

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



**REGULAR SESSION
MONDAY FEBRUARY 11, 2019
TOWN HALL**

Having been duly advertised as required by law, Mayor Robert Natale called the Regular Session meeting to order at 7.01pm. 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
Zachary Broome, Town Attorney
Tim Green, Town Planner

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

AGENDA REVIEW

Review of application for a new Planning and Zoning member was added to New Business item 5.

Further discussion on Food Trucks in the Town was added to New Business item 6.

PRESENTATION

A presentation by Peter Tuite was made to Council on the proposed canal connecting Little Lake Harris to Lake Apopka.

MINUTE APPROVAL

Approval of Minutes for January 14, 2019 Regular Council Meeting

Approval of Minutes for January 29, 2019 Engineering RFQ Workshop

Approval of Minutes for February 4, 2019 Engineering RFQ Workshop & Interviews

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

For: Cross, Mack, Kobera, Natale, Sikkema

Against: None

MOTION CARRIED 5-0

PUBLIC HEARING

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

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING CHAPTER 4 OF THE LAND DEVELOPMENT REGULATIONS RELATING TO MANUFACTURED HOUSING PARKS; DEFINING TERMS; MODIFYING SETBACKS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

The title of the Ordinance was read aloud by Mayor Natale. The revisions were approved by the Planning and Zoning Board on December 27, 2018 3-0 and first reading was voted on at the January 14, 2019 Council meeting 5-0. This is a proposed revision of the Land Development Regulations concerning the setbacks for zoning in R-3 – Manufactured Housing Park.

Planner Green confirmed that there were only three areas affected by R-3 zoning; The Meadows subdivision, East Lake Harris Estates and a single property on Georgia Avenue. The lot sizes were not changing; only the setbacks and lot coverage. Mr. Green opined that it would be beneficial for the development in R-3.

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. Before the vote was taken Mayor Natale and Councilwoman Sikkema let it be known that they are residents of the Meadows subdivision.

**Cross YES
Mack YES
Kobera YES
Sikkema YES
Natale YES**

MOTION CARRIED 5-0

NEW BUSINESS

SELECTION OF FIRM TO PROVIDE PROFESSIONAL ENGINEERING CONSULTING SERVICES TO THE TOWN

On December 3, 2018, the Town prepared, issued and advertised a Request for Qualifications for Professional Engineering Consulting services. Three proposals were received from BESH, Mittauer & Associates and CPWG.

Council met on January 29, 2019 for a workshop to discuss the merits of each proposal and then conducted interviews with the three firms at a workshop on February 4, 2019. All three firms have excellent credentials, and each would be an asset to the Town. Council will choose the firm that best fits the nature and requirements of the Town.

Following the Mayor outlining of each of the presentations made and discussion on the merits of the three firms, Mayor Natale made a motion to appoint CPWG as the Town's Engineering Firm.

MOTION by Mayor Natale to select CPWG as the Town Engineering firm; SECONDED by Councilman Mack

A Roll Call vote was taken

Cross YES

Mack YES

Kobera YES

Sikkema YES

Natale YES

MOTION CARRIED 5-0

Councilman Mack suggested that Mittauer be selected as a secondary firm and back up to CPWG. Mayor Natale asked for a motion.

MOTION by Councilman Mack to select Mittauer as a secondary engineering firm; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES

Mack YES

Kobera YES

Sikkema YES

Natale YES

MOTION CARRIED 5-0

It was left to the Clerk to communicate with the parties and bring contracts to the March Council meeting for approval.

DISCUSSION ON TAKING A ROLL CALL VOTE ON ALL MOTIONS – CLERK WELLS

Currently the Town requires a roll call vote for Ordinance, Resolutions and any vote where finances are involved. On all other topics a simple Yea or Nay is all that is required. A vote at the last Council meeting was incorrectly noted by the Clerk and only came to light when discussing the vote with the Mayor. To avoid this happening again, the Town may wish to discuss the merits of requiring a roll call vote on all motions.

Clerk Wells said that the vote would be rotated giving all Council members an opportunity to vote first and if passed a resolution would be presented to Council and it would become part of the rules of order. Councilwoman Sikkema suggested that the rules of order be reviewed and that any recommended changes be brought to the next meeting. Mayor Natale was in agreement and instructed the clerk to send them to Council.

UPDATE ON THE COST AND TIMEFRAME TO CODIFY ALL RELEVANT ORDINANCES SINCE 2006 INCLUDING CHARTER AMENDMENTS

The Town has not codified the Charter amendments, LDR's or any Ordinances since 2006. All the relevant documents have been sent to Municode who recommend a complete republication. The cost to complete is \$8,920.00 with the option of including the State Law footnotes and index for an additional \$525.00. There is an annual administrative support fee of \$225.00 and \$550.00 per year if we want to host it on the Towns website.

Clerk Wells said that there was \$10,000.00 in the budget for this project. The combined cost was \$220.00 over the budgeted amount. He deferred to attorney Broome on the option of saving \$550.00 by not having the foot notes and Statute index. He felt that the index would be useful if the town was reviewing an item based on statutory authority.

Clerk Wells added that the three Charter amendments, the complete LDR's and ordinances approve since 2006 have been sent to Municode for their review and that is what the price to codify is based on. It will take them four to six months to complete the project. It will then be available on the website and they will send it in printed forms to update the books. He said that a motion would be required to approve the cost and for the Mayor to sign the agreement with Municode to get the project started.

MOTION by Councilman Cross to approve as requested; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Cross YES

Mack YES

Kobera YES

Sikkema YES

Natale YES

MOTION CARRIED 5-0

DISCUSSION ON THE MERITS OF HAVING AUTOMATED EXTERNAL DEFIBRILLATORS IN ALL POLICE VEHICLES. THESE CAN BE FUNDED THROUGH IMPACT FEES – CLERK WELLS

Clerk well stated that currently the Police Department has an AED in the Chiefs vehicle and Sergeant Browns vehicle. Both are very old, and his belief was that they should be in all police vehicles. There is no liability for having them but there is a liability for not having them.

His concern is that if one of our officers is the first responder to a cardiac arrest, particularly a child and does not have an AED which could save the child's life, a law suit would certainly come to the town. There are AED's in Town Hall and in the Police offices.

Twelve hundred people a day die of cardiac arrest and it does not discriminate by age or gender. It can happen to anyone. If a child clashes with someone on the football field and has a cardiac arrest, meaning that they are clinically dead, you only have four to six minutes to shock them back to life. You can do CPR until someone else gets there with an AED, but any delay limits saving the child's life.

The town has over \$60,000 in impact fee money which we struggle to spend because they are restricted funds; the purchase of AED's is something that they can be used for. There are many different brands and would cost between \$1,200 and \$1,500 each.

Mayor Natale requested a motion to fund the purchase of AED's with impact fee money. Councilman Cross suggested that we get an accurate number and cost and bring it back to Council at the next meeting. A straw poll was taken for the Clerk to come with a recommendation on the type of AED to purchase and the total cost. All council members were in favor.

REVIEW OF APPLICATION FOR A NEW PLANNING AND ZONING MEMBER

The Mayor introduced Orita Isartel, a resident of the town who has made an application to fill the vacant place on the Planning and Zoning Board. Ms. Isartel introduced herself to Council and described why she would be a good fit to fill the position. She moved to Astatula from Miami in November 2017, loves the town, attends all the council meetings and feels that she has something to offer. Following questions from the Council the Mayor asked for a motion.

**MOTION by Councilman Mack to appoint Ms. Isartel to the Planning and Zoning Board;
SECONDED by Councilwoman Kobera**

A Roll Call vote was taken

Cross YES

Mack YES

Kobera YES

Sikkema YES

Natale YES

MOTION CARRIED 5-0

FURTHER DISCUSSION ON FOOD TRUCKS BEING ABLE TO OPERATE IN THE TOWN

At the last meeting it was recognized that the town does not have an ordinance in place to allow, not allow or regulate food trucks operating the town. The Mayor said that it would add choice of types of food available which was a benefit but did not want to take business away from existing food vendors who are established and pay property taxes.

He went on to introduce Mr. Conrad Gonzales who is a twenty-four-year resident of Astatula. He resides at 24411 Jefferson St and wishes to operate his food truck within the town limits. The Mayor raised the question as to whether the Council wants to control and regulate the growth of food trucks in the town even though they operate from private property.

Councilman Cross said that there was already competition in town from the pizza delivery services from Tavares and that if Mr. Gonzales by his own words does good, he may well open a restaurant in the future. Another business may come in and open a store, so he saw no down side to them operating and a positive in the long run. Councilwoman Kobera uncharacteristically agreed completely with Mr. Cross.

Councilman Mack was also in favor and attorney Broome's research could not find a city that had an outright ban on food trucks provided that they comply with all the food regulations, are removed every day and have a business tax receipt to operate in the town. He added that the site where the truck operates has to be far enough off the road so as not to create a traffic safety hazard with stopped vehicles.

It was decided that as there has been no complaints from residents or established food vendors, and the town does not prohibit them, they will be allowed to continue to operate if they are compliant with food regulation and have a business tax receipt.

OLD BUSINESS

UPDATE ON THE REVISED INTERLOCAL AGREEMENT WITH LAKE COUNTY FOR THE PERMITTING OF THE FIRE SUPPRESSION SYSTEM FOR COUNTY MATERIALS - ATTORNEY BROOME

Attorney Broome said that there was an issue as the Chairperson of the Lake County Board of Commissioners has changed since the agreements we drawn up and signed by the Mayor. The County attorney agreed to change the name on the document and it would be presented to the Board at the next BCC meeting.

UPDATE ON THE COMMUNITY BUILDING - VICE-MAYOR MACK

Councilman Mack had stepped out, so no update was given at this time.

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

The Clerk confirmed that they were in, squared up, trimmed out and the graphics were added today. It also has the correct lock on it. The project is complete.

UPDATE ON THE FEMA REIMBURSEMENT - VICE-MAYOR MACK

Councilman Mack had not returned so no update was given.

UPDATE ON LETTER FROM THE CEMETERY COMMITTEE TO BE INCLUDED IN THE NEWSLETTER – CLERK WELLS

The Clerk suggested that the letter be sent out with the news letter and the Mayors Message to keep the cost down. This was agreed.

ITEMS TO BE INCLUDED IN THE QUARTERLY NEWSLETTER – CLERK WELLS

Clerk Wells requested input from Council for what they wanted to be included in the February Newsletter. Items Suggested were:

- Current and future Road Paving
- Report on Light up Astatula
- \$100,00.00 grant application for improvements to our parks
- Update on the community building
- Code Enforcement – This will be included in the Mayors message
- Spring Cleanup – March 23rd 9:00 am to NOON

Additional items that were included:

- Sign up for notifications from the website
- Selection of CPWG as the Towns Engineering Firm
- Police office Profile – Sergeant Rodney Brown and K9 Barrett
- Welcome to our new crossing guard and two new reserve officers

UPDATE ON COMMUNITY BUILDING, PARKS AND FEMA REIMBURSEMENT

Councilman Mack confirmed that we had received communication of release of funds for the project meaning that we were completely funded for the community building. Fred Fox and Kevin Bessolo are working on the bid package which goes to DEO and once blessed by them it can be released.

All the FEMA reimbursements are in the States hands with the exception of the Town Hall repair which has not yet been funded. We should be receiving funds shortly.

BUDGET AND FINANCE REPORT REVIEW

Clerk provided an analysis on the December finance report by revenue and expenses and the bank balances which were the same as the report presented last month with the exception of a true up from October of one of the revenues for around \$6,000. He gave the preliminary report for January where he was waiting on a number of the revenues which were estimated and highlighted in yellow. There was no revenue figure for Ad Valorem or Solid Waste which make up most of the revenue shortfall against the budget.

The expenditures on page two of the report were more accurate and showed that the town had spent \$24,000 less than what was budgeted. All departments were operating within their budgets.

He went over the bank balance at the bottom of page two and the Road fund revenues and expenditures on page eight and the infrastructure fund on page nine. The budget for road materials had been amended to correlate with the \$92,000 paid to DAB for the road paving.

At the previous meeting Councilman Cross had asked if there was anything coming up that Council should be aware of. Clerk Wells prepared a cashflow forecast from January 1 thru to October 31, 2019 to ensure that we have sufficient money in the General Fund to last before next financial year's Ad Valorem taxes are received in November. The report highlighted that the surplus was very slim, and we have to take account that monthly expenditures are double that of the revenues that come in. He added that the \$10,000 received from the sale of the Madison property was used to pay back the loan to the infrastructure fund which now stands at \$45,000.

He summarized that the town was in good shape financially and that c\$35,000 was repaid to the infrastructure fund in August and September 2018. Additionally, the \$35,000 put in the budget for FY 2018-19 was repaid in November. As long as spending is kept under control then we will be fine, however it was less likely that there would not be funds available to repay the remaining \$45,000 owed in this financial year as hoped for.

Councilman Mack brought up a request from the cemetery committee to know how much money is in the cemetery fund and have an input into how the money is spent. A lengthy discussion ensued, and a review recommended to ensure that the Town was following the ordinance (2011C) with regards to the funds being restricted. It was agreed that Council would review the ordinance before the next council and recommend any changes that need to be made both in the stated rules and/or the implementation of them.

CITIZENS QUESTIONS AND COMMENT

A resident stated that the Council was doing a good job from where they were a year ago.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema – NONE

Public Works – Vice-Mayor Mack – stated that an advert for a new public works employee had been placed in the Daily Commercial and applications were being taken. Until a new worker was taken on, all enquiries would be directed to him.

Public Safety/Code Enforcement – Councilwoman Kobera – stated that while Chief Hoagland was gone, Sergeant Brown would be in charge.

Office Finance – Councilman Cross – NONE.

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

STAFF REPORTS

Town Attorney – Zachary Broome - NONE

Police Department – Chief Hoagland – Absent

Town Clerk – Graham Wells – NONE

REVIEW

- a. Items for Workshops and possible dates – ***February 19, 2019 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 9:27 pm.

Respectfully submitted,



Robert C. Natale, Mayor

ATTEST:



Graham Wells, Town Clerk

