



Town Council Meeting

June 12, 2023 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 Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

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

STAFF PRESENT:

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Tom Harowski, Town Planner (Zoom) | George Brown, Police Lieutenant | Tom Wilkes, Town Attorney | Curtis Binney, Town Auditor | Abigail Herrera, Finance Supervisor

AGENDA APPROVAL/REVIEW

Motion made by Mayor MacFarlane to table Resolution 2021-004 – FRS Agreement until the second Town Council meeting in July; 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

Motion made by Mayor Pro Tem Gallelli to approve the meeting's agenda; 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

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.

Motion made by Councilor Miles, Seconded by Councilor Lannamañ.

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the May 22, 2023 Town Council Meeting.
2. Approval: **Declaration of 202 Marilyn Avenue as an Unsafe Structure**

THIS ITEM WAS REMOVED BY STAFF AND NOT CONSIDERED DURING THIS MEETING.

Motion made by Councilor Miles to approve item #1 on the Consent Agenda; 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

PUBLIC HEARING (Town Council sitting as the Board of Adjustment)

Mayor MacFarlane called a recess to the regular Town Council meeting.

Mayor MacFarlane convened the Board of Adjustment's meeting.

3. Consideration and Approval: **489 Avila Place - Pool Variance**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski explained the variance issues and explained that when the Planning and Zoning Board had considered this item they were deadlock with a split vote of three for and three against recommending this variance and consequently had not issued a recommendation on this variance request.

Councilor Miles asked if the substitution of adding swale area for an overage in impervious area was an established technique. **Councilor Miles made a motion to table this item. There was no second to Councilor Miles' motion.**

Councilor Miles was concerned that the Impervious Area Calculation sheet that had been submitted by the pool contractor was not filled out correctly and he would like to see it filled out correctly in the future.

Councilor Miles asked Town Planner, Tom Harowski, if he recommended granting this variance. Mr. Harowski stated that he could not recommend granting this variance, but that this pool variance request was reasonably similar to other requests that the Board of Adjustment had previously granted.

The property owners and John Pocock from Kura Design Pools (the pool contractor) were available for questions. Mr. Pocock submitted an altered pool and pool deck design that would have utilized less setback area.

Mayor MacFarlane opened Public Comment for this item only.

Fran Wagler, 409 W. Central Ave. (Planning and Zoning Board Member) – Mrs. Wagler stated that this pool variance request was different from earlier requests in that the parcel of land that the pool would be built on backed up to neighbors, whereas the earlier requests did not. Mrs. Wagler thinks that, since the applicant had modified their design, they should go back to the Planning and Zoning Board prior to the Town Council hearing this issue.

John Pocock, Designer with Kura Design Pools – Mr. Pocock stated that they had modified their designs to try to address items from the Planning and Zoning Board hearing.

Ellen Yarckin, 800 N. Citrus Ave. (Planning and Zoning Board Member) – Ms. Yarckin thinks that the Planning and Zoning Board and Town Council spend too much time hearing variance requests and that the Town guidelines should just be followed.

Richard Mulvany, 308 W. Dupont Cir (Planning and Zoning Board Member) – Mr. Mulvany recommended that the applicant construct a smaller pool deck made of pavers.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann stated that he did not understand why the Town is requiring a ten-foot rear setback, when the County only requires a five-foot rear setback. He also stated that he believes the modified plans that the applicant had submitted address the issues that the Planning and Zoning Board had brought up.

Azure Botts, the Town’s Code Enforcement Officer – Officer Botts stated that 3 canopy trees would be required on this property but recommends that, if the Board of Adjustment grants the variance, they should allow this homeowner to make two of the trees understory trees, rather than canopy trees.

Mayor MacFarlane closed Public Comment.

Motion made by Councilor Miles to send this variance request back to the Planning and Zoning Board until such time as the Planning and Zoning Board and Town Staff could recommend this variance; seconded by Mayor Pro Tem Gallelli. Motion passed by roll-call vote.

Voting

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

Nay: Councilor Lannamañ

Mayor MacFarlane adjourned the Board of Adjustment and reconvened the Town Council Meeting.

OLD BUSINESS

None

NEW BUSINESS

4. Presentation: **Review of Town Audit for FY22 (Curtis Binney presenting)**

Mayor MacFarlane asked Town Auditor, Curtis Binney, to make his presentation on the Fiscal Year 2022 Town Audit.

Mr. Binney stated that the Town was required by F.S. 218.39 to have an annual audit. Mr. Binney stated that he was required to issue four reports within the Town’s Audit.

Mr. Binney stated that he was required to issue an opinion on the Town’s Financial Statements. Mr. Binney issued an unmodified opinion on the Town’s Financial Statements; meaning nothing needs to be changed in the Financial Statement to make it more materially correct (this was shown on pages 1 through 4 of the audit report.)

The second item that Mr. Binney was required to perform was the Town's Internal Control Procedures. Mr. Binney found no significant issues or material deficiencies in the Town's Internal Control Procedures (this report was on pages 52 and 53 of the audit report.)

The third item that Mr. Binney was required to perform was the Auditor's Management Letter. This report was issued as a clean report, meaning there was nothing that Mr. Binney would show issue with (this is shown on pages 54 and 55 of the audit report.)

The fourth and final item that Mr. Binney was required to perform was Report on Compliance with Section 218.415 of the Florida Statutes. Mr. Binney found that the Town was in compliance with this Statute (this is shown on page 56 of the audit report.)

In summary Mr. Binney stated that there were no material audit adjustments that were required to be made. The net worth of the Town was \$8.7 million dollars for Fiscal Year 2022.

Councilor Miles asked about the operating loss in the Enterprise/Utility fund and pointed out that the Town's utility is not covering its expenses. Councilor Miles stated that the FGUA report was going to recommend that the Town change the water utility's rate structure.

Councilor Miles also noted that on page 23, under section A, the audit report had an error, stating that the Town had an elected mayor and a 4-member council. Councilor Miles stated that the report should have shown that the Town had a 5-member council, and that the mayor is appointed out of that council.

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

5. Consideration and Approval: **Solid Waste Collection Annual Rate Increase**

Mayor MacFarlane asked Town Manager, Sean O'Keefe, to introduce and explain this item. Mr. O'Keefe explained the history of the Town's contract with GFL for the collection of solid waste. Mr. O'Keefe explained that the contract allowed GFL to come back to the Town and ask for an increase annually based on the Consumer Price Index.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline thinks that the Town should go to garbage pickups only one day a week, in an effort to lower costs.

Lynne Husemann, 671 Avila Pl. – Mrs. Husemann stated that she thought larger families needed the multiple pickups within a week.

Councilor Lannamañ agreed with Mrs. Husemann that larger families still needed the multiple pickups.

Ann Griffin, 215 E Laurel Ave. – Ms. Griffin stated that trash was picked up on Mondays and that yard waste was picked up on Tuesdays, even though earlier in the meeting someone had said that yard waste was picked up on Monday.

Fran Wagler, 409 W. Central Ave. – Mrs. Wagler stated that the Town no longer contracted free bulk pickups and that she would like to see better noticing about waste pickups around major holidays.

Mayor MacFarlane closed Public Comment.

Councilor Miles stated that he thought the recycling bins were too small and the trash bins were too large.

Motion made by Councilor Miles to approve the annual rate increase; seconded by Councilor Lannamañ. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

6. Consideration and Approval: (First Reading) **Ordinance 2023-011 - Amendment to the Land Development Code (LDC) Referring to Chapter 9 Boards and Committees**

Town Manager, Sean O’Keefe, introduced this item.

Mayor MacFarlane read out-loud the title block for Ordinance 2023-011.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he thought the Town Planner, not the Town Manager, should be the chair of the Development Review Committee (DRC) and that he thought the Planning and Zoning Board had recommended this change.

Mayor MacFarlane closed Public Comment.

Town Attorney, Tom Wilkes, explained that the Ordinance that was present to the Town Council was the same version of the Ordinance that was presented to the Planning and Zoning Board and that if, after this first reading of the Ordinance, the Town Council had a consensus that they wanted to change the chair of the DRC to the Town Planner, that change could be made before the second reading.

Mayor Pro Tem Gallelli stated that she would prefer the Town Planner to be the chair of the DRC.

Mayor MacFarlane stated that, in her experience, the chair of the DRC was not a subject matter expert, they just kept the meeting running smoothly so that the subject matter experts could focus on giving feedback.

It was decided that there was a consensus from the Town Council for this item to move on to the second reading as is, with no further modifications.

7. Consideration and Approval: **Resolution 2021-004 – FRS Agreement**

THIS ITEM WAS TABLED TO THE SECOND TOWN COUNCIL MEETING IN JULY.

DEPARTMENT REPORTS

8. Town Hall

The department report was included in the packet for the meeting.

9. Police Department

The department report was included in the packet for the meeting.

10. Code Enforcement

The department report was included in the packet for the meeting.

11. Public Works

The department report was included in the packet for the meeting.

12. Library

The department report was included in the packet for the meeting.

13. Parks & Recreation Advisory Board / Special Events

There was nothing to add.

14. Town Attorney

There was nothing to add.

15. Finance Supervisor

The department report was included in the packet for the meeting.

16. Town Manager

Sean O'Keefe, Town Manager, thanked all the participants of the Town's Memorial Day Event. Mr. O'Keefe gave notice to the Town Council about a Cedar Creek Community meeting that would occur on June 27th at the LEC room at the library, the two budget workshops in July, and two upcoming Strong Towns Meetings. Mr. O'Keefe stated that FEMA had approved \$20,000 to the Town for Sara Maude Mason repairs.

COUNCIL MEMBER REPORTS

17. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

18. Councilor Lehning

Councilor Lehning asked about the Dixie Rd project and if sidewalks had been removed from the project. Town Manager, Sean O'Keefe, stated that the sidewalks had been removed from the project due to cost considerations. Councilor Lehning asked where he could send comments on the Town's Land Development Code and Comprehensive Plan. Town Clerk, John Brock, stated that he could send them to office@howey.org and that he would make sure that all necessary parties received the comments.

19. Councilor Miles

Councilor Miles asked about the size of sidewalks in the Talichet neighborhood. Councilor Miles stated that he had seen that, within Talichet, the Town had only required four-foot-wide sidewalks, but when the Town was considering sidewalks for the Dixie Rd. project, it had only considered five-foot-wide sidewalks (and had been told that 5-foot-wide sidewalks were an ADA requirement.) Councilor Miles wanted clarification from staff about why the Town had allowed a developer to install four-foot-wide sidewalks. Mr. O'Keefe stated that he would investigate this and return an answer for Councilor Miles.

Councilor Miles asked about the status of the grant application for the two generators for Venezia lift stations. Mr. O'Keefe stated that the deadline for the grant application had been pushed back to September 2023 by the Florida Department of Emergency Management.

Councilor Miles suggested that Town Staff write letters to the residents of Dixie Rd. notifying them about the impending road reconstruction project that would be occurring on their road. Town Clerk, John Brock, stated that the Public Works Director was already working on the notification letter and was scheduled to hand-deliver the notices that next week.

Councilor Miles stated that he had asked the Town Manager to notify the other Town Councilors about two items that he, the Town Manager, and the Town Attorney had been working on in respect to wastewater. Councilor Miles stated that he wanted to make sure that other Town Councilors were aware of the status of the wastewater efforts. One of the efforts that they had been working on required giving notice to the County about the Drake Point project and their request to provide their own utilities. Councilor Miles stated that he wanted the Town Manager to send a letter, certified mail, return receipt, to the County stating that the Town intends to enforce the Town's right to be the water and wastewater supplier for the Drake Point development.

20. Councilor Lannamañ

Councilor Lannamañ stated that, when the Town Councilors are making comments on the Land Development Code and Comprehensive Plan, the Councilors should consider making the lot requirements large enough that all lots would be able to accommodate over-sized pools and whatever else they would like in their dream backyards.

21. Mayor MacFarlane

Mayor MacFarlane suggested that all the other Town Councilors should watch the Florida League of Cities presentation on the Budget Cycle and how to present it to their constituents.

Mayor MacFarlane stated that, in her opinion, the cabinets that were in the back of the council chambers that the Town Manager had allowed the Historic Committee to bring in needed to be removed. Mayor MacFarlane thinks that simple cabinets, more in-line with the box frames already in the council chambers, would be more appropriate, rather than the old cabinets that Mission Inn no longer wanted.

Mayor MacFarlane stated that she had heard from a reliable source that Lake Tech was willing to work on the Town's antique fire truck, fixing the engine and brakes. Mayor MacFarlane stated that the Town Manager needed to speak with Peggy Beucher Clark (since she is the Chair of the History Committee) to make sure that this was her desire as well.

Mayor MacFarlane stated that the Oktoberfest Event would need to make sure that expenses should be reimbursed when appropriate.

Mayor MacFarlane wanted to set a firm date for the groundbreaking ceremony for the new Water Treatment Plant. All local representatives, Town and County, needed to be invited, as should the Town's State representatives and the Governor. A tentative date of July 20th was selected.

Mayor MacFarlane stated that the Town had not been submitting the required DBPR and DCA permit fees. These fees had not been submitted by the Town since 2018 and now total nearly \$30,000. Mayor MacFarlane asked for a motion to allow the Town Manager to pay these fees.

Motion was made by Mayor Pro Tem Gallelli to allow the Town Manger to pay these fees that were in arrears, seconded by Councilor Miles. Motion was approved unanimously by voice vote.

Mayor MacFarlane had a question about the County's lack of progress in purchasing the land from the Town for a new fire station. Mayor MacFarlane stated that she was concerned that, when the Council voted not to participate in the Onsyte Program with the County, that the appropriate message of why the Town had not wanted to participate had not been properly communicated to the County.

Mayor MacFarlane stated that she had been approached by the Lake County Schools Superintendent about the School Resource Officer proposal that the Town had submitted. Mayor MacFarlane stated that she wanted to have a better understanding of how the Town had come up with the numbers in the proposal. Mayor MacFarlane stated that the relationship with the Lake County School Board was important and that she wanted to protect that relationship.

Councilor Miles stated that thought the Mayor should have directed the Lake County School Board Superintendent to speak with the Town Manager, instead of speaking with her directly.

The Town Manager stated that he was willing to meet with all of the Town Councilors to show them how the Town's SRO proposal was created.

Councilor Miles stated that he would like the Town Manager to get the cost of bringing in the Talichet subdivision wastewater lift station into the town inventory.

Mayor MacFarlane asked when the FGUA report on water and wastewater would be ready. She thinks that the Town should just consider buying a block of wastewater ERUs from the Central Lake CDD, without acquiring the wastewater plant. Councilor Miles stated that he thought it would be better to invest in Town-owned wastewater assets.

Councilor Lannamañ asked about the Town Manager evaluation and what the next step would be. It was decided that the Town Council would have a workshop meeting on June 26, 2023, at 5:15pm and they would discuss the form and format of the Town Manager's review.

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.

Fran Wagler, 409 W. Central Ave. – Mrs. Wagler spoke about the Howey Mansion event that occurred on Founder's Day. Mrs. Wagler stated that the Howey Mansion, with the assistance of Howey Market, had raised enough money to purchase two AED devices for the Town's Police Department.

Mayor MacFarlane told the Town Manager that a thank you letter should be written and sent to the owner of the Howey Mansion.

Michelle Ertel, Friends of the Library Representative – Mrs. Ertel reminded those in attendance about the Friends of the Library Masquerade Ball and its Silent Auction that would be taking place on 6/24/2023.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline was concerned about the prospect of the Town moving to the FRS pension plan being on the agenda for the meeting. Mr. Everline stated that he did not think it was fiscally appropriate for the Town to move to FRS.

Glennys Barber, 307 S. Lakeshore Blvd. – Ms. Barber stated that she objected to the Town spending money on the Oktoberfest event and Gardenia St. needed to be repaired.

Suong Miles, 500 E. Camelia Way – Mrs. Miles stated that she was concerned about the Howey Men's Club getting \$30,000 to help the Town put on the Oktoberfest Event. Mrs. Miles also stated that lots needed to be big enough for pools.

ADJOURNMENT


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

The Meeting adjourned at 8:50 p.m. | **Attendees: 44**



Mayor Martha MacFarlane

ATTEST:



John Brock, Town Clerk

