



Town Council Meeting

May 08, 2023 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

MINUTES

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag
Invocation by Councilor Reneé Lannamañ

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) | Rick Thomas, Police Chief | Abigail Herrera, Finance Supervisor | Morgan Cates, Public Works Director | George Brown, Police Lieutenant | Tom Wilkes, Town Attorney (Zoom) | Azure Botts, Code Enforcement Officer (Zoom)

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to approve of 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

After the agenda approval, Mayor Pro Tem Gallelli asked to move Item #5 to be discussed before Consent Agenda and Mayor MacFarlane agreed.

NEW BUSINESS (Just Item #5)

5. Consideration and Approval: **Library Board Member Selection**

Motion made by Mayor Pro Tem Gallelli to reappoint Gwendolyn McIlvaine to another term as a Library Board Member; 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.

Mayor Pro Tem Gallelli asked to pull Item #2 to be discussed.

Councilor Miles asked to pull Item #1 to be discussed.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 24, 2023 Town Council Meeting.

Councilor Miles wanted to change the last paragraph in Item #10 (Councilor Miles Report), on page 5 of the minutes.

The original paragraph read as follows:

“Councilor Miles asked why all the buildings off Central Avenue, near the Downtown Sewer Project, had not been forced to be hooked up to sewer service. Mayor MacFarlane stated that it was because the Central Lake CDD would not sell the Town ERUs necessary to hook up all the properties. Councilor Miles wanted to know why Lake County was not forcing the Central Lake CDD to let the Town hook up to its sewer treatment system.”

Councilor Miles asked to have it changed as follows:

“Councilor Miles asked why all the buildings off Central Avenue, near the Downtown Sewer Project, had not been forced to be hooked up to sewer service. Mayor MacFarlane stated that it was because the Central Lake CDD would not sell the Town ERUs necessary to hook up all the properties. **Councilor Miles wanted to know why Lake County was not requiring the Central Lake CDD to allow the hookup of properties into their sewer treatment plant system, when they allegedly are the service provider for those services.**”

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E. Croton Way – Mr. Tuite had questions about the Central Lake CDD.

Councilor Miles stated he would like to see Lake County dissolve the Central Lake CDD and sell the assets to the Town.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Mayor Pro Tem Gallelli to approve the April 24, 2023 minutes with Councilor Miles’ 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: **Engagement of De La Parte, et al., for CUP**

Mayor Pro Tem Gallelli was concerned about the maximum cost of hiring the attorney, which could be up to \$15,000 without the approval of the client.

Tom Wilkes, Town Attorney, stated that the \$15,000 cap included the aggregate of the fee and the cost reimbursement. Mr. Wilkes also stated that the cost reimbursement they were asking for was standard in engagement letters such as this.

Councilor Miles stated that there was a paragraph in the agreement that references billing for delinquencies, which does not reference the Florida Prompt Payment Act. Councilor Miles stated he wanted to deny this agreement until that paragraph was corrected.

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E Croton Way – Mr. Tuite was not in favor of the Town hiring a separate attorney to represent the Town in negotiating with the St. Johns River Water Management District.

Motion made by Councilor Miles motion to Deny; seconded by Mayor Pro Tem Gallelli. Motion failed by roll-call vote.

Voting

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

Motion made by Councilor Miles to approve the agreement subject to the agreement being corrected to reflect the paragraph referencing billing for delinquent interest to reflect the language in the Florida Prompt Payment Act; seconded by Councilor Lannamañ. Motion passed unanimously by roll-call 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 Recommendation: **464 Avila Place - Pool Variance**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski explained the variance issue and discussed the Planning and Zoning Board's recommendation of a variance of 2 feet to allow the pool deck, pool, and pool enclosure to come within 8 feet of the rear property line and recommended adding as a condition that no construction disturbance occur within the 5-foot drainage and utility easement that runs along the rear of the property.

Councilor Miles asked if the pool variance also addressed the impervious area, which Mr. Harowski explained that it did not. Councilor Miles stated that he had researched the amount of impervious area that would be created if the project were allowed, and it would bring the property to 51.92% impervious area, which was above the allowed 50%. Councilor Miles stated that, if the variance were granted, it should also allow the impervious area to go above the allowed 50%.

Mayor MacFarlane asked if the applicant had any comment that they would like to make, and they did not.

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated that variances cost \$1,400 and that he felt the applicant should get their money back.

Joshua Husemann, 671 Avila Place – Mr. Husemann was not sure why the code calls for a 10-foot rear setback when there are 5-foot easements for drainage and utilities.

Frances O’Keefe Wagler, 409 W Central Ave. – Mrs. Wagler stated that she thought Mr. Harowski had said in the Planning and Zoning Board Hearing that the project would not exceed the impervious area footprint.

Mr. Harowski stated that he did not say what Mrs. Wagler had said and that he would have stated that the applicant would have to comply with the impervious surface area requirements.

Azure Botts, Code Enforcement Officer, stated that two canopy trees still need to be required or at least two understory trees be required to be planted.

Councilor Lehning stated that the Planning and Zoning Board should have tried to negotiate the layout of the pool with the owner, and that the owner has not tried to work with the Town.

Motion made by Councilor Miles to approve a two-foot variance allowing the pool, pool deck and enclosure to come within eight feet of the rear property line, a variance to allow an overage in impervious area by 175.5 feet for this project, and require the applicant to replant the two required trees (can be canopy or understory trees) in the rear setback of the yard, but not within the five foot drainage/utility easement; seconded by Councilor Lannamañ. Motion approved by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Mayor MacFarlane

Nay: Councilor Lehning, Mayor Pro Tem Gallelli

Mayor MacFarlane adjourned the Board of Adjustment’s meeting.

Mayor MacFarlane reconvened the regular Town Council meeting.

OLD BUSINESS

4. Consideration and Approval: **Lake County Water Authority 2023 Stormwater Grant Program Agreement**

Mayor MacFarlane asked Public Works Director, Morgan Cates to introduce and explain this item. Mr. Cates explained that this was a grant that he had applied for to improve water quality along North Lakeshore Blvd. There will be an implementation of a water quality unit, but it will not be like the

baffle box located at Griffin Park; it will be totally different. The stormwater feature will be a dry storage pond. The grant will cover the design and construction of the project.

Councilor Miles asked about the Town's matching amount of the grant. Mr. Cates explained that the Town was awarded \$82,000 for the project and the Town would need to match 18% of the cost, which could be included in either the 2024 or 2025 fiscal year's budget. Mr. Cates did not recommend a fence around the dry storage pond.

Councilor Miles asked if all grant applications had to be approved by the Town Council. Mayor MacFarlane answered by saying that no, the Town Council did not need to approve all grant applications, that it used to be the Mayor, and now it was the Town Manager's responsibility. Councilor Miles suggested that all grant applications should be approved by the Town Council. Mayor Pro Tem Gallelli stated that she thought the Council needed to trust the Department Directors to do the right thing for the Town. Councilor Lannamañ agreed with Mayor Pro Tem Gallelli in that the Council needed to trust the Department Directors.

Mr. Cates showed a video to the Council that showed what the Water Quality Unit will look like and how it works.

Mayor MacFarlane opened Public Comment for this item only.

Kathleen Ormsbee, 301 N. Lakeshore Blvd. – Mrs. Ormsbee wants the public to be involved in the final design of this project and she also wanted to express that she does not want a fence with this project.

Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County) – Ms. Blessing wants a community meeting about the final design of the project, not just a presentation.

Tim Everline, 1012 N. Lakeshore Blvd – Mr. Everline stated that he believed that eventually the dry storage pond will fill up with water, and if a child gets in there he or she could drown.

Paul Redmond, 309 N. Lakeshore Blvd. – Mr. Redmond stated that he did not think that the Town would need a swale with this project.

Peter Tuite, 300 E Croton Way – Mr. Tuite recommended Mr. Cates' plan. Mr. Tuite stated that he was proud of the Town for applying for this grant and committing to cleaning up the lake.

Clay Ormsbee, 301 N. Lakeshore Blvd. – Mr. Ormsbee presented two pictures of the shore of Little Lake Harris to the Town Council. Mr. Ormsbee stated that maintenance spraying of the shoreline had not been occurring. This has caused unwanted vegetation growth and flourishing of invasive plant species that needed to be cleaned out.

Mr. Cates explained that he had recently gotten a permit for the Town to spray the lakeshore.

Peter Tuite, 300 E Croton Way – Mr. Tuite doesn't think the Town should spray the shoreline.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Lannamañ to approve the acceptance of this grant; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by roll-call vote.

Voting

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

MacFarlane
Nay: None

NEW BUSINESS

6. Consideration and Approval: **Resolution 2023-002 FY 2023 Mid-Year Budget Amendment**

Town Manager, Sean O’Keefe, introduce and explained this Resolution and the proposed Mid-Year Budget Amendment. Mr. O’Keefe went through the changes that were made in the budget based off of the 05/02/2023 Mid-Year Budget Workshop that was held.

Mayor MacFarlane opened Public Comment for this item only.

Peter Tuite, 300 E Croton Way – Mr. Tuite was concerned about the money that was being pulled out of reserves and thinks that be budget should not be amended.

Tim Everline, 1012 N Lakeshore Blvd – Mr. Everline was concerned about ARPA funds being used in the year’s budget and had questions about the Special Events account.

Motion made by Councilor Lehning to approve Resolution 2023-002; seconded by Councilor Miles. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

DEPARTMENT REPORTS

7. Town Hall

The report was included in the meeting’s packet.

Councilor Miles would like the addition of a comment into next month's bad debt report, to include that the Town Council has restricted the Builder (Harvey G Newsome Jr Inc) from pulling further permits until they have paid their debt on account 1296-01.

8. Police Department

The report was included in the meeting’s packet.

9. Code Enforcement

The report was included in the meeting’s packet.

10. Public Works

The report was included in the meeting’s packet.

Morgan Cates, Public Works Director, gave an update on the bids that the Town had received for the North Dixie Drive reconstruction project. The initial bid from Dale Beasley came in at \$553,086.73, Paqco’s initial bid was \$399,511.45. (These bids would include curbing and sidewalks on both sides of the street.)

Councilor Lehning asked what the budget was for this project. Mr. O’Keefe stated that there was roughly \$200,000 in the infrastructure fund for this project after the mid-year budget adjustment and there was a carry-over in the infrastructure fund of roughly \$170,000, so the total available budget for this project was roughly \$370,000.

Mr. Cates stated that he had asked for alternative bids showing no sidewalk, no curbing, and with curbing. Dale Beasley had not submitted any alternate bids yet. Paqco submitted a bid with no sidewalk, but with ribbon curbing of \$273,986.25 and a bid with no sidewalks and no curbing of \$203,802.50.

Mr. Cates does not recommend spending all the carry-over funding on the N. Dixie Drive project, knowing that the Town Council wants to do the Citrus Ave project next year.

Councilor Lehning wanted to know how the bidding process from Paqco matched up against the contract that the Town has with them and if the Town can still get a better deal from them. Consensus seemed to indicate that the project should move forward without doing any sidewalks on either side of the street.

Mr. Cates stated that he had asked both companies for project timeframes. Dale Beasley had not given an answer yet. Paqco had responded that they could start work in six to eight weeks and it would take four to five weeks to finish if there is no sidewalk in the project and eight to ten weeks if sidewalk is included in the project.

11. Library

The report was included in the meeting’s packet.

12. Parks & Recreation Advisory Board / Special Events

Nothing to report.

13. Town Attorney

Nothing to report.

14. Finance Supervisor

The report was included in the meeting’s packet.

15. Town Manager

Town Manager, Sean O’Keefe, gave a summary of the Howey Founder’s Day event that had occurred on 5/6/2023. Mr. O’Keefe also gave an update on the Memorial Day event, which would be on 5/29/2023 at 10 a.m.

Mr. O’Keefe stated that town staff was working with Lake County to gain full rights on the right-of-way on Citrus Ave. Mr. O’Keefe also stated there was nothing new on the sale of land to Lake County Fire Department.

Mr. O’Keefe announced that the developer of the proposed Cedar Creek Development has requested to have two community meeting to be held at the Library LEC. The first meeting would occur in the last week of May and the second meeting would occur during the last week of June.

Mr. O’Keefe explained that the Planning & Zoning Board has scheduled two joint workshop meetings with Town Council. The first meeting would occur on May 17, 2023 at 6 p.m., at the Library LEC. The second joint workshop is scheduled to be held on June 15, 2023 at 6 p.m., at the Library LEC.

COUNCIL MEMBER REPORTS

16. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

17. Councilor Lehning

Councilor Lehning asked for Councilor Miles to give a wastewater update. Councilor Miles stated that the Town has had discussion with the Central Lake CDD. Lake County’s blocking of the Cedar Creek development has, for the time being, stopped the discussion of their wastewater plant. Councilor Miles stated that he would be preparing a new grant application to go to FDEP for a project to put sewer mains in the southwest quadrant of the Town. Councilor Miles does see that there is a problem moving forward with that project; currently the Town does not have any additional ERUs with the Central Lake CDD to be able to hook up any homes in the southwest quadrant of the Town.

Councilor Lehning would like to see a survey of the Town’s residents to see what “Right Development” would be for the Town. Mr. O’Keefe suggested that the joint workshop with Planning & Zoning might help answer this question.

18. Councilor Miles

Councilor Miles wanted to know what the timeframe would be for moving a part-time Officer to full-time. Mr. O’Keefe stated that, since the budget amendment had been passed during the meeting, the Police Chief just needed to work with HR to push the paperwork through.

Councilor Miles asked for an update on the grant application process for getting two generators for the Venezia wastewater lift stations (#1 and #2). Councilor Miles also wanted to know if the Town had specifications completed and approved by the Town Engineer for the two generators and, if the grant is funded, whether the necessary items that the Town needs to purchase can be procured quickly and cheaply off of state contracts. Mr. O’Keefe stated that the application process is still ongoing for the grant, with the due date at the end of the month. If the Town’s grant is accepted, there is not an announced timeline for the disbursement of the funds. Mr. Cates did say that he has gone to the County level (which is the first step in the grant application), and the Town’s project has gotten onto the top 5 of the County list for these funds. The Town’s grant application for this project will include two diesel transfer pumps or generators, plus the replacement of the existing two pumps at lift station #2 (as they are outdated, and one cannot find parts for them). Mr. Cates stated that, after speaking with James Southall, the Town’s Utility Supervisor, and Don Griffey, the Town Engineer, he believed that it would be better for the Town to get two diesel transfer pumps rather than two generators. The generators will only help if there is a power failure. The diesel transfer pumps will assist if there is a power failure, and they are also a redundancy if the primary pumps fail.

19. Councilor Lannamañ

Councilor Lannamañ thanked the Town staff for all their hard work. Councilor Lannamañ wanted an update on the revising of the Town’s Land Development Code section on trees. Mr. O’Keefe stated that he would give an update at the next Town Council meeting.

Councilor Lannamañ also asked the other Councilors and the public not to use divisive language when describing other residents, such as the residents in Talichet. Currently, many of the Talichet subdivision residents do not feel welcome.

20. Mayor MacFarlane

Mayor MacFarlane suggested to Mr. O’Keefe and Councilor Miles that the Town should speak to the owners of the Reserve land and ask them if the Town can purchase some ERUs from them.

Mayor MacFarlane thanked the Public Works Department and the Police Department for all their hard work to make the Founder’s Day event a success.

Mayor MacFarlane thanked Senator Baxley for his help in working on the Town’s request for appropriation money for the Well drilling and Water Treatment Plant. There will be a groundbreaking ceremony for this project in July.

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.

Frances O’Keefe Wagler, 409 W Central Ave - Mrs. Wagler reminded everyone that the date of the actual Howey Founder’s Day was May 8th (not May 6th, as was observed this year), as The Town of Howey-in the Hills was founded on May 8, 1925.

Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County) - Ms. Blessing complimented Councilor Lehning and Councilor Lannamañ. Ms. Blessing stated that the residents outside of the Town, in unincorporated Lake County, want to be included and involved. Ms. Blessing thinks that the Town should relook at the OnSyte Septic to Distributed Wastewater Treatment project.

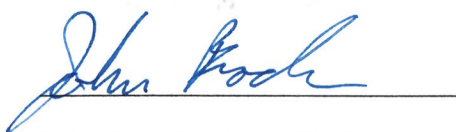
DeAnna Thomas, (Address exempt due to F.S. 119.071 (4) (d) 2.a) – Mrs. Thomas stated that the County was changing a lot and that a strategic plan needs to be created. A strategic plan will help the Town Manager make decisions going forward. Mrs. Thomas was very concerned about non-reoccurring money being used to balance the budget; this can cause a millage increase or layoffs.

ADJOURNMENT

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

The Meeting adjourned at 8:54 p.m. | **Attendees: 40**

ATTEST:

A blue ink signature of John Brock, written in a cursive style, positioned above a horizontal line.

John Brock, Town Clerk

A blue ink signature of Mayor Martha MacFarlane, written in a cursive style, positioned above a horizontal line.

Mayor Martha MacFarlane