

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



**REGULAR SESSION
Monday December 9, 2019
TOWN HALL**

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

Members Present:

Mitchell Mack, Mayor
Stephen Cross
Kimberly Kobera
Gayle Sikkema

Staff Present:

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

Roll Call was performed, and it was determined that a quorum was present. Mayor Mack welcomed the Central East Director of the Florida Association of City Clerks; City Clerks from Mascotte, Montverde and Umatilla.

PRESENTATION

Presentation of Certificate and Pin to Town Clerk Graham Wells on receiving the 'Certified Municipal Clerk' (CMC) designation. The presentation was conducted by Ms. Patricia Burke; Central East District Director of the Florida Association of City Clerks (FACC). Also, in attendance were the City Clerks Michelle Hawkins from Mascotte, Karen Howard from Umatilla and Brenda Brasher from Montverde.

APPOINTMENT AND SWEARING IN OF NEW COUNCIL MEMBER

The Mayor's recommendation to fill the open Council seat is Ms. Orita Issartel. Orita currently serves on the Planning and Zoning Board And has been a resident of the Town for many years. The Mayor asked the Board for any comments on the appointment and requested a motion to approve.

**MOTION by Councilman Cross to approve the appointment of Ms. Issartel to the Town Council; SECONDED by Councilwoman Kobera
For: Cross, Kobera, Mack, Sikkema
MOTION CARRIED 4-0**

Ms. Issartel was sworn into office by Clerk Wells and took her seat on the Board.

CITIZENS QUESTIONS AND COMMENT

There were no citizens questions or comments.

AGENDA REVIEW

There were no amendments to the agenda. The minutes on the agenda were not available.

MINUTE APPROVAL

There were no minutes for approval.

PUBLIC HEARING

FINAL READING OF ORDINANCE 2019-29 - APPLICATION TO REPLACE THE EXISTING PUD APPROVED WITH ORDINANCE 2012-A WITH A NEW PUD WITH NEW USES AND STANDARDS.

ORDINANCE 2019-29

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ASTATULA, FLORIDA, BY REPLACING THE EXISTING PUD ZONING APPROVED WITH ORDINANCE 2012-A WITH A NEW PUD. THE PROPERTY IS LOCATED SOUTH OF TENNESSEE AVENUE AND EAST OF CR 561 IN ASTATULA, FLORIDA, AND CONTAINS APPROXIMATLEY 100 ACRES, 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.

The PUD was created in 2012 for the Central Florida Motorsports Park to hold events at the site. Having tried with two lessees, with disastrous consequences, the owner, Paul Faircloth of Faircloth Family Ltd has entered into an agreement to sell the site to National Storm Recovery, LLC who wish to use it for a wood debris processing facility.

The proposed uses and standards for the property are outlined in Section 3 of the Town Planners Report, where there are also items that are recommended for discussion and consideration by Council. The application has been heard before the Planning and Zoning Board. The public hearing notice has been sent to nearby residents and businesses, posted in town hall and a sign placed at the parcel as per the code. It was also advertised in the Daily Commercial on November 27, 2019.

Mayor Mack deferred to Planner Green for an update. He stated that Osceola County should be added to the list of counties in sections B and C. The ordinance had been revised to add the additional county and two of the three items that Councilman Cross wanted added; specifically, the restriction of operating any machinery between 7:00 pm and 7:00 am and the ban on burning of any product on the site. He went over the details and stated that he recommended approval.

Planner Green stated that the applicant would be required to bring a site plan to Council when they wanted to begin development of the site. He also responded to Mr. Cross question that it was not an agricultural operation.

Mayor Mack opened Public Comment on this topic. Mr. Sean Donnelly asked about the temporary housing for workers during a disaster or major storm. Planner Green responded that there was the option to use the RV parking that is existing on the site. Mayor Mack closed public comment, read the title of the ordinance and requested a motion.

MOTION by Councilman Cross to approve Ordinance 2019-29 with the addition of Osceola County being inserted in Sections B and C; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

Issartel YES

MOTION CARRIED 5-0

NEW BUSINESS

RESOLUTION 2019-33 - CONSIDERATION AND APPROVAL OF THE PRELIMINARY DEVELOPMENT APPLICATION FOR COLINA DEL LAGO.

RESOLUTION 2019-33

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; GRANTING APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE PROPOSED COLINA DEL LAGO SUBDIVISION CONTAINING 60 RESIDENTIAL LOTS ON APPROXIMATELY 88.6 ACRES LOCATED SOUTH OF MASSACHUSETTS AVENUE AND WEST OF ADAMS STREET; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

This is a Preliminary Development Plan for the proposed Colina Del Lago residential subdivision containing 60 residential lots on approximately 88.6 acres located south of Massachusetts Avenue and west of Adams Street within the Town of Astatula. A recommendation to approve the application was unanimously voted upon by the Planning and Zoning Board at their meeting on December 2, 2019.

Mayor Mack stated that the subdivision was platted right at the time of the housing crisis but did not get developed. Mr. Jim Stout was now going to develop it who was present along with engineer David Clutts. Planner Green went over the details of the application which all met the criteria set out by the Towns code. He added that they were going to provide a tree survey and a traffic study which would have to be submitted to the Lake-Sumpter MPO. Engineer Clutts would be in contact with the school board to verify concurrency.

It was discussed with the applicant at the Planning and Zoning meeting that they were welcome to put in a park if they felt that it would enhance the project but that the town would not maintain it. Park impact fees would be paid as each lot is built on. Staff recommendation was to approve the plat and the developer would then come back with a more detailed site plan to include fire protection.

The Mayor opened it up to the board for their comments. Councilman Cross had questions about paved roads, access, drainage and a lot that was not in the subdivision. He asked whether they planned to have any lake access or a dock. The developer stated that they were not as the Astatula boat ramp was so close by.

The mayor brought up the conversation on whether there would be one access to the project or two? For the flow of traffic going north and south on CR561 the town felt that it needed two with full access and no gate. He opened for public comment. Mr. Sean Donnelly asked whether this was the final approval of the project. Mayor Mack explained that it was as far as the way the development would be platted but that they would come back with a detailed site plan for construction, utilities and assets.

Mr. Issartel asked what the utilities would be. Mr. Clutts said that the lots would be on septic but that the water was undecided. As they were on half-acre lots they could operate on wells, however it was anticipated that the Town would be able to provide potable water by the time construction started.

Being no further comment, the Mayor closed public comment, read the Resolution title and entertained a motion from Council.

MOTION by Councilman Cross to approve Resolution 2019-33 with the the full two accesses to the development and parcel 1 being included in the subdivision; SECONDED by Councilwoman Issartel

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

Issartel YES

MOTION CARRIED 5-0

RESOLUTION 2019-17 CONSIDERATION AND APPROVAL OF THE PROPOSED LOT SPLIT FOR THE 2.67 ACRE SITE LYING EAST OF MADISON STREET AND NORTH OF ROSE HOLLOW WAY IN THE TOWN OF ASTATULA.

RESOLUTION 2019-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; GRANTING A LOT SPLIT FOR LAND LOCATED AT THE EAST OF MADISON STREET AND NORTH OF ROSE HOLLOW WAY; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

Green Consulting Group, Inc. (GCG) has conducted a review of the proposed Lot Split for the 2.67 Acre site lying East of Madison Street and North of Rose Hollow Way in the Town of Astatula. The existing parcel is zoned R-1. The proposed Lot Split will divide the parcel into two parcels. The submitted survey is dated 11/19/2019 prepared by Target Surveying, LLC, Signed by Florida Surveyor and Mapper #6415.

A recommendation to approve the application was unanimously voted upon by the Planning and Zoning Board at their meeting on December 2, 2019, contingent upon all outstanding items being provided to the planner.

They also raised the issue that there are tax liens on the property and wanted an attorney opinion concerning the Town's ability to grant the lot split as a contingency of recommendation. The attorney's opinion is shown below:

First, I cannot find any statutes that require payment of delinquent property taxes before a county or city approves subdivisions or lot splits. It seems to have no legal bearing on whether the town council has the power to approve the lot split now versus requiring payment of delinquent taxes before approval.

Second, both the property-tax liability and the lot-split approval, if granted, run with the land. If the split-off portion of the parcel is promptly sold or conveyed, the new owner must pay all or a proportionate amount of the delinquent taxes or risk losing his/her property to an eventual tax-deed sale.

Planner Green reiterated the Mayor's comment that there are two homes on this lot which is non-conforming with the current code. The split was not straight forward but does work to enable both properties to have adequate setbacks. They would have to follow the Health Department guidelines regarding the wells and septic tanks. The Realtor confirmed that they currently share a well but that there were two wells on the property.

There was one outstanding item, but Mr. Green said that it would not affect Councils ability to vote to approve the split. Mayor Mack asked for comments from the Board and public. There being none he read the Resolution title and requested a motion.

MOTION by Councilman Cross to approve Resolution 2019-17 contingent upon the one remaining item being provided; SECONDED by Councilwoman Issartel

A Roll Call vote was taken

Mack YES

Kobera YES

Sikkema YES

Cross YES

Issartel YES

MOTION CARRIED 5-0

CONSIDERATION OF CLOSING TOWN HALL ON THURSDAY DECEMBER 26, 2019.

Mayor Mack requested that council consider closing town hall on Thursday December 26th so that Jane could have an extended unbroken time off from work.

MOTION by Councilman Sikkema to approve closing town hall on December 26, 2019; SECONDED by Councilwoman Kobera

For: Mack, Kobera, Sikkema, Cross, Issartel

Against: NONE

MOTION CARRIED 5-0

LIGHT UP ASTATULA – REPORT ON EVENT – CLERK WELLS

It was generally considered to have been a successful event even though the numbers were not as high as last year. This was attributed to the earlier starting time as people were still arriving at 6:30 pm. It was suggested that we advertise next year at 6:15pm to start at 6:30 pm. Comments were that the sound system did not extend past the disabled pad which along with the lighting generator and children playing made it difficult for people to hear the closer you were to the community building. Next year, maybe move all the food and raffle to the opposite end of the parking lot.

The cake walk was a success and thanks go to the cemetery committee for organizing this and the raffle. Also, thanks to Councilor Sikkema for organizing people between walks. The Farley family counted 172 families for the pictures with Santa and special thanks go to them for providing Santa and Mrs. Claus to conduct the lighting of the tree. Thanks also go to Pastor Lane and Jayson Keefer from Astatula Baptist Church for providing the Sound system, musicians and the choir plus the cooking of the hot dogs and to Pastor Francisco from A G Iglesia Refugio De Amor Church for their drama presentation.

BUDGET AND FINANCE REPORT REVIEW

Finance Officer Wells gave an overview of the revenues and expenditures for October which were discussed last meeting. It was good for a first month of the new fiscal year with revenues \$2,700 over budget and expenses \$1,500 under budget. Councilman Cross was concerned how low the general funds got before the new ad valorem taxes were received and suggested a reserve be set up in case of an emergency such as we saw with the clean up for Hurricane Irma.

The November report was discussed, with revenues showing \$262,000 less than budget, however the town received \$256,000 on December 6th but the corresponding paperwork showing the split between ad valorem taxes and solid waste assessments was not yet available. Taking account of this and the error of \$12,000 not reported for the school resource officer, we were around \$6,000 over budget on revenues.

Mr. Wells went over the summary sheet for expenditures which totaled \$9,855 under budget. The general fund bank balance went up by \$59,000 due to the first payment of ad valorem taxes. The totals are shown below.

November 2019 Bank Balances:

General Fund:	72,971.99
Impact Fees:	104,870.50
Transportation Fund:	114,337.69
Infrastructure Fund:	389,601.45
CDBG Fund:	25.00
Cash Drawer:	150.00

Mr. Wells stated that he planned to do any budget amendments that were necessary on a quarterly basis rather than leave it to the end of the year.

When reviewing the transportation fund, he felt that the gas taxes would come in around \$4,000 less than he had budgeted as the County has changed the calculation for distribution to the Cities and Towns. This took place immediately after the budget was passed. Overall the Town was in good shape financially.

COUNCIL DEPARTMENT & COMMITTEE REPORT

Economic Development – Councilwoman Sikkema – NONE

Public Works – Mayor Mack – NONE

Public Safety/Code Enforcement – Councilwoman Kobera – Gave a report on the cleanup Astatula and a thankyou for all that took part in Shop-with-a-cop and the officers for giving their time for Light up Astatula. She announced that the Chief was focusing his officers on the back roads during Christmas and New Year to watch houses and reduce the likelihood of burglaries. Ms. Kobera thanked Mr. Cross for suggesting that officers stand post for Olive Ingram’s funeral and to the officers who attended and helped with traffic from the Church to the Cemetery.

Finance – Councilman Cross – NONE

Office – LDR’s, Ordinances, Legal – Councilman Cross – It was suggested that this liaison position come to Council for approval in January.

STAFF REPORTS

Town Attorney – Tom Wilkes – ATTORNEY WAS ABSENT

Police Department – Chief Hoagland – CHIEF WAS ABSENT

Town Clerk – Graham Wells – NONE

REVIEW

- a. Items for Workshops and possible dates – NONE
- b. Items put forward for the next Council meeting - NONE
- c. Review of items needing Special Meetings and possible dates - NONE

COUNCIL MEMBER MISCELLANEOUS COMMENTS – NONE

ADJOURNMENT

There being no further business Mayor Mack adjourned the meeting at 8:40 pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST:



Graham Wells, Town Clerk

