

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

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

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

Councilor Ernest led the Invocation.

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

Absent: None

PRESENTATION

Presentation to Town Councilor Green and Town Councilor Crowder

Mayor Sears presented a plaque and gift card to Councilor Green and Councilor Crowder and thanked them for their service to the Town.

CONSENT AGENDA

Minutes of October 25, 2010 Special Session and Work Session

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

Recess from 6:05 – 6:20 for cake and punch

NEW BUSINESS

Whispering Hills Construction Plans

Mayor Sears said this item went to the Planning & Zoning Commission and is here for consideration.

Town Planner Shira said the Planning & Zoning Commission heard this item on October 28, 2010 and the Commission went through her Staff Report item by item. She stated there are several items that are still outstanding since they could not come to a consensus with the developer. The following items were discussed:

1. The sidewalk along Buckhill Road. **Town Planner Shira** said the developer feels a 5-foot wide gravel walk-way was approved. The Town Council Minutes dated February 9, 2009, state the Town Council approved a 5-foot gravel trail around the large retention pond and one of the the remaining unresolved issues is the proposed sidewalk along Buckhill Road. She further stated Traffic Engineer Watanabe is here to talk about Buckhill Road.

Mayor Sears said the only way to get through this is to go item by item. **Mayor Pro-**

Tem Nebel said she does not want to go item by item and until every item is resolved this item should be tabled. **Mayor Sears** said the developer is here because certain items have not been resolved by Staff or the Planning and Zoning Commission. Discussion ensued. **Mayor Sears** asked for clarification for items No 1 & 16 (property legal issues). **Town Attorney Blom-Ramos** said the outstanding items in the Gray Robinson memo still need to be addressed and Gray Robinson's Land Development attorney would like to make contact with the developer's attorney to resolve the issues.

Clay Frankel, representative for the developer, said the legal issues in item No. 1 & 16 have been re-directed to a legal review and he wants proof that the certified schedule is a regulatory requirement. He further stated he has ownership documents to provide to the Town's legal counsel for review. **Town Attorney Blom-Ramos** recommends that the Town Council include the regulatory requirements with regards to ownership in their motion should they take action on this item tonight.

Mayor Sears said the plans are to be complete before it comes for approval before the Town Council again and he is not in favor of "subject to" approvals. **Town Planner Shira** said the ownership questions have always been an issue and the Town Council approved the Preliminary Plans subject to the ownership issues being satisfied.

Mr. Frankel asked for clarification for the wall details and sidewalk. He said it is too soon for the wall details and the issue is not about a sidewalk, it is about leaving room for tree roots. **Town Planner Shira** said the wall is a part of the infrastructure and the plans cannot be approved without the wall details. The approved PSP shows a gravel trail around the pond. She further stated there are two (2) separate walk ways, one along Buckhill Road and one internal walk way along the wall.

Mr. Frankel asked for clarification with regards to the number of trees he is required to save as he has an agreement to save 70 and the Planning & Zoning Commission is requiring him to save 105 trees. **Town Planner Shira** said the Town is asking the developer to show on the Construction Plans which 70 trees will be protected with protection barriers, which will have to be done before the Construction Plans are approved.

Mr. Frankel asked for clarification on Item No. 13 (pavement) as he would like the road approved for two (2) lifts. **Town Planner Shira** said Staff recommends a time certain of one year and a performance bond be posted. She also asked that should the Town Council make a motion to approve the Construction Plans, that they include the time certain and the performance bond for the road in their motion.

Mr. Frankel asked for clarification on Item No. 15 (paving of Buckhill Road). He said paving prior to site work is premature but they are willing to post a performance bond and will pave the road prior to platting. **Traffic Engineer Watanabe** gave detailed background on this item and said the Buckhill Road Road has to be paved and he has been in constant contact with Lake County with regards to the road. Lake County also

requires that all necessary environmental and storm water permits prior to construction are obtained. A performance bond or a letter of credit is also required as well as a Developers Agreement from Lake County prior to any work taking place in the subdivision or on the County road. **Town Planner Shira** said if the Town approves the Construction Plans, the developer can begin construction on homes and if the developer never moves forward on the road, the subdivision will sit as it is because the County will not give the developer the drive way cuts to access the subdivision until they finish the road. Discussion ensued. **Town Planner Shira** reminded the Town Council that there is still no Developer Agreement in place with Lake County, which was a part of the requirements of the approval of the Preliminary Plans. She also read into the record an email from Lake County with regards to their requirements and said their requirements are just as important as the Town's requirements. **Clay Frankel** said they have been in negotiations with Lake County with regards to the Developer Agreement.

Councilor Crowder said there are still unresolved issues. **Mayor Sears** said the wall and gate need to be on the Construction Plans. **Councilor Green** said the unresolved items on the Preliminary Plans need to be resolved before Construction Plans comes back to the Town Council. **Town Planner Shira** gave history of previous Town Council meetings where discussions of unresolved items came before them and items are still unresolved. **Mayor Sears** asked Clay Frankel if he is clear on the Town Council directions. **Clay Frankel** said he hears and understands and asked that the regulations be provided. **Town Attorney Blom-Ramos** advised Clay Frankel to obtain a copy of the recorded proceedings so it will be clear as to what is required.

Mayor Pro-Tem Nebel, seconded by **Councilor Ernest**, moved to table this item until everything that has been discussed this evening is resolved, which includes Lake County's requirements, Traffic Engineer Watanabe's requirements, Town Planner Shira's requirements, Town Attorney's requirements, and Town Engineer Shira's requirements before this item comes before the Town Council again for consideration. Motion carried 4-1 with Councilor Crowder voting no. Please see Attachment A and B

Discussion: Lake County Water Alliance

Mayor Sears gave background on this item and said the Water Alliance Technical Group has requested authority to use the Town's prorated contribution to the Lake County Water Alliance to work with St. John's River Water Management District (SJRWMD) to model a Consumptive Use Permit (CUP). **Mayor Sears** said he feels the funds should be used and gave background. Discussion ensued.

Councilor Green, seconded by **Councilor Ernest**, moved to request a refund of the Town's prorated contribution to the Lake County Water Alliance. Motion carried 3-2 with Mayor Sears and Councilor Crowder voting no.

Discussion: Metal Building Information for Utility/Public Works Department

Mayor Sears gave detailed information on the proposed metal building. Discussion ensued.

It was the consensus of the Town Council to obtain additional information on the metal building.

Discussion: Budget Amendment to Add Christmas Lights to SR 19

Mayor Sears gave background on this item. Discussion ensued.

It was the consensus of the Town Council to purchase wreaths and /or lights for Lakeshore Blvd and Palm Avenue and to obtain quotes from Clarke Sales.

MAYOR REPORT

Mayor Sears gave an update on his meeting with SJRWMD and obtained clarification on some outstanding items for the CUP.

COUNCIL COMMENTS

Councilor Crowder said being on the Council has been a challenging but rewarding event. He said it has been a pleasure serving on the Council and he will be commenting from the audience.

Councilor Ernest said the Christmas Festival is moving quite well and Katonya Yochum is in charge of the "Party in the Park" event on Friday night. **Kotonya** said there will be a tree lighting cemetery, Astatula Elementary guitar club will be there to play, karaoke, house lighting contest and refreshments will be served. **Councilor Ernest** said a local artist drew an art rendering for the festival, which will be available for sale on posters and tee-shirts.

Councilor Green said he has enjoyed working with the Town Council, staff and consultants. He thanked the citizens for voting and asked that the citizens be involved in their community.

Mayor Pro-Tem Nebel-None

PUBLIC COMMENTS

Jon Hall asked if it is possible for the developers to have a check list, which would be reviewed prior to coming before Council so the meetings will run smoothly. The Town Council said the Town Planner Shira does that. **Town Planner Shira** gave some history on the development process.

ADJOURNMENT AT 7:49 P.M.



Brenda Brasher, CMC
Town Clerk



Chris Sears, Mayor