



Town Council Meeting
October 23, 2023 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. 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 | George Brown, Police Lieutenant | Tom Wilkes, Town Attorney | Tom Harowski, Town Planner | Morgan Cates, Public Works Director

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lannamañ to approve the meeting’s agenda with the exception of pulling Item #7 (Police Chief Leave) from the 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 October 09, 2023 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the September 26, 2023 Town Council Workshop.

Motion made by Councilor Lannamañ to approve the items in the Consent Agenda; 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

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

3. Consideration and Approval: **Final Subdivision Plans - Hillside Groves**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski reviewed his staff report with the Town Council.

Councilor Miles made a motion to continue this item to the next meeting; this motion was seconded by Councilor Lehning.

Councilor Miles stated that he had experienced issues with opening and reviewing the items in the packet for this agenda item due to the items being too large. Also, Councilor Miles had requested printouts of the pages for the plans, but the printed-out pages were too small to see. Councilor Miles also referenced 8 questions that he had brought up during a DRC meeting.

Councilor Lehning stated that he believed that the packet for this meeting was sent to him too late for his review.

Mayor MacFarlane asked the representatives for the applicant to come forward and speak on behalf of the applicant and respond to Councilor Miles' submitted questions. Bill Ray (from Ray and Associates Planning and Environmental Services), a representative from the project's traffic consultant company, and Justin Williams (from Connelly & Wicker Inc).

The eight items that Councilor Miles wanted addressed by the applicant were:

1. Need to address improvements to Number Two Road to the west of the entrance to road A.
2. The road A collector road is over 8/10 of a mile long and plans have only 16 streetlights (8 on each side of the road). Councilor Miles would like to see this doubled to 32 streetlights.
3. There is no entrance sign to the development off of Number Two Road.
4. Along much of Road A there is no irrigation provided, with Bahia grass being used. Councilor Miles thinks it needs to be irrigated.
5. The L403 tract P had a pump station buffered only with landscaping. Councilor Miles stated that he wants it to have a 6-foot-high chain link fence (black or green coated) surrounding it.
6. Unnamed amenity on tract R, Councilor Miles would like to know what this is.
7. On the Property's northwest corner is a townhouse tract, with more than 50 units. Councilor Miles would like a second ingress/egress point that is not an emergency entrance.
8. At the south junction of Road A the commercial area is only showing 3 lanes and it should have two north and two south bound lanes (as shown the last time this item came before the Town Council).

Mr. Ray gave a history of the of the Hillside Groves (the Reserve) project, which had been in the works since 2005. Mr. Ray reminded the Town Council that the project had staff recommendation for approval from the DRC, and Planning and Zoning Board's recommendation for approval. Mr. Ray stated that the applicants would need to know what specific evidentiary criteria the Town Council was using to contradict what the Town's Professional Staff and Planning and Zoning Board had determined was in compliance with the Town's regulations, if the Town Council was denying the submittal.

Councilor Miles stated that he felt threatened by Mr. Ray's statement and felt that it was inappropriate.

In reference to Councilor Miles' item #1, Mr. Williams stated that the project does have a turn lane coming in the development from the west and the east on Number Two Road. Councilor Miles stated he thought this item had been answered appropriately.

In reference to Councilor Miles' item #2, Mr. Williams stated that there were 18, not 16, streetlights in the plans and that they were spaced appropriately. Mr. Williams further stated that the street lighting will be designed by Duke Energy, which takes into consideration ADA codes, and other codes and standards when they design the lighting; and the lighting will be built to those specifications. Councilor Miles asked if Duke Energy came back after their design phase and stated that 24 streetlights were necessary, would the developer then install them. Mr. Williams stated that they would follow what Duke Energy designed. Councilor Miles stated that he thought that they had answered this question appropriately.

In reference to Councilor Miles' item #3, Councilor Miles stated that any signs would have to follow the Town's sign codes. Mr. Williams stated that everything they do would follow the Town's Codes and there would be items that would be built or permitted later, and they would follow the code.

In reference to Councilor Miles' item #4, Mr. Williams stated that all of the grass along Road A was designed to be irrigated. Councilor Miles stated that this answer was appropriate.

In reference to Councilor Miles' item #5, Mr. Williams stated that the pumping station would have a standard detail with a fence. Councilor Miles stated that this item was answered appropriately.

In reference to Councilor Miles' item #6, Mr. Williams stated that the details for this amenity in question had not yet been determined. Mr. Harowski stated that when the details for this amenity were submitted, that there would be a Site Plan review that would come through the Town Council for review.

Councilor Lehning asked why the Town Council could not get a scope of work for the amenity on Tract R now. Mr. Ray stated that the details of the Amenity Center have not been determined at this point and would be submitted during the Site Plan phase. Councilor Miles stated that he was not happy with this answer.

In reference to Councilor Miles' item #7, Mr. Williams stated that based on the number of units, the developer will have to construct another entrance and that the developer will follow the code requirements for that entrance. Mr. Williams stated that this would come in an upcoming phase submittal. Mr. Williams stated that this entrance has not yet been submitted to the County.

In reference to Councilor Miles' item #8, the projects traffic consultant stated that the developer would follow the directions of FDOT. The developer's traffic consultant stated that the FDOT would have to approve a traffic light. Mr. Williams stated that two different FDOT reviews had stated that a two-lane entrance to the development, off of SR 19, would not be allowed. Councilor Miles stated that he was not happy with this answer.

Mayor MacFarlane asked if the project development team had asked FDOT about a traffic light at the SR 19 intersection to the development. The developer's traffic consultant stated that the FDOT would have to approve a traffic light.

Mayor Pro Tem Gallelli asked how long traffic studies were good for.

Councilor Lehning asked if there was a sunset clause in the agreement for this development. Mr. Wilkes stated that he didn't think there was.

Mayor MacFarlane stated that her biggest concern about this project was the traffic.

Mayor MacFarlane opened Public Comment for this item.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch believes the approval of these final subdivision plans should be postponed. Mr. Gunesch stated that he thought irrigation plans were inadequate and he was upset that they could use well water for irrigation. He was also concerned about traffic.

Sandy Russ, 6183 Lake View Dr, Yalaha, Fl. – Ms. Russ was concerned about the amount of development there was around the Town and that she thought the traffic study was inadequate. Ms. Russ also questioned where the commercial component would be for this project.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline wants this project to be postponed and that the traffic study should be re-evaluated.

Frances O'Keefe Wagler, 409 W Central Ave. – Mrs. Wagler wanted to know how much traffic would be necessary prior to a traffic light being required.

Frank Martinez, 10400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez was concerned about the high density within this project and the amount of traffic that would be brought into the area with this development.

Brittany Lerch, 25926 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Lerch believes that this project should be postponed and that she feels this project would cause a public safety issue.

Mayor MacFarlane closed Public Comment for this item.

Mr. Ray asked to be able to respond to the comments from the public. Mr. Ray stated that no potable water would be used for irrigation, that they would use irrigation wells for that purpose. Mr. Ray also stated that the Town had required them to create the spine road connecting SR 19 to Number Two Road. Mr. Ray also stated that there was 300,000 square feet of neighborhood commercial area at the front of the project.

Councilor Lehning stated that he thought the meeting's packet was sent out too late and that was why he wanted this item continued to the next meeting.

Motion made by Councilor Miles to continue this item to the next meeting; seconded by Councilor Lehning. Motion was approved by a roll-call vote.

Voting

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

Nay: Councilor Lannamañ, Mayor MacFarlane

There was a request from Town Councilors for a paper copy of the of the Final Subdivision Plans to be made available in Town Hall for their review before the next meeting.

4. Consideration and Approval: (First Reading) **Ordinance 2023-012 - Land Development Code (LDC) Omnibus**

Martha MacFarlane, Mayor, read Ordinance 2023-012 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING SECTIONS OF THE TOWN'S LAND DEVELOPMENT CODE AS FOLLOWS: AMENDING SECTION 5.02.06 TO SPECIFY THE MINIMUM SETBACK FROM PROPERTY LINES FOR FLAGPOLES; AMENDING SECTION 2.03.03 TO REQUIRE TWO-CAR GARAGES FOR TOWNHOMES AND TO SPECIFY THE MINIMUM SQUARE FOOTAGE OF THE GARAGE AND THE MINIMUM LENGTH AND WIDTH OF THE RELATED DRIVEWAY; AMENDING SECTION 5.02.06 TO SPECIFY THE TIME PERIOD FOR TEMPORARY PERMITS FOR MOVABLE MODULE STORAGE UNITS; AMENDING SECTION 7.09.02 PERTAINING TO TREE PRUNING; AMENDING SECTION 7.10.00 AND ITS LIST OF APPROVED TREES AND PLANTS; AMENDING SECTION 7.10.01 TO ADD AN ITEM TO THE PROHIBITED PLANT LIST; AMENDING SECTION 7.11.01 REGARDING TREE PROTECTION; AMENDING SECTION 7.08.01 REGARDING LANDSCAPING REQUIREMENTS; ENACTING NEW SECTION 5.01.10 TO DEFINE "WORKSHOPS;" ENACTING NEW SECTION 7.04.04 TO IMPOSE CERTAIN REQUIREMENTS AT STREET INTERSECTIONS TO PRESERVE VISIBILITY FOR MOTORISTS; AMENDING SECTION 1.12.00 TO ENACT A NEW DEFINITION AND TO MODIFY CERTAIN EXISTING DEFINITIONS; AMENDING SECTION 7.12.01 REGARDING REQUIREMENTS FOR TREE REMOVAL; ENACTING NEW SUBSECTIONS 8.05.02.L AND 8.05.04.F REGARDING POTABLE AND RECLAIMED WATER SYSTEMS; ESTIMATING THE ECONOMIC IMPACT OF THE ORDINANCE ON PRIVATE BUSINESSES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Planner, Tom Harowski to introduce this item. Mr. Harowski stated that the requested changes to this Ordinance had been made and were included in the Ordinance.

Mayor MacFarlane opened Public Comment for this item.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he wanted townhome garages to be required to be 500 square feet.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann stated that he felt the trees listed in the Ordinance were too big for the Venezia and Talichet neighborhoods.

Mayor MaFarlane closed public comment for this item.

Councilor Miles stated that he would make a motion to approve this Ordinance with the following four amendments:

1. Line 54 – Maximum building height changed from 2.5 stories to 30 feet.
2. Line 59 – Impervious Surface should be changed from 40% percent to 50%.
3. Line 74 – Minimum Square footage of 1,200 square feet should be changed to 1,500 square feet. **(Mayor MacFarlane, Mayor Pro Tem Gallelli, and Councilor Lannamañ did not agree with this change – it was decided that this would remain 1,200 square feet)**
4. Page 5 line 127 – Remove Laurel from the footnote on the foot note.

Motion made by Councilor Miles approve with the three changes (#1, #2, and #4) that Councilor Miles had requested; 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

5. Consideration and Approval: **Lake-Sumter Metropolitan Planning Organization (MPO) / Florida Department of Transportation (FDOT) Letter in Support of Complete Streets Study**

Mayor MacFarlane asked Town Manager, Sean O’Keefe, to introduce and explain this item. Mr. O’Keefe stated that due to recommendations, rather than asking for a study on a traffic bypass, the Town should write a letter asking for a study on alternative traffic routing. Mr. O’Keefe stated that MPO staff had recommended that the Town ask for the implementation of the complete streets elements of the ongoing proposed projects.

Mayor MacFarlane stated that she would like Mr. O’Keefe to fix the spacings in the letter.

Councilor Lannamañ stated that she was concerned that bypassing the Town would hurt the Town’s ability to draw in commercial growth into the downtown area.

Mayor MacFarlane opened Public Comment for this item.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he thinks the Town needs a bypass.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann stated that he thought a bypass would make sense.

Frank Martinez, 10400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez stated that he did not want any more development.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to support the letter as written; seconded by Councilor Lehning. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

6. Discussion: **Lake County Sherriff Office (LCSO) Dispatch Agreement**

Tom Wilkes, Town Attorney, stated that he wanted to give the Council an update on the current situation with the Dispatch Agreement. Mr. Wilkes stated that he would be asking the Town Council to sign a joint letter, with 4 other municipalities, asking the Lake County Board of County Commissioners to address this situation and for the Town Council to pass a Resolution on this issue.

Mayor MacFarlane stated that she would like to know the City of Mount Dora’s stance on this issue and if they would be participating.

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

7. Discussion: **Police Chief Leave (THIS ITEM WAS PULLED FROM THE MEETING'S AGENDA DURING AGENDA APPROVAL AT THE BEGINNING OF THIS MEETING)**

DEPARTMENT REPORTS

8. Town Manager

Sean O'Keefe, Town Manager, explained that the Town Clerk was absent from the meeting due to attending the 2023 Florida Association of City Clerk's Fall Conference. Mr. O'Keefe also announced what jobs the Town was currently recruiting for.

Mr. O'Keefe announced upcoming meetings and events, including a Town Council's joint workshop with the Planning and Zoning Board on November 1, 2023. It was decided that this meeting should not have been set up as a joint workshop, but that it should just be a Town Council workshop and that the Planning and Zoning Board could attend as members of the public.

COUNCIL MEMBER REPORTS

9. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli announced the Police Department's participation in the DEA Prescription Drug Take Back Event on October 28, 2023, from 10am to 2pm.

Mayor Pro Tem Gallelli also asked Town Councilors to be polite to each other.

10. Councilor Lehning

Councilor Lehning asked the Police Department for an update on what actions they had taken in relation to the recent string of car break-ins.

11. Councilor Miles

Councilor Miles stated that he has asked the Town Manager to put him on an agenda in one of the November meetings to go over Wastewater updates.

Councilor Miles asked the Public Works Director, Morgan Cates, for an update on the status of the Right-of-Way for Citrus Ave. Mr. Cates stated that they were going to be having a meeting soon with property owner Mrs. Brock.

Councilor Miles asked for an update on the Stormwater Grant. Mr. Cates stated that the Town was waiting on a permit.

Councilor Miles asked for an update on the Lift Station Grant. Mr. Cates stated that FDEM was currently evaluating the submitted grants.

12. Councilor Lannamañ

Councilor Lannamañ asked about the engagement letter to De La Parte and Town's CUP Status. Mr. O'Keefe stated that he believed that the St. John River Water Management District was softening on its CUP status with the Town, but that negotiations were still ongoing. Councilor Lannamañ asked when

the Town might expect a final answer. Mr. O’Keefe stated that he would ask Sara Whitaker when she thought the Town would receive a final answer.

Councilor Lannamañ appealed to Town Councilors and Town Staff to improve their levels of professionalism.

Councilor Lannamañ announced the grand opening of the Nolo Health Clinic in the Lakes Square Mall. This clinic was owned by Town residents that resided in the Venezia Subdivision.

13. Mayor MacFarlane

Mayor MacFarlane stated that during a prior meeting she had stated that she believed that the Town Manager should only be delivering facts to the Town Council, not recommendations. Mayor MacFarlane stated that she had discovered in the Town’s charter it states that the Town Manager should make recommendations to the Town Council that the Town Manger believed were necessary or useful.

Mayor MacFarlane asked the Town Attorney to research and report back to the Town Council about how the Town Council can have a Meeting in the Shade to discuss the Town Manager and his management of the Police Chief. Tom Wilkes, Town Attorney, stated that he would need more information and facts first. Mr. Wilkes stated that he would be conferring with attorney Deborah Lafleur about this topic. Mayor MacFarlane asked if this process, of getting more information, would include interviewing the Town Manager and Police Chief. Mr. Wilkes stated that it would.

Councilor Miles stated that the Town Council had two employees that reported to them, the Town Manager and the Town Attorney, and that this was an issue between the Town Manager and one of his employees. Councilor Miles stated that he did not believe that the Town Council should get involved at this point. Mayor MacFarlane and Councilor Lannamañ disagreed.

Councilor Lehning asked if the Town Manger had requested assistance with this issue. Mr. O’Keefe stated that he has been in communication with the Town Attorney. Councilor Lehning asked the Town Manager if he thought this issue was out of hand and if he needed the Council to step in. Mr. O’Keefe stated that he did not, that he thought everyone was professional and that he believed the issues could be worked out. Mayor MacFarlane and Councilor Lannamañ disagreed with Mr. O’Keefe’s assessment.

Mayor MacFarlane stated that she wanted a determination of appropriateness of the inference in police action and the management of police action according to law.

Mr. Wilkes stated that he would come back to the Town Council with a recommendation of where to go from here.

Councilor Lannamañ asked Mr. Wilkes to speak about the Sunshine Law, and how in a previous meeting it was alleged that she had violated the Sunshine Law. Mr. Wilkes stated that he did not believe that Councilor Lannamañ had violated the Sunshine Law. Mr. Wilkes stated that Council members can exercise their First Amendment rights and that it is ok to state a position in an email that goes to another Council member; but that the other Council member cannot reply to that email. Mr. Wilkes stated, that to be on the safe side, Councilors should not email other.

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.

Brittany Lerch, 25926 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Lerch thinks the traffic study for Hillside Grove is inadequate and urges the Town Council to educate themselves on Number Two Road.

Banks Helfrich, 9100 Sams Lake Rd., Clermont Fl. – Mr. Helfrich spoke about the theme of community.

Frances O’Keefe Wagler, 409 W Central Ave. – Mrs. Wagler wanted the Town to congratulate the Mission Inn on receiving a historic preservation award.

Suong Miles, 500 E Camelia Way – Mrs. Miles wanted to know why item #7 was removed from the meeting’s agenda. Mrs. Miles stated that she believes the Town needs to work together better.

ADJOURNMENT

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

The Meeting adjourned at 9:26 p.m. | **Attendees: 57**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk