

**MINUTES
CITY COMMISSION MEETING
HAINES CITY, FLORIDA**

April 5, 2018

7:00 PM

Commission Chambers

1. CALL TO ORDER

At 7:00 p.m. Mayor H.L. Roy Tyler called the City Commission meeting to order in the City Commission Chambers located in City Hall, at 620 E. Main Street, Haines City, Florida.

Mayor H.L. Roy Tyler, Vice Mayor Morris West, Commissioner Don Mason, Commissioner Anne Huffman, and Commissioner Horace West were in attendance.

Also in attendance were the following staff members: City Manager Deric Feacher, City Attorney Fred Reilly, and City Clerk Linda Bourgeois.

2. INVOCATION

The invocation was provided by Reverend Anthony Baker of Covenant Community Church in Haines City.

3. PLEDGE OF ALLEGIANCE

Mayor Tyler led the Pledge of Allegiance.

4. PRESENTATIONS AND DISCUSSIONS

4.A. WATER CONSERVATION MONTH PROCLAMATION

Staff Contact: Linda Bourgeois, City Clerk

City Clerk Bourgeois read the Water Conservation Month Proclamation into record and it was accepted by Interim Utilities Director Fisher.

RESULT: PRESENTED

4.B. FLORIDA WATER PROFESSIONALS MONTH PROCLAMATION

Staff Contact: Linda Bourgeois, City Clerk

City Clerk Bourgeois read the Florida Water Professionals Month Proclamation into record and it was accepted by Interim Utilities Director Fisher.

RESULT: PRESENTED

5. CONSENT AGENDA

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

Mayor Tyler presented the consent agenda for approval and opened the floor for public comments.

Sharon Garrett spoke about the Starlight Homes business item in the minutes from the last meeting and said she forgot to add the information about a proposed round about. She went on to share her opinion on the city commission comment limitation saying it was not fair since the City Commission only meets twice a month. She said if they were in such a hurry to get out of a meeting, that they want to rush things along and not make it understandable to the public, then maybe they should not be Commissioners.

The Mayor asked her to address the it when the business item came up later in the meeting.

Sharon Garrett continued and asked the City Commission why they have not spent the money from the BCR plant for a softball field and concluded by saying it was unfair to the girls team.

Mayor Tyler closed the floor to public comments.

Vice Mayor West moved to approve the consent agenda. The motion was seconded by Commissioner Mason.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Morris West, Vice Mayor
SECONDER:	Don Mason, Commissioner
AYES:	Mason, West, Tyler, West, Huffman

5.A. MINUTES FROM CITY COMMISSION MEETING – MARCH 15, 2018

Staff Contact: Linda Bourgeois, City Clerk

5.B. CEMETERY DEEDS

Staff Contact: Linda Bourgeois, City Clerk

5.C. HAINES CITY TRITONS SWIM TEAM

Staff Contact: Terrell Griffin, Parks and Recreation Director

Disposition: Approve as recommended in the City Manager memorandum dated April 5, 2018.

5.D. CONTRACT WITH HYDRO SOLUTIONS CONSULTING, LLC

Staff Contact: Terrell Griffin, Parks and Recreation Director

Disposition: Approve as recommended in the City Manager memorandum dated April 5, 2018.

5.E. AGREEMENT FOR PURCHASE OF FERTILIZER

Staff Contact: Linda Fisher, Interim Utilities Director

Disposition: Approve as recommended in the City Manager memorandum dated April 5, 2018.

5.F. JOHNSON AVENUE PROJECT TASK FUNDING TRANSFER REQUEST

Staff Contact: Addie Javed, Public Works Director

Disposition: Approve as recommended in the City Manager memorandum dated April 5, 2018.

6. PUBLIC COMMENTS - REGARDING ITEMS NOT ON THE AGENDA

Public participation is encouraged. If you wish to address the City Commission regarding items not on the agenda, please sign your name on the list located in the City Hall Chambers entrance.

Mayor Tyler opened the floor to public comments.

The following members of the public came forward to speak with the Mayor and City Commissioners:

Charmeythia Streeter asked several questions directed to Commissioner Mason. How much did the Lake Eva pool cost and why he thought 3 million was too much for a pool. She continued and asked was the City Commission aware of the reasons why the Dolphus Howard pool was not being used, and questioned his knowledge of having no heating capabilities at the Lake Eva pool.

Commissioner Mason said the proposal was for a community pool and not a citywide pool. He said the city was replacing a community pool and that could be constructed for around \$200,000 to \$250,000. He spoke about budgetary constraints and said the Lake Eva Complex cost the city around 30 million dollars. Commissioner Mason addressed the previous pool usage and said when the new pool was built, everyone went there to swim. He concluded by clarifying his statement about the heating of Lake Eva pool.

Commissioner Mason continued and said to Ms. Streeter that you can't compare the prices of the projects because you are talking about a community pool. You are wanting to replace the Dolphus Howard pool with a new pool and you are not wanting to build a pool for all of Haines City.

Charmeythia Streeter spoke about annexations toward the north and Commissioner Mason said would you like to move the pool further north? She stated that she had made her point and spoke about commission workshops and his absences. She attempted to speak on the proposed time limitations and wanted to know how many complaints the commission received from the citizens and if it cost the city additional money to have late meetings.

The Mayor requested for her to speak on the proposed time limitation when the business item came before them later in the meeting.

Sharon Garrett pointed out the stop light arm design at Polk City Road and US Highway 27 and compared it to the arm design at the Post Office intersection.

Nerissa Adams said around September 24, 2016 the fence around cook field was removed and extended and she wanted to know why.

Commissioner West said he believed it was at the direction of the former city manager and he believes it was done to prevent parking.

Nerissa Adams directed a question to City Attorney Reilly and asked if there were any liability issues that he saw and he replied he was completely unaware until she raised it this evening that the fence had been removed at all because he does not deal in the operational stuff in the city. City Attorney Reilly explained it was the city manager's purview not his.

Jeannie Key requested for a children at play sign to be installed or speed bumps to be placed on N. 20th street due to a large amount of children living in the area. She said the cars always speed and it creates a dangerous situation.

City Commission discussion included the cross streets in that area, the potential for a stop sign, and having her get with the Public Works Director.

Janet Jolly Smith questioned the City Commission and asked if the Oakland community was getting a pool.

Commissioner Mason shared that the City approved the contract for the study this evening and Commissioner West stated he supported the pool.

Mrs. Smith continued and asked the City Clerk if she had said any names at the last meeting when she questioned the qualifications for the City Commission. City Clerk Bourgeois stated no. Mrs. Smith said the reason she was making the inquiry public was because she was threatened and was told that she had called somebody's name. She said I'm too old to get a whoopin and shared that she was also stalked at her house. She concluded by saying she was eighty-eight years old and had nothing against any candidate.

Mayor Tyler closed the floor to public comments.

7. OLD BUSINESS

7.A. SECOND AND FINAL READING - ORDINANCE NO. 18-1597 : AN ORDINANCE OF THE CITY OF HAINES CITY, FURTHER AMENDING THE CITY OF HAINES CITY MUNICIPAL POLICE OFFICERS' RETIREMENT TRUST FUND, RESTATED PURSUANT TO ORDINANCE NO. 11- 1370, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 1, DEFINITIONS BY AMENDING THE DEFINITION OF "RETIREMENT"; AMENDING SECTION 3, BOARD OF TRUSTEES; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 27, RE-EMPLOYMENT AFTER RETIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Staff Contact: James Elensky, Chief of Police

City Manager Feacher presented on the Haines City Police Officer Pension Amendments on second and final reading. There were no changes from first reading.

Vice Mayor West asked and it was confirmed the \$1,000 annual benefit was for life and City Manager Feacher said yes.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commissioners.

Mayor Tyler closed the public hearing.

Commissioner Mason made a motion to approve Ordinance 18-1597 on second and final reading. The motion was seconded by Vice Mayor West.

RESULT:	APPROVED ON SECOND READING [UNANIMOUS]
MOVER:	Don Mason, Commissioner
SECONDER:	Morris West, Vice Mayor
AYES:	Mason, West, Tyler, West, Huffman

8. NEW BUSINESS

8.A. ORDINANCE NO. 18-1598 : AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA; AUTHORIZING THE EXEMPTION FROM ANY PROVISIONS OF THE STATE OF FLORIDA ELECTION CODE DURING THE PROCESS AND CONDUCTION OF THE RUNOFF ELECTION (IF NECESSARY) TO BE HELD ON TUESDAY, MAY 1, 2018; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Linda Bourgeois, City Clerk

City Manager Feacher requested for Ordinance 18-1598 be pulled from the agenda since there was not a need to have a runoff election.

Mayor Tyler opened the floor to public comments.

There were no members of the public that came forward to speak to the Mayor and City Commissioners.

Mayor Tyler closed the floor to public comments.

Vice Mayor West made a motion to withdraw Ordinance 18-1598 from the agenda. The motion was seconded by Commissioner Mason.

8.B. RESOLUTION NO. 18-1303 : A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA; AUTHORIZING THE EXECUTION OF THE TRANSPORTATION OFF SYSTEM POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF HAINES CITY FOR THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY (MAP-21) PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Addie Javed, Public Works Director

City Manager Feacher presented on Resolution 18-1303. He said the intent of this business item was to enter into an agreement with the Florida Department of Transportation (FDOT) for the maintenance of sidewalks and improvements upon completion of the Moving Ahead for Progress in the 21st Century (MAP-21) grant. He continued and said the City of Haines City was awarded a grant for sidewalks near Eastside Elementary School. The project will consist of a 6' wide concrete sidewalk and miscellaneous improvements along the north side of East Johnson Avenue from US 17/92 to North 20th Street and on the south side of East Johnson Avenue from US 17/92 to North 24th Street (Eastside Elementary School).

Prior to project commencement, it is necessary for the City of Haines City to execute and deliver to FDOT the Post Project Maintenance Agreement. In addition, it is understood and agreed by the parties that upon completion of the project, the City of Haines shall be responsible, at its costs, for maintenance of said project in accordance with the following federally accepted state standards: (a) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (2016), as amended. This resolution will authorize the Mayor to execute the agreement.

He went on to say there was no immediate budget impact as a result of this request, however there will be maintenance and upkeep costs in the future. He concluded by saying staff was recommending approval of the Post Project Maintenance Agreement with the Florida Department of Transportation.

Mayor Tyler opened the floor to public comments.

Sharon Garrett commented about the need for sidewalks and sidewalk funding around the local schools.

Mayor Tyler closed the floor to public comments.

Commissioner Mason made a motion to approve Resolution 18-1303. The motion was seconded by Commissioner West.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Mason, Commissioner
SECONDER:	Horace West, Commissioner
AYES:	Mason, West, Tyler, West, Huffman

8.C. RESOLUTION NO. 18-1304 : A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA; AUTHORIZING THE EXECUTION OF THE AGREEMENT FOR THE TRANSFER OF PUBLIC ROADS BETWEEN THE CITY OF HAINES CITY AND POLK COUNTY, FLORIDA FOR THE REMAINDER OF A PORTION OF MASSEE ROAD LOCATED .41 MILES WEST OF US 27 TO DEAD END WEST OF MASSEE ROAD IN POLK COUNTY FLORIDA; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR ADMINISTRATIVE ACTION; PROVIDING FOR RECORDING IN THE PUBLIC RECORDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Addie Javed, Public Works Director

City Manager Feacher said the intent of Resolution 18-1304 was to approve the resolution authorizing the execution of an agreement between the City of Haines City and Polk County, Florida for the transfer of a portion of Masee Road located .41 miles west of U.S. Highway 27 to dead end west in Polk County. He went on to say that on July 6, 2017, the City Commission approved Resolution 17-1263 authorizing the execution of an agreement between the City and Polk County concerning the transfer of a portion of Masee Road and requesting the transportation impact fees collected by the City for Polk County on the Lake Charles Resort project located on Masee Road be contributed to the developer (Lake Charles Resort, LLC) for the purpose of partially funding roadway improvements to Masee Road. Polk County declined this request. The actual transfer of the portion of Masee Road contemplated by the July 6, 2017 Resolution was not completed and Polk County and the City now desire to re-authorize such transfer.

Within 30 days of approval of the agreement by the Board of County Commissioners, Polk County, shall, by operation of this agreement, and in accordance with Section 335.0415 and Section 337.29, Florida Statutes, transfer western portion of Masee Road to the City of Haines City. From that point forward, Masee Road will no longer be part of the Polk County Road System, and the City will become responsible for operation and maintenance of the road and associated infrastructure. The budget impact will be for future maintenance and operational responsibilities.

He concluded by saying staff recommends approval of the resolution authorizing the agreement between the City of Haines City and Polk County, Florida for the transfer of a portion of Masee Road from .41 miles west of Highway 27 to dead end west in Polk County.

Vice Mayor West clarified it was a paved road.

Mayor Tyler opened the floor to public comments.

There were no members of the public that came forward to speak to the Mayor and City Commissioners.

Mayor Tyler closed the floor to public comments.

Vice Mayor West made a motion to approve Resolution 18-1304. The motion was seconded by Commissioner Mason.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Morris West, Vice Mayor
SECONDER:	Don Mason, Commissioner
AYES:	Mason, West, Tyler, West, Huffman

8.D. RESOLUTION NO. 18-1305 : DECLARATION OF SURPLUS PROPERTY - A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA; DECLARING CERTAIN PROPERTIES OWNED BY THE CITY OF HAINES CITY AS SURPLUS AND AVAILABLE FOR AFFORDABLE HOUSING ACCORDING TO SECTION 166,0451, FLORIDA STATUTES; PROVIDING FOR RECORDING IN THE POLK COUNTY CLERK OF COURTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Contact: Richard Greenwood, Development Services Director

City Manager Feacher presented on Resolution 18-1305 declaring certain residential lots owned by the City as surplus and available for affordable housing in accordance with Section 166.0451, Florida Statutes. He went on to say the City had acquired several lots within its City limits in various locations. Representatives from City Departments have verified they do not have a need to retain these lots for public purposes. Therefore, staff was requesting the City Commission declare these lots surplus. The 12 vacant lots, and the 1 lot with a house, are listed below and include the street address, status and Parcel ID.

[Florida Statute 274.07 Authorizing and recording the disposal of property.-Authority for the disposal of property shall be recorded in the minutes of the governmental unit. The disposal of property within the purview of s. 274.02 shall be recorded in the records required by that section.]

Street Address	Status	Parcel ID
326 North 6 th Street	Vacant	ID: 272729783000049170
316 North 6 th Street	Vacant	ID: 272729783000049160
314 North 6 th Street	Vacant	ID: 272729783000049150
617 - 3rd Street	House	ID: 272720747300002220
904 North 7 th Street	Vacant	ID: 272720747500013030
1017 Avenue B	Vacant	ID: 272721756000009070
1011 Avenue B	Vacant	ID: 272721756000009070
1237 Avenue K	Vacant	ID: 272721753500004020
2124 Oakley Avenue	Vacant	ID: 272721754000007161
2132 Oakley Avenue	Vacant	ID: 272721754000007171

108 South 4 th Street	Vacant	ID: 272729783000027150
2202 East Johnson Avenue	Vacant	ID: 272721754000009120
2222 East Johnson Avenue	Vacant	ID: 272721754000009141

Mayor Tyler opened the floor to public comments.

There were no members of the public that came forward to speak to the Mayor and City Commissioners.

Mayor Tyler closed the floor to public comments.

Commissioner West made a motion to approve Resolution 18-1305. The motion was seconded by Vice Mayor West.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Horace West, Commissioner
SECONDER:	Morris West, Vice Mayor
AYES:	Mason, West, Tyler, West, Huffman

8.E. DEDICATE CITY-OWNED LOTS TO TRINITY WORSHIP CENTER

Staff Contact: Richard Greenwood, Development Services Director

City Manager Feacher presented on the agenda item for the consideration of transferring ownership of City-owned property to construct affordable housing.

At present, the City owns several parcels of land within its city limits in various locations. On March 12, staff received a revised proposal from Dr. Charles Anderson of Trinity Worship Center International Ministries, Inc., and Mr. Martin Rubin of Renovate Neighborhoods, Inc. requesting the City donate certain properties to develop affordable housing. In their letter, they identify the following stipulations:

- Construct single-family affordable homes that are either (3) bedrooms (2) baths with a one car garage or (2) bedrooms (2) baths with a one-car garage with an approximate square footage of 1,360, depending on the size of the lot.
- A specific timeline to begin construction within six (6) months.
- All homes will be constructed and priced at a price point that corresponds with the local community.
- Appliances will be an option to home buyers with the exception of a stove and refrigerator.

Staff has identified 8 parcels for the City Commission to consider for donation:

Address	Status	Property Appraiser Parcel Number	Just Market Value <i>(per Property Appraiser)</i>	Legal Description
326 North	Vacant	272729783000049170	\$6,244	HAINES CITY PB 3 PG 11 & 12

6 th Street				BLK 49 LOT 17
316 North 6 th Street	Vacant	272729783000049160	\$4,745	HAINES CITY PB 3 PG 11 & 12 BLK 49 LOT 16
314 North 6 th Street	Vacant	272729783000049150	\$4,745	HAINES CITY PB 3 PG 11 & 12 BLK 49 LOT 15
617 3rd Street	House	272720747300002220	\$65,243	POINCIANA HEIGHTS OF HAINES CITY REVISED PB 46 PG 22 BLK B LOT 22
904 North 7 th Street	Vacant	272720747500013030	\$5,734	LAKE SHORE ADD PB 5 PG 45 BLK M LOT 3
1237 Avenue K	Vacant	272721753500004020	\$4,562	LOCKHART & SMITHS RESUB PB 6 PG 9 BLK D LOT 2
2202 East Johnson Avenue	Vacant	272721754000009120	\$8,250	OLIVE PARK PB 6 PG 29 BLK I LOT 12
2222 E. Johnson Avenue	Vacant	272721754000009141	\$12,375	OLIVE PARK PB 6 PG 29 BLK I LOT 14 E1/2 & ALL OF LOT 15
TOTAL			\$111,898	

Attached with this agenda item is an agreement prepared by the City Attorney. In the agreement, there is a reverter clause that requires the proposed owner to obtain a building permit within 180 days of the contract being signed or the City may take action to revert the ownership back to the City.

Pastor Anderson explained the process in which the program will move forward. He said once the properties are donated they would host a workshop available to the citizens of Haines City and a budgeting class, repair their credit and get them to purchase a home. He said all of the impact fees that may be reduced would be given back to the individuals and will not be taken as any profit.

Vice Mayor West asked if the individuals have to be Haines City residents?

Mr. Rubin said they tend to give priority to Haines City residents, then to County residents and then to people outside the area. City as priority then county and then out of the area.

Commissioner West asked about the financing options and it was shared they work with three banks **and that** work with CRA (Community Redevelopment Act) credits and they specialize in loans to people with lower incomes.

Commissioner Mason asked if they were building the homes and selling them at cost and Mr. Rubin stated there was room in there for costs and the earn out was around 15% of what a conventional developer would have made.

Mayor Tyler opened the floor to public comments.

Cameia Manning clarified this was a donation and asked what the benefit was to the city to give them to Trinity Worship Center. She went on to ask if either Pastor Anderson or Mr. Rubin lived in Haines City and the response was no. She said she would absolutely be opposed for anyone outside of Haines City be approved for housing. She went on to ask about other housing options such as condos, duplexes or triplexes and asked if there were any other blueprints rather than single family homes.

Commissioner Mason shared about the benefits to the City.

Mr. Rubin provided a review of the program and provided Ms. Manning with his contact information.

Mayor Tyler closed the floor to public comments.

Vice Mayor West made a motion to approve the donation of 8 parcels to Trinity Worship Center International Ministries, Inc. The motion was seconded by Commissioner West.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Mason, Commissioner
SECONDER:	Horace West, Commissioner
AYES:	Mason, West, Tyler, West, Huffman

8.F. USAGE OF COOK FIELD

Staff Contact: Roy Tyler, Mayor

Mayor Tyler opened the discussion on the usage of Cook Field. He went on to say that in speaking with the Parks and Recreation Department they feel they are capable of handling both organizations for the coming season. They will continue to monitor usage and participation rates.

Commissioner West recused himself from the topic of discussion.

Parks and Recreation Director Griffin agreed and said the city is prepared to continue the same as last year. He went on to say whether there was one program or two programs the city was in the position to care for the fields.

Commission discussion surrounded the budget impact for the field usage, the budget remaining the same for the past eight years, a request to monitor both practices and games, and to get a feel for the number of participants or practice scheduling conflicts.

Randy Penick and Buster Raggs spoke about the request for exclusive field usage.

Vice Mayor West urged everyone to not to lose focus on the children.

City Attorney Reilly said as a practical matter, the thing that needs to be done next is to negotiate the agreement. He went on to say that for the past five years we've applied the

same agreement and every year the agreement gets modified. He recommended that a timeframe be decided on for the finalization of the negotiations so the contracts can be placed on the agenda.

A discussion occurred regarding the City Attorney's timeframe and the Attorney replied he was confident he could get it prepared in a timely manner and was depended upon the cooperation of both leagues.

A discussion ensued about not making a formal vote since the city commission agreed that the best way to move forward was to accommodate both leagues as they did in the past. City Attorney Reilly said the item was presented more as an informational item and it would seem to him, based upon the discussion of the City Commission, that the decision was to continue to treat both leagues fairly and equitably as you have in years past and do that for the upcoming season.

Everyone agreed that an equitable use of facilities was the goal and staff would monitor the usage this year.

City Attorney Reilly commented and said items on the agenda needed to be fully documented so everybody in the community knows what decision needs to be made. He went on to suggest to both leagues that in the future if they wanted the City Commission to take action, the best course would be to put it in clear writing so there was something that could be distributed with the agenda item. He continued and said this was so people would really understand completely what they were asking the City Commission to do. He concluded by saying it is very difficult to ask your elected officials to make decisions when they really don't know what you want without clarity on what you want to achieve.

RESULT: DISCUSSED

8.G. TIME LIMITATION DURING CITY COMMISSION COMMENTS

Staff Contact: Roy Tyler, Mayor

Mayor Tyler opened the discussion on limiting the time for City Commission comments.

Commissioner Mason said the City Commission should be able to articulate their position within a five minute period. He position was that they should be able to work within this time frame.

Mayor Tyler said the item was not intended to reduce discussion on agenda items or to make motions on items not on the agenda. He this item is to help make an effort to make the comments concise when there are items that can be discussed with city staff and department heads and then brought to the City Commission for action. Collectively, this table is the only place where democracy takes place because we live in a republic.

Mayor Tyler opened the floor to public comments.

The following members of the audience came forward to speak to the Mayor and City Commissioners:

Charmeythia Streeter asked if the usage of the field comes back up before the City Commission would she have a chance to speak and she was told yes. She went on to ask if there were any other cities or jurisdictions that went by a five minute time rule.

Mayor Tyler stated he was not going to engage in a question and answer session because it detracts from your time. He requested she just make statements and then we can move ahead.

Charmeythia Streeter said she was asking to see if anyone was inconvenienced because they have staff after five o'clock but she assumes they are salaried employees. What is driving this: costs, utilities, are we mimicking another city? She asked the City Attorney if there were any statutes or something in the Charter that allows a speaking limitation.

Mayor Tyler addressed Ms. Streeter and told her she is here to address the City Commission. He said those are staff members that work for the City Commission collectively.

Charmeythia Streeter asked Attorney Reilly to answer her questions and the Mayor said to Attorney Reilly he would appreciate it if he did not.

Commissioner Huffman addressed Ms. Streeter and said she would answer the questions. She said the answer was no. The Charter does not have a provision in there where anybody up here can limit the amount of time and there is not a Florida Statute that says that even a consensus is something that is not legal. It's just a matter of whatever, as the Mayor calls us - seatmates decide that they really want to say so that is what it is in black and white. She provided direction on how to find the City Charter. She concluded by saying when it is her time to speak she prepares a written statement and this is the way to limit the time on how long I get to speak.

Charmeythia Streeter went back to the City Attorney and asked him again to answer her question. Is it anywhere legally, notated by law, that any commissioner may be limited to a time here on the dais. In any given situation.

City Attorney Reilly remained silent.

Vice Mayor West shared about a training he attended and learned that the Mayor, as the controller of the meeting, can allow how long the constituents can talk and the commissioners on how long they can talk. He can end the meeting at any time if it becomes out of control. He runs the meeting.

Sharon Garrett said she has been coming to meetings off and on for around twenty years and she has never seen any commissioners ever limited to five minutes. She does not think it is right. She said there were several items approved fast. She claimed the Mayor was the longest speaking commissioner. She said he used a lot of dollar words instead of ten cent words. That is a compliment to use big words and nothing wrong with it.

Mayor Tyler said you are engaging me instead of the process. There are five people up here and we all have our input and I'm not the one making the decision.

Sharon Garrett said new commissioners' talk more because of a learning curve. She said it impairs democracy and this is where the public gets to see how government works. She went on to point out how each commissioner talked longer than five minutes and concluded by saying she does not think it's a good idea.

Albertine Richard said it is a good idea to allow the commissioners to speak however long they need. It helps the audience understand issues the commission is talking about. She said you all should be a voice for us. She shared about a phone call and continued by saying if the audience needed more than three minutes they should be given more than three minutes. She concluded by saying everyone should be given adequate time.

David Jones addressed the commission and said he opposed the proposal to limit the commission comments to five minutes. He said a cookie cutter rule is not a good idea and he believes the rule should be a little more flexible. Not every issue is the same and some may require a little more time for a full understanding before voting. He concluded by saying they were doing a great job and congratulated Commissioner West on his recent campaign.

Kimberly Downing was in favor of the time limitation. She went on to say the city commissioners comments are always at the end of the agenda and they speak on the agenda items throughout the meeting. The meeting also allows the resident's time to come up and address any questions or concerns they may have. She said so she does not know why we would allow any commissioner to talk for any extended period of time. She believes five minutes is accurate and is enough time with maybe a ten minute maximum. She said the residents only get three minutes so why would a commissioner be more important. She continued and said a five minute with a maximum ten minute limitation is more than ample time. She concluded by saying they should keep it simple and straight and not cover an entire agenda at the end of the meeting.

Mayor Tyler closed the public comments.

Commissioner Mason, Vice Mayor West, and Mayor Tyler did not comment. Mayor Tyler called for Commissioner Huffman to speak and she requested to speak last. Commissioner West requested to speak last and since she was already acknowledged, she went on to speak.

Commissioner Huffman prepared a statement and said she wanted everyone to know the elephant in the room was her. She explained the Charter was like a contract between the residents and the governing body. She addressed the Vice Mayor's comments about the training and said the Florida League of Cities said if it was not in the Charter then this is not something that can be imposed. She read excerpts from the following sections:

Sec. 3.01. - Form of government.

The form of government of the City of Haines City, provided for under this Charter, shall be that known as the "commission-manager plan" and the city commission shall consist of five (5) citizens who shall be elected at large in the manner hereinafter provided. The city commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer, to be known as the "city manager," and to exercise all other powers hereinafter provided.

Sec. 4.05. - Mayor and vice-mayor.

The mayor shall preside at meetings of the city commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law... but shall have no administrative duties nor administrative authority except as required to carry out the responsibilities herein, nor shall individual city commissioners have any administrative duties or authority.

She continued and said a fascist government system is one that is led by a dictator, one that wants to have complete power, forcibly suppressing opposition on how they legislate. Our government system is there to protect and prevent any resemblance of these type of actions. Over 100 years ago she believes our charter was written as such to anticipate instances just like this would take place. She went on to say she will fight to keep the charters purpose exactly where it is to defend its integrity and existence and its deliberate definition that this is a weak mayor system where all five of us are equal in authority, decisions, and legislative actions only decided by the majority. The City Manager is the only Charter Officer with administrative authority and then he's our subordinate and his authority is exclusive over his subordinate staff.

She went on to say she was just trying to do her job that she was elected for and maintain public trust through absolute transparency and accountability. These actions have really given the city a black eye it did not deserve. For the past year she has felt a growing hostile environment and now with this coming along, those of you routinely decide that you do not have a report to give are trying to impede on my ability to give one. She addressed the Mayor and said she spent the last few weeks listening to the audio and said he talked more than anyone. She claimed he spoke for ten minutes to say that we should only speak for five minutes. She said those records also reflect that the residents told the Mayor they felt rushed and their questions and concerns were not being answered. She claimed Mayor Tyler replaced the comment cards with a sign in sheet and said he, alone, decided they can't speak after 7:00 p.m. She said she wished he would stop doing that and making this the bully pulpit that it is.

She continued and said it would be great if the law would allow for them to just meet and hash it out - but it does not. There is something called the Sunshine Law and she explained the key points. She said for those voting for the time limit you are impeding the ability to do my job and encroaching upon my duties as an elected official. In addition, you are completely disregarding and disrespecting what the Charter stands for. She said as long as the city charter does not say it, she will not adhere to any restrictions on the time limit to get her job done. She said her report is substantive, her decorum has been professional, she has never cursed (Vietnam Vet) at residents, she has never insulted anyone, she has never given any resident condescending remarks, and she has never made false accusations. She agreed with the balance of the commission and said if it does not take five minutes so be it, but she is willing to work with ten minutes and if she feels she needs more time she will let the presiding officer know in advance. She concluded by saying it was a compromise of meeting them halfway and if that was not acceptable to them she guessed a decision would be rendered from someone outside of their board.

Commissioner West said he respects our veterans but when they sit there and attack City Commissioners, it is his opinion they deserve just what they get. He went on to say you said you have never belittled anyone, he said he guarantees that former Police Chief Gary Hester does not feel that way. He continued and said the first night she was installed, she talked for two hours - go back and listen to the tape - that is too much for any commissioner. He said he understands there was a learning curve but you can go talk to the department heads before the meetings so we don't have two hours of comments. That is where the complaints are coming from and he understands we have to talk to our constituents. He recommended she visit their houses like he did today. He said you do have a right to speak but I also have a right to leave. He continued and said we have a three minute rule for our citizens and that is not in the Charter either but we made that decision because we had people that would go for thirty

minutes with no respect for other peoples time. He continued and said if this body decides to go for five or ten minutes, that is fine but two hours is too much. He disagrees that Mayor Tyler hogs up the conversation. He sits beside her and it seems that every ordinance that comes up, she is the one that prolongs the action. Case in point we were out of here at 8:00 p.m. last meeting and it's not because we were rushing we did not have the long dissertation at the end.

Charmeythia Streeter was speaking from the audience and the Mayor asked the Police Chief to take care of the situation. She was escorted out of the Chambers.

Commissioner West concluded by saying this is about holding people hostage and talking about issues that really don't necessarily have a place in this meeting when city staff or the city manager is available to assist with resolutions.

City Attorney Reilly provided some legal advice and read section 4.07 of the Charter.

Sec. 4.07. - Meetings.

The city commission shall meet regularly at least twice in every month at such times and places [as] the commission may prescribe. Special meetings may be held on the call of the mayor, the city manager, or of a majority of the members upon no less than three (3) days notice to each member and the public. Such notices shall be served personally, electronically, or left at each member's usual place of residence, and shall be posted on a prominent place in the city hall. The intent of this is to give adequate notice to the public of such meeting. A majority of all members elected to the city commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance.

1.66.021 Power of the Municipalities gives the powers and authorities to the municipality to do certain things. It is commonly referred to as the Home Rule Power. This power gives the municipality the ability to self-govern and decide what is the appropriate measures for this municipality.

Neither does the Charter or the Statutes mandate or prohibit how the municipalities run the meetings. He provided an example of the placement of the public comments section on the agenda throughout the past few years. He said the options you have in front of you is to take no action whatsoever, you can agree by consensus to put a policy in place that addresses the five minutes, or you can formalize the policy in the form of a resolution in the manner in which the meeting is to be run. He shared the research indicated the last rules of order were approved in around 1925. He concluded and said the option the City Commission chose would be the theirs to make.

Commissioner West made a motion for approval. The motion was seconded by Commissioner Mason.

RESULT:	APPROVED [4 TO 1]
MOVER:	Horace West, Commissioner
SECONDER:	Don Mason, Commissioner
AYES:	Don Mason, Horace West, Roy Tyler, Morris West
NAYS:	Anne Huffman

8.H. DIRECTION TO CITY ATTORNEY FOR RESOLUTION

Commissioner Mason made a motion that we also instruct the Attorney to prepare the documents to move that forward as a formal Resolution.

City Attorney Reilly said it should be in the form of a consensus.

The majority of the City Commission was in favor with Commissioner Huffman requesting additional time to seek counsel.

9. CITY MANAGER'S REPORT

City Manager Feacher announced the Economic Summit, Ironman, and the Town Hall Meeting.

10. CITY CLERK'S REPORT

City Clerk Bourgeois read the election results into record.

The total number of registered voters were 12,665. The total number of ballots counted were 1,448 which included 923 cast by mail-in voting, 390 votes cast at precinct 407 and 135 votes cast at precinct 409. There was 1 provisional ballot rejected by the canvass board. Voter turnout was 11.43%.

<u>Haines City Seat #2</u>	<u>Total</u>	<u>Percentage</u>
YuFonda Kinsler	244	17.35%
Cameia Manning	392	27.88%
Horace West	770	54.77%

Charter Amendment 1

Section 4.02 of the City Charter

All Members of the City Commission to remain residents of Haines City during his/her term

YES	1,345	94.99%
NO	71	5.01%

Charter Amendment 2

Section 4.07 of the City Charter

Allowing for electronic mail (email) delivery of public notices to elected officials

YES	1,011	71.70%
NO	399	28.30%

Charter Amendment 3

Section 4.09 of the City Charter

Allowing the use of “Yes” and “No” on ballot title questions instead of “For” or “Against”

YES	1,180	83.81%
NO	228	16.19%

11. CITY ATTORNEY'S REPORT

City Attorney Reilly requested approval for his attendance at the Economic Summit and Ethics Training.

A consensus was given by the City Commission.

12. COMMISSION COMMENTS

Commissioner Mason

Commissioner Mason thanked the Police and Fire Departments for their response to an accident. He congratulated Horace West for his win in the City Commission race and thanked the other two candidates for running.

Vice Mayor West

Vice Mayor West echoed Commissioner Mason's comments about the two contenders and said it takes a lot to campaign. He encouraged them to not give up and congratulated Horace on retaining his seat.

Commissioner Huffman

Commissioner Huffman made a public records request.

1. Digital copy of all payments received from BCR/Nuterra and any parent companies from the beginning date of the contract to present.
2. Digital copies of all payments made on the State Revolving Loan relevant to the compost site.
3. Digital copies of all of the audio recordings of the City Commission meetings from January 2017 through our meeting tonight.

Commissioner West

Commissioner West thanked the citizens of Haines City for their faith and letting him retain the seat and for those of you that supported me.

Mayor Tyler

Mayor Tyler congratulated Commissioner West

13. ADJOURNMENT

At 9:04 p.m., the City Commission Meeting was adjourned.

APPROVED: _____

BY:

ATTEST:

Linda Bourgeois
City Clerk