

Regular City Commission Meeting (Tuesday, February 21, 2023)

Generated by Amanda Brown on Tuesday, February 21, 2023

A. MEETING OPENER

Procedural: 1. Call To Order - Roll Call

- Meeting called to order by Mayor Redman at 6:00 PM
- Present: Commissioner Sirmones, Commissioner Hendrix, Vice Mayor Stegall, Mayor Redman, City Attorney Maines, City Manager Walker

Procedural: 2. Opening Prayer

- Opening prayer led by Mayor Redman.

Procedural: 3. Pledge of Allegiance

- Pledge of Allegiance led by Mayor Redman.

Action: 4. Approval of The Agenda Format

- A change of agenda order was requested by Mayor Redman to have the City Manager's Report come between items 15 and 16.
- **Motion to approve the agenda format with the City Manager's Report moved between Items 15 and 16 was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**

B. CITIZEN INPUT

Information: 1. Provision for Citizen Input

- The mayor read the provision to citizen input.
- Joe Stevenson, 110 NW 3rd Ave, Lake Butler, Florida
 - Mr. Stevenson stated that many of the citizens of Lake Butler are low- or fixed-income and need a government that works for them. He was disappointed that the special meeting to visit the new Public Works facility was canceled. He expressed concern with the budget of the city being compared to the average of other cities and that the city's approved budget shows a 10% increase in water rates each year, and the Commission bears that responsibility.
 - Mr. Stevenson requested additional time to speak before the Commission and was granted it.
 - Mr. Stevenson continued to explain that there have been many people in town upset with what is going on. The projected five-year budget shows the City will eventually be in the negative. He expressed concern over a lack of response from the Commission to the water line breaks and regarding the care of the cemetery.
- Rondoll Huggins, 640 SE 4th Street, Lake Butler, Florida
 - Mr. Huggins explained that while coming to meetings for the last several months, he had requested some housekeeping issues of the Commission and is pleased to see some have been started, such as the barrier to Fletcher Myers's house. He would like to know if it will be continued all the way down or if will it remain a single barrier at the stop sign.
 - While speaking with the residents along the same street concerns were raised that the road needs to be repaired due to large potholes. He would see to know if any of the grant money for street repair would be used for that street.
- Spencer Hoover, 1025 S Lake Ave, Lake Butler, Florida
 - Mr. Hoover would like access to agenda documentation.
 - Staff informed Mr. Hoover that all agenda items are available online through the city website.
- Roger Hoover, of 107th Ave in Union County, Florida

- Asked what was planned with the property recently sold at the crossroad of State Roads 100 and 121 and was informed that it was done by a private buyer and information is not available at this time.

C. AGENDA ITEM NUMBER

Action (Consent): 1. Consent Agenda

- Minutes from the January meeting were not available due to a software issue and will be added to the next month's agenda for approval.
- Vehicle logs are not on the current agenda, though public works will begin submitting them to the commission next month. The City Manager does not have a vehicle log and has not since the vehicle was purchased.
- Animal Control: Cody Douglas is the registered animal control officer and Thomas Stitt works under his license. Cody receives the pay because he holds the state license. Mr. Maines suggests that if someone is hurt, there could be a liability. Staff confirmed that the animal control certification class is scheduled for Mr. Stitt.
- **Motion to approve the Consent Agenda in one motion was made by Vice Mayor Stegall and seconded by Commissioner Hendrix.**
 - **Unanimous Approval**

Action: 2. Financial Reporting for Period Ending January 31, 2023

- Finance Director, John Sapp, presented the financial report for January 2023. In January, \$295,700 in grant funding was disbursed for the wastewater treatment plant with contract WS005. Also, city staff continue to work with auditing firm, Powell and Jones, on the extended audit procedures.
- Commissioner Hendrix would like to discuss amending the budget for capital improvement and see where the city could reduce its expenses and expressed concern regarding the movement of funds between line items.
 - Mr. Sapp explained that within a fund, things can be moved between line items and as long as the fund balances, but he could provide a list of line items that were adjusted if requested.
- **Motion to approve the financial report for the period of October 1, 2022, through January 31, 2023, was made by Commissioner Hendrix and seconded by Commissioner Sirmones.**
 - **Unanimous Approval**

Action: 3. Public Hearing Regarding Ordinance 2022-09 - Comprehensive Plan Amendment

- **Motion to open the public hearing for Ordinance 2022-09 to amend the Comprehensive Plan was made by Vice Mayor Stegall and seconded by Commissioner Hendrix.**
 - **Unanimous Approval**
- Public Comments
 - No comments for or against.
- **Motion to close the public hearing for Ordinance 2022-09 was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
- **Motion to adopt Ordinance 2022-09, by title only, was made by Vice Mayor Stegall.**
 - **Title read by Mr. Maines.**
 - **Motion seconded by Commissioner Hendrix.**
 - **Unanimous Approval**

Action: 4. Boat Race - March 2023

- Mr. Walker presented a breakdown of the cost for the boat race to the Commission. There are donations from several people/organizations to cover the cost of the boatraces for March 2023 as well as \$1,000 budgeted for expenses if needed. The activity benefits the city by bringing people out for something different and brings local vendors and food trucks together.
- Commissioner Hendrix was concerned that the city may have used Community Redevelopment Agency funds that were overpaid to Union County for emergency services for the boat race. Mr. Walker explained that there had been no charge to the city for emergency services for that race. The Commissioner stated that the City needs to look into what the charge would be for emergency services for the upcoming race.
- There have been \$8,230 in donations and vendor fees. Some vendors have already registered and are on hold to see if there will be a boat race before canceling.
- Liability insurance for the race is covered by the Southern Outlaw Dragboat Association (SODA) and the City holds regular liability insurance for people at the park.
- The city holds a lease on the Driggers property beside the park that the boat racers use during the event. The property may need repair if it rains during the event. SODA would need to be willing provide funding to cover the cost of dirt and repair if this is the case.
- **Motion to approve the boat race contingent that Southern Outlaw Dragboat Association make arrangements for emergency services, documented in a contract, was made by Vice Mayor Stegall and seconded by Commissioner Sirmones.**
 - **Unanimous Approval**

Action: 5. Resolution 23-01 - Compliance with Community Development Block Grants

- Resolutions 23-01 through 23-05 are required by the terms of the grant.
- **Motion to approve Resolution 23-01, by title only, was made by Commissioner Hendrix.**
 - **Title read by Mr. Maines.**
 - **Motion seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**

Action: 6. Resolution 23-02 - Compliance with Community Development Block Grants

- **Motion to approve Resolution 23-02, by title only, was made by Vice Mayor Stegall.**
 - **Title read by Mr. Maines.**
 - **Motion seconded by Commissioner Sirmones.**
 - **Unanimous Approval**

Action: 7. Resolution 23-03 - Compliance with Community Development Block Grants

- **Motion to approve Resolution 23-03, by title only, was made by Commissioner Hendrix.**
 - **Title read by Mr. Maines.**
 - **Motion seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**

Action: 8. Resolution 23-04 - Compliance with Community Development Block Grants

- **Motion to approve Resolution 23-04, by title only, was made by Vice Mayor Stegall.**
 - **Title read by Mr. Maines.**
 - **Motion seconded by Commissioner Hendrix.**
 - **Unanimous Approval**

Action: 9. Resolution 23-05 - Compliance with Community Development Block Grants

- **Motion to approve Resolution 23-05, by title only, was made by Commissioner Hendrix.**

- **Title read by Mr. Maines.**
- **Motion seconded by Vice Mayor Stegall.**
- **Unanimous Approval**
- Mr. Spencer Hoover asked if there were any additional costs associated with managing the grant funds.
 - Mr. Maines responded that Fred Fox Enterprises is the grant administrator and is paid for by the grant funds. The grant itself dictates how these funds are handled.

Action: 10. 2023-2024 Personnel Policy

- Mr. Walker presented the proposed personnel policy for the 2023-2024 fiscal year. The policy has been reviewed by the City's labor attorney. The educational section has been omitted as requested by the Commission.
- Mayor Redman would like to address the personnel policy during a special meeting to discuss the finances included in it.
- Commissioner Hendrix questioned the portion of the policy that allows employees to cash out sick leave at the full cost instead of the quarter cost they would normally at the end of their employment.
- Commissioner Hendrix distributed a memo to the commission and requested it go on record.
 - The memo has been attached to these minutes for the record.
 - The memo is between the City Manager and former Mayor Schenck regarding a trial for a program that would allow employees to cash out sick leave. The test was done using the City Manager's sick leave balance. The gross payout for the City Manager for that payroll including the cashed out sick leave was \$31,752.38.
 - Commissioner Hendrix questioned legality of that transaction with only the Mayor's approval.
- **Motion to table the review of the personnel policy to a special meeting was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**

Information: 11. ARPA Funds

- Mr. Walker presented his information regarding the American Rescue Plan Act (ARPA).
- Deposits were transferred over to the wastewater funds. Since funds were not needed for lift stations until fall 2023 or 2024, they were used to purchase the sprayfield acreage.
- Commissioner Hendrix discussed that the Commission's understanding was that this purchase was to be made using surplus money through internal loans. She stated that these funds were intended by the Commission to be used for lift stations. This was not done but ARPA funds were used for the land purchase and will now need to be recuperated. Mr. Walker explained that the loans have been designed into the budget to pay back the funds.
- Commissioner Hendrix expressed concern that there are several budget adjustments at the close of the fiscal year that were done to ensure the City meets the 25% minimum required to function as a city. She stated that the Commission did not approve a contract with James Moore to handle the ARPA funds. James Moore is the CPA firm contracted for the 2023-2024 fiscal year. Mr. Walker explained that contacting the James Moore firm to report on these funds was to comply with the reporting requirement with the federal government and is a finance decision.

Action, Discussion: 12. City Hall Hours

- Commissioner Hendrix addressed the memo regarding City Hall hours. The hours had been changed to 9:00 AM to 4:00 PM to allow staff time to do deposits and work on projects that there may not be time for while serving customers.
- Commissioner Sirmones urged an administrative change be made to set the hours to 8:00 AM to 5:00 PM for City Hall.

Action, Discussion: 13. Electronic Devices Used for Work from Home

- Cares Act funds were received by the City to allow employees to work from home during the pandemic. Mr. Walker explained that a server was purchased for City Hall to handle the data needed to do this and that it will be in the inventory. The item is missing from the fixed asset schedule and the Commission requested this be researched and added to the inventory list.

Action, Discussion: 14. Public Works Tools and Equipment

- Commissioner Hendrix believes that some employees have been using City equipment for personal use.
 - Public Works employees Willie Henderson and Mathew Kelley were present and explained that they do not have a log for tools. When tools are broken or lost while working, they are replaced using local vendors.

Information: 15. Wastewater Treatment Plant Update from Engineers

- Information update from Mittauer and Associates regarding the wastewater treatment plant that they are working on the easement for the force main by the housing authority. This is anticipated to be completed by January 2024.

E. REPORT OF CITY MANAGER

- Per the adjustment of the Commission, the City Manager's report will come between agenda items 15 and 16.
- Information: 2. Report - Welch's Land Swap
 - A few years previous, a blue-ribbon committee was formed to try to acquire an economic development grant. It consisted of two groups made up of older and younger individuals. Both groups wanted to revitalize downtown and were asked how big they wanted Lake Butler to be. The response was that they wanted a population of no more than 5,000 people. The biggest concern raised was that Welch's on Main Street was an eyesore.
 - There is a difference in appraised values between the two properties. The difference was considered acceptable compared to the value of having the business moved off Main Street.
 - The land swap was all done legally with the assistance of attorney Kerry Parsons of the Nabors, Giblin, and Nickerson P.A. firm.
 - Retail Strategies was working to fill the lot, but their contract was not renewed.
 - Commissioner Hendrix read a portion of the resolution for the property swap, stating:
 - “...a portion of the property identified above and owned by the City is not needed for City purposes;”
 - “The values of the City's Property and Welch are comparable;”
 - This information has been provided to the auditors because no appraisals were done before the land swap.
- Information: 3. Report - Water Main Break
 - An invoice was sent to Windstream's insurance company for \$17,911.71 for the damages and cost of repair. The invoice was paid on 2/17/2023.
 - Mr. Joe Stevenson inquired if the City had to locate the pipe that was needed for the repair or if there was one in inventory.
 - A 10-inch pipe is uncommon and had to be acquired.
- Information: 4. Report - Vehicles Sold
 - The list of vehicles sold was provided by Govdeals.com. There was a firetruck that was sold originally on Govdeals but it was paid for in person.

- Commissioner Hendrix was concerned that some items were sold without the Commission's approval and that one item sold was not City property.
- Commissioner Sirmones asked if these needed to be brought to the board and Mr. Maines explained that this could be added to the Consent Agenda and, if a commissioner desired, it could be taken out for discussion.
- Information: 5. Report - Unpaved Streets
 - There is a Florida Department of Transportation grant for \$283,200 to pave the list of unpaved streets. Southwest 7th Street has been updated on the grant.
- Information: 6. Report - Uniforms
 - In the past, several employees complained about the uniforms received through a uniform company. Employees complained that uniforms were being returned unwashed, unrepaired, and ill-fitting, so the decision was made to stay within the budget but to purchase jeans and uniform shirts. Public Works employees are allowed six uniforms per employee. The Public Works Director allows each employee to choose the type of jeans they need and those were purchased. Shirts and hats are standard uniforms for Public Works employees.
 - Commissioner Hendrix states that the Commission needs to set a uniform policy.
- Information: 7. Report - Tractor for Mowing Grass
 - A grant is not available for the purchase of a mower at this time, but the City will continue pursuit of one.
- Information: 8. Report - Sidewalk Project 3rd Street
 - The 3rd Street sidewalk project has been completed.
- Information: 9. Report - Shoe Allowance
 - The shoe allowance was canceled for all employees.
 - A former employee provided Commissioner Hendrix with a box of documents, one of which showed that in 2018 the \$100 per year was expanded to include every employee and not just those in Public Works. She stated that the shoe allowance should be included in the uniform policy and not simply canceled.
- Information: 10. Report - Public Works Drive
 - This project is on hold until the Commission approves moving forward.
- Information: 11. Report - Manholes
 - The manholes on SW11th Street have been sealed per the Commission's request.
- Information: 12. Report - Landscaping for SR 100 - Agreement with Florida Department of Transportation
 - The bump outs along State Road 100 do not look good but they are under a maintenance agreement with the Florida Department of Transportation.
- Information: 13. Report - Food Trucks
 - City staff will touch base with Mrs. Huggins to try having a food truck event at the loop by Lakeside Park.
- Information: 14. Report - Books
 - The books purchased for staff were for leadership training.
- Information: 15. Report - Water Bill
 - This issue with the customer has been solved.
- Information: 16. Report - Lease of Johary Property
 - The check for the lease was never cashed and the lease has been canceled.
- Action, Discussion: 16. Consideration of City Manager Contract and Continuation of Employment
 - Commissioner Hendrix explained that due to spending, signing unapproved contracts, not being transparent with finances, the payout of sick time, not managing staff, and other issues, she believes that

the Commission should terminate Mr. Walker. The Commissioner is concerned about the lack of transparency and is still providing documents to the auditors.

- **Motion to terminate the City Manager's contract, effective immediately, was made by Commissioner Hendrix.**
 - The Commission discussed what would happen upon his removal and if Finance Director, John Sapp, would be the interim manager.
 - Mayor Redman explained that some things have not been brought to the commission though others have. The Commission was aware of the pay raise step program, but that the step program had a higher rate than anticipated. She would like to have these things brought to the commission to decide if the amount would work within the budget. Mr. Walker has done many good things but there have been too many issues brought up. The commission is looking forward to the new wastewater treatment plant and making improvements for the citizens of lake butler.
 - Mr. Maines stated that the payout of sick and annual leave in the contract would wait for the conclusion of the audit.
 - **Motion seconded by Commissioner Sirmones.**
 - **Unanimous Approval**

D. REPORT OF CITY ATTORNEY

No report.

F. COMMENTS OR REMARKS BY COMMISSION

- Commissioner Sirmones mentioned that he would like to see the people turn out when things are going well and not just when there are issues. The Commission would like to see the citizens involved regularly.
- Mr. Maines suggested a deadline of two weeks for candidates for an interim manager to submit resumes. This would allow for time for the required advertising.
- **Motion to set March 7, 2023, to appoint an interim city manager and to discuss terms of employment was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
- **Motion to only accept applicants from Union County for interim City Manager was made by Commissioner Sirmones and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
- **Motion to set the deadline for resumes as March 6, 2023, at 5:00 PM was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
 - The agenda will be posted online with a list of applicants.
- **Motion to make John Sapp the acting City Clerk was made by Commissioner Sirmones and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
- **Motion to provide a Community State Bank credit card with a limit of \$7,500 and require communication with the Mayor before use was made by Commissioner Hendrix and seconded by Vice Mayor Stegall.**
 - **Unanimous Approval**
- **Motion to designate the Mayor to authorize emergency expenses up to \$7,500 was made by Vice Mayor Stegall and seconded by Commissioner Hendrix.**
- **Unanimous Approval**

G. ADJOURNMENT

Action: 1. Adjourn

- **Motion to adjourn was made by Vice Mayor Stegall and seconded by Commissioner Hendrix.**
 - **Unanimous Approval**
 - Meeting adjourned at 8:32 PM.