

**TOWN OF ASTATULA
MAYOR AND TOWN
COUNCIL MINUTES**



**REGULAR SESSION
MONDAY JANUARY 14, 2019
TOWN HALL**

Having been duly advertised as required by law, Mayor Robert Natale called the Regular Session meeting to order at 7.12pm. Vice-Mayor Mack gave the invocation and Mayor Natale led the Pledge of Allegiance.

Members Present:

Robert Natale, Mayor
Mitchell Mack, Vice-Mayor
Gayle Sikkema
Stephen Cross
Kimberly Kobera

Staff Present:

Graham Wells, Town Clerk
Jane Whaley, Deputy Clerk
Walter Hoagland, Police Chief
Zachary Broome, Town Attorney
Tim Green, Town Planner

Roll Call was performed, and it was determined that a quorum was present.

AGENDA REVIEW

There were no revisions to the agenda.

MINUTE APPROVAL

Approval of Minutes for November 13, 2018 Regular Council Meeting
Approval of Minutes for December 10, 2018 Regular Council Meeting

MOTION by Councilman Cross to approve the minutes shown above; SECONDED by Councilwoman Sikkema

For: Cross, Mack, Kobera, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

NEW BUSINESS

FIRST READING OF ORDINANCE 2019-01; REVISING THE SETBACKS AND LOT COVERAGE IN R-3 ZONING DISTRICT

First Reading of Ordinance 2019-01; Proposed revision of the Land Development Regulations concerning the setbacks for zoning in R-3 – Manufactured Housing Park. The roads within the Meadows subdivision are privately owned and there is no Town right-of-way.

The Meadows is governed by the zoning setback requirements for R-3 – Manufactured Housing Park. The homes that have been built in the subdivision over the past ten years or more do not conform to the setbacks.

The measured distances from the front have been taken from the road edge and not the property line as is required. Due to the sizes of the lots and to remain in conformity with existing homes it is not possible to comply with the existing setbacks. In order for existing and future homes to be in compliance with the Town’s regulations it is felt that a revision of the setback requirements is necessary. The Meadows and East Lake Harris Estates are the only subdivisions affected by this change.

Town Planner, Tim Green explained that the request had come out of a meeting with Mr. Jay Rust who is the developer in the Meadows subdivision. Homes in the Meadows had been permitted in the past which should not have been. Going forward and to enable the town to issue a zoning clearance, the setbacks and lot coverage would need to be amended to enable the homes to be in compliance. They have currently been measuring the front setback from the street edge and not from the property boundary line.

He went over the changes to the setbacks and the difference between a one and two car carport and the lot coverage going from 40 percent to 50 percent. The developer has agreed that he will be able to install all future mobile homes to conform to the new setbacks.

There was some discussion on the merits of sending all zoning clearances to the Planner for approval, however Clerk Wells felt that it was unnecessary and adds an additional cost. If there was a question regarding a site plan, then Tim would be consulted as he is now.

Mayor Natale opened for comments from the citizens; there being none he called for a motion and a roll call vote.

MOTION by Councilman Mack to approve Ordinance 2019-01; SECONDED by Councilwoman Kobera.

Cross YES
Mack YES
Kobera YES
Sikkema YES
Natale YES

MOTION CARRIED 5-0

REQUEST FROM ASTATULA BAPTIST CHURCH TO WAIVE THE REQUIREMENT TO INSTALL SIDEWALKS ON JEFFERSON STREET AND PATRICIA PLACE

Astatula Baptist Church has requested that the Town Council grant a waiver to the requirements of installing sidewalks on Patricia Place and Jefferson Street as shown on the approved Site Plan. The adjacent streets are NOT Arterial or Collector Roads and would not require sidewalks per 9.10.02.

Florida Avenue has an established sidewalk on much of its length and the addition of the sidewalk in front of the proposed church would further the missing pedestrian connections and will be installed.

Planner Green explained how the sidewalks were on the original site plan and that the Church had originally agreed to install them and are now requesting a waiver for Jefferson and Patricia. If sidewalks were installed, they would not connect to anything. He added that this was not a variance; it was a waiver that could be granted by Council. Clerk Wells suggested that the request was to save the cost at this time and to use the funds to further the structure of the church.

Councilman Cross was concerned about the safety aspect with the students particularly on Jefferson and that this Street goes all the way up to the park. Councilman Mack did not want the sidewalk installed on Jefferson at all. Attorney Broome when asked opined that a temporary waiver would not work as it was part of the site plan and a CO could not be issued if the side walk was not installed if it was part of the plan.

At this time Councilman Cross made a motion to deny the request for a waiver for sidewalks on Jefferson and Patricia. Being that the motion had no second, it failed.

When asked his feelings, Mayor Natale said that he could see to waive the requirement on Patricia only. Councilman Mack agreed and made a motion.

**MOTION by Councilman Mack to approve the waiver for installing a sidewalk on Patricia Place; SECONDED by Councilwoman Sikkema
For: Mack, Natale, Sikkema
Against: Cross, Kobera
MOTION CARRIED 3-2**

REVIEW OF THE BIDS RECEIVED FOR THE PARCEL OF LAND OWNED BY THE TOWN ON MADISON STREET

The property owned by the Town on Madison Street was advertised for sale by sealed bid in the Daily Commercial and on a 3' x 4' sign on the property. Two sealed bids were received and opened by the Clerk and Assistant Clerk on January 7, 2019 at 12.00 pm.

Clerk Wells stated that there had been two bids; one being the original offer of \$10,000 from Orita and Laurent Issartel and one other from Kaleb Arellano for \$10,200. He added that both bidders were present, and that Mr. Arellano had requested to address Council.

Mr. Arellano explained that he had just finished his first remodeling project in Howey and has \$80,000 set aside for this property if his bid is successful. Ms. Issartel also addressed Council saying that she was an Astatula resident and intended to remodel the house and then rent it out.

Councilman Cross said that his interest was only that the Town gets it back on the tax roll to receive the revenue from it. The only difference he saw between the two bids was \$200.00. Mr. Arellano's bid stated that he intended to get it cleaned up quickly to avoid any further code enforcement issues.

Councilwoman Sikkema when asked said that normally the highest bid would be taken if they were equal in every other way. Councilwoman Kobera agreed. Mayor Natale thanked both the bidders for coming to the meeting and showing interest to develop in the Town. He then called for a motion.

**MOTION by Councilman Mack to accept the higher bid of \$10,200 from Kaleb Arellano;
SECONDED by Councilman Cross
For: Cross, Mack, Sikkema
Against: Natale, Kobera
MOTION CARRIED 3-2**

Mayor Natale congratulated Mr. Arellano on his successful bid and thanked Ms. Issartel getting the whole thing started. Mr. Arellano stated that he would complete a title search and would be ready to close. It was agreed that a quit claim deed would be used to transfer the property and a motion was made to authorize the Mayor to execute it.

**MOTION by Councilman Cross to authorize the Mayor once we receive funds to execute the quit claim deed; SECONDED by Councilman Mack
For: Cross, Kobera, Mack, Natale, Sikkema
Against: None
MOTION CARRIED 5-0**

DISCUSSION: CORNER MARKERS FOR CEMETERY PLOTS

Councilman Mack said that he had presented to the cemetery committee that a deposit be taken for the installation of corner markers for family plots in the old section where there are multiple units, likely \$150.00. This would be due at the time of reservation and thirty days be given for them to install them. There was reservation by some of the committee including financial hardship of the deposit, why the requirement was there and enforcement.

It was not a unanimous recommendation to move forward but wanted to bring their thoughts to Council and get their opinions. The requirement will be just for the old section and for new reservations going forward. Councilman Mack suggested that the code needs to be revised to deal with non-residents. Currently they should not be buried in the cemetery unless a family member who was an Astatula resident has been buried first. Attorney Broom said that it was a license for an individual plot and reservations should not be made.

Councilman Cross was concerned for the tax payer if non-residents were buried, however Deputy Clerk Whaley said that non-residents had to pay \$1,000.00 to be buried. Mayor Natale brought up the need for cremation lots as seventy-five percent of people were now cremated. He suggested having a columbarium constructed on the new side with the revenue of the sale of lots and corner markers used to construct it. The town could then sell the shelves. Pricing could be agreed by resolution.

His recommendation to the cemetery committee was to look at the columbarium on the new side and come back to Council with their ideas. Council will then decide which way forward they wanted to go.

DISCUSSION ON PROPOSED LETTER FORWARDED BY CEMETERY COMMITTEE

Councilman Mack outlined the intent of the committee in recommending a dramatic cleanup now with a listing of the rules which will be placed on signs at the entrances of the cemetery. This is in addition to the Ordinance that exists. It will spell out exactly what is and is not permitted. The letter will give everyone notice that a clean up is necessary and ample time for them to comply. Mayor Natale suggested a motion to send the letter out.

MOTION by Councilman Cross to authorize the Town Clerk to send out the cemetery letter; SECONDED by Councilwoman Sikkema

For: Cross, Kobera, Mack, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

APPROVAL FOR THE MAYOR TO SIGN THE FEMA GRANT AGREEMENT AND MODIFICATION AGREEMENT

To enable the Town to receive the \$2,413.38 grant from FEMA for the Cemetery Damage from Hurricane IRMA, a 66-page agreement must be signed by the Mayor. In addition, the modification agreement allows for a further payment of \$28,862.60 without the need for another 66-page agreement.

Councilman Mack reported that there were also two other amounts that the Town had applied for which were pending with the State and a further modification agreement was expected this month. Mayor Natale requested a motion to approve.

MOTION by Councilman Mack to approve; SECONDED by Councilman Cross

For: Cross, Kobera, Mack, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

REQUEST TO WRITE OFF \$3,286.90 OF OLD DEBT AS PART OF THE AUDIT PROCESS FOR 2017-2018

The Town has uncollected debt of \$3,286.90 dating back to 2014 and 2017. The Clerk has written to three debtors and had no response. Some of the debtors are believed to be out of business or bankrupt. The letter to Assets Recovery was returned to sender - unable to forward and there is no contact information for Dave Indar.

Councilman Cross asked about the debt from Estep Construction and our ability to collect the debt if they should come back to the town for future permits as the property was up for sale. It was decided that we could as it was only being written of from our books and the debt was not being forgiven. Mayor Natale requested a motion.

MOTION by Councilman Mack to approve the write of the debt; SECONDED by Councilman Cross

For: Cross, Kobera, Mack, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

OLD BUSINESS

APPROVAL OF THE REVISED INTERLOCAL AGREEMENT WITH LAKE COUNTY FOR THE PERMITTING OF THE FIRE SUPPRESSION SYSTEM FOR COUNTY MATERIALS

This is the agreement presented to Council in November with all reference to annexation taken out. County materials will not annex the parcels without the abatement and the easement option will not work as there are multiple parcels involved and owned by the same entity. This agreement allows for the cross jurisdictional permitting for fire suppression to be carried out by Kerry Barnett to bring County Materials into compliance.

Attorney Broome said that agreement was in line with his discussions with the Lake County Attorney, however they had not at this point given their blessing on it. Once they do it will go to the Board of County Commissioners for their final approval. After the project has been permitted, the part that is in the County will revert back to their jurisdiction should there be any issues in the future.

MOTION by Councilman Cross to approve the Interlocal Agreement between Lake County and the Town of Astatula regarding the permitting and inspections for County Materials Corporation and Nationwide Limited Partnership for the Fire Suppression System; SECONDED by Councilman Mack

For: Cross, Kobera, Mack, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

UPDATE ON THE ROAD PAVING FOR ZINNIA AND AZALEA AND PENNSYLVANIA AVE AND APPROVAL FOR THE CLERK TO PAY DAB CONSTRUCTION

Councilman Mack reported that the Roads had been paved. There was some discussion about a puddle that had formed after the rain close to Mr. Fujita's driveway. Although the contract with DAB was previously approved by Council, Clerk Wells wanted to ensure that Council was happy with the project and felt that due to the size of the payment that Council should give their approval to pay the invoice.

**MOTION by Councilman Cross to authorize the Clerk to make the payment to DAB;
SECONDED by Councilwoman Sikkema
For: Cross, Kobera, Mack, Natale, Sikkema
Against: None
MOTION CARRIED 5-0**

UPDATE ON RFQ'S FOR THE REPLACEMENT OF THE TOWN ENGINEER – CLERK WELLS

Clerk Wells reported that the RFQ had been advertised twice in the daily commercial and had had some phone calls and emails from interested firms but so far had not received any proposals.

UPDATE ON THE COMMUNITY BUILDING – VICE-MAYOR MACK

Councilman Mack reported that there was no news as he had not heard back from the environmental assessment. Mayor Natale stated that with the delays, the construction costs were going up. Councilman Cross said that we had to be conservative on what was spent from the infrastructure fund to ensure that funds would be available to finish the project.

UPDATE ON THE REPLACEMENT OF THE FRONT DOORS FOR TOWN HALL – CLERK WELLS

Clerk Wells gave a detailed report on the mess that had taken place and the issues on the installation and lock mechanism. He added that he had met with the supervisor and that it would be completed to our satisfaction.

UPDATE ON THE FEMA REIMBURSEMENT – VICE-MAYOR MACK

This item had been covered earlier in the meeting.

BUDGET AND FINANCE REPORT REVIEW

Clerk gave a detailed analysis on the November and December finance reports by revenue and expenses and the bank balances. He said that financially the Town was in good shape and that all departments were operating within their budgets.

Councilman Cross asked if there was anything coming up that Council should be aware of; Clerk Wells replied no. Certain of the line item expenditures that were over budget were discussed and explanations given.

When asked about the loan to the infrastructure fund, Clerk Wells responded that \$35,000 was repaid in November leaving a balance of \$55,000. It is expected that at some point the Town will get a repayment of close to \$40,000 from FEMA plus the \$10,000 from the sale of the Madison property. At that point he would bring a proposal to Council to pay a further amount of the loan.

CITIZENS QUESTIONS AND COMMENT

Brian Burrer, a resident from 13308 Casa Verde Circle introduced himself and his local business offering internet services. Also, Sanders Smith from One Stop Automotive introduced himself.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema – NONE

Public Works – Vice-Mayor Mack – NONE

Public Safety/Code Enforcement – Councilwoman Kobera – NONE

Office Finance – Councilman Cross – NONE.

Office – LDR's, Ordinances, Legal – Mayor Natale – NONE

STAFF REPORTS

Town Attorney – Zachary Broome – reported that there was a rash of litigation going on with cities that did not have ADA compliance on their websites. He also gave an update on the requirements from DBPR to operate food trucks in the town. Deputy Clerk Whaley said that she had spoken to several towns and that food vendors were allowed only during special events.

Councilman Cross asked whether you would want these food vendors competing with the towns established businesses. It may also dissuade future restaurants from opening up in the Town. Clerk Wells said that the only revenue received from a mobile food vendor was \$25.00 for a business license so paying for the attorney to create an ordinance regulating them would not be cost effective. Councilman Cross felt that an ordinance would be necessary to prohibit them. Attorney Broome would present something from ordinances from other cities.

Attorney Broome agreed to do a presentation to Council, Cemetery Committee and Planning and Zoning Board members at 6:30 pm before the February Council meeting on the Sunshine Law.

Police Department – Chief Hoagland went over the stats for citations, arrests etc. for November and December and the totals for 2018. Mayor Natale asked him to report on the crime trends in the town. He responded that the biggest issues were Meth and Marijuana.

Town Clerk – Graham Wells – Gave an update on the progress of codifying the LDR’s and the ordinances since 2006. He was waiting on estimates from Minicode to see if it could all be completed with in the \$10,000 set aside in the budget.

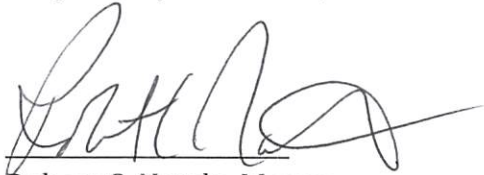
REVIEW

- a. Items for Workshops and possible dates – January 28 at 6:00 pm (later moved to the 29th) to review the proposals from the engineering RFQ and tentatively February 4 if council wants to interview the firms. A date of February 19 at 6:00 pm was set for the 20-year Master Plan
- b. No items were put forward for the next Council meeting.
- c. There were no items needing a special council meeting.

COUNCIL MEMBER MISCELLANEOUS COMMENTS – NONE
ADJOURNMENT

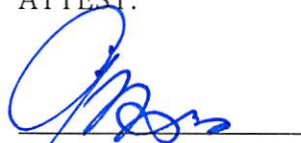
There being no further business Mayor Natale adjourned the meeting at 9:12 pm.

Respectfully submitted,



Robert C. Natale, Mayor

ATTEST:



Graham Wells, Town Clerk

