

City Commission Meeting
December 18, 2018
6:30 pm

Mayor Nugent offered a prayer and led the Pledge of Allegiance.

Mayor Nugent called the meeting to order at 6:32 pm.

This was the second regular meeting of the month. Members present included Mayor Daniel W. Nugent, Commissioner Tommy Chastain, Commissioner Janice D. Mortimer, Commissioner Shannon Smith and Commissioner Wilbur Waters. Also present were City Manager Bob Milner, City Attorney Dan Sikes and Deputy Clerk Lisa Terry. City Clerk Ricky Thompson was absent due to his mother being in the hospital.

Mayor Nugent asked for the selection of the city attorney. Commissioner Mortimer made a motion to select Folds & Walker. It was seconded by Commissioner Chastain. Commissioner Waters said he appreciates all the firms that came for the interviews but he wants a local attorney. Mayor Nugent called for a vote for selecting Folds & Walker as the city attorney. The motion was rejected 2-3. Mayor Nugent, Commissioner Smith and Commissioner Waters opposed the motion. Mayor Nugent entertained a motion to select a city attorney. Commissioner Waters made a motion to select Attorney John Cooper. It was seconded by Commissioner Smith. The motion passed 3-2. Commissioner Chastain and Commissioner Mortimer opposed the motion. Mr. Milner asked when the effective date for change of council will be. Commissioner Mortimer made a motion to change council at the end of January. It was seconded by Commissioner Chastain. The motion passed 5-0.

Mayor Nugent asked if there were any additions or changes to the agenda. Ms. Terry asked to add modification Z0326-3 to subgrant agreement with the Division of Emergency Management as Item 9D. Commissioner Mortimer made a motion to add Subgrant Agreement Z0326-3 to the agenda. It was seconded by Commissioner Smith. The motion passed 5-0. Commissioner Smith made a motion to accept the agenda. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Nugent asked the commissioners if there was anything they wanted removed from the consent agenda. There was not. Mayor Nugent entertained a motion to approve the Minutes of the December 4, 2018 Canopy Communications Workshop. Commissioner Smith made a motion to approve the minutes. It was seconded by Commissioner Mortimer. The motion passed 5-0. Mayor Nugent entertained a motion to approve the Minutes of the December 4, 2018 Commission Meeting. Commissioner Chastain made a motion to approve the minutes. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Nugent asked if there were any emergency items. There were none.

Mayor Nugent read the statement for citizen requests "The City of Starke welcomes you to this meeting. This time is set aside for our citizens and general public to address the city commission. This is not a question or answer time. It is not a political forum, nor is it a time for

personal accusations or derogatory remarks to or about city personnel. If you would like to address the commission please complete a form, come to the podium when you are called, speak into the microphone and state your name and address for the record. Please also limit your comments to not more than 3 minutes. Your participation is welcomed.”

Mayor Nugent asked for the City Clerk Report. Ms. Terry said Commissioner Mortimer met with the Bond Trustees to review the bills. Commissioner Mortimer said one of the Bond Trustees had some concerns about the phone bills. She confirmed with Mr. Milner that he would look into it. Commissioner Mortimer made a motion to pay the bills. Commissioner Waters seconded it. Commissioner Chastain asked if the phone bills had been pulled from the other bills. Commissioner Mortimer said they were not pulled. She said the concern was with some phone numbers that should not be on the bill but the city will be refunded for those charges. The motion passed 5-0.

Mayor Nugent entertained a motion to pay the Gainesville Regional Utility bill. Commissioner Smith made a motion to pay the bill. It was seconded by Commissioner Mortimer. Commissioner Chastain asked if the city had a contract with Gainesville Regional Utilities. Mr. Milner said the contract was through Florida Municipal Power Agency. Commissioner Chastain said we have a mutual agreement through Florida Municipal Power Agency but do we have a working contract. Attorney Sikes said we do not have a contract. Commissioner Chastain asked if this was the result of an emergency. Mr. Milner said it started as an emergency but he asked Gainesville Regional Utilities to continue work until the open electric positions were filled. Commissioner Smith asked if this will be the final bill from Gainesville Regional Utilities. Mr. Milner said it will. Commissioner Chastain said one of the bond trustees works for Clay Electric and they would like the opportunity to bid on the work. He suggested moving forward that the work be bid out. Commissioner Chastain said they could give the work to whoever has the best price. Commissioner Waters said they have used Clay Electric in the past. Commissioner Chastain said in an emergency going through Florida Municipal Power Agency is acceptable but not if the work is going to last from August to November. Commissioner Mortimer said she does not want to micromanage. She asked if the mutual aid agreement was enough to allow for this situation. Attorney Sikes said it is enough for a one-time situation. Commissioner Chastain asked if it should have been declared an emergency. Mr. Milner said this situation was an on-going emergency because we did not have enough people to run the line crew. Commissioner Chastain said the item is going against policy and procedure. Attorney Sikes suggested declaring the item an emergency. Commissioner Smith and Commissioner Mortimer withdrew their motions. Mayor Nugent entertained a motion to declare the Gainesville Regional Utility bill an emergency item. Commissioner Waters made a motion. It was seconded by Commissioner Smith. The motion passed 5-0. Mayor Nugent entertained a motion to approve paying the Gainesville Regional Utility bill. Commissioner Mortimer made a motion. It was seconded by Commissioner Smith. The motion passed 5-0.

Mayor Nugent entertained a motion to approve the New Year’s Holiday for Monday December 31, 2018. Commissioner Waters made a motion to approve the holiday. It was seconded by Commissioner Chastain. The motion passed 5-0.

Ms. Terry addressed the modification to the Subgrant Agreement with the Division of Emergency Management. Commissioner Mortimer made a motion to approve the agreement. It was seconded by Commissioner Smith. Commissioner Smith asked for an explanation of the item. Ms. Terry explained that it involves funds the city submitted for repayment for work done following Hurricane Irma. A subcontractor of the Federal Emergency Management Agency found that the scope of the project should be increased and therefore the amount of reimbursement should be increased. The motion passed 5-0.

Mayor Nugent asked for the City Manager Report. Mr. Milner introduced Attorney Laura Gapsky the selection for the Special Magistrate. Attorney Gapsky said she has been practicing law since 2002 primarily as a criminal defense attorney. She said she is familiarizing herself with local ordinances and is looking forward to working with the city. Mr. Milner asked permission for him and Attorney Sikes to negotiate a contract with Attorney Gapsky.

Mr. Milner addressed the emergency purchase for installation of the new pipeline at the wastewater treatment plant. He said SGS Contracting Services has put in a bid to do the work. Mayor Nugent asked Tim Norman with Mittauer & Associates to explain the work that needs to be done. Mr. Norman said the pipe has been clogged for some time. He said the old portion of the pipe needs to be replaced. Commissioner Nugent asked for the timeline for the project. Mr. Norman said it would be after the first of the year. Commissioner Chastain asked if this repair was covered under the \$300,000 to repair the plant. Mr. Norman said it is. Commissioner Smith asked if the pipe would work with the new wastewater treatment plant. Mr. Norman said it would not. Commissioner Waters asked where the new pipe would run from and to. Mr. Norman said it will run from the old clarifier to the pipe installed in the 1990s. Commissioner Mortimer made a motion to approve the purchase. It was seconded by Commissioner Waters. The motion passed 5-0.

Mr. Milner addressed the agreement with Florida Gas Utilities. He introduced Tom Geoffroy General Manager and CEO of Florida Gas Utilities. Mr. Geoffroy said the agreement would allow Florida Gas Utilities to purchase highly discounted natural gas from the Municipal Gas Authority of Georgia. He said this would be a long-term supply commitment with the city. Mr. Geoffroy said the commitment is for 30 years which is why the discount is so high. He said the agreement is with the Royal Bank of Canada and Macquarie in Australia. Mr. Geoffroy said the agreement with the Royal Bank of Canada gives a discount of 40 cents per dekatherm. He said every 5 years the discount will reprice. Mr. Geoffroy said there is no cap on the discount but there is a floor of 23 cents so if the discount drops below that the city will have the option to opt out of the agreement with no penalty. He said the agreement with Macquarie will not reprice but remain the same for the 30-year period and the discount is expected to be 30 cents per dekatherm. Mr. Geoffroy said the Municipal Gas Authority of Georgia will issue the bonds and prepay for the gas. He said if the city decided to get out of the natural gas utility they could opt out of the agreement with no penalty. Commissioner Chastain asked about the early termination costs. Mr. Geoffroy said there are termination fees for the member if there is a permanent loss of load. Commissioner Chastain asked how many members there are and how many are onboard with this. Mr. Geoffroy said there are 23 members and 18 are planning to participate. Mayor Nugent asked Attorney Sikes if he had reviewed the agreement. Attorney Sikes said the agreement is not in the proper form because it would need to be signed by the

Mayor and the City Clerk. Mr. Milner said the agreement would be made to include the Mayor and the City Clerk's signatures. Commissioner Waters said the city entered into an agreement to purchase discounted gas in the 1970s and got burned. Commissioner Mortimer said the city does not normally enter into 30-year agreements. Commissioner Smith asked about the current agreement the city has with Florida Gas Utilities. Mr. Geoffroy said the city has a Gas Services Agreement. Mayor Nugent entertained a motion to approve the agreement which authorizes Florida Gas Utilities to purchase gas on the city's behalf and provide other services. Commissioner Smith asked how long the city has been doing business with Florida Gas Utilities. Mr. Geoffroy said the City of Starke was one of the original members joining in 1989. Mayor Nugent said he wants Attorney Sikes to review the agreement before they make a decision. Mr. Milner said it is an opportunity for the city to lock in a discounted gas price. Mr. Geoffroy said the city would receive the discount for 25 percent of the gas they buy for the first 5 years. He said the city currently receives a discount of 1 or 2 cents but this discount would be around 30 to 40 cents under this agreement. Mr. Geoffroy said the term of the agreement is 30 years but the gas utility is a long-term commitment. He said if the city is planning on providing gas to its residents for 30-years they should consider this agreement. Commissioner Mortimer asked how long the offer is valid. Mr. Geoffroy said it is a small window of time. Commissioner Mortimer wants Attorney Sikes to review the agreement before they vote. Commissioner Waters said there is no way he could vote on this tonight. Commissioner Smith asked if there would be a penalty if the amount of gas the city purchases decreased. Mr. Geoffroy said there would not. Commissioner Chastain asked if this is anything like hedging. Mr. Geoffroy said it is not. Commissioner Mortimer asked if this could be voted on at the first meeting in January. Mr. Geoffroy said it could. Mayor Nugent asked the commissioners what their wishes are. Commissioner Waters made a motion to table the agreement until the January 8, 2019 Commission Meeting. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Milner addressed the approval of the Interlocal Agreement for Police and Fire Radio Dispatch Services. Commissioner Smith made a motion to approve the agreement. It was seconded by Commissioner Waters. Commissioner Waters asked if the agreement for payment for fire services from the county was complete. Mr. Milner said it will be on the next agenda. Commissioner Chastain said the agreement could cost \$150,000 per year by the fifth year and could increase substantially the sixth year. Commissioner Smith asked if the city could get out of the contract. Attorney Sikes said there is a way out but it is not a realistic out because the service is something we have to have. The motion passed 4-1. Commissioner Mortimer opposed the motion.

Mr. Milner addressed the dates for the January Commission Meetings. He proposed having the meetings on January 8, 2019 and January 22, 2019. Commissioner Waters made a motion to approve the meeting dates. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mr. Milner asked to address Item 10H. at this time. Mayor Nugent agreed. Mr. Milner asked Mr. Norman with Mittauer & Associates to make his recommendation for the new wastewater treatment facility. Mr. Norman recommended option SWD3 the surface water discharge with stage 5 oxidation ditch. He said once the decision is made he will be able to apply for grants to help pay for the facility. Commissioner Mortimer asked about the grants. Mr. Norman said he

will submit the plan to Rural Development along with the environmental review and go to the State Revolving Fund. Commissioner Chastain asked how much funding they could expect. Mr. Norman said he estimates it to be on the high end of the 45 to 75 percent he anticipates. Commissioner Mortimer made a motion to approve the recommendation of the engineers of option SWD3 with stage 5 oxidation ditch. It was seconded by Commissioner Smith. The motion passed 5-0.

Mr. Milner addressed the CSX/DOT Workshop to discuss railroad crossing closures for January 8, 2019 at 5:30 pm. Mayor Nugent wants to have some of the closures in the rural areas of the county as opposed to all of them in the city. Commissioner Mortimer made a motion to approve the workshop. It was seconded by Commissioner Smith. Commissioner Chastain suggested doing a study on how many vehicles use the crossings that are possibly being closed. Commissioner Smith asked if the Chief of Police could attend the workshop. Mr. Milner said Chief Johnson could not be here tonight because of an emergency. Commissioner Mortimer asked for a list of railroad crossings. Commissioner Smith asked for a map. The motion passed 5-0.

Mr. Milner addressed the proposed Employee Handbook. He said the leave time has been left intact. Mr. Milner asked permission to have the Employee handbook as an agenda item for the January 8, 2019 Commission Meeting for approval. The commissioners agreed.

Mr. Milner addressed the contracts and agreements. He said Stuart Brandrick is an ASE certified mechanic who works for the city as a contractor on an hourly basis as needed. Mr. Milner asked the commissioners to approve the annual contract. Commissioner Waters made a motion to approve the contract. It was seconded by Commissioner Smith. Commissioner Chastain asked Mr. Milner to advertise the position in following with policies and procedures. Mr. Milner said he would like to keep Mr. Brandrick in place but his contract has expired. Attorney Sikes said the contract could be amended to a month-to-month contract while the position is advertised. Commissioner Smith said we won't find someone with Mr. Brandrick's credentials to work for \$25 per hour. The motion passed 4-1. Commissioner Chastain opposed the contract.

Mr. Milner addressed the contract for John Sasser as a retired city employee with no benefits. Commissioner Smith asked if this contract is a continuation with the same terms. Mr. Milner said it is. Commissioner Mortimer expressed her concern over contracting with retired city employees. Mayor Nugent entertained a motion to approve the contract with Mr. Sasser. Commissioner Waters made a motion to approve the contract. It was seconded by Commissioner Smith. Commissioner Chastain said the contract is over \$15,000 per year so policies and procedures say it needs to be advertised. Mayor Nugent asked if the contract was for 40 hours per week. Mr. Milner said it averages 20 hours per week. Mayor Nugent said we could advertise it as a part-time position. Commissioner Waters withdrew his motion and made a motion to advertise the position and have Mr. Sasser fill the position for 30-day periods until the advertised position is filled. Commissioner Smith withdrew his motion. Mr. Milner said Mr. Sasser's contract is expired. He asked the commissioners to approve the contract so Mr. Sasser can continue to work because his contract can be terminated at any time. Commissioner Mortimer asked for Attorney Sikes opinion. Attorney Sikes said it could be done that way because of the termination clause. Mayor Nugent entertained a motion to approve the

contract. Commissioner Waters made a motion to approve the contract. It was seconded by Commissioner Smith. The motion passed 5-0. Commissioner Chastain asked Mr. Milner to advertise for the position. Mr. Milner said he would advertise for this position and for the mechanic position.

Mr. Milner addressed the contract with Wilson Whidden as the Building Inspector. Mr. Milner said this is just like the other contracts. Commissioner Waters made a motion to approve the contract while the position is being advertised. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mr. Milner addressed the contract with Dynamic Corporate Solutions. Mr. Milner said the contract is \$90 per hour on an as needed basis. Attorney Sikes said he has an objection to paragraph 2D. Attorney Sikes said the City of Starke could be liable for \$24,000 in liquidated damages for each employee utilized or hired. He has a serious problem with the language. Attorney Sikes said the entire paragraph needs to be removed before he would approve the contract. Commissioner Chastain asked how much money has been paid out to Dynamic Corporate Solutions. Mr. Milner said around \$20,000. Commissioner Chastain said that goes over the \$15,000 limit requiring the contract to be bid out. Commissioner Mortimer asked if the \$15,000 limit is for a lump sum. Attorney Sikes said if the sum paid out during a fiscal year exceeds \$15,000 it needs to be bid out. Mayor Nugent asked Mr. Milner if he anticipated the amount for the 2018-2019 fiscal year to be \$15,000. Mr. Milner said he hopes not. Commissioner Mortimer made a motion to have the agreement modified based on Attorney Sikes recommendation. It was seconded by Commissioner Smith. Mayor Nugent would like a clause allowing the contract to be terminated with no penalties. Commissioner Mortimer amended her motion to include a clause for termination without penalty. Commissioner Smith amended his motion. Commissioner Chastain asked if Dynamic Corporate Solutions was working on a handbook with job descriptions. Mr. Milner said it is finished. Commissioner Chastain asked for a copy of the job descriptions. The motion passed 4-1. Commissioner Chastain opposed the motion.

Mr. Milner addressed the contract with Hawkins Chemical. Attorney Sikes said he has not been provided a copy of the contract. He would like to review it before it is voted on. The commissioners asked to table the contract until Attorney Sikes can review it.

Mr. Milner addressed the contract with T-Mobile. Mr. Milner said this contract is for the cell phones used by city employees. Attorney Sikes said he does not have any problems with the contract. Mr. Milner said he will be purchasing tracking devices for the city vehicles through T-Mobile. Mayor Nugent asked if that was a necessary expense. He said the supervisors should know where their crews are at all times. Commissioner Chastain asked how much we are paying T-Mobile per month. Mr. Milner said the average bill is about \$1,000 per month. Commissioner Chastain asked how much we were paying when we provided a cell phone allowance for the employees to use their personal cell phones. Mr. Milner said it was a little less than \$800 per month. He said everything on the T-Mobile phones is public record which was an issue with the personal cell phones. Commissioner Smith asked how many tracking devices would be used. Mr. Milner said 20. Commissioner Mortimer asked if this is a new contract with T-Mobile. Mr.

Milner said it is. Commissioner Mortimer asked who we used before. Mr. Milner said the Police Department uses Verizon. Commissioner Chastain asked why Mr. Milner is using T-Mobile. Mr. Milner said they have the best price. Mayor Nugent asked why we don't bid out all the phones. Commissioner Mortimer said we should be consistent. Mayor Nugent asked to table this contract until they can look into getting all city cell phones with the same provider. He asked Mr. Milner to provide the commissioners with information on all the phones being paid for by the city.

Mayor Nugent asked for the Attorney's Report. Attorney Sikes had nothing further.

Commissioner Waters had nothing further.

Commissioner Chastain asked Mr. Milner for the bi-weekly report from the City Manager's Office.

Commissioner Chastain asked about temporary services being required to have trash service. Mr. Milner said he discussed it with City Clerk Ricky Thompson but not in length.

Commissioner Smith had nothing further.

Commissioner Mortimer asked if there was enough money to cover the gifts for the employees at the Christmas Party. Mr. Milner said he thinks there is.

Mayor Nugent asked to meet on January 22, 2019 at 6:00 pm to discuss items for the agenda for the next city and county meeting.

There being no further business, the meeting was adjourned at 8:48 pm.