

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



**REGULAR SESSION
MONDAY JULY 8, 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
Stephen Cross
Gayle Sikkema

Absent:

Kimberly Kobera

Staff Present:

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

Roll Call was performed, and it was determined that a quorum was present. Mayor Natale welcomed Zach Chaifour from James Moore, Town Planner Tim Green and Town Attorney Zach Broome and residents.

CITIZENS QUESTIONS AND COMMENT

Mr. Will Deaver - 13920 Tennessee Ave asked what was happening to Central Florida Motorsports Park; was it closing down for good and any future plans for the property. Mayor Natale responded that he only knew what was public knowledge.

AGENDA REVIEW

Councilman Mack said that he wanted to give a presentation later in the meeting on the patching of roads and requested that it be made time for even if the meeting ran over time.

PRESENTATION

PRESENTATION OF THE FY 2017-18 AUDIT BY ZACH CHALIFOUR, CPA, FROM JAMES MOORE

Mr. Chalifour thanked the town for engaging their firm for the third year and the thanked staff for the smoothest one yet and reported on time for the second year running. He went over the change in the reporting and cost of retired employees who remained on the town's health insurance. That standard was not followed; not unusual in small towns as there is a cost involved and no benefit to the town. He said that from the five comments on last year's audit, four had been rectified; the one remaining was minor and to do with the accruals from one year to another.

He said that the Town was in compliance with State Statutes on investment policies and then went over the details of the figures in the audit from General fund to the restricted funds. He said that the Town was trending in the right direction and was in a positive financial situation for the first time in many years. He then opened for any question from Council.

Mayor Natale asked if there was anything in the report that stood out that Council should be aware of. Mr. Chalifour said that on a positive note the town had made great progress in the segregation of duties between the Accountant, Clerk and the Vice-Mayor, which is difficult but important in small towns.

Councilman Cross stated that in the 2018 audit report it stated that the legislative, Law Enforcement and Code Enforcement departments were well over budget and asked what part the auditors played in the fiscal control of the Town. Mr. Chalifour responded that his concern and that of statutes was at the fund level which was below budget and that individual departments was a matter for the Town and dealt with through budget amendments. There being no further question the Mayor thanked Zach for a job well done.

MINUTE APPROVAL

Approval of Minutes for May 13, 2019 Regular Council Meeting

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

For: Cross, Mack, Natale, Sikkema

MOTION CARRIED 4-0

PUBLIC HEARING

FINAL READING OF ORDINANCE 2019-08 – AMENDING THE LAND DEVELOPMENT CODE FOR LP GAS TANKS.

ORDINANCE NO. 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. A vote to recommend approval of Ordinance 2019-08 was taken at the May 2, 2019 Planning and Zoning meeting. The Ordinance was advertised in the Daily Commercial on June 27, 2019. Councilwoman Sikkema read the title of the ordinance and the Mayor open Public Comment. There being none he closed public comment and requested a motion.

MOTION by Councilman Mack to approve Ordinance 2019-08; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

FINAL 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 Councilwoman Sikkema to read the ordinance by title. He opened public comment; there being none he closed it and requested a motion. Councilman Cross asked what had changed from the last ordinance. Mayor Natale, Councilman Mack and Attorney Broome responded.

MOTION by Councilman Mack to approve Ordinance 2019-04; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

NEW BUSINESS

RESOLUTION 2019-13 APPROVING THE MAJOR SITE PLAN AND FINAL PLAT FOR THE VISTAS OF ASTATULA

Request to the Town Council of the town of Astatula, Florida; granting approval of preliminary subdivision plan and final plat on 3.72+/- acres of land located at north of Massachusetts avenue, west of Van Buren Street and east of Jackson street, owned by James and Rosemarie Harris;

Approval of Resolution 2019-13 granting approval of preliminary subdivision and final plat subject to the applicant providing any and all outstanding items from the Plan Review is requested. Both were unanimously recommended for approval by the Planning and Zoning Board which met on June 27, 2019.

Town Planner outlined the project and explained that this was a split into six lots. All six lots were surrounded by existing paved town roads. There were approvals from the attorney and surveyor before final approval can be given. He said that staff's recommendation was to approve the site plan and final plat.

He went over the part of the code that requires a park to be built within a new subdivision. Based on the size of the subdivision it outlines how big the park must be. In this case it would reduce the number of lots to five to enable a park to be there. As an alternative, Council can request that the developer pay a fee in lieu of providing the park. Mr. Green stressed that this part of the code was adopted in 2007 prior to impact fees being for parks being introduced.

A discussion took place on whether the subdivision should hook up to a central water supply if it was available at the time of construction. If connected it would increase the number of lots that could be developed, however the owners plan is to build on one lot to retire and sell the remaining lots. Councilman Cross suggested a figure of \$10,000 in lieu of the park. Councilman Mack felt that a fee inline with the current impact fees would be appropriate. Mr. Green felt that the was no baseline to determine a fee other than the impact fees which would be collected as each lot is developed.

MOTION by Councilman Cross to approve Resolution 2019-13 with an in lieu of fee of \$10,000 for the park, subject to the title and survey review and the fire hydrant requirements to be completed prior to the plat being recorded; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

RESOLUTION 2019-10 ADOPTING THE MAXIMUM MILLAGE RATE FOR 2019-20

Pursuant to Florida Statutes Section 200.065, the Town Council of the Town of Astatula, Florida, must determine a proposed maximum millage rate and must set the time, date, and place of the first public hearing on the budget for Fiscal Year 2019-2020 within 35 days of July 1, 2019.

Furthermore, the Town Council of the Town of Astatula, Florida, must notify the Lake County Property Appraiser of the proposed millage rate and time, date, and place of the first public hearing on the budget for Fiscal Year 2019-2020 within 35 days of July 1, 2019.

Recommended action is Approval of Resolution 2019-10 adopting a maximum millage rate of 8.500 mills for FY 2019-20 and setting the first budget hearing date as September 12, 2019 at 7:00 pm.

MOTION by Councilman Mack to approve Resolution 2019-10; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Cross NO

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

DISCUSSION ON THE LEVEL OF FEES FOR SPECIAL EVENT PERMITS

Following some discussion and recommendation by Councilman Cross about the level of deposits required for each class of event the Mayor requested that staff relook at the fees and come back to council with a further proposal.

APPROVAL OF CONTRACT WITH LAKE COUNTY SCHOOL BOARD FOR RESOURCE OFFICER - 2019-20

Renewal of the existing Contract with the Lake County School Board for the Town to provide a School Resource Officer at Astatula Elementary School. For the past year the Town has provided a School Resource Officer at Astatula Elementary School and this contract renews the agreement for a further year with an increased payment of \$48,000.00 from the Lake County School Board.

MOTION by Councilman Mack to approve and for the Mayor to sign the contract with the Lake County School Board; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

APPROVAL OF RELEASE OF LIEN FOR PARCEL AK# 2770007 - LANGLEY LAND HOLDINGS LLC.

A code enforcement violation was issued on this property and a fine imposed by the Special Magistrate. Prior to the Order Imposing Fine and Creating Lien was recorded at the County, the property was sold to Langley Land Holdings, LLC.

At the May 13, 2019, Council on recommendation from the attorney agreed to waive the \$3,400.00 fine as the property had now been brought into compliance. Approval was requested for the Mayor to sign the Release of lien which lifts the cloud on the title and record it at the County.

MOTION by Councilman Mack to approve the Mayor to sign the release of lien for Property AK# 2770007 and record it at the County; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

DISCUSSION ON THE INSTALLATION OF SPEED SIGNS – MAYOR NATALE

The merits and costs of the signs was discussed in potentially slowing down the traffic coming through town. The Mayor favored them instead of officers sitting at the side of the road constantly looking for speeding motorists. He wanted to refocus their time to be spent more on community policing. Councilman Mack preferred the mobile type so that it can be moved around and have notices other than speed.

Councilman Mack advocated placing on CR48 and monitor its effectiveness. If it works then get more, if not then try something different. Councilwoman Sikkema googled motorists' responses to radared speed signs which showed that eighty percent of people slowed down when the saw one. Mayor Natale suggested that it be discussed further at the next budget workshop.

ABATEMENT OF 13128 NEW YORK AVENUE – OFFICER CALHOUN

Code Enforcement Officer Calhoun gave an overview of the case and showed pictures of the inside and outside of the property. He detailed the violations that police had been called to at the property. He recommended that Council vote that based on the home being "unsafe/unsanitary" and "constitutes a hazard to safety or health by reason of inadequate maintenance" that it be declared illegal and be abated.

He said that section 11-2 of the ordinance requires we give a timeframe for the owner (Mr. Rizzo) to repair or demolish the structure. Obviously, that won't happen since as he is deceased. There is a timeframe of 14 days stated in 2012M - Sec. 23-7, that we could use. Once the timeframe passes, he can secure the property and then he would proceed with the code violation after which the magistrate gives his timeframe, fines would start accruing daily, unless they find the case to be an emergency based on section 11-6.

MOTION by Councilman Cross to declare the property as an unsafe structure giving the owner fourteen days to clean it up or demolish it; SECONDED by Councilwoman Mack

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent:

Kobera

MOTION CARRIED 4-0

At 9:13 pm Councilman Mack motioned to extend the meeting by fifteen minutes; seconded by Councilman Cross and unanimously approved.

OLD BUSINESS

UPDATE ON THE COMMUNITY BUILDING – VICE-MAYOR MACK

Councilman Mack gave a brief update.

UPDATE ON THE FRANCHISE AGREEMENT WITH OTI FIBER – ATTORNEY BROOME

Councilwoman Sikkema gave an update and said that she would have something for Council at the next meeting.

BUDGET AND FINANCE REPORT REVIEW

Finance Officer Wells gave an overview of the revenues and expenditures for June along with the closing bank balances at June 30, 2019.

General Fund:	296 458.15
Impact Fees	83,753.50
Transportation Fund	93,976.46
Infrastructure Fund	352,666.58
CDBG Fund	25.00
Cash Drawer	150.00

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema - NONE

Public Works – Vice-Mayor Mack – Chief Hoagland had inspected all the roads and shoulders in the town and noted all the pot holes that needed attention. Pictures were shown to the Council. A new product was being used patch the holes. It is more expensive but holds up better.

Public Safety/Code Enforcement – Councilwoman Kobera –ABSENT

Office Finance – Councilman Cross – Stated that he would not be at the budget meeting on August 15th but had asked the Clerk to prepare a budget with a 10% reduction in the police budget; 3% raise for all staff and zero raise for the Police Chief and the Clerk.

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

STAFF REPORTS

Town Attorney – Zachary Broome – NONE

Police Department – Chief Hoagland – NONE

Town Clerk – Graham Wells – NONE

REVIEW


- a. Items for Workshops and possible dates – *Budget meeting on July 29th*
- 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 – NONE

ADJOURNMENT

There being no further business Mayor Natale adjourned the meeting at 9:35 pm.

Respectfully submitted,


Robert C. Natale, Mayor

ATTEST:


Graham Wells, Town Clerk

