

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING
HELD NOVEMBER 13, 2012**

Mayor Sears called the Town Council Meeting of November 13, 2012 to order at 6:00 p.m.

Cub Scouts and Boy Scouts 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 Richardson, Councilor Ernest, Cpl. Miller, Captain Thomas, Public Services Director Smith, Town Attorney Blom-Ramos and Town Clerk Brasher.

PRESENTATION

David Cooke, Project Manager, Florida Department of Transportation, and **Steve Ferrell**, Consultant Project Manager, HDR Engineering, Inc., will give a brief informational update regarding the SR 19 PD&E Public Hearing scheduled for November 27, 2012 at Adventure Christian Church. The PD&E study has evaluated alternatives for widening SR 19 to four (4) lanes, including the Little Lake Harris Bridge, from CR 561 in Tavares to CR 48 in Howey-in-the-Hills. They will discuss progress of the study and the draft preferred alternative.

Steve Ferrell provided a power point presentation on the project.

Pat Miller asked when the first time that comments were allowed. **Mr. Ferrell** said about one year ago and December 14, 2012 is the last day comments will be accepted.

Tamara Rogers asked who will relocate the utility lines. **Mr. Ferrell** said utility lines in F.D.O.T. right-of-way will be the responsibility of the municipality.

Code Enforcement Update

Cpl. Miller provided a power point presentation on Code Enforcement and gave detailed background.

Councilor Richardson asked for clarification with regards to the anonymous tips. **Cpl. Miller** discussed ethics with regards to how the complaints are processed with regards to a phone call. A lengthy discussion ensued.

Councilor Hall voiced his opinion with Code Enforcement.

Cpl. Miller said an attorney in Town has volunteered to act as the Special Master for the Town and asked if the Town Council would be in agreement with this.

Mayor Sears asked for a Code Log to be included in the Town Council packet for the second meeting of each month. **Cpl. Miller** gave background on the electrician who was electrocuted and saved by a town resident. He further asked to present the resident with a certificate of appreciation at a future Town Council Meeting.

Mayor Pro-Tem Nebel, seconded by **Councilor Richardson**, moved to approve a certificate of appreciation being presented to Mr. Ouellette. Motion carried 5-0 with a roll call vote.

CONSENT AGENDA – only one motion is needed to approve the Consent Agenda Minutes of August 24, 2012 Work Session, August 27, 2012 Special Session, September 5, 2012 Library Expansion & Renovations, September 18, 2012 Work Session, October 1, 2012 Joint Work Session, October 8, 2012 Final Budget Public Hearing, and October 22, 2012 Special Session

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

NEW BUSINESS

Discussion and Action if the After-the-Fact Permit for 119 E. Cypress Avenue
Town Attorney Blom-Ramos gave background on this item. She said the P&Z has the ability to issue permits under the Code of Ordinances. She further stated the Town Council can ask the applicant to apply for a Variance or not take any action on this item.

Mayor Sears said he has never seen a situation like this and asked the Town Council if they would like to change the LDC. He further stated if the Town Council leaves the LDC as it stands, there will be garage conversions throughout Town.

Mayor Pro-Tem Nebel said she feels the LDC needs to clarify what constitutes garage doors.

Councilor Hall gave his opinion about building permits and variances.

Mayor Sears said structural changes require a building permit which was not applied for until after the fact. A lengthy discussion ensued.

David Nebel said he thinks the Code of Ordinances is clear and what came before P&Z were garage doors.

Councilor Richardson said the Town Planner made a concise opinion as to why the permit should not be approved and P&Z was wrong with their decision.

Town Attorney Blom-Ramos said the Town needs to amend the LDC should they desire to clarify garages.

Tamara Rogers said this is a garage enclosure and furniture will not be moved into the building and it will continue to be used as a garage. She further voiced her opinion with regards to this issue.

Councilor Richardson, seconded by **Councilor Ernest**, moved for the applicant to apply for a variance for after the fact permit for the garage doors at 119. E. Cypress Ave. Motion failed 3-2 with Mayor Pro-Tem Nebel, Councilor Hall and Mayor Sears voting no.

Consideration of Work Authorization No. 16, Transportation Engineering Services for Lakeshore Drainage Analysis & Design Not To Exceed \$19,500.

Traffic Engineer Watanabe gave detailed background on this item and said SJRWMD will have a grant forthcoming which would pay for ½ of this project. A lengthy discussion ensued.

Councilor Richardson, seconded by **Councilor Ernest**, moved to approve Work Authorization No. 16 in the amount of \$19,500.00 with the funds to come from the Storm Water Fund and for Traffic Engineer Watanabe to give the Town Council a list of storm water projects. Motion carried 5-0 with a roll call vote.

Councilor Ernest asked Traffic Engineer Watanabe if he had been contacted regarding the Town's water main. **Traffic Engineer Watanabe** said he was and gave detailed background.

Consideration of Work Authorization No. 17, Transportation Engineering Services for Island Drive Design Not To Exceed \$10,000.

Mayor Sears said this item is on the agenda as when the Town held a Transportation Meeting last month, it was decided to obtain a quote for this project.

Traffic Engineer Watanabe gave background on this item.

Councilor Richardson asked if the Town would still operate off the same centerline. Traffic Engineer Watanabe said the Town would. A lengthy discussion ensued.

Councilor Hall, seconded by **Councilor Ernest**, moved to table Work Authorization No. 17 and for Mayor Sears to have the street evaluated. Motion carried 4-1 with Councilor Richardson voting no.

Consideration and Approval of Change Order No. 3 for Modifications to the West Central Avenue Water Treatment Plant Project in the Amount of \$2,037.75.

Mayor Sears gave background on this item. A lengthy discussion ensued.

Councilor Richardson said he is hesitant to approve any further change orders due to his recent visit to the construction site and items are falling through the cracks.

Councilor Ernest said paving should not be done until the heavy equipment is moved

off the site. **Councilor Richardson** said the Town is paying big money for someone to be watching over this project.

Councilor Hall, seconded by **Councilor Richardson**, moved to approve Change Order No. 3 in the amount of \$2,037.75. Motion failed 4-1 with Mayor Sears voting yes.

Discussion: Lakeshore Boulevard Lighting Options

Councilor Richardson gave background on this item. A lengthy discussion ensued with regards to the light pricing.

Appointment of One Elected Official To Serve As The Director to Lake County League of Cities and Appointment of One Elected Official or One Staff Member to Serve As Alternate Director to Lake County League of Cities.

Mayor Pro-Tem Nebel, seconded by **Councilor Hall**, moved to table this item until after the Town Council is seated. Motion carried 5-0

Discussion and Action on Lake County League's Priorities to Present to the Legislators During Lake County Days in Tallahassee.

Mayor Pro-Tem Nebel, seconded by **Councilor Richardson**, moved not to take action on this item. Motion carried 5-0 with a roll call vote.

PUBLIC COMMENTS – None

MAYOR/COUNCIL COMMENTS

Mayor Sears discussed the projects in Town and apologized to Councilor Ernest regarding the lift station. He further stated there is not a clear answer on ownership unless the Town wants to spend money on engineering and attorney fees.

Mayor Pro-Tem Nebel asked what is going on with the curb? **Mayor Sears** asked where the location of the curb was to be. **Councilor Ernest** said on the road right-of-way behind the gas station.

Steve Miller, 201 S. Lakeshore Blvd. asked why the Town can't build a temporary ramp. **Caption Thomas** said if the Town damages a car, the Town is liable.

Councilor Hall, seconded by **Mayor Pro-Tem Nebel**, moved to approve the curb & gutter and concrete driveway aprons behind the gas station. Motion carried 4-1 with Mayor Sears voting no.

Councilor Ernest praised the Police Department for assisting residents in need. He further stated he will no longer be doing the parade so if the parade is to continue, the Town needs to find someone else to do the parade.

Councilor Richardson asked why the Town is not meeting at 5:45 p.m. **Town Clerk Brasher** asked for clarification. It was clarified that the pre-work sessions would be held at 5:45 prior to the second meeting of each month. He further asked about a home on Laurel Ave. that is falling down and asked the attorney what action can be taken. **Town Attorney Blom-Ramos** said she would research the Code.

Councilor Hall - None

The meeting adjourned at 8:35 p.m.

ATTEST:

Chris Sears, Mayor

Brenda Brasher, CMC
Town Clerk