**City of Bowling Green**

**Minutes of Regular Meeting**

December 13, 2022

Present: Mayor Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Commissioner Arreola, City Manager Thompson, Interim City Clerk Kinzel, Chief Scheel, Attorney Buhr, Jennifer Codo\_Salisbury and Benicia Frazier (CFRPC) and members of the audience.

1. **Call to order** – The meeting was called to order by Mayor Jones.
2. **Prayer** – Pastor Scott Tharp with First Baptist Church, Bowling Green

**Flag Salute**

 Mayor Jones stated that agenda item 4F will need to be renamed Infrastructure Grant per City Manager Thompson.

1. **Old Business**
	1. **Approval of Minutes**
		1. **Regular Meeting 11/1/2022**

Per City Manager Thompson these minutes will need to be tabled until the December meeting due to an error in printing.

* + 1. **Emergency Meeting 11/8/2022**

Commissioner Durastanti made the motion to approve. Motion was seconded by Vice-Mayor Fite. Roll call vote, all in favor, motion carried.

1. **New Business**
	1. **CRF – Master Plan Kickoff**

Jennifer Codo-Salisbury with the Central Florida Regional Planning Council, along with Benicia Frazier, gave an overview of their organization that partners with Hardee County and the municipalities in planning related items. She said that CoBG was awarded a Florida Department of Economic Opportunity Community Planning Technical Assistance Grant. CFRPC worked with BG to apply for the grant to develop a Downtown Master Plan for the City and with that, an update to the land development code for consideration. She provided handouts to the Commission for review. The first step of this is to schedule a community workshop to hear from the residents and stakeholders as to where the core downtown area is and the periphery of the downtown. Also, they are going to identify what is the community’s vision. Mayor Jones was concerned about the capacity due to the flyer stating that the workshop would be held at the community center which only holds 49. Ms. Codo-Salisbury will investigate a larger venue and asked for venue recommendations. City Attorney Buhr and Mayor Jones suggested BG Elementary as that would be the optimal location for capacity within the City. City Attorney Buhr asked for a definition of stakeholders. Ms. Codo-Salisbury said that stakeholders are schools, FDOT, committees, the BG City Commission, any other organizations they are identified to be included. Mayor Jones said since there will be so many people and groups involved there needs to be a large enough place to accommodate everyone. The CFRPC wanted to schedule it for a Thursday evening to avoid conflicts with other meetings. City Attorney Buhr recommended including a closed-circuit TV set up if the venue is not large so that the Sunshine Act is complied with so many other can be involved. She stated that they will look into the larger venue so that there can be open discussion which is what they want. They will be looking at existing conditions in the City and checking on current/planned infrastructure. They will also look at land use and zoning for economic development and growth. Mayor Jones thanked her for her presentation and said the Commission would review. She said they would coordinate with the City Manager.

* 1. **Ordinance 2022-04: Amendment to City Procurement Code (2nd Reading)**

City Attorney Buhr read a brief description of the ordinance. Vice-Mayor Fite commented the reading was as the previous month which was confirmed by City Manager Thompson who said it was needed. A motion to accept this ordinance on its second reading was made by Vice-Mayor Fite and seconded by Commissioner Lunn. Roll call vote, all in favor, motion carried.

* 1. **Rezoning of Parcel Number 05-33-25-0000-09780-000 (Chester Ave, NW of the Intersection of Chester Ave & Hardee St) – Sergio/John**

City Attorney Buhr read the short description of Ordinance 2022-05. City Manager Thompson stated that both Sergio and John are present for questions but it is so the property can be rezoned so it can be developed. Mayor Jones asked if they were getting ready to put in some homes which City Manager Thompson said yes. Sergio Jimenez (PO Box 1703 Wauchula) and John Raymond (3690 W Gandy Blvd Tampa) have acquired this property and it is currently zoned single family residential and they are looking to develop single family homes and duplexes on the site. Mr. Raymond stated that they are allowed to build the single-family homes but want to make the lots smaller for additional development in the CRA area. He said they are currently building a subdivision in Zolfo Springs. It will be concrete construction, single story and high-end. Mr. Raymond said that Vice-Mayor Fite has seen it which Vice-Mayor Fite complimented them on. City Manager Thompson stated that it is needed in Bowling Green. Mayor Jones said the main need is housing and City Manager Thompson said it would be side-by-side with the Diocese project. It will make the whole area residential. Vice-Mayor Fite asked them to state what their intentions are and how the plan to do this. Mr. Jimenez reiterated that they will be building duplexes and single-family homes. They plan to some deed restrictions that will monitor what the owners can and cannot do. Mayor Jones stated that this would minimize unnecessary traffic. Mr. Raymond said that there would restrictions on what the owners will be allowed with regards to number of cars at homes and color of paint used for houses. It will go to improve the quality of the houses over time. Mayor Jones asked if this would be synonymous with HOA or a little less. Mr. Raymond said it would be less of an HOA. Mayor Jones asked if there as a limitation on this to which City Attorney Buhr answered that he was not sure if there was a limitation on it. Mr. Raymond said it was a branding item for them. He stated that the initial plans would have duplexes in the front section with larger parcels in the back for single family homes. City Attorney Buhr stated that the ordinance number had a typo and needs to be corrected from 2022-005 to 2022-05, Interim City Clerk Kinzel will correct for the second reading and confirmed for the record. Motion was made by Vice-Mayor Fite with a second from Commissioner Durastanti. Mayor Jones said the Commission was on Agenda Item C and are they voting on Items D and E together, but City Attorney Buhr said they must be considered separately. Roll call vote, all in favor, motion carried.

* 1. **Ordinance 2022-05 (First Reading)**

This was taken care of in Agenda Item C.

* 1. **Ordinance 2022-06 (First Reading)**

City Attorney Buhr read the brief description of this ordinance. Vice-Mayor Fite said that he would make a motion for this ordinance since the discussion had previously taken place during Agenda Item C. The motion was seconded by Commissioner Arreola. City Attorney Buhr said the same error in ordinance numbering needed to be corrected which Interim City Clerk Kinzel will fix. Roll call vote, all in favor, motion carried. City Manager Thompson commended both Mr. Jimenez and Mr. Raymond for their presentation.

* 1. **Infrastructure Grant**

City Manager Thompson said this was a board item. He, Mr. Solin, and City Attorney Buhr has gone through the contract to get this settled. Two issues that came about was when they took it to the EDA and the City was shovel-ready, it was already bid out as a private person. City Attorney Buhr had the question if the City could proceed without bidding it out itself. City Manager Thompson and City Attorney Buhr spoke with the County Attorney and the EDA Chairman both who said it was okay to proceed. But City Manager Thompson wanted the approval of the BG City Commission prior to proceeding. He stated that if it went to rebid it would put the project out a couple months and increase the price of it. He recommended the City proceed but he wanted the Commission to agree first. City Attorney Buhr said he would have the final contract ready based on the decision of the Commission. He asked City Manager Thompson if he has an engineer reviewing the plans which City Manager Thompson confirmed. He asked for a set of the plans which City Manager Thompson said he would provide. Motion was by Vice-Mayor Fite stating that the County and City Attorneys and the County have approved to proceed with rebidding the project City Manager Thompson explained that Mr. Solon was a private citizen, but the grant was secured by the City. City Attorney Buhr said that since the County was providing the grant money it was ultimately their decision. A second came from Commissioner Durastanti. Roll call vote, all in favor, motion carried.

City Manager Thompson said this project (Peace River Campground) started prior to his employment with the City and whether any concessions would be given to them with regards to impact fees since he is building. He wanted to get this taken care of by providing some kind of concession whether it be waiving or charging half on the impact fees, whatever the City is willing to provide. Commissioner Durastanti and Mayor Jones do not recall discussing providing any concessions. City Manager Thompson asked if the Commission would be willing to consider it. Commissioner Durastanti said no. Mayor Jones asked if it was something that needed to be voted on, but City Attorney Buhr and City Manager Thompson said the Commission only needed to vote if they were considering waiving or charging less on the impact fees.

* 1. **Inframark – Corrosion Control**

City Manager Thompson said the item name should only state Corrosion Control only. Inframark is trying to get more business and with the City. They purchased a company that does corrosion control in water and wastewater plants. City Manager Thompson said he was not entertaining this but the City’s contract with their current corrosion control provider goes by CPI to adjust their pricing which increased about $200 per month (8.1%). Inframark provided an offer that would offer more services such as more frequent tank washings and paint more often. Corrosion Control charges about $2200 per month and the subsidiary company associated with Inframark would charge $1775 but would offer more services. City Manager Thompson said he does not keep track of CPI as the City does not do anything that deals with CPI (consumer price index – fluctuates pricing). He only built a 4% increase, but Corrosion Control doubled it. He said that with CPI could raise due to inflation. They have done a great job but wanted to bring the other option before the Commission as a cost savings item (about $200 per month). Vice-Mayor Fite asked if the City was under any contractual obligation with the current provider. City Manager Thompson said the current contract rolled over into a month-to-month deal. Mayor Jones stated that the City cannot afford to continue a relationship with a company that is continually going to raise their costs and save now. He recommended that City Manager Thompson reach out to the City Attorney to verify there are no penalties on the current contract. City Manager Thompson said he would send both contracts to the City Attorney for review. Motion was made that City Manager Thompson send both contracts to the City Attorney for review by Vice-Mayor Fite with a second from Commissioner Lunn. Roll call vote, all in favor, motion carried.

* 1. **Doug Batey – Waiver**

Kyle Strickland (640 S 8th Ave Wauchula) spoke about 0 Mason Dixon (2.5-acre parcel) where he is building a new single-family home and wanted to address the sewer and water. The sewer line is not near the property. When the plans were drawn up, it was drawn up with a well but were told they had to tie into the City with a pump. He is requesting a waiver from the Commission to avoid doing this but still have everything work properly. They already have an existing well, so they do not need to connect to the City water. City Attorney Buhr said the water did not have anything to do with the sewer. Mr. Strickland confirmed he was only addressing the sewer portion by putting in a septic tank instead of connecting to the City. City Attorney Buhr said the City has a mandatory connection policy which requires a waiver first. City Manager Thompson said that before he was employed with the City there is an agreement between the City and his father (Mr. Doug Batey) that we waive the connection fees for Mr. Batey which was done and he does not know if that was brought before the Commission. He advised Mr. Batey this was above his authorization as the City Manager must follow the ordinances while the Commission can decide however they want. City Attorney Buhr said it would determine who signed the agreement, the Commission at the time had to approve it and there should be minutes stating such waiver and agreement. Commissioner Durastanti said he remembered Mr. Batey coming before the Commission and that it was approved because the City could not provide sewage service without a lift station. Mayor Jones wanted confirmation that this was a request for a fee waiver, but Commissioner Durastanti said it was not since Mr. Batey was only asking for an exception to have a sewer since there was no lift station available. City Manager Thompson said the manhole was only a couple feet deep. The City would have to upgrade the pipe and put in a fire hydrant. If the City forced the issue for connection to the sewer the City would be required to make the upgrades not just to the front of the house but down to Grape St. Then Mr. Strickland would have to put in a lift station (pump or grinder). City Attorney Buhr clarified this would not be a lift station but a grinder station. City Manager Thompson said he required two houses on Dixiana that set off the road to put in grinder pumps. It cost the City because they had to bore into the road so they could tap into it. City Attorney did not understand why the City took on that cost since all costs associated with connecting to the City should be paid by the resident. City Manager Thompson clarified that the residents may have repaid the boring costs but the City had to order the boring but he would check on it. The City was charged to tap because it could not be done without boring into the road. City Attorney Buhr reiterated that the code states that residents are required to incur the costs for connecting to the City water/sewer. City Manager Thompson said that the City would have to pay for the piping upgrade on the street so that the fire hydrant can be put in and make sure there is enough water for the hydrant. He said that is why there was a waiver on the original ordinance. City Attorney Buhr said that it was the Commission’s decision but to be careful. Mayor Jones asked why wouldn’t the City upgrade if it should be upgraded which City Manager Thompson agreed. Commissioner Lunn asked if the City can be held liable since there is not one there now if there were a fire. Vice-Mayor Fite wanted to know where the fire hydrant would be located. City Manager Thompson said it would go in front of their property. He said there would not be enough pressure to hold it in the 2” pipes and would have to be upgraded to a 6” pipe. Mayor Jones understood what City Attorney Buhr was saying but City Attorney Buhr did say this was a slippery slope as the City would have to justify why it was being done for one person and not another. He did ask Mr. Strickland if this was a residence; Mr. Strickland stated it was a single-family home on 2.5 acres. He also said there would be an irrigation system. Mayor Jones let Mr. Strickland know that the questions were not intended to be mean since the Commission cannot do things for some residents and not others which Mr. Strickland understood. City Attorney Buhr did clarify that waivers can be made for situations such as well prohibitions when you do not need to have potable water such as irrigation. He said that water should be connected to the City. City Manager Thompson said that grinder stations were cheaper than septic tanks. Vice-Mayor Fite asked if City Manager Thompson and City Attorney Buhr had a chance to talk about it. City Attorney Buhr stated that he was not aware of this situation at all. Vice-Mayor Fite made a motion that until both the City Manager and City Attorney have a conversation about this to bring information back to the Commission. It was seconded by Commissioner Durastanti; roll call vote, all in favor, motion carried.

* 1. **Shannon Rasnake – Waiver of Vacation Fee**

Shannon Rasnake said that this was about 4057 Dixiana Dr. Her parents who own this property are being charged $45 per month (vacation fee) to not have water at their house. They live in Michigan and vacation in Florida. Every month they incur the fee for non-usage. City Manager Thompson said that the City does not charge for non-usage. The City still provides water, fixes issues with the water on the City’s side and run the garbage truck through there. When an account is on vacation, services are still available to the resident. Ms. Resnake said her parents are not opposed to paying something but wanted a reduced amount, such as $10 or $15 per month. City Attorney Buhr said that the fee could not be waived. He explained that there is a cost associated with the treatment plant. The City is charging the minimum charge and is required for insurance, operators and 24/7 monitoring. The vacation of $45 is the least amount to charge to pay the fixed costs. This is charged to everyone. City Manager Thompson said it would be unfair to waive the costs for her parents and not for others as there are many residents who are only her during the winter and City Attorney Buhr said it would be illegal because if her parents do not pay theirs it would fall on the rest of the residents.

* 1. **Personnel**

City Manager Thompson said this item would not be discussed.

1. **Mayor**

Mayor Jones addressed the City having 2 Ciy Managers and 1 Interim in four years, less than five. He said 3 of them have stated unpleasantness with their duties. The headcount for City staff has dropped but the budget has increased. He read some items from the City Charter regarding duties and responsibilities as the City moves forward. Section 2.08: Limitations and Prohibitions: A) The Commission shall not in any manner dictate or give orders to any non-appointed employee of the City in carrying out their official duties as an employee of the City. The Commission may make investigations into the affairs of the City and make formal recommendations to the City Manager for providing a modern, efficient, and economical governmental city. B) No commissioner shall individually or give orders to any officer or employee of the City whether appointed or not in carrying out their official duties as an employee of the City. Violation of this prohibition shall be grounds for forfeiture of office. The Mayor implored everyone to read and study what form of government the City has, which is a Council-Manager and knowing roles and duties. The City Manager has the role to administrate the City and the employees. In doing so, the City Manager should not feel unpleasant or uncomfortable doing their job. The Commission is not to dictate but learn the statutes and laws of the Charter of the City, Florida Statutes and Constitution of the United States. He hopes everyone understands moving forward the merry-go-round will cease. He thanked everyone in their roles and that will miss City Manager Thompson. He greatly appreciates everything Mr. Thompson has brought since he started because he took unfinished business from those who preceded him and brought some things to pass. He said the community has already spoken and that Mr. Thompson was a visible and present City Manager. He said that everyone is learning because the laws and statutes are constantly changing. The Commission must remain in the know. He encouraged City Manager Thompson to soar and be great; he thanked him and all the City employees. He loves the atmosphere of the Christmas parade and what followed.

1. **Commissioners**

Commissioner Durastanti said he will miss City Manager Thompson and that he has time to change his mind. He also wished him a Merry Christmas. He thanked City Manager Thompson and appreciated the City employees. Vice-Mayor Fite wished City Manager Thompson well in his future endeavors. He appreciated City Manager Thompson getting projects that had been sitting on the shelf to fruition. He feels there are good things happening in Bowling Green. He was looking forward to Mr. Thompson being part of it and he will be missed. He also brought information from the Florida League on what is coming up and legislative priorities. A serious concern is Form 6 versus Form 1 Financial Disclosure for the Local Elected and it is getting pushed by the Ethics Committee. There is also a sample Ordinance and would like each city to adopt in support. He asked City Attorney Buhr to review and revise as needed. City Attorney Buhr asked if it was Resolution and not Ordinance which Vice-Mayor confirmed was Resolution. He wished Adam a Merry Christmas and good luck. Commissioner Lunn said he has seen a lot of talking City Managers but said Mr. Thompson was a real doer. He appreciated that City Manager Thompson got things done. He said City Manager Thompson got the pavilion built then moved, got a new garbage truck for the City, and now has new water meters being installed soon. Mayor Jones stated he got the Community Center completed. Vice-Mayor Fite said that County Manager Lawrence McNaul came to Bowling Green before the meeting to tell City Manager Thompson good-bye and complimented what he has done. Commissioner Arreola said he was looking forward to working with City Manager Thompson and said it was not too late to change his mind. He also wished him luck and said he would be welcomed back. He complimented the parade and thanked Chiquita Robinson for her hard work.

1. **City Attorney**

City Attorney Buhr said he tried to talk City Manager Thompson out of leaving to no avail. He is sorry to see him leave and wished him well. He commented on something Mayor Jones stated earlier by saying Bowling Green is a Commission-Manager style government. The Commission does the legislative and grand policy while the City Manager implements the policy (with other policies) and oversees management of employees. The two roles are meant to be separated. He has given brief seminars to some commissions at the request of City Managers who felt it was needed. He welcomed anyone to contact him with any issues. He warned the Commission not to interfere with the City Manager’s administrative tasks.

1. **Recreation**

Chiquita Robinson, Recreation Supervisor, wanted to thank everyone who had helped with the parade. She was happy and surprised with the turnout. She thanked the office staff and City Manager Thompson for their assistance. She said that she is already planning events for 2023 and have two left, Black History on the third Saturday in February which she stated was not just for Black History but everyone in Bowling Green. She also stated that Cinco de Mayo will be on May 6th. She said she has a lot of people ready to help and encouraged everyone to call the City if they have any ideas or help. She thanked the Mayor and the Commission. Her only concern was the soccer field at Centanino Park and had to call for help. City Manager Thompson will discuss during his time.

1. **City Manager**

City Manager Thompson started with the soccer field at Centanino Park. One of his projects was setting up the soccer field because it is a fantastic use of it. It gets used more than Pyatt Park. There are two separate individuals with soccer leagues who want to use it regularly and the City Manager is all for it. He put in the budget to build a bathroom out there. The problem is one of the leagues is charging money to use the City’s field without the City’s authorization. City Manager Thompson has spoken to the person in charge of this league and said he could not charge without written permission from the City. He stated that no league should charge money to use the City’s property, but he was out on Saturday doing it which caused a problem. He ordered signs to put out at the park that no league can use the field without written permission from the City. Leagues will be run off if they do not comply and they should never charge for using the City park. City Attorney Buhr stated that the leagues should provide indemnification and insurance. City Manager Thompson said he would take care of that as this is something new for the City and would work on it. The league that was charging is no allowed to use it until an agreement is in place. The park can used if needed.

He also stressed that the City has made great strides and felt great things are coming. It will not be just the job of the City Manager but the support of the residents. He said that the residents that showed up and had a great time despite the money spent. Bowling Green had been getting away from community involvement and he has been stating that everyone is the community. Vice-Mayor Fite said that Bowling Green is a family which City Manager Thompson agreed with. City Manager Thompson said that when Hurricane Ian came through, the first thing he wanted was Interim City Clerk to send a Facebook post stressing everyone come together and help each other clean up. He complimented Jaime Blas who came with his tractor and did not ask for anything except a little gas. He helped all the residents clean up. He stated that it is not the Commission or even the City Manager that does it but the residents of Bowling Green. He said if the residents do not get involved then they should relocate. He was excited by the response of the Christmas parade and last year’s Trunk or Treat. Community involvement will be the only thing that will grow the City. He told the public that he cannot fix what he does not know what is broken. He invited the residents to come in during the weekday to tell City Hall what needs to be done even if it is impossible to do. He did say that he will miss the residents of Bowling Green. He reiterated that the City has a grant to revitalize the vision. He encouraged the residents to vote during election time. He will miss everyone, and it is the best job he has ever had. He repeated all the upcoming changes that could be possible if the residents allow it to happen. He ended with wishing everyone a Merry Christmas and will still be around until his last day. Vice-Mayor Fite asked that a letter be written to the City of Hawthorne for donating items to Bowling Green during Hurricane Ian to be signed by the Commission and the City Manager. City Manager Thompson wanted everyone to use the Community Center. It has been rented almost every weekend since it opened. He felt it was his greatest accomplishment.

1. **Police Chief**

Chief Scheel said he hoped City Manager Thompson would stay until he retired. He stated that Mr. Thompson did more in the last year than any other City Manager he served under. He wished everyone a Merry Christmas and Happy New Year.

1. **Interim City Clerk**

Interim City Clerk Kinzel thanked City Manager Thompson for giving her the chance to service in the City Clerk position. She appreciated him for giving her a job and said he will be deeply missed. She wished in good luck in his next endeavor.

1. **Public**

Mayor Jones reminded the public to state their name and address if they choose to speak and will be limited to three minutes.

John Raymond (3690 W Gandy Blvd Tampa) said he enjoyed working with City Manager Thompson. He stated that he works with affordable housing development and because of Hurricane Ian, funds have been distributed across the state in various forms. Florida Housing has some that are specific to counties (Hardee, Desoto, and Charlotte) heavily impacted by the hurricane. There is a funding cycle coming up in June to develop housing in these counties where the opportunity to submit for those funds will available. There will be about 5-7 projected that will get funded. They are looking to submit an offer to purchase a city-owned property related to this. City Manager Thompson said he would be available to everyone regarding this as it was submitted to him from Mr. Raymond and in response to City Attorney Buhr and Mayor Jones request that Mr. Thompson keep the new City Manager apprised of this. Mr. Raymond answered Mayor Jones’ question of when the application deadline is (January 25th). According to Vice-Mayor Fite, the property will have to be bid out which City Attorney Buhr said yes. This is the property next to Avion Palms. City Manager Thompson said that this was bid prior. City Attorney Buhr said it should go out to bid now. Commissioner Durastanti made the motion to bid out the property with a second from Vice-Mayor Fite. City Manager Thompson asked how long it would have to be out for bid which City Attorney Buhr said whatever is reasonable. It would need to be published for about 2 weeks and put on January’s meeting agenda. The bids can be opened at the January 10th meeting. Mr. Raymond asked if a signed contract would be signed at that time. City Attorney Buhr said that it would be to be worked out. Vice-Mayor Fite asked if the bids would be opened at the meeting or prior to; City Attorney Buhr said it could be either. He said it could be done the week of January 10th. The only other bid was the individual who came to a prior Commission meeting to set up an RV park like Avion Palms, but the bid was lower than the Commission was willing to accept. City Attorney recommended by end of January 9th so the City Manager and Commission can review it. City Manager Thompson has been wanting to sell it. Roll call vote, all in favor, motion carried.

**Mayor Jones adjourned the meeting.**

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**N’Kosi Jones, Mayor Katherin Kinzel, Interim City Clerk**