

## **Regular City Commission Meeting (Tuesday, August 15, 2023)**

*Generated by Hayden Page on Tuesday, August 15, 2023*

### A. MEETING OPENER

Procedural: 1. Call to Order - Roll Call

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

In Attendance:

**City Commission - Mayor Stegall, Vice Mayor Hendrix, Commissioner Huggins, Commissioner Redman, Commissioner Sirmones**

**City Staff - Interim City Manager Tillis, City Attorney Maines, Finance Director Sapp, Minutes Clerk Page**

Procedural: 2. Opening Prayer

**Opening Prayer was led by Commissioner Redman.**

Procedural: 3. Pledge of Allegiance

**Pledge of Allegiance led by Mayor Stegall.**

Action: 4. Approval of The Agenda Format

Recommended Action: Motion to approve the agenda format.

**Motion to approve the agenda format was made by Commissioner Huggins. Seconded by Commissioner Redman. Unanimous approval. Motion carried.**

### B. CITIZEN INPUT

Information: 1. Provision for Citizen Input

**Jody Read, owner of Sapphire Services at 250 SW 9th Avenue, member of Rotary**

**-Thanks the City for their assistance in helping with the 4th of July, with one of the best events Rotary has had. Wanted to show appreciation.**

**-References that the upcoming year will be the 30th year of the relationship and partnership between the City and Rotary.**

**-Recaps on how successful the event was.**

**-Shows appreciation.**

**Vernon Dukes  
315 NW 3rd Street**

**-States that he has requested job descriptions for all city employees, and the only ones he has received is for city manager and public works director positions.**

**Carly Shaw Loznicka, on behalf of West Fraser  
9826 SE 186th Place**

**-Referenced the check that was written to the City and to Dale Walker for the Downtown Revitalization Program, and did not receive feedback on what the money was used for after requesting due to her accounting process.**

**The board did state that the general ledger can be reviewed and information can be provided to her.**

### C. UCHD PRESENTATION

Discussion, Information: 1. Union County Health Department's Presentation to City Commission

**Aimee Oody is here as well as Jim Lyons from Union County Health Department.**

**Stated that they are here to explain the grant funding that they have for playground equipment.**

**Stated that they met with the city manager, and discussed what would be needed for the city parks.**

**Proposed the idea of a partnership between Union County Health Department and the City for improving the playground equipment.**

**Vice Mayor Hendrix suggested the idea of involving citizens who can share insight and feedback on what would be well used.**

**Union County Health Department expressed agreement with involving citizens.**

**Commissioner Redman asked if there was a deadline and the Union County Health Department stated June 30, 2024.**

**Vice Mayor Hendrix suggested this would be a great idea, and to provide TLC to all 3 city parks, and suggested researching county costs for parks and compare.**

**Interim Manager Tillis commented after his conversation with Mr. Lyons and he had reviewed all his playground equipment, and stated that in his tenure from 1996-2006, the equipment that is in the various parks is still being used at the parks.**

**The board directed Union County Health Department to communicate with Interim Manager Tillis to set the rest of the process up.**

#### **D. REPORT OF CITY MANAGER**

**Discussion, Information: 1. City Manager Monthly Report**

**Interim Manager Tillis provided his report to the board, with several different items to be discussed.**

**Two different development companies have reached out to the city.**

**One developer was considering purchasing the parcel on SW 6th Ave and SW 6th Street, and they have provided their preliminary site plan.**

**The other developer was an individual who wants to open a restaurant in the old TD Bank on Main Street.**

**The current issue with both of these locations is the sale of alcoholic beverages, due to being too close to a church which is governed by an ordinance, but he would bring these two projects to the board.**

**Vice Mayor Hendrix did ask if the email the board received was the Wawa development company for the parcel on SW 6th Ave and SW 6th Street.**

**Interim Manager Tillis did explain that the documents received was a preliminary site plan, but not a permanent plan.**

**Interim Manager Tillis did comment that FDOT was not willing to allow a driveway for this property, however, the property next door has two.**

**Interim Manager Tillis explained that his intent is to not have the heavy traffic of the potential development use the city roads due to the condition of the city roads, and the infrastructure being weaker than what is the state roads.**

**Vice Mayor Hendrix did ask on the 335 feet ordinance and referenced that previous developers have requested to move into the city and were denied, and raised concern with providing an exception for these two developments would be unfair and unethical.**

**Interim Manager Tillis did comment on the ramifications of the projects if the city does not exempt them from the 335 feet ordinance, and that it is possible to be a deal-breaker.**

**Vice Mayor Hendrix did ask with the documents provided by Interim Manager Tillis for the ordinance and discussion. City Attorney Maines provided the process which is if the board has a consensus, than there is no further action in need to be taken. City Attorney Maines did state that a modification would need to be made to the ordinance, with direction by the board.**

**City Attorney Maines explains the process in which the process is for modifying the ordinance, with a first hearing, a second hearing, and reading the ordinance modification.**

**Vice Mayor Hendrix suggested that the ordinance remain the same, and Commissioner Redman agrees. The board seems to have a consensus to not change the ordinance that would affect churches with the 335 feet ordinance.**

**City Attorney Maines did suggest that the contract by the developer could possibly have a contingency on certain circumstances.**

**Commissioner Huggins shares agreement with the rest of the board to keep the ordinance as is.**

**City Attorney Maines stated that this issue can be revisited in the future.**

Vice Mayor Hendrix asked if each item on the city manager report be discussed, and Mayor Stegall directed Interim Manager Tillis to discuss each item.

Vice Mayor Hendrix suggested a committee that includes citizens and one commissioner per park for the playground equipment revitalization.

City Attorney Maines recommends an advertisement for the committee.

Motion to form a committee for the upgrade of city parks with the Union County Health Department and to advertise for the community to be involved was made by Commissioner Redman. Seconded by Vice Mayor Hendrix. Unanimous approval. Motion carried.

Interim Manager Tillis explains the contraband found near the dumpster at the Community Center, and explained that it was directly reported to DOC. Interim Manager Tillis also notified the sheriff's department as well just so they are aware.

Interim Manager Tillis did explain that some contraband was found in an inmate locker that is located in the city vehicle. Interim Manager Tillis Explained that a discussion took place today with the lieutenant.

Interim Manager Tillis explained the report that was submitted about a large pine tree that was struck by lightning on SE 4th St and SE 4th Avenue, and that there is not a right-of-way where the dead tree is located and that the tree is not the city's responsibility to remove.

Interim Manager Tillis explained that the grant funding that was approved and stated that it increased from being a 80% loan forgiveness/20% loan that was paid back to a 90%/10% due to the city's score was high enough to qualify for a higher ratio.

Interim Manager Tillis did explain with an unopened right of way that Huggins brought to his attention located on SW 9th Avenue and explained that the last survey of the homeowner revealed that 2/3 of the small barn located on the property is within the city's right of way. Interim Manager Tillis provided some options on how to handle this issue, which were stated on the report.

Vice Mayor Hendrix asked for clarification on the exact location of this property, in which the board assisted in providing some geographical references.

Interim Manager Tillis did refer to City Attorney Maines for legal advice, and Maines stated that the board needs to consider the options and provide a response before proceeding.

Commissioner Huggins asked how the initial survey before the barn and after the barn, and raised concern that possibly an initial survey was not done before the barn was constructed.

Interim Manager Tillis did explain that the right of way survey can be reviewed to see the dimensions of the survey.

Vice Mayor Hendrix recommended involving the property appraiser with this issue, and City Attorney Maines agreed.

The board collectively agrees that leaving it as is would be the best and most beneficial idea for the city.

Vice Mayor Hendrix referenced the item put on the agenda regarding putting back the leave time for a single employee, and raised concern with putting this back without a thorough investigation. Stated lack of comfort with proceeding with lack of a proper investigation.

Vice Mayor Hendrix did state great concern with lack of proper controls with time off balances, proper paperwork.

Commissioner Huggins did agree with Hendrix and stated that a clear investigation needs to take place before the board can agree to return this time back.

Vice Mayor Hendrix did state due to lack of record keeping, a more further investigation needs to take place before any decision is made by the board.

Commissioner Sirmones referred to the Public Works Directors on how the time off was handled.

City Attorney Maines asked the directors of public works when the old system was retired, which Director Banks and Assistant Director Stewart answered was sometime in 2018.

City Attorney Maines did state that the time clock system ran much more smoothly than ADP, and Hendrix agreed and stated that this can be changed by decision of the board.

Vice Mayor Hendrix did reference the recognitions that are included on Interim Manager Tillis' report.

**Interim Manager Tillis explained that he wishes to keep the board informed with the recognitions of new procedures that he had implemented by Cal Stewart and Mathew Kelley.**

**Interim Manager Tillis explained the activity sheets that were done by Cal Stewart, and the ditch cleaning method that was researched and completed by Mathew Kelley and public works staff.**

**Vice Mayor Hendrix did reference the two leases and stated concern with the Welch's recommendation and raised concern with the lack of cleanup to the property.**

#### **E. MONTHLY FINANCIAL REPORT**

Action, Discussion: 1. Financial Report for period October 1, 2022, through July 31, 2023

Recommended Action: Motion to approve financial report for period October 1, 2022, through July 31, 2023.

**Finance Director Sapp provides his financial report to the board for their review and discussion.**

**Finance Director Sapp did add a note that if the special projects fund is adjusted, than the total net loss would significantly decrease for the Wastewater Fund.**

**Vice Mayor Hendrix did raise concern on the check register as well as the credit card statements.**

**Vice Mayor Hendrix referenced the multiple internet services being paid for referencing city hall.**

**Vice Mayor Hendrix referenced the cleaning contract payment that took place, and when it was clear that the 1099 was not accurate, and a 30 day written notice was given, and the 1099 to W2 was not taken place during July and raised concern that the change was not made to this from a 1099 to W2.**

**Finance Director Sapp provides an explanation of the process that took place with the July payment of the full cleaning contract.**

**Vice Mayor Hendrix raised concern with the fact that this process will be highlighted in the upcoming audit as the auditors explained that 1099's do not need to be completed, and W2's should be completed instead.**

**Vice Mayor Hendrix did reference that the city credit card statements show sales tax being paid. Finance Director Sapp did state that he would review the transactions in question.**

**Vice Mayor Hendrix raised concern with the contract of the city manager not stating that the payout of overtime, Finance Director Sapp stated that this issue was corrected in payroll to balance out the overtime payout error with a reduction in the preceding payroll.**

**Motion to approve the financial report made by Commissioner Sirmones. Seconded by Commissioner Huggins. Unanimous approval. Motion carried.**

#### **F. AGENDA ITEM NUMBER**

Action (Consent), Discussion, Information: 1. Consent Agenda

**Vice Mayor Hendrix explained that she had requested the placeholders be added to the consent agenda which was the city manager, public works director, and city staff.**

**Vice Mayor Hendrix explained that the city manager job description has not yet been posted, and a salary has not been established by the board either, and Vice Mayor Hendrix stated that this needs to take place sooner rather than later.**

**Mayor Stegall explained the salary range that is included in the city manager job description is \$75,000-\$85,000.**

**Vice Mayor Hendrix urges to have this voted on and approved so that it can be advertised.**

**Motion to approve the job description and salary for city manager was made by Commissioner Redman. Seconded by Commissioner Huggins. Unanimous approval. Motion carried.**

**Vice Mayor Hendrix referenced the public works director position, confirmed that applications have been received, and asked when interviews would take place. Interim Manager Tillis stated interviews are being scheduled this week.**

**Vice Mayor Hendrix referenced on the city staff item, requested job descriptions and commented that the city website has some of the positions posted there.**

**Interim Manager Tillis did state that a part of his plan is to establish a pay plan and pay grade.**

**Motion to approve the consent agenda was made by Vice Mayor Hendrix. Seconded by Commissioner Redman. Unanimous approval. Motion carried.**

## **Action, Discussion: 2. Reconsideration and Discussion on sale of Public Works Building**

**Mayor Stegall requested this item be put back on the agenda for commission discussion and consideration.**

**Interim Manager Tillis explained that the interested person, Mr. Tom Jenkins stated an increase to the bid from \$200,000 to \$225,000 and stated that the interested buyer did not want the 11 acres, and Vice Mayor Hendrix raised a concern with a discrepancy with the letter versus his verbal conversation with Interim Manager Tillis.**

**City Attorney Maines recommended the board make a motion to set the exact amount of acreage are to be sold with the building for a given amount.**

**Vice Mayor Hendrix expressed that the property does not need to be given away after how much has been paid for this building, and referenced the conversation had between City Attorney Maines, the appraiser, and herself.**

**Vice Mayor Hendrix stated that the majority of the money spent that was not board approved was for this building, and raised concern with the fact that the citizens continue to lose money on these projects.**

**Mr. Vernon Dukes commented that the building needs to be kept due to the significant amount of money invested.**

**Commissioner Redman stated that this building can be used such as being a rental.**

**Mr. Jody Read commented that the building not be sold for the amount bid by the interested party due to the value of the property due to the fact that he owns the property across the street and knows of its value.**

**Ms. Carly Shaw-Loznicka commented that the working conditions are upon illegal and that the city has a great issue in itself with this issue.**

**Vice Mayor Hendrix clearly states that the idea to sell the building is not a good idea at this point in time.**

**The board agrees to not sell the building at this time.**

## **Action, Discussion: 3. Union Depot Lease Agreement**

**Recommended Action: Motion to terminate contract between City and Cook and Associates effective 60 days per the signed contract as written notice.**

**The board had requested this agenda item be added because due to the restraints on the grant that was used to construct. Interim Manager Tillis did state that the Union Depot building was to be used as a trail head reception area, but that the previous city manager decided to enter into a lease agreement which was not approved by the board.**

**Motion to not renew the Union Depot lease agreement that has an end date of September 30, 2023, was made by Vice Mayor Hendrix. Seconded by Commissioner Redman. Unanimous approval. Motion carried.**

## **Action, Discussion: 4. Johnny Welch Lease Agreement**

**Recommended Action: Motion to terminate contract effective the end date on the signed contract between City and Johnny Welch.**

**The board requested this agenda item be added due to the issues arisen during this meeting.**

**Vice Mayor Hendrix provides concern with this property being rented with the amount of property "given" to Welch.**

**City Attorney Maines explains that the Florida Statute has specific explanations on renting for public and private use and stated that every commercial contract needs to include this statute.**

**Vice Mayor Hendrix did comment that the City has to pay \$21-\$22 dollars via sales tax and are not even making the full amount of \$400.00.**

**Motion to not renew the agreement between the City and Johnny Welch that has an effective end date of September 30, 2023, was made by Vice Mayor Hendrix. Seconded by Commissioner Sirmones. Unanimous approval. Motion carried.**

## **Action, Discussion: 5. Set Date and Time for Trick-Or-Treating in City Limits**

**Mayor Stegall received many different calls and messages about the city setting a date and time for trick-or-treating.**

**The board all agrees to have the date be the actual 31st.**

**Motion to set the trick or treating be observed between 6pm-8pm on October 31st and participants having lights on to recognize participation was made by Commissioner Redman. Seconded by Vice Mayor Hendrix. Unanimous approval. Motion carried.**

Action, Discussion: 6. Set Date for 2nd Public Hearing for adoption of final budget and final millage rate  
Recommended Action: Motion to set the date of the 2nd public hearing for the adoption of the final budget and final millage rate for the proposed date of September 19, 2023.

**Motion to set the suggested date and time for the 2nd public hearing for the final budget and final millage was made by Commissioner Redman. Seconded by Vice Mayor Hendrix. Unanimous approval. Motion carried.**

#### G. REPORT OF CITY ATTORNEY

**Mr. Maines provides his legal advice on sending emails to the entire Commission and replying all, to prevent violating the sunshine law.**

#### H. COMMENTS OR REMARKS BY COMMISSION

**Commissioner Sirmones - Nothing to report.**

**Commissioner Huggins - Thanks the public works guys for their hard work, referencing a citizen having issues with a culvert or lack thereof.**

**Commissioner Redman -Farm Share from August 12, 2023 benefited 246 families, and stated the future farm share dates and times.**

**Vice Mayor Hendrix -Asks a question regarding the USDA grant, asked to have it researched before next meeting. Finance Director Sapp provided an update to the board regarding the cancellation of the bucket truck and the vac trailer. Requested an update be sent out to the entire board to provide clarification on the cost. Finance Director Sapp stated he would provide the board with an update very soon.**

**Mayor Stegall -Nothing to report.**

#### I. ADJOURNMENT

Action: 1. Adjourn

Recommended Action: Motion to adjourn.

**Motion to adjourn made by Commissioner Sirmones. Seconded by Commissioner Redman. Unanimous approval. Motion carried.**

**Meeting adjourned at 7:37pm.**