



Town Council Meeting

December 12, 2022 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting:

<https://us06web.zoom.us/j/81905509822?pwd=M1NjQ0hFUHhZVFFzb3poVFFWQjNoQT09>

Meeting ID: 819 0550 9822 | **Passcode:** 238123

AGENDA

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag

ROLL CALL

Acknowledgement of Quorum

AGENDA APPROVAL/REVIEW

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the November 28, 2022 Town Council Meeting.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

- 2.** Consideration and Approval: **Ellen Yarckin applicant for the Planning and Zoning Board**
- 3.** Consideration and Recommendation: **County Library Advisory Board (Primary Board Member)**
- 4.** Discussion: **Capital Improvement Plan (CIP)**

DEPARTMENT REPORTS

- 5.** Town Hall
- 6.** Police Department

- [7.](#) Code Enforcement
- [8.](#) Public Works
- [9.](#) Library
10. Parks & Recreation Advisory Board / Special Events
11. Town Attorney
- [12.](#) Finance Department
- [13.](#) Town Manager

COUNCIL MEMBER REPORTS

14. Mayor Pro Tem Gallelli
15. Councilor Lehning
16. Councilor Miles
17. Councilor Lannaman
18. Mayor MacFarlane

PUBLIC COMMENTS

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STs) and Enhanced Speech to Speech.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: **Town Council Meeting**

Time: **Dec 12, 2021 06:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81905509822?pwd=M1NjQ0hFUHhZVFFZb3poVFFWQjNoQT09>

Meeting ID: 819 0550 9822

Passcode: 238123

Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 819 0550 9822

Passcode: 238123

Find your local number: <https://us06web.zoom.us/j/kfCD0umz5>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.



Town Council Meeting

November 28, 2022 at 6:00 PM

Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m.
Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.
Mr. Jim Steele, Lake County Poet Laurette, read an untitled poem.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor David Miles | Councilor Reneé Lannamañ | Councilor George Lehning | Mayor Pro Tem Marie V Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Morgan Cates, Public Works Director | Don Griffey, Town Engineer | Rick Thomas, Police Chief | Azure Botts, Code Enforcement Officer | Abigail Herrera, Finance Supervisor | Tom Wilkes, Town Attorney

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to approve the meeting's agenda; seconded by Councilor Lannamañ.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

Councilor Miles asked to pull items #1 and #2.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the November 14, 2022 Town Council Meeting.

Councilor Miles stated that he would like four amendments to the minutes as he felt his comments were watered down.

Motion made by Councilor Miles to approve the 11/14/2022 Town Council Minutes with four edits; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

2. Consideration and Approval: **Resolution 2022-011 Budget Amendment Fiscal Year 2022**

A RESOLUTION AMENDING THE GENERAL FUND, POLICE RETIREMENT FUND, POLICE ADVANCED TRAINING FUND, IMPACT FEE FUND, WATER/SANITATION FUND, BUILDING FUND, AND INFRASTRUCTURE FUND FOR THE BUDGET YEAR 2021-2022.

Councilor Miles opined that this type of budget amendment was not necessary to complete.

Abigail Herrera, Finance Supervisor, proposed an amendment to the budget in the resolution. Mrs. Herrera stated that a change should be made in Revenues under Fund 001, General Operation, in 340000 Charges for Services, changing the FY 21-22 Actual Year End and FY 21-22 Amended Budget to \$142,135 from \$141,906. This change is an addition of \$229. The proposed change would change the Overall Total Revenue for Fund 001 General Operation, FY 21-22 Actual Year end and FY 21-22 Amended budget from \$2,097,943 to \$2,098,172.

Motion made by Councilor Lannamañ to approve Resolution 2022-011 with an amendment to the budget that Finance Supervisor, Abigail Herrera, had proposed; seconded by Mayor Pro Tem Gallelli. Motion approved by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Voting

Nay: Councilor Miles

PUBLIC HEARING

3. Consideration and Approval: (Second Reading) **Ordinance 2022-019 - Reserve/Hillside Groves Development - PUD Amendment**

Martha MacFarlane, Mayor, read Ordinance 2022-019 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING ORDINANCE 2021-010 PERTAINING TO THE USE OF LAND WITHIN THE PROPERTY KNOWN AS THE RESERVE AT HOWEY-IN-THE-HILLS; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE AMENDED AND RESTATED DEVELOPER'S AGREEMENT FOR THE RESERVE AT HOWEY-IN-THE-HILLS TO ALLOW A CHANGE IN THE REQUIREMENTS FOR CONSTRUCTION OF A NORTH-SOUTH ROAD; RATIFYING AND CONFIRMING THE PROVISIONS OF ORDINANCE 2021-010, AS AMENDED; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Manager, Sean O’Keefe, to introduce and explain this item. Mr. O’Keefe summarized the history of the Reserve / Hillside Groves project. Mr. O’Keefe explained a set of comments that the Florida Department of Transportation (FDOT) had given the project in reference to the size of the spine road that can connect to State Road 19. Don Griffey, Town Engineer, explained the FDOT comments and how they are utilized.

Mayor MacFarlane invited the applicant to speak. Lane Register, Land Development Manager with Lennar Homes, Rick Welch, Civil Engineer with Connelly and Wicker, and Ayman As-Saidi, the applicant’s traffic engineer consultant, spoke on behalf of the applicant. Mr. Register made a presentation on behalf of the applicant.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline stated that he believed the 4-lane road was necessary.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated he was in favor of the spine road being a 2-lane road, due to safety issues.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

There was a lengthy discussion regarding the merits of a 4-lane road versus a 2-lane road.

Councilor Miles made a motion to close debate and call the question; seconded by Councilor Lehning. Motion to call the question carried with a roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor Pro Tem Gallelli, Councilor Miles, Councilor Lehning

Nay: Mayor MacFarlane

Motion made by Councilor Lannamañ to approve Ordinance 2022-019 with an amendment that would add speed tables and speed calming devices to the spine road; seconded by Mayor MacFarlane. Motion passed by roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: Councilor Miles, Councilor Lehning

4. Consideration and Approval: (Second Reading) **Ordinance 2022-021 Animal Control**

Martha MacFarlane, Mayor, read Ordinance 2022-021 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, CREATING CHAPTER 54 IN THE TOWN OF HOWEY-IN-THE-HILLS’ CODE OF ORDINANCES TITLED “ANIMAL CONTROL”; PROVIDING REGULATIONS FOR RESTRAINT OF ANIMALS, NUISANCE ANIMALS, THE POSSESSION, OWNERSHIP, CARE, AND CUSTODY OF ANIMALS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated he believed that dogs should be on leashes when outside.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Lehning to approve Ordinance 2022-021; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

5. Discussion: (Second Reading) **Ordinance 2022-016 - Simpson Parcels - Rezoning from MDR 1 and MDR 2 to Planned Unit Development (PUD)**

Martha MacFarlane, Mayor, read Ordinance 2022-016 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY IN THE HILLS, FLORIDA, PERTAINING TO LAND USE; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE TOWN'S OFFICIAL ZONING MAP TO REZONE FROM MDR-1 AND MDR-2 TO PLANNED UNIT DEVELOPMENT CERTAIN LANDS LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF STATE ROAD 19 AND REVELS ROAD, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A TO THIS ORDINANCE; INCORPORATING CONDITIONS, REQUIREMENTS, RESTRICTIONS, AND OTHER TERMS GOVERNING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Manager, Sean O'Keefe, to introduce and explain this item. Mr. O'Keefe summarized the background of the Simpson/Watermark project and the proposed Ordinance / Developer's Agreement.

Mayor MacFarlane invited the applicant to speak. Timothy Green, President of Green Consulting Group, and Craig Harris, from JTD Land Company, spoke on behalf of the applicant and project. Mr. Green gave a presentation in favor of the applicant.

Mayor MacFarlane opened Public Comment for this item only.

William Sullivan, 26336 State Road 19 – Mr. Sullivan presented an attachment of a Howey-in-the-Hills Proposed Future Development Map that he had created to the Town Council that he wanted added to the records. Mr. Sullivan was not in favor of the project because it had not reserved the appropriate amount of sewer capacity yet.

Joshua Husemann, 671 Avila Place – Mr. Husemann compared this proposed development to the Talichet development and stated that the Simpson/Watermark would have more options and amenities than Talichet.

Chris Durham, 23809 Sunset Drive – Mr. Durham was not in favor of the proposed PUD and believes that the applicant should be held to the current zoning.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline was not in favor of this development

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

Councilor Miles made a motion to waive the standard time limitation of the meeting ending at 9:00 pm and amend the ending time for the meeting to 10:00 pm during this meeting; seconded by Councilor Lehning. The motion passed unanimously by voice vote.

Councilor Miles made a motion to approve the Developers Agreement with the following seven amendments to the Developers Agreement: #1: Lot front width size in the agreement to increase from 65' to 70' and from 75' to 80'; #2: Side setback would change from 7.5' to 10'; #3: Front Setback would change from 20' to 25'; #4: The addition of a maximum house size of 3,500 square feet; #5: Instead of 50 units or 125 units to trigger fair share payment, do a pay-as-you-go per unit (verbiage to be added by Town Attorney); #6: Leave pole sign verbiage in the agreement, with definition to be added by Town Attorney; #7: Strike out the proposed addition of "and there is inactivity in the development process within Phase 1," as there is no definition of inactivity; seconded by Councilor Lehning. Motion passed by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli,

Nay: Councilor Lannamañ, Mayor MacFarlane

Councilor Miles made a motion to approve Ordinance 2022-016 with the amended Developer's Agreement; seconded by Councilor Lehning. Motion carried by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli,

Nay: Councilor Lannamañ, Mayor MacFarlane

6. Consideration and Approval: **Simpson Parcels - Preliminary Subdivision Plan**

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

Councilor Lehning made a motion to reject the Simpson Parcels' Preliminary Subdivision Plan as it no longer conformed to the current Developers Agreement; seconded by Councilor Miles. Motion passed unanimously by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Councilor Lannamañ, Mayor MacFarlane

Nay: None

7. Discussion: **Water Utility Improvements - (Well 5 & 6 / Water Treatment Plant #3)**

Mayor MacFarlane introduced and explained this item. Mayor MacFarlane explained that this item was necessary to educate the public on the importance of the new northern Water Treatment Plant #3 and the new Wells #5 and #6. Mayor MacFarlane informed the public that they could get additional information at the Marianne Beck Memorial Library or on last month's water utility bill. Mayor MacFarlane asked the public to sign a petition in favor of water utility improvements.

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

OLD BUSINESS

None

NEW BUSINESS

8. Consideration and Approval: **Parks & Recreation Board Member Selection**

Mayor MacFarlane asked Town Manager, Sean O’Keefe, to introduce and explain this item.

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Mayor MacFarlane to appoint Joshua Husemann to the Parks & Recreation Board; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

Mayor MacFarlane made a motion to defer all other items on the meeting’s agenda (Item #9 Discussion: Capital Improvement Plan (CIP), Town Manger Report, and Town Councilor Reports) except the final Public Comments of the meeting; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by voice vote.

PUBLIC COMMENTS

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline voiced his disapproval of item #3’s approval on the meeting’s agenda.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:47 p.m. | **Attendees: 54**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk



Town Council Meeting

November 28, 2022 at 6:00 PM

Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m.
Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.
Mr. Jim Steele, Lake County Poet Laurette, read an untitled poem.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor David Miles | Councilor Reneé Lannamañ | Councilor George Lehning | Mayor Pro Tem Marie V Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Morgan Cates, Public Works Director | Don Griffey, Town Engineer | Rick Thomas, Police Chief | Azure Botts, Code Enforcement Officer | Abigail Herrera, Finance Supervisor | Tom Wilkes, Town Attorney

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to approve the meeting's agenda; seconded by Councilor Lannamañ.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

Councilor Miles asked to pull items #1 and #2.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the November 14, 2022 Town Council Meeting.

Councilor Miles stated that he would like four amendments to the minutes as he felt his comments were watered down.

Specifically, the four sections Councilor Miles requested to have changes made to are as follows:

#1) Under Item #2 – Consideration and Approval: (Second Reading) Ordinance 2022-019 - Reserve/Hillside Groves Development - PUD Amendment

At the end of the item add “Councilor Miles questioned the accuracy of the study, the study only accounted for estimates of vehicles either originating or terminating in the project, there was no provision for through traffic.”

#2) Under Item #6 - Discussion: (First Reading) Ordinance 2022-016 - Simpson Parcels - Rezoning from MDR 1 and MDR 2 to PUD

Changed the word "various" to "numerous" and added the sentence “Councilor Miles provided a copy of his proposed changes to the agreement to the Town Clerk, so he could provide a copy to the applicant to review and potentially change the document at the next meeting.”

#3) Under Item #16 Finance Department

Changed the sentence “Councilor Miles stated that he believed that it was time for the Town to review its current banking services and send out a Request for Proposals (RFP) for banking services.” to “Councilor Miles stated that the Town was earning almost no interest on its cash balances, and he believed that it was time for the Town to review its current banking services and send out a Request for Proposals (RFP) for banking services. With recent interest rate changes due to the inflation, the Town should be earning substantially more on its cash balances.”

#4) Under Item #20 Councilor Miles

Changed the paragraph “Councilor Miles thanked the Town staff for removing the brush at the corner of Tangerine and Lakeshore Blvd., for providing the status of the fencing project around lift stations, and the FGUA update. Councilor Miles reminded the Town Council that he would like the Town Manager to ensure that the Town conducts a study on the pollution in the old dump/landfill owned by the Town. Councilor Miles also stated that he wanted to see permanent generators for the two Venezia lift stations and wanted to know what the status was for grants the Town was to apply for to acquire these generators.” to “Councilor Miles thanked the Town staff for trimming the bush at the corner of Tangerine and Lakeshore Blvd., for providing the status of the fencing project around lift stations, and the FGUA update. Councilor Miles reminded the Town Council that he would like the Town Manager to ensure that the Town conducts a study on the pollution level in the old dump/landfill owned by the Town. Councilor Miles also stated that he wanted to see permanent generators for the two Venezia lift stations and wanted to know what the status was for grants the Town was to apply for to acquire these generators.”

Motion made by Councilor Miles to approve the 11/14/2022 Town Council Minutes with four edits; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

2. Consideration and Approval: **Resolution 2022-011 Budget Amendment Fiscal Year 2022**

A RESOLUTION AMENDING THE GENERAL FUND, POLICE RETIREMENT FUND, POLICE ADVANCED TRAINING FUND, IMPACT FEE FUND, WATER/SANITATION FUND, BUILDING FUND, AND INFRASTRUCTURE FUND FOR THE BUDGET YEAR 2021-2022.

Councilor Miles stated that this type of budget amendment was not necessary to complete for revenue.

Abigail Herrera, Finance Supervisor, proposed an amendment to the budget in the resolution. Mrs. Herrera stated that a change should be made in Revenues under Fund 001, General Operation, in 340000 Charges for Services, changing the FY 21-22 Actual Year End and FY 21-22 Amended Budget to \$142,135 from \$141,906. This change is an addition of \$229. The proposed change would change the Overall Total Revenue for Fund 001 General Operation, FY 21-22 Actual Year end and FY 21-22 Amended budget from \$2,097,943 to \$2,098,172.

Motion made by Councilor Lannamañ to approve Resolution 2022-011 with an amendment to the budget that Finance Supervisor, Abigail Herrera, had proposed; seconded by Mayor Pro Tem Gallelli. Motion approved by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Voting

Nay: Councilor Miles

PUBLIC HEARING

3. Consideration and Approval: (Second Reading) **Ordinance 2022-019 - Reserve/Hillside Groves Development - PUD Amendment**

Martha MacFarlane, Mayor, read Ordinance 2022-019 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING ORDINANCE 2021-010 PERTAINING TO THE USE OF LAND WITHIN THE PROPERTY KNOWN AS THE RESERVE AT HOWEY-IN-THE-HILLS; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE AMENDED AND RESTATED DEVELOPER'S AGREEMENT FOR THE RESERVE AT HOWEY-IN-THE-HILLS TO ALLOW A CHANGE IN THE REQUIREMENTS FOR CONSTRUCTION OF A NORTH-SOUTH ROAD; RATIFYING AND CONFIRMING THE PROVISIONS OF ORDINANCE 2021-010, AS AMENDED; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Manager, Sean O'Keefe, to introduce and explain this item. Mr. O'Keefe summarized the history of the Reserve / Hillside Groves project. Mr. O'Keefe explained a set of comments that the Florida Department of Transportation (FDOT) had given the project in reference to the size of the spine road that can connect to State Road 19. Don Griffey, Town Engineer, explained the FDOT comments and how they are utilized.

Mayor MacFarlane invited the applicant to speak. Lane Register, Land Development Manager with Lennar Homes, Rick Welch, Civil Engineer with Connelly and Wicker, and Ayman As-Saidi, the

applicant's traffic engineer consultant, spoke on behalf of the applicant. Mr. Register made a presentation on behalf of the applicant.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline stated that he believed the 4-lane road was necessary.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated he was in favor of the spine road being a 2-lane road, due to safety issues.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

There was a lengthy discussion regarding the merits of a 4-lane road versus a 2-lane road.

Councilor Miles made a motion to close debate and call the question; seconded by Councilor Lehning. Motion to call the question carried with a roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor Pro Tem Gallelli, Councilor Miles, Councilor Lehning

Nay: Mayor MacFarlane

Motion made by Councilor Lannamañ to approve Ordinance 2022-019 with an amendment that would add speed tables and speed calming devices to the spine road; seconded by Mayor MacFarlane. Motion passed by roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: Councilor Miles, Councilor Lehning

4. Consideration and Approval: (Second Reading) **Ordinance 2022-021 Animal Control**

Martha MacFarlane, Mayor, read Ordinance 2022-021 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, CREATING CHAPTER 54 IN THE TOWN OF HOWEY-IN-THE-HILLS' CODE OF ORDINANCES TITLED "ANIMAL CONTROL"; PROVIDING REGULATIONS FOR RESTRAINT OF ANIMALS, NUISANCE ANIMALS, THE POSSESSION, OWNERSHIP, CARE, AND CUSTODY OF ANIMALS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated he believed that dogs should be on leashes when outside.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Lehning to approve Ordinance 2022-021; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

5. Discussion: (Second Reading) **Ordinance 2022-016 - Simpson Parcels - Rezoning from MDR 1 and MDR 2 to Planned Unit Development (PUD)**

Martha MacFarlane, Mayor, read Ordinance 2022-016 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY IN THE HILLS, FLORIDA, PERTAINING TO LAND USE; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE TOWN'S OFFICIAL ZONING MAP TO REZONE FROM MDR-1 AND MDR-2 TO PLANNED UNIT DEVELOPMENT CERTAIN LANDS LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF STATE ROAD 19 AND REVELS ROAD, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A TO THIS ORDINANCE; INCORPORATING CONDITIONS, REQUIREMENTS, RESTRICTIONS, AND OTHER TERMS GOVERNING THE USE AND DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Manager, Sean O'Keefe, to introduce and explain this item. Mr. O'Keefe summarized the background of the Simpson/Watermark project and the proposed Ordinance / Developer's Agreement.

Mayor MacFarlane invited the applicant to speak. Timothy Green, President of Green Consulting Group, and Craig Harris, from JTD Land Company, spoke on behalf of the applicant and project. Mr. Green gave a presentation in favor of the applicant.

Mayor MacFarlane opened Public Comment for this item only.

William Sullivan, 26336 State Road 19 – Mr. Sullivan presented an attachment of a Howey-in-the-Hills Proposed Future Development Map that he had created to the Town Council that he wanted added to the records. Mr. Sullivan was not in favor of the project because it had not reserved the appropriate amount of sewer capacity yet.

Joshua Husemann, 671 Avila Place – Mr. Husemann compared this proposed development to the Talichet development and stated that the Simpson/Watermark would have more options and amenities than Talichet.

Chris Durham, 23809 Sunset Drive – Mr. Durham was not in favor of the proposed PUD and believes that the applicant should be held to the current zoning.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline was not in favor of this development

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item.

Councilor Miles made a motion to waive the standard time limitation of the meeting ending at 9:00 pm and amend the ending time for the meeting to 10:00 pm during this meeting; seconded by Councilor Lehning. The motion passed unanimously by voice vote.

Councilor Miles made a motion to approve the Developers Agreement with the following seven amendments to the Developers Agreement: #1: Lot front width size in the agreement to increase from 65' to 70' and from 75' to 80'; #2: Side setback would change from 7.5' to 10'; #3: Front Setback would change from 20' to 25'; #4: The addition of a maximum house size of 3,500 square

feet; #5: Instead of 50 units or 125 units to trigger fair share payment, do a pay-as-you-go per unit (verbiage to be added by Town Attorney); #6: Leave pole sign verbiage in the agreement, with definition to be added by Town Attorney; #7: Strike out the proposed addition of “and there is inactivity in the development process within Phase 1,” as there is no definition of inactivity; seconded by Councilor Lehning. Motion passed by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli,

Nay: Councilor Lannamañ, Mayor MacFarlane

Councilor Miles made a motion to approve Ordinance 2022-016 with the amended Developer’s Agreement; seconded by Councilor Lehning. Motion carried by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli,

Nay: Councilor Lannamañ, Mayor MacFarlane

6. Consideration and Approval: **Simpson Parcels - Preliminary Subdivision Plan**

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

Councilor Lehning made a motion to reject the Simpson Parcels’ Preliminary Subdivision Plan as it no longer conformed to the current Developers Agreement; seconded by Councilor Miles. Motion passed unanimously by roll-call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Councilor Lannamañ, Mayor MacFarlane

Nay: None

7. Discussion: **Water Utility Improvements - (Well 5 & 6 / Water Treatment Plant #3)**

Mayor MacFarlane introduced and explained this item. Mayor MacFarlane explained that this item was necessary to educate the public on the importance of the new northern Water Treatment Plant #3 and the new Wells #5 and #6. Mayor MacFarlane informed the public that they could get additional information at the Marianne Beck Memorial Library or on last month’s water utility bill. Mayor MacFarlane asked the public to sign a petition in favor of water utility improvements.

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

OLD BUSINESS

None

NEW BUSINESS

8. Consideration and Approval: **Parks & Recreation Board Member Selection**

Mayor MacFarlane asked Town Manager, Sean O’Keefe, to introduce and explain this item.

Mayor MacFarlane opened Public Comment for this item. Seeing no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Mayor MacFarlane to appoint Joshua Husemann to the Parks & Recreation Board; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

Mayor MacFarlane made a motion to defer all other items on the meeting's agenda (Item #9 Discussion: Capital Improvement Plan (CIP), Town Manger Report, and Town Councilor Reports) except the final Public Comments of the meeting; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by voice vote.

PUBLIC COMMENTS

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline voiced his disapproval of item #3's approval on the meeting's agenda.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:47 p.m. | **Attendees: 54**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk

TOWN OF HOWEY-IN-THE-HILLS

APPLICATION FOR BOARDS/COMMITTEES

Please Print Legibly

Name: Ellen Yarckin Date: 05/04/2022

Home Mailing Address: 800 Citrus Ave Howey in the Hills, FL 34737

Home Physical Address: 800 Citrus Ave Howey in the Hills, FL 34737

Florida Drivers License or ID: _____

Phone Number: 407-252-5703 E-mail Address: Eyarckin@aol.com

Education: Masters in Mental Health Counseling from Rollins

Business (Name & Type): Neal Development Group Commercial and Residential Building inspections and site development.

Business Address: 29305 CR 561

Business Phone: 352-240-1360 Position: Owner VP

Training or experience related to activities of boards or committees to which appointment is sought:
Underground Utility Contractor's License. Home Inspection License, 12 years of commercial experience in subdivision growth inspections

Professional Organizations: Board of CFCAR(Commercial Real Estate Association)

Have you served on a Town Board(s)/Committee(s) in the past? _____ Yes ☒ No

Name of Boards/Committee(s):

Dates Served:

Please check Board(s)/Committee(s) that interest you.

<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> Police Pension Board
<input checked="" type="checkbox"/> Historic Preservation Board	<input type="checkbox"/> Utility Advisory Board
<input type="checkbox"/> Library Board	<input type="checkbox"/> Visioning Committee
<input type="checkbox"/> Parks & Recreation Board	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Planning & Zoning Board	<input type="checkbox"/> Other

I will attend meetings in accordance with the adopted policies of the Town of Howey-in-the-Hills. If at any time my business or professional interests conflict with the interests of this Board or Committee, I will not participate in such deliberations. References may be secured from the following individuals:

	Name	Address	Phone Number
1	Larry Morris	Howey in the Hills	352-603-0034
2	Fran O'Keefe	Howey in the Hills	352-874-0209
3	Sue Garner	Howey in the Hills	407-808-2674

Ellen Yarckin

Signature of Applicant

In completing this application, you are acknowledging that personal information you provide is subject to Florida's Public Records Policy as stated in Chapter 119, Florida Statutes, and Article I, Section 24 of the State Constitution.

Additional information may be attached to this form.

FOR TOWN HALL USE

Received by _____ Date _____

Reviewed by Board _____

Appointed by Town Council _____ Date _____

TOWN OF HOWEY-IN-THE-HILLS

APPLICATION FOR BOARDS/COMMITTEES

Please Print Legibly

Name: Michael Ertel Date: Nov. 30, 2022

Home Mailing Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

Home Physical Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

Florida Drivers License or ID: _____

Phone Number: 407.687.3654 E-mail Address: Howey@MichaelErtel.com

Education: University of Maryland University College / Rollins College/Crummer Mini-MBA

Business (Name & Type): Public Efficiency Group, Inc. Government consulting

Business Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

Business Phone: 407.687.3654 Position: Principal

Training or experience related to activities of boards or committees to which appointment is sought:

More than 30 years in the public & private sectors providing services to the community.

Professional Organizations: _____

Have you served on a Town Board(s)/Committee(s) in the past? _____ Yes ☒ No

Name of Boards/Committee(s):

Dates Served:

Please check Board(s)/Committee(s) that interest you.

☐ Cemetery Board

☐ Police Pension Board

☐ Historic Preservation Board

☐ Utility Advisory Board

☐ Library Board

☐ Visioning Committee

☐ Parks & Recreation Board

☒ Other County Library Advisory Board

☐ Planning & Zoning Board

☐ Other

I will attend meetings in accordance with the adopted policies of the Town of Howey-in-the-Hills. If at any time my business or professional interests conflict with the interests of this Board or Committee, I will not participate in such deliberations. References may be secured from the following individuals:

	Name	Address	Phone Number
1	Sean O'Keefe	500 N. Florida Ave., Howey-in-the-Hills, FL 34737	352.874.1510
2	Steve Weimer	25904 San Rafael Ct., Howey-in-the-Hills, FL 34737	954.292.8094
3	Jennifer Lee	9413 San Miguel, Howey-in-the-Hills, FL 34737	321.689.0510

Michael Ertel

Signature of Applicant

In completing this application, you are acknowledging that personal information you provide is subject to Florida's Public Records Policy as stated in Chapter 119, Florida Statutes, and Article I, Section 24 of the State Constitution.

Additional information may be attached to this form.

FOR TOWN HALL USE

Received by _____ Date _____

Reviewed by Board _____

Appointed by Town Council _____ Date _____

**LAKE COUNTY BOARD/COMMITTEE
GENERAL APPLICATION**

Item 3.

☒ Mr. ☐ Ms. Name: Michael Ertel Date: November 29, 2022
Home Mailing Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

Home Physical Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

County of Residence: Lake Home Phone: 407.687.3654

E-mail Address: Library@MichaelErtel.com

Education: University of Maryland University College / Rollins College/Crummer Mini-MBA

Business (Name & Type): Public Efficiency Group, Inc. Government consulting

Business Address: 9507 San Miguel, Howey-in-the-Hills, FL 34737

Business Phone: 407.687.3654 Position: Principal

Training, experience or qualifications related to board/committee to which appointment is sought:

More than 30 years in the public & private sectors providing services to the community.

State reasons you are interested in appointment which is sought:

Desire to assist our community by encouraging literacy and empower our youth to achieve their version of the American dream.

Do you ***currently*** serve on a Lake County board/committee?

☐ Yes ☒ No *If yes, please identify each board/committee:*

Name of Board/Committee:

Have you served on a Lake County board/committee ***in the past***?

☐ Yes ☒ No *If yes, please identify each board/committee:*

Name of Board/Committee:

Dates Served:

Do you currently work for an entity or agency that either receives funding from, or has a contract with the County to perform services?

☐ Yes ☒ No *If yes, please identify the entity or agency:*

Are you, your spouse or children, currently an officer, director, or partner in any entity or agency that receives funding from, or has a contract with the County?

☐ Yes ☒ No *If yes, please identify the entity or agency:*

Please check board(s)/committee(s) that interest you at this time:

☐ Affordable Housing Advisory Committee

☐ Board of Adjustment

*(SEE IMPORTANT NOTE BELOW REGARDING FINANCIAL DISCLOSURE)

☐ Board of Building Examiners (*Note: A separate application is required for the Board of Building Examiners*)

*(SEE IMPORTANT NOTE BELOW REGARDING FINANCIAL DISCLOSURE)

☐ Children's Services Council

☐ Elder Affairs Coordinating Council

☐ Keep Lake Beautiful Advisory Committee

☐ Lake-Sumter MPO – Community Advisory Committee **CAC** (*Effective January 1, 2019*)

☒ Library Advisory Board

☐ Mt. Plymouth-Sorrento Community Redevelopment Advisory Committee – ***Please check one:***

☐ *Property owner within the Planning Area (OR)*

☐ *Resident or property owner within a three mile radius of the Planning Area*

Regarding the Mt. Plymouth-Sorrento CRA, which of the following do you have experience in? Please check all that apply:

☐ *Land planning*

☐ *Engineering*

☐ *Architecture*

☐ *Ownership or operation of a business*

☐ *Community leadership/volunteerism*

☐ Parks, Recreation and Trails Advisory Board

☐ Planning & Zoning Board

*(SEE IMPORTANT NOTE BELOW REGARDING FINANCIAL DISCLOSURE)

☐ Public Safety Coordinating Council

☐ Sales Surtax Oversight Advisory Committee

☐ Tourist Development Council

☐ Value Adjustment Board

☐ Water Safety Advisory Committee

☐ Other _____

***YOU WILL BE REQUIRED TO FILE A FINANCIAL DISCLOSURE FORM, PURSUANT TO CHAPTER 112, FLORIDA STATUTES, IF APPOINTED TO THE BOARD OF ADJUSTMENT, THE BOARD OF BUILDING EXAMINERS, OR THE PLANNING AND ZONING BOARD. Also, due to Florida laws regarding dual office holding, citizens cannot serve on more than one of these above-mentioned boards at one time. In the event this occurs, the member will be required to resign from one of the positions.**

References may be secured from the following individuals:

Item 3.

	Name	Address	Phone Number
1.	Sean O'Keefe	500 N. Florida Ave., Howey-in-the-Hills, FL 34737	352.874.1510
2.	Steve Weimer	25904 San Rafael Ct., Howey-in-the-Hills, FL 34737	954.292.8094
3.	Jennifer Lee	9413 San Miguel, Howey-in-the-Hills, FL 34737	321.689.0510

I will attend meetings in accordance with the adopted policies of Lake County. If at any time my business or professional interests conflict with the interests of this board or committee, I will not participate in such deliberations.

Michael Ertel

Signature of Applicant

In completing this application, you are acknowledging that personal information you provide is subject to Florida's Public Records Policy as stated in Chapter 119, Florida Statutes, and Article I, Section 24 of the State Constitution.

Additional information may be attached to this application form.

How did you learn of this vacancy?

☐ Newspaper Ad ☐ Internet ☐ LSSC Channel 13 ☒ Friend ☐ Other

Applications are kept on file with the Board of County Commissioners for a period of six months from date of receipt. In the event a vacancy occurs and you are not appointed to a particular board/committee, your application may be reconsidered should another vacancy occur during that six month period.

Please return this completed application to:

Lake County Board of County Commissioners
County Commissioners' Office
P. O. Box 7800
Tavares, FL 32778-7800

CAPITAL IMPROVEMENTS ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED MARCH 14, 2022

CAPITAL IMPROVEMENTS ELEMENT TABLE OF CONTENTS

A.	INTRODUCTION	1
1.	BACKGROUND AND HISTORY	1
2.	PROCESS FOR ANNUAL ADOPTION AND REVIEW	2
3.	GENERAL COMPONENTS OF THE SCHEDULE	2
a.	Time Period.....	2
b.	Project Description and General Location	2
c.	Consistency with Other Elements	2
d.	Projects and Costs	3
e.	Revenue Sources	3
f.	“Committed” versus “Planned” Funding Sources	3
g.	Grants as a Funding Source	3
4.	PROJECTS TO BE INCLUDED IN THE SCHEDULE.....	4
a.	Projects to Achieve and Maintain LOS standards	4
b.	Projects to Reduce Existing Deficiencies	4
c.	Replacement Projects	4
d.	Projects to Meet Future Demand	5
B.	CAPITAL IMPROVEMENTS INVENTORY	7
1.	Need Derived from Other Elements	7
2.	Existing Financial Resources	8
3.	Local Revenue Sources.....	9
a.	Property Taxes (Ad Valorem).....	9
b.	Public Utility or User Charges	9
c.	Other taxes, fees, and charges.....	9
d.	Franchise Fees.....	9
e.	Public Service or Utility Tax	9
f.	Special Source of Revenue	10
g.	Special Assessment	10
h.	Borrowing	10

4.	State Sources	11
a.	Revenue Sharing Trust Fund	11
b.	Other Shared Revenue	12
c.	Mobile Home Licenses	12
d.	Local Option Taxes	12
e.	Alcoholic Beverage License	12
f.	Other Sources of Shared Revenues	12
5.	Federal and State Grants and Loans	13
C.	LOCAL POLICIES AND PRACTICES	13
1.	Level of Service Standards	13
2.	Capital Improvements Program (CIP)	14
3.	Impact Fees	14
4.	Utility Service Areas	14
5.	User Charges and Connection Fees	15
6.	Concurrency Management System	15
7.	Mandatory Dedication or Fees in Lieu Of	16
8.	Moratoria	16
D.	DATA AND ANALYSIS	16
1.	POTABLE WATER	17
2.	WASTEWATER	17
3.	PUBLIC RECREATION AND OPEN SPACE	17
4.	TRANSPORTATION	18
a.	Level of Service Analysis	18
5.	STORMWATER	19
a.	Level of Service Analysis	20
6.	SOLID WASTE	21
a.	Level of Service Analysis	21
7.	PUBLIC SCHOOL FACILITIES	21

E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES	23
--	----

LIST OF TABLES

TABLE 1: ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS	19
TABLE 20 5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS	39
TABLE 20A 5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS	40

CHAPTER 8 CAPITAL IMPROVEMENTS ELEMENT

ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN

A. INTRODUCTION

1. BACKGROUND AND HISTORY

The preparation of the annual update to the *Capital Improvements Element (CIE)* was conducted consistent with and following the guidelines prepared by the Florida Department of Community Affairs (DCA) in *A Guide to the Annual Update of the Capital Improvements Element*. Staff followed the guide to ensure compliance and consistency with the requirements of the Florida Statutes and the Florida Administrative Code.

There is often confusion about the difference between the *CIE* and the *Capital Improvements Program (CIP)*. In brief, the *CIE* is a required element of the *Comprehensive Plan* and is concerned with the capital improvement projects necessary to meet or maintain the adopted Level of Service (LOS) standards established in the *Comprehensive Plan* or to implement the Goals, Objectives, and Policies of the *Comprehensive Plan*. The *CIP* provides a schedule of all capital projects to be undertaken by the Town, including the purchase of equipment and the construction of new governmental facilities and buildings.

The update of the *CIE* includes two parts: The Data and Analysis section and the *Schedule of Capital Improvements*. The Data and Analysis section includes an explanation of Level of Service (LOS) standards, the public facilities to be included in the report, an analysis of the existing and projected LOS for the planning period covered by the Schedule, a projection of future revenues and expenditures, and most importantly an analysis of the Schedule's financial feasibility.

The second section of the update is the *Capital Improvements Project Schedule (the Schedule)*. This is a table with information on every capital project necessary to meet or maintain the adopted LOS standards. Information such as a brief project description, the funding source, and the fiscal year for funding different phases of the project are also included in the Schedule. The Schedule establishes a link between the proposed improvements and the LOS standards established for the public infrastructure.

Chapter 163.3180, F.S., requires that all local governments shall maintain concurrency and establish LOS standards for the following public facilities:

1. Potable Water,
2. Wastewater,
3. Public Recreation and Open Space,

4. Transportation,
5. Drainage or stormwater,
6. Solid Waste,
- 7.

Where the local government elects to adopt a public school facilities element, a level of service for schools must be included as well. The Town does participate with the Lake County School Board in schools planning via an interlocal agreement and the goals, objectives and policies established in this comprehensive plan.

2. PROCESS FOR ANNUAL ADOPTION AND REVIEW

The purpose of the annual update is to maintain a financially feasible *5-year Schedule of Capital Improvements*. The *CIE* is a statement of budgetary policy and a planning document for capital expenditures and improvements for public use.

Section 163.3177 (3)(b), F.S. mandates that the *CIE* must be updated “on an annual basis”. The adoption of the annual update is done by local ordinance and then submitted to the State review agency as evidence of compliance.

3. GENERAL COMPONENTS OF THE SCHEDULE

In general, the *Schedule* must include those capital improvement projects for which the local government has fiscal responsibility. The *Schedule* must also include projects such as school facilities, certain transportation facilities funded by other agencies (FDOT, or County), and privately funded projects necessary to ensure that adopted LOS standards are achieved or maintained.

a. Time Period

The *Schedule* must be sub-divided into five one-year (fiscal year) periods.

b. Project Description and General Location

The *Schedule* should include a brief general description of each project. The description must contain enough detail to demonstrate that the project is consistent with the facility needs identified in the other elements of the plan or in the data and analysis section of the *CIE*.

The *Schedule* should indicate the location of the project. Identifying the location of the project informs the community and landowners where infrastructure improvements are scheduled. If necessary, a map indicating the location of the capital improvements may be included as part of the update.

c. Consistency with Other Elements

The *Schedule* must include a demonstration of consistency with the individual elements of the *Comprehensive Plan*.

d. Projects and Costs

A local government has discretion in establishing the types of projects that will be included in the *Schedule*. A “capital improvement” is defined as physical assets “which are large scale and high in cost ... generally nonrecurring and may require multiyear financing”. The *Schedule* must identify the cost for each project.

e. Revenue Sources

The revenue sources that will be used to fund each project must be identified in the *Schedule*. The supporting data and analysis needs to identify “existing funding sources” and include a projection of the amount of revenue expected to be collected from existing sources and other revenue sources.

Revenue sources could include any source that can be used to fund capital projects, including ad valorem taxes, bonds, state and federal funds or grants including FDOT funding, tax revenues, impact fees, and developer contributions.

f. “Committed” versus “Planned” Funding Sources

A “committed funding” source is one which is available for and dedicated to financing capital improvements included in the *Schedule* and is based on expected revenues from an existing source. Thus, “committed funding source” means that expected revenues from an existing revenue source have been dedicated to funding the capital improvements included in the *Schedule*. A developer’s contribution becomes a committed funding source when it is included in a legally binding agreement.

A “planned funding” source is one that is not currently available to the local government to use to fund capital projects. Examples of these include grants or the issuing of bonds based on referenda. A local government must demonstrate that a source is planned by adopting in the *CIE* a reasonable strategy that will be pursued to secure the revenue source. For example, the strategy could commit the local government by a certain date to initiate the referendum process or submit a grant application.

g. Grants as a Funding Source

Grants may be used to fund *CIE* projects. When reporting grants as a funding source it is necessary to identify the specific grant program to be used, the amount of the grant, and the funding source of any required local match. Depending on the status of a grant application, grants may be a “committed” or “planned”

funding source. Grants which have been approved may be used as “committed funding” source for any of the five years of the *CIE Schedule*.

4. PROJECTS TO BE INCLUDED IN THE SCHEDULE

The projects to be included in the *Schedule* must include all the capital projects necessary to achieve and maintain the LOS standards, reduce existing deficiencies, provide for necessary replacements, and meet future demands during the time period covered by the *Schedule*.

The *Schedule* may include other facilities related to locally approved concurrency, or facilities not required to address either state-required or locally approved concurrency. In general, the *Schedule* need only include projects for which the local government has fiscal responsibility. However, the *Schedule* must include certain public and privately funded projects for which the government does not have fiscal responsibility. These could include: (1) Water supply projects, (2) public schools, (3) MPO’s TIP, and (4) developer funded projects necessary to maintain LOS standards.

a. Projects to Achieve and Maintain LOS standards

As previously stated, the *Schedule* must address the facility needs identified in the other elements of the plan for which LOS Standards must be adopted; these are the facilities for which concurrency is required. The concurrency facilities are: (1) Sanitary Sewer, (2) Potable Water, (3) Drainage or Stormwater, (4) Solid waste, (5) Parks and Recreation, (6) Transportation facilities, including mass transit, and (7) Public Schools.

b. Projects to Reduce Existing Deficiencies

In addition to projects to achieve and maintain LOS standards, the *Schedule* must also include projects to reduce existing deficiencies. A deficiency is a facility or service that is operating below the adopted LOS standard. If the annual update demonstrates that LOS standard will not be met during the five-year planning period, then the local government must adopt either a long-term concurrency management system or planning strategies to address these deficiencies.

c. Replacement Projects

The *Schedule* must include projects that are needed as “replacement” for facilities that wear out or are obsolete. Such projects may include facilities that have are malfunctioning or are constantly out of service such that the facility is unable to meet the demand for services.

d. Projects to Meet Future Demand

The updated *Schedule* must include projects to meet future demand. Such projects should be identified in the data and analysis section of each element. The basic concurrency requirement included in the statute states that facilities must be “available when needed”. The exact definition varies from facility to facility and only water, sewer, drainage and solid waste concurrency is mandated by State law. The function of the schedule is to time the construction of capital projects so that they are available when needed.

The following discussion defines “available when needed” for each type of concurrency:

Sanitary sewer, solid waste and drainage

- At the time of issuance of a Certificate of Occupancy (CO), the necessary facilities are in place, or
- At the time of issuance of Development Order (DO), the necessary facilities are guaranteed in an enforceable development agreement to be in place at the time of issuance of CO.

Potable Water

- Potable water facilities must be available as described in Section A. 1, above and prior to approving a building permit the local government must check with its water supplier to verify that adequate water supplies will be available no later than the anticipated date of issuance of a CO.
- If the local government is located in an area for which the water management district (WMD) has prepared a *Regional Water Supply Plan (RWSP)*, the *Potable Water sub-element* must incorporate the water supply projects chosen by the local government from those identified in the *RWSP* or proposed by the local government to meet projected demand within the area served by the local government.

In addition, the *Potable Water sub-element* must include a 10-year water supply facilities work plan for building needed facilities. The first five years of the adopted work plan must be included in the *Schedule*.

Recreation and Open Space: The statute distinguishes between open space and outdoor recreation acreage and the actual facilities constructed on such land.

- Before a local government can issue a CO, the acreage for needed park and recreation facilities must be dedicated or acquired by the local government. If developer fair share funds are to be used to acquire the acreage, then these funds must be committed before the local government can grant approval to begin construction.

- The actual facilities needed to serve new development must be in place or under actual construction no later than one (1) year after the local government issues a CO. The Schedule should be constructed so that the local government is able to meet both these tests and avoid denying COs. The list of park and recreation facilities in the Schedule must be consistent with the supporting data and analysis in the *Recreation and Open Space Element*.

Public Schools:

The Town has elected to continue with concurrency for public schools. This process is governed by an interlocal agreement adopted by the school board and the local governments in Lake County. The agreement establishes procedures and processes for evaluating projects relative to school needs, and the school district provides an annual five-year capital budget that is reviewed as part of the Town's annual CIE update.

Transportation Facilities (Including mass transit): A *Comprehensive Plan* is financially feasible for transportation facilities if it can be demonstrated that LOS standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Chapter 163.3180, F.S.

- Concurrency Test: Transportation facilities needed to serve new development must be in place or under actual construction within three (3) years after the local government issues a building permit.
- List of projects: The *Schedule* must include projects on which the local government has relied or intends to rely for concurrency purposes. The *Schedule* need not include costs related to project planning and design since this phase of a project does not add roadway capacity and cannot be used to satisfy concurrency.
- Right-of-way acquisition projects can be included in the *Schedule* as one component of the total cost of a project. If a right-of-way acquisition project is included in the *Schedule*, the *Schedule* must also include the construction phases of the project.

Metropolitan Planning Organization (MPO) Projects: The *Schedule* must include transportation improvements included in the first five years of the applicable MPO's *Transportation Improvement Program (TIP)* to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The *Schedule* must also be coordinated with the applicable MPO's long range transportation plan.

Strategic Intermodal System (SIS) Projects: The local government must adopt LOS Standards for SIS facilities that are consistent with FDOT standards. Projects needed to maintain the Standards must be included in the Schedule. MPO's are

required to update their *TIP* every summer (July 1) and to include all regional/county projects in the new five-year work plan.

- Proportionate-share: A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year *Schedule of Capital Improvements* or if contributions for such facilities or segments are incorporated in the next update of the 5-year *Schedule of Capital Improvements Element*.
- De Minimis Report Requirement: A de minimis impact is an impact that affects no more than 1% of the maximum service volume at the adopted LOS standard. Development which causes only a de minimis impact is not subject to traffic concurrency. However, total traffic volume should not exceed 110% of the maximum service volume at the adopted LOS standard. Local governments must maintain records to ensure that the 110% criterion is not exceeded.

The annual update of the *CIE* must demonstrate that the 110% criterion has not been exceeded or, if it has been exceeded, that the impacted roadway is scheduled for improvement in the *Schedule*. No de minimis exceptions may be granted on roadways where the 110% criterion is exceeded until such time as the volume of the roadway is reduced below 110%. A single-family home on an existing lot of record will always constitute a de minimis impact regardless of the level of deficiency.

B. CAPITAL IMPROVEMENTS INVENTORY

1. Need Derived from Other Elements

The analysis documented in the other comprehensive plan elements have identified facility improvements needed to meet the existing service deficiencies and those needed to meet the demands of future growth.

The Town does not provide public education services. Public education in Lake County is a function of the elected Lake County School Board. Lake Hills School, which serves students with moderate to profound disabilities from Pre-K to the 12th grade, is the only public school located in Town. There are three Lake County public schools (Astatula Elementary School, Tavares Middle School and Lake Technical Center - Astatula) within 5 miles of Howey-in-the-Hills. There are no public school facilities planned in the Town during the short-range and long-range planning period. Appendix B of the *Public School Facilities Element* features the concurrency service areas for the public schools in Lake County.

The State Department of Children and Families (DCF) determines the need for new health care facilities with a formula based on occupancy rates, historic use by age group, and population projections by age group. Although the Town currently has no full-service hospitals, there is the Florida Hospital Waterman located about 8 ½ miles northeast in the City of Tavares and the Leesburg Medical Center located about 11 miles northwest in the City of Leesburg that serve the Howey-in-the-Hills area. The nearest Emergency Medical Service station is located about 4 miles northeast of Town in the City of Tavares on Lane Park Cutoff

Individual capital improvement needs identified in this *Element* are, for the most part, those improvements, which cost \$1,500 or more and are generally non-recurring purchase items. The capital improvements identified in the other elements of this *Comprehensive Plan* are listed with a brief description in the Town's *5-year Schedule of Improvements* along with their estimated costs and projected year of expenditure. The improvements are listed by type of service, related to the various elements of the *Comprehensive Plan*. The *Capital Improvements Element* addresses existing and future capital improvements needed for at least the first five fiscal years after the adoption of the *Comprehensive Plan*.

It should be noted that the capital improvement projects contained in the Town's *5-year Schedule of Improvements* are not inclusive of all the anticipated capital expenditures by the Town during the planning period. The Town's *5-year Schedule* is limited only to those major components identified by the preceding elements of the Town's *Comprehensive Plan* in order to analyze development impacts and trends at a level of detail which is both manageable and fairly accurate.

The cost estimates for the capital improvements indicated in this *Element* were developed using standard engineering practice regarding construction costs, in conjunction with information derived from actual construction costs of similar projects, certified bid documents on similar projects, and engineering cost estimates conducted on similar projects.

2. Existing Financial Resources

The first step in planning capital improvements, as well as arranging the necessary financing through the budgeting process, is to inventory the major sources of funding available to the Town. The revenue sources listed below comprises a working inventory for which the Town's ability to fund the needed capital improvements will be assessed. In addition, the current status of each revenue source currently used by the Town is indicated. It is important to note that the list below includes all of the major financial resources available to the Town and is not limited to the funds which will be used for the capital improvement projects identified in the *5-year Schedule of Improvements* included in this *Element*. These currently utilized financial resources comprise, in part, the revenue sources which will be used to fund the identified capital improvements projects.

3. Local Revenue Sources

a. Property Taxes (Ad Valorem)

Property taxes are normally based on a millage rate (i.e. one mill equates to \$1 per \$1,000 of assessed value, or .1%), which is then applied to the taxable value of all real property, as well as all other tangible personal property. The revenue from ad valorem taxes may be used to fund both operating costs and capital projects, unless prohibited by local policies. Provisions at the State level exist for raising the millage rate above the 10-mill cap set by local referendum for debt service or provision of municipal-type services within the Town.

b. Public Utility or User Charges

The revenue from these charges is generated primarily as a result of the rates charged to Town residents of utilization of Town-owned utilities such as water, drainage, and solid waste removal/disposal. Revenue from these operations include user fees, miscellaneous customer service charges, and interest income.

c. Other taxes, fees, and charges

This category of revenue source includes special assessments, various administrative fees, and other charges for using services or facilities owned and operated by the Town. Some examples of these charges are public document sales, property appraisal fees, fines and forfeitures, permit and license fees, Town fund interest income, Town property sale income, rental income, and all private contributions (real estate, gifts, donations, etc) to the Town.

d. Franchise Fees

The Town currently charges a franchise fee (based on the applicable gross revenues charged) for utility services, which are provided by private companies within the Town.

e. Public Service or Utility Tax

A municipality may levy a tax on the purchase of electricity, metered or bottled gas, water, cable television, and telecommunication services. The tax may be levied upon only the purchases within the municipality and may not exceed ten (10) percent of the applicable payments received by the seller of the taxable item from the purchaser of the purchase of such service.

f. Special Source of Revenue

Additional funding mechanisms are sometimes required due to the availability of existing revenue sources and/or the project priorities assigned by the Town Council. The options available to the Town regarding alternate sources of revenue for funding capital improvement projects are listed below.

- 1) **System Development of Impact fees.** Fees which are charged in advance of new development to pay for infrastructure needs, but not operating costs, resulting directly from the new development. The fees must be equitably allocated to the specific group(s) which directly benefit from the capital improvements. In addition, the assessment levied must fairly reflect the true cost of the capital improvements.

g. Special Assessment

Like impact fees, special assessments are charged to residents, agencies or areas who directly benefit from the provision of a new service or facility by the Town. For example, the construction of a gravity sewer system for an existing neighborhood may be financed through a special assessment to the neighborhood's individual homeowners rather than through a revenue fund of the Town.

h. Borrowing

Occasionally, many local governments are required to resort to borrowing funds to pay for capital improvements due to their extremely high cost. Usually, either long-term or short-term financing is used to provide these funds. The short-term financing option is normally handled by local banks and is used to raise the required revenue for periods of one to five years. The more customary method is to authorize long-term bond issues, which range in length from five to thirty years.

Listed below are several types of bond issues available to the Town.

- 1) **General Obligation Bonds.** These are bonds which are backed by the full faith and credit of the local government and are required to be approved by a voter referendum. Since these bonds are secured by the taxing power of government, they generally offer lower interest rates than other bonds. The revenues collected from ad valorem taxes on real estate, as well as other sources of revenue are used to service the government's debt. General obligation bonds should be used to fund capital improvements which benefit the whole Town rather than specific areas or groups of citizens.

- 2) **Revenue Bonds.** The revenue obtained from the issuance of these bonds is normally used to finance publicly owned facilities such as water treatment and wastewater treatment facilities. The charges collected from the users of the facilities are used directly to retire the bond obligations. This basically allows the capital project to be self-supporting. It should be noted that the interest rates generally tend to be higher than those of general obligation bonds. Also, the issuance of the bonds may be approved by the Town Council without a voter referendum.
- 3) **Industrial Revenue Bonds.** This type of bond, though issued by a local government, is actually assumed by companies or industries that use these funds to construct facilities. The low interest rates associated with this type of bond (due to their tax-exempt status) makes it particularly attractive to industry. The advantages to the local government is that the private sector is responsible for the retirement of the debt and that the new employment opportunities are created in the community.

4. State Sources

The Town also depends on annual disbursements from State government to supplement its revenue sources. The revenue sources discussed above represent those funds generated by Town levies which may be collected and disbursed at the local level. The revenue sources discussed in this section represent those funds which are:

- (1) generated locally, but collected and later reimbursed to the Town by the State;
- (2) adopted as a local option tax or license fee, collected and reimbursed by the State; or
- (3) shared by the State in the form of grants to the local government, but originate from State general revenues. The amounts available from these sources may vary widely from year to year depending on legislative actions.

a. Revenue Sharing Trust Fund

This component of revenue consists of 1 percent of sales and use tax collections, 1 percent of the State alternative fuel use decal fee collections, and the remainder is generated from the one-cent municipal fuel tax. The sales and use tax collections were substituted for the cigarette tax revenues that previously were used for this fund by the Florida Legislature. The municipal fuel tax funds are restricted for transportation related expenditures.

b. Other Shared Revenue

This category of revenue sources includes several major financial resources which, like the Revenue Sharing Trust Fund, are shared between local and State government agencies.

The following taxes and licensing fees generate a large portion of the total annual revenue for the Town's General Fund.

- 1) **Sales Tax** – The current sales tax in the State is 6%, and is levied on retail sales, and such things as commercial rentals, admission fees to entertainment facilities, and motor vehicle sales. The collection is returned to the counties and municipalities in accordance with specific formulae. The variables of the formulae, in the case of towns, include the population of the municipality, as well as the total and unincorporated population of the County.

c. Mobile Home Licenses

Mobile Home licenses currently range from \$31.60 to \$86.60, depending on what time length is established in the rate structure. Each city or town in the State shares in the allocation of the revenues from this source based on the number of units located in the city or town. The city or town in turn shares a portion of the revenue with the local school board. This has proven to be a relatively stable revenue source over time.

d. Local Option Taxes

Currently, there are four (4) possible sources of revenue available to the Town within this category. All the funds are generated locally, but the funds are collected and disbursed by the Florida Department of Revenue. The Town currently shares in only two (2) of these revenue sources.

e. Alcoholic Beverage License

The Division of Alcoholic Beverages and Tobacco for the State of Florida administers the issuance of licenses associated with the sale and/or consumption of alcoholic beverages. The State collects in excess of \$37 million annually from this fee. Of this amount, a portion is returned to counties and municipalities as a State shared revenue.

f. Other Sources of Shared Revenues

The Town also receives other shared revenues from both the County and other government agencies. These revenues include the Excise Tax, County Business Tax Receipt fees, Court fines and forfeits, and County Library Member Agreement fees.

5. Federal and State Grants and Loans

The Federal Government and State of Florida offer a variety of funding opportunities including block grants, loans and specific use grant programs that may be available for projects within the Town. For a Town with limited financial resources these programs can be highly useful sources of revenue. The Town regularly monitors these funding opportunities and applies for funding when the opportunity arises.

C. LOCAL POLICIES AND PRACTICES

To guide the location and timing of land development, local policies and practices are used, particularly in support of the goals, objectives, and policies of the *Future Land Use Element*. State agencies and water management districts which provide public facilities within the Town's jurisdiction will directly influence these policies and practices. One such influence was found to be generated by the Florida Department of Transportation's (FDOT) 5-year Transportation Plan. This influence stemmed from the fact that State Road 19 is within the Town's jurisdiction, and therefore largely the financial responsibility of the FDOT. Plans for the improvement of State Road 19 may be included in the before mentioned 5-year Transportation Plan. However, there are other such roadways not included in the Plan. Either scenario affects the capacity of the roadways, which in turn affects the level and intensity of development, as well as the degree of financial commitment for which the Town must plan.

In the absence of improvement plans by FDOT, special provisions may be made when the Town desires improvement of a State road to maintain local levels of service standards. These provisions may include the Town expending funds for roadway improvements or providing FDOT with the funds, either of which may be collected through an impact fee.

In this section, many of the local practices and policies used by the Town are described in terms of their general concept and the circumstances surrounding their use. The policies and practices both used in the past and currently in use are identified. Policies and practices not in use which have the potential for being used by the City are discussed in a later section of the *CIE*.

1. Level of Service Standards

Level of Service (LOS) standards indicate the degree of service provided or proposed to be provided by public facilities based on their operational characteristics. Basically, the LOS indicates the capacity per unit of demand for each public facility. Therefore, the LOS is a summary of the existing or desired public facility conditions. These LOS standards are to be established for the specific purpose of issuing permits or development orders to ensure that adequate capacity is available and will be maintained in public facilities for future development.

LOS standards can affect both the timing and location of development by encouraging development of those areas which have public facilities with excess capacity. In addition, development is not allowed unless the needed facilities and services are available. This development and provision of services usually occur in a phased sequence over a period of time.

2. Capital Improvements Program (CIP)

A *Capital Improvements Program* is a plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated facility improvements and needs. The *CIP* identifies each capital project or other capital expenditures anticipated by the Town, as well as presenting estimates of the resources needed to finance the project.

The *CIP* is designed to be consistent with the *CIE* of the local comprehensive plan because it reflects the goals, objectives, and policies of the *Element* and its implementation strategy, including the *5-year Schedule of Improvements*. In addition, the *CIP* is not restricted to only those public facilities addressed in the comprehensive plan, as is the *CIE*.

The first year of a *CIP* becomes the annual capital budget with longer range capital expenditures identified for the 5-year program. The capital budget encompasses enacting appropriations for those capital projects delineated for the first year of the *CIP*. The *CIP*, similar to *CIE*, is reviewed on an annual basis.

3. Impact Fees

Impact fees are imposed by many local governments on new developments to offset the costs of new public facilities necessitated by the development. Local government may use this strategy as one method of implementing the *CIE*.

Impact fee development is a logical outgrowth of the *CIE* preparation. A rational basis for developing an impact fee ordinance comes from the assessment of the local government's capital improvement needs and its capability to provide for those needs.

Infill development location and timing may be affected and controlled through the use of impact fees. This is because infill development usually occurs in those areas having capital facilities with excess capacity. If the local government chooses not to recover the costs of capital facilities in underutilized service areas, infill development may be encouraged by the absence of impact fees on developments proposed within those areas.

4. Utility Service Areas

The delineation of utility service areas within a comprehensive plan or *CIP* may be used to describe areas where local governments intend to provide public facilities and services. When used in conjunction with a *CIE* and *CIP*, utility service areas can be used as a tool

to coordinate the timing of public facilities and service provision within areas planned for development.

Additionally, the following benefits may be the result of using utility service areas:

- a) Encourage efficient and orderly growth patterns;
- b) Preserve agricultural and environmentally sensitive areas; and
- c) Support control on facility extensions

5. User Charges and Connection Fees

User charges are designed to recover the costs of public facilities or services from those who benefit from them. Many areas of local government employ the use of user charges. Monthly sewer charges paying for the operation and maintenance of wastewater facilities as well as retiring debt service on revenue bonds is a good example of user charge usage. This technique may also be applied to transportation, potable water, solid waste, recreation, and parking facilities and services.

These charges may be designed to vary, depending on the quantity and location of the services rendered, in order to affect the pace and pattern of development. In other words, the greater the distance from the service area, the higher the user charge.

6. Concurrency Management System

This controls the timing and location of development by conditioning new development approvals on evidence that sufficient facilities and services are present or will be provided in order to maintain adopted LOS standards. Therefore, development approval becomes contingent on the ability of local governments to provide facilities and services, and furthermore, may require the development itself to furnish the facilities and services in order to maintain the adopted LOS standards. Additional benefits associated with a Concurrency Management System are as follows:

- a) Supports the consistency of the *CIE* with the *Future Land Use Element*;
- b) Provides for the orderly expansion of public facilities;
- c) Stabilizes capital improvement expenditures and taxing structures for capital improvements; and
- d) Reduces the possibility of damage to the environment from the use of overburdened facilities.

Typically, the Concurrency Management System interacts with the development approval process by requiring that all zoning, subdivision, or planned unit development (PUD) approval be granted only upon demonstrated compliance with the system. The building permit stage is another level at which a Concurrency Management System may function. In this context, the Concurrency Management System may control development in areas that are already approved, but not as yet built on, such as pre-platted lands.

7. Mandatory Dedication or Fees in Lieu Of

The Town may require, as a condition to plat approval, that subdivision developers dedicate a portion of the land within the development to be used for public purposes such as roads, parks, and schools. Dedication may be made to the governing body, or to a private group such as a homeowner's association.

When a subdivision is of such small scale or topographic conditions that a land dedication cannot reasonably be required, the Town may require that the subdivider pay a fee in lieu of dedication which is equivalent to the amount of land that otherwise would have been dedicated by the developer. The fee may be deposited into a separate account for use in the future towards the provision of such facilities.

As a result of the public facility provision, the adjacent area benefiting from the initiative would likely become more attractive to development. Therefore, the acquired service potential may be used to encourage growth in desired areas.

8. Moratoria

A moratorium, or stop-gap ordinance, is used to temporarily halt or freeze development in an area for a specified period of time on an emergency basis. The ordinance may be imposed on building permits, development approvals, or governmental services such as potable water connections or wastewater system extensions and/or connections. The moratorium normally is imposed for a "reasonable time" to allow the necessary planning activities to take place pending comprehensive plan preparation, adoption, or amendment. The State of Florida's legal system has found development moratoria to be a valid measure of last resort in the protection of local public health, safety, and welfare when adopted in accordance with applicable procedures. Some other considerations in adopting a moratorium include:

- a) Determining legal status of existing permit applications and approvals to determine the extent of "vested rights" for those developments approved prior to ordinance adoption;
- b) Specifying the geographic extent of the moratorium (whether it will include the entire Town limits, or limited to specific hazard areas with existing service insufficiencies); and
- c) Specifying the time frame and conditions under which the moratorium will be imposed.

D. DATA AND ANALYSIS

The data and analysis for public facilities is detailed in the individual plan elements and may be referenced there. Specific note is taken regarding the ongoing master planning being done for the Town's potable water and sanitary sewer systems. This is a detailed engineering study which will identify short-term and long-term capital needs and projects. These studies will not be complete prior to the adoption of the 2018 capital improvements program, and, therefore, will be more heavily referenced in future CIP annual updates. The following sections layout the level of service requirements for each class and type of public facility.

1. POTABLE WATER

The Town of Howey-in-the-Hills maintains and operates the potable water system that provides potable water service to the Town. The *Comprehensive Plan* sets two different levels of service for potable water usage. The first LOS standard is 242.0 gallons per day per capita for the overall customer usage and the second LOS standard is 150.8 gallons per day per resident for the residential customers. (Policy 1.10.1 of the *Public Facilities Element*)

2. WASTEWATER

The Town does not have a wastewater treatment plant. The Central Lake Community Development District (CDD) currently provides wastewater treatment for the Lake Hills School, the Venezia South Subdivision and a few other adjacent properties. The Town is in the process of installing a collection system to serve Central Avenue. Howey in the Hills has also entered into an agreement with the Central Lakes CDD to obtain wholesale wastewater treatment for the Town for three proposed Planned Unit Developments. Under that agreement, the Town is the 'customer' and will in turn supply the wastewater service to individual homes and businesses in those PUDs. The Town will own and maintain the collection system (mains, lift stations, etc.) within the Town limits. The Town is also working on entering into similar arrangements with neighboring local governments to supply wastewater treatment to future growth.

The Town has adopted a level of service standard of 120 gallons per day per resident for sanitary sewer. The Town has also implemented a wastewater impact fee. Although Howey in the Hills has no current plans to build its own wastewater treatment plant, the impact fee is a standard mechanism used to finance the cost of providing wastewater collection and treatment services to serve new growth. This may include financing for construction of the collection system as well as the cost of purchasing treatment capacity at existing plants. One developer has already installed collection lines and lift stations to support the first phase of its development. Those lines and lift stations will be owned and maintained by the Town.

3. PUBLIC RECREATION AND OPEN SPACE

The Town has adopted LOS standards for parks and recreation facilities. LOS standards for parks are based on availability of recreational resources divided by the total number of users. This is the basic system for calculation of recreational LOS as established by

the National Park and Recreation Association (NPRA). Utilization of such standards by the Town provides for adequate public access to recreational facilities and parkland. Employing these same standards into the future should likewise continue to satisfy LOS requirements.

The Town's *Comprehensive Plan* establishes the Recreation and Open Space LOS standards as 6.5 acres per 1,000 residents. (Policy 1.1.1) The Town also uses the following guidelines to help in determining the provision of recreation facilities:

<u>Facility</u>	<u>Guidelines per Population</u>
Playground	1 per 1,000
Tennis Court	1 per 1,000
Baseball/Softball	1 per 2,000
Football/Soccer	1 per 4,000
Handball/Racquetball Court	1 per 3,000
Basketball Court	1 per 2,000
Shuffleboard *	1 per 1,000
Boat Ramps	1 per 6,500
Swimming Pool	1 per 15,000

* May be substituted for horseshoe pits, bocci court, or other lawn game.

An analysis of the existing and projected population increase and the available acreage for parks and recreational facilities indicate that the Town currently has a surplus in parks and recreation acreage to meet the demand for public park land/open space.

4. TRANSPORTATION

A LOS C represents stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds. A LOS D borders on a range in which small increases in traffic flow may cause substantial increase in approach delay and, hence, decrease in speed. This may be due to adverse signal progression inappropriate signal timing, high volumes or some combination of these. LOS E represents traffic flow characterized by significant delays and lower operating speeds. Such operation may be due to some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing. For planning purposes, this LOS equals lane capacity.

a. Level of Service Analysis

The Town's *Comprehensive Plan* establishes Transportation LOS standards as featured below (Policy 1.1.1 of the *Transportation Element*):

TABLE 1: ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS

Road Class	Minimum LOS
Minor Arterials (SR 19)	LOS D (AADT)
Major Collectors (CR 48)	LOS D (AADT)
Minor Collectors - E. Revels Road, S. Lakeshore Blvd., S. Florida Avenue, and Central Ave./County Road No. 2	LOS D (Peak Hour Minimum)
Local Roads	LOS D (Peak Hour Minimum)

The Howey-in-the-Hills *Comprehensive Plan* lists five roads that the Town monitors for LOS: (1) State Road 19 (minor arterial), (2) County Road 48 (major collector), (3) Lakeshore Boulevard/East Revels Road (local road), (4) Number Two Road (local road), and (5) North Buckhill Road (local road). The adopted LOS for minor arterials and major collectors is an Annual Average Daily Traffic Minimum LOS D. The adopted LOS for minor collectors and local roads is a Peak Hour Minimum LOS D.

The three primary roads that carry traffic in and around Howey-in-the-Hills are S.R. 19, C.R. 48, and C.R. 455. All three of these roads operate at a LOS D or better using the Generalized Annual Average Daily Volumes for Areas Transitioning into Urbanized.

The Town does not collect road impact fees. These fees are collected by Lake County and dispersed to appropriate districts for improvements to roadways.

As developments apply for Final Plan approval, they will be required to provide the number of peak hour, peak direction trips for each of the road segments in the above table. If there is adequate capacity available a certificate of concurrency for transportation shall be issued.

Once the certificate is issued, that capacity is deemed reserved, and needs to be deducted from the remaining capacity left in the system. That reserved capacity then becomes part of future annual concurrency reports. As the reserved capacity becomes actual trips on the road, that part of the reservation is deducted from the total that was reserved.

5. STORMWATER

The Town's stormwater management system relies upon the natural drainage patterns to convey, reduce, and control the stormwater run-off. When necessary to provide adequate flood protection, the natural drainage pattern was altered. Also, the drainage basins were interconnected to provide adequate relief during major storm events. The system was originally designed to handle a 100-year/24-hour storm event without flooding adjacent lands.

a. Level of Service Analysis

In the Town, all proposed development projects are reviewed for compliance with the rules and regulations established in the *Land Development Code*. In addition to approval by the Town, new development exceeding thresholds established in Chapter 40C-42, F.A.C are required to apply for a SJRWMD Environmental Resource Stormwater Permit (ERSP). Existing stormwater management systems that increase pollutant loadings, peak discharge rate, decrease on-site detention storage, or meet the thresholds established under new stormwater management systems are also required to apply for a new ERSP or a modification to their existing permit.

The *Comprehensive Plan* sets various LOS standards for drainage. The first set of standards is for Retention Volume and Design Storm. (Policy 2.1.2 of the *Public Facilities Element*)

Retention Volume: Complete retention of the post-development minus the pre-development run off occurring at the established design storm.

Design Storm: The following interim LOS standards will be used until the Comp Plan is amended to incorporate findings and recommendations of the programmed Stormwater Master Plan:

Facility Type	Design Storm
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm Sewers	10 Year
Major Detention/Retention Structures	For the probable maximum precipitation as required by SJRWMD
Minor Detention/Retention Structures	25 Year

Note: Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

The second set of LOS standards for drainage outlined in the *Comprehensive Plan* is for pollution abatement treatment. (Policy 2.1.3 of the *Public Facilities Element*)

The following minimum stormwater drainage LOS standards are required for pollution abatement treatment:

Facility Type	Pollution Abatement Treatment
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Note: If the site's runoff directly discharges to Class I, Class II, or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

The Town of Howey-in-the-Hills ensures the provision of adequate stormwater drainage systems through the development review process. The above standards are used in reviewing all new development. Permits are also required from all applicable State, Federal, and local agencies with regard to stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

6. SOLID WASTE

The Town of Howey-in-the-Hills provides twice weekly curbside garbage collection through a contract with a private hauler. Service also includes a weekly recycling collection.

a. Level of Service Analysis

The adopted Level of Service (LOS) for solid waste in the Howey-in-the-Hills *Comprehensive Plan* is 6 pounds per person per day. (Policy 1.6.1 of the *Public Facilities Element*) This LOS was derived taking into consideration the capacity of the landfill.

7. PUBLIC SCHOOL FACILITIES

The Town has elected to retain public school concurrency as part of its public facility requirements. Policy 1.1.1 of the *Public Schools Facilities Element* of the *Comprehensive Plan* states that "LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school

capacity increase more than 125% due to additional CORE (dining) capacity.”
Appendix B: *Lake County School Districts 5-Year District Facilities Work Program* is attached.

E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

GOAL 1: To provide for timely and efficient provision of adequate public facilities that upholds quality of life through the use of sound growth management and fiscal policies.

Purpose of Capital Improvements Management

OBJECTIVE 1.1: *Capital Improvements Provision and Programming.* Capital Improvements shall be provided for purposes of correcting existing deficiencies, accommodating desired future growth, and replacing deteriorated or obsolete facilities. Capital Improvements shall be programmed within the *Five-Year Schedule of Capital Improvements*, according to the rank of priorities and timing set forth therein.

POLICY 1.1.1: *Qualification and Scheduling of Capital Improvements.* The Town shall include within the *Five-year Schedule of Capital Improvements* only those improvements identified in any of the respective elements of the Town's *Comprehensive Plan* which meet the requirements cited below for qualification as a capital improvement:

- Infrastructure - Improvements shall be a permanently fixed structure with a minimum life expectancy of five-years or more, and have an estimated cost of \$1,500 or more;
- Land Acquisitions - All land acquisitions;
- Service or Supporting Facilities - Facilities and services necessary to support the maintenance of infrastructure or to provide a needed service, and having an estimated cost of \$1,500 or more;
- Preparatory Services - Expenditures for professional engineering, planning, or research services that may be necessary prior to the implementation of infrastructure projects, supporting facilities and services, land acquisitions, or other services which exceed \$5,000 or more dollars; and
- Bond Issues - Any infrastructure, land acquisitions, supporting facility improvements, or services requiring financing through the issuance of a bond

POLICY 1.1.2: *Distinguishing and Classifying Capital Improvements.* The *Capital Improvements Element* and the *Five-Year Schedule of Improvements* shall distinguish and classify capital improvements according to the following three categories:

- Current Deficiencies – improvements required to eliminate a current deficiency in the provision of facilities and services;

- Replacement facilities – improvements required to replace existing facilities which are obsolete or worn-out to a degree which threatens the maintenance of an adopted level of service standard;
- New Capital Improvements – improvements necessary to provide new facilities and services to meet demands generated by anticipated growth and development identified within the *Future Land Use Element*.

Level of Service

OBJECTIVE 1.2: *Maintaining LOS standards.* Maintain adopted LOS standards, as defined in the individual *Comprehensive Plan* elements, and meet existing and future needs by coordinating land use decisions with the *Five-year Improvement Schedule of Capital Improvements* provided by the *Capital Improvements Element (CIE)*

POLICY 1.2.1: *Adequate Facility Ordinance.* The Town Council shall adopt an adequate facilities ordinance to ensure that at the time the development order is issued adequate facility capacity is available or will be available when needed to serve the development.

POLICY 1.2.2: *Financially Feasible CIP.* The Town of Howey-in-the-Hills shall construct a financially feasible *Capital Improvements Plan*.

POLICY 1.2.3: *Adopted Level of Service Standards.* The following levels of service are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or in the Town utility service area.

Sanitary Sewer:

Dwelling Unit - 120 gallons per day, per resident

Potable Water:

Overall System Demand - 242.0 gallons per day, per resident

Residential Demand Only - 150.8 gallons per day, per resident

Solid Waste:

6 lbs. per day, per capita

Drainage:

Water Quantity	
Retention Volume	Complete retention of the post development minus the pre-development runoff occurring at established design storm stated below.
<u>Facility Type</u>	<u>Design Storm</u>
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention/Retention Structures	For the Probable Maximum Precipitation as required by SJRWMD(1)
Minor Detention/Retention Structures	25 Years(1)
Development occurring in the 100 Year Flood Zone must elevate the first floor 18 inches above the 100 Year Flood Elevation	
Water Quality	
<u>Facility Type</u>	<u>Pollution Abatement Treatment (2)</u>
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Notes: (1) Major/Minor Detention/Retention structures are based on Hazard Classification for dams and impoundments as defined by SJRWMD.

- (2) If the site's runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-one detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

Transportation: Level of Service

Principal Arterial	“C” based on Average Annual Daily Traffic
Minor Arterial	“D” based on Average Annual Daily Traffic
Major Collector	“D” based on Average Annual Daily Traffic
Minor Collector and Local	“D” based on Peak Hour Directional

Recreation and Open Space:

6.5 acres of park space per 1,000 residents

Population Guidelines for User-Oriented Outdoor Recreation Activities

Activity	Resource* Facility	Population Served
Golf	9-hole golf course	25,000
Golf	18-hole golf course	50,000
Tennis	Tennis court	2,000
Baseball/softball	Baseball/softball field	3,000
Football/soccer	Football/soccer field	4,000
Handball/racquetball	Handball/racquetball court	10,000
Basketball	Basketball court	5,000
Swimming (Pool)	Swimming (Pool)*	8,700
Shuffleboard	Shuffleboard court	1,000
Freshwater fishing non-boat	800 feet of Fishing pier	5,000
Freshwater fishing power boating, water skiing, and sailing	Boat ramp lane	1,500

* Based on a standard community swimming pool measuring 81 ft x 60 ft (4,860 ft).

Size and Population Guidelines for User Oriented Park Sites:

District Park:	5 acres per 1,000 population and a minimum park size of 5 acres
Vest Pocket /Tot Lot Park	0.5 acres per 1,000 population and a minimum park size of 1 acre or 0.25 acres for parks adjoining schools
Community Park	2 acres per 1,000 population and a minimum park size of 20 acres or 5 acres for parks adjoining schools
Neighborhood Park	2 acres per 1,000 population and a minimum park size of 5 acres or 2 acres for parks adjoining schools

Source: Florida Department of Environmental Protection – Division of Parks and Recreation, Outdoor Recreation in Florida – 2000: Florida’s Statewide Comprehensive Outdoor Recreation Plan, Tables 4.3, 4.4 and 4.5.

POLICY 1.2.4: *Monitoring and Tracking De Minimis Impacts.* The Town shall implement a methodology to monitor and track approved de minimis impacts on the roadway network within its jurisdiction. All de minimis impacts (an impact that would not affect more than

one percent of the maximum volume at the adopted Level of Service of the affected transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual *Capital Improvements Element* update.

POLICY 1.2.5: *Public School Deficiencies and Future Needs.* The Town shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools.

POLICY 1.2.6: *Issuance of Development Order.* The Town shall issue no development order for new development which results in an increase in demand on deficient facilities prior to the completion of improvements required to upgrade the respective facility to adopted standards.

POLICY 1.2.7: *Level of Service for Public Schools.* The level of service for all schools shall be set at 100% of FISH (Florida Inventory of School Houses) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity. Coordination with the Lake County School Board's *Five Year District Facilities Work Plan*, the plans of other local governments, and as necessary, updates to the *Concurrency Service Area Map* is required to ensure that the adopted Level of Service Standards for Concurrency Service Areas will be achieved and maintained.

On or before September 15th of each year and after consideration of the written comments of the County and the Cities, the Lake County School Board will adopt a financially-feasible Work Program that includes school capacity sufficient to meet anticipated student demand within the County, based on the LOS standards set forth in the Interlocal Agreement. The School Board will construct and/or renovate school facilities sufficient to maintain the LOS standards set forth in the Interlocal Agreement, consistent with the adopted *5-Year Facilities Work Program*. Nothing in this agreement shall be construed to abrogate the School Board's constitutional authority in determining delivery of student services, including but not limited to school scheduling or to require the School Board to redistrict any school more than once in any three consecutive year period. The Town of Howey-in-the-

Hills shall adopt the Schools Board's adopted work program into their CIE updates each December.

OBJECTIVE 1.3: *Local Government and External Agency Plans.* The Town hereby adopts all applicable outside local government and external agency plans necessary to maintain and provide for level of service.

POLICY 1.3.1: *Adoption of School District's Work Plan.* The Town hereby adopts by reference the Lake County School District's current 5-Year Work Program, to meet anticipated school capacity and student demands projected by the County and municipalities based on the adopted Level of Service standards for public schools.

POLICY 1.3.2: *Adoption of FDOT's Work Plan.* The Town hereby adopts by reference the Florida Department of Transportation's current 5-Year Work Program, to meet anticipated demand through improvement of state transportation facilities within the jurisdiction.

POLICY 1.3.3: *Adoption of SJRWMD's Work Plan.* The Town hereby adopts by reference the St. Johns River Water Management District's (SJRWMD) *Water Supply Plan 2005*, to meet anticipated water supply and demand needs within the jurisdiction.

Capital Improvements Prioritization

OBJECTIVE 1.4: *Capital Improvements Priority.* Prioritization of capital improvement projects in a manner that achieves and maintains adopted LOS standards while protecting the Town's investment in existing public facilities.

POLICY 1.4.1: *Town Clerk and Council Authority and Responsibility.* The Town Clerk shall have the authority and responsibility to evaluate and recommend a ranked order of priority for capital improvements which are proposed for inclusion in the *Five-year Schedule of Capital Improvements*. The Town Council shall review and retain its authority to adopt the recommendations of the Town Clerk with or without modifications in the proposed *Five-year Schedule of Improvements*.

POLICY 1.4.2: *Evaluation and Ranking of Capital Improvements.* Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

- whether the project is needed to protect the public health and safety, to fulfill the Town's legal commitment to provide

facilities and services, or to preserve or achieve full use of existing facilities;

- whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes in-fill development; and,
- whether the project represents a logical extension of facilities and services from the Town to the urban fringe or is compatible with the plans of the state agencies, or the St. Johns River Water Management District.

POLICY 1.4.3: ***Ranking 5-year Schedule.*** In addition to standards established in Policy 1.4.2, the Town shall rank capital improvement types (defined in Policy 1.1.2) within the *Five-Year Schedule of Capital Improvements* according to the following order of priority:

- a. Current capital improvement deficiencies;
- b. Replacement of worn-out or obsolete facilities;
- c. New capital improvements required to meet demands generated by anticipated future growth and development (as identified within this *Comprehensive Plan*).
- d. Capital improvements financed by grant funds earmarked for a specific use or financed by restricted revenues that can not be applied to an improvement identified as a higher priority may be scheduled before other higher priority projects in the *Five-Year Schedule of Improvements* on the basis that these funds may be forfeited if not used for that specific purpose or within a certain timeframe.

POLICY 1.4.4: ***Support of Comprehensive Plan.*** Proposed capital improvement projects shall support the Goals, Objectives and Policies of this *Comprehensive Plan*.

OBJECTIVE 1.5: ***Coordination of Land Uses and Fiscal Resources.*** The Town shall coordinate its land use decisions and available or projected fiscal resources with a schedule of capital improvements in order to maintain adopted levels of service which meet the existing and future facility standards.

POLICY 1.5.1: ***Elimination of Public Hazards.*** The Town shall eliminate public hazards in its implementation of capital improvements.

POLICY 1.5.2: ***Capacity Deficits and Local Budget Impact.*** The Town shall work to avoid and eliminate capacity deficits and minimize local budget impact when implementing capital improvements.

POLICY 1.5.3: ***Anticipating and Projecting Growth Patterns.*** The Town shall anticipate and project growth patterns in its implementation and accommodation of new development and the redevelopment of facility and capital improvements.

POLICY 1.5.4: ***Capital Improvements Financial Feasibility.*** All capital improvements shall be made in a financially feasible manner and take into account the plans of state agencies, local governments and water management districts that provide facilities within the Town of Howey-in-the-Hills.

POLICY 1.5.5: ***Concurrency of Public Facilities and Services.*** The Town shall make public facilities and services available concurrent with the impacts of development subsequent to the writing of this *Comprehensive Plan*. The Town shall deem which public facilities and services are necessary in cases of phased development but shall require that this provision is made available concurrent to the impact of development.

POLICY 1.5.6: ***Public Facilities and Environmentally Sensitive Lands.*** The Town shall not invest public funds in public facilities located on designated environmentally sensitive lands, as defined in the *Conservation Element*, within its jurisdiction unless the facility is necessary to:

- a. Preserve environmentally sensitive land;
- b. Provide access to designated passive recreation sites or to connect developable areas; and
- c. Promote the health and safety of citizens.

OBJECTIVE 1.6: ***Proportionate Cost of Future Development.*** The Town shall ensure future development bears its proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted levels of service.

POLICY 1.6.1: ***Use of Revenue Bonds.*** The limitation on the use of revenue bonds as a percent of total debt shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.2: ***Total Debt Service.*** The maximum ratio of total debt service to total revenue shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.3: ***Property Tax Base Indebtedness.*** The maximum ratio of outstanding capital indebtedness to property tax base shall follow applicable Florida statutes and acceptable financial practices.

OBJECTIVE 1.7: *Public Facility Needs.* The Town shall demonstrate its ability to require provisions for needed improvements identified in local jurisdictions comprehensive plan elements in order to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the ability of local government to fund and provide provisions of future needed capital improvements.

POLICY 1.7.1: *Construction and Replacement Schedule.* The Town shall identify needs and establish construction and replacement schedules within the *Capital Facilities Element*.

POLICY 1.7.2: *Establishing LOS Standards.* The Town shall establish level of service standards for public facilities.

POLICY 1.7.3: *Prior Issued Development Orders.* The Town shall account for needed facilities of prior issued development orders in the assessment of public facility needs for those development orders issued prior to the *Comprehensive Plan*.

Budgetary Procedure

OBJECTIVE 1.8: *Annual Update of Capital Improvements Element.* The *Capital Improvement Element* shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures.

POLICY 1.8. 1: *Resources for Enterprise Funds.* Available resources for enterprise funds are to be calculated as net income less existing debt service principal payments plus any new service or special assessment revenue to be generated by the project financed through the anticipated debt proceeds.

POLICY 1.8.2: *Resources for General and Specific Revenue Funds.* Available resources for the general and special revenue funds would be calculated as the excess of revenue over expenditures and other uses plus any new revenue or special assessment collections generated by the project financed through the anticipated debt proceeds.

POLICY 1.8. 3: *Reservation of Enterprise Funds.* The Town shall reserve Enterprise Fund surpluses for planned capital expenditures.

POLICY 1.8.4: *Securing Grants or Private Funds.* Efforts shall be made to secure grants or private funds whenever available to finance the provisions of capital improvements.

- POLICY 1.8.5:** *Collection of Impact Fees.* All new development, which has a direct or indirect impact on roads, schools, parks, potable water, or sewer, shall continue to be subject to impact fees collected and/or administered by the Town. Monies collected as impact fees shall be spent to benefit the Town's infrastructure [9J-5.016(3)(b)(4), F.A.C.].
- POLICY 1.8.6:** *Impact Fee Ordinance.* The Town shall assess its impact fee ordinances to assure that new development pays its pro rata share of the costs required to finance capital improvements necessitated by such development.
- POLICY 1.8.7:** *Reviewing All sources of Revenue.* Before the annual budget process is initiated, the Town shall review all sources of revenue not previously utilized as revenue and shall act to obtain and receive revenue from these potential sources where a benefit to the Town can be predicted.
- POLICY 1.8.8:** *Private Contributions.* The Town shall rely upon private contributions as a funding source within the *Five-year Schedule of Capital Improvements* only when the obligation to fund a specific capital improvement is addressed in an enforceable development agreement or development order. The Town shall not be responsible for funding capital improvements that are the obligation of the developer. If the developer fails to meet any capital improvement commitment that is programmed in the *Five-year Schedule of Capital Improvements*, a plan amendment to delete the capital improvement from the *Schedule* shall be required.
- POLICY 1.8.9:** *Assessed Property Tax Base.* The assessed property tax base shall be determined by the Lake County Property Appraiser's Office.
- POLICY 1.8.10:** *Bond or Loan Maturity Date.* The maturity date for any bond or loan shall not exceed the reasonable expected useful life of a financed project.

Capital Improvements Planning

OBJECTIVE 1.9: *Annual Incorporation of 5-year CIP.* Incorporate a *Five-year Capital Improvements Plan* into the annual budget in order to reserve funds for the needed future capital facilities.

- POLICY 1.9.2:** *Adoption of Annual Capital Improvement Budget.* The Town will, as part of its annual budgeting process, adopt a Capital Improvement budget.

POLICY 1.9.3: *Correcting Deficiencies and Replacing Facilities.* The Town shall provide for necessary capital improvements to correct existing deficiencies, accommodate desired future growth, and replace worn-out or obsolete facilities, as indicated in the *Five-year LOS-Related Schedule of Capital Projects*.

POLICY 1.9.4: *Coordination with Comprehensive Plan.* Review and update the *Capital Improvement Element* annually to ensure close coordination between the *Capital Improvement Plan* process and the annual budgeting process. This coordination shall address development timing, financial feasibility, and the Goals, Objectives, and Policies of the *Comprehensive Plan*.

POLICY 1.9.5: *Projects within the 5-year Schedule.* The *Five-year Schedule of Capital Improvements Plan* projects shall reflect the results of the local infrastructure studies in the annual update of the *Five-year Schedule of Capital Improvements* following completion of each study.

POLICY 1.9.6: *Compliance with State of Florida Law.* The Town of Howey-in-the-Hills shall comply with all State of Florida law regarding the management of debt.

OBJECTIVE 1.10: *Concurrency Management System.* Insurance of development orders and permits by the Town shall be controlled by the Town's Concurrency Management System, which requires that facilities and services which do not reduce the adopted level of service standards are in place, shall be in place or are guaranteed by a binding contract or agreement to be provided prior to the impact of the development.

POLICY 1.10.1: *Concurrency Provisions.* The Town's Concurrency Management System shall provide the following:

- a. the capital improvements budget and a five-year schedule of capital improvements which, in addition to meeting all the other statutory and rule requirements, must be financially feasible and are adopted annually in the budget process;
- b. the *Five-year Schedule of Improvements* which includes both necessary facilities to maintain the established level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period under the Town's *Schedule of Capital Improvements*;

- c. a realistic, financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the *Five-year Schedule of Capital Improvements*;
- d. the *Five-year Schedule of Capital Improvements* must include the estimated date of commencement of actual construction and the estimated project completion date and which areas will be provided with public funds in accordance with the *5-year Capital Improvement Schedule*;
- e. a provision that a plan amendment shall be required to eliminate, defer or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the *5-year Schedule of Improvements*;
- f. a requirement that development orders and permits are issued in a manner that will guarantee that the necessary public facilities and services will be available to accommodate the impact of that development;
- g. a provision that the Town, on an annual basis, shall determine whether it is adhering to the adopted level of service standards and its *5-year Schedule of Capital Improvements* and that the Town has a demonstrated capability of monitoring the availability of public facilities and services;
- h. development guidelines for interpreting and applying level of service standards to applications for development orders and permits and determining when the test for concurrency must be met. At a minimum, the latest point in the application process for the determination of concurrency is prior to the approval of a development order or permit which contains a specific plan for development and which would authorize the commencement of construction of physical activity on the land. Development orders and permits approved prior to the actual authorization for the commencement of construction or physical activity will be contingent upon the availability of public facilities and services necessary to serve the proposed development; and

POLICY 1.10.2: *Requirement for Public Facilities and Services.* The Town's *Concurrency Management System* shall provide that public facilities and services needed to support development are available concurrent with the impacts of such development by meeting the following standards prior to issuance to permit.

- a. For potable water, sewer, solid waste, and drainage, at a minimum, the following standards will satisfy the concurrency requirement:
 - (1) the necessary facilities and services are in place at the time a development permit is issued; or
 - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in the place when the impacts of the development occur; or
 - (3) the necessary facilities are under construction at the time a development permit is issued; or
 - (4) the necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occur; or
 - (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- b. For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:
 - (1) at the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
 - (2) the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit.; or

- (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- c. For roads, at a minimum, the following Standards will satisfy the concurrency requirement:
- (1) the necessary facilities and services are in place at the time a development permit is issued; or
 - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (3) the necessary facilities are under construction at the time a permit is issued; or
 - (4) at the time the development permit issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within three years of the approval of the development permit as required by Chapter 163.3180, F.S.; or
 - (5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within three years of the approval of the applicable development permit as required in Chapter 163.3180, F.S.; or
 - (6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (7) the necessary facilities and services are in place or under actual construction no later than 3 years after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.

- d. In determining the availability of services or facilities, a developer may propose and the Town Council by a majority of the votes of its total membership may approve developments in stages or phases so that facilities and services needed for each phase shall be available at the time the impacts for that phase occur.
- e. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of development.

POLICY 1.10.3: *Exemptions from Transportation Concurrency.* The Town shall allow exemptions from transportation concurrency for infill development, redevelopment projects, and downtown revitalization as required by Chapter 163.3180 F.S. Such exemptions are contingent upon if the proposed development is otherwise consistent with the Town's adopted *Comprehensive Plan* and is a project that promotes public transportation or is located within an area designated in the *Comprehensive Plan* for:

- a. Urban infill development;
- b. Urban redevelopment;
- c. Downtown revitalization;
- d. Urban infill and redevelopment under s. 163.2517; or
- e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted *Comprehensive Plan* within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the *Capital Improvements Element*.

POLICY 1.10.4: *Exemptions from Transportation Concurrency and Special Part-time Demands.* The Town shall allow exemptions from the concurrency requirement for transportation facilities for developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas established under Chapter 163.2517, which pose only special part-time demands on the transportation system. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

- POLICY 1.10.5:** *De Minimis Transportation Impact.* The Town shall allow a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency as required by Chapter 163.3180 F.S.
- POLICY 1.10.6:** *Transportation Impact of Redevelopment Projects.* In the event of redevelopment projects, the Town shall allow the redevelopment project to create 110% of the actual transportation impact caused by existing development before complying with concurrency as required by Chapter 163.3180 F.S.
- POLICY 1.10.7:** *Approved Development and Proportionate Fair Share.* The Town shall allow approved development that does not meet concurrency to occur if the Town has failed to implement the requirements of this *CIE* and the developer makes a binding commitment to pay the proportionate fair share of the cost for facilities and services associated with the development.

Capital Improvements Implementation

The Town Clerk shall have the responsibility for implementing the *Goals, Objectives and Policies* within this *Element*. Specific responsibilities include:

1. During the month of May of each year, request capital budget and public improvements updates from each municipal department head.
2. Request recommendations from each elected official and the Planning Agency.
3. During July of each year, present an updated Table 20 to the Board, with explanations for each addition, deletion or revision.
4. Develop administrative procedures to implement the capital improvement policies. The Town Planner shall provide checklists, directions, time frames and such other review criteria as shall be necessary to assure that facilities and services meet the standards adopted as a part of this plan and are available concurrent with the impacts of development.

Table 20 *Five-year Schedule of Capital Improvements* (see next page).

TABLE 20
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS

Description	Funding Source	FY 2022	FY 2023	FY 2024	FY2025	FY2026	CIP Total
Public Services							
N. Water treatment plant Replacement	A/B/F	\$ 500,000	\$ 1,000,000				\$ 1,500,000
Water mains - south	A/B				\$ 100,000	\$ 600,000	\$ 700,000
Water mains - north	A/B				\$ 50,000		\$ 50,000
Water Master Plan	A/B/D					\$ 80,000	\$ 80,000
Central Avenue Streetscape	A	\$ 20,000			\$ 30,000	\$ 500,000	\$ 550,000
Equipment purchases	A	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Street Paving	Infrastructure	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 200,000
Venezia South Second Access	A					\$ 10,000	\$ 10,000
Sidewalk Improvements	A	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Annual stormwater improvements	A/B/D/F	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 150,000
							\$ 3,340,000
Police Department							
New police station	B/D/F	\$ 2,000,000	\$ 3,000,000	\$ 1,500,000	\$ 500,000		\$ 7,000,000
Vehicle replacement	Infrastructure	\$ 95,000	\$ 95,000	\$ 95,000	\$ 95,000	\$ 95,000	\$ 475,000
Technology	A/B/D/F	\$ 3,000	\$ 3,000	\$ 3,000	\$ 7,500	\$ 50,000	\$ 66,500
							\$ 7,541,500
Community Facilities							
Design for New Town Hall	A					\$ 50,000	\$ 50,000
Central Lake Bike Trail and Town Trails	A/B/D/F		\$ 40,000				\$ 40,000
							\$ 90,000
Parks and Recreation							
Purchase land for new park	A/B/D/E/F					\$ 150,000	\$ 150,000
Repair/replace finger piers	A/B/D		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 40,000
Main Pier Redecking	A/B/D	\$ 49,600					\$ 49,600
Repair/renovate Sara Maud Park	A/B/D		\$ 100,000		\$ 100,000		\$ 200,000
Improvements to Griffin Park	A/B/D	\$ 10,000	\$ 100,000		\$ 90,000		\$ 200,000
Central Park Courts and Upgrades	A/D/D			\$ 150,000			\$ 150,000
Neighborhood Park North End	A/B/D/E/F					\$ 125,000	\$ 125,000
Neighborhood Park South End (Venezia)	A/B/D/E/F		\$35,000				\$ 35,000
Market Park	A/B/D	\$ 5,000					\$ 5,000
Community Campus near Public Safety	A/B/D/E/F		\$ 300,000	\$ 300,000	\$ 250,000		\$ 850,000
							\$ 1,804,600
Per Year		\$ 2,772,600	\$ 4,773,000	\$ 2,148,000	\$ 1,322,500	\$ 1,760,000	
Program Total							\$ 12,776,100

Adopted on October 11, 2010, Ord No. 2010-007

VIII-39

Updated Ord. No. 2013-001, Ord No. 2014-007, Ord No. 2015-002, ORD 2019-001, ORD 2021-001, 2022-001

TABLE 20 A
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS

Description	Funding Source	FY 2022	FY 2023	FY 2024	FY2025	FY2026	CIP Total
Transportation Mitigation Projects							
SR 19 @ CR 48 Intersection	A/B/E/F		\$ 500,000				\$ 500,000
SR 19 @ Central Ave Intersection	A/B/E/F		\$ 500,000				\$ 500,000
Revels Rd @ SR 19 Intersection	A/B/E/F					\$ 500,000	\$ 500,000
Florida Ave @ SR 19 Intersection	A/B/E/F			\$ 100,000			\$ 100,000
Florida Ave @ Number 2 Rd. Intersection	A/B/E/F				\$ 100,000		\$ 100,000
Pedestrian Improvements	A/B/E/F		\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 100,000
Bicycle Improvements	A/B/E/F			\$ 20,000	\$ 30,000	\$ 50,000	\$ 100,000
Streetscape	A/B/E/F					\$ 250,000	\$ 250,000
Road Reconstruction	A/B/E/F				\$ 20,000	\$ 20,000	\$ 40,000
Total		\$ -	\$ 1,020,000	\$ 140,000	\$ 170,000	\$ 860,000	\$ 2,190,000

TABLE 20							
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA							
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS							
Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	Total
Public Services							
N. Water Treatment Plant Replacement	A/B/D/F	\$ 500,000	\$ 2,000,000	\$ 1,500,000	\$ 500,000	\$ 500,000	\$ 5,000,000
Drilling for Well #5 & #6	A/B/D/F	\$ 1,500,000					\$ 1,500,000
Land Acquisition for WTP #3	A/B/D/F	\$ 95,000					\$ 95,000
Water mains - south	A/B			\$ 50,000	\$ 50,000		\$ 100,000
Water mains - north	A/B	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Water Master Plan	A/B/D					\$ 80,000	\$ 80,000
Emergency Lift Station Generators	F		\$ 200,000				\$ 200,000
Central Avenue Streetscape	A				\$ 30,000	\$ 500,000	\$ 530,000
Street Paving	A/F		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
Venezia South Second Access	A				\$ 10,000		\$ 10,000
Sidewalk Improvements	A	\$ 5,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 45,000
Annual stormwater improvements	A/B/D/F	\$ 10,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 130,000
							\$ 8,590,000
Library							
Library Expansion	A/B/D/F	\$ 100,000	\$ 800,000	\$ 100,000			\$ 1,000,000
Digitization Station	F	\$ 5,000					\$ 5,000
Virtual Reality Station	F	\$ 15,000					\$ 15,000
Special Collection: World Literature	F	\$ 15,000					\$ 15,000
LEGO Wall	F	\$ 5,000					\$ 5,000
Toy Lending Program	F	\$ 6,000					\$ 6,000
Outdoor After-Hours Book Locker	F	\$ 15,000					\$ 15,000
Makerspace	F	\$ 10,500					\$ 10,500
							\$ 1,071,500
Police Department							
New police station	B/D/F		\$ 2,000,000	\$ 3,000,000	\$ 1,500,000	\$ 500,000	\$ 7,000,000
							\$ 7,000,000
Community Facilities							
Design for New Town Hall	A					\$ 50,000	\$ 50,000
Central Lake Bike Trail and Town Trails	A/B/D/F		\$ 40,000				\$ 40,000
							\$ 90,000
Parks and Recreation							
Purchase land for new park	A/B/D/E/F					\$ 150,000	\$ 150,000
Repair/replace finger piers	A/B/D	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Main Pier Improvements	A/B/D		\$ 100,000				\$ 100,000
Repair/renovate Sara Maude Park	A/B/D	\$ 100,000	\$ 100,000		\$ 100,000		\$ 300,000
Improvements to Griffin Park	A/B/D		\$ 10,000		\$ 90,000		\$ 100,000
Central Park Courts and Upgrades	A/D/D	\$ 48,500		\$ 150,000			\$ 198,500
Neighborhood Park North End	A/B/D/E/F					\$ 125,000	\$ 125,000
Neighborhood Park South End (Venezia)	A/B/D/E/F	\$ 35,000					\$ 35,000
Grove Square Park	A/B/D	\$ 10,000					\$ 10,000

Community Campus near Public Safety	A/B/D/E/F		\$ 300,000	\$ 300,000	\$ 250,000		\$ 850,000
Mausoleum	A/B/D/F	\$ 10,000					\$ 10,000
Cemetery Sidewalk and Fencing	A/B/D/F	\$ 15,000					\$ 15,000
Lakeshore Shoreline Improvements				100,000			\$ 100,000
							\$ 2,043,500
Per Year		\$ 2,423,500	\$ 5,000,000	\$ 5,250,000	\$ 2,780,000	\$ 2,155,000	
Program Total							\$ 18,795,000

TABLE 20 A

TOWN OF HOWEY-IN-THE-HILLS, FLORIDA

5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS

Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	CIP Total
Transportation Mitigation Projects							
SR 19 @ CR 48 Intersection	A/B/E/F		\$ 500,000				\$ 500,000
SR 19 @ Central Ave Intersection	A/B/E/F		\$ 500,000				\$ 500,000
Revels Rd @ SR 19 Intersection	A/B/E/F					\$ 500,000	\$ 500,000
Florida Ave @ SR 19 Intersection	A/B/E/F			\$ 100,000			\$ 100,000
Florida Ave @ Number 2 Rd. Intersectio	A/B/E/F				\$ 100,000		\$ 100,000
Pedestrian Improvements	A/B/E/F		\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 100,000
Bicycle Improvements	A/B/E/F			\$ 20,000	\$ 30,000	\$ 50,000	\$ 100,000
Streetscape	A/B/E/F					\$ 250,000	\$ 250,000
Road Reconstruction	Infrastructure	\$ 215,000			\$ 20,000	\$ 20,000	\$ 255,000
Total		\$ 215,000	\$ 1,020,000	\$ 140,000	\$ 170,000	\$ 860,000	\$ 2,405,000



MEMO

To: Town Council

CC:

From: John Brock, Town Clerk

RE: November 2022 Month-End Town Hall Report

Date: 12/07/2022

Utility Billing:

Top Utility Bill Bad Debt for November 2022

last_payment _amount	last_payment _date	service_address	comments	current charges	past_due _amount
63.27	01/28/2019	107 E MYRTLE	Account is locked and has a Lien. Unable to contact resident, doesn't live in Howey. Phone and emails no longer working.	126.41	3441.97
52.72	08/02/2022	400 E CROTON WAY - New Home	Builders debt, had a leak in 08/2022, provided data log proving leak, he refuses to pay	0	2384.99
45	11/18/2022	607 N LAKESHORE	Lien is being placed on the home, resident in assisted living, monies due to leak in 09/2022	73.37	906.57
50	03/09/2020	720 CALABRIA WAY	Past renter debt from May 2022 - no forwarding contact information	0	822.09
97.54	11/08/2022	606 S FLORIDA AVE	On a payment plan, making payments on time	78.89	439.2
350	06/17/2020	720 CALABRIA WAY	Past renter debt from May 2022 - no forwarding contact information	0	352.25
174.26	09/22/2022	219 MESSINA PL	Asking agency for help paying bill, paid other bill in full	119.37	192.06
75	10/17/2022	205 MARILYN AVE	NSF check received, working on new payment	150.62	170.1
96.63	11/21/2022	210 MESSINA PL	Dispute with NSF check and bank issue	122.13	133.25
150	11/29/2022	325 TERRACOTTA TER	On a payment plan, making payments on time	119.37	130.71
87.13	10/27/2022	326 TERRACOTTA TER	Making payment next week	156.78	124.85
203.12	10/14/2022	456 AVILA PL	On disconnect list for December 2022	122.51	119.37
122.39	11/14/2022	580 AVILA PL	Related to NSF check and repayment	122.13	117.87
118.55	10/26/2022	323 TERRACOTTA TER	Related to NSF check and repayment	115.69	111.23
69.99	11/14/2022	580 AVILA PL	Related to NSF check and repayment	91.43	111.08
85.35	10/24/2022	215 MESSINA PL	On disconnect list for December 2022	122.51	109.54
155.87	11/07/2022	703 CALABRIA WAY	Related to NSF check and repayment	186.12	109.01
98.34	10/26/2022	323 TERRACOTTA TER	Related to NSF check and repayment	152.13	107.99
188.56	10/28/2022	723 CALABRIA WAY	Related to NSF check and repayment	113.52	107.84
95.84	11/09/2022	231 MESSINA PL	Working on payment	122.51	107.76
113.21	11/15/2022	480 BELLISSIMO PL	Related to NSF check and repayment	130.75	105.3
197.32	10/03/2022	100 VENEZIA BLVD	Home sold in Oct, this is new owner debt, just set up account	122.51	104.93
286.25	09/26/2022	332 TERRACOTTA TER	On disconnect list for December 2022	93.64	104.93
87.13	10/17/2022	322 TERRACOTTA TER	On disconnect list for December 2022	122.51	104.93
89.96	10/20/2022	604 NAPOLI WAY	Working on payment	122.51	104.93
182.97	10/05/2022	243 MESSINA PL	Working on payment	122.51	104.93

Building Permits:

PERMITS	Oct-22	Nov-22	Dec-22	Q 1 Totals
Talichet - SFR	15	2	0	17
Independent - SFR	1	0	0	1
Building	4	3	0	7
Bldg Commercial (Sign)	1	0	0	1
Re-Roof	2	3	0	5
Screen Enclosure	1	1	0	2
Sheds	0	0	0	0
Fence	5	2	0	7
Electrical	5	1	0	6
Pool/Decks	0	0	0	0
Solar	4	1	0	5
Gas	1	0	0	1
HVAC / Mechanical	2	1	0	3
Plumbing	1	0	0	1
Windows	3	0	0	3
Monthly Totals	45	14	0	59
Monthly Permit Amount \$	\$ 312,954.71	\$ 39,017.62	\$ -	\$ 351,972.33
Talichet CO's	2	1	0	3
Independent CO's	0	0	0	0

Activity Log Event Summary (Cumulative Totals)

Howey-in-the-Hills PD
(11/01/2022 - 11/30/2022)

<No Event Type Specified>	1	Abandoned 911	2
Abandoned Vehicle	1	Alarm Activation	3
Animal Complaint	1	Anti-Social Behavior	102
Arrest	1	Assault & Battery	1
Assist other Agency- Alarms	2	Assist other Agency- Back-up	2
Assist other Agency- In Progress calls	6	Assist other Agency- Medical Call	2
Assist other Agency- Other	2	Attempt to Contact	2
Baker Act	1	Be on the look-out- BOLO	1
Case Follow-Up	3	Child Neglect-Abuse	1
Citizen Assist	4	Civil Complaint-Legal Advice	7
Disabled Vehicle (DAV)	4	Disturbance	3
Disturbance - Business	1	Fire Investigation	1
Found / Lost Property	4	Fraud Investigation	1
Golf Cart Registration	4	Missing/Found Child	1
Noise Complaint	1	Patrol	192
Patrol-School	141	Property Check-Boat Ramp	46
Property Check-Business	88	Property Check-Residence	28
Property Check-Schools/Govt. Bldg.	84	Property Check-Town Property	114
Property Damage	2	Public Relations	12
Reckless Driver	5	Road Hazard	1
Security Check Request	12	Sex Offense	1
Sick/Injured Person	5	Suspicious Incident	4
Suspicious Person	3	Suspicious Vehicle	4
Theft - Grand/Petit	1	Traffic Crash	2
Traffic Stop-Civil Citation	135	Traffic Stop-Criminal Citation	3
Traffic Stop-warning	68	Traffic Watch	89
Trespassing Complaint	1	Warrant	1
Well Being Check	4		

Total Number Of Events: 1,211

Code Summary Report Activity Type

Activity Date 10/01/2022 TO 11/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
Email	0	0	0	0	0	0	0	0	0	3	2	0	5
Hurricane recovery	0	0	0	0	0	0	0	0	0	278	0	0	278
Initial Inspection	0	0	0	0	0	0	0	0	0	3	4	0	7
Personal Service	0	0	0	0	0	0	0	0	0	1	0	0	1
Phone call	0	0	0	0	0	0	0	0	0	1	3	0	4
Re-Inspection	0	0	0	0	0	0	0	0	0	1	1	0	2
Research	0	0	0	0	0	0	0	0	0	0	9	0	9
Send Letter	0	0	0	0	0	0	0	0	0	3	0	0	3
Totals:	0	0	0	0	0	0	0	0	0	290	19	0	309

Code Summary Report Violation Name

Violation Date 11/01/2022 TO 11/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row	Total
Accumulation of Junk. Chapter 127, Sec. 127-4	0	0	0	0	0	0	0	0	0	0	2	0		2
Accumulation of Refuse Sec. 127-2	0	0	0	0	0	0	0	0	0	0	2	0		2
Fence Permit 5.01.07(A)	0	0	0	0	0	0	0	0	0	0	1	0		1
Parking of vehicles and trailers, Chapter 166, Article II. - Motor vehicles, Sec. 166-11. - Definitions	0	0	0	0	0	0	0	0	0	0	1	0		1
Totals:	0	0	0	0	0	0	0	0	0	0	6	0		6

Code Summary Report Activity Type

Activity Date11/01/2022 TO 11/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row	Total
Email	0	0	0	0	0	0	0	0	0	0	2	0		2
Initial Inspection	0	0	0	0	0	0	0	0	0	0	4	0		4
Phone call	0	0	0	0	0	0	0	0	0	0	3	0		3
Re-Inspection	0	0	0	0	0	0	0	0	0	0	1	0		1
Research	0	0	0	0	0	0	0	0	0	0	9	0		9
Totals:	0	0	0	0	0	0	0	0	0	0	19	0		19

Code Summary Report Violation Name

Item 7.

Violation Date10/01/2022 TO 11/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row	Total
Accumulation of Junk. Chapter 127, Sec. 127-4	0	0	0	0	0	0	0	0	0	1	2	0		3
Accumulation of Refuse Sec. 127-2	0	0	0	0	0	0	0	0	0	1	2	0		3
Excessive or Untended Growth of Vegetation Sec. 127-3	0	0	0	0	0	0	0	0	0	2	0	0		2
Fence Permit 5.01.07(A)	0	0	0	0	0	0	0	0	0	0	1	0		1
Parking of vehicles and trailers, Chapter 166, Article II. - Motor vehicles, Sec. 166-11. - Definitions	0	0	0	0	0	0	0	0	0	0	1	0		1
Totals:	0	0	0	0	0	0	0	0	0	4	6	0		10



Public Works

November 2022 – Monthly Report

Activity	Location/ Address	Notes
Road Maintenance / Potholes	S. Lakeshore Blvd at E. Gardenia Street	Filled pothole at the intersection
Street Signs	N. Lakeshore Blvd at N. Tangerine Ave	Trimmed hedge blocking the view of the Stop Sign
Stormwater/Drainage		
Sidewalk Maintenance	Pressure Washed Sidewalk	Pressure washed sidewalks at Central Park and Library
Building Maintenance	Library	Replaced lock on storage room
Grounds Maintenance	Central Park Griffin Park	Removed wood playground borders around swing set at Griffin Park, will be installing new safer plastic border. Pressure washed sidewalks and Pavilion at Griffin Park.
Tree Trimming/Tree Removal/Stump Removal	E. Central Ave Mission Lane N. Lakeshore Blvd.	Tree Contractor trimmed trees on E. Central Ave and Mission Lane. Public Works Staff trimmed trees at the Bump Out on Lakeshore Blvd at E. Cypress Ave.
Mowing/Weed Eating	Main Water Plant Well # 3 Lakeshore Blvd Cemetery	Monthly Maintenance mowing, weed eating and edging. Monthly Mowing of Town Right of Way
Boardwalk Repairs	Sara Maude Mason Nature Preserve	Sara Maude still closed due to storm damage (see update below)
Landscape/Irrigation/Lot Grading Inspections/Sidewalk Inspections	Talichet	1 Landscape/Irrigation Inspections 1 Lot Grading Inspections 1 Sidewalk Inspections

Additional Notes:

- **Sara Maude Mason Nature Preserve will be closed until further notice:**
 - The boardwalk was damaged in multiple areas due to fallen trees. (Unsafe for pedestrian traffic)
 - Town Staff is working with FEMA for clearance of reimbursement on the cost of repairs to the boardwalk. FEMA is requiring an inspection of the boardwalk by a structural engineer.
 - Town Staff walked boardwalk with FEMA and Contracted Structural Engineer to assess damages.



Public Utilities

November 2022– Monthly Report

Activity	Location/ Address	Notes
Locates	Throughout Town	61 utility locates
Data log	Throughout Town	0
Service Orders	Throughout town	23 Utility Service Orders



**Library Director's Report
Marianne Beck Memorial Library
For the Month of November 2022**

Statistics for November 2022

KOHA: 3,592, Digital: 226 total KOHA: 3,818. Computer sessions: 68. We currently have 833 active patrons and our collection is at 12,718 items. The library was opened 23 days in November.

Funds collected for November:

Copies/Fax: \$53.70 Fines: \$40.70 Total: \$94.40

Activities during the month of November:

Morgan installed a new lock on the storage room in the LEC. He also hung a sketch above the door for me. He is still searching for someone to install a new door between the LEC and the main library. He will be moving the older smart TV from the LEC to the main library after the holidays.

The Library Foundation generously purchased four small drones for a class that Sheldon Lucien will be teaching. He will "build" an indoor obstacle course so the kids can have a competition.

We finished the first round of distribution of laptops to the local home schoolers. The library has given out approximately 40 on the first round. We have begun the second round that will be distributed in a couple of weeks. We have received approximately 10 applications as of today.

The member Library Directors met this month in the LEC. We are working on updating the Impact Fee Grant application. We have had two brainstorming sessions with another scheduled for December 21st. Thank you to the Friends for putting out a great breakfast spread!

On November 28th we hosted our largest home school class to date. 48 kids and 17 adults.

I was so happy to have the LEC! All of our monthly programs continue to increase in size. The meditation class we recently added, is increasing each week. The Monday yoga had its largest class this past Monday with 15 participates and one on zoom.

Respectively Submitted,
Tara Hall, Library Director

HOWEY-IN-THE-HILLS FINANCIAL REPORT

Nov-22

<u>REVENUES</u>	<u>FYE</u> <u>2022</u>	<u>RECEIVED</u> <u>SINCE LAST REP.</u>	<u>RECEIVED</u> <u>YEAR-TO-DATE</u>	<u>ESTIMATED</u> <u>REVENUE</u>	<u>REVENUE</u> <u>TO BE RECEIVED</u>	<u>PERCENT</u> <u>RECEIVED</u>	<u>DIFFERENCE</u> <u>FROM LAST REP.</u>
GENERAL	\$ 2,098,172.36	\$ 6,645.54	\$ 89,478.22	\$ 2,479,898.00	\$ 2,390,419.78	4%	0%
POLICE ADV TRAINING	\$ 3,091.26	\$ -	\$ 14.00	\$ 3,000.00	\$ 2,986.00	0%	0%
POLICE IMPACT FEES*	\$ 32,556.73	\$ -	\$ 24,486.28	\$ 50,000.00	\$ 25,513.72	49%	0%
PARK IMPACT FEES*	\$ 28,472.62	\$ -	\$ 22,987.12	\$ 192,600.00	\$ 169,612.88	12%	0%
WATER IMPACT FEES*	\$ 53,563.94	\$ -	\$ 37,809.84	\$ 384,000.00	\$ 346,190.16	10%	0%
INFRASTRUCTURE FUND	\$ 257,003.41	\$ 982.04	\$ 18,191.12	\$ 233,227.00	\$ 215,035.88	8%	0%
BUILDING FUND	\$ 184,426.29	\$ 466.68	\$ 134,919.89	\$ 219,615.00	\$ 84,695.11	61%	
WATER/SANITATION FUND	\$ 1,637,327.13	\$ 123,644.93	\$ 246,814.74	\$ 1,463,696.00	\$ 1,216,881.26	17%	8%
POLICE RETIREMENT	\$ (155,881.48)	\$ -	\$ 78,789.92	\$ 95,653.00	\$ 16,863.08	82%	0%
TOTALS	\$ 4,138,732.26	\$ 131,739.19	\$ 653,491.13	\$ 5,121,689.00	\$ 4,468,197.87	13%	3%

*Subtotal for Impact Fees Revenues	\$	-	\$	85,283.24	\$	626,600.00	\$	541,316.76
------------------------------------	----	---	----	-----------	----	------------	----	------------

<u>EXPENDITURES</u>	<u>FYE</u> <u>2022</u>	<u>COMMITTED</u> <u>SINCE LAST REP.</u>	<u>COMMITTED</u> <u>YEAR-TO-DATE</u>	<u>CURRENT</u> <u>APPROPRIATION</u>	<u>AVAILABLE</u> <u>APPROPRIATION</u>	<u>PERCENT</u> <u>COMMITTED FROM LAST REP.</u>	<u>DIFFERENCE</u>
GENERAL	\$ 2,117,730.65	\$ 350,341.11	\$ 564,471.18	\$ 2,479,898.00	\$ 1,915,426.82	23%	14%
POLICE ADV TRAINING	\$ -	\$ -	\$ -	\$ 3,000.00	\$ 3,000.00	0%	0%
POLICE IMPACT FEES*	\$ 184,250.14	\$ -	\$ 32,114.34	\$ 34,600.00	\$ 2,485.66	93%	0%
PARK IMPACT FEES*	\$ 41,625.23	\$ -	\$ -	\$ 208,000.00	\$ 208,000.00	0%	0%
WATER IMPACT FEES*	\$ 17,263.23	\$ -	\$ -	\$ 384,000.00	\$ 384,000.00	0%	0%
INFRASTRUCTURE FUND	\$ 190,672.05	\$ 11,534.00	\$ 11,534.00	\$ 233,227.00	\$ 221,693.00	5%	5%
BUILDING FUND	\$ 144,037.57	\$ 6,501.92	\$ 82,536.89	\$ 219,615.00	\$ 137,078.11	38%	3%
WATER/SANITATION FUND	\$ 1,191,467.54	\$ 72,481.89	\$ 177,977.36	\$ 1,463,696.00	\$ 1,285,718.64	12%	5%
POLICE RETIREMENT	\$ 80,793.86	\$ -	\$ 7,261.88	\$ 95,653.00	\$ 88,391.12	8%	0%
TOTALS	\$ 3,967,840.27	\$ 440,858.92	\$ 875,895.65	\$ 5,121,689.00	\$ 4,245,793.35	17%	9%

*Subtotal for Impact Fees Expenditures	\$	-	\$	32,114.34	\$	626,600.00	\$	594,485.66
--	----	---	----	-----------	----	------------	----	------------

HOWEY IN THE HILLS FINANCIAL REPORT Nov-22

ACCOUNTS

LOANS

151200

Florida Prime Account**STATE BOARD ADMINISTRATION BALANCE** (usually comes in 2nd week of month)

SBA FUND A	\$	19,297.30
INTEREST RECEIVED (APY 0.10%)	\$	62.40
TOTAL	\$	19,359.70

101076

SEACOAST MONEY MARKET ACCOUNT

(RESERVES)	BEGINNING BALANCE	\$	658,645.40
	TRANSFERS IN (OUT)		
	INTEREST RECEIVED (APY 0.05%)		27.06
	ENDING BALANCE	\$	658,672.46

101080

SEACOAST #2 MONEY MARKET ACCOUNT

(BISHOPS GATE)	BEGINNING BALANCE	\$	2,926.11
Sinking Fund	TRANSFERS IN (OUT)		
	INTEREST RECEIVED (APY 0.01%)		0.03
	ENDING BALANCE	\$	2,926.14

101005

SEACOAST CHECKING ACCOUNT (Operating)

Operating Checking	BEGINNING BALANCE	\$	2,446,206.82
	REVENUES DEPOSITED		298,860.73
	TRANSFERS IN (OUT)		
	EXPENDITURES CLEARED		(385,077.92)
	ENDING BALANCE	\$	2,359,989.63

101160

SEASIDE MONEY MARKET ACCOUNT

	BEGINNING BALANCE	\$	343,373.84
	TRANSFERS IN (OUT)		-
	INTEREST RECEIVED (APY 0.10%)		28.22
	ENDING BALANCE	\$	343,402.06

101110

SEASIDE CHECKING ACCOUNT (Pays to Loan)

	BEGINNING BALANCE	\$	18,083.56
	TRANSFERS IN (OUT)		
	DEPOSITED		-
	ENDING BALANCE	\$	18,083.56

101120

SEASIDE SRF LOAN SWEEP ACCOUNT

	BEGINNING BALANCE	\$	2,490.97
	TRANSFERS IN (OUT)		
	EXPENDITURES CLEARED		
	ENDING BALANCE	\$	2,490.97

TOTAL \$ 3,404,924.52**FDEP SRF LOAN (2.71%/2.12% interest)***

BEGINNING BALANCE	\$ 1,322,737.88
TRANSFERS IN (OUT)	\$0.00
ALLOCATED TO PRINCIPAL	\$0.00
ALLOCATED TO INTEREST	\$0.00
ENDING BALANCE	\$ 1,322,737.88

*payments of \$72,314.68 are made in April and Oct. and will continue until 2032

TOTAL \$ 1,322,737.88

United Community Bank (renamed from Seaside)

HOWEY-IN-THE-HILLS FINANCIAL REPORT (Previous Month)

Oct-22

(revenues and expenditures updated one month after initial report completion)

<u>REVENUES</u>	<u>FYE</u>	<u>RECEIVED</u>	<u>RECEIVED</u>	<u>ESTIMATED</u>	<u>REVENUE</u>	<u>PERCENT</u>
	<u>2022</u>	<u>CURRENT MON.</u>	<u>YEAR-TO-DATE</u>	<u>REVENUE</u>	<u>TO BE RECEIVED</u>	<u>RECEIVED</u>
GENERAL	\$ 2,098,172.36	\$ 82,832.68	\$ 82,832.68	\$ 2,479,898.00	\$ 2,397,065.32	3%
POLICE ADV TRAINING	\$ 3,091.26	\$ 14.00	\$ 14.00	\$ 3,000.00	\$ 2,986.00	0%
POLICE IMPACT FEES*	\$ 32,556.73	\$ 24,486.28	\$ 24,486.28	\$ 50,000.00	\$ 25,513.72	49%
PARK IMPACT FEES*	\$ 28,472.62	\$ 22,987.12	\$ 22,987.12	\$ 192,600.00	\$ 169,612.88	12%
WATER IMPACT FEES*	\$ 53,563.94	\$ 37,809.84	\$ 37,809.84	\$ 384,000.00	\$ 346,190.16	10%
INFRASTRUCTURE FUND	\$ 257,003.41	\$ 17,209.08	\$ 17,209.08	\$ 233,227.00	\$ 216,017.92	7%
BUILDING FUND	\$ 184,426.29	\$ 134,453.21	\$ 134,453.21	\$ 219,615.00	\$ 85,161.79	61%
WATER/SANITATION FUND	\$ 1,637,327.13	\$ 123,169.81	\$ 123,169.81	\$ 1,463,696.00	\$ 1,340,526.19	8%
POLICE RETIREMENT	\$ (155,881.48)	\$ 78,789.92	\$ 78,789.92	\$ 95,653.00	\$ 16,863.08	82%
TOTALS	\$ 4,138,732.26	\$ 521,751.94	\$ 521,751.94	\$ 5,121,689.00	\$ 4,599,937.06	10%

*Subtotal for Impact Fees Revenues	\$	85,283.24	\$	85,283.24	\$	626,600.00	\$	541,316.76
------------------------------------	----	-----------	----	-----------	----	------------	----	------------

<u>EXPENDITURES</u>	<u>FYE</u> <u>2022</u>	<u>COMMITTED</u> <u>CURRENT MON.</u>	<u>COMMITTED</u> <u>YEAR-TO-DATE</u>	<u>CURRENT</u> <u>APPROPRIATION</u>	<u>AVAILABLE</u> <u>APPROPRIATION</u>	<u>PERCENT</u> <u>COMM.</u>
GENERAL	\$ 2,117,730.65	\$ 214,130.07	\$ 214,130.07	\$ 2,479,898.00	\$ 2,265,767.93	9%
POLICE ADV TRAINING	\$ -	\$ -	\$ -	\$ 3,000.00	\$ 3,000.00	0%
POLICE IMPACT FEES*	\$ 184,250.14	\$ 32,114.34	\$ 32,114.34	\$ 34,600.00	\$ 2,485.66	93%
PARK IMPACT FEES*	\$ 41,625.23	\$ -	\$ -	\$ 208,000.00	\$ 208,000.00	0%
WATER IMPACT FEES*	\$ 17,263.23	\$ -	\$ -	\$ 384,000.00	\$ 384,000.00	0%
INFRASTRUCTURE FUND	\$ 190,672.05	\$ -	\$ -	\$ 233,227.00	\$ 233,227.00	0%
BUILDING FUND	\$ 144,037.57	\$ 76,034.97	\$ 76,034.97	\$ 219,615.00	\$ 143,580.03	35%
WATER/SANITATION FUND	\$ 1,191,467.54	\$ 105,495.45	\$ 105,495.48	\$ 1,463,696.00	\$ 1,358,200.53	7%
POLICE RETIREMENT	\$ 80,793.86	\$ 7,261.88	\$ 7,261.88	\$ 95,653.00	\$ 88,391.12	8%
TOTALS	\$ 3,967,840.27	\$ 435,036.71	\$ 435,036.74	\$ 5,121,689.00	\$ 4,686,652.27	8%

*Subtotal for Impact Fees Expenditures	\$	32,114.34	\$	32,114.34	\$	626,600.00	\$	594,485.66
--	----	-----------	----	-----------	----	------------	----	------------

December 9, 2022

Sean O'Keefe, Town Manager
Town of Howey-in-the-Hills
101 N. Palm Avenue
Howey-in-the-Hills, FL 34737

RE: Old Howey Landfill

Dear Sean:

Per your direction, I have reviewed the town's files on the old Howey landfill. The purpose was to determine if the site could be a candidate for a wastewater treatment facility. The site is a permitted closed landfill (DEP Facility/Site ID 19857). Its current status is permanently closed, with monitoring ceasing in 1999.

Closed landfill sites are not prohibited from being repurposed. FDEP has established guidelines for the use of old closed landfills (copy attached to this letter). Based on their guidelines, an intensive use such as a wastewater treatment plant would not be feasible or permissible. They do, however, recommend low-intensity or passive uses such as recreational facilities.

This site would lend itself well for a town park. It is located at the highest elevation in town. A facility at this spot would have an extensive viewshed. Also, the terrain of the site would work well with hiking & biking trails. If the town would like to pursue a recreation use further, I can prepare a conceptual plan for a town park on the site.

Should you have any questions, or need additional information, please do not hesitate to contact me.

Sincerely,



Donald A. Griffey, P.E.

GUIDANCE FOR DISTURBANCE AND USE OF OLD CLOSED LANDFILLS OR WASTE DISPOSAL AREAS IN FLORIDA

**Version 2.3
FINAL**

April 2, 2019



Prepared by:

Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DISCLAIMER

The information contained in this document is intended for guidance only. It is not a rule and does not create any standards or criteria which must be followed by the regulated community. Furthermore, compliance with this document does not relieve the owner or operator from the responsibility for complying with the Department's rules nor from any liability for environmental damages caused by the disturbance of or activities near old landfills or waste disposal areas.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
DISCLAIMER	i
LIST OF ACRONYMS	iii
1.0 BACKGROUND AND PURPOSE	1
2.0 APPLICABILITY	2
3.0 GOAL	3
4.0 WASTE DISTURBANCE	4
4.1 <u>Waste Relocation On-site</u>	4
4.2 <u>Waste Left In-place</u>	6
4.3 <u>Waste Removal and Off-site Disposal</u>	6
4.3.1 Excavation and Disposal Plan	7
4.3.2 Waste Characterizations	8
4.4 <u>Recycling Wastes or Vegetative Matter</u>	10
4.5 <u>Use of Screened Solid Waste</u>	12
4.5.1 Back-filling Excavated Areas	12
4.5.2 Off-site Uses	14
4.6 <u>Water Quality Evaluations</u>	14
4.6.1 Wastes Removed	14
4.6.2 Wastes Left In-place	15
5.0 CONSTRUCTION NEAR WASTE-FILLED AREAS	15
6.0 CONSTRUCTION OVER WASTE-FILLED AREAS	16
6.1 <u>Cautions for Construction</u>	16
6.2 <u>Alternate Uses of Disposal Areas</u>	18
REFERENCES	18

LIST OF TABLES

1. Minimum Number of Soil Samples Required	19
--	----

APPENDICES

A. Department Solid Waste Contacts and Addresses	
B. Partial Summary of Landfill Permit, Closure and Long-term Care Requirements	
C. Partial Summary of Construction and Demolition (C&D) Debris Permit, Closure and Long-term Care Requirements	
D. Preliminary Contamination Assessment Actions	

LIST OF ACRONYMS

EDP	Excavation and Disposal Plan
EPA	U. S. Environmental Protection Agency
F.A.C.	Florida Administrative Code
F.S.	Florida Statutes
GWMP	Ground Water Monitoring Plan
HRA	Health Risk Assessment
MOP	Monitoring Only Plan
NELAP	National Environmental Laboratory Accreditation Program
PCAP	Preliminary Contamination Assessment Plan
PCAR	Preliminary Contamination Assessment Report
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act
RSM	Recovered Screened Material
RTL	Reuse Target Level
SPLP	Synthetic Precipitation Leaching Procedure
SSW	Screened Solid Waste
WPF	Waste Processing Facility
WTE	Waste-to-Energy

1.0 BACKGROUND AND PURPOSE

In the past, the Florida Department of Environmental Protection (Department) has received notifications that old landfills or old disposal areas were unexpectedly discovered during various construction projects. The Department has also been contacted by property owners who were seeking to develop property which was known to contain areas where waste had been disposed. As such, the Department was asked to provide guidance regarding proper management of waste for similar situations. Questions are typically raised about the relocation of wastes, where they can be properly disposed, permitting requirements, back-filling of excavated areas, use of screened material from the waste and ground water monitoring requirements.

There have also been situations where development projects, such as residential housing units, schools, recreational areas or retail businesses, have been constructed on top of or adjacent to old disposal areas. Some of these projects have resulted in considerable health and safety concerns for individuals living or working near these disposal areas and for the integrity of the environmental protection measures that may be in place at the disposal sites.

The potential risks from old disposal sites may vary considerably and are usually not well understood. This can be due to a variety of factors such as a lack of records on the types of waste disposed at a site or a lack of data on the generation and fate of gases and leachate from these wastes. For example, some wastes contain more biodegradable material than others and as a result may generate more methane gas under anaerobic conditions causing odors and green house gases. Or, due to the age of the wastes, they may have stabilized to the point that gas generation is no longer of concern. If gases are still being generated, they may or may not be migrating off-site depending on the specific geological and physical features of the site. Also, since these old disposal sites were unlined, impact to ground water from leachate generation may be a problem, but this can not be determined without a ground water investigation.

Due to the difficulties encountered in dealing with these old sites, the Department has been asked to develop recommendations for managing the problems arising from construction near or over them. Consequently, this document is intended to provide guidance to the regulated community on the Department's requirements and recommendations for disturbing or using old, closed landfills or disposal areas. While owners of these old sites are encouraged to use this guidance, this document is not a rule and does not create any standards or criteria which must be followed by the regulated community.

The original document for this guidance was issued on May 3, 2001. Since that time, changes have occurred which require the Department to update this document. For example, on April 17, 2005, Chapter 62-780, Florida Administrative Code (F.A.C.) became effective. This new chapter establishes the procedures for the assessment and cleanup of contaminated sites when it has been established that a person is legally responsible for conducting site rehabilitation or when a person voluntarily rehabilitates a

contaminated site. As a result, the previous process used by the Department, (i.e., the process known as Corrective Actions for Contaminated Site Cases) is an obsolete tool and individuals choosing to conduct contamination assessment and possibly cleanup are now encouraged to use the process identified in Chapter 62-780, F.A.C. In addition, concentrations for some of the Reuse Target Levels (RTLs) listed in the original document have been changed. Consequently, this guidance document needed to be revised to implement these updates. This revision was completed on June 3, 2009 in version 2.0. The basic processes contemplated in the original document remained the same. This version of the document dated February 3, 2011, version 2.1, merely updated some statute and rule references that had changed since version 2.0 was issued.

2.0 APPLICABILITY

In general, this document only applies to old disposal sites that are inactive, i.e. no longer receiving wastes, and can normally be placed into one of three categories:

- (1) old permitted landfills that had a final cover¹ installed before July 1, 1985 without a closure permit;
- (2) old disposal sites, such as dumps, open dumps and promiscuous dumps, that were operated and closed without permits and which may have had few or no records available of their operations; and
- (3) construction and demolition (C&D) debris disposal areas which were operated and closed prior to August 2, 1989.

The application of this document to any other sites will be determined on a case-by-case basis by the Department.

For the purposes of this document, a "landfill" means a Class I, II or III landfill as it is currently defined in the Department's Solid Waste Management Facilities rule, Chapter 62-701, F.A.C. Also, C&D debris² in this document means the same as it is currently defined in Section 403.703(6), Florida Statutes (F.S.) which reads:

- (6) "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of

¹ In July 1, 1985, final cover was generally defined as a 24-inch thick soil layer placed over the wastes in the landfill.

² An additional explanation of how C&D debris wastes are defined is contained in Section 4.3.2 of this document.

solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

- (a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (b) Yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;
- (c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and
- (d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Dumps, open dumps, and promiscuous dumps were defined in earlier rules by the Department. In 1974, dumps were defined in Rule 17-7.02(7), F.A.C. as:

"Dump" is a land disposal site at which solid waste is disposed of in a manner which does not protect the environment and is exposed to the elements, vectors and scavengers.

In 1979, open dumps and promiscuous dumps were defined in Rules 17-7.02(33) and (36), F.A.C., respectively, as:

"Open Dump" means a site for the disposal of solid waste which does not comply with the criteria of Chapter 17-7, F.A.C.; and

"Promiscuous Dump" means an unauthorized site where indiscriminate deposits of solid waste are made.

3.0 GOAL

If plans are made to disturb an old landfill, the owner is required to notify the Department before beginning this activity. The basic regulatory requirements for the old, closed landfills are contained in Rule 62-701.610(1), F.A.C. and read as follows:

Use of closed landfill areas. Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system, or leachate and stormwater controls.

Consultation with the Department is required prior to conducting activities at the closed landfill areas.

The goal of this document is not to impose new regulatory burdens on owners of old landfills or disposal sites but to clarify what the Department's expectations are if an old site is disturbed or used. The owners of these sites are strongly encouraged to consult with the Department prior to disturbing any of these areas or conducting any construction near or over them and to develop a plan of action that achieves the goals of the owner but is also protective of human health and the environment. To facilitate communication with the Department in these matters, a list of contacts and addresses for the Tallahassee and District offices is provided in APPENDIX A.

The remaining portions of this document describe the activities that should be conducted or considered when attempting development near or over these old sites. The Department encourages the owners of these sites to follow these recommendations.

4.0 WASTE DISTURBANCE

4.1 Waste Relocation On-site

There have been occasions when construction projects have included the on-site relocation of existing wastes (i.e., within the footprint of the original landfill disposal area) which were either known to exist at the site before construction or discovered during construction. The owner may also desire to sort uncontaminated concrete from the waste before reburial³.

In 2001, the Department revised its solid waste rule to address the relocation of these on-site wastes at closed landfills. Specifically, Rule 62-701.610(2), F.A.C., reads:

Relocation of waste. The owner of a closed landfill may request permission from the Department to move waste from one point to another within the footprint of the same solid waste disposal unit. If the landfill has a valid closure permit, the permittee shall seek a modification to reflect the relocation of waste. The Department shall approve such a request upon a demonstration that:

- (a) The activity will not cause or contribute to any leachate leakage from the landfill, and will not adversely affect the closure design of the landfill;
- (b) Any leachate, stormwater runoff, or gas which is generated by the activity is controlled on site;
- (c) Any hazardous waste which is generated by the activity will be managed in accordance with Chapter 62-730, F.A.C.;

³ Sorting materials other than uncontaminated concrete will require written approval by the Department before the sorting begins in accordance with the requirements of Section 4.4 of this document.

(d) Immediately after the activity is completed, the landfill will be covered, vegetated, and graded so as to comply with the closure requirements that apply to that landfill, which shall include a final cover of at least two feet of soil; and

(e) The appropriate District Office of the Department is notified at least seven days before the activity takes place in order to have the opportunity to inspect the site.

If the landfill has a valid closure permit, then a modification of that closure permit will be required to relocate on-site wastes. The owner of the landfill will have to demonstrate that the requirements of Rule 62-701.610(2), F.A.C. will be satisfied during the relocation activities. Uncontaminated concrete which is excavated from the disposal site and removed from the wastes may be used as a raw material or as fill material without a permit⁴, i.e. used as clean debris. But it must meet the definition of clean debris contained in Rule 62-701.200(15), F.A.C. before it can be used as fill or raw material.

If the landfill was closed before closure permits were required, then waste relocation activities may still be allowed and the Department will not require a closure permit or long-term care requirements provided the following occur.

- (a) A Relocation Plan must be submitted for review and approval to the Department's District office in the District where the disposal site is located (see contacts and addresses in APPENDIX A). At a minimum, it should include the following:
- a site map showing which waste will be removed and where it will be reburied;
 - an estimate of the total volume of wastes to be relocated and the time needed to complete the project;
 - a description of how the wastes will be excavated and relocated; and
 - a description of how odors will be minimized and how surface water and leachate resulting from the relocation activities will be controlled.
- (b) The waste must only be relocated within the original landfill or disposal site footprint⁵, and must be covered with two feet of soil, compacted and revegetated.
- (c) No off-site waste can be transported to the site and disposed of in the relocation areas.
- (d) Should any hazardous wastes be encountered, they will be managed as a hazardous waste according to Chapter 62-730, F.A.C.

⁴ For the Department's requirements on this use, see Rules 62-701.220(2)(f) and 62-701.730(15), F.A.C.

⁵ Relocation of wastes outside the original footprint is considered new disposal and may require a permit.

- (e) The only wastes to be relocated are those which are necessary to implement the construction project.
- (f) If sorting of uncontaminated concrete from the waste is planned, a description of how the sorting will be accomplished shall be provided. Uncontaminated concrete may be used as a raw material or as fill without a permit provided it meets the requirements stated above for facilities having valid closure permits.
- (g) If it is determined that the waste at the site is causing ground water contamination, then some water quality monitoring, and possibly corrective actions, will be required as described in Section 4.6.

4.2 Waste Left In-place

Waste left in-place and not disturbed, is generally subject only to the closure requirements that applied at the time the site was operated. If there are questions about these requirements, the summaries in APPENDICES B and C may provide some guidance.

Normally, no further action is required by the Department in the areas containing undisturbed waste. However, if the waste is not stabilized⁶ and the final cover is inadequate, the Department may require the soil cover be repaired (for example, at least two feet of soil cover and no areas of ponding). Also, if it is determined that the waste is causing ground water contamination, then some water quality monitoring, and possibly corrective action, will be required according to Section 4.6.

4.3 Waste Removal and Off-site Disposal

Removing the waste may be the best option to achieve unrestricted use of former disposal areas. This option may not be practical if a large area of land was used for disposal or if much of the waste was disposed of in the ground water and cannot be easily removed. In those cases, a partial removal may be appropriate. The Department must be notified prior to beginning these activities. However, a permit will not generally be required for these activities provided the work is conducted under a Department approved Excavation and Disposal Plan (see Section 4.3.1).

Uncontaminated concrete which is excavated from the disposal site and removed from the wastes may be used as a raw material or as fill material without a permit⁷, i.e. used as clean debris. But it must meet the definition of clean debris contained in Rule 62-701.200(15), F.A.C. before it can be used as fill or raw material.

⁶ Rule 62-701.200(120), F.A.C. defines stabilized to mean the "biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard."

⁷ For the Department's requirements on this use, see Rules 62-701.220(2)(f) and 62-701.730(15), F.A.C.

4.3.1 Excavation and Disposal Plan

Before beginning waste removal, an Excavation and Disposal Plan (EDP) must be submitted for review and approval to the Department's District office in the District where the disposal site is located. An EDP should include at least the following items.

- (a) Extent of Waste - The extent of the disposal area where the waste will be removed must be fully delineated as follows:
 - The extent of the in-place waste disposal area must be fully delineated in both the vertical and horizontal directions. Normally this delineation can be conducted using soil borings or test pits. Other geophysical methods may also be used.
 - A site plan showing the location of the disposal area and locations of the test pits or soil borings must be provided.
 - A description of the materials found in the test pits or borings and the depths where these materials were encountered must also be provided.
 - If ground water was encountered in the pits or borings, the depth to water should be described.
- (b) Gas Concerns - To ensure there are no potential adverse effects from waste gas, a combustible gas⁸ survey of ambient air conditions must be conducted at the site before the wastes are removed and again within ninety days after removal. Combustible gases in confined spaces must not exceed twenty-five percent of the lower explosive limit of methane. Ambient air monitoring must also be conducted periodically during excavation to ensure conditions for combustible gases are not being created. In addition, before wastes are removed, soil monitoring probes must be installed where the wastes are located and sampled for combustible gases. Sampling must be conducted in the headspace of the monitoring probe without purging the gas before collecting the sample.
- (c) Waste Removal – The EDP should describe the waste removal activities planned including a description of:
 - the procedures for staging wastes prior to removal and an estimate of the length of time wastes will be staged;
 - an estimate of the total volume of wastes to be removed and the time needed to complete the project;
 - the methods(s) that will be used to characterize the various types of waste encountered according to the recommendations of Section 4.3.2;
 - the procedures for handling any hazardous waste or hazardous materials should they be encountered;
 - the procedures for handling any land clearing debris should it be generated and designated for off-site disposal or recycling;

⁸ Combustible gas meters shall be calibrated to methane.

- the intended permitted disposal facility(s) for wastes removed;
- how odors and dust will be minimized and the procedures for controlling leachate from disturbed or staged waste areas prior to removal of the wastes from the site;
- if sorting of uncontaminated concrete from the waste is planned, a description of how the sorting will be accomplished shall be provided; and
- the procedures that will be used to ensure the water quality monitoring, and possibly corrective action, requirements of Section 4.6 will be followed.

4.3.2 Waste Characterizations

Before excavated waste can be disposed of off-site, it will need to be characterized to determine which method of disposal is appropriate. The waste can usually be placed into one of four categories:

- (1) a hazardous waste;
- (2) a waste suitable for disposal in a permitted Class I landfill;
- (3) a waste suitable for disposal in a permitted Class III landfill; and
- (4) C&D debris waste (if it meets the definition of C&D debris waste as described below).

In addition, some sites may involve a significant amount of land clearing operations prior to excavation of the waste. The vegetative waste generated from these land clearing operations may be suitable for disposal in a permitted Class III landfill, C&D debris facility, or a land clearing debris disposal facility.

If the excavated waste is a hazardous waste, it will need to be managed in accordance with the requirements of Chapter 62-730, F.A.C. The generator is responsible for determining if the excavated material is a hazardous waste. The Department's Hazardous Waste Regulation Section can be contacted if there are any questions about the hazardous waste determination for this material at 850/245-8790.

If the excavated material is not a hazardous waste and if it is not considered a liquid waste according to Rule 62-701.200(65), F.A.C., then it may be disposed of in a permitted Class I landfill⁹. The landfill owner/operator, however, is not required to accept this material for disposal. The generator of the waste should contact the landfill owner/operator before transporting the material to ensure it can be received at the landfill for disposal.

Some wastes may qualify for disposal in a permitted Class III landfill, provided they are not putrescible household wastes or other Class I wastes, and meet the definition of Rule 62-701.200(14), F.A.C. which reads as follows:

"Class III waste" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass,

⁹ While not typically expected to be an option, the wastes could also be disposed of at a Waste-to-Energy (WTE) facility if the WTE facility is authorized by its permit to process it and the material is not a hazardous waste.

plastic, furniture other than appliances, or other materials approved by the Department that are not expected to produce leachate which poses a threat to public health or the environment.

Some of the wastes removed from old disposal sites may meet the definitions of the specific items listed in the rule and may be suitable for disposal in a Class III landfill if they are not contaminated with other wastes. However, the definition of Class III wastes also allows the Department to approve "other materials" for disposal in Class III landfills if the wastes are "not expected to produce leachate which poses a threat to public health or the environment." Many of the wastes from these old disposal sites may qualify for this "other materials" category at a Class III landfill¹⁰. But the burden will be on the generator to show entitlement to this determination by the Department. These determinations will be made on a case-by-case basis.

Some waste may be considered C&D debris and qualify for disposal in a C&D debris disposal facility or a Class III landfill, however, this determination may be difficult. There are essentially three tests that must be satisfied. The first two deal with the definition of C&D debris contained in Section 403.703(6), F.S., and the third deals with the problem of mixing. First, the material must be "not water-soluble and nonhazardous in nature" including a list of included materials¹¹. In other words, it must be of a certain "type." Second, the material must be "from the construction or destruction of a structure as part of a construction or demolition project," meaning that it must also be from a certain "source." Third, the law says that mixing of C&D debris with other types of waste will cause it to be classified as other than C&D debris.

Thus, for wastes from an old disposal site to be classified as C&D debris, the generator will have the burden to demonstrate that the waste met the "type" and "source" requirements and also show that it had never been mixed with other types of solid waste. If these three criteria cannot be satisfied, then the waste may not be disposed of at a C&D debris facility. However, it may still be allowed for disposal at a Class III landfill if the Department approves it as an "other material" according to Rule 62-701.200(14), F.A.C. Otherwise, it will have to be disposed of at a Class I landfill.

Vegetative waste that meets the definition of "yard trash" contained in Rule 62-701.200(135), F.A.C., may not be disposed of in a Class I landfill (see Section 403.708(12)(c), F.S.). However, it may be disposed of in a permitted Class III landfill. Yard trash may also be disposed of in a permitted C&D debris disposal facility, while land clearing debris may be disposed of in a permitted land clearing debris disposal facility. The definition of yard trash reads as follows:

¹⁰ More information can be found in policy memorandum SWM-04.39 which is available at the following web site address:

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/policymemos/SWM-04-39.pdf

¹¹ These included materials are generally items such as: (1) steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard and lumber; (2) rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project; and (3) clean cardboard, paper, plastic, wood, and metal scraps from a construction project.

"Yard trash" means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

The definition of land clearing debris reads as follows:

"Land clearing debris" means rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

4.4 Recycling Wastes or Vegetative Matter

In some cases, the owner of a site may wish to recycle some of the excavated waste or the vegetative matter generated during land clearing operations. This recycling might be on-site or the wastes may be sorted from non-recyclable wastes and transported off-site for recycling. If the only waste to be sorted and recycled is uncontaminated concrete, then, as stated earlier, this waste may be used as a raw material or as fill material without a permit¹², i.e. used as clean debris. But it must meet the definition of clean debris contained in Rule 62-701.200(15), F.A.C. before it can be used as fill or raw material. If other wastes are planned for sorting or recycling, then the requirements become more complicated.

If the waste is excavated and transported off-site for recycling, then it may be suitable for processing at a Waste Processing Facility¹³ (WPF). Likewise, the vegetative materials generated during the operation and transported off-site may be suitable for recycling at a yard trash processing facility.

If the excavated wastes are sorted on-site for the purpose of recycling them either on-site or at a permitted or registered facility located off-site, then the owner of the landfill will be required to obtain written approval by the Department before beginning the sorting operations. The owner must contact the Department's District office in which the landfill is located to determine the exact requirements.

A WPF that recycles the waste must have a solid waste permit to operate according to the requirements of Rule 62-701.710, F.A.C. No excavated waste should be transported to a WPF unless the facility is authorized by permit to receive this

¹² For the Department's requirements on this use, see Rules 62-701.220(2)(f) and 62-701.730(15), F.A.C.

¹³ The requirements for Waste Processing Facilities are contained in Rule 62-701.710, F.A.C.

material and the owner or operator of the WPF is willing to process it. The characterization of the waste in Section 4.3.2 of this document should help clarify if the waste can be processed by the WPF.

Yard trash¹⁴ from the site may be recycled at yard trash processing facilities. These facilities will not normally need a solid waste permit provided they meet the criteria for a yard trash processing facility in Rule 62-709.330, F.A.C. and register with the Department in accordance with Rule 62-709.320(3), F.A.C.

The excavation, on-site sorting or recycling, transportation and off-site recycling of wastes or vegetative materials may be allowed, with prior written approval by the Department, provided the following occur.

- (a) A Recycling Plan must be submitted for review and approval to the Department's District office in the District where the disposal site is located. It should include the following:
 - a site map showing where the waste staging, sorting and screening areas will be located and which areas of the disposal site will be excavated;
 - an estimate of the total volume of wastes to be sorted or recycled and the time needed to complete the project;
 - a description of how the excavation will occur;
 - a description of how the recyclable wastes will be sorted from the excavated wastes including operation of the staging areas;
 - a description of how the screened waste will be managed in accordance with the recommendations of Section 4.5;
 - a description of how odors will be minimized and how surface water and leachate resulting from the excavation, staging, sorting and screening activities will be controlled;
 - a description of how dust from the recycling operation will be controlled¹⁵;
 - a description of the permitted facilities where the recyclable wastes shall be transported to and processed; and
 - a description of how the excavated areas will be back-filled, covered, compacted and revegetated.
- (b) Should any hazardous wastes be encountered, they must be managed as a hazardous waste according to Chapter 62-730, F.A.C.
- (c) If it is determined that the waste at the site is causing ground water contamination, then some water quality monitoring, and possibly corrective actions, will be required according to Section 4.6.

¹⁴ Yard trash is defined in Section 4.3.2 of this document.

¹⁵ The owner should also be aware that the Department may regulate this dust as a fugitive particulate emission. The Department's Air Section, in the District where the landfill is located, can be contacted for further details.

4.5 Use of Screened Solid Waste

Screened solid waste (SSW) refers to the fines fraction of material that is produced by screening excavated wastes. This would normally occur during the on-site recycling operations. If the wastes that are screened meet the criteria for being C&D debris wastes in Section 4.3.2, then the fines fraction generated by this screening shall be considered Recovered Screen Material (RSM) and should be managed in accordance with the Department's RSM guidance¹⁶ dated September 28, 1998 (DEP, 1998). Screened material from any other wastes shall be designated as SSW rather than RSM. For the purposes of this document, most of the screened material from recycling wastes at old disposal sites will be treated as SSW rather than RSM¹⁷.

In order to use any SSW, the owner will have to provide reasonable assurances to the Department that the proposed use is protective of human health and that applicable Department standards and criteria will not be violated. The main goals that must be accomplished for owners to use the SSW are summarized as follows:

- (a) The SSW must be managed and used so that it will not cause violations of applicable Department air, ground water, or surface water standards or criteria.
- (b) The use of the SSW must not pose a significant threat to human health, which, for the purposes of this document, means an incremental risk of no greater than 1×10^{-6} for carcinogens and a health hazard index (hazard quotient) of no greater than one (1.0) for non-carcinogens¹⁸.
- (c) The use of the SSW must not create a public nuisance.

In some cases, it will be easy to provide a satisfactory demonstration that the proposed use of the SSW will be safe. In other cases, chemical testing may be required and evaluations of the proposed uses may be more difficult. The following discussion attempts to clarify some of these issues for use in back-filling excavated areas and in off-site applications.

4.5.1 Back-filling Excavated Areas

Back-filling on-site excavated areas can be placed into two categories. The first, and easiest to address, occurs when the SSW is placed in the excavated areas of the original waste disposal footprint (above the water table), compacted, covered with two

¹⁶ This guidance can be found at the following web site address:
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/RSMFINALTotal.pdf. In addition, memorandum SWM-21.38 has some information on arsenic sampling. It is found at:
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/solid_waste/policymemos/SWM-21-38.pdf.

¹⁷ The Department assumes that it will be difficult to classify old waste as C&D debris according to the three tests in Section 4.3.2. Therefore, the screened material from these wastes should be treated as SSW rather than RSM.

¹⁸ For additional information, see Chapter 62-777, F.A.C.

feet of clean fill¹⁹ and re-vegetated. In this case, the Department considers the likelihood of direct human exposure with the SSW to be negligible. Also, since the SSW is placed within the boundaries of the original waste disposal footprint, the leachability concerns are probably similar to the waste before it was disturbed. Therefore, no further action will be required if this method of backfilling is used unless it is determined that the residual waste at the site is causing ground water contamination. Then some water quality monitoring, and possibly corrective actions, will be required according to Section 4.6.

The second category of backfilling occurs when SSW is placed on the ground surface or mixed within the top 24 inches of soil at the site (above the water table). In these cases, the owner needs to ensure that all the goals of Section 4.5 are achieved. When showing the risks from these uses will not exceed the human health risk goals of Section 4.5, Item (b), the owner may choose to conduct a separate human health risk assessment (HRA) to determine the potential risks from the proposed uses of SSW. The owner may also elect to use the Department's soil cleanup target levels (SCTLs) contained in Table II of Chapter 62-777, F.A.C. as a guide for evaluating the potential risks. To use the Department's SCTLs, the following testing will be required.

- (a) Representative discrete and composite samples shall be collected of the SSW as it will be used at the minimum frequency indicated in TABLE 1. Sampling and analysis must meet the requirements of Chapter 62-160, F.A.C. and the Department's Standard Operating Procedures.
- (b) Total analysis shall be conducted on the composite samples for the eight Resource Conservation and Recovery Act (RCRA) metals²⁰ using the approved EPA Methods and for semi-volatile organic compounds using EPA Method 8270C, and pesticides using EPA Method 8081A.
- (c) Total analysis shall be conducted on the discrete samples for volatile organic compounds using EPA Method 8260B.
- (d) The leaching potential for detected parameters in the total analyses of the samples can be estimated by comparing the total concentrations of those parameters to the Department's corresponding SCTL leachability values. To further evaluate leaching potential, the samples can also be prepared using the Synthetic Precipitation Leaching Procedure (SPLP), EPA Method 1312. The extracts prepared from this procedure can then be analyzed²¹, using the approved EPA methods with the results compared to the Department's ground water standards and criteria.

¹⁹ For the purposes of this document, "clean fill" means soil which has not become contaminated by human activity or soil which meets the "cleaned soil" criteria of Chapter 62-713, F.A.C. Soil may include other similar materials if approved by the Department.

²⁰ These metals are: arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.

²¹ When analyzing for parameters such as sulfates and TDS, it is likely that de-ionized water will need to be used as the extraction fluid in the SPLP test rather than the extraction fluid specified in the method itself.

- (e) Laboratories conducting the analyses must be certified by an accrediting authority recognized by the National Environmental Laboratory Accreditation Program (NELAP) and must submit their results in an acceptable electronic format. Analysis of the SPLP extracts must be conducted using detection limits at or below the Department's ground water standards and criteria.

Based on the results of the above testing, possible uses for SSW can then be considered. SSW may be used as backfill on-site above the water table without further restrictions provided: (1) the total concentrations of detected chemicals are below the Department's corresponding residential direct exposure SCTLs; and (2) the detected chemicals are not expected to be a leaching concern. However, filling jurisdictional surface waters or wetlands is not allowed unless a permit specifically authorizing this use of the SSW is issued by the Department. If these conditions cannot be met, then the Department should be contacted about appropriate uses for the SSW.

4.5.2 Off-site Uses

SSW must not be used as fill material in jurisdictional surface waters or wetland unless a permit specifically authorizing this use has been issued by the Department. SSW may be suitable for use as initial and intermediate cover at permitted Class I, II or III landfills provided it meets the criteria of Rules 62-701.200(59) and (61), F.A.C. These uses of SSW may require approval by the Department's District office in the District where the disposal site is located as part of its landfill permit.

Other potential uses of SSW will depend on the chemical nature of the material. Testing similar to that contained in Section 4.5.1, Items (a) through (e) must be conducted to evaluate total and leachable concentrations of chemicals in the SSW. The Department must be consulted before using any SSW off-site from the disposal area.

4.6 Water Quality Evaluations

When wastes are removed or left in-place, water quality monitoring will generally be needed to ensure there are no adverse affects to ground water from the wastes. The actual requirements for water quality evaluations will vary depending upon the site-specific circumstances.

4.6.1 Wastes Removed

If all the wastes are removed from the site, then limited water quality sampling (usually one to three sampling events) will usually be required in the area where the wastes were previously disposed to determine if there are any violations of the Department's water quality standards or criteria. The Department recommends preparing a Preliminary Contamination Assessment Plan (PCAP) and getting it approved by the Department. After conducting the activities in the PCAP, then a Preliminary Contamination Assessment Report (PCAR) must be prepared for review by

the Department. If the PCAR demonstrates that no water quality violations are occurring, then no further testing will be required. A description of the tasks required for developing PCAPs and PCARs is included in APPENDIX D.

If the PCAR demonstrates that water quality violations are occurring at the site, then further work will be required. Depending on the level of the contamination and the nature of the site, the Department may allow the owner to initiate a Monitoring Only Plan (MOP) and simply monitor the level of ground water contamination. As an alternative, the Department may require the owner to conduct additional assessment to evaluate the extent of the contamination and based on the results of that additional assessment then implement some form of remedial action. The remedial action may be simply to continue monitoring the site for some period of time, or it may require some ground water control and treatment. The actual requirements are determined on a case-by-case basis. When it is determined that additional assessment is needed, the process described in Chapter 62-780, F.A.C. should be followed.

4.6.2 Wastes Left In-place

If the wastes are left in place or only partially removed, then monitoring of the water quality at the site for some period of time will be required. The Department may allow monitoring wells to be installed according to the PCAP and PCAR requirements described in Section 4.6.1 and then require these wells be sampled for a period of time. As an alternative, the Department may require a Ground Water Monitoring Plan (GWMP) according to the requirements of Rule 62-520.600, F.A.C. and have the wells installed under this plan monitored for a period of time. In either case, the owner must contact the Department to determine which approach will be required. The duration of the monitoring will depend on the site-specific conditions and the results of the water quality testing. If it is determined by the Department that water quality violations are not occurring at the site, then no further water quality evaluations will be required.

If sampling results from the PCAP or the GWMP show there are violations of the Department's water quality standards or criteria, then further work will be required. The owner must follow the additional assessment procedures described in Section 4.6.1 to evaluate the extent of the contamination. Based on the results of the additional assessment, the owner will then be required to implement some form of remedial action. This may be simply to continue monitoring the site for some period of time, or it may require some ground water control and treatment. The actual requirements are determined on a case-by-case basis.

5.0 CONSTRUCTION NEAR WASTE-FILLED AREAS

There have been occasions where construction projects were conducted near old disposal sites without actually disturbing the wastes. The Department encourages caution be used when planning and implementing these projects since their proximity to old disposal areas may result in unacceptable risks to human health and the

environment. At a minimum, the Department encourages implementation of the following recommendations:

- (a) a combustible gas²² survey of ambient air conditions should be conducted periodically at the project site to ensure combustible gases from the disposal area are not exceeding twenty-five percent of their lower explosive limit in structures;
- (b) soil monitoring probes should be installed between the proposed construction and the waste-filled areas to ensure combustible gases exceeding their lower explosive limit are not moving from the disposal area;
- (c) any structures located near the disposal areas which could be impacted by combustible gas should be designed with good ventilation and with explosion proof electrical wiring;
- (d) access to the disposal site should be restricted; and
- (e) shallow potable water wells and irrigation wells should not be installed within 500 feet of the waste-filled areas unless it is confirmed there are no adverse affects to ground water from the wastes in the disposal area.

6.0 CONSTRUCTION OVER WASTE-FILLED AREAS

The appropriate District office must be consulted before any construction activity is conducted over an old disposal site. The goals of this consultation are to ensure that the integrity of the environmental protection measures of the disposal area is not adversely impacted and to protect the health and safety of individuals who may be using the disposal area.

6.1 Cautions For Construction

When considering construction projects over old disposal sites, the Department recommends the following guidelines be used.

- (a) The Department strongly discourages the construction of residential structures over old waste-filled areas. Instances of landfill gas seeping into the structures and structural settlement problems are well documented difficulties with this use of old disposal sites.
- (b) Any construction projects should consider potential impacts from combustible gas. Inside structures, combustible gases must not exceed twenty-five percent of the lower explosive limit for methane. Any structures located on disposal areas must be designed with good ventilation and with explosion proof electrical wiring. Enclosed ground level and underground structures should be avoided

²² Combustible gas meters shall be calibrated to methane.

unless designed with adequate protection against landfill gas intrusion and accumulation.

- (c) If the construction project may cause combustible gas to migrate off-site, then gas monitoring on a quarterly basis will be required in soil monitoring probes according to Rule 62-701.530(2), F.A.C., i.e., along the property boundary.
- (d) If any waste is disturbed because of the construction project, then the guidelines in Section 4.0 should be followed, as appropriate.
- (e) When planning the construction, concentrated weight loading should be avoided, if possible, to prevent uneven settlement of the underlying wastes. Also, disturbance of the landfill cover or barriers should be minimized or avoided when structures are built, particularly if pilings are used. Any disturbance of the cover or barrier must be repaired.
- (f) Irrigation systems, if installed, must be designed to minimize disturbance to the underlying waste-filled areas and must not withdraw water from areas where ground water may be contaminated.
- (g) Surface water management systems must not be located over contaminated areas or over waste-filled areas unless they are lined. Also, an Environmental Resource Permit from the Department will be required prior to constructing a surface water system.
- (h) The disposal site must be maintained. For example, areas that have settled must be filled with clean fill to minimize leachate generation due to rainfall and irrigation and to protect individuals who may walk or play on the site.
- (i) The landfill cover must be maintained to prevent human contact with the underlying waste materials.
- (j) Care must be taken during any waste relocation, construction or recreational activities to prevent damage to ground water monitoring and gas monitoring systems.
- (k) Underground utilities and similar installations that are placed within 200 feet of, or across, any side of the filled areas should be avoided. If they cannot be avoided and if combustible gases are being generated, then a properly located gas barrier or ventilation system must be placed at each waste boundary which is crossed by the utility line to prevent the landfill gas from migrating along the utility line to off-site structures.

6.2 Alternate Uses of Disposal Areas

Some creative alternate uses of closed landfills and old disposal areas have been implemented in recent years. One very successful use is the creation of recreational facilities. Facilities such as ball parks, soccer fields, hiking trails, golf courses and golf driving ranges appear to be acceptable and successful land uses for these old sites. The Department prefers these types of uses be selected for an old site rather than the construction of structures such as residential housing or educational facilities.

Before beginning one of these projects, the owner must develop construction plans and a detailed description of the project and present these for review to the Department's District office where the project is located. A list of contacts and addresses for these offices is provided in APPENDIX A.

In most cases, a permit will not be required, except for an Environmental Resource Permit addressing the surface water control system. The construction plans must show the major features of the project including locations of: waste disposal areas, on-site structures, the surface water management system, irrigation systems and planned utility lines. The description of the project must include how the recommendations for waste disturbance in Section 4.0 will be addressed. It must also address the recommendations of Sections 5.0 and 6.1.

REFERENCES

DEP (Florida Department of Environmental Protection), 1998, Guidelines For The Management Of Recovered Screen Material From C&D Debris Recycling Facilities in Florida, Department of Environmental Protection, Solid Waste Section, Tallahassee, Florida, September 28.

Table 1. Minimum Number of Soil Samples Required

Amount of Soil by Volume, yd ³	Amount of Soil by Weight, tons	Number of Discrete Samples Required for Volatile Organics	Number of Composite Samples Required for non-Volatile Organics
<100	<140	1	1
100 to <500	140 to <700	3	3
500 to <1000	700 to <1400	5	5
For each additional 500 yd ³	For each additional 700 tons	1	1

APPENDIX A

Department Solid Waste Contacts and Addresses

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOLID WASTE CONTACTS
(updated 04/02/2019)

Northwest District:	Dawn Templin, Professional Engineer Department of Environmental Protection 160 Governmental Center, Suite 308 Pensacola, Florida 32502-5794 850-595-0644 Dawn.Templin@dep.state.fl.us
Northeast District:	Brian Durden, Environmental Manager, Department of Environmental Protection 8800 Baymeadows Way West Jacksonville, Florida 32256-7590 904-256-1575 Brian.Durden@FloridaDEP.gov
Central District:	Lu Burson, Environmental Administrator Department of Environmental Protection 3319 Maguire Blvd., Suite 232 Orlando, Florida 32803-3767 407-897-2912 Lu.Burson@dep.state.fl.us
Southwest District:	Steve Morgan, Permitting Manager Department of Environmental Protection 13051 N. Telecom Parkway Temple Terrace, Florida 33637-0926 813-470-5754 Steve.Morgan@dep.state.fl.us
Southeast District:	Norva Blandin, Environmental Manager Department of Environmental Protection 3301 Gun Club Road / MSC7210-1 West Palm Beach, Florida 33406 561-681-6728 Norva.Blandin@FloridaDEP.gov
South District:	Nolin Moon, Environmental Manager, Department of Environmental Protection 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901-3881 239-344-5672 Nolin.Moon@FloridaDEP.gov
Solid Waste Section, Tallahassee:	Cory Dilmore, Environmental Administrator Department of Environmental Protection 2600 Blair Stone Road, MS# 4565 Tallahassee, Florida 32399-2400 850/245-8712 Cory.Dilmorer@dep.state.fl.us

APPENDIX B

Partial Summary of Landfill Permit, Closure and Long-term Care Requirements

PARTIAL SUMMARY OF LANDFILL PERMIT, CLOSURE AND LONG-TERM CARE REQUIREMENTS

(June 30, 2000)

AGENCY "CHAPTER TITLE"	GENERAL DESCRIPTION OF REQUIREMENTS
<p>Dept. of Health and Rehabilitative Services Chapter 10D-12, "Garbage and Rubbish" October 20, 1964</p>	<p><u>Permit:</u></p> <ul style="list-style-type: none"> • None, but an operational work plan approval by the Division of Health was required before receiving waste. <p><u>Ground Water Monitoring:</u></p> <ul style="list-style-type: none"> • None. <p><u>Closure Design:</u></p> <ul style="list-style-type: none"> • Final cover depth of 24 inches of compacted earth. • 2:1 slopes were allowed. <p><u>Long-term Care:</u></p> <ul style="list-style-type: none"> • Maintenance program required to assure prompt repair of cracks, depressions and erosion of the surface and side slopes until the site stabilized.
<p>Dept. of Pollution Control Chapter 17-7, "Resource Recovery and Management Part I: Solid Waste Facilities" October 1, 1974</p>	<p><u>Landfill Permit:</u></p> <ul style="list-style-type: none"> • Permit required after January 1, 1975 to operate, maintain, construct, expand or modify a landfill. • No permits required for closure. • Normal farming operations and persons who dispose of solid waste resulting from their own activities on their own property are specifically exempted from permitting provided no public nuisance or conditions adversely affecting public health is caused and provided the activity does not violate other rules, laws or ordinances. <p><u>Ground Water Monitoring:</u></p> <ul style="list-style-type: none"> • Not required, but the Department had the option to require it at the time of design approval or if ground water contamination was suspected. <p><u>Landfill Closure Design:</u></p> <ul style="list-style-type: none"> • Two feet of earth compacted in 6 inch layers with the top 6 inch layer loosely compacted to promote plant growth. • Side slopes for landfills \geq five feet above grade to be covered with 3.5 feet of compacted earth cover. • Slopes no greater than 3:1 required (2:1 slopes no longer allowed). <p><u>Dump Closure:</u></p> <ul style="list-style-type: none"> • Dumps required to be eliminated or converted to "sanitary landfills" by July 1, 1977. • Dumps were closed by controlling access, taking steps to divert surface water around the site, removing wastes from the water table, and seeding or planting grass to minimize erosion. • No final cover requirement mentioned. <p><u>Long-term Care:</u></p> <ul style="list-style-type: none"> • None.

PARTIAL SUMMARY OF LANDFILL PERMIT, CLOSURE AND LONG-TERM CARE REQUIREMENTS

(June 30, 2000)

AGENCY "CHAPTER TITLE"	GENERAL DESCRIPTION OF REQUIREMENTS
Dept. of Environmental Regulation Chapter 17-7, "Resource Recovery and Management Part I: Solid Waste Facilities" May 25, 1979	<u>Permit:</u> <ul style="list-style-type: none"> • No landfill to be operated, maintained, constructed, expanded, or modified without a valid Department permit. • No permits required for closure. <u>Ground Water Monitoring (by 9 months from eff. date, ~ 2/25/80):</u> <ul style="list-style-type: none"> • Class I landfills required to have a minimum of three monitoring wells. Class II landfills are required to have at least one. • Wells required to be sampled at least every six months for various indicator parameters. <u>Closure Design (for sanitary landfills and open dumps):</u> <ul style="list-style-type: none"> • Two feet of earth compacted in 6 inch layers with the top 6 inch layer loosely compacted to promote plant growth, slopes no greater than 3 to 1. • Site access controlled. • Site seeded or planted with grass or suitable vegetation. <u>Long-term Care:</u> <ul style="list-style-type: none"> • Site to be maintained until stabilized by controlling erosion, maintaining grass cover, prevention of ponding, and prevention of deposited wastes from becoming a hazard or nuisance. • Landfill to be monitored, including collection and treatment of leachates, until the site is stabilized.
Dept. of Environmental Regulation Chapter 17-4 January 1, 1983 (aka: Ground Water Rule)	<u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> • Landfills (domestic or industrial) which are "existing installations" required to submit a ground water monitoring plan by May 1983. • New landfills required to submit a ground water monitoring plan in conjunction with their permit applications.
Dept. of Environmental Regulation Chapter 17-7, "Resource Recovery and Management Part I: Solid Waste Facilities" July 1, 1985	<u>Permit:</u> <ul style="list-style-type: none"> • No landfill to be operated, maintained, constructed, expanded, modified or closed without a valid Department permit. • For the first time, permits were required for closure of Class I, II or III landfills and applied to all landfills receiving waste, portions of landfills not having final cover and all future landfills requiring solid waste permits (but see exceptions in next bullet). • Closure permit requirements did not apply to: (1) a person disposing of their own waste on their own property; (2) any disposal of C&D debris; and (3) a Class I, II or III landfill which had a modification of an operation permit to close or a closure plan approved by the Department by July 1, 1985. <u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> • Monitoring to be in accordance with Rules 17-3.401, 17-4.245 and 17-4.246. <u>Closure Design:</u> <ul style="list-style-type: none"> • Barrier layer must be a geomembrane, soils or chemically/physically amended soils. Minimum final cover thickness must be two feet of soils or one foot of soils plus a geomembrane or soil admixture. <u>Long-term Care:</u> <ul style="list-style-type: none"> • 20 year long-term care period. • Landfill to be monitored and maintained after closure in accordance with approved closure plan. • Language on "use of closed landfill areas" added to rule. Consultation with the Department required before conducting activities at a closed landfill. • Language providing guidance for "construction on closed landfill" areas added to rule.

PARTIAL SUMMARY OF LANDFILL PERMIT, CLOSURE AND LONG-TERM CARE REQUIREMENTS

(June 30, 2000)

AGENCY "CHAPTER TITLE"	GENERAL DESCRIPTION OF REQUIREMENTS
Dept. of Environmental Regulation Chapter 17-701, "Solid Waste Management Facilities" July 19, 1990	<u>Permit:</u> <ul style="list-style-type: none"> The on-site exemption from permitting by persons disposing of their own waste on their own property is modified. It applies only if: (1) the waste is from their residential property; or (2) is rocks, soils trees, tree remains and other vegetative matter which normally results from land clearing operations; or (3) the environmental effects of the disposal on ground water and surface water are addressed in a permit, site certification or ground water monitoring plan approved by the Department.
Dept. of Environmental Regulation Chapter 17-701, "Solid Waste Management Facilities" January 6, 1993	<u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> Downgradient well spacing no greater than 500 feet. Upgradient well spacing no greater than 1500 feet. Specific leachate and surface water sampling added. Monitoring parameters detailed including addition of EPA Method 601/602 parameters. Added language for consistency with Federal Subtitle D requirements including detection wells and assessment monitoring with corrective action. <u>Closure Design:</u> <ul style="list-style-type: none"> If a soil barrier layer is used, it must be 18 inches thick and covered by another 18 inches of soil. The soil barrier layer must have a minimum hydraulic conductivity of 1×10^{-5} cm/sec for Class III landfills or 1×10^{-7} cm/sec for Class I landfills. If a geomembrane is used, it must be covered by a 24-inch thick soil layer. <u>Long-term Care:</u> <ul style="list-style-type: none"> 30 year long-term care period, per Subtitle D requirements. Landfill to be monitored and maintained after closure in accordance with approved closure plan. Language providing guidance for "construction on closed landfill" areas removed from the rule. Language on "use of closed landfill areas" remained in the rule.
Dept. of Environmental Regulation Chapter 17-701, "Solid Waste Management Facilities" January 2, 1994	<u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> Added requirements for APPENDIX I and II analyses in accordance with Subtitle D requirements. <u>Closure Design:</u> <ul style="list-style-type: none"> Added language for consistency with Federal Subtitle D requirements. This included requiring a geomembrane in the cap if it was also used in the bottom liner system (bathtub effect), and allowed for alternate closure designs if the applicant could show a substantially equivalent rate of storm water infiltration with the alternate design.
Dept. of Environmental Protection Chapter 62-701, "Solid Waste Management Facilities" May 27, 2001	Current rule. No additional changes to closure requirements. Earlier, the chapter title was changed because of the DER/DNR merger to form DEP. The current rule also included the "rule reduction" exercise.

APPENDIX C

Partial Summary of Construction and Demolition (C&D) Debris Permit, Closure and Long-term Care Requirements

PARTIAL SUMMARY OF CONSTRUCTION AND DEMOLITION (C&D) DEBRIS FACILITY PERMIT, CLOSURE AND LONG-TERM CARE REQUIREMENTS

(June 30, 2000)

AGENCY "CHAPTER TITLE"	GENERAL DESCRIPTION OF REQUIREMENTS
Dept. of Environmental Regulation Chapter 17-7, "Resource Recovery and Management Part I: Solid Waste Facilities" May 25, 1979	<u>Permit:</u> <ul style="list-style-type: none"> • First time the definition of C&D Debris appears in the rule. • All C&D disposal sites are specifically exempted from permitting provided no public nuisance or conditions adversely affecting public health is caused and provided the activity does not violate other rules, laws or ordinances. <u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> • None. <u>Closure Design:</u> <ul style="list-style-type: none"> • None. <u>Long-term Care:</u> <ul style="list-style-type: none"> • None.
Dept. of Environmental Regulation Chapter 17-701, "Solid Waste Management Facilities" August 2, 1989	<u>Permit:</u> <ul style="list-style-type: none"> • General permits now required for off-site disposal of C&D debris, but on-site disposal is still exempt from permitting. • New C&D facilities have to comply by the effective date of rule. • Existing C&D facilities have to comply within 90 days of the effective date or ~November 2, 1989. <u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> • None. <u>Closure Design (both on-site and off-site disposal areas):</u> <ul style="list-style-type: none"> • Final cover with a 24-inch thick soil layer required with upper six inches capable of supporting vegetation and graded to eliminate ponding, promote drainage and minimize erosion. <u>Long-term Care:</u> <ul style="list-style-type: none"> • None.
Dept. of Environmental Protection Chapter 62-701, "Solid Waste Management Facilities" April 23, 1997	<u>Permit:</u> <ul style="list-style-type: none"> • Regular permits now required for construction or operation (but not for closure) of an off-site C&D disposal facility. • General permits still allowed for off-site disposal of land clearing debris. • On-site disposal is still exempt from permitting provided the site is properly closed. <u>Ground Water Monitoring:</u> <ul style="list-style-type: none"> • Limited ground water monitoring required for off-site C&D disposal facilities but not for land clearing debris sites. • C&D disposal facilities required to have ground water monitoring plans in place by July 1, 1998. <u>Long-term Care:</u> <ul style="list-style-type: none"> • C&D disposal facilities to be maintained and monitored (ground water) for five years from the date of closing.

APPENDIX D

Preliminary Contamination Assessment Actions

PRELIMINARY CONTAMINATION ASSESSMENT ACTIONS

1. The owner of the disposal facility, hereinafter referred to as the "Respondent", shall submit to the Department as part of any assessment report documents certification that the organization(s) and laboratory(s) performing the sampling and analysis have used procedures approved by the Department. All field sampling activities and field measurements shall follow the applicable procedures and requirements described in the most current version of DEP-SOP-001/01, per Rule 62-160.210, Florida Administrative Code (F.A.C.). Laboratories conducting analysis must be NELAP certified.

2. Within sixty (60) days of written authorization from the Department, Respondent shall submit a Preliminary Contamination Assessment Plan ("PCAP") to the Department. Applicable portions of the PCAP shall be signed and sealed by an appropriate professional. The PCAP shall describe the tasks that Respondent proposes to perform in order to determine whether the soil, sediment, surface water or ground water are contaminated at Respondent's facility; and, if so, whether such contamination has resulted in a violation of the water quality standards and minimum criteria established in Chapters 62-520 and 62-302, F.A.C. or constitutes a risk to the public health, the environment, or the public welfare. The PCAP shall include a time schedule for each task so that all tasks can be completed and a Preliminary Contamination Assessment Report ("PCAR") can be submitted to the Department within ninety (90) days of approval of the PCAP by the Department.

3. The PCAP shall include provisions for the installation and sampling of, in most cases, a minimum of four (4) monitor wells to determine the groundwater quality and flow direction at the site. Proposal of fewer wells or an alternate well configuration is subject to Department approval. Provision to sample surface waters, sediments and soils shall be included as necessary.

A. One of the wells shall be located in the area suspected of greatest contamination and two wells shall be located downgradient of the area suspected of highest contamination.

B. One of the wells shall be an unaffected background well.

C. The wells, surface waters, sediments and soils, as applicable, shall be sampled and analyzed for the following parameters with the listed method:

- (1) priority pollutant metals using Department approved Methods;
- (2) priority pollutant organic chemicals using EPA methods 624/8240 and 625/8250 or 8270;
- (3) all non-priority pollutant organic chemicals with peaks greater than 10 micrograms per liter (ug/l) using EPA methods 624/8240 and 625/8250 or 8270;
- (4) pesticides and herbicides using EPA methods 8080, 8140, 8150 or 625/8250 or 8270, if applicable, or other Department approved methods for pesticides and herbicides for which the listed methods are not applicable; and,
- (5) others, as applicable.

The proposal of any alternate analytical methods is subject to approval by the Department. The number of contaminants to be analyzed may be reduced if Respondent can demonstrate to the Department's satisfaction that the contaminants proposed to be deleted from the list cannot be attributed to any activities that have taken place at Respondent's facility. The Department shall submit written notification to the Respondent if the number can be reduced.

4. The PCAP shall include provisions for investigation of the following conditions, as applicable, at the disposal site and the surrounding area:

- A. the presence and thickness of any free product at the site;
- B. the presence of soil contamination at the site;
- C. the aquifers present beneath the site and their Chapter 62-502, F.A.C., groundwater classification;
- D. the number and locations of all public and private potable supply wells within a 1/2 mile radius of the site;
- E. the presence of surface waters of the State within a 1/2 mile radius of the site and, if applicable, their Rule 62-302, F.A.C., classification; and,
- F. the geology and hydrogeology of the site focusing on aquifers and confining units which are present, the potential for movement of contaminants both horizontally and vertically, zones that are likely to be affected, and actual and potential uses of the groundwater as a resource.

5. The PCAP shall contain the following site specific information:

- A. proposed well construction details including methods and materials, well installation depths and screened intervals and well development procedures;
- B. a description of methods and equipment to be used to quantify soil and sediment contamination;
- C. a description of water sampling methods;
- D. name of laboratory to be used for analytical work;
- E. the parameters to be analyzed for, the analytical methods to be used and the detection limits of these analytical methods;
- F. site map depicting monitoring well locations and other proposed sampling sites and justification for their selection; and,
- G. a detailed site history including: a description of past and present property and/or facility owners; a description of past and present operations; a summary of current and past environmental permits; and a summary of known spills or releases of materials which may be potential pollution sources.

6. The Department shall review the PCAP and provide Respondent with a written response to the proposal. In the event that additional information is necessary for the Department to evaluate the PCAP, the Department shall make a written request to Respondent for the information and Respondent shall provide the requested information within sixty (60) days from receipt of said request. The PCAP shall incorporate all required modifications to the PCAP identified by the Department. Any action taken by Respondent with regard to the implementation of the PCAP prior to the Respondent

receiving written notification from the Department that the PCAP has been approved shall be at Respondent's risk.

7. Within (90) days of the Department's approval of the PCAP (unless a written time extension is granted by the Department), Respondent shall submit a written Preliminary Contamination Assessment Report ("PCAR") to the Department. Applicable portions of the PCAR shall be signed and sealed by an appropriate professional. The PCAR shall:

- A. summarize and analyze all "PCAP" tasks;
- B. include, but not be limited to, the following tables and figures:
 - (1) a table with well construction details, top of casing elevation, depth to water measurements, and water elevations;
 - (2) a site map showing water elevations, water table contours and the groundwater flow direction for each aquifer monitored for each sampling period;
 - (3) a table with water quality information for all monitor wells;
 - (4) site maps showing contaminant concentrations and contours of the contaminants; and,
 - (5) cross sections depicting the geology of the site at least to the top of the confining unit. In general there should be at least one north to south cross section and one east to west cross section.
- C. include copies of field notes pertaining to field procedures, particularly of data collection procedures;
- D. specify results and conclusions regarding the objectives of the Preliminary Contamination Assessment;
- E. identify, to the extent possible, the source(s), extent, and concentrations of contaminants, and the existence of any imminent hazards; and,
- F. provide the following quality assurance data along with the analytical data from all media:
 - (1) dates of sample collection, sample preparation including extraction and sample analysis;
 - (2) the detection limits for these analyses;
 - (3) the results from the analyses of field quality control samples; including field equipments, trip blanks and duplicates;
 - (4) the results from reagent water blanks run on that day (5 percent of samples run, minimum);
 - (5) the spike and surrogate percent recoveries for the data set;
 - (6) the actual chromatograms, if requested by the Department;
 - (7) any other QA/QC information Department deems necessary to evaluate validity of the submitted data; and,
 - (8) a water quality data Electronic Data Deliverable (EDD) of the results in an electronic format consistent with requirements for running the data through Florida DEP Automated Data Processing Tool (ADaPT) and importing the data into the Department's databases.

8. The Department shall review the PCAR and determine whether it is adequate to meet the objectives of the PCAP. In the event that additional information is necessary

to evaluate the PCAR, the Department shall make a written request and Respondent shall provide all requested information within sixty (60) days of receipt of said request.

9. Respondent shall provide notification to the Department at least twenty (20) days prior to the installation or sampling of any monitoring wells, and shall allow Department personnel the opportunity to observe installation and sampling and to take split samples. All necessary approvals must be obtained from the appropriate Water Management District before any wells are installed. Raw data shall be exchanged between Respondent and the Department as soon as the data is available.

10. The Respondent is required to comply with all local, state and federal regulations and to obtain any necessary approvals from local, state and federal authorities in carrying out these assessment actions.

11. If the Department's review of the PCAR indicates that the site is not contaminated and does not constitute a risk to the public health or the environment the Department will so notify the Respondent in writing.

12. If the Department's review of the PCAR indicates that the soil, sediments, surface water or ground water is contaminated, or constitutes a risk to the public health, the environment, or the public welfare, the Respondent will be required to initiate risk based corrective actions as required by Chapter 62-780, F.A.C.