

Commission Meeting Minutes
September 20, 2022
5:45 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 Waters will lead us in prayer and the Pledge of Allegiance.

Mayor Mortimer called the meeting to order at 5:45 pm.

This meeting was the second 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 City Clerk Jimmy Crosby, Deputy Clerk Lisa Heeder, Police Chief Jeff Johnson, Attorney Clay Martin, City Manager Drew Mullins and Planning and Zoning Contractor Kevin Powell.

Mayor Mortimer asked if there were any agenda changes. Mr. Mullins asked to remove item 12.C. Clerk Crosby asked to remove item 4.C. Mayor Mortimer entertained a motion approve the agenda with the changes. Commissioner Smith made a motion to approve the agenda changes and the consent agenda. The consent agenda consisted of the minutes of the September 6, 2022 Tentative Budget Hearing, the minutes of the September 6, 2022 Commission Meeting, the Bradford High School Homecoming Parade road closure October 14, 2022 at 1:00 pm and the commissioner bill review. It was seconded by Commissioner Roberts. The motion passed 5-0.

Mayor Mortimer addressed the requests for ARA funds. Commissioner Roberts asked to take the pending requests first. Mayor Mortimer said the Concerned Citizens of Bradford County are asking for \$200,000 for the RJE Gym restoration if the CDBG grant appeal is denied. She said the board unanimously agreed to the request. Commissioner Smith asked if there were competitive bids that would cover the restoration. Concerned Citizens President Alica McMillian said she has talked to County Manager Will Sexton about a possible piggy-back with the county. Commissioner Smith expressed concern about an unfinished product. Mrs. McMillian said Architect Paul Stressing said the funds will cover the major projects. Mayor Mortimer entertained a motion for \$200,000 for the RJE Gym. Commissioner Roberts made a motion. It was seconded by Commissioner Waters. Attorney Martin asked if the funds would be spent or set aside. Clerk Crosby said the funds would be held for the RJE Gym for a piggy-back with \$500,000 from the county. The motion passed 4-1. Commissioner Smith opposed the motion.

Mayor Mortimer addressed software for city hall. Clerk Crosby recommends approving \$150,000 for software in addition to the \$50,000 that has already been approved. Mayor Mortimer entertained a motion. Commissioner Nugent made a motion. It was seconded by Commissioner Roberts. The motion passed 5-0.

Mayor Mortimer said the next item is \$400,000 for City Walk. Commissioner Roberts would like to see the downtown plaza be enhanced for the entire community. Commissioner Nugent said the Legion and others are here. Mayor Mortimer said they will get to the other groups. Dr. Virgil Berry came forward. He said when the overpass was proposed there were three proposals but he wants it to be more attractive. Mayor Mortimer said we need to do our part to enhance our downtown area. She entertained a motion for \$400,000 for the City Walk project. Commissioner Roberts made a motion. It was seconded by Commissioner Smith. Commissioner Nugent said he would like to see less so there is more for other groups. The motion passed 4-1. Commissioner Nugent opposed the motion.

Mayor Mortimer called for Dr. W. L. Perry. Dr. Perry recited a poem. He stated his address as 4423 South East 144th Terrace in Starke Florida for the record. He said he is with a group of Masons who need help procuring funds. Dr. Perry said they help needy children and families. He said the Masons are a pillar of society and they hope to provide Thanksgiving baskets, toys, athletic competitions and a Ms. Juneteenth Pageant for the community. Mayor Mortimer said she should have read a statement. She 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." Mayor Mortimer asked how much Dr. Perry is requesting. Dr. Perry said no more than \$20,000. Mayor Mortimer asked if they are a 501C. He said yes. Mayor Mortimer asked Dr. Perry to share what his organization has done. Dr. Perry said the RJE Lodge 69 is new. Mayor Mortimer asked if there were any questions for Dr. Perry. There were none.

Mayor Mortimer said the next request is from Michael Heeder for \$9,500 for enhanced logistical and operational costs associated with the 2023 Starke Splash Bash to be held July 3, 2023. Mr. Heeder stated his address as 932 Wilson Road in Starke Florida. He thanked the commission. He said the city sponsored the event this year. Mr. Heeder said 5,100 people attended the event this year and they are planning for 10,000 next year. He asked for \$9,500. Mayor Mortimer asked how much the city contributed this year. Mr. Heeder said \$10,000 for fireworks. Commissioner Roberts asked if he is asking for \$9,500 in addition to the \$10,000. Mr. Heeder said yes. Commissioner Nugent asked where the equipment would go. Mr. Heeder said it is being coordinated with the Downtown Merchants as well as the Bradford County School District. Mayor Mortimer asked who the funds would go to. Mr. Mullins said it is contractually done through the Bradford County School District.

Mayor Mortimer said the next request is from Chrissy Allen Thompson for the Downtown Merchants, the Education Foundation and Communities in Schools. Mrs. Thompson stated her address as 301 East Call Street in Starke Florida. She said the Downtown Merchants is for the Great Pumpkin Escape and it is on the agenda. She said the Education Foundation has a matching grant every year. She asked for \$16,000 to match the grant. Mrs. Thompson said there was a flood at Bradford Middle School and they are asking for \$40,000 for chrome books lost to the flood. She said they would appreciate anything they could do. Mrs. Thompson asked for surplus vehicles for the Chamber Banquet. Mayor Mortimer asked about the chrome books. Chrissy said some were destroyed and some were taken home. Lila Sellers said the parents are obligated to pay if a chrome book is taken home and not returned. She said their extra chrome books were sent home with 6th and 7th graders so they could do their work during the flood.

Mayor Mortimer asked for Cindy DeValerio with Communities in Schools. Mrs. DeValerio stated her address as 12933 South West 83rd Avenue in Starke Florida. She thanked the commission for what they do for CIS yearly. Mrs. DeValerio said they are in the process of rebuilding their program. She said they need materials, supplies, expansion of programs and technology. She asked for \$100,000 but said they are grateful for any donation they have for the program.

Mayor Mortimer called for the Bradford County Development Authority. No one responded.

Mayor Mortimer asked for Sherry Ruzukowski with the ARC of Bradford County. She stated her address as 1351 Water Street Starke Florida. She said they got a rate increase but not enough to meet state mandates. Ms. Ruskowski said disabled people do all the work but they are losing funding for that program. She is asking for \$35,000 for scholarships. Commissioner Smith asked how many scholarships that would provide. Ms. Ruzkowsky said 10.

Mayor Mortimer asked for Jimmy Clark with the Tornado Touchdown Club. Mr. Clark stated his address as 620 North Thompson Street Starke Florida. He said the Touchdown Club has raised over \$100,000 for the locker room built in 1967. Mr. Clark asked the commissioners for \$24,977.17 for the locker room. He said with that money they could get the lockers at a 75% discount. Mayor Mortimer said go Tornados.

Mayor Mortimer said there are a total of seven requests. She asked how the commission would like to approach this. Commissioner Waters asked if this has to be done tonight. Mayor Mortimer said if it is the wishes of the board they could set another time to address this. She said she would like to give \$10,000 for each request. Attorney Martin said they may want to consider making sure they are allowable expenditures under the ARA funding. Mr. Mullins said as of the last update anything under \$10,000,000 is lost revenue. Commissioner Robert said he has six requests. Mr. Crosby said the Bradford County Development Authority is for the City Walk. Mayor Mortimer said we can take them out then. She said she would like to see the \$84,000 divided by 6. Mayor Mortimer asked what the wishes of the board are after staff and Attorney Martin verifies the use of funds. Commissioner Smith asked if they can make a motion to divvy out the funds. Attorney Martin said he is concerned about several issues. Mayor Mortimer asked to set a workshop for 5:30 on October 18, 2022. Commissioner Roberts asked if

the current requests are the only ones to be considered. Mayor Mortimer said yes. Mr. Mullins asked for documentation on specific projects to turn into the Treasury.

Mayor Mortimer asked for emergency items. There were none.

Mayor Mortimer asked Chrissy Thompson to address the Great Pumpkin Escape. Mrs. Thomson stated her address as 301 East Call Street Starke Florida. She said the Downtown Merchants are asking for a road closure on Saturday, October 29, 2022 from Water Street to US Highway 301 from 2:00 until 10:00 pm. She also asked for \$500 for candy and for the city to provide port-o-lets. Mrs. Thompson would also like the city to put some scarecrow decorations out on Call Street and the end of Thompson Street. Mayor Mortimer asked Clerk Crosby if money is budgeted for candy. Clerk Crosby said they budget for the entire year for candy. Commissioner Smith asked if this could be approved as an annual recurring event. Attorney Martin said the road closures need to be approved every year but they could be on the consent agenda. Mayor Mortimer entertained a motion to approve the road closure and provide candy. Commissioner Waters made a motion. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Mortimer asked for old business. There was none.

Mayor Mortimer called for public hearings. Attorney Martin addressed Ordinance Number 2022-14 amending the zoning map for first reading. He said this is a quasi-judicial hearing coming before the board based on an application from Sandcastles Foundation. Attorney Martin said the Planning and Zoning Board heard the matter last night and recommended denying the request. He gave instructions for the quasi-judicial hearing. Attorney Martin asked the commissioners if they had any ex-parte communications on the matter. Commissioner Smith said no. Commissioner Roberts said a resident called him and he directed them to the Planning and Zoning Board meeting. Attorney Martin asked if that communication would impact his ability to listen to the evidence and make a decision on the matter. Commissioner Roberts said no. Commissioner Waters said no. Commissioner Nugent said no. Mayor Mortimer 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 Planning and Zoning Board met last night. He said the request is to change a 6.37-acre piece of property from R1C to multi-family residential R2A. Mr. Powell said the board voted 3-1 to deny the application because they felt the zoning change was incompatible with surrounding properties. Robert Williams came forward as legal council to Sandcastle Foundation. He thanked the staff and the Planning and Zoning Board. He said there is a staff report that says this is consistent with the comprehensive plan. Mr. Williams said he believes the issue comes from the property being zoned as multi-family when the owner has no intentions of putting multi-family homes on the property. The plan is for 25 single-family homes. Mr. Williams said they have plans that would allow the homes to be built on the property using the current zoning but the plan is not ideal. He said the ideal plan has better storm water capacity and has been approved by the Suwannee River Water Management District. Mr. Williams said the homes will not be HUD, section 8 or low-income housing. He said the owners would be required to hold the property for 50 years.

Mr. Williams read into the record that the staff recommendation says staff recommends that the Planning and Zoning Board, serving as the Local Planning Agency, recommend approval of the Zoning Map Amendment by adopting the resolution stating that it is consistent with the comprehensive plan. Christopher Crowder came forward as the Chairman of the Board of the Sandcastle Foundation. He presented the site plan drawing attention to the large retention pond. He said retention ponds are usually 10% of the land but they are dedicating 14%. He said there is a letter from Engineer Gary Sneddon regarding the project. Mr. Williams handed out copies of the permit from the Suwannee River Water Management District and a letter of support from Mr. Milligan. Mr. Williams said there are three things to consider compatibility, drainage and transportation. He said the Suwannee River Water Management District requires that the project not make flooding worse. He said the water would be flowing west away from the neighbors so it should make drainage better. Mr. Williams said regarding transportation the level of service on US Highway 301 in Starke is a D and will remain a D. He said the staff report does not address what traffic will do on Westmoreland Street. Mr. Williams said regarding compatibility the neighborhood is single family homes and the development will be too. He said the rezoning will allow multifamily homes but that is not what they want to do. Attorney Martin asked Mr. Powell to present the city's analysis of the application. Mr. Powell entered into evidence pictures of flooding in the neighborhood. He said if the property is rezoned multifamily homes could be built. Mr. Powell said the Planning and Zoning Board voted 3-1 to deny the application. Commissioner Waters asked Attorney Martin if the commission approves this if the developer would be locked into putting single family homes on the property. Attorney Martin said if it is rezoned it would allow multifamily homes to be built even though it is the stated intent of the applicant not to do that. He said the site plan would come before the commission for approval. Commissioner Nugent asked if they would be required to have a fence around the retention pond. Attorney Martin said the commission could only require them to do what the land development code requires. Mr. Williams said the Suwannee River Water Management District would require it. Mayor Mortimer asked if they could build the project under the current zoning. Attorney Martin said they could not build that site plan because of the lot size requirements. Mayor Mortimer said they cannot make their decision based on the site plan. Attorney Martin agreed. Commissioner Smith asked if they could deny it on second reading if the site plan is not what they have presented. Attorney Martin said the site plan would be presented after the rezoning is voted on. Commissioner Roberts said the zoning is the issue tonight and they need to stay focused on the zoning. Attorney Martin asked if there are any members of the public who wish to speak. Terry Qualls came forward. He said the pictures are of his residence. He said everything drains west through a ditch that is not kept clean and their property will drain west too. Mr. Qualls said he is a land surveyor and 10% is not the requirement for a retention pond it is done by surveying the land. He said the ladies in the neighborhood walk on the road. Mr. Qualls said once this starts they will not be able to. He said there are ditches on both sides of the street with no sidewalks. Attorney Martin asked if the applicants would like to respond. Mr. Williams said the issue is it is too small to be a planned development. He said they would be happy to agree to only build twenty-five single family homes. He said they will also commit to put sidewalks in the property and one on Westmoreland Street. Mr. Williams said the law says a development must accept the storm water flow and treat it. Attorney Martin asked if the city had anything else. Mr. Powell said no.

Mayor Mortimer asked Mr. Qualls if he wanted to say anything else. Mr. Qualls said the sidewalk sounds good but the ditches will have to be piped to do it properly. Mr. Williams said they will commit to doing a sidewalk on one side of Westmoreland as a condition of the rezoning. Attorney Martin said they will move on to commission deliberations. He said this is a quasi-judicial hearing requiring you to make your decision based on the evidence presented. It should be based on if it conforms to the comprehensive plan, the proposed zoning conforms to surrounding property, changes in land use condition of the general area, the characteristics of the site, the impact on public facilities, the impact of established character on the surrounding property, the appropriateness of the proposed zoning classification and based on the public health and safety of the citizens of Starke. He said the commission may discuss the matter. Mr. Martin said given the nature of the hearing the commission should establish for the record the basis for why it is not adopting the ordinance. He said procedurally he would suggest that the mayor entertain a motion to adopt the ordinance for discussion purposes only and a second for the same purpose and each commissioner state for the record the basis for their decision for voting the way they are. Commissioner Roberts asked why they have to state for the record why they are voting the way they are. Attorney Martin said because the decision must be based on the evidence presented and what was stated that caused you to vote against it. He said that is what this body has to do to because you are sitting as judges. Attorney Martin said just as a judge has to state a factual basis for their decision on the record so must you. Commissioner Smith asked when they could ask questions. Attorney Martin said he skipped over that part but will do it now. Mayor Mortimer asked Commissioner Smith for questions. Commissioner Smith asked what happens if the flooding gets worse in this area. He asked who is responsible. Attorney Martin said probably either the landowner or the city depending on where the flooding is. Commissioner Roberts had no questions. Commissioner Waters said he agrees with Mr. Qualls water does run west. He asked what can be done to solve the flooding problem. He said the state use to clean the ditches years ago. Commissioner Waters said he would love to see the housing come in but does not want to add to the flooding issues. He said the ditches need to be cleaned and maintained. Commissioner Roberts said we are changing this were multifamily can go in there. He said is that their intent. No but that is what can go in there. Attorney Martin said this time is for the commission to ask questions of staff and the applicant. Commissioner Nugent expressed concern over the traffic and getting in and out of the subdivision causing problems or someone getting hurt. Mayor Mortimer asked what Commissioner Nugent's question is. Commissioner Nugent said he would like to see a report on how this will affect traffic on Orange Street but he knows they don't have time for it. Mayor Mortimer asked Mr. Powell if he had copies of the Planning and Zoning Boards decision and why they denied it. Mr. Powell said he will get them right now. Mayor Mortimer asked Mr. Crowder if the zoning does not go through will he still build the housing. Mr. Crowder said the financing requires them to close on October 6, 2022 and if they don't have a letter of approval from the city they will lose the funding. Mayor Mortimer said she was at the Florida League of Cities legislative session and the Florida Housing Department gave an excellent presentation with information on funding. Mayor Mortimer asked if they would do what Mr. Qualls said needs to be done when they put in the sidewalks. Mr. Crowder said the contractor agreed that it would be done that way. Mayor Mortimer asked if they would also widen the road. Mr. Crowder said it would depend on how much right-of-way the city has. Mayor Mortimer asked if

they had looked at any other zoned R2A property in the city. Mr. Crowder said they looked at several different cities but the planning and zoning official at the time said this property could be developed. He said they did look at other property but he does not remember the zoning. Mayor Mortimer asked where Mr. Qualls' property is in relation to this property. Mr. Qualls said he is four lots east of the property. Mayor Mortimer asked about the traffic analysis on US Highway 301 and if one was done on State Road 16. Attorney Martin said there was not. Sandra Joseph with the North Central Florida Regional Planning Council said the council prepared the concurrency management study and they looked at the closest state road segment to the subject property. Commissioner Roberts asked if changing the property from R1C to R2A would allow more single-family homes. Ms. Joseph said the land use map caps the number of units at 50. She said the zoning requirements set lot sizes. Ms. Joseph said R1C requires a minimum lot size of 7,500 square feet. She said R2A zoning allows 6,000 square foot lots for single-family or 10,000 square foot lots for two family dwellings and 4,000 square foot lots for zero lot lines. Mayor Mortimer asked what a zero lot line means. Mr. Crowder said it requires 15 feet between houses with 20 feet in the front and back. Attorney Martin said this is before the commission for deliberation and a vote and the decision has to be based on the evidence presented and the commissioner should state the basis for their vote for a denial and also an approval. Mayor Mortimer asked for the wishes of the board. Commissioner Smith made a motion to adopt Ordinance Number 2022-14. It was seconded by Commissioner Waters. The motion passed 3-2. Mayor Mortimer and Commissioner Roberts opposed the motion. Mayor Mortimer asked if she and Commissioner Roberts need to state why they opposed it. Attorney Martin said the commissioners in favor of the ordinance need to state why. Commissioner Smith said staff recommendation. Commissioner Waters said staff recommendation. Commissioner Nugent said same and it is in compliance with our procedures. Attorney Martin said that is sufficient for the prevailing side. Mayor Mortimer asked if it will be on the next agenda for second reading. Attorney Martin said yes along with the site plan. Mayor Mortimer asked if it will be under old business or new business. Attorney Martin said the ordinance will be under old business and the site plan will be under new business. Commissioner Roberts asked if it will be a quasi-judicial hearing. Attorney Martin said it will. Clerk Crosby asked when the new commissioner will take office. Attorney Martin said the end of Commissioner Waters term is October 2, 2022 so the new commissioner will be sworn in right after the next meeting is called to order.

Mayor Mortimer asked for the City Clerk report. Clerk Crosby had nothing further.

Mayor Mortimer asked for the City Manager report. Mr. Mullins addressed Resolution Number 2022-49 agreement with the Florida Department of Corrections for inmate work program services. He said this is a three-year renewal and he recommends approving it. Mayor Mortimer asked for the wishes of the board. Commissioner Smith made a motion to approve Resolution Number 2022-49. It was seconded by Commissioner Roberts. The motion passed 5-0.

Mr. Mullins addressed Resolution Number 2022-50 agreement with the North Central Florida Regional Planning Council for local government comprehensive planning services. He said it is a one-year renewal and he recommends approving it. Mayor Mortimer asked for the wishes of

the board. Commissioner Smith made a motion to approve Resolution Number 2022-50. It was seconded by Commissioner Waters. The motion passed 5-0.

Mr. Mullins addressed the customer request for lien reduction at 708 North Temple Avenue. He said the lien is for \$9,350. William Joseph came forward as the owner of the property. He said he did not realize there was a lien until a title search was run. He asked if the lien could be dismissed or if they could pay the original \$250 fine. Mayor Mortimer asked how Mr. Joseph did not know about the fine. Mr. Joseph said it is a rental property and the fine was for a sign the tenant posted and they were never notified. Mayor Mortimer asked where the notifications were sent. Mr. Mullins said 708 North Temple Avenue. Commissioner Nugent asked what the attorney fees are on this. Attorney Martin said he has spent very little time and would guess around 4 hours for the original fine and hearing. Commissioner Waters asked if the sign is in compliance now. Mr. Mullins said yes. Mayor Mortimer asked when it was corrected. Mr. Joseph said he is sure it was corrected within three months. Mayor Mortimer asked how it accumulated \$9,350 in fines. Mr. Joseph said it was not reinspected. Clerk Crosby said 90 days would be half of the fine. Commissioner Nugent said the owner is responsible for the property. Mayor Mortimer said she supports businesses but she is not in favor of wiping out the fine because there are other people with fines. She said she would be in favor of cutting it in half. Commissioner Waters said they don't want to make money like this. He said he would be in favor of cutting it in half. Commissioner Roberts said being a business owner himself his heart goes out the Mr. Joseph. He said he hates it but he is not in favor of reducing the fine. Mr. Mullins said it sets a precedent. Mayor Mortimer asked for the wishes of the board. Commissioner Roberts made a motion not to waive the fees. It was seconded by Commissioner Smith. The motion passed 3-2. Commissioner Nugent and Commissioner Waters opposed the motion. Mr. Joseph asked that owners be notified when something like this happens. Attorney Martin said notices are mailed to the address of record on the tax bill. He said Mr. Joseph should use an address where he will receive them.

Mayor Mortimer called for the Police Chief report. Chief Johnson asked for a motion to approve the purchase of two vehicles for \$54,000. He said they received \$15,000 from insurance and he plans to surplus some vehicles and transfer two to the general side. Commissioner Smith asked about lights. Chief Johnson said that is the price with lights. Mayor Mortimer asked for the wishes of the board. Commissioner Waters made a motion to approve the purchase. It was seconded by Commissioner Nugent. The motion passed 4-1. Commissioner Smith opposed the motion.

Mayor Mortimer asked for the attorney report. Attorney Martin said their firm's annual ethics training will be December 14, 2022 from 4:00 pm to 8:00 pm and dinner will be provided.

Clerk Crosby asked for a consensus for how the board feels about donating vehicles to the Education Foundation. Commissioner Smith asked for a list to be put together. Mayor Mortimer said if it is able to be surplus and it's legal she is in favor of doing it. Commissioner Nugent agreed. Commissioner Waters asked for a list. Mayor Mortimer asked if a list would be available

at the next meeting. Clerk Crosby said yes. Attorney Martin said they should develop a policy on donating vehicles.

Commissioner Smith had nothing further.

Commissioner Roberts had nothing further.

Commissioner Waters asked Mr. Mullins to remember about the electric car charging stations and the wiring that will be needed.

Commissioner Nugent had nothing further.

Mayor Mortimer had nothing further.

There being no further discussion the meeting was adjourned at 9:13 pm.