

Commission Meeting Minutes  
January 4, 2022  
5:30 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 Nugent will lead us in prayer and the Pledge of Allegiance.

Mayor Mortimer called the meeting to order at 5:30 pm. Mayor Mortimer said Clerk Crosby has something to add. Clerk Crosby said Commissioner Smith in accordance with Resolution Number 2021-31 has requested to participate in tonight's meeting by phone. He said it is set up but requires a vote by the commission. Mayor Mortimer entertained a motion to allow Commissioner Smith to participate by phone. Commissioner Nugent made a motion. It was seconded by Commissioner Waters. The motion passed 4-0. Clerk Crosby said Attorney Martin would like to share something. Attorney Martin said the policy adopted allowed commissioners to vote by phone but that is no longer allowed by state law.

This meeting was the first regular meeting of the month. Members attending included Mayor Janice D. Mortimer, Commissioner Danny Nugent, Commissioner Scott Roberts and Commissioner Wilbur Waters. Also present were Director of Operations Scott Anaheim, City Clerk Jimmy Crosby, Police Chief Jeff Johnson, City Attorney Clay Martin, City Manager Drew Mullins and Deputy Clerk Lisa Terry. Commissioner Shannon Smith participated by phone.

Mayor Mortimer asked for agenda changes. Commissioner Waters asked to add street lights on US Highway 301 for a vote. Mayor Mortimer asked where Commissioner Waters would like the addition to go. Commissioner Waters said under him. Mayor Mortimer entertained a motion to approve the agenda with the addition. Commissioner Waters made a motion. It was seconded by Commissioner Roberts. The motion passed 4-0.

Mayor Mortimer entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the December 7, 2021 Commission Meeting, Resolution Number 2022-12 agreement with James Moore and Company for auditing services, Resolution Number 2022-13 extension of agreement with Aclarian for finance and accounting services and Resolution Number 2022-14 agreement with Amelia Building Maintenance for cleaning services. Commissioner Waters made a motion. It was seconded by Commissioner Nugent. The motion passed 4-0.

Mayor Mortimer said the commissioner bill review should be under the consent agenda. Clerk Crosby said normally it would be but not tonight. Commissioner Waters made a motion to pay the bills with the exception of one from Dan Sikes for Commissioner Nugent's legal expenses. It was seconded by Commissioner Roberts for discussion. Commissioner Waters said the reason he pulled the bill is that he does not believe at this time it is the responsibility of the city to pay the bill when the commissioner has not been charged with anything. Mayor Mortimer said she does not believe the city should pay the bill but she does not know if they can withstand a

challenge if they don't. Attorney Martin said there are two sources that he believes obligates the city to pay the bill. The first is Florida Statute section 111.07 and the other is based on Thornber versus Fort Walton Beach. He said the statute provides the authority to pay the bill. He said the case recognizes the right to have legal bills paid for public officials arising out of the performance of public duties if they serve a public purpose. Attorney Martin said the city appointed a committee and the committee proceeded to investigate and received written statements and asked Commissioner Nugent to provide a written statement. He said that entitled Commissioner Nugent to legal council and in his opinion they should pay the bill. Commissioner Waters said he is willing to turn the matter over to the ethics committee. Commissioner Roberts said they had two meetings and there is a lot to be said. He said he can see where Commissioner Waters is coming from but he is in favor of paying the bill based on Attorney Martin's recommendation. Commissioner Smith said this was a fact-finding mission and it seems silly to bring in an attorney but based on the recommendation of the attorney he thinks they should pay the bill. Mayor Mortimer said we should not be responsible for paying the bill because they were just trying to get to the bottom of the situation. She said it is Attorney Martin's opinion they should pay the bill but it is not her opinion. Commissioner Nugent said they did this on Attorney Martin's opinion so why don't they trust his opinion. Commissioner Waters said Commissioner Nugent is the cause of this so why should they pay for his attorney. Commissioner Roberts said there are employees that are involved in this and they have a right to have their complaint looked into. Attorney Martin said as to the stating of an opinion it is a legal statement. He said lawyers and judges look at facts and laws and the conclusion is called an opinion. Mayor Mortimer thanked Attorney Martin for the legal lesson. Attorney Martin said a judge may disagree with his opinion. Mayor Mortimer said there is a motion by Commissioner Waters to pay the bills with the exception of the \$300 legal bill to cover Commissioner Nugent's legal expenses and it was seconded by Commissioner Roberts. Mayor Mortimer asked Attorney Martin if Commissioner Nugent can vote on this. Attorney Martin said because the motion is to pay the bills except his legal bill he can vote on it. Mayor Mortimer called for a vote. The motion passed 3-1. Commissioner Nugent opposed the motion. Mayor Mortimer told Commissioner Nugent that he has got to stop writing notes. He said he is writing notes to himself. Mayor Mortimer asked Commissioner Nugent in full disclosure to read the note. Commissioner Nugent said the note says to call Dan Sikes and plan on suing the city.

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 public participation.

Mayor Mortimer called for old business. There was none.

Mayor Mortimer called for public hearings. There were none.

Mayor Mortimer asked for the city clerk report. Clerk Crosby said he has no business to come before the commission.

Mayor Mortimer asked for the city manager report. Mr. Mullins said paving and striping on Orange Street is complete. He said they will do a final walk-through late this week or next week.

Mr. Mullins said they have gone through the engineering contracts and marked them up. They are waiting on the responses.

Mr. Mullins said the three nuisance houses are being looked at and he is meeting with someone to discuss what needs to be done. He is going to get three quotes.

Mr. Mullin said going forward the commissioners will have a written report from him in their packets on what he has been working on. Mayor Mortimer asked if the Orange Street project was completed by the December 31 deadline. Mr. Mullins said yes. Mayor Mortimer asked how the delays will be documented. Mr. Anaheim said they will be sitting down with the contractor to go over a punch list.

Mayor Mortimer asked how the property by Southside Elementary applies to the North Street property. Mr. Mullins said he will be moving forward in the interest of public safety. Mayor Mortimer said the North Street structure is completely on the ground now. Attorney Martin said ordinance gives the city has the authority to demolish it but he is trying to get the Environmental Protection Agency to allow them to proceed without asbestos abatement. Mayor Mortimer said Attorney Martin has had a conversation with the EPA and asked where that stands. Attorney Martin said he has had the phone conversation and owes them a written synopsis on the phone conversation and EPA will respond accordingly. Commissioner Roberts asked about moving forward. Mr. Mullins said he can clean up the property up to the structure. Commissioner Roberts asked if they can board up the buildings. Attorney Martin said not the house because it was deemed structurally sound. Commissioner Waters asked Mr. Anaheim about the pipe that is out of the ground. Mr. Anaheim said Curt's Construction is going to give an estimate on that.

Mayor Mortimer asked for the police chief report. Chief Johnson had nothing further.

Mayor Mortimer asked for the attorney report. Attorney Martin said he has redistricting and retaining a consultant to help with that. He said they received one proposal and asked the commission to authorize him to negotiate with DLT Consulting. Attorney Martin asked Rodger Austin with DLT Consulting to come forward to answer questions. Mayor Mortimer asked if the plaintiffs bring a map to you that meets the criteria how much more would be needed. Dr. Austin said not much. They would just make sure it is legal. Mayor Mortimer said the RFP calls for public meetings. Commissioner Nugent asked what the county is doing. County

Commissioner Chris Dougherty said they have put a hold on theirs for now. He said only district one and district three are affected and they don't have an election coming up. He said they will work with the Supervisor of Elections. Commissioner Mortimer said the county redistricted in 2010 but the city did not. County Commissioner Diane Andrews said the city and county maps should in some ways mirror each other. Commissioner Nugent suggested waiting until after the upcoming election. Mayor Mortimer asked Attorney Martin to restate his request for a motion. Attorney Martin said the request would be to have a motion to authorize negotiations with DLT Consulting as the top ranked and only proposal to come back to the commission with a proposed contract with a limited set of services at the January 18 meeting in an amount not to exceed \$20,000. Commissioner Water asked to not have an amount because they will come back at just below the amount. Commissioner Nugent agreed. Attorney Martin said it is more for guidance for him. Mayor Mortimer asked where the money will come from. Clerk Crosby said he is not sure what was budgeted. Attorney Martin said he thinks it was \$30,000. Commissioner Nugent asked if they could do it themselves. Clerk Crosby said he would recommend the city manager, attorney and himself sit down and come up with a plan and have the city manager proceed with this. Commissioner Waters said we need to move forward with this because it has been put off for too long. Commissioner Roberts said he thinks they should move forward as quickly as they can. Mayor Mortimer said the motion asked for by the attorney was for the attorney to negotiate but now they want the city clerk and the city manager involved. Commissioner Nugent made a motion to authorize the attorney to negotiate with a cap of \$20,000 and if it is agreed upon it will be turned over to the city clerk and the city manager to come up with a plan. It was seconded by Commissioner Roberts. Commissioner Dougherty asked if there is an hourly rate associated with the contract. He said that way they could only be charged for the work they need. Attorney Martin said there would be a core scope of the contract and then ala carte services could be at an hourly rate. He asked if they want this brought back at the next meeting. Commissioner Roberts said if it can be. Attorney Martin said this is not his area of expertise so the list of things he can do without is going to be shorter than the list of things he can do with. Mayor Mortimer called for a vote. The motion passed 4-0.

Commissioner Smith thanked the commission for allowing him to participate by phone.

Commissioner Roberts said there were two meetings with the ad hoc committee that was formed. He said there need to be policies and procedures that need to be workshopped to be able to act when something like this happens. Commissioner Roberts asked if Commissioner Smith had anything to add. Commissioner Smith said the sooner the better so they can come up with some policies and procedures to move forward. Mayor Mortimer thanked Commissioner Roberts and Commissioner Smith for serving on the committee. Attorney Martin suggested the commission adopt the committee report and direct staff. Commissioner Roberts made a motion to accept the report and direct staff to have a workshop and work on policies and procedure. Mayor Mortimer passed the gavel and seconded the motion. She asked if they have looked at dates and times for a workshop. Commissioner Roberts said not yet. He suggested having the workshop on an off meeting night. Commissioner Smith said Attorney Martin has some additional documentation to pass out. Commissioner Waters asked if charges can still be

brought against Commissioner Nugent. Commissioner Roberts said the committee is not saying they can't. The motion passed 3-1. Commissioner Waters opposed the motion. Commissioner Nugent passed the gavel back to Mayor Mortimer.

Commissioner Waters addressed street lights on US Highway 301. He asked Mr. Anaheim how much it would cost to change the yellow lights to white lights. Mr. Anaheim said he would like to go with LED lights and they would cost between two and three hundred dollars but he needs to make sure they meet Department of Transportation specs. He said they are working with two vendors to get prices. Commissioner Waters asked Mr. Anaheim to bring this back at the next meeting. Mayor Mortimer said State Road 16 is dark as well. Mr. Anaheim said he will look into getting funding.

Commissioner Nugent said the Northeast Florida League of Cities dinner is in St. Augustine at the Rod and Gun Club on January 20, 2022.

Mayor Mortimer invited everyone to the Concerned Citizens MLK banquet on January 15, 2022 at 6:00 pm at the Charley Johns Conference Center. She said the guest speaker will be Dr. Broadie with Santa Fe College.

Mayor Mortimer said we need to plan for economic and technology expansions. She would like to have Commissioner Roberts and Clerk Crosby serve on an Economic Development and Technology Board. Commissioner Roberts said he would love to serve. Mayor Mortimer said Mr. Mullins will serve as well. She asked Attorney Martin if she needs a motion. Attorney Martin said yes and he would like to look into whether it is subject to Sunshine Law. Mayor Mortimer said there is an elected clerk, a commissioner and the city manager and asked what part of Sunshine Law that is. Attorney Martin said he would just like to look into it. Mayor Mortimer entertained a motion to form an Economic Development and Technology Board and appoint Commissioner Roberts, Clerk Crosby and Mr. Mullins to the board. Commissioner Nugent made a motion. It was seconded by Commissioner Waters. The motion passed 4-0.

Commissioner Nugent said the Northeast Florida League of Cities dinner will be here in Starke on February 17, 2022 and the speaker will be the President of the Florida League of Cities.

Mayor Mortimer said Rural County Day will be January 26<sup>th</sup> and 27<sup>th</sup> in Tallahassee.

There being no further business the meeting was adjourned at 7:19 pm.