

Council Meeting Minutes
8/14/19 – 6:30 p.m.

Meeting was called to order; Invocation and Pledge of Allegiance followed.

In Attendance: Mayor Dudley, Vice-Mayor Howell, Councilmembers Hauft, Troup and Roberts, Manager Campbell and Attorney Mora

Consent Agenda for August 2019

Motion to Approve: Councilmember Troup

Second: Vice-Mayor Howell

Motion passed unanimously.

○ **Open Forum-**

Bobbi Maw, 4538 43rd Ave N was concerned about the speeding of cars in her neighborhood. She suggested speed control on 43rd Ave N.

Lonnie Gresley, 6541 44th Ave N questioned if approval of minutes meant the ordinances were passed, as well.

○ **New Business**

a. Consideration of Dog Park within James P. Ernst Park

Manager Campbell presented the proposal to integrate a modest dog park to Ernest Park. It will be located in the northwest corner of 58th Street N and 46th Ave N. It will be known as the “Bark Park”. The dog park has been designed, so it will complement the existing park features. Ultimately resulting in the creation of a seamless addition to the existing multi-faceted park. The funding for the estimated \$15,000 park addition, will be taken from the Town’s Capital Improvement Budget. We anticipate a grand opening to occur by Thanksgiving of this year.

There was consensus from all Council Members for the addition of the dog park.

Open Forum

Bobbi Maw, 4538 43rd Ave N, was concerned about who picks up the garbage for the park and the dog waste in the Dog Park, stating policing of the dog park will also, need to be by the people who use it.

Paul Asche, 6412 44th Ave, questioned if the residents that face the park been asked about this? He was concerned about the liability, if dogs get in a fight or if someone gets bitten.

Attorney Mora stated that Florida is a strict liability state for dog damages and the liability attaches to the owner of the dog, not the owner of the property on which the event happens. He quoted Florida Statue 767.01 and 767.04.

**b. Consideration of the Town purchasing the property at 5804 58th St N
(a.k.a. Twistee Treat)**

Manager Campbell had received prior approval from Council to obtain an appraisal document for the property.

The Council was presented with a copy of the appraisal for their review, prior to the Council Meeting. This appraisal is the result of the last four years' worth of efforts on behalf of the Town Council and the Town staff, to attempt to work with the current property owner. The property has been physical vacant for close to 10 years. There have been innumerable people, who have come to Town Hall with interest in the property, but they have all been unsuccessful with the owner. The appraisal was \$315,000 . This is the last step in the process.

Attorney Mora stated that if the Council would like to pursue the process, legal would have to do a serious analysis of the proposal and its viability.

Vice-Mayor Howell, Councilmember Roberts, Councilmember Hauft are against purchasing the property.

Councilmember Troup and Mayor Dudley would like to see the cone torn down.

There was a consensus by the Council not to move forward with the development agreement, and also clear consensus that in voting no, no member of this body has made it an expressed desire that the Twistee Treat in its structure remain on the property.

c. Approval of Manager's proposed contract renewal

Attorney Mora stated that his ethical obligation is to the Council members.

This is a negotiated agreement, on which Attorney Mora briefly discussed the matter with the Mayor and provided a draft back to the Manager.

All Town Managers operate under a contract/agreement and serve at the will of the Council. The original agreement had a 3-year limitation on it, thus the agreement had to be renegotiated to make it open ended. Manager Campbell stated the Town has come a long way since the change from Strong Mayor to Council Manager form of Government. There has been a lot accomplished in the past 5 years.

Vice-Mayor Howell asked whether there was any provision in the contract that he didn't agree with. Manager Campbell stated resignation clause indicates 60 day advance written notice, however it does allow the Council to approve a shorter notice.

Attorney Mora provided all the changes that were made to the Council, as well as a final version. The severance pay was also discussed. The agreement states 16 weeks, however the statutory maximum, is 20. Attorney Mora approves this agreement in its legal form.

Councilmember Roberts stated she has not read it and does not have a copy of the redlined version. She is not ready to make any comments.

Attorney Mora stated he emailed the agreement to both email addresses he had for Councilmember Roberts.

Mayor Dudley and Councilmember Hauft had a question under the Salary section, as would the percentage increase that the other employees receive, be automatic given to the Town Manager.

Attorney Mora stated nothing in this agreement shall be construed to bind or commit the Council to vote on and approve a base salary increase for the Town employees or the Town Manager.

Motion to Approve: Councilmember Troup
Second: Vice-Mayor Howell
Motioned passed 4 to 1 (Councilmember Roberts, no vote)

○ **Mayor/Council/Attorney/Manager/Clerk Comments:**

Vice-Mayor Howell thanked Manager Campbell for the job he has done.

Attorney Mora stated last month he lectured at the Florida Municipal Attorney's Association on ADA and website accessibility. The going rate for setting one of these lawsuits is \$8,000-\$12,000. Attorney Mora has been certified by the Florida Bar in City, County and Local Governmental Law. He is one of less than 300 attorneys certified in this area.

Manager Campbell stated we have taken the comments that were provided to us from the last two workshops. Attorney Mora has integrated them into a draft, which has been circulated to staff. The goal is to bring it back to the Council for review, ultimately with a Resolution.

We have a mailout that is nearing completion for the renaming of the park in Unit 12.

We have been taking a look at building permit fees and how we measure up to other municipalities. We want to be more commiserate with the local market.

○ **Adjournment-**

Motion to Approve: Councilmember Troup
Second: Councilmember Roberts

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,
Cindy M. Matson, Town Clerk

