



Town Council Meeting

April 08, 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 6:02 p.m. Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag. Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

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

STAFF PRESENT:

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

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to place item #19 directly after the Consent Agenda and remove item #2 from the Consent Agenda; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

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

Nay: None

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 February 12, 2024, Town Council Workshop.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the March 11, 2024, Town Council Meeting. **(THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA DURING AGENDA APPROVAL)**

3. The approval of the minutes and ratification and confirmation of all Town Council actions at the March 26, 2024, Town Council Workshop.
4. Consideration and Approval: **Annual Selection of Board Chair and Vice-Chair**

Motion made by Councilor Miles approve items #1, #3, and #4 of the Consent Agenda and pull item #5 for separate discussion and consideration; seconded by Councilor Lehning. Motion approved unanimously by voice vote.

Voting

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

Nay: None

19. Town Attorney Report (**MOVED TO THIS PLACE IN THE AGENDA DURING AGENDA APPROVAL**)

Town Attorney, Tom Wilkes, explained that the Town had received a summary judgement that was largely favorable to the Town from the federal court, involving the lawsuit former Town Councilor Matt McGill had brought against the Town. Mr. Wilkes introduced the Town's legal counsel for that case, Doug Noah, with the firm of Dean, Ringers, Morgan & Lawton. Mr. Wilkes explained that Mr. Noah was in attendance at this meeting and needed to briefly speak with the Town Council about that McGill case and make a request to the Town Council.

Mr. Noah explained that the litigation of the McGill case was at a stage in which Mr. Noah would need some advice from the Town Council about the future progress of the case. Mr. Noah explained that he needed the Town Council to hold an Executive Council meeting, sometime referred to as a Shade Meeting. This meeting would be a small exemption from the Government in the Sunshine laws and would allow for a closed meeting. Mr. Noah requested that the Town Council direct the Town Manager to coordinate this meeting with his firm.

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

Motion made by Councilor Lehning to direct the Town Manager to set up and coordinate this requested Executive Council (Shade) meeting; seconded by Councilor Miles. Motion approved unanimously by voice vote.

Voting

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

Nay: None

5. Consideration and Approval: **Library of Continuing Professional Services (CCNA)**

Councilor Lehning stated that he was not in favor of the proposed contracts in which the contractor could mark up subcontractor's fees as much as 20%.

Councilor Miles asked the Town Manager, Sean O'Keefe, why there were four firms that were not approved. Mr. O'Keefe explained that in the category of Environmental Services and Geotechnical Category, the staff had already selected three generalist candidates plus three additional candidates for this category. The four firms would have been ranked #7-10 in the pool of firms for the Environmental Services and Geotechnical Category.

Mayor Pro Tem Gallelli stated that she was not in favor of firms being allowed to mark up their fees from subcontractors.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that the Town Manager should be negotiating with these firms. Mr. Everline stated that it appeared to him that a former front desk employee of the Town was negotiating, and he did not think that was right.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve Consent Agenda Item #5; seconded by Councilor Lannamañ. Motion approved unanimously by roll call vote.

Voting

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

Nay: None

PUBLIC HEARING

6. Consideration and Approval: (Second Reading) **Ordinance 2024-004 Fireworks Regulations**

Town Attorney, Tom Wilkes, read Ordinance 2024-004 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO FIREWORKS; CREATING CHAPTER 93 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "FIREWORKS"; DECLARING FINDINGS OF THE TOWN COUNCIL; PROVIDING DEFINITIONS; SPECIFYING UNLAWFUL ACTS AND MEANS OF ENFORCEMENT; SPECIFYING THE CONDITIONS AND REQUIREMENTS UNDER WHICH THE TOWN MAY GRANT A PERMIT FOR A PUBLIC DISPLAY OF FIREWORKS; PROVIDING FOR SEVERABILITY, CONFLICTS AMONG ORDINANCES, CODIFICATION, AND AN EFFECTIVE DATE.

Mr. Wilkes explained that this Ordinance would limit shooting of fireworks to just three days a year (July 4th, December 31st, and January 1st) and then only certain times on those three days. Mr. Wilkes also described the process that a professional fireworks display company would have to go through to get a permit.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch suggested making the hours that fireworks can be shot off consistent on all three days, ending at 12:30 a.m.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline suggested that the Town should allow state laws related to fireworks to supersede the Town's laws. Mr. Everline was concerned with minors getting misdemeanor charges for shooting off fireworks.

Sandra Pilling, 908 N. Lakeshore Blvd. – Ms. Pilling was concerned about trees and the dangers of fires starting.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann questioned why the Town needed this Ordinance since there is already a state law in place.

Mayor MacFarlane closed Public Comment for this item.

Mayor MacFarlane allowed Sandra Pilling to speak again.

Sandra Pilling, 908 N. Lakeshore Blvd. – Ms. Pilling spoke out against the end times for all three allowed dates changing to 12:30 a.m. It was decided that New Years Eve would end at 12:30 a.m. and the other two days would end at midnight.

Motion made by Councilor Miles to approve this Ordinance, amending the approved hours for the setting off of fireworks on New Years Eve to be 5:00 p.m. to 12:30 a.m., and on New Years Day and Independence Day setting the hours to 5:00 p.m. to 12:00 a.m.; seconded by Councilor Lannamañ. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

7. Consideration and Recommendation: **Lake Hills - Preliminary Subdivision Plan (PSP) Submittal**

Town Planner, Tom Harowski, reviewed his staff report on this item with the Town Council. Mr. Harowski explained that, on March 28, 2024, the Planning and Zoning Board voted to recommend the PSP. Mr. Harowski stated that the applicant would still need to account for an additional 10-acres of Open Space.

Councilor Miles stated that he wanted to see traffic circles on SR 19 and CR 48, on both ends of the neighborhood's spine road.

Councilor Miles questioned the validity of the current Development Agreement for the Lake Hills PUD. Councilor Miles asked Town Attorney, Tom Wilkes, to review the extensions of the Lake Hills Development Agreement. Mr. Wilkes stated that the owners of the Lake Hills property had previously sent in 6 or 7 notices to extend the sunset deadline of the Lake Hills PUD to December 9, 2026. Mr. Wilkes stated that the owners had sent in more recent extension requests which, if valid would extend the sunset date of the PUD to April 8, 2029. Mr. Wilkes stated that he had not personally reviewed the extension but was willing to, if the Town Council desired it. There was a consensus with the Town Council that Mr. Wilkes should review the extensions of the Lake Hills Development Agreement to determine if they were legal and legitimate.

Mayor MacFarlane stated that she thought a mechanical gate on both ends of the spine road into the development was a bad idea. Councilor Miles stated that the Villages had issues with reimbursements from FEMA due to their gates.

Mayor MacFarlane asked the representatives for the applicant to introduce themselves and give their presentation.

The applicant's team consisted of Mark Watts (Land Use Attorney with the firm of Cobb Cole), Dean Barberree (CEO of Reader Communities), and David Stokes (Project Engineer and Vice President with Madden Moorehead & Stokes LLC). Mr. Watts stated that the applicant was there asking for the Town to approve their PSP which was 571 units (less than the 780 units that the Development Agreement provided for).

Mr. Watts stated that the applicant was seeking two waivers from the originally agreed to Development Agreement. The first waiver that the development team was requesting was for the development of

paired lot units without the alley access that was currently required in the PUD. Mr. Watts explained that the Town's Planning and Zoning Board had voted to recommend this waiver.

Mr. Watts explained that the second waiver that they were seeking was for the location of the public park. Mr. Watts stated that the development team was requesting to move the location of the park so that the park would act as buffer between the commercial and residential components of the PUD. Mr. Watts stated that the Town Planning and Zoning Board had also voted to recommend this, as long as the park was built during the construction of phase 1.

Mr. Watts stated that the Town is required to ensure that the developer puts in their fair share of money into satisfying concurrency and that the applicant is willing to do this. Mr. Wilkes asked if the applicant was willing to allow no Certificates of Occupancy to be issued for the development until the access road from SR 19 is completed. Mr. Watts stated that they would be agreeable to that stipulation.

Mr. Watts explained that the developer was looking to install a soft gate on the entrance to both sides of the connector road that would go from CR 48 to SR 19. Mr. Watts stated that the developer would be willing to sign a license agreement that would ensure that the HOA or CDD would pay for all maintenance on the gates and that if the gate was not maintained correctly, they Town could remove the gate (with the cost of the removal going to HOA or CDD). Mr. Wilkes asked if the agreement could give the Town the ultimate right in the future to have the gate removed for any issue and have the HOA or CDD pay for its removal (since it is in the right of way).

Councilor Miles stated that he was not in favor of the soft gate.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he did not think that a 55+ age restricted community was a good idea for the Town. Mr. Everline said that he felt the side setbacks were too small and the lots needed to be larger. Mr. Everline also stated that he was not in favor of the development having gates unless the HOA was to maintain the roads and not the Town.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he did not want the Villages in the Town and was not in favor of this proposed development.

Mayor MacFarlane closed Public Comment for this item.

Councilor Lannamañ stated that she would like to make a motion to approve the PSP subject to the 10 conditions that the Planning and Zoning Board had recommended as well as including some of the discussion from the Council meeting. Mr. Wilkes suggested that the Council go item by item through the conditions. Mayor MacFarlane stated that an eleventh condition needed to be added, which would require that the original Development Agreement was still valid (since Mr. Wilkes was going to research if the Development Agreement extensions were valid).

Motion made by Councilor Miles to continue this item to the April 22, 2024, Town Council Meeting (this continuance would allow for the Town Attorney to re-write the conditions that the Town Council wanted to impose on the approval of the proposed PSP); 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

Mayor MacFarlane made a motion to move agenda item #10 (Consideration and Approval: **Proclamation - George W. Linn Week**) to the next item in the meeting. Motion was approved unanimously by voice-vote.

Voting

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

Nay: None

OLD BUSINESS

None

NEW BUSINESS

10. Consideration and Approval: **Proclamation - George W. Linn Week** (Celebrating the Creation of George W. Linn Stamp Club in the Town of Howey-in-the-Hills)

Motion made by Councilor Miles to approve this Proclamation; 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

8. Consideration and Approval: **Evaluation of Wastewater Liaison Position**

Councilor Lannamañ stated that she requested this item be added to the agenda because she was concerned about expenses that had derived from the Wastewater Liaison Position. Councilor Lannamañ stated that she was concerned that the Councilor, whom had been elevated to the Wastewater Liaison Position, had the power to go to staff and authorize expenses like the expenses from Peak Park.

Councilor Lannamañ stated that she was very concerned about the over \$55,000 that had been spent on Peak Park during the first half of the fiscal year. Councilor Miles stated that he was also unaware of the costs attributed to Peak Park.

Councilor Lannamañ stated that she was concerned about a lack of transparency about why the Town was negotiating with Central Lake CDD rather than further investigating the wastewater options with the City of Groveland. Councilor Miles stated that he believed that he was much more transparent than any other member of the Town Council and referenced the wastewater presentation that he made during the December 12, 2024, Town Council meeting.

Councilor Miles stated that building a town-owned wastewater treatment plant would cost about \$7 million and he did not think that the Town Council had an appetite to undertake that debt at this time. Councilor Miles stated that he concluded that negotiating with the Central Lake CDD may be the best option. Councilor Miles stated that he agreed with Councilor Lannamañ that his special position as Wastewater Liaison should be terminated effective that night.

Councilor Miles made a motion to direct Town Manager and the Town Attorney to enter into negotiations for a short-term agreement with the Central Lake CDD that would provide 1,652 ERUs of wastewater treatment capacity by the end of June 2024 (which will then be presented to the Town Council for consideration).

Mayor MacFarlane stated that she would like to see a full proposal for partnering with Groveland for Wastewater treatment. Mayor MacFarlane would like the Groveland proposal to be presented at the same time that the Central Lake CDD amended agreement is presented. Councilor Miles stated that the problem with partnering with Groveland was that the Town would have to run 2 to 3 miles of pipeline. Mayor MacFarlane stated that she still wanted to see the Groveland proposal.

Councilor Miles stated that even though his Wastewater Liaison position would be ending, he would still be working on acquiring the 5-acres of land donation off of Number Two Road that was next to the 9 acres of land that the Town already owned.

Mayor MacFarlane is concerned that the Central Lake CDD was still trying to lock the Town in being the sole provider for wastewater treatment services and she was not in favor of that.

Mayor Pro Tem Gallelli seconded Councilor Miles' motion.

Councilor Miles stated that he wanted the Town Attorney and Town Manager to negotiate a side agreement with the Central Lake CDD that he wanted the Town to have the first right of refusal to purchase the wastewater treatment plant if it was determined that there was an interest in selling it.

Councilor Lehning stated that he wanted to see in the agreement that the cost of extensive plant repairs would not come back to the Town.

Councilor Lannamañ stated that she did not want to see wastewater rates going up for existing developments that were being serviced.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he remembered the PowerPoint presentation on Wastewater Options that came before the Town Council during its December meeting. Mr. Everline stated that he thinks Groveland was the most expensive option.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch wants to see reclaimed water come back to the Town for irrigation from the Central Lake CDD.

James Southall, Public Utilities Supervisor, stated that an engineer from Halff had informed him that, if the Town wanted to use surface water from the lake for irrigation water, it would have to be treated.

Motion made by Councilor Miles to direct the Town Manager and the Town Attorney to enter into negotiations for a short-term agreement with the Central Lake CDD that would provide 1,652 ERUs of wastewater treatment capacity by the end of June 2024 (which will then be presented to the Town Council for consideration); seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll call vote.

Voting

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

Nay: None

Mayor Pro Tem Gallelli expressed a desire for agenda items #11 and #12 to be moved to the next meeting, as it was currently 9:15 p.m.

Motion made by Mayor Pro Tem Gallelli to table agenda items #11 and #12 to the next Town Council Meeting; seconded by Councilor Lehning. Motion approved unanimously by voice-vote.

Voting

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

Nay: None

9. Discussion: **Community Development Districts (CDD) within PUDs**

Mark Watts (Land Use Attorney with the firm of Cobb Cole) and Dean Barberree (CEO of Reader Communities) came forward to speak. Mr. Watts explained that the applicant for the Lake Hills residential development had submitted a petition to create a Community Development District that would service the residential component of the Lake Hills PUD. Mr. Watts stated that, for that petition to be considered, there must be published notices for public hearings on the topic of the proposed CDD being considered. Those notices must be published for four consecutive weeks prior to the second and final hearing. Mr. Watts stated that his law firm was willing to take on that task and expense, instead of the town having to undertake it. Mr. Watts explained that they were there asking for that permission.

Town Attorney, Tom Wilkes, cautioned against the Town allowing the creation of any CDDs within its borders. Mr. Wilkes stated that the problem with CDDs is that, if a town or county allows the creation of a CDD, it is giving private developers the ability to impose taxes and assessments on future property owners' tax bills. Mr. Wilkes explained that eventual future property owners within the CDD start looking at their property tax bills and realize that people living in neighborhoods across the street are paying significantly lower property taxes. Mr. Wilkes explained that developers use CDDs to shift the cost of the construction of infrastructure from construction loans to debt that future homeowners will have to pay forever.

Councilor Miles left the Town Council Meeting at 9:30 p.m.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch was not in favor of the Town allowing the formation of the CDD.

Ann Griffin, 215 E. Laurel Ave. – Mrs. Griffin stated that the Town Attorney was against allowing the formation of a CDD and thought the Town Council should listen to him.

Tim Everline, 102 N. Lakeshore Blvd. – Mr. Everline stated that homeowners in the development would not get to choose, and that the Town Councilors should listen to the advice of Mr. Wilkes.

Mayor MacFarlane closed Public Comment for this item.

Councilor Lannamañ stated that she would like further discussion on this agenda item.

Motion made by Councilor Lannamañ to continue this item to the April 22, 2024, Town Council Meeting; seconded by Mayor MacFarlane. Motion approved unanimously by voice-vote.

Voting

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

Nay: None

Absent for this vote: Councilor Miles

10. Consideration and Approval: **Proclamation - George W. Linn Week**
(THIS ITEM WAS MOVED TO APPEAR BETWEEN AGENDA ITEMS 7 & 8)

11. Consideration and Approval: (First Reading) **Ordinance 2024-003 - Land Development Code (LDC) Amendment – Signs**
(THIS ITEM WAS TABLED TO THE NEXT TOWN COUNCIL MEETING)
12. Consideration and Approval: (First Reading) **Ordinance 2024-005 Capital Improvement Schedule FY2024**
(THIS ITEM WAS TABLED TO THE NEXT TOWN COUNCIL MEETING)

DEPARTMENT REPORTS

13. Town Hall

This report was included in the meeting's packet.

14. Police Department

This report was included in the meeting's packet.

15. Code Enforcement

This report was included in the meeting's packet.

16. Public Works

This report was included in the meeting's packet.

17. Library

This report was included in the meeting's packet.

18. Parks & Recreation Advisory Board / Special Events

N/A

19. Town Attorney (**THIS ITEM WAS MOVED DURING AGENDA APPROVAL TO APPEAR BETWEEN ITEMS #4 AND #5 OF THE CONSENT AGENDA PORTION OF THE MEETING**)

20. Finance Supervisor

This report was included in the meeting's packet.

21. Town Manager

None

COUNCIL MEMBER REPORTS

22. Mayor Pro Tem Gallelli

None

23. Councilor Lehning

None

24. Councilor Miles

None

25. Councilor Lannamañ

None

26. Mayor MacFarlane

None

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.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he believed that someone needed to be held responsible for the spending of money on the Peak Park project.

ADJOURNMENT

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

The Meeting adjourned at 9:52 p.m. | **Attendees: 34**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk