Freeport City Council
March 23, 2017
Regular Council Meeting
Package

City of Freeport
REGULAR COUNCIL MEETING
6:00 p.m./Council Chambers/Freeport City Hall
March 23, 2017 Agenda

I. Meeting Called to Order
II. Invocation and Pledge of Allegiance
III. Recognition of Guests
IV. Approval of Consent Agenda
A. Finance
1. Pay All Bills in Order **TAB 1**
V. Consideration of Additions/~~Deletions~~ to Agenda
VI. Approval of Agenda with Additions/~~Deletions~~
VII. Staff Reports
A. City Clerk Matters
1. Facility Dude Work Order Software Agreement **TAB 2**
B. Planning & Zoning Dept.
1. Recreation Board Appointment
C. Legal Matters
D. Parks Dept.
E. Engineering
1. Engineering Update Report
2. Madison Street Drainage Work
F. Water Dept.
G. Sewer Dept.
VIII. Old Business
IX. New Business
A. Resolution Opposing HB 17 SB 1158 – Preemption of Local Government Authority **TAB 3**
B. Mayor Russ Barley
1. Waiver of Fees for Old City Hall – Boy Scouts
2. City Pool
C. Councilwoman Brannon
1. Legislative Matters
D. Councilwoman Cuchens
E. Councilman Farris
F. Councilwoman Laird
G. Councilwoman McLean
X. Public Comment
XI. Adjournment

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).

FREEPORT, FL

*Check Detail Register©

Tab 1

March 16-17

			Check Amt	Invoice	Comment
10101 Payables					
Paid Chk# 027103	3/16/2017	**CHELCO**			
E 001-510-48000	Donations		$100.00	GOLF TOURN	HOLE SPONSOR
		Total CHELCO	$100.00		
Paid Chk# 027104	3/16/2017	**Chevron U.S.A., Inc.**			
E 420-535-45210	Gas & Oil		$59.71	49856668	SEWER FUEL
		Total Chevron U.S.A., Inc.	$59.71		
Paid Chk# 027105	3/16/2017	**City of Freeport**			
E 410-533-44300	Utilities		$34.48	MARCH BILLS	#2381
E 001-510-44300	Utilities		$103.88	MARCH BILLS	#2720
E 001-572-44300	Utilities		$34.00	MARCH BILLS	#3338
E 001-572-43050	Community Center Operations		$35.10	MARCH BILLS	#4296
E 001-541-44300	Utilities		$19.00	MARCH BILLS	#4812
E 001-572-46355	Heritage Museum Operations		$34.00	MARCH BILLS	#5070
E 001-571-43000	Operating Expense		$38.62	MARCH BILLS	#5144
E 420-535-44300	Utilities		$46.38	MARCH BILLS	#5566
E 001-572-46360	Blount House Operations		$28.40	MARCH BILLS	#5673
E 001-510-44300	Utilities		$35.02	MARCH BILLS	#5864
E 001-572-46365	Freeport Regional Sports Comp		$59.05	MARCH BILLS	#5878
E 001-572-46365	Freeport Regional Sports Comp		$29.01	MARCH BILLS	#5880
E 001-572-46345	Casey Park & Pool Complex		$551.53	MARCH BILLS	#8719
E 420-535-44300	Utilities		$26.88	MARCH BILLS	#10179
E 001-572-46345	Casey Park & Pool Complex		$19.00	MARCH BILLS	#11642
		Total City of Freeport	$1,094.35		
Paid Chk# 027106	3/16/2017	**CRC DATA TECHNOLOGIES**			
E 001-510-46400	Capital Outlay		$1,875.00	76063	NEW COMPUTER
E 001-510-46400	Capital Outlay		$115.00	76087	SAMSUNG 850 EVO
		Total CRC DATA TECHNOLOGIES	$1,990.00		
Paid Chk# 027107	3/16/2017	**EXXON**			
E 001-572-43000	Operating Expense		$83.56	48815738	PARKS FUEL
E 410-533-45210	Gas & Oil		$1,064.46	48815738	WATER FUEL
E 420-535-45210	Gas & Oil		$817.46	48815738	SEWER FUEL
		Total EXXON	$1,965.48		
Paid Chk# 027108	3/16/2017	**GOMILLION ELECTRIC & CONSTR**			
E 001-572-46365	Freeport Regional Sports Comp		$3,680.00	3082017	32 LIGHT POLE FUSES
		Total GOMILLION ELECTRIC & CONSTR	$3,680.00		
Paid Chk# 027109	3/16/2017	**GOULD, BRANDON**			
E 001-572-46365	Freeport Regional Sports Comp		$871.91	1031	FINAL PAY/DISC GOLF SIGNS
		Total GOULD, BRANDON	$871.91		
Paid Chk# 027110	3/16/2017	**HIGHLAND PRODUCTS GROUP, LLC**			
E 001-572-46400	Capital Outlay		$13,657.32	103008905	BENCHES DEL 3/14/17
		Total HIGHLAND PRODUCTS GROUP, LLC	$13,657.32		
Paid Chk# 027111	3/16/2017	**MOUNT, DEBORAH**			
E 001-510-43130	Outside Labor & Services		$100.00	MARCH15	SECURITY CC 3/15/17
		Total MOUNT, DEBORAH	$100.00		
Paid Chk# 027112	3/16/2017	**QUILL**			
E 001-510-45100	Office Supplies		$54.90	8016	A-Z TABS-GRANTS
E 001-510-45100	Office Supplies		$35.19	8017	POCKET FILES
		Total QUILL	$90.09		

FREEPORT, FL

*Check Detail Register©

March 16-17

		Check Amt	Invoice	Comment
Paid Chk# 027113	3/16/2017 **Terminix Pest Control**			
E 420-535-44600	Bldg Maint & Furniture	$35.00	363021477	PEST CONT SEWER
	Total Terminix Pest Control	$35.00		
Paid Chk# 027114	3/16/2017 **The Water Spigot, Inc.**			
E 410-533-43135	Outside Lab Services	$100.00	17-0767	WATER SAMPLING
E 410-533-43135	Outside Lab Services	$220.00	17-0846	WATER-COLIFORM
E 412-534-43135	Outside Lab Services	$80.00	17-0846	NB-COLIFORM
	Total The Water Spigot, Inc.	$400.00		
Paid Chk# 027115	3/16/2017 **VERIZON**			
E 001-510-44100	Telephone Expense	$263.19	9781573627	ADMIN
E 001-572-44300	Utilities	$99.32	9781573627	PARKS & REC
E 410-533-44100	Telephone Expense	$775.12	9781573627	WATER
E 420-535-44100	Telephone Expense	$716.30	9781573627	SEWER
	Total VERIZON	$1,853.93		
Paid Chk# 027116	3/16/2017 **WALTON CONSTRUCTION SERVICE**			
E 410-533-43135	Outside Lab Services	$504.00	2017/0022	65 CREEKVIEW
E 410-533-43135	Outside Lab Services	$780.00	2017/0023	LOT 11 BAYGROVE RD
E 410-533-43135	Outside Lab Services	$900.00	2017/0024	88 WATERVIEW COVE
	Total WALTON CONSTRUCTION SERVICE	$2,184.00		
Paid Chk# 027117	3/16/2017 **WINDSTREAM (ALL TEL LONG DIST)**			
E 420-535-44100	Telephone Expense	$19.98	MARCH 2017	011011984
E 412-534-44300	Utilities	$9.73	MARCH 2017	011334270
E 410-533-44100	Telephone Expense	$9.72	MARCH 2017	010310357
	Total WINDSTREAM (ALL TEL LONG DIST)	$39.43		
	10101 Payables	$28,121.22		

Fund Summary

10101 Payables	
001 General Fund	$21,922.00
410 Water Fund	$4,387.78
412 North Bay Water Fund	$89.73
420 Sewer Fund	$1,721.71
	$28,121.22

February 08, 2017

Tab 2

Becky Podraza
City Clerk 2016
City Of Freeport
P.O. Box 339
Freeport, FL 32439-0339

Dear Becky,

Thank you for your interest in our affordable suite of powerful, easy-to-use online tools and services that allow you to save money, increase efficiency, and improve services. We are dedicated to providing best in class solutions with top notch support and training. Our additional services are designed to help you maximize the value of your investment.

Item	Term	Pricing Based On	Investment
Mobile311 - 1 division	7 months	1,787 Population	$981.23
Mobile311 - 1 division QuickStart	One-Time[]	1,787 Population	$592.20
		Investment:	**$1,573.43 USD**
Pricing for the first renewal term is $1,682.10			

Quick Start

Online support and training is standard with each subscription and includes:

QuickStart is our product implementation service to accelerate time to value. A Dude Client Advisor provides the guidance you need to ensure a smooth transition and boost user adoption. This service includes goal setting, timeline planning, and online training sessions.

Support

- A live representative is happy to help Monday to Friday, excluding holidays, 8am - 6pm ET. After hours inquiries will be responded to the next business day.
- Send us an email – we answer 99% of our support emails within 1 hour.
- Reach us instantly through our software with live chat!
- Best practices webinars and podcasts which share new trends, popular reports, and tips.
- Training review webcasts are a great resource for clients who need a refresher after their initial training , or for new employees that could benefit from a training session.

Terms of Service:

- Proposal has been prepared for City Of Freeport
- Proposal expires in 60 days
- Initial Term: 7 months
- Payment: Terms are net 30 days
- Automatic invoicing of annual fee will occur at the end of each term unless request for non-renewal is received in writing 30 days prior to renewal date.
- Applicable sales taxes are in addition to the quoted price. If your organization is tax exempt, please email a copy of your Tax Exemption Certificate to accounting@dudesolutions.com (mailto:accounting@dudesolutions.com).
- Please address purchase order to: Dude Solutions, 11000 Regency Parkway, Suite 110, Cary, NC 27518
- Dude Solutions, Inc. maintains the necessary liability coverage for their products and services. Proof of insurance can be provided upon request.
- Pricing is based upon Dude Solutions, Inc. standard online subscription agreement (http://dudesolutions.com/terms)
- Although the terms of this document control, all other conditions of use can be found at: http://dudesolutions.com/terms (http://dudesolutions.com/terms)

(http://dudesolutions.com/terms)

(http://dudesolutions.com/terms)

Signature

Presented to:

Q-08118
February 08, 2017, 3:09:17 PM

Accepted by:

Printed Name

Signed Name

Title

Date

Operate With Efficiency & Confidence.

City of Freeport FL

Presented by: Brian Smith (Account Representative)

www.dudesolutions.com

Dude Facts:

- Founded in 1999
- 9,000+ organizations
- 450 + Employees based in Cary, NC
- 5.5 Billion ft^2 facilities managed
- 3M users in active accounts
- Award-Winning Support

What's Included:

- Unlimited Users (no license)
- Implementation Training
  - Unlimited Sessions
  - Individual and Team trainings
- Lifetime Unlimited Support
  - Talk to a LIVE person when you call in for support
  - On-line chat with technicians
  - E-mail questions
- FacilityDude's Online Resources

KEY BENEFITS

- *Affordable*
- *Easy to Use*
- *Maintenance-Free*
- *Reliable*

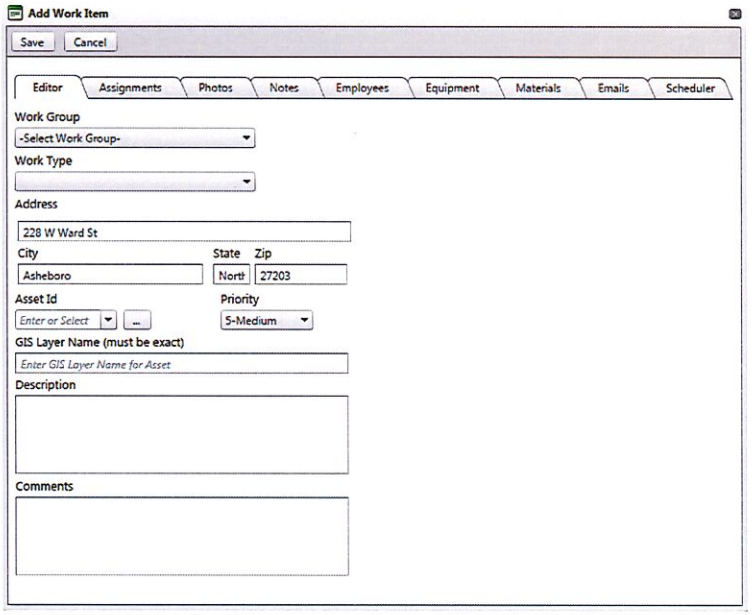
DUDE SOLUTIONS

www.dudesolutions.com

Mobile311:

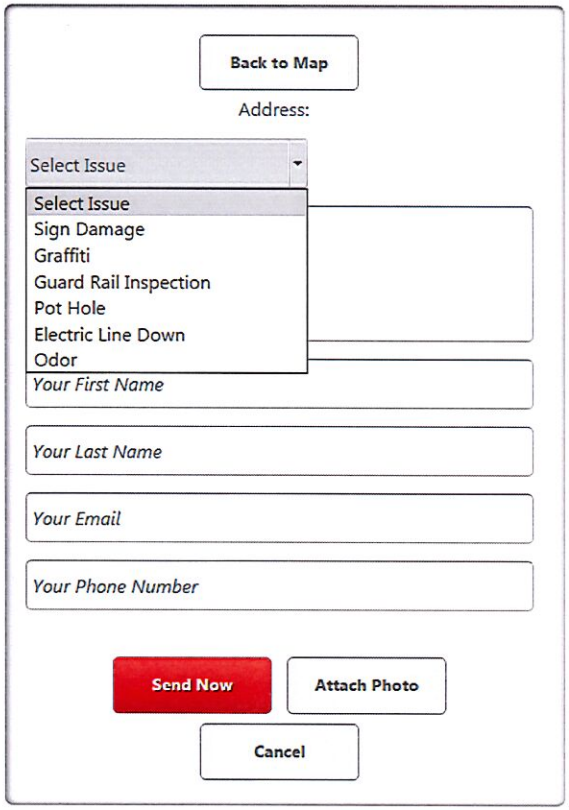
- Quickly pinpoints areas with recurring issues
- Allows you to analyze and prioritize new, in-progress and completed work
- Easily generate reports with a click of a button
- Manage all work orders and requests across multiple departments/divisions in one place

Work Order Form:



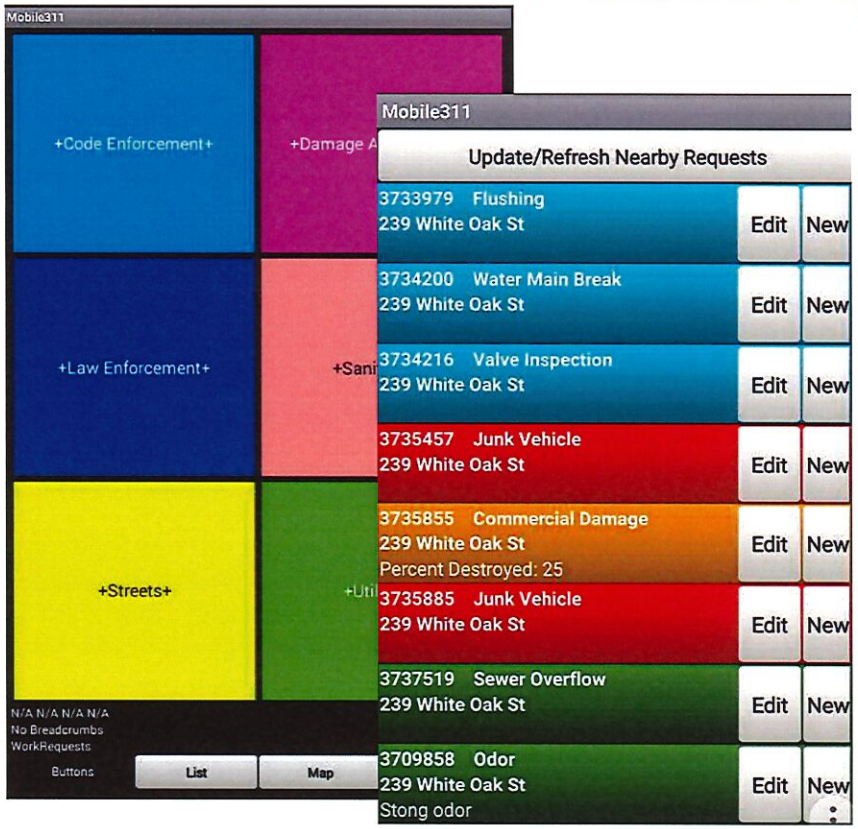
- Easy to use
- All information entered on the form is reportable
- Automatically time stamped when request is created and completed.

Citizen Portal:



- Easy to use
- Accessed through the Town's website
- Customizable list of issues for citizens to select
- Email notifications to team when new requests are submitted
- Automatic notifications back to citizen when requests are updated and completed

Mobile Application:



- Creates a work order with a click of a button
- Allows communication to and from the field with real-time notifications for new, in-progress and completed work
- Captures photos and attaches them to work requests
- Compatible with Apple and Android mobile devices and tablets.

Tab 3

ORDINANCE ~~2016~~ 2017 - 03

AN ORDINANCE OF THE CITY OF FREEPORT, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON GROWING, CULTIVATION, PROCESSING, MANUFACTURING, DISPENSING, DISTRIBUTION, AND WHOLESALE AND RETAIL SALE OF MEDICAL CANNABIS, LOW-THC CANNABIS, AND DERIVATIVE PRODUCTS, OR ANY RELATED ACTIVITIES; ESTABLISHING A TEMPORARY MORATORIUM ON THE OPENING, RELOCATION, OR EXPANSION OF ANY MEDICAL MARIJUANA DISPENSING FACILITY WITHIN THE INCORPORATED AREAS OF FREEPORT, FLORIDA; DIRECTING CITY STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT REGULATIONS AND OTHER RECOMMENDATIONS REGARDING SUCH CANNABIS-RELATED ACTIVITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2014 the Florida Legislature enacted the Compassionate Medical Cannabis Act, codified at Section 381.986, Florida Statutes (the "Compassionate Use Act"), which legalized the cultivation, processing, and dispensing of "Low-THC Cannabis," as defined by Section 381.986(1)(e), Florida Statutes, by a licensed dispensing organizing for "Qualified Patients," as defined by Section 381.986(1)(h); and

WHEREAS, in 2016 the Florida Legislature amended the Right to Try Act, codified at Section 499.0295, Florida Statutes, which amended the Compassionate Use Act and legalized the cultivation, production, and dispensing of "Medical Cannabis," as defined by Section 381.986(1)(f), Florida Statutes, and derivative products by a licensed dispensing organization to "Eligible Patients," as defined by Section 499.0295, Florida Statutes; and

WHEREAS, the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of and other permitting requirements that do not conflict with state law or department rule for dispensing facilities of cannabis businesses may be determined by local ordinance; and

WHEREAS, cannabis businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

WHEREAS, the dispensing of cannabis is currently illegal under federal law and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state regulated cannabis operations in the 2012 "Cole Memorandum," and;

WHEREAS, in November of this year, Florida voters decided to amend the Florida Constitution to legalize the cultivation, production, and dispensing of medical cannabis for a broader population of eligible patients; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensing of cannabis products are rapidly changing – raising substantial questions about whether cannabis-related land uses, as a category of commercial use, may have deleterious and negative secondary effects on surrounding land uses and communities; and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on Medical Cannabis Activities, as defined herein, for a period of time reasonably necessary for the City to determine the best way to regulate Medical Cannabis Activities for the benefit of the public health, safety, and welfare and to promulgate reasonable regulations relating to such activities if deemed advisable by the City; and

WHEREAS, the City Council hereby finds that the temporary moratorium imposed by this ordinance is intended to give the City the time reasonably necessary to investigate the impacts of cannabis-dispensing facilities, and if necessary, to promulgate reasonable regulations relating to such establishments; and

WHEREAS, the City hereby finds that this ordinance advances an important government purpose by reducing the likelihood of the unregulated negative secondary effects of Medical Cannabis Activities; and

WHEREAS, the City has determined it is in the best interest of the public to adopt this ordinance to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FREEPORT, FLORIDA, THAT:

Section 1. Findings of fact.

The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

Section 2. Definitions.

a. **Derivative Product** means any form of cannabis suitable for administration to or consumption or use by a Qualified Patient, Eligible Patient, or any other similarly situated individual.

b. **Dispensing Facility** means any facility where Derivative Product is dispensed at retail.

c. **Low-THC Cannabis** means a plant of the genus *cannabis,* the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted

from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin.

d. **Medical Cannabis** means all parts of any plant of the genus *cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

e. **Medical Cannabis Activities** means, without limitation, the growing, cultivation, processing, manufacturing, dispensing, distribution, and wholesale and retail sale of Medical Cannabis, Low-THC Cannabis, and Derivative Products, or any subset of such activities, or any related activities.

Section 3.Temporary Moratorium.

Beginning on the effective date of this Ordinance and continuing for a period of 240 days, or less if provided by an ordinance by the City Council, a moratorium is hereby imposed on the opening, relocation, or expansion of any Dispensing Facility within the incorporated areas of the City of Freeport, Florida, including but not limited to Dispensing Facilities owned or operated by an approved dispensing organization under Section 381.986, Florida Statutes. In addition, the moratorium is hereby imposed upon all Medical Cannabis Activities by any person or entity that is not an approved dispensing organization under Section 381.986, Florida Statutes, except where inconsistent with Florida law.

Section 4. Study and Recommendations.

During the moratorium period described in Section 3 of this ordinance, City staff, including Planning Department staff, are hereby directed to study Medical Cannabis Activities and their impact on the health, safety, and welfare of residents and businesses located within the City, and to develop and recommend land development regulations for Medical Cannabis Activities in the incorporated areas of the City, and any other relevant regulations and recommendations, with such recommendations and proposed regulations being delivered to the City Council within a reasonable time before the expiration of this moratorium.

Section 5. Penalties.

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the penalties as prescribed in the Freeport Code and/or as provided by law.

Section 6. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 7. Codification.

It is the intention of the City Council of the City of Freeport, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Freeport, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

Section 8. Effective Date.

This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED on this_____day of_____, 2017.

ATTEST:

_____

City Clerk

CITY OF FREEPORT, FLORIDA

_____

Mayor

Approved as to Form:

_____

Clay B. Adkinson, City Attorney

Tab 3

RESOLUTION NO. 2017-____

A RESOLUTION OF THE CITY COUNCIL OF FREEPORT, FLORIDA, ENCOURAGING MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HB 17 AND SB 1158 WHICH WOULD PREEMPT LOCAL GOVERNMENT HOME RULE AUTHORITY AND THREATEN THE EXISTENCE OF NUMEROUS AND WIDE-RANGING REGULATIONS CURRENTLY IN EFFECT IN THE CITY UNLESS SUCH REGULATIONS ARE EXPRESSLY AUTHORIZED BY GENERAL LAW; AND AUTHORIZING TRANSMISSION OF THE RESOLUTION TO THE WALTON COUNTY LEGISLATIVE DELEGATION, THE FLORIDA ASSOCIATION OF COUNTIES, AND OTHER INTERESTED PARTIES.

WHEREAS, prior to 1968, Florida counties and municipalities could exercise only those powers specifically granted by the Florida Legislature; and

WHEREAS, due to the inability of counties and municipalities to act without specific legislative authorization, in 1967 alone, the Florida Legislature enacted 1,125 special or local laws; and

WHEREAS, in 1968, Florida voters amended the state constitution to confer upon charter counties broad "home rule" powers and further authorize the Legislature to grant such home rule powers to non-charter counties and municipalities as well; and

WHEREAS, as a charter city, City of Freeport's home rule authority flows directly from Article VIII, Section 1(g), of the Florida Constitution, pursuant to which the City is expressly granted "all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors," and may further "enact city ordinances not inconsistent with general law"; and

WHEREAS, HB 17, if enacted, would prohibit counties and municipalities from adopting or imposing new regulations on a business, profession, or occupation not expressly authorized by general law and require the repeal of existing regulations; and

WHEREAS, SB 1158, if enacted, would preempt the City's authority to adopt and enforce regulations relating to commerce, trade, or labor unless expressly authorized by law, and further prohibits any local regulation having an adverse impact on economic growth, business competitiveness, and productivity; and

WHEREAS, HB 17 and SB 1158 represent the antithesis of the home rule concept, pursuant to which the City has creatively solved problems and addressed local issues and concerns unique to the City and its residents; and

WHEREAS, the enactment of HB 17 and/or SB 1158 would impact the validity and enforceability of numerous existing City regulations that are not expressly authorized by general law but rather have been enacted pursuant to the City's home rule authority, including but not limited to ordinances, comprehensive plan provisions, resolutions, and other regulations pertaining to: building height, density, lot occupancy, and other land development standards and restrictions; signage; noise; landscaping; the operation of adult entertainment establishments; the location of businesses selling alcoholic beverages; home businesses; property maintenance standards and requirements; the storage of commercial vehicles in residential neighborhoods; the preparation and review of commercial site plans; prohibitions against nuisance accumulations; the location of gas stations and wireless communications facilities; grease management requirements for food establishments; hydraulic fracturing; utilities; special events; and live entertainment; and

WHEREAS, in the event the City is unable to regulate these and other matters of local importance, the burden and responsibility for addressing such issues would shift back to the Florida Legislature, a 160 member body that is constitutionally focused on matters of State-wide importance, which meets only once a year for 60 days, and is located outside the geographic limits of the City of Freeport, making it difficult for local citizens to effectively petition the Florida Legislature for change; and

WHEREAS, the City Council of the City of Freeport, FL strongly believes that opposing HB 17 and SB 1158 is in the best interest of City residents and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, FLORIDA:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. OPPOSITION OF HB 17 AND SB 1158. The City Council of the City of Freeport ("Council") hereby expresses its opposition to HB 17 and SB 1158 and respectfully encourages all members of the Florida Legislature to oppose such bills.

SECTION 3. TRANSMISSION. The Council hereby directs the transmission of a certified copy of this Resolution to the County Legislative Delegation, the Florida Association of Counties, and any other interested parties, as City staff may determine.

FREEPORT CITY COUNCIL
OF THE CITY OF FREEPORT, FLORIDA

_____

Mayor Russ Barley, Mayor

ATTEST:

_____

Rebecca Podraza
City Clerk