City of Freeport

REGULAR COUNCIL MEETING MINUTES

June 8, 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 Members Absent: Councilwoman Elizabeth Haffner

Staff Members Present: City Manager Charlie Simmons, City Clerk Malani Robinson, City Attorney Clay Adkinson, Planning Director Latilda 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 9AM 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. Consent Agenda

a. Special Council Meeting Minutes- April 22, 2021

b. Special Council Meeting Minutes- May 27, 2021

c. Regular Council Meeting Minutes- May 27, 2021

5. Public Comment on Consent Agenda

None.

6. Approval of Consent Agenda

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To approve the consent Agenda as presented.

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

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Brannon: aye

Carried

7. Consideration of Additions/Deletions to Agenda

None.

8. Approval of Agenda with Additions/Deletions

9. Staff Reports

a. Water

b. Sewer

c. Parks

d. City Manager

1. Walton Co. Broadband Agreement

City Manager Simmons presented the Walton County Broadband Agreement that was presented to every municipality within Walton County. City Manager Simmons noted that if this were a venture the City would like to pursue then he recommended amending some of the terms within the contract. City Manager Simmons noted that he and Water Supervisor Tuggle inspected the proposed sites for the antennas which would be placed at North Bay, Portland, and Wind Swept and found them to be sufficient. City Manager Simmons informed the Council that his initial concern was the type of antenna that would be used and its impact on other City devices. Councilwoman Green queried on the size of the antennas to which City Manager Simmons explained would be relatively small. City Manager Simmons informed the Council that the antennas would need to be placed on the top of the well towers, which would give their company access to the well house. City Manager Simmons noted that he recommended amending that part of the contract and having someone

on site to assist them when needed. City Manager Simmons noted that the partnership with the County is geared towards making internet accessible to everyone within the City. City Manager Simmons requested a motion to work with City Attorney Adkinson to make changes within the contract and to present it at the next Council Meeting. Councilwoman Green sought legal counsel on the contract. City Attorney Adkinson noted that he had no issue with the City not relinquishing a key, noting that the one-year term of the contract will protect the City. City Attorney Adkinson expressed that the City would benefit by following the City of Defuniak's standard with the contract and request data to ensure it's worth it to the City. City Attorney Adkinson that the goal is to get broadband accessible at an affordable rate and accessible to the public. City Manager Simmons expressed his interest in giving it a try. Councilwoman Green queried on how this agreement would affect the ordinance in place on having items on towers. City Attorney Adkinson noted that at the time the ordinance was enacted it was prior to the State's regulation that ended the City's preemption to interfere with communication devices, noting that it was up in the air. City Attorney Adkinson further explained that the intent of the ordinance was to keep individuals from attaching devices to billboards. Planning Director Hughes-Neel clarified on the City codes, noting that new billboards were prohibited within City limits. City Attorney Adkinson noted that the agreement had already gone through several changes as it has passed through municipality, and they were willing to abide to the terms the City lays out. City Attorney Adkinson noted that they would request the exact radio frequency to ensure no disruption with the water towers systems, to be informed of what they are doing to stay consistent with technological advancements, and if willing they can build their own facility on the ground to maintain the antenna.

Public Comment: Kat Pellegrino wanted to confirm the planned location of the antennas and to know if it would be 5G. City Attorney Adkinson noted that the device was not cellular and would not consist of 5G. City Attorney Adkinson noted that upon approval they would make the broadband website available so that the public could sign up for it and get information on available dates.

Moved by: Councilman Farris
Seconded by: Councilman Martin

To allow City Manager Simmons to work with City Attorney Adkinson on amending the Walton County Broadband Agreement and to present it at the next City Council Meeting.

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. CRC

City Manager Simmons noted that the Council approved the hiring of CRC, however he would like to look at an alternate company for taking over the City's IT. Councilwoman Green queried on the terms of the contract, City Attorney Adkinson noted that he would need to review the original contract before giving direction. City Attorney Adkinson noted that the following discrepancies have been noted by City staff:

- The expected level of service and performance are not meeting the needs of City staff to satisfaction.
- Public record research requests have not been performed in a timely or efficient matter.
- Cloud drive backup failures were not able to come back online quickly.
- Anti-spam and firewall software installed has blocked numerous emails from City Attorney Adkinson's office without notice, and the ability to retrieve them has been difficult.
- The standard of work to meet government needs is not sufficient.

City Attorney Adkinson gave legal counsel to how the City could terminate their contract with CRC and gave language for the appropriate motion that would be needed for City Manager Simmons to seek an alternate company. Councilwoman Green sought clarity on the process of exiting the contract and terms. Councilwoman Green noted that previous City Clerks have encountered difficulties with managing CRC and have had issues with them adhering and upholding to their end of the contract.

City Manager Simmons gave the following updates:

- City Manager Simmons is currently working with the County to obtain their surplus truck to take care of the City of Freeport's own personal code enforcement cans on site.
- The 331 Sewer site PowerPoint is almost complete.

Moved by: Councilman Martin
Seconded by: Councilman Farris

To authorize City Manager Simmons to begin the process of exiting the CRC contract, finding a replacement service, and to develop a transitioning plan.

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

e. City Clerk

1. FACC Conference 2021

City Clerk Robinson sought permission from the Council to attend the summer FACC Academy in Fort Myers, FL to begin pursuit of her CMC certifications. Councilwoman Green queried on the dates of the conference. City Clerk Robinson informed the Council that the event will take place on June 26-June 30.

Moved by: Councilwoman Brannon
Seconded by: Councilwoman Green

To approve City Clerk Robinson's attendance to the summer 2021 FACC Summer Academy.

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

f. Finance

1. Water and Wastewater Capacity Fees

Finance Officer Bowers informed the Council that there are capacity fee funds from two developments that will not be developed this year that are sitting in the City's operating account. Finance Officer Bowers requested permission to remove the funds from its respective operating account to the respective capacity fee account to avoid spending the money on other projects.

Moved by: Councilman Farris
Seconded by: Councilman Martin

To move the funds from their respective operating account to the respective capacity fee account.

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

g. Billing

h. Planning

1. Hammock Bay PDP Phase III Revision (continued from May 27,2021 RCM)

Planning Director Hughes-Neel presented the Hammock Bay PDP Phase III Revision that was continued from the previous meeting seeking approval. Planning Director Hughes-Neel requested the feedback of Councilwoman Green's research into Resolution 2018-19, which was the original document for the project. Councilwoman Green expressed that she found several discrepancies, noting to City Clerk Robinson that audio posted by previous clerks does not have a toggle which limits one's ability to fast-forward through audio. The following items were:

- There was a play on language which does not match the intention of the agreement.
- Fingering was promised for wet land spacing however minimum standards were met which was 5-foot setbacks.

Councilwoman Green noted that the area is low lying and already experiences flooding with major drainage issues. Councilwoman Green expressed that she believed the proposed revision would contribute to existing issues and would not do well with neighborhood building. Councilwoman Green noted that she was disappointed by City Staff's poor advice on the matter. Councilman Martin queried as to whether an engineering review had been conducted. Planning Director Hughes-Neel noted that the rear setback would be the only area requesting an additional 5-foot setback and opened the floor for the consultant Mr.Scott to speak on the behalf of the project. Mr.Scott gave clarity to the Council on the pod area that would be impacted by the additional and the specific lots that would require the additional 5 foots setback. Mr.Scott informed Councilman Martin that a full environmental assessment had been conducted on the entire site, noting they exceeded the standards put in place by the city and state. Mr.Scott continued by explaining to Councilman Martin on where the wetland area was, explaining the lots that would be impacted by it. Councilwoman Green highlighted that based on the research presented only lots 9-33 in Pod B would need the additional setback, however the request was for the entire pod. Councilwoman Green elaborated that the Council needed to be thorough in examining request brought before them to ensure the language matches the request. Councilman Martin suggested amending the language to approve the additional 5-foot setback for lots 9-33 in Pod B only.

Public Comment: Kat Pellegrino queried on a study being conducted regarding the animal issue in the community, flooding, and traffic. Mrs.Pellegrino noted that the area does not have sufficient space for roadways and evacuations in the event of the storm, recommending a bridge. Mrs.Pellegrino continued the discussion by reminding the Council that a new school would be built in the area as well which would cause major traffic issues if actions were not taken place. Councilwoman Green invited Mrs.Pellegrino to attend the following meeting which would focus on her concerns of roadways. Mr.Scott noted that the full environmental study conducted contained information on endangered species, flooding, as well as archaeological findings.

Moved by: Councilman Martin
Seconded by: Councilman Farris

To approve the Resolution with the conditions that only lots 9-33 of Pod B would get the additional 5-foot setback.

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. Petition to Vacate Lot 1 Riverwalk Phase 1/ Bob McGill

Planning Director Hughes-Neel noted that there was an error in Mr.McGill's paperwork that vacated Lot 1 unintentionally. Planning Director Hughes-Neel explained that Mr.McGill did his due diligence by following the appropriate procedures to advertise the corrected petition.

Moved by: Councilman Martin
Seconded by: Councilwoman Brannon

To approve the Petition to Vacate Lot 1 of Riverwalk Phase 1.

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

3. Walton County School District Interlocal Agreement

Planning Director Hughes-Neel presented the Walton County School District Interlocal Agreement before the Council for approval, noting that it was the same approved agreement that the City approves ever so often.

Public Comment: Kat Pellagrino noted that she was a part of a Republican Group that informed her of the issue of non-English speaking students within the school district. Mrs.Pellagrino expressed that it not only impacts the teachers but the students who need help. City Attorney Adkinson informed Mrs.Pellagrino that it was outside the jurisdiction of the City and an issue for the Walton County School District.

Moved by: Councilman Martin
Seconded by: Councilwoman Brannon

To approve the Walton County School District Interlocal Agreement.

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

4. Hammock Bay Master Assoc. Special Event/ 3rd of July Parade on Great Hammock Bend

City Planner Hughes-Neel presented the application for the Hammock Bay Master Association 3rd of July Parade seeking approval.

Councilwoman Green expressed her concerns for having a major road blocked off for an hour to accommodate the parade, noting residents of Hammock Bay would need the ability to move in an out. Councilwoman Green continued by adding that adequate security and patrol by the Walton County Sheriff's Department would need to be involved for her approval. Councilwoman Green noted that the current security that is used at Hammock Bay events acts as if it is above the law, which is a cause for concern. Councilwoman Brannon noted her concern for the traffic repercussions of the road closure as well as EMS access. Councilman Martin suggested a change of route for the event to allow sufficient access. Councilman Farris recommended the

use of the Sheriff's Department to avoid liability issues. Planning Director Hughes-Neel requested to continue the item and to present it to the association for reviewing and adjustments. City Attorney Adkison stressed the importance of a deadline for information on the event, noting that the Council only had one more meeting before the proposed event date. Councilwoman Green suggested the bike path being used to host the event.

Public Comment: Kristina Bacon noted her concerns for the lack of a First Aid Station which is never at any of the Hammock Bay events, although it is stated in the agreements. Mrs. Bacon also expressed her concern for conflict of interest between the two events noting that the City of Freeport was hosting a parade the following day. Mrs.Bacon also noted that the multipath would be a great alternative to the road usage.

City Planner Hughes-Neel advised on the appropriate motion to withdraw the original motion and second, continuing the item to the next Council Meeting. City Planner Hughes-Neel informed the Council that she would contact the items presented to the organizer and give them the opportunity to submit a revised application. Councilwoman Green noted that impeding traffic and finding sufficient parking would be an additional concern.

~~Moved by: Councilman Farris~~
~~Seconded by: Councilwoman Brannon~~

Defeated

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To continue the item to the following City Council Meeting.

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

Carried

i. Legal

j. Engineering

1. Barrier Free Park Phase I Improvements

Engineer Rouchaleau informed the Council that only two bids were submitted despite reaching out to several vendors. Engineer Rouchaleau notified Council of the following:

- RBM Contracting Services submitted a bid of $342,036.50 and Gulf Coast Utility Contractors submitted a bid for $539,657.50.
- The project is for the parking, stormwater improvements, and the roadway addition to the property.
- The proposed budget for the project is $258,000 which puts the bids significantly over budget.

Engineer Rouchaleau sought approval to award the bid to the lowest bidder contingent to negotiation of the price not to exceed $325,000. City Manager Simmons informed the Council that the City was under strict guideline of the grant to produce the completion of the project.

Updates:

- The Wastewater Treatment Plant will have a pre-construction meeting next week.
- Washington Street is currently under construction.
- Engineer Rouchaleau has discovered a new 100% grant for the City, with a deadline of mid-July. Engineer Rouchaleau will propose some ideas and bring it back for Council's review.

Moved by: Councilman Farris
Seconded by: Councilman Martin

To award the bid to the lowest bidder contingent of the negotiation of price not to exceed $325,000.

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

10. Old Business

11. New Business

a. Mayor Russ Barley

b. Councilwoman Brannon

c. Councilman Farris

d. Councilwoman Green

e. Councilwoman Haffner

f. Councilman Martin

12. Public Comment

13. Adjournment

Mayor Barley motioned to adjourn. The meeting adjourned at 9:58 AM.

Mayor

ATTEST:

City Clerk