



Town Council Meeting
February 12, 2024 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.
Mayor MacFarlane asked for a moment of silence.

ROLL CALL

Acknowledgement of Quorum

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

Voting

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

Nay: None

MEMBERS PRESENT:

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

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Harowski, Town Planner | Tom Wilkes, Town Attorney | John Brock, Town Clerk

AGENDA APPROVAL/REVIEW

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

Voting

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

Nay: None

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the January 22, 2024 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the January 22, 2024 Town Council Workshop Meeting.

Motion made by Councilor Miles to table both Consent Agenda items to the next meeting; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice vote.

Voting

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

Nay: None

PUBLIC HEARING

3. Consideration and Approval: **Variance Application - 120 E Holly St. - (Town Council sitting as the Board of Adjustment)**

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

Mayor MacFarlane convened the Board of Adjustment's meeting.

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report of this item and explained that, when the Planning and Zoning Board had considered this item, they recommended this variance.

Mayor MacFarlane asked the owners of the parcel to come up and speak on their own behalf. Brad Smith and Lisa Smith introduced themselves as the owners of the 120 E Holly St. parcel. Mr. Smith stated that the reason they were requesting this variance was that on the north side of the property was their septic drain field, the east side of the property fronted Lakeshore Dr., and the west side of the property was the only area to construct a pool.

Mayor MacFarlane opened Public Comment for this item only.

Janice McLain, 109 S. Lakeshore Dr. – Ms. McLain stated that she was the only neighbor next door to the property in question, Ms. McLain stated that she would like to see the Town Council approve this variance request.

Mayor MacFarlane closed Public Comment.

Motion made by Mayor Pro Tem Gallelli to approve this variance request; seconded by Mayor MacFarlane. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

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

4. Consideration and Approval: (SECOND READING) **Ordinance 2023-009 Comprehensive Plan FLU Amendment and Rezoning - ASMA Parcel**

Mayor MacFarlane read Ordinance 2023-009 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO CHANGE A FUTURE-LAND-USE DESIGNATION FROM "MEDIUM DENSITY RESIDENTIAL" TO "NEIGHBORHOOD COMMERCIAL," AND AMENDING THE TOWN'S ZONING MAP TO CHANGE ZONING FROM "MEDIUM DENSITY RESIDENTIAL-1" (MDR-1) TO "NEIGHBORHOOD COMMERCIAL," IN BOTH CASES FOR A 0.69-ACRE(+/-) PARCEL LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 19 (PALM AVENUE) AND CITRUS AVENUE AND LEGALLY DESCRIBED IN ATTACHMENT A TO THE ORDINANCE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report that was included in the meeting's packet. Mr. Harowski stated that the current land use of the parcel was Medium Density Residential and, to allow a commercial use to the parcel, the Town would need to amend the Comprehensive Plan and assign a zoning designation that was consistent with that use.

Mr. Harowski stated that he had completed some analysis, and, under the current rules for the property, the parcel could not be subdivided into 2 parcels.

Mr. Harowski stated that the Planning and Zoning Board had made a recommendation to deny the proposed changes to the Comprehensive Plan and zoning requests. This recommendation of denial came with a unanimous vote from the Planning and Zoning Board.

Mayor MacFarlane asked representatives for the applicant to come forward, introduce themselves, and give their presentation to the Town Council.

Brent Spain, Attorney for the applicant, introduced the team of people in attendance representing the applicant. Mr. Spain introduced Nick Asma, one of the owners of the parcel. Mr. Spain conducted the presentation in support of the applicant's requests.

Councilor Miles stated that, if the ordinance is approved, he wanted the applicant to be required to connect to the sewer lines that were utilized by Mission Inn on Camino Real. Mr. Spain stated that he was citing Florida statutory requirements, and that the applicant should not be required to complete this sewer hookup under the current conditions. Mr. Spain stated that, if public sewer lines were run adjacent to the property, as required by state law, they would connect with the system.

Mr. Spain stated that the applicant would be happy to enter into a Development Agreement with the Town that laid out requirement for the commercial development of the parcel. Mr. Spain stated that he had brought and handed out a draft Development Agreement to the Town Council. Mr. Spain stated that the applicant would be willing to negotiate the specifics of the agreement with the Town Attorney.

Mayor MacFarlane opened Public Comment for this item only.

Alan Hayes, 111 Island Dr. – Mr. Hayes stated that he was a member of the Town's Planning and Zoning Board and wanted to let the Town Council know that the Board had unanimously recommended against approving this Ordinance. Mr. Hayes stated that many of the neighbors closest to the proposed project had attended the Planning and Zoning Board meeting and voiced unanimously that they were not in favor of this project. Mr. Hayes also wanted the Town Council to know he was personally against this proposal.

Larry Morris, 800 N Citrus Ave. – Mr. Morris stated that he was against this proposal and that he did not think that a septic system could handle the amount of sewage that this property would create. Mr. Morris stated that he thought that if the Town Council approved this proposal, his property value would drop \$100,000 and that he was willing to take this to court.

Paul Hoar, 503 E. Mission Ln. – Mr. Hoar stated that he thought approving these changes would act as a domino effect and that other unwanted changes would come in the future. Mr. Hoar urged that the Town Council reject this proposal.

Erick Bright, 590 Via Bella Ct. – Mr. Bright stated that he did not want to see any commercial development within the Town.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he did not want to see a commercial building next to the Howey Mansion and urged the Town Council to vote this item down.

Ellen Yarckin, 800 N. Citrus Ave. – Ms. Yarckin stated that she wanted a letter written by Bradley Cowherd, the owner of the Howey Mansion, that had been submitted to the Town read out loud at this Town Council Meeting. Mayor MacFarlane stated that it would not be read out loud again, as it had been read out loud at a previous Town Council meeting.

Peter Tuite, 300 E Croton Way – Mr. Tuite urged the Town Council not to change the zoning for the parcel of land in question.

Ann Griffin, 215 E Laurel Ave. – Mrs. Griffin stated that she believed that neither Mr. Howey nor Mr. Griffin would have wanted this.

Mayor MacFarlane closed Public Comment.

Mr. Spain rebutted some of the claims from the Public. Mr. Spain stated that his client owned other parcels of land with the Town of Howey-in-the-Hills, including retail space off of SR 19 and Central Ave. Mr. Spain explained that the Asma family were property owners and business owners with the Town of Howey-in-the-Hills.

Mr. Spain explained how the applicant's traffic analysis was completed and that the traffic coming to the business would be coming in the opposite direction/time of when the neighborhood traffic was moving.

Mr. Spain explained that project would comply with Dark Sky standards for all lighting.

Mr. Spain stated that his applicant was not asking for any variances; in fact, the applicant stated that they would be willing to restrict usage of the commercial building through the use of a Development Agreement. Mr. Spain stated that his client was not asking for any conditional uses.

Councilor Lannamañ made a motion to approve Ordinance 2023-009; there was no second for this motion.

Councilor Miles stated that the applicant was requesting a land use change and a rezoning and that he thought those two items should be considered separately as one of those decisions was a legislative decision and one was a quasi-judicial decision. Councilor Miles stated that he thought the Town Council should take two separate votes on these issues.

Mayor MacFarlane stated that she was hearing from the public that that they did not feel this project was compatible with what the residents want to see in the Town.

Town Attorney, Tom Wilkes, stated that both decisions can be approved or denied together with the ordinance. Mr. Wilkes stated that if the Town Council chooses to vote separately, if the proposed Comprehensive Plan amendment failed, there would be no point in reviewing the zoning request.

Motion made by Councilor Miles to deny the Comprehensive Plan amendment portion of Ordinance 2023-009; seconded by Mayor MacFarlane.

Mr. Spain requested on behalf of the applicant that the Town Council give an up or down vote on the Ordinance as advertised and noticed.

The motion by Councilor Miles was approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ (originally voted Nay, then changed her vote during the roll-call procedure), Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

Motion made by Councilor Miles to deny Ordinance 2023-009; seconded by Mayor MacFarlane. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

Mayor MacFarlane stated that she thought that this project was a very good project, but what she is hearing from all of the Town's residents was that this project was not compatible with the feel and community of Howey. Mayor MacFarlane stated that the Town wanted commercial in the area that the Town had already zoned for commercial.

Councilor Miles asked for a 5-minute recess at 7:45 p.m.

OLD BUSINESS

None

NEW BUSINESS

5. Discussion: **Land Development Code (LDC) Workshop Scheduling**

Mayor MacFarlane brought the Town Council back from recess at 7:50 p.m.

There was a consensus from the Town Council to schedule this Town Council Workshop on February 21, 2024 from 2:00 p.m. to 4:00 p.m.

6. Discussion: **Proposed Noise Ordinance (Fireworks)**

Councilor Lehning stated wanted to discuss the professional fireworks that had been set off during a Howey Mansion event which occurred on Sunday, January 28, 2024 at 9:50 p.m.

Francis O'Keefe Wagler introduced herself as the manager of the Howey Mansion. Mrs. Wagler stated that she did not like fireworks and that fireworks were not set off on Howey Mansion property; they had

been set off during one of the Mansion's events on the abutting property. Mrs. Wagler stated that she had written a letter to notify people of the fireworks that would be set off and that she had disseminated this letter to some of the nearby properties. Mrs. Wagler stated that she had also noticed nearby homeowners' associations (HOA).

Councilor Lannamañ wanted to know what HOAs had been notified, Mrs. Wagler stated that the Mission Inn HOA had been notified.

Town Attorney, Tom Wilkes, stated that state law allowed for fireworks to be set off on the 4th of July, New Year's Eve, and New Year's Day.

Mayor MacFarlane opened Public Comment for this item only.

Kathy Coleman, 1004 N. Citrus Ave. – Mrs. Coleman stated that she loves the Howey Mansion, but the Town needs a noise ordinance to regulate the Howey Mansion. Mrs. Coleman stated that they were so close to the fireworks that smoke filled up their house for a good 30 minutes after the fireworks had gone off.

Faith Fairbrother, 107 E Croton Way – Ms. Fairbrother stated that the noise from the fireworks display was horrible. Ms. Fairbrother stated that not only did something need to be done to stop that from happening in the future, but that the noise from trucks driving on SR 19 also needed to be regulated.

Joshua Husman, 671 Avila Pl. – Mr. Huseman stated that he does not like fireworks but would not like to see any additional government regulations enacted.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline reminded the Town Council about the noise from the rifle range on the other side of Little Lake Harris and that seaplanes taking off and landing in the lake also cause considerable amounts of noise.

Wayne Mathers, 1004 N. Tangerine Ave. – Mr. Mathers was not happy with the Howey Mansion and wanted to see the Howey Mansion do a better job of controlling their clients and their events. Mr. Mathers stated that the mansion might need better management.

Erick Bright, 590 Via Bella Ct. – Mr. Bright was not in favor of additional regulations, especially if they affected holidays.

DEPARTMENT REPORTS

7. Town Hall

This report was included in the meeting's packet.

8. Police Department

This report was included in the meeting's packet.

9. Code Enforcement

This report was included in the meeting's packet.

10. Public Works

This report was included in the meeting's packet.

11. Library

This report was included in the meeting's packet.

12. Parks & Recreation Advisory Board / Special Events

None

13. Town Attorney

None

14. Finance Supervisor

This report was included in the meeting's packet.

15. Town Manager

Town Manager, Sean O'Keefe, gave an update on the roundabout that Town Council had requested to be constructed on SR 19 in front the proposed Hillside Groves development. Mr. O'Keefe paraphrased a conversation he had with the Town Engineer, Don Griffey. Mr. O'Keefe stated that when Mr. Griffey had originally recommended the roundabout's construction, he thought that the additional cost to the construction and delays to the construction would be minimal, but that he was incorrect.

Mr. O'Keefe stated that Mr. Griffey now recommended to the Town Council that the Hillside Groves developers be allowed to construct their previously (FDOT) approved intersection at SR 19.

There was a consensus from the Town Council that the Town Manager need to go back to the Town Engineer and get the exact costs and time commitments that the Town Engineer was referencing before the Town Council would make any further decisions about the proposed intersection.

COUNCIL MEMBER REPORTS

16. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

17. Councilor Lehning

Councilor Lehning stated that he wanted the Town Attorney to research if the Town Council can hold developers to the new proposed development standards that Town Council is currently creating by amending its Comprehensive Plan and Land Development Codes (while these codes are still being amended).

Councilor Lehning wanted the Town Manager to find the Historic Resource Management Plan that was referenced in some of the Howey Mansion paperwork that Mr. O'Keefe had provided him with.

18. Councilor Miles

Councilor Miles wanted to know if the Town had received money from the invoice that it had sent to builders of the Venezia Townhomes in reference to the builders having broken or clogged some sewer lines and lift stations. Councilor Miles stated that he wanted a text to him when the builder pays this invoice.

Councilor Miles stated that he would like to see wastewater expenses separately accounted for in the enterprise fund. Currently, repair and maintenance costs for wastewater were intermingling with the water expenses.

Councilor Miles stated that the town needs to quickly conduct a rate study for water and wastewater.

Councilor Miles stated that he, the Town Attorney, and the Town Manager have been meeting with the Central Lake CDD about wastewater matters. The Central Lake CDD has stated to them that they have over 400,000 gallons of unused capacity currently and that they may be willing to arrange a deal with the Town. Councilor Miles stated that he wanted to enter in discussions with the Central Lake CDD about short term solutions for the Town's wastewater needs. Councilor Miles wanted permission from the Town Council to enter into the discussion so that they could create a draft agreement for the Town Council to consider.

Mayor MacFarlane supported Councilor Miles' request and stated that she wanted the Town Council to be informed as to the status of these discussions in the future.

Councilor Lehning stated that he wanted to know the state of the Central Lake CDD's wastewater treatment plant, and that he wanted an independent review of the plant. Councilor Lehning stated that he wanted to see a price comparison; he also wanted to see what it would cost to buy wastewater capacity with the City of Groveland.

19. Councilor Lannamañ

Councilor Lannamañ stated that she would have a problem with the 2:00 p.m. start time of the February 21, 2024 Land Development Code amendment Town Council Workshop. It was decided that the start time for this meeting would change to 3:00 p.m. and the meeting would last until 5:00 p.m.

Councilor Lannamañ stated that she wanted the Town Council to be better kept in the loop when Councilor Miles and the Town Attorney were meeting with people and that she wanted the Town Council to be presented with alternatives to an agreement with the Central Lake CDD.

20. Mayor MacFarlane

Mayor MacFarlane stated that the Asma project was a very good project and keeping with the residential look and feel of the area. Mayor MacFarlane stated that having that parcel of land vacant was not a good alternative, as the Town really doesn't get any tax revenue from a vacant lot.

Mayor MacFarlane stated that the Town would need take a realistic look at what it was going to need to do with tax rates if the Town maintained very low, or slow growth, and with larger lots. Costs to the Town will just continue to rise in the future.

Mayor MacFarlane stated that there was a speeding problem on W. Lakeview Ave. between SR 19 and S. Florida Ave. and that the Town should look into creating a speed table on W. Lakeview Ave.

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.

Ann Griffin, 215 E Laurel Ave. – Mrs. Griffin was concerned about speeding cars on Lakeshore Blvd. and thanked the Mayor for rejecting the Asma project.

Beth Flack, 607 S Florida Ave. – Mrs. Flack was concerned about a building permit that she had submitted on February 2, 2024, and why it had not yet been approved.

Andi Everline, 1012 N Lakeshore Blvd. – Mrs. Everline spoke about programming at the library and stated that homeschoolers are taking advantage of the library. Mrs. Everline thinks that an expansion of the library would be premature.

Erick Bright, 590 Via Bella Ct. – Mr. Bright thanked the Town Council for voting against the Asma project. Mr. Bright spoke about the importance of infrastructure.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline handed the Town Councilors and reviewed passages from a handout, “Eben Fodor’s The 12 Big Myths of Growth”.

Francis O’Keefe Wagler, 409 W Central Ave. – Mrs. Wagler stated that she will try to make the Howey Mansion a better neighbor in the future.

ADJOURNMENT

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

The Meeting adjourned at 9:06 p.m. | **Attendees: 49**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk