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**COMMISSIONERS:**

DeLoris Roberts, Mayor  
John Martin, Vice Mayor  
Eleanor Randall  
Patricia Bouie  
Michael E. Rutledge, Sr.

**CITY MANAGER:**

Linda R. Chapman

**CITY ATTORNEY:**

Audrie Harris

**MINUTES  
CITY OF HAWTHORNE  
COMMISSION MEETING  
May 19, 2009**

**A. CALL TO ORDER**

Mayor DeLoris Roberts called the meeting to order at 6:43pm. Present was Mayor DeLoris Roberts, Vice Mayor John Martin, Commissioners Eleanor Randall, Patricia Bouie and Michael Rutledge. City staff present were Interim City Manager Linda Chapman, City Clerk Donna Mayes, City Planner Kelly Moosbrugger, and Attorney Audrie Harris.

**B. APPROVAL OF AGENDA**

Moved to approve the agenda.

Motion – Commissioner Randall

Second – Commissioner Bouie

Vote – 5-0

The City manager announced that the City will be streamlining meetings, with forms for complaints available here at the meeting and at city hall every day. Also, all announcements must be turned in on Friday and agenda items turned in on Thursday before the meeting.

**C. RECOGNITIONS, PROCLAMATIONS, AND GUESTS**

1. Sargeant Brett Rolands from Alachua county sheriff office came to announce that he is the officer assigned to the Hawthorne area. Community policing is the new procedure used by the sheriff's office.

2. Putnam Land Conservancy member Kathy Cantwell announced that her nonprofit group, partnered with the City, just won a \$6 million grant to establish conservation lands in the City and open a nature center, trails, and a recreation area.

Mayor DeLoris Roberts decided to move the PLC grant contract agenda item up since they were on the topic and the Commission agreed. Kathy Cantwell described the contract and staff recommended approval. The cost to the City would be minimal, with grant money covering most of the costs. The City would be responsible for the electric bill at the Nature Center. A detailed plan will be negotiated with the City at a later time. Under the contract, the City is responsible for annexing the lands associated with the grant and changing their land use to conservation. Attorney Audrie Harris suggested adding the phrase "to the extent possible" to the annexation language in case there are issues with the county. The Commission and PLC agreed.

Moved to approve the grant contract for Putnam Land Conservancy by Resolution 2009-14.

Motion – Commissioner Randall

Second – Vice Mayor Martin

Vote - 5-0

**D. COMMITTEE REPORTS/APPOINTMENTS**

1. City Manager Selection Panel Appointments

Each Commissioner nominated an individual for a seat on the panel:



Vice Mayor Martin pointed out that some customers have Clay Electric and not FPL, and that they City should approach Clay about a franchise agreement also. He is not supportive of the fee unless the tax is removed.

Attorney Harris explained that removing the tax would affect all customers including Clay Electric customers.

Mr. Cobb said the level of the tax could be changed at the will of the Commission. FPL may not be interested in these agreements several years from now.

Citizen comments from Ray Daniel, Vivian Wagner, Jeff McMeekin, and Sean were in opposition to the franchise agreement because it is an extra expense for citizens and would last 30 years.

Interim Manager Linda Chapman recommended that the Commission approve the agreement on first reading and in the meantime staff can look into repealing the tax. The second reading could repeal the tax and approve the agreement or the Commission could let the ordinance die. The agreement would bring in about \$80,000 per year.

Vice Mayor Martin prefers to table the issue and revisit it only when we have a proposed agreement with Clay Electric as well. Mayor Roberts and Commissioners Bouie and Randall agreed.

Moved to table the ordinance until there is a proposed agreement with Clay Electric also.

Motion – Vice Mayor Martin

Second - Commissioner Bouie

Interim City Manager Chapman said she would look into the Clay Electric and tax issues.

Roll Call Vote:

Commissioner Randall: Yes

Commissioner Bouie: Yes

Mayor Roberts: Yes

Vice Mayor Martin: Yes

Commissioner Rutledge: Yes

5-0

## **F. REGULAR AGENDA**

### **1. SHIP new contractor agreement**

a. New request for city funds - Interim City Manager Chapman recommended approving the new contract with the new contractor for \$5,985, which is all that is in the SHIP account. There is also another \$7000 available if the check clears the bank. She also recommended avoiding a lawsuit with the former contractor.

David Hruska of SHIP said the money runs out at the end of the month for this job (the Simpson house). He recommended bringing legal action against the former contractor. The \$7000 has been cashed and will be cleared. He also requested additional funds to cover more painting and patching.

Vice Mayor Martin said the City should put up the money and fix the house. In a reply to a question from Commissioner Bouie, David Hruska said the code violations include the roof, electrical work, door work, plus more. Interim City Manager Chapman asked if the \$13,000 included payment to the HVAC subcontractor. It does not, and the subcontractor wants to take legal action against the contractor. The City did not deal directly with any subcontractors. Interim City Manager Chapman said arbitration is less expensive than litigation and we could ask the former contractor to arbitrate. She wants to include the \$7000 only provisionally because we have not yet received it and it is not guaranteed. If we are going to receive it, it should be sometime this week. David Hruska said that we cannot proceed with the full job without the \$7000 and there are only 10 days left to finish. To complete the job, the full \$13,000 is needed. Vice Mayor Martin asked if the City has enough money in the bank to afford it even without the \$7000. Interim City Manager Chapman said she did not recommend that. David Hruska said the bank in Ocala with the \$7000 said they would reimburse and that they have 60 days.

Moved to authorize \$13,226 with the \$7000 not provisional for 21419 SE 61<sup>st</sup> Ave and authorize the contract for Southard Contractors.

Motion – Vice Mayor Martin

Second - Commissioner Rutledge

Vote – 4-1 (Bouie opposed)

b. Insurance Claim – Interim City Manager Linda Chapman explained that the City agreed with the former contractor that the City would not prosecute him for roof damages, so if we do want to prosecute, we need to change the letter to say ‘based on information from the SHIP administrator.’

David Hruska agreed and said the add more damages because they found additional problems today in the house.

Moved to direct staff to pursue the insurance claim and rewrite the letter.

Motion – Commissioner Randall

Second - Commissioner Rutledge

Vote – 5-0

### 3. Resolution 2009-13 – Surplus Property for Shell Elementary

Interim City Manager Linda Chapman asked the Commission to declare \$200 worth of supplies as surplus so they can be donated to Shell Elementary. Attorney Harris read the resolution by title.

Motion to approve Resolution 2009-13.

Motion – Commissioner Randall

Second - Commissioner Bouie

Vote – 5-0

### 4. Utility Billing System

Interim City Manager Linda Chapman reported that the City has two estimates for new software. One is more expensive but can be paid in installments and the other is cheaper but must be paid in full. She does not know if the City can afford to pay up front because she is not authorized to access the financial records at the bank.

Moved to add Linda Chapman to the paperwork to allow her to see the bank records.

Motion – Vice Mayor Martin

Second - Commissioner Rutledge

Vote – 5-0

## **G. CONSENT AGENDA**

Moved to approve the consent agenda.

Motion – Commissioner Randall

Second - Commissioner Rutledge

Vote – 5-0

## **H. REPORTS**

- a) Interim City Manager: Linda Chapman gave her action report for the past two weeks
- b) Interim City Attorney: None
- c) Mayor: Reported that she wants to bring back the workshops or agenda sessions before meetings.
- d) Commissioners: Vice Mayor Martin asked about the Scout House being condemned. City Planner Kelly Moosbrugger said the building was condemned by Code Enforcement and we have 60 days to bring it up to code. Mr. Martin said the code inspection formula for the Scout house may not apply, and that the City should take into account the work citizens have done there. Commissioner Rutledge said that the commissioners should attend events that the City is supporting or participating in, such as the Relay for Life.

## **I. ADJOURN**

Mayor DeLoris Roberts adjourned the meeting with a motion and second from Commissioner Bouie and Commissioner Randall.

These Minutes of the Commission Meeting of May 19<sup>th</sup>, 2009 are submitted for Commission approval.

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**Donna R. Mayes, City Clerk**

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**DeLoris Roberts, Mayor**

**Transcribed by:** \_\_\_\_\_ **Signature:** \_\_\_\_\_