

Commission Meeting Minutes
April 2, 2024
5:30 pm

Mayor Roberts said can I have everybody's attention. We have forms out there to fill out if you want to speak. Before we begin the official meeting of the City of Starke Commission there'll be a time of voluntary prayer and pledge those willing to do so are asked to stand and Commissioner Mortimer will lead us in prayer followed by 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. Also present were Executive Assistant Cathy Bradley, Zoning & Planning Office Manager Lance Campbell, Deputy Clerk Lisa Heeder, Finance Director James Hughes, Police Chief Jeff Johnson, Captain Kevin Mueller, City Manager Drew Mullins, Building and Zoning Official Kevin Powell, Sheriff Gordon Smith and Attorney Scott Walker. Commissioner Shannon Smith was absent.

Mayor Roberts asked for any agenda changes. Commissioner Redding asked to move item 10.A. to number 5 and then adjust the agenda accordingly. Mr. Mullins asked to make item 10.B. special election. Mayor Roberts entertained a motion to approve the agenda with the changes. Commissioner Mortimer made a motion to approve the agenda with the requested changes. It was seconded by Commissioner Redding. The motion passed 4-0.

Mayor Roberts said moving on to the consent agenda. Commissioner Redding said Commissioner Smith is not present. Mayor Roberts said for the record, Commissioner Smith was unable to attend tonight. He entertained a motion to approve the consent agenda. Commissioner Redding made a motion to approve the consent agenda. It was seconded by Commissioner Mortimer. The motion passed 4-0.

Mayor Roberts called for the law enforcement report. Sheriff Smith said I want to start by giving our annual report that was presented to the county today. Next year this will be revised. He presented the Bradford County Sheriff's Office 2023 At A Glance Report.

Sheriff Smith said I've got a letter here from the Florida Department of Law Enforcement. It says Sheriff Smith, this letter is predicated on a request from your office for the Florida Department of Law Enforcement to conduct an inventory of the Starke Police Department evidence vault. The task of completing this evidence inventory was assigned to the Criminal Justice Professionalism Division, Staff Inspection Unit, with assistance from analysts from the FDLE Jacksonville Regional Operations Center. Prior to disbanding on March 1st, 2024, the Starke Police Department utilized SmartCOP Records Management System, which is the same system we use, to manage the intake, tracking, maintenance and disposal of individually barcoded investigative evidence

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exhibits. SPD's evidence exhibits were previously cataloged using a location code specific to SPD. Prior to the inventory, data detaining the evidentiary exhibits from 2010 to 2024 was exported from SmartCOP into Excel spreadsheets for use by the FDLE team. On February 19th through 22nd, 2024, the five-member FDLE team reported to the SPD to conduct the evidence inventory. While onsite, the FDLE team located numerous non-accounted, (not recorded SmartCOP), evidence exhibits and in-custody found property items from the years prior to 2010. Evidence exhibits in sealed containers identified by case numbers were not opened, nor were sealed exhibits indicated as being returned from the FDLE laboratory. Through a comprehensive and meticulous accounting of all evidence and in-custody found property within the SPD facility, the following results were compiled: The FDLE team created the SPD Evidence Inventory Excel spreadsheet for reference. Items highlighted in orange represent SPD specific barcoded items as recorded in SmartCOP for 2010 through 2024. Items highlighted in blue represent non-barcoded or illegible barcoded SPD evidentiary items and in-custody found property that were manually accounted for and turned over to the Bradford County Sheriff's Office. It should be noted that consecutive rows of orange and blue represent an item that was manually accounted for that has a matching case number, exhibit number or similar description in SmartCOP, therefore creating a possible duplicative record. Items highlighted in yellow represent scanned SPD-specific barcoded items that were scanned and mitigated into the BCSO's SmartCOP Records Management System Evidence Module. In effect, our team's efforts resulted in providing the BCSO with a detailed listing of 4,012 evidentiary and in-custody property items - including 191 duplicate entries - maintained by the Starke Police Department at the time of the onsite inventory. The FDLE team has also created a Starke PD not found Excel spreadsheet, identifying 2,560 items that were previously recorded in SmartCOP as SPD-specific barcoded items that were not accounted for during the onsite inventory. We hope the information provided will be of benefit to you. As always, members of the FDLE stand ready to provide additional guidance as deemed appropriate. I did talk with the FDLE director. They're trying to find out if it is clerical. He had a couple of different evidence people. That's the only comment I can make in regards to that. Mayor Roberts said I'll open it up for questions to the Sheriff. Commissioner Mortimer thanked Sheriff Smith for the report. She asked if FDLE is going to conduct a criminal investigation. Sheriff Smith said we have to have some accountability. They are conducting an investigation as we speak. Commissioner Mortimer asked if this is typical? Sheriff Smith said it's not typical. Commissioner Redding said this is huge. Sheriff Smith said there are a lot of things that have to be accounted for and the three main things are money, drugs and guns. Commissioner Redding thanked Sheriff Smith. Mayor Roberts said I want to make it clear this report by FDLE was not instigated by us. This is something that they do automatically. Sheriff Smith said it is no different than when I took over from Sheriff Milner. They assisted me with the evidence and accounting for it because I'm assuming liability. Mayor Roberts asked where does it go from here. Sheriff Smith said it's forwarded to the Executive Investigations Division. They will look at those big items and see who worked the evidence room in those periods of time. Mayor Roberts asked if everything goes to the executive committee. Sheriff Smith said no, everything doesn't go

to the executive. The chief is an elected official. Just like me. I'm responsible for everything my men and women do. I'm held responsible. They take it up because you are dealing with an elected official. Mayor Roberts asked what kind of time frame we're looking at. Sheriff Smith said six months, maybe longer. My last two were nearly a year. Sheriff Smith said that's the only way to be impartial and fair.

Sheriff Smith said Captain Mueller has your latest update for the month. Captain Mueller said good evening, commission. I have the information on what occurred during the last month and what I'll do in the essence of time is I'll field any questions that you have instead of going over the report. Mayor Roberts said we'll take a minute and let the commissioners look this over. Commissioner Mortimer asked if next year's report will include the city's information and will be broken down by the City of Starke. Captain Mueller said yes ma'am and I'll also be providing quarterly and annual reports as well.

Mayor Roberts asked Chief Johnson to come up. Chief Johnson talked about his many years working for the city. He said God's timing is for me to retire as of May 1. Mayor Roberts presented Chief Johnson with a plaque and thanked him for his service.

Jeff Oody came forward to talk about Chief Johnson being a pillar of the community.

Albert Mize came forward. He passed out copies of a letter he wrote to the Florida Secretary of State. He asked that the letter be part of tonight's meeting and asked Chief Johnson to rescind his resignation.

Dan Sikes came forward to ask the commissioners to postpone the reading and passing of the ordinance making the Chief of Police a ceremonial position. He asked that Chief Johnson be able to retire with dignity.

Alvin Hunter came forward to ask that Carrie Johnson be recognized for supporting her husband and every police officer. He said Ordinance Number 2024 -07 is in violation of the Constitution.

Mayor Roberts called for public hearings Ordinance Number 2024-07 providing for an amendment to the duties and salaries of the chief of police. He asked if the commission would like to extend it to May 1. That's the day that he resigned. I would open that up for discussion before we go further. If it's the pleasure even to go further. Commissioner Mortimer said there was a motion that was made to make it effective upon second reading and it was a successful motion. So, my question now would be in order to reverse that motion, Mr. Attorney, can you provide us guidance. Attorney Walker said the safest way to do it would be whoever was on the successful side of that motion would so there's two parts of the motion one would be I'll read the ordinance by title only and then part of that motion would be to make the ordinance effective May 1, 2024. I view that as procedural not substantive. So you can't change an ordinance between first read and a second reading if it's a substantive change but if it's a procedural change such as this I think you are allowed to do that but I would have somebody that was on the successful side of the motion make the motion and second it. I'll go ahead and read

it first if you'd like to do this. Mayor Roberts said what I put out for discussion is still up for discussion after you read it as far as discussion once there's a motion and a second, there will be another discussion as well. Attorney Walker read the ordinance by title. This is Ordinance Number 2024-07, an ordinance of the City Commission of the City of Starke, Florida relating to Chapter 62, Article II, Divisions 1 and 2, Sections 62-31 and 62-51 through 62-53; providing for an amendment to the duties and salary of the Chief of Police in the City of Starke Florida; amending the duties, custody of city property and salary of the Police Chief within the City of Starke; providing direction for codification of this ordinance; repealing all ordinances in conflict; providing for severability; and providing for an effective date. The appropriate motion would be to pass Ordinance Number 2024-07 upon its reading by title only, and if the movement wants to change the effective date to May 1st, 2024, then that would be what the movement should do. Mayor Roberts entertained a motion to do that. Commissioner Redding made a motion for discussion. It was seconded by Commissioner Mortimer. Mayor Roberts said I have a motion and a second to move the reading to a discussion. Commissioner Redding said May 1st. Mayor Roberts said the motion has already been made. So how would we change it. Attorney Walker said I believe the maker of the motion can accept an amendment to change the effective date. I believe the maker of the motion, Mr. Redding, was on the successful side of the vote. Commissioner Mortimer asked are we in discussion because I specifically remember my comment was that the reason I was voting for it to be effective on second reading was that I wasn't voting on that ordinance as it was about Jeff Johnson. I said that it's about staying in line and in tune with the direction that the city is moving and I feel that if we if we do change it now then we are going to make it appear that we did it because of Jeff Johnson. I just want us to be consistent in our policy setting because our policies should not be made based on an individual whatever the case may be. It should be made based on the fact that this is the the right direction for the city so that's my comment. Commissioner Nugent said, me and Mr. Smith both said we'd like to see it go to May 1st but we were on the short end of the vote. Commissioner Mortimer said but the ordinance is not about an individual. The ordinance is about the policy. Commissioner Redding said when the wheels were set in motion with this, one of the things we can consider, I see aspects of both of your comments and Commissioner Mortimer is 100% correct. This is not about an individual. It's about the progress and the progression of our city and moving forward. Chief Johnson's resignation came right around the same time as that. I think that May 1st would be acceptable to somewhat give a parting olive branch, so to speak, as we move forward and we keep things positive and going in a good direction. Mayor Roberts said well said, and I do appreciate what Commissioner Mortimer said because I agree with her. This has never been about the person. We've made some hard decisions and it's never been about the chief himself, but about the department and the decisions we made to go forward and get our law enforcement through the sheriff's office. Mayor Roberts called for a vote and the motion is to allow the ordinance to be effective May 1st. The motion passed 3-1. Commissioner Mortimer opposed the motion.

Attorney Walker read Ordinance Number 2024-08 by title. This is an ordinance of the City of Starke Florida amending the City of Starke Land Development Code, as amended, pursuant to an application LDC 24-01 by the City Commission, relating to the amendment of the text of the Land Development Code; providing for amending section 4-106.L.1 entitled development standards for Planned Unit Developments by changing the minimum size parcel for Planned Unit Developments from ten acres to five acres inclusive of all existing public streets; providing severability; repealing all ordinances in conflict; and providing an effective date. The appropriate motion is to pass Ordinance Number 2024-08 upon its reading by title only. Mr. Powell said this is a wording change from ten acres to five acres. We brought this before your Planning and Zoning Board and we had three votes in favor of it. It's going to pretty much just change kind of common areas within the development. The City of Starke is running out of tracks of land ten acres or greater. So, we want to go ahead and reduce that and give the opportunity for subdivisions to have a little bit more flexibility than they do. So, with that being said are there any further questions. Commissioner Mortimer asked if there is an application from a landowner. How did we get here. Mr. Powell said we've had different developments trying to come in and do a PUD. Commissioner Mortimer said this is what we talked about last meeting. Commissioner Redding said this is the one we've already talked about and it gives the latitude to be more site specific rather than having a blanket that covers everything. Mr. Powell said anybody that's going to do a PUD is still going to have to come back here. So, we might have a change in some setbacks depending on lot sizes. It gives you more flexibility for developments coming in. Mayor Roberts entertained a motion. Commissioner Mortimer said I move that Ordinance Number 2024-08 be approved as read by title only on first reading. It was seconded by Commissioner Redding. Mayor Roberts asked for discussion from the public. There was none. The motion passed 4-0.

Mayor Roberts called for the City Manager Report. Mr. Mullins said the special election is due to Commissioner Smith's announcement that he's running for County Commissioner and his resignation is effective October 1st. We're going to be required to do a special election and my recommendation is August 20th to coincide with the county's primaries. That would mean a qualifying date of between June 10th at noon through June 14th at noon, the same as the county's. Commissioner Nugent said I think his resignation said October 1st, so you might still say the date would be October 1st when they take office. Mr. Mullins said it would have to be. Commissioner Mortimer asked if Mr. Mullins has contacted the Supervisor of Elections. Mr. Mullins said yes. I didn't have it on the agenda from last week because she called me back today. Commissioner Mortimer said okay. Will that be the only item on the special election ballot. Mr. Mullins said there's a three party primary with that. There are three separate ballots, that position would have to be printed on all three of those ballots. Commissioner Mortimer asked will that be the only item on the city's ballot. Mr. Mullins said yes. Commissioner Nugent said I don't know the time frame requirement. Could we put the clerk on there for the public to vote on that position. We're going to pay for it anyway so

we could put both on at one time. Mr. Mullins said the necessity of this is simply because of the resignation. Mayor Roberts said I think I know what you're asking is can we still do this in this election cycle with the other and I think the answer is yes but we as a commission have got a lot of work to do before we place that on there. Commissioner Nugent said somebody could run and be elected by the citizens instead of being appointed by us. If you want to change the policy after that time frame, you can do that and we have an opportunity that costs us no more money. Mayor Roberts said I believe that's what this commission is probably going to tackle and we've still got some time to do that. So, the answer to your question is yes. Commissioner Mortimer asked do you need a motion to contract with the Supervisor of Elections. Is that what you're asking us for. Mr. Mullins said to hold the election August 20th to coincide with the county primaries. Commissioner Mortimer said I'll make that motion. It was seconded by Commissioner Redding. The motion passed 4-0. Commissioner Nugent said you'll consider putting both of them on there. Commissioner Mortimer said no, his request is for the one commission seat. Commissioner Redding said the answer is no, but yes. He is working toward that.

Mr. Mullins said the last thing I have is I was asked by Commissioner Mortimer about the garbage report. So, in the early 1990s an ordinance was passed by the County Commission to place an assessment on the county residents. That assessment was I believe at the time \$75. The City Commission at the time opted out of this assessment. That was their option due to the city running its own garbage service. So, this goes on for a period of time up until late 2023 and the county revisited that assessment and it went from \$75 to \$125 and then strict enforcement of that ordinance made it where no city resident could go to the dump. They put a moratorium on that from November until February and allowed citizens to actually purchase that to go to the county dump. Since that time period, the county has lifted the moratorium and now residents are no longer allowed to dump at the county dumps. Commissioner Mortimer said please clarify that point. Only those city residents that had previously purchased that sticker and paid the \$125 are allowed to use the dump but the county is not issuing any new permits. Mr. Mullins said the moratorium has been lifted and they are no longer allowing dumping by any city resident unless they have that sticker that they paid \$125 for. So, there is a city ordinance and the garbage fee right now is \$19.50 a month that says city residents shall have garbage service. Commissioner Redding asked what's the potential for getting it where we can get those stickers if we choose to do so. Mr. Mullins there were discussions back and forth and at this time, probably the best recommendation would be for both boards to get together to try to sort this out administratively and there are just some policy issues. Commissioner Redding said thank you for your work, sir. Commissioner Nugent asked is there anything we can do like get with our garbage disposal service where they can dispose of large items that we're wanting to take to the dump. They can take it to the landfill over by the prison and there would be a different fee we'd have to pay for them to take care of that for us. That way we don't have to deal with the county at all. Mr. Mullins said we already do that. This is between the city and the county not the garbage people. Contractually they are obligated to take up to four

yards. Commissioner Mortimer said we have a number of citizens that are in the city that don't get garbage service. So that would not be a viable option for those almost 400 citizens but what I would like to ask since this is very important to our citizens. I would like for us to ask the manager to schedule a workshop with our colleagues on the county board so that all the five of us can all sit down plus the five of them so we can put our heads together and come to some amicable resolution. Because in essence, the county represents the city as well. However, we don't have that pleasure or privilege of representing county residents. So, when city residents are being saddled with a cost that's not really, in my opinion, fair to them or equitable, we need to put our heads together as the policy setting boards to come up with some type of amicable resolution. Mr. Mayor, I'd like to ask if we can direct the manager to set that up and as soon as possible, because it's really gotten quite bad. Does that need to be a motion. Attorney Walker said a motion would be better. Commissioner Mortimer said Mr. Mayor, then I move that we direct the city manager to get with the county and schedule a workshop that would be agreeable to all of our schedules, so that we can talk about some of these issues that we're having with the garbage and whatever other services that might be in conflict. It was seconded by Commissioner Redding. The motion passed 4-0. Commissioner Mortimer asked Mr. Mullins to make sure that GFL staff is a part of that meeting. Mr. Mullins said that's all I have for you.

Mayor Roberts asked if the city attorney had anything to report. Attorney Walker had nothing further.

Mayor Roberts asked for the Mayor and Commissioner Reports. Commissioner Nugent said the only thing I have at this time is the 18th we have the League of Cities in Keystone Heights Beach.

Commissioner Mortimer said I want to thank Sheriff Gordon Smith and his efficient staff for the assistance that was provided last weekend to Haile and Hadley Funeral Homes with the funerals of the three ladies killed in Lawtey. Sheriff, your staff were very impressive, very professional and it was set up with precision and detail. You guys shine like a beacon light and I want you to know that is very important to me to know that now you guys are the law enforcement providers for the City of Starke. Please share my appreciation as well as the community's appreciation, as well as funeral home staff. Thank you so much. I also want to thank the two anonymous business owners that stepped up to the plate. The family was going through some financial hardships due to the incident and we had two business owners that stepped up and contributed the funds so that they could have the funerals at the Charley Johns Conference Center, because the family wanted to keep them all together. I want to thank Mr. Milner because he gave a personal check donation to that family.

Mayor Roberts said Captain Mueller I appreciate your report and the professionalism we're getting from the sheriff's office. I'm still amazed and we appreciate it. Thank you.

Mayor Roberts entertained a motion to adjourn. Commissioner Mortimer made a motion. It was seconded by Commissioner Redding. The meeting was adjourned at 7:20 pm.