

Minutes of the Howey-in-the-Hills Town Council Meeting Held February 8, 2010

Mayor Sears called the Town Council Meeting of February 8, 2010 to order at 6:00 p.m.

Cub Scout Troop led the Pledge of Allegiance to the Flag.

Councilor Ernest led the Invocation.

Present: Mayor Sears, Councilor Nebel, Councilor Ernest, Councilor Crowder, Town Attorney Blom-Ramos and Town Clerk Brasher.

Absent: Mayor Pro-Tem Green

NEW BUSINESS

Nomination and Motion for Mayor Pro-Tem for Term Ending December 2010

Councilor Nebel said she would like to be the Mayor Pro-Tem and **Councilor Crowder** said he would like to be the Mayor Pro-Tem.

Councilor Ernest asked Councilor Nebel and Councilor Crowder why they were interested in being Mayor Pro-Tem.

Councilor Nebel noted the numerous boards she has been associated with and of the current Council and she has been on the Council the longest.

Councilor Crowder said he has owned several businesses and has finance background.

Councilor Nebel, seconded by Councilor Ernest, moved to nominate Councilor Nebel as Mayor Pro-Tem. Motion carried 3-1 with Councilor Crowder voting no.

Consideration and Approval of Addendum to Interlocal Agreement between Lake County and the Town of Howey-in-the-Hills for Lakeshore Blvd and East Revels Road Project

Traffic Engineer Watanabe gave detailed background on this item and said this is an addendum to the original Interlocal Agreement.

Councilor Crowder said the agreement will not pay for anything over \$100,000 and if the project goes over budget Lake County will not pay the overage difference. **Mayor Sears** said he is concerned that the realignment of Revels Road is not included in this project. **Traffic Engineer Watanabe** said the only problem could be working with F.D.O.T. on the realignment.

Councilor Crowder asked if the corner property owned by Flagship Land Development, Inc. has been dedicated to Lake County. **Traffic Engineer Watanabe** said the property has been conveyed. He further stated F.D.O.T. will have to approve the realignment. **Mayor Sears** said the plans should be handed over to Lake County for them to work with F.D.O.T. **Councilor Ernest** asked what would happen if F.D.O.T. or any other entity prohibits the project.

Mayor Pro-Tem Nebel, seconded by **Councilor Ernest**, moved to approve the Addendum to Interlocal Agreement between Lake County and the Town of Howey-in-the-Hills for Lakeshore Blvd and East Revels Road Project. Motion carried 3-1 with Councilor Crowder voting no.

Discussion and Approval to Authorize Mayor Sears to Enter into Discussions Regarding Lake County School Property Located at 525 N. Georgia Avenue

Mayor Sears gave background on this item and said the property is vacant and available. He further said the School Board is eliminating their surplus property and under the right terms it would be an asset to the Town.

Mayor Pro-Tem Nebel, seconded by **Councilor Ernest**, moved to authorize Mayor Sears to enter into discussions regarding Lake County School property located at 525 N. Georgia Ave. Motion carried 4-0 with a roll call vote.

Discussion: Palm Avenue Zoning Plan

Councilor Crowder said there is no light zoning for homes located along Palm Ave and adding this type of zoning is needed in the Town. **Mayor Pro-Tem Nebel** said once the rezoning starts in those areas, it won't stop. A new zoning category has been previously discussed. **Mayor Sears** said he visions the Town as a work here, live here community and is that the direction for Palm Ave. **Town Planner Shira** reminded the Town Council that blocks have already been picked and the Town Center Over-Lay district is being processed. The Town needs to address stormwater, wastewater and traffic. **Councilor Crowder** asked to see the over-lay.

Patty Ritson, 205 S. Lakeshore Blvd. said she has a listing at 408 S. Palm Ave and there have been numerous inquiries for commercial/professional or professional/residential.

Discussion and Approval of Accident/Injury Form Packet

Lt. Thomas was present to answer questions with regards to the packet of forms submitted for approval. The packet was created by the Safety Committee. **Councilor Crowder** said these forms will help with future accidents and injuries. The Safety Committee consists of Lt. Thomas, Administrative Assistant Osborn, Deputy Public Works Director Smith and Library Director Merchant.

Councilor Ernest, seconded by **Councilor Crowder**, moved to approve the Accident/Injury Form Packet. Motion carried 4-0 with a roll call vote.

Steve Barber voiced his concerns about injury forms.

Discussion: Topics for 2nd Town Council of Each Month

- a. February – Discussion and Update on Downtown Planning
- b. March – Water Plant Review
- c. April – Mid-Year Budget Review
- d. May - Personnel Manual

Mayor Sears said the second meetings of each month were created to discuss general Town business. **Mayor Pro-Tem Nebel** said she would like one issue on the agenda.

Discussion and Approval for Annexation Meeting for Neighboring Property Owners at Mission Inn

Mayor Sears gave background on this item.

Mayor Pro-Tem Nebel, seconded by **Councilor Crowder**, moved to approve the annexation meeting at Mission Inn for neighboring property owners. Motion carried 4-0 with a roll call vote.

Discussion and Approval to Allow Staff to begin Discussion of Proposed Venezia Development Revisions

Mayor Sears gave background on this item and said the Town needs to make a decision to entertain or end the discussions with Venezia.

Town Attorney Blom-Ramos clarified that the Town has never told the developer that they could not go back through the development process. **Mayor Pro-Tem Nebel** said she would like to listen to the Town Attorney and the Town Planner. **Town Attorney Blom-Ramos** said the Town cannot approve the proposed development until it goes through the proper procedures of review, etc. **Councilor Crowder** said the Town can authorize Mayor Sears to open up the PUD discussions with the Town. **Town Planner Shira** said the developer has the right to come forward with a new project. She further stated a PUD is a negotiated zoning and the developer should go through the process which starts by meeting with the Development Review Committee. The property owned by Lykes that is noted in the letter from Lykes dated January 15, 2010 is not part of the Venezia Planned Unit Development (PUD). **Town Attorney Blom-Ramos** said the issues in the letter should be excluded from any discussions with the developer.

Councilor Crowder, seconded by **Councilor Ernest**, moved to end the alternative water impact fee in 60 days from February 8, 2010 and Mayor Sears

can transmit this motion to Flagship Development Land Group. Motion carried 4-0 with a roll call vote.

PUBLIC HEARING

Final Reading and Adoption of Ordinance No. 2009-015, Pertaining to Comprehensive Planning, Adopting the Evaluation and Appraisal Report (EAR) for the Town's Comprehensive Plan, Stating the Intent of the Town Council to Amend the Comprehensive Plan based Upon Recommendations Set Forth in the Report; Approving Transmittal of the Report to the Department of Community Affairs (DCA); Providing for Severability; Providing for an Effective Date

Ordinance No. 2009-015 was read by title only.

The Public Hearing was opened.

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

Councilor Crowder, seconded by Councilor Ernest, moved to adopt Ordinance No. 2009-015, Pertaining to Comprehensive Planning, Adopting the Evaluation and Appraisal Report (EAR) for the Town's Comprehensive Plan, Stating the Intent of the Town Council to Amend the Comprehensive Plan based Upon Recommendations Set Forth in the Report; Approving Transmittal of the Report to the Department of Community Affairs (DCA); Providing for Severability; Providing for an Effective Date. Motion carried 4-0 with a roll call vote.

OLD BUSINESS

Discussion: Status of Maintenance Plan

Councilor Crowder gave background and asked the status of the Maintenance Plan. Discussion ensued.

MAYOR/COUNCIL COMMENTS

Mayor Sears - None

Mayor Pro-Tem Nebel –None

Councilor Ernest -None

Councilor Crowder said he received an email from a citizen regarding the lawsuit and presented it for discussion.

Steve Barber said Mayor Sears spoke with his wife, not him. **Mrs. Barber** said Mayor Sears said at that meeting that he could not offer a settlement to split the \$1,000 in half. **Mayor Sears** said he did offer to split the \$1,000 with the Barbers.

Steve Barber said the lawsuit is about the principal not the money and that he and his wife received poor legal advice. He said the Building Official did not follow the correct building guidelines and this is a matter of principal. He further asked the Town Council what it is going to take to mow the grass in front of his home.

Mayor Sears said the mower gets stuck and is unsafe to mow. He further asked Mr. Barber to meet him at the area to discuss the problem.

PUBLIC COMMENTS

Janice McClain voiced her concerns with the legal fees and the settlement.

Charlie Richardson said the Parks and Recreation Board needs members.

ADJOURNMENT AT 8:00 P.M.

ATTEST:

Chris Sears, Mayor

Brenda Brasher, CMC
Town Clerk