



Town Council Meeting

October 28, 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.
Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Martha MacFarlane

MEMBERS EXCUSED ABSENT:

Mayor Pro Tem Marie V. Gallelli

STAFF PRESENT:

Sean O'Keefe, Town Manager | Tom Wilkes, Town Attorney | Rick Thomas, Police Chief | Morgan Cates, Public Services Director | Oscar Ojeda, Finance Supervisor | John Brock, Deputy Town Manager / Town Clerk

AGENDA APPROVAL/REVIEW

**Motion made by Councilor Lannamañ to approve the meeting's agenda; seconded by Councilor Lehning.
Motion approved unanimously by voice vote.**

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, 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.

Councilor Miles asked to pull Agenda Items #1 and #6 from the Consent Agenda, to allow discussion about them.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the June 24, 2024, Town Council Meeting.

Councilor Miles pointed out three typos that he discovered in these minutes and wanted them to be corrected.

Motion made by Councilor Miles to approve the June 24, 2024, Town Council Minutes while fixing three typos in the minutes; seconded by Mayor MacFarlane. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor MacFarlane

Nay: None

2. The approval of the minutes and ratification and confirmation of all Town Council actions at the July 08, 2024, Town Council Meeting.
3. The approval of the minutes and ratification and confirmation of all Town Council actions at the July 22, 2024, Town Council Meeting.
4. The approval of the minutes and ratification and confirmation of all Town Council actions at the September 9, 2024, Town Council Meeting.
5. The approval of the minutes and ratification and confirmation of all Town Council actions at the October 14, 2024, Town Council Meeting.

Motion made by Councilor Miles to approve Consent Agenda Items #2, #3, #4, and #5; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor MacFarlane

Nay: None

6. Consideration and Approval: **Town Planner Agreement**

Councilor Miles said that there was nothing listed in the agreement that stated what would happen if there was a conflict of interest with Sean Parks, Principal Planner of Parks Consulting Services (and current Lake County Commissioner). Councilor Miles stated that he would like the Town Attorney to add a paragraph to the agreement discretely explaining the process of what to do if there is a conflict of interest and that the Town's secondary planning firm would be utilized. Town Attorney, Tom Wilkes, stated that he could do this.

Mayor MacFarlane asked about the provision in the agreement that allowed for the Parks Consulting Services to add 1.5% to reimbursement charges. It was decided that this provision should be removed from the agreement.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline stated that he thought it was great that Parks Consulting Services was selected as the primary planning services for the Town, as he thought they were the best firm. Mr. Everline stated that it was his understanding from the previous meeting that KCT Consulting Services and Parks Consulting Services were both going to make presentations again during this meeting.

Motion made by Councilor Miles to approve the Parks Consulting Agreement with Councilor Miles' Conflict of Interest paragraph (to be written by the Town Attorney) and removing the

provision in the agreement that had allowed for a 1.5% markup on reimbursements; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor MacFarlane

Nay: None

PUBLIC HEARING

OLD BUSINESS

7. Consideration and Approval: **Sara Maude Mason Nature Preserve Funding**

Town Manager, Sean O’Keefe, stated that the Sara Maude Mason Nature Preserve Boardwalk Project was nearly completed. Mr. O’Keefe stated that the project had been approved to commence and then the staff had been tasked with acquiring a loan to fund the project. Mr. O’Keefe asked the Town’s Finance Supervisor, Oscar Ojeda, to explain the available loan options.

Mr. Ojeda explained that staff had researched and gotten quotes for 3 separate loans for \$250,000 to complete the funding for the project. Mr. Ojeda stated that the staff recommendation was to go with the loan from United Southern Bank; this loan had an interest rate of 5.30% over a five-year term and there was no prepayment penalty.

Councilor Miles complimented Mr. Ojeda for his work and diligence. Councilor Miles also recommended that the Town go with the United Southern Bank loan.

Mayor MacFarlane opened Public Comment for this item only.

Graham Wells, 718 Calabria Way – Mr. Wells stated that he would have liked to have seen the Town attempt to take out a line of credit rather than a loan. Mr. Wells recommended that the Town staff investigate a line of credit.

Jon Arnold, 303 Terracotta Ter. – Mr. Arnold stated that he thought, from discussion in previous Town Council Meetings, that the Town did not need to take out a loan to cover the boardwalk project.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch recommended that the Town take out the loan instead of the line of credit.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve signing with United Southern Bank for the \$250,000 loan, with the 5.30% interest rate; seconded by Councilor Lehning. Motion approved by roll call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor MacFarlane

Nay: Councilor Lannamañ

NEW BUSINESS

8. Consideration and Recommendation: (First Reading) **Ordinance 2024-011 - Whispering Heights Rezoning to MDR-2**

Mayor MacFarlane read Ordinance 2024-011 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING FROM MEDIUM DENSITY RESIDENTIAL 1 (MDR-1) TO MEDIUM DENSITY RESIDENTIAL 2 (MDR-2) APPROXIMATELY 70.15 ACRES OF LAND LOCATED EAST OF THE NORTHERNMOST SEGMENT OF NORTH BUCKHILL ROAD AND IDENTIFIED BY THE LAKE COUNTY PROPERTY APPRAISER'S PARCEL NUMBERS 36-20-25-0004-000-00900, 36-20-25-0001-000-01000, AND 36-20-25-0004-000-01500, AS WELL AS BY ALTERNATE KEY NUMBERS 3564219, 3877787, AND 3907438; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Town Manager, Sean O'Keefe, reviewed the staff report that former Town Planner, Tom Harowski, had created for this agenda item. Mr. O'Keefe explained that a problem had been discovered recently with the Whispering Heights proposed subdivision. Mr. O'Keefe stated that, even though the Town had approved a Preliminary Subdivision Plan for this proposed development, in researching the Final Subdivision Plan that had been submitted, the Town's staff had discovered that there were no Town records showing that the parcels of land had been rezoned from MDR-1 to MDR-2 in 2018. Mr. O'Keefe stated that the Town's Planning and Zoning Board had recommended denial of this Ordinance by a 4 to 2 vote.

Mr. O'Keefe stated that Mr. Harowski had laid out three options that the Town Council would have for this agenda item, which included:

1. To deny the rezoning request and leave the MDR-1 zoning in place. This option will likely have the project revert to its original design.
2. To approve the rezoning to MDR-2 but make applicant conform to the recently amended Land Development Code, require all lots be at least 10,980 square feet in size. This would allow some increase in total lots above the original 107 lots, but the total project size will be less than the 156-lot design.
3. To approve the rezoning to MDR-2 under the old rules based on the application for rezoning having been submitted prior to the adoption of the current rules. This option would allow the 156-lot design to proceed.

Mayor MacFarlane asked that representatives for the applicant come forward and give their presentation. Brent Spain (land use attorney for the applicant), with Theriaque & Spain Law Firm, and Clay Frankel, Red Jacket Development Group representative, came forward and introduced themselves.

Mr. Spain explained that this was a quasi-judicial matter and then gave a history of the project going back to 2007. Mr. Spain said he would deem the current matter before the Town Council as a corrective rezoning application. Mr. Spain presented a binder with 31 tabs and asked that it be introduced into the Town's records for the public hearing. Mr. Spain explained that, after November 2018, the Whispering Heights development was listed in the Town's official zoning map as MDR-2 and was recognized in the Town Comprehensive Plan.

Mr. Spain explained that Red Jacket Development currently has the property under contract with Maronda Homes based upon the 2018 MDR-2 rezoning and the Town-approved Preliminary Subdivision Plan with 156 lots. Mr. Spain stated that refusal to approve the corrective rezoning for the property from MDR-1 to MDR-2 would be extremely prejudicial to Red Jacket Development and would result in significant monetary damages.

Mr. Spain gave a definition of "Equitable Estoppel" and explained the history of its use in prior court cases. Mr. Spain stated that his client, Red Jacket Development, was seeking option #3 from Mr. Harowski's options that had been laid out before the Town Council.

Councilor Lehning stated that he would like to hear a presentation or rebuttal from the Town's Attorney, Tom Wilkes. Mr. Wilkes stated that he would review Mr. Spain's package of information and would give a short presentation/recommendation before the second reading of the Ordinance.

Councilor Miles stated that he believed that Mr. Spain was 100% correct. Councilor Miles stated that he attended the November 2018 Town Council Meeting, and he remembers the Town Council approving the rezoning of the development from MDR-1 to MDR-2 in exchange for the development being required to hook up to sewer, instead of utilizing septic tanks. Councilor Miles stated that he believed that the Town should honor the 2018 rezoning.

Mayor MacFarlane opened Public Comment for this item only.

Richard Mulvany (member of the Planning and Zoning Board), 308 W Dupont Cir. – Mr. Mulvany stated that he wished that the Planning and Zoning Board had been presented with the information that Mr. Spain had given and the information that Councilor Miles had given when they made their recommendation to the Town Council.

Joshua Husemann (member of the Planning and Zoning Board), 671 Avila Pl. – Mr. Husemann stated that he had a problem with adding 107 lots on the lake that were on septic systems. Mr. Husemann stated that he agreed with Councilor Miles, in that the Town should honor the 2018 rezoning.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that he is concerned that the original rezoning ordinance from 2018 was never signed, and the developer should have caught that back then.

Frances Wagler (member of the Planning and Zoning Board), 409 W. Central Ave. – Mrs. Wagler stated that she believed that the developer should have checked on the ordinance from 2018 to see if it was ever signed. Mrs. Wagler stated that she is pleased with the new Town Planner selection.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he believes that the developer should have had to make sure the previous ordinance from 2018 was signed. Mr. Gunesch stated that he thinks the Town should require the developer to re-engineer their plans for the development and require them to conform to the Town's recently amended Land Development Code.

Mayor MacFarlane announced that this item would move on to its second reading.

9. Presentation: **Mayoral Selection Process (November 12, 2024, Meeting)**

Town Manager, Sean O'Keefe, reviewed a preliminary framework that Town staff had created to manage the process of the selection of the Town's next mayor.

Town Attorney, Tom Wilkes, stated that there was no need for a second for a nomination.

Town Clerk, John Brock, stated that the outgoing Town Council could not limit the incoming Town Council by requiring that no self-nominations could be allowed. If the incoming Town Council wanted to make that rule and they voted on it during the next meeting, they could limit themselves. Mr. Wilkes agreed with Mr. Brock.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch had questions about the process that would be used.

DEPARTMENT REPORTS

10. Town Manager

Town Manager, Sean O'Keefe, gave an update on the N. Citrus Ave. Repaving Project. Mr. O'Keefe stated that preliminary platting process and sketches were almost complete from the Town's surveyor, and he expected to have them on the day after the meeting.

Mr. O'Keefe stated that Florida Department of Emergency Management (FDEM) had approved both grant applications to add backup pump/generators to the Venezia wastewater lift stations.

Mr. O'Keefe gave a short update on the Hurricane Milton storm debris pickup. Mr. O'Keefe stated that the Town had an interlocal agreement with Lake County for them to pick up the storm debris within the Town. Mr. O'Keefe stated that, due to limits on contractors that the county was able to acquire, Lake County would be picking up vegetative debris first, and construction debris second.

Mr. O'Keefe announced the Town's Veterans Day Event on November 11, 2024, at 11am, at Blevins Park.

Public Services Director, Morgan Cates, thanked the three outgoing Town Councilors for their service.

COUNCIL MEMBER REPORTS

11. Mayor Pro Tem Gallelli

None

12. Councilor Lehning

Councilor Lehning thanked his wife Kathy for her support during his term as Town Councilor. Councilor Lehning thanked Mayor MacFarlane for her service to the Town.

Councilor Lehning stated that the new Town Council should look at Mayor MacFarlane as the model of what makes a good mayor.

Councilor Lehning warned the incoming Town Councilors to be wary of PUD agreements.

Councilor Lehning stated that the Town's new MPO member should champion an SR 19 bypass around the Town.

13. Councilor Miles

Councilor Miles thanked Mayor MacFarlane for her six years of services as Mayor of the Town.

Councilor Miles stated that he discovered three typos in one of the five sets of minutes that were to be approved during the Town Council Meeting. Councilor Miles said that there needed to be another person proofreading the minutes, preferably someone with an English degree.

Councilor Miles stated that he disagreed with the Talichet Lift Station discussion that had occurred during the October 14, 2024, Town Council Meeting. Councilor Miles said that it was his opinion that the Town came much too close to having a wastewater overflow event during Hurricane Milton, and that the Town needed to protect its wetlands. Councilor Miles stated that he did not think that the Town needed to do more than hook up the Talichet lift station to the Town's SCADA system and to add a pigtail so that the Town could attach its generator in an emergency power outage event.

Councilor Miles stated that he believed that, if Lake County did not pick up the storm debris from Hurricane Milton before the next Town Council meeting, that the Town needed to arrange for separate storm debris removal services.

Councilor Miles stated that he wanted a briefing on the status of the Water Treatment Plant #3 construction project during the next Town Council meeting.

14. Councilor Lannamañ

Councilor Lannamañ thanked Mayor MacFarlane for her service. Councilor Lannamañ stated that she believed Mayor MacFarlane had been a great example as a mayor because of how she embodied the virtue of temperance.

Councilor Lannamañ thanked Mayor Pro Tem Gallelli and Councilor Lehning for their service.

15. Mayor MacFarlane

Mayor MacFarlane thanked Mayor Pro Tem Gallelli and Councilor Lehning for their service.

Mayor MacFarlane cautioned the incoming Town Council and Councilor Miles about making comments like Councilor Miles' comment about storm debris removal. Mayor MacFarlane stated that the cost of the Town doing its own storm debris removal should be closely reviewed or analyzed before making comments about the Town going on its own.

Mayor MacFarlane stated that the incoming Town Council needed to foster good relations with its state legislators.

Mayor MacFarlane stated that she had been contacted by the law firm which represented the Town in the McGill lawsuit. Mayor MacFarlane stated that she had been told that the Town had settled with McGill for \$30,000.

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 thanked Mayor MacFarlane for her service to the Town. Mr. Everline agreed with Mayor MacFarlane that the Town should not take on the storm debris removal, and that the Town should stick with the contract it has with Lake County.

Mr. Everline stated that he believed that the Town could improve its communication with Town residents on how to bag up storm debris waste.

Mr. Everline stated that, at the intersection of N. Florida Ave. and W. Cypress Ave., there was a lot of debris in the road area. Public Services Director, Morgan Cates, stated that he would investigate the issue.

Andi Everline, 1012 N Lakeshore Blvd. – Mrs. Everline complemented the work done on one of the Town's finger piers, but she pointed out that there was no ADA access to the finger piers.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch thanked the outgoing Town Councilors and the Mayor for their service.

Tina St. Clair, 135 E Central Ave. – Mrs. St. Clair stated that people using the crosswalk going across SR 19 at Central Ave were in danger because of cars not stopping on SR 19. Mrs. St. Clair suggested that the Town work with DOT to place new signs or something because this problem was critical.

Mrs. St. Clair thanked the Mayor and the outgoing Town Councilors for their service.

Kathy Coleman, 1004 N Citrus Ave. – Mrs. Coleman thanked Mayor Pro Tem Gallelli and Mayor MacFarlane for their service. Mrs. Coleman stated that she hoped that the incoming Mayor and Town Councilors would lead with an even temper and respect.

ADJOURNMENT

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

The Meeting adjourned at 8:11 p.m. | **Attendees: 35**

Mayor

ATTEST:

John Brock, Town Clerk