

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING
HELD JUNE 8, 2009**

Mayor Sears called the Town Council Meeting of June 8, 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, Councilor Ernest, Councilor Nebel, Town Attorney Blom-Ramos and Administrative Assistant Osborn. Also present, Police Chief Robbins, Public Works Director Padgett and Assistant Public Works Director Smith.

Absent: Councilor Green

NEW BUSINESS

Discussion and Selection of Town Council Applicant(s) to Fill Vacant Town Council Seat #3

The following applicants were interviewed:

Glennys Barber - 307 S Lakeshore Boulevard
David Heeren - 314 Dupont Circle
Robert Morse - 1103 Hamlin Avenue
Clay Ormsbee - 301 N Lakeshore Boulevard
Beatriz Ramos - 204 Croton Way
Diane Sullivan - 107 E Myrtle Street
Wayne Gale - 120 E Oak Street (withdrew application)

Each applicant told a little about themselves and why they applied. **Councilor Ernest** nominated Clay Ormsbee. **Councilor Nebel** said she felt there are two candidates who are qualified to fill the seat at this time. They are Beatriz Ramos and Clay Ormsbee. Discussion ensued.

Councilor Ernest, seconded by Councilor Nebel, moved to appoint Clay Ormsbee to fill the vacant Town Council Seat #3 until the Special Election is held. Motion carried 3-0 with a roll call vote.

Swear-In of Appointed Town Councilor

Mayor Sears swore Clay Ormsbee into Town Council Seat # 3.

Nominations for Mayor Pro-Tem

Councilor Ormsbee asked if this has to be done tonight and said he felt council should wait for Councilor Green to be present. Discussion ensued.

Councilor Nebel, seconded by Councilor Ormsbee, moved to table nominations for Mayor Pro-Tem until the Joint Work Session on June 23, 2009 at 6:00 p.m. Motion carried with a 4-0 roll call vote.

Set Special Election Date

Attorney Ramos explained that the election date is at the discretion of the Town Council. Holding a special election before the November 3, 2009 election will cost the Town more money.

***Councilor Nebel**, seconded by **Councilor Ernest**, moved to hold the Special Election on November 3, 2009. Motion carried with a 4-0 roll call vote.*

Discussion on Ordinance No. 2009-???, Relating to Vacancies on the Town Council; Amending Chapter 42 of the Code of Ordinances of the Town of Howey-in-the-Hills, Florida by Amending Section 42-9 and Adding a New Section 42-10 Regarding the Process and Procedure to Temporarily Fill One or More Town Councilor Vacancies.

Town Attorney Ramos explained that this is a draft ordinance for discussion and explained the process if more than one seat is vacant. The town council can modify the ordinance by a majority vote if necessary. **Councilor Nebel** asked if husband and wife are able to both serve on the same Council without it being a conflict. **Town Attorney Ramos** said that is not an issue in the Town Charter. Discussion ensued. **Mayor Sears** said he feels the process used tonight works for him and this item is for discussion only but can come back at a later date.

Discussion: Cemetery Irrigation Well (Approximate Cost of \$7,000) and Lakeshore Boulevard Park Irrigation

Mayor Sears explained this item is due to the renewal of the Town's CUP and to discuss using the best resources for irrigating town property. The irrigation water for the cemetery and Lakeshore Boulevard Park is coming from the Town's potable water at this time. If the town spends the money on a well pump at the cemetery and uses unmetered water to irrigate, the usage would not be used against our CUP. A possibility for alternate water would be to pump from Lake Harris for the lakeshore irrigation. **Councilor Ernest** asked where the money would come from for these items. **Mayor Sears** said from the Utility Fund. **Public Works Director Padgett** asked why should it come from the Utility Fund? **Mayor Sears** said it is at the discretion of the Town Council. **Councilor Nebel** said Town Engineer Shira said every dollar we have is going to the water improvement project. Discussion ensued on water alternatives.

Mayor Sears said he has asked B&H Consultants to research the needed capacity change for the CUP renewal. **Councilor Nebel** said she is not in favor of pumping water out of the lake.

Mayor Sears said this could be brought back with more information at a later date suggested the cemetery irrigation be a separate issue from the lakeshore irrigation. He asked the council what they wanted to do and it was decided that he will explore this and bring back at a later date.

Discussion: Property located at 105 W Central Avenue

The Planning and Zoning Commission has already discussed this item and requested for the Town Attorney to review. **Attorney Ramos** explained the title search and the costs that the Town would incur if the Town accepts the offer. She said the taxes must be paid as they are, but if the Town accepts and completes the transaction by the first of the year it could be considered a municipal purpose and could be a tax exemption. Discussion ensued on the septic tank situation between this property and 107 W Central Avenue. **Councilor Ernest** asked what happens if the Town does not accept the property. **Mayor Sears** said this topic was for discussion tonight. The property is listed for \$150,000 and could go into auction. Discussion

ensued.

It was the consensus of the Town Council to get more information and add this item to the June 23, 2009 agenda. Councilor Ormsbee will get information from Dr. Clark on the septic tank issue.

Discussion: Resolution No. 2006-013 Meter Tampering Fee

Mayor Sears explained the history of the resolution and described types of tampering situations. He then asked what the council's wishes were on this matter. Discussion ensued on definitions of meter tampering.

It was the consensus of the Town Council for Mayor Sears to bring this item back at a later date with definitions.

Discussion: Ordinance No. 2005-369, Amending Chapter 171, Section 171-4 to Provide for Return of Water Deposits; Amending Chapter 171, Section 171-8 of the Code of Ordinances to Modify Disconnection Procedures for Unpaid Water Bills; Deleted Section 171-17 of the Code of Ordinances Entitled "Temporary Discontinuance".

Mayor Sears asked if council understood this ordinance. There was discussion and Mayor Sears said he wants the council's feelings on this matter and how they would like it handled.

It was the consensus of the Town Council to bring this item back at a later date.

Discussion: Counter Offer Barber vs. Town of Howey-in-the-Hills

Town Attorney Ramos gave background on this item and she does not feel the Barber's have grounds but it is up to the Town Council to act.

It was the consensus of the Town Council to reject the counter offer.

Second Reading and Adoption of Ordinance No. 2009-010, Updating and Amending the Capital Improvement Element of the Comprehensive Plan as Required by Florida Statute 163.3177; Providing For Conflicts, Severability, Transmittal and An Effective Date.

Ordinance No. 2009-010 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 Councilor Nebel, moved to adopt the second reading and adoption of Ordinance No. 2009-010. Motion carried 4-0 with a roll call vote.

First Reading of Ordinance No. 2009-011, Relating to Building Permits; Amending Article VI of the Town of Howey-in-the-Hills Land Development Regulations to Provide that the Town's Building Official rather than the Planning and Zoning Commission can issue Permits for Accessory Buildings, Walls and Fences, Swimming Pools and Pools Enclosures, and Docks, Piers and Wharves; Amending Article XIX of the Land Development Regulations to Provide that the Town's Building Official Rather than the Planning and Zoning Commission can Issue Permits for Signs; Providing for Updates to the Land Development

Regulations and Ratifying Unamended Provisions of the Land Development Regulations; Providing for Conflicts and Severability and Providing for an Effective Date.

Ordinance No. 2009-011 was read by title only.

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

Councilor Nebel, seconded by Councilor Ormsbee, moved to adopt the first reading of Ordinance No. 2009-011. Motion carried 4-0 with a roll call vote.

OLD BUSINESS-

Discussion and Selection of RFQ 2009-001 Qualifications for Potable Water System Expansion and Improvements.

Public Works Director Padgett explained his recommendation for B&H Consultants, Inc. Discussion ensued.

Councilor Nebel, seconded by Councilor Ernest, moved to go with the recommendation of Public Works Director Padgett and start negotiations with B & H Consultants, Inc. for the Water Improvement Project. Motion carried 4-0 with a roll call vote.

MAYOR / TOWN COUNCIL REPORT

Councilor Ormsbee reported on the boat pier project and said the final payment will be getting submitted soon. He also said he is working with DEP on the mitigation.

He asked to serve as the liaison for the Parks and Recreation Board.


Councilor Nebel reported on the MPO study. She also said the Water Alliance will meet this week on visioning.

Councilor Ernest said he has met with the Public Works Department and the Library. He has also met with the special events committee for the Christmas event.

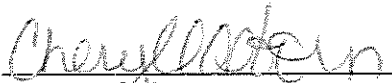
PUBLIC COMMENTS

Patricia Ritson asked about her water having sediment in it.

ADJOURNMENT AT 8:35 P.M.


Chris Sears, Mayor

ATTEST:


Cheryll Osborn
Administrative Assistant