

1 MINUTES, UMATILLA CITY COUNCIL MEETING
2 APRIL 21, 2015 7:00 P.M.
3 COUNCIL CHAMBERS, 1 S CENTRAL AVENUE, UMATILLA, FL
4

5 Pledge of Allegiance led by **President Eric Olson** and Invocation given by **Interim Public**
6 **Works Director Richard Hatfield**.

7
8 **Meeting called to order at 7:01 p.m.**
9

10 **ROLL CALL**

11 IN ATTENDANCE: President Eric Olson; Vice President Peter Tarby; Council members
12 Katherine Adams, H. Scott Purvis and Laura Wright; Mayor Brian Butler; Interim Public Works
13 Director Richard Hatfield; Police Chief Adam Bolton; Interim City Manager Carol Rogers; City
14 Attorney Kevin Stone; City Clerk Karen Howard

15 ABSENT: Fire Chief Patrick Cranor
16

17 **AGENDA REVIEW:**

18
19 **MOTION by Purvis; SECOND by Tarby; to approve agenda. Motion carried.**
20

21 **MINUTES REVIEW**

22 1. Minutes, City Council meeting April 7, 2015
23

24 **MOTION by Wright; SECOND by Adams; to approve Minutes of City Council meeting of**
25 **April 7, 2015. Motion carried.**
26

27 **MAYOR'S REPORT**

28 **Mayor Brian Butler** reported the following activities:

29 April 8th attended Jonathan Lucroy sign dedication

30 April 9th attended Chamber of Commerce meeting

31 April 13th attended Kiwanis meeting

32 April 14th meeting with **Carol Rogers** and a representative of the Lake County Republican Party

33 April 16th Fly In at Airport
34

35 **Mayor Butler** noted Umatilla Middle School students raised \$1,500 for cancer research.
36

37 2. Proclamation – Occupational Safety and Health Administration (OSHA)

38 **Mayor Butler** read the Proclamation for OSHA.
39

40 3. Proclamation – Justin Crouch, Teacher of the Year
41

42 **Mayor Butler** read the Proclamation for **Justin Crouch**, named Lake County Teacher of the
43 Year, and proclaimed April 21, 2015 as “**Justin Crouch Day**”.
44

45 **City Council meeting adjourned 7:07 p.m.**

46

47 A brief reception was held in **Mr. Crouch's** honor.

48

49 **Convene Community Redevelopment Agency Advisory Board**

50 **Adjourn Community Redevelopment Agency Advisory Board**

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52 **Adjourn Community Redevelopment Agency Advisory Board**

53 **Reconvene City Council meeting at 7:49 p.m.**

54

55 **PUBLIC COMMENT**

56 **None**

57

58 **PUBLIC HEARINGS**

59 4. Ordinance 2015 – A, Sand/Kemper Conditional Use Permit, First Reading

60

61 **City Attorney Kevin Stone** read the ordinance by title:

62

63 **ORDINANCE 2015 - A**

64

65 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, COUNTY**
66 **OF LAKE, STATE OF FLORIDA, APPROVING A CONDITIONAL USE PERMIT TO**
67 **ALLOW A FRATERNAL LODGE, LOCATED IN THE RP ZONING DISTRICT FOR**
68 **THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF UMATILLA,**
69 **FLORIDA; OWNED BY BILLY C. KEMPER, AS TRUSTEE OF THE BILLY C.**
70 **KEMPER FAMILY TRUST DATED APRIL 20, 2004 AND LOCATED AT 40607**
71 **MAXWELL ROAD, UMATILLA, LAKE COUNTY, FLORIDA; PROVIDING FOR AN**
72 **EFFECTIVE DATE.**

73

74 **City Attorney Kevin Stone** swore in all people who would be speaking regarding the
75 applications presented to Council during this meeting.

76

77 **City Land Planner Greg Beliveau** gave the planning staff report on the application. A
78 Conditional Use Permit (CUP) allows an applicant to bring forward a unique use that is not
79 found within the regulations. The CUP runs with this specific user and specific conditions can
80 be placed on the request. Traffic analysis shows less intensity than if the property was developed
81 under the current Residential Professional zoning.

82

83 Staff asked for the following conditions which are spelled out in the ordinance: specific buffers
84 along each side of the parcel; parking along Maxwell Street; a six foot (6') buffer vinyl fence
85 adjacent to residential parcel; and outdoor entertainment restricted to the hours of 10 a.m. to 9
86 p.m. The applicant has agreed to the conditions.

87

88 Discussion focused on the outdoor entertainment and overflow parking with **Mr. Beliveau**
89 stating there is ample area for overflow parking.

90

91 **Dale Sands**, representing the Eagles, will be purchasing the property. He said there are
92 approximately a half dozen events held by the Eagles each year and he discussed the charitable
93 work the group does in the community. I own property to the west and there is a big buffer there
94 which we may give to the city for a park in the future.

95

96 **MOTION by Tarby; SECOND by Purvis; to approve Ordinance 2015 – A Kemper**
97 **Conditional Use Permit.**

98 **AYES: Adams, Purvis, Wright, Tarby, Olson**

99 **NOs:**

100 **Motion carried.**

101

102 5. Resolution 2015- 11, Faryna Variance

103

104 **City Attorney Kevin Stone** read the resolution by title:

105

106 **RESOLUTION 2015 - 11**

107

108 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA,**
109 **GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS (LDR)**
110 **REQUIREMENTS PERTAINING TO THE SCHEDULE OF SETBACK**
111 **REQUIREMENTS; SPECIFICALLY GRANTING A VARIANCE FROM A MINIMUM**
112 **TWENTY FOOT (20') FRONT SETBACK TO A TEN FOOT FRONT SETBACK (10')**
113 **FOR AN ACCESSORY STRUCTURE ON THE SUBJECT PROPERTY LOCATED**
114 **EAST OF SR 19 AND SOUTH OF MARY STREET AND OWNED BY SHARON**
115 **FARYNA; PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN**
116 **EFFECTIVE DATE.**

117

118 **Land Planner Greg Beliveau** said the structure in question is a large orange that was an icon
119 located in Mount Dora for many years.

120

121 The original request was for zero lot line set back. The applicant has agreed to a ten foot (10').
122 Once the orange is refurbished it will be very nice and visible in the community.

123

124 Staff and the Planning & Zoning Board recommend approval.

125

126 **MOTION by Wright; SECOND by Purvis; to approve Resolution 2015-11 Faryna**
127 **Variance. Motion carried.**

128

129 **NEW BUSINESS**

130 6. UHS Scholarship Award

131

132 **Interim City Manager Rogers** asked Council to rank and return the sheets to **Clerk Howard** so
133 the award could be announced at the next meeting.

134

135 **GENERAL DISCUSSION**

136 7. Request for consideration of ordinance by Lakeside Estates residents

137

138 **Interim City Manager Rogers** gave background on jet-ski activity on Lake Enola over the
139 Easter weekend, disturbing nesting cranes and other wildlife.

140

141 **City Attorney Kevin Stone** said the legislators have given authority over vessels to local
142 governments. Local governments have not been given authority to regulate noise. Statutes state
143 local governments can regulate the operation of vessels except the adoption of ordinances which
144 discriminate against or regulate jet skis, air boats, noise, and safety equipment. The county can
145 regulate noise if they choose to specific areas. The county has multiple ordinances on its books
146 now not just for noise regarding specific lakes and location of lakes.

147

148 **City Attorney Stone** said the best way to handle it is to pass it to the county because they have
149 more power. Determine what you want to do and pass a resolution suggesting the county take it
150 because they have more power than the city to regulate these things.

151

152 There are things the city can do that might achieve some of the goals such as passing a speed
153 limit but you cannot address the noise issue. I talked to **Melanie Marsh** at the county today and
154 there is an ordinance on a future agenda to address an issue in Tavares. A county ordinance can
155 be enforced by law enforcement based on the statute that allows them to regulate noise which is
156 not something that is available to the city.

157

158 Discussion ensued regarding the point of access to the lake near which **Interim Public Works**
159 **Director Richard Hatfield** said the city maintains.

160

161 **Terry Ruble**, resident of Lakeside Estates, said the jet skis were out there for five (5) hours at a
162 time tearing up lake and said it is somewhat of a wildlife refuge; there is a family of otters on the
163 lake, alligators, and many types of birds. We are starting to see them leave. We were told there
164 was an ordinance on the lake to the west of Lake Enola. The noise resonates through the park
165 and is very unnerving. We appreciate whatever can be done. We request the birds and wildlife
166 be protected.

167

168 **Heinz Kroll**, resident of Lakeside Estates, discussed the way two of the five (5) jet-ski drivers
169 were driving on the lake with lots of horsepower making a terrible noise like a racing truck or
170 motorbike and making big waves where the birds and alligators live. I think it is dangerous for
171 the animals and we need to do something to take care of those.

172

173 **Patricia Fowler** said she has lived in Lakeside Estates for twenty (20) years and you do not
174 expect to be hounded by noises like that. It seems unfair for the older people. It is a small lake
175 to have such a lot of jet skis.

176 **Attorney Stone** said the regulatory powers come from the state. There are some things the city
177 can do but we are unable to regulate noise but the county can. There are environmental concerns
178 that can be regulated in some other way. A designation like a canoe zone can be established but
179 would require something by DEP and it is more of an undertaking.

180
181 **Attorney Stone** suggested if the city owns the property that is the point of access to the lake a
182 hedge could be planted. If it is dedicated to the public for access it must be used for that
183 purpose.

184
185 **Council consensus was to have Attorney Stone's office do an ownership and encumbrance**
186 **search on the property to identify the owner and put together a draft letter of support for**
187 **discussion.**

188
189 8. City Manager Contract

190
191 **Interim City Manager Rogers** gave an update on the process; **Clerk Howard** has received the
192 background reports and will be doing the reference checks this week.

193
194 **City Attorney Stone** said before we put together in a contract we would like to have guidance
195 from the Council.

196
197 **Council consensus was to review the contract with the former city manager.**

198
199 Discussion regarding bringing the sixth ranked candidate up to make five candidates since **Ms.**
200 **Rogers** has withdrawn her application.

201
202 **MOTION by Tarby; SECOND by Purvis; to direct staff to include Mr. Scott Randall,**
203 **ranked sixth, as the fifth candidate and invite him for interviews and background check.**
204 **Motion carried with Wright and Olson dissenting.**

205
206 **Council member Adams** asked about turn arrows for the traffic signal at Guerrant/Cassady.
207 **Interim City Manager Rogers** explained the volume has to be there to get a warrant for a turn
208 arrow.

209
210 **Interim City Manager Rogers** reported engineering was approved on the truss correction
211 yesterday afternoon and the trusses should be delivered soon.

212
213 A memo has been placed on the dais for short range and long range priorities to be used for the
214 workshop next week. Please use form to indicate what you want to happen in the next three
215 years and five years. The audit report will be delivered next week.

216
217
218
219

220 **REPORTS TO COUNCIL**

221

222 **Interim Public Works Director Richard Hatfield** reported grass is growing. **Council**
223 **member Purvis** said the Public Works crew did a great job on Owens Lane cleaning up the
224 fallen tree.

225

226 **Police Chief Adam Bolton** announced he, **Lieutenant Seeley**, and **Officer Corman** participated
227 in the Special Olympics torch run in Clermont.

228

229 The department is trying to get out more in the community. The officers have made a
230 Community Outreach Board of which **Officer Brown** is the President. Our first initiative should
231 be announced Friday.

232

233 **Chief Bolton** noted the light tower used during the Owens Lane work was purchased through a
234 grant; no city funds were expended for that purchase.

235

236 **President Olson** noted the other reports in the packet and announced the upcoming meetings and
237 events.

238

239 Discussion took place on the status of water plant project.

240

241 **Meeting adjourned at 8:47 p.m.**

242

243

244

245 _____
245 Eric Olson
246 Council President

247

248

249

250 **ATTEST**

251

252

253

254 _____
254 Karen Howard, CMC
255 City Clerk