

## **MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING HELD JANUARY 12, 2009**

**Mayor Sears** called the Town Council Meeting of January 12, 2009 to order at 6:00 p.m.

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

**Mayor Pro-Tem Johnson** led the invocation

**Present:** Mayor Sears, Mayor Pro-Tem Johnson, Councilor Nebel, Councilor Ernest, Town Attorney Blom-Ramos and Town Clerk Brasher.

**Absent:** Councilor Green

**PRESENTATIONS** - None

### **CONSENT AGENDA**

Minutes of Regular Town Council Meeting of December 8, 2008, November 24, 2008, Work Session of November 24, 2008, Regular Meeting of November 10, 2008, Work Session of October 27, 2008, and Regular Meeting of October 13, 2008.

**Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to approve the Consent Agenda as corrected. Motion carried unanimously.**

### **NEW BUSINESS**

**Consideration and Approval of Time Extension for Final Construction Plan Submittal for Mission Rise**

**Mayor Sears** asked to continue this item to the February 9, 2009 Town Council Meeting. **Councilor Nebel** said she had a question about the extension. **Mayor Sears** said Town Attorney Blom-Ramos would be calling each Councilor to discuss the projects.

**Mayor Pro-Tem Johnson, seconded by Councilor Nebel, moved to continue the Mission Rise extension request to the Town Council Meeting of February 9, 2009. Motion carried 4-0 with a roll call vote.**

**Consideration of Bid Award Recommendation of Central Ave/Lakeshore Blvd. Stormwater Improvements Project to Dimensional Contracting, Inc. in the Amount of \$49,999.00**

**Town Engineer Shira** gave detailed background on this item. (Note: **Town Engineer Shira** stated the project amount should be \$44,999 instead of \$49,999.)

**Councilor Nebel** voiced her concerns with the low bid. **Town Engineer Shira** said all firms that submitted a proposal are qualified for this project and asked for direction as to how to proceed. **Mayor Sears** discussed asking for additional funding from Lake County Water Authority.

**Councilor Nebel**, seconded by **Councilor Ernest**, moved to award the bid to Dimensional Contracting, Inc. in the amount of \$44,999 and with B&H Consultants, Inc. to over see the project. Motion carried 4-0 with a roll call vote.

#### **Discussion: CDBG Program**

**Town Planner Shira** gave detailed background on the CDBG Program. She said the estimated amount of funding would be around \$30,000 a year beginning October 1, 2009. She discussed projects that would fall under the funding for this program and will need to know what project the Town will use the funds. **Mayor Sears** said this will be a February 9, 2009 Town Council Agenda item.

#### **Discussion: Concurrency Reviews**

**Town Planner Shira** voiced her concerns with regards to where the Town stands with Concurrency. She said one of the items that have changed is budgeting/planning and new five-year plans will be reviewed by the State every year. She further stated DCA sent a letter out to each Mayor and she is not aware of the Town's response to DCA.

**Mayor Sears** asked what the process is. **Town Planner Shira** explained the process.

**Councilor Ernest**, seconded by **Councilor Nebel**, moved to have B&H Consultants, Inc. to process the five-year plan to submit to DCA for Concurrency. Motion carried 4-0 with a roll call vote.

**Mayor Pro-Tem Johnson** asked permission for the Town Council for Town Planner Shira to attend a meeting with State Representative Alan Hays to obtain funds.

**Councilor Nebel**, seconded by **Councilor Ernest**, moved to approve Town Planner Shira attending a meeting with Mayor Pro-Tem Johnson and State Representative Hays. Motion carried 4-0 with a roll call vote.

#### **Discussion: Proposals for Building Official and Legal Council**

**Mayor Pro-Tem Johnson** said the Town has not looked at proposals for several years. Discussion ensued.

**Councilor Ernest**, seconded by **Mayor Pro-Tem Johnson**, moved to advertise for legal council and Building Official with a minimum of three (3) submittals. Motion carried 4-0 with a roll call vote.

#### **Consideration and Approval of Interlocal Agreement Between Lake County, Relating to the Collection of Lake County Impact Fees and Fire Rescue Assessments**

**Town Attorney Blom-Ramos** gave background on this item.

Lake County representatives Wendy Breeden and Angie Thompson gave background on the Interlocal Agreement regarding Impact Fees. Discussion ensued. **Mayor Sears** asked about the vision of the use of the impact fees. **Ms. Breeden** gave detailed information on use of the impact fees and discussed the facilities plan. Discussion ensued.

**Mayor Pro-Tem Johnson**, seconded by **Councilor Nebel**, moved to approve the Interlocal Agreement between Lake County relating to the Collection of Lake County Impact Fees and Fire Rescue Assessments. Motion carried 4-0 with a roll call vote.

**Consideration and Approval to Issue SunTrust Visa Credit Cards to Library Director Merchant, Deputy Public Works Director Smith and Police Lt. Thomas**  
Discussion ensued regarding credit card limits and miscellaneous issues involving the credit cards.

**Mayor Pro-Tem Johnson**, seconded by **Councilor Nebel**, moved to hear Agenda Item No. 15 as the next item on the agenda. Motion carried 4-0 with a roll call vote.

**Consideration and Approval of Credit Card Policy**  
Discussion ensued regarding the proposed Credit Card Policy.

**Mayor Pro-Tem Johnson**, seconded by **Councilor Nebel**, moved to adopt the Credit Card Policy with a signature page attached and for each credit card/purchasing card holder to initial each page of the credit card policy. Motion carried 4-0 with a roll call vote.

**Mayor Pro-Tem Johnson**, seconded by **Councilor Nebel**, moved to approve the issuance of SunTrust Visa card to Library Director Merchant, Deputy Public Works Director Smith and Police Department Lt. Thomas with the limits noted in the Staff Report. Motion carried 4-0 with a roll call vote.

## **PUBLIC HEARINGS**

**Second Reading and Adoption of Ordinance No. 2008-010, Granting To Peoples Gas System, A Division of Tampa Electric Company, Its Successors and Assigns, A Non-Exclusive Natural Gas Franchise Agreement to Use the Public Rights of Way of the Town of Howey-in the-Hills, Florida and Prescribing The Terms and Conditions Under Which Said Franchise May be Exercised**

**Town Attorney Blom-Ramos** read by title only, Ordinance No. 2008-010.

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

**Councilor Ernest**, seconded by **Councilor Nebel**, moved to adopt the first reading of Ordinance No. 2008-010, Granting To Peoples Gas System, A Division of Tampa Electric Company, Its Successors and Assigns, A Non-Exclusive Natural Gas Franchise Agreement to Use the Public Rights of Way of the Town of Howey-in the-Hills, Florida

and Prescribing The Terms and Conditions Under Which Said Franchise May be Exercised. Motion carried 4-0 with a roll call vote.

**First Reading of Ordinance No. 2009-001, Prohibiting the Manufacture, Use, Display or Other Employment of any Facsimile or Reproduction of the Town of Howey-in-the-Hills' Seal, Logo or Letterhead without the Express Approval of the Town Council; Providing for Penalties, Providing for Exceptions, Providing for Revocation of Authority, Providing for Codification in a New Section 31-1 of Chapter Thirty-One of the Code of Ordinances, Providing for Severability, Providing for an Effective Date. (Second Reading and Adoption February 9, 2009)**

**Town Attorney Blom-Ramos** read by title only, Ordinance No. 2009-001, Prohibiting the Manufacture, Use, Display or Other Employment of any Facsimile or Reproduction of the Town of Howey-in-the-Hills' Seal, Logo or Letterhead without the Express Approval of the Town Council; Providing for Penalties, Providing for Exceptions, Providing for Revocation of Authority, Providing for Codification in a New Section 31-1 of Chapter Thirty-One of the Code of Ordinances, Providing for Severability, Providing for an Effective Date.

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

**Councilor Ernest**, seconded by **Councilor Nebel**, moved to adopt the first reading of Ordinance No. 2009-001, Prohibiting the Manufacture, Use, Display or Other Employment of any Facsimile or Reproduction of the Town of Howey-in-the-Hills' Seal, Logo or Letterhead without the Express Approval of the Town Council; Providing for Penalties, Providing for Exceptions, Providing for Revocation of Authority, Providing for Codification in a New Section 31-1 of Chapter Thirty-One of the Code of Ordinances, Providing for Severability, Providing for an Effective Date. Motion carried 4-0 with a roll call vote.

**First Reading of Ordinance No. 2009-002, Amending Chapter 5 of the Town's Code of Ordinances Entitled "Bids" to Provide for Purchases and Contracts Exempt from Competitive Bidding and to Provide for Purchases by the Mayor; Ratifying Contracts Entered into Prior to the Ordinance's Enactment; Providing for Codification; Ratifying Unamended Code Sections; Providing for Severability; Providing for an Effective Date.**

**Town Attorney Blom-Ramos** read by title only, Ordinance No. 2009-002, Amending Chapter 5 of the Town's Code of Ordinances Entitled "Bids" to Provide for Purchases and Contracts Exempt from Competitive Bidding and to Provide for Purchases by the Mayor; Ratifying Contracts Entered into Prior to the Ordinance's Enactment; Providing for Codification; Ratifying Unamended Code Sections; Providing for Severability; Providing for an Effective Date.

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

**Councilor Ernest**, seconded by **Councilor Nebel**, moved to adopt the first reading of Ordinance No. 2009-002, Amending Chapter 5 of the Town's Code of Ordinances Entitled "Bids" to Provide for Purchases and Contracts Exempt from Competitive Bidding and to Provide for Purchases by the Mayor; Ratifying Contracts Entered into Prior to the Ordinance's Enactment; Providing for Codification; Ratifying Unamended Code Sections; Providing for Severability; Providing for an Effective Date. Motion carried 4-0 with a roll call vote.

## **OLD BUSINESS**

### **Consideration and Approval of Lake County Library System Collection Development Policy**

**Library Director Merchant** gave background on this item and said it is an update to the policy.

**Mayor Pro-Tem Johnson**, seconded by **Councilor Ernest**, moved to adopt the Lake County Library System Collection Development Policy. Motion carried 4-0 with a roll call vote.

### **Discussion: Pet Waste Along Lakeshore Blvd**

**Park & Recreation Board Chairman Ormsbee** gave background on this item. He proposed four (4) types of signage and asked for direction from the Town Council.

**Del Pearce** asked Police Department Lt. Thomas if the Police Department has a citation system. **Police Lt. Thomas** gave back ground on citation procedures.

### **Discussion: Park Signage**

**Park & Recreation Board Chairman Ormsbee** gave background on this item and asked for direction from the Town Council. He further asked that the boat pier be made a "No Fishing" pier and gave reasons. **Mayor Pro-Tem Johnson** and **Councilor Ernest** said they would like to see the boat pier as a "Non-Fishing" pier. Discussion ensued. **Councilor Nebel** voiced her concerns with the "No Fishing" from the boat ramp and would like something in place to enforce the violators. Discussion ensued.

***It was the consensus of the Town Council to approve the proposed signs.***

**Park & Recreation Chairman Ormsbee** gave an update on the DEP permit.

### **Consideration and Approval of Credit Card Policy**

This item was moved above agenda item no. 8.

### **Discussion: Council Seat Redistricting**

**Councilor Nebel**, seconded by **Mayor Pro-Tem Johnson**, moved to table this item until a later date and for back-up documentation to be included for discussion. Motion carried 4-0 with a roll call vote.

### **Discussion: Special Master**

**Town Clerk Brasher** advised the Town Council that Special Master has been advertised several times but no one has made contact.

***It was the consensus of the Town Council to meet Robert Fegers.***

**MAYOR / TOWN COUNCIL REPORT**

**Mayor Sears** said 1) he will be discussing goals and liaisons at the 2<sup>nd</sup> meeting of January 2) said the biggest project is to discuss water improvements and for this presentation to be on the 2<sup>nd</sup> meeting of January 3) Comp Plan is inconsistent and a goal is to get the LDR's codified and consistent with the Comp Plan 4) asked if the Town Council would like legal council to attend the next Water Alliance Meeting.

**Mayor Pro-Tem Johnson** 1) Asked about the paving 2) letter to Progress Energy for removal of old poles 3) Spoke with Pubic Works Director Padgett and gave Mayor Sears permission to hire the seasonal employee. Discussion ensued. 4) Asked when next Council Talk will be published.

**Councilor Nebel-None**

**Councilor Ernest** asked if the historic tree is coming before the Special Master. A lengthy discussion ensued.

**It is the consensus of the Town Council that Code Enforcement does not have to take this case before the Special Master.**

**PUBLIC COMMENTS - None**

**ADJOURNMENT AT 8:15 P.M.**



**Chris Sears  
Mayor**

**ATTEST:**



**Brenda Brasher, CMC  
Town Clerk**