



CITY COMMISSIONERS MEETING OF LAKE BUTLER, FLORIDA

October 15, 2024

6:15PM

City Hall Lake Butler

200SW 1st Street

Lake Butler, Florida 32054

MEETING MINUTES

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

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.

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

In Attendance:

City Commission – Commissioner Redman, Commissioner Stephenson, Mayor Hendrix, Vice Mayor Huggins, Commissioner Sirmones

City Staff – City Attorney Maines, City Manager Hayes, Finance Director Mecusker, Administrative Assistant Evernden.

Opening Prayer was led by Commissioner Redman.

Pledge of Allegiance was led by Mayor Hendrix.

2. Approval of The Agenda Format.

a. Motion to approve the agenda format.

Vice Mayor Huggins stated that when we get to Agenda Item #10, he wants to discuss the way the Agenda Item was not entered in the way he discussed at the last meeting. Mayor Hendrix asked Vice Mayor Huggins is he referring to the Agenda Format and Order and Vice Mayor Huggins stated, "Yes the verbiage was a little off but once I get to looking at the documents in hand it is a lie, but what was on the internet was not a lie." Mayor Hendrix stated she does not know what was on the internet and Vice Mayor Huggins stated the Agenda Format we post, and Mayor Hendrix stated this is the Agenda Format posted that is in our hands. Vice Mayor Huggins asked what was supposed to be posted online and City Manager Hayes and Mayor Hendrix stated this (what we have in hand) was posted online. Vice Mayor Huggins stated the document what was posted online was different, the verbiage was different. City Manager Hayes stated what he is saying is the verbiage is different than what he said at the last meeting. Vice Mayor Huggins stated that is correct, it should have specified that he had a line item he would like to discuss, which is pertaining to a family member, his mother as well as the citizens of Lake Butler that had talked to him as well about the amendments. Vice Mayor Huggins stated that when this was posted online for the citizens to see that they would only think he is trying to do amendment for his mother when he is speaking on behalf of others as well. City Manager Hayes asked if she needed to speak at this time to Mr. Huggins or when we got to Agenda Item #10 and City Attorney Maines stated for her to wait until we get to the Agenda Item.

A motion to approve the Agenda Format was made by Vice Mayor Huggins.

Motion seconded by Commissioner Redman. Unanimous approval.

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.

Citizen Lola Lacy 527 SW 14th Street Lake Butler, Florida 32054 and she stated that she wanted to speak about the property she owns in "East Butler" she does not live there but is the property owner. Citizen Lola Lacy stated she came to the meeting for the zoning issue, and she wants to express her concern about how the property is zoned and you cannot afford to build anything on it, and she thinks she should be able to put a mobile home there if she wanted too. She stated that she would like to know how the property is zoned. Mayor Hendrix explained the process of coming to City Hall and speaking with staff to find out the zoning and how to get the property rezoned and any questions she had on the property.

Citizen Geneva Washington 425 SW 9th Ave Lake Butler, Florida 32054 and she stated she was Rondoll's mom, and she owned two separate properties in Lake Butler, and she was raised in Lake Butler. Citizen Geneva Washington stated that she was told after she purchased a mobile home, she was not allowed to put it on the property she owned because of the zoning. She stated that she was told she couldn't put her mobile home on another area, she would have to pay \$200 rent, but "Harriet" made a call and somehow that changed, and she was allowed to put her mobile home on the property that she would have to pay \$200 a month for but not her own property. Citizen Geneva Washington asked the Board if that can change where she could put her mobile home on the rental then why can't it change for her to put her mobile home on her land where she doesn't have to pay rent.

4. Approval of Consent Agenda

- a. Meeting Minutes from 9-17-2024
- b. Code Enforcement Report September 2024.
- c. September 2024 WEX Invoice, activity report, and vehicle logs
- d. Animal Control Logs for September 2024.

A motion to approve the Consent Agenda was made by Commissioner Redman. Motion seconded by Commissioner Stephenson. Unanimous approval. Motion carried.

5. Motion to approve Agreement between The State of Florida, Department of State and City of Lake Butler for **Grant 24.h.sc.100.002** – Townsend Building Rehabilitation Grant.

A motion to approve the agreement between The State of Florida, Department of State and the City of Lake Butler was made by Vice Mayor Huggins. Motion seconded by Commissioner Redman. Unanimous approval. Motion carried.

6. Motion to approve Agreement between The City of Lake Butler, - Infrastructure Consulting Engineers (ICE) a South Carolina Corporation and Andy Easton & ASSOCIATES FOR Civil Engineering Services to the City of Lake Butler for the historic preservation of the Townsend Building. **Grant 24.h.sc.100.002.**

A motion to approve the agreement between The City of Lake Butler and Infrastructure Consulting Engineers (ICE) was made by Vice Mayor Huggins. Motion seconded by Commissioner Redman. Unanimous approval. Motion carried.

City Attorney Maines asked Andy Easton & Associates representative present at the meeting if they would be acting as the Grant Administrator and Doug stated yes, they would.

7. Discussion and Motion to approve guidelines for how far in advance does the city want to allow for the renting of the Community Center and Townsend Green Building.

Mayor Hendrix discussed with the board about a few families booking the Community Center 3,4 and 5 years in advance and how far is fair to book out reservations. Mayor Hendrix stated to the board that a policy needs to be put in place that is fair. City Manager Hayes stated other cities have a current year-to-year reservation in place. Vice Mayor Huggins stated there needs to be clause in the contract to rent the Community Center that if an increase or price change to the rental fee happens the person renting is subject to the change. City Manager Hayes proposed to the board for 2025 to go ahead and honor those bookings for the Community Center and start the process in 2026. Commissioner Stephenson stated that booking reservations for current year only come January 1st of each year and you would not have any business and asked if they wanted to back the date up for reservations. City Manager Hayes suggested utilizing October 1st (since the new fiscal year starts) through September 30th. Mayor Hendrix stated this would not take effect until October 2025. City Manager Hayes stated honor this year and refund and cancel anyone that has booked after October 2025 and explain the new policy to them and start fresh. Mayor Hendrix stated there should be a letter mailed out for cancellation and a refund. **The new policy will take effect October 1, 2025, but cancellations will not be sent out for anyone who has reservations for November & December of 2025. All reservations for 2026 and forward will be cancelled with a letter and refund.** The calendar schedule will be Fiscal Year October 1st through September 30th.

A motion to approve cancellation of all rentals/reservations for The Community Center and Townsend Building from January 1, 2026, and to refund the money to those who made reservations was made by Commissioner Redman. Motion seconded by Commissioner Stephenson. Unanimous approval. Motion carried.

A motion to approve effective October 1, 2025, for the rental of the Townsend Building & Community Center reservations will not be allowed further out than one year was made by Commissioner Redman. Motion seconded by Commissioner Sirmones. Unanimous approval. Motion carried.

8. Motion to adopt Ordinance No. 2024-06 and for the second reading (reference CPA 24-02 Change in Land Use) **To be read by title only.**

Motion to approve Ordinance No. 2024-06 (reference CPA 24-02 Change in land use) to be read by title only, read by City Attorney Mr. Maines was made by Commissioner Sirmones. Seconded by Commissioner Redman, all in favor, the motion passed unanimously.

9. Motion to adopt Ordinance No. 2024-07 and for the second reading (reference Z 24-02 Rezoning) **To be read by title only.**

Motion to approve Ordinance No. 2024-07 (reference Z 24-02 Rezoning) to be read by title only, read by City Attorney Mr. Maines was made by Commissioner Sirmones. Seconded by Commissioner Redman, all in favor, the motion passed unanimously.

City Attorney Maines suggested to the City Commission and City Manager to look in to disposing of the property and come back next month and discuss it since we just completed the process of annexing and rezoning this property which was the obstacle of putting the property up for sale. Mayor Hendrix stated this property needs to be brought before the board to surplus the property next month. City Attorney Maines confirmed this needs to be an Agenda Item next month and looking at different ways to market the property.

10. Discussion of the rezoning of a section of The City of Lake Butler from RSF-1 to RSF/MH-1– Requested by Vice Mayor Rondoll Huggins regarding a personal matter concerning his mother, Geneva Huggins-Washington and the rezoning of her property. Mayor Hendrix read the agenda item information sheet and stated that the conversation has extended with other discussions from Mr. Huggins with City Attorney Maines and others since last month. City Attorney Maines stated he wanted to correct one thing, everyone has been provided maps, this is not a request to rezone a property it is a request to the rezoning of everything outlined in red (see map attached) this is not unique to a parcel of land it encompasses the entire area of land, and he wanted to note that because he got a call from Mr. Huggins last night concerning exactly what this agenda item said. Mayor Hendrix stated but the request for the rezoning of this whole section came from the request of the one piece of property you got the answer “no” on, which led to now wanting to rezone this section of property which is 45 parcels. Vice Mayor Huggins thanked City Attorney Maines for making that clarification. Vice Mayor Huggins stated that this is for the entire East Sector of Lake Butler not just for his mother, it is for other citizens that want to move into Lake Butler and that live in this section of the community.

Vice Mayor Huggins stated, looking at this map he has ridden this area with his eyes closed and it's still a conflict to him the way it's mapped because it's saying it's 17 single family homes and 11 mobile homes and he has done his homework on this he was up until 3 am last night. We talked about it last month and he looked at it and rode the area. The map reflects the breakdown of that area, and it shows 15 single family homes and 14 mobile homes in that area. It does not show Ms. Lynn Watkins on the map that lives to the right of the car wash, Mr. Edward Cummings mobile home listed on there and we got him classified as an MFH, we got Mr. Alvin Jones who has remodeled his mobile home, and it looks like a home if you were to ride by there. Vice Mayor Huggins wanted to make that clarification, and he stated that he grew up in that area and was raised by his mom there, it is a great place to live and because of the way the area is zoned they cannot live there they are having to rent. Vice Mayor Huggins spoke about rental revenue and rental increases and how citizens want to own their own home, and he wants to be a voice for them whether we pass this or not and not only for them he wants to be a voice for his mother because at the end of the day his mother owned a home down there and she chose to sell it. Vice Mayor Huggins stated she bought what she could afford after retiring twice. Vice Mayor Huggins thanked Commissioner Stephenson for giving his mother the opportunity back in the day to work with him at the clothing factory which allowed her to build a home, people have horror stories from that, but he reaped the benefits from that. Vice Mayor Huggins stated what he doesn't want to see is people not being given the opportunity because of a zoning change back in the 90's and we left 2 residence what were trying to have amended at some point, if we could make a motion tonight or at a later time but you have Mr. Buddy Mabry and Mr. Sam Jackson. Vice Mayor Huggins stated he doesn't know how it was a miss, but it was a miss. Two residents out of this whole community and now we are looking at a plan that says there are 17 single family houses out there and that is not accurate, it is our job to try to help get it aligned, it may turn some stones over, but he just wants to be that voice and after speaking with the Planning Committee

in Gainesville and Mr. Maines, he would love to see a motion passed that we do this sector, and it can be done. Vice Mayor Huggins stated why hinder someone from having an opportunity we heard firsthand from Ms. Redman tonight which is trying to help a family member which happens to be her daughter and from that point they have family property, we understand the zoning rules change, we have a say in the matter we can do something about it according to the planning and zoning committee to make this amendment for only this sector not the entire community and we can start over from ground zero right here and afford individuals who could be married individuals or single individuals and they can move into this community. Vice Mayor Huggins stated this is not a black thing, it's not a white thing, this is a citizen thing. Vice Mayor Huggins stated that if it would have been just for his mother he would have still had a say in the matter but this is for others that have approached him with this matter and it is delicate for him, they are hard-working, good credit and from that point he would love to see this amendment take place so they can afford them the opportunity to own their own home and raise their kids in their own home. Vice Mayor Huggins spoke about being blessed to be able to be in a position to help his own mother financially.

Commissioner Redman stated that housing is horrible in Lake Butler and she stated, "that's my niece and my sister that came up and spoke" she was living in the projects and she worked and every time she got a raise her rent would go up and it is like a slap in the working people's face that have to live in low income or Housing Authority so when they are trying to get ahead, out there working not just sitting home receiving a check and then try to rent other places and they are sky high and there is rental places in Lake Butler they really need to shut them down because they are so bad but because of the housing situation something is better than nothing at times but it's not fair when you do own property and because it was rezoned unknowingly you can't put something there you can afford like a mobile home. Commissioner Redman stated she would like to see this change and asked City Attorney Maines was there a complication with this change.

City Attorney Maines explained there is a procedure to be followed and he explained the history of the zoning and how it come to pass was The Growth Management Act was passed by the legislature for every political subdivision/municipality was required to adopt a zoning scheme, a comprehensive plan and land development regulations and all these rules that are coming into play at this time and has been for the past 30 years. City Attorney Maines went on to say that there were a series of hearings pertaining to the sections of properties. City Attorney Maines stated it does not know what all the process was 30 years ago for making the determination for this property to be zoned but what is being requested is for the commission to change the use of this property from RSF-1 to RSF-MH to allow mobile homes to be placed on this property. This type of request is unprecedented in his experience in Lake Butler, we have never re-zoned an entire section property that was separately owned by different people, in this case quiet a number of people and which is already developed. It is legal for the commission to vote to sponsor this application, sponsorship of the application does not mean necessarily you will support the change at the end of the day because the city makes the application to the Planning Council and then it comes back to the Planning & Zoning Board, the owners will all be notified and that point you see how the commission feels at that point in terms of how you move forward. City Attorney Maines stated he doesn't have an opinion on the merits, but he is concerned each zone we have has its own restrictions and every zone we have has nonconforming uses because they are grandfathered in nonconforming structures. City Attorney Maines went on to explain how it could be a concern with the zoning scheme integrity but protecting the integrity

of the zone is something that deserves consideration whether you end up changing it or not because it has implications beyond this particular parcel of land. There are always people asking to do things they are not allowed to do on their property. City Attorney Maines asked where do you draw the line at, and he does not know that answer and he is not encouraging the commission to do either of them.

Mayor Hendrix stated that this could open up for everybody in the city to come in and put mobile homes, they would come in and want to rezone this section or that section because this is the same thing Vice Mayor Huggins is talking about and then you have all them people who built a home or have a home who have that risk of depreciation of their home. Mayor Hendrix stated that she grew up in the projects and lived in a mobile home until she moved to Lake Butler but at the same time if she built a home and had a mobile home put in next to her regardless of condition or size it is going to depreciate the value of her home. There are people in this section that have built their homes and in other sections. Mayor Hendrix went on to say she bought a mobile home on the lake, and it is RSF-1 and if she wanted to put a larger mobile home on that property she could not because of the zoning, she would have to have it rezoned. Mayor Hendrix asked would we be approving everyone that wants to make that change or would we be picking and choosing.

Commissioner Redman asked if the majority of the citizens in this area all agreed that they want mobile homes in this area, you got mobile homes in that area already that are 30 years old.

Vice Mayor Huggins asked how it is going to depreciate a home when it's 50% mobile homes and stated he just painted a picture. It's not going to depreciate your home down by the lake, it's not going to depreciate other houses down by the (unintelligible) Mayor Hendrix stated, "Vice Mayor Huggins I am not saying it is going to depreciate, let's set this record straight."

Vice Mayor Huggins stated, "No let me help you understand, it's not bringing any depreciation for you to bring that up."

Mayor Hendrix stated, "I have a mobile home I bought down there, and it will to the houses that are here."

Vice Mayor Huggins stated, "let me bring some clarity to what you are saying is, it's going to bring depreciation to the homes in Lake Butler so that includes everybody."

Mayor Hendrix stated, "this section here Mr. Huggins, is what I am referencing the 17 homes that are there."

Vice Mayor Huggins stated, "now that you have made clear because you said homes in Lake Butler."

Mayor Hendrix stated, "I said you are opening up the door for other people in other areas and is this board prepared to not sponsor."

Vice Mayor Huggins stated, "I am speaking on a topic that was a miss, I pointed it out to Mr. Maines, I pointed it out to Ms. Sandra Joseph and I get it that you don't want to do it but were going to make income off the utilities in the City of Lake Butler but you want to turn down an opportunity for someone, it's like you are making a choice whether you are gonna allow what you want to come in. You don't want a hotel, you don't want a large gas station, you want to make a decision on what comes to Lake Butler, we are talking about people's livelihood, people that want to own their own home. You are making it bigger than what it really is, but you are saying I am going to make it bigger than what it is."

Mayor Hendrix stated, "I am looking at the whole picture, Mr. Huggins. Don't put words in my mouth, Vice Mayor Huggins, I am basically looking at the whole thing, it doesn't just affect this area."

Commissioner Redman stated to Vice Mayor Huggins to calm down and he stated, "I am, but she is loud, so I am loud. No ma'am. No ma'am." Vice Mayor Huggins stated, "It's no different than when she was talking to Walker and when she was shooting John down when he was here, so she had a say in the matter and how she expressed her concern when they were here, and I am trying to bring money to the community." Mayor Hendrix stated, "they were stealing money from all - all of the citizens of the city there is a big difference. So don't bring that up. That does not have anything to do with what he is wanting."

City Manager Hayes stated to the board to please get back to what the topic is and leave the other stuff out. We have got to talk to each other professionally here tonight and its emotions on both sides and she totally understands both sides, but they must speak professionally and kindly to each other.

Vice Mayor Huggins stated, "Well she's going to get loud with me I am going to get loud with her. No ma'am, no ma'am."

Mayor Hendrix stated, "You were getting loud at me first sir. Yes sir. I gave you your time now I have my time."

Commissioner Redman asked City Attorney Maines can individuals come in after they do the paperwork, can they request the zone be rezoned.

City Attorney Maines asked Ms. Redman was she asking if an individual can request the rezoning of a property if they do own it and he stated they can as long as it does not create a spot zoning that is the issue Vice Mayor Huggins is having because we can't zone just his property. It is illegal to spot zone, which is why the line is drawn the way it is because you can zone the area but not the parcel.

City Manager Hayes stated that is why Mr. Huggins is asking for the whole area.

Commissioner Redman stated she would like to move forward in the first steps of trying to get it rezoned by doing it the proper way.

City Attorney Maines stated to Commissioner Redman what he believes she is saying is she would like to make a motion that the city be authorized to submit on behalf of the city commission a rezoning request to the affected area as shown in the map. Mr. Maines stated he thinks that is what she is looking for is the city commission to authorize The City of Lake Butler to be the applicant for a zoning change for the area designated on the map in red.

Commissioner Sirmones asked Vice Mayor Huggins about the two who mentioned earlier, and the zoning and Vice Mayor Huggins confirmed it was Sam Jackson and Buddy Mabry. Commissioner Sirmones asked how many of the property owners located in the zone has he made contact with to see if they would like a change and he stated a few and he will make contact with the rest. Commissioner Sirmones advised Vice Mayor Huggins to make contact with them.

City Attorney Maines advised the board they can take a vote now or the alternative is it could be tabled until such time as additional information is gathered.

Vice Mayor Huggins stated he did not want to table it.

City Attorney Maines reminded the board Vice Mayor Huggins, did declare a conflict the last time and filled out the appropriate form and statute would prevent him from casting a vote here but that is a decision he will have to make. City Attorney Maines stated he is not part of the board that decided if he should or should not vote on a particular matter but before Vice Mayor Huggins had stated that there would be personal, financial gain if this went through.

Vice Mayor Huggins stated that until he finds out the statute is not a conflict if he casts a vote and asks Mr. Maines was he saying tonight is a conflict if he cast a vote.

City Attorney Maines stated it could be a conflict under law. City Attorney Maines went on to say if a commissioner asks him if they can vote on a particular matter, he's not an ethics board he doesn't know how the ethics board would rule, he is just the City Attorney so each Commissioner on their own must decide if it is a conflict on their own. City Attorney Maines stated like he had done before when he had advised Vice Mayor Huggins to complete a conflict of interest form but he didn't know what was coming up. Now we're on the cusp of an actual vote the rules concerning votes and personal gain certainly might come into play in this circumstance, much more so than The Planning & Zoning Board where there was no vote.

Vice Mayor Huggins stated this is really not a personal gain to him per se.

Mayor Hendrix stated that it is for you or your immediate family.

Commissioner Redman asked the board do they want to table this because she was going to make a motion.

Vice Mayor Huggins stated he does not want to table this.

Commissioner Stephenson questioned the City Attorney what would happen if the motion made is approved to sponsor and City Attorney Maines explained to him he would speak with the Planning Counsel about the notifications to citizens and the process that would follow. City Attorney Maines explained that they must be careful with this process because if it is not done correctly there could be some liability it could have some legal implications for us and it is not covered by insurance. If you get sued it is just going to eat into the budget and that could be an expensive proposition. City Attorney Maines gave an example to the board.

Commissioner Stephenson asked what if there is property owners not interested in rezoning. City Attorney Maines explained that you can still rezone without their permission, however, they can sue us. They have remedies to law and that concerns City Attorney Maines.

Motion to approve the city staff to submit an application on behalf of the City Commission a rezoning request to the affected area as shown in the map from RSF -1 RSF/MH-1 was made by Commissioner Redman. Seconded by Vice Mayor Huggins, all in favor, the motion passed Yeas 3 and Nays 2. Commissioner Redman, Vice Mayor Huggins and Commissioner Sirmones in favor, Mayor Hendrix and Commissioner Stephenson opposed.

Mayor Hendrix asked if there is an ethics violation involved then what do they do. City Attorney Maines stated that you will need to notify the appropriate authorities if that is what someone thinks. Mayor Hendrix stated that it is definitely an ethics violation.

11. City Manager Reports - City Manager, Kimberly Hayes

City Manager Hayes addressed Mr. Huggins and stated that she spoke with him this morning and we talked about me talking to him tonight and she had told him she would publicly apologize to him tonight because of the verbiage of #10 and she knew it upset him. City Manager Hayes apologized to Mr. Huggins and his mother Geneva for the verbiage of #10. She is the one that wrote it, put it in there and she takes full

responsibility for her actions, and she wanted to apologize to both of them if she offended them anyway, she did not mean to, she had no intent with this at all. City Manager Hayes stated she is learning this as well as everybody else, she doesn't know all the steps and she wrote this in a way that offended both of you and she is very - very sorry and is asking for their forgiveness. City Manager Hayes stated she is very sorry.

City Manager Hayes reminded the 3 staff that have not completed their CyberSecurity to please do so it must be completed by December 31, 2024.

City Manager Hayes gave an update on the USDA Grant for the bucket truck, and it is still active we did not lose it. City Manager Hayes discussed the match for the city and that there is consideration for previous purchases from the city this year that may be considered for "In-Kind match" for the city. We are waiting for the approval from Tallahassee and if we receive that Sam the Public Works Director has provided a list of equipment they need we may be able to purchase.

City Manager Hayes updated the board on the CDBG-NR Grant we had applied for, and she was contacted that we can not have two of the CDBG-NR Grants active at the same time, so we had to withdraw from that. Once we are complete with the CDBG Grant for the WWTP we can apply again.

City Manager Hayes thanked all the staff from Public Works and the office for all their hard work and especially during the storms. City Manager Hayes stated because of all of you it has made us a success. Thank You.

12. Reports from Finance Department – Dave Mecusker

Finance Director Mecusker reviewed the Financial Report from October 2023 – September 2024 with the board. Finance Director Mecusker advised the board if they have any questions please stop by his office. Finance Director Mecusker advised the board that we will be scheduling our 2024 audit with James Moore tomorrow via phone call. Finance Director Mecusker discussed all the changes last year that were made to bring us to a more stable place.

Finance Director Mecusker stated that we received a letter from the IRS for fiscal year 2021 that they had penalized us and submitted a bill to us for \$11,500 that we were going to have to absorb from last year's budget. Finance Director Mecusker started correspondence with the IRS and explaining the city's position and today he had received a letter from the IRS that the \$11,500 was dismissed.

Finance Director Mecusker thanked the administrative staff for all their hard work and helping to make this happen. We are moving in the right direction.

A motion to approve the Monthly Financial Report for October 2023 – September 2024 was made by Commissioner Redman. Motion seconded by Vice Mayor Huggins. Unanimous approval. Motion carried.

13. Report of City Attorney – John Maines

City Attorney Maines reported that based on the commission's actions tonight approving an application for a zoning change he needs to remind everyone of a couple of things in Florida Statute's and the role that the board plays, the Planning & Zoning Board and City Commissioners. Land use classification and zoning is quasi-judicial by Florida Statute which means we have a higher duty and higher obligation to make sure the commission is impartial in these decisions. City Attorney Maines stated with the controversy from this meeting, now that the authorization has been given, he is recommending the commissioners to ensure they maintain a record/log of every person

they speak with concerning the zoning change. A brief synopsis. There is a law for disclosure if you have been in contact with residents that be disclosed at that time. City Attorney Maines explained in detail this process and the reason for the maintaining of the records and/or logs and they may come at a time when he asks for it. City Attorney Maines advised the commissioners of the law in having communications over this issue. Staff may have to do the research on the notification of each owner, whatever the address the tax bill goes to needs to be notified of the potential rezoning, but the city needs to speak with the Planning Council on this first.

14. Comments or Remarks by Commission

- **Commissioner Sirmones**
This could become a huge liability for the city.
- **Commissioner Stephenson**
What is the cost of this process to the city for #10. City Attorney Maines explained potential cost to him. Commissioner Stephenson asked about the code violations from last month's meeting and Mayor Hendrix explained we are trying to get a Magistrate for the city, City Manager Hayes may have something by the next meeting. Commissioner Stephenson asked about the DOC Contract and Mayor Hendrix stated we have not heard back from them yet and have no agreement yet and the contract ends November 1st. City Manager Hayes stated she will send them an email tomorrow. Commissioner Stephenson stated that he does not know how the city can tell a citizen they have to clean up their lot when we have several properties not maintained and he feels we are discriminating against and picking and choosing who we say something to. Commissioner Stephenson said he won't sign off on a code violation for someone that hasn't mowed their grass unless it's uniformed for everyone. Mayor Hendrix explained that enforcement is coming from complaints if someone complains code enforcement must enforce it. No complaint no enforcement. Anyone can file a complaint. Commissioner Stephenson asked about our reserves and cash in hand and Finance Director Mecusker stated we are working on that, and we do have a small reserve. Commissioner Stephenson stated we need to get prepared and make sure we have the reserve for emergencies and storms.
- **Commissioner Redman**
No Comments.
- **Vice Mayor Huggins**
Apologized to Mayor Hendrix and panel. His message is clear he is trying to do something for the citizens. Vice Mayor Huggins stated to City Manager Hayes that his level of frustration is streamlined from the online posting, he has never let anything get him to that point, but he stands for what he stands for and when they talked this morning that distinguishes her level of character and for making the phone call he had asked for. Vice Mayor Huggins stated when he sent that email, he laid out what was going on and he asked for a phone call and when he received her call, he accepted her apology, and they had a conversation, and he accepts her apology now. Vice Mayor Huggins stated he wants to go on record and say we all can agree to disagree, and he has made apologies, he appreciates this opportunity and if this gets him kicked off the board at least he knows he tried he gets it, if he has to pay a fine, he gets it. Vice Mayor Huggins stated to City Attorney Maines he had called him a couple of times and then he stopped calling because he has been in management a long time and he understands when he is told "I have to talk to the staff, that's Mayor Hendrix and Mrs. Kim. I understand so I backed off asking questions because I got that message clear." Vice Mayor Huggins thanked Mr. Maines for sending him the

maps, floor plans, statutes, talking to him and for letting him know that he did not know that was what was going to be posted or advertised online, that was not what was said to Mr. Maines. Vice Mayor Huggins stated that it is time to get something in place for Lake Butler for the community the value is down. Vice Mayor Huggins stated he built a home in Lake Butler; he grew up in this area and he wants to see the value of his home go up. Lake Butler is a beautiful place. Vice Mayor Huggins apologized to the audience and stated that if you bring your concern, it's not his character to get out of place, we're human we make a mistake but stand up for what is right. Vice Mayor Huggins thanked all the city staff in Public Works for all their hard work during the storm and how they worked through the storm to clear roads and keep the city safe. Vice Mayor Huggins stated he wants to provide them with lunch vouchers for their hard work.

- **Mayor Hendrix**

Mayor Hendrix apologized to Vice Mayor Huggins for her getting all she is trying to find the words in her mind. We are going to agree to disagree, his passion for all this and hearing stuff from different people in unrelated events and she has been trying to understand all of this and what is best for all of the city not just one section, so she wants to apologize for raising her voice and to everyone at the meeting. Mayor Hendrix stated to the board they need to consider having a CRA Meeting because they have a business owner Mr. Osteen, "who has Sams old gas station" and he would like to come to the CRA Meeting to make a request because in the past the city gave \$5000 improvement and if he is willing to make this look pretty, we need to get this on the books. Mayor Hendrix asked City Manager Hayes to call everybody. City Attorney Maines suggested City Manager Hayes get with Andy Easton & Associates who have done a lot of work with our CRA and determine whether our CRA guidelines allow consideration by the board for this kind of request from an individual or not. Mayor Hendrix stated we have done this in the past there was a program that allowed for it.

15. Meeting Adjournment

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

Meeting Adjourned at 8:01 pm.

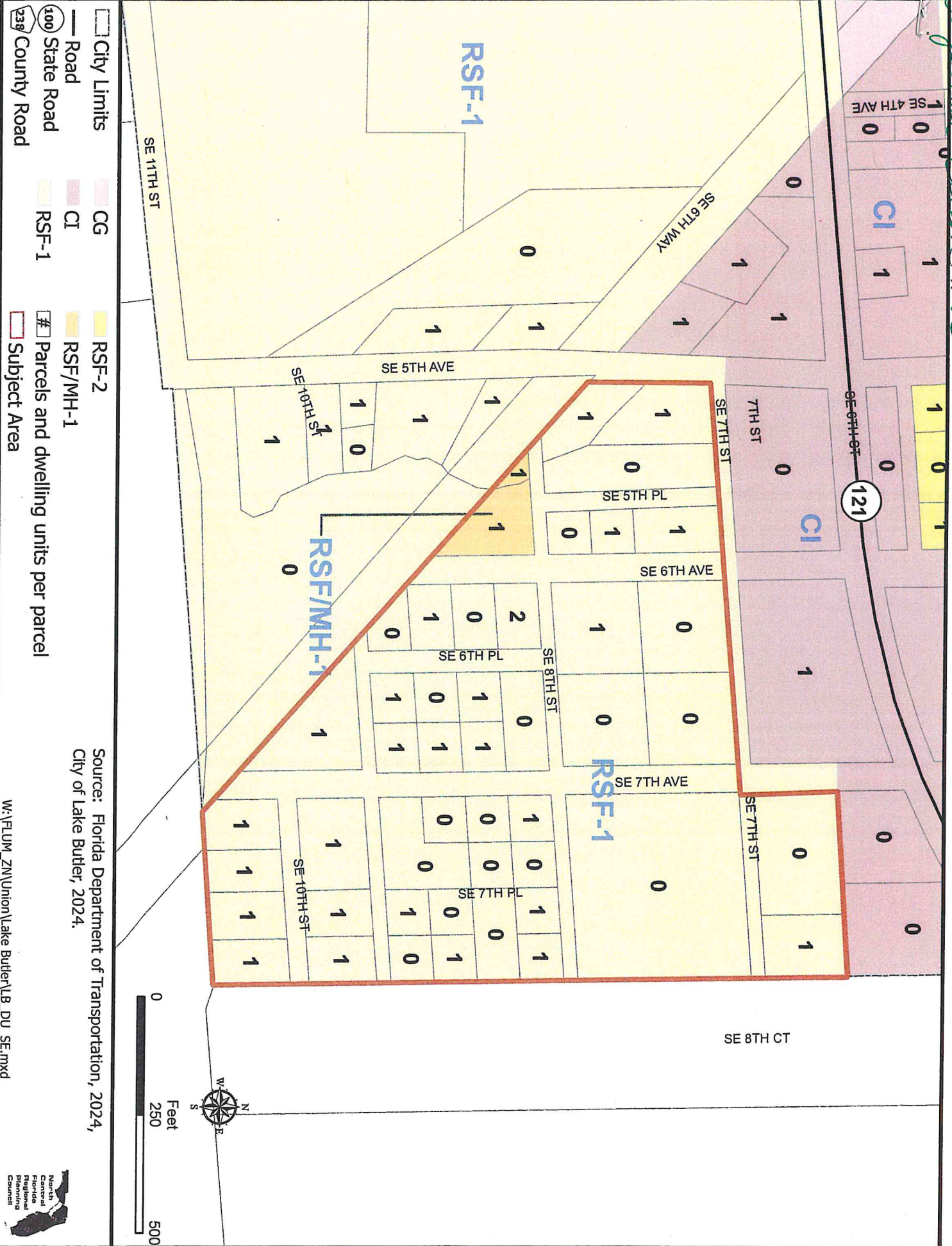
IT SHOULD BE NOTED:

These minutes were transcribed based off recordings - to hear the complete recording for the 10/15/24 Commissioners Meeting please go to:

<https://www.cityoflakebutler.com/agendas/>

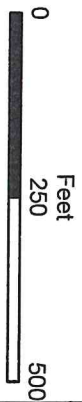
Copy of Map for Agenda Item #10 attached to Meeting Minutes

Map of parcel 121



- City Limits
- Road
- State Road
- County Road
- CG
- CI
- RSF-1
- RSF-2
- RSF/MH-1
- Parcels and dwelling units per parcel
- Subject Area

Source: Florida Department of Transportation, 2024,
City of Lake Butler, 2024.



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