

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



**REGULAR SESSION
MONDAY NOVEMBER 9, 2020
TOWN HALL**

Having been duly advertised as required by law, Mayor Mitchell Mack called the Regular Session meeting to order at 7.02pm. He gave the invocation and led the Pledge of Allegiance.

Members Present:

Mitchell Mack, Mayor
Stephen Cross
Gayle Sikkema

Absent:

Kimberly Kobera

Staff Present:

Graham Wells, Town Clerk
Wally Hoagland, Police Chief
Tim Green, Planner

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

The Mayor welcomed Tim Green, Jim Stout, Mike Rankin from LPG, Joe Eddy and Astatula residents, there were around thirty people present.

SWEARING IN OF MAYOR MACK, COUNCILMAN CROSS, COUNCILWOMAN KOBERA AND COUNCILWOMAN SIKKEMA.

Mayor Mack, Councilman Cross and Councilwoman Sikkema took the Oath of Office and were sworn in by the Clerk.

CITIZENS QUESTIONS AND COMMENT

There were no questions or comments.

AGENDA REVIEW

There were no changes to the agenda.

MEETING MINUTES

Approval of Minutes for October 12, 2020 Regular Council Meeting

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

For: Cross, Mack, Sikkema

Absent: Kobera

MOTION CARRIED 3-0

PUBLIC HEARING

FIRST READING OF ORDINANCE 2020-17 AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ASTATULA FOR PLANNED UNIT DEVELOPMENT TO BE KNOWN AS TULA PARC.

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ASTATULA, FLORIDA, BY AMENDING THE EXISTING A, R-1, R-3 AND C-1 ZONING TO PLANNED UNIT DEVELOPMENT (PUD). THE PROPERTY IS LOCATED NORTH OF GEORGIA AVENUE, WEST OF MONROE STREET, EAST AND WEST OF ADAMS STREET, EAST OF WASHINGTON STREET AND SOUTH OF PENNSYLVANIA AVENUE IN ASTATULA, FLORIDA, AND CONTAINS APPROXIMATELY 54 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.

This is the second part of the process to approve the rezoning of this property to PUD. The first part was Ordinance 2020-16 amending the comprehensive plan which Council approved at the October 12, 2020 meeting.

The Planning and Zoning Board held a Public meeting for the rezoning on October 22, 2020. Their unanimous (3-0) recommendation was to delete the canal front lots leaving the open space to protect the wildlife habitat and increase the number of lots where the dog park was to be. The total number of lots has increased from 184 to 188 and a revised plan had been given to Council.

This Public Hearing was advertised in the Daily Commercial as per the code on Friday October 30, 2020. Final reading of both ordinances will take place once the comprehensive plan amendment is approved by the DEO.

Mayor Mack introduced town planner Tim Green who stated that the property is approximately 54 acres and consist of four zoning designations (21.64 Acres of A, 1.09 Acres of R-1, 28.48 Acres of R-3, and 2.5 Acres of C-1). The project is located north of Georgia Avenue, west of Monroe Street, east and west of Adams Street, east of Washington Street and south of Pennsylvania Avenue. The plan proposes 188 residential dwellings, 20,000 square feet of commercial buildings, an on-site Wastewater Treatment Plant and a private community park.

Mr. Green then went over the current zoning of Agricultural, Residential R-1 and R-3 and what the developer wanted which is a Planned Unit Development. He covered the residential and commercial portions and the conceptual concurrency review which included traffic, potable water, sanitary sewer, recreation and open space, solid waste and drainage facilities. He also spoke to the PUD enhancements vs the existing zoning. The home builder will be responsible for paying park impact fees.

The P&Z recommended approval of the PUD by a vote of 3-0 with the following conditions:

- Remove five canal front lots
- Remove the Dog Park
- Add lots in the Dog Park area

He went on to state that final approval of this rezoning is contingent upon the review and acceptance of the Comprehensive Plan Amendment and that the Comprehensive Plan Amendment from Mobile Home to Planned Residential will allow for site-built homes rather than the existing requirement that the homes be manufactured. Ordinance 2020-17 regulates only the parcels included in this PUD and has the requirements and restrictions included. The property subject to this rezoning shall revert to original zoning classifications of A, R-1, R-3 and C-1 if the Preliminary Development Plan is not approved within one year of the adoption date of this Ordinance.

The Mayor opened the floor for citizens questions and comments on this agenda item only. When all had voiced their comments, the Mayor closed public comment and requested a motion to read by title only. Motion was made by Cross, seconded by Sikkema and passed unanimously. The Mayor read the title aloud and requested a motion to approve and send for second reading.

MOTION by Councilman Cross to approve Ordinance 2020-17 and send to second reading of; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken.

Cross YES

Sikkema YES

Mack YES

Kobera Absent

MOTION CARRIED 3-0

A motion to amend the vote to include no driveways on Georgia Avenue and no boat ramp in the development was made by Councilman Cross; seconded by Councilman Sikkema and unanimously approved by a roll call vote.

NEW BUSINESS

CONSIDERATION AND APPROVAL OF THE DEVELOPER AGREEMENT FOR COLINA DEL LAGO.

At the December 9, 2019 Regular Council meeting, Council unanimously approved the Preliminary Plat application for Colina Del Lago subdivision, containing 61 residential lots on approximately 88.6 acres. The site development and construction plans were approved by Council at the August 24, 2020 Special Council Meeting.

Before Council is the proposed Developer Agreement for Colina Del Lago which covers the conditions for this development. Attention is drawn to page 2 Section 3a. where the developer will pay \$500,000 to the Town for the upgrades and improvements necessary to the water treatment plant, and a new well to provide adequate fire protection and potable water.

Section 3b. provides that the developer will receive a reimbursement credit from the water impact fee of \$957.00 and the administration fee of \$181.00 for each home built at Colina Del Lago, Tula Parc and Tennessee Valley.

A motion to read by title was made by Councilman Cross; seconded by Councilwoman Sikkema and unanimously carried 3-0. Mayor Mack read the title as follows, and asked for a motion to approve.

This Colina Del Lago Development Agreement (the “Agreement”) is entered into as of the Effective Date (as defined in subsection 12.f. below) between Colina Del Lago, LLC (the “Developer”) and the Town of Astatula, Florida, a municipal corporation chartered and operating under the laws of the State of Florida (the “Town”).

Whereas, the Developer is the owner of fee simple title to eleven separate parcels of real property located within the Town of Astatula, Lake County, Florida totaling approximately 88.6 acres.

Whereas, the Developer intends to develop the property described in Attachment A hereto (the “Property”), in accordance with the Town’s R-1 zoning standards, with 61 single-family detached residential units, with the project to be known as Colina Del Lago (the “Project”).

Whereas, the Town’s Planning and Zoning Commission and the Town Council for the Town of Astatula (the “Town Council”) have reviewed the Project as proposed by the Developer and, after appropriate public participation, have determined that certain conditions, restrictions, and requirements are needed or useful to ensure that the Project (i) is appropriate to the Town and its history, character, and nature and (ii) does not result in adverse impacts to its residents and taxpayers.

Whereas, the parties now desire to set forth the entitlements, terms, conditions, requirements, and restrictions negotiated for the Project.

**MOTION by Councilman Cross to approve the developer agreement for Colina Del Lago;
SECONDED by Councilwoman Sikkema**

A Roll Call vote was taken.

Cross	YES
Sikkema	YES
Mack	YES
Kobera	Absent

MOTION CARRIED 3-0

CONSIDERATION AND APPROVAL OF THE BID AWARD FOR WATER TREATMENT PLANT IMPROVEMENTS AND NEW POTABLE WELL #2.

The Town has one well which does not have the capacity to provide adequate fire protection. As part of the requirements in the Land Development Regulations for new development, it falls upon the developer to upgrade the existing system and bring it up to code.

Saltus Engineering, Inc has provided specifications for the necessary upgrades to the water plant which include the installation of a second well. A request for bids was advertised on September 17, 2020 with a bid opening scheduled for October 27, 2020.

Three bids were received for \$504,000, \$547,100 and \$583,112, the low bidder being McMahan Construction Co., Inc. The bid document from McMahan was reviewed by Saltus Engineering, Inc and deemed to be satisfactory. Council are requested to award the contract to McMahan Construction to complete the project.

Clerk Wells explained that if approved tonight, the developer within seven days would pay the Town \$500,000.00 as per the developer agreement and once received, the Town would enter into a contract with McMahan Construction. Being no further discussion, a motion was requested.

MOTION by Councilman Cross to award the bid for the new well to McMahan Construction; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken.

Cross YES
Sikkema YES
Mack YES
Kobera Absent

MOTION CARRIED 3-0

At 9:22 pm a 5-minute recess was requested. The meeting resumed at 9:35 pm.

RESOLUTION 2020-21 FINAL BUDGET AMENDMENT FOR FY 2019-20.

Clerk Wells explained that the Town has sixty days from the year end to make a final amendment to balance the budget. As both the Executive Department and Police Department were under their expenditure budget, an inter-department transfer was made to cover the un-budgeted expenses for Fire Control, Protective Inspections and Parks & Recreation as follows:

General Fund:

512.000	Executive – Town Clerk	Decrease Expenditures	\$10,000.00
522.000	Fire Control	Increase Expenditures	\$ 9,700.00
524.000	Protective Inspections	Increase Expenditures	\$ 300.00
521.000	Law Enforcement	Decrease Expenditures	\$ 6,000.00
572.000	Parks & Recreation	Increase Expenditures	\$ 6,000.00

MOTION by Councilman Cross to approve Resolution 2020-21; SECONDED by Councilwoman Sikkema

A Roll Call vote was taken.

Cross YES
Sikkema YES
Mack YES
Kobera Absent

MOTION CARRIED 3-0

CONSIDERATION AND APPROVAL OF THE PROPOSED RENTAL AGREEMENT FOR THE NEW COMMUNITY CENTER.

Mayor Mack wanted to talk to the Police Chief one more time about the use of alcohol in the building and Mr. Cross wanted the special events ordinance included in the agreement. There was also confusion over the cleaning fee as we were asking that the building is left as they find it. It was decided that it be called a service charge and any additional cleaning would be charged as necessary. The agreement had not been through legal at this point but would be before it is used.

Councilwoman Sikkema made a motion to approve the agreement with the changes discussed; Alcohol and making the cleaning fee a service charge. This was seconded by Councilman Cross and approved unanimously 3-0.

CONSIDERATION AND APPROVAL OF APPOINTMENT THERESA ANN LABREE TO THE PLANNING AND ZONING BOARD.

Mayor Mack introduced Theresa who was present. Councilman Cross stressed that she in her decision-making look at the best interest of the whole town. Mayor Mack requested a motion to approve her appointment to the Planning and Zoning Board. The motion was made by Councilman Cross; seconded by Councilwoman Sikkema and unanimously approved 3-0.

CONSIDERATION AND APPROVAL TO APPOINT ORITA ISSARTEL TO THE TOWN COUNCIL.

Ms. Issartel was not present, however the Mayor explained that she was not sure of her circumstances which is why she did not run for re-election. Being now more certain she wished to come back on the board and the Mayor was happy to recommend her appointment. Councilman Cross made a motion to approve the appointment; seconded by Councilwoman Sikkema and unanimously approved 3-0.

BUDGET AND FINANCE REPORT REVIEW

Clerk Wells had provided Council with a year end summary of the Town's financial status position, in addition to the regular final monthly finance report to September. The final budget amendment is included in the September report.

October Bank Balances:

General Fund:	\$116,845.96
Impact Fees:	\$27,990.98
Transportation Fund:	\$124,097.49
Infrastructure Fund:	\$13,776.31
Enterprise Fund:	\$2,022.00
CDBG Fund:	\$25.00
Cash Drawer:	\$150.00

COUNCIL DEPARTMENT & COMMITTEE REPORT

Finance – Councilman Cross – NONE

Public Works – Mayor Mack – PW is going to be putting in new Stop signs

Public Safety/Code Enforcement – Councilwoman Kobera – ABSENT

Office – LDR’s, Ordinances, Legal – Councilman Sikkema – NONE

STAFF REPORTS

Town Attorney – Heather Ramos – ABSENT

Police Department – Chief Hoagland – ABSENT, but the Mayor read a report on the two events for Halloween and Thanksgiving. Also, a reminder of the Christmas party at the shooting range on December 6, 2020.

Town Clerk – Graham Wells – Gave an update on the Lake League of Cities Sponsors day.

REVIEW

- a. Items for Workshops and possible - 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 10:14 pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST:



Graham Wells, Town Clerk