

CITY OF MONTICELLO, FLORIDA

MEETING AGENDA

September 5, 2023

7:00 p.m.

LOCATION OF MEETING:

245 S. Mulberry Street
Monticello, FL 32344

1. Call to Order by Mayor Gloria Cox (Please turn off or mute noise-making devices)
2. Invocation
3. Pledge of Allegiance
4. Public Comment
5. CONSENT AGENDA:
*Approval of Council Minutes of August 1, 2023 and August 28, 2023
*Approval of Main Street Application for Christmas Parade and Street Closings
6. ORDINANCE FIRST READING :
ORDINANCE 2023-11 AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA, TO DELETE CHAPTER 26, ARTICLE II. BUSINESS TAX RECEIPTS, SEC. 26-31 THROUGH SEC. 26-40 AND SEC. 26-42; CHAPTER 26, ARTICLE III. SEC. 26-73. BOND; CHAPTER 26, ARTICLE IV, DIVISION 3. BUSINESS TAX RECEIPT FOR COIN-OPERATED DEVICES; AND CHAPTER 26, ARTICLE VI. REAL ESTATE BROKERS AND SALESMEN TO ELIMINATE ALL REFERENCES TO BUSINESS TAX RECEIPTS; RE-NUMBERING CHAPTER 26, ARTICLE III. SEC. 26-41, SEC. 26-71, SEC. 26-72, SEC. 26-74 AND 26-75; ARTICLE IV. COIN OPERATED DEVICES, DIVISION 1. SEC. 26-101 THROUGH SEC. 26-103 AND SEC. 26-131 THROUGH SEC. 26-134; CHAPTER 26, ARTICLE V. PAWNBROKERS; AND CHAPTER 26, ARTICLE VII. TOBACCO PRODUCT PLACEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
7. Approval of Agreement for City Attorney Services

8. S. Railroad Street Water Main Replacement Project – Modification of Scope of Work / Construction Award
9. Request for Water/Wastewater Services for New Development on U.S. 19 South
10. City Manager Seth Lawless in re: 2024 Legislative Agenda
11. Appointment of Two Council Members to Election Canvassing Board For November 7 at Poll Closing / Adjustment of November 7th Council Meeting Time or Date
12. Old Business
13. New Business
14. Reports from Committees and Departments
 - *Fred Mosley, Police Chief
 - *Seth Lawless, City Manager
 - *Emily Anderson, City Clerk
15. Council Member Reports
16. September Meetings/Workshops
 - *Tentative Budget Hearing – September 6, 2023 – 6:00 p.m.
 - *Final Budget Hearing – September 18, 2023 – 6:00 p.m.
17. Adjournment

Minutes of the City Council meetings may be obtained from the City Clerk's Office or online at 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
(Resolution 2020 – 07)**

Members of the public shall be given a reasonable opportunity to be heard on each agenda item, and other matters coming before the City Council, except as provided for below. This right does not apply to:

- A. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Council to act;
- B. An official act involving no more than a ministerial act, including, but not limited to, approval of Minutes and ceremonial proclamations;
- C. A meeting that is exempt from Sec. 286.011, Florida Statutes; or
- D. A meeting during which the Council is acting in a quasi-judicial capacity.

REQUESTS TO ADDRESS THE CITY COUNCIL

Any person or group desiring to be placed on the agenda, any individual desiring to make a comment at a City Council meeting on an agenda item or other matter coming before the City council, and any individual who wishes to address the Council on any other matter may do so.

- A. **Placement on the Agenda.** Any person or group desiring to be placed on the agenda for a City Council meeting shall deliver a written request to the City Clerk by 4:00 p.m. at least eight (8) days prior to the meeting. The request shall include:
1. the name and address of the person making the request;
 2. the organization or group, if any represented;
 3. the information to be presented. If written material is to be passed out at the meeting, a copy of such material shall accompany the request;
 4. an estimate of the time necessary for such presentation and discussion and discussion and action thereon;
 5. the specific action which is requested.
- B. **Agenda Item.** Any individual desiring to be heard on an agenda item may do so at the time the Council addresses that matter.
- C. **Public Comment on Non-Agenda Item.** Any interested person may, upon signing the signup sheet in the room prior to the commencement of any City Council meeting, address the Council during the Public Comment portion of the meeting on any matter which is not on the agenda. The Council will not be obligated to act on any matter which is not on the agenda.

ADDRESSING THE COUNCIL

Each person addressing the council shall give his/her name and address in an audible tone of voice for the record.

Each speaker shall limit his/her address to three (3) minutes, with the presiding officer having the right to extend the time for one (1) minute. Additional time may be granted by majority vote of the Council. A speaker may not give up all or any portion of his or her time in order to allow another speaker to exceed three (3) minutes.

If four (4) or more individuals of a group or faction wish to be heard on a matter before the Council, a representative may address the Council rather than all of the members. In such instances, the representative shall limit their address to ten (10) minutes.

All remarks shall be addressed to the Council as a body, and not to any member thereof. No remarks shall be directed to any other individual City official or employee.

No person, other than members of the Council, and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. When requested by any member of the City Council, the City Clerk-Treasurer, City Manager, City Police Chief, City Attorney, as well as staff members may enter into any discussion.

No questions shall be asked of the members of the City Council, except through the presiding officer. The City Clerk-Treasurer, City Manager, City Police Chief and the City Attorney may as the presiding officer for permission to speak at any time.

DECORUM

All participants, speakers and any other persons present at a meeting shall refrain from belittling anyone or making insulting remarks or personal attacks on any individual present or absent. Any person disrupting a meeting by making personal, impertinent or slanderous remarks, or who interrupts a person speaking, or becomes boisterous or uses profanity or other offensive language while addressing the Council, may be requested to leave the meeting and may be forthwith barred by the presiding officer from returning to the meeting. Any person who refuses to leave the meeting after being requested to do so by the presiding officer, shall be removed from the meeting by law enforcement.

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 at the Jefferson County Courthouse Annex on August 1, 2023 at 7:00 p.m.

The following members were present:

Gloria Cox
Julie Conley
John Jones
George Evans
Katrina Richardson

Others present were:
Seth Lawless, City Manager
Emily Anderson, City Clerk
Mitchell Herring, Interim City Attorney
Jack Pitts, Police Captain

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

SWEARING IN OF GROUP 5 CITY COUNCIL MEMBER KATRINA RICHARDSON BY HONORABLE COUNTY JUDGE ROBERT PLAINES Judge Plaines administered the Oath of Office to City Council Member Katrina Richardson.

PUBLIC COMMENT

***Debra Head** asked the Council to not take any action which would affect the Wacissa River.

CONSENT AGENDA

- ***Approval of Council Minutes of July 11, 2023**
- ***Approval of Travel Expenses for Council Member Richardson's Attendance at Elected Municipal Officers Class**
- ***Approval at Holy Ghost Revival Center March for Jesus on August 12, 2023**

On motion of John Jones, seconded by George Evans, the Council voted unanimously to approve the Consent Agenda items.

FLORIDA JOB GROWTH INFRASTRUCTURE GRANT AGREEMENT – INTERIM CITY ATTORNEY REPORT / COUNCIL DISCUSSION AND ACTION Interim City Attorney Mitchell Herring provided history of the grant project and various changes in project scope through the years from a proposed connected sewer line to the city wastewater treatment plant to a self-contained package plant in the Lloyd area. He noted that, to date, no site plan, no structural plans or feasibility study have been completed.

Mr. Herring noted that various partnership proposals and grant amendments were considered, but, in January of 2023, by Resolution, the county withdrew its support for the project. Mr. Herring noted that Chapter 180, Florida Statutes restricts the ability of the city to extend utilities beyond five miles outside the city limits, and, noting that the county has determined that it is not supportive of the project, it appears that the county would not permit the project.

Additionally, Mr. Herring pointed out that there is an open contradiction in the grant agreement as to expected new jobs to be created (175 or 538), and, since the project itself is not going to create permanent jobs, the project would require additional partnerships to ensure job creation. There is also a twenty-three million dollar private capital investment requirement, and there are penalties which can be applied for failure to comply with grant conditions. Also noted by Mr. Herring was the requirement that the grant project be completed by June of 2024, and, even with full partnership of the county and developers, it is unlikely that the project would be completed by that date. Additionally, the grant disallows any assignment of duties, meaning the city would be fully responsible for the grant requirements.

Council Member George Evans noted the involvement of the county in the project initially and asked what costs incurred to the city in development of the proposal. City Manager Lawless noted that staff time was the only real city cost regarding investigation of the grant proposal and amendment, but he would look to see if the city incurred any other costs.

Council Member Julie Conley confirmed that it is the attorney's recommendation that the Council not go forward with the grant agreement and made a motion that the city accept the city attorney recommendation. The Mayor called for public comment. Comments were provided by the public, including Bill Bilenky, Patricia Rusnak, Carrie Beck, Debra Head, Jay Peary and Carly Peary.

After public comment, Council Member Conley restated her motion to accept the attorney's recommendation and not move forward with the Lloyd project and to notify the Department of Economic Opportunity that the city will not enter into the grant agreement. The motion was seconded by Council Member John Jones and passed unanimously by the Council. Mayor Conley thanked the public for their engagement. Resident Cindy Pyburn noted that risk assessment was not considered in the process.

**PUBLIC HEARING / COUNCIL ACTION:
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS –
101 N. CHERRY STREET – BUILDING SIGNAGE**

Mayor Cox opened the public hearing on the application. With no public comment, Council Member Julie Conley made a motion to approve the recommendation of the Historic Design Review Board and accept the application with the provision that signs on that building not be backlit. The motion was seconded by Council Member John Jones and passed unanimously.

[CLAYTON TOLBERT IN RE: POLICE DEPARTMENT AND PROPOSED BUDGET – DID NOT APPEAR]

JASON BROOKINS IN RE: UPDATE ON CITY FLAG PROPOSAL Mr. Brookins provided an updated flag design and asked for adoption of the flag. Mayor Cox expressed appreciation for his efforts, but noted that at this time, the Council is going to continue to work on the budget.

APPROVAL OF ENGINEERING SERVICES AGREEMENT WITH MITTAUER AND ASSOCIATES FOR WWTP OPERATING PERMIT RENEWAL City Manager Lawless explained the process for permit renewal for the wastewater treatment plant and asked for approval of the Mittauer proposal. On motion of Council Member John Jones, seconded by Council Member George Evans, the Council voted unanimously to approve the agreement.

BUDGET DISCUSSIONS / DETERMINATION OF PROPOSED AD VALOREM RATE AND DATE OF TENTATIVE BUDGET HEARING City Manager Lawless noted that the proposed budget is balanced and that the rollback rate is recommended. A tentative budget date has been selected. Clerk Anderson noted the final hearing date will be September 18th. On motion of Council Member Julie Conley, seconded by Council Member John Jones, the Council voted to include the rollback rate on the TRIM notice and to schedule the tentative budget hearing date of September 6th at 6:00 p.m.

REPORTS FROM COMMITTEES AND DEPARTMENTS

***Police Captain Jack Pitts** noted the chief's report given to Council. He also noted he visited Quincy to see how community cameras work, and these will be a great tool for the Department.

***City Manager Seth Lawless** reported on potential changes to solid waste disposal fees. He noted the county has sent over an agreement for collection of assessments, with remittance of some fees to the city. He requested a meeting with the county for additional discussion, but none has been scheduled. He also noted a potential shift in the collection of solid waste revenues from the property tax bills to utility account owners to cover costs.

City Manager Lawless also mentioned that there is a potential business which would be a brew pub, but this property use does not seem to be allowable under the zoning code. There may need to be a discussion with the Local Planning Agency about such a use.

***City Clerk Emily Anderson** mentioned a visit from a consultant with a group seeking to designate old growth forests, and they are interested in looking into such a designation for the Ecological Park.

***Interim City Attorney Mitchell Herring** notes he is working on execution of an easement for the Cross Landings Lift Station, but is having difficulty reaching the attorney for Cross Landings.

Mayor Cox welcomed new Council Member Katrina Richardson.

COUNCIL MEMBER REPORTS

***Council Member Julie Conley** encouraged a revision to zoning allowable uses for a brew pub.

***Mayor Gloria Cox** noted continued efforts on community revitalization.

UPCOMING MEETINGS/WORKSHOPS

***City Attorney RFQ Response Review** The Council will meet at 6:00 p.m. on August 28th to review city attorney proposals.

With no further business, the meeting was adjourned.

Respectfully submitted,

Emily Anderson
City Clerk/Treasurer

Mayor

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**

December 1, 2023 Christmas Light Parade
Date of Parade/Procession Parade/Procession Name

Michele Arzeneau P.O. Box 1009 850-755-7277
Name of Requestor/Representative Address Phone

Chairperson
Title of Requestor/Representative

Monticello Christmas P.O. Box 1009 850-755-7277
Name of Organization Address Phone

6:30 ~~7:30~~ 7:15
Start Time of Parade/Procession 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:

Annual Event increases tourism, shopping & dining in our community.

Anticipated Number of Entrants:

1 - 25 51 - 100
 26 - 50 Over 100

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

Line up in City Lot and/or parking lot in front of Library travel east on Palmer mill turn north on Waukeena Street - End at high Street Spectators will end at dogwood

Are road closures requested for parade? Yes No
just during parade / crossing 19 and crossing 90

If road closure is desired, list specific road sections:

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 1/2 hours: \$ 400.00
- *For parades Involving Only Closure of Local Streets: \$ 100.00
- *For parades involving closure of federal highways in excess of 1 1/2 hours: To be Set by City Council

By signing this Application, the sponsoring organization agrees to:
(Please Initial)

- MM Conduct the event in an orderly manner;
- MM To obey all laws of the City of Monticello and lawful orders of the Monticello Police Department;
- MM 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 2023 Christmas 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.

MM
Authorized Signature of Requestor/Representative

(must be 21 years of age or older and an officially designated spokesperson for the sponsoring Organization)

Chair Person
Title

7/28/2023
Date

For City Use:

Date Application Received: 8/22/23

Received By: epa

Fees Paid - Ck. No./Rec. No. paid ck 6207

To Be Completed by City Staff:

Police Department:

Application ___ Approved ___ Denied: _____ Date: _____

Signature

Comments: _____

Public Works:

Application ___ Approved ___ Denied: _____ Date: _____

Signature

Comments: _____

City Council:

Application ___ Approved ___ Denied: _____ Date: _____

CITY OF MONTICELLO
APPLICATION FOR STREET CLOSING
(3 OR MORE CITY BLOCKS)

For street closings for a parade/procession, please complete an Application for Parade/Procession instead of this form.

Dec 1, 2023 Date of Event Monticello Christmas Name of Event
Michele Arzeneau Name of Requestor/Representative P.O. Box 1009 Address 850-755-7277 Phone
Chairperson Title of Requestor/Representative
Monticello Christmas Name of Organization P.O. Box 1009 Address 850-755-7277 Phone
2:00 PM Start Time of Street Closing 9:00 PM End Time of Street Closing

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

Annual Event Brings people from ~~the~~ out of town
introducing them to our shops, restaurant & community
this event is family oriented and a big hit.

Anticipated Number of Persons Attending Event:

25 - 50 100 - 200
 51 - 100 Over 200

Streets Requested to Be Closed:

E Dogwood from 19 - EAST TO BANK Drive thru
N. Cherry from Bank Entrance to corner of N. Cherry
and Pearl

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

map on Back

FEES CHARGED

Law Enforcement Fee – Public Safety/Traffic & Pedestrian Control:

A law enforcement fee will be charged based on the anticipated time of the street closings, traffic and pedestrian controls needed and location of the event.

The law enforcement fee will be determined by the Police Chief, and the fee must be paid prior to the issuance of the permit. Please meet with the Police Chief to determine the fee.

City Maintenance Fee:

Maintenance charges for city personnel are charged as follows:

For setting up roadblocks, cleaning litter before and after event: **\$ 100.00**

By signing this Application, the sponsoring organization agrees to:

(Please Initial)

MP Conduct the event in an orderly manner;

MP To obey all laws of the City of Monticello and lawful orders of the Monticello Police Department;

Liability Disclaimer: The City of Monticello does not provide liability insurance for the protection of participants, spectators, merchants, or others who participate in special events. In consideration of authorization to close city streets for special events, the sponsoring organization by filing an 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 Monticello Christmas (name/year of event) and for any and all losses or injury to persons attending this special event.

By signing this application, I certify the following:

I have read and understand the foregoing liability disclaimer;

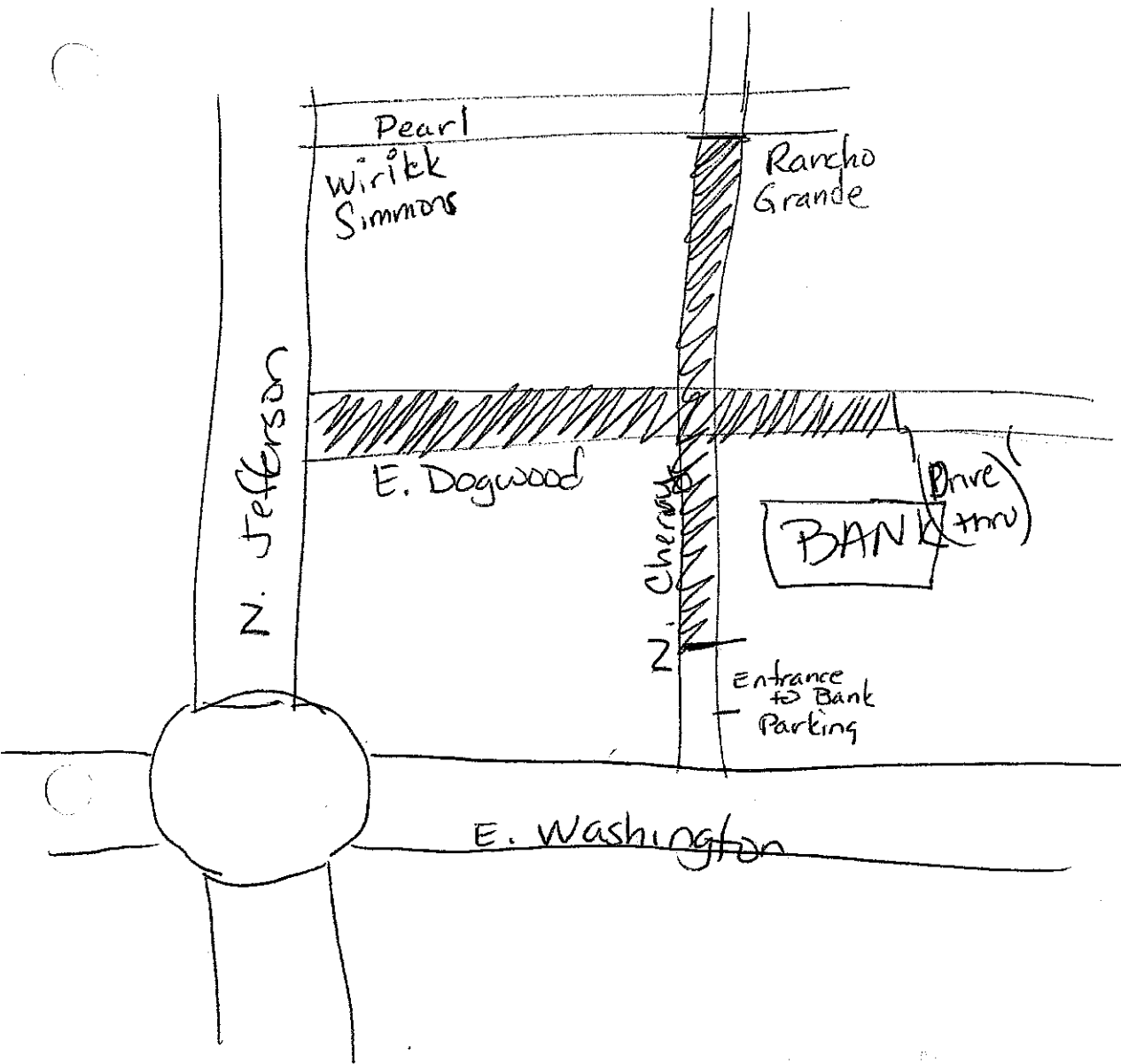
I certify that the event will be open to all citizens, and that individuals will not be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment.

I certify that the sponsoring organization will pay applicable law enforcement fees to be billed separately from this application.

W. L. H.
Authorized Signature of Requestor/Representative
(must be 21 years of age or older and an officially
Designated as a representative for the sponsoring
Organization)

Chairperson
Title

7/28/2023
Date



Fees Due at Time of Application:

Maintenance Fee: \$ 100.00

*Law Enforcement fee to be Billed and Paid Separately

Date Application Received: 8/22/23

Received By: lga

Fees Paid - Ck. No./Rec. No. paid 6207

To Be Completed by City Staff:

Police Department:

Application ___ Approved ___ Denied: _____ Date: _____
Signature

Comments: _____

Public Works:

Application ___ Approved ___ Denied: _____ Date: _____
Signature

Comments: _____

City Council:

Application ___ Approved ___ Denied: Date: _____

ORDINANCE NO. 2023 - 11

AN ORDINANCE OF THE CITY OF MONTICELLO, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, FLORIDA, TO DELETE CHAPTER 26, ARTICLE II. BUSINESS TAX RECEIPTS, SEC. 26-31 THROUGH SEC. 26-40 AND SEC. 26-42; CHAPTER 26, ARTICLE III. SEC. 26-73. BOND; CHAPTER 26, ARTICLE IV, DIVISION 3. BUSINESS TAX RECEIPT FOR COIN-OPERATED DEVICES; AND CHAPTER 26, ARTICLE VI. REAL ESTATE BROKERS AND SALESMEN TO ELIMINATE ALL REFERENCES TO BUSINESS TAX RECEIPTS; RE-NUMBERING CHAPTER 26, ARTICLE III. SEC. 26-41, SEC. 26-71, SEC. 26-72, SEC. 26-74 AND 26-75; ARTICLE IV. COIN-OPERATED DEVICES, DIVISION 1. SEC. 26-101 THROUGH SEC. 26-103 AND SEC. 26-131 THROUGH SEC. 26-134; CHAPTER 26, ARTICLE V. PAWNBROKERS; AND CHAPTER 26, ARTICLE VII. TOBACCO PRODUCT PLACEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, for many years, the City of Monticello has imposed and collected the local business tax as authorized by Florida law and has issued business tax receipts to businesses which paid the tax, and

WHEREAS, the City of Monticello has determined that repeal of the business tax will serve to lessen the burden on businesses by eliminating the expense of the tax; and

WHEREAS, the effect of repeal of the business tax will be minimal on the revenues collected by the City;

NOW THEREFORE it is hereby ordained and decreed:

Section 1. Chapter 26, Article II. Business Tax Receipts, Sections 26-31 through Section 40 and Section 26-42 of the Code of Ordinances of the City of Monticello, Florida, are hereby repealed.

Section 2. Chapter 26, Article III. Auctioneers, Sec. 26-73 is hereby repealed.

Section 3. Chapter 26, Article IV, Division 3, Business Tax Receipt for Coin-Operated Devices is hereby repealed.

Section 4. Chapter 26, Article VI. Real Estate Brokers and Salesmen, Sections 26-221 through Section 26-229 is hereby repealed.

Section 5. The entirety of Chapter 26 is hereby amended to read as follows:

Sec. 26-1 – 26-10. Reserved

Sec. 26-11. Sales on Courthouse Circle

- (a) It shall be unlawful for any person to sell or offer for sale any items, including merchandise and agricultural products, locally grown or otherwise, on sidewalks, parking spaces or other public property abutting the courthouse circle in the city.
- (b) Any person found in violation of this section shall be given a written warning and notice to cease and desist. Any violation after such written warning and notice to cease and desist shall, pursuant to F.S. 162.22, be punishable as provided in Chapter 1 of this Code of Ordinances.

Sec. 26-12. Auctioneers

- (a) Definition. For the purpose of this article, an auctioneer is defined to be any person who shall sell or offer to sell any goods, wares or merchandise, livestock, or vehicles of any description or any personal property of whatever nature or any real estate or interest therein, at any store, stand or any place within the city by public outcry for gain or profit, or who shall advertise or hold himself/herself out as an auctioneer for public patronage, or shall receive fees or commission for his/her services.
- (b) Exceptions. Nothing in this article shall be construed to apply to any common carrier or public warehouseman selling unclaimed or undelivered freight or goods where the same is held for freight or storage charges, nor to any sale made under the laws of the United States, the state, or the city requiring any property to be sold at public auction.

- (c) Manner of conducting sale; refusal of bids. Each article offered for sale at auction shall be sold as offered, if a bid is made by more than one bona fide bidder, before any other article is offered for sale, and without a reasonable delay. No by-bidding by the owner or any person acting for or representing the owner shall be permitted, nor shall any bid be accepted that is not a bona fide bid, and such person shall not be permitted to bid at any such auction, and there shall be no reserve price on any such article provided, however, that the seller may be a reserve price placed on any article if such fact is made known to the bidder when such article is offered for sale at auction; provided, further, that any resident of the city or establishment in possession of a current city business tax receipt may reject any and all bids.
- (d) Sales in Public Places. It shall be unlawful for any auctioneer or other person to offer for sale, or sell at public auction or by public outcry, any goods, wares or merchandise or any livestock, or any other personal property, or any real estate or interest therein, upon any street or public place in the city, unless written permission has been obtained from the city so to do.

Sec. 26 – 13. Coin-Operated Devices

- (a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automatic vending machine means any machine dispensing any articles of value, uniform as to quantity and quality, upon the insertion of a coin into the machine. This definition shall not include coin-operated telephones and United States stamp vending machines.

Coin-operated amusement devices other than skill machines means machines which produce or reproduce music, or return entertainment or

amusement for a consideration. This definition is supplemental to the definition of coin-operated skill devices as provided in this section.

Coin-operated skill devices (commonly called pinball, marble machines and the like) means any machines which are played strictly for amusement purposes only as games of skill, for a consideration, and which, when played or operated, do not vend, deliver or grant any merchandise, prize or award of whatsoever nature or kind.

- (b) **Exceptions.** Nothing contained in this article shall be construed to authorize the licensing of slot machines or other gambling machines or devices of whatever nature, nor shall the provisions of this article be applicable to stamp machines or to coin-operated telephones or to coin-operated parcel-checking locks and toilet locks or to any coin-operated machine which vends only unadulterated Florida-produced citrus juices.
- (c) **Inspections.** All machines placed in the city under this article shall be at all times subject to such inspection as may be directed by the chief of police or the mayor.

Sec. 26-14. Skill Devices

- (a) **Generally.** Any and all coin-operated skill devices, as defined in this article, shall be subject to the provisions of this division.
- (b) **Location near schools or churches.** No coin-operated skill device shall be maintained or operated within 300 feet of any public or parochial school or church. This shall not apply to any machines operated or maintained in any hotel.
- (c) **Secretive location.** It shall be unlawful for any person in direct charge or supervision of coin-operated skill devices to place or maintain such machines behind any blind or screen or in any hidden or secretive location, except when such machines are not open to play.

- (d) Orderly operation. All coin-operated skill devices must be operated and maintained at all times in an orderly manner, and the operation thereof shall be conducted with the same dignity as any other well-regulated business.

Sec. 26-15. Pawnbrokers.

- (a) Record of transactions required. Any person who sells property to a pawnbroker or pledges the property as security for a loan shall present either a driver's license or other comparable identification to the pawnbroker. The pawnbroker shall record the date of the transaction, the type of identification, the name and address as it appears on the item of identification and the identifying number appearing thereon and have the record signed by the person from whom he/she receives the property. This record shall be made available to any law enforcement agency or officer upon request.
- (b) Inspection of record of transactions. The record required in Sec. 26-15(a) shall at all business hours be open to inspection by the police officers of the city.
- (c) Buying or receiving from minors. It shall be unlawful for the operator of any secondhand jewelry store, or for any pawnbroker, junk dealer or secondhand dealer, to buy, take or receive by any way of pledge, pawn or exchange, any goods, wares or merchandise or article of personal property of any kind from any minors.

Sec. 54-16. Tobacco Product Placement

- (a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any sole proprietorship, joint venture, partnership, corporation, or limited liability company or other business formed for profit

making or nonprofit purpose in the incorporated areas of the city, including all retail establishments where goods and services are sold.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or other legal entity.

Self service merchandising means the open display of tobacco products to which the public has access without the intervention of the vendors, storeowners, or other store employees.

Specialty tobacco store means an establishment primarily in the business of selling cigars, pipe tobacco and other tobacco products in which 50 percent or more of any one or more of the following is devoted or attributable to the sale of pipe tobacco or cigars:

- (1) Wall space or any other display areas such as tables, racks or display structures; or
- (2) Gross revenues.

Tobacco product promotion means any advertisement, the display of any logo, brand name, character, graphic or designs that are trademarks of a particular brand of tobacco product. Tobacco product promotion does not include any public service message sponsored by a federal, state or local government entity, or by a nonprofit entity, designed to communicate the hazards of tobacco use or to encourage minors to refrain from using or buying tobacco products.

Tobacco products include loose tobacco leaves and products made from loose tobacco leaves, in whole or in part, which can be used for smoking, inhaling, chewing or ingesting in any manner, including but not limited to cigarettes, cigars, bidis or beedies, clove and other herbal cigarettes, pipe tobacco, snuff or smokeless tobacco and chewing tobacco. Tobacco products also include

cigarette wrappers, pipes, cigarette and cigar holders, snuff flower, plug and twist tobacco, and any other tobacco-related products or accessories, including but not limited to cigarettes and cigars. This definition does not include any nicotine-containing product that is used for the purpose of helping a person stop smoking such as nicotine gum or nicotine patches.

Tobacco retailer means any person or business that operates a store, stand, booth, concession, or other place at which sales of tobacco products are made to purchasers for consumption or use.

Vendor assisted means the customer has no access to tobacco products without the assistance of the vendor, storeowner, or other employees.

(b) Penalties; reporting of violations to state.

- (1) Any person or business that violates this article shall upon conviction be guilty of a second-degree misdemeanor punishable as provided by law.
 - (2) The penalty for a second conviction of this article shall be at least double the penalty for the first conviction, except that any penalty shall not exceed the maximum penalty set by law for a misdemeanor of the second degree.
 - (3) All convictions for violation of this article shall be reported to the state division of alcoholic beverages and tobacco.
- (c) Territorial applicability. This article shall be applicable and enforceable throughout the incorporated areas of the city.
- (d) Merchandising restricted. No person, business, tobacco retailer, or other establishment subject to this article shall sell, permit to be sold, or display for sale any tobacco products by means of self-service merchandising or any other means other than vendor assisted sales, unless the tobacco products are located inside a tobacco specialty store, or access to the

premises by persons under the age of 18 is prohibited by law. All tobacco products must be kept behind the sales counter.

(e) Placement of advertising. All businesses, persons, tobacco retailers and specialty tobacco stores shall place any and all tobacco advertising, including but not limited to stickers, posters, and signs, at least four feet above the floor.

Secs. 26-17 – 26.30 Reserved

Section 6. 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 7. 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-lettered, 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 8. This Ordinance shall become effective as provided by law.

PASSED AND APPROVED IN OPEN SESSION ON THE _____ DAY OF _____, 2023.

GLORIA COX
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

EMILY ANDERSON
CITY CLERK/TREASURER

CONTRACT FOR PROFESSIONAL SERVICES

The CITY OF MONTICELLO, FLORIDA ("City"), and Sniffen and Spellman, P.A. ("Firm"), agree as follows;

1. **PURPOSE:** The City agrees to retain the Firm for the purpose of rendering legal assistance, services and counseling to the City; and the Firm agrees to provide such legal assistance, services and counseling as may be required by the City on such terms and under such conditions as set forth in this contract.

2. **TERM OF AGREEMENT:** This contract shall take effect September 1, 2023, and shall terminate at the end of the 31st day of August, 2024.

3. **INCLUDED SERVICES:** The Firm agrees to and shall perform legal services customarily required of him as "City Firm", including but not limited to attendance at council meetings, rendering opinions, consultation with council members regarding City business, preparation of ordinances, resolutions and other legal documents as required. Additionally, the Firm agrees to perform the following services:

- A. Attend committee meetings, if requested.
- B. Attend collective bargaining sessions, if requested.
- C. Attend meetings of the Local Planning Agency and the Historic Design Review Board, if requested.
- D. Prepare deeds, easements, contracts and factual summaries for unemployment compensation or liability cases, when requested by the City Council or the City's insurance carrier.
- E. Attend informal meetings of the Florida Commission on Human Relations or Equal Employment Opportunity Commission prior to institution of litigation.

The above services and travel connected therewith in Jefferson County, Florida shall be considered services within the terms of this contract. Out-of-pocket expenses, copying charges, long distance telephone charges and court costs shall be advanced by the Firm and reimbursed by the City on a monthly basis. Mileage and travel expenses (outside Jefferson County) shall be reimbursed by the City as set forth in its travel policy.

4. **ADDITIONAL DUTIES:** Additional duties not contemplated within the monthly retainer shall include, but not limited to:

- A. Circuit or county court litigation in Jefferson County or elsewhere in Florida wherein the City is a party;
- B. Litigation in which any City agency or board, e.g., Local Planning Agency, Historic Design Review Board, etc. is named as a defendant or is compelled to become a plaintiff to enforce a contract or other right;
- C. Suits in U.S. District Court, appeals in the appellate state and federal courts, or administrative proceedings, which shall include, but not be limited to, contested hearings before the Florida Department of Community Affairs, Florida Department of Environmental Protection, Florida Commission on Human Relations and the U. S. Environmental Protection Agency.
- D. Attendance at depositions or court proceedings where City employees are subpoenaed to appear in connection with matters arising in the course and scope of their employment.

In the event the Firm is uncertain as to whether a service is part of the "Included Services" or is "additional", he shall set forth the nature of the disputed service for the Council and the Council, at its next regular meeting, shall determine the issue in light of this contract and other relevant factors.

5. **COMPENSATION:** The Firm shall be compensated by the City at the rate of TWO THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS, (\$2,500) per month for the first SIXTEEN HOURS of services and a fixed rate of \$170.00 for each additional hour

of services commencing September 1, 2023, for the services included within the provisions of this Contract. For additional services rendered by the Firm to the City, which are not considered "included services", the City and Firm shall separately negotiate the fee for these services as needed. In the event that Firm is unable to perform any additional service requested, it shall refer the City to appropriate counsel.

6. This contract may be renewed for additional one (1) year periods through the signed written agreement of the parties.

7. **IN THE EVENT THERE ARISES A DISPUTE BETWEEN THE CLIENT AND THE LAW FIRM REGARDING ATTORNEY'S FEES AND COSTS INCURRED DURING THE REPRESENTATION, THE CLIENT AND THE LAW FIRM MUTUALLY AGREE TO SUBMIT TO ARBITRATION OF THEIR CONTROVERSY CONCERNING THE LEGAL FEES AND COSTS CHARGED BY THE LAW FIRM. THE PARTIES HAVE THEREBY AUTHORIZED A DULY APPOINTED ARBITRATION PANEL OF THE FLORIDA BAR TO ACT AS ARBITRATOR(S) AND TO PROCEED TO HEAR ANY SUCH DISPUTE PURSUANT TO THE SUPREME COURT RULE REGULATING THE FLORIDA BAR -- CHAPTER 14, (FEE ARBITRATION RULE), RULES OF PROCEDURE FOR A FEE ARBITRATION PROCEEDING AND CHAPTER 682, FLORIDA STATUTES. THE MEMBERS OF THE ARBITRATION PANEL SHALL BE VESTED WITH ALL THE POWERS AND SHALL ASSUME ALL THE DUTIES GRANTED AND IMPOSED UPON ARBITRATORS BY FLORIDA LAW. THE PARTIES ALSO AGREE THAT JUDGMENT MAY BE ENTERED ON THE AWARD IN ANY COURT OF COMPETENT JURISDICTION IN**

THE STATE OF FLORIDA AND, THEREFORE, ANY AWARD RENDERED SHALL BE BINDING.

7. This contract may be cancelled or rescinded with cause at any time, with or without cause, on sixty (60) days written notice by either party.

NOTICE: This agreement contains provisions requiring arbitration of fee disputes. Before you sign this agreement you should consider consulting with another lawyer about the advisability of making an agreement with mandatory arbitration requirements. Arbitration proceedings are ways to resolve disputes without use of the court system. By entering into agreements that require arbitration as the way to resolve fee disputes, you give up (waive) your right to go to court to resolve those disputes by a judge or jury. These are important rights that should not be given up without careful consideration.

DATED this _____ day of September, 2023.

CITY OF MONTICELLO, FLORIDA

BY: _____
GLORIA COX, MAYOR

Date: _____

ATTEST:

EMILY ANDERSON
City Clerk/Treasurer
Date: _____

MITCHELL J. HERRING, ESQ.
Date: _____

Revised 8/26/2023

Duggar Excavating Inc.

CITY OF MONTICELLO
SOUTH RAILROAD STREET WATER LINE REPLACEMENT PROJECT

BID TAB

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
1	Mobilization	1	LS	77,239. ⁰⁰	77,239. ⁰⁰
2	Layout	1	LS	20,000. ⁰⁰	20,000. ⁰⁰
3	Testing	1	LS	10,000. ⁰⁰	10,000. ⁰⁰
4	Maintenance of Traffic	1	LS	30,000. ⁰⁰	30,000. ⁰⁰
5	Tree Protection Barricade <i>Orange netting</i>	4,140 698	LF	5. ⁰⁰	3,490. ⁰⁰
6	Inlet Protection	40 42	EA	500. ⁰⁰	21,000. ⁰⁰
7	Asphalt Resurfacing	6,550 1282	SY	25. ⁰⁰	32,050. ⁰⁰
8	Abandon in Place Existing 6" Water Main <i>Cut & Cap</i>	3,300 10	LF EA	2,500. ⁰⁰	25,000. ⁰⁰
9	Removal of Existing Fire Hydrants	6 5	EA	1,500. ⁰⁰	7,500. ⁰⁰
10	Gravel Road Restoration	640	SY	—	—
11	Performance Turf, Sod <i>Seeding</i>	440	SY	2. ⁰⁰	880. ⁰⁰
12	6" C900 PVC Watermain	90 63	LF	135. ⁰⁰	8,505. ⁰⁰
13	8" C900 PVC Watermain	2,885 1852	LF	144. ⁰⁰	266,688. ⁰⁰
14	8" Gate Valve Furnish and Install	25 16	EA	3,700. ⁰⁰	59,200. ⁰⁰
15	8" Tapping Sleeve Furnish and Install	8 6	EA	5,100. ⁰⁰	30,600. ⁰⁰
16	8" Reducer Furnish and Install	3	EA	1,100. ⁰⁰	3,300. ⁰⁰
17	Fire Hydrant Assembly	6 4	EA	10,000. ⁰⁰	40,000. ⁰⁰
18	Elbows (90 deg.)	5	EA	2,600. ⁰⁰	13,000. ⁰⁰
19	Concrete Curb & Gutter, Type F	300	LF	—	—
TOTAL BID PRICE					\$ 648,452.⁰⁰