

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



**REGULAR SESSION
MONDAY AUGUST 12, 2019
TOWN HALL**

Having been duly advertised as required by law, Vice-Mayor Mitchell Mack called the Regular Session meeting to order at 7.02pm. 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
Tom Wilkes, Town Attorney
Tim Green, Town Planner

Roll Call was performed, and it was determined that a quorum was present. Mayor Natale welcomed Attorney Tom Wilkes, Town Planner Tim Green, Steve Hoelsing and David Whittaker from County Materials and Citizens.

CITIZENS QUESTIONS AND COMMENT

Ms. Julene Pritchett - 13700 Kansas Ave asked what the plans were for the community building once the new building is opened. Mayor Natale responded that there were no plans at present and asked if she had any suggestions. Ms. Pritchett suggested that it could be turned into a museum.

AGENDA REVIEW

The Clerk requested that items 2 and 3 of new business be reversed.

MINUTE APPROVAL

Approval of Minutes for June 25, 2019 Special Council Meeting
Approval of Minutes for July 8, 2019 Regular Council Meeting
Approval of Minutes for July 29, 2019 Special Council Meeting

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

For: Cross, Mack, Natale, Sikkema

Absent: Kobera

MOTION CARRIED 4-0

PUBLIC HEARING

FIRST READING OF ORDINANCE 2019-11 – ANNEXATION AND REZONING OF PARCEL AK #37710967, TREMENDOUS QUALITY GROWERS, LLC.

ORDINANCE NO. 2019-11

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING THE BOUNDARIES OF THE TOWN OF ASTATULA IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE TOWN LIMITS APPROXIMATELY 37+/- ACRES OF PROPERTY AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ASTATULA, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION FROM LAKE COUNTY A (AGRICULTURE) TO TOWN OF ASTATULA R-1 (SINGLE FAMILY LOW DENSITY RESIDENTIAL) FOR PROPERTY LOCATED SOUTH OF TENNESSEE AVENUE AND EAST OF CR 561 IN ASTATULA, FLORIDA, AND MORE PARTICULARLY DESCRIBED BELOW; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE TOWN OF ASTATULA, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Natale explained that this property went through the process of annexation into the Town along with other parcels in 2005, however this parcel description was incorrectly recorded in the Ordinance and the annexation is invalid. Since this has now come to light, the owner and the Town desires to correctly annex the parcel with the corresponding zoning change and Comprehensive Plan Amendment.

Before Council is the review and recommended approval of the application for annexation and rezoning of a property which is +/- 37 acres and is located south of Tennessee Avenue and east of CR 561. The rezoning is to change the zoning on the property from Lake County Agriculture to Town of Astatula R-1.

The comprehensive plan amendment request is to change Future Land Use on the property from Lake County Rural to Town of Astatula Single Family Low Density. The property has a conditional use permit attached to it to operate as a tree farm approved through Resolution 2015C.

Councilman Cross made a motion to read Ordinance 2019-11 and 2019-12 by title only; seconded by Councilman Mack. Ordinance 2019-11 title was read by Mr. Cross. Clerk Wells requested that that be dealt with separately as they were two different ordinances. Mayor Natale gave an overview of the reason for the annexation and rezoning, requested comment or questions from the board and the citizens. There being none he asked for a motion.

MOTION by Councilman Cross to approve Ordinance 2019-11 and send it for second reading; SECONDED by Councilman Mack

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

FIRST READING OF ORDINANCE 2019-12 – AMENDING THE COMPREHENSIVE PLAN FOR PARCEL AK #37710967, TREMENDOUS QUALITY GROWERS, LLC.

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE TOWN OF ASTATULA, FLORIDA, BY CHANGING THE FUTURE LAND USE CLASSIFICATION FOR PROPERTY LOCATED SOUTH OF TENNESSEE AVENUE AND EAST OF CR 561 IN ASTATULA, FLORIDA, AND MORE PARTICULARLY DESCRIBED BELOW, FROM LAKE COUNTY RURAL TO TOWN OF SINGLE FAMILY LOW DENSITY RESIDENTIAL FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE TOWN OF ASTATULA, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The title was read by Councilwoman Sikkema. There was no discussion.

MOTION by Councilman Cross to approve Ordinance 2019-12 and send it for second reading; SECONDED by Councilman Mack

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

The Clerk explained that Ordinance 2019-11 would come for second reading at the September council meeting. Ordinance 2019-12 would come back once the Comprehensive Plan Amendment had been reviewed and approved by the Department of Economic Opportunity.

NEW BUSINESS

AMENDED SITE PLAN APPLICATION AND REVIEW FROM COUNTY MATERIALS.

There is currently approximately 100 feet of 8ft high wall from the corner of CR561 extending east along Alabama Ave followed by 280 feet of 10ft high wooden privacy fence. Within the fence line there is a requirement for a 30-foot (Type C) buffer per Section 8.8.4 of the Land Development Code and the planting of fourteen Canopy Trees and twenty Understory Trees.

When the original site plan was reviewed for the rest of the site in 2017, an alternative landscape plan was submitted to build a concrete wall in lieu of the buffer requirements. This was approved by Council. The applicant now wishes to replace the fence along this section with the same designed wall. The cost to County Materials is \$42,000, double the cost of planting the trees but it is permanent. Aesthetically it is beneficial to the town and would offer better soundproofing to the residents along Alabama Ave.

To further reduce noise levels, the applicant agrees to maintain a 30-foot area of open space north of the wall extending along the 280-foot new section which cannot be used for any purpose including the storage of pipe.

Planner Tim Green said that staff recommended approval for the project. Councilman Mack said that their original plan was to build the wall. Clerk Wells stated that County Materials have replaced the backup beepers on the fork lift that operate in that area to further reduce noise. The Mayor asked for any questions from the audience, there being none he requested a motion.

MOTION by Councilman Cross to approve the site plan as outlined in Green Consulting Groups review dated August 7; SECONDED by Councilwoman Sikkema

Councilwoman Sikkema

For: Cross, Mack, Natale, Sikkema

Absent: Kobera

MOTION CARRIED 4-0

REVIEW OF LETTER RECEIVED FROM JAMES HARRIS APPEALING THE FEES LEVIED IN LIEU OF PARK.

At the July 8, 2019, the Town Council meeting, Council adopted Resolution 2019-13 which provides for the 3.72+/- acre site owned by James and Rose Marie Harris to be utilized as a six-lot single family residential development. As part of that approval, the Town Council determined that the developer pay a fee of \$10,000.00 in lieu of providing an onsite park for Active Recreation Improvements as outlined in Chapter VII of the Land Development Regulations of the Town of Astatula.

At the time this chapter of the LDR's was adopted, there were no impact fees for Parks. In 2007 an Ordinance was adopted to charge an impact fee of \$949.50 per lot when the parcel is developed. As a result, the six lots in Vistas of Astatula will generate \$5,697.00 over time and the applicant feels that levying an upfront fee of \$10,000 is charging twice for the same thing.

The Mayor said that the town has received a letter from the applicant requesting that the fee be waived and asked for comments from the board. Councilman Cross stated that the code was very specific and that it was at the Councils sole discretion to set a fee and that he could not agree to waive the fee entirely as the town must treat every applicant equitably. That this is only a six-lot split did not change anything. He added that it was the Councils choice whether they want a park or the fee in lieu and not the applicants.

This was agreed by Planner Green who also went over the requirements if a park was to be built on the site and what Council need to consider when setting the fee. Section 7.7.2 of the code states that Council shall make the determination of whether to require or accept fees in lieu of improved active park and recreation areas. In making the determination, Town Council will consider the following factors:

- a) Topography of the land to other recreation facilities
- b) Size of the development
- c) Accessibility of area to other recreation facilities
- d) Accessibility of area to transportation corridor

- e) Availability of other recreation facilities in area
- f) Type of development
- g) Population expected in development
- h) Type of recreational facility proposed

Mayor Natale asked how we came up with the \$10,000 fee; Councilman Cross said that it was his recommendation. Councilman said that he would be comfortable with \$2,500. Councilwoman Sikkema agreed with the Mayors suggestion of halving the fee to \$5,000. Following further discussion, the Mayor asked for a motion.

MOTION by Councilwoman Sikkema to reduce the fee to \$5,000.00; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES
Mack NO
Natale YES
Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

RESOLUTION 2019-16 - AMENDING THE FEE SCHEDULE FOR SPECIAL EVENTS.

A RESOLUTION OF THE TOWN OF ASTATULA, FLORIDA; REPEALING RESOLUTION 2018-1; ESTABLISHING A FEE SCHEDULE FOR THE TOWN OF ASTATULA, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

The Fee Schedule, Exhibit A shows the revised fees for Class A, B and C special events. The base fees include the application review, planning meeting for Class A and B, fire marshal and police review and final planning meeting before it goes to Council. Any building permit fees would be charged separately.

Police officers and Public Works personnel fees are based on overtime rates with an administration charge for the Town to cover fuel and use of town equipment. Deposits for cleanup and unforeseen expenses incurred by the Town will be charged at the equivalent rate of the application fee for each Class and are due at time of application.

Councilman Cross asked if the fees for special events highlighted on Exhibit-A were the only ones being changed. Clerk Wells responded that they were and that they were only staff's recommendation based on figures from other cities. The figures could be amended if council so desired. He reminded Council that the fees were to cover costs only and not to generate revenue adding that the town could charge additional fees for the cleanup if the cost became greater than the deposit. There being no further discussion the Mayor requested a motion to approve the fees.

MOTION by Councilman Mack to approve Resolution 2019-16, amending the fees for special events; SECONDED by Councilman Cross

A Roll Call vote was taken

Cross YES
Mack YES
Natale YES
Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

ORDINANCE 2019-14 - REPEAL OF ORDINANCE 1977-A AND SETTING COMPENSATION FOR THE MAYOR AND COUNCIL.

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, REPEALING ORDINANCE 1977-A RELATING TO PAY FOR TOWN COUNCIL MEMBERS; ADOPTING A NEW COMPENSATION SCHEDULE FOR THE MAYOR AND COUNCIL MEMBERS; PROVIDING FOR SEVERABILITY, CODIFICATION, AN EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES.

Section 2 of Article 2 of the Town's Charter provides that the Town Council may determine the compensation of the Mayor and Council Members by ordinance, and the ordinance increasing such compensation shall be becoming effective on October 1 of the next budget year.

The Town Council now desires to repeal Ordinance 1977-A and adopt a new pay compensation schedule for the Mayor and Council Members to become effective on October 1, 2019. It is recommended that Mayor and Council Member receive compensation for Fiscal Year 2019-20 in the following amounts.

Mayor -- \$300 per month; Vice Mayor -- \$250 per month; Council Members -- \$200 per month

Councilman Mack read the ordinance by title. The Mayor explained that the raises were not being driven by the board but that they should be made more attractive for new people to serve on the board. Clerk Wells explained that the intention was to be able to approve raises by Resolution, but the Town Charter do not allow this. Following discussion, he said that a motion was requested to approve Ordinance 2019-14 and send it for second reading.

**MOTION by Councilman Mack to take it to a vote; SECONDED by Councilwoman Sikkema
A Roll Call vote was taken**

Cross NO
Mack NO
Natale YES
Sikkema NO

Absent: Kobera

MOTION FAILED 1-3

RESOLUTION 2019-15 - APPROVAL OF FUNDING FOR THE NEW COMMUNITY BUILDING FROM USB.

A RESOLUTION OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA; APPROVING TWO UNSECURED LOANS WITH UNITED SOUTHERN BANK IN THE TOTAL AMOUNT OF \$350,000; AUTHORIZING THE TOWN TO ENTER INTO AND THE MAYOR TO EXECUTE THE LOAN DOCUMENTS AND TAKE ALL OTHER ACTIONS NECESSARY AND REQUIRED TO CLOSE THE TWO LOANS; PROVIDING AN EFFECTIVE DATE.

The Council has voted to go ahead with the construction of the 5,000 square foot community building which is estimated to cost \$1,350,000. The purpose of the loans is to finalize the funding necessary to complete the project. The full funding for the community building will be through a combination of a \$700,000 State of Florida Community Development Block Grant; \$300,000 of existing cash from the Town's Infrastructure Fund; and the two loans from USB totaling \$350,000.

The Mayor read the resolution by title and asked for a motion.

MOTION by Councilman Mack to approve Resolution 2019-15 accepting the loan terms with USB and authorizing the Mayor to sign the commitment letter; SECONDED by Councilman Cross

Attorney Wilkes requested for the record and to be included in the minutes that there is no pledging of the taxing power by the town to pay off the debt. It is essentially an unsecured note and the bank would have no ability to seek a judgement of taxing power to pay off the debt. Councilman Cross asked attorney Wilkes if in his opinion this was a correct way to raise the fund. Attorney Wilkes concurred.

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

APPROVAL TO AWARD THE BID TO SIGNATURE CONSTRUCTION FOR THE NEW COMMUNITY BUILDING.

Now that the Town has a commitment letter from United Southern Bank to provide the remaining \$350,000 of funding necessary to complete the new community building, the bid can be awarded to Signature Construction.

Signature Construction was the low bidder for the combined base price and the alternates chosen by Council. The award is contingent on the approval of the Department of Economic Opportunity.

MOTION by Councilman Mack to award the bid to Signature Construction contingent on DEO approval; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Cross YES

Mack YES

Natale YES

Sikkema YES

Absent: Kobera

MOTION CARRIED 4-0

APPROVAL TO PURCHASE FENCING FOR PLAYGROUND AT JOE SWAFFAR PARK FROM IMPACT FEES.

For the safety of the children using the playground at Joe Swaffar Park the Town seeks to enclose it with a chain link fence. The installation of the fence will be completed by Public Works staff.

Quotations have been received from:

Home Depot	\$3,654.19
Lowe's	\$1,943.83
Sparr Building & Farm Supplies	\$1,922.39

Mayor Natale asked Councilman Mack if he had a preference on which vendor he would use. Mr. Mack gave an overview of the project which would have two access points. The home depot quote was for black fence and the quote from Sparr has an additional \$85.00 delivery charge which was included in the Lowe's quotation. A resident asked if the town should get a quote from the fencing company that had just set up in Astatula. Council was not aware of the business and asked for contact information. To save this coming back to a future meeting the Mayor asked for a motion to approve a dollar amount.

MOTION by Councilman Cross to approve the purchase of fencing at Joe Swaffar Park for an amount not to exceed \$2,000 to be paid from Parks impact fees; SECONDED by Councilwoman Sikkema

For: Cross, Mack, Natale, Sikkema

Absent: Kobera

MOTION CARRIED 4-0

DISCUSSION AND APPROVAL TO ACCEPT A TWO-YEAR RATE GUARANTEE FOR INSURANCE (FMIT).

Last year's premium for insurance provided by FMIT was \$53,645.00 as was the previous year. A competitive quote was sought from Preferred Governmental Insurance Trust (PGIT) which was \$39,959. In order to not lose the business of the town, FMIT's renewal premium came in at \$39,749.00 with an option to guarantee that rate for two years should Council wish to accept it.

MOTION by Councilman Mack to approve the renewal of insurance with the two-year rate guarantee with FMIT; SECONDED by Councilwoman Sikkema

For: Cross, Mack, Natale, Sikkema

Absent: Kobera

MOTION CARRIED 4-0

OLD BUSINESS

UPDATE ON THE COMMUNITY BUILDING - VICE-MAYOR MACK

Councilman Mack gave a brief update on where we were and responding to the Mayor's question said that construction can proceed when the approval comes back from DEO. He added that as Florida was 50th in the nation for CDBG grants they had approved the use of 100 percent of the grant money before spending the Town's funds or the loan.

Councilman Mack had a personal issue to attend to and left the meeting at 7:58 pm.

BUDGET AND FINANCE REPORT REVIEW

Finance Officer Wells gave an overview of the revenues and expenditures for July along with the closing bank balances at July 31, 2019.

General Fund:	255,918.59
Impact Fees	87,273.00
Transportation Fund	101,928.25
Infrastructure Fund	360,493.78
CDBG Fund	25.00
Cash Drawer	150.00

He stated that revenues taking account of impact fees and sale of assets were \$17785 over budget and expenditures were \$25,211 under budget. The police budget was \$10,728 over budget but mitigated by the purchase of AED's for \$9,864.00 which was approved as a non-budgeted expense.

Councilman Cross asked whether the report could be adjusted to add the \$9,864 to the budget side so that it balances out. Mr. Wells agreed to do it as it was only an internal report and do a budget amendment at the end of the year.

He reported that he had amended the cashflow forecast with more extensive information and it looked like the town would finish much stronger than expected. He added that when Pat comes in at the beginning of September, he planned to repay the outstanding \$35,000 loan back to the infrastructure fund.

Clerk Wells requested another budget workshop to review the information and changes that have taken place since the budget was put together in May. A date was agreed for August 26, 2019 at 6:00 pm. From there we can finalize the budget for the September 9 Council meeting with a last check before the preliminary budget hearing on the September 12.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema – Suggested that the Mayor or a Council member should visit any new businesses in the town.

Public Works – Vice-Mayor Mack – ABSENT

Public Safety/Code Enforcement – Councilwoman Kobera – ABSENT

Office Finance – Councilman Cross – NONE

Office – LDR's, Ordinances, Legal – Mayor Natale – Mayor suggested that the town nominated Olive Ingram for the Lake County Hall of Fame. Nominations are due on September 20. Nominations can come from any individual as well as from the Town.

STAFF REPORTS

Town Attorney – Tom Wilkes – NONE

Police Department – Chief Hoagland – Gave a report on the back to school backpack drive held at the elementary school this past Saturday, it turned out very well. He requested that a certificate of appreciation be sent to each of the firms and people who donated. He thanked Arlie and Tania Farley who donated money and split the shopping with him. We had almost \$3,000 donated which purchased 150 backpacks, provided a face painter, hot dogs and drinks. He thanked Graham and Jane for attending along with all the police officers.

He gave an update on the recruitment of a new crossing guard.

Town Clerk – Graham Wells – Pointed out the effort that the Chief had put in to make the backpack event so successful. He also brought up that we should shortly send out a newsletter and asked for any suggestions to be included.

REVIEW

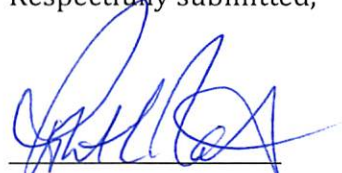
- a. Items for Workshops and possible dates – **Budget workshop on August 26th**
- b. No items were put forward for the next Council meeting. **Councilman Cross will be absent from the next meeting**
- c. Review of items needing Special Meetings and possible dates – **NONE**

COUNCIL MEMBER MISCELLANEOUS COMMENTS – NONE

ADJOURNMENT

There being no further business Mayor Natale adjourned the meeting at 8:29 pm.

Respectfully submitted,



Robert C. Natale, Mayor

ATTEST:



Graham Wells, Town Clerk

