

Orange Park, Florida  
July 15, 2008

The regular meeting of the Orange Park Town Council was called to order in the Town Hall Council Chambers with Mayor Steve Jones presiding.

Other Councilmen present were Councilmen Howard and Standifer. Also, in attendance were Town Attorney Rob Bradley, Town Manager John W. Bowles and Town Clerk Joyce Bryan.

The invocation was given by Councilman Howard following which Councilman Standifer led the audience in the pledge of allegiance.

Mayor Jones announced Vice-Mayor Renninger and Councilman Morgan were absent due to being out-of-town on business.

#### **APPROVAL OF MINUTES**

Councilman Standifer moved approval of the minutes of the regular meeting dated June 3, 2008 and the regular meeting dated June 24, 2008. The motion was seconded by Mayor Jones and passed unanimously.

#### **CONSENT AGENDA**

Councilman Standifer moved approval for the Mayor and Clerk to sign a proclamation proclaiming September 22, 2008 as American Business Women's Day. The motion was seconded by Mayor Jones and passed unanimously.

Councilman Standifer moved approval of the Safety Education Articulation Agreement between the Clay County School Board, the Orange Park Town Council and the Orange Park Police Department. The motion was seconded by Mayor Jones and passed unanimously.

Councilman Standifer moved approval of distribution of Byrne Formula Grant Program funds for the Fiscal Year 2009. The motion was seconded by Mayor Jones and passed unanimously.

Councilman Standifer moved approval to dispose of an old ice maker in the Fire Department. The motion was seconded by Mayor Jones and passed unanimously.

#### **APPEARANCE OF ATTORNEY SCOTT CHRISTIANSEN REPRESENTING THE FIRE PENSION BOARD OF TRUSTEES**

Councilman Standifer moved first reading of an ordinance amending the Firefighters' Pension Plan by title only. The motion was seconded by Councilman Howard and passed unanimously. The ordinance was read by title only.

Mr. Scott Christiansen, Attorney representing the Town's Firefighters' Pension Board of Trustees since 1997, appeared to address the Council regarding the pension plan. He started his presentation by explaining Chapters 175 and 185 of the Florida Statutes which regulates the pension plans and benefits for both the Fire and Police Pension Board of Trustees. Mr. Christiansen explained that his firm represents 165 different municipal pension plans throughout the State of Florida and does nothing but practice law in that area, write ordinances and attend Board meetings. Therefore, when ordinances are received from Mr. Christiansen's firm, they are based on the law and experience. He then presented the Council with an overview directly from the Division of Retirement web site which is maintained for police officers and firefighters' retirement plans. The information contains the history of Chapters 175 and 185 as well as Legislative history. Chapter 175 pertains to fire and Chapter 185 to police and is not a State Mandate but are voluntary programs. However, they do provide good funding. The Town's fire plan currently receives about \$150,000 yearly in funding from the State which helps to support the current plan and provides for benefits the firefighters might ask for in the future with regards to using the State money. In order to receive the State money, the Town must comply with the minimum requirements of Chapter 175, which it does. The minimum requirements are that certain benefit levels must be met. The Fire Pension Plan meets all of the benefit levels. A plan that just meets the minimum benefit levels can adopt Chapter 175 as its pension plan and not have a separate plan adopted by ordinance, as does the Town. If the Board of Trustees elect to adopt the State Pension Plan, the Plan can't add things like DROPs, pre-tax, buy-backs and other things that can be done in local law plans. The local law plan is a plan that meets the minimum requirements of Chapter 175; but, it has other features that are better than what is in Chapter 175. The Town has a local law Plan. Each year the Plan has to hire an actuary, an individual with expertise who determines the required funding for the Plan based on Plan experience, investments, turnovers and salary increases, in addition to the benefit levels in the Plan. The study is based on the previous years experience and determines the required funding to go into the Plan. The total amount of money that goes into the Plan is subtracted from the State money that is allowed to be used to offset that as well as subtracting the amount of money that is contributed by the firefighters and the balance is contributed by the Town. Mr. Christiansen went on to state that there was a time when the Town didn't make any contribution to the Plan. In 1999 the State changed Chapters 175 and 185 and allowed the money being received that particular year to be used to fund the current benefits in the Town; however, from that date forward, any money received over and above the "frozen amount" had to be used to fund additional benefits for firefighters. It cannot be used to just fund the current benefits in the Plan. As a result of the change in that program, the State money has stayed frozen and the total cost of the Plan has gone up. Thus, the Town has had to make contributions to the Plan the past several years.

Town Manager Bowles pointed out that it was a "monumental day" when the law was changed in 1999 that resulted in the Town having to make contributions to provide the benefits. There must be certain levels of benefits provided with the Plan as well as what the State money could or could not be used for.

Mr. Christiansen also stated that the additional State money cannot be used over and above the “frozen amount” to offset the Town’s requirements and must be set aside as a separate line item for benefit improvements in the future. Also, he reported that the State money comes from a 1.85% tax on fire insurance policies written on properties in the Town. The \$150,000 received by the Fire Pension Board each year is money collected as the result of policies written on fire insurance premiums in the Town.

Councilman Standifer pointed out that he was aware that the Town had selected the local law plan; however, he questioned if once one of the options was chosen, could it be changed or was the Town locked-in?

Mr. Christiansen responded that he thought the Town was “pretty much locked-in” as he had not heard of anyone changing. The Town would have to take away a lot of benefits to be a straight chapter plan since DROPS, buy-backs and a lot of things in the Town’s Plan are not allowed. From a practical standpoint, Mr. Christiansen did not think that it would work.

Continuing, Mr. Christiansen addressed the Board of Trustees and its responsibility. The Trustees responsibility is set forth in Chapters 175 and 185. Essentially, the Trustees job is to administer the provisions of the Pension Plan as adopted by the Town and are solely responsible for the Administration of the Plan, which a lot of the cities and towns do not like, but that is the law. The Board of Trustees hires its own lawyer and actuary. The actuary does the calculations and while he may make recommendations with regard to the assumptions being used; however, the Board of Trustees has the ultimate authority to decide what actuarial assumptions are being used. The Board of Trustees is made up of 2 firefighters selected by the firefighters; 2 citizens selected by the Town Council; and a 5<sup>th</sup> member is selected by the other 4 members; thus, making 5 members on the Board of Trustees. The Board meets 4 times per year and a big part of its responsibility is overseeing the investments of the money under its charge. The Board hires managers and consultants to invest the money and provide quarterly reports at its meetings. The Pension Plan is a tax qualified pension plan under the Internal Revenue Code which means the contributions that members make to the Plan can be pre-tax dollars. Mr. Christiansen continued to report on some of the history of the consultants and managers.

Next, Mr. Christiansen discussed the fact that the Pension Plan is a tax qualified plan under the Internal Revenue Code. A tax qualified plan means the contributions made by the firefighters are under pre-tax dollars, which the Town has done. Also, there is an increase in the value of the benefits that the members have accrued over the year. If the Town did not have a tax qualified pension plan under the Internal Revenue Code, each individual would be paying taxes on the additional accrued value of the pension benefit. Therefore, it is very important to maintain the tax qualification of the Pension Plan which is the purpose of the subject ordinance currently being discussed. Further, Mr. Christiansen advised that it was his job to keep track of not only the changes in Chapters 175 and 185, but also the changes to the Federal Law as they apply to governmental pensions.

Attorney Bradley inquired if the member pays taxes when the pension is withdrawn to which Mr. Christiansen confirmed that taxes are not paid when the money is contributed; but, taxes are paid when the money is withdrawn. Also, money is not paid on yearly accruals. However, over time requirements must be met in the Internal Revenue Code since changes are made to the Federal Law and the changes must be adhered to for tax qualified pension plans. If

the Internal Revenue Service were to audit or look at the Plan and the language reviewed, everything must be in order for it to be a qualified tax plan; however, if the Plan was not in order and the required changes made, the IRS could declare the Plan non-tax qualified. The employees would then owe taxes on the money and the Trust might even have to pay taxes on income it makes. Again, Mr. Christiansen explained that comply with the law was the purpose of the proposed ordinance. He went on to address previous legislation and the fact that he is currently working on another set of compliance issues to amend the Plan that will be before the Council in the near future.

Attorney Bradley addressed Mr. Christiansen regarding the concern of some of the Councilmen that according to Chapters 175 and 185 the Plan must be consistent with the statutory requirements in order to qualify for the State funding, yet the Council is limited to what it can do, if anything, to affect the decisions the Board of Trustees make. However, periodically the Council receives ordinances on which it must take action with no discretion.

Mr. Christiansen assured the Council that the proposed ordinance being discussed this date provides no benefit improvements. It was his hope that everyone could come to the conclusion that everybody is working for the same group of employees. While the Board of Trustees is responsible for administering the Pension Plan and he is responsible for the expertise, the tax qualification is good for everyone. There is no reason the Council would not want the Plan to be tax qualified and certainly the Board and memberships want the plan to be tax qualified. The proposed ordinance is “good housekeeping” to keep the Plan up-to-date.

Next, Mr. Christiansen addressed benefit improvements, which he stated was a different situation. He reminded the Council that the additional State money over and above the frozen funds is “earmarked” for additional benefits for the firefighters. The Statutes provide that the firefighters vote to use the State money to provide a particular benefit following which the request is forwarded to the Council. The ordinance does not have to be adopted; however, the State money does have to be used to provide additional benefits for the firefighters. If the money is not used over the years, the State will advise that the Town is not complying with Chapter 175 and, thus it will not only not send the extra money but it will send no money at all and the firefighters will lose all \$150,000. The Town wants to avoid that happening. Typically when a benefit improvement is requested using State money, at least in the first year the entire benefit is being paid for with State money that is available, and going forward the frozen money goes up and that additional amount is available each year to pay for the benefit improvement. The overall State methodology is that the State money has to be used as a dollar amount and not as a percentage of payroll. Mr. Christiansen explained that as more firefighters are hired, the frozen State money stays the same; however, there are more people who are using the State money or the same dollar amount, and as a percentage of payroll the dollar amount becomes less. Thus, the Town has to pay the difference. Unfortunately, that is the way the program in Chapter 175 operates.

Town Manager Bowles reminded the Council that it was important for it to remember that the information being furnished by Mr. Christiansen was germane to the Police Pension Board of Trustees as well.

Councilman Howard inquired as to how much money the Town had to add to the fire pension last year to which Town Manager Bowles advised approximately \$42,000, which was 4.9% of payroll.

Mr. Christiansen advised that if the firefighters and police officers were in the Florida Retirement Program, which is an option, the contribution would be 22% of payroll versus 4.9%.

Town Manager Bowles also reported that the projection from the actuaries was \$48,000 to \$50,000 for last year; however, it resulted in being \$42,000. Also, Town Manager Bowles reported that for many years the Town did not have to make any contributions for either the Fire or Police Pension Funds. It was his opinion that the Town had reached a point in time where there would be a mandatory or required contribution from the Town for both the police and fire forever. Mr. Christiansen concurred with Town Manager Bowles' comments.

Councilman Standifer asked about the option mentioned by Mr. Christiansen as to who makes the determination if the firefighters are in the Florida Retirement Program.

Mr. Christiansen advised that the Town would make the decision. However, if the Council should make the decision to go to the Florida Retirement System, each member of the current Pension Plan would have an option to either stay in the local plan or go to the Florida Retirement System. The new hires would then go into the Florida Retirement System resulting in the local plan "withering" away.

Town Manager Bowles addressed the subject to inquire if the Council should elect to go into the Florida Retirement System, would the State contribution go away. Mr. Christiansen responded that was correct and that the firefighters would no longer receive the State money. The firefighters would no longer be entitled to the \$150,000 and the Town would have to pay 100% of the amount assigned by the State annually to participate in the Florida Retirement System. The contribution for the high risk employees is 22%. Further, the members would not make any contribution.

Town Manager Bowles also reported that the State and all counties and school districts are mandated to participate in the Florida Retirement System.

Continuing, Councilman Standifer inquired as to what the average percentage increase in contributions had been since 1999 that the Town has had to contribute and what is the average projection for the future?

Mr. Christiansen responded that "if" the Town meets all of the assumptions of the actuary which is assumed to be 7.5% on investments, a certain number of people will leave, salaries will go up by a certain percentage each year as well as a number of different assumptions and if all of those assumptions are met, the percentage of payroll that the Town will have to contribute should remain the same as a percentage of payroll. As payroll goes up, the percentage represents more dollars.

Town Manager Bowles reported that currently there are 19 or 20 members in the Plan so if there are 20 members for which the Town is contributing \$42,000, that is about \$2,200 per

man per year in addition to the State money that comes, in addition to the 3% of payroll and earnings on the investments.

Mr. Christiansen addressed a question by Councilman Howard regarding a conflict under Optional Forms of Benefits in the proposed ordinance. Mr. Christiansen reported the language had accidentally been placed in the wrong area; however, the mistake had been corrected and he had furnished the Clerk with a correct copy. Mr. Christiansen went on to address the proposed ordinance stating that each of the changes were a result of the Internal Revenue Code. He then proceeded to address each of the changes. (All of the changes were underlined in the ordinance) Lastly, Mr. Christiansen advised that the Town's Labor Attorney had reviewed the ordinance .

Mayor Jones thanked Mr. Christiansen for appearing and giving a review of the ordinance.

In summary, Councilman Standifer advised that for clarification, it was his understanding that all of the changes were required by the Internal Revenue Code. Additionally, that there was no cost associated with adoption of the ordinance on the part of the Town as well as no real pension benefit. Mr. Christiansen responded that was correct.

Councilman Standifer, too, expressed his appreciation to Mr. Christiansen for appearing to explain the procedure.

Mayor Jones advised the public hearing on the ordinance would be held on August 5, 2008.

**PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 357 STILES AVENUE**

Mayor Jones announced the applicant had withdrawn the application.

**PUBLIC HEARING AND SECOND READING OF AN ORDINANCE REZONING PROPERTY LOCATED AT 357 STILES AVENUE**

Mayor Jones announced the applicant had withdrawn the application.

**APPOINT VOTING DELEGATE FOR FLORIDA LEAGUE OF CITIES 82<sup>ND</sup> ANNUAL CONFERENCE**

Councilman Standifer moved to appoint Mayor Steve Jones as the Voting Delegate to the Florida League of Cities 82<sup>nd</sup> Annual Conference in Tampa on August 14 - 16, 2008 and Town Manager John Bowles as the alternate. The motion was seconded by Councilman Howard and passed unanimously.

**PUBLIC HEARING ON AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON PERMITS FOR ACCESSORY STRUCTURES**

Town Manager Bowles reminded the Council that due to concern regarding the construction of various types of metal accessory buildings, at the last Council meeting it directed the Town Attorney and himself to prepare legislation imposing a moratorium on metal structures. Thus, Attorney Bradley has prepared an emergency ordinance imposing that moratorium. Staff will now have the time needed to prepare a permanent ordinance addressing accessory structures and/or metal buildings.

Councilman Standifer moved to read by title only an Emergency ordinance imposing a moratorium on permits for accessory structures. The motion was seconded by Councilman Howard and passed unanimously. The ordinance was read by title only.

Mayor Jones announced a public hearing was open for anyone wishing to address the proposed ordinance.

Mrs. Barbara Davidson, 2710 Holly Point Road, West, appeared to express her concern that the ordinance included all accessory structures and may affect a homeowner wishing to install a pool.

There being no one else to address the proposed ordinance, Mayor Jones declared the public hearing closed.

Councilman Standifer reported that he had reviewed the minutes of the June 3<sup>rd</sup> meeting regarding Councilman Morgan's motion on a moratorium he made it very specific that it should be for metal buildings in excess of 150 square feet. Therefore, he questioned if it would be more clearly defined on Page 1, 2 and 3 if language was added as follows: "Page 1, the last Whereas, add the language the Town Council desires to impose a temporary moratorium on the issuance of Building Permits for metal accessory structures in excess of 150 square feet, etc." The same language should be included on Page 2, the last sentence and Page 3, the first paragraph. The language would add clarity.

Mayor Jones concurred; however, he questioned the size as he thought it was too restrictive. He went on to state that he had recently installed a 2-car metal structure in his backyard that was 400 square feet.

Councilman Standifer agreed stating that he had suggested the 150 square feet because Councilman Morgan had made the suggestion and was not present. However, he had no objection with the 400 square feet and thought it might be more in keeping with the needs of some of the residents and would not take away with what was trying to be done with the moratorium.

Mayor Jones also stated that he did not think those type structures should in the front yard of a home as it would be unsightly.

Councilman Howard inquired if the ordinance could be corrected within 61 days.

Attorney Bradley addressed the subject to concur with Mayor Morgan that the moratorium could be extended an additional 60 days. He suggested that language be added to all areas where accessory structures are mentioned to state as follows: “with exposed metal exterior in excess of 400 square feet”.

Town Manager advised that as he understood swimming pools could then be permitted.

Attorney Bradley stated the motion would be to approve the emergency ordinance with the change that where the word accessory structures is mentioned, additional language will be added to read “with exposed metal exterior in excess of 400 feet.”

Councilman Standifer moved the emergency ordinance be approved as amended. The motion was seconded by Mayor Jones.

The motion passed unanimously in roll call vote.

### **DISCUSSION OF TOWN CODE, SECTION 3-1 BILLPOSTING IN STREETS AND CODE ENFORCEMENT POLICIES AND PROCEDURES**

Councilman Howard addressed the subject to state that recently he had observed that there were signs on some of the fences in the Town and, in particular, he mentioned some of the signs on Town property. He questioned if the Council wanted to do something about it since the Town may be in violation of Chapter 3, Section 3.1.

Councilman Standifer concurred with Councilman Howard and asked how the Town handles this situation and if there was any way to improve on what is being done.

Town Manager Bowles responded that in the past no action has been taken on identifying who constructs fences.

Discussion ensued on what action, if any, should be taken with Councilman Howard stating that he was concerned about signs and the fact that a lot of them were not straight. If the Town is going to have a sign ordinance, things should be on the straight and narrow. His intention was to make the Council aware of the discrepancy.

Town Manager Bowles advised that the County was in the process of amending its sign ordinance, which is very similar to the Town’s since both were written by the same person. He also stated that it might be the time to re-address not only these issues but some other problems. Further, Town Manager Bowles advised that the complaints the Town has received regarding signs for the past 30 to 45 days relate to political signs. However, the Town is restricted from doing too much about those signs.

Councilman Standifer requested the Town Manager ask Code Enforcement to be more prudent with signs until the sign ordinance can be reviewed.

At this time, Town Manager Bowles addressed code enforcement at length regarding not only signs but overgrown grass and weeds and inoperable vehicles. Additionally, citizens have complaints about numerous items. Town Manager Bowles went on to explain the process of code enforcement and the procedures that are taken to try and bring someone in to code compliance. If none of the procedures are complied with, the person is furnished a notice to appear before the Special Magistrate. Town Manager Bowles also addressed the current problems with foreclosures. Lastly, he addressed civil code versus a police officer not having the authority to write a ticket for violations.

Mr. J. B. Juneau, 2266 Chablis Court, appeared to address the Council regarding code violations due to foreclosures and the resulting problems. It was Mr. Juneau's suggestion that a workshop be scheduled with code enforcement to determine what changes need to be made in the Code to give them the "tools" they needed for enforcement. Also, he addressed dirty swimming pools and better enforcement.

Mr. Frank Ricketts, 2253 Marcia Court, appeared to also address code enforcement issues and due process; however, he questioned his rights. In particular, he addressed an abandoned home in his neighborhood and the swimming pool which is stagnant. He was concerned about the safety of the neighborhood. Mr. Ricketts stated he had not only contacted code enforcement but other members of the Town. If the situation is going to become more of a problem, the community needs to collectively figure out a way to address the matter so that it is amicable to everyone even if it means assessing a fee to the homeowner who abandons the property. If the home is abandoned a certain number of dollars should be earmarked to cover maintenance for the property and when the property is sold, the Town should be paid back or some arrangement made. Lastly, Mr. Ricketts volunteered to serve on a committee to address the subject.

Mayor Jones addressed Attorney Bradley regarding due process and the fact that everything moves slowly. He questioned if there was any way to "jump start" or move the process faster.

Attorney Bradley advised that the process could move as fast as staff wanted it to move as there are no legal restrictions. There is no law that says the process must take 6 months.

Mayor Jones continued stating the Town needed a way to charge property owners to maintain their property, if needed.

Attorney Bradley responded that clearly if an individual is violating the Code and there is a duly noticed hearing, a fine could accrue and act as a lien on the property. However, a lien doesn't mean the Town would realize anything from it and, as a matter of fact, it would probably mean that the Town is not because the value of the property would probably be below what is owed to the lender. Attorney Bradley stated he would be happy to discuss the situation with anyone and while it would take a lot of time and effort, it is possible to move toward a ticketing system.

Councilman Standifer questioned that what was the earliest time a lender would have to come before the Magistrate once a violation is posted.

Town Manager Bowles responded that trying to get a lender to appear would be almost impossible without a court order and he wasn't sure the Town had that jurisdiction. Town Manager Bowles went on to discuss cutbacks with health departments around the State as well as the fact that the Town only had 2 people cutting grass. Discussions continued on homeowners associations and subdivisions without those associations and various violations. Town Manager Bowles went on to state that the banks and lenders are saturated with foreclosures.

Councilman Howard advised that he constantly receives calls from homeowners wanting him to help them get property cleaned up. It was his opinion that the Town needed to do something to increase its responsive time.

Mr. R. B. Juneau again appeared to ask Attorney Bradley if was allowable for a homeowner, like himself, to go on foreclosed property and cut grass or was he trespassing?

Attorney Bradley responded that Mr. Juneau was not allowed to go on someone else's property uninvited. Further, Mr. Juneau could not go on someone else's property even if there was an adopted ordinance. Discussion ensued on whether the Code Enforcement Officer could go on vacant property with Attorney Bradley stating that it is not the duty of the Town to go on private property and cure any violation that might have been observed. Attorney Bradley advised that if there was an actual danger, it should be rectified. Again, discussion ensued on abandoned swimming pools and taking action to correct the situation. Attorney Bradley will discuss the situation with Town Manager Bowles.

Councilman Howard reported that he had talked with code enforcement about the pool situation and they had advised that the way the ordinances are structured, there are no rules or regulations about clarity or the percentage of chlorine. In order to tighten that up, technical qualities would have to be obtained for pools.

Mayor Jones stated that he thought the Town could get into too many regulations; however, if it is a health issue he was in favor of doing something.

Town Manager Bowles reported that he has had experience in this area when he worked for the County with mosquito control. He advised there are two types of mosquitos to attack; the adult mosquito and the larvae. He advised that he has talked to the County about training one of the Code Enforcement Officers and getting him certified with larvicide, which is a simple process using bricketts. However, he did not know anything else that could be done as far as the murky water in the pool. With regard to the rat problem, he would not recommend the Town getting involved with poisons at all. No one is qualified in that area.

## **TOWN MANAGER REPORTS AND CORRESPONDENCE**

Town Manager Bowles introduced Ms. Anjie Palmer, Site Manager for the Skatepark, and Ms. Lois Shaw, a Volunteer that supports the park.

Town Manager Bowles introduced Sgt. Craven Horne, Shift Commander and Duty Officer for the Orange Park Police Department for almost 20 years.

Town Manager Bowles reported that the 4<sup>th</sup> of July was a big success; however, there are a couple of issues that need to be addressed with the organizers, one being ticket sales and the other with the actual fireworks. He explained that there is no problem contracting for the fireworks; but, it is becoming more of a problem with the barge, tug boat and insurance. While he is setting aside funds in the proposed budget he is preparing for next year, a contract will probably have to be entered into about 6 months in advance if fireworks are to continue.

Town Manager Bowles reported that Mayor Jones and himself would be in attendance at the Florida League of Cities Meeting in Tampa in August. Also, he advised that neither the Northeast Florida League of Cities nor the Town had introduced any resolutions; however, South Florida has a number of issues to bring forth. He will keep the Council advised.

### **AUDIENCE COMMENTS**

Ms. Lois Shaw, 748 New York Drive, appeared to express her appreciation to the Council for the 4<sup>th</sup> of July activities. She did suggest that the political floats be limited in the future.

Mrs. Barbara Davidson, 2710 Holly Point Road, W., appeared to address code enforcement and the procedures that should be followed. If the Town cannot control code enforcement, it should be outsourced. Mrs. Davidson also addressed abandoned property and the fact that it could be handled with proper wording in an ordinance. Continuing, Mrs. Davidson addressed signs stating that there is a limit to what the Town should do and properly do on public property. Next, Mrs. Davidson addressed the Fire Pension Board's financial status and the procedures the Police Pension Board followed in stabilizing its funds during hard times with the proper financial guidance. Lastly, she stated that with the right ratio, the fire pension would survive.

### **MAYOR TO CALL ON COUNCILMEN AND ATTORNEY WISHING TO ADDRESS THE COUNCIL**

Attorney Bradley - Nothing.

Councilman Howard was the first to address the Council to request that Town Manager Bowles advise the Fire Chief that the Fire Department web site certainly looked better since it was updated.

Councilman Howard thanked whoever was responsible for getting the Allen Lane property cleaned up as he had received a call thanking him.

Councilman Howard addressed the Sandy Court and Grace Lane ditch project stating it was progressing very well and he had received calls from residents in the area expressing their thanks.

Councilman Howard reported that he had attended a St. Johns River Water Management Workshop on the irrigation rules and it was his opinion the Town should “stay on top of that”.

Most of the negative comments made that day were in regard to the concern of reclaimed water, which will be a long drawn out process.

Councilman Howard continued stating the Town needs to address code enforcement and take immediate action to prevent lots from getting overgrown. He did not recommend that the Town get into the lawn service business; however, the Town needed to get into the health and welfare of the citizens of the Town, if necessary.

Councilman Standifer addressed the Council to question the grant the Town received sometime back and the status of improving the fence in front of the Clarke property.

Town Manager Bowles reported the fence was not part of the grant. It was a separate item in the budget and bids were solicited; however, the bids were high and overbudget. The architect is working on the project and bids are expected to be solicited again in the near future. If the bid is not within budget, work will be performed on a linear foot basis, probably in phases. Two items that need to be addressed is the paving of the road into Clarke Park and the fence. Town Manager Bowles advised he expected to have the projects out to bid by the end of the summer.

Councilman Standifer next reminded Town Manager Bowles that at the June 3<sup>rd</sup> meeting he mentioned the lift station at Plainfield Avenue and McIntosh and the odor emanating therefrom. He inquired if Town Manager Bowles had found out any information on that lift station. Further, Councilman Standifer reported the resident who lives contiguous to that lift station has called him again to report that the odor has not improved and she is considering the possibility of hiring an attorney.

Town Manager Bowles reported briquettes and odor control has been put in the station. Also, recently a source to control a particular bacteria has been ingested not only in that lift station but upstream manholes as well. Town Manager Bowles went on to report that the particular lift station was the oldest pump station in the Town and should be re-built. It is the greatest volume pump station in the Town and pumps 400,000 gallons of raw sewerage per day. He will again review the situation and report to the Council.

Councilman Standifer next addressed being stopped twice on the west side of Wells Road and Kingsley Avenue by an extremely long train and he expressed his concern for the major firefighting equipment not being able to respond to a call. He requested Town Manager Bowles review the situation to determine if anything could be done.

Town Manager Bowles reported that the CSX Railroad has diverted approximately 50% of its traffic to the line in the Clay Hill area. Instead of 26 trains passing through the Town, there are now 14. He will review the situation. In fact, Town Manager Bowles reported that this date the contractor on Wells Road ruptured a natural gas line and for the 126 car coal train to pass the location, its speed had to be reduced to 5 miles per hour.

Continuing, Councilman Standifer addressed the Capital Improvement Plan and the fact that \$25,000 was added for a new car for the Town Manager. He suggested that the economy be considered when purchasing the car rather than prestige or what it might look like to other towns. It was his suggestion that maybe a hybrid be considered. Something more cost effective should be considered with some of the other vehicles in the fleet used by Town employees.

Town Manager Bowles responded that his 1999 Alumina gets approximately 22 mpg. Also, the possibility of using some type electric vehicle for meter reading has been discussed. The Town is going to be proactive in a number of ways when developing the budget.

Councilman Standifer requested that with the reduction in taxes the Governor and the appropriate Governing Bodies review the list of tax exempt agencies and organizations as he thought that some of them may not qualify to be tax exempt. Again, he questioned if a letter should be sent to the Governor and the Governing Bodies to review that list since it affects the property taxes that it reduced. Discussion ensued on the subject.

Councilman Standifer questioned if the agenda could be posted earlier on the web site. Town Clerk Bryan advised she sends the agenda to the host on Fridays.

Mayor Jones concurred with the remarks by Councilman Standifer regarding the tax exempt properties. Also, he addressed some of the other tax exempt items the Legislature had included on the list last year. Further, he stated that he would address those items at the Florida League of Cities Conference.

Town Manager Bowles advised that there was one more item he needed to address regarding a letter he had sent to Ms. Burke at the Howard Johnson Hotel (the old Holiday Inn). The owner of the facility until June 23<sup>rd</sup> or 24<sup>th</sup> has filed bankruptcy and apparently the court has appointed a receiver, specifically the law firm of Holland & Knight. The Town Code requires a deposit in the amount of the average monthly billing and for the Howard Johnson the deposit for the old owner is approximately \$35,500. The receiver has asked if the Council would be agreeable to amending the Code to allow for a Surety Bond rather than a cash deposit. Attorney Bradley has issued an opinion that currently the Town Code does not provide for a Surety Bond. Thus, he asked if the Council wanted to change the policy and allow a Surety Bond in lieu of a cash deposit.

Attorney Bradley addressed the subject to state that the purpose of the deposit was to ensure that if there was a default in payment, there is money to make the payment. The deposit is for a 2-year period. Once the payment history is established the cash deposit is returned or if a bond should be allowed, it would expire. Attorney Bradley went on to advise of some of the various entities that do allow Surety Bonds. It was his opinion that bonds would be fine and that the Town would be protected.

Councilman Howard inquired if interest is paid on deposits to which Town Manager Bowles replied that if during the 2-year period there is satisfactory performance in paying the bill, accrued interest will be paid.

Discussion ensued with Councilman Howard inquiring if the deposit was returned in 2 years and the entity then defaulted, would the Town file a lien? Town Manager Bowles responded that was correct that the Town always had the option to file a lien.

Councilman Standifer asked if there was a time limit on a Surety Bond as there is on a cash deposit. Attorney Bradley advised it would be 2 years.

Councilman Standifer moved to request the staff prepare the necessary documents required for a Surety Bond for the Council to review. The motion was seconded by Councilman Jones and failed in roll call vote as follows: Councilmen Standifer and Jones “aye” and Councilman Howard “nay”. The motion failed and no action will be taken.

Attorney Bradley advised that the Howard Johnson would have to post a cash bond.

Mayor Jones requested Town Manager Bowles inform the staff that the fireworks were magnificent. Further, he complimented the Public Works staff on cleaning up the area by noon the following day.

There being no further business to come before the Council, the meeting was adjourned.

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Mayor

ATTEST:

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Town Clerk