

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING  
HELD FEBRUARY 14, 2011**

**Mayor Sears** called the Town Council Meeting of February 14, 2011 to order at 6:00 p.m.

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

**Councilor Hall** led the Invocation.

**Present: Mayor Sears, Mayor Pro-Tem Nebel, Councilor Ernest, Councilor Richardson, Councilor Hall and Town Clerk Brasher.**

**PRESENTATIONS**

**Update: PD&E Study for CR 561 Corridor by HDR**

**Steve Farrell** of HDR presented a power point presentation for the CR 561 Corridor and gave detailed information on his presentation. He said four lanes across the bridge and four lanes at Mission Inn is being looked at but the State is not looking at four lanes through Howey-in-the-Hills.

**CONSENT AGENDA**

**Minutes of the November 8, 2010 Town Council Meeting, November 22, 2010 Special Session, November 22, 2010 Work Session, and December 13, 2010 Town Council Meeting, January 24, 2011 Special Session and January 24, 2011 Work Session**

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

**NEW BUSINESS**

**Discussion: Ordinance 2009-011, Amending LDR for Building Permits.**

**Chairman Llewellyn** the Planning & Zoning Commission would like to have the items from the Building Official in a timely fashion. **Building Official Frank von Frankenstein** said he would like to work with the Planning & Zoning Chairman on revisions for this ordinance as there are others items that need to be included.

**Approval of MPO Bicycle Pedestrian Committee Application Submitted by Pam Hunt**

**Councilor Richardson, seconded by Councilor Hall, moved to appoint Pam Hunt to the MPO Bicycle Pedestrian Committee Application. Motion carried 5-0 with a roll call vote.**

**Consideration and Approval to Pay Contribution of Shortage to Police Officers' Retirement Trust Fund in the Amount of \$8,143 plus interest for a Total of \$8,418.22**

**Mayor Sears** gave detailed background on this item.

**Mayor Pro-Tem Nebel**, seconded by **Councilor Ernest**, moved to pay the contribution shortage to the Police Officers' Retirement Trust Fund in the amount of \$8,418.22. Motion carried 5-0 with a roll call vote.

**Discussion: Actuary Study by Foster & Foster for Police Officers' Retirement Trust Fund**

**Mayor Sears** gave detailed background on this item and said the Town is looking at rolling this plan into a different plan and he spoke with Patrick Donlan with Foster & Foster to obtain additional information. He further said he thinks the Town should wait to see what comes down from the State. **Mayor Pro-Tem Nebel** gave background on the LCLC Meeting on Friday as a representative from FLC was present and discussed this item. **Corporal Miller**, Chairman of the Police Officers' Retirement Trust Fund said a lot of the changes will not affect the Town. He further stated the Town is looking at paying approximately \$48,000 a year if the plan is frozen and suggested waiting. **Mayor Sears** said the stock market changed the demographics of the plan. Discussion ensued.

**Discussion: Proposed Lien Ordinance and Special Assessment Ordinances and Resolutions**

**Town Attorney Blom-Ramos** gave detailed background on this item and said the lien ordinance would be easy to prepare but the special assessment ordinance would not go onto the taxes until 2012. A lengthy discussion ensued.

**Mayor Pro-Tem Nebel**, seconded by **Councilor Hall**, moved to approve to adopt an ordinance to add a process for unpaid utility bills. Motion carried 5-0 with a roll call vote.

**Account(s) to Pay for Land Development Regulations Re-Write Proposal from B&H Consultants, Inc. in the Amount of \$27,585 Plus Reimbursable Costs**

**Mayor Sears** gave detailed background on this item and said the current LDR's are from 1992 and the new Comprehensive Plan is inconsistent with the LDR's. He suggested spending \$23,000 from account 1519341 this year and the remainder of the cost next year.

**Councilor Richardson**, seconded by **Councilor Hall**, moved to authorize the expenditure of \$23,000 from account 1519341 for the Land Development Regulations re-write. Motion carried 5-0 with a roll call vote.

**Rejection of Water Plant Improvements Bids**

**Mayor Sears** gave detailed background on this item.

**Councilor Richardson**, seconded by **Mayor Pro-Tem Nebel**, moved to approve the rejection of the water plant improvements bids. Motion carried 5-0 with a roll call vote.

**PUBLIC HEARING**

**Variance Application by John Williams and Martha MacFarlane at 210 E. Cypress Ave**

**Town Engineer Shira** was present to represent Town Planner Shira on the variance and gave background on this item. **Councilor Richardson** asked if there is any special screening from the adjoining property. **Town Engineer Shira** said the neighbors will only see approximately one foot of the structure. **Councilor Richardson** said the buffer needs to be maintained permanently.

***The Public Hearing was opened.***

**Applicant Martha MacFarlane** said the buffer will be maintained and a hedge has been planted.

**Mayor Sears** asked Planning & Zoning Chairman Llewellyn why the application was denied. **Chairman Llewellyn** said the application called for a seven foot setback but it was a 9 foot setback and the objection from the neighbor.

***The Public Hearing was closed.***

**Councilor Hall, seconded by Councilor Ernest, moved to approve the Williams/MacFarlane Variance Application at 210 E. Cypress Avenue, subject to the nine (9) feet setback, the two conditions noted Town Planner Shira's Staff Report and that the shrub screening remain in perpetuity. Motion carried 5-0 with a roll call vote.**

**MAYOR REPORT**

**Mayor Sears** asked Town Engineer Shira to explain the water plant expansion price reduction suggestions. **Town Engineer Shira** said the water improvement bids were not expected to come in as high as they did so in order to make a less expensive plant, he suggested the following:

1. High service pumps will be over roof and the building has been eliminated. The pumps could be enclosed with a metal building, should the Town's building code allow it.
2. In order to keep the existing buildings, the pumps would have to be moved to the northeast corner of the property and the chlorine building would be moved to the south.
3. 250,000 water storage tank
4. Less pavement will be needed and the stormwater pond can be re-visited but it may cost more to obtain a permit for a different size stormwater pond.

**Town Engineer Shira** further stated this is the plan to get the price down and a proposal for the re-design cost will be forth coming. **Councilor Ernest** asked what the time frame would be and **Town Engineer Shira** said 60-90 days if a new permit is not needed. He further stated the construction funding has been submitted but he has not heard anything back, which is \$1.7 million.

**COUNCIL COMMENTS**

**Mayor Pro-Tem Nebel-None**

**Councilor Ernest-None**


**Councilor Richardson-None**

**Councilor Hall**

Said a chili cook off is scheduled for the third weekend in March from noon to dark at the park. He said there will be a nominal fee. **Mayor-Pro-Tem Nebel** asked if there will be beer sold. **Councilor Ernest** said the Town talked about improving the outlets at the park and now is the time to make the improvements. **Mayor Sears** said an electrician will be used for the improvements.

**PUBLIC COMMENTS-None**

**ADJOURNMENT AT 7:49 P.M.**



Chris Sears, Mayor

ATTEST:



Brenda Brasher, CMC  
Town Clerk