

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING
HELD APRIL 13, 2015**

Mayor Sears called the Town Council Meeting of April 13, 2015 to order at 6:00 p.m.

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

Mayor Pro-Tem Ernest led the Invocation.

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

Also Present: Library Director Hall, Police Captain Thomas, Administrative Assistant Rhoden and Town Clerk Brasher.

CONSENT AGENDA - NONE

TOWN COUNCIL ACTING AS BOARD OF ADJUSTMENT

Review and Approval, Approval with Conditions, or Denial of the Variance Application for Setbacks from the Land Development Regulations for a Shed Located at 301 S. Lakeshore Blvd.

Applicant Jean Garrett was present to answer questions and present exhibits. **Ms. Garrett** gave detailed background on her Variance Application.

Town Attorney Blom-Ramos advised the Town Council that they need to read the Variance guidelines as provided by Town Planner Harowski.

Councilor Mabry asked for clarification with regards to the three (3) options provided by the applicant. **Councilor Conroy** voiced his concern but in future years the Town needs to look at the long term options. **Mayor Pro-Tem Ernest** asked Ms. Garrett if a Town employee gave her the incorrect information and she said yes. **Mayor Pro-Tem Ernest** voiced his concerns with residents given incorrect information.

Mayor Sears asked Code Enforcement Officer Hamelink if he has been on the property. **Code Enforcement Officer Hamelink** said he has been on the property.

Mayor Sears asked if there is a place on the property that a thick slab/pad could be placed so the drainage would run off instead of eroding the property. Discussion ensued. **Councilor Conroy** asked which proposal would satisfy the neighbors.

Building Official Frank von Frankenstein said the land slopes down from Lakeshore Blvd. and Myrtle Ave. He said the structure could be elevated up or a raised thick pad/slab could be installed and gave detailed background on the structure built without a permit. **Applicant Jean Garrett** said the yard has a slope and the shed was placed where there would not be a

problem with the slope. A lengthy discussion ensued regarding the setbacks for this Variance Application.

The Public Hearing was opened.

David Kilmartin voiced his opinion regarding the Variance Application.

The Public Hearing was closed.

Mayor Pro-Tem Ernest, seconded by Councilor Mabry, moved to approve the Myrtle St. option for the Garrett Variance Application with the caveat that the Building Official verifies the setbacks. Motion carried 4-0 with Councilor Nebel abstaining.

NEW BUSINESS

Consideration of Funding for a Total Amount of \$2,201 for the Town's 90th Birthday Celebration (funding in the amount of \$1,500 was previously approved)

Consideration and Approval of Budget Amendment 2014/2015-004 in the Additional Amount of \$701 for Town 90th Birthday Celebration.

Mayor Pro-Tem Ernest, second by Councilor Mabry, moved to approve the Budget Amendment in the total amount of \$701.00. Motion carried 5-0 with a roll call vote.

Consideration and Approval of Budget Amendment 2014/2015-003 in the Amount of \$7,730.11 for the 2014 Christmas Festival Expenditures

Councilor Conroy, seconded by Councilor Nebel, moved to approve the Budget Amendment in the amount \$7,730.11. Motion carried 5-0 with a roll call vote.

Consideration and Approval of Budget Amendment 2014/2015-005 in the Amount of \$8,990.00 for the FY 2013-2014 Fund 120 Police Advanced Training Fund Deficit (PAT) Town Clerk Brasher gave detailed background on this item.

Councilor Nebel, seconded by Councilor Conroy, moved to approve the Budget Amendment in the amount of \$8,990.00 for the Fund 120 PAT for FY 2013-2014. Motion carried 5-0 with a roll call vote.

**Consideration and Approval to Authorize Town Clerk Brasher to Execute Agreement with Billing Documents Specialist for Outsourcing Utility Billing
Town Clerk Brasher gave detailed background on this item.**

Mayor Pro-Tem Ernest said this will put Town information directly in the resident's hands. **Councilor Nebel** asked what the hard cost is. **Town Clerk Brasher** said the hard costs of the amount except \$124.00 per month, which is Staff time.

Councilor Conroy, seconded by Councilor Nebel, moved to approve outsourcing Utility Bills. Motion carried 5-0 with a roll call vote.

Consideration and Approval to Write Off Utility Accounts for Tenants Only in the

Amount of \$3,562.01. **Town Clerk Brasher** gave detailed background on this item as well as the next item on the agenda.

Mayor Pro-Tem Ernest, seconded by Councilor Nebel, moved to approve the Utility write off for tenants only. Motion carried 5-0 with a roll call vote.

Consideration and Approval to Bring Forth a Resolution to Increase the Utility Deposit for Tenants from \$150.00 to \$250.00

Town Clerk Brasher gave detailed background on this item.

Councilor Nebel said he is in favor of increasing the deposit for tenants only. Discussion ensued.

Mayor Pro-Tem Ernest, seconded by Councilor Nebel, moved to authorize Town Clerk Brasher to bring forth a resolution to increase the tenant only deposit to \$250.00. Motion carried 5-0 with a roll call vote.

Discussion: Police Department Salaries

Mayor Sears gave detailed background on this item and said this was for informational purposes only.

Discussion: Mid-Year Budget Review

- a. Expenditures
- b. Revenues

Town Clerk Brasher gave detailed background on this item and said she highlighted each line item that is over expended. A lengthy discussion ensued regarding the mid-year budget review.

It was the consensus of the Town Council to have the same report provided in the Town Council packet each month until the budget ends September 30, 2015.

Discussion: Proposed Sales Tax Interlocal Agreement with Lake County

Town Attorney Blom-Ramos gave background on this item and said Lake County will put this item on the ballot for a 15 year extension.

Councilor Conroy said this item was discussed at the Lake County League of Cities Meeting this past Friday. He said Town Clerk Brasher will provide the funds the Town has received as well as the expenditures for the past five (5) years.

Discussion: Changes to Personnel Manual to Include "Employees are Required to Adhere to All Town Policies, Code of Ordinances and Land Development Regulations"

Mayor Sears asked Town Attorney Blom-Ramos if this would be a problem if adding this to the Personnel Policy. **Town Attorney Blom-Ramos** said it can be added to the Personnel Policy like any other policy adopted.

Councilor Conroy gave background on this item.

Discussion: Require Town Mayor to Complete Department Director Evaluations by April 1 of Each Year

Mayor Sears said this is good since the budget is upcoming and they will be available. He said the Personnel Policy is to be put on the front burner and bring forth the completed sections to be reviewed. A lengthy discussion ensued. It was decided that employee evaluations should be done by April 1 of each year.

MAYOR AND COUNCIL COMMENTS

Mayor Sears said the following:

- Discussed the downtown parking schematic and waiting on the survey.
- Gave update on Laurel Ave and said the quotes will be on the agenda at the end of the month.

Mayor Pro-Tem Ernest – No Comments

Councilor Nebel – No Comments

Councilor Conroy said the following:

- Attended the MPO and said the new bridge will have a bike lane and gave detailed background on support of bike lanes.

Mayor Sears said the MPO had a meeting regarding events such as cycling, etc. and gave background.

Councilor Mabry – No Comments

PUBLIC COMMENTS

David Kilmartin voiced his opinion on adding the requirements in the for employees.

Mayor Sears said the employees will know that they have the same standards as the rest of the citizens. **Captain Thomas** said it is in the current Personnel Policy and it will be updated in the new Personnel Policy. **Town Attorney Blom-Ramos** said it is better to be clear in the Personnel Policy.

Mr. Kilmartin said he attended the MPO Meeting and he said the he was told the Town is Not providing the MPO projects. **Mayor Sears** said the Town is paying the Town Traffic Engineer to attend those meetings and provide the Town and the MPO with project information.

The meeting adjourned at 7:45 P.M.



Chris Sears, Mayor

ATTEST:



Brenda Brasher, MMC
Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Nebel David Arnold</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Howey in the Hills Council</i>	
MAILING ADDRESS <i>305 S. Lakeshore Blvd.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Howey in the Hills FL</i>		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY <i>Lake</i>		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <i>April 13, 2015</i>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, David A. Nebel, hereby disclose that on April 13, 20 15:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

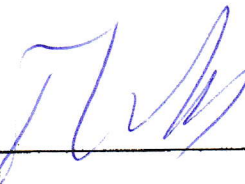
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Vazirani request for 301 S. Lakeshore Blvd - I am the next door neighbor.

Date Filed

April 13, 2015

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.