

Commission Meeting Minutes
November 16, 2021
5:00 pm

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

Mayor Mortimer called the meeting to order at 5:08 pm.

This meeting was the second regular meeting of the month. Members attending included Mayor Janice D. Mortimer, Commissioner Danny Nugent, Commissioner Scott Roberts, Commissioner Shannon Smith and Commissioner Wilbur Waters. Also present were Director of Operations Scott Anaheim, Police Lieutenant Michael Rooney, City Attorney Clay Martin, City Manager Drew Mullins and Deputy Clerk Lisa Terry. City Clerk Jimmy Crosby was absent.

Mayor Mortimer asked for agenda changes. Ms. Terry asked to add item 9.B. accepting the auditing services rankings and allowing contract negotiations. She asked to add item 11.B. authorizing the Chief of Police to execute and transmit reports to the US Department of Justice. Mr. Mullins asked to add item 10.A. pump replacement at the wastewater treatment plant and item 10.B. personnel matters. Mayor Mortimer entertained a motion to approve the agenda with the additions. Commissioner Smith made a motion. It was seconded by Commissioner Roberts. The motion passed 5-0.

Mayor Mortimer entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the November 2, 2021 Commission Meeting and the commissioner bill review. Commissioner Smith made a motion. It was seconded by Commissioner Roberts. Commissioner Smith said the bills looked good. The motion passed 5-0.

Mayor Mortimer asked for any emergency items. There were none.

Mayor Mortimer 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." There was no citizen participation.

Mayor Mortimer called for old business. There was none.

Mayor Mortimer called for public hearings. There was none.

Mayor Mortimer asked for the city clerk report. Attorney Martin addressed Resolution Number 2022-09 amending the fiscal year 2020-2021 budget. He asked for a motion unless the commission wanted the title read. Commissioner Smith made a motion. It was seconded by Commissioner Roberts. The motion passed 5-0.

Ms. Terry addressed accepting the auditing services rankings and contract negotiations. She said the Auditor Selection Committee met on Monday and ranked the only request for qualifications from James Moore and Company. Mayor Mortimer entertained a motion. Commissioner Nugent made a motion. It was seconded by Commissioner Smith. Mayor Mortimer asked for questions or comments. Commissioner Smith said Julie Tinsler suggested reviewing the RFQ to meet statutory requirements. Mayor Mortimer asked how often it is reviewed. Attorney Martin said it is required every three years. Commissioner Smith asked if the motion should include allowing the attorney to begin negotiations or if it should be a separate motion. Attorney Martin said it can be done in one motion. Commissioner Smith withdrew his second. Commissioner Nugent amended his motion to include authorizing the attorney to negotiate a contract. Attorney Martin said the negotiation will be in cooperation with Clerk Crosby. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Mortimer asked for the city manager report. Mr. Mullins asked Mr. Anaheim to provide details on the pump. Mr. Anaheim said the pump for the well on the south-west side of the water plant went out. He got three quotes and it will cost \$1000 more to replace it than repair it. Commissioner Smith asked if the new pump will have a warranty. Mr. Mullins said yes. The one they are purchasing is from Rowe Drilling at a cost of \$4625. Mayor Mortimer entertained a motion to approve the pump purchase from Rowe Drilling for \$4625. Commissioner Waters made a motion. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Mullins said there was an incident yesterday with a commissioner and an employee that he would like investigated and talked about. He asked for guidance from the commission. Mayor Mortimer thanked Mr. Mullins and said there was an incident involving a member of this board and a general employee. She asked Mr. Mullins where the incident occurred. Mr. Mullins said out in the field. Mayor Mortimer asked Attorney Martin what the board's options are and how they should handle this. Attorney Martin said interference with an employee in a city manager form of government is considered to be inappropriate. He said the commission could offer a motion clarifying that or if they wanted to do more they could investigate the matter and reprimand the commissioner, censure the commissioner or expel the commissioner. Attorney Martin said a reprimand would be a resolution entered into the record where a censure is a bit more severe where the entire resolution with the full admonishment is read in its entirety in a public meeting becoming public record. He said according to the charter there could be expulsion if there is misconduct, misfeasance or malfeasance. Attorney Martin said the commission would hear from both sides either by testimony or in writing and make a recommendation back to the board. Mayor Mortimer asked the board how they would like to address the issue. Commissioner Waters asked if they could hear more tonight. Mayor Mortimer said she would like to appoint an ad hoc committee. She asked Attorney Martin to speak on what the committee's duties would be. Attorney Martin said an ad hoc committee is

to serve a purpose that is articulated at the time it is appointed and is extinguished once it serves that purpose. Mayor Mortimer said she would like an ad hoc committee to investigate the incident so they can get the full story from both sides on what happened. Mr. Mullins said he brought this up so he can be clear on his role, the commission's role and the employee's role. Mayor Mortimer thanked Mr. Mullins for clarifying that. She said the ad hoc committee would investigate the complaint against one of the board's members. She said this is not the first time this has happened and they owe it to themselves, the employees and the citizens to get the facts and empower the ad hoc committee to make a recommendation to the board based on the facts of the investigation. Commissioner Smith asked how the committee would be selected. Mayor Mortimer said she would appoint the committee members if that's ok. She said she would like to have Attorney Martin, Commissioner Smith and Commissioner Waters to serve on the committee. Commissioner Smith asked if they would make up the board. Mayor Mortimer said yes because this is amongst the board. She asked Commissioner Waters if he is willing to serve. Commissioner Waters said yes but he is leaving for vacation on the November 26th and returning December 7th. Mayor Mortimer asked Commissioner Smith is he is ok with serving on the committee. Commissioner Smith said yes. Commissioner Nugent suggested putting Commissioner Roberts on the committee. Mayor Mortimer asked Commissioner Waters if he is ok with that. Commissioner Waters said he is concerned about the timeline. Mayor Mortimer asked Commissioner Roberts if he would serve on the ad hoc committee. Commissioner Roberts said sure. He said he will be out of town the week of November 29th. Mayor Mortimer said she would like to have a recommendation for the December 7th meeting. Commissioner Smith asked Attorney Martin for a description of the options. Attorney Martin said the charter says the commissioners may determine their own rules and procedure for prescribing punishment of their members for non-attendance, misconduct, misfeasance or malfeasance. He said the only specific punishment listed in the charter is expulsion, but it says the commission can develop their own rules for procedure and punishment. Attorney Martin said the range of punishment could be a simple motion stating that this is how we do things to a reprimand which is generally a written document entered into the record to a censure which is a document that is read out loud in the presence of everyone as an expression of the commission about what happened to expulsion. He said as to the item being discussed the committee should be given a deadline to report back of December 7th and should be empowered to investigate and gather facts either by sworn testimony or statement. Attorney Martin said if it is determined that there was misconduct that requires discipline it should be determined what action is to be recommended to the commission and the action to be taken and to prepare any documents pursuant to that recommendation. Commissioner Waters asked if Attorney Martin would be sitting in. Mayor Mortimer said absolutely. Attorney Martin said it would not be appropriate for him to be a member of the committee but to advise the committee. Commissioner Roberts said he has no problem serving on the committee but he will be out of town from November 29th until December 3rd. Mayor Mortimer said as a committee you will schedule the meetings. Commissioner Smith asked about two commissioners serving on the committee. Attorney Martin said the meetings will be publicly noticed and open to the public to attend. Commissioner Smith asked if the clerk's office will record minutes. Attorney Martin said yes. Mayor Mortimer entertained a motion to appoint the two commissioners to the committee. Attorney Martin said the motion should be to appoint an ad hoc committee on

discipline and ethics of the City Commission to be comprised of Commissioner Smith and Commissioner Roberts to meet for the purpose of investigating and discussing an incident that occurred on November 15, 2021 to determine if malfeasance occurred on the part of a commissioner and if it occurred, to recommend the nature of the action and direct the city attorney to prepare documents pursuant to the recommendation to be presented at the December 7, 2021 Commission Meeting for consideration. Commissioner Smith made a motion. It was seconded by Commissioner Waters. Commissioner Roberts asked if he and Commissioner Smith are officially the only ones on the committee. Attorney Martin said he, the city clerk and city manager will be support staff. The motion passed 5-0.

Mayor Mortimer asked for the police chief report. Lieutenant Rooney thanked the commission for the opportunity. He said the first item is Resolution Number 2022-08 for lease of a police K-9 from Michael Gillick for \$1 per year. He asked if the commission would like to meet K-9 Erin. Mayor Mortimer said yes. Mr. Gillick brought in Erin an eight-year-old female trained police dog. Lieutenant Rooney said the Lawtey Police Department donated a vehicle as well. Mayor Mortimer entertained a motion to approve the resolution by number. Commissioner Smith made a motion. It was seconded by Commissioner Waters. The motion passed 5-0.

Lieutenant Rooney addressed Resolution Number 2022-10 authorizing the Police Chief or a designee to execute and transmit reports related to the COPS grant. Attorney Martin said the COPS grant requires semi-annual reports. He said this will make the reporting on behalf of the city more efficient. He said the reports will be provided to the city clerk prior to submittal. Mayor Mortimer entertained a motion to approve the resolution by number. Commissioner Smith made a motion. It was seconded by Commissioner Roberts. The motion passed 5-0.

Mayor Mortimer asked for the attorney report. Attorney Martin said the only thing he has is regarding the RFP for redistricting services to extend the deadlines in the documents by four weeks. Mayor Mortimer entertained a motion to extend the deadlines by four weeks. Commissioner Smith made a motion. It was seconded by Commissioner Waters. The motion passed 5-0.

Commissioner Smith had nothing further.

Commissioner Roberts had nothing further.

Commissioner Waters asked about the house across from Southside Elementary. Attorney Martin said they are moving ahead with advertising.

Commissioner Nugent said there is a Northeast Florida League of Cities Dinner on December 2, 2021 in Lake Butler. Mayor Mortimer said Lake Butler does a great job.

Mayor Mortimer invited everyone to go to the fairgrounds for the presentation of the proclamation for Terry and Jennifer Vaughan.

Mayor Mortimer asked if there was anything else to go before the commission. There being no further business the meeting was adjourned at 5:48 pm.