

**Regular Council Meeting
August 27, 2009**

I. Meeting Called to Order

Mayor Marse called to order the regularly scheduled meeting of August 27, 2009 at 7:00 p.m.

Members present: Mayor J. M. Marse, Council members Elizabeth Brannon, Earl King, Mark Martin and Charlie Simmons. Council member Ray Jackson was absent. Staff present: City Attorney Clay Adkinson, City Engineer Representative Charles Peters (PMA), Fire Chief Ben Greenslait, Parks Director Shane Supple, City Planner Latilda Henninger and City Clerk Robin Haynes.

II. Invocation and Pledge of Allegiance

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

III. Approval of Past Minutes

Councilwoman Brannon motioned to accept the minutes of the regular Council meeting of August 11, 2009 as written, Councilman Simmons seconded. There was no public or council discussion, the motion carried 4:0.

1. Planning Issues

A. Request for approval/Shoppes of Freeport

Ms. Henninger requested approval for the Shoppes of Freeport development, a specialty retail/supermarket on approximately 14.4 acres on parcel #'s 14-1S-19-23000-006-0030/005-0010/004-0020/004-0010/006-0010/006-0020. The project is to be comprised of five buildings totaling 72,100 sf. City Planning and Engineering approval was issued on July 1, 2009 and Fire Department approval was issued on July 13 for the site plan only – architectural designs and plans have not been submitted yet. This approval does not include the out parcels of this project. Councilman Simmons motioned to approve the project as presented, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

B. Request for approval/Freeport Business Park final plat

Requested approval for a final plat for the Freeport Business Park. The project has been built, has final inspection and has been in use. The developer has decided that they would like to be able to sell the units, like condos, rather than just lease them and as such, need to file a final commercial plat. Mayor Marse expressed concern regarding the responsibility of the retaining wall. Mr. Matthew Parker, representative for the project, stated that there was a commercial owner's association that would be responsible for all private portions of the development. Councilman Martin asked if there were a bond placed on the project in case the association dissolved. Attorney Adkinson stated concern regarding placing a bond requirement when engineering has not had the opportunity to review for structure amounts. Discussion continued regarding the responsibility of the project retaining walls and whether insurance was available on the structure itself. Mayor Marse wanted placed on the record his concern regarding the structure itself – as a unique structure – it was the only one in the City and therefore had not been addressed before. Attorney Adkinson recommended Mr. Parker obtain the articles of organization for legal and council to review and refer back to staff to determine if information is available. Councilman King motioned to continue the item until the regular council meeting of September 8, 2009, Councilman Simmons seconded. There was no additional discussion, the motion carried 4:0.

2. Legal Matters

Attorney Adkinson presented a developer's agreement between the City of Freeport, Black Creek Developers, LLC, Bella Land Holdings, LLC, and Black Creek Equestrian, LLC. In 2005, the Black Creek LLC had placed \$1,500,000 as a down payment on 720 water/sewer taps, to be used at a new treatment facility new Highway 20 and east of Freeport. It has been determined that the plant will not be constructed in the near future, and the developers wanted an agreement indicating they can apply these funds to 216 residential water and sewer connections to be used within the service area as shown on Exhibit "B" of the agreement. Councilman Martin motioned to approve the agreement, replacing "Exhibit B" with the legal survey to be provided by Peters Municipal Associates, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

3. Fire Department Report

Chief Greenslait presented a draft interlocal agreement for mutual aid with the City of Ebro. Attorney Adkinson to review and bring back to the council at the meeting of September 8.

4. Parks Department Report

Shane Supple informed Council that the fields had all been aerated, fertilized and sprayed with pesticide. Events planned to include basketball, flag football and softball tournaments over the next two weekends.

5. Engineer's Report

Mr. Charles Peters updated Council on the following items:

- Well #7 – the motor control center has not been received yet, the contract is currently 54 days delinquent, does not appear to be able to be completed prior to late September/early October
- DOT sidewalk project – design engineer is prohibited from performing the construction engineering and inspection, City will be required to accept RFP's for those services
- North Bay phase II solicitation letters have been sent, draft environmental assessment (prepared by SAIC) has been sent to Bob Jones for review to determine whether portions can be used for the Rural Development environmental assessment, preliminary engineering report should be completed by mid-September
- Washington Street project – H&T Contractors remained the low bid on the project. Contract documents have been completed, pre-construction meeting possible next week, since the City waived the payment bond, but replaced it with a modified payment scheduled whereby only 50% will be paid out prior to final inspection and close out of the project

IV. Old Business

1. Budget workshop

Councilman Simmons motioned to set a budget workshop for September 2, 2009 at 7:00 pm, Councilman King seconded. There was no public or council discussion, the motion carried 4:0.

2. TRIM hearing/final

Councilwoman Brannon motioned to set the final TRIM public hearing for September 22nd, 2009 at 7:00 pm, Councilman Simmons seconded. There was no public or council discussion, the motion carried 4:0.

V. New Business

1. Approval request/Florida Association of City Clerks Education Academy

Councilman Simmons motioned to approve Clerk Haynes to attend the FACC Professional Education Academy in October, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

2. Approval request/Committee appointment, review of CEI proposals

Councilman King motioned to approve appointment of a committee to review Construction Engineer and Inspection proposals for the DOT sidewalk project, Councilman Martin seconded. There was no public or council discussion, the motion carried 4:0.

Councilman Martin motioned to approve Councilman King, Mayor Marse and Mr. Charles Peters to the committee to review CEI proposals, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

3. Approval request/Special meeting to approve ranking of CEI proposals, award Four Mile Creek lighting contract

Councilman Martin motioned to approve setting a special meeting September 16, 2009 at 7:00 pm to approve the ranking of the CEI proposals received and to award the contract for the Four Mile Creek lighting project, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

4. Pay all bills in order

Councilman Martin motioned to pay all bills in order, Councilwoman Brannon seconded. There was no public or council discussion, the motion carried 4:0.

VI. Council Business Not On Agenda

None was presented.

VII. Public Business Not On Agenda

Matthew Parker, representing Habitat for Humanity requested approval to hold a “boot” fundraiser Saturday, September 5 from 9 am to 2 pm at the intersection of Business 331 and Highway 20. Councilman Simmons motioned to approve the fundraiser, Councilman Martin seconded. There was no public or council discussion, the motion carried 4:0.

Cliff Knauer, representing Preble-Rish, informed council that the Four Mile Creek Bridge construction had begun. Detour signs are now operating correctly. Test piles have been driven. Substantial completion should be late November. Also, checking to determine if some of the grant funds received by the county may be approved by DEP to upgrade the boat ramp and re-align the intersection of Bayloop and North Street. Resident Chris Gulow (Hammock Bay) stated that the sign said construction until October 31. Cliff said he would have the sign changed.

VIII. Adjournment

Councilman Martin motioned to adjourn at 8:10 p.m.

ATTEST:

APPROVED:

J.M. Marse, Mayor

Robin Haynes, City Clerk

Earl King, Council President