

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

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

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

Mayor Pro-Tem Nebel led the Invocation.

Present: Mayor Sears, Mayor Pro-Tem Nebel, Councilor Ernest, Councilor Richardson, Police Chief Robbins, Public Works Director Padgett, Library Director Merchant, Town Attorney Blom-Ramos and Town Clerk Brasher.

Absent: Councilor Hall (excused)

CONSENT AGENDA – Only one motion needed to approve the Consent Agenda
Minutes of the September 26, 2011 Town Council Work Session and October 10, 2011 Town Council Meeting.

Councilor Ernest, seconded by Councilor Richardson, moved to adopt the Consent Agenda as presented. Motion carried 4-0 with a roll call vote.

NEW BUSINESS

Consideration and Approval of State Route 19 Three Lane Concept and Forward the F.D.O.T. Work Scope and Schedule to Lake Sumer MPO for Funding

Traffic Engineer Watanabe gave detailed background on this item and said the the Planning & Zoning Commission liked Concept A and the Town Council like Concept B. He said the project cannot move forward until the Town Council authorizes submission to the MPO.

Traffic Engineer Watanabe gave background and discussed medians. He further said all side street will have to be sloped and have curb returns. A lengthy discussion ensued with regards to the three lane concept.

Mayor Sears asked if it is possible to get the Revels Road intersection realigned. **Traffic Engineer Watanabe** said it may be possible and the intersection did not move forward since the developers were going to take care of the intersection but that has changed.

Mayor Pro-Nebel, seconded by Councilor Ernest, moved to approve the State Route 19 Three Lane Concept and Forward the F.D.O.T. Work Scope and Schedule to Lake Sumer MPO for Funding. Motion carried 4-0 with a roll call vote.

Consideration and Approval of Neel-Schaffer, Inc. Transportation Engineering Services for the Street Pavement Assessment and Mirco-Surfacing Construction Support in the Amount of \$4,500.

Mayor Sears gave detailed background on this item. **Traffic Engineer Watanabe** said Lake County has a contract with Florida Highway Products and the Town can piggy-back off of the Lake County contract.

Councilor Ernest asked for clarification on micro-surfacing. **Traffic Engineer Watanabe** gave detailed background on micro-surfacing.

Mayor Pro-Tem Nebel, seconded by Councilor Richardson, moved to Approve Neel-Schaffer, Inc. Transportation Engineering Services for the Street Pavement Assessment and Micro-Surfacing Construction Support in the Amount of \$4,500. Motion failed 4-0 with a roll call vote.

Mayor Pro-Tem Nebel, seconded by Councilor Richardson, moved to table this item until the December Town Council Meeting. Motion carried 4-0 with a roll call vote.

Discussion and Update Regarding the Bid for West Central Avenue Water Treatment Facility Expansion Project

Town Engineer Shira said bids were opened November 1, 2011 with eight bids submitted. He stated the bidders were told the Town had a limited amount of money for this project and everything that could be taken out has been taken out.

Mayor Sears said the purpose of this meeting was to let the Town Council know where the bids stand and there is approximately \$140,000 difference in the money. He said there are no cost overruns included or project management fees. He said the low bidder can increase the tank size for \$95,000 and the price will never be cheaper than it is today.

Mayor Pro-Tem Nebel asked for clarification with regards to the tank size. **Town Engineer Shira** stated the formulas should be 500,000 gallons and the option is too down size the tank.

Councilor Ernest said he feels the Town should award the contract and sit down with the contractor to discuss the price as he does not believe this is the final price. He further stated he wants the 500,000 gallon tank.

Councilor Ernest asked if Town Engineer Shira has submitted a price to Mayor Sears. **Town Engineer Shira** said it is around \$53,000. Discussion ensued.

It was the consensus of the Town Council to have a work session on November 28 at 11:00 p.m. to discuss the funding.

Consideration and Appointment of Jenny Deschenes to the Parks & Recreation Board.

Ms. Deschenes introduced herself and gave background.

Mayor Pro-Tem Nebel, seconded by **Councilor Ernest**, moved to appoint Jenny Deschenes to the Parks and Recreation Advisory Board. Motion carried 4-0 with a roll call vote.

Consideration and Appointment of Alternate Member to the Lake County Library Advisory Board

Library Director Merchant gave background and said the appointment would be for the next term as well.

Councilor Ernest, seconded by **Councilor Richardson**, moved to appoint Jane O'Connor as the Alternate Member to the Lake County Library Advisory Board. Motion carried 4-0 with a roll call vote.

Consideration and Approval of Roofing Proposal for Public Works Warehouse in the Amount of \$2,042.

Councilor Ernest gave background on this item. Discussion ensued.

Councilor Richardson, seconded by **Mayor Pro-Tem Nebel**, moved to approve the roofing proposal for the Public Works Warehouse. Motion carried 4-0 with a roll call vote.

Consideration and Approval to Cancel the December 26, 2011 Town Council Work Session as December 26th is the Town Christmas Holiday.

Councilor Richardson seconded by **Mayor Pro-Tem Nebel**, moved to approve cancellation of the Town Council Work Session of December 26, 2011. Motion carried 4-0 with a roll call vote.

PUBLIC HEARING

Resolution No. 2011-011, Amending Fiscal Year 2010-2011 General Fund Budget; Authorizing the Administrator of Financial Services to Make the Necessary Changes; Providing for an Effective Date.

Town Attorney Blom-Ramos read by title only, Resolution No. 2011-011.

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

Councilor Ernest, seconded by **Mayor Pro-Tem Nebel**, moved to adopt Resolution No. 2011-011. Motion carried 4-0 with a roll call vote.

Second Reading and Adoption of Ordinance No. 2011-004, Replacing Section 93-15 of the Code of Ordinances, Discharging Firearms, Providing for Severability; Providing for an Effective Date

Mayor Sears read by title only, Ordinance No. 2011-004.

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

Councilor Ernest, seconded by Councilor Richardson, moved to adopt Ordinance No. 2011-004. Motion carried 4-0 with a roll call vote.

Second Reading and Adoption of Ordinance No. 2011-005, Pertaining to Water Deposits; Amending Sections 171-4 of Chapter 171 of the Town's Code of Ordinances to Provide for Return of Water Deposits to Property Owners; Providing for Severability; Providing for an Effective Date.

Mayor Sears read by title only, Ordinance No. 2011-005.

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

Mayor Pro-Tem Nebel, seconded by Councilor Ernest, moved to adopt the first reading of Ordinance No. 2011-005, Returning water deposits to only property owners. Motion carried 4-0 with a roll vote.

First Reading of Ordinance No. 2011-07, Pertaining to Golf Carts; Amending Chapter 164 of the Town's Code of Ordinances Entitled "Vehicles and Traffic", Creating Sections 164-08 Through 164-12 to Provide Restrictions on the Use of Golf Carts in the Town; Providing for Enforcement; Providing for Codification; Providing for Severability; Providing an Effective Date.

Mayor Sears read by title only, Ordinance No. 2011-07, Gold Carts.

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

Councilor Richardson, seconded by Mayor Pro-Tem Nebel, moved to table this item until the December Town Council Meeting. Motion carried 4-0 with a roll call vote.

First Reading of Ordinance No. 2011-010, Relating to Pain Management Clinics; Adopting Findings; Providing for Definitions; Imposing a One Year Moratorium on the Issuance of Business Tax Receipts for New Pain Management Clinics; Directing Staff to Study, Analyze and Report to the Town Council on Issues

Relating to Pain Management Clinics by a Date Certain; Providing for Penalties; Providing for Inclusion in the Code; Providing an Effective Date.

Town Attorney Blom-Ramos read by title only, Ordinance No. 2011-101.

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

Mayor Pro-Tem Nebel, seconded by Councilor Richardson, moved to adopt the first reading of Ordinance No. 2011-010, Pain Management Clinics. Motion carried 4-0 with a roll call vote.

First Reading of Ordinance No. 2011-011, Relating to Adult Arcade Amusement Facilities; Imposing a One Year Moratorium on the Issuance of Business Tax Receipts for a New Adult Arcade Amusement Facility Utilizing Slot Machines; Simulated Gaming Devices or Similar Equipment; Including but not Limited to, Arcades, Games Rooms, Internet Cafes and Sweepstakes Redemption Centers; Directing Staff to Study, Analyze and Report to the Town Council on Issues Relating to Adult Arcade Amusement Facilities by A Date Certain; Providing for Penalties; Providing for Inclusion in the Code; Providing an Effective Date

Town Attorney Blom-Ramos read by title only, Ordinance No. 2011-011, Adult Arcade Amusement Facilities.

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

Mayor Pro-Tem Nebel, seconded by Councilor Ernest, moved to adopt the first reading of Ordinance No. 2011-011, Adult Arcade Amusement Facilities. Motion carried 4-0 with a roll call vote.

COUNCIL COMMENTS

Mayor Pro-Tem Nebel said she hopes everyone will be attending the F.D.O.T. meeting tomorrow night at 5:00 p.m.

Councilor Ernest – No comments

Councilor Richardson said Planning & Zoning Commission will be reviewing the Land Development Code on Wednesday. He said the Town needs to do the LDC correctly and the Town may need to miss a deadline to get the LDC correct. **Mayor Sears** said he was in agreement with having work sessions if necessary.

MAYOR REPORT

Mayor Sears said the following:

1. He is working on being in compliance with the CUP.
2. SJRWMD has required the Town to participate on a television spot and Lake TV will be acceptable to SJRWMD.
3. Said how important the water plant expansion is and wants to discuss at the work session where to get the additional funds.
4. Said he has been working with CDD on wastewater for the Bouis Coleman-Cline property.
5. Said the month of December will be busy. **Mayor Pro-Tem Nebel** asked for clarification with regards to an interlocal with the CDD and Bouis Coleman-Cline. Mayor Sears gave background.
6. Said the LDC will be discussed at the November 28th Work Session.

Police Chief Robbins said he has not found anywhere in the LDC regarding boats, trailers and recreational vehicles. He said there is a prescription drop off at the Police Department and the medications will be disposed of properly.

Councilor Richardson said Town Planner Shira said some items need to be in the Code of Ordinances instead of the Land Development Code. **Police Chief Robbins** said this needs to be addressed.

Town Attorney Blom-Ramos said the LDC will have to be adopted by ordinance and it is just as easy to adopt items in the LDC. Discussion ensued.

PUBLIC COMMENTS- NONE

ADJOURNMENT AT 8:13 P.M.



Chris Sears, Mayor

ATTEST:



Brenda Brasher, CMC
Town Clerk