

MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL
HELD SEPTEMBER 28, 2020

Mayor MacFarlane called the Town Council Meeting of September 28, 2020 to order at 6:00p.m. Mayor MacFarlane led the Pledge of Allegiance to the Flag and moment of silence.

Invocation

Roll Call

Present: Mayor MacFarlane, Pro-Tem Conroy, Councilor Nebel, Councilor Klein, and Councilor Gallelli

CONSENT AGENDA

The approval of the minutes and ratification and confirmation of all Town Council actions at the September 14, 2020 Town Council Meeting, the September 22, 2020 Water Rate Study Work Session, and the September 23, 2020 Final Budget Public Hearing Town Council meeting.

Councilor Nebel seconded by, Councilor Gallelli moved to approve the September 14, 2020 Town Council Meeting, the September 22, 2020 Water Rate Study Work Session, and the September 23, 2020 Final Budget Public Hearing Town Council meeting.

NEW BUSINESS

Discussion and Action: Talichet Final Plat

Tom Howarski stated that the developer of the Talichet subdivision has applied for final plat approval subject to conditions. Review and approval of a final plat is governed by Land Development Code Sections 4.08 Site Improvements and 4.09 Final Plat Requirements. State law requires the Town Council approve the plat including the acceptance of any dedication and maintenance responsibilities. The applicant is requesting the Town Council approve the plat contingent upon completion of the outstanding items as reviewed by staff. As of this date the Town surveyor has verified that the plat document meets the standards set out in State statute for final plats. The Development Review Committee has found that the items within the purview of their review are completed on the final plat as set out in Section 4.09.02 of the land development code. The Town Attorney has not yet finalized his review of the documents establishing the homeowners' association and operating guides for the HOA. Specifically, the open items include:

- Homeowners' Association Articles of Incorporation
- Homeowners' Association Bylaws
- Declaration of Covenants, Conditions, Restrictions and Easements for the subdivision.
- Format of the two-year subdivision maintenance guarantee

In addition to the final plat document, the applicant is required to obtain a certificate of completion as set out in the land development code. The certificate of completion requirements are as follows:

4.08.00 *Certificate of Completion*

Upon completion of the site improvements, a formal walk-through inspection shall be scheduled by the Town Engineer. The developer must also submit the following documents:

- A. Engineer's certification letter (signed and sealed by a professional engineer)
- B. Surveyor's certification letter (signed and sealed by a professional land surveyor)
- C. Two sets of as-built drawings (signed and sealed)
- D. A 2-year maintenance guarantee covering all site improvements. This maintenance guarantee shall be either cash, a letter of credit or a maintenance bond in the amount of 20% of the cost of the improvements.
- E. Certified utility cost (signed and sealed by a professional engineer)
- F. "Bill of Sale" – water system
- G. "Bill of Sale" – wastewater system
- H. Copy of signed contract for site work
- I. Letter from DEP indicating acceptance of permitted work
- J. Letter from SJRWMD indicating acceptance of permitted work
- K. Certification for back flow preventer

Most of these items cannot be provided until all subdivision improvements are constructed, and some items such as the DEP and SJRWMD letters of acceptance may require inspections by these agencies. Once all items have been provided and approved, the Town issues the certificate of completion and a letter of acceptance. The date of the letter of acceptance becomes the start date for the two year maintenance guarantee. As of this date, two of the three primary review components have been completed. The Town surveyor has completed his review of the plat document and verified the plat meets survey standards. The items reviewed by the Development Review Committee have been completed. The Town Attorney is currently reviewing the documents submitted last Thursday to determine if previously provided comments have been addressed. The applicant still needs to complete the open items required for issuance of a certificate of completion. Once all the plat requirements are met, the Town will be able to sign the plat documents and record the documents with the Lake County Clerk of Court. At this point the applicant is permitted to sell lots and obtain permits for residential unit construction. One final note regarding the subdivision relates to the approval of units proposed for construction. Section 4.06 of the Land Development Code lays out design requirements for single-family residential units. This review must be completed before the Chief Building Official can issue a permit for residential construction. For subdivisions such as Talichet where one or more builders are expected to construct most of the housing units, the Town approves a set of basic models which can then be permitted without further review. The initial review and approval is granted by the Planning Board. Dreamfinders, the initial home builder, submitted plans for review on September 23, 2020. The plans are scheduled for review by the Planning Board at their regular meeting of October 22, 2020.

Councilor Gallelli wanted to know what dedication of property meant. **Tom Howarski** answered her question by giving her the explanation of what dedication of property meant. She also inquired about the maintenance plan. **Tom Howarski** stated that when a new subdivision is constructed that the subdivider provides a financial guarantee to the Town in the amount of 20% of construction cost that is held and available to the Town to make any repairs that may be necessary for the first 2 years. **Councilor Gallelli** asked what were the benefits to the Town and to the builder. **Mayor MacFarlane** noted that there were not benefits other than the process can move forward. **Mr. Roberts** explained that his intent is to get the project moving along to get all necessary requirements completed.

Pro-Tem Conroy asked if there is any risk to the Town. **Tom Howarski** suggested to have a motion that approves and authorizes the form of the plat and deliver to the Town Clerk only at such time they get from the Town Attorney, Town Planner, and the planning and zoning board to execute all open items and that they are completed and then and only then it can then go to recording. **Mayor MacFarlane** mentioned that the planning and zoning board has completed its process so it's only they Attorney and Planner that still need to finish their reviews.

Tom Howarski set for the motion for approval and authorize for Mayor MacFarlane, Town Clerk, planning and zoning board, town attorney, and town planner to sign and submit the plat to property appraiser for the recording to the clerk of the court at Lake County only upon certification to the Mayor by the Town planner and attorney that the open items identified at the town council meeting held on September 28, 2020 and within the town planner report dated September 28, 2020 have all been completed.

Move Pro-Tem Conroy moved and it was seconded by Councilor Gallelli. Motion passed 5-0 with a roll call vote.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangarine asked if there was clarification for sidewalk on Florida Ave. **Mayor MacFarlane** mentioned that this item on the agenda was not addressing the concern of the sidewalk.

Discussion: 307 Dupont Circle Variance: Applicant has requested a Variance from the Land Development Code requirement for a 25-foot rear yard setback to permit construction of a room addition extending 15 feet into the required rear of 25 feet to allow the room addition to extend to 10-feet from the rear property line. (Note the current house is 20-feet from the rear property line.) The property is located at 307 North DuPont Circle.

Tom Howarski stated that the property at 307 N. DuPont Circle is developed with a single-family home built in 2004 prior to the adoption of the current code. The survey submitted with the application shows the house located 20 feet from the rear property line (east property line) and 12,5 feet from the north property line. The front setback and other side setback are

substantial in part because of the shape of the parcel which is 140 feet deep along the north property line narrowing to 65 feet at the south property line. The property is zoned MDR-1 Medium Density Residential and the required setbacks are as follows:

Front Yard	35 feet
Side Yards	12.5 feet
Rear Yard	25 feet.

Under the current code the existing structure is non-conforming regarding the rear setback, and the addition of the proposed screen room will increase the nonconformity. To understand the history of the location of the existing house, staff researched the setback requirements under the previous code. Under the previous code, the property was Zoned SF-4 which had a rear setback of 30 feet or 20% of the depth of the site, whichever was less. In this case the average lot depth is 102.5 feet with the application of the 20% rule yielding a setback of 20 feet. When the house was constructed, the owners elected to place the house at the rear setback line thus precluding any additions to the rear of the property. Front setbacks under the SF-4 zoning were 35 feet. The survey does not provide sufficient information to determine how much closer the house could have been constructed to the front setback line. The applicant is requesting a variance of 15 feet from the required setback of 25 feet to allow the room addition to be located 10 feet from the rear property line. Note the existing house is already located 5 feet into the required rear yard, so the proposed structure will extend 10 feet closer to the rear property line. The abutting house to the east faces N. Dixie Avenue and is set some distance from the rear property line. The applicant proposes to construct a fence along the rear property line to provide a privacy screen from the houses to the east fronting on N. Dixie Avenue. The property owner of the subject parcel also owns the parcel to the north. In making a recommendation to the Town Council the Planning Board may consider all the facts presented in the application, the staff report, and any testimony presented at the public meeting. In order to recommend the variance, the Planning Board must find that a sufficient hardship exists that is directly linked to the property that without the relief granted by the variance, the applicant would be denied a use of his property that is commonly available to other single family homes. The Board may recommend any conditions that it feels are essential to mitigate any negative impacts from the application of the variance should the Board recommend the variance. The variance should be the minimum relief required to allow beneficial use of the property – in this case no more than 15 feet from the required setback of 25 feet allowing the room addition to be located 10 feet from the rear property line.

Pro-tem Conroy noted that he would recommend going with the planning and zoning board recommendation that was mentioned at the September 24th meeting to approve the variance with one condition that the construction of a fence be installed between the subject property and the property to the East.

Move Pro-Tem Conroy moved and it was seconded by Councilor Gallelli. Motion passed 4-1 with a roll call vote.

CITIZEN COMMENTS

Simon Ambrose, 307 W Dupont Circle said that he received no objections from neighbors and that he fully intends to put up the required fence.

Discussion: Whispering Hills Sub-Division, Landscape Irrigation and Trail Connection to Sara Maude Mason Nature Preserve

Red Jacket Development, owners of the proposed Whispering Hills Subdivision, have requested approval of a preliminary subdivision plan for 156 single-family units. (Refer to the attached location map and preliminary subdivision plan submittal.) The Whispering Hills subdivision had previously been approved as a final subdivision plan for 107 single-family lots. In November 2018, the property was rezoned from MDR-1 to MDR-2 (Ordinance 2018-008) to allow the increase in the number of lots. As part of the rezoning decision, the project was revised to require connection to the Town's central sewer rather than using septic systems for the 107 lots. The change in zoning and subsequent modifications to the subdivision design required the project to go back through the subdivision approval process beginning with the preliminary subdivision plan. This application is the first step in that process. The proposed plan with 156 lots uses the same street layout as the previously approved subdivision design. The lot patterns were modified in some areas to apply the smaller lot size allowed in the MDR-2 zoning district. (A 75-foot minimum lot width versus a 100-foot minimum lot width.) Lots along the lake front remain at a minimum of 100 feet in width while the 75-foot wide lots are located along the interior streets. Because of the full level of approval given to the original subdivision design and the high level of congruence between the original plan and the current plan, the level of detail included in the plan far exceeds what is minimally required for the preliminary subdivision plan. However, the requested approval is for the preliminary subdivision plan only. The applicant will need to submit an application for final subdivision plan approval before construction of subdivision improvements can begin. Both the preliminary subdivision plan and the final subdivision plan must be approved by Town Council. The Whispering Hills subdivision proposal includes two items that vary from the normal development process. These items are the use of a private water source (retention pond) for landscape irrigation, and the possible connection of the project's trail system to the Sarah Maude Mason Preserve trail network. The Planning Board recommended the Town Council support each of these items.

1. The subdivision design calls for the use of water from the large retention pond/lake in the northwest corner of the property as the water source for landscape irrigation within the subdivision. The applicant will construct an irrigation system separate from the potable water system. There will be no interconnection between the two water distribution systems to avoid any potential cross-contamination. The applicant reports that the Department of Environmental Protection has approved the use of the lake as an irrigation source, and the proposed design will reduce demand on the Town's potable water system which would be the other source for landscape irrigation. The Town Council has discussed this proposal and is aware of the alternative irrigation source. Acknowledging

the alternative irrigation source as part of the preliminary subdivision plan will give the alternate irrigation source formal approval.

2. The subdivision design includes a potential pedestrian connection from the walking trail network within the whispering Hills Subdivision to the boardwalk/pedestrian network within the Sarah Maude Mason Preserve. This connection would be done as part of the final stage of subdivision improvements and would be done at the applicant's expense.

Based on the reports provided to the Board, the Planning Board recommends approval of the Preliminary Subdivision Plan as meeting the minimum requirements of Section 4.05 of the Land Development Code, and the Board recommends approval of the alternate irrigation source and the proposed pedestrian connection to the Sarah Maude Mason Preserve.

Pro-Tem Conroy asked how the water reserves were going to be allocated for residence based off of the proposal from St. John's water management. **Clay Frankel** stated that the altitude level of 72 ft of surface to surface is stipulated for replenishment utilizing Little Lake Harris.

Pro-Tem Conroy was interested in utilizing impact fees to restore Sarah Maude Mason Preserve. **Mayor MacFarlane** said that it would be a working objective to enhance the current boardwalk with an additional extension and possibly add on an observation area as well.

Councilor Klein asked if there would be a second meter installed for backup. **Tom Howarski** said there is no inner connection to the Town's potable water. There is no plan to connect to the water systems. Is it possible to get them to pay recreation impact fees to assist in the restoration, preservation, and upkeep of the Sarah Maude Nature Preserve.

Councilor Gallelli questioned the appropriate time of installing the meter. **Tom Howarski** said he would refer to Mr. Ernest for the logistical timeframe for this installation.

Mayor MacFarlane asked how the reporting of the irrigation is handled. **Tom Howarski** assumed that it would be the Homeowner's Association responsibility handle the appropriate reporting.

CITIZEN COMMENTS

Myron Lewellen, 508 Bellissimo Place wanted to know where the subdivision was located. **Tom Howarski** said it is on the east side of the turn on Buckhill road it takes a 90 degree turn right on the turn and extends to the south of lake.

Clay Frankel added that he went through St. Johns to permit the use for irrigation. Once an agreement is reached a presumptive irrigation use allocation will be made. He confirmed that the developer would be responsible for reporting water use and that the Town would not be responsible for any reporting requirements.

Discussion: People Gas Rate Increase

Mayor MacFarlane mentioned that an informative document was sent from Teco People Gas

that denoted the following: Residential Comparison of Bills In order to fairly accommodate residential customers with different volume and usage requirements, the Company has three residential tiers. Under the proposed rates, (including Peoples' the average purchased gas adjustment cost in 2019), the residential customer classes would receive gas bills as follows: Residential customers using less than 100 therms annually would be billed at the RS-1 rate. Customers using 6 therms a month would pay \$23.82 compared to \$19.10 currently, an increase of 24.67 percent. • Residential customers using more than 99 therms but not more than 249 therms per year would be billed at the RS-2 rate. Customers using 15 therms a month would pay \$38.24 compared to \$33.51 currently, an increase of 14.13 percent. • Residential customers using more than 249 but not more than 1,999 therms per year would be billed at the RS-3 rate. Customers using 35 therms a month would pay \$70.63 compared to \$63.95 currently, an increase of 10.45 percent. 3 • The minimum monthly bill for a residential standby generator service ("RSG") customer would be \$27.74 compared to the current amount of \$19.01, an increase of 45.92 percent. • The residential gas heat pump monthly price for 250 therms of \$300.31 would decrease to \$281.41, a change of 6.29 percent. Residential customers using 2,000 or more therms per year would receive service under the general service rate schedule corresponding to their annual consumption and would be eligible to request that Peoples transport and deliver gas purchased by the customers from a third-party marketer.

Councilor Klein asked if there were any concerns for leaks. **Mayor MacFarlane** said that there was a leak along Lakeshore that was addressed.

CITIZEN COMMENTS

None

Discussion: Schedule next water rate public workshop

Mayor MacFarlane asked what would be best for scheduling the next water rate public workshop meeting. **Councilor Klein** recommended having specific workshop topics as well as scheduling it later in the evening so that more residence would be able to attend these meetings. Mayor MacFarlane agreed that the meetings could be distinguished as potable versus irrigation. **Councilor Gallelli** recommended having the next meeting on October 8, 2020 @ 6:00 p.m.

Discussion: Social Distancing for Howey Residents to Meet

Councilor Gallelli thought about utilizing the Gazebo on October 24th at 10:30 a.m. for a social gathering following standardized protocols of social distancing. She said it would be bring your own beverage and bring your own mask. Her thought was to ask attendees to bring commentary, ideas, thoughts, and open a forum for communication. **Mayor MacFarlane** asked that **Councilor Gallelli** send her verbiage and dates regarding meetings and she would send out email broadcasts.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangarine would like the Venezia residents to attend.

Discussion and Action: Jamie Troyer application for Planning & Zoning Board

Mayor MacFarlane said that she was very happy to announce that Jamie Troyer has submitted an application for consideration to be on the planning & zoning board. **Jamie Troyer** mentioned that she had a lot of planning experience and she was very enthusiastic about be a member of the planning & zoning board. **Mayor MacFarlane** requested a motion to accept Mrs. Troyer's application to join the Planning & Zoning Board.

Move Pro-Tem Conroy moved and it was seconded by Councilor Gallelli. Motion passed 5-0 with a roll call vote

OLD BUSINESS

Discussion: Venezia Sidewalk Extension Project

Councilor Klein supplied preliminary option pricing based on a 5' sidewalk width and does not include a general contractor management fee. 1. Option #1 SR-19 Concrete sidewalk - finished in place 8,185.00 SF @ 5.10 = 41,743.50 2. Option #2 Florida Ave. Concrete sidewalk - finished in place 13,730.00 SF @ 5.10 = 70,023.00 3. Option #3 Revels Rd. Concrete sidewalk - finished in place 11,620.00 SF @ 5.10 = 59,262.00.

Mayor MacFarlane felt that the SR 19 option would be the most prudent. **Chief Thomas** said that he would contact FDOT prior to putting out a RFB. **Pro-Tem Conroy** said he would make some contacts with FDOT before moving forward with seeking engineering and construction bids.

CITIZEN COMMENTS

None

Discussion: Sara Maude Restoration Funding

Councilor Klein suggested obtaining a low interest loan to fund the restoration project of Sara Maude. **Councilor Nebel** would like to see the restoration project take place and is in favor of moving forward to get the funds necessary to start this project. **Mayor MacFarlane** said the Town would have to decide if seeking an additional loan would be feasible. She also mentioned the upcoming sale of the Laurel Property and that the funds may be able to be utilized for a small portion of funding this project. She said she would talk to the local financial branch to see what options were available to include the State Revolving Loan Fund.

CITIZEN COMMENTS

Myron Lewellen, 508 Bellissimo Place asked what was the utilization rate of the Sara Maude Park. **Pro-Tem Conroy** said he thinks it's the biggest value in Howey-in-the-Hills. He also noted that there is a consistent flow throughout the park. **Mayor MacFarlane** noted that the Town does not have an actual capacity count.

AMENDED – Discussion: Sewer Project

Mayor MacFarlane mentioned she wanted to amend the agenda to discuss the \$400,000.00 that was earmarked for the sewer project that was from Lakeshore to Central. **Tom Howarski** said In 2015 the Town received a technical assistance grant from DEO to do a development plan for Central Avenue which is the Town's small commercial and civic core street. The four reports that comprised the output from this study were included in the Town's application for legislative assistance, but a key recommendation of the study was the need to install central sewer along Central Avenue from Florida Avenue to Lakeshore Drive. The study included a conceptual design which was further detailed and became the technical basis for the grant request. The Town asked for \$786,500 based on the engineering cost analysis and was awarded \$400,000. The Town was able to find another \$400,000, but this contribution maxed out their available funds. The project was offered for bid, but the low bid came in at over \$1.2 million. The Town then began an extended process of trying to find additional funding. The Town has been unable to locate sufficient funding to bridge the gap between the available funds and the bid range. In 2019, septic tank failures began to occur at Town Hall and the library which sit at Central Avenue and SR 19 in the middle of the original target service area. The Town added a small pump station and force main to serve the Town properties. This work was done using local funds, but a plan was prepared to illustrate the addition of gravity sewer to connect to the pump station, but none of this gravity line has been installed. The smaller project could serve more parcels in the short term as much of the area east of SR-19 (Phase 1B) is currently undeveloped. Adding the gravity sewer to the existing work will allow the Town to eliminate more septic tanks in the short term if we can provide assistance under the grant for sewer connections and septic tank abandonment. The states response was: "*We can do an amendment or change order to change the scope of work, depending on what the budget changes look like, will determine which one you need to do. We can approve the change to the actual work to be done in the grant, so that they can move forward with the project.*" **Mayor MacFarlane** was seeking approval from the council to get this proposal drafted.

5-0 roll call vote to move forward with the proposed drafting.

REPORTS

Town Hall - Mayor MacFarlane said that **Pro-Tem Conroy** is requesting financial reports and she is working with BlackMountain to get a better view of financial reports and not the high level view of the previous reports.

Finance – Mayor MacFarlane plans to have financial reporting data for review at future meetings.

Police Department – Chief Thomas stated that he was working with FDOT and Duke Energy regarding the lights. He also said that the golf cart variance is still being reviewed. He mentioned that the Social Security Scam is currently going around and if you get a call do not give out any information. He encouraged people to go to www.freecreditreport.com.

Public Services – Mayor MacFarlane stated that **Mr. Ernest** is still working on all projects to include Talichet and URE.

Code Enforcement – Officer Brown is working with a couple of residents on some miscellaneous items.

Library – Frances O’Keefe, 409 W Central Ave stated that the LEC (Library Education Center) is almost completed. She mentioned that this month is get your Library Card Month. She also noted that Jim Steele has taken over as director of the Library Foundation. She mentioned that Jojo is president of the friends of the library and that there is currently a \$5 special for a t-shirt and a book or a movie. She said that she is Looking for boy scouts age of 11-17 as well as adults to be troop leaders. She noted that the troop meets at community church. She stated that November 15th is the deadline for donations to assist in making blankets for the homeless. She was enthusiastic about the upcoming Howey Christmas festivities and mentioned that they are currently being planned.

Town Attorney - No comment.

Council Members:

Mayor Pro-Tem Conroy – No comment.

Councilor Nebel – Said he enjoyed the meeting.

Councilor Gallelli – Said that it was a great meeting and covered a lot of topics.

Councilor Klein – Mentioned the Howey Market and encouraged residents to stop by and support this local business.

Mayor MacFarlane – Said that she would like to organize a cemetery clean up day maybe the 1st of November. She would like to ask for a group of volunteers that would like to do it on a bi-annual basis. She also mentioned to please make sure that your dog is kept on a leash.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangerine said it’s not viable to expect a resident to cross 19 to gain access to Town Hall.

Frances O’Keefe, 409 W Central Ave Would like the Town to consider having youth members on each board as a nonvoting member to get them involved in the community.

ADJOURNMENT

Attendees: 40

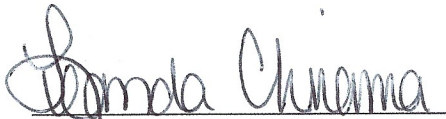
ADJOURNMENT

Pro-Tem Conroy seconded by, Councilor Nebel moved to adjourn the meeting.

The Meeting adjourned at 8:20 p.m.

ATTEST:


Mayor MacFarlane


Leanda Chinama
Town Clerk