

COMMISSION MEETING

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Mayor Nugent 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 Nugent called the meeting to order. Present were Commissioner Carolyn B. Spooner, Commissioner Travis Woods, Commissioner Tommy Chastain, Commissioner Wilbur Waters, Police Chief Jeff Johnson, City Manager Tom Ernharth, Fire Chief Gary Wise, Deputy Clerk Brenda Wiggins, and City Attorney Dan Sikes. Clerk Thompson was in the audience.

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

Deputy Clerk Wiggins requested a motion to approve the agenda as presented. Commissioner Spooner asks for the correction of the number for the Election certification. It should read Janice Davis Mortimer 90 votes and Deborah Walker Sims 34 votes.

Commissioner Woods made the motion to approve the agenda with the corrections, second by Commissioner Spooner; passed 5-0.

Mayor Nugent entertained a motion to adopt the minutes from Commission Meeting September 6, 2016.

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

Mayor Nugent entertained a motion to adopt the minutes from Commission Budget Workshop September 6, 2016.

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

Mayor Nugent entertained a motion to adopt the minutes from Sewer and Water Rate Special Hearing September 6, 2016.

Commissioner Woods made the motion, second by Commissioner Chastain; Passed 5-0.

Mayor Nugent entertained a motion to adopt the minutes from Tentative Budget Hearing September 6, 2016.

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

Ms. Bridget Underhill, City Purchasing Director, 22133 Northwest 74th Avenue; Addressed the commission regarding a letter that was written by Ty Jordan concerning the City Manager Tom Ernharth; that the commission has already received a copy of.

Within the letter Mr. Jordan reference Mr. Ernharth cautioning Mr. Jordan to be careful. Mr. Ernharth must have felt there were threats against Mr. Jordan.

Her question "Why didn't Mr. Ernharth write this up so it could be investigated?" She asks Sheriff Smith if he had been contacted by Mr. Ernharth about a threat? Sheriff Smith gestured no.

She continued by asking Attorney Sikes if he informed Mr. Ernharth not to have contact with Ty Jordon unless it pertained to city business?

Attorney Sikes responded he discussed with Mr. Ernharth the allegations in the letter and stressed to him that under the whistle blower act Mr. Jordan has certain due process protection. Mr. Ernharth should see to it at all times that Mr. Jordan has his due process protection.

Ms. Underhill continues discussing Mr. Ernharth going to purchasing and confronting Mr. Jordan about the letter, throwing it at Mr. Jordon and said "what the hell is this?" Mr. Ernharth also contacted another employee in purchasing and asks for that employee to ask Mr. Jordon to retract the letter.

She wanted to know why Mr. Ernharth isn't being investigated? She was placed in the City Clerk's office sitting in a corner for the past fourteen weeks, why aren't others being investigated? Is it because I'm a female? Why am I being discriminated against? I want an answer?

Attorney Sikes responded he had a long meeting with Mr. Jordon on Friday and in the meeting Clerk Thompson came in and participated in part of the meeting. Mr. Jordon was assured at all times he would be protected?

Ms. Underhill stated she was not worried about his protection I want to know why it isn't being investigated.

Attorney Sikes stated Mr. Jordon did not share any type of criminal allocations and never communicated Mr. Ernharth did those actions.

Ms. Underhill stated that is not what Clerk Thompson said; when he was in the meeting with you and Mr. Jordon.

Attorney Sikes ask for Mr. Jordon to call him because he does not remember that being said by Mr. Jordon about Mr. Ernharth.

Ms. Mary Johnson, Gas Department City of Starke; she ask if an employee is under a criminal investigation like Ms. Underhill why they are permitted to sit in City Clerk's office with access to all the city records?

Attorney Sikes ask to respond; he has had a conversation with the Chief Johnson, Sheriff Smith, Clerk Thompson and Mr. Ernharth; the bottom line to date no law enforcement agency has informed him that any employee of the City of Starke or the Police Department that there is probable cause to believe that anybody has committed a specific crime. Is that correct Chief? With no response from the chief Attorney Sikes ask if the Chief has communicated to him a specific probable cause? Chief Johnson responded no. Attorney Sikes ask Sheriff Smith? He acknowledge no.

Attorney Sikes stated if it is communicated to him that either a police officer or city employee has probable cause to believe they have committed a crime; then certain other things would need to accrue depending on the status of the employee. If it is relayed to the city that any city employee has committed a crime it will be dealt with.

Attorney Sikes asked Clerk Thompson, Mr. Ernharth and Chief Johnson to assist with scheduling a meeting that he can discuss with all the city employees for this to be discussed.

Attorney Sikes explained career exempt employees have a right to appeal matters to the city council. At will employees do not have those rights. A conversation he had with Clerk Thompson and Sheriff Smith two weeks ago the Sheriff eluded to prior opinion of the prior City Attorney Mr. Brown.

He contacted Mr. Brown and reviewed his and my position and they are the same. We advise against career employees addressing specifically to the city council because they have appellate rights to the council. At will employees have a first amendment right to address their concerns to city council but at the same time the at will employee does not have the right to disrespect the city council members or officers of the city.

He would like for everyone to take a step back and relax; he would like to have a meeting with the employees.

Ms. Johnson added she still has not received an answer. Something had to be there for a person to be moved from their department, how can someone that is under investigation be put in a position to have access to the city clerk's computer on a daily bases, unsupervised and have access to every employees files.

Attorney Sikes added the decision to move Ms. Underhill was not a decision that was made by one person it was a group discussion made by the Police Chief, Sheriff and it was a discussion during the time when all the matters and then Mr. Ernharth made the decision after the discussions.

Commissioner Waters asked when the commission will know what is going on? Everyone is asking the commission and we have no idea. With all the rumors going on he is aggravated as hell about it.

Attorney Sikes responded Mr. Gal Russell did the initial investigation and it was running on a timely manner. When FDLE got pulled into this is when there was an ethics complaint made. He also stated from what he has been told FDLE won't have anything completed until after the election, November 8th.

Mr. Ernharth added he does not wish to discuss Mr. Jordon because he is not here and he doesn't want to drag him through the mud. He and Mr. Jordon has spoken on several occasions and he was unaware that all these secret meeting were being held with the City Attorney. No one has contacted him to get his side of the story. He has spoken to some of the commission individually to let you know what happen during the conversation with Mr. Jordon and the time line. He has documentation and witness to a number of different things that have occurred. He has not done anything wrong and yes he threw the letter at him and got emotional simply because of the things that he has went above and beyond to assist Mr. Jordon with and felt personally betrayed. If anyone would like to have a secret meeting with him let me know and I'll present my witnesses and documentation and get this straightened out.

Fire Chief Wise introduced two firefighters with their recent promotion. Ashley Moore is a senior firefighter and has been promoted to Driver Operator and Jason Hersey has been with the department for 15 years and has been promoted to Lieutenant.

Police Chief Johnson reminded the commission of the car dedication with USDA at 10:30 AM.

Mr. Ernharth presented the landfill disposal increase that was discussed back in June. At that time the commission stated they were not going to pay the increase. Since that time the increase is going to begin October 1, 2016. Mr. Skip McCall from WCA is present to discuss this.

Mr. McCall there was an increase back in 2014 and it was applied to the commercial accounts. Now there is an increase of \$42 per ton and he proposed handling this the same way. There would be no budget implications we kept it out of the residential and it will be a very minimal impact spreading it in the commercial pricing matrix, it would be 11 cents per cubic yard.

Commissioner Spooner stated when the increase was discussed several months back it was suggested to discuss the increase with the landfill board, was that done?

Mr. Ernharth responded we have not spoken to the board.

Attorney Sikes added he has a meeting with Daryl O'Neal on Friday to discuss a number of items.

Commissioner Spooner added that needs to be done. The City seems to receive the increase while other users are not getting increases.

Mr. McCall added he has spoken with Mr. O'Neal several times and he has indicated that this is something the board has agreed upon. So when the WCA trucks go across the scales we are going to get charged. The charge is across the board for everyone.

Mr. Ernharth introduced Tim Norman from Mittauer to discuss the sewer system evaluation survey bid and award.

Mr. Norman informed the commission the bids received seven bids September 9th and they ranged from \$534,970 to \$999,140. The lowest bidder was JH Watershop at \$534,970 and we have discussed the bid with them and we have also worked with them in the past and they are a good contractor. Mittauer recommends JH Watershop for the bid.

Commissioner Woods made the motion to award the bid to JH Watershop for the amount of \$534,970, second by Commissioner Spooner;

Commissioner Spooner asked Ms. McMillian what kind of impact it will have on the budget?

Mr. Ernharth responded that it is included in the budget and we received the SRF Funding.

Motion passed 5-0.

Commissioner Spooner asked for Mr. Norman to elaborate on what this will intel. Mr. Norman responded this will be televising the lines of the city. There will be lift station repairs and smoke testing.

Commissioner Spooner ask that the preservation of the records be maintained. The smoke test that had been done before were not maintained.

Mr. Norman added the city will be provided the information but to remember after five ten years some of those films will be outdated.

Mr. Ernharth provided a draft of the revised Nuisance Ordinance and requested permission to re-advertise.

Commissioner Spooner made the motion to advertise, second by Commissioner Chastain;

Commissioner Chastain asked if a line item to cover...Mr. Ernharth responded yes we included \$10,000 in the code enforcement budget under nuisance abatement.

Motion passed 5-0.

Mr. Ernharth requested to advertise for a part time engineer as discussed in the budget workshop to save on the overall cost.

Commissioner Waters made the motion to advertise for a part time engineer, second by Commissioner Chastain; passed 5-0.

Under the Bi Monthly Report the Chamber will be hosting the Freedom Festival. He contacted Pop Warner regarding the field usage and PA system. He contracted the persons at Pop Warner and they have some issues so the project has been dropped for now, but would like to have a meeting to discuss. They did ask if the city would make a donation for uniforms and such. He did inform them of the donation money that they could request \$1,000.

Mayor Nugent stated if the commission agrees he would like to see the pa system and fields to be done for them.

There is a FRDAP grant application to convert Thomas Street field from baseball to football.

Commissioner Spooner ask Mr. Ernharth to remind the school about the grant to get the score board.

He had the letter for signatures to DOT regarding the overpass. The two issues regarding the wastewater plant he provided information on the sludge hauling and the cost.

Commissioner Spooner asked Kyle Jerrels, Wastewater Plant Supervisor if any measures can be put into place to prevent someone from dumping into the system. Mr. Jerrels commented the cost to put locks on the manholes is very high. The best way is if the citizens, employees see a pump truck in the area sitting alongside the road to let us know.

Commissioner Chastain asked Mr. Ernharth if the holiday overtime issue was discussed with the employees.

Mr. Ernharth responded not to date. He spoke with Mr. Ledford and we are doing everything correctly with Federal guidelines. Mr. Ledford recommended permitting the employees that worked on the holiday to give a floating day to take at a later date.

Commissioner Woods requested the workshop for September 27th be changed; he will be unable to attend.

The workshop was rescheduled for October 4th at 5:30 PM before the next regular meeting.

Deputy Clerk Wiggins reported the Bond Trustees met along with Commissioner Waters and recommended the bills be paid.

Commissioner Waters stated there was a question regarding the one bill. Clerk Thompson pulled and will take care of it.

Commissioner Waters made the motion to pay the bills, second by Commissioner Woods; passed 5-0.

She requested a motion to certify the election results from District 2 Commissioner Special Election held September 13, 2106.

Janice Davis Mortimer 90 votes; Deborah Walker Sims 34 votes

Commissioner Waters made the motion to accept the election results, second Commissioner Woods; passed 5-0.

Deputy Clerk Wiggins ask to set the Christmas Holiday schedule. Christmas Eve is a Saturday and Christmas Day is a Sunday, which will be observed on Monday, December 26. Which day will be the second day Friday, December 23rd or Tuesday, December 27th. Employees suggested having Monday and Tuesday it works out better for on call and payroll.

Commissioner Spooner made the motion to set the Christmas Holiday for Monday 26th and Tuesday 27th, second by Commissioner Waters; passed 5-0.

She also let them know New Year Day is on a Sunday so City Hall will be closed on Monday January 2, 2017.

She requested a motion to permit Clerk Thompson to proceed with application for a USDA Grant for the Badcock Building/parking Lot Project.

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

She presented a request for Clerk Thompson to proceed with application for a USDA Grant for a new fire truck,

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

There were issues the past few weeks with WCA not collecting the yard trash. WCA has promised to have it all collected by Friday, September 23.

She reminded the commission of the workshop Tuesday, October 4 to discuss the new personnel manual.

Attorney Sikes informed the board the executive session is cancelled for tonight; he will reschedule.

He also mentioned again the need for the employees and all involved to take a step back from the situation involving the investigations.

Commissioner Waters asked for when the commission gets reorganized next month; he would like the commissioners to think about going back to when the commissioners were assigned a department to talk with and report back to the commission.

He ask about the manhole at the First Baptist Church some cones be put up and the sidewalk looked at.

He asked about the radios through the grant. Chief Johnson responded the police department got a grant for the radios the Fire Department was in a grant with the County and the County was not awarded that grant so they had to pay 100% for theirs.

Mr. Ernharth added it was placed in the budget.

Commissioner Waters spoke with the Gas Department and the budget has been set but he feels we need to look at hiring a person for that department.

Mr. Ernharth added when it was thought to hire the person for the Water Department for Public Works he moved the money from Gas to Water. We can now just switch the funds back to Gas if that is the direction we decide to go.

Commissioner Woods stated he agreed with Commissioner Waters.

Commissioner Waters added the Christmas Parade is December 10th and he ask if there has been any information received regarding the water park?

Mr. Ernharth responded not until May.

Commissioner Woods mentioned the area in front of the Women's Club that needs some repair.

He ask Clerk Thompson when the inspection of the landfill is due in Keystone? Clerk Thompson responded it was due to sunset in July. He provided a letter to Attorney Sikes.

Attorney Sikes added this is something he will be discussing with Mr. O'Neal.

Commissioner Woods mentioned the article in the newspaper last week and it stated there is an ethic complaint filed against him. That is an untrue statement and it should have been verified before it was printed.

Attorney Sikes added there was also a statement in the paper that a civil rights violation was filed against him and that was an untrue statement as well. He has

contacted the Bradford Telegraph and requested a copies of the complaints against him and Commissioner Woods; they did not have it. He ask why the paper didn't contact him and Mr. Woods; he received no response. He ask why they didn't verify the information and received no response.

He received a phone call from John Miller apologizing for the printed statement and there were no basis for the allocations and will print a retraction.

Commissioner Spooner referenced statements made in the paper that were untrue. She or Mr. Ernharth has received any request for signs and there is a work crew that goes through the district and cleans up. Also the citizens need to help keep it clean.

She ask Mr. Ernharth to make sure SCOP money and to request that from the County.

The DOT representative will be at the next meeting to discuss the Truck Route. She ask for the Fall Clean Up to be scheduled.

Mayor Nugent requested the commissioners get their list of sidewalks to Mr. Ernharth.

He ask how the Veterans Day celebration was coming?

Mr. Ernharth responded he spoke with Mr. Dampier and everything is under control and the car show is scheduled.

Mayor Nugent ask if anything additional needed to be discussed. Hearing none he requested a motion to adjourn.

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

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

Attest: _____
Ricky Thompson, City Clerk