

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



**REGULAR SESSION
TUESDAY NOVEMBER 8, 2022
TOWN HALL**

Having been duly advertised as required by law, Mayor Mack called the Regular Session meeting to order at 6:32pm. He gave the invocation and led the Pledge of Allegiance.

Members Present:

Mitchell Mack, Mayor
Stephen Cross, Vice-Mayor
Gayle Sikkema
Orita Issartel
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.

CITIZENS QUESTIONS AND COMMENT

Jeff Suggs 13125 Tennessee Avenue said that Colina Del Lago needs to be mowed and that it was being used as a racetrack.

AGENDA REVIEW

Mayor requested that Resolution 2022-31 be added as item 7 of new business.

PROCLAMATION – TEACHER APPRECIATION WEEK - DECEMBER 18 - 24, 2022

Mayor Mack read the proclamation aloud. It was signed by the Mayor and Council members and the Mayor asked Chief Hoagland to present it to Astatula Elementary School.

MEETING MINUTES

Approval of Minutes for October 11, 2022 Regular Council Meeting.

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

For: Cross, Sikkema, Issartel, Teeters, Mack

MOTION CARRIED 5-0

PUBLIC HEARING

RESOLUTION 2022-28 GRANTING A VARIANCE FROM CHAPTER 4.9.2 OF THE LAND DEVELOPMENT CODE TO ALLOW FOR A LOT-SPLIT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; DOCUMENTING THE VARIANCE APPROVED BY THE TOWN COUNCIL FOR LAND LOCATED AT TENNESSEE AVENUE IN THE TOWN OF ASTATULA, LAKE COUNTY PROPERTY APPRAISER PARCEL NO.: 29-20-26-0100-00G-04402; PROVIDING AN EFFECTIVE DATE.

Mr. Green said that Green Consulting Group, Inc. (GCG) has conducted a review for the requested variance to the minimum lots size requirements for property located north of Tennessee Avenue, west of Jefferson Street in the Town of Astatula. A variance is requested Chapter 4 - Zoning Regulations: 4.9.2 R-1 Single-Family Low Density Residential (5) a) Minimum Lot Size: 21,780 square feet.

The applicant has requested a variance from 4.9.2 to allow for a Lot Split that would result in one or both resulting properties being less than 21,780 square feet. As requested, the western lot would be 21,770.007 square feet (9.993 square feet less than the required minimum) and the eastern lot would be 21,770.084 square feet (9.916 square feet less than the required minimum).

This application had been heard by the Planning and Zoning Boards who voted 2 – 3 against recommending approval. Mr Green went over the provisions in the code for approving a variance as follows along with his opinion whether the application conforms or not.

The Town Council shall hear and make decisions for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefore, and not surrounding properties. In order to authorize a variance, the Board must find:

1. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such onsite conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views.*
2. *That the special conditions and circumstances do not result from the actions of the applicant.*
3. *That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.*
4. *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*
5. *That the grant of the variance will be in harmony with the general intent and purpose of this Code and the Comprehensive Plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*
6. *The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.*

Mr. Green stated that there has been a difference of opinion between previous attorney's whether one of the hardships had to be met or all six. He added that the lots would only be 10 square feet short of the code requirement and that there many of the surrounding lots were also short of the 21,870 square feet requirement.

The Mayor opened public comment and Mr. Suggs, Jean Holt, and Nelson Melendez all neighboring residents voiced their opposition to the granting of the variance allowing the lot split to take place. Following the closing of public comment, he opened comment from the board. Following discussion, a motion was made by Councilwoman Sikkema to read by title; seconded by Councilman Teeters. The Mayor read the title and requested a motion.

MOTION by Councilman Teeters to deny Resolution 2022-28 granting a variance from chapter 4.9.2 of the land development code to allow for a lot-split; SECONDED by Mayor Mack

A Roll Call vote was taken.

Cross	NO
Sikkema	NO
Teeters	NO
Issartel	YES
Mack	NO

MOTION CARRIED 4-1

A recess was called by the Mayor at 7:30 pm and reconvened at 7:43pm.

NEW BUSINESS

DISCUSSION AND APPROVAL OF RESOLUTION 2022-29, GRANTING A LOT-SPLIT ON TENNESSEE AVE. AK #3847973.

As Resolution 2022-28 was denied, this item was not discussed.

DISCUSSION AND APPROVAL FOR THE MAYOR TO SIGN THE CONTRACT WITH GWORKS FOR UTILITY BILLING.

Clerk Wells explained the background as to how the town came to use Softline Data, Inc. to provide the UB-Max software that the town uses for utility billing. It interacts with the Beacon Software that allows the badger meters to be read remotely using cellular endpoints. The software is very stable, and the phone support is excellent.

The owner of UB-Max is retiring and has sold the business to gWorks. The staff at UB-Max will all remain with the new owners. gWorks has sent a new Master Service Agreement which as with all contracts has been sent to the town's attorney for her comments. The redlined agreement with her recommended changes was sent back to gWorks who have stated that they will not amend the contract.

If the town does not sign the agreement, then the town will not be able to continue using the software. It would be very difficult for the town to find and learn new software in the short term and likely any new partner would also have an agreement for their services.

The attorney says that it would be up to council to make a business decision to sign or not sign the contract. She had provided a memorandum to assist council in making their decision. Following discussion on the termination clause, a motion was made.

**MOTION by Vice Mayor Cross authorizing the Mayor to sign the agreement with gWorks.;
SECONDED by Councilwoman Issartel.**

Cross YES

Sikkema YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

RECOMMENDATION BY THE MAYOR AND APPROVAL TO APPOINT A NEW MEMBER TO THE TOWN COUNCIL.

The Mayor made a recommendation to accept Orita Issartel back to the board; Seconded by Vice-Mayor Cross and unanimously approved.

RECOMMENDATION AND APPROVAL FOR THE APPOINTMENT OF THE POSITION OF VICE-MAYOR.

The Mayor asked Mr. Cross whether he would continue to serve the town as Vice-Mayor. He said that he would, and the Mayor made a motion to appoint him to that position; seconded by Councilman Teeters and unanimously approved.

DISCUSSION ON THE REMOVAL OF ITEMS FROM THE CEMETERY – COUNCILMAN TEETERS.

Mr. Teeters said that he had been contacted about items that had been removed from grave sites that were not removed by town staff. He asked the Chief to step up his patrols of the cemetery. As the cemetery is open 24-hours per day it was suggested that curfew times be added so that the police could legally remove people from the cemetery after certain hours. The Chief said that if the increased patrols do not solve the issues, then an ordinance be adopted to add opening and closing times.

DISCUSSION AND APPROVAL OF RESOLUTION 2022-30. FINAL AMENDMENT TO THE 2021-2022 BUDGET.

A RESOLUTION OF THE TOWN OF ASTATULA, LAKE COUNTY, FLORIDA, AUTHORIZING BUDGET AMENDMENTS FOR THE TOWN OF ASTATULA FOR FISCAL YEAR 2021-2022.

The Clerk went over the details of the final budget amendment. A budget amendment is required to balance the budget in line with expenditures incurred as of September 30, 2022 for the end of the fiscal year which has to be reported to the State.

General Fund:

369.300	Other Miscellaneous Revenues (Settlements)	Increase Revenues	\$40,000.00
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Financial & Administrative

513.322	Audit Services	Increase Expenditures	\$ 5,000.00
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Law Enforcement

521.100, 200	Personnel	Increase Expenditures	\$ 2,500.00
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521.300	Operating Expenses	Increase Expenditures	\$14,000.00
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515.600	Capital Expenditure	Increase Expenditures	\$ 1,500.00
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Parks & Recreation

572.461	Repairs & Maintenance (Dirt for Ballfield & Events)	Increase Expenditures	\$17,000.00
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Infrastructure Fund:

312.600	Discretionary Surtax Revenue	Increase Revenues	\$40,000.00
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521.710	Capital Outlay – Infrastructure (Payment of Police Vehicle Leases)	Increase Expenditures	\$29,000.00
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572/533.621	Capital Outlay – Professional Services (Engineering for Water Plant Expansion)	Increase Expenditures	\$11,000.00
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The Mayor and Council discussed the budget amendment and the growth expected in the town that would bring additional revenues over the next few years. The cost to hook up to potable water was discussed and ways that it could be made more affordable for residents to connect to the system which would generate additional revenues.

The Clerk confirmed that at the end of September 2022 the town had paid off all of the vehicle leases and was completely debt free. There is an internal loan of \$80,000 from the general fund to the enterprise fund to cover the initial start-up of potable water. The Mayor commended the Clerk for the town receiving a letter from the Florida Department of Revenue stating that they found no violation of the required certification of Truth in Millage (TRIM) and that the town was in compliance with the Maximum Millage Levy requirements of section 200.065(5), Florida Statutes.

A motion by Vice-Mayor Cross was made to read the resolution title and seconded by Councilwoman Issartel. The Mayor read the title and a motion was made to approve.

MOTION by Vice Mayor Cross to approve Resolution 2022-30; SECONDED by Councilwoman Sikkema.

Cross YES

Sikkema YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

DISCUSSION AND APPROVAL OF RESOLUTION 2022-31, DECLARING A STATE OF EMERGENCY FOR TROPICAL STORM NICOLE

As this was an added item to the agenda, the council only received a paper copy at the meeting. The resolution only referred to hurricane Nicole and not Tropical Storm/Hurricane Nicole.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA IN LAKE COUNTY, FLORIDA, DECLARING A STATE OF EMERGENCY BECAUSE OF TROPICAL STORM/HURRICANE NICOLE; AUTHORIZING AND DIRECTING THE MAYOR TO TAKE WHATEVER PRUDENT ACTIONS NECESSARY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN PURSUANT TO THIS DECLARATION; PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Cross made a motion to read the resolution title and seconded by Councilwoman Sikkema. The Mayor read the title and requested a motion to approve.

MOTION by Vice Mayor Cross to approve Resolution 2022-31 with the amendment to add tropical storm to the title; SECONDED by Councilwoman Sikkema.

Cross YES

Sikkema YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

BUDGET AND FINANCE REPORT REVIEW

Much of the report was covered in the final budget amendment but overall, the net revenues ended \$33,950 over budget as a result of the sale of the New York Avenue property and the FDLE grant. Expenditures were \$59,956 under budget adding a total of \$93,908 to the town's reserves.

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

General Fund:	415,441.85
Impact Fees:	37,198.59
Transportation Fund:	82,470.28
Infrastructure Fund:	43,706.89
Enterprise Fund:	5648.88
Cash Drawer:	150.00

STAFF REPORTS

Town Attorney - Heather Ramos - ABSENT

Police Department - Chief Hoagland - NONE

The Chief gave an update on body cameras, code enforcement, the Boots and Buckles Gala which raised \$200,000 and the haunted house Halloween event which saw around 300 people attend. He also stated that the residual grant was approved and they were spending the money.

He gave information on upcoming events including the Thanksgiving Day dinner, Light up Astatula on December 2nd, shop with a cop on December 6 at Walmart Mt. Dora and the Christmas Cookout and Range event on December 11th. He asked for staff reports to be move to earlier in the meeting.

Town Clerk - Graham Wells - NONE

Public Works - Wally Hoagland - Talked about the new Public Works employee Scott Kane.

COUNCIL DEPARTMENT & COMMITTEE LIAISON REPORT

Councilman Cross (Finance) - NONE

Mayor Mack (Public Works)

Councilwoman Sikkema (Public Safety/Code Enforcement) - NONE

Councilman Teeters (LDR's, Ordinances, Legal, Grants) - NONE

Councilwoman Issartel (Economic Development) - Asked about the build out of Colina Del Lago. The Clerk responded.

REVIEW

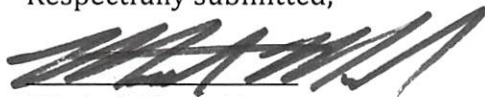
- a. Items for Workshops and possible dates - NONE
- b. Items put forward for the next Council meeting - NONE
- c. Review of items needing Special Meetings and possible dates - NONE

COUNCIL MEMBER MISCELLANEOUS COMMENTS - NONE

ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 8:49 pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST



Graham Wells, Town Clerk

