

**MINUTES
REGULAR MEETING
of THE MARY ESTHER CITY COUNCIL
July 3, 2017 - 6:00 PM
195 Christobal Road - North, Mary Esther, FL 32569**

CITY COUNCIL PRESENT

Mayor Chris Stein
Councilmember James Kitchens

Mayor Pro Tem Charlotte McKamy
Councilmember Bernie Oder

CITY STAFF PRESENT

City Manager Taylor Brown
City Attorney Hayward Dykes
Code Enf Officer Robert Herbstreith

City Clerk Dana Williams
Finance Director Heather Day
Code Enf Officer Kelvin Cherry

CITY COUNCIL ABSENT

Councilmember Danny Bennett

Councilmember Ron Stearns

ALSO PRESENT

Roger Batts, Project Manager

Capt. Shannon Tait, OCSO

INVOCATION

DUANE KECK

In lieu of a traditional invocation and in deference to the upcoming Independence Day holiday, Mr. Duane Keck recited the lyrics to *The Ragged Old Flag* by Johnny Cash.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

The Mayor called the meeting to order at 6 PM, immediately prior to leading the Pledge of Allegiance. The City Clerk then called roll with the three members present as listed above, but still instituting a quorum.

APPROVAL OF THE AGENDA

On motion of Mayor Pro Tem McKamy and seconded by Councilmember Kitchens, the Council voted unanimously, 3-0, to approve the agenda as presented.

CONSENT AGENDA

1. MINUTES OF THE JUNE 5, 2017 REGULAR MEETING
2. CODE ENFORCEMENT REPORT
3. LIBRARY REPORT
4. FIRE DEPARTMENT REPORT
5. MAINTENANCE DEPARTMENT
6. FINANCE REPORTS
 - A) REVENUES VS. ACTUALS
 - B) BUDGET VS. ACTUALS BY ORG.
 - C) SUMMARY OF INVESTMENTS

7. CH2M MONTHLY REPORT
8. OCSO MONTHLY REPORT

Mayor Pro Tem McKamy made a motion to approve items #1 through #8 of the Consent Agenda above. Councilmember Oder provided a second to the motion, which carried unanimously, 3-0.

SPECIAL PRESENTATIONS (THERE WERE NONE)

CITIZENS WHO HAVE REQUESTED TO BE PLACED ON THE AGENDA

9. HARBORING CHICKENS IN THE CITY

SUSAN COXWELL

Ms. Susan Coxwell, 10 Kohler Drive, stated she was presenting the same material she had previously provided along with a copy of an ordinance that had been written to allow the harboring of chickens within the City limits but which had failed in December. She asked about the Council's concerns from the last time this was discussed, adding she doesn't want to reinvent the wheel, but believes keeping chickens is an education.

Mayor Pro Tem McKamy stated she had been leaning towards this but changed her mind when she learned that a previous Councilmember already had chickens which she felt was a conflict of interest. Ms. McKamy asked if Ms. Coxwell had checked with her neighbors to see if they had any concerns. Ms. Coxwell answered she had and there were no issues. Ms. McKamy then questioned whether the proposed ordinance allowed any mechanism for enforcement. Ms. Coxwell responded the primary areas of enforcement would be noise, odor, and welfare; which are the same criteria as with any other offense animal related or not. The Mayor Pro Tem then asked Ms. Coxwell to address the increased risk of contracting salmonella. Ms. Coxwell dismissed the notion as easily preventable simply by hand washing after handling the birds, their food, their waste, etc.

There was discussion about moving this item forward for a vote on the ordinance provided or how else the Council could proceed. The City Attorney advised the Council there could be no vote this evening as the ordinance was not on the agenda for consideration nor was there direction as to the number of chickens to be allowed, the size of coops, or any other criteria. But both he and the City Manager felt the previously attempted (Dec.) ordinance could be "dusted off" and ready for consideration at the August meeting.

Mayor Pro Tem McKamy then made a motion to bring back an ordinance permitting the harboring of chickens in the City limits for first reading in August, Councilmember Kitchens provided a second to the motion, which carried unanimously, 3-0.

PUBLIC COMMENTS FOR NON-AGENDA ITEMS ONLY (THERE WERE NONE)

UNFINISHED BUSINESS

10. SECOND READING OF ORDINANCE 2017-03, SPECIAL EVENTS

The City Clerk read ordinance 2017-03 by title as follows:

ORDINANCE 2017-03

**AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA,
PROVIDING FOR AMENDMENT OF THE CODE OF ORDINANCES**

CHAPTER 13; PROVIDING FOR A NEW ARTICLE VI SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager stated this was second reading of the ordinance which would adopt the regulations related to special events; that the guidebook is still undergoing some tweaking and that certain pages in the back related to fee schedules, addendums and the like will come back before the Council in the near future.

On motion of Mayor Pro Tem McKamy and seconded by Councilmember Oder, the Council voted unanimously, 3-0, to adopt Ordinance 2017-03 on second reading.

NEW BUSINESS

11. 5 OVERSTREET FINE REDUCTION REQUEST

JOHN & ELIZABETH POSADAS

Ms. Posadas, 5 Overstreet, requested a fine reduction essentially paying only the City's costs associated with prosecution of the case and also asked that the lien be released from the property. Ms. Posadas explained their monthly income from retirement and Social Security; adding they could not pay the full amount.

The Mayor asked the Code Enforcement Officer if he had any recommendation. Mr. Herbstreith covered fines having been imposed by the Code Enforcement Board as of June 2013, in addition to the costs for inspections, attorney's fees, recording, etc. Mr. Herbstreith added that he doesn't want to set a precedent for establishing fines then simply forgiving them upon request.

The Mayor asked if Ms. Posadas would be willing to negotiate a settlement perhaps through a contract; but the City Attorney cautioned that would not be advisable in case the property went back into disarray. He continued another city has an ordinance for a percentage decrease based on the value of the property and that Mary Esther could do something similar. Mayor Pro Tem McKamy questioned whether there had been any precedent established over the past 5-10 years which the City Attorney answered that in the past, at least two properties had paid their fines but let the properties slip back into violation whereby the City then foreclosed.

Ms. McKamy thanked Ms. Posadas for having the property cleaned up but added the City needs consistency and can't be arbitrary or subjective in its fees and fines. The City Attorney offered that staff could come up with a codified ordinance that would provide more structure. The City Manager added he believes it would be wise to have a written policy, and that if the Council begins forgiving fines, they will have undercut all fines in total. He pointed out that neighboring properties may have sustained some financial loss for the time the Posadas' property was in disrepair; and although he believes the turn-around has been impressive, he does not believe the lien forgiveness should be immediate. Mr. Brown suggested something more along the lines of if the property was in disarray for five years, then the lien remains for five years after it is brought into compliance. He requested that staff be allowed to bring back a policy that may address fee reductions and lien forgiveness.

On motion of Councilmember McKamy and seconded by Councilmember Kitchens, the Council voted unanimously, 3-0, to direct the City Manager and City Attorney to draft a proposed ordinance within the next 60 days which addresses liens and fine reductions.

Councilmember Oder stated he believes this will set a bad precedent particularly in that the

Posadas' property had been in violation since 2014. He felt "old habits are hard to break" and stated he could not support writing off fines.

For the record, the City Attorney advised Ms. Posadas her request for a fine reduction has been denied at this point.

12. RES. 17-04, BUDGET AMENDMENT

The Finance Director explained this budget amendment as an increase in the Library's expense budget to account for a donation from the "Friends of the Library" to purchase shelving and a \$500 grant from Dollar General for the summer reading program.

Mayor Pro Tem McKamy made a motion to approve Resolution 17-04 providing for a budget amendment. Councilmember Oder seconded the motion which carried unanimously, 3-0.

13. FLC VOTING DELEGATE

The Mayor briefly explained the role of the voting delegate at the FLC Annual Conference adding it has been Councilman Bennett for the past couple of years but regardless it must be someone who will be attending the conference.

Opening the floor to nominations, Mayor Pro Tem McKamy nominated Councilmember Oder as the 2017 voting delegate. Hearing no others, the nominations were closed.

On motion of Mayor Pro Tem McKamy and seconded by Councilmember Oder, Mr. Bernie Oder was unanimously appointed to serve as the city's voting delegate at the 2017 FLC Annual Conference.

14. BROADSPECTRUM INFRASTRUCTURE INC. CONTRACT RENEWAL

The City Attorney stated this was a standard contract and renewal to mow and maintain medians and rights-of-way along FDOT roadways.

Councilmember Oder made a motion to renew the contract with Broadspectrum Infrastructure Inc. The motion was seconded by Councilmember McKamy and passed unanimously, 3-0.

COUNCIL'S STANDING COMMITTEE STATUS REPORTS

Mayor Pro Tem McKamy announced she had attended the second Triumph meeting and the group had presented a mockup of projects. She explained each of the affected counties will receive at least \$15 million per year for the next 18 years, with every city and town having the opportunity to apply for funding. She added that if anyone had questions regarding the Triumph funds or projects, to please contact her.

OTHER COMMENTS

The City Attorney provided a brief update on the Pike Property sale, saying the final disbursement will recoup \$101,900 for the City and that the Certificate of Title has been issued to the

new owner.

ADJOURN

Having no further business to come before the Council at this time, the meeting was adjourned at 6:41PM.



Dana L.S. Williams, CMC
City Clerk

(Approved at the 8-7-17 meeting.)