

***City of Chipley***  
**Regular Council Meeting**  
**Minutes**  
**April 14, 2020 at 6:00 p.m.**

**Attendees:**

Ms. Tracy Andrews, Mayor  
Mrs. Linda Cain, Council Member  
Mr. Kevin Russell, Council Member

Mr. Brett Butler, Mayor Pro-Tem  
Mr. Tommy Sasser, Council Member

**Others Present Were:**

Mr. Dan Miner, City Administrator  
Mrs. Michelle Jordan, City Attorney

Mrs. Patrice Tanner, Asst. City Admin./City Clerk

This meeting was held by ZOOM due to COVID-19 and there were 16 people in attendance.

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.

- 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 Mayor Andrews and Mayor Andrews also 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 no 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 deleted item #8 – Approval of Planning & Zoning Recommendation – Request for Variance for Manufactured Home Placement – Mary Sugars. Mr. Miner explained this item was tabled by the Planning & Zoning Board. No further discussion.
- A motion was made by Council Member Cain and seconded by Council Member Russell to approve the agenda with the deletion. The motion passed unanimously.**
- E. Presentation and Approval of Minutes.**
1. Special Council Meeting – March 3, 2020.
  2. Regular Council Workshop – March 5, 2020.
  3. Regular Council Meeting – March 10, 2020.

4. Emergency Council Meeting – March 27, 2020 (Form 8b – Voting Conflict attached).

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

**F. City Administrator and Department Head Reports.** Mayor Andrews stated if there are any questions regarding the Department Head Reports to please contact Mr. Miner. No further discussion.

**G. Agenda Items.**

**1. Approval of Ordinance No. 961 (Public Hearing)** – Amendment to Chapter 14.5 – Resource Protection Standards. Mr. Miner explained this ordinance will amend Chapter 14.5 to bring the regulations into conformance with the most current Model Floodplain Management Ordinance approved by FEMA for Florida communities. Discussion ensued. Mayor Andrews closed the regular meeting and opened the public hearing at 6:07 p.m. Mr. Miner read Ordinance No. 961 by title:

**AN ORDINANCE OF THE CITY OF CHIPLEY, FLORIDA, PROVIDING FOR AMENDMENT TO THE CHIPLEY CODE OF ORDINANCES, CHAPTER 14.5 RESOURCE PROTECTION STANDARDS, ARTICLE XI FLOODPLAIN MANAGEMENT, TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO CONFORMANCE WITH THE MOST CURRENT FEMA-APPROVED, FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES THAT IS COORDINATED WITH THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

No comments.

Mayor Andrews closed the public hearing and opened the regular meeting at 6:13 p.m.

**A motion was made by Council Member Sasser and seconded by Council Member Cain to approve the final reading of Ordinance No. 961. The motion passed unanimously.**

**2. Approval of FDEO Rural Infrastructure Fund Grant Agreement** – Feasibility Study for Solar Plant. Mr. Miner explained these grant funds will be used to conduct a feasibility study to determine the most suitable location and the cost associated with developing a solar plant. Discussion ensued.

**A motion was made by Council Member Russell and seconded by Council Member Butler to approve the FDEO Rural Infrastructure Fund Grant Agreement. The motion passed unanimously.**

**3. Approval of Bid No. 20-01 FDOT SCOP West Boulevard Improvements Construction Bid** – Gulf Coast Utility Contractors, LLC. Mr. Miner explained the lowest bid came in at \$282,114.80 from GCUC, which is over the project budget by about \$50,000.00. Mr. Miner stated we will request the additional funds from FDOT and see if they are able to fund the balance of the project. If they cannot fund the balance of the project then the City will have to come up with the funds. Mr. Russell asked why we would not get an answer from FDOT before approving the award. Mr. Miner stated he can go ahead and do that and then put this item on the next agenda. Discussion ensued.

**A motion was made by Council Member Russell and seconded by Council Member Cain to table Bid No. 20-01 until it is determined if FDOT is going to fund the balance of the project. The motion passed unanimously.**

4. **Approval of Bid No. 20-02 Glenwood Cemetery Lawn Care Maintenance Bid** – Northwest Florida Outdoors, LLC. Mr. Miner explained the lowest bid came in from Northwest Florida Outdoors, LLC at \$12,500.00 lump sum and \$800.00 per cut. Mr. Russell asked if there is a reason the bid is so low compared to the other bids and did we take into consideration that the next lowest bid is a Washington County resident. Mayor Andrews asked if everyone was bidding apples to apples and Mr. Miner stated yes they all received the same set of specifications at the time of advertisement as requested. Mr. Miner explained that Mr. Lane spoke with them also and they stated they understand what is expected and are willing to do the work for the amount they bid. Mr. Butler asked if there is a way to include provisions for penalties in the contract that will not allow them to walk away without a penalty because he does not believe we should deny the lowest bid, but have some type of penalty if they do not complete the job. Mrs. Cain asked for an explanation of the two prices for Legendary Lawn Maintenance. Mr. Miner explained the lump sum cost is for April through October with two cuts per month, and the per cut price is for November through March with one cut per month. Attorney Jordan explained that she is limited to the terms of the contract based on what was included in the bid. An example would be a performance bond which will pay in the case your contractor cannot perform, however, that has to be a requirement of the bid in order to include it in the contract. She also stated that she looked the company up on the State website and they were just reinstated the end of March after being made inactive due to them not filing their required annual report and the City does have the right to award the bid to the lowest responsible bidder. Mr. Miner explained Attorney Jordan can draw up a contract with provisions for the City to opt out if performance is not up to standards. Discussion ensued.

**A motion was made by Council Member Russell and seconded by Council Member Cain to reject the lowest bid, Northwest Florida Outdoors, LLC (\$12,500.00 lump sum and \$800.00 per cut) and approve the bid award to Legendary Lawn Maintenance in the amount of \$33,600.00 lump sum and \$2,400.00 per cut. The motion passed with four (4) ayes and one (1) naye (Council Member Butler opposed).**

5. **Approval of Structure Encroachment on Public Right-of-Way.** Mr. Miner explained this is the old K.C.'s Pizza and is located at 684 7<sup>th</sup> Street. The east and north ends of the structure have been there in excess of forty years; the loading dock/steps at the east entry is on the 7<sup>th</sup> Street right-of-way; the loading dock/steps/ADA ramp at the north entry is on city property located in the landscape buffer. Mr. Miner stated his recommendation is to deed or sell the property that encroaches city owned property or have the petitioner remove the structure encroachment. Mr. Butler asked if an inspection has been done on the building to make sure it is structurally sound. Mr. Miner stated yes, Dr. Taylor's engineer has inspected the building. Mr. Russell asked what the cost of the property would be if we sold it. Mr. Miner stated the City does not have an appraisal on this property. Mr. Miner explained the owners have been paying property taxes including those ramps for 40-50 years. Mr. Butler stated it looks to be about 397 square feet. Mr. Russell stated he has nothing against what Mr. Taylor is trying to do but wouldn't it be better if the City could sell the property instead of just giving it away. Mrs. Cain stated the structure has been there for over 50 years. Attorney Jordan stated you cannot adversely possess against government property. Mr. Sasser stated that he sees what Dr. Taylor is trying to do as an improvement to the City. Attorney Jordan explained the city will have to go through the formal abandonment process in order to deed the property to him. Mrs. Tanner asked Attorney Jordan if this will require us to do an ordinance in order to abandon the property. Attorney Jordan stated yes. Discussion ensued.

**A motion was made by Council Member Butler and seconded by Council member Cain to approve deeding the encroachment to the property owner. The motion passed with four (4) ayes and one (1) naye (Council Member Russell opposed).**

6. **Approval of Planning & Zoning Recommendation** – Request for Development Order –

Murphy Oil USA, Inc. Mr. Miner explained this request is from Murphy Oil at 1623 Main Street and they are requesting approval to demolish the existing structure and rebuild. This request was presented to the Planning & Zoning Board and was approved. Ms. Hervol was present on behalf of Murphy Oil for any questions. Discussion ensued.

**A motion was made by Council Member Russell and seconded by Council Member Sasser to approve the Request for Development Order for Murphy Oil USA, Inc. The motion passed unanimously.**

7. **Approval of Planning & Zoning Recommendation** – Request for Demolition – Coggin Properties, Inc. Mr. Russell asked if this demolition falls in-line with the CRA’s plan in eradicating blight in the downtown area. He also stated the CRA has given money to that property. He asked if the property has been offered up for sale because that is a lot of store fronts that will be gone. Mrs. Lucy Carmichael was present and explained the buildings are in violation with the City code and we are unable to rent them as they are. We have not put them on the market but we can do that if necessary. Attorney Jordan explained her concern is the demolition of historic property. She requested the Council to table this until more research can be done and look at the limitations and long-term implications it would have on the strategic plan. Mr. Butler requested the Council table this item and have Mr. Ted Everett present for the next discussion because he may be able to shed some light on what can or cannot be done. Mr. Russell stated the CRA gave grant funds for the old jail to be demolished as long as something was being put back in that same location. Mrs. Cain stated let them demolish it and put something back in its place. Mayor Andrews asked if Mrs. Carmichael has a timeframe in which she is trying to alleviate her issue with this property. Mrs. Carmichael stated the tenants have moved out and now is the ideal time with traffic being down, but a month is not a problem for us. Mr. Sasser explained that Capital City Bank has a concern because they do not know what that side of their building will look like. Mrs. Carmichael stated the contractor has confirmed it is a free standing building so the most they should have to do is paint that side of their building. Mrs. Cain asked if Mrs. Carmichael’s contractors have a timeframe in place and Mrs. Carmichael stated a month will not upset the timetable. Discussion ensued.

**A motion was made by Council Member Butler and seconded by Council Member Russell to table this request to allow the Attorney the time to research this issue. The motion passed unanimously.**

8. **Approval of Planning & Zoning Recommendation** – Request for Variance – Cathy Sasser. Mr. Miner explained Ms. Sasser is requesting approval of a variance at 625 Grove Street to meet required setbacks. The SHIP Program has approved a new home to be built on this lot. This request was presented to the Planning & Zoning Board and was approved. Mr. Russell asked if Chief Aycock has looked at this because if there is only being 6 feet between the two homes, wouldn’t we lose both homes if there was a fire. Mr. Miner explained the setbacks and stated that there is plenty of room. Mr. Butler explained that he sees it as a worst case scenario of 16.5 feet between structures. Mr. Russell stated we are setting a precedence by continuing to grant these variances and how do we deny someone else later if we accept this one. Mayor Andrews stated that she thinks we need to look at each situation on a case by case basis. Mr. Sasser stated the structure itself meets the 10 foot standard. Mrs. Cain stated she agrees that is what she read also. Mr. Russell stated he feels like we are setting a precedence and going against our own codes. Discussion ensued.

**A motion was made by Council Member Cain and seconded by Council Member Sasser to approve the Request for Variance for Cathy Sasser. The motion passed with three (3) ayes and two (2) nays (Council Member Butler and Council Member Russell opposed).**

The meeting was adjourned by Mayor Andrews at 7:18 p.m.

City of Chipley

Tracy L. Andrews, Mayor

Attest:

Patrice A. Tanner,  
Assistant City Administrator/City Clerk