

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



**REGULAR SESSION
MONDAY JULY 11, 2022
TOWN HALL**

Having been duly advertised as required by law, Mayor Mack called the Regular Session meeting to order at 6:33pm. He gave the invocation and led the Pledge of Allegiance.

Members Present:

Mitchell Mack, Mayor
Stephen Cross, Vice-Mayor
Gayle Sikkema
Orita Issartel (joined meeting at 6:52pm)
Zane Teeters

Staff Present:

Graham Wells, Town Clerk
Wally Hoagland, Police Chief

Roll Call was performed, and it was determined that a quorum was present. There were approximately four citizens present from within and outside the city limits.

CITIZENS QUESTIONS AND COMMENT

Mr. Banks Helfrich - 9100 Sams Lake Rd. Clermont, 34711 introduced himself as the Lake County Soil Water Conservation District Chairperson and gave a brief talk on our 246-year-old Democratic Republic which he said was a social experiment bringing in people from around the world.

AGENDA REVIEW

Mayor Mack asked council to add item 7 to new business for discussion on a request for direction on the pay increases for the budget. It was agreed that that the request would be included with the finance report.

MEETING MINUTES

Approval of Minutes for June 13, 2022 Regular Council Meeting.
Approval of Minutes for June 21, 2022 Special Council Meeting.
Approval of Minutes for June 21, 2022 Council Workshop.

MOTION by Vice-Mayor Cross to approve the minutes shown above; SECONDED by Councilwoman Sikkema

For: Cross, Sikkema, Teeters, Mack

MOTION CARRIED 4-0

PUBLIC HEARING

FINAL READING OF ORDINANCE 2022-10 RIGHT-OF-WAY USE RESTRICTIONS AND REQUIREMENTS.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA, PERTAINING TO THE USE OF TOWN RIGHTS-OF-WAY; ADDING A NEW CHAPTER 32 TO THE TOWN'S CODE OF ORDINANCES TO BE TITLED "RIGHTS-OF-WAY"; PROVIDING DEFINITIONS AND REQUIRING PERMITS FOR CERTAIN CONSTRUCTION ACTIVITIES PERFORMED IN TOWN RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Town of Astatula has never formally adopted an ordinance regulating the use of Town Right-of-way. The Town currently requires businesses and citizens wishing to occupy or conduct work in the Town Right-of-way to make a formal request for a right-of-way use permit.

The application is reviewed by the Town officials for conformance with adopted and accepted procedures, standards, criteria and the Town's Code of Ordinances. This ordinance now codifies the requirements for obtaining a right-of-way use permit.

Vice-Mayor Cross made a motion to read Ordinance 2022-10 by title only, seconded by Councilwoman Sikkema and unanimously approved. The Mayor read the title and opened public comment. There being none and no council discussion he requested a motion to approve.

MOTION by Vice-Mayor Cross to adopt Ordinance 2022-10; SECONDED by Councilwoman Sikkema.

A Roll Call vote was taken.

**Cross YES
Sikkema YES
Teeters YES
Mack YES**

MOTION CARRIED 4-0

NEW BUSINESS

RESOLUTION 2022-18 ADOPTING THE MAXIMUM MILLAGE RATE FOR FY 2022-2023.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA, ADOPTING A PROPOSED MAXIMUM AD VALOREM TAXATION MILLAGE FOR FISCAL YEAR 2022-2023 FOR THE TOWN OF ASTATULA, FLORIDA, SETTING THE DATE, TIME, AND LOCATION FOR THE FIRST BUDGET HEARING; PROVIDING FOR AN EFFECTIVE DATE.

The Mayor stated that 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 2022-2023 within 35 days of July 1, 2022. 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 2022-2023 within 35 days of July 1, 2022.

A motion was made by Vice-Mayor Cross and seconded by Councilwoman Sikkema for the Mayor to read the entire resolution as it held important dates; unanimously approved. The Mayor read the entire resolution.

MOTION by Councilman Teeters to approve Resolution 2022-18 as read; SECONDED by Councilwoman Sikkema..

A Roll Call vote was taken.

Cross YES

Sikkema YES

Teeters YES

Mack YES

MOTION CARRIED 4-0

FIRST READING OF ORDINANCE 2022-19 CROSS CONNECTION POLICY.

The Town's water supply system is defined by Florida law as a community water system which is required to supply its customers with water that meets federal and state drinking water standards. It is responsible for the protection of its water distribution system from contamination or pollution due to backflow of contaminants or pollutants through water service connections.

Florida law requires that each community water system establish and implement a cross-connection control program utilizing backflow protection at or for service connections. The town must protect the community water system from contamination caused by cross-connections on customer's premises that may create an imminent and substantial danger to the health, safety and welfare of the residents of the Town of Astatula.

Councilwoman Issartel joined the meeting at 6:52 pm.

A motion was made by Councilwoman Sikkema and seconded by Vice-Mayor Cross to read by title only; unanimously approved. The Mayor read the title of Ordinance 2022-19 and requested a motion to approve.

MOTION by Vice-Mayor Cross to approve Ordinance 2022-19 to final hearing; SECONDED by Councilwoman Sikkema.

A Roll Call vote was taken.

Cross YES

Sikkema YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

DETERMINATION BY COUNCIL FOR NON-AD VALOREM SOLID WASTE ASSESSMENT NOTICE PROCEDURE.

In Resolution 2018F and 2019-09, the assessment to increase the rate for solid waste was approved by council and added it to the TRIM notice and tax roll for collection.

The resolutions were drafted by the town's attorney, Zachary Broome. The insert that goes with the TRIM notice states that the notice of proposed property taxes constitutes the first-class notice required by Florida Statute 197.3632.

The notice must include, the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. It is believed that all the requirements were met by the town.

Heather Ramos, the current attorney believes that the notice requirements are not met, and that the town should have sent a hearing notice, separate from the TRIM notice to the residents advising them of the increase because of the wording in FS. 197.3632 (4)(a) 2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition. The maximum stated on the 2016 Notice to Property Owners was \$217.08.

This is not disputed as there was an increase over the maximum, however it is whether the notice on the TRIM is sufficient, or a separate notice should be sent by the town. Sandi Walker from Government Services Group (GSG), who does nothing but Non-Ad Valorem Assessments all over the State of Florida believes that the notice on the TRIM which states all the requirements of the statute suffices. It seems it is an interpretation of the statute.

As, after three years of no increase, we are likely to have the possibility of an increase this year, the Clerk was requesting councils' direction on the notice procedure to be adopted. The cost for GSG to mail merge and send the 800 letters would be around \$1,200. The mailing of the letter must be 20 days before the public hearing which is scheduled on September 12, 2022.

Following extensive discussion, Vice-Mayor Cross stated that if the town decided to only advertise the increase on the TRIM, and it was contested, then the party would have to sue the Town. There is no case law of a challenge in the state and the attorney general has not issued an opinion, so he thought that the risk to the town was slim to none. Council Teeters agreed that if it satisfied the statute by placing it on the TRIM notice, why spend the money to send a further letter.

The Clerk said that he would do it either way but wanted council to give him direction so that there is no misunderstanding. If it was challenged in any city, then the outcome of that case would affect any municipality that advertises the public hearing on the TRIM. This has never happened.

MOTION by Vice-Mayor Cross to use the TRIM as notice for the public hearing as historically done; SECONDED by Councilwoman Issartel. A Roll Call vote was taken.

Cross YES

Sikkema YES

Issartel YES

Teeters NO

Mack NO

MOTION CARRIED 3-2

FIRST READING OF ORDINANCE 2022-20 INTERIM ASSESSMENT FOR SOLID WASTE.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA, AMENDING SECTION 42-35 OF THE TOWN'S CODE OF ORDINANCES TO DECLARE THE TOWN AS A SPECIAL ASSESSMENT DISTRICT FOR THE PURPOSES OF UTILIZING THE TAX BILL TO COLLECT SOLID WASTE SPECIAL ASSESSMENTS AND TO PROVIDE FOR INTERIM ASSESSMENTS FOR PROPERTY FOR WHICH A CERTIFICATE OF OCCUPANCY IS ISSUED AFTER THE ADOPTION OF THE NON-AD-VALOREM ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The town provides the non-ad valorem assessment roll to the property appraiser in the middle of September each year for the solid waste assessment. This is the amount that the tax collector will assess every homeowner for the collection of solid waste from October of that year to September of the following year and will appear on the tax bill in November (payment for garbage collection is collected for the year in advance).

If a certificate of occupancy is issued after the tax roll is submitted and garbage service is provided, the homeowner will not be paying for that service until it appears on the tax bill the following year. Currently GFL eats that cost of providing service and with the small number of homes built annually in the town each year, it has not been much of an issue.

It is becoming more of an issue now as we have had twenty new homes built in this financial year after the tax roll was submitted. When the new subdivisions start to build out, we could have a lot more people getting free garbage service for up to twelve months. This is unfair for those that are paying for the service and unfair for GFL to be providing the service for no charge.

Councilman Teeters made a motion to read Ordinance 2022-20 interim assessment for solid waste by title only; seconded by Vice-Mayor Cross and unanimously approved. The Mayor read the title and there being no board comment, requested a motion.

MOTION by Vice-Mayor Cross to send Ordinance 2022-20 to second reading; SECONDED by Councilwoman Sikkema.

A Roll Call vote was taken.

Cross YES

Sikkema YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

CONSIDERATION AND APPROVAL OF POLICY FOR HEALTH INSURANCE COVERAGE FOR NEW EMPLOYEES REQUIRED TO WORK MORE THAN 25 HOURS PER WEEK.

At the June 2022 meeting, the Council adopted a health insurance policy for employees working more than 40 hours per week. Currently the town does not offer health insurance for employees working less than 40 hours per week.

The law requires that employees who work more than 25 hours per week are offered insurance coverage which has to be a minimum of 50% of the premium of the lowest plan that the town offers, currently HSA plan 14471. The town can of course elect to pay 50% towards the better plan 14002.

The new employee can elect not to pay the 50% out of pocket whether or not they have alternate coverage under another plan (e.g. on a spouses policy, VA or Medicare). Currently the three employees working more than 25 but less than 40 hours per week have alternate coverage and have signed to decline the town's coverage.

The cost to the town for the 50% contribution to the healthcare plan depends on the employee's age. A 30-year-old would cost \$1,970 per year; 40 = \$2,219; 50 = \$3,100; 60 = \$4,712. This would also be the out-of-pocket amount that the employee would have to pay. The cost of the better plan (14002) would be approximately 80% more than plan 14471.

Councilwoman Sikkema felt that the town could pay 50% for either plan and that the new employee would pay the other 50% out of pocket. She added that they would not be able to elect to go on the better plan (14002) and use the difference to pay for the lower plan (14471) to reduce their out-of-pocket cost. The Mayor outlined what the policy should be which was based on Gayle's recommendation.

MOTION by Mayor Mack to adopt a policy for the Town to pay 50% of the cost for either plan for new employees working between 25 to 40 hours per week. The employee will choose the plan they want and pay the other 50% or can decline to take insurance at all. Any family coverage will be paid 100% out of pocket by the employee. The employee would not be able to elect to go on the better plan (14002) and use the difference in the premium towards paying for the lower plan (14471) to reduce their out-of-pocket cost; SECONDED by Councilman Teeters.

A Roll Call vote was taken

Cross	YES
Sikkema	YES
Issartel	YES
Teeters	YES
Mack	YES

MOTION CARRIED 5-0

CONSIDERATION AND DECISION TO ENGAGE LEGAL COUNSEL FOR THE FORD INTERCEPTOR WARRANTY ISSUES.

The Town has been dealing with a warranty issue on the 2018 Ford Explorer with the turbo that the dealer and Ford are unwilling to complete the repair under the warranty. Subsequently the town is out of pocket on the repair or \$14,550 to have the work completed plus an unpaid bill for Plaza Lincoln \$6,072.51 for what they did.

The Council members discussed at length the pro's and con's of engaging Attorney Frank Hamner P.A. to pursue this case on behalf of the town to have the payments reimbursed under the warranty. Considerations were primarily based on this not being an open-ended deal whereby the town throw good money after bad and not get a positive result. It was therefor agreed that the town would engage Mr. Hamner for a maximum of forty hours totaling \$16,000.00.

MOTION by Vice-Mayor Cross to authorize the attorney to move forward for a maximum of forty hours; SECONDED by Councilman Teeters.

A Roll Call vote was taken

Cross YES
Sikkema YES
Issartel YES
Teeters YES
Mack YES

MOTION CARRIED 5-0

BUDGET AND FINANCE REPORT REVIEW

Clerk Wells gave an overview of the revenues and expenditures for each of the four funds against the budget and the status of the bank balances. He added that he had paid off the remaining balance of \$28,683 for the leases on the two police vehicles from the Infrastructure fund which now left the town completely debt free.

The Bank balances on May 30, 2022 are shown below.

General Fund:	615,154.83
Impact Fees:	62,195.75
Transportation Fund:	63,864.19
Infrastructure Fund:	17,037.26
Enterprise Fund:	6,485.71
Cash Drawer:	150.00

STAFF REPORTS

Town Attorney - Heather Ramos - ABSENT

Police Department - Chief Hoagland - The Chief requested that the council give guidance as to where they see the increases in salaries to be so that the Clerk can include them in the budget. In prior years an assumption has been made by staff in the budget and this year it was felt that the Council should give guidance at least for discussion at the budget workshops.

Councilman Teeters said that the percentage increases do not have to be the same for the police and town hall as they have differing responsibilities and levels of risk. Vice-Mayor Cross said that the recent increase in the level of health insurance is part of the remuneration package and should be taken into consideration when looking at salary increases. Councilwoman Sikkema agreed. Councilwoman Issartel said that the level of inflation was particularly high and that the staff should be properly rewarded for the jobs that they do. The Mayor interjected that in his opinion staff should make their proposal as they feel they can justify and present it to council.

The Chief then gave an overview of the code enforcement issues including the issues with the Pallet Company and the positions with the grants that were being applied for.

Town Clerk - Graham Wells - NONE

Public Works - Wally Hoagland - NONE

COUNCIL DEPARTMENT & COMMITTEE LIAISON REPORT

Finance - Councilman Cross - NONE

Public Works - Mayor Mack - NONE

Public Safety/Code Enforcement - Councilwoman Sikkema - NONE

Office - LDR's, Ordinances, Legal, Grants - Councilman Teeters - NONE

Economic Development - Councilwoman Issartel - NONE

REVIEW

- a. Items for Workshops and possible dates - The budget workshop was scheduled for July 18, 2022 at 6:00 pm.
- 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 - The Mayor announced the backpack drive on July 23rd at the community center.

ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 8:47pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST:


Graham Wells, Town Clerk