

MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL
HELD October 12, 2020

Mayor MacFarlane called the Town Council Meeting of October 12, 2020 to order at 6:00p.m.

Mayor MacFarlane led the Pledge of Allegiance to the Flag and moment of silence.

Poem Reading by Jim Steel 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 28, 2020 Town Council Meeting.

Roll call vote was taken to move to approve the September 28, 2020 Town Council Meeting minutes it was a unanimous vote 5-0.

NEW BUSINESS

- 1. Discussion and Action: Red Jacket Development, owners of the proposed Whispering Hills Subdivision, have requested approval of a preliminary subdivision plan for 156 single-family units.**

Tom Howarski reported that the 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 Development Review committee reviewed the submittal at a meeting on April 15, 2020 and again at a meeting on July 23, 2020. Comments were provided at the initial meeting on both the requirements for a preliminary subdivision plan and a final subdivision plan since the data was available at the higher level of detail. At the July 23, 2020 meeting the DRC confirmed that items identified as needed for a preliminary subdivision approval at the April 15th meeting had been provided and therefore, the submittal met the minimum requirements for Preliminary subdivision Plan approval. The data available at the July 23rd meeting is still lacking some items for final subdivision plan approval, and this approval will be addressed at a future meeting. The regulations regarding preliminary subdivision plans begin at Section 4.05.02 of the Town's land development code. A flow chart of the preliminary subdivision approval process is attached. The minimum requirements for a preliminary subdivision plan are presented in Section 4.05.12. The Development Review Committee reviewed the plans for compliance with these standards and found the plans to be in compliance. The Planning Board recommended approval of the preliminary subdivision plan at their meeting of August 27, 2020. 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 projects 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.

Staff Recommendation:

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 questioned what Lake the specifications are refereeing to. **Tom Howarski** confirmed that it is the lake that the developer will be creating. **Pro-Tem Conroy** asked if the irrigation and lake will be built to the Town's specifications. **Tom Howarski** said it will be reviewed as part of the site plan review.

Mayor MacFarlane asked what the timeframe for the project was. **Tom Howarski** had no information on a timeline.

Councilor Nebel said that this project has been going on for years. It has cost the Town money and each time this project comes to the for front the Town has lost waterfront. **Mayor MacFarlane** mentioned that the costs are being tracked and the developer is being billed out on a monthly basis for all expenses that the Town incurs. **Councilor Gallelli** asked when something is published in the paper, as required by law, is the developer being charged for the incurred expense. **Mayor MacFarlane** confirmed that the developer was being charged for this expense.

Councilor Klein questioned the use of Little Lake Harris to replenish water during the dry season and wanted to know if the developer had approval. He also inquired about possible potable water for backup irrigation and would they be using the two meter method as many of the other new developments have. **Mayor MacFarlane** said that the developer never intended to use potable water. The current plan is for them to use the lake that they are going to build for their irrigation and all the licensing and permitting has gone through St. John's Water District.

Clay Frankel said that St. John's has fully approved the replenishment of water from Little Lake Harris which is considered surface to surface replenishment. He said he never intended to hook up irrigation to potable water but did agree to run a dry line to the boundary of the project.

Pro-Tem Conroy said a storm water fund was not budgeted to maintain a storm water system, he asked if this would be the HOA responsibility or the Towns. **Clay Frankel** confirmed that the HOA would maintain this. **Pro-Tem Conroy** also mentioned that he would like to get paving of Buckhill Road and asked if the developer could get with the County to get on the paving schedule.

Councilor Klein commended Mr. Frankel on using alternatives for irrigation rather than passing the cost onto homeowners. He mentioned the Sarah Maude repairs and asked if the developer would be willing to assist in these repairs.

Councilor Gallelli asked how soon the HOA is established. **Clay Frankel** said that the HOA is established prior to house construction it is one of the requirements for the final plat.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangerine asked if water becomes unavailable how will the Town determine that the developer is not using the lake to replenish the reservoir. **Clay Frankel** said that the permitting from St. John's Water District approved the surface to surface replenishment. The pond that is going to be created by the developer and it should be sufficient to irrigate the community. However, if the pond falls below a certain threshold the developer is able to pump water in from Little Lake Harris to replenish the water.

Pro-Tem Conroy seconded by Councilor Gallelli motioned to pass for approval. The motion passes 4-1.

2. Discussion and Action: Water System Material Standards

Mayor MacFarlane previously discussed the formal adoption of the standards that are currently being used throughout the Town. The Town needs to officially recognize and publish these standards.

Pro-Tem Conroy seconded by Councilor Klein motioned to pass for approval. The motion passes unanimously.

CITIZEN COMMENTS

No comments.

3. Discussion and Action: Return personnel reporting of Code Enforcement to PD

Mayor MacFarlane said that the reporting of Code Enforcement should be turned back over to the Police Department. She said augmenting the focus of Police Department to include more of the Code Enforcement component would be paramount. **Pro-Tem Conroy** thanked Officer Brown for his hard work in solving code enforcement problems without confrontation and approaching concerns in a cooperative way with citizens has been beneficial.

Councilor Nebel said that in the past there was a full time Code Enforcement officer. He said he is happy to see this responsibility go back to the Police Department.

Councilor Gallelli asked about the code enforcement report. **Mayor MacFarlane** said that normally it's given during the second meeting of every month.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangerine asked for clarification regarding what department would become responsible, the police department or public works? **Mayor MacFarlane** confirmed that the entire responsibility and function will be completely managed by the Police Department.

Pro-Tem Conroy seconded by Councilor Gallelli motioned to pass for approval. Motion passes unanimously.

4. Information: Lake County allocates additional CARES funds for resident assistance

Mayor MacFarlane said that Lake County would begin taking applications near the end of October. She wants to make sure citizens are aware of this. She is currently assisting in this process for the Garden and Civic Club. She said she would assist in helping individuals with filling out the form. **Pro-Tem Conroy** asked what website to go to. **Mayor MacFarlane** said it is on the top of Howey.org. She said scroll through the banners and it is the second banner labeled Lake Cares and it is connected to the information sheet.

5. Discussion: Charter Review

Mayor MacFarlane said that the Charter Review Committee submitted their final version of the Charter. It is a rewrite and **Tom Wilkes** has reviewed it and made all legal changes. Supervisor of Elections has a set vote date for February 9th for election seat 1 as well as the referendum for the Charter. She said that the Charter is also published on Howey.org. She would like to have the finalized Charter voted on during the meetings of October 26th and November 9th.

Councilor Klein had a question in section 3 paragraph B number V... “in relation to any town council brings any lawsuits against the town they forfeit their seat.” He said that just because you are a council member doesn’t mean you forfeit your constitutional rights. He asked if this was legal and enforceable. **Tom Wilkes** said that it is enforceable. He said that if things are so bad and a council member feels that they are being deprived of civil rights then they should consider resigning then bring forth a lawsuit. **Tom Wilkes** also said that the Charter Review Committee did a great job with this Charter.

Mayor MacFarlane had a question in section 3 item C... “the appointee approved in such manner shall serve until an elected successor takes this office.” She wanted to know if the person that is appointed can also be the successor. **Tom Wilkes** confirmed that is true.

Pro-Tem Conroy had a question in section 3 item B... “the town council by majority vote, shall be the judge of the grounds for forfeiture of a Council seat and may declare a seat vacant where the member has failed to meet the requirements or has violated any of the provisions stated above asked if this is common nomenclature included in other Town Charters.” **Tom Wilkes** said it only entails the previous responsibilities not being maintained.

Pro-Tem Conroy said that he was glad to see section 5. “The Mayor shall be appointed by majority vote of the members of the Town Council at the next regular scheduled meeting following the general election and certification of the ballot, and immediately following the swearing in of any new Council members. The Town Council may, by supermajority vote,

remove the Mayor at any regular or special Council meeting with or without cause. Upon removal of the Mayor the Town Council shall appoint another member of the Town Council to serve as Mayor for the unexpired portion of the then current term.”

Mayor MacFarlane had a question in section 6... “The Town shall have the power to borrow for a term of any length not to exceed 30 years. Except in an emergency declared by the approving vote of no fewer than four-fifths of the members of Town Council, no borrowing may cause the aggregate principal amount of outstanding Town debt to exceed at any time an amount equal to 3% of the assessed valuation of the real and personal property within the corporate limits of the Town unless approved by a majority of the Town electors voting in a referendum on the question.” She wanted to know how you ascertain the assessed value. **Tom Wilkes** said that the property appraiser has the aggregate value of all assessed properties.

Mayor MacFarlane had a question in section 8 B item 10... “Perform such other duties as are specified in this Charter, or by the Mayor, or Council, or in the Policy and Procedure Manual.” She wanted to know if the if term “Council” was intended to me the entire Council or just specific to one Councilor. **Tom Wilkes** confirmed that the verbiage referenced the entire Council.

Mayor MacFarlane said that Town Clerks are not specifically trained with the expectation of bill pay and drafting numbers to put in a system to be a Finance Director. She has been relying on a financial technician and Milestone to assist with this process. She asked if this is a requirement by law to have a Finance Director. **Tom Wilkes** said it is not required by law only if the Town Charter stipulates that the Town maintains one. **Pro-Tem Conroy** wanted to know if it could read Town Clerk and/or Finance Director. **Tom Wilkes** said he could put in a separate provision for the option of a Finance Director. **Councilor Gallelli** asked for clarification and **Tom Wilkes** said he would add another sentence that at the discretion of the Council they could hire a Finance Director as an open option.

Mayor MacFarlane said that she would like to have a product that is votable on at the next meeting which is October 26th. If the Charter is approved, then she would do all appropriate publications to review and provide comment. She needs to have a completed product including translations to the Supervisor of elections by December 1st. **Pro-Tem Conroy** had a question in section 8... “The town attorney shall serve as legal advisor to the Town in all its legal matters. When such advice is required, the Mayor will make the request and the advice shall be submitted by the town attorney in writing to the Mayor and Town Council. All requests for legal advice or other contact with the attorney shall be approved by the Mayor or a majority of the Town Council.” **Mayor MacFarlane** said she would recommend changing this to the Town Clerk being the point of contact for submitting information to the Attorney. **Councilor Nebel** agreed with having a process for contacting the Attorney. **Pat Miller** confirmed that all the assumptions regarding the Town Charter were correct.

Mayor MacFarlane questioned the appointment of a new Mayor verbiage of – “shall be an elector of the Town and shall have been a member of the Town Council for a period of no less than one year prior to appointment to the office.” **Pat Miller** couldn’t remember as to why this was done. **Mayor MacFarlane** feels that it is an important addition that the person be active for a year. **Pat Miller** suggested that each committee member send an email detailing why this verbiage was put in their as such. **Donna Klein** said that the new Council members should have a say in who the next Mayor would be for the next 2 years. **Pro-Tem Conroy** questioned in a circumstance how do you get a Mayor when no one qualifies to be a Mayor or if a council member doesn’t want the responsibility. **Tom Wilkes** said that it’s an inherent risk when sticking with a strong Mayor form of governing. A clause will be added to stipulate that the super majority vote can be used to choose the Mayor if there is no one that meets the criteria of being on the board a year.

Councilor Gallelli asked if a Mayor strong government is the standard. **Tom Wilkes** said his experience is that small towns have strong mayors that are generally elected by a council. As towns get bigger and more complex then they hire Town Managers or have a strong mayor that is elected by the citizens.

Pat Miller, 201 S. Lakeshore Blvd said if you are on Council then you are open to being selected as being the Mayor. If you are not open to being the Mayor, you shouldn’t be on the Council. She asked if having a workshop with the Town council and Charter Review Committee members would be beneficial. The workshop meeting will be scheduled for October 19th at 5:00 p.m.

Councilor Nebel said that you have to be careful not to restrict the council members and how they get elected.

Mayor MacFarlane wanted to know what the difference was of having a strong mayor versus a weak form of government. **Tom Wilkes** said that it is a question whether they have executive power of departments and staff.

CITIZEN COMMENTS

Sal Gallelli, 1104 N. Tangerine said that the citizens should have the right to choose the Mayor.

Myron Lewellen, 508 Bellissimo Place believes that writing the Charter based on a specific situation in regard to the restrictions of the council members would cause him to vote against the Charter.

6. Discussion and Action: Mr. Mulvany application for Planning & Zoning Board

Motion Pro-Tem Conroy seconded by Councilor Nebel motioned to pass for approval.

Motion passes unanimously.

Mulvany said that he is happy to serve and has been in construction for over 40 years.

REPORTS

Town Hall - Mayor MacFarlane said that Town Hall is fully staffed. She said a new Building Services Assistant has been hired. She mentioned that the Town will have a wholesale distribution of plans back to the Venezia homeowners as we get the electronic versions cataloged.

Finance – Mayor MacFarlane said she is working on the balanced budget amendment. She has been working with Milestone and has had the first meeting with the auditor. The budget amendment has been drafted. She will have a new draft of a standardized finance report that goes thru the actuals and the budget that goes by each department.

Police Department – Mayor MacFarlane said that **Chief Thomas** was out.

Public Services – Mayor MacFarlane said that **Tom Howarski** resubmitted a plan to the state for the \$400,000 grant that will run sewer lines from the connection to the CDD on the West side of Central to be connected to sewer. Phase II would include to bore under 19 go down the ally and install a smaller lift station to connect the commercial entities to the waste water system.

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 Library has ordered a refrigerator, a microwave, and shades for the LEC (Library Education Center). The divider wall is expected to be here by mid November. She also thanked the Conroy’s, Herrington’s, and Ormsbee’s who donated funds to purchase a television. She said that she is looking for boy scouts ages of 11-17 as well as adults to be Scout Masters and Assistant Scout Masters. She noted that the troop meets at the 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 Halloween festivities and mentioned that on Halloween from 4-6 p.m. at the Library they would be handing out bags of candy and she requested donated candy and bags. She also said that the Howey Community Church has food distribution the first Wednesday of the month from 9-11 a.m. and the 3rd Wednesday of the month from 9-11 a.m. **Pat Miller**, mentioned that parks and recreation committee will be handing out Stop here for Candy Signs. She has them at her house for pick up on a first come first serve basis. She will also hand out hand sanitizer and masks.

Town Attorney – Effective November 1st the Governor has mandated that meetings be held in person.

Council Members:

Mayor Pro-Tem Conroy – Doesn’t agree with taking away virtual meetings. Would like to look at any funds that may be available from the federal government for COVID relief or the CARES ACT. Mentioned financial reporting on a monthly or quarterly basis.

Councilor Nebel – Said it was a very productive meeting.

Councilor Gallelli – Said Saturday, October 17th at 10 at the Gazebo there will be a meet and greet amongst residents.

Councilor Klein – Made some contacts regarding obtaining funding for the Sarah Maude renovations and he is still waiting on call backs. He said that he is working with a FDOT representative in regard to Venezia sidewalk extension. He asked about scheduling the next

Water Rate Workshop. **Mayor MacFarlane** said she would like to get a date scheduled at the next Town Council meeting on October 26th. She said that she was also waiting on revisions from Mr. Hanna.

Mayor MacFarlane – No additional comments.

CITIZEN COMMENTS

Donna Klein, 701 N Lakeshore Blvd. said that she was very privileged to be on the Charter Review Committee. She said that growth and change can be painful but that you must learn from the experience and implement changes based off these experiences.

Patrica Helingaurd, 7121 Laurel Hill Drive Orlando is interested in being active in the community.

Frances O’Keefe, 409 W Central Ave said that Chief Curtis Robinson’s father passed away and she would like everyone to keep the family in their thoughts.

Michelle Wells, 718 Calabria Way wanted to thank the Charter Review Committee for all their hard work.

ADJOURNMENT

Attendees: 25

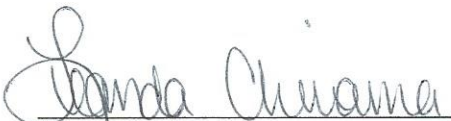
ADJOURNMENT

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

The Meeting adjourned at 7:59 p.m.

ATTEST:


Mayor MacFarlane


Leanda Chinama
Town Clerk