

City of Freeport
REGULAR COUNCIL MEETING MINUTES
May 12, 2015

I. Meeting Called to Order

The May 12, 2015 Freeport City Council Regular Meeting was called to order by Mayor Russ Barley at 7:01 pm. The meeting was held in Council Chambers of the Freeport City Hall.

Council members present: Mayor Russ Barley, Councilman Eddie Farris, Councilwoman Kasey Cuchens, Councilwoman Elizabeth Brannon and Councilwoman Janice McLean. (Councilwoman Jennifer Laird was absent)

Staff present: City Clerk Gary Mattison, City Planner Latilda Hughes-Neel and Parks Director Dana Weiler.

II. Invocation and Pledge of Allegiance

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

III. Recognition of Guests –none present

IV. Approval of Past Minutes (Action Requested)

- 4/14/15 RCM

Council Action: Councilwoman Cuchens motioned to approve the 4/14/15 Regular Council Meeting Minutes as presented. Councilwoman Brannon seconded the motion. All ayes; motion carried.

- 4/23/15 WS – Vision Statement

Council Action: Council Action: Councilwoman Cuchens motioned to approve the 4/13/15 Workshop Minutes as presented. Councilwoman Brannon seconded the motion. All ayes; motion carried

- 4/23/15 RCM

Council Action: Councilwoman Cuchens motioned to approve the 4/23/15 Regular Council Meeting Minutes as presented. Councilwoman Brannon seconded the motion. All ayes; motion carried

V. Consideration of Additions/Deletions to Agenda

City Clerk Mattison: 1) Update – Freeport Community Center Bid Process

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2) Advertise Bids for Lift Stations

Councilwoman Cuchens: Heritage Center Volunteers
Councilman Farris: Information from Patrick Pilcher

VI. Approval of Agenda with Additions/Deletions

Council Action: Councilwoman Brannon motioned to approve the revised agenda with additions. Councilman Farris seconded the motion. All ayes; motion carried.

VII. Staff Reports

A. City Clerk Updates

1. Submission of Expenditure Data (**Approval Requested**)(attached)

Council Action: Councilwoman McLean motioned to approve as presented. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

2. Pay All Bills in Order (**Approval Requested**)

Council Action: Councilman Farris motioned to pay all bills in order. Councilwoman McLean seconded the motion. All ayes; motion carried.

3. Year to Date Budget (Information Only/No Action)

4. Submission of Fire Assessment Estimates (Information Only/No Action)
(attached)

City Clerk Mattison presented the estimate of the fire assessment for 2015:
\$149,357.57.

5. Recommendation on Performance Review/Salary Review – Parks & Recreation
Director (**Action Requested**)

- 1) Performance Review

City Clerk Mattison informed the Council that he had conducted a performance evaluation for Dana Weiler and found her work to be very satisfactory. He requested that her employment status be changed from probationary to regular employment.

Council Action: Councilman Farris motioned to change Weiler's employment status from probationary to regular employment. Councilwoman Brannon

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seconded the motion. All ayes; motion carried.

2) Salary Review

City Clerk Mattison recommended to the Council that Weiler's salary be adjusted from \$35,000 annually to \$38,000.

Council Action: Councilwoman Brannon motioned to approve the salary adjustment. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

6. 5/11/15 Workshop Review

City Clerk Mattison stated that the 5/11 workshop had been productive; staff had received a lot of input.

a. Staffing

City Clerk Mattison requested that the City Council establish a Utility Superintendent position. He presented the Council with a proposed job description (attached). The position would be over all utility departments (sewer/water/roads) and be in charge of directing, budgeting, planning and oversight of contractors/development inspection and managing the Sensus meter installation. The Utility Superintendent would be responsible for training/retraining billing staff, and other utility employees. The suggested salary was \$65,000 annually.

Council Action: Councilwoman Brannon motioned to advertise for a Utility Superintendent with the job description provided with a salary of \$65,000. Councilwoman McLean seconded the motion. All ayes; motion carried.

b. Work Hours

City Clerk Mattison stated that in all the cities surveyed as part of the Sensus Meter research, the billing department employees worked a 5-day week instead of a 4-day week. Mattison stated that in the City's Billing Dept. which is on a 4-day work-week schedule 55-60% of the time, only one employee is working. Mattison requested approval from the Council to re-evaluate the work hours of the Billing Dept. and make changes if necessary. Councilwoman Cuchens asked if the Billing Dept. was the only department that needs reviewing. Mattison stated that all dept. should be reviewed.

Council Action: Councilwoman Cuchens motioned to approve the City Clerk to

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evaluate the work hours of all departments and make changes if necessary. Councilwoman Brannon seconded the motion. There were 3 (three) votes for the motion (Cuchens/Brannon/Farris) and 1 (one) vote opposing the motion (McLean). Motion carried.

7. 2nd Reading/Internal Rate Issues (**Approval Requested**)

City Clerk Mattison presents revised internal rates (attached).

Council Action: Councilwoman McLean motioned to approve except for the fire hydrant fee change. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

B. Planning & Zoning Dept.

1. Clary-Glenn Funeral Home and Crematorium (Information Only/No Action)

City Planner Hughes-Neel stated that she had no action items for the Council; the project information in the council packets was for information only.

Councilwoman Cuchens requested clarification of the procedure afforded to Clary Glenn Funeral Home and Crematorium. Cuchens stated that she had received several inquiries regarding this project being on the agenda, because it was on the Planning Board agenda last week and a sign is posted on the property stating the dates and times of the meetings. Cuchens requested information on why the project is not on the agenda as an action item and why it wasn't reviewed by the Planning Board. City Attorney Adkinson stated that the Council approved it 4:1 in January. There was no need for it to go to the Planning Board. Councilwoman Cuchens stated that her understanding of the actions taken on January 13, 2015 was that the Council did approve an accessory use; she asked Attorney Adkinson if by approving the accessory use, they approved the development. Attorney Adkinson confirmed that they approved the development; that the crematorium could be an accessory use to the funeral home. They need to meet city regulations in terms of development and construction, but it would not be a Planning Board issue, because the Council already approved the use. Attorney Adkinson went on to say that if the Planning Board reviewed the project and came up with a different conclusion, they would put the City at risk. Councilwoman Cuchens stated that she had listened to the recording of the meeting and she didn't hear anything that implied that it was a development order approval. Cuchens stated that she was trying to find out why the project came before the Planning Board and was back on the City Council Agenda. Cuchens stated that the Council needs to understand what was done and make sure the public understands the procedure that was utilized. The project was advertised by public notice that the

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project would be heard at two separate meetings; since the meetings have been determined to be unnecessary, an explanation is needed

City Planner Hughes-Neel offered the following explanation regarding procedure: “The advice I received from Clay Adkinson in the minutes just prior to the Planning Board meeting was that no further board review was necessary for an accessory use. My understanding from the meeting on January 13 was that the Council made a land use determination that a crematorium could be placed in the C-2 zoning category. It was established (in the meeting with Clay Adkinson) that because the Council approved the crematorium as an accessory use, they would receive an administrative review in terms of parking, engineering, etc. and would not need to be reviewed at additional public hearings. I did not know that and I was processing the project the same way we process all minor and major developments. We have never had a situation like this before in the City. In talking with Clay regarding the notices posted, we determined the best solution was to show it to both boards as information only. In the future, as I understand the process from my meeting with Clay Adkinson, if a project comes in that meets the definition of an accessory use, I should immediately contact the city attorney and get a legal determination and process the project administratively. The definition of accessory use is very clear; an accessory use to an existing use located in the rear yard and less than 25% of the rear yard. The crematorium meets that definition.”

City Attorney Adkinson stated that he though the Council needs to determine it to be an accessory use; that once the Council makes the determination, staff would process the project administratively. City Planner Hughes-Neel stated that she would follow that procedure and make sure to remind the Council that a determination of accessory use would allow the project to proceed administratively.

Councilwoman Cuchens committed to reviewing the tape again from the January 13th meeting. Councilwoman McLean asked Attorney Adkinson if the situation would slow down the crematorium.

City Planner Hughes-Neel stated that the project had met all the technical requirements of the Land Development Code and that she could start processing the development order the following day.

Councilwoman Brannon questioned Planner Hughes-Neel about the public notice; she asked if the crematorium required certified notice as a major development. Hughes-Neel stated that the crematorium was a minor development because it was less than 20,000 square feet of building and the property area is less than 5 acres; therefore certified notice of property owners was not required.

C. Legal Matters

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1. Larry Hipsh/Black Creek

City Attorney Adkinson presented background on the Hipsh request for a refund of 1.5 million dollars in sewer/water tap/impact fees associated with the Black Creek Town Center development. Adkinson stated that there is a binding developer's agreement in place and he does not agree that a refund is due. With approval from the Council, he will continue to deny the refund.

Council Action: Councilwoman Brannon motioned to approve the City Attorney to continue to deny a refund to Hipsh. Councilwoman McLean seconded the motion. All ayes; motion carried.

D. Parks Dept.

1. Pool Fees (**Approval Requested**)

Parks Director Weiler requested approval of revised pool fees (attached)

Council Action: Councilman Farris motioned to approve the revised pool fees as presented. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

E. Engineering

1. City Engineer Updates

City Clerk Mattison presented updates under VII.A.8 and VII.A.9.

a. Update – Freeport Community Center Bid Process

City Clerk Mattison presented a summary of the bid process schedule for the Freeport Community Center Repair/Expansion as an informational item.

b. Advertise Bids for Lift Stations (**Action Requested**)

City Clerk Mattison requested approval for the City Engineer to go out for bids for the repairs on 7 (seven) city lift stations.

Council Action: Councilwoman McLean motioned to approve the City Engineer to go out for bids for the repairs on 7 (seven) city lift stations. Councilwoman Brannon seconded the motion. All ayes; motion carried.

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2. Praestare Contract Update

City Clerk Mattison updated the Council on the status of the City's contract with Praestare Engineering. Mattison stated that the financial information requested had been provided and appeared to be in order. A meeting was set for the following week. The remaining month of the contract schedule would be used to close out the project.

F. Water Dept.

1. Consider Request for Bids – Water Meter Installation/North Bay System (**Action Requested**)

City Clerk Mattison presented this item. Mattison informed the Council that 150 of the Sensus Meters were in the ground. 800 remain to be installed. Mattison requested permission to go out for bids for the remaining installation.

Council Action: Councilwoman Brannon motioned for the Sensus Meter installation to go out for bid. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

G. Sewer Dept. - none

VIII. Old Business - none

IX. New Business

A. Mayor Russ Barley – none

B. Councilwoman Brannon

1. Legislative Matters

Councilwoman Brannon gave a summary of League of City Activities:

Last Friday evening was the Northwest Florida league of Cities Summer Dinner; over 180 elected officials present. Congressman Jeff Miller attended. Activities began that morning with the 5K Run followed by a golf tournament. All proceeds went to benefit the "Building Homes for Heroes Foundation." Over \$2,500 was raised. NWFLC goals met for the year: obtained 3 new sponsors; 3 new cities joined; above 90% membership for the NWFLC area. Ruth Sikes was installed as President. Councilwoman Brannon will remain on the board for another year as

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past-president. Councilwoman Brannon spoke positively of her experience on the NWFLC Board. Next NWFLC meeting is June 18th; strategic planning workshop all day followed by the meeting at 5:00 and dinner at 6:00. It will be held in Mary Esther. Florida's 2015 legislative session: complete except for the special session in June to work on the budget. The water bill did not pass. Councilwoman Brannon stated she was still hoping for the Muskogee Water Project – still on the radar of a few people in Tallahassee. Brannon will make the final written report for the FLC available when it's done.

Councilman Farris thanked Councilwoman Brannon for the great job she did representing the City at the Northwest Florida League of Cities as President.

Councilwoman Brannon added that the City consulting engineering firm Preble Rish won the "Corporate Sponsor of the Year" award at the NWFLC Summer Dinner.

C. Councilwoman Cuchens

1. Travel policy – Council/Mayor/Staff

Councilwoman Cuchens stated that the City has a travel policy in place, but in her opinion, it was weak. Cuchens stated that she would like to see a travel policy that covers the mayor, council and staff, with a process for approving travel for staff and the council. Cuchens suggested having a workshop to discuss.

2. Charter

Councilwoman Cuchens asked about the status of revising the City Charter and if it could be prioritized. City Clerk Mattison will follow up with the Florida League of Cities.

3. Referendum for Non-Voting Mayor

Councilwoman Cuchens requested the status of her request that the City hold a special election for the voters to consider having a non-voting mayor. Mayor Barley stated that in his opinion it would be a waste of money. He referred to the recent referendum in DeFuniak Springs and stated that the article Mayor Campbell had placed in the local paper explained the issue very well and the referendum failed miserably. Councilwoman Cuchens stated that her intent was not to waste money; she had hoped to be able to work directly with the Mayor without violating the Sunshine Law.

City Attorney Adkinson stated that the City could adopt an ordinance for a referendum at the next general election.

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Council Action: Councilwoman Cuchens motioned for the City Attorney to prepare an ordinance for the referendum for a non-voting mayor for the next city general election. Councilwoman McLean seconded the motion. All ayes; motion carried.

4. RESTORE projects

Councilwoman Cuchens stated that a workshop needed to be set just for RESTORE funding projects.

Council Action: Councilwoman Cuchens motioned to set the following workshops:

- Wednesday May 20, 2015 12:00 noon
 - Strategic Plan
 - Financial Planning
 - Staffing
 - Sensus Meters
- Thursday May 28, 2015 6:00 pm
 - Capital Improvements Plan
- Tuesday June 9, 2015 6:00 pm
 - Strategic Plan
- Thursday June 25, 2015 6:00 pm
 - Strategic Plan

Councilwoman McLean seconded the motion. All ayes; motion carried

Councilwoman Cuchens stated that she would be ready to set a date for the RESTORE workshop at the next city council meeting.

5. Heritage Center Volunteers (Action Requested)

Councilwoman Cuchens reported to the Council that there were not enough volunteers to man the Heritage Center during its hours of operation. Cuchens praised the efforts of local volunteer Sandra Pugh and stated that the City needs to find another solution.

Council Action: Councilwoman Cuchens motioned to hire a temporary part-time city employee to operate the Heritage Center from June 1 – September 8, 2015, Thursday – Saturday from 12:00 noon-5:00 pm; employee to be paid minimum wage. The motion was seconded by Councilman Farris. All ayes; motion carried.

Councilwoman Cuchens remarked to the Council that Councilwoman McLean has a great “Save the Choctawhatchee River/Bay” meeting and expressed appreciation to Councilwoman McLean for her hard work. Councilwoman McLean gave a brief update and noted that the ACOE had sent a representative as guest speaker for the meeting.

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McLean also reported that the group had formed a committee, which Scott Brannon will chair. City Clerk Mattison commented that County Commissioner Bill Chapman attended the meeting.

D. Councilman Farris

1. Sewer/Water Rate Sheet Revision Handout

Councilman Farris requested that the current rate sheets that are being handed out to customers be re-typed and simplified, but reflecting the same rates currently adopted.

2. Informal Workshop with the County Commission

Councilman Farris requested that the City Council consider having a joint “meet and greet” type meeting with the other cities (DeFuniak Springs and Paxton) and the Walton County Commissioners. City Clerk Mattison will get with County Administrator Larry Jones and try to arrange a meeting

3. Update / Council on Aging

Councilman Farris reported to the Council that the Council on Aging’s Kick-Off Meeting would be in August at the Blount House. He also reported that Scott Brannon was a new board member.

4. Information from Patrick Pilcher

Councilman Farris distributed some numbers from the Property Appraisers Office (attached) with the following information:

- Properties receiving total exemption via total/permanent disability: 15
- Properties exempt via charitable/religious/governmental use: 48
- Properties totally exempt via Homestead exemption: 31

5. Operational Assessment for Water & Sewer Departments

Councilman Farris suggested that the city engineer Preble-Rish perform an operational assessment of the water and sewer departments; to include operations, staffing and training. Preble-Rish had also suggested that the City have CHELCO do an assessment to see how the departments could reduce power usage. Councilwoman McLean stated that she wanted to get CHELCO to release the City’s solar credit money. Councilwoman Cuchens stated that the new soon-to-be hired Utility Supervisor could do the assessment as a function of their position. Councilman Farris agreed. Councilwoman Cuchens also stated that the Rural Water Association would be providing classes over the next six months; the city has personnel that should

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probably attend.

E. Councilwoman Laird – not present

F. Councilwoman McLean

1. City Financial Information (**Approval Requested**)

- Co-Bank Membership

Councilwoman McLean stated that everything was in order for the Co-Bank refinance to be finalized. McLean asked Attorney Adkinson if he had talked to the bank. Adkinson stated that the problem was the Co-Bank membership; that if the City became members of Co-Bank, the membership fee is invested in stock and the City would be paid dividends from that stock. Adkinson stated that Florida Statutes prohibit municipalities from investing in stock. Adkinson has a call in to the League of Cities and suggested that the City may want to contact the Attorney General for an opinion, but it would take 30-90 days for a response.. Councilwoman McLean stated that the City did not have to become a member to get the refinance. Councilwoman McLean stated she would find out the legalities and bring the matter back to the Council.

- Loan Reserve Consolidation into 2 cds (information attached).

Councilwoman McLean explained the benefits of placing the reserves into two (2) cds (attached); the top 5 into one cd and the bottom 6 into another cd. Councilwoman Cuchens cautioned that the City needed good documentation McLean stated the City would earn more interest.

Council Action: Councilwoman McLean motioned to place reserves into 2 cds as outlined in McLean's memo. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

G. Brenda Osborne/Request to Display Artwork at City Hall (**Approval Requested**)

Brenda Osborne requested permission to display one of her paintings of the Freeport Area in the entranceway of Freeport City Hall. Osborne explained her position in a memo outline (attached).

The Council admired the painting that Osborne presented as a sample of her work.

Mayor Barley stated that the City had never gotten a request like this before. Mayor Barley went on to say that several people had mentioned "Art in Public Places" to him.

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Mayor Barley stated that his only concern was how many more people would want to come in and put up artwork in City Hall.

Councilwoman Cuchens asked Osborne if she was aware of the Art Co-op (Freeport Art League) that was being formed. Cuchens stated that she thought that would be a better avenue at this time; the City has many talented people who would want the same consideration and opportunity for their artwork. The Co-op (Freeport Art League) may be a better avenue because the City could work with a group instead of an individual and not be perceived as favoring one individual over another. Cuchens stated that her recommendation was for Osborne to join the Co-op Group (Freeport Art League) and work with that group.

Council Action: Councilwoman Cuchens motioned to deny Osborne's request. Councilwoman McLean seconded the motion. All ayes; motion carried.

X. Public Comment - none

XI. Adjournment

Mayor Barley called for a motion to adjourn. Councilwoman McLean motioned to adjourn. The meeting adjourned at 9:01 pm.

CITY OF FREEPORT

MAYOR

COUNCIL PRESIDENT

ATTEST:

CITY CLERK