

COMMISSION MEETING

□ □ □ □ □ □ □ □ □ □ □ □ □

Mayor Woods announced that if anyone in attendance wishes to speak regarding a motion he asked for them to stand or raise their hand and he will acknowledge them for their comment.

Mayor Woods called the meeting to order. Present were Commissioner Carolyn B. Spooner, Commissioner Tommy Chastain, Commissioner Danny Nugent, Commissioner Wilbur Waters, City Clerk Ricky Thompson, Police Chief Jeff Johnson, Fire Chief Tom Rowe, and Attorney Dan Sikes.

Commissioner Spooner gave the invocation and led the pledge of allegiance to the flag.

Mayor Woods entertained a motion to accept the minutes of the City Commission Meeting January 20, 2015.

Commissioner Chastain made the motion, second by Commissioner Nugent; Motion passed 5-0.

Mayor Woods entertained a motion to accept the minutes of the City Commission Workshop on January 20, 2015.

Commissioner Nugent made the motion, second by Commissioner Chastain; Motion passed 5-0.

Attorney Sikes read Ordinance 2015-0717 for second and final reading for application CPA 14-01 Future Land Use Map text.

ORDINANCE NO. 2015-0717

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING THE TEXT AND FUTURE LAND USE PLAN MAP OF THE CITY OF STARKE COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, CPA 14-01, BY THE CITY COMMISSION, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3248, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR AMENDING THE TEXT AND FUTURE LAND USE PLAN MAP OF THE COMPREHENSIVE PLAN BASED UPON AN EVALUATION COMPLETED BY THE CITY ON OCTOBER 20, 2014 AND THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT ISSUED BY THE STATE LAND PLANNING AGENCY DATED DECEMBER 23, 2014, REFLECTING CHANGES IN STATE REQUIREMENTS, PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, AS AMENDED; PROVIDING

SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Starke, Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement a comprehensive plan;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, empowers and requires the City Commission to prepare, adopt and implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of the City of Starke, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Starke, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Sections 163.374, Florida Statutes, as amended, the Land Development Code, as amended, the Planning and Zoning Board, serving as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, the City Commission held the required public hearings, with public notice having been provided, under the procedures established in Sections 163.3161 to 163.3248, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving as the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan;

WHEREAS, the City Commission, has determined and found that approval of said application for amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 14-01 by the City Commission, to amend the text and the Future Land Use Plan Map of the Comprehensive Plan based upon an evaluation completed by the City to reflect changes in state requirements pursuant to Section 163.3191, Florida Statutes, as amended, amendments to the text of the Land Use Element, Traffic Circulation Element, Housing Element, Public Facilities Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capital

Improvements Element, and Public School Facilities Element, and the Future Land Use Plan Map Series of the Comprehensive Plan entitled Comprehensive Plan Evaluation Amendments, dated October 20, 2014 and revised on February 3, 2015 in response to the Objections, Recommendations and Comments Reported issued by the State Land Planning Agency on December 23, 2014, and the Future Land Use Plan Map 2025 are hereby incorporated by reference and adopted.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED UPON FIRST READING on the 21st day of October 2014.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session with a quorum present and voting, by the City Commission this 3rd day of February 2015.

Attest:

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

Ricky Thompson, City Clerk

Travis V. Woods, Mayor
Tommy Chastain, Commissioner
Daniel W. Nugent, Commissioner
Carolyn B. Spooner, Commissioner
Wilbur Waters, Commissioner

Clerk Thompson explained the first reading was done back in October and this is a requirement from the state.

Mayor Woods entertained a motion to adopt Ordinance 2015-0717. Motion was made by Commissioner Spooner, second by Commissioner Waters; passed 5-0.

Mr. Tim Norman, Mittauer Associates; requested first to table Item A; Ms. Robison was unable to attend and would like to have it on the next agenda.

He did explain the legislative request are due this Friday and with the reuse not being the best course of action. He suggested requesting planning money to prepare documents to obtain funding for future projects. He requested permission from the commission to move forward.

Mayor Woods entertained a motion to permit Mittauer to submit for appropriations funds.

Commissioner Waters made the motion, second by Commissioner Spooner, passed 5-0.

Commissioner Spooner withdrew her second and Commissioner Waters withdrew his motion.

Commissioner Spooner made a motion to declare the permitting Mittauer permission to submit for appropriation funds an emergency, second by Commissioner Waters; passed 5-0.

Mr. Norman added Mittauer's recommendation is to get as much for the property at the sprayfield set the funds aside and use for improvements at the plant.

Attorney Sikes asked for clarification on the amount of land that would be remaining to negotiate in the sod lease.

Mr. Norman responded on the study that has been done 29 acres will be lost.

Captain Warren requested state forfeiture expenditure not to exceed \$2,000; requested a motion for approval.

Commissioner Chastain approved the request, second by Commissioner Nugent; passed 5-0.

Clerk Thompson reported the Bond Trustees met along with Commissioner Nugent and recommended the bills be paid.

Commissioner Nugent offered a motion to pay the bills based on the recommendation of the Bond Trustees, second by Commissioner Waters; passed 5-0.

Clerk Thompson provided quotes for the new fuel pumps. This new system will be smart key and records into the computer in purchasing. Three quotes have been obtained. Guardian was the lowest bid of \$29,356.95

Commissioner Waters asked if there are funds available?

Clerk Thompson responded yes sir we did not budget for this item because it was an issue that recently was brought up. Searching the budget there would be funds in the infrastructure account.

It was believed the warranty was for 12 months.

Mayor Woods entertained a motion to approve the lowest bidder.

Commissioner Chastain made the motion, second by Commissioner Waters; passed 5-0.

Clerk Thompson presented quotes for the safety rails on Orange Street. The price he obtained is a state contract price from QBHS \$13,350.00

Commissioner Nugent made the motion, second by Commissioner Waters;

Commissioner Waters asked if the handrails will be placed in concrete?

Clerk Thompson responded they will be placed in the existing sidewalk with brackets. QBHS does work for the state so they will install it as specified by the state. The motion passed 5-0.

The quotes for the Recreation maintenance equipment was presented for approval. The equipment will be used for maintaining the fields. The recommended quote is from Tractor and Supply, TW-400 for \$5,299 the trail wagon. The drag, disk is from Lazenby \$939.

Commissioner Chastain ask the cost of turf tires.

Commissioner Waters made the motion to approve the purchase of both pieces, second by Commissioner Spooner; passed 5-0.

Clerk Thompson presented the bid recommendation for the 301 Pump Station; the amount of \$363,940.91.

When this was discussed back in October it was recommended to make it an even \$400,000 to foresee any additional expenses. We do not have a developer's agreement signed and returned. He requested a motion of approval contingent on a signed developer's agreement.

Commissioner Chastain made the motion to accept the bid for the amount of \$400,000 on the contingent of the developer's agreement signed by all parties and returned to the city, second by Commissioner Nugent; passed 4-1. Commissioner Spooner opposed the approval until everything is settled.

Clerk Thompson presented Ordinance 2015-0718 on behalf of the Police Officers' Pension Board. This is for a Share Plan like the Firefighters'.

Attorney Sikes read the Ordinance by title.

ORDINANCE NO. 2015 - 0718

AN ORDINANCE OF THE CITY OF STARKE, AMENDING THE CITY OF STARKE POLICE OFFICERS RETIREMENT SYSTEM, CHAPTER 78, "PERSONNEL" ARTICLE IV, "CITY EMPLOYEE RETIREMENT SYSTEMS", DIVISION 2, "POLICE OFFICERS' RETIREMENT SYSTEM" AS AMENDED, BY ESTABLISHING SEC. 151 ENTITLED "SHARE ACCOUNTS," PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Starke has established a pension fund for its police officers pursuant to Chapter 185 Florida State Statutes, utilizing premium tax refund monies; and

WHEREAS, Chapter 185, Florida Statutes provides that the amount of premium tax refunds received in 1998 will serve as the original base amount, and that additional premium taxes must be used on an incremental basis to fund minimum benefits and then to fund extra benefits;

WHEREAS, the base amount of premium tax revenues received in 1998 was \$33,940.00; and

WHEREAS, additional benefits have been approved increasing the amount of premium tax revenues necessary to fund the minimum benefits and the additional benefits, raising the base amount to its current level of \$51,460.00; and

WHEREAS, by establishing a share plan any excess revenues will be distributed to eligible members without any additional liability to the City; and

WHEREAS, the members have voted to establish the share plan pursuant to F.S.S. 185.35; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE:

Section 1. Chapter 78, "Personnel" Article IV, "City Employee Retirement Systems", Division 2, "Police Officers' Retirement System" of the City Code of

Ordinances of the City of Starke is hereby amended by establishing Sec. 151, "Share Accounts" as follows:

Sec. 151. Share Accounts.

(a) The purpose of this section is to implement the provisions of F.S. Ch. 185, and to provide a mechanism to pay required "Chapter 185 monies" to police officers and current and future retirees based on the growth of premium tax revenue pursuant to Chapter 185. The fund created by this section, hereinafter the Starke Police Officers' Trust Share Plan, shall be derived exclusively from monies received from the state and not from any additional taxes levied by the city and shall be in addition to and a complement of the police officer defined benefit pension paid by the City of Starke Police Officers' Retirement System. The share plan shall be administered by the Board of Trustees of the Starke Police Officers' Retirement System (hereinafter the "retirement system").

(b) In each year, after receipt of the annual distribution of chapter money from the state, the board of trustees shall determine the amount of premium tax revenues accrued by the city during the current fiscal year pursuant to F.S. 185.11, above the adjusted base amount of \$51,460.00. The sum of these amounts shall be known as the "funds in excess of the base amount." All funds in excess of the base amount, which have not been specifically allocated to a different benefit enacted hereinafter, will be known as "available funds." Allocation of shares shall be made within 30 days after approval by the board, or as soon as is practicable thereafter.

(c) The initial allocation of excess premium tax monies being held in reserve as of September 30, 2014, will be allocated to those active members eligible at the time the monies were earned, on a pro rata basis, determined by the amount of time the eligible member was employed as a full time police officer with the City of Starke. In the initial allocation, each retiree will receive a full share.

(d) An individual share account shall be established for each qualified participant. A qualified participant for purposes of the Share Plan will include active members, current retirees (including those in the DROP), beneficiaries of those members who are active on the effective date of this Ordinance and who receive a pre-retirement death benefit, and beneficiaries of deceased retirees on the effective date of this ordinance, and every person who becomes an active member or retiree or beneficiary of deceased retirees, thereafter. Available funds shall be allocated to each qualified participant in equal shares (provided, however, that the beneficiary of a deceased retiree will receive a share in the same ratio as the

survivorship benefit is to the normal form of benefit). Available funds shall be allocated to each qualified participant by credit to the member's individual account. In order to be a qualified participant as an active member for purposes of this section, a person must be employed by the City of Starke as a Police officer on October 1 of the year for which the insurance premium rebate dollars are received. Available funds shall be allocated and paid directly to each retiree.

(e) All persons will vest in the share account after ten (10) years. If a person terminates employment or is terminated for any reason without vesting, the balance credited to that person's share account will be redistributed to other qualified participants of the fund, in equal amounts, as of the next allocation.

(f) Available funds shall be invested by the board of trustees and may be commingled for investment purposes with the other assets of the retirement system. The individual balances and earnings and expense charges for each participant in the share plan shall be clearly identified on the statements prepared by the plan administrator. The member's share account shall be credited with interest in an amount equal to 50 percent of the net (gross return minus investment expense) yearly interest earned by the retirement system for the preceding fiscal year, up to a maximum of four percent. If the net interest earned by the retirement system is zero percent or less, the member's share account will not be credited with interest, nor will it be debited with any investment losses.

Provided however, the first allocation will recognize earnings beginning on the day of the allocation. Interest will be credited to the account as soon as administratively practicable at the end of a calendar quarter. The City of Starke shall not incur any financial obligation in any manner relative to the share plan. The Board of Trustees may charge an administrative fee for the cost of administering the share accounts.

(g) Distributions from the share plan shall in no instance be made prior to separation from service with the City. Vested terminated members who leave their employee contributions in the Fund will not be eligible for additional shares until they begin receiving their monthly pension benefit. Vested terminated members who leave their employee contributions in the Fund are eligible to receive the balance in their share account when they start receiving their monthly pension benefit. Any member who withdraws his or her employee contributions shall forfeit all rights to their share account and all rights to receive a monthly pension benefit. The amount that had been credited to their share account will be redistributed to qualified participants in equal amounts. All distributions shall be made in accordance with the Internal Revenue Code and rules and regulations promulgated there under.

(h) The Board of Trustees shall be authorized to adopt any rules necessary for the efficient administration of the share accounts. The Board of Trustees shall adopt rules for the distribution of amounts credited to the share accounts when a person seeks a distribution and the balance of the share account for the previous quarter has not yet been determined. These rules may allow the Board of Trustees to retain a portion of the share account until the balance of the share account is determined. The rules may also allow the Board of Trustees to charge a fee for administration of the share accounts.

Section 2. It is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Starke, and the section of this ordinance may be renumbered to accomplish such intentions.

Section 3. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same, are hereby repealed to the extent of such conflict.

Section 4. Should any section or provision of this ordinance, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part hereof, other than the part declared to be invalid.

Section 5. This Ordinance shall be effective upon its adoption.

PASSED AND ADOPTED ON FIRST READING THIS 3rd DAY OF
February, 2014.

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

Travis V. Woods, Mayor

Tommy Chastain, Commissioner

Daniel W. Nugent, Commissioner

Carolyn B. Spooner, Commissioner
Wilbur Waters, Commissioner

Attest:

Ricky Thompson, City Clerk

Commissioner Chastain made the motion to adopt Ordinance 2015-0718, second by Commissioner Waters; passed 5-0.

Clerk Thompson presented the email requesting a workshop with Crown Castel relating to the cell tower site.

Mayor Woods instructed Clerk Thompson to contract Crown Castel and inform them the City isn't interested in a workshop to discuss the cell tower property.

Attorney Sikes explained if someone came before the commission during Citizen Participation to discuss this issue they could do so. They will not be turned away. Mayor Woods instructed Clerk Thompson to relay the information.

Clerk Thompson mentioned the Florida Municipal Trust Insurance is looking for nomination for Trustee.

With the resignation of Mr. Mitchell we need names to replace his seat on the Planning and Zoning Board.

Attorney Sikes read a letter from Cheryl Canova from Santa Fe thanking the city for the agreement. He presented the Police and Santa Fe Contract for ratification and explained he has not changed any wording.

Commissioner Spooner made the motion to accept the contract, second by Commissioner Waters; passed 5-0.

Attorney Sikes presented the draft of the Ordinance to replace Resolution 2014-20. The Resolution was to provide utilities for people up to 5 miles outside the city limits. One problem with the resolution was it required a voluntary annexation. He wrote this as an Ordinance instead of a Resolution; he explained the difference. Permanent prevision or authorization to provide utilities services outside the 5 mile city limits, he recommended doing it as an Ordinance. To change the rates it would be done through a Resolution.

He recommended the commissioners to review the draft and authorize for it to be advertised. What it will do is delete the requirement of the election to voluntary annex or not to voluntary annex. This is the only way to get the service. Anyone under the old provisions would be grandfathered in and left alone.

Mayor Woods asked if anything additional needed to come before the board. Hearing none, he called for a motion to adjourn.

Commissioner Waters made the motion to adjourn the meeting, second by Commissioner Spooner; passed 5-0.

Travis V. Woods, Mayor
Commissioner Tommy Chastain
Commissioner Daniel Nugent
Commissioner Carolyn B. Spooner
Commissioner Wilbur L. Waters

Attest: _____
Ricky Thompson, City Clerk