City of Freeport

REGULAR COUNCIL MEETING MINUTES

April 13, 2021, 9:00 AM
Council Chambers, Freeport City Hall

Council Members Present: Mayor Russ Barley, Councilwoman Amanda Green, Councilwoman Elizabeth Brannon, Councilman Eddie Farris, Councilman Mark Martin, Councilwoman Elizabeth Haffner

Staff Members Present: City Clerk Malani Robinson, City Attorney Clay Adkinson, Planning Director Latilda Hughes-Neel, Finance Officer Sara Bowers, Billing Manager Debbie Roberts, Parks Director Travis Digges, Sewer Supervisor Robert Fawcett, City Engineer Alex Rouchaleau

1. Meeting Called to Order

The meeting was called to order at 9:00 AM by Mayor Barley in the Council Chambers of Freeport City Hall.

2. Invocation and Pledge of Allegiance

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

3. Recognition of Guests

4. Wayne and Tami Scott- Kona Ice Dispute

Mr.Scott informed the Council that he and his wife vend shaved ice at the park during the week to raise funds for the Little League as agreed with Mr.Tedd Barr. Mr.Barr the President of The Little League, informed the Council that due to the League being unable to host their annual golf tournament to raise funds Mr.Scott volunteered to assist the League by operating at the park as a fundraising effort. Mr.Scott and Mr.Barr sought approval from the Council to continue doing so. Councilwoman Green queried on any concerns that Parks Director Digges may have. Parks Director Digges informed the Council that he had been approached by a similar business to operate out of the park, however due to policies set in place against vending at the park he

informed the business that they could not. Parks Director Digges noted that although he had no issue with Mr.Scott vending at the park for the Little League he did not want to seem biased and wanted Council's direction. Councilman Farris noted that he had no problem with Kona Ice vending at the park for The Little League, however he would like for the Council to re-examine the policy so that the City Manager can make calls on these types of issues. City Attorney Adkinson noted that to avoid discriminatory practices Kona Ice would have to operate under the agreement that The Little League has with the City. Planning Director Hughes-Neel noted that due to the nature of the situation this was a unique case therefore the Council must be careful to stay in compliance of the codes put in place to protect the City from discriminatory claims. City Attorney Adkinson noted that during the application process for parks and public facility usage that the applicant include the vendor so that the City Manager can utilize his authority, this eliminates arguments of discrimination and keeps the City Manager operating under the codes put in place. Mr.Barr informed the Council that would include Kona Ice in next year's application to avoid conflict.

Moved by: Councilwoman Haffner
Seconded by: Councilman Farris

To ALLOW Kona Ice to operate under The Little League's agreement for the rest of the season for fundraising purposes.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

5. Consent Agenda

a. Bills

b. City Council Meeting Minutes- March 25, 2021

6. Approval of Consent Agenda

Councilwoman Haffner advised City Clerk Robinson of changes that needed to be made in the minutes.

Moved by: Councilwoman Haffner
Seconded by: Councilman Farris

To APPROVE the consent Agenda with the recommended changes.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

7. Consideration of Additions/Deletions to Agenda

- City Attorney Adkinson noted that he would like to add Regency Acquisitions as a title correction to the Annexation since all other owners were listed for the record.
- Councilwoman Haffner- Construction Trailer
- Mayor Russ Barley- City Manager Position, Mileage Rate Reimbursement for Atlanta Trip, Forensic Audit Reminder, and National Day of Prayer
- Councilwoman Green- Upcoming Community Meetings

8. Approval of Agenda with Additions/Deletions

Moved by: Councilman Farris
Seconded by: Councilwoman Haffner

To APPROVE the Agenda with the specified additions as presented.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

9. 2020 Financial Audit

Adam Nelson from Warren Averett issued a packet to the Council which contained the summaries of each item audited. The analysis of the 2020 Fiscal Year Audit concluded that there were no wrong findings, and all expenditures were within compliance. The floor was opened for questioning.

10. Staff Reports

a. Water

b. Sewer

c. Parks

1. Updates

- Parks Director Digges opened by thanking the Council for allowing the Eggstravaganza and Spring Festival to take place at the Sports Complex this year. Parks Director Digges informed the Council the the restrooms at Casey Park are almost complete noting that they will be hanging new hand dryers and applying fresh paint. Parks Director Digges continued by noting that the Casey Park restrooms will be locked after hours.
- New shading has been added to the pool.
- This upcoming week the Parks Department will begin hiring staff for the pool.

d. City Manager

e. City Clerk

f. Finance

g. Billing

h. Planning

i. Legal

1. Bluffs at Lafayette Developers Agreement

City Attorney Adkinson presented the Developers Agreement for feedback, noting that there were sections that still needed to be finalized. City Attorney Adkinson explained to the Council that this Developers Agreement was unique in that they were requesting capacity for 242 lots, which the City currently cannot serve. The City has adopted a policy to prohibit developers from installing their own septic, as the

City has taken a strong initiative to clean up the environment by converting to a sewage system. Engineer Knauer and Engineer Rouchaleau have identified an opportunity for the City, where the City would acquire one or more package plants as identified in the agreement. The package plants would allow the City to afford developers the ability to get up and running while the City would receive the payment of their fees upfront, which in this case is 1.9 million dollars. The developers would assemble the city owned plants at their expense and connect to the City's system. The funds collected would allow the City to purchase a brand-new package plant, which they have identified a certified vendor out of Pensacola with verifiable references . City Attorney Adkinson stressed that the developers' fees collected would be used to fund other projects in the City not strictly package plants. City Attorney Adkinson believed that once the language has been finalized the agreement would be very beneficial to the City, satisfying a range of items for the City.

Engineer Knauer informed the Council that package plants are widely used and would be an essential tool in the toolbox that the City does not currently have. The benefits included would be the flexibility to provide sewer before infrastructure is in place for development. Engineer Knauer then described the installation process of the portable package plants to the Council. Engineer Knauer noted that the City could use the capacity fees to purchase the new package plants which include a warranty, with the assembly factory in Pensacola. Engineer Knauer informed the Council that they have the storage space to store the package plants when they are not in use, noting that the plants were technologically advanced and could be controlled via smart phone. Engineer Knauer noted that a standard package plant cost $360,000 (25,000 gallons per day) and would need a minimum of 15 houses connected to generate enough flow to run. Engineer Knauer also noted that a provision in the agreement called for the developer to install an 18-inch water line, which is necessary for planned future developments along Highway 331 outside of this project. Councilwoman Green queried on whether the 18-inch water line would be sufficient for the projected growth for the next 5-10 years. Engineer Knauer informed the Council that the 18-inch water line would suffice for 5-10 years depending on the build out. Engineer Knauer noted that with projected plans for over 4,000 lots the City would benefit from installing bigger lines. Engineer Knauer continued by informing the Council that the City would have to install a second water plant and create a dividing line north of Highway 20 to service the projected growth. Councilwoman Green asked for clarity on the placement of the package plants, Engineer Knauer informed the Council that the developers would be responsible for assembly and running the device on their own property. City Attorney Adkinson informed the Council that acquiring an 18-inch line was inevitable for the plans of the City, however the developer is willing to supply the line. City Attorney Adkinson informed the Council that the agreement would give the Developers a credit towards the capacity fee, however they would only apply it to Phase 1 of the project. After discussion, the Council agreed to move forward with the agreement with the suggested changes. Councilwoman Green inquired on the total size of the line that would be needed for development. City Engineer Rouchaleau explained to the

Council that the size of the line would depend on the development, however nothing less than 10 inches per install.

Moved by: Councilman Martin
Seconded by: Councilwoman Haffner

To APPROVE the Developers Agreement with the suggested changes.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

1. Bluffs at Lafayette Map

2. 2nd Reading of Shaw Securities, Inc. & Shamrock Dunes, LLC Annexation

City Attorney Adkinson opened by giving the second reading of the Ordinance for the Regency Acquisition, Shaw Securities Inc, & Shamrock Dunes LLC Annexation. A public hearing was opened. City Clerk Robinson advised on the proper ordinance number.

A representative from Shaw Securities, Inc. and Shamrock Dunes, LLC Annexation thanked the Council for accepting the annexation noting that she appreciated the Council's support and recommended that the City reduced the price of the application ($750 to file as an individual) to incentive others to follow suit.

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To APPROVE Ordinance 2021-01.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

1. Notice of Intent
2. Ordinance

j. Engineering

1. Barrier Free Park Phase I Improvement- Approval to Bid Project

Engineer Rouchaleau noted that the finalized bid documents were forward to the Council as a read ahead and opened the floor for feedback. Engineer Rouchaleau requested approval to bid the Barrier Free Park Phase I Improvement.

Engineer Cliff informed the Council that on October 15 the Furdap Grant application is due. Engineer Cliff noted that the $50,000 grant was a no match grant, however the $150,00-$300,000 grant required a 50% match. Engineer Cliff expressed that the Furdap Grant would be done free of charge to the City, including the plan designs and application process. Engineer Cliff advised the Council to think of ideas of where the funds for the grant could be used, noting that the due to the competitiveness of the grant Barrier Free Park would be a wise decision to accumulate more points for funding. The Council thanked Engineer Cliff for finding opportunities for the City.

Moved by: Councilman Farris
Seconded by: Councilwoman Green

To bid the Barrier Free Park Phase I Improvements.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

11. Old Business

12. New Business

a. Mayor Russ Barley

1. City Manager Position

Mayor Barley reminded the Council that the current contract for the City Manager will be expiring in four months, however no effort has be taken to advertise or find a permanent City Manager. Mayor Barley noted that City Manager Simmons agreed to stay given that a few changes were made to his contract. Councilwoman Green noted that the Council should discuss the matter now given that City Manager Simmons preferred not to be present for the discussion of his contract. Mayor Barley informed the Council that City Manager Simmons works for half of the salary of the City Manager position and goes above and beyond for the City, noting that his commitment to the success of the City is hard to come by. Councilman Farris noted that City Manager Simmons has deep love and commitment to the City and felt that the Council should keep him to see his projects completed. Councilman Farris expressed that the language of the contract needed to be adjusted for the Council to do so. Councilwoman Green noted that the mileage clause in the contract needed to be updated. City Attorney Adkinson advised the Council that changes to the agreement for the City Manager would need to be for any candidate and not limited to City Manager Simmons. City Attorney Adkinson requested time to review the agreement and to present at the next Council Meeting due to many qualifications needing to be amended to qualify City Manager Simmons and to fit those after. Councilwoman Green suggested the language limiting the mileage the City Manager must stay from City Hall be amended to Walton County. Councilman Martin inserted that the language of the City Manager job description should be broad with few regulations to give the Council the authority to hire the appropriate candidate based on the current situation. City Attorney Adkinson noted the City Manager position is not in the Charter and that the current document allows the Mayor to decide whether the position is needed.

2. Mileage Rate Reimbursement for Atlanta Trip

Mayor Barley informed the Council that City Manager Simmons paid for a trip out of pocket to meet with an individual regarding a piece of property for the new Wastewater Treatment Facility, and that he would like to reimburse him for it.

Moved by: Councilwoman Haffner
Seconded by: Councilman Farris

To reimburse City Manager Simmons mileage for the trip to Atlanta.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

3. Forensic Audit

Mayor Barley reminded the Council that the Forensic Audit was scheduled for April 22 before the Regular City Council Meeting and would take a minimum of two hours to complete. Council members discussed rescheduling the meeting to a separate date and tasked City Clerk Robinson with speaking to the representatives from Marcum for a solution. Attorney Adkinson informed City Clerk Robinson that the event would need to be publicized on the site once the arrangements had been made.

4. National Day of Prayer

Mayor Barley informed the Council that he was approached by Pastor Brown who sought permission to hold the National Day of Prayer at City Hall. Mayor Barley sought guidance for an appropriate motion, City Attorney Adkinson informed the Council that no motion needed to be made being that City Hall was public property and could be used at the public's discretion.

b. Councilwoman Brannon

c. Councilman Farris

1. Sound System at The Sports Complex

Councilman Farris brought to the attention of the Council that the sound system at the Sports Complex was outdated and barely audible. Councilman Farris suggested that Parks Director Digges be given permission to update the system to provide better quality for The Little League and all other organizations who made need to use it. Parks Director Digges noted that he was very eager to address the sound system and would do so promptly. City Attorney Adkinson advised Parks Director Digges to speak with Finance Officer Bowers for guidance.

2. Flagpole Behind Outfield Fence on Field #2

Councilman Farris informed the Council that he noticed that the American flag was pinned to a pole at the Sports Complex, and he would like to see it better displayed. Councilman Martin gave suggestions on placement of the flag for dual view. Parks

Director Digges informed the Council that he could use a spare pole from Marse Landing that had been vacant due to an issue of flags being stolen. Parks Director Digges also informed the Council that he would investigate purchasing a tamper proof pole with lights for the parks, so that the flag could be seen 24 hours.

3. Display Motto "In God We Trust"

Councilman Farris gave a brief introduction to the legality of the "In God We Trust" motto in public spaces, noting that he was in favor of how the County Commissioners Office had the motto displayed in its meeting chambers. Councilman Farris noted that he appreciated the symbolism of the message and would like for the Council to have the motto displayed in the Council Chambers on a plaque of sorts, a motion was made.

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To purchase a plaque with the motto "In God We Trust" for the Council Chambers.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Councilwoman Green: nay

Carried

d. Councilwoman Green

1. Upcoming Community Meetings

- Councilwoman Green noted that there would be a School Board special meeting on April 20 at 3:45PM in South Walton regarding the Freeport School District therefore she strongly encourage members from the community to attend.
- Councilwoman Green reminded the Council that DOT would be hosting a meeting at the Heritage Church regarding the four-lane expansion in Freeport on April 20 at 5:30PM.

- Mayor Barley informed the Council that there will be a Town Hall Meeting at City Hall on April 21 at 6:30PM. The event will be publicized on the website and the newspaper.

e. Councilwoman Haffner

Councilwoman Haffner inquired on the construction trailers at Larry Walsh's across from Texaco and whether they would be moved. Planning Director Hughes-Neel informed the Council that the construction trailer had a development order and dumpster permit for cleanup and remolding of their building. Planning Director Hughes-Neel elaborated on the building design they were currently working, informing the Council that it would go away once it was complete.

f. Councilman Martin

13. Public Comment

14. Adjournment

Mayor Barley motioned to adjourn. The meeting adjourned at 10:36 AM.

Mayor

ATTEST:

City Clerk