

City of Freeport
July 23, 2015 REGULAR COUNCIL MEETING MINUTES

I. Meeting Called to Order

The July 23, 2015 Regular Council Meeting was called to order by Mayor Russ Barley at 7:03 pm. The meeting was held in the Council Chambers of Freeport City Hall.

Council members present: Councilwoman Kasey Cuchens, Councilwoman Janice McLean, Mayor Russ Barley, Councilwoman Elizabeth Brannon and Councilwoman Jennifer Laird.

Staff present: City Attorney Clay Adkinson, City Clerk Gary Mattison, City Planner Latilda Hughes-Neel, Parks Director Dana Weiler and City Engineer Anna Hudson.

II. Invocation and Pledge of Allegiance

The invocation was given by Councilwoman Cuchens, followed by the Pledge of Allegiance to the American Flag.

III. Recognition of Guests

Councilwoman Brannon introduced District 4 County Commissioner Bill Chapman, who stated that Councilwoman Brannon brought the health issues pertaining to the Coyote Landfill (abandoned) to Commissioner Chapman several months back. Commissioner Chapman got County Administrator Larry Jones involved and they had a meeting on-site with FDEP. Apparently the insurance company for the site has 1.2 million to close the landfill, but a conduit is required; an entity to take charge of the clean-up. The County stepped up to be the conduit; to hire the contractor to clean up the site, level the land and provide required 3/1 slopes. The contractor's engineer will work with the county's engineer. The clean-up should stop the odor and limit groundwater intrusion. Chapman stated that it will take 16-18 months to encumber the funds; the County will use as much in-house labor and materials as possible to make the money go further. Commissioner Chapman offered thanks and kudos to Councilwoman Brannon for bringing the matter to the County's attention. Mayor Barley and Councilwoman Cuchens also thanked Councilwoman Brannon for her attention to the matter. Councilwoman Brannon stated that she would like a formal thank-you letter sent to everyone involved in the process.

Councilwoman Cuchens introduced Billy Williams, County RESTORE Act Coordinator. Williams gave a brief update regarding the BP funding. The settlement published was still tentative. There are 500 claims between 5 states. The Florida Department of Economic Opportunity is Trustee for the funding. Originally Walton County was estimated to receive 60-70 million dollars, but that number is looking more like 37 million. The Restore Committee is looking at Pots 2 & 3. Something positive in the legislation; 75% of the RESTORE funds must go to the 8 affected counties; 15 payments over 18 years for economic damages. The RESTORE Committee is going back to the original game-plan. The Walton County BCC, on July 14th, voted to form a separate district of government; a

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vehicle to guide the economic future. The County wants the cities to join the County in “Team North Florida”.

The Council spoke generally in favor of the initiative. Attorney Adkinson stated that they would need a draft resolution or ILA (Interlocal Agreement). Staff will develop a draft resolution to be reviewed by the City Attorney and presented at the August 11, 2015 council meeting.

IV. Approval of Past Minutes (Action Requested)

- 7/14/15 FCC Workshop Minutes
- 7/14/15 FCC Regular Council Meeting Minutes

City Planner Hughes-Neel informed the Board that there were some last-minute revisions to the July 14, 2015 Regular Council Meeting Draft Minutes. Councilwoman Cuchens stated that she would prefer to have time to review the new draft and put off adopting them to the next meeting.

Council Action: Councilwoman Cuchens motioned to table the approval of the 7/14/15 FCC WS Minutes and the 7/14/15 FCC RCM Minutes until the August 11, 2015 council meeting. Councilwoman Laird seconded the motion. All ayes; motion carried.

V. Consideration of Additions/Deletions to Agenda

City Clerk Mattison:

- Under Mayor Barley/FDOT Debt Forgiveness Promissory Note (Action Item)
- Under Water Dept./North Bay Meter Installation Contract
- Under Engineering/Praestare Update
- Parks & Recreation/Kickball Program

City Planner Hughes-Neel:

- Under City Clerk/August-September Workshop –Special Meeting Dates

VI. Approval of Agenda with Additions/Deletions

Council Action: Councilwoman McLean motioned to approve the additions to the Agenda. Councilwoman Brannon seconded the motion. All ayes; motion carried.

VII. Staff Reports

A. City Clerk Matters

1. Expenditures (Information Only)

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City Clerk Mattison informed the Council that staff was working to get their arms around the billing system since the departure of the city book-keeper and that an expenditure list should be available soon.

2. Pay All Bills in Order (Action Item)

City Clerk Mattison requested a motion to pay all bills in order.

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

3. Personnel/Staffing (Information)

City Clerk Mattison informed the Council that they have received a number of applications for the Utility Supervisor position and for the Fiscal Services Clerk. The applications received are under review.

4. Workshop/Special Meeting Dates in August/September

Council Action: Councilwoman Cuchens motioned to set budget workshops at 6:00 pm on August 11 and August 27, 2015. Councilwoman McLean seconded the motion. All ayes; motion carried.

Council Action: Councilwoman McLean motioned to set a special meeting for the tentative millage rate and tentative budget on September 8 at 6:30 pm and a special meeting for the final millage rate and final budget on September 24, 2015. Councilwoman Laird seconded the motion. All ayes; motion carried.

B. Planning & Zoning Dept. / none.

C. Legal Matters

1. Shops of Freeport Easement Agreement

Council Action: general assent to have agreement in package for August 11 council meeting for review.

2. Code Violation Letters

Attorney Adkinson requested a motion to allow Adkinson Law Firm issue letters to property owners of three (3) code violations (Douglas/Frith/Shepard nuisance violation, Dollar General stormwater/parking lot code violation and Ferrell /setback violation) forwarded to the City Attorney for resolution.

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Council Action: Councilwoman Brannon motion for the City Attorney to proceed with letters to resolve the outstanding code violations specified. Councilwoman Laird seconded the motion. All ayes; motion carried.

D. Parks Dept.

1. Updates/Action Items (attached)

- Disc Golf Course Expansion (Action Item)

Parks Director Weiler asked to permission to expand the Disc Golf Course located within the Freeport Regional Sports Complex.

Council Action: Councilwoman Brannon motioned to approve the Disc Golf Course Expansion as presented. Councilwoman Laird seconded the motion. All ayes; motion carried.

- City Archery Program (Action Item)

Parks Director Weiler requested permission to move forward with establishing the Archery Program at the Freeport Regional Sports Complex.

Council Action: Councilwoman McLean motioned to give Parks Director Weiler permission to put a detailed program and site map together for implementation in the fall. Councilwoman Laird seconded the motion. All ayes; motion carried.

- City Soccer Program (Action Item)

Parks Director Weiler requested permission to establish a public-private partnership with Warner Soccer and the Florida Youth Soccer Association. The program will consist of clinics, training, games, another avenue for the area schools and travel/club soccer. The program is to be branded F.A.S.T. – Freeport Academy of Soccer and Training.

Council Action: general agreement for Parks Director Weiler to bring a formalized agreement back to the council after review by city attorney.

- City Pool Update (Information Only)

Parks Director Weiler updated the Council on the status of the City pool repairs.

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2. Emergency Management/MOU (Action Item)

Walton County Emergency Management Planner Donna Free addressed the Council to request that the area west of Winner's Circle in the Freeport Regional Sports Complex be used as an emergency management staging area in times of a "state of emergency" as designated by the Governor of Florida. Free presented a draft MOU (Memorandum of Understanding) to the Council for approval.

Councilwoman Brannon motion to approve the MOU with the following revisions; correct facility address to 665 Hammock Trail East and correct facility administrator to Russ Barley, Mayor. Councilwoman Laird seconded the motion. All ayes; motion carried.

3. Kickball Program (Action Item)

Parks Director Weiler requested permission to establish a Freeport Kickball program at Freeport Regional Sports Complex. The league would play on Sunday evenings and have tournament play.

Council Action: Councilwoman Cuchens motioned for Parks Director Weiler to bring back a formal agreement between the City of Freeport and 20A Kickball to the council for action. Councilwoman Laird seconded the motion. All ayes; motion carried.

Audience member Friday McCormick asked if the Freeport Regional Sports Complex plan had a skate-park located within it. City Planner Hughes-Neel confirmed that a skate-park was originally planned for the Regional Sports Complex. Parks Director Weiler stated that she continues to meet with local skateboarders, and their parents. Weiler stated that she was willing to get a skate-park established; the problem was that no one among the boarders could agree on how the skate-park should be developed. Weiler stated that she plans to redevelop the old batting cage property next to the City Pool into a skate-park. The concrete pad has slopes and electricity. Rails and benches need to be added. The next grant cycle for the skate-park grant is March of 2016.

E. Engineering

1. Engineering Updates

City Engineer Anna Hudson gave updates on the following projects:

- Business 331 Sewer Upgrades
- Freeport Legislative Appropriation Water Projects
- Lift Station Rehabilitation Projects
- Fluffy Landing

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- Planning Tasks
 - Shops at Freeport
- Additional Tasks
 - Strategic Plan/Draft CIP
 - FRDAP Grant Application
 - RESTORE Grant Applications

2. Praestare Update (Information/Action)

City Clerk Mattison informed the Council that Praestare Engineering had walked off the job, because the City had, in previous motions, refused to pay invoices over and above the contract amount. Mattison stated that the City Engineer Preble-Rish had agreed to step in and complete the job. Mattison stated that invoices, reports and other documents that are a requirement of the contract have not been provided to the City by Praestare as required.

Councilwoman McLean stated that she wants to keep Praestare on the job; that she had arranged a meeting with Praestare and city personnel earlier in the week and wants to pay their invoices.

Councilwoman Brannon asked Councilwoman McLean if the City Attorney had been included in the meeting.

Councilwoman McLean stated that she had not included the city attorney.

Councilwoman Brannon stated that she was not in favor of retaining Praestare or paying them anything over and above what they were entitled to under their original contract.

City Clerk Mattison stated that Preble-Rish had offered to complete the utility relocation project at no cost to the City.

Attorney Adkinson reminded the Council of their previous decisions and motions pertaining to the Praestare contract and advised the Council of the following:

- Preble-Rish, under their continuing services contract, can complete the utility relocation subject to confirmation from Preble-Rish that there is no cost to the City, in a motion by the Council.

Council Action: Councilwoman Brannon motioned to allow Preble-Rish complete the utility relocation project subject to confirmation that they would do so at no cost to the City. Councilwoman Cuchens seconded the motion. All ayes; motion carried.

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- The Council could instruct the City Clerk, the City Attorney and the City Engineer to meet with Praestare to obtain all necessary invoices, reports and other documents related to the utility relocation and to reach a resolution with Praestare regarding the overpayment. The information obtained could be brought to the Council at their next meeting (8/11).

Council Action: Councilwoman Cuchens motioned to task the City Clerk, the City Attorney and the City Engineer to contact Praestare to obtain all necessary documents pertaining to the utility relocation contract and to try and reach a resolution with Praestare; and to report back to the Council at their next meeting. Councilwoman Brannon seconded the motion. All ayes; motion carried.

F. Water Dept.

1. North Bay Meter Installation Contract (Information/Action)

City Clerk Mattison informed the Council that a previous council had approved a contract for installation of 756 meters in the North Bay Water System. The contractor is ready to go, but Mattison wanted to bring the matter to the current council's attention.

Council Action: Councilwoman Cuchens motioned to proceed with the existing contract for installation of 756 water meters in the North Bay Water System. Councilwoman McLean seconded the motion. All ayes; motion carried.

G. Sewer Dept. / none

VIII. **Old Business** / none

IX. **New Business**

A. Mayor Russ Barley

1. Mayor Barley advised the Council that he had applied for and received a \$5,000 grant from the Walton County Tourist Development Council for Bayfest; the money would be used for Bayfest 2016.

The Council offered congratulations to Mayor Barley and thanked him for his efforts.

2. FDOT Debt Forgiveness Promissory Note (Action Item)

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City Clerk Mattison spoke regarding a letter received; the Florida Legislature gave FDOT discretion on debt forgiveness. Mattison requested a total and was told they will forgive 50% of the \$2,221,432.00 debt, for a forgiven amount of \$1,110,716.00. This will reduce the annual payment to \$39,668.00.

Councilwoman Brannon stated that she wants to send the City Attorney and the City Clerk to FDOT to explain the City's finances and why the City appears to have more cash on hand than it actually has. The Council discussed timeframes for responses. The Council generally assented for City Clerk Mattison to proceed with the assistance of the City Attorney and to bring the item back for the 8/11 agenda.

B. Councilwoman Brannon

1. Legislative Matters/none

C. Councilwoman Cuchens

Councilwoman Cuchens discussed the travel arrangements that were underway for council members and staff to attend the Florida League of Cities State Conference. She discussed the current travel policy and her efforts to secure a van so the group could ride together to the conference to save money. Councilwoman Cuchens reminded the Council that she had repeatedly requested a stronger travel policy. She brought up a letter submitted to the City Clerk by Councilwoman Laird (attached), in which Councilwoman Laird questioned the decisions which led up the group travel arrangements. Councilwoman McLean reminded Councilwoman Laird that she had been asked early about travel arrangements and that she had chosen to book a flight. Councilwoman Cuchens took issue with the submitted letter as being an accusation of wrong-doing. After a lengthy discussion, City Clerk Mattison stated that all the travel arrangements for the conference have already been made. Councilwoman Brannon stated that all travel arrangements should be approved by vote; citing her experience of having to ask permission to attend other events with the city paying for related expenses. Attorney Adkinson suggested that the Council could ratify the expenditures pertaining to travel arrangement for the FLC State Conference.

Council Action: Councilwoman Brannon motioned to ratify all expenditures made in order for the council/staff to attend the FLC State Conference.
Councilwoman Laird seconded the motion. All ayes; motion carried.

D. Councilman Farris/absent

E. Councilwoman Laird/none

F. Councilwoman McLean/none

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X. **Public Comment** / none

XI. Adjournment

Mayor Barley called for a motion to adjourn. Councilwoman McLean motioned to adjourn. The meeting adjourned at 8:48 pm.

FREEPORT CITY COUNCIL

Mayor

Council President

City Clerk