

**MINUTES OF THE HOWEY IN THE HILLS TOWN COUNCIL MEETING**  
**September 23, 2019**  
**Held at Lake Hills School**

Interim Mayor MacFarlane called the Town Council Meeting of September 23, 2019 to order and led the Pledge of Allegiance. Public Services Director Ernest gave the Invocation.

**Members Present:** Interim Mayor MacFarlane; Councilor Scott; Councilor McGill; Councilor Conroy; Councilor Nebel.

**Also Present:** Town Clerk Burke, Chief Thomas, Public Services Director John Ernest and Town Attorney Heather Ramos.

**NOMINATIONS FOR THE POSITION OF MAYOR**

**Councilor Conroy nominated Martha MacFarlane. There being no other nominations, Interim Mayor MacFarlane requested a roll call vote.**

**Councilor McGill YES**

**Councilor Scott YES**

**Interim Mayor MacFarlane YES**

**Councilor Conroy YES**

**Councilor Nebel YES**

**Nomination Carried 5-0**

Newly appointed Mayor MacFarlane was sworn in by Attorney Heather Ramos.

**NOMINATIONS FOR THE POSITION OF MAYOR PRO-TEM**

Councilor McGill nominated Councilor Scott

Councilor Nebel nominated Councilor Conroy

Councilor Scott nominated Councilor McGill

**Councilor McGill nominated Councilor Scott**

**A Roll Call Vote was taken:**

**Councilor McGill YES**

**Councilor Scott YES**

**Mayor MacFarlane NO**

**Councilor Conroy NO**

**Councilor Nebel NO**

**Nomination Failed 2-3**

**Councilor Nebel nominated Councilor Conroy**

**A Roll Call Vote was taken**

**Councilor McGill NO**

**Councilor Scott NO**

**Mayor MacFarlane YES**

**Councilor Conroy YES**

**Councilor Nebel YES**

**Nomination Carried 3-2**

Councilman Conroy was appointed Mayor Pro-Tem and was sworn in by Mayor MacFarlane.

## MEETING MINUTES

Approval of minutes for August 12, 2019 Regular Council Meeting  
Approval of Minutes for August 12, 2019 Budget Special Session  
Approval of September 11, 2019 Tentative Budget Public Hearing

**MOTION by Mayor Pro-Tem Conroy to approve the minutes as shown above; SECONDED by Councilor Nebel. A Roll Call vote was taken.**

Councilor McGill	NO
Councilor Scott	NO
Mayor MacFarlane	YES
Mayor Pro-Tem Conroy	YES
Councilor Nebel	YES
Motion Carried 3-2	

It was agreed to go to the Public Hearing section of the agenda and then return to Reports and New Business.

## PUBLIC HEARING

**SECOND READING AND ADOPTION OF ORDINANCE NO. 2019-006. AN ORDINANCE GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE.**

Mayor MacFarlane read the Ordinance by title. There being no Council or citizens comments Mayor MacFarlane requested a motion:

**MOTION by Mayor Pro-Tem Conroy to adopt Ordinance 2019-006; SECONDED by Councilor Scott. A Roll Call vote was taken.**

Councilor McGill	YES
Councilor Scott	YES
Mayor MacFarlane	YES
Mayor Pro-Tem Conroy	YES
Councilor Nebel	YES
Motion Carried 5-0	

**SECOND READING AND ADOPTION OF ORDINANCE NO. 2019-011. AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN; ADOPTING A WELLFIELD PROTECTION DISTRICT TO PROTECT THE TOWN'S DRINKING WATER SUPPLY; CREATING A NEW SECTION TITLED "WELLFIELD PROTECTION" IN CHAPTER 175 OF THE TOWN'S CODE OF ORDINANCES; DELETING THE SECTIONS ENTITLED "CONSTRUCTION OF WELLS PROHIBITED" AND "USE OF EXISTING WELLS RESTRICTED" IN CHAPTER 175 OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**



Mayor MacFarlane read the Ordinance by title. There being no Council or citizens comments Mayor MacFarlane requested a motion:

**MOTION by Mayor Pro-Tem Conroy to adopt Ordinance 2019-011; SECONDED by Councilor Scott. A Roll Call vote was taken.**

**Councilor McGill YES**

**Councilor Scott YES**

**Mayor MacFarlane YES**

**Mayor Pro-Tem Conroy YES**

**Councilor Nebel YES**

**Motion Carried 5-0**

## **NEW BUSINESS**

### **CONSIDERATION AND APPROVAL FOR THE TOWN ATTORNEY TO FINALIZE AND FOR THE MAYOR TO EXECUTE THE RETAIL WASTEWATER AGREEMENT FOR THE BISHOPS GATE PROPERTY.**

Mayor MacFarlane gave an overview of this item and Attorney Ramos gave further background and proposed an out of town surcharge of 25%. Mayor MacFarlane suggested that a motion be made to approve the contract at the out of town rate of 125% for bulk wastewater, which can then be reviewed at a later date if necessary.

Councilor Conroy stated that he owned a property at Bishops Gate and that he had spoken to the town's legal counsel to ensure that there was not a conflict of interest. Counsel said that there was not and he was free to vote.

**Mayor Pro-Tem Conroy moved to approve the town attorney to finalize and for the Mayor to execute the retail wastewater agreement for the bishops gate property in line with the discussions; SECONDED by Councilor Scott. A Roll Call vote was taken.**

**Councilor McGill YES**

**Councilor Scott YES**

**Mayor MacFarlane YES**

**Mayor Pro-Tem Conroy YES**

**Councilor Nebel YES**

**Motion Carried 5-0**

### **CONSIDERATION AND APPROVAL TO APPOINT STACI MAURO (500 S. DIXIE DR.) TO THE PARKS AND RECREATION BOARD.**

Ms. Mauro was not present at the meeting so this item was tabled to a later date.

### **CONSIDERATION AND APPROVAL FOR SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FUNDING THROUGH THE FLORIDA JOB GROWTH FUND FOR FUNDING TO ASSIST IN THE CONSTRUCTION OF SANITARY SEWERS ON CENTRAL AVENUE; AND AUTHORIZATION FOR THE MAYOR OR THEIR DESIGNEE TO SIGN THE APPLICATION.**

The Town Planner gave an overview of the grant application and the opportunities that would be available to businesses should it be granted. The Mayor opened up for citizen's questions or comments; there being none, she requested a motion.

**Councilor Scott moved to approve the submission of the grant application; SECONDED by Mayor Pro-Tem Conroy. A Roll Call vote was taken.**

<b>Councilor McGill</b>	<b>YES</b>
<b>Councilor Scott</b>	<b>YES</b>
<b>Mayor MacFarlane</b>	<b>YES</b>
<b>Mayor Pro-Tem Conroy</b>	<b>YES</b>
<b>Councilor Nebel</b>	<b>YES</b>
<b>Motion Carried 5-0</b>	

**CONSIDERATION AND APPROVAL TO IMPLEMENT TWO-INCH FORCE MAIN SEWER FOR THE HOWEY LIBRARY.**

Public Services Director John Ernest explained that the \$500,000 grant for the library extension does not include the sewer and that he is paying to pump the septic system for the library every three months. The contract price to install the sewer system is \$45,710 and is \$12,000 cheaper than the lowest bid. The pump will also have sufficient capacity to connect town hall and the police department at a future date.

**Councilor Scott moved approval to implement two-inch force main sewer for the Howey Library; SECONDED by Mayor Pro-Tem Conroy. A Roll Call vote was taken.**

<b>Councilor McGill</b>	<b>YES</b>
<b>Councilor Scott</b>	<b>YES</b>
<b>Mayor MacFarlane</b>	<b>YES</b>
<b>Mayor Pro-Tem Conroy</b>	<b>YES</b>
<b>Councilor Nebel</b>	<b>YES</b>
<b>Motion Carried 5-0</b>	

**UPDATE: ANNEXATION OF 10 ACRES ADJACENT TO MISSION RISE AND TALICHET. (ALT KEY 1036194)**

Town Clerk Burke gave an update on her conversation with the bank.

**CONSIDERATION AND APPROVAL FOR GRIFFEY ENGINEERING TO PROVIDE ENGINEERING DESIGN SERVICES FOR ISLAND DRIVE.**

Mr. Ernest gave an overview of the issues the town was experiencing in island drive. It was built in 1992, 3 feet too narrow and is collapsing into the lake. He stated that something had to be done soon. Griffey Engineering had quoted to survey the road and create drawings to rectify the problem at a cost of \$9,650.00. Once completed it would go out to bid for the construction of the road. A GEO-Tech engineer had conducted fourteen borings to determine the extent of the sub-surface erosion of the road.

**Mayor Pro-Tem Conroy moved approval for Griffey Engineering to provide engineering design services for Island Drive; SECONDED by Councilor Scott. A Roll Call vote was taken.**

**Councilor McGill YES**

**Councilor Scott YES**

**Mayor MacFarlane YES**

**Mayor Pro-Tem Conroy YES**

**Councilor Nebel YES**

**Motion Carried 5-0**

#### **REPORTS/COMMENTS:**

**FINANCE** – Mayor MacFarlane stated that the Finance reports were posted on the website.

**POLICE DEPARTMENT** – The activity log is posted on the website.

**CODE ENFORCEMENT** - None

**TOWN ATTORNEY** – None

#### **COUNCIL MEMBER COMMENT:**

**Councilor Nebel** - None

**Councilor Conroy** - None

**Councilor McGill**

- **Discussion: Protocol regarding meetings.**

Councilor McGill congratulated the Mayor on her new position and wished her good luck. He brought up the issue of Council Members being able to call special meetings. There was a difference of opinion on who was able to call the meetings and a response was given by Attorney Ramos.

*The meeting was recessed at 6:36 pm for a comfort break and re-convened at 6:44 pm. Councilor Nebel did not return to the meeting.*

Councilor McGill brought up grievances that he had with the Mayor and some residents of the Town as well as other matters. The audio recording of his comments can be made available on request.

**Councilor Scott** – None

**Mayor MacFarlane**

- **Discussion: Building Services contract and management**
- **Discussion: Code Enforcement candidates and management**

A motion was requested by Mr. Ernest to have the Building and Permitting Services and Code Enforcement brought under the control of the Public Services Director.



**Councilor Scott moved to approve; SECONDED by Mayor Pro-Tem Conroy. A Roll Call vote was taken.**

<b>Councilor McGill</b>	<b>YES</b>
<b>Councilor Scott</b>	<b>YES</b>
<b>Mayor MacFarlane</b>	<b>YES</b>
<b>Mayor Pro-Tem Conroy</b>	<b>YES</b>
<b>Councilor Nebel</b>	<b>ABSENT</b>

**Motion Carried 4-0**

The Mayor gave an update on the Christmas Festival and her visit to the Lake Success Academy. She also proposed that in order to proceed forward with the budget preparation, a committee be formed, chaired by Graham Wells with the assistance of David Miles. Councilor Conroy, who is a figures man would be the Board contact member for this committee. Attorney Ramos asked whether it would be a committee making recommendations to Council and therefore under sunshine, or a fact finding committee that would just report on their findings.

When asked, Mr. Wells said he preferred it to be a fact finding committee as it would be easier to complete the task in the timeframe given. Recommendations would not be made, just information findings given to Council to assist them in making their decisions.

Mayor MacFarlane stated that she also wanted to form a Charter Review Committee as the issue of the selection of the Mayor had been brought up. There are pro's and con's to the appointment or election of the Mayor. She asked Mr. McGill to look into the process of changing the Charter. Mr. Conroy said that the whole Charter should be reviewed. Mr. McGill said that he had already typed up some suggestions on the selection of the Mayor so that he could get it changed in 2020.

Mayor MacFarlane opened up for citizen's comment and questions. As these are action minutes, they are a record of what was done and not what was said, except for some context. The full audio recording is available on request.

## **ADJOURNMENT**

There being no further business, a motion to adjourn the meeting was made at approximately 8:00 pm.

Respectfully Submitted,



Martha MacFarlane, Mayor