

**CITY OF CHIPLEY  
REGULAR COUNCIL MEETING  
MINUTES**

**April 9, 2019**

**6:00 p.m.**

**Attendees:**

Ms. Tracy Andrews, Mayor  
Mr. Kevin Russell, Council Member  
Mr. Tommy Sasser, Council Member

Mr. Brett Butler, Mayor Pro-Tem  
Mrs. Linda Cain, Council Member

**Others Present Were:**

Mr. Dan Miner, City Administrator  
Mr. Jimmy Cook, Water Utilities Director

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 Andrews at 6:00 p.m.
- B. Prayer and Pledge.** Prayer was given by Mrs. Cain and Mr. Butler led the pledge to the American Flag.

**C. Citizens Request.**

The City of Chipley welcomes you to this meeting. This is time set aside for the Citizens of Chipley to address the City Council. This is not a question and answer period, it is not a political forum, nor is it a time for personal accusations and derogatory remarks to/or about city personnel. If you would like to address the City Council please come to the podium, state your name and address for the record and limit your comments to not more than three (3) minutes per Florida Statute 286.0114. Your participation is welcomed and appreciated.

No citizen requests. No further discussion.

- D. Approval of Agenda.** Mayor Andrews added three Proclamations to be presented prior to the first agenda item; item #10 – FDEP Request for Inclusion; and item #11 – Resolution No. 19-26. No further discussion.

**A motion was made by Council Member Russell and seconded by Council Member Butler to approve the agenda with the additions. The motion passed unanimously.**

**E. Presentation and Approval of Minutes.**

1. Regular Council Workshop – March 7, 2019
2. Regular Council Meeting – March 12, 2019

**A motion was made by Council Member Russell and seconded by Council Member Sasser to approve the minutes as presented. The motion passed unanimously.**

**F. Agenda Items.**

**Proclamation – Tom's Auto 9-10 Year Old Chipley Basketball League Champions.**

Mayor Andrews presented the Proclamation to the Coaches and Players of Tom's Auto and read the proclamation recognizing them as the 9-10 Year Old Chipley Basketball League Champions.

**Proclamation – The Ambassadors 6-8 Year Old Chipley Basketball League Champions.**

Mayor Andrews presented the Proclamation to the Coaches and Players of Tom's Auto and read the proclamation recognizing them as the 6-8 Year Old Chipley Basketball League Champions.

**Proclamation – Child Abuse Prevention Month.**

Mayor Andrews read the proclamation and proclaimed the month of April 2019 as Child Abuse Prevention Month.

1. **Approval of Ordinance No. 957 (Public Hearing)** – Amendment to Chapter 11 – Private Property Standards and Abatement of Nuisances. Mr. Miner explained this ordinance, if approved, will provide noise control provisions. No further discussion. Mayor Andrews closed the regular meeting and opened the public hearing at 6:10 p.m. Mr. Miner read Ordinance No. 957 by title:

**AN ORDINANCE OF THE CITY OF CHIPLEY, FLORIDA,  
PROVIDING FOR AUTHORITY; PROVIDING FOR AN  
ADDITION TO AND AMENDMENT TO CHAPTER 11 OF  
THE CITY CODE, ENTITLED “PRIVATE PROPERTY  
STANDARDS AND ABATEMENT OF NUISANCES”;  
RELATING TO PRIVATE PROPERTY STANDARDS AND  
NOISE CONTROL; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR CONFLICTS; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

No comments.

Mayor Andrews closed the public hearing and reopened the regular meeting at 6:12 p.m.

**A motion was made by Council Member Russell and seconded by Council Member Butler to approve Ordinance No. 957 on final reading. The motion passed unanimously.**

2. **Approval of Resolution No. 19-25** – Water Utilities Department Tractor Loan. Mr. Miner explained we received three (3) quotes and Capital City Bank was the lowest with an interest rate of 4.15% for seven (7) years with no closing costs, in the amount of \$71,755.15. Discussion ensued.

**A motion was made by Council Member Sasser and seconded by Council Member Cain to approve Resolution No. 19-25. The motion passed unanimously.**

3. **Approval of FDOT SCOP West Boulevard CEI Services Award** – David H. Melvin, Inc. Mr. Miner explained based on scoring by the Selection Committee the recommendation of the West Boulevard CEI Services award is David H. Melvin, Inc. If negotiations are not met we will move onto the next highest ranked firm. Discussion ensued.

**A motion was made by Council Member Cain and seconded by Council Member Russell to approve the award of the FDOT SCOP West Boulevard CEI Services to David H. Melvin, Inc. contingent upon negotiations. The motion passed unanimously.**

4. **Approval of FDOT SCOP West Boulevard Design Services Award** – Genesis Halff, Inc. Mr. Miner explained based on scoring by the Selection Committee the recommendation of the West Boulevard Design Services award is Genesis Halff, Inc. If negotiations are not met we will move onto the next highest ranked firm. Discussion ensued.

**A motion was made by Council Member Sasser and seconded by Council Member Russell to approve the award of the FDOT SCOP West Boulevard Design Services to Genesis Halff, Inc. contingent upon negotiations. The motion passed unanimously.**

5. **Approval of Bid No. 19-03 Chipley Sidewalk Repairs** – S.H. Hayes Enterprises, LLC. Mr. Miner explained this bid is to repair the sidewalks, curb and gutter which were damaged by Hurricane Michael and these funds are reimbursable by FEMA. Discussion ensued.

**A motion was made by Council Member Butler and seconded by Council Member Sasser to approve Bid No. 19-03 Chipley Sidewalk Repairs to S.H. Hayes Enterprises, LLC in the amount of \$38,700.00. The motion passed unanimously.**

6. **Approval of the Sale of Surplus Property** – Mongoven Building. Mayor Andrews explained we will not be able to go into any detail regarding the sale of the property since the attorney is not present. Mayor Andrews recommended tabling this item. No further discussion.

**The Council agreed to table this item since the Attorney is not present.**

7. **Approval of Federal Emergency Management Agency Public Assistance Funding Agreement** – Hurricane Michael. Mr. Miner explained this is the agreement required in

order for the City to receive reimbursement through FEMA. Mr. Sasser asked when we might start seeing reimbursement for some of these expenses. Mr. Miner stated we have received insurance reimbursement on some of the damages and we hope to start receiving FEMA reimbursement as early as this month. Mr. Butler asked when the cycle will complete or is it ongoing. Mr. Miner stated it is ongoing until all of our projects are completed, and we hope to have most of our projects completed within a year. Mr. Miner explained there are some larger projects that could take longer. FEMA did a site visit today and looked at the ditch banks where some of the ditches just require the debris to be cleaned up and other ditches which were disturbed due to trees on the edge of the banks, which will require geo-fabric and rocks to stabilize and this will be a longer process and could take a year or year and a half to complete. Mr. Butler asked if the State has decided to extend the debris clean up. Mr. Miner explained the debris cleanup is FEMA reimbursed. When a disaster is declared FEMA will normally pay 75%, the State will pay 12 ½% and the local government is responsible for 12 ½%. In this disaster the State was gracious and has agreed to pick up the local government share of 12 ½% to help the local governments. Mr. Miner explained right now our deadline is the 15<sup>th</sup> and there has been discussion of a possible extension of a couple of weeks, but we have not seen any paperwork stating this so we are going to continue putting out until they say it is over. He stated overall Chipley is in good shape: there are some hot spots here and there but we are in good shape. We will probably have to continue after the deadline because I don't think we will be completely done and that is a discussion we are going to have to have because Crowder Gulf is \$100,000 per day, and we do not have enough debris in Chipley to keep that kind of force working. Mr. Miner explained the County doesn't either and they are unsure as to what they are going to do at this point. The City will continue to do our normal pick-up but we are going to have to set a cut point as to what is hurricane debris and what is normal yard debris. Discussion ensued.

**A motion was made by Council Member Russell and seconded by Council Member Sasser to approve the Federal Emergency Management Agency Public Assistant Funding Agreement for Hurricane Michael. The motion passed unanimously.**

8. **Sign Ordinance Review Committee Recommendations** – Paul Goulding. Mayor Andrews stated that Mr. Goulding was present at our workshop and discussed the findings of the sign committee and there is nothing at this time for the Council to take action on. Mrs. Cain stated one of the items discussed by the sign committee was issuing a packet to new businesses that will give them direction. Mr. Butler stated a copy of the sign code would also be helpful. Mayor Andrews explained this is something to keep in consideration whether we have it here at City Hall or at the County Building Department where they issue the permits. She stated they probably have a packet as well. Mrs. Cain thanked the committee for reviewing the code. Discussion ensued.
9. **Engineering Update** – Mott MacDonald. Mayor Andrews stated Mr. Bill Perry with Mott MacDonald is present to give us an update on the sprayfield project. Mr. Perry explained we have been working hard with the City to make sure all of the milestones are met for the FDEP Consent Order. The I&I Plan was requested and has been submitted; the update to the O&M Manual for operations of the plant has been completed and submitted; and the identification of an in-kind project has been submitted to the agency. He explained upcoming we have preparation and submittal of the permit application for the construction of the new facilities to include the force main and the sprayfield site and are actively working toward beginning the survey work. Mr. Perry explained we are working with the agencies to answer questions regarding the SRF Facilities Plan that was submitted and we feel like we are very close to approval of that plan by FDEP. We have been working on the Preliminary Engineering Report for the funding request for the USDA application and it should be submitted next week. The next item on the agenda is the Request for Inclusion for the SRF Program and if approved we are going to submit early in case they have funding available in the May funding cycle, if not it will be submitted early for the August funding cycle. Mr. Perry explained the Environmental Review was done as part of the requirements for the USDA funding and it came back with no significant findings. It was sent out to all of the Indian Tribes that may be impacted by the project and we will wait to hear feedback from them. Mr. Sasser asked when we can expect to get use of the new sprayfield. Mr. Perry explained if everything goes as planned we hope to break ground after the first of the year and it will be a two-year long project for construction. Mr. Butler stated if we are looking at a two-year build then around January 2022. Mr. Butler asked about the facilities evaluation on the graph and Mr. Miner explained that is part of the overall consent order and it's what the engineers are doing throughout this process, there is not a specific date attached to that item. Mr. Butler stated it looks like June and July will be busy months for milestones on the consent order timeline. Mr. Perry stated yes and the next very important item is the permit application which is due on June 13, 2019. Discussion ensued.

10. **FDEP Request for Inclusion.** Mr. Perry with Mott MacDonald explained this is a request to be funded for the Design Phase of the new sprayfield project in the amount of \$635,000.00. Discussion ensued.

**A motion was made by Council Member Butler and seconded by Council Member Sasser to approve the FDEP Request for Inclusion on the CWSRF Priority List for design services in the amount of \$635,000.00. The motion passed unanimously.**

11. **Resolution No. 19-26.** Mr. Miner explained this resolution is in opposition to the proposed constitutional amendment. He stated it will not be a positive thing for the City; it could increase rates on electricity and decrease revenues. It would prevent the City from entering into franchise agreements. Discussion ensued.

**A motion was made by Council Member Butler and seconded by Council Member Cain to approve Resolution No. 19-26. The motion passed with four (4) ayes and zero (0) nays. Mayor Andrews abstained from voting due to conflict because she is employed by Gulf Power Company.**

**Other Matters:**

Mayor Andrews explained that we can **plan** a Special Meeting for the item that was tabled. Mr. Miner stated we will get with the **attorney** and see when she is available. No further discussion.

Mr. Butler stated he will have an **update** on the CRA once the meeting they cancelled is rescheduled. No further discussion.

The meeting adjourned at 6:50 p.m.

City of Chipley



Tracy L. Andrews, Mayor

Attest:



Patrice A. Tanner,  
Assistant City Administrator/City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Andrews, Tracy L.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Chipley City Council
MAILING ADDRESS Post Office Box 473	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Chipley	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Washington	NAME OF POLITICAL SUBDIVISION: City of Chipley
DATE ON WHICH VOTE OCCURRED April 9, 2019	MY POSITION IS:
	<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Tracy L. Andrews, hereby disclose that on April 9, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Gulf Power Company ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

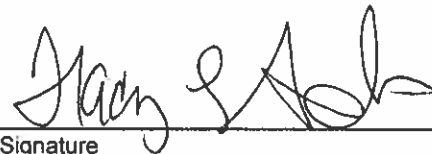
Approval of Resolution No. 19-26 - Opposition to the Proposed Constitutional Amendment entitled "Right to competitive energy market for customers of investor-owned utilities; allowing energy choice".

A motion was made by Council Member Brett Butler and seconded by Council Member Linda Cain to approve Resolution No. 19-26. The motion passed with four (4) ayes and zero (0) naves. Council Member Tracy Andrews abstained from voting due to conflict because she is employed by Gulf Power Company.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

04/24/2019

Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.