

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 Danny Nugent, Commissioner Travis Woods, Commissioner Danny Nugent, Commissioner Wilbur Waters, Police Chief Jeff Johnson, City Clerk Ricky Thompson, City Attorney Dan Sikes, City Manager Tom Ernharth, and Fire Chief Gary Wise.

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

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

Clerk Thompson added the following items.

Section 8 Fire Chief add item A. Removal of vehicle from Surplus. Item B Purchase fire trucks using USDA loan.

Section 10 City Manager Item F Modification to contract for Sprayfield.

Section 11 City Clerk Item B add the following names; Mary Lett, Levy Lennon, Jonathan Anderson and Elizabeth Shaffer for the CAFT Board.

Item C City Manager Review Board added Oliver Crum and Danielle Judd.

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

Mayor Chastain entertained a motion to adopt the minutes from Commission Meeting December 06, 2016.

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

Mayor Chastain entertained a motion to adopt the minutes from the Commission City Workshop on City Manager and Executive Assistant, December 06, 2016; Commissioner Waters made the motion, second by Commissioner Woods; Passed 5-0.

LaJuan Whittle, Zoning Department; informed Commissioner Mortimer she is working with the County to locate the information on the zoning changes in District 2.

Ms. Whittle presented Ordinance 2017-0735, Z16-03 rezoning application for second and final reading.

City Attorney Sikes 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

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Starke, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement a comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of the City of Starke, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Starke, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to the Section 163.3174, Florida Statutes, as amended, and the Local Development Code, as amended, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for amendment, as described below;

WHEREAS, pursuant to the Section 166.041, Florida Statutes, as amended, and the Land Development Code, the City Commission held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving as the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA, THAT:

Section 1. Pursuant to an application, Z 16-03, by Adrienne Denmark and Joanna Weldon, as agents for the Roshia M. Smith Estate, to amend the Zoning Map of the Land Development Code by changing the zoning district on certain lands, the zoning district is hereby changed from SINGLE FAMILY, MEDIUM DENSITY (R-1C) to RESIDENTIAL PROFESSIONAL (RP) on property described, as follows:

A parcel of land lying within Section 28, Township 6 South, Range 22 East, Bradford County, Florida. Being more particularly described, as follows: Commence at the Northwest corner of Section 28; thence South 05°10'00" East 42.88 feet to the South right-of-way line of County Road 229; thence Easterly on the South right-of-way line of said County Road 229, a distance of 646.81 feet for the Point of Beginning; thence continue East 66.90 feet to an arc of a curve; thence continue Southeasterly 105.76 feet to the West right-of-way line of State Road 16; thence Southeasterly on the West right-of-way line of said State Road 16, a distance of 129.36 feet; thence Westerly 207.18 feet; thence North 07°58'10" West 172.05 feet to the Point of Beginning.

Containing 0.71 acre, more or less.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED UPON FIRST READING on the 6th day of December 2016.

PASSED AND DULY ADOPTED UPON SECOND AND FINAL READING, in regular session with a quorum present and voting, by the City Commission this 20th day of December 2016.

Attest:

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

Ricky Thompson, City Clerk

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

Commissioner Nugent made the motion to adopt Ordinance 2017-0735, second by Commissioner Waters; Motion passed 5-0.

Ms. Christy Allen, Downtown Business Community Association; addressed the commission to request a donation of \$1,000 for the 2017 Bikefest for porta potties. She gave a summary of the Bikefest revenues and expenses and that the Bikefest netted a profit of \$9,512; the vendors were happy and we had total of 68 with 100% return.

The planning discussions for next year have begun and the dates of August 11, 12 & 13 are placed on the community calendar.

The hotels motels were filled over 82% and over 20 camping spaces were rented. The event went over through Duval, Clay, Putman, Alachua and Bradford Counties.

She provided amount the bed tax for August \$11,400 which is 4% of sales tax, which means for the month of August we collected \$1.1M.

She believes the event made a \$500,000 impact with the 7500 bikers here per day; over 3,700 participated from social media.

\$1,500 was collected as tips to benefit Relay for Life, Kiwanis, Rotary, Shop with a Cop.

She also ask Pit Stop for a permanent porta potty at the Downtown Square; we have a lot of events during the year and he gave a price of \$40 per month. She requested the City partnership to cover the cost.

She also mentioned with the new overpass coming Water Street next to the square would be a great place for permanent restrooms.

Commissioner Nugent made the motion to approve the \$1,000 donation, second by Commissioner Waters; passed 5-0.

Mr. Bob Milner, addressed the commission regarding the approval of the fitness room for the city employees. He supports the employees for wanting to take control of their health.

He wanted to bring up that with the overpass coming in the area where the fitness room would be located next to the old Badcock building will have a better use than as a fitness room.

He believes that the new city manager should be given an opportunity to negotiate with a commercial entity for fitness. Ms. Wiggins already had spoken with someone at Any Time Fitness who was he believes was a shift manager.

The owner has already provided a discount for law enforcement and firefighters. He feels the city would get a fair discount as a lot for the city.

Mr. Milner also believes there a nexus for a lawsuit and liability, doesn't mean they would win or prevail it means that the liability and owness for workers comp is much greater.

He suggested the employees pay part of the membership and the city pay part if the employee doesn't use the membership the city pulls their portion.

To summarize there is better use of the building and when the employees have a little skin in the game and work out at a world class fitness center the citizens would be much better served as well as the employees.

Ms. LuJuan Whittle. City Employee; stated to the commission she feels the reason Mr. Milner would like to see the building used for the bathrooms. There would be just as much liability for people to slip and fall as it would employees falling in the fitness room.

She believes the employees will use the room and it will not cost the city. The \$1,000 contribution the city is making to the Bikefest; who pays the electric bill for the lights and the salary for the employees to clean up after the event.

Ms. Allen responded the employees do not come.

Ms. Whittle ask who pays for the employees to get the inmates and clean the streets?

Ms. Allen responded they don't come on overtime they are there as part of their job. The Sheriff's Office provides the crews and they donate their time.

Ms. Whittle feels that the reason for the talk to get the fitness room pulled from the employees so they can use the room for the restrooms. She wants to make it clear the city does a lot for these events and the employees are asking for one thing and we are going to get turned down due to politics.

Mayor Chastain responded he is not sure how it will play out.

Commissioner Mortimer addressed her concern of liability issues and Attorney Sikes was not present at that meeting she asked Attorney Sikes what his opinion is. Attorney Sikes responded he will not give an opinion for or against he will tell the legal issues.

There will no increase exposure the real issue what would the increase be to have the fitness room what would the increase be. The city would be liable for accidents.

Commissioner Woods added there was discussion on a signed waiver just as you do at the gym.

Attorney Sikes responded the waivers are to discourage someone to file suit not to stop someone.

Ms. Allen asked to clarify some information. The donation she requested is for porta potties; the festivals that are taking place the city is ask to participate. We pay for security and ask the County to participate as well. We have never ask the city to provide anything other than what their jobs are to do. All work performed by the city is done on regular employee hours never overtime. If there is a metered meter we pay the bill. We are not asking for anything more from the city.

Commissioner Waters added it is the city's responsibility to assist with the events; they bring money into the business all through City and County.

He agrees with the restroom facility at Waters Street and also at this end of downtown.

Chief Wise requested to remove the 2005 International 4400, vin # 1HTMKAAR05H695235 from surplus and place it back in service.

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

He along with Clerk Thompson have been talking with Kenda Robinson from USDA about financing for a new fire truck. After discussion she recommended

the City purchase two trucks. The interest rates will be going up as well as the price of fire trucks.

He has spec out an engine and the quote is \$426,000. He also got a price on a new tanker which will be 3,000 gallon tanker with 1,250 GPM pump; NFPA compliant; hose bed and have all the ladders, which will give us ISO credits without having a ladder truck.

The tanker would have 3,000 gallons of water and there are areas of the City that is not covered by hydrants and the engine has 1,000.....Commissioner Chastain asked if it would be better to put fire hydrants in those area?

Chief Wise responded it is two different vehicles.

Attorney Sikes explained there are join agreements with the County and the City is required to go to unincorporated areas as well where there are no hydrants.

The tanker we have is 26 years old and has a 500 GPM pump and carries 2,500 gallons of water, no ladders or hoses and three people.

If there is a big fire such as Walmart we would be able to run 2 engines and a tanker with a lot of water and pumping capacity to put the fire out.

E-One will be going up on their prices March 1, 2017 as well as interest rates will start going up.

Clerk Thompson stated the rate will be in the low 2s and he is waiting on one additional quote from a bank and the USDA is around 2.375 for 10 year fixed, would \$78,000 per year at that rate. \$70,000 was budgeted this year.

Commissioner Mortimer it will take about \$78,000 per year....Clerk Thompson responded unless we get a better rate from the quote.

Chief Wise added with USDA we are not guaranteed to get grant assistance but can say we could get up to 55% of the loan and the City would have to pay 45%, and the City to received 55% of the amount would be slim to none. The State of Florida receives so much money and any amount we receive we would use to pay back the loan.

Mayor Chastain added when the Truck Route comes the revenues will have to fall back. When the overpass comes the revenues are estimated at \$100,000 we will lose. Looking to the future the City will have a hard time overcoming these numbers and if we put additional debt, where will the money come from. We would have to raise ad valorem or cut something.

Chief Wise ask how long was the \$70,000 going to be budgeted for?

Mayor Chastain responded if the budget can handle it it will be there.

Chief Wise added he has \$25,000 in maintenance with two new vehicles he can find \$10,000 in his budget to cover the \$78,000 payment.

The grant totals \$800,000; \$75,000 of equipment with the trucks so and legal fees included. He could reduce his firefighter supply budget and vehicle maintenance budget and use that money to offset the cost of the payment and possibly pay it off in seven years if the \$70,000 stays in there as it is now.

The Truck Route comes in there will be building on the South end of town and we will need to respond to those locations.

Commissioner Woods the trucks are a great idea but he would like to see what money we would get through USDA Grants.

Clerk Thompson added if USDA gets the funding they think they will get the maximum we would receive is \$150,000 total. If the City can get through to 2019 we will have three loans paid off roughly giving \$400,000 freed up. It will take almost a year to even get this truck built.

Chief Wise added E-One has worked with us; giving us a 5 year warranty on the pump from a 2 year warranty and assisted with the pricing, but if we don't have a purchase order to them by March 1st the price will go up 4% and 2018 before we could get a vehicle.

He also suggested giving the old tanker to the County to offset the cost of the medical director.

Mayor Chastain suggested to table the item until January 17 so more information could be provided.

Mr. Ernharth presented the 2016-2018 Firefighters Union Contract for approval. Two changes were made after discussions'

Section 9.2B increase in vacation time tied to the approval of the new personnel policy.

"This item is being evaluated by the City Commission in the next personnel policy. The City believes that by May 1, 2017; the new personnel policy will be revised and the annual leave will increase given to general employees will be matched day by day with the fire department personnel. This item will be revised as soon as the personnel policy is completed and retroactive back to October 1, 2016".

Section 21.12 increase the wages by a dollar per hour on October 1, 2017 and increase the starting salary to \$10.00.

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

Mr. Ernharth presented Resolution 2017-05 the Non Ad Valorem Assessments for Nuisance Ordinance. He read by title

RESOLUTION 2017 – 05

Non-Ad Valorem Assessments for Nuisance Ordinance

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREUM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR AUTHORIZATION TO EXECUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City Commission for the City of Starke, Florida adopted Ordinance No. 2017 - 0731 on November 1, 2016.

Whereas, Ordinance No. 2017-0731 provides that the City of Starke may clean up nuisances and imminent threats on lots, parcels and tracts within the City caused by the accumulation of trash, junk, or debris, living and nonliving plant material, stagnant water, and fill on property.

Whereas, the lots, parcels and tracts that have been or will be cleaned-up and improved by the City pursuant to Ordinance No. 2017 – 0731 have received or will receive special benefits and have benefitted or will benefit from the clean-up and improvements in a matter greater than other properties within the City.

Whereas, when properties are cleaned up pursuant to Ordinance 2017 – 0731, the property owners are required by the ordinance to reimburse the City for the Costs incurred in the clean-up, and there is the possibility that the owners may fail or refuse to reimburse the City.

Whereas, in order to collect the costs and expenses not paid timely by property owners, the City Commission finds that it is fair and equitable to levy a non-ad valorem assessment to reimburse the City for costs and expenses incurred when the City cleans up and improves a lot, parcel, or tract in accordance with Ordinance 2017 – 0731.

Whereas, the uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632 of the Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes.

Whereas, the City has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments set forth in Chapter 197 of the Florida Statutes.

Whereas, the City Commission finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by Section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the City for the clean-up of a lot, but not timely reimbursed by the property owner.

Now Therefore, Be It Resolved by the City Commission of the City of Starke, Florida, as follows:

SECTION 1. The City Council intends to use, and hereby authorizes the City Manager and City Attorney to make all needed actions to use the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes, for collecting all unpaid lot clean-up costs and expenses levied pursuant to Ordinance No. 2017 – 0731, a copy of which is attached as **Attachment A**.

SECTION 2. The City Commission intends to use and will continue, year to year, to use the uniform method of collecting non-ad valorem assessments for lot clean-up, until otherwise determined or discontinued by the City Commission.

SECTION 3. The City Commission has determined that a non-ad valorem special assessment for lot clean-up costs and expenses is necessary in order to financially permit and enable the City to continue clean-up of nuisances and imminent threats on property within the City.

SECTION 4. The city of Starke, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, is declared a special assessment district for the purpose of collecting unpaid costs and expenses incurred by the City for lot clean-up. A legal description of the City is attached as **Attachment B**. Furthermore, properties may be assessed in future years for the cost of clean-up under Ordinance 2017 – 0731 shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem assessment roll is certified to the Tax Collector for Collection), and for that purpose the City shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

SECTION 5. In accordance with the requirements of Subsection 197.3632(3)(a) of the Florida Statutes, prior to the adoption of this resolution the City held a public hearing that was advertised weekly in the Bradford Telegraph, a newspaper of general circulation, for four consecutive weeks prior to the public hearing. A copy of the newspaper advertisement and Form DR-413 are attached hereto as **Attachment C**.

SECTION 6. Each non-ad valorem assessment imposed by the City pursuant to Ordinance 2017 – 0731 and this resolution shall be included in the assessment roll that will be adopted by the City and certified by the City Attorney or his designee prior to 2017, and each year thereafter.

SECTION 7. The City Clerk is hereby directed to send a certified copy of this resolution by U.S. Mail to the Bradford County Property Appraiser, the Bradford County Tax Collector, and the Florida Department of revenue by January 10, 2017.

SECTION 8. Effective Date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ADOPTED by the City Commission of the City of Starke, Florida on this 20th day of December 2016.

City of Starke
City Commission

Tommy C. Chastain III, Mayor

Daniel Nugent, Commissioner

Travis V. Woods, Commissioner

Wilbur Waters, Commissioner

Janice D. Mortimer, Commissioner

ATTEST:

Ricky Thompson, City Clerk

Commissioner Woods made the motion to adopt Resolution 2017-05, second by Commissioner Waters; passed 5-0.

Mr. Ernharth requested a discussion to have Mittauer Engineering as alternate engineer.

Greg Lang and Tim Norman, Engineers from Mittauer Engineering; two thing briefly as this is being considered; we thank the city for the ability to service the city over the past few years.

We also would like to request that the City keeps our firm under contract at no cost so that we can finish a couple task the City has ask us working on and also to give us opportunity to look for prospects such as the CDBG Grant, and DEP SRF Loan Grant.

We feel the engineer you will have on staff will be beneficial to save money but by keeping us on, we have expertise for task that beneficial for the City. We would also be available to the City Commission and the Engineer when and if needed.

We are not under contract and if the City would want to go that pathway the City would have to go through the advertising methodology.

Mayor Chastain ask if there are any questions?

Commissioner Woods made the motion to use Mittauer as alternate engineers, it will not cost the City of Starke anything and if we ever need them they will be there, second by Commissioner Nugent;

Commissioner Mortimer asked what would the rate be? Would it be the same rate that we contract at now or a reduced rate?

Mr. Lang responded we are not suggesting to change any rates and there is a couple ways we get compensated one is if we are tasked by the hour and depends what skills are needed and have rate fees on file with the City. Very often we are compensated through the grant that we help the City achieve, which have set percentages tied to the construction value.

Motion passed 5-0.

Mr. Ernharth referenced the last meeting when Ms. Starling presented information regarding having devices placed on Church Street to slow traffic down.

He provided information on the wide plastic humps to see if they will work before we do anything permanent. He requested permission to move forward.

Commissioner Waters made the motion to approve,

Mayor Chastain passed the gavel to Vice Mayor Waters.

Commissioner Chastain made the second;

Vice Mayor Waters stated there is motion and a second on the floor are there any questions?

Commissioner Woods what is the size of the hump and how long are we test these?

Engineer Greg Lang responded it has to do with the design of the hump and the standard along with the speed limit of the road and what you want to accomplish. There is a lot of flexibility.

Mr. Ernharth added the hump could be placed along the width of the road so no one could go around it and place signage that the hump is located on the street.

Commissioner Nugent ask Engineer Lang his opinion on placing rumble strips instead to prevent the liability.

Mr. Lang responded would it be as good, possibly but asks for some DOT traffic engineering assistance, they will do it at no cost.

Commissioner Mortimer asked Attorney Sikes for his legal opinion.

Attorney Sikes responded he agrees with what the engineer is saying. The old speed bumps use to have lots of damage from it but they have toned it down due to the liability. If the design is considered by the local road department to be un-intrusive and the cost is minimal it will not matter what we do there will always be some degree of liability.

There is nothing legally that can stop you from doing it and he doesn't believe it would be that big of a risk.

Commissioner Woods added if we put them in one area we will be getting request to place them everywhere.

Mayor Chastain responded that in the past he commission agreed that if 50% or more persons in the area signed and agreed for the need we would place them.

Commissioner Mortimer asked if the persons living on the street bring up a petition and over 50% sign it in support the city will do it?

Mayor Chastain responded yes that is what has been done in the past.

Commissioner Nugent also suggested the police department writing tickets in these areas.

Vice Mayor Waters added he remembers if we received a petition and received 50% signatures the commission would look at it and not just do it.

He ask for anything additional

Commissioner Mortimer asked if we did do our due diligent and getting the DOT or traffic study?

Mr. Ernharth responded we looked at the ITD Engineering is where he got the information in the packet, but didn't do a traffic study.

Vice Mayor Waters called for the vote.

Motion passed 5-0.

Mr. Ernharth introduced Ms. Lisa Terry the new employee who is replacing Christy in the City Manager's Office. Her fist day will be January 3, 2017.

Commissioner Woods ask if Ms. Anderson will be moved up to City Hall with Ms. Terry.

Mr. Ernharth responded yes.

He met with DOT to talk about the Overpass the Truck Route. DOT would like to come and talk to the City January 17, 2017 to go over both plans, and on February 7, 2017 to discuss Railroad Crossing closures.

Mr. Ernharth explained he was approached by Mr. Holtzendorf about the section of the spray field where the retention pond fill was spread out. It is mostly clay and is unusable for growing hay. He is requesting permission to place cattle on it. He will do irrigation and fensing.

Commissioner Waters responded he is all for it if the zoning allows.

Mayor Chastain added the area next to it has cows.

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

Commissioner Mortimer asked if it is in the contract why do we have to vote on it?

Mr. Ernharth stated it has to be mutually agreed upon for him to put animals on the property.

Attorney Sikes added it is actual a mutual consent not a modification.

Motion passed 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 approval of the Citizens Advisory Task Force 2016 CDBG Grant Cycle;

1. DR. VIRGIL BARRY
2. MS. JENNY SULLIVAN
3. MS. WENDY SULLIVAN
4. VALARA PETTEWAY
5. GLORY JACKSON
6. MARY LETT
7. LEVY LENNON
8. JONATHAN ANDERSON
9. ELIZABETH SHAFFER

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

He requested approval for the City Manager resume review board

1. PATRICIA EVANS – CAPITAL CITY BANK PRESIDENT
2. STEVE FUTCH – JONES GALLAGHER FUNERAL HOME
3. LARRY REDDISH – SONNY’S BBQ OWNER
4. DOUG REDDISH – REDDISH & WHITE CPA
5. DAVE MECUSKER – CITY MANAGER LAKE BUTLER
6. OLIVER CRUM – BUSINESS OWNER
7. DANIELLE JUDD – CITY MANAGER GREEN COVE SPRINGS

Commissioner Waters made the motion to approve the board, second by Commissioner Mortimer;

Commissioner Woods ask why Mr. Burish name was removed.

Clerk Thompson responded he could not attend.

Mayor Chastain requested the vote.

Motion passed 5-0.

Clerk Thompson requested the award of the bid for RFP 2017-02, Enterprise Content Management System to AMG/TDSI, Archive media Group and Total Document Imaging Solutions.

Two bids had been received and reviewed; AMG/TDSI and Tyler Technology. Tyler Technology did not provide the minimum of the request. The acceptable bid came in \$63,237.50; \$60,000 was budgeted we can use some of the IT Budget to make up the difference and move on with the project. Commissioner Woods made the motion to award AMG/TDSI the project, second by Commissioner Waters; Commissioner Nugent ask for clarification that Clerk Thompson is using money from his budget to make up the difference? Mayor Chastain asked about the monthly fee might take a budget amendment. Commissioner Mortimer ask what the project will do? Clerk Thompson responded it will scan and capture all the old city permeant records, along with two scanners to maintain all city records electronically going forward. Motion passed 5-0.

Attorney Sikes reported he has received several calls relating to the ongoing on the city employee with FDLE. He has endeavored not to pressure or get in the middle of whatever the investigator is doing. The investigator has advised him that he should be wrapped up after the first of the year. He did not say what they are or are not doing with the investigation and will not comment on it. Attorney Sikes ask what his impression; what he gets from the conversation with FDLE is that it does not appear to me that in the course and scope of the conversation that they are going to press any charges. That does not mean the investigator will not and does not foreclose that possibility he is just giving his impression of the conversations.

Attorney Sikes also addressed that in the last nine months to a year we keep hearing people talk about the whistleblower act. He read the act so it is clear. Section 112.3187, Paragraph 7

(7) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Chief Inspector General in the Executive Office of the Governor, to the employee designated as agency inspector general under s. 112.3189(1), or to the Florida Commission on Human Relations.

What it does not protect is for anyone to pick up the phone, email or call or communicate saying “if you don’t do such and such I’m going to go to the press”. That is extortion, and that is a second degree felony! If you threaten to do that you are not protected by the whistle blower act you have committed a second degree felony crime.

If a City employee thinks there is a criminal event accruing report it! Report it to me or Major Warren or Sheriff’s Department; don’t wait and certainly don’t call up and say if you don’t do something I’m going to report you to the press.

That is not the whistle blower act and if a person does that they have committed a felony and can be prosecuted and terminated just for that statement.

Commissioner Mortimer asked if someone does that then the City has the opportunity or right to file a complaint, and with who?

Attorney Sikes responded yes, file it Police Department or Sheriff Office or whatever agency you want to investigate. If someone makes that kind of allegation they have committed there is probable cause to believe they committed a felony. I cannot make anyone be fired! I will tell you as the attorney for the City of Starke it should be the position of the City Council and the Government of the City of Starke that if there is probable cause to believe someone has committed a felony in the course of their employment they should be terminated and charges pursued.

Commissioner Waters responded if there is no feeling of threat he disagrees.

Attorney Sikes responded it is a matter of perspective; if you feel you have been extorted that is a crime.

Commissioner Waters asked Mr. Ernharth if Friday is his last day?

Mr. Ernharth responded yes.

Commissioner Waters added last Thursday where were you?

Mr. Ernharth responded at the FMPA meeting.

Commissioner Waters added he was told a week before that those meetings are done by phone.

Mr. Ernharth responded no you have an option, you can phone in or attend.

Commissioner Waters ask if he felt he needed to attend that meeting?

Mr. Ernharth responded yes he was actually called by the Manager of Newberry to attend because they were looking to make changes to the way they charge the City.

Commissioner Waters added the day before Mr. Ernharth left they had a conversation about an incident that happened at the Maintenance Yard.

Mr. Ernharth responded yes.

Commissioner Waters stated you told me you would handle it and I gave you what I felt like and ask you to contact the Mayor and each Commissioners. Did you contact each of the commissioners?

Mr. Ernharth responded yes he did.

Commissioner Waters stated you told me what you were going to do and then you didn't do it and put the letter in the file.

Mr. Ernharth responded yes that is right.

Commissioner Waters ask why Mr. Ernharth didn't have the curtesy to call him and tell me what your recommendations were going to be; instead of letting me hear it on the street.

Mr. Ernharth responded he doesn't disagree with that it should have been done.

Commissioner Waters responded he is upset that you didn't have the respect to call me back, and I don't care if you were to leave tonight.

Commissioner Woods added to Commissioner Waters statements; yes he had a conversation with Mr. Ernharth and the last conversation was days. He feels that Mr. Ernharth should have call back and explained the changes that were made.

Commissioner Nugent thanked everyone that helped with the Christmas Parade.

Commissioner Mortimer thanked Mr. Ernharth for his time and assistance he has provided to her. She wishes him well in his new job. She feels as Commissioners we need to allow people to do their jobs and whenever we get a new City Manager to do a job we can make recommendations to them but she thinks it is that persons duty to do their job.

With all of this talk of I got called I didn't get called; she thinks we need to be specific on expectation and duties of the new person and support our employees across the board and mend the fences of the ugly thing that came into the City.

Commissioner Waters added with Mr. Ernharth leaving he ask the board to think about Kris Kadlec as filling in on the procedures; what needs to be signed, and needs to be done. He will do a good job until we get a new City Manager.

Mayor Chastain agrees we need a leader and Kris Kadlec would be good. Not sure how we will handle that.

Mayor Chastain responded to Commissioner Mortimer; whoever our new City Manager will be; this is something for the Commission to consider; once they are on board we have a workshop at 6:30 before every meeting with the city manager and let us have him bring us up to date and hear what is going on prior to each

meeting that way if there are questions that is where we would get it out on the table. This is something to consider.

He also mentioned that a lot of cities are placing moratoriums on the business opening up to sell marijuana.

Attorney Sikes ask if any applications have been received? We need to address that at the next meeting.

Commissioner Waters ask who do we need to put in charge at the Maintenance Yard?

Attorney Sikes added it would have to be voted on for interim authority.

Mr. Ernharth added he can appoint someone tomorrow as long as there is a record to do that.

Mayor Chastain asked if they rest of the commission is good with Kris Kadlec.

Commissioner Mortimer stated she is ok with it and can we do that and what compensation for doing it?

Attorney Sikes responded that is something the City has to do. Mr. Ernharth can appoint the interim and once he leaves his appointment stays in effect until someone is hired to replace him.

As far as the pay issue the only ones that can do that is the City Commission can do that.

Mayor Chastain stated they will address that.

Commissioner Woods responded to Commissioner Mortimer and we do hire the City Manager and he is in charge but he also works for the Commissioners. He feels that the City Manager needs to listen more to the Commissioners recommending.

Commissioner Mortimer responded yes, you are correct; however when you have five people you work for and five people are speaking five different things and have five different priorities we are going to have to in order to not have another turnaround of a City Manager. We as the board need to come to an agreement that we will allow that person do their job. We can make recommendations to the person but we have to support that person. Our track record over the past ten years has not been great because of what Commissioner Woods has said.

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

City Commission Meeting
December 20, 2016
19 of 19

Commissioner Waters made the motion to adjourn, second by Commissioner Mortimer; 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