

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 Janice D. Mortimer, Commissioner Travis Woods, Commissioner Danny Nugent, Commissioner Wilbur Waters, Police Chief Jeff Johnson, Deputy Clerk Brenda Wiggins, City Manager Tom Ernharth, and Fire Chief Gary Wise. City Clerk Ricky Thompson and City Attorney Dan Sikes were absent.

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

Mayor Chastain asked for any additions or changes to the agenda.
Under Citizen Participation add Theresa Sterling to discuss a speed bump for N Church Street.
Commissioner Mortimer made the motion to approve the agenda, second by Commissioner Nugent; passed 5-0.

Mayor Chastain entertained a motion to adopt the minutes from Commission Meeting November 22, 2016.
Commissioner Mortimer made the motion, second by Commissioner Nugent; Commissioner Mortimer requested the position title be added to her sisters name. On page 1 to read Cynthia Berry, Deputy Clerk of Bradford County Court and the signature page be corrected to read Janice M. Mortimer.
Motion passed 5-0.

Mayor Chastain entertained a motion to adopt the minutes from the City Budget Amendment Hearing, November 15, 2016;
Commissioner Waters made the motion, second by Commissioner Nugent; Passed 4-1. Commissioner Mortimer abstained from voting due to not being a member of the board at that time.

Mayor Chastain entertained a motion to adopt the minutes from the City Commission Workshop November 22, 2106.
Commissioner Mortimer made the motion, second by Commissioner Nugent; passed 5-0.

LaJuan Whittle, Zoning Department presented Ordinance 2017-0735, Z16-03 rezoning application for first reading.
Deputy Clerk Wiggins read by title.

ORDINANCE NO. 2017-0735

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF STARKE LAND DEVELOPMENT CODE, AS AMENDED; RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 16-03, BY THE PROPERTY OWNER OF SAID ACREAGE; PROVIDING FOR REZONING FROM SINGLE FAMILY, MEDIUM DENSITY (R-1C) TO RESIDENTIAL PROFESSIONAL (RP) OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF STARKE, FLORIDA; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Commissioner Nugent made the motion to approve Ordinance 2017-0735 for first reading, second by Commissioner Mortimer;

Commissioner Waters asked the location.

Ms. Whittle responded at the corner of Raiford Road and Weldon Street.

Motion passed 5-0.

Ms. Whittle asked the commission for permission to make some zoning changes that has been done incorrectly and combine it with the request from Ms. Faulkner. She will get with Attorney Sikes to work out the details and it will go through the Northeast Florida Regional Planning Council.

Commissioner Mortimer ask about District 2 being zoned R1C only. At one time it permitted single family and mobile homes medium density.

Ms. Whittle responded when Zoning was with the County Ms. Spooner had wanted her district to be rezoned to R1C.

Commissioner Mortimer asked what the board could do to make it right for the citizens to have the right to use their property to build a home iF they can afford to or place a mobile home, which they can afford.

Ms. Whittle responded she can pull the records to see what the zoning was before and see what the zoning map shows.

She will try and have some information for the next meeting.

Deputy Clerk Wiggins stated a request was received form Victory Chapel Church to hold a boot drive on December 24th.

Mayor Chastain asked Chief Johnson his thoughts.

Chief Johnson responded no is his recommendation.

The Commission accepted the recommendation and suggested they submit a different date.

Ms. Teresa Sterling, 315 N Church Street; addressed the commission regarding placing speed bumps or rumble strips to address the speeding issue we have on the street.

She has a petitions (exhibit A) signed by 25 adult signatures from residence, support from St Marks Homes. There were a couple that she couldn't get but she will keep trying.

Commissioner Waters ask Chief Wise which street they used?

Chief Wise responded N. Church Street; rumble strips do not phase the fire truck but speed bumps would.

Chief Johnson stated the rumble strips would not make anyone slow down.

Mayor Chastain responded they will get with the street department and see what we can come up with.

Commissioner Waters referenced Union County and they have taken speed bumps up.

Mr. Ernharth added they will look into the options. The speed humps are made to not cause damage.

Commissioner Mortimer asked for Mr. Ernharth to get with the city attorney regarding the issues.

Chief Wise will check on the old fire truck for the parade and get it ready.

Chief Johnson reported the check for the auction should be here Friday and the sale of the Ford Fusion is separate and will go to the forfeiture fund.

He also asked the status of the cameras for the maintenance yard. There has been something happening there recently we need those cameras.

Mr. Ernharth reported the commission had selected David Bolam as the part time engineer and requested he negotiate an hourly rate. The hourly rate will be \$95 per hour; we are currently paying \$130 to \$180 for Mittauer & Associates.

He recommended approving the rate and hire Mr. Bolam.

Commissioner Woods made the motion to hire Mr. Bolam, second by Commissioner Waters;

Mayor Chastain stated the 60 day notice was sent to Mittauer and sub-contractors?

Mr. Ernharth responded yes.

Motion passed 5-0.

Mr. Ernharth presented the Bradford Parent Athletic Association Agreement for approval with the two changes discussed.

The contract will be a two year contract and the other is to provide soccer if there is enough interest.

He requested a motion to approve.

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

Commissioner Waters asked to talk to the county again about recreation. He believes we would get some more help.

Mayor Chastain suggested a joint workshop with the County after the first of the year.

Commissioner Nugent ask to check with the county on what they are assisting with before having a meeting with them.

Also he ask if cameras will be placed at Edwards Road

Mr. Ernharth responded yes.

The motion passed 5-0.

Mr. Ernharth requested to rescind the holiday policy from the last meeting and reevaluate it.

Commissioner Mortimer made the motion, second by Commissioner Nugent; Commissioner Mortimer ask for clarification.

Mr. Ernharth responded we are rescinding the policy adopted at the last meeting and now it will permit the employees to get overtime instead of comp time. The comp time created a problem.

Motion passed 5-0.

Mr. Ernharth referenced the staffing levels at the waters and wastewater department. Last week one of the operators resigned and we are down to two operators and two trainees the question is what is the wishes of the commission for the position? Do you want to advertise for someone with a license; the city pays less than the surrounding areas so it makes it difficult. Try with a third trainee or take some of the money in the position lost and increase the four personnel in the department and they would pick up the duties of the position.

Mayor Chastain asked when the plant was reevaluated, the number of employees to run the plant was a smaller number?

Kyle Jerrels, Water/Wastewater Supervisor; responded no sir.

Mayor Chastain added there were five employees in the past.

Mr. Jerrels responded yes, when the employees left they were never replaced them.

Mayor Chastain responded the DEP lowered it through Mr. Snedden under 1M gallons.

Mr. Jerrels responded the wastewater plant discharge capacity was lowered to .98 which is the air fluent. The plant will still do 1.65M gallons so the plant is still the same; they never rerated that part of the plant. What it did do is lower our hourly requirements not staffing requirements.

Mayor Chastain asked with 2 operators and 2 trainees are there enough to meet DEP requirements?

Mr. Jerrels responded yes to cover the requirements. It will put Roger and myself on call every other week. The group we have are good workers and he has spoken with Jeff Martin at DEP and they will permit the trainees to work the weekends until the end of January to see how it goes. With the new monitoring system he will be able to monitor from home.

Commissioner Waters asked if this doesn't work down the road do those employees realize the raise would be taken off?

Mr. Jerrels responded that is acceptable. He would like to see the salary change for minimum operators. We are a training ground and we need to change that.

Commissioner Mortimer asked if the City pays for the training and licenses?

Mr. Jerrels replied the city pays for the license and CEUs.

Commissioner Mortimer asked if the City requires the employee to stay for a period of time or pay the cost back?

Mr. Jerrels responded no, but there has been talk about that lately to add some of the stipulations.

Commissioner Nugent referenced the policy that if the employee doesn't receive training to get promoted or the job description would need to be changed totally.

Mr. Jerrels responded no disrespect but we don't have job descriptions.

Commissioner Mortimer added we don't have our legal counsel present to guide us. This sounds like a wonderful idea but she would like to have legal recommendation.

Mr. Ernharth will discuss with Mr. Sikes.

Commissioner Woods asked Mr. Ernharth to write up a description on how this is to be done so it can be placed in the personnel manual when approved.

Mr. Ernharth referenced his Bi Monthly Report; the Sod Farm Lease has been signed and Mr. Holtzendorf has been working at the farm. They have seven of the twelve zones working again.

The overpass meeting is Monday, December 12th at 10:00 AM.

There were discussions with DOT regarding the waterline to Lakewood and there will be no disruption to the water to Lakewood.

Mayor Chastain asked about the duplex development.

Mr. Ernharth responded they have gone before the designing board and they have checked on water and sewer in the area. There will 10 duplexes with 20 units along Southern Villa Drive.

Deputy Clerk Wiggins 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.

From the last meeting the request to use the block Badcock Building for an employee exercise room it was requested an employee survey be done to see who is in favor of the exercise room. The results 41 in favor 4 not in favor.

Mayor Chastain entertained a motion to approve the use of the building for the employee exercise room.

Commissioner Waters made the motion, second by Commissioner Nugent; Commissioner Woods asked if a release is used what did the insurance company say; the city would not be responsible for injuries.

Deputy Clerk Wiggins responded she spoke with Mr. Conley from Florida League of Cities and as long as they are not on work hours it doesn't fall on to city. It would be no different than going to a gym somewhere else.

Chief Wise asked in the Firefighters' contract they are permitted 1 hour per day to work out. Are they going to use that gym?

Deputy Clerk Wiggins responded it would be no different if the firefighter is on duty in another gym.

Commissioner Mortimer added she has a concern about the \$800 worth of equipment. What quality of equipment can you get for \$800?

Deputy Clerk Wiggins responded it is used equipment and we found it at the surplus. There is a treadmill, elliptical, bench press, life cycle, and universal machine. Loren Turner from the line crew check the equipment over and tested the pieces. We will need belt oil and such to keep the equipment in shape as well.

Commissioner Mortimer ask the maintenance and upkeep what budget does that come out of?

Deputy Clerk Wiggins responded we receive so much money from the wellness program through the Public Risk Management Group and we will use the funds for that. In 2016 was the \$730 and in 2017 \$325 but will have no idea past that.

We will not use any of the city funds to repair equipment.

Commissioner Woods added at Surplus we get very good discount on what we get. With the \$730 we are getting more and better equipment than going down the street and buying a used piece of equipment. If it tears up get rid of it.

Ms. Whittle added there are several employees that are willing to donate equipment for the room.

Motion passed 4-1, Commissioner Mortimer opposed.

Deputy Clerk Wiggins entertained a motion to use the Health and Wellness Assistance Funds to purchase the equipment.

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

Commissioner Mortimer added the liability on the City she would feel better voting yes if the legal counsel was present to give a legal opinion is the reason for her no vote.

Commissioner Waters suggested tabling until we have legal counsel and withdrew his motion, Commissioner Nugent withdrew his second.

Commissioner Woods asked if there is a time limit on holding the equipment?

Deputy Clerk Wiggins added she will ask Mr. Conley to send a note stating what he said.

Mayor Chastain ask to re-entertain a motion.

Commissioner Water made the motion, second by Commissioner Nugent; Mayor Chastain stated there is motion and a second for Item C and we are happy with the answers?

Motion passed 4-1 Commissioner Mortimer opposing.

Deputy Clerk Wiggins requested to advertise for the City Manager position.

Commissioner Nugent made the motion, second by Commissioner Waters;

Deputy Clerk Wiggins asked if the commission wanted anything addition than what we have done in the past for advertising, Gainesville Sun, Florida League, Telegraph and she will check the ICMA.

The salary range will be placed in the ad of \$60,000 to \$80,000

Motion passed 5-0.

Deputy Clerk Wiggins read the following pension ordinances by title for adoption.

ORDINANCE 2017 – 0732

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA, AMENDING CHAPTER 78, "PERSONNEL," ARTICLE IV "CITY EMPLOYEE RETIREMENT SYSTEMS," DIVISION 4 "GENERAL EMPLOYEES' RETIREMENT SYSTEM," SECTION 78-241 "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 General Employees Retirement System allows a retiree to choose 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, recently, it came to the Board of Trustees attention that a retiree who chose this option had died before he had received 120 payments, and the payments were continued to his beneficiary. His beneficiary died before a total of 120 payments had been made; and,

WHEREAS, the Board of Trustees reviewed the Code of Ordinances to determine to whom the remaining payments should be made, and determined that the Code did not give sufficient direction to the Board; and,

WHEREAS, the Board determined that the Code of Ordinances needed to be clarified to specifically direct the Board to whom to pay the benefits; and

WHEREAS, the Board determined that it would be best to have the remaining payments paid to the estate of the beneficiary; and,

WHEREAS, in further reviewing the Ordinance, the Board determined that it needed additional clarification and has recommended that the Ordinance be changed.

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. 78-241, "Optional Forms of Retirement Benefits" be amended to provide as follows:

(a) Prior to the date of his retirement, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life, or he may elect to receive the actuarial equivalent of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of option A, B or C set forth in this subsection. In the absence of an election to receive the benefit in one of the optional forms as set forth below, the retiree will receive a straight life pension which will be payable throughout his or her lifetime, and cease upon his or her death.

(1) *Option A, pension for ten years certain and life thereafter.* Under option A the retiree shall receive a reduced pension payable throughout his life with the provision that, if he 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 last surviving beneficiary.

(2) *Option B, 50 percent survivor pension.* Under option B, upon the death of the retiree, one-half of his 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 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. 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 retiree during the joint lifetime of the retiree and a joint pensioner designated by the retiree, and following the death of either of them, 100 percent, 75 percent, 66²/₃ percent, or 50 percent of such monthly amount payable to the survivor for the lifetime of the survivor. Payments to the beneficiary will cease upon the death of the beneficiary.

(4) *Other forms of payment.* 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.

(b) If a retiree and his joint pensioner(s), if any, 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 of 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 joint pensioner(s) 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 under this section 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 general employee member may, on a form provided for that purpose, signed and filed with the board of trustees, designate a beneficiary or beneficiaries, or joint pensioners, as set forth above. Each designation may be revoked by such general employee member 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 general employee member survives him, the death benefit, if any, which may be payable under the plan with respect to such deceased general employee member shall be paid by the board of trustees, to the estate of such deceased general employee member, 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 general employee member 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 6TH day of
DECEMBER, 2016.

CITY COMMISSION OF
STARKE, FLORIDA

JANICE D. 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 2017-0732, second by
Commissioner Nugent; passed 5-0.

Firefighters' Pension Ordinance

ORDINANCE 2017 - 0733

**AN ORDINANCE OF THE CITY OF STARKE, FLORIDA,
AMENDING CHAPTER 78, "PERSONNEL," ARTICLE IV "CITY
EMPLOYEE RETIREMENT SYSTEMS," DIVISION 3
"FIREFIGHTERS' RETIREMENT SYSTEM," SECTION 78-179
"AMOUNT OF RETIREMENT BENEFITS; PAYMENT OF
RETIREMENT BENEFITS" AND SECTION 78-181 "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 Firefighters' 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. 78-179. - Amount of retirement benefits; payment of retirement benefits.

(a) Upon retirement a firefighter shall be paid a pension equal to 3.50 percent of the member's final average salary multiplied by the member's credited service. The member will receive the normal form of benefit which is a pension for ten years certain and life thereafter. Additionally, all those firefighters who are retired prior to December 31, 1991 from which this subsection is derived will receive, in addition to the retirement benefits that they have been receiving, an additional \$100.00 per month. Prior to the date of retirement, a member may elect to be paid under one of the optional forms of payment provided in Sec. 78-181, in lieu of the normal form of benefit.

(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. 78-181, "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.78-179, a retiree may elect to receive the actuarial equivalent of his or her normal form of benefit, in accordance with the provisions of Sec. 78-179. 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 firefighter during the joint lifetime of the firefighter and a joint pensioner designated by the firefighter, 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) *Other forms of payment.* 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 firefighter may change his or her designation of beneficiary up to two times as provided in F.S. § 175.333 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 firefighter 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 firefighter 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 firefighter 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 firefighter 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 firefighter shall be paid by the board of trustees to the estate of such deceased firefighter, 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 firefighter 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.

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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.

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CITY COMMISSION OF
STARKE, FLORIDA

TOMMY CHASTAIN
JANICE D. MORTIMER
DANIEL NUGENT
WILBUR WATERS
TRAVIS WOODS

ATTEST:

RICKY THOMPSON
CITY CLERK

By: _____
TOMMY CHASTAIN III
MAYOR AND COMMISSIONER

Commissioner Mortimer made the motion to adopt Ordinance 2017 – 0733, second by Commissioner Waters; passed 5-0.

It was requested to cancel the meeting for January 3, 2017.
Commissioner Nugent made the motion to approve, second Commissioner Mortimer; passed 5-0.

A request to schedule a workshop for the Personnel Manual January 10, 2017 at 6:00 PM
Commissioner Nugent motioned to approve the workshop, second by Commissioner Waters; passed 5-0.

We have been experiencing issues with the recording system, Clerk Thompson is requesting to begin looking for a solution and to advertise for RFP for upgrade or new recording system.

Commissioner Waters made the motion second by Commissioner Woods; Commissioner Mortimer ask if there was a cost, there is an amount placed in the budget.

Deputy Clerk Wiggins responded the best of her knowledge it is about \$3,000 in the budget which we are hoping to cover an upgrade to the current system if anything. We want to see what is out there and bring it back to take a look. Motion passed 5-0.

She ask if the commission had any dates to provide to the county to schedule a workshop.

It will be scheduled after the first of the year.

Commissioner Woods asked Commissioner Nugent if he spoke with Mr. Ernharth regarding the poles.

Commissioner Nugent responded he has mentioned it to Mr. Ernharth and Clerk Thompson.

Commissioner Mortimer thanked Kris Kadlec and the line crew for responding to a need in District 2. Also she met with Mr. Ernharth and drove District 2 to see the needs of the district. She thanked the Chief Johnson and Major Warren for quick response to an issue.

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 Waters; passed 5-0.

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

Attest: _____
Ricky Thompson, City Clerk