



CITY OF LAKE BUTLER CITY COMMISSION
REGULAR MEETING MINUTES

November 19, 2024
6:00 PM
City Hall
200 SW 1st Street
Lake Butler, Florida 32054

AGENDA

1. Call to order – Roll Call, Opening Prayer, Pledge of Allegiance.

Mayor Hendrix called the meeting to order at 6:00pm.

In Attendance:

City Commission: Commissioner Sirmones, Commissioner Redman, Commissioner Stephenson (Microsoft Teams), Mayor Hendrix

City Staff: City Manager Hayes, City Attorney Maines, Finance Director Mecusker, Accounts Receivable Clerk Page

Absent: Vice-Mayor Huggins

Opening Prayer was led by Commissioner Redman.

Pledge of Allegiance was led by Mayor Hendrix.

a. Admin Content

If a person decides to appeal a decision made with respect to any matter at this meeting or hearing, he or she will need a record of the proceedings and may need to ensure that a verbatim record is made.

2. Approval of The Agenda Format.

a. Motion to approve the agenda format.

Motion to approve the agenda format was made by Commissioner Redman. Motion was seconded by Commissioner Sirmones. Unanimous approval. Motion passed 4-0.

3. Public Comments

Pursuant to Florida Statutes, members of the public shall be given a reasonable opportunity to be heard on a proposition before the City Commission. Upon recognition by the mayor, any person may address the City Commission on any subject either included on the agenda or any other subject.

- Three (3) minutes per speaker;
- Comments will not be accepted after the meeting begins;
- State your name and address into the record before addressing the City Mayor & Commissioners;
- Address your questions to the City Mayor, not city staff;
- Refrain from demands for an immediate response from City Mayor or Commissioners; and
- No boisterous behavior, personal, impertinent, or slanderous remarks.

Mayor Hendrix opened the floor to public comments.

There were no public comments.

Mayor Hendrix closed the floor to public comments.

4. Approval of Consent Agenda

- a. Meeting Minutes from 10-15-2024
- b. Code Enforcement Report October 2024.
- c. October 2024 WEX Invoice, activity report, and vehicle logs
- d. Animal Control Logs for October 2024.

Motion to approve the consent agenda was made by Commissioner Redman. Motion was seconded by Commissioner Sirmones. Unanimous approval. Motion passed 4-0.

5. Motion to approve Recipient/Subrecipient Agreement between State of Florida, Florida Fish and Wildlife Conservation Commission and City of Lake Butler for **Grant FWC Agreement 24073** – Lake Butler Boat Ramp Improvements Project.

Mayor Hendrix briefly explained that this grant agreement would be for the improvement to the boat ramp at Lakeside Park. Motion to approve Recipient/Subrecipient Agreement between State of Florida, Florida Fish and Wildlife Conservation Commission and City of Lake Butler for **Grant FWC Agreement 24073** – Lake Butler Boat Ramp Improvements Project was made by Commissioner Sirmones. Motion was seconded by Commissioner Redman. Unanimous approval. Motion passed 4-0.

6. Motion to approve declare parcel #36-05-19-00-000-0190-0, address 9422 SW SR 121, as surplus, and to authorize the City Manager to begin the process of listing the referenced property with a commercial realtor. (Old Public Works)

Mayor Hendrix briefly explained that this is the old public works property that is not being used, and City Attorney Maines requested to have the minutes reflect that the building requesting to be declared surplus tonight is not currently in use by the City. Commissioner Stephenson asked if the property had been appraised, and the board unanimously agreed that prior to listing the property with a commercial realtor, an appraisal will need to be done and brought to the board at the next board meeting. City Attorney Maines informed City Manager Hayes that in prior appraisals, Mr. Lee Hardenbrook out of Starke was used by the City for appraiser services.

Motion to authorize the City Manager to have parcel #36-05-19-00-000-0190-0, address 9422 SW SR 121 appraised and to have the results of the appraisal brought before the board at the next meeting was made by Commissioner Redman. Motion was seconded by Commissioner Sirmones. Unanimous approval, motion passed 4-0.

Motion to approve declare parcel #36-05-19-00-000-0190-0, address 9422 SW SR 121, as surplus, and to authorize the City Manager to begin the process of listing the referenced property with a commercial realtor reference (Old Public Works) was made by Commissioner Stephenson. Motion was seconded by Commissioner Redman. Unanimous approval, motion passed 4-0.

7. Motion to approve Community Facilities Grant Agreement between the United States Department of Agriculture Rural Development and the City of Lake Butler for \$145,000.00. \$108,700.00 funded by USDA and \$36,400.00 funded by The City of Lake Butler (USDA Grant CFDA #10.766).

Mayor Hendrix asked City Manager Hayes to explain this grant more in detail. City

Manager Hayes explained to the board that this grant was originally provided to the board for the purchase of a bucket truck, which was brought to the board by prior administration. City Manager Hayes explained that due to the City's financial situation, the bucket truck was not purchased due to being unable to afford the City's matching for this grant, but the grant from USDA-Rural Development was awarded to the City and sat unused. City Manager Hayes stated that after speaking with the representative at USDA-Rural Development, the City could submit a list of items already purchased that total the City's matching to be reflected within the scope of the grant and that information was collected and submitted by City staff and was approved by USDA-Rural Development. City Manager Hayes also explained that the items listed in the agenda item attachment were items that the City could most certainly use for public works projects and operations, and that the listed items total the USDA grant amount of \$108,700.

Motion to approve Community Facilities Grant Agreement between the United States Department of Agriculture Rural Development and the City of Lake Butler for \$145,000.00. \$108,700.00 funded by USDA and \$36,400.00 funded by The City of Lake Butler (USDA Grant CFDA #10.766) was made by Commissioner Sirmones. Motion was seconded by Commissioner Redman. Unanimous approval, motion passed 4-0.

8. Motion to approve Loan Resolution for USDA Grant CFDA #10.766. A RESOLUTION OF THE LAKE BUTLER, CITY OF AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF THE INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS EQUIPMENT PURCHASE.

Mayor Hendrix explained that this agenda item is the loan resolution that goes with agenda item 7 for the USDA grant CFDA #10.766.

Motion to approve Loan Resolution for USDA Grant CFDA #10.766 to be read by title only. Title only read by City Attorney Maines. Motion seconded by Commissioner Sirmones. Unanimous approval. Motion passed 4-0.

9. Motion to approve Agreement for Special Magistrate Services between Gapske Law Firm P.A. and the City of Lake Butler providing code enforcement proceedings.

Mayor Hendrix explained that this agenda item is for a magistrate and explained that the City has not had a magistrate and that there are properties throughout the City that are not being maintained by the property owners, and explained that City Manager Hayes reached out to inquire about magistrate services. City Manager Hayes explained that the Gapske Law Firm P.A. is the magistrate for City of Starke and resolves the City's code enforcement issues that are not handled by the property owners. City Manager Hayes explained that the City is only able to do so much as far as enforcing the violations within the City limits, so using a magistrate would be taking it to the next step. City Manager Hayes referenced that Code Enforcement Officer Lyn Williams has a couple of issues that the magistrate would get involved with. City Attorney Maines explained that the City had a magistrate at one time, and asked City Manager Hayes if he retired. City Manager Hayes spoke with former magistrate Harvey Baxter about renewing his contract and Mr. Baxter explained to City Manager Hayes that his wife is not doing well medically and that because of his situation, he is unable to renew his magistrate contract. City Attorney Maines confirmed that Mr. Baxter's contract did not have a term date, whereas the contract on the agenda tonight does have a term date. City Attorney Maines also stated that due to Mr. Baxter's situation of not renewing his magistrate contract, the motion will need to be to declare a vacancy in the magistrate position, and to approve the agreement for special magistrate services between Gapske Law Firm P.A. and the City of Lake Butler to provide

code enforcement proceedings.

Commissioner Redman referenced the pay for the magistrate of \$250.00 per hour and confirmed that until an issue is brought to the magistrate by the City, no dues will be paid. Mayor Hendrix explained that this is a budgeted item, and the \$250.00 is an hourly rate of pay for the magistrate, and asked City Attorney Maines to clarify as an attorney the rate being reasonable. Mayor Hendrix requested City Manager Hayes to have the date on the agreement to start on January 1, 2025. City Manager Hayes clarified that no dues will be paid to the magistrate until the City brings an issue to the attention of the magistrate. Motion to declare a vacancy of a magistrate due to Mr. Baxter's inability to continue as magistrate due to personal reasons, and to approve the agreement for special magistrate services between Gapske Law Firm P.A. and the City of Lake Butler was made by Commissioner Redman. Motion was seconded by Commissioner Sirmones. Unanimous approval. Motion passed 4-0.

10. Discussion to withdraw Land Development Regulations Amendment Application and Comprehensive Plan Amendment Application for the 45 subject parcels in the RSF-1 zone in the Southeast section of the City of Lake Butler.

a. See Attachment A

Mayor Hendrix deferred to Commissioner Stephenson, who wished to discuss this agenda item. Commissioner Stephenson confirmed and asked if there were any people in the audience tonight, and the board confirmed that there were some people in the audience, and Commissioner Stephenson thanked the people in attendance tonight and for the comments that were made. Commissioner Stephenson stated that he has known Ms. Washington for many years and attested that she had one of the best kept homes, but that the petition and applications are not just for 1 parcel, but for all 45 parcels. Commissioner Stephenson stated that at the last meeting, the board voted to sponsor the applications in haste, and that the decision was made without time to properly study and research, and that the board is not aware of any issues because the board has not been involved in a process like this, and stated City Attorney Maines would most likely have the most experience, but that the board did not have the proper time to research this. The question is how the rezoning would affect present homeowners, future homeowners, and present and future property owners. Commissioner Stephenson stated regarding a future rezoning request and is not aware of a policy to be able to handle a future rezoning request. Commissioner Stephenson referenced the recent rezoning application at the crossroads by Hardee's (SR121/SR100) and feels that the City does not have a policy for this and asked if the City is going to continue to incur these expenses on rezoning or is an exception going to be made for the 45-lot parcel. Commissioner Stephenson questioned how the City would respond to a future homeowner or property owner in a situation like this in the future. Commissioner Stephenson stated that with this rezoning, the property value of the single-family homes within the subject area would decrease and asked if the property taxes would be reduced due to the rezoning and decrease in property value. Commissioner Stephenson explained that this is an expensive process and referred to Finance Director Mecusker for verification that expenses are up to an approximate amount of \$7,000 and growing, and it is not a cheap process, and referenced that the City has to advertise, and that the City is unsure of what the next step is going to bring. Commissioner Stephenson stated that there was a strange vote last month and that there was a possible ethics violation, so after spending this money to make the change, it could be denied due to improper voting. Commissioner Stephenson states that he believes the board does not fully understand this process, and that the board needs time to study and research this process in detail and stated that once the ball gets rolling with the planning council, the board might not have another chance to clarify or change the board's position, so the board needs to do their homework. With that being said, Commissioner Stephenson moves to withdraw the Land Development Regulations applications.

Commissioner Redman requested to speak on this issue, and Mayor Hendrix explained that a motion has been made but that there is discussion on the table.

Commissioner Redman stated that after asking City Attorney Maines what the process is and what the citizens can do to proceed, and clarified in asking if the board has already spent \$7,000? City Attorney Maines stated he does not know how much it will end up costing the City.

Mayor Hendrix said let's go back a little bit. Mayor Hendrix stated that when Vice-Mayor Huggins asked originally for his mother's lot, he was denied.

A member of the crowd made a comment and Mayor Hendrix stated that this is only the discussion of the board, and comments are not to be made by the gallery. Mayor Hendrix is basing her statement from what was brought to the board at the Planning and Zoning Meeting and stated that this is what was brought to the Planning and Zoning Board meeting that this property was a personal matter, with it being his mother's property, and that is how the form 8B was filled out. Based on that, there was no cost to the City for that. Mayor Hendrix continued that because Vice-Mayor Huggins did not like the answer given to him by City staff, he decided to go directly to Sandra at the Planning Council which is not something board members normally do, and that is what the City staff's job is with planning and zoning communications. After he spoke with Sandra at the planning council, he received ideas that were then brought to the planning and zoning board meeting where he spoke about the issue, and him and City Attorney Maines had the conversation regarding the definition of the personal matter. Mayor Hendrix explained to the board that during this entire process, the City has been paying Attorney Maines any conversations whether it is from a Commissioner, or the City Manager, and have been accruing expenses and will continue to accrue expenses for this process whether it be attorney fees, advertisement, things of that nature. Mayor Hendrix stated that the concern is, and she previously voiced her concerns, and Commissioner Stephenson just discussed and explained his concerns, that this zoning took place in the 1990's, the whole City was rezoned. Commissioner Redman stated that the citizens want to know what the procedure for rezoning is, Mayor Hendrix clarified that a property owner cannot do a spot-zone, and asked City Attorney Maines to comment on that part. Commissioner Redman stated that per the attachment, there are 23.74 acres in the subject, and clarified on the meaning of spot zoning. Mayor Hendrix explained that the spot zoning is what originally Vice-Mayor Huggins was asking for. City Attorney Maines stated that nobody can be on an island of different zoning with different zoning surrounding it. Commissioner Redman asked what the citizens can do, if there is a petition that can be done, so that it can be requested as a group to rezone, and not a spot rezone, but a neighborhood. Mayor Hendrix clarified that the entire subject area is RSF-1. Commissioner Redman stated that what if every person that has a building and wants to make the change. Mayor Hendrix questioned if all 45 parcel owners want this rezoning done. Mayor Hendrix asked what if there are some of the people in the 45 parcel area that do not want the change? Commissioner Redman asked if Mayor Hendrix does know anyone that does not want the change, and Mayor Hendrix replied Yes. Mayor Hendrix clarified that she is not looking at this from just this perspective, but from the City as a whole, when you start changing it to bring in mobile homes, and bring in what you want with no restriction to what you bring in, and she is looking at it from the City's tax revenue perspective. She understands that people have property that they want to do things with, and stated that she purchased a mobile home in the exact same zoning, but as far as what they can do as an individual, it is limited. Commissioner Redman asked if a group that owned the 23.74 acres does if they want to rezone what the process is. City Attorney Maines stated that what happened last month was one way of doing it, not the only way of doing it, but is a way of doing it. It is going to have to be an area of people which is contiguous, the properties are going to have to touch,

and that it will need to have a shape, and that there can be no spot zones, which is required by law. City Attorney Maines stated that how that is translated from home to home or property owner to property owner, he is not sure, but it has to be contiguous, and cannot break everything up, meaning they have to touch, and needs to be a reasonable resemblance of a shape, and clarified that the proposed rezoning was created by Sandra Joseph at the planning council, and stated that she spent several hours on this project and discussed this in detail with the Vice-Mayor. City Attorney Maines stated that he spoke with Sandra for 2 hours about the details of this and the events that led up to the agenda item last month regarding the rezoning, including the maps and identification of parcels and what was located on each parcel and so forth. So it is already in, and if the individuals want to do something else, they can or as a group apply for it, but they have to pay for the application. Commissioner Redman asked who would be the ones to tell the citizens if they can apply for a rezoning as a group, if it would be the City or the State. City Attorney Maines explained that there are certain legal requirements that have to be met. Unless the shape and configuration is provided, he is unsure, and that it might be sent to the Planning Council, and the planning council might reject it and state that what was proposed cannot work. He said there has to be some way of identifying geographically where the properties are, and then maybe work from there. But the configuration the board has and what was sent to the planning council was provided by Sandra at the planning council's recommendation and meets all the criteria. City Attorney Maines stated that this has never been done in his tenure, and referenced the rezoning behind the Historical Society to Residential-Office and that it was not controversial and nobody involved had any conflict.

Mayor Hendrix explained that there are a few citizens within this zone that do not want it changed and that have houses in this zone. A member of the crowd made a comment and Mayor Hendrix reiterated that this discussion is for the board only and that public comments were available earlier in the meeting. Commissioner Redman asked the citizens that are in the audience, have they gone door to door and asked every homeowner and found out? A member of the audience commented that they have signatures. Mayor Hendrix clarified and asked if all 45 people on this list approved this change. Commissioner Redman asked if the audience members have seen the list that was provided to the board tonight and they responded No. Commissioner Redman just wants the citizens to know what procedure they need to do to get a definite yes or no answer. City Attorney Maines stated that the first step is to come up with a proposal and that with having no information on the property owners, the question is unable to be answered for being too abstract. Commissioner Redman stated that the citizens who are in favor for the rezoning need to do the work in asking each property owner if they want the change. Mayor Hendrix clarified that this concern is also as the City as a whole, and that this process would open up a door for other sections of town to be rezoned, and that the City will begin to be remapped. Commissioner Redman stated that there are no homes in this subject neighborhood that are \$250,000 homes. Mayor Hendrix rebutted and stated that if appraisals were done on some of the homes, they would be valued at \$250,000 or more, but stated that some of the people may not want a lot of mobile homes pulled in, and that people who live in mobile homes now do not want more mobile homes in the neighborhood. Mayor Hendrix stated that it does not matter about the appraised value of the existing homes, and stated that people in the subject neighborhood that live in mobile homes do not want more mobile homes in the neighborhood. Commissioner Redman reiterated that the citizens who are in favor of the rezoning to do the work required. Mayor Hendrix reconvenes and states that there is a motion on the floor to withdraw the City as being the representative to make the whole 45 parcels available RSF/MH combination. City Attorney asks to make this motion clear that the motion would withdraw the application from the Planning Council altogether. Motion seconded by Commissioner Sirmones. The motion passed 3-1, with Mayor Hendrix, Commissioner Stephenson, and Commissioner Sirmones in favor, and Commissioner Redman opposed. City Attorney

Maines confirmed that City Manager Hayes would contact the Regional Planning Council and City Manager Hayes confirmed that she would call the planning council the following morning.

11. City Manager Reports - City Manager, Kimberly Hayes

City Manager Hayes reminded the board about the Cybersecurity Training and advised the board that the deadline is January 1, 2025. Mayor Hendrix asked about the emails that are still being sent, and asked City Manager Hayes if there was more Cybersecurity Training or were the ones being sent junk, and City Manager Hayes advised Mayor Hendrix that training should be completed once initially done, and that the IT department will send those occasionally. City Attorney Maines asked if this training was only for the Commissioners, and City Manager Hayes and Mayor Hendrix advised City Attorney Maines that he also is required to do the training. City Manager Hayes stated that the update on the USDA grant was already given in the earlier discussion. City Manager Hayes updated the board on the CDBG Neighborhood Revitalization Grant for \$650,000 and stated that she had advised the board at the last meeting that this grant had to be put on hold because the City already has an active CDBG Neighborhood Revitalization Grant which is for the lift stations, and we cannot have 2 CDBG grants at one time, so once the City finishes with the current CDBG grant, we can close that one out, and reapply for the \$650,000 grant, and reviewed with the board what this grant was going to do in redoing the large pavilion and replace the lights and upgrades to the dock. City Manager Hayes referenced the Trails-to-Go grant, and advised the board that the City did not make the list this year and advised that she just found this information out before the agenda was sent out, but did confirm that the grant administrator would be putting in an application for this grant for next year. City Manager Hayes updated the board on the Wawa development. They are supposed to start construction in May 2025, and stated that Accounts Receivable Clerk Page and Finance Director Mecusker were in that meeting. City Attorney Maines asked if the City will receive a site plan for the Commission's review, and Accounts Receivable Clerk Page confirmed yes, and Accounts Receivable Clerk Page stated that is one of the things that were portrayed and City Manager Hayes advised the board that the Wawa company is aware that a site and development application is required and to be submitted to the City by the applicant. City Attorney Maines advised that with the communication between the applicant, the City, and the Planning Council, any issues with the application may cause a delay in the process, and City Manager Hayes agreed and City Attorney Maines suggested this being told to the Wawa developers. City Manager Hayes stated that they will also be getting with the County for the building permit, and Accounts Receivable Clerk Page stated that they would start with the City first with a certificate of compliance application and once all required documents have been submitted and approved, the City would issue the applicant a Certificate of Compliance that they would take to the County for them to apply for a building permit and other permits they need. City Manager Hayes referenced the Northeast Florida League of Cities Christmas Party door prizes, and asked the board for help with door prizes. Commissioner Redman referenced that last time, gift cards were given as door prizes. Mayor Hendrix stated that she has 10 items to donate as door prizes. City Manager Hayes asked the board to have any donations to City staff by the first part of December so that we can assess where we are. City Manager Hayes referenced the progress with Mittauer & Associates, and stated that the handout provided to the board shows the progress of the multiple projects. Mayor Hendrix asked City Manager Hayes to check with Mittauer on the status of the \$850,000 water storage tank replacement project, to see where we are with that, and referenced that there is a deadline that has to be met. City Manager Hayes referenced the contract between the City and DOC for wastewater services, and stated that they sent an email this afternoon. City Manager Hayes stated that she has had a lot of communication with Mr. Reece at DOC and advised the board that DOC stated they have drafted a contract and it is with their procurement office in Tallahassee and that is the

stage of this process so far. City Attorney Maines asked if Procurement is the last step in the process or if the last step is Legal, and Finance Director Mecusker stated that it should go to Legal first and then Procurement, and City Manager confirmed that what she was told it was at the Procurement office, and that the final step is where we are, with Procurement. City Manager Hayes stated she hopes to bring the contract before the board at the next meeting. City Manager Hayes wishes a Happy Thanksgiving to everyone to conclude her report.

12. Reports from Finance Department – Dave Mecusker

Finance Director Mecusker provides the report from the Finance Department for period October 1, 2024 through October 31, 2024.

Motion to approve the Financial Report for period October 1, 2024 through October 31, 2024 was made by Commissioner Redman. Motion seconded by Commissioner Sirmones. Unanimous approval. Motion carried.

13. Report of City Attorney – John Maines

Nothing to report.

14. Comments or Remarks by Commission

- Commissioner Sirmones – Nothing to report.
- Commissioner Stephenson – No comments.
- Commissioner Redman – Farm Share fed 268 families and wishes everyone a Happy Thanksgiving.
- Vice Mayor Huggins - Absent
- Mayor Hendrix – Happy Thanksgiving, and thanks to the City staff, and that the City is looking good.

15. Meeting Adjournment

Motion to adjourn the meeting was made by Commissioner Sirmones. Motion seconded by Commissioner Redman. Unanimous approval. Motion carried.

Meeting adjourned at 6:48pm.