

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL MEETING
HELD JANUARY 12, 2015**

Mayor Sears called the Town Council Meeting of January 12, 2015 to order at 6:00 p.m.

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

Public Services Director Smith led the Invocation

**Present: Mayor Sears, Mayor Pro-Tem Ernest, Councilor Nebel, Councilor Conroy
And Councilor Mabry.**

**Also Present: Town Attorney Blom-Ramos, Town Engineer Richardson, Police
Chief Robbins, Police Captain Thomas, Library Director Hall, Public Services
Director Smith and Town Clerk Brasher.**

CONSENT AGENDA

**Approval of the Town Council Meeting Minutes held November 10, 2014, December
8, 2014 and December 15, 2014.**

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

NEW BUSINESS

Discussion: Lake-Sumter MPO Annual Call for Projects

Mayor Sears gave background on this item.

*Councilor Nebel, seconded by Councilor Conroy, moved to approve the Lake-Sumer
MPO Annual Call for Projects. Motion carried 5-0 with a roll call vote.*

W. Central Ave. Parking Design Proposal and Fee

Mayor Sears gave detailed background and said he asked Lassiter Transportation for a proposal. He said Lake County plans on paving a portion of No. 2 Road and the Town may be able to dove tail on their project.

Councilor Mabry asked if the date Lake County will be repaving the Town portion is set.

Mayor Sears said Lassiter Transportation said it is towards the end of the fiscal year.

Mayor Pro-Tem Ernest asked if the curb and sidewalks are included in with Lake County's project and **Mayor Sears** said they are. **Councilor Mabry** asked if the Town has any potential work scheduled down the road. **Councilor Nebel** said there is but that is later down the road. A lengthy discussion ensued.

*Councilor Conroy, seconded by Mayor Pro-Tem Ernest, moved to approve the W.
Central Avenue Parking Design Proposal and Fee from Lassiter Transportation, Inc.
Motion carried 5-0 with a roll call vote.*

Agreement with Powell Studio Architecture, LLC for Library Community Room Addition

Jeff Powell, representing the Powell Studio Architecture, LLC was present to answer questions. **Mr. Powell** said they have a continuing contract with Lake County and have worked on several projects for the City of Clermont.

Mayor Sears asked what the next step is to get the project started. **Mr. Powell** said the property will be surveyed, conceptual design and gave detailed background on the steps to follow. **Councilor Nebel** asked about the parking. **Mr. Powell** said they will work with BESH Engineering with regards to parking. **Councilor Mabry** asked if parking is included in the grant. A lengthy discussion ensued regarding parking. Inaudible as there was cross conversation.

It was the consensus of the Town Council to continue this item to the January 26th Town Council Meeting and to move Agenda Item No. 6 up as the next item on the agenda.

Lake County Tax Collector Method of Collections

Chief Deputy Tax Director Jordan gave background on 211 E. Laurel Ave, Rita Stephens Estate. He said the taxes became delinquent and tax certificates were sold. The property was sent to the Clerk of the Court and it is with the O&E, will be pre-certified, then that process will start. He said this is a rare occurrence. Lake County will post the property, The Lake County Clerk of Court will notify those who have liens. If the property is not sold, it goes to List of Land for 3 years and then it can be sold. If nothing changes, Lake County may own the property in 3 years.

Councilor Conroy asked what will happen if the Town takes down the structure. **Chief Deputy Tax Director Jordan** said the method of collection continues and removing the structure is in-material. **Mayor Sears** asked if the taxes due go away. **Chief Deputy Tax Director Jordan** said after the County obtains the property, and it is sold. If it is a homestead, the sale will be ½ of the value, quiet title, etc. **Councilor Nebel** said he does not want to wait 3 ½ years to take the structure down.

Chief Deputy Tax Collector Jordan said Lake County Tax Collector Bob McKee was unable to attend this evening but said hello. He said this is a slow process and it is that way to allow the property owners to get back on their feet. He said the taxes and interest are non-negotiable if the property is considered "County Struck."

Discussion and finding to be made by the Town Council regarding the safety of the structure located at 211 E. Laurel Avenue

Town Attorney Blom-Ramos gave detailed background and the notices sent are provided in the Town Council packet as well the newspaper ad, posting on the bulletin board and Special Magistrate Findings. She said she notified the son of the deceased of this meeting. She said the Town needs to make a finding of the property.

Police Chief Robbins said the home is unsafe and the home has mold inside. The Special Magistrate said it is unsafe and hazardous. Mayor Pro-Tem Ernest asked if the Town has to send another letter to the property owner. **Town Attorney Blom-Ramos** said the Town Code of Ordinance requires another notice to the property owner.

Councilor Mabry asked if there is any resource for anyone to file suit against the Town.

Town Attorney Blom-Ramos said the Town has followed their Code of Ordinances but nothing can stop someone from filing a law suit.

Mayor Pro-Tem Ernest, seconded by Councilor Nebel, moved

- based on the information presented tonight and at previous Town Council meetings that the Town Council finds that the building located at 211 E. Laurel Avenue constitutes a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence and abandonment; and
- that notice be given to the owner, agent or person in control of 211 E. Laurel Avenue that the structure located on the property is unsafe; and
- that the notice require the owner, agent or person in control to demolish the structure on or before February 3rd, 2015; and
- if the owner, agent or person in control fails to demolish the structure, after ascertaining the cost, the Town shall demolish the structure; and
- the Mayor is authorized to take all other actions necessary or useful regarding the unsafe building located at 211 E. Laurel Avenue.

Motion carried 5-0 with a roll call vote.

Proposed Utility Write-Off for 505 S. Dixie Drive

Town Clerk Brasher gave detailed background on this item.

Councilor Nebel, seconded by Councilor Conroy, moved to approve the proposed utility write-off for 505 S. Dixie Drive in the amount of \$4,024.77. Motion carried 5-0 with a roll call vote.

Discussion: Damage to Boat Ramp

Councilor Nebel gave detailed background on this item. He said the truck driver of the company said the company will take care of the damage. He said this will end up in court. He said he has dealt with a similar scenario and the insurance company did not pay due to the liability and in order for him to collect, he would need to sue to recover.

Mayor Sears said the boat ramp had cracks and the truck made it worse and did additional damage. He said the owner met with him and said they will take care of the damage. He said the boat ramp needs to be thicker and the Town has quotes for concrete work. He asked the Town Council if the the Town wants him to 100% of the boat ramp replacement or pay a portion and what percentage should the contractor pay.

Councilor Nebel said Clay Ormsbee is present and said the boat ramp was installed in 2008. He said the boat ramp was not damaged like it is today and the truck reduced the life line of the ramp. **Mayor Sears** said the company offered to cut out the cracks or pour over the cracks and the cost is \$16,000 to replace. **Public Services Director Smith** said

he has a quote for \$14, 296 to replace the boat ramp with four (4) inch concrete. He said permission to use the ramp as the contractor contract has authorization due to the State contract. **Councilor Nebel** said the contractor did have a State contract but permission to use the ramp should have not been given and the company should replace the boat ramp.

Town Engineer Richardson suggested having the contractor pay the low bid to replace the boat ramp and the Town pay the difference to increase the boat ramp to six (6) inch concrete. Discussion ensued.

Mayor Sears suggested bringing this item back to the second meeting in January. **Councilor Nebel** said when the extensions were added, the extensions were not made for traffic. He said the main part of the ramp was not damaged and the life expectancy would be longer if the truck would have not been on the ramp. A lengthy discussion ensued.

It was the consensus of the Town Council to bring this item back to the January 26th Town Council Meeting.

PUBLIC HEARING

Second Reading and Adoption of Ordinance No. 2014-012, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA; RELATED TO WATER AND WASTEWATER RATES, FEES, AND CHARGES; MODIFYING THE WATER & WASTEWATER RATES OF THE CITY; AMENDING CHAPTER 171 OF THE CODE OF ORDINANCES OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA PROVIDING FINDINGS; MODIFYING RATE SCHEDULES; MODIFYING MISCELLANEOUS CHARGES; PROVIDING FOR ANNUAL INDEXING ADJUSTMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS OF PAST RESOLUTIONS AND ORDINANCES; PROVIDING FOR CODIFICATION AND INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Blom-Ramos read by title only, Ordinance No. 2014-012.

The Public Hearing was opened.

Jeff Wiggs asked if there is an automatic annual increase. **Mayor Sears** said there is and explained. **Mr. Wiggs** asked for an explanation of the revenues vs. expenditures on the report. **Mayor Sears** said the Town Council reviewed the expenditures for over nine (9) months and gave detailed background. He said services still have to provide services to 1,100 people. He said the increase will be 2.5% annually beginning in Oct 2015. He further said improvements need to be made and the system still has infrastructure that was the first to be installed in Town. He said the above ground storage tank will provide water to the residents should the tall water tower go down. He said the numbers were justified and are fair.

The Public Hearing was closed.

Councilor Mabry, seconded by Councilor Conroy, moved to adopt Ordinance No. 2014-012. Motion carried 5-0 with a roll call vote.

First Reading of Ordinance No. 2015-001, AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA PERTAINING TO THE PAYMENT OF IMPACT FEES; AMENDING CHAPTER 110 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE LICENSED CONTRACTORS THE OPTION OF DEFERRING THE PAYMENT OF POLICE PROTECTION IMPACT FEES, PARKS AND RECREATION IMPACT FEES, AND WATER IMPACT FEES FOR RESIDENTIAL LAND USES UNTIL PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

Town Attorney Blom-Ramos read by title only, Ordinance No. 2015-001.

Mayor Sears gave background and said this is the information that was brought back from the last Town Council Meeting.

The Public Hearing was opened.

John Rhoades, Vice-President of Pathfinder Development Group asked if the seven (7) building permit impact fees could be deferred as he cannot start the homes without the deferment. Once he begins construction, he will receive his financing.

Councilor Nebel said he would like the ordinance to include who can issue the Certificate of Occupancy on behalf of the Town.

It was the consensus of the Town Council that the Certificate of Occupancy should specify the Building Official and Town Clerk or the Mayor.

The Public Hearing was closed.

Mayor Pro-Tem Ernest, seconded by Councilor Nebel, moved to approve the first reading of Ordinance No. 2015-001 as amended to add the Building Official and Mayor or Town Clerk to authorize the Certificate of Occupancy. Motion carried 5-0 with a roll call vote.

OLD BUSINESS – None

MAYOR AND COUNCIL COMMENTS

Mayor Sears said the following:

- He is attending the Parks & Recreation Advisory Board Meeting on Wednesday, January 14th at 4:00 to discuss signage.
- He would like to see what everyone thinks regarding signage at the January 26th Town Council Meeting

- Grant reports will be on the January 26th Town Council Agenda
- Gave background on his meeting with the Scouts and said the Scouts and the Town will be holding a Flag burning ceremony and he will get further information from the Police Department.

Mayor Pro-Tem Ernest said Sarah Maude Nature Preserve has been shut down for Safety issues.

Councilor Nebel had no comments.

Councilor Conroy had no comments.

Councilor Mabry said he will be late for the February 9th Town Council Meeting.

PUBLIC COMMENTS

John Rhoades, Vice-President of Pathfinder Development asked for deferment of the impact fees for lots 54, 62, 53, 62, 63 & 64 the permits he has applied for.

Councilor Conroy, seconded by Mayor Sears, moved to allow Pathfinder to defer impact Fees for lots 54, 62, 53, 62, 63 & 64 prior to the issuance of the Certificate of Occupancy. Motion carried 5-0 with a roll call vote.

Ron Roberts, representing Flagship Land Group thanked the Town Council for approving The deferment of the impact fees and thanked the Town Council for approving the revised Water Rates. He asked the Town Council to consider the rate that was adopted to roll Them back to November 2014. **Mayor Sears** gave background on his conversation with Mr. Roberts regarding the water rates and to get an amended rebate. **Town Clerk Brasher** gave detailed background on the charges and the late fees. **Councilor Nebel** gave background on fees that change after the fact. He said the fee adjustment is irrelevant.

Charlie Richardson voiced his opinion on the proposed rates. **Councilor Nebel** said former Councilmember Richardson was the only elected official who was in favor of reducing the rates.


Councilor Mabry said the rates have taken time and it just happened to be January 12th to be approved and it is unfortunate on the timing. **Councilor Nebel** said he is in favor of waiving the late fees if paid within two days. **Councilor Conroy** said he is concerned with the other commercial irrigation customers. He said he would be in favor of waiving the late fees. **Councilor Mabry** voiced his concerns with waiving the late fees.

Councilor Conroy moved to waive the late fees if all current bills are paid on time. Motion died due to a lack of a second.

David Kilmartin voiced his concerns that no one has mentioned that there is a lot of oil and grease from the vehicles at the boat ramp and discussed fines and the pollution. He

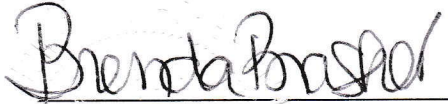
thanked the Town Council for deferring the impact fees and he thinks the water rates are more than fair. **Councilor Nebel** said this is a tragic situation and the State is proposing to make the municipalities contain the water runoff from going into the lakes.

The meeting adjourned at 8:00 p.m.



Chris Sears, Mayor

ATTEST:



Brenda Brasher, MMC
Town Clerk