

Commission Meeting Minutes
February 4, 2020
6:30 pm

Mayor Waters said before we begin the official meeting of the Starke City Commission, there will be a time of voluntary prayer and the Pledge of Allegiance. Those willing to do so are asked to stand and I will lead us in prayer and the Pledge of Allegiance.

Mayor Waters called the meeting to order at 6:30 pm.

This was the first regular meeting of the month. Members present included Mayor Wilbur L. Waters, Commissioner Tommy Chastain, Commissioner Janice D. Mortimer, Commissioner Danny Nugent and Commissioner Shannon Smith. Also present were Director of Operations Scott Anaheim, Police Chief Jeff Johnson, Director of Finance John-Paul Ledford, Code Enforcement Officer Jeff Look, City Attorney Clay Martin, Deputy Clerk Lisa Terry, City Clerk Ricky Thompson and Executive Assistant Dan Williams. City Manager Bob Milner was absent due to illness.

Mayor Waters asked if there were any additions or deletions to the agenda. Attorney Martin asked to remove Item 9.D and he will give an update during the City Attorney Report. Mayor Waters entertained a motion to accept the deletion. Commissioner Mortimer made a motion to accept the deletion. It was seconded by Commissioner Smith. The motion passed 5-0. Commissioner Chastain made a motion to approve the amended agenda. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Waters entertained a motion to approve the consent agenda. The consent agenda consisted of the Minutes of the January 21, 2020 Commission Workshop, the Minutes of the January 21, 2020 Commission Meeting and the surplus property. Commissioner Mortimer said she has requested a couple of minor changes to the minutes and Ms. Terry has agreed to make the changes. Commissioner Mortimer made a motion to approve the consent agenda with the changes to the minutes. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Waters asked if there were any emergency items. There were none.

Mayor Waters read the statement for citizen requests "The City of Starke welcomes you to this meeting. This time is set aside for our citizens and general public to address the city commission. This is not a question or answer time. It is not a political forum, nor is it a time for personal accusations or derogatory remarks to or about city personnel. If you would like to address the commission please complete a form, come to the podium when you are called, speak into the microphone and state your name and address for the record. Please also limit your comments to not more than 3 minutes. Your participation is welcomed." Tracee Kellar of 1402 Randall Street in Starke, Florida addressed the commission regarding her brother who lives in an RV on her property. Commissioner Smith said he has visited the property and read the ordinance which does not allow for a medical hardship but the county's ordinance does. He

believes the ordinance should allow for a medical hardship. Mayor Waters said he visited the property and the RV was barely visible. He believes the commission has allowed medical hardship cases in the past to allow someone to live in an RV. Mayor Waters asked Mr. Look if he received a call regarding Mrs. Kellar's brother living in the RV. Mr. Look said he received a complaint about this property and several others and gave a 30-day notice to each one. He said whatever is decided tonight will affect each of them unless a change is made to the ordinance. Commissioner Smith said he would like to see a change made to the ordinance. Commissioner Chastain asked Attorney Martin to give direction on this. Attorney Martin said it would require an amendment to the land use code by ordinance. He said the commission could advise Mr. Look to hold in abeyance the properties currently under notice. Attorney Martin said he will look into amending the ordinance. Mayor Waters said Mr. Look is doing a fine job in code enforcement. Commissioner Nugent made a motion to hold the properties under notice in abeyance and direct Attorney Martin to look into amending the ordinance. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Waters called for public hearings. Attorney Martin addressed the first reading of Ordinance Number 2020-05. The comprehensive plan amendment changing the future land use map pursuant to application number S191127A submitted by Forest Garden Products, LLC. Attorney Martin read the rules and procedures for the quasi-judicial hearing. Attorney Martin asked if there had been any ex parte communications between the commissioners and Kevin Elixson. Commissioner Nugent said no. Commissioner Chastain said no. Commissioner Mortimer said no. Commissioner Smith said no. Mayor Waters said he spoke to Mr. Elixson and told him to bring the issue before the commission. Attorney Martin read the title of the ordinance. Mr. Look said it is an application by the property owner that is dual zoned R1C and B3. The application is to zone the property entirely B3. Property owner Kevin Elixson said he would like to use the property he is asking to be rezoned as storage for his landscape supply company. Attorney Martin asked if anyone in the audience wishing to speak to the matter. No one responded. Mr. Look said there is a resolution adopted by the Planning and Zoning Board approving the application. Attorney Martin asked if there were any final arguments. Mr. Elixson had no final arguments. Mr. Look had no final arguments. Commissioner Chastain made a motion to approve the first reading of Ordinance Number 2020-05 being that it is consistent with the comprehensive plan and complies with state laws. It was seconded by Commissioner Nugent. The motion passed 5-0.

Attorney Martin addressed the first reading of Ordinance Number 2020-06. The zoning map amendment changing zoning designation pursuant to application number Z19-02 submitted by Forest Garden Products, LLC. Attorney Martin asked if there had been any ex parte communications between the commissioners and Kevin Elixson. Commissioner Nugent said no. Commissioner Chastain said no. Commissioner Mortimer said no. Commissioner Smith said no. Mayor Waters said no. Mr. Look said this application is to change the zoning. Mr. Elixson said he wants to use the property for storage for his landscape supply company. Mr. Look said the Planning and Zoning Board has approved the application and it is his recommendation to the commission to approve it as well as the ordinance. Attorney Martin asked if anyone would like to speak to this matter. There was no response. He asked if there was any cross examination.

There was none. Attorney Martin asked if the commissioners had any comments. Commissioner Chastain said the former owners of the property would be proud of what Mr. Elixson has done with it. Commissioner Chastain made a motion to approve the first reading of Ordinance Number 2020-06 based on the North Central Florida Regional Planning Council's recommendation. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Look asked if Item 9.E. could be addressed at this time. The commissioners agreed. Mr. Look said the ordinance states that any debris in excess of ordinary trash pickup should be charged to the customer at a rate of \$100 for up to 6 cubic yards and \$20 for each additional cubic yard. He said the ordinance is not being enforced. Mr. Look said he would like to notify the public before the enforcement of the ordinance begins. He said WCA will pick up containerized tree debris and limbs that are less than 4 inches around, less than 5 feet long and less than 40 pounds. Mr. Look said anything larger than that would require the grapple truck to pick up and the resident would be charged. Mayor Waters said he would like to have this item tabled so it can be discussed in more detail. Commissioner Mortimer asked when the ordinance went into effect. Mr. Look said he is not sure. Commissioner Mortimer said she would like to discuss this in more detail because the City Manager's memo indicates that the ordinance will be enforced and she believes the commissioners need to make that decision. Mayor Waters said he would like to have Skip McCall with WCA present for the discussion. Commissioner Smith suggested having a workshop on February 18, 2020. Commissioner Nugent said he agreed with the workshop if Mr. McCall from WCA can be present. Attorney Martin said he was going to suggest a workshop on February 18, 2020 to discuss the city manager expectations. Commissioner Nugent made a motion to hold a workshop on February 18, 2020 at 5:30 pm to discuss non-standard waste if Mr. McCall from WCA can attend and a workshop on March 3, 2020 at 5:30 pm to discuss expectations for the city manager. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Waters asked for the City Clerk Report. Mr. Thompson said Commissioner Nugent met with the bond trustees and reviewed the bills. Commissioner Nugent made a motion to pay the bills. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mr. Ledford addressed the State of Florida Auditor General follow up Report Number 2019-003. He said finding number 19 deals with compensation for elected officials and employee bonuses. Mr. Ledford read the recommendation by the state auditor. He said all the elected officials have paid back their bonuses. Mr. Ledford said he needs a motion to direct staff to draft an amendment to the bonus ordinance to comply with state law and another motion to suspend implementation of the safety policy. Attorney Martin suggested having an attorney who specializes in labor law review these issues. Commissioner Mortimer made a motion to repeal Ordinance Number 2014-0713. It was seconded by Commissioner Smith. The motion passed 5-0. Commissioner Mortimer made a motion to direct staff to come back with a recommended course of action to retain a labor law attorney to address these issues. It was seconded by Commissioner Nugent. Commissioner Chastain asked if Attorney Martin would provide a proposal for a labor law attorney. Attorney Martin said he does not know what the cost will be so he does not know how to proceed. Mr. Thompson suggested contacting the Florida League

of Cities because they provide legal services to the city. Attorney Martin said he would contact the Florida League of Cities. The motion passed 5-0. Mr. Ledford addressed finding number 26 auditing services. He read the recommendation from the state auditor. Mr. Ledford said the city overpaid for auditing services from 2008 to 2010 by \$2567. He said it would be cost prohibitive to attempt to collect the money. Commissioner Nugent made a motion not to pursue the issue. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Waters asked for the City Manager Report. Mr. Williams addressed awarding DDD Construction & Site Work the bid to clear the former Dodd Property. Mayor Waters entertained a motion to approve awarding the bid to DDD Construction & Site Work. Commissioner Mortimer made a motion to approve awarding the bid. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Williams addressed Resolution Number 2020-23 acknowledging and consenting to the closure of the railroad crossing at East South Street. Attorney Martin said the commission asked him to reach out to the Florida Department of Transportation and get something in writing saying that they will not detour traffic on local street, will repair any damage to streets and will not close the railroad crossings until the overpass is complete. He said he has email confirmation of these requests. Attorney Martin read the resolution by title. Mayor Waters entertained a motion to approve the resolution. Commissioner Mortimer made a motion to approve the resolution as read by title. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Williams addressed Resolution Number 2020-24 acknowledging and consenting to the closure of the railroad crossing at East Adkins Street. Attorney Martin read the resolution by title. Mayor Waters entertained a motion to approve the resolution. Commissioner Mortimer made a motion to approve the resolution as read by title. It was seconded by Commissioner Smith. The motion passed 4-1. Commissioner Nugent opposed the motion.

Mayor Waters asked for the Police Chief Report. Chief Johnson said they have applied for the COPS Grant but won't know if they will get it until September.

Commissioner Nugent had nothing further.

Commissioner Chastain said water customers outside the city limits are charged a 1.5 multiplier. He asked if contractors who are from out of town should be charged the 1.5 multiplier for hydrant meters. Commissioner Chastain asked Attorney Martin what he thought. Attorney Martin said it is not clear within the ordinance. Mayor Waters asked Mr. Thompson to look into it.

Commissioner Mortimer had nothing further.

Commissioner Smith asked about resuming construction at State Road 100 and Orange Street. Mr. Anaheim said they should begin working on it again next week.

Mayor Waters had nothing further.

Attorney Martin said Ordinance Number 2020-07 will be on the next meeting agenda. He said the ordinance was drawn up by the city's pension board attorney. The ordinance incorporates Garcia time into the Firefighters' Pension. Attorney Martin asked if he could have this on the agenda for first reading at the next meeting. The commissioners agreed.

There being no further business Mayor Waters entertained a motion to adjourn. Commissioner Mortimer made a motion to adjourn. It was seconded by Commissioner Chastain. The meeting was adjourned at 8:49 pm.