

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

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

Cub Scout Troop #254 led the Pledge of Allegiance to the Flag

Mayor Pro-Tem Nebel led the Invocation

Present: Mayor Sears, Councilor Ernest, Mayor Pro-Tem Nebel, Councilor Crowder and Administrative Assistant Osborn.

Absent: Councilor Green

CONSENT AGENDA –

Minutes of the Town Council Work Session held February 22, 2010, Land Planning Agency Meeting held February 8, 2010, Town Council Meeting held February 8, 2010, Work Session held January 15, 2010, Town Council Meeting held January 11, 2010, Town Council Meeting held December 14, 2009, Town Council Meeting held November 23, 2009 and Town Council Meeting held November 9, 2009.

Councilor Crowder, seconded by Mayor Pro-Tem Nebel, moved to approve the Consent Agenda as presented. Motion carried 4-0 with a roll call vote.

NEW BUSINESS

Discussion: Conceptual Plans for SR 19

Town Traffic Engineer Watanabe gave a presentation of the conceptual plans he was requested to provide on options for three lanes on S.R. 19. He said he was instructed to have the project fit between the existing curbs. **Mayor Sears** gave background and explained that this is Howey's solution to a four lane highway. The Planning & Zoning Commission recommended Option A and for the project to continue to Citrus Avenue. **Councilor Crowder** asked when is Astatula's Public Hearing. **Mayor Sears** said he is not sure it is scheduled yet but it is critical to get our Conceptual Plans to the MPO and then to FDOT. The difference is Option A shows less impact and Option B shows longer medians. He said these options will keep the project between the curbs of S.R. 19. The state does have new standards on the turning radius' that will have to be met.

Consideration and Approval of Resolution No. 2010-001, Entering into a Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services and Division of Forestry.

Mayor Sears read Resolution No. 2010-001 by title only.

Charlie Richardson explained that he worked with a grant writer from a large nursery to apply for a grant which was submitted on February 12, 2010. The Town should know

within a couple of weeks and the grant should be approximately \$24,000 with no cost to the Town. He said they must have the Town Council approval.

Mayor Pro-Tem Nebel said there is a paragraph concerning the school that should not be included.

Councilor Ernest, seconded by **Mayor Pro-Tem Nebel**, moved to approve Resolution No. 2010-001, Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services and Division of Forestry. Motion carried 4-0 with a roll call vote.

Consideration and Appointment of One (1) Planning and Zoning Commission Applicants: Clay Ormsbee and Patricia Ritson.

Patricia Ritson gave her background and experience. She said she sees changes coming and feels she can bring knowledge and expertise. She said she does not believe in high density housing and has concerns with zoning on S.R. 19. **Mayor Pro-Tem Nebel** asked what her vision is for S.R. 19. She said she would like to see small businesses along S.R.19. **Mayor Pro-Tem Nebel** asked if she meant that she wanted commercial on S.R.19. **Patricia Ritson** said professional and residential. **Councilor Crowder** said he has concerns on members committing to P&Z and asked if she plans to stay on the Commission. **Patricia Ritson** said if she gets on appointed to the Planning and Zoning Commission she plans to stay. **Councilor Crowder** asked what her number one reason for applying to be on the Commission. **Patricia Ritson** said to protect and enhance the Town and type of growth that comes here.

Clay Ormsbee gave his background and has served on this Commission for two and one half years and is applying because of his experience on this Commission. He said the members need to be a guardian for the Town and check out any requests that come before the Commission and follow rules in place. He said he has no benefit for serving on the Commission. He said his vision on S.R.19 and commercial. He said he is not going to commit on running for Town Council and that he feels members should be able to move up and take their experience with them. His number one priority is serving this community.

Mayor Sears said the Planning and Zoning Commission recommended Clay Ormsbee at the February 25, 2010 meeting. **Mayor Pro-Tem Nebel** said looking at history, the Town Council has supported what Planning and Zoning Commission thinks unless there is a problem.

Mayor Pro-Tem Nebel, seconded by **Councilor Ernest**, moved to appoint Clay Ormsbee to the Planning & Zoning Commission. Motion carried 4-0 with a roll call vote.

Update of Land Development Regulations Re-Write and Comprehensive Plan Re-Write.

Town Planner Shira gave an update on the status of the Land Development Regulations Re-Write and the Comprehensive Plan Re-Write. She said the Town

Council has asked her to move ahead on LDR revisions but now to possibly putting the LDR on hold to work on the Comprehensive Plan to define Land Use. **Mayor Sears** said if the Town Council wants to move aggressively with annexation, the Town must have defined land use or mixed use updates to our 1991 document, therefore, he feels the Town should switch gears to move to the Comprehensive Plan Re-Write. **Mayor Pro-Tem Nebel** asked if there is enough time with the deadline of March 31, 2010. **Town Planner Shira** said there is a proposed schedule in the packet and said this will be on an expedited basis. It may involve Special Meetings to have the rewrite draft done by mid May and transmitted to the State by June.

Discussion and Approval of Comprehensive Plan Re-Write Proposal from B&H Consultants, Inc., Not to Exceed \$35,420.00 which does not include reimbursable charges such as copies, report materials, postage and mileage. Expenditure will come from 1519341(Planning) in the amount of \$27,978.00, 1519496 (Contingency) in the amount of \$6,699.00 and 1519360 (Codification) for the remaining balance. Councilor Crowder asked about other money for the Conceptual Plan that has come out of the Contingency Account. **Mayor Sears** said he is using the amount that is showing in that account but he will verify the accuracy of the numbers.

Councilor Crowder asked about a proposal from B&H Consultants to include an all inclusive cost. **Town Planner Shira** explained it is mostly due to copies and extras. Discussion ensued. **Councilor Crowder** asked if there is enough time between the May Town Council Meeting and the June submittal. **Mayor Sears** said he has committed the Town Council should Special Meetings need to be held to expedite the process.

Councilor Ernest, seconded by Mayor Pro-Tem Nebel, moved to authorize B&H Consultants to move forward on Comprehensive Plan Re-Write for \$35,420.00 and associated costs. Motion carried 4-0 with a roll call vote.

Discussion: Consideration and Approval of Proposal from Liquid Solutions Group and Geosciences to the Water Alliance of Lake County Utility Working Group (UWG) to participate in the development of the New St. Johns River Water Management District Hydraulic Model. The Town's portion of the cost is \$1,144.91, which would be allotted over a two-year period to those participating based upon their water production. Mayor Sears said the Water Alliance has been disbanded and technical group is still working on this and asking for the Town to leave our dollars there to allow them to commission a study. Discussion ensued.

Councilor Ernest, seconded by Councilor Crowder, moved to reject and request the Town's money refunded. Motion carried 4-0 with a roll call vote.

Consideration and Approval of Resolution No. 2010-002, Amending the Town's Schedule of Fees as Set Forth in Chapter 30, Article II, Section 30-3 of the Code of Ordinances; Providing for Inclusions in the Code of Ordinances; Providing for Severability; Providing for an Effective Date.

Mayor Sears read Resolution No. 2010-002 by title only.

Mayor Sears explained this involves title and mortgage companies contacting municipalities for lien search requests. This takes time for staff and other towns are charging \$40 for same day or \$20 dollars for 2 or more days.

Councilor Crowder, seconded by Councilor Ernest, moved to approve Resolution No. 2010-002, Amending Schedule of Fees. Motion carried 4-0 with a roll call vote.

Discussion: Personnel Manual Review and Revision Process

Mayor Sears gave background and said Councilor Crowder has offered to work with staff on the Personnel Manual. **Mayor Pro-Tem Nebel** said it would be nice for the Town Council to know what is in place. **Councilor Ernest** asked about the manual from a year ago and was told it had been tabled or denied. Discussion ensued.

Councilor Ernest, seconded by Mayor Pro-Tem Nebel, moved for Councilor Crowder to meet with staff and bring an outline back to Town Council next month and staff comments. Motion carried 4-0 with a roll call vote.

Robert Morse expressed his concerns on the attorney fees.

Diane Sullivan expressed her concerns on attorney fees.

Discussion: Update on Performance Reviews

Mayor Sears said the performance reviews are done and plans to meet with Department Directors after the staff meeting this week. He would like to do reviews quarterly or semi-annual basis. **Councilor Crowder** expressed his concerns that there is Town staff that has not met the requirements in their employment agreement.

Discussion: Update for On-Call Status

Councilor Crowder said there is not a Public Works on-call schedule and expressed his concerns. Discussion ensued.

Discussion: Take Home Vehicles and Internal Revenue Service Taxable Fringe Benefit Guide

Councilor Crowder said the Internal Revenue Service recently sent out alert on guidelines for take home vehicles. There is no problem with our Public Safety vehicles since they are always on call and the Police Department as a policy. **Mayor Sears** said he will go over this at Staff Meeting regarding what the IRS is looking for and if 1099 needs to be issued.

PUBLIC HEARING

Variance Application, Charlotte S. Schluraff Trust, 707 S. Dixie Drive, for Wall Height

Mayor Sears read into record the Variance Application.

The Public Hearing was opened.

P&Z Member Pearce said that P&Z Commission's approval is strictly for the existing wall.

The Public Hearing was closed.

Councilor Crowder, seconded by Mayor Pro-Tem Nebel, moved to approve the Variance Application at 707 S. Dixie Drive based on P&Z Commission recommendation. Motion carried 4-0 with roll call vote.

First Reading of Ordinance No. 2010-001, Relating to the Parks & Recreation Advisory Board, Adding a New Chapter 49 to the Code of Ordinances Entitled "Parks and Recreation Advisory Board" to Codify the Membership, Terms of Office, Forfeiture and Vacancies, Meetings, Voting, Selection of Officers, and Duties of the Parks And Recreation Advisory Board; Providing for Codification; Providing for Severability; Providing for an Effective Date.

Mayor Sears read the Ordinance 2010-001 by title only.

The Public Hearing was opened.

Town Attorney Blom-Ramos said she set up this Ordinance exactly the same as the original Resolution with the exception of changing the amount of members from seven (7) to five (5).

Parks & Recreation Chairman Richardson said the Tree Preservation Board is not covered in this Ordinance. **Town Attorney Blom-Ramos** said she can insert that wording under duties of the board and have it approved at the second reading. There was discussion on term limits.

The Public Hearing was closed.

Councilor Crowder, seconded by Mayor Pro-Tem Nebel, moved to approve the First Reading of Ordinance No. 2010-001 to revise the Parks and Recreation Board membership with an amendment to combine the Tree Preservation Board to the Board along with specifying two (2) year terms. Motion carried 4-0 with a roll call vote.

PUBLIC COMMENTS

Patricia Ritson – Expressed her concerns regarding the water running out of the water tower and repairs needed at the playground.

Chad Curry – Asked where the other Town Councilor was this evening.

Paul Crawley – Expressed concern of alligators wandering into the playground.

Lt Thomas – The Town has renewed their Gator Permit or they will call animal control.

Diane Sullivan – Expressed her concerns on Councilor Green's attendance and if he plans on running at the next election.

MAYOR/COUNCIL COMMENTS

Councilor Crowder – Asked about the whereabouts of Councilor Green and his attendance at Town Council Meetings.

Mayor Sears – Said he will call Councilor Green to find out his intentions.

ADJOURNMENT AT 7:50 P.M.



Chris Sears, Mayor

ATTEST



**Cheryll Osborn
Administrative Assistant**