

**CITY OF CHIPLEY  
SPECIAL COUNCIL MEETING  
MINUTES**

September 27, 2016

5:15 p.m.

**Attendees:**

Mr. Lee Dell Kennedy, Mayor  
Mr. Ellis Reed, Council Member

Mr. Brett Butler, Mayor Pro-Tem  
Mr. John Sasser, Council Member

**Absent:**

Mrs. Karen Rustin, Council Member

**Others Present Were:**

Mr. Dan Miner, City Administrator  
Mr. Scott Thompson, Lieutenant

Mrs. Patrice Tanner, Asst. City Administrator/City Clerk

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The data reflected in these proceedings constitute an extrapolation of information elicited from notes, observations, recording tapes, photographs, and/or videotapes. Comments reflected herein are sometimes paraphrased, condensed, and/or have been edited to reflect essential subject matter addressed during the meeting. Parties interested in receiving a verbatim account of the proceedings are responsible for coordinating with the City Administrator and providing their own representative and equipment pursuant to Chapters 119 and 283, Florida Statutes.

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**A. Call to Order.** The meeting was called to order by Mayor Kennedy at 5:33 p.m.

**B. Prayer & Pledge.**

**C. Approval of Agenda.**

A motion was made by Mr. Reed and seconded by Mr. Sasser to approve the agenda as presented. The motion passed unanimously.

**D. Presentation and Approval of Minutes:**

1. August 9, 2016 – Regular Council Meeting

A motion was made by Mr. Reed and seconded by Mr. Butler to approve the minutes as presented. The motion passed unanimously.

**E. Agenda Items:**

1. **Approval of Request for Inclusion Amendment for Sprayfield Project** – Doug Bruce & Associates. Mrs. Tami Ray with Doug Bruce & Associates was present to explain the RFI. Mrs. Ray explained this is a request for inclusion to the FDEP process of the SRF program that you currently have under agreement, so this will be an amendment to that process. At this point through planning and design to the point of construction we need approval by the council to request the funds necessary to assist the city with the remainder of the process. Mr. Sasser asked if this is the engineering we were just talking about. Mr. Miner explained this is more the planning document. Mrs. Ray explained this is throughout that process of planning and design. So this will help pay for part of the planning and part of the land acquisition component and part of the effort that has to be provided to FDEP throughout the design process to the point where we have planning, design and site certifications complete to ask FDEP for approval for land acquisition and construction. Mrs. Mary Rogers stated at this point the application Dan submitted to the State had planning and land acquisition, it had two line items in 2014. She asked if the one line item specifically for land acquisition hasn't already been approved. Is there something else being approved? Mrs. Ray explained those two line items come from planning and land acquisition. We have to move through the planning process and all the soil investigations in order to get approval to acquire the property and then gain approval and move forward into the design. We cannot purchase the property until it meets all the facility planning requirements. Mrs. Ray explained this request tonight is for Doug Bruce & Associates to assist the City throughout that entire process. Mrs. Rogers stated there is \$149,000 the engineering firm will get and the \$2.2 million that Gene Prough gets, so where does this difference come from. Mr. Miner explained we are at a point of planning which includes the facilities plan. He stated I'm not sure if there will be actual land acquisition at this point because I don't know what alternatives the engineer can recommend. Mrs. Ray explained that when we look at alternative analysis and this is for the engineer to determine, the methodology they use to do that is they look at everything from the sprayfield site which is what the city chose to do 10 years ago and used reuse to get out of the creek. That got them out of Holmes Creek

which affected a classical water body at the time. The City made the choice to be removed from that but at this point through the facilities plan they have to look at this as an alternative again as well. They have to look at other alternatives. The engineer has to come back to the City and give them that analysis to determine if land acquisition and a reuse sprayfield site is the right answer or are we doing something different to get rid of this effluent water. We don't know the answer to that. Mrs. Ray explained that when you say "that goes to Gene Prough", even if it is reuse and even if the city is approved to acquire property the acquisition of the property has to go through an extensive process with FDEP to determine if the land is viable and then all of that filters into the engineer's decision making. There is a lot of technical information that goes into that and a lot of research. Mrs. Rogers asked how that was skipped before. Mrs. Ray explained we submitted a request to FDEP based on what we thought the cost would be, the probability of cost. We knew at the beginning we had to go through facilities planning because it is a part of the requirement of FDEP and the EPA, so it was not skipped at all. Mrs. Rogers explained in her speaking with Tallahassee was that whenever the purchase of Gene Proughs land was done back in September (Option to Buy), not publically known then it was going to be done at the end of March because the six months were up, and all that had to happen at that time was for the SRF part of FDEP to sign off and say okay. Mrs. Ray explained the rules are there for everyone to comply with, we just couldn't skip the process, no one could. Mrs. Rogers explained the way that his option to buy and the way the submitted form that Dan submitted is not what you are saying and that's what FDEP understood when I asked them the question because there was not this process of looking into alternatives or other people's properties. Mrs. Ray explained the other thing that is different with the City of Chipley and the facility planning process and any other facility plan is that 10 years ago there was a facility plan created, and that facility plan can be the foundation for this upgrade or amendment. That is the only difference in that the City already spent money creating one and they are going to allow them to build on that foundation. Mrs. Ray explained if you look at the request for inclusion and you look at the agreement and the FDEP rule and that is what the City of Chipley has to abide by. Mrs. Rogers explained she and her husband understand and we are asking for transparency. She asked what the difference is in where we were when we started out on this journey and what DBA is requesting now. Mr. Miner explained from his and FDEP's understanding is we had an issue with other sprayfields and we were looking for an alternative to help the situation, that is what was pitched to FDEP, if we can find another site does that sound like a viable option and they agreed it did. That is how the original application went in. Mrs. Rogers stated without a feasibility study. Mrs. Ray explained there are steps in the process. The request for inclusion goes in first and gets approved at a public hearing; then the City is in the position to be able to RFQ for an engineer; they select an engineer then they are able to move into the facility planning process. Mr. Miner explained no soil testing has been done on any site, including Mr. Proughs site. Mrs. Rogers explained that it was said that a recreational grant can applied for and used to help pay for the 45 percent of his property that doesn't perk. What land were you talking about? Mrs. Ray explained that Florida is a swampland and any property we purchase there will most likely be a portion of the land that is not usable. If there are low lands that cannot be used then we have suggested trying to get grant assistance to help with the cost. Mrs. Rogers explained the amount of property was spelled out in the contract with Gene Prough. It was a certain amount with a tax deed and it didn't match what you said. Mrs. Ray explained I think you are mixing apples with oranges because the City is saying this is an available site that might be available in the future and didn't want to lose that opportunity. So that is one thing, but the SRF strategy is something we have to work with FDEP step by step. The amount of property to purchase will not be determined until we get the perk rate because we have a certain MGE of effluent that has to be discharged throughout the system. Because we have two to three other sites, some of it is going to those sites; what's remaining is going to this site, so the engineer has to tell us what that is and how much water the land can absorb in a 24 hour period. We can't discharge more water than the land can absorb. The engineer makes all of those determinations and brings that to the board. Mrs. Rogers explained she knows two more citizens that have good land that would like to be considered that didn't know about it. Mr. Miner explained he is uncertain if the City is even going to purchase land at this point, he doesn't have a clue what the engineers recommendation will be. Mrs. Rogers explained I have given you those names. Mr. Miner explained those sites are not very big but the engineers do have those sites. The questions will be, are those sites available for sale or even big enough. Mrs. Rogers asked will this process look at ten years down the road since Bay County has a shipyard which will do \$22 billion. Mr. Miner explained FDEP will not allow you to build for the future. Mrs. Ray explained it is based on current effluent discharge. Mrs. Rogers stated the city went straight to contract with Gene Prough without due diligence based on what was submitted to FDEP and all that had to happen was for the land to perk. Mrs. Ray explained she doesn't agree with that. Mrs. Rogers explained if you took Gene's contract to the lawyer, the lawyer would tell you that you would have to pay him for that land because the land perked and that is what the contract states. Mrs. Ray explained the City would only have to pay the \$40,000 retainer that they provided or agreed to requesting the property owner to hold off long enough to determine if it is a viable site or

not. Mrs. Rogers stated the option to buy says approval of SRF loan. Right now that loan sits approved if you look at the website. Mrs. Ray explained the land acquisition cannot be touched until the facility plan document is complete that is the way FDEP rule reads. The City simply put a retainer on the property to hold it as an option because it was large acreage. The way you described that, I cannot agree with it. Mrs. Tanner asked Mrs. Ray if the engineers came back and said land application is not an option then FDEP would amend that agreement to fund an alternative method, as they do amendments continuously throughout these projects. Mrs. Ray said yes. No further discussion.

**A motion was made by Mr. Sasser and seconded by Mr. Butler to approve the FDEP Request for Inclusion Amendment for Sprayfield Project. The motion passed unanimously.**

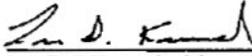
1. **Resolution No. 16-23 – Fiscal Year 2015 – 2016 Budget Amendment.** Mrs. Tanner explained the budget amendment is for Fiscal Year 2015 – 2016 and increases the total annual budget by \$72,286. Discussion ensued.

**A motion was made by Mr. Butler and seconded by Mr. Sasser to approve Resolution No. 16-23. The motion passed unanimously.**

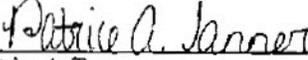
2. **Approval of Citizens Advisory Task Force (CATF) Members.** Mr. Miner explained we are looking for citizens to be on the CATF Committee. The members of the committee must include 51% at Low to Moderate Income per the CDBG guidelines. If you know of anyone interested please let us know. We hope to have enough applicants to approve at the October meeting. Discussion ensued.

The meeting adjourned at 5:55 p.m.

City of Chipley

  
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Lee Dell Kennedy, Mayor

Attest:

  
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Patrice A. Tanner  
Assistant City Administrator/City Clerk