



Town Council Meeting
September 12, 2022 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

AGENDA

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.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

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

STAFF PRESENT:

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Morgan Cates, Public Works Director | George Brown, Police Lieutenant | Tara Hall, Library Director | Azure Botts, Code Enforcement Officer | Abigail Herrera, Finance Supervisor | Tom Wilkes, Town Attorney | Tom Harowski, Town Planner (via Zoom)

AGENDA APPROVAL/REVIEW

Mayor Pro Tem Gallelli read out loud a proclamation recognizing National Ballroom Dancing Week (September 15th through 25th) and made a motion to approve of the agenda while adding the proclamation recognizing National Ballroom Dancing Week to the Consent Agenda; seconded by Councilor Klein. Motion passed unanimously by voice vote.

Voting

Yea: Councilor Miles, Councilor Klein, 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 August 22, 2022 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the September 8, 2022 Town Council Budget Public Hearing.

3. Consideration and Approval: **Reappointment of Ron Francis III to the Planning and Zoning Board**
- 3a. Consideration and Approval: **Proclamation Recognizing National Ballroom Dancing Week** (Item added during Agenda Approval)

Councilor Miles pointed out two corrections that needed to be made in the August 22, 2022 Town Council Meeting Minutes. Councilor Miles stated that, on page three, the word “of” needed to be inserted and also on page three, the word “dispersed” was incorrectly used; “disbursed” was the word that should have been used.

Councilor Miles made a motion to approve of the Consent Agenda with the corrections to the August 22, 2022 Town Council Meeting Minutes; seconded by Councilor Lehning. Motion passed unanimously by voice vote.

Voting

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

Nay: None

PUBLIC HEARING

4. Consideration and Approval: **Resolution 2022-005 - Non-Ad Valorem Assessment Roll for Solid-Waste Collection**

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline was not in favor of the cost increase of the Non-Ad Valorem Solid Waste charge.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item and asked John Brock, Town Clerk to read out loud written public comments that had been submitted to the Town. Mr. Brock read out loud comments submitted by the following individuals: Graham Wells, Joe and Chanda McCollom, Lisa Spence, Simon Ambrose, Wendy Dowdall, Miguel Suau, and Diane Villegas.

Councilor Miles made a motion to deny Resolution 2022-005; seconded by Councilor Gallelli.

Councilor Miles explained his motion to deny was a way for the Town to bring solid waste billing back into its own Water Utility Billing, which would save the Town and its residents money.

Councilor Miles’ motion to deny Resolution 2022-005 was approved unanimously by roll-call vote.

Voting

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

Nay: None

Councilor Miles made a motion to move the solid waste fees to the utility bill at a monthly rate of \$28.87, starting in October 2022; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

5. Consideration and Approval: **414 Amola Way Variance request from Section 5.01.08 Swimming Pools and Pool Enclosures**

Mayor MacFarlane asked Tom Harowski, Town Planner, to introduce and explain this item. Mr. Harowski summarized his Staff Report of this item and explained that the Planning and Zoning Board had recommended to grant a variance of 5 feet from the rear set back.

Morgan Cates, Public Works Director, suggested that a stem wall would be necessary for the edge of the pool deck to keep fill dirt from going into the easement at the rear of the property.

Mayor MacFarlane opened Public Comment for this item only.

Matthew Pedlar (applicant of the variance submittal), 414 Amola Way – Mr. Pedlar stated that his back yard was level.

Richard Mulvany (Planning and Zoning Board Member), 308 Dupont Cir – Mr. Mulvany stated he did not believe that the applicant needed a stem wall, he believed that the applicant would need a thickened edge.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve granting variance of 5 feet from the rear set back while requiring the property owner to include the stem wall to the edge pool deck as suggested by the Public Works Director; seconded by Councilor Lehning.

Voting

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

Nay: None

6. Consideration and Approval: **Ordinance 2022-016 - Simpson Parcels - Rezoning from MDR1 and MDR 2 to PUD**

Tim Greene, the applicant for the Simpson Parcel Project, asked to delay the first reading of Ordinance until the next regular Town Council Meeting.

Motion made by Councilor Miles for a continuance to the 9/26/22 Town Council Meeting; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice vote.

Voting

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

Nay: None

7. Consideration and Approval: (Second 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 the Ordinance had been amended since the first reading to include the additional clarifying statements that Councilor Miles had suggested during the first reading and the lot grading inspection fee that Public Works Director Cates had suggested.

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

Motion made by Councilor Miles to approve Ordinance 2022-018; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by roll-call vote.

Voting

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

Nay: None

OLD BUSINESS

None

NEW BUSINESS

8. Consideration and Approval: **Town Manager Contract**

Mayor MacFarlane asked Town Attorney, Tom Wilkes, to introduce and explain this proposed ordinance. Mr. Wilkes explained the provisions of the contract that was being proposed between the Town and Sean O’Keefe. If signed, the contract would make Sean O’Keefe the Town’s first Town Manager.

Councilor Lehning asked if the Town was required, by law, to advertise the Town Manager position opening. Mr. Wilkes stated that the Town has plenary power, at both ends of the Town Manager’s career, and can use whatever method the Town Council chooses to hire its Town Manager (and as such is not required to advertise the position). Mayor MacFarlane explained that the Town had hired Mr. O’Keefe as its Town Administrator / Finance Manager 16 months ago so that he could be trained to be the Town Manager if the charter was changed to allow that.

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

Motion made by Councilor Klein to approve the Town Manager Contract; seconded by Councilor Miles. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

DEPARTMENT REPORTS

9. Town Hall

Town Clerk, John Brock, explained that the Town Hall report had been submitted to the Town Councilors in the packet for the Meeting and that Utility bad debt had been improved. As of the end of August, there were only 12 water utility accounts with more than \$100 of past due bad debt.

10. Police Department

Police Lieutenant, George Brown, explained that the Police Department report for August had been submitted to the Town Councilor in their packets. Lieutenant Brown also answered questions about the Town's School Resource Officers.

11. Code Enforcement

Azure Botts, Code Enforcement Officer, also explained that the Code Enforcement report for August was submitted to the Town Councilors in the meeting packet. Officer Botts also explained that residents who had their own wells, that were used for irrigation, did not have a meter measuring how much water was coming out of those private wells.

12. Public Works

Public Works Director, Morgan Cates, explained that the Fishing Pier renovation project should be finished within two weeks. Mr. Cates also explained that the new playground barriers would be installed, with the assistance of volunteers, on September 30th.

13. Library

Library Director, Tara Hall, stated that the AARP organization would be conducting a driver safety course on September 13th at the library. Councilor Miles asked if Lucien Group, LLC had repaid the temporary reimbursement of the Laptop Project Grant. Mr. O'Keefe explained that they had repaid the reimbursement.

14. Parks & Recreation Advisory Board / Special Events

None

15. Town Attorney

None

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

Sean O'Keefe, Town Administrator, thanked the Town Councilors for their vote of support for him as the upcoming Town Manager. Mr. O'Keefe reminded everyone about the second Public Hearing for Budget and Millage set for September 26th at 5:05 p.m.

COUNCIL MEMBER REPORTS

17. Mayor Pro Tem Gallelli

None

18. Councilor Lehning

Councilor Lehning suggested that he believed that the Solid Waste Request for Proposals (RFP) that the Town had sent out needed more thought put into it and was not written well enough. Councilor Lehning suggested that future large contract RFPs needed more input.

19. Councilor Miles

Councilor Miles stated that he had participated in a tour of the Town's Public Works facilities. Councilor Miles explained that the Town owned four wastewater lift stations, and that the lift station next to town hall and the one located next to Griffin Park did not have fences around them. Councilor Miles stated that he would like the Town Manager to create a report that would show the cost to have fences erected around the two lift stations that did not have them. Councilor Miles would also like incorporated in the Town Manager's report, the acquisition cost of backup generators for the two Venezia lift station, so that they could be added to the budget within the next two years. Councilor Miles would like this report from the Town Manager by the first meeting in November.

20. Councilor Klein

None

21. Mayor MacFarlane

Mayor MacFarlane explained that there is an FDOT report that shows planned improvements to State Road 19. One of the planned improvements includes new sidewalk installation from Venezia Blvd to Laurel adjacent to the road.

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.

Renee Lannaman, 710 Calabria Way – Mrs. Lannaman asked the Town Council to review the Town's Land Development Code (LDC) provisions, as they relate to tree requirements on residential property. Mrs. Lannaman does not believe that the LDC requirements of 3 canopy trees and 2 understory trees are realistic for Venezia and Talichet residents.

Marc Lurie, 471 Bellissimo Place – Mr. Lurie stated that he believed that LDC code 7.08.01 on landscaping should be amend to only apply to houses over half an acre in size.

Daniel Dillon, 475 Bellissimo Place – Mr. Dillon stated that there was a Florida Statute 163.045 on precedent on local governments regulating trees. Mr. Dillon stated that there was rumor that recycling in the state of Florida was not getting done due to growth in the state and would like to know if recycling waste was really getting recycled.

Marcus Flamingo, 229 Messina Place – Mr. Flamingo disagreed with Code Enforcement efforts as it relates to requiring properties to comply with LDC on trees and would like the Town to grant an extension on enforcement.

Banks Helfrich, 9100 Sam's Lake Road, Clermont FL – Mr. Helfrich posed a question of what community means.

Roslyn Terhaar, 236 Messina Place – Mrs. Terhaar stated she was not in favor of the LDC tree requirements.

Fred Drabik, 524 Bellissimo Place – Mr. Drabik thinks that the Town should allow Crepe Myrtle trees to be considered as canopy trees.

Walter Shaub, 520 Bellissimo Place – Mr. Shaub believes that requiring all the trees is a liability to the Town.

Michael Cox, 487 Bellissimo Place – Mr. Cox is against the LDC tree requirements.

Carmen Khaleel, 721 Calabria Way – Mrs. Khaleel is against the LDC tree requirements.

Joshua Husemann, 671 Avila Place – Mr. Husemann is against the LDC tree requirements.

Donna Klein, 701 N Lakeshore Blvd. – Mrs. Klein agreed with the residents that had spoken that night and was also against the LDC tree requirements.

ADJOURNMENT

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

The Meeting adjourned at 7:55 p.m. | **Attendees: 62**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk