

MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING HELD APRIL 10, 2017

Mayor Sears called the Town Council Meeting of April 10, 2017 to order at 6:00 p.m.

Boy Scout and Cub Scout Troop No. 254 led the Pledge of Allegiance to the Flag.

Lieutenant Roman led the invocation.

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

Also Present: Town Attorney Blom-Ramos, Town Planner Harowski, Lieutenant Roman, Public Services Supervisor Ernest, and Administrative Assistant II Burke.

CONSENT AGENDA

Minutes of the March 27, 2017 Town Council Meeting

Mayor Pro-Tem David Nebel, Seconded by Councilor Mabry, moved to approve the minutes as presented. Motion carried 5-0.

NEW BUSINESS

Consideration and Approval of a One-Year Extension for Red Jacket Developer Agreement

Mayor Sears gave detailed background on the Red Jacket Developer Agreement. He asked the developer to consider connecting to Town sewer.

Town Planner Harowski said his memorandum explains that the Town Council must make an affirmative finding on three criteria. First, has the subdivision development order not yet expired. Second, the subdivision development order recipient has proceeded with due diligence and in good faith. Lastly, that conditions, including but not limited to land division conditioning (LDC) changes, have not changed so substantially as to warn a new application.

Mayor Pro-Tem David Nebel said the original agreement in 2005 was for 5 years and was renewable year to year after the agreement was up.

Mayor Sears said he thinks a 3-year extension would be adequate if the developer agreed to connect to sewer.

Clay Frankel, Red Jacket, said he put together some bullet points that he thinks the Town Council would agree with. He added that there was consideration for a lift station but would cost approximately \$600,000 dollars. He said that when the Howey Residents

of that community decided they wanted sewer, the developer would abandon all existing septic tanks.

Mayor Sears said that economically that didn't make sense, he then added that the lots would be more valuable if on sewer

Clay Frankel, Red Jacket, said he would like to negotiate with the Town. Possibly trading connecting to the sewer if the Town would agree to a Marina.

Councilor Conroy stated that sewer hook up would add anywhere from \$15,000-\$25,000 a lot. He then added that he wants the Town Council to support the mayor by allowing him to negotiate on behalf of the Town with Whispering Hills, Bishops Gate, and the Central Lake Development District (CDD) about developing a policy and rate agreement with the Central Lake Development District (CDD).

Councilor Scott said that last year Red Jacket asked to build a marina why couldn't the developer build a lift station instead of a marina. **Clay Frankel, Red Jacket**, replied that the funding for the Marina was a separate agreement he had with someone else.

Councilor Mabry asked the Town Council if the Developer has exercised the second criteria to grant a one-year extension.

Clay Frankel, Red Jacket stated that the economy is almost to where it needs to be in order for them to sell homes in Howey in the Hills.

Mayor Pro-Tem David Nebel, seconded by **Councilor Conroy**, moved to approve a One- Year Extension for Red Jacket Developer Agreement in order to conduct a study in regards to connecting to the Town sewer. Motion carried 4-1 with a roll call vote with Councilor Scott voting no.

Discussion: Ordinance No. 2017-001, AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 1.12.00.B. OF THE TOWN'S LAND DEVELOPMENT CODE TO ADD DEFINITIONS OF LOW-THC CANNABIS, MEDICAL CANNABIS, AND MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 2.02.07 OF THE TOWN'S LAND DEVELOPMENT CODE TO ADD MEDICAL MARIJUANA TREATMENT CENTERS TO THE LIST OF PERMITTED USES IN THE LIGHT INDUSTRIAL (IND) ZONING DISTRICT; ADDING A NEW SECTION 6.02.11 TO THE TOWN'S LAND DEVELOPMENT CODE TO SPECIFY SUPPLEMENTAL STANDARDS APPLICABLE TO MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

Town Attorney Ramos read by title Ordinance No. 2017-001.

Mayor Sears said that towns and cities in Florida have to allow Marijuana Treatment Centers to set up businesses and the purpose of Ordinance No. 2017-001 is to allow the Town to place a Marijuana Treatment Center where it is most suitable.

Town Attorney Ramos said that the dispensaries would be located in the Industrial Zoning and went on to further explain the criteria that must be met in order to open a Marijuana Treatment Center.

Councilor Scott asked what the definition of a Marijuana Treatment Center was. **Town Attorney Ramos** replied that a *Medical marijuana treatment center* means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers medical cannabis, products containing medical cannabis, including low-THC cannabis and derivative products, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Florida Department of Health.

Town Attorney Ramos said the state criteria wouldn't be released until July 2017, so she wouldn't know if any changes would need to be made to ensure we are in compliance with the State of Florida.

OLD BUSINESS

Discussion: Florida Avenue Traffic Study

Mayor Sears asked if there were any questions regarding the traffic study on Florida Avenue.

Councilor Conroy asked Lieutenant Roman if the numbers on the study are average. **Lieutenant Roman** replied that the numbers are in the State wide perimeter.

Lieutenant Roman went on to explain that the two way stop signs have been installed and are already making a difference. He also said that warning will be issued for the first thirty (30) days and then the Police Department will step up the enforcement.

Councilor Mabry asked Public Services Supervisor Ernest if he was going to paint white lines on the road where the stop signs are located. **Public Services Supervisor Ernest** replied that he would if the Town Council would like him to. **Councilor Mabry** said that he believes it should be there to help identify the stop signs.

Mayor Sears said he would work with Public Services Supervisor Ernest on getting pricing from Lake County to strip the stop bars.

Sal Gallelli, 1104 N Tangerine Ave, said he appreciates the Town Council's quick response to solving the traffic on Florida Avenue.

Update: Howey Mansion Purchase

Mayor Sears said no one at the bank or realtor's office has returned his calls or emails.

Councilor Scott said that Corporal Hamelink is in contact with the bank and the bank told him they were asking \$460,000.

Update: Proposed Park at Dixie Drive & Palmetto Avenue (*no back-up*)

Councilor Scott said that he had spoken with the Lake County Attorney and the County owns four (4) lots and would be happy to donate the lots to the Town. He also said that the O'Keefe's own the other three (3) lots.

Mayor Sears said he needs to visit the parcel to get a visual of what Councilor Scott is trying to propose.

Councilor Conroy said that the Town Council needs to wait until the Mid-Year Budget review before making any decision.

Sean O'Keefe, 500 N Florida Ave, said that he actually owns four (4) lots and the County owns three (3). He said he put in a bid for those lots a couple weeks ago but after talking to the County he was told the Towns request would get precedence over a citizen's request. He also added Central Park is one block away from where the proposed park would be located and that he believes grant money should be spent on other things.

Update: Reserve Expenditures

Councilor Mabry said that the report doesn't balance.

Mayor Sears said that he emailed Town hall and asked why the numbers weren't balancing. He then went on to explain that on the report it shows that \$83,035.09 was spent from the reserve for the Sara Maude Reserve when in actuality the monies was never moved due to the operating account being able to cover the expenditure. Also, the \$114,429.42 paving and \$40,000 new police vehicle have not been spent out of the reserves as the operating account could cover the paving expenditure and the Town has not yet received an invoice to pay for the new police vehicle.

Mayor Sears said he would have Town Clerk Brasher produce another report with actual figures now that he has clarification of what Councilor Mabry is requesting on the report.

MAYOR AND COUNCIL COMMENTS

Councilor Mabry- No Comment

Councilor Conroy said August 11, 2017 said that Lake County League of Cities is offering a training class Sunshine Law class. Mayor Pro-Tem David Nebel said that the class is mandatory. He then said the Town is fourth on the metropolitan planning organization (MPO) list.

Mayor Pro-Tem David Nebel – No Comment

Councilor Scott said that he has heard nothing about changing Public Services Supervisor Ernest title. **Mayor Sears** said he is still working on it and it would be on the April 24, 2017 Town Council Meeting.

Mayor Sears said that the April 24, 2017 Town Council Meeting will be the Mid-Year Budget review. He also said that Town Attorney Ramos looked into the Federal Deposit Insurance Corporation (FDIC) protection in regards to the Town's money. **Town Attorney Ramos** said if the bank the Town is using has offices in Florida the Town has up to \$250k of insurance coverage for on demand accounts and the Town has up to \$250k of insurance coverage for time and savings deposits. In other words, the Town can have up to \$500k in insurance but, you need to work with the bank to make sure that the money is deposited into the correct types of accounts. The Town can repeat this with other banks with offices in Florida. So yes, if the Town has over \$500k, it should be spread to other banks. If the bank the Town is using does not have offices in Florida a maximum insurance coverage per bank is \$250k. Unless the Town is situated on the border of Florida, not sure why this would ever apply to the Town

PUBLIC COMMENTS

Marie Gallelli, 1104 Tangerine Ave, asked what the outcome was of the Police Vehicle that was broken into. **Lieutenant Roman** replied that since it is involving a rifle that a lot of other agencies are involved. He also said that the Police Department is looking into getting new alarm systems for all Police Vehicles.

Sal Gallelli, 1104 Tangerine Ave, said that the Town should look into Ally Bank.

Jo-Jo, from the Library, thanked everyone for coming to the Meet and Great at the Library.

The Meeting adjourned at 7:06 p.m.

Chris Sears, Mayor

ATTEST:

Dairian Burke
Administrative Assistant II