

City Commission Meeting
May 14, 2018
6:30 pm

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

Mayor Mortimer called the meeting to order at 6:30 pm.

This was the second regular meeting of the month. Members present included Mayor Mortimer, Commissioner Chastain, Commissioner Nugent, Commissioner Waters and Commissioner Woods. Also present were City Attorney John Cooper, City Manager Bob Milner and Police Major Barry Warren. City Clerk Ricky Thompson was absent because of medical reasons.

Mayor Mortimer asked if there were any additions or changes to the agenda. There were none. Mayor Mortimer entertained a motion to approve the agenda. Commissioner Waters made a motion. It was seconded by Commissioner Chastain. The motion passed 5-0.

The Consent Agenda consisted of the May 1, 2018 Commission Meeting Minutes, The American Legion Post 56 use of Veteran's Park for a Memorial Day observance on Wednesday, May 30, 2018 at 10:00 am and a boot drive request from the Bradford Parents Athletic Association on May 19, 2018 from 9:00 am to 2:00 pm with a rain date of May 26, 2018. Mayor Mortimer entertained a motion to approve the consent agenda. Commissioner Chastain made a motion to approve the consent agenda. Commissioner Nugent seconded it. The motion passed 5-0.

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

Paul Yowell filled out a citizen participation form in case the commissioners had questions about the boot drive. Otherwise, there was no citizen participation.

Mayor Mortimer asked for the City Clerk Report. Commissioner Woods met with the Bond Trustees and made a motion to pay the bills. Commissioner Waters seconded it. The motion passed 5-0.

Mayor Mortimer asked for the City Manager Report. Mr. Milner addressed the emergency purchase for the manhole rebuild on US Highway 301. The rebuild was done by VRIJ, Inc. The rebuild cost \$13,560. Mayor Mortimer entertained a motion to approve paying for the emergency rebuild. Commissioner Waters made a motion to pay VRIJ, Inc. Commissioner Woods seconded it. The motion passed 5-0.

Mr. Milner addressed the discussion and vote regarding the request by former City Attorney Dan Sikes to be reinstated. Commissioner Waters expressed his appreciation for Attorney Sikes service. Commissioner Waters asked if the commission was legally required to reinstate Attorney Sikes. Commissioner Waters would like to bid the position out. He would like to retain Attorney Cooper until the bid process is completed. Mayor Mortimer said the Florida League of Cities gave the commission three options. One would be to have Attorney Cooper and Attorney

Sikes as co-counselors. Commissioner Waters would like to take this option until the bid process is complete. Commissioner Woods would like to know if the commission is required to reinstate Attorney Sikes before he votes on this. Commissioner Chastain would like to bring Attorney Sikes back for the length of time that he was away serving in the Army. Commissioner Nugent wants to bring Attorney Sikes back for the length of time he was away serving. Mayor Mortimer contacted a labor attorney she knows. The attorney advised Mayor Mortimer that if Attorney Sikes could have a reasonable presumption that his contract would have been renewed once it expired the courts would believe he would have retained his employment. Mayor Mortimer said that because Attorney Sikes left to serve our country she would like him to be returned to his position as city attorney. Mayor Mortimer said this is not a reflection on the job Attorney Cooper has done in Attorney Sikes absence. Mayor Mortimer does not want the city to pay two attorneys. She would like to restore Attorney Sikes to his position on June 1st and bid out the position after a certain time. Commissioner Nugent asked if the commissioners wanted to retain Attorney Cooper to finish the big projects he has been working on. Commissioner Nugent asked Mr. Milner how many projects were still being worked on. Mr. Milner said 6 or 7 including the personnel manual. Mayor Mortimer said the personnel manual was being worked on before Attorney Sikes left. She asked how much longer it will be before it is finished. Mr. Milner said he is planning to have a workshop on the personnel manual in June. Commissioner Woods said he wants Attorney Sikes to come back for the number of months that he was gone not 1 month then put the position out for bids. Commissioner Woods agreed that Attorney Cooper has done a great job filling in. Commissioner Waters said he would like to wait until the next meeting to make the decision. Mayor Mortimer said Attorney Sikes has asked to be reinstated on June 1st. The next meeting is on June 5th so the commission needs to decide tonight. Mayor Mortimer entertained a motion on how the commissioners want to proceed. Commissioner Chastain made a motion to reinstate Attorney Sikes on June 1st. It was seconded by Commissioner Woods. Commissioner Waters asked if there was a time limit to Commissioner Chastain's motion. Commissioner Chastain said no. Commissioner Nugent said he did not receive an answer about the other projects Attorney Cooper has been working on. Mayor Mortimer said she believes Attorney Cooper could work with Attorney Sikes to bring him up to speed on the remaining project. Attorney Cooper said he has enjoyed working with the city and would be interested in continuing to work for the city. He also recognizes the commissioner's decision to honor the contract with Attorney Sikes because he was called to military service. Attorney Cooper is a military veteran as well. Attorney Cooper said the law does not say the commissioners have to reinstate Attorney Sikes but the commissioners can certainly grant that. Attorney Cooper said he would work with Attorney Sikes for the best interests of the City of Starke. The motion passed 4-1. Commissioner Waters opposed explaining that the law is not clear in the matter and he has had some issues in the past and does not want to have issues in the future. Commissioner Waters expressed his respect for Attorney Sikes service to our country.

Mr. Milner addressed the discussion and vote to select the electrical design and engineering firm for the Department of Transportation State Road 100 railroad overpass and US Highway 301 bridge replacement projects. John McCarthy representing the Department of Transportation and Roland Davis representing the Adkins Group were in attendance to answer questions. Mayor Mortimer said that representatives from Mittauer & Associates were not able to attend due to traffic. Mr. McCarthy introduced himself. He is the District Utilities

Administrator for the Florida Department of Transportation and is able to answer questions regarding the utility relocations. Roland Davis introduced himself. He is the Utility Coordinator for the Adkins Group. Mayor Mortimer said that Mittauer & Associates had recommended that the city use the Department of Transportation's engineers for the gas and sewer utility relocation. Commissioner Chastain said that was not his understanding. Mr. Milner said he has called Jones Edmunds twice to ask for written documentation of their interest in the project but has not received it. He said Mike McCleary and Carl Turner representing Florida Municipal Power Agency are here to answer questions. Mr. Milner said Florida Municipal Power Agency has contracts in place with engineers that are approved by the Department of Transportation to do this work. Florida Municipal Power Agency will oversee the project for the city. Mr. Milner said it is just like the city partnering with Florida Gas Utility to relocate the gas utilities. Commissioner Chastain said that Jones Edmunds has been very vocal at the Northeast Florida League of Cities dinners about their desire to do engineering work for the City of Starke. He said he would prefer to have something from them in writing before voting. Mayor Mortimer asked Mr. Milner how he has contacted Jones Edmunds. Mr. Milner said he has spoken to Brian twice and left a voice mail message. Commissioner Chastain asked if Mr. Milner had sent an email. Mr. Milner said he has not. Mayor Mortimer asked if the city can afford to wait. Mr. McCarthy said they can. Mayor Mortimer asked Mr. Milner to send Jones Edmunds an email with a time frame to respond. Commissioner Woods agreed. Commissioner Waters said Jones Edmunds has had 3 chances to respond. He suggested giving them one more chance and then moving on. Commissioner Woods asked if a motion could be made to select Florida Municipal Power Agency to oversee the relocation of the electric utilities if Jones Edmunds does not want to do the project. Attorney Cooper suggested tabling the item until the next meeting. Mr. McCarthy said in regards to the relocation of the gas and electric utilities the Department of Transportation will need a master agreement with a work order once an estimate is provided for each project before any refund could be issued.

Mr. Milner addressed the discussion and vote to select the water and sewer design and engineering firm for the Department of Transportation State Road 100 railroad overpass and US Highway 301 bridge replacement projects. Mr. Milner said Mittauer & Associates appreciates the work they are able to do for the City of Starke but when it comes to this project they believe it would be best for the city to use the Department of Transportation's engineers and they have provided a letter stating this. Commissioner Chastain asked where the letter is. Mayor Mortimer said it was in her mail box. The commissioners did not have copies. Mayor Mortimer asked for copies to be made and provided to the commissioners.

Police Major Barry Warren said that everything has been done for the Bradford Parents Athletic Association boot drive this coming weekend. He also said the flags are up on Call Street for National Police Week. Major Warren said the flags look great. He said National Police Week is the week that encompasses May 15th and it runs from Sunday to Saturday.

Attorney Cooper said at the last meeting they discussed the Bradford Parents Athletic Association's contract and renting the Edwards Road Park. The city entered into the contract in 2013 leasing both the Edwards Road Park and the Thomas Street Park to the Bradford Parents Athletic Association. According to the contract anyone wishing to rent one of the parks would have to go through the Bradford Parents Athletic Association. Attorney Cooper said the

problem with the contract is that it was for one year so it expired in 2014. Attorney Cooper advised the commissioners to have a recreation conversation very soon.

Attorney Cooper addressed the memo regarding the City Clerk's duties. He said the charter and ordinances are pretty straight forward. Commissioner Waters asked for time to read the documents. Mayor Mortimer asked if this could be on the next agenda for discussion after everyone has had time to review the documents. Commissioner Chastain said it is clear who has what duties. The commissioners agreed to table this item until the next meeting.

Mayor Mortimer came back to Mr. Milner who provided the letter from Mittauer & Associates to the commissioners. Commissioner Chastain asked to table this as well to allow the commissioners time to review the letter. The commissioners agreed to table it. Mr. McCarthy said Mittauer & Associates has not been preapproved by the Department of Transportation without which their design would not be accepted. Mr. McCarthy asked Mr. Davis to share the estimate for the engineering of the utilities relocation for the bridge replacement project. He got a quote today from Comprehensive Engineering Services for \$22,225.00 for the design. Mr. Davis said Clay Electric and Florida Power and Light have utilities that will have to be relocated. Mayor Mortimer thanked Mr. McCarthy and Mr. Davis for attending the meeting.

Commissioner Waters had nothing further.

Commissioner Woods asked Mr. Milner about Mr. Patel's place. Mr. Milner said it is being repaired by the Department of Transportation's contractor. Commissioner Woods said it was supposed to be completed two weeks ago. He asked what has changed. Mr. Milner said he does not know but he will find out tomorrow.

Commissioner Chastain asked for an update on the moratorium on adult gaming rooms. Mr. Milner said he will meet with Nora Thompson and LaJuan Whittle next week to discuss restrictions on locations where adult arcades can be opened. Mr. Milner said there are requirements regarding parking.

Commissioner Chastain asked about the fire hydrants that are being changed out. He had asked about putting some of the old fire hydrants in the yard of the fire station. Commissioner Chastain has asked Fire Chief Gary Wise and he is ok with it. Mr. Milner said the oldest one they have replaced was made in 1942. Mr. Milner suggested putting a plaque on it with the date it was taken out of service. Commissioner Waters asked how many have been replaced. Mr. Milner said forty-one. He said he plans to have all sixty replaced before July 1st. Commissioner Waters asked if we would be selling the remaining old hydrants. Mr. Milner said he will bring this before the commission when he is ready to surplus them. Commissioner Chastain asked if the other commissioners were ok with a couple of them being installed in the fire station yard. The commissioners agreed. Commissioner Chastain asked Mr. Milner to take care of the installation of the fire hydrants.

Commissioner Chastain asked Mr. Milner about getting back on track with the bi-weekly reports. Mr. Milner said he is working on it.

Commissioner Chastain asked about repairs at the wastewater treatment facility. Mr. Milner said representatives from Mittauer & Associates will be at the June 5, 2018 Commission Meeting to give an update.

Commissioner Chastain asked about a date on a budget workshop. Mayor Mortimer asked the commissioners when they would like to have a budget workshop. Mayor Mortimer said she would like to have one in mid-June. A budget workshop was set for June 12, 2018 at 6:00 pm.

Commissioner Chastain asked if we have a contract for tree trimming. Mr. Milner said Florida Municipal Power Agency does not have a standing contract for tree services so we will have to go out for bids. Commissioner Chastain asked Mr. Milner to move forward with the bidding process. Mr. Milner said he would.

Commissioner Nugent had nothing further.

Mayor Mortimer asked Mr. Milner to move forward with the budget. She expressed her sincere thanks to Attorney Cooper for filling in during Attorney Sikes absence.

The next meeting date was set for June 5, 2018 at 6:30 pm.

There being no further business, the meeting was adjourned at 7:33 pm.