

Commission Meeting Minutes  
November 7, 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 and the Pledge of Allegiance. Those willing to do so are asked to stand and Commissioner Mortimer will lead us in prayer and the Pledge of Allegiance.

Mayor Roberts called the meeting to order at 5:31 pm.

This meeting was the first regular meeting of the month. Members attending included Mayor Scott Roberts, Commissioner Janice D. Mortimer, Commissioner Andy Redding and Commissioner Shannon Smith. Also present were Executive Assistant Cathy Bradley, Zoning and Planning Office Manager Lance Campbell, City Clerk Jimmy Crosby, Contractor Jim Farrell, Deputy Clerk Lisa Heeder, Finance Director James Hughes, Police Chief Jeff Johnson, City Attorney Clay Martin, City Manager Drew Mullins, Building and Zoning Official Kevin Powell and Code Enforcement Official Rick Ward. Commissioner Danny Nugent was absent.

Mayor Roberts asked if there were any additions or changes to the agenda. Clerk Crosby asked to make a new item behind number 7 under old business for the audit report. Mayor Roberts suggested making it 6.A. He asked if there were any other additions or changes. Hearing none he entertained a motion to approve the agenda with the changes. Commissioner Redding made a motion to approve the agenda with the changes. It was seconded by Commissioner Mortimer. The motion passed 4-0.

Mayor Roberts entertained a motion to approve the consent agenda. The consent agenda consisted of the minutes of the October 12, 2023 Special Commission Meeting, the minutes of the October 17, 2023 Commission Meeting, the minutes of the October 31, 2023 Special Commission Meeting, Resolution Number 2024-03 amending the budget for the 2022-2023 fiscal year, Resolution Number 2024-04 appointing a codes enforcement special magistrate and the commissioner bill review. Commissioner Mortimer made a motion to approve the consent agenda. It was seconded by Commissioner Redding. The motion passed 4-0.

Mayor Roberts asked for emergency items. There were none.

Mayor Roberts asked for old business which includes the audit report. Caleb Perla thanked the commission for having him. He introduced himself as one of the Partners with Powell & Jones CPA. Mr. Perla said the Independent Auditors Report states that they have audited the financial statements of the city for the year ended September 30, 2022 and in their opinion, the financial statements present fairly, in all material respects, the financial position of the city and that the audit was conducted in accordance with generally accepted auditing standards. He said the city maintains two separate governmental funds: the General Fund and the Transportation Trust Fund. Mr. Perla said those fund balances were \$897,984 for the General Fund and \$2,638,100 for the Transportation Trust Fund. He said the fund balances as a percentage of that is 15% or

about 1.9 months and the Government Finance Officers of America recommends having at least two months so you are just below that recommended minimum. He said there is a downward slope for both the unrestricted and unassigned fund balances which creates a potentially dangerous situation over time. Mr. Perla said you had capital outlay of \$128,966 and transfers in of \$602,205 so you are almost at a \$1,000,000 loss. He said the General Fund is running a large deficit and it has been doing that for several years and that is a concerning situation. Mr. Perla said the city maintains one proprietary fund which is its utility system utilized for city operations which are intended to fully operate off of user charges. He said you have \$32,000,000 in assets and \$4,900,000 in liabilities and the net of those is \$27,500,000 which is 57% which means if you shut down you'd be able to operate for 6.8 months so you are well above that two month minimum. Mr. Perla said next we have the net pension liability. He said the Police Pension Fund is fully funded as of year end but the General Pension Fund and the Fire Pension Fund weren't quite fully funded. Mr. Perla said the single audit is a secondary audit you have to do because you spent over \$750,000 of federal funds and the city complied with those requirements. He said the city also complied with the Independent Accounts Report, Governmental Auditing Standards Report and Management Letter but there is still a substantial issue that needs to be looked at: three material weaknesses (there were nine in the prior year) and three recommendations (there were four in the prior year). Mr. Perla said overall there was substantial improvement. He said he believes Clerk Crosby has picked an excellent finance team that is willing and able to handle those issues. Mr. Perla said they enjoyed the opportunities and challenges of this audit and look forward to a long-term relationship with the city. Mayor Roberts asked for questions. Commissioner Redding said it was a great report showing improvement we haven't had in years. He thanked Clerk Crosby and his staff for the great job they are doing. Commissioner Mortimer said the staff is doing a great job and have cleaned up a lot that was in the in the past. She said going forward she would like to see us be more timely with everything. Commissioner Mortimer said thank you all. Clerk Crosby said one thing he would like to point out because it is significant is this commission went through a difficult budgeting period and remember that this is an audit on the year 2022 and one of the significant things that were found in 2022 was the \$1,000,000 being out of balance in the General Fund and that when you get the 2023 audit you are going to see that the effort that you all made is going to have adjusted that and put us back in a good solid financial situation on the General Fund side. Clerk Crosby said he thinks the commission should be commended for having done that. He said that was not an easy task to bring yourselves in line and it wasn't so much an auditing or accounting situation as it was a policy decision that you all made and I think that should be pointed out that that correction was made by this commission. Clerk Crosby said thank you all for putting us to where we can get these kinds of reports. He said we appreciate the effort that you all did and one of the things that impressed us is that you were onsite quite a bit of the time. He said that had not been done in previous audits so we think that that helps to get a better picture of what's going on in our city. Clerk Crosby said we were very pleased with that fact and we could see the effort that you were putting in working with us and we appreciate it. Mayor Roberts said we enjoyed the audit and we're glad we were able to work with you and thank you. Clerk Crosby said he can't go without thanking Finance Director James Hughes and Jim Farrell who came on board in a consulting capacity and Latia Davis our Senior Accountant. He said all the staff worked on the audit but those three were exceptional. He said

someone told him you don't want to fix things and do a software change at the same time and they did that and we have software that staff can use and have been adequately trained in. Clerk Crosby said he really appreciates it. Mayor Roberts entertained a motion to accept the auditor's report. Commissioner Redding made a motion to approve the auditor's report for 2022. It was seconded by Commissioner Mortimer. She said she has a budget question. Commissioner Mortimer asked if we have a copy of the actual police department and fire department budget. Mr. Mullins said the fire department but not the police department. Chief Johnson said he is working on it. The motion passed 4-0.

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." Alvin Hunter came forward and stated his address as 7139 East Call Street. He talked about his time in the Marine Corps in the 1960s and what it was like coming home. Mr. Mize expressed his appreciation for Veterans Park. He said Bradford County dedicated it in 1985. Mr. Mize said he is opposed to the land swap.

Mayor Roberts called for public hearings. Attorney Martin read the title of Ordinance Number 2023-08 amending the land development code pursuant to application LDC 23-01 on second reading. He said should the commission wish to adopt the ordinance the motion should be to adopt Ordinance Number 2023-08 as read by title only. Mayor Roberts entertained a motion. Commissioner Redding made a motion to approve Ordinance Number 2023-08 on second reading. It was seconded by Commissioner Smith. The motion passed 4-0.

Attorney Martin read the title of Ordinance Number 2023-17 pursuant to petition number ANX 23-01 relating to voluntary annexation. He said should the commission wish to adopt the ordinance the motion should be to adopt Ordinance Number 2023-17 as read by title only on second reading. Mayor Roberts entertained a motion. Commissioner Smith made a motion to approve Ordinance Number 2023-17. It was seconded by Commissioner Mortimer. The motion passed 4-0.

Attorney Martin read the title of Ordinance Number 2024-01 prohibiting smoking and vaping in the city's public parks. He said should the commission wish to adopt the ordinance the motion should be to adopt Ordinance Number 2024-01 as read by title only. Mayor Roberts entertained a motion to approve Ordinance Number 2024-01. Commissioner Smith made a motion to approve Ordinance Number 2024-01. It was seconded by Commissioner Redding. Commissioner Smith asked how are we going to enforce this. Attorney Martin said he will defer this to Chief Johnson. Chief Johnson said we get back to not having citations. It's like the parking issue. We have no way to enforce it. Mayor Roberts said I'm sure there will be signs.

Couldn't you ask them to leave. Attorney Martin said this does not create a criminal or civil infraction. If they are smoking, they can be warned and then asked to leave. Commissioner Mortimer said she missed the presentation but she is sure it was very informative but did we have to do an ordinance. Attorney Martin said they approached both the county and the city and the county adopted an ordinance and that's what they asked for. The motion passed 4-0.

Mayor Roberts called for quasi-judicial hearings. Attorney Martin said tonight you have two matters before you that must be considered and voted on by the commission. The first is the second reading of Ordinance Number 2023-13 which is a comprehensive plan amendment changing the future land use map pursuant to an application submitted by Marty Shaw agent for Robert Blaine and the second is Ordinance Number 2023-14 which is a zoning amendment changing the zoning designation of the same property. Attorney Martin reminded everybody that all public testimony in these matters are taken under oath. Everyone testifying will be subject to cross examination, all documents and exhibits shall be entered into evidence and the giving of testimony is limited to experts and closing arguments will be limited to the evidence on record. He asked if any commissioner has had any ex parte communication involving this matter. Commissioner Smith said no. Commissioner Mortimer said no. Commissioner Redding said no and Mayor Roberts said no. Attorney Martin asked anyone who is going to give testimony to raise their right hand and asked do you swear to tell the truth, the whole truth and nothing but the truth. Mr. Powell said I do. Attorney Martin read the title of Ordinance Number 2023-13 amending the future land use plan map of the comprehensive plan pursuant to application S230815A. He asked Mr. Powell to introduce and summarize the proposed order. Mr. Powell said we are bringing this back for second reading. He said the front of the property is zoned B-3 and the rear is R-1C and the owners would like it all zoned B-3. He said there is no additional information from the first reading. Attorney Martin asked Mr. Powell if he is entering into evidence the same documents he offer at the first reading. Mr. Powell said yes. Attorney Martin asked if there is anyone from the audience who wishes to speak on this matter. No one responded. Attorney Martin asked if the commissioners had any questions. Commissioner Mortimer asked about the location of the property. Mr. Powell said it is across from Ace Hardware. Attorney Martin said the decision of the commission should be based only on evidence provided by sworn witnesses. In addition, the application may be adopted if it preserves the internal consistency of the city's comprehensive plan, complies with applicable state laws and does not confer special privileges or rights on any person at this time. The commission may discuss the application and any findings. Commissioner Redding made a motion to adopt Ordinance Number 2023-13 as read by title only. It was seconded by Commissioner Smith. The motion passed 4-0. Attorney Martin said the next matter before you on second reading is Ordinance Number 2023-14 amending the zoning map of the land development code pursuant to application Z 23-05. He read the ordinance by title. Attorney Martin asked Mr. Powell to provide an introduction and summary of the proposed ordinance. Mr. Powell said this is a continuation of the previous ordinance amending the zoning map to B-3. He said he will enter all the evidence as we did in the first reading. Mr. Powell said we have no additional information at this time. Attorney Martin said the decision of the commission should be based only on the evidence provided by sworn witnesses. In addition, the application

may be adopted based on consideration of the following factors, that it conforms to the city's comprehensive plan, the compatibility of the proposed zoning, classification of the property being considered with that of the surrounding properties and the change in land use conditions occurring in the general area, physical characteristics of the site, including not limited to soil topography, drainage, flood zone and vegetation, the impact on public facilities and adopted level of service standards, including but not limited to, the impact on the capacity of the existing and productive traffic patterns, water and sewer systems and other public facilities and utilities, the impact on the established character of the surrounding property, the appropriateness of the proposed zoning classification based on the consideration of the applicable provisions and conditions contained in this code and other applicable laws, ordinances and regulations relating to land use and based upon the consideration of the public health, safety and welfare of the citizens. Mayor Roberts entertained a motion for Ordinance Number 2023-14 as read by title only. Commissioner Redding Made a motion to adopt Ordinance Number 2023-14 as read by title only. It was seconded by Commissioner Smith. The motion passed 4-0.

Mayor Roberts asked for the clerk's report. Clerk Crosby suggested the commission may want to cancel the November 21, 2023 meeting the week of Thanksgiving. Mayor Roberts entertained a motion to cancel the next meeting November 21, 2023. Commissioner Mortimer made a motion. It was seconded by Commissioner Redding. The motion passed 4-0.

Mayor Roberts asked for the city manager's report. Mr. Mullins introduced Rick Ward the new Code Enforcement Officer. The commissioners welcomed Mr. Ward.

Mr. Mullins said within the next two weeks they will be smoke testing our sewer lines. He said he will email a map to the commissioners and residents will be notified through door hangers, the sheriff's office will be notified and it will be posted on social media and the website.

Mr. Mullins said we have water, sewer, electric and natural gas services but one thing that is overlooked is natural gas. He met with Florida Gas Utility last week to come up with a marketing strategy. Mayor Roberts asked Mr. Mullins to let the commissioners know when he starts marketing it so they can be prepared for phone calls. Mr. Mullins said he will get a presentation together for them.

Mayor Roberts asked for the police chief's report. Chief Johnson said they are in the midst of getting their budget together and he has met with James Hughes several times.

Mayor Roberts asked for the attorney's report. Attorney Martin asked to add discussion of potential property A as item B. He said item A is the real estate exchange agreement with Kingsley Development. He said they have proposed a land exchange and there are maps attached as exhibits on the back of the agreement that would effectuate that property swap.

Attorney Martin said it is before you tonight for discussion and further direction. If the commission wishes to proceed with this the next step would be for Mr. Mullins to make an inquiry of all departments to make sure there is not a use for this land elsewhere and to send notices to all of the properties that are contiguous to Veterans Park advising them that this will be considered and voted on at the December 5, 2023 Commission Meeting. Attorney Martin said they are supposed to get fifteen days notice so we have plenty of time and this could be an agenda item that would be considered and voted on. Commissioner Smith said he took a trip to the proposed swamp area of the property. He said he asked Mr. Mullins to mark it off so they can see what they have. Mr. Mullins said he could do it this week potentially. Commissioner Smith asked that at least the corners be marked. He thinks the veterans deserve more than a mess. Commissioner Mortimer said she was not here for the presentation but she got the packet and reached out to Clerk Crosby who was able to answer her questions and she is ready. Attorney Martin asked if the commissioners would like to send notices to the adjoining property owners. Mayor Roberts asked if they needed a motion. Attorney Martin said yes. Mayor Roberts entertained a motion to send the proper notification. Commissioner Mortimer made a motion. It was seconded by Commissioner Redding. Mayor Roberts asked if there is any further discussion. Commissioner Redding said it needs to be known that this property is going to supplement what the Legion came forth and expressed their desires of where they want the park moved to and we voted on and not just the .477 acre piece of property. He asked for a visual representation. The motion passed 4-0.

Attorney Martin said before we do move on, as you're reading this property swap agreement, if you have any questions, if you need something explained, if you have an idea about to approach something differently, please just give me a call and we can talk about it and if there's anything we need to straighten out before the 5th, we can. Item B is bringing back before you the issue of the procurement of the Jarman property on the other side of the railroad tracks. In consulting with the city's engineers, who would need to do the phase one environmental study, which was the thing that we were feeling, would take us the most time to do, correct me if I'm wrong, but we've determined that that phase one could be done within that time. And so the mayor, on my advice, knowing that the city would have the opportunity to back out of the contract for its terms if it wanted to, went ahead and signed that contract. And that is what is before you tonight and effectively what you would be doing is. Is ratifying the mayor's action in executing that contract. If the if the commission does not wish to move forward, then we can relate that to the sellers that we are exercising our unconditional and unilateral right to back out of the contract during the due diligence. Mayor Roberts said the motion would be to accept the contract that's presented. Attorney Martin said and ratify the actions of the mayor in signing the contract. Mayor Roberts entertained a motion to that effect. Commissioner Smith made a motion. It was seconded by Commissioner Redding. Mayor Roberts asked for

discussion. Commissioner Redding asked Clerk Crosby if the funding is coming from ARA money. Clerk Crosby said yes. The motion passed 4-0.

Attorney Martin reminded everyone that they have ethics training on December 6<sup>th</sup> at 4:00 pm at their office in Gainesville.

Commissioner Smith said the property needs to be marked off so we can see what we've got.

Commissioner Mortimer said the county is submitting an appropriation through Representative Brannan for the Concerned Citizens of Bradford County and a part of that process requires a letter of support from the city. She asked Clerk Crosby to draft a letter that the commissioners could sign and get to Alicia McMillian by Thursday. She asked if everyone is in agreement with that. Commissioner Mortimer asked Attorney Martin if they need a motion. Attorney Martin said motions are preferred over consensus. Commissioner Mortimer made a motion to submit a letter of support for the county appropriation that is being presented to Representative Brannan in support of the Concerned Citizens of Bradford County. It was seconded by Commissioner Smith. The motion passed 4-0.

Commissioner Redding had nothing further.

Mayor Roberts had nothing further.

There being no further business Mayor Roberts entertained a motion to adjourn. Commissioner Redding made a motion to adjourn. It was seconded by Commissioner Mortimer. The meeting was adjourned at 7:04 pm.