



Town Council Meeting
August 22, 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. Mr. Jim Steele, Lake County Poet Laureate, read a poem titled “Embrace”.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor David Miles | Councilor Rick Klein | Mayor Pro Tem Marie V Gallelli | Mayor Martha MacFarlane

MEMBERS ABSENT:

Councilor George Lehning

STAFF PRESENT:

Sean O’Keefe, Town Administrator | John Brock, Town Clerk | Morgan Cates, Public Works Director | Rick Thomas, Police Chief | Tara Hall, Library Director | Tom Wilkes, Town Attorney (via Zoom) | Tom Harowski, Town Planner (via Zoom)

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to allow Councilor Klein to participate and vote via Zoom due to extenuating circumstances; seconded by Councilor Miles. Motion passed unanimously by voice vote.

Voting

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

Nay: None

Motion made by Councilor Miles to approve the agenda; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by voice vote.

Voting

Yea: Councilor Miles, Councilor Klein, 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 August 8, 2022 Town Council Meeting.

Councilor Miles stated that he had discovered an error in the minutes. Councilor Miles recommended changed the word “remined” to “reminded” on page 5, two lines into Mayor MacFarlane’s report.

Motion made by Mayor Pro Tem Gallelli to approve with the correction to the August 8, 2022 Town Council Meeting minutes that Councilor Miles recommended; seconded by Councilor Klein. Motion passed unanimously by voice vote.

Voting

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

Nay: None

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

2. Consideration and Approval: **Reappointment of Trey Purser to the Police Pension Board**

Motion made by Councilor Miles to reappoint Trey Purser to the Police Pension Board; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

3. Consideration and Approval: **Appointment of Lynne Husemann to the Police Pension Board**

Mrs. Lynne Husemann spoke about her interest in serving on the Police Pension Board and her background, including her twenty years of accounting experience.

Motion made by Councilor Miles to appoint Lynne Husemann to the Police Pension Board; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

4. Consideration and Approval: **Appointment of Jonathan Arnold to the Police Pension Board**

Mr. Jonathan Arnold explained that he had been a resident of Howey-in-the-Hills for almost six years and had previously served in the Air Force.

Motion made by Mayor Pro Tem Gallelli to appoint Jonathan Arnold to the Police Pension Board; seconded by Councilor Miles. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

5. Consideration and Approval: **Temporary Reimbursement of Laptop Project Grant**

Mayor MacFarlane asked Sean O’Keefe, Town Administrator, to explain and introduce this item. Mr. O’Keefe stated that the Town had applied for and received a USAC E-Rate grant (administered by USAC on behalf of the Federal Communication Commission for \$45,600) to purchase 120 laptops for Howey homeschool children, which would be managed through the library. The commitment of the reimbursement for this project has been guaranteed, and the laptops were ordered and delivered to the library. Lucien Group, LLC had purchased the laptops (with terms of payment being due on a net-30 day basis) and submitted the request to the FCC/USAC for reimbursement. Due to reimbursement processing delays on the part of USAC, Lucien Group, LLC is running out of time on the payment for the laptops. Mr. Sheldon Lucien has asked for the Town to temporarily reimburse Lucien Group, LLC for the cost of the items for the remaining time that it would take for the FCC reimbursement to be processed, which would then be refunded by Lucien Group, LLC to the Town.

Mr. Sheldon Lucien explained that Lucien Group, LLC, was nearing the end net terms and was being held financially liable for the 120 laptops that were currently in the Town’s possession at the library. Mr. Lucien stated that, originally, the terms from their distributor was net-30 days and they were able to get an extension to net-45 days.

Councilor Klein asked if the Town would be incurring an expense by having an agreement written up by our Town Attorney to ensure that Lucien Group LLC repays the Town when the grant money is dispersed. Mr. O’Keefe did answer that the Town would be incurring that expense and Councilor Klein was concerned because the Town would be now incurring this expense.

Councilor Miles suggested that in the future, the Town should submit for grants in such a manner so that the Town is directly reimbursed, not vendors.

Mayor MacFarlane opened Public Comment for this item only.

Renee Lannaman, 710 Calabria Way – Mrs. Lannaman asked for clarification on the reimbursement of the grant.

Motion made by Councilor Miles for the Town to reimburse Lucien Group LLC the onetime payment of \$45,600 with an appropriate security agreement between the Town and Lucien Group to ensure that the Town gets reimbursed; seconded by Mayor Pro Tem Gallelli. Motion approved by roll-call vote.

Voting

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

Nay: Councilor Klein

6. Consideration and Approval: (First Reading) **Ordinance 2022-018 - Amend Building Services Fee Schedule**

Martha MacFarlane, Mayor, read Ordinance 2022-018 by title only:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO REGULATION OF BUILDING CONSTRUCTION; PROVIDING FINDINGS OF TOWN COUNCIL PERTINENT TO TOWN FEES AND CHARGES; REVISING THE TOWN'S BUILDING-PERMIT FEE SCHEDULE IN ITS ENTIRETY; WAIVING CODIFICATION AND PROVIDING FOR POSTING OF FEES AND CHARGES ON THE TOWN'S WEBSITE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Administrator, Sean O'Keefe, to introduce and explain this proposed ordinance. Mr. O'Keefe explained that Town Staff had been working on removing the schedule of fees from being codified within Municode in order to have them published primarily on the Town's website. In addition, the Building Permit fees were being modified to be more in line with other local municipalities.

Councilor Miles made a recommendation for changes with the ordinance. Councilor Miles thought that the location of the word "plus" used for many sets of fees was incorrect. As an example, on line 64 of the ordinance, the word plus should be moved so that the lines 64 should read "Minimum fee 75.00, plus".

Public Works Director, Morgan Cates, explained that the Lot Grading Inspection fees of \$150 were not located in the ordinance and should be added before the second reading

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

Councilor Miles asked why these building permit fees were being removed from being codified with Municode. Town Clerk, John Brock, explained this was due to the time it takes for changes in fees to be codified (6 months or longer in some case), and the cost of codifying the fees with Municode.

Motion made by Mayor Pro Tem Gallelli to approve Ordinance 2022-018 with the amendments of changing the syntax of where the word "plus" was used and the addition of the Lot Grading Inspection Fee; seconded by Councilor Miles. Motion approved unanimously by roll-call vote. Ordinance 2022-018 will move forward to a second reading.

Voting

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

Nay: None

7. Consideration and Approval: **Venezia Townhomes Final PLAT Submission Approval**

Mayor MacFarlane asked Town Administrator, Sean O'Keefe, to introduce this item. Mr. O'Keefe introduced the item and asked the Town Planner, Tom Harowski, to explain the item. Mr. Harowski explained that the applicant was asking for final approval of the Plat for the Venezia Townhomes development. Approval of the Plat would give the applicant the ability to begin selling lots even though the final construction of the streets and utilities has not been completed. Under state law and local codes, the applicant has the ability to provide a performance bond of the amount of the remaining construction value of the project and then record the Plat. There are three components that would be reviewed in this process: the Plat document (the map showing the lots), a set of covenants and restrictions, and performance bond. Mr. Harowski explained that Tom Wilkes, the Town Attorney, wanted some changes to the performance bond prior to approve that could be made within the motion.

Mr. Harowski explained that, when the final subdivision plans were approved, there were two conditions that were made. The first condition was related to the fence between the project and the houses on Calabria Way: the Venezia Townhomes HOA would need to maintain and clean their side of the fence and, if there was damage to the fence that resulted from the townhomes' side of the fence, the

townhomes HOA would be responsible to repair the fence. The first condition was reflected in the covenants and restrictions section 11.8.7. The second condition was that the Venezia Townhomes HOA architectural review group needed to review and approve satellite dish locations in the townhome's neighborhood. The second condition was reflected in the covenants and restricts in section 12.31.

Mr. Harowski explained that the Plat document would not be recorded in the public records until the performance bond was review, accepted, and signed off. No building permits for any townhouse units would be issued until construction of all of the public improvements are completed and the Town issues a Certificate of Completion. Also, no building permits for townhouse units will be issued until a maintenance bond for 20% of the cost of construction of all public improvements was issued. The maintenance bond is typically provided prior to the issuance of the Certification of Completion. The maintenance bond is held for a time of two years.

Councilor Miles wanted to know what the rush was, and why the Town would do this.

Roger Vanauker, speaking for Forestar (the development team), stated that typically they like to bond and record the Plat so that they can begin selling lots in the development.

Mayor MacFarlane stated that this process was not abnormal, and that the Town did this with Talichet. Mr. Harowski stated that this was commonly done throughout the state. Town Attorney, Tom Wilkes, explained that this process was the custom and practice around the state and country. Mr. Wilkes also explained that there was a motion that he suggested that the Town Council used to ensure that the performance bond gets modified accordingly. Mr. Wilkes also stated that other attorneys in his Law firm, GrayRobinson, P.A., represented DR Horton, the parent company for Forestar, and that Mr. Wilkes had informed the Town administration of this months ago.

Mayor MacFarlane opened Public Comment for this item only.

Renee Lannaman, 710 Calabria Way – Mrs. Lannaman stated that many of the homeowners in Venezia were concerned about the satellite dishes and the landscaping in the townhomes project.

Motion made by Mayor Pro Tem Gallelli to (i) approval of the proposed final plat for the Venezia Townhomes project and (ii) approval of its execution by the Mayor and Town Attorney, but only upon receipt by the Town Clerk of both the performance bond as proposed by the developer, with the edits recommended by the Town Attorney, and the required power of attorney for the person executing the performance bond on behalf of the surety; seconded by Councilor Klein. Motion approved by roll-call vote.

Voting

Yea: Councilor Klein, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: Councilor Miles

DEPARTMENT REPORTS

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

Sean O'Keefe, Town Administrator, stated that the Town was in the process of hiring a Finance Supervisor (Abigail Herrera) and that her first day would be August 29th. Mr. O'Keefe presented a summary of the financial ratios derived from the Annual Financial Report (AFR) to the council and spoke about the fiscal health of the Town. Mr. O'Keefe also stated that the Town was not awarded the CDBG-CV grant that it had applied for last year to assist with paying for the Well and Water Treatment Plant on the north side of Town. Mr. O'Keefe stated that he would be attending and speaking before the Lake County Board of County Commissioners on the topic of the Town not receiving funding for its Library Impact fee application.

COUNCIL MEMBER REPORTS

9. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli informed the audience that there was a Planning and Zoning Board Meeting scheduled for Thursday, August 25, 2022 at 6:00 p.m. At the Planning and Zoning Board meeting, the board members would be discussing the Town's grid street policy and the proposed Simpson development on the south side of Town.

10. Councilor Lehning

Not in attendance

11. Councilor Miles

Councilor Miles asked for clarification about the Town's wastewater facilities in Venezia and Talichet. Councilor Miles requested a Town Council Workshop meeting in September about the future of Water and Wastewater in the Town.

12. Councilor Klein

Councilor Klein encouraged the Town residents to get out and vote on Tuesday, August 23rd.

13. Mayor MacFarlane

Mayor MacFarlane asked the Town Clerk to pass on to Building Official and Jack Pavlik, the Building Services Clerk, that no building permits would be issued for Venezia Townhomes until after they receive a Certificate of Completion and have given an appropriate maintenance bond. Mayor MacFarlane asked for Councilor Miles' assistance in ensuring that the Town manages grants correctly in the future. Mayor MacFarlane also gave time to Town Clerk, John Brock, to give an update on the Town's election qualifying window.

Mr. Brock stated that there had been three seats up for re-election and that there were three candidates that qualified to run. Those three candidates would be running unopposed, so there would be no need for them to appear on a ballot in November. The three candidates were Martha MacFarlane, David R. Miles, and Renee Lannaman.

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.

Banks Helfrich, 9100 Sam's Lake Road, Clermont, FL – Mr. Helfrich gave a personal story about a previous teacher of his. Mr. Helfrich also thanked teachers for their hard work.

Renee Lannaman, 710 Calabria Way – Mrs. Lannaman thanked the Town Council for their diligence with the DR Horton project. Mrs. Lannaman also stated that she looked forward to working with the other Town Councilors in the future and really wanted to help create a Walkable Downtown for Howey.

ADJOURNMENT

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

The Meeting adjourned at 7:32 p.m. | **Attendees: 34**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk

DRAFT