

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



**SPECIAL SESSION
THURSDAY APRIL 25, 2019
TOWN HALL**

Having been duly advertised as required by law, Mayor Natale called the Regular Session meeting to order at 7.33pm. The invocation and the Pledge of Allegiance were conducted at the Planning Workshop immediately preceding this meeting.

Members Present:

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

Staff Present:

Graham Wells, Town Clerk
Zachary Broome, Town Attorney

Roll Call was not performed following the Planning Workshop, however all members remained present.

AGENDA REVIEW

There were no amendments to the agenda, however the Mayor wanted to hear a complaint from Kathy Dunham

CITIZENS QUESTIONS AND COMMENT

Kathy Dunham 13520 Alabama Ave – brought up the situation of the noise, dust and disturbance to her and her husbands' quality of life living opposite the County Materials plant south wall. There is a thirty-foot buffer from the fence which is not being enforced. Councilman Mack stated that he and the Clerk had reviewed the site plan following the complaint and there is a significant landscaping requirement within the buffer. Ms. Dunham said that County Materials had removed all the trees in the buffer and there are pipes stored right up to the fence.

Councilman Mack said that he had established what the requirements are and it is now going through the code enforcement process to bring the requirements into compliance. Mayor Natale asked attorney Broome about the noise who replied that there was not a way to enforce. Mayor Natale emphasized that the code enforcement process has to take its correct course which may end up before a Special Magistrate. The Town can only enforce the ordinances that are in place which refer to the buffer and the landscaping. Outside of that it would become a civil matter for her to take up directly with County Materials.

NEW BUSINESS

ONE-YEAR REVIEW OF TOWN CLERK PERFORMANCE AND REQUEST FOR SALARY INCREASE – MAYOR NATALE

Mayor Natale outlined the past year and achievements since Clerk Wells took office and the positive effect that he has had on the Town's finances and administration. He added that he was hired for considerably less money than he was offered for a similar position on the coast and went on to make a motion that Council give him an increase in salary from \$65,920 to \$70,000. This he said would get him back on par considering his background and experience and keep him in the Town.

Councilwoman Sikkema asked if there had been any formal review of his performance, not that he wouldn't pass with flying colors. The Mayor responded that he had asked Mr. Wells to document his achievements. Her other concern was that at the schoolboard they have reviews but that raises are given as part of the budget process. She added that she was not saying that he did not deserve the raise, however this increase is not budgeted for and she preferred to wait until the new fiscal year.

Councilman Cross asked what the impact is on the current budget and agreed somewhat with Ms. Sikkema and wondered what the policy manual said. Mayor Natale asked the Clerk to describe how the raise would impact the current year budget. He responded that the impact including FICA and pension contributions was less than \$2,000 to the end of September. He added that his department (Executive – 512) expense was \$1,400 under budget and allowing for the \$1,650 paid to Kitty for unemployment benefit would be over \$3,000 under budget.

Mr. Wells brought Council's attention to the current updated finance report and stated that financially there was no risk to the town. He added that he was a believer that first you demonstrate what you can do for the town and only then ask for the proper remuneration for doing it. He had given the Mayor a list of the achievements over the past year and emphasized the increase in revenues the town now receives; the reduction in the expenditure that the town was paying through mis-management of the previous clerk and the many improvements that have been made to the administration.

He went on to say that the Clerks in Mascotte and Mt. Dora are both paid over \$80,000 per year and although in bigger cities, they do not do what he does. In Astatula he does the job of a City Manager and feels that the \$4,000 increase has been earned; that he is worth it and only \$2,000 of it is going to affect this fiscal year. The Mayor added that the Clerk had asked to have Finance Director in his title and Clerk Wells explained why he felt that it was important.

There being no further discussion the Mayor requested a second for his motion. This was given by Vice-Mayor Mack and a roll call vote was requested. Councilwoman Sikkema asked for the motion to be restated.

**MOTION by Mayor Natale to approve the increase in salary to the \$70,000 requested;
SECONDED by Councilman Mack**

A Roll Call vote was taken

Cross YES

Mack YES

Sikkema NO

Kobera NO

Natale YES

MOTION CARRIED 3-2

**DISCUSSION ABOUT NEW PERMITTING FIRM TO REPLACE NOVA ENGINEERING –
CLERK WELLS**

Clerk Wells outlined the changes that had taken place at NOVA resulting in the termination of the contract with the Town and the three companies that he had spoken to as potential replacement to do the building permitting and inspections. They all service other towns and cities so piggy backing on their contracts would negate the need for a costly RFQ process. All companies would require that we send the permits by email as opposed to the current situation where the plan reviewer came to us.

With this in mind, he spoke to Bob Hughes, the Vice President of NOVA and he has agreed to continue the contract on the basis that we send the permit applications electronically to them in Tampa. This is good news in that we will not have to change the fee schedule or change firms. We will try it for a period of time to see how it works out. They have two inspectors who will continue to do the inspections onsite.

Discussion ensued on the merits of moving the permitting to Lake County, however Clerk Wells felt that it would have a detrimental effect on revenue incomes from permit fees, only marginally reduce the workload for Jane while significantly reducing the permitting lead times and service levels to the resident of Astatula. It was agreed that the Town would continue to use NOVA Engineering for the time being.

**COUNCIL PERMISSION FOR A PRIVATE SPECIAL EVENT TO BE HELD IN KIRKWOOD
PARK**

The Town has an application to hold a Summer Safety special event in Kirkwood Park on Saturday May 11 from 10am to 4pm. Details of the event are shown on the application form but include pony rides, a bounce house and the preparation and sale of chicken dinners.

Council Mack said that they were a not-for-profit horse club out of Howey and were partnering with the Town and the fire department. He went over the purpose and the activities that would take place during the event. Councilman Cross stipulated that they must clean up after themselves. Councilman Mack asked if Council wanted to support the event following which a motion was made.

**MOTION by Councilwoman Kobera to approve the special event to be held in Kirkwood Park by Spirit Horse Club; SECONDED by Councilman Mack
For: Cross, Natale, Mack, Kobera, Sikkema
MOTION CARRIED 5-0**

DISCUSSION AND ACTION REGARDING THE REQUIREMENT FOR A CONDITIONAL USE PERMIT FOR RESIDENTIAL GAS TANKS – CLERK WELLS

Consideration to waive the fees associated with the CUP application for residential gas tanks for the two current permits and amend the code removing the requirement in the future. There are two applications for residential propane tanks, one in-ground and one above ground. The Land Development Regulation shown below requires that a Conditional Use Permit is issued.

4.10.4 Gas, Propane, or LP Storage Facility

A) Any gas, propane, or LP storage tank or facility must obtain a conditional use permit in any zoning category unless the tank or storage facility is for residential use and holds 30 pounds or less.

Any other gas, propane, or LP storage tank or facility must apply for a conditional use permit. Setbacks and special conditions will be considered and adopted during the conditional use approval process.

This section has been in LDR's since they were rewritten in 2007 however both Tim Green and Councilman Mack are at a loss to understand why we would permit small residential gas tanks in this way. It is not the norm. A tank for your outdoor barbeque weighs 20 pounds. In addition, a CUP, approved by resolution, is required to go through P & Z plus one council hearing and carries with it a fee of \$1,000.00.

Councilman Mack gave a background overview of the history of this code. Councilman Cross wanted to ensure that a non-residential tank is still controlled through the conditional use permit process. Clerk Wells said that we have two residential tank applications that need to be dealt with now. The process to change the code will take two ordinance readings and delay the permitting for these applications.

Councilman Mack recommended that the Town go ahead with the CUP for the applications but waive the associated fees. Staff would bring an ordinance to Council at the next meeting to begin the process to change the code. There being no further discussion, a motion was requested.

**MOTION by Councilwoman Kobera to waive the fees for the two conditional use permit applications; SECONDED by Councilwoman Sikkema
For: Cross, Natale, Mack, Kobera, Sikkema
MOTION CARRIED 5-0**

FIRST READING OF ORDINANCE 2019-03 REPEALING OF ORDINANCE 2013F, REQUIRING THE REGISTRATION OF FORECLOSURE PROPERTIES

The town has been using Property Registration Champions, LLC for many years to handle and administrate the registrations of foreclosed properties in the town. As of the March Council meeting it was voted upon to not renew their contract, however the requirement to have the properties registered by ordinance remains in force. Ordinance 2019-03 repeals Ord. 2013F in its entirety.

MOTION by Councilman Mack to approve Ordinance 2019-03 and send to second reading; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES

Mack YES

Sikkema YES

Kobera YES

Natale YES

MOTION CARRIED 5-0

FIRST READING OF ORDINANCE 2019-04 TO REPEAL AND REPLACE ORDINANCE 2013C PERTAINING TO SPECIAL EVENTS

Clerk Wells said that the title should read to amend Ordinance 2013C and not to repeal and replace it.

Ordinance 2013C was adopted in June 2013 to regulate and control special events in the town. It also repealed an earlier ordinance from 2012 which is considered more comprehensive and had the necessary and corresponding language to enforce the events held at The Central Florida Motorsports Park. This new ordinance has the necessary language to correspond to Ordinance 2012A creating the Planned Urban Development (PUD) for the Central Florida Motorsports Park.

Mayor Natale questioned whether there was a fee schedule for special events and asked if the officers attending were paid by the Town. Clerk Wells responded that at the most recent event they were paid cash by the people who put the event on. The Town has a fee schedule that requires the event coordinator to pay the town at \$25 per hour plus a \$3 per hour admin fee. This is in addition to the event fee of \$100. His concern with the officers being paid cash is that they are off duty but in uniform and using town vehicles and equipment. If they get hurt, then there may be a liability to the Town. He had spoken to attorney Broome who agreed.

On the flip side, if the officers are paid by the town then it is not just \$25 per hour but the addition of 31 percent for FICA and retirement contributions. What went on at the event and the response from the Lake County Fire Marshall was discussed at length and the potential liability whether the officers were being paid by the Town or the event organisers.

Councilman Cross stated that use of town equipment for a private event was illegal. Councilman Mack said that the Town is required to provide Law Enforcement for events within the City limits. The issue was that the officers were not previously being paid by Kitty so a work around was established to have the officers paid by the event coordinator so that it could go ahead. Attorney Broome stated that the fee schedule was approved by Resolution and that the fees schedule can be modified. He gave some background to the 2012 and 2013 ordinances but stated that the ordinance brought before council tonight would still require some modification.

Clerk wells opined that as the ordinance is twenty plus pages long and requires modification to the fee schedule we need to take the time to get it right and not rush it. Both were going to regulate future special events, so we only want to do this once. Attorney Broome gave his recommendations about not correlating what is charged by the town for the officers to attend and what the officers are paid by the town for attending the event. Also, the class of events needs to be looked at.

It was evident that the ordinance was not ready to be voted on and the Mayor tabled it to a future meeting.

REVIEW

- a. Items for Workshops and possible dates – NONE
- b. No items were put forward for the next Council meeting.
- c. Review of items needing Special Meetings and possible dates - NONE

COUNCIL MEMBER MISCELLANEOUS COMMENTS

Mayor Natale stated that a third-grade teacher has had a bird box style library donated to her and was raising money to buy books to go in it. It will be take-one-leave one to encourage younger children to read more. They want to place it in Kirkwood Park so that children using playing in the park will use it. It is also a central location and easy access for use. Councilman Cross said that he had no problem so long as they understand that Town has no liability for it if it is vandalized. That being said, the Mayor asked for a motion.

MOTION by Councilwoman Kobera to allow the bird box library to be placed in Kirkwood Park; SECONDED by Councilman Cross

For: Cross, Natale, Mack, Kobera, Sikkema

MOTION CARRIED 5-0

ADJOURNMENT

There being no further business Mayor Natale adjourned the meeting at 8:50 pm.

Respectfully submitted,

Robert C. Natale, Mayor

ATTEST:

Graham Wells, Town Clerk

DRAFT