

Commission Meeting Minutes
April 18, 2023
5:30 pm

Mayor Scott Roberts 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 I will lead us in prayer and the Pledge of Allegiance.

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

This meeting was the first regular meeting of the month. Members attending included Mayor Scott Roberts, Commissioner Janice D. Mortimer, Commissioner Danny Nugent, Commissioner Andy Redding and Commissioner Shannon Smith. Also present were Executive Assistant Cathy Bradley, City Clerk Jimmy Crosby, Police Chief Jeff Johnson, Attorney Clay Martin, City Manager Drew Mullins and Finance Assistant Tonia Potter.

Mayor Roberts asked if there were any agenda changes. Clerk Crosby asked to add boot drive under 11. He asked to move 12.A. to 5.B. and make 5. 5.A. Mayor Roberts entertained a motion to approve the agenda with the changes. Commissioner Mortimer made a motion. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Roberts entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the March 14, 2023 Commission Workshop, the minutes of the March 21, 2023 Commission Meeting, the minutes of the April 11, 2023 Special Commission Meeting, Resolution Number 2023-29 agreement with Utility Service Company for water tank maintenance services, Resolution Number 2023-30 agreement with Asplundh Tree Expert for tree trimming and vegetation removal services, Resolution Number 2023-31 agreement with GFL for solid waste hauling services, Resolution Number 2023-32 Memorandum of understanding with the Bradford County Sheriff's Office for code enforcement services and the commissioner bill review. Commissioner Smith made a motion to approve the consent agenda. It was seconded by Commissioner Redding. The motion passed 5-0.

Mayor Roberts asked Wilson Whidden how many years of experience he had as a building inspector. Mr. Whidden said 65. Mayor Roberts said we are very fortunate to have his services. He presented a plaque to Mr. Whidden in recognition of ten years of dedicated service as the Building Inspector for the City of Starke and its residents.

Mayor Roberts asked Chief Johnson to come forward. Chief Johnson said Kirk Miracle has done many things for our community. He said the police department was in need of a K-9 cage for one of their trucks. Chief Johnson said Mr. Miracle met with Frankie Krol to get some numbers together and Mr. Miracle wrote a check. Chief Johnson thanked Mr. Miracle. Mr. Miracle said there was a need for a K-9 for a drug search and Mr. Krol responded and they were very impressed with the K-9 and handler and wanted to help.

Chief Johnson asked Attorney Martin to read the letter of accommodation for James Hall. Attorney Martin read the letter recognizing Officer Hall's excellent service to the Starke Police Department and the handling of a situation with a citizen with an extensive medical history. Mayor Roberts thanked Officer Hall for showing good instinct. Commissioner Mortimer thanked Office Hall for going above and beyond and not jumping to conclusions. She said Officer Hall makes the Starke Police Department a positive in the sight of the citizens. Commissioner Nugent thanked Office Hall. Office Hall said he applied to the Starke Police Department because of the values they show and he wanted to be a part of that.

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." There was no citizen participation.

Attorney Martin said you have before you Resolution 2023-33 approving the relocation of monuments, flags and memorial structures at the Charles Schaefer Memorial Park. He read the resolution. Mayor Roberts entertained a motion to approve Resolution Number 2023-33. Commissioner Redding made a motion to approve. It was seconded by Commissioner Smith. Mayor Roberts asked if there was any discussion. Commissioner Nugent asked why we are rushing to move them when there is no documentation saying we have to move them. He said it was put here for the veterans who served our country. Andy Redding said he did not write this the attorney wrote it. He said they had a very positive meeting with the legion about this. Commissioner Redding said it is an unsafe location with minimal parking. He said unless something has changed in the last 24 hours we were on the same page yet Commissioner Nugent has a different opinion of that. Commissioner Redding said this park is to further memorialize the veterans with something bigger, better and safer. He said having the memorial at the ball fields will teach our children coming up about the sacrifice that these veterans went through because freedom is not free. Commissioner Redding said it is an opportunity to bring the memorial up to date. Commissioner Smith said he thinks it is a positive but he believes we should use ARA funds and much more than \$10,000 at least \$100,000. Commissioner Mortimer said having served this country and her husband served and her father served and her grandfather served she thinks it is a wonderful opportunity to expand and honor those who

served in other areas allow our children to learn. She said she agrees with Commissioner Smith about increasing the amount of funding. Mayor Roberts said the whole purpose of this is to make it bigger and better and he would support increasing the amount spent. Commissioner Nugent said he would like to give the citizens a chance to comment and he served in the military too. He said he supports the wishes of the legion. Mayor Roberts asked if there were any comments. A member of the legion said they would like to hold off on making comments at this time. Mayor Roberts called for a vote. Commissioner Redding asked if the amount of money needed to be addressed. Clerk Crosby said the \$10,000 is just for moving the monuments. There will be much more needed for the entire project. The motion passed 4-1. Commissioner Nugent opposed the motion.

Mr. Mullins addressed the boot drive request from Bradford Youth Athletics on April 29th and 30th at US Highway 301 and State Road 16. Mr Mullins said they have a certificate of insurance. Mayor Roberts entertained a motion. Commissioner Smith made a motion to approve the boot drive. It was seconded by Commissioner Redding. Commissioner Mortimer asked why this was not on the consent agenda. Mr. Mullins said because we did not get it in time to put in on the consent agenda. Mayor Roberts asked if the boot drive request meets the requirements do they need to be brought to the commissioners. Mr. Mullins said the ordinance specifies the commissioners approve the application. The motion passed 5-0.

Attorney Martin addressed public hearings. He read the title of Ordinance Number 2023-02. Attorney Martin thanked Sandra Joseph with the North Central Florida Regional Planning Council for her help with this. Mayor Roberts entertained a motion. Commissioner Smith made a motion. It was seconded by Commissioner Redding. The motion passed 5-0.

Attorney Martin addressed the quasi-judicial hearing for property owned by the Bryant's concerning an amendment to the zoning map of the land development code. Attorney Martin gave instructions for a quasi-judicial hearing. He asked if any of the commissioners has had any ex parte communications. Commissioner Nugent said no. Commissioner Mortimer said no. Commissioner Redding said no. Commissioner Smith said no. Mayor Roberts said no. Attorney Martin asked if there was anyone who would like to speak on this matter. There was not. Attorney Martin asked Kevin Powell with Building and Zoning to stand and take an oath. He swore in Mr. Powell. Attorney Martin read the title of Ordinance Number 2023-04. Mr. Powell said the property in question is currently a daycare. He said the owners are selling the property and in order for it to be sold as a daycare the zoning would need to change from R1-C to RP. Mr. Powell said the zoning is consistent with the area. He said the Planning and Zoning Board has approved the change. Attorney Martin asked if anyone would like to speak on this matter. There was no response. Attorney Martin explained the law on this issue. Mayor Roberts

entertained a motion to approve Ordinance 2023-04 for second reading. Commissioner Smith made a motion. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Attorney Martin addressed the continuation of the quasi-judicial hearing for the application for a subdivision plat and site plan for Sandcastle Pines. He said at the previous hearing they were at the point of accepting testimony from interested parties. Attorney Martin asked if any of the commissioners has had any ex parte communications. Commissioner Nugent said no. Commissioner Mortimer said she did. Attorney Martin asked if those communications would influence her vote or her ability to make a fair and impartial decision based on the evidence presented. Commissioner Mortimer said no. Commissioner Redding said he consulted with staff to further familiarize himself with the current code. Attorney Martin asked if the substance of those communications would affect his ability to give a fair and impartial hearing to the applicant. Commissioner Redding said no. Commissioner Smith said no. Mayor Roberts said he spoke with staff and spoke with a gentleman who works for Kimley Horn on the phone. Attorney Martin asked if he spoke with Jack Hulsberg. Mayor Roberts said yes. Attorney Martin asked if those conversations would affect his ability to make a fair and impartial decision based on the evidence presented. Mayor Roberts said no. Commissioner Mortimer asked if she needed to divulge who her conversation was with. Attorney Martin said it would not hurt. Commissioner Mortimer said staff and Scott Koons with the North Central Florida Regional Planning Council. Attorney Martin swore in everyone who wanted to give testimony. He said if the applicant has no objections he would like to run back through and see if the city has any additional information or testimony to offer. Mr. Powell said no. Attorney Martin asked if Mr. Williams has any additional information. Mr. Williams said no but they do have some items they would like to highlight at the appropriate time. Attorney Martin asked Mr. Williams to recite what documents have been entered into the record. Mr. Williams said he is an attorney for Lewis Longman and Walker. He provided a document index that was sent electronically to the clerk's office. Attorney Martin asked about the most recent site plan. Mr. Williams said the February 10, 2023 site plan is the most recent. Attorney Martin asked if he could distribute the February 10, 2023 site plan to the commissioners. Mr. Williams said yes. Attorney Martin asked about the greyed in area and if that was the sidewalk. Mr. Williams said he believes so. Mr. Martin asked about the community center. Mr. Williams said there will be storage space, community space and office space. Attorney Martin asked if there would be any community services. Mr. Williams said financial literacy and job seeking services. Attorney Martin asked Sandra Joseph to state her name for the record. Ms. Joseph said she is Sandra Joseph with the North Central Florida Regional Planning Council. Attorney Martin asked Ms. Joseph if she is familiar with the site plan. Ms. Joseph said she reviewed the site plan for sufficiency. She stated that the first review sited some deficiencies. Ms. Joseph said the second review addressed the deficiencies. Attorney Martin asked if the community space was labeled in the site plan. Ms. Joseph said they did not review the February 10, 2023 site plan. Attorney Martin asked if she

heard the discussion about the use of the community space. Ms. Joseph said yes. Attorney Martin asked if the use met the zoning of R1-C. Ms. Joseph read the code. Attorney Martin asked if the uses would be prohibited in R1-C. Ms. Joseph said yes. Attorney Martin asked if the sidewalk is in the appropriate location for a sidewalk. Ms. Joseph said the sidewalk would need to be accessible to the maximum number of lots and ensure safe pedestrian travel in the development. Ms. Joseph read the code. Attorney Martin asked if the sidewalk meets the code. Ms. Joseph said it should be on the other side of the street. Attorney Martin asked Mr. Williams if he had any questions for Ms. Joseph. Mr. Williams asked if lot 16 should not be used as a community center but could be used as a home. Ms. Joseph said yes. Mr. Williams asked if Ms. Joseph believes the sidewalk should be moved to the other side of the street. Ms. Joseph said to provide access to the most lots and to ensure safe travel to pedestrians in accordance to the land development regulations that it would be better on the other side. Mr. Williams said if they move the sidewalk to the other side of the street it would meet code. Ms. Joseph said yes. Mr. Williams asked if they changed lot 16 to a residence would it satisfy the requirements of the land development code. Ms. Joseph said provided it would meet the dimensional requirements. Attorney Martin asked if Mr. Williams has any additional testimony. Mr. Williams said the applicant does not have an issue with moving the sidewalk to the other side of the street or making lot 16 a residence. Mayor Roberts called Terry Qualls. Mr. Qualls stated his address as 803 North Westmoreland Street in Starke. Mr. Qualls asked if there was a GEO report. He said he has GEO reports from other places and they are done to determine the ground composition. He said they are used to determine how roads and ponds are built. Mr. Qualls said he is not against development but he is concerned about his neighborhood. He asked how the roads will hold up with traffic. He mentioned Pratt Street as an example of what could happen. Mr. Qualls expressed concern about flooding from the pond. He asked about the traffic study. He asked that requirements be made to make the road stronger and speed bumps be installed. Attorney Martin asked if the applicants or the city has any questions. Commissioner Redding asked Mr. Williams about the previous proposal for 25 homes. He said the community center was a big part of the development. Commissioner Redding asked if that has changed and is it part of the financing. Mr. Williams said it would be beneficial and that is why it was being included but if it would not be allowed in the code it would not be included. Commissioner Nugent asked about widening the street. Mr. Williams said the GEO report has been turned in but he is not sure if they are willing to widen the street. Mr. Williams talked about the traffic report and the ratings that say there will not be a problem with traffic. Commissioner Mortimer asked if the site plan is 22 single family homes. Mr. Williams said it is 22 lots. Commissioner Mortimer asked about the GEO Technical Report having severe wet soil. She asked Ms. Joseph if they would have to bring in a ton of fill dirt. Ms. Joseph said yes because there are other areas in the city with the same problem. Commissioner Mortimer asked Mr. Williams if his client is aware of that and the issues will be addressed. Mr. Williams

said yes. Commissioner Redding asked if this is a 50-year rental program. Mr. Williams said it could be used as a residential subdivision. Mr. Redding said things are changing by the minute. Mr. Williams said the goal was to bring affordable housing to Starke. Mayor Roberts said after going through all that the one street he is primarily concerned with is Westmoreland Street. He said the traffic will double according to the traffic study. He said they are here to approve what was brought to them tonight and it does not meet the requirements. He asked Attorney Martin if that is correct. Attorney Martin said per the land development code the commission is to approve or deny the application or approve it with conditions and the applicant would bring a corrected site plan. Mayor Roberts said he believes it was not the city that kept changing it was the applicant. He asked Attorney Martin where they are in the process. Attorney Martin said it would be time for final arguments and then the commission would vote. Attorney Martin said at this time Sandcastle would make their final arguments. Mr. Williams said the city has been very steadfast about holding them to meeting every condition of the code. He said the plan does that except for 2 items. Mr. Williams said they will move the sidewalk and if the code does not allow for the community center although they believe it would be good for the residents they will make it a residence. He said other than that the site plan meets the code. He said the traffic will double but it will still be a level B. Mr. Williams said in regards to the soil that is why we do a GEO report. He asked for approval. Attorney Martin asked Mr. Powell if he has any final arguments. Mr. Powell said there are deficiencies to the site plan that do not allow the city to move forward with the site plan and it is up to the commission to decide how to move forward. Attorney Martin gave instructions to the commissioners on how to proceed. Mayor Roberts asked if he can make a motion or relinquish the gavel. Attorney Martin said he would need to pass the gavel to make a motion. Mayor Roberts passed the gavel to Vice Mayor Smith. Vice Mayor Smith entertained a motion. Mayor Roberts made a motion to deny the site plan that was proposed tonight. It was seconded by Commissioner Mortimer. She asked Attorney Martin because the motion is made to deny do they needed to state the reason. Attorney Martin said yes. Mayor Roberts said he made the motion to deny based on the evidence presented tonight based on the nonconformity of the 2 issues that were pointed out that do not meet the land use code of the surrounding area. Attorney Martin asked if the 2 issues are the location of the sidewalk and the community center. Mayor Roberts said that is correct. Commissioner Mortimer said she seconds the motion based on the issues brought up in the motion. Vice Mayor Smith called for a vote. Attorney Martin suggested a roll call for the vote. Commissioner Nugent voted against the denial. Commissioner Mortimer voted for the denial. Commissioner Redding voted for the denial. Mayor Roberts voted for the denial and Vice Mayor Smith voted against the denial. Vice Mayor Smith passed the gavel back to Mayor Roberts. The application was denied 3-2. Attorney Martin said this concludes the hearing. Clerk Crosby said on behalf of the planning council and the commission he would like to thank Ms. Joseph for being here and assisting them. Mayor Roberts asked because it was denied what can the commission do.

Attorney Martin said they are free to discuss provisions of the code or certain types of developments they would allow using some of the issues that came up from this particular development. Mayor Roberts asked if he is allowed to discuss this on the street. Attorney Martin said yes.

Mayor Roberts asked for the City Clerk report. Clerk Crosby said he has nothing to report.

Mayor Roberts asked for the Police Chief Report. Chief Johnson had nothing further.

Attorney Martin had nothing to report.

Commissioner Nugent said the Northeast Florida League of Cities dinner is Thursday in Atlantic Beach.

Commissioner Mortimer had nothing further.

Commissioner Redding had nothing further.

Commissioner Smith thanked Mr. Mullins and Clerk Crosby for coming out to Starke Night at the baseball field for the opening pitch. He said Mr. Mullins threw a strike and Mr. Nugent was there as well.

Mayor Roberts said there is a Bradford/Union Law Enforcement Memorial April 20, 2023 reception at 5:30 pm and service at 6:00 pm at Northside Baptist Church.

Mayor Roberts asked the attorney because there is nothing in the works because the Sandcastle development was denied to look at issues with zoning. Attorney Martin confirmed with Kevin Powell that there are no pending residential site plans or plats approvals at any stage of the application process with the city. The Mayor asked him if there was a way to go about evaluating our land development code as it relates to residential subdivision approvals. Attorney Martin said the commission could initiate a moratorium on the processing of applications for residential subdivisions site plan approvals for a period of time. What he would suggest for the time period the longest legally defensible time period of one year. Attorney Martin will do some research and bring back to the Planning & Zoning Board and the Commission an ordinance for six months or one year because that is going to be quite an undertaking and review the city's land development code as it relates to residential subdivisions. Mayor Roberts said you are going to bring it back and they will have a chance to discuss the meaning of what we are trying to do. Attorney Martin said it would go to the Planning and Zoning Board first and then it would come here just like the cell tower did. Commissioner Smith asked if they need to reopen the meeting. Mayor Roberts banged the gavel. Attorney Martin said the recorder never shut off. Commissioner Smith said he just wants

to make sure we do it right. Mayor Roberts said without going into great detail he thinks there are things that need to be cleaned up so we might not have hurdles to go over for certain things. We had to piecemeal together certain things and he is not saying we did not do things right we just need to clean things up. He does not know if it will be three months or a year but that is what was thrown out there. He would entertain a motion to that. Commissioner Mortimer made the motion to that. Mayor Roberts said he has a motion to draw up a pause or moratorium until we can look at some of our land use codes. It was seconded by Commissioner Smith. Mayor Roberts said all in favor say aye. Mayor Roberts said the motion passed 5-0. He asked if there was anything else. Mayor Roberts said if there is none the meeting is adjourned.