

Minutes of the Howey-in-the-Hills Town Council Meeting Held August 10, 2009

Mayor Sears called the Town Council Meeting of August 10, 2009 to order at 6:00 p.m.

Troop No. 254 led the Pledge of Allegiance to the Flag.

Bob Olsen led the Invocation.

Present: Mayor Sears, Councilor Nebel, Councilor Ernest, Councilor Ormsbee, Councilor Green (arrived 6:10 p.m.) Town Attorney Blom-Ramos and Town Clerk Brasher.

Absent: None

PRESENTATIONS

S. Lakeshore Blvd. and East Revels Road Widening Project

Traffic Engineer Watanabe presented the S. Lakeshore Blvd. and Revels Road Widening Project and discussed the three (3) options and the costs associated with the project. He further stated Lake County Board of Commission would like a Resolution as to what option the Town has chosen.

Mayor Sears said according to Lake County's CIP; there is money available for engineering but no money available to fund the project and wondered where the project stands with the County. **Traffic Engineer Watanabe** said there is no money set aside for funding but that is due to the fact that there has been no engineering submitted. He further stated Lake County and the Town are the only ones drawing money from District 4. He said he had a conversation with Fred Schneider who stated there is over 1 million dollars unallocated for District 4. **Councilor Nebel** said Lake County's main concern is County Road Number Two. **Mayor Sears** informed the public that this item will come before the Town Council for a vote at the September 14 Town Council Meeting.

Councilor Green, seconded by Councilor Ormsbee, moved to hear public comments for the S. Lakeshore Blvd./East Revels Road Widening Project only. Motion carried 5-0 with a roll call vote.

Traffic Engineer Watanabe clarified the traffic counts for the road project.

Public Comments for the S. Lakeshore Blvd. and East Revels Road Widening Project

Sharon Couture voiced her opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Paul Crawley voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Stanford "Barry" Crowder voiced his opinion on the S. Lakeshore Blvd. /East Revels

Road Widening Project.

Pam Hunt voiced her opinion on the S. Lakeshore Blvd./East Revels Road Widening Project.

Steve Kondo voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Janice McClain voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Glenda Moore voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Bob Olsen voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Charlie Pasch voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Del Pearce voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Patricia Ritson voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Kay Stachowski voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

Diane Sullivan voiced his opinion on the S. Lakeshore Blvd. /East Revels Road Widening Project.

CONSENT AGENDA

Town Council Minutes of regular meeting held June 8, 2009, regular meeting held July 13, 2009, and Joint Work Session held June 23, 2009.

Councilor Ernest, seconded by Councilor Ormsbee, moved to approve the Consent Agenda as presented. Motion carried 5-0 with a roll call vote.

NEW BUSINESS

Nominations for Mayor Pro-Tem

Councilor Nebel, seconded by Councilor Ormsbee, moved to appoint Kenny Green as Mayor Pro-Tem for term ending December 2010. Motion carried 5-0 with a roll call vote.

Del Pearce voiced his concerns with the nomination due to the fact that Kenny has missed a lot of meetings.

Bob Olsen voiced his opinion with the nomination.

Discussion: Capitol Improvements Element (CIE) for SR 19

Traffic Engineer Watanabe presented his report for the CIE for SR 19. He further stated the Town has the road locked into a two-lane roadway.

Councilor Nebel said the MPO has said they will accept the Concurrency if the Town

goes to three-lanes on SR 19 instead of four-lanes. **Traffic Engineer Watanabe** asked the Town Council for direction.

Councilor Ormsbee, seconded by Councilor Nebel, moved to adopt the Capital Improvements Element for SR 19. Motion carried 5-0 with a roll call vote.

Janice McClain asked for clarification with regards to Concurrency. **Traffic Engineer Watanabe** said the intersections and curb will be modified and the Town will lose the parking.

Diane Sullivan asked for clarification on this item. **Traffic Engineer Watanabe** clarified the issue.

Patricia Ritson asked why the traffic cannot be deterred around the Town. **Traffic Engineer Watanabe** responded to the question.

Consideration and Approval of Design Fee Proposal for Water Treatment Plant in the Amount of \$322,011.50

Town Engineer Shira said the application has not been approved and he cannot get a time frame for approval.

Bob Morse asked for clarification on certain items with regards to the project. **Mayor Sears** clarified and explained the project to the public.

Archie Sagers asked if there is anything included in this project to increase the water pressure. **Town Engineer Shira** said the ground storage tank will have high service pumps which will allow the pressure to be controlled but should pressure problems continue, there are other areas to look at.

Councilor Ernest, seconded by Mayor Pro-Tem Green, moved to accept the Design Fee for Water Treatment Plant Proposal by B&H Consultants, Inc. in the amount of \$332,011.50. Motion carried 5-0 with a roll call vote.

Consideration and Approval of Transforming Overall Water System Layout into GIS Format Proposal for Phase 1 in the Amount of \$1,700.00 and Phase 2 is Charged on an Hourly Fee Basis

Mayor Sears gave a detailed background on this item and said this proposal would allow the Town to go digital and have GPS coordinates of all current assets.

Councilor Nebel, seconded by Councilor Ormsbee, moved to approve the transforming overall water system layout into GIS format proposal for Phase 1 in the amount of \$1,700 and Phase 2 will be charged on an hourly fee basis as submitted by B&H Consultants, Inc. Motion carried 5-0 with a roll call vote.

Discussion: School Concurrency Issues

Town Planner Shira gave detailed background on this item and asked for direction from the Town Council if they would like to change the Interlocal Agreement.

Discussion ensued. **Councilor Nebel** said the Town should move forward with the

current Interlocal Agreement.

Councilor Nebel, seconded by **Mayor Pro-Tem Green**, moved to authorize Town Planner Shira to notify the School Concurrency Members that the Town would like to move forward with the current Interlocal Agreement. Motion carried 5-0 with a roll call vote.

Discussion: Jeff Miller, Scoutmaster Troop 254, Requesting Permission to Hold Monthly Pancake Breakfasts at the Gazebo as Fundraisers
Jeff Miller gave background on this item.

Councilor Nebel asked who will be responsible for liability issues Discussion ensued.

Councilor Nebel, seconded by **Councilor Ormsbee**, moved to approve the pancake breakfast subject to the insurance coverage of the Town. Motion carried 5-0 with a roll call vote.

Discussion: Cemetery Landscape Update
Chairman Herrington gave background on this item. **Mayor Sears** asked for a budget.

Councilor Ormsbee, seconded by **Councilor Ernest**, moved to approve the Cemetery Landscape request. Motion carried 5-0 with a roll call vote.

Consideration of Board Appointment to Planning and Zoning Commission
Applicants Shawna Hulbert, Barry Crowder, David Heeren, Robert Morse, Kathleen Ormsbee, and Patricia Ritson
Shawna Hulbert was present and gave background.

Councilor Ernest asked Ms. Hulbert why the Town Council should choose her as the applicant. **Ms. Hulbert** said she is younger. **Councilor Ormsbee** asked if she was able to commit to the meetings and to commit to review of the packet material, etc. **Ms. Hulbert** said she was.

Councilor Ormsbee, seconded by **Councilor Ernest**, moved to appoint Shawna Hulbert to the Planning and Zoning Commission. Motion carried 5-0 with a roll call vote.

Discussion and Approval of Lot Cleaning Ordinance with a Not to Exceed Amount of \$3,500
Mayor Sears gave background on this item. **Town Attorney Blom-Ramos** said instead of filing liens on property, she suggested a special assessment. Discussion ensued.

Barry Crowder asked for clarification with this item.

Patricia Ritson asked why the fee was not added to the utility bill.

Councilor Ormsbee, seconded by **Mayor Pro-Tem Green**, moved to move forward with the adoption of the Lot Cleaning Ordinance. Motion carried 5-0 with a roll call vote.

Consideration and Approval of Bad Debt Write-Offs in the Amount of \$1,256.73

Councilor Ernest, seconded by **Mayor Pro-Tem Green**, moved to approve the bad debt write-off in the amount of \$1,256.73 for tenants only. Motion carried 5-0 with a roll call vote.

Discussion: Workers Compensation Payment to Employees

Mayor Sears gave detailed background on this item. **Town Attorney Blom-Ramos** gave detailed background on this item and said there should be a policy or procedures in place.

Councilor Nebel, seconded by _____, moved to allow Mayor Sears to make the decision on a case by case basis. Motion died due to lack of a second.

Mayor Pro-Tem Green discussed issues such as sick leave, vacation leave, etc.

Barry Crowder asked if short and long term disability was available. **Town Clerk Brasher** clarified long and short term disability benefits were not provided by the Town.

Mayor Pro-Tem Green, seconded by **Councilor Nebel**, moved to allow employees to be paid accrued sick and vacation leave, while they collect the 66 2/3 of their salary from Workers Compensation. Motion carried 3-2 with Councilor Ernest and Mayor Sears voting no.

Mayor Pro-Tem Green, seconded by **Councilor Nebel**, ratified all actions previously taken by Mayor Sears. Motion carried 5-0 with a roll call vote.

Set Budget Work Session Date(s)

Mayor Sears said he will submit a balanced budget and the Town Council needs to set a budget work session date.

It was the consensus of the Town Council to hold the Budget Work Session dates on August 24 and August 31 beginning at 6:00 p.m.

Consideration and Approval or Denial of Amended Interlocal Agreement Relating to the Formation of a Water Alliance of Lake County

Councilor Nebel, seconded by **Councilor Ormsbee**, moved to continue the Water Alliance Interlocal Agreement to the September 14, 2009 Town Council Meeting. Motion carried 5-0 with a roll call vote.

PUBLIC HEARINGS

Second Reading and Adoption of Ordinance No. 2009-012, Amending Chapter 13 of the Town's Code of Ordinances Pertaining to "Elections"; Amending the Powers and Duties Conferred by the State Election Law Upon the Chief of Police; Amending the Deadline to File the Qualifying Petition and Qualification Papers with the Town Clerk; Amending the Town Clerk's Duties Regarding Election Results; Providing for Codification; Providing for Severability; Providing an Effective Date

Town Attorney Blom-Ramos read by title only, Ordinance No. 2009-012.

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

Councilor Nebel, seconded by Mayor Pro-Tem Green, moved to adopt Ordinance No. 2009-012, Amending Chapter 13 of the Town's Code of Ordinances Pertaining to Elections. Motion carried 5-0 with a roll call vote.

First Reading of Ordinance No. 2009-013, Amending in its Entirety Chapter 34, Police Officers' Retirement System of the Code of Ordinances of the Town of Howey-in-the-Hills to Provide for Amendments Applicable to the Municipal Police Officers' Retirement Trust Fund; Providing for Repeal of Conflicting Ordinances; Providing for Inclusion in the Code of Ordinances; Providing for Severability; Providing for an Effective Date

Town Attorney Blom-Ramos read by title only, Ordinance No. 2009-013.

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. 2009-013, Amending Chapter 34, Police Officers' Retirement System. Motion carried 5-0 with a roll call vote.

First Reading of Ordinance No. 2009-014, Pertaining to Metered Water Taxes: Amending Section 154-4 of Chapter 154 of the Code of Ordinances of the Town of Howey-in-the-Hills, Florida to Require All Metered Water Taxes Collected By the Town to be Deposited in the Town's Utility Fund Rather Than the Town's General Fund' Providing for Codification and Inclusion in the Code of Ordinances; Ratifying Unamended Code Sections; Providing for Severability; Providing for an Effective Date

Town Attorney Blom-Ramos read by title only, Ordinance No. 2009-014.

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

Councilor Ormsbee, seconded by Councilor Nebel, moved to adopt the first reading of Ordinance No. 2009-014, Pertaining to Metered Water Taxes. Motion carried 5-0 with a roll call vote.

OLD BUSINESS

Discussion: Hollenbach Property

Councilor Nebel, seconded by Mayor Pro-Tem Green, moved to authorize Mayor Sears to obtain the property and raze the Hollenbach property. Motion carried 5-0 with a roll call vote.

Mayor Sears swore Kenneth Green in as the Mayor Pro-Tem

MAYOR / TOWN COUNCIL REPORT

Mayor Sears: Said he spoke with Venezia and they would like to speak with the Town Council about their project. He also said he and his family were on the Howey Bridge and a vehicle in front of them, lost control due to the driver having a seizure. He contacted Police Chief Robbins and Howey police officers responded in a timely fashion, which made a difference to the man that was ill.

Councilor Nebel: None


Councilor Ernest: None

Mayor Pro-Tem Green: None

PUBLIC COMMENTS

Barry Crowder noted there are numerous street lights outs. **Councilor Ormsbee** said he has contacted Progress Energy and there has been a service order issued for repair.

ADJOURNMENT AT 9:19 p.m.



Chris Sears, Mayor

ATTEST



Brenda Brasher, CMC
Town Clerk