**City of Freeport**

# REGULAR COUNCIL MEETING MINUTES

May 11, 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

Council Member Absent: Councilwoman Haffner

Staff Members Present: City Manager Simmons, 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, Water Supervisor Larry Tuggle, 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. Mayor Barley presented Councilman Farris with an appreciation plaque as a token of gratitude from the Northwest Florida League of Cities to applaud his leadership, dedication, and membership to the organization.

## 3. Recognition of Guests

None.

## 4. Consent Agenda

a. Bills

b. City Council Meeting Minutes- April 22, 2021

c. Special City Council Meeting Minutes- April 22, 2021

**5. Public Comment on Consent Agenda**

Councilwoman Green noted that due to her absence at both meetings and the audio not being available online she would only approve the Bills and would drop the minutes from the consent agenda until she has a chance to listen to the audio. City Attorney Adkinson explained the legality of her request and directed the appropriate motion to Council.

**6. Approval of Consent Agenda**

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

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

*To APPROVE the consent Agenda which would only include the Bills.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

**7. Consideration of Additions/Deletions to Agenda**

- Legal- Wastewater Treatment Plant Bid Protest Update
- Councilwoman Green- Special Meetings
- City Clerk Robinson- Recorded Lines Update

**8. Approval of Agenda with Additions/Deletions**

Moved by: Councilwoman Brannon
Seconded by: Councilwoman Green

*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 Brannon: aye

Councilwoman Green: aye

Carried

**9. Staff Reports**

a. Water

b. Sewer

c. Parks

d. City Manager

1. Marcum Audit

City Manager Simmons informed the Council that following the Special Meeting with the Marcum Audit he and Finance Officer Bowers did thorough research to offer clarity on items in question. City Manager Simmons opened the floor to Finance Officer Bowers to discuss the findings. Finance Officer Bowers noted the following:

- The Audit failed to include employees that received their pay through direct deposit into the payroll process.
- Unexplained accounting adjustments in the Sewer Impact Fee Account totaling up to $1,237,864.69 resulted from reimbursements, checks to contractors for supplies and services, as well as a correction to a previous entry.
- The three missing checks totaled $180,867 were caused by USDA withdraws for outstanding bond issues with an overdraft fee due to the North Bay Sinking Account not having sufficient funds.
- Transfer made to Janice McLean in the amount of $78,000 was withdrawn from the North Bay Water System Operations account and deposited into the North Bay Sinking Account to keep the account from having a negative balance after paying two outstanding USDA bond issues.

Council members thanked Finance Officer Bowers for her research into concerned items discussed at the Marcum audit. Councilwoman Green expressed her concerns on the amount of time it took for the City to discover

where the $1.2 million went and recommended that the City keep finance records properly moving forward. Councilman Farris noted that the audit was failed from the beginning and could have been prevented, noting that it was very misleading. Councilwoman Brannon expressed her appreciation for having a qualified audit conducted to put the matter in the past, noting her disappointment with Marcum.

e. City Clerk

1. Recorded Lines Update

City Clerk Robinson informed the Council that the recorded line system had been delayed. City Clerk Robinson expressed that while trying to keep current city phone numbers she ran into a plethora of issues including:

- Various phone numbers of the City's belonged to various phone companies.
- Unknown phone numbers belonged to unexplained lines.
- Presumed land lines belonged to the wells.

City Clerk Robinson explained that once she was able to identify and map the various phone lines the transfer to the new company would begin.

f. Finance

g. Billing

h. Planning

1. Verandas Phase 1-C-4 Record Plat

Planning Director Hughes-Neel presented the Verandas Phase 1-C-4 Record Plat requesting approval.

Moved by: Councilwoman Brannon
Seconded by: Councilwoman Green

*To APPROVE the Verandas Phase 1-C-4 Record Plat requesting approval*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

2. Walton County Mobility Plan/ County Staff

Planning Director Hughes-Neel introduced Mac Carpenter the Growth Management Director for Walton County and Kristen Shell the Planning Manager for Walton County who would present the preliminary mobility plan to the Council. Mr.Carpenter informed the Council that at a previous public hearing regarding the County's Mobility Plan it was decided that the County would approach municipalities to see if there was a date to meet with Board of County Commissioners to get as much public engagement as possible and feedback on the proposed Mobility Plan. Mrs.Shell expressed that she wanted to formally bring all municipalities into the conversation to discuss the proposed plans. Mrs.Shell noted that the Mobility Plan included a Needs Plan (long range plans) for each municipality in Walton County that she recommended the City review with staff to discuss revisions based on the land development and economic development plans for the City. Mrs.Shell further explained the Mobility Plan are the projects they would join forces with the City on, given their permission, to seek funding that they usually lose to Okaloosa County each year. Mrs.Shell noted that working together and making their presence known would yield better results for gaining funding. Mrs.Shell noted that if the City decided to participate in mobility fees all the funding collected within the City limits would return to the City and have to be spent on projects listed in the Mobility Plan. Mrs.Shell noted that a revised scheduled which would consider affordable housing and non-residential fees would be coming out a later time. Mrs.Shell expressed the implementation of benefit districts within the plan and how they would benefit the people that are paying. Councilwoman Green noted her excitement of the Mobility Plan and her eagerness to discuss more. Mrs.Shell noted the importance of having plans vetted through by the public to advocate in a more effective and cohesive manner. Planning Director Hughes-Neel expressed the importance of having justification of projects from the public, noting the lengthy process of getting U.S. 331 into a four-lane highway by working alone. Planning Director Hughes-Neel stressed to the Council the need to review the fees associated with the Mobility Plan as well as the plans on the map. Planning Director Hughes-Neel advised the Council to review the two maps listed in the Mobility Plan for Freeport and to give her feedback with corrections so she can compose a revised map to present to Mrs.Shell. Mrs.Shell noted that the Needs Plan Map for the City of Freeport would be a priority and assist with better land use. Councilman Martin asked for clarity on the Board of County Commissioners position on developers paying a proportionate fair share. Mrs.Shell informed the Council that following an audit the Board was advised to find an alternative solution which made them investigate a Mobility Plan, noting that proportionate fair share had faced challenges across the state. Mrs.Shell informed the Council that she would like to schedule a meeting with them and the Board of County Commissioners to discuss the Mobility Plan. City Manager Simmons and Councilmembers discussed an appropriate time for the special meeting.

Councilwoman Green requested a workshop with Planning Director Hughes-Neel before the next Council Meeting, to further discuss the maps within the Mobility Plan and the development maps of the City. Planning Director Hughes-Neel noted that she would like to work with engineering to give a presentation and present a large-scale map to the Council that indicates where development would occur along with actual population clusters. Councilman Martin noted that an in-depth discussion was needed to sort through the material provided in the Mobility Plan. Planning Director Hughes-Neel noted that the meeting will offer clarity to the plans of the City. Engineer Rouchaleau noted that the Mobility Plan presented the opportunity to have a connector road from 83A to U.S. 331 would be huge for the City, and that connector roads are a priority for the City. Engineer Rouchaleau continued by adding that in his opinion the City needed to do something to assess fees. City Manager Simmons informed the Council that he had no input on the Mobility Plan Maps, Planning Director Hughes-Neel noted that she was approached for very brief input on the plans and since had no communication. City Attorney Adkinson briefed the Council on matters to be attentive to within the Mobility plan, noting that the plan itself and the fees presented a plethora of restrictions. City Attorney Adkinson noted that if the City were to participate in the plan there were alternative options to the impact fee, which the City from prior experience knew presented immense restrictions. City Attorney Adkinson informed the Council that updated language to Florida law allowed the developer who paid impact fees in one zone would have the freedom to transfer their credit to any project within that zone or to an adjacent zone, which could ultimately leave the City. City Attorney Adkinson advised the Council to consider alternative options to fund the plans listed in the Mobility Plan such as an infrastructure sales tax. Planning Director Hughes-Neel noted that the Council should investigate how the Mobility Plan would affect the Interlocal Agreement and the maintenance of the roads. Planning Director Hughes-Neel noted that affordable housing issues were associated with the implementation of impact fees from the Mobility Plan, noting that the City would need to devise a plan that works best for the City and keep funding options open. City Manager Simmons noted that he was weary of fee increases noting that the City would experience significant jumps, to which City Attorney Adkinson reminded the Council to remember their history of increased rates and public feedback. Councilwoman Green noted that alternative options would need to be discussed at the special meeting. Planning Director Hughes-Neel noted that she would compile a list of concerns to present before the Board of County Commissioners.

Moved by: Councilwoman Green
Seconded by: Councilman Farris

*To schedule a Special Meeting with the Board of County Commissioners for June 8, 2021 at 10:30AM.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

Moved by: Councilwoman Green
Seconded by: Councilman Martin

*To schedule a Workshop for May 27, 2021 at 5:30PM.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

i. Legal

1. Wastewater Treatment Plant Bid Protest Update

City Attorney Adinkson presented to the Council the letter that was sent on behalf of the City informing the company that the City rejected their bid on the Wastewater Treatment Plan, and that engineering would send a copy to the bonding company. City Attorney Adkinson continued the discussion by noting the grounds for which the City declared the company as non-responsive and non-responsible. A motion was requested.

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

*To ratify the City Manager's rejection of the bid protest.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

j. Engineering

1. Proposal for Engineering Services for Wastewater Package Plant Design & Permitting

Engineer Rouchaleau requested a motion for approval of the proposal plans for the Wastewater Package Plant design and permitting. Councilwoman Green wanted to ensure that the Council would only be approving the design and not the actual units, Engineer Rouchaleau confirmed.

Moved by: Councilman Martin
Seconded by: Councilwoman Brannon

*To APPROVE the proposal for the Wastewater Treatment Plant design and permitting.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

2. Updates

- USDA was currently working on the funding application for the treatment plant. The bid protest is not affecting the progress.
- There will be an on-site preconstruction meeting regarding Washington Street following the Council Meeting. They will get mobilize and begin working on the project this week with a 6-8 week turn around.
- The Barrier Free Park bids are due in 2 weeks which will be awarded soon after at Council Meeting.
- 331 North permitting is in process of being submitted

- Master Lift Station- Chelco will begin installation of lights.

**10. Old Business**

a. Pending Items List

- Council members reviewed the pending list with City Manager Simmons, noting completed items. City Manager Simmons noted that he, City Attorney Adkinson, and Planning Director Hughes-Neel met with Bob Beasley regarding the redistricting of the City. City Attorney Adkinson informed the Council that two districts needed to be rebalanced, however they will reconvene with the redistricting of the City in August-September. City Attorney Adkinson informed the Council that they goal would be to create a ten-year districting map that will not have to be updated until the next census release. City Attorney Adkinson noted that the redistricting will comply with Florida law, and that after discussion with Mr.Beasley looks forward to aligning City Elections to the State primary elections.

- City Manager Simmons noted that the Road Agreement with the County was a work in progress, noting that he has a few more meetings scheduled with District 4 Commissioner and will present the updates with City Attorney Adkinson hopefully in the first meeting in June.
- Planning Director Hughes-Neel noted that the SRTS Grant Phase II was submitted and is currently under review.
- The Main Street Program has been suspended due to the four-lane project that will interfere with plans.
- Planning Director Hughes-Neel requested to withdraw the Education Reimbursement Program due to a plethora of projects. Councilwoman Green asked that the item be taken off Planning Director's Hughes-Neel plate but remain on the list as a to-do item later.
- Councilwoman Green noted that she and Lieutenant Pendleton were currently working on the homeless project.

Councilmembers noted that they would like to keep the pending list updated and present once a month on the agenda.

**11. New Business**

- City Manager Simmons noted that the City will be hosting a Fourth of July Celebration at the Park along with a parade, and a golf tournament.
- City Manager Simmons noted that he will be relaxing the mask mandate with staff, however he will be keeping the social distancing in the Council Chambers.
- Work with infrastructure along the U.S 331 corridor is coming together.

a. Mayor Russ Barley

b. Councilwoman Brannon

c. Councilman Farris

d. Councilwoman Green

1. Special Meeting

Councilwoman Green expressed her concerns with seeing a special meeting for the Planning Board, noting that request in the past have always been turned down. Planning Director Hughes-Neel noted that due to a staff error with planning and advertisement she chose to have a special meeting so that the applicant would not be put at a disadvantage.

City Attorney Adkinson noted that he would like to have the audio from the April 22 Meeting available online regarding the bid protest item and for Rural Development. Councilwoman Green noted her concerns for staying transparent with the public and for putting information back on the site, expressing her concerns with I.T issues. Councilwoman Brannon noted that there were issues with CRC and tech with her personal devices as well. Councilman Farris noted that potentially hiring an in-house I.T department would be ideal. City Manager Simmons informed the Council that hiring new I.T was underway and had been a work in progress for quite some time.

e. Councilwoman Haffner

f. Councilman Martin

1. Special Events Permit

Councilman Martin wanted to address the matter of the City staying out of private property events, noting that if the City is not affiliated in any way, then it is not the role of the City to intervene. Councilman Martin wanted to review the policy for revisions, noting he sent suggestions to City Attorney Adkinson for legal review and recommendations. Planning Director-Hughes Neel noted that the Planning Department enforces the policies on books, noting that there is a special six-month process involved with updating or removing items in the special permit code. Councilwoman Brannon noted that she was under the impression that the private property issue with special events had been addressed last year, Councilwoman Green concurred. City Attorney Adkinson noted that there needed to be a cleanup of language within the development code to only

regulate public property events or events serving a public purpose. Councilwoman Brannon expressed her opposition of regulating private property. Councilman Farris noted that there needed to be language in the policy that allowed the City Manager the authority to decide on special event permits. Council members expressed they would like City Attorney Adkinson to revise the policy and to present it to Council.

Moved by: Councilman Martin
Seconded by: Councilwoman Green

*To task City Attorney Adkinson with revising the special permit ordinance and to present it to Council.*

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Councilwoman Green: aye

Carried

2. Audit Follow-Up Recommendations

Councilman Martin made suggestions to getting a quicker response or solution to financial issues by:

- Doing quarterly reviews with an outside company for transparency so the public can see that it is CPA certified.
- Having financial statements easily accessible on the City Website for the publics review.

Councilwoman Green noted that it would be more cost effective to have Finance Officer Bowers conduct the quarterly statements noting that she was already qualified to do the work and that monthly she could conduct reports for better organization of records. City Manager Simmons noted that Finance Officer Bowers already sends out monthly reports to each department. Finance Officer Bowers noted that it would be cost effective to have her do the work as opposed to hiring an outside entity which would dig into the City's budget.

**12. Public Comment**

**13. Adjournment**

Mayor Barley motioned to adjourn. The meeting adjourned at 10:49AM.

Mayor

ATTEST:

City Clerk