

Commission Meeting Minutes
September 5, 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 Commissioner Nugent 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, Deputy Clerk Lisa Heeder, Police Chief Jeff Johnson, Attorney Clay Martin, Building and Zoning Permit Tech Noah Tinsler and Fire Chief Gary Wise.

Mayor Roberts asked if there were any additions or deletions to the agenda. Clerk Crosby asked to pull item 4.E. from the consent agenda. Mayor Roberts entertained a motion to approve the agenda with the changes. Commissioner Redding made a motion to approve with changes. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Roberts said if any commissioner wants to discuss an item on the consent agenda they should have it removed and placed on the agenda. He entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the July 11, 2023 Commission Meeting, the minutes of the August 15, 2023 Commission Meeting, Resolution Number 2023-52 agreement with the North Central Florida Regional Planning Council for local government comprehensive planning services, Resolution Number 2023-53 an administrative declaration of a local state of emergency due to the threat of Hurricane Idalia, Resolution Number 2023-55 agreement with Lampe, Roy and Associates for commercial appraisal services, the Barnyard Fantasy Football League rib cook off road closure Saturday, September 20, 2023 to benefit Shop with a Cop and the commissioner bill review. Commissioner Mortimer made a motion to approve the consent agenda. It was seconded by Commissioner Nugent. The motion passed 5-0. Mayor Roberts asked that motions be clearly stated because the recorder has a hard time picking it up. He would like to start at the end and say yay or nay for the vote on the record.

Mayor Roberts asked for emergency items. There were none.

Mayor Roberts asked for old business. Commissioner Smith said at the last meeting there was a resolution and no one liked the wording. He said they thought there was a deadline but they should be able to get it on the ballot for the chief's position. He passed out copies of a ballot from 2017 on the city clerk referendum. Commissioner Smith asked if the board wants to do it. Commissioner Nugent said he is good with it dying for lack of a vote. Commissioner Mortimer asked if Commissioner Smith is asking for a new resolution. Commissioner Smith said yes. He made a motion to direct the attorney to bring back the police chief's position on the ballot. It

was seconded by Commissioner Redding. Attorney Martin said as a procedural matter it would be an ordinance to get it on the ballot. He said in terms of expectations it does not meet Florida Statute for a referendum on the ballot. Attorney Martin said the statute says it has to have 2 parts. It has to have the sentence and a ballot summary explaining what it is. Attorney Martin asked if there is any intent to keep the night watchman. Chief Johnson said he would like to put this to sleep. He said on May 16, 2023 he had a budget approved of 1.596 million. Chief Johnson said on June 20, 2023 he cut it to 1.1 million. He said he needs this not to be on the ballot for the stability of the police department so he can hire people. He said the people want a police department. Chief Johnson recommended taking it off the ballot. Commissioner Nugent said it died and it would cost the city money to run it through the election system. Mayor Roberts said it is anybody's prerogative on the board to make a motion. Commissioner Smith withdrew his motion. Commissioner Redding withdrew his second. Commissioner Smith made a motion to ask the attorney to bring back an ordinance to have the chief's position as an elected official be removed from the charter as well as the night watchman. There was no second.

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.

Mayor Roberts called for public hearings. He asked for Ordinance Number 2023-07 on second reading. Attorney Martin read the ordinance by title. He said this is an ordinance of the City of Starke, Florida, amending Chapter 78, "personnel," Article IV "city employees retirement systems," Division 4 "general employees' retirement system"; amending Section 78-247(a) and Section 78-247(b) to clarify that the accumulated contributions that are returned include the contributions made by the employee and the 5% contribution paid by the city pursuant to Section 78-248(e); amending section 78-247(d) to provide that all employees who leave the employment of the city with less than 10 years of service have the right to elect to have their member contributions returned to them, and that said return of contributions include the contribution made by the member but do not include the 5% contribution paid by the city pursuant to Section 78-248(e); providing for codification; providing for conflict; providing for repealer; providing for severability; providing for an effective date. He said should the commission wish to adopt the ordinance the appropriate motion would be to adopt said ordinance as read by title only. Mayor Roberts entertained a motion to approve Ordinance Number 2023-07. Commissioner Mortimer moved to adopt Ordinance Number 2023-07 as read by title only. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Roberts called for Ordinance Number 2023-11. Attorney Martin said we will be taking ordinance 2023-11 and 2023-12 as part of a quasi-judicial hearing. He asked if there is anyone in the audience beside Mr. Tinsler to speak to these items. There was not. Attorney Martin administered the oath to tell the truth, the whole truth and nothing but the truth to Mr. Tinsler. Mr. Tinsler said there are 4 contiguous parcels with 2 different zonings. He said the rezoning would be from R-1C to B-2. Mr. Tinsler said the Planning and Zoning Board highly recommends approving it. Mayor Roberts asked if any of the commissioners had questions. Commissioner Nugent asked about the location of the property. Mr. Tinsler said it is the corner of Weldon Street and State Road 16 as well as the corner of Weldon Steet and Grand Street. Commissioner Mortimer asked if the owner wants to bring the properties in line with each other. Mr. Tinsler said yes. Attorney Martin said this is an ordinance of the City of Starke, Florida, amending the future land use plan map of the City of Starke comprehensive plan, as amended, relating to an amendment of 50 or less acres of land, pursuant to an application S230628A, by the property owner of said acreage, under the amendment procedures established in Sections 163.3161 through 163.3248, Florida Statutes, as amended; providing for a change in the land use classification from medium density residential (more than 2 to less than 8 dwelling units per acre) to commercial on certain lands within the corporate limits of the City of Starke, Florida; providing severability; repealing all ordinances in conflict; and providing an effective date. He said if the commission wishes to adopt the ordinance the appropriate motion would be to adopt the ordinance as read by title only. Mayor Roberts entertained a motion to adopt Ordinance 2023-11. Commissioner Mortimer moved to adopt Ordinance Number 2023-11 as read by title only. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Roberts called for Ordinance Number 2023-12. Attorney Martin said this is an ordinance of the City of Starke, Florida, amending the zoning map of the City of Starke land development code, as amended, relating to the rezoning of less than 10 contiguous acres of land, pursuant to an application Z 23-04, by the property owner of said acreage, providing for rezoning from community commercial district (B-2) and single family, medium density district (R-1C) to community commercial district (B-2) of certain lands within the corporate limits of the City of Starke, Florida; repealing all ordinances in conflict; providing for severability; and providing an effective date. He said Mr. Tinsler is still under oath and asked Mr. Tinsler to provide a description. Mr. Tinsler said it is a change from R-1C to commercial. Commissioner Redding asked if this is the same area. Mr. Tinsler said yes. Mayor Roberts entertained a motion to adopt Ordinance Number 2023-12. Commissioner Nugent made a motion to adopt Ordinance Number 2023-12 as read by title only. It was seconded by Commissioner Redding. The motion passed 5-0. Attorney Martin asked if any commissioners had any ex parte communications with anyone. Commissioner Nugent said no. Commissioner Mortimer said no. Commissioner Redding said no. Commissioner Smith said no and Mayor Roberts said no.

Mayor Roberts called for the clerk's report. Clerk Crosby said as the budget stands now you have a millage of 5.4935. He said if anyone wishes to make any changes he asked them to do it now. Mayor Roberts entertained any motion. Commissioner Mortimer said the vote to set the millage was 3-2. She asked if only the prevailing side could make a motion. Clerk Crosby said he thinks all the votes are fresh now from this point forward. Commissioner Mortimer made a motion to set the millage at 4.8754. It was seconded by Commissioner Smith. The motion passed 5-0. Clerk Crosby said we have a budget with a millage of 4.8754 which the commission had considered at one time. He asked if the commission would like to use that budget. Commissioner Smith made a motion to pass the budget with a millage of 4.8754. It was seconded by Commissioner Nugent. The motion passed 5-0.

Mayor Roberts said Mr. Mullins is at home sick but he supplied a report for the commissioners to read over.

Mayor Roberts called for the Police Chief Report. Chief Johnson praised God for sparing us from Hurricane Idalia but said the city was ready.

Mayor Roberts called for the attorney's report. Attorney Martin had nothing else.

Commissioner Nugent said the 21st is the Northeast Florida League of Cities dinner in Palatka. He suggested looking at areas that need to be rezoned.

Commissioner Mortimer said as the construction project comes to an end we need to make sure the damaged roads are repaired. Chief Johnson said they have been taking pictures to document the damage.

Commissioner Redding said the burned house on Pratt Street is getting complaints and asked what can be done. Clerk Crosby said it is probate and they have been given until the end of the year. Commissioner Redding asked Chief Johnson about semi parking. Chief Johnson said the city does not have any way to enforce the 2-hour parking. He said Mr. Mullins contacted DOT to see if they could help enforce it. Chief Johnson said DOT will not interfere with cities but he did get a copy of their red tag. He said he will get with Attorney Martin to see if they can make their own red tag but the city will have the liability for towing a semi. Commissioner Nugent said the no parking signs on Powell Street by the nursing home are gone. Chief Johnson said he will check on it.

Commissioner Smith asked Clerk Crosby about the bill review committee. Clerk Crosby said it was tied to the bond trustees and we no longer have bonds. He said if you want to have a citizens group review the bills then you would need a resolution or an ordinance. Commissioner Smith said he would like that. Commissioner Mortimer said she would not. Commissioner Smith said he had a citizen reach out to him about credit card payments. The citizen was charged \$3.00 one month and \$14.79 the next. Clerk Crosby said that is because of the credit card

company that has the only relationship with the software company. He said we have a problem with that and have contacted Green Cove Springs because they use the same software. Commissioner Smith asked how Green Cove Springs fixed the problem. Clerk Crosby said they haven't. He said some cities pick up some of the tab and some pick up all of it. Clerk Crosby said we can't pick up the tab because of the cost. Commissioner Smith asked if the board could get a report on how many people use credit cards. Commissioner Smith asked where we stand on code enforcement. Clerk Crosby said they address the worst properties about 4 or 5 at a time so they don't overwhelm the process. He said the wheels of progress turn slowly. Clerk Crosby said if someone calls a code enforcement issue in we will look at it. He said we are meeting with the magistrate regularly. Commissioner Smith asked if they could get a report on it. Clerk Crosby said yes. Mayor Roberts said he would like the process explained to the commission during a meeting without a lot on the agenda. Clerk Crosby said Mr. Tinsler called Attorney Martin to see what the options are and how to recover the costs. Mayor Roberts suggested looking at the ordinance. Clerk Crosby asked if the board would like to be aggressive on this. Commissioner Mortimer said she would like to be aggressive. Commissioner Nugent agreed with Commissioner Mortimer. Clerk Crosby asked if that is the consensus of the commission. Commissioner Smith said that is what code enforcement is for.

Mayor Roberts had nothing further.

There being no further business Mayor Roberts adjourned the meeting at 6:30 pm.