

# Town of Callahan

*'A Florida Municipality'*

## Town Council Minutes

June 16, 2014

7:00 P.M.

**Present at Meeting:** Mr. Fontes, Mr. Bass, Mayor Graham, Mrs. Smith, Mrs. Shaw, Mr. Mellecker, Mr. Branham, Mrs. Knagge, Mr. Williams, Mr. Caulkins, twenty six (26) members of the Community, and two (2) members of the Media.

**Absent:** Mr. Rau – Mr. Rau arrived at 7:06 PM.

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**Meeting Called to Order** – Mrs. Shaw at 7:00 PM.

**Pledge of Allegiance to Flag/Invocation** – Pledge by Mrs. Shaw  
Invocation by Mrs. Smith

**Visitors Welcomed and Reminded Minutes are Being Recorded** -- Mr. Rau

**Persons Wishing to Address Council on Items Not on the Agenda** –

1. Jonathan Graham – 45256 Weaver Circle – President of Branch Creek Homeowners Association – Requested that the Town take over the streets and street lights since they are all tax paying citizens.
2. Kenneth Johns – Branch Creek Subdivision – Ditto what Mr. Graham stated.
3. Tammy -- Branch Creek Subdivision – Ditto what Mr. Graham stated.
4. Brian Brown – Spring Lake Estates – Asked the Council to allow his sister, Susan Brown, to replace the trailer that burned considering this is her livelihood.
5. John Cato – 45073 Booth Street – He stated he and his family have had trailers in the Town limits for over 45 years and the Town needs to allow one to be put back where the burned down.
6. Donald Braddock – 45134 Booth Street – Stated his mother Claudine Braddock built their families trailer park many years ago. The trailers are further apart than the apartment, which means they are safer during a fire. Mr. Cato's trailers are 25 feet apart and well taken care of; therefore the Council should allow the burnt trailer to be replaced.

7. Jimmy Higginbotham – Former County Commissioner – Here on behalf of Susan Brown and feels that the trailer should be able to be replaced according to the Counties Comp plan from 1992.

**Minutes** – Motion to approve the Minutes with changes to Mr. Fontes “Around the Table” comments by Mrs. Shaw and 2<sup>nd</sup> by Mr. Mellecker. Motion Carried.

Workshop Minutes -- Motion to approve the Workshop Minutes by Mr. Fontes and 2<sup>nd</sup> by Mrs. Shaw. Motion Carried.

### **Old Business**

- Economic Development Board Member Appointment (Advertised in Paper 5/1 & 5/8)
  - Tabled
- Municipal Service Tax Unit (MSTU)
  - Tabled

### **New Business**

- Susan Brown – Cato’s Trailer Park – Here to ask the Council to allow her to replace the trailer that burned down on May 30<sup>th</sup> because the Fire Department ran out of water which resulted in a complete loss.
  - Mrs. Brown stated:
    - She had cleaned up the park and got rid of all the trouble makers.
    - Put up a new fence and a new gravel road.
    - Painted all the trailers.
    - Her next step was to do the same clean up at Braddock’s Trailer Park and the Howard’s Trailer Park.
  - Mr. Braddock stated:
    - That this issue should have been taken to the Planning & Zoning Board before coming to the Council and that meeting is on the 2<sup>nd</sup> Monday of every month.
    - That the Zoning code was changed in 1986 changing the area to be Commercial or Single Family homes.
    - The Town is now a no trailer park zone and once an existing trailer is damaged greater than 50% it cannot be replaced.
  - Mrs. Brown stated:

- That she received permits to replace trailers in 2012 & 2013, so she doesn't understand the problem now.
    - That she has already made 5 trips to Town Hall and was not told anything about going to a Planning & Zoning meeting, but instead to come to the Town Council Meeting.
  - Mr. Williams stated that Mrs. Brown would need to contact April Waters to have Carrie Harrison add her to the Planning & Zoning Board.
- Rodney McKnight – Tearing down of home on Page Street – 45 Page Street
  - Requested that the Council grant him more time to tear down the house on his property due to lack of time because of working six days a week.
  - Stated he should be able to have it done by October at the latest.
  - Mike stated that it had become a Code Enforcement issue.
  - Mr. Branham stated that he would need a Permit for demolition or we could post a lien against the property and do it ourselves.
  - Mr. Fontes stated that he knows Mr. McKnight and he thinks he will get it done.
  - The Council consensus was to grant Mr. McKnight's Request.
  - Mr. Rau said, "Be mindful to get it done by the end of September or the Town would have to take action."
- Branch Creek Subdivision – Turnover of Streets and Associated Systems –
  - Ken Greene, Contractor – 54221 Evergreen Trail
  - Mr. Greene stated that he would like to turn over the streets and lights to the Town for upkeep.
  - Mr. Williams read a letter he had sent to Mr. Greene on May 14, 2014 stating:
    - That the previous agreement with the Town stated Mr. Greene must have a \$50,000 bond for the possible street damage on the Robinwood side of the property.
    - Access lot #59 needed to be a wider driveway than normal.
    - That the culvert in the subdivision would be able to handle the drainage from Robinwood Circle.
    - Water drainage should go to creek area.
    - Sauls Circle – if turned over to town would need the \$50,000 bond to cover the storm drainage from lots 5-16.
    - Branch Creek HOA would be taking responsibility of storm damage & the park parcel.
    - Lots 1-3 draining to lots 4-6.
    - Fence around the Pond is required.
  - Mr. Greene stated:
    - That he & Mike would go together to look at the drainage and that if the fence around the pond is a requirement than he guesses he will install one.

- That the 4 lots on Robinwood #59-62 should not be included with Branch Creek. In fact, they belong to his son now.
  - Mr. Branham stated that the Town would need to pass a PUD Ordinance with the Homeowners Association and Mr. Graham.
  - Mr. Mellecker asked if the fence and the drainage should be the HOA responsibility.
  - Mr. Bass asked about the driveway on Robinwood?
  - Mr. Greene stated that he had no problem fixing the fence, driveway, and drainage, but doesn't want to have to have the \$50,000 bond during the process and asked the Council to wave it.
  - Mr. Williams stated that the Subdivision would have to be 95% built out before the Town's Ordinances would allow the Town to take over without the Bond.
  - Mr. Graham stated that the residents did not want to take responsibility for the storm drains since they taxes and want the same benefits as other people in the Town.
  - Mr. Branham stated that he would meet with Mike, Mr. Greene, and Mr. Graham to talk about a new Platt & Deed.
  - A possible PUD Ordinance will be discussed at the July 7<sup>th</sup> Meeting after all parties have looked at the drainage and the Platt & Deed.
  - Mr. Graham asked if the residents have to follow HOA Ordinances or Town Ordinances and Mr. Branham's response was, "both!"
- Interlocal Agreement with Hilliard for Fire Protection
  - Tabled
- Bids Driveway SR 200
  - Mr. Williams stated that the Town advertised for Bids and while 2 packets were picked up only 1 Bid was submitted to the Town.
    - The Bid was from DT Services in the amount of \$13,573.32 which would include everything.
      - Motion to accept the Bid and move forward by Mr. Mellecker and 2<sup>nd</sup> by Mr. Fontes. Motion Carried.

### **Recurring Business; Water & Sewer Adjustments**

- None

## **Review & Approval of Town Expenditures**

### ➤ **General Fund – \$4,843.18**

- Motion to approve by Mr. Fontes and 2<sup>nd</sup> by Mr. Bass. Motion Carried.

### ➤ **Water & Sewer Fund – \$12,450.31**

- Motion to approve by Mr. Fontes and 2<sup>nd</sup> by Mr. Mellecker. Motion Carried.

### ➤ **Water & Sewer Deposit Disbursements -- None**

## **Around the Council Table**

### ➤ **Mayor**

- Letter from the Wounded Warriors thanking for the Town's Donation
- After further research on the Re-surfacing of 115 found out that they are not planning to widen. It is FDOT money, but the County is in charge of the project. The road is only 10 feet wide when FDOT standards are 12 feet. Mrs. Graham stated that everyone should call their County Commissioners and ask them to consider making the road safe.

### ➤ **Mr. Fontes** – None

### ➤ **Mr. Bass** – None

### ➤ **Mrs. Smith** – None

### ➤ **Mrs. Shaw** – None

### ➤ **Mr. Mellecker** -- None

### ➤ **Mr. Branham** – None

➤ **Mrs. Knagge**

- Thanked the Council for allowing her to attend the Clerk's Conference, so as to learn better how to serve the Town better.

➤ **Mr. Rau** – None

**Adjourn** -- Motion to adjourn by Mr. Fontes and 2<sup>nd</sup> by Mr. Mellecker. Motion Carried.

Time: 8:09 PM

Mr. Williams asked for the meeting to be re-opened at **8:10 PM**.

- Mr. Williams wanted to discuss the Trailer Park issue further:
  - Mrs. Brown had spoken with April about the Mobile home, but was informed that as of 2012 the property was zoned Commercial.
  - Howard's Trailer park is the only one in Town that is actually zoned for a Trailer Park.
  - The office staff can only do as the Council bids.
  - No permits have been issued in the past 2 years for Cato or Braddock.
- Mr. Branham stated:
  - Those Zoning & Future land uses are the same.
  - Comp plan was adopted in 2012 with the Land Use changes.
  - Property has been zoned Commercial since 1986.
  - A trailer park is multi-family and those are not permitted.
- Mrs. Shaw asked if the Ordinance stated that the homes had to be 5 years old or newer. Mike said that they had to be brand new... never lived in.
- Mr. Fontes stated that Cato's Trailer park is non-conforming and trailers can't be replaced in non-conforming zones. Mr. Kramer had to make his 3 lots into 2 when his burnt down.
- Mr. Branham stated that the purpose of non-conforming is to eliminate these types of properties.
- Mr. Bass asked if they could re-zone the property and Mr. Branham said yes.
- Mr. Williams stated that the property is taxed and zoned a one parcel ID to the County which is the car lot.
- Mayor stated that according to the County Property Appraiser Trailer Parks are not permitted.
- Mr. Rau stated that our hands are tied to the Laws and that we must enforce them.

- Mr. Fontes asked if the property to be mixed use? Mr. Williams cautioned the Council that making properties mixed use is considered spot zoning.
- Mr. Branham stated the Council could adopt a Land use Ordinance.
- Mrs. Smith stated that this is small town and people just don't understand all of this and it's not right.
- Council Consensus is to wait until the Planning & Zoning Board makes their decisions.

**Adjourn** -- Motion to adjourn by Mr. Fontes and 2<sup>nd</sup> by Mr. Mellecker. Motion Carried.  
Time: 8:27 PM

  
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**Robert Rau, Council President**

  
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**Stephanie Knagge, Town Clerk**

*If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*