

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING  
HELD OCTOBER 10, 2016**

**Mayor Sears** called the Town Council Meeting of October 10, 2016 to order at 5:30 p.m.

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

**Public Services Supervisor Ernest** led the Invocation.

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

Also Present: Town Attorney Blom-Ramos, Town Planner Harowski, Police Chief Thomas, Library Director Hall, Administrative Assistant II Burke and Town Clerk Brasher.

**Mayor Sears** presented a check to Boy Scout and Cub Scout Troop No. 254.

**Mayor Sears** thanked Public Services, the Police Department and Town Hall Staff for being prepared for Hurricane Matthew.

**CONSENT AGENDA**

**Minutes of the September 13, 2016 Town Council Tentative Budget Public Hearing Meeting**

*Mayor Pro-Tem David Nebel, seconded by Councilor Mabry, moved to approve the Consent Agenda as presented. Motion carried 5-0 with a roll call vote.*

**PUBLIC HEARINGS**

**Consideration and Approval for a Variance Application for setbacks from the Land Development Regulations for a screen enclosure located at 103 Island Drive**

**Town Planner** Harowski gave detailed background on the 103 Island Drive Variance Application. He said the Planning & Zoning Board recommended to the Town Council approval of the Variance Application without any conditions.

**Mayor Pro-Tem David Nebel** asked if the surrounding property were notified. **Town Clerk Brasher** said the certified return receipt letters were mailed to the surrounding property owners.

*The Public Hearing was opened. As no one wished to speak, the Public Hearing was closed.*

**Mayor Sears** announced he file an 8B, Conflict of Interest Form and he will not be voting. *Councilor Conroy, seconded by Council Mabry, moved to approve the Variance Application for 103 Island Drive. Motion carried 4-0 with Mayor Sears abstaining due to a*

conflict of interest.

**Mayor Sears** announced that anyone wishing to speak on any matter this evening must fill out the "Speak Form" and submit the form to Town Clerk Brasher for the record.

**Mayor Sears** asked everyone speaking to speak clearly and directly into the microphone so everyone in attendance can hear.

**Consideration of the Application from Wicks Engineering Services, Inc., on behalf of property owner JMM'S Palm Tree Grill, Inc., DBA J&B Boondocks Bar and Grill to amend the Town of Howey-in-the-Hill's Land Development Code to add "Tourist Accommodations" as to the list of "Conditional Uses and Structures" in Subsection 2.02.06.B.3 of the Town's Land Development Code. (Continued from August 8, 2016 Town Council Meeting).**

**Mayor Sears** read the title of the agenda item into the record and said this item was continued from the August 8, 2016 Town Council Meeting.

**Town Planner Harowski** gave detailed background on this item.

**Shafin Remtulla**, attorney representing the applicant gave detailed background on what the applicant is proposing to do with the property. He said the proposed plan also includes updating the current structures.

**The Public Hearing was opened.**

**Scott and Dawn White**, 701 S. Lakeshore Blvd., voiced their concerns with the proposed project.

**Mike Laws**, 103 Island Drive, voiced his concerns with the proposed project.

**Clay Ormsbee**, 301 N. Lakeshore Blvd., said he is opposed to this proposed project.

**Bill Herrington** read an email into the record from Joy Lothrop who is opposed to the proposed project.

**Jay Garcia**, 703 S. Lakeshore Blvd., said he is opposed to the proposed project.

**Julie Keaton-Reed**, 1011 N. Lakeshore Blvd. said she is opposed to the change in the LDC for this project.

**John Scott**, 503 N. Palm Ave., voiced his opinion on this project.

**Bill Herrington**, 107 Island Drive, said he is opposed to the change in the LDC and the proposed project.

**Shafin Remtulla**, attorney representing the applicant, said he appreciates the community sticking together but this project could be great for the Town.

**Councilor Mabry** said the applicant's attorney referenced that if this project is not approved

the applicant will not make improvements to the rest of the property and asked for clarification. He also asked for clarification with regards to setbacks. **Shafin Remtulla**, attorney representing the applicant, said he did not know for sure if the applicant would make improvements to the rest of the property and he felt the community

**Councilor Conroy** said the community is against this project and he gave background on what happens when property owners have financial problems.

**Councilor Kearny** said the concept is not laid out property and he is opposed to the project.

**Mayor Pro-Tem David Nebel** said he is opposed to this project.

**Mayor Sears** gave background on the DeSisto lawsuit which involved rental property. He said this project would change the dynamics of the surrounding community. He said he is supportive of Boondocks but he cannot support his project.

**Lou Howell**, 1005 N. Tangerine Ave asked what the legal ramifications are if this project is denied. **Town Attorney Blom-Ramos** gave background on permitted uses and conditional uses in the LDC.

**The Public Hearing was closed.**

**Mayor Pro-Tem David Nebel, seconded by Councilor Conroy, moved to deny the Application from Wicks Engineering Services, Inc., on behalf of property owner JMM'S Palm Tree Grill, Inc., DBA J&B Boondocks Bar and Grill to amend the Town of Howey-in-the-Hill's Land Development Code to add "Tourist Accommodations" as to the list of "Conditional Uses and Structures" in Subsection 2.02.06.B.3 of the Town's Land Development Code and to deny the first reading of Ordinance No. 2016-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY ADDING A DEFINITION OF "TOURIST ACCOMMODATIONS" TO THE GLOSSARY OF TERMS IN SUBSECTION 1.12.00.B., AMENDING SUBSECTION 2.02.06.B.3. TO INCLUDE TOURIST ACCOMMODATIONS AS A CONDITIONAL USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND ADDING A NEW SECTION 6.02.12 TO SPECIFY THE GENERAL AND SPECIFIC CONDITIONS THAT MUST BE MET TO PERMIT TOURIST ACCOMMODATIONS AS A CONDITIONAL USE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 5-0 with a roll call vote.**

**First Reading of Ordinance No. 2016-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY ADDING A DEFINITION OF "TOURIST ACCOMMODATIONS" TO THE GLOSSARY OF TERMS IN SUBSECTION 1.12.00.B., AMENDING SUBSECTION 2.02.06.B.3. TO INCLUDE TOURIST ACCOMMODATIONS AS A CONDITIONAL USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND ADDING A NEW SECTION 6.02.12 TO SPECIFY THE GENERAL AND SPECIFIC CONDITIONS THAT MUST BE MET TO PERMIT TOURIST ACCOMMODATIONS AS A CONDITIONAL USE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Continued from August 8, 2016 Town Council Meeting).**

**Town Attorney Blom-Ramos** read by title only, Ordinance No. 2016-007.

**Councilor Conroy**, seconded by **Councilor Mabry**, moved to deny the first reading of Ordinance No. 2016-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY ADDING A DEFINITION OF "TOURIST ACCOMMODATIONS" TO THE GLOSSARY OF TERMS IN SUBSECTION 1.12.00.B., AMENDING SUBSECTION 2.02.06.B.3. TO INCLUDE TOURIST ACCOMMODATIONS AS A CONDITIONAL USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND ADDING A NEW SECTION 6.02.12 TO SPECIFY THE GENERAL AND SPECIFIC CONDITIONS THAT MUST BE MET TO PERMIT TOURIST ACCOMMODATIONS AS A CONDITIONAL USE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 5-0 with a roll call vote.

## **NEW BUSINESS**

**Consideration and Approval to Re- Appoint Clay Ormsbee to the Police Pension Board**

**Mayor Pro-Tem David Nebel**, seconded by **Councilor Mabry**, moved to approve the reappointment of Clay Ormsbee to the Police Pension Board. Motion carried 5-0 with a roll call vote.

**Appointment of Two (2) Planning & Zoning Board Applicants: Glenn Ricci, 206 Messina Place, Kathy Liefert, 900 N. Lakeshore Blvd., Tina St. Clair, 1100 N. Valencia Ave., and Ronald Maffia, 201 E. Laurel Ave.**

**Glenn Ricci** provided his background to the Town Council.

**Tina St. Clair** provided her background to the Town Council.

Applicants Liefert and Maffia were not present.

**Mayor Sears** said the P&Z Board will be reviewing and making recommendations to the Comprehensive Plan. **Mayor Pro-Tem David Nebel** said the drive for the P&Z Board should come from the Town Council.

**Councilor Kearny**, seconded by **Mayor Pro-Tem David Nebel**, moved to appoint Glenn Ricci and Tina St. Clair to the Planning & Zoning Board. Motion carried 5-0 with a roll call vote.

## **OLD BUSINESS**

**Discussion: Revised Tree Ordinance**

**Town Planner Harowski** said he met with Mayor Pro-Tem Nebel and Public Services Supervisor Ernest to discuss the changes they wanted to make regarding the tree ordinance. He said the following:

Building Official will take care of trees during the construction phase

Public Services will issue tree permits

Code Enforcement will become involved when there is a violation

**Councilor Conroy** discussed the tree trimming section. **Town Planner Harowski** gave detailed background on the tree trimming section. **Town Attorney Blom-Ramos** agreed the tree trimming is in the right section. **Councilor Conroy** said he would like to see the tree trimming section moved. A lengthy discussion ensued.

**Public Services Supervisor** said there needs to be a no-fee inspection record. **Councilor Mabry** voiced his concerns with the mitigation table. **Mayor Pro-Tem David Nebel** gave detailed background on the reason for the mitigation table. Councilor Mabry said he does not agree with the mitigation table. **Town Planner Harowski** gave detailed background on the replacement process and maintenance of the tree canopy. He said you do not want them to pay into the Tree Fund, you want them to replant trees. A lengthy discussion ensued regarding diameter and circumference.

**Councilor Mabry** said he appreciates Mayor Pro-Tem and Public Services Supervisors work on this. A lengthy discussion ensued regarding fines, fees, replacement requirements and appeal process. **Town Clerk Brasher** said the appeal process needs to be clarified.

#### **MAYOR AND COUNCIL COMMENTS**

**Mayor Sears – None**

**Mayor Pro-Tem David Nebel – None**

**Councilor Conroy – None**

**Councilor Mabry – None**

**Councilor Kearney** asked if there is an update on the Lake Hills PUD. **Mayor Sears** said there is no update.

#### **PUBLIC COMMENTS**

**John Scott**, 503 N. Palm Ave asked if tree requirements are discussed with Town Residents and asked about trimming requirements. **Mayor Sears** gave background.

**Shafin Remtulla**, attorney representing Boondocks thanked the Town Council, Town Consultants and Staff for their work on this project.

**The meeting adjourned at 6:58 p.m.**

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Chris Sears, Mayor

**ATTEST:**

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Brenda Brasher, MMC  
Town Clerk