

COMMISSION MEETING

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

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

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

Mayor Woods entertained a motion to accept the minutes of the City Commission Meeting November 4, 2014.

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

Ms. Danielle Smith, Bradford Athletic Association requested a boot drive for Saturday, November 22, 2014 from 10:00 AM until 2:00 PM.

Commissioner Spooner made the motion to approve the boot drive request, second by Commissioner Nugent; passed 5-0.

Clerk Thompson recognized Mr. Walter Mitchell who was present to receive his plaque for his twelve years of service sitting on the Planning and Zoning Board.

Chief Rowe invited Scott Roberts from George Roberts Insurance to the meeting to answer questions relating to ISO ratings and how they affect insurance industry. Commissioner Chastain asked for the ISO to explain on how it is used and what it does.

Mr. Roberts stated he represents 30 plus companies in the insurance industry and all of these companies use the ISO ratings. ISO has been around for over forty years and serve different things in the insurance industry all the way to policy forms. The part which seems to be of some interest is the effects on the Fire Department.

The rating is used throughout the country and some companies deviate from the rating but they even the deviations come back to the ISO base.

Mr. Roberts elaborated he doesn't know what would need to be done to help in the ISO scoring that is more the Fire Chief's duty.

Chief Rowe requested a motion to approve the flooring quote to fix and replace tile in the shower room. The item is not in the budget. He will need to get with Clerk Thompson and Ms. McMillian and see if there are funds in his budget. This is something that needs to be fixed.

He will bring it back when the funds have been figured out.

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

Commissioner Spooner offered a motion to pay the bills based on the recommendation of the Bond Trustees, second by Commissioner Nugent;

passed 5-0.

The City received a request to permit Wheels for Wishes to have a link on the City's website.

Commissioner Spooner asked Clerk Thompson if the website would be able to handle other charitable links if requested?

Clerk Thompson responded yes.

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

Clerk Thompson requested a motion to approve the Christmas Holiday as Thursday, December 25 and Friday, December 26.

Commissioner Nugent made the motion to approve the two days for Christmas Holiday, second by Commissioner Spooner; passed 5-0.

He requested to hold the employee Christmas Luncheon at the Fire Station from 12 noon to 2 PM on Friday, December 19th.

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

He requested authorization to have an employee evaluation bonus as last year and distribute on Wednesday, November 26.

Commissioner Spooner ask for validation that all employee evaluations have been completed by every department.

Clerk Thompson stated yes.

Commissioner Waters made the motion to approve the bonus, second Commissioner Chastain; passed 5-0.

Commissioner Waters requested for the employees be permitted to not return to work after the luncheon on December 19th, it is only a couple of hours.

No motion was done but it was agreed by the commission.

Clerk Thompson provided the offer for the spray field cell tower property.

Commissioner Waters asked if the tower will be in the path of the truck route?

Clerk Thompson responded no, the route will be west of the cell tower site. The offer is \$250,000 for a perpetual easement.

Currently they pay \$912.53 per month it would take 22 ½ years to reach the \$250,000. They are requesting an additional 9 feet on the West side of the fence line.

Mayor Woods if we would grant the easement and after the \$250,000 is gone...the 22 ½ years seems like a long time and after that time we would not be getting any more money from that.

Clerk Thompson stated if we would sell the property we would have to go out for bids.

Attorney Sanders asked would the city continue to provide electric to the tower?

Clerk Thompson responded we have informed DOT for the city to continue to provide electric they would need to do some underground pipe.

Commissioner Chastain asked if the lease could be terminated giving 30 days notice and if the city wanted to sell we could put it out for bid.

Attorney Sanders felt that there was no way to get out of the current lease.

After additional discussion Commissioner Waters made the motion to not grant the perpetual easement or sell, the property, second by Commissioner Spooner; passed 4-1. Commissioner Chastain opposed.

Clerk Thompson presented the verbal appraisal amount for the Water Street and Redgrave Street properties. The Appraiser was unable to provide a hard copy due to computer issues.

The Redgrave Property is \$43,500 and Water Street \$245,000.

Commissioner Waters made the motion to not purchase the properties, second by Commissioner Spooner; passed 4-1. Commissioner Chastain opposed.

Presented were DOT/Call Street options along with an email received late today. Clerk Thompson suggested more time is needed to evaluate the options and the information received today.

Mayor Woods suggested having a workshop along with the policy relating to the police vehicles. A workshop was scheduled for Tuesday, January 6, 2015 at 6:00 PM.

Clerk Thompson presented the Fall/Winter Clean Up schedule.

He provided copies of the BIO Chem construction and maintenance contracts. There were three contracts; Sawcross did the site work; Revered Group did the building construction; and a maintenance agreement contract, which is the one that got changed from a LLC company to an Inc. company that gave them more stock holder abilities.

The change contract was attached to the old contract.

Attorney Sanders stated there is only one contract and that is with BCR. There was an old BCR and a new BCR.

Mayor Woods explained there have been meetings to discuss issues and BCR feels we are getting what we are to be getting. They are in the process of establishing their own communications and they will be able to provide better service. There were several break downs with ITG, because they were never following up on problems.

Commissioner Chastain stated we all understand that but it doesn't have anything to do with the contract that was created years back. Starke's contract was written from Clay County's contract. BCR stated it would cost them more money to fulfill that contract to the City of Starke, correct?

Clerk Thompson stated yes, that is correct.

Mayor Woods responded then you ask aren't we getting the same service or as good as service that was in the contract?

Commissioner Spooner added Commissioner Chastain was asking if we are getting everything that we are getting everything we are supposed to.

Mayor Woods added we are getting everything we are supposed to and we are going to get better.

Commissioner Chastain stated because we are buying new software. We are paying to have the system grounded...these are things the city is paying for.

Mayor Woods stated we are not paying for anything to get the new computer.

Commissioner Chastain interrupted; we are paying for new software.

Clerk Thompson stated yes we are buying new software and we had to pay for the grounding. There will be a cost to it.

Commissioner Chastain stated \$60,000.

Mayor Woods stated there always is.

Clerk Thompson added just like the city itself we have to update our software from time to time, nothing last forever.

Commissioner Spooner reiterated that Commissioner Chastain's question was there was a flaw in which error on BCR part that it was beneficial to the city.

Because it was in writing everyone agreed to it, so they have to hold to it. It was not to cost us anymore.

Clerk Thompson added the original agreement is in place today from March 17, 2009 and attached is the Assignment and Assumption Agreement.

Mayor Woods asked if board is satisfied with the information provided by Clerk Thompson. Commissioner Waters, yes; Commissioner Nugent, yes at this time; Commissioner Spooner, I'm satisfied with the question we have a contract. They all say the same thing.

Attorney Sanders responded it seems to be working at this point.

Mayor Woods ask Commissioner Chastain if he is satisfied with the way things are going?

Commissioner Chastain responded the system is there he is happy.

Commissioner Spooner added at some point back with the old engineer the city was to save some monies with this system, but we haven't gotten into that posture yet. It seems we are spending instead of saving. So she would like to retract her statement of being satisfied.

Clerk Thompson stated we are accomplishing the better part of what we set out to do and that was to create a double A bio solid which is safe for the environment. After additional discussion the new city manager will need to look into the savings aspect of putting in this system.

Attorney Sanders presented Resolution 2015-04, Agenda Policy for adoption

RESOLUTION 2015-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA ESTABLISHING POLICY FOR ADDING AND DELETING COMMISSION MEETING AGENDA ITEMS; PROVIDING DIRECTION TO THE CITY CLERK; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Starke City Commission has not set forth a policy for adding and deleting agenda items for commission meetings, but has been conducting meetings effectively using tradition and best use practice; and

WHEREAS, it is in the best interests of the Starke City Commission to set forth a written policy for adding and deleting agenda items for commission meetings; and

WHEREAS, the Starke City Commission finds that the following policy is in the public interest of the City of Starke, Florida.

NOW THEREFORE be it resolved by the City Commission of the City of Starke, Florida as follows:

Section 1 Adding and Deleting Agenda Items

Items to be considered for Commission discussion or approval should be added or deleted from the commission meeting agenda by way of the City Clerk's Office prior to the end of the business week of the week prior to the scheduled meeting. Items may be placed on the agenda thereafter either by special permission of the Clerk or Mayor, by commission approval at the scheduled meeting, or by citizen participation at the scheduled meeting.

Section 2. Agenda Approval

The Commission may approve the meeting's agenda at the beginning of the scheduled meeting, allowing others to move for additions or deletions of agenda items prior to the vote to approve the agenda.

Section 3. Voting and Emergency Declaration

With the exception of emergency voting, the Commission shall vote on items only if the items have been properly placed on the agenda in advance of the meeting, and the agenda is advertized or otherwise posted in accordance with law. If an item which has not been placed on the agenda in advance of the meeting comes to the attention at a scheduled commission meeting, the Commission must first vote to determine the item to be an emergency. If declared an emergency by vote of the Commission, the Commission may proceed on the issue and vote if necessary to do so. The definition of "emergency" shall be interpreted broadly.

Section 4. Citizen Participation

Items brought to the Commission's attention during the scheduled meeting by citizen participation may be considered for approval in the same manner as an emergency. The Commission shall consider any potential conflicts which could arise by proceeding with the issue having not published the item in an advance agenda. By majority vote, the Commission may first declare the item appropriate for consideration. Subsequently, the Commission may vote on the merits of the citizen's issue.

Section 5. Severability of Resolution Provisions.

If any subsection, sentence, clause, phrase or portion of this resolution is for any reason held or declared to be unconstitutional, invalid or void, such holding or invalidity shall not affect the remaining portions of this resolution, and the unconstitutional, invalid or void provisions shall be deemed to have been severed herefrom, and the remainder of this resolution, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts has not been included herein. If this resolution or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to any other person, property or circumstances.

Section 6. Effective Date of Resolution.

This resolution shall become effective immediately 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 18th day of November, 2014.

CITY COMMISSION OF THE CITY OF STARKE,
FLORIDA

TRAVIS WOODS
Mayor

ATTEST:

RICKY THOMPSON
City Clerk

Commissioner Spooner made the motion to adopt Resolution 2015-04, second by Commissioner Waters; passed 5-0.

He requested authorization for him and an elected official to negotiate a settlement for the Tyson case on behalf of Travelers. This would be negotiating a cost to offset the cost of litigation.

Commissioner Chastain asked what the deductible was for this?

Clerk Thompson responded \$25,000.00 for each occurrence, but he would double check the amount.

If the case goes to trial could the deductible and attorney fees be recouped if the city would be successful winning the case.

The item was tabled until the deductible amount can be verified.

He reported on the DOT/Sprayfield options; we could extend the sprayfield to the other side of the highway when the highway is complete. We purchase additional property and build sprayers. The cost is estimated by Craig Willis Law Firm to be \$2.1 million to do that.

The reclaim reuse is another plan. We would spray the materials on the ballfields, golf course, etc. to do this would be \$2.6 million according to Mittauer Engineering.

The SRWMD might be able to come up with grants to make the two numbers match.

If we would get \$2.1 million from DOT we could use that with grant funds and buy the reclaim reuse.

We currently are leaning toward the reclaim reuse because it will get us out of Alligator Creek and in case DEP ever changes that direction and we would need to get out of creek we would be ready for it.

It will also increase our effluent capacity and we would be better off than expanding the sprayfield.

The original \$600,000 that was presented was looked at by the engineers in Tallahassee and Mittauer and they all agree DOT treats the land as if it is agriculture property and only dealt with surface water runoff and they didn't realize it was a F1 discharge disposal site and there was no discussion on the capacity.

The \$600,000 proposal from DOT will not work.

Attorney Sanders spoke to Mr. O'Neal at New River Landfill; about the increase. The city did not receive the notification because Starke is actually not the customer. The notice went to our contractor in the bill, and he hasn't spoken to Mr. Avery since he spoke with Mr. O'Neal.

WCA does not have a contract with New River their contract is with the City. They are to advise us of any rate increases and the city has the right to fund that but we are not allowed to refuse additional funding unless there is good cause to do

SO.

Commissioner Spooner stated she disagreed because the city was not properly noticed.

Attorney Sanders reported the code enforcement ordinance regarding applying tax to a property when the property is cleaned up. He spoke to the tax collector and sheriff's department who handles the code enforcement violations and they do not put anything onto anyone taxes.

A discussion was held regarding what options can be done to clean up property. The Code Officer will need to get in contact with other cities or counties regarding what process they do.

Attorney Sanders believes Hendricks Turf lease is a month to month but it can be argued as pointed out in the intimate domain and he could litigate that he is on a renewed lease.

The reason being is the city stopped the foreclosure process in the middle and he is still out there.

If there is a lease or a month to month rental, it would expire 2026. It does need to be cleared up with the imamate domain; there are two different claims he could make; lose of business profits and the other against the city for the value he would be losing in the land.

Commissioner Chastain suggested giving notice to Mr. Hendricks at the beginning of the year that the land and lease payment will be reduced.

After additional discussion Clerk Thompson will pull the minutes from previous meetings and bring the information back to proceed.

Mayor Woods asked to schedule a date for City Manager interviews. We received four additional resumes. We have the original four plus the additional four. He ask Clerk Thompson if he spoke with Ms. McMillian if she still wanted the interview although she didn't want the job.

Clerk Thompson responded he did speak with Ms. McMillian and she is not interested in the position now due to the DROP issue but she would like to have an interview.

Mayor Woods asked the commission if Ms. McMillian isn't interested in the position does the commission wish to interview her?

Commissioner Nugent responded stated we would save time by not interviewing her.

Commissioner Waters agreed

Commissioner Spooner agreed

Commissioner Chastain referred to the attorney.

Attorney Sanders asked if she wanted the experience?

Clerk Thompson responded let me say it again for the umpteenth dozen time "SHE DOES NOT WANT THE JOB DUE TO LOSE OF DROP PROGRAM SHE IS IN, BUT SHE WANTS TO BE INTERVIEWED".

Attorney Sanders stated you would not be obligated to interview her if she does not want the job.

Commissioner Chastain stated he agrees not to interview her.

Mayor Woods stated there are three from the original selections and there are four resumes received. Do want to interview the additional four or review the four and select.

Commissioner Nugent suggested interview the last four along with the original three.

Commissioner Spooner suggested screening the last four based on the criteria that

was set to make sure they are eligible. If they are not eligible just proceed with the ones that are.

Mayor Woods agreed.

Commissioner Spooner suggested having the same group screen the new resumes for the same criteria.

The review group will meet on Friday, November 21st and if they can't make it the Mayor and Clerk will review the resumes.

Mayor Woods stated there will be a special meeting tonight to select the city attorney.

Commissioner Chastain there is person on Orange Street that is blind and there is a safety issues because there is no sidewalk on the Southside of Orange Street. It will be looked at and brought back to the next meeting.

He suggested getting with the County to have fireworks for the Fourth of July and split the cost.

He suggested to taking \$100,000 from the rate stabilization and decreasing the fuel cost down to around 24 that would be reflected on the December bills. It will be for the one month only.

Commissioner Waters responded that is why we have it.

Commissioner Nugent stated he has no problem with it at all.

Commissioner Spooner we have done that in the summer and winter.

Mayor Woods stated he has no problem with it as well.

Clerk Thompson will take care of it.

Commissioner Spooner asked about the sidewalk repairs on Pine Street; Calvary Street with the roots. Also the Old Lawtey to be placed on the project list to have the sidewalk completed to Market Road, and the paving on Keller Street that is dirt.

She referenced the overpass and her idea was that the cars would not go over it would be the train that went over and bypass.

It would be a train by pass.

Commissioner Nugent keep looking at the Southgate fire hydrant and the Colley Road sidewalks that need repaired due to tree roots.

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

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

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

Attest: _____
Ricky Thompson, City Clerk