



Town Council Meeting

May 09, 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/89898027969?pwd=VW9PYzdMemZSelR6NHBFYjZ3NHhwZz09>

Meeting ID: 898 9802 7969 | **Passcode:** 527773

AGENDA

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

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 April 25, 2022 Town Council Meeting.
- 2.** Consideration and Approval: **Letter of Support for Lake County "DANGEROUS USE OF PUBLIC RIGHTS-OF-WAY" Ordinance**

PUBLIC HEARING

- 3.** Consideration and Approval: **(Second Reading) Ordinance 2022-010 Cemetery Maintenance**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CEMETERY; REVISING SECTION 73-7 OF THE TOWN'S CODE OF ORDINANCES TO IMPOSE CERTAIN ADDITIONAL RESTRICTIONS AND REQUIREMENTS PERTAINING TO CEMETERY MAINTENANCE; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

- Mayor MacFarlane will read the Ordinance title
- Town Administrator/Code Enforcement Officer will explain Ordinance 2022-010
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.

- Motion to approve Ordinance 2022-010
- Council Discussion
- Roll Call Vote

4. Consideration and Approval: Ordinance 2022-007 Town Landfill Comp Plan Amendment

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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-007
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-007
- Council Discussion
- Roll Call Vote

5. Consideration and Approval: Ordinance 2022-004 Hixson Comp Plan Amendment

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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-004
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-004
- Council Discussion
- Roll Call Vote

OLD BUSINESS

6. Consideration and Approval: Lake County / OnSyte / FDEP Contracts Approval

NEW BUSINESS

7. Consideration and Approval: Law Enforcement Proclamation

8. Consideration and Approval: (First Reading) Ordinance 2022-011

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-MANAGEMENT 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-MANAGEMENT FORM OF GOVERNMENT; PROVIDING NUMEROUS CONFORMING AND CLARIFYING CHANGES IN ARTICLE 2 CONSISTENT WITH THE CHANGE TO THE COUNCIL-MANAGEMENT FORM OF 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 will read the Ordinance title
- Town Administrator/Town Attorney will explain Ordinance 2022-011
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-011
- Council Discussion
- Roll Call Vote

9. Consideration and Approval: (first reading) Ordinance 2022-12

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 will read the Ordinance title
- Town Administrator/Town Attorney will explain Ordinance 2022-012
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-012
- Council Discussion
- Roll Call Vote

10. Consideration and Recommendation: Ordinance 2022-009 Food Trucks

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 will read the Ordinance title
- Town Administrator/Code Enforcement Officer will explain Ordinance 2022-009
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-009
- Council Discussion
- Roll Call Vote

11. Consideration and Approval: Ordinance 2022-006 Town Landfill Annexation

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, AN ENCLAVE 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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-006
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-006
- Council Discussion
- Roll Call Vote

12. Consideration and Approval: Ordinance 2022-008 Town Landfill Rezoning

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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-008
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-008
- Council Discussion
- Roll Call Vote

13. Consideration and Approval: Ordinance 2022-003 Hixson Annexation

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, AN ENCLAVE 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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-003
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-003
- Council Discussion
- Roll Call Vote

14. Consideration and Approval: Ordinance 2022-005 Hixson Rezoning

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 will read the Ordinance title
- Town Administrator/Town Planner will explain Ordinance 2022-005
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2022-005
- Council Discussion
- Roll Call Vote

DEPARTMENT REPORTS

15. Town Hall

16. Police Department

17. Code Enforcement

18. Public Works

19. Library

20. Parks & Recreation Advisory Board / Special Events

21. Town Attorney

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

COUNCIL MEMBER REPORTS

23. Mayor Pro-Tem Conroy

24. Councilor Lehning

25. Councilor Gallelli

26. Councilor Klein

27. 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: **May 9, 2022 06:00 PM Eastern Time (US and Canada)**

Join Zoom Meeting

<https://us06web.zoom.us/j/89898027969?pwd=VW9PYzdMemZSslR6NHBFYjZ3NHhwZz09>

Meeting ID: 898 9802 7969

Passcode: 527773

Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 898 9802 7969

Passcode: 527773

Find your local number: <https://us06web.zoom.us/j/89898027969?pwd=VW9PYzdMemZSslR6NHBFYjZ3NHhwZz09>

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

April 25, 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.

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) | Tom Wilkes, Town Attorney (via Zoom) | Tom Harowski, Town Planner (via Zoom)

AGENDA APPROVAL/REVIEW

Motion made by Councilor Gallelli to approve the meeting's agenda; seconded by Councilor Klein. 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 April 11, 2022 Regular Town Council Meeting.

2. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 11, 2022 Town Council Mid-Year Budget Workshop Meeting.
3. Consideration and Approval: **Town Council authorizes the Mayor and Town Clerk to pursue the annexation of Town owned parcel** (Parcel Number 35-20-25-0100-000-02301, Alternate Key 1257727)

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

Voting

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

Nay: None

PUBLIC HEARING

4. Consideration and Approval: **(First Reading) Ordinance 2022-010 Cemetery Maintenance**

Martha MacFarlane, Mayor, read Ordinance 2022-010 by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CEMETERY; REVISING SECTION 73-7 OF THE TOWN'S CODE OF ORDINANCES TO IMPOSE CERTAIN ADDITIONAL RESTRICTIONS AND REQUIREMENTS PERTAINING TO CEMETERY MAINTENANCE; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor MacFarlane introduced this item and asked Azure Botts, Code Enforcement Officer, to answer Town Councilor questions and explain the proposed Ordinance. Officer Botts showed examples of what this Ordinance was expected to address.

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

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

Voting

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

Nay: None

OLD BUSINESS

NEW BUSINESS

5. Consideration and Approval: **Appointment of Vicky Steele to the Parks & Recreation Board**

Mayor MacFarlane introduced this item and invited Vicky Steele to speak on her own behalf. Mrs. Steele explained why she was interested in serving on this board.

Sean O'Keefe, Town Administrator, explained that there was no recommendation from the Parks & Recreation Board in reference to Vicky Steele or Jim Steele being appointed to the board because, due to attrition, the board currently only had 2 members. Mr. O'Keefe explained that, typically, due to

Sunshine Law concerns there would be a staff recommendation not to allow a husband and wife to serve on the same Town Board, but, due to the volunteer work that Mr. & Mrs. Steele have put into the Town and an acknowledgement of the limited power and role of the Parks & Recreation Board, the typical concerns were not present.

Mayor MacFarlane opened Public Comment for this item. There were no comments, so Public Comment was closed for this item.

Motion made by Councilor Lehning to appoint Vicky Steele to the Parks & Recreation Board; seconded by Mayor Pro-Tem Conroy.

Voting

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

Nay: None

6. Consideration and Approval: **Appointment of Jim Steele to the Parks & Recreation Board**

Mayor MacFarlane introduced this item and invited Jim Steele to speak on his own behalf. Mr. Steele explained why he was interested in serving on this board.

Mayor MacFarlane opened Public Comment for this item. There were no comments, so Public Comment was closed for this item.

Motion made by Councilor Lehning to appoint Jim Steele to the Parks & Recreation Board; seconded by Mayor Pro-Tem Conroy. Motion approved unanimously by roll-call vote

Voting

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

Nay: None

7. Consideration and Approval: **FACC Proclamation**

Mayor MacFarlane read the Proclamation out loud.

Motion made by Mayor Pro-Tem Conroy to approve the proclamation; 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

8. Discussion: **Date Selection for FY 2023 Budget Workshop Meetings**

Mayor MacFarlane introduced this item and asked other Town Councilors for input into the date and times for the fiscal-year 2023 Budget Workshops.

The Town Councilors choose July 13th at 9am and July 27th at 2pm.

Mayor Pro-Tem Conroy suggested that department budgets should be mixed in a balanced manner between the two meetings so that all department budgets would have sufficient time to be heard without being rushed.

COUNCIL MEMBER REPORTS

9. Mayor Pro-Tem Conroy

Mayor Pro-Tem Conroy asked that Town Administrator, Sean O'Keefe, should give a report at each meeting instead of just every other meeting. Mr. O'Keefe and Mayor MacFarlane committed to making this happen.

10. Councilor Lehning

Councilor Lehning asked for an update on future events for the Town. Mayor MacFarlane stated that there currently was not an Events Committee, and that Town staff was handling events until another Events Committee would be created. Councilor Lehning also asked for an update on the Well #5 project. Mr. O'Keefe gave an update, including contract negotiation for acquiring parcels necessary for the well's creation.

11. Councilor Gallelli

Councilor Gallelli stated that she and the resident that had previously expressed issues with Cypress Avenue were happy with the repairs that had been performed by the Public Works Department. Councilor Gallelli thanked Public Works Director, Mr. Cates, for his hard work. Councilor Gallelli also asked Mr. Cates for an update on the Public Works Bump-Out maintenance schedule.

12. Councilor Klein

Councilor Klein asked for an update on getting a grant for Sara Maude Mason Nature Preserve's repairs. Mayor MacFarlane gave an update and stated that the Town would need to put out an RFP and hire a consultant to do review and a comprehensive plan for Sara Maude.

13. Mayor MacFarlane

Mayor MacFarlane reminded everyone in attendance that the Town's Founder's Day Citrus Festival would be on May 7th at the Howey Mansion and that Councilor Lehning was working to add a Car Show component to the event.

Mayor MacFarlane stated that the Town was looking to do a joint venture with the Howey Men's Club on creating an Oktoberfest event for the Town. Mayor MacFarlane also reminded residents that the Town did need volunteers to serve on the Town's Events Committee.

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.

Kathy Coleman, 706 Santa Cruz Lane – Ms. Coleman stated that she had previously been on the Events Committee when it was disbanded and asked how the Events Committee solicitation for members was being publicized. Ms. Coleman also wanted to remind everyone about the Friends of the Library Masquerade Ball fundraiser on June 11th at the Mission Inn. Tickets are \$100 each or a table of 10 tickets for \$900. These tickets could be purchased on Eventbrite or in person at the Town's Library.

Banks Helfrich, 9100 Sam's Lake Road, Clermont FL - Mr. Helfrich stated that he was there representing Lake County Soil and Water Conservation (seat 1). Mr. Helfrich spoke about the Lake County Soil and Water Conservation district and that the group did have money set aside for projects.

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 6:47 p.m. | **Attendees: 20**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk



May 9, 2022

The Honorable Kirby Smith
Vice-Chair, Lake County BCC
P.O. Box 7800
Tavares, FL 32778

RE: PROPOSED DANGEROUS USE OF PUBLIC ROW ORDINANCE

Dear Commissioner Smith,

I am writing to express the Town Council's support for the proposed Dangerous Use of Public Row Ordinance as per their May 9th, 2022 Council Meeting.

Once approved by the Lake County Board of County Commissioners this proposed ordinance will provide protection to our citizens and pedestrians.

Sincerely,

Sean O'Keefe
Town Administrator

Town of Howey-in-the-Hills

ORDINANCE NO. 2022-__

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, CREATING ARTICLE XII, CHAPTER 3, LAKE COUNTY CODE, TO BE ENTITLED *DANGEROUS USE OF PUBLIC RIGHTS-OF-WAY*; PROVIDING FOR THE PROHIBITION OF STOPPING OR STANDING BY PEDESTRIANS IN A MEDIAN; PROVIDING FOR THE PROHIBITION OF PHYSICAL INTERACTION BETWEEN A PEDESTRIAN AND AN OCCUPANT OF A MOTOR VEHICLE THAT IS NOT LEGALLY PARKED; PROVIDING FOR ENFORCEMENT, PENALTIES AND REMEDIES FOR VIOLATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, provides for the broad exercise of Home Rule Authority by Lake County for the protection of the health, safety and welfare of residents and visitors; and

WHEREAS, Section 125.01(1)(m), Florida Statutes, authorizes the Board of County Commissioners to regulate roads within Lake County; and

WHEREAS, Section 125.01(1)(w), Florida Statutes, authorizes the Board of County Commissioners to perform acts that are in the common interest of the people of Lake County, and to exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, Section 316.008, Florida Statutes, authorizes the Board of County Commissioners of Lake County to regulate the use of streets and highways under its jurisdiction; and

WHEREAS, a primary purpose of public roads and rights-of-way is to enable lawfully permitted vehicles and pedestrians to safely and efficiently move from place to place, facilitate the delivery of goods and services, and provide the public with convenient access to goods and services; and

WHEREAS, the purpose of this Ordinance is to prohibit activities that interfere with the purpose of public roads and rights-of-way, including prohibiting activities which cause distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapidly changing and dangerous traffic movement, increased vehicular accidents, and pedestrian and motorist injuries and fatalities; and

WHEREAS, in the State of Florida, pedestrian fatalities have increased significantly in the past decade, and data provided by the Florida Highway Safety and Motor Vehicles (FLHSMV) revealed that between January 1, 2021, and December 31, 2021, there were 838 pedestrian fatalities, 5 of which were within the geographic boundaries of Lake County, Florida; and

1 **WHEREAS**, Lake County, from motor vehicle, bicycle, motorcycle, and pedestrian
2 crashes, has had a consistent number of fatalities consisting of 51 in 2021, 52 in 2020, 52 in 2019,
3 and 60 in 2018, in accordance with the FLHSMV Crash Dashboard; and
4

5 **WHEREAS**, between 2018 and 2021, Lake County has averaged 105 pedestrians involved
6 crashes resulting in injuries, according to data collected by the FLHSMV; and
7

8 **WHEREAS**, in 2022 alone, 20 pedestrians have been involved in accidents with motor
9 vehicles, resulting in 1 death so far, according to data collected by the FLHSMV; and
10

11 **WHEREAS**, it is dangerous for persons to remain in or stand upon medians in roadways,
12 and for physical interactions to occur between pedestrians and occupants of motor vehicles in the
13 roadways or rights-of-way when the vehicle is not legally parked; and
14

15 **WHEREAS**, examples of such dangers are driver distraction and the risk of a person
16 causing or becoming a victim in an accident; and
17

18 **WHEREAS**, accidents at collector and arterial roadways and intersections constitute a
19 substantial traffic safety problem in Lake County; and
20

21 **WHEREAS**, the data regarding crashes, injuries, and fatalities involving pedestrians on
22 certain roads demonstrate these dangers; and
23

24 **WHEREAS**, persons remaining in or standing upon medians in roadways, and persons
25 engaging in physical interactions between pedestrians and motor vehicles in the roadways or
26 rights-of-way when the vehicle is not legally parked, also hinder the free flow of traffic; and
27

28 **WHEREAS**, the hinderance of the free flow of traffic causes traffic delays and accidents
29 and interferes with the primary purpose of public roads and rights-of-way; and
30

31 **WHEREAS**, the Board of County Commissioners hereby finds and determines that
32 stopping, standing or otherwise occupying a median in roadways, and physical interactions
33 between pedestrians and occupants of motor vehicles in the roadways or rights-of-way when the
34 vehicle is not legally parked have caused significant traffic and safety hazards in Lake County,
35 including impairing drivers' views of oncoming traffic and/or pedestrians crossing the road,
36 delaying traffic after lights have changed impacting the free flow of traffic and/or causing accidents
37 with other motor vehicles and/or pedestrians standing or traversing between and around vehicles
38 in the roadways; and
39

40 **WHEREAS**, while streets are traditionally considered a public forum, this has not been
41 the case when the streets are open to vehicular traffic; to the extent a street open to vehicular traffic
42 is a public forum, it is distinguishable from other public forums such as parks or sidewalks, because
43 use of the street for expressive activity conflicts with other important governmental interests; and
44

45 **WHEREAS**, the Board of County Commissioners does not intend to regulate persons
46 engaged in protected expressive activities and intends to narrowly-tailor its regulations to impose

1 the minimum restrictions that are necessary to serve the public safety and ensure orderly traffic
2 flow in roadways by regulating use of medians, commercial use of public rights-of-way, and
3 physical interactions between pedestrians and occupants within motor vehicles on the roadways;
4 and
5

6 **WHEREAS**, occupying or remaining in medians, commercial use of public rights-of-way
7 and/or physical interaction between pedestrians and occupants of vehicles on the road distracts
8 drivers from their primary duty to watch the traffic and potential hazards in the road, observe all
9 traffic control signals or warnings, and prepare to move through an intersection to not delay traffic
10 or cause a hazard; and
11

12 **WHEREAS**, a ban of stopping, standing, or otherwise occupying a median on roadways
13 is necessary and appropriate because the portions of public property adjacent to roadways, the
14 sidewalks, and other traditional and designated public forums within the county are adequate
15 alternative public space for the expression and exchange of thoughts and ideas; and
16

17 **WHEREAS**, there are ample alternative avenues for communication of ideas and
18 commercial activity, including approaching and engaging in hand billing to persons on private
19 property with the owner/occupant's permission, canvassing door-to-door, telephone campaigns,
20 direct mail, expressive activities on sidewalks, internet communication, solicitation of motorists
21 on local roads and private roads with the owner's permission, etc.; and
22

23 **WHEREAS**, Lake County has significant government interests in vehicular and pedestrian
24 safety and the free flow of traffic; and
25

26 **WHEREAS**, courts have recognized the substantial risk of disruption in traffic control that
27 may be presented by stopping, standing, or otherwise occupying a median and/or physical
28 interactions between pedestrians and occupants of motor vehicles in roadways; and
29

30 **WHEREAS**, the prohibitions set forth in this ordinance are the least restrictive means
31 necessary to prevent problems and promote and protect the public health, safety, and welfare of
32 the citizens of Lake County; and
33

34 **WHEREAS**, the Board of County Commissioners has determined it is in the best interest
35 of its citizens to restrict the use of medians on public roadways; and
36

37 **WHEREAS**, it is intent of these regulations to protect the health, safety, and general
38 welfare of the citizens of Lake County; to assure the free, orderly, uninterrupted movement of
39 motorized vehicles on roads in Lake County; promote traffic safety; and provide for safety of both
40 occupants of motorized vehicles located on roads in Lake County and pedestrians; and
41

42 **WHEREAS**, failure to restrict use of public roads in this manner will endanger the health,
43 safety, and general welfare of the public by permitting unsafe pedestrian movement within travel
44 lanes, sudden traffic stopping or slowdown, rapid lane changing, turns and other dangerous traffic
45 movement, increased vehicular accidents, and motorist and/or pedestrian injuries and fatalities;
46 and

1
2 **WHEREAS**, the Board of County Commissioners of Lake County finds and determines
3 that provisions of this Ordinance are in the best interest of the county, its citizens, and taxpayers
4 and will further the interest of the health, safety, and general welfare of the public.
5

6 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
7 Lake County, Florida, as follows:
8

9 **Section 1. Legislative Findings of Fact.** The foregoing recitals are hereby adopted as
10 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
11 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
12

13 **Section 2. Creation.** Article XII, Chapter 3, to be entitled *Dangerous Use of Public*
14 *Rights-of-Way*, is hereby created to read as follows:
15

16 **Chapter 3 – COMMUNITY PROTECTION**

17
18 *****
19

20 **ARTICLE XII. - DANGEROUS USE OF PUBLIC RIGHTS-OF-WAY.**

21
22 **Sec. 3-80. - Definitions.** The following words, terms, and phrases, when used in this section, shall
23 have the meanings ascribed to them in this subsection, except where the context clearly indicates
24 a different meaning:
25

26 *Designated roadways* mean the interstate system (including interstate entrance and exit ramps),
27 and arterial and collector roadways or rights-of-way within the County Road System. For purposes
28 of this definition, collector and arterial roadways or rights-of-way shall be those roadways
29 classified as collector, arterial, or Interstate/Toll roadways pursuant to the functional classification
30 or reclassification procedures and criteria established pursuant to the Lake County Comprehensive
31 Plan. This definition also encompasses those portions of these designated roadways located within
32 a municipality; and the first 440 feet of local roadways intersecting with these designated
33 roadways. The portions of these designated roadways subject to this section include the portions
34 within the area open for vehicular traffic (including medians), plus four feet outside of the
35 shoulders and/or curbs.
36

37 *Legally parked* means a vehicle that is standing, stopped, or parked in an area designated, or
38 legally authorized, for parking.
39

40 *The traveled portion of a designated roadway* means any portion of a designated roadway
41 (including travel lanes, turn lanes, and shoulders) that is normally used by moving motor vehicle
42 traffic that is not a lawful parking area.
43

44 *Median* means any area separating traffic lanes on a roadway. A median includes, but is not
45 limited to, any paved or unpaved, landscaped or no landscaped, portions of a roadway which exist
46 between opposing lanes of traffic.

Public Rights-of-Way shall be defined as set forth in Section 334.03 (21), Florida Statutes.

Sec. 3-81. - Prohibitions.

- (a) Except as provided herein, or as otherwise permitted by law, it is unlawful to make any use of the public rights-of-way in a manner that interferes with the safe and efficient movement of people and property from place to place on a public road or right-of-way with the designated roadways.
- (b) It is unlawful for any person to stop, stand, or otherwise occupy or remain in a median on any designated roadway when that person is not in the process of lawfully crossing the road in accordance with applicable traffic and safety laws. Stopping, standing, or otherwise occupying a median through two (2) consecutive opportunities to cross in accordance with applicable traffic and safety laws is prima facie evidence of a violation of this subsection.
- (c) It is unlawful for any person to engage in any physical interaction between a pedestrian and an occupant of a motor vehicle, including but not limited to the transfer of any product or material, while the motor vehicle is not legally parked and is located on the traveled portion of a designated roadway.

Sec. 3-82. - Exemptions. Nothing in this section shall prohibit the following:

- (a) Law Enforcement, fire and rescue, or other government employees or contractors acting within the scope of their lawful authority;
- (b) A person conducting inspection, construction, maintenance, repair, survey, or other legally authorized services;
- (c) A person responding to lend aid during an emergency;
- (d) Entering or exiting a bus or other public transit system;
- (e) Use of public roads and rights-of-way that have been closed to vehicular traffic for a special event permitted by the appropriate governmental entity.

Sec. 3-83. - Penalties. Any person who is found to be in violation of any provision of this section shall immediately cease the activity in violation and may be issued a citation punishable by a fine not to exceed \$500, as authorized under §125.69(1), Florida Statutes, and Section 1-6 of this Code. Each action in violation of a provision of this chapter shall constitute a separate offense. Issuance of a citation does not preclude an action for injunction, issuance of a trespass warning where authorized, or any other legal remedy available to Lake County.

Section 4. Applicability. For purposes of jurisdictional applicability, this Ordinance (except where specified otherwise in the body of the ordinance) shall apply in both the

unincorporated and incorporated areas of Lake County, provided that any section of this Ordinance in conflict with a municipal ordinance shall not be effective within such municipality to the extent of such conflict. The Board of County Commissioners shall not enforce this ordinance, or perform the administrative functions required under this ordinance for activities proposed or taking place within the boundaries of a municipality unless the municipality passes a resolution requesting such action by majority vote of its governing body, repeals any inconsistent municipal ordinances, and the enters an interlocal agreement with Lake County. The Board of County Commissioners may accept or reject such request by the municipality. Either the municipality by its governing body or the Board of County Commissioners may withdraw the municipality from such enforcement by the same voting procedure.

Section 5. Severability. It is declared to be the intent of the Board of County Commissioners of Lake County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding. It is further the intent of the Board that if this ordinance is held invalid with respect to a specific use of land and/or a specific property (i.e., the ordinance is successfully challenged on an "as applied" basis), the ordinance shall remain in effect as to other uses and/or properties where legally appropriate. It is further the intent of the Board that if it is determined that the provisions of this ordinance which apply on state roads are held invalid on state roads by reason of preemption or conflict with state law, that the provisions shall remain in effect on county roads. It is further the intent of the Board that if it is determined that the provisions of this ordinance which apply within a municipality are held to be invalid by reason of preemption or otherwise, or if the municipality passes a more stringent ordinance or an ordinance in conflict with all or part of this ordinance, the invalid, conflicting, or less stringent provisions of this ordinance shall not apply within the municipality but shall apply in all other areas, regardless of whether the municipal ordinance was adopted or enacted before or after this ordinance. It is further the intent of the Board that if it is determined that the provisions of this ordinance are invalid as applied to a particular road, type of road, or geographical location, the ordinance shall be treated as not applying to such location(s) and shall otherwise remain in effect.

Section 6. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase to accomplish such intentions.

Section 7. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 8. Effective Date. This ordinance shall become effective as provided for by law.

1 ENACTED this day of _____ day of _____, 2022.

2
3 FILED with the Secretary of State the ____ day of _____, 2022.

4
5
6
7 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

8
9
10
11 _____
12 Gary J. Cooney, Clerk
13 Board of County Commissioners of
14 Lake County, Florida

Sean M. Parks, Chairman

This ____ day of _____, 2022.

15
16
17 Approved as to form and legality:

18
19 _____
20 Melanie Marsh, County Attorney
21



Date: March 28, 2022

To: Mayor and Town Council

From: Code Enforcement, Azure Botts

Re: Consideration and recommendation to amend Section 73-7 of the Town's Code of Ordinances to add text that would prohibit items to be placed on a gravesite.

Objective:

Amend section 73-7 "Maintenance," to add text that would regulate/prohibit items that may be placed on a gravesite. The added text is underlined.

Summary:

Currently we do not have any regulations controlling what is placed on a gravesite. All types of items are being placed in the cemetery, which later becomes debris that blows around and deteriorates in the sun. These items also make it difficult to maintain the grounds.

Possible Motions:

The Town Council has the following options:

1. The Town Council motions to approve
OR
2. The Town Council motions to approve with the following conditions
OR
3. Motion to Deny

Fiscal Impact:

There is no fiscal impact.

Staff Recommendation:

Staff recommends amending section 73-7 "Maintenance, of the Town's Code of Ordinances.

ORDINANCE NO. 2022-010

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA,
PERTAINING TO THE TOWN CEMETERY; REVISING SECTION 73-7 OF
THE TOWN'S CODE OF ORDINANCES TO IMPOSE CERTAIN
ADDITIONAL RESTRICTIONS AND REQUIREMENTS PERTAINING TO
CEMETERY MAINTENANCE; PROVIDING FOR SEVERABILITY,
CODIFICATION AND AN EFFECTIVE DATE.

Whereas, the Taylor Memorial Cemetery is a valuable asset of the Town of Howey-in-the-Hills and its citizens; and

Whereas, the proper management and appearance of the Taylor Memorial Cemetery is a vital Town function;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Revisions to the Town of Howey-in-the-Hills Code of Ordinances. Section 73-7 of the Town of Howey-in-the-Hills' Code of Ordinances is revised as follows:

Sec. 73-7. - Maintenance.

- A. The town shall maintain the cemetery grounds.
- B. Upon the use of a right of interment, the owner of the right of interment shall become and remain responsible for the maintenance of any monument installed upon the burial space referenced in the right of interment. This maintenance responsibility shall continue in perpetuity and shall be the responsibility of the owner's heirs and assigns.
- C. No trees or shrubbery of any nature may be planted on individual lots.
- D. Floral designs are only permitted in vases attached or part of an existing marker or monument. Monuments without attached vases are permitted to place a florist saddle to display floral arrangements.
- E. Gravesites
 - 1) No person may plant any flower or shrub on any gravesite or pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery.
 - 2) No articles are permitted on any grave, lot, or tree.
 - 3) No person may pluck or remove any plant, flower, or item from any gravesite.
 - 4) Flags and other city approved decorations that become tattered, discolored, or unsightly will be removed.
 - 5) The Town is not responsible for theft or damage to anything placed on graves or lots.
 - 6) No "For Sale" signs are allowed on plots. No advertisements in any form are allowed on lots in the cemetery, and the Town reserves the right to remove such signs or advertisements.

- 7) The Town and its agents may enter upon any lot and remove any objectionable thing or any item that may have been placed there contrary to the regulations of the Town. The Town and its agents may remove any dead or damaged tree, shrub, or vine.

Section 3. Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. The provisions of only section 2 shall be codified in the Town's Code of Ordinances.

Section 5. Effective Date. This ordinance takes effect upon its enactment.

PASSED AND ORDAINED on May 9, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Town of Howey-in-the-Hills, Florida

By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for the use and reliance of the Town only)

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney

First Reading held April 25, 2022

Second Reading, Public Hearing and Adoption held May 9, 2022

Advertised April 29, 2022

#47206127 v2



The Gainesville Sun | The Ledger | News Chief
Daily Commercial | Ocala StarBanner
Herald-Tribune | The Palm Beach Post
News Herald | Northwest Florida Daily News

Order Confirmation

Not an Invoice

Item 3.

Account Number:	532726
Customer Name:	Town Of Howie In The Hills
Customer Address:	Town Of Howey-In-The-Hills 101 N Palm AVE Howey In The Hills FL 34737-3418
Contact Name:	John Brock
Contact Phone:	352-324-2290
Contact Email:	jbrock@howey.org
PO Number:	

Date:	04/26/2022
Order Number:	7221293
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	56.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
LEE Daily Commercial	1	04/29/2022 - 04/29/2022	Govt Public Notices
LEE dailycommercial.com	1	04/29/2022 - 04/29/2022	Govt Public Notices

Total Order Confirmation

\$98.48

Ad Preview

Item 3.

NOTICE OF A PUBLIC HEARING TOWN OF HOWEY-IN-THE- HILLS, FLORIDA2

Ordinance No. 2022-010

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE TOWN CEMETERY; REVISING SECTION 73-7 OF THE TOWN'S CODE OF ORDINANCES TO IMPOSE CERTAIN ADDITIONAL RESTRICTIONS AND REQUIREMENTS PERTAINING TO CEMETERY MAINTENANCE; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Town Council for the Town of Howey-in-the-Hills will hold a public hearing for Ordinance 2022-010 on May 9, 2022, at 06:00 P.M. (or as soon thereafter as the matter may be considered). All public hearings will be held in Town Hall at 101 North Palm Avenue, Howey-in-the-Hills, Florida.

Copies of Ordinance 2022-010 are available in the Town Clerks Office. 101 N. Palm Ave., Howey-in-the-Hills, FL 34737 for inspection during normal business hours of Mon-Thurs 8 a.m. – 5 p.m. In compliance with the Americans with Disabilities Act (ADA) anyone who needs a special accommodation for this meeting should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised that if they decide to appeal any decision made at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based per Section 286.0105 of the Florida Statutes.

John Brock, Town Clerk
Town of Howey-in-the-Hills
#7221293 1x 4/29/2022



TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Town Council
CC: J. Brock, town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Hixon Parcel and Landfill Annexations
DATE: May 3, 2022

At their regular meeting of April 28, 2022, the Howey-in-the-Hills Planning Board heard a series of cases related to the annexation of two parcels located south of Revels Road and east of SR 19. One parcel is a voluntary annexation of 1.82 acres plus a portion of the adjacent unopened right-of-way (Hixon Parcel), and the second parcel is the 4.96-acre former Town landfill and a portion of an unopened right-of-way that bisects the parcel. The Planning Board made the following recommendations:

Hixon Parcel:

1. Recommended annexation of the 1.82 acre parcel and portion of the adjacent right-of-way.
2. Recommended designating the parcel Rural Lifestyle on the Town's future land use map.
3. Recommended assigning Agricultural zoning to the subject parcel.
4. Recommended vacating the adjacent unopened right-of-way in conjunction with Lake County.

Howey Landfill Parcel

1. Recommended annexation of the 4.96-acre parcel and portion of the adjacent right-of-way.
2. Recommended designating the parcel Rural Lifestyle on the Town's future land use map.
3. Recommended assigning Agricultural zoning to the subject parcel.
4. Recommended vacating the unopened right-of-way that bisects the parcel.

The staff report prepared for the two items provides more detail about the current and proposed land use and zoning, however, the primary effort has been to provide a land use designation and zoning in the Town which is most similar to the current county designations. The primary development impact from the two annexations and the applied zoning is the addition to the area of one more single-family house on an

approximately two acre parcel. If the right-of-way vacations are completed as proposed, those properties fronting on Revels Road and abutting the unopened right-of-way will gain an additional 30 feet of property by extending their property lines to the center of the unopened right-of-way.

Based on the recommendation of the Planning Board regarding the future land use designation, a map of the current land use and a map of the proposed land use has been prepared. These maps are required as part of the package of information to be submitted to DEO for review of the amendment. The proposed amendments are small-scale map amendments which generate no review by the state other than to register the amendment and provide a formal opportunity for affected parties to challenge the action.

ORDINANCE NO. 2022-007

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. The Town Council of the Town of Howey-in-the-Hills, Florida hereby finds and declares the following:

- i. Mayor Martha MacFarlane, as agent for the property owner, the Town of Howey-in-the-Hills, has petitioned the Town to annex into its town limits the 4.96-acre parcel legally described in Attachment A. The parcel has been or is expected soon to be annexed into the Town through the enactment of Ordinance 2022-006; and
- ii. Mayor Martha MacFarlane, has applied on behalf of the property owner, Town of Howey-in-the-Hills, for a change of the land use designation on the Future Land Use Map of the Town's Comprehensive Plan for the subject parcel from Lake County designation of "Rural Transition" to Town designation of "Rural Lifestyle"; and
- iii. The Town Council has determined that the proposed amendment to the land-use designation for the parcel from Lake County "Rural Transition" to Town "Rural Lifestyle" is consistent with the Town's Comprehensive Plan and promotes the public health, safety, and welfare.

Section 2. Approvals. The Town's Future Land Use Map is amended hereby to change the land-use designation for the subject parcel from Lake County "Rural Transition" to Town "Rural Lifestyle."

Section 3. Severability. If any portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining portions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict between this ordinance and one or more existing ordinances, this ordinance shall supersede the existing ordinances and shall govern.

Section 5. Codification. The amendments enacted by this ordinance to the Future Land Use Map

of the Town's Comprehensive Plan shall be codified and made part of the Town's Land Development Code, but not the Town's Code of Ordinances.

Section 6. Effective Date. This Ordinance takes effect upon the later of:

- i. The effective date of Ordinance 2022-006 annexing the subject parcel into the boundaries of the Town; or
- ii. The 31st day following the date of enactment of this Ordinance 2022-007, if no challenge is timely filed under applicable state law governing local comprehensive plans; or
- iii. If this amendment is timely challenged, then upon the Department of Economic Opportunity or the Administration Commission entering a final order declaring effectively that the adopted amendment to the Future Land Use Map is in compliance with state law.

PASSED AND ORDAINED this 23rd day of May, 2022 by the Town Council of the Town of Howey-in-the-Hills, Florida:

Town of Howey-in-the-Hills, Florida
By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

John Brock
Town Clerk

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town of Howey-in-the-Hills, Florida, only).

Thomas J. Wilkes
Town Attorney

Planning and Zoning Board meeting held on 4/28/2022
First reading of the ordinance held on 5/9/2022
Second reading, public hearing and adoption held on 5/23/2022

ATTACHMENT A**LEGAL DESCRIPTION**

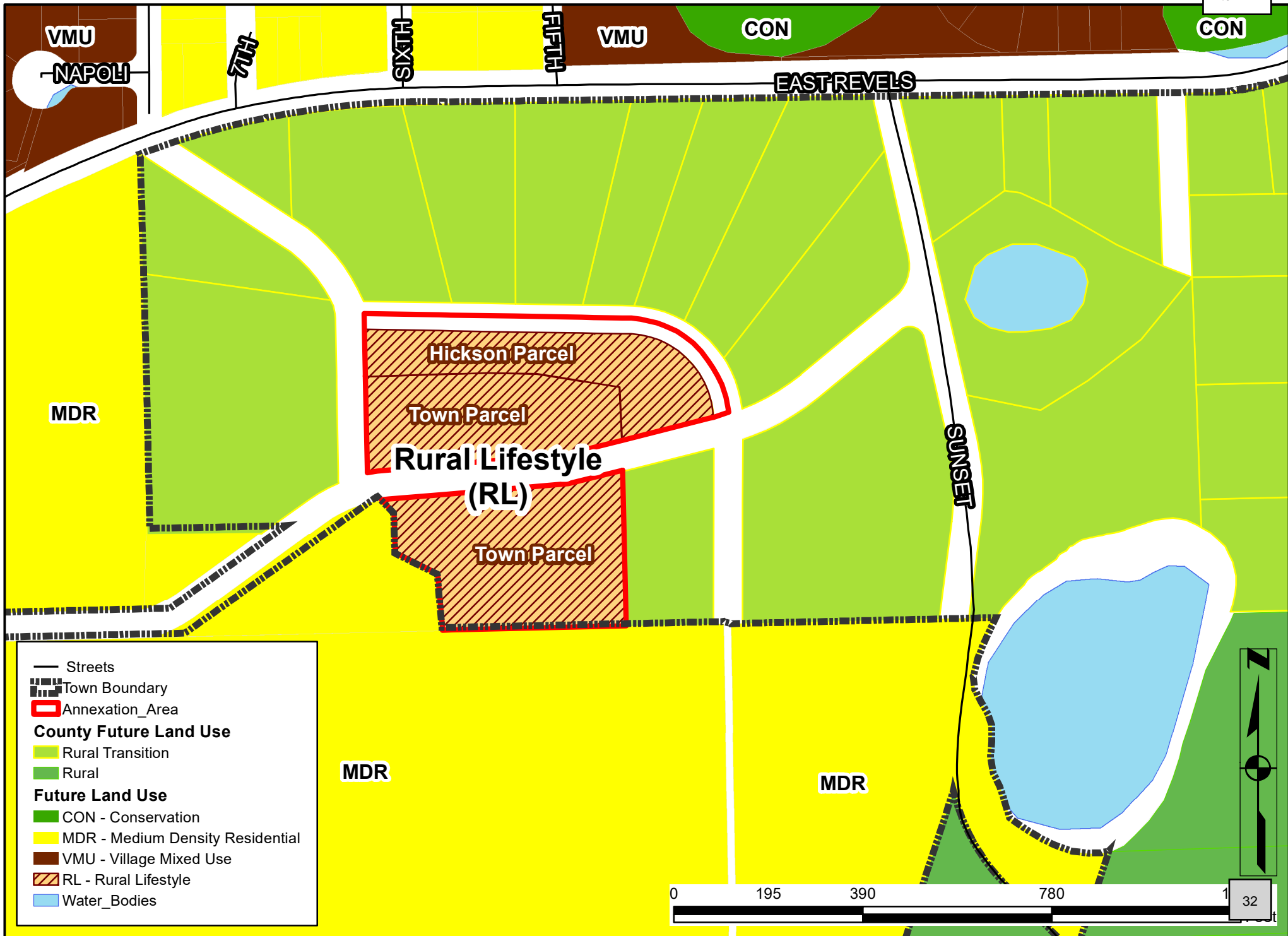
First Sub Howey That Part of Lots 23, 24, 25, 27 Lying within Clay Pit, Lots 28, 29 PB 5 PG 32 and the unopened right-of-way bisecting the landfill parcel. The parcel is approximately 4.96 acres plus the right-of-way.

Item 4.



Proposed Future Land Use

Item 4.





TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Howey Landfill Annexation, Comprehensive Plan Amendment, Zoning
DATE: April 1, 2022

The Town is submitting and administrative request to annex the former landfill property off Revels Road into the Town, designate a land use on the Town's future land use map, and assign zoning to the subject parcel. This action will move a Town land asset into the current corporate limits, and it may contribute to future annexations in the area. The proposed actions include the following:

1. Annex into the Town's corporate limits the property identified as First Sub Howey That Part of Lots 23, 24, 25, 27 Lying within Clay Pit, Lots 28, 29 PB 5 PG 32 and the unopened right-of-way bisecting the landfill parcel. The parcel is approximately 4.96 acres plus the right-of-way.
2. Amend the Future Land Use Map in the Town's comprehensive plan to change the future land use designation from Lake County Rural Transition to Town Rural Lifestyle land use.
3. Amend the Town official zoning map from Lake County Agriculture to Town Agriculture zoning.

The Town has not contemplated development of the parcel and has no plans to initiate development activity. The assignment of the rural Lifestyle land use and Agricultural zoning is the closest comparable land use and zoning to that currently applied by Lake County. The proposed land use and zoning are both compatible with existing land use and zoning in the area. The accompanying maps show the Lake County land use and zoning pattern for the immediate area. The property to the west is part of the Simpson Tract which has applied for approval for single-family homes. The Simpson tract will be considered in a separate request.

The Howey-in-the-Hills comprehensive plan describes the Rural Lifestyle land use category as:

Rural Lifestyle – The Rural Lifestyle category shall be primarily limited to single-family detached homes with agricultural uses. Limited commercial activities are permitted such as bed and breakfast establishments, horseback riding facilities, and farm stands for fruits and vegetables grown on that location.

Development parameters limit residential development to one unit per two acres with a minimum of 50% open space and an impervious surface ratio (ISR) of 0.20 (20%). The Lake County land use designation is Rural Transition set by Policy 1-1.4.5 of the County comprehensive plan which allows development of single-family on lots of one-acre up to a minimum of one unit per five acres, depending upon specific local conditions. Open space minimum ranges from 35% to 50% and the allowable ISR ranges from 0.20 to 0.30. The provisions of these two land uses are very similar.

Existing development in the immediate area is single-family homes on lots ranging in size from 0.58 acres up to 4.52 acres with most lots falling between 1.50 acres and 2.25 acres. Residential units range from 1,232 square feet to 3,476 square feet with all but two units exceeding 2,000 square feet. The following table compares the current County agricultural zoning classification with the Town's agricultural zoning.

AGRICULTURAL ZONING DISTRICT COMPARISON		
REQUIREMENT	LAKE COUNTY	HOWEY
Minimum Lot Size	5 acres	2 acres
Minimum Lot Width	NA	150 feet
Minimum Lot Depth	NA	200 feet
Setbacks		
Front	25 feet	50 feet
Side	25 feet	25 feet
Rear	25 feet	50 feet
Minimum Floor Area	850 square feet	1,500 square feet

The table shows that the minimum zoning requirements for the Town's proposed zoning are very consistent with the actual development pattern in the area.

Site Conditions

The site is no longer in use as an active landfill operation, but there is little information available on the past use of the site and ongoing environmental conditions. The site does not contain any wetlands and is not located within a flood hazard area. (Refer to attached maps.) The contour map shows a deep ravine measuring about 30 feet deep at the lowest point that runs from the southwest to the northeast across the lower portion of the site. There is also an unopened right-of-way that bisects the site which the Town may consider vacating in the future.

Other Considerations

With no development proposal for the site there are no impacts projected for the provision of Town's services. Even if development were to occur under the proposed comprehensive plan designation and zoning, the maximum development would be two dwelling units, so the impact to Town services would be negligible. Since the proposed zoning and land use is consistent with the existing development pattern and the land use and zoning as applied by Lake County, there are no concerns regarding urban sprawl.

Recommendation

The staff recommends the Planning Board support the annexation of the parcel and recommend the Town Council designate the property as Rural Lifestyle on the future land use map and assign Agricultural zoning to the parcel.

Item 4.



Planning & Zoning Board Meeting

April 28, 2022 at 6:00 PM

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

MINUTES

CALL TO ORDER ROLL CALL

BOARD MEMBERS PRESENT:

Tina St. Clair - Chairperson | Sheldon Lucien | John Manning | Richard Mulvany | Shawn Johnson | Frances O'Keefe Wagler (via Zoom)

STAFF PRESENT:

Sean O'Keefe - Town Administrator (via Zoom) | Victoria Elfers - Building Services Clerk | Tom Harowski - Town Planner | Azure Botts – Code Enforcement Officer

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. Consideration and Approval of the March 24, 2022, Planning and Zoning Board Meeting minutes.

**Motion made by John Manning to approve the agenda; Richard Mulvany seconded the motion.
Motion was approved unanimously by voice vote.**

PUBLIC HEARING

2. Consideration and Recommendation: **Ordinance 2022-004**

Tina St. Clair, Board Chair, 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.

Tina St. Clair introduced this item and asked Town Planner, Tom Harowski, to present this item. Mr. Harowski explained due to time constraints that he would explain Ordinance 2022-004, 2022-007, 2022-003, 2022-005, 2022-006, and 2022-008 as they are all related and similar in nature. 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 also stated that 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 also explained 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.

Public Comments:

Rutledge Avery, 10918 E. Revels Rd - Mr. Avery asked the board if the easement will be taken away and if the Town has contracted a geological surveyor to survey the property. He believes the land is caving into the claypit, which he assumed may be a sinkhole.

Mr. Harowski explained the Town has not conducted a geological survey.

Mr. O'Keefe reasoned that if the land is caving in, it was caused by the landfill that use to occupy the property.

Charles Pasch, 11040 E. Revels Rd - Mr. Pasch commented that he appreciated that if the easement was vacated, he would get a thirty-foot property extension and the tree line that separates the parcels would not be removed or affected.

Buddy Niles, Pine Hills - Mr. Niles owns property off East Revels Rd- Mr. Niles asked how many acres the Town owns, and if homes will be built on the property. He also presumed the applicant, Mr. Hixson, will cut down the trees.

Mr. Harowski answered that the Town owns approximately five acres, and the applicant will own two acres.

Mark Linn, 24030 Sunset Dr. – Mr. Linn asked if Sunset Drive would be affected by right-of-way.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey explained she moved away from Orlando to avoid development and expressed she does not want the annexation to occur.

Laura Channel, 10738 E. Revels Rd – Mrs. Channel asked who will be responsible for the right-of-way.

Eddie Channel, 10738 E. Revels Rd – Mr. Channel stated that he felt neither the County nor the Town will take responsibility for the right-of-way.

Motion made by John Manning for recommendation of approval for Ordinance 2022-004; seconded by Board Member Richard Mulvany. Motion was approved unanimously by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

3. Consideration and Recommendation: **Ordinance 2022-007**

Tina St. Clair, Board Chair, 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.

Town Planner, Tom Harowski stated that the same staff summary applied to this Ordinance.

Public Comment:

Rutledge Avery, 10918 E. Revels Rd - Mr. Avery repeated his concern for the possibility of a sinkhole.

Board Member John Manning asked if the site has been investigated.

Mr. Harowski answered it has not.

Mr. O'Keefe added the Town plans to unify the parcels and does not have plans to conduct a survey.

Board Member Richard Mulvany asked if the site used to be the Town's dump.

Mr. O'Keefe confirmed the site used to be used as the Town's landfill.

Motion made by Board Member Richard Mulvany for recommendation of approval of Ordinance 2022-007; seconded by Board Member John Manning. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

OLD BUSINESS

4. Item: **Richard Mulvany Form 8B to be read here.**

Building Services Clerk, Victoria Elfers, read Board Member Richard Mulvaney's Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Officers statement aloud and announced that it would be included with the minutes from the March 24, 2022 Planning & Zoning Board Meeting.

NEW BUSINESS

5. Consideration and Recommendation: **Ordinances 2022-003 and 2022-005 pertaining to annexation of a 1.86 acre parcel and amendment of the official zoning map to designate the property as agriculture; and Consideration and Recommendation for vacation of unopened right-of-way adjacent to the property referenced.**

Mr. Harowski stated his staff report remained current.

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles who owns property off East Revels Rd, expressed his concern for traffic flow.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey expressed concerned that construction vehicles will affect the easement and proposed a separate road should be used.

Motion made by John Manning for recommendation of approval this agenda item; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

6. Consideration and Recommendation: **Ordinances 2022-006 and 2022-008 pertaining to the annexation the Howey landfill property and assigning a zoning classification of Agricultural.**

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles stated he didn’t understand why the board was taking Public Comment again since the board was voting the way it wanted to anyway.

Motion made by Richard Mulvany for recommendation of approval of Ordinances 2022-006 and 2022-008; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	NO	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

7. Consideration and Recommendation: **Ordinance 2022-009 Food Trucks**

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.

Board Member John Manning recused himself from commenting or voting on the Ordinance due to a conflict of interest.

Code Enforcement Officer Botts explained the Town does not currently have an ordinance for food trucks; and reviewed the proposed ordinance.

Public Comment:

Leslie Manning, 111 E Holly St – asked the board 1) if she would be allowed to place a food truck in the gated area of her business, the Howey Market, 2) if the curfew could extend after 7 p.m., and 3) if the Special Events permit will have to be submitted each time her food truck is operating.

Officer Botts answered it would need to be discussed further regarding her business’s area, the curfew extension can be discussed with Town Council, and food truck events will need to be filled under Special Events.

Board Member Sheldon Lucien asked what area in Town is zoned as Town Commercial.

Mr. O’Keefe answered the general commercial area spans from Lakeshore Blvd and Florida Ave.

Chairperson Tina St. Clair quired if Town residents within the commercial area could accommodate food truck owners to park and operate on their property.

Officer Botts explained it would need to be discussed further due to the ordinance stating there can only be one food truck per 0.25 acre.

Leslie Manning, 111 E Holly St – asked how the operation hours and food truck areas were designated.

Officer Botts explained Town Staff collected data from surrounding cities.

Mr. Harowski suggested the board can make a conditional recommendation to extend the business hours.

Janice Mclain 109 S Lakeshore Blvd - debated food truck businesses should become a permanent basis instead of a special event function.

Board Member Francis O’Keefe Wagler asked if food trucks would be allowed to use Town parking spaces.

Officer Botts answered it is only allowed on private property.

Mr. O’Keefe added food trucks are allowed to park on owned/leased property.

Board Member Shawn Johnson asked if food trucks can park in neighborhoods.

Officer Botts explained subdivisions would fall under the Police Department’s jurisdiction, however, she believes it is allowed.

Motion made by Richard Mulvany for recommendation of approval with the condition to extend business hours; seconded by Board Member Sheldon Lucien. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	RECUSED

PUBLIC COMMENTS

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

Leslie Manning, 111 E Holly St – Mrs. Manning expressed concerned with parking overflow on Central Ave.

Mr. Harowski reasoned business owners will have to negotiate parking.

ADJOURNMENT

There being no further business to discuss, a motion was made by Richard Mulvany to adjourn the meeting; John Manning seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:24 p.m. | **Attendees: 23**

ATTEST:

Tina St. Clair Chairperson

John Brock, Town Clerk



TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Town Council
CC: J. Brock, town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Hixon Parcel and Landfill Annexations
DATE: May 3, 2022

At their regular meeting of April 28, 2022, the Howey-in-the-Hills Planning Board heard a series of cases related to the annexation of two parcels located south of Revels Road and east of SR 19. One parcel is a voluntary annexation of 1.82 acres plus a portion of the adjacent unopened right-of-way (Hixon Parcel), and the second parcel is the 4.96-acre former Town landfill and a portion of an unopened right-of-way that bisects the parcel. The Planning Board made the following recommendations:

Hixon Parcel:

1. Recommended annexation of the 1.82 acre parcel and portion of the adjacent right-of-way.
2. Recommended designating the parcel Rural Lifestyle on the Town's future land use map.
3. Recommended assigning Agricultural zoning to the subject parcel.
4. Recommended vacating the adjacent unopened right-of-way in conjunction with Lake County.

Howey Landfill Parcel

1. Recommended annexation of the 4.96-acre parcel and portion of the adjacent right-of-way.
2. Recommended designating the parcel Rural Lifestyle on the Town's future land use map.
3. Recommended assigning Agricultural zoning to the subject parcel.
4. Recommended vacating the unopened right-of-way that bisects the parcel.

The staff report prepared for the two items provides more detail about the current and proposed land use and zoning, however, the primary effort has been to provide a land use designation and zoning in the Town which is most similar to the current county designations. The primary development impact from the two annexations and the applied zoning is the addition to the area of one more single-family house on an

approximately two acre parcel. If the right-of-way vacations are completed as proposed, those properties fronting on Revels Road and abutting the unopened right-of-way will gain an additional 30 feet of property by extending their property lines to the center of the unopened right-of-way.

Based on the recommendation of the Planning Board regarding the future land use designation, a map of the current land use and a map of the proposed land use has been prepared. These maps are required as part of the package of information to be submitted to DEO for review of the amendment. The proposed amendments are small-scale map amendments which generate no review by the state other than to register the amendment and provide a formal opportunity for affected parties to challenge the action.

ORDINANCE NO. 2022-004

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. The Town Council of the Town of Howey-in-the-Hills, Florida hereby finds and declares the following:

- i. John Hixson, as the contract purchaser of the subject property and as agent for the property owners, Benjamin A. & Laura R. MacPhee, Trustees, has petitioned the Town to annex into its town limits the 1.82-acre parcel legally described in Attachment A. The parcel has been or is expected soon to be annexed into the Town through the enactment of Ordinance 2022-003; and
- ii. John Hixson has applied on behalf of the property owners, Benjamin A & Laura R MacPhee, Trustees, for a change of the land use designation on the Future Land Use Map of the Town's Comprehensive Plan for the subject parcel from Lake County designation of "Rural Transition" to Town designation of "Rural Lifestyle"; and
- iii. The Town Council has determined that the proposed amendment to the land-use designation for the parcel from Lake County "Rural Transition" to Town "Rural Lifestyle" is consistent with the Town's Comprehensive Plan and promotes the public health, safety, and welfare.

Section 2. Approvals. The Town's Future Land Use Map is amended hereby to change the land-use designation for the subject parcel from Lake County "Rural Transition" to Town "Rural Lifestyle."

Section 3. Severability. If any portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining portions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict between this ordinance and one or more existing ordinances, this ordinance shall supersede the existing ordinances and shall govern.

Section 5. Codification. The amendments enacted by this ordinance to the Future Land Use Map of the Town's Comprehensive Plan shall be codified and made part of the Town's Land Development Code, but not the Town's Code of Ordinances.

Section 6. Effective Date. This Ordinance takes effect upon the later of:

- i. The effective date of Ordinance 2022-003 annexing the subject parcel into the boundaries of the Town; or
- ii. The 31st day following the date of enactment of this Ordinance 2022-004, if no challenge is timely filed under applicable state law governing local comprehensive plans; or
- iii. If this amendment is timely challenged, then upon the Department of Economic Opportunity or the Administration Commission entering a final order declaring effectively that the adopted amendment to the Future Land Use Map is in compliance with state law.

PASSED AND ORDAINED this 23rd day of May, 2022 by the Town Council of the Town of Howey-in-the-Hills, Florida:

Town of Howey-in-the-Hills, Florida

By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

John Brock
Town Clerk

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town of Howey-in-the-Hills, Florida, only).

Thomas J. Wilkes
Town Attorney

Planning and Zoning Board meeting held on 4/28/2022
First reading of the ordinance held on 5/9/2022
Second reading, public hearing and adoption held on 5/23/2022

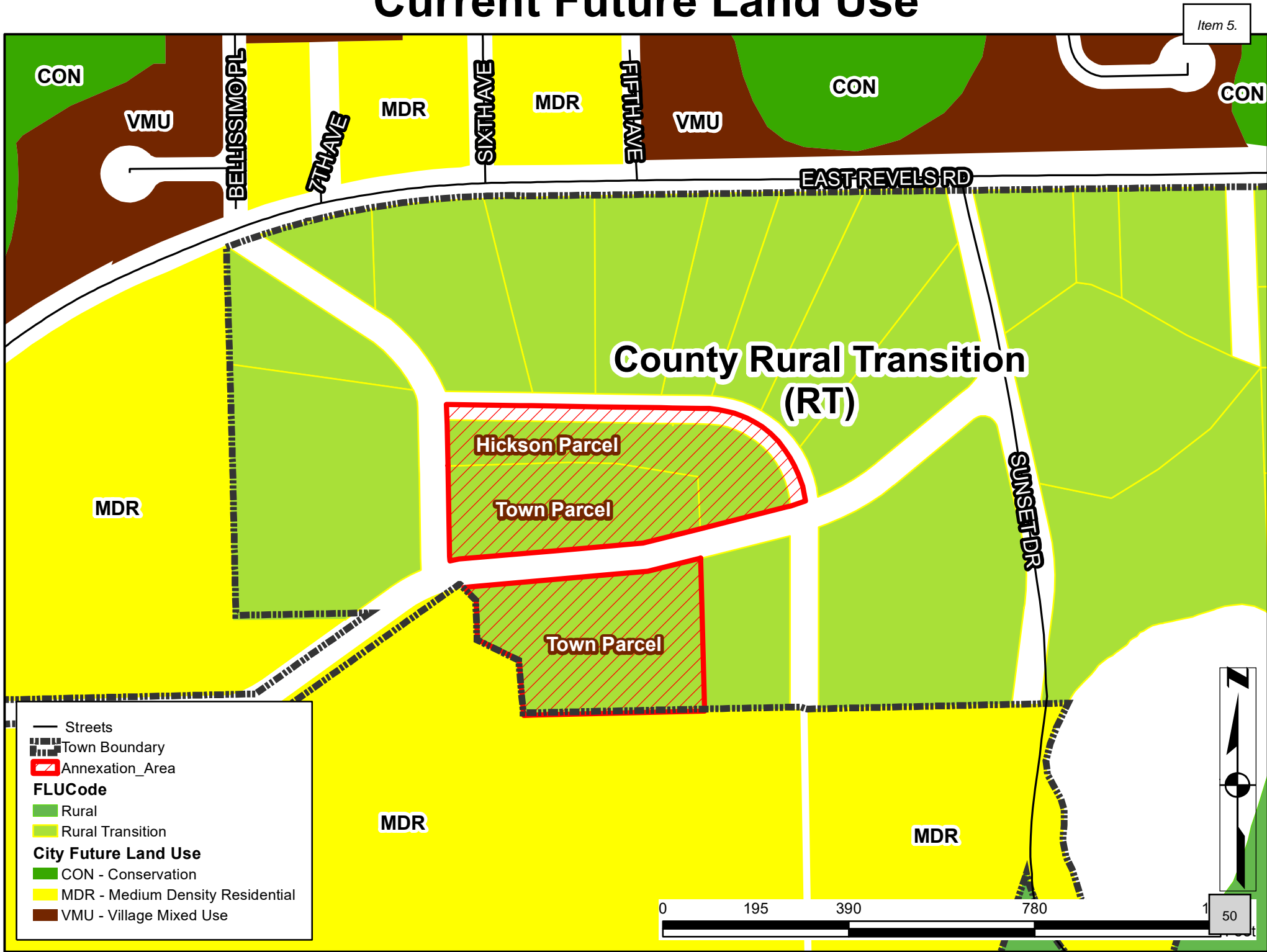
ATTACHMENT A

LEGAL DESCRIPTION

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST SUBDIVISION OF
HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32,
PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

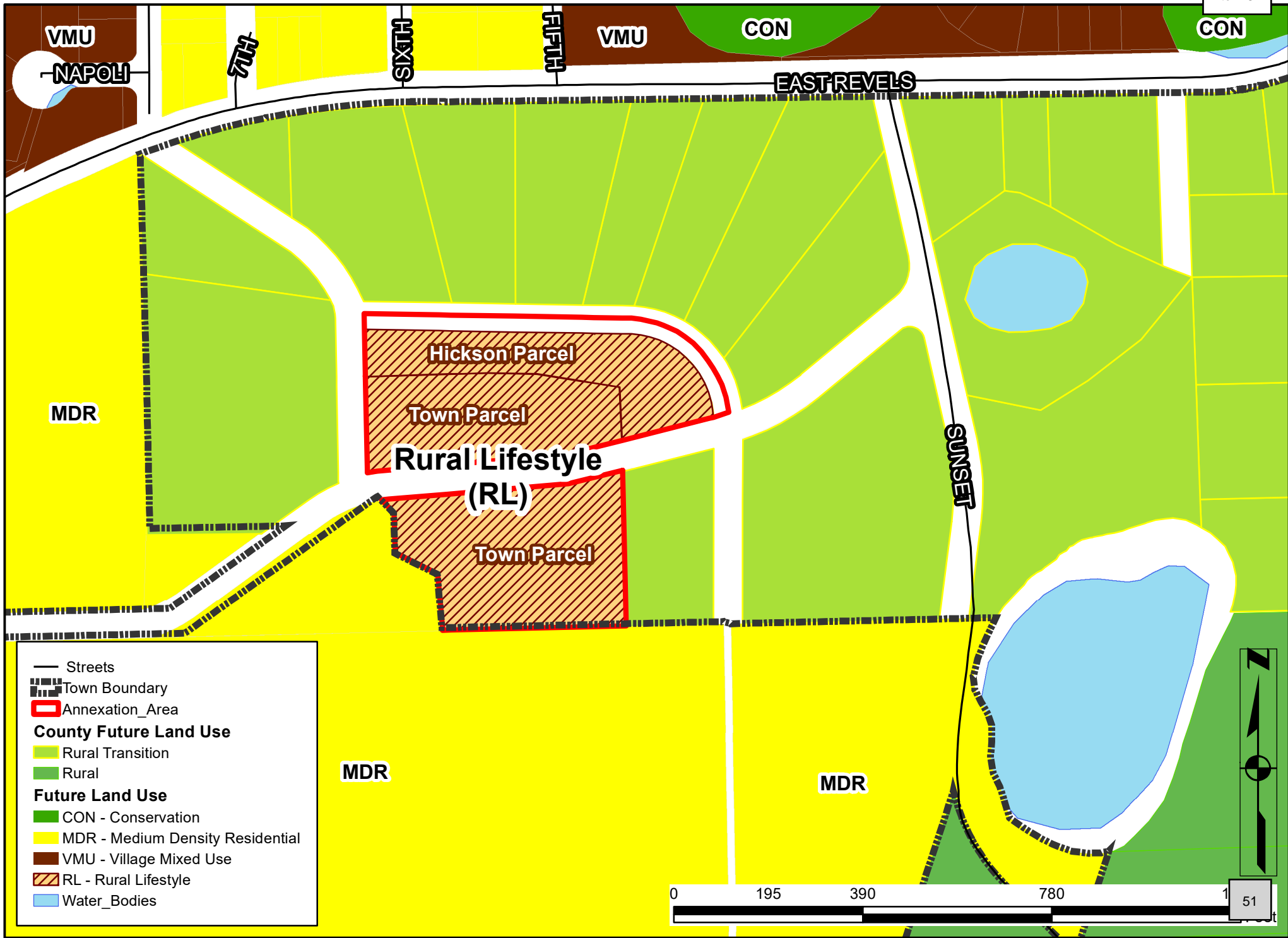
/40286/5#47116435 v1

Current Future Land Use



Proposed Future Land Use

Item 5.





TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Hixon Annexation and Related Actions
DATE: April 5, 2022

Mr. John Hixon, as agent for the owners, has applied for annexation into the Town of a 1.82-acre parcel located adjacent to the Town's landfill. (Refer to the accompanying location map.) The annexation is also accompanied by an application to amend the Town's future land use map to include the property and assign a future land use. The third required action is the assignment of a zoning classification under the Town's land development code. Finally, after discussion with Town staff vacation of the unopened right-of-way adjacent to the subject parcel will be sought from Lake County. The specific actions requested are:

1. Annex into the Town's corporate limits the property identified as LOTS 23, 24 AND 25 LESS THAT PART INCLUDED IN THE CLAY PIT, AND LOT 30, 1ST SUBDIVISION OF HOWEY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. The parcel is approximately 1.82 acres.
2. Amend the Future Land Use Map in the Town's comprehensive plan to change the future land use designation from Lake County Rural Transition to Town Rural Lifestyle land use.
3. Amend the Town official zoning map from Lake County Agriculture to Town Agriculture zoning.
4. Seek vacation of the adjacent unopened right-of-way for that portion abutting the northerly and easterly property line of the subject property.

Mr. Hixon proposes to construct a single-family dwelling on the property and use a portion of the parcel for a minor agricultural use.

The assignment of the rural Lifestyle land use and Agricultural zoning is the closest comparable land use and zoning to that currently applied by Lake County. The proposed

land use and zoning are both compatible with existing land use and zoning in the area. The accompanying maps show the Lake County land use and zoning pattern for the immediate area. The property to the west is the Howey landfill which is also proposed for annexation. The landfill assigned land use and zoning is proposed to be same as the subject parcel.

The Howey-in-the-Hills comprehensive plan describes the Rural Lifestyle land use category as:

Rural Lifestyle – The Rural Lifestyle category shall be primarily limited to single-family detached homes with agricultural uses. Limited commercial activities are permitted such as bed and breakfast establishments, horseback riding facilities, and farm stands for fruits and vegetables grown on that location.

Development parameters limit residential development to one unit per two acres with a minimum of 50% open space and an impervious surface ratio (ISR) of 0.20 (20%). The Lake County land use designation is Rural Transition set by Policy 1-1.4.5 of the County comprehensive plan (copy attached) which allows development of single-family on lots of one-acre up to a minimum of one unit per five acres, depending upon specific local conditions. Open space minimum ranges from 35% to 50% and the allowable ISR ranges from 0.20 to 0.30. The provisions of these two land uses are very similar.

Existing development in the immediate area is single-family homes on lots ranging in size from 0.58 acres up to 4.52 acres with most lots falling between 1.50 acres and 2.25 acres. Residential units range from 1,232 square feet to 3,476 square feet with all but two units exceeding 2,000 square feet. The following table compares the current County agricultural zoning classification with the Town's agricultural zoning.

AGRICULTURAL ZONING DISTRICT COMPARISON		
REQUIREMENT	LAKE COUNTY	HOWEY
Minimum Lot Size	5 acres	2 acres
Minimum Lot Width	NA	150 feet
Minimum Lot Depth	NA	200 feet
Setbacks		
Front	25 feet	50 feet
Side	25 feet	25 feet
Rear	25 feet	50 feet
Minimum Floor Area	850 square feet	1,500 square feet

The table shows that the minimum zoning requirements for the Town's proposed zoning are very consistent with the actual development pattern in the area.

Site Conditions

The site does not contain any wetlands and is not located within a flood hazard area. (Refer to attached maps.) the site is partially wooded as is the unopened right-of-

way proposed for vacation. The construction of one single-family home is exempt from the Town's concurrency requirements as the impact to town services is negligible. Mr. Hixon has stated an intent to connect to the Town's potable water system. The site will be developed with septic tank for sewage disposal. Since the proposed zoning and land use is consistent with the existing development pattern and the land use and zoning as applied by Lake County, there are no concerns regarding urban sprawl.

Recommendation

The staff recommends the Planning Board support the annexation of the parcel and recommend the Town Council designate the property as Rural Lifestyle on the future land use map and assign Agricultural zoning to the parcel. The staff further recommends vacation of the unopened right-of-way for the length adjacent to the northerly and easterly side of the property.

Hickson Parcel Location Map

Item 5.



March 29, 2022

pointLayer

Override 1

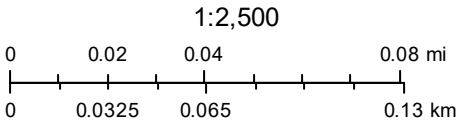
polygonLayer

Override 1

Street Names

- Local Streets
- Subdivision Lot Numbers
- Address Locations
- Property Name
- Tax Parcels Alternate Key
- Tax Parcels

- County Boundary
- Surrounding Counties



Lake County Property Appraiser
Lake BCC



Planning & Zoning Board Meeting

April 28, 2022 at 6:00 PM

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

MINUTES

CALL TO ORDER ROLL CALL

BOARD MEMBERS PRESENT:

Tina St. Clair - Chairperson | Sheldon Lucien | John Manning | Richard Mulvany | Shawn Johnson | Frances O'Keefe Wagler (via Zoom)

STAFF PRESENT:

Sean O'Keefe - Town Administrator (via Zoom) | Victoria Elfers - Building Services Clerk | Tom Harowski - Town Planner | Azure Botts – Code Enforcement Officer

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. Consideration and Approval of the March 24, 2022, Planning and Zoning Board Meeting minutes.

**Motion made by John Manning to approve the agenda; Richard Mulvany seconded the motion.
Motion was approved unanimously by voice vote.**

PUBLIC HEARING

2. Consideration and Recommendation: **Ordinance 2022-004**

Tina St. Clair, Board Chair, 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.

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Public Comments:

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Mr. Harowski answered that the Town owns approximately five acres, and the applicant will own two acres.

Mark Linn, 24030 Sunset Dr. – Mr. Linn asked if Sunset Drive would be affected by right-of-way.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey explained she moved away from Orlando to avoid development and expressed she does not want the annexation to occur.

Laura Channel, 10738 E. Revels Rd – Mrs. Channel asked who will be responsible for the right-of-way.

Eddie Channel, 10738 E. Revels Rd – Mr. Channel stated that he felt neither the County nor the Town will take responsibility for the right-of-way.

Motion made by John Manning for recommendation of approval for Ordinance 2022-004; seconded by Board Member Richard Mulvany. Motion was approved unanimously by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

3. Consideration and Recommendation: **Ordinance 2022-007**

Tina St. Clair, Board Chair, read Ordinance 2022-007 by title only:

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Town Planner, Tom Harowski stated that the same staff summary applied to this Ordinance.

Public Comment:

Rutledge Avery, 10918 E. Revels Rd - Mr. Avery repeated his concern for the possibility of a sinkhole.

Board Member John Manning asked if the site has been investigated.

Mr. Harowski answered it has not.

Mr. O'Keefe added the Town plans to unify the parcels and does not have plans to conduct a survey.

Board Member Richard Mulvany asked if the site used to be the Town's dump.

Mr. O'Keefe confirmed the site used to be used as the Town's landfill.

Motion made by Board Member Richard Mulvany for recommendation of approval of Ordinance 2022-007; seconded by Board Member John Manning. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

OLD BUSINESS

4. Item: **Richard Mulvany Form 8B to be read here.**

Building Services Clerk, Victoria Elfers, read Board Member Richard Mulvaney's Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Officers statement aloud and announced that it would be included with the minutes from the March 24, 2022 Planning & Zoning Board Meeting.

NEW BUSINESS

5. Consideration and Recommendation: **Ordinances 2022-003 and 2022-005 pertaining to annexation of a 1.86 acre parcel and amendment of the official zoning map to designate the property as agriculture; and Consideration and Recommendation for vacation of unopened right-of-way adjacent to the property referenced.**

Mr. Harowski stated his staff report remained current.

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles who owns property off East Revels Rd, expressed his concern for traffic flow.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey expressed concerned that construction vehicles will affect the easement and proposed a separate road should be used.

Motion made by John Manning for recommendation of approval this agenda item; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

6. Consideration and Recommendation: **Ordinances 2022-006 and 2022-008 pertaining to the annexation the Howey landfill property and assigning a zoning classification of Agricultural.**

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles stated he didn’t understand why the board was taking Public Comment again since the board was voting the way it wanted to anyway.

Motion made by Richard Mulvany for recommendation of approval of Ordinances 2022-006 and 2022-008; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	NO	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

7. Consideration and Recommendation: **Ordinance 2022-009 Food Trucks**

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.

Board Member John Manning recused himself from commenting or voting on the Ordinance due to a conflict of interest.

Code Enforcement Officer Botts explained the Town does not currently have an ordinance for food trucks; and reviewed the proposed ordinance.

Public Comment:

Leslie Manning, 111 E Holly St – asked the board 1) if she would be allowed to place a food truck in the gated area of her business, the Howey Market, 2) if the curfew could extend after 7 p.m., and 3) if the Special Events permit will have to be submitted each time her food truck is operating.

Officer Botts answered it would need to be discussed further regarding her business’s area, the curfew extension can be discussed with Town Council, and food truck events will need to be filled under Special Events.

Board Member Sheldon Lucien asked what area in Town is zoned as Town Commercial.

Mr. O’Keefe answered the general commercial area spans from Lakeshore Blvd and Florida Ave.

Chairperson Tina St. Clair quired if Town residents within the commercial area could accommodate food truck owners to park and operate on their property.

Officer Botts explained it would need to be discussed further due to the ordinance stating there can only be one food truck per 0.25 acre.

Leslie Manning, 111 E Holly St – asked how the operation hours and food truck areas were designated.

Officer Botts explained Town Staff collected data from surrounding cities.

Mr. Harowski suggested the board can make a conditional recommendation to extend the business hours.

Janice Mclain 109 S Lakeshore Blvd - debated food truck businesses should become a permanent basis instead of a special event function.

Board Member Francis O’Keefe Wagler asked if food trucks would be allowed to use Town parking spaces.

Officer Botts answered it is only allowed on private property.

Mr. O’Keefe added food trucks are allowed to park on owned/leased property.

Board Member Shawn Johnson asked if food trucks can park in neighborhoods.

Officer Botts explained subdivisions would fall under the Police Department’s jurisdiction, however, she believes it is allowed.

Motion made by Richard Mulvany for recommendation of approval with the condition to extend business hours; seconded by Board Member Sheldon Lucien. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	RECUSED

PUBLIC COMMENTS

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

Leslie Manning, 111 E Holly St – Mrs. Manning expressed concerned with parking overflow on Central Ave.

Mr. Harowski reasoned business owners will have to negotiate parking.

ADJOURNMENT

There being no further business to discuss, a motion was made by Richard Mulvany to adjourn the meeting; John Manning seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:24 p.m. | **Attendees: 23**

ATTEST:

Tina St. Clair Chairperson

John Brock, Town Clerk



Date: May 9, 2022

To: Mayor and Town Council

From: Sean O’Keefe

Re: OnSyte – Lake County – FDEP Agreements

Objective:

To work with OnSyte, Lake County and the FDEP to offer a septic replacement system.

Summary:

Lake County and the Town have been offered FDEP funding to proceed with a septic replacement program, with OnSyte being the procured vendor. This program would provide almost complete coverage of expenses for replacement of septic tanks within 750 meters of several lakes in the central Lake County area. Lake County has offered the Town the allotted grant funding of \$1,000,000 if the Town would manage the program and treat the customers as its own utility customers.

Recommended Motions:

The Town Council has the following options:

1. The Town Council motions to approve
OR
2. The Town Council motions to approve with the following conditions
OR
3. Motion to Deny

Fiscal Impact:

There is no direct initial fiscal impact to the Town. Ultimately, a successful implementation of the program will create a small customer base that will provide ongoing revenue to the Town.

Staff Recommendation:

Allow Town staff to proceed with negotiating joint agreements between OnSyte, Lake County, and FDEP.

**INTERLOCAL AGREEMENT FOR DISBURSEMENT OF
AMERICAN RESCUE PLAN ACT FUNDS**

(Municipal Funding – Town of Howey-in-the-Hills)

THIS INTERLOCAL AGREEMENT is made and entered into by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as the “County,” and the Town of Howey-in-the-Hills, a municipal corporation organized under the laws of the State of Florida, hereinafter referred to as the “Municipality.”

WHEREAS, the County has been awarded funds in the amount of \$71,308,368 pursuant to the American Rescue Plan Act of 2021 (ARPA), Public Law No. 117-2, Title IX, Part 8, Subtitle M (March 11, 2021); known as the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF).

WHEREAS, the U.S. Department of Treasury, as the administering federal agency of the CSLFRF, released the Final Rule, which includes various eligible uses; and

WHEREAS, one of the eligible uses outlined in the Final Rule is Investments in Infrastructure, and includes Water and Sewer Infrastructure; which further includes a wide range of eligible projects; and

WHEREAS, there is no exclusion in using funds to meet state grant match requirements, to which the County has applied and was awarded a grant from the Florida Department of Environmental Protection (FDEP); nor is there an exclusion in awarding subawards to other entities; and

WHEREAS, the parties want to enter into this interlocal agreement for the purposes of assisting the Municipality with implementing a wastewater infrastructure sewer pilot program.

NOW THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

ARTICLE I. SCOPE OF SERVICE AND USE OF FUNDS

1.1 Recitals. The forgoing recitals are incorporated herein by reference.

1.2 Scope. The County will subgrant to the Municipality **\$2,000,000** in Grant Funds for the following purposes:

OnSyte Distributed Sewer Pilot Program	County Cost Share	FDEP Cost Share
	\$1,000,000.00	\$1,000,000.00

The intent and purpose of Distributed Sewer Pilot Program is to retrofit existing septic tanks in the vicinity of impaired watersheds, including within the Wekiva River Basin Management Action Plan (BMAP) and the Upper Ocklawaha BMAP. The 2019 Ocklawaha BMAP allocated phosphorus reductions for four lakes: Lake Harris, Lake Yale, Trout Lake and Lake Carlton. These lakes have 1,209 septic systems which would benefit from this retrofitting project. Other focus areas include the Palatlahaha River watershed. Homes within 650 feet of the impaired waterbody must have first priority in this Pilot Program. Homes within 2,400 feet of the impaired waterbody will have second tier priority over homes outside of these boundaries.

The Municipality, as subrecipient, shall remain in compliance of 2 CFR Part 200 and the reporting requirements of the CSLFRF and FDEP grants, which includes providing all necessary reports in a timely manner to the County as part of this agreement.

In addition, the Municipality shall submit quarterly status reports to the County as specified on Exhibit A, Quarterly Progress Report Form (which are periodically updated to reflect the latest reporting requirements provided by the Department of Treasury). Quarterly progress reports are due no later than five (5) business days following the completion of the quarterly reporting period. For the purposes of this reporting requirement, the quarterly reporting periods end on March 31, June 30, September 30, and December 31.

In the event the Department of Treasury disallows the Project expenditures, the Municipality will be the entity responsible for providing additional documentation to the satisfaction of the Department of Treasury, or for appealing the ruling, if necessary. In the event the Municipality is not successful, and the Department of Treasury disallows and/or requires the re-payment of all or some of the Grant Funds provided hereunder, the Municipality will be the entity responsible for re-paying such funds to the Department of Treasury and/or reimbursing the County.

1.3 Term. This interlocal agreement shall be effective upon the date of the last party to sign and will remain in effect through December 31, 2024. This interlocal agreement may be extended until December 31, 2026, upon written mutual agreement of the parties and if funds are obligated prior to the expiration date of this agreement.

1.4 Payment. The County will pay the Municipality the funds set forth in Section 1.2 above as a lump sum payment. If any portion of the Municipality's project(s) is determined to be an ineligible expenditure, the funds must be repaid to the County.

1.5 Record Keeping. The Municipality shall maintain such records and accounts necessary to assure a proper accounting and monitoring of all funds provided pursuant to this interlocal agreement, financial records, project administration records, records supporting exceptions to the conflict-of-interest prohibition, and any other records as are deemed necessary by the County to assure a proper accounting and monitoring of all funds provided pursuant to this agreement.

ARTICLE II. CANCELLATION, DEFAULT, AND TERMINATION

2.1 Except as otherwise provided herein, this interlocal agreement may be cancelled by either party if the other party fails to comply with the terms and conditions of this agreement and such failure has not been cured within the applicable cure periods. The terminating party will be required to provide thirty (30) days advance written notice to the other at the address specified herein.

2.2 A default shall consist of any use of Grant Funds for a purpose other than as authorized by this interlocal agreement, noncompliance with any provision herein, any material breach of the agreement, failure to comply with the audit requirements as provided herein, or failure to expend Grant Funds in a timely or proper manner.

2.3 Upon the occurrence of any such default the County shall serve due notice to the Municipality, at which time the Municipality shall have a reasonable opportunity to respond and cure. For purposes of this interlocal agreement, a reasonable opportunity to respond and cure any default shall be ten (10) days (in the case of monetary defaults) or thirty (30) days (in the case of non-monetary defaults) from the date the County delivers by personal service or mails written notice of such default to the Municipality, hereinafter referred to as the "Cure Period." If the default is not cured to the satisfaction of the County, the County shall have the right, in its sole discretion, to take the following action(s):

- A. Upon a written request from Municipality setting forth a reasonable basis to support the need for an additional Cure Period, the County may grant an additional Cure Period by written acknowledgment thereof; or
- B. Terminate this interlocal agreement by written notice thereof; or
- C. Take such other action, including, but not limited to temporarily withholding cash payments pending correction of the deficiency by the Municipality, disallow all or part of the cost of the activity or action not in compliance, wholly or partly suspend or terminate the current award for the Project, withhold further awards for the Project or take other remedies that may be legally available.

2.4 Costs resulting from obligations incurred by the Municipality during a suspension or after termination of an award are not allowable unless the County expressly authorizes them in the notice of suspension or termination or subsequently. Other Municipality costs during suspension or after termination, which are necessary and not reasonably avoidable, are allowed if:

- A. The costs result from obligations which were properly incurred by the Municipality before the effective date of suspension or termination, and are not in anticipation of it, and, in the case of a termination, are noncancelable; and
- B. The costs would be allowed if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

2.5 No delay or omission by County or state in exercising any right or remedy available to it under the interlocal agreement shall impair any such right or remedy or constitute a waiver or acquiescence in any Municipality default.

2.6 Nothing contained herein shall be construed as a limitation on such other rights and remedies available to the parties under law or in equity which may now or in the future be applicable.

ARTICLE III.

MISCELLANEOUS TERMS

3.1 Fiscal Non-Funding Clause. If this interlocal agreement is funded in whole or in part by federal or state dollars which are reduced or become unavailable because of federal or state action, the County shall notify the Municipality of such occurrence and the County may terminate this agreement without penalty or expense to the County, upon no less than twenty-four (24) hours written notice to the Municipality.

3.2 Assignment. Municipality shall not assign this interlocal agreement or any part hereof without the prior written consent of the County.

3.3 Compliance with Applicable Laws. The Municipality certifies that it will comply with all applicable laws, orders, and codes of the state, local, and federal governments as they pertain to this interlocal agreement.

3.4 Equal Opportunity Clause. The Municipality agrees to comply with the requirements of all applicable state, federal, and local laws, rules, regulations, ordinances, and Executive Orders prohibiting and relating to discrimination.

3.5 Conflict of Interest.

- A. The Municipality guarantees that no member of, or delegate to, the Congress of the United States shall be admitted to any share or part of this interlocal agreement or to any benefit to arise from the same.
- B. The Municipality agrees that no member of the governing body of the locality in which the Municipality is situated, no other public official of such locality or localities, and no person, unless expressly permitted by the State or by the County, who is an employee, agent, consultant, officer, or elected or appointed official of the Municipality, and who exercises or has exercised any functions or responsibilities with respect to the Project or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from Coronavirus Relief Funds, or have any interest in any contract, subcontract, or agreement with respect thereto, or with respect to the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

- C. The Municipality represents that it presently has no interest, and shall not acquire such interest, financial or otherwise, direct, or indirect, nor engage in any business transaction or professional activity or incur any obligation of any nature which would conflict in any manner with the performance of scope of service required hereunder.
- D. Without receiving prior written authorization by the County, the Municipality shall not (i) retain any individual or company with whom the Municipality or any individual member thereof has a financial or other conflict of interest; nor (ii) in fulfillment of this interlocal agreement, do business with a for-profit entity in which the Municipality or any individual member has a financial or other interest therein.
- E. The Municipality warrants to the County that no gifts or gratuities have been or will be given to any County employee or agent, directly or indirectly, to obtain this interlocal agreement.

3.6 Project Publicity. The Municipality shall recognize the Lake County Board of County Commissioners for its contribution in promotional material and at any events or workshops for which funds from this interlocal agreement are allocated. Any news release or other type of publicity pertaining to the scope of work performed pursuant to this interlocal agreement must recognize the County as a sponsor, funded by the State and by Lake County. In written materials, the reference of the Board of County Commissioners must appear in the same size letters and font type as the name of any other funding sources. The Municipality shall receive prior written approval from the Director of the Office of Communications to use the County's Logo or Seal. The Municipality shall in no way use any statements, whether written or oral, made by the County's employees to market, sell, promote, or highlight the Municipality, the Municipality's product(s) and service(s) unless authorized to do so, in writing, by the County Manager or his/her designee. In addition, the Municipality shall not use subjective or perceived interpretations, even if factual, regarding the County's opinion of the Municipality's performance, product(s) and service(s) in any document, article, publication, or press release designed to market, promote or highlight the Municipality or the Municipality's product(s) and service(s). This does not prevent the Municipality from including the County on its client lists or listing or using the County as a reference.

3.7 Public Entity Crimes. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, as amended, for Category Two for a period of 36 months following the date of being placed on the convicted vendor list.

3.8 Maintenance of Records.

- A. Municipality shall maintain all records and accounts, including property, personnel and financial records, contractual agreements, construction reports, subcontracts, proof of required insurance, and any other records related to or resulting from the activities performed under this interlocal agreement to assure a proper accounting and monitoring of all under the terms of the grant. In the event the County determines that such records are not being adequately maintained by Municipality, the County may cancel this interlocal agreement in accordance the terms herein.
- B. With respect to all matters covered by this interlocal agreement, records will be made available for examination, audit, inspection or copying purposes at any time during normal business hours and as often as the County, state, representatives of the Comptroller General of the United States or other federal agency may require. The Municipality will permit same to be examined and excerpts or transcriptions made or duplicated from such records, and audits made of all contracts, invoices, materials, records of personnel and of employment and other data relating to all matters covered by this agreement. The County shall provide notice of its intent to inspect records to the Municipality at least three (3) business days in advance.
- C. The County's right of inspection and audit shall obtain likewise with reference to any audits made by any other agency, whether local, state, or federal. Municipality shall retain all records and supporting documentation applicable to this interlocal agreement for five years after the period expires for inspection. If any litigation, claim, negotiation, audit, monitoring, inspection, or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or the end of the required period, whichever is later.
- D. This Section shall survive the expiration or earlier termination of this interlocal agreement.

3.9 Audit Requirements.

- A. Funds payments are federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance. The Municipality shall conduct a single or program-specific audit in accordance with the provisions of 2 C.F.R. Part 200 and the related provisions of the Uniform Guidance, if it expends more than \$750,000 or more in federal awards from all sources during its fiscal year. The Assistance Listing Number (ALN) number for these funds is 21.027.
- B. Audit Results. In the event the audit or the audited financial statements show that the funds disbursed hereunder, or any portion thereof, were not expended in accordance with the conditions of this interlocal agreement, Municipality shall be held liable for reimbursement to the County of all funds not expended in accordance with the

applicable regulations and agreement provisions within thirty (30) days after the County has notified Municipality of such non-compliance. Said reimbursement shall not preclude the County from taking any other action as provided herein.

3.10 Drug Free Workplace. The Municipality shall assure the County that it will administer, in good faith, a policy designed to ensure that the Municipality is free from the illegal use, possession, or distribution of drugs or alcohol.

3.11 Negation of Agent or Employee Status. The Municipality shall perform this interlocal agreement as an independent agent and nothing contained herein shall in any way be construed to constitute the Municipality or any assistant, representative, agent, employee, independent contractor, partner, affiliate, holding company, subsidiary, or subagent of the Municipality to be a representative, agent, subagent, or employee of the County.

- A. The Municipality certifies its understanding that the County is not required to withhold any federal income tax, social security tax, state, and local tax, to secure worker's compensation insurance or employer's liability insurance of any kind, or to take any other action with respect to this insurance or taxes of the Municipality and assistant(s) of the Municipality.
- B. In no event shall any provision of this interlocal agreement make the County or any political subdivision of the State of Florida liable to any person or entity that contracts with or provides goods or services to the Municipality in connection with the services the Municipality has agreed to perform hereunder or otherwise, or for any debts or claims of any nature accruing to any person or entity against the Municipality. There is no contractual relationship, either express or implied, between the County or any political subdivision of the State of Florida and any person or entity supplying any work, labor, services, goods, or materials to the Municipality as a result of the provisions of the services provided by the Municipality hereunder or otherwise.

3.12 Indemnification. The Municipality, to the extent permitted by Florida law, shall indemnify, hold harmless, and defend the County and the Lake County Board of County Commissioners, and the respective agents and employees of the County and the Lake County Board of County Commissioners, hereinafter collectively referred to as the "Indemnified Parties," from and against any and all liabilities, losses, claims, damages, demands, expenses or actions, either at law or in equity, including court costs and attorneys' fees, that may hereafter at any time be made or brought by anyone on account of personal injury, property damage, loss of monies, or other loss, allegedly caused or incurred, in whole or in part, as a result of any negligent, wrongful, or intentional act or omission, or based on any act of fraud or defalcation by the Municipality, its agents, subcontractors, assigns, heirs, and employees during performance under this interlocal agreement. The extent of this indemnification shall not be limited in any way as to the amount or types of damages or compensation payable to any of the Indemnified Parties on account of any insurance limits contained in any insurance policy procured or provided in connection with this interlocal agreement. In any

and all claims against any of the Indemnified Parties by any employee of the Municipality, any subcontractor, heir, assign, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in any way as to the amount or type of damages, compensation or benefits payable by or for the Municipality or any subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts. The provisions of this paragraph shall survive the expiration or earlier termination of this interlocal agreement. In connection with any indemnifiable claim hereunder arising out of a claim by a third-party against the County, Municipality shall be entitled to adequate notice and opportunity to defend any indemnifiable claim hereunder in good faith and with diligence.

3.13 Recapture of Funds. Subject to the conditions set forth in this interlocal agreement, it is the intent of the parties that the County shall recapture any Grant Funds provided under this interlocal agreement if the Project is considered in default under any of the provisions in this interlocal agreement, following the expiration of the reasonable opportunity to respond and cure any default.

3.14 Reversion of Assets. Within thirty (30) days following the expiration or termination of this interlocal agreement, the Municipality shall transfer to the County any Grant Funds on hand at the time of expiration or termination of this agreement if the Grant Funds have not been expended on eligible costs and any interest income attributable to the use of such funds.

3.15 Severability. Any term, condition, covenant, or obligation which requires performance by either party subsequent to termination of this interlocal agreement shall remain enforceable against such party subsequent to such termination. In the event any section, sentence, clause, or provision of this interlocal agreement is held to be invalid, illegal or unenforceable by a court having jurisdiction over the matter, the remainder of the interlocal agreement shall not be affected by such determination and shall remain in full force and effect.

3.16 Successors and Assigns. This interlocal agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

3.17 Governing Law. Each party covenants and agrees that any and all legal actions arising out of or connected with this interlocal agreement shall be instituted in the Circuit Court of the Fifth Judicial Circuit, in and for Lake County, Florida, or in the United States District Court for the Middle District of Florida, as the exclusive forums and venues for any such action, subject to any right of either party to removal from state court to federal court, which is hereby reserved, and each party further covenants and agrees that it will not institute any action in any other forum or venue and hereby consents to immediate dismissal or transfer of any such action instituted in any other forum or venue. This interlocal agreement is entered into within, and with reference to the laws of, the State of Florida, and shall be governed, construed, and applied in accordance with those laws (excluding conflicts of law) of the State of Florida.

3.18 Authorization. Each party represents to the other that such party has authority under all applicable laws to enter into an agreement containing such covenants and provisions, that all the procedural requirements imposed by law upon each party for the approval and authorization of this interlocal agreement have been properly completed, and that the persons who have executed this agreement are duly authorized and empowered to do so.

3.19 Notices. All notices which may be given pursuant to this interlocal agreement shall be in writing and shall be delivered by personal service or by certified mail return receipt requested addressed to the parties at their respective addresses indicated below or as the same may be changed in writing from time to time.

Lake County
County Manager
P.O. Box 7800
Tavares, FL 32778

Municipality
Town Manager
P.O. Box 128
Howey-in-the-Hills, FL 34737

cc: County Attorney
P.O. Box 7800
Tavares, FL 32778

3.20 Capitalizations. Capitalized terms contained herein shall have the definition assigned. Capitalized terms contained herein that do not have the definition assigned shall have the meaning assigned in the applicable federal statute or regulation. All descriptive headings of paragraphs in this agreement are inserted for convenience only and shall not affect the construction or interpretation hereof.

3.21 Estoppel/Waiver. A waiver of any performance or default by either party shall not be construed to be a continuing waiver of other defaults or non-performance of the same provision or operate as a waiver of any subsequent default or non-performance of any of the terms, covenants, and conditions of this agreement. The payment or acceptance of fees for any period after a default shall not be deemed a waiver of any right or acceptance of defective performance.

3.22 Merger and Modifications. This interlocal agreement together with the attachments embody the entire agreement and understanding between the parties hereto and there are no other agreements or understandings, oral or written, with respect to the subject matter hereof, that are not merged herein and superseded hereby. This interlocal agreement may only be amended or extended by a written instrument executed by the County and the Municipality expressly for that purpose.

IN WITNESS WHEREOF, the parties through their duly authorized representatives have signed this agreement on the date under each signature.

ATTEST:

MUNICIPALITY

Clerk

By: _____

Date: _____

Approved as to form and legality:

City Attorney

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

Sean M. Parks, Chairman

This _____ day of _____, 2022.

ATTEST:

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Approved as to form and legality:

Melanie Marsh
County Attorney

**LAKE COUNTY, FLORIDA - BOARD OF COUNTY COMMISSIONERS
AMERICAN RESCUE PLAN ACT (ARPA) FUNDS**

Quarterly Progress Report Form

Expenditure Category:	Choose an item.
Project Title:	
Organization/Department:	
Project Manager/Contact:	
Reporting Period:	Choose an item. Choose an item.

Project Description

Describe the project in sufficient detail to provide understanding of the major activities that will occur and will be required; needs to be between 50 and 250 words.

Expenditures

Add obligations and expenditures in the table below.

Current Period Obligation	\$
Cumulative Obligation	\$
Current Period Expenditure	\$
Cumulative Expenditure	\$
Total Project Budget	\$

Status of the Project

Please select the appropriate box.

Not Started ☐ Less than 50% ☐ More than 50% ☐ Completed ☐

Contract

Is there a contract associated with this project and is the amount greater than \$50,000?

No ☐ Yes ☐

Additional Reporting Requirements* (if applicable)

Is this a public health, negative economic impact, premium pay, infrastructure, or capital improvement (outside of the revenue replacement category) project? If yes, please complete and include the next page.

No ☐ Yes ☐

Project Manager or Authorized Representative

Date

Additional Reporting Requirements*

Instructions:

Projects that fall within the **1: Public Health** and **2: Negative Economic Impacts** categories require identification of: 1) population being served by the project, 2) whether the population was impacted or disproportionately impacted, and 3) the qualifier or qualifying status of the population.

A dropdown menu is available for the first two rows below. More information on the specific qualifier/qualifying status of the population being served can be found in the table on pages 20-21 within the Compliance and Reporting Guide found here: <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

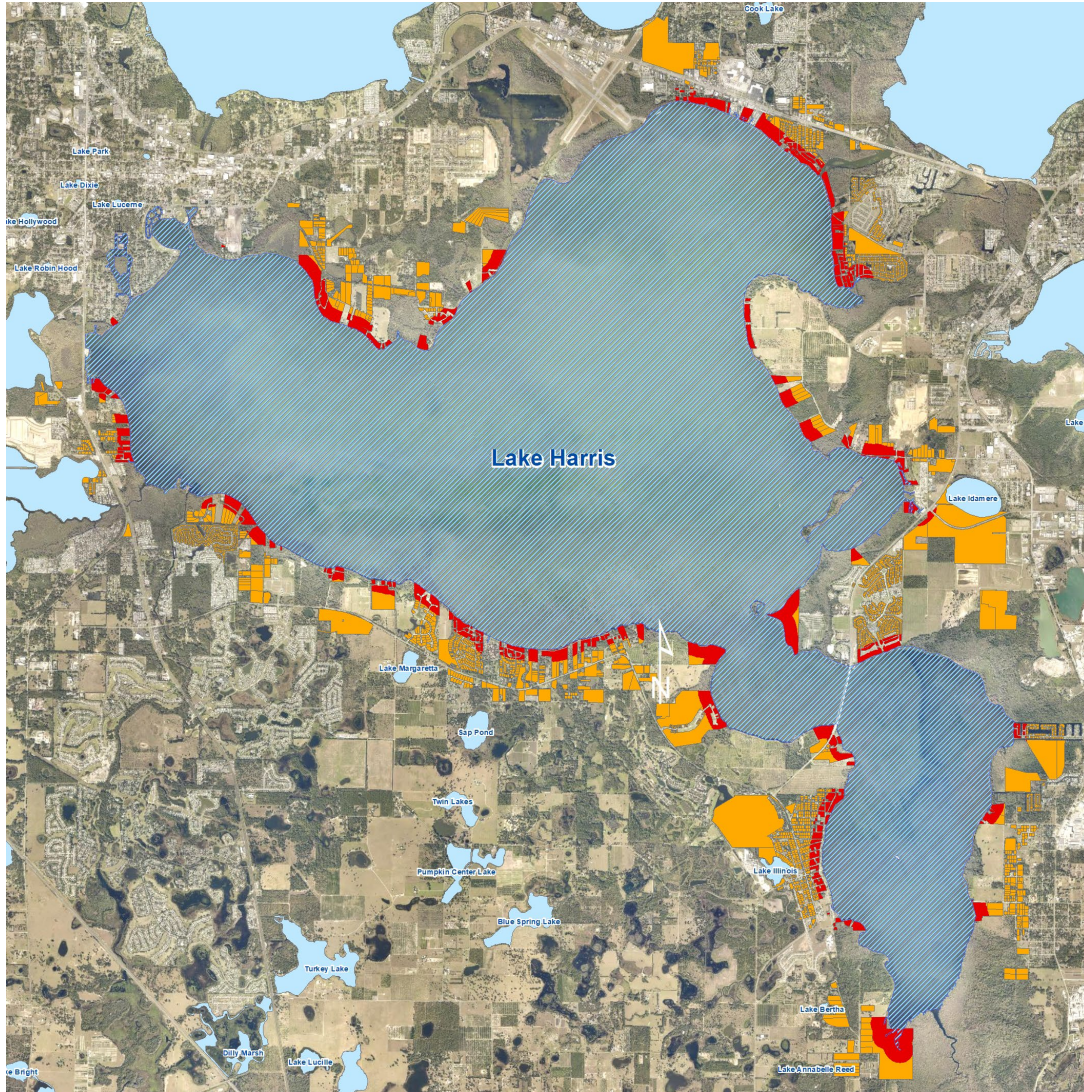
Population being served?	Choose an item.
Impacted or Disproportionately Impacted?	Choose an item.
Qualifier/qualifying status?	

Additionally, projects that fall within **1: Public Health, 2: Negative Economic Impacts, 4: Premium Pay, 5: Infrastructure, AND/OR is a Capital Expenditure** have supplemental programmatic data that is required to be collected and reported. More information on the required data can be found on pages 23-28 within the Compliance and Reporting Guide found here:

<https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

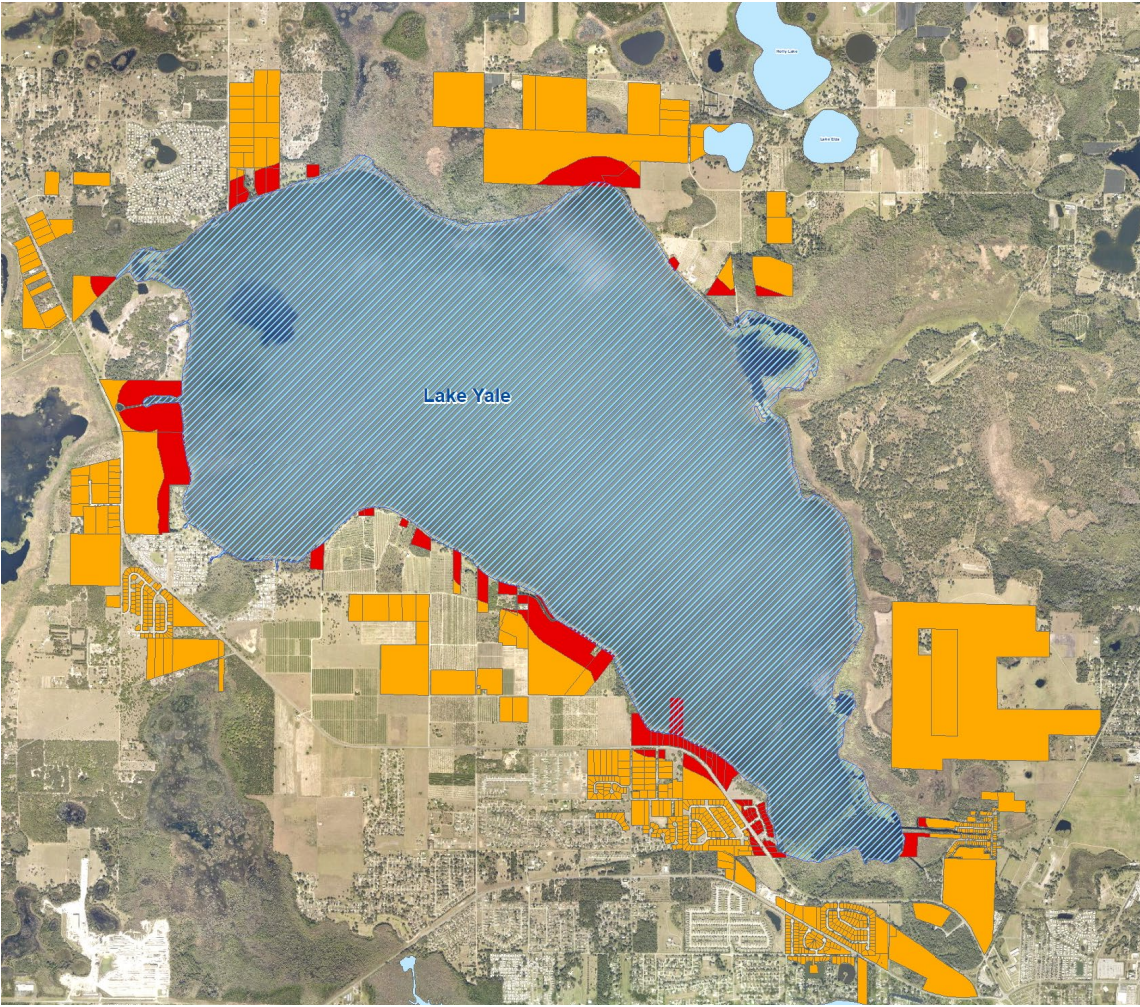
Required Programmatic Data

Septic Tanks around LAKE HARRIS



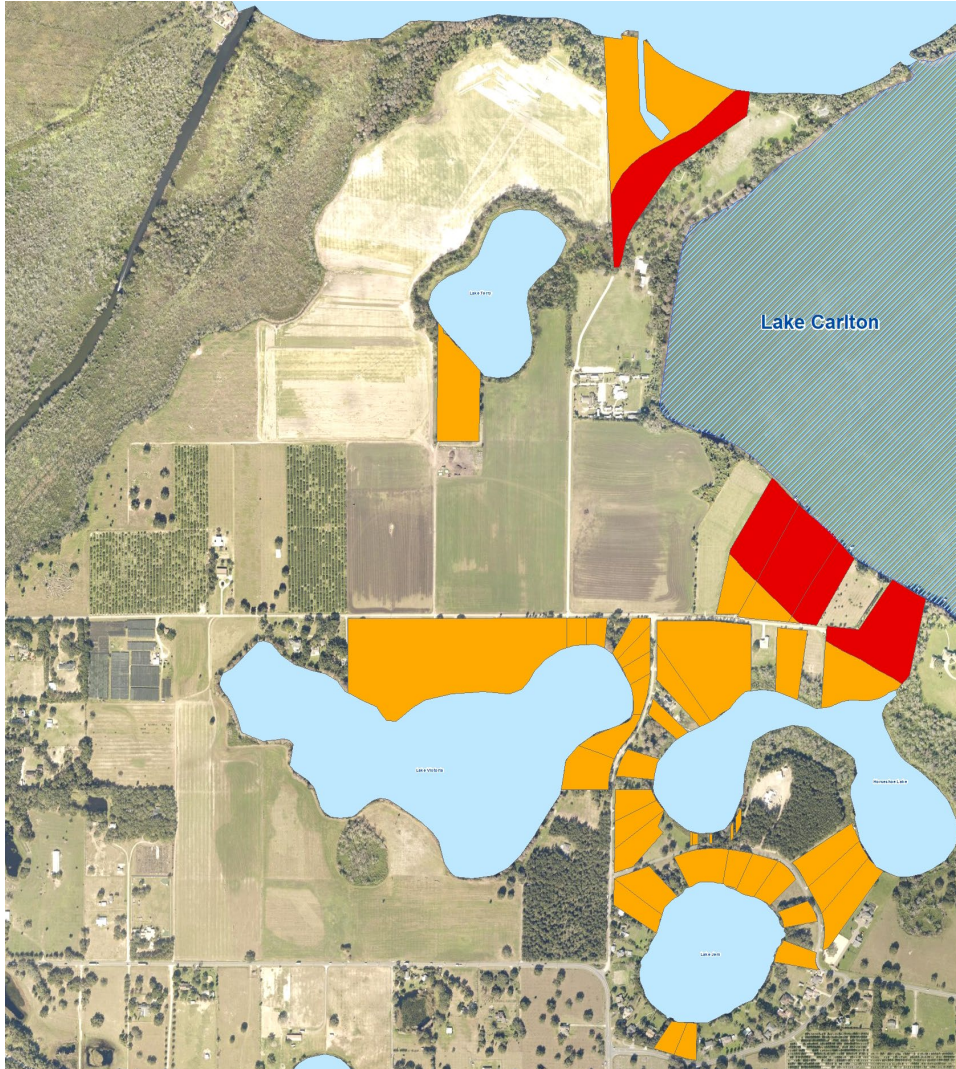
- 1,023 within 200 meters
- 2,981 within 750 meters

Septic Tanks around LAKE YALE



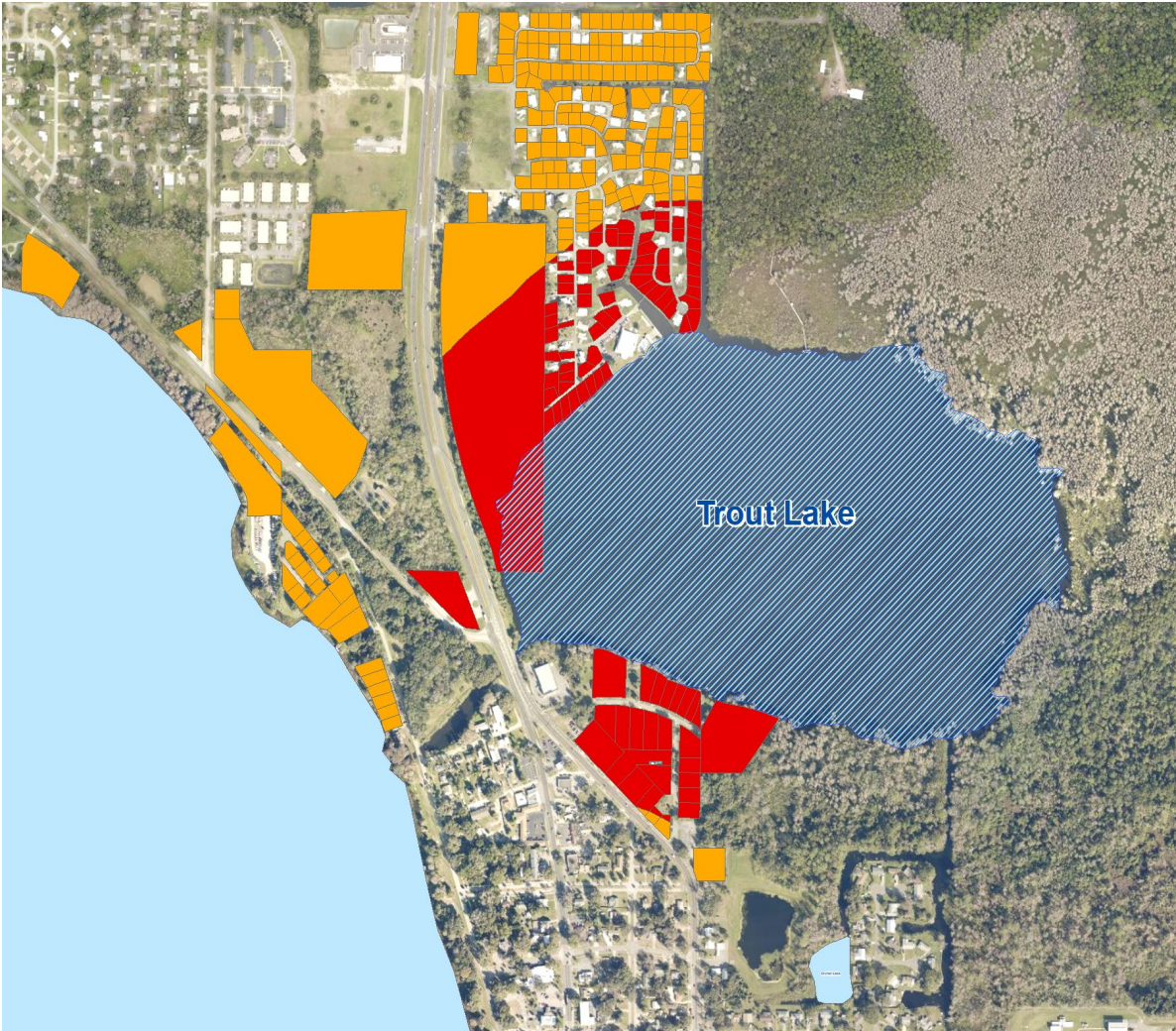
- 191 within 200 meters
- 809 within 750 meters

Septic Tanks around LAKE CARLTON



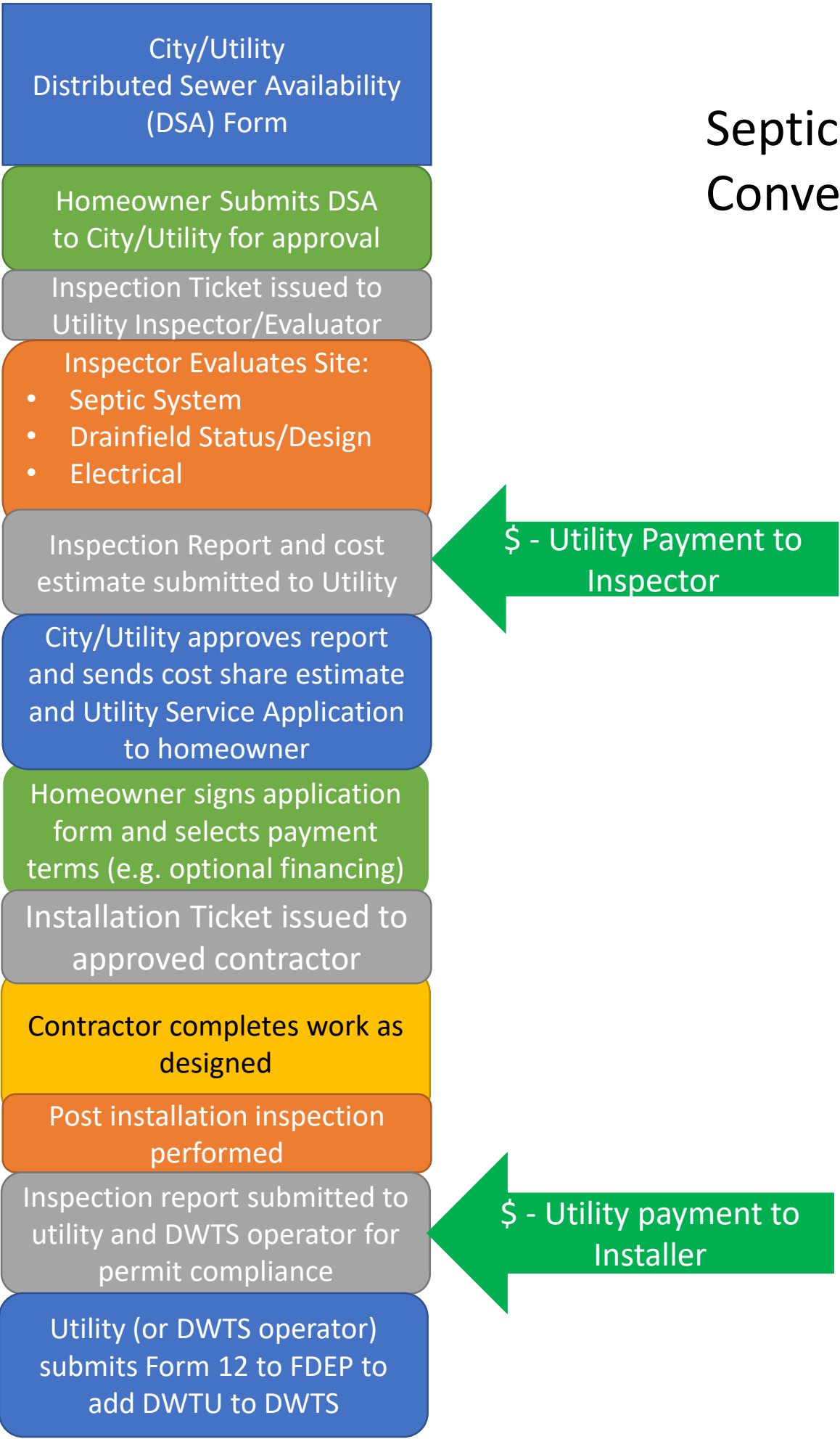
- 5 within 200 meters
- 31 within 750 meters

Septic Tanks around Trout Lake

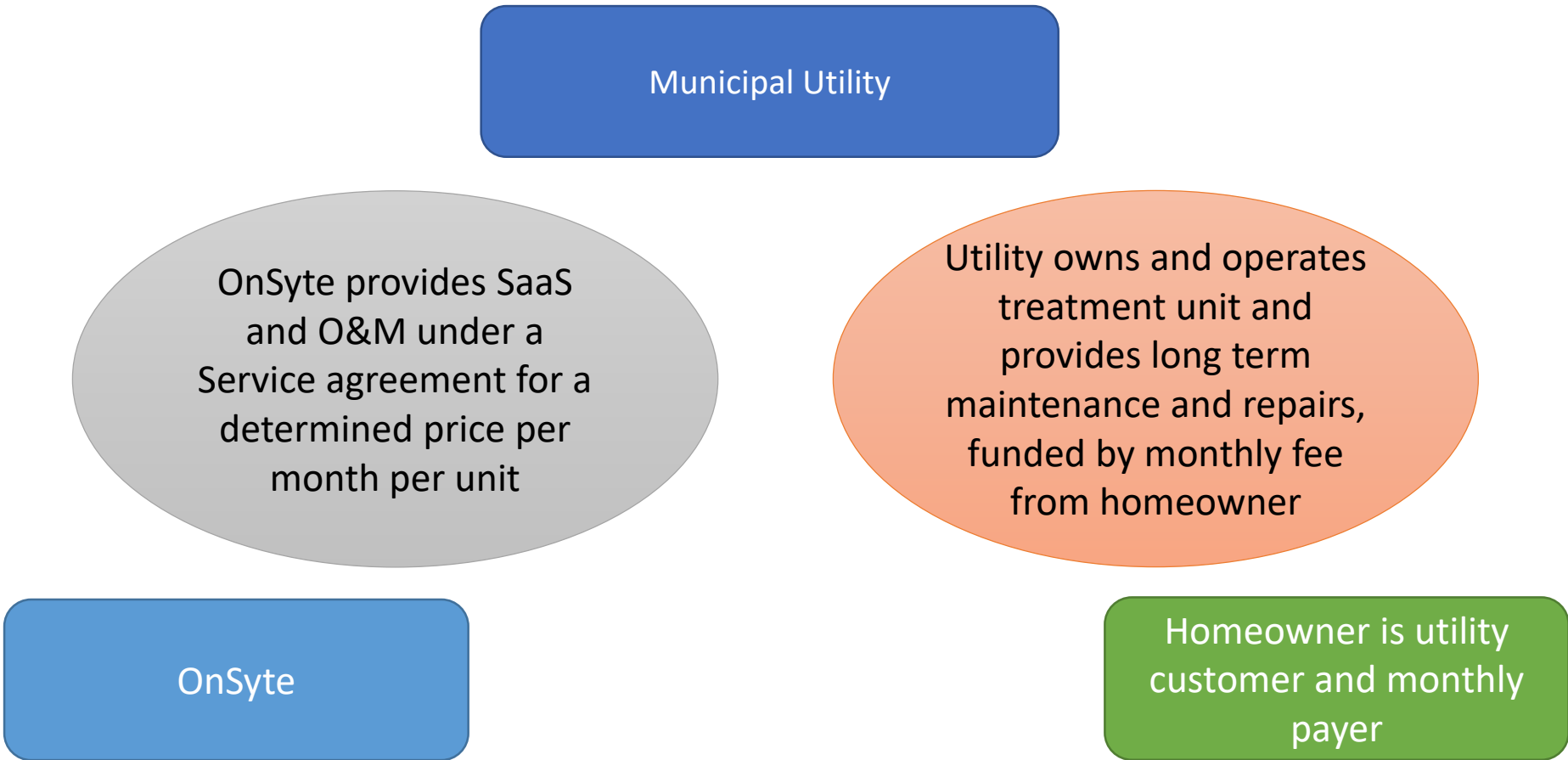


- 103 within 200 meters
- 178 within 750 meters

Septic to Distributed Sewer Conversion Process Flow



Operations and Maintenance



**CITY OF APOPKA, FLORIDA
and
A SPACE STORAGE CLARCONA, LLC RECLAIMED WATER AND
WASTEWATER SYSTEM
DEVELOPMENT AGREEMENT**

THIS AGREEMENT made and entered into this 5th day of August, 2020, by and between A Space Storage Clarcona, LLC, a Florida limited liability company ("Developer"), and the City of Apopka, Florida, a municipal corporation ("City").

RECITALS

1. Developer owns or control lands ("Property") located in Apopka, Florida, the boundary description of which is set forth in Exhibit A-1 and a map of which is attached as Exhibit A-2, both of which are incorporated herein.
2. Developer has commenced or is about to commence development of the Property by erecting thereon commercial improvements.
3. Developer is desirous of prompting the construction and/or maintenance of reclaimed water and wastewater facilities so occupants of the commercial improvements constructed will receive adequate reclaimed water and wastewater services.
4. Developer is willing to construct an Individual Distributed Wastewater Treatment System ("IDWTS") on the Property prior to City installing a wastewater collection system in the vicinity of the Property, at which time the Developer will connect the Property's wastewater system to City centralized wastewater system. The IDWTS shall be installed in accordance with rules and regulations of the Florida Department of Health and the Florida Department of Environmental Protection.
5. Developer is willing to install an on-site irrigation system supplied by the potable water service (irrigation meter required) on the Property prior to City installing a reclaimed water main in the vicinity of the Property, at which time Developer will connect the system to City's reclaimed water line.
6. City is willing to provide, in accordance with the provisions and stipulations hereinafter set out, and in accordance with all applicable laws, reclaimed water and wastewater facilities, and to have extended such facilities by way of reclaimed water and wastewater mains, and to thereafter operate such facilities so the occupants of the commercial improvements constructed on the Property will receive adequate reclaimed water and wastewater services from City.

ACCORDINGLY, for and in consideration of the Recitals, the mutual undertakings and agreements herein contained and assumed, and other good and valuable consideration the receipt

and sufficiency of which are acknowledged by the parties, the Developer and the City hereby covenant and agree as follows:

SECTION 1. RECITALS. The above Recitals are true and correct, and form a material part of this Agreement.

SECTION 2. DEFINITIONS. The following definitions and references are given for the purpose of interpreting the terms as used in this Agreement and apply unless the context indicates a different meaning:

2.1 "Service": The readiness and ability on the part of City to furnish reclaimed water and wastewater services to the Property.

2.2 "Point of Delivery or Collection": The point where the pipes of utility are connected with the pipes of the customer. Unless otherwise indicated, the point of delivery shall be the point on the customer's lot line.

SECTION 3. INSTALLATION OF IDWTS. Developer hereby agrees to install an IDWTS on the Property, at Developer's sole expense. The IDWTS shall be operational prior to and as a condition of Developer receiving a Certificate of Occupancy for a self-storage warehouse business. Any change of use of the Property to a use other than a self-storage warehouse business shall require connection to the City's central sewer system at the Owners expense. Developer shall grant to City the right of ingress and egress to carry out its utility functions through the recording of an easement. City hereby agrees that any easement grant will be utilized in accordance with the established and generally accepted practices of the wastewater industry with respect to the installation of all its wastewater facilities in any easement area; and Developer in granting easements herein, or pursuant to the terms of this Agreement, shall have the rights to grant exclusive or non-exclusive rights, privileges and easements to other entities to provide the Property any utility services other than wastewater services.

SECTION 4. INSTALLATION OF IRRIGATION SYSTEM. Developer hereby agrees to connect the irrigation system, at Developer's expense, within six (6) months of written notice from City that a reclaimed water line is installed to a point at or across the intersection of Coral Hills Road and Clarcona Road.

SECTION 5. PROVISION OF SERVICE. Upon the continued accomplishment of all the prerequisites contained in this Agreement to be performed by Developer, City covenants and agrees that it will allow the connection of the irrigation system and wastewater collection facilities installed by Developer to the central reclaimed water and wastewater facilities of City in accordance with the terms and intent of this Agreement. Such connection shall be in accordance with rules and regulations of the Florida Department of Health and the Florida Department of Environmental Protection. City agrees that once it provides reclaimed water and wastewater services to the Property and Developer has connected to its system, that thereafter, City will continuously provide in return for payment of all applicable rates, fees, and charges and in accordance with the other provisions of this Agreement, and of applicable laws, including rules and regulations and rate schedules, reclaimed water and wastewater services to the Property in a

manner to conform with all requirements of all governmental agencies having jurisdiction over the reclaim water distribution and wastewater collection operations of City.

SECTION 6. DESIGN, REVIEW, CONSTRUCTION, INSPECTION AND CONVEYANCE OF FACILITIES.

- 6.1 Developer shall provide City with engineering plans and specifications of the type and in the form as prescribed by City, showing the on-site irrigation system and IDWTS proposed to be installed to provide service to the subject Property. The City Engineer will advise Developer's engineer of any sizing requirements as mandated by City's system policies and utility standards for the preparation of plans and specifications of facilities within the Property.
- 6.2 During the construction of the irrigation system and IDWTS by Developer, City shall have the right to inspect such installation to determine compliance with plans and specifications, adequacy of the quality of the installation, and further, shall be entitled to perform normal engineering tests required by specifications and/or good engineering practices. Complete as-built plans shall be submitted to City upon completion of construction.
- 6.3 By these presents, Developer hereby transfers to City, title to IDWTS installed by Developer's contractor, pursuant to the provisions of this Agreement. Such conveyance is to take effect without further action upon the written acceptance by City of said installation. As further evidence of said transfer to title, and upon the completion of the installation and prior to the rendering of service by City, Developer shall convey to City, by bill of sale or other appropriate documents in a form satisfactory to City, the complete IDWTS as constructed by Developer and approved by City. Developer shall further cause to be conveyed to City, all easements and/or rights-of-way covering areas in which wastewater collection lines are installed by recordable document in a form satisfactory to City. All conveyance of easements and/or rights-of-way shall be accompanied by a title policy or other evidence of title, satisfactory to City, establishing Developer's rights to convey such continuous enjoyment of such easements or rights-of-way for those purposes set forth in this Agreement to the exclusion of any other person in interest. The use of easements granted by Developer shall include the use by other utilities so long as such uses by electric, telephone, gas utilities, or cable television do not unreasonably and materially interfere with use by City. City agrees that the acceptance of the IDWTS, installed by Developer, for service, or by acceptance of the bill of sale, shall constitute that assumption of responsibility by City for the continuous operation and maintenance of such systems from that date forward.
- 6.4 Construction of all onsite facilities will be performed by Developer or its contractor. Developer will pay the costs of all such construction. Developer's engineer shall be responsible for inspection, testing, and certification of construction. Before the Developer commences any construction of the IDWTS, Developer agrees to furnish City with security, as per Section 5.15.3 of the Land Development Code, Code of Ordinances, in the amount of one hundred ten (110%) percent of the cost of construction to warrant completion of all agreed improvements and evidence satisfactory to City that the contractor

employed by Developer has provided Developer with the following and agreed to the following: (a) one hundred (100%) percent payment and performance bond and (b) a one (1) year guarantee against defects in workmanship and materials in the construction of the IDWTS. Developer further agrees to furnish City with security to assure that the IDWTS will be maintained by the Developer for a period of a minimum of one (1) year and security shall be in the amount of ten (10%) percent of the construction costs of the improvements. The maintenance period shall begin with the acceptance by City of the constructed improvements.

6.5 Mortgagee(s), if any, holding prior liens on such properties shall be required to release such liens, subordinate their position, and join in the grant or dedication of the easements. The IDWTS shall be covered by easements if not located within platted or dedicated rights-of-way.

6.6 Provision of the IDWTS does not and will not result in City waiving any of its rates, rate schedules, or rules and regulations, and their enforcement shall not be affected in any manner whatsoever by Developer providing the IDWTS. Neither Developer nor any person or other entity holding any of the Property by, through, or under Developer, or otherwise, shall have any present or future right, title, claim or interest in and to the IDWTS or to any of the reclaimed water and wastewater facilities and properties of City, and all prohibitions applicable to Developer with respect to no refund of contributions, no interest payment on said contributions and otherwise, are applicable to all persons or entities. Any user or customer of wastewater services shall not be entitled to offset any bill or bills rendered by City for such service or services against the contributions. Developer shall not be entitled to offset the contributions against any claim or claims of City unless specified in the Special Conditions of this Agreement.

SECTION 7. OWNERSHIP OF FACILITIES. Developer agrees with City that all wastewater facilities conveyed to City for use in connection with providing wastewater services to the Property, shall at all times remain in the complete and exclusive ownership of City, and any entity owning any part of the Property or any building constructed or located thereon, shall not have the right, title, claim or interest in and to such facilities, or any part of them, for any purpose, including the furnishing of wastewater services to other persons or entities located within or beyond the limits of the Property.

SECTION 8. APPLICATION OF RULES, REGULATIONS, AND RATES. Notwithstanding any provision in this Agreement, City may establish, revise, modify, and enforce rules, regulations, and rates covering the provision of reclaimed water and wastewater services to the Property. Such rules, regulations and rates are subject to the approval of City. Such rules and regulations shall at all times be reasonable and subject to regulations as may be provided by law or under contract. Rates charged to Developer or customers located upon the Property shall be identical to rates charged for the same classification of service. All rules, regulations and rates in effect, or placed into effect in accordance with the preceding, shall be binding upon Developer, upon any other entity holding by, through or under Developer; and upon any customer of the reclaimed water and wastewater services provided to the Property by City.

SECTION 9. PERMISSION TO CONNECT REQUIRED. Developer, or any owner of any parcel of the Property, or any occupant of buildings located thereon, shall not have the right to and shall not connect any customer installation to the reclaimed water and wastewater facilities of City until City has granted approval for such connection and shall be subject to illegal connection fee in effect at the time of discovery.

SECTION 10. BINDING AGREEMENT; ASSIGNMENTS BY DEVELOPER. This Agreement shall be binding upon and shall inure to the benefit of Developer, City, and their respective assigns and successors by merger, consolidation or conveyance. This Agreement shall not be sold, conveyed, assigned, or otherwise disposed of by Developer without the written consent of City first having been obtained. City agrees not to unreasonably withhold such consent.

SECTION 11. NOTICES. Until further written notice by either party to the other, all notices provided for herein shall be in writing and delivered by courier service or by US Mail to:

As to Developer:

If by US Mail or by courier service: A Space Storage Clarcona, LLC
Attn: Tim Hudspeth, Manager
2258 Apopka Boulevard, Suite 210
Apopka, FL 32703
Telephone: (407) 292-9007

As to City:

If by US Mail or by courier service: City of Apopka Public Services Department
Attention: Naret Teran, PE
748 E. Cleveland Street
Apopka, FL 32703
Telephone: (407) 703-1731

SECTION 12. SURVIVAL OF COVENANTS. The rights, privileges, obligations and covenants of Developer and City shall survive the completion of work of Developer with respect to completing the irrigation system and wastewater facilities and services to the Property as a whole.

SECTION 13. ENTIRE AGREEMENT, AMENDMENTS, APPLICABLE LAW, ATTORNEYS' FEES. This Agreement supersedes all previous agreements or representations either verbal or written, heretofore in effect between Developer and City, made with respect to the matters herein contained, and when duly executed, constitutes the Agreement between Developer and City. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can either party waive provisions of the Agreement, unless such additions, alterations, variations or waivers are expressed in writing and duly signed. This Agreement shall be governed by the laws of the State of Florida, as well as all applicable local ordinances of City and it shall be and become effective immediately upon execution by both parties hereto. In the event that City or Developer is required to enforce this Agreement by court proceedings or otherwise, by instituting suit or otherwise, then the prevailing party in such suit shall be entitled to recover all costs incurred,

including reasonable attorneys' fees. Exclusive venue for any action arising out of this Agreement shall be in the state courts having jurisdiction within Orange County, Florida.

SECTION 14. DISCLAIMERS, LIMITATIONS ON LIABILITY.

- 14.1 **STATUS.** The parties deem each other to be independent contractors, and not agents of the other.
- 14.2 **INDEMNITY.** Developer shall indemnify City, its respective agents, commissioners, and employees from and against any and all claims, liability, demands, damages, expenses, fees, fines, penalties, suits, proceedings, actions, and fees, including reasonable attorneys' fees, for injury (including death) to persons or damage to property or property rights that may arise from or be related to acts, errors, or omissions of Developer, its agents, employees, servants, licensees, invitees, or contractors or by any person under the control of direction of Developer, or by Developer's use of City's system, and Developer shall indemnify and hold harmless City as aforesaid from all liability, claims and all other items above mentioned, arising or growing out of or connected with any default, breach, violation or nonperformance by Developer of any covenant, condition, agreement or provision contained in this agreement concerning all or any part of City's system.
- 14.3 **FORCE MAJEURE.** City shall not be liable or responsible to Developer by reason of the failure or inability of City to take any action it is required to take or to comply with the requirements imposed hereby (or any injury to Developer or by those claiming by or through Developer, which failure, inability or injury is caused directly or indirectly by force majeure as hereinafter set forth). The term "force majeure" as employed herein shall mean acts of god, strikes, lock-outs, or other industrial disturbance; acts of public enemies, war, blockades, riots, acts of armed forces, militia, or public authority, epidemics; breakdown of or damage to machinery, pumps or pipe lines; landslides, earthquakes, fires, storms, floods, or washouts; arrests, title disputes, or other litigation; governmental restraints of any nature whether federal, state, county, municipal or otherwise, civil or military; civil disturbance; pandemics or measures of any governmental authority in response to a pandemic; explosions, failure or inability to obtain necessary materials, supplies, labor or permits or governmental approvals whether resulting from or pursuant to existing or future rules, regulations, orders, laws or proclamations whether federal, state, county, municipal or otherwise, civil or military; or by any other causes, whether or not of the same kind as enumerated herein, not within the sole control of City and which by exercise of due diligence City is unable to overcome.
- 14.4 **DISCLAIMER OF THIRD PARTY BENEFICIARIES.** This Agreement is solely for the benefit of and shall be binding upon the formal parties hereto and their respective authorized successors and assigns, and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a party to this Agreement or an authorized successor or assignee thereof.
- 14.5 **DISCLAIMER OF SECURITY.** Notwithstanding any other provision of this Agreement, Developer expressly acknowledges (1) that it has no pledge of or lien upon any real

property (including, specifically, City's system), any personal property, or any existing or future revenue source of City (including, specifically, any revenue or rates, fees, or charges collected by City in connection with City system) as security for any amounts of money payable by City under this Agreement; and (2) that its rights to any payments or credits under this Agreement are subordinate to the rights of all holders of any stocks, bonds, or notes of City, whether currently outstanding or hereafter issued.

SECTION 15. COVENANT NOT TO ENGAGE IN UTILITY BUSINESS. Developer, as a further consideration for this Agreement, agrees that it shall not (the words "shall not" being used in a mandatory definition) engage in the business of providing reclaimed water and wastewater services to the Property during the period of time City, its successors and assigns, provide reclaimed water and wastewater services to the Property, it being the intention of the parties hereto that the foregoing provision shall be a covenant running with the land and under said provision and also under other provisions of this Agreement, City shall have sole and exclusive right and privilege to provide reclaim water and wastewater services to the Property and to the occupants of each residence, building or unit constructed thereon.

SECTION 16. RECORDATION. The parties hereto agree that an executed copy of this Agreement and Exhibits attached hereto shall be recorded in the Public Records of Orange County, Florida at the expense of Developer.

SECTION 17. SEVERABILITY. If any court finds any part of this Agreement invalid or unenforceable, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained therein are not materially prejudiced, and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

SECTION 18. AUTHORITY TO EXECUTE AGREEMENT. The signature by any person to this Agreement shall be deemed a personal warranty by that person that he has the full power and authority to bind any corporation, partnership, or any other business entity for which he purports to act hereunder.

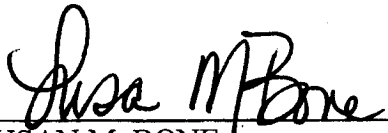
SECTION 19. CAPACITY. The execution of this Agreement between Developer and City does not constitute a specific reservation of capacity by Developer, and City does not hereby guarantee that capacity will be available for Developer's project on any later date. Any specific reservations of capacity must be detailed within the body of this Agreement under the heading "Special Conditions" and such capacity shall be so reserved, for a definite period of time only upon the payment of appropriate fees and charges or negotiated between the parties, by Developer to City. Said fees and charges shall also be set forth in Exhibit "B" hereof. Capacity fees that are paid for by Developer are not refundable if the project is not realized.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Developer and City have executed or have caused this Agreement, with the named Exhibits attached, if any, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

ATTEST:

CITY OF APOPKA, FLORIDA

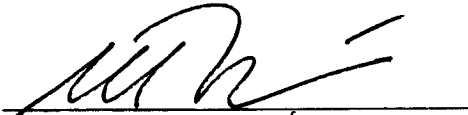


SUSAN M. BONE,
DEPUTY CITY CLERK



BRYAN NELSON,
MAYOR

Approved as to form and correctness:



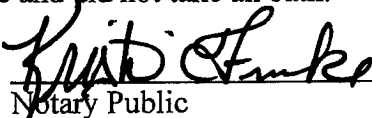
MICHAEL A. RODRÍGUEZ
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5th day of August, 2020 by Bryan Nelson and Susan M. Bone, Mayor and Deputy City Clerk, respectively, of THE CITY OF APOPKA, FLORIDA, on behalf of City. They are personally known to me and did not take an oath.

AFFIX SEAL




Notary Public

Kristi Funke

[Signature]
 Witness

Andrew M. Wilkins
 Print Name

[Signature]
 Witness

Dennis Milarec
 Print Name

A SPACE STORAGE CLARCONA, LLC,
 a Florida limited liability company.

By: *[Signature]*

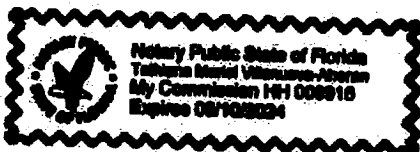
Tim Hudspeth
 Print Name

As: Manager

STATE OF FLORIDA
 COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 3RD day of AUGUST, 2020, by Tim Hudspeth, as Manager of A Space Storage Clarcona, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me or has produced _____ as identification and did not take an oath.

AFFIX SEAL



[Signature]
 Notary Public

EXHIBIT A-1**LEGAL DESCRIPTION OF PROPERTY**

The South 7/8 of the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 21 South, Range 28 East, less the West 189.18 feet, less the North & South 30 feet for Road Right-of-Way, & less a parcel 100 feet by 100 feet in the Southwest Corner.

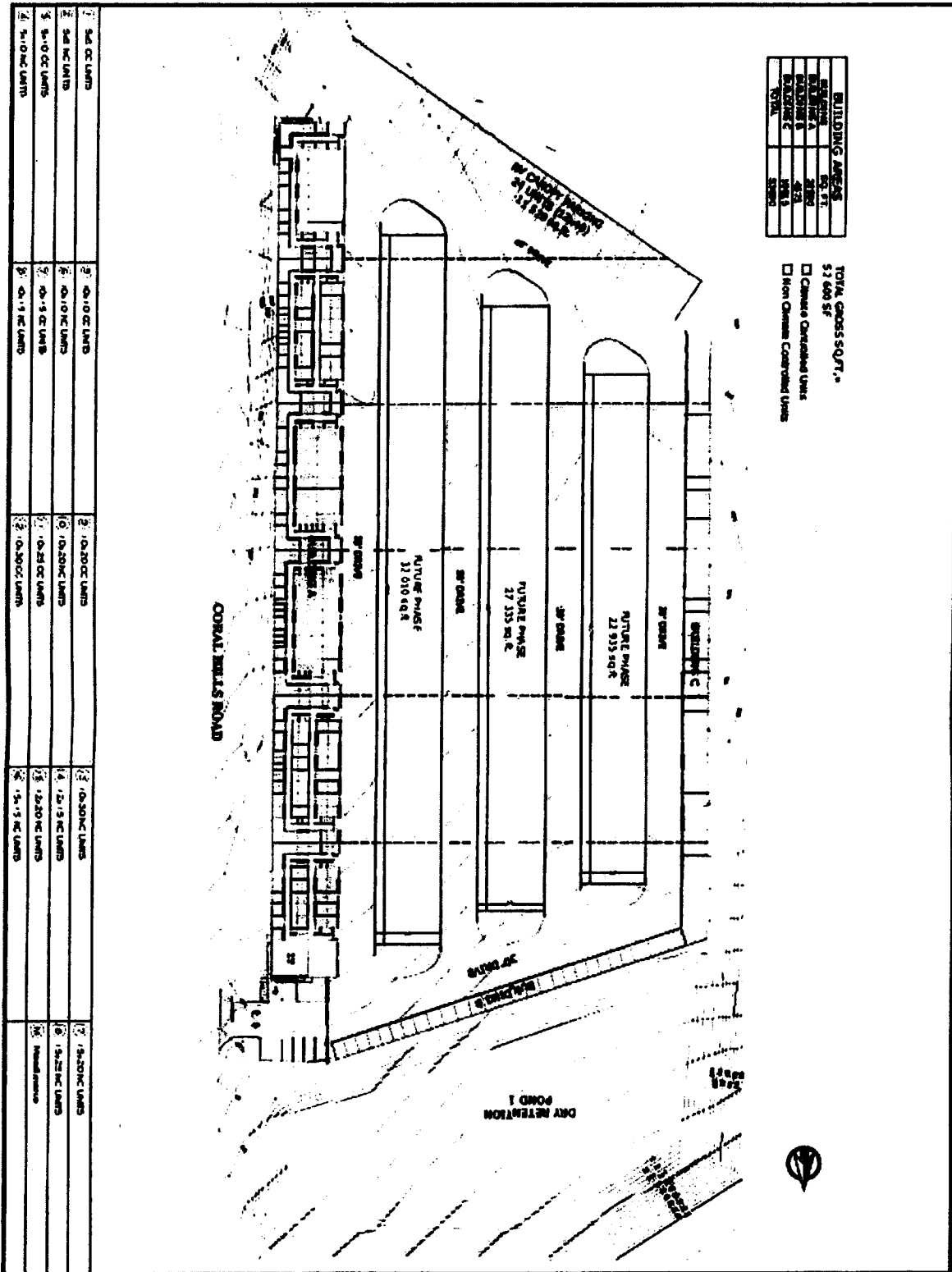
And Less:

Commence at the Northwest corner of the Southwest 1/4 of Section 22, Township 21 South, Range 28 East, thence run South 00°31'48" East, 1314.98 feet; thence run South 89°51'02" East, 189.19 feet; thence run North 00°31'48" West, 130.01 feet to the Point of Beginning. Thence Continue North 00°31'48" West, 990.69 feet; thence run South 89°52'44" East, 684.59 feet; thence run South 00°06'14" West, 807.93 feet; thence run South 50°42'32" East, 209.04 feet; thence run South 67°37'06" East, 230 ft; thence run South 22°22'54" West, 50.00 feet; thence run South 73°23'12" East, 62.70 feet; thence run North 89°51'02" West, 988.53 feet; thence run North 00°31'48" West, 100.01 feet; thence run North 89°51'02" West, 100.01 feet to the Point of Beginning.

All of the foregoing in Orange County, Florida.

EXHIBIT A-2

SITE PLAN OF THE PROPERTY WITH PROPOSED DEVELOPMENT



Job Number: 1220-20-FL-W-1

Job Name: CORAL HILLS ROAD S.S. NORMAL, FL

Job Description: 1220-20-FL-W-1

Job Location: 350 E. Crown Point Rd, Suite 1000, Winter Garden, FL 34787

Job Contact: Phone: 407-734-7814

Job Date: 12/20/20

Job Status: [] Not Started [] In Progress [] Completed

Job Notes:

Job Attachments:

Job Comments:

Job History:

Job Details:

Job Summary:

Job Footer:

Town Letterhead

April __, 2022

Pam Keyes, P.E., Chair
 Florida Governmental Utility Authority
 c/o Government Services Group, Inc.
 280 Wekiva Springs Road, Suite 2070
 Longwood, FL 32779-6026

RE: Transfer of Distributed Wastewater Treatment System Permit for Apopka Field Station

Madam Chair,

As a current Distributed Wastewater Treatment System (DWTS) permit holder, the FGUA is likely aware that the Florida Department of Environmental Protection (FDEP) is actively supporting the use of this utility-operated alternative to septic tanks in areas that are beyond the reach of conventional, municipal wastewater collection systems. In fact, Lake County (County) and the Town of Howey in the Hills (Town) both received FY2022 Wastewater Program Grants from the FDEP to establish a \$2.8M (combined value) septic tank remediation program (Program) for the nutrient-impaired watersheds of Wekiva Springs, Green Swamp, Ocklawaha River and Lake Harris, utilizing a DWTS.

In its grant application to FDEP, Lake County stated that it, *“will delegate the operating and maintenance [of the DWTS] to a utility that is currently operating within Lake County. This may include a city... or a utility agency such as, Florida Governmental Utility Authority. A specific Interlocal agreement will be developed after grant award.”* (21-22 Grant application) In consultation with Town and County staff, the Lake County Board of County Commissioners voted in its regular meeting on March 22, 2022 to enter into an Interlocal agreement with, and thereby delegate its Program responsibilities to, the Town. As an added benefit of this arrangement, the Wastewater Program Grants awarded to the County and Town are being combined by FDEP.

In order to efficiently and quickly implement the new Lake County Program, the County and Town are requesting your support for the transfer of the existing DWTS permit (FLAB07156-002-DW3T), previously issued to the FGUA on January 27, 2021. With your consent, the Town will apply to FDEP for the transfer of the permit from the FGUA to the Town’s utility department and will cover the associated administrative costs, including permit fees. Once transferred from the FGUA, the Town will assume all regulatory and operational responsibilities under the permit.

The County and Town both believe this FDEP-tested and approved technology is extremely promising as an option to replace septic tanks, improve water quality, and protect the public health, particularly in rural parts of Florida where traditional municipal services do not exist. The Town is ready to work with your staff to quickly transfer the permit and begin to implement the FDEP grant-funded Septic to Distributed Sewer Program immediately.

Should you have any questions, please contact me at _____. Thank you in advance for your prompt consideration.

Respectfully,

Sean O'Keefe
Town Manager

cc: Sean Parks, Chair, Lake County Board of County Commissioners
Mary Hamilton, Operations Director, Lake County Public Works Department
Aaron Watkins, Director, FDEP Central District
Michael Lynch, Director, FDEP Division of Water Resources Management
Dale Jenkins, Director, St. Johns River WMD Division of Projects
William Fontaine, FGUA, Permittee Responsible Official

ATTACHMENT 3 GRANT WORK PLAN

PROJECT TITLE: *lake County & Howey Septic to Sewer Project*

PROJECT LOCATION: The Project will be located in the City of *Howey-in-the-Hills* within *Lake County*; Lat/Long (XX.XXXX, -XX.XXXX). *{Add if appropriate and revise as needed:}*

PROJECT BACKGROUND: This program is to retrofit existing septic tanks near impaired waters, Wekiva, Ocklawaha, Palatka, and Harris TMDL/BMAP. The Town of Howey in the Hills will own and operate the DWTs. The program will be offered to owners on a voluntary basis, who will become utility customers of the Town of Howey. A DWTU will be installed at each participating location in lieu of the septic tank. The DWTUs are controlled via SCADA and operated by licensed wastewater operators. Approximately 133 units are to be replaced. Based on FDEP estimates, a residential septic tank releases about 22 lb-TN/year and 11 lb-TP/year into groundwater. DWTUs remove >88% TN, or >17.6 lb-TN/year and >9p% TP or >10 lb-TP/year. Project annual removals are >2,340 lb-TN and >665 lb-TP.

The Town of Howey in the Hills has most residents on septic, with only newer developments connecting to sewer through the CDD at Mission Inn. This project aims to remove septic systems from as many of the 400+ homes currently on septic as possible. Many homes are built right along the lake (approximately 200 feet) and have septic drain fields releasing nitrogen and other nutrients into Little Lake Harris. Homes outside of the town limits of Howey (and still within Howey's service area) can be served as well.

PROJECT DESCRIPTION: Onsite Performance has been competitively procured to remove existing septic tanks within BMAP areas and replace with distributed sewer system. They will also remove and replace drain fields where deemed failed and coordinate with the Town of Howey and the County to finalize billing and maintenance requirements.

TASKS: All documentation should be submitted electronically unless otherwise indicated.

Task #1: Construction

Deliverables: The Grantee will construct distributed wastewater systems in accordance with the construction contract documents.

Documentation: The Grantee will submit 1) a copy of the final design; 2) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 3) a signed Engineer's Certification of Payment Request.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than **monthly**.

Task #2: Connection to Central Sewer

Deliverables: The Grantee will *properly* abandon the septic systems and connect approximately 133 single family residences and/or commercial buildings to a central sanitary sewer system for wastewater treatment by the Town of Howey in the Hills facility.

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; 2) a list of addresses and types of the properties connected; and 3) proof of connection for each property, as evidenced by copies of invoices for the connections by a licensed plumber, utility contractor, or building contractor.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than **monthly**.

PROJECT TIMELINE & BUDGET DETAIL:

The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Match Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$400,000	\$400,000	07/01/2022	06/30/2024
2	Connection to Central Sewer	Contractual Services	\$1,000,000	\$1,000,000	07/01/2021	09/30/2024
Total:			\$1,400,000	\$1,400,000		



Proclamation

A PROCLAMATION BY THE TOWN OF HOWEY-IN-THE-HILLS RECOGNIZING AND HONORING THE SERVICE OF OUR LAW ENFORCEMENT OFFICERS.

WHEREAS, Law Enforcement Officers are dedicated men and women who have sworn to serve and protect the citizens of THE Town of Howey-in-the-Hills; and,

WHEREAS the fundamental duty of a Law Enforcement Officer is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect Constitutional rights or all people to liberty, equality, and justice; and,

WHEREAS the Law Enforcement Officer plays an intricate role in the protection, safety, and well-being of the citizens of the Town or Howey-in-the-Hills; and,

WHEREAS, the Law Enforcement Officer is a symbol of public faith and trust; and,

NOW THEREFORE, BE IT PROCLAIMED by the Town Council of theTown of Howey-in-the-Hills that:

Section 1. The month of May 2022 is hereby proclaimed as "Law Enforcement Month."

Section 2. The citizens of the Town of Howey-in-the-Hills are hereby called upon to recognize the dedication and contributions of these valued Law Enforcement Officers.

Section 3. A copy of this Proclamation shall be spread upon the minutes of this meeting and a copy presented to the Police Chief of the Town of Howey-in-the-Hills.

Signed this 9th day of May, 2022.

By: _____
Martha MacFarlane, Mayor

Attest: _____
John Brock, Town Clerk

ORDINANCE NO. 2022-011

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-MANAGEMENT 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-MANAGEMENT FORM OF GOVERNMENT; PROVIDING NUMEROUS CONFORMING AND CLARIFYING CHANGES IN ARTICLE 2 CONSISTENT WITH THE CHANGE TO THE COUNCIL-MANAGEMENT FORM OF 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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings of Town Council. The Town Council of the Town of Howey-in-the-Hills finds the following with respect to the Town Charter:

A. The Mayor and other members of the Town Council all concur that the current and expected near-term growth of the town is rendering the existing “strong mayor” form of government less than optimal for town operations, management, oversight, and decision-making. The Mayor and other council members believe the town and its citizens and taxpayers would be

best served by changing to a council-manager form of government, with a professional manager serving as the chief executive officer of the town.

B. Having reviewed and discussed extensively the merits of revising the town charter to transition to a council-manager form of government, the Town Council is now ready and willing to offer such a charter revision to town voters for approval at a referendum to be held at the Primary Election on Tuesday, August 23, 2022.

Section 2. Approval of the Revised Town Charter. The Town Council herewith approves the revision of the Charter of the Town of Howey-in-the-Hills in the form and substance contained in Attachment A to this ordinance, with additions to the charter underscored and deletions struck through.

Section 3. Filing and Publication. The Mayor and the Town Clerk are authorized and directed to cause the charter, as revised in Attachment A, to be filed with the Florida Department of State and to be published in the Code of Ordinances of the Town of Howey-in-the-Hills, on the town's website, and at such other locations and media as may be necessary or useful to inform town residents and taxpayers of proposed revision.

Section 4. Authority. This ordinance is enacted pursuant to the authority granted under Section 166.031 of Florida Statutes.

Section 5. Referendum.

A. **Referendum Called.** The Town Council hereby calls a referendum to be held at the Primary Election on Tuesday, August 23, 2022, to allow the electors of the Town of Howey-in-the-Hills to vote on the proposed charter revisions. All qualified electors of the Town of Howey-in-the-Hills shall be entitled and permitted to vote in the referendum. The referendum shall be held and conducted in the manner prescribed by law for municipal elections. The Town Council authorizes the cost of the referendum to be paid from the town's general fund.

B. **Ballot.** The ballot title and ballot summary for the referendum shall be as follows:

COUNCIL-MANAGER FORM OF GOVERNMENT FOR THE TOWN OF HOWEY-IN-THE-HILLS

Shall the town charter for Howey-in-the-Hills be revised to (1) change the town from a "strong mayor" to a "council-manager" form, (2) shift executive powers from the mayor to a town manager, (3) require that town council hire and fire the manager and set his/her compensation, (4) specify the manager's powers and duties, (5) conform the authority and duties of the town council and town clerk, and (6) include other clarifying, conforming, and related changes?

Yes _____
No _____

93 C. **Translation of the Ballot.** The Mayor and Town Clerk are authorized and
94 directed to have the ballot title and summary translated into Spanish as required by the Lake
95 County Supervisor of Elections.

96
97 D. **Notice of Referendum.** The Mayor and Town Clerk are authorized and directed
98 to advertise the referendum as required by law and to take all other actions necessary or useful to
99 carry out the provisions of this section.

100
101 **Section 6. Effective Dates.** Sections 4 and 5 and this section 6 take effect immediately upon
102 approval of this ordinance by Town Council. Sections 1 through 3 and the charter revisions in
103 Attachment A take effect on the first day of October, 2022, but only if the charter revisions are
104 approved by the electors of the Town voting in the referendum called in section 5. If the voters
105 do not approve the charter revisions at the referendum, this ordinance shall be deemed to be of
106 no further effect.

107
108
109
110
111 *** *Signature page follows.* ***
112

ENACTED this 23rd day of May, 2022, at a regular meeting of the Town Council of the
Town of Howey-in-the-Hills, Florida.

Town of Howey-in-the-Hills, Florida

by: Town Council

by: _____
Hon. Martha MacFarlane, Mayor

Attest:

John Brock
Town Clerk

Approved as to form and legality
(for the use and reliance of the Town only)

Thomas J. Wilkes
Town Attorney

First reading: May 9, 2022
Second reading: May 23, 2022

Attachment A
to
Ordinance 2022-011

2022 Revision

to

ARTICLE 2
of the
CHARTER
of the
TOWN OF HOWEY-IN-THE-HILLS

regarding

Council-Manager
Form of Government

Enacted May 23, 2022, by Ordinance No. 2022-011

Approved at referendum on August 23, 2022

Additions underscored, deletions struck through.

ARTICLE 2. MAYOR AND TOWN COUNCIL.

Sec. 1. The Town Council.

There shall be a Town Council of five members, who shall be residents and electors of the town, elected by the qualified voters of the Town.

All legislative, quasi-legislative, quasi-judicial, regulatory, and proprietary powers of the Town, whether under the Constitution and laws of the State of Florida or under the charter and ordinances of this town, are shall be vested in the Town Council; except as otherwise provided by law or this Charter, ~~and~~ The Town Council shall provide by ordinance, resolution, policy, or other authorization and direction, as it may deem proper, for the exercise thereof and for performance of all duties and obligations imposed on the Town by law.

The Town Council shall consist of five members, to be titled “councilors;”, who shall hold five seats numbered consecutively 1 through 5 and shall be elected for a term of four years. Councilors shall hold their seats for the term of office for which they are elected. Elections shall be conducted the first Tuesday following the first Monday in November of each even-numbered year.

Elections for councilor seats 1, 2, and 3 shall be held in numbered years not evenly divided by 4 and for Seats 4 and 5 in numbered years evenly divided by 4. Council seats will be filled by the three candidates or the two candidates, as applicable, receiving the highest number of votes. If the qualifying candidates are not opposed, the seats shall be assigned by the Clerk in alphabetical order. If the qualified candidates are fewer than the open seats, the Council shall deem vacant the seats remaining unfilled after the election and proceed accordingly.

All persons running for the office of councilor shall be at least 21 years of age, a registered voter, and a resident of the Town for at least one year prior to the first day of the qualifying period. To qualify, each candidate must file with the Clerk a petition signed by no fewer than 25 Town electors nominating the candidate for Town Council. The petition must be filed no earlier than noon on the 92nd day, and no later than noon on the 81st day, before the date of the election for which qualifying is sought. Elector signatures on the petition must be verified by the supervisor of elections. The candidate shall also provide a statement that, if elected, he/she will serve, and if not, the Clerk Council shall omit his/her name from the ballot.

The newly elected Council members shall take their oath and assume office at the first regular Council meeting after certification of the ballot.

Sec. 2. Disqualification for any Town office.

Any person convicted of a felony shall be ineligible for employment by the Town and disqualified from seeking election to an office or appointment to any board, commission,

committee or agency in the Town. No more than one family member may hold a seat on the Council. Therefore, a councilor's family members are disqualified from seeking election to the Council unless the family members' terms will not be concurrent. A family member includes parents, siblings, children or spouses.

Sec. 3. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) **Vacancies.** A Council member's seat shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of the office, such forfeiture to be declared by the remaining members of the Council.
- (b) **Forfeiture of Office.** The Mayor or a Council member shall forfeit office if the member:
 - (i) Fails to meet residency requirements;
 - (ii) Is convicted of a felony or a crime involving moral turpitude;
 - (iii) Violates the express provisions of the charter;
 - (iv) Fails to attend three consecutive regularly scheduled Council meetings without Council approval or
 - (v) Brings an action against the Town, its elected officials, executive officers, or employees for damages in tort or for civil-rights violation.The Town Council, by majority vote, shall be the judge of the grounds for forfeiture of a Council seat and may declare a seat vacant where the member has failed to meet the requirements or has violated any of the provisions stated above.
- (c) **Filling Vacancies.** Whenever a vacancy shall occur on the Town Council more than 180 days preceding the next general election, it shall be the duty of the Town Council to order an election to fill the vacancy, and until such election is held the Town Council shall fill such vacancy by appointment. The newly elected member shall hold the seat for the remainder of the original term.

Should a vacancy occur within 180 days of the next general election, the Mayor shall appoint an elector of the town to fill the vacancy. The appointment is subject to the approval by a majority of the membership of the Town Council. The appointee approved in such a manner shall serve until an elected successor takes office.

- (d) **Holding Office.** Except where expressly authorized by law, no Council member shall hold any other elected public office during the term for which the member is elected. No Council member shall hold any other Town office, other than Mayor, or town employment during the term for which they are elected.
- (e) **Prohibitions.** Except for the purpose of enquiries and investigations, Council members shall deal with the Town officers and employees solely through the Town Manager ~~Mayor~~ and shall not give orders to a Town officer or employee either publicly or privately. Nothing prohibits individual members of the Council from asking questions and seeking information to assist in the formulation of sound policies to be considered by Council and otherwise to enable the performance of councilor duties. No former member

of Town Council shall hold any compensated appointive office or employment with the Town until one year after the expiration of the term for which the member was elected.

Unless approved by the Council, any Town official or employee, acting in his/her official capacity, is forbidden from causing the Town to do business with a firm in which he/she has a material interest, and the Town shall make no transactions with a firm in which a Town official or employee's spouse, parent, sibling or child has a material interest. Nor shall an official or employee acting in a private capacity transact business with the Town. The Town official must declare the interest and recuse himself/herself from any vote on the matter. A Town official or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and subject to forfeiture of his/her office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Mayor or the Town Council.

Sec 4. Procedure.

- (a) **Meetings.** The council shall meet regularly on the second and fourth Monday of each month at such times and places as the Council may prescribe. By ordinance, the council may change from time to time the days of the month when regular meetings are to be held. Special ~~scheduled~~ meetings shall be held on the call of either the Town Manager ~~Mayor~~ or a majority of the council, when called in writing, with written notice to the Mayor and Town Council members no less than 72 hours before the meeting (except in cases of extreme emergency) setting forth the date, time, place and purpose of the special meeting. No business other than the purpose specified in the call shall be transacted during the special meeting unless approved by unanimous vote of all councilors present with 72-hour notice (except in cases of extreme emergency).
- (b) **Rules of Order.** The council shall determine its own rules and order of business. Roberts Rule of Order may be applicable.
- (c) **Voting.** Voting on ordinances and resolutions, the execution of contracts, and all financial matters shall be by roll call and shall be recorded in the minutes. A majority of the Council shall constitute a quorum. No action of the Council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present . Except as provided by law, a Council member absent from the meeting may enter into discussion by telephone or video conference but may not vote unless present. However, if a quorum is physically present, the participation and vote of an absent member is permissible when such absence is due to extraordinary circumstances such as illness. Such a circumstance is a determination that must be made in the good judgement of the Council.

- (d) **Compensation.** The Council shall determine the compensation of the Mayor and Council members by ordinance; an ordinance increasing such compensation shall become effective no earlier than October 1st of the next budget year. The Mayor and Council members shall receive reimbursement of their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 5. Office of the Mayor.

- (a) **Mayor and Chief Executive Officer.** ~~The Mayor shall be the Chief Executive Officer of the Town.~~ The Mayor shall be appointed by majority vote of the members of the Town Council at the next regular scheduled meeting following the general election and certification of the ballot, and immediately following the swearing in of any new Council members. ~~The Mayor shall be responsible to the electorate for the administration of all Town affairs under this Charter, the ordinances of the Town, and applicable law.~~
- (b) **Qualification of Mayor.** The Mayor shall be an elector of the Town and shall have been a member of the Town Council for a period of no less than one year prior to appointment to the office, unless approved otherwise by a vote of four-fifths of its members. If the office of Mayor becomes vacant or is forfeited, the Town Council shall appoint ~~select~~ a new Mayor to serve the unexpired portion of the then current term.
- (c) **Term of the Mayor.** The Mayor shall be appointed for a two year term and may be reappointed ~~reelected~~ subsequently.
- (d) **Removal of the Mayor.** The Town Council may, by supermajority vote, remove the Mayor at any regular or special Council meeting with or without cause. Upon removal of the Mayor the Town Council shall appoint another member of the Town Council to serve as Mayor for the unexpired portion of the then current term.
- (e) **Powers and Duties of the Mayor.** ~~The Mayor shall have the following powers and duties:~~ The Mayor shall preside at all meetings of the Town Council and perform such other duties consistent with his or her office as may be prescribed by the Council. The Mayor shall have a voice and vote in the proceedings of the Council but no veto power. He or she may use the title of "Mayor" and may execute ordinances, resolutions, contracts, and other legal instruments approved by Town Council. The Mayor shall be recognized as the head of the Town for purposes of serving civil process,; by other governmental bodies in the exercise of military law, and for all ceremonial purposes. In the absence of the Town Manager, the Mayor may take command of the police and govern the Town by proclamation during times of grave public emergency until such time as the Town Council convenes and appoints an interim Town Manager for the duration of the emergency or the Town Manager returns, whichever is sooner. The Mayor shall have no powers other than those conferred by this charter.

- ~~(i) To be the head of Town government for all purposes, including but not limited to martial law, civil defense, service of process, execution of contracts, deeds and other legal documents.~~
 - ~~(ii) To be the official spokesperson for the Town.~~
 - ~~(iii) To take such action in emergency situations as the Mayor may deem necessary. The emergency powers of the Mayor shall not extend beyond the next meeting of the Town Council.~~
 - ~~(iv) To investigate the condition of the Town and the Town's departments and offices.~~
 - ~~(v) To call special meetings of the Town Council.~~
 - ~~(vi) To establish the agenda for Town Council meetings.~~
 - ~~(vii) To temporarily fill vacancies occurring among the executive officers of the Town.~~
 - ~~(viii) To hire, appoint, suspend and remove all Town employees, including the executive officers of the Town. Any action taken by the Mayor under this subparagraph in respect to the executive officers of the Town shall be subject to the approval of the Town Council.~~
 - ~~(ix) To direct and supervise the administration of all departments, offices and agencies of the Town.~~
 - ~~(x) To attend and preside at all meetings of the Town Council, and the Mayor shall be a voting member of the Town Council.~~
 - ~~(xi) To submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town by December 1st of the same year. The Mayor shall provide other reports requested by the Town Council concerning the operations of the Town departments, offices and agencies subject to the Mayor's direction and supervision.~~
 - ~~(xii) To keep the Town Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Town Council concerning the affairs of the Town.~~
 - ~~(xiii) To perform such other duties as are specified in this Charter or as may be required by the Town Council.~~
- (f) **Mayor Pro Tempore; vacancies in office of Mayor.** The Town Council shall appoint from among its members a Mayor Pro Tempore. Appointment of the Mayor Pro Tempore shall be done at the Town Council's next regular scheduled meeting following a general election and certification of the ballot, and immediately following the swearing in of any new Council members and the appointment of the Mayor. The Mayor Pro Tempore shall preside at meetings of the Town Council in the absence or temporary disability of the Mayor and shall have no administrative duties except as required to carry out the responsibilities therein. In the event that the Mayor dies, resigns, becomes permanently disabled, ceases to be qualified, or is removed from office, the Mayor Pro Tempore shall become interim Mayor with the full powers and duties of the Mayor as provided by this Charter and other law until the Town Council appoints a new Mayor.

Sec. 6. Borrowing.

The Town shall have the power to borrow for a term of any length not to exceed 30 years. Except in an emergency declared by the approving vote of no fewer than four-fifths of the members of Town Council, no borrowing may cause the aggregate principal amount of outstanding Town debt to exceed at any time an amount equal to 3% of the assessed valuation of the real and personal property within the corporate limits of the Town unless approved by a majority of the Town electors voting in a referendum on the question.

Sec. 7. Financial Procedures.

- (a) **Fiscal year.** The fiscal year of the town shall begin on October 1 of each year and end on September 30 of the following year.
- (b) **Budget.** The budget shall be adopted by resolution and shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or the Charter, shall be in such a form as the Town Manager ~~Clerk/Finance Director~~ deems appropriate or ~~the Mayor~~ general law may require. In organizing the budget, the Town Manager ~~Clerk/Finance Director~~ shall receive from each department their budget request by July 1st, with the first budget meeting being held within 15 days.

The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures for the preceding fiscal year.

- (c) **Supplemental appropriations.** If, during the fiscal year, the Town Manager ~~Clerk/Finance Director~~ certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (d) **Reduction of appropriations.** If at any time during the fiscal year it appears probable to the Town Manager ~~Clerk~~ that the revenues available will be insufficient to meet the amount appropriated, the Town Manager ~~Clerk/Finance Director~~ shall report to the Mayor and ~~or~~ Council immediately, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may, by resolution, reduce one or more appropriations.
- (e) **Transfer of Appropriations.** Upon written request by the Town Manager ~~Clerk/Finance Director~~ or by action of the Town Council, the Town Council may, by resolution transfer

part or all of any unencumbered appropriation balance among programs within a department, office, or agency or to another department, office or agency.

Sec. 8. Town Manager and Administration ~~Administrative~~.

- (a) **Employment.** By the approving vote of a majority of all its members the Town Council shall appoint a Town Manager with appropriate education, credentials, and experience to serve, at the pleasure of the Town Council, for an indefinite term. The Town Council shall fix the manager's compensation by resolution or contract.
- (b) **Removal.** The Town Council may terminate the employment of the Town Manager, with or without cause, by the approving vote of a majority of all its members.
- (c) **Powers and duties of the Town Manager.** The Town Manager shall serve as the chief executive of town government. Subject to the oversight and control of the Town Council, the Town Manager shall have the authority to conduct, and shall be responsible to Town Council for the conduct of, all the Town's executive, administrative, fiscal, regulatory, and proprietary operations and actions except as provided otherwise in this charter. The Town Manager's authority and duties include the following:
 - (i) To ensure the implementation, administration, and enforcement of all town ordinances and resolutions, as well as all laws the town is charged to enforce.
 - (ii) To hire and fire all town officers and employees except the Town attorney. The employment of each town officer shall take effect only upon confirmation by Town Council.
 - (iii) To oversee, manage, and control all town departments, employees, agents, and contractors.
 - (iv) To oversee, manage, and control all town operations, projects, and other undertakings.
 - (v) To oversee, manage and control all vehicles, materials, equipment and supplies for the town. The Town Manager shall not dispose of town property, either real property or tangible personal property, except on approval or authority of the Town Council and as allowed by law.
 - (vi) To maintain, repair, improve, preserve, and otherwise care for town property.
 - (vii) To determine and prepare the agenda for each meeting of Town Council.
 - (viii) To collect, deposit, invest, expend, and disburse town revenues and other funds in compliance with the budget, Town Council policy and directive, general law, and the restrictions of this charter.
 - (ix) To keep accurate account of all monies received and disbursed, to prepare a monthly financial report detailing all receipts and disbursements, and to submit

each report to Town Council at its next regularly scheduled meeting following the month for which the report is prepared.

- (x) To prepare timely the annual budget and submit it to Town Council for approval, and to implement and administer the budget after adoption, subject to guidelines established by the Town Council.
- (xi) To perform such other duties, functions, and responsibilities consistent with the Town Manager's office as are assigned by the Town Council.

(d) **Attendance at Town Council meetings; recommendations to Town Council.** The Town Manager shall attend the meetings of the Town Council, keep the council fully advised of the affairs and needs of the town, and recommend to the council for adoption such measures as the Town Manager may deem necessary or useful to the interests of the town and its residents and taxpayers.

(e) **Vacancy.** If by death, sickness, resignation, absence, termination, or other cause the office of Town Manager shall become vacant, the Town Council may appoint an interim manager to serve until the vacancy is filled. The interim manager shall have the powers hereby vested in a town manager. No such vacancy shall be allowed to continue for longer than three months unless the longer duration is approved by the Town Council.

(f) **Authority of Town Council over the Town Manager.** The Town Manager shall be subject to the oversight and control of the Town Council acting as a board in meeting assembled. Neither the Town Council nor any of its members may control or demand in any manner the hiring, firing, promotion, sanction, or other employment action involving a town executive officer or employee whom the Town Manager or a subordinate of the Town Manager is empowered to hire. The Town Council otherwise may express its views and fully and freely discuss with the Town Manager employment actions involving town officers and employees.

It is an ongoing responsibility of the Town Council to assure that the Town Manager and staff are accountable for their actions. The Town Council shall formally evaluate the Town Manager's performance each year. The Town Council shall also monitor the policy proposals submitted by the Town Manager and the administrative and operational actions taken by the Town Manager and staff to ensure that standards acceptable to the Town Council are being maintained.

Each department and office shall be administered by an executive officer. Executive officers of the Town shall include the Town Clerk, the Director of Public Works, and the Chief of Police. The Town Council may provide for other executive officers by ordinance.

~~Each department and office under the direction and supervision of the Mayor shall be administered by an executive officer appointed by the Mayor, with the approval of the Council,~~

and subject to the direction and supervision of the Mayor. ~~Executive Officers of the Town shall include Town Clerk/Finance Director, Director of Public Works and Chief of Police. The Town Council may provide for other executive officers by ordinance. Should the Council employ a Finance Director separate from the Clerk, then the duties set out below in (b)(vi) to (ix) and (x) will become the responsibility of the Finance Director.~~

(a) ~~**Temporary Absence.** The Mayor shall appoint a temporary replacement to exercise the powers and perform the duties of any Town executive officer during a temporary absence or disability. During such absence or disability, the Mayor with the approval of Council may revoke such designation at any time and appoint another individual to serve until the executive officer returns to active employment.~~

(g) ~~(b)~~ **Town Clerk/Finance Director.** The Town Clerk/Finance Director shall be appointed by and responsible to the Town Manager ~~Mayor and Council~~ for the proper administration of the Town as stated by the Town Council and shall be required to:

- (i) Attend all council meetings and shall have the right to take part in discussion but may not vote.
- (ii) ~~See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.~~
- (ii) ~~(iii)~~ Be the Elections Qualifying Officer for the Town. The Lake County Supervisor of Elections shall provide polling places and prescribe the manner of, and otherwise oversee and direct the conduct of, all elections.
- (iii) ~~(iv)~~ Be the custodian of the Town seal.
- (iv) ~~(v)~~ Be the custodian of records for the Town.
- (vi) ~~Keep an accurate account of all monies received and disbursed; and prepare on a monthly basis a financial report detailing all receipts and disbursements. The report shall be submitted to the Town Council at its next regularly scheduled meeting following the month for which the report has been prepared.~~
- (vii) ~~Keep the financial records of the Town in a manner recommended by the Town accountant and approved by the Town Council~~
- (viii) ~~Prepare the budget annually and, upon its approval by the Mayor, submit it to the Town Council and be responsible for its administration after adoption, subject to guidelines established by the Mayor or Town Council.~~
- (ix) ~~Keep the Mayor and Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as may be deemed appropriate or necessary.~~
- (v) Be responsible for producing meeting minutes.
- (vi) ~~(x)~~ Perform such other duties as are specified in this charter, or assigned by the Town Manager ~~Mayor, or Council~~, or in the Policy and Procedure manual.
- (vii) Prepare and disseminate all notices required of the town, whether by publication, posting, mailing, or other means.

- (h) **Appointment of Town Clerk.** The duties of the Town Clerk shall be performed by a person appointed by the Town Manager.
- (i) **(e) Public Works Director.** The Public Works Director shall be responsible for the management and operation of the Public Works Department as set forth by the policy and procedure manual. The duties of the Public Works Director shall include but are not limited to construction improvements and repair and maintenance of Town facilities (including roads, drainage, parks, playgrounds, water and wastewater systems, cemetery and other public facilities). The Public Works Director shall report directly to the Town Manager ~~Mayor~~.
- (j) **(d) Police Department.** The Town shall have a police department. One officer will have the title of Chief of Police. The Chief will report directly to the Town Manager ~~Mayor~~ and shall be responsible for the administration of the Police Department as well as the conduct and performance of its officers and employees.
- (k) **(e) Requirement for a Town Attorney.** The Town Council shall contract with an attorney in good standing with The Florida Bar to provide legal services to the Town. The town attorney shall be a licensed, practicing attorney. The town attorney shall serve as legal advisor to the Town in all its legal matters. When such advice is required, the Town Manager ~~Mayor~~ will make the request and the advice shall be submitted by the town attorney in writing to the Town Manager and Mayor ~~and Mayor and~~ Town Council. All requests for legal advice or other contact with the attorney shall be approved by the Town Manager ~~Mayor~~ or a majority of the Town Council. It shall be the town attorney's duty to prepare, draft and review ordinances, resolutions, contracts and agreements, legal papers pertaining to bond issues and other borrowing, and other matters for the municipal government.
- (l) **(f) Requirement for a Town Auditor.** The Town Council shall provide for an independent annual audit of all Town accounts and may provide for such more frequent audits as it deems necessary. Audits shall be made by a certified public accounting firm with accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers. The Town Council may designate an accounting firm as the Town Auditor without requiring competitive bids and for a period of one year or longer as the Town Council deems appropriate. The Town Council may designate the accounting firm to serve on a continuing-contract basis for a period not exceeding three years and which may be terminated at the pleasure of the majority of Town Council.

ORDINANCE NO. 2022-012

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings of Town Council. The Town Council of the Town of Howey-in-the-Hills finds and declares the following with respect to the Charter of the Town of Howey-in-the-Hills, Florida:

A. Section 6 of Article 2 of the town charter should be amended, if approved by the town voters, to allow the town to exceed the current limitation on aggregate town debt so long as the borrowing either (i) is not secured by a pledge of property taxes and is determined by extraordinary vote of Town Council to be prudent and in the best interests of the town's citizens and taxpayers or (ii) will refinance existing town debt and, by doing so, result in debt-service savings.

B. Having reviewed and discussed the merits of amending the town charter to allow two additional exceptions to the current limitation on aggregate town debt, the Town Council is now ready and willing to offer such a charter amendment to town voters for approval at a referendum to be held at the Primary Election on Tuesday, August 23, 2022.

Section 2. Approval of Amendment to Town Charter. The Town Council herewith approves the following amendment to Section 6 of Article 2 of the Charter of the Town of Howey-in-the-Hills, Florida, with additions to the section underscored and deletions struck through:

Sec. 6. Borrowing.

The Town shall have the power to borrow for a term of any length not to exceed 30 years. ~~Except in an emergency declared by the approving vote of no fewer than four-fifths of the members of Town Council,~~ No borrowing may cause the aggregate principal amount of outstanding town debt to exceed at any time an amount equal to 3% of the assessed valuation of the real and personal property within the corporate limits of the town unless:

(a) The borrowing is first approved by a majority of the Town electors voting in a referendum on the question-, or

(b) The borrowing is occurring in an emergency declared by the approving vote of no fewer than four-fifths (4/5) of the members of Town Council; or

(c) The borrowing is:

(i) not secured by a pledge of ad valorem taxes, and

(ii) is found by a vote of no fewer than four-fifths (4/5) of the members of Town Council to be prudent and in the best interests of the citizens and taxpayers of the town, or

(d) The borrowing will refinance or refund existing town debt such that the present value of the aggregate of future payments under the new borrowing will be less than the present value of the aggregate of future payments that would have been made under the existing debt.

Section 3. Filing and Publication. The Mayor and the Town Clerk are authorized and directed to cause the charter, as amended in Section 2, to be filed with the Florida Department of State and to be published in the Code of Ordinances of the Town of Howey-in-the-Hills, on the town's website, and at such other locations and media as may be necessary or useful to inform town residents and taxpayers of proposed revision.

Section 4. Authority. This ordinance is enacted pursuant to the authority granted under Section 166.031 of Florida Statutes.

Section 5. Referendum.

A. **Referendum Called.** The Town Council hereby calls a referendum to be held at the Primary Election on Tuesday, August 23, 2022, to allow the electors of the Town of Howey-in-the-Hills to vote on the charter amendment approved in Section 2. All qualified electors of the Town of Howey-in-the-Hills shall be entitled and permitted to vote in the referendum. The referendum shall be held and conducted in the manner prescribed by law for municipal elections. The Town Council authorizes the cost of the referendum to be paid from the town's general fund.

85 B. **Ballot.** The ballot title and ballot summary for the referendum shall be as
86 follows:

87
88
89 **AMENDMENT TO TOWN CHARTER AUTHORIZING EXCEPTIONS**
90 **TO LIMITATION ON AGGREGATE TOWN DEBT**
91

92 Shall the charter for Howey-in-the-Hills be amended to modify the exceptions to
93 the limit on town debt (in aggregate, no more than 3% of assessed value of
94 property in the town) to include borrowings (1) for refinancing that will lower
95 town debt payments and result in town savings and (2) that are not payable from
96 property taxes and are deemed good and prudent by vote of 4/5 of town council?
97

98 Yes _____
99 No _____

100
101
102 C. **Translation of the Ballot.** The Mayor and Town Clerk are authorized and
103 directed to have the ballot title and summary translated into Spanish as required by the Lake
104 County Supervisor of Elections.
105

106 D. **Notice of Referendum.** The Mayor and Town Clerk are authorized and directed
107 to advertise the referendum as required by law and to take all other actions necessary or useful to
108 carry out the provisions of this section.
109

110 **Section 6. Effective Dates.** Sections 4 and 5 and this section 6 take effect immediately upon
111 approval of this ordinance by Town Council. Sections 1 through 3, including the charter
112 amendment approved in Section 2, take effect on the first day of October, 2022, but only if the
113 charter amendment is approved by the electors of the town voting in the referendum called in
114 section 5. If the voters do not approve the charter amendment at the referendum, this ordinance
115 shall be deemed to be of no further effect.
116
117
118
119

120 *** *Signature page follows* ***
121

ENACTED this 23rd day of May, 2022, at a regular meeting of the Town Council of the
Town of Howey-in-the-Hills, Florida.

Town of Howey-in-the-Hills, Florida

by: Town Council

by: _____
Hon. Martha MacFarlane, Mayor

Attest:

John Brock, Town Clerk

Approved as to form and legality
(for the use and reliance of the Town only)

Thomas J. Wilkes
Town Attorney

First reading: May 9, 2022
Second reading: May 23, 2022

/40286/28#47085587 v4



Date: May 6, 2022

To: Mayor and Town Council

From: Code Enforcement, Azure Botts

Re: Consideration and Recommendation: **Ordinance 2022-009 Food Trucks**

Objective:

To allow mobile food trucks to operate on private property within the Town Center Commercial TC-C zoning.

Summary:

The town currently does not have an allowance for these types of businesses to operate within the town except at special events. This ordinance will regulate the use of mobile food trucks on private property, while supporting local entrepreneurs that will bring new energy and interest into the town.

Possible Motions:

The Town Council has the following options:

1. The Town Council motions to approve
OR
2. The Town Council motions to approve with the following conditions
OR
3. Motion to Deny

Fiscal Impact:

There is no fiscal impact.

Staff Recommendation:

During review of the ordinance at the P&Z meeting on 4/28/22, citizens had two questions/concerns; 1) the time food trucks could operate and 2) how many trailers could be placed on a lot that was less than .25 acres. The interest for the first question was to extend the time, so food trucks could operate before 6:00 A.M. and later than 7:00 P.M. The interest for the second question was to consider lots with less than .25 acres. The P&Z made a recommendation to Town Council to consider extending the operation hours, but not for addressing the concern of the lot size.

After town staff reviewed the proposed ordinance more closely and in addressing the citizens' concerns, the town staff recommends the following amendments be made to the proposed ordinance.

ORDINANCE NO. 2022-009
“FOOD TRUCKS”

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.

Whereas, the mobile food truck industry has expanded and provides the service of convenient and diverse food choices; and

Whereas, the people have a right to be assured and should be assured that food purchased from mobile food trucks is safe for consumption; and

Whereas, the Town Council recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck businesses while protecting public health, safety, and welfare, and minimizing adverse visual and audio impacts to the public realm; and

Whereas, the Town Council has determined that it is in the best interest of the residents of Howey-in-the-Hills that minimum standards of conduct be enacted to permit Mobile Food Trucks to operate within the Town of Howey-in-the-Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Amendments to the Town of Howey-in-the-Hills Land Development Code. Section 5.02.01 of the Town of Howey-in-the-Hills’ Land Development Code is amended, and new section 5.02.09 is added to the Land Development Code, as follows:

5.02.01 Generally

This section sets forth the regulations regarding temporary uses and structures. Permitted temporary uses and the structures associated with the temporary uses include seasonal sales, special events, temporary structures during construction activities, and model homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited,

except as provided in other sections of the Land Development Code or as part of an approved special event.

5.02.09 Food Trucks

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
1. The number of food trucks/trailers allowed per parcel is limited to one (1) food truck/trailer per .03125 acre of non-constructed land area, not to exceed a total of six (6) food trucks per parcel.
 2. Food trucks/trailers shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of ten (10) feet. Food trucks/trailers shall be a minimum of five (5) feet from the property line.
 3. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel or other approved material.
 4. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
 5. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
 6. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
 7. Each food truck/trailer must be equipped with at least one approved portable fire extinguisher with a minimum rating of 2A: 10 BC.
 8. Food trucks/trailers must comply with all current fire prevention codes.
 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
 10. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
 11. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
 12. Amplified sound is prohibited.
 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and 10:00 P.M.

14. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.

C. Food truck/trailer approval. An owner of property or a business in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

Section 3. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. Only the provisions in Section 2 shall be codified in the Land Development Code.

Section 5. Effective Date. This ordinance takes effect upon its enactment.

Signatures on the following page.

ORDAINED AND ENACTED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Town of Howey-in-the-Hills, Florida
By its Town Council

By: _____
Hon. Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for the use and reliance of the Town only)

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney

Planning & Zoning Board Reading held April 28, 2022
First Reading held May 9, 2022
Second Reading, Public Hearing and Adoption held May 23, 2022
Advertised May 13, 2022

#47206214 v3

ORDINANCE NO. 2022-009
“FOOD TRUCKS”

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.

Whereas, the mobile food truck industry has expanded and provides the service of convenient and diverse food choices; and

Whereas, the people have a right to be assured and should be assured that food purchased from mobile food trucks is safe for consumption; and

Whereas, the Town Council recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck businesses while protecting public health, safety, and welfare, and minimizing adverse visual and audio impacts to the public realm; and

Whereas, the Town Council has determined that it is in the best interest of the residents of Howey-in-the-Hills that minimum standards of conduct be enacted to permit Mobile Food Trucks to operate within the Town of Howey-in-the-Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

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except as provided in other sections of the Land Development Code or as part of an approved special event.

5.02.09 Food Trucks

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
1. The number of food trucks/trailers allowed per lot or combination of contiguous lots under common ownership is limited to two food trucks/trailers per .25 acre of land area. For example, a maximum of eight food trucks/trailers are allowed on 1 acre of land.
 2. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel or other approved material.
 3. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
 4. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
 5. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
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 7. Food trucks/trailers must comply with all current fire prevention codes.
 8. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
 9. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
 10. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
 11. Amplified sound is prohibited.
 12. Food trucks/trailers may operate only between the hours of 7:00 A.M. and 7:00 P.M.
 13. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food

truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.

- C. Food truck/trailer approval. An owner of property or a business in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

Section 3. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

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Town of Howey-in-the-Hills, Florida
By its Town Council

By: _____
Hon. Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for the use and reliance of the Town only)

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney

Planning & Zoning Board Reading held April 28, 2022
First Reading held May 9, 2022
Second Reading, Public Hearing and Adoption held May 23, 2022
Advertised May 13, 2022

#47206214 v3

Food Truck Application

Business Name: _____

Agent/Lessee: _____ BTR License #: _____

Address: _____

Email: _____ Phone: _____

Hours of Operation: _____

Property Owner:

Name: _____

Email: _____ Phone: _____

Address where food truck(s) will be located _____

Parcel Number: _____

Short Term (less than 90 days) please provide dates _____

Long Term (over 90 days), check here _____

I CERTIFY THAT, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that

I am:

☐ Owner of the property described herein.

Signature: _____ Date: _____

Printed Name _____

☐ Business owner described herein.

Signature: _____ Date: _____

Printed Name _____

Disclosure: All licenses and certificates required by other State Agencies must be submitted to the town on an annual basis.

Registration checklist

- Property owner authorization shall be a notarized letter from the property owner of record or authorizing agent.
- Proof of ownership
- Florida Department of Business and Professional Regulations
- Florida Department of Health
- Florida Department of Agriculture and Consumer Services
- Site plan



Planning & Zoning Board Meeting

April 28, 2022 at 6:00 PM

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

Howey-in-the-Hills, FL 34737

MINUTES

CALL TO ORDER ROLL CALL

BOARD MEMBERS PRESENT:

Tina St. Clair - Chairperson | Sheldon Lucien | John Manning | Richard Mulvany | Shawn Johnson | Frances O'Keefe Wagler (via Zoom)

STAFF PRESENT:

Sean O'Keefe - Town Administrator (via Zoom) | Victoria Elfers - Building Services Clerk | Tom Harowski - Town Planner | Azure Botts – Code Enforcement Officer

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. Consideration and Approval of the March 24, 2022, Planning and Zoning Board Meeting minutes.

**Motion made by John Manning to approve the agenda; Richard Mulvany seconded the motion.
Motion was approved unanimously by voice vote.**

PUBLIC HEARING

2. Consideration and Recommendation: **Ordinance 2022-004**

Tina St. Clair, Board Chair, 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.

Tina St. Clair introduced this item and asked Town Planner, Tom Harowski, to present this item. Mr. Harowski explained due to time constraints that he would explain Ordinance 2022-004, 2022-007, 2022-003, 2022-005, 2022-006, and 2022-008 as they are all related and similar in nature. 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 also stated that 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 also explained 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.

Public Comments:

Rutledge Avery, 10918 E. Revels Rd - Mr. Avery asked the board if the easement will be taken away and if the Town has contracted a geological surveyor to survey the property. He believes the land is caving into the claypit, which he assumed may be a sinkhole.

Mr. Harowski explained the Town has not conducted a geological survey.

Mr. O'Keefe reasoned that if the land is caving in, it was caused by the landfill that use to occupy the property.

Charles Pasch, 11040 E. Revels Rd - Mr. Pasch commented that he appreciated that if the easement was vacated, he would get a thirty-foot property extension and the tree line that separates the parcels would not be removed or affected.

Buddy Niles, Pine Hills - Mr. Niles owns property off East Revels Rd- Mr. Niles asked how many acres the Town owns, and if homes will be built on the property. He also presumed the applicant, Mr. Hixson, will cut down the trees.

Mr. Harowski answered that the Town owns approximately five acres, and the applicant will own two acres.

Mark Linn, 24030 Sunset Dr. – Mr. Linn asked if Sunset Drive would be affected by right-of-way.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey explained she moved away from Orlando to avoid development and expressed she does not want the annexation to occur.

Laura Channel, 10738 E. Revels Rd – Mrs. Channel asked who will be responsible for the right-of-way.

Eddie Channel, 10738 E. Revels Rd – Mr. Channel stated that he felt neither the County nor the Town will take responsibility for the right-of-way.

Motion made by John Manning for recommendation of approval for Ordinance 2022-004; seconded by Board Member Richard Mulvany. Motion was approved unanimously by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

3. Consideration and Recommendation: **Ordinance 2022-007**

Tina St. Clair, Board Chair, 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.

Town Planner, Tom Harowski stated that the same staff summary applied to this Ordinance.

Public Comment:

Rutledge Avery, 10918 E. Revels Rd - Mr. Avery repeated his concern for the possibility of a sinkhole.

Board Member John Manning asked if the site has been investigated.

Mr. Harowski answered it has not.

Mr. O'Keefe added the Town plans to unify the parcels and does not have plans to conduct a survey.

Board Member Richard Mulvany asked if the site used to be the Town's dump.

Mr. O'Keefe confirmed the site used to be used as the Town's landfill.

Motion made by Board Member Richard Mulvany for recommendation of approval of Ordinance 2022-007; seconded by Board Member John Manning. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O'Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

OLD BUSINESS

4. Item: **Richard Mulvany Form 8B to be read here.**

Building Services Clerk, Victoria Elfers, read Board Member Richard Mulvaney's Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Officers statement aloud and announced that it would be included with the minutes from the March 24, 2022 Planning & Zoning Board Meeting.

NEW BUSINESS

5. Consideration and Recommendation: **Ordinances 2022-003 and 2022-005 pertaining to annexation of a 1.86 acre parcel and amendment of the official zoning map to designate the property as agriculture; and Consideration and Recommendation for vacation of unopened right-of-way adjacent to the property referenced.**

Mr. Harowski stated his staff report remained current.

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles who owns property off East Revels Rd, expressed his concern for traffic flow.

Linda Lindsey, 24115 Sunset Dr – Mrs. Lindsey expressed concerned that construction vehicles will affect the easement and proposed a separate road should be used.

Motion made by John Manning for recommendation of approval this agenda item; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

6. Consideration and Recommendation: **Ordinances 2022-006 and 2022-008 pertaining to the annexation the Howey landfill property and assigning a zoning classification of Agricultural.**

Public Comment:

Buddy Niles, Pine Hills – Mr. Niles stated he didn’t understand why the board was taking Public Comment again since the board was voting the way it wanted to anyway.

Motion made by Richard Mulvany for recommendation of approval of Ordinances 2022-006 and 2022-008; seconded by Fran O’Keefe Wagler. The motion was approved by roll call vote.

Sheldon Lucien	NO	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	YES

7. Consideration and Recommendation: **Ordinance 2022-009 Food Trucks**

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.

Board Member John Manning recused himself from commenting or voting on the Ordinance due to a conflict of interest.

Code Enforcement Officer Botts explained the Town does not currently have an ordinance for food trucks; and reviewed the proposed ordinance.

Public Comment:

Leslie Manning, 111 E Holly St – asked the board 1) if she would be allowed to place a food truck in the gated area of her business, the Howey Market, 2) if the curfew could extend after 7 p.m., and 3) if the Special Events permit will have to be submitted each time her food truck is operating.

Officer Botts answered it would need to be discussed further regarding her business’s area, the curfew extension can be discussed with Town Council, and food truck events will need to be filled under Special Events.

Board Member Sheldon Lucien asked what area in Town is zoned as Town Commercial.

Mr. O’Keefe answered the general commercial area spans from Lakeshore Blvd and Florida Ave.

Chairperson Tina St. Clair quired if Town residents within the commercial area could accommodate food truck owners to park and operate on their property.

Officer Botts explained it would need to be discussed further due to the ordinance stating there can only be one food truck per 0.25 acre.

Leslie Manning, 111 E Holly St – asked how the operation hours and food truck areas were designated.

Officer Botts explained Town Staff collected data from surrounding cities.

Mr. Harowski suggested the board can make a conditional recommendation to extend the business hours.

Janice McLain 109 S Lakeshore Blvd - debated food truck businesses should become a permanent basis instead of a special event function.

Board Member Francis O’Keefe Wagler asked if food trucks would be allowed to use Town parking spaces.

Officer Botts answered it is only allowed on private property.

Mr. O’Keefe added food trucks are allowed to park on owned/leased property.

Board Member Shawn Johnson asked if food trucks can park in neighborhoods.

Officer Botts explained subdivisions would fall under the Police Department’s jurisdiction, however, she believes it is allowed.

Motion made by Richard Mulvany for recommendation of approval with the condition to extend business hours; seconded by Board Member Sheldon Lucien. The motion was approved by roll call vote.

Sheldon Lucien	YES	Chair Tina St. Clair	YES
Fran O’Keefe Wagler	YES	Richard Mulvany	YES
Shawn Johnson	YES	John Manning	RECUSED

PUBLIC COMMENTS

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

Leslie Manning, 111 E Holly St – Mrs. Manning expressed concerned with parking overflow on Central Ave.

Mr. Harowski reasoned business owners will have to negotiate parking.

ADJOURNMENT

There being no further business to discuss, a motion was made by Richard Mulvany to adjourn the meeting; John Manning seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:24 p.m. | **Attendees: 23**

ATTEST:

Tina St. Clair Chairperson

John Brock, Town Clerk

ORDINANCE 2022-006

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, AN ENCLAVE 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.

WHEREAS, a petition has been received from Mayor Martha MacFarlane, agent for owner the Town of Howey-in-the-Hills, to annex approximately 4.96 acres of land located generally south of East Revels Road and west of Sunset Drive into the corporate limits of the Town of Howey-in-the-Hills pursuant to Florida Statutes, Section 171.044; and

WHEREAS, the petition bears the signatures of all required parties; and

WHEREAS, upon review of the petition the Town Council finds that the subject property is contiguous to the Town boundaries and is reasonably compact; and

WHEREAS, the required notice of annexation has been properly published.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS:

Section 1. The following described property, consisting of approximately 4.96 acres and located generally south of East Revels Road and west of Sunset Drive, is hereby annexed into the corporate limits of the Town of Howey-in-the-Hills, to wit:

See Exhibit “A” attached hereto.

Section 2. The Town Clerk shall forward a certified copy of this Ordinance to the Clerk of Court of Lake County for recording in the Public Records of Lake County, Florida upon passage.

Section 3. The Town Clerk shall mail a certified copy of this ordinance both to the Lake County Board of County Commissioners and to the Secretary of State of the State of Florida within seven days after passage.

Section 4. This ordinance shall take effect upon passage.

PASSED and ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Martha MacFarlane, Mayor

ATTEST:

John Brock, Town Clerk

Approved First Reading 5/9/2022

Approved Second Reading 5/23/2022

Advertised 5/12/2022 & 5/19/2022

Approved as to form and legality:

Thomas J. Wilkes, Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel ID No.: 35-20-25-0100-000-02301

Alternate Key No.: 1257727

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST
SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

ORDINANCE NO. 2022-008

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida hereby makes and expresses the following findings, purposes, and intent:

(1) By enacting its Ordinance No. 2022-006 on May 23, 2022, the Town annexed 4.96-acres of land more specifically described in the legal description attached hereto as **Attachment A**, located south of East Revels Road, west Sunset Drive ("**Property**").

(2) On May 23, 2022, the Town Council enacted its Ordinance 2022-007 to amend the Town's Comprehensive Plan and designate the Property on the Town's Future Land Use Map for Town Rural Lifestyle future land use.

(3) The Town Council has determined that rezoning the Property from Lake County "Agriculture" to Town of Howey-in-the-Hills "Agriculture" is consistent with both the Town's Comprehensive Plan and the Town's Land Development Code ("LDC") and will not adversely affect the public health, safety, and welfare of the Town.

Section 2. Amendment to the Official Zoning Map. The Town Council hereby approves an amendment to the Town's Official Zoning Map to zone the Property for Town Agriculture. Development and use of the Property under its Town Agriculture zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

(1) Ordinance 2022-006 and this Ordinance 2022-007;

- (2) The Town's Land Development Code; and
- (3) All other Town ordinances governing the development of the Property.

Section 3. Severability. If any part of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining parts of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In a conflict between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendment to the Official Zoning Map as described in Section 2 shall be codified and made part of the Town's LDC and Official Zoning Map.

Section 6. Effective Date. This ordinance shall take effect upon the later of (i) its enactment by the Town Council, (ii) the date on which Ordinance 2022-007, designating the future land use for the Property on the Town's Future Land Use Map, takes effect.

[Signatures on the next page]

PASSED AND ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**

By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town only)

John Brock
Town Clerk

Thomas J. Wilkes
Town Attorney

Planning and Zoning hearing held **April 28, 2022**

First Reading held **May 9, 2022**

Second Reading and Adoption held **May 23, 2022**

Advertised **May 13, 2022**

ATTACHMENT A
Legal Description of the Property

Parcel ID No.: 35-20-25-0100-000-02301

Alternate Key No.: 1257727

Legal Description: FIRST SUB HOWEY THAT PART OF LOTS 23, 24, 25, 27 LYING WITHIN CLAY PIT, LOTS 28, 29 PB 5 PG 32 AND THE UNOPENED RIGHT-OF-WAY BISECTING THE LANDFILL PARCEL. THE PARCEL IS APPROXIMATELY 4.96-ACRES PLUS THE RIGHT-OF-WAY.

ORDINANCE 2022-003

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, AN ENCLAVE 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.

WHEREAS, a petition has been received from John Hixson, as the contract purchaser of the subject property and as agent for owner Benjamin A & Laura R MacPhee Trustees, to annex approximately 1.82 acres of land located generally south of East Revels Road and west of Sunset Drive into the corporate limits of the Town of Howey-in-the-Hills pursuant to Florida Statutes, Section 171.044; and

WHEREAS, the petition bears the signatures of all required parties; and

WHEREAS, upon review of the petition the Town Council finds that the subject property is contiguous to the Town boundaries and is reasonably compact; and

WHEREAS, the required notice of annexation has been properly published.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS:

Section 1. The following described property, consisting of approximately 1.82 acres and located generally south of East Revels Road and west of Sunset Drive, is hereby annexed into the corporate limits of the Town of Howey-in-the-Hills, to wit:

See Exhibit "A" attached hereto.

Section 2. The Town Clerk shall forward a certified copy of this Ordinance to the Clerk of Court of Lake County for recording in the Public Records of Lake County, Florida upon passage.

Section 3. The Town Clerk shall mail a certified copy of this ordinance both to the Lake County Board of County Commissioners and to the Secretary of State of the State of Florida within seven days after passage.

Section 4. This ordinance shall take effect upon passage.

PASSED and ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Martha MacFarlane, Mayor

ATTEST:

John Brock, Town Clerk

Planning and Zoning hearing held 4/28/2022

Approved First Reading 5/9/2022

Approved Second Reading 5/23/2022

Advertised 5/12/2022 & 5/19/2022

Approved as to form and legality:

Thomas J. Wilkes, Town Attorney

EXHIBIT "A"

Parcel ID No.: 35-20-25-0100-000-02300

Alternate Key No.: 3771630

LEGAL DESCRIPTION

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST
SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

ORDINANCE NO. 2022-005

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.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida hereby makes and expresses the following findings, purposes, and intent:

(1) By enacting its Ordinance No. 2022-003 on May 23, 2022, the Town annexed 1.82 acres of land more specifically described in the legal description attached hereto as **Attachment A**, located south of East Revels Road, west Sunset Drive ("**Property**").

(2) On May 23, 2022, the Town Council enacted its Ordinance 2022-004 to amend the Town's Comprehensive Plan and designate the Property on the Town's Future Land Use Map for Town Rural Lifestyle future land use.

(3) The Town Council has determined that rezoning the Property from Lake County "Agriculture" to Town of Howey-in-the-Hills "Agriculture" is consistent with both the Town's Comprehensive Plan and the Town's Land Development Code ("LDC") and will not adversely affect the public health, safety, and welfare of the Town.

Section 2. Amendment to the Official Zoning Map. The Town Council hereby approves an amendment to the Town's Official Zoning Map to zone the Property for Town Agriculture. Development and use of the Property under its Town Agriculture zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

(1) Ordinance 2022-003 and this Ordinance 2022-004;

- (2) The Town's Land Development Code; and
- (3) All other Town ordinances governing the development of the Property.

Section 3. Severability. If any part of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining parts of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In a conflict between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendment to the Official Zoning Map as described in Section 2 shall be codified and made part of the Town's LDC and Official Zoning Map.

Section 6. Effective Date. This ordinance shall take effect upon the later of (i) its enactment by the Town Council, (ii) the date on which Ordinance 2022-004, designating the future land use for the Property on the Town's Future Land Use Map, takes effect.

[Signatures on the next page]

PASSED AND ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**

By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town only)

John Brock
Town Clerk

Thomas J. Wilkes
Town Attorney

Planning and Zoning hearing held **April 28, 2022**

First Reading held **May 9, 2022**

Second Reading and Adoption held **May 23, 2022**

Advertised **May 13, 2022**

ATTACHMENT A
Legal Description of the Property

Parcel ID No.: 35-20-25-0100-000-02300

Alternate Key No.: 3771630

Legal Description: LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



MEMO

To: Town Council

CC:

From: John Brock, Town Clerk

RE: April 2022 Month-End Town Hall Report

Date: 05/05/2022

Permitting:

Permits	Apr-22	Mar-22	Feb-22	Jan-22	Dec-21	Nov-21	Oct-21	FYTD
Talichet - SFR	0	0	0	0	0	0	2	2
Talichet - Revision	0	1	1	1	0	0	0	3
Independent -SFR	0	0	1	0	1	2	0	4
Building	1	2	5	1	3	5	3	20
Building Commercial	0	1	0	0	1	0	0	2
Re-Roof	6	7	2	2	3	9	5	34
Screen Enclosure	1	5	1	4	1	5	3	20
Sheds	1	2	2	0	1	2	0	8
Fence	4	7	7	10	4	11	2	45
Electrical/Solar	4	2	3	2	3	3	8	25
Pool/Decks	1	2	1	1	0	3	0	8
HVAC/Mechanical	0	2	2	2	1	1	1	9
Plumbing	0	1	0	0	1	1	1	4
Gas	1	0	1	0	0	0	0	2
Commercial Fence	0	0	0	0	0	0	2	2
Talichet CO's	8	7	2	5	4	6	2	34

Utility Billing:

Top Utility Bill Bad Debt for April 2022

service_address	Action	total_balance	current_charges	past_due_amount
107 E MYRTLE ST	Lien - Turn Off	3203.17	25.65	3177.52
503 CAMINO REAL	Lien - Turn Off	1409.45	25.65	1383.80
103 SIXTH AVE	Lien - Turn Off	731.40	25.65	705.75
122 W MAGNOLIA AVE		666.07	115.86	550.21
213 MESSINA PL-IRRIGATION		484.17	68.60	415.57
311 E ORCHID WAY	Lien	503.65	111.76	391.89
324 TERRACOTTA TER-IRRIGATION		449.78	78.28	371.50
205 E LAUREL AVE	Lien	407.11	41.13	365.98
213 MESSINA PL-POTABLE		419.34	92.12	327.22
23 CAMINO REAL		340.01	54.23	285.78
803 CAMINO REAL		328.37	53.17	275.20
324 TERRACOTTA TER-POTABLE		380.75	113.82	266.93
107 E LAUREL		296.73	41.13	255.60
325 TERRACOTTA TER-POTABLE	Payment Plan	340.14	87.13	253.01
440 AVILA PL-IRRIGATION		392.41	182.03	210.38

Activity Log Event Summary (Cumulative Totals)

Howey-in-the-Hills PD
(04/01/2022 - 04/30/2022)

Abandoned 911	2	Abandoned Vehicle	2
Alarm Activation	3	Animal Complaint	3
Anti-Social Behavior	62	Arrest	6
Assault & Battery	2	Assist other Agency- Alarms	3
Assist other Agency- Back-up	11	Assist other Agency- In Progress calls	8
Assist other Agency- Medical Call	4	Assist other Agency- Other	5
Assist other Agency- Traffic	7	Attempt to Contact	1
Baker Act	3	Case Follow-Up	1
Child Neglect-Abuse	1	Citizen Assist	3
Civil Complaint-Legal Advice	6	Civil Complaint-Legal Advice - Business	1
Disabled Vehicle (DAV)	3	Disturbance	1
Fraud Investigation	2	Hit and Run Crash	1
Noise Complaint	1	Patrol	325
Patrol-School	118	Property Check-Boat Ramp	27
Property Check-Business	65	Property Check-Residence	12
Property Check-Schools/Govt. Bldg.	30	Property Check-Town Property	191
Property Damage	1	Public Relations	4
Reckless Driver	3	Road Hazard	1
Security Check Request	3	Sick/Injured Person	2
Solicitor Complaint	1	Special Detail	2
SRO School Meeting	1	Suspicious Incident	2
Suspicious Person	1	Suspicious Vehicle	5
Traffic Crash	3	Traffic Stop-Civil Citation	188
Traffic Stop-Criminal Citation	6	Traffic Stop-warning	84
Traffic Watch	82	Well Being Check	1

Total Number Of Events: 1,300

Code Summary Report Activity Type

Activity Date 04/01/2022 TO 04/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
Initial Inspection	0	0	0	14	0	0	0	0	0	0	0	0	14
Meeting	0	0	0	1	0	0	0	0	0	0	0	0	1
Phone call	0	0	0	4	0	0	0	0	0	0	0	0	4
Re-Inspection	0	0	0	7	0	0	0	0	0	0	0	0	7
Research	0	0	0	1	0	0	0	0	0	0	0	0	1
Send Letter	0	0	0	3	0	0	0	0	0	0	0	0	3
Totals:	0	0	0	30	0	0	0	0	0	0	0	0	30

Code Summary Report Violation Name

Violation Date 04/01/2022 TO 04/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
Accumulation of Junk Sec. 127-4	0	0	0	2	0	0	0	0	0	0	0	0	2
Accumulation of Refuse Sec. 127-2	0	0	0	2	0	0	0	0	0	0	0	0	2
Excessive or Untended Growth of Vegetation Sec. 127-3	0	0	0	6	0	0	0	0	0	0	0	0	6
Florida Building Code 105.1	0	0	0	1	0	0	0	0	0	0	0	0	1
Parking-Boats and RVs (C) Article I, Sec. 166-3	0	0	0	1	0	0	0	0	0	0	0	0	1
Parking-Boats and RVs (D) Article I, Sec. 166-3	0	0	0	1	0	0	0	0	0	0	0	0	1
Water Restriction Sec. 171-123(c)(1)	0	0	0	2	0	0	0	0	0	0	0	0	2
Totals:	0	0	0	15	0	0	0	0	0	0	0	0	15

Code Summary Report Activity Type

Activity Date 10/01/2021 TO 04/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
Email	2	1	3	0	0	0	0	0	0	0	0	2	8
Initial Inspection	18	25	14	14	0	0	0	0	0	18	12	3	104
Issue Citation	0	0	0	0	0	0	0	0	0	2	0	0	2
Meeting	0	0	0	1	0	0	0	0	0	0	0	0	1
Office visit	1	0	2	0	0	0	0	0	0	0	0	1	4
Phone call	7	4	10	4	0	0	0	0	0	10	6	5	46
Re-Inspection	13	6	16	7	0	0	0	0	0	17	12	12	83
Research	2	0	10	1	0	0	0	0	0	0	2	2	17
Send Letter	2	3	13	3	0	0	0	0	0	4	3	1	29
Verbal Warning	0	0	0	0	0	0	0	0	0	0	1	0	1
Totals:	45	39	68	30	0	0	0	0	0	51	36	26	295

Code Summary Report Violation Name

Violation Date 10/01/2021 TO 04/30/2022

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Row Total
Accumulation of Junk Sec. 127-4	4	1	1	2	0	0	0	0	0	0	6	0	14
Accumulation of Refuse Sec. 127-2	4	0	0	2	0	0	0	0	0	0	5	0	11
Excessive or Untended Growth of Vegetation Sec. 127-3	1	1	0	6	0	0	0	0	0	0	2	0	10
Florida Building Code 105.1	2	1	1	1	0	0	0	0	0	4	0	2	11
Land Clearing LDC Chap 7.13.00	0	0	1	0	0	0	0	0	0	0	0	0	1
Movable Module Storage Units LDC 5.02.06	1	0	0	0	0	0	0	0	0	0	0	0	1
Parking-Boats and RVs (A) Article I, Sec. 166-3	0	0	0	0	0	0	0	0	0	2	2	0	4
Parking-Boats and RVs (C) Article I, Sec. 166-3	2	2	1	1	0	0	0	0	0	0	0	0	6
Parking-Boats and RVs (D) Article I, Sec. 166-3	0	1	4	1	0	0	0	0	0	0	0	0	6
Political Signs 5.03.05(K)	4	0	0	0	0	0	0	0	0	0	3	0	7
Prohibited Signs 5.03.04	0	0	0	0	0	0	0	0	0	8	2	0	10
Storm water Management 8.05.05	0	1	0	0	0	0	0	0	0	0	0	0	1
Storm water Management 8.05.05 (K)(2)(o)	0	1	0	0	0	0	0	0	0	0	0	0	1
Tree Permit LDC Chap 7.12.01	0	0	1	0	0	0	0	0	0	0	0	0	1
Water Restriction Sec. 171-123(c)(1)	1	5	0	2	0	0	0	0	0	0	0	0	8
Water Restriction Sec. 171-123(c)(2)	0	0	10	0	0	0	0	0	0	0	0	0	10
Totals:	19	13	19	15	0	0	0	0	0	14	20	2	102



Public Utilities

April 2022 – Monthly Report

Activity	Location/ Address	Notes
Repair	Well #3	Replaced the main well pump motor for Well #3
Service Orders	Various locations	10 utility service orders
Locate Tickets	Various locations	Responded to and marked for 811 25 tickets



Public Works

April 2022 – Monthly Report

Activity	Location/ Address	Notes
Road Maintenance / Potholes	E. Cedar Street, E. Cypress Ave, Marilyn Ave	Beasley installed curb on E. Cedar St & E. Cypress Ave. Beasley repaved Marilyn Ave.
Street Signs		
Stormwater/Drainage		
Sidewalk Maintenance	E. Cypress Ave @ SR 19	Beasley connected sidewalk to E. Cypress
Building Maintenance		
Grounds Maintenance	Taylor Memorial Cemetery	Pressure washed all sidewalks, washed mausoleum, trimmed hedges, removed mulch and rock around island and flag pole, installed new flags
Tree Trimming/Tree Removal	127 E. Cypress Ave	Tree removal by contractor at 127 E. Cypress
Mowing/Weed Eating	Main Water Plant Well # 3 Lakeshore Blvd	Monthly Maintenance mowing, weed eating and edging
Boardwalk Repairs	Sara Maude Mason Nature Preserve	See attached Monthly Report
Landscape/Irrigation/Lot Grading Inspections/Sidewalk Inspections	Talichet Phase 1	8 Landscape/Irrigation Inspections 8 Final Lot Grading Inspections 8 Sidewalk Inspections for ADA Compliance

Additional Notes:

Town Staff has selected Hottinger Construction as the Contractor to perform the replacement of the walk boards and handrails on the Fishing Pier.

The contract has been signed, pre-construction meeting will be scheduled soon.



Sara Maude Mason Nature Preserve

April 2022 – Monthly Report

Materials Purchased: No new materials have been purchased this month, Researching lumber companies to purchase better quality lumber.

Work Performed: Installed 10 walkboards, Trimmed/Removed tree limbs along nature trail, Installed motion activated security cameras along the boardwalk to report vandalism to Howey PD (will installed more cameras as needed). Repaired gate on N. Buckhill Road entrance.



Lakeshore Blvd. Bump-Outs Maintenance Schedule

Weekly/Bi Weekly Maintenance: Weed Eat and Edge Bump-Outs during weekly/bi weekly Lakeshore Blvd mowing schedule. Empty Trash Receptacles (Weekly).

Monthly Maintenance: Inspect/Log Maintenance performed by “Adopt a Bump-Out” Volunteers, remove debris/trash collected by Volunteers.

Quarterly Maintenance: Prune/Trim trees and shrubs as needed.

Annual Maintenance: Remove/Replace landscape features (plants, shrubs, mulch/rock) as needed. Pressure wash sidewalks, repair/replace sidewalk (broken/uneven) as needed to ensure public safety requirements are being met.



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

Statistics for April 2022

KOHA total circulation: 1,342, total digital: 155, total patrons: 1,881, total items in library: 12,286. Computer usage was not available at this time.

Funds collected for March:

Copies/Fax: \$161.00 **Fines:** \$59.45 **Total:** \$ 220.45 **FOL:** \$130.25

Activities during the month of April:

We presented several programs in April in conjunction with the Friends. Book Bingo where 22 people enjoy the game of bingo while giving feedback to the Friends on programming they would like to see the Friends sponsor here at the library. We had four goats visit the library and entertain 38 patrons on the 11th followed by a scrabble tournament to celebrate National Scrabble Day. The tournament was attended by 22 patrons of all ages. Our Home School program was one of our largest turnouts. We had 31 kids and 12 adults attend a day of games and competitions. National Superhero Day was also well attended with 35 kids. Hannah showed a movie, served popcorn and held a costume competition. 14 seniors join AARP for their safe driver's course on April 26th and 28th.

Looking forward to May I will be joining the search committee for the Lake County Poet Laureate that has been on hiatus since covid. I have set up a committee to begin working on a five year plan for the library.

Respectively submitted by
Tara Hall, Library Director

HOWEY-IN-THE-HILLS FINANCIAL REPORT

Apr-22

<u>REVENUES</u>	<u>FYE</u> <u>2021</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	\$ 2,490,840.72	\$ 52,011.51	\$ 1,331,817.74	\$ 2,074,421.00	\$ 742,603.26	64%	3%
POLICE ADV TRAINING	\$ 3,318.28	\$ 251.42	\$ 1,424.47	\$ 3,000.00	\$ 1,575.53	47%	8%
WATER IMPACT FEES*	\$ 201,671.56	\$ -	\$ 34,659.02	\$ 50,000.00	\$ 15,340.98	69%	0%
PARK IMPACT FEES*	\$ 93,591.14	\$ -	\$ 16,914.66	\$ 40,000.00	\$ 23,085.34	42%	0%
POLICE IMPACT FEES*	\$ 101,152.17	\$ -	\$ 18,017.79	\$ 90,000.00	\$ 71,982.21	20%	0%
INFRASTRUCTURE FUND	\$ 216,889.55	\$ 1,839.16	\$ 123,312.91	\$ 219,707.00	\$ 96,394.09	56%	1%
BUILDING FUND		\$ 5,070.07	\$ 104,053.20	\$ -	\$ (104,053.20)	#DIV/0!	
WATER/SANITATION FUND	\$ 1,067,854.09	\$ 82,872.44	\$ 1,144,671.03	\$ 1,126,500.00	\$ (18,171.03)	102%	7%
POLICE RETIREMENT	\$ 486,776.74	\$ -	\$ 65,787.81	\$ 214,653.00	\$ 148,865.19	31%	0%
TOTALS	\$ 4,662,094.25	\$ 142,044.60	\$ 2,840,658.63	\$ 3,818,281.00	\$ 977,622.37	74%	4%

*Subtotal for Impact Fees Revenues \$ 69,591.47

<u>EXPENDITURES</u>	<u>FYE</u> <u>2021</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</u>	<u>DIFFERENCE</u> <u>FROM LAST REP.</u>
GENERAL	\$ 1,963,604.45	\$ 117,204.03	\$ 1,150,184.75	\$ 2,074,421.00	\$ 924,236.25	55%	6%
POLICE ADV TRAINING	\$ 1,950.82	\$ -	\$ -	\$ 3,100.00	\$ 3,100.00	0%	0%
WATER IMPACT FEES*	\$ 2,598.45	\$ -	\$ -	\$ 54,000.00	\$ 54,000.00		
PARK IMPACT FEES*	\$ 11,675.00	\$ 557.12	\$ 17,899.12	\$ 29,456.00	\$ 11,556.88		
POLICE IMPACT FEES*	\$ 31,022.45	\$ 549.00	\$ 61,668.37	\$ 78,600.00	\$ 16,931.63		
INFRASTRUCTURE FUND	\$ 108,974.72	\$ 49,905.55	\$ 102,723.37	\$ 178,523.00	\$ 178,523.00	58%	28%
BUILDING FUND			\$ 47,511.66	\$ -	\$ -	#DIV/0!	#DIV/0!
WATER/SANITATION FUND	\$ 921,015.41	\$ 76,766.88	\$ 707,166.50	\$ 1,125,769.00	\$ 418,602.50	63%	7%
POLICE RETIREMENT	\$ 93,290.98	\$ -	\$ 38,796.25	\$ 79,438.00	\$ 40,641.75	49%	0%
TOTALS	\$ 3,134,132.28	\$ 244,982.58	\$ 2,125,950.02	\$ 3,623,307.00	\$ 1,647,592.01	59%	7%

*Subtotal for Impact Fees Expenditures \$ 79,567.49

HOWEY IN THE HILLS FINANCIAL REPORT Apr-22

ACCOUNTS

LOANS

151200

Florida Prime Account

STATE BOARD ADMINISTRATION BALANCE (usually comes in 2nd week of month)

SBA FUND A	\$	19,090.19
INTEREST RECEIVED (APY 0.10%)	\$	1.38
TOTAL	\$	19,091.57

101076

SEACOAST MONEY MARKET ACCOUNT

(RESERVES)	BEGINNING BALANCE	\$	658,424.38
	TRANSFERS IN (OUT)		
	INTEREST RECEIVED (APY 0.05%)	\$	25.26
	ENDING BALANCE	\$	658,449.64

101080

SEACOAST #2 MONEY MARKET ACCOUNT

(BISHOPS GATE)	BEGINNING BALANCE		2,925.90
Sinking Fund	TRANSFERS IN (OUT)		
	INTEREST RECEIVED (APY 0.01%)	\$	0.03
	ENDING BALANCE	\$	2,925.93

101005

SEACOAST CHECKING ACCOUNT (Operating)

Operating Checking	BEGINNING BALANCE	\$	2,894,459.75
	REVENUES DEPOSITED	\$	224,683.64
	TRANSFERS IN (OUT)		
	EXPENDITURES CLEARED	\$	(419,867.21)
	ENDING BALANCE	\$	2,699,276.18

101160

SEASIDE MONEY MARKET ACCOUNT

	BEGINNING BALANCE	\$	343,172.58
	TRANSFERS IN (OUT)	\$	-
	INTEREST RECEIVED (APY 0.10%)	\$	27.27
	ENDING BALANCE	\$	343,199.85

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)	\$	72,314.68
	EXPENDITURES CLEARED	\$	(72,314.68)
	ENDING BALANCE	\$	2,490.97

TOTAL \$ 3,743,517.70

FDEP SRF LOAN (2.71%/2.12% interest)*

BEGINNING BALANCE	\$	1,377,278.39
TRANSFERS IN (OUT)		\$72,314.68
ALLOCATED TO PRINCIPAL		\$54,540.51
ALLOCATED TO INTEREST		\$19,153.15
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)

Mar-22

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

<u>REVENUES</u>	<u>Balance Brought</u>	<u>FYE</u>	<u>RECEIVED</u>	<u>RECEIVED</u>	<u>ESTIMATED</u>	<u>REVENUE</u>	<u>PERCENT</u>	<u>DIFFERENCE</u>
	<u>Forward</u>	<u>2021</u>	<u>CURRENT MON.</u>	<u>YEAR-TO-DATE</u>	<u>REVENUE</u>	<u>TO BE RECEIVED</u>	<u>RECEIVED</u>	<u>LAST REP.</u>
GENERAL	\$ 796,058	\$ 2,490,840.72	\$ 71,076.64	\$ 1,279,806.23	\$ 2,074,421.00	\$ 794,614.77	62%	0%
POLICE ADV TRAINING		\$ 3,318.28	\$ 205.33	\$ 1,173.05	\$ 3,000.00	\$ 1,826.95	39%	0%
WATER IMPACT FEES*	\$ 731,659	\$ 201,671.56	\$ -	\$ 34,659.02	\$ 50,000.00	\$ 15,340.98	69%	0%
PARK IMPACT FEES*	\$ 273,129	\$ 93,591.14	\$ -	\$ 16,914.66	\$ 40,000.00	\$ 23,085.34	42%	0%
POLICE IMPACT FEES*	\$ 273,218	\$ 101,152.17	\$ -	\$ 18,017.79	\$ 90,000.00	\$ 71,982.21	20%	0%
INFRASTRUCTURE FUND	\$109,297	\$ 216,889.55	\$ 15,862.52	\$ 121,473.75	\$ 219,707.00	\$ 98,233.25	55%	0%
BUILDING FUND	\$ 158,928		\$ 6,680.76	\$ 98,983.13	\$ -			
WATER/SANITATION FUND		\$ 1,067,854.09	\$ 106,509.90	\$ 1,061,798.59	\$ 1,126,500.00	\$ 64,701.41	94%	0%
POLICE RETIREMENT	\$1,676,709	\$ 486,776.74	\$ 32,621.71	\$ 65,787.81	\$ 214,653.00	\$ 148,865.19	31%	0%
TOTALS		\$ 4,662,094.25	\$ 232,956.86	\$ 2,698,614.03	\$ 3,818,281.00	\$ 1,218,650.10	71%	0%

*Subtotal for Impact Fees Revenues

\$ 69,591.47

<u>EXPENDITURES</u>	<u>FYE</u>	<u>COMMITTED</u>	<u>COMMITTED</u>	<u>CURRENT</u>	<u>AVAILABLE</u>	<u>PERCENT</u>	<u>DIFFERENCE</u>
	<u>2021</u>	<u>CURRENT MON.</u>	<u>YEAR-TO-DATE</u>	<u>APPROPRIATION</u>	<u>APPROPRIATION</u>	<u>COMM.</u>	<u>LAST REP.</u>
GENERAL	\$ 1,963,604.45	\$ 158,590.64	\$ 1,032,980.72	\$ 2,074,421.00	\$ 1,041,440.28	50%	0%
POLICE ADV TRAINING	\$ 1,950.82	\$ -	\$ -	\$ 3,100.00	\$ 3,100.00	0%	0%
WATER IMPACT FEES*	\$ 2,598.45	\$ -	\$ -	\$ 54,000.00	\$ 54,000.00		
PARK IMPACT FEES*	\$ 11,675.00	\$ 17,342.00	\$ 17,342.00	\$ 29,456.00	\$ 12,114.00		
POLICE IMPACT FEES*	\$ 31,022.45	\$ -	\$ 61,119.37	\$ 78,600.00	\$ 17,480.63		
INFRASTRUCTURE FUND	\$ 108,974.72	\$ -	\$ 52,817.82	\$ 178,523.00	\$ 125,705.18	30%	0%
BUILDING FUND		\$ 14,320.88	\$ 41,963.00	\$ -	\$ (41,963.00)	#DIV/0!	#DIV/0!
WATER/SANITATION FUND	\$ 921,015.41	\$ 149,049.29	\$ 630,399.62	\$ 1,125,769.00	\$ 495,369.38	56%	0%
POLICE RETIREMENT	\$ 93,290.98	\$ 5,217.49	\$ 38,796.25	\$ 79,438.00	\$ 40,641.75	49%	0%
TOTALS	\$ 3,134,132.28	\$ 344,520.30	\$ 1,875,418.78	\$ 3,623,307.00	\$ 1,747,888.22	52%	0%

*Subtotal for Impact Fees Expenditures

\$ 78,461.37