

**Regular Council Meeting  
January 8, 2008**

**I. Meeting Called to Order**

Mayor Marse called to order the regularly scheduled meeting of January 8, 2008 at 7:00 p.m.

Members present: Mayor J. M. Marse, Council Members Jean Arrant, Ray Jackson, Mike Helton, Earl King, and Charlie Simmons. Staff present: City Attorney Clay Adkinson, City Planner Latilda Henninger, City Engineer Representative Tonny Peters (PMA), and City Clerk Robin Haynes.

**II. Invocation and Pledge of Allegiance**

Councilman Helton gave the invocation and the Pledge of Allegiance was recited.

**III. Approval of Past Minutes**

Councilwoman Arrant motioned to accept the minutes of the Regular Council Meeting of 12/11/07, Councilman Jackson seconded. There was no public or council discussion, the motion carried 5:0.

**1. Planning Issues**

City Planner Henninger presented the following items:

Requested approval for a Local Mitigation Strategy resolution. Ms. Henninger explained that in order to be eligible for various hazard mitigation funds through the Department of Community Affairs, the City needed to participate in the County's Mitigation plan. Mr. Mark Martin spoke on behalf of the Local Mitigation Committee. He stressed that the funds would be for hazard mitigation and infrastructure items prior to an event. Councilman Simmons motioned to approve the proposed resolution as presented, Councilwoman Arrant seconded. There was no public or council discussion, the motion carried 5:0. Resolution #08-01 was adopted.

Informed Council that she and Mr. Tonny Peters would be attending a Water Supply Workshop in Niceville to assist in developing the City's water master plan.

Informed Council that she had received a draft proposal from West Florida Regional Planning Council regarding a number of legislative items which are to be completed in 2008. The breakdown of the quote included:

Land Development Code revision	\$13,860.00
Water Supply Element	\$16,610.00
EAR Based CP Amendment	\$17,160.00
CIE Element Amendment	<u>\$13,310.00</u>
TOTAL	\$60,940.00

Mayor Marse told Council that he had been approached by another source. Council tabled the proposal until Mayor Marse could receive an additional proposal and/or re-negotiate the submitted proposal for work already completed.

**2. Legal Matters**

Attorney Adkinson presented a resolution which would increase the base water rates for all users by \$1.00 to assist in funding an employee for fire hydrant maintenance. Councilman King motioned to approve the proposed resolution as

presented, Councilman Jackson seconded. There was no public or council discussion, the motion carried 5:0. Resolution #08-02 was adopted.

### **3. Engineer's Report**

City Engineer representative Tonny Peters updated the council on meetings with the County engineering department pertaining to the City's traffic concurrency model. He requested a workshop for the first week in February. Council set a traffic workshop for February 5, 2008 at 7:00 pm.

Informed Council that after discussion with the low bidder on the Wastewater Re-use project, the contractor had negotiated approximately \$167,108.00 in reductions. That still left a project overrun of approximately \$180,000.00, which was almost the same amount as the allowance amount for the off-site irrigation controls requested as an add-on. Mayor Marse said he had discussed the item with Mr. Jay Odom, representing Hammock Bay, and he (Mr. Odom) was willing to credit half of the difference (\$90,000.00) towards the \$156,000.00 that the City was going to owe towards the Freeport City Park project if Council would leave the control panel in the contract. Councilman Simmons motioned to approve the negotiated contract with North Florida Construction on the Wastewater Re-use project, Councilman Jackson seconded. There was no additional public or council discussion, the motion carried 5:0.

## **IV. Old Business**

### **1. Fire Department personnel**

Councilman Simmons requested approval to hire Mr. Richard Withrow as a part-time firefighter. Mr. Withrow has achieved his Firefighter I certification and is working on his Firefighter II. Councilman Simmons motioned to approve hiring Mr. Richard Withrow as a part-time firefighter for one year, Councilman Jackson seconded. There was no public or council discussion, the motion carried 5:0.

### **2. Freeport Park Scoreboards**

Councilman Simmons requested approval to purchase scoreboards for the Freeport City Park to avoid having to contract for advertising with either Pepsi or Coke. Councilman Simmons estimated the signs to cost approximately \$25,000.00 and he would like to use recreation funds for them. Councilman Simmons motioned to approve the purchase of the signs subject to the funds being available, Councilman Jackson seconded. Councilwoman Arrant stated that it was a lot of money not budgeted for, and she would prefer to contact the vending companies to see if they would be available for free. Councilman Simmons withdrew his motion and will check with the vendors.

### **3. Request to bid – sewer expansion, Lazy Days Park area & W Hwy 20**

Mayor Marse informed Council that the Mallet Bayou Circle area had sewer lines installed but they currently didn't enter the system anywhere. He stated that the main sewer line could either be extended south to Highway 3280 or north to Old Jolly Bay Road. Lazy Days RV Park has expressed interest in adding sewer to their expansion and has paid impact fees to help with the extension. Mayor Marse also would like to extend the sewer along Highway 20 West to Sunset Boulevard. Councilman Jackson motioned to approve the advertising of the two proposed construction projects together, Councilman Helton seconded. There was no public or council discussion, the motion carried 5:0.

### **4. Activity Center building**

Mayor Marse updated Council on the status of the Activity Center building. Construction has not begun - there was an issue regarding workers compensation insurance. The contractor (Simmons General Contracting) has claimed exemption

because he does not have any actual employees. After discussion with Attorney Adkinson's office, all of the subcontractors on the project will have to provide certified statements to the attorney's office providing proof of their workers compensation insurance.

**5. Burton/ Harrison and Tyler Street issue**

Mayor Marse provided to Council, a copy of a letter received by Mr. and Mrs. Willard Hare from an attorney hired by Ms. Loretta Burton regarding her property access. Mayor Marse reminded Council that Ms. Burton had initially agreed to an arrangement but had refused it when the attorneys began to write it up. Attorney Adkinson stated that his office had received a couple of responses from the other attorney and Ms. Burton appeared to reconsidering the arrangement. He stated that Council would not become involved in litigation issues between property owners. From the audience, Mr. Charles *Knight* stated that his parents didn't land-lock Ms. Burton, the City was responsible. Ms. Diane Simmons stated that she would recommend to her parents to fence the property off.

**V. New Business**

**1. Resolution request – FLC Legislative Priorities**

Councilwoman Arrant motioned to approve the proposed resolution supporting the Florida League of Cities Legislative Priorities for 2008, Councilman Jackson seconded. There was no public or council discussion, the motion carried 5:0. Resolution # 08-03 was adopted.

**2. Pay all bills in order**

Councilman Helton motioned to pay all bills in order, Councilman Simmons seconded. There was no public or council discussion, the motion carried 5:0.

**VI. Council Business Not On Agenda**

Councilman Simmons asked Attorney Adkinson if the comments made earlier regarding the property owner issue was made on behalf of the Council or if Council had decided on that stand at an earlier time. Attorney Adkinson told Councilman Simmons that he had not tried to speak on behalf of the Council, but it was the legal department's advice that Council should not be involved litigation between landowners. If the landowners drew the Council into the dispute by some other action, then they could proceed accordingly. Mayor Marse stated that because the old Harrison Street was behind the homes in question, and that Tyler Street didn't go anywhere and was previously closed, he felt that Council would end up involved in the issue.

**VII. Public Business Not On Agenda**

No items were presented.

**VIII. Adjournment**

Councilman Helton motioned to adjourn at 8:20 p.m.

ATTEST:

APPROVED:

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J.M. Marse, Mayor

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Robin Haynes, City Clerk

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Earl King, Council President