

CITY COMMISSION MEETING

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

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

Mayor Chastain asked for any additions or changes to the agenda.

Mr. Ernharth added item F Purchase a 2012 Ford E250 Van for the right of way crew.

Under Item D he requested additions of two motions; one to Hurricane Mathew and the second Hurricane Herminie.

Attorney Sikes requested to add Item C. Address the Administrative Leave regarding Ms. Underhill.

Mayor Chastain entertained a motion to adopt the minutes from Commission Meeting October 18, 2016. Commissioner Spooner ask to correct the SCRAP (Small Community Road Assistance Program) and SCOP (Small Community Outreach Program)

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

Mayor Chastain entertained a motion to adopt the Fair Housing Meeting minutes. Commissioner Woods made the motion, second by Commissioner Spooner; passed 5-0.

Ms. Whittle, Zoning Director informed the commission that Resource Facility on Weldon Street requested to change the zoning from R1C to B2 at the October 17th meeting and it was amended.

Ms. Joanna Weldon, CEO Answers Resource Facility; addressed the commission regarding a project to bring a second location of the ministry and organization we have in Keystone Heights to the City of Starke to services those here.

We have a contract pending on the house located at the corner of Weldon Street and State Road 16.

We are a non-profit organization and take no payment for our services. Basically we are here to serve women and families that are in need from one end of the spectrum to the other. We are a resource center so there may be some needs that can't be met with in our organization but we would like to be the connection between the person and the organization that could help.

Mr. Ernharth explained when this went to the Zoning Board it was requested for B2. The Zoning Board recommended RP Residential Professional District was a better district for this and they are here is see if the commission is acceptable of that; then they will go back to the Zoning Board to get approved before this comes to the commission for final approval.

Mayor Chastain added that it all sounds positive and doesn't seem to be any issue.

Bryce Krampert, Prostillion Law Group, LLC. Ms. Bridget Underhill's attorney addressed the commission. He has been following this situation for some time and he believes there is a decent amount of concern relating to some of the issues discussed earlier this evening. He believes that the events were in concert with each other and think that obviously as Mr. Sikes pointed out that not following procedure there is concern about the administrative leave idea that what policy that was related too and he has been unable to discover that. Just how the events have proceeded this and leading to the amount of potential disconnect within the City at certain levels there seems to be somehow individuals looking out other individuals. It may have not been done by certain people the fact of protecting other individuals is almost worst then the act itself.

He is asking that the City is concerned with not only following the procedure but making sure that you are using the same procedures that you use for investigating people that you do for everyone else so there doesn't seem to look of any impropriety.

Fire Chief Wise had nothing to report

Police Chief Johnson requested to set a minimum for the cars that are going to auction; he suggested \$1,500 and for the Fusion is \$4,500 for the auction on Saturday, November 12th.

He received the letter back from FDLE regarding the investigation on the police department accusations. He provided a copy to the commission of the letter and Mr. Sikes read the content of the letter.

Dear Chief Johnson:

We are in receipt of your request for assistance regarding the complaints made in the anonymous letter sent to your department. Special Agent David Maurer has reviewed the complaints made in the letter and found the only issue which could rise to a criminal case was the missing \$1982.00 from evidence back in 2009. However, due to the statute of limitations expiring and former Special Agent in Charge Dominic Pape declining to investigate the matter in 2009, the Florida Department of Law Enforcement will not initiate a criminal investigation or take any further action.

Chief Johnson wanted to inform the commission is the reason he doesn't contact them regarding the discipline of an officer is because you have the final say so through the appeal process. He will inform the board if a due process hearing is requested and it is different with police officers.

He gets ask because someone wants to know but you will not know.

Attorney Sikes added persons are placed on administrative leave with pay without any finding of guilt. That is what we are going to propose coming up and what has been historically done before.

Chief Johnson added when he places someone on administrative leave he cannot permit that person to work at the police department or in the capacity of a police officer while being investigated.

This is to protect the person or persons that made the complaint, the person that has the complaint issued upon, and the city. It has been the common practice and the last sentence of the policy covers that city wide; "All other leave will be approved by the City Manager."

One issue he has is if he places an officer on administrative leave and that officer contacts one of the commissioners, who is the ultimate decision maker, is that any type of violation of policy or procedure or violation of any type?

Attorney Sikes responded it would be improper to do and the person should disclose at the time of the hearing.

When someone is subject to review by the city they should not come up and specify discuss the facts of their case until the appeal process and the board would hear everything open and in public.

Commissioner Spooner asked Mr. Sikes remember I ask that question that if we were contacted by an employee and there is an investigation underway, your response to me was that as citizens we were obligated to hear that person if they call.

Attorney Sikes responded what I said was everyone has the first amendment right to talk to their elected officials. I urge caution because if someone talks to you it should be disclosed at the time during the evidence hearing.

What is being discussed is a person that is under administrative discipline, has the appellate process they shouldn't come up and repeatedly address the issue before it has gone through the process and that the superiors have the opportunity to have the due process record made so when the city council hears it all the facts have been fully developed and you hear a final case.

If the question is "does a person have the right to contact their elected official? The answer is yes".

Mr. Ernharth requested the following charitable contribution.

Episcopal Children's Services for \$1,000; there were questions if they were located within the city limits. There is an office located in Starke at 1080 Pine Street and they have a head start program with 213 children with Starke addresses currently being served.

Commissioner Spooner made the motion to approve the request, second by Commissioner Nugent; Commissioner Waters requested this money is set aside for them? Mr. Ernharth responded out of the \$5,000 budgeted we have donated \$2,000 with \$3,000 remaining.

Motion passed 5-0.

The next request is a donation for the Bradford 4-H for \$1,000 to assist with participation of the national 4-H Inauguration Program.

Mayor Chastain remarked that this is a County funded organization.

Commissioner Waters added County and City combined.

Mayor Chastain stated it's going to be now.

Commissioner Waters made the motion to approve, second by Commissioner Nugent; passed 5-0.

Mr. Ernharth presented the SOD Farm Lease for approval; Mr. Holtzendorf has agreed to the terms of the lease agreement. The lease is for five (5) years with no lease payment being paid for the first year of the lease. The term can be extended for an additional five (5) years upon mutual consent of both parties.

Commissioner Spooner asked why no payment the first year?

Mr. Ernharth responded due to the expense of converting to a hay farm from a sod farm and the upgrades that need to be done. This is similar of what was done with Mr. Hendricks.

Commissioner Waters made the motion to approve the agreement, second by Commissioner Nugent;

Commissioner Spooner asked if it is still accessible for the spraying?

Mr. Ernharth responded yes.

Kyle Jerrels, Superintendent for Water and Wastewater; currently we have zones that are inoperable as well as a control cabinet. Mr. Holtzendorf has agreed to assist with getting that working.

With this agreement we can look at more land if we need to apply B Sludge.

Mayor Chastain referenced Section 8 of the agreement the lessor shall pay any and all property taxes. He feels that the leasee pay the property taxes.

Mr. Ernharth requested to table the agreement and he will discuss with Mr. Holtzendorf.

Mayor Chastain stated or we can vote on this since we have the motion and the second we will make it contingent upon them accepting the payment of the real-estate taxes.

Mayor Chastain ask if the commission had a choice?

He stated we have a motion and a second and we will make it contingent upon them accepting the paying of the real-estate taxes, Section 8. All for Motion passed 5-0.

Mr. Ernharth presented the BCR Settlement agreement. He received two emails from Attorney Niessen one is with the summary the other came late and he included it with the Bi Monthly report.

The final settlement agreement was signed by BCR Corporation and he believes this agreement achieves the goals and objectives articulated by the City. He requested this be presented to the commission for approval.

This is not a confidentially agreement or any part of this agreement restricts the city staff or employee can say or publish about BCR Environmental Corporation or its original company, BCR Environmental, LLC. or any other BCR related company or person.

BCR wanted to add to the agreement, which it is included.

The parties agree to refrain from disparity one another or their products or including the system where services are provided under the BFT Agreement. The parties agree that all shall not make any disparaging statements private or public about one another.

Mr. Niessen rejected that and BCR agreed to that as well and that is not included. We have the right to say whatever we want.

Mayor Chastain stated before he ask for a motion; this is something that we need to consider and we split the ties with BCR, I know everyone up here is disappointed with how the system runs but if we motion and pass this tonight it is going to be

real difficult if we want to go back to BCR and reopen the BCR process. Not saying we will but it could happen.

Commissioner Spooner added she just hates the thought of just walking away from a \$1 million given away and there is no compensation for us for that investment when we were lead to believe there would be. She feels very strongly if you pull the gun you should be willing to use it. With BCR they know we are not going to do anything and it is like they are laughing in our faces. I don't like that plus we get nothing to compensate for our losses.

Commissioner Woods added he will stick to what he has always said. In 2003 we thought we were putting together a good plant that would work properly and promised the moon and personally he feels we have too much money invested in it to give it up and walk away. We should get them to march up to the line and do their fare share of the work and give up a plant that works.

Commissioner Waters added they are not going to do that. He feels we are putting good money after bad. If we get a judgment against them you will never collect it.

Commissioner Nugent we are not going to get money from them for the way it is set up according to Mr. Sikes. The money they want to give to keep the system working like they want we can put it into our system and have our own and not deal with them any longer.

Attorney Sikes added we still have the physical structure and we have had the executive session; the bottom line is we can take this case to trial and win and get our money and never be able to collect. What happens we throw good money after bad. If we can't get our money through litigation we should not pursue.

Mayor Chastain asked for a motion for the agreement. With no motion the item dies.

Attorney Sikes ask for a funding cap on how much you want to pay Mr. Niessen with litigation. If we don't settle it what is the direction to give?

Mayor Chastain responded we are just buying our time we are not suing and not doing anything. Is that the wishes of the commission?

Attorney Sikes responded we have a complaint that has been filed and it has to be served by November 18, 2016. We have to provide instructions to the commission of what to do?

Mayor Chastain entertained a motion to move forward with serving the complaint?

No motion made.

Attorney Sikes responded basically it is the position of the board to let the November 18th expire.

Mayor Chastain responded you got it.

Mr. Ernharth presented the Hurricane Compensation with two separate motions. Under Hermine we did not meet the FEMA requirements; he requested to compensate the employees that worked as comp time.

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

Commissioner Waters asked if the bill was received for the water pump placed on the truck?

Clerk Thompson responded no he hasn't .

Mr. Ernharth requested approval for Hurricane Matthew. WE did meet the requirements for FEMA reimbursement and recommend the employees be paid time and half.

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

Mr. Ernharth ask to discuss three items from his monthly report.

We received two applications for the part time engineer position. He ask how the commission would like to proceed with a workshop to interview? And what date? Commissioners Waters asked if it could be done at the meeting on November 22 at 5:30 PM and each one will get 30 minutes an hour.

Mr. Ernharth ask if he should place it on the agenda as well?

Mayor Chastain responded yes.

He reported the Mayor Chastain, Clerk Thompson, Ms. Mortimer, and Dr. Berry along with him met with DOT last Wednesday regarding the Truck Route. We were given the 30 minutes to speak and we gave our points about the access points and how it will affect the City. They have agreed to take a look at the access points but they were not happy because it will be a change order.

They ask why it took so long before we came to them and talked to them? And had concerns that the City has wanted this and is what we are giving you now you are complaining about it. They have agreed to take a look at the access points and will get in touch with use as they go through the evaluation.

Mr. Ernharth referenced the relighting of the Veterans Park and we will be using the funds we receive from FMPA. He is looking for quotes and he is estimating about \$8,000. Looking into having the antique lights, the 3 foot light on the walk

way and improve the lighting at the flags and the sign. The hope is to have it done by Christmas.

He requested a motion to purchase a used van to replace the surplus van. It is 2012 Ford E-350 for \$21,500; seats 15, has 37,879 miles. There is \$40,000 in the budget for capital purchases. He ask for a motion to approve.

Commissioner Woods made the motion to purchase the van, second by Commissioner Spooner; 5-0.

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

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

He requested to send out RFP for the Data Scanning Retention System. This is in the budget this year and would like permission to bid.

Commissioner Spooner made the motion to approve the request, second by Commissioner Woods; Passed 5-0.

He requested permission to leave the 2016 – 2017 Electric Fuel Adjustment at .04550; the same as last year.

Commissioner Nugent made the motion, second by Commissioner Waters; Mr. Crum addressed the issue of the utility bills being so high. Some people are on fixed incomes and one month the rate is one thing and the next month it is something else.

Mayor Chastain stated the motion just made is what we are doing. The cost of fuel or the amount of usage could rise or fall which would reflect in a higher or lower bill.

Mr. Crum said he has five light bills that go up and down.

Clerk Thompson asked Mr. Crum to bring the bills in and they will review them.

Motion passed 5-0.

Clerk Thompson requested approval of the following board reappointments.

Bond Trustees three year term: Mr. Lee Sparks and Mr. Jim Lewis

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

Board of Adjustments, three year term; Walter Westcott, Rocky Patel, Susan Nichols, Lee Hardenbrook.

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

Clerk Thompson requested to have a special meeting for the 2015/2016 Budget Amendments. It needs to be advertised and approved within 60 days of the end of the fiscal year which is November 29th. He requested to meet on November 15, 2016 at 7:00 PM.

Commissioner Waters stated he will be out of town and Commissioner Nugent stated he will be absent due to having surgery.

Clerk Thompson ask Deputy Clerk Wiggins if we don't have a quorum for November 15 what other options do we have.

Deputy Clerk Wiggins stated the board adopted the budget on September 20th so you have 60 days to get it advertised and adopted.

Commissioner Woods stated to keep it on the 15th it should not take but 3 minutes. Attorney Sikes ask if there will be a quorum? As long as there are 3 members present.

It was approved to hold it on the November 15 at 7:00 PM

Attorney Sikes read Ordinance 2017-0731, Nuisance Property by title.

ORDINANCE NO. 2017 - 0731

AN ORDINANCE ADOPTED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA WHICH ESTABLISHES NEW REGULATIONS GOVERNING ABANDONED REAL AND PERSONAL PROPERTY; ESTABLISHING PURPOSE AND INTENT; PROVIDING DEFINITIONS; ESTABLISHING APPLICABILITY; PROVIDING PENALTIES; PROHIBITING PLACEMENT OF ABANDONED PROPERTY; DECLARING ABANDONED PROPERTY A PUBLIC NUISANCE; ESTABLISHING PROCEDURES FOR REMOVAL OF ABANDONED PROPERTY; PROVIDING FOR THE REGISTRATION OF ABANDONED REAL PROPERTY; ESTABLISHING MAINTENANCE REQUIREMENTS OF ABANDONED REAL AND PERSONAL PROPERTY; ESTABLISHING SECURITY REQUIREMENTS; ESTABLISHING PENALTIES FOR OPPOSING ENFORCEMENT OFFICER; PROVIDING FOR IMMUNITY FOR ENFORCEMENT OFFICER; PROVIDING ADDITIONAL AUTHORITY; PROVIDING FOR ADOPTION OF RULES, EXPENDITURE OF FUNDS, DECLARATION OF CITY PURPOSE; PROVIDING SUPPLEMENTAL MEANS OF CODE ENFORCEMENT; PROVIDING ASSESSMENTS FOR PUBLIC NUISANCES; PROVIDING FOR SEVERABILITY: and PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, the City of Starke wishes to institute rules and regulations on abandoned real and personal property:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF STARKE THAT:

Section 1. Purpose and intent.

It is the purpose and intent of the City to protect the health, safety, and welfare of the citizens by establishing a process to address abandoned personal and real property located within the City. It is the City's further intent to specifically establish an abandoned residential property program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Section 2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned personal property includes, but is not limited to, wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperable or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture and any other similar article which has been left abandoned and unprotected from the elements.

Abandoned real property includes, but is not limited to, any improved real property that is vacant or is under a current notice of default and/or notice of mortgagee's sale by the lender, or a pending tax assessor's lien sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure/sale.

Abate means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as necessary in the interest of the general health, safety and welfare of the community as determined by the City Manager or his/her designee.

Accessible property includes, but is not limited to, a property that is accessible through a compromised/breached gate, fence, wall, etc.

Accessible structure means a structure/building that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

Enforcement officer means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector employed within the City.

Evidence of vacancy means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to, overgrowth, dead vegetation, accumulation of abandoned personal property, as defined herein, statements by neighbors, passers-by, delivery agents or government agents, or other evidence that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

Inoperable vehicle means any wrecked or partially dismantled vehicle that is parked or stored without having all the wheels mounted, or is in a condition of substantial disrepair, or which is parked or stored without having tires inflated, or other similar condition. An inoperable vehicle shall not be kept on private property unless it is within a completely enclosed building or structure.

Nuisance means the prohibition and prevention of the following conditions:

- (a) Accumulation of trash, junk, or debris, living and nonliving plant material, hazard tree(s), and stagnant water.**
- (b) Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth.**
- (c) The existence of all other objectionable, unsightly or unsanitary matter, materials, and conditions on improved property.**
- (d) Property being inhabited by, or providing a habitat for rodents, vermin, reptiles, or other wild animals.**
- (e) Property providing a breeding place for mosquitoes.**
- (f) Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity.**
- (g) Property threatening or endangering the public health, safety, or welfare of City residents.**
- (h) Property reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.**
- (i) Property adversely affecting and impairing the economic value or enjoyment of surrounding or nearby property.**
- (j) Failure to replace or repair with similar or improved material in a reasonable period, not to exceed 60 days, broken or missing building components, including, but not limited to, doors, windows, roofing material, siding, and drives/walks outside the right-of-way which detract from the aesthetics of the neighborhood, shopping area, industrial area or other commercial area.**
- (k) Failure to repair, replace, or remove broken fencing, screening or decorative elements on a developed parcel or lot.**

Out of area means an owner, operator, or other person in control of a vacant building, or authorized agent that is unable to arrive at the premises within one hour after contact or notification by the City or Emergency Response personnel.

Private property means all lands and improvements other than public lands.

Property Management Company means any entity responsible for the maintenance of property.

Public property means canals, all waterways, lands and improvements owned by a governmental body or any governmental agency including but not limited to easements and rights-of-way, but excluding the campus of any institution of the state university system.

Real property means a lot, plot, or parcel of land, including any structures on the land.

REO means Real Estate Owned Property. Property that is owned by the mortgage company after an unsuccessful foreclosure auction.

Residential building means any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

Vacant means any building/structure regardless of its structural condition that is not legally occupied.

Section 3. Applicability.

This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the City above and beyond any other state, county and/or local provisions for same.

Section 4. Penalties.

A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. A person commits a separate offense each day or portions of a day during which a violation is committed, permitted, or continued. Pursuant to F.S. § 162.09 and this ordinance, a fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation as well as pay administrative costs incurred by the City of Starke in enforcing its Codes.

Section 5. Placement of abandoned personal property prohibited.

- (a) It shall be unlawful for any person to abandon personal property upon private property in violation of this or any other applicable law, ordinance or regulation.
- (b) Nothing in this section shall be deemed to apply to abandoned personal property authorized to be left on private business property properly operated, licensed and zoned in the City for the purpose of accepting/storing personal property.

Section 6. Public nuisance.

All abandoned personal property or abandoned real property is hereby declared to be a public nuisance, the abatement of which, pursuant to the policing power of the City of Starke, is hereby declared to be necessary for the health, welfare and safety of the residents of the City.

Section 7. Abandoned personal property removal procedure.

- (a) Personal property abandoned on public land shall be removed pursuant to the provisions of F.S. § 705.103, as may be amended from time to time.
- (b) Inoperable vehicles abandoned on private land shall be subject to the following provisions:
 - (1) The enforcement officer shall cause a notice to be placed upon such inoperable vehicle in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. THIS PROPERTY, TO WIT:

(setting forth brief description)

LOCATED AT:

(setting forth brief description of location) is:

IMPROPERLY STORED AND IS IN VIOLATION OF

(setting forth ordinance or violation violated)

AND MUST BE REMOVED WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND SOLD OR DESTROYED BY ORDER OF THE CITY OF STARKE, FLORIDA, DATED THIS:

(setting forth the date of posting of notice);

SIGNED (setting forth name, title, address and telephone number of enforcement officer.)

- (2) Such notice shall be not less than eight (8) inches by ten (10) inches and be sufficiently weatherproof to withstand normal exposure to the elements.
- (3) The enforcement officer shall also make reasonable effort to ascertain the name and address of the owner of the inoperable vehicle and, if such address is reasonably available, the officer shall mail by certified mail a copy of the notice to the owner on or before the date of posting the above-described notice on the inoperable vehicle.
- (4) The enforcement officer shall mail by certified mail and first class mail, a copy of the above-described notice to the owner of the real property upon which the inoperable vehicle is located, as shown by the Property Appraiser's or Tax Collector's records used by the county or any other address provided to the local government by such owner, on or before the date of posting such notice.
- (5) At the end of the ten-day period of posting of such notice, if the owner or person having interest in the inoperable vehicle has not removed it from the private property, or shown reasonable cause for failure to do so, the City may cause the inoperable vehicle to be removed by a towing company who shall cause it to be removed and placed in storage in accordance with local, state and federal regulations. At the conclusion of the required storage, if the inoperable vehicle is not claimed, and if the salvage value is above \$100.00, the towing company shall pay the City of Starke the sum of \$25.00 or ten percent of such value, whichever is greater, for the administrative costs in handling with said article. If the inoperable vehicle is claimed, the owner shall be responsible for all towing and storage costs and the City shall receive from the owner \$150.00 to cover administrative costs.

Section 8. Registration of abandoned real property.

- (a) For any property that has suffered damage or destruction from a fire, flood, storm, or similar event that rendered the building incapable of being occupied, or if real property is determined to be abandoned real property as defined herein, the owner/mortgagee shall register the property with the City Manager, or his/her designee on forms provided by the City, or with an electronic registration system or an alternate system approved by the City Manager or designee. The lender shall also notify the City of Starke of the filing of such information with an electronic registration system or an alternate system. A registration is required for each parcel of abandoned real property.
- (b) If real property is occupied but remains in default of the mortgage, it shall be inspected by the mortgagee or his designee monthly until: (i) the mortgagor or other party remedies the default; or (ii) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned. If deemed abandoned, the mortgagee shall, within ten days of that inspection, register the property with the City Manager, or his/her designee, on forms provided by the City, or with an electronic registration system, or alternate system. The lender shall also notify the City of Starke of the filing of such information with an electronic registration system or alternate system.
- (c) Registration pursuant to this section shall contain the name of the owner/mortgagee, the direct mailing address of the owner/mortgagee, a direct contact name and telephone number of the mortgagee, facsimile number and e-mail address, the lender's loan number and "an electronic registration system number, if applicable." In the case of a corporation or out-of-area mortgagee, registration shall also contain the local property management company responsible for the security and maintenance of the property, the agents' addresses, telephone numbers, and e-mail addresses. The registrant shall report to the appropriate registration agency any change in the information provided on the registration no later than ten days following the date of the change of information.
- (d) A registrant shall permit representatives of the Starke Police Department, Bradford County Sheriff Department, the Florida Department of Health in Bradford County, the Starke Fire Department, and the City of Starke Building Official to inspect the interior and exterior of the vacant building, for the purpose of ensuring compliance with the law, at reasonable times upon request. The registrant commits an offense if he/she, either personally or through an agent or employee, refuses to permit a lawful inspection of the vacant building as required by this subsection.
- (e) *Registration fee.* When the City serves as the Registration Agency, an annual nonrefundable registration fee in the amount of \$150.00 per property, shall accompany the registration form(s).
- (f) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure, and to any properties transferred to the beneficiary of the mortgage under a deed in lieu of foreclosure/sale. If or when the property becomes REO (Real Estate

Owned) property, the City of Starke shall be notified by the lender of the REO Agents' addresses, telephone numbers, and e-mail addresses.

- (g) Properties subject to this section shall remain under the annual registration requirement, and the security and maintenance standards of this section are applicable as long as they remain vacant, or REO property.
- (h) The owner, operator, authorized agent or other person in control of a vacant building must be able to arrive at the premises within one hour after a contact person named under this section is notified by the City or emergency response personnel that an emergency has occurred on the premises.
- (i) Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten days of the change.
- (j) The owner of a vacant property must submit a vacant building plan, which must contain the following:
 - (1) A plan of action and a time schedule for correcting all existing violations.
 - (2) A plan of action for maintaining the building and its premises.
 - (3) A plan of action for occupying or selling the building, including but not limited to, a time schedule for renovation or repairing the building and a time schedule for marketing, advertising, or offering the building for sale.
 - (4) A plan of action and time schedule for any demolition of the building.
 - (5) A registrant may update the vacant building plan at any time, by providing the City Manager, or his/her designee, with an updated vacant building plan.

Section 9. Maintenance requirements for abandoned real and personal property.

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law; abandoned personal items included, but not limited to, furniture, clothing, large and small appliances; printed material or any other items that give the appearance that the property is abandoned.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

- (c) Front, side, and rear yard landscaping shall be maintained in accordance with the City's codes.
- (d) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.
- (f) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or notice of violation/notice of hearing by the City's Code Enforcement Officer. Pursuant to a finding and determination by the City's Code Enforcement Board/Hearing Officer, the City may take the necessary action to ensure compliance with the section unless the City Manager or his/her designee determines that conditions on a property constitute an imminent public health threat, and the situation calls for abatement sooner than the abatement procedures in this Code permit.

Section 10. Security requirements.

- (a) Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Boarding of any access point is an allowable means of securing property, for a period not to exceed 60 days.
- (c) If the property is owned by a corporation and/or out of area mortgagee, a local property management company shall be contracted to perform bi-weekly inspections to verify compliance with the requirements of this section, and any other applicable laws.
- (d) The property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be an eight-inch by ten-inch sign. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY:

TO REPORT PROBLEMS OR CONCERNS CALL:

The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible or, if no such area exists, on a stake of sufficient size to support the posting in a location as close as possible to the main door entrance of the property. Exterior posting shall be constructed of and printed with weather-resistant materials.

- (e) The local property management company shall inspect the property on a bi-weekly basis to ensure that the property is in compliance with this chapter. Upon the request of City, the local property management company shall provide a copy of the inspection reports to the code enforcement division.
- (f) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or notice of violation/notice of hearing by the City's Code Enforcement Officer. Pursuant to a finding and determination by the City's Code Enforcement Board/Hearing Officer, the City may take the necessary action to ensure compliance with this section.

Section 11. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the City Manager, or his/her designee, in the discharge of duties as provided in this article, upon conviction shall be punished as provided by Florida law.

Section 12. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the City Manager, or his/her designee are hereby granted immunity from prosecution or suit for engaging in lawful actions in the implementation of the provisions of this article.

Section 13. Additional authority.

The City Manager, or his/her designee, shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door(s), window(s) or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.

Section 14. Adoption of rules; expenditure of funds; declaration of city purpose.

The City Manager, consistent with his/her duties and authorities under the City Charter, including those duties and authorities relating to emergency situations, is authorized and empowered to adopt rules and regulations and expend city funds as may be reasonably necessary and available to carry out the terms of this chapter, the expenditure of such funds being declared a proper city purpose.

Section 15. Provisions of ordinance supplemental means of code enforcement.

The provisions of this article are additional and supplemental means of enforcing the City's Codes and may be used for the enforcement of all codes and ordinances duly adopted by the City Council. Nothing contained in this article shall prohibit the City from enforcing its Codes and Ordinances by other means set forth in the City's Codes, provided in the Statutory Law of the State of Florida, or otherwise available to the City.

Section 16. Assessments for public nuisances.

- (a) *Establishment of special assessment district.* The City of Starke in its entirety, as its City boundaries exist on the date of enactment of this section and as they may be expanded or contracted from time to time, is hereby declared a special assessment district for the purposes of abating and remedying violations of this ordinance. Individual properties within the City's boundaries, as they may exist from time to time, may be assessed for the costs incurred by the City in abating and remedying violations of this ordinance.
- (b) *Levy of non-ad valorem assessments.* There is hereby levied, and the City Council is authorized to levy from time to time, a non-ad valorem assessment against each and every property in the City: (i) on which there occurs or has occurred a violation of this ordinance; and (ii) on which the City undertakes or has undertaken action pursuant to this ordinance to abate and/or remedy the violation and, thereby, incurs or has incurred costs; and (iii) the property owner of the property fails or refuses, or has failed or refused, for whatever reason, to pay timely the amount owed to the City under this ordinance for the costs incurred by the City in carrying out such abatement and remedy.
- (c) *Collection of non-ad valorem assessments.* The City Council elects to use the uniform method to impose and collect non-ad valorem assessments against properties on which violations of this ordinance occur or have occurred. The non-ad valorem assessments collected pursuant to this section will be included in the combined notice for ad-valorem taxes and non-ad valorem assessments as provided in F.S. § 197.3635. Non-ad valorem assessments collected pursuant to this section are subject to all collection provisions in F.S. § 197.3632, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.
- (1) Adoption of a resolution. The City will comply with all statutory notice prerequisites set forth in F.S. § 197.3632. The City Council will adopt a resolution at a public hearing prior to January 1, 2016 in accordance with F.S. § 197.3632(3), which resolution shall state the following:
- a. The City's intent to use the uniform method of collecting non-ad valorem assessments.
 - b. The City's need for the imposition of the non-ad valorem assessments.
 - c. The entire City is declared a special assessment district, with individual properties being subject to the non-ad valorem assessment from time to time if and when violations of this ordinance occur.
- (3) *Annual non-ad valorem assessment roll.* Each year, the City Council will approve a non-ad valorem assessment roll at a public hearing between January 1 and September 15. The non-ad valorem assessment roll will be comprised of properties

that have had levied against them non-ad valorem assessments under this section, and such assessments have not otherwise been paid in full prior to approval on the roll.

- a. The City Manager, or his/her designee, is authorized and directed each year to prepare the notice that must be sent by first class United States mail, as required by F.S. § 197.3632(4)(b).
- b. The notice to be sent by first class United States mail will be sent to each person owning property that will be on the non-ad valorem assessment roll and will include the following: (i) the purpose of the assessment; (ii) the total amount to be levied against the parcel, which includes the actual cost incurred by the City; (iii) a statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title; (iv) a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; (v) the date, time, and place of the hearing.
- c. Upon its approval by City Council, the non-ad valorem assessment roll will be certified to the tax collector as required by law.

Section 17. Severability of Provisions. If any section, subsection, sentence, clause, phrase, or portion of this Agreement is for any reason held invalid, unconstitutional or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 18. Effective Date of Ordinance. This ordinance shall become effective _____ upon adoption by the Starke City Commission.

RESOLVED AND ADOPTED with a quorum present and voting, by the City Commission of the City of Starke, Florida in regular session, this 1st th day of November, 2016.

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

Tommy Chastain, Mayor

Daniel Nugent, Commissioner

Travis V. Woods, Commissioner

Wilbur Waters, Commissioner

Carolyn B. Spooner, Commissioner

ATTEST:

Ricky Thompson, City Clerk

Motion was made by Commissioner Spooner to adopt Ordinance 2017-0731, second by Commissioner Woods;

Mayor Chastain asked if the resolution is being worked on that goes with this?

Mr. Ernharth responded yes.

Motion passed 5-0.

Attorney Sikes ask for a motion to approve the offer made by Mr. Ernharth commision to allow Mr. Ernharth to resign effective December 2, 2016, providing the 90 days severance pay, with the understanding he would not come back to re-apply for employment with the City of Starke.

Mayor Chastain entertained a motion to approve.

Commissioner Woods made the motion to approve the request since that is what he offered and what he wants, second by hearing none he passed the gavel to Vice Vice-Mayor Waters and Commissioner Chastain made the second to the motion by Commissioner Woods.

Vice Mayor Waters ask for any additional discussion.

Commissioner Spooner asked regarding the 90 days severance pay. Usually you don't pay when there is cause and that is the issue she has to pay the 90 days severance.

Vice-Mayor Waters ask if we have a cause yet?

Attorney Sikes added there is no finding of cause based upon this agreement.

Vice-Mayor ask for any additional discussion, hearing none he called for the vote to accept the resignation vote was 2-3.

Mayor Chastain asked Commissioner Spooner how she voted?

She responded I voted against.

Mayor Chastain against what?

Attorney Sikes ask for a hearing date to allow Mr. Ernharth to address his probable cause hearing. The city commision has to vote on it and whatever the commision wants to do. You need to set the hearing date and what the issues are you want me to address in the letter to Mr. Ernharth's attorney.

Mayor Chastain ask if he was missing something?

Attorney Sikes stated yes, there was an offer and the city commision rejected the offer from Mr. Ernharth's attorney so what remains then do you want to have a hearing to address continued employment of Mr. Ernharth or not; if you do you need to set a hearing and give me instructions on what I'm telling Mr. Ernharth's Attorney.

Vice-Mayor Waters stated Commissioner Spooner, Commissioner Nugent along with himself did not want to accept the resignation.

Commissioner Spooner stated no.

Vice Mayor Waters stated that is what it is plain and clear. He understand where Commissioner Spooner is coming from but that was not how the motion was made. Attorney Sikes stated there is only one offer made so you can't accept it and reject part of it. You have to accept it in its entirety or reject it in its entirety.

Mayor Chastain stated to Commissioner Spooner you just told the man you couldn't work with him but now you are accepting to work.....

Commissioner Spooner stated the motion was to allow Mr. Ernharth to resign effective December 2 with a 90 day severance. I don't agree with the 90 days severance pay.

Attorney Sikes added that is the offer given for settlement if it is rejected in part it is rejected in entirety.

Commissioner Spooner asked we can counter that with a different motion.

Attorney Sikes ask for the counter offer.

Commissioner Spooner ask for to allow Mr. Ernharth to tender his resignation effective December 2.

Attorney Sikes stated he will forward the counter offer to his attorney.

Mayor Chastain stated the floor is not open for a motion of that.

Attorney Sikes stated he is waiting for instructions from the commision. If you want to offer a counter motion you can do it. If you don't there is no counter motion.

Mayor Chastain stated there is a motion on the table from Commissioner Spooner to take Mr. Ernharth's resignation but not pay the severance pay.

He ask for the second. Hearing none the motion died for the lack of a second.

Attorney Sikes addressed the meeting he held with the employees on October 25th and has reviewed the situation regarding the outstanding situation. He did some background investigations and what he found he discussed with staff, there have been previous times that the City Manager or executives have offered administrative leave with pay while persons are under investigation. At this time he has recommend to the City Manager if we have any employee that is under active investigation that until that time the investigation is completed the person be placed on administrative leave with pay.

His recommendation for the commission; it can be done two separate ways; we can adopt it under the new policy manual being worked on or the commission can adopt a specific resolution?

He just wanted the commission to know that with past precedence of the city and based on his believe that it is in the best interest of the employment situation of the city to recommend administrative leave to be placed on persons under investigation.

Commissioner Nugent asks if Attorney Sikes could check on the status.

Attorney Sikes responded he has had one conversation with the State Attorney's office and he will follow up on it again.

He announced he will not be present at the November 22.

Commissioner Waters ask about the two street lights.
Mr. Ernharth responded it was taken care of yesterday.

Commissioner Spooner ask Mr. Ernharth about the SCRAP and SCOP grants.
Mr. Ernharth responded he has spoken with Barney and he is getting him information.

Commissioner Spooner stated she had looked on line last evening and the 2017-2018 award.

Mr. Ernharth responded the deadlines were in May to submit an application.

Commissioner Spooner stated she has issue with missing the deadlines. She has been asking this for months.

She referenced the vegetation in the canal.

Mr. Ernharth responded he has spoken with Trevor at DOT and it is there canal and he is trying to get them out there.

Commissioner Spooner ask for a letter to be write to speed up the investigation.

Attorney Sikes interrupted that is the wrong thing to do. When law enforcement is investigating and you are seen as lobbying one way or the other or speed on it. You just don't get in the middle of it.

Commissioner Spooner added that the commision needs to provide in writing to Mr. Ernharth of his inefficiency so corrective actions can be done.

Mr. Ernharth added his evaluation was due September and it was never done. We need to get together and discuss his evaluation so we get clear direction. He receives direction individually but he works for the board and he gets pulled into all directions. We need to get together on what priorities are.

Commissioner Spooner requested the evaluation be done for the November 15th meeting.

Mayor Chastain made the following board reappointment and appointments.

Community in Schools Commissioner Nugent

Library Board Commissioner Waters

General Employees' Pension Board Commissioner Nugent and Commissioner Woods

North Florida Regional Planning Commission Commissioner Spooner until her resignation in effect. He ask Ms. Mortimer to fill that seat.

She responded she would be happy to.

Transportation Board Commissioner Woods

Mayor Chastain asked if the plan has been done about the employees that are required to work holidays.

Mr. Ernharth stated it will be address in the new policy book and he spoke with Mr. Ledford.

Mayor Chastain also mentioned going to shift work to reduce overtime.

Mr. Ernharth added the area it would affect is public sewer or waste water due to the required inspections on the weekends. We are cutting down overtime with the hiring of the person in the department. We are discussing the shift work and will bring that back to the board.

Mayor Chastain asked if there was any additional information that needed to come before the Commission? Hearing none he entertained a motion to adjourn.

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

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

Attest: _____
Ricky Thompson, City Clerk