

Commission Meeting Minutes
October 4, 2022
5:30 pm

Mayor Janice D. 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 Smith will lead us in prayer and the Pledge of Allegiance.

Mayor Mortimer called the meeting to order at 5:30 pm.

This meeting was the first meeting of the month. Members attending included Mayor Janice D. Mortimer, Commissioner Danny Nugent, Commissioner-Elect Andy Redding, Commissioner Scott Roberts, Commissioner Shannon Smith and Commissioner Wilbur Waters. Also present were City Clerk Jimmy Crosby, Deputy Clerk Lisa Heeder, Attorney Clay Martin, City Manager Drew Mullins, Building and Zoning Official Kevin Powell and Assistant Police Chief Barry Warren.

Mayor Mortimer presented Commissioner Waters with a plaque in recognition of and appreciation for 30 years of dedicated community service. Commissioner Waters thanked everyone for allowing him to serve.

Judge Tatum Davis administered the Oath of Office to Commissioner Nugent, Commissioner Redding and Commissioner Smith.

Mayor Mortimer said it has been a distinct pleasure and an honor to serve as Mayor. She thanked the Commission. Mayor Mortimer passed the gavel to Vice Mayor Nugent and made a motion to elect Scott Roberts Mayor. It was seconded by Commissioner Smith. The motion passed 5-0. Commissioner Nugent passed the gavel to Mayor Roberts.

Mayor Roberts thanked Commissioner Mortimer for her service. He entertained a motion for Vice Mayor. Commissioner Mortimer made a motion to elect Commissioner Smith Vice Mayor. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Roberts asked if there were any agenda changes. Mr. Mullins asked to add item 14.C. pumpkin patch fund raiser for the Bradford High School Marching Band. Clerk Crosby asked to remove item 8. Mayor Roberts entertained a motion approve the agenda with the changes. Commissioner Smith made a motion to approve the agenda changes. The motion was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Roberts entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the September 20, 2022 Final Budget Hearing, the minutes of the September 20, 2022 Commission Meeting, Resolution Number 2022-51 ADG Software Contract, Resolution Number 2022-52 ratifying the Administrative Declaration of Local State of Emergency due to Hurricane Ian, Resolution Number 2022-53 Low-Income Household Water Assistance Program Vendor Payment Agreement with the Suwannee River Economic Council,

Resolution Number 2022-55 surplus donation of 2016 Dodge Charger to the Bradford County Education Foundation and the commissioner bill review. Commissioner Mortimer said she reviewed the bills and had questions about some of the bills but nothing to keep them from being paid. She made a motion to approve the consent agenda. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Roberts asked for emergency items. There were none.

Mayor Roberts asked for old business. There was none.

Mayor Roberts 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 three minutes. Your participation is welcomed." Mayor Roberts asked Mark Williams to come to the podium. Mr. Williams stated his address as 117 South Thompson Street. He thanked the city for their response during the storm. Mr. Williams asked about having food trucks on city property. Commissioner Smith suggested having the City Manager look into it.

Mayor Roberts called for public hearings. Attorney Martin read the title of Ordinance Number 2022-12. Mayor Roberts entertained a motion to approve Ordinance Number 2022-12 on second reading. Commissioner Smith made a motion. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Roberts called for public hearings. Attorney Martin read the title of Ordinance Number 2022-13. Mayor Roberts entertained a motion to approve Ordinance Number 2022-13. Commissioner Mortimer made a motion to approve Ordinance Number 2022-13 as read by title only. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Roberts called for the quasi-judicial hearing for Ordinance Number 2022-14. Attorney Martin said this hearing is based on an application from Sandcastles Foundation. He gave instructions for the quasi-judicial hearing. Attorney Martin asked the commissioners if they had any ex-parte communications on the matter. Commissioner Nugent said no. Commissioner Mortimer said she received an email from the engineer of record for the applicant. Attorney Martin asked if that communication would impact her ability to make a decision on the matter. Commissioner Mortimer said no. Commissioner Redding said he has had some inquiries from citizens and he advised them to attend the meeting. Attorney Martin asked if those communications would impact his ability to make a fair decision. Commissioner Redding said no. Commissioner Smith said he received an email from Sandcastles. Attorney Martin asked if

that would impact his ability to be impartial. Commissioner Smith said no. Mayor Roberts said he had some communication with citizens and advised them to attend the meeting. Attorney Martin asked if it would impact his ability to give a fair hearing to the applicant. Mayor Roberts said no. Attorney Martin administered an oath to everyone wishing to give testimony. He read the title of Ordinance Number 2022-14. Attorney Martin asked Building and Zoning Official Kevin Powell to give testimony for the city. Mr. Powell said the request is a rezoning of a 6.37-acre piece of property from R1C to multi-family residential R2A. Mr. Powell said what we want to look at tonight is the rezoning not the site plan. Robert Williams came forward as legal council to the Sandcastles Foundation. He said this is not section 8 or HUD housing. Mr. Williams said it is important to know what they are planning to do with the property and they are willing to make it contingent on that. He said the only reason they are requesting the rezoning is to get the lot size down so they can put twenty-five houses on the property. He said there will still be fifteen feet between each house. Mr. Williams said he emailed a packet of information that is what was presented at the last hearing. He said the staff report says the proposed change is consistent with the comprehensive plan and the requirements of the land development code. He said US Highway 301 is operating at a service level D and this won't change that. Mr. Williams passed out a copy of a permit from the Suwannee River Water Management District. Gary Sneddon with CMT Engineers came forward. He pointed out the letter that he sent to the commissioners and the city clerk. He said the VoTech drains from a large ditch into a small ditch causing flooding in the area. Mr. Sneddon said the site plan was designed to minimize flooding. Mr. Williams said the new homes will be compatible with the neighborhood. He said the pond must be able to withstand a one-hundred-year storm. Mr. Williams said they request that the commission approve the application for rezoning. Attorney Martin asked Mr. Powell to present the staff's analysis of the application. Mr. Powell said we are looking at the rezoning of the property. He said the Planning & Zoning Board voted not to approve this. Attorney Martin asked if there are any party interveners. There were none. Attorney Martin asked if there are any members of the public who wish to speak. Terry Qualls came forward and stated his address as 803 Westmoreland Street. He said everyone but about three or four people are here from the neighborhood. He opposed the development because of the traffic and the flooding. Mr. Qualls said he does not like the rentals because they will not be tied to the area. Brady Lockwood came forward and stated his address as 505 North Westmoreland Street. He said a three hour rain brought water to within 3 inches of his house. Mr. Lockwood expressed concern over traffic too. Martin Sanders came forward and stated his address as 809 North Westmoreland Street. He expressed concern over traffic. He said it is going to cause issues on Pratt Street. He said they are already experiencing flooding and this will make it worse. Mr. Sanders said once it's changed they can do anything they want. Dede Frazier came forward and stated her address as 821 Parkwood Place. She said the rental units will change the character of the neighborhood. She asked if the traffic could go out by the bus barn. Mrs. Frazier asked if they have statistics on other neighborhoods they have built. Attorney Martin asked if there was anyone else from the public who wished to speak. There was not. Attorney Martin asked if the applicant would like respond to any of the party interveners or to cross examine anyone. Mr. Williams said no. Attorney Martin asked if the city wants to respond to any of the presentations. Mr. Powell said no. Attorney Martin asked if any of the commissioners had any questions. Commissioner Nugent expressed concern over the roads and

going from single family to multi. He said there is no guarantee on what the property could be down the road. Commissioner Mortimer asked Mr. Williams about the property being compatible to the area. She said she googled the word compatible and it means able to exist or occur together without conflict. Commissioner Mortimer said the application alone is creating conflict. Mr. Williams said there is never going to be a situation where two neighbors are never going to have conflict. Commissioner Mortimer said so compatible would not be the right terminology. Mr. Williams said it is the right terminology because it is found in the comprehensive plan. Commissioner Mortimer disagreed. She asked if the project can be done within the current zoning classification. Mr. Williams said based on everything he has been told by the engineer and client the answer is yes. Commissioner Mortimer said we all agree that affordable housing is needed. She said that the development is said to be consistent with the comprehensive plan but is that legally binding. Mr. Williams said it must be consistent with the comprehensive plan. Commissioner Mortimer asked if the sidewalks that have been agreed upon would have the piping that Mr. Qualls mentioned at the last meeting so that the flow of water will not be interrupted. Mr. Williams said they have gone back and looked at it and the answer is yes. Commissioner Mortimer mentioned that it has been said that the project will have better drainage in that area. She asked how that is with smaller lots. Mr. Williams said the way these things are designed it is all about impervious surfaces and pervious surfaces. He said when you put down concrete, roofs, sidewalks, asphalt you have to account for what is not going to soak into the ground. He said the permit that has been issued by the Suwannee River Water Management District accounts for all of the impervious surfaces and the runoff that is going to occur. He said a one-hundred-year storm is a big storm and it is designed to handle that. Mr. Williams said Mr. Sneddon indicated that it would not make it any better. He did not want to mislead anyone on that. Commissioner Mortimer asked Mr. Sneddon about the VoTech drainage issue and how it is not going to contribute to the problem. Mr. Sneddon said we are not making anything worse for the neighborhood but we also are not improving it because we are not fixing this problem that already exists. Commissioner Mortimer said you are going to make your drainage go the opposite way of the VoTech. Mr. Sneddon said yes. He said the pond will catch all the water. Commissioner Redding said you indicated because this is a 6.37 acre parcel. He asked how many units this parcel accommodate. Mr. Sneddon asked if this is for what it is zoned for now or what we are requesting. Commissioner Redding said what is being requested. Mr. Sneddon said he does not know. Mr. Williams said the density is controlled by the comprehensive plan and allows between two and eight units per acre so that is where the 50 units comes from. Commissioner Redding said the retention pond is around 1.4 acres so with everything else that would potentially leave thirty-two units. Mr. Sneddon said based on site plan you are never going to get close to fifty. Commissioner Redding asked what the elevations are going to be on this property verses the properties around it because drainage is going to run downhill. Mr. Sneddon said the only area with any fill will be down toward the cul-de-sac to get that water to come back to the pond. Commissioner Redding said the traffic impact data is all for US Highway 301. He asked if there is any traffic impact data for Pratt Street, Westmoreland Street and Orange Street. Mr. Williams said no. Commissioner Redding said he measured Westmoreland Street and it is nineteen feet wide. He said two pickup trucks won't work. Commissioner Redding said this may be more of a statement than a question but we have a lot of people here showing concern. Mr. Williams said there is a right-of-way and that is where the

sidewalks would go. He said the underlying issue with this property is there is only one way in. Mr. Williams said something will eventually be built there and Westmoreland Street will be the only access. Commissioner Redding said the Bradford County School Board owns the property at the back third of the this property and it is not used by the school board. He asked if they have approached the school board to purchase property for an alternate access point. Chris Crowder came forward as the Chairman of the Board of the Sandcastles Foundation. He said they applied to the State of Florida Housing Finance Corporation for funding. He said they approved \$7.5 million for the project that will go into your community and future tax dollars. He said they have to close on the financing next week. Attorney Martin asked Mr. Crowder to answer the question. Mr. Crowder said there is no time to do that. Commissioner Redding asked if they have statistics on previous projects. Mr. Williams said no. Commissioner Nugent said the back of the property facing Bradford Middle School already has flooding issues. He asked how they are going to control the water on the back side. Mr. Williams said this site plan has two components to that water quantity and water quality. He said the Suwannee River Water Management District requires both. Commissioner Nugent said you went with this design for more capacity. He said if you don't get the zoning you want it won't hold the capacity you want. Mr. Williams said they are trying to get a bigger buffer between the other houses. Mayor Roberts said this is about the site plan and not the rezoning and we are here to talk about rezoning. Attorney Martin said the decision should be based on the evidence presented. He asked does it conform to the comprehensive plan. He said if it does then there are 6 things to consider: the compatibility of the proposed zoning and the surrounding properties, the change in land use conditions in the general area, the physical characteristics of the site, the impact on public facilities including traffic patterns, water and sewer systems and other public utilities, the impact on the established character of the surrounding property, the appropriateness of the proposed zoning classification and the impact on the health and safety of the citizens. Attorney Martin said at this time the commission may discuss the application and finding of facts upon which they wish to base any decision and vote of the proposed Ordinance Number 2022-14. He said if it is not supported it cannot die for lack of a motion a motion and a second must be made to deny it and a basis for the denial must be stated. If it is approved a reason for approval must be given based on evidence. Commissioner Mortimer asked Attorney Martin where the items for the decision came from. Attorney Martin said the Land Development Code. Commissioner Mortimer made a motion that Ordinance Number 2022-14 amending the zoning map of the Land Development Code be denied because it only meets one of seven criteria in the Land Development Code. It was seconded by Commissioner Redding. Attorney Martin asked Commissioner Mortimer what evidence led to her conclusion. She said it is not compatible. Commissioner Mortimer said it does not meet the physical characteristics of the surrounding property. She said there is concern about the public facilities and traffic and it does not fit the area. Attorney Martin said there was discussion about the number of houses, the number of cars that would be added to Westmoreland Street the more specific the better. Commissioner Mortimer said those are some of the things she checked no on. Mayor Roberts said there is a motion and a second to deny Ordinance Number 2022-14. The motion passed 5-0.

Mayor Roberts asked for the City Clerk report. Clerk Crosby said the Low-Income Water Program is going to be a great step forward. He said he will be following up and getting information to the citizens.

Mayor Roberts asked for the City Manager report. Mr. Mullins said there will be a Florida Department of Transportation open house at the Charley E. Johns Conference Center on October 11, 2022. He said he will forward information to the commissioners.

Mr. Mullins addressed ARA funds. He said he is working with Engineer Justin deMello on ADA compliance. He asked that the remaining funds be used for ADA compliance and audio/visual improvements. Mayor Roberts asked if he is requesting a specific amount. Mr. Mullins said \$84,000. Attorney Martin said the city has an ADA plan but it has been pushed to the side. Mr. Mullins said he will provide a Dropbox link for the commissioners to access the ADA plan. Clerk Crosby said he would like a motion for ARA funds to keep it consistent with what has been done in the past. Mr. deMello said he is looking into grant funding. Attorney Martin said the commission could encumber the matching funds in the general fund while they are working on grant funding and leave the ARA funds unencumbered. Commissioner Smith suggested holding the funds for two months while they work through the grant process.

Mr. Mullins addressed Resolution Number 2022-54 adoption of work order with Woodard & Curran for phase 2 design of the wastewater collection system project. Mr. Mullins recommended approving the resolution. Commissioner Mortimer made a motion to approve Resolution Number 2022-54. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Mullins addressed the pumpkin patch fund raiser. He said he got a call today about 4:30 pm asking to have it at the Downtown Square from October 14th to the 28th for the Bradford High School Marching Band. He said the commission has waived the \$200 fee in the past. Clerk Crosby asked when the Great Pumpkin Escape is. Assistant Police Chief Warren said October 29th. Commissioner Mortimer asked for the hours. Mr. Mullins said they did not specify just evening hours. Commissioner Smith said he would allow the weekend of the 21st, 22nd and 23rd but not the week of setup for the Great Pumpkin Escape. Mayor Roberts suggested checking with the Downtown Merchants for setup of the Great Pumpkin Escape. Attorney Martin said they could give Mr. Mullins authority to negotiate it. Mayor Roberts asked Mr. Mullins to make sure there is a consensus with the Downtown Merchants to make sure there is no conflict with the Great Pumpkin Escape. Commissioner Mortimer asked what they want to do about the fee. Mayor Roberts suggested charging the fee they charge everybody.

Mayor Roberts called for the Police Chief report. Assistant Police Chief Warren had nothing further.

Mayor Roberts asked for the attorney report. Attorney Martin reminded the commissioners of their firm's annual ethics training on December 14, 2022 from 4:00 pm to 8:00 pm with dinner.

Commissioner Smith thanked the commission for electing him Vice Mayor.

Mayor Roberts had nothing further.

Commissioner Redding had nothing further.

Commissioner Nugent had nothing further.

Commissioner Mortimer had nothing further.

There being no further discussion the meeting was adjourned at 8:24 pm.