

**Regular Council Meeting
December 11, 2007**

I. Meeting Called to Order

Mayor Marse called to order the regularly scheduled meeting of December 11, 2007 at 7:00 p.m.

Members present: Mayor J. M. Marse, Council Members Earl King, Ray Jackson, Mike Helton, and Jean Arrant. Councilman Charlie Simmons was absent. Staff present: City Attorney J. Clayton Adkinson, City Planner Latilda Henninger, City Engineer Representative Charles Peters (PMA), and Utility Billing Clerk Donna Hinson.

II. Invocation and Pledge of Allegiance

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

III. Approval of Past Minutes

Councilman Jackson motioned to accept the minutes of Regular Council Meeting of 11/13/07, Councilman Helton seconded. There was no public or council discussion, the motion carried 4:0.

1. Planning Issues

City Planner Henninger presented the following items:

Requested approval for 2nd reading and adoption of a proposed re-zoning ordinance. The parcels associated with this application are parcel #'s 27-1S-19-23000-005-0000/005-0010/006-0000/006-0010/012-0000/018-0000/027-0021/027-0000/027-025/027-0027/029-0010, approximately 14.8 acres. The property was annexed into the City of Freeport on August 14, 2007 with a future land use designation of commercial. The applicant has requested a zoning assignment of residential commercial (RC), which would allow up to 14 residential units per acre. Mr. Dean Burgis with Emerald Coast Associates, representing the owner Ramsey Creek LLC, addressed the council. His client is considering primarily residential plans for this area. He requested council's re-consideration in restricting the units per acre to 10. After a short discussion, Councilman King motioned to approve the 2nd reading of the proposed ordinance, limiting the project to 10 units per acre, Councilman Jackson seconded. There was no additional public or council discussion, the motion carried 4:0. Ms. Henninger read the proposed ordinance by title. Councilman King motioned to adopt ordinance #07-15, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0.

Requested approval for Advanced Auto Parts, a 6,920 sf retail auto parts store located on 1.27 acres on parcel #15-1S-19-23000-012-0030. City engineering approval was received on November 14, 2007, with a comment that a right turn lane may be required by the City. Planning board approval was received on December 5, 2007 subject to the following conditions - Council approval of lighting design/color, Council's discretion regarding a right turn lane into the project, and shrubbery being planted along the east side buffer area and the sidewalk to be installed rather than deferred. Mr. Charlie Christmas addressed the council on behalf of the project. Mr. Christmas requested council to waive the requirement of a right turn lane due to time restrictions with the DOT permit. DOT is not requiring the turn lane at this time. Discussion continued between Council, Attorney Adkinson, audience members and Mr. Christmas regarding the issues of traffic on Highway 20 and why council considers the turn lanes as necessary. Councilman King stressed

that if this development were not required to build the turn lane, other businesses should not be required to either. After discussion, Councilman King motioned to approve the proposed development, subject to constructing a fifty foot turning radius, Councilwoman Arrant seconded. Attorney Adkinson reminded council of the additional conditions by the Planning Board. After short discussion, Councilwoman Arrant withdrew her second. Councilman King motioned to approve the Planning Board recommendation, but requiring a 50' turning radius rather than a turn lane, Councilwoman Arrant seconded. There was no additional public or council discussion, the motion carried 4:0.

Presented a proposed phasing plan by the Verandas of Freeport. The project currently has a development order and fees have been paid. The developer would like to divide the current phase I into sections so that certificates of occupancy can be obtained while work continues on other units. Councilman Jackson motioned to approve the proposed phasing plan as presented, Councilman King seconded. There was no public or council discussion, the motion carried 4:0.

Presented a proposed supplemental Transportation Proportionate Share Agreement between the City and Florida Department of Transportation. This agreement would only apply to segments within the City and the money collected would be placed into separate accounts – one for Highway 20, one for Highway 331. A 3% overage would be retained by the City for administering the funds. Councilman King motioned to approve the proposed resolution, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0. Resolution #07-17 was adopted.

Requested a workshop regarding the Florida Brownfield Program with the West Florida Regional Planning Council. Councilwoman Arrant motioned to set the requested workshop for January 29, 2008 at 7:00 pm, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0.

Informed Council that she had received word that the EAR report had been received and found complete. It is currently under review.

2. Legal Matters

Attorney Adkinson requested the water rate resolution be tabled until the regular council meeting of January 8, 2008, Council agreed.

Informed Council that he has ordered surveys regarding the property in question by Loretta Burton. She did not accept the City's resolution to the problem, so it is now between her and her attorney and the other property owner's involved.

3. Engineer's Report

City Engineer representative Charles Peters presented the bids as received for the Wastewater Re-use Facilities project.

	Total Base Bid	Deductive Alt	Bid less Deduct
North Florida	\$1,645,845.00	\$456,300.00	\$1,594,986.00
J & P Construction	\$1,829,486.92	\$622,000.00	\$1,819,486.92
GAC Contractors	\$1,870,296.18	\$496,075.00	\$1,813,761.18
Morgan Contracting	\$2,371,563.92	\$ 59,920.00	\$2,311,643.92

Mr. Peters informed the council that the low bid was \$271,256 over the project budget. Mayor Marse requested approval for Mr. Peters to negotiate with the low bidder to attempt to bring the project into budget. Councilman King motioned to approve awarding the contract to the low bidder, North Florida Construction, for \$1,645,845.00, subject to them being able to bring the contract to the budget amount, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0.

IV. Old Business

1. Approval low bid – Activity Center re-bid

Mayor Marse presented the Activity Center Building re-bids as received in November. The bids received were:

Simmons General Contracting Co.	\$120,997.00
Hall Contracting & Construction, Inc.	\$128,000.00
Mike Josey Construction, Inc.	\$129,000.00
Holiday Builders of the Gulf Coast, Inc.	\$137,172.00
Freeport Industries Development, LLC	\$148,202.96
RNS Contractors, LLC	\$157,000.00
Greg Hallman/W.G. Hallman-Builder	\$158,555.00
Champion Contractors, Inc.	\$169,631.00
Steadfast Development, Inc.	\$171,000.00
Frame Construction Co. of Panama City	\$173,669.00
Omnicon, LLC	\$175,277.94
Landry Construction, Inc.	\$196,126.00
D.C. Davis Construction, Inc.	\$200,228.20
Cathey Construction & Development	\$214,100.00

Councilwoman Arrant motioned to approve the awarding the contract the low bidder, Simmons General Contracting for \$120,997.00, Councilman King seconded. There was no public or council discussion, the motion carried 4:0.

V. New Business

1. Community Center fee waiver request – Daisy troop #367

Councilman King motioned to approve the waiver of the fee for rental of the Community Center, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0.

2. Pay all bills in order

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

VI. Council Business Not On Agenda

Mayor Marse introduced Britton Chance. Mr. Chance requested a one-time, one-day use of the Community Center parking lot for a skateboarding competition, in conjunction with a grand opening of his retail store in the 331 Plaza. Councilman Jackson motioned to approve the request, Councilman King seconded. There was no public or council discussion, the motion carried 4:0.

Councilwoman Arrant motioned to cancel the regular scheduled council meeting of December 27, 2007, Councilman Jackson seconded. There was no public or council discussion, the motion carried 4:0.

VII. Public Business Not On Agenda

No items were presented.

VIII. Adjournment

Councilman Helton motioned to adjourn at 8:44 p.m.

ATTEST:

APPROVED:

J.M. Marse, Mayor

Robin Haynes, City Clerk

Earl King, Council President