

Commission Meeting Minutes
March 12, 2024
5:30 pm

Mayor Roberts said before we begin the official meeting of the City of Starke City Commission, there'll be a time for a voluntary prayer and the Pledge of Allegiance. Those willing to do so are asked to stand and Commissioner Redding will lead us in prayer and the pledge.

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

This was the first regular meeting of the month. Members in attendance included Mayor Scott Roberts, Commissioner Janice D. Mortimer, Commissioner Danny Nugent and Commissioner Andy Redding. Commissioner Shannon Smith was absent. Also in attendance were Executive Assistant Cathy Bradley, Deputy Clerk Lisa Heeder, Police Chief Jeff Johnson, Sheriff Gordon Smith and Attorney Scott Walker.

Mayor Roberts asked for any additions or deletions to the agenda. He asked the commission if they have any. They had none. Mayor Roberts asked that item 10 be removed from the agenda and that under 13 the mayor's comments be moved up to first. He asked if there any other additions or deletions to the agenda. Mr. Mullins asked to remove item 4B. Mayor Roberts said he would like to make a note that Commissioner Smith is not with us tonight and the bills were reviewed by Commissioner Nugent. Mayor Roberts asked for approval of the agenda with the changes. Commissioner Redding made a motion to approve the agenda with changes. It was seconded by Commissioner Mortimer. The motion passed 4-0.

Mayor Roberts said moving on to the consent agenda. I'll ask the commission to look that over and I will entertain a motion to approve the consent agenda. Commissioner Nugent made a motion. It was seconded by Commissioner Redding. The motion passed 4-0.

Mayor Roberts called for citizen's requests. He said the city of Starke welcomes you to this meeting. This is a time that 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 welcome. He said I have no forms here. Are there any other forms that need to be turned in. There was no citizen's participation.

Mayor Roberts called for public hearings. There were none.

Mayor Roberts called for quasi-judicial hearings. There were none.

Mayor Roberts called for the city manager's report. Mr. Mullins said on the Jarmon property the property owner came back with a counteroffer of \$200,000. He said there are some renderings and the Building Inspector has looked at it. Mr. Mullins said the possibilities are really endless with this. It's a great property downtown. Mayor Roberts said I think the potential is unlimited. He said I'd entertain a motion to direct the manager to accept the counteroffer. Commissioner Nugent made a motion. It was seconded by Commissioner Redding. The motion passed 3-1. Commissioner Mortimer opposed the motion.

Mr. Mullins said next on the agenda is the law enforcement update. What you've got in front of you is a 104 page document of what I've seen throughout the process from January 16th until today. The sheriff and I worked very closely together. He said there were a few hiccups along the way, though. The sheriff and I did go down right after your vote and actually secured the building and I got the first opportunity to go in and look at the progress that had been made or had not been made. And there were some issues that were really concerning. First off, in the back, there was an unsecured room and it had open bags of evidence in it. The evidence log for the actual evidence room was in there. There were two bottles of oxycontin in one of the offices just left in a box. In this conversation with the sheriff's office those typically if it's used for evidence should be in the evidence locker with the log. I asked the sheriff's office to test that and it was a placebo from the test results. We found, again, the same room with the evidence bags, shredded documents in the paper shredder. Two days before there was a meeting at the department where a large TV was present in the conference room. When I went down there two days later, it was no longer there. You'll see that there were personnel records in trash bags with tobacco spit all over them. You'll see the look of the uniform room, receipts that show cash receipts but there was no cash bag on site. I had asked the chief where that was. He did bring it to me after the building was secured and the locks were changed. The overall condition of the department looked like a place that had been ransacked, in all honesty. You'll see from the pictures it looked like the entire building was just cleaned out. I've got great concern over what was destroyed and what was not. I know the chief had said in conversations that he was cleaning up the place, wanted to throw the trash out, etc. In the same office that the OxyContin was found, there were bags of bullets just randomly sitting out, large bags of bullets. A lot of rounds were found in the back of one of the Broncos. I've asked a couple of times for any contracts that were signed. I have no idea what contracts were signed that did not go through you all or that did go through the commission. I have no update on that. The sheriff and I just have a list of what was turned over and you all have the pages that the chief actually sent us. If you all have questions, just ask me at the end. There was a point in this. This was February

22nd, 2024, a couple weeks ago. The sheriff and I had talked about inventory. We called Chief Johnson. He came in my office and he said that he would not have everything until the following Monday the 26th. Bear in mind you all did vote the 21st to go ahead and have everything by Wednesday. Chief Johnson said I couldn't get everything in one day, which again I said you had since January 16th. After the conversation in the office, we did get a little bit more cooperation and we actually got all the vehicles to City Hall. I got the personnel records, requisition forms and a few other records. On February 23rd, so the next day, Latia Davis, she's one of the accountants in the clerk's office, sent me an email, wanting to know about the petty cash fund. I didn't really realize there was petty cash from there. Chief Johnson said I'll bring you what I was given. I asked the chief where it's at, and he immediately responded back and said, let me go get this, and he returned back with a note that had the amounts on there and the cash. Again, this was after the building had been locked. On January 19th, three days after we all passed the original contract. I got a phone call saying that there was a blue F-150 that Colonel Warren had previously been issued. I contact the sheriffs office to run the tags. They did come back to the city vehicle. I talked to the chief, and he said that he let Mr. Warren use it after he retired back in September, from October through December 31st for Shop with a Cop. Well, from December 31st till January 19th, the truck was at Camp Blanding. I asked the chief if he could please return the vehicle. He unfortunately said I don't work for you, and you can't tell me what to do. I had to get the sheriff involved, and luckily he was able to get the truck returned the next day. A couple of other concerning things here was a February 12th phone conversation I had with former officers, Jonathan Guinn and Michael Oschner. They kind of confirmed exactly what the pictures had said, that there was no accountability really, no procedures of disposal, no procedures for checking in and out of the evidence room. Mr. Guinn was assigned to oversee the evidence room and there was no real accountability. Mr. Oschner confirmed that as well. On February 13th I emailed the chief saying that due to the transition period we really need to stop any purchases going forward. To which he said I can't order anything. I said correct at this time. He wrote back due to not being able to purchase anything I will not be releasing any property from the Starke Police Department until this has been resolved. The clerk and I ended up resolving this by just stating that operationally unless it's absolutely necessary you can't do any major purchases. Mr. Mullins outlined car accidents and lawsuits associated with the police department. He said on January 16th after the commission vote to enter into a contract with the sheriff's office the audience erupted into slinging some foul language around. Not long after that, the chief got up and proceeded to walk out and got into an altercation with a citizen, Harold Hill. In this, you'll find the police report that was sent by Mr. Hill to the Bradford County Sheriffs Office. That report was again given there and from my understanding was passed along to the State's Attorney's Office. As a result of that, I did have to call the Bradford County Sheriffs Office to send a deputy down here because again, all the city police officers were being disruptive and rude and audience members were being disruptive and rude. Law enforcement had to be called and unfortunately, our law

enforcement were the ones causing this. So, we have another agency come in and actually help with that. On the 17th, this is the day after the meeting, myself, the Sheriff, the Sheriff's staff and Chief Johnson had their first transition meeting and Chief Johnson arrived 15 minutes late. The Sheriff confirmed that all 12 officers have applications. The Sheriff actually went down to the Police Department and physically gave out the applications. One concerning thing there was the Sheriff and the Chief both said that termination letters needed to go out. As soon as that was said, the Chief turned around and started laughing and said, I ain't doing that. You're going to be the one that does that, buddy. Kind of unprofessional in my opinion. On March 5, 2019 then City Manager Bob Miller came for a commission meeting and stated the commission needed to approve vehicles going out of the county. This was for Mr. Stevie Warren and Mr. Scott Anaheim. Commissioner Tommy Chastain stated that the take home policy for the police department was that can't take the cars outside the county and thought the city had adopted that policy citywide. A commission meeting on April 5, 2022, the Chief was asked if cars were still going out of the county. He was asked why the vehicle was totaled in Sanderson. Chief Johnson said it was headed to the house. Sanderson is, of course, outside the county limits. You'll see the the minutes there, these are word for word minutes out of this to which essentially boils down to, well, my bad, I should have actually not done this and I apologize. About September of that year, I was installing the GPS systems for the utility vehicles. I asked the Chief if he wanted the GPS on his as well. He said, no, they already have them. You'll also find in one of the other letters that I'd sent previously, I think this was February 6th meeting, I listed out the officers, not by name, but just all the officers, the city that they lived in and their hire dates. Only one lived in Starke. If you don't count the Chief and one that lived in Keystone, the rest were McClenny, Jacksonville, Fort Wyatt, Lake City, Lake Butler, McClenny. Also, you'll see in your packet, there were two off-duty officers in Columbia County, dressed in city uniform and with a police truck. The sheriff's office showed me an officer driving from the City of Starke to Lake City. The interesting part about that one, though, was the average speed between here and Lake City was 71 miles an hour. That's counting all the red lights, all the city traffic. At the December 19th meeting during citizen comment, the family of an individual arrested, spoke. He stated the gentleman was an inpatient of a hospital when the alleged crime occurred. The full report of what they alleged happened. That was a complaint against the department. I believe the commission asked the chief what exactly happened, to which the chief said, that it was an ongoing investigation and he could not comment. Commissioner Mortimer made the motion for for me to go out and seek a proposal for the Bradford County Sheriff's Office to assume police services. As soon as the vote was taken, the chief ripped up the cops grant memo that was supposed to be talked about later on the in the meeting and then proceeded to leave. At the February 6 meeting, I believe there was a surplus letter that went out and you all should have a copy of that as well that it had on letterhead Gordon Smith, Police Chief and all other pages had Jeff Johnson, Chief of Police. Chief said at the time that it was, I must not even noticed that sorry, it was just laying around the desk. I did find many other letters

that dated back two and a half years that did have Jeff Johnson, chief of police on there. So not really sure where that exactly came from. On February 14, I got a phone call from the sheriff's office saying that they had not received an inventory list yet. The chief had asked to keep five guns, five laptops, five radios and ammo for the five night watchmen. Further statement in the conversation that there was a Starke police officer that stated that they were taking negative items out of their own personnel files and allowing them to copy them to send to other agencies as they applied. Later that day, at a meeting with the Sheriff's Office, and you'll see in the back of course, the boxes and boxes and boxes of ammo at the police department. At the time Lieutenant Sweeney said that it would take a long time to go through that much ammo. Like I said, a lot of ammo. Stated that when they went to the police department to start inventory and weapons, nobody could find the key to the armory. I don't know where it's at. So they also could not find a list of inventory who was assigned what equipment and when equipment was issued and when it was returned. I referenced this earlier that I made the recommendation to the Sheriff and the Chief to wrap up the transition and February 21 would be the final day for all officers. The Sheriff and I would take possession of all property and equipment and records and would assume all responsibility for law enforcement. As for all this we did not receive an inventory of anything. Then the final thing is an email from FDLE and it has some charter language in there as well, but FDLE stated that because there was no police department because it went inactive in the FDLE system that no one would have law enforcement certifications any longer that was associated with the with the police department. The charter states that no person shall serve as Chief of Police for the City of Starke unless such person has satisfied the minimum qualification requirements for police officers present for the Florida statute 943.13. So we've got a lot of the background information, email exchanges, photographs, complaint forms, lawsuit forms, pictures of the condition of building, etc. I've got some great concerns over what may or may not have been destroyed, an accurate accounting based on purchase orders over the years, material rec forms of what has been bought. The Sheriff's Office and I can only account for what was given. Based on some of the conversations I've had, I've got great concern over that and would recommend a forensic audit be completed to actually be able to account for a lot of this stuff. It's the petty cash situation. There's also some unaccountability there. The list just keeps going on and on and on of what I found, which again is why I do recommend a forensic audit be completed on the on the entire department. So that being said, that's all that I have with that. Mayor Roberts said the commissioners heard a report from the city manager going over a lot of information. I'm sure there's some questions from the commissioners. I would open it up for questions. Commissioner Nugent said I see a lot of stuff there. I see where he's coming from. And also realize, I don't have any questions tonight because there's always two sides of the story. There's more than one staff member present in the police department. Commissioner Mortimer said thank you, Mr. Mayor. First of all, Drew thank you for doing a stellar job and going through this transition for us. The City Manager did a fantastic job understanding that there were many roadblocks that were put

up and I just I have to have a couple of questions regarding specifically regarding that huge TV so you have not found it at all. Was Jeff Johnson asked where the TV was. I did not. Commissioner Mortimer said you were constantly being told I don't work for you and so on. Are some of these findings a violation of statute. Mr. Mullins said the public records would if any were destroyed and that is one reason why I'm recommending a forensic audit. Commissioner Mortimer said there was a question or discussion or a conversation or something about holiday pay for for the chief being an elected official. What's the status on that because when Terry Brown was the city attorney, he advised against that. Will the forensic audit reveal this. Mr. Mullins said that's one of the many questions, I believe, the forensic audit would reveal. Commissioner Redding said that's a picture of a refrigerator with a lock on it. It looks to be non-operational. Sheriff, don't we normally keep DNA evidence refrigerated and things like that and that usually comes from blood, swabs, people who have been raped, shot, high-profile crimes. I've read every single page of this report and it oozes misfeasance, malfeasance, misconduct, unethical behavior, and dereliction of duty. I think at this point in the game, we have no choice but to request a full forensic audit of the Police Department. I had really hoped that it wasn't going to end up this way, but I'm basing my opinion on your report. Thank you for all your effort. I know that this wasn't put together in a day but I think we owe it to the citizens of Starke to make sure that we have a full accounting of where's everything at. You mentioned Shop with a Cop. Is there an account for that. Is it a 501c3. Mr. Mullins said it is not. It was run through the city. We cut checks. Commissioner Redding said I know my family has donated a lot of money to that program through the years and I know they've never received anything for tax purposes or other documentation. Commissioner Nugent said I had one question. I know you said you talked to the Sheriff. Did you talk to any of the admin officers who might be assigned to the evidence. Mr. Mullins said I have no authority with the police department at all. I was told multiple times I don't work for you. I don't have to answer to you. Mayor Roberts said thank you and the sheriff for the report. I just want to ask one thing. I ask of the Sheriff do you stand behind the facts that were put here everything I've heard. Sheriff Smith said it reads pretty much what took place. There's some questions to be answered. Drew came up with some. Mayor Roberts asked Sheriff Smith if he stands behind this report. Sheriff Smith said absolutely. Commissioner Nugent brought up today about the two new laptops. I did not know they weren't approved yet. So we're returning one we got. We have a few more reports they're finishing up. Commissioner Redding said your last statement in your typewritten report. It talks about how the charter requires the Chief of Police to be certified. So if we don't have an entity to hold a certification and keep it active, then that voids the city charter to have the position of chief of police. Mayor Roberts said that's more of a question for the attorney. Attorney Walker said well, Mr. Mayor, I think the Chief of Police needs to or has to hold the certifications as necessary to conduct that position. Mayor Roberts said so what we're saying is the law enforcement duties and the arresting the authority now rests with the Sheriff. Attorney Walker said correct. Commissioner Nugent said if you keep certification, it's good up to five years but if our charter has a

Police Chief so technically, I look at the Police Chief as the night watchman. I'm wondering, how can you say he's not still qualified. Mr. Mullins said if you look in your packet there's an email from FDLE from the Bureau Chief that specifies that. Mayor Roberts said are there any other any motions or anything else comments you want to make on this. Commissioner Redding said I'd like to make a motion to request a full forensic audit of the police department from 2009 to present. It was seconded by Commissioner Mortimer. Commissioner Nugent said I just think we should get more information from the Sheriff. Mayor Roberts said I think the forensic audit will answer some of the questions on both sides. The motion passed 3-1. Commissioner Nugent opposed the motion. Commissioner Redding said are we going to do more research on the position for Chief of Police. Do we need to draft an ordinance. Has anybody researched that. Mayor Roberts said I think we can ask the attorney if you're talking about putting it on the ballot this next election which is in November asking what to do with this position. Commissioner Redding said I know at one point when we started this endeavor, the chief originally presented and said, give me until the end of my term, and you can put it on the ballot for a referendum and then we have this dilemma over conflict now with the charter and the aspects of the charter and what it requires for the position of Chief of Police. I think some homework needs to be done on that, some research, and then potentially brought back to the commission. Mayor Roberts said I'd personally like to see it put on the ballot in November. We can ask the attorney to bring back the proper language to put it on there to adjust the charter in reference to the Police Chief position and the Police Department. Commissioner Mortimer said Mr. Mayor, I'd like to make a motion to ask the attorney to bring back an ordinance turning the Police Chief position into a ceremonial position in the code and to propose dissolving the police department. It was seconded by Commissioner Redding. Commissioner Nugent said this is a major decision and should be advertised so the public can come and express their opinion. Mayor Roberts said we're just voting to bring something back to us now. We're not voting for it. Attorney Walker said Mayor, I understand you to be directing us to do two things. One is to bring back an ordinance specifying what the position will entail for the responsibilities of position. So that that would be one ordinance and then the second ordinance will be to put a measure on the ballot for the citizens to create a referendum at the next general election in November, that will address an amendment to the charter. Commissioner Mortimer said do I need to separate the motion. Commissioner Nugent when we made major decisions on the commission we usually have all five here. The motion passed 3-1. Commissioner Nugent opposed the motion.

Mayor Roberts asked for the attorney report. Attorney Walker had nothing further.

Mayor Roberts said I asked to move my comment up to the front. I'm going to pass this out. I got a couple things I need to address with the commission. What I'm passing down to you all is a resignation letter from the clerk, Jimmy Crosby. It's short and sweet. I'll read it into the minutes. Dear Mayor, this was dated February

Dear Mayor, a question has been raised on the issue of whether I am properly qualified for the Office of City Clerk. I have strived always to serve our city with the utmost professionalism and without unnecessary distractions. To avoid distractions from the good work our office has done and will continue to do. I resign effective immediately. That was March 5. The letter signed by me, which you can have passed down to you. There, they did March 5. effective March 5 on our 2024 vacancy has occurred into position of the city clerk with the resignation of Jimmy Crosby as per section eight of our charter of the city of Starke. In case of a vacancy or any elected office such vacancy shall be filled by an appointment by the mayor by and with the consent of the commissioner for continuity and operation of the city I hear by appoint Russell A. Mullins as acting City Clerk effective March 5 upon the date of the letter of resignation. I ask for your formal consent this is the next scheduled meeting that we've had since receiving the letter to go with our charter I need the consent of the city council that means a formal vote is that what you're affords your consent and adhering to the charter, which I went by, I now entertain a consent formal consent to approve Drew Mullins as the acting clerk at this time. Commissioner Mortimer said Mr. Mayor I move to approve the consent of the mayor's appointment of City Manager as Acting City Clerk. It was seconded by Commissioner Redding. Mayor Roberts asked if there is any further discussion. Commissioner Nugent said I have nothing against the city manager but I always believe the City Manager should be separate from the finance side of the house and we do have a very talented and knowledgeable people who could step up and probably fill that position temporarily. I just want to mention that. Mayor Roberts well, you're right on the quality of staff that we have to back it up and that's exactly who Drew's going to be working with is this quality staff that we have. So, the quality staff will serve its point. The motion passed 4-0.

Mayor Roberts having the attorney bring back language on the police chief. I would like him to bring back for our discussion and for further direction that we may give the city to do. I would ask for him to also come back with a proposed charter amendment to review making the city clerk an appointed position instead of an elected position. I would ask for direction for the attorney to bring back to remove the duties of the clerk so they can now be appointed instead of elected. Mayor Roberts entertained a motion to bring that language back to us so that we may take a look at it at the possibly next meeting. Commissioner Mortimer said Mr. Mayor I move to ask the city attorney to review the charter regarding the clerk's position and bring back a proposed charter amendment removing the position from the charter as elected. It was seconded by Commissioner Redding. The motion passed 3-1. Commissioner Nugent opposed the motion.

Commissioner Nugent the only thing I have is we have the Northeast Florida League of Cities meeting in Green Cove on the third Thursday of this month. The speaker is going to go over the new requirements we have to do for the disclosure form.

Sheriff Smith said I just want to let you all know, we had opening day of baseball Saturday. The baseball fields were full, they looked good and I was thoroughly impressed in regards to it. The County Fair went real well.

Commissioner Mortimer said I want to thank you sheriff and your staff I had a situation last Saturday I called your staff and it was taken care of very timely and very professionally. I have garbage discussion under my name and I asked you to do that because I've gotten a number of complaints and questions from constituents regarding the recent change that the county did regarding the assessment for the use of the dumps in the city of Starke so what I'd like to do is I'd like to ask Drew if you can bring us back a report on where we are with that, what's really going on and what the real issue is so that I can give people some answers to their very viable questions. Can you do that in writing by the next meeting which is a week from tonight. I don't want to overload you but this is important. Everything works around the services that that we provide.

Commissioner Redding said since this started on more than one occasion with the county not allowing people to dump or having stickers and everything else I have seen more trash on the roadways and I'm seeing more and more trash dumped in greater quantities and you know it's going to roll over to the sheriffs office and put more work on him. We are doing people a favor by being proactive enough to take our own trash to the dump. We need to come up with something and we don't need to be double double hit for it.

Mayor Roberts entertained a motion to adjourn. Commissioner Redding made a motion to adjourn. It was seconded Commissioner Mortimer. The meeting was adjourned at 6:37 pm.