

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



**REGULAR SESSION
MONDAY MAY 13, 2019
TOWN HALL**

Having been duly advertised as required by law, Vice-Mayor Mitchell Mack called the Regular Session meeting to order at 7.00pm. Vice-Mayor Mack gave the invocation and Mayor Natale led the Pledge of Allegiance.

Members Present:

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

Absent:

Stephen Cross

Staff Present:

Graham Wells, Town Clerk
Jane Whaley, Deputy Clerk
Wally Hoagland, Police Chief
Zachary Broome, Town Attorney

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

CITIZENS QUESTIONS AND COMMENT

There were no citizens questions or comments.

AGENDA REVIEW

Clerk Wells stated that when the agenda was sent out, only the cover sheet was available for Ordinance 2019-04 Special Events. The ordinance is now available, and he requested that it be discussed. If a consensus was that Council were good with it or with any minor changes that it be voted on as first reading and brought back for final reading at the June meeting.

PRESENTATION

Proclamation – As this was Motorcycle Awareness Month the Mayor read aloud a proclamation on behalf of the Town for the Lake County Chapter of ABATE of Florida, Inc. The Proclamation was signed by the Mayor and presented to the President of the Chapter, Mr. Will Deaver. Mr. Deaver thanked the Mayor and the Town for their support. The Mayor asked that “Watch out for Motorcycles” be periodically put on the Town sign.

MINUTE APPROVAL

Approval of Minutes for April 8, 2019 Regular Council Meeting
Approval of Minutes for April 25, 2019 Planning Workshop
Approval of Minutes for April 25, 2019 Special Council Meeting

**MOTION by Councilwoman Sikkema to approve the minutes shown above; SECONDED by Councilwoman Kobera
For: Mack, Natale, Kobera, Sikkema
MOTION CARRIED 4-0**

PUBLIC HEARING

FINAL READING OF ORDINANCE 2019-03 – REPEAL OF ORD. 2013F, MAINTENANCE OF FORECLOSURE PROPERTIES.

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, REPEALING ORDINANCE 2013F RELATING TO MORTGAGED REAL PROPERTY; REPEALING CHAPTER 11 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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.

The first reading of Ordinance took place at April 25, 2019 Special Council meeting and the public hearing was advertised in the Daily Commercial on May 3, 2019.

MOTION by Councilman Mack to approve Ordinance 2019-03; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

NEW BUSINESS

FIRST READING OF ORDINANCE 2019-08 AMENDING THE LAND DEVELOPMENT CODE FOR LP GAS TANKS

ORDINANCE 2019-08

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING CHAPTER 4 OF THE LAND DEVELOPMENT REGULATIONS RELATING TO LP GAS TANKS FOR RESIDENTIAL USE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The Land Development Regulation currently requires a Conditional Use Permit for residential tanks over 30-pound. This Ordinance amends Section 10.4.10 of the Land Development Code. The proposed language will be changed to:

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 a tank is for residential use.

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.

A vote to recommend approval of Ordinance 2019-08 was taken at the May 2, 2019 Planning and Zoning meeting. Approval to adopt Ordinance 2019-08 and send to second reading was requested. Councilman Mack asked if there were any adverse comments from P & Z members about this; Clerk Wells said that there were no questions or comments made.

Councilman Mack then read the Ordinance by title only and made a motion to send for second reading.

MOTION by Councilman Mack to approve Ordinance 2019-08 and send to second reading; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

RESOLUTION 2019-07 WAIVING FEES FOR CONDITIONAL USE PERMITS FOR RESIDENTIAL PROPANE TANKS.

RESOLUTION NO. 2019-07 - A RESOLUTION OF THE TOWN OF ASTATULA, FLORIDA WAIVING FEES FOR CONDITIONAL USE PERMITS FOR RESIDENTIAL PROPANE TANKS; AND PROVIDING AN EFFECTIVE DATE.

The Town has two applications for residential propane tanks, one in-ground and one above ground. The Land Development Regulation requires that a Conditional Use Permit is issued. Approval of Resolution 2019-07 waiving the fees associated with the CUP application for residential gas tanks for the two current permits is requested. Councilman Mack read the title of the Resolution followed by a motion to approve.

MOTION by Councilman Mack to approve Resolution 2019-07; SECONDED by Councilwoman Kobera

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

RESOLUTION 2019-05 APPROVAL OF CONDITIONAL USE PERMIT FOR 26016 AZALEA LANE.

RESOLUTION 2019-05 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; GRANTING A CONDITIONAL USE PERMIT FOR LAND LOCATED AT THE 26016 AZALEA LANE TO ALLOW AN LP TANK LARGER THAN 30 POUNDS; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilwoman Kobera to approve Resolution 2019-05 allowing for a Conditional Use Permit for 26016 Azalea Lane; SECONDED by Councilman Mack

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

RESOLUTION 2019-06 APPROVAL OF CONDITIONAL USE PERMIT FOR 13320 CASA VERDE CIRCLE.

RESOLUTION 2019-06 - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; GRANTING A CONDITIONAL USE PERMIT FOR LAND LOCATED AT THE 13320 CASA VERDE CIRCLE TO ALLOW AN LP TANK LARGER THAN 30 POUNDS; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

MOTION by Councilwoman Kobera to approve Resolution 2019-06 allowing for a Conditional Use Permit for 13320 Casa Verde Circle; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

APPROVAL OF RATE INCREASE FOR GARBAGE DISPOSAL FOR WCA WASTE SYSTEMS, INC PER THEIR CONTRACT

The contract with WCA provides for an annual rate adjustment in line with the CPI for the solid waste for residential customers. The proposed rate increase is \$0.42 per household per month. If approved, Resolution 2019-09 will be voted on to have the new assessment put onto the tax roll. The new annual charge will go into effect on October 1, 2019.

MOTION by Councilwoman Sikkema to approve the rate adjustment for WCA Waste Systems, Inc in line with their contract; SECONDED by Councilman Mack

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera NO

Absent:

Cross

MOTION CARRIED 3-1

RESOLUTION 2019-09 APPROVING THE SOLID WASTE RATE INCREASE TO GO ONTO THE TRIM.

RESOLUTION NO. 2019-09 - A RESOLUTION OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE INCORPORATED AREA OF THE TOWN OF ASTATULA, FLORIDA; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Following the approval of the rate increase to WCA, Resolution 2019-09 authorizes the increased assessment to be passed onto the residents and put on the tax roll. The new annual charge will go into effect on October 1, 2019. The title of the Resolution was read by Councilwoman Sikkema and a motion was requested to approve.

MOTION by Councilman Mack to approve Resolution 2019-09; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

APPROVAL OF THE PURCHASE OF A NEW MOWER DECK – VICE-MAYOR MACK.

Councilman Mack gave an overview of the purchase requirement. The town successfully replaced the deck on one the other mower last year. The two mowers were purchased in 2010 at a cost of \$28,000. The deck on the second mower is coming to the end of its useful life and replacement is part of the maintenance to extend the life of the mower. Trail Saw and Mower are a sole source vendor for the manufacturer. The purchase will extend the life of the current mower fleet which is needed for ROW mowing.

Mayor Natale asked if this was budgeted; Councilman Mack replied that it was budgeted in Repairs and Maintenance of equipment in the Transportation Fund. When asked by Councilwoman Sikkema, Clerk Wells said that the deck was not specifically budgeted for but that there was money available in the Repairs & Maintenance for it to be purchased.

MOTION by Councilman Mack to approve the purchase of the mower deck; SECONDED by Councilwoman Kobera

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

APPROVAL FOR THE PURCHASE OF EIGHT AUTOMATED EXTERNAL DEFIBRILLATORS (AED) FOR POLICE VEHICLES.

The Town currently has two AED's, one in the Chiefs vehicle and one in Sgt. Browns vehicle. These are at least seven years old and it is uncertain if they are in working order. The AED's proposed are manufactured by Physio Control and are compatible with all the Defibrillators carried on Lake County Fire Trucks and EMS vehicles. They have an eight-year warranty and the quotes include a carry case, two sets of regular pads and a set of pediatric pads. It is important for all our police vehicles to carry this life saving equipment.

Clerk Wells said that this was brought to Council several months ago where a straw poll was taken to go ahead and get quotes to purchase seven units. In the meantime, the town applied for a grant through Firehouse Subs but was unsuccessful in securing the grant. Council had accepted that if the grant money was not forthcoming, then the town would purchase the units through Public Service Impact Fees.

The original quote was for seven units, however he added that as we have eight vehicles, it is logical to have one in each. The town has eight old Phillips FRX models for which we can get a \$1,200 manufacturers rebate which would cover the cost of the extra unit. This is not a budgeted expense. Mayor Natale requested a motion.

MOTION by Councilwoman Kobera to approve the purchase of eight AED's for the police vehicles; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

Clerk Wells stated that the cheapest quote of \$9,864.00 with the addition of the rebate was from Sterlington Medical and that he proposed to purchase from them.

FIRST READING OF ORDINANCE 2019-04 AMENDING ORDINANCE 2013C FOR SPECIAL EVENTS.

ORDINANCE: 2019-04

AN ORDINANCE OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE TOWN OF ASTATULA, FLORIDA; PERTAINING TO SPECIAL EVENTS AND RECURRING EVENTS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR THE QUALIFICATION OF NON-PROFIT CHARITABLE ORGANIZATIONS; PROVIDING FOR AN APPLICATION AND APPROVAL PROCESS; PROVIDING FOR PERMIT ISSUANCE; PROVIDING FOR SPECIAL EVENT AND RECURRING EVENT TERMS AND CONDITIONS; REQUIRING INDEMNIFICATION AND INSURANCE; PROVIDING FOR ALCOHOLIC BEVERAGE REGULATIONS; PROVIDING FOR NOISE CONTROL; PROVIDING FOR PUBLIC LAW ENFORCEMENT AND PRIVATE SECURITY SERVICES, FIRE DEPARTMENT SERVICES, EMERGENCY MEDICAL SERVICES, PUBLIC WORKS SERVICES BUILDING DEPARTMENT SERVICES; REQUIRING PORTABLE TOILET FACILITIES AND GARBAGE PICKUP; PROVIDING A FEE SCHEDULE; PROVIDING FOR CONFLICT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 asked Attorney Broome to give an overview of the ordinance. He stated that to clarify it was a special event ordinance for the Town and not just pertaining to the Motorsports Park. It basically falls into three classes; A. being for the largest and the most impactful to the town, to Class C. which covers the smaller events. There was some discussion from the April meeting following Councilman Mack's suggestion to limit the requirement for a permit for less than fifty people but that was up to Council.

The ordinance mandates the requirements for public safety and the impact on them to provide EMS and law enforcement for an event. It also contains requirements for noise and the hours of operation. Class A has more stringent rules to ensure the adequate cover for public safety. Mayor Natale brought up the requirement for fees to be paid directly to the Town and not to the police officers. Attorney Broome said the ordinance covers this point.

Clerk Wells stated that he would be reviewing the current fees charged for event permits to ensure that they were adequate to cover the Town's costs for Law Enforcement, public works and the Fire Marshall. This would come to Council for approval by Resolution at the next meeting. He suggested that Council review the comments and suggested changes brought forward by Councilman Mack. These were discussed at length and are summarized or clarified as follows:

1. A floor limit of fifty people to be put in place before a Class C permit is required. This enables smaller gathering and use of the community building not to be affected.
2. The Ordinance would cover events on private property and would also regulate events held at the new community building at Swaffer Park.
3. Sec. 27-6 should state that the Town Clerk shall notify the applicant and not Council.
4. Sec. 27-9 refers to the noise ordinance which needs to be updated. Noise is also controlled by the hours of operation.
5. Fee deposits to cover unexpected costs to the Town need to be put in place. This is partly covered in Sec. 27-6 (f).
6. Sections 27-11 and 27-12 need to be looked at to ensure that the Town has the necessary agreements in place.
7. Sec. 27-34 to be amended that only residents of the town within 1,500 feet of the event will be notified.

Having discussed the main points in the Ordinance, attorney Broome felt that the changes were not significant to prevent it from being the first reading. Councilwoman Kobera read Ordinance 2019-04 by title and a motion was requested.

MOTION by Councilman Mack to approve Ordinance 2019-04 as amended; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Natale YES

Sikkema YES

Kobera YES

Absent:

Cross

MOTION CARRIED 4-0

OLD BUSINESS

UPDATE ON THE COMMUNITY BUILDING – VICE-MAYOR MACK

Councilman Mack stated that the pre-bid meeting was scheduled for May 23rd at 10:00 am at Town Hall. Fred Fox, the architect from Bessolo, the engineers and Tim Green will be there.

CEMETERY CLEANUP NOW THAT THE TOWN HAS A PUBLIC WORKS EMPLOYEE

Clerk Wells reminded that a deadline was put in place for residents to clear their stuff up at the cemetery following a letter being sent and signs put up at the exits of the cemetery. This deadline has passed as we did not have a public works employee to remove the items that were still there.

Mayor Natale opined that anything that is unauthorized and still on a gravesite, is public property and should be regarded as trash and disposed of. Clerk Wells asked who should make the determination as to what should be removed; the cemetery committee, public works or the Clerk/Mayor who are jointly responsible for the management of the cemetery.

He liked the idea of the Mayor, to do this in phases, getting rid of the most obvious items and then move onto other items. Flags can also be put where other items are going to be taken out in the next phase giving them the opportunity to call town hall to make arrangements to either remove it or apply for an exemption. Mayor Natale said he wanted to start this immediately.

BUDGET AND FINANCE REPORT REVIEW

The Clerk provided an analysis on the final March finance report by revenue and expenses and the bank balances which were the same as the report presented last month. On the preliminary report for April any revenues not received at the time of the report are highlighted in yellow. At the time of the report the town had not received any Ad Valorem or Garbage revenue. This would be added and discussed in the final report in June.

The Mayor asked what the miscellaneous revenues were; the Clerk replied that it was combination of the sale of Land on Madison and the rebate of FEMA monies from Hurricane IRMA.

He went over the expenditures on page two. The overspend on Protective inspections was a factor of a better month on Building Permits. He stated that the overspend by the Police Department had reduced from \$15k down to \$10k. The Chief stated that our attorney was attempting to get back the money that was being deducted from the traffic citations for the police radios. This was around \$500 per month and would also seek to have the money already paid refunded as well. All other departments were operating within their budgets.

Vice-Mayor Mack went over his budget for Public Works and stated that he had just not spent as much money as was budgeted. The Mayor asked for explanations on Payroll taxes, Publications & Subscriptions and Freight & Postage expenditures which were over budget. The Clerk outlined why each one was over. He also pointed out the \$32,642 of unbudgeted miscellaneous revenue in the Transportation Fund which was the refund from IRMA. In the Infrastructure Fund, the expense for the invoices paid to Bessolo in October totaling around \$36,000 had been moved by the Auditors into last year.

On the bank balances he explained that the General Fund had gone down by \$36,601 on the month. He stated that the difference between revenues and expenses was a negative \$42,000 and we will see a gradual decrease in the General fund as our expenses are roughly twice the revenues. He felt that there was a good chance that we would get a chunk more Ad Valorem from the Tax Deed sales for May, however we are paid a month in arrears.

At 9:02 pm Councilwoman Kobera left the meeting.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema – Reminded Council that she was getting together rental agreements and fee schedules for the new community building.

Public Works – Vice-Mayor Mack – informed Council of the tree that had come down on Madison which was on the property line of the ROW and a resident's property. He had told the property owner that what was on their property was their responsibility. The Town would only remove the part of the tree that fell on the Right-of-way. Mayor Natale felt that the Town should pick up half of the cost to help the homeowner and avoid any potential litigation, however Councilwoman Sikkema disagreed and took the same line as Councilman Mack.

Public Safety/Code Enforcement – Councilwoman Kobera – NONE

Office Finance – Councilman Cross – ABSENT

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

STAFF REPORTS

Town Attorney – Zachary Broome – The Mayor told attorney Broome there was a cable company in the town that we were not receiving franchise fees from and asked what we needed to do. It is believed that they brought out the old Florida Cable company and they may be operating under the old agreement or with no agreement at all. If they have cable in the Right-of-Way, then they must have a franchise agreement with the Town. If there is no agreement, then they have cable in the ROW with no legal right to be there. The Mayor asked attorney Broome to send a letter to OTI Fiber asking what authority they are operating under.

Attorney Broome brought up an issue with a code enforcement dating back to 2009 where \$3,400 was held back from a closing on a verbal instruction from the Clerk albeit there was no lien filed against the property. Officer Calhoun was dealing with this but wanted Council to be aware.

Police Department – Chief Hoagland – went over the Statistics from the previous months. He informed Council of a catch in Tavares using our police K9 Barrett. He gave an update on two drug houses that his officers were looking at. He invited any Council members to come see him in his office on a one on one basis where he can give them more information than he can in an open meeting. The Mayor asked what proactive steps he was taking with the drug issues in town. The Chief gave a response which will not be included in these minutes. The Chief gave a report on the SPI course that he attended and what his take away from it was. He brought up the need to have NARCAN in the cars to counteract any contact his officers have with Fentanyl and that he would be requesting to purchase body cameras in next year's budget. He said that he was going to start an award program for his officers. He planned to give an award to Officer Denton on the last day of school on completion of the first year as the School Recourse Officer.

Town Clerk – Graham Wells – asked whether Council members wanted to have one on one meetings with the auditors ahead of their presentation at the next meeting as they had done last year. The consensus was that we were in far better shape than previous years and that it would not be necessary.

Clerk Wells went over the issue with the code enforcement on the property purchased by Brock Langley. Attorney Broome gave an opinion as to where the Town stood with the collection of the fines on the property. Council agreed that as it is now in compliance then the \$3,400.00 fine would be waived.

The Clerk informed Council on the issue between County Materials and Mrs. Dunham. During a meeting between the Clerk and County Materials owner, Mr. Sonnetag had agreed to move the pipes stored against the fence on Alabama Ave and restore the buffer which would be sixty feet. The clerk would get with Councilman Mack to ascertain what the landscaping requirements were.

REVIEW

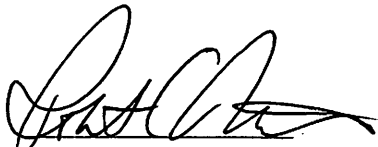
- a. Items for Workshops and possible dates – NONE
- b. No items were put forward for the next Council meeting. - NARCAN, Audit, Body Cameras and Paving.
- c. Review of items needing Special Meetings and possible dates – NONE

COUNCIL MEMBER MISCELLANEOUS COMMENTS – NONE

ADJOURNMENT


There being no further business Mayor Natale adjourned the meeting at 9:52 pm.

Respectfully submitted,



Robert C. Natale, Mayor

ATTEST:



Graham Wells, Town Clerk

