



City of Freeport
Joint FCC/WCBCC Workshop
2:00 PM/Council Chambers/Freeport City Hall
September 19, 2017 Minutes

I. Meeting Opened

The September 19, 2017 Council Workshop was called to order at 2:00 p.m. by Mayor Russ Barley. The meeting was held in City Council Chambers of Freeport City Hall.

Council Members present: Mayor Russ Barley, Councilwoman Kasey Cuchens, Councilwoman Elizabeth Brannon, Councilman Eddie Farris, Councilwoman Amanda Green, and Councilman William “Boots” McCormick

City Staff present: City Clerk Rebecca Podraza, City Attorney Clay Adkinson, City Planner Latilda Hughes-Neel, City Engineer Cliff Knauer, and Water Supervisor Larry Tuggle.

Walton County Board of County Commissioners (BCC) present: William “Bill” Chapman, Melanie Nipper, Sara Comander, and Tony Anderson

WCBCC Staff present: County Administrator Larry Jones, and County Attorney Sidney Noyes, Engineer Anna Hudson, and Engineer Gregg Graham

II. Invocation and Pledge of Allegiance

The invocation was given by Councilman Farris, followed by the Pledge of Allegiance to the American Flag.

III. Joint FCC/WCBCC Workshop – Brandon Oaks

The Mayor turned the meeting over to City Attorney Adkinson. Attorney Adkinson thanked everyone for attending the Workshop regarding Brandon Oaks sewer issues. Adkinson briefly explained the City Council’s goals for calling the Joint Meeting and opened the floor to the Board of County Commissioners (BCC) and City Council regarding the counterproposal that the City voted to extend to the County on August 8, 2017.

County Attorney Noyes advised the Council that the counterproposal submitted to the County from the City of Freeport was addressed at the BCC Meeting on August 22, 2017. The Commission agreed to accept the counterproposal with two modifications.

1. The City of Freeport will work with the effected homeowners and abandon 54 septic systems and connect to city sewer within eighteen (18) months rather than twenty-Four (24) months.
2. County requests a cost share between the City of Freeport and Walton County

The City of Freeport may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk’s office at 850-835-2822 by 5:00 p.m. on the day prior to the meeting.

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Florida Statutes).



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after the Escrow money in the amount of \$144,846.00 is expended. Each party would be paying roughly \$150,000.00 to hook up all fifty-four (54) systems.

Commissioner Commander addressed the City Council and BCC about a conversation between herself and Councilman McCormick regarding Brandon Oaks. Councilman McCormick suggested using the \$144,846.00 Escrow money to take care of the septic systems that are currently failing. Grants and other funding may be looked at for the remaining systems that need to be replaced. Commissioner Commander also discussed the drainage issues in Brandon Oaks.

Councilman McCormick concurred with Commissioner Commander that focusing on the fourteen failing systems to begin with would be the best way to start.

County Attorney Noyes advised the City Council and BCC that a representative from the Health Department was present to answer any questions about the failing systems. Attorney Noyes also advised that the funds available in the developers escrow account, would cover the expenses to connect the fourteen (14) failing systems to sewer at the cost of \$8,300.00 per system.

Commissioner Chapman addressed the drainage issues in Brandon Oaks. Since there isn't an HOA or Developer, the swale is the responsibility of the Home Owners. County Staff is addressing the drainage issues and County Engineering staff is available to answer questions.

BCC requested the Council's position on accepting the two modifications to the Counterproposal as presented. Discussion ensued.

City Engineer Cliff Knauer presented the design plan to correct the drainage issues at Brandon Oaks.

City Engineer Greg Graham addressed the Council regarding some of the history surrounding the septic and drainage issues as well as County Staffs' current actions on addressing the drainage issues. A 30-foot easement or right of entry will need to be obtained from the homeowners to proceed with the design presented by Engineer Knauer.

Councilwoman Green requested information regarding the proper maintenance of the septic tanks

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by the homeowners.

Health Department representative Crystal Steel, Environmental Manager, addressed the Council and BCC. Ms. Steel explained that the septic systems in Brandon Oaks have Aerobic Treatment Units (ATU's) that need to be inspected twice a year by an operator. Homeowners' must maintain a current operating permit and maintenance contract on their septic system.

Councilman Farris expressed concerns about protecting the Bay from these septic systems. Councilman Farris also addressed the Franchise Agreement and the verbiage that states that the City cannot mandate those on septic to hook up to sewer. The County Commission would need to act to mandate homeowners to hook up to City Sewer.

County Attorney Noyes referenced a bullet point on the Counterproposal that the City would send a letter to homeowners that it would be mandatory for them to hook up. So, by the County agreeing to the counterproposal, the City will have authority to mandate homeowners to hook up to sewer.

Councilman Farris expressed concern of burdening the City Tax Payers with this financial agreement.

Commissioner Commander commented that Mayor Marse agreed years ago to run sewer lines out in Brandon Oaks and she was not sure that had ever been completed.

County Engineer Anna Hudson addressed the Council and BCC. Based on conversations between herself and City Sewer Supervisor Robert Fawcett, there are lines currently available for all the lots to hook up to City Sewer in Brandon Oaks.

Commissioner Anderson inquired if the City would be able to finance owners to hook up to the City sewer.

Mayor Barley informed the BCC that the City does currently finance existing homes. The homeowners pay a \$2500.00 deposit and the remainder is paid monthly.

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Attorney Adkinson informed the BCC that according to Florida Law, if the County were to adopt certain policies to allow the City to finance all the charges for instances deemed as a hardship, then the entire cost of the sewer hook-up, except for the impact fee, could be included in the finance agreement for up to five (5) years. Ordinances would need to be drafted and adopted by the City and the County giving the City authority to do so. Even though the properties are in the City franchise, they are not in the jurisdiction of the City.

Commissioner Chapman asked how the City will address customers who will not pay the fees and refuse to hook up. What is the enforcement action to compel these residents to hook up to sewer?

City Attorney Adkinson advised that currently the Florida Statute says they shall hook up but provides no penalty for failing to do so. According to the Attorney General, it is up to the local governments, under their Home Rule Powers, to adopt an Ordinance to impose penalties. The County will need to adopt an Ordinance spelling out the penalties and give the City authority to impose the penalties.

Commissioner Chapman suggested designating areas of critical concern to enforce mandatory hook up. That way it would not be mandatory for every customer within the service area currently on septic to hook up to sewer.

Councilwoman Cuchens asked Ms. Steel of the County Health Department if any of the fourteen (14) systems, that have been quoted as failing, have contacted the County Health Department for help with their sewer issues.

Ms. Steel advised that the fourteen (14) are erupt systems and a lot of the failures are because they were in non-compliance. A couple of them have come into compliance in the last couple months. A couple of them are waiting to connect to City sewer and the rest have ignored the County's letters. Some of them would be able to come back into compliance but if the system is failed and sewer is available, then they will not be permitted and would be mandated to hook up to sewer.

Commissioner Anderson addressed the Council regarding the fourteen systems that need to be fixed right away. It is his hope that the City agree to pay half the cost and the County will pay half as presented in the agreement to the City. Commissioner Anderson also addressed the drainage issue and that the easements need to be acquired before the drainage issues can be addressed.

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The Council and BCC discussed the time frame it would take to install all fourteen (14) of the failed systems. It would take five and a half (5 ½) weeks if the Sewer Department stopped all work and maintenance and only installed these systems.

The County requests that the City advertise for bids and contract the work for the fourteen (14) failing systems as quickly as possible. The County is confident that the Developer Escrow account money may be utilized in any of the three phases of Brandon Oaks.

The BCC agreed to vote at their next meeting on Monday, September 25, 2017, to provide the City of Freeport with the Developer Escrow account money for the critical fourteen (14) failing systems.

Councilwoman Green feels the first step should be to mandate all fifty-four (54) homeowners to hook up first before paying for the fourteen (14) failing systems. Paying to completely replace the fourteen (14) would not be fair to the other homeowners who would have to pay.

Mayor Barley requested public comment.

Mr. Robert Rogers approached the podium and addressed the City Council and BCC.

Ms. Janice McLean addressed the City Council and BCC.

Ms. Heather Jenerette addressed the City Council and BCC.

Councilman McCormick requested that before leaving the Workshop that a decision be made as to whether the fourteen (14) failed systems will be completely replaced with the escrow money or will the deposits for all fifty-four (54) lots be paid and the City will finance the rest.

Discussion ensued regarding the urgency of replacing the critical fourteen (14) failing systems or paying the deposit for all fifty-four (54) systems.

All members of the BCC and City Council are of one accord that the homeowners of Brandon Oaks need to be mandated to hook up to City Sewer. The BCC will address that at their next

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County Commissioners Meeting on Monday, September 25, 2017.

IV Adjournment

Mayor Barley adjourned the meeting at 3:33 p.m.

FREEPORT CITY COUNCIL

Mayor

ATTEST

City Clerk

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