

## MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING HELD MARCH 9, 2009

**Mayor Sears** called the Town Council Meeting of March 9, 2009 to order at 6:00 p.m.

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

**Councilor Ernest** led the Invocation.

**Present:** Mayor Sears, Mayor Pro-Tem Johnson, Councilor Ernest, Town Attorney Blom-Ramos and Town Clerk Brasher. Also present, Police Chief Robbins and Public Works Director Padgett.

**Absent:** Councilor Nebel and Councilor Green

### CONSENT AGENDA

**Minutes of Regular Town Council Meeting of February 23, 2009 and Special Master Work Session of February 23, 2009**

**Mayor Pro-Tem Johnson**, seconded by **Councilor Ernest**, moved to approve the Consent Agenda as presented. Motion carried 3-0 with a roll call vote.

### NEW BUSINESS

**Councilor Ernest**, seconded by **Mayor Pro-Tem Johnson**, moved to move agenda item no. 9 to item no. 2 on the agenda. Motion carried 3-0 with a roll call vote.

### **Discussion: Adoption of Watering Restrictions Implemented by SJRWMD Effective March 8, 2009**

**Nancy Christman**, representative from SJRWMD presented water conservation flyers and said the water restrictions have been modified effective March 8, 2009. **Ms. Christman** said the following watering restrictions are effective March 8, 2009:

1. Daylight saving time, 2-day a week odd and even addresses for irrigation.
2. Eastern standard time, 1-day a week, on even and odd addresses for irrigation.
3. Nonresidential irrigation is permitted on Tuesday and Friday during daylight saving time and Tuesday on Eastern standard time.
4. No more than 1 hour, per zone, per day for irrigation
5. If reclaimed water is available, private wells are prohibited.

Discussion ensued.

### **Boat Docks: Proposal for Repair/Replace of Two Closed Docks**

**Park & Recreation Chairman Ormsbee** discussed dock replacement along Lakeshore Blvd. while the Town has the permit for replacement. Discussion ensued. **Mayor Sears** said time is of the essence since the Town has the permit in place.

***It was the consensus of the Town Council to discuss this item at the March 23, 2009 Town Session.***

### **Discussion: Intent of Proposed Use of Leased Portion of Property Adjacent to Whispering Hills**

**Lee Chotas**, representative for Bredco Development Trust. He further stated he was surprised

that an adjacent land owner to this project had been asked to attend the Town Council Meeting to answer questions.

**Town Planner** stated the following:

1. The property in question is in the approved Preliminary Subdivision Plan and the developer had been notified that a marina was unacceptable unless they limit the marina to strictly homeowners.
2. She further stated the Developer Agreement says the Lessee should monitor what is happening with the property and she feels this has not occurred.

**Mr. Chotas** said the lease agreement says the lessee shall monitor the property and the developer and owner shall utilize ingress and egress to the property.

**Clay Frankel**, representative for Whispering Hills said the following:

1. The Town squashed the idea of a public marina.
2. The area in question has been identified and approved as a park.

**Town Planner Shira** stated for the record that she has been involved in this project for 4 years and she was led to believe that the separation of the property in question was intended for a single family lot, which is dishonest and misleading. Once the lease was reviewed, it was the intention to build a marina. She further stated Mr. Frankel stated on numerous occasions that he had no idea what the land in question would be used for.

**Mr. Chotas** gave information with regards to the owners' knowledge of the project. **Clay Frankel** said when the Town decided not to allow the marina to go forward, he did not know what the lessee intended to do with the property.

**Mayor Pro-Tem Johnson** asked Mr. Chotas if his client would furnish a letter of intent. **Mr. Chotas** said the letter of intent would be provided. **Town Attorney Blom-Ramos** said she would like to obtain copies of the permits issued. **Town Attorney Blom-Ramos** said if the Town decides they do not want a marina, that and the park land needs to be addressed. **Town Planner Shira** said she is still confused and the Town needs a legal description as a Developer Agreement from Red Jacket called for a private yacht club and the permits need to be reviewed.

**Mayor Sears** said this item was listed as a discussion not for a decision to be made this evening. **Councilor Ernest** said the Town needs to see the documentation in able to make a decision.

**Ron Jacobs** voiced his concerns with the letter from the lessees' attorney.

**Mayor Sears** said this meeting was not intended to make a decision with regards to this project; this meeting was for informational purposes only.

### **Consideration and Approval of Website Proposal**

**B&H Consultants, Inc.** presented a website proposal.

**Mayor Sears** said the update of the website will offer more information to the public. Discussion ensued regarding funding of the website. **Mayor Sears** explained the website fees to the public.

**Councilor Ernest**, seconded by **Mayor Pro-Tem Johnson**, moved to approve the website proposal by B&H Consultants, Inc. in the amount of \$4,375 for the value design package.

Motion carried 3-0 with a roll call vote.

#### **Community Redevelopment Agency Presentation**

Town Planner Shira gave background on Community Redevelopment Agency.

#### **Discussion/Action on Five-Year Capital Improvements Program**

Town Planner Shira stated the Town must have a Five-Year Capital Improvement Plan. She discussed the current plan in place and addressed items in the plan. Revisions to the plan will come back on the April 13, 2009 Town Council agenda.

#### **Consideration and Approval of Proposal for Survey of Water Plant Property**

Town Engineer Shira gave detailed background on this item. Mr. Shira gave survey quotes and asked for direction from the Town Council.

Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to approve the survey of the water plant property in the amount of \$6,440. Motion carried 3-0 with a roll call vote.

#### **Consideration and Approval of Interlocal Agreement with Haines City for Special Magistrate Services.**

Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to approve the Interlocal Agreement with Haines City for Special Magistrate Services. Motion carried 3-0 with a roll call vote.

**Discussion: Adoption of Watering Restrictions Implemented by SJRWMD Effective March 8, 2009 - This item was moved to the top of the agenda.**

#### **Resolution No. 2009-002 Support Funding of Public Education**

Resolution No. 2009-002 was read by title only.

Councilor Ernest, seconded by Mayor Pro-Tem Johnson, moved to adopt Resolution No. 2009-002, Support Funding of Public Education. Motion carried 3-0 with a roll call vote.

#### **Appointment of Robert Olsen to Park & Recreation Advisory Board**

Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to appoint Robert Olsen to the Park & Recreation Advisory Board. Motion carried 3-0.

#### **PUBLIC HEARINGS**

**First Reading of Ordinance No. 2009-003, Relating to Public School Concurrency: Amending Article VIII of the Land Development Regulations Entitled Concurrency Management; Providing for Conflicts; Providing for Severability; Providing for Codification; Providing for an Effective Date**

Ordinance No. 2009-003 was read by title only.

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

Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to approve the first reading of Ordinance No. 2009-003. Motion carried 3-0 with a roll call vote.

**Second Reading and Adoption of Ordinance No. 2009-004, Amending Chapter 110 Of the Code of Ordinances Relating to Water Impact Fees; Providing for an Alternative Impact Fee Calculation; Removing a Scriveners" Error; Amending the Requirement that Certain Language be Included in Documents of Development Approval; Providing for Codification and Inclusion in the Code of Ordinances; Providing for Severability; Providing for an Effective Date**

**Ordinance No. 2009-004 was read by title only.**

**The Public Hearing was opened.**

Nancy Triplett asked for clarification on this item.  
Diane Sullivan asked for clarification on this item.

**The Public Hearing was closed.**

**Councilor Ernest, seconded by Mayor Pro-Tem Johnson, moved to approve the first reading of Ordinance No. 2009-004. Motion carried 3-0 with a roll call vote.**

**First Reading of Ordinance No. 2009-005, An Ordinance of the Town Council of the Town of Howey-in-the-Hills, Lake County Florida, Relating to the Meetings, Voting and Officers of the Planning and Zoning Commission; Amending Section 48-3 of Chapter 48 Of the Town's Code of Ordinances; Providing for Codification; Ratifying Unamended Code Sections; Providing for Severability; Providing for an Effective Date**

**Ordinance No. 2009-005 was read by title only.**

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

**Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to adopt the first reading of Ordinance No. 2009-005. Motion carried 3-0 with a roll call vote.**

**First Reading of Ordinance No. 2009-006, An Ordinance of the Town Council of the Town of Howey-in-the-Hills, Lake County, Florida Relating to Planned Unit Development District Regulations; Revising Article IV of the Land Development Regulations to Include Requirements Regarding Construction Plan Approval and to Provide A Time Limit to Commence Construction of Required Improvements; Providing for Applicability to Existing Planned Unit Developments; Repealing Conflicting Ordinances; Providing for Updates to the Land Development Regulations and Ratifying Unamended Provisions of the Land Development Regulations; Providing for Severability and Providing for an Effective Date**

**Ordinance No. 2009-006 was read by title only.**

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

**Councilor Ernest, seconded by Mayor Pro-Tem Johnson, moved to adopt the first reading of Ordinance No. 2009-006. Motion carried 3-0**

First Reading of Ordinance No. 2009-007, Vacating the Platted Street Known as 5<sup>th</sup> Avenue To Now Be Owned, Repaired and Maintained by the Homeowners living on Fifth Avenue; Providing for An Effective Date

Ordinance No. 2009-007 was read by title only.

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

Mayor Pro-Tem Johnson, seconded by Councilor Ernest, moved to adopt the first reading of Ordinance No. 2009-007. Motion carried 3-0 with a roll call vote.

#### OLD BUSINESS- NONE

#### **MAYOR / TOWN COUNCIL REPORT**

**Mayor Pro-Tem Johnson** 1) discussed the boat dock and Whispering Hills 2) said he is working with Pubic Works and they are doing a good job.

#### **PUBLIC COMMENTS**

- **Janice McClain:** voiced her concerns with the Lakeshore Blvd. /Revels Road widening project.
- **Pam Hunt:** said she is in favor of the Lakeshore Blvd/Revels Road widening project.
- **Sue Hartman:** voiced her concerns with the Lakeshore Blvd/Revels Road widening project.
- **Paul Crawley:** voiced his opinion about the Lakeshore Blvd/Revels Road widening project.
- **Ms. Triplett:** voiced her concerns with the Lakeshore Blvd/Revels Road widening project
- **Glennys Barber:** voiced her concerns with the Lakeshore Blvd/Revels Road widening project
- **Del Pearce:** said he is in favor of the project as this project is being paid by Lake County Impact Fees.
- **Robert Olsen:** discussed an email that he responded to regarding this project.
- **Steve Kondo:** voiced his concerns with the Lakeshore Blvd/Revels Rod widening project.
- **Ed Smith:** said Lakeshore Blvd is falling apart.

**ADJOURNMENT AT 9:04 P.M.**



Chris Sears, Mayor

ATTEST:



Brenda Brasher, CMC  
Town Clerk