

**MINUTES OF THE HOWEY-IN-THE-HILLS TOWN COUNCIL
MEETING HELD OCTOBER 28TH, 2019**

Mayor MacFarlane called the Town Council Meeting of October 28, 2019 to order at 5:45p.m.

Boy Scout Troop 254 led the Pledge of Allegiance to the Flag.

Public Services Director Ernest led the Invocation.

Mayor MacFarlane asked for everyone to turn their phones off or they will have to put money in the Sara Maude repair fund. She said please be courteous and respectful.

Present: Mayor MacFarlane, Councilor Scott, Councilor McGill, Councilor David Nebel and Mayor Pro-Tem Conroy.

Also Present: Administrative Assistant II Eller, Chief Thomas and Public Services Director Ernest.

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.

Old Business

Consideration and approval to execute the Building Services Contract with Progressive Inspections Inc.

Councilor McGill asked about us having an RFP out for other contracts. How did we veer away especially with complaints?

Mayor MacFarlane stated that it was premature, and that the County removed their bid and Alpha didn't provide enough information. **Councilor Nebel** offered an extension.

Councilor McGill stated that Ron didn't ask for emails so he will send them to Public Services Director John Ernest to address the builders voiced concerns. Builders can go outside to get inspections and the Town would lose a lot of money.

Mayor MacFarlane said there were items to address and Public Services Director John Ernest and Ron Frank Von Frankenstein have the list. Builders think he is excellent.

Councilor McGill said that the concerns outweighed the congratulations.

Mayor MacFarlane said that it is an annual contract and it needs to be renewed.

Councilor McGill said reinspection fees should be 50/50

Mayor MacFarlane stated that she looked at the scope of work and believes that 80/20 is fair.

Mayor Pro-Tem Conroy said that everyone else covered everything, the building inspector has had good reviews for years. Howey has better houses and there is no decline in quality. He is in favor of the approval, no one is perfect

Ron Frank Von Frankenstein I know I am not perfect.

Councilor Nebel seconded by, **Mayor Pro-Tem Conroy** moved to execute the Building Services Contract with Progressive Inspections Inc. Motion passed 3-2. (Councilor Scott & McGill voting no.)

Discussion: of Town Consumption Use Permit (CUP) Corrective Action Plan

Councilor Scott said we need to talk about the CUP and Public Services because Mr. Ernest needs to leave.

Public Services Director Ernest said he was working with engineer and will take a year to be ready for May. The Town is using 600,000 gallons of water a minute. We are over the CUP.

Mayor MacFarlane said the Public Utilities is giving a presentation to the Garden Club.

Councilor Nebel asked if the overage has occurred since the new development?

Public Services Director Ernest said yes but we expected it and the well was put in for it.

Councilor Scott asked if the Town allotted water usage for Venezia?

Public Services Director Ernest answered not until 2020.

Councilor Scott asked if we get more residents will it change?

Mayor MacFarlane said there are 1466 citizens the CUP will use an estimate of growth.

Public Services Director Ernest said it sounds awful, but it is not horrible. It is something we cannot control. It is state mandated.

Councilor Scott said the Town Council needs to go ahead and vote on Bishop's Gate.

Mayor MacFarlane stated that she believes that Ben Pauluhn is not here yet.

Consideration and Approval to execute the Retail Wastewater Service Agreement for the Bishop's Gate Property

Mayor MacFarlane said she changed the agreement. The changes include moving ownership and discussed liability.

Town Attorney Ramos said the Florida State Statute say to charge same price if the Town decides to charge more a study would have to be done.

Mayor Pro-Tem Conroy asked how many units there were.

Ben Pauluhn Bishop's Gate Representative said there are 84 units from month one starting June of next year. Discuss only Bishop's Gate community. We are fine to maintain and repair as HOA respective. Can we put it in Escrow? Can pay retail and have the money set aside to repair only that line.

Mayor MacFarlane asked what does everyone think? If the Town holds a portion in an account and can draw a percentage.

Mayor Pro-Tem Conroy said if they take responsibility and they own it they are an ideal customer. The revenue stream \$22,000 a year net revenue. Complications to your point how big? No issues?

Ben Pauluhn Bishop's Gate Representative said he does not know. Once it reaches \$50,000-\$100,000 capital sets their interest as repair responsible of HOA

Mayor MacFarlane asked if there were any resident comments.

Town Attorney Ramos said she would do contractile

Ben Pauluhn Bishop's Gate Representative, said the start date is in two weeks.

Town Attorney Ramos said the agreement is subject to parameters up to \$100,000.

Ben Pauluhn Bishop's Gate Reprehensive replied that percent of the Town's net removes risk percent of difference of twenty percent so say \$200,000.

Mayor Pro-Tem Conroy said they are **only** ones who can help can pay the Town for repairs or any expense of the Town's lines.

Public Services Director Ernest said the security of something failing and them having a way to pay would be beneficial.

Ben Pauluhn Bishop's Gate Reprehensive said they would love if there wasn't a cap on the amount.

Public Comment:

Bernice Hower/444 Bellissimo Place- Asked if escrow has any funds to help.

Ben Pauluhn Bishop's Gate Reprehensive replied that they own and operate.

David Miles/ 33 Camino Real- compute amount every year. Does the contract have terms? Audit report falls on finance completed it.

Ben Pauluhn Bishop's Gate Reprehensive replied Annually

Town Attorney Ramos okay

Cynthia Smith/ 308 N Palm Ave- asked what is the benefit to the Town?

Mayor MacFarlane replied that is in our 180-utility district.

Councilor McGill asked to table the item.

Creating a Resolution to establish a Charter Review Committee

Mayor MacFarlane asked if State Reprehensive Anthony Sabatini was here?

Mayor MacFarlane said the Town needed to create a Charter Review Committee Board.

Councilor Scott said to copy Windemere's Resolution

Mayor Pro-Tem Conroy said it fits.

Town Attorney Ramos said It is actually in our Town Charter.

Mayor Pro-Tem Conroy asked five or seven seats?

Councilor McGill said would be better to get two people from each Councilor.

Councilor Scott said it is already divided.

Mayor MacFarlane stated subdivisions yes.

Mayor Pro-Tem Conroy said could people volunteer.

Town Attorney Ramos said she could bring back a resolution.

Mayor MacFarlane said Town Clerk Burke started a draft.

Councilor McGill said need to get it moved fast.

Mayor Pro-Tem Conroy asked if we could put it on the Agenda for the first meeting in January?

Councilor Scott asked what was the cost to add it?

Mayor MacFarlane said yes, it does cost, it is a large expense.

Town Attorney Ramos replied that it depends of the Supervisor of Elections.

Councilor McGill said it doesn't take long.

Mayor MacFarlane asked May or November?

Councilor Scott asked if the charge was per change or one lump sum?

Mayor MacFarlane replied that she does not know it needs to be reviewed and addressed

Mayor Pro-Tem Conroy asked if there will be an Resolution at the next council meeting?

Lake County Sheriff Office Audit of the Howey in the Hills Police Department

Mayor MacFarlane stated that the Sheriff's Office is not here to discuss but wanted to make sure everyone has access that an officer would come to provide an explanation. He said to go for accreditation.

Chief Thomas said don't forget the new facility was in there too.

Discussion: November and December Town Council Dates.

Councilor Scott said since it is Veteran's Day, I think we should skip it.

Mayor MacFarlane said I think we need to have it, is everyone good with Tuesday November 12, 2019?

Town Attorney Ramos said I have a conflict and will not be able to send anyone for that date.

Mayor Pro-Tem Conroy said lets do Tuesday November 19, 2019

Everyone agreed to a single meeting on Tuesday November 19, 2019.

Mayor MacFarlane December meeting dates: December 9, 2019 and December 23, 2019.

Everyone agreed to a single meeting on Monday December 9, 2019.

The Town Council Meeting Date for November and December, 2019 are November 19, 2019 at 6:00 p.m. and December 09, 2019 at 6:00 p.m. Motion passed unanimously.

Reports

Town Hall-

Francis O'Keefe-Wagler gave an update on Christmas Festival

Police Department

Chief Thomas said that the Police Department has been busy and still are inundated with public record request. He also reported a slip and fall at the Library but the patron left before they finalized the incident.

Public Services- None

Code Enforcement- None

Library- None

Town Attorney Ramos said she wanted to address the request to de-annex from Venezia and that they had confirmed qualified voters. A feasibility study would be conducted as the next step but right now we do not have the facts.

Councilor McGill asked how long the study would take?

Town Attorney Ramos replied within six months but were trying to get it done in sixty days

Councilor McGill asked if it's possible for residents to send in questions?

Town Attorney Ramos said when the report is done, but if there are questions, they could be sent to the woman doing the study if needed.

Councilor McGill said there was a meeting at the library and Carey Baker made himself readily available for questions.

Gary Wise, 704 Santa Cruz Lane - asked if that meant they will convert to Lake County?

Town Attorney Ramos- said yes, either they are in the town or out of the town

Town Attorney Ramos- said the memo I gave out is of a strong Town Mayor. The mayor has made it her job to choose suggested agenda items. Has the ability of Chief Executive Officer to maintain quorum and chose what gets put on an agenda?

Councilor McGill said in regards to your memorandum I gave case law, there is a lot of case law out there. As far as you saying the meetings are ran properly, I was stopped while discussing Town business. If they can please put into writing and show that my rights were not violated. I sent all my agenda items and they all pertain to Town business. We can't infringe on a Councilors' rights. I have seen the emails back and forth and not returning my emails is a clear sign that others are more important than others

Town Attorney Ramos replied Councilor McGill I have emailed you more than any Councilor and the Mayor, I have public records to show. You did send me some case files but the context is not correct, it didn't not fit.

Councilor McGill said you are picking the parts that are helping the Mayor. You have to read the whole case but you do not. So, with this I ask you where you got this from

Town Attorney Ramos replied I answered your question, it comes from the powers that are derived from the Mayor. It is not a procedure manual. The mayor is the boss of all employees in this Town

Councilor McGill replied said when a Councilor has Town Business your saying she has the right to stop that Councilor from bringing that up?

Town Attorney Ramos said yes, that is the process that the Mayor has come up with.

Councilor McGill said see you said it is the process that she came up with, that is wrong. It is sad that as our Town Attorney you do not see that it is wrong. You should treat us all equally. Treat me the same

Town Attorney Ramos replied she didn't agree with Councilor McGill.

Mayor MacFarlane stated that Councilor McGill made his point and it was time to move on.

Council Members:

Councilor David Nebel- None

Mayor Pro-Tem Conroy-None

Councilor McGill- Mayor I got your email from Rebecca about the certain items but I am not going to bring them up. Thank you for giving me the opportunity to address it. I will send the email to you.

We talked about a strong Town Mayor Charter; the next thing is the Mayor Pro-Tem. There is nothing in the Town Charter stating job duties. I wanted to meet with Department Heads and was told that was the job of the Mayor Pro-Tem. **Mayor MacFarlane** stated that she felt as though the meetings would keep her in the loop of what was going on and so she continued to take the Department Head Meetings as she manages the Departments.

Councilor McGill wanted to know how often then Town puts out bids or request for proposals for Town Contracts. **Mayor MacFarlane** said that it was bi-annual but would check with Town Clerk Burke.

Councilor McGill said that a Howey Officer stopped residents regarding children being in the golf cart and said that you must possess a Driver License to operate. That isn't actually what the state law says. **Chief Thomas** stated that the Officer saw that the young woman was holding an infant in her lap and it felt it was inappropriate so she made contact. He then quoted State Statues and agreed that Councilor McGill was correct about the age you must be to operate a golf cart. (14 years of age.) He then said that he had done extensive research and that the Town Ordinance didn't comply with State Statues and that we needed to review the golf cart ordinance and make changes.

Councilor McGill asked for an update regarding Chief Thomas's alleged

offense. **Mayor MacFarlane** stated that the administrative actions don't need to be discussed at the Town Council Meeting. **Councilor McGill** asked for an update on the Police Department Cost Analysis. **Mayor MacFarlane** said that they had to perform an impact analysis first. That she talked to Sheriff Grinnell and he said that he couldn't provide the same services for the same price as the Police Department. **Councilor McGill** said to give the residents options. **Town Attorney Ramos** asked if they wanted Town Council consensus for the discussion. **Councilor McGill** said that we should no matter let the residents know exactly what options the Town has.

Consideration and approval to accept the Fiscal Year 2017/2018 Audit

Mayor MacFarlane She was not able to make it she had a previous appointment so were going to push it off till she gets here.

April with Carr, Riggs & Ingram Audit Firm stated that we had a clean audit and correct material but we did have a number of findings.

Councilor McGill said that he has seen that we are repeat offenders.

April with Carr, Riggs & Ingram Audit Firm said that it is because the Town is so small and only has a Town Clerk and a part time Financial Officer.

Councilor McGill asked if we were charged with the \$500.00 fine for being late?

April with Carr, Riggs & Ingram Audit Firm stated that no we were not. She has never seen anyone be charged for being late.

Mayor Pro-Tem Conroy asked why are we just getting the report in October?

April with Carr, Riggs & Ingram Audit Firm stated that it was due to a lack of dedicated staff, back and forth between the Town and the firm, and having to reschedule things a month to a month and a half out.

Councilor McGill second by Mayor Pro-Tem Conroy motioned to approve and accept the Fiscal Year 2017/2018 Audit. Motion passes unanimously.

Councilor Scott-None

Mayor MacFarlane-None

PUBLIC COMMENTS

Francis O'Keefe- Wagler 409 W Central Ave said the library was having a Halloween Bash and the Church was having Trunk or Treat. Don't forget about the time change garage sale weekend. The boy scouts are doing Scouting for Food. She thanked Councilor's Scott and McGill for attending the meeting at the Library. The Howey Christmas Festival is having a car show. We should have a contest for the CUP, whoever uses the least amount of water should have a prize.

JoJo Lowe 139 E Central brought up the yard sale weekend. The Library is having meet the artist on the 15th.

David Miles 33 Camino Real said that two weeks ago Councilor McGill proclaimed the town voted my mandate for Mayor MacFarlane versus Councilor McGill with at 5-0 vote. The Mayor is doing an excellent job.

Karen Dressing 121 E Cedar said that Mr. Miles report was very well done. She is not happy with Councilor McGill's disloyalty by not doing the Classic Car Show for the Christmas Festival.

Pat Miller 201 S Lakeshore said that Venezia residents think that all of the Town does not want them here. Just because four or five people have that opinion does not mean the other eleven hundred residents do and they don't speak for her. Doesn't like Councilor McGill's snarly language.

The meeting adjourned at 8:00 p.m.

ATTEST:

Martha MacFarlane, Mayor

Rebecca Eller
Administrative Assistant II