

TOWN COMMISSION MEETING

MARCH 27TH, 2018

6:30 PM

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



COMMISSION MINUTES FOR

APRIL 10TH, 2018

AMENDED

CALL TO ORDER:

Mayor Pennant called the meeting to order at 06:33 PM.

PLEDGE OF ALLEGIENCE

INVOCATION:

The invocation was provided by Sargent Tanner.

RECOGNITION OF SERGEANT AT ARMS:

The Commission recognized Sergeant Tanner as the Sergeant at Arms for the night's meeting. The Commission also recognized Captain Garcia who is the new commander for South East Polk County. Captain Garcia gave a brief introduction of herself.

PUBLIC SPEAKING INSTRUCTIONS:

The instructions to speak during the delegation period were given by Mayor Pennant.

ROLL CALL:

Town Commissioners Present:

Commissioner Glenn
Commissioner Goddard
Commissioner Harper
Vice Mayor Quarles
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
Library Director, Vivian Godfrey
Planning Coordinator, Marisa Barmby

I. APPROVAL OF AGENDA FOR APRIL 10TH, 2018

MOTION TO APPROVE the agenda for April 10th, 2018 made by Commissioner Glenn. Seconded by Commissioner Harper. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

AGENDA ITEMS

TAB 1. APPROVAL OF COMMISSION MINUTES FROM MARCH 27TH, 2018

Commissioner Harper expressed a desire to correct Tab 2 of the Minutes of March 27th, 2018 to reflect that the letter provided by Advanced Disposal said that only two (2) trucks were in service to Dundee. After conferring with the Town Clerk, Attorney Claytor explained that the minutes reflected the testimony that was provided, and that Mr. Carr had said that he was told that there were three (3) trucks in service for Dundee. Attorney Claytor told the commission that the Town Clerk would amend the minutes by adding quotation marks to show that the Mr. Carr had verbally testified to three (3) vehicles, but provided a letter that said two (2).

MOTION TO AMEND AND APPROVE the minutes of March 27th, 2018 with added quotation marks to the testimony of Mr. Carr regarding how many vehicles are in service to Dundee, made by Commissioner Harper. Seconded by Commissioner Goddard. Approved Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

TAB 2. CONSIDER NATIONAL LIBRARY WEEK PROCLAMATION

Mayor Pennant presented a proclamation to Library Director Vivian Godfrey recognizing National Library Week. Mayor Pennant reminded everyone present to visit the Dundee Library because it is a valuable resource to our community.

MOTION TO SUPPORT a proclamation recognizing National Library Week in Dundee from April 8th-April 14th, 2018 made by Commissioner Glenn. Seconded by Commissioner Harper. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

TAB 3. FIRST READING: ORDINANCE NO. 18-02: TEXT AMENDMENT FOR LOCATION REQUIREMENTS OF ALCOHOL SALES

Marisa Barmby, Dundee's Planning Coordinator from the Central Florida Regional Planning Council, presented the commission with a power point presentation and maps for the three options they could choose regarding the location requirements of Alcohol sales. (*See Attached Maps for Options A,B,C*). As part of the presentation, Ms. Barmby explained that while this ordinance change was spurred by the application for a convenience store, the ordinance as it currently stands has larger implications for the town. She explained that under current ordinance, the entire downtown area is restricted from having grocery stores, retail shops or specialty stores that could sell alcohol. Due to questions, Ms. Barmby explained the difference between on-site and off-site consumption of alcoholic products. On-site being the consumption of alcohol on the seller's property, off-site meaning only the sale of alcohol can occur on a seller's property.

Assistant Attorney Claytor further explained to the commission that the current regulation(s) restrict the distance of off-premises consumption and sale of alcoholic beverages from a church and school. He explained that the recommended language in and/or for Ordinance 18-02, as presented and approved by the Dundee Planning and Zoning Board, adopts the requirements prescribed by Florida Statutes; and therefore alcohol sales for off-premises consumption would be allowed across the street from both a church and school. The distance from a school for on-site consumption remains at 500 ft.¹

¹ Tab 4, Paragraph 2 is amended, without objection from Town Clerk, at the direction of the Town Assistant Attorney, for clarification purposes

Mayor Pennant opened the floor to the public for comment.

William Dougherty. 160 Juniper Drive, Dundee. Representing the Baptist Temple as the Pastor is not a resident of Dundee. Mr. Dougherty explained that the Baptist Temple is against alcohol being sold within 500 FT of the church. Mr. Dougherty expressed concern about people coming in, buying alcohol and then walking to a nearby location to drink it.

Mayor Pennant asked if there were any further comments from the public. No one came forward, so the floor was closed to further comments.

Commissioner Harper asked Ms. Barmby if this was a store that used to sell beer and liquor before. Ms. Barmby requested that the current property owners be allowed to come forward and elaborate on the situation.

Adam Pate. Statewide Harvesting. 201 Center Street, Dundee. Mr. Pate confirmed that the location was a former convenience store that did sell alcoholic beverages about seven (7) years ago. Mr. Pate explained that the former owner retired, and the building was taken over by Dun-D Citrus who had established a lease with another tenant, but the tenant never occupied the building. Statewide Harvesting recently took over ownership of the building from Dun-D Citrus. Statewide Harvesting did an extensive search for the proper business to occupy the convenience store location, and settled on the current tentative tenants believing that the best use would be as a convenience store.

Ms. Barmby clarified for the commission that since the last alcohol seller's license expired, a new one had to be applied for and that is where this issue came from. If the license had remained in continued use, this issue would not be before the commission.

Commissioner Glenn asked if the previous convenience store had to get a special exemption to sell alcohol. Ms. Barmby said that she did not believe that was the case and that the business existed before the town requirements were in place.

Commissioner Harper asked if there were any reports of incidents from the location when it was a convenience store. Ms. Barmby said that she did not look at that as the issue is larger than just this one location.

Commissioner Harper asked if the Florida Statute only addressed schools. Ms. Barmby confirmed that Florida Statute only includes schools, not churches, and that is only for on-site consumption.

Vice Mayor Quarles asked if the church was there first or the convenience store. Ms. Barmby replied that she did not know, but added for the record that the church had been there since 1952.

Mayor Pennant told the commission that in larger cities, he's seen where there is a church upstairs and a liquor store on the street level. He said that in condensed spaces, such as a downtown area, people have to get along and work together. He further explained that when he first came to Dundee that the church and the convenience store were in operation and he didn't remember any incidents, and he'd imagine that the situation would be similar. The Mayor addressed the concern about people leaving the convenience store and going across the street to drink by saying that that is when the Dundee Sheriff's station would get involved as the Town has laws against open intoxicants.

Commissioner Glenn asked if the ordinance change would affect schools as well. Attorney Claytor said that it would in terms of off-site consumption.

MOTION TO APPROVE Ordinance 18-02 made by Commissioner Harper. Second by Vice Mayor Quarles. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

TAB 4. RESOLUTION NO. 18-02: AUTHORIZATION TO ESTABLISH FUND FOR INVESTMENT PURPOSES

Town Manager Ware provided the analysis of the resolution and explained while this is created to help fund the town's contribution for the Water Co-Op payment, this also meets the Commission's goal of investing other town dollars for growth.

Mayor Pennant opened the floor for comments. No one came forward, so the floor was closed.

Vice Mayor Quarles asked what interest we would get back on our investment. Finance Director Wasmund responded that the rate currently is close to 2.0%.

MOTION TO APPROVE resolution 18-02 made by Commissioner Goddard. Seconded by Vice Mayor Quarles. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

TAB 5. PUBLIC HEARING: FY 2018-2019 CDBG GRANT

Mayor Pennant opened the floor to the public for comments on CDBG allocations. No speakers came forward, so the floor was closed from further comment.

Commissioner Harper asked if this referred to the sidewalk projects. Town Manager Ware stated that that was the 2017-2018 allocation, the public hearing tonight is for the 2018-2019 funding.

Commissioner Glenn asked if we could use these funds on the water/sewer project. Town Manager Ware provided a list of funded projects.

Commissioner Harper asked if the dollars could be used to renovate the kitchen of the community center. Mayor Pennant responded the whole Community Center needs an overhaul.

Commissioner Harper asked about landscaping by the "Town of Dundee" sign. Town Manager Ware said that that could be included.

Town Manager Ware also suggested a digital sign for the Community Center. Commissioner Glenn recommended not using the same company as the Town did for the Depot Sign.

Thomas Wade, 214 Louise Ave, Dundee. Asked if these dollars could be used to help job growth and economic development. Commissioner Glenn asked if Mr. Wade had a specific project that would create jobs. Mr. Wade said that he had some ideas that he could write out and take a look. His recommendation was that the town use the CDBG funds for more than just making the city pretty. He would like to see the dollars diversified into different projects. Mr. Wade also asked the Commission what the plan is for Business Recruitment to Dundee as he'd like to see the area grow.

MOTION TO DIRECT the Town Manager to use the CDBG funds for 2018-2019 on street-scaping projects, made by Commissioner Glenn. Seconded by Vice Mayor Quarles. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

TAB 6. CONSIDER MASTER CONTINUING PROFESSIONAL CONSULTING AGREEMENT WITH ROBERT A. STEVENS & ASSOCIATES, INC

Attorney Claytor said this was a housekeeping need. The document presented to the commission was the result of negotiations of a contract authorized by the Commission in a prior action.

Assistant Attorney Claytor identified Article 10, which identifies and defines "deliverables" and "work product," as the point of contention during competitive negotiations. The issue(s) included, but were not limited to, the

definition(s) for “deliverables” and “work product,” copyrighted intellectual property, and Florida’s public records law. Assistant Attorney Claytor clarified that, pursuant to the agreement, the Town maintains ownership of the materials it provides to the consultant and, while the consultant maintains ownership of its “work product,” all deliverables and work product are subject to Florida’s public records law.²

MOTION TO APPROVE agreement with Robert A. Stevens & Associates Inc made by Vice Mayor Quarles. Seconded by Commissioner Harper. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

NAY: None

II. DELGATIONS – QUESTIONS & COMMENTS FROM THE FLOOR

The Mayor opened the floor to the public for comments on items not on the agenda.

Archie Sapp. 703 N. Adams Ave, Dundee. Mr. Sapp expressed deep concerns on the smoke and mold from the adjoining property. He said that it has been 5 years since the house was burned.

Commissioner Glenn asked Mr. Sapp for the address of the property in question. He said that he did forward information to the Town Manager about the spilled hydraulic fluid. Town Manager Ware said that nothing was done due to the fact that it had already dried and if the town were to wash the residual, it would cause storm water illicit discharge issues.

Assistant Attorney Claytor stated that Code Enforcement is aware of this property and will look into what steps must be taken to secure same. In the event demolition were ordered by the magistrate, the issue(s) are budgetary, and Assistant Attorney Claytor stated that the Town has not budgeted for demolition projects arising out of code enforcement proceedings. As for the property at issue, Assistant Attorney Claytor stated that he would work with Town Staff to get the property posted and/or secured.³

No further speakers came forward, so the floor was closed from further comment.

III. REPORTS FROM OFFICERS

a. TOWN ATTORNEY

- Told the Commission that he is currently working on an ATV Ordinance. Thanked Town Staff and Sgt. Tanner for meaningful discussion.

b. TOWN MANAGER

- Highlighted the successful Friends of the Library Bake & Book Sale
- Informed the Commission about the Upcoming Ridge League Dinner in Lake Alfred
- RFQ 18-01 have been returned and town staff will begin reviewing the applications
- A Spring Cleanup has been scheduled for Saturday, May 19th from 10am – 2pm in partnership with Keep Polk County Beautiful (KPCB).

Commissioner Glenn requested that town staff promote the event as much as possible throughout the community.

Mayor Pennant asked if the garbage trucks would be onsite. Town Manager Ware said that no trucks are scheduled to come as this is a Dundee/KPCB event. Ware further explained that volunteers would fill garbage bags which would be collected by town staff and placed into a dumpster provided by the town hauler. Ware said that the town would reach out to Advanced Disposal to see if additional opportunities were possible.

c. COMMISSIONERS

Commissioner Harper

² Tab 6, Paragraph 2 is amended, without objection from Town Clerk, at the direction of the Town Assistant Attorney, for clarification purposes.

³ Agenda II, Paragraph 2 is amended, without objection from Town Clerk, at the direction of the Town Assistant Attorney, for clarification purposes.

- Thanked Captain Garcia for attending
- Thanked the public for attending

Vice Mayor Quarles

- Thanked Captain Garcia for attending

Commissioner Glenn

- Thanked Mr. Sapp for attending and informing the commission about his street
- Thanked Captain Garcia, Lt. Shay, and Sgt. Tanner for attending
- Thanked the public for attending
- Thanked town staff for attending

d. MAYOR

- Thanked Captain Garcia, Lt. Shay and Sgt. Tanner for attending
- Reminded Public Works Director Bernard to review Ridgewood Drive after the rain
- Reminded the public that Hurricane season is only eight (8) weeks out and that people should start preparing
- Promised Mr. Sapp that his property would be taken care of and respectively asked for more time

IV. ADJOURNMENT

MOTION TO ADJOURN made by Mayor Pennant at 7:48pm. Seconded by Consent. Passed Unanimously.

AYE: Glenn, Goddard, Harper, Quarles, Pennant

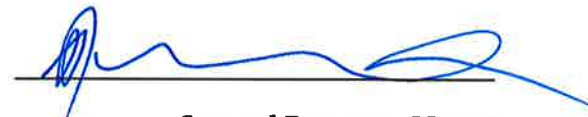
NAY: None

Respectfully Submitted,



Brian Lueth, Town Clerk

ATTEST:



Samuel Pennant, Mayor