

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.

The recorder did not begin recording until 8:11 PM.

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

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

Mayor Chastain asks for Commissioner Elect Janice D. Mortimer to step forward for her oath of office.

Ms. Cynthia Berry, Bradford Clerk of Court Deputy Clerk; administered the oath of office.

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

Clerk Thompson stated the Ordinances numbers 0732 and 0733 will need to be tabled time certain due to advertising.

Brandon Demers to be added to Citizen Participation.

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

Mayor Chastain entertained a motion to adopt the minutes from Commission Meeting November 1, 2016.

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

Mayor Chastain entertained a motion to adopt the minutes from the City Managers Due Process, November 1, 2106.

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

Mr. Brandon Demers, City Line Crew; addressed the commission of a concern he has regarding employee harassment. He provided copies of a letter written by fellow employee Ty Jordan along with a copy of the letter received by Ms. Underhill's Attorney

After he spoke at the City Managers Due Process meeting that took place on November 1, 2016 and referenced the City Clerk using city funds to pay the invoice for Ms. Underhill's Attorney as well as his feelings of employees being harassed; he received a letter from Ms. Underhill's Attorney on November 14, 2016.

He doesn't understand why he or other employees should receive a letter from Ms. Underhill's Attorney after speaking in a public meeting? He feels employees are being harassed by receiving letters from Ms. Underhill's Attorney after discussing situations and facts about Ms. Underhill's investigation and this situation that has been going on for almost a year. Also there have been letters written from other employees making inaccurate accusations about employees he feels this is also a form of harassment and defamations of peoples character.

Police Chief Johnson requested to surplus the 2005 Ford Crown Vic Vin # 2FAFP71W65X175899; with a knock in the engine. He has been asked by The Firm, which is the rally school in Keystone Heights to purchase the vehicle for \$700 as is.

Commissioner Mortimer made the motion to surplus the 2005 Crown Vic and sell it to The Firm, second by Commissioner Nugent; passed 5-0.

Chief Johnson requested for an extension of comp time for five (5) of his officers for six months and if needed to revisit will do so at that time.

The commission agreed to grant the extension of six (6) months.

Mr. Ernharth presented R.I.V.E.R Grant Agreement for approval. The city was awarded \$119,040 grant to replace sixty faulty and leaky hydrants. There are no matching funds required however we did use \$23,040 in in-kind services as our match. We have one year to complete the project.

Commissioner Woods made the motion to approve the agreement, second by Commissioner Mortimer; passed 5-0.

Mr. Ernharth requested to accept one of the candidates from the early interviews for the position of part-time engineer. The commission requested to negotiate a contract with Mr. Bolam and place Mittauer & Associates on 60 day notice. Commissioner Woods made the motion, second by Commissioner Mortimer; passed 5-0.

Mr. Ernharth presented the Spray Field Lease for approval. Mr. Holtzendorf does not agree to pay the property tax amounting to \$2,500. The vacant land that he will be able to use is assessed at \$800 and the buildings are assessed at \$1,700 which he has no use for.

Mr. Holtzendorf agreed to pay the taxes on the vacant land only.

Mayor Chastain entertained a motion to accept the agreement with Mr.

Holtzendorf paying the taxes for the vacant land and the city paying the taxes for the buildings.

Commissioner Waters made the motion to approve the agreement with the pay scheduled for taxes, second by Commissioner Nugent; passed 5-0.

Mr. Ernharth presented a Utility Agreement from Florida Department of Transportation. Back on June 21, 2016, the City agreed to enter into an agreement to allow the contractor to adjust our valves and manholes along State Route 100. At that time DOT plans were 60% completed and the estimate was \$12,842.50. The final agreement is for 90% Completed Plans and the estimate has now increased to \$21,725.

Commissioner Woods made the motion to approve the agreement for \$21,725; second by Commissioner Nugent; passed 5-0.

He presented a Holiday Pay policy for Commission's approval. The employees who work on holidays requested additional pay for holiday call outs. Currently they received straight time in addition to pay for the holiday, which equates to double time.

The recommendation is that the City award comp time at the overtime rate to those employees who are called out to work during a holiday.

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

Mr. Ernharth referenced the Wastewater plant overtime. After discussion it was determined the person who works the weekend will take the two days off through the week and the monitoring equipment will be repaired.

Mr. Ernharth requested to begin negotiations with Bradford Parents Athletic Association Inc. to renew the lease for recreation and ask if there is any direction from the commission on the contract.

He reported Christy Ramos will be retiring and has placed the ad for the position replacement.

He has met with Miniature Golf Association and they are interested in the old bowling alley property.

Mr. Ernharth presented his resignation that states it is effective Friday, January 6, 2017.

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.

Clerk Thompson requested permission to use the block building behind the Badcock Building for an employee exercise room. The funds received for a wellness program through Public Risk Management will cover the cost to get the initial equipment. The employees will be able to use the room anytime other than there working hours. City employees will only be permitted to use the room and will be required to sign a waiver.

Deputy Clerk Wiggins added she spoke with Mr. Tom Conley from the FLC and it will not affect our liability insurance and they feel any kind of wellness program is good for employees. Healthy employees make better workers.

Commissioner Mortimer requested a survey on all the employees to see if they would be interested in the room.

The item was tabled until the next meeting.

The purchase of the equipment was tabled to the next meeting.

Clerk Thompson presented a contract for Dolores Dampier to come and assist with training the new person in the finance department.

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

Clerk Thompson requested to table time certain Ordinance 2017 -0732 and Ordinance 2017-0733 due to advertising until December 6, 2016 meeting.

Clerk Thompson read Ordinance 2017-0734, for Police Officers' Pension.

ORDINANCE 2017- 0734

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING CHAPTER 78, "PERSONNEL," ARTICLE IV "CITY EMPLOYEE RETIREMENT SYSTEMS," DIVISION 2 "POLICE OFFICERS' RETIREMENT SYSTEM," SECTION 78-119 "AMOUNT OF RETIREMENT BENEFITS; PAYMENT OF RETIREMENT BENEFITS" AND SECTION 78-121 "OPTIONAL FORMS OF

PAYMENT” BY CLARIFYING THE SELECTION OF BENEFICIARIES AND TO WHOM POST-RETIREMENT PAYMENTS ARE TO BE MADE IN THE EVENT OF DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Starke Police Officers’ Retirement System allows a retiree to receive his or her pension for the remainder of his or her lifetime, but if he or she dies before receiving 120 monthly pension payments, the payments shall be continued for the remainder of the period of 120 months to a person chosen by the retiree; and

WHEREAS, the Code of Ordinances needs to be clarified to specifically direct the Board to whom to pay benefits where a retiree dies, and subsequently his or her beneficiary dies before 120 payments are made; and

WHEREAS, the Code of Ordinances needs additional clarification with respect to beneficiary designations and payments for optional forms of benefits.

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

Sec. 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Sec. 2 Sec. 78-119. - Amount of retirement benefits; payment of retirement benefits.

- (a) Upon retirement a police officer shall be paid a pension equal to 3.75 percent of the member's final average salary multiplied by the member's credited service. The member will receive a pension for ten years certain and life thereafter. Prior to the date of retirement, a member may elect to be paid under one of the optional forms of payment provided in Sec. 78-121, in lieu of a pension for ten years certain and life thereafter.

(b) If the member is receiving a pension for ten years certain and life thereafter, the first payment will be made on the first day of the month coincident with or next following the member's actual retirement and the last payment will be the payment due next preceding the member's death; except that in the event the member dies before he has received 120 monthly pension payments, the payments shall be continued for the remainder of the period of 120 months and paid to such person or persons, as the retiree shall have nominated by written designation duly executed and filed with the board. If more than one person is so designated by the retiree, the retiree can designate the percentages that each person is to receive. If no percentages are listed, it will be paid in equal percentages. If no such designated beneficiary survives the retiree such remaining pension payments shall be paid to the estate of the retiree. In the event the retiree dies and there is more than one named beneficiary and a beneficiary dies before the full 120 payments have been made, each remaining monthly payment will be adjusted pro-rata and paid to the remaining beneficiary or beneficiaries in an amount equal to one full monthly payment. In the event that the retiree dies and subsequently all remaining beneficiaries die before 120 full monthly payments have been made, the remainder of the 120 monthly payments shall be paid to the estate of the retiree.

Sec. 3. Sec. 78-121, "Optional Forms of Retirement Benefits" be amended to provide as follows:

(a) Prior to the date of his or her retirement, but not thereafter, in lieu of the normal form of benefit, as set forth in Sec.78-119, a retiree may elect to receive the actuarial equivalent of his or her normal form of benefit, in accordance with the provisions of Sec. 78-119. In the absence of an election, the retiree will receive a pension payable in the normal form of benefit.

(1) *Option A, a straight life annuity.* Under Option A, the retiree shall receive a greater pension payable throughout his or her lifetime which shall end upon his or her death.

(2) *Option B, 50 percent survivor pension.* Under option B, upon the death of the retiree one-half of his or her reduced pension shall be continued throughout, the life of and paid to such person, or persons as the retiree shall have nominated by written designation duly filed with the Board. If more than one person is so designated by the retiree, the retiree can designate the percentages that each person is to receive. If no percentages are listed, it will be paid in equal percentages. The payments to each beneficiary will cease upon his or her death.

- (3) *Option C.* A retirement income of a modified monthly amount, payable to the police officer during the joint lifetime of the police officer and a joint pensioner designated by the police officer, and following the death of either of them, 100%, 75%, 66 2/3%, or 50% of such monthly amount payable to the survivor for the lifetime of the survivor. Payments to the beneficiary will cease upon death of the beneficiary.
- (4) Such other amount and form of retirement payments and benefits as, in the opinion of the Board of Trustees, would best meet the circumstances of the retiree.
- (5) A retired police officer may change his or her designation of beneficiary up to two times as provided in F.S. § 185.431 without the approval of the board of trustees or the current beneficiary. The retiree need not provide proof of the good health of the beneficiary being removed, and the beneficiary being removed need not be living. The amount of the retirement income payable to the retired police officer upon the designation of a new beneficiary or joint annuitant shall be actuarially redetermined so that it is the actuarial equivalent of the benefit that was being paid. The cost of any actuarial study to determine the recalculation will be paid solely by the retired police officer who requests to change the beneficiary. The board shall receive payment in full prior to requesting the actuarial study. The board reserves the right and authority to develop rules and regulations for the actuarial reduction.
- (b) If a retiree, who elected option A, dies before he has received in pensions a total amount equal to the retiree's accumulated contributions standing to his credit in the members' deposit fund at the time of his retirement, or has chosen option B or C and his beneficiary both die before they have received in pensions a total amount equal to the retiree's accumulated contributions standing to his credit in the members' deposit fund at the time his retirement, the difference between such accumulated contributions and such total amount of pension payments received by them shall be paid to such person as the retiree shall have nominated by written designation duly executed and filed with the board. If no such designated person survives the retiree and his beneficiary such difference, if any, shall be paid to the estate of the last survivor.
- (c) If the monthly retirement income payable to any person entitled to benefits hereunder is less than 100 percent or if the single sum value of their accrued retirement income is less than \$2,500.00 as of the date of retirement or termination of service, whichever is applicable, the board of trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in a lump sum.

(d) Each police officer may, on a form provided for that purpose, signed and filed with the board of trustees, designate in such percentages as he or she shall designate a beneficiary or beneficiaries or joint pensioners, as set forth above. Each designation may be revoked by such police officer by signing and filing with the board of trustees a new designation or beneficiary form.

(e) If no beneficiary is named in the manner provided by subsection (d) of this section, or if no beneficiary designated by the member survives him, the death benefit, if any, which may be payable under the plan with respect to such deceased police officer shall be paid by the board of trustees to the estate of such deceased police officer, provided that in any of such cases the board of trustees, in its discretion, may direct that the commuted value of the remaining monthly income payments be paid in a lump sum. Any payment made to any person pursuant to this subsection shall operate as a complete discharge of all obligations under the plan with regard to such deceased police officer and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons ever interested hereunder.

(f) Notwithstanding any other provision of law to the contrary, the surviving spouse of any pension participant member killed in the line of duty shall not lose survivor retirement benefits if the spouse remarries if the spouse has been named as a beneficiary or joint-pensioner. The surviving spouse of such deceased member whose benefit terminated because of remarriage shall have the benefit reinstated as of July 1, 1994, at an amount that would have been payable had such benefit not been terminated.

Sec. 3. It is the intention of the City Commission of the City of Starke that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Starke, Florida. The Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Sec. 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Sec. 5. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

Sec. 6. This Ordinance will be effective July 31, 2008 but will only apply to distributions on or after the date of adoption.

PASSED AND DULY ADOPTED with a quorum present and voting, by the City Commission of the City of Starke, Florida in regular session, this 22 day of NOVEMBER, 2016.

CITY COMMISSION OF
STARKE, FLORIDA

JANICE M. MORTIMER
DANIEL NUGENT
WILBUR WATERS
TRAVIS WOODS

ATTEST:

RICKY THOMPSON
CITY CLERK

By: _____
TOMMY CHASTAIN III
MAYOR AND COMMISSIONER

Commissioner Woods made the motion to adopt Ordinance 2017-0734, second by Commissioner Mortimer; passed 5-0.

Clerk Thompson requested Friday, December 16th for the Employee Holiday Luncheon. Lunch will be served at 1:00 PM

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

Clerk Thompson reminded the board of the North East Florida League of Cities Dinner December 1, 2016.

Commissioner Woods referenced the dinner the City has agreed to host has been settled and it will be in February as last year.

Commissioner Woods requested to set the record straight regarding some statements made at the last meeting by Ms. Carrie Zubillaga. She stated that she and I had sat down to discuss the rails along Orange Street. This was not a true statement.

He met with Clerk Thompson at the time and resolved the issue with railing and had them done which cost the City \$13,350.

He is not making this statement to knock Mr. Ernharth he wants the record straight that the railing was up before Mr. Ernharth started his employment at the City. He also stated it is in poor taste for someone to use Ms. Zubillaga to make false statements.

Commissioner Nugent wished everyone a Happy Thanksgiving and welcomed Ms. Mortimer to the board.

Commissioner Mortimer expressed how thankful she is to be back on the commission and how excited she is to work with the board.

She referenced her appointment from North Florida Regional Planning Council and will she hear something from them or who will contact me about the meetings? Mr. Ernharth responded she will receive information through her Embarq email.

Mayor Chastain asked for clarification of the dates for the workshops coming up. Mr. Ernharth responded December 1, 2016 at 6:00 PM to discuss the Personnel Manual.

December 6, 2016 at 6:00 PM to discuss the City Manager position and Executive Assistant position.

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

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

Attest: _____
Ricky Thompson, City Clerk