

MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL MEETING HELD OCTOBER 08, 2018

Mayor Sears called the Town Council Meeting of October 08, 2018 to order at 6:00 p.m.

Boy/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 Macfarlane, Councilor Conroy and Councilor Scott.

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

CONSENT AGENDA

Minutes of the September 24, 2018 Final Budget Public Hearing.

Mayor Pro-Tem David Nebel seconded by Councilor Scott moved to approve Minutes of the September 24, 2018 Final Budget Public Hearing. Motion carried 5-0 with a roll call vote.

PUBLIC HEARINGS

Consideration and action on behalf of applicants Red Jacket Development Group LLC and Bredco Development Group for the project known as Whispering Hills for rezoning 60.88 acres of property located east of North Buckhill Road, Lake County Property Appraiser parcel numbers 36-20-25-000400000900, 36-20-25-000400001500 and alternate key numbers 3564219, and 3907438 from Medium Density Residential 1 (MDR-1) to Medium Density Residential 2 (MDR-2).

First Reading ORDINANCE NO. 2018-008. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA REZONING 60.88 ACRES OF PROPERTY LOCATED EAST OF NORTH BUCKHILL ROAD, LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBERS 36-20-25000400000900, 36-20-25-000400001500 AND ALTERNATE KEY NUMBERS 3564219, AND 3907438 FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

(This item was tabled at the September 24, 2018 Town Council Meeting to be heard at the October 08, 2018 Town Council Meeting.)

Town Planner Harowski said that the only thing the Town Council will consider tonight is the zoning request.

Councilor Scott asked how many homes are already approved. **Town Planner Harowski** replied 107 however the Applicant is asking for 155 lots in his new plan.

Councilor Macfarlane asked if the zoning request would stay consistent with the Town's Land development code regulations. **Town Planner Harowski** replied yes.

Councilor Macfarlane said that with Whispering Hills committing to sewer we could add that to the documents for sewer grants. **Mayor Sears** replied yes.

Councilor Scott asked if there was a map layout of the proposed project. **Town Planner Harowski** replied that the Town Council isn't formally approving anything at this moment.

Councilor Scott said that he doesn't want to approve more homes on the lake if they allow the zoning change. **Town Planner Harowski** said that when speaking to the developer he stated that the lots on the lake would remain the 100ft x 120ft.

Councilor Conroy asked if they met school concurrency. **Town Planner Harowski** replied yes, they already have their certificate.

Mayor Pro-Tem David Nebel said that increasing the lot amount would increase storm runoff into the lake.

Mayor Sears said that St. Johns Water Management Authority would make sure that the applicant complies with all the storm water restrictions and swale compliance.

Mayor Sears said that the Applicant came in a year ago to see if the Town would be willing to grant smaller lots so that they could financially be able to connect to the Town's sewer system.

Matthew McGill, 119 E. Croton Way, said that he agrees with the Applicant on connecting to the Town's Sewer. **Town Planner Harowski** said that it is required if he is granted a zoning change. **Matt McGill** asked why there was a rush to approve or deny the Applicant if all the information need to make the decision wasn't available. **Mayor Sears** replied that there was no rush however the item has been advertised and is just going through the process. The Applicant will have to come back before the Town Council for a seconding reading and adoption. **Town Planner Harowski** then replied that the applicant has gone through the Planning and Zoning Board as well and has followed all procedures of the Town. So, the Applicant has been going through the process for several months and doesn't agree with Mr. McGill that there is a rush.

Mayor Pro-Tem David Nebel said that current septic tanks are far more superior to the septic tanks from years ago. He added that the Applicant has been coming back and forth before the Town Council for years and still hasn't even started.

Peter Tuite, 300 E Croton Ave, said that the Town Council should stay with the Medium Density Residential-1 zoning (100ft x 120ft) since the lake is in such horrible shape now due to all the pollution and adding more homes will not help any. **Councilor Conroy** replied that even using the Medium Density Residential-2 (75ft x 120ft) that the Applicant is requesting it would only allow 25 lots on the shore line.

Sal Gallelli, 1104 N. Tangerine Ave, said that the Town Council should table the item until a map and more documentation is provided.

Councilor Conroy seconded by, **Councilor Scott** moved to approve First Reading **ORDINANCE NO. 2018-008. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA REZONING 60.88 ACRES OF PROPERTY LOCATED EAST OF NORTH BUCKHILL ROAD, LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBERS 36-20-25000400000900, 36-20-25-000400001500 AND ALTERNATE KEY NUMBERS 3564219, AND 3907438 FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion failed 4-1 with a roll call vote. (Conroy voting yes.)**

Second Reading and Adoption ORDINANCE NO. 2018-008. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA REZONING 60.88 ACRES OF PROPERTY LOCATED EAST OF NORTH BUCKHILL ROAD, LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBERS 36-20-25000400000900, 36-20-25-000400001500 AND ALTERNATE KEY NUMBERS 3564219, AND 3907438 FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Tabled to November 13, 2018 Town Council Meeting at 6:00 p.m.

Councilor Scott and Councilor Macfarlane moved to table the Second Reading and Adoption of **ORDINANCE NO. 2018-008. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA REZONING 60.88 ACRES OF PROPERTY LOCATED EAST OF NORTH BUCKHILL ROAD, LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBERS 36-20-25000400000900, 36-20-25-000400001500 AND ALTERNATE KEY NUMBERS 3564219, AND 3907438 FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2); PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 5-0 with a roll call vote.**

Consideration and action on behalf of applicants Bruce and Karen Johnson to rezone a 5.4-acre parcel of property located on South Lakeshore Blvd, Lake County Property Appraiser parcel number 35-20-25-015000004700, alternate key number 1257743 from Medium Density Residential 1 (MDR-1) to Rural Estates (RE).

Mayor Pro-Tem David Nebel seconded by **Councilor Scott** moved to approve the Second Reading and Adoption **ORDINANCE NO. 2018-009. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA REZONING A 5.4 ACRE PARCEL OF PROPERTY LOCATED ON SOUTH LAKESHORE BOULEVARD, LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 35-20-25-015000004700 AND ALTERNATE KEY NUMBER 1257743 FROM MEDIUM DENSITY RESIDENTIAL (MDR-1) TO RURAL ESTATES; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 5-0 with a roll call vote.**

Consideration and action on behalf of applicants Bruce and Karen Johnson to amend table 2.00.02(C) in Chapter 2 of the Town's Land Development Code to indicate that a Rural Estates zoning district is permissible in a Medium Density Residential 1 future land use category.

Mayor Pro-Tem David Nebel seconded by **Councilor Scott** moved to approve the **Second Reading and Adoption ORDINANCE NO. 2018-010 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS AMENDING THE TOWN'S LAND DEVELOPMENT CODE; REVISING TABLE 2.00.02(C) IN CHAPTER 2 OF THE TOWN'S LAND DEVELOPMENT CODE TO ALLOW A RURAL ESTATES (RE) ZONING DISTRICT TO BE PERMISSIBLE IN A MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) FUTURE LAND USE CATEGORY; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.)**
Motion carried 5-0 with a roll call vote.

FIRST READING ORDINANCE 2018-011 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA RELATING TO THE TOWN OF HOWEY-IN-THEHILLS MUNICIPAL POLICE OFFICER'S RETIREMENT TRUST FUND; AMENDING CHAPTER 34, POLICE DEPARTMENT, ARTICLE II, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE TOWN OF HOWEY-IN-THE-HILLS; AMENDING SECTION 346.8, DISABILITY; AMENDING SECTION 34-6.17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 34-6.28, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Chief Thomas replied that it was a house keeping matter that clarified some language.

Councilor Conroy seconded by **Mayor Pro-Tem David Nebel** moved to approve **First Reading ORDINANCE 2018-011 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA RELATING TO THE TOWN OF HOWEY-IN-THEHILLS MUNICIPAL POLICE OFFICER'S RETIREMENT TRUST FUND; AMENDING CHAPTER 34, POLICE DEPARTMENT, ARTICLE II, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE TOWN OF HOWEY-IN-THE-HILLS; AMENDING SECTION 346.8, DISABILITY; AMENDING SECTION 34-6.17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 34-6.28, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**
Motion carried 5-0 with a roll call vote.

FIRST READING ORDINANCE NO. 2018-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PROHIBITING SCREECHING OF TIRES AND THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES "JAKE BRAKING"; CREATING A NEW ARTICLE V IN CHAPTER 164 OF THE TOWN'S CODE OF ORDINANCES TITLED "SCREECHING OF TIRES AND ENGINE AND COMPRESSION BRAKES "JAKE BRAKING"; PROVIDING FOR SIGNAGE AND PROVIDING FOR PUNISHMENT AS A NONCRIMINAL TRAFFIC INFRACTION; PROVIDING FOR SEVERABILITY AND CODIFICATION; ESTABLISHING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES.

Councilor Macfarlane seconded by **Mayor Pro-Tem David Nebel** moved to approve **First Reading ORDINANCE NO. 2018-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PROHIBITING SCREECHING OF TIRES AND THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES "JAKE BRAKING"; CREATING A NEW ARTICLE V IN CHAPTER 164 OF THE TOWN'S CODE OF ORDINANCES TITLED "SCREECHING OF TIRES AND ENGINE AND COMPRESSION BRAKES "JAKE BRAKING"; PROVIDING FOR SIGNAGE AND PROVIDING FOR PUNISHMENT AS A NONCRIMINAL TRAFFIC INFRACTION; PROVIDING FOR SEVERABILITY AND CODIFICATION; ESTABLISHING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES. Motion carried 5-0 with a roll call vote.**

NEW BUSINESS

Consideration and Approval of Budget Amendment 2018/2019-001. A 2% Increase to Town Personnel Salaries and Salary related items. (Fica, Medicare and Police Retirement)

Councilor Macfarlane said that a 5% raise total for employees was a little high.

Mayor Sears said that there hasn't been much turn over. Also, that some employees have gone years in the past with no raises. Giving the 5% raise increase keeps the Town in a competitive market.

Mayor Pro-Tem David Nebel said that the Town needs to get a little ahead of the cost of living raise.

Bernard Aliment, 205 E Magnolia Ave, agrees with Councilor Macfarlane that a 3% increase was enough.

Elwis Benson, 406 S. Florida Ave, why propose a 3% increase in the Budget approve that and then bring another 2% back before the Town Council. Should have just approved a 5% increase in the Budget.

Tracy Alimenti, 205 E Magnolia Ave, asked Mayor Sears how long he has been Mayor.

Mayor Sears replied since 2008. She then asked what an average year salary increase was for the last ten years. **Mayor Sears** replied 2%.

Sal Gallelli, 1104 N. Tangerine Ave, said that Howey in the Hills is a little Town and doesn't have to compete with the larger city's salaries. **Mayor Sears** replied yes, we do unless we don't want to keep employees.

Mayor Pro-Tem David Nebel seconded by **Councilor Conroy** moved to approve **Budget Amendment 2018/2019-001. A 2% Increase to Town Personnel Salaries and Salary related items. (Fica, Medicare and Police Retirement). Motion carried 4-1 with a roll call vote. (Councilor Macfarlane voting No.)**

Consideration and Approval to renew a one-year agreement with Carr, Riggs & Ingram, LLC (CRI) Auditing Firm.

Mayor Sears said that he wasn't pleased with their services the last two years but that the Town had met with the new CRI personnel who would be handling our account. He expressed his frustration and went over a plan of action. The team that will be handling our audit this year is fresh and have a lot of accounting/audit experience among them.

Councilor Scott asked if this was a one-year agreement in case it didn't work out. **Mayor Sears** replied yes.

Matt McGill, 119 E. Croton Way, asked how long the Town with Carr, Riggs & Ingram, LLC (CRI) Auditing Firm. **Mayor Sears** replied eight (8) years.

Discussion: Building Official (Mayor Sears)

Mayor Sears explained that the current Building Official was retiring at the end of November. The Town had put out an RFP for building services. As of now no one had responded. Town Hall Staff was reaching out to local building services companies to see if they were interested in turning in a proposal. He also stated that Town Hall Staff had prepared an estimated cost to hire an in-house building official. Mayor Sears believed that the estimates were too low but wanted the Town Council and residents to see about how much it would cost to hire someone.

Councilor Conroy said that he agreed that contractual is the way to go.

Mayor Sears said that the Town needs to take a step into the twenty first century.

Councilor Macfarlane said that she agrees the estimate to have someone in-house was on the lower side.

Mayor Pro-Tem David Nebel said to move forward with the RFP and see what we get.

Don Ellis, 135 W. Magnolia Ave, asked why the Town never reevaluated the contract that has been ongoing for thirteen (13) years.

Consideration and Approval to change Town Hall's Hours.

Town Clerk Burke explained that residents were not liking that Town Hall closed at noon on Friday when most people are paid. So, she would ask that the Town Council change the hours back to what they have always been.

Councilor Scott seconded by Councilor Conroy moved to approve the change to Town Hall's Hours. (Mon-Thurs 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to 3:45 p.m.) Motion carried 5-0 with a roll call vote.

Update on Golf Cart Crossing (Councilor Scott)

Chief Thomas said that the Florida Department of Transportation (FDOT) Engineer was on maternity leave so he had no update at this time.

Chief Thomas said that he had ordered suggestion boxes for Town Hall, Police Department and Library. Also, The Town Had received \$23,856.80 from FEMA so far but don't know when they will receive the rest.

Councilor Scott asked what streets Chief Thomas used as crossing points. **Chief Thomas** replied from Oak Street down to Holly Street.

Update on the Venezia Trail (Mayor Sears)

Mayor Sears said that he was eyeing a path closer to the north side of Venezia. He had obtained a verbal agreement with the School Board to use their property to connect the path from Venezia to Lakeshore Blvd. The next step is to come up with a price to develop the trail. Also, willing to negotiate to clean up the softball field. Use some money from the Parks and Recreation Advisory Board Impact Fees to cover cost. So, at a near Town Council Meeting he would bring back an agreement and the figures.

Public Services Director said that they are starting a hydrant flushing program and that the Town needs to think about how they are going to spend the money. Also, had some engineering done for the driveways on South Florida Ave. The Town needs to start talking about storm water as well.

MAYOR AND COUNCIL COMMENTS

Mayor Pro-Tem David Nebel-No Comment

Councilor Scott asked if the Town could dictate the amount of time a developer has to start construction. **Mayor Sears** replied that the Town follows the State Statues, but he would ask Town Attorney Ramos.

Councilor Conroy-No Comment

Councilor Macfarlane-No Comment

Mayor Sears asked of the Town Council would be interested in pricing some I pad's or tablets to get away from the folders and printing paper. **Councilor Macfarlane** agreed.

PUBLIC COMMENTS

Marie Gallelli, 1104 N. Tangerine Ave, said that Town needs to obtain a deed from Venezia and the School Board for the trial.

Elwis Benson, 406 S. Florida Ave, said that he would rather see a sidewalk going down South Florida Ave as he has been a tax payer for ten (10) years.

Peter Tuite, 300 E. Croton Way, said that he would rather not see Parks and Recreation Advisory Board Impact Fees used for the Venezia Trail. Also, he attended the Lake County Water Management Authority meeting and they talked about dredging a canal from lake Apopka to the Harris chain of lakes.

Matt McGill, 119 E. Croton Way, said that he thought Mayor Sears was going to discuss with the Venezia Home Owners Association and residents to pay some cost. **Mayor Sears** said that he thinks the cost should be covered by the Developer as it is ultimately his responsibility.

Tracy Alimenti, 205 E. Magnolia Ave, said that they love the area and that's why they moved here. Did the residents in Venezia move here knowing that there wasn't a trail down to Lakeshore Blvd, yes?

The meeting adjourned at 8:14 p.m.

ATTEST:

Chris Sears, Mayor

Dairian Burke
Town Clerk