

City Commission Meeting
October 2, 2018
6:30 pm

Commissioner Mortimer offered a prayer and led the Pledge of Allegiance.

Mayor Nugent called the meeting to order at 6:34 pm.

This was the first regular meeting of the month. Members present included Mayor Danny Nugent, Commissioner Tommy Chastain, Commissioner Janice D. Mortimer, Commissioner Shannon Smith and Commissioner Waters. Also present were City Manager Bob Milner, City Attorney Dan Sikes, Deputy City Clerk Lisa Terry and Police Major Barry Warren. City Clerk Ricky Thompson was absent because of medical reasons.

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

Mayor Nugent asked the commissioners if there was anything they wanted removed from the consent agenda. There was not. The items on the consent agenda consisted of the Minutes from the from the September 25, 2018 Budget Hearing, the Minutes from the September 25, 2018 Commission Meeting, the Mutt Strut on Saturday, October 20, 2018 at 5:30 pm and the "It's a Jeep Thing" Saturday, November 3, 2018 from 5:00 to 10:00 pm. Mayor Nugent entertained a motion to approve the consent agenda. Commissioner Mortimer made a motion to approve the consent agenda. It was seconded by Commissioner Waters. The motion passed 5-0.

Mayor Nugent asked if there were any emergency items. There were none. Commissioner Chastain asked about the manhole on US Highway 301 at Edwards Road. Mr. Milner said it was a Florida Department of Transportation storm drain.

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." Willie Brown addressed the commission on behalf of the Bradford County Cowboy's Athletic Association. He said helmets will need to be replaced after this year Mr. Brown asked the city to donate money to help with the cost of the new helmets. Commissioner Waters asked if they have asked Bradford County to make a donation. Mr. Brown said the president of the organization has asked the county to donate money. Commissioner Mortimer asked Mr. Milner if there is money in the budget for a donation. Mr. Milner said all the money budgeted for the 2018-2019 year has been promised to Communities in Schools and the Concerned Citizens of Bradford County.

Mr. Brown asked if the city could provide land for a football field for their organization. Mayor Nugent suggested Mr. Brown meet with Mr. Milner and the Bradford Parent Athletic Association about using the Edwards Road property or Thomas Street Park. Commissioner Smith asked how many kids are in the Bradford County Cowboy's Athletic Association. Mr. Brown said 80. Commissioner Chastain asked how many of the kids live in the city. Mr. Brown said the majority of them live in the city. The commissioners thanked Mr. Brown.

Paul Still addressed the commission on alternate ways to discharge Starke's wastewater. He said a pipe could be run to send wastewater to the old mine area in Clay County. Mr. Still said it would be advantageous to stop using the spray field because the property will be worth a lot of money. Mr. Still attended the County Commission Meeting yesterday and they are finishing up the Sampson Lake project. He suggested getting the county involved with cleaning out Alligator Creek from the CSX Railroad to Call Street. Commissioner Waters asked if the pipes had been put in the Black Creek project. Mr. Still said that project has not been permitted yet. Commissioner Chastain asked about the cost to run pipe to Clay County. Mr. Still said piping is around \$1,000,000 a mile and the distance would be around 10 miles. He said additional pumps would need to be used also. Mr. Still said the St. Johns Water Management District might provide funding because it would help them in the future. Commissioner Chastain asked Mr. Milner to see if they would attend the next meeting. Mr. Milner agreed to contact them.

Mark Williams addressed the commission regarding city elections. He said he is glad to see Commissioner Smith on the council. Mr. Smith thanked Mr. Williams. Mr. Williams has been trying to find out what the qualifications are to be a City Commissioner. He said he found an ordinance online that talks about a qualified elector. Attorney Sikes said a qualified elector is someone who can vote. Mr. Williams asked if he has to live in the city to vote. Commissioner Nugent said yes. Mr. Williams asked how that can be changed. He said he can come to every commission meeting to discuss this if he needs to. Mr. Williams said as a business owner he is in the City of Starke as much or more than the residents. He said as a business owner he should be able to vote for the office of commissioner and run for the office if he chooses. Commissioner Mortimer asked Attorney Sikes to give his legal opinion on the matter. Attorney Sikes said the Florida Statute states if a business owner registers to vote with their business address it could stand. Commissioner Waters asked how the charter reads. Attorney Sikes said it uses the term qualified elector which is very open ended. He said it would have to be challenged to the Supervisor of Elections. Mr. Williams said he spoke to Terry Vaughan, the Supervisor of Elections, and he said the same thing. Mr. Williams said he will be back in 2 weeks. Terence Brown said as a historian this has been litigated in Bradford County. He said someone ran for office as a resident using their business address. The incumbent challenged their residency and a judge ruled the person was not a resident.

Mayor Nugent asked for the City Clerk Report from Ms. Terry. Commissioner Chastain met with the Bond Trustees and made a motion to pay the bills. It was seconded by Commissioner Mortimer. The motion passed 5-0.

Mayor Nugent asked for the City Manager Report. Mr. Milner introduced Steve Warren as the new Electric Line Crew Supervisor. Mr. Warren said he has 30 years-experience with Clay

Electric and retired 6 months ago to the day. He said he looks forward to working for the City of Starke and making some improvements. The commissioners thanked Mr. Warren.

Mr. Milner addressed the selection of the City Attorney and the Magistrate. He gave the commissioners a packet at the last meeting with the applicant's submissions. Commissioner Mortimer said she is not ready to vote. Commissioner Waters agreed. Mayor Nugent asked if they were not ready to vote for the attorney or for the magistrate. Commissioner Mortimer said both. Commissioner Chastain asked if they were going to vote themselves without using a committee. Commissioner Mortimer said she is in favor of using a committee to review the applicants. Commissioner Smith said he believes the commissioners can review the applicants and select an attorney and magistrate without a committee. Mayor Nugent said he would like to move forward because the positions need to be filled quickly. Commissioner Waters said he is leaning towards using a committee like they have done in the past. Commissioner Mortimer believes the commissioners can make the decision but would like the initial screening to be done by a committee. Mayor Nugent asked if the commissioners would like to have Mr. Milner put together a committee. Commissioner Smith asked who would be on the committee. Commissioner Chastain said in the past they have used a bank manager, an accountant and a City Manager from another small city. Mayor Nugent asked Mr. Milner to put together a committee. Commissioner Mortimer made a motion for Mr. Milner to contact local bank managers and the City Manager for Lake Butler about serving on the committee. It was seconded by Commissioner Waters. The motion passed 4-1. Commissioner Smith opposed the motion.

Mr. Milner addressed upcoming workshops. There will be a workshop on October 9, 2018 at 5:30 pm to discuss the proposed employee handbook. Mr. Milner said the next Commission Meeting will be October 16, 2018 at 6:30 pm and there will be a workshop on October 23, 2018 to discuss the wastewater treatment plant. Mr. Milner expects the workshop to last approximately 2 hours so he asked the commissioners if they could meet at 5:30 pm. Mr. Milner said the county has accepted November 13, 2018 for the next joint meeting. Mr. Milner asked what time the commissioners would like to meet. They agreed on 6:30 pm. Mr. Milner said the second Commission Meeting in November would fall on November 20, 2018 which is the week of Thanksgiving. He asked the commissioners to think about whether or not they want to reschedule the meeting. Commissioner Mortimer asked the commissioners if they would like to have a workshop with Canopy Communications to discuss high speed internet service and an opportunity to generate some additional revenue. The commissioners agreed to meet with Canopy Communications but wanted to set a date at a later time. Commissioner Mortimer asked if they could get an updated list of upcoming meetings. Ms. Terry said she would provide them with one tomorrow.

Mayor Mortimer asked for the Police Chief Report. Major Barry Warren had nothing further.

Attorney Sikes said Attorney Brown would like to speak before the reading of the ordinances. Attorney Brown said he is aware of 2 ordinances dealing with the adult arcade amusement centers. He said 1 was written with the advice of local law enforcement and is defensible in court. The other 1 was written at the direction of 1 or 2 commissioners and is not defensible in court. Attorney Brown said he believed the second ordinance would have a clause

grandfathering in existing adult arcade amusement centers but that is not the case. Attorney Sikes said he was asked by the commissioners to create Ordinance 2018-39 making adult arcade amusement centers illegal in the City of Starke. He said he was not asked to include a grandfather clause. Commissioner Mortimer said any decision they make can be challenged in court so that is not the issue for her. She said both adult arcade amusement centers in the city have violated the existing ordinance. Attorney Brown said 1 of the amusement centers is operating under the law. Commissioner Mortimer said her opinion is that neither center is operating under the law and that is why she is going to vote the way she is. She said she understands Attorney Brown's desire to support his son's business endeavors. Attorney Brown reminded the commissioners of the oath they took to defend the constitution. He explained that 1 of the businesses has a vested property right. Attorney Brown said if the commissioners shut it down they are taking away the owner's legal rights. Mayor Nugent asked Attorney Sikes about the grandfather clause. Attorney Sikes said he was not asked to put one in Ordinance 2018-39 but if he was he would have added the other requirements that are in Ordinance 2018-38. He said banning the adult arcade amusement centers could bring litigation and he is not sure he could defend it. Commissioner Mortimer asked Attorney Sikes about the admission of violations by Chris Brown the owner of Winners II. Attorney Sikes said there has been an admission of violations. Commissioner Waters asked if Mr. Brown had been charged with anything. Mr. Brown said he has not been charged. Attorney Brown said his son voluntarily shut his business down for 1 and ½ weeks to bring everything into compliance.

Attorney Sikes read the title of Ordinance No. 2018-38 to modify the Code of Ordinances for adult arcade amusement centers. Mayor Nugent entertained a motion to adopt Ordinance No. 2018-38. Commissioner Chastain made a motion to adopt Ordinance No. 2018-38. It was seconded by Commissioner Smith. The motion passed 4-1. Commissioner Mortimer opposed the motion.

Attorney Sikes said Ordinance No. 2018-39 was declared void.

Attorney Sikes read the title of Ordinance No. 2018-40 to modify the code of ordinances amending buildings and building administration. Mayor Nugent entertained a motion to adopt Ordinance No. 2018-40. Commissioner Mortimer made a motion to adopt Ordinance No. 2018-40. It was seconded by Commissioner Chastain. The motion passed 5-0.

Attorney Sikes read the title of Ordinance No. 2018-41 to amend the Land Development Code. Mayor Nugent entertained a motion to adopt Ordinance No. 2018-41. Commissioner Mortimer made a motion to adopt Ordinance No. 2018-41. It was seconded by Commissioner Waters. The motion passed 5-0.

Commissioner Waters had nothing further.

Commissioner Chastain asked to have a discussion of pension fund contributions on the next agenda. Mr. Milner said he would have Dan Williams poll similarly sized cities to see how they handle pension fund contributions.

Mr. Williams came forward to ask if additional adult arcade amusement centers were going to be allowed in the city. Attorney Sikes said it would have to do with the land development plan. Mr. Milner said he would get together with Nora Thompson and LaJuan Whittle with the Building and Zoning Department and bring back a recommendation.

Commissioner Chastain asked Mr. Milner about letters to property owners about annexation. Mr. Milner said he has spoken to 1 owner on the southside of town and they are not interested in annexation. Mr. Sikes would like to look at a map to see how the city could start moving out in that direction. Commissioner Chastain asked to see a map at the next meeting. He said there is an abatement that was voted on years ago that would allow owners not to pay real estate taxes for a 5-year period. Attorney Sikes suggested holding a workshop and inviting the property owners so they could know what the benefits would be.

Commissioner Smith thanked his family and friends for attending the meeting.

Commissioner Nugent thanked the commissioners for electing him Mayor.

Mayor Mortimer welcomed Commissioner Smith and congratulated Commissioner Nugent and Commissioner Waters on their reelection.

Mayor Nugent asked Mr. Milner about the progress on adding benches to the downtown area. Mr. Milner said he can have benches put in where the commissioners want them.

Commissioner Chastain asked when the Bike Fest was going to be held. Major Warren said Veteran's Day weekend but he is still trying to get clarification on road closures.

There being no further business, the meeting was adjourned at 8:04 pm.