

CITY COMMISSION MEETING

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Mayor Tommy Chastain 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 Tommy Chastain called the meeting to order. Present were Commissioner Janice D. Mortimer, Commissioner Wilbur Waters, Police Chief Jeff Johnson, City Clerk Ricky Thompson, City Attorney Dan Sikes, Fire Chief Gary Wise, and Code Enforcement Officer Lajuan Whittle.

Mayor Chastain gave the invocation and led the pledge of allegiance to the flag.

Commissioner Danny Nugent and Commissioner Travis Woods were absent due to medical reason.

Mayor Chastain requested any agenda changes.

Clerk Thompson requested the following to be added to Section 11.

H. Additional Warranty Purchase for the new truck; Motion to approve

I. Referendum to abolish the City Clerk elected position and make a hired position; Motion to approve.

J. Install speed bumps on Pine Street between North Street and Ida Street; Motion to approve.

K. City Attorney Contract; Motion to discuss.

Commissioner Waters asked due to the amount of letters that the Commission has been receiving regarding harassment within a department. He requested to place on the agenda for action tonight for Leon “Ty” Jordon to be transferred from one department to another department with no decrease in salary and all benefits will stay the same.

Mayor Chastain entertained a motion to accept the changes to the agenda.

Commissioner Mortimer made the motion to accept the changes to the agenda, second by Commissioner Waters; passed 3-0.

Mayor Chastain entertained a motion to adopt the minutes from Commission Meeting February 7, 2017.

Commissioner Mortimer asked Clerk Thompson if he received the changes?

Clerk Thompson responded he did.

Commissioner Mortimer made the motion to accept the minutes with the corrections, second by Commissioner Waters; passed 3-0.

Mayor Chastain entertained a motion to adopt the minutes from Commission Election Workshop February 7, 2017.

Commissioner Mortimer made the motion, second by Commissioner Waters; passed 3-0.

Attorney Sikes read Zoning Department Ordinance 2017-0736 by title for adoption.

ORDINANCE NO. 2017-0736

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF STARKE LAND DEVELOPMENT CODE, AS AMENDED; RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z16-04, BY THE PROPERTY OWNER OF SAID ACREAGE; PROVIDING FOR REZONING FROM SINGLE FAMILY, MEDIUM DENSITY (R-1C) TO MULTI-FAMILY, RESIDENTIAL (R-2A) OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF STARKE, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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 enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to 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 the Section 163.3174, Florida Statutes, as amended, and the City of Starke Land Development Code, hereinafter referred to as the Land Development Code, the Planning and Zoning Board, serving also 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 and the Concurrency

Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for amendment, as described below;

WHEREAS, pursuant to the Section 166.041, Florida Statutes, as amended, and the Land Development Code, the City Commission 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 City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving as the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below; and

WHEREAS, the City Commission has determined and found that approval of said application for an 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, THAT:

Section 1. Pursuant to an application, Z 16-04, by Tammy and Johns Properties, Inc., to amend the Zoning Map of the Land Development Code by changing the zoning district on certain lands, the zoning district is hereby changed from SINGLE FAMILY, MEDIUM DENSITY (R-1C) to MULTI-FAMILY, RESIDENTIAL (R-2A) OF property described, as follows:

A parcel of land lying in Sections 20 and 21, Township 6 South, Range 22 East, Bradford County, Florida. Being more particularly described, as follows: Commence at the Southwest corner of said Section 21; thence North 00°26'14" West 839.82 feet, along the West line of said Section 21 to the Northerly right-of-way line of Southern Villas Drive for the Point of Beginning; thence South 88°42'38" West 51.31 feet, along the Northerly right-of-way line of said Southern Villas Drive; thence North 14°11'21" West 195.53 feet; thence North 68°28'42" East 14.90 feet; thence North 80°32'42" East 230.90 feet; thence North 76°14'51" East 77.97 feet to the Westerly right-of-way line of State Road 16 (Raiford Road); thence South 27°26'18" East 252.14 feet, along the Westerly right-of-way line of said State Road 16 (Raiford Road) to the Northerly right-of-way line of said Southern Villas Drive and being in a curve concave to the North and having a radius of 185.20 feet; thence Southwesterly along the Northerly right-of-way line of said Southern Villas Drive and along the arc of said curve as measured along a chord having a bearing of South 76°36'26" West for a chord distance of 83.97 feet; thence South 88°42'38" West 253.05 feet, along the Northerly right-of-way line of said Southern Villas Drive to the Point of Beginning.

Containing 1.82 acres, more or less.

AND

A parcel of land lying in Section 21, Township 6 South, Range 22 East, Bradford County, Florida. Being more particularly described, as follows: Commence at the Southwest corner of said Section 21; thence North 00°26'14" West 629.61 feet, along the West line of said Section 21 to the Point of Beginning; thence North 00°26'14" West 150.00 feet, along said West line of Section 21 to the Southerly right-of-way line of Southern Villas Drive; thence North 88°42'38" East 253.94 feet, along the Southerly right-of-way line of

said Southern Villas Drive to the beginning of a curve concave to the North and having a radius of 245.20 feet; thence Northeasterly 111.12 feet, along the Southerly right-of-way line of said Southern Villas Drive to the Westerly right-of-way line of State Road 16 (Raiford Road); thence South 27°26'18" East 195.08 feet, along the Westerly right-of-way line of said State Road 16 (Raiford Road); thence South 88°42'24" West 450.37 feet to the Point of Beginning.

Containing 1.44 acres, more or less.

All said lands containing 3.26 acres, more or less.

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 with this ordinance are hereby repealed to the extent of such conflict.

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

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 7th day of February 2017.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session with a quorum present and voting, by the City Commission this 21st day of February 2017.

Attest:

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

Ricky Thompson, City Clerk

Tommy Chastain, Mayor
Janice D. Mortimer, Commissioner
Daniel W. Nugent, Commissioner
Wilbur Waters, Commissioner
Travis V. Woods, Commissioner

Commissioner Waters made the motion to adopt Ordinance 2017-0736, second by Commissioner Mortimer; passed 3-0.

Ms. Elizabeth Khan, Florida State Park System which is part of the Department of Environmental Protection (DEP) presented a check in the amount \$500,000 for the

FRDAP Grant received for Edwards Road Park to expand for the Splash Pad, ADA Playground, Nature Trails, Picnic Facilities, Restroom, Parking, and renovations to the current facilities for Hand Ball Court and Playground.

Ms. Joy Thompson Director of Nursing Bradford County Health Department representing Ms. Joy Johnson Wellness Program Manager; presented for the second year in a row to the City of Starke the certificate for the 2017 Healthy Weight Champion.

Under Citizen Participation called Ms. Mary Johnson to the podium.

Ms. Johnson informed the commission she no longer wanted to speak at this time. He continued with Mr. Lee Sparks.

Mr. Lee Sparks, 1063 Bessent Road; a group of business people are concerned regarding the last legislative meeting held with Senator Bradley and Representative Payne and there was no representation from the City Commission at that meeting. There are a lot of people worried about this bypass it will kill our city if something isn't done about the interchanges. There are people that feel the City has rubber stamped it and said DOT will do what they want.... Commissioner Waters interrupted; you know that is not true and you all know we have fought this thing. Mr. Sparks continued that it has been left upon the Sheriff to take up the battle and go to the governor's office and talk to him.

We don't see anything coming out of City Hall saying we need to do something or attending any meetings or anything like this here. The other thing is the commission is going to vote tonight on a special referendum to do away with the elected city clerk and make the position an appointed one. He doesn't care one way or the other but people keep asking him about it why we don't put on the ballot the consolidation of the police department and fire department on the ballot. Chief Johnson responded No

Mr. Sparks asked why? Let me ask this, we had the entire thing about the alcohol sales for the people to decide, why this can't be given to the people to decide that is what they ask. Once the vote is done the decision is made.

Mayor Chastain responded two months ago Clerk Thompson, Mr. Ernharth, Ms. Mortimer and himself met with the Secretary of the Department of Transportation in Lake City about the Truck Route aka Bypass.

Mr. Sparks responded this is what the people don't know unless we are told.

Next under Citizen Participation Ms. Carolyn Crews, 1596 Bessent Road; she also spoke regarding the bypass.

Addressed the meeting requesting the employees get involved in their city and stop worrying about what each other are doing. Take that energy and help with the

festivals. Help the city to stay they should be worried about the bypass coming it could take away the city and their jobs.

Ms. Valara Petteway, 1513 Estelle Street and Ms. Clara Green, 1007 Pine Street; asked for the Commission to place speed bumps on Pine Street to assist with traffic. There are many children on the street as well as help during church hours. There is also an infestation of buzzards in this area and requested this to be looked into.

Commissioner Mortimer responded Mr. Butts is the Assistant Director of the Game Commission made some recommendations and suggested this be taken up with the commission. Mr. Butts has sent information to Clerk Thompson about options and whatever option is selected it will have to be done consistently when they are coming to the area to roost.

Clerk Thompson added it is about 25 cents per shot, and it was estimated \$1,000 for the two week period.

Mayor Chastain stated it looks like the help is on its way.

Mayor Chastain asked Commissioner Waters to discuss the transfer.

Commissioner Waters stated as he spoke earlier the amount of letters that we have been receiving for the past six to seven months regarding harassment in the working area. At this time he would like to make a motion to transfer Ty Jordon to the meter department to work with Raymond Jones.

We took a position from the meter department last year and that department is shorthanded. Let us see if things work out, leaving his salary the same. He has spoken to Kris Kadlec today and there is no problem there. The inmates can unload the trucks to help out in purchasing.

Commissioner Waters made the motion to transfer Ty Jordon to the meter department,

Mayor Chastain passed the gavel to Commissioner Waters and made the second; Mayor Chastain asked if there is any issue with the budget moving one person from one department to another, it would be moving the funds from one department to another?

Clerk Thompson responded there would be a budget amendment.

Commissioner Mortimer asked for clarification; she received and read the letters. We are going to move Mr. Jordon because of the letters? Is there an investigation involved?

Mr. Kadlec responded not that he is aware of there is just the consent letter writing and it is to the point that something needs to change to get this stopped.

Commissioner Mortimer asked Attorney Sikes is he would advise the board on your legal recommendation would be?

Attorney Sikes responded he has looked at the letters in detail and the bottom line is for harassment to be actionable under law it has to be under Title 7 that someone is being harassed because of sex, race, gender bias, religion, etc. Simple act of harassment is not necessarily actionable. The other way we have it isn't Title 7 but at the same thing for the discreet essential group but it is under 42 US Section 1983, which is a civil rights lawsuit.

It is important to understand because if you have an attorney that would want to pursue on either one of these actions you will want a pot at the end of the rainbow. If you don't have legal mechanics to reimburse the attorney fees or have a decent damage award most attorneys won't do it.

There is nothing in the letters received that any type of harassment under Title 7 has been committed.

Any such complaint will have to go to the Florida Department of Human Relations or the EEOC. Again, they would have to find that there was some form of discrimination, which he has not seen in anywhere in any of the letters. Lastly, the issue is if someone is being mean to someone else or their feelings are being hurt well there is no cause for action for that generically across the board.

The State of Florida is an at will state and an at will state means you can fire anyone for any reason so long as it isn't based on a membership of a discreet group. Public vs. Demarco came out in 1964 or 1965, a Florida Supreme Court case in which an assistant manager found out that the store manager was stealing property and selling it. The assistant manager called the police and when Publix came in they fired everyone to include the assistant manager who took steps to protect the property. The assistant manager sued Publix because he was doing the right thing to protect property and the Florida Supreme Court said it didn't matter. The issue is an at will state can fire anybody for any reason.

In so far as the situation we are looking at in his opinion this is an issue of leadership, and he is not referring to Mr. Kadlec, we need a strong manager empowered to take a position because the shooting of the letters back and forth is entirely disruptive to the city. Someone needs to be able to make hard choices and decisions and maybe some people need to be transferred as long as it is not against their constitutional rights and there is nothing illegal about this.

The next part is to get an Interim City Manager to walk in and if people are acting a certain way then potentially they need to be terminated. All of the threats of whistle blower have been miss cited. It needs to come to a halt.

Commissioner Mortimer responded she was not here in the beginning or onset of this ugly thing that put its head into our city and has caused all of this division; she is not in favor of moving someone because they said someone was mean to them or whatever. It will not resolve the problem. She is much in favor of getting down to the crust of the problems and asking and requiring every one of the employees to

act like adults. She is in favor of the Interim or Acting City Manager feels it is in the best interest of the City then she will back the decision that is made because that is Mr. Kadlec's decision because he is the one dealing with it and support your decision. Not to take anything away from Commissioner Waters but it falls under Mr. Kadlec's supervision.

She would like for this entire situation to get under control then us being an at will state and allowing to fire people that are causing these problems and everyone knows who at the center of these...everybody know and everybody that is involved knows where the crust of the problem is. She is in favor to cast a vote right now to get rid of the crust of the problem so we and our employees can move forward.

Mayor Chastain asked if the meter readers can't get the turnoffs completed due to not having the other person?

Mr. Kadlec responded that is correct. He will have to pull some of his guys this week for turnoffs.

Commissioner Waters stated there is a motion and second on the floor to move Ty Jordon, a lateral transfer from Purchasing to the Meter Department to help out and Kris Kadlec will oversee the work at the yard to get the trucks unloaded like they have been doing.

Commissioner Mortimer asked if there is a length of time this will be in affect?

Commissioner Waters responded he doesn't want to put a time limit on it.

Attorney Sikes stated defer to the city manager or acting city manager to make the determination that it is no longer needed to put him back in place.

Commissioner Waters stated he spoke in length with Mr. Kadlec today about this issue and your decision was?

Mr. Kadlec stated to move him, transfer him.

Commissioner Waters asked for any additional discussion?

Hearing none motion passed 3-0.

Assist Fire Chief Jerry Waters reported the purchase order has begun on the new truck and contact has been made with E-One. We will have a build meeting with E-One on March 8th and it will be seven to nine months after that date when we should receive the truck.

The build meeting will be to go over every aspect of the truck and what is where and compartment orientation.

Commissioner Waters asked when a set of drawings are received to bring a set of the drawings to the commission to look at.

Commissioner Mortimer asked Assist Chief Waters if he knew the last time there was a five alarm fire in Starke?

Assist Chief Waters responded one of the last ones would have been the Mattress Factory on State Route 100.

Police Chief Johnson referenced the discussion he has had with Clerk Thompson regarding the issue at Normans Produce Monroe Street and Highway 301. Some people are coming up to the stop sign and want to turn North on Highway 301. We have had five accidents in the past two weeks. We want to discuss with DOT when they come to do the paving to restripe it for a right turn only.

When traffic backs up on US 301, South and North bound traffic want to go through the parking lot to get on South Street to go to Bay Street and to State Route 100. He is working on this problem along with some other areas. The paving is to take place 2018 and we will get those issues addressed as well as the marking at Walnut Street and Madison Street; it is a white safety zone and you can drive through a white safety zone. If it is painted yellow you can't drive through it so he is going to try and get that painted from white to yellow.

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

Commissioner Mortimer made the motion to pay the bills, second by Commissioner Waters; passed 3-0.

Clerk Thompson requested ratification for Kris Kadlec 10% increase from the last meeting.

Commissioner Waters made the motion to approve the increase, second by Commissioner Mortimer; passed 3-0.

Clerk Thompson presented a tree trimming contract through Tree Dot Inc. This will be a piggy back off of FMPA. The cost is \$26,492 for a period of 10 weeks, 40 hours a week. This includes labor and equipment.

Commissioner Waters made the motion to approve, second by Commissioner Mortimer; passed 3-0.

Clerk Thompson added there is \$25,000 in the budget and this is \$1,492 over the budget, we will do a budget amendment from capital.

Clerk Thompson proceeded; SCOP Road paving has opened up for applications. Last year the City submitted for Old Lawtey Road and Orange Street. We didn't receive the money last year. This year the County submitted for Orange Street from Weldon Street to Call Street and they are waiting until 2018 when they will pave that and turned over to the City; he spoke to Mr. Carter regarding that portion.

That takes care of Orange Street but Old Lawtey Road is one the City is planning as well for the funding which is around \$918,000.

Commissioner Mortimer asked if it included sidewalks?

Clerk Thompson responded it includes driveways that they tear up, no sidewalks.

Mr. Kadlec responded no and he would have to get a quote.

Clerk Thompson added the plans are done from last year, if the commission is comfortable with that it won't cost to go through that again.

On Orange Street that is already paved through the County money our part was to go from Edwards Road to State Route 100 and that would complete the entire road of Orange Street.

Mayor Chastain asked Clerk Thompson if the city should look into bike paths because there isn't enough room for sidewalks.

Clerk Thompson responded he doesn't believe the city would get that on Orange Street from Edwards Road to State Route 100 because there is not much right away. He will have them look at it.

Commissioner Mortimer asked for clarification on the motion.

Clerk Thompson stated it will be to apply for the SCOP Grant same as last year application.

Commissioner Mortimer added that if we are taking off Orange Street for the County in 2018; do we need to amend the application or resubmit?

Clerk Thompson was under the impression last year the County would get the money but that is 2018 and only includes Orange Street from State Road 100 to Edwards Road.

Commissioner Mortimer made the motion to apply for SCOP Grant for Edwards Road and Old Lawtey Road as submitted last year, second by Commissioner Waters;

Brandon Dimers, City Employee; he is glad the streets are getting paved, but with his experience we need to do some of the underground utilities. There is a section of Orange Street at Edwards Road is caving in due to the sewer. We can pave the roads to look good but if we don't fix the underground utilities, it will be good money gone to waste.

Commissioner Waters responded we know we need to fix the utilities.

Mayor Chastain asked if the Transportation Trust Fund could be used for infrastructure beneath the surface.

Clerk Thompson responded he will have to check on that.

Motion passed 3-0.

Clerk Thompson provided the property appraisal \$30,500 for the Dodd property on Edwards Road.

Commissioner Waters asked if any of the FRDAP grant funds can be used for this? Clerk Thompson responded he will need to check and see but everything is accounted for in the grant.

Mayor Chastain stated there are funds sitting in the account from the sale of the old armory. Also we will need the written appraisal for the cost of \$300.

Commissioner Waters made the motion to approve the written appraisal, second by Commissioner Mortimer; passed 3-0.

Clerk Thompson stated the next item is City Manager; Mayor Chastain asked Attorney Sikes for clarification.

Attorney Sikes referenced the City Manager and if you look at 2-132 paragraph D; during the absence or disability of the city manager, the city commission may appoint some properly qualified person to temporarily execute the functions of the office.

Essentially the City Commissions in his opinion and he also conferred with Mr. Brown former council for the City. The City Commission can select an interim City Manager the same way you have selected Kris Kadlec to fill in. He doesn't believe it has to be necessarily advertised and it can be done in any fashion that the City Commission deems appropriate to take care of the vacancy.

Mayor Chastain asked if it could be done tonight?

Attorney Sikes responded yes it could be done tonight, but it is only a temporary basis until a permanent decision is made.

Mayor Chastain entertained a motion to proceed with the City Manager.

Clerk Thompson added he had contacted all the applicants. The majority was unavailable and he left message for Mr. Gaines but he has not heard back from him. He did speak with Mr. Milner and he is ok with the interim position. One applicate from Florida was interested in the interim position.

Mayor Chastain added based on the information from Clerk Thompson he is looking for a motion for an Interim City Manager.

Commissioner Mortimer made the motion to hire on temporary bases an Interim City Manager;

Mayor Chastain asked out of the applicants?

Commissioner Mortimer asked if a name needed to be provided?

Mayor Chastain responded yes.

Commissioner Mortimer stated to appoint Bob Milner as the Interim City Manager.

Mayor Chastain stated he has a motion.

Commissioner Waters made the second

Mayor Chastain asked for any questions or discussion? Hearing none he requested the vote.

Motion passed 3-0.

Commissioner Waters asked for someone to have negotiations for a salary.

Mayor Chastain added at the meeting last evening he had stated the interim would come in at the same as the City Clerk \$45,000 and go from there.

Commissioner Waters asked if Clerk Thompson, Kris Kadlec, and Mayor Chastain meet with Mr. Milner to discuss a salary.

After discussion the meeting was scheduled for Wednesday, February 22 at 2:00 PM.

Attorney Sikes suggested with \$45,000 a year, which implies it is a long term contract it would be better to write it as a \$3,750 per month would be the interim salary being offered by the position. Do the salary as a monthly instead of a yearly salary.

Mayor Chastain asked if there would be benefits offered for an interim position?

Attorney Sikes responded; you can do an interim position right now but you can't permanent right now.

Mayor Chastain added a new hire gets a 1.65, but being called an interim they would not get any contribution towards the pension.

Attorney Sikes responded that is correct because they are not a regular employee and until they become a regular employee they would not get a contribution because they are temporary only in nature.

Mayor Chastain asked if it is temporary only in nature as to a contract for x amount of months or temporarily from day to day?

Attorney Sikes added he would do it from month to month basis, which there would be no define end of it and give the breathing room to select someone, and you could terminate it at any month.

Commissioner Mortimer asked for clarification of who will meet with Mr. Milner because she would like the attorney involved due to drafting up a contract.

Attorney Sikes stated he had court at 2:00 and was not sure what time he would be done. He could meet on Thursday.

Mayor Chastain asked if the meeting is kept at 2:00 Wednesday and the notes of the agreement are given to the Attorney for writing the contract?

Attorney Sikes added he is available Thursday morning.

Mayor Chastain set the meeting for Thursday, February, 23rd at 8:30 AM.

Mayor Chastain asked to speak with Mr. Milner on Wednesday afternoon.
Commissioner Mortimer asked for Mr. Milner's phone number.

Mayor Chastain ask for a vote
Clerk Thompson stated one was already done.
A five minute break was taken.

Clerk Thompson announced the Florida League of Cities Legislative Days and Ethics Training will be Monday, March 20th through Wednesday, March 22.
Please let him know who would like to attend. Commissioner Mortimer and Clerk Thompson will be attending Monday through Wednesday and Commissioner Waters will attend Tuesday and Wednesday.
Mayor Chastain asked if there is a meeting on March 21st.
Clerk Thompson responded yes it will need to be cancelled or changed.

Clerk Thompson requested approval of the extended warranty for the new truck purchase for the Public Works Department. It is 5 years, 70,000 miles whichever comes first with a \$0 deductible bumper to bumper.
Commissioner Waters approved the purchase of the extended warranty, second by Commissioner Mortimer; passed 3-0. Clerk Thompson added it is less than \$400 per year.

Clerk Thompson requested a motion to do a referendum to change the Elected City Clerk to an Appointed City Clerk.
Commissioner Mortimer made the motion to place the item on a special election ballot to be held in July prior to the September election.
Attorney Sikes added there need to be a resolution done and approved. The resolution needs to have the specific changes of the Charter and direct for it to be on the ballot.
He added the vote should be to authorize him to draft the resolution.
Article 3 Section 10 specifies the elected officials. If you want to remove the Elected City Clerk position and replace it with Appointed City Clerk as appointed by the City Commission; he needs that direction to draft the resolution for adoption. After the adoption of the resolution we can proceed with the referendum.
Mayor Chastain suggested a straw ballot to see which way the citizen would like to go with the Clerk position.
Commissioner Mortimer responded it would not solve the problem and it would delay the referendum.
Attorney Sikes asked if the Commission would like to go to the expense of the straw vote he will do the research to do that.

Mayor Chastain added if the changes are done with the Resolution and the voters tell us they don't want to change the position of the city clerk than the attorney will have to do the work to undo the resolution.

Attorney Sikes responded no actually not. If the people vote through the referendum to keep the position of clerk as an elected position everything stays the same as it is right now.

Mayor Chastain stated after we have made the changes?

Attorney Sikes replied you have not made changes, you are asking for a referendum for the citizens to vote.

Commissioner Waters suggested tabling this and getting a full board here.

Commissioner Mortimer responded will they both be able to be here, Commissioner Woods had major surgery, and do we know how long he will be out?

She feels the consent delays in addressing this issue are pushing it up against the wall. We have a general election in September that we have to have and if we want to address the City Managers issue and the City Clerk issue we need to make the decision and give the people the opportunity to say yes or no.

Mayor Chastain agrees that the citizens need to tell us; but we have no idea on the cost to the city for the special election or a mail out ballot that Mr. Milner spoke of the other night.

Commissioner Mortimer asks for clarification the cost of the election?

That is very easily estimated by the City Clerk. What did it cost for the special election in September?

Mr. Milner suggested contacting Mr. Vaughn and asked him for an estimate on each way to do the election.

Commissioner Mortimer stated we need to obtain cost for both types and move swiftly, March is upon us.

Commissioner Waters added everyone knows how he feels; the citizen want to be able to vote for their city clerk, and police chief. To put this to bed once and for all he is ok with this going for referendum.

He second the motion made by Commissioner Mortimer to place the City Clerk position on the referendum;

Mayor Chastain added there is a motion and a second but there are items that we don't have answers for. Do you want to table this to the next meeting and get the answers?

Commissioner Mortimer stated her motion is to do a referendum and the Attorney to do whatever he needs to do in the attorney world to make it legal and bring it

back for the next scheduled meeting, so we can start to move forward. The cost we will be able to find out.

Commissioner Waters added we have just had a special election so we will have an idea of the cost.

Chief Johnson asked for clarification of the language from the workshop held last evening it was stated the City Manager would hire the City Clerk. He stated the referendum would have to state that.

Mayor Chastain stated for clarification there is a motion and second for a referendum in the middle of summer to poll voters to find out if they would want the City Clerk to be an elected or appointed position.

Attorney Sikes added he will do a resolution to referendum and the citizens vote it down it will remain the same. He does a resolution to take the city clerk from elected to appointed and ask the citizen if they want that change to the city charter. Mayor Chastain is concerned the turnout will be low and we won't have a good feel of what the citizens want.

Motion passed 3-0.

Attorney Sikes stated he will draft the resolution and try to have it ready for the next commission meeting March 7.

Clerk Thompson requested approval to install speed humps between North Street and Ida Street on Pine Street.

Commissioner Mortimer made the motion to approve the installation, second by Commissioner Waters;

Kris Kadlec asked how many will be installed?

Commissioner Mortimer responded 6 across the street.

The street is 2400 to 2500 linear feet and the set will be placed 625 feet apart and signs will be placed.

Motion approved 3-0.

Clerk Thompson asked for a motion to address the City Attorney's contract. Mayor Chastain opened the floor for discussion of the City Attorney's contract. Commissioner Mortimer open; it is important in anything we do that all parties involved have a clear understanding of what the expectations are of each other. In this case I've found there is an expectation that she had of the city attorney that she believes her colleagues shared in. Her concern is what she has voiced before in

meetings and workshops with Mr. Sikes, she doesn't like to be sitting up here in her official capacity making decision without having a legal advisor to guide her. She has reviewed the contract and when she spoke to Mr. Sikes today he shared with her that there is an understanding that if he was needed at a workshop he would come but if he wasn't told he was needed he wouldn't show.

This makes no sense to her; if you are the legal advisor and if she is here she wants him here. If we need to add it to the contract then by all means maybe we need to workshop it and get it input of the other commissioners but as far as she is concerned it is a deal breaker not having the legal advisor here when she is making decisions.

She made a vote on the negative on something because Mr. Sikes wasn't here and she was concerned and still is concerned of the liability that we have. It has nothing to do with this person as an individual as a person it is a business decision she is making that our contract needs to be revised to include specific as to what our expectations and the attorney's attendance at our meetings are or we need to advertise for an attorney. So someone that can be here when we need them to be here.

Mayor Chastain added when Mr. Sikes was hired or interviewed it was stated then that if you were unable to attend one of our meetings you would have someone come in your place.

Attorney Sikes responded actually since he was hired he has not had an associate and has never had anyone he can ask to do that.

Commissioner Waters added Mr. Sikes you told us if you had meetings in Green Cove Springs and if we had a Starke meeting here you would get someone to sit in. Attorney Sikes responded he has no one in his office and in the future he can try to do that. When he was hired it was pointed out that there would be an occasional conflict with Clay County School Board and his functions with JAG in the United States Army Reserves. From time to time he has not been available due to that. If you want to find another attorney since he has no associates to cover down in the office when he isn't available he can do so. Not sure who can do it but he will reach out to some attorneys in Starke.

Within the City of Starke there is Ron Sholes has associates, John Cooper doesn't have associates Brittany is his partner, so there are no others with associates.

There isn't anyone he can ask, which is the problem he has.

Since he has been on board as the city attorney he has endeavored to be responsive to phone calls early in the morning and late at night, during the weekends by numerous people and every way shape or form to be responsive. He has not billed for all that time and he remembers Mr. Chastain asking if I would bill for all the phone calls he receives, and he has not done that. I have made it to half the

workshops since he has become the city attorney and this is the first time it has come up that the request has made for me to be at all of them.

He will be at all the workshops and if you want him to find someone to cover for him when he isn't available, he isn't sure what they will charge but he will try to get an attorney to cover but he doesn't have an associate. If you want a law firm that has associates you will need to rebid the position and he will not apply. You will need a law firm with associates that can do it.

Mayor Chastain asked for any additional discussion.

Commissioner Mortimer added we really need to get the bang for our buck; she is of the mindset we might want the other to be present but she would like to re-advertise for a city attorney. Mr. Sikes can't give what we need and it is no fault of his and what I need as a commissioner is an attorney present.

Mayor Chastain asked Clerk Thompson to place it on the agenda when all the commissioners will be present.

Attorney Sikes went by to speak with Mr. Vaughn after the last meeting and Mr. Vaughn was out of town. Mr. Vaughn tried to get him but he was in court yesterday all day and in Clay County today. He will try to get with him and have the amendments ready for the next meeting.

Attorney Sikes read the Ordinance 2017-0737 Medical Marijuana Moratorium by title for adoption.

ORDINANCE 2017-0737

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM OF THREE HUNDRED AND SIXTY-FIVE DAYS (365) PROHIBITING THE OPERATION OF ANY MEDICAL MARIJUANA SALES WITHIN THE CITY OF STARKE; ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUSINESS TAX RECEIPTS, DEVELOPMENT ORDERS OR PERMITS FOR MEDICAL MARIJUANA SALES WITHIN THE CITY LIMITS IN ORDER TO PROVIDE THE CITY AN OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING SAID ACTIVITIES; ESTABLISHING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; MAKING CERTAIN FINDINGS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and,

WHEREAS, a constitutional amendment to allow the dispensing and use of marijuana for medical purposes by persons with debilitating diseases has been passed by the State of Florida; and,

WHEREAS, the measure legalizes the medical use of marijuana, allows caregivers to assist with the medical use of marijuana, and directs the Florida Department of Health to register and regulate centers in the production and distribution of medical marijuana and to issue identification cards to certain patients and caregivers utilizing medical marijuana; and,

WHEREAS, the City Commission has heard testimony from the STARKE Police Department regarding the potential impacts of medical marijuana treatment centers on the surrounding area; and,

WHEREAS, the City of STARKE regulates the use of land through its Comprehensive Plan and its Unified Land Development Code; and,

WHEREAS, the City of STARKE does not currently have definitions or regulations within its Unified Land Development Code for medical marijuana treatment centers, medical marijuana dispensaries, medical marijuana facilities, medical marijuana caregivers, or activities pertaining to medical marijuana; and,

WHEREAS, the City of STARKE desires its staff to have sufficient time to review and make recommendations for the enactment of regulations governing said activities; and,

WHEREAS, the City believes that by establishing a moratorium for 365 days on the issuance of business tax receipts or land use approvals for medical marijuana treatment centers, medical marijuana dispensaries, and medical marijuana facilities, the City will have the opportunity to research and study various regulatory options; and,

WHEREAS, the City Commission finds it is in the best interest of the citizens of the City to minimize and control the adverse effects of medical marijuana treatment centers, medical marijuana dispensaries, and medical marijuana facilities, and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life and preserve property values, by adopting appropriate regulations; and,

WHEREAS, the City of STARKE has authority in accordance with the Florida Constitution, Chapter 163 and 166 of the Florida Statutes to enact regulations in the interest of the public health, safety and welfare of its citizens.

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

SECTION 1. PURPOSE AND INTENT. The foregoing recitals constitute the legislative findings of the City Commission of the City of STARKE, and are hereby ratified and confirmed as being true and correct and are incorporated herein by reference.

SECTION 2. DEFINITIONS. For purposes of this ordinance, the following terms shall be defined as follows:

“Marijuana” has the meaning given cannabis in Section 893.02(3), Florida Statutes.

“Medical Marijuana Dispensary” means a business operation for the distribution of medical marijuana or related supplies, whether a principal use or accessory use, pursuant to the Florida Right to Medical Marijuana Initiative, Amendment 2, constitutional amendment or any other provision of Florida law.

“Medical Marijuana Treatment Center” means any entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health.

“Medical Marijuana Facility” means any authorized Medical Marijuana Treatment Center, Medical Marijuana Dispensary, or any other facility that dispenses, processes, cultivates, distributes, sells, or engages in any other activity that involves or is related to medical marijuana pursuant to the Florida Right to Medical Marijuana Initiative, Amendment 2 or any other provision of Florida law.

SECTION 3. MORATORIUM IMPOSED. The City of STARKE hereby prohibits the operation of any medical marijuana facility in the City of STARKE, and a zoning moratorium is hereby declared and imposed as follows:

1) The City shall not accept, process or approve any application for business tax receipts, building permits, land use/zoning permits, or any other development permits concerning or related to any and all medical marijuana facilities, including but not limited to marijuana production, processing, storage or distribution facilities within the City’s corporate limits.

2) The City of STARKE shall not accept, process or approve any business tax receipt, building permits, land use/zoning permits, or any other development permits concerning or related to any and all medical marijuana facilities, including but not limited to marijuana production, processing, storage or distribution facilities within the City’s corporate limits.

3) The City of STARKE shall not process or approve any permits, licenses or approvals for any property, entity, or individual for the sale or distribution of medical marijuana, or for the operation of any unauthorized medical marijuana treatment facilities so long as this ordinance is in effect. No person, corporation, partnership or other entity shall establish, operate or engage in any medical marijuana facility, including but not limited to marijuana production, processing, or distribution within the City of STARKE.

SECTION 4. DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until _____, 2018 unless rescinded sooner.

SECTION 5. VESTED RIGHTS RELIEF PROCEDURE.

1) The owner or owners of real property may request a determination of vested rights by filing a technically complete application with the City Manager.

- 2) The application form shall, at a minimum, contain the following information:
 - a) A legal description, current tax parcel identification number and survey or sketch of the real property which is the subject of the application.
 - b) A site development plan or plat for the real property.
 - c) Identification of any ordinance, resolution or other action of the City or failure to act by the City, upon which the applicant relied and which the applicant believes supports the applicant's position.
 - d) A statement of fact which the applicant intends to prove in support of the application that vested rights exist. The application shall fully articulate the legal basis for being allowed to proceed with development notwithstanding the moratorium.
 - e) Such other relevant information that the City Commission may request or the applicant may desire to have initially considered.
- 3) The application shall provide a sworn statement to be executed by all owners of the real property that all information set forth on the application is true and correct.
- 4) The City Manager shall screen each application for a vested rights determination to determine whether the application is technically complete. If not technically complete, the application shall be promptly returned to the applicant, and the applicant shall be granted fourteen (14) additional calendar days to complete this application.
- 5) Upon the City Manager accepting a technically complete application, for which the application fee has been submitted, the City Commission shall review the application and hold a public hearing and make a final determination within twenty-one (21) calendar days as to whether or not it has been clearly and convincingly demonstrated that the real property subject to the application has vested rights. Within seven (7) calendar days after making a final determination of vested rights status, the City Commissions shall provide the applicant with written notification of the determination of vested rights status.
- 6) Decisions made by the City Commission pursuant to this Ordinance may be appealed by the real property owners to the Circuit Court in and for Bradford County, Florida.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative parts therein, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if this ordinance had been adopted without such unconstitutional, invalid or inoperative part therein and if this Ordinance or any provision thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the application thereof to any other person, property or circumstances.

SECTION 7. NON-CODIFICATION. The provisions of this Ordinance shall not be included and incorporated within the Code of Ordinances of the City of STARKE.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective immediately.

RESOLVED, with a quorum present and voting, by the City Commission of Starke, Florida in regular session, this 21 day of February 2017.

CITY COMMISSION OF
STARKE, FLORIDA

TOMMY CHASTAIN
DANIEL W. NUGENT
JANICE MORTIMER
WILBUR WATERS
TRAVIS V. WOODS

ATTEST:

BY: _____

TOMMY CHASTAIN
Mayor and Commissioner

Ricky Thompson
City Clerk

Commissioner Mortimer made the motion second by Commissioner Waters; Mayor Chastain referenced section 5 the number of days is blank. Attorney Sikes responded he left it blank for the commission to determine how many days. The date of February 21, 2018 was inserted. Motion passed 3-0.

Mayor Chastain asked if there any additional information that needed to come before the Commission?

Clerk Thompson provided information from DEP regarding the FRDAP Grant and it shows the City of Starke ranked 8 out of 100 for the Thomas Street Park funding for \$50,000 and ranked 15th for Wainwright Park for \$50,000 grant. If we receive we will have received \$600,000 for recreation.

Commissioner Mortimer made the motion to adjourn, second by Commissioner Waters; passed 3-0.

Tommy Chastain, Mayor
Commissioner Daniel Nugent
Commissioner Janice D. Mortimer
Commissioner Wilbur L. Waters
Commissioner Travis V. Woods

Attest: _____
Ricky Thompson, City Clerk