

# CITY OF MONTICELLO, FLORIDA

## City Council Regular Meeting

245 S. Mulberry Street

Monticello, FL 32344

### AGENDA

April 4, 2017 7:00 p.m.

1. Call to Order (please turn off or mute cell phones and pagers)
2. Invocation
3. Pledge of Allegiance
4. Public Comment
5. CONSENT AGENDA
  - \*Approval of Minutes of 3/7/2017
  - \*Proclamation Declaring May 21<sup>st</sup> through May 27<sup>th</sup> as National Public Works Week
  - \*Approval of Application for Veterans' Day Parade on November 11, 2017 // Resolution 2017- 03 Assuming Liability for Highway Closing
6. **ORDINANCE FIRST READING:**  
ORDINANCE 2017-01 AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING SECTION 2-55 OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA, TO PROVIDE FOR A PROSPECTIVE INCREASE IN THE ACCRUAL RATE FOR FIREFIGHTERS FOR ALL CURRENT AND FUTURE RETIREES; ADDING A NEW SUBSECTION, 2-55(d), PROVIDING THAT THE CITY CAN OFFSET ITS CONTRIBUTIONS BY THE FUTURE CHAPTER 175 RECEIPTS AND USE AS A ONE-TIME ALLOCATION THE ACCUMMULATED UNUSED CHAPTER 175 MONEY; ADDING A NEW SUBSECTION 2-55(e) TO CREATE A DEFINED CONTRIBUTION COMPONENT BUT NOT FUND IT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE
7. Approval of Purchase of Truck - Street Department (City Manager)
8. Declaration of Surplus Property - Non-Operating Vehicles / Approval for Sale as Scrap (City Manager)

9. Status of E. Dogwood Street Improvements Project (Council Member Avera)
10. Business Tax and Use of Proceeds (Council Member Avera)
11. Fraternal Order of Police Collective Bargaining Agreement
12. Old Business
13. New Business
14. Reports from Committees and Departments
  - \*Bruce Leinback, City Attorney
  - \*Fred Mosley, Police Chief
  - \*Steve Wingate, City Manager
  - \*Emily Anderson, City Clerk
15. Council Member Reports
16. April Workshop Date/Topics
  - \*Presentation on Storm Preparedness and Response
17. Adjournment

Minutes of the City Council meetings may be obtained from the City Clerk's Office or online at [www.cityofmonticello.us](http://www.cityofmonticello.us). The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be borne by the requesting party.

Persons who wish to appeal any decision made by the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Mayor through the City Clerk's office no later than 5:00 P.M. on the day prior to the meeting

**PROTOCOL FOR ADDRESSING THE COUNCIL  
AGENDA ITEMS**

Any person or group desiring to be placed on the agenda shall make such request with the City Clerk by 4:00 p.m. at least eight (8) days prior to a meeting. The request shall include:

- A. the name and address of the person making the request;
- B. the organization or group, if any represented;
- C. content of the information to be presented – if written material is to be passed out, a copy of such material shall accompany the request;
- D. an estimate of the time necessary for such presentation and discussion and action thereon;
- E. Specific action desired of the Board

### NON-AGENDA ITEMS

Public Comment – any interested person may, upon signing the sign-up sheet prior to the commencement of any council meeting, address the council during the Public Comment portion of the meeting.

Any non-agenda remarks or comments shall not exceed three (3) minutes in length. Such time may be extended to ten (10) minutes by majority vote of the council.

Any personal charges to be made against an individual council member or city employee shall be in affidavit form. If any information is to be presented that is in the form of a statement or charges that might be considered derogatory or of a serious nature, such shall be presented in writing and shall specifically state the charges in the form of an affidavit, with copies sufficient in number so that one copy may, and it shall, be sent at once to each such member or employee. Neither this rule nor any other shall preclude the right of any citizen to address the Council; however, the Council will not be obligated to act on any proposal not on the agenda.

The City Council of the City of Monticello, Florida, met in regular session on March 7, 2017 at 7:00 PM at City Hall. The following members were present:

Tom Vogelgesang, Mayor  
Troy Avera  
John Jones  
George Evans  
Julie Conley

Others present were:

Fred Mosley, Chief of Police  
Emily Anderson, City Clerk  
Bruce Leinback, City Attorney

Mayor Tom Vogelgesang called the meeting to order. City Council Member George Evans offered an invocation, and Mayor Vogelgesang led the Pledge of Allegiance.

#### **PUBLIC COMMENT**

Council Member Avera announced the Rotary fire truck donation ceremony on March 17, 2017 at 12:30 p.m. He also mentioned the Tour of Homes on March 18<sup>th</sup>. He also noted that city resident Merry Ann Frisby was honored in the newspaper.

**PRESENTATION** Mayor Vogelgesang presented John Jones with a certificate for most steps during the recent Steps Challenge.

#### **CONSENT AGENDA**

**\*APPROVAL OF MINUTES of 2/7/2017**

**\*APPROVAL FOR DECLARATION OF SURPLUS PROPERTY AND**

**APPROVAL FOR SALE – FX 16 SOUND MIXER** On motion of John Jones, seconded by Troy Avera, the Council unanimously voted to approve the consent agenda items.

#### **DOWNTOWN WATER MAIN REPLACEMENT PROJECT BID RESULTS**

Engineer Rob Davis asked that the item be pulled. On motion of Troy Avera, seconded by George Evans, the Council voted unanimously to table the agenda item. [Also discussed under Project Updates below]

#### **CITY MANAGER RECOMMENDATION FOR SCOP FUNDING APPLICATION**

**FOR E. PEARL STREET AND W. PEARL STREET** Engineer Rob Davis reported that the city would like to apply for a 2017 SCOP repaving project for 1,900 feet of Pearl Street comprising one block of W. Pearl Street by the Post Office and on E. Pearl Street from U.S. 19 to the intersection of N. Railroad Street. On motion of Troy Avera, seconded by Julie Conley, the Council voted unanimously to approve the Pearl Street SCOP funding application.

## **PROJECT UPDATES:**

**\*Ecological Park Grant Application** Mr. Davis reported that the city has applied for a Recreational Trails Program grant application for \$180,000 in grant funding, with a \$45,000 in-kind city match. The city match will be in the form of installation of utilities. The grant will pay for a pre-fabricated restroom facility and a pavilion.

**\*Mamie Scott Re-Paving Project** The Mamie Scott re-paving project design is 50% complete. Advertisement should be the end of the month. It was noted that the County may assist with re-paving an adjacent portion of Rocky Branch Road during the same project.

**\*Water Main Replacement Project** Mr. Davis reported that all bids were over the project budget. He and the City Manager will be meeting with Water Management District officials to see if the project budget can be increased or if the project scope will have to be cut.

**\*E. Dogwood Street Improvements** Plans for E. Dogwood are 50% complete. The project should be bid later in March, with construction in April and May. There is a bid alternate for extension of the bulb-out on U.S. 19 North.

**\*City Legislative Request** There is a legislative request for \$125,000 pending for lift station improvements.

## **OLD BUSINESS**

**\*School Board Interlocal Agreement** Mr. Leinback presented the formalized interlocal agreement between the City and the School Board which was approved in February. Tom Vogelgesang recused himself from discussion or vote on the matter as an employee of the School Board. On motion of John Jones, seconded by George Evans, with the abstention of Mr. Vogelgesang, the Council voted unanimously to approve the agreement.

## **NEW BUSINESS**

**\*Collective Bargaining Agreement with the Fraternal Order of Police** City Attorney Leinback noted that an old agreement negotiated with the police was never executed by the FOP. New leadership of the FOP has recently negotiated with Chief Mosley and other members of the Union, along with the City Attorney, a new agreement. Mr. Leinback requested an executive session for the purpose of discussion of the negotiated agreement, with opportunity to vote on the agreement afterwards.

**\*Resolution 2017-02 Regarding Two Pending Bills in the Legislature** Council Member Conley asked that the Council amend the agenda to include consideration of a resolution opposing HB 17 and SB 1158, which bills preempt home rule power. On motion of Troy Avera, seconded by George Evans, the Council voted unanimously to approve amendment of the agenda to include consideration of the resolution.

On motion of Julie Conley, seconded by Troy Avera, the Council voted unanimously to approve Resolution 2017-02.

#### **REPORTS FROM COMMITTEES AND DEPARTMENTS**

\***City Clerk Emily Anderson** reported on the upcoming Department of State CLG Training on March 30<sup>th</sup> and 31<sup>st</sup> which is being sponsored by the City.

#### **COUNCIL MEMBER REPORTS**

\***Council Member Troy Avera** noted improvements in some properties on U.S. 19 North. He mentioned an awning at 100 N. Jefferson Street which needs replacing. He asked for a budget update.

Mr. Avera also is concerned about the lost water on the I-10 landscape project. He reported on a consideration by the County Commission of a fire assessment increase and opined that the fire assessment fee structure is unfair for city residents.

Mr. Avera noted the negative article in the Tallahassee Democrat and response article by Merry Ann Frisby. He urged everyone to promote the community in positive ways.

\***Mayor Tom Vogelgesang** asked the Council to be involved in the legislative process. He also urged residents to change the batteries in smoke detectors on Sunday when the time changes.

#### **MARCH MEETING**

The Council scheduled the special meeting/executive session on FOP bargaining contract for March 27, 2017 at 6:00 p.m.

The presentation on storm preparedness will be scheduled later.

With no further business, the Mayor adjourned the meeting.

Respectfully submitted,

Emily Anderson  
City Clerk/Treasurer

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Mayor

**NOTE:** These proceedings were digitally recorded (2 Files)

**PROCLAMATION**  
**City of Monticello, Florida**

*WHEREAS*, public works services provided in our community are an integral part of our citizens' everyday lives; and

*WHEREAS*, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, parks and canal maintenance; and

*WHEREAS*, the health, safety, and comfort of this community greatly depends on these facilities and services; and

*WHEREAS*, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

*WHEREAS*, the efficiency of the qualified and dedicated personnel, who staff public works departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

*WHEREAS*, the American Public Works Association celebrates this year's theme "**Public Works Connects Us**" as we commemorate the hard work and dedication of many public works professionals throughout the world who bring quality of life to their communities. Its streets, roads, bridges, public transportation, clean water, and efficient traffic safety keeps us linked together.

*NOW, THEREFORE*, The City Council of Monticello, Florida does hereby proclaim the week of May 21 through May 27, 2017 as

**NATIONAL PUBLIC WORKS WEEK**

in the City of Monticello, and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works; and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

*PASSED AND DULY ADOPTED* in regular session this 4<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Mayor

*ATTEST:*

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2017-03**

**WHEREAS** the Otto Walker American Legion will hold its annual Veterans Day Parade on November 11, 2017, and

**WHEREAS**, it is necessary that the City of Monticello obtain permission from the State of Florida Department of Transportation to alter, modify and re-route traffic through and over State Road 57 and State Road 10; and

**WHEREAS** the said Department of Transportation has requested as a condition to issuance of said permit the resolution of this City Council assuming liability for same,

**NOW, THEREFORE, BE IT RESOLVED** by the City of Monticello, Florida as follows:

The City of Monticello, through the resolution herein enacted, herewith indemnifies, absolves and holds harmless the Department of Transportation, and fully assumes liability for the re-routing of traffic and changing of traffic signs, if necessary, on Friday, November 11, 2017 from 10:00 a.m. to noon for the purpose of staging the Veterans Day Parade.

This Resolution presented and passed in open session this \_\_\_\_ day of April, 2017.

**TOM VOGELGESANG**  
Mayor

**ATTEST:**

**EMILY ANDERSON**  
City Clerk/Treasurer



**CITY OF MONTICELLO**  
**APPLICATION FOR PARADE OR PROCESSION**

(Revised 3/2/2010)

*Must be reviewed by City Manager, City Police Chief and approved by City Council*

**\*\*Application must be submitted no later than 60 days prior to parade  
for parades on federal highways**

NOVEMBER 11, 2017  
Date of Parade/Procession

VETERANS DAY PARADE  
Parade/Procession Name

BRUCE A. SANDER  
Name of Requestor/Representative

200 KINGS LN MOUNTAIN VIEW, VA 22036  
Address

850-997-2767  
Phone

AMERICAN LEGION POST #49 COMMANDER  
Title of Requestor/Representative

COMMANDER AMERICAN LEGION POST #49  
Name of Organization

11:00  
Address

997-2767  
Phone

11:00  
Start Time of Parade/Procession

12:00  
End Time of Parade/Procession

Give a brief description of the parade/procession and explain how this event will benefit the residents and/or improve the quality of life in the City of Monticello:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Number of Entrants:

       1 - 25

       26 - 50

51 - 100

       Over 100

Route of Parade or Procession (including starting point and ending point):

S. JEFFERSON ST. AT CAPITAL CITY BANK  
\_\_\_\_\_  
\_\_\_\_\_

Are road closures requested for parade? Yes  No       

If road closure is desired, list specific road sections:

NOTED ON MAP  
\_\_\_\_\_  
\_\_\_\_\_

A map or sketch of the parade route must be attached to the application. (City staff will provide assistance in producing the map)

## FEES CHARGED

Maintenance and police charges are charged as follows:

- \*For parades requiring closure of federal highways-no longer than 1 ½ hours: \$ 400.00
- \*For parades Involving Only Closure of Local Streets: \$ 100.00
- \*For parades involving closure of federal highways in excess of 1 ½ hours: To be Set by City Council

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By signing this Application, the sponsoring organization agrees to:


(Please Initial)

- BJ Conduct the event in an orderly manner;
- BJ To obey all laws of the City of Monticello and lawful orders of the Monticello Police Department;
- BJ Distribute copies of the accompanying City of Monticello Parade/Procession Regulations to all parade/procession entrants.

**Liability Disclaimer:** The City of Monticello does not provide liability insurance for the protection of participants, spectators, merchants, or others who participate in permitted parade/processional events. In consideration of being permitted to conduct such activities, the sponsoring organization, by filing a permit application, does hereby release and forever hold harmless and discharge the City of Monticello, its Officers, Officials, Employees, and agents, jointly and severally, from any and all damages arising out of any loss or injury resulting from the 2017 VETERANS DAY PARADE (name/year of event) and for any and all losses or injury to persons attending this event.

By signing this application, I certify the following:

- \*I have read and understand the foregoing liability disclaimer;
- \*I certify that the event will be open to all citizens, and that individuals will not be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment.

  
\_\_\_\_\_  
Authorized Signature of Requestor/Representative  
(must be 21 years of age or older and an officially  
designated spokesperson for the sponsoring  
Organization)

COMMANDER LESLIE POST 49  
Title

3-13-2017  
Date



## Emily Anderson

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**From:** Merry Ann Frisby <merryannf@yahoo.com>  
**Sent:** Friday, March 24, 2017 11:00 AM  
**To:** Emily Anderson; Tyler Grumbles; Mike Long; Bonnie Littlefield; Frank Brown; Lawrence Lester; Austin Malloy; Bonni Jensen; Patrick Donlan  
**Subject:** MVF Pension Board

Dear Emily,

On 1/11/17 the Monticello Volunteer Firefighters Pension Fund met. We decided and voted to:

1. Leave the excess \$26,121 in the existing pension plan
2. Change the benefit to qualified retired firefighters from \$23.00 a month to \$25.00 a month for each year creditable service.
3. That presently retired firefighters would receive the same benefit but not retroactively.
4. To place all future State contributions into the pension plan.

The Firefighters were also presented with the above information and unanimously voters to approve these changes.

Please place this matter on the agenda for City Council consideration.

Thank you in advance,  
Merry Ann Frisby  
Chair  
Monticello Volunteer Firefighters Pension Plan

ORDINANCE 2017-01

**AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING SECTION 2-55, OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA, TO PROVIDE FOR A PROSPECTIVE INCREASE IN THE ACCRUAL RATE FOR FIREFIGHTERS FOR ALL CURRENT AND FUTURE RETIREES; ADDING A NEW SUBSECTION, 2-55(d), PROVIDING THAT THE CITY CAN OFFSET ITS CONTRIBUTIONS BY THE FUTURE CHAPTER 175 RECEIPTS AND USE AS A ONE TIME ALLOCATION THE ACCUMULATED UNUSED CHAPTER 175 MONEY; ADDING A NEW SUBSECTION 2-55(e) TO CREATE A DEFINED CONTRIBUTION COMPONENT BUT NOT FUND IT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes §175.351 was amended by Laws of Florida Chapter 2015-39 to allow for the parties to agree by mutual consent to the use of the Chapter 175 monies; and

WHEREAS, the City of Monticello ("City") and the Members of the Monticello Firefighters' Pension Fund ("Firefighters' Pension") agreed to allow the City to use the future 175 money and the accumulated unused 175 funds to offset their contribution to the Firefighters' Pension in return for an increased multiplier;

WHEREAS, the changes to Florida Statutes §175.351 by Laws of Florida Chapter 2015-59 requires the establishment of a defined contribution component of the Firefighters' Plan and allows for the parties (City and Members) to decide whether to fund this benefit;

WHEREAS, the City and Members have determined to establish and not fund the defined contribution component of the Firefighters' Pension; and

NOW THEREFORE in keeping with the requirements of the Code of Ordinances of the City of Monticello, Florida, it is hereby ordained and decreed:

Section 1. Section 2-55, Subsection (a)(2) of Chapter 2 of the Code of

Ordinances of the City of Monticello, Florida is hereby amended to read as follows:

**Sec. 2-55. - Additional benefits for firefighters.**

(a) *Monthly retirement income.*

\* \* \*

- (2) For purposes of determining all benefits for members covered under the fund monthly benefits attributable to each year of creditable service shall be the greater of: (i) ~~2.75%~~2.5 percent of average final compensation, or (ii) ~~\$21.00~~ **effective [insert effective date] \$25.00. This benefit will be payable to all current retirees beginning [insert effective date].**

Section 2. A new Section 2-55(d) of Chapter 2 of the Ordinances of the City of Monticello, Florida is hereby added to read as follows:

- (d) **In addition to the provisions of Florida Statutes 175.091, the following provisions are applicable regarding the contributions:**

1. **State Contribution. All future receipts of the Chapter 175 money will be used by the City to offset its contributions to the Pension Plan.**
2. **City Contribution. Effective for the contribution for the fiscal year ended \_\_\_\_\_, the City will used \$26,121 of accumulated unused 175 monies to offset its contribution to the Pension Fund. This is a one time offset.**

Section 3. A new Section 2-55 (e) of Chapter 2 of the Ordinances of the City of Monticello, Florida is hereby added to read as follows:

- (e) **Defined Contribution Component. Pursuant to the requirements of Florida Statutes 175.351(6), a defined contribution plan component is**

**established in addition to the defined benefit component of this local law plan. This defined contribution component is not currently funded. If the plan is funded, the Board of Trustees has the authority to adopt rules regarding the operation of the defined contribution component of the local law plan.**

Section 4. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. It is the intention of the City Council of the City of Monticello that the provisions of the Ordinance shall become and be made a part of the City of Monticello Code of Ordinances, and that sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-letters, and the correction of typographical errors which do not affect the intent may be authorized by the City Clerk, without need of public hearing, by filing a corrected or recodified copy of the same, in the official records of the City.

Section 6. This Ordinance shall become effective as provided by law.

PASSED AND APPROVED IN OPEN SESSION ON THE \_\_\_\_ DAY OF

\_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
EMILY ANDERSON  
CITY CLERK/TREASURER

\_\_\_\_\_  
TOM VOGELSESANG  
MAYOR  
APPROVED AS TO FORM

\_\_\_\_\_  
BRUCE A. LEINBACK  
CITY ATTORNEY