

MINUTES, UMATILLA CITY COUNCIL MEETING
FEBRUARY 6, 2018 7:00 P.M.
COUNCIL CHAMBERS, 1 S CENTRAL AVENUE, UMATILLA, FL

Pledge led by **President Wright** and invocation given by **City Clerk Karen Howard**.

Meeting called to order at 7:00 p.m.

ROLL CALL

IN ATTENDANCE: President Laura Wright; Vice President Brian Butler; Council members Katherine Adams, Eric Olson, Scott Purvis; Mayor Mary Johnson; Public Works Director Aaron Mercer; Police Lt. David Seeley; City Attorney Kevin Stone; City Manager Scott Blankenship; City Clerk Karen Howard
ABSENT:

AGENDA REVIEW

MOTION by Purvis; SECOND by Olson; to approve the agenda as presented. Motion carried.

MINUTES REVIEW

1 Minutes, City Council meeting, January 16, 2018

MOTION by Purvis; SECOND by Butler; to approve Minutes of City Council meeting of January 16, 2018. Motion carried.

PUBLIC COMMENT

None

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS

2 Ordinance 2017 – C Merrill Rezoning, Second Reading

City Attorney Kevin Stone read the ordinance by title:

ORDINANCE 2017 - C

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING 0.52± ACRES OF LAND ZONED RESIDENTIAL PROFESSIONAL (RP) TO THE DESIGNATION OF COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) IN THE CITY OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY J. KENT MERRILL, THOMAS R. MERRILL, ROBERT ALLEN MERRILL, REX D. MERRILL, AND KAREN ANN BUCHANAN AKA KAREN M. BUCHANAN LOCATED EAST OF SR 19 AND NORTH OF WAFFORD STREET; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Stone swore in all people who would be speaking to this issue.

Sherie Lindh, LPG Land Planner, presented an overview of the staff report for the city for this second reading. Staff has worked with the applicant and legal counsel to work through removing the encroachments, recorded a unity of title, buffer, and other provision. Staff recommends approval.

Tim Hoban, attorney for the Merrill Family, asked the Council to approve the staff report and the ordinance.

Discussion focused on the inspections with City Manager Blankenship stating all inspections are being done.

MOTION by Purvis; SECOND by Olson; to approve Ordinance 2017-C Merrill Second Reading.

ROLL CALL:

AYES: Adams, Olson, Purvis, Butler, Wright

NAYES:

Motion carried.

3 Resolution 2018 – 02 SRF Authorizing Resolution Revision

City Attorney Stone read the resolution by title:

RESOLUTION 2018 – 02

A RESOLUTION OF CITY OF UMATILLA, LAKE COUNTY, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

City Manager Blankenship said at the December 15th meeting the Council approved a resolution. This restated resolution contains verbiage to match the legal opinion.

MOTION by Olson; SECOND by Butler; to approve Resolution 2018-02 SRF Authorizing Resolution Revision.

GENERAL DISCUSSION

4 Mebane Street

City Manager Blankenship and Public Works Director Aaron Mercer met with a resident about Mebane Street. The street is in poor condition. A couple years ago we investigated and found it was not a city street.

Staff obtained preliminary numbers for paving; the resurfacing only is a little over \$20,000. There will be some other costs if the road is paved; engineering and stormwater costs. We wanted to bring it to your attention. No one really knows how the road was paved.

Mr. Mercer said he does not know who owns the street. Mike Straughan did a survey for the city in 2014. There was an unrecorded subdivision in 1947 it could revert back to the original land owner. Without title work that is a logical step in who owns the road. It never got transferred through deed or platting process. Legally it is not a city street.

The survey shows deeds for all the property owners. The corners were set by the deeds. It recognizes the right of way. We record a plat and there are city streets or not and that process has not changed.

Typically a plat is recorded to take possession of the road for maintenance of a road that is the process it follows. That never happened.

Attorney Stone said as far as we know this property is owned by the person who owned it and never deeded it away decades ago. It wasn't dedicated to the city, county, or any other government. It is owned by the underlying property owner who never sold it. There might be some things in the official records that we do not know about. To get a guarantee on who owns it you would probably have to have a title search done by an insurance underwriter who would make that guarantee.

A right of way created by an unrecorded plat or because someone sells the land on either side and treats the middle like a road which might be what happened. There a number of ways that right of way can become a city road. It doesn't look like any of those happened here. We can explore how to make this a governmentally owned and maintained road. There are a number of ways to do that, depending on what you find out in a title search. There are roads that became city roads by the

city maintaining them and recorded a maintenance map. There is a statutory procedure for doing that.

We do not want to spend a lot of resources doing all that work unless there is an interest in having this be a governmentally maintained road. We can find a way to make this a city road if it is something that is desired.

Right now I do not know who has the right to maintain the road. The government can begin maintaining a road like this but does not have the obligation to do so. Whether the adjoining property owners can or cannot is theirs to figure out.

Attorney Stone said ad valorem taxes are paid by the property owners on the sides the County Property Appraiser's Office is not assessing taxes for the road itself.

Discussion by Council members centered on what needed to be done if the city assumed the road and there are a lot of other roads that need to be maintained. There are clay roads that need to be paved and the cost can be tripled or quadrupled over the paving quote. We are looking to drop \$80k on a road that serves 6 residents when we have roads that are not paved serving more residents.

Discussion focused on legal access. **Attorney Stone** said it would be interesting to see if there was a survey exception on someone's title search with purchased recently.

Discussion focused on assessment for the adjoining property owners based on linear footage of the improvements.

Attorney Stone said you can do a special assessment that shows up on the ad valorem tax bill, creating an assessment that is reasonably apportioned among the property owners. It might be difficult to do this if the city does not own or have right of way in this. If the city pursues the property and if the property owners are up to it an assessment can be done that way.

Donnie Kent 320 Mebane bought the property in December. My survey shows a non-maintained city right-of-way. He believed **PW Bryan** paved Mebane when he did the easement to his house. Perhaps **Paul Bryan** or **Charlotte Randall** may know about it.

We do not mind fixing it but residents of Snake Island come through and use the road. It is used for parade line ups. The road is used by many people for many reasons.

We need a starting point or some direction from the Council.

Mr. Kent will furnish a copy of his survey to the city for review and also some of the other property owners on Mebane.

City Staff will review surveys and see what can be done. **Attorney Stone** said having the survey will be a good start to determine who has what. **City Manager Blankenship** and **Attorney Stone** will work together and bring information back to the Council.

REPORTS

MAYOR

- I will be out of town during the next meeting
- City Manager Blankenship did a great job on his presentation at the Mount Dora event
- The Taste of North Lake County was well attended
- In discussions with the Mayor of Dade City about setting up a Youth Council. I also got a lot of good information from the Florida League of Cities

COUNCIL MEMBERS

OLSON

- Attended the Taste of North Lake County

PURVIS

- Sponsored a company table at the Taste of North Lake County

ADAMS

- Served beer and wine at the Taste. The city donated the proceeds to the Museum
- The Annual Museum Membership BBQ is scheduled for February 28th

BUTLER

- Attended the Taste of North Lake County

WRIGHT

- Attended a Band fundraiser at Lake Receptions
- Attended the FDOT Public Meeting
- Kiwanis Club meetings and activities
- SAC meetings in all the schools

STAFF

Public Works Director Aaron Mercer

- REDI grant from 2017 is winding down
- REDI grant for 2018
- Hangar is about three weeks from completion
- Street resurfacing is complete
- Hurricane Irma collection is officially complete
- CDBG grant environmental assessment phase still moving forward
- Working on two RFPs for landscape maintenance and solid waste collection
- Working with PRMG and BESH on the option for the sewer plant
- DOT landscape project on final design; Phase 1 on south side will include median enhancement and Phase II is near Lakeview Terrace. The Corridor Study will not conflict with this project.

Lieutenant Seeley reported a couple officers graduated from Instructor Techniques class and will be teaching the ISTs this week so they can get certified.

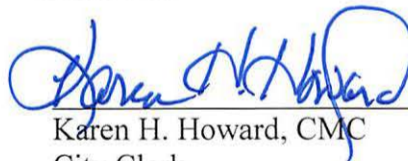
President Wright announced the reports in the packet and upcoming meetings and events.

Meeting adjourned 7:44 p.m.



Laura K Wright
Council President

ATTEST:



Karen H. Howard, CMC
City Clerk