

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



**REGULAR SESSION
TUESDAY MARCH 12, 2024
TOWN HALL**

Having been duly advertised as required by law, Mayor Mack called this scheduled Regular Session meeting to order at 6:50pm. He gave the invocation and led the led the Pledge of Allegiance.

Members Present:

Mitchell Mack, Mayor
Stephen Cross, Vice-Mayor
Zane Teeters
Orita Issartel
Jeanne Quiros

Staff Present:

Graham Wells, Town Clerk

Roll Call was performed, confirmation of the meeting notification was acknowledged, and it was determined that a quorum was present. The Mayor welcomed guests and recognized Kay MacQueen from P & Z. He asked council whether they wanted a workshop before the council meeting on a regular basis but no decision was reached.

CITIZENS QUESTIONS AND COMMENT

Nolene Thomas 13334 Rose Hollow Way voiced concern about the speed of traffic exiting CR561 onto Maryland Avenue and also the stop sign at Madison and Rose Hollow is obstructed. The Mayor said that he would get with the Chief to get the stop sign fixed.

AGENDA REVIEW

It was agreed to table item 6 of new business - Discussion and Approval Power DMS Resource Software to a future meeting. The motion was made by Vice-Mayor Cross, seconded by Council Member Quiros and voted 5-0 to approve the change.

MEETING MINUTES

Approval of Minutes for February 13, 2024 Regular Council Meeting.

Motion by Vice-Mayor Cross to approve the minutes shown above; SECONDED by Council Member Issartel

For: Cross, Quiros, Issartel, Mack

Against: Teeters

MOTION CARRIED 4-1

STAFF REPORTS

Town Attorney - Heather Ramos – Absent

Chief Hoagland – Absent

Town Clerk & Finance Officer – Graham Wells

BUDGET AND FINANCE REPORT REVIEW

The Clerk went over the finance report. The full finance report is available on the town’s website.

The Bank balances on January 31, 2024 are shown below.

General Fund:	1,300,653.45
Impact Fees:	161,510.72
Transportation Fund:	60,944.70
Infrastructure Fund:	181,247.85
Enterprise Fund:	66,181.22
Cash Drawer:	150.00

Council Member Teeters stated that an ordinance should be put in place where anyone connected to the towns water supply should have their backflow inspected at least every two years.

NEW BUSINESS

DISCUSSION AND APPROVAL OF THE SECOND AMENDMENT TO THE GFL AGREEMENT FOR SOLID WASTE COLLECTION SERVICES.

The original agreement for Solid Waste Collection Services expires in September 2024. This agreement provides for a further 3-year extension should both parties agree to it. At the February council meeting a unanimous vote was taken to move forward with the terms of the agreement. This item was discussed.

The agreement reflects the terms presented at a prior council meeting with the addition that the first new rate will be a six percent increase over the existing rate. This represents a \$1.17 increase to the town. The agreement has been reviewed by the attorney. This item had been discussed at the workshop prior to the meeting and went straight to a vote.

MOTION by Vice-Mayor Cross to approve the second amendment extension to the Solid Waste Franchise Agreement; SECONDED by Council Member Teeters.

A roll call vote was taken.

- Cross YES**
- Quiros YES**
- Issartel YES**
- Teeters YES**
- Mack YES**

MOTION CARRIED 5-0

FIRST READING OF ORDINANCE 2024-05 REPEALING CHAPTER 13 OF THE TOWN'S CODE OF ORDINANCES REQUIRING A PERSON CONDUCTING BUSINESS IN THE TOWN TO OBTAIN A BUSINESS TAX RECEIPT.

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA REPEALING CHAPTER 13 OF THE TOWN'S CODE OF ORDINANCES REQUIRING A PERSON CONDUCTING BUSINESS IN THE TOWN TO PAY A BUSINESS TAX TO THE TOWN AND TO OBTAIN A BUSINESS TAX RECEIPT FROM THE TOWN; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

At a prior council meeting, the issue of business tax receipts was discussed and it was agreed that the cost to the town in issuing them plus the usefulness of the information did not have any tangible benefit. The county has also stopped issuing business licenses. This ordinance repeals the section in the code requiring them and will take effect on October 1, 2024.

This item had been discussed at the workshop prior to the meeting. The Mayor opened public comment, and there being none, closed public comment and requested a motion to read by title only. The motion was made by Council Member Teeters; Seconded by Vice-Mayor Cross and unanimously approved. The Mayor read the title and requested a motion to approve.

MOTION by Council Member Teeters to approve Ordinance 2024-05 and send it to second reading; SECONDED by Vice-Mayor Cross.

A roll call vote was taken.

Cross	YES
Quiros	YES
Issartel	YES
Teeters	YES
Mack	YES

MOTION CARRIED 5-0

FIRST READING OF ORDINANCE 2024-06 AMENDING ARTICLE II OF CHAPTER 18 OF THE TOWN'S CODE OF ORDINANCES ENTITLED FLOOD DAMAGE PREVENTION AND PROTECTION.

AN ORDINANCE OF THE TOWN OF ASTATULA, FLORIDA PERTAINING TO FLOODPLAIN MANAGEMENT; AMENDING ARTICLE II OF CHAPTER 18 OF THE TOWN'S CODE OF ORDINANCES ENTITLED FLOOD DAMAGE PREVENTION AND PROTECTION TO ADD REQUIREMENTS CONCERNING ELEVATION CERTIFICATES FOR HOMES BUILT IN SPECIAL FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Town has to amend the Town's Floodplain Management Regulations to add language required by the Florida Division of Emergency Management. This ordinance amends Article II of Chapter 18 of the Town's Code of Ordinances entitled "Flood Damage Prevention and Protection" to add a new Subsection 105.5 to Section 105 entitled "Site Plans and Construction Documents". The Mayor read out the new subsection.

105.5 When a home is being built in the special flood hazard area, the Town requires the following Elevation Certificates: the first elevation certificate is required before vertical construction can proceed, and the second elevation certificate is required at the finished construction stage before the home receives a certificate of occupancy.

This item had been discussed at the workshop prior to the meeting. The Mayor opened public comment, and there being none, closed public comment and requested a motion to read by title only. The motion was made by Vice-Mayor Cross; Seconded by Council Member Teeters and unanimously approved. The Mayor read the title and requested a motion to approve.

MOTION by Vice-Mayor Cross to approve Ordinance 2024-06 and send it to second reading; SECONDED by Council Member Issartel.

A roll call vote was taken.

**Cross YES
Quiros YES
Issartel YES
Teeters YES
Mack YES**

MOTION CARRIED 5-0

DISCUSSION AND APPROVAL TO ACCEPT A 2024 JAG GRANT FOR COMPUTERS AND MONITORS.

A 2024 Jag Grant has been awarded to the Town of Astatula, in the amount of 3,520.00 dollars. This grant is a reimbursement grant specifically to purchase and update the Police department's computers and monitors.

The use of the money from the grant would be used to purchase two (2) Lenovo mobile workstations and MSI MP275 27" Class Full HD LCD Monitors. One (1) workstation would replace the booking computer we have now, which is (approximately) eight (8) years old. It would be placed in the booking area for Officers to use for booking arrests and writing reports. The second workstation will be placed in the training area and will be used to help with officer training and provide officers with a computer during emergency operations.

This item had been discussed at the workshop prior to the meeting and went straight to a vote.

MOTION by Council Member Quiros to accept the grant and approve the spending of \$3,520.00; SECONDED by Council Member Teeters.

A roll call vote was taken.

**Cross YES
Quiros YES
Issartel YES
Teeters YES
Mack YES**

MOTION CARRIED 5-0

DISCUSSION AND APPROVAL OF THE QUOTATION FROM TESTERMAN'S PRO WASH TO PAINT TOWN HALL.

At the March 13, 2023 council meeting, three quotations were presented for the repainting of Town Hall.

Sarasky's Painting	\$17,500.00
Mendoza Brothers Painting	\$15,500.00
Superior Paint Brothers	\$13,000.00

At that time Vice-Mayor Cross stated that there were items such as the generator for town hall and the leak problem at the community building that needed to be taken care of before any new projects were undertaken and it was tabled.

During the budget process \$15,000.00 was added to the 2023-24 budget for the repainting of town hall. Testerman's Pro Wash did some work to clean the concrete in front of town hall and during the discussion said that they also did painting as well. A quotation was provided which was considerably less than the three quotes already received.

Due to this the clerk requested a detailed quotation to ensure that everything was covered. They also provided an optional quote to soft wash the flat roof. They will be using better paint than the other quotations and part of the warranty requires them to pressure wash the building once a year at the town's expense.

An ancillary motion was made by Council Member Teeters to let the Clerk pick the colors; seconded by Vice-Mayor Cross and unanimously approved. A further motion to accept the quotation was made.

MOTION by Council Member Teeters to accept the quotation from Testerman's Pro Wash for the bid price of \$8,234.00; SECONDED by Vice-Mayor Cross.

A roll call vote was taken.

Cross YES

Quiros YES

Issartel YES

Teeters YES

Mack YES

MOTION CARRIED 5-0

DISCUSSION AND APPROVAL OF THE PURCHASE OF POWER DMS RESOURCE SOFTWARE.

This item was tabled to a future meeting.

EMPLOYEE HOLIDAY PAY DISCUSSION AND ACTION.

At the February council meeting, there was a discussion on Holiday Pay for employees working part-time. During that discussion, it was discovered Holiday Pay requirements for full-time employees in the policy manual may not have been implemented correctly.

After examining payroll data for full-time hourly employees, it was found employees have had inconsistent pay rates and compensation for Holiday Pay. Law Enforcement officers are compensated on a work period differing from the traditional 40-hour work week. Twelve-hour shifts with rotation cause three working periods to fall on a holiday (Morning Day Night). The breakdown of those times for each employee from 2018 to 2024 are shown on worksheets sent to the council in advance of the meeting. There were three things for the council to establish.

1. What the current policy means; 2. Reimburse police officers who were not properly compensated for working holidays; 3. Require the accurate reporting of hours worked by police officers going forward.

It is evident that the way the holiday policy is written is open to interpretation. It provides 8 hours of pay for an employee who does not work the holiday. The issue is that it goes on to say that **“in addition”** anyone who works the holiday will be paid time and a half for the number of hours that are worked. The words “in addition” create ambiguity and the attorney says there is no legal precedent for the interpretation. The council have to establish whether those who work are entitled to the 8 hours in addition to the time and a half for the number of hours worked or not.

The Mayor stated that the amount that was owed in total was \$48,300.00 which was subject to FICA and contributions to the Florida Retirement System. Council Member Teeters said that the actual figures should be calculated, and, in the meantime, a good faith payment be made to them. Interest on the payments was also brought up. The Mayor suggested that the council give an undertaking that payment will be paid to those eligible employees once the calculation has been established.

Vice-Mayor Cross asked how this is going to be financed. The Clerk responded that it would be a budget amendment with the balancing revenue coming from excess revenues generated in this fiscal year or from reserves. Vice-Mayor Cross asked the Mayor if he had a conflict, who responded that he did not.

Johnny Calhoun reminded council of the code enforcement revenues that had been generated we in excess of \$200,000.00 and Lt. Brown said it was the consensus, not to pay this in two halves’ as had been suggested, but to take the time to calculate it and pay it all together. He added that they did not care about the interest either. With that said, Council Member Teeters made the following motion.

MOTION by Council Member Teeters for the council to calculate the amount that was omitted or underpaid to any full-time employee that was eligible, and to get the amounts to the individual employees according to the written policy that is currently in place as interpreted tonight, where they are entitled to eight hours of holiday pay plus time and a half for hours worked on the holiday; SECONDED by Council Member Quiros.

A roll call vote was taken.

Cross	NO
Quiros	YES
Issartel	YES
Teeters	YES
Mack	YES

MOTION CARRIED 4-1

DISCUSSION ON THE OUTSOURCING OF MINUTE WRITING – COUNCILMAN TEETERS.

Council Member Teeters said that council should look into having the minutes outsourced to a third party to have them transcribed, as he felt that they were not always written in an impartial manner and how he would like them written.

Vice-Mayor Cross said that minute writing was one of the primary duties of the Town Clerk and that the reason they had been outsourced in the past was because the former Clerk had got years behind. The Clerk stated that other than two sets of workshop minutes where there was only the Mayor and Vice-Mayor present, everything else was up to date.

He added that the minutes are a reflection and recording of what business was transacted by the council; not what was said, but what is done. He further cited what was stated in the rules of order that minutes be maintained in the office of the Town Clerk. The minutes will reflect the date, time and place of the meeting, the members recorded as either present or absent, a general description of all matters proposed, discussed or decided and the record of any votes taken.

He added that these requirements have been included in every set of minutes that he has written, and it is the prerogative of the clerk as to how the minutes are written. Mt. Teeter said that he didn't think that they were done wrong but could be done better. Mr. Wells also cited from the rules of order that the clerk's office is not required to prepare verbatim transcripts of the council meetings unless specifically required.

He added that in the six years he had been with the town, his minutes had never been criticized or questioned. If there was an error, then it would be corrected. He said that he believed that minutes were a fundamental part of his job and that they are written in a fair and impartial manner. Mr. Teeters said that this was not a shot across the clerk's bow but merely a suggestion. As this was a discussion item, no action was taken.

COUNCIL MEMBER MISCELLANEOUS COMMENTS - NONE

ADJOURNMENT

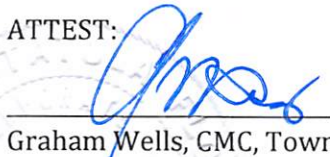
The Mayor adjourned the meeting at 8:24 pm.

Respectfully submitted,



Mitchell Mack, Mayor

ATTEST:



Graham Wells, CMC, Town Clerk

