

City of Marianna
Special City Commission Meeting
December 11, 2023
5:01 PM
Old City Hall Commission Room
2897 Jefferson Street
Marianna, FL 32446

1. Call To Order

2. Roll Call

Mayor and Commissioners

John Roberts - Mayor/Commissioner District 2

Rico Williams - Mayor Pro Tem/Commissioner District 4

Kenneth Hamilton - Mayor/Commissioner District 5

Travis H. Ephriam - Commissioner District 1

Allen Ward, II - Commissioner District 3

3. Invocation And Pledge To The Flag

4. Other Policy Matters

4.A. Mediation Settlement Agreement

Interstate Restoration, LLC

Documents:

[AGENDA - MEDIATION SETTLEMENT.PDF](#)
[S23120620220.PDF](#)

4.B. Martin Luther King, Jr. Parade

Documents:

[AGENDA - MLK DAY PARADE-24.PDF](#)
[PARADE PAPERWORK.PDF](#)

5. City Manager/Administrative Reports

5.A. Public Safety Building Discussion

Police & Fire Departments

6. Adjourn

The City of Marianna is an Equal Opportunity Employer and a Drug-Free Workplace. In accordance with the adopted Section 504 Policy, the City will take affirmative steps to reasonably accommodate the disabled and ensure their needs are equitably represented in City programs and activities. Pursuant to Title VI and the Civil Rights Act of 1964, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, language, income or family status. For assistance with EEO, Title VII or Section 504 matters contact Stormie Bigham at 850-482-4353. The City also has a Fair Housing Ordinance. For assistance with Fair Housing matters contact Kay Dennis at 850-482-2786. In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the City Clerk's Office at 850-482-4353 no later than 3 days prior to the meeting. The Commission room is located at old City Hall at 2897 Jefferson Street, Marianna, FL.

**CITY OF MARIANNA
COMMISSION AGENDA MEMO
December 11th, 2023**

ADMINISTRATIVE STAFF REPORT

Subject: Mediation Settlement Agreement
Interstate Restoration, LLC

Subject Background: Mediation was held on December 6, 2023 for the Interstate Restoration, LLC v. The City of Marianna lawsuit in regards to the payment dispute over the post Hurricane Michael repairs to the Catalyst building. A settlement in the amount of \$1,587,500.00 was agreed upon by both parties to be paid by December 22, 2023.

Recommendation: The City attorney recommends approval of this settlement amount by the City Commission.

Potential Motion: I move to approve.

Approved for agenda by: William Long

**IN THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY, FLORIDA**

INTERSTATE RESTORATION, LLC,

Plaintiff,

v.

Case No. 21-CA-000155

CITY OF MARIANNA, FLORIDA,

Defendant.

_____ /

**IN THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY, FLORIDA**

INTERSTATE RESTORATION, LLC,

Plaintiff,

v.

Case No. 23-CA-000152

CITY OF MARIANNA, FLORIDA,

Defendant.

_____ /

MEDIATION SETTLEMENT AGREEMENT

The Parties, Interstate Restoration, LLC (“Interstate”) and The City of Marianna, Florida (“the City”), having mediated this matter on December 6, 2023, hereby agree as follows:

1. Subject to approval by the City Commission of the City of Marianna at a duly noticed meeting expected to occur on December 11, 2023, but no later than December 21, 2023, the City shall pay to Interstate, not later than December 22, 2023, the sum of \$1,587,500.00. Payment will be made via wire transfer to Interstate’s counsel’s trust account (wiring instructions to be provided by the Ausley McMullen law firm in advance). The City’s counsel, Matthew Fuqua, will recommend approval of this settlement by the City Commission.

2. The Parties agree to execute a mutual release, as well as their predecessors, successors, parents, direct subsidiaries, indirect subsidiaries, affiliates, assigns, agents, directors, officers, employees, insurers (including AXIS Surplus Insurance Company), and shareholders, as to any and all actions, claims, suits, debts, damages, judgments, causes of action, liabilities, and demands of any kind or nature whatsoever, whether matured or unmatured, whether at law or in

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equity, and whether now known or unknown, liquidated or unliquidated, that either Party made or could have made in either of the two above-captioned lawsuits.

3. To the extent this document is not sufficient to result in the release of all bonds issued to Interstate in conjunction with the contract at issue in Case No. 21-CA-00155, the City will cooperate with Interstate to issue the appropriate paperwork to release all such bonds.

4. Within three (3) days of the date of the payment provided in Paragraph 1, Interstate shall dismiss each of the above-captioned lawsuits with prejudice. Each Party shall bear its own costs and attorneys' fees in these actions and shall be responsible for one-half of the mediation fee.

Agreed and executed this 6th day of December, 2023, by:

INTERSTATE RESTORATION, LLC

THE CITY OF MARIANNA, FLORIDA

By: Richard Sommer


By: William Long

Date: _____

Date: 12-06-2023

AUSLEY McMULLEN

BUTLER WEIHMULLER, ET AL.

By: Robert N. Clarke, Jr.

By: Kathy J. Maus

Date: _____

Date: _____

MEDIATOR

By: Dominic Caparello

Date: _____

**City of Marianna
Commission Agenda Memo
December 11, 2023**

ITEM # _____

ADMINISTRATIVE STAFF REPORT

- Subject:** Martin Luther King, Jr Parade
- Subject Background:** The Martin Luther King, Jr. Parade permit must go before the City Commission, due to this having to go to the Department of Transportation for final approval on closing of Lafayette Street (Highway 90).
- Detail:** On January 15th, 2024, the parade is slated to start at Madison Street and end at Wynn Street with the roads closing at 9 a.m. and to open at 10 a.m. We are requesting to close Lafayette Street from Noland Street to Guyton Street. The detour for westbound traffic will be routed to Noland Street to Kelson Ave., eastbound to Guyton Street and back to Lafayette Street. The detour for the eastbound traffic will be at Guyton Street to Kelson Avenue then eastbound on Kelson Avenue to Noland Street back southbound to Lafayette Street. In order to receive approval for the parade permit from the Department of Transportation, the parade permit has to go before the city commission for approval and for the Resolution to be signed. Attached is the parade permit, map of the parade route, Department of Transportation Request for Temporary Closing and the Resolution.
- Recommendation:** I recommend the approval of the Martin Luther King, Jr. Day Parade.
- Potential Motion:** I move that we approve of the Martin Luther King, Jr. Parade.

Prepared By: Chief Hayes Baggett/bp	Approved for Agenda by:
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City of Marianna Police Department

Application for Permit to Hold Parade or Demonstration on Public Property

The undersigned sponsor(s) hereby makes application to the City of Marianna Police Department for a permit to hold a parade, procession or other demonstration (*hereby referred to as function*) upon or across public property in the City, and in support of this application submits the following information.

Name of Organization: Jackson County Branch #5104-B (NAACP)

Address of Organization: Post Office Box 525, Marianna, FL 32447

Name of Person(s) in Charge: Bishop Adrian Abner, President

Title of Event: MLK Jr. Parade Date of Event: January 15, 2024

Starting Time: 9:00 AM Duration: 1 Hour (or less)

Line Up Time: 8:00 AM Approximate # of Entries: 50

General Purpose of Event: To celebrate the life and legacy of the late Dr. MLK, Jr.

Proposed Route: ~~Old MHS to the side of court house beside the law office of Roberts~~

Point of Origin: ~~Old MHS~~ Madison St Point of Destination: 2890 Madison Street, Marianna, FL 32448
Wynon St.

Will Event Require Interruption of Pedestrian/Vehicle Traffic; If so, State Locations where traffic control will be likely requires: Entrance onto Hwy 90 where Old MHS to Madison Street (end); we need traffic blocked along the entire parade route

Approximate Time Period to Complete the Event: 2 hrs w/ line-up (or less)

Submitted this 7th Day of December, 2023

Adrian Abner 850-703-4662 adriandabner@gmail.com

Sponsor Name

Phone Number

Email

The foregoing application was received by me at 7:30 (a) pm, on the 8th day December of, 20 22.

I have conducted such additional investigation and I have deemed necessary and have made a preliminary determination that the holding of the event (will I will not) be detrimental to the public welfare, peace, safety, health or morals of the City or violate any laws or ordinances.

Serge Bogdan
Chief of Police

12-8-2023
Date

(This portion only needs to be signed if closing Highway 90)

I have therefore submitted this application with the above recommendation to the City Clerk at

_____ am/pm, this day of _____ 20 _____. For the purpose of considering the foregoing application. Upon further investigation, discussion and a vote of members of the Commission all as reflected in the minutes of said meeting, the foregoing application is approved and the permit granted.

IN WITNESS WHEREOF, we have affixed our hands and the seal of the City on this _____ day of _____, 20__

Mayor

ATTEST:

TEMPORARY CLOSING OF STATE ROAD PERMIT

Date: December 11, 2023 Permit No. _____

Governmental Entity

Approving Local Government: <u>MARIANNA POLICE DEPARTMENT</u>	Contact Person: <u>REBECCA PARTIN</u>
Telephone: <u>850-718-1030</u> Email: <u>partinrl@flcjn.net</u>	

Organization Requesting Special Event

Name of Organization: <u>NAACP</u> Contact Person: <u>Adrian Abner</u> Telephone: <u>850-703-4662</u>
Email: <u>adrianabner@gmail.com</u>

Description of Special Event

Event Title: <u>Martin Luther King Jr. Parade</u> Date of Event: <u>January 15, 2024</u> Start Time: <u>9 a.m.</u>
End Time: <u>10 a.m.</u>
Event Route (attach map) _____
Detour Route (attach map) _____

Law Enforcement Agency Responsible for Traffic Control

Name of Agency: <u>Marianna Police Department</u>

US Coast Guard Approval for Controlling Movable Bridge

Not Applicable <input type="checkbox"/>
Copy of USCG Approval Letter Attached <input type="checkbox"/>
Bridge Location _____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator: <u>Adrian Abner</u> Signature: _____ Date: _____
Law Enforcement Name/Title: <u>Hayes Baggett, Chief of Police</u> Signature: _____ Date: _____
Government Official Name/Title: <u>John Roberts, Mayor</u> Signature: _____ Date: <u>12-11-23</u>

FDOT Special Conditions

FDOT Authorization

Name/Title _____	Signature _____	Date _____
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RESOLUTION

Resolution Number: 2024-008

WHEREAS, the City Commission of the City of Marianna met in regular session on the **11^h day of December, 2023** and;

WHEREAS, an application for a parade permit was presented to the Commission by **Martin Luther King, Jr. Parade.**

and;

WHEREAS, the Commission considered the said application and voted to approve the request.

NOW THEREFORE BE IT RESOLVED BY THE MARIANNA CITY COMMISSION THAT:

The City of Marianna, Florida will assume all responsibility for traffic control and any liability claims arising from or based upon the activities of this event. The State of Florida Department of Transportation will not be held responsible for any loss, costs or expenses arising in any manner as a result of the event. Commercial use of the roadway is prohibited.

Done this _____ 11th day of December, 2023

Mayor - Commission

Attest:

City Clerk