



## **Town Council Meeting**

**October 24, 2022 at 6:00 PM**

**Howey-in-the-Hills Town Hall**

**101 N. Palm Ave.,**

**Howey-in-the-Hills, FL 34737**

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### **AGENDA**

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.

#### **ROLL CALL**

Acknowledgement of Quorum

#### **MEMBERS PRESENT:**

Councilor David Miles | Councilor Rick Klein (via Zoom) | Councilor George Lehning | Mayor Pro Tem Marie V Gallelli | Mayor Martha MacFarlane

#### **STAFF PRESENT:**

Sean O'Keefe, Town Administrator | Morgan Cates, Public Works Director | James Southall, Public Utilities Supervisor (Zoom) | Rick Thomas, Police Chief | Azure Botts, Code Enforcement Officer | Abigail Herrera, Finance Supervisor | Tom Wilkes, Town Attorney | Tom Harowski, Town Planner (via Zoom)

**Motion made by Councilor Miles to allow Councilor Klein to participate and vote remotely via Zoom; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice vote.**

#### **Voting**

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

**Nay:** None

#### **AGENDA APPROVAL/REVIEW**

**Motion made by Mayor Pro Tem Gallelli to approve the Meeting's Agenda; seconded by Councilor Miles. Motion approved unanimously by voice vote.**

#### **Voting**

**Yea:** Councilor Miles, Councilor Klein, 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.*

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the October 10, 2022 Town Council Meeting.

**Motion made by Councilor Miles to approve of the Consent Agenda; seconded by Councilor Lehning. Motion approved unanimously by voice vote.**

**Voting**

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

**Nay:** None

**PUBLIC HEARING**

2. Consideration and Approval: **469 Avila Place Pool Variance**

Mayor MacFarlane asked Tom Harowski, Town Planner, to introduce and explain this item. Mr. Harowski summarized his staff report to the Town Council. Mr. Harowski explained that the Planning & Zoning Board had recommended the variance to the Town Council with two conditions. The first condition was that placing fill dirt in the drainage easement that runs across the rear of the lot be prohibited. The second condition was that any trees that would be displaced by the pool area be replaced or moved to another area of the lot.

Motion made by Councilor Miles to approve the variance with the conditions that the Planning & Zoning Board had recommended; seconded by Councilor Klein.

Councilor Lehning stated, if this variance was granted, he felt that the Town should remove the zoning requirements for pool placement due to multiple variances being granted recently. Councilor Lehning opined that the Council should either do away with the requirements, or just say “No.”

Mayor Pro Tem Gallelli spoke about a one-foot step that seemed to be between the patio and the pool area and asked if that step could be removed to bring the pool a foot closer to the house.

**Peter DeJoseph, 469 Avila Pl (applicant and homeowner)** – Mr. DeJoseph explained that the one-foot step area had been discussed in the Planning & Zoning Board meeting and he had originally agreed to do that, however, the engineer tasked with planning the pool had stated that it was impossible to do so, and Mr. DeJoseph had agreed to just make the pool one foot smaller in width. This was reflected in the current set of plans that was presented to the Town Council.

Councilor Miles withdrew his first motion and made a new motion to approve the requested variance with a preference of putting in the pool in the side yard of the lot but allowing the applicant to place the pool in the rear of the lot if that was not possible. There was no second for this motion.

**Town Councilor Elect, Renee Lannaman**, stated that the Talichet HOA most likely had HOA declarations similar to Venezia HOA, which would not allow a pool in the side yard.

**Joshua Husemann, 671 Avila Pl** – Mr. Husemann agreed with Mrs. Lannaman’s statement that the Talichet HOA would not allow a pool in the side yard without HOA Architectural Control Committee approval.

**Motion made by Councilor Miles to approve the variance with the conditions that the Planning & Zoning Board had recommended; seconded by Councilor Klein. Motion approved by roll-call vote.**

**Voting**

**Yea:** Councilor Miles, Councilor Klein, Mayor Pro Tem Gallelli, Mayor MacFarlane

**Nay:** Councilor Lehning

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

**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.**

Councilor Miles asked for an explanation for why this item was coming back up for consideration since, during its first reading at the prior Town Council Meeting, it was voted down with a two to one vote.

Town Attorney, Tom Wilkes, gave his legal opinion of why the Town Council needed to give this item a second reading. Mr. Wilkes stated that Florida Statutes say that the Town can enact more rigorous requirements than the state requires. Mr. Wilkes stated that, in 1990, the Town enacted a requirement that the Town Council vote at each reading of an Ordinance. However, twenty years later, the Town adopted its current Land Development Code (LDC). The current LDC requires that PUD ordinances are given two readings with Town Council and that Town Council approves or disapproves a PUD ordinance during the second reading.

Lane Register, representative from Lennar, asked for a continuance for this item.

**Motion made by Councilor Lehning for continuance of this item to the November 14<sup>th</sup> Town Council Meeting; seconded by Mayor Pro Tem Gallelli. Motion approved by voice vote.**

**Voting**

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

**Nay:** Councilor Klein

**Pat Hartman, 110 Palmyra Court, Leesburg Florida** – Mrs. Hartman stated that she was on the Audubon Eagle Watch. She stated that the Reserve property might have a bald eagle nest on or near the property. The Florida Fish and Wildlife Commission has number it as LA220.

**OLD BUSINESS**

4. Consideration and Approval: **Appointment of Alan Hayes to the Planning and Zoning Board**

**Motion made by Mayor Pro Tem Gallelli appoint Alan Hayes to the Planning & Zoning Board; seconded by Councilor Miles**

**Voting**

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

**Nay:** None

5. Consideration and Approval: **Fencing around Town Lift Stations in Central Park and Griffin Park**

Mayor MacFarlane asked Public Works Director, Morgan Cates, to introduce and explain this topic. Mr. Cates stated that he had only received two estimates for fencing around the lift stations but should have more within the next week. So far, the lowest bid, which was from Fence-It In, Inc, was for \$2,360 for the Central Park lift station and \$1,945 for the Griffin Park lift station.

Councilor Lehning asked, if the Town were to install bollards at the Griffin Park lift station, would they stop a car driving into it at a substantial speed. Mr. Cates said that no, it would most likely not stop the car. Councilor Lehning stated that, if the bollards would not stop a car, the Town should just build the fences and not install bollards.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite questioned if the lift stations were underground. Mr. Tuite stated that he would like the fences to be opaque.

**Motion made by Councilor Miles to approve of fencing in both the Central Park lift station and Griffin Park lift station for an amount less than \$5,000 for both areas to be fenced (to be paid out of the Town's reserves); seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.**

**Voting**

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

**Nay:** None

**NEW BUSINESS**

6. Presentation: **Well 5 & 6 / Water Treatment Plant #3 Overview**

Mayor MacFarlane explained that this item was necessary to educate the public on the importance of the new North Water Treatment Plant #3 and the new Wells #5 and #6. Mayor MacFarlane asked for the public to support the Town's upcoming efforts in getting appropriations passed in the State Budget to assist with the drilling of the Wells and the building of the new Water Treatment Plant.

Sean O'Keefe, Town Manager, stated that the Town would have Public Hearings for this project during both November Town Council Meetings. Mr. O'Keefe asked James South, Public Utilities Supervisor, to give a presentation on the wells, water treatment plant, and their necessity.

Mayor MacFarlane opened Public Comment for this item only.

**Joe Saladino, 500 E Mission Lane-** Mr. Saladino suggested that the Town create a petition for residents to sign, to show support.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite stated that he believes the Town's CUP has run out (but there was a request in from the Town) and asked if there are any plans to supply water to areas outside of the Town limits.

7. Consideration and Approval: (First Reading) **Ordinance 2022-020 - Compensation of the Mayor, Mayor Pro Tempore and Town Council Members.**

Martha MacFarlane, Mayor, read Ordinance 2022-020 by title only:

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN COUNCIL; REVISING THE COMPENSATION TO BE PAID TO THE MAYOR, MAYOR PRO TEMPORE AND COUNCILORS UNDER SECTION 42-10 OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

Mayor MacFarlane opened Public Comment for this item only.

**Banks Helfrich, 9100 Sam's Lake Road, Clermont FL** – Mr. Helfrich questioned how much the Town Councilors were currently being paid and how much this would increase their pay.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite stated he was happy with the job the Town Councilors were doing and the amount they were being paid and thought the raise was justified.

**Motion made by Councilor Klein approve Ordinance 2022-020 and move it to a second reading; Seconded by Councilor Lehning. Motion failed by roll-call vote.**

**Voting**

**Yea:** Councilor Klein

**Nay:** Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

**DEPARTMENT REPORTS**

**8. Town Manager**

Sean O'Keefe, Town Manager, deferred some of his time to Code Enforcement Officer, Azure Botts, to give a status update in the Town's FEMA submission due to Hurricane Ian. Officer Botts explained the Town's current FEMA status and that the Town would be hiring an Engineer to review the status of the damage done to the boardwalk at the Sara Maude Mason Nature Preserve.

Mr. O'Keefe discussed upcoming events, including the Town Halloween Bash, Veterans Day Event, and Christmas Festival. Mr. O'Keefe also stated that the Drake Pointe development project would be coming before the Lake County Board of County Commissioners at their November 1<sup>st</sup> meeting, and that he encouraged participation from the Town's residents.

**COUNCIL MEMBER REPORTS**

**9. Mayor Pro-Tem Gallelli**

Mayor Pro Tem Gallelli has questions about the Lake County Board of County Commissioners' meeting in which the Drake Pointe development would be discussed.

**10. Councilor Lehning**

Councilor Lehning thanked the audience members that showed up and participated in the meeting.

**11. Councilor Miles**

Councilor Miles stated he would like the Town Manager to prepare a study on setting up a Wastewater Impact Fee just for new properties that would be served by a sewer system. Councilor Miles also stated that he would like the Town Manager to look into requirements and costs for requiring existing residents that are near existing sewer lines to be hooked up to sewer instead of septic systems. Councilor Miles also said that he would like the Town Manager to have a meeting with the owners or managers of the Juice Plant and try to get them to agree to annexing into the Town and using Town water. Councilor

Miles also wanted the Public Works to look into making the corner of Citrus and Camelia safer to traverse (Public Works should look into buying more right of way from properties in that area), and also trim the bushes on the corner of Tangerine and Lakeshore (the stop sign and no turning sign were hard to see).

12. Councilor Klein

Prior to Councilor Klein's report, Mayor MacFarlane acknowledged that this was Councilor Klein's last meeting as a Town Councilor and thanked him for his service on the Town Council.

Councilor Klein thanked the Mayor for her comment and had nothing further to report.

13. Mayor MacFarlane

Mayor MacFarlane spoke about the Christmas Festival Car Show and Christmas Festival. Mayor MacFarlane stated she wanted Morgan Cates, Public Works Director, to work on the Christmas tree at the library and try to make it appear bigger. Mayor MacFarlane stated that FloDash was helping the town with the Christmas race, as they had in previous years.

**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.*

**Carol Roque, 505 Mission Lane** – Mrs. Roque said that she felt very positive about that night's Town Council Meeting.

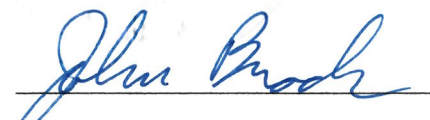
**Banks Helfrich, 9100 Sam's Lake Road, Clermont FL** – Mr. Helfrich spoke about Breast Cancer Awareness month and the importance of voting.

**ADJOURNMENT**

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

The Meeting adjourned at 7:57 p.m. | **Attendees: 37**

ATTEST:

  
John Brock, Town Clerk

  
Mayor Martha MacFarlane