



CITY OF CALLAWAY, FLORIDA

CITY HALL

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Mayor

Thomas W. Abbott

Commissioners

Meiba Covey
Pam Henderson
Bob Pelletier
Ralph L. Hollister

PUBLIC NOTICE

REGULAR MEETING

by the City of Callaway Board of Commissioners
on Tuesday, October 28, 2014 – 6:00 P.M.
at the Callaway Arts & Conference Center
500 Callaway Park Way
Callaway, FL 32404

AGENDA

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S INSTRUCTIONS –

- Call for Additions / Deletions, and any items to be pulled from Consent Agenda for discussion. Remind everyone, elected officials and citizens, to speak directly into microphones.

PUBLIC PARTICIPATION (non-agenda items)

- Citizens must complete a Public Participation form prior to the meeting and submit it to the City Clerk to be called and recognized at the podium.
- Speakers must come to the podium to be heard.
- Comments are limited to five (5) minutes.

PRESENTATION / PROCLAMATION

- Code Enforcement Board Update – Chairman Volpi

APPROVAL OF MINUTES

- Regular Commission Meeting – October 14, 2014

CONSENT AGENDA

None

OLD BUSINESS

ITEM #1 Final Reading/Public Hearing Ordinance #945 – Waiver of Transportation Impact Fees -
City Manager Fuller

ITEM #2 AMR/AMI Water Meter System – Request for Proposals – City Manager Fuller

REGULAR AGENDA

ITEM #3 Resolution 14-22 – Commission Meeting Schedule for FY15 – City Manager Fuller

Fire Department
P: 850-871-2753
F: 850-871-5564

Leisure Services
P: 850-874-0031
F: 850-874-9977

Planning / Code Enforcement
P: 850-871-4672
F: 850-871-2404

Public Works
P: 850-871-1033
F: 850-871-2416

Arts & Conference Center
P: 850-874-0035
F: 850-874-0706

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CALLAWAY BOARD OF COMMISSIONERS REGULAR MEETING
October 14, 2014
TIME: 6:00 P.M.

The Regular Meeting of the City of Callaway Board of Commissioners was called to order by Mayor Abbott at 6:00 P.M. Commissioner Pelletier gave the invocation and Commissioner Hollister led the Pledge of Allegiance.

ROLL CALL: Commissioner Covey, Commissioner Henderson, Commissioner Pelletier, Commissioner Hollister, Mayor Abbott

ALSO PRESENT: City Manager Fuller, City Attorney Obos, Fire Chief Joyner, Leisure Services Director Legare, Public Works Director Johnson, Assistant to the City Manager Koepke, City Clerk Hirth

MAYOR'S INSTRUCTIONS

Mayor Abbott asked if there were any additions/deletions to tonight's Agenda. Commissioner Pelletier asked that the Consent Agenda Items be moved to the Regular Agenda.

PUBLIC PARTICIPATION

Wayne McLeod, 501 Beulah Avenue, Callaway, FL, stated he lives across from the boat ramp on the bayou. He said for years he and his neighbors have complained about the bright lights at Gore Park late at night. He said if there was a reason for the park to be open that was fine with them but for two or three people to be down there with the lights on for no reason was not acceptable. He stated he understood there was a gate down there at one time to keep people from going and coming at will and asked if the park could be secured in some way. He said there was a verbal altercation going on at the park around 11:30 P.M. one night and the Deputies were very prompt and took care of the situation but they would feel much better if it was secured to discourage such things as happened that evening. He then asked if the City has an Ordinance for dog walkers requiring them to clean up after their pets. He said he had quite a bit of road frontage and tried to keep it clean but pet owners are not cleaning up after their animals. He said the park seems to draw all dog walkers to it so they do not have to keep their own yards clean. He said if we do not have an Ordinance that speaks to pet owners having to clean up after their animals then it needs to be addressed.

John Malone, 707 Plantation Circle, Callaway, FL, stated in order for the Administration to be maintained in a business manner, it is necessary for it to act professionally. He said as an example that it perturbed him that City Manager Fuller is addressed as Michael at times. He also said City Manager Fuller needs to understand the importance of keeping appointments, being on time, etc. He continued by saying it was clear that the Commissioners were continuing to ignore the valid comments from its constituents. He said at the August 12, 2014, meeting he asked the Commissioners if they were aware of Section 2.01 in the City's Charter which was about the Composition of the City Commission. He quoted from this section which said the Commission shall be the governing body of the City and they have vested in them all the corporate and legislative powers of the City. He said it further stated that all legislative powers bested in the Commission by the Charter shall be exercised by resolution, internal determinations and

recommendations from the City Commission made by a Motion. He said he was tired of Mayor Abbott informing the citizens to see the City Manager. He said the elected officials need to hear from their constituents. He alleged that the City Manager continues with the ways of the old regime, i.e. approving or disapproving issues without first having action by the elected officials. He said an example of this was the City's organizational chart and quoted from the minutes of the September 23, 2014, meeting where he cancelled the RFP for the Water Meters which will be brought up at tonight's meeting. He said he recommended that to assure the 2014/15 budget is proper and based on all the corrections made at the last Public Hearing that a Budget Review be done on December 31, 2014, and presented to the public in January, 2015. He then referenced his comments from the meeting on August 26, 2014, regarding Item #5, the passage of nuisance statement special assessments. He said at the meeting the City Attorney was directed to initiate said Rule for the Commissioners' action. He asked that they furnish the status of said Rule.

Joe Townsend, 6412 Babby Lane, Callaway, FL, thanked those involved in making the \$23.81 adjustment in his water bill and the return of his \$40.00 deposit. He said at last month's Commission meeting he approached City Manager Fuller and requested an opportunity to meet with him and an appointment was made for September 24 at 10:00 A.M. He said City Manager Fuller told him he would not be brushed off and City Manager Fuller stated he had said this. He said they arrived for their appointment and after a brief wait they were escorted to a meeting room where City Manager Fuller's Clerk informed them that due to an emergency of a personal nature that City Manager Fuller was unable to attend the appointment. He said up until that time they thought they would be meeting with City Manager Fuller. He said there is something called professionalism which is lacking at our City Hall. He said in years past when he was faced with similar situations, he would have made one phone call or meet with the Clerk who would have contacted those concerned and the appointment would have been adjusted. He said if he had had his Clerk represent him at a meeting he certainly would have received a justified reprimand for exhibiting such unprofessional actions. He stated communication was a key word especially since the whole situation could have been handled by answering one of his phone calls out of 10. He thanked Ms. Franklin for finding and explaining his billing errors and refunding him his \$40. He said he would have also discussed with him if the City was making any money from Sandy Creek and stated that then Commissioner Abbott said they would make money and they spoke about betting houses. Mayor Abbott said he was not sure what he was looking for with this conversation. Mr. Townsend said they have already done as much damage as they could at his house.

Commissioner Covey asked to speak at this point. She stated she was aware of Mr. Townsend's comments tonight because he had called her about the situation. She said she agreed 100% about the day to day operations of the City with regard to professionalism. She said she spoke to City Manager Fuller and he acknowledged that it should have been handled in a different manner. She said just to let him know that he as a citizen is not the only one who has been handled in this manner. She said she, as an elected official, had made an appointment with City Manager Fuller 6 days in advance to discuss issues that had been brought to her attention by citizens. She said she arrived 10 minutes prior to their appointment and somewhere between 5 and 10 minutes after her appointment was to begin, she approached City Manager Fuller's Assistant to advise her that she was there for her appointed meeting. She stated at 20 minutes after the appointment time and having not been acknowledged, she left. She said prior to the 2012 election she and other

citizens brought the issue of lack of professionalism in our City government and lack of employee public service respect for citizens. She stated that at the 2012 election the citizens spoke that they wanted changes in Callaway's management and operations and within months a new City Manager was hired. She said changes were noticeable for a short while and then seemed to revert to the old ways that said that's the way it had always been done. She stated the voters again spoke at the 2014 election stating they wanted changes in the City's government. She said again a new City Manager was hired to ensure the citizens' vision for Callaway. She said this was to be done because the citizens are the owners of this incorporated municipality. She said she has many phone calls, emails and one on one conversations with citizens that it appears it is not changing. She acknowledged that the current City Manager had only been in the position for 5 months. She said there were issues regarding public service and professionalism that should and could have been improved. She stated she and others have heard unkindly comments that have been made by employees with regard to her and another Commissioner which was brought to the City Manager's attention and yet it still continues. She said it appears that she has been contacted by citizens, some who are not even in her Ward, and not just a specific group of citizens as has been alluded to because they get a response and follow up by her. She said she will continue to honor her platform on which she was elected, one of which issues was to listen to the citizens' concerns and as one Commissioner with one voice, address their concerns. She said she plans on making a concerted effort to impress on our City Manager that citizens' voices need to be heard and listened to and not just an attempt to placate.

Commissioner Pelletier asked City Manager Fuller if he had an appointment book and he stated that he did. He said if that had happened to him when one of his Directors came in he would have been fired. He said either he is having problems managing his appointments but said he is aware of the situation that caused him to miss the appointment but a simple phone call would have solved this issue. He also stated it was sad that one of his boss' wanted to meet with him and she was not even acknowledged. He said as a Commission they need to stop talking and take action and stated he would talk to the City Attorney as to what avenues they have as City Commissioners. He said they needed to listen to the people and it was sad that Commissioner Covey went through the time to make an appointment and he did not make time for her.

Paul Hruza and Ronnie Busha, 6083 Howard Road, Callaway, FL, stated he had been a resident of Callaway since retiring from the Air Force in 1996 and loved the area. He stated he was there on behalf of his neighbor Mrs. Ronnie Busha. He said he had spoken with Mr. Johnson who had agreed to do everything he could to help Ms. Busha with her water issue. He said this issue concerns her irrigation meter which used 380 gallons of water last month and the month before that had used a couple thousand, and the month before that was one thousand, etc. He stated this month it says she has used 17,420 gallons. He stated she does not have a swimming pool and simply has an irrigation system in her front yard. He said irrigation lines run 6-8 inches below the surface and if there was a leak, it would bubble up and cause a puddle where the leak was located. He said he was there tonight as a witness to state there is no leak in her system. He stated he is familiar with the piping of these lines and has put some in previously for himself. He said they just do not know where the water went and even with Mr. Johnson doing an investigation, re-checking the meter, and he is a witness there was not a leak. He said he is concerned for her since she is going to have to pay for all this water that cannot be accounted for through a leak, etc. He asked that they have some concern for the little people who just want to

live here and enjoy their lives. Mayor Abbott asked what the address was that is in question and Mr. Hruza stated it is at 6087 Howard Road. He stated at this level they sometimes do not hear of these type issues and wanted to know if she had received a bill, spoken to Utility Billing and Mr. Hruza stated she had already paid the bill. Mrs. Busha said she spoke to Utility Billing who said there was no leak, the meter was functioning properly, and too bad. Mr. Hruza said they had also mentioned that possibly someone had tapped into her water and is stealing it. Mr. Hruza said they would be very obvious since it's in the front yard. He said the customer feedback on this was not quite professional. Mayor Abbott asked City Manager Fuller if he was aware of this issue and City Manager Fuller stated he was not. City Manager Fuller said he would like to get someone out there to carefully check the meter because that was pretty incredible and asked for one of their telephone numbers so he could check back with them after Public Works has checked the meter to see if it was running properly. They said they would leave the name and number with the City Clerk. Commissioner Pelletier asked if Public Works Director Johnson had already been by to check the meter and was told he just found out about this issue at tonight's meeting but will get it checked out soon as possible. Commissioner Covey asked if there was a breakdown in communication between Utility Billing and Public Works. She stated that concerns her. She asked why the meter readers reported to the Finance Department and was told they report to Utility Billing at City Hall. She stated she had worked in a utility company before and the Meter Readers were under Public Works and never went to the front office unless it was to pick up cut offs/cut on accounts or turn in their readings. She said she did not understand why the Meter Readers were working out of the Finance Department.

David Griggs, 7111 Winona Street, Callaway, FL, asked Mayor Abbott to add him to Item #2 also. He said what he wanted to address with them tonight was that he recently went to a company reunion in Lakeland, Florida and said as he was traveling on Highway 98 that it went beside Lakeland High School's practice field. He said he saw all those kids out there and with volunteers at the gates. He said it reminded him of when they played all of their games out there, they were volunteers and if someone wanted to voluntarily give money for the park this was where they did that also. He continued by saying they played practice games out there and it was all a part of Lakeland. He said what did this have to do with Callaway and stated what his kids grew up with in Lakeland is similar to what kids in Callaway are growing up with. He said Callaway has the finest fields and 5 parks in Bay County. He said these are all paid for through ad valorem tax and even though he is past 70, he fully believed the City needs to have these parks and activities available to the citizens along with the youth activities. He said the same thing applies to the youth of Callaway the same way it did when he lived in Lakeland. He stated there have been a lot of discussions regarding Leisure Services and he is not on the side of some of the citizens who say we need to be charging more, changing personnel, doing this and that. He said he wanted to point out that when they held the election prior to this year's election (2012), that a citizens committee was appointed for Leisure Services. He said there were a lot of conversations in the Commission room concerning Leisure Services, this building, administration and kinds of other business when the Commission appointed that Committee to bring them information on what that Committee feels is appropriate for the parks, etc. He said he had not heard one thing that they have brought up that has been brought before that Committee so before they go any further, he recommended they go back to that Committee and bring up their concerns.

Brigid Johnson, 7509 Melody Lane, Callaway, FL, said she had a problem on her street with one individual for over two years and not get him to do anything. She stated she called Code Enforcement and he went to see this person and got him to comply. She asked if Code Enforcement could drive by every three weeks just to check on him to keep him motivated. She said her street looks like it should look, all of the grass and hedges have been cut. She thanked Code Enforcement Officer Frye for handling this issue.

Janice Jennings, 7514 Sara Lane, Callaway, FL, said she had a minor problem with City Hall and that she and her husband had experienced the same issue. She stated when she goes in to pay her bill, the person she goes to is on the telephone and does not even acknowledge them. She told everyone of an experience she had while working at a jewelry counter. She said her telephone rang and she took the call. She said when she went back to the customer he told her he did not understand why she took the phone call when she had a customer with money in hand to spend and she took the call. He asked her who she thought was more important. She said when there is a customer in City Hall that is who the employees should be paying attention to not the people on the telephone. She stated she went to her doctor's office recently and the receptionist was on the phone. She said she immediately put the call on hold and helped her and then went back to the telephone call.

PRESENTATION/PROCLAMATION

Bay County Sheriff's Office September Report – Lt. Michael Branning

Lt. Branning gave the following numbers for September:

Miles traveled	- 21,451	Interview Cards	- 48
Arrests	- 70	Calls for Service	- 1,178
Traffic Accidents	- 56	Citations	- 99

Lt. Branning explained the Interview Cards are done on individuals who are out roaming around neighborhoods at 2 or 3 o'clock in the morning and who may not be recognized by the Deputies. He said this helps to cut down on the burglaries. Commissioner Covey asked if it would be beneficial to the Deputies if the City passed a curfew. Lt. Branning said there were a few cities in South Florida who had curfews but he did not know if it would be a big help to them. He said it gives the people out there an indication that they will be stopped if they are out and about at that time of the morning. Commissioner Covey said she has received a few calls about people loitering in the early morning hours and wondered whether or not it would be of assistance to the Deputies. She said she has personally experienced this on her street and said they are definitely not 18-21 years of age. She also asked if there was less crime at Walmart since the enhanced security was put into place and Lt. Branning said they still spend a lot time there. One of the audience members said his daughter was stopped recently and he wanted to thank them for doing that.

Employee of the Month for September, 2014

Mr. Ronald Puckett was named as Callaway's Employee for the Month of September. This award was given to Mr. Puckett for his attention to detail, positive attitude and ongoing dedication to our citizens, City and staff. City Manager Fuller thanked Mr. Puckett for doing a great job.

APPROVAL OF MINUTES

Commissioner Henderson moved to approve the Public Hearing Minutes from September 22, 2014 and the Regular Commission Meeting Minutes from September 23, 2014. Commissioner Covey seconded the motion.

All ayes

CONSENT AGENDA

None

OLD BUSINESS

ITEM #2 DISCUSSION OF RFP BID FOR METERS

City Manager Fuller stated before he went farther with the agenda item that he wanted to apologize to Commissioner Covey and Mr. Townsend. He said he did have an emergency on the day he had the appointment with Mr. Townsend but he stated he should have called him and he apologized again to Mr. Townsend. He further stated that when Commissioner Covey came for her appointment that he was on the phone with a citizen and it went beyond the appointment time he had with her and he again apologized to Commissioner Covey.

City Manager Fuller stated we had three respondents for the meter bid. He stated they were Mueller Ferguson, H D Supply and Empire Pipe and Supply. He said he had decided to cancel the RFP after talking with City Attorney Obos. He stated he was not satisfied with the responsiveness of the bids. He asked for the Commission's permission to re-bid for the meter project. He stated that technically none of the bidders were totally responsive. He said part of the reason for that was the City's fault because there were a few lines in the RFP that contradicted itself. Mayor Abbott asked how they were going to do it differently so that it is clear regarding the requirements for the bid. City Manager Fuller said the bid request will be much more simplified. Mayor Abbott stated that companies do not like to re-bid because they have already put themselves out there. He said he had not seen this done in the manner before. He said bids had been cancelled before but the way it was handled was that it came back to the Commission as an Item on the Agenda. He said he thought that probably the action is right but the taking of the action should be to come to the Commission, state what the problem was with it and state what he was recommending so that the Board is taking the authority for making the choice of proceeding or cancelling the bid. He said taking the action to cancel the bid was probably correct but from what he had seen in the past, the Board should make that decision. He continued by saying this is a priority with the Commission whether it's done once, twice or as many times as it takes to get it right. Commissioner Pelletier stated this was not an action item but this is public information and these vendors have provided a bid. He said when this happens they now have a war. He said he was not aware of what the problem was with the bid but asked why they can't fix it and award a contract this evening. He stated he agreed with Mayor Abbott that the decision to pull the bid should have been the Commission's decision. He stated he knew City Manager Fuller was in training but in the future to please bring it to the Commission for decision to pull a bid. He asked what the issues were with the bids that they could not award a bid at the meeting. City Attorney Obos stated cancelling the bid was not the correct term and what needed to be announced was that none of the three bids were responsive. He said there was

a possibility that one of the bidders may have been responsive but it was his understanding that in the RFP there was a request for installation prices which two of them had it and one of them did not and on the other hand the two that had the installation prices did not meet the specifications which left zero out of three that were responsive. Commissioner Covey agreed with Mayor Abbott and stated this should not have been cancelled but should have come to the Commission for a decision. She stated she would have liked to see a copy of the RFP and the three bids with the item requesting the Board to cancel the RFP. She said it bothered her that it had already hit the media and the statement that staff was not satisfied was not what should have been said. She said you cancel a bid because they were non-responsive. Mayor Abbott said he was going to take the "not satisfied" statement of the City Manager and take that to mean that they did not meet the specifications of the bid. Commissioner Covey stated she had experience with federal bidding and you have to be very careful with how you say things. Mayor Abbott asked if City Attorney Obos had reviewed the RFP and City Attorney Obos said he reviewed one portion of it regarding the financing language. Commissioner Covey asked if anyone in City Hall was trained to write RFP's. City Manager Fuller stated everyone had a little bit to put into this RFP. He said the majority of it was developed by Public Works. Mayor Abbott asked if it was as much of a poorly written RFP as it was non-responsiveness from companies. City Manager Fuller stated it also had to do with companies responding when they knew they could not meet the specifications was part of it. He said the RFP was too long and cumbersome. Commissioner Covey said in her experience Purchasing/Procurement developed the RFP and if she doesn't have the experience is there a means to train her? She said we did not need this to happen again and we did not need Public Works to do an administrative job. They should be able to help but not to do the whole thing. City Manager Fuller stated he did not think the Purchasing Secretary had experience in writing RFP and they could assist her in getting this experience but typically in previous years Department Heads develop the RFP by putting the information together that they are requiring. Commissioner Covey said they should have input but there has to be one point who signs off on placing the RFP out for bids. City Attorney Obos said it was not a bad RFP but the scope was narrow and there were companies who applied who did not meet the specifications and one that possibly met the specification but did not include installation so they are all three disqualified. He said it could have gone just fine if the one who possibly met the specifications had put the installation price in their bid. Mayor Abbott asked if there was a plan to do the RFP so they do not wind back here with the same problems. City Manager Fuller said he was going to put together an RFP that was more simplified with a bit broader scope which he would bring back to the Commission for their approval if that is how they would like to handle the RFP. He said they have been checking into the possibility of piggybacking onto another City's bid. Mayor Abbott stated regardless if they piggyback onto another City's bid or not we need to develop a RFP and asked when they would have a RFP developed. City Manager Fuller stated he would have an RFP by the next meeting for their review. Commissioner Pelletier said he wanted to make a motion. He said the Commission should have all RFP's to review prior to being released and should have the City Attorney's input as well. He stated the more eyes that are reviewing the easier it is to catch an error.

Commissioner Pelletier moved to have the City Manager give future RFP and RFQ bid requests to the City Attorney for review and after legal review it should be placed on the Agenda for Commission approval. Commissioner Covey seconded the motion.

City Attorney Obos stated that having this procedure put into place would not have changed anything that happened regarding this bid.

PUBLIC PARTICIPATION

David Griggs, 7111 Winona Street, Callaway, FL, said he was confused. He stated the RFP was put out, two of them did not meet the specification but put the installation and one of them met the specifications but did not have installation cost so none of the three met the RFP. He asked if the specifications were proper and City Manager Fuller stated the specifications were fine. Mr. Griggs said then they are going to keep the specifications the same for the next RFP and City Manager Fuller said he was going to make them broader and less complicated than the previous RFP. Mr. Griggs said then he was going to broaden the specifications so the other two could meet the specifications and City Manager Fuller said the specifications were fine but some of the information was lacking on the installation. He said nothing was mentioned about the installation at the beginning of the RFP and installation was only mentioned at the end. Mr. Griggs asked when the RFP is sent out again were the specifications going to change or would they be highlighted differently in the RFP. City Manager Fuller said they would be highlighted differently in the RFP. Mr. Griggs stated that what he wanted to discuss regarding this item is that the previous citizen had lost 17,000 gallons due to an irrigation meter and he said he had previously lost 50,000 gallons due to an irrigation meter. He said his lines are two feet deep in sandy soil and it eventually came to his attention but not until he had lost 50,000 gallons and then he found that he had a leak in an elbow. He said he monitors what's going on in his house and yard by reading the meters. He said he watched the flow for a new washing machine to be sure it was correct. He stated the new electronic meters do not have a way for the citizens to read them and they only retain the data they have read for 30-45 days. He said we currently bill over 30 days after the meter has been read so if a citizen has a question about something like that, the data will already be gone. He said the RFP needs to address holding the data longer since during the meter discussions, it was said the data could be held longer upon request. He said he would hope the reading would be monitored for big jumps in consumption.

John J. Malone, 707 Plantation Circle, Callaway, FL, asked why there was not an RFP with the minutes (agenda) for tonight's meeting. He asked what they were debating. He said he had a letter (email) from Nick Beninate, from Harrison and Sale' office, that says the City staff determined that the equipment proposed by H D Supply meets the specifications but sought guidance from their office. He said in other words H D Supply was calling the attorney's office regarding the overall acceptability of their proposal regarding a bid challenge. He said the email was from Nick Beninate to Michael Fuller. Mr. Malone said the current bid out right now was worthless.

John Wood, H D Supply Waterworks, stated since they did meet specifications, would it be possible for the Commission to award this bid less the installation and then procure the installation by other means possibly as a piggyback. He asked if that was something they could do without causing something illegal or whatever. City Attorney Obos stated there were three or four placed in the RFP that requests information on installation. He said to avoid the potential of a bid protest from the other two companies, which did not meet bid specifications on the meter, but H D Supply did not meet specifications due to not bidding on installation cost, the only choice they had was to state that none of the bids were responsive. Mr. Wood said the

installation that he mentioned was not very specific so he said his point was can they award the bid for the meters and obtain installation from other means such as a piggyback. City Attorney Obos said they could but said he wanted to advise them there was a risk that the other two companies could protest the award, not saying they would or would not do so. Mr. Wood asked what happened if they did protest and City Attorney Obos stated everything would stop and they would have to fight the bid protest. Mr. Wood then asked if they do re-issue the RFP after the Commission reviews it, would it be done in a public forum. He said he did not want his bid information out in the public eye before the bids are due. Commissioner Hollister told him that what the Commission is about to do is work on the RFP, not the bids, which would be before they receive the amended RFP.

All ayes

Mr. Malone asked to speak on this item and Mayor Abbott stated he had been given the opportunity to speak already. Mr. Malone stated that was about the RFP and meters and he had something else to speak about. Mayor Abbott stated they had already had a motion, second, everyone had had an opportunity to speak and then they had the vote. He said they would be moving on the Item #3.

ITEM #3 CITY ORGANIZATIONAL CHART

Commissioner Covey stated she had asked that this be brought back to the Commission and be in the same form as the 2012 organizational chart. She said she has reviewed the chart for this agenda item and it was exactly like the 2012 organizational chart per her original request along with the change that the City Clerk is even with the City Manager since both are Charter employees under the Commission. She said the only addition she sees that needs to be corrected is a line from the Finance Director to the City Manager. City Manager Fuller said he had that corrected already.

Commissioner Covey moved to approve the organizational chart with the addition of a line from City Manager to the Finance Director. Commissioner Henderson seconded the motion.

Commissioner Pelletier asked why was it when they went through the budget process that the water meters are under Mr. Johnson's budget (Public Works) but he has no control over his budget items. He asked why the Meter Readers are in City Hall. City Manager Fuller stated they were part of the Utility Billing operation. Commissioner Pelletier asked if that wasn't part of Mr. Johnson's budget and people were being hired out of his fund and he doesn't even know what's happening. City Manager Fuller said that it was the Water and Sewer Enterprise Fund. He said those funds cover quite a bit of Utility Billing, the Finance portions, of those funds. Commissioner Covey said she had brought it up that based on her experience working for a utility office that the Meter Readers work out of the Public Works department and are only in City Hall to bring data. She said they shouldn't be at City Hall walking in and out all of the time and to her the Meter Readers should be under the direction of the Public Works Director. Commissioner Pelletier said wouldn't it be more efficient to have them report in and out of Public Works. He said the Meter Reader function should be at Public Works since they support the Meter Readers already. He said he would want control over employees that were paid from

his budget. Commissioner Covey said he would want control over how much work is being done also since they (Public Works) support them anyway. Commissioner Pelletier and Commissioner Hollister had a few words between them regarding micromanaging and Commissioner Pelletier asked that if he had something to say he should say it in the microphone. He said he was tired of hearing things said under his breath. Mayor Abbott attempted to say that he was entitled to his opinion and Commissioner Pelletier stated he was entitled to his opinion but not under his breath. He told Mayor Abbott that if he wanted to speak he was going to speak just like he (Mayor Abbott) was and he was going to give his opinion when he wanted to. Mayor Abbott asked Commissioner Hollister if he had anything to say and he stated he thought that was what the City Manager was for and Mayor Abbott said he thought that was what the City Charter said and there was no question that the City Manager was in charge of operations. Mayor Abbott said as Board Members they should share their thoughts and ideas with the City Manager but the decision of placement of personnel rests with the City Manager. City Manager Fuller said he would evaluate the pros and cons of this recommendation and said he did not believe that departments should be broken down by Water and Sewer Funds. Commissioner Covey stated City Hall calls Public Works for assistance all the time and that the Meter Readers should be located at Public Works and only be at City Hall to pick up connects and disconnects.

Mayor Abbott called for a vote.

All ayes

ITEM #4 NOMINATIONS FOR CHARTER REVISION COMMITTEE

City Manager Fuller stated this Committee was something that had been discussed previously and he has brought the applications to the Commission for them to select Committee members. He reminded the Commission that they would select a Commissioner to participate on the Committee and the other 4 Commissioners would select a citizen to be a member for a total of 5 people on the Committee.

Commissioner Covey moved to nominate Commissioner Hollister to be the Commission's member. Commissioner Pelletier seconded the motion.

Commissioner Hollister declined the nomination.

Mayor Abbott asked if any of the other Board members wanted to serve on the Charter Revision Committee. Commissioner Covey said if no one else wanted to serve that she would volunteer.

Commissioner Henderson stated in the past she had been in favor of the Commission doing the revision themselves. Mayor Abbott said it was previously handled by the Commission and Commissioner Covey stated that previously City Manager Collins turned in his changes but none of the changes the citizens suggested were put into the draft that City Attorney Obos distributed. Commissioner Covey then announced that she was pulling her name from volunteering for the Committee. After further discussion the Board decided they would do the changes as the Commission. Commissioner Covey reminded everyone that they only had one and one-half years to complete the revision so it could be placed on the 2016 ballot.

PUBLIC PARTICIPATION

Wayne McLeod, 501 Beulah Avenue, Callaway, FL, stated the current Charter is outdated and felt they should get the Committee put together of citizens and a Commissioner and present it to the Commission.

REGULAR AGENDA

ITEM #1 BUDGET TRANSFER REQUESTS

Commissioner Pelletier asked why we were already requesting budget transfers on a budget that was just completed. Mayor Abbott explained that these requests were for the fiscal year 2014 budget. Commissioner Pelletier stated that in the future there should be a budget year posted on the forms. Commissioner Covey stated she had wondered the same thing about the transfers and agreed that the budget year should be placed on the forms.

Commissioner Henderson moved to approve the budget requests presented at this meeting. Commissioner Covey seconded the motion.

All ayes

ITEM #5 FIRST READING – ORDINANCE #945 – WAIVER OF TRANSPORTATION IMPACT FEES

City Attorney Obos read Ordinance #945 by title only. Commissioner Covey asked City Manager Fuller how much money was currently in this fund and he reported there was approximately \$100,000. Commissioner Covey also stated that the Florida Statute stated that you need to update the fees charged and asked City Manager Fuller what were the fees based on and what things change that may decrease or increase the fees. City Manager Fuller stated the fees are based on the number of trips traveled on the different roadways which tell you if the road is below, at or above its capacity. Commissioner Covey asked if it was his legal opinion that the fees do not need to increase. City Manager Fuller stated the fees are currently sufficient since development has been curtailed in past years and is only very slowly gaining. Commissioner Covey asked if the Trolley funds could be paid from the previously collected transportation impact fees. City Manager Fuller stated he believes they are only for road structure but he will research to see if there is a way they can be used for the Trolley. Commissioner Hollister asked if these fees could be used for Highway 22 due to the damage the logging trucks have done to the highway. Commissioner Covey stated he had made a good point.

Commissioner Hollister moved to approve the First Reading of Ordinance #945 – Waiver of Transportation Impact Fees. Commissioner Henderson seconded the motion.

PUBLIC PARTICIPATION

John J. Malone, 707 Plantation Circle, Callaway, FL, said he had repeatedly informed the elected officials of the requirements of Florida Statute 163.31801 – Impact Fees. He said he had a memo from the State dated February 5, 2009, that provided the following information – that Florida courts have generally held that the collected monies are limited in use to meeting the cost of capital expansions resulting from population growth. He said he believed there has been no population growth in Callaway for the last ten years. He said he was again recommending

compliance with FS 163.31801 and a financial audit of the impact fees as recorded in the accounting records of Callaway. He said when the audit is done, the City should comply with Attorney General Opinion 2010-46 that is dated November 5, 2010 regarding municipalities' use of impact fees, particularly question two. He said if you take it in for transportation it can only be used for transportation.

Mayor Abbott called for a vote.

All ayes

ITEM #6 FIRST READING – ORDINANCE #946 – LIMITING HOURS OF SALE FOR ALCOHOLIC BEVERAGES

City Manager Fuller stated this Ordinance is asking to limit the sale of alcohol during the month of March each year. He said the hours it is currently sold is from 7:00 am – 4:00 am , Monday-Saturday and from 1:00 pm – 4:00 am on Sundays. He said this ordinance would change the time it can be sold in March only to 7:00 am – 2:00 am, Monday-Saturday and from 1:00 pm – 2:00 am on Sundays. He stated staff recommends approval so the times sold would be consistent for law enforcement purposes. Mayor Abbott said it did not make any difference to him but there are businesses that do not know of this requested change and they may have something to say about it. He asked that this item be tabled until Bay County and Panama City follow through with passing this.

PUBLIC PARTICIPATION

John J. Malone, 707 Plantation Circle, Callaway, FL, asked that they please inform the constituents as to when this was discussed by the Commission. He stated just because Panama City Beach lowers their hours of sale does not mean we have to follow suit.

ITEM #7 RESOLUTION 14-21 – RECOGNIZING 50TH ANNIVERSARY OF THE WEST FLORIDA REGIONAL PLANNING COUNCIL

Mayor Abbott stated this is the 50th Anniversary for the WFRPC and there will be a ceremony at their main office in Pensacola on Monday, October 20, 2014. He stated they have many services that they provide which are not required to be competitively bid because that is the way the law was made when it established Regional Planning Councils.

Commissioner Henderson moved to approve Resolution 14-21 – Recognizing 50th Anniversary of the West Florida Regional Planning Council. Commissioner Pelletier seconded the motion.

All ayes

(with exception of Commissioner Hollister who was briefly out of the room)

ITEM #8 PARTNER CONTRIBUTION FOR BAY TOWN TROLLEY

Commissioner Henderson stated she was present at a meeting of the TPO recently and found out information regarding the Bay Town Trolley. She said for FY2014, at the two stops in Callaway, there were 179,000 people who rode the Trolley for an average of 15,000 people per month. She said they did not know if it would be possible to sustain those routes if they do not

receive assistance from Callaway. She stated she knew we have a very tight budget this year but felt this assistance goes directly to the people of Callaway and would like to see the City support the Trolley.

Commissioner Henderson moved to amend the budget to take \$7,500 out of Reserves for the Bay Town Trolley if the funds cannot be paid from the Transportation Impact Fees. Commissioner Pelletier seconded the motion.

Commissioner Covey stated she was onboard with contributing funds to support the Trolley. She stated she had offered her services to contact businesses for support for the Trolley. Commissioner Pelletier questioned the dollar amount and asked how Commissioner Henderson arrived at the \$7,500 figure. Commissioner Henderson stated Callaway is approximately the same size as Lynn Haven and that was the dollar amount they were contributing. Mayor Abbott stated if we were going to be onboard with supporting they needed to have the courage to continue funding the Trolley year to year. Commissioner Henderson stated this was for the citizens of Callaway and Commissioner Covey stated there were riders from Springfield and Parker who rode at our stops also.

PUBLIC PARTICIPATION

John J. Malone, 707 Plantation Circle, Callaway, FL, stated he wholeheartedly supported the \$7,500 for the Trolley because it is a worthwhile endeavor. He said the City, when possible, should aid the citizens, without transportation, to move about through public transportation.

Dolly Andrew, 5104 Collins Street, Callaway, FL, asked that the Commissioners please use their microphones. She also stated the Trolley could do with less money but her neighbors son uses it daily to get to his job at the shipyard.

Commissioner Covey stated if they could get contributors from businesses for next year that they may not have to fund it through the City.

Mayor Abbott called for a vote.

All ayes

ITEM #9 REGULAR COMMISSION MEETING SCHEDULE FOR 2014-15

Commissioner Covey stated that in the past there has been a Resolution listing the meeting schedule for all Regular Commission meetings for the upcoming fiscal year. She said having a one page schedule would be helpful for citizens so they can keep up with when there are meetings and helps with months that have 5 Tuesdays. She stated the attached Exhibit "A" was simply a suggested starting point. After further Commission discussion, it was decided that City Manager Fuller would bring this item back to the next Commission meeting with suggested dates and with the guideline that there would be one meeting in November and one meeting in December.

COMMISSION COMMENTS

Mayor Abbott commented that when we went back to a five day work week there were holidays that may need to be adjusted because when the four day work week was implemented there were fewer holidays given. City Manager Fuller will check into this issue to be sure the same number of days are given for all employees and to ensure that any holidays that were not given previously are now listed as a holiday.

Commissioner Pelletier asked when we would have a Code Enforcement Manual. City Manager Fuller stated it has been completed and will be placed in their boxes.

Commissioner Henderson asked for an update on the skirting requirement for Mobile Homes that was put into place early this year. City Manager Fuller will check with the Code Enforcement Officer to get an update on this for the Commission.

Commissioner Covey stated she participated in a function for the Early Learning Center as Mayor Abbott had done in the past. She stated she really enjoyed reading to the children. She asked what the status was on implementing Resolution 14-14. She stated she knew it was too early to implement it by October 1st. City Manager Fuller stated they have not had a chance to count the numbers of flat rates due from each complex that has a master meter. He stated some are already paying deposits for each dwelling while others are not so this will have to be carefully looked at so that it is implemented properly. Commissioner Covey stated that when an employee takes a new position that the employee is then placed on probation per the Personnel Manual section 5.01. She stated that if we have not been doing this then we have not followed our own policy. City Manager Fuller stated he will look into this to make sure that it is happening. She inquired about the "We Care For You" business license and asked if City Manager Fuller had received any feedback. City Manager Fuller stated he had and will follow it up and forward the email to the whole Commission. Commissioner Covey said she is still following up on the ICA Agreement so when they make a decision that it will be an informed decision. She said she had spoken to Mr. Williams who is now handling it. He told her there was no mention of 7 cuttings in the EDOT information. She said she is still researching and is working with the DOT to find out the requirements ICA is to meet for the \$24,600,000 contract amount. City Clerk Hirth was asked to scan the ICA contract and send it to Mr. Williams. Commissioner Covey will get her the email address.

City Manager Fuller commented that he will place the Code Enforcement Manual in their boxes by the end of this week. He stated the demolition grant on Tyndall Parkway is proceeding but did not meet the Board's deadline of mid-September. Commissioner Covey asked if the deadline needed to be extended. City Manager Fuller said the demolition is underway and was told they should have it completely finished by the end of October. He stated the City has applied for a couple of grants which we will hopefully hear about in the next couple of months. One of them is a \$260,000 water improvement grant which may fund a water feasibility study for an alternate water supply and a possible grant for the Bryant property that was donated to the City so we may have a possible launch area for that waterway. He stated they are finalizing things for the on-line water payments which should be implemented very soon. He also mentioned the Trulia link on our website will take people interested in Callaway property directly to property for sale in Callaway. Mayor Abbott stated we needed to be sure there was no partiality shown with regard

to the listings. City Manager Fuller announced the new Finance Director will be at the meeting on Thursday evening. He stated her starting salary will be \$68,000 and that she will be starting the last of this month or the first of November. He stated she had twenty plus years dealing with governmental accounting and financing.

PUBLIC PARTICIPATION

David Griggs, 7111 Winona Street, Callaway, FL, said they talk a good game but did not follow through regarding the BP demolition. He said they need to say what they are going to do and do what they say they are going to do. He informed the Commission about the extension the Code Enforcement Board had given them to get this demolition completed. He said on July 22nd they came before the CRA and applied for a demolition grant. He stated the Commission approved it if completed in 30 days. Commissioner Covey stated they did not have the information available to them regarding what the Code Enforcement Board had given to the business owner. Mr. Griggs stated they had the information when they voted for it. Commissioner Covey again stated this was the first she had heard about the extension the Code Enforcement Board had given to them. She said since she has been on the Board no one has given a Code Enforcement Board report to the Commission. She said in all fairness they are not going to Code Enforcement Board meetings. Mr. Griggs stated they (business owner) gave them information at these meetings, and Mayor Abbott clarified he was speaking about the Code Enforcement Board meeting and the CRA meeting, Mr. Griggs continued by saying they told them they owned businesses all over the Southeast and had their own demolition company. Commissioner Covey stated he did not tell them that in the meeting she attended and no one else had told them about this. City Attorney Obos stated this was a reimbursement type grant and when they request their reimbursement, they need to be told they did not meet the deadline they agreed on. Mr. Griggs said he was playing Devil's Advocate and asked did they receive the notice that it was for 60 days the Code Enforcement Board gave them and then the 30 days notice that the CRA gave them. Mr. Griggs pointed out, as Commissioner Pelletier has pointed out, there are a lot of cracks in the follow through for this City and if these cracks are not there, they need to stand behind what they said.

Jim Jennings, 7514 Sara Lane, Callaway, FL, said that Mr. Griggs was at the same meeting that he was at when this was ruled on. He stated the gentleman told them they had professional crews that come in and tear these things down and if they are considering giving them more time, he did not recommend it. He said Mr. Volpi, the Code Enforcement Board Chairman, was present and he was not asked to give a presentation like the Bay County Sheriff's Office. Mayor Abbott said he was not on the agenda. Mr. Jennings said he did not know why he wasn't on the agenda but this was the second time he has been at the Commission meetings and has not been asked to report to the Commission. Mayor Abbott said his thought is that where they are on this is that we have people there who are actively demolishing the site and we have not paid them anything. He said Code Enforcement has been an active part of the whole operation so when it is all finished, they will have to come to the Board to report what they did and request their payment which actually they do not need to come to the Board because the City Manager can handle this situation. He needs to follow through on exactly what the Board authorized when the business owner was present at the CRA meeting. Commissioner Pelletier said the Code Enforcement Board imposed a penalty by a certain date and asked have we checked on this issue. He asked City Manager Fuller if the Code Enforcement Officer has gone forward with the penalty and City Manager Fuller stated he will have to get with him to see what has been done.

Mr. Griggs stated that at the same meeting where the business owner was given the 60 days by the Code Enforcement Board it was suggested that he look into the demolition grant. He said the assumption was when he went before the CRA was given another 30 days then the assumption would be that the 30 days was added onto the 60 days which gave him a total of 90 days. Mr. Griggs said whether this was followed up with paperwork is something else. Commissioner Pelletier stated if he had known what had gone on at the Code Enforcement Board he would never have voted for the grant. Commissioner Covey said this brought up the issue that they, as the Commission, have asked that a representative from every department be present at the Commission meetings. She said if the Code Enforcement Officer had been at the CRA meeting, they would have had all of the information at that time. She asked why he was not present tonight and City Manager Fuller stated this was something he brought up in Comments to let them know the progress of the demolition. He also stated that the Code Enforcement Board asked him to pursue the demolition grant. Mr. Griggs stated what they did not do was after the CRA Board approved the grant it was not told to the Code Enforcement Board. He said there is very little follow up. He said the Code Enforcement Board has brought up that they want feedback on what is happening to the cases that go before them. He said they are getting very little feedback with regard to the fines, did the property owner rectify the issues, etc. Mayor Abbott asked that City Manager Fuller get out an email about the status of the BP issue. Commissioner Covey again reiterated that they want the Department Heads and Code Enforcement at every regular meeting of the Board. Commissioner Pelletier asked if anything precluded him from attending the Code Enforcement Board meetings as a citizen and was told there was not. He stated he would be at all of the meetings in the futures.

ANNOUNCEMENTS

Announcements were read by Mayor Abbott—

- Special Meeting, Thursday, October 16, 2014 – UB Audit Report, 6:00 PM
- Code Enforcement Meeting – Thursday – October 23, 2014, 4:00 PM
- Next Regular Commission Meeting – Tuesday, October 28, 2014, 6:00 PM

There being no further business Commissioner _____ moved to adjourn the meeting at _____ P.M.

Sandra B. Hirth, City Clerk

City of Callaway Board of Commissioners Agenda Item Summary

October 28, 2014

Final Reading / Public Hearing – Ordinance # 945 – Waiver of Transportation Impact Fees

<p>1. PLACED ON AGENDA BY: Thomas W. Abbott, Mayor</p>	<p>2. AGENDA:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding: 2px;">PRESENTATION</td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">PUBLIC HEARING</td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">CONSENT</td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">OLD BUSINESS</td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">REGULAR</td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	PRESENTATION	<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>	CONSENT	<input type="checkbox"/>	OLD BUSINESS	<input checked="" type="checkbox"/>	REGULAR	<input type="checkbox"/>
PRESENTATION	<input type="checkbox"/>										
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CONSENT	<input type="checkbox"/>										
OLD BUSINESS	<input checked="" type="checkbox"/>										
REGULAR	<input type="checkbox"/>										

3. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes No
N/A

4. BACKGROUND: (WHY, WHAT, WHO, WHERE, WHEN, HOW, & IDENTIFY ALL ATTACHMENTS)

During the September 23, 2014, Mayor Abbott stated he had received a request from a gentleman for waiver of the Transportation Impact Fees. The Commission discussed the pros and cons of this decision and stated they did not want to waive the fees for one individual but would waive the fees for everyone for one (1) year. They felt this would encourage developers and homebuilders during this economic time to consider building in Callaway.

ATTACHMENT:

- Ordinance #945

5. REQUESTED MOTION/ACTION:
Commission to approve the Final Reading of Ord. #945 – Waiver of Transportation Impact Fees.