

MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL MEETING
HELD FEBRUARY 12, 2018

Mayor Sears called the Town Council Meeting of February 12, 2018 to order at 6:00 p.m.
Boy and Cub Scout Troop 245 led the Pledge of Allegiance to the Flag.
Public Services Director Ernest led the Invocation.

Present: Mayor Sears, Mayor Pro-Tem David Nebel, Councilor Scott and Councilor Conroy.

Absent: Councilor Mabry, Excused

Also Present: Public Services Director Ernest, Chief Thomas, Town Planner Harowski and Town Clerk Burke.

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

Minutes of the January 22, 2018 Town Council Meeting.

Mayor Pro-Tem David Nebel, seconded by Councilor Conroy moved to approve the Consent Agenda as presented. Motion carried 4-0 with a roll call vote.

NEW BUSINESS

Second Reading and Adoption of Ordinance No. 2018-001 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING ORDINANCE 2012-007 PERTAINING TO FLOOD PLAIN MANAGEMENT; MAKING MODIFICATIONS TO ORDINANCE 2012-007 TO BRING THE TOWN FLOOD PLAIN MANAGEMENT REGULATIONS UP TO DATE AND INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DAT

Councilor Scott, seconded by Mayor Pro-Tem David Nebel moved to approve Ordinance No. 2018-001 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING ORDINANCE 2012-007 PERTAINING TO FLOOD PLAIN MANAGEMENT; MAKING MODIFICATIONS TO ORDINANCE 2012-007 TO BRING THE TOWN FLOOD PLAIN MANAGEMENT REGULATIONS UP TO DATE AND INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 4-0 with a roll call vote.

Discussion: St Johns Matching Grant Information for Wastewater.

Mayor Sears said that St. John's sent an email regarding a grant. He asked Booth, Ern, Straughan and Hoitt to fill the application.

Troy Mitchell, Booth, Ern, Straughan and Hoitt (BESH), said that the grant the Town is applying for is the 2019 cycle. He said that the permit will be submitted on Thursday, February 15, 2018 and the reward results will be some time in October 2018.

Mayor Sears said that he would like a formal motion.

Councilor Scott asked if the grant would be matching. **Mayor Sears** replied yes.

Mayor Pro-Tem David Nebel said that the Town would be foolish to not apply.

Mayor Sears said that in FY 18-19 the Town could budget \$100,000 to \$150,000. Use \$100,000 out of reserves and get a loan for the rest.

Councilor Scott asked when the Town would get started. **Mayor Sears** replied as soon as we have the money.

Councilor Conroy asked Troy Mitchell if there was any reason not to apply. **Troy Mitchell, BESH**, replied no.

Sal Gallelli, 1104 N Tangerine Ave, said there's no certainty that the Town will be funded. **Mayor Sears** said that the other towns will apply but hopefully we are awarded.

Councilor Conroy, seconded by **Councilor Scott** moved to approve Mayor Sears working with Booth, Ern, Straughan and Hoitt to apply for the St. Johns Matching Grant. Motion carried 4-0 with a roll call vote.

Consideration and Approval of Budget Amendment 2017-2018-002 for the Town Council's Salary Increase.

Mayor Pro-Tem David Nebel, seconded by **Councilor Scott** moved to approve Budget Amendment 2017-2018-002 for the Town Council's Salary Increase. Motion carried 4-0 with a roll call vote.

Discussion: Proposed amendments to Section 5.01.07 of the Land Development Code. (Fences & Walls) (Recommendation from the Planning & Zoning Board).

Town Planner Harowski read the proposed changes to Section 5.01.07 Fences and Walls.

5.01.07 Fences and Walls

- A. The maximum height of fences and walls shall be as follows, except where otherwise provided in this LDC:
 - 1. Fences in front yards shall be a maximum of 4 feet tall and shall not be opaque. Picket fencing is acceptable.
 - 2. Fences in side yards shall be a maximum of 6 feet tall.
 - 3. Fences in rear yards shall be a maximum of 6 feet tall.
 - 4. Fences and walls required for security purposes in Industrial or Public zoning districts shall be a maximum of 8 feet tall.
 - 5. Fencing or walls used for decorative, privacy, or security purposes around residential or mixed-use subdivisions shall be a maximum of 6 feet tall.

- B. Decorative fences and walls, for individual residential properties or for other applications, shall be designed with offsets, banding, columns or posts with lintels or caps, landscape pockets, and other elements to avoid an expansive monolithic or monotonous appearance. Such elements shall be included every 30 feet or less.
- C. Fences in residential areas shall be made of decorative wood, ~~or~~ PVC/vinyl, decorative aluminum, or wrought iron fences, except as noted in (H) below.
- D. To help ensure proper placement of fences along property lines, property lines shall be established by a survey prepared by a surveyor licensed in Florida.
- E. Fences shall be erected with the finished side facing out. Posts shall be placed along the inside of the fence.
- F. With the exception of the Agricultural and Rural Estates zoning districts, electrified fences are prohibited.
- G. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts. Chain link fencing may also be used along the rear lot lines on residential lots where the rear lot line abuts a wetland, lake, or conservation area.
- H. The use of barbed wire, razor wire, or the like for fencing is permitted only in the Agricultural, Industrial and Public zoning districts.
- I. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.
- J. Columns for walls may be a maximum of 8 feet in height, or as approved through the architectural review process.
- K. Walls shall be designed with either a stucco or brick finish.

Councilor Scott said that he likes vinyl coated fencing.

Mayor Pro-Tem David Nebel said that there are two vinyl coated fences on Lakeshore and that the black vinyl coated chain-link fence is attractive.

Councilor Conroy asked what was the Planning and Zoning Board's thoughts regarding not wanting chain-link fencing in the Land Development Code. **Chairman Llewellyn** said our thought was if it's not broken don't fix it.

Chief Thomas said that another thing to consider is the safety of officers.

Marie Gallelli, 1104 N Tangerine Ave, said that chain-link fences are aren't as decorative.

Councilor Scott asked Member St. Clair (Planning and Zoning Board Member) in her personal opinion does a chain-link fence increase or decrease the value of a home? Member St. Clair replied that a fence is a fence unless it is deplorable and which case she would have her clients remove it.

Graham Wells, 709 Calabria Way, said that in Venezia there are multiple wrought iron fences. The Planning and Zoning Board didn't think that chain-link fences should be added to the code.

Mayor Pro-Tem David Nebel said he didn't understand why the Town hasn't allowed wrought iron fencing or even the aluminum look alike.

Marie Carver, 126 E Laurel Ave, said that she came to the meeting tonight to ask what the code was regarding chain-link fencing in Town. **Town Planner Harowski** said chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts. Chain link fencing may also be used along the rear lot lines on residential lots where the rear lot line abuts a wetland, lake, or conservation area.

Town Planner Harowski said that he would work on the Ordinance.

Consideration and Approval to adjust Town Halls hours of operation.

Councilor Conroy asked if Town Hall was busy on Friday's. **Town Clerk Burke** replied no.

Mayor Sears said that the extended hours would better serve the Town's residents.

Tina St. Clair, St. Clair Realty, said that her only concern is when people want to begin services on Friday. **Town Clerk Burke** said that Town Hall and Public Services will be more than happy to work with residents.

Councilor Scott, seconded by **Mayor Pro-Tem David Nebel** moved to approve Town Hall's Hours as follows Monday 8:00 a.m. – 5:00 p.m.; Tuesday 8:00 – 7:00 p.m.; Wednesday 8:00 a.m. – 5:00 p.m.; Thursday 8:00 – 7:00 p.m. and Friday 8:00 a.m. – 12:00 p.m. Motion carried 4-0 with a roll call vote.

Discussion: Sidewalks at the Police Department.

Councilor Conroy seconded by, **Mayor Pro-Tem David Nebel** moved to approve the replacement of the sidewalks at the Police Department. Motion carried 4-0 with a roll call vote.

OLD BUSINESS

Discussion: Proposed amendments to Section 5.01.03 of the Land Development Code. (Sheds) (Recommendation from the Planning and Zoning Board)

Town Planner Harowski read

5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. There shall be no more than two (2) accessory buildings (shed, workshop) on a residential lot, not including a detached garage. Detached garages shall not exceed 625 square feet on the first floor. Detached garages and ~~sheds and~~ workshops that exceed 144 square feet shall have the same building finishes as the primary structure, including exterior materials (i.e., stucco, siding, brick) and color.
- C. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- D. Accessory structures shall be included, if applicable, in all calculations of impervious surface and stormwater runoff requirements. (Some structures such as fences and playground equipment would not constitute an impervious surface.)
- E. With the exception of signs and fencing, accessory structures shall not be located in any required buffer or landscape area.
- F. All accessory buildings shall comply with the setback requirements as outlined in the Zoning Chapter. ~~Yard sheds~~, Gazebos and similar accessory structures of 300 square feet or less may not be placed closer than the (10) feet to the rear and side lot lines and are not permitted in the front yard

5.01.04 Storage Sheds

- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not be permitted beyond the plane of the side of the principal structure on a street side yard.
- C. Storage sheds shall be placed in rear yards at least five (5) feet from rear property lines and shall not extend beyond the plane of the sides of the principal structure.

- D. Storage sheds that exceed 144 square feet shall be painted a neutral color matching the base color of the dwelling. Where the principal structure is constructed of a natural material such as brick or stone, sheds exceeding 144 square feet shall be painted a neutral color matching primary structure or complementary to the color of the principal structure. Sheds which are site built shall use the same materials and colors as the principal structure whenever possible. Sheds over 144 square feet shall comply with the setback requirements for accessory structures as set forth in Section 5.01.03F.
- E. Storage cabinets measuring less than 30-inches in depth and 36-inches in width and less than 72-inches in height may be placed on a property without permit provided the storage cabinet is placed adjacent to the rear of the principal structure, detached garage, or storage shed. Storage cabinets shall not count towards the two permitted accessory structures.
- F. The Planning Board may approve the placement of shed in another location on the subject property based upon a finding that a location complying with Subsections B and C above is not practical due to specific site conditions such as steep slopes, tree preservation, site access limitations or other conditions that the Planning Board finds relevant. In no case shall the Planning Board approve a shed location in any front yard. This section is not intended to prohibit a property owner from seeking variance to the code using the procedures set forth in Chapter 4.

Mayor Pro-Tem David Nebel said that the shed ordinance has been going back and forth the last eighteen years he has been on a Board and that this is a step in the right direction.

Councilor Scott said that he agrees with the proposed changes.

Mayor Sears said that the proposed changes wouldn't solve the shed problem. The main problem with sheds is the appearance.

Councilor Scott said that residents need to stop looking in other residents back yard.

Mayor Sears said that most of the issues with sheds would go away if the sheds looked similar to the house.

Councilor Conroy said to fix the problem take out the word exceed in Section D.

Mayor Sears said that he knows shingling a shed roof to match the primary structure is a bit extreme but that the roof of the shed could be painted to match the primary structure.

Mayor Sears asked if the Town Council wanted to move forward with the proposed changes.

Councilor Conroy asked if both changes to the fence and shed sections of the Land Development Code could be changed in one ordinance to save money. **Town Planner Harowski** replied yes.

Discussion: Attendance Incentive

Discussion: Longevity Bonus

Chief Thomas said that both policies have been reviewed and approved by the Town Attorney. He said that if passed staff needs to know when these policies will be implemented.

Councilor Conroy said he would like to know how these policies compare to other municipalities.

Mayor Pro-Tem David Nebel said that he would like to hear the auditors input regarding these policies.

Councilor Scott said that the Town has to take care of their employees so that the Town can compete with other municipalities.

Councilor Conroy asked if this would be a part of the FY 18-19 Budget. **Chief Thomas** said that is one of the things the commission needs to decide.

Mayor Sears said that he would love to lavish the Town employees with more money but is having a hard time with paying employees for not using the sick time they are already being paid for.

Councilor Conroy said that he would like to see what policies the County and other municipalities have in place and a cost analysis if these policies were implemented.

MAYOR AND COUNCIL COMMENTS

Councilor Conroy said that there is a camper parked in an empty lot on Laurel Ave and would like Code Enforcement to have the camper removed. **Chief Thomas** said that in the ordinance it allows a camper to be parked on an empty lot. **Councilor Conroy** read Ordinance 2014-004. Chief Thomas said that he would get with Larry Chester, Code Enforcement, and go to the resident's house.

Mayor Pro-Tem David Nebel- No Comment

Councilor Scott said that Duke Energy will be in Town sometime in April 2018 to install the light emit diode (LED) lighting.

Mayor Sears-No Comment

PUBLIC COMMENTS

Marie Gallelli, 1104 N Tangerine Ave, said that Duke Energy needs to fix pole number 8033437. Also, she wanted to know if the Parks and Recreation Advisory Board would place some benches like the ones along Lakeshore Blvd at Blevins Park. She also agreed that the shed color should match the primary residence even including the roof.

Barbara Anderson, 119 E. Laurel Ave, said that the Native Plants in front of the Library are being ripped out and that someone needs to look into the situation.

Jayne Spangler, 1009 N Hamlin Ave, said that the Parks and Recreation Advisory Board is going to rip out all the native plants in front of the library and replace them with nonnative plants.

Audrey Reed, 11148 Reed Road Howey-in-the-Hills, asked why the Town would pay \$6,100 to a landscaper. She said that someone needs to look into this situation.

Councilor Conroy said that he agrees with an educational garden out front.

The meeting adjourned at 7:42 p.m.

ATTEST:

Chris Sears, Mayor

Dairian Burke
Town Clerk