MINUTES
REGULAR MEETING
of THE MARY ESTHER CITY COUNCIL
June 3, 2024 - 6:00 PM

195 Christobal Road – North, Mary Esther, FL 32569

CITY COUNCIL PRESENT

Chris Stein, Mayor
Richard Lawson, Councilmember
K.C. Woods, Councilmember
April Sutton, Mayor Pro Tem
Larry Carter, Councilmember
Bernie Oder, Councilmember

CITY STAFF PRESENT

Jared Cobb, City Manager
Hayward Dykes, City Attorney
Dillon Morris, City Clerk
Kelvin Cherry, Code Compliance Officer
Tyler Reed, Community Development Director
Shawn Lindsey, Public Works Director

OTHERS PRESENT

Chad Rewis, OSCO Captain
Randall Killian, Project Manager, Jacobs
Jeff Wagner, OCWFD Chief

1. **INVOCATION**
Jeff Wagner, Fire Chief, Ocean City-Wright Fire Control District, gave the invocation.

2. **CALL TO ORDER**
The meeting was called to order by Mayor Stein at 6:02 PM.

3. **PLEDGE OF ALLEGIANCE**
Mayor Stein led the pledge of allegiance.

4. **ROLL CALL**
The City Clerk called the roll as reflected above.

Mayor Stein asked for a motion for Councilmember Carter to participate remotely. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Lawson. The motion passed 4-0.

RESULT:	**PASSED (4-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember Richard Lawson
AYES:	Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

5. **APPROVAL OF THE AGENDA**
Mayor Stein discussed that he had a request to remove item 11.4 for additional information to be gathered and moved to the special council meeting on the 17th of June. City Manager Cobb elaborated that the information was received recently and was still being gone through before an official recommendation could be made. Mayor Stein asked for a motion to approve the agenda minus 11.4. Councilmember Oder initiated the motion, seconded by Mayor Pro Tem Sutton. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Councilmember Bernie Oder

SECOND:	Mayor Pro Tem April Sutton
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

6. **SPECIAL PRESENTATIONS**
None.

7. **CONSENT AGENDA**
Mayor Stein asked if the council wished to make any changes to the consent agenda. Hearing none, Mayor Stein asked for a motion. Councilmember Oder initiated the motion, seconded by Mayor Pro Tem Sutton. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Councilmember Bernie Oder
SECOND:	Mayor Pro Tem April Sutton
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

7.1. **Financial Report**

7.2. **Public Works Report**

7.3. **Library Report**

7.4. **Fire Department Report**

7.5. **Community Development Report**

7.6. **Jacobs Report**

7.7. **Law Enforcement Report**

7.8. **Minutes of the May 6, 2024, Regular Council Meeting**

7.9. **Minutes of the May 16, 2024, Special Council Meeting**

8. **CITIZENS WHO HAVE REQUESTED TO BE PLACED ON THE AGENDA**
None.

9. **PUBLIC COMMENT (NON-AGENDA ITEMS)**
Toni Hagan, 164 Scottsdale Dr, discussed that the street and easement behind their property has had issues with flooding. She is seeking assistance in dealing with the matter. City Manager Cobb stated that the city put Ray's Pond out to bid, Springdale neighborhood improvements design is complete, and the ditch is in the permitting process with FDEP. He stated that part of the issue is getting Hurlburt to sign off on it as part of it is Hurlburt property. Mayor Pro Tem Sutton discussed that the council is now very different and are working hard to address this situation. She asked to be kept informed by email about the project. City Manager Cobb stated the city would send an email with a link to the capital projects page which will be updated about the project. Mayor and council thank Ms. Hagan for her time.

10. **UNFINISHED BUSINESS**

10.1. **Holiday Closing Schedule**
City Manager Cobb discussed that any employee that takes off that period must use vacation or personal leave. If any employee wants to stay the respective department head is responsible for assigning them work. He stated the dates proposed are Friday December 20th, 2024 closing at noon and reopening Thursday January 2nd, 2025. Mayor Stein asked for a motion to approve the schedule. Councilmember Oder initiated the motion, seconded by Councilmember Woods. Mayor Stein asked if there was any discussion. Mayor Pro Tem Sutton stated she was opposed to the library being closed for the extended period of time. Councilmember Carter commented he

did an informal survey asking citizens if they plan to use the library during the proposed time, stating that he did not find anyone. Mayor Pro Tem Sutton commented that the citizens she spoke too stated they would like to use the library during the time. The motion passed 4-1.

RESULT:	**PASSED (4-1)**
MOVER:	Councilmember Bernie Oder
SECOND:	Councilmember K.C. Woods
AYES:	Larry Carter, Bernie Oder, Richard Lawson, K.C. Woods
NAYS:	April Sutton

11. NEW BUSINESS

11.1. Proposed City Hall Floor Plan

Public Works Director Lindsey discussed that the city and architects are looking for any feedback on the floor plans and where to place the city attorney. Joseph Sorci, Florida Architects, stated that more seats can be added. City Manager Cobb stated as well that some of the items are more of a furniture discussion. He also stated they are seeking feedback if they would like the council dais raised or not. Mayor Pro Tem Sutton stated she would like it raised and she did not see a problem putting the attorney with the city manager and city clerk. Councilmember Carter stated he would like it raised and leave the decision up to the city attorney. City Attorney Dykes stated he had no preference. Councilmember Oder stated that if the city attorney is taken out of the dais, the mayor is taken out of the center. Council comes to agreement they would like the dais raised and city attorney added to their dais. Public Works Director Lindsey discussed security concerns raised as during council meetings, secure doors would need to be open to allow bathroom access. Mr. Sorci stated that if council meetings require more than 49 seats, it becomes an assembly and the extra bathrooms would need to be accessible due to code. Mayor Stein asked for a motion to approve the floorplan, elevate the council dais, and include the city attorney on the council dais. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Lawson. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember Richard Lawson
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

11.2. First Reading, Ordinance 2024-01, Vacation Rentals

City Manager Cobb stated a workshop was held last year for vacation rentals, mayor and council were given a draft ordinance in March, and that staff will answer any questions they have, and if not to proceed with a first reading. Mayor Pro Tem Sutton commented she does not believe we should do a first reading if mayor, council, and citizens are only seeing this for the first time. City Manager Cobb discussed that the legislature has made some changes that have been updated in the draft but a first reading does not need to occur tonight and move it to the special meeting or regular meeting, but that a first reading does not make it law. Mayor Pro Tem Sutton discussed the designated responsible party, commenting she does not like the legal liability of it. City Manager Cobb stated that this comes from how hotels are regulated. City Attorney Dykes discussed that this would allow the designated responsible party to give consent without waiting for the owner who may not be in the state. He stated it is similar to a power of attorney. Mayor

Pro Tem Sutton discussed further that she believes it is a security risk for city employees. Councilmember Oder stated that the previous sections stated who the responsible party is and following sections go into it further. He stated he did not have a problem with it. Councilmember Carter, discussed that he believes the city should not manage the properties, but if a violation of law occurs or a code violation is made, the city needs a vehicle to find the responsible party and protect the employees at the same time. Mayor Stein asked for a motion to move the first reading to the 17th of June. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Woods. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember K.C. Woods
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

11.3. Resolution 24-05, Water and Wastewater Asset Management and Fiscal Sustainability Plans

Public Works Director Lindsey introduced Ron Nalley and Matt Hollingsworth, Florida Rural Water, and discussed that they are seeking a resolution for the city's SRF loans, and to have a mapping plan. Ron Nalley and Matt Hollingsworth discussed their summary of findings for the water and wastewater, discussing asset conditions, asset inventory and replacement costs, estimated useful life, critical assets list, the capital improvement plan, and how to increase the current funding gap. Mayor Stein asked the city clerk to read the resolution. Mayor Stein asked for a motion to approve resolution 24-05 and accept the asset management and fiscal sustainability plans as presented by the Florida Rural Water Association. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Carter. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember Larry Carter
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

11.5. Letter of Intent to Renew the Spray Field Lease with Eglin AFB

Public Works Director Lindsey discussed that the city will still need the spray field for several years ahead as the city will not be sending wastewater to Okaloosa County yet. Mayor Stein asked for a motion to direct staff to submit a letter of intent to renew the spray field lease with Eglin AFB. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Lawson. The motion passed 5-0.

RESULT:	**(5-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember Richard Lawson
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods

NAYS:	None

11.6. Amendment 3 to SRF Loan Agreement DW460211

City Manager Cobb stated that the amendment would extend the time frames and extend the start date of loan repayment. He stated that one of the things included is demobilization which does not occur until the end, so this extension would cover the time. Mayor Stein asked for a motion to approve DW460211 Amendment 3. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Woods. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Mayor Pro Tem April Sutton
SECOND:	Councilmember K.C. Woods
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

11.7. Wastewater Force Main to Okaloosa County WWTF

City Manager Cobb discussed staff is planning to submit a grant application in August to seek funds and perform environmental work. This is all done with the intention of coming back next year and applying for the grant. He stated that the grants range from 1 million to 20 million dollars. He stated there is no action required for this item.

11.8. Renewal of Engineering Contracts

City Manager Cobb discussed that in 2021 the city approved agreements with various engineering firms with 1 year renewals. Barge Design Solutions have increased their rates and Florida Architects have increased their rates but the other engineering firms have stated they will have a rate hold. Mayor Stein asked for a motion to approve the attached rate schedules for Barge Design Solutions and Florida Architects. Councilmember Oder initiated the motion, seconded by Councilmember Lawson. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Councilmember Bernie Oder
SECOND:	Councilmember Richard Lawson
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

11.9. Renewal of Emergency Management Contracts

City Manager Cobb stated that the emergency management contracts have agreed to a rate hold. No action is needed.

11.10. City Council Committee Appointments

City Clerk Morris mentioned that there was a discussion to bring this item back once a full council was filled to make any changes as needed with the new council members. Councilmember Woods is made the alternate for the Emerald Coast Regional Council and Councilmember Lawson is made the alternate for the Transportation Planning Organization. Mayor Stein asked for a motion to approve the changes. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Oder. The motion passed 5-0.

RESULT:	**PASSED (5-0)**
MOVER:	Mayor Pro Tem April Sutton

SECOND:	Councilmember Bernie Oder
AYES:	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
NAYS:	None

12. COUNCILS' STANDING COMMITTEE STATUS REPORTS

Mayor Stein opted to combine sections 12 and 13.

Mayor Pro Tem Sutton thanked the public that came out for the Christobal Waterfront Park workshop and talked about a citizens 90th birthday the mayor attended.

Councilmember Woods had nothing to report at the time.

Councilmember Lawson had nothing to report at the time.

Mayor Stein discussed wanting to do yard of the month again and asked any citizens interested to email him or the city clerk.

Councilmember Oder discussed the library cooperative board next meeting and congratulated Lillie Ealum from the library receiving her bachelor's degree.

Councilmember Carter had nothing to report at the time.

City Attorney Dykes welcomed Councilmember Woods into the city council.

City Clerk Morris reminded everyone of the filing period for the special election. Councilmember Oder reminded mayor and council of the ethics disclosure form also coming up due.

City Manager Cobb mentioned that the city has a lot of projects going on and to check them on the city website as well as a position has been sent an offer letter and if accepted the city will be fully staffed.

14. ADJOURN

The council meeting adjourned at 7:35 PM.

Minutes approved at 7/8/2024 **meeting.**

Dillon Morris, City Clerk

CITY OF MARY ESTHER
ESTABLISHED
1946
STATE OF FLORIDA