaize and discuss the Mayor's Youth Council (MYC) syllabus with a recommended increase to the program requirements.

The City Administrator and City Clerk met with Ms. Farnsworth, Assistant Principle and MYC program administrator, to discuss the syllabus for the upcoming year. Attached is the proposed 2020-2021 MYC syllabus that resulted from the meeting, and the initial 2016-2017 MYC syllabus for comparison.

Some of the proposed program increases include the following:

- 1. Increasing meeting attendance to 1.5 hours with a goal of attending the entire meeting.*
- 2. Increasing attendance to Council functions outside normal meetings from two to 4.*
- 3. Increasing Department shadowing from one to two Departments.*

On another but related note: The Vice-Mayor will participate with the school on the selection committee to select students for the program.

Vice Mayor Pfister and Council Member Buigas thanked Mr. Drury.

MOTION

Lori Pfister moved to approve the 2020-2021 Mayor's Youth Council syllabus [as presented], seconded by Roy Stevenson. The motion carried unanimously 5-0.

Tab 10. Award of Contract for City Hall Building Department Renovations

Mr. Dillon made the following presentation:

Request for Bid #2020-0020 for Building Department Renovations including HVAC was advertised on June 13, 2020, with a Pre-Bid meeting held at Tavares City Hall on June 23, 2020. Bid closing at 2:00 pm on July 9, 2020, resulted in the receipt of 7 Proposals as follows:

\$ 246,136.00 Morton Construction Company

\$ 344,706.46 PCDG Construction LLC

\$ 487,000.00 Odyssey International

\$ 299,491.00 Blackwater Construction Services

\$ 269,995.00 Ram General Contracting

\$ 355,375.00 Emmett Sapp

\$ 426,599.00 Advanced Commercial Contractors

Dredging & Marine Consultants (DMC), contracted with the City of Tavares to assist with design, engineering, permitting, bidding assistance and construction management services for this project, reviewed the proposals and requested references from the lowest bidder. After reviewing the references, meeting on-site with representatives from Morton Construction Company, and meeting with City staff who will be involved with the project, DMC submitted a formal letter of their professional recommendation for the selection of Morton Construction Company, low bidder, as the contractor for the City Hall Building Department Renovations including HVAC.

The City Purchasing Manager, Public Works Director, and Facilities Manager, reviewed the proposals and correspondence from DMC. Based on the information provided, meeting with DMC and Morton Construction Company representatives. All three City representatives concur with the professional recommendation of DMC to select Morton Construction Company as the lowest most responsive bidder and recommend award of a contract in the amount of \$246,136.00 for the City Hall Building Department Renovations.

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

MOTION

Lori Pfister moved to approve, seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 11. City Council Consideration of an Amendment to Land Development Regulations for Temporary Signs on Vacant Property

Mr. Fitzgerald made the following presentation:

A U.S. Supreme Court decision in Reed v Town of Gilbert ruled that regulating signs based on the message on the sign would be a restriction to free speech or conversely show favoritism to some category of speech. The court further determined that regulating signs based on the message would be unconstitutional and would invalidate the regulation or governing code.

The court did recognize that governmental type signs such as traffic signs in the street right-of-ways fall into a separate category and are necessary for public safety and protection. The court also stated that sign design such as size, height, location, number allowed, etc. could be regulated provided no reference is made to the sign message.

Highlights of current Tavares Regulations:

- 1. Only Governmental Signs are allowed in street Right-of-Ways.*
- 2. Snipe Signs are not allowed.*
- 3. Every land parcel excluding vacant property is allowed two temporary signs not exceeding 6' in height or 32 square feet in size. The message displayed on these signs is not regulated. Duration limit is ninety (90) days.*
- 4. Subdivisions or similar developments undergoing construction - One (1) Temporary Sign may be permitted for each parcel undergoing construction and may not exceed five (5) square feet in size.*
- 5. No permit is required for temporary signs.*
- 6. All references to messages displayed on signs have been removed (content-neutral).*
- 7. No signs are permitted on vacant property.*

City of Tavares Code Enforcement has received complaints regarding temporary signs being located on vacant land in violation of the Land Development Regulations. The exclusion of vacant land from being permitted to have signs on them may pose a challenge for property owners wishing to market their property for sale with a real-estate "For Sale" sign. It also prohibits political advertising signs being placed on vacant property during election time as it prohibits all signs regardless of content.

Staff is requesting Council provide direction regarding a possible amendment to the Land Development Regulations that would allow temporary signs on vacant land consistent with number and size requirements for developed parcels. For example, Council could permit "temporary signs" not just for developed property, but also vacant property. If this was the direction selected, then real-estate signs and political signs would be permitted on vacant property for 90 days – same as developed property.

There is an issue of enforcement for both developed property and vacant property. Council may want to require a no fee permit so that the City can enforce the duration a temporary sign is displayed. The City Attorney has reviewed notes the ordinance in its current state is legally sufficient with no challenges needed. Should Council keep the current ordinance, temporary signs of any kind would not be permitted on vacant property.

Mr. Drury said the current City ordinance does not allow any temporary signs on vacant property. The ordinance allows temporary signs on improved property. If Council would like to keep the current ordinance Code Enforcement will enforce the ordinance and all temporary signs will be removed from vacant property. If Council would like to amend the current ordinance to allow temporary signs on vacant property for ninety days they could do that too. If Council would like to allow temporary signs for ninety days a permit would be recommended so that the sign duration could be established.

Gary Santoro, Royal Harbor, Tavares, noted Tavares is the county seat and said the city is inundated with political signs. He said large signs and small signs for the same candidate are posted side-by-side throughout the city.

David Serdar, 66 Wintergreen Drive, Fruitland Park, noted he is not in support of sign regulations.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, noted his support to allow political signs on vacant property.

Council Member Buigas asked if there is anything wrong with leaving the ordinance as is. Attorney Williams said the current ordinance is legal and enforceable. He noted for years, prior to the Supreme Court Gilbert decision, signs fell into many categories including political signs. With the Gilbert case decision, content of the signs cannot be considered when determining legality. There are no such categories as political signs or real estate signs any more. Temporary signs have a structural definition and not a content definition. The Code Enforcement Officer will enforce the City's sign ordinance to the letter of the law. If you have a temporary sign as defined in the ordinance on a vacant property it will be subject to citation. Mr. Drury said the current sign ordinance can remain, with political and real estate signs allowable on developed property only. Attorney Williams noted the issue is regarding vacant lots.

Mayor Boggus asked Attorney Williams to explain what is considered a vacant lot for the audience. Attorney Williams said a vacant lot is a lot that does not have any permitted improvements.

Council Member Singer asked if the city has experienced issues in enforcing the city codes from the way the current ordinance is written. Mr. Drury said no. He said Staff wanted to give the Council an opportunity to revisit the sign ordinance and ensure there is a desire to remove all signs from vacant property. If Council chooses not to amend the ordinance, staff will enforce the current ordinance which means removing signs, regardless of message, on vacant property. All improved property can follow the current regulations for temporary signs with any message. Council Member Singer thanked Mr. Fitzgerald for his time and effort. He said he does not like excluding vacant property owners as it appears to restrict property owners' rights. He said if the City is going to allow and enforce signs, vacant property owners should have just as much right as any other property owner.

Council Member Stevenson asked Attorney Williams if the consideration is for every land parcel to be allowed temporary signs for ninety days. Attorney Williams confirmed. Council Member Stevenson said that those property owners who are selling their property would be allowed to post real estate signs for ninety days on both improved and vacant property. He inquired about the ninety-day limit and Attorney Williams confirmed the text for the ordinance provides ninety days per year. Council Member Stevenson asked if we are offending those property owners who are trying to sell property. Mr. Drury said the city cannot regulate signs based on content, and

depending on the content there are differing views of the sign. Attorney Williams said there are tough policy decisions for both sides of the argument. If Council leaves the ordinance as it is, and directs the Code Enforcement Officer to enforce, enforcement cases will result. Real estate signs would not be allowed on vacant property. Mr. Drury noted real estate is sold on Zillow and online. He said property owners would be affected. New technology has come a long way in regards to sales.

Council Member Stevenson asked if staff has come across binding or advisory law where cities have dealt with signs successfully after the Supreme Court case. Attorney Williams said the Supreme Court case is a watershed case that caused ripples in the regulation of signs. He said he attended a seminar where the speaker indicated that after the Supreme Court decision, there was doubt there were any constitutional sign ordinances remaining in the United States. Attorney Williams said the International City/County Management Association (ICMA) has a model ordinance similar to the Tavares ordinance, and the question is what Council wishes the community to look like without reading the signs. In Boca Raton you cannot find a Burger King because the signs are very small. Some cities have regulated signs out completely. As long as signs are treated equally they do not have to be allowed. This is a policy decision for the Council. He said there is no great answer because to remove some offensive signs you will remove some that are not. Mr. Drury said cities across America are struggling with the balance.

Vice Mayor Pfister said the world has changed and most purchases are completed online. She noted her concern for offensive signs and said she is worried about derogatory signs and the youth in the community. She said that since derogatory and offensive signs would be allowable then she is not in favor of allowing signs.

Mayor Boggus said she likes Council Member Singers suggestion that if there are any signs allowed on vacant property they should be limited to 90 days and regulated. If a property owner wished to put up signs for a church event or campaign they would be limited in time and does not prevent owners from using their property for their own interests.

Council Member Buigas concurred with Vice Mayor Pfister and said signs are a visual pollution. She said the city is trying to maintain a consistent image and it is important to keep the city clean. Vice Mayor Pfister said the City needs to clean up the environment including visually.

Council Member Stevenson said the phrase "excluding vacant property" could be removed and thus treat vacant property the same as improved property.

Council Member Buigas asked if signs could be moved around a property extending the ninety-day limit. Attorney Williams said the current ordinance ninety-day limit on improved property allows a sign to be on the property within the four corners of the property. Vice Mayor Pfister said a person who lives in a residential home could put any sign they would like in their yard. Mr. Drury confirmed, and noted for ninety days.

He said if you make a change it would be good if you required a permit. Vice Mayor Pfister asked if Tavares could go sign free. Mr. Drury said the City Attorney has stated that as long as you treat everyone equally you could not allow temporary signs in the City. He said you could allow temporary signs for ninety days for vacant and improved property, or you can allow temporary signs only on improved property. He said you currently can place a temporary sign in your yard for ninety days. Vice Mayor Pfister said a property owner could place a real estate or political sign in a window. Vice Mayor Pfister noted her support for a ninety-day permit.

Council Member Buigas asked what kind of burden will permitting and enforcement place on staff. Mr. Drury said if you do not have a permit it is unenforceable. He said there are systems in place for residents to pull permits. Mr. Fitzgerald said the ordinance allows two temporary signs on a piece of improved property. Mr. Fitzgerald reviewed the current sign regulations.

Council Member Singer inquired about enforcement. Mr. Drury said the current sign ordinance is enforced. He said Staff is asking for confirmation on how Council wishes to address vacant property. He said Code Enforcement is primarily complaint driven as the Code Enforcement department is small. Each Friday the Code Enforcement Officer conducts sign inspections. Enforcement is not an issue and Staff can enforce what the Board sets as a policy. He suggested a permit be required to enable enforcement.

Mayor Boggus said the current ordinance should not be changed. By not allowing signs on vacant property, the sign ordinance is easily enforced as the owners of improved property can be readily contacted.

Attorney Williams noted this is before Council for direction to the staff and Attorney to prepare any changes if you decide to make any changes. He said you are not voting on an ordinance at this time. Mr. Drury said an ordinance would have two public readings providing two months to dialogue with constituents and consider.

MOTION

Lori Pfister moved to have no signs except by permit only for ninety days on all property including vacant property, seconded by Roy Stevenson. The motion carried 4-1 as follows:

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

Tab 12. City Council Consideration of an Amendment to Land development Regulations for Short Term Vacation Rentals

Mr. Fitzgerald made the following presentation:

Short term vacation rental properties have become an increasingly popular alternative to hotels for individuals that are travelling. What began as a cottage industry has now become prevalent throughout many communities worldwide. A report published by the University of Central Florida's Rosen College of Hospitality Management shows the economic impact of Florida's vacation home rental industry exceeds \$27 billion. Pursuant to Florida Statute 509.032 a local law, ordinance, or regulation may not prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals.

The growth of the short term rental industry poses challenges for preserving the character of residential subdivisions because of a greater influx of transient residents. Municipalities may adopt short term rental regulations that pertain to property registration, and enforcement of issues such as noise, parking, trash collection, and life safety.

City staff researched regulations in Florida and found examples of regulations in the city of Orlando, and Miami-Dade County.

The City of Orlando passed an Ordinance in 2018 regulating "owner occupied home sharing". This regulation was reviewed by the Tavares City Attorney and the attorney presented the following examples of how a homeowner would be in violation of the Orlando ordinance:

- If I'm going on a cruise or vacation, and I allow someone to "house-sit" and care for my pets while I'm gone, I'd be in violation of the ordinance.*
- If my elderly parent lives with me and stays at the house while I take a business trip, I'd be in violation of the ordinance.*
- If my college roommate from Colorado and I decide to trade houses for a week in the summer to experience the different regions, I'd be in violation.*

Miami-Dade County passed an Ordinance in 2017 regulating "vacation rentals". This regulation was reviewed by the Tavares City Attorney and it is the Attorney's opinion that this type of regulation may be cumbersome for Tavares to enforce taking into consideration the requirements for staff to license, inspect, collect fees, and have the ability to enforce and penalize offenders. Miami-Dade has approximately 39 full time staff members to enforce vacation rental regulations.

At the July 15, 2020 meeting City Council received a request from a Home Owner at the Groves at Bay Tree subdivision for City Council to consider regulating short term vacation rentals within the City limits of Tavares because the home owner believed her neighbor was engaged in renting out space in their home which she

considered a nuisance due to the activity and parking of cars on the street. Council instructed staff to review regulating Airbnb's and provide Council that information.

In addition to researching state law and other regulations, staff reviewed the Groves at Bay Tree HOA regulations and references two articles which may address the issue for the resident:

"Nothing shall be done....which may become a nuisance or an unreasonable annoyance to the neighborhood" and

"Vehicles shall not be permitted to park on the street of the subdivision".

The HOA and resident could exercise enforcement of these existing regulations to address the issue previously presented to Council. The HOA could also add additional regulations. The City

Staff is recommending City Council take no action

Gary Santoro, Royal Harbor, Tavares, noted his support for each Homeowners' Association and community to address short term vacation rentals through deed restrictions and gate restrictions, rather than through city enforcement.

Charles Thomason, 4455 Caicos Drive, Tavares, noted a concern for strangers in his neighborhood as well as street parking that causes ingress and egress issues. He said his sprinkler system has been run over by vehicular traffic and parking, and felt Airbnb's are businesses that should not be allowed in residential neighborhoods.

Karen Ortega, 4345 Abaco Drive, Tavares, said there is a city ordinance that states home businesses shall not involve conduct of business on premises unless the business is defined as a home occupation, and are not of nature likely to attract visitors in large numbers that would not normally be expected in a neighborhood. She said she lives in a residential community and the Airbnb affects the community morale. She said regulations could be implemented by the City to normalize some of the Airbnb actions. She noted a concern that individuals are not abiding by neighborhood bylaws, and there are no other laws existing in the county or city that governs or assists homeowners. She asked that a regulation be applied that will limit parking. She said she is not asking for the elimination of short-term rentals, and is asking for regulations.

Mayor Boggus asked for comments from Council.

Council Member Stevenson said he understands Ms. Ortega's frustration. He said parking on streets are law or code enforcement issues. Chief Lubins confirmed, and said the Police Department has been focusing on parking at Ms. Ortega's intersection. He said there are city ordinances prohibiting parking within a certain number of feet of an intersection which may assist Ms. Ortega. Council Member Stevenson noted his support for property owner rights.

Vice Mayor Pfister noted her support for Ms. Ortega to work with the Chief of Police and her Homeowners Association for relief.

MOTION

Lori Pfister moved to take no action, seconded by Roy Stevenson. The motion carried unanimously 5-0.

Tab 13. Discussion of Remaining 2020 City Events

Mr. Drury made the following presentation:

The Bell curve for the COVID-19 infection rate for Florida has recently moved from a summer tapering off forecast to a fall tapering off forecast. This has resulted in private event organizers cancelling 2020 events and focusing on 2021 events.

The following upcoming 2020 scheduled events have been cancelled by their respective private sector organizations.

Aug 3:	Lake County Education Foundation, Red For Ed
Oct 22:	Advent Health Waterman Pink Out 5k
Nov 7:	Camp Boggy Creek Challenge Ride
Nov. 14 & 15	Florida Vintage Race Boat Association
Oct. 3	Lake County Folk Fest. (See letter from partner)

As it relates to the upcoming 4 City organized 2020 Events, staff is recommending cancelling the first 2 and keeping the later 2 as follows:

October 10:	Rocktoberfest (Cancel)
October 30:	Boo Fest (Cancel)
October 31:	Monster Splash Fly-In (Keep)
December 5:	Christmas Parade & Celebration (Keep)

It is recommended that the City available for the city cancelled events be set aside for post COVID-19 Events in 2021. Those dollars total \$53,418.

Mayor Boggus asked for comments from the Council.

Council Member Stevenson noted his support for a celebration at the end of COVID-19.

Council Member Singer asked which funds the event dollars are allocated. Mr. Drury said the Lake County Folk Festival and BOO Fest is General Fund and Rocktoberfest is TIF Fund. Council Member Singer asked if the events would be cancelled and the budgeted funds would be placed in a holding account until Council can decide allocation at a later date. Mr. Drury confirmed and said he will bring back the funding options to

Council to either place in reserves or use toward events. Council Member Singer asked if the monies in the general Fund could be used for items other than events. Mr. Drury confirmed.

Mayor Boggus said she will miss BooFest.

MOTION

Roy Stevenson moved to approve Option 1 [approve staff recommendation], seconded by Lou Buigas. The motion carried unanimously 5-0.

Tab 14. Approve Resolution 2020-18 – SRF Lake Frances Water Distribution Piping Project Loan DW350961, Amendment One

Ms. Houghton made the following presentation:

On December 19, 2018, the City Council authorized acceptance of a State Revolving Loan for Project DW 350961 for the Lake Frances Water Distribution Piping Replacement Project. The SRF Loan Document, DW350961 for construction activities was executed on January 7, 2019 in the amount of \$829,780 excluding capitalized interest or loan service fees. The loan financing rate for the construction activities was set at 1.01% per annum.

Resolution 2020-18 authorizes Amendment 1 to SRF Loan DW 359061 which provides an extended timeline for construction activities for the project and increased funding in the amount of \$34,752 to reflect the actual low bid previously approved by the City Council. 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 February 15, 2022.*
- The First Semi-Annual loan payment is due August 15, 2022*
- Semi-annual loan payments are due thereafter on August 15th and February 15th each year until all amounts due under the agreement have been made*
- The first Semi-annual Loan Payment in the amount of \$24,770*
- \$34,752 increase to total loan disbursable amount to reflect actual low bid.*

Resolution 2020-18 authorizes the Mayor to execute loan documents for Amendment 1 for SRF Loan DW350961 for Lake Frances Water Distribution Piping Replacement Project with the Florida Department of Environmental Protection (FDEP) for construction activities which extends the construction timeline, and delays the first semi-annual debt service payment to August 15, 2022. Semi-annual debt services payments are due thereafter on August 15th and February 15th each year until all amounts due under the agreement have been made. The interest rate remains unchanged at 1.01% per annum. Loan term is unchanged and remains at 20 years.

Staff recommends approval of Option 1, to approve Resolution 2020-18 authorizing the Mayor to execute Amendment 1 for SRF Loan DW350961.

Council Member Singer said the residents of Lake Frances Estates are looking forward to moving forward with the project. He said the residents have expressed concern for a delayed completion date. Council Member Singer inquired about the loan funding and asked what would happen if not approved. Mr. Drury said Council would need to come up with \$34,000 from General Fund to subsidize the construction contract of the low bid. He said Council could then keep the loan short \$34,000. If the city does not grant the additional contract extension of seventy days the contractor may have a claim against the city, and arbitration would be held to determine whether the seventy days was warranted based on the State's delayed review due to COVID-19. He said Reserves may used to fund the difference. Council Member Singer said he does not support a contract extension by seventy days.

MOTION

Lori Pfister moved to approve Option 1 [Approve Resolution 2020-18 authorizing the Mayor to execute Amendment 1 for SRF Loan DW350961], seconded by Roy Stevenson. The motion carried 4-1 as follows:

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

XI. BUDGET WORKSHOP

Tab 15. Budget Workshop -Five-Year Capital Improvement Plan

Ms. Houghton made the following presentation followed by a a 5-Year Capital Improvement Program PowerPoint presentation:

Previously, Council has reviewed the FY21 Proposed Budgets as follows:

- *At the July 1st City Council meeting, Council was presented the FY2021 Proposed General Fund Budget.*
- *At the July 15th City Council meeting, Council was presented the Utility and Special Revenue Funds Proposed Budgets for FY2021, and after which the Council had opportunity to discuss the General Fund budget as well as the Utilities and Special Fund budgets.*
- *At the July 29th City Council Budget Workshop, the City Council discussed the FY 2021 General Fund Proposed Budget and the FY2021 Proposed Millage rate.*

- *The City Council set the Maximum Tentative Millage Rate at 6.900, and the Maximum Tentative Voted Debt Service Millage Rate at .2623.*
- *The Maximum Tentative Millage Rate for FY2021 represents a decrease from prior year of .05 mills or .72%*
- *The Maximum Tentative Voted Debt Millage Rate for FY2021 represents a decrease from prior year of .0309 mills or 10.54%*
- *The total Maximum Tentative Millage (ad valorem + voted debt) represents a decrease from prior year of .0809 mills or 1.12%*

At this meeting the Council will be presented the Five-Year Capital Improvement Plan (CIP), after-which the Council will have an opportunity to discuss the Five-Year Capital Improvement Plan, the General Fund Budget, the Utility Fund Budgets, the Special Funds, the Millage rate, and other items related to the FY2021 Proposed Budget.

Vance Jochim, 12619 Milwaukee Avenue, Lake County, said he was expecting to see a matching of Revenues toward the Capital Plan. He said some upcoming projects that will come before Council will generate traffic on SR19, and Council needs to put additional funds toward transportation infrastructure. Mr. Jochim said other items could be deferred, and focus should be placed on solving transportation issues.

Ms. Houghton and Mr. Drury said the Budget includes the full capital program with the entire associated revenues. Mr. Drury said an ADA compliant Budget will be placed on the city website and anyone can request the full budget at any time. The City has been involved in every meeting regarding SR19. He said the State of Florida has been completing the work on SR19 for the last three years the state has a great plan for SR19's future.

Mayor Boggus asked for comments from the Council.

Vice Mayor Pfister said she has been reviewing the budget to find \$400,000 with no success to date.

XII. NEW BUSINESS

None.

XIII. OLD BUSINESS

None.

XV. AUDIENCE TO BE HEARD

David Serdar, 66 Wintergreen Drive, Fruitland Park, said the City of Ocala voted to require facemasks. He thanked Police Officers for their hard work and dedication and said he enjoyed a recent jet ski event in Wooton Park.

Gary Santoro, Royal Harbor, said the City should plan for the cost of a lift station relocation on SR19 when the State begins road enhancements. Mr. Drury said the Staff is watching closely and are working with State Legislatures to change the law regarding relocating lines. He said the State paid for those changes, with recent legislation that now requires municipalities to incur the cost. Mr. Drury said he is hopeful legislation will change so the state incurs the cost to relocate lines when they decide to move forward with a road widening project.

XVI. REPORTS

Tab 16. City Administrator Report

Mr. Drury said he appreciates the work of first responders who face COVID-19 each day. He said all City employees work each day and interact with the public and work with the City Council to move business forward with a balance during the pandemic.

Attorney Williams said the City had a recent lawsuit filed by the owners of Firepoint Products. He noted the suit is a public records complaint and provided background information and a brief synopsis of the lawsuit. Attorney Williams noted he will be out of the office, returning in September. He will be available by phone and email, with Attorney Holt assisting staff in his absence.

Tab 17. City Council Member Reports

Council Member Buigas

Quote of the Day: "Attitude is a choice. Happiness is a choice. Optimism is a choice. Kindness is a choice. Giving is a choice. Respect is a choice. Whatever choice you make makes you. Choose wisely." ~Roy T. Bennett

Council Member Singer said he hopes to join the next City Council meeting in person. He thanked the Council for the opportunity to participate in the meetings via Zoom.

XVII. ADJOURNMENT

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

Respectfully,

Susie Novack, MMC, FCRM
City Clerk