

**TOWN COMMISSION MEETING
AUGUST 28, 2018
6:30 PM**

**LOCATION: DUNDEE TOWN HALL
202 MAIN STREET, DUNDEE, FLORIDA**



**TOWN COMMISSION MINUTES REPORT
FOR AUGUST 14TH, 2018**

CALL TO ORDER:

Vice Mayor Harper called the meeting to order at 6:32 PM.

PLEDGE OF ALLEGIANCE

INVOCATION:

The Invocation was provided by Srgt. Tanner.

RECOGNITION OF SERGEANT AT ARMS:

Vice Mayor Harper recognized Srgt. Tanner as the Sergeant at Arms.

PUBLIC SPEAKING INSTRUCTIONS:

The instructions for comments from the public were given by Vice Mayor Harper.

ROLL CALL:

Town Commissioners Present:

Vice Mayor Harper
Commissioner Goddard
Commissioner Quarles

Absent: Commissioner Glenn
Mayor Pennant

Town Staff Members Present:

Town Manager, Deena Ware
Town Attorney, Seth Claytor
Town Clerk, Brian Lueth
Finance Director, John Wasmund
Public Works Director, Clifton Bernard

Assistant Town Attorney Claytor stated for the record that a quorum is present, and recommended that the commission make a motion to excuse the absences of Commissioner Glenn and Mayor Pennant.

MOTION TO EXCUSE the absences of Mayor Pennant and Commissioner Glenn made by Commissioner Goddard. *Seconded by Commissioner Quarles. Passed unanimously.*

AYE: Goddard, Harper, Quarles

NAY: None

I. APPROVAL OF AGENDA FOR AUGUST 14th, 2018

Vice Mayor Harper asked Town Manager Ware if there were any changes to the agenda for the evening. Town Manager Ware responded that there was a name correction in Tab 1 for the presentation to the Dundee Ridge Middle Academy. The agenda had incorrectly stated the name as "Dundee Ridge Middle School" instead of "Dundee Ridge Middle Academy".

MOTION TO APPROVE the agenda as amended for August 14th, 2018 made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

AGENDA ITEMS

TAB 1: PRESENTATION: LETTER OF COMMENDATION RECOGNIZING DUNDEE RIDGE MIDDLE ACADEMY FOR BEING AN "A" RATED SCHOOL

Vice Mayor Harper read aloud the Letter of Commendation from the podium and presented the academy representative with the framed letter.

TAB 2: APPROVAL OF MINUTES

Vice Mayor Harper asked the Town Manager if there were any changes to the minutes. Town Manager Ware stated that there was a minor change to both of the budget workshop minutes. As the Town Attorney did not attend the budget workshops, his name should be stricken from the record, as is shown in the revised copies provided to the commission.

Assistant Town Attorney Claytor explained that the Commission needed to vote on the individual changes to the minutes prior to voting to approve them.

A. Commission Meeting of July 24, 2018

MOTION TO APPROVE the minutes of July 24th, 2018 made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

B. Budget Workshop I of July 17, 2018

MOTION TO APPROVE the amendments to the minutes of July 17th, 2018 made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

MOTION TO APPROVE the amended minutes of July 17th, 2018 made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

C. Budget Workshop II of July 31, 2018

MOTION TO APPROVE the amendments to the minutes of July 31st, 2018 made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

MOTION TO APPROVE the amended minutes of July 31st, 2018 made by Commissioner Quarles. Seconded by Commissioner Goddard. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

TAB 3: AGREEMENT: CONTRACT WITH RAFTELIS ENGINEERING

The Town Manager read the staff analysis.

Assistant Town Attorney Claytor stated that legal counsel has reviewed the agreement and that it is appropriate in both form and substance.

MOTION TO APPROVE the contract for services with Raftelis Engineering made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

TAB 4 RESOLUTION 18-09: SALE OF LAND TO POLK COUNTY

Assistant Town Attorney Claytor stated that there is a scrivener's error in that the resolution number has not been added to the top of the resolution. Attorney Claytor read the legal title of the resolution.

The Town Manager read the staff analysis.

Prior to the vote, Attorney Claytor pointed out to the commission that in the agreement there is reference to a fence that surrounds the perimeter of the property, and that he wants it on the record that the Purchaser of the property will be subject to all permitting requirements of the town with regards to the fence. No conditions have been waived.

MOTION TO APPROVE Resolution 18-09 regarding the sale of land to Polk County made by Commissioner Goddard. Seconded by Commissioner Quarles. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

TAB 5: DISCUSSION: COMMISSION HEALTH INSURANCE (Formally requested by Commissioner Quarles per Town Code 2.2.33(b)(c))

Commissioner Quarles gave a brief presentation in opposition to the addition of commissioner health insurance in the 2081-19 budget. He believes that the dollars have better use in the town budget than providing health insurance for commissioners.

Commissioner Quarles asked Town Clerk Lueth to read the summary report of some research he asked Mr. Lueth to conduct on how other communities handle elected officials compensation and benefits. Mr. Lueth deferred to the Assistant Town Attorney for comments prior to stating what the research had revealed.

Assistant Attorney Claytor informed the commission that pursuant to the Dundee Charter, salary is set by ordinance, and if the ordinance is amended, it will not go into effect until after the next election. According to Attorney Claytor's research into whether health insurance would qualify as compensation or salary and how to treat that in the eyes of the law, he discovered that there exists applicable authority which distinguishes the two. Unless there is a general law that defines and differentiates salary and compensation, then any type of benefit will be treated as salary when you have a fixed salary situation, which would be in direct conflict with the Charter provision in the Town Code. Attorney Claytor stated that to move forward, the Town Commission would need to pass an ordinance defining as to what is to be treated as compensation and what is to be treated as salary. Attorney Claytor said that it is not unheard of for a municipality to provide health benefits for serving on the commission. This is a complicated issue.

Vice Mayor Harper asked if a charter amendment was needed. Attorney Claytor stated that a charter amendment is not needed, but an ordinance would need to be adopted defining compensation and salary.

Commissioner Quarles stated that he firmly believes that the commission cannot afford it. Attorney Claytor stated that for every answer staff receives while investigating the issue, three more questions arise.

Commissioner Quarles asked Town Clerk Lueth if he could read the summary of the research that Commissioner Quarles had requested. Town Clerk Lueth read the email he had sent to Commissioner Quarles stating that the Florida League of Cities (FLC) advises that there be a charter provision or some sort of clarifying ordinance, as was suggested by Assistant Attorney Claytor that defines compensation versus salary. The FLC requires that members joining the FLC Insurance Group have such a provision in place prior to their application. Town Clerk Lueth also reaffirmed what Assistant Attorney Claytor had suggested regarding the Town's Plan Administrator. United HealthCare informed staff that the commissioners and mayor were not eligible to join the employee plan as they have a hard eligibility requirement based on a minimum 25 hours worked per week.

Commissioner Quarles restated his opinion that the Commission cannot afford this benefit. Vice Mayor Harper agreed.

Vice Mayor Harper opened the floor to the public for comments on this topic. Attorney Claytor reminded the Commission and the public that this was a discussion item and no action was being taken on it that evening.

Kevin Kitto. Dundee. Spoke against the Commission having insurance. Reminded the commission that they need to think about the employees and that the money should be spent on the employees.

Seeing no one else come forward, Vice Mayor Harper closed the floor from further comment.

Attorney Claytor recommended that the issue be readdressed at another meeting since Mayor Pennant and Commissioner Glenn were absent that evening.

II. DELGATIONS - QUESTIONS & COMMENTS FROM THE FLOOR

Lindsay Raley. 208 Palmoca Street, Lakeland, FL. Commented on solid waste issues he's been having. Mr. Raley wanted to express his displeasure with the town's garbage service, especially for the last three weeks. Garbage service has not been picking up their dumpster for almost a month. He spoke very highly of town staff and their efforts to try to help him get his garbage taken care of by Advanced Disposal. Town Manager Ware said that Town staff was on the phone with Advanced Disposal's driver and he couldn't locate the dumpster. Mr. Raley added that the garbage company was getting the dumpster from Camp Endeavor approximately 300 yards from their dumpster, so they should not have had issue finding it.

Kevin Kitto. Dundee. Commented on solid waste issues he's been having. Mr. Kitto said that they have had great difficulty with the trash service, and that since their property straddles the town line. They will be moving to Lake Hamilton's service area as the Dundee service is unreliable.

Archie Sapp. 703 N Adams Ave, Dundee, FL. Commented on solid waste issues he's been having. Mr. Sapp said that there is trash and brush debris all over town and that shouldn't be. He said he drives by Advanced Disposals yard in Lakeland and there are empty claw trucks sitting in the lot that should be in Dundee. Mr. Sapp recommended the town investigate starting its own trash service as it should be a money maker for the town.

Assistant Attorney Claytor informed Mr. Sapp that the troubled property next to his residence will be presented by Mr. Claytor for demolition at the next Special Magistrate meeting at the end of August. All the notice requirements have been met, but the Special Magistrate still has to make the final decision. He encouraged Mr. Sapp to be at the Magistrate hearing to give his testimony.

III. REPORTS FROM OFFICERS

a. TOWN ATTORNEY

- No Comments

b. TOWN MANAGER

- Thanked Srgt. Tanner for his volunteer hours at the Historic Depot
- Reminded commission about FLC conference
- Informed commission that the complaint log for trash service has been sent to the attorney's office

c. COMMISSIONERS

Vice Mayor Harper

- Told the public that it's not just a resident problem that the commissioners aren't getting their trash picked up either. Vice Mayor Harper says that it is her belief that if Advanced is not doing their job than they shouldn't be getting a full check from the town.

Town Attorney Claytor responded to Vice Mayor Harper that legal counsel is reviewing the contract and there are stipulations for liquidated damages, and that they will be reviewing the complaint log.

- Thanked Assistant Town Attorney Claytor for attending.

Commissioner Quarles

- Attended two transportation related meetings last week.
- Design will start on the Lake Marie Trail this fall with completion date in 2022
- Starting the construction on Dundee Road coming towards Hwy 27
- Thanked Town Clerk Lueth for the research he conducted on his request

Commissioner Goddard

- Congratulated Dundee Ridge Middle Academy on the A rating
- Thanked Assistant Town Attorney Claytor for attending

IV. ADJOURNMENT

MOTION TO ADJOURN made by Vice Mayor Harper at 7:20PM. Seconded by Consent. Passed Unanimously.

AYE: Goddard, Harper, Quarles

NAY: None

SIGNATURE PAGE
MINUTES FOR AUGUST 14TH, 2018

Respectfully Submitted,



Brian Lueth, Town Clerk

ATTEST:

Samuel Pennant, Mayor