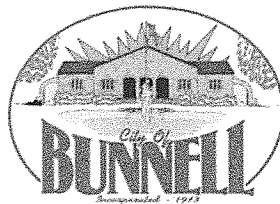


CATHERINE D. ROBINSON
MAYOR

JOHN ROGERS
VICE-MAYOR

DAN DAVIS
CITY MANAGER



Crossroads of Flagler County

COMMISSIONERS:

ELBERT TUCKER

BILL BAXLEY

JOHN SOWELL

BUNNELL CITY COMMISSION MINUTES

Monday, July 10, 2017

7:00 PM

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

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- A. **Call Meeting to Order and Pledge Allegiance to the Flag:** Mayor Robinson called the meeting to order at 7:00 p.m. and led the Pledge to the Flag.
Roll Call: Present: Mayor Catherine D. Robinson, Vice Mayor John Rogers, Commissioner Elbert Tucker, Commissioner Bill Baxley, Commissioner John Sowell, City Attorney Wade Vose, City Manager Dan Davis, and City Clerk Sandra Bolser.
Invocation for our Military Troops and National Leaders: Commissioner Elbert Tucker led the invocation.
- B. **Introductions, Commendations, Proclamations, and Presentations:**
B.1. Presentation: Fresh Start Program - Krystal Cherry, Daytona State University, provided an overview of the Fresh Start Program.
B.2. Presentation: Cost-Share Check from the St. Johns River Water Management District (SJRWMD): City Manager Davis stated the City was awarded a cost-share grant with SJRWMD. He turned the announcement over to Mike Baldwin, Utilities Manager, who explained the projects to be accomplished with the grant monies. Mr. Jim Troiano complimented City staff for how well the grant application was completed and how impressed he was that City staff attended their board meeting. Mr. Troiano presented a check for \$266,160.00 on behalf of SJRWMD for the Cost Share Grant.
- C. **Consent Agenda:**
C.1. Approval of Warrant
a. 2017 07 10 Warrant
C.2. Approval of Minutes:
a. 2017 06 26 City Commission Workshop Minutes
b. 2017 06 26 City Commission Meeting Minutes
C.3. Request to surplus assorted dumpsters.
C.4. Law Enforcement Mutual Aid Agreement
Motion: Approve Consent Agenda.
Motion by: Commissioner Tucker
Seconded by: Commissioner Baxley
Public Comment: None
Board Discussion: None
Vote: Motion carried unanimously.

D. Public Comments:

Comments regarding items not on the Agenda. Citizens are encouraged to speak; however, comments are limited to four (4) minutes. Daisy Henry commended the City of Bunnell Police Department for their response to her calls regarding the firecracker issue. She asked how long it will take for the road to be repaired by the gym. She also stated there is a sewer cleanout cap missing at the corner of Elm and Bay.

Courtney Ousley complained about issues with the officers during an event on the 4th of July. She advised she was treated rudely by Officer Sarah Casey. She also stated she had asked around and could not find one child who received a cupcake during the Police Chief's Cupcake Citation Program. She requested the Police Department do something to mend the relationship between the police and the community.

Andre Chaney, Espanola Masonic Lodge, requested a fee waiver to use the fields at the Carver Park. Each year the Lodge holds a health fair to assist kids going back to school. They want to try to attract more vendors for the event, but that would cause the event to expand into the sports fields. He further advised they would be happy if the City could donate items such as backpacks and school supplies.

City Manager Davis advised the City has received numerous positive comments about the Cupcake Citation Program and he knows there has been many cupcakes given out to children. In addition, the City does not have a police officer named Casey.

E. Ordinances: (Legislative):

E.1. Ordinance 2017-19 Changing the Future Land Use designation of approximately .40 acres of property to Bunnell Commercial Medium. - First Reading. City Attorney Vose read the short title of the Ordinance into the record. Acting Community Development Director Kristen Bates reviewed the Ordinance.

Motion: Approve Ordinance 2017-19 Changing the Future Land Use designation of approximately .40 acres of property to Bunnell Commercial Medium on first reading.

Motion by: Vice Mayor Rogers

Seconded by: Commissioner Sowell

Public Comment: None

Board Discussion: None

Vote: Motion carried unanimously.

E.2. Ordinance 2017-20 Changing the Zoning designation of approximately .40 acres of property to B-1, Business district. - First Reading. City Attorney Vose read the short title of the Ordinance into the record. Acting Community Development Director Kristen Bates reviewed the Ordinance.

Motion: Approve Ordinance 2017-20 Changing the Zoning designation of approximately .40 acres of property to B-1, Business district on first reading.

Motion by: Vice Mayor Rogers

Seconded by: Commissioner Baxley

Public Comment: None

Board Discussion: None

Vote: Motion carried unanimously.

E.3. Ordinance 2017-21 Amending the Bunnell Land Development Code Sec. 34-186 Home Occupations. - First Reading. City Attorney Vose read the short title of the Ordinance into the record. Acting Community Development Director Kristen Bates reviewed the Ordinance.

Motion: Approve Ordinance 2017-21 Amending the Bunnell Land Development Code Sec. 34-186 Home Occupations on first reading.

Motion by: Vice Mayor Rogers

Seconded by: Commissioner Tucker

Public Comment: None

Board Discussion: Commissioner Tucker asked for clarification about the section regarding agricultural occupational licenses. Commissioner Sowell asked how this will impact businesses in the core of the City. He also asked for clarification on businesses that do alterations or laundry services. Ms. Bates answered the Commissioners' questions.

Vote: Motion carried unanimously.

F. Resolutions: (Legislative):

F.1. Resolution 2017-14 Amending Section 11 of Resolution 2014-21

Motion: Adopt Resolution 2017-14 Amending Section 11 of Resolution 2014-21. City Attorney Vose read the short title of the Resolution into the record. Finance Director Stella Gurnee explained this Resolution is to update the cost to install smart meters.

Motion by: Commissioner Tucker

Seconded by: Commissioner Sowell

Public Comment: None

Board Discussion: None

Vote: Motion carried unanimously.

G. Old Business: None.

H. New Business:

H.1. Appeal of the June 20, 2017 Planning, Zoning and Appeals Board decision regarding the Special Exception Request to allow a transitional housing project at 210 N. Fig Street.

Acting Community Development Director Kristen Bates explained the request for the exception and how the appeals process works. The City provided notice to all properties within 300 feet of the proposed transitional housing project. She advised there were written and telephone objections by some residents. Attorney Vose advised this is a quasi-judicial matter and the Board is required to make its decision based on what is presented by staff and the people in the audience. He advised the Board if they have had any ex-parte communications regarding this issue they are required to disclose it for the record. Commissioner Baxley stated he talked to a gentleman in the audience before the meeting. Vice Mayor Rogers advised Jerry Jones, a member of the PZA Board contacted him. Mayor Robinson, Commissioner Tucker and Commissioner Sowell advised they have had no communication on this issue. Attorney Vose advised the Board of their options according to the Code.

Ms. Loraine Vickery, Founder and Director of Samaritan Ministries, advised she does background checks, random drug tests and will install a security system. The home will not allow violence, drugs, noise or nuisances. She advised the purpose of the program is to assist women and children in transition. She is aware of concerns of traffic issues including school bus traffic. There are no buses that use Fig Street. Mayor Robinson asked about the concern addressed in one of the letters about sex offenders. Ms. Vickery advised they do not allow anyone with records of violence, sex offenses or theft to come into the program and the program does provide mandatory counseling. Commissioner Baxley stated he used to live near another home at 700 Lambert operated by Ms. Vickery and never saw any problems. He never saw any police activities at the home during the years they were there. Ms. Vickery advised there were no calls made to the Police for any criminal activities during that time. Commissioner Tucker asked if the purchase was recent. Ms. Vickery advised the property has not closed yet. He asked if she could not find a house in Palm Coast. Ms. Vickery explained the County services are here in Bunnell and they are all within walking distance.

She stated Bunnell is a better community. Vice Mayor Rogers asked about the size of the house and how many residents and staff will be in the house.

Mr. Jeff McKay advised he has been associated with Ms. Vickery for years and has very high regards for her and the work she does. He read a letter from the Vice President of the Community Chorus of Palm Coast supporting the program (attached).

Daisy Henry advised she has known Ms. Vickery for years. She has spent time in the home and has never seen any problems. She also asked why Bunnell was chosen.

Krystal Cherry stated she has been associated with Ms. Vickery for years. She offers home and hope for these women and does good work.

Motion: Affirm the PZA Board's recommendation to deny the request.

Motion by: Commissioner Sowell

Seconded by: Commissioner Tucker

Public Comment: None

Board Discussion: Vice Mayor Rogers asked Ms. Vickery if she would be able to meet the City, State and local codes as outlined in the Fire Inspector's report. Ms. Bates advised the Board can add restrictions and conditions to their motion. Ms. Vickery advised she is aware that the building must be brought to code. Commissioner Baxley advised the people who spoke in opposition at the PZA meeting should have come to this meeting. Commissioner Sowell advised he fully supports what the Samaritan Ministries wants to do, but he questions putting it in a residential area. When a person buys a home in a neighborhood they expect the fundamental characteristics to last forever. Commissioner Baxley advised he feels the City has set a precedent since the former home was approved by the City in the same neighborhood.

Vote: Motion failed: **Summary Vote – Yes:** Commissioner Sowell and Commissioner Tucker
No – Mayor Robinson, Commissioner Baxley, and Vice Mayor Rogers.

City Attorney Vose advised that the denial of the exemption does not automatically change over. Ms. Bates advised the types of conditions that could be placed on the request. City Manager Davis stated persons that have ever been charged with sexual offences are not allowed by law live within 1,000 feet of a school. He would like to see mandatory screening of all applicants. City Attorney Vose indicated there should also be a condition they provide Liability Insurance.

Motion: Approve the appeal with the following conditions: site plan approval, nationwide background screening, not exceed 8 residents, pass fire inspection, privacy fence in back yard, maintain \$1,000,000 liability insurance.

Motion by: Vice Mayor Rogers

Seconded by: Commissioner Baxley

Public Comments: None

Board Comments: Commissioner Sowell asked if we can ask for a surety bond.

Vote: Motion carried: **Summary Vote Yes:** Mayor Robinson, Commissioner Baxley, and Vice Mayor Rogers. **No:** Commissioner Sowell and Commissioner Tucker.

I. Reports:

- **City Clerk** – Nothing to report.

- **City Attorney:** City Attorney Vose provided an update on the electronic instant bingo issue. The City has not received any response from the applicant's attorneys. There are no plans to request an opinion from the Attorney General's Office until we receive the written correspondence on their position, which they ensured the City would be receive by June 1st.

- **City Manager:** Mr. Davis reminded the Board of their meetings with the Auditors on Wednesday. He announced the upcoming ribbon cutting for the dedication ceremony for

the protection of the Old Brick Road. This event is scheduled for Thursday, July 13th at 8:00 a.m. The first budget workshop will be at 6:00 p.m. on July 24th. In addition, he briefed the Board about a meeting he and Fire Chief Bolser had with Flagler County Administrator Craig Coffey and Fire Chief Petito to discuss the logistics of the County providing Fire and Rescue services to the City.

• **Mayor and City Commissioners**

Commissioner Sowell: Nothing to report.

Commissioner Tucker: Nothing to report.

Commissioner Baxley advised he is going on vacation. He updated the Board on the City Banners. He has received pledges for the sponsorship of 18 banners so far.

Vice Mayor Rogers thanked the Fire Department for saving his house from a brush fire caused by a lightening strike. He also wanted to go on record to say he has heard nothing but positive comments from the community about the Police Chief's Cupcake Citation Program. He stated that in his opinion Chief Foster is the best Police Chief the City has ever had. He attended the 100th Year Anniversary event for the Flagler County Sheriff's Office, along with the City Manager and Chief Foster.

Mayor Robinson talked about her first fitness challenge. The next challenge is going to be at the Joanne B. King Park on July 29th at 8:00 a.m. She appreciates the good comments about the Police Department. She thought the Cupcake Citation Program was a great idea and hopes we can keep promoting the positive.

J. Call for Adjournment.

Motion: Adjourn the meeting at 8:41 p.m.

Motion by: Vice Mayor Rogers

Seconded by: Commissioner Baxley

Vote: Motion carried unanimously.



Catherine D. Robinson, Mayor



Sandra Bolser, CMC, City Clerk

7/24/2017

Date

7/24/2017

Date