

Town Council Meeting

May 23, 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. Councilor Gallelli gave an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor George Lehning | Councilor Marie V. Gallelli | Councilor Rick Klein | Mayor Pro-Tem Ed Conroy | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Rick Thomas, Police Chief | Morgan Cates, Public Works Director (via Zoom) | Azure Botts, Code Enforcement Officer (via Zoom) | Tom Wilkes, Town Attorney (via Zoom) | Tom Harowski, Town Planner (via Zoom)

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro-Tem Conroy to approve the meeting's agenda; seconded by Councilor Gallelli. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, 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.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the May 9, 2022 Town Council Meeting.

Motion made by Councilor Lehning to approve all items on the Consent Agenda; seconded by Mayor Pro-Tem Conroy. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane

Nay: None

PUBLIC HEARING

2. Consideration and Approval: (Second Reading) Ordinance 2022-011

Martha MacFarlane, Mayor, read Ordinance 2022-011 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CHARTER; PROVIDING FINDINGS OF TOWN COUNCIL REGARDING THE CURRENT TOWN CHARTER AND A PROPOSED REVISION OF ITS FORM OF GOVERNMENT; REVISING THE CHARTER TO CHANGE FROM A "STRONG MAYOR" FORM OF MUNICIPAL GOVERNMENT TO A "COUNCIL-MANAGER" FORM; REVISING ARTICLE 2 OF THE CHARTER TO PROVIDE FOR A TOWN MANAGER AND TO DESIGNATE THE TOWN MANAGER AS THE CHIEF EXECUTIVE OFFICER OF THE TOWN; CONFORMING THE CHARTER POWERS AND AUTHORITY OF THE TOWN MAYOR TO THE COUNCIL-MANAGER FORM OF GOVERNMENT; REVISING SECTION 8 OF ARTICLE 2 OF THE CHARTER TO SPECIFY THE POWERS, AUTHORITY, AND DUTIES OF THE TOWN MANAGER; REVISING SECTION 8 TO SPECIFY THE HIRING, COMPENSATION, AND REMOVAL OF THE TOWN MANAGER; SPECIFYING THE POWERS AND DUTIES OF THE TOWN COUNCIL UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT; SPECIFYING THE DUTY OF THE TOWN COUNCIL TO OVERSEE THE TOWN MANAGER; REVISING THE AUTHORITY AND DUTIES OF THE TOWN CLERK UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT; PROVIDING NUMEROUS CONFORMING AND CLARIFYING CHANGES IN ARTICLE 2 CONSISTENT WITH THE CHANGE TO THE COUNCIL-MANAGER FORM GOVERNMENT; AUTHORIZING AND DIRECTING THE FILING AND PUBLICATION OF THE TOWN CHARTER AS REVISED; DECLARING THE LEGAL AUTHORITY FOR ENACTMENT OF THE ORDINANCE; CALLING A REFERENDUM FOR ELECTORS OF THE TOWN TO VOTE ON WHETHER TO APPROVE THE PROPOSED REVISIONS TO THE CHARTER; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING EFFECTIVE DATES.

Mayor MacFarlane introduced this item and asked Town Attorney, Tom Wilkes, to explain the proposed Ordinance and answer any questions. Mr. Wilkes explained that this Charter Amendment was the logical next step for the Town, recognizing that the Town needs a full-time Town Manager.

Mayor MacFarlane opened Public Comment for this item only.

Doug Hower, 444 Bellissimo Place – Mr. Hower asked what the plan was from the Council to educate the public on the importance of approving this charter amendment.

Seeing as there was no additional Public Comment, Mayor MacFarlane closed Public Comment and opened Councilor Comment.

Councilor Gallelli stated that she thought this was a good idea.

Motion made by Mayor Pro-Tem Conroy to approve Ordinance 2022-011; seconded by Councilor Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor

MacFarlane Nay: None

3. Consideration and Approval: (Second reading) Ordinance 2022-12

Martha MacFarlane, Mayor, read Ordinance 2022-012 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CHARTER; PROVIDING FINDINGS OF TOWN COUNCIL REGARDING THE LIMITATION IN SECTION 6 OF ARTICLE 2 OF THE CHARTER ON THE AGGREGATE PRINCIPAL AMOUNT OF DEBT TO BE INCURRED BY THE TOWN; AMENDING SECTION 6 OF ARTICLE 2 OF THE CHARTER TO SPECIFY ADDITIONAL EXCEPTIONS TO THE LIMITATION ON TOWN DEBT; AUTHORIZING AND DIRECTING THE FILING AND PUBLICATION OF THE TOWN CHARTER AS AMENDED; DECLARING THE LEGAL AUTHORITY FOR ENACTMENT OF THE ORDINANCE; CALLING A REFERENDUM FOR ELECTORS OF THE TOWN TO VOTE ON THE PROPOSED AMENDMENT TO SECTION 6 OF ARTICLE 2 OF THE CHARTER; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING EFFECTIVE DATES.

Mayor MacFarlane asked Town Administrator, Sean O'Keefe, to introduce and explain this item. Mr. O'Keefe explained the currently limitation on the Town borrowing and how this charter amendment would change this.

Town Attorney, Tom Wilkes, stated that he had discovered two changes that needed to be made to the Ordinance to avoid ambiguity. Mr. Wilkes stated that the ballot summary should be amended to state:

"Shall the charter for Howey-in-the-Hills be amended to modify the exceptions to the limit on town debt (in aggregate, no more than 3% of assessed value of property in the town) to include (1) borrowings for refinancing that will lower town debt payments and result in town savings and (2) borrowings that are not payable from property taxes and are deemed good and prudent by vote of 4/5 of town council?"

Mayor MacFarlane opened the Public Comment for this item only. Seeing as there was no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Councilor Lehning to approve Ordinance 2022-012 with the amendments recommended by Town Attorney, Tom Wilkes; seconded by Councilor Klein. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane
Nay: None

4. Consideration and Recommendation: (Second Reading) Ordinance 2022-009 Food Trucks

Martha MacFarlane, Mayor, read Ordinance 2022-009 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING SECTION 5.02.01 OF THE TOWN'S LAND DEVELOPMENT CODE TO ADDRESS MOBILE FOOD TRUCKS AS TEMPORARY USES; CREATING SECTION 5.02.09, FOOD TRUCKS, TO PROVIDE REGULATION FOR FOOD TRUCKS OPERATING AS TEMPORARY USES WITHIN THE TOWN; ESTABLISHING CERTAIN

REQUIREMENTS, RESTRICTIONS, AND PROHIBITIONS FOR FOOD TRUCKS AS TEMPORARY USES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Code Enforcement Officer, Azure Botts, if she had anything to add or if anything had changed since the first reading of this ordinance. Officer Botts stated that nothing had changed.

Mayor MacFarlane opened the Public Comment for this item only. Seeing as there was no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Mayor Pro-Tem Conroy to approve Ordinance 2022-009; seconded by Councilor Gallelli. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane
Nay: None

5. Consideration and Approval: (Second Reading) Ordinance 2022-006 Town Landfill Annexation

Martha MacFarlane, Mayor, read Ordinance 2022-006 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN BOUNDARIES; ANNEXING INTO THE TOWN PURSUANT TO SECTION 171.044, FLORIDA STATUTES, A PARCEL OF APPROXIMATELY 4.96 ACRES LOCATED GENERALLY SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE; PROVIDING FOR RECORDING AND FOR NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; PROVIDING AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Administrator, Sean O'Keefe, to introduce this item. Mr. O'Keefe stated that the next six items were related and asked Town Planner, Tom Harowski, if he had anything to add. Mr. Harowski explained the next six ordinances (Ordinances 2022-003, 2022-004, 2022-005, 2022-006, 2022-007, and 2022-008) concurrently. Mr. Harowski explained that the Town submitted an administrative request to annex Town-owned property (a former landfill located off Revels Road), designate a land use on the Town's future land use map of Rural Lifestyle, and assign zoning to the parcel as Agricultural. Mr. Harowski explained that Mr. Hixson had submitted applications to have a parcel annexed into Town, have the Future Land Use Map designation changed to Town Rural Lifestyle (with a Comprehensive Plan Amendment), and rezone the parcel to Town Agricultural. Mr. Harowski stated that the applicant, Mr. Hixson, had also asked for the Town's assistance in working with Lake County to vacate some of the County easement to the north of the parcel in question. Mr. Harowski stated that having the County's easement vacated was not critical to any of the activities that would be occurring on the subject parcels that the Town would be annexing.

Mayor MacFarlane opened Public Comment for this item only. Seeing as there was no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Councilor Lehning to approve Ordinance 2022-006; seconded by Mayor Pro-Tem Conroy. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane

Consideration and Approval: (Second Reading) Ordinance 2022-007 Town Landfill Comp Plan Amendment

Martha MacFarlane, Mayor, read Ordinance 2022-007 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 4.96-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only. Seeing as there was no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Mayor Pro-Tem Conroy to approve Ordinance 2022-007; seconded by Councilor Gallelli. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor

MacFarlane Nay: None

7. Consideration and Approval: (Second Reading) Ordinance 2022-008 Town Landfill Rezoning

Martha MacFarlane, Mayor, read Ordinance 2022-008 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 4.96-ACRE PARCEL OF PROPERTY LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 35-20-25-0100-000-02301 AND ALTERNATE KEY NUMBER 1257727; AMENDING THE TOWN'S ZONING MAP TO ZONE THE PROPERTY FOR TOWN AGRICULTURE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only. Seeing as there was no public comment, Mayor MacFarlane closed Public Comment.

Motion made by Councilor Gallelli to approve Ordinance 2022-008; seconded by Councilor Lehning. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor

MacFarlane Nay: None

8. Consideration and Approval: (Second Reading) Ordinance 2022-003 Hixson Annexation

Martha MacFarlane, Mayor, read Ordinance 2022-003 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN BOUNDARIES; ANNEXING INTO THE TOWN PURSUANT TO SECTION 171.044, FLORIDA STATUTES, A PARCEL OF APPROXIMATELY 1.82 ACRES LOCATED GENERALLY SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE; PROVIDING FOR RECORDING AND FOR NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; PROVIDING AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only.

Linda Lindsey, 24115 Sunset Dr - Ms. Lindsey stated that her property abuts up to this property and that staff from Town had come and visited her property as requested. She was concerned with the road easement next to her property that would be used to build on the property to be annexed. She believes the new property owner should be responsible for maintaining the road on the easement next to her property.

Charlie Pasch, 11040 E. Revels Rd - Mr. Pasch stated that he believed that the reason Mr. Hixson wanted to have the property annexed into Howey-in-the-Hills is because Lake County would not let him build on it. Mr. Pasch also stated that he was not happy with the development that has occurred in the Town of Howey-in-the-Hills and wanted things to remain the same.

John Hixson, 604 Hill Ave. Ocoee FL – Mr. Hixson stated that he believed the parcel was the way it was because of bad bookkeeping, and he wanted to be part of the Howey-in-the-Hills community.

Seeing as there was no additional Public Comment, Mayor MacFarlane closed Public Comment and opened Councilor Comment.

Councilor Klein expressed his concern about the access road to the parcel of property and that the cost to bring in water to the parcel would be significant.

Mayor Pro-Tem Conroy expressed that he was sympathetic to the adjacent county homeowners about the maintenance of the county easement, but that the homeowners should voice their concerns about the cost of the maintenance of the county easement to their County Commissioners.

Motion made by Mayor Pro-Tem Conroy to approve Ordinance 2022-003; seconded by Councilor Lehning. Motion passed by a roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Mayor Pro-Tem Conroy, Mayor MacFarlane

Nay: Councilor Klein

9. Consideration and Approval: (Second Reading) Ordinance 2022-004 Hixson Comp Plan Amendment

Martha MacFarlane, Mayor, read Ordinance 2022-004 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 1.82-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only.

Charlie Pasch, 11040 E. Revels Rd - Mr. Pasch stated that Lake County made the property owners pave the county easement.

Seeing as there was no additional Public Comment, Mayor MacFarlane closed Public Comment and opened Councilor Comment.

Motion made by Mayor Pro-Tem Conroy to approve Ordinance 2022-004; seconded by Councilor Gallelli. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane
Nay: None

10. Consideration and Approval: (Second Reading) Ordinance 2022-005 Hixson Rezoning

Martha MacFarlane, Mayor, read Ordinance 2022-005 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 1.82-ACRE PARCEL OF PROPERTY LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 35-20-25-0100-000-02300 AND ALTERNATE KEY NUMBER 3771630; AMENDING THE TOWN'S ZONING MAP TO ZONE THE PROPERTY FOR TOWN AGRICULTURE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane opened Public Comment for this item only.

Charlie Pasch, 11040 E. Revels Rd - Mr. Pasch asked if there would a discussion about the vacation of easement north of the parcel of property.

Seeing as there was no additional Public Comment, Mayor MacFarlane closed Public Comment and opened Councilor Comment.

Town Administrator, Sean O'Keefe, stated that the vacation of the easement would not be a Town Council decision and would come from Lake County. Tom Harowski, Town Planner, corrected the discussion by saying that it would be a joint decision between the County and the Town at a later time.

Motion made by Councilor Lehning to approve of Ordinance 2022-005; seconded by Councilor Klein. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor MacFarlane
Nay: None

OLD BUSINESS

None

NEW BUSINESS

11. Consideration and Approval: School Resource Officer Contract FY 2023

Mayor MacFarlane asked Police Chief, Rick Thomas, to introduce and explain this item. Chief Thomas explained that this contract for the SROs for the upcoming year would be for all three schools within Howey-in-the-Hills. Last year, the Lake County Sheriff's Office had supplied the SRO for Lake Success Academy. Chief Thomas explained that the contract would be revenue neutral for the upcoming year. Town Administrator, Sean O'Keefe, explained that there were some typos in the contract that would be fixed prior to execution of the contract.

Mayor MacFarlane opened Public Comment for this item only. Seeing as there was no Public Comment, Mayor MacFarlane closed Public Comment.

Motion made by Mayor Pro-Tem Conroy to approve of the School Resource Officer Contract for Fiscal Year 2023; seconded by Councilor Gallelli. Motion approved by unanimous roll-call vote.

Voting

Yea: Councilor Lehning, Councilor Gallelli, Councilor Klein, Mayor Pro-Tem Conroy, Mayor

MacFarlane Nay: None

DEPARTMENT REPORTS

12. Town Administrator / Finance Manager - Finance and Development Reports

Sean O'Keefe, Town Administrator, stated that the Town was aggressively pursuing full funding for the Town's requests for library impact fees. Mr. O'Keefe also stated that was getting closer to being able to buy the land needed for the new Town well from the Lake Hills development. Mr. O'Keefe also stated that there would be further negotiations with the Lake County Fire Department over the sale of land adjacent to where the Town wanted to build a Public Safety complex. Mr. O'Keefe stated that he had attended the Lake County BCC meeting and had expressed the Town Council's disagreement with the County's proposed Rural Protection Area plans. Mr. O'Keefe also stated that the Omnibus RFQ had been posted and advertised.

COUNCIL MEMBER REPORTS

13. Mayor Pro-Tem Conroy

Mayor Pro-Tem Conroy had nothing to report.

14. Councilor Lehning

Councilor Lehning asked if the Town would hold any educational meetings about the two proposed charter amendments and if there was any update on the Reserve development (now called Hillside Groves). Mr. Brock explained that the developers had presented a mass grading plan and would soon be submitting a preliminary subdivision plan.

15. Councilor Gallelli

Councilor Gallelli stated that a resident had suggested to her that if the flashing light at SR 19 and Central Avenue was to be replaced with a stop light, it might help promote businesses within the downtown area. Mayor MacFarlane explained that a traffic study would need to be done by FDOT to try to get the stop light installed.

Councilor Gallelli also thanked residents for participating in the lake cleanup event.

16. Councilor Klein

Councilor Klein asked about the status of the update to the Griffin Park's playground and the Fishing Pier renovation project. Public Works Director, Morgan Cates, explained that the Fishing Pier project would begin in July and was scheduled to take six weeks to complete. Mr. Cates also stated he would investigate the status of the finger piers maintenance.

17. Mayor MacFarlane

Mayor MacFarlane reminded everyone about the Memorial Day event that would occur at 10 am on Monday, May 30th. Mayor MacFarlane also remined everyone about the Town Council Workshop that would occur on Thursday, May 26th from 9 am to 11 am.

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.

Charlie Pasch, 11040 E. Revels Rd - Mr. Pasch wanted to make sure that the easement behind his house was currently still the same as it was, and that no one was going to cut down trees in the easement.

Banks Helfrich, 9100 Sam's Lake Road, Clermont FL – Mr. Helfrich stated that he was the Lake County Soil and Water Conservation Seat 1. Mr. Helfrich wanted everyone to be aware that May was National Mental Health Awareness Month.

ADJOURNMENT

There being no further business to discuss, a motion was made by Mayor Pro-Tem Conroy to adjourn the meeting; Councilor Gallelli seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:26 p.m. | Attendees: 33

ATTEST:

John Brock, Town Clerk