

---

---

**COMMISSIONERS:**

DeLoris Roberts, Mayor  
John Martin, Vice Mayor  
Eleanor Randall  
Patricia Bouie  
Michael E. Rutledge, Sr.

**CITY CLERK:**

Donna R. Mayes, City Clerk

**CITY ATTORNEY:**

Steve Lee

**MINUTES  
CITY OF HAWTHORNE  
COMMISSION MEETING  
March 3, 2009**

**A. CALL TO ORDER**

Mayor DeLoris Roberts called the meeting to order at 6:30pm. Present was Mayor DeLoris Roberts, Vice Mayor John Martin, Commissioners Eleanor Randall, Patricia Bouie and Michael Rutledge. City staff present were City Clerk Donna Mayes, City Planner Kelly Moosbrugger, and Attorney Steve Lee.

1. Invocation: Pastor Carl Gadsen
2. Pledge: American Legion members

**B. APPROVAL OF AGENDA**

Moved to amend and approve the agenda, adding an item 3 to the regular agenda for a Coca-Cola contract with the recreation department.

Motion – Commissioner Martin

Second – Commissioner Rutledge

Vote – 5-0

**C. RECOGNITIONS, PROCLAMATIONS, AND GUESTS**

Mayor Roberts presented the Citizens of the Year Awards to Cheryl Jones and Sewell Proctor for their contributions to the city and to their fellow citizens.

Commissioner Rutledge and Commissioner Bouie each received a certificate of completion for a course for local elected officials.

**D. CONSENT AGENDA**

1. Approve Meeting Minutes
  - a. Special Meeting – January 26, 2009
  - b. Special Meeting – February 2, 2009
  - c. Regular Meeting - February 17, 2009

Moved to approve the consent agenda.

Motion – Commissioner Randall

Second – Commissioner Bouie

Vote – 5-0

**F. REGULAR AGENDA**

1. City Manager Severance Agreement

Steve Lee reported that he sent the agreement to Mr. Shryock's attorney, with the date of separation set at the end of January with 3 months of pay from that date. He received a counter-proposal with 2 changes: make date of separation 2/11/09, which is when Shryock was last paid under the suspension, and make payments 3 months beyond that time, which means 2 weeks of extra payment. The other

change was to provide for a specific payment date, with a suggestion of March 7. The date would be negotiable.

Commissioner Randall asked how much vacation and sick time Mr. Shryock had. City Clerk Donna Mayes said the bookkeeper has the records. Randall asked if the payment has to be all at one time. City Attorney Steve Lee explained that a payment in full is the intent. The amount for 3 months of pay is \$11,250 plus vacation and sick time, plus health insurance reimbursement.

Mayor Roberts called for a brief recess to allow staff to find out what the payment amounts are for sick time, insurance, and vacation.

Attorney Lee gave the total amount owed as about \$12,338.14. Staff informed the city that the amount would not be payable by the city even by the end of March. Commissioner Martin asked if we could afford to split it multiple payments over a period of a few months.

Deputy Clerk Lakesha MacGruder informed the commission that the City is now paying its bills late, and has now received all the ad valorem taxes from the state but will still receive money from the county. Commissioner Martin stated that the commission should tell Mr. Shryock it can't afford to pay all at once and offer to pay him in installments. He suggested giving him \$2,000/month until he's paid.

Attorney Lee pointed out that Mr. Shryock would probably ask for interest on the payments if it was not made all at once.

Ellen Vause suggested the City pay using their line of credit, then pay back the credit in the 6 payments. Motion to offer Mr. Shryock the updated severance agreement that is before the commission, with the payment made in full from line of credit on March 7, and to schedule a hearing per charter rules for the earliest date possible if the agreement is not accepted.

Motion: Commissioner Martin

Second: Commissioner Bouie

Vote - 5-0

## 2. FPL Franchise Agreement

Dave Cobb of Florida Power and Light explained that cities can have a utility tax or a franchise agreement with a utility company. Hawthorne has tax that brings in about \$50,000 per year. Utility tax only applies to about half of the bill, while the franchise applies to the entire bill and nobody is exempt. Almost all cities that work with FPL have franchise agreements. For 30 years, the city agrees to not go into the utility business and the company agrees to pay the city a portion of its revenue. The maximum revenue is 5.9%, which would bring about \$80,000 per year to the city, based on estimates from 2007.

Commissioner Martin explained that Hawthorne is divided in half with Clay Electric and FPL.

Mr. Cobb said the agreement would not affect Clay Electric or the distribution. He mentioned that most cities will try to do an agreement with both utilities.

Commissioner Martin wanted to know what the benefit is for FPL

Mr. Cobb explained that FPL is capital intensive and sells bonds – usually 30 years. With franchise agreements FPL can tell the people buying bonds that they have 30 year commitments under franchise agreements, which helps with interest rates.

Commissioner Bouie asked if any fee or up front money is associated with the agreement. Mr. Cobb answered that there is not.

Commissioner Martin and Mr. Cobb discussed that the tower rental would not be affected by the agreement

Attorney Lee asked why 5.9% is the maximum that the City can receive.

Mr. Cobb answered that it is mostly tradition, and that is what a city which is in the business could reasonably expect to make. It is the company maximum, not a legal maximum.

He also explained that the City would get the taxes AND the franchise money if it entered into the agreement, so customer bills would go up. FPL can do variable rates for the franchise percentage.

Mayor Roberts thanked the FPL representatives for the information and said the Commission would not vote on the issue at this time.

**3. Coca-cola Contract**

Mayor Roberts reported that Jay Paulson has a deal from Coca-Cola for a cooler, scoreboards, banners, a mobile concession stand, and coke products. She asked the commission to authorize her and Donna to pursue the proposal, and bring figures and contract back to the commission for approval.

Commissioner Rutledge asked what Coke get out of the agreement. Heather Surrency explained that the City would buy their products to sell for them, and it is an advertisement for them. The City would sell only Coke products. The high school is also contracting with Coke. She mentioned that the mobile concession stand can be used for multiple events in the city.

Commissioner Martin wondered if the deal would be with just the recreation park or with the entire city, because the contract could be very restrictive on what products are allowed.

Motion to instruct Mayor and City Clerk to investigate further the contract with Coca-Cola.

Motion: Randall

Second: Rutledge

Vote - 5-0

**G. CITIZEN COMMENTS**

Vivian Wagner: Alachua county cleanup is starting, we are setting a date of March 28.

Heather Surrency: We are making great headway with the school board, would city officials get behind the letter to SBAC.

Billy Carlton

**H. REPORTS**

Mayor Roberts reported that for Interim manager we have about 20 applications and we are narrowing them down.

Last night MFA met here and we withdrew. The MFA then dissolved last night due to the withdrawal of its members. We have been working on stimulus package.

Commissioner Martin reported that the museum ran out of money from the CRA, and work has stopped. Attorney Lee advised to have a separate meeting for the CRA to approve more funding.

Gainesville got red light cameras, we should try to get some also ASAP.

Commissioner Randall reported that there is a hole in 214<sup>th</sup> St. again, and the NCFRPC passed CPA on Feb 26<sup>th</sup>.

**I. ADJOURN**

Mayor DeLoris Roberts asked for a motion to adjourn

Motion – Commissioner Rutledge

Second: Commissioner Bouie

Vote - 5-0

These Minutes of the Commission Meeting of March 3<sup>rd</sup>, 2009 are submitted for Commission approval.

---

**Donna R. Mayes, City Clerk**

---

**DeLoris Roberts, Mayor**

**Transcribed by:** \_\_\_\_\_ **Signature:** \_\_\_\_\_