

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING  
HELD AUGUST 22, 2016**

**Mayor Sears** called the Town Council Meeting of August 22, 2016 to order at 5:30 p.m.

**Mayor Sears** led the Pledge of Allegiance to the Flag.

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

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

Also Present: Chief Thomas, Public Services Supervisor Ernest, Town Planner Harowski, Town Attorney Ramos, Library Director Hall, and Administrative Assistant II Burke.

**NEW BUSINESS – None**

**OLD BUSINESS**

**Consideration and Approval of CPI Increase with Waste Corporation of America (WCA)**

*(Continued from August 8, 2016)*

**Mayor Sears** gave background on this item. **Skip McCall** apologized for not being at the previous meeting and gave background.

**Councilor Conroy** asked if there was a performance evaluation associated with the CPI Increase. **Skip McCall** replied that the CPI Increase is an annually increase. **Councilor Conroy** also asked if there are continuing ways to improve communication. **Skip McCall** said that Stuart Ellis is the Route Manager and that he is working close with Town Clerk Brasher and will improve communication. **Mayor Pro-Tem David Nebel** said that WCA is being judged on not having a Claw truck. **Skip McCall** said that WCA does have a claw truck that stays in Orange City but can be brought to The Town when needed. **Skip McCall** also added that they do have brush requirements but the claw truck can come and get a pile of brush but then that it is a chargeable pile. **Councilor Kearney** said that he has nothing but good things to say about WCA. **Mayor Sears** said that at the last meeting the claw truck was brought up. He also added that the previous garbage company did in fact have a claw truck but that there were instances where the piles of brush would be missed, the claw truck was breaking off the corners, and spilling hydraulic fluid all over the streets.

**Stuart Ellis** said that WCA previously used two trucks for the Town and will be using one truck in the future. He also said that there is a huge pile of brush off of N. Temple and the resident is working on getting the pile down to the size requirements.

**Councilor Conroy**, seconded by **Mayor Pro-Tem David Nebel** moved to approve the CPI Increase with Waste Corporation of America (WCA). Motion carried 5-0 with a roll call vote.

## **PUBLIC HEARINGS**

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)*  
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)*

**Mayor Sears** read by title only, Ordinance No. 2016-007.

**Town Planner Harowski** gave detailed background on amending the Land Development Code.

**Town Attorney Ramos** asked for the Council to disclose if there has been any ex-party communication.

**Councilor Kearney** said he had none.

**Mayor Pro-Tem David Nebel** said that he had spoken with Mr. Herrington.

**Mayor Sears** said he had spoken with the Applicant, the applicants Attorney, he also spoke with Mr. Herrington and other property owners.

**Councilor Conroy** said he has spoken with his wife and has read letters from other home owners.

**Councilor Mabry** said he had none.

**Shafin Remtulla**, attorney representing the applicant gave detailed background on what the applicant is proposing to do with the property. He clarified that amending the Land Development Code only applies to JB Boondocks due to JB Boondocks being the only Neighborhood/Commercial zoning in The Town.

## **The Public Hearing was opened.**

**Bill Herrington, 107 Island Drive**, said he wanted to make the distinction that what was being voted on was to amend the Land Development Code and was not anything to do with JB Boondocks. He also added that the fourth (4) WHEREAS on Ordinance 2016-007 was vague and asked Town Attorney Ramos what the Planning and Zoning Board recommended.



**Town Attorney Ramos** replied that the vote was 2-2 so there was no recommendation from the Planning and Zoning Board. **Mayor Pro-Tem David Nebel** added that the motion failed due to the vote being 2-2.

**Bill Herrington** said that he would prefer if the WHEREAS read something along the lines of the Planning and Zoning Board was undecided or had a split vote 2-2 denying the application. **Town Attorney Ramos** replied that the Planning and Zoning Board reviewed the application when Ordinance No. 2016- 007 was drafted and that an Ordinance can always be fixed and more restrictive. **Bill Herrington** read the definition of "Tourist Accommodation". A lengthy discussion ensued.

**Councilor Conroy** asked to address what Mr. Herrington had said. **Town Attorney Ramos** said that the Public Hearing was continued to this meeting so Town Planner Harowski could draft a new definition, then the definition could be circulated. She said she had Town Planner Harowski forward the email to applicant's attorney. She said it was her understanding at the last Town Council Meeting that the applicant's attorney would be working with the neighbors.

**Councilor Conroy** then asked if The Town would have to re-advertise. **Town Attorney Ramos** said if the title is changed then yes, if restricting the definition more, no.

**Councilor Conroy** then said that if The Town does not accept the ideas of change then the property will stay as is; he recommended the parties find something beneficial for both parties.

**Councilor Kearney** said there is too much density in the small JB Boondocks parcel.

**Shafin Remtulla** apologized for the non-communication but asked the Town Council to continue to a further date. A lengthy discussion ensued.

**Ed Smith, 308 N Palm Ave**, thanked Councilor Conroy for his comments and expressed his opinion on the JB Boondocks application.

**Sal Gallelli, 1104 N Tangerine**, voiced his opinion that the Town needs to grow.

**John Scott, 503 N Palm Ave**, voiced his concern on the JB Boondocks application.

**Councilor Mabry** said that the Town Council takes into consideration what the residents of the Town want.

**Peggy Ernest, 115 E Cypress Ave**, voiced her opinion on the continuance of JB Boondocks application.

**Marie Gallelli, 1104 N Tangerine** voiced her concern with continuing the JB Boondocks application. She also added that she does agree the Town businesses should grow.

**David Kilmartin, 128 E Laurel Ave**, voiced his opinion on the continuance of JB Boondocks.

**The Public Hearing was closed.**

**Mayor Pro-Tem David Nebel**, 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 passed 3-2 with a roll call vote.

**Councilor Conroy**, seconded by **Councilor Kearney** moved to continue to October 10, 2016 Town Council Meeting, 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.

## **BOARD REPORTS**

**Library Board Minutes - Library Director Hall** said that the Library has security cameras and asked if she could have one of the monitors in Town Hall. **Public Services Supervisor Ernest** said he would give the Library a monitor to use.

**Parks & Recreation Advisory Board Report and Minutes – None**

## **DEPARTMENT REPORTS**

**Code Enforcement/Police Department Report -Chief Thomas** said he wished someone would buy the Howey mansion.

**Finance Report- No Comment**

**Impact Fee Balance-No Comment**

**Library Director Report - Library Director Hall** invited everyone to come to the Bicycle Rodeo on September 10<sup>th</sup> from 8a.m. to 12p.m.

**Public Services Report - Councilor Mabry** said that Central Park looks great. **Public Services Supervisor Ernest** gave a more detailed report on the lift station and the status on replacing the fire hydrant at Orchid and Citrus

**Town Hall Report- No Comment**



## **MAYOR AND COUNCIL COMMENTS**

**Councilor Mabry** thanked the citizens for coming to the Town Council meetings.

**Councilor Conroy** asked Public Services Supervisor Ernest for the report on how much water the Town is saving by fixing all the hydrants.


**Mayor Pro-Tem David Nebel** asked what the status of the Tree Ordinance. **Mayor Sears** said he would get with Town Planner Harowski but that he thought the next move was to sent it to the Planning and Zoning Board. He also added that at the Staff Meetings his duties are to report back to the Council what was said and a staff member said that something should have not been discussed and that he will get the situation resolved at the next staff meeting if all are present. **Mayor Sears** said that staff meetings are for the Department Directors to communicate to the Mayor Pro-Tem what they are mutually working on. He also added that the staff meetings are so that the Mayor is not blindsided by anything at Mondays Town Council Meetings.

**Mayor Sears** gave an update on when the streets would be paved.

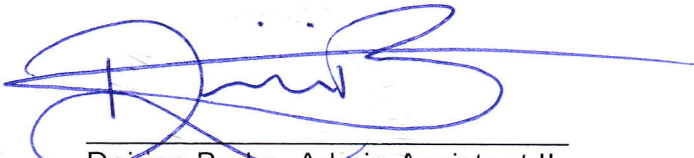
## **PUBLIC COMMENTS**

**Sal Gallelli, 1104 N Tangerine**, asked what the date was for the continuance of JB Boondocks. **Mayor Sears** replied October 10, 2016.

**The meeting adjourned at 7:30 pm**

  
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Chris Sears, Mayor

ATTEST:

  
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Dairian Burke, Admin Assistant II