

**VERNON MYERS**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**ALLEGRA KITCHENS**  
COMMISSIONER

**PHIL LEARY**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



**MICHAEL J. CZYMBOR**  
CITY MANAGER

**BETSY JORDAN DRIGGERS**  
CITY CLERK

**MATTHEW D. REYNOLDS**  
FINANCE DIRECTOR

**GARY S. GETCHELL**  
CHIEF OF POLICE

**MICHAEL LAMBERT**  
CHIEF FIRE DEPT.

**DONALD E. HOLMES**  
CITY ATTORNEY

*Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.*

**MINUTES**  
**CITY OF PALATKA**  
June 12, 2014

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12<sup>TH</sup> day of June, 2014.

**PRESENT:** Mayor Vernon Myers  
Commissioner Allegra Kitchens  
Commissioner Phil Leary  
Commissioner James Norwood, Jr.

**ABSENT:** Commissioner Mary Lawson Brown

Also Present: City Manager Michael J. Czymbor; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Grants/Projects Manager Jonathan Griffith; Main Street Manager Charles Rudd

**CALL TO ORDER:** Mayor Myers called the meeting to order at 6:00 p.m.

**INVOCATION** – The Reverend Chad Perry, Pastor; The River Community Church

**PLEDGE OF ALLEGIANCE** – Capt. Larry Beaton, Retired

**APPROVAL OF MINUTES** – 5/22/14 – Commissioner Norwood moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

**1. PUBLIC RECOGNITION/PRESENTATIONS:**

**EMPLOYEE RECOGNITION:** Sgt. Toby Williams, Graduate, Southern Police Institute & Crime Stoppers' "Officer of the Year" – Chief Getchell said Sgt. Williams recently graduated from the Southern Police Institute in Louisville, KY. He has been with the PD for three years. He signed a five-year contract in exchange for the City sending him to Louisville. He was elected by his Class as Sgt-in-arms. He volunteers with children and goes over and above the duties of police officer and exhibits many leadership qualities. The Police Department also nominated him for Crime Stoppers Officer of the Year for the tri-county area, and he received that award. He was awarded trophies, plaques and a Ruger LC9 gun. This is a very prestigious award.

**2. PUBLIC COMMENTS** – There were none.

**3. CONSENT AGENDA:**

a. **Adopt Resolution No. 2014-10-80** authorizing the application for Bureau of Justice Assistance 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation funds for the Palatka Police Department (\$10,958 with no match)

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- b. **Adopt Resolution No. 2014-10-81** authorizing the execution of an agreement in an amount not to exceed \$17,811.00 with Robert E. Taylor, AIA for design, bidding and construction administration services for the USDA Palatka Golf Course Restaurant & Restroom Renovation Project
- c. **Adopt Resolution No. 2014-10-82** authorizing the execution of a Polling Location Agreement for the Price-Martin Community Center and a Memorandum of Understanding for Municipal Elections Services with the Putnam County Supervisor of Elections
- d. **Adopt Resolution 2014-83** declaring certain real property to be surplus and directing the City Manager to dispose of surplus property in accordance with City administrative procedures.
- e. **Adopt Resolution No. 2014-10-84** authorizing the waiver of the code enforcement daily fine in the amount of \$27,550.00 for 619 South 18th Street, and assessing cost of prosecution in the amount of \$354.64 if the fine is paid within 30 days of this action; or \$380.75 if not paid within 30 days.
- f. **Approve Pawn Shop** Location at 3705 Crill Ave. - Eldridge Kinsaul, owner, Foxy Jewelry & Pawn
- g. **Approve Special Request Items for Special Events Permit No. 14-38**, City of Palatka & Palatka Main Street 4th of July Celebration as follows:
  1. Allow sale/consumption of alcoholic beverages within the Riverfront Park in an area bounded by Reid St on the east, N. & S. 2nd St and a line extending south of this street on the north, and the boat ramp parking lot on the west (as shown on the site plan) from 5:00 p.m. until 10:00 p.m.
  2. Grant permission to exceed allowable noise levels for live entertainment and fireworks on July 4, 2014 from 5:00 p.m. until 10:00 p.m.
  3. Close Memorial Drive, First Street adjacent to Riverfront Park, and 100 Block of St. Johns Avenue throughout duration of event
- h. **Appoint Mayor Vernon Myers** as City of Palatka Voting Delegate to Florida League of Cities 2014 Annual Conference, and Vice Mayor Brown as Alternate Voting Delegate

**Commissioner Kitchens** asked to pull item 3(g) for discussion. **Commissioner Norwood** moved to approve all other items on the Consent Agenda as recommended. **Commissioner Leary** seconded the motion, which passed unopposed.

- 3(g). Approve Special Request Items for Special Events Permit No. 14-38**, City of Palatka & Palatka Main Street 4th of July Celebration - **Commissioner Kitchens** read the description of the area where alcohol would be allowed, which was corrected from "a line extending west" to "a line extending south." **Commissioner Kitchens** asked if the Police will be present as necessary as alcohol is being served. **Chief Getchell** stated they will. **Commissioner Kitchens** said this is a celebration of the birth of this country and alcohol is not conducive to generating a family atmosphere. As to the amplified sound, she asked if this band will be as loud as the ones that played at Blue Crab, which you could hear a mile away. **Mr. Rudd** said this is the regular Arts Council summer concert series. **Commissioner Leary** moved to approve Item 3(g) as amended. **Commissioner Norwood** seconded the motion, which passed on a vote of three in favor, opposed by **Commissioner Kitchens**.

- 4. CRA BUSINESS** - Meeting held June 12, 2014 - **RESOLUTION No. 2014-10-85** awarding a Facade Grant to Johnny Brown for 109 North 9<sup>th</sup> Street in an amount not to exceed \$18,375 – Adopt – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA AWARDING A FAÇADE GRANT FOR 109 NORTH 9TH STREET IN AN AMOUNT NOT EXCEED \$18,375. **Commissioner Norwood** moved to adopt the Resolution as read. **Commissioner Leary** seconded the motion.

Marlene Lagasse, 125 Cypress Point Circle, E. Palatka, said she spoke during the CRA meeting regarding a conflict of interest that exists, as she believes one of the City Commissioners will receive a benefit from the award of this grant. She asked if there are ramifications for the City Commission awarding this grant, and if the City will be putting something in place in the future to address this type of situation.

Mr. Holmes said the standard is in place which addressed the issue as to whether or not a Commissioner receives a direct or indirect benefit from the award. As stated earlier, the Commissioner in question signed an affidavit under oath stating that she does not receive a benefit from the business. The Commission, should they decide to put further vetting procedures in place, would need to decide how far they would want to go with that, such as whether or not they want to examine payroll, tax returns, etc. Ms. Lagasse said when you apply for a SHIP grant you have to turn in tax returns and provide proof of income. Discussion ensued regarding whether or not Commissioner Brown still receives the benefit of the business making her mortgage payment. Mr. Holmes stated Commissioner Brown stated to him that the business no longer makes her mortgage payment. Commissioner Leary stated if Mrs. Lagasse wants to file a formal complaint she can go to the State Ethics Department website and file a formal complaint. There is a procedure in place for that. If the State believes there is reason to investigate this, they will. The Commission needs to be consistent with grants and awards. Mrs. Lagasse said if there is any hint of impropriety the Commission should table this and investigate it. Commissioner Kitchens said the City Commission is a decision making body when it comes to the CRA's recommendations; they either uphold the CRA's recommendation or not.

There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Resolution was declared adopted.

5. **RESOLUTION** awarding the bid to S.E. Cline Construction, Inc. in the amount of \$1,272,341.51 for the Southern Riverfront Improvements Project – Adopt – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AWARDING A BID TO S.E. CLINE CONSTRUCTION, INC. IN THE AMOUNT OF \$1,272,341.51 FOR SOUTHERN RIVERFRONT IMPROVEMENTS PROJECT. Commissioner Kitchens moved to adopt the Resolution as read. Commissioner Norwood seconded the motion.

Jonathan Griffith, Projects Manager, said the City received bids on this last month. S.E. Cline was the apparent low bidder. Since that time they have engaged in three value engineering exercises and they have finally gotten the bids down to a fundable level. They had to find additional funds to pay for these improvements, which they have identified. A PowerPoint presentation was shown on the conceptualized improvements. Mr. Griffith noted this includes the FWC grant for the boat ramp and parking; the stormwater ponds for the Hotel, and the scope of work included in the CDBG applications for the roundabout and parking lot. The red lines denote the construction area. It is important they get the boat ramp and adjacent parking lot constructed by the end of September because there is a large Bass Tournament planned for October. They have not yet been notified as to whether or not the City has been awarded the CDBG grant so they won't discuss that work tonight. They also don't include the dock construction here.

Mr. Griffith described the scope of the city dock improvements and engineering concerns. He discussed budget figures, saying there has been a major scope change; items have been added as they came in. Funding is provided through Better Place Funds and FWC grant funds. The bid came in at a deficit, which creates a total deficit of \$19,000 after all funds have been applied. The difference of \$431,542.30 has to be applied, but much of that work is being done in-house

by the City. This is scheduled for completion by September 30, 2014. He is confident in the ramp design because of the method of construction.

Rudd Jones, PE, Project Engineer, said the contractor bid the job with penalties for exceeding construction time, so they are confident they will complete the project on time. Mr. Czymbor noted S. E. Cline was the contractor on the Northern Riverfront Park Improvements and the City has a good relationship with them.

There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Resolution was declared adopted.

6. **RESOLUTION** authorizing the Palatka Police Department to submit a Department of Justice Community Oriented Policing Services (COPS) Hiring Program Grant Application to provide funding for two additional sworn police officers – Adopt – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE PALATKA POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR THE COMMUNITY ORIENTED POLICING SERVICES OF THE DEPARTMENT OF JUSTICE COPS HIRING PROGRAM (CHP) GRANT TO PROVIDE FUNDING FOR TWO ADDITIONAL POLICE OFFICERS. Commissioner Leary moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. Commissioner Norwood said he knows this would fund Police Officers for two years. He asked whether or not, at the end of the two years, if the City expects to be able to maintain those positions? Chief Getchell answered yes. If they are granted two officers, they may not take both officers due to budget constraints. They may accept one or none. They will be closer to solid figures at the end of the budget process. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Resolution was declared adopted.

#### **PUBLIC HEARINGS:**

7. **PUBLIC HEARING** - 2525 Husson Avenue - Planning Board Recommendation to Annex and Rezone from County R-1A (Residential, Single-Family) to City R-1A (Single-Family Residential) - Thomas & Teresa Cheyne, owners – Mayor Myers opened the public hearing.

**ORDINANCE** annexing 2525 Husson Avenue - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 2525 HUSSON AVENUE, LOCATED IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Ordinance was declared passed on first reading.

**ORDINANCE** rezoning 2525 Husson Avenue - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-1A (RESIDENTIAL SINGLE-FAMILY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 2525 HUSSON AVENUE (SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on

first reading as read. Commissioner Norwood seconded the motion. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Ordinance was declared passed on first reading.

8. **ORDINANCE** amending the Palatka Municipal Code, Chapter 22, Cemeteries, adding services in addition to lot sales, adding restrictions and adopting maintenance and preservation standards for historic cemeteries - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-4, LOT PRICES, TO ADD SERVICES; AMENDING SECTION 22-8 TO ADD RULES AND RESTRICTIONS FOR GRAVE MARKERS AND GRAVE SITES, ORNAMENTATION AND VEGETATION; HOURS WHEN PUBLIC IS PERMITTED IN CEMETERIES, PERMITTING PROCESSES, AND TO ADOPT STANDARDS FOR PRESERVATION AND CLEANING OF HISTORIC MONUMENTS AND GRAVESITES; AND AMENDING “APPENDIX A – FEE SCHEDULE” TO ADD PROVISIONS FOR THE SALE OF CREMAINS-ONLY LOTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion and asked if the city is going to charge for the permit to clean headstones. Mr. Czymbor said there is no charge for the permit; this is in place to track the activity. Commissioner Kitchens read Section 22-8(k) and stated the City Manger should not be setting rules. Whatever rules are set should be in the ordinance. As to (l), which makes cemetery employees code enforcement officers, she does not believe they should make city employees code enforcement officers unless they are trained to be code enforcement officers. Mr. Holmes agreed and said there is no need to designate cemetery employees as code enforcement officers to enforce these rules. Violations should be reported.

Mr. Czymbor said you can't make an exhaustive list of rules and put that in the Code. The City Manger has the ability to set policy at the Cemetery. Some rules and policies are written and some are practiced and understood; however, if the commission wishes to strike this they can. Commissioner Leary said they set policy through ordinance. If they need to make special rules they can. Mr. Holmes questioned the wisdom of allowing Mr. Czymbor to set policy and then saying it is punishable by citation. Discussion ensued regarding proposed changes.

Betsy Driggers, 201 N. 2<sup>nd</sup> Street, stated she is now the Cemeteries Supervisor and wrote the ordinance. Paragraph (k) was added because there are many rules applicable at the Cemetery that are not being added to the Code. They were adopted by the Commission in 2002 as policy. Those are found on the last page of this item. They want to be able to enforce all the rules. Mr. Holmes reiterated his objection to putting this passage in the ordinance. She stated sections 8 (l) and (m) were previously 8 (d) and (e) and are already in the Code; they are not additions, except that at this time the cemeteries supervisor is designated as a code enforcement officer; however, she is not situated at the cemetery. Employees need some authority to enforce these rules. Mr. Holmes restated his objection to (l), as he does not believe cemetery employees should be made officers for code enforcement purposes.

Commissioner Leary moved to amend the ordinance to delete passages 22-8(k) and 22-8(l). Commissioner Kitchens seconded the motion to amend, which passed unopposed. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The Ordinance was declared passed on first reading.

Commissioner Norwood asked if they are instructing individuals to use a certain chemical to clean headstones, will the City be providing the chemicals? Mr. Czymbor said they will provide

the guidelines and are considering providing samples of the chemical to the public, but will not be responsible for providing the chemicals.

Christy Sanford, 312 Dodge Street, said there are always condoms littered along the fence and asked if it is against the law to have sex in a public place? Chief Getchell said it's how they phrase their activity; it could be freedom of expression. The PD receives their authority from ordinances and statute. Each case would be unique and any arrest would be based upon the circumstances. If they are repeat offenders, and it is a lewd and lascivious act, they may be arrested. Consensual sex is sometimes not considered a lewd and lascivious act.

9. **ORDINANCE** amending the Palatka Code of Ordinances to restate Chapter 2, Article V, Division 1, Code Enforcement Board, Sections 2-281 through 2-291 - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 2, ARTICLE V, DIVISION 1, CODE ENFORCEMENT BOARD, BY AMENDING ARTICLE V, SECTION 2-281, DEFINITIONS; SECTION 2-283, JURISDICTION; 2-285, ENFORCEMENT PROCEDURES; SECTION 2-286, CONDUCT OF HEARINGS; SECTION 2-288, FINES; SECTION 2-289 APPEALS AND SECTION 2-290 NOTICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Chief Getchell said this is a clean-up of an existing ordinance which they have reviewed, as a result of receiving direction to clean up the Code. This does away with the Nuisance Abatement Board, which makes things more efficient. The Code Enforcement Board can assume those duties.

Commissioner Kitchens said as to page 2, Division 1, generally, the definition of a Code Enforcement Officer states it is any designated employee; they need to add “who has acquired the necessary certification to be a codes enforcement officer.” Mr. Holmes said he is not comfortable with designating cemetery employees as code enforcement officers. He is not uncomfortable with designating other employees as code enforcement officers. Chief Getchell said the Statute does not state code enforcement officers must be certified. Other city employees do have that authority, such as the Chief Building Official. Mr. Czymbor said there is a state certification program, which some of the City's employees have completed. Commissioner Kitchens said if the City Attorney has no problem with this, then she does not, either. Discussion ensued regarding the person that Chief Getchell might appoint as an officer to enforce these codes.

Askew Vickers, 207 N. 18<sup>th</sup> Street, asked if Code Enforcement provisions include property owned by the City, and asked who enforces codes on property owned by the City. The City is forcing him to clean up his property, but does not clean up its own. He asked why that is. He is specifically referring to unimproved right of way on Main Street between 17<sup>th</sup> and 18<sup>th</sup> Street and Madison Street. Mr. Czymbor said if he will provide a list of areas that aren't being maintained he will look into it.

Chief Getchell said they inspected what they knew to be City Property and provided the City with a list of things that needed to be brought up to Code.

Commissioner Leary said they cut their prison inmate crews back, and to cycle through all of their property could take a month or more. They don't let things go for two years. Commissioner Norwood said when they decided they wouldn't reinstate the prison crews, he specifically asked if they would be able to keep up the same level of service, and was told they would. They either need to get the prisoners back to maintain the level of service, or hire more people. Mayor Myers said they let the prison crew go because they have been in a budget crisis over the past few years. They are concentrating on providing essential services. It was a question of whether

they had the money to pay for all those prison crews. There was consensus at the suggestion of Commissioner Leary to discuss this during the budget process.

Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Norwood seconded the motion. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The ordinance was declared passed on first reading.

10. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Environment, Article II, Nuisances, Section 30-31 through 30-39 - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED “NUISANCES” BY RESTATING THE ARTICLE IN ITS ENTIRETY; REVISING PROHIBITED CONDITIONS AND PUBLIC NUISANCES; ENFORCEMENT; PROVISIONS REGARDING NOTICES, APPEALS, COSTS AND RECORDING OF ASSESSMENTS TO ABATE NUISANCES; DELETING SECTION 30-40, FORM OF ASSESSMENT NOTICE IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Norwood seconded the motion. Chief Getchell said this ordinance adds new language to more clearly define what would be prohibited conditions and public nuisances. It includes what they come across on a day to day basis. They tried to cover as many areas they deal with as possible. They needed to more clearly state what constitutes a public nuisance.

Commissioner Kitchens said this was taken directly from the Palm Coast ordinance. There were eleven conditions listed in the Palm Coast ordinance and Palatka added one. As to the provision requiring the owner of the abutting land to keep sidewalks and parkways free of rubbish, debris and trash, she asked why that was added, noting the prison crew used to clean up these right of ways. They are now putting this burden on the citizens. This is a liability to the City. (It was noted that this is now contained in the Code, Section 30-33, but was struck from that section and is being added to this new section.) She finds the ordinance ambiguous. It lists things that are nuisances under Declaration of Nuisances. She understands this, but it also makes reference to a nuisance as being something that is “visually unpleasant” to someone of average sensibilities. To declare something a nuisance and base it on whether it is visually unpleasant to someone of average sensibilities is presumptuous. Someone who hates purple may find a purple house visually unpleasant. This passage should be struck. Chief Getchell agreed.

Commissioner Kitchens said under the passage referring to eminent public health threat, page 181 of 218, she understands that the City has to remediate certain nuisances immediately. If the fence is locked, the City should have the right to enter, but this is dangerous as it could be perceived as a break-in. This should only apply to vacant or abandoned property.

Concerning page 180 of 218, paragraph (d), Commissioner Kitchens noted the City Attorney has some concern with the language. Mr. Holmes suggested they strike “known at common law or in equity jurisprudence or . . .” While lawyers may have an idea of this, the average person on the street would not. Chief Getchell stated he had no problem with this.

Commissioner Leary moved to strike the language on page 180, paragraph (d)(1) under Definitions, beginning in the 2<sup>nd</sup> line, “. . . known as common law or in equity jurisprudence or . . .” Commissioner Norwood seconded the motion, which passed unopposed. Commissioner Leary moved to strike the passage on Page 179; paragraph (c) referring to reasonable visual interpretation, “. . . visually unpleasant to the reasonable person of average sensibilities . . .”

noting he wanted to be sure this was covered under aesthetics. Commissioner Kitchens seconded the motion, which passed unopposed.

Christy Sanford, 312 Dodge Street, said she is not aware of what else is listed as a nuisance. Parking on the sidewalk should be listed as a nuisance. This is quite common in her neighborhood. She wants warnings given to offenders. It was noted this is contained in the Code under "Traffic."

There being no further discussion or comment, a roll-call vote was taken to pass the ordinance as amended on first reading, which yielded the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The ordinance was declared passed on first reading. Commissioner Leary thanked Chief Getchell, Asst. Chief Griffith and all staff who worked on this, stating this has been his "pet project" over the past three years.

11. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Article III, Junked Automobiles and Abandoned Property, Sections 30-61 through 30-77 - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED "JUNKED AUTOMOBILES AND ABANDONED PROPERTY" BY REVISING DEFINITIONS, PENALTY, SERVICE OF NOTICE TO REMOVE JUNKED VEHICLES AND ABANDONED PROPERTY FROM PUBLIC OR PRIVATE PROPERTY, AND REQUEST FOR, CONDUCT OF AND DECISION OF HEARING; BY DELETING SECTION 30-63, ENFORCEMENT, IMMUNITY OF ENFORCEMENT OFFICERS FROM PROSECUTION FOR TRESPASS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Norwood seconded the motion.

Chief Getchell said this is a "clean up" ordinance. It cleans up language in the Code.

Askew Vickers, 207 N. 18<sup>th</sup> Street, asked who makes the decision as to what is a junk auto and what is under repair? Chief Getchell said the vehicle has to be legally registered and have a current tag. The offender is given notice that it has to have a current tag within 30 days of the notice to not to be considered a junk vehicle. As to whether or not the City will remove it, it depends upon the circumstances.

There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The ordinance was declared passed on first reading.

12. **ORDINANCE** amending the Code of Ordinances to restate Chapter 30, Environment, Article VI, Minimum Standards for Maintenance, Sections 30-166 through 30-191 - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA REVISING CHAPTER 30, ENVIRONMENT, BY RESTATING ARTICLE VI, ENTITLED "MINIMUM STANDARDS FOR MAINTENANCE" IN ITS ENTIRETY; REVISING DEFINITIONS; OTHER REPAIRS; TIME PERIOD OF COMPLIANCE; RECORDING OF VIOLATION NOTICE; NOTICES AND ORDERS BINDING; UNLAWFUL TO FAIL TO COMPLY WITH ORDER; ENFORCEMENT; AND PENALTIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Norwood seconded the motion. Chief Getchell said this ordinance amends the Code to apply minimum maintenance standards to homesteaded property. Currently minimum maintenance standards do not apply to homesteaded property. Chief Getchell narrated a Power Point

presentation illustrating why this needs to change. He said this is the "broken windows" theory of the effects of neighborhood decay. Cities are either dying or growing, and according to statistics, Palatka is dying. They are spending a lot of money on revitalization. Other cities have turned their cities around through more stringent code enforcement standards. They need to look at peripheral properties. As properties decay, property values decline in the neighborhood. It affects people's ability to sell their homes. Palatka has long had a very high crime rate. Jails aren't big enough to hold all the people they could arrest. They need another way to deal with the City's "death" and crime. Because homesteaded homes are exempt from minimum maintenance standards, some properties have declined and this puts the entire neighborhood into decline. When you reinvest in your neighborhoods, you turn things around economically. As properties decline, tax revenues decline. Properties are bought up by investors. They want owner occupied homes that people take care of. When people abandon their properties, neighborhoods decline. They want to establish public policy to intervene in the cycle of neighborhood decay.

Slides of existing decaying homesteaded properties were shown. Chief Getchell said this is what potential citizens see. If these properties were not homesteaded, they would have to comply with minimum maintenance standards. Commissioner Kitchens said one of the property owners lost their job and the home has fallen into disrepair. Another is someone who is living in their grandmother's house and working hard to keep their head above water. The City has stated it does not maintain some of its properties due to financial constraints. This applies to members of the public, too.

Commissioner Leary said he is not aware of any local government in the State that exempts homesteaded properties from Code Enforcement standards. They need to change the paradigm. This also involves generational poverty; they need to change that paradigm too. They have thousands of people coming to festivals, but don't have realtors advertising some of these properties for sale. Three of his neighbors have moved and their homes are up for sale.

Commissioner Kitchens referred to the video shown at the League of Cities conference last August wherein the speaker referred to Palatka as a dying city, wherein it was clarified that the City is classified as "dying" because the number of deaths outnumber the number of live births. Yesterday she took a two-hour tour of Palatka and she agrees there is a problem. In the past they have only exempted homestead property from minimum maintenance standards, not health-related standards. This was done to protect homesteaded property from government foreclosure. Florida Statute protects homesteaded property from liens and judgments. Mr. Holmes explained to her that it would be a civil citation against the owner, and not the property itself. The City can't afford to maintain its own property. If these folks had the money to fix their home up, they would. The City sent letters to area churches asking for information on whether the church has programs designed to help people fix up their property. It is not the function of a church to clean up people's property. They only have 1,162 homesteaded property homesteaded. Only 108 of those pay zero taxes. Some of those may have disabled owners. She does not agree with removing the homestead protection from the Code.

Commissioner Leary said those people would likely qualify for the SHIP or Habitat programs for assistance. He knows of one local church that has offered help to local homeowners to fix up their homes, and those people have declined the church's help. They are not compelled to fix up their homes. It is not the church's main function, but some do offer this type of assistance.

Mr. Czymbor said the League presentation also stated outmigration versus in-migration as a factor in whether or now a city was classified as dying. The City does maintain its facilities and right of way. They are financially strapped, and may be able to do better, but the City does maintain its properties. The City wrote the letter to the churches at the direction of the

Commission in order to place that information into a brochure they can give people when they are cited for code violations.

Commissioner Kitchens related instances of long waiting lists for all SHIP and Habitat programs due to unavailability of funds. Commissioner Leary said the Legislature has fully funded the Sidowski Trust Fund and those funds should be plentiful come September.

Mayor Myers said if you continue to lose population due to deaths vs births and outflow vs inflow, you have a problem. Commissioner Norwood agreed the City has a problem with nuisance housing. He saw a lot of derelict housing. They have to address this. He is the one who asked that those pamphlets be developed for those of little means that are cited for code violations. The City is obligated to its citizens to do whatever it takes to help them maintain their property values by forcing people to maintain their properties. He does not believe anyone wants to put people out of their homes. He wants voluntary compliance. All citizens should be required to maintain their properties, homesteaded or not.

Commissioner Kitchens asked Mr. Holmes to address the enforcement procedures regarding property seizure in the ordinance, of which there are three. Mr. Holmes said Code violations can be recorded in the public record to warn a potential buyer that a code violation exists. There is a general empowerment to use whatever laws are available to enforce the provisions, but this does not include forced sale of the property. Under Section 30-191, it provides for civil penalties. This is a fine schedule based upon the violation, which starts at \$10 plus costs. There are five categories. These are not criminal penalties.

Chief Getchell said there are other ordinances that are enforced on homesteaded properties, such as the junk vehicle provisions. The only thing this does is make minimum maintenance standards equivalent to the rest of the Code.

Mayor Myers opened the floor for public comment.

Michael Gagnon, 706 Emmett Street, spoke in favor of this ordinance being passed. He has been on the Code Enforcement Board for six years. This is a needed change.

Askew Vickers, 207 N. 18<sup>th</sup> Street, spoke in opposition to the passage of the ordinance, saying some people cannot afford to make these property improvements. There are not enough jobs. Putnam County is the 2<sup>nd</sup> poorest County in the State with the 2<sup>nd</sup> highest population.

Terrill Hill, 211 N. 6<sup>th</sup> Street, said Palatka is the only dying city in the State and this is no light matter. They need education and crime reduction to create jobs. He was on the Code Enforcement Board for 8 years and many came before them without the money to make improvements, and they sought out cost-effective methods other than fines to help them meet Code. They need to explore other alternatives. The City has not kept its own properties up. City workers are overworked due to fiscal constraints.

There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Leary, Norwood and Mayor Myers, yes; Commissioner Kitchens, No. The ordinance was declared passed on first reading with three voting in favor, opposed by Commissioner Kitchens.

13. **ORDINANCE** closing, vacating and abandoning a portion of the Second Street Right of Way lying between Reid Street and St. Johns Avenue (Approximately 127 square feet) - 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA,

CLOSING, VACATING, AND ABANDONING A PORTION OF SECOND STREET RIGHT-OF-WAY LYING BETWEEN REID STREET AND ST. JOHNS AVENUE (APPROXIMATELY 127 SQUARE FEET) AS DESCRIBED HEREIN, WITHIN THE CITY OF PALATKA, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on 2<sup>nd</sup> reading for adoption as read. Commissioner Norwood seconded the motion. There being no further discussion or comment, a roll-call vote was taken, with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, yes, Nays, none. The ordinance was declared adopted on second reading.

**14. CITY MANAGER & ADMINISTRATIVE REPORTS**

Mr. Czymbor:

- Thanked Charles Rudd and the Blue Crab Committee for managing a profitable festival. He noted they will give the City a full accounting.
- Stated the Commission is required by statute to appoint an audit committee to evaluate the auditor RFQ proposals. Consensus was reached to have each commissioner to provide the name of an appointee of their choice to the Clerk for appointment at the next meeting.
- The City received a letter from the BOCC regarding the appointment of another representative to the County Better Place Plan. The letter stated the City's appointee has not been attending meetings. There was consensus to provide nominees to the Clerk to bring to the next meeting for discussion and appointment.
- In the next few weeks they will be scheduling the first budget workshop for the FY 2014-15 budget year.
- At the next CRA meeting they will recommend developing some definable performance standards and parameters for grant applications.

**15. COMMISSIONER COMMENTS**

Commissioner Kitchens said homesteaded property is very important to her. If she perceives Commission action to be hurtful emotionally or financially to homeowners, she cannot be for it.

Commissioner Leary thanked Chief Getchell for all the PD's work on these ordinances. This is a huge step in the right direction. Contrary to Mr. Vickers' comment, Putnam County is one of the smallest in population of all the counties. They have many people who come here from out of county to work at jobs that pay high wages. Those people live elsewhere. They need to turn this around.

Commissioner Norwood said this Commission does not desire to hurt or injure anyone in the community. These are tough decisions to make. They must address their problems. To do nothing is not an option. He doesn't want to take anyone's property but he does want voluntary compliance. One bad property can affect the entire neighborhood.

Mayor Myers said he and his wife live here because they want to. They want to improve the quality of life for citizens. They have made difficult choices, but they are the right choices. There are many high paying jobs at SJRWMD, G-P and the SJRSC, but those people live in other communities. They need to make this community more attractive and appealing as a place to live. This is what they are doing in Downtown.

**16. ADJOURN – There being no further business to discuss, the meeting was adjourned at 8:30 p.m. upon a motion by Commissioner Kitchens.**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105