

The City Council of the City of Milton met in regular session, April 12, 2011 at 5:01 p.m. (CDT) in the Council Chambers of City Hall, 6738 Dixon Street, Milton, Florida. The following were:

PRESENT:

Guy Thompson, Mayor
Grady Hester
Buddy Jordan
R. L. Lewis
Lloyd Hinote
Patsy Lunsford
Paul Kilmartin
Clayton White

ABSENT:

Marilyn Jones

Roy Andrews, City Attorney
Brian Watkins, City Manager
Dewitt Nobles, City Clerk
Janet Scott, Deputy Clerk
Pam Haddan, Executive Assistant

OTHERS IN ATTENDANCE:

Cassandra Sharp, Kim Macarthy, Dale Macarthy, Alan Lowery, Teresa Walsh, Sharon Holley, Bob Cole, ‘Captain’ Dano, Jennifer Thornton-Gentry, Bill Gamblin, Jerald Ward, Greg Brand, Ann Scott, Brian Nall, Eliga Nall, Bailey Nall, Adam Kopin, Stephanie Lowery, Lynn Hough, Michael Hough, Lonnie Joiner.

Mayor Thompson called the meeting to order at 5:01 p.m.

Roll call was performed.

INVOCATION: Reverend Matthew Dollhausen, St. Mary’s Episcopal Church, led the invocation and all joined in the Pledge of Allegiance.

APPROVAL OF AGENDA FOR ADDITIONAL ITEMS:

Motion was made by Mr. Hester to approve the agenda for additional items; seconded by Mr. Jordan. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

RECOGNITIONS, SPECIAL PRESENTATIONS AND AWARDS:

Recognition of Michael Hough’s Accomplishments- Lynn Hough, mother of Michael Hough, owner of Milton Skateboards, 5176 Stewart Street, noted that Michael is Milton’s youngest business owner. He began an online retail business on E-bay at the age of 13. He opened Milton Skateboards at the age of 17. He is a senior at Milton High and is dual enrolled at Pensacola State College. He will graduate from both high school and Pensacola State College with honors.

Mayor Thompson presented Michael Hough with a Certificate of Recognition for his accomplishments at such a young age.

Recognition of Volunteers for Residential Clean-up Project- Theresa Walsh, Milton Code Enforcement Officer, recognized volunteers that participated in a residential clean-up project. Mrs. Malone, a 79 year old physically disabled, homeowner needed assistance to clean her property on Hearn Street. Over twenty volunteers assisted in cleaning Mrs. Malone's yard March 22, 2011. Volunteers included Pastor Brian Nall of Ferris Hall Baptist Church. Lonnie Joiner provided a dumpster for the cleanup, and refreshments were provided by Dominos, Hungry Howies, and Papa John's.

Mayor Thompson expressed the city's gratitude to Pastor Nall for his church's part in assisting with this clean up. He also noted that Lonnie Joiner is always helping the city with these projects. He continually "gives back" to the community.

PERSONS TO APPEAR:

Bob Cole, Santa Rosa County Commissioner: Commissioner Cole addressed the council regarding the temporary court buildings located in downtown Milton. He urged the council to hold fast to the five year limited period allowing portables in the Courthouse area. He suggested that the county request placing a referendum on the ballot for a 1¢ sales tax to subsidize construction of a Santa Rosa County Judicial Center.

Mayor Thompson said that he agreed that the 1¢ sales tax should be placed on the ballot for the Judicial Center but also noted that it should not include multiple projects. He appreciated Commissioner Cole's cooperation with removing the modular court rooms.

Cassandra Sharp, 3109 Waterview Dr.: Ms. Sharp addressed the council regarding her property located at 6875 Oak Street which was involved in a Special Magistrate Hearing Monday, April 11, 2011. She requested the council postpone action on the results of this hearing.

City Attorney Roy Andrews informed the council that they do not review the findings of a Special Magistrate Hearing. Any appeal of the decision would have to be filed with the Circuit Court.

Ms. Sharp stated the building is a historical building which was damaged in 2004. After suffering health issues in 2008 she was unable to complete renovations. The Special Magistrate Hearing Officer ordered her to demolish the building. She saw value in the property and did not believe she was given ample time to renovate the building. Ms. Sharp stated she had issues with Code Enforcement procedures.

Mayor Thompson stated that the Special Magistrate made a decision and the City Council is unable to alter that decision.

Attorney Roy Andrews re-iterated that the council is unable to take action because any appeal must be made through the court system.

Ms. Sharp presented a slide show indicating other sites in the city that she felt should be addressed by Code Enforcement.

Mayor Thompson assured her that these sites will be addressed.

Bill Gamblin, Santa Rosa Press Gazette, inquired about the difference in this situation and a prior situation regarding Mr. Holloway. He noted that the council attempted to help Mr. Holloway but is not assisting Ms. Sharp.

Mr. Kilmartin explained that Mr. Holloway was operating a business in his building. It was an active business, his livelihood, not a vacated, deserted building. Ms. Sharp's building is currently not in a usable condition.

Mayor Thompson agreed. He stated he was confident the staff was acting consistently.

ORDINANCES, RESOLUTIONS & PROCLAMATIONS:

City Attorney Roy Andrews was recognized for the reading of Ordinances, Resolutions and Proclamations:

ORDINANCE NO.: 1343-11, Second Reading

AN ORDINANCE AMENDING ARTICLE IV RESOURCE PROTECTION STANDARDS OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MILTON BY CREATING SECTION IV-5.6 HISTORICAL RESOURCE PROTECTION – STRUCTURAL PRESERVATION REQUIREMENTS WITHIN THE HISTORIC DISTRICT, RENUMBERING THE EXISTING SECTION 5.6 APPEALS TO SECTION 5.7, REPEALING PORTIONS OF ORDINANCE IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

** Motion was made by Mr. Hester to approve Ordinance No. 1143-11, as read; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

ORDINANCE NO.: 1344-11, First Reading

AN ORDINANCE AMENDING §36-34 OF THE CODE OF ORDINANCES OF THE CITY OF MILTON, PROHIBITING ENTRY UPON RESIDENTIAL PREMISES IN A PLATTED SUBDIVISION WHEN A HOMEOWNER’S ASSOCIATION HAS CAUSED TO BE POSTED AT THE ENTRANCE THEREOF A NO SOLICITING OR NO PEDDLING SIGN, AND AMENDING §36-35 OF THE CODE OF ORDINANCES OF THE CITY OF MILTON, CHANGING THE HOURS OF SOLICITATION, REPEALING PORTIONS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

** Motion was made by Mr. Lewis to approve Ordinance No. 1344-11, as read; seconded by Mr. Hester. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

RESOLUTION NO. 1171-11

WHEREAS, the Milton City Council recognizes the importance of providing for current and future transportation needs, and
WHEREAS, the Milton City Council recognizes the critical need to address east-west transportation movements in the City and Santa Rosa County, and
WHEREAS, the movement of goods and services across the Blackwater River is of paramount importance to the area’s economy, and
WHEREAS, the existing Macavis Bayou Bridge is in a critical condition and has been determined to be structurally deficient, and
WHEREAS, the City of Milton recognizes the work of the Department of Transportation, Santa Rosa County, the public at large, and other government planning organizations to identify the appropriate repair, replacement, and/or rehabilitation of the Macavis Bayou Bridge, and
WHEREAS, the Department of Transportation identified two viable alternatives and evaluated the same, and
WHEREAS, the Milton City Council believes that there will be additional transportation needs in the future that may involve additional bridges across the Blackwater River demanding future investment,
NOW, THEREFORE, BE IT RESOLVED BY THE MILTON CITY COUNCIL:

The City Council of Milton, Florida, expresses support for alternative three (3) of the Section 106 Macavis Bayou Bridge analysis. Adopted this 12th day of April, 2011

ATTEST:

Guy Thompson, Mayor

Dewitt Nobles, City Clerk

CERTIFICATION

The above resolution was adopted by the City Council of Milton of the 12th day of April, 2011.

** Motion was made by Mr. Hester to approve Ordinance No. 1171-11, as read; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

CITY ATTORNEY'S REPORT

Russell Harber Landing North Electrical Service- Mr. Andrews reported that in order to provide electrical service to the northern area of Russell Harber Landing, Gulf Power has requested that the city direct the attorney to write a letter expressing the city's claim of title to the roadway. Since the road was created and maintained by the Santa Rosa County and The City of Milton for more than five years, title was established by 'prescription or presumed dedication'. There is no plat dedication or deed to the right-of-way but the city does have title to the area maintained. If power poles and lights are erected on that property and someone successfully objects, legally the city will be required to pay for the removal of said poles.

** Motion was made by Mr. Jordan to authorize the city attorney to write Gulf Power a letter expressing the city's claim of title for the northern area of Russell Harber Landing; seconded by Mr. Hester. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

GENERAL CONSENT AGENDA

PUBLIC HEARINGS/MEETINGS:

USDA Rural Development Public Meeting

CITY ATTORNEY'S REPORT:

- 1) **6820 Berryhill Street** (*Action: Approval to resolve title issues*)
- 2) **Green-Simmons Lawsuit** (*Action: Approval to pay \$5,000 for full and final settlement of all issues*)

MILTON PLANNING BOARD

- 1) **Board to meet on Tuesday, May 3, 2011 at 5:30 p.m.**

PUBLIC WORKS COMMITTEE: CHAIRMAN – COUNCILMAN R.L. LEWIS

- 1) **Report from Committee meeting held on Thursday, March 24, 2011 at 8:00 a.m.**
 - a) **Firehouse Well Improvements** (*Action: Approval to proceed with repair at a cost of \$13,450 and pursue claim against contractor*)
 - **Demolition Contractor damaged water well at a cost of \$13,450**
 - b) **Proposed Modification of Trash Pick-up Route (North End of Thursday Route moved to Friday)** (*Committee recommends approval of modification of Trash Pick-up Route*)
 - c) **Revised Year 2011 Street Resurfacing Program** (*Committee recommends approval of revised Street Resurfacing Program*)
 - d) **Next meeting scheduled for Thursday, April 28, 2011 at 8:00 a.m.**

ADMINISTRATION COMMITTEE: CHAIRMAN – COUNCILMAN PAUL KILMARTIN

- 1) Report from Committee meeting held Thursday, March 17, 2011 at 8:00 a.m.
 - a) Utilities Department Personnel (*Committee recommends approval to give a mid-year one step increase to the 2 Utilities Department employees as stated in memo*)
 - b) Non-Fraternization Policy (*Committee recommends approval of the policy as presented, contingent upon legal review*)
 - c) Discipline Policy (*Committee recommends approval of the policy as presented contingent upon legal review*)
 - d) Letter of Counseling Policy (*Committee recommends approval of the policy contingent upon legal review*)
 - e) Next meeting scheduled for Thursday, April 21, 2011 at 8:00 a.m.

ORDINANCE REVIEW COMMITTEE: CHAIRWOMAN – COUNCILWOMAN PAT LUNSFORD

- 1) Report from Committee meeting held on Thursday, March 17, 2011 at 10:00 a.m.
 - a) Solicitation Ordinance (*Committee recommends approval of proposed amended language to limit to platted subdivisions with homeowners associations and hours of solicitation ordinance*)
 - b) Next meeting scheduled for Thursday, April 21, 2011 at 10:00 a.m.

PUBLIC SAFETY COMMITTEE: CHAIRMAN – COUNCILMAN GRADY HESTER

- 1) Report from Committee meeting held on Thursday, March 24, 2011 at 9:00 a.m.
 - a) Portable Radios for Fire Department (*Committee refers this item to Finance Committee*)
 - b) Next meeting scheduled for Thursday, April 28, 2011 at 9:00 a.m.

STORMWATER MANAGEMENT COMMITTEE: CHAIRMAN – COUNCILMAN GRADY HESTER

- 1) Committee to meet on Tuesday, April 26, 2011 at 9:00 a.m.

PARKS & RECREATION COMMITTEE: CHAIRMAN – COUNCILMAN BUDDY JORDAN

- 1) Report from Committee meeting held on Monday, March 28, 2011 at 8:30 a.m.
 - a) Temporary No Wake Zone (*Information only*)
 - b) Santa Rosa County God & Country Rally (*Committee recommended approval of City sponsorship including providing liability insurance for event*)

- c) Next meeting scheduled for Monday, April 25, 2011 at 8:30 a.m.

GROWTH, DEVELOPMENT & ANNEXATION COMMITTEE:
CHAIRWOMAN – MARILYN JONES

- 1) Committee to meet on Tuesday, April 19, 2011 at 8:00 a.m.

FINANCE COMMITTEE: CHAIRMAN – GUY THOMPSON

- 1) Report from Committee meeting held on Thursday, March 17, 2011 at 9:00 a.m.
 - a) Financial and Budget Status Reports (*Information only*)
 - b) Bad Debt Write-off for March 2011 - \$2,965.63 for November 2010 – FYTD \$34,072.39, less collections (*Write-off collections and credits from gas fee account Oct – Feb 28th = \$10,011.24*) (*Committee recommends approval of the write-off amount*)
 - c) East Milton Wastewater Treatment Plant (*Committee recommends approval to draw down the available funds from the State Revolving Loan*)
 - d) City of Milton Street Maintenance Plan (*Committee recommends approval of modified Street Maintenance Plan*)
 - e) Santa Rosa Arts & Culture Foundation Sponsorship (*Committee recommends approval of a Silver Sponsorship (\$1,000) from the City Budget and a Silver Sponsorship (\$1,000) from the Natural Gas Marketing Budget*)
 - f) Revision to Purchasing Card Authorization Limits (*Committee recommends approval to revise authorization limits on Purchasing Card from \$250 to \$500 to match Purchasing Policy*)
 - g) Fund Balance and Reserve Policy (*Committee recommends approval of policy as presented*)
 - h) Year-end Fund Balances:
 - 1) Police Cars \$100,000
 - 2) Fire Truck \$500,000 (Lease/Purchase)(*Committee recommends approval to proceed with purchases as proposed*)
 - i) Next meeting scheduled for Thursday, April 21, 2011 at 9:00 a.m.

MAYOR REPORT: CHAIRMAN – GUY THOMPSON

- 1) Erosion Control (*Referred to Growth, Development & Annexation Committee*)
- 2) Macavis Bayou Bridge Replacement (*Approval of support resolution for Alternate #3*)

CITY MANAGER'S REPORT:

OTHER BUSINESS:

- 1) **River Run Marina Contract** (*Approval of award of Phase 1 Environmental Site Assessment to PSI in Pensacola, Florida in the amount of \$1,400*)
- 2) **Avalon Road Gas Line** (*Approval to proceed with project at a cost not to exceed \$60,000*)
- 3) **City of Milton Relay for Life Golf Tournament** (*Information only*)
- 4) **Gill-Bass Park Dedication on Friday, April 8, 2011 at 10:00 a.m.** (*Information only*)

** Motion was made by Mr. Hester to approve the General Consent Agenda, as presented; seconded by Mr. Hester. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

COUNCIL COMMITTEE ITEMS:

FINANCE COMMITTEE: CHAIRMAN – GUY THOMPSON

Mid-year Budget - Motion was made by Mr. Hester to approve the Mid-year Budget projects that were presented and approved by the Finance Committee; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

MAYOR REPORT: GUY THOMPSON

Byrom Street Issues - Mayor Thompson noted that Chief Greg Brand had information relating to the issues recently made regarding the Byrom Street area.

Chief Brand stated that after analyzing data it appears that the issues on Byrom Street are probably not crime related but more of an image problem. When the “Speed Spy” was installed on Byrom Street only 15 vehicles out of 1369 that were monitored were speeding. Thus, in his opinion, installing a speed bump is not supported.

Last year the Police Department handled over 33,000 incidents. That indicates a 57% increase in police activity since 2005 when there were 21 police officers. Presently there are only 19 officers.

Mr. Kilmartin asked Chief Brand if he was stating that there is no issue in the Byrom Street area but that he needed additional staff?

Mayor Thompson noted that he and the City Manager had discussed the fact that presently there is more crime but less police staff. He suggested that an additional position for a police officer be opened and filled this year.

** Motion was made by Mr. Hester to authorize the city to seek another sworn law enforcement position for the Police Department; seconded by Mr. Jordan. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

CITY MANAGER’S REPORT:

OTHER BUSINESS:

- 1) **National Naval Aviation Museum Standard Renewal Loan Agreement**

** Motion was made by Mr. Jordan to renew the loan agreement with the National Naval Aviation Museum for the display plane at the corner of Milton High School; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

- 2) **Arbor Day Tree Planting will be held on Friday, April 29, 2011 at 10:00 a.m.**

- 3) **Firehouse Well Repairs**—Mr. Watkins reported that the water well was damaged during the demolition of the old Firehouse resulting in damages of \$10,000 to \$20,000. There is additional wear and tear to the original in-ground portion of the well. The scope of the project should be expanded to include the repairs to the in-ground portion of the well. We hope to be able to complete all the repairs within the current \$140,000 budget.

** Motion was made by Mr. Hester to approve increasing the scope of the firehouse well project to repair damages at an approximate cost of \$140,000; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

** As there was no further business to be addressed, motion was made by Mr. Hester to adjourn the meeting at 7:00 p.m.; seconded by Mr. Lewis. Roll call vote: Mr. White, aye; Mr. Hinote, aye; Mr. Kilmartin, aye; Mrs. Lunsford, aye; Mr. Lewis, aye; Mr. Hester, aye; Mr. Jordan, aye. Motion carried.

Guy Thompson, Mayor

ATTEST:

Dewitt Nobles, City Clerk

/jbs