

MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL MEETING  
HELD JULY 09, 2018

Mayor Sears called the Town Council Meeting of July 09, 2018 to order at 6:00 p.m.  
Mayor Sears led the Pledge of Allegiance to the Flag.  
Lieutenant Roman led the Invocation.

Present: Mayor Sears, Mayor Pro-Tem David Nebel, Councilor Mabry, Councilor Scott and Councilor Conroy.

Also Present: Town Clerk Burke, Lieutenant Roman, Public Services Director Ernest, Town Attorney Ramos and Town Planner Harowski.

\*\*\*Mayor Sears let the Audience know that the Public Hearings regarding the Talichet Project and Conceptual Map Amendments had been postponed.\*\*\*

**CONSENT AGENDA**

**Minutes of the June 25, 2018 Town Council Meeting.**

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

**PUBLIC HEARING**

**ORDINANCE NO. 2018-002 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THEHILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 5 TITLED "ACCESSORY AND TEMPORARY USES AND STRUCTURES" TO ADD REQUIREMENTS PERTAINING TO FENCES AND WALLS, ADD TYPES OF FENCING ALLOWED AND PROHIBITED FOR SINGLE-FAMILY RESIDENCES AND TO MODIFY THE RULES FOR THE PLACEMENT AND DESIGN OF STORAGE SHEDS ON RESIDENTIAL PROPERTY; AMENDING SECTION 5.01.03 TITLED "ALL ACCESSORY USES", SECTION 5.01.07 TITLED "FENCES AND WALLS", AND ADDING A NEW SECTION 5.01.09 TO BE TITLED "STORAGE SHEDS"; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**Town Attorney Ramos** read by title.

**Mayor Pro-Tem David Nebel** said that the improvements are well done.

**Town Planner Harowski** said that he would like to add that the Planning and Zoning Board is recommending that they review sheds that can't be placed in the normal diagram (diagram provided with Ordinance) of the home due to substantial circumstances. This would give residents the break of a variance scheduling and fees.

**Councilor Conroy** asked if they should include that the neighbors must be made aware. **Councilor Scott** said so you're suggesting that someone needs to ask their neighbor where they can put a shed in their yard. **Councilor Conroy** replied no but I believe if outside of the diagram neighbors should be notified so that they could voice their opinion at the meeting. **Town Planner Harowski** replied that the language could be added to the Ordinance.

**Councilor Conroy** asked what the definition of a garage was. **Town Attorney Ramos** replied that it is defined in the code under definitions. (**Garage** is a structure which is accessory to a principal building and which is used for the parking and storage of vehicles. Garage doors must allow a minimum clear opening of at least eight (8) wide by seven (7) feet tall for a one car access and fourteen (14) feet wide by seven (7) feet tall for two car access. A garage may be a stand-alone structure or incorporated as part of a principal structure. )

**Mayor Sears** said that the color is not defined, which has been a problem in the past.

**Town Planner Harowski** said that the Planning and Zoning Board felt as though people should have the option to buy a shed from a department store.

**Earl, E. Magnolia Ave**, said that he owned five lots however three were together and the two were separate and wanted to know if he could place his shed on the lots next to the adjacent three. **Town Planner Harowski** said that no accessory structure is permitted without a principal structure so that wouldn't work.

**Peter Tuite, 300 E. Croton Ave**, said his shed took so long to get approved because he had to wait to go before the Planning and Zoning Board that only meets once a month.

**Councilor Conroy** seconded by, **Mayor Pro-Tem David Nebel** moved to approve ORDINANCE NO. 2018-002 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THEHILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 5 TITLED "ACCESSORY AND TEMPORARY USES AND STRUCTURES" TO ADD REQUIREMENTS PERTAINING TO FENCES AND WALLS, ADD TYPES OF FENCING ALLOWED AND PROHIBITED FOR SINGLE-FAMILY RESIDENCES AND TO MODIFY THE RULES FOR THE PLACEMENT AND DESIGN OF STORAGE SHEDS ON RESIDENTIAL PROPERTY; AMENDING SECTION 5.01.03 TITLED "ALL ACCESSORY USES", SECTION 5.01.07 TITLED "FENCES AND WALLS", AND ADDING A NEW SECTION 5.01.09 TO BE TITLED "STORAGE SHEDS"; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. Motion carried 4-1 with a roll call vote. Councilor Mabry voting no.

## **NEW BUSINESS**

### **2017 Annual Audit Presentation.**

**Robert Lemmen, Carr, Riggs & Ingram**, explained the audit process and thanked Town Clerk Burke for all her help in completing the audit. He read the management letter and explained the two audit findings. 2017-001 (Reported in previous audit reports as items 2016-001 and 2015-001.)

**Criteria** – Generally accepted auditing standards require that an auditor report a finding when it is necessary for the auditor to assist with the preparation of a government's financial statements.

**Condition** – It was also necessary for us to assist with the preparation of the Town's financial statements and as part of that process, we proposed material adjustments to the Town's financial statements.

**Cause** – The Town's finance team is small and does not have the capacity to perform this role.

**Effect** – The results reported by the Town could be non-compliant with Generally Accepted Accounting Standards if corrections were not made by the auditor.

**Recommendation** – The Town should consider and evaluate the costs and benefits of improving internal controls relative to the financial reporting process.

**Response-** The Town of Howey in the Hills will continue to evaluate the cost versus the benefit of adding additional staff to assist in the preparation of the Town's financial documents.

2017-002 (Reported in previous audit report as item 2016-003)

**Criteria** – The Town’s expenditures should not exceed the amount budgeted.

**Condition** – The budget was over expended by approximately \$297,000.

**Cause** – Revenue received exceeded budget therefore additional resources were available to be expended.

**Effect** – Expenditures could be incurred which have not been formally budgeted for which increases the risk of funds being spent inappropriately.

**Recommendation** – The budget position should be closely monitored to ensure that actual expenditures do not exceed budgeted expenditures and formal budget amendments should be obtained to prevent the Town from exceeding budget.

**Response-** The Town will closely monitor the budget position to ensure budget amendments are posted timely and that actual expenditures do not exceed budgeted expenditures.

**Mayor Sears** asked Mr. Lemmen if finding number one was seen in most smaller municipalities. **Lemmen, Carr, Riggs & Ingram**, replied yes. **Mayor Sears** explained that with the Town being as small as it is not feasible to hire an in-house auditor.

**Peter Tuite, 300 E Croton**, asked if the Impact Fee Balance was checked during the audit. **Robert Lemmen, Carr, Riggs & Ingram** replied yes.

**Discussion: Ordinance 2018-007 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PROHIBITING SCREECHING OF TIRES AND THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES “JAKE BRAKING”; CREATING A NEW ARTICLE V IN CHAPTER 164 OF THE TOWN’S CODE OF ORDINANCES TITLED “SCREECHING OF TIRES AND ENGINE AND COMPRESSION BRAKES “JAKE BRAKING”; PROVIDING FOR SEVERABILITY AND CODIFICATION; ESTABLISHING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES.**

**Town Attorney Ramos** read by title.

**Lieutenant Roman** said that the sign has to meet Florida Department of Transportation (FDOT) standards.

**Councilor Mabry** said that it can’t be that hard to implement.

**Lieutenant Roman** asked how will the Police Department enforce it?

**Councilor Scott** said that he had contacted FDOT already and got the standards. They explained to him that the Jake Braking signs needed to be posted at every entrance to the Town in order to enforce it.

**Lieutenant Roman** said that the Police Department will cite the drivers but that it will be dismissed in court.

**Councilor Mabry** said to post the signs at least it will be a deterrent.

**Town Attorney Ramos** said that Groveland enforces it via a noise ordinance.

**Councilor Conroy** said to include in the Ordinance how it will be enforced.

**Town Attorney Ramos** said that she would do some further research and bring it back to the Town Council.

**Consideration and Approval of Resolution 2018-004 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; SETTING THE PROPOSED MILLAGE RATE OF AD VAOLOREM TAXATION AND SETTING THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE.**

*Mayor Pro-Tem David Nebel* seconded by, *Councilor Conroy* moved to approve Resolution 2018-004 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; SETTING THE PROPOSED MILLAGE RATE OF AD VAOLOREM TAXATION AND SETTING THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE BUDGET FOR FISCAL YEAR 2018-2019; PROVIDING FOR AN EFFECTIVE DATE. Motion carried 5-0 with a roll call vote.

**Consideration and Approval regarding the AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE TOWN OF HOWEY IN THE HILLS, FLORIDA FOR THE SCHOOL RESOURCE OFFICER PROGRAM.**

**Councilor Conroy** asked if some days the officer would be available to the Police Department. **Lieutenant Roman** replied yes. Contract states that the school will pay for 180 days and that if the officer is needed after that the Town can bill at time and half. Lake Hills School operates an extra two weeks in the summer. **Town Attorney Ramos** said that she believes the Lake County School Board is only paying \$40,000 a year but would check and get back to the Town Council regarding the time and half.

**Frances Wagler-O'Keefe, 409 W. Central Ave,** said that if anything goes wrong regarding that officer and the school the Town will now be sued and held liable. She thought that Lake County was covering the School Resource Officer (SRO) positions for the schools in Lake County. She asked if the Town had enough resources to keep up with the training that will be required for that position. **Mayor Sears** responded that the Howey Police are the first ones to respond to a call there now. The Town Council felt as though it was the right thing to do. The agreement is only for one year and if next year the Town decided it isn't a good fit we can choose to back out.

*Councilor Mabry* seconded by *Mayor Pro-Tem David Nebel* moved to approve the AGREEMENT BETWEEN THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA AND THE TOWN OF HOWEY IN THE HILLS, FLORIDA FOR THE SCHOOL RESOURCE OFFICER PROGRAM. Motion carried 5-0 with a roll call vote,

## **OLD BUSINESS**

## **MAYOR AND COUNCIL COMMENTS**

Mayor Sears- Putting together a request for proposals for a new auditing firm as he hasn't been pleased with them the last two years.

Mayor Pro-Tem David Nebel-No Comment

Councilor Scott-Thanked Town Clerk Burke for completing the Audit.

Councilor Conroy-No Comment

Councilor Mabry-No Comment

## **PUBLIC COMMENTS**

**Marie Gallelli, 1104 N. Tangerine**, said that she doesn't hear the jake braking from her house so she doesn't understand the reasoning for it. She asked if the citations would be potential revenue. **Lieutenant Roman** replied that the Town makes twelve dollars per citation.

**Dale Kelly, 601 S. Dixie Drive**, explained that he owns a big trucking company and there are cameras in and outside of the trucks to record safety and jake breaking regulations. Also that they are monitored by personnel and drivers are reprimanded within the company.

**Bernard Alimenti, 205 E. Magnolia Ave**, expressed that Code Enforcement is doing selective Code Enforcing. He explained that there was also an incident on East Magnolia Avenue regarding cement being dropped down the road from a job around the corner. **Mayor Sears** explained that he would like to explain the cement on East Magnolia Avenue as that is directed towards him. He explained that Cemex is the company that poured the concrete that day at a house on East Magnolia. He was notified by the Public Services Director that day about the concrete. He rushed over to the job that he was doing at 701 N. Lakeshore Blvd to make sure that there was no concrete being poured at the job that day. There was no concrete being poured that day he doesn't even use Cemex as a concrete company. **Lieutenant Roman** explained that the Code Enforcement Officer likes to send a courtesy letter to residents as it normally gets them to comply with the code before any other action needs to be taken. He then asked that Mr. Alimenti come and speak with him at his office if he had any concerns **Mr. Alimenti** asked what the code was for if the Code Enforcement Officer wasn't going to comply with the code. He then asked if any of the Town Council would like to live next to a yard that has two foot high grass. **Councilor Mabry** replied that he mowed his lawn and when he thought his neighbors grass was too high he mowed his as well.

The Meeting adjourned at 7:46 p.m.

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Chris Sears, Mayor

ATTEST:

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Dairian Burke  
Town Clerk